

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RONNIEVIC “RONNIE” GAURANOC, ACCUSED-APPELLANT.

Ponente: BALTAZAR-PADILLA, J.

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BALTAZAR-PADILLA, J.:

Before US is an appeal[1] filed by accused Ronnievic “Ronnie” Gauranoc from the Decision[2] rendered by the Regional Trial Court of Quezon City, Branch 94 in Criminal Case No. Q-10-163866 for Rape and Criminal Case No. Q-10-163867 for Violation of Sec. 10(a) of Republic Act No. 7610, the decretal portion of which reads:

“WHEREFORE, premises considered, the court finds the accused Ronnievic “Ronnie” Gauranoc y Calbo guilty beyond reasonable doubt of the crimes of rape and violation of Sec. 10(a) of Republic Act 7610.

In Criminal Case No. Q-10-163866 for rape, accused is sentenced to suffer the penalty of reclusion perpetua. He is further ordered to pay the victim AAA the following amounts: P50,000.00 as civil indemnity, P50,000.00 as moral damages, and P30,000.00 as exemplary damages and to pay the costs.

In Criminal Case No. Q-10-163867 for violation of Sec. 10(a) of Republic Act No. 7610, accused is sentenced to suffer an indeterminate penalty of FOUR (4) YEARS, NINE (9) MONTHS and ELEVEN (11) DAYS of prison correccional as minimum, to SIX (6) YEARS, EIGHT (8) MONTHS and ONE (1) DAY of prison mayor as maximum and to pay costs.

SO ORDERED.”

Culled from the record, the facts of the case are summarized as follows:

Accused-appellant was charged under two Informations,[3] one for Rape, the other for Violation of Sec. 10(a) R.A. No. 7610, the accusatory portions of which read, viz –

CRIMINAL CASE NO. Q-10-163866

“That on or about the 2nd day of May 2010 in Quezon City, Philippines, the above named accused, did then and there willfully, unlawfully and feloniously commit sexual abuse and have carnal knowledge with AAA[4], a minor, 13 years of age, his biological daughter, against her will and without her consent to the damage and prejudice of the said offended party.

CONTRARY TO LAW.”

CRIMINAL CASE NO. Q-10-163867

“That on or about the 15th day of May 2010 in Quezon City, Philippines, the above-named accused, did then and there, willfully, unlawfully and feloniously commit an act of child abuse upon the person of AAA, a minor, 13 years of age, his biological daughter, by then and there pulling her hair and thereafter slapping her face, causing her to bump her head/ear on a nail, thereby causing physical injuries upon her; which act debases, degrades and demeans the intrinsic worth or dignity of said victim as human being.

CONTRARY TO LAW.”

Upon arraignment, accused-appellant pleaded “not guilty” to the crimes charged against him.[5] Considering that the parties are the same in both cases, joint trial on the merits was conducted by the trial court.

The prosecution presented private complainant AAA, Ma. Haidy Gauranoc and Dr. Editha B. Martinez as witnesses. The defense, on the other hand, presented accused-appellant as its lone witness.

In the course of the trial, the prosecution and defense entered into stipulations on the intended testimonies of Barangay Protection and Security Officers (BPSOs) Rodolfo Salazar, Ricardo Apape and Pepito Carpio as follows:

“1. that BPSOs Rodolfo Salazar, Ricardo Apape and Pepito Carpio are duly designated as Barangay Protection and Security Officers of Barangay Baesa, Quezon City;

2. that on May 15, 2010 at around 9:15 in the evening while the said Barangay Protection and Security Officers mentioned were at the Barangay performing their duties they received a call from a concerned citizen informing them of an alleged abused(sic) perpetrated by a father against his daughter;

3. that upon receiving the said complaint or information, they proceeded to NPC Mendez Road, Brgy. Baesa, Quezon City where they were met by the private complainant AAA, a 13 years(sic) old minor, who pointed to the accused as the perpetrator of the alleged abuse;

4. that after informing the suspect of his constitutional rights, the suspect who gave his name as Ronnie Gauranoc y Calbo was brought to the Barangay for blotter and the police for proper investigation;

5. that thereafter, the said BPSOs executed a Pinagsamang Sinumpaang Salaysay which they can identify if they will be presented to the Court for their testimony; and

