

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RENE SANTOS, APPELLANT.

G.R. NO. 172322. September 08, 2006

Ponente: TINGA, J.

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TINGA, J.:

For allegedly sexually assaulting 5-year-old AAA, Rene Santos was charged with Rape in an Information[1] alleging -

That on or about in the afternoon of between 17th and 23rd of July 1999 in the [B]arangay of xxx, [M]unicipality of xxx, [P]rovince of Pampanga, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, RENE SANTOS, with lewd designs and by means of deceit, force and intimidation, did then and there willfully, unlawfully and feloniously succeeded in having carnal knowledge with AAA, 5 years of age, against her will.

Contrary to law.

Upon arraignment, appellant pleaded not guilty to the charge.[2] Trial thereafter ensued, after which the Regional Trial Court of Macabebe, Pampanga, Branch 55, rendered judgment[3] imposing the death penalty thus:

WHEREFORE, on the basis of all the foregoing, the Court finds the accused guilty beyond reasonable doubt of the crime of Rape penalized under Article 335 of the Revised Penal Code, and as a consequence of which, this Court hereby sentences him to suffer the mandatory penalty of death and to indemnify the offended party in the amount of P75,000.00 and to pay the costs of the proceedings.

SO ORDERED.[4]

Owing to the imposition of the death penalty, the case was elevated to the Court for automatic review. Pursuant, however, to the ruling in *People v. Mateo*,[5] the case was referred to the Court of Appeals for evaluation in a Resolution dated September 7, 2004.[6]

In his appeal, appellant alleged that -

- THE TRIAL COURT ERRED IN NOT CONSIDERING THE DEFENSE OF THE ACCUSED THAT WOULD EXCULPATE HIM FROM THE CRIME OF RAPE.
- THE TRIAL COURT ERRED WHEN IT IMPOSED UPON THE ACCUSED THE MAXIMUM PENALTY OF DEATH.

In its Decision[7] dated October 19, 2005, the appellate court affirmed the judgment of conviction and, in addition to the P75,000.00 civil indemnity imposed, ordered appellant to pay P50,000.00 as moral damages and P25,000.00 as exemplary damages.

The prosecution's version of the incident narrates that sometime between July 17 and 23, 1999, AAA was playing at the northern portion of xxx Bridge, xxx, Pampanga, when she was taken by appellant and brought to his house,

which is about one kilometer away from AAA's residence. While inside the house, appellant took off the clothes of AAA and had sexual intercourse with her.[8] The victim felt pain and her vagina bled.[9]

After a complaint was lodged with the barangay and the police authorities, AAA was brought to the Jose B. Lingad Memorial Regional Hospital in San Fernando, Pampanga, where she was examined.[10] The Medico Legal O.B. Gyne Report indicated multiple superficial healed lacerations.[11] The victim, who was already six years old when she testified in court,[12] positively identified the appellant during the trial and testified on the affidavit she executed before the police officers of xxx, Pampanga.[13]

Appellant's version of the incident is one of denial and alibi. He testified that he was the driver of BBB who lived in Barangay xxx, xxx, Pampanga which is a kilometer away from his place in Sulipan.[14] Appellant usually leaves his house at 7:00 a.m. and stays at his workplace up to 7:30 p.m. or sometimes even up to 10:00 p.m. when necessary.[15]

His job was to drive his employer whenever the latter had appointments in Manila.[16] When BBB had no appointments, he drove a passenger jeepney plying San Fernando, Pampanga and Malolos, Bulacan, a route which passed Sulipan.[17] On July 17, 1999, appellant drove his employer to the Wheels Motor Shop at E. Rodriguez Avenue, Quezon City leaving Apalit at 9:00 a.m. and returning at 8:30 p.m. On July 18, 1999, appellant left his house at 6:00 a.m. arriving at his workplace at 7:30 a.m. and from there he delivered surplus bumpers to Malinta, Manila.[18] On July 19, 20, 21 and 22, 1999, appellant plied the San Fernando-Malolos route on board his passenger jeepney.[19] On July 23, 1999, appellant went to Makati leaving xxx at 10:00 a.m., returning only at 10:00 p.m.[20]

On July 30, 1999, between 6:30 to 7:30 a.m.,[21] he was sweeping the ground in front of his house when a white car pulled over.[22] The vehicle's occupants introduced themselves as police officers and asked him if he was Rene Santos.[23] Thereafter, he was taken to the police headquarters for questioning. Once they arrived at the headquarters, he was detained and remained in detention up to the time of his trial.[24]

