



Republic of the Philippines  
 Supreme Court  
 Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,      G.R. No. 238622  
*Plaintiff-Appellee,*

Present:

LEONEN, J., *Chairperson,*  
 HERNANDO,  
 INTING,  
 DELOS SANTOS, and  
 ROSARIO, JJ.

- versus -

Promulgated:

RANDY LICAROS y FLORES,  
*Accused-Appellant.*

December 7, 2020

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DECISION

INTING, J.:

Assailed in this ordinary appeal<sup>1</sup> is the Decision<sup>2</sup> dated August 14, 2017 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08235 which affirmed the Decision<sup>3</sup> dated March 16, 2016 of Branch 214, Regional Trial Court (RTC), [REDACTED] finding Randy Licaros y Flores (accused-appellant) guilty beyond reasonable doubt of the crime of Rape under paragraph 1, Article 266-A of the Revised Penal Code (RPC).

*The Antecedents*

Accused-appellant was charged with the crime of Rape under paragraph 1, Article 266-A of the RPC in an Information<sup>4</sup> dated July 3, 2009 which reads:

<sup>1</sup> See Notice of Appeal dated September 13, 2017, *rollo*, pp. 13-14.

<sup>2</sup> *Id.* at 2-12; penned by Associate Justice Ramon M. Bato, Jr. with Associate Justices Samuel H. Gaerlan (now a member of the Court) and Jhosep Y. Lopez, concurring.

<sup>3</sup> CA *rollo*, pp. 38-52; penned by Presiding Judge Imelda L. Portes-Saulog.

<sup>4</sup> Records, p. 1-2.

That on or about the 9<sup>th</sup> day of April 2009, in the [REDACTED] Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of [AAA],<sup>5</sup> against her will and consent.

CONTRARY TO LAW.<sup>6</sup>

During his arraignment on February 15, 2011, accused-appellant entered a plea of not guilty to the charge against him.<sup>7</sup> Trial ensued.

#### *Version of the Prosecution*

On April 9, 2009, AAA, who was then living with her aunt, BBB, engaged in a drinking spree with her uncle, BBB, and some neighbors at BBB's house. The drinking started earlier that day. Accused-appellant, AAA's cousin, later arrived and joined the drinking spree.<sup>8</sup>

At around 11:00 p.m., AAA felt dizzy from drinking alcohol and decided to go to sleep. Accused-appellant assisted AAA in going to the bedroom upstairs. When they reached the room, he helped AAA as she lied down on the floor to sleep. To AAA's shock and surprise, she felt accused-appellant suddenly move on top of her and kiss her from her neck downwards. AAA struggled to resist his advances by kicking and pushing him away, but accused-appellant refused to stop what he was doing. AAA also tried to shout, but no voice came out of her lips.<sup>9</sup>

<sup>5</sup> The identity of the victim or any information to establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. (RA) 7610, "An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, and for Other Purposes;" RA 9262, "An Act Defining Violence against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes;" Section 40 of A.M. No. 04-10-11-SC, known as the "Rule on Violence against Women and Their Children," effective November 15, 2004; *People v. Cabalquinto*, 533 Phil. 703 (2006); and Amended Administrative Circular No. 83-2015 dated September 5, 2017, Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances.

<sup>6</sup> Records, p. 1.

<sup>7</sup> See Certificate of Arraignment, *id.* at 56.

<sup>8</sup> As culled from the Brief for Plaintiff-Appellee, *CA rollo*, p. 74.

<sup>9</sup> *Id.* at 75-76.

