

FIRST DIVISION VICTOR RONDINA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 179059. June 13, 2012

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

Sadly, this is yet another case of a lass pitilessly stripped of her innocence.

In this Petition for Review on Certiorari, petitioner Victor Rondina (Victor) assails the Decision[1] dated July 24, 2007 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 00185 which affirmed with modification the Judgment[2] of the Regional Trial Court (RTC), Ormoc City, Branch 35 in Criminal Case No. 5548-0 finding him guilty beyond reasonable doubt of the crime of rape.

Factual Antecedents

On March 29, 1999, the City Prosecution Office of Ormoc City filed with the RTC an Information[3] charging Victor as follows:

That on or about the 15[th] day of July 1998, at around 4:00 o'clock in the afternoon, at "DDD", [Ormoc City], and within the jurisdiction of this Honorable Court, the above-named accused: VICTOR RONDINA, being then armed with a knife and by means of force, threat and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge [of] the complainant herein, "AAA"[4] - a sixteen (16) year old lass, against her will.[5]

On arraignment, Victor pleaded "not guilty" to the crime charged.[6] Pre-trial and trial thereafter ensued.

Version of the Prosecution

In 1998, "AAA" was a young girl of 16 who was in second year high school. The youngest and the only girl among a brood of four, she lived with her parents and siblings in a rented house located in "DDD," Ormoc City.

On July 15, 1998, "AAA," upon arriving home from school at around 4:00 p.m., immediately proceeded to the toilet to defecate. The said toilet, constructed of hollow blocks with G.I.-sheet roofing, had only a tie-wire as lock. It was located outside "AAA's" house and was being used as a communal toilet by the occupants of nearby houses.

Once inside, "AAA" immediately took off her panty and relieved herself, forgetting to lock the door.[7] After washing her anus, "AAA" was surprised when Victor, a neighbor, suddenly entered the toilet with only a towel covering himself from the waist down. Victor immediately removed the towel from his waist as well as his brief. He then poked a knife on "AAA's" neck, covered her mouth and threatened her by saying "[d]on't ever tell anybody otherwise I will kill your parents, your siblings including yourself." [8] Because her mouth was covered, "AAA" was not able to shout.[9]

Victor ordered “AAA” to stand against the wall with her hands on both sides[10] and forcefully inserted his penis into “AAA’s” vagina.[11] “AAA” felt pain.[12] After a while, she felt a liquid-like substance discharged from Victor’s penis.[13] When Victor had already satisfied his bestial desire, he again wrapped the towel around his waist[14] and before getting out of the toilet uttered “do not tell your mother or else I will kill you.”[15]

“AAA” did not immediately tell anyone of her misfortune and just kept on crying. However, it came to the point where she could no longer keep silent so that a few months after the incident, “AAA” finally told her mother “BBB” that Victor raped her.[16]

When “BBB” had “AAA” examined by physicians, it was discovered that aside from having healed hymenal lacerations, “AAA” was more or less six months pregnant, viz:

OB-GYNE NOTES

G1 P0 LMP – July, 1998 (1st week)

EDC – April, 1999 (2nd week)

Abdomen – soft, uterus palpable with fundal height of 23 cms.

Fetal heart tone – not appreciated

Quickening – noted December, 1998

Visual Vulva Examination – pubic hair - present

no inflammations - noted.

no fresh lacerations.

hymen – with healed lacerations at the 3 o’clock,

5 o’clock and 9 o’ clock positions

Vaginal opening – admits two examining fingers freely

Pelvic Ultrasound Result: Single live intrauterine pregnancy with

mean AOG of 24 weeks and 2 days by BPD

and FL.[17]

Hence, Victor was charged with the crime of rape. During the pendency of the proceedings and after about nine months from the date of the alleged incident, “AAA” gave birth to a baby girl, “CCC,” on May 1, 1999.

Version of the Defense

Victor interposed the defense of denial and alibi. He averred that he could not have raped “AAA” at 4:00 o’clock in the afternoon of July 15, 1998 because during that time, he was in a cockpit in Brgy. Macabug, Ormoc City. He went there at 2:00 p.m. with Alex Oliveros (Alex) and Ruben Bertulfo.[18] He could still very well remember the cockfight on that particular day as same was held because of the approaching fiesta of Macabug on July 25 and also because he won. He even gave part of his winnings to Alex for the latter to spend on his birthday.[19] It was already around 5:30 p.m. when Victor and his companions left Macabug. From Macabug, he and Alex headed to the public market of Ormoc City and bought viand.[20] After that, the two of them went to their respective homes. Victor arrived home at around 6:00 p.m.

