

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PATERNO SARMIENTO SAMANDRE, ACCUSED-APPELLANT.

G.R. No. 181497. February 22, 2012

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

On appeal is the Decision[1] dated April 25, 2007 of the Court of Appeals in CA-G.R. CR.-H.C. No. 02024, affirming with modifications the Decision[2] dated December 19, 2002 of the Regional Trial Court (RTC), Branch 21 of Santiago City, which convicted accused-appellant Paterno Sarmiento Samandre of four counts of rape of his minor daughter.

Consistent with the ruling in *People v. Cabalquinto*[3] and *People v. Guillermo*,[4] this Court withholds the real name of the private offended party and her immediate family members, as well as such other personal circumstances or any other information tending to establish or compromise the identity of said party. The initials AAA represent the private offended party and the initials BBB refer to her mother.

Accused-appellant was indicted for four counts of rape qualified by his relationship with and the minority of AAA. The Informations read:

[Criminal Case No. FC-3163]

That on or about 11:00 o'clock in the evening of January 11, 2000, at the City of Santiago, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of threats and intimidation and with lewd designs, did then and there, willfully, unlawfully, and feloniously lay with, and have carnal knowledge of [his] sixteen (16) year[s] old daughter, [AAA] against her will to the damage and prejudice of [AAA].[5]

[Criminal Case No. FC-3164]

That on or about 10:00 o'clock in the evening of January 12, 2000, at the City of Santiago, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of threats and intimidation and with lewd designs, did then and there, willfully, unlawfully, and feloniously lay with, and have carnal knowledge of [his] sixteen (16) year[s] old daughter, [AAA] against her will to the damage and prejudice of [AAA].[6]

[Criminal Case No. FC-3165]

That on or about January 14, 2000, at midnight in the City of Santiago, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of threats and intimidation and with lewd designs, did then and there, willfully, unlawfully, and feloniously lay with, and have carnal knowledge of [his] sixteen (16) year[s] old daughter, [AAA] against her will to the damage and prejudice of [AAA].[7]

[Criminal Case No. FC-3068]

That on or about 2:00 to 3:00 o'clock in the early morning of January 14, 2000 at Sinsayon, Santiago City,

Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of threats and intimidation and by reason of his moral ascendancy and influence as a father, did then and there, willfully, unlawfully, and feloniously have carnal knowledge of his 16[-]year[-]old daughter, [AAA], against her will to the damage and prejudice of the latter.[8]

On July 6, 2000, accused-appellant pleaded not guilty to all charges and waived the pre-trial conference.[9] Thereafter, trial ensued.

The prosecution presented the lone testimony of AAA,[10] the private offended party; and formally offered its documentary exhibits consisting of AAA's Certificate of Live Birth issued by the Office of the City Civil Registrar of Santiago City,[11] the Medico-Legal Certificate[12] dated January 17, 2000 issued by the Southern Isabela General Hospital, and AAA's Sworn Complaint[13] dated January 18, 2000. On the other hand, the defense submitted the testimonies of accused-appellant[14] and his sister, Mary Marquez.[15]

After trial, the RTC rendered its Decision on December 19, 2002 convicting accused-appellant for the crimes charged. The RTC decreed:

WHEREFORE, in the light of the foregoing considerations, the Court finds the accused Paterno Samandre y Sarmiento GUILTY beyond reasonable doubt of four counts of rape and hereby sentences him to the penalty of death in each of these four cases. He is also ORDERED to pay [AAA] the sum of Fifty Thousand Pesos (P50,000.00) in each of these cases.[16]

Considering that death penalty was imposed on accused-appellant by the RTC Decision, said cases were directly elevated before us for automatic review. The Public Attorney's Office filed the Brief[17] for accused-appellant on April 2, 2004, while plaintiff-appellee filed its Brief[18] on August 10, 2004 through the Office of the Solicitor General.