Thereafter, accused-appellant began pulling down AAA's shorts and underwear while pinning with his one hand AAA's clenched fists to her chest. When AAA's garments reached below her knees, he tugged down his own basketball shorts and underwear, inserted his penis into AAA's vagina, and made push and pull movements. After several minutes, he was done with his dastardly act. He then dressed up and left AAA crying alone in the room.<sup>10</sup>

Though shocked and dismayed with what happened to her, AAA continued to live in BBB's house. AAA, however, did not tell anyone about the incident out of fear that her father might kill accused-appellant, or the latter might be killed if the rape incident would be known.<sup>11</sup>

Eventually, AAA decided to confide to her stepmother, CCC, that she had been raped by accused-appellant. CCC then contacted DDD, AAA's biological mother, who accompanied AAA to the Women and Children Protection Desk at the [REDACTED] Police Station to report the rape incident. AAA thereafter underwent a medical examination at the Philippine National Police Crime Laboratory in Camp Crame.<sup>12</sup> Per the medico-legal report, AAA's hymen had shallow healed lacerations at the 3 and 9 o'clock positions and a deep healed laceration at the 6 o'clock position which clearly evinced previous blunt force or penetrating trauma.<sup>13</sup>

#### *Version of the Defense*

For his part, accused-appellant raised the defense of denial, viz.:

- 5.1. On April 9, 2009, he and his cousin, [EEE], among others, were drinking gin at [REDACTED]. At around 2:00 or 3:00 o'clock in the afternoon, AAA joined them. When their drinking session ended at 7:00 o'clock in the evening, he saw AAA lying in front of the door of the house. His mother instructed him to bring AAA to the second floor of the house since they were about to sleep. Together with [EEE], they brought AAA upstairs, after which, they went

<sup>10</sup> *Id.* at 76-77.

<sup>11</sup> *Id.* at 77-78.

<sup>12</sup> *CA rollo*, pp. 78-79.

<sup>13</sup> See the Initial Medico-Legal Report signed by PCI Jesille Cui Baluyot, M.D., Duty Medico-Legal Officer, records, p. 11.

down and continued drinking. [His sister,] [FFF], who was at the second floor “texting”, saw AAA being assisted by the accused. She ([FFF]) slept at around 10:00 o'clock in the evening. When she woke up at 9:00 o'clock in the morning, AAA was already gone.<sup>14</sup>

### *The RTC Ruling*

In a Decision<sup>15</sup> dated March 16, 2016, the RTC convicted accused-appellant of the crime charged.<sup>16</sup> It found AAA’s testimony, which was fully supported by the medico-legal’s findings,<sup>17</sup> to be a straightforward, categorical, and candid narration of the rape incident.<sup>18</sup> It also gave more weight to AAA’s positive identification of accused-appellant as her rapist over the latter’s defense of denial.<sup>19</sup>

Accordingly, the RTC sentenced accused-appellant to suffer the penalty of *reclusion perpetua* and ordered him to pay AAA the following amounts: (a) ₱50,000.00 as civil indemnity; (b) ₱50,000.00 as moral damages; and (c) ₱30,000.00 as exemplary damages. It also imposed interest at the legal rate of 6% *per annum* on the monetary award from the date of finality of the judgment until fully paid.<sup>20</sup>

Accused-appellant thereafter appealed before the CA.

### *The CA Ruling*

In its Decision<sup>21</sup> dated August 14, 2017, the CA affirmed the RTC Decision with *modification* in that it increased the amounts of civil indemnity, moral damages, and exemplary damages to ₱75,000.00 each in view of recent jurisprudence.<sup>22</sup>

The CA ruled that AAA had given a clear, positive, and straightforward account of the rape incident.<sup>23</sup> It thus concluded that:

<sup>14</sup> CA *rollo*, p. 30.

<sup>15</sup> *Id.* at 38-52.

<sup>16</sup> *Id.* at 51.

<sup>17</sup> *Id.* at 50.

<sup>18</sup> *Id.* at 48-49.

<sup>19</sup> *Id.* at 49.

<sup>20</sup> *Id.* at 51.

<sup>21</sup> *Rollo*, p. 2-12.

<sup>22</sup> *Id.* at 11.

<sup>23</sup> *Id.* at 7.

