

FIRST DIVISION

[G.R. No. 186463, November 14, 2012]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
WILLIAM MANGUNE Y DEL ROSARIO, ACCUSED-APPELLANT.**

D E C I S I O N

LEONARDO-DE CASTRO, J.:

Accused-appellant William Mangune y del Rosario, also known as Earl William Mangune or Earl Mangune (Mangune), is now before Us on review after the Court of Appeals, in its August 29, 2008 Decision^[1] in CA-G.R. CR.-H.C. No. 02596, affirmed, in its entirety, the August 31, 2006 Decision^[2] of the Regional Trial Court (RTC) of Muntinlupa City, Branch 207, in Criminal Case No. 03-317. The RTC found Mangune guilty beyond reasonable doubt of the crime of rape under Article 266-A, paragraph 1(a) as qualified by his relationship to the minor victim under Article 266-B, paragraph 2, no. 1 of the Revised Penal Code.^[3]

On May 12, 2003, an Information^[4] was filed before the RTC, charging Mangune with the crime of rape under Article 266-A, paragraph 1, in relation to Article 266-B, paragraph 2, no. 1, of the Revised Penal Code. The accusatory portion of the Information reads:

That on or about the 7th day of May, 2003, in the City of Muntinlupa, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being a man and the biological father of one [AAA],^[5] a 17-year[-]old girl, and by means of force, threat or intimidation, did then and there willfully, unlawfully and feloniously had carnal knowledge of said child, [AAA], against her will and consent.^[6]

Mangune pleaded not guilty to the charge upon his arraignment on October 17, 2003.^[7]

On February 11, 2004, the parties met for their pre-trial conference and agreed on the following stipulations:

1. That the accused is the biological father of the private complainant; and
2. That at the time of the commission of the alleged crime of rape, the private complainant was then a minor, who was 17 years of age.^[8]

Faced with the lone issue of whether Mangune was guilty of the crime as charged in the Information, the RTC proceeded with the trial on the merits.

The prosecution first presented AAA, who, in her Sworn Statements^[9] and testimony, accused her father, Mangune, whom she identified in open court, of raping her on May 7, 2003, in his house in Muntinlupa. AAA alleged that Mangune started raping her when she was just a little girl. She said that since she was so young when the first rape occurred, her first clear memory of her father raping her was in 1994, when she was in Grade III. AAA narrated how her father called her then, asking for a massage. However, she continued, her father apparently did not really want a massage because he took off her shorts and tried to insert his penis into her vagina. AAA claimed that since his penis could not fit into her vagina, Mangune inserted his finger instead, with a threat that if she told her mother of what had just transpired, he would kill them both. AAA said that throughout the years, her father continued raping her and eventually succeeded in inserting his penis into her vagina. On May 7, 2003, AAA finally told her mother about the rapes, the last of which occurred that same morning. AAA averred that at around 5:30 in the morning, while she was sleeping inside her room, she felt her shorts being removed and something heavy go on top of her. Realizing it was her father, AAA testified that she tried to fight back but was overpowered, at which point, Mangune was able to insert his penis into her vagina. AAA stated that her shouts and pleas were met with slaps on the face and a scary look from her father, prompting her to simply keep quiet. When her mother and aunt fetched her at around noon later that day, she told them about the rapes, and her mother immediately brought her to Camp Crame to be medically examined.^[10]

Upon cross-examination, AAA testified that her parents lived in separate houses because her mother's office was far from her father's house. She also claimed that she knew of no untoward incident between her parents prior to May 7, 2003, and described her father as good and caring.^[11]

Police Chief Inspector Pierre Paul Figueroa Carpio (Carpio), a Doctor of Medicine and a Philippine National Police (PNP) Medico-Legal Officer,^[12] testified that he had examined AAA on May 7, 2003, and identified the initial Medico-Legal Report he subsequently issued,^[13] wherein he had indicated the following:

FINDINGS:

Hymen: Deep healed lacerations at 4, 6, 7 and 9 o'clock positions.

Physical Injuries. No external signs of application of any form of trauma.

CONCLUSION: -----x-----

Subject is non-virgin state physically.

There are no external signs

of application of any form of trauma.^[14]

Explaining the finding that there were "[n]o external signs of application of any form of trauma," Carpio said it meant that aside from the genital organ, there were no injuries noted in the other parts of the body.^[15] Upon cross-examination, Carpio

stated that his findings were consistent with AAA's allegations in the sense that the findings of healed deep lacerations in the hymen were compatible with the allegation of several incidents of sexual abuse.^[16]

Mangune, who testified in his own defense, denied raping his daughter, AAA, and said that the charge caught him by surprise. He stated that he had six children, all of whom he loved and treated equally. He said that before May 7, 2003, his relationship with his wife, AAA's mother, was fine, with the occasional bickering between spouses. When asked where he was at around 5:30 in the morning on May 7, 2003, Mangune claimed that he was sleeping in his house with his daughter AAA, his other children being then in their mother's house. Mangune then averred that at around 1:00 in the afternoon, AAA, with his permission, left for the mall with her friends and came back at midnight. At around 11:00 in the evening, his wife called out to him to get out of the house, at which point he was arrested and brought to Camp Crame, where he learned of the complaint filed against him. He said that he did not know of any reason why AAA would accuse him of such a crime.^[17]

