

THIRD DIVISION

[G.R. No. 242513, November 18, 2020]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ARMANDO BUEZA Y RANAY, ACCUSED-APPELLANT.**

DECISION

HERNANDO, J.:

Accused-appellant Armando Bueza y Ranay (Bueza) assails the May 31, 2017 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 07713 which affirmed with modifications the August 5, 2015 Joint Decision^[2] of the Regional Trial Court (RTC) of Valenzuela City, Branch 172, in Criminal Case Nos. 1224-V-13 and 1225-V-13 finding him guilty beyond reasonable doubt of Robbery with Rape and Grave Threats, respectively.

In Criminal Case No. 1224-V-13, accused-appellant was charged with Robbery with Rape in relation to Republic Act No. (RA) 7610 (RA 7610),^[3] and with Grave Threats in relation to RA 7610 in Criminal Case No. 1225-V-13, which crimes he allegedly committed as follows:

Criminal Case No. 1224-V-13 (Robbery with Rape):

The undersigned Associate Prosecution Attorney II accuses [ARMANDO BUEZA Y RANAY] of the crime of "Robbery with Rape in relation to R.A. 7610" committed as follows:

On or about August 31, 2013, in [REDACTED], and within the jurisdiction of this Honorable Court, the accused, by means of violence and intimidation employed on the victim [AAA],^[4] 17 years old, (DOB: November 28, 1995), did then and there willfully, unlawfully[,] and feloniously take, rob, and carry away with her one unit of Myphone Touch Screen worth P1,700.00, one unit of Cherry Mobile Q2 worth P1,000.00 and one wallet containing Cash amounting to P4,000.00, and by reason and on the occasion of the robbery, the accused, with lewd design and by poking a knife, did then and there willfully, unlawfully, feloniously have sexual intercourse with her against her will and without her consent, which acts necessarily include sexual abuse that debased, degraded and demeaned her intrinsic worth and dignity as a human being.

CONTRARY TO LAW.^[5]

Criminal Case No. 1225-V-13 (Grave Threats):

The undersigned Associate Prosecution Attorney II accuses [ARMANDO BUEZA Y RANAY] of the crime of "Grave Threats in rel. to R.A. 7610",

committed as follows:

On or about September 4, 2013, in [REDACTED], and within the jurisdiction of this Honorable Court, the accused, without any justifiable cause, did then and there willfully, unlawfully[,] and feloniously threaten the life of [AAA], 17 years old, (DOB: November 28, 1995), by uttering the following words and expressions, to wit:

"HUMANDA KA SA SUSUNOD NATING PAGKIKITA, PAPATAYIN NA KITA."

CONTRARY TO LAW.^[6]

On October 1, 2013, accused-appellant pleaded not guilty to both charges during the arraignment.^[7]

Version of the Prosecution:

AAA was born on November 28, 1995. She was a 17-year-old minor at the time of the complained incidents.

On August 31, 2013, at about 11:30 p.m., AAA was walking towards her boarding house after attending a birthday party when Bueza suddenly pulled her and pushed her to the ground. Thereafter, he pointed a knife at her side and declared a hold-up. Accused-appellant forcibly took her two (2) cellphones, each worth P1,700.00 and P1,000.00, as well as her wallet containing cash amounting to P4,000.00.^[8]

As there were several people congregating at a nearby bridge, Bueza instructed AAA to stand up, then placed his arm around her shoulder while his other hand poked a knife at her side. He instructed her to walk casually as they pass the bridge ahead. Accused-appellant then brought her inside a public restroom along a narrow alley. While still pointing his knife at her, he removed his shorts and brief. AAA tried to escape but was unsuccessful. She tried begging Bueza to stop but he merely cautioned her not to make a sound. Still at knifepoint, accused-appellant removed her clothes and underwear, kissed her breast and vagina, then inserted his penis into her vagina.^[9]

After having carnal knowledge of private complainant, Bueza put on his clothes and told her not to leave the restroom until he was gone or he would kill her.

After accused-appellant had left, AAA went home and recounted the harrowing incident to her landlord, who in turn, accompanied her to the police station to report the incident.

At the police station, AAA reported only the robbery but refrained from disclosing the accompanying rape out of embarrassment. The police tried to look for Bueza but was unable to locate him.

A few days later, or on September 4, 2013, at around 11:00 a.m., AAA chanced upon the accused-appellant standing by the entrance of the grocery store where she was working. Out of fear, the victim immediately returned to her post.

When she noticed that Bueza was no longer at the entrance of the grocery store, she decided to go out to buy her lunch. However, accused-appellant suddenly approached her. When he eventually caught up with her, he held her hand and told her that he would kill her the next time he sees her.

