



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 191756

- versus -

Present:

CARPIO, *Chairperson,*
BRION,
DEL CASTILLO,
ABAD,* *and*
PEREZ, *JJ.*

JONAS GUILLEN y ATIENZA,
Accused-Appellant.

Promulgated:
NOV 25 2013

X ----- X

DECISION

DEL CASTILLO, *J.:*

On appeal is the November 26, 2009 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 03476 which affirmed the June 10, 2008 Decision² of the Regional Trial Court (RTC) of Manila, Branch 48 finding appellant Jonas Guillen y Atienza guilty beyond reasonable doubt of the crime of rape.

On May 31, 2002, an Information³ was filed charging appellant with the crime of rape, the accusatory portion of which reads as follows:

That on or about May 20, 2002, in the City of Manila, Philippines, the said accused, by means of force, violence and intimidation, by entering the room

* Per Special Order No. 1619 dated November 22, 2013.

¹ CA rollo, pp. 89-99; penned by Associate Justice Amelita G. Tolentino and concurred in by Associate Justices Vicente S.E. Veloso and Stephen C. Cruz.

² Records, pp. 170-176; penned by Judge Silverio Q. Castillo.

³ Id. at 1.

of “AAA”,⁴ poking a *balisong* at her neck[,] forcing her to lie down [on] the floor, pressing her with his thighs and removing her duster and panty and thereafter pulling down his brief and shorts, did then and there wilfully, unlawfully and feloniously [insert] his penis into her vagina and succeeded in having carnal knowledge of “AAA” against the latter’s will and consent, thereby gravely endangering [her] growth and development to the damage and prejudice of the said “AAA”.

Contrary to law.

When arraigned on July 11, 2002, appellant pleaded not guilty.⁵

Factual Antecedents

The version of the prosecution as summarized by the Office of the Solicitor General (OSG) are as follows:

On May 20, 2002, around 12 midnight, x x x “AAA” was inside her room on the second floor of a two-storey house located at x x x Sampaloc, Manila. At that time “AAA” was playing cards x x x while waiting for her common-law husband to arrive. Momentarily, someone knocked at the door. When “AAA” opened the door, appellant Jonas Guillen y Atienza, who was her neighbor, entered the room and suddenly poked a *balisong* on her neck. Appellant then turned off the lights, removed his clothes, placed himself on top of “AAA,” and inserted his penis inside her private parts. After the rape was consummated, appellant stood up and casually left the room.

x x x “AAA” immediately went out and x x x sought assistance from her sister-in-law. After being told of the incident, “AAA’s” sister-in-law contacted the police. When the responding police officers arrived, appellant, who was readily identified by “AAA” since he was her neighbor, was immediately arrested.

Per request for a medico legal examination prepared by P/Sr. Supt. Amador Serrano Pabustan of the Western Police District, “AAA” was brought to the National Bureau of Investigation (NBI) for physical examination. Dra. Annabelle Soliman, NBI medico-legal officer, conducted medical and genital examinations on “AAA”. The Preliminary Report dated May 20, 2002 issued by Dra. Soliman shows the following findings: 1) With extragenital physical injury noted; 2) Healed hymenal laceration present; and 3) Pending laboratory examination result.

The Medico-Legal Report Number MG-02-366 issued by Dra. Soliman shows that private complainant’s hymen had “deep healed laceration at 7 o’clock position;” positive for spermatozoa; and that there was “evident sign of

⁴ “The real names of the victim and of the members of her immediate family are withheld pursuant to Republic Act No. 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act) and Republic Act No. 9262 (Anti-Violence Against Women and Their Children Act of 2004);” *People v. Teodoro*, G.R. No. 175876, February 20, 2013.

⁵ Records, p. 13.

extragenital physical injury noted on the body of the subject at the time of the examination.⁶

Appellant denied the charge against him. He claimed that he had a drinking spree at Galas, Quezon City and went home to Sampaloc, Manila at around 1:00 o'clock in the morning of May 20, 2002. He surmised that "AAA" filed the charge against him because of his prior altercation with "AAA's" husband.

