PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RUBEN CORPUZ Y SIMON, APPELLANT.

G.R. No. 175836. January 30, 2009

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

On review is the August 28, 2006 Decision of the Court of Appeals in CA-G.R. CR HC NO. 01244[1] affirming, with modification, the May 30, 2005 Decision of the Regional Trial Court of Luna, Apayao, Branch 26 in Criminal Case Nos. 1-2003 to 6-2003, finding Ruben Corpuz (appellant) guilty beyond reasonable doubt of six (6) counts of rape.

Except for the alleged dates of commission, appellant was charged with six (6) counts of rape of his alleged stepdaughter AAA[2] in six (6) separate Informations similarly reading:

> That on or about and during the month of _____, _____, _____, _____, _____, _____, 2002 at Barangay Caglayan, Conner, Apayao, within the jurisdiction of this Honorable Court, the above named accused with lewd designs and by means of force and intimidation, did then and there willfully, unlawfully and feloniously did (sic) lie and succeeded in having carnal knowledge with one . . . [AAA], a woman under eighteen (18) years of age, against the latter's will and the crime is aggravated by the fact that the offender is the stepfather of the victim.[3]

On arraignment, appellant pleaded not guilty.[4] Albeit he, during the trial, admitted having had sexual intercourse with AAA, he claimed that he employed no force or intimidation, he invoking the "sweetheart" defense.

From the evidence for the prosecution consisting of, in the main, the testimony of AAA, the following version is gathered:

During the months of April, May, June, July, August, and September, 2002, while AAA's mother BBB was out selling vegetables, appellant, who was the "live-in" partner of BBB, would pull her inside a room of their house in Conner, Apayao, armed with a gun and a knife. Appellant, with threats that he would kill AAA and BBB if AAA would not succumb to his desires, would then make AAA lie down on the bed, remove all her clothing, lay on top of her, and insert his penis into her vagina.[5]

AAA in fact could no longer recall the exact number of times she was violated,[6] she being then only 13 years old.[7]

AAA kept the incidents to herself, afraid that BBB would maltreat her, until in October, 2002, wary about a possible pregnancy as her menstrual cycle seemed to have stopped, she disclosed her plight to her sister-in-law who echoed it to BBB.[8]

In the company of BBB, AAA reported to the Philippine National Police (PNP) Station at Conner, Apayao and submitted herself to a medical examination, the results of which showed that her hymen had old lacerations at

nine o'clock and three o'clock positions and admitted two fingers with slight resistance.[9] AAA thereafter executed her sworn statement.[10] She in fact got pregnant and has given birth to a child.[11]

In the Social Case Study Report on the emotional state of AAA prepared by Ms. Jennifer Daligdig, Municipal Social Welfare Development Officer for Conner, Apayao,[12] AAA was observed to be very silent all the time, indicative of a state of confusion.[13]

As stated early on, appellant admitted having had sexual intercourse with AAA several times from April to September, 2002 but claimed that he never used force.[14] He explained that he had courted AAA who enjoyed their sexual encounters, she even being on top a number of times.[15] He also acknowledged AAA's child as his.[16]

The trial court found appellant guilty of six (6) counts of qualified rape and imposed upon him the death penalty for each count, by Decision dated May 30, 2005,[17] the dispositive portion of which reads:

> WHEREFORE, in the light of the foregoing considerations, the court finds the accused RUBEN CORPUZ y SIMON, GUILTY beyond reasonable doubt of each of the six (6) offenses of Rape charged against him and thereby sentences said accused to suffer the supreme penalty of death for each of the offenses charged.
>
> The accused is further ordered to pay the victim the amount of SEVENTY FIVE THOUSAND PESOS (P75,000.00) for moral damages and FIFTY THOUSAND PESOS (P50,000.00) for exemplary damages, all at Philippine currency for each of the rape (sic) charged against him and to pay the cost of the suit.
>
> SO ORDERED.

Among other things, the trial court held that since appellant admitted that he had sexual intercourse with AAA several times, the burden of proof was on him to show that the same were not attended by force and intimidation or moral ascendancy, but that he failed to discharge this burden, he having relied solely on his self-serving testimony "sweetheart" defense;[18] and that given the tender age of AAA and her relationship to appellant as her "stepfather," moral ascendancy substituted for violence and intimidation.[19] Finally, it held that the rapes were qualified by the aggravating circumstances of age and relationship.

