



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated February 3, 2021 which reads as follows:*

**“G.R. No. 219961 – PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus EDDIE DUARTE y CASTILLEJO, accused-appellant.**

After a careful review of the records of the case and the issues submitted by the parties, the Court finds no error committed in the Decision<sup>1</sup> dated January 13, 2015 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06605. The facts, as borne out by the records, sufficiently support the conclusion that accused-appellant Eddie Duarte y Castillejo (accused-appellant) is indeed guilty of the crime of Rape. The issues and matters raised before the Court, the same ones as those raised in the CA, there being no supplemental briefs filed, were sufficiently addressed and correctly ruled upon by the CA.

The Court finds no reason to depart from the findings of the trial court, as affirmed with modifications by the CA, that all the elements of Rape by carnal knowledge committed against AAA<sup>2</sup> have

- over – four (4) pages ...

145

<sup>1</sup> *Rollo*, pp. 2-9. Penned by Associate Justice Jane Aurora C. Lantion with Associate Justices Magdangal M. De Leon and Victoria Isabel A. Paredes, concurring.

<sup>2</sup> The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to R.A. No. 7610, entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES,” approved on June 17, 1992; Republic Act No. 9262, entitled “AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES,” approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the “Rule on Violence against Women and Their Children” (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014], citing *People v. Lomaque*, 710 Phil. 338, 342 [2013]. See also Amended Administrative Circular No. 83-2015, entitled “PROTOCOLS AND PROCEDURES IN THE PROMULGATION, PUBLICATION, AND POSTING ON THE WEBSITES OF DECISIONS, FINAL RESOLUTIONS, AND FINAL ORDERS USING FICTITIOUS NAMES/PERSONAL CIRCUMSTANCES,” dated September 5, 2017); *People v. XXX*, G.R. No. 235652, July 9, 2018, 871 SCRA 424.

been established beyond reasonable doubt. AAA positively identified accused-appellant as the one who invited her to his house, and when inside accused-appellant's house, the latter immediately grabbed AAA's breast and vagina, forcibly removed her shorts and underwear, placed himself on top of her and inserted his penis into her vagina. AAA tried to push accused-appellant while doing his bestial deed but to no avail. After satisfying his lust, accused-appellant forcibly gave AAA ₱20.00 and threatened to kill her parents.<sup>3</sup>

To exculpate himself from liability, accused-appellant assails AAA's credibility. Accused-appellant asserts that AAA's actuations after the alleged rape on January 5, 2011 belies her claim that she was sexually molested. *First*, accused-appellant asserts that AAA could have reported the incident or asked for help;<sup>4</sup> instead AAA continued to play near accused-appellant's house and consistently acceded to the latter's demand, which is totally uncharacteristic of one who has been raped. *Second*, accused-appellant claims that records are bereft of any indication as to how he could have instilled such fear to AAA given that he is only a neighbor and there is no such proof that he has access to AAA's parents to actually inflict injury or harm upon them.

Accused-appellant's arguments deserve scant consideration. The Court finds nothing incredible in AAA's behavior.

It has been consistently ruled that there is no uniform behavior that can be expected from those who had the misfortune of being sexually molested. While there are some who may have found the courage early on to reveal the abuse they experienced, there are those who have opted to initially keep the harrowing ordeal to themselves and attempt to move on with their lives. This is because a rape victim's actions are oftentimes overwhelmed by fear rather than by reason.<sup>5</sup> More so, when the victims are minors who could not be expected to fully comprehend the ways of adults. With their simple, unsophisticated minds, they must not have fully understood and realized at first the repercussions of the contemptible nature of the acts committed against them.<sup>6</sup>

Thus, it cannot be reasonably expected that AAA would immediately report the rape and avoid accused-appellant's house considering that the latter threatened to kill AAA's parents should she divulge the incident and reject accused-appellant's sexual demands.

- over -

145

---

<sup>3</sup> *Rollo*, p. 5.