Ruling of the Regional Trial Court

With two conflicting versions before it, the RTC declared the issue to be one of credibility, that is, whether

“AAA’s” claim that she was raped by Victor vis-à-vis the latter’s denial and alibi, is credible, convincing and satisfactory as to hold the latter guilty beyond reasonable doubt of the crime of rape.[21]

In resolving the case, the court held that the prosecution was able to duly establish all the elements of rape. It gave much credence to “AAA’s” testimony since it observed that the latter, despite some inconsistencies in her testimony during trial, narrated her travails at the hands of Victor in an earnest, spontaneous and straightforward manner. She was able to give all the core elements of rape in her narration. As to the inconsistencies, the RTC chose to brush them aside as it found them to be minor inconsistencies which only tend to bolster rather than weaken the rape victim’s credibility as they show that her testimony was not contrived.[22] The RTC then declared itself convinced that the prosecution, by its own evidence, was able to prove the guilt of the accused beyond reasonable doubt. Hence, the dispositive portion of its Judgment[23] dated June 7, 2000:

WHEREFORE, after considering all the foregoing, the Court finds the accused Victor Rondina GUILTY beyond reasonable doubt of the crime of Rape as charged in the information and, accordingly, without any finding as to mitigating and aggravating circumstances, hereby sentences him to suffer imprisonment of Forty (40) years reclusion perpetua, to pay the offended party the sum of P75,000.00 as indemnity, P50,000.00 as moral damages, and costs; also to acknowledge the offspring [CCC] and to give her support.

x x x x

SO ORDERED.[24]

Victor filed a Notice of Appeal[25] which was granted by the RTC in its

Order[26] of June 28, 2000. After the elevation of the records of the case, this Court accepted the appeal on February 21, 2001.[27] Conformably, however, with the Court’s ruling in *People v. Mateo*,[28] the case was subsequently transferred to the CA for appropriate action and disposition.[29]

Ruling of the Court of Appeals

In his brief,[30] Victor averred that the RTC should not have given full faith and credence to “AAA’s” testimony for the following reasons: (1) “AAA” reported the crime only after five months from its alleged occurrence; (2) the rape could not have been committed in the said toilet because of the presence of the occupants of nearby houses; (3) it was unimaginable and improbable to commit the rape in the manner and position narrated by “AAA”; (4) “AAA’s” testimony was full of inconsistencies; and (5) “AAA” was impelled by other motive in filing the charge against him.

The CA, however, found no compelling reason to depart from the RTC’s ruling. Aside from reducing the award of civil indemnity from P75,000.00 to P50,000.00, it affirmed the trial court’s judgment in all other respects in a Decision[31] dated July 24, 2007, thus:

WHEREFORE, premises considered, except for the MODIFICATION in the award of civil indemnity as aforementioned, the trial court’s Decision dated June 7, 2000 is hereby AFFIRMED as to all other respects.

SO ORDERED.[32]

Hence, Victor comes to this Court to seek a reversal of his conviction.

Assignment of Errors

Victor ascribes upon the lower courts the following errors:

- The Honorable Court of Appeals and the Honorable Regional Trial Court committed serious error of law and grave abuse of discretion when it did not apply the ruling of this Honorable Supreme Court in *PEOPLE OF*

THE PHILIPPINES vs. CRISPIN T. RUALES [G.R. No. 149810, August 28, 2003] to the effect that due to the nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution and that the evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence for the defense.

- The Honorable Court of Appeals and the Honorable Regional Trial Court committed serious error of law and grave abuse of discretion when it did not apply the ruling of this Honorable Supreme Court in PEOPLE OF THE PHILIPPINES vs. APAT [114 SCRA 620] which ruling is squarely applicable to the facts in the present case;

- The Honorable Court of Appeals and the Honorable Regional Trial Court committed serious error of law and grave abuse of discretion when it declared that the petitioner x x x failed to show any improper motive on the part of the private complainant, which would have prompted the latter to file false claims against the petitioner;

- The Honorable Court of Appeals and the Honorable Regional Trial Court committed serious error of law and grave abuse of discretion when it merely brushed aside the alibi of the petitioner not taking into account that while alibi may be considered a weak defense, such alibi could work to exculpate the petitioner as such alibi is the truth and is sufficiently corroborated;

- The Honorable Court of Appeals and the Honorable Regional Trial Court committed serious error of law and grave abuse of discretion when it rendered and affirmed a judgment of conviction despite the failure of the prosecution to prove his guilt beyond reasonable doubt.[33]

Our Ruling

The petition is devoid of merit.

The lower courts did not err in giving full faith and credence to “AAA’s” testimony.

Victor avers that the lower courts, in resolving the case, failed to apply the Court’s pronouncement in People v. Ruales,[34] viz;

In deciding rape cases, we have been guided by the following well-established principles: (a) an accusation of rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove; (b) due to the nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and (c) the evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence for the defense.[35]

The Court had consistently acknowledged that “[a]t the core of almost all rape cases, the credibility of the victim’s testimony is crucial in view of the intrinsic nature of the crime where only the participants therein can testify to its occurrence.”[36] Hence, “the testimony of the complainant must be examined with extreme care for, whether the case results in conviction or in acquittal, the final outcome would almost invariably be dependent on what the victim declares and on how she has stood and comported herself at the witness stand during questioning.”[37]

We have carefully examined the records of this case and hold that the lower courts did not commit reversible error in according superior weight to “AAA’s” testimony.

It is worthy to note that before “AAA” was put on the witness stand, the RTC directed the Department of Social Welfare and Development (DSWD) to cause her to be subjected to a psychological examination.[38] This was

due to the prosecution's claim that "AAA" was then emotionally unstable. In compliance therewith, the DSWD submitted to the court the result of the Psychiatric Evaluation and Mental Status Examination[39] performed upon "AAA" indicating that she was suffering from organic brain disease which is mental retardation. She could, however, undergo trial albeit with assistance because of her sub-average general intellectual functioning.[40]

Notwithstanding "AAA's" mental condition, the Court notes that she was still able to recount the details of her traumatic experience in a credible, convincing and straightforward manner and therefore her testimony bears the ring of truth. She testified as follows:

Q:

You said that you were already inside the toilet, what did you do inside?

A:

I defecated.

x x x x

Q:

While you were inside what happened?

A:

He inserted his penis [into] my vagina.

Q:

To whom are you referring the pronoun "he"?

A:

Victor.

Q:

Are you referring to the accused in this case Victor Rondina?

A:

Yes, sir.

Q:

Are you telling us that he went inside the toilet?

A:

Yes, sir.

x x x x

Q:

Where [did] this incident [take] place[,] his insertion of his penis into your vagina?

A:

Inside the toilet.

Q:

What was your position when he inserted his penis [into] your female organ?

A:

He made me lean against the wall.

Q:

You mean to say that you were in the standing position?

A:

Yes, sir.

Q:

Did you not resist x x x the sexual advances of the accused.

A:

I resist[ed].

Q:

In what manner?

A:

He told me, “do not ‘kuan’ because [you’re still young and I’m old”].

Q:

What do you mean by saying the word “don’t”?

A:

What I mean is that, when I was in the toilet, I was poked with a knife and I was not able to shout because my mouth was covered.

Q:

In what part of your body was the knife being poked?

A:

In my neck. (And the witness pointed to [the] left side of her neck.)

Q:

Did you see the weapon.

A:

Yes, sir.

Q:

Will you please describe to us the length and the size of the weapon?

COURT INTERPRETER:

The witness estimated the length at about 5 inches.

Q:

That excludes the handle?

A:

It does not.

Q:

So that size consist[s] only of the blade?

A:

Yes, sir.

Q:

Did he say anything when he poked the knife in your neck?

A:

Yes, sir.

Q:

Would you recall what [were] the utterances made by the accused?

A:

“Don’t you ever tell anybody otherwise I will kill your parents, your siblings including yourself.”[41]

x x x x

Q:

While his male organ was inside yours, what else did he do?

A:

That is what I’ve told you sir, that he told me that [once] you tell anybody I’ll kill your parents.

x x x x

Q:

What did you notice from his penis if any?

A:

[Felt] different.

x x x x

Q:

Was there anything that you [felt]?

A:

Yes, sir.

Q:

What?