6. that the BPSOs have no personal knowledge of the facts surrounding the circumstances of these cases.”[6]

The evidence presented by the prosecution tend to establish the following:

Private complainant AAA was born on June 23, 1996 to accused-appellant and his late wife BBB. In November, 1997, BBB entrusted AAA to the care of CCC (accused-appellant's brother) and his wife because she was already seriously ill and could no longer take care of AAA. She also gave to the said spouses AAA's baptismal certificate. On December 1, 1997, BBB passed away. AAA was raised by CCC and his wife in Antique. To facilitate AAA's schooling, they registered her at the Office of the Local Civil Registrar of Sebaste, Antique, as their daughter.[7]

On November 3, 2009, accused-appellant took AAA from his brother and brought her to Manila. They first lived in Marikina City with accused-appellant's second wife, his mother and two nephews. Later on, they transferred their residence to Baesa, Quezon City.

According to AAA, she had been repeatedly raped by accused-appellant from February to May, 2010. This happened every Sunday when her stepmother was in Marikina working as a sewer. The last time she was raped by her father was on May 2, 2010. On the said day, she was inside the room of their house getting her clothes as she was about to take a bath when accused-appellant entered the room and lifted her. He turned her around three times then laid her on the floor. He held both her hands and pinned her legs with his. Accused-appellant undressed her and took off his clothes. She tried to fight him back but she was not able to get loose of his hold. Accused-appellant placed himself on top of her and inserted his penis into her vagina. She was so disgusted about what his father was doing to her. She felt pain and cried several times.

AAA did not immediately tell anyone about her father's sexual abuses because he had been inflicting physical

harm on her, i.e. “sinusuntok sa tagiliran”, and had been threatening her that blood would shed in their house if she would report the incident to her uncle and grandmother “Dadanak daw po ng dugo sa bahay .” When AAA first told her stepmother about her ordeal in her father's hands, the latter refused to believe her. She only believed AAA when it was confirmed that the latter was pregnant.

On May 13, 2010, while AAA was alone inside the room talking to herself saying that she could no longer bear what her father was doing to her and that she would already report him to the authorities, accused-appellant entered the room, strangled her and slapped her hardly.

In the evening of May 15, 2010, her stepmother got drunk and made a scene outside their house, she shouted that AAA had been consenting to what her father was doing to her. An argument, thereafter, ensued inside their house between her father and her stepmother. Her father attempted to leave the house with his bag but he was prevented by her stepmother. He kept saying that “aalis na ako para wala ng gulo.” AAA went outside their house and sat on the doorstep.

Hearing the commotion inside their house, one of their neighbors asked AAA if what her stepmother was saying is true. While crying, she narrated to their neighbor what her father did to her. The neighbor reported the incident to the barangay officials.

When her father heard what she was saying to their neighbor, on his way out of their house, he approached AAA and slapped her strongly on the right cheek causing her to hit a nail. She sustained a cut on the left cheek and outside her ear. She felt so dizzy after she was slapped by her father so she remained seated until the barangay kagawads (BPSOs) arrived and arrested accused-appellant.

Accused-appellant and AAA were brought to the barangay hall for investigation. The following day, AAA was brought to Police Station 3, Quirino Highway, Barangay Talipapa, Quezon City for further investigation. She executed a sworn complaint affidavit dated May 16, 2010 before the City Prosecutor of Quezon City.[8] Consequently, two Informations[9] were filed against accused-appellant. One for Rape which was docketed as Criminal Case No. Q-10-163866 and another for Violation of Section 10(a) of Republic Act No. 7610. These cases were consolidated and jointly tried.

From Police Station 3, AAA was brought to Camp Crame for medical examination. Police Chief Inspector Editha B. Martinez, Medico-Legal Officer of the Philippine National Police Crime Laboratory, Camp Crame, conducted a physical examination on AAA and found that AAA had a “deep healed hymenal laceration at three o'clock position” showing “clear evidence of blunt penetrating trauma to the hymen”. AAA also had various physical injuries, i.e., “abrasion, left zygomatic region measuring 1x1 cm., 7.5 cm. and abrasion, right pinna, measuring 2x0.2 cm”.[10]

In refutation of the prosecution's version, the defense presented accused-appellant as its sole witness.

