

SECOND DIVISION

[G.R. No. 228779, October 08, 2018]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V.
WILLIAM VILLAROS Y CARANTO, ACCUSED-APPELLANT.**

DECISION

CAGUIOA, J:

Before this Court is an ordinary appeal^[1] filed by the accused-appellant William Villaros y Caranto (Villaros or accused-appellant) assailing the Decision^[2] dated June 21, 2016 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 07650, which affirmed the Decision^[3] dated February 11, 2015 of the BBB, CCC,^[4] Regional Trial Court (RTC) in Criminal Case Nos. 12108 and 12109, finding Villaros guilty beyond reasonable doubt of two (2) counts of rape.

The Facts

Two (2) separate Informations were filed against the accused-appellant for the rape of minor AAA,^[5] which read:

Criminal Case No. 12108

That on or about the 27th day of December 2009, in the Municipality of [BBB],^[6] Province of [CCC], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, and by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of complainant [AAA],^[7] a minor, thirteen (13) years of age, against her will and without her consent, the said crime, having been attended by the Qualifying Circumstances of Treachery, Evident Premeditation, Abuse of Superior Strength and at Nighttime.

CONTRARY TO LAW.^[8]

Criminal Case No. 12109

That on or about the 29th day of November 2009, in the Municipality of [BBB],^[9] Province of [CCC], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, and by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of complainant [AAA],^[10] a minor, twelve (12) years of age, against her will and without her consent, the same crime, having been attended by the Qualifying Circumstances of Treachery, Evident Premeditation, Abuse of Superior Strength and at Nighttime.

CONTRARY TO LAW.^[11]

The facts, as summarized by the RTC, are as follows:

On November 29, 2009, the victim went inside the bathroom beside the room of accused Villaros. She was still there when accused Villaros peeped inside. When the said victim came out from the room, the accused told her to buy cigarettes. The victim could not look at the accused when she gave the cigarette to him as he was then only wearing shorts. Upon receiving the cigarette, the accused pulled the victim inside his bedroom and closed the door. The door of the accused's bedroom is made from galvanized iron and while inside, he also closed the curtains. Accused Villaros who was then already naked told the victim to remove her clothes while he was covering her mouth. At the said time at around 6 o'clock in the afternoon there were no other persons inside the house because the victim's mother and stepfather were at work. As the victim refuses (*sic*) to remove her clothes[,] accused Villaros was the one who did so. The victim tried resisting but accused Villaros covered her mouth with one hand while the other held her hands. Even when the victim was petrified, she addressed the accused "Tito" as a sign of respect. After removing the victim's clothes, accused Villaros made her lie down on foam which he used as a bed. While crying, the accused touches (*sic*) the private part of the victim for about twenty (20) minutes and then mounted on top of her inserting his sexual organ into her private part. When done, the accused told the victim to dress up which she immediately did so and walked out of the room.

During the incident that transpired on December 27, 2009 at 6 o'clock in the evening the victim was alone in the house when the accused again sexually abused her. The victim cried and felt hurt when accused inserted his sexual organ into her private part. One of the accused's hands covered the victim's mouth while his other hand removes (*sic*) his shorts. The accused remained on top of the victim for fifteen (15) minutes after the intercourse and then hurriedly left. The accused warned the victim that he would hurt the victim's siblings if she will not let him do what he wanted. The victim and her siblings were all four (4) girls. The victim's next sibling is eleven (11) years old, the third is four (4) and the youngest is one (1) year old. At the time of the incident the siblings of the victim were in school playing. The incident occurred inside the house of the victim because accused Villaros had access thereto anytime.

