Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

- versus -

MICHAEL QUINTO,
Accused-Appellant.

G.R. No. 246460

Present:

PERALTA, *C.J.*, *Chairperson,*
CAGUIOA, *Working Chairperson,*
REYES, J. JR.,
LAZARO-JAVIER, and
LOPEZ, *JJ.*

Promulgated:
JUN 08 2020

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DECISION

REYES, J. JR., *J.*:

Under consideration is the appeal filed by accused-appellant Michael Quinto (accused-appellant), seeking the reversal of the Decision[1] dated October 24, 2018 rendered by the Court of Appeals (CA) in CA-G.R. CR HC No. 09732, which affirmed the Regional Trial Court's (RTC's) Decision[2] convicting the accused-appellant of the crime of Rape against the private complainant, AAA,[3] with modifying circumstance of use of bladed weapon to commit the felony.

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[1] Penned by Associate Justice Japar B. Dimaampao, with Associate Justices Manuel M. Barrios and Henri Jean Paul B. Inting (now a Member of the Court), concurring; *rollo*, pp. 3-11.

[2] Penned by Judge Betlee-Ian J. Barraquias, Regional Trial Court, 4th Judicial Region, Branch 17, Cavite City; CA *rollo*, pp. 61-93.

[3] In line with the Court's ruling in *People v. Cabalquinto*, 533 Phil. 703, 709 (2006), citing Sec. 40, Rule on Violence Against Women and their Children; and Sec. 63, Rule XI, Rules and Regulations Implementing Republic Act No. 9262, otherwise known as the "Anti-Violence Against Women and their Children Act of 2004," the real names of the rape victims will not be disclosed. The Court will instead use fictitious initials to represent them throughout the decision. The personal circumstances of the victims of any other information tending to establish or compromise their identities will likewise be withheld.

The Antecedents

An Amended Information was filed indicting the accused-appellant for Rape under Article 266-A of the Revised Penal Code (RPC) in relation to Republic Act (R.A.) No. 7610[4] by the prosecution against the accused-appellant, the accusatory portion of which reads:

> That on or about the 26th day of March 2004, in the [XXX], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and actuated by lust, by means of force, threat, violence and intimidation, being then armed with bladed weapon, and taking advantage of superior strength, did then and there, willfully, unlawfully and feloniously have carnal knowledge of one [AAA], a minor of 14 years old against her will and without her consent, to her damage and prejudice.
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> CONTRARY TO LAW.[5]

During the arraignment, the accused-appellant pleaded not guilty. Trial ensued thereafter.

Evidence for the Prosecution

The prosecution's evidence tends to prove that complainant AAA, who was then 14 years of age, was on her way to the store to buy bread when she noticed her neighbor, accused-appellant, behind her pointing a knife. She was brought to the house of a certain "Bornoy"; where she saw Bornoy, Annabelle, Lenlen and two Jenells. Accused-appellant brought AAA to another room where he ordered her to sniff *marijuana*. Out of fear, she followed accused-appellant. Thereafter, she felt dizzy. That was the time when accused-appellant undressed her and inserted his penis in her private part. When he was done, he ordered her to put on her clothes and warned her not to tell anyone about what transpired. She went to her house afterwards, which is located nearby. In time, she revealed her harrowing experience to her aunt.

On March 29, 2004, AAA's aunt told BBB, AAA's mother, about what happened. Shocked, she confronted AAA and asked her if what she came to know was true. AAA admitted the incident after an emotional breakdown.[6]

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4 Otherwise known as "Special Protection of Children Against Abuse, Exploitation and Discrimination Act."

5 *Rollo*, pp. 3-4.

6 Id. at 4.

The next day, AAA, together with her mother, reported the incident to the police. The National Bureau of Investigation (NBI) conducted a medical examination on AAA. Dr. Salome Fernandez (Dr. Fernandez), the Medico-Legal Officer of NBI assigned to assist AAA, found a clear evidence of healed injury secondary to intravaginal penetration by a blunt object. These observations were corroborated by Dr. Valentin Bernales, then Acting Chief of the Medico-Legal Division of the NBI. Aside from that, Dr. Ma. Victoria Briguela (Dr. Briguela), a psychiatrist, after a thorough psychological examination of AAA, discovered that she had been suffering from mild mental retardation and that her mental age was between seven to eight years old compared to her chronological age of 14 years old at the time of the alleged rape.[7]

Evidence for the Defense

On the other hand, accused-appellant vehemently denied the charge against him. To exculpate himself from any liability, the accused-appellant averred that he and AAA had a relationship and that the sexual congress was consensual. He further alleged that their relationship was known to AAA's aunts and that they usually met at the house of accused-appellant's friend, Bornoy.

