



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

GR. No. 243191

Present:

LEONEN, J.,**
HERNANDO, *Acting*
Chairperson,***
INTING,
DELOS SANTOS, AND
LOPEZ, J., JJ.

- versus -

XXX,*

Accused-Appellant.

Promulgated:

June 21, 2021

MisocBatt

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DECISION

LOPEZ, J., J.:

For consideration is the appeal of the Court of Appeals (CA) Decision¹ dated March 14, 2018, which affirmed with modifications the Joint Decision² dated February 2, 2017 of the Regional Trial Court (RTC), [REDACTED], finding accused-appellant XXX guilty of four (4) counts of Rape, in relation to Republic Act No. 7610 (*R.A. No. 7610*). The accusatory portions of the four (4) Informations state:

* Initials were used to identify the accused-appellant pursuant to Amended Administrative Circular No. 83-15 dated September 5, 2017 entitled Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders using Fictitious Names/Personal Circumstances.

** On wellness leave.

*** Designated as Acting Chairperson, per Special Order No. 2828 dated June 21, 2021.

¹ Penned by Associate Justice Stephen C. Cruz (retired), with Presiding Justice Romeo F. Barza (retired) and Associate Justice Carmelita S. Manahan (retired), concurring: *rollo*, pp. 2-13.

² Penned by Presiding Judge Alben C. Rabe. *CA rollo*, pp. 43-55.

Criminal Case No. T-4877

That on or about February 3, 2006 at [REDACTED],³ Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being then the live-in partner (common-law spouse) of the mother of the herein complaining witness, AAA,⁴ a minor, 12 years of age, did then and there willfully, unlawfully, and feloniously with force, threats and intimidation, have carnal knowledge with said AAA against her will and without her consent, to her damage and prejudice.

ACTS CONTRARY TO LAW.⁵

Criminal Case No. T-4878

That on or about 12:00 noon of May 28, 2008 at [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the live-in partner (common-law spouse) of the mother of herein complaining witness, AAA, a minor, 14 years of age, did then and there willfully, unlawfully, and feloniously with force, threats and intimidation, have carnal knowledge with said AAA against her will and without her consent, to her damage and prejudice.

ACTS CONTRARY TO LAW.⁶

Criminal Case No. T-4879

That on or about 9:00 o'clock in the morning of June 1, 2008 at [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the live-in partner (common-law spouse) of the mother of herein complaining witness, AAA, a minor, 14 years of age, did then and there willfully, unlawfully, and feloniously with force, threats and intimidation, have carnal knowledge with said AAA against her will and without her consent, to her damage and prejudice.

ACTS CONTRARY TO LAW.⁷

Criminal Case No. T-4880

That on or about 10:00 o'clock in the morning of August 26, 2008 at [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the live-in partner (common-law spouse) of the mother of herein complaining witness,

³ Geographical location is blotted out pursuant to Supreme Court Amended Circular No. 83-2015, *supra* note 1.

⁴ The identity of the victim or any information which could 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, Providing Penalties for its Violation, 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; and Section 40 of A.M. No. 04-10-11-SC., known as the Rule on Violence against Women and their Children, effective November 15, 2002." (*People v. Dumadag*, 667 Phil.664, 669 [2011]).

⁵ *CA rollo*, p. 43.

⁶ *Id.* at pp. 43-44.

⁷ *Id.* at p. 44.

AAA, a minor, 14 years of age, did then and there willfully, unlawfully, and feloniously with force, threats and intimidation, have carnal knowledge with said AAA against her will and without her consent, to her damage and prejudice.

ACTS CONTRARY TO LAW.⁸

XXX pleaded not guilty to the four charges when arraigned.⁹ Trial on the merits ensued as a matter of course.

Version of the Prosecution

The facts, as established by the prosecution and as culled from the CA Decision, are as follows:

On 16 December 1993, BBB gave birth to private complainant AAA. Since 1995, BBB and private complainant have been living with appellant [XXX] in the latter's house located at [REDACTED].