In our Resolution[19] dated September 27, 2005, we referred the present case to the Court of Appeals for appropriate action conformably with our ruling in *People v. Mateo*. [20]

The Court of Appeals, in its assailed Decision dated April 25, 2007, recounted the prosecution's version of events as follows:

AAA was born on May 3, 1983, as evidenced by a Certification dated January 18, 2000 issued by the Office of the City Civil Registrar of Santiago City and is the eldest child of accused-appellant. AAA and her parents, together with her three (3) sisters and four (4) brothers, reside in a one room house in Sinsayon, Santiago City. AAA, [CCC], her six (6) year old sister, and accused-appellant sleep in one bed, while her mother and her other siblings sleep in a bigger bed.

In the evening of January 11, 2000, AAA was awakened by her father, AAA, who told her he wanted to have sex with her. AAA did not say anything and accused-appellant got angry and threatened to hurt her. Accused-appellant went on top of AAA, removed his short pants, as well as AAA's shorts, spread one of her legs and inserted his penis inside her vagina. Because of the pain, AAA cried and tried to struggle with accused-appellant while the latter made a push and pull movement. After removing his penis from the vagina of AAA, he wiped it and the vagina of the latter and then slept beside her. In the evening of January 12, 2000, AAA was again awakened and raped by accused-appellant as what happened the night before. The same sexual molestation was repeated by accused-appellant on AAA at about 2:00 o'clock and 3:00 o'clock in the morning of January 14, 2000. All of the incidents took place while AAA's mother and other siblings were asleep.

On January 14, 2000, accused-appellant brought AAA with him to Cordon, Isabela, to the house of their relative, Lilia Tabuñar. That evening, AAA and Lilia went to a wake and the former took the opportunity to tell the latter what her father had done to her. On January 18, 2000, Lilia accompanied AAA to the Philippine National Police in Santiago City, where she executed a sworn statement before PO1 Arlyn Malabad Guray

narrating the sexual molestations of accused-appellant. Said sworn statement was signed by AAA in the presence of Lilia Tabuñar.[21]

The Court of Appeals also presented a summary of accused-appellant's defenses, to wit:

Accused-appellant denied having molested AAA. He claimed that on January 11, 2000, AAA left their house after he scolded her because she wanted to marry Freddie Fragata, who is already a married man. He went to Solano, Nueva Vizcaya, which is his province, to look for AAA, because she told her mother that she would go there. He stayed in the house of his father until the morning of January 13, 2000 to wait for AAA, but the latter did not arrive. He then returned to his house in Sinsayon, Santiago City. In the afternoon of January 13, 2000, accused-appellant was called to the house of his brother-in-law in order to discuss the marriage of AAA. He went to the house of his brother-in-law where he saw AAA and Freddie. He told AAA not to get married yet and brought her home. He stated that AAA filed the cases against him because she wanted him to go to jail so that she could do whatever she wanted. He tried to show that they have three (3) beds in the house, one bed is occupied by his two (2) sons, the big bed is occupied by him, his wife and their other children, including AAA, and that no one occupies the small bed.

Accused-appellant's sister, Mary Marquez, testified that accused-appellant stayed in her house at Tukul, Solano, Nueva Vizcaya on January 11, 2000 while looking for AAA, who stowed away; that accused-appellant left the following day; and that her house is quite far from the house of her father.[22]

After its evaluation of the foregoing evidence, the Court of Appeals promulgated its Decision on April 25, 2007 affirming accused-appellant's conviction for the four counts of rape, but modifying the penalty and awards for damages rendered against him. The decretal portion of said decision reads:

WHEREFORE, the Decision appealed from is AFFIRMED with MODIFICATION. Accused-appellant Paterno Samandre y Sarmiento is sentenced to suffer the penalty of reclusion perpetua without eligibility for parole in each case and is likewise ordered to pay AAA, in each case, the amounts of P50,000.00 as civil indemnity and P25,000.00 as exemplary damages, in addition to the award of moral damages in the amount of P50,000.00 in each case.[23]

Hence, this appeal.

In a Resolution[24] dated March 5, 2008, the Court gave the parties an opportunity to file their respective supplemental briefs. However, both plaintiff-appellee and accused-appellant manifested that they had already exhausted their arguments before the Court of Appeals and, thus, would no longer file any supplemental brief.[25]

In his lone assignment of error, accused-appellant professes his innocence of the crimes charged. Accused-appellant highlights the inconsistencies in AAA's testimony, particularly, on whether or not she has a suitor/boyfriend. Accused-appellant asserts that AAA's initial concealment of the fact that she already has a boyfriend supports accused-appellant's contention that AAA accused him of rape so he could go to jail and no longer prevent AAA from marrying her boyfriend.

