



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

N O T I C E

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **05 May 2021** which reads as follows:*

G.R. No. 252253 (*People of the Philippines v. Jodel Romero y Tariman a.k.a. "One Eye"*) — The appeal is DISMISSED.

Rape is defined and penalized under Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353, otherwise known as the Anti-Rape Law of 1997, *viz.*:

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. (Emphasis supplied)

x x x x

To sustain a conviction therefor, the following elements must be present: (1) accused had carnal knowledge of a woman; and, (2) he accompanied such

act by force, threat, or intimidation.¹

Here, the prosecution sufficiently established these elements.

AAA² candidly narrated in detail her harrowing experience of forced, nay, unwanted sexual congress with accused-appellant Jodel Romero y Tariman.

On the night of June 3, 2012, she was walking home from the plaza when appellant offered her a ride home on his bicycle. She initially declined, but due to his insistence, she rode the bike with him. He brought her to a dark and secluded area where he sexually ravaged her by pinning her down on a grassy portion of the ground, taking off her shorts and underwear, physically subduing her, and eventually inserting his penis into her vagina.³ Afterwards, he warned her to keep quiet about the incident by placing his finger on his lips with the “shush” sound and drawing his other finger across his neck, threatening her that she would get killed otherwise.⁴

As the Court emphasized in *People v. Agalot*,⁵ a victim’s credible testimony is in fact sufficient to support the verdict of conviction, as here. Indeed, the nature of the crime of rape often entails reliance on the lone uncorroborated testimony of the victim, provided it is clear, convincing, and consistent with human nature.⁶ As both the trial court and the Court of Appeals keenly noted, AAA’s testimony was credible, categorical, and straightforward on how appellant, through force and threat, pinned her down, subdued and gagged her, and inserted his penis into her vagina.

As it was, AAA’s testimony did not stand alone. It was solidly corroborated by physical evidence in the form of the medico-legal report noting healed laceration which could have been caused by the penetration of a hard object into her vagina.⁷ Consequently, AAA’s testimony assumes even more probative weight.

AAA’s voluntary submission to medical examination and willingness to undergo public trial where she could be compelled to give out the sordid details of the assault on her dignity cannot be so easily dismissed as mere

¹ *People v. Ejercito*, 834 Phil. 837, 854-855 (2018).

² Section 44 of Republic Act No. 9262 (Anti-Violence against Women and Their Children Act of 2004) requires the confidentiality of all records pertaining to cases of violence against women and their children. Per said section, all public officers and employees are prohibited from publishing or causing to be published in any format the name and other identifying information of a victim or an immediate family member. x x x Pursuant thereto, in the courts’ promulgation of decisions, final resolutions and/or final orders, the names of women and children victims shall be replaced by fictitious initials, and their personal circumstances or any information, which tend to identify them, shall likewise not be disclosed.

³ *Rollo*, p. 5 and 48.

⁴ *Id.* at 5.

⁵ 826 Phil. 541, 555 (2018).

⁶ *People v. Ronquillo*, 818 Phil. 641, 649-650 (2017).

⁷ RTC Decision, p. 5.

concoction.⁸ It is highly improbable that AAA would have known and narrated the traumatic details of her sexual ravishment if she did not truly experience the same in the hands of appellant.

In *People v. Mabalo*⁹ the Court ordained that when a woman says that she has been raped, she says, in effect, all that is necessary to show that she has indeed been raped. A victim of rape would not come out in the open if her motive were anything other than to obtain justice. Her testimony as to who abused her is credible when she has absolutely no motive to incriminate and testify against the accused. As it was, the defense neither alleged nor proved that AAA was impelled by any ill-motive to falsely testify against appellant.

Appellant's defense that AAA failed to identify him as the perpetrator of the crime does not impress;¹⁰ for AAA had in fact consistently and positively named appellant as the one who raped her throughout the course of her testimony. Thus, the single occasion that she had him confused with other men who had raped her does not negate the fact that it was appellant who sexually ravished her in this instance.

In light of AAA's positive identification of appellant as the person who sexually ravished her, appellant's denial must fail. Denial, being negative self-serving evidence, cannot prevail over affirmative allegations of the victim. For it easily crumbles in the face of her positive and categorical identification of the appellant as her molester.¹¹ The Court has consistently held that denial is an intrinsically weak defense which must be supported by strong evidence of non-culpability to merit credibility, which appellant failed to establish here.¹²

Indeed, the trial court's factual findings on the credibility of witnesses are accorded high respect, if not conclusive effect. For the trial court is able to observe up close the manner by which these witnesses testified, as well as their demeanor while testifying.¹³ This rule becomes even more compelling when the factual findings carry the full concurrence of the Court of Appeals, as here.¹⁴ In the absence of a clear showing that the trial court overlooked or misconstrued some material facts or committed grave abuse of discretion, the Court will not disturb such factual findings.¹⁵ So must it be.

