

## THIRD DIVISION

[ G.R. No. 228248, August 09, 2017 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMEO DE GUZMAN Y DE CASTRO, ACCUSED-APPELLANT.**

### R E S O L U T I O N

**REYES, J.:**

This is an appeal from the Decision<sup>[1]</sup> of the Court of Appeals (CA) dated September 24, 2015 in CA-G.R. CR-HC No. 06284, which affirmed with modifications the Decision<sup>[2]</sup> dated June 17, 2013 of the Regional Trial Court (RTC) of Las Piñas City, Branch 199, in Criminal Case Nos. 11-0539 and 11-0541 finding accused-appellant Romeo De Guzman y De Castro (De Guzman) guilty of two counts of Qualified Rape under Article 266-A, in relation to Article 266-B, of the Revised Penal Code (RPC).<sup>[3]</sup>

Two sets of Information were filed against De Guzman in which he pleaded not guilty to both charges.

Criminal Case No. 11-0539

"That sometime in year 2003, in the City of Las Piñas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, did then and there willfully, unlawfully and feloniously had carnal knowledge with AAA, an eight (8) year old minor, without her consent, by means of force, threat and intimidation, and by taking advantage of his moral ascendancy over her, he being her step-parent, thereby subjecting her to sexual abuse; the act complained of is prejudicial to the physical, psychological and moral development of the said minor, and which degrades or demeans her intrinsic worth and dignity as human being.

CONTRARY TO LAW." <sup>[4]</sup>

Criminal Case No. 11-0541

"That sometime between years 2006 to 2010, in the City of Las Piñas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, did then and there willfully, unlawfully and feloniously had carnal knowledge with AAA, a minor child between eleven (11) to fifteen (15) years old, without her consent, by means of force, threat and intimidation, and by taking advantage of his moral ascendancy over her, he being her step-parent, thereby subjecting her to sexual abuse; the act complained of is prejudicial to the physical,

psychological and moral development of the said minor, and which degrades or demeans her intrinsic worth and dignity as human being.

CONTRARY TO LAW." [5]

The victim, AAA, [6] in her testimony, narrated that she was first sexually assaulted by her stepfather, De Guzman, when she was only 8 years old. It happened sometime in 2003 when De Guzman led AAA to the extension part of their house in Las Piñas City, then laid her on the floor and removed her clothes. Thereafter, he inserted his penis inside her vagina and successfully had carnal knowledge of her. After raping AAA, De Guzman warned her to keep her silence and not to tell anyone. Fearful of the safety of her mother BBB and her younger siblings, AAA maintained her silence until she confided her sexual abuse to her aunt CCC. The sexual abuses of AAA from the hands of De Guzman continued between the years of 2006 and 2010. [7]

AAA's narration was corroborated in open court by her aunt, CCC, who affirmed the confession of AAA to her about the sexual abuses of De Guzman. [8] Furthermore, Dr. Editha Martinez of Philippine National Police Crime Laboratory in Camp Crame, Quezon City, confirmed in her Medico-Legal Report that, upon physical and genital examination of AAA, there were indeed lacerations on the hymen of AAA, which could have been caused by any blunt, hard object like a finger or erect penis. [9]

On his part, De Guzman denied raping AAA and interposed the defenses of denial and alibi. He alleged that he was in Pangasinan when the purported rape in 2003 happened, thus, it would be impossible for him to commit the said crime. He likewise denied the alleged instances of rape from 2006 to 2010 as he was never left alone with AAA in their house. At the end of his testimony, he imputed bad behavior and ill motive on the part of AAA. [10]

The defense of De Guzman was supported by BBB in her testimony. She testified that she is the mother of AAA but believed that the accusation of rape against her husband was false. She also affirmed the imputation of bad behavior against AAA by De Guzman. [11]

After trial, the RTC of Las Piñas City found that the prosecution was able to prove the guilt of De Guzman beyond reasonable doubt. It found credibility on AAA's clear and categorical declaration that she was raped by De Guzman sometime in the year 2003 and between 2006 and 2010 worthy of belief. The vivid recollection of AAA, in the absence of strong motive on her part, found merit to prove culpability. Thus, on June 17, 2013, the trial court rendered a guilty verdict on the two counts of Qualified Rape as charged. The dispositive portion of the decision reads:

WHEREFORE, this court finds the accused **ROMEO DE CASTRO DE GUZMAN, GUILTY** beyond reasonable doubt of two (2) counts of Qualified Rape defined and penalized under Article 266-A par. 1 in relation to Article 266-B, par. 1 RPC as amended in relation to RA 7610 and hereby imposes the penalty of RECLUSION PERPETUA to EACH of the

criminal information (Criminal Case No. 11-0539 and 11-0541) with the accessory penalty provided for by law.

While the offender is the stepfather of [AAA], the statutory penalty of Death is reduced to Reclusion Perpetua because the supreme penalty of death can no longer be imposed as the imposition of the same is now prohibited by law.

In line with the recent jurisprudence, [De Guzman] is directed to indemnify the victim AAA the amount of FIFTY THOUSAND PESOS (Php 50,000.00) as exemplary damages to EACH of the aforesaid cases. It is assumed that the victim of rape has suffered moral injuries entitling her to an award therefore.

With cost *de oficio*.

Let a copy of this Decision be furnished the parties.

SO ORDERED.<sup>[12]</sup>

Upon appeal, the CA, in its Decision<sup>[13]</sup> dated September 24, 2015, affirmed with modifications the ruling of the trial court, the dispositive portion of which reads:

**WHEREFORE**, the appeal is DENIED. The Decision dated 17 June 2013 of the [RTC] of Las Piñas City in Criminal Cases Nos. 11-0539 and 11-0541 finding the accused-appellant **ROMEO DE GUZMAN y De Castro GUILTY** beyond reasonable doubt of two (2) counts of Qualified Rape as defined and penalized under Article 266-A, in relation to Article 266-B, of the [RPC] is hereby **AFFIRMED** sentencing accused-appellant to suffer the penalty of *reclusion perpetua*, without eligibility of parole, with **MODIFICATION** ordering him to pay AAA the amounts of (a) Php100,000.000 as civil indemnity; (b) Php100,000.00 as moral damages; and (c) Php100,000.00 as exemplary damages, all with interest at the legal rate of six percent (6%) per annum on all monetary awards from the date of the finality of this Decision until fully paid.

**SO ORDERED.**<sup>[14]</sup>

### **Ruling of the Court**

After a thorough review of the records of the case, the Court dismisses the appeal for lack of merit.

Under Article 266-A(1) of the RPC, rape is committed through the following acts: