

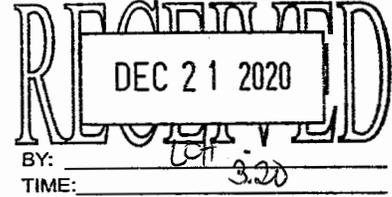


Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE



Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated July 6, 2020, which reads as follows:*

**“G.R. No. 232155 (PEOPLE OF THE PHILIPPINES, *plaintiff-appellee* v. WILLIAM GUADAMOR y TIBURCIO, *accused-appellant*).** — This Court resolves an appeal filed by William Guadamor y Tiburcio (Guadamor), questioning the Court of Appeals Decision<sup>1</sup> that affirmed his conviction<sup>2</sup> for two counts of rape.

Guadamor was charged with two counts of rape under two items of Information, which read:

Criminal Case No. 11-43019

That on or about the 5<sup>th</sup> day of October 2011, in the City of Antipolo, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, and by means of force, threat and intimidation, did, then and there, willfully, unlawfully and feloniously, have sexual intercourse with one AAA against the latter’s will and consent.

CONTRARY TO LAW.

Criminal Case No. 11-43020

That on or about the 5<sup>th</sup> day of October 2011, in the City of Antipolo, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together with one JOHN MARK MANATAD y PUARTE a.k.a. ‘Mac-Mac’, who is still at

<sup>1</sup> *Rollo*, pp. 2–17. The December 15, 2016 Decision in CA-G.R. CR-H.C. No. 07396 was penned by Associate Justice Remedios A. Salazar-Fernando and concurred in by Associate Justices Priscilla J. Baltazar-Padilla and Victoria Isabel A. Paredes of the Special Second Division of the Court of Appeals, Manila.

<sup>2</sup> *Id.* at 51–71. The September 4, 2014 Decision in Criminal Case No. 11-43020 was penned by Presiding Judge Ma. Consejo Gengos-Ignalaga of the Regional Trial Court of Antipolo City, Branch 98.

large, and both of them mutually helping and aiding with [sic] one another, with lewd design, and by means of force, threat and intimidation, did, then and there, willfully, unlawfully and feloniously, have sexual intercourse with one AAA against the latter's will and consent.

CONTRARY TO LAW.<sup>3</sup> (Citation omitted)

Guadamor pleaded not guilty to the charges during his arraignment.<sup>4</sup> During trial, the victim, AAA, testified on the events that transpired on October 5, 2011.

According to AAA, she went to the store of one "Tatay" at around 10:15 p.m. that day to buy cigarettes.<sup>5</sup> There, she found Tatay and Guadamor drinking. Tatay asked if AAA wanted to join them, to which she agreed. They finished drinking past midnight, after which Tatay offered to take AAA home. Guadamor offered to accompany her home instead.<sup>6</sup>

As the two passed by a vacant lot on their way, Guadamor allegedly invited AAA to drink in his house. AAA declined, saying that she was already drunk and numb from drinking two bottles of Red Horse Mucho.<sup>7</sup> When he asked her again, to no avail, Guadamor brought her to the lot and pushed her to the ground. He then took off his clothes and began kissing her lips, neck, breasts, and vagina.<sup>8</sup> He held both of AAA's arms, then inserted his penis into her vagina, pushing and pulling while restraining AAA, who ultimately failed to resist because "she was drunk and felt dizzy."<sup>9</sup>

Guadamor only stopped when he noticed the approach of John Mark Manatad (Manatad), his co-accused in Criminal Case No. 11-43020. Guadamor went to talk to Manatad, and together they went back for AAA. As Guadamor held AAA down by the arms, Manatad undressed himself and inserted his penis into her vagina and anus. When AAA screamed "*masakit*," Guadamor "covered her mouth."<sup>10</sup>

After Manatad had finished, the two men put their clothes back on and ordered AAA to get dressed. Immediately after the incident, AAA ran to her sister's house to get her bag, in an attempt to escape. However, Guadamor and Manatad had followed her and were now asking her to go to

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<sup>3</sup> Id. at 3-4.

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

<sup>5</sup> CA *rollo*, p. 52.

<sup>6</sup> Id.

<sup>7</sup> *Rollo*, p. 5.

<sup>8</sup> Id.

<sup>9</sup> Id. at 53.

<sup>10</sup> Id.