We have examined the evidence on record and find no cogent reason to disturb the findings of the trial court and the Court of Appeals. We accord great respect on the findings of the trial court on the credibility of witnesses and their testimonies, for the trial judge observes the behavior and demeanor of the witnesses in court. His evaluation or assessment of the credibility of witnesses and of testimony acquires greater significance in rape cases because from the nature of the offense, the only evidence that can oftentimes be offered to establish the guilt of the accused is the victim's testimony."[25]

This credibility given by the trial court to the rape victim is an important aspect of evidence which appellate courts can rely on because of its unique opportunity to observe the witnesses, particularly their demeanor, conduct and attitude during the direct and cross-examination by counsel.[26] It is likewise well established that the testimony of a rape victim is generally given full weight and credit, more so, if she is a 5-year-old child as in this case. The revelation of an innocent child whose chastity has been abused deserves full credit, as her willingness to undergo the trouble and the humiliation of a public trial is an eloquent testament to the truth of her complaint. In so testifying, she could only have been impelled to tell the truth, especially in the absence of proof of ill motive.[27]

The trial court and the Court of Appeals gave credence to the testimony of AAA who was only six years old when she narrated the sordid details of her ravishment, viz:

FISCAL PINEDA

Questioning

If Rene Santos is inside this courtroom, can you point at him?

WITNESS

Answering

Yes, sir.

Q. Please point at him?

A. There he is, sir.

INTERPRETER

Witness pointed to a person inside the courtroom who [when] asked gave his name as Rene Santos.

Q. Between the period of July 17 to 23, 1999, do you remember where were you?

A. Yes, sir.

Q. Where were you then?

A....

Q. You said you know this Rene Santos, why do you know him?

A. Because he raped me, sir.

Q. Can you remember when was that?

A. Yes, sir.

Q. When?

WITNESS

Answering

I do not know when, sir.

FISCAL PINEDA

Questioning

Do you recall where?

A. In their house, sir.

Q. And where is that house?

A. In Sulipan, sir.

Q. In Apalit, Pampanga?

A. Yes, sir.

Q. You said that this Rene Santos raped you, what particular actuations did he do?

A. He inserted his penis, sir.

Q. Where?

A. Here, sir, in my vagina.

INTERPRETER

Witness pointing to her private organ.

Q. Where did that happen?

A. In their house, sir.

Q. In what portion of his house?

A. Inside their house, sir.

Q. You said that Rene Santos inserted his penis into your vagina, what did you feel?

A. I felt pain, sir.

Q. When he inserted his penis into your vagina did he have any clothings (sic)?

A . . .

ATTY. VIOLA

Leading, Your Honor.

COURT

Reform the question.

FISCAL PINEDA

Questioning

When he inserted his penis into your vagina, what was his appearance?

WITNESS

Answering

It was hard, sir.

Q. What was hard?

A. His penis, sir.

COURT

Questioning

Is this Rene Santos inside this courtroom?

WITNESS

Answering

Yes, sir.

Q. Point to him?

A. There he is, sir.

INTERPRETER

Witness pointed to a person inside the courtroom who when asked gave his name as Rene Santos.[28] (Emphasis and italics supplied)

Counsel for the defense attempted, albeit futilely, to impeach the credibility of the victim.[29] We have held time and again that testimonies of rape victims who are young and immature, as in this case, deserve full credence considering that no young woman, especially one of tender age, would concoct a story of defloration, allow an examination of her private parts, and thereafter pervert herself by being subject to a public trial if she was not motivated solely by the desire to obtain justice for the wrong committed against her. It is highly improbable for an innocent girl of tender years like the victim, who is very naive to the things of this world, to fabricate a charge so humiliating not only to herself but also to her family. Stated succinctly, it is beyond the mind-set of a six-year old child, like the offended party herein, to fabricate a malicious accusation against appellant if the crime did not truly transpire.[30] Verily, when a guileless girl of six credibly declares that she has been raped, she has said all that is necessary to prove the ravishment of her honor.[31]

Appellant's reliance on the corroboration by his wife of his alibi cannot overturn the clear and categorical declarations of the victim identifying him as the perpetrator of the crime. The corroboration should, furthermore, be received with caution coming as it does from appellant's spouse whose emotional ties and interest in his acquittal cannot be gainsaid. Indeed, it has even been held that some wives are overwhelmed by emotional attachment to their husbands such that they knowingly or otherwise suppress the truth and act as a medium for injustice to preponderate.[32]

