



Republic of the Philippines
 Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
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THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee,

G.R. No. 234240

Present:

- versus -

PERALTA, *J.*, Chairperson,
 PERLAS-BERNABE,^{*}
 LEONEN,
 HERNANDO, and
 CARANDANG,^{**} *JJ.*

NOEL NAVASERO, SR. y HUGO,
 Accused-Appellant.

Promulgated:

February 6, 2019

X-----*Dyfrank S. Reyes, Jr.*-----X

DECISION

PERALTA, J.:

For consideration of this Court is the appeal of the Decision¹ dated June 23, 2017 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 08340 which affirmed, with modification, the Consolidated Decision² dated July 20, 2015 of the Regional Trial Court (RTC) of Calamba City, Branch 35, finding accused-appellant Noel Navasero, Sr. y Hugo guilty beyond reasonable doubt of fifteen (15) counts of qualified rape.

The antecedent facts are as follows.

^{*} Designated as additional member, in lieu of Justice Andres B. Reyes, Jr., per raffle dated February 4, 2019.

^{**} Designated as additional member per Special Order No. 2624 dated November 28, 2018.

¹ *Rollo*, pp. 2-32. Penned by Associate Justice Priscilla J. Baltazar-Padilla, with the concurrence of Presiding Justice Andres B. Reyes, Jr. (now a member of the Court) and Associate Justice Myra V. Garcia-Fernandez.

² *CA rollo*, pp. 53-60. Penned by Judge Gregorio M. Velasquez.

In fifteen (15) separate Informations, Navasero was charged with fifteen (15) counts of qualified rape. Except for the dates of the commission of the crime and the age of the victim, AAA,³ the Informations were similarly worded as follows:⁴

That on or about [date], in the Municipality of [redacted] [redacted], and within the jurisdiction of [the] Honorable Court, the accused, through force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of his biological daughter AAA, [redacted], against her will and without her consent, to the damage and prejudice of the latter.

Contrary to law.⁵

During arraignment, Navasero pleaded not guilty to the charges. Subsequently, trial on the merits ensued. Only AAA testified for the prosecution, while the defense presented Navasero himself.

According to AAA, Navasero, who is her biological father, raped her from 2010 to 2013 for fifteen (15) times when she was still a minor, having been born on December 27, 1999. The first ten (10) rapes were committed in their house in [redacted] on October 31, 2010, November 12, 2010, December 10, 2010, January 2, 2011, March 21, 2011, May 24, 2011, June 1, 2011, October 10, 2011, December 26, 2011, and February 14, 2012, while the remaining five (5) rapes happened in their new house in [redacted] on March 21, 2012, December 28, 2012, March 21, 2013, July 20, 2013, and September 17, 2013. AAA recalled that after the last rape on September 17, 2013, she finally mustered enough courage to inform her mother about the ordeal she went through in the hands of her own father. As a result, her mother accompanied her to the Department of Social Welfare and Development and

³ 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. 7610, "An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes"; Republic Act No. 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 5, 2004; *People v. Cabalquinto*, 533 Phil. 703, 709 (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.

⁴ Criminal Case No. 21351-13-C, September 17, 2013, AAA was 13 years old; Criminal Case No. 23566-14-C, October 31, 2010, AAA was 10 years old; Criminal Case No. 23567-14-C, December 28, 2012, AAA was 13 years old; Criminal Case No. 23568-14-C, March 21, 2013, AAA was 13 years old; Criminal Case No. 23569-14-C, October 10, 2011, AAA was 11 years old; Criminal Case No. 23570-14-C, December 26, 2011, AAA was 11 years old; Criminal Case No. 23571-14-C, February 14, 2012, AAA was 12 years old; Criminal Case No. 23572-14-C, March 21, 2012, AAA was 12 years old; Criminal Case No. 23573-14-C, March 21, 2011, AAA was 11 years old; Criminal Case No. 23574-14-C, May 24, 2011, AAA was 11 years old; Criminal Case No. 23575-14-C, June 1, 2011, AAA was 11 years old; Criminal Case No. 23576-14-C, January 2, 2011, AAA was 11 years old; Criminal Case No. 23577-14-C, November 12, 2010, AAA was 10 years old; Criminal Case No. 23578-14-C, July 20, 2013, AAA was 13 years old; and Criminal Case No. 23579-14-C, December 10, 2010, AAA was 10 years old. See *rollo*, pp. 2-3.

⁵ RTC records in Criminal Case No. 21351-13-C, p. 1.

eventually to the police in order to file a case against Navasero. In the course of her testimony, AAA explained why she specifically remembered the respective dates when her father had carnal knowledge of her.⁶

For his part, Navasero invoked denial as a defense. According to him, all the alleged incidents of rape were merely fabricated by her daughter as a retaliation for the physical and corporal punishments he had inflicted upon her. He claimed that he loved his children, although he punished them at times in order to instill discipline in them.⁷

On July 20, 2015, the RTC rendered its Consolidated Decision finding Navasero guilty of the crime charged, disposing of the case as follows:

WHEREFORE, this Court finds the accused, Noel H. Navasero, GUILTY of fifteen (15) counts of qualified rape and hereby sentences him to suffer the penalty of reclusion perpetua for each count without eligibility of parole. Accused is ordered to pay the victim the total amount of Php50,000.00 as moral damages.

SO ORDERED.⁸

In a Decision dated June 23, 2017, the CA affirmed with modification the RTC Consolidated Decision, increasing the amount of moral damages to ₱100,000.00 for each count of rape, and ordering Navasero to pay civil indemnity in the amount of ₱100,000.00, exemplary damages in the amount of ₱100,000.00, and a six percent (6%) interest per annum on all the amounts awarded reckoned from the date of finality of this judgment until the damages are fully paid. According to the appellate court, matters concerning the credibility of a witness are best addressed to the sound judgment of the trial court. As such, appellate courts will generally not interfere with the trial court's assessment in this regard, absent any indication that the trial court has overlooked some material facts. Accordingly, the CA rendered its assailed judgment, the *fallo* of which reads:

WHEREFORE, the Decision of the Regional Trial Court, Branch 35, City of Calamba in Criminal Cases Nos. 21351-13-C, 23566-14-C, 23567-14-C, 23568-14-C, 23569-14-C, 23570-14-C, 23571-14-C, 23572-14-C, 23573-14-C, 23574-14-C, 23575-14-C, 23576-14-C, 23577-14-C, 23578-14-C, and 23579-14-C finding appellant [Noel H. Navasero] guilty beyond reasonable doubt of fifteen (15) counts of the crime of Qualified Rape is hereby AFFIRMED with MODIFICATION in that the amount of moral damages is increased from P50,000.00 to P100,000.00 for each count of rape and appellant is further ordered to pay private complainant

⁶ Rollo, pp. 3-4.

