

SECOND DIVISION

[G.R. No. 191756, November 25, 2013]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JONAS
GUILLEN Y ATIENZA, ACCUSED-APPELLANT.**

D E C I S I O N

DEL CASTILLO, J.:

On appeal is the November 26, 2009 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 03476 which affirmed the June 10, 2008 Decision^[2] of the Regional Trial Court (RTC) of Manila, Branch 48 finding appellant Jonas Guillen y Atienza guilty beyond reasonable doubt of the crime of rape.

On May 31, 2002, an Information^[3] was filed charging appellant with the crime of rape, the accusatory portion of which reads as follows:

That on or about May 20, 2002, in the City of Manila, Philippines, the said accused, by means of force, violence and intimidation, by entering the room of "AAA",^[4] poking a balisong at her neck[,] forcing her to lie down [on] the floor, pressing her with his thighs and removing her duster and panty and thereafter pulling down his brief and shorts, did then and there wilfully, unlawfully and feloniously [insert] his penis into her vagina and succeeded in having carnal knowledge of "AAA" against the latter's will and consent, thereby gravely endangering [her] growth and development to the damage and prejudice of the said "AAA".

Contrary to law.

When arraigned on July 11, 2002, appellant pleaded not guilty.^[5]

Factual Antecedents

The version of the prosecution as summarized by the Office of the Solicitor General (OSG) are as follows:

On May 20, 2002, around 12 midnight, x x x "AAA" was inside her room on the second floor of a two-storey house located at x x x Sampaloc, Manila. At that time "AAA" was playing cards x x x while waiting for her common-law husband to arrive. Momentarily, someone knocked at the door. When "AAA" opened the door, appellant Jonas Guillen y Atienza, who was her neighbor, entered the room and suddenly poked a balisong on her neck. Appellant then turned off the lights, removed his clothes,

placed himself on top of "AAA," and inserted his penis inside her private parts. After the rape was consummated, appellant stood up and casually left the room.

x x x "AAA" immediately went out and x x x sought assistance from her sister-in-law. After being told of the incident, "AAA's" sister-in-law contacted the police. When the responding police officers arrived, appellant, who was readily identified by "AAA" since he was her neighbor, was immediately arrested.

Per request for a medico legal examination prepared by P/Sr. Supt. Amador Serrano Pabustan of the Western Police District, "AAA" was brought to the National Bureau of Investigation (NBI) for physical examination. Dra. Annabelle Soliman, NBI medico-legal officer, conducted medical and genital examinations on "AAA". The Preliminary Report dated May 20, 2002 issued by Dra. Soliman shows the following findings: 1) With extragenital physical injury noted; 2) Healed hymenal laceration present; and 3) Pending laboratory examination result.

The Medico-Legal Report Number MG-02-366 issued by Dra. Soliman shows that private complainant's hymen had "deep healed laceration at 7 o'clock position;" positive for spermatozoa; and that there was "evident sign of extragenital physical injury noted on the body of the subject at the time of the examination."^[6]

Appellant denied the charge against him. He claimed that he had a drinking spree at Galas, Quezon City and went home to Sampaloc, Manila at around 1:00 o'clock in the morning of May 20, 2002. He surmised that "AAA" filed the charge against him because of his prior altercation with "AAA's" husband.

Ruling of the Regional Trial Court

In a Decision dated June 10, 2008, the trial court found appellant guilty as charged. The dispositive portion of the Decision reads:

WHEREFORE, the Court finds accused JONAS GUILLEN Y ATIENZA guilty beyond reasonable doubt for the felony of RAPE and pursuant to law, he is sentenced to suffer [a] prison term of reclusion perpetua and to pay victim the following:

P50,000.00 as moral damages;
P30,000.00 as exemplary damages; and
To pay the cost.

The BJMP of the Manila City Jail is ordered to commit the accused to the National Bilibid Prison without unnecessary delay.

SO ORDERED.^[7]

Aggrieved, appellant filed a Notice of Appeal^[8] which was given due course by the

trial court in its Order^[9] dated June 13, 2008.

Ruling of the Court of Appeals

After the filing of the parties' briefs, the CA rendered its Decision disposing as follows:

WHEREFORE, in the light of all the foregoing, the instant appeal is DISMISSED for lack of merit. The decision of the trial court dated June 10, 2008 is AFFIRMED.

SO ORDERED.^[10]

Hence, this appeal.

ISSUE

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF RAPE DESPITE THE PROSECUTION'S FAILURE TO OVERTHROW THE CONSTITUTIONAL PRESUMPTION OF INNOCENCE IN HIS FAVOR.^[11]

Appellant claims that the trial court gravely erred when it deemed his silence at the police station immediately after his arrest as an implied admission of guilt. He also argues that aside from being incredible, "AAA's" testimony is insufficient to establish his guilt beyond reasonable doubt. Moreover, he insists that "AAA's" healed lacerations do not prove that he indeed raped "AAA."

OUR RULING

The appeal lacks merit.

Indeed, records show that appellant remained silent and passive despite being confronted by "AAA" with the rape charge at the police station immediately after his arrest. In taking appellant's silence as an implied admission of guilt, the RTC ratiocinated that:

Owing to the complaint of the victim, the accused was apprehended by responding police officer[s] of the Sampaloc Police Station. At the police precinct, the accused was presented to the victim and [he] was positively identified as the person who raped her. At this juncture, the accused after he was positively identified as the malefactor who sexually molested and raped the victim x x x just [remained] SILENT. In other words, he did not DENY the accusation lodged against him by the victim much less register any vehement PROTEST at the station.

The aforesaid blatant FAILURE of the accused to deny victim's complaint against him is equivalent to an IMPLIED ADMISSION of guilt. Assuming