

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. EDGARDO Z. ANTONIO, APPELLANT.

G.R. No. 180920. March 27, 2008

Ponente: CORONA, J.

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CORONA, J.:

This is an appeal of the August 10, 2007 decision[1] of the Court of Appeals in CA-G.R. CR-H.C. No. 01141 affirming with modification the decision of the trial court which found appellant Edgardo Z. Antonio guilty of the crime of rape.

Appellant was charged in the Regional Trial Court of Baler, Aurora, Branch 96 under the following information:

That on or about the 26[th] day of November 2002 at Brgy. ZZZ, Baler, Aurora, said accused Edgardo Z. Antonio by means of intimidation, did then and there, willfully, unlawfully and feloniously have carnal knowledge of a minor six years of age[,] AAA, against her will.

CONTRARY TO LAW.

Upon arraignment, appellant initially pleaded guilty to the crime of simple rape. Subsequently, however, he later withdrew his plea of guilt and claimed his innocence of the offense charged.

At the pre-trial conference, the parties stipulated that AAA was six years old at the time of the alleged incident.

The prosecution established the following: Appellant is a brother of AAA's grandfather and she fondly called him "Kuya Eddie." On November 26, 2002, AAA was celebrating her sixth birthday and playing with her friends when appellant arrived at around 2:00 p.m. Appellant called AAA and asked her to accompany him to a nearby fishpond to gather shells. One of AAA's friends told him there were no shells in the fishpond but appellant nevertheless prevailed upon her to go with him.

On arriving at the fishpond, appellant told AAA to lie down. He forcibly removed her panty, took off his shorts, mounted her and had carnal knowledge of her.

In defense, appellant denied the accusation against him. He claimed that, on the day of the alleged incident, he did his usual chore of driving a tricycle until around noon when he went to the house of a niece in Brgy. Ipil, Dipaculao, Aurora. There, he drank gin with some friends until around 3:30 in the afternoon. Thereafter, he cleaned the tricycle and returned it to its operator-owner at around 6:00 p.m. He theorized that he was implicated in the crime because AAA's parents were mad at him as he had refused to lend them money and to sell them his cellular phone at a low price.

After evaluating the evidence of the parties, the trial court sustained the positive identification and straightforward testimony of AAA over appellant's denial and alibi:[2]

WHEREFORE, premises considered, the Court finds accused Edgardo Z. Antonio GUILTY beyond reasonable doubt of the crime of rape and hereby sentences him to suffer the penalty of DEATH and to pay

victim AAA the amount of Php 75,000.00 by way of civil liability.

SO ORDERED.[3]

The case was elevated to this Court on automatic appeal but was remanded to the Court of Appeals in accordance with

People v. Mateo.[4]

The Court of Appeals affirmed the decision of the trial court with modification.[5] Pursuant to Republic Act (RA) 9346,[6] it reduced the imposed penalty from death to reclusion perpetua without eligibility for parole. Invoking RA 9346, it also lowered the civil indemnity from P75,000 to P50,000. Moreover, in accordance with prevailing jurisprudence, it awarded P50,000 moral damages to the offended party. Considering that the crime was aggravated by AAA's minority, exemplary damages of P25,000 were also granted. The dispositive portion of the decision read:

WHEREFORE, Decision of conviction dated 2 April 2004 rendered by the Regional Trial Court of Baler, Aurora, Branch 96 is AFFIRMED with MODIFICATION in that the accused-appellant Edgardo Z. Antonio is hereby sentenced to suffer the penalty of reclusion perpetua and to pay AAA civil indemnity in the amount of P50,000.00; moral damages in the amount of P50,000.00; and exemplary damages in the amount of P25,000.00.

SO ORDERED.[7]

After appellant, through the Public Attorney's Office, filed a timely notice of appeal, the Court of Appeals forwarded the records of the case to this Court.

We deny the appeal.

Both the trial and appellate courts gave credence to the testimony of AAA. She categorically pointed to appellant as the one who violated her. In connection with the crime, she candidly testified on what appellant did to her and the details thereof. For this reason, both the trial and appellate courts found that appellant's guilt for the crime of qualified rape (that is, rape qualified by any of the circumstances under which the death penalty could have been imposed had not RA 9346 prohibited it)[8] was sufficiently established beyond reasonable doubt. This Court finds no compelling reason to rule otherwise.

The Court of Appeals correctly reduced the penalty imposed on appellant from death to reclusion perpetua without eligibility for parole in accordance with RA 9346. However, it erred in lowering the civil indemnity from P75,000 to P50,000 purportedly in accordance with the same law. The law only prohibited the imposition of the death penalty but did not affect the corresponding pecuniary or civil liabilities. In People v. Bejic,[9] the penalty imposed on the accused who was convicted of qualified rape was downgraded from death to reclusion perpetua without eligibility for parole under RA 9346. Discussing the corresponding liability for civil indemnity, the Court ruled:

The award of civil indemnity in the amount of P75,000.00 is the correct amount to be awarded if the crime is qualified by circumstances which warrant the imposition of the death penalty.

The award of moral damages should therefore be increased to P75,000 following Bejic.[10] Considering the minority of AAA, the grant of P25,000 exemplary damages was justified.[11]

WHEREFORE, the appeal is hereby DENIED. The August 10, 2007 decision of the Court of Appeals in CA-G.R. CR-H.C. No. 01141 finding appellant Edgardo Z. Antonio guilty of the crime of qualified rape and sentencing him to suffer the penalty of reclusion perpetua without eligibility for parole is AFFIRMED with the

MODIFICATION that he is ordered to pay the offended party P75,000 civil indemnity, P75,000 moral damages and P25,000 exemplary damages.

Costs against appellant.

SO ORDERED.

Puno, CJ., (Chairperson), Carpio, Azcuna, and Leonardo-De Castro, JJ., concur.

[1] Penned by Associate Justice Japar B. Dimaampao and concurred by Associate Justices Mario L. Guariña III and Romeo F. Barza of the Sixteenth Division of the Court of Appeals. Rollo, pp. 3-17.

[2] Decision dated April 2, 2004. Penned by Judge Corazen D. Soluren. Court of Appeals Records, pp. 24-31.

[3] Id.

[4] G.R. Nos. 147678-87, 04 July 2004, 433 SCRA 658.

[5] Supra note 1.

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

[7] Supra note 1.

[8] In this connection, Article 266-B of the Revised Penal Code provides:

ART. 266-B. Penalties. - x x x x 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:

x x x x x x x x x

5) When the victim is a child below seven (7) years old.

x x x x x x x x x

[9] G.R. No. 174060, 25 June 2007.

[10] Id.

[11] Id.

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