

## THIRD DIVISION

[ G.R. No. 248245, August 26, 2020 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. HHH,  
ACCUSED-APPELLANT.**

### DECISION

**CARANDANG, J.:**

This is an appeal<sup>[1]</sup> from the Decision<sup>[2]</sup> dated March 27, 2019 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 10435 finding accused-appellant. HHH<sup>[3]</sup> guilty beyond reasonable doubt of three counts of Rape by Sexual Assault and three counts of Statutory Rape.<sup>[4]</sup>

#### The Antecedents

The six separate Informations against HHH state:

Criminal Case No. 14-11713  
For Rape by Sexual Assault

That on or about the 13th day of May, 2014, 7 o'clock in the evening, at Angeles City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused by taking advantage of the innocence and tender age and gullibility of Private Complainant [AAA]<sup>[5]</sup> (11 year old minor), did then and there willfully, unlawfully and feloniously commit acts of sexual assault through threat and intimidation on the said complainant AAA (11 year old minor) by inserting his middle finger in her vagina without her consent, with intent to abuse and/ or gratify his sexual desire, thereby degrading and debasing the girl's intrinsic worth and dignity as a human being and endangering her normal development, to her damage and prejudice.

CONTRARY TO LAW.<sup>[6]</sup>

Criminal Case No. 14-11714  
For Rape by Sexual Assault

That on or about the 13th day of May, 2014, 7 o'clock in the morning, at Angeles City, and within the jurisdiction of this Honorable Court, the above-named accused, by taking advantage of the innocence and tender age and gullibility of Private Complainant AAA (11 year old minor), did then and there willfully, unlawfully and feloniously commit acts of sexual assault through threat and intimidation on the said Complainant AAA (11 year old miner) by forcing her to grasp her penis after which he insert his penis in her anal orifice thereafter lick her vagina without her consent,

thereby degrading and debasing the girl's intrinsic worth and dignity as a human being and endangering her normal development, to her damage and prejudice.

CONTRARY TO LAW.<sup>[7]</sup>

Criminal Case No. 14-11715

For Statutory Rape

That on or about the 13th day of May, 2014, around 12 o'clock in the afternoon, in the City of Angeles, Philippines and within the jurisdiction of this Honorable Court,- the above-named accused, with lewd design and taking advantage of the innocence and tender age of private complainant AAA (11 year old minor), by directing her to lightly grasp his penis (to masturbate) when semen discharge came out he inserted his penis to her vagina to have sexual intercourse with said AAA (11 year old minor), did then and there willfully, unlawfully and feloniously have carnal knowledge with said AAA (11 year old minor), by means of force, threat, and intimidation and against her will and consent.

CONTRARY TO LAW.<sup>[8]</sup>

Criminal Case No. 14-12400

For Statutory Rape

That on or about the year 2012 in City of Angeles, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and taking advantage of the innocence and tender age of private complainant [BBB]<sup>[9]</sup> (10 year old minor at the time of the incident), by directing her to lay down in bed and touch her cheek, touching and kissing her breast and inserted his penis to her vagina to have sexual intercourse with said BBB (10 year old minor at the time of the incident), did then and there willfully, unlawfully and feloniously have carnal knowledge with said BBB (10 year old minor at the time of the incident) by means of force, threat, and intimidation and against her will and consent.

CONTRARY TO LAW. <sup>[10]</sup>

Criminal Case No. 14-12401

For Statutory Rape

That on or about the year of 2012 in City of Angeles, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and taking advantage of the innocence and tender age of private complainant BBB (10 year old minor at the time of the incident), by touching, inserting his fingers in her vagina and remove her underwear and go on top of her and insert her penis to her vagina to have sexual intercourse with said BBB (10 year old minor at the time of the incident), did then and there willfully, unlawfully and feloniously have carnal knowledge with said BBB (10 year old minor at the time of the incident) by means of force and intimidation and against her will and

consent.