⁷ *Id.* at 4.

⁸ CA rollo. p. 60.

civil indemnity in the amount of P100,000.00 and another P100,000.00 as exemplary damages for each count of rape.

The monetary damages awarded shall earn interest at the rate of 6% per annum from the date of finality of the judgment until fully paid.

SO ORDERED.⁹

Now before us, Navasero manifested that he would no longer file a Supplemental Brief as he has exhaustively discussed the assigned errors in his Appellant's Brief.¹⁰ The Office of the Solicitor General similarly manifested that it had already discussed its arguments in its Appellee's Brief.¹¹

According to Navasero, AAA's testimony should not be given weight for being too generalized and incredible. He maintains that the rape incidents narrated by AAA were almost identical that in all occasions, he would isolate her from her siblings, forcibly remove her clothes, kiss and touch her body, and insert his penis inside her vagina. Thus, he should be acquitted since the prosecution failed to prove that each rape instance is different from the other. Navasero also finds unbelievable the fact that AAA's mother and other siblings had no idea of the ordeals she had been experiencing despite their presence in the family home.

After a careful review of the records of this case, the Court finds no cogent reason to reverse the rulings of the RTC and CA, finding Navasero guilty of fifteen (15) counts of qualified rape for having carnal knowledge of his own minor daughter from 2010, when she was merely ten (10) years old, and every year thereafter, up until 2013, when she was thirteen (13) years old.

Article 266-A of the Revised Penal Code (*RPC*) provides that rape is committed: "1) By a man who shall have carnal knowledge of a woman under any of the following circumstances: a) Through force, threat or intimidation; b) When the offended party is deprived of reason or otherwise unconscious; c) By means of fraudulent machination or grave abuse of authority; and 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." In this relation, Article 266-B of the *RPC* provides that "[t]he death penalty shall x x x be imposed if the crime of rape is committed with any of the following aggravating/qualifying 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

⁹ *Id.* at 134-135.

¹⁰ *Rollo*, p. 40.

¹¹ *Id.* at 45.

civil degree, or the common-law spouse of the parent of the victim[.]” Thus, “[t]o raise the crime of rape to qualified rape under Article 266-B, paragraph 1 of the RPC, the twin circumstances of minority of the victim and her relationship to the offender must concur.”¹²

In the instant case, AAA was under twelve (12), as well as below eighteen (18) years of age, when the alleged crimes occurred. In both cases, there need not be actual force, threat or intimidation because in the former, the absence of free consent is conclusively presumed when the victim is below the age of twelve (12),¹³ while in the latter, the fact that Navasero was AAA’s father is enough because his moral ascendancy or influence over her substitutes for violence and intimidation.¹⁴ In view of the fact that the prosecution was able to discharge its burden of proving that Navasero had carnal knowledge of his own minor daughter, AAA, at the times when she was ten (10), eleven (11), twelve (12), and thirteen (13) years of age, the courts *a quo* committed no error in convicting him of fifteen (15) counts of qualified rape.

In rape cases, the credibility of the victim is almost always the single most important issue. If the testimony of the victim passes the test of credibility, which means it is credible, natural, convincing and consistent with human nature and the normal course of things, the accused may be convicted solely on that basis. The rule is settled that when the decision hinges on the credibility of witnesses and their respective testimonies, the trial court’s observations and conclusions deserve great respect and are accorded finality, unless the records show facts or circumstances of material weight and substance that the lower court overlooked, misunderstood or misappreciated, and which, if properly considered, would alter the result of the case. This is so because trial courts are in the best position to ascertain and measure the sincerity and spontaneity of witnesses through their actual observation of the witnesses’ manner of testifying, their demeanor and their behavior in court. Trial judges, therefore, can better determine if such witnesses are telling the truth, being in the ideal position to weigh conflicting testimonies. The rule finds an even more stringent application where the said findings are sustained by the CA.¹⁵

Here, both the trial court and appellate court found AAA’s testimony to be straight, candid, spontaneous and steadfast, even on cross-examination. But despite said findings, Navasero criticizes the testimony to be unworthy of belief for being too generalized and almost identical in all fifteen (15) occasions. The Court, however, cannot subscribe to Navasero’s contention. While it is true that AAA’s narrations would always include the fact that

¹² *People v. Descartin, Jr.*, G.R. No. 215195, June 7, 2017, 826 SCRA 650, 659.

¹³ *Id.* at 658.

¹⁴ *People v. CCC*, G.R. No. 231925, November 19, 2018.

¹⁵ *People v. Descartin, Jr.*, *supra* note 12, at 656-657.



Navasero forcibly removed her clothes and inserted his penis inside her vagina, said fact alone does not necessarily belie her testimony for AAA was merely recounting the very acts that constitute the crime itself. But even if we assume that AAA's repeated and almost identical narration of the fifteen (15) times Navasero penetrated her casts doubt on her credibility, a judicious review of her testimony reveals that she was able to describe not just the sexual intercourse but also the precise circumstances surrounding each rape incident. To the Court, AAA's recollection of the unique and notable details before, during, and even after each act of abuse cannot simply be dismissed as fabricated. We reproduce her testimony below:

1st rape – October 31, 2010
Criminal Case No. 23566-14-C

Q: [REDACTED], would you kindly tell the Court where were you on October 31, 2010 at around 10:00 o'clock (sic) in the evening?

A: Yes, ma'am, I was at home in [REDACTED].

Q: And what were you doing then at your house?

A: I was sleeping then, ma'am.

Q: While you were then sleeping, will you kindly tell the Court what happened?

A: I was then sleeping and I was awakened when I felt that somebody was touching my thigh, ma'am.

Q: And what did you do if any when you feel (sic) that somebody was touching your thigh?

A: Yes, ma'am.

Q: What did you find out?

A: I saw my Papa lying sidewise in the bed with me, ma'am.

Q: What happened next?

A: He covered my mouth and I was so surprised, ma'am.

Q: What did you do when he covered your mouth?

A: Wala na po akong nagawa kasi [n]agulat po ako. Sinabihan po niya ako "wag kang mag-iingay, kundi papatayin kita, papatayin ko kayo, lahat kayo, pati na Mama mo at mga kapatid mo."

Q: What was your reaction when you hear (sic) those utterances from your father?

A: I was scared, ma'am.

Q: Afterwards, what did the accused do if any?



