

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PATRICIO TAGUIBUYA, ACCUSED-APPELLANT.

G.R. No. 180497. October 05, 2011

Ponente: BERSAMIN, J.

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BERSAMIN, J.:

The accused was charged with two counts of rape and a violation of Republic Act No. 7610,[1] committed against his own daughter, AAA,[2] then a minor. In the first instance of rape (Criminal Case No. 2545), committed in the month of May 1998, the accused allegedly forced AAA to have sexual intercourse when she was cleaning the rice fields; she was then alleged to be "a 15 year old minor and his own daughter." [3] In the second instance of rape (Criminal Case No. 2546), which took place on March 15, 2000 and in "the month of May 1998 up to and including March 2000," he allegedly raped AAA, "a 16 year old minor and his own daughter." [4] As to the charge of child abuse (Criminal Case No. 2386), committed about "the month of May 1998 up to and including March 2000," he allegedly "touch(ed), caress(ed) and forcibly inserted his penis (in)to the private parts (vagina) of AAA, a 17 year old minor, which acts constitute(d) the Violation of Republic Act No. 7610." [5]

The accused, pleading not guilty at his arraignment, denied the charges, claiming that AAA had fabricated them in retaliation for his and his wife's refusal to allow her to go with her boyfriend to Baguio and for the subsequent punishments he had inflicted on her. He insisted that it was impossible for him to have accosted AAA in the areas where the rapes were supposedly committed because said areas were visible to others. His wife corroborated his denials.

In its decision promulgated on October 15, 2003,[6] the Regional Trial Court (RTC) accorded credence to the testimony of AAA and found the accused guilty of two counts of qualified rape due to AAA being a minor at the time of the commission of the rapes and because he had admitted being her father. The RTC acquitted him of the violation of Republic Act No. 7610 on the ground that the information did not allege that AAA had been a "child below eighteen years of age but over twelve years." Accordingly, the RTC ruled:

WHEREFORE, the Court finds the accused Patricio Taguibuya:

In Criminal Case No. 2545-Bg., GUILTY beyond reasonable doubt of the crime of qualified rape defined in and penalized by Article 335, Revised Penal Code, as amended and sentences him to suffer the Supreme Penalty of DEATH and to pay the costs. The accused is hereby ordered to pay the victim AAA, the amount of Seventy Five Thousand (P75,000.00) Pesos as civil indemnity and Fifty Thousand (P50,000.00) Pesos by way of moral damages.

In Criminal Case No. 2546-Bg., GUILTY beyond reasonable doubt of the crime of qualified rape defined in and penalized by Article 335, Revised Penal Code, as amended and sentences him to suffer the Supreme Penalty of DEATH and to pay the costs. The accused is hereby ordered to pay the victim AAA, the amount of Seventy Five Thousand (P75,000.00) Pesos as civil indemnity and Fifty Thousand (P50,000.00) Pesos by way of moral damages.

In Criminal Case No. 2386-Bg., for failure of the prosecution to allege in the information that the victim is a "child" below eighteen years of age but over twelve years which is an essential element of the crime of Violation of Section 5, Republic Act No. 7610, the accused is hereby acquitted of the charge.

SO ORDERED.[7]

On March 20, 2007, the Court of Appeals (CA) affirmed the findings of the RTC,[8] specially taking note of the credibility of AAA in contrast with the denials by the accused. The CA reduced the penalty of death to reclusion perpetua "with no possibility of parole for each of the two (2) counts of consummated rape" pursuant to Republic Act No. 9346,[9] viz:

WHEREFORE, in light of the foregoing, the appealed Joint Decision of the Regional Trial Court dated October 15, 2003 is hereby AFFIRMED with MODIFICATION. The Court sentences appellant Patricio Taguibuya to the penalty of reclusion perpetua with no possibility of parole for each of the two (2) counts of consummated rape. Appellant is further ORDERED to indemnify the complainant for each of the two counts of consummated rape the amounts of P75,000.00 as civil indemnity, P50,000.00 as moral damages.

SO ORDERED.[10]

The accused now appeals, assailing the convictions for their being solely based on the testimony of AAA.

We affirm.