In his testimony in open court, accused-appellant admitted that AAA is his daughter. He denied all the accusations against him and stated that from 8:00 o'clock in the morning to 7:00 o'clock in the evening of May 2, 2010, a Saturday, he was at his work place at Project 8, Quezon City. He was a stay-in worker who reported every Monday at 7:00 o'clock in the morning and left his work place on Saturday at 7:00 o'clock in the evening. His work place was only an hour and a half ride by jeepney or tricycle from their house in Baesa, Quezon City.

He admitted having physically hurt AAA when he was informed by their neighbor and his nephew that AAA was impregnated by her boyfriend Niño.

Accused-appellant averred that on May 15, 2010, his live-in partner created trouble that his mother and AAA got

scared and went outside the house. The president of their neighborhood association called the barangay officials and reported that he raped AAA. He could not think of any reason why AAA would file a complaint for rape against him.

After hearing on the merits, the trial court found accused-appellant guilty of the of the crimes charged against him in its assailed Decision dated October 15, 2012.[11]

Aggrieved by the trial court's Decision, accused-appellant interposed the extant appeal attributing the following error to the lower court, viz –

“THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF RAPE AND VIOLATION OF SEC. 10(a), R. A. NO. 7610, DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.”[12]

The appeal is bereft of merit.

In seeking his acquittal, accused-appellant asserts that AAA's testimony in open court is replete with inconsistencies and improbabilities that it should be disregarded.

He claims that he could not have raped AAA in their twenty (20) square meter-house in Quezon City specially when AAA's grandmother was inside the said house. With the several incidents of rape allegedly happening every Sunday in their small house, it is quite impossible that AAA's grandmother would not notice even a whimper. While AAA alleged that she tried to resist his sexual advances and she cried a number of times, her physical examination revealed no marks of force or battery.

Accused-appellant also insists that AAA's testimony pertains to a different rape incident known only to her and not to that alleged in the Information. Hence, there remains no testimony specifically directed at proving the alleged rape on May 2, 2010.

Accused-appellant further relies on the case of *People vs. Padilla*[13] in asserting that he should be acquitted. In the said case, the Supreme Court acquitted the accused because the prosecution's evidence on the whole was improbable.

The postures taken by accused-appellant fail to impress US.

In reviewing convictions for rape, we are guided by the following principles: (a) an accusation of rape can be made with facility and while the accusation is difficult to prove, it is even more difficult for the person accused, although innocent, to disprove; (b) considering the intrinsic nature of the crime, only two persons being usually involved, the testimony of the complainant should be scrutinized with great caution; and (c) the evidence for the prosecution must stand or fall on its own merit, and cannot be allowed to draw strength from the weakness of the evidence for the defense.[14]

In rape cases, the conviction or acquittal of the accused most often depends almost entirely on the credibility of the private complainant's testimony. By the very nature of this crime, it is generally unwitnessed and usually the victim is left to testify for herself. When a rape victim's testimony is straightforward and marked with consistency despite grueling examination, it deserves full faith and confidence and cannot be discarded.[15]

In the extant case, accused-appellant's contentions cannot prevail over the testimony of private complainant which the trial court found to be "straightforward, clear and consistent." She gave a full detail of how she was raped by her father and did not waver on her claim despite the grueling cross-examination of the defense.

Her testimony is as follows:

“Q On February 1, 2010, Ms. Witness, where were you?

A I was at home.

Q What were you doing?

A I was just there together with my grandmother.

Q

Do you remember anything that happened on that day?

A

Yes, ma'am.

Q

What happened on that day?

A

On February 1, 2010, my father raped me.

Q

How did he rape you?

A

He threatened me. (Tinakot po niya ako.)

Q

What did he tell you to threaten you?

A

He told me that if I will report it to my uncle and grandmother, “dadanak daw po ang dugo sa bahay.”

Q

On February 1, 2010, you mentioned that you were raped by your father, what time was that, if you can recall?

A

It was night time.

Q

Where were you at that time?

A

I was inside the room beside my grandmother.

Q

What was your grandmother doing?

A

She was sleeping.

Q

How about your father, what was he doing?