Guadamor's house. AAA "pretended to borrow money from them,"<sup>11</sup> but when she found an opportunity, took it and ran to Rancho, Marikina City. There, she headed to a friend's house, seeking help for what Guadamor and Manatad allegedly did to her.<sup>12</sup>

With her friend, AAA went to Amang Rodriguez Hospital, then to the barangay hall to report the incident. After relaying the events to the authorities, two members of the barangay tanod proceeded to Guadamor's and Manatad's houses, but they were only able to arrest Guadamor.<sup>13</sup> AAA later went to the police station to execute her complaint affidavit, and then to the provincial crime laboratory to undergo a medical examination.<sup>14</sup>

On cross-examination, AAA stated that she was so drunk during the incident that she could not shout or resist when Guadamor pushed her to the ground. On re-direct examination, AAA explained that she could not immediately run away because "both accused followed and blocked her way."<sup>15</sup> AAA added that she went to Marikina to seek help "due to fear of her parent's reaction."<sup>16</sup>

The parties stipulated on the following witnesses' testimonies: (1) the examining physician, Police Chief Inspector Maria Anna Lissa G. Dela Cruz; (2) Barangay Tanod Mardy Carreon; (3) Barangay Tanod Carlo Regachulo; and (4) helpdesk officer PO2 Teresa A. Niña.<sup>17</sup>

For the defense, Guadamor testified that he had consensual sex with AAA. After drinking with Tatay, AAA allegedly told Guadamor that she did not want to go home yet, so Guadamor led her to a vacant lot and asked, "*ano ganito na lang tayo?*"<sup>18</sup> Instead of replying, AAA allegedly took off her clothes and had sex with Guadamor, despite his suggestion that they go to his house instead.<sup>19</sup>

Manatad allegedly arrived around 10 to 15 minutes later, prompting Guadamor to leave. When Guadamor went back to the vacant lot, he allegedly saw AAA having sex with Manatad. When the two were done, Guadamor brought AAA home to her sister's house. He then claimed to

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<sup>11</sup> Id.

<sup>12</sup> Id.

<sup>13</sup> Id. at 53.

<sup>14</sup> Id. at 54.

<sup>15</sup> Id.

<sup>16</sup> Id.

<sup>17</sup> Id. at 53-55.

<sup>18</sup> Id. at 55.

<sup>19</sup> Id.

have seen AAA leave her sister's house with a backpack and head to Marikina.<sup>20</sup>

During his cross-examination, Guadamor admitted that AAA was not his girlfriend, that he knew her to be a "tomboy," and that he intended to have sex with her when he invited her over to the vacant lot.<sup>21</sup>

After trial, the Regional Trial Court, in its September 4, 2014 Decision,<sup>22</sup> found Guadamor guilty beyond reasonable doubt of both counts of rape. It reasoned that witness credibility would be of paramount importance since the nature of rape limits available testimony to only the accused and the victim.<sup>23</sup> It then found that AAA's testimony and demeanor has made her a "credible, natural, convincing and consistent witness."<sup>24</sup>

The trial court rejected Guadamor's defense that AAA consented to his advances when she failed to resist, considering that she "was already drunk and feeling weak"<sup>25</sup> during the ordeal. In any event, the trial court held that physical resistance was not an element of rape, and thus it "need not be established in rape when threats or intimidation are employed[.]"<sup>26</sup>

Further belying the defense, according to the trial court, were Guadamor's admissions that he had "no intimate relationship" with AAA whom he said was a "tomboy," and that he was afraid of having a case filed against him for the incident.<sup>27</sup> To the trial court, this was "inconsistent with the usual course of behaviour."<sup>28</sup>

As to the other count of rape, the trial court recognized Guadamor's participation in holding AAA down while Manatad forced himself upon the victim as proof of their conspiracy to rape AAA.<sup>29</sup>

On appeal, Guadamor argued that AAA's testimony lacked credibility. He noted how the vacant lot was right in front of her sister's house that she could have easily called for help. He also noted that AAA

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<sup>20</sup> Id.

<sup>21</sup> Id. at 55.

<sup>22</sup> Id. at 51-71.

<sup>23</sup> Id. at 56.

<sup>24</sup> Id. at 62.

<sup>25</sup> Id.

<sup>26</sup> Id.

<sup>27</sup> Id. at 63-70.

<sup>28</sup> Id. at 70.