To begin with, the accused assails the factual findings of the RTC, including its assessment of the worth of the witnesses who testified in the trial. We cannot, however, contradict the factual findings, especially because the CA, as the reviewing tribunal, affirmed them. Such findings are now entitled to great weight and respect, if not conclusiveness, for we accept that the trial court was in the best position as the original trier of the facts in whose direct presence and under whose keen observation the witnesses rendered their respective versions of the events that made up the occurrences constituting the ingredients of the offenses charged. The direct appreciation of testimonial demeanor during examination, veracity, sincerity and candor was foremost the trial court's domain, not that of a reviewing court that had no similar access to the witnesses at the time they testified.[11] Without the accused persuasively demonstrating that the RTC and the CA overlooked a material fact that otherwise would change the outcome, or misappreciated a circumstance of consequence in their assessment of the credibility of the witnesses and of their respective versions, the Court has no ground by which to reverse their uniform findings as to the facts.

And, secondly, the urging of the accused, that the RTC and the CA should not have accorded faith to the evidence of his guilt because the only witness presented to prove the accusations was the victim herself, is unworthy of consideration. Such urging cannot acquit him, considering that it is already settled that the accused in a prosecution for rape can be convicted on the basis of the sole testimony of the victim provided the victim and her testimony are credible, convincing, and consistent with human nature and the normal course of things.[12] Conviction or acquittal in a prosecution for rape has often depended more often than not almost entirely on the credibility of the victim's testimony, for, by the very nature of the crime, the victim is usually the only one who can testify on its occurrence. At any rate, we also remind that in this jurisdiction the worth of witnesses has been based on their quality, not on their quantity. Accordingly, the RTC correctly considered AAA to be forthright and consistent in her recollection of the details of her ordeals at the hands of her own father.

Nonetheless, there is a need to rectify the judgment of the CA on the civil liabilities. The CA awarded only the civil indemnity of P75,000.00 and moral damages of P50,000.00 for each of the two counts of rape, and said nothing about exemplary damages. Its judgment was inadequate in that respect in the face of the prevailing law and jurisprudence.

Civil indemnity is mandatory upon a finding of the fact of rape; it is distinct from and should not be denominated as moral damages, which are based on different jural foundations and assessed by the court in the exercise of its discretion.[13] In contrast, moral damages are granted to the victim in rape in such amount as the court shall deem just and reasonable without the necessity of pleading or proof.[14] Indeed, the fact that the victim suffered the trauma of mental, physical and psychological sufferings that constituted the bases for moral damages is too obvious to still require the recital of such sufferings by the victim at the trial; the trial court itself assumes and acknowledges her agony as a gauge of her credibility.[15] To expect and to require her to still provide the proof of her pains and sufferings is to demand that she render a very superfluous testimonial charade.[16]

Exemplary damages, which are intended to serve as deterrents to serious wrongdoings and as a vindication of undue sufferings and wanton invasion of the rights of an injured, or as a punishment for those guilty of outrageous conduct,[17] are awarded under Article 2230 of the Civil Code when the crime is committed with one or more aggravating circumstances.[18] In *People v. Catubig*,[19] the Court held that the term aggravating circumstances as used by the Civil Code should be understood in its broad or generic sense, not in the sense of prescribing a heavier punishment on the offender; hence, the ordinary or qualifying nature of an aggravating circumstance should be a distinction that was of consequence only to the criminal, as contrasted from the civil, liability, thereby entitling the offended party or victim to an award of exemplary damages regardless of whether the aggravating circumstance was ordinary or qualifying.

Being the victim of two counts of qualified rape, AAA, a minor and the daughter of the accused, was entitled to recover for each count of rape the amounts of P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P30,000.00 as exemplary damages (due to the attendance of the qualifying circumstances of minority of AAA and the relationship between her and the accused). The quantifications accord with jurisprudence.[20]

In crimes, interest may be adjudicated in a proper case as part of the damages in the discretion of the court.[21] The Court considers it proper to now impose interest on the civil indemnities, moral damages and exemplary damages being awarded in this case, considering that there has been delay in the recovery. The imposition is hereby declared to be also a natural and probable consequence of the acts of the accused complained of.[22] The interest imposed is the legal rate of 6% per annum reckoned from the finality of this judgment.

