

SECOND DIVISION

[G.R. No. 210435, August 15, 2018]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. SONNY RAMOS Y BUENAFLO, ACCUSED-APPELLANT.

DECISION

A. REYES, JR., J.:

Carnal knowledge of a woman against her will, effected through force and intimidation is rape. Notably, the absence of contusions and abrasions in the woman's body does not negate rape. Neither will the victim's failure to flee and scream imply consent to the bestial act. Likewise, the victim cannot be expected to act rationally after suffering from a traumatic and harrowing ordeal. As such, the victim's decision to suffer in silence should not render her testimony suspect and unworthy of credence. Finally, the assailant's claim that the victim is his lover will not lie in the absence of compelling proof of such purported amorous relationship.

This treats of the Notice of Appeal^[1] filed by herein accused-appellant Sonny Ramos (Ramos), seeking the reversal of the Decision^[2] dated April 12, 2013, rendered by the Court of Appeals (CA) in CA-G.R. CR-HC No. 05141, which affirmed the trial court's ruling convicting him of the crime of Rape under Article 266-A, paragraph 1(a) of the Revised Penal Code (RPC), as amended.

The Antecedents

An Information for Rape was filed against Ramos. The accusatory portion of the said Information reads:

That on or about the 27th day of December 2007, [in the] Province of Benguet, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously by means of force and intimidation, have carnal knowledge with [AAA],^[3] against her will and consent, to her great damage, prejudice and mental anguish.

CONTRARY TO LAW.^[4]

Upon arraignment, Ramos pleaded not guilty. Trial ensued thereafter.

Evidence for the Prosecution

Ramos and AAA were employees of a hotel located in Baguio City.^[5] They resided at the hotel compound, where the male and female employees stayed at separate quarters.

At around 1:00 p.m. of December 27, 2007, AAA went to the hotel recreation room to watch television. However, on her way to the recreation room, she saw Ramos

take the television remote control from the office. AAA decided not to proceed in order to avoid Ramos. Instead, she went to a near-by store with a co-employee. After which, AAA visited her older sister, BBB, at the latter's house, which was also located within the hotel compound. AAA returned to the quarters at around 6:00 p.m.^[6]

Upon arriving at the quarters, AAA saw Ramos leave the recreation room. She took her diary, notebook, and the television remote control from the office and then went to the recreation room. The room was empty when she entered.^[7]

While AAA was at the recreation room, she heard someone knock at the door. When she opened it, she saw Ramos. He told her that he wanted to watch television with her. Hearing this, she went to the table to collect her things and leave. Suddenly, Ramos pulled her hand and forced her to sit on the sofa where he was seated. AAA pushed Ramos and tried to leave. However, Ramos stood in front of her, and blocked her way. Then, Ramos carried her to the bed and placed himself on top of her. AAA fought back, but Ramos held her hand. Ramos unhooked the strap of her bra with his left hand. All the while, AAA kept struggling and fighting back. Thereafter, Ramos unzipped AAA's pants and pulled her pants and underwear down to her knees. He tried to kiss her, but she continued to struggle against Ramos until she lost all her strength. She felt terrified and frightened and did not know what to do. All the time, she struggled and fought with Ramos, using her hands and legs, but Ramos pinned her down. Ramos placed himself on top of her and inserted his organ inside her vagina. His organ was inside her vagina for only a short while as AAA was able to gain her strength back and push him away. Ramos got up and went to the bathroom. Taking this as a chance to escape, AAA pulled up her underwear and pants, took her things and rushed out of the recreation room.^[8]

Thereafter, AAA left the barracks and went out to see her friend CCC, a cook at the hotel. At that time, CCC was talking to DDD, a bellboy at the same hotel. She told them that Ramos raped her. CCC and DDD advised her to report the matter to her brother-in-law, EEE. Heeding their advice, AAA texted her brother-in-law and told him about what had happened.^[9]

On the same evening, AAA was called to the office of the hotel owner. She reported the rape incident. Shortly thereafter, AAA's brother arrived with police officers. Ramos was called out from the laundry room and was taken to the police station.^[10]

