



Republic of the Philippines
 Supreme Court
 Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee,

G.R. No. 225059

Present:

CARPIO, J., Chairperson,
 PERALTA,
 PERLAS-BERNABE,
 CAGUIOA, and
 REYES, JR., JJ.

- versus -

Promulgated:

XXX*,

Accused-Appellant.

23 JUL 2018

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X-----X

DECISION

CAGUIOA, J.:

This is an appeal¹ filed under Section 13(c), Rule 124 of the Rules of Court from the Decision² dated July 24, 2015(questioned Decision) of the Court of Appeals, Eleventh Division (CA), in CA-G.R. CR-HC No. 05783, which affirmed the Joint Decision³ dated July 10, 2012 (RTC Decision) of the Regional Trial Court of Valenzuela City, Branch 270 (RTC) in Criminal Case Nos. 671-V-10, 672-V-10, 673-V-10, and 674-V-10, convicting herein accused-appellant XXX for the crimes charged therein.

* The identity of the victims or any information which could establish or compromise their identities, as well as those of their immediate family or household members, shall be withheld pursuant to RA 7610 titled, "AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, PROVIDING PENALTIES FOR ITS VIOLATION, AND FOR OTHER PURPOSES," approved on June 17, 1992; RA 9262 titled "AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES," approved on March 8 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the "Rule on Violence against Women and Their Children" (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014], citing *People v. Lomaque*, 710 Phil. 338, 342 [2013]. See also Amended Administrative Circular No. 83-2015 titled "PROTOCOLS AND PROCEDURES IN THE PROMULGATION, PUBLICATION, AND POSTING ON THE WEBSITES OF DECISIONS, FINAL RESOLUTIONS, AND FINAL ORDERS USING FICTITIOUS NAMES/PERSONAL CIRCUMSTANCES," dated September 5, 2017; and *People v. XXX and YYY*, G.R. No. 235652, July 9, 2018.)

¹ CA rollo, pp. 157-159.

² Rollo, pp. 2-32. Penned by Associate Justice Sesinando E. Villon, with Associate Justices Rodil V. Zalameda and Pedro B. Corales concurring.

³ CA rollo, pp. 54-76. Penned by Presiding Judge Evangelina M. Francisco.

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The Facts

Four (4) separate Informations for rape under Article 266-A, par. 1, in relation to Article 266-B, par. 2, of the Revised Penal Code⁴ were filed in the RTC against XXX for four (4) counts of rape committed against BBB, as follows:

CRIMINAL CASE NO. 671-V-10

The undersigned State Prosecutor accuses [XXX] of the crime of Rape under Article 266-A, par. 1 in relation to Art. 266-B, 2nd Par. of the RPC, committed as follows:

That on or about May 18, 2010 in Valenzuela City and within the jurisdiction of this Honorable Court, the above-named accused, being then the father of the complainant, with lewd design, by means of force and intimidation employed upon the person of one "BBB", did then and there willfully, unlawfully and feloniously have sexual intercourse with the said complainant, against her will and without her consent.

CONTRARY TO LAW.⁵

CRIMINAL CASE NO. 672-V-10

The undersigned State Prosecutor accuses [XXX] of the crime of Rape under Article 266-A, par. 1 in relation to Art. 266-B, 2nd Par. of the RPC, committed as follows:

That sometime in the year 2005 in Valenzuela City and within the jurisdiction of this Honorable Court, the above-named accused, being then the father of the complainant, with lewd design, by means of force and intimidation employed upon the person of one "BBB", then 15 years old, did then and there willfully, unlawfully and feloniously have sexual intercourse for the second time, the first happened when "BBB" was 14 years old, with the said complainant, against her will and without her consent, thereby subjecting the said minor to sexual abuse which debased, degraded and demeaned her intrinsic worth and dignity as a human being.

