

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. FELIPE AYADE Y PULOD, APPELLANT.

G.R. No. 188561. January 15, 2010

Ponente: NACHURA, J.

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NACHURA, J.:

Before this Court is an Appeal,[1] seeking the reversal of the Court of Appeals (CA) Decision[2] dated March 31, 2009, which affirmed the Decision[3] of the Regional Trial Court (RTC) of Mandaluyong City, Branch 212, dated October 31, 2007, convicting appellant Felipe Ayade y Pulod

(Ayade) of the crime of Qualified Rape, with a modification as to the amount of the moral damages awarded.

The Facts

Ayade was charged with Qualified Rape in an Information[4] dated March 31, 2003, which reads:

That on or about the 26[th] day of March 2003, in the City of Mandaluyong, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, who is the biological father of the victim, with lewd design and by means of force and intimidation, did, then and there willfully, unlawfully and feloniously have carnal knowledge with [VVV], a girl under thirteen (13) years of age against her will and consent, [with] prejudice to the child's development.

CONTRARY TO LAW.

Upon arraignment on April 21, 2003, Ayade, with the assistance of counsel, pleaded not guilty to the offense charged. Thereafter, trial on the merits ensued. In the course of the trial, two varying versions arose.

Version of the Prosecution

Private complainant VVV[5] (VVV) was only thirteen (13) years old when she was raped by Ayade, her own father, on March 26, 2003. According to VVV, at around 12 noon of said date, while she was alone in a room in their house in XXX Compound, Barangay ZZZ, Mandaluyong City, and while her mother was at work, Ayade went to her room. Once inside, the latter started touching VVV's breasts. After he undressed VVV by removing her shorts and panty, he also removed his shorts and brief. Afterwards, he kissed and licked VVV's breasts and vagina, mounted her and forced his penis into her vagina, and had sexual intercourse with her. All the while, VVV resisted and struggled, but her attempts were futile as Ayade was bigger and stronger than her. While the sexual assault was taking place, VVV cried. To prevent her from shouting, Ayade punched her thigh.

After the incident, VVV went to her grandmother, GGG, and narrated to her the sexual assaults committed by Ayade against her. Thereafter, they reported the incident to the Mandaluyong Police Station. Subsequently, an investigation was conducted. Hence, the instant case was filed against Ayade. VVV positively identified her father, Ayade, as the perpetrator of the crime.[6]

Version of the Defense

Ayade denied all the accusations hurled against him. He averred that at the time and date of the alleged rape, he left for work as early as 7:00 a.m. Upon returning home, he just had dinner and then retired.

Ayade asseverated that the filing of the case was upon the prodding of GGG, his mother-in-law. He claimed that on March 29, 2003, at around 8:00 a.m., as he was standing outside his house, GGG arrived and asked for the payment of his electric bill. He told her that he could not pay, which angered GGG.

The next day, Ayade was surprised when police officers arrested him while he was in his cousin's house. The initial offense being imputed to him was for mauling and maltreating his wife. Later, however, he was accused of raping his daughter VVV. He recalled that when a police officer asked VVV as to whether or not Ayade raped her, his daughter kept silent, but GGG answered affirmatively on VVV's behalf.[7]

The RTC's Ruling

In its Decision dated October 31, 2007, the RTC found Ayade guilty as charged. The dispositive portion of the RTC decision reads as follows:

WHEREFORE, in view of the foregoing, this court finds accused Felipe Ayade y Pulod GUILTY beyond reasonable doubt of qualified rape as defined in Article 266-A of the Revised Penal Code, as amended by Republic Act [No.] 8353, qualified by minority and relationship the proper imposable penalty would have been death as provided in Article 266-B of the Revised Penal Code, as amended by RA [No.] 8353. However, pursuant to Republic Act No. 9346, accused Felipe Ayade y Pulod is hereby sentenced to suffer the penalty of Reclusion Perpetua without possibility of parole. The accused is likewise ORDERED to pay the private complainant [VVV], the amount of P75,000.00 as civil indemnity; P75,000.00 as moral damages and P50,000.00 as exemplary damages; all with the interest at the legal rate of six percent (6%) per annum from the receipt of this decision until fully paid.

