



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,  
*Plaintiff-Appellee,*

G.R. No. 196786

Present:

- versus -

CARPIO, *Chairperson,*  
BRION,  
PERALTA,\*  
DEL CASTILLO, *and*  
PEREZ, *JJ.*

STANLEY BUNAGAN *y* JUAN,  
*Accused-Appellant.*

Promulgated:  
JUL 23 2014

X ----- X

RESOLUTION

DEL CASTILLO, *J.*:

Appellant Stanley Bunagan *y* Juan was charged with the crime of rape in an Information<sup>1</sup> which reads as follows:

That on or about and during the period from 1998 to August 2001, in the City of Parañaque, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being then the uncle of "AAA",<sup>2</sup> minor, 16 years of age, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of the complainant against her will and consent.

CONTRARY TO LAW.<sup>3</sup>

Appellant pleaded not guilty during his arraignment on October 10, 2001.<sup>4</sup>

\* Per Special Order No. 1737 dated July 21, 2014.

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

<sup>2</sup> "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, 691 SCRA 324, 326.

<sup>3</sup> Records, p. 1.

<sup>4</sup> Id. at 12.

During trial, “AAA” testified that appellant is the husband of her grandmother; that she resided in the house of her grandmother since she was nine years old; that in 1998 when she was already 13 years of age, appellant started raping her; that her grandmother leaves the house to work while appellant is unemployed and just stays at the house; that the last rape incident happened in August 2001<sup>5</sup> when she was 16 years old; that appellant threatened to kill her mother and grandmother if she would not succumb to his desire; that after the last rape incident, she got pregnant; that when her mother and grandmother confronted her about her pregnancy, she told them that appellant raped her several times; and that her mother and grandmother reported the incident to the police authorities resulting in the arrest of the appellant.

Dr. Irene Baluyot (Dr. Baluyot) of the Child Protection Unit of the Philippine General Hospital was presented as another witness for the prosecution. She testified that when she examined “AAA” on September 11, 2001, she noted that her genitals showed clear evidence of blunt force or penetrating trauma and that she was 25-26 weeks pregnant.

The defense relied solely on the testimony of appellant. Appellant testified that “AAA” is the niece of his live-in partner; that “AAA” lived with them since 1992; that he did not rape “AAA” from 1998 to 2001; that he and “AAA” had a relationship when the former was 14 years of age; that “AAA” got pregnant and that he is the father of “AAA’s” child; and that he was charged with rape when his live-in partner discovered “AAA’s” pregnancy.

### ***Ruling of the Regional Trial Court<sup>6</sup> (RTC)***

On October 25, 2007, the RTC rendered Judgment<sup>7</sup> finding appellant guilty as charged. It found the testimony of “AAA” to be positive, categorical and lacking in ill-motive<sup>8</sup> and the same was corroborated by the reliable medical findings of Dr. Baluyot.<sup>9</sup> The trial court disregarded appellant’s “sweetheart defense” because it was not supported by evidence such as pictures or love letters.<sup>10</sup>

The dispositive portion of the RTC’s Judgment reads as follows:

WHEREFORE, this Court finds the accused, Stanley Bunagan y Juan, GUILTY beyond reasonable doubt of the crime of Rape in relation to RA 7610

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<sup>5</sup> TSN, May 21, 2003, p. 17.

<sup>6</sup> Branch 260, Parañaque City.

<sup>7</sup> Records, pp. 144-177; penned by Judge Jaime M. Guray.

<sup>8</sup> Id. at 175.

<sup>9</sup> Id. at 176.

<sup>10</sup> Id. at 177.

and is hereby sentenced to suffer the penalty of reclusion perpetua. In addition, the accused is ordered to pay the victim the amount of ₱50,000.00 as moral damages and ₱50,000.00 as civil indemnity.

SO ORDERED.<sup>11</sup>

Aggrieved, appellant appealed<sup>12</sup> to the Court of Appeals (CA).

### ***Ruling of the Court of Appeals***

In his Brief,<sup>13</sup> appellant insisted that he did not force himself upon “AAA” and that their sexual congress was consensual.

Unswayed, the CA, in its September 9, 2010 Decision<sup>14</sup> dismissed appellant’s appeal and affirmed in full the RTC’s Judgment.

In a Resolution<sup>15</sup> dated July 4, 2011, we required the parties to file their respective supplemental briefs but both manifested that they are no longer filing the same as they are adopting the arguments they raised before the CA.<sup>16</sup>

### **Our Ruling**

The appeal is dismissed for lack of merit.

The sexual congress between “AAA” and appellant is undisputed. In fact, appellant admits the same. However, he claims that it is consensual because “AAA” was his girlfriend. Both the trial court and the CA correctly disregarded the “sweetheart theory” proffered by the appellant for being self-serving and uncorroborated. No evidence such as love letters, pictures, gifts, etc. was offered to show the existence of such relationship. Besides, such claim is totally absurd and preposterous. Going by the testimony of the appellant that his love relationship with “AAA” started sometime in 1997, “AAA” would have been only 12 years of age while appellant would be about 46 years old.<sup>17</sup> It is also on record that “AAA” vehemently denied her alleged love relationship with the appellant.