A:

He inserted his penis [into] my vagina and there was some kind of “apple-apple” or a liquid like substance.

Q:

What did you do [in] that instance that his penis was inside your female organ?

A:

It [felt] so different for me.

Q:

Did you like it?

A:

No sir.

Q:

Did you feel pain?

A:

Yes, sir.

Q:

After you’ve noticed that he had already ejaculated, what else did he do?

A:

When he was about to get out, he said that “do not tell your mother or else I will kill you.”[42]

When asked by the trial court to demonstrate her position during the alleged sexual intercourse, “AAA” even readily made a physical illustration of the same:

Q:

You were in the straight standing position during the alleged sexual intercourse?

A:

Yes, your Honor.

Q:

[As a] preliminary to the ocular inspection, the Court would like you to make the physical illustration as to your position. This is now [the] wall of the courtroom, imagine that, that wall is the wall of the toilet. Illustrate how you were standing at the time that you were sexually molested.

COURT INTERPRETER:

The witness illustrate[s] to the Court by standing [with] her back leaning against the wall with hands on both sides.

Q:

Were you not in a squatting position?

A:

No your honor, I just position[ed] myself like this. (As the witness earlier demonstrated to the Court).[43]

With her intelligence level, it is hard to believe that her testimony had been rehearsed as Victor would want to put it. If such was the case, “AAA’s” testimony would have eventually fallen apart. However, as shown above and except for a few minor inconsistencies and some difficulty in understanding the questions propounded to her,[44] “AAA” was still able to testify with definiteness on the material details of her harrowing experience at the hands of Victor.

Victor avers that the manner in which the rape was committed, as narrated by “AAA,” defies imagination, is incredible and contrary to human experience. He calls attention to “AAA’s” testimony during cross examination that his left hand was covering her mouth while his right hand was poking the knife at her the entire duration of the alleged sexual intercourse. Given the circumstances, Victor implies that it was improbable for him to penetrate “AAA’s” vagina in a standing position considering that his two hands, as testified to by “AAA,” were not free and that “AAA” was moving to resist the penetration. Victor thus invokes the case of *People v. Apat*[45] where the Court pronounced as follows:

3. The manner by which the appellant allegedly raped Gregoria, as narrated by her, defies the imagination. It may hardly be envisioned how a man can successfully consummate the sexual act on an unwilling woman with his left hand placed over her mouth (supposedly to prevent her from shouting for help) and with his right hand x x x holding a hunting knife pointed at the woman’s forehead and, while so positioned, was able to manage to remove the pantie of the woman, spread her legs, unbutton his short pants, and perform the sexual intercourse.[46]

Victor likewise cites the following inconsistencies in “AAA’s” testimony: (1) “AAA” stated in her direct examination that on the day of the alleged rape, she came home from school at 4:00 p.m. On cross examination, however, she testified that she just stayed home the whole day; and (2) in “AAA’s” Affidavit[47] executed on January 29, 1999, she stated that Victor was wearing shorts when he entered the toilet and that it was the latter who took off her underwear. But later on direct examination, she claimed that she was the one who removed her underwear and that Victor was wearing a towel and a brief. Despite all these, the lower courts still chose to treat “AAA’s” testimony as gospel truth instead of considering her irreconcilable contradictions as sufficient grounds to create doubt in Victor’s favor.

We have gone over the records and observed that both on cross and re-cross examinations, “AAA” answered “yes” when asked by the defense counsel if at the time Victor inserted his penis into her vagina, he was also covering her mouth with one hand and poking a knife on her neck with the other.[48] In re-direct examination, however, “AAA” testified as follows:

Q:

You told us earlier that you tried to keep on moving while the accused inserted his penis into your vagina if only to prevent [him] from penetrating you, is that correct?

A:

Yes, sir.

Q:

If you keep on moving, how is it that he was able to penetrate you?

A:

He really penetrate[d] it and he insert[ed] it.

Q:

Easily or forcefully?

A:

Forcefully.[49]

Upon inquiry by the Court, “AAA” answered:

COURT

to the witness

Q:

In what manner did he [insert] his penis? Did he [use] his hands or what?

A:

Yes, your Honor.

Q:

Which hand did he [use] if you can recall?

A:

Left.

Q:

Does it mean that his left hand was holding his penis in guiding it towards the inside of your vagina?

A:

Yes, your Honor.[50]

From AAA’s testimony, it can be inferred that the covering of the mouth, the poking of the knife and the insertion of Victor’s penis into her vagina were all happening at almost the same time. Hence, it is not difficult to understand why “AAA” answered “yes” when asked by the defense counsel if Victor was covering her mouth and poking a knife at her neck when he inserted his penis into her vagina. Moreover, “[r]ape is a painful experience which is oftentimes not remembered in detail. For such an offense is not analogous to a person’s achievement or accomplishment as to be worth recalling or reliving; rather, it is something which causes deep psychological wounds and casts a stigma upon the victim, scarring her psyche for life and which her conscious and subconscious mind would opt to forget. Thus, a rape victim cannot be expected to mechanically keep and then give an accurate account of the traumatic and horrifying experience she had undergone.”[51] In this case, “AAA” was just 16 years old when she was cruelly abused by Victor. She was also later found possessed of low level

intelligence. A fortiori, we must “accord to her greater understanding, consideration, and sensitivity as she relives, through her testimony, her harrowing [experience] at [Victor’s] hands.”[52] This also goes true with respect to the inconsistencies pointed out by Victor, which the Court finds too flimsy and trivial to merit serious consideration.[53] To reiterate, it is not unnatural to find minor discrepancies in the testimony of a rape victim as she cannot be expected to remember every minute detail of her ordeal. [54]

Furthermore, “AAA’s” testimony is corroborated by the doctors’ findings that she was pregnant and that her hymen has healed lacerations at 3 o’clock, 5 o’clock and 9 o’clock positions. Dr. Ma. Esperanza S. Agudo testified that these lacerations could have been caused by sexual intercourse.[55] “Where a rape victim’s testimony is corroborated by the physical findings of penetration, there is sufficient basis for concluding that sexual intercourse did take place.”[56]

Thus, there being no compelling reason to deviate from the lower courts’ appreciation of “AAA’s” testimony, the Court gives deference to the well-settled rule “that the assessment of the credibility of witnesses and their testimonies is best undertaken by a trial court, whose findings are binding and conclusive on appellate courts. Matters affecting credibility are best left to the trial court because of its unique opportunity to observe the elusive and incommunicable evidence of that witness’ deportment on the stand while testifying, an opportunity denied to the appellate courts which usually rely on the cold pages of the silent records of the case.”[57]

Victor’s imputation of ill motive on the part of “AAA” and her family deserves scant consideration.

Victor contends that “AAA” and her family harbored a grudge against him.

He claims that “AAA’s” family, who used to rent the house owned by the aunt of Victor’s wife, was made to vacate the same so that his family could occupy it instead. And as the pleas of “AAA’s” family to continue occupying the house were ignored, charges were filed against him.

The Court, however, is unconvinced.

“Motives such as family feuds, resentment, hatred or revenge have never swayed this Court from giving full credence to the testimony of a rape victim. Also, ill motives become inconsequential if there is an affirmative and credible declaration from the rape victim, which clearly establishes the liability of the accused. In the present case, “AAA” categorically identified [Victor] as the one who defiled her. Her account of the incident, as found by the RTC, the Court of Appeals, and this Court, was sincere and truthful. Hence, petitioner’s x x x flimsy allegation of ill motive is immaterial.” [58]

Besides, it is difficult to believe that “AAA’s” family would stoop so low as to subject her to physical hardship and disgrace that usually accompany the prosecution of rape just to relieve hurt feelings. Indeed, it is highly inconceivable that any family would willfully and deliberately corrupt the innocent mind of its minor member and put into her lips the lewd description of a carnal act just to satisfy a personal grudge or anger against the accused.[59]

Victor’s alibi cannot prevail over “AAA’s” positive identification of him as her rapist.

Victor contends that the lower courts erred in brushing aside his defense of alibi on the sole ground that it is inherently weak. He avers that proving that he was not at the place of the alleged incident when it happened is the most plausible defense against the charges hurled upon him. Besides, his alibi that he was in Brgy. Macabug,

Ormoc City at the time of the alleged rape is corroborated by the testimony of Alex, who was with him during that time.

