



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 253467

Members:

LEONEN, *SAJ.*, Chairperson,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., and
KHO, Jr., *JJ.*

- versus -

PEDRO RAMA, JR. y YBAÑEZ
a.k.a. "KABAYO,"
Accused-Appellant.

Promulgated:

JUN 27 2022

X-----X

DECISION

LAZARO-JAVIER, J.:

The Case

This appeal seeks to reverse the Decision¹ dated December 12, 2019 of the Court of Appeals in CA-G.R. CEB-CR HC No. 02893 entitled "*People of the Philippines v. Pedro Rama, Jr. y Ybañez a.k.a. 'Kabayo'*," affirming the verdict of conviction against appellant for rape with homicide.

¹ Penned by Associate Justice Emily R. Aliño-Geluz and concurred in by Associate Justices Gabriel T. Ingles and Carlito B. Calpatura, *rollo*, pp. 5-21.

The Proceedings before the Trial Court

The Charge

Under Information² dated February 15, 2013, appellant was charged with the special complex crime of rape with homicide of 11-year old AAA253467,³ viz.:

Criminal Case No. RTC – 5044

“That on or about 6:00 o’clock (sic) A.M., February 12, 2013 at [REDACTED], [REDACTED], Negros Occidental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did, then and there wil[l]fully, unlawfully[,] and feloniously have carnal knowledge of one [REDACTED], an 11[-]year[-]old minor, against her will and consent; and after attaining his purpose of ravishing said [REDACTED], herein accused did, then and there, with intent to hide his identity and to prevent discovery thereof, with intent to kill, strangle[,] and maul said minor-victim, which directly resulted [in] her death, to the damage and prejudice of the heirs of said minor-victim.

CONTRARY TO LAW.”⁴

The case was raffled to the Regional Trial Court (RTC) – Branch 58, [REDACTED], Negros Occidental. On arraignment, appellant pleaded “not guilty.”⁵

During the trial, AAA253467’s mother BBB253467, AAA253467’s brother CCC253467, Danilo Jimenez (Jimenez), Police Officer 3 Elizabeth Lopez (PO3 Lopez) of the Philippine National Police, [REDACTED] City, Negros Occidental – Women and Child Protection Desk, and Dr. Virgilio Tan (Dr. Tan), Medical Officer V of [REDACTED] City Hospital testified for the prosecution.⁶

On the other hand, appellant, his daughter Jeneth Rama (Jeneth), and friend Jolito Alba (Jolito), testified for the defense.

² Records, p. 1.

³ 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 R.A. No. 760, “An Act providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes”; R.A. No. 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 5, 2004; *People v. Cabalquinto*, 533 Phil. 703, 709 (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.

⁴ Records, p. 1.

⁵ CA *rollo*, p. 45.

⁶ *Id.* at 7-10.

The Prosecution's Version

BBB253467, AAA253467's mother, testified that AAA253467 was born on February 11, 2002, as evidenced by the latter's Certificate of Live Birth.⁷ Appellant was their neighbor in [REDACTED].⁸

Around 6 o'clock in the morning of February 12, 2013, or a day after AAA253467's 11th birthday, she woke up AAA253467 because she had class that day. As soon as AAA253467 got up from bed, she told her that she would go first to the nearby sugarcane field to defecate. The field was about fifty (50) meters away from their house.⁹ She reminded AAA253467 to hurry so that she would not be late for class.¹⁰

When AAA253467 did not return after half an hour, BBB253467 instructed CCC253467, AAA253467's brother, to look for her sister. CCC253467 obliged but when he came back, he told her that AAA253467 was not in the field. She checked their backyard, but AAA253467 was not there either.¹¹ Together with CCC253467 and her other son DDD253467, she went to the field to search for AAA253467. She instructed CCC253467 and DDD253467 to go to the opposite sides of the field while she took the middle route.¹²

She walked in the center portion of the field where she saw some feces. Thereafter, she sighted AAA253467's slippers. Moments later, she saw her daughter, unconscious, and lying on the ground.¹³ She shouted for CCC253467 and DDD253467 to help her carry AAA253467 out from the field. Together, they boarded a tricycle and brought AAA253467 to the hospital.¹⁴

On their way to the hospital, AAA253467 regained her consciousness although she had difficulty in breathing. **AAA253467 was able to describe her aggressor as a) one of their neighbors; b) with a long hair; and c) wearing a red and blue shirt. AAA253467 also told her that she scratched the right portion of the aggressor's body.**¹⁵ Two (2) hours after being brought to the emergency room, AAA253467 expired.

