

## THIRD DIVISION

[ G.R. No. 231013, January 29, 2020 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PIO  
SALEN, JR. Y SENA, ACCUSED-APPELLANT.**

### DECISION

**LEONEN, J.:**

A man who forces himself on a woman is a criminal.

We shudder at the utter lack of remorse from a man who, after having beaten up and violated an unsuspecting woman—one who simply wanted a jeepney ride to work—topped it off by robbing her. That is sheer evil.

The accused here assails the victim's story by suspecting how she did not attempt to alight from the jeepney he drove, when she had had multiple chances.

Survivors of such cruelty must not be blamed for any action, or lack thereof, when suddenly forced to respond to threat. A rapist is a rapist, and his acts are never the victim's fault.

As proof beyond reasonable doubt exists that the accused robbed the victim after raping her, he must rightfully stay incarcerated.

We affirm his conviction.

For this Court's resolution is an appeal<sup>[1]</sup> assailing the Decision<sup>[2]</sup> of the Court of Appeals, which affirmed the Regional Trial Court Decision<sup>[3]</sup> finding Pio Salen, Jr. y Sena (Salen) guilty beyond reasonable doubt of robbery with rape.

In an Information, Salen was charged with the crime of robbery with rape, as defined under Article 294 of the Revised Penal Code. The accusatory portion of the Information read:

That, on or about the 28<sup>th</sup> day of December 2010, in the Municipality of Rodri[g]uez, Province of Rizal , Philippines and within the jurisdiction of this honorable Court, the above-named accused, with intent to gain and by means of force, violence and intimidation, did then and there, willfully, unlawfully and feloniously take and divest from AAA an undetermined amount, to the damage and prejudice of the latter, and that, during or on the occasion of such robbery, or by reason thereof, the abovenamed accused, with violence, force and intimidation, with the use of a screw driver, a deadly weapon, did then and there willfully, unlawfully and feloniously have carnal knowledge of said AAA, against her will and without her consent.

CONTRARY TO LAW.<sup>[4]</sup>

During arraignment, Salen pleaded not guilty to the charge. Trial then ensued.<sup>[5]</sup>

The victim AAA, her sister BBB, and Police Chief Inspector Rhodney Rosario (Chief Inspector Rosario) testified for the prosecution.<sup>[6]</sup> Their testimonies established the following:

At around 6:00 a.m. on December 28, 2010, AAA rode a jeepney from Siniguelas, Sta. Mesa in Manila to go to work in Recto. She was the lone passenger in that jeepney driven by Salen.<sup>[7]</sup>

While driving, Salen told AAA that he would pass by Quiapo to buy something. AAA assumed that she would be dropped off in Recto, but Salen kept driving past Quezon City and Payatas, all the way to Montalban, Rizal.<sup>[8]</sup>

Terrified, AAA implored Salen to stop the jeepney, but he ignored her; the jeepney only pulled to a stop when it reached a grassy place in Amityville Subdivision in Montalban. There, Salen pointed a screwdriver at AAA as he ordered her to have sex with him. When she alighted from the jeepney, AAA tried to wrestle the screwdriver from Salen, but she failed and fell.<sup>[9]</sup>

AAA struggled as Salen undressed her. He stabbed her and slapped her face, breaking her nose and bruising her eye. He then repeatedly inserted his penis into her vagina.<sup>[10]</sup>

Once his lust was sated, Salen stabbed and beat her up again. He took all her belongings, including her wallet containing cash, her Samsung cellphone worth P7,000.00, her TIN/BIR ID, PhilHealth ID, and even her empty Metrobank ATM card, along with various other identification cards.<sup>[11]</sup>

AAA played dead as Salen robbed her, up until he left. Once she knew he was gone, the bruised up AAA crawled her way for help and soon found a tricycle driver, who then brought her to Amang Rodriguez Clinic where her injuries were treated.<sup>[12]</sup>

Later that day, AAA was brought to Camp Crame and was examined by Chief Inspector Rosario. After conducting a genital examination, the medico-legal officer found three (3) deep, healed hymenal lacerations. She also discovered external injuries on AAA's head, neck, extremities, and back. From these injuries, Chief Inspector Rosario opined in her medico legal report that sexual abuse may have occurred.<sup>[13]</sup>

The victim's sister, BBB, presented receipts of P66,823.69 covering the medical expenses. She also testified that Salen's mother came to them begging to withdraw the case in exchange for their lot in San Mateo, but AAA and BBB refused.<sup>[14]</sup>

Salen solely testified in his defense.<sup>[15]</sup> He claimed that on the day of the incident, at around 8:00 a.m., he was plying his usual route of Punta Divisoria when AAA boarded his jeepney in V. Mapa, Sta. Mesa. He drove until they reached Commonwealth, which was not within his route anymore. He flirted with AAA, even if she was not responding to him.

Upon reaching Montalban, he parked his jeepney and asked AAA if she wanted to have sex. She supposedly asked him if he loved her, and "why here?"<sup>[16]</sup> He replied

with "*oo naman*,"<sup>[17]</sup> and they had sex.<sup>[18]</sup>

After the supposed consensual sex, AAA allegedly asked Salen if he enjoyed it, to which he said yes. According to him, AAA told him that she was also satisfied. Then, when Salen told AAA that he had to leave because of the number coding scheme, AAA alighted from the jeepney without telling Salen where she was going.<sup>[19]</sup>

Salen further testified that he courted and had sex with AAA even though they had only met for the first time. In his version of the events, he insisted that AAA also enjoyed what happened. This was why, he insisted, he was baffled when she accused him of rape. He even claimed ignorance of who had inflicted the injuries on AAA.<sup>[20]</sup>

In its July 1, 2015 Decision,<sup>[21]</sup> the Regional Trial Court found Salen guilty beyond reasonable doubt of robbery with rape.