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<sup>11</sup> Id.

<sup>12</sup> Id. at 178.

<sup>13</sup> CA *rollo*, pp. 55-64.

<sup>14</sup> Id. at 118-136; penned by Associate Justice Elihu A. Ybañez and concurred in by Associate Justices Bienvenido L. Reyes and Estela M. Perlas-Bernabe (now Members of this Court).

<sup>15</sup> *Rollo*, pp. 27-28.

<sup>16</sup> Id. at 37-43.

<sup>17</sup> CA *rollo*, p. 99.

Rape may be committed by a man having carnal knowledge of a woman through threat or intimidation.<sup>18</sup> According to “AAA,” every time appellant will have sexual intercourse with her, he would issue threats that he would kill her, her mother and grandmother.<sup>19</sup> Thus, both the RTC and the CA correctly found appellant guilty of the crime of rape.

Although “AAA’s” minority was alleged, the same was not proved during trial; neither was her Birth Certificate submitted in evidence. Her relationship with the appellant was likewise not established. Although the Information alleged that appellant is an uncle of “AAA,” such relationship was not proved during trial. Based on appellant’s testimony, he was never married to “AAA’s” relative. In fact, appellant was merely the live-in partner of the sister of “AAA’s” grandmother. As such, the “[appellant]” and the victim cannot be said to be related by affinity within the third civil degree at the time of the commission of the crime.”<sup>20</sup> Besides, the Information failed to specifically allege that appellant is a relative by consanguinity or affinity within the third civil degree as required by the rules. As such, both the RTC and the CA properly disregarded minority and relationship as qualifying circumstances and correctly imposed the penalty of *reclusion perpetua*.<sup>21</sup> Appellant, however, is not eligible for parole.<sup>22</sup>

The awards of moral damages and civil indemnity in the amount of ₱50,000.00 each is proper. “AAA” is also entitled to an award of exemplary damages in the amount of ₱30,000.00 in line with prevailing jurisprudence. In addition, all the damages awarded shall earn legal interest at the rate of 6% *per annum* from date of finality of this judgment until fully paid.<sup>23</sup>

**WHEREFORE**, the appeal is **DISMISSED**. The September 9, 2010 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 03127 finding appellant Stanley Bunagan y Juan guilty beyond reasonable doubt of the crime of rape and sentencing him to suffer the penalty of *reclusion perpetua* and to pay “AAA” ₱50,000.00 as civil indemnity and another ₱50,000.00 as moral damages is **AFFIRMED** with **MODIFICATIONS** that appellant is not eligible for parole, that appellant is ordered to pay “AAA” exemplary damages in the amount of ₱30,000.00 and all damages awarded shall earn interest at the rate of 6% *per annum* from date of finality of judgment until fully paid.

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<sup>18</sup> REVISED PENAL CODE, Art. 266-A(1)(a).

<sup>19</sup> TSN, May 21, 2003, pp. 21-22.

<sup>20</sup> *People v. Cajara*, 395 Phil. 386, 397 (2000).

<sup>21</sup> Art. 266-B of the Revised Penal Code provides in part: *Penalties*. – Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

<sup>22</sup> Pursuant to Section 3 of Republic Act No. 9346 (An Act Prohibiting The Imposition of Death Penalty In The Philippines) which provides:

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.

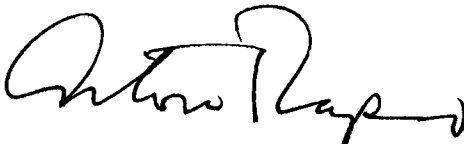
<sup>23</sup> *People v. Vergara*, G.R. No. 199226, January 25, 2014.

**SO ORDERED.**



**MARIANO C. DEL CASTILLO**  
*Associate Justice*

**WE CONCUR:**



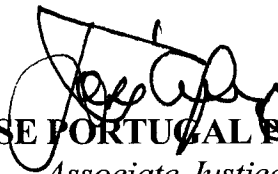
**ANTONIO T. CARPIO**  
*Associate Justice*  
*Chairperson*



**ARTURO D. BRION**  
*Associate Justice*



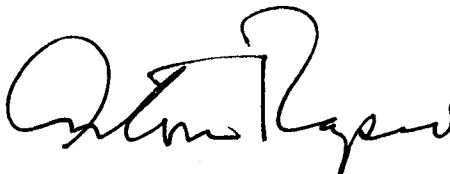
**DIOSDADO M. PERALTA**  
*Associate Justice*



**JOSE PORTUGAL BEREZ**  
*Associate Justice*

**ATTESTATION**

I attest that the conclusions in the above Resolution 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 Resolution 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*

