

FIRST DIVISION

[G.R. No. 206768, December 03, 2014]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
LEONARDO CASTRODES, ACCUSED-APPELLANT.**

R E S O L U T I O N

PEREZ, J.:

There is no rule that rape is committed only in seclusion.^[1] A man's carnality is not hindered by time or place—his prurient desire impels him to commit rape even in the most public of places.

This is an appeal of the Decision^[2] of the Honorable Court of Appeals (CA) dated 31 May 2012 in CA-G.R. CEB-CR HC No. 00875, which affirmed the Decision^[3] of the Regional Trial Court (RTC) dated 26 July 2007, convicting accused-appellant Leonardo Castrodes alias "Adok" (Castrodes) for the crime of Rape (Crim. Case No. 00-731) in "*People of the Philippines v. Leonardo Castrodes*".

The Information

That on or about the 17th day of April, (sic) 2000, in the municipality of San Miguel, province of Bohol, Philippines, and within the jurisdiction of this Honorable Court as a Family Court, the above-named accused with lewd designs and by means of force and intimidation, did then and there willfully, unlawfully and feloniously inserted his penis into the vagina of the victim, AAA,^[4] a 15 year old (sic) minor against her will and without her consent; to the damage and prejudice of the offended party.

Acts committed contrary to the provision of Art. 335 of the Revised Penal Code as amended by Republic Act No. 7659.^[5]

We hereby adopt, by way of reference, the findings of facts of the appellate court, as integral part of this Resolution. The facts as presented by the CA are:

The Facts According to the Prosecution

At around ten o'clock in the morning of April 17, 2000, fifteen year (sic) old AAA was busy gathering firewood on (sic) the coconut plantation located just downhill from the house she shared with her aunt BBB and uncle CCC.

Preoccupied with the chore at hand, she was surprised when her

neighbor, accused-appellant Leonardo Castrodes suddenly appeared behind her and wrested from her the bolo she was then using to gather firewood.

With the bolo in his hand, accused-appellant embraced and carried AAA to a spot underneath a coconut tree. Shocked, AAA could not do anything due to fear of being hacked by accused-appellant with the bolo.

Accused-Appellant then started kissing AAA and caressing her breasts. Accused-Appellant then forced AAA to lie on the ground and then removed her shorts and panty. He also removed his own shorts and brief. With both of them naked waist down, accused-appellant Leonardo Castrodes then laid on top of AAA and attempted to insert his penis into her vagina.

Feeling accused-appellant's efforts penetrating her, AAA tried to evade from his advances by squirming underneath his hold. Yet, all her efforts were for naught, as she was not strong enough to free herself from him.

When he finally was able to penetrate her, AAA felt pain and cried. After ravaging AAA, accused-appellant then stood up and put on his clothing. As he was towering over AAA, accused-appellant then threatened her that should she reveal to anyone what had happened, he will kill her and anyone she confided to.

In her daze, AAA continued crying and slowly put on her clothes. She picked up the firewood she had previously gathered and returned home.

AAA kept her silence about the ordeal she encountered with accused-appellant until the evening of April 26, 2000 when her uncle, [CCC], noticed her crying inside their house. Concerned as to what had happened to her, [CCC] asked AAA, why she was crying. AAA then told [CCC] what had transpired in the morning of April 17, 2000.

The next day, BBB with AAA's father reported the matter to the barangay officials in their village and had her examined by the Municipal Health Officer.

Version of the Defense

Accused-appellant Leonardo Castrodes for his part, however, interposes a different version of the story. To corroborate his defense, his first cousin, Jovenciano Castrodes took the witness stand to affirm his innocence.

According to the defense, accused-appellant Leonardo Castrodes on the fateful day of April 17, 2000, was nowhere near the area where the alleged rape happened. As on that same day, at around 6:30 in the morning, accused-appellant, together with Jovenciano Castrodes, left the former's house and walked towards the latter's farm.

After twenty minutes of walking, they finally arrived at the farm. They then started working around seven o'clock in the morning and only took

a break from working to take their lunch and again resumed around 1:00 in the afternoon.

They finished working around five o'clock in the afternoon. After the hard day's toil in the farm, the pair returned to accused-appellant's house together.

Jovenciano Castrodes affirmed that he was physically beside his cousin the whole day and there was no moment that he could not see Leonardo.

[6]

Upon arraignment, Castrodes pleaded not guilty to the crime charged. During the presentation of evidence, the prosecution presented three (3) witnesses: (1) AAA; (2) Dr. Hamilcar Saniel; and (3) AAA's uncle, CCC. On the other hand, the defense presented Castrodes and Jovencio Castrodes, Castrodes' cousin, as witnesses.

After trial, the RTC found Castrodes guilty beyond doubt of the crime of rape. The dispositive portion of the decision reads:

WHEREFORE, finding the accused, LEONARDO CASTRODES guilty beyond reasonable doubt of the crime of rape penalized under paragraph 1, Article 266-B of Republic Act 8353 amending Article 335 of the Revised Penal Code, the Court metes upon him the penalty of *reclusion perpetua* with all the accessory penalties of the law, with costs. The accused is further ordered to pay the offended party, AAA, the amount of P50,000.00 as civil indemnity and another P50,000.00 as moral damages.

SO ORDERED.[7]

On appeal, the CA affirmed with modification Castrodes' conviction. The CA rejected Castrodes' attempt to cast doubt on AAA's credibility. According to the CA, "testimonies of rape victims who are young and immature deserve full credence, considering that no young woman, especially of tender age, would concoct a story of defloration, allow an examination of her private parts, and thereafter pervert herself by being subject to a public trial, if she was not motivated solely by the desire to obtain justice for the wrong committed against her."^[8]

On AAA's delay in reporting her ordeal, the CA ruled that delay in reporting the rape incident does not weaken the case for the prosecution. The CA opined that is not uncommon for a young girl to conceal assaults on her virtue.^[9]

With regard to Castrodes' defense of alibi, the defense failed to prove that it was physically impossible for him to be at the crime scene at the time of the incident because the crime scene and the farm where Castrodes was allegedly working was only a twenty-minute walk from the scene of the crime.^[10]

The dispositive portion of the CA Decision reads: