

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ADELADO ANGUAC Y RAGADAO, ACCUSED-APPELLANT.*G.R. No. 176744. June 05, 2009*

Ponente: VELASCO JR., J.

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This is an appeal from the Decision dated August 29, 2006 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 02012 entitled *People of the Philippines v. Adelado Anguac* which affirmed with modification the Decision dated January 23, 2002 of the Regional Trial Court (RTC), Branch 69 in Iba, Zambales in Criminal Case Nos. RTC 2756-I and RTC 2757-I. The RTC convicted accused-appellant Adelado Anguac of rape and violation of Section 5(a), Republic Act No. (RA) 7610 or the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.

The records disclose the following facts:

Accused-appellant Anguac is the common-law spouse of BBB, the mother of AAA.[1] They reside in a hut in Palauig, Zambales. At around 9:00 p.m. of March 28, 1998, AAA, then 17 years old, while asleep with her siblings in a room at their residence, found herself suddenly awakened by Anguac who poked a knife at her with the threat, "Huwag kang maingay kundi papatayin ko kayong lahat (Do not make any noise or else, I will kill you all)." Thereafter, Anguac succeeded in removing the underwear of the struggling AAA and then sexually forced himself on AAA while pointing the knife just below her ear. After satisfying his lust, Anguac again threatened AAA with bodily harm should she disclose what had just occurred. The sexual assault on AAA was to be repeated five (5) more times: in April 1998, May 1998, twice in January 1999, and once in February 1999. Sometime in July 1999, AAA, when queried by her aunts, admitted to her being pregnant as a result of the dastardly acts of Anguac. Thereafter, the concerned aunts accompanied their pregnant niece to the police to file a complaint against Anguac. On October 4, 1999, AAA gave birth to a baby boy.[2]

On November 26, 1999, two (2) separate informations were filed charging Anguac with rape and violation of RA 7610, respectively, as follows:

Crim. Case No. RTC-2756-I

That on or about the 28th day of March 1998, in Brgy. [XXX], municipality of Palauig, province of Zambales, Philippines, and within the jurisdiction of [the RTC], the said accused, with lewd design and by means of force, threats and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with and carnal knowledge of [AAA], a minor 17 years old, said accused then the common-law spouse of the mother of the minor [AAA], without the latter's consent and against her will, to her damage and prejudice.

Crim. Case No. RTC-2757-I

That in or about the period from April 1998 to February 1999, in Brgy. [XXX], municipality of Palauig, province of Zambales, Philippines, and within the jurisdiction of [the RTC], the said accused, actuated by lust, and due to said accused's coercion and/or influence and by means of force and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with and carnal knowledge of [AAA], a minor 17

years old, with said accused being then the common-law spouse of [AAA's] mother, without the latter's consent and against her will, to her damage and prejudice.[3]

When arraigned, Anguac pleaded not guilty to both charges. In the ensuing trial, he denied committing the crimes imputed to him, claiming that AAA was away staying and working with her aunt during the months the alleged molestation took place. He described AAA to be a problem child, often cutting classes, and was always in the company of boys. BBB, AAA's mother, corroborated his testimony about AAA being away with her aunt from March 22, 1998 to March 1999. She also testified that Anguac treated AAA like his very own daughter.

The RTC, finding AAA to be a credible witness without improper motive to falsely accuse and testify against Anguac, rendered on January 23, 2002 a Decision finding Anguac guilty as charged and sentencing him accordingly. The dispositive portion of the RTC decision reads:

WHEREFORE, in consideration of the foregoing premises, JUDGMENT is hereby rendered as follows:

- In Criminal Case No. RTC 2756-I for the crime of rape, the accused is found guilty beyond reasonable doubt of the crime provided under the Revised Penal Code and is sentenced to suffer the single indivisible penalty of reclusion perpetua and to pay moral damages in the sum of SEVENTY FIVE THOUSAND PESOS (P75,000.00);

