



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **12 May 2021** which reads as follows:*

“G.R. No. 250607 (*People of the Philippines v. Lawrence Tabalanza y Ramos*). – The Court of Appeals elevated the records of this case to this Court in compliance with Resolution¹ dated August 19, 2019 which gave due course to the Notice of Appeal filed by appellant *Lawrence Tabalanza y Ramos* (appellant) from its Decision² dated July 3, 2019 in CA-G.R. CR-HC No. 11430.³

In its June 8, 2020 Resolution,⁴ this Court noted the case records which the Court of Appeals forwarded, and informed appellant and appellee *People of the Philippines* (appellee), through the Office of the Solicitor General (OSG), that they may file their supplemental briefs.⁵ The Court noted the separate Manifestations⁶ filed by appellant and appellee, stating they would no longer file their respective supplemental briefs.

The present appeal is devoid of merit.

Foremost, rape is defined and penalized under Article 266-A of the Revised Penal Code (RPC), as amended by Republic Act No. 8353 (RA 8353), viz.:

Article 266-A. Rape: When and How Committed. – Rape is committed:

¹ CA rollo, p. 127.

² *Id.* at 93-103.

³ Rollo, p. 19.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* at 22-26 and 27-31.

- 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.

x x x x

The elements of simple rape under paragraph 1 of Article 266-A of the RPC are: (1) the offender is **a man who had carnal knowledge of a woman**; and (2) he **accomplished such act through force or intimidation** upon her; or she is deprived of reason or otherwise unconscious; or she is under twelve (12) years of age or is demented.⁷

We affirm the factual findings of the courts below that the twin elements of simple rape are present here.

AAA⁸ personally knew and categorically identified appellant as the man who, through force and intimidation, had sexual intercourse with her against her will. She categorically testified that, on April 16, 2014, while on her way to the public market, appellant suddenly put his arm around her shoulders and punched her several times in the stomach.⁹ As a result, she dropped her bag and her umbrella and lose her shoe. When she heard a tractor (*kuliglig*) coming, she shouted for help but he choked her and brought her into a bushy area, toward a deep canal.¹⁰ He told her not to shout or he would kill her. She nodded when she saw the *bolo* tied around his waist. Albeit feeling very weak, she asked what he wanted. He said he was no longer with his wife and he wanted to impregnate her so that she could be his wife.¹¹ He then dragged her farther into a secluded area. There, he forced her to lie down on the ground.¹² He removed her skirt and underwear and lifted her blouse to remove her bra, went on top of her, and inserted his penis into her vagina.¹³ He kissed her neck, then her lips and breasts. After unleashing his lust, he stood up, pulled AAA and told her "*Intan ngaroden*" (Let's go). He

⁷ *People v. Rapiz*, G.R. No. 240662, September 16, 2020.

⁸ The real name of the victim, her personal circumstances and other information which tend to establish or compromise her identity, as well as those of her immediate family, or household members, shall not be disclosed to protect her privacy, and fictitious initial shall, instead, be used, in accordance with *People v. Cabalquinto* [533 Phil. 703 (2006)] and Amended Administrative Circular No. 83-2015 dated September 5, 2017.

⁹ *CA Rollo*, p. 47.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Rollo*, p. 6.

¹³ *Id.*

repeatedly warned her not to make any report to the police and threatened to kill her if she did.¹⁴ AAA thus testified:

PROS. ULANDAY:

Q: When you saw him, what did you do, if any?

A: When I passed in front of him, sir he was silent. After I pass [sic] him about one meter he followed me and he put his arms on my shoulders and punched my stomach.

Q: How many times did the accused punch your stomach?

A: I could not estimate how many times he punched my stomach, sir but he punched me several times.

x x x x

Q: After you tried to ask for help, what transpired next?

A: He brought me to a bushy area and he pulled me going to the water canal, sir.

x x x x

Q: Now when the two (2) of you reached the water canal [,] [what] else did the accused do if there is any?

A: He told me not to shout, sir. He said if I shouted he will kill me, sir.

x x x x

Q: And when the two of you reached that place, what did the accused do to you, if any?

A: He released my hand and then he laid me down on the ground and removed my skirt and my panties, sir.

Q: How about your bra?

A: He lifted my blouse and removed my bra, sir.

x x x x

Q: Immediately after he removed his briefs, what did he do to you, if any?

A: After removing his briefs, he went on top of me and inserted his penis into my vagina and kissed my neck, my lips and my breasts, sir.¹⁵

AAA's categorical and straightforward testimony, by itself, is already sufficient to support a verdict of conviction.¹⁶ As it was though, her testimony did not stand alone. CCC also positively testified that she saw appellant holding AAA around the shoulders on the small bridge, and AAA's personal belongings were scattered around the road.

¹⁴ *Id.*

¹⁵ *Id.* at 9-10.