Upon automatic review, the appellate court affirmed the conviction of appellant by Decision of August 28, 2006,[20] but changed the characterization of the crime to simple rape, and consequently lowered the penalty imposed upon him to reclusion perpetua. It disposed:

> WHEREFORE, all the above premises considered, the Decision, dated May 30, 2005, of the Regional Trial Court of Luna, Apayao, Branch 26, is hereby AFFIRMED with MODIFICATION. As modified, Ruben Corpuz y Simon is found guilty of six (6) counts of simple rape under Article 266-B of the Revised Penal Code, and is hereby sentenced to suffer the penalty of Reclusion Perpetua for each offense and to pay the victim [AAA] P75,000.00 as civil indemnity ex delicto; P50,000.00 as moral damages; and P25,000 exemplary damages (sic) for each of the rapes charged against him and to pay the cost of the suit.
>
> SO ORDERED.

In lowering the penalty, the appellate court explained that the trial court erred in appreciating the special qualifying circumstance of relationship as the Informations failed to accurately allege the relationship of AAA and appellant, each having alleged that appellant is the stepfather of AAA, instead of the live-in partner of AAA's mother BBB.[21]

Appellant now seeks relief from this Court. In his Supplemental Brief,[22] he assails the credibility of AAA and posits that if his "sweetheart" theory is assessed vis-à-vis AAA's tale, his appeal would lie.

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The Office of the Solicitor General declined to file a Supplemental Brief for appellee for, to it, appellant does not raise any issue that warrants the same.[23]

At the core of almost all rape cases is the issue of credibility of witnesses. The trial court is in the best position to resolve the issue, having heard the witnesses and observed their demeanor during trial.[24] Thus, appellate courts will not disturb the credence accorded by the trial court to the testimonies of witnesses unless it is shown that the latter has overlooked or arbitrarily disregarded facts and circumstances of significance to the case.[25] This exception does not obtain in the present cases.

Appellant's "sweetheart" theory, being an affirmative defense, must be established by convincing evidence -- some documentary and/or other evidence like mementos, love letters, notes, photographs and the like.[26] Other than appellant's testimony, however, no convincing evidence was presented to substantiate his theory.

Independently of the respect accorded to the trial court's findings, the Court finds no cogent reason to doubt the veracity of AAA's testimony, especially considering her straightforward and unflinching responses to the questions propounded to her during cross examination, which clearly reflect her credibility:

x x x x

Q:

And the only reason why you reported the incident was that you were pregnant, isn't it?

A:

Yes sir.

Q:

Because you also enjoyed having sexual intercourse with Ruben Corpuz for several times from April to September?

A:

No sir.

x x x x

Q:

You said in your direct testimony that in all the incident (sic) that you were raped by Ruben Corpuz, he was in possession of a bolo and a gun is that correct?

A:

Yes sir.

Q:

Do you know where is that gun right now?

A:

No sir.

Q:

What kind of gun, do you still remember what kind of gun?

A:

I do not know but it was a short firearm sir.

Q:

How then do you know that it is a firearm?

A:

He used to poked (sic) it to us or direct the gun to (sic) us whenever they (sic) quarreled with my mother, sir."[27] (Underscoring supplied)

In People v. Adajio,[28] the Court found that fear of bodily harm and fear for the safety of her family prevented the therein complainant from shouting for help, caused her to spread her legs upon the order of her rapist, and compelled her to follow him to the place where the second charge of rape occurred. It thus held that physical resistance need not be established in rape when threats and intimidation are employed and the victim submits herself to the embrace of her rapist because of fear,[29] as in the cases at bar.

The effects of threats and intimidation aside, appellant being the common-law spouse of AAA's mother BBB, moral ascendancy substituted for intimidation. Indeed, in rape committed by a close kin, such as the victim's father, stepfather, uncle, or the common-law spouse of her mother, it is not necessary that actual force or intimidation be employed; moral influence or ascendancy takes the place of violence or intimidation.[30]

As for the appellate court's characterization of the crime as simple rape, the Court finds the same to be consistent with Article 266-B of the Revised Penal Code[31] and settled jurisprudence that, to obtain a conviction for qualified rape, the minority of the victim and her relationship to the offender must be both alleged in the Information and proved with certainty.[32] In the present cases, AAA's minority was alleged and proved, the same having been averred in each of the Informations and proven by a certification from the Office of the Civil Registrar of Kabugao, Apayao as to AAA's date of birth.[33]

The supposed stepfather-stepdaughter relationship between appellant and AAA, on the other hand, was alleged in each of the Informations. The stepfather-stepdaughter relationship as a qualifying circumstance presupposes that the victim's mother and the accused contracted marriage.[34] The prosecution, however, did not present proof that BBB and appellant did contract marriage. What appellant claimed is that he and BBB are merely common-law spouses ("live-in" partners),[35] which could also qualify the offense but only if the same is alleged in each of the Informations and proven at the trial.[36] The appellate court thus correctly held that appellant committed six (6) counts of simple rape.

