

# FIRST DIVISION

[ G.R. No. 238451, November 18, 2020 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
ARMANDO PEDIDO Y BELOERA, ACCUSED-APPELLANT.**

## DECISION

**ZALAMEDA, J.:**

This Appeal<sup>[1]</sup> assails the 29 November 2017 Decision<sup>[2]</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 02088 (CEBU), which affirmed the 25 May 2015 Judgment<sup>[3]</sup> of Branch 38, Regional Trial Court (RTC) of Dumaguete City in Criminal Case No. 2012-21508, finding accused-appellant Armando Pedido y Beloera (accused-appellant) guilty beyond reasonable doubt of rape.

### Antecedents

Accused-appellant was indicted for rape in an Information alleging thus:

That on the night of, December 22, 2012, or at the early dawn of December 23, 2012 more or less, at [REDACTED], Negros Oriental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused with lewd design, and with force, did then and there willfully, unlawfully, and feloniously have carnal knowledge of one AAA,<sup>[4]</sup> an old maid, 76 years old, against the latter's will and consent to her damage and prejudice.

Contrary to law.<sup>[5]</sup>

Accused-appellant pleaded not guilty to the charge.<sup>[6]</sup>

### Version of the Prosecution

In the morning of 23 December 2012, BBB, AAA's nephew,<sup>[7]</sup> saw her outside her house. Since it was still early, he led AAA back inside. Upon entering, he saw blood on the floor,<sup>[8]</sup> prompting him to call another aunt, CCC,<sup>[9]</sup> who lived nearby. CCC checked around the house. Upon entering AAA's room, CCC saw a man, later identified as accused-appellant, lying down on the bed, while a bloodied AAA was lying prone on the bloodsplattered floor. CCC asked AAA why she was in such condition, but the latter replied "wala" (nothing).<sup>[10]</sup> Accused-appellant hurriedly left the house. On his way out, he was met by BBB. BBB knew accused-appellant being a regular customer of his store and who works in a recapping plant in front of their house.<sup>[11]</sup> BBB asked accused-appellant why he was in AAA's house to which accused-appellant merely replied that he had no idea and ran out. AAA's granddaughter DDD,<sup>[12]</sup> reported the incident to the police station. Thereafter the

police officers proceeded to the recapping plant to look for accused-appellant. The security guard on duty told them that accused-appellant hurriedly left and boarded a tricycle heading north. Accused-appellant's co-worker accompanied the police officers in pursuing accused-appellant. After catching up with accused-appellant, the latter suddenly alighted and ran away.<sup>[13]</sup> He would subsequently be arrested. The police also recovered dried marijuana leaves and a bolo from his possession. It was also noted that accused-appellant's underwear had bloodstains.<sup>[14]</sup>

Meanwhile, AAA was brought to the hospital. Upon examination, she was found to have suffered contusions and abrasions on her back,<sup>[15]</sup> as well as vaginal lacerations and avulsion on the right lateral vaginal wall secondary to trauma.<sup>[16]</sup>

### **Version of the Defense**

The defense did not present any evidence. After the prosecution's presentation of evidence, accused-appellant filed a demurrer to evidence without leave of court. The demurrer was denied,<sup>[17]</sup> hence, the RTC rendered judgment solely on the basis of the prosecution's evidence.

### **Ruling of the RTC**

On 25 May 2015, the RTC rendered its Judgment,<sup>[18]</sup> the dispositive portion of which reads:

**WHEREFORE**, in view of all the foregoing, the court finds the accused ARMANDO PEDIDO y BELOERA, **GUILTY** beyond reasonable doubt of the crime of Rape defined and penalized under Article 266-A in relation to Article 266-B of the Revised Penal Code. The court hereby sentences the accused to suffer the penalty of Reclusion Perpetua. The period of detention of the accused shall be counted in the service of his sentence. The accused is likewise ordered to pay the private complainants the following:

1. The amount of Fifty Thousand Pesos (P50,000) as civil indemnity;
2. The amount of Fifty Thousand Pesos (P50,000) as moral damages; and
3. The amount of Thirty Thousand Pesos (P30,000) as exemplary damages.

SO ORDERED.<sup>[19]</sup>

In convicting accused-appellant, the RTC found that the circumstantial evidence presented by the prosecution proved accused-appellant's guilt beyond reasonable doubt. The RTC had to rely on circumstantial evidence because AAA died before she could testify in court. It ruled with certainty that accused-appellant was the perpetrator since he was positively identified as the person who was with AAA upon the discovery of the incident.

The trial court also noted other badges of accused-appellant's guilt: he immediately fled after the commission of the crime; the bloodstains found on accused-appellant's

underwear at the time of his arrest; and the result of AAA's medical examination that showed she had sexual intercourse through the employment of force.<sup>[20]</sup> Moreover, accused-appellant never denied the charges against him.