According to the accused-appellant, in the afternoon of March 26, 2004 at 3 o'clock in the afternoon, he was at home along with his grandfather watching television. Furthermore, he testified that he did not meet AAA that day.

The statement of the accused-appellant that he and AAA were sweethearts was affirmed by accused-appellant's friends Alfredo Timbang (Alfredo) and Ruther Prodigalidad (Ruther). This allegation was also confirmed by Zenaida Sangil (Zenaida), accused-appellant's neighbor.[8]

Ruling of the Trial Court

On July 19, 2017, the RTC rendered a Decision[9] convicting the accused-appellant of the crime of Rape defined and penalized under Article 266-A of the RPC, as amended, in relation to R.A. No. 7610. The dispositive portion reads as follows:

> WHEREFORE, premises considered, the prosecution having proved all the elements of Rape under Article 266-A, of our Revised Penal

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7 Id. at 4-5.
8 Id. at 5.
9 Supra note 2.

> Code, as amended, in relation to Republic Act No. 7610, beyond reasonable doubt, the acccused herein MICHAEL QUINTO, of [XXX] is hereby CONVICTED of the crime of RAPE against the private complainant, [AAA], with modifying circumstance of use of bladed weapon to commit said felony, and the Court hereby sentence him to suffer in prison the penalty of [*reclusion perpetua*] without possibility of parole and to pay his victim, [AAA] the amount of Seventy Five Thousand Pesos (P75,000.00) as civil indemnity, Seventy Five Thousand Pesos (P75,000.00) as moral damages, and Thirty Thousand Pesos (P30,000.00) as exemplary damages, all with interest at the rate of Six Percent (6%) per annum from the date of finality of this judgement. No costs.
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> SO ORDERED.[10]

The RTC was convinced that the prosecution was able to establish accused-appellant's guilt beyond reasonable doubt for the crime of rape with modifying circumstance of use of bladed weapon to commit said felony.[11]

Based on its observation, the testimony of AAA narrating the rape incident was credible. In contrast, the version of the defense of denial and alibi was found by the RTC to be incredulous. Likewise, the sweetheart defense was not given credence by the RTC as it cannot prevail over the positive identification and straightforward testimony given by AAA.[12]

Aggrieved, the accused-appellant filed an appeal before the CA asseverating error in the conviction due to the incredibility of the testimony of the accused and the failure of the RTC to consider the accused-appellant's sweetheart defense and alibi despite the fact that these were corroborated by the numerous witnesses.[13]

Ruling of the CA

On October 24, 2018, the CA rendered the assailed Decision[14] affirming accused-appellant's conviction of the crime of rape with modifying circumstance of use of bladed weapon to commit the felony. The CA reasoned that AAA's testimony was believable and sufficient to establish the incident of rape committed by accused-appellant. The CA reiterated that as to matters relating to credibility of witnesses, the findings of the trial court is accorded high respect, if not conclusive effect. Moreover, the fact that AAA has been diagnosed with mild mental retardation lends more credibility in her testimony because a witness of subnormal mental capacity would not publicly admit that she was abused if it were not true.

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10 CA *rollo*, p. 92.
11 Id.
12 Id. at 87-90.
13 Id. at 53-58.
14 Supra note 1.

Furthermore, the sweetheart theory and alibi defense espoused by the accused were rejected by the CA because it did not prove that it was physically impossible for the accused-appellant to be at the scene of the crime and that no abuse ever took place even if it were true that they were lovers.

Thus, the dispositive portion of the assailed CA Decision reads:

> WHEREFORE, the *Appeal* is hereby DENIED. The *Decision* dated 19 July 2017 of the Regional Trial Court, 4th Judicial Region, Cavite City, Branch 17, in Criminal Case No. 146-04 is AFFIRMED WITH MODIFICATION in that the amount of exemplary damages is increased to P75,000.00.
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> SO ORDERED.[15]

Dissatisfied with the Decision of the CA, accused-appellant filed a Notice of Appeal dated November 12, 2018.[16] Both the plaintiff-appellee and the accused-appellant manifested that they are adopting their respective briefs before the CA as their Supplemental Briefs before this Court.[17]

The Issue

The primordial issue for the Court's resolution is whether or not accused-appellant's conviction should be sustained.