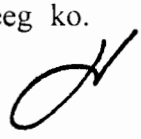
- A: I tried to fight back but he box (sic) me in (sic) the right side of my abdomen, ma'am.
- Q: What happened when you were boxed by your father?
- A: Ramdam na ramdam ko po yong mabibigat na kamao na sumuntok sa aking tagiliran na naging sanhi po ng aking pagkaiyak. Bigla po siyang tumayo kumuha po siya ng lubid plastic straw po, at wala pong awang sinakal sa aking leeg.
- Q: What did you feel, [REDACTED], when he tied your neck using plastic straw?
- A: It was painful and I had difficulty in breathing, kasi po mahigpit din po ang pagkakatali niya ng straw, ma'am.
- Q: Afterwards, what did the accused do?
- A: After that, he removed his dress, short[s] and his brief.
- Q: After he removed his shorts and his brief, what happened next?
- A: Ako naman po ang sinunod niyang hinubaran. He removed my pajama, panty, and dress.
- Q: What did you do if any while he was undressing you?
- A: I could not do anything because he was holding me tightly and because of fear.
- Q: What happened next afterwards?

WITNESS:

- A: Walang awa po niya akong pinaghahalikan sa labi. Hinawakan po niya ang dede ko. Tapos po, pwersahan po niyang pinasok yong ari niya sa ari ko. Napakasakit po ng naramdaman ko. Akala ko po ikamamatay ko na.

FISCAL MANCIA:

We put on record, your honor, that the witness is crying while testifying.

- Q: For how long a time did he insert his penis into your vagina?
- A: I cannot recall. I could only recall the pain that I felt and I was so afraid. Halo-halo na po.
- Q: And after he inserted his penis to your vagina, what transpired next, Madame Witness?
- A: Parang wala po siyang ginawa. Parang wala po siyang ginawang masama. Inayos lang po niya ang sarili niya. Hinayaan lang po niya ako. Ang ginawa ko po nagbihis po akong mag-isa. Takot na takot po ako noon. Tinanggal ko po ang nakatali sa leeg ko. Umiyak na lang po ako magdamag.
- 

FISCAL MANCIA:

We request that the answer of the witness be quoted in the vernacular.

Q: After that incident [REDACTED], did you tell anyone what happened to you?

A: None, ma'am.

Q: Why did you not tell anyone?

A: Dahil po sa takot, napangunahan po ako ng takot dahil po sa mga banta niya.

Q: Afterwards, what happened next?

A: The next day, November 1, All Saints' Day, [i]naaya po ako ng mga kapatid ko na lumabas. Pero di ko na po kayang lumabas gawa po ng sakit na naramdaman ko. Hinayaan ko na lang po sila. Naiwan na lang po akong mag-isa.¹⁶

2nd rape – November 12, 2010
Criminal Case No. 23577-14-C

Q: What about on November 12, 2010, would you recall of any unusual incident?

A: Yes, ma'am, it was the birthday of my younger sister.

Q: Would you recall of any unusual incident that transpired on November 12, 2010?

A: Yes, ma'am.

Q: What is that unusual incident?

A: It was also night time I was already sleeping.

Q: While you were then sleeping, what happened?

A: I was awakened because I felt that something was moving in my room and I saw that it was my father.

Q: Aside from you, Madame Witness, who were inside that room?

A: My younger sister, ma'am.

Q: What happened when you notice (sic) the presence of your father?

A: I was surprised because he was holding a kitchen knife, ma'am.

Q: What did you do when you notice (sic) that he was then holding a kitchen knife?

¹⁶

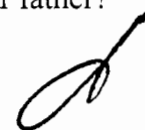
RTC records in Criminal Case No. 21351-13-C, pp. 85-87.

- A: Nothing ma'am, because I was afraid he would stab my sister who was then sleeping beside me.
- Q: What did the accused do afterwards?
- A: He removed his shirts (sic), short[s] and brief.
- Q: And what transpired next?
- A: He also undress (sic) me, my short[s], panty and dress.
- Q: What did you do when he was undressing you?
- A: None. He said "wag kang mag-ingay, wag kang sisigaw kundi papatayin ko [itong] kapatid mo na nasa tabi mo."
- Q: What transpired next after that?
- A: I did not do anything and I just cried because I was afraid. What he did, he kissed me, he touched my breast. He forcibly inserted again his penis to my vagina.
- Q: What did you feel, [REDACTED], when he inserted his penis to your vagina?
- A: Very painful, ma'am.
- Q: And after he inserted his penis to your vagina, what happened next?
- A: He stood up and and (sic) he dress (sic) up and he left as if nothing happened.
- Q: What about you, what did you do?
- A: Wala po nagbihis na rin po ako. Hindi ko na rin po alam kung ano ang gagawin ko dahil wala na po ako sa sarili ko.¹⁷

3rd rape – December 10, 2010
Criminal Case No. 23579-14-C

- Q: What about on December 10, 2010, could you recall of any incident that transpired on this date?
- A: One week before my birthday, December 27, we were then playing in our house together with my brothers and sisters.
- Q: What happened next while you were then playing with your brothers and sisters?
- A: My father asked my brothers and sisters to go to the house of my Lola. I was left alone together with my father.
- Q: What happened next when you were left alone with your father?

¹⁷ *Id.* at 88-89.



A: I was ordered by my father to go to our room.

Q: What did you do if any?

A: Ayaw ko po sanang sumama noon kay Papa kasi kinukutuban na rin po ako non. Gusto ko po sanang sumama sa mga kapatid ko noon kina Lola pero pinagpipilitan po ako ni Papa. Tingin pa lamang po niya ay takot na ako.

X X X X

Q: After your siblings left your house, what happened next Madame Witness?

A: I could not do anything I was left alone in the house together with my father and he raped me again.

Q: You said that your father raped you again?

A: Yes, sir (sic).

Q: How did he rape you?

A: I was ordered to go to the room and he pushed me in (sic) the bed.

Q: What happened after you were pushed in (sic) the bed?

A: Naghubad na po siya. Nakapantalon po siya noon at pinaghubad po niya ako. Ayaw ko po tapos sinampiga po niya ako.

[FISCAL MANCIA:]

May I request, your honor, that the answer of the witness be quoted in the vernacular.

Q: For how many times did he slap you?

A: Two times, ma'am.

Q: What did you do if any after your father slapped you?

A: I was crying and I was begging. Pero para po siyang walang awa. Pwersahan po niya akong hinubaran ng damit.

FISCAL MANCIA:


At this juncture, your honor, we would like to manifest that the complainant has been continuously crying while testifying.

Q: What happened next afterwards?

A: He started kissing me in (sic) my lips and breast tapos tinulak po niya ako sa kama, dinaganan po niya ako tapos pinasok po ang ari niya sa ari ko.

X X X X

Q: You said that he was able to successfully insert his penis into your vagina. What did you do?