On August 31, 2006, the RTC handed down a guilty verdict against Mangune and sentenced him to *reclusion perpetua* without the benefit of parole, in this manner:

WHEREFORE, accused William Mangune y del Rosario @ Earl William Mangune or @ Earl Mangune, is found guilty beyond reasonable doubt of the crime of rape under Article 266-A, paragraph 1(a) in relation to Article 266-B, paragraph 2, no. 1 of the Revised Penal Code, as amended by R.A. 8353, and is sentenced to suffer the penalty of *reclusion perpetua* without benefit of parole, in accordance with R.A. 9346, "An Act Prohibiting the Imposition of Death Penalty in the Philippines", and is ordered to pay the private complainant [AAA], his biological daughter, P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P25,000.00 as exemplary damages.^[18]

In its Decision, the RTC stated that the prosecution was able to prove the following:

(1) [T]hat the accused had carnal knowledge of the offended party, his biological daughter, (2) that the crime was done through intimidation, threat and force, (3) that the private complainant was a minor at the time of the commission of the crime, and (4) that the accused is her biological father.^[19]

The RTC found AAA's testimony sufficient to be able to stand on its ground and convict Mangune. Moreover, the RTC said, Mangune's "barefaced denial x x x [could] not prevail over the positive, spontaneous, straightforward and detailed testimony of [AAA]." The RTC explained that it gave AAA's testimony "full faith and credence" as there was no showing that she was actuated by improper motive against her father.^[20]

Mangune appealed^[21] to the Court of Appeals, arguing that his guilt had not been proven beyond reasonable doubt as the prosecution witnesses' testimonies were

materially unreliable; thus, should not have been given full weight and credence.^[22]

On August 29, 2008, the Court of Appeals affirmed the RTC's Decision in its entirety.

The Court of Appeals said that Mangune cited only one reason to support the errors he assigned against the RTC: that AAA sustained no external signs of any form of trauma despite her declaration that Mangune allegedly slapped her many times on the face.^[23]

Addressing such reasoning, the Court of Appeals stated that Mangune's claim was untenable, and quoting this Court in *People v. Napud, Jr.*,^[24] said:

[T]he absence of external injuries does not negate rape. This is because in rape, the important consideration is not the presence of injuries on the victim's body, but penile contact with the female genitalia without the woman's consent." (Citation omitted.)

Undaunted, Mangune is now before this Court,^[25] with the same assignment of errors he presented before the Court of Appeals, viz:

I

THE COURT A QUO GRAVELY ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE PROSECUTION WITNESSES' MATERIALLY UNRELIABLE TESTIMONY.

II

THE COURT A QUO GRAVELY ERRED IN FINDING THAT THE GUILT OF ACCUSED-APPELLANT MANGUNE HAS BEEN PROVEN BEYOND REASONABLE DOUBT.^[26]

Ruling and Discussion

Mangune was charged with Rape under Article 266-A, paragraph 1, in relation to Article 266-B, paragraph 2, of the Revised Penal Code, as amended by Republic Act No. 8353. Said provisions read:

Article 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;
4.

When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

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

x x x x

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

- 1) When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, stepparent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim.

Mangune, from the very beginning of the case, admitted that AAA is his biological daughter and was still a minor on May 7, 2003, the time the last rape allegedly occurred. Thus, in essence, Mangune's bone of contention in this case, is the credibility of AAA's testimony vis-à-vis the findings contained in the Initial Medico-Legal Report.

Mangune asseverates that the lower courts should have acquitted him based on reasonable doubt as AAA's testimony is not worthy of belief for having been fabricated. He supports such assertion by making much of the fact that AAA did not sustain any external physical marks, as shown by the medico-legal findings, despite her testimony that he slapped her many times on the face. This, Mangune insists, makes AAA's testimony incredible.

In *People v. Paringit*,^[27] this Court has declared that "[n]ot all blows leave marks."^[28] Thus, the fact that the medico-legal officer found no signs of external injuries on AAA, especially on her face, which supposedly had been slapped several times, does not invalidate her statement that Mangune slapped her to silence her.

In *People v. Rabanes*,^[29] the accused similarly assailed the victim's testimony by saying that if her claim that she was slapped several times were true, then there would have been visible marks or injuries on her face, which would have been reported in the medical certificate. This Court, in response to therein accused's argument, held:

While the victim testified that she was slapped many times by the accused-appellant, which caused her to become unconscious, the doctor found no trace or injury on her face. **The absence of any injury or hematoma on the face of the victim does not negate her claim that she was slapped.** Dr. Lao also testified that if the force was not