In addition to his defense of alibi, appellant further faults the trial court with "acting as the prosecutor and the judge at the same time"[33] for allegedly initiating and propounding "the questions, short of supplying the desired answer from the witness." [34]

The argument is tenuous. As has been pointed out in *People v. Guambor*: [35]

The trial judge is accorded a reasonable leeway in putting such questions to witnesses as may be essential to elicit relevant facts to make the record speak the truth. Trial judges in this jurisdiction are judges of both law and the facts, and they would be negligent in the performance of their duties if they permitted a miscarriage of justice as a result of a failure to propound a proper question to a witness which might develop some material bearing upon the outcome. In the exercise of sound discretion, he may put such question to the witness as will enable him to formulate a sound opinion as to the ability and willingness of the witness to tell the truth. A judge may examine or cross-examine a witness. He may propound clarificatory questions to test the credibility of the witness and to extract the truth. He may seek to draw out relevant and material testimony though that testimony may tend to support or rebut the position taken by one or the other party. It cannot be taken against him if the clarificatory questions he propounds happen to reveal certain truths which tend to destroy the theory of one party. (Emphasis supplied)

The trend in procedural law is to give a wide latitude to the courts in exercising control over the questioning of a child witness.[36] Under Sections 19 to 21 of the Rules on Examination of a Child Witness,[37] child witnesses may testify in a narrative form and leading questions may be allowed by the trial court in all stages of the examination if the same will further the interest of justice.[38] It must be borne in mind that the offended party in this case is a 6-year old minor who was barely five when she was sexually assaulted. As a child of such tender years not yet exposed to the ways of the world, she could not have fully understood the enormity of the bestial act committed on her person. Indeed "

Studies show that children, particularly very young children, make the "perfect victims." They naturally follow the authority of adults as the socialization process teaches children that adults are to be respected. The child's age and developmental level will govern how much she comprehends about the abuse and therefore how much it affects her. If the child is too young to understand what has happened to her, the effects will be minimized because she has no comprehension of the consequences. Certainly, children have more problems in providing accounts of events because they do not understand everything they experience. They do not have enough life experiences from which to draw upon in making sense of what they see, hear, taste, smell and feel. Moreover, they have a limited vocabulary'. With her limited comprehension, the child could not have a perfect way of relating that she had been sexually abused.[39] (Emphasis and italics supplied)

The record discloses that the questions propounded by the judge were intended to elicit the truth from the child witness. This perceived undue inquisitiveness of the judge did not unduly harm the substantial rights of the appellant. In fact, it is only to be expected from the judge who, with full consciousness of his responsibilities could not, and should not, easily be satisfied with incompleteness and obscurities in the testimonies of the witness.[40]

While judges should as much as possible refrain from showing partiality to one party and hostility to another, it does not mean that a trial judge should keep mum throughout the trial and allow parties to ask questions that they desire, on issues which they think are important, when the former are improper and the latter immaterial. If trials are to be expedited, judges must take a leading part therein, by directing counsel to submit evidence on the facts in dispute by asking clarifying questions, and by showing an interest in a fast and fair trial. Judges are not mere referees like those of a boxing bout, only to watch and decide the results of a game; they should have as much interest as counsel in the orderly and expeditious presentation of evidence, calling attention of counsel to points at issue that are overlooked, directing them to ask the question that would elicit the facts on the issues involved, and clarifying ambiguous remarks by witnesses. Unless they take an active part in trials in the above form and manner, and allow counsel to ask questions whether pertinent or impertinent, material or immaterial, the speedy administration of justice which is the aim of the Government and of the people cannot be attained.[41]

Appellant also invites the Court's attention to what he perceives as uncharacteristic behavior of the victim who, according to him, should be traumatized after undergoing "the onslaught of sexual molestation." [42] He insists that it is unnatural for the 6-year old victim to go to school the day following her supposedly shocking experience. He also points out that "she was answering not as seriously as one who has been sexually molested." [43]