The Court sustains accused-appellant's conviction for raping his minor daughter on all four counts.

Article 266-A of the Revised Penal Code provides that the crime of rape is committed by a man having carnal knowledge of a woman under any of the following circumstances: (1) through force, threat or intimidation; (2) when the offended party is deprived of reason or is otherwise unconscious; (3) by means of fraudulent machination or grave abuse of authority; and (4) when the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present. In *People v. Orillosa*,[26] the Court held that "in incestuous rape of a minor, actual force or intimidation need not even be employed where the overpowering moral influence of appellant, who is private complainant's father, would suffice."

The prosecution has established beyond reasonable doubt that accused-appellant, taking advantage of his moral ascendancy as a father, had carnal knowledge of his 16-year-old daughter, AAA.

In her Sworn Statement, executed in question-and-answer form, on January 18, 2000, AAA narrated to Police Officer (PO) Arlyn Malabad Guray that she had been sexually abused by her own father, accused-appellant, since she was 10 years old, and the latest incidents took place in January 2000. Below are relevant portions of AAA's Sworn Statement:

Q:

What prompted you to appear before the Office of the Investigation section?

A:

To file a complaint against my father Paterno Samandre, ma'am.

Q:

What is your complaint against Paterno Samandre?

A:

He sexually abused and molested me, ma'am.

Q:

When and where did the incident happened?

A:

Since when I was still 10 years old up to January 14, 2000 in our house and even in the river bank, ma'am.

Q:

How many times did your father sexually abused/molested you?

A:

He did it for many times, ma'am.

Q:

When was the last time that your father sexually abused you?

A:

On January 14, 2000 at about 2:00 to 3:00 o'clock in the morning, ma'am.

Q:

Will you please narrate how the incident happened?

A:

Sometime on the year 1993 we were then living at Tual, Solano, Nueva Vizcaya, and I was then grade 3, while I was in our house one daylight sewing my cloth, my mother and younger brother and sister were out, my father came to me and wanted me to lay down and he will do something to me. Sensing that he is doing bad to me, I hesitated but forced me and laid me down in a bed. He then went on top of me and instructed me not to move. He is then wearing short pants, he removed my panty in my one leg then he removed his short pants and

tried to insert his penis but I continuously move my body and pushed him. He told me that the pain was only in the beginning and later on the pain will no longer feel by me. He was able to insert partially his penis on my vagina and when he is about to ejaculate he immediately removed his penis and poured his semen in my vagina.

Q:

What did you feel then?

A:

Very painful, ma'am.

x x x x

Q:

On this month of January 2000, how many times did he abuse you?

A:

Four (4) times, ma'am. The last time was on the dawn of January 14, 2000.

Q:

Will you please narrate what happened on the dawn of January 14, 2000?

A:

On January 13 at about 8:00 o'clock in the evening I slept beside my father together with my sister [CCC], at the dawn of January 14, 2000, my father awaken me to have again sexual intercourse. I refused and pushed him but he got angry so, I did nothing but to [give] myself.

Q:

After the incident happened what did you do then?

A:

I cried, ma'am and at about 6:00 o'clock in the morning of same date he told me that we will go to Solano, Nueva Vizcaya, but we did not proceed to said place, instead we proceeded at Sagat, Cordon, Isabela, at the house of my cousin Lilia Tabuñar. And at the evening of same date at around 8:00 PM my cousin Lilia Tabuñar invited me to attend the wake of the late mother of Vice Mayor Zuniega at that moment I've got a chance to reveal what my father did to me.[27]

During trial, AAA related more vividly her most recent sexual tribulations at the hands of accused-appellant:

Q:

In the evening of January 11, 2000, where were you if you still remember Madam Witness?

A:

I was at our house inside a room, sir.

Q:

What were you doing inside that room of your house in that evening of January 11, 2000?

A:

I was sleeping, sir.