In the morning of 3 February 2006, while, BBB was in the market, appellant arrived at the house and told private complainant to get inside the room. As private complainant did not obey appellant, the latter forcibly dragged her to the room. While inside the room, appellant removed private complainant's shorts and underwear, laid her down on the bed and licked her vagina. Appellant then removed his shorts and brief, went on top of private complainant, pulled her legs apart and inserted his penis inside her vagina. Private complainant felt pain but could not do anything but cry. Thereafter, appellant ejaculated on private complainant's stomach. Appellant then wore his brief and shorts and instructed AAA to wear her shorts and panty. Appellant warned private complainant not to tell her mother about the incident which she obeyed out of fear.

On 28 May 2008, while private complainant was [alone] watching television in their house as her mother was in the city proper, appellant locked the main door and told her to go inside the room. Private complainant refused to follow but appellant forced her to go inside the room. Appellant, while holding a knife, told her to lay (sic) down on the bed. Appellant put the knife near private complainant's head and told her not to tell anything to her mother. Appellant removed his brief and shorts then held her hair and told her to suck his penis but she refused to do so. Private complainant started crying but out of fear she obeyed appellant's order. Appellant then removed private complainant's dress and bra and started sucking her breasts. Later, appellant removed her shorts and panty and laid on top of her. Appellant inserted his penis inside her vagina. Thereafter, appellant ejaculated on private complainant's stomach. Appellant wore his shorts and gave private complainant's shorts and bra and directed her to wear the same. Appellant then left the house. Private complainant did not tell her mother about the incident because of the

⁸ *Id* at p. 44.

⁹ *Id* at p. 44.

threat of appellant.

In the morning of 4 June 2008, private complainant was attending to their store while her mother was in the market. Appellant arrived and told her to go inside the room. While inside the room, appellant told her to lay (sic) down on the bed and he kneeled near her head and told her to suck his penis. After which, appellant placed himself on top of private complainant with his head in front of her private part then told her to suck his penis while appellant was licking her private part. Private complainant refused to do as told but appellant put his penis inside her mouth. Appellant laid on top of her and inserted his penis inside her vagina and ejaculated on her stomach. Later, appellant wore his clothes and directed private complainant to wear her clothes. Then appellant left and private complainant returned to the store. Out of fear, she did not report again the incident to her mother.

On 26 August 2008, while her mother was at the market, appellant forced her to get inside the room. Once inside the room, appellant immediately removed his shorts and brief then also removed private complainant's shorts and panty. He then laid her on the bed and went on top of her. While appellant was inserting his penis inside her private part, private complainant heard a motorcycle x x x and told him that her mother was already there. Appellant immediately stood up, wore his brief and shorts and ran away. Private complainant wore her clothes and opened the gate.

On 29 August 2008, private complainant went to the Office of the Department of Social Welfare and Development (DSWD) and reported that she was raped by appellant. Private complainant executed an Affidavit detailing the rape committed by appellant and underwent medical examination at the City Health Office, [REDACTED]

BBB then called to the DSWD Office and was told by the City Social Welfare and Development (CSWD) officer, Mrs. Camenchita U. Dellova, that private complainant was at the City Health Unit for medical examination, and that private complainant was molested by appellant.

On 29 August 2008, Dr. Dante V. Mirasol, City Health Physician, City Health Office, [REDACTED], conducted a medical examination of private complainant, and issued a medical certificate which states that "medical evaluation shows definite evidence of sexual contact."¹⁰

Version of the Defense

XXX proffered the defense of denial. The CA synthesized the account of the defense in this manner:

For his part, [XXX] denied AAA's accusations against him. He narrated that he knew nothing about the May 28, 2008, June 4, 2008, August 26, 2008, rape incidents. [XXX] firmly insisted that the May 28, 2008, alleged rape incident could not have happened as he was at that date

¹⁰ Rollo, pp. 5-6.

and time attending the barangay fiesta in a neighboring barangay of [REDACTED]. He claimed that he was at his sister's house, helping prepare the food for the festivities and only left her place at past 2:00 o'clock in the afternoon together with his brother CCC and nephew DDD. This allegation was corroborated by certain [EEE], [XXX]'s niece, who was likewise there at her aunt's house on the said date. [XXX] further narrated that he has always treated AAA as his own daughter, even spoiling her as she is the only child in the house he shared with BBB. Further still, [XXX] claimed that AAA [started] cutting classes in 2008 when she was in second year high school and he told BBB about it so she could discipline her daughter.