Trembling with fear, she immediately went back to the grocery store and asked permission from her superior to leave. She proceeded to the police station to report that accused-appellant threatened, robbed, and raped her. Thereafter, two police officers accompanied her back to the grocery store where she worked. She then pointed to the accused-appellant which led to the latter's arrest.

Police Chief Inspector Gracia Catherine C. Guno, M.D. (Dr. Guno), conducted a physical and genital examination on the victim. In her Medico-Legal Report No. R13-256N,^[10] Dr. Guno's findings showed that AAA did not have evident signs of injuries at the time of the examination. Dr. Guno also opined that while there was no laceration on the victim's hymen at the time of the examination, it did not preclude the possibility of sexual abuse.

Version of the Defense:

Accused-appellant denied the accusations against him. He claimed that on August 31, 2013, he worked as a barker for the passenger jeepneys plying the tollgate near Paso de Bias from 5:00 p.m. until 8:00 p.m. On September 4, 2013, at around 11:00 a.m., he was again in the same tollgate working as a barker.

He denied knowing the victim. However, when asked what moved the private complainant to file a case against him, he claimed that she was a prostitute who transmitted a sexually-acquired disease to his friend. AAA and his friend allegedly had an argument regarding this.

Ruling of the Regional Trial Court:

On August 5, 2015, the trial court found Bueza guilty beyond reasonable doubt of Robbery with Rape and Grave Threats. The RTC was convinced that the prosecution was able to establish that accused-appellant, who was then armed with a knife, robbed the victim of her personal belongings and raped her thereafter. Further, the trial court found that Bueza, in a separate occasion, had threatened to kill her.

The dispositive portion of the RTC's Joint Decision reads:

WHEREFORE, the court finds the accused guilty beyond reasonable [doubt] as principal for the crimes of robbery with rape and grave threats in relation to R.A. 7610, and he is hereby sentenced to suffer the following penalties:

1. In Criminal Case No. 1224-V-13, the penalty of *Reclusion Perpetua* without eligibility for parole, and to pay the victim the sums of [P]6,700.00 as actual damages, [P]50,000.00 as civil indemnity and [P]50,000.00 as moral damages;
2. In Criminal Case No. 1225-V-13, the penalty of four (4) years, two (2) months and one (1) day of *prision correccional*, as minimum, to

six (6) years and one (1) day of *prision mayor*, as maximum, and to pay the victim the sum of [P]50,000.00 as moral damages.

All awards for actual damages, civil indemnity and moral damages shall bear 6% interest per *annum* from the finality of this decision until full payment thereof.

SO ORDERED.^[11]

Aggrieved by the RTC's Joint Decision, Bueza filed a Notice of Appeal.^[12]

Ruling of the Court of Appeals:

On May 31, 2017, the CA affirmed the RTC's Joint Decision with modifications on the penalties imposed. In agreeing with the findings of the trial court that accused-appellant had raped the victim, the appellate court held that the lack of hymenal laceration in the private complainant's sexual organ or the victim's delay in reporting the incident preclude the existence of rape. Here, the delay in this case was neither unreasonable nor unexplained.

With regard to the charge of Grave Threats, the appellate court found that the elements for its commission had been sufficiently established.

The dispositive portion of the CA's Decision reads as follows:

WHEREFORE, the August 5, 2015 Joint Decision of the Regional Trial Court in Criminal Cases Nos. 1224-V-13 and 1225-V-13 is AFFIRMED but MODIFIED as follows:

1. In Criminal Case No. 1224-V-13, accused-appellant is hereby ordered to pay AAA the following amounts: [P]100,000.00 as civil indemnity, [P]100,000.00 as moral damages, and [P]100,000.00 as exemplary damages.
2. In Criminal Case No. 1225-V-13, accused-appellant is hereby sentenced to suffer the penalty of imprisonment of two (2) months and one (1) day to four (4) months of *arresto mayor* and a fine of [P]200.00.

SO ORDERED.^[13]

Dissatisfied with the CA's Decision, Bueza filed a Notice of Appeal.^[14]

Issue

Whether or not accused-appellant is guilty of Robbery with Rape and of Grave Threats.

Accused-appellant argues that the trial court gravely erred in convicting him of Robbery with Rape and of Grave Threats since there were gross inconsistencies and contradictions in the prosecution's evidence which failed to definitively identify him as the victim's assailant.^[15] He argues that the medical examination conducted on the victim revealed no physical injuries inflicted on her, thus belying her accusations