Q:

Who was your companion, if any, at that time inside the room where you were sleeping in the evening of January 11, 2000?

A:

My father and my younger sister [CCC], sir.

Q.

How old is [CCC]?

A.

Six (6) years old, sir.

Q.

What happened in the evening of January 11, 2000?

A.

He woke me up, sir.

Q.

Who woke you up?

A.

My father, sir.

Q.

After your father woke you up, what happened?

A.

He wanted to rape me, sir.

Q.

And what did you do when your father wanted to rape you?

A.

I just did not say anything, sir.

Q.

And when you did not say anything, what happened next?

A.

He got angry with me, sir.

Q.

And what did he tell you when he got angry at you?

A.

He told me that he will be going to hurt me because he is angry, sir.

x x x x

Q.

And after your father wanted to harm you in the evening of January 11, 2000, what happened next?

A.

He went on top of me, sir.

Q.

When your father went on top of you, what did he do next, if any?

A.

He removed his short pants, sir.

Q.

After your father removed his short pants, what did he do next?

A.

He removed my short from one of my legs, sir.

Q.

When your father removed your short, what did you do?

A.

He spread one of my legs and inserted his penis, sir.

Q.

Where did your father insert his penis?

A.

At my vagina, sir.

Q.

When your father inserted his penis inside your vagina, what did you feel?

A.

I felt pain, sir.

Q.

What did you do when your father inserted his penis inside your vagina?

A.

I struggled and crying, sir.

Q.

Why did you cry and why did you struggle?

A.

It is painful, sir.

Q.

And after your father inserted his penis inside your vagina in the evening of January 11, 2000, what did you do next, if any?

A.

He made push and pull movement, sir.

Q.

And what did you do when your father made a push and pull move?

A.

I kept on struggling and crying, sir.

Q.

And after that, what happened?

A.

He removed his penis, sir.

Q.

And after your father removed his penis, from where did he remove his penis?

A.

From my vagina, sir.

Q.

After your father removed his penis from your vagina, what did he do next, if any?

A.

He wiped it, sir.

Q.

What did your father wipe?

A.

His penis and my vagina, sir.

Q.

And what did you feel when your father removed his penis from your vagina?

A.

It is painful, sir.

Q.

What else, if any?

A.

There is something hot, sir.

Q.

What was that?

A.

The whitish substance that came out from his penis, sir.

Q.

Where did it go that whitish substance when you felt it was hot?

A.

Over my vagina, sir.

Q.

After that, what happened?

A.

I kept on crying, sir.

Q.

Where did your father go after he removed his penis from your vagina?

A.

He lied down and went to sleep, sir.

x x x x

Q.

Now what happened, if any, in the evening of January 12, 2000?

A.

He again raped me, sir.

x x x x

Q.

You are referring to your father, is that correct?

A.

Yes, sir.

Q.

Where did your father rape you again in the evening of January 12, 2000?

A.

Inside the room, sir.

x x x x

Q.

So, how did your father rape you in the evening of January 12, 2000?

A.

It is the same, he also woke me up, sir.

Q.

When your father woke you up in the evening of January 12, 2000, what did you do?

A.

I just kept silent, sir.

Q.

Why?

A.

Because I do not want him to repeat what he did to me, sir.

Q.

After your father woke you up in the evening of January 12, 2000, what happened next?

A.

He got angry with me, sir.

x x x x

Q.

After your father got mad at you in the evening of January 12, 2000 inside a room of your house, what happened next, if any?

A.

He suddenly went on top of me, sir.

Q.

And what did your father do after he went on top of you?

A.

He again removed his short pants, sir.

Q.

After your father removed his short pants, what happened next?

A.

He also removed my short pants and inserted his penis into my vagina, sir.

Q.

And what did you feel when your father inserted his penis inside your vagina?

A.

It is painful, sir.

Q.

What did you do when your father inserted his penis inside your vagina?

A.

I cried, sir.

Q.

What did your father do after he was able to insert his penis inside your vagina?

A.

He made a push and pull movement, sir.

Q.

After that, what happened?

A.

I kept on crying, sir.[28]

AAA went on to recall on the witness stand that accused-appellant committed the same bestial deeds against her two more times, at around two and three o'clock in the morning of January 14, 2000.