Aggrieved, accused-appellant appealed to the CA.

### **Ruling of the CA**

On 29 November 2017, the CA promulgated its assailed Decision,<sup>[21]</sup> the dispositive portion of which reads:

**WHEREFORE**, premises considered, the appeal is **DENIED**. The *Judgment* dated 25 May 2015 of the Regional Trial Court of Dumaguete City, Seventh Judicial Region, Branch 38, in Criminal Case No. 2012-21508, convicting accused-appellant Armando Pedido of the crime of *Rape*, is **AFFIRMED with MODIFICATIONS**. As modified, accused-appellant is **ORDERED** to indemnify the heirs of [AAA] as follows: Php75,000.00 as civil indemnity, Php75,000.00, as moral damages, and Php75,000.00 as exemplary damages, plus legal interest on all damages awarded at the rate of six percent (6%) *per annum* from the date of the finality of this Decision until fully paid.

SO ORDERED.<sup>[22]</sup>

The CA agreed with the RTC that the prosecution had established the criminal liability of accused-appellant through circumstantial evidence.<sup>[23]</sup> The CA, however, increased the monetary awards to Php75,000.00 each, and imposed a six percent (6%) interest *per annum* on the said monetary awards, to conform with prevailing jurisprudence.<sup>[24]</sup>

### **Issue**

The sole issue in this case is whether or not accused-appellant's guilt for the crime of rape was proven beyond reasonable doubt.

### **Ruling of the Court**

The appeal is dismissed.

To sustain a conviction for rape, the elements necessary are: (1) that the accused had carnal knowledge of the victim; and (2) that said act was accomplished (a) through the use of force or intimidation, (b) when the victim is deprived of reason or otherwise unconscious, (c) by means of fraudulent machination or grave abuse of authority, or (d) when the victim is under 12 years of age or is demented.<sup>[25]</sup>

It is settled that the crime of rape is difficult to prove because it is generally left unseen and very often, only the victim is left to testify for herself. It becomes even more difficult when rape is committed and the victim could no longer testify, such as in this case where AAA died before her testimony could be presented in court.

However, the accused may still be proven as the perpetrator despite the absence of eyewitnesses. Direct evidence is not a condition *sine qua non* to prove the guilt of an accused beyond reasonable doubt. In the absence of direct evidence, the prosecution may resort to adducing circumstantial evidence to prove its case.<sup>[26]</sup>

Circumstantial evidence is defined as "proof of collateral facts and circumstances from which the existence of the main fact may be inferred according to reason and common experience."<sup>[27]</sup> Section 4, Rule 133, of the Revised Rules of Evidence, as amended, sets forth the requirements of circumstantial evidence that is sufficient for conviction, viz.:

SEC. 4. Circumstantial evidence, when sufficient.

- Circumstantial evidence is sufficient for conviction if:

- (a) There is more than one circumstance;
- (b) The facts from which the inferences are derived are proven;  
and
- (c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

The RTC and CA considered the following circumstantial evidence in convicting accused-appellant: (1) accused-appellant was positively identified as the person who was with the victim AAA upon the discovery of the incident; (2) accused-appellant immediately fled after the commission of the crime; (3) accused-appellant never denied the charges against him; (4) there were bloodstains on the underwear of accused-appellant at the time of his arrest; and (5) the medical examination conducted on AAA showed that she had engaged in sexual intercourse, but that it was highly impossible for the same to be consensual.<sup>[28]</sup> These interwoven circumstances formed an unbroken chain clearly pointing to accused-appellant, and no other, as the man who forcefully had carnal knowledge of AAA.

Finding no reason to overturn the findings of the RTC and CA, the Court agrees that the prosecution had adequately proven accused-appellant's guilt beyond reasonable doubt.

Accused-appellant argues that the combination of these five (5) circumstances do not constitute an unbroken chain that leads to the finding of his guilt for the crime of rape. Specifically, accused-appellant points out that the prosecution failed to establish the use of force to support the finding of rape.<sup>[29]</sup>

Contrary to accused-appellant's claim, the element of force was sufficiently established by the injuries AAA sustained. To emphasize, AAA sustained not only contusions and abrasions on her body, she also had profuse vaginal bleeding due to severe laceration of the vaginal wall and her anal orifice even sustained a hyperemia. As aptly observed by the RTC, thus:

Before the (the) attending physician could examine AAA, the latter had to be referred to a surgical doctor since the victim had contusions and abrasions at the back of her body and before she was actually examined by the attending physician, AAA had to be sedated because the patient could not fully extend her legs apart. The injuries found on the vagina of