A

I felt that he was going beside me even my cousins were beside me.

Q

How far were you from your cousins, Ms. Witness?

A

Magkatabi lang po kami, katabi ko rin po ang lola ko.

COURT

Which side was your grandmother?

WITNESS

Left.

COURT

And your cousins were...

WITNESS

Here.

COURT

Your two (2) cousins were on the right side. Continue.

Q

You said that your father laid down beside you, so how was your father able to lay down beside you?

A

He moved my cousins and laid down beside me.

Q

After he laid down beside you, what happened next, if any?

A

My back was towards my father. And then he placed his left leg on top of my body and then he removed my shorts and panty and then he inserted his penis into my vagina. (Nakatalikod po ako sa kanya, tapos tinadantayan po niya ako. Tapos hinuhubaran po niya ang short at panty ko, tapos ipinasok po niya ang titi niya sa pepe ko ng nakatalikod)

XXXXX

Q

You mentioned that a leg was placed over your body, whose leg was that, Ms. Witness?

A

The leg of my father.

Q

Which leg, Ms. Witness, left or right leg?

A

Right leg.

XXXXX

Q

You said that your father inserted his penis inside your vagina?

A

Yes, ma'am.

Q

Why do you say that your father inserted his penis inside your vagina?

A

Because I felt it.

Q

What did you feel when your father inserted his penis inside your vagina?

A

I felt pain.

Q

While he was doing that, Ms. Witness, did you say anything to your father?

A

Yes, ma'am.

Q

What did you tell your father, Ms. Witness?

A

I told him, huwag po, masakit.

Q

Did you resist your father, Ms. Witness?

A

Yes, ma'am, umiilag po ako sa kanya?

COURT

When you say umiilag, how did you do it?

WITNESS

Pumipiglas po ako.

COURT

Just quote it. Pumipiglas.

Q

Can you demonstrate how you did that?

A

I was moving.

Q

Were you able to get away from your father, Ms. Witness?

A

No, ma'am, because he was holding my hands.

Q

Did you alert your grandmother? Ginising mo ba?

A

No ma'am, because I was afraid.

Q

Why were you afraid, Ms. Witness?

A

He threatened me that he will kill my grandmother and my uncle and during that time I did not think of myself.

Q

Was that the first time that you were raped, Madam Witness?

A

Yes, ma'am.

XXXXX

Q

Can you recall or approximate, how many times were you raped by your father?

A

Many times, every Sunday.

Q

From February 1, every Sunday so... when was the last time you were raped by your father?

A

On May 2, 2010.

XXXXX

Q

On May 2, 2010, do you recall where were you?

A

I was inside the room. I was alone.

Q

What were you doing in the room?

A

I was about to take a bath and I was getting my clothes.

COURT

What time was that?

WITNESS

About 2:00 p.m., your honor.

COURT

Continue Prosecutor.

Q Where was your grandmother then?

A She was outside, pinapa-exercise po ni Tatay. Lagi po niya siyang pinapa-exercise.

COURT

So this niya(sic)?

WITNESS

Tatay ko po.

COURT

Continue.

Q

How about your father, what (sic) he doing at that time?

A

He was just there, he has(sic) no job on that day. He went inside the room and then he lifted me and turned me around.

Q

When you say lifted, where was(sic) his hands in your body?

A

He lifted me by putting one hand here and the other one here.

Q

At the back of your knee?

A

Yes, ma'am, and then he turned me around for three (3) times.

Q

After that, what did he do, if any?

A

He put me down on the floor.

Q

What happened next, if any?

A

Hinawakan po niya ang dalawang kamay ko, tapos iyong dalawang paa niya ipinatong niya sa paa ko, tapos hinubad po niya and short ko at panty, tapos siya po naghubad din po.

Q

While he was doing that, removing your clothes and his clothes, did you fight against your father?

A

Yes, ma'am.

Q

Were you able to get out of his hold?

A

No, ma'am, because he hold(sic) me tightly.

Q

You said that he placed you on the floor, can you draw the position of your father and your position?

A

Yes, ma'am.

COURT

Witness demonstrating with her two (2) hands bounded from the elbows upwards and palm facing upwards.