In the present case, it has been sufficiently established that the accused-appellant employed force in order to succeed in his lustful act. AAA testified that as soon as she was laid down on the floor, accused-appellant went on top of her, and pinned her hands to her chest as he removed her undergarments and inserted his penis into her vagina. The medico-legal report also revealed the presence of shallow healed lacerations at 3 and 9 o'clock positions and deep healed laceration at 6 o'clock position. Furthermore, the findings stated that there is clear evidence of previous blunt force or penetrating trauma. Clearly, the evidence shows that the accused-appellant employed force in order to attain his lustful act. And, when the consistent and forthright testimony of a rape victim is consistent with medical findings, there is sufficient basis to warrant a conclusion that the essential requisites of carnal knowledge have been established.<sup>24</sup>

Thus, the instant appeal.

#### *The Issues*

Accused-appellant raises the following issues for the Court's resolution: *first*, whether the lower courts committed an error in giving full credence to AAA's "doubtful" and "improbable" testimony;<sup>25</sup> and *second*, whether the prosecution was able to prove the essential element of force or intimidation beyond reasonable doubt.<sup>26</sup>

#### *The Court's Ruling*

The appeal is without merit.

In cases where the issue rests upon the credibility of witnesses, the settled rule is that "appellate courts accord the highest respect to the assessment made by the trial court because of the trial judge's unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct and attitude under grueling examination."<sup>27</sup>

Thus, the Court explained in *People v. Espino, Jr.*<sup>28</sup> that the findings of the trial court will not be overturned *unless* it is clearly

<sup>24</sup> *Id.* at 10-11.

<sup>25</sup> As culled from the Brief for the Accused-Appellant, CA *rollo*, pp. 31-32.

<sup>26</sup> *Id.* at 33-34.

<sup>27</sup> *People v. Aquino*, 396 Phil. 303, 306-307 (2000).

<sup>28</sup> 577 Phil. 546 (2008).

shown that it had *overlooked, misunderstood, or misapplied* some facts or circumstances of weight or substance that could have altered the outcome of the case.<sup>29</sup> “The rule finds an even more stringent application where said findings are sustained by the [CA].”<sup>30</sup>

In this case, the Court finds no cogent reason to overturn the RTC’s factual findings and conclusions, as affirmed by the CA, since they are neither arbitrary nor unfounded.

A careful perusal of the records shows that AAA was straightforward, categorical, and candid when she described the rape incident in detail and identified accused-appellant as her assailant, *viz.*:

PROS. LALUCES

Q: Good Morning [AAA], during the last hearing where you actually was not able to continue on testifying, I asked you, my last question was who actually assisted you in going to the room where you have to pass through this ladder which you identified previously, can you be able to tell us now who actually assisted you?

WITNESS

A: My cousin ma'am.

Q: *Who is this “pinsan” you are referring to?*

A: *Randy Licaros ma'am.*

Q: Who is Randy Licaros in this trial?

X X X

INTERPRETER

*Witness is pointing to a person inside the court room wearing a yellow shirt and when asked to identify his name as Randy Licaros.*<sup>31</sup>

X X X

<sup>29</sup> *Id.* at 562.

<sup>30</sup> *Id.* at 563, citing *People v. Cabugatan*, 544 Phil. 468, 479 (2007). Emphasis omitted.

<sup>31</sup> TSN, October 11, 2011, pp. 3-4. Italics supplied.

## PROS. LALUCES

Q: What happened after he assisted you in going to the second floor, in your room?

A: As I went upstairs he assisted me to lie down ma'am.

x x x

Q: After he assisted you to lie down on the floor what happened next?

A: After lying down I was shocked because he suddenly went on top of me and kissed me on the neck downwards ma'am.

Q: You said you were shocked when he suddenly kissed you downwards, what did you do when he did this to you?

A: *I was shocked I pushed him away, I was kicking and I was not able to shout ma'am.*

x x x

Q: *Now you also mentioned that you tried to kick him, what happened with this action that you did to the accused?*

A: *He did not stop ma'am.*

Q: How about your hands madam, where were your arms at the time that the accused was on top of you?

## INTERPRETER

Witness is demonstrating clenched fist on top of her chest.