CONTRARY TO LAW.<sup>[11]</sup>

Criminal Case No. 14-12402  
For Rape by Sexual Assault

That on or about the month of March 2014, at Angeles City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by taking advantage of the innocence and tender age and gullibility of Private Complainant [CCC]<sup>12</sup> (who was then 11 year old minor) did then and there willfully, unlawfully and feloniously commit acts of sexual assault through threat and intimidation on the said CCC (who was then 11 year old minor) by removing her underwear while she is asleep after which directing her, to wit: "*Hawakan mo nga ito at ganun nanunin mo nga!* (to grasp accused's penis to masturbate him) thereafter insert his finger to her vagina telling her biological father (accused) to stop however, with intent to abuse and/ or gratify his sexual desire, thereby degrading and debasing the girl's intrinsic worth and dignity as a human being and endangering her normal development, to her damage and prejudice.

CONTRARY TO LAW.<sup>[13]</sup>

The three complainants are the daughters of HHH with his common-law spouse, DDD.<sup>[14]</sup> Together, they have six children, two boys and four girls. The eldest daughter, CCC, was born on January 24, 2001 ;<sup>[15]</sup> BBB was born on August 26, 2002;<sup>[16]</sup> and AAA was born on September 15, 2003.<sup>[17]</sup>

CCC narrated that sometime in March 2012, then 11-year old CCC woke up naked. She looked around and saw HHH in his underwear sitting at the corner of the room, looking fiercely at her. She claimed that she knew she was molested because she felt pain in her vagina. In another incident, she? saw her shorts were removed and her underwear was lowered to her knees. HHH then instructed her: "Hawakan mo ito at ganun ganun in mo." Afraid of what HHH could do to her, CCC did as instructed. She held his penis and made up and down motions. Meanwhile, HHH inserted his finger in her vagina and played with it. She told him to stop but the latter demanded: "Bilisan mo!"<sup>[18]</sup>

BBB conveyed to the court that sometime in 2012, when she was 10 years old, HHH instructed her to clean the room. While her back was turned against HHH, he .approached her and started kissing her. He made BBB lie on the floor and inserted his penis inside her vagina. He even asked her, "*Ito masarap?*" She shouted, "*Hindi po! Hindi!*" and asked him to stop but he did not listen. He continued with his bestial act.<sup>[19]</sup> During another incident in 2012, BBB recounted that HHH woke her up and put his finger inside her vagina. He removed BBB's shorts and underwear and had sexual intercourse with her.<sup>[20]</sup>

AAA recalled that at around 7:00 a.m. of May 13, 2014, HHH held her waist while he was behind her. He embraced AAA and made her lie on the mat. HHH instructed her to hold his penis and threatened to burn her face with a cigarette if he did not

follow. She resisted, prompting HHH to use a cigarette to burn her left cheek. When AAA refused to hold HHH's penis, he spanked her with a thick wood. HHH made her lie on her stomach. Thereafter, he inserted his penis in the anal orifice of AAA and told her: "*Manahimik ka minisan lang ito. Katagal tagal mo na itong ginagawa tapos sasabihin mo ito ngayon.*" He licked her vagina and left the room.<sup>[21]</sup>

At around 12:00 p.m. of May 13, 2014, HHH again instructed AAA to hold his penis. AAA did as instructed, in fear that she would get spanked again. She held his penis tightly as instructed by HHH. He then held AAA's hands while holding his penis to masturbate. After semen came out of his penis, he inserted his penis into AAA's vagina.<sup>[22]</sup> Before HHH left the house at around 7:00 p.m., he again instructed AAA to clean the room. While inside the room, HHH told AAA to lie down, and he inserted his fingers inside her vagina.<sup>[23]</sup>

Initially, AAA thought of letting the incidents of abuse pass so that HHH would not do the same to her siblings. However, BBB and CCC informed her that they, too, had been abused by HHH. Thus, they reported the incident.<sup>[24]</sup>

HHH was invited to the barangay hall on May 14, 2014 and was then taken to Police Station 3 in Pulung Maragul, Angeles City.<sup>[25]</sup>