- In Criminal Case No. RTC 2757-I, the accused is pronounced guilty beyond reasonable doubt of the crime committed [which] is punishable under Republic Act No. 7610, Section 5(a) and is sentenced to suffer the penalty of reclusion temporal in its medium period of 14 years as imprisonment. Applying the Indeterminate Sentence Law, by reason of Section 1, Act No. 4103, as amended by Act No. 4225, that x x x "if the offense is punished by any other law, the court shall sentence the accused to an indeterminate sentence, the maximum term of which shall not exceed the maximum fixed by said law and the minimum shall not be less than the minimum term prescribed by the same" and which minimum penalty hereof imposed on the accused is, therefore, 12 years imprisonment and for the accused to pay further the sum of THIRTY THOUSAND PESOS (P30,000.00) as moral damages; and

- The accused is credited for the period covered by his preventive imprisonment, for purposes of the service of his sentences.

The Provincial Warden of Iba, Zambales is ordered to commit the living body of the accused to [the] National Penitentiary to serve his sentences within a period of ten days upon receipt of this Decision.

IT IS SO ORDERED.[4]

Therefrom, Anguac appealed to this Court, claiming that the RTC erred in: (1) giving undue credence to the testimonies of the prosecution's witness; (2) finding the charges sufficiently established by evidence; and (3) finding him guilty beyond reasonable doubt of the crimes charged.

Per Resolution[5] dated August 31, 2005, the Court, in line with its ruling in *People v. Mateo*,[6] transferred the case to the CA for its disposition, whereat it was docketed as CA-G.R. CR-H.C. No. 02012.

In a Decision dated August 29, 2006, the CA affirmed the Decision of the RTC. It, however, treated the crime of rape charged in Criminal Case No. RTC 2757-I as a violation of Sec. 5(b) of RA 7610 instead of Sec. 5(a) as found by the trial court, pursuant to the dictum "the real nature of the crime charged is determined by the facts alleged in the Information and not by the title or designation of the offense contained in the caption of the Information." [7] Monetary awards were likewise modified. The case was disposed of as follows:

WHEREFORE, the assailed January 23, 2002 Decision of the Regional Trial Court of Iba, Zambales, Branch 69, in Criminal Case Nos. RTC 2756-I and RTC 2757-I is hereby MODIFIED to read as follows:

"WHEREFORE, in consideration of the foregoing premises, JUDGMENT is hereby rendered as follows:

1. In Criminal Case No. RTC-2756-I, the accused is found guilty beyond reasonable doubt of the crime of Rape and is sentenced to suffer the single indivisible penalty of Reclusion Perpetua and to pay civil indemnity in the sum of SEVENTY FIVE THOUSAND PESOS (P75,000.00); moral damages in the sum of SEVENTY FIVE THOUSAND PESOS; and exemplary damages in the sum of TWENTY FIVE THOUSAND PESOS (P25,000.00);
2. In Criminal Case No. RTC-2757-I, the accused is pronounced guilty beyond reasonable doubt of the crime committed [which] is punishable under Republic Act No. 7610, Section 5(b) and is sentenced to suffer the penalty of reclusion temporal in its medium period of 14 years as imprisonment. Applying the Indeterminate Sentence Law, by reason of Section 1, Act No. 4103, as amended by Act No. 4225, that x x x "if the offense is punished by any other law, the court shall sentence the accused of an indeterminate sentence, the maximum term of which shall not exceed the maximum fixed by said law and the minimum shall not be less than the minimum term prescribed by the same" and which minimum penalty hereof imposed on the accused is, therefore, 12 years imprisonment and for the accused to pay further the sum of THIRTY THOUSAND PESOS (P30,000.00) as moral damages; and,
3. The accused is credited for the period covered by his preventive imprisonment, for purposes of the service of his sentence.

The Provincial Warden of Iba, Zambales is ordered to commit the living body of the accused to the National Penitentiary to serve his sentences within the period of ten days upon receipt of this Decision.

IT IS SO ORDERED."

SO ORDERED.[8]

The case is now again with this Court for review of the CA's affirmatory decision. On September 3, 2007, this Court required the parties to submit supplemental briefs if they so desired. The parties manifested their willingness to submit the case for resolution on the basis of the records already submitted.