Judgment of the RTC

After trial, the RTC rendered a Decision of conviction. The trial court noted that there is no doubt that the prosecution had established the elements for the four incidents of rape committed against AAA.

The RTC found that XXX had carnal knowledge of AAA against her will through force, threat and intimidation;¹¹ that as XXX exercised moral ascendancy and parental authority over AAA, such factors would be substituted for violence and intimidation;¹² that the birth certificate of AAA would prove that she was 12 years of age when the first rape was committed by XXX;¹³ and that AAA's sincerity and straightforward candor in telling the truth is in rhythmic harmony with human nature.¹⁴

Proceedings before the Court of Appeals

On appeal, XXX argued that the trial court erred in convicting him despite the inconsistent and incredible testimony of the victim as well in disregarding his defense. He further argued that the trial court gravely erred in convicting him despite the failure of the prosecution to overthrow the constitutional presumption of innocence in his favor.

The Ruling of the Court of Appeals

As stated above, the appellate court affirmed the trial court's conviction of XXX for four (4) counts of rape. The CA noted that there is no reason to disturb the findings of the trial court's upholding AAA's credibility. The CA further noted that a categorical and consistent positive identification, absent any showing of ill motive on the part of the eyewitness testifying thereon prevails over the defenses of denial and *alibi*, which if not

¹¹ CA rollo, p. 52.

¹² *Id.* at 53.

¹³ *Id.* at 54.

¹⁴ *Id.*

substantiated by clear and convincing proof constitute self-serving evidence undeserving of weight in law. To the mind of the appellate court, the prosecution was able to convincingly establish that XXX committed rape against his stepdaughter on four separate occasions. The dispositive portion of the CA Decision thus reads:

WHEREFORE, the assailed February 2, 2017 Joint Decision of the Regional Trial Court of [REDACTED], in Criminal Case Nos. T-4877, T-4878, T-4879, and T-4880, finding accused-appellant [XXX] GUILTY beyond reasonable doubt of four (4) counts of rape and sentencing him to suffer the penalty of *Reclusion Perpetua* for each count is hereby AFFIRMED with MODIFICATIONS in that accused-appellant is ordered to pay the amount of Php75,000.00 as civil indemnity for each count; the award of moral damages and exemplary damages are increased to Php75,000.00, respectively, for each count; and interest at the rate of 6% per annum is imposed on all damages awarded from [the] date of finality of this decision until full payment.

SO ORDERED.¹⁵

Hence, this appeal.

The accused-appellant seeks affirmative relief from this Court and seeks the reversal of his conviction. XXX and the Office of the Solicitor General (OSG) both manifested that they are no longer submitting Supplemental Brief; instead, they will be adopting the Briefs they submitted in the CA.¹⁶ Thus, the case was deemed submitted for decision.

Issue

Did the CA err in affirming the conviction of the accused-appellant for four counts of rape?

The Court's Ruling

The appeal lacks merit.

Settled is the rule that the trial court's evaluation and conclusion on the credibility of witnesses in rape cases are generally accorded great weight and respect, and, at times, even finality, and that its findings are binding and conclusive on the appellate court, unless there is a clear showing that it was reached arbitrarily, or it appears from the records that certain facts or

¹⁵ *Rollo*, p. 13.

¹⁶ XXX submitted a *Manifestation In Lieu of Supplemental Brief* on June 28, 2019, *rollo*, pp. 30-32. The OSG submitted a *Manifestation* on June 17, 2019, *rollo*, pp. 25-29.

circumstances of weight, substance or value were overlooked, misapprehended or misappreciated by the lower court and, which, if properly considered, would alter the result of the case. Having seen and heard the witnesses themselves and observed their behavior and manner of testifying, the trial court stood in a much better position to decide the question of credibility. Indeed, trial judges are in the best position to assess whether the witness is telling a truth or lie as they have the direct and singular opportunity to observe the facial expression, gesture and tone of voice of the witness while testifying.¹⁷

In the present case, the CA affirmed the RTC's finding on the truthfulness of AAA's testimony. We see no reason to deviate from the trial and appellate courts' factual findings that BBB had carnal knowledge of AAA on four (4) occasions. We find no evidence that will show that the trial court overlooked or misapplied some facts or circumstances of weight which would affect the result of the case, or that the trial court acted arbitrarily. Thus, we are bound by the findings of the trial court.