“In order for the defense of alibi to prosper, two requisites must concur: first, the appellant was at a different place at the time the crime was committed, and second, it was physically impossible for him to be at the crime scene at the time of its commission.”[60] In this case, the second requisite is not met. Victor himself testified that the distance between Brgy. Macabug and the place where the rape occurred is just three to four kilometers and that the same can be traversed by land transportation in just a few minutes.[61] Hence, it was not physically impossible for him to be at the crime scene at the time of the commission of the crime. Also, even if Victor’s alibi is corroborated by Alex, said defense is still unworthy of belief. Alex admitted that Victor was his employer[62] and that he was testifying for Victor as he relied on him for livelihood.[63] “[I]t has been held that alibi becomes more unworthy of merit where it is established mainly by the accused himself and his or her relatives, friends, and comrades-in-arms and not by credible persons.”[64]

Moreover and most importantly, “denial and alibi are practically worthless against the positive identification made by the prosecution witnesses, especially by the rape victim.”[65] Victor’s weak alibi cannot thus overcome “AAA’s” positive identification of him as her rapist.

The lower courts did not err in convicting Victor of the crime of rape.

All told, we hold that neither did the RTC err in finding Victor guilty beyond reasonable doubt of the crime of rape nor did the CA in affirming said conviction. As aptly declared by the appellate court, the prosecution has sufficiently established that Victor had carnal knowledge of “AAA” against her will and consent. We subscribe to the same.

Damages awarded

The CA was correct in reducing the award of civil indemnity from P75,000.00 to P50,000.00. “In cases of simple rape as in this case, civil indemnity of P50,000.00 is automatically awarded without need of pleading or proof.”[66]

However, we note that the both the RTC and the CA failed to make an award for exemplary damages. Under Article 2229 of the Civil Code, exemplary damages are imposed by way of example or correction for the public good. “Exemplary damages are intended to serve as deterrent to serious wrongdoings, as a vindication of undue sufferings and wanton invasion of the rights of an injured, or as punishment for those guilty of outrageous conduct. Being corrective in nature, exemplary damages can be awarded, not only in the presence of an aggravating circumstance, but also where the circumstances of the case show the highly reprehensible or outrageous conduct of the offender.”[67] Here, Victor raped a minor, “AAA,” with the use of a knife, threatened to kill her and her family if she tells them of her ordeal, and even got her pregnant. Victor should therefore pay AAA exemplary damages in the amount of P30,000.00 in line with existing jurisprudence.[68] Also, interest at the rate of 6% per annum is imposed on all damages awarded from the date of finality of this judgment until fully paid.[69]

Support of the offspring “CCC”

The RTC ordered Victor to acknowledge “AAA’s” offspring “CCC” and give her support. “Article 345 of the Revised Penal Code provides for three different kinds of civil liability that may be imposed on the offender: a) indemnification, b) acknowledgement of the offspring, unless the law should prevent him from so doing, and c) in every case to support the offspring. With the passage of the Family Code, the classification of acknowledged

natural children and natural children by legal fiction was eliminated and they now fall under the specie of illegitimate children. Since parental authority is vested by Article 176 of the Family Code upon the mother and considering that an offender sentenced to reclusion perpetua automatically loses the power to exercise parental authority over his children, no ‘further positive act is required of the parent as the law itself provides for the child’s status’. Hence, [Victor] should only be ordered to indemnify and support the victim’s child.”[70] “The amount [and terms] of support shall be determined by the trial court after due notice and hearing in accordance with Article 201[71] of the Family Code.”[72]

WHEREFORE, the Decision dated July 24, 2007 of the Court of Appeals in CA-G.R. CR-HC No. 00185 is AFFIRMED with MODIFICATIONS as follows:

- 1) Petitioner Victor Rondina is ordered to pay “AAA” P30,000.00 as exemplary damages.
- 2) Interest at the rate of 6% per annum is imposed on all the damages awarded in this case from the date of the finality of this judgment until fully paid.
- 3) Petitioner Victor Rondina is further ordered to give support to “AAA’s” offspring, “CCC,” in such amount and under such terms to be determined by the Regional Trial Court of Ormoc City in a proper proceeding with support arrears to be reckoned from the finality of this Decision.

SO ORDERED.

Leonardo-De Castro,[*] (Acting Chairperson), Bersamin, Villarama, Jr., and Perlas-Bernabe,[**] JJ., concur.

[*] Per Special Order No. 1226 dated May 30, 2012.

[**] Per Special Order No. 1227 dated May 30, 2012.