WITNESS

Ito po ang Tatay ko.

COURT

Witness drawing the figure of another person holding both of her hands on top of her. Did he place himself on top of you?

WITNESS

Yes, your honor.

COURT

Nakaharap sa iyo?

WITNESS

Yes, your honor.

XXXXX

Q

After Ronnievic pinned down both your hands and legs... I withdraw that. After Ronnievic took off your clothes and his clothes, turned(sic) lay(sic) on top of you and pinned both your arms and legs, what happened next, if any?

A He inserted his penis into my vagina. (Ipinasok po niya and titi niya sa pepe ko po.)

Q After he placed his penis inside your vagina, what was he doing after that? While his penis was inside your vagina, what did he do?

A Pinaglaruan po niya. Hindi po niya ako hinalikan sa leeg, ipinasok lang po niya and titi niya sa pepe ko.

Q You mean, after he inserted his penis inside your vagina, he just stopped there?

A Derederecho na po. Labas pasok ang ari niya sa pepe.

COURT

What do you mean by derederecho?

WITNESS

Derederecho po niyang ipinapasok and titi niya sa pepe ko.

ACP HAYAG

Ipinasok niya pero inilabas rin?

WITNESS

Opo.

ACP HAYAG

Labas pasok?

WITNESS

Opo.

COURT

So derederecho labas pasok. Tagalogin na ninyo na lang, iyan ang sinabi niya.

Q

How long did the accused do that to you, na labas pasok ang ari niya sa ari mo?

A

Less than an hour.

Q

What did you feel when your father was doing that to you?

A

Nadidiri po ako, tapos nasasaktan po ako. Umiyak din po ako ng ilang beses.

Q

You said that it was less than an hour before he finished doing that to you, what happened next, if any?

A No more, ma ám.

Q Did you report the incident, Ms. Witness?

A I first reported that incident to my stepmother.

XXXXXX

Q

You mentioned a while ago that you told your stepmother what happened to you or what your father was doing to you, what was the reaction of your stepmother?

A

Nuong una po na magsumbong ako ayaw po niyang maniwala sa akin. Tapos nagpaliwanag po ako talaga sa kanila, na totoo po talaga, na hindi ko alam kung buntis ako ngayon. Tapos sabi po niya sa akin na nababaliw na po daw ako, iyon ang sabi ng stepmother ko. Tapos iyong Tatay ko po nagpipiglas na po para umalis, para wala na raw pong gulo, sabi po niya. Nag-aayos na po siya damit dahil aalis na raw po siya para wala na raw pong gulo.

Q When was that?

A On May 15.

COURT

Was that the first time that you reported what your father has been doing to you to your stepmother?

WITNESS

I reported to my stepmother on May 12.

COURT

That was the first time that you reported to your stepmother?

WITNESS

Yes, your honor.

COURT

Continue:

Q

You mentioned that at first your stepmother did not believe your statement. Were you able to convince her that your father has been raping you?

A She believed only when I underwent pregnancy test.

Q How was the pregnancy test conducted or done, Ms. Witness?

A She bought a pregnancy test kit?

Q

Who bought this pregnancy test kit?

A

My stepmother, ma'am.

Q

When was that. Ms. Witness?

A

About May 13.

Q

So after your stepmother confirmed that you are indeed pregnant, what happened next, if any?

A They decided for the abortion of the baby.

COURT

Who is sila?

WITNESS

My father and stepmother, your honor.”[16]

From the foregoing, it is without doubt that accused-appellant was able to rape AAA with impunity because of his physical superiority and moral ascendancy which physically, mentally and psychologically overpowered her. He was also able to effectively intimidate and threaten AAA to submit to his will because in her mind, she was convinced of the danger he presented to her life and to the life of her uncle and grandmother.

There is also no merit in accused-appellant's claim that AAA's complaint for rape is negated by the result of her physical examination which revealed no marks of force or battery. It bears stressing that in rape committed by a father against his own daughter, the former's moral ascendancy and influence over the latter substitutes for violence or intimidation. This means that violence and intimidation need not even be established.[17] Hence, in the extant case, physical signs of abuse are not even necessary.

To further exculpate him, accused-appellant argues that the commission of the crime charged was improbable considering the physical circumstances surrounding the complained incident.

