

SECOND DIVISION

[G.R. No. 222492, June 03, 2019]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V.
[REDACTED], ACCUSED-APPELLANT.**

DECISION

LAZARO-JAVIER, J.:

The Case

This appeal^[1] seeks to reverse and set aside the Decision^[2] dated December 23, 2014 of the Court of Appeals in CA G.R. CR-HC No. 06517 which affirmed the trial court's verdict of conviction^[3] against appellant XXX for rape. Its dispositive portion reads:

WHEREFORE, premises considered, the appeal is DENIED for lack of merit. The assailed December 3, 2013 Decision of the Regional Trial Court of Quezon City, Branch 107, in Criminal Case No. Q-09-160296 is however MODIFIED. Finding appellant XXX GUILTY of one count of QUALIFIED RAPE, he is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole and to pay private complainant the amount of P75,000.00 as civil indemnity, P75,000.00 as moral damages and P25,000.00 as exemplary damages.

Costs against the accused.

SO ORDERED.^[4]

The Information

Appellant XXX was charged with rape, as follows:

The undersigned upon prior sworn complaint of AAA^[*] assisted by her mother BBB accuses XXX of the crime of Rape, committed as follows:

That on or about the 19th day of August, 2009 in Quezon City, Philippines, the above-named accused, by means of force, and intimidation, did, then and there willfully, unlawfully, and feloniously have carnal knowledge with his daughter AAA, a minor, 13 years of age, by then and there inserting his organ on complainant's private part, all against her will and without her consent.

CONTRARY TO LAW.^[5]

The case was raffled to the Regional Trial Court of Quezon City, Branch 107 and docketed as Criminal Case No. Q-09-160296.

Arraignment and Plea

On arraignment, appellant pleaded "not guilty."^[6]

During the trial, complainant AAA, her mother BBB, and barangay tanod Ruel Beaquin testified for the prosecution. On the other hand, appellant XXX testified as lone witness for the defense.

The Prosecution's Version

Complainant AAA is the daughter of appellant XXX and BBB. She was born on December 20, 1995.^[7]

In the afternoon of August 23, 2009, complainant and her mother, together with barangay tanods Roel Beaquin and Romeo Paza^[8] and an unidentified woman^[9] went to Police Station 9, Project 2, Quezon City to charge appellant with rape. Complainant executed an affidavit^[10] narrating in detail how her own father sexually ravished her.

On the witness stand, complainant signified her desire to seek justice for what her father did to her. She testified that the first rape incident happened in March 2007 or days before her graduation from elementary. Appellant raped her in their house at Tagkawayan, Quezon.^[11] In 2008, he again raped her in their house in Cruz na Ligas, Quezon City.^[12] The third rape incident happened on August 19, 2009, around 4:30 in the morning, also inside their house.^[13] This incident is now the subject of the present case.

Appellant's family lived in the squatters area where houses were separated only by light thin walls.^[14] The house where appellant's family lived measured 5x6 square meters. It was a one room affair. It served as sala, kitchen and bedroom all at the same time. The family slept in the sala. Appellant usually slept near the door; complainant, about two meters from the door; and her mother and youngest sibling, in the middle. Her older brother was not staying with them.^[15]

At the time of the incident, complainant, her brother CCC, and appellant were sleeping in the sala. Her mother and her nine-year old sibling had already left around 3:30 in the morning.^[16]

After their mother had left, complainant tried to wake her brother CCC to ask him to turn off the light. When CCC did not respond, she stood up and turned off the light herself. As she walked back to her sleeping area, appellant blocked her way with his foot. He held her hand and directed her to lie down on his "higaan." She obeyed. She did not shout, nor stomp her feet, or knock to catch CCC's attention.^[17]

Appellant removed her t-shirt, shorts, and underwear. She pleaded with him to stop, but he ignored her. He took off his brief, put himself on top of her, and inserted his "ari" in her "ari." She felt intense pain. She did not see him actually insert his penis in her vagina. She tried to push herself up to evade his penetration, but it was in vain. When it was over, he instructed her to cook rice.^[18]

The following day, she left the house to avoid appellant. She went to the workplace of her friend Carmina Morales. She confided to the latter what happened to her and

told Carmina she could send appellant to jail for what he did.^[19]

Later that day, appellant went to Carmina's place looking for complainant. When Carmina told him complainant was not there, he did not believe her and tried to box her. As a result, both Carmina and appellant went to the barangay office to file their respective complaints against each other while the victim stayed hiding in Carmina's place.^[20]

After Carmina had filed the complaint, she went back to her place and accompanied complainant to the barangay office. The barangay officials summoned complainant's mother. In front of complainant's mother, the barangay officials asked complainant why she left the house. Complainant replied her father was raping her. When complainant's mother heard this, she cried. The barangay officials immediately proceeded to appellant's workplace and arrested him. They took him to Police Station 9 where he got detained pending investigation. Meantime, complainant underwent physical and medical examination at Camp Crame.^[21] Based on the medical examination, attending Doctor PC/Insp. Dean Cabrera did on complainant, the latter sustained deep healed lacerations at 3 and 9 o'clock positions, showing blunt penetrating trauma.^[22]