<sup>4</sup> See *id.* at 29.

<sup>5</sup> *People v. Descartin, Jr.*, G.R. No. 215195, June 7, 2017, 826 SCRA 650, 662-663.

<sup>6</sup> *Perez v. People*, G.R. No. 201414, April 18, 2018, 861 SCRA 626, 642.

Moreover, as aptly found by the trial court, accused-appellant's threat to inflict physical harm on AAA and her parents cowed AAA into submitting to accused-appellant's lustful demands. Although, accused-appellant was not armed at that time, to the mind of AAA, the threat to her life and her family was imminent – considering that accused-appellant is their neighbor – that AAA was intimidated into submission.<sup>7</sup>

In *People v. Patriarca*,<sup>8</sup> the Court ruled that intimidation must be viewed in the light of the victim's perception and judgment at the time of the commission of the crime and not by any hard and fast rule. Thus, it is enough that it produces fear – fear that if the victim does not yield to the bestial demands of the accused, something would happen to her at that moment or even thereafter as when she is threatened with death if she reports the incident.<sup>9</sup>

The Court, however, modifies the award of damages and civil indemnity pursuant to prevailing jurisprudence.<sup>10</sup> Accused-appellant is ordered to pay AAA civil indemnity, moral damages and exemplary damages in the amount of ₱75,000.00 each. All monetary awards shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this Resolution until fully paid.

**WHEREFORE**, premises considered, the appeal<sup>11</sup> is **DISMISSED** for lack of merit. The Court hereby **ADOPTS** the findings of fact and conclusions of law in the Decision dated January 13, 2015 of the Court of Appeals, in CA-G.R. CR-HC No. 06605. The Decision finding accused-appellant **EDDIE DUARTE y CASTILLEJO** guilty beyond reasonable for **Rape** under Article 266-A(1)(a) in relation to Article 266-B(1) as amended by Republic Act No. 8353, in Criminal Case No. II-10822, is **AFFIRMED** with **MODIFICATION**. Accused-appellant is ordered to pay the private complainant **SEVENTY-FIVE THOUSAND PESOS (₱75,000.00)** as civil indemnity, **SEVENTY-FIVE THOUSAND PESOS (₱75,000.00)** as moral damages, and **SEVENTY-FIVE THOUSAND PESOS (₱75,000.00)** as exemplary damages. All monetary awards shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this Resolution until fully paid.

- over -

145

<sup>7</sup> See *People v. Dizon*, G.R. No. 129236, October 17, 2001, 367 SCRA 417, 427.

<sup>8</sup> G.R. No. 132748, November 24, 1999, 319 SCRA 87.

<sup>9</sup> Id. at 96-97.

<sup>10</sup> *People v. Jugueta*, G.R. No. 202124, April 5, 2016, 788 SCRA 331.

<sup>11</sup> *Rollo*, pp. 10-11.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court <sup>per 7/5</sup>

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
**145**

The Solicitor General  
134 Amorsolo Street, Legaspi Village  
1229 Makati City

Court of Appeals (x)  
Manila  
(CA-G.R. CR HC No. 06605)

The Hon. Presiding Judge  
Regional Trial Court, Branch 7  
Aparri, 3515 Cagayan  
(Crim. Case No. II-10822)

PUBLIC ATTORNEY'S OFFICE  
Special and Appealed Cases Service  
Counsel for Accused-Appellant  
DOJ Agencies Building  
Diliman, 1101 Quezon City

Mr. Eddie C. Duarte  
Accused-Appellant  
c/o The Director General  
Bureau of Corrections  
1770 Muntinlupa City

The Director General  
Bureau of Corrections  
1770 Muntinlupa City

Public Information Office (x)  
Library Services (x)  
Supreme Court  
(For uploading pursuant to A.M.  
No. 12-7-1-SC)

Philippine Judicial Academy (x)  
Supreme Court

Judgment Division (x)  
Supreme Court



UR