Finally, with respect to damages, the Court affirms the appellate court's awards of P50,000 as moral damages and P25,000 as exemplary damages for each count of rape committed, but reduces its award of civil indemnity ex delicto from P75,000 to P50,000 for each count.

Civil indemnity is automatically awarded upon proof of the commission of the crime by the offender.[37] In accordance with prevailing jurisprudence, the civil indemnity awarded to victims of qualified rape shall not be less than P75,000, and P50,000 for simple rape.[38]

Moral damages in the amount of P50,000 for each count is also automatically granted in a rape case without need of further proof other than the fact of its commission.[39] The award of P25,000 as exemplary damages for each count of rape is in order too in view of the minority of the victim.[40]

WHEREFORE, the challenged Decision of the Court of Appeals is AFFIRMED with MODIFICATION in that

appellant, Ruben Corpuz y Simon, is ORDERED to pay the private complainant, AAA, P50,000.00 as civil indemnity for each count of rape committed. In all other respects, the appellate court's decision is AFFIRMED.

SO ORDERED.

Quisumbing, (Chairperson), Corona, [*] Tinga, and Brion, JJ., concur.

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[*] Additional member per Special Order No. 558 dated January 15, 2009 in lieu of J. Presbitero J. Velasco who is on official leave.

[1] Penned by Associate Justice Normandie B. Pizarro.

[2] Consistent with the Court's decision in People v. Cabalquinto, G.R. No. 167693, September 19, 2006, 502 SCRA 419, the real name of the rape victim is withheld and, instead, fictitious initials are used to represent her. Also, the personal circumstances of the victim or any other information tending to establish or compromise her identity, as well as those of her immediate family or household members, are not disclosed in this decision.

[3] CA rollo, pp. 42-45.

[4] Id. at 17.

[5] Ibid.

[6] Ibid.

[7] Records, p. 110.

[8] TSN, March 19, 2004, pp. 7-20.

[9] Records, p. 6.

[10] Id. at 4.

[11] TSN, March 19, 2004, pp. 7-20.

[12] Records, pp. 108-109.

[13] Ibid.

[14] TSN, August 24, 2004, pp. 3-6.

[15] Id. at 11.

[16] Id. at 8; TSN, March 19, 2004, p. 19.

[17] CA rollo, pp. 42-57.

[18] Ibid.

[19] Ibid.

[20] Id. at 135-142.

[21] Ibid.

[22] Rollo, pp. 31-35.

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[23] Id. at 11-12.

[24] Perez v. People, G.R. No. 150443, January 20, 2006, 479 SCRA 209, 220, citing Sim, Jr. v. Court of Appeals, G.R. No. 159280, May 18, 2004, 428 SCRA 459; Magno v. People, G.R. No. 133896, January 27, 2006, 480 SCRA 276; People v. Manahan, 374 Phil. 77 (1999).

[25] People v. Arnaiz, G.R. No. 171447, November 29, 2006, 508 SCRA 630.

[26] People v. San Antonio, Jr., G.R. No. 176633, September 5, 2007, 532 SCRA 411, 425.

[27] TSN, April 13, 2004, pp. 3-4.

[28] 397 Phil. 354 (2000).

[29] Ibid.

[30] People v. Remudo, 416 Phil. 422 (2001).

[31] The pertinent provision of Article 266-B of the RPC reads:

Article 266-B. Penalties. -- . . .

x x x x x

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

- When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common law spouse of the parent of the victim. (Underscoring supplied)

[32] Vide People v. Barcena, G.R. No. 168737, February 16, 2006, 482 SCRA 543; People v. Narido, 374 Phil. 489 (1999); People v. Acala, 366 Phil. 797 (1999).

[33] Records, p. 110; CA rollo, pp. 47-48.

[34] Vide People v. Villaraza, 394 Phil. 175 (2000); People v. Tolentino, 367 Phil. 755 (1999).

[35] TSN, August 24, 2004, p. 4.

[36] People v. Domingo, G.R. No. 177136, June 30, 2008.

[37] People v. Baun, G.R. No. 167503, August 20, 2008.

[38] Vide People v. Cacayan, G.R. No. 180499, July 9, 2008.

[39] Vide People v. Codilan, G.R. No. 177144, July 23, 2008.

[40] Vide People v. Salome, G.R. No. 169077, August 31, 2006, 500 SCRA 659; People v. Quiachon, G.R. No. 170236, August 31, 2006, 500 SCRA 704.

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