<sup>29</sup> Id.

had admitted never being threatened during the incident.<sup>30</sup> He went on to also question the trial court's finding of conspiracy, arguing that there was nothing on record to show his participation in Manatad's acts aside from AAA's own testimony.<sup>31</sup>

Meanwhile, the prosecution maintained Guadamor's conviction. It noted that he admitted bringing AAA to the vacant lot to have sex with her, despite knowing that AAA was drunk.<sup>32</sup> It further noted how AAA's testimony established that Guadamor used force to obtain carnal knowledge of her, and that her failure to resist was irrelevant as it is not an element of rape. AAA's testimony also established that Guadamor held her down while Manatad had his way with her, proving his direct participation. Neither was the defense able to impute ill motive to AAA that would cast doubt on the credibility of her "straightforward and clear narration of the events[.]"<sup>33</sup>

In its December 15, 2016 Decision,<sup>34</sup> the Court of Appeals affirmed the Regional Trial Court's findings. It ruled that AAA's drunken state prevented her from giving consent.<sup>35</sup> Guadamor took advantage of this when "he still invited AAA to drink for the second time,"<sup>36</sup> then took her to the vacant lot when she refused, "having in mind the plan to have sex with her."<sup>37</sup> Guadamor then used force to ensure that he would obtain carnal knowledge of AAA. Further, Guadamor again held her down as Manatad ravished her,<sup>38</sup> showing concerted action between the accused.<sup>39</sup> Finally, the Court of Appeals noted that Guadamor's defense of denial is intrinsically weak, and cannot stand against a woman's testimony that she was raped.<sup>40</sup>

Guadamor filed a Notice of Appeal. This Court, upon receiving the case records, directed the parties to submit supplemental briefs.<sup>41</sup> Both parties manifested that their respective briefs before the Court of Appeals would be sufficient.<sup>42</sup>

This Court resolves whether or not the prosecution was able to prove the guilt of accused-appellant William Guadamor y Tiburcio beyond reasonable doubt.

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<sup>30</sup> Id. at 43-44.

<sup>31</sup> Id. at 46.

<sup>32</sup> CA *rollo*, pp. 92-93.

<sup>33</sup> Id. at 99.

<sup>34</sup> *Rollo*, pp. 2-17.

<sup>35</sup> Id. at 10-11.

<sup>36</sup> Id. at 11.

<sup>37</sup> Id.

<sup>38</sup> Id. at 12.

<sup>39</sup> Id.

<sup>40</sup> Id. at 16.

<sup>41</sup> Id. at 24.

<sup>42</sup> Id. at 18-21, accused-appellant's Manifestation; and 22-25, plaintiff-appellee's Manifestation.

We deny the appeal.

The Court of Appeals correctly affirmed the Regional Trial Court's Decision holding accused-appellant guilty beyond reasonable doubt of rape. Article 266-A of the Revised Penal Code defines rape, as follows:

ARTICLE 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; and
  - 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.

Here, the lower courts found that accused-appellant obtained carnal knowledge of AAA without her consent by having sex with her while she was drunk, and by pinning her arms to the ground. He was also found to have held her down as Manatad obtained carnal knowledge of her. Accused-appellant was, thus, found liable as co-conspirator by direct participation in Manatad's acts.

Accused-appellant's contentions regarding AAA's credibility are unavailing. The trial court's determination of witness credibility will not be disturbed on appeal unless significant matters were overlooked. The trial court is best equipped to determine witness credibility because it may observe the witness's demeanor on trial. Its findings assume even greater weight when affirmed by the Court of Appeals.<sup>43</sup>

Here, the Regional Trial Court found AAA's testimony credible after considering her demeanor on the witness stand:

After a careful and thorough evaluation of the testimony of the private complainant [AAA] and taking into consideration her demeanor during her direct and cross examination, the Court finds her a credible, natural, convincing and consistent witness.<sup>44</sup>

<sup>43</sup> *People v. Diu*, 708 Phil. 218 (2013) [Per J. Leonardo-De Castro, First Division].

<sup>44</sup> *CA rollo*, p. 62.

This was affirmed by the Court of Appeals, which directly quoted the trial court's discussion of the victim's demeanor during her testimony.<sup>45</sup> Together with these findings, and the prosecution's documentary evidence<sup>46</sup> corroborating AAA's testimony, the trial court found sufficient basis to convict accused-appellant.<sup>47</sup>

On the other hand, accused-appellant failed to show how the lower courts may have overlooked matters that would have put AAA's credibility in question. His imputations reveal a dangerous presumption of how rape victims should behave and an ignorance of settled doctrine. He insists that AAA must have lied in her testimony because her failure to resist or call for help contradicted normal human behavior. He also insists that AAA's supposed resistance was "not enough to show the kind of resistance expected of a woman defending her virtue and honor."<sup>48</sup>