The contention is neither novel nor persuasive. There is no standard form of behavior that can be expected of rape victims after they have been defiled because people react differently to emotional stress.[44] Nobody can tell how a victim of sexual aggression is supposed to act or behave after her ordeal.[45] Certainly, it is difficult to predict in every instance how a person - especially a 6-year old child, as in this case - would react to a traumatic experience.[46] It is not proper to judge the actions of rape victims, especially children, who have undergone the harrowing experience of being ravished against their will by the norms of behavior expected under such circumstances from mature persons.[47] Indeed, the range of emotions shown by rape victims is yet to be captured even by calculus.[48] It is thus unrealistic to expect uniform reactions from them.[49] In fact, the Court has not laid down any rule on how a rape victim should behave immediately after her ravishment.[50]

In his attempt to extricate himself from criminal liability, appellant further insinuates that his sons may be the possible perpetrators of the felony saying that "it could have been Rene Santos, Jr. or Michael Santos who could have raped the victim" considering that AAA and her sister CCC allegedly complained earlier that they were raped by the two brothers.[51]

If at all, the foregoing suggestion that his sons may have been the malefactors who sexually assaulted the victim

and her sister only succeeds in underscoring his moral depravity and his capacity to commit the crime. Only one whose degree of wickedness plumbs the deepest depths of criminal perversity would have no qualms of laying the onus of his guilt even on his own offspring and, worse, blacken the memory of one of them who is already dead in his endeavor to exculpate himself from the consequences of his felonious acts.

Much less convincing is appellant's proposition that ill feelings and ill motives of the victim's mother impelled the filing of the charges against him. Ill-motives become inconsequential where there are affirmative or categorical declarations establishing appellant's accountability for the felony.[52] We have, furthermore, observed not a few persons convicted of rape have attributed the charges against them to family feuds, resentment or revenge.[53] However, as borne out by a plethora of cases, family resentment, revenge or feuds have never swayed us from giving full credence to the testimony of a complainant for rape, especially a minor who remained steadfast and unyielding throughout the direct and cross-examination that she was sexually abused.[54] It would take a certain degree of perversity on the part of a parent, especially a mother, to concoct a false charge of rape and then use her daughter as an instrument to settle her grudge.[55]

Given the foregoing factual, legal and jurisprudential scenario, we agree with both the trial and appellate courts that the appellant is guilty as charged. He was, likewise, correctly meted the penalty of death because rape committed against a "child below seven (7) years old" is a dastardly and repulsive crime which merits no less than the imposition of capital punishment under Article 266-B of the Revised Penal Code.[56] That AAA was only five years old when she was ravished is clear from her birth certificate.[57]

However, with the passage of Republic Act No. 9346 entitled "An Act Prohibiting The Imposition Of The Death Penalty In The Philippines, the penalty that should be meted is reclusion perpetua, thus:

SEC. 2. In lieu of the death penalty, the following shall be imposed:

- (a) the penalty of reclusion perpetua, when the law violated makes use of the nomenclature of the penalties of the Revised Penal Code; or
- (b) the penalty of life imprisonment, when the law violated does not make use of the nomenclature of the penalties of the Revised Penal Code.

Pursuant to the same law, appellant shall not be eligible for parole under Act No. 4103, otherwise known as the Indeterminate Sentence Law.

In line with prevailing jurisprudence, the Court affirms the award of P75,000.00 as civil indemnity and P25,000.00 as exemplary damages; and increases the Court of Appeals' award of moral damages from P50,000.00 to P75,000.00.[58]

WHEREFORE, the Decision of the Court of Appeals in CA-G.R. H.C. No. 01424 finding appellant Rene Santos guilty beyond reasonable doubt of the crime of rape and ordering him to indemnify the victim the amounts of P75,000.00 as civil indemnity and P25,000.00 as exemplary damages, is **AFFIRMED** with the **MODIFICATION** that the award of moral damages is increased to P75,000.00 and that in lieu of the death penalty, appellant Rene Santos is hereby sentenced to suffer the penalty of reclusion perpetua without possibility of parole.

SO ORDERED.

Panganiban, C. J., Puno, Quisumbing, Sandoval-Gutierrez, Carpio, Austria-Martinez, Cororna, Carpio-Morales, Callejo, Sr., Azcuna, Tinga, Chico-Nazario, Garcia and Velasco, JJ., concur.