WE are not persuaded.

There is no rule that rape can be committed only in seclusion. As declared by the High Court, rape may in fact be committed in a room adjacent to where the victim's family was sleeping or even in a room which the victim shared with other women.[18]

In *People vs. Amorsolo Torres*, [19] the Supreme Court had stressed the oft-repeated rule that lust is no respecter of time and place, and that rape can be committed even inside a house where there are other occupants. The presence of people in a certain place is no guarantee that rape will not and cannot be committed. Thus, the fact that complainant's sister was in the same room where the incident took place is not sufficient to cast doubt on the truthfulness of complainant's testimony, especially in light of her clear and convincing narration of the incident.

In *People vs. Quirino Cabral*,^[20] it was held that the close physical proximity of other relatives at the scene of the rape does not negate the commission of the crime. Rape can be committed even in places where people congregate, in parks, along the roadside, within school premises, inside a house where there are other occupants, and even in the same room where other members of the family are also sleeping. It is not impossible or incredible for the members of the victim's family to be in deep slumber and not to be awakened while a sexual assault is being committed. Lust is no respecter of time and place; neither is it deterred by age nor relationship.

In the light of the foregoing rulings of the Supreme Court, rape, in the case at bar, is not an impossibility.

Accused-appellant also insists that AAA's "flip-flopping testimony" as demonstrated by the lapses in her sworn affidavit and the inconsistencies in her statements in court, disproves the charge of rape.

WE do not agree.

Although the testimony of AAA was not perfect in all respects, her account of the sexual assault was free from any serious contradiction in all its material points. It was also conveyed in a straightforward and categorical manner. She never wavered in her assertion that accused-appellant molested her despite the rigid and exhaustive cross-examination by the defense to which she was subjected.

What more, the alleged discrepancies pointed out by accused-appellant in AAA's affidavit dated May 16, 2010 and her testimony in open court given on October 5, 2010 and February 1, 2011 relate merely to minor detail which does not constitute an essential element of the crime of rape. They refer to the actual time of the day when the offense was committed. In the affidavit, the rape allegedly took place at 10:00 o'clock in the morning of May 2, 2010 while in her open court testimony, it purportedly happened at 2:00 o'clock in the afternoon of the same day. What is important is that both in her affidavit and testimony in court, AAA consistently asserted that on May 2, 2010, she was sexually abused by her father. AAA's failure to remember the exact time of the commission of rape cannot be taken against her as to destroy her credibility. To reiterate, the exact time of the commission of rape is not an essential element of the crime of rape.^[21] Moreover, a rape victim is not expected to recall every peripheral and sordid detail of her horrible ordeal. Minor lapses are to be expected when a person is recounting details of a traumatic experience too painful to recall.^[22]

Further, accused-appellant's reliance on the case of *People vs Padilla*^[23] to avoid criminal liability is misplaced. In the said case, the Supreme Court acquitted the accused because the prosecution offered testimonial evidence which is not supported by its physical evidence. The claim of therein private complainant of rape found no support in the medical findings of the physician who examined her. Therein private complainant alleged that she bled after the intercourse, yet, no hymenal lacerations were found by the doctor. The Supreme Court also declared it improbable for the accused, a middle-aged man, to have three orgasms within a span of only an hour. Such is not the case herein.

AAA's claim that she was raped by her father finds full support from the report of the medico-legal officer of the NBI, Dr. Editha B. Martinez, which shows that there was a "clear evidence of blunt penetrating trauma to the hymen" and a "deep healed laceration at 3 o'clock position". What is even more telling is that accused-appellant got his daughter pregnant.^[24]

The attempt of accused-appellant to impute ill-motive to AAA for allegedly fabricating the charge of rape against him cannot also succeed. Generally, no young woman will accuse her own father of so grave a crime as rape unless she has truly been aggrieved. When the offended party is a young and immature girl, courts are inclined to lend credence to their version of what transpired, not only because of their relative vulnerability but also because of the shame and embarrassment to which they would be exposed by court trial if the matter about which they

testified were not true.[25] More so, where the private complainant is the accused's own daughter, as in this case.