⁷ Records, p. 10.

⁸ TSN, May 22, 2014, p. 6.

⁹ CA *rollo*, p. 74.

¹⁰ TSN, May 22, 2014, p. 3.

¹¹ *Id.* at 4.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.* at 5.

BBB253467 stated that their family spent about ₱100,000.00 for the hospitalization and burial of AAA253467, albeit she did not present any receipts.¹⁶

CCC253467 confirmed that in the morning of February 12, 2013, BBB253467 instructed him to look for AAA253467 in the sugarcane field. **On his way, he saw the long-haired appellant who was shirtless. He reckoned that his body was full of mud, with scratches and blood on his right abdomen. Appellant hastily walked away from the field.**¹⁷

Meanwhile, Jimenez testified that he is also a resident of [REDACTED] where AAA253467's family and appellant resided. During the alleged incident, he was outside the house of his co-worker Bernie Esbaños. Around 5 o'clock in the morning of February 12, 2013, **he saw appellant** passing by and heading towards the sugarcane field.¹⁸ **He [appellant] was wearing a shirt with a red and blue color combination. After a while, appellant came back around 6:30 in the morning, this time, no longer wearing any shirt. His body was soiled, and he had scratches on his abdomen.**¹⁹

Jimenez added that ever since they were kids, he and appellant had already been neighbors. They grew up in the same place. Appellant also liked to wear that specific shirt he wore during the alleged incident as Jimenez would see him frequently wear it.²⁰

During the commotion where he saw BBB253467 carrying the body of AAA253467, appellant was one of the bystanders.²¹ Jimenez asked appellant who could have possibly attacked AAA253467 but the latter did not reply. **Appellant, though, looked shocked and nervous.**²²

Meanwhile, PO3 Lopez received a call from [REDACTED] City Hospital that a female minor was sexually molested.²³ At the hospital, she interviewed BBB253467 who narrated what happened to AAA253467 and the latter's final words describing her assailant. She also interviewed CCC253467 who told her that when he went to the sugarcane field, he encountered appellant whose body was covered with mud and bloodstain on his abdomen.²⁴

¹⁶ *Id.* at 6.

¹⁷ TSN, June 11, 2015, p. 11.

¹⁸ TSN, February 11, 2016, p. 4.

¹⁹ *Id.* at 15.

²⁰ *Id.* at 7.

²¹ *Id.* at 15.

²² *Id.* at 5.

²³ TSN, October 22, 2015, p. 3.

²⁴ *Id.* at 5.

She later went to the crime scene where **she recovered a red and blue shirt.**²⁵ She interviewed Jimenez who told her that **the shirt belonged to appellant.**²⁶

Thereafter, PO3 Lopez went to the house of appellant, read the Miranda rights to him, and arrested him.²⁷ She further testified that at the time she arrived at appellant's house, **she noticed that he had scratches on his abdomen.**²⁸

Dr. Tan, Medical Officer V of ██████████ City Hospital, was the attending physician when AAA253467 was brought to the hospital. When AAA253467 got admitted around 7 o'clock in the morning, she was still breathing but she was also in shock, and thereafter, spewed blood. Dr. Tan tried to ask AAA253467 some questions but she merely mumbled. At 8:20 in the morning, AAA253467 was pronounced dead.²⁹

Based on his post-mortem examination, Dr. Tan reported that the main cause of AAA253467's death was **"asphyxia – cardiac arrest secondary to intrathoracic injuries secondary to rape."**³⁰ He noticed a **hematoma in the clavicle area, erythema in the sternal area, and laceration in the upper lip.**³¹ **A linear injury and contusion in AAA253467's neck was prominent, consistent with strangulation by hand as the erythema was horizontal.**³²