Accordingly, the Officer-in-Charge/Branch Clerk of Court is hereby directed to prepare the Mitimus Order.

SO ORDERED.[8]

Aggrieved, Ayade appealed to the CA,[9] assigning the following errors:

I.

THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF QUALIFIED RAPE.

II.

THE COURT A QUO GRAVELY ERRED IN RENDERING A DECISION WHICH IS CONTRARY TO LAW AND ESTABLISHED FACTS.

III.

THE COURT A QUO GRAVELY ERRED IN ORDERING THE ACCUSED-APPELLANT TO PAY CIVIL INDEMNITY, MORAL AND EXEMPLARY DAMAGES, ALL WITH THE INTEREST AT THE LEGAL RATE OF SIX PERCENT (6%) PER ANNUM FROM THE RECEIPT OF THE DECISION UNTIL FULLY PAID.[10]

The CA's Ruling

In its Decision dated March 31, 2009, the CA affirmed with modification the findings of the RTC, thus:

WHEREFORE, in the light of the foregoing premises, the decision subject of the present appeal is hereby AFFIRMED save for a modification in the monetary award. Accordingly, the accused-appellant is ordered to

pay the private complainant: (a) P75,000.00 as civil indemnity; (b) P50,000.00 instead of P75,000.00 as moral damages; and (c) P25,000.00 instead of P50,000.00 as exemplary damages.[11]

Hence, this appeal.

In their respective Manifestations[12] filed before this Court, appellee, People of the Philippines, as represented by the Office of the Solicitor General, and Ayade, as represented by the Public Attorney's Office,

intimated that they were no longer filing any Supplemental Brief in support of their respective positions.

The instant appeal is bereft of merit.

Our ruling in *People of the Philippines v. Lilio U. Achas*[13] is instructive:

By the distinctive nature of rape cases, conviction usually rests solely on the basis of the testimony of the victim, provided that such testimony is credible, natural, convincing, and consistent with human nature and the normal course of things. Accordingly, the Court has consistently adhered to the following guiding principles in the review of similar cases, to wit: (1) an accusation for rape can be made with facility; while the accusation is difficult to prove, it is even more difficult for the accused, though innocent, to disprove; (2) considering that, in the nature of things, only two persons are usually involved in the crime of rape, the testimony of the complainant must be scrutinized with extreme caution; and (3) 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.

Complementing the foregoing principles is the rule that the credibility of the victim is always the single most important issue in prosecution for rape; that in passing upon the credibility of witnesses, the highest degree of respect must be afforded to the findings of the trial court.

Ayade failed to sufficiently show that the CA committed any reversible error in its assailed Decision. Appellant could only but proffer the defenses of denial and alibi in this case. Time and time again, this Court has ruled that denial and alibi are the weakest of all defenses, because they are easy to concoct and fabricate.[14] Furthermore, said defenses cannot prevail over the positive and unequivocal identification of the appellant by the prosecution witnesses particularly VVV. Suffice it to say that denial and alibi are practically worthless against the positive identification made by the prosecution witnesses, especially by the rape victim.[15]

Likewise, no ill motive was adduced as to why VVV would impute to Ayade, her own father, so grave a charge. The alleged ill motive of Ayade's mother-in-law, GGG, is highly illogical. It is certainly absurd that GGG, VVV's own grandmother, would fabricate a very disturbing story just because she and Ayade had a shallow dispute on the non-payment of some electric bill. Ayade's imputation against GGG is but a lame and pathetic excuse in order to exculpate himself from the bestial and devious act he did to his own daughter. Thus, absent any showing of ill motive on the part of the eyewitnesses, specifically of VVV, a categorical, consistent, and positive identification of appellant prevails over denial and alibi. Unless substantiated by clear and convincing proof, denial and alibi are negative, self-serving and undeserving of any weight in law.[16]

