

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

G.R. No. 248370. October 14, 2020

Ponente: INTING, J.

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INTING, J.:

This is an appeal[1] from the Decision[2] dated February 26, 2019 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 02262. The assailed CA Decision affirmed the Decision[3] dated February 26, 2016 of Branch 32, Regional Trial Court (RTC), xxxxxxxxxxxx in Criminal Case Nos. 6257 and 6258 finding XXX (accused-appellant) guilty beyond reasonable doubt of the crime of Rape under paragraph (1), Article 266-A in relation to Article 266-B of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 8353.[4]

The Antecedents

The case stemmed from two Informations filed before the RTC charging accused-appellant with Rape under paragraph (1)(c), Article 266-A, as amended.

For Criminal Case No. 6257

“That on or about the period from June 1 to 13, 2009, at xxxxxxxxxxxx Philippines, and within the jurisdiction of this Honorable Court, said accused, with lewd designs, and with abuse of confidence, he being the father of the offended party, and by means of force, threat, intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge upon one [AAA], an 11-year old girl who is his daughter, without her consent and against her will.

That accused is the father of the offended party is the aggravating/ qualifying circumstance present in this case.

CONTRARY TO LAW.”[5]

For Criminal Case No. 6258

That on or about the 14[th] day of June 2009, in the evening, at xxxxxxxxxxxx Philippines, and within the jurisdiction of this Honorable Court, said accused, with lewd designs, and with abuse of confidence, he being the father of the offended party, and by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge upon one [AAA], an 11 year old girl who is his daughter, without her consent and against her will.

[That] accused is the father of the offended party is the aggravating/qualifying circumstance present in this case.

CONTRARY TO LAW.[6]

Upon arraignment, accused-appellant pleaded not guilty to both charges.[7] Trial on the merits ensued.

Version of the Prosecution

AAA was then 11 years old when the crime was committed against her person. Accused-appellant is AAA’s biological father.

AAA testified as follows:

At around 9:00 p.m., while she was lying in bed, accused-appellant came to her side, and started kissing and touching the sensitive parts of her body. She sensed that accused-appellant was drunk at that time. Accused-appellant undressed her, removed her underwear, and crawled on top of her. Then, he removed his pants and brief and inserted his penis into AAA's vagina. AAA felt pain as accused-appellant made push and pull movements ignoring AAA's tearful plea of "Pa, stop it, pa." After sexually satisfying himself, accused-appellant told AAA that she should not tell anyone of the incident as he might be put in jail.[8]

AAA could not recall the first time accused-appellant molested her. On cross-examination, AAA recounted that on one occasion of rape, her mother was cooking in their house. In another occasion, her mother was in the room when the incident happened. However, later, upon clarification, she declared that her mother was outside the room when the rape occurred, but her mother did not see the incident. AAA told her mother what happened immediately after the incident.[9]

Version of the Defense

The defense presented accused-appellant and his mother, CCC.

In his defense, accused-appellant denied the allegations against him. He insisted that on the dates of the alleged rape incidents, he was at sea fishing for almost two weeks or a total of 14 days. He would leave their residence at 8:00 p.m. and return the following day at 6:00 a.m. One morning, upon his arrival from fishing, he was apprehended by the barangay officials unaware of the reason. They immediately brought him to the barangay hall and then to the Philippine National Police Headquarters where he was eventually charged with two counts of rape.[10]

On cross-examination, accused-appellant testified that he did not inflict any harm on AAA for the latter to concoct the charge against him. He added that there were times when he would stay at home due to bad weather. He stressed that on June 14, 2009 he was at sea engaged in a fishing activity known as "tambugan." [11]

CCC corroborated the statements of accused-appellant. She narrated that her house was situated 100 meters away from accused-appellant's house. Accused-appellant would leave AAA with her every time he went fishing. Accused-appellant would go fishing in the evening and return to his house the following morning. On the dates material to the rape incidents, her son was out fishing while her granddaughter, AAA, was at her (CCC's) residence.[12]

On cross-examination, CCC admitted that during the southwest monsoon season or "habagat," her son would not go fishing regularly because the activity is solely dependent on good weather conditions.[13]

The Ruling of the RTC

In the Decision[14] dated February 26, 2016, the RTC found accused-appellant guilty of one count of Rape sentencing him to suffer the penalty of reclusion perpetua without eligibility for parole and ordered him to pay AAA the following: P75,000.00 as moral damages, P75,000.00 as civil indemnity, and P30,000.00 as exemplary damages. However, the RTC acquitted accused-appellant from the charge under Criminal Case No. 6257 due to want of evidence.[15]

The Ruling of the CA

On February 26, 2019, the CA upheld accused-appellant's conviction. Notably, the CA convicted accused-appellant of Statutory Rape under paragraph (1) (d), Article 266-A, as amended, instead of paragraph (1) (c). Further, it increased the award of exemplary damages to P75,000.00, and imposed interest at the rate of 6% per annum on the aggregate amount of the monetary awards from the date of finality of judgment until full

payment thereof.