CONTRARY TO LAW.⁶

CRIMINAL CASE NO. 673-V-10

The undersigned State Prosecutor accuses [XXX] of the crime of Rape under Article 266-A, par. 1 in relation to Art. 266-B, 2nd Par. of the RPC, committed as follows:

That sometime in the year 2005 in Valenzuela City and within the jurisdiction of this Honorable Court, the above-named accused, being then the father of the complainant, with lewd design, by means of force and intimidation employed upon the person of one "BBB", then 15 years old, did then and there willfully, unlawfully and feloniously have sexual

⁴ As amended by Republic Act No. 8353 (THE ANTI-RAPE LAW OF 1997) in relation to Republic Act No. 7610 (SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION AND DISCRIMINATION ACT).

⁵ *Rollo*, pp. 2-3.

⁶ *Id.* at 3.



intercourse for the third time, against her will and without her consent, thereby subjecting the said minor to sexual abuse which debased, degraded and demeaned her intrinsic worth and dignity as a human being.

CONTRARY TO LAW.⁷

CRIMINAL CASE NO. 674-V-10

The undersigned State Prosecutor accuses [XXX] of the crime of Rape under Article 266-A, par. 1 in relation to Art. 266-B, 2nd Par. of the RPC, committed as follows:

That sometime in the year 2004 in Valenzuela City and within the jurisdiction of this Honorable Court, the above-named accused, being then the father of the complainant, with lewd design, by means of force and intimidation employed upon the person of one "BBB", then 14 years old, did then and there willfully, unlawfully and feloniously have sexual intercourse with the said complainant thereby subjecting the said minor to sexual abuse which debased, degraded and demeaned her intrinsic worth and dignity as a human being.

CONTRARY TO LAW.⁸

Upon arraignment, XXX pleaded "not guilty" to all charges.⁹ Trial on the merits ensued thereafter.

The antecedent facts were summarized in the RTC Decision, as affirmed by the CA, as follows:

THE VERSION OF THE PROSECUTION

"BBB" is the daughter of the accused, [XXX]. She is the only girl in the brood of three. Her mother is a manicurist while the accused is a pedicab driver. She recounted that on four different occasions, her father ravished her, inside their residence located at x x x, Valenzuela City.

It was in 2004 when she was still fourteen (14) years old that her very own father, the accused did the first horrid act of ravishing her. It was her narration that she arrived home from school and her mother and two brothers were not around. Her father went inside her room and began to undress her and made her lie down. He was naked and he went on top of her, inserted his penis to her vagina, caressed her thigh and made a pumping motion. She accounted that her father was then holding a knife and told her that if she would report what he did to her, he would kill her mother. She felt not only pain. She was afraid and angry at the same time. She felt so afraid that she was not able to fight back or even to shout for help.

The same bestial act of the accused towards her was repeated for the second time in 2005 at around 10:00 o'clock in the evening. Her father came home drunk. She was then left alone in their house watching TV. He

⁷ Id.

⁸ Id. at 4.

⁹ Id.

instructed her to turn off the TV. He undressed himself and told her to remove hers too. He was at that time holding a knife compelling her to succumb to his desire out of fear. He told her to lie down. He initially sat beside her, caressed her thighs, then, went on top of her, and inserted his penis to her vagina while doing a pumping motion. He stopped when he heard someone knocking at the door.

About four (4) months had lapsed and she recalled that it was "holy week" in 2005 that she suffered the same fate in the hands of her father, the accused, once more. Her mother and siblings went to a birthday party that fateful night. She was sick then and was not able to come along in the said birthday party. Her father just drove her mother and siblings and went back home drunk. He again went near her. She began to cry. But her father told her not to be noisy as he would do something to her and pulled a knife from his back pocket. He removed her blanket and while showing a knife began to undress her. He removed his clothing too. He told her to lie face down. He caressed her buttocks and thighs and inserted his penis to (*sic*) her vagina from behind. He did a pumping motion and when he stopped she was able to touch a sticky white substance slathered on her thighs.