- A: Wala po akong magawa.
- Q: [For how] long a time could you still recall that the accused inserted his penis to your vagina?
- A: I could no longer remember anymore wala na po ako sa sarili ko.
- Q: What happened next, Mr. (sic) Witness?
- A: He stoop (sic) up and dress (sic) himself as if nothing happened.
- Q: What about you what did you do afterwards?
- A: I fixed myself because I could not do anything. I just cried.¹⁸

4th rape – January 2, 2011
Criminal Case No. 23576-14-C

- Q: Aside from the incident that transpired on December 10, 2010, could you also recall the incident that happened on January 2, 2011?
- A: Yes, ma'am.
- Q: What is that incident, Madame Witness?
- A: Katatapos lang po noon ng New Year. Naki-New Year po kami noon kina Lola. Kami pong lahat. Dalawang gabi po kaming natulog doon. Si Papa po naiwan po doon sa may shop namin sa Anos nag-aayos po ng harap namin. May inayos po siya. Tapos pinapauwi po niya ako. Kailangan daw po niya ng katulong, magwawalis daw po sa bahay. Sumama po ako.
- Q: You said that you go (sic) with your father?
- A: Yes, ma'am.
- Q: What happened next after you go (sic) with him?
- A: Tumulong po ako sa paggagawa niya. Winalisan ko po ang pinaglagarian niya ng mga kahoy. After po non[,] tanghali na po yon tapos na kaming kumain ni Papa he called me in his room and he said "█, halika dito" and I said "Bakit po, Papa." ["Hilutin mo nga itong likod ko."] Masakit daw napagod daw. Hinilot ko yong likod niya. After po non sabi po niya ["hubarin mo yang damit mo."] "[A]yoko ko po" sabi ko, ["wag ka ngang umarte-arte diyan hubarin mo yang damit mo."]
- Q: What transpired next after you were commanded by your father to remove your dress?
- A: He stood up. He remove (sic) his shirt, his short[s], his brief and then he asked me to undress.


¹⁸*Id.* at 89-91.

- Q: Then what happened afterwards?
- A: I removed my dress out of fear.
- Q: What happened next after you removed your dress?
- A: He kissed me again and he inserted his penis again in my vagina.
- Q: What happened next afterwards?
- A: Umiiyak na po ako noon. Lagi ko na lang pong tinitiiis ang mga sakit na binibigay niya. Wala po akong magawa.¹⁹

5th rape – March 21, 2011
Criminal Case No. 23573-14-C

- Q: Aside from the incident that transpired on January 2, 2011, could you still recall what happened to you on March 21[,] 2011?
- A: That was then the birthday of my mother.
- Q: Would you kindly tell us what happened on this day?
- A: I was sleeping. I was alone in my room because my younger sister slept in the other room together with my older brother when suddenly my father entered my room. Nagulat po ako kasi naglagatok po yong pinto.
- Q: What happened next after your father entered the room?
- A: I smells (sic) liquor, ma'am.
- Q: What happened next after he entered the room?
- A: He lay down beside me then he removed his dress, his pants[,] and brief. Sabi po niya sa akin, "[redacted], halika dito lumapit ka.["] Ayoko ko pong lumapit sa kaniya kasi galit na galit po ako sa kaniya noon. Takot na takot pero pinilit po niya ako. Hinila po niya ako.

x x x x

- Q: What happened next afterwards?
- A: He pulled my dress. He forcibly undress (sic) me.
- Q: What did you do if any while he was forcibly removing your clothes?
- A: I could not do anything. Hindi po ako makapalag sobrang lakas po niya.
- Q: What transpired next, Madame Witness?
- 

¹⁹ *Id.* at 92-93.

- A: He raped me again. He kissed me in (sic) my lips then my breast. He inserted his penis into my vagina.
- Q: What did you feel [REDACTED] whe[n] your father inserted his penis to your vagina?
- A: Halo-halo na po, galit, sakit. Lahat na po. Wala naman po akong magawa umiiyak na lang po.
- Q: Afterwards, what did you[r] father do?
- A: He left, nagbihis. [H]e sleeps (sic). As if he had not done anything wrong. Wala po akong magawa umiiyak na lang po.²⁰

6th rape – May 24, 2011
Criminal Case No. 23574-14-C

- Q: What about on May 24, 2011, would you recall where were you?
- A: Nasa bahay po sa [REDACTED], ma'am.
- Q: What happened on May 24, 2011 at your house?
- A: Birthday po yan ng demonyo kong ama, ma'am.
- Q: What else transpired [REDACTED]?
- A: He was so drunk during that night. Nakipag-inuman po siya sa barkada niya.
- Q: What transpired thereafter?
- A: Ako na lang po ang gising non. Tulog na po [kasi] ang mga kapatid ko. Tinawag niya po ako kasi nagsuka po siya sa banyo.
- Q: What happened after your father called you?
- A: Nilinis ko po ang suka niya. Pinulot po niya ang mga damit niya. Kumuha po ako ng towel. Pinupunasan po niya ng bas[a]ng towel yong katawan niya.
- Q: What happened next afterwards?
- A: He undress (sic), he removed his pants, his briefs (sic). Tapos sabi niya humiga ka d[i]yan. Wala po akong magawa noon, [“]Papa, ayoko na po, maawa na po kayo[”] pero para siyang walang puso. Para siyang hayop pero hindi, ang hayop may konsensiya siya wala. Demonyo siya.
- Q: What did you do if any?
- A: Nothing, ma'am. He just undress (sic) me and he kissed me. He inserted again his penis into my vagina.

²⁰

Id. at 93-94.

Q: Afterwards, what happened?

A: I felt the weight of his body.²¹

7th rape – June 1, 2011
Criminal Case No. 23575-14-C

Q: What about on June 1, 2011, would you recall, Madame Witness?

A: Yes, ma'am. Doon pa rin po sa bahay namin sa [REDACTED].

Q: What happened while you were at your house?

A: June 1, 2011. Tandang-tanda ko po yon kasi magpapasukan. We were so happy because my father bought us school supplies. We were so excited. It is the start of school year. He bought me shoes, uniform. But at night, the excitement was gone. I was again molested by my father that night.

Q: How did your father [molest] you?

A: Gabi po yon. Natutulog na po kami. My father approached me and he said "[REDACTED], hubarin mo yang damit mo."

Q: What was your reaction when you were commanded to remove your dress?

A: Nagalit po siya. Akala ko po tumigil na po siya. Hindi pa pala. ["Maawa naman po kayo. Hindi na po makatao yang ginagawa niyo."] Wala siyang puso. Naghubad po siya. He also undress (sic) me.

Q: What happened next after he removed your clothes?