In seeking the reversal of the CA Decision, accused-appellant asserts the alleged incredibility of the testimony of AAA. According to the accused-appellant, it was highly impossible for him to have pointed a *balisong* at AAA's back within public view and in broad daylight. Likewise, accused-appellant states that it was quite perplexing why AAA did not seek help when they were at the house of Bornoy given that there were other people in the house. Also, no witnesses were presented to testify that indeed AAA was at the house of Bornoy at the alleged time of the incident.

In addition, accused-appellant insists the appreciation of his sweetheart defense for the reason that it was corroborated by credible witnesses. Furthermore, the accused-appellant avers that he was at the house of his grandfather watching television at 3 o'clock in the afternoon and that he did not see AAA on March 26, 2004. Such fact was corroborated by Zenaida.[18]

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15 *Rollo*, p. 10.
16 Id. at 12.
17 Id. at 20-21; 25-28.
18 CA *rollo*, pp. 47-58.

On the other hand, the People, through the Office of the Solicitor General, counters that the prosecution proved the guilt of the accused-appellant beyond reasonable doubt through the testimony of AAA which was found by the RTC and the CA to be clear, categorical and straightforward, unshaken by the defense's cross-examination, thereby bearing the earmarks of truthfulness. AAA unwaveringly and positively identified accused-appellant as the person who sexually abused her without any purpose rather than to bring him to justice.[19]

The Court's Ruling

The instant petition is bereft of merit. However, we find it proper to modify the nomenclature of the offense to conform to the ruling in the case of *People v. Tulagan*.[20]

In the aforementioned case, it was already ruled that if the victim is 12 years or older, the offender cannot be accused of both rape under Article 266-A paragraph 1(a) of the RPC and sexual abuse under Section 5(b) of R.A. No. 7610 because it may violate the right of the accused against double jeopardy. Furthermore, under Section 48 of the RPC, a felony, in particular rape, cannot be complexed with an offense penalized by a special law, such as R.A. No. 7610, to wit:

> Assuming that the elements of both violations of Section 5(b) of R.A. No. 7610 and of Article 266-A, paragraph 1(a) of the RPC are mistakenly alleged in the same Information — *e.g.*, carnal knowledge or sexual intercourse was due to "force or intimidation" with the added phrase of "due to coercion or influence," one of the elements of Section 5(b) of R.A. No. 7610; or in many instances wrongfully designate the crime in the Information as violation of "Article 266-A, paragraph 1(a) in relation to Section 5(b) of R.A. No. 7610," although this may be a ground for quashal of the Information under Section 3(f) of Rule 117 of the Rules of Court — and proven during the trial in a case where the victim who is 12 years old or under 18 did not consent to the sexual intercourse, the accused should still be prosecuted pursuant to the RPC, as amended by R.A. No. 8353, which is the more recent and special penal legislation that is not only consistent, but also strengthens the policies of R.A. No. 7610. Indeed, while R.A. No. 7610 is a special law specifically enacted to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination and other conditions prejudicial to their development, We hold that it is contrary to the legislative intent of the same law if the lesser penalty *(reclusion temporal medium to reclusion perpetua)* under Section 5(b) thereof would be imposed against the perpetrator of sexual intercourse with a child 12 years of age or below 18.

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19 Id. at 106-119.

20 G.R. No. 227363, March 12, 2019.

> Article 266-A, paragraph 1(a) in relation to Article 266-B of the RPC, as amended by R.A. No. 8353, is not only the more recent law, but also deals more particularly with all rape cases, hence, its short title "*The Anti-Rape Law of 1997.*" R.A. No. 8353 upholds the policies and principles of R.A. No. 7610, and provides a "stronger deterrence and special protection against child abuse," as it imposes a more severe penalty of *reclusion perpetua* under Article 266-B of the RPC, or even the death penalty if the victim is (1) under 18 years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or common-law spouse of the parent of the victim; or (2) when the victim is a child below 7 years old.
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> It is basic in statutory construction that in case of irreconcilable conflict between two laws, the later enactment must prevail, being the more recent expression of legislative will. Indeed, statutes must be so construed and harmonized with other statutes as to form a uniform system of jurisprudence, and if several laws cannot be harmonized, the earlier statute must yield to the later enactment, because the later law is the latest expression of the legislative will. Hence, Article 266-B of the RPC must prevail over Section 5(b) of R.A. No. 7610.[21]

Hence, it is clear that the designation of the offense should be "Rape under Article 266-A(1) in relation to Article 266-B of the RPC" as the accused-appellant committed "rape by carnal knowledge" against his victim of "12 years old or below 18."