On May 18, 2010, the accused repeated the same horrid act to her. Her father had a drinking session with his friend, a fellow pedicab driver. He came home very drunk and sent her cousin and brother to do an errand. She assisted her father in going to bed and gave him a sponge bath. After she had given him a sponge bath, he stood up and got a knife in a small box and started caressing her. With the use of the knife he tore down the shirt she was wearing, pulled down her shorts. For himself, he removed his underwear and stayed on top of her, inserted his penis, pumped for a while and left her alone.

She attested that it took her a while before she was able to muster enough courage to reveal to others her ordeal in the hands of her own father. She kept in silence for a long time, not revealing to anyone [what her] father had been doing to her, afraid that if she would tell anyone, her father would make good his threat to kill her mother and her family would be saddled with problems.

It was in 2010 that she decided not to go home anymore. She opted to stay in the house of a friend, "CCC". After a week and she was no longer coming back home with her family, her friend, "CCC" began to probe her, why she was not going home anymore. It was then that she disclosed to "CCC" what she had been through in the hands of her father. Her friend encouraged and helped her in filing a formal complaint against her father. They went to the police authorities at Polo Police Station. She was referred to the Women's Protection Desk. It was there that her Sworn Statement was taken. After, which she was subjected to medical examinations.

X X X X

THE VERSION OF THE DEFENSE

[XXX] testified to belie the imputation against him made by his own daughter, [BBB]. He flatly denied the truth in the asseveration of facts labeled against him by his daughter, [BBB]. He claimed that there is



no truth in the charges against him stating that his daughter is “isip bata” and was influenced by this friend of hers with whom she is currently living with. He further claims that [BBB] visited him in jail and asked for his forgiveness for falsely accusing him of raping her. Such confession of [BBB] was witnessed by his son and overheard by the “mayor” of the jail where he is presently detained.¹⁰

Ruling of the RTC

In the RTC Decision, XXX was found guilty on all four (4) counts of rape and was sentenced to suffer the penalty of *reclusion perpetua* for each charge:

WHEREFORE, in the light of the foregoing, this court finds accused [XXX]:

- (1) GUILTY for Criminal Case No. 671-V-10 and sentenced (*sic*) him to suffer the penalty of *reclusion perpetua*;
- (2) GUILTY for Criminal Case No. 672-V-10 and sentenced (*sic*) him to suffer the penalty of *reclusion perpetua*;
- (3) GUILTY for Criminal Case No. 673-V-10 and sentenced (*sic*) him to suffer the penalty of *reclusion perpetua*;
- (4) GUILTY for Criminal Case No. 674-V-10 and sentenced (*sic*) him to suffer the penalty of *reclusion perpetua*;
- (5) To indemnify [BBB] the amount of P75,000 as civil indemnity; P75,000 as moral damages; and P30,000 as exemplary damages, for each count of rape he was proven guilty.

The service of his sentence shall be served simultaneously and his preventive imprisonment shall be credited in full to his favour.

SO ORDERED.¹¹

The RTC, in considering the evidence on record, found BBB’s testimony to be straightforward and credible as against XXX’s unsubstantiated defense of denial and alibi.¹² Likewise, XXX’s imputation of ill motive to BBB was considered by the RTC as “too petty to merit belief.”¹³

Unsatisfied, XXX elevated the case to the CA via Notice of Appeal dated July 17, 2012.¹⁴ Briefs were then respectively filed by XXX and plaintiff-appellee on June 18, 2013¹⁵ and December 6, 2013.¹⁶

¹⁰ CA *rollo*, pp. 57-61.

¹¹ Id. at 75-76.

¹² Id. at 73-74.

¹³ Id. at 73.

¹⁴ Id. at 6.

¹⁵ Id. at 37-52.

¹⁶ Id. at 91-109.