As correctly pointed out by the CA, XXX did not impute any improper motive on AAA's part to falsely testify against him. AAA's testimony of the horrific incidents of rape was also corroborated by Dr. Dante V. Mirasol who found definite evidence of sexual contact. It is settled that when a rape victim's account is straightforward and candid, and is corroborated by the medical findings of the examining physician, the testimony is sufficient to support a conviction.¹⁸ We, likewise, find that the trial court correctly brushed aside the defense of *alibi* and denial of XXX. The positive identification of the perpetrator of the heinous acts is far more superior in weight compared to the unsubstantiated defenses proffered.

All in all, We find that the trial court aptly convicted XXX based on the testimony of AAA and the corroborating medical findings of Dr. Mirasol. We, however, modify the crime committed by XXX in the four (4) criminal indictments from Simple Rape to Qualified Rape.

The evidence showed that AAA was 12 years old when she was first raped on February 3, 2006. The three other incidents of rape were committed when AAA was 14 years old. The age of the victim was established by the presentation of her birth certificate. The records also established that XXX was the common-law spouse of BBB. Under Article 266-B of the Revised Penal Code, the death penalty shall be imposed when the victim is below 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. We cannot, however,

¹⁷ *People v. Jordan Batalla y Aquino*, G.R. No. 234323, January 7, 2019.

¹⁸ *People v. Garido*, G.R. No. 198447 (Minute Resolution), November 23, 2015.

impose the death penalty in view of Republic Act No. 9346, entitled "*An Act Prohibiting the Imposition of the Death Penalty in the Philippines.*" In lieu of the death penalty, We impose on the appellant the penalty of *reclusion perpetua* without eligibility of parole for each count of rape.

To be consistent with *People v. Jugueta*,¹⁹ the amount of civil indemnity, moral damages, and exemplary damages shall be increased to ₱100,000.00 for each count of rape. Likewise, an interest at the rate of six percent (6%) *per annum* shall be imposed on all damages awarded from the date of finality of this Decision until fully paid.

WHEREFORE, the appeal is **DISMISSED**. The Decision dated March 14, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 09271 is **AFFIRMED WITH MODIFICATIONS** that the accused XXX is: (a) **DECLARED GUILTY** beyond reasonable doubt of four (4) counts of qualified rape, as defined under Article 266-A, in relation to Article 266-B of the Revised Penal Code and penalized with *reclusion perpetua* for each count without eligibility for parole; and (b) **ORDERED TO PAY** AAA for each count of rape, ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages, plus interest of six percent (6%) *per annum* on all the civil liability reckoned from the finality of this Decision until fully paid.

The accused-appellant shall pay the costs of suit.

SO ORDERED.


JHOSEP Y. LOPEZ
Associate Justice

WE CONCUR:

On wellness leave
MARVIC M.V.F. LEONEN
Associate Justice
Chairperson

¹⁹ 783 Phil. 806 (2016).



RAMON PAUL L. HERNANDO
 Associate Justice


HENRI JEAN PAUL B. INTING
 Associate Justice


EDGARDO L. DELOS SANTOS
 Associate Justice

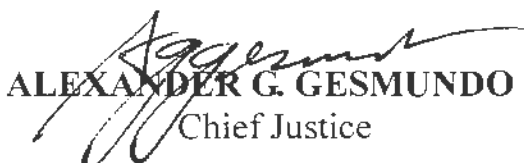
ATTESTATION

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.


RAMON PAUL L. HERNANDO
 Associate Justice
 Acting Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Third Division Acting 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.


ALEXANDER G. GESMUNDO
 Chief Justice