WHEREFORE, the Court AFFIRMS the decision promulgated on March 20, 2007, subject to the MODIFICATION that accused Patricio Taguibuya is ORDERED TO PAY to AAA for each of the two counts of qualified rape the amounts of P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P30,000.00 as exemplary damages, plus interest of 6% per annum reckoned from the finality of this judgment.

The accused shall pay the costs of suit.

SO ORDERED.

Corona, C.J., (Chairperson), Leonardo-De Castro, and Del Castillo, JJ., concur.

[*]Sereno, J., i concur except with the award of interest on indemnity and damages. This is contrary to established practice and policy.

[*] Vice Associate Justice Martin S. Villarama, Jr., per raffle of September 12, 2011.

[1] Entitled An Act Providing For Stronger Deterrence And Special Protection Against Child Abuse, Exploitation And Discrimination, Providing Penalties For Its Violation, And Other Purposes.

[2] Pursuant to Republic Act No. 9262 (Anti-Violence Against Women and Their Children Act of 2004), and its

implementing rules, the real name of the victim and the real names of her immediate family members are withheld and, instead, fictitious initials are used to represent her to protect her privacy. See also *People v. Cabalquinto*, G.R. No. 167693, September 19, 2006, 502 SCRA 419.

[3] Rollo, pp. 3-23; penned by Associate Justice Mariflor P. Castillo, and concurred in by Associate Justice Martin S. Villarama, Jr. (now a Member of the Court) and Associate Justice Rosmari D. Carandang.

[4] *Id.*, p. 4.

[5] *Id.*

[6] CA rollo, pp. 21-49.

[7] *Id.*, pp. 48-49.

[8] *Supra*, note 3.

[9] Entitled An Act Prohibiting the Imposition of Death Penalty in the Philippines.

[10] *Supra*, note 3.

[11] *People v. Guanzon*, G.R. No. 187077, February 23, 2011; *People v. De Guzman*, G.R. No. 177569, November 28, 2007, 539 SCRA 306; *People v. Cabugatan*, G.R. No. 172019, February 12, 2007, 515 SCRA 537, 547; *People v. Taan*, G.R. No. 169432, October 30, 2006, 506 SCRA 219, 230; *Bricenio v. People*, G.R. No. 157804, June 20, 2006, 491 SCRA 489, 496; *People v. Pacheco*, G.R. No. 142889, March 2, 2004, 424 SCRA 164, 174.

[12] *People v. Felan*, G.R. No. 176631, February 2, 2011; *People v. Pascua*, G.R. No. 151858, November 27, 2003, 416 SCRA 548, 552.

[13] *People v. Bato*, G.R. 134939, February 16, 2000, 325 SCRA 671, 680-681; *People v. Tabion*, G.R. No. 132715. October 20, 1999, 317 SCRA 126, 146; *People v. Prades*, G. R. No. 127569, July 30, 1998; 293 SCRA 411, 430-431; *People v. Pili*, G.R. No. 124739, April 15, 1988, 289 SCRA 118, 141; *People v. Bugayong*, G.R. No. 126518, December 2, 1998, 299 SCRA 528, 548.

[14] *People v. Arizapa*, G.R. 131814, 15 March 2000, 328 SCRA 214, 221.

[15] *People v. Prades*, G. R. No. 127569, July 30, 1998; 293 SCRA 411, 430-431.

[16] *Id.*

[17] *People v. Garbida*, G.R. No. 188569, 13 July 2010, 625 SCRA 98, 106.

[18] Article 2230. In criminal offenses, exemplary damages as a part of the civil liability may be imposed when the crime was committed with one or more aggravating circumstances. Such damages are separate and distinct from fines and shall be paid to the offended party.

[19] G.R. No. 137842, August 23, 2001, 363 SCRA 621, 635.

[20] E.g., *People v. Soriano*, G.R. N. 142779-95, August 29, 2002, 388 SCRA 140, 172.

[21] Article 2211, Civil Code.

[22] Article 2202, Civil Code, provides:

Article 2202. In crimes and quasi-delicts, the defendant shall be liable for all damages which are the natural and

probable consequences of the act or omission complained of. It is not necessary that such damages have been foreseen or could have reasonably been foreseen by the defendant.

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