On the basis of the assignment of errors earlier made by Anguac, we find the issues to be: (1) the credibility of the witnesses for the prosecution; and (2) the sufficiency of the prosecution's evidence.

As it was in the CA, Anguac assails the credibility of the witnesses for the prosecution, particularly that of AAA. In a bid to discredit AAA's testimony, Anguac alleges that AAA has an axe to grind against him and BBB, AAA's mother, for sending her away to work at her aunt's house to pay off a big loan they incurred. He also urges us to note that on the night of March 28, 1998, when the first alleged rape incident occurred, AAA was in a room sleeping with her younger half-sisters and brothers lying beside or very close to her. To Anguac, it was well-nigh impossible for the alleged rape to have transpired without rousing AAA's siblings from their sleep.

The appeal of Anguac has no merit.

Anguac's allegation that AAA resented being made to work off her mother's debts has nothing to support itself. The appellate court found no sufficient basis to back Anguac's contention about AAA being asked to work to pay off her mother's obligation as a result of which she harbored a grudge against him and her mother. Moreover, the resentment angle, even if true, does not prove any ill motive on AAA's part to falsely accuse Anguac of rape or necessarily detract from her credibility as witness. Motives, such as those arising from family feuds, resentment, or revenge, have not prevented the Court from giving, if proper, full credence to the testimony of minor complainants[9] who remained steadfast throughout their direct and cross-examination.[10]

The categorical conclusion of the CA, confirmatory of that of the trial court, was that Anguac raped AAA on March 28, 1998 and five (5) more times thereafter. Both the trial and appellate courts found AAA to be categorical and unfaltering in her testimony on those unforgettable occasions. Both courts' assessments of AAA's credibility, particularly those of the trial court which had the advantage of observing her demeanor while in the witness box, carry great weight. Unless it is shown that the trial court overlooked, misapplied, or misunderstood some fact or circumstance of substance that would otherwise affect the result of the case, its findings will remain undisturbed on appeal.[11] After carefully reading the records of the case, we find no compelling reason now to depart from the rule.

Anguac's claim that it is impossible for AAA's young siblings sleeping beside or near her not to be awakened while she was allegedly being rape is untenable. Lust, being a very powerful human urge, is, to borrow from *People v. Bernabe*, "no respecter of time and place." [12] Rape can be committed in even the unlikely places and circumstances, and, as recent jurisprudence shows, by the most unlikely persons. The fact that AAA's siblings were not awakened at the time she was ravished is not improbable. We have observed in more than one occasion that rape could take place in the same room where other members of the family were sleeping; [13] that it is not impossible to commit rape in a small room even if there are several persons in it. [14] We have taken judicial notice of the fact that among poor couples with big families cramped in small quarters, copulation does not seem to be a problem despite the presence of other persons. [15]

Anguac has failed to disprove the allegations of AAA with his mere denial of the charges against him. The rule is that denials are self-serving negative evidence which cannot prevail over the positive, straightforward, and unequivocal testimony of the victim. [16] We have ruled time and again that the sole testimony of a rape victim, if credible, suffices to convict. [17]

The Court affirms the CA's modification of the crime charged in Criminal Case No. RTC 2757-I. The RTC erroneously convicted accused-appellant based on the crime designated in the information for that criminal case. While the Information pertaining to that criminal case charged accused-appellant with violation of Sec. 5(a) of RA 7610, the facts alleged in it constitute elements of a violation of Sec. 5(b) of the same law:

Section 5. Child Prostitution and Other Sexual Abuse.—Children, whether male or female, who, for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty of reclusion temporal in its medium period to reclusion perpetua shall be imposed upon the following:

x x x x

(b) Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected to other sexual abuse: Provided, That when the victim is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, the Revised Penal Code, for rape or lascivious conduct, as the case may be: Provided, That the penalty for lascivious conduct when the victim is under twelve (12) years of age shall be reclusion temporal in its medium period; x x x

As the Court has previously held, the character of the crime is determined neither by the caption or preamble of the information nor by the specification of the provision of law alleged to have been violated, they being conclusions of law, but by the recital of the ultimate facts and circumstances in the information. [18] Consequently, even if the designation of the crime in the information of Criminal Case No. RTC 2757-I was

defective, what is controlling is the allegation of the facts in the information that comprises a crime and adequately describes the nature and cause of the accusation against the accused.