AAA further testified that she was only able to put an end to her ordeal when accused-appellant brought her to Cordon, Isabela, to visit their relative, Lilia Tabuñar (Lilia). In the evening of January 14, 2000, when Lilia took AAA with her to attend a wake, AAA grabbed the chance to tell Lilia what accused-appellant had been doing to her. Thus, on January 18, 2000, Lilia accompanied AAA to the Philippine National Police in Santiago City, where AAA executed her Sworn Statement before PO2 Guray.

AAA's Certificate of Live Birth issued by the Office of the City Civil Registrar of Santiago City establishes that she was born on May 3, 1983. The Medico-Legal Certificate dated January 17, 2000 reports that AAA sustained old hymenal lacerations. These documents are consistent with AAA's claim of repeated sexual abuse by accused-appellant on January 11, 12, and 14, 2000, when she was only 16 years old.

The Court cannot give much weight to accused-appellant's defenses, constituting of denial, alibi, and the imputation of ill motive on AAA's part in the filing of the instant rape charges.

We have decreed in *People v. Nachor*[29] that:

Denial and alibi are inherently weak defenses and constitute self-serving negative evidence which cannot be

accorded greater evidentiary weight than the positive declaration of a credible witness. Between the positive assertions of the [victim] and the negative averments of the [appellant], the former indisputably deserve more credence and are entitled to greater evidentiary weight.[30]

The testimony of Mary Marquez (Mary), accused-appellant's sister, did nothing to corroborate accused-appellant's alibi. As his alibi, accused-appellant claimed that he slept and stayed at his father's house in Solano, Nueva Vizcaya, from January 11, 2000 until the morning of January 13, 2000. However, according to Mary, accused-appellant stayed overnight at her house also in Solano, Nueva Vizcaya, on January 11, 2000, and went home the very next day, on January 12, 2000. Mary admitted that her house is quite far from their father's house. Mary, when confronted with these conflicting averments as to accused-appellant's purported whereabouts on January 11 to 13, 2000, remained silent and could not offer any explanation for the same, thus:

Q:

Madam witness on the night of January 11, 2000 where did the accused Paterno Samandre sleep?

A:

In our house, sir.

Q:

And in the following morning that is on January 12, 2000, where did the accused go, if you know?

A:

He went home, sir.

x x x x

Q:

During your direct examination you stated that your brother the accused in this case went to your house on January 11, 2000, is that correct?

A:

Yes, sir.

Q:

And what time, did he arrive at your house on January 11, 2000?

A:

At about 4:00 o'clock, sir.

Q:

In the afternoon?

A:

Yes, sir.

Q:

When he arrived in your house he likewise slept in your house in the evening of January 11, 2000, is that correct?

A:

Yes, sir.

x x x x

Q:

Now, the house of your father is likewise located at Tukul, Nueva Vizcaya, is that correct?

A:

Yes, sir.

Q:

How far is the house of your father to your house?

A:

It is quite far, sir.

Q:

What time did your [brother] Paterno Samandre sleep in your house in the evening of January 11, 2000?

A:

About 7:30, sir.

Q:

In the evening?

A:

Yes, sir.

Q:

You are very sure of that?

A:

Yes, sir.

Q:

What time did he wake up?

A:

6:00 o'clock, sir.

Q:

When your brother Paterno Samandre testified in this case madam witness he stated that he slept in the house of your father in the evening of January 11, 2000, what can you say about that?

PROS. DAMASEN:

I would like to make it on record that the witness could not answer the question, your honor.

COURT:

Alright, put there no answer.

PROS. DAMASEN:

Q:

Likewise when your brother testified in this case he stated that he went to Solano and not to Tukul on January 11, 2000, what can you say about that?

x x x x

COURT:

Never mind the implication. So just ask the question.

No answer also?

PROS. DAMASEN:

No answer, your honor.

COURT:

Put no answer.

PROS. DAMASEN:

Q:

A while ago on direct examination you stated that your brother the accused in this case went home to Santiago City on January 12, 2000 from Tukul, Nueva Vizcaya, is that correct?

A:

Yes, sir.

