

## SECOND DIVISION

[ G.R. No. 196786, July 23, 2014 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
STANLEY BUNAGAN Y JUAN, ACCUSED-APPELLANT.**

### R E S O L U T I O N

**DEL CASTILLO, J.:**

Appellant Stanley Bunagan y Juan was charged with the crime of rape in an Information<sup>[1]</sup> which reads as follows:

That on or about and during the period from 1998 to August 2001, in the City of Parañaque, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being then the uncle of "AAA",<sup>[2]</sup> minor, 16 years of age, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of the complainant against her will and consent.

CONTRARY TO LAW.<sup>[3]</sup>

Appellant pleaded not guilty during his arraignment on October 10, 2001.<sup>[4]</sup>

During trial, "AAA" testified that appellant is the husband of her grandmother; that she resided in the house of her grandmother since she was nine years old; that in 1998 when she was already 13 years of age, appellant started raping her; that her grandmother leaves the house to work while appellant is unemployed and just stays at the house; that the last rape incident happened in August 2001<sup>[5]</sup> when she was 16 years old; that appellant threatened to kill her mother and grandmother if she would not succumb to his desire; that after the last rape incident, she got pregnant; that when her mother and grandmother confronted her about her pregnancy, she told them that appellant raped her several times; and that her mother and grandmother reported the incident to the police authorities resulting in the arrest of the appellant.

Dr. Irene Baluyot (Dr. Baluyot) of the Child Protection Unit of the Philippine General Hospital was presented as another witness for the prosecution. She testified that when she examined "AAA" on September 11, 2001, she noted that her genitals showed clear evidence of blunt force or penetrating trauma and that she was 25-26 weeks pregnant.

The defense relied solely on the testimony of appellant. Appellant testified that "AAA" is the niece of his live-in partner; that "AAA" lived with them since 1992; that he did not rape "AAA" from 1998 to 2001; that he and "AAA" had a relationship

when the former was 14 years of age; that “AAA” got pregnant and that he is the father of “AAA’s” child; and that he was charged with rape when his live-in partner discovered “AAA’s” pregnancy.

### ***Ruling of the Regional Trial Court<sup>[6]</sup> (RTC)***

On October 25, 2007, the RTC rendered Judgment<sup>[7]</sup> finding appellant guilty as charged. It found the testimony of “AAA” to be positive, categorical and lacking in ill-motive<sup>[8]</sup> and the same was corroborated by the reliable medical findings of Dr. Baluyot.<sup>[9]</sup> The trial court disregarded appellant’s “sweetheart defense” because it was not supported by evidence such as pictures or love letters.<sup>[10]</sup>

The dispositive portion of the RTC’s Judgment reads as follows:

WHEREFORE, this Court finds the accused, Stanley Bunagan y Juan, GUILTY beyond reasonable doubt of the crime of Rape in relation to RA 7610 and is hereby sentenced to suffer the penalty of reclusion perpetua. In addition, the accused is ordered to pay the victim the amount of P50,000.00 as moral damages and P50,000.00 as civil indemnity.

SO ORDERED.<sup>[11]</sup>

Aggrieved, appellant appealed<sup>[12]</sup> to the Court of Appeals (CA).

### ***Ruling of the Court of Appeals***

In his Brief,<sup>[13]</sup> appellant insisted that he did not force himself upon “AAA” and that their sexual congress was consensual.

Unswayed, the CA, in its September 9, 2010 Decision<sup>[14]</sup> dismissed appellant’s appeal and affirmed in full the RTC’s Judgment.

In a Resolution<sup>[15]</sup> dated July 4, 2011, we required the parties to file their respective supplemental briefs but both manifested that they are no longer filing the same as they are adopting the arguments they raised before the CA.<sup>[16]</sup>

### ***Our Ruling***

The appeal is dismissed for lack of merit.

The sexual congress between “AAA” and appellant is undisputed. In fact, appellant admits the same. However, he claims that it is consensual because “AAA” was his girlfriend. Both the trial court and the CA correctly disregarded the “sweetheart theory” proffered by the appellant for being self-serving and uncorroborated. No evidence such as love letters, pictures, gifts, etc. was offered to show the existence of such relationship. Besides, such claim is totally absurd and preposterous. Going by the testimony of the appellant that his love relationship with “AAA” started sometime in 1997, “AAA” would have been only 12 years of age while appellant