Apparently, there is no indication that the trial court erred in giving credence to the testimony of AAA. Well-settled is the principle that the assessment of the credibility of witnesses and their testimonies is a matter best left to the trial court because of its unique opportunity to observe the witnesses firsthand and note their demeanor, conduct, and attitude under grilling examination.[26]

WE are also not persuaded by accused-appellant's defense of alibi. For this defense to prosper, it is necessary to prove the presence of the accused at another place at the time of the perpetration of the offense and demonstrate that it is physically impossible for him to be at the scene of the crime.[27] While accused-appellant claimed that he worked from 8:00 o'clock in the morning to 7:00 o'clock in the evening of May 2, 2010, a Saturday, at Project 8, Quezon City, he failed to show that it was physically impossible for him to be in their house on that fateful day. More importantly, accused-appellant's testimony was totally uncorroborated. His alibi, therefore, cannot stand against the overwhelming evidence of the prosecution pointing to his culpability.

Finally, accused-appellant claims that the charge against him for Violation of Section 10(a), R. A. No. 7610 was not also proven beyond reasonable doubt. He asserts that AAA's testimony in court, her sworn statement and the medico legal findings are all telling different stories. That it could be gleaned from AAA's testimony that on May 15, 2010, no physical abuse was inflicted on her. She has also no testimony concerning the injury she allegedly sustained on the said date from accused-appellant.

WE are not convinced.

Accused-appellant's violation of Section 10 (a), R. A. No. 7610 has been duly established.

In her sworn affidavit dated May 16, 2010, which AAA duly identified during her testimony in court and which was admitted as Exhibit "B"[28] of the prosecution, she narrated how her father physically abused her on May 15, 2010 after the latter heard her narrating her ordeal to their neighbor. This finds support in the medical report of Dr. Martinez stating that AAA had abrasions at the "left zygomatic region measuring 1x1 cm., 7.5 cm. from anterior midline" and at the "right pinna measuring 2 x 2.0 cm." at the time of the physical examination conducted on May 16, 2010.

In fact, he admitted that he physically hurt AAA on May 15, 2010 when he was allegedly informed by their neighbor that AAA had been impregnated by a certain Niño.[29]

All told, the trial court did not err in finding accused-appellant guilty of the offenses charged against him. However, with respect to the civil damages awarded in the rape case, WE find the need to modify the same. As to the other case, WE hold the victim to be entitled to moral damages.

As per existing jurisprudence, when the minority of the victim and her relationship to the offender were alleged in the Information and duly established, the victim is entitled to P75,000.00 as civil indemnity, P75,000.00 as moral damages and P30,000.00 as exemplary damages.[30]

Thus, the trial court's award of P50,000.00 to AAA as civil indemnity is increased to P75,000.00. Civil indemnity, which is actually in the nature of actual or compensatory damages, is mandatory upon the finding of the fact of rape.[31] The amount of P50,000.00 granted as moral damages is likewise increased to P75,000.00. Moral damages are automatically granted in a rape case without need of further proof other than the fact of its commission. For it is assumed that a rape victim has actually suffered moral injuries from her harrowing experience in the hands of accused-appellant.[32] The trial court's award of exemplary damages of P30,000.00 is proper in view of the existence of aggravating circumstances.

Anent the criminal case for Violation of Section 10(a) of Republic Act No. 7610, for the injury unjustly inflicted on AAA, moral damages in the amount of Ten Thousand Pesos (P10,000.00) should have been awarded by the trial court to compensate for the emotional and physical sufferings AAA underwent.[33]

WHEREFORE, the appealed Decision of the Regional Trial Court, Branch 94, Quezon City in Criminal Cases Nos. Q-10-163866-67 finding accused-appellant guilty beyond reasonable doubt of the crimes of Rape and Violation of Section 10(a), R.A. No. 7610 is hereby AFFIRMED with MODIFICATION to read as follows:

In Criminal Case No. Q-10-163866 for rape, accused is sentenced to suffer the penalty of reclusion perpetua. He is further ordered to pay the victim AAA the following amounts: Seventy-Five Thousand Pesos (P75,000.00) as civil indemnity, Seventy-Five Thousand Pesos (P75,000.00) as moral damages, and Thirty Thousand Pesos (P30,000.00) as exemplary damages and to pay the costs.