Q: How about the hands of the accused if you recall [AAA]?

A: One hand is pulling down my shorts and my underwear ma'am.

Q: How about the other hand [AAA]?

A: *The other hand he was trying to push my hand on my chest ma'am.*<sup>32</sup>

<sup>32</sup> *Id.* at 5-7. Italics supplied.

X X X

Q: *Now [AAA], I'll go back to my question, after he was able to pull down his own shorts and pull down your shorts and your underwear, what happened next?*

A: *"Ipinasok niya po yung ari nya sa ari ko."*<sup>33</sup>

X X X

## COURT

By the way madam witness, before you proceed that question you said "pinasok ang ari" was he able to do that, was he able to successfully do that? This is an offense that carries a very heavy penalty so you cannot just manifest that he did that and that's all, you have to tell the court what happened.

A: "Nung pinasok nya po ang ari niya sa ari ko."

Q: What does it mean? You have to tell the court.

A: *"Labas, pasok ang ari niya sa ari ko po."*<sup>34</sup>

In an attempt to discredit the above-quoted testimony, accused-appellant posits that AAA's story was highly doubtful and inherently impossible due to the close proximity of her relatives and some neighbors to her bedroom where she was supposedly raped. He further questions AAA's failure to shout for help, or make any noise considering the presence of other people in the house during the incident.<sup>35</sup> Lastly, he asserts that the absence of any physical injury on AAA necessarily implied the lack of force or intimidation during the alleged commission of the rape.<sup>36</sup>

The Court disagrees. It is settled that the close proximity of other relatives to the scene of the rape does *not* render the commission of the crime impossible or incredible.<sup>37</sup> "Rape can be committed even in places where people congregate, in parks, along the roadside, within school premises, inside a house where there are other occupants, and even in

<sup>33</sup> *Id.* at 8-9. Italics supplied.

<sup>34</sup> *Id.* at 11-12. Italics supplied.

<sup>35</sup> See Brief for the Accused-appellant, *CA rollo*, p. 31.

<sup>36</sup> *Id.* at 33.

<sup>37</sup> *People v. Descartin, Jr.*, 810 Phil. 881, 892 (2017).



the same room where other members of the family are also sleeping.”<sup>38</sup> After all, “[l]ust is no respecter of time and place; neither is it deterred by age nor relationship.”<sup>39</sup>

Moreover, AAA’s failure to shout for help does *not* in any way disprove the commission of the rape.<sup>40</sup> The absence of any physical injuries on AAA’s body, too, does *not* imply that she had consented to the sexual act.<sup>41</sup> “*The force used in the commission of rape need not be overpowering or absolutely irresistible.*”<sup>42</sup> In this case, it is sufficient that the force employed by accused-appellant when he pinned AAA down on the floor had enabled him to succeed in his lewd objective despite her persistent struggling.<sup>43</sup>

The Court likewise rejects the defense of denial proffered by accused-appellant to exonerate himself from the rape charge against him. “*Denial is an intrinsically weak defense which must be buttressed with strong evidence of non-culpability to merit credibility.*”<sup>44</sup> In other words, a denial, which necessarily constitutes self-serving negative evidence, *cannot* prevail over the declaration of credible witnesses who testify on affirmative matters.<sup>45</sup> Here, AAA’s positive and straightforward testimony that she was raped by accused-appellant deserves far greater evidentiary weight than the latter’s *uncorroborated* denial of his participation in the incident.

In light of these, the Court finds that the prosecution had sufficiently established beyond reasonable doubt that accused-appellant had carnal knowledge of AAA, through force and intimidation, by inserting his penis into her vagina against her will and without her consent. Indeed, a rape victim’s sole account of the incident is sufficient to support a conviction of rape *if* it is straightforward and candid;<sup>46</sup> especially so when it is corroborated by the medical findings of the examining physician, as in this case.<sup>47</sup>

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*, citing *People v. Cabral*, 623 Phil. 809, 815 (2009).