[1] CA rollo, pp. 178-191; penned by Associate Justice Isaias P. Dicdican and concurred in by Associate Justices Francisco P. Acosta and Stephen C. Cruz.

[2] Records, pp. 245-253; penned by Judge Fortunito L. Madrona.

[3] Id. at 1-2.

[4] The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, and for Other Purposes; Republic Act No. 9262, An Act Defining Violence Against Women and Their children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes; and Section 40 of A.M. No. 04-10-11-SC, known as the Rule on Violence against Women and Their Children, effective November 5, 2004.

[5] Supra note 3.

[6] See Certificate of Arraignment, records, p. 49, and RTC Order dated May 13, 1999, p. 51.

[7] TSN dated August 26, 1999, pp. 80-81.

[8] Id. at 22-23.

[9] Id. at 22.

- [10] Id. at 21,77-79.
- [11] Id. at 69.
- [12] Id. at 27.
- [13] Id. at 26.
- [14] Id. at 29.
- [15] Id. at 27.
- [16] Id. at 30-33.
- [17] Records, p. 8.
- [18] TSN dated February 18, 2000, pp. 13-14.
- [19] Id. at 14.
- [20] Id.
- [21] Records, p. 246.
- [22] Id. at 251.
- [23] Supra note 2.
- [24] Records, p. 253.
- [25] Id. at 257.
- [26] Id. at 258.
- [27] See Court's Resolution of even date, CA rollo, p. 30.
- [28] G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640.
- [29] See Court's Resolution dated September 22, 2004, CA rollo, p. 169.
- [30] See Appellant's Brief, id. at 61-87.
- [31] Supra note 1.
- [32] Id. at 190.
- [33] Rollo, p. 11.
- [34] 457 Phil. 160 (2003).
- [35] Id. at 169.
- [36] People v. Relanes, G.R. No. 175831, April 12, 2011, 648 SCRA 325, 333.
- [37] People v. Escala, 354 Phil. 46, 51 (1998).
- [38] See RTC Order dated July 15, 1999, records, p. 72.
- [39] Id. at 86-87.
- [40] Id. at 87.

- [41] TSN dated August 26, 1999, pp. 19-23.
- [42] Id. at 24-27.
- [43] Id. at 77-79.
- [44] See p. 6 of the RTC Decision, records, p. 250.
- [45] 200 Phil. 110 (1982).
- [46] Id. at 119-120.
- [47] Records, p. 5.
- [48] TSN dated August 26, 1999, pp. 52-55; 71-72.
- [49] Id. at 69.
- [50] Id. at 70.
- [51] *People v. Saludo*, G.R. No. 178406, April 6, 2011, 647 SCRA 374, 388.
- [52] Id.
- [53] *People v. Alcoreza*, 419 Phil. 105, 116 (2001).
- [54] Id.
- [55] TSN dated July 15, 1999, p.9.
- [56] *People v. Bagos*, G.R. No. 177152, January 6, 2010, 610 SCRA 1, 14.
- [57] *People v. Dahilig*, G.R. No. 187083, June 13, 2011.
- [58] *Dizon v. People*, G.R. No. 170342, September 18, 2009, 600 SCRA 525, 541-542.
- [59] *People v. Zabala*, 456 Phil. 237, 245 (2003).
- [60] *People v. Estrada*, G.R. No. 178318, January 15, 2010, 610 SCRA 222, 233.
- [61] TSN dated February 18, 2000, p. 23.
- [62] TSN dated December 7, 1999, pp. 6-7.
- [63] Id. at 15.
- [64] *People v. Alfredo*, G.R. No. 188560, December 15, 2010, 638 SCRA 749, 761.
- [65] *People v. Ayade*, G.R. No. 188561, January 15, 2010, 610 SCRA 246, 252.
- [66] *People v. Ofemiano*, G.R. No. 187155, February 1, 2010, 611 SCRA 250, 260.
- [67] *People v. Saludo*, *supra* note 51 at 397.
- [68] Id. at 397-398.
- [69] *People v. Dumadag*, G.R. No. 176740, June 22, 2011, 652 SCRA 535, 550.
- [70] *People v. Glabo*, 423 Phil. 45, 53-54 (2001).
- [71] This article provides that the amount of support shall be in proportion to the resources or means of the giver

and to the necessities of the recipient.

[72] *People v. Constantino*, G.R. No. 176069, October 5, 2007, 535 SCRA 165, 169-170.

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