Ruling of the Regional Trial Court

In a Decision dated June 10, 2008, the trial court found appellant guilty as charged. The dispositive portion of the Decision reads:

WHEREFORE, the Court finds accused JONAS GUILLEN Y ATIENZA guilty beyond reasonable doubt for the felony of RAPE and pursuant to law, he is sentenced to suffer [a] prison term of reclusion perpetua and to pay victim the following:

₱50,000.00 as moral damages;
₱30,000.00 as exemplary damages; and
To pay the cost.

The BJMP of the Manila City Jail is ordered to commit the accused to the National Bilibid Prison without unnecessary delay.

SO ORDERED.⁷

Aggrieved, appellant filed a Notice of Appeal⁸ which was given due course by the trial court in its Order⁹ dated June 13, 2008.

Ruling of the Court of Appeals

After the filing of the parties' briefs, the CA rendered its Decision disposing as follows:

WHEREFORE, in the light of all the foregoing, the instant appeal is DISMISSED for lack of merit. The decision of the trial court dated June 10, 2008 is AFFIRMED.

⁶ CA *rollo*, pp. 64-66.

⁷ Records, p. 183.

⁸ Id. at 184.

⁹ Id. at 186.

SO ORDERED.¹⁰

Hence, this appeal.

ISSUE

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF RAPE DESPITE THE PROSECUTION'S FAILURE TO OVERTHROW THE CONSTITUTIONAL PRESUMPTION OF INNOCENCE IN HIS FAVOR.¹¹

Appellant claims that the trial court gravely erred when it deemed his silence at the police station immediately after his arrest as an implied admission of guilt. He also argues that aside from being incredible, "AAA's" testimony is insufficient to establish his guilt beyond reasonable doubt. Moreover, he insists that "AAA's" healed lacerations do not prove that he indeed raped "AAA."

OUR RULING

The appeal lacks merit.

Indeed, records show that appellant remained silent and passive despite being confronted by "AAA" with the rape charge at the police station immediately after his arrest. In taking appellant's silence as an implied admission of guilt, the RTC ratiocinated that:

Owing to the complaint of the victim, the accused was apprehended by responding police officer[s] of the Sampaloc Police Station. At the police precinct, the accused was presented to the victim and [he] was positively identified as the person who raped her. At this juncture, the accused after he was positively identified as the malefactor who sexually molested and raped the victim x x x just [remained] SILENT. In other words, he did not DENY the accusation lodged against him by the victim much less register any vehement PROTEST at the station.

The aforesaid blatant FAILURE of the accused to deny victim's complaint against him is equivalent to an IMPLIED ADMISSION of guilt. Assuming arguendo that he is innocent of the accusation filed against him, he should have stood firm in his contention that he didn't rape/abuse the victim and should have stressed at the police station that on the date and time of the incident he was having a drinking spree with his friends.

¹⁰ CA *rollo*, p. 99.

¹¹ Id. at 29.

A person who is accused of a felony/offense which he did not commit should be as BOLD and FEROCIOUS as a LION in protecting the trampled rights as an innocent person.¹²

Appellant claims that his silence should not be used against him as he was just exercising his constitutional right to remain silent.

We agree with the appellant.

It should be borne in mind that when appellant was brought to the police station, he was already a suspect to the crime of rape. As such, he was already under custodial investigation. Section 12, Article III of the Constitution explicitly provides, *viz*:

Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.

Clearly, when appellant remained silent when confronted by the accusation of “AAA” at the police station, he was exercising his basic and fundamental right to remain silent. At that stage, his silence should not be taken against him. Thus, it was error on the part of the trial court to state that appellant’s silence should be deemed as implied admission of guilt. In fact, this right cannot be waived except in writing and in the presence of counsel and any admission obtained in violation of this rule shall be inadmissible in evidence.¹³

In any case, we agree with the Decision of the trial court, as affirmed by the CA, finding appellant guilty of the crime of rape. The trial court’s Decision convicting appellant of rape was anchored not solely on his silence and so-called implied admission. More importantly, it was based on the testimony of “AAA” which, standing alone, is sufficient to establish his guilt beyond reasonable doubt.