Sec. 5(a) of RA 7610 refers to engaging in or promoting, facilitating, or inducing child prostitution. Sec. 5(b), on the other hand, relates to offenders who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subject to other sexual abuse. The informations charged accused-appellant with having sexual congress with AAA through force, threats, and intimidation. These allegations more properly fall under a charge under Sec. 5(b). The appellate court was, thus, correct in modifying the RTC's disposition of the case with regard to the violation under RA 7610.

Anent the award of exemplary damages to AAA in Criminal Case No. RTC-2756-I, it is increased from PhP 25,000 to PhP 30,000 in accordance with our ruling in *People v. Layco, Sr.*[19]

On the matter of civil liability, we increase the award of moral damages in Criminal Case No. RTC-2757-I (violation of Sec. 5(b) of RA 7610) to PhP 50,000 pursuant to prevailing jurisprudence.[20] We affirm the rest of the monetary awards.

WHEREFORE, the appeal is DENIED. The August 29, 2006 Decision of the CA in CA-G.R. CR-H.C. No. 02012, finding accused-appellant Adelado Anguac guilty beyond reasonable doubt of the crimes of rape and violation of Sec. 5(b) of RA 7610, is AFFIRMED with the modifications that in Criminal Case No. RTC-2756-I for rape, accused-appellant is ordered to pay PhP 30,000 as exemplary damages, while in Criminal Case No. RTC-2757-I for violation of Sec. 5(b) of RA 7610, accused-appellant is ordered to pay moral damages in the sum of PhP 50,000.

SO ORDERED.

Quisumbing, (Chairperson), Ynares-Santiago,[*] Leonardo-De Castro,**] and Brion, JJ., concur.

[*] Additional member as per Special Order No. 645 dated May 15, 2009.

[**] Additional member as per Special Order No. 635 dated May 7, 2009.

[1] The name and personal circumstances of the victim and her immediate family are withheld per RA 7610 and RA 9262 or the Anti-Violence Against Women and Their Children Act (2004).

[2] Exhibit "D."

[3] CA rollo, pp. 10, 12.

[4] Id. at 35-36. Penned by Judge Jules A. Mejia.

[5] Rollo, p. 2.

[6] G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640.

[7] *Garcia v. People*, G.R. No. 144785, September 11, 2003, 410 SCRA 582, 587.

[8] Rollo, pp. 12-13. Penned by Associate Justice Elvi John S. Asuncion and concurred in by Associate Justices Jose Catral Mendoza and Sesinando E. Villon.

[9] *People v. Alejo*, G.R. No. 149370, September 23, 2002, 411 SCRA 563, 573.

[10] *People v. Rata*, G.R. Nos. 145523-24, December 11, 2003, 418 SCRA 237, 248-249.

- [11] People v. Dela Cruz, G.R. Nos. 135554-56, June 21, 2002, 383 SCRA 410, 428.
- [12] G.R. No.141881, November 21, 2001, 370 SCRA 142, 147.
- [13] People v. Besmonte, G.R. Nos. 137278-79, February 17, 2003, 397 SCRA 513, 523.
- [14] People v. Balmoria, G.R. No. 134539, November 15, 2000, 344 SCRA 723, 728.
- [15] People v. Flores, G.R. Nos. 145309-10, April 4, 2003, 400 SCRA 677, 687.
- [16] People v. Bascugin, G.R. No. 144195, May 25, 2004, 429 SCRA 140, 151.
- [17] People v. Capili, G.R. No. 142747, March 12, 2002, 379 SCRA 203, 209.
- [18] Licyayo v. People, G.R. No. 169425, March 4, 2008, 547 SCRA 598, 609.
- [19] G.R. No. 182191, May 8, 2009.
- [20] People v. Abellera, G.R. No. 166617, July 3, 2007, 526 SCRA 329.

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