It ruled that the prosecution sufficiently established the elements of the crime. It found that AAA positively identified Salen "with certainty."<sup>[22]</sup> It also found Salen's defense that the sex was consensual because the victim had wanted and enjoyed the sex as "incredible and appalling."<sup>[23]</sup> The dispositive portion of the Decision read:

WHEREFORE, judgment is hereby rendered finding accused **PIO SALEN, JR. Y SENA, GUILTY** beyond reasonable doubt of Robbery with Rape.

Accordingly, the accused is hereby sentenced to suffer the penalty of **RECLUSION PERPETUA** without eligibility of parole pursuant to Republic Act 9346, the accused is also ordered to return the Metrobank ATM, Samsung Cellphone, [TIN/BIR ID], cash and PhilHealth ID taken from the victim AAA. If restitution is no longer possible, accused shall pay the victim of the accused in the amount of Php10,000.00. Accused shall likewise pay the victim in the amount of Php75,000.00 as civil indemnity, Php75,000.00 as moral damages, Php66,823.69 as actual damages and Php30,000.00 as exemplary damages.

SO ORDERED.<sup>[24]</sup> (Emphasis in the original)

In its December 9, 2016 Decision,<sup>[25]</sup> the Court of Appeals affirmed Salen's conviction. It ruled that the elements of robbery with rape were duly proven. It found no reason to deviate from the Regional Trial Court's findings, as it also found AAA's testimony credible, straightforward, and worthy of credit. Given this, along with the injuries AAA sustained, the Court of Appeals dismissed Salen's insistence that the sex between them was consensual.<sup>[26]</sup>

In modifying the ruling, the Court of Appeals increased the award of exemplary damages to P100,000.00.<sup>[27]</sup> The dispositive portion of its Decision read:

**WHEREFORE**, the appeal is **DENIED**. The appealed Decision dated July 1, 2015 of the Regional Trial Court (RTC) of San Mateo, Rizal, Branch 75, in Criminal Case No. 12471 is **AFFIRMED**, subject to the **MODIFICATION** that accused-appellant PIO SALEN, Jr. is ordered to pay "AAA" the increased amount of P100,000.00 as exemplary damages.

**SO ORDERED.**<sup>[28]</sup> (Emphasis in the original)

Thus, Salen filed his Notice of Appeal.<sup>[29]</sup> Giving due course to his appeal per its January 18, 2017 Resolution,<sup>[30]</sup> the Court of Appeals elevated<sup>[31]</sup> the case records to this Court.

In its July 3, 2017 Resolution,<sup>[32]</sup> this Court noted the case records and informed the parties that they may file their supplemental briefs.

The Office of the Solicitor General,<sup>[33]</sup> on behalf of plaintiff-appellee People of the Philippines, and accused-appellant<sup>[34]</sup> both manifested that they would no longer file a supplemental brief, adopting the briefs they filed before the Court of Appeals instead.

In his Brief,<sup>[35]</sup> accused-appellant argues that the Regional Trial Court "gravely erred in giving weight and credence to the private complainant's improbable and incredible testimony"<sup>[36]</sup> and in not objectively appreciating his defense.<sup>[37]</sup>

Accused-appellant stresses that the Regional Trial Court failed to be objective. The judge's description of accused-appellant's testimony as "revolting" allegedly "reflects prejudgment and bias, indicating that there was a failure to objectively appreciate the defense['s] evidence."<sup>[38]</sup>

Accused-appellant further asserts that AAA's testimony is incredible. As it was supposedly impossible for the jeepney to go all the way to Montalban without making stops, she could have alighted or cried for help when she noticed suspicious behavior from accused-appellant.<sup>[39]</sup> He claims that the inherent weakness of his defense is "insufficient to warrant his conviction,"<sup>[40]</sup> since AAA's uncorroborated testimony is incredulous.<sup>[41]</sup>

For this Court's resolution is the lone issue of whether or not accused-appellant Pio Salen, Jr. y Sena is guilty beyond reasonable doubt of robbery with rape.

This Court dismisses the appeal and affirms accused-appellant's conviction.

Great respect is given to the trial court's factual findings, particularly when affirmed by the Court of Appeals. This is the general rule, unless the lower courts have "overlooked or misconstrued substantial facts which could have affected the outcome of the case."<sup>[42]</sup>

This case is no exception. A scrutiny of the records shows no cogent reason for this Court to reverse the Regional Trial Court's findings and assessment of the witnesses' credibility, as affirmed by the Court of Appeals.

The crime of robbery with rape is punished under Article 294(1) of the Revised Penal Code, as amended by Republic Act No. 7659:

ARTICLE 294. *Robbery with violence against or intimidation of persons — Penalties.* — Any person guilty of robbery with the use of violence against or intimidation of any person shall suffer:

1. The penalty of *reclusion perpetua* to death, when by reason or on occasion of the robbery, the crime of homicide shall have been