Hence, the instant appeal.

The main issue to be resolved is whether the CA correctly found accused-appellant guilty of Statutory Rape under paragraph (1)(d), Article 266-A, as amended.

The Court's Ruling

The appeal has no merit.

Well-settled is the rule that the matter of ascribing substance to the testimonies of witnesses is best discharged by the trial court and the appellate courts will not generally disturb the findings of the trial court in this respect. "[F]indings of the trial court, which are factual in nature and which involve the credibility of witnesses are accorded with respect, if not finality by the appellate court, when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gathered from such findings." [16] Certainly, the trial judge is in a better position to ascertain the conflicting testimonies of witnesses after having heard them and observed their deportment and mode of testifying during the trial. [17] "The task of taking on the issue of credibility is a function properly lodged with the trial court." [18] Thus, generally, this Court will not re-examine evidence that had been analyzed and ruled upon by the trial court.

After a judicious perusal of the records, the Court finds no compelling reason to depart from the uniform factual findings of the RTC and the CA. The Court affirms accused-appellant's conviction for Statutory Rape.

The crime of Statutory Rape is defined in paragraph (1) (d), Article 266-A, as amended, as follows:

Article 266-A. Rape: When And How Committed. — Rape is committed —

1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

x x x x x x x x x

(d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

To hold a conviction for Statutory Rape, the prosecution must establish the following: (1) the offended party is under 12 years of age; and (2) the accused had carnal knowledge of the victim, regardless of whether there was force, threat or intimidation; whether the offended party was deprived of reason or consciousness; or whether it was done through fraudulent machination or grave abuse of authority. The victim's age and fact of intercourse shall sustain a conviction, provided they are alleged in the information and proven in trial. [19]

The prosecution established the two elements.

The Information in Criminal Case No. 6258 alleges that AAA was 11 years old when she was raped by accused-appellant on or about June 14, 2009. AAA's certificate of baptism presented by the prosecution showed that she was born on January 27, 1998; hence, she was indeed 11 years old on June 14, 2009. The Court in the case of *People v. Pruna*, [20] ruled that in the absence of a birth certificate, similar authentic documents such as a baptismal certificate showing the date of birth of the victim would suffice to prove age.

Accused-appellant had carnal knowledge of AAA. Contrary to accused-appellant's arguments, absence of external signs or physical injuries on the complainant's body does not negate the commission of rape. Thus, in *People v. ZZZ*, [21]

The absence of external signs or physical injuries on the complainant's body does not necessarily negate the

commission of rape, hymenal laceration not being, to repeat, an element of the crime of rape. A healed or fresh laceration would of course be a compelling proof of defloration. What is more, the foremost consideration in the prosecution of rape is the victim's testimony and not the findings of the medico-legal officer. In fact, a medical examination of the victim is not indispensable in a prosecution for rape; the victim's testimony alone, if credible, is sufficient to convict.[22]

Furthermore, that the victim did not call for help or even tell her grandmother about the incident cannot be construed to mean that the incident complained of did not take place.

In *Perez v. People*,[23] the Court had the occasion to rule:

x x x the failure to shout or offer tenuous resistance does not make voluntary the victim's submission to the criminal acts of the accused. Rape is subjective and not everyone responds in the same way to an attack by a sexual fiend. Although an older person may have shouted for help under similar circumstances, a young victim such as "AAA" is easily overcome by fear and may not be able to cry for help.

We have consistently ruled that "no standard form of behavior can be anticipated of a rape victim following her defilement, particularly a child who could not be expected to fully comprehend the ways of an adult. x x x[24]

In *People v. Suarez*,[25] the Court discussed:

The conviction or acquittal of one accused of rape most often depends almost entirely on the credibility of the complainant's testimony. By the very nature of this crime it is generally unwitnessed and usually the victim is left to testify for herself. Her testimony is most vital and must be received with the utmost caution. When a rape victim's testimony, however, is straightforward and marked with consistency despite grueling examination, it deserves full faith and confidence and cannot be discarded. Once found credible, her lone testimony is sufficient to sustain a conviction.[26]

When AAA took the witness stand in 2010, she recalled the following details on how accused-appellant sexually ravished her way back in 2009:

[Direct Examination by Pros. Virgilio Cabral]

Q

-

As of today you are twelve (12) years old?