HHH vehemently denied the charges against him. He averred that on May 13, 2014, at 7:00 p.m., he was in Xevera, Mabalacat, Pampanga, plying his jeepney route. He explained that he would usually start working at 6:00 p.m. and would go home around 5:00 or 5:30 a.m. DDD stayed at her place of employment so when HHH is working, it is the children's aunt, EEE,<sup>[26]</sup> who stays with them. HHH maintained that he does not know of any reason why his daughters would accuse him of sexually abusing them.<sup>[27]</sup>

### **Ruling of the Regional Trial Court**

On December 29, 2017, the Regional Trial Court (RTC) rendered its Decision,<sup>28</sup> the dispositive portion of which reads:

WHEREFORE, premises considered, the court renders judgment as follows:

1. In **Criminal Case No. 14-11713**, the court finds accused HHH **GUILTY BEYOND REASONABLE DOUBT** of the crime Rape by Sexual Assault defined in paragraph 2, Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353 embodied in the Information dated May 15, 2014.

Accordingly, accused HHH is hereby **SENTENCED** to suffer an indeterminate penalty of six (6) years of *prision correctional* as the minimum term to ten (10) years of *prision mayor* as the maximum term, with credit of his preventive imprisonment.

The charge for Violation of Section 10(a) of Republic Act No. 7610 in Criminal Case No. 14-11713 is hereby **DISMISSED**.

Accused HHH is hereby ordered to **INDEMNIFY** private complainant AAA with: (a) civil indemnity in the amount of Thirty thousand pesos (P30,000.00); (b) moral damages in the amount of Thirty thousand pesos (P30,000.00); and (c) exemplary damages in the amount of Twenty five thousand pesos (P25,000.00).<sup>[29]</sup>

2. In **Criminal Case No. 14-11714**, the court finds accused HHH **GUILTY BEYOND REASONABLE DOUBT** of the crime Rape by Sexual Assault defined in paragraph 2, Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353 embodied in the Information dated May 15, 2014.

Accordingly, accused HHH is hereby **SENTENCED** to suffer an indeterminate penalty of six (6) years of *prision correccional* as the minimum term to ten (10) years of *prision mayor* as the maximum term, with credit of his preventive imprisonment.

The charge for Violation of Section 10(a) of Republic Act No. 7610 in Criminal Case No. 14-11714 is hereby **DISMISSED**.

Accused HHH is hereby ordered to **INDEMNIFY** private complainant AAA with: (a) civil indemnity in the amount of Thirty thousand pesos (P30,000.00); (b) moral damages in the amount of Thirty thousand pesos (P30,000.00); (c) exemplary damages in the amount of Twenty five thousand pesos (P25,000.00).<sup>[30]</sup>

3. In Criminal Case No. 14-11715, the court finds accused HHH **GUILTY BEYOND REASONABLE DOUBT** of the crime Rape defined in paragraph 1, Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353 embodied in the Information dated May 15, 2014.

Accordingly, accused HHH is hereby **SENTENCED** to suffer the penalty of *reclusion perpetua*, with credit of his preventive imprisonment.

Accused HHH is hereby ordered to **INDEMNIFY** private complainant AAA with: (a) civil indemnity in the amount of Seventy five thousand pesos (P75,000.00); (b) moral damages in the amount of Seventy five thousand pesos (P75,000.00); and (c) exemplary damages in the amount of Fifty thousand pesos (P50,000.00).<sup>[31]</sup>

4. In **Criminal Case No. 14-12400**, the court finds accused HHH **GUILTY BEYOND REASONABLE DOUBT** of the crime Rape defined in paragraph 1, Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353 embodied in the Information dated June 16, 2014.

Accordingly, accused HHH is hereby **SENTENCED** to suffer the penalty of *reclusion perpetua*, with credit of his preventive imprisonment.

Accused HHH is hereby ordered to **INDEMNIFY** private complainant BBB