The prosecution offered in evidence complainant's birth certificate^[23] (Exhibit "A"); complaint affidavit^[24] (Exhibit "B"); Initial Medico-Legal Report under Case No. R09-1610 dated August 23, 2005^[25] (Exhibit "C"); sworn statement of BPSO Ruel Beaquin, BPSO Romeo Raz and Cherry Anne Madarang^[26] (Exhibit "D"); PNP Crime Laboratory Medico-Legal Report dated August 24, 2009^[27] (Exhibit "E"); request for genital medical examination^[28] (Exhibit "F"); PNP Sexual Crime Protocol^[29] (Exhibit "G"); and manifestation of consent to medico-legal examination^[30] (Exhibit "H").

The Defense's Version

Appellant denied the charge. According to him, he could not bear to harm his own daughter. At the time the alleged rape happened on August 19, 2009, he was in his workplace at Mega World. He only went home around 7 o'clock in the morning. Each time he would go home from work, he would usually be very sleepy and could no longer eat his meal.^[31]

The defense did not present any documentary evidence.

The Trial Court's Ruling

By Decision^[32] dated December 3, 2013, the trial court rendered a verdict of conviction, viz:

WHEREFORE, the Court finds the accused guilty beyond reasonable doubt as charge(d) in the aforequoted Information, he is hereby sentenced to suffer the penalty of reclusion perpetua. Accused is further directed to pay the amount of P75,000.00 as civil indemnity, P75,000.00 as moral damages and P25,000.00 as exemplary damages. Costs against the accused.

The Jail Warden of Quezon City Jail is directed to commit the accused at the National Bilibid Prison, Muntinlupa City for the service of his

sentence. The period of detention undergone by the accused is credited in full in the service of his sentence.

SO ORDERED.^[33]

The Proceedings before the Court of Appeals

On appeal, appellant faulted the trial court for finding him guilty of rape despite the victim's alleged incredulous testimony and the prosecution's purported failure to establish the element of carnal knowledge. Appellant essentially argued: (1) Complainant's testimony was hardly straightforward, much less, categorical, thus, casting doubt on the presence of the element of penile penetration; and, complainant's attitude and actions after the alleged rape were inconsistent with the usual actions of a real rape victim, hence, cannot serve to validate complainant's otherwise unreliable testimony.

On the other hand, the Office of the Solicitor General (OSG), through Assistant Solicitor General Marissa Macaraig-Guillen and State Solicitor Jillian Marie B. Co maintained that the prosecution was able to prove with moral certainty that appellant had carnal knowledge of complainant against her will. Her consistent and positive identification of appellant as the man who raped her prevails over appellant's self-serving denial and alibi.

The Court of Appeals' Ruling

In its assailed Decision^[34] dated December 23, 2014, the Court of Appeals affirmed, with modification. It found appellant guilty of qualified rape in view of the presence of the qualifying circumstances of minority and relationship. It affirmed the penalty of *reclusion perpetua* but imposed the proviso "without eligibility for parole."

The Present Appeal

Appellant now seeks affirmative relief from the Court and prays anew for his acquittal. In compliance with Resolution^[35] dated March 9, 2016, appellant and the People both manifested^[36] that, in lieu of supplemental briefs, they were adopting their respective briefs filed before the Court of Appeals.

Issue

Did the Court of Appeals err in convicting appellant of qualified rape?

Ruling

Rape is defined and penalized under article 266-A, paragraph 1 of the Revised Penal Code (RPC), as amended by Republic Act (RA) No. 8353, viz:

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 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. (Emphasis supplied)

Rape requires the following elements: (1) the offender had carnal knowledge of a woman; and (2) the offender accomplished such act through force or intimidation, or when the victim was deprived of reason or otherwise unconscious, or when she was under twelve years of age or was demented.

Here, the prosecution had established beyond moral certainty the element of carnal knowledge. Complainant positively identified appellant, her own flesh and blood, as the man who had carnal knowledge of her against her will. She vividly described how he did it, viz:

ACP PAGDILAO: (To the witness)

x x x x

Q. Who raped you?

A- XXX, ma'am.

Q. Your father?

A- Yes, ma'am.

Q. How old are you, AAA?

A- 14 years old, ma'am.

Q. What is your birthdate?

A- December 20, 1995 ma'am.

x x x x

Q. And the last, where (did it) happen?

A- In our house in Village C, ma'am.

Q. Where is that Village C?

A- In our present residence ma'am.

Q. Do you recall when exactly did that happen?

A- August 19, 2009 ma'am.

Q. What time did it happen, AAA?

A- 4:30 in the morning, ma'am.

Q. And where were you at that time?

A- In our house, ma'am.