In Criminal Case No. Q-10-163867 for Violation of Section 10(a) of Republic Act No. 7610, accused is sentenced to suffer an indeterminate penalty of four (4) years, nine (9) months and eleven (11) days of prision correccional as minimum to six (6) years, eight (8) months and one (1) day of prision mayor as maximum. He is further ordered to pay private complainant Ten Thousand Pesos (P10,000.00) as moral damages.

SO ORDERED.

C E R T I F I C A T I O N

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

Tijam, N.G., Chairperson, and [*]Sorongon, E.D., JJ., concur

[*] Vice J. Agnes Reyes Carpio, per Office Order No. 200-14-ABR, dated May 9, 2014.

[1] Record, p. 173.

[2] Ibid, pp. 129-139.

[3] Record, pp. 2 and 4.

[4] Pursuant to Sec. 29 of Republic Act No. 7610, Sec. 44 of Republic Act No. 9262 and Sec. 40, Rule on Violence Against Women and their Children as well as the recent case of People v. Gloria (G.R. No. 168476, September 26, 2006 citing the case of People vs. Cabalquinto (G.R. No. 167693, September 19, 2006), and per Resolution dated September 19, 2006 in A.M. No. 04-11-09-SC, the Court shall use fictitious initials in lieu of the real names of the victim/s and immediate family members other than the accused, and delete the exact addresses of the victim.

[5] See Order dated June 15, 2010. Record, p. 24.

[6] See Order dated February 27, 2012, p. 83-84.

[7] See Exhibit “E” of the prosecution, Record, p. 40.

[8] See Exhibit “B” of the prosecution, Record, pp. 9-10.

[9] Record, pp. 3 and 4.

[10] See Exhibits “D” and “I” of the prosecution, Record, pp. 11 and 63.

- [11] Supra. See note 2.
- [12] Rollo, p. 29.
- [13] G.R. No. 145460, July 3, 2002.
- [14] See People vs. Lino Villaruel, G.R. Nos. 133741-42, October 26, 2001.
- [15] See People vs. Salvino Sumingwa, G.R. No. 183619, October 13, 2009.
- [16] TSN dated October 5, 2010, pp. 11-30.
- [17] See People vs. Filomeno Serrano, G.R. No. 137480, February 28, 2001; See also People v. Dulay, G.R. Nos. 144082-83, April 18, 2002
- [18] See People vs. Filomeno Serrano, G.R. No. 137480, February 28, 2001.
- [19] G.R. Nos. 135522-23, October 02, 2001.
- [20] G.R. No. 179946, December 23, 2009.
- [21] See People vs. Rolando Rivera, G.R. No. 139180, July 31, 2001.
- [22] People v. Mendoza, G.R. Nos. 152589 & 152758, January 31, 2005.
- [23] Supra. See note 13.
- [24] See TSN dated February 1, 2011, pp. 19-21.
- [25] See People vs. Charmie Servano, G.R. Nos. 143002-03, July 17, 2003.
- [26] See People vs. Romeo Eclera, Sr., G. R. No. 144402, August 14, 2003; People vs. Eligio Ciron, Jr., et al., G.R. No. 139409, March 18, 2002.
- [27] See People vs. Francisco Villanos, G.R. No. 126648, August 1, 2000.
- [28] Record, pp. 9-10.
- [29] See TSN dated June 18, 2012, pp. 8-9.
- [30] See People vs. Rolando Iroy, G.R. No. 187743, March 03, 2010; See also People vs. Anastacio Broca, G.R. No. 201447, January 09, 2013.
- [31] Ibid; See also People vs. Quilatan, G.R. No. 132725, September 28, 2000.
- [32] See Arnulfo Orande, G.R. Nos. 141724-27, November 12, 2003 citing People vs. Catubig, 363 SCRA 621 [2001] and People vs. Sarmiento, 344 SCRA 345 [2000].
- [33] See Leonilo Sanchez vs. People, G.R. No. 179090, June 05, 2009; Gonzalo Araneta vs. People, G.R. No. 174205, June 27, 2008; Dr. Emmanuel Jarcia, Jr. and Dr. Marilou Bastan vs. People G.R. No. 187926, February 15, 2012.

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