<sup>40</sup> See *People v. Pareja*, 724 Phil. 759, 778 (2014).

<sup>41</sup> See *People v. Ramos*, G.R. No. 210435, August 15, 2018, 877 SCRA 424, 440.

<sup>42</sup> *People v. Barangan*, 560 Phil. 811, 836 (2007), citing *People v. Villaflores*, 255 Phil. 776, 784 (1989)

<sup>43</sup> See *People v. Ramos*, *supra*.

<sup>44</sup> *People v. Descartin, Jr.*, *supra* note 37 at 894, citing *People v. Cadano, Jr.*, 729 Phil. 576 (2014).

<sup>45</sup> See *People v. Deloso*, 822 Phil. 1003, 1013-1014 (2017), citing *People v. Francisco*, 397 Phil. 973, 985 (2000).

<sup>46</sup> See *People v. Baraoil*, 690 Phil. 368 (2012).

<sup>47</sup> See *People v. Agalot*, 826 Phil. 541, 555 (2018), citing *People v. Lumaho*, 744 Phil. 233, 243

As for the proper penalty, the crime of Simple Rape is penalized under Article 266-B of the RPC, as amended by Republic Act No. 8353, or the Anti-Rape Law of 1997, with *reclusion perpetua*. Given that the guilt of accused-appellant had been proven beyond reasonable doubt, the Court upholds the ruling of the lower courts sentencing him to suffer the penalty of *reclusion perpetua*,<sup>48</sup> and affirms the awards of civil indemnity, moral damages, and exemplary damages at ₱75,000.00 each, in conformity with prevailing jurisprudence.<sup>49</sup>

**WHEREFORE**, the appeal is **DISMISSED** for lack of merit. The Decision dated August 14, 2017 of the Court of Appeals in CA-G.R. CR-HC No. 08235 convicting accused-appellant Randy Licaros y Flores of the crime of Rape under paragraph 1, Article 266-A of the Revised Penal Code is hereby **AFFIRMED**.

Accordingly, accused-appellant Randy Licaros y Flores is sentenced to suffer the penalty of *reclusion perpetua*. He is further ordered to pay AAA the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages.

All damages awarded shall be subject to legal interest at the rate of 6% *per annum* from the finality of this Decision until fully paid.

**SO ORDERED.**

  
**HENRI JEAN PAUL B. INTING**  
*Associate Justice*

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(2014).

<sup>48</sup> Item II(1) of A.M. No. 15-08-02-SC, entitled “*Guidelines for the Proper Use of the Phrase ‘Without Eligibility for Parole’ in Indivisible Penalties*,” dated August 4, 2015 provides:

II.

In these lights, the following guidelines shall be observed in the imposition of penalties and in the use of the phrase “*without eligibility for parole*”:

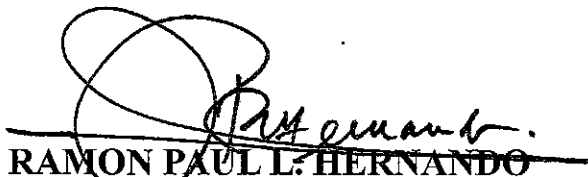
- (1) In cases where the death penalty is not warranted, there is no need to use the phrase “*without eligibility for parole*” to qualify the penalty of *reclusion perpetua*; it is understood that convicted persons penalized with an indivisible penalty are not eligible for parole;

<sup>49</sup> See *People v. Jugueta*, 783 Phil. 806, 849 (2016).


WE CONCUR:



**MARVIC M.V.F. LEONEN**  
*Associate Justice*  
*Chairperson*



~~**RAMON PAUL L. HERNANDO**~~  
*Associate Justice*



**EDGARDO L. DELOS SANTOS**  
*Associate Justice*



~~**RICARDO R. ROSARIO**~~  
*Associate Justice*

**ATTESTATION**

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARVIC M.V.F. LEONEN**  
*Associate Justice*  
*Chairperson*



**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**DIOSDADO M. PERALTA**  
*Chief Justice*