As to the substantive portion of the accused-appellant's contentions, he attacks AAA's credibility, averring that the facts and circumstances narrated by her are beyond the realm of possibility. Specifically, accused-appellant points out that he could not have pointed a *balisong* at the back of AAA considering that it was in broad daylight and such could be readily seen by people at the store.

Likewise, accused-appellant points out the lack of witnesses that were presented to corroborate the allegation that he was at the house of Bornoy at the time of the incident even if Anabelle, Bornoy, Lenlen and two Jenells were in the house.

In addition, the accused-appellant reiterates the appreciation of his sweetheart defense as it was corroborated by other witnesses aside from the testimony of the accused-appellant. Along with that, accused-appellant emphasized his alibi that he was at the house of his grandfather watching television at 3 o'clock in the afternoon and that he did not see AAA on March 26, 2004.

We are not convinced.

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21 Id.

The RTC and the CA have exhaustively discussed, explained and rebutted all the defenses raised by accused-appellant and we see no reason to deviate from such pronouncements.

It should be emphasized that when it comes to the credibility of witnesses, the trial court's assessment deserves great weight, and is even conclusive and binding provided that it is not tainted with arbitrariness or oversight of some fact or circumstance of weight and influence. The reason is basic. The trial court, having the full opportunity to observe directly the witnesses' deportment and manner of testifying, is in a better position than the appellate court to properly evaluate testimonial evidence and in assessing who among the witnesses holds the truth.[22] Matters of credibility are addressed basically to the trial judge who is in a better position than the appellate court to appreciate the weight and evidentiary value of the testimonies of witnesses who have personally appeared before him.[23] The appellate courts are far detached from the details and drama during trial and would have to rely solely on the records of the case in its review. On the matter of credence and credibility of witnesses, therefore, the Court acknowledges said limitations and recognizes the advantage of the trial court whose findings must be given due deference.[24] Since the defense failed to show any palpable error, arbitrariness, or capriciousness on the findings of fact of the trial court, these findings deserve great weight and are deemed conclusive and binding more so that it is concurred by the appellate court.[25]

Thus, we agree with the RTC and the CA in applying the jurisprudential principle that testimonies of child victims are to be given full weight and credit, for when a woman or a girl says that she has been raped, she says in effect all that is necessary to show that rape was indeed committed.[26] Here, attention must be given to the findings of Dr. Briguela saying that AAA suffers from mild mental retardation and that she has a mental capacity of a child of 7 to 8 years old although her actual age is 14 years old. Given such fact, it is highly improbable that AAA concocted her story contrary to the allegations of the accused-appellant.

Besides, at any rate, even if the prosecution only presented AAA as its only witness against the numerous witnesses of the defense, it will not suffice to discredit the former. The prosecution is under no duty to present a definite number of witnesses. The discretion to decide who it wants to call to the stand lies with the prosecution. It is axiomatic that witnesses are weighed, not numbered, and the testimony of a single witness may suffice for conviction if otherwise trustworthy and reliable for there is no law which

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22 *People v. Apattad*, 671 Phil. 95, 112-113 (2011).
23 *Valbueco, Inc. v. Province of Bataan*, 710 Phil. 633, 652 (2013).
24 *People v. Vergara*, 713 Phil. 224, 234 (2013).
25 Supra note 22.
26 *People v. Pamintuan*, 710 Phil. 414, 422 (2013).

requires that the testimony of a single witness needs corroboration except where the law expressly mandates otherwise.[27] In other words, AAA's testimony during the course of the trial as the sole eyewitness to the whole event should not by itself diminish her credibility.

It is worthy to note that AAA testified with candor and consistency in recounting the material events of the crime. A witness who testifies in a categorical, straightforward, spontaneous and frank manner and remains consistent is a credible witness.[28] She was very categorical and positive, not only in naming the accused-appellant as the perpetrator, but also in narrating the particularities of the criminal incident.

With respect to the defense of alibi, accused-appellant's defenses of alibi and denial cannot outweigh the candid and straightforward testimony of AAA that he indeed had sexual intercourse with her against her will. The Court has oft pronounced that both denial and alibi are inherently weak defenses which cannot prevail over the positive and credible testimony of the prosecution witness that the accused committed the crime. Thus, as between a categorical testimony which has the ring of truth on the one hand, and a mere denial and alibi on the other, the former is generally held to prevail.[29]

Furthermore, case law provides that for the defense of alibi to prosper, the accused must prove not only that he was at some other place when the crime was committed, but also that it was physically impossible for him to be at the scene of the crime or its immediate vicinity through clear and convincing evidence.[30]

In the present case, the RTC and the CA both correctly held that the accused-appellant was within the immediate vicinity of the place of the crime. As the RTC held, the store and the house of accused-appellant was just seven houses away. This is a short distance which can be traversed by the accused-appellant to the scene of the crime in approximately 10 minutes. Hence, it was not impossible for him to be at the place of the crime at the time it happened. His defense of alibi, thus, fails to convince compared with the positive identification by the private complainant that it was him who committed the rape.