Further, AAA253467 sustained **fresh hymenal laceration at 6 o'clock and 9 o'clock positions with blood in the perineum area.**³³

Dr. Tan was also able to examine appellant. Per Medical Certificate³⁴ dated February 14, 2013, the findings showed that appellant had **a) linear abrasion in the abdomen area; b) abrasion between his third and fourth fingers; and c) abrasion on the right flank area level of his fourth rib.** Dr. Tan explained that the abrasions found on appellant's body appeared to be fingernail scratches, or snags possibly caused by a defensive move or action.³⁵

The Defense's Version

Appellant claimed he never left his house from 5 o'clock until 9 o'clock in the morning of February 12, 2013. During those hours, he was busy

²⁵ *Id.* at 6.

²⁶ *Id.* at 7.

²⁷ *Id.* at 14.

²⁸ *Id.* at 13.

²⁹ Records, p. 8.

³⁰ TSN, January 30, 2014, p. 4.

³¹ *Id.* at 7.

³² *Id.* at 9.

³³ *Id.* at 4.

³⁴ Records, p. 6.

³⁵ TSN, April 21, 2016, p. 6.

repairing the post of their house.³⁶ Meanwhile, his friend Jolito helped him repair the floor of their house.

There was a commotion outside their house around 6 o'clock in the morning where he heard that a child had been raped. He was shocked when the following day, he got arrested by the police. He admitted knowing BBB253467 but not AAA253467. He denied owning the shirt retrieved from the crime scene.³⁷ Further, he belied having any scratches or lacerations on his body at the time Dr. Tan examined him.³⁸

His daughter Jeneth and friend Jolito supported his testimony that he was in his home at the time the alleged incident happened.³⁹

The Ruling of the Regional Trial Court

By Decision⁴⁰ dated March 22, 2018, the trial court found appellant guilty of rape with homicide, *viz.*:

WHEREFORE, premises considered, judgment is hereby rendered finding accused **PEDRO RAMA, JR. [y] Ybañez GUILTY** beyond reasonable doubt of the special complex crime of rape with homicide. He is sentenced to suffer the penalty of **RECLUSION PERPETUA**, without the possibility of parole. He is also ordered to pay the heirs of AAA the amounts of Php100,000.00 as civil indemnity; Php100,000.00 as moral damages; and Php100,000.00 as exemplary damages.

An interest at the rate of six percent (6%) per annum shall be applied to the award of civil indemnity, moral[,] and exemplary damages from the finality of the judgment until fully paid.

SO ORDERED.⁴¹ (*Emphasis in the original*)

It found that even in the absence of eyewitnesses to the actual incident, the crime of rape with homicide was nonetheless established by circumstantial evidence. The testimonies of the prosecution witnesses constituted an **unbroken chain** which proved appellant's guilt.⁴²

During the ocular inspection, the court found that appellant's house was about 150 to 160 meters away from the sugarcane field.⁴³ Appellant failed to show that it was physically impossible for him to be at the particular place, date, and time of the crime. More, the inspection gave the court an opportunity

³⁶ TSN, August 17, 2017, pp. 6–7.

³⁷ CA *rollo*, p. 34.

³⁸ *Id.* at 35.

³⁹ *Id.* at 33–34.

⁴⁰ *Id.* at 44–68.

⁴¹ *Id.* at 68.

⁴² *Id.* at 58.

⁴³ *Id.* at 63.

to visualize how easily the crime got perpetrated on a mere child who only measured three (3) feet in height cocooned by vast sugarcane plants measuring six (6)-foot tall.⁴⁴

Finally, despite his attempt to negate the medical findings of Dr. Tan, as well as the testimonies of CCC253467, Jimenez, and PO3 Lopez, the abrasions and scratches found on his body speak volumes of his culpability.⁴⁵

The Proceedings before the Court of Appeals

On appeal, appellant faulted the trial court for finding him guilty despite the supposed insufficiency of the circumstantial evidence to support a verdict of conviction. The testimonies of BBB253467 and CCC253467 were inconsistent pertaining to who went first to the sugarcane field to look for AAA253467.⁴⁶ He reiterated that he never left his house at the time the alleged incident happened.⁴⁷

