

## THIRD DIVISION

[ G.R. No. 215201, December 09, 2015 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MARK ANTHONY ROAQUIN Y NAVARRO, ACCUSED-APPELLANT.**

### RESOLUTION

**VILLARAMA, JR., J.:**

Before us is an appeal<sup>[1]</sup> from the February 19, 2014 Decision<sup>[2]</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 04698 which affirmed with modification appellant Mark Anthony Roaquin's conviction for the crime of rape as defined under Article 266-A of the Revised Penal Code, as amended, (RPC) in Criminal Case No. 07-2524 before the Regional Trial Court (RTC), Branch 136, Makati City.

On October 10, 2007, appellant was accused and charged with the crime of rape against AAA,<sup>[3]</sup> a 17-year-old minor. The Information<sup>[4]</sup> filed by the city prosecutor reads:

The undersigned Prosecutor, on the basis of the sworn statement of complainant, [AAA], minor, 17 years old, a copy of which is hereto attached as Annex "A" and made an integral part hereof, accuses **MARK ANTHONY ROAQUIN y NAVARRO** of the crime of Rape, committed as follows:

That on or about the 7<sup>th</sup> day of October, 2007, in the City of Makati, Metro Manila, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of complainant [AAA], minor, 17 years old, without her consent and against her will.

CONTRARY TO LAW.<sup>[5]</sup>

Appellant pleaded not guilty on arraignment.<sup>[6]</sup> After pre-trial terminated, trial on the merits ensued.

#### ***Prosecution's Version***

Based on the testimonies of AAA, Dr. Mamerto Bernabe, Jr., and Ventura Dacanay Jr., at around 10 o'clock in the evening of October 7, 2007, AAA left the boarding house she was staying in to walk towards a canteen in Guadalupe, Makati City where she worked. On her way and near the billiard hall in Barangay South Cembo, a certain Marlon blocked her way and forced her to go inside the billiard hall where appellant, Kevin Sales and other friends of the appellant were present. The group urged her to drink substantial amounts of Emperador brandy which left her half

asleep.

Disoriented AAA felt that she was led to the house of Kevin and brought inside a room where she fell asleep. When she woke up she saw Marlon on top of her. He had removed her shorts and underwear and placed his penis in her vagina. She tried to fight Marlon but she lost consciousness due to an asthma attack. By the time she regained consciousness, she felt that someone was on top of her again. Because of the moonlight, she was able to identify appellant as the person violating her. She tried preventing appellant by kicking him but failed to do so since appellant bit her arm. Thereafter, AAA walked, bleeding, back to the boarding house.

She complained to the authorities the following day. On October 9, 2007, two days after the incident, she was examined by a medico-legal officer at the Philippine National Police Crime Laboratory. Results of the medical examination stated that AAA suffered multiple injuries on her right arm and deep-healed laceration at 9 o'clock position accompanied by vaginal bleeding. The report concluded that there was clear evidence of blunt penetrating trauma. It reads:

**PHYSICAL INJURIES:**

1. Ecchymosis, neck region, measuring 2 x 2 cm, 5cm left of the anterior midline;
2. Area of multiple abrasions, & single contusion, right arm, measuring 7 x 6 cm, along its anterior midline.

x x x x

**HYMEN:** deep healed laceration at 9 o'clock position; presence of vaginal bleeding;

x x x x

**CONCLUSION:** Genital examination shows clear evidence of blunt penetrating trauma. Barring unforeseen complication, the above-stated physical injuries are estimated to heal within 5-6 days.<sup>[7]</sup>

During trial, AAA identified appellant as her violator. She also related to the lower court that before taking the stand appellant's father threatened her.

***Defense's Version***

Appellant denied the allegations against him. As the defense's lone witness, appellant testified that he met AAA for the first time on October 7, 2007 while playing billiards with friends. Since it was the billiard owner's wife's birthday, someone gave AAA a drink which she took and drank. Shortly thereafter, she left the billiard hall. Appellant stayed for another two hours before going home. He called AAA's assertion a baseless claim. He stated that his father discovered that AAA, in order to extort money from others, filed cases for rape against other people which were later settled.

