

## SECOND DIVISION

[ G.R. No. 226144, October 14, 2020 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ZZZ<sup>[1]</sup>  
ACCUSED-APPELLANT.**

### DECISION

**HERNANDO, J.:**

On appeal<sup>[2]</sup> is the November 28, 2014 Decision<sup>[3]</sup> of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 04489 which affirmed with modification the March 3, 2010 Decision<sup>[4]</sup> of the Regional Trial Court, Branch 90 of ██████████, <sup>[5]</sup> Cavite (RTC). The RTC Decision convicted accused-appellant ZZZ for three (3) counts of Rape under Article 266-A, Paragraph 1(a) of the Revised Penal Code (RPC), as amended, in relation to Republic Act No. 7610 (RA 7610), as amended, otherwise known as the Act Providing for Stronger Deterrence and Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.

#### The Facts

On November 26, 2008, ZZZ was charged with three (3) counts of Rape under Article 266-A, Paragraph 1(a) of the RPC, in relation to RA 7610. The Informations filed before the RTC accused ZZZ as follows:

In Crim. Case No. 5635-09:

That on or about the 13<sup>th</sup> day of September 2007, in the Municipality of ██████████, Province of Cavite, Philippines, a place within the jurisdiction of this Honorable Court, accused, being the stepfather of one AAA, <sup>[6]</sup> a fifteen (15) year-old minor, having been born on October 14, 1991, by means of violence, and intimidation, and by taking advantage of his moral ascendancy being the stepfather of the said minor, with lewd designs and actuated by lust, did then and there willfully, unlawfully and feloniously have carnal knowledge of his said stepdaughter, against her will and consent, thus debasing, degrading and demeaning her intrinsic worth and dignity as a child, to her damage and prejudice.

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

In Crim. Case No. 5636-09:

That on or about the 6<sup>th</sup> day of November 2007, in the Municipality of ██████████, Province of Cavite, Philippines, a place within the jurisdiction of this Honorable Court, accused, being the stepfather of one

AAA, a sixteen (16) year-old minor, having been born on October 14, 1991, by means of violence, and intimidation, and by taking advantage of his moral ascendancy being the stepfather of the said minor, with lewd designs and actuated by lust, did then and there willfully, unlawfully and feloniously have carnal knowledge of his said stepdaughter, against her will and consent, thus debasing, degrading and demeaning her intrinsic worth and dignity as a child, to her damage and prejudice.

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

In Crim. Case No. 5637-09:

That on or about the year of 1999, in the Municipality of ██████████, Province of Cavite, Philippines, a place within the jurisdiction of this Honorable Court, accused, being the stepfather of one AAA, an eight (8) year-old minor, having been born on October 14, 1991, by means of violence, and intimidation, and by taking advantage of his moral ascendancy being the stepfather of the said minor, with lewd designs and actuated by lust, did then and there willfully, unlawfully and feloniously have carnal knowledge of his said stepdaughter, against her will and consent, thus debasing, degrading a demeaning her intrinsic worth and dignity as a child, to her damage and prejudice.

**CONTRARY TO LAW.**<sup>[9]</sup>

Upon the prodding of her mother, victim AAA filed an Affidavit of Desistance to withdraw the case against ZZZ.<sup>[10]</sup> Despite this, arraignment proceeded. ZZZ pleaded not guilty to the charges.<sup>[11]</sup> Trial ensued. The prosecution presented as its witnesses AAA and Dr. Merle P. Tan (Dr. Tan), who was the examining physician at the University of the Philippines-Philippine General Hospital, Child Protection Unit. ZZZ alone testified for his defense.

**Version of the Prosecution:**

AAA was born on October 14, 1991.<sup>[12]</sup> She identified ZZZ as her stepfather.<sup>[13]</sup> She and her mother began living with ZZZ when her mother separated from her biological father. While able to recall only three specific occasions, AAA testified that ZZZ started perpetrating the acts complained of when she was in grade 5 or since she was 10 years old.<sup>[14]</sup> It happened at least twice a week to as often as every night in their house and usually whenever her mother was not around. ZZZ would wake AAA up, tell her to keep quiet, remove her shorts and panty, and then insert his organ into her private part. ZZZ would force himself on AAA even if her stepsister, BBB, was sleeping with them, and it never occurred to AAA to wake BBB up during those times. ZZZ always threatened to kill her and her mother if she would disclose the incidents to anyone. She also narrated that accused appellant committed these sexual acts sometime before her birthday or on September 13, 2007.<sup>[15]</sup> She was 16 years old when she was last molested on November 6, 2007.<sup>[16]</sup> It was only after she disclosed incidents to her boyfriend (who in turn told AAA's mother) that she was able to leave their house, submit herself to a physical examination, and file the complaint against ZZZ.