On the other hand, the Office of the Solicitor General (OSG), through Assistant Solicitor General Marissa Macaraig-Guillen and Associate Solicitor Eric Benjamin Lavadia, countered, in the main: a) the consistent, categorical, and straightforward testimonies of the prosecution witnesses established appellant's guilt;⁴⁸ b) appellant merely offered denial;⁴⁹ and c) he failed to prove it was physically impossible for him to be at the *situs criminis* at the time AAA253467 was raped and strangled.⁵⁰

The Ruling of the Court of Appeals

In its assailed Decision⁵¹ dated December 12, 2019, the Court of Appeals affirmed.

The Present Appeal

Appellant now seeks affirmative relief from the Court and prays anew for his acquittal. In compliance with Resolution dated January 27, 2021, appellant and the OSG both manifested⁵² that in lieu of supplemental briefs, they were adopting their respective briefs before the Court of Appeals.

⁴⁴ *Id.*

⁴⁵ *Id.* at 66.

⁴⁶ *Id.* at 40.

⁴⁷ *Id.* at 38.

⁴⁸ *Id.* at 80.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Rollo*, pp. 5–21.

⁵² *Id.* at 32–33, 45–46.

Ruling

We affirm.

Rape with homicide is a special complex crime which is the treatment of two (2) or more crimes as a single indivisible and unique offense for being the product of a single criminal impulse.⁵³ It is penalized under Articles 266-A and 266-B of the Revised Penal Code (RPC), viz.:

ART. 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 otherwise unconscious;
 - c. By means of fraudulent machination or grave abuse of authority;
 - d. When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

x x x x

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

x x x x

When by reason or on the occasion of the rape, homicide is committed, the penalty shall be death.

x x x x

The evidence against an accused for the crime of rape with homicide is usually circumstantial. The nature of the crime, in which only the victim and the rapist-killer would have been around during its commission, makes the prosecution of the offense particularly difficult because the victim could no longer testify against the perpetrator. Thus, resorting to circumstantial evidence is almost always inevitable. To demand direct evidence to prove the modality of the offense and the identity of the perpetrator would be unreasonable.⁵⁴

In the same vein, the absence of direct evidence against an accused **does not** *per se* compel a finding of innocence. Circumstantial evidence may be offered to take the place of direct evidence, especially in cases

⁵³ *People v. De la Cruz*, 711 Phil. 566, 571 (2013)

⁵⁴ *People v. Ballon*, G.R. No. 240540 (Notice), January 22, 2020.

involving crimes which by their nature are usually committed in utmost secrecy, as in this case.⁵⁵

Circumstantial evidence consists of proof of collateral facts and circumstances from which the existence of the main fact may be inferred according to reason and common experience.⁵⁶ Section 4, Rule 133 of the Revised Rules of Evidence, as amended, provides the requirements of circumstantial evidence sufficient for conviction, *viz.*:

SEC. 4. *Circumstantial evidence, when sufficient.* — Circumstantial evidence is sufficient for conviction if:

- (a) There is more than one circumstance;
- (b) The facts from which the inferences are derived are proven; and
- (c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

In *People v. Casitas, Jr.*,⁵⁷ the Court explained that establishing guilt through circumstantial evidence is akin to weaving a “*tapestry of events that culminate in a vivid depiction of the crime of which the accused is the author.*”

Here, the following circumstances make up a total and unbroken chain of events which lead to the conclusion that appellant was the rapist-killer of 11-year old AAA253467, thus:

One. No less than the minor victim AAA253467 described her attacker prior to her demise. On their way to the hospital, AAA253467 regained consciousness though she had difficulty in breathing. **She told her mother BBB253467 that her attacker was one of their neighbors, with long hair, and wearing a red and blue shirt. She also specifically relayed that she was able to scratch her attacker’s body.**⁵⁸ BBB253467 recollected:

Q: Then after bringing ██████ out of the sugarcane field, what did you do, if you had done any?