- [1] Records, p. 1.
- [2] Id. at 17-18.
- [3] Id. at 160-165.
- [4] Id. at 164-165.
- [5] G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640, 656.
- [6] Rollo, p. 116. Penned by Associate Justice Vicente S.E. Veloso and concurred in by Associate Justices Amelita G. Tolentino and Lucas P. Bersamin.
- [7] Id. at 118-132.
- [8] TSN, December 7, 1999, pp. 5, 10; Salaysay, Exhibit "A," records, p. 28.
- [9] Id. at 5, 8.
- [10] Id. at 15-16.
- [11] TSN, February 22, 2000, p. 6.
- [12] TSN, December 7, 1999, p. 3.
- [13] TSN, December 7, 1999, pp. 4, 6, 7.
- [14] TSN, October 10, 2000, p. 2-3.
- [15] Id. at 3.
- [16] Id.
- [17] Id. at 3-4.
- [18] Id. at 4.
- [19] Id. at 6.
- [20] Id. at 5.
- [21] TSN, August 23, 2000, p. 9.
- [22] Id. at 7.
- [23] Id. at 8.
- [24] Id. at 9-10.
- [25] People v. Macapal, G.R. No. 155335, July 14, 2005, 463 SCRA, 387, 400.
- [26] People v. Cayabyab, G.R. No. 167147, August 3, 2005, 465 SCRA 681, 686.
- [27] People v. Dimaano, G.R. No. 168168, September 14, 2005, 469 SCRA 647, 658.
- [28] TSN, December 7, 1999, pp. 4-6.
- [29] Id. at 9-13.
- [30] People v. Villafuerte, G.R. No. 154917, May 18, 2004, 428 SCRA 427, 433.

[31] *People v. Cachapero*, G.R. No. 153008, May 20, 2004, 428 SCRA 744, 757.

[32] *People v. Fontanilla*, G.R. Nos. 147662-63, August 15, 2003, 409 SCRA 216, 228.

[33] Appellant's Reply Brief, rollo, p. 110.

[34] *Id.*

[35] G.R. No. 152183, January 22, 2004, 420 SCRA 677, 684.

[36] *People v. Escultor*, G.R. Nos. 149366-67, May 27, 2004, 429 SCRA 651, 664-665.

[37] A.M. No. 004-07-SC which took effect 15 December 2000:

SEC. 19. Modes of questioning. - The court shall exercise control over the questioning of children so as to (1) facilitate the ascertainment of the truth, (2) ensure that the questions are stated in a form appropriate to the development level of the child, (3) protect children from harassment or undue embarrassment, and (4) avoid waste of time.

SEC. 20. Leading questions. - The court may allow leading questions in all stages of examination of a child if the same will further the interests of justice.

SEC. 21. Objection to questions. - Objections to questions should be couched in a manner so as not to mislead, confuse, frighten or intimidate the child.

[38] *People v. Cañete*, 448 Phil. 127, 141-142 (2003).

[39] *People v. Gaudia*, G.R. No. 146111, February 23, 2004, 423 SCRA 520, 531.

[40] *People v. Angcap*, 150 Phil. 500, 507 (1972).

[41] *Ventura v. Yatco*, 105 Phil. 287, 294 (1959).

[42] Reply Brief, rollo, p. 111.

[43] *Id.* at 112.

[44] *People v. Francisco*, 448 Phil. 805, 820 (2003).

[45] *People v. Umayam*, 450 Phil. 543, 562 (2003).

[46] *People v. Manahan*, 455 Phil. 658, 670 (2003).

[47] *People v. Tonyacao*, G.R. Nos. 134531-32, July 7, 2004, 433 SCRA 513, 529.

[48] *People v. Negosa*, 456 Phil. 861, 873 (2003).

[49] *People v. Capareda*, G.R. No. 128363, May 27, 2004, 429 SCRA 301, 313.

[50] *People v. Montes*, G.R. Nos. 148743-45, November 18, 2003, 416 SCRA 103, 111-112.

[51] Memorandum of Appellant, rollo, pp. 49-50.

[52] *People v. Guambor*, G.R. No. 152183, January 22, 2004, 420 SCRA 677, 684.

[53] *People v. Cariñaga*, 456 Phil. 944, 968 (2003).

[54] *People v. Glodo*, G.R. No. 136085, July 7, 2004, 433 SCRA 535, 546.

[55] People v. Tolentino, G.R. No. 139351, February 23, 2004, 423 SCRA 448, 458.

[56] People v. Cayabyab, G.R. No. 167147, August 3, 2005, 465 SCRA 681, 689.

[57] Exhibit "C," records, p. 30.

[58] People v. Salome, G.R. No. 169077, August 31, 2006.

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