A: He kissed me again, dinaganan niya ako. He inserted his penis into my vagina. Sobran[g] galit ko po sa kanya.²²

8th rape – October 10, 2011
Criminal Case No. 23569-14-C

Q: What about on October 10, 2011 would you recall where were you?

A: I was still at [REDACTED]. I remember that date because that is Loyalty Day at UPLB. Lagi pong umaalis ang Papa ko kasi ginagawa po ang bahay namin sa [REDACTED]. Lagi po siyang galit, kami po ang napagbubuntunan niya ng galit.

Q: Would you kindly tell us what happened on October 10, 2011?

²¹ *Id.* at 94-95.

²² *Id.* at 95-96.

- A: I was already sleeping when my father entered the room and he approached me.
- Q: What happened after your father entered the room?
- A: I was surprised because I saw my father removing his clothes.
- Q: What did you do if any when you see (sic) your father removing his clothes?
- A: Natakot na naman. Sabi ko ito na naman, ito na naman ang demonyo.
- Q: What did your father do afterwards?
- A: He approached me.
- Q: What happened after he approached you?
- A: [“]■■■■, halika dito hubarin mo yang damit mo.[”] Ulit na naman. Nagmamakaawa na naman po ako. Pero para pong wala siyang tainga. Para pong wala siyang naririnig. Di man lang niya maisip na anak niya ako.
- Q: What did you do?
- A: Wala po. I only cried.
- Q: Afterwards, what did your father do?
- A: He forcibly removed my dress, my short[s], my panty. Hindi po ako makapalag. Sobra pong lakas niya.
- Q: What happened next?
- A: Inulit na naman po niya ang pananamantala. Dinaganan na naman po niya ako. Ramdam na ramdam ko po yong bigat ng katawan niya na nagpapahirap ng paghinga ko ko (sic) dahil sa bigat niya. Hinalikan na naman niya ang labi ko. Pwersahan na naman niyang pinasok ang ari niya sa ari ko.
- Q: What were you doing then during that time?
- A: I was crying. I was so scared. Paulit-ulit niya akong pinagbabantaan. Subukan mong magsumbong. Wag kang mag-iingay. Wag kang magsusumbong papatayin ko kayong lahat. Alam mo naman pag sinabi ko gagawin ko.²³

9th rape – December 26, 2011
Criminal Case No. 23570-14-C

Q: What about on December 26, 2011, where were you?

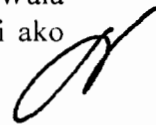


²³ *Id.* at 96-98.

- A: That was before my birthday, December 27, my birthday. I was still in our house in [REDACTED], that is (sic) night time again.
- Q: Would you kindly tell us what happened?
- A: My father was sleeping in his room. Maaga po siyang natulog noon. Ewan ko po alam (sic) kung saan siya nanggaling. Pagod na pagod daw po siya. Tapos tinawag niya po kaming tatlong magkakapatid noon. Pinaghilot niya po kami ng paa niya. Nagalit pa [n]ga po siya sa amin noon kasi di po namin makuha ang hilot na gusto niya. Sabi po niya, [“]tatanga-tanga kayo, ayusin niyo naman.[”] Tapos sinuntok niya ang Kuya ko. Nahulog ang kuya ko sa kama. Tapos kami ni [REDACTED] sinabunutan niya, pinag-untog.
- Q: After your father inflicted physical harm on your (sic) and [your] siblings, what transpired next?
- A: Sabi po niya, umalis na nga kayo. Mga tatanga-tanga kayo. After one hour my brother and sisters were already sleeping and I was about to sleep when “may [kumalabit] sa akin” pagtingin ko po si Papa.
- Q: What happened afterwards?
- A: Nakikita ko po yong mga mata niya. Mga mata palang niya alam ko na. Natatakot ako. Hindi po ako tumayo ng gabing yon kasi alam ko pong may gagawin na naman siya. Pero sabi po niya sa akin, [“]wag ka nang mag-i-narte.[”] Pabulong po niyang sinabi sa akin kasi natutulog na po ang mga kapatid ko. Tumayo ka dyan. Putang ina niyo, papatayin ko kayo sabi niya.
- Q: What did you do?
- A: Tumayo po ako at pumunta doon sa kwarto na tinulugan niya.
- Q: What happened when you went to the room where your father was?
- A: He removed his brief, his shirt, his short[s]. Dinala po niya ako sa kama. He forcibly removed my dress.
- Q: What did you do when your father forcibly removed your clothes?
- A: Wala na naman po syempre. Wala naman po akong magawa kundi umiyak na lang. I was afraid. Tapos ng mahubaran na po niya ako dumagan na naman po siya sa akin. He kissed me again on my lips and on my breast. He inserted his penis into my vagina.
- Q: Afterwards, what transpired next?
- A: Iyon na naman, parang wala siyang ginawang masama. Parang normal lang sa kaniya. Ewan ko ba kung anong klaseng tao yan parang wala siyang awa. I fix (sic) myself and I sleep (sic). Umiiyak, ang sama-sama ng loob ko puno ng galit. Matagal kong tinimpi yon.²⁴

10th rape – February 14, 2012
Criminal Case No. 23571-14-C

- Q: What about on February 14, 2012, would you kindly tell us where were you?
- A: Yes, ma'am[.] I was still in [REDACTED], Valentine's Day, I cannot forget that day. My father was drunk again.
- Q: What happened?
- A: I cannot remember whether it was madaling araw na yan basta gabing-gabi na pong umuwi yan. Mag-isa po akong natutulog sa kwarto po namin ng kapatid kong mas bata. Doon po siya tumabi sa Kuya ko. Kasi di naman po kami kasya sa isang kwarto. Pinagpipilitan ko pong tabihan niya ako pero ayaw po niya. Kaya mag-isa na naman po akong natulog don sa kwarto namin. Natatakot na naman po ako kasi baka ulitin na naman sa akin ni Papa yon. Di po ako makatulog. Sabi ko darating na naman ang demonyo. Ano ang gagawin ko. Gusto kong umalis. Wala ako magawa[.]
- Q: What happened when your father arrive (sic)?
- A: Sabi ko andiyan na ang demonyo. Naririnig ko na ang pagbukas ng pinto. Nagtulog-tul[u]gan ako non kasi naamoy ko amoy alak, lasing siya. Tapos nakita ko na siya nagbibihis. Tapos sabi niya, "[REDACTED]" di po ako gumagalaw. Sabi niya "[REDACTED]" tapos nagulat po ako kasi binato po niya ang sinturon niya sa akin.
- Q: What happened after your father throw (sic) his belt on you?
- A: Masakit po. Tumama po yon sa may ganito ko, nagulat po ako, napasigaw po ako ng "Ah," gising ka pa pala, halika dito. Ayaw kong lumapit noon[,] natatakot ako. Tapos sabi niya, "[REDACTED]lumapit ka dito.[REDACTED]" Natatakot po ako sa boses niya. Boses pa lang niya takot na ako. Hinubad niya yong pantalon niya, tapos yung brief niya. Pinilit na naman niyang hubarin ang mga damit ko.
- Q: What happened after your father was able to remove your clothes?
- A: Inulit na naman po niya ang ginawa niya sa akin. Dinaganan na naman po niya ako. Hinipo niya ang dede ko. He inserted again his penis into my vagina. Iniisip ko na lang noon sana namatay na lang ako at hindi ko na naranasan ang ganitong sakit. Oo nga pinapakain niya kami. Pinag-aaral niya kami pero bakit ganito kung kami ay ituring. Mas maige pa ang naging palaboy na lang, walang tirahan, walang makain kaysa binaboy ka ng ganon.
- Q: And afterwards, what transpired next?
- A: He just dress (sic) up as if nothing happened. I fix (sic) myself and I was crying again. Ang sakit-sakit. Wala akong magawa. Wala akong maiyakan. Wala akong masabihan ng problema kundi ako