A: We boarded her on a motorcycle and we brought her to the hospital.

x x x x

Q: xxx what happened next?

A: I asked her who did that to her[.]

Q: And what did ██████ tell you?

⁵⁵ *People v. Adalia*, G.R. No. 235990, January 22, 2020.

⁵⁶ *People v. Broniola*, 762 Phil. 186, 194 (2015).

⁵⁷ 445 Phil. 407, 419 (2003).

⁵⁸ TSN, May 22, 2014, p. 5.

A: She told me that the **culprit has long hair, wearing red and blue shirt and that he is one of our neighbors and that she was able to scratch the right portion of his body.**

Q: After [REDACTED] told you about the description of the alleged rapist and the one who mauled her, what happened next?

A: She vomited blood and she died.⁵⁹ (Emphasis supplied)

The *ante mortem* statement of AAA253467 as testified to by her mother BBB253467 is admissible in evidence as a dying declaration.⁶⁰

As held in *People v. Manguera*,⁶¹ a dying declaration is admissible when (a) it concerns the cause and the surrounding circumstances of the declarant's death; (b) it is made when death appears to be imminent, and the declarant is under a consciousness of impending death; (c) the declarant would have been competent to testify had he or she survived; and (d) the dying declaration is offered in a case in which the subject of inquiry involves the declarant's death.⁶²

Here, while AAA253467 was on the way to the hospital, she recovered her consciousness although her physical condition spoke of the imminence of her death. She was so weak she had to be carried by her mother and brothers. Added to the physical pain she was suffering was the mental anguish and shock brought about by the fact that she just got raped. **With hematoma in the clavicle area, erythema in the sternal area, laceration in the upper lip,⁶³ linear injury and contusion in the neck, and hymenal laceration with blood in the perineum area,⁶⁴** the 11-year old victim could not have entertained any hope of surviving the beastly attack on her. In fact, she died more or less two (2) hours after the beastly assault.

Clearly, the statements uttered by AAA253467 on the verge of death describing her assailant are accorded the highest degree of credence and respect.

Two. The dying declaration of AAA253467 does not stand alone. Her brother CCC253467 confirmed that while he was on his way to the sugarcane plantation in the morning of February 12, 2013, **he crossed paths with the long-haired appellant who hastily exited from the sugarcane plantation. He was shirtless, his body was full of mud, with scratches and blood on his right abdomen.**⁶⁵ CCC253467 testified, thus:

⁵⁹ *Id.* at 4–5.

⁶⁰ *People v. Manguera*, 446 Phil. 808, 820 (2003).

⁶¹ *Id.*

⁶² *Id.*

⁶³ TSN, January 30, 2014, p. 7.

⁶⁴ *Id.* at 4.

⁶⁵ TSN, June 11, 2015, p. 11.

Q: By the way, when you first alone go to that sugarcane field, did you meet somebody on the way?

A: **I met Pedro Rama, Jr. on my way to the sugarcane field.**

Q: **Are you referring to the Pedro Rama, [Jr.] who is the accused of (sic) this case?**

A: **Yes.**

Q: When you met Pedro Rama, Jr. along the way, can you tell us his appearance?

A: **He's not wearing a shirt anymore and he has scratches xxx and he has mud on his body.**⁶⁶

x x x x

Q: Can you tell us how many years did you know Pedro Rama, Jr.?

A: 2 years.

Q: Why did you know Pedro Rama, [Jr.]?

A: He is my neighbor in [REDACTED].

x x x x

Q: After your mother assigned places for you to find your younger sister, what happened next?

x x x x

A: I heard my mom shouting.

Q: After hearing your mother shouting, what did you do then if you have done any?

A: I immediately r[a]n to my mother.

Q: Then what happened next?

A: I saw my mother holding my sister while crying.

x x x x

Q: What is the appearance of [REDACTED] when you found her held by your mother?

A: **Her face was bloody.**

x x x x

Q: When your younger sister was boarded in the tricycle, was she conscious?

A: **Yes, she was conscious.**

Q: **Was she able to talk to you or your mother?**

A: **She was able to talk with my mom.**⁶⁷

x x x x

Q: **If that Pedro Rama, [Jr.] whom you said you met [on] February 12, 2013 at the sugarcane field is in court right now, can you identify him?**

⁶⁶ *Id.* at 5.