In his appeal, XXX argued that the RTC's finding of guilt is negated by the following circumstances: (i) BBB's failure to offer any resistance or shout for help during the incidents; (ii) BBB's inconsistent statements during her testimony; (iii) BBB's willingness to live in the same house as XXX even after the incidents; (iv) BBB's failure to immediately report the crimes; and (v) the RTC's failure to give weight to his alibi that he was not at home during the May 18, 2010 incident in Criminal Case No. 671-V-10.¹⁷

Ruling of the CA

On July 24, 2015, the CA rendered the questioned Decision, affirming the RTC Decision with modification, to wit:

WHEREFORE, in view of the foregoing, the Joint Decision dated July 10, 2012 of the Regional Trial Court of Valenzuela City, Branch 270, is hereby AFFIRMED with MODIFICATION, to read as follows:

- (1) In Criminal Case No. 671-V-10, appellant [XXX] is hereby found GUILTY and sentenced to suffer the penalty of *reclusion perpetua*;
- (2) In Criminal Case No. 672-V-10, appellant [XXX] is hereby found GUILTY and sentenced to suffer the penalty of *reclusion perpetua*;
- (3) In Criminal Case No. 673-V-10, appellant [XXX] is hereby found GUILTY and sentenced to suffer the penalty of *reclusion perpetua*;
- (4) In Criminal Case No. 674-V-10, appellant [XXX] is hereby found GUILTY and sentenced to suffer the penalty of *reclusion perpetua*;
- (5) Appellant [XXX] is hereby ordered to indemnify the private offended party, "BBB", the amount of P75,000.00 as civil indemnity; P75,000.00 as moral damages; and P30,000.00 as exemplary damages, for each count of rape he was proven guilty; and
- (6) Appellant [XXX] is ordered to pay the private offended party the further amount equivalent to the legal interest rate of Six Percent (6%) per annum on the total monetary award, until full payment of the same.

SO ORDERED.¹⁸ (Emphasis supplied)

Hence, the instant appeal.¹⁹

¹⁷ Id. at 46-51.

¹⁸ *Rollo*, pp. 30-31.

¹⁹ Id. at 33.



In lieu of supplemental briefs, plaintiff-appellee filed a Manifestation dated January 3, 2017,²⁰ while XXX filed a Manifestation in Lieu of Supplemental Brief dated January 11, 2017.²¹

Issue

The sole issue for resolution is whether XXX's guilt for the four (4) counts of rape was proven beyond reasonable doubt.

The Court's Ruling

The appeal lacks merit.

*The evidence is sufficient to prove
XXX's guilt beyond reasonable doubt*

It is a long-standing rule that in rape cases, an accused may be convicted based on the victim's sole testimony, provided that it is logical, credible, consistent, and convincing.²² The rule becomes more binding where — as in the instant case — the victims are young and immature, not only because of their relative vulnerability, but also because of the shame and embarrassment which they stand to suffer during trial, if indeed the matters to be testified on were untrue.²³

The Court has stressed, in the same vein, that in the absence of facts or circumstances of weight and substance that would affect the result of the case, appellate courts will not overturn the factual findings of the trial court.²⁴ Thus, when the case pivots on the issue of the credibility of the victim, the findings of the trial courts necessarily carry great weight and respect.²⁵ This is so because trial courts are in the most advantageous position to ascertain and measure the sincerity and spontaneity of witnesses during trial.²⁶

Bearing the foregoing in mind, after poring through the records of this case, the Court finds no cogent reason to vacate the RTC's appreciation of BBB's testimony, which was affirmed *in toto* by the CA in the questioned Decision. The CA summarized in detail the elements that were established by the testimony of BBB, as follows:

Anent the first rape, it was established by sufficient evidence that appellant committed the offense charged in the information in Criminal Case No. 671-V-10. As testified to by "BBB", appellant:

²⁰ Id. at 41-42.

²¹ Id. at 46-47.

²² *People v. Gallano*, 755 Phil. 120, 130 (2015).

²³ *People v. Magayon*, 640 Phil. 121, 135 (2010).

²⁴ *People v. Gerola*, G.R. No. 217973, July 19, 2017.

²⁵ *People v. Aguilar*, 565 Phil. 233, 247 (2007).

²⁶ Id.

1. Forcibly undressed her and made her lie down;
2. He went on top of her and inserted his penis inside her vagina and made a pumping motion causing her to feel severe pain;
3. He kissed her with his left hand caressing her thigh and his right hand holding a knife;
4. He threatened her that he would kill her mother if she would report what he did to her; and
5. She went to the bathroom and saw blood in her underwear.