Q:

Now, when your brother testified in this case madam witness he stated that he went home here in Santiago City on January 13, 2000, what can you say about that?

A:

Yes, he went home, sir.

Q:

So you are now changing your previous answer?

PROS. DAMASEN:

May we spread on record, your honor, that the witness is taking time to answer a very simple question.

No answer, your honor.

COURT:

Alright, put no answer.[31] (Emphases supplied.)

The inconsistencies in AAA's statements do not destroy her credibility. Whether or not AAA has a boyfriend does not have any relevance to any of the essential elements of the crime of rape. The Court adopts the following disquisition of the Court of Appeals on this matter:

As aptly pointed out by the Office of the Solicitor General in the appellee's brief, the initial denial by AAA that she has a boyfriend is immaterial as it has no bearing whatsoever on the essential elements of rape or the identity of the perpetrator. Settled is the rule that inconsistencies in the testimonies of witnesses that refer to minor or insignificant details do not destroy the witnesses' credibility. Moreover, no evidence was presented by accused-appellant to support his claim that AAA wanted to marry her boyfriend, Freddie Fragata, and that the latter is married. Thus, the motive imputed by accused-appellant on AAA for wanting him to be jailed is too tenuous to be given credence. As held in *People v. Torres*:

"The attempt of accused-appellant to impute ill-motive on complainant for fabricating the charge of rape against him cannot succeed. Not a few persons accused of rape have attributed the charges brought against them to resentment or revenge, but such alleged motives have not prevented the Court from lending full credence to the testimony of a complainant who remained steadfast throughout her direct and cross-examination. Given the naivete of complainant who was only 14 years old at the time of the incident, we are hard put to believe that she could have concocted a tale of pure fantasy, if only to get back at her father for not allowing her to live and study in Manila. Well-settled is the doctrine that no young and decent lass will publicly cry rape, particularly against her alleged father, if such were not the truth, or if justice was not her sole objective. The revelation of a young girl that she was sexually abused cannot be easily dismissed as a mere concoction, considering her willingness to undergo a public trial and relate the details of her defilement. Normally, no woman would be willing to undergo the arduous stages and embarrassing consequences of a rape trial, if not to condemn an injustice and obtain retribution."

We thus agree with the following observations of the court a quo:

"What does it take for a young daughter to wish her father to stay in jail possibly for the rest of his life or even executed to death? Certainly not for the reason that her father refused to let her marry someone. According to the accused in this case his daughter charged him of raping her because he scolded her and prohibited her to marry her boyfriend who is a married man. This is absurd especially as he did not try to show that his daughter has evil ways.

x x x x

What lends credence to her accusation is that she immediately reported the matter at the first chance she had. Unfortunately not to her mother because according to her she did not have a chance to do so because her father was always around watching her. This turned out to be right because it happened that her mother was fool enough to side with her husband when the denouncement was made. [AAA] reported the matter to her cousin (or aunt) Lilia Tabuñar when her father brought her to Cordon, Isabela, on January 19, (sic) 2000." [32]

In *People v. Crespo*, [33] we emphasized:

It bears stressing once again that no woman would concoct a story of defloration, allow the examination of her private parts and subject herself to public trial or ridicule if she has not, in truth, been a victim of rape and impelled to seek justice for the wrong done to her. It is settled jurisprudence that when a woman says that she has been raped, she says in effect all that is necessary to show that rape was indeed committed. A woman would think twice before she concocts a story of rape, especially against her own father, unless she is motivated by a patent desire to seek justice for the wrong committed against her.

The issue of credibility of witnesses is "a question best addressed to the province of the trial court because of its unique position of having observed that elusive and incommunicable evidence of the witnesses' deportment on the

stand while testifying, which opportunity is denied to the appellate courts”[34] and “[a]bsent any substantial reason which would justify the reversal of the trial court's assessments and conclusions, the reviewing court is generally bound by the former's findings, particularly when no significant facts and circumstances are shown to have been overlooked or disregarded which when considered would have affected the outcome of the case.”[35] The Court of Appeals further affirmed the findings of the RTC. In this regard, it is settled that when the findings of the trial court have been affirmed by the appellate court, said findings are generally conclusive and binding upon this Court. [36] The Court finds no compelling reason herein to deviate from said findings.