⁶⁷ *Id.* at 6-7.



A: Yes

Q: Can you pinpoint him?

(The witness is pointing to the person sitting in the accused bench, he has a skin head and wearing a BJMP yellow shirt and when his name was asked[,] he confirm[ed] that he is Pedro Rama, Jr.)

Q: When you met Pedro Rama, [Jr.] on February 12, 2013, is he already bald?

A: No.

Q: Can you tell us what is the appearance of his hair?

A: He had a long hair.⁶⁸

x x x x

Q: What about the demeanor of the accused when you saw him xxx?

A: I only noticed that the accused was hastily walking away from the sugarcane field.⁶⁹ (Emphasis supplied)

Three. Jimenez, a resident of [REDACTED] where AAA253467's family and appellant resided, testified that around 5 o'clock in the morning of February 12, 2013, he saw appellant passing by, heading towards the sugarcane field.⁷⁰ He [appellant] was wearing a shirt with a red and blue color combination, similar to what AAA253467 and CCC253467 described. After a while, appellant came back around 6:30 in the morning but, this time, he was no longer wearing a shirt. His body was soiled, and he had scratches on his abdomen.⁷¹

Four. PO3 Lopez went to the crime scene where she recovered a red and blue shirt⁷² which Jimenez identified to be appellant's clothing.⁷³

When she arrested appellant, she noticed that he had scratches on his abdomen.⁷⁴

Five. Dr. Tan revealed that AAA253467 sustained fresh hymenal laceration at 6 o'clock and 9 o'clock positions with blood in the perineum area.⁷⁵ This is consistent with the findings of rape.⁷⁶ More, he noticed a hematoma in her clavicle area, erythema in the sternal area, linear injury and contusion in the neck consistent with strangulation by hand,⁷⁷ and laceration

⁶⁸ *Id.* at 7–8.

⁶⁹ *Id.* at 11.

⁷⁰ TSN, February 11, 2016, p. 4.

⁷¹ *Id.* at 15.

⁷² TSN, October 22, 2015, p. 6.

⁷³ *Id.* at 7.

⁷⁴ *Id.* at 13.

⁷⁵ TSN, January 30, 2014, p. 4.

⁷⁶ *People v. Villegas*, G.R. No. 218210, October 9, 2019.

⁷⁷ TSN, January 30, 2014, p. 9.

in the upper lip.⁷⁸ Dr. Tan declared that AAA253467's death was caused by **“asphyxia – cardiac arrest secondary to intrathoracic injuries secondary to rape.”**⁷⁹

Further, upon physical examination of appellant, Dr. Tan found that he sustained **linear abrasion on his abdomen and rib, abrasion on his third and fourth fingers, and abrasion on the right flank area level of his fourth rib.**⁸⁰ Dr. Tan explained that the abrasions found on appellant's body appeared to be scratches caused by fingernails, or snags which is a defensive move or action.⁸¹

Indeed, the testimonial and documentary evidence presented by Dr. Tan proved that AAA253467 was both physically and sexually violated.⁸² Meanwhile, what is also telling in the medical certificate of appellant were the abrasions found on his body and fingers, implying that AAA253467 fought for her life and struggled against the monstrous acts of appellant.

Taken altogether, these circumstances lead to no other conclusion than that appellant was the perpetrator of the crime. His conviction is anchored not only on a single circumstance, but on a series of circumstantial evidence against him proving that he, and no other person, was the author of the crime. Indeed, proof beyond reasonable doubt does not mean such degree of proof as to exclude the possibility of error and produce absolute certainty. Only moral certainty is required or that degree of proof which produces conviction in an unprejudiced mind.⁸³

As for the credibility of the witnesses, the evaluation of their credibility is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct, and attitude under grueling examination. Hence, the Court defers and accords finality to the factual findings of the trial court especially when such findings are undisturbed by the appellate court.⁸⁴ In any event, the courts below here ruled that there was no showing that the witnesses were impelled by any improper motive to falsely testify against appellant. Corollarily, *these* courts aptly ruled that appellant's denial is inherently a weak defense as it can easily be fabricated. It cannot prevail over the categorical testimonies of the prosecution witnesses here.⁸⁵ Also, appellant failed to show that it was physically impossible for him to be at the *situs criminis* at the time the crime was committed. As the trial court aptly emphasized, appellant's home was

⁷⁸ *Id.* at 7.