In the second rape incident, the prosecution, likewise, was able to prove that appellant was able to rape "BBB" using force and intimidation. Thus:

1. Appellant, who was drunk, told her to lie down on the bed;
2. He undressed himself and while holding a fan knife, he told her to undress also;
3. He caressed her thighs and went on top of her;
4. He inserted his penis and did a pumping motion for minutes causing "BBB" to feel severe pain; and
5. He stopped pumping after he heard something.

With regard to the third rape incident, it was clearly shown by competent evidence that, using force and intimidation:

1. Appellant, who was drunk, pulled a knife from his back pocket and told "BBB" to undress herself;
2. He undress (*sic*) himself and told her to lie face down;
3. He caressed her buttocks and while threatening "BBB" with a knife, inserted his penis into her vagina and made pumping motion and threatened her not to tell anyone what he did to her;
4. She felt pain because appellant knelt on her thigh; and
5. When he stopped pumping, she felt something sticky in her thigh.

As regards the fourth rape incident, it was also clearly shown by competent evidence that, using force and intimidation:

1. Appellant, who was drunk, told her to give him a towel;
2. With the towel he undress (*sic*) himself and told her to lie face down;
3. He caressed her buttocks and while threatening "BBB" with a knife, inserted his penis into her vagina and made pumping motion and threatened her not to tell anyone what he did to her;
4. She felt pain because appellant knelt and pinned down her thigh.²⁷

Significantly, BBB's narration of events was corroborated by the physical evidence, as contained in the medico-legal report, to wit:

²⁷ Rollo, pp. 12-13.



Q : And considering the brief history in the Sexual Crime Protocol and the Manifestation of Consent, after you conducted the physical and genital examination of the victim in this case, what is (*sic*) your findings for your Final Medico-Legal Report and the Initial Medico-Legal Report, doctor?

A : All the part that was indicated in my report revealed essentially normal except for the hymen which has a deep healed laceration at 5 o' clock position, sir.

x x x x

Q : And in your conclusion doctor, in your Final Report, what was the cause

A : **My conclusion is that medical evaluation shows clear evidence of application of blunt trauma to the hymen, sir.**

Q : And considering the brief history in the Sexual Crime Protocol written by the minor victim herself, what can you say about your findings?

A : **Findings is (*sic*) consistent with the history that was given by the victim, sir.**

x x x x

Q : For the Sexual Crime Protocol, doctor, how many times was the alleged raped (*sic*) according to the minor victim?

A : **As stated in the history given by the victim, the incident happened "noong 14 anyos pa lang ako ay ginahasa na po ng aking ama hanggang ngayon ginagahasa pa rin ako ng 4 na beses ang huling pangyayari po ay taong May 18, 2010", sir.**²⁸
(Emphasis supplied)

The Court has held on several occasions that when a rape victim's account is straightforward and candid and is further corroborated by the medical findings of the examining physician, such testimony is sufficient to support a conviction.²⁹ As correctly pointed out in the questioned Decision, BBB was able to describe in clear detail how each incident of rape was committed by XXX.³⁰ Moreover, the RTC, after observing BBB's manner and demeanor firsthand during trial, was sufficiently convinced of her credibility and the truthfulness of her testimony.³¹

In criminal prosecutions, "proof beyond reasonable doubt" does not mean such degree of proof, excluding possibility of error, that produces absolute certainty; only "moral certainty" is required, or that degree of proof which produces conviction in an unprejudiced mind.³²

²⁸ TSN, May 31, 2011; pp. 10-13; *rollo*, pp. 14-15.

²⁹ *People v. Traigo*, 734 Phil. 726, 730 (2014).

³⁰ *Rollo*, pp. 13-14.

³¹ *Id.*

³² RULES OF COURT, Rule 133, Sec. 2.

Proceeding from the foregoing, the Court finds that XXX's guilt was proven beyond reasonable doubt by the evidence of the prosecution.