¹⁶ See *People v. Suedad*, 786 Phil. 803 (2016).

More, AAA's allegation of rape was firmly corroborated by the physical evidence on record. Dr. Roanne Pantoja (Dr. Pantoja) found old lacerations at 8 and 4 o'clock positions in AAA's hymenal ring. She further found that AAA's myoma was bleeding when she was examined on the day of the rape incident itself,¹⁷ which could have been caused by the forced insertion of a hard object such as appellant's sex organ.

The Court of Appeals aptly noted that although Dr. Pantoja only found old hymenal lacerations, the same can be easily explained by the fact that AAA was a married woman and was no longer a virgin at the time of the rape incident.¹⁸ Hymenal lacerations, *whether healed or fresh*, does not negate rape.¹⁹ Further, when AAA was referred to Dr. Arnulfo Olivar, he found AAA to have suffered contusion on the abdomen.²⁰

Indeed, the credible testimony of a rape victim assumes more significance and weight when it conforms with the physical evidence, as in this case.

Appellant, nonetheless, faults AAA's testimony, claiming they were secret lovers for five (5) long years and that the reason for filing this case was because AAA could not accept the fact that he broke up with her.²¹

We are not persuaded.

The Court has invariably ruled that the "sweetheart theory" is an admission of carnal knowledge of the victim and consequently, places on the accused the burden of proving the supposed relationship by substantial evidence. It is an oft-abused justification that rashly derides the intelligence of this Court and sorely tests our patience. The defense cannot just present testimonial evidence in support of the theory, as in this present petition. Independent proof is required – such as tokens, mementos, and photographs.²² Here, appellant presented no such evidence to substantiate his claim.

Even if it were true that appellant and AAA were indeed sweethearts, a love affair does not justify rape. A man does not have the unbridled license to subject his beloved to his unreciprocated carnal desires.²³

Finally, AAA allegedly did not take the opportunity to run away or even resist when appellant was still removing his pants and *bolo* before raping her. It is settled, however, that there is no uniform behavior which can be expected from those who had the misfortune of being sexually molested. Some may shout, some may faint, some chose to keep their ordeal, and some may

¹⁷ CA rollo, p. 54.

¹⁸ Rollo, p. 10.

¹⁹ See *People v. Nical*, 754 Phil. 357, 364 (2015).

²⁰ Rollo, p. 6.

²¹ CA rollo, p. 51.

²² *People v. Ocdol*, 741 Phil. 701, 712-713 (2014).

²³ *Id.*

be shocked into insensibility. None of these, however, impair the credibility of a rape victim, let alone, preclude the commission of rape.²⁴

In any event, here, AAA was repeatedly punched in the stomach, choked, and dragged toward a deep canal by appellant. She was already feeling very weak when she got sexually ravished. As such, she could not have had the strength and energy to physically resist and defend her honor against appellant's bestial assault. More so, since appellant had a *bolo* tied around his waist. Indeed, the law does not impose upon the rape victim the burden to prove resistance.²⁵ Besides, physical resistance is not the sole test to determine whether a woman involuntarily succumbed to the lust of an accused; it is not an essential element of rape.²⁶

All told, the Court of Appeals did not err when it affirmed appellant's conviction for simple rape and the penalty of *reclusion perpetua* imposed on *him* in accordance with Article 266-A, in relation to 266-B of the RPC, as amended.

Consistent with prevailing jurisprudence,²⁷ we further sustain the award of a) ₱75,000.00 as civil indemnity; b) ₱75,000.00 as moral damages; and c) ₱75,000.00 as exemplary damages. These amounts shall earn six percent (6%) interest *per annum* from finality of this Resolution until fully paid.

ACCORDINGLY, the appeal is **DISMISSED** and the Court of Appeals' Decision in CA-G.R. CR-HC No. 11430 dated July 3, 2019, **AFFIRMED**. Appellant **LAWRENCE TABALANZA y RAMOS** is found **GUILTY** of **SIMPLE RAPE**. He is sentenced to *reclusion perpetua* and ordered to **pay AAA ₱75,000.00** as civil indemnity; ₱75,000.00 as moral damages; and ₱75,000.00 as exemplary damages. These amounts shall earn six percent (6%) interest *per annum* from finality of this Resolution until fully paid.

SO ORDERED.” (J. Lopez, J., designated additional member per Special Order No. 2822 dated April 7, 2021)

²⁴ *People v. Aljas*, G.R. No. 251582, February 3, 2021.

²⁵ *People v. Penilla*, 707 Phil. 130, 146 (2013).

²⁶ *People v. Barberan*, 788 Phil. 103, 112 (2016).

²⁷ *People v. Jugueta*, 783 Phil. 806, 849 (2016).

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By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court

23 JUN 2021

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6/22

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HON. PRESIDING JUDGE (reg)
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