Accused-appellant is wrong. *People v. Quintos*<sup>49</sup> provides that "[l]ack of resistance does not negate rape."<sup>50</sup> *People v. Gacusan*<sup>51</sup> further clarified:

*"[D]ifferent people react differently to a given type of situation, and there is no standard form of human behavioral response when one is confronted with a strange, startling or frightful experience." One person may react aggressively, while another may show cold indifference. Also, it is improper to judge the actions of children who are victims of traumatic experiences "by the norms of behavior expected under the circumstances from mature people." From AAA's view, it appeared that the danger of losing a family was more excruciating than physical pain.*

*Furthermore, a victim should never be blemished for her lack of resistance to any crime especially as heinous as rape. Neither the failure to shout nor the failure to resist the act equate to a victim's voluntary submission to the appellant's lust.*<sup>52</sup> (Emphasis supplied, citations omitted)

Further, accused-appellant was properly found to have used force in obtaining carnal knowledge of AAA. The degree of force required as an element in rape cases is relative. It does not have to be irresistible; it would suffice if it allowed the accused to consummate the purpose they had in mind.<sup>53</sup> Here, AAA categorically testified that accused-appellant was able to have sex with her because he held her down while she was weak and dizzy from drinking. Accused-appellant admitted to knowing that AAA was drunk

<sup>45</sup> *Rollo*, pp. 13–14.

<sup>46</sup> *CA rollo*, p. 55.

<sup>47</sup> *Id.* at 55.

<sup>48</sup> *Id.* at 45.

<sup>49</sup> 746 Phil. 809 (2014) [Per J. Leonen, Second Division].

<sup>50</sup> *Id.* at 828.

<sup>51</sup> 809 Phil. 773 (2017) [Per J. Leonen, Second Division].

<sup>52</sup> *Id.* at 784–785.

<sup>53</sup> *People v. Mantis*, 477 Phil. 275 (2004) [Per J. Quisimbing, En Banc] citing *People v. Lo-ar*, 345 Phil. 429 (1997) [Per J. Kapunan, First Division].

at the time,<sup>54</sup> and that he led her to the vacant lot precisely to have sex with her.<sup>55</sup> Thus, the lower courts properly found him guilty of rape.

Accused-appellant also argues that AAA's testimony, on its own, cannot implicate him in a supposed conspiracy with Manatad. This argument is also unmeritorious. From the very nature of rape, "the sole evidence that can usually be offered to establish the guilt of the accused is the complainant's testimony."<sup>56</sup> Establishing conspiracy only requires proof that the conspirators acted in concert toward the same objective.<sup>57</sup> Here, AAA positively identified both accused-appellant and Manatad as her assailants. She testified that accused-appellant held her arms so that Manatad could have sex with her. There is no reason to overturn the lower courts' findings regarding the conspiracy.

However, this Court notes that both the trial court and the Court of Appeals described AAA as a "tomboy" to emphasize accused-appellant's guilt beyond reasonable doubt.<sup>58</sup> This Court has actively distanced itself from these considerations in determining whether rape was committed. *People v. Amarela*<sup>59</sup> is instructive:

More often than not, where the alleged victim survives to tell her story of sexual depredation, rape cases are solely decided based on the credibility of the testimony of the private complainant. In doing so, *we have hinged on the impression that no young Filipina of decent repute would publicly admit that she has been sexually abused, unless that is the truth*, for it is her natural instinct to protect her honor. *However, this misconception, particularly in this day and age, not only puts the accused at an unfair disadvantage, but created a travesty of justice.*<sup>60</sup> (Emphasis supplied, citations omitted)

*Amarela* resulted in the accused's acquittal because the victim's account was improbable and marred by inconsistencies, regardless of prior notions of how a Filipino woman should behave in defense of her honor. Likewise, *People v. Perez*<sup>61</sup> resulted in the accused's conviction, despite the victim openly expressing infatuation for her assailant.<sup>62</sup> The victim's behavior neither diminished the heinousness of what was done to her, nor did it detract from her credibility. Rather, *Amarela* and *Perez* clarified that a victim's credibility should be assessed independently of presumed gender roles and behaviors:

<sup>54</sup> CA rollo, pp. 69-70.

<sup>55</sup> Id. at 67.

<sup>56</sup> *People v. Rivera*, 414 Phil. 430, 453 (2001) [Per J. Mendoza, En Banc].

<sup>57</sup> *People v. Court of Appeals*, 755 Phil. 80, 114 (2015) [Per J. Peralta, Third Division].

<sup>58</sup> Rollo, p. 9 and CA rollo, p. 72.