lang. Natatakot ako. Panay ang banta niya sa akin. Kaya niya kasing pumatay.²⁵

11th rape – March 21, 2012
Criminal Case No. 23572-14-C

- Q: What about on March 21, 2012, where were you?
- A: We were already in our new house, ma'am.
- Q: And where is that new house of yours[?]
- A: Sa [REDACTED]. We transferred there in December 2012 (sic).
- Q: What happened on March 21, 2012?
- A: My father was drunk again.
- Q: What happened when you said that your father was then drunk during that time?
- A: We were sleeping upstairs then naglagabag po yong pinto namin kasi bakal po ang ginawa niyang pinto kaya dinig na dinig po. Natatakot na naman po ako ng gabing yon.
- Q: And what happened after your father arrive[d]?
- A: He was drunk. He was removing his clothes then.
- Q: What did you do when he removed his clothes?
- A: I was still awake during that time watching tv. [T]hen he said "[REDACTED], halika dito.["]
- Q: What did you do when your father called you?
- A: I approached him.
- Q: And after you approached him what happened when you approached him?
- A: He ordered me to remove his shoes. I removed his shoes. Ganon po yon pati sapatos niya pinatanggal sa amin.
- Q: What happened after you removed his shoes?
- A: I put his shoes away at pinabalik po niya ako sa tabi niya. Bakit po and he said maghubad ka. I said, ["]Papa maawa naman kayo. Ayoko na po.["] Umiiyak na po ako non pero bakit ganon parang di siya naaawa. Pwersahan niyang hinubad ang damit ko na naman. Paulit-ulit niya akong ginaganon.
- Q: What happened after he removed your clothes?

²⁵

Id. at 99-100.



A: Dinaganan na naman niya ako. He kissed me. Hinipo na naman niya ang dede ko. He inserted again his penis into my vagina.²⁶

12th rape – December 28, 2012
Criminal Case No. 23567-14-C

Q: What about on December 28, 2012?

A: The day after my birthday. Nong December 27[,] I was so happy kasi pinaghanda ako ni Papa ng spaghetti. Kahit papano may handa ako.

Q: Then what happened on that day?

x x x x

A: He was cleaning his gun and he was asking for a rag and I gave him a wet rag. Tuyo po dapat yon. Sabi niya sa akin, [“]tatanga-tanga ka aanhin ko to tutuyuin ko nga to bakit basa ang binigay mo[?”]

Q: Then what happened?

A: Nagulat po ako non kasi may binato po siya sa akin bakal po yata, tumama sa tagiliran ko. Nagsugat po. Umiyak po ako kasi ang laki. Nagulat din po ang mga kapatid ko na naglalaro sa labas. Tapos si Papa ang ginawa po niya tinawag niya po ako at sabi “█, halika dito, tatang[a]-tanga ka.”] Tapos hinila niya ako pataas, kinaladkad niya ako ng walang awa. Tapos ni-lock niya ang pinto. Binalibag niya ako sa kama. Tapos kumuha siya ng sinturon.

Q: What happened after your father got his belt?

A: Hinampas po niya ako ng hinampas. Ang dami pong hampas. Ang dami pong latay ng katawan ko non. Wala po siyang awa. Halos malagot na po yong sinturon non.

Q: And after your father hit you with his belt several times, what happened?

A: Kala ko po titigilan na niya ako kasi tinabi na niya yong sinturon. Akala ko magso-sorry siya yon mas lalo palang dinemonyo ang utak niya. Naisipan pa pala niyang samantalain ako non. He removed his dress, his brief, his pants, then he forcibly remove (sic) my dress, my panty and my short[s]. Biruin niyo yon ang sakit na ng katawan ko non naisipan pa niyang gawin yon. Wala talaga siyang awa.

Q: What did you do?

A: Wala. I just cried and cried. Tapos dinaganan po ako ni Papa. Sobrang sakit na ng katawan ko non hindi na nga ako makagalaw dinaganan pa niya ako ng napakabigat niyang katawan. Hinalikan

²⁶ *Id.* at 100-101.

na naman po niya ako sa labi ko. Tapos pinasok na naman po niya ang ari niya sa ari ko. Tulad rin po ng naramdaman ko non sabi ko sa sarili ko sobrang parusa na. Diyos ko, ano pa ba, ano pa ba. Mabuti pang mamatay na lang ako. Ang hirap ang hirap. Ayoko na.

Q: What transpired next after you[r] father inserted his penis to your vagina?

A: Then he stood up, he dress (sic) up as if nothing happened. Ganon naman lagi yan walang puso walang pakialam sa pakiramdam ng iba. Tapos ako pinilit kong tumayo bumangon kahit sobrang sakit ng katawan ko na inabot ko sa kaniya. Inayos ko ang mga damit ko. Tapos bumaba ako tinanong ako ng mga kapatid ko, [“]Ate, ano ang nangyari sa yo bakit puro latay ka.[”] [“]Si Papa kasi inutusan ako nagkamali ako ng abot ayon sininturon ako.[”] Wala namang magagawa ang mga kapatid ko kasi syempre sinasaktan din sila ni Papa.²⁷

13th rape – March 21, 2013
Criminal Case No. 23568-14-C

Q: What about on March 21, 2013, would you still recall where were you?

A: Nagtataka ako kasi lagi niya ng inuulit yon sa tuwing birthday ni Mama. March 21 is the birthday of my mother. Minsan naiisip ko ginagawa niya akong si Mama.

