

## THIRD DIVISION

[ G.R. No. 177138, January 26, 2010 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. JOEL GUILLERMO, APPELLANT.**

### D E C I S I O N

**CORONA, J.:**

On November 3, 1998, appellant Joel Guillermo was charged by AAA with three counts of rape as defined in Article 266-A of the Revised Penal Code (RPC) in the Regional Trial Court (RTC) of Rosales, Pangasinan, Branch 53.<sup>[1]</sup>

On November 23, 1998, appellant was likewise charged by BBB with rape under Article 266-A of the RPC in the same RTC.<sup>[2]</sup>

Appellant pleaded not guilty during arraignment.

The prosecution presented AAA, Crisantina Raguindin, AAA's elementary school teacher, and Dr. Ingrid Irene Ganciña,<sup>[3]</sup> the Municipal Health Officer of Rosales, Pangasinan, as its witnesses.

AAA testified that when she was 13 years of age, she and appellant, who is her first cousin, lived at her grandparents' house. She, with her siblings, slept in the *sala* illuminated by a kerosene lamp. On three separate occasions,<sup>[4]</sup> she woke up in the middle of the night to find the appellant wielding a knife and removing her clothes and blanket. He subsequently forced her to engage in sexual intercourse with him. The appellant threatened to kill her and the rest of her family if she reported the incident. Because she believed the threats of the appellant, she kept quiet about the incidents until her elementary school teacher noticed that she was pregnant.

Raguindin corroborated AAA's testimony. Because she noticed that AAA's abdomen was getting bigger, she asked the girl whether she was pregnant. AAA revealed to her the dastardly acts of the appellant. She accompanied AAA to report the matter to her father. They then proceeded to the police station to file the complaint.

Dr. Ganciña testified that AAA disclosed that appellant forced her to engage in sexual relations with him. She found that AAA had cervical lacerations and confirmed that AAA was 5 to 6 months pregnant.

BBB testified that on September 28, 1998, when she was 12 years old, appellant sexually abused her. She lived at her grandparents house. At night, she slept in the *sala* (which was illuminated by a kerosene lamp) beside her siblings. One evening, she woke up as she felt someone licking her genitals. To her surprise, she discovered that her clothes had been removed and appellant was on top of her. Appellant succeeded in having sexual intercourse with her. Throughout the entire

ordeal, appellant was holding a knife and threatening to kill her and her family if she told anyone about the incident.

Dr. Ganciña testified that, after examining BBB she found four healed lacerations in the child's cervix.

For its part, the defense argued that AAA was the sweetheart of appellant, and they had four sexual encounters beginning March 8, 1998 when she accepted his love proposal. His mother, Virginia Guillermo, corroborated his testimony claiming that her son told her that the sexual relations were consensual. On one occasion she even saw her son and AAA "exchanging snacks."

The defense attacked AAA's credibility, saying she had made a contrary statement earlier. An affidavit of desistance was presented by the defense and it was identified, confirmed and affirmed by AAA. The document, among others, stated that the acts of sexual intercourse she had with appellant on three occasions were voluntary and without force or intimidation. On cross-examination, however, AAA explained that she recanted her previous testimony because appellant promised to support her and her baby, and give her a parcel of land. But appellant refused to fulfill his promise, forcing her to revive the instant cases.

With respect to BBB's accusation, appellant said that BBB was like a sister and he treated her accordingly. He was not aware of any reason for her to accuse him of molesting her. He remembered one occasion, however, when he had a quarrel with BBB over a guava fruit. Appellant's mother, Virginia, on the other hand, claimed that appellant was in Manila at the time of the alleged rape.

In decisions dated November 5, 2002<sup>[5]</sup> and November 6, 2002,<sup>[6]</sup> the RTC said that settled is the rule in rape cases that the lone testimony of the victim, if credible, is enough to sustain a conviction.<sup>[7]</sup> It found both victims' testimonies to be straightforward and candid. There was no showing that complainants had been animated by any ill feeling or evil motive so as to falsely testify or impute the crime to appellant. Moreover, their testimonies were corroborated by the results of the physical examination.

With regard to AAA, appellant's proffered "sweetheart theory" was found to be a self-serving allegation, as it was not supported by any independent and concrete evidence. Thus:

The court found the accused Joel Guillermo guilty beyond reasonable doubt of the crime of rape in each of the instant cases, defined and penalized under Article 335<sup>[8]</sup> of the Revised Penal Code. Accordingly, he is hereby sentenced as follows:

1. Criminal Case No. 3923-R

- a) to suffer the penalty of *reclusion perpetua*;
- b) to indemnify private complainant AAA the amount of P50,000;
- c) to pay the private complainant AAA the sums of P50,000 as moral damages and P25,000 as exemplary damages; and

d) to pay the cost of suit.

2. Criminal Case No. 3924-R

a) to suffer the penalty of *reclusion perpetua*:

b) to indemnify private complainant AAA the amount of P50,000;

c) to pay the private complainant AAA the sums of P50,000 as moral damages and P25,000 as exemplary damages; and

d) to pay the cost of suit.

3. Criminal Case No. 3925-R

a) to suffer the penalty of *reclusion perpetua*:

b) to indemnify private complainant AAA the amount of P50,000;

c) to pay the private complainant AAA the sums of P50,000 as moral damages and P25,000 as exemplary damages; and

d) to pay the cost of suit.

SO ORDERED.

As to BBB, appellant's imputation of ill motive in claiming that complainant was animated by a quarrel over a guava fruit was rejected by the RTC for being trivial. Likewise discarded by the RTC was the appellant's alibi. Thus:

The Court finds the accused Joel Guillermo guilty beyond reasonable doubt of the crime of rape, defined and penalized under Article 335 of the Revised Penal Code. Accordingly he is sentenced:

1. to suffer the penalty of *reclusion perpetua*;

2. to pay the private complainant BBB the sum of P50,000 as indemnity;

3. to pay the private complainant BBB the sums of P50,000 as moral damages and P25,000 as exemplary damages; and

4. to pay the costs of suit.

SO ORDERED.

A consolidated appeal<sup>[9]</sup> was filed by appellant in the Court of Appeals (CA).

In a decision<sup>[10]</sup> dated January 19, 2007, the CA affirmed the findings of the RTC but modified the penalty and award of damages. It held that at the time of the commission of the crimes, Article 335 of the RPC had already been amended by Article 266-A of RA No. 8353. However, the failure to designate the offense by statute or mention the specific provision penalizing the act or an erroneous specification of the law violated did not vitiate the Information because there was a clear recitation of the facts constituting the crime charged.<sup>[11]</sup> Appellant had been apprised of the crimes imputed to him and was able to defend himself accordingly. Thus, there was no need to modify the penalty imposed by the court as it conformed