The victim was already three (3) months pregnant when her relatives discovered about what happened to her. The victim's belly was getting bigger when her mother noticed her pregnant condition which was confirmed positive by means of a test kit. It was then when the victim then confided to her mother about the sexual ordeal committed upon her by the accused. At present, the victim's baby girl is with her aunt in the province.^[12]

A genital examination was conducted by PCI Joseph Palmero on AAA with the consent of her mother. The said examination revealed that AAA had "deep-healed lacerations at 3 o'clock and shallow-healed sealed laceration at 6 o'clock position of

the hymen." Through the genital examination, it was concluded that there was "definite evidence of abuse and sexual contact."^[13]

On the other hand, the accused-appellant relied on denial and alibi to establish his innocence. The version of the defense was summarized by the RTC as follows:

For the defense, only accused William Villaros testified that he knows the victim because she lives in the house of his brother [DDD],^[14] [who is also the victim's] stepfather. Their houses are adjacent to one another. Accused Villaros has no family of his own and it is his nephews and nieces who live with him. Prior to his incarceration accused [was] a construction worker.

On November 29, 2009, the accused was at [EEE], [BBB], [CCC]^[15] repairing a destroyed house. [EEE] is quite far from their house but is just a walking distance away. They worked from 8 to 5 o'clock and on said date and after work, accused Villaros went straight to a friend to sometimes drink alcohol. When accused Villaros went home[,] he [cooked] dinner.

The accused denies that he had sex with the victim on November 29, 2009. He claims that the victim is just trying to ruin his reputation. The accused contends that the victim is angry with him for meddling in her fight with his nephews and nieces.

From December 27, 2009 up to January, accused Villaros was at work in a construction at [EEE], [BBB], [CCC]. While, on November 29, he was at [FFF], [GGG], [CCC], renovating a house. Thus, there is no truth that he raped the victim on December 27, 2009. The accused denies responsibility in the victim getting pregnant. The accused does not know why the victim would file a case against him.^[16]

Ruling of the RTC

After trial on the merits, in its Decision^[17] dated February 11, 2015, the RTC convicted Villaros of the crime charged. The dispositive portion of the said Decision reads:

WHEREFORE, judgment is rendered as follows:

- 1.** In Criminal Case No. 12108, finding accused William Villaros y Caranto GUILTY beyond reasonable doubt of the crime of Rape (Article 266-A 1 (a) & (b), in relation to Article 266-B, 1st paragraph of the Revised Penal Code, as amended by Republic Act 8353 and in further relation to Article 17 of the same Code) and sentencing him to suffer the penalty of *Reclusion Perpetua* and to indemnify the victim, [AAA], the amount of fifty thousand pesos (Php50,000.00) as civil indemnity, fifty thousand pesos (Php50,000.00) as moral damages and fifty thousand pesos (Php50,000.00) as exemplary damages.
- 2.** In Criminal Case No. 12109, finding accused William Villaros y Caranto GUILTY beyond reasonable doubt of the crime of Rape

(Article 266-A 1 (a) & (b), in relation to Article 266-B, 1st paragraph of the Revised Penal Code, as amended by Republic Act 8353 and in further relation to Article 17 of the same Code) and sentencing him to suffer the penalty of *Reclusion Perpetua* and to indemnify the victim, [AAA], the amount of fifty thousand pesos (Php50,000.00) as civil indemnity, fifty thousand pesos (Php50,000.00) as moral damages and fifty thousand pesos (Php50,000.00) as exemplary damages.

No pronouncement as to cost.

Accused William Villaros y Caranto is hereby ordered to be committed to the [New Bilibid Prison] in Muntinlupa City for service of sentence.

Accused William Villaros y Caranto is to be credited for the time spent for his preventive detention in accordance with Art. 29 of the Revised Penal Code as amended by R.A 6127 and E.O 214.

SO ORDERED.^[18]

The RTC found that AAA gave a substantial recount of her sexual ordeal in a candid and straightforward manner which was actually even strengthened by her cross-examination.^[19] The RTC also found Villaros' defense to be "lame," considering that he was not able to raise any substantial matter that would negate the veracity of the allegations and testimony of the victim. The RTC held that Villaros took advantage of his moral authority, as he was the brother of the stepfather of the victim, and likewise employed force, threats, and intimidation to accomplish his lewd design.^[20] The RTC, however, did not appreciate any of the qualifying and aggravating circumstances alleged.

Aggrieved, the accused-appellant appealed to the CA.^[21]

Ruling of the CA

In the questioned Decision^[22] dated June 21, 2016, the CA affirmed the RTC's conviction of the accused-appellant, and held that the prosecution was able to sufficiently prove the elements of the crime charged.

The CA did not accord weight to any of the accused-appellant's assertions which should supposedly taint AAA's testimony, namely that: (1) her demeanor during and after the alleged rape incidents, which was supposedly inconsistent with the natural reaction and behavior of a woman whose person had been violated; (2) she did not shout for help despite supposedly having the opportunity to do so; (3) there was no showing that AAA was threatened not to report the incident; (4) contrary to what was impressed upon the lower court, AAA could not have felt extreme fear as Villaros had no moral ascendancy over her; and (5) despite her claim that she developed fear towards Villaros after the incident on November 29, 2009, AAA still went to their house and exposed herself to further abuse.^[23]

The appellate court, however, modified the award of exemplary damages by decreasing the same from P50,000.00 to P30,000.00, in accordance with *People v. Ramos*.^[24]

Hence, the instant appeal.

Issue

Proceeding from the foregoing, for resolution of this Court is the issue of whether the RTC and the CA erred in convicting the accused-appellant.

The Court's Ruling

The appeal is unmeritorious. The Court affirms the conviction of the accused-appellant as the prosecution was able to prove his guilt beyond reasonable doubt.

The two elements of rape — (1) that the offender had carnal knowledge of the girl, and (2) that such act was accomplished through the use of force or intimidation^[25] — are both present as duly proven by the prosecution in this case. AAA testified in detail how the accused-appellant committed the sexual abuses,^[26] and this testimony was given weight and credence by both the RTC and the CA. In rape cases, the accused may be convicted on the basis of the lone, uncorroborated testimony of the rape victim, provided that her testimony is clear, convincing and otherwise consistent with human nature. This is a matter best assigned to the trial court which had the first-hand opportunity to hear the testimonies of the witnesses and observe their demeanor, conduct, and attitude during cross-examination. Such matters cannot be gathered from a mere reading of the transcripts of stenographic notes. Hence, the trial court's findings carry great weight and substance.^[27]

The accused-appellant, however, makes an issue out of supposed inconsistencies in her testimony. First, the accused-appellant raised as issue AAA's demeanor after the alleged rape incidents in that it was supposedly "inconsistent with the natural reaction and behavior of a woman whose person had been violated."^[28] The accused-appellant pointed out that AAA testified that she would not have filed the case if she did not get pregnant,^[29] and she, in fact, only complained because her mother found out she was already pregnant. The accused-appellant added that there was no showing that AAA was threatened not to report the incident. According to the accused-appellant, "[t]he records show that the threat happened on the second incident when the accused-appellant allegedly told her that he would do the same to her siblings. It appeared that the threat was not even immediate such that she could instantly succumb to fear."^[30]

The Court is not persuaded. It is well settled that delay in making a criminal accusation does not impair the credibility of a witness if such delay is satisfactorily explained.^[31] In *People v. Historillo*^[32] (*Historillo*), the Court held that failure of the complainant to immediately report the rape to the police authorities does not detract from her credibility. Further, the Court in the said case considered (1) the victim's age, (2) the accused's moral ascendancy over the victim, and (3) his threats against her, in excusing the delay in filing the case.

The same reasons justify the delay in the present case. Similar to the victim in *Historillo*, AAA was also just 12 years old when the first rape incident was committed, and was 13 years old when the same heinous act was repeated. Likewise, a threat was similarly made by the accused-appellant in this case which, no matter how much he tried to downplay its extent and the effect of the same on the victim, became a significant factor in both the victim's surrender to his lewd designs and her delay in reporting the crime to the proper authorities. These, along with the fact that, as will be further discussed later, the accused had moral