The RTC found appellant guilty beyond reasonable doubt of the crime of rape, thus:

**WHEREFORE**, the Court renders judgment finding the accused Mark Anthony Roaquin **GUILTY** beyond reasonable doubt of the crime of rape by sexual intercourse. The Court sentences him to suffer the penalty of *reclusion perpetua*. The Court directs the accused to indemnify the complainant [AAA] in the amounts of P50,000.00 as civil indemnity and P50,000.00 as moral damages. No costs.

SO ORDERED.<sup>[8]</sup>

On appeal, the CA affirmed with modification the RTC's decision. It found that AAA was also entitled to the award of exemplary damages. Thus:

**WHEREFORE**, premises considered, the appeal is hereby **DENIED**. The appealed Decision dated September 29, 2010 of the Regional Trial Court (RTC), Branch 136 of Makati City in Criminal Case No. 07-2524 is hereby **AFFIRMED with MODIFICATION** as to the award of exemplary damages. Accordingly, the accused-appellant is hereby ordered to pay AAA the following: Php50,000.00 as civil indemnity, Php50,000.00 as moral damages and Php30,000.00 as exemplary damages.

**SO ORDERED.**<sup>[9]</sup>

Hence, this appeal.

In its January 26, 2015 Resolution,<sup>[10]</sup> this Court required the parties to file their supplemental briefs, but both parties manifested<sup>[11]</sup> that they would no longer file the pleadings and opted to replead and adopt the arguments submitted before the CA.

The issue for our consideration is whether the CA erred in affirming appellant's guilt beyond reasonable doubt.

Appellant pointed to AAA's inconsistent statements while testifying. Moreover, he points out that there is a disparity between AAA's testimony and the findings of the medical report. He argues that given that the examination was conducted two days after the supposed incident, lacerations sustained by AAA should have been fresh not healed.

We are not persuaded.

This Court has often reiterated the guidelines in addressing the issue of credibility of witnesses. First, this Court gives the highest respect to the RTC's evaluation of the testimony of the witness, it having the distinct opportunity of observing the witness's demeanor on the stand.<sup>[12]</sup> Second, absent substantial reasons, *i.e.* significant facts and circumstances, affecting the outcome of the case, that are shown to have been overlooked or disregarded, which would warrant the reversal of the RTC's evaluation, the appellate court is generally bound by the lower court's findings.<sup>[13]</sup> Lastly, the rule is stringently applied when the CA affirms the lower court's ruling.<sup>[14]</sup>

Here, appellant did not present any compelling reason to disturb the RTC and the

CA's assessment of AAA's credibility. He merely attacks AAA's testimony for its supposed lack of detail without giving any additional evidence to buttress his contention. As we have stated, absent any substantial reasons that the court has overlooked facts and circumstances this Court is bound by the RTC's evaluation of the witness's credibility especially since the CA has affirmed the finding.

We also agree with both CA and RTC that appellant is guilty beyond reasonable doubt of the crime of rape. Article 266-A(1) and Article 266-B of the RPC defines and penalizes the crime of rape:

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; and

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.

x x x x

ART. 266-B. *Penalties.* - Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* to death.

x x x x

After a careful examination of the case's records, we find that the prosecution established that appellant had carnal knowledge of AAA under the circumstances described under Article 266-A(1). AAA consistently testified in a spontaneous and straightforward manner relative to the circumstances surrounding the incident. She stated:

Fiscal Matira:

I will proceed now. In the evening of October 7, 2007, before 10 o'clock in the evening, do you still remember where you were?

A: Yes, sir.

Q: Please tell the Court where you were?

A: I just came from the boarding house, sir.

Q: Going to what place?

A: I was on my way to the place where I was working in a canteen in Guadalupe, sir.

Q: Were you able to reach the canteen?