Article 266-A of the Revised Penal Code specifically provides that rape may be committed by a man who shall have carnal knowledge of a woman through force, threats or intimidation. In this case, “AAA” categorically testified that appellant forcibly undressed her, poked a knife at her neck, and inserted his penis into her vagina without her consent and against her will. Thus, all the

¹² Records, pp. 181-182.

¹³ Section 12(3), Article III of the Constitution provides:

Any confession or admission obtained in violation of this or the preceding section shall be inadmissible in evidence against him.

elements of the crime of rape were duly established from the testimony of “AAA”. Moreover, “AAA” positively identified appellant as her assailant.

Appellant could only offer alibi and denial as his defenses. However, alibi and denial are weak defenses especially when measured up against the positive identification made by the victim pointing to appellant as the malefactor. Besides, appellant failed to prove that it was physically impossible for him to be at the crime scene at the time of its commission. Aside from claiming that he was at Galas, Quezon City when the rape incident happened, he failed to submit any proof to show that it is physically impossible for him to be at Sampaloc, Manila where and when the rape happened. Besides, appellant’s alibi crumbles in the face of his apprehension near the scene of the crime immediately after “AAA” reported the incident to the police authorities.

We are not persuaded by appellant’s contention that he could not have raped “AAA” inside her room as the discovery of the crime would have been more likely considering its proximity to the room of “AAA’s” sister-in-law. Jurisprudence teaches us that rape may be committed even in places where people congregate. Thus, it is not impossible or unlikely that rape is perpetrated inside a room adjacent to a room occupied by other persons, as in this case.

Likewise, the failure of “AAA” to shout for help should not be taken against her. People react differently when confronted with a shocking or startling situation. Some may show aggressive resistance while others may opt to remain passive. The failure of “AAA” to shout for help and seek assistance should not be construed as consent, or as voluntarily engaging in an illicit relationship with the appellant, as implied by the defense. It would be recalled that appellant poked a knife at “AAA’s” neck. Such threat of immediate danger to her life cowed “AAA” to submit to the carnal desires of the appellant. However, immediately after appellant left, “AAA” lost no time in seeking the help of her sister-in-law and in reporting the incident to the police authorities. In fact, the police authorities were able to apprehend appellant because “AAA” immediately reported the incident to them.

Anent appellant’s contention that “AAA’s” healed hymenal laceration does not prove rape, we find the same irrelevant and immaterial. Hymenal laceration, whether fresh or healed, is not an element of the crime of rape. Even a medical examination is not necessary as it is merely corroborative. As we mentioned before, the fact of rape in this case was satisfactorily established by the testimony of “AAA” alone.

All the elements of rape having been established beyond reasonable doubt, both the trial court and the CA properly found appellant guilty as charged and correctly imposed on him the penalty of *reclusion perpetua*.¹⁴

The RTC, as affirmed by the CA, awarded “AAA” moral damages of ₱50,000.00, exemplary damages of ₱30,000.00 and cost of suit. In line with prevailing jurisprudence, “AAA” is also entitled to an award of civil indemnity of ₱50,000.00. In addition, all damages awarded shall earn interest at the rate of 6% *per annum* from date of finality of judgment until fully paid.

WHEREFORE, the appeal is **DISMISSED**. The November 26, 2009 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 03476 which affirmed the June 10, 2008 Decision of the Regional Trial Court of Manila, Branch 48 finding appellant Jonas Guillen y Atienza guilty beyond reasonable doubt of the crime of rape and sentencing him to suffer the penalty of *reclusion perpetua* is **AFFIRMED** with **MODIFICATIONS** that appellant is further ordered to pay “AAA” civil indemnity in the amount of ₱50,000.00 and interest on all damages awarded at the rate of 6% *per annum* from date of finality of judgment until fully paid.

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

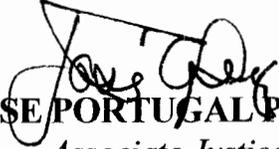
WE CONCUR:


ANTONIO T. CARPIO
Associate Justice
Chairperson


ARTURO D. BRION
Associate Justice


ROBERTO A. ABAD
Associate Justice

¹⁴ REVISED PENAL CODE, Art. 266-B.


JOSE PORTUGAL PEREZ
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.



ANTONIO T. CARPIO
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.



MARIA LOURDES P. A. SERENO
Chief Justice