Q: Where were you on March 21, 2013?

A: I was at home.

Q: What were you then doing at your home?

A: I was watching tv.

Q: What happened after you were then watching tv?

A: I was so happy then during that time because my mother arrive[d] from Isabela. Naiisip ko di na niya gagawin yon kasi andito na sila Mama. Kompleto na ulit kami pero hindi pala nagkamali pala ako.

Q: What happened then?

A: Nanono[o]d po ako ng tv non. Si Mama po mamamalengke ng panghanda niya para sa birthday niya para po may mapagsalosaluhan kami.

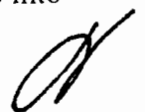
Q: What happened after your mother went to the market?

A: Sumama po ako noon kay Mama pero hindi na po niya ako pinasama kasi kasama na po niya yong isang kapatid ko. Bale tatlo po kaming naiwan sa bahay saka si Papa, si Kuya at yong isa ko

²⁷ *Id.* at 102-103.

pong kapatid. Pinababa po ni Papa yong dalawa kong kapatid naglaro po sila sa may labas namin.

- Q: What transpired next after your siblings went out of the house?
- A: Si Papa po umakyat po sa taas.
- Q: Then what happened when your father went upstairs?
- A: He locked the door.
- Q: Where were you when your father locked the door?
- A: Andon po sa kwarto kasi don po kwarto namin andon na rin po yong tv namin.
- Q: Then what happened after your father lock (sic) the door?
- A: He pushed me in (sic) the bed.
- Q: Then what happened next after your father pushed you in (sic) [the] bed?
- A: Sabi niya, "█, maghubad ka ng damit mo."
- Q: What did you do?
- A: Nagmamakaawa na naman. ["Papa maawa naman po kayo. Ayoko na."]
- Q: Did he listen to your pleas?
- A: No, ma'am.
- Q: Then what happened next?
- A: He forcibly remove (sic) my dress and he removed his dress, his brief, his short[s].
- Q: What happened next after your father removed his clothes?
- A: Pwersahan po niya akong tinulak sa kama.
- Q: What happened next after he pushed you in (sic) the bed?
- A: Dinaganan po niya ako. Hinipo niya ang dede ko. Hinalikan niya ang labi ko.
- Q: What happened next after he kissed your lips?
- A: Pwersahan na naman po niyang pinasok ang ari niya sa ari ko.
- Q: What were you doing then when your father inserted his penis into your vagina?



A: Nothing I just cried. Akala ko matatapos na ang lahat ng hirap na nararanasan ko hirap ko dahil andiyan na sila Mama. Pero hindi pala.²⁸

14th rape – July 20, 2013
Criminal Case No. 23578-14-C

Q: What about on July 20, 2013, would you kindly tell us where were you?

A: Yes, ma'am. I was in [REDACTED] in our new house.

Q: What happened while you were at your house?

COURT:

Q: Why do you remember July 20, 2013?

x x x x

A: Because it was Nutrition Month in our school, your honor. Katatapos lang po ng Miss Intrams.

FISCAL MANCIA:

Q: What happened next?

A: Namamalengke po si Mama. Sumasama po ako sa kaniya kasi naiisip ko baka gawin na naman po ni Papa yon sa akin. Pero ayaw po akong isama ni Mama kasi marami daw po siyang bibitbitin mahirapan land (sic) daw po ako.

Q: What happened when your mother did not allow you to go to the market with her?

A: Andon lang po ako sa taas. Then my father asked my siblings to go downstairs at maglaro daw po muna sa labas.

Q: Did your siblings obey your father?

A: Opo naglaro po sila doon sa may labas.

Q: Then what happened next afterwards?

A: My father was in the bathroom, he was taking a bath. Kasi aalis po siya noon may pupuntahan. Tuwang-tuwa po ako sabi ko "Yehey, aalis na naman ang demonyo." Mawawala na naman. Ang sayasaya namin pag wala siya.

Q: What happened next afterwards?

- A: The[n] he suddenly called me “█.” Bumaba po ako kasi inisip ko baka po may iutos siya, baka twalya o toothbrush niya. Eh hind pala pinapasok niya ako sa banyo.
- Q: What happened next after he asked you to go inside the comfort room?
- A: He locked the door.
- Q: Then what happened afterwards?
- A: I saw that he was wearing only a towel pero may brief pa po siya. He removed his brief then he undress (sic) me.
- Q: Then what happened after he remove (sic) your dress?
- A: Naupo po siya doon sa may bowl.
- Q: Then afterwards?
- A: Tapos pinaupo po niya ako para po pumasok ang ari niya sa ari ko.
- Q: Did he succeed in inserting his penis into your vagina?
- A: Yes, ma’am.
- Q: And what transpired next?
- A: He kissed my lips. He touched my breast. I was crying. Talagang wala siyang awa. Nanghihina na ako non.²⁹

15th rape - September 17, 2013
Criminal Case No. 21351-13-C

- Q: What about on September 17, 2013?
- A: That was the last time that he molested me.
- Q: Where were you on September 17, 2013?
- A: I was at our house at █.
- Q: What happened while you were at █?

x x x x

- A: May kama po kasi sa baba namin. Double deck po siya. Sa baba po sila Mama. Don po ako sa double deck katabi ko po yong younger sister ko. Si Papa po andon po siya sa may taas nanonood ng tv. Gabi na po siyang natulog noon kasi may pinapanood po siya hindi ko po alam kung ano. Nararamdaman ko po siya. May kumakaloskos po na gising pa siya. Ako natutulog na. Akala ko mahimbing na ang tulog ko noon, payapa, masaya. Hindi pala kasi maya-maya may kumulbit (sic) sa akin. Hindi ko po matingnan

²⁹

Id. at 106-107.

kasi alam kong si Papa yon. Malalaki ang daliri niya, magagaspang. Alam kong si Papa yon. Sabi ko, hala dedemonyohin na naman kaya ako nito. Natatakot ako nonkaya (sic) nagtulog-tulugan na lang ako.

Q: What transpired next afterwards?

A: Nagulat ako kasi bigla niyang pinisil ang paa ko, pinisil niya ang hita ko. Napatayo ako sa sakit.

Q: What did you do next?

A: Mata pa lang niya takot na ako alam ko na ang ibig sabihin niya.

Q: What did you do?

A: I went down from the double deck.

Q: After you went down from the double deck, what happened?

A: He asked me to go upstairs doon sa may tv. may kama n (sic) po kasing maliit doon tapos may maitim na upuan po doon na mahaba tapos ni-lock niya ang pinto.

Q: What happened after he locked the door?

A: Tinulak po niya ako doon sa may upuang itim.

Q: Then afterwards what happened?