Failure to resist and delay in reporting the crime does not negate BBB's credibility

For his defense, XXX attacks BBB's credibility for her "delay" in immediately reporting the rape incidents.³³ He further argues that BBB's testimony should be doubted because she failed to offer any resistance or shout for help during any of the alleged rapes.³⁴ XXX's claims fail to persuade.

Delay, on its own, is open to many interpretations. Here, the Court takes note that the delay attributed to BBB together with her alleged failure to resist XXX's advances were fully explained in BBB's testimony, to wit:

First Incident of Rape

COURT

Q : When was that, do you recall, when exactly was that, the first time your father raped you?

A : 2004, Your Honor.

PROS. JUAN

Q : What did your father tell you?

A : That he will kill my mother if I am going report what he did to me, sir.

x x x x

Q : When you were awakened and saw your father holding your back, what happened next?

A : He threatened me not to make any noise because he will kill me.

x x x x

Second Incident of Rape

x x x x

COURT

Q : Why did you not shout, knowing that this thing will happen again?

³³ CA rollo, p. 49.
³⁴ Id. at 46.

A : I was really afraid of him, You (*sic*) Honor, I know “wala akong laban sa kanya.”

x x x x

COURT

Q : Why did you try to hide you (*sic*) crying from your brother?

A : I am afraid that he will know, sir.

Q : And why are you afraid that he will find out?

A : “Baka po magkagulo sila sa bahay.” It might cause trouble and mother might know, sir.

x x x x

Third Incident of Rape

x x x x

Q : And when he pulled out the knife, what happen (*sic*) next?

A : He removed my blanket, sir, and then he pointed the knife.

Q : What did he tell you while pointing the knife after removing your blanket?

A : He told me not to make any noise because he do (*sic*) something, sir.

x x x x

Q : What was he whispering to you?

A : He warned me not to tell anybody what he did to me, sir.

x x x x

Fourth Incident of Rape

x x x x

Q : And when you saw the knife, how did you feel?

A : I felt afraid, sir.

Q : And then what happened after he got (*sic*) [out] the knife?

A : He used the knife in tearing my blouse, sir.

x x x x

COURT

Q : Why did you not run when he was taking the knife?

A : I was about to go out of the room, Your Honor, but he was able to get hold of the knife right away and he pushed me.

x x x x

Q : Did you not resist?

A : I resisted, sir.

COURT

Q : How?

A : I am attempting (*sic*) to stand up, You (*sic*) Honor.

Q : You said he drunk (*sic*) that time, why did you not kick him?

A : His knees were pinning my thigh so I could not stand up, Your Honor.³⁵

The foregoing narration adequately dispels whatever doubt XXX attempts to foster against BBB's credibility. Based on BBB's testimony, in all the incidents of rape, XXX was armed with a deadly weapon and he would, in several occasions, threaten BBB not to tell anyone of his acts. Thus, considering that XXX is the father of BBB, his moral ascendancy was certainly more than enough to silence her, not to mention the normal tendency of rape victims to conceal their humiliation and shame resulting from the irrevocable violation of their honor. On this score, the case of *People v. Mingming*³⁶ instructs:

[W]e do not believe that delay in reporting a rape should directly and immediately translate to the conclusion that the reported rape did not take place; there can be no hard and fast rule to determine when a delay in reporting a rape can have the effect of affecting the victim's credibility. The heavy psychological and social toll alone that a rape accusation exacts on the rape victim already speaks against the view that a delay puts the veracity of a charge of rape in doubt. The effects of threats and the fear that they induce must also be factored in. At least one study shows that the decisive factor for non-reporting and the failure to prosecute a rape is the lack of support — familial, institutional and societal — for the rape victim, given the unfavorable socio-cultural and policy environment. All these, to our mind, speak for themselves in negating the conclusion that a delay in reporting a rape is *per se* sufficient basis to disbelieve an allegation of rape. The more reasonable approach is to take the delay into account but to disregard it if there are justifiable explanations for the victim's prolonged silence.³⁷

³⁵ *Rollo*, pp. 16-26.