A

-

Yes, sir.

x x x x

Q

-

And you are grade five?

A

-

Yes, sir.

x x x x

Q

-

When was that that you were allegedly rape by your father?

A

-

In the evening.

Q

-

In what evening was that?

A

-

9:00 o'clock in the evening.

x x x x

Q

-

Now, tell us how your father able to rape you?

A

-

He undressed me.

x x x x

Q

-

So, you were sleeping that time when your father raped you?

A

-

Yes, sir.

Q

-

What did your father do that you said he raped you?

A

-

He drunk first and I was in our house and immediately raped me.

Q

-

You mean to say that while you were sleeping your father came home drunk?

A

-

Yes, sir.

Q

-

And when your father arrived home drunk were you awoken?

A

-

Yes, sir.

Q

-

And at that time you were lying in bed?

A

-

Yes, sir.

Q

-

And your father went to your side?

A

-

Yes, sir.

Q

-

And while he was on your side what did your father does to you?

A

-

He took off my short.

Q

-

After he took off your shorts what did he do next?

A

-

He raped me.

Q

-

Did he kiss you?

A

-

Yes, sir.

Q

-

Did he also touch your body?

A

-

Yes, sir.

Q

-

Where were you kissed?

A

-

In my face.

Q

-

How many times were you kissed by your father?

A

-

Only one.

x x x x

Q

-

Did your father took off your panty?

A

-

Yes, sir.

Q

-

After he took off your panty what else did your father do?

A

-

He crawled.

Q

-

And when he crawled to you, did he place himself on top of you?

A

-

Yes, sir.

Q

-

When he placed himself on top of you, was your father without any dress?

A

-

No dress.

Q

-

You mean to say he has no dress at that time?

A

-

None.

x x x x

Q

-

Did he also take off his brief?

A

-

Yes, sir.

Q

-

And after taking off his brief what did he do later to you?

A

-

He raped me after taking off his brief.

Q

-

You have been saying your father raped you. You mean to say that your father inserted his penis into your vagina?

A

-

Yes, sir.

Q

-

Where is your vagina located in your body?

A

-

Here (Witness pointing to her private part).

x x x x

Q

-

How long was your father on top of you while his penis was inside your vagina?

A

-

He inserted his entire penis.

Q

-

I will repeat my question your Honor. How long was your father on top of you when his penis was inside your vagina?

A

-

He touched my body.

Q

-

You mean to say that while your father was on top of you while his penis was inside your vagina your father continued to touch your body?

A

-

Yes, sir.

Q

-

And while your father was on top of you, you felt pain on your whole body?

A

-

Yes, sir.

Q

-

And did you cry at the time when your father was on top of you while his penis was inside you vagina?

A

-

Yes, sir.

Q

-

And you were crying when you said to your father to stop it?

A

-

Yes, sir.

Q

-

And did your father make a push and pull motion while he was on top of you?

A

-

Yes, sir.

Q

-

How many times did he make such push and pull motion?

A

-

Two (2) times.

Q

-

And after that two (2) times that he had made such push and pull motion did your father eventually remove his penis from your vagina?

A

-

Yes, sir.[27]

The RTC, as affirmed by the CA, found AAA's testimony to be credible. The Court finds no reason to set aside the RTC's finding considering that AAA's narration is "clear, spontaneous, and straightforward." [28]

In *People v. Deliola*, [29] The Court ruled:

Furthermore, testimonies of child victims are given full weight and credit, for when a woman or a girl-child says that she has been raped, she says on effect all that is necessary to show that rape was indeed committed. Youth and immaturity are generally badges of truth and sincerity. No young woman would admit that she was raped, make public the offense and allow the examination of her private parts, undergo the troubles and humiliation of a public trial and endure the ordeal of testifying to all the gory details, if she had not in fact been raped. [30]

Accused-appellant's bare denial and alibi will never prevail over AAA's direct, positive and categorical testimony and identification of accused-appellant as the assailant. His excuses lack probative value inasmuch as he failed to prove that it was impossible for him to be at his house at the time when the rape was committed as he had allegedly gone fishing.