Finally, the Court adopts the penalties imposed by the Court of Appeals upon accused-appellant but modifies the damages awarded to AAA. With the enactment of Republic Act No. 9346, the Court of Appeals properly imposed upon accused-appellant the penalty of reclusion perpetua without eligibility for parole for each of the four (4) counts of qualified rape for which he is hereby convicted. In line with current jurisprudence, however, accused-appellant is liable to pay AAA for each of the four (4) counts of qualified rape the amount of Seventy-Five Thousand Pesos (P75,000.00) as civil indemnity, another Seventy-Five Thousand Pesos (P75,000.00) as moral damages, and Thirty Thousand Pesos (P30,000.00) as exemplary damages.[37] Exemplary damages should be awarded “in order to deter fathers with perverse tendencies and aberrant sexual behavior from preying upon their young daughters.”[38]

WHEREFORE, in view of the foregoing, the Decision dated April 25, 2007 of the Court of Appeals in CA-G.R. CR.-H.C. No. 02024 is AFFIRMED with MODIFICATION. Paterno Samandre y Sarmiento is found GUILTY of four (4) counts of qualified rape for which he is sentenced to suffer the penalty of reclusion perpetua for each count without eligibility for parole and ordered to pay AAA the amounts of Seventy-Five Thousand Pesos (P75,000.00) as civil indemnity, Seventy-Five Thousand Pesos (P75,000.00) as moral damages, and Thirty Thousand Pesos (P30,000.00) as exemplary damages, for every count, with interest on all damages awarded at the rate of 6% per annum from the date of finality of this Decision until fully paid.

No cost.

SO ORDERED.

Corona, (Chairperson), Villarama, Mendoza, and Reyes, JJ., concur.

[*] Per Raffle dated February 1, 2012.

[**] Per Special Order No. 1203-A dated February 17, 2012.

[1] Rollo, pp. 4-14; penned by Associate Justice Marina L. Buzon with Associate Justices Lucas P. Bersamin and Estela M. Perlas-Bernabe, concurring.

[2] CA rollo, pp. 23-30; penned by Judge Fe Albano Madrid.

[3] G.R. No. 167693, September 19, 2006, 502 SCRA 419.

[4] G.R. No. 173787, April 23, 2007, 521 SCRA 597.

[5] CA rollo, p. 11.

[6] Id. at 13.

[7] Id. at 15.

[8] Id. at 9.

- [9] Records, pp. 19-20.
- [10] TSN, August 17 and 24, 2000 and October 5, 2000.
- [11] Records, p. 7.
- [12] Id. at 7-A.
- [13] Id. at 4-5.
- [14] TSN, May 28, 2001.
- [15] TSN, September 27, 2001.
- [16] CA rollo, p. 30.
- [17] Id. at 60-73.
- [18] Id. at 89-114.
- [19] Id. at 126.
- [20] G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640.
- [21] Rollo, pp. 6-7.
- [22] Id. at 7-8.
- [23] Id. at 13.
- [24] Id. at 20.
- [25] Id. at 21-24 and 26-29.
- [26] G.R. Nos. 148716-18, July 7, 2004, 433 SCRA 689, 698.
- [27] Records, pp. 4-5.
- [28] TSN, August 17, 2000, pp. 8-18.
- [29] G.R. No. 177779, December 14, 2010, 638 SCRA 317.
- [30] Id. at 333.
- [31] TSN, September 27, 2001, pp. 5-15.
- [32] Rollo, pp. 9-11.
- [33] G.R. No. 180500, September 11, 2008, 564 SCRA 613, 640.
- [34] *People v. Nieto*, G.R. No. 177756, March 3, 2008, 547 SCRA 511, 524.
- [35] Id.
- [36] *People v. Nogpo, Jr.*, G.R. No. 184791, April 16, 2009, 585 SCRA 725, 748.
- [37] *People v. Sarcia*, G.R. No. 169641, September 10, 2009, 599 SCRA 20, 46.
- [38] *People v. Blancaflor*, 466 Phil. 87, 103 (2004).

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