³⁶ 594 Phil. 170 (2008).

³⁷ *Id.* at 188-189.

On a related matter, that BBB continued to stay at their home despite the rape incidents is of no consequence. While XXX argues that such circumstance mitigates the multiple charges of rape against him, the Court finds no merit in his claim. As succinctly held in the questioned Decision:

It should be emphasized that when the first incident of rape was committed against “BBB”, she was only fourteen (14) years old. A natural reluctant Filipina woman, who is fourteen (14) years old, would not have thought of leaving the house much less finding solace in [a] government institution that renders psychological and social services for [a] rape victim. It could hardly be expected that such a child of tender age would know what to do and where to go under the circumstances. Indeed, it is not proper to cast judgment on the actions of children who have undergone traumatic experiences by the norms of behavior expected under the circumstances from mature persons.³⁸

XXX’s defense of alibi and denial failed to overcome the prosecution’s evidence

The defenses of alibi and denial are generally viewed with disfavor by the courts due to their inherent weakness. Hence, to be given evidentiary value, such defenses must be supported by strong evidence of innocence independent of the accused’s self-serving statements. Moreover, for the defense of alibi to be considered, the accused must prove not only that he was somewhere else when the crime was committed but that it was also physically impossible for him to have been at the crime scene or its immediate vicinity at the approximate time of its commission.³⁹

Here, XXX flatly denied all the accusations against him, imputing instead ill motive on the part of BBB for being “isip bata.”⁴⁰ XXX further claimed that BBB allegedly visited him in jail to ask for his forgiveness in falsely accusing of raping her and that the same was witnessed by his son and overheard by the “mayor” of the jail.⁴¹

Significantly, XXX’s various claims were left uncorroborated during trial. XXX never presented any documentary evidence nor did he present any of the alleged witness to lend truth to his allegations.⁴² As observed by the RTC, that XXX’s wife and two (2) sons chose to keep silent only adds credence to the truthfulness of BBB’s imputations against her father.⁴³

Meanwhile, as regards the May 18, 2010 incident in Criminal Case No. 671-V-10, XXX claimed that he was out of the house the entire day as he was working as a pedicab driver then.⁴⁴ However, the records are bereft

³⁸ *Rollo*, p. 28.

³⁹ *People v. Alvarez*, 461 Phil. 188, 200 (2003).

⁴⁰ *CA rollo*, p. 61.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.* at 74.

⁴⁴ *Id.* at 73-74.



of any evidence, other than XXX's bare testimony, that it was physically impossible for him to be at the *locus criminis* at the time the act complained of transpired. XXX's defense of alibi must therefore be rejected.

All told, the Court is fully convinced that the evidence, taken in its entirety, unmistakably convicts XXX for the heinous deeds committed against BBB.

As to the penalty, the Court accordingly modifies the award of damages to conform to prevailing jurisprudence.⁴⁵

Criminal Case No. 671-V-10

As charged in the Information, the penalty imposable under Section 11 of Republic Act (R.A.) No. 7659,⁴⁶ amending the RPC, is *reclusion perpetua* to death as the crime was committed with the use of a deadly weapon. However, because of R.A. No. 9346, "An Act Prohibiting the Imposition of Death Penalty in the Philippines," the Court can only mete out the penalty of *reclusion perpetua*. Parenthetically, the Court cannot take cognizance of the fact of BBB's minority as an attendant circumstance as the same was not properly alleged in the Information. While such fact was established during the trial itself, the same cannot be considered without infringing upon XXX's constitutional right to be informed of the nature and cause of the accusation against him.⁴⁷

In this regard, to conform with prevailing jurisprudence, the Court hereby awards the amounts of Seventy-Five Thousand Pesos (₱75,000.00) as civil indemnity, Seventy-Five Thousand Pesos (₱75,000.00) as moral damages, and Seventy-Five Thousand Pesos (₱75,000.00) as exemplary damages.⁴⁸

Criminal Case Nos. 672-V-10, 673-V-10, and 674-V-10

With respect to these three (3) Informations, the crimes charged therein are punishable by death under R.A. No. 7659, as the following elements were sufficiently alleged and established during trial: (i) that the victim was below eighteen (18) years of age at the time all three (3) rape incidents occurred, and (ii) that the offender is the parent of the victim.⁴⁹

⁴⁵ *People v. Jugueta*, 783 Phil 806 (2016).

