

FIRST DIVISION

[G.R. No. 200080, September 18, 2013]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
MARVIN CAYANAN, ACCUSED-APPELLANT.**

RESOLUTION

REYES, J.:

Accused-appellant Marvin Cayanán (Cayanán) seeks a review of the Decision^[1] dated July 14, 2011 of the Court of Appeals (CA) in CA-G.R. CR- HC No. 04256 affirming with modifications the Consolidated Decision^[2] dated June 16, 2009 of the Regional Trial Court (RTC) of Malolos City, Bulacan, Branch 77. The RTC decision convicted Cayanán of the crimes of Qualified Rape (Criminal Case No. 1499-M-2001) and Forcible Abduction with Qualified Rape (Criminal Case No. 1498-M-2001), and sentenced him to suffer the penalty of *reclusion perpetua* for each crime without eligibility for parole.

The CA, however, increased the award of damages originally awarded by the RTC: (1) in Criminal Case No. 1499-M-2001, from P50,000.00 to P75,000.00 as civil indemnity; and (2) in Criminal Case No. 1498-M-2001, from P50,000.00 to P75,000.00 as civil indemnity and from P50,000.00 to P75,000.00 as moral damages. The CA also awarded an additional P75,000.00 as moral damages in Criminal Case No. 1499-M-2001 and P30,000.00 as exemplary damages in both criminal cases.^[3]

The prosecution established that Cayanán took advantage of 15-year old AAA^[4] on February 1, 2001 while the victim was alone inside her house in x x x, Bulacan. Cayanán is the victim's brother-in-law, being married to her older sister, and the couple lived in a nearby house. AAA was asleep when she felt someone caressing her. It turned out to be Cayanán. He then started kissing her and told her to remove her shorts. When she refused, Cayanán forcibly took it off and after the latter took off his own undergarment, he inserted his organ into her genitalia. Cayanán, who had a knife with him, threatened to kill AAA if she resisted and informed anybody of the incident.

On February 26, 2001, AAA was about to enter the school campus with her friend Armina Adriano (Adriano) when Cayanán arrived on a tricycle driven by his uncle, Boy Manalastas. Cayanán then pulled AAA towards the tricycle. She tried shouting but he covered her mouth. They alighted somewhere and boarded a jeep. He brought her to a dress shop in x x x, Bulacan where he asked someone to give her a change of clothes as she was in her school uniform and later to a Jollibee outlet. He then brought her to his sister's house in x x x where he raped her inside a bedroom. Afterwards, a certain couple Putay and Tessie talked to Cayanán and she was brought to the *barangay* office where she was asked to execute a document stating that she voluntarily went with Cayanán. It was the latter's mother and sister-in-law

who brought her home later that evening. She told her mother and brother of the incidents only after her classmate Adriano informed her family of what happened in school and of the rape incidents. AAA testified that she did not immediately tell her family because she was still in a state of shock.^[5]

Adriano and the victim's mother corroborated her testimony. A resident psychiatrist at the National Center for Mental Health also testified that AAA was suffering from mental depressive symptoms/chronic symptoms and presence of sexual abuse.^[6]

Cayanan interposed the sweetheart defense. The RTC, however, did not give credit to his defense, ruling that it is a weak defense and does not rule out the use of force given the prosecution's evidence. He also failed to establish the genuineness and authenticity of the love letters allegedly written by AAA.^[7]

The CA sustained the ruling of the RTC.^[8]

A review of the CA decision shows that it did not commit any reversible error in affirming Cayanan's conviction. Record shows that Cayanan forced AAA to have sex with him on February 1, 2001 and threatened her and her family with physical harm. The testimony of Adriano, meanwhile, corroborated AAA's testimony that Cayanan forcibly took her by the school campus gate on February 26, 2001 and thereafter raped her. The defense failed to show any reason why the prosecution's evidence should not be given weight or credit.

Moreover, the claim that they were sweethearts does not justify the commission of the crimes. For the Court to even consider giving credence to the sweetheart defense, it must be proven by compelling evidence. The defense cannot just present testimonial evidence in support of the theory. Independent proof is required - such as tokens, mementos, and photographs.^[9] And while Cayanan produced two love letters allegedly written by AAA, the CA correctly sustained the finding of the RTC that these letters were unauthenticated and therefore, bereft of any probative value.

The Court, however, finds that Cayanan should be convicted only of Qualified Rape in Criminal Case No. 1498-M-2001. Forcible abduction is absorbed in the crime of rape if the real objective of the accused is to rape the victim.^[10] In this case, circumstances show that the victim's abduction was with the purpose of raping her. Thus, after Cayanan dragged her into the tricycle, he took her to several places until they reached his sister's house where he raped her inside the bedroom. Under these circumstances, the rape absorbed the forcible abduction.^[11]

Finally, the CA did not commit any reversible error in increasing the amount of civil indemnity and moral damages awarded in Criminal Case No. 1498-M-2001, and in awarding additional P75,000.00 as moral damages in Criminal Case No. 1499-M-2001 and P30,000.00 as exemplary damages in both criminal cases, as these are in accord with prevailing jurisprudence.^[12]

WHEREFORE, the Decision dated July 14, 2011 of the Court of Appeals in CA-G.R. CR-HC No. 04256 is **MODIFIED** in that accused appellant Marvin Cayanan is found guilty of Qualified Rape in Criminal Case No. 1498-M-2001. In all other respects, the CA Decision is **AFFIRMED in toto**.