

THIRD DIVISION

[G.R. No. 215198, November 09, 2016]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
JHUN VILLALON Y ORDONO, ACCUSED-APPELLANTS.**

DECISION

PERALTA,* J.:**

This case seeks to reverse and set aside the Court of Appeals (CA) Decision^[1] dated June 30, 2014 in CA-G.R. CR-H.C. No. 05471. The CA upheld the Decision^[2] of the Regional Trial Court (RTC) of Agoo, La Union, Branch 32, dated February 29, 2012 in Family Court Case No. A-1021, which found accused-appellant Jhun Villalon y Ordono guilty beyond reasonable doubt of the crime of rape.

An Information was filed charging Villalon of raping AAA,^[3] which reads:

That on or about the 17th day of April 2010, in the Municipality of Aringay, Province of La Union, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, coercion and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with his cousin AAA, a minor child 14 years of age, against her will and consent, to her damage and prejudice.

CONTRARY TO LAW.^[4]

Upon arraignment on June 14, 2011, Villalon pleaded not guilty to the crime charged. Thus, trial on the merits ensued.

The factual and procedural antecedents of the case are as follows:

Jhun Villalon was charged with raping his cousin, AAA. AAA testified that she was born on February 2, 1996 and that her cousin (their mothers are sisters) raped her on April 17, 2010 when she was merely 14 years old. At 7:30 a.m. of that date, Villalon went to AAA's house in San Benito Norte, Aringay, La Union. He invited AAA to gather mangoes in the mountain, which was 2-3 kilometers away. AAA then left with Villalon with her mother's knowledge. After harvesting mangoes, Villalon asked AAA to go to the higher part of the mountain. Thereafter, Villalon invited his cousin to have sexual intercourse with him so she could experience it. AAA then felt like cying because she could not understand why her cousin would say that. She became nervous and wanted to leave but Villalon held her hands and removed her lower garments. She struggled to free herself, but Villalon overpowered her. He laid her down on the ground and started kissing her. AAA tried to avoid Villalon's kisses and to wriggle out of his embrace, but he placed himself on top of her and was able to fulfill his bestial desires. He then threatened AAA not to tell anybody.

AAA tried to hide the incident but after a month, she could no longer contain the nightmares caused by the abuse so she told her mother, BBB. Hence, BBB accompanied her daughter to the *barangay* captain to report the incident. When confronted, Villalon became angry and refused to cooperate, so BBB and AAA went to the police station. The physician who examined the victim found multiple healed hymenal lacerations and an infection which could have been caused by sexual intercourse.

When the case was already in court, Villalon's mother and wife allegedly brought AAA and BBB to the office of the defense counsel to sign an affidavit of desistance. AAA refused to sign the affidavit so she ran and hid at the market. When their relatives found her, they brought her back to the office to sign the affidavit. After signing, BBB was instructed to submit it to the Prosecutor's office, where she learned that the consequence of the affidavit would be the dismissal of the case. BBB then changed her mind and left with the affidavit.

For his part, Villalon asserted that it was on April 10, 2010 that he invited AAA's brother to gather mangoes in the mountain but AAA volunteered to go with him. When they finished at 9:00 a.m., they immediately proceeded to Caba to sell the fruits. On April 17, 2010, however, when the rape was supposedly committed, he just stayed at home all day with his wife. He was shocked when three (3) weeks later, he learned that he was being charged with rape. He, likewise, refused to settle at the *barangay* because he did nothing wrong.

On February 29, 2012, the RTC convicted Villalon in Family Court Case No. A-1021 and sentenced him to suffer the penalty of *reclusion perpetua*, and to pay AAA P75,000.00 as civil indemnity and P75,000.00 as moral damages, thus:

WHEREFORE, the Court finds accused Jhun Villalon y Ordone **GUILTY** beyond reasonable doubt of the crime of rape, and hereby [sentences] him to suffer the penalty of *reclusion perpetua* and to pay [AAA] the amount of P75,000.00 as civil indemnity and P75,000.00 as moral damages.

SO ORDERED.^[5]

Therefore, Villalon elevated the case to the CA. On June 30, 2014, the CA affirmed the RTC Decision, to wit:

WHEREFORE, the appealed decision is hereby **AFFIRMED**.

SO ORDERED.^[6]

Villalon now comes before the Court, insisting that the prosecution failed to prove his guilt beyond reasonable doubt. He presents the following errors:

I.

THE COURT A *QUO* GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE PROSECUTION'S FAILURE TO ESTABLISH FORCE, VIOLENCE, THREAT AND INTIMIDATION AS ELEMENTS OF RAPE.

II.