A: Walang awa po niyang hinubad ang mga damit ko, ang pajama ko, ang panty ko.

Q: What happened after he removed your clothes?

A: He then removed his clothes, his brief. Walang awa po niya akong pinagsamantalahan noong gabing yon. Hinalikan niya yong labi ko, hinipo niya yong dede ko. Tapos pinasok na naman niya ang ari niya sa ari ko.

Q: What did you do during that time?

A: Umiiyak po. Tapos natapos na po siya nakita ko po na may lumalabas po na puti don sa ari niya. Pinupunasan po niya ng damit. Naiisip ko po na natatakot ito na mabuntis ako. Sabi ko matalino talaga tong amang ito. Demonyo talaga[.]

Q: And what transpired next afterwards?

A: Nagbihis na lang po ako. Di na po ako nakatulog ng gabing yon. Nilakasan ko na po yong loob ko. Sinabi ko na po kay Mama kinabukasan ang totoo.³⁰

Thus, the Court deems the foregoing as an original and realistic account of AAA's harrowing experience in the hands of her own father. This

³⁰ *Id.* at 107-109.

authenticity is further strengthened by the findings of the trial court insofar as its delivery in open court is concerned. In the words of the RTC, AAA's demeanor while testifying evinced "the anguish of a very young woman seeking justice for the wrong done to her."³¹ In the course of her testimony, she expressed how she came to regard Navasero as "demonyo," "walang konsensya," "hindi na po yata tao," and "walang puso," after the attacks on her became a habit. In fact, the trial court specifically noted the fact that AAA was weeping and crying almost the entire time she was relating "convincingly her pitiful situation and utter helplessness in the hands of her own father."³² In view of these observations directly witnessed by the trial court, therefore, the Court cannot accede to Navasero's bare and unsubstantiated assertions.

Neither can we give credit to Navasero's contention that if AAA's allegations were true, the matter should have reached her mother and siblings even before the fifteenth (15th) rape incident. But since it took AAA an unacceptable length of time before she finally reported the so-called incidents of abuse, then it is doubtful whether the same even occurred at all. Time and again, the Court has held that there is no uniform behavior that can be expected from those who had the misfortune of being sexually molested. While there are some who may have found the courage early on to reveal the abuse they experienced, there are those who have opted to initially keep the harrowing ordeal to themselves and attempt to move on with their lives. This is because a rape victim's actions are oftentimes overwhelmed by fear rather than by reason. The perpetrator of the rape hopes to build a climate of extreme psychological terror, which would numb his victim into silence and submissiveness. In fact, incestuous rape further magnifies this terror, for the perpetrator in these cases, such as the victim's father, is a person normally expected to give solace and protection to the victim. Moreover, in incest, access to the victim is guaranteed by the blood relationship, magnifying the sense of helplessness and the degree of fear.³³ Thus, the fact that it took AAA years before she was able to muster up the courage to confide in her mother does not make her story untrue, especially in view of Navasero's threats and physical abuse.

As to the penalty imposed, the RTC was correct in imposing the penalty of *reclusion perpetua* for each count of rape, without eligibility for parole, pursuant to A.M. No. 15-08-02-SC³⁴ and in lieu of death because of

³¹ *CA rollo*, p. 57.

³² *Id.* at 58.

³³ *People v. Descartin, Jr.*, *supra* note 12, at 662-663.

³⁴ II.

In these lights, the following guidelines shall be observed in the imposition of penalties and in the use of the phrase "without eligibility for parole":

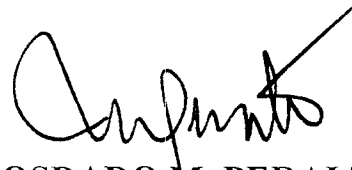
(1) x x x; and

(2) When circumstances are present warranting the imposition of the death penalty, but this penalty is not imposed because of R.A. 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 the death penalty had it not been for R.A. No. 9346.

its suspension under Republic Act No. 9346.³⁵ As to the award of damages, the CA was correct in modifying the RTC's ruling such that Navasero is now ordered to pay, for each count of rape, civil indemnity in the amount of ₱100,000.00, moral damages in the amount of ₱100,000.00, and exemplary damages in the amount of ₱100,000.00, pursuant to *People v. Jugueta*,³⁶ as well as a six percent (6%) interest per annum on all the amounts awarded reckoned from the date of finality of this Decision until the damages are fully paid.

WHEREFORE, premises considered, the instant appeal is **DISMISSED** for lack of merit. The Decision dated June 23, 2017 of the Court of Appeals affirming, with modification, the Consolidated Decision dated July 20, 2015 of the Regional Trial Court of Calamba City, Branch 35, finding appellant Noel Navasero, Sr. y Hugo guilty beyond reasonable doubt of fifteen (15) counts of qualified rape, is **AFFIRMED**. Thus, appellant Navasero is hereby sentenced to suffer the penalty of *reclusion perpetua* for each count of rape, without eligibility for parole, and to pay, for each count of rape, civil indemnity in the amount of ₱100,000.00, moral damages in the amount of ₱100,000.00, and exemplary damages in the amount of ₱100,000.00, as well as a six percent (6%) interest per annum on all the amounts awarded reckoned from the date of finality of this Decision until the damages are fully paid.

SO ORDERED.



DIOSDADO M. PERALTA
Associate Justice

³⁵ RPC, Article 266-B:
Art. 266-B, Penalty. x x x


x x x x

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying 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[.]

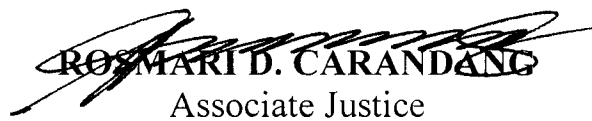
³⁶ 783 Phil. 806 (2016).

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Associate Justice

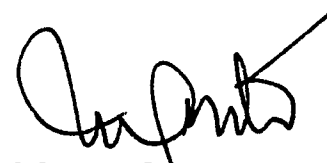

MARVIC M.V.F. LEONEN
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice


ROSMARID D. CARANDANG
Associate Justice

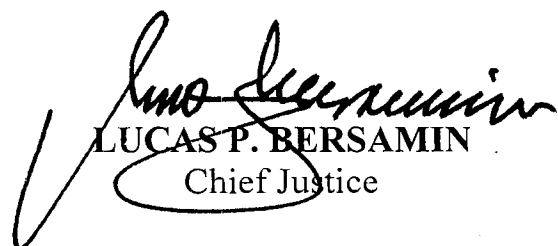
ATTESTATION

I attest 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.


DIOSDADO M. PERALTA
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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.


LUCAS P. BERSAMIN
Chief Justice