

THE PEOPLE OF THE PHILIPPINES, APPELLEE, VS. LORENZO LAYCO, SR., APPELLANT.

G.R. No. 182191. May 08, 2009

Ponente: TINGA, J.

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TINGA, J.:

Subject of this appeal is the 13 September 2007 Decision promulgated by the Court of Appeals,[1] affirming the Regional Trial Court's (RTC) judgment in Criminal Case Nos. 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256 and 1257 finding Lorenzo Layco, Sr. (appellant) guilty of nine (9) counts of qualified rape.

Appellant was charged with nine (9) counts of rape committed against his own 11-year old daughter, AAA, on 6, 7, 8, 9 January 1993 and his 7-year old daughter, BBB, sometime in 1993, 1994, 1995, 1996 and 1997.

Both victims testified that they were raped by their father inside their house. On these occasions, each incident of rape was always preceded by physical violence[2] on their persons. AAA stowed away on 10 January 1993 and lived first with her grandmother in Dupax del Sur, Nueva Vizcaya, before settling down with her aunt in Baguio City. Five years later, she went home to Aritao, Nueva Vizcaya for a vacation. Thereat, she saw her sister BBB washing dishes and crying while her father was doing the pumping motion behind her in a standing position. When AAA went back to Baguio City, she asked her aunt to take custody of BBB. Finally, BBB was reunited with AAA in Baguio. Together, they revealed to her the rapes their father had committed on them. After convincing their mother to go with them, AAA, BBB and their aunt proceed to the National Bureau of Investigation (NBI) in Baguio to report the incidents. The victims were subjected to physical examination. Dra. Elizabeth J. Batino (Dra. Batino) noted that AAA's hymen had sustained several lacerations which were more than a year old counting from the time of examination. Dra. Batino likewise attended to BBB and discovered that she had incomplete lacerations in the hymen. On both victims, however, Dra. Batino testified that their vaginas can easily admit of two (2) fingers.

Appellant interposed denial and alibi. He claims that on the dates when AAA was supposedly raped, the latter was no longer living with him. As to BBB, appellant also alleges that BBB was then living with different relatives.

Appellant's wife, as well as his two sons testified in his favor, denying knowledge of any rape committed against AAA and BBB.

On 22 June 2004, the trial court rendered its Decision finding appellant guilty as charged and decreeing the penalties therefor:

WHEREFORE, premises considered, finding accused, Lorenzo Layco, Sr., GUILTY beyond reasonable doubt of nine counts of rape, 4 of which were committed against his first daughter, [AAA], and 5 against his second daughter, [BBB], he is hereby sentenced to suffer the following penalties, namely:

Reclusion Perpetua for Criminal Case No. 1249;
Reclusion Perpetua for Criminal Case No. 1250;

Reclusion Perpetua for Criminal Case No. 1251;
Reclusion Perpetua for Criminal Case No. 1252;
Reclusion Perpetua for Criminal Case No. 1253;
Death by lethal injection for Criminal Case No. 1254;
Death by lethal injection for Criminal Case No. 1255;
Death by lethal injection for Criminal Case No. 1256; and,
Death by lethal injection for Criminal Case No. 1257.

The accused is further ordered to indemnify the victim [AAA] the amount of P50,000.00 for each of the 4 rapes committed against her and the like amount of P50,000.00 to victim [BBB] for each of the 5 rapes committed against her and another amount of P50,000.00 to each of them as moral damages.

The Provincial Warden is directed to cause the immediate transfer of accused Lorenzo P. Layco, Sr. to the National Penitentiary.[3]

The trial court gave full credence to the testimonies of the victim and concluded that their testimonies correspond with the medical reports.

In view of the death penalty imposed, the case was brought to this Court on automatic review. Pursuant to *People v. Mateo*,[4] the case was transferred to the Court of Appeals for appropriate action and disposition.[5]

On 13 September 2007, the Court of Appeals affirmed with modification the RTC's Decision. The dispositive portion of the decision reads:

WHEREFORE, the questioned Decision dated June 22, 2004 in Criminal case Nos. 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256 and 1257 is AFFIRMED with MODIFICATION. The penalty of death imposed in Criminal Case Nos. 1254, 1255, 1256 and 1257 is commuted to reclusion perpetua in accordance with Republic Act No. 9346.