Considering that the elements of minority and relationship of accused-appellant with AAA were alleged in the

Information and proven during trial, the proper designation of the crime is Qualified Statutory Rape. AAA's age and accused-appellant's relation with her qualified the crime of Rape warranting the imposition of death penalty under paragraph 1, Article 266-B, as amended, of the RPC. However, by virtue of RA 9346, the penalty of reclusion perpetua is imposed in lieu of death because of the suspension of the death penalty. Thus, the RTC correctly imposed the penalty of reclusion perpetua, without eligibility for parole.[31]

Finally, as for accused-appellant's civil liability, the award of P100,000.00 as civil indemnity, P100,000.00 as moral damages, and P100,000.00 as exemplary damages should be awarded to AAA in conformity with prevailing jurisprudence.[32]

WHEREFORE, the appeal is DISMISSED. The Decision dated February 26, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 02262 is AFFIRMED with MODIFICATION in that accused-appellant XXX is hereby found GUILTY of Qualified Statutory Rape for which he is sentenced to suffer the penalty of reclusion perpetua, without eligibility for parole, and ORDERED to pay AAA P100,000.00 as civil indemnity, P100,000.00 as moral damages, and P100,000.00 as exemplary damages.

All monetary awards are subject to the interest of 6% per annum from the finality of this Resolution until fully paid.

SO ORDERED.

Perlas-Bernabe (Chairperson), Gesmundo,[**] and Hernando, JJ., concur.
Baltazar-Padilla, J., on leave.

[*] The identity of the victim or any information to establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. (RA) 7610, "An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, and for Other Purposes"; RA 9262, "An Act Defining Violence against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes"; Section 40 of A.M. No. 04-10-11-SC, known as the "Rule on Violence against Women and Their Children," effective November 15, 2004; *People v. Cabalquinto*, 533 Phil. 703 (2006); and Amended Administrative Circular No. 83-2015 dated September 5, 2017, Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances.

[**] Designated as additional member per Raffle dated February 12, 2020.

[1] See Notice of Appeal dated March 27, 2019, rollo, pp. 17-18.

[2] *Id.* at 5-16; penned by Associate Justice Marilyn B. Lagura-Yap with Associate Justices Edgardo L. Delos Santos (now a member of the Court) and Emily R. Aliño-Geluz, concurring.

[3] CA rollo, pp. 15-32; penned by Presiding Judge Ernesto Lamorin Peñaflor.

[4] The Anti-Rape Law of 1997.

[5] CA rollo, pp. 15-16.

[6] *Id.*

[7] See Minutes dated January 20, 2010, Records, p. 27.

[8] Rollo, p. 7.

[9] Id.

[10] Id. at 8.

[11] Id.

[12] Id.

[13] Id. at 9.

[14] CA rollo, pp. 15-32.

[15] Id. at 31-32.

[16] *People v. Aspa, Jr.*, G.R. No. 229507, August 6, 2018, citing *People v. De Guzman*, 564 Phil. 282, 290 (2007).

[17] Id., citing *People v. Villamin*, 625 Phil. 698, 713 (2010).

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

[19] *People v. Deliola*, 794 Phil. 194, 205 (2016) and *People v. Ronquillo*, 818 Phil. 641, 648 (2017), both citing *People v. Gutierrez*, 731 Phil. 353, 357 (2014).

[20] 439 Phil. 440 (2002).

[21] G.R. No. 229862, June 19, 2019.

[22] Id., citing *People v. Araojo*, 616 Phil. 275, 288 (2009).

[23] 830 Phil. 162 (2018).

[24] Id. at 176, citing *People v. Lomaque*, 710 Phil. 338, 352 (2013).

[25] 750 Phil. 858 (2015).

[26] Id. at 864-865. Citations omitted.

[27] TSN, November 25, 2010, pp. 4-12.

[28] *People v. Rayon, Sr.*, 702 Phil. 672, 680 (2013).

[29] *People v. Deliola*, supra note 19.

[30] Id. at 280, citing *People v. Suarez*, supra note 25 at 868-869 and *People v. Nical*, 754 Phil. 357, 366 (2015).

[31] The phrase “without eligibility for parole” is not deleted in view of the guidelines provided for in A.M. No. 15-08-02 SC dated August 4, 2015 which states that “(2) When circumstances are present warranting the imposition of the death penalty, but this penalty is not imposed because of RA 9346, the qualification of “without eligibility for parole” shall be used to qualify reclusion perpetua in order to emphasize that the accused should have been sentenced to suffer death penalty had it not been for RA 9346.”

[32] *People v. Jugueta*, 783 Phil. 806, 843 (2016).

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