⁸ See *People v. Cadano, Jr.*, 729 Phil. 576, 585 (2014).

⁹ G.R. No. 238839, February 27, 2019.

¹⁰ CA rollo, p. 39.

¹¹ *People v. XXX*, G.R. No. 242280, January 20, 2021.

¹² *People v. Castillo*, G.R. No. 242276, February 18, 2020.

¹³ See *Sps. Guidangen v. Wooden*, 682 Phil. 112, 129 (2012).

¹⁴ *People v. Amarela*, 823 Phil. 1188, 1201 (2018), citing *People v. Pareja*, 724 Phil. 759, 773 (2014) and *People v. Sanchez*, 681 Phil. 631, 635-636 (2012).

¹⁵ *People v. XXX*, G.R. No. 227848, February 5, 2020.

Penalty

Article 266-B of the Revised Penal Code, as amended, prescribes the penalty of death [*w]hen the offender knew of the mental disability, emotional disorder and/or physical handicap of the offended party at the time of the commission of the crime.* Though the prosecution and defense stipulated that appellant was aware that AAA was mentally challenged, such fact was not alleged in the Information. Thus, appellant may only be convicted for simple rape.¹⁶

Consequently, the courts below correctly sentenced appellant to *reclusion perpetua* pursuant to Article 266-A(1)(a), in relation to Article 266-B of the RPC, as amended.¹⁷ More, the Court of Appeals correctly modified the monetary awards in conformity with *People v. Jugueta*.¹⁸ Finally, the courts below properly imposed six percent (6%) interest *per annum* from finality of this resolution until fully paid in accordance with *Nacar v. Gallery Frames*.¹⁹

WHEREFORE, the appeal is **DISMISSED**. The Decision²⁰ dated July 15, 2019 in CA-G.R. CR H.C. No. 10206 of the Court of Appeals is **AFFIRMED**.

JODEL ROMERO y TARIMAN a.k.a. “One Eye” is found **GUILTY** of **Simple Rape** under Article 266-A(1)(a) of the Revised Penal Code in relation to Republic Act No. 8353, otherwise known as, The Anti-Rape Law of 1997. He is sentenced to *reclusion perpetua* and ordered to pay AAA the following amounts:

1. ₱75,000.00 as civil indemnity;
2. ₱75,000.00 as moral damages; and
3. ₱75,000.00 as exemplary damages.

¹⁶ See *People v. Quintos*, 746 Phil. 809, 834 (2014).

¹⁷ Article 266-A. Rape: When and How Committed. – Rape is committed:”

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x x x

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

x x x x

¹⁸ 783 Phil. 806, 846 (2016).

¹⁹ 716 Phil. 267 (2013).

²⁰ *Rollo*, pp. 3-12; Penned by Associate Justice Nina G. Antonio-Valenzuela with Associate Justices Ricardo R. Rosario (now an Associate Justice of the Supreme Court) and Perpetua T. Atal-Paño, concurring.

May 5, 2021

These amounts shall earn six percent (6%) interest per annum from finality of this Resolution until fully paid.

SO ORDERED.” (*Rosario, J.*, no part due to prior action in the Court of Appeals; *Delos Santos, J.*, designated member per Raffle dated February 17, 2021, *J. Lopez, J.*, designated additional member per Special Order No. 2822 dated April 7, 2021)

By authority of the Court:


 TERESITA AQUINO TUAZON
 Division Clerk of Court
 15 JUL 2021 7/15

OFFICE OF THE SOLICITOR GENERAL (reg)
 134 Amorsolo Street
 1229 Legaspi Village
 Makati City

PUBLIC ATTORNEY'S OFFICE (reg)
 (Atty. Nico Carlo M. Crisologo)
 Special & Appealed Cases Service
 Department of Justice
 5th Floor, PAO-DOJ Agencies Building
 NIA Road corner East Avenue
 Diliman, 1104 Quezon City

JODEL ROMERO y TARIMAN a.k.a.
 "ONE EYE" (reg)
 Accused-Appellant
 c/o The Director
 Bureau of Corrections
 1770 Muntinlupa City

THE DIRECTOR (reg)
 Bureau of Corrections
 1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 43
 Virac, Catanduanes
 (Crim. Case No. 4726)

JUDGMENT DIVISION (x)
 Supreme Court, Manila

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 Supreme Court, Manila

COURT OF APPEALS (x)
 Ma. Orosa Street
 Ermita, 1000 Manila
 CA-G.R. CR-HC No. 10206

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