SO ORDERED.[6]

The Office of the Solicitor General (OSG) and appellant both manifested that they would not file supplemental briefs and would instead adopt the briefs they had previously filed.

In his appellant's brief, appellant essentially questions the credibility of AAA and BBB in their narration of the instances of alleged rape. Appellant argues that their testimonies were either uncorroborated or denied by their brother, who testified for the defense. Furthermore, appellant notes that BBB failed to recall the exact date of the commission of the rape, which effectively renders doubt on their claims.[7]

On the other hand, the OSG dismisses the inconsistencies as minor which has no relation to the gravamen of the offense. The OSG also asserts that appellant's denial cannot prevail over his positive identification by the victims. It also counters that an absolute exactitude of date when the complained rapes were committed is not an essential element of the crime of rape.[8]

After a careful review of the records, this Court finds no reason to overturn the decisions of the RTC, as affirmed by the Court of Appeals.

Statutory rape is committed by sexual intercourse with a woman below twelve (12) years of age regardless of her consent, or the lack of it, to the sexual act. To convict an accused of the crime of statutory rape, the prosecution carries the burden of proving: (1) the age of the complainant; (2) the identity of the accused; and (3) the sexual intercourse between the accused and the complainant.[9]

All the required elements were proven by the prosecution. The victim's ages are evidenced by their birth

certificates that AAA only 11 years old at the time of the incidents, having been born on 22 May 1982, while BBB was only seven (7) years old and born on 18 April 1986. Their identification of their father as the rapist was positive, clear and categorical. They also gave a vivid description of the sexual acts committed by appellant. Moreover, their accusation finds support in the medical reports on the physical injuries AAA and BBB had sustained.

Appellant's denial cannot prevail over AAA's and BBB's positive identification of appellant as the perpetrator of the crime.

With respect to the credibility of the witnesses, this Court is bound by the factual findings of the trial court. As a general rule, the findings of the trial court relative to the credibility of the rape victim are normally respected and not disturbed on appeal. More so, if they are affirmed by the appellate court. It is only in exceptional circumstances that this rule is brushed aside, such as when the court's evaluation was reached arbitrarily, or when the trial court overlooked, misunderstood or misapplied certain facts or circumstances of weight and substance which could affect the result of the case.[10]

The Court does not find any of these exceptions present in the case at bar.

With respect to damages, we agree with the OSG that following prevailing case law, appellant is liable for exemplary damages amounting to P30,000.00 for each count of rape, by way of public example and to protect the young from sexual abuse, as well as payment of P75,000.00 as civil indemnity, and P75,000.00 as moral damages.[11]

WHEREFORE, the Decision of the Court of Appeals affirming the Decision dated 22 June 2004 of the Regional Trial Court (RTC) of Bayombong, Nueva Vizcaya, Branch 30 in Criminal Case Nos. 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256 and 1257, finding appellant Lorenzo Layco, Sr. guilty beyond reasonable doubt of rape and sentencing him to suffer the penalty of reclusion perpetua is hereby **AFFIRMED** with **MODIFICATION**. Appellant is ordered to pay AAA and BBB the amount of P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P30,000.00 as exemplary damages.

SO ORDERED.

Carpio-Morales,[*] (Acting Chairperson), Velasco, Jr., Leonardo-De Castro,**] and Brion, JJ., concur.

* Acting Chairperson as replacement of Justice Leonardo A. Quisumbing who is on official leave per Special Order No. 618.

** Additional member of the Second Division per Special Order No. 619.

[1] Penned by Associate Justice Ramon M. Bato, Jr., concurred in by Associate Justices Andres B. Reyes and Jose C. Mendoza; rollo, pp. 2-21.

[2] CA rollo, p. 77.

[3] Id. at 83-84.

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

[5] CA rollo, p. 86.

[6] Id. at 287.

[7] Id. at 105-123.

[8] Id. at 216-259.

[9] People v. Mingming, G.R. No. 174195, 10 December 2008.

[10] People v. Coja, G.R. No. 179277, 18 June 2008.

[11] People v. Tormis, G.R. No. 183456, 18 December 2008.

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