Dr. Tan conducted her general physical and ano-genital examination.<sup>[17]</sup> Dr. Tan testified that while there was no evident injury on AAA's genitalia at the time of the examination on November 14, 2007, there was an indentation of her hymen suggesting a possibility that it was penetrated by a blunt object, possibly a sex organ.<sup>[18]</sup>

### **Version of the Defense:**

ZZZ denied the accusations against him. He averred that He was sleeping at the times he allegedly committed the sexual acts against AAA. He always slept beside his daughter, BBB, and while AAA slept on the same *banig* (mat) and in the same room, the latter stayed in a spot farther away from him. He was strict over AAA and was against her relationship with her boyfriend as he believed that the latter was already married to another person. The sexual acts imputed by AAA against him were all lies, since she and her boyfriend disliked his stem demeanor over their relationship.<sup>[19]</sup>

### **The RTC Ruling**

The RTC convicted ZZZ as charged. It found his defense of dental and alibi too weak as against the victim's positive identification and categorical testimony of Rape. The trial court also disbelieved ZZZ's unsubstantiated theory that the filing of the Rape charge was motivated by AAA's hate for him and his manner of discipline. The RTC decreed in its Decision<sup>[20]</sup> in the following manner:

WHEREFORE, premises considered, the Court hereby finds the accused guilty beyond reasonable doubt of the crime of rape, as defined and penalized under Article 266-A, par. 1(a) of the Revised Penal Code in relation to R.A. 7610 and hereby sentences the accused to suffer the penalty of *reclusion perpetua* for each criminal information in CRIM. CASE NO. 5635-09; CRIM. CASE NO. 5636-09 and CRIM. CASE NO. 5637-09, and to pay the victim moral damages in the amount of Php50,000.00, civil indemnity ex-delicto in the amount of Php25,000.00. Accordingly, the number of days he spent under detention shall be deducted from the aforesaid judgment.

Costs against the accused.

SO ORDERED.<sup>[21]</sup>

ZZZ appealed to the CA.<sup>[22]</sup>

### **The CA Ruling**

The CA did not doubt the victim's credibility and affirmed the RTC's judgment of conviction. It found ZZZ's bare denial as opposed to AAA's positive testimony without evidentiary value, and that ill motive ill not overturn an established charge of Rape. The appellate court, however, deleted the award of exemplary damages in the absence of an aggravating circumstance. In its assailed Decision,<sup>[23]</sup> the CA held in this wise:

**WHEREFORE**, the appeal is **DENIED**. The decision dated March 3, 2010 of the Regional Trial Court of [REDACTED], Cavite, Branch 90, finding [ZZZ] guilty beyond reasonable doubt of three (3) counts of rape as defined under Article 266-A, par. 1(a) of the Revised Penal Code in relation to Republic Act No. 7610 and sentencing him to suffer the penalty of *reclusion perpetua* in each case is **AFFIRMED WITH MODIFICATION**. The award of civil indemnity of P50,000.00 and moral damages of P50,000.00 is **affirmed**. The award of exemplary damages is **deleted**.

**SO ORDERED.**<sup>[24]</sup>

ZZZ thus appeals to this Court.<sup>[25]</sup>

### **Issue**

Whether or not ZZZ's guilt for the crimes charged was proven beyond reasonable doubt.

### **The Court's Ruling**

The appeal has no merit.

Article 266-A of the RPC, as amended, describes how the crime of Rape is committed:

Art. 266-A. *Rape, When and How Committed*. - **Rape is committed** -

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

**a) Through force, threat or intimidation;**

b) When the offended party is deprived of reason or is otherwise unconscious;

c) By means of fraudulent machination or grave abuse of authority;

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[.] (Emphasis supplied.)

There is no reason for the Court to doubt that ZZZ had repeatedly obtained carnal knowledge of the victim, a minor, by means of coercion, threats, and intimidation. To quell all misgivings, if any, in AAA's testimony, the same is reproduced in exhaustive part:

ASST. PROS. JARLOS:

x x x You are the private complainant in this case?

A: Opo.

Q: You know [ZZZ]?

A: Opo.

Q: Why do you know him?

A: Stepfather ko po, Sir.

x x x x

Q: Is he inside the Courtroom?

A: Opo.

Q: Please point to him?

A: (Witness is pointing to a man wearing a yellow T-shirt who when asked answered the name of [ZZZ].)

Q: And what year were you born, Madam Witness?

A: September 13, 1991, Sir.

Q: Hindi ba October 14, 1991?

A: Yon pong birthday September 13, 1991, Sir, pero ang nakalagay dyan October 14, 1991.

ASST. PROS. JARLOS:

May we [ask] for a correction, your Honor. Bali September 13, 1991, your Honor.

COURT: What is the date on the Certificate of Live Birth?

ASST. PROS. JARLOS:

October 14, 1991, your Honor. So, your Honor, this is correct.

x x x x

COURT: Proceed, Fiscal.

ASST. PROS. JARLOS:

So, how old are you now Madam Witness?

A: Seventeen (17) po.

x x x x

Q: And you said that the accused in this case is your stepfather, how come?

A: Asawa po ng mama ko, Sir.

Q: Pagkatapos maghiwalay ng mama mo at [ng] papa mo, siya na ang asawa ngayon ng mama mo?

A: Opo.

x x x x

Q: So, you are living with them together?

A: Opo.

x x x x