As to the accused-appellant's sweetheart defense, he claims that he and AAA were lovers and the act of sexual intercourse was a free and

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27 *People v. Ponsaran*, 426 Phil. 836, 846-847 (2002).
28 Id.
29 *People v. Dongallo*, G.R. No. 220147, March 27, 2019 (Minute Resolution).
30 Id.

voluntary act between them. In short, he interposes the "sweetheart" theory to exculpate himself from the rape charge filed against him.

Accused-appellant's claim that they are lovers is untenable. For one, such claim was not substantiated by the evidence on record. The only evidence adduced by accused-appellant were his and his witnesses' testimonies. According to Alfredo, he knows of their relationship because accused-appellant told him so. While Ruther and Zenaida testified that they saw accused-appellant and AAA very sweet and happily talking and embracing each other.

To the mind of the Court, these are not enough evidence to prove that a romantic relationship existed between accused-appellant and AAA. In *People v. Napudo*[31] where the accused likewise invoked the sweetheart defense, this Court held that:

> [T]he fact alone that two people were seen seated beside each other, conversing during a jeepney ride, without more, cannot give rise to the inference that they were sweethearts. Intimacies such as loving caresses, cuddling, tender smiles, sweet murmurs or any other affectionate gestures that one bestows upon his or her lover would have been seen and are expected to indicate the presence of the relationship.

Other than accused-appellants self-serving assertions and those of his witnesses which were rightly discredited by the trial court, nothing supports accused-appellant's claim that he and AAA were indeed lovers. "A 'sweetheart defense,' to be credible, should be substantiated by some documentary or other evidence of relationship such as notes, gifts, pictures, mementos and the like."[32] Accused-appellant failed to discharge this burden.

Besides, even if it were true that accused-appellant and AAA were sweethearts, this fact does not necessarily negate rape because love is not a license for lust.[33]

With the credibility of AAA having been firmly established, the courts below did not err in finding accused-appellant guilty beyond reasonable doubt of rape committed through force and intimidation. The "sweetheart" theory interposed by accused-appellant was correctly rejected for lack of substantial corroboration.

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31 589 Phil. 201, 213 (2008).

32 *People v. Hanggan*, G.R. No. 213830, November 25, 2015 (Minute Resolution).

33 *People v. Napoles*, 814 Phil. 865, 870 (2017).

As to the proper penalty to be imposed, Article 266-B of the RPC provides the following, *viz*:

> ART. 266-B. *Penalty.* — Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua.*
>
> Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* to death.[34]

In the instant case, it was proven that the accused used a bladed weapon in order to perpetrate the felony. Thus, the penalty should be *reclusion perpetua to death.* However, due to the suspension of the death penalty,[35] the proper penalty to be imposed is "*reclusion perpetua without eligibility of parole.*"

WHEREFORE, the appeal is **DISMISSED**. The October 24, 2018 Decision of the Court of Appeals in CA-G.R. CR HC No. 09732 is **AFFIRMED with MODIFICATION** in that, herein accused-appellant Michael Quinto, of XXX, is hereby CONVICTED of the crime of Rape under Article 266-A(1) in relation to Article 266-B of the Revised Penal Code against AAA. The Court hereby sentences him to suffer in prison the penalty of *reclusion perpetua* without eligibility of parole and to pay his victim, AAA, the amount of One Hundred Thousand Pesos (₱100,000.00) as civil indemnity, One Hundred Thousand Pesos (₱100,000.00) as moral damages, and One Hundred Thousand Pesos (₱100,000.00) as exemplary damages, all with interest at the rate of 6% per annum from the date of finality of this judgment until fully paid. No costs.

SO ORDERED.

JOSE C. REYES, JR.
Associate Justice

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34 The Anti-Rape Law of 1997.

35 An Act Prohibiting the Imposition of Death Penalty in the Philippines, repealing Republic Act No. 8177 otherwise known as the Act Designating Death by Lethal Injection, Republic Act No. 7659 otherwise known as the Death Penalty Law and all other laws, executive orders and decrees.

WE CONCUR:

DIOSDADO M. PERALTA
Chief Justice
Chairperson

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Working Chairperson

AMY C. LAZARO-JAVIER
Associate Justice

MARIO V. LOPEZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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