<sup>59</sup> G.R. No. 225642-44, January 17, 2018, 852 SCRA 54 [Per J. Martires, Third Division].

<sup>60</sup> Id. at 67.

<sup>61</sup> G.R. No. 201414, April 18, 2018, 861 SCRA 626 [Per J. Leonen, Third Division].

<sup>62</sup> Id.

*This Court in Amarela, however, did not go as far as denying the existence of patriarchal dominance in many social relationships. Courts must continue to be sensitive to the power relations that come clothed in gender roles. In many instances, it does take courage for girls or women to come forward and testify against the boys or men in their lives who, perhaps due to cultural roles, dominate them. Courts must continue to acknowledge that the dastardly illicit and lustful acts of men are often veiled in either the power of coercive threat or the inconvenience inherent in patriarchy as a culture.*

*Even if it were true that AAA was infatuated with the accused, it did not justify the indignity done to her. At the tender age of 12, adolescents will normally be misled by their hormones and mistake regard or adoration for love. The aggressive expression of infatuation from a 12-year-old girl is never an invitation for sexual indignities. Certainly, it does not deserve the accused's mashing of her breasts or the insertion of his finger into her vagina.*

*Consistent with our pronouncement in Amarela, AAA was no Maria Clara. Not being the fictitious and generalized demure girl, it does not make her testimony less credible especially when supported by the other pieces of evidence presented in this case.<sup>63</sup> (Emphasis supplied)*

Rape may be committed regardless of the victim's physical appearance, gender identity, or gender expression. These matters are irrelevant to rape, which is committed by obtaining carnal knowledge of the victim without the latter's consent. We advise the lower courts against correlating consent with preconceived gender roles and relationships or with indications of gender identity and expression.

Nonetheless, the Court of Appeals correctly affirmed the trial court's findings. We affirm the lower courts' assessment of AAA's credibility. She positively identified accused-appellant as her assailant. Likewise, her testimony, accused-appellant's admissions, and the prosecution's other corroborating evidence all worked toward establishing the elements of rape.

We note, however, that *People v. Jugueta*<sup>64</sup> requires a modification of the penalty imposed by the Regional Trial Court's Decision, which notably awarded only civil indemnity and moral damages, each at ₱50,000.00.<sup>65</sup>

*Jugueta* provides:

When the circumstances surrounding the crime call for the imposition of *reclusion perpetua* only, there being no ordinary aggravating circumstance, the Court rules that the proper amounts should be ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages and

<sup>63</sup> Id. at 645.

<sup>64</sup> 783 Phil. 806 (2016) [Per J. Peralta, En Banc].

<sup>65</sup> CA rollo, pp. 84-85.

₱75,000.00 exemplary damages, regardless of the number of qualifying aggravating circumstances present.<sup>66</sup>

Since the penalty of *reclusion perpetua* was meted for both charges of rape, and since the prosecution did not establish any aggravating circumstances, accused-appellant should be held liable to pay AAA the modified amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages, for each count of rape.

**WHEREFORE**, the findings of fact and conclusions of law of the Court of Appeals are **AFFIRMED**. The Court of Appeals' December 15, 2016 Decision in CA-G.R. CR-H.C. No. 07396 is **AFFIRMED with MODIFICATION**.

Accused-appellant William Guadamor y Tiburcio is found **GUILTY** beyond reasonable doubt of rape. He is sentenced to suffer the penalty of *reclusion perpetua*. His preventive imprisonment may be credited in his favor in accordance with Section 1 of Republic Act No. 10592, which amended Article 29 of the Revised Penal Code.

Accused-appellant is also ordered to pay AAA civil indemnity, moral damages, and exemplary damages at ₱75,000.00 each for each count of rape, and the costs of the suit.

All damages awarded shall be subject to interest at the rate of 6% per annum from the finality of this Resolution until fully paid.<sup>67</sup>

**SO ORDERED.**" (Gesmundo, J., *on wellness leave*.)

Very truly yours,

*Misael D C Batt*  
**MISAELO DOMINGO C. BATTUNG III**  
Division Clerk of Court *Jagu*

*12/10/2020*

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CA G.R. CR HC No. 07396  
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<sup>66</sup> *People v. Jugueta*, 783 Phil. 806, 840 (2016) [Per J. Peralta, En Banc].

<sup>67</sup> *Nacar v. Gallery Frames*, 783 Phil. 806 (2016) [Per J. Peralta, En Banc].

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The Presiding Judge  
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Criminal Case No. 11-43019 and 11-43020

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