On December 28, 2007, Dr. Fe Tangonan-Sanchez (Dr. Sanchez), an Obstetrics-gynecologist resident at the Baguio General Hospital examined AAA. Dr. Sanchez noted that AAA's hymen bore lacerations at the 3, 6 and 11 o'clock positions. She explained that the lacerations may have been caused by a blunt object like a penis, and that the injury was inflicted within 24 hours, considering that she likewise found punctuate hemorrhages (blood clots), within AAA's genitalia. These injuries are usually seen within 24 hours from the time of the injury.^[11]

During her cross-examination, AAA related that Ramos had also raped her on a previous occasion on August 12, 2007, also at the same recreation room where the rape incident on December 27, 2007 took place.^[12]

On the other hand, Ramos vehemently denied the rape charge leveled against him.

Ramos narrated that on December 27, 2007, at around 6:30 p.m., he sent AAA a text message, telling her that he will go to the recreation room. AAA replied "okay."^[13]

Thus, at around 7:00 p.m., he went to the recreation room and knocked at the door, which AAA opened. At that time, AAA was watching television, so he entered and sat on the bed and watched with AAA. AAA was then seated on a chair beside the closet, writing something in her diary. After about 10 minutes, AAA sat close to Ramos on the bed. AAA laid down on the bed and they started to caress each other ("*nag-lambing-lambingan*").^[14] AAA voluntarily removed her clothes.^[15] During the entire time, AAA never resisted, cried or shouted.

Ramos further related that while he and AAA were in the room, AAA asked him if he really loved her. He told her that he did, but that he is not yet serious about marrying her. AAA asked him why, to which Ramos admitted that he was in love with someone else. Allegedly, this angered AAA, and led to a quarrel. In her anger, AAA purportedly threatened him by saying, "*after you've taken everything you will just leave it at that? You have no idea what I am capable of.*"^[16] Ramos left the recreation room.^[17]

Thereafter, at around 8:00 p.m., while Ramos was at the men's barracks, AAA's brother-in-law confronted Ramos about the rape incident. Then at around 9:00p.m., Ramos was arrested by the police officers.^[18]

During his testimony in open court, Ramos related that there have been instances in the past when he and AAA were alone. In fact, he claimed that he and AAA had sexual intercourse for the first time on August 3, 2007, and again engaged in a sexual tryst on August 12, 2007, both times at the same recreation room.^[19]

Ruling of the Regional Trial Court

On July 5, 2011, the Regional Trial Court (RTC) rendered a Decision^[20] finding Ramos guilty beyond reasonable doubt of the crime of rape. The RTC was convinced of the truthfulness of the charge, considering that AAA clearly described on the witness stand how Ramos raped her. Likewise, the RTC observed that AAA's actuations after she was raped strengthened her credibility. The RTC noted the fact that AAA immediately reported the incident to her friends, to her family, the owner of the hotel, and then to the police, which are all indicia of the truth and veracity of her claim. Moreover, the RTC refused to give credence to the sweetheart defense raised by Ramos, as his claim was uncorroborated by any evidence that could have proved the relationship. Also, the RTC rejected Ramos' contention that AAA merely concocted the rape charge out of revenge. The trial court keenly observed that AAA's character and demeanor during the trial revealed that she was not the type of woman who could concoct a rape charge out of sheer spite.^[21]

The dispositive portion of the RTC decision reads:

WHEREFORE, [Ramos] is hereby found guilty beyond reasonable doubt of the crime of rape and is hereby imposed the penalty of "*reclusion perpetua*" with all the accessory penalties thereto attached.

[Ramos] is hereby adjudged to pay the private complainant the amount of Fifty Thousand Pesos (Php 50,000.00) as civil indemnity *ex delicto* and

another Fifty Thousand Pesos (Php 50,000.00) as moral damages. He shall likewise pay the costs.

SO ORDERED.^[22]

Aggrieved, Ramos filed an appeal before the CA.