⁷⁹ *Id.* at 4.

⁸⁰ Records, p. 6.

⁸¹ TSN, April 21, 2016, p. 6.

⁸² *People v. Ballon*, G.R. No. 240540 (Notice), January 22, 2020.

⁸³ *People v. ZZZ*, G.R. No. 228828, 24 July 2019, 910 SCRA 325, 342 as cited in *People v. Ballon*, G.R. No. 240540 (Notice), January 22, 2020.

⁸⁴ *People v. Mancao*, G.R. No. 228951, July 17, 2019, 909 SCRA 448, 462.

⁸⁵ *Id.*

relatively near to the crime scene, *i.e.*, it is only about 150 to 160 meters away from the sugarcane plantation.⁸⁶ Per ocular inspection of the *situs criminis*, the trial court was able to visualize how easily the crime had been perpetrated on a hapless child, measuring only three feet in height, cocooned by vast sugarcane plants mostly six (6)-foot tall.⁸⁷

In fine, the Court of Appeals did not err when it affirmed the verdict of conviction against appellant for rape with homicide.

Penalty

Article 266-B of the RPC provides that “when by reason or on the occasion of the rape, homicide is committed, the penalty shall be death.” By virtue of Section 3 of Republic Act No. 9346 or “*An Act Prohibiting the Imposition of Death Penalty in the Philippines*,” however, the death penalty is reduced to *reclusion perpetua* but without eligibility for parole, thus:

SEC. 3. Person convicted of offenses punished with *reclusion perpetua*, or whose sentences will be reduced to *reclusion perpetua*, by reason of this Act, shall not be eligible for parole under Act No. 4180, otherwise known as the Indeterminate Sentence Law, as amended.

Here, the trial court and the Court of Appeals correctly sentenced appellant to *reclusion perpetua* without eligibility for parole.⁸⁸

As for the monetary awards, the Court sustains the grant of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages. In accordance with prevailing jurisprudence, the Court further awards ₱50,000.00 as temperate damages in lieu of unproven actual damages pertaining to the hospitalization, funeral, and burial expenses of AAA253467.⁸⁹ These amounts shall earn interest of six percent (6%) *per annum* from finality of this Decision until fully paid.

ACCORDINGLY, the Appeal is **DENIED**. The Decision dated December 12, 2019 of the Court of Appeals in CA-G.R. CEB-CR HC No. 02893 is **AFFIRMED** with **MODIFICATION**.

Appellant **Pedro Rama, Jr. y Ybañez** is **GUILTY** of **Rape with Homicide** and sentenced to ***reclusion perpetua* without eligibility for parole**. He is ordered to pay the heirs of AAA253467 ₱100,000.00 as civil indemnity; ₱100,000.00 as moral damages; ₱100,000.00 as exemplary damages; and ₱50,000.00 as temperate damages. These amounts shall earn

⁸⁶ CA rollo, p. 63.

⁸⁷ *Id.*

⁸⁸ *People v. Genteroles*, G.R. No. 202980 (Notice), April 22, 2015.

⁸⁹ *People v. Jugueta*, 783 Phil. 806, 839 (2016).


six percent (6%) interest *per annum* from finality of this Decision until fully paid.

SO ORDERED.



AMY C. LAZARO- JAVIER
Associate Justice

WE CONCUR:



MARVIC MARIO VICTOR F. LEONEN
Senior Associate Justice
Chairperson



MARIO Y. LOPEZ
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

A T T E S T A T I O N

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 MARIO VICTOR F. LEONEN

Senior Associate Justice
Chairperson, Second Division

C E R T I F I C A T I O N

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.



ALEXANDER A. GESMUNDO

Chief Justice

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