Note that the RTC found all the prosecution witnesses to be credible witnesses, whose testimonies were natural and convincing, thus, deserving of full faith and credence. It bears stressing that the determination by the trial court of the credibility of witnesses is usually accorded by the appellate courts full weight and respect, since a trial court judge has the opportunity to observe the demeanor of the witnesses.[17] Note, likewise, that the CA did not disturb the RTC's appreciation of their credibility. Thus, we apply the cardinal rule that factual findings of the trial court, its calibration of the testimonies of the witnesses, and its conclusions anchored on its findings are accorded by the appellate court high respect, if not conclusive effect, more so when affirmed by the CA. The exception is when it is established that the trial court ignored, overlooked, misconstrued, or misinterpreted cogent facts and

circumstances which, if considered, will change the outcome of the case. We have reviewed the records of the RTC and the CA, and we find no justification to deviate from both courts' findings and their unanimous conclusion that appellant is indeed guilty beyond reasonable doubt of the crime of Qualified Rape.[18]

However, the CA erred when it reduced the award of moral damages from P75,000.00 to P50,000.00. We, therefore, reinstate the award of moral damages in the amount of P75,000.00, in line with current jurisprudence.[19] In all other aspects, we affirm the ruling of the CA.

WHEREFORE, the instant Petition is DENIED and the assailed Decision of the Court of Appeals in CA-G.R. CR H.C. No. 03112, dated March 31, 2009, finding appellant Felipe Ayade y Pulod guilty beyond reasonable doubt of the crime of Qualified Rape, is hereby AFFIRMED with the MODIFICATION that said appellant is ORDERED to pay herein private complainant VVV the amount of Seventy-Five Thousand Pesos (P75,000.00) as moral damages. No costs.

SO ORDERED.

Corona, (Chairperson), Velasco, Jr., Peralta, and Mendoza, JJ., concur.

[1] CA rollo, pp. 152-153.

[2] Particularly docketed as CA-G.R. CR H.C. No. 03112, penned by Associate Justice Bienvenido L. Reyes, with Associate Justices Isaias P. Dicdican and Marlene Gonzales-Sison, concurring; id. at 138-151.

[3] CA rollo, pp. 19-35.

[4] Id. at 41-42.

[5] The Court shall use fictitious initials in lieu of the real names and circumstances of the victim and the latter's immediate family members other than accused-appellant. See *People v. Gloria*, G.R. No. 168476, September 27, 2006, 503 SCRA 742; citing Sec. 29 of Republic Act (R.A.) No. 7610, Sec. 44 of R.A. No. 9262, and Sec. 40 of the Rule on Violence Against Women and Their Children; and *People v. Cabalquinto*, G.R. No. 167693, September 19, 2006, 502 SCRA 419.

[6] TSN, August 2, 2005, pp. 5-21.

[7] TSN, June 6, 2006, pp. 4-13.

[8] *Supra* note 3, at 34-35.

[9] CA rollo, p. 36.

[10] Id. at 51.

[11] *Supra* note 2, at 151.

[12] Rollo, pp. 31-32 and 34-35, respectively.

[13] G.R. No. 185712, August 4, 2009. (Citations omitted.)

[14] *People v. Ilagan*, 455 Phil. 891, 903 (2003).

[15] *People v. Isla, Jr.*, 432 Phil. 414, 431 (2002).

[16] *People v. Pangilinan*, 443 Phil. 198, 236-237 (2003).

[17] *People v. Roma*, G.R. No. 147996, September 30, 2005, 471 SCRA 413, 426-427.

[18] *Casitas v. People*, G.R. No. 152358, February 5, 2004, 422 SCRA 242, 248.

[19] *People of the Philippines v. Warlito Martinez*, G.R. No. 182687, July 23, 2009; *People of the Philippines v. Eduardo Aboganda*, G.R. No. 183565, April 8, 2009; *People v. Castel*, G.R. No. 171164, November 28, 2008, 572 SCRA 642, 679; *People v. Dela Paz*, G.R. No. 177294, February 19, 2008, 546 SCRA 363; and *People v. Glivano*, G.R. No. 177565, January 28, 2008, 542 SCRA 656, 665.

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