⁴⁶ AN ACT TO IMPOSE THE DEATH PENALTY ON CERTAIN HEINOUS CRIMES, AMENDING FOR THAT PURPOSE THE REVISED PENAL LAWS, AS AMENDED, OTHER SPECIAL PENAL LAWS, AND FOR OTHER PURPOSES.

⁴⁷ *People v. Tigue*, 465 Phil. 368, 383. (2004).

⁴⁸ *People v. Jugueta*, supra note 45.

⁴⁹ Section 11. Article [266-A] of the same Code is hereby amended to read as follows:

x x x x

The death penalty shall also be imposed if the crime of rape is committed with any of the following attendant circumstances:

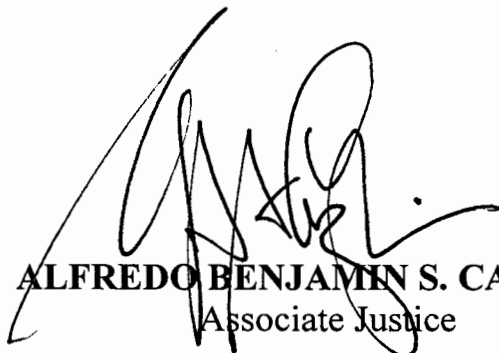
1. **when the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law-spouse of the parent of the victim. (Emphasis supplied)**

Hence, considering that the imposable penalty therefor is death but reduced to *reclusion perpetua* following R.A. No. 9346, the civil indemnity as well as the award for moral and exemplary damages shall each be set at One Hundred Thousand Pesos (₱100,000.00) for each count of rape.

WHEREFORE, in view of the foregoing, the appeal is **DISMISSED** for lack of merit and the Decision dated July 24, 2015 of the Court of Appeals in CA-G.R. CR-HC No. 05783 is hereby **AFFIRMED** with **MODIFICATION**. Accused-appellant XXX is hereby found **GUILTY** beyond reasonable doubt of four (4) counts of Rape as defined under Paragraph 1, Article 266-A of the Revised Penal Code, as amended, and is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole for each count.

The amount of damages awarded is likewise increased, ordering accused-appellant to pay the private offended party, BBB, the amount of Seventy-Five Thousand Pesos (₱75,000.00) as civil indemnity, Seventy-Five Thousand Pesos (₱75,000.00) as moral damages, and Seventy-Five Thousand Pesos (₱75,000.00) as exemplary damages for Criminal Case No. 671-V-10. Meanwhile, for Criminal Case Nos. 672-V-10, 673-V-10, and 674-V-10, accused-appellant is ordered to pay the private offended party, BBB, the amounts of One Hundred Thousand Pesos (₱100,000.00) as civil indemnity, One Hundred Thousand Pesos (₱100,000.00) as moral damages, and One Hundred Thousand Pesos (₱100,000.00) as exemplary damages for each count of Rape. All monetary awards shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this Decision until fully paid.

SO ORDERED.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

WE CONCUR:



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



DIOSDADO M. PERALTA
Associate Justice



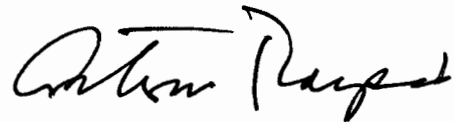
ESTELA M. PERLAS-BERNABE
Associate Justice



ANDRES B. REYES, JR.
Associate Justice


CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ANTONIO T. CARPIO
Senior Associate Justice
(Per Section 12, R.A. 296,
The Judiciary Act of 1948, as amended)

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MARIA LOURDES C. PERFECTO
Division Clerk of Court
Second Division