Ruling of the CA

On April 12, 2013, the CA rendered a Decision^[23] affirming the conviction meted by the RTC on Ramos. The CA noted that considering that Ramos admitted that he had sexual intercourse with AAA, the only element left to be proven is whether the act was committed against the latter's will, through force or intimidation. In this regard, the CA observed that AAA candidly and truthfully narrated how Ramos forced his way by overpowering her. The absence of any sustained injuries from the struggle will not negate the fact that AAA was overpowered to succumb to Ramos' bestial desires. Neither did the CA agree with Ramos' argument that AAA's conduct belied that of a typical rape victim's. The CA noted that AAA sufficiently explained her reason for staying and not filing a complaint against Ramos after the first rape incident in August 2007.^[24] Moreover, the CA refused to accept Ramos' defense that he and AAA were sweethearts, ratiocinating that the purported romantic relations between Ramos and AAA are nothing but a figment of the former's imagination.

The dispositive portion of the assailed CA decision reads:

WHEREFORE, premises considered, the appeal is **DISMISSED**. The Decision of the [RTC] of La Trinidad, Benguet, Branch 62 in Criminal Case No. 08-CR-7211 finding [Ramos] guilty beyond reasonable doubt of the crime of rape and sentencing him to a penalty of *reclusion perpetua* and to pay the offended party the sum of fifty thousand pesos (P50,000) as civil indemnity *ex delicto* and another fifty thousand pesos (P50,000.00) as moral damages, and to pay the costs, is **AFFIRMED**.

SO ORDERED.^[25]

Dissatisfied with the ruling, Ramos filed a Notice of Appeal^[26] dated April 24, 2013, under Rule 124 of the 2000 Rules of Criminal Procedure.

The Issue

The essential issue for the Court's resolution is whether or not Ramos is guilty beyond reasonable doubt of the crime of Rape.

Seeking the reversal of the assailed CA decision, Ramos asserts that the prosecution failed to prove his guilt beyond reasonable doubt. He claims AAA's testimony was riddled with improbabilities.^[27] Ramos points out that AAA's demeanor was inconsistent with a rape victim. Apparently, although AAA claimed that he had raped her in an earlier occasion on August 12, 2007, she still talked to him and responded whenever he talked to her. She never reported the incident or shouted invectives at him. Likewise, anent the rape incident on December 27, 2007, Ramos questions why AAA did not scream for help, or run while he was purportedly raping her. Further, AAA's description of the rape incident was questionable. Also, AAA had no physical injuries to prove the fact of struggle with Ramos.^[28]

In his defense, Ramos stresses that he and AAA had consensual sexual intercourse, as they were lovers. He claims that the trial court did not allow him to present his SIM card, which contained text messages exchanged between him and AAA. This key piece of evidence would have proven his relationship with AAA. Finally, he claims that after the purported rape incident, he simply proceeded to the barracks, and even reported to the office of the hotel owner, when called. The fact that he did not flee is proof of his innocence.^[29]

On the other hand, the People, through the Office of the Solicitor General (OSG), maintains that the prosecution proved the guilt of Ramos beyond reasonable doubt. The OSG points out that Ramos himself admitted having sexual intercourse with AAA on December 27, 2007, albeit claiming that the same act was consensual.^[30] However, Ramos failed to show proof of his alleged romantic relationship with AAA. Even assuming that Ramos and AAA were lovers, this did not serve as a justification for Ramos to force himself upon AAA. Likewise, the OSG counters that there is nothing questionable about AAA's demeanor. AAA offered a sufficient explanation for not reporting the first rape incident.^[31]

Ruling of the Court

The instant appeal is bereft of merit.

The Prosecution Established Beyond Reasonable Doubt that Ramos is Guilty of Rape

Article 266-A of the RPC, as amended by Republic Act (R.A.) No. 8353,^[32] defines the crime of rape as follows:

Art. 266-A. Rape, When and How Committed. – Rape is committed –

- 1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:
 - a) Through force, threat or intimidation;
 - b) When the offended party is deprived of reason or is otherwise unconscious;
 - c) By means of fraudulent machination or grave abuse of authority;
 - d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present[.]

In view of the horrendous nature of rape as an affront to one's dignity and chastity, the law imposes a penalty of *reclusion perpetua* against the offender.^[33]

Essentially, to sustain a conviction for rape through sexual intercourse, the prosecution must prove the following elements beyond reasonable doubt, namely, **(i) that the accused had carnal knowledge of the victim;** and **(ii) that said act was accomplished (a) through the use of force or intimidation,** or **(b) when the victim is deprived of reason or otherwise unconscious,** or **(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.**^[34]