

## FIRST DIVISION

[ G.R. No. 209040, December 09, 2015 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
RODOLFO PATEÑO Y DAYAPDAPAN, ACCUSED-APPELLANT.**

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

**PEREZ, J.:**

The subject of this review is the Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 0G788 dated 23 May 2013 which affirmed the Decision<sup>[2]</sup> of the Regional Trial Court (RTC) of Bais City, Branch 45, in Criminal Case Nos. F-03-12-A, F-03-13-A, F-03-14-A, F-03-15-A, and F-03-16-A finding accused-appellant Rodolfo Pateño y Dayapdapan guilty beyond reasonable doubt of five (5) counts of rape.

Except for the dates, the five (5) Informations identically charge accused-appellant of rape committed as follow:

That on or about March 25, 2002 at about 10:00 o'clock in the evening at x x x, Negros Oriental, Philippines, and within the jurisdiction of this Honorable Court, the said accused, who is the father of 14-year old [AAA],<sup>[3]</sup> did then and there willfully, unlawfully and feloniously by force, threat or intimidation, insert his penis into the vagina of his said daughter and had carnal knowledge of her against her will and consent.  
<sup>[4]</sup>

On arraignment, accused-appellant pleaded not guilty. During pre-trial, both parties made the following factual stipulations:

1. That the accused admits his identity in the five (5) cases that whenever his name is mentioned in the proceedings he is the same accused in this case;
2. That accused admits that he is the father of the victim [AAA];
3. That accused admits that he is living at [x x x],<sup>[5]</sup> Negros Oriental; and
4. That private complainant admits that she was a contestant in a beauty pageant involving money contribution wherein the winner is determined with the amount of money raised on occasion of the *barangay* fiesta of [x x x] on 5 April 2002.<sup>[6]</sup>

AAA related that she was only four years old when her parents left her to the care of her aunt, BBB. AAA started living with accused-appellant only in 2000 in a two-bedroom house. On 25 March 2002 at around 10:00 p.m., AAA, then 14 years old,

was awakened by accused-appellant who removed her short pants and underwear. Accused-appellant likewise took off his clothes. He threatened AAA with a scythe and ordered her to stay quiet. He then mounted her and made pumping motions. After satisfying his lust, accused-appellant left without saying a word. He proceeded to perform this bestial act on AAA for the four (4) succeeding nights.<sup>[7]</sup>

When AAA could no longer bear it, she left the house and stayed in the house of her teacher from 30 March to 1 April 2002 where she intimated to the latter her harrowing experience in the hands of accused-appellant.<sup>[8]</sup>

On 5 April 2002, AAA underwent a medical examination, the findings and results of which are as follow:

- Contusion upper border iliac region, right
- Pelvic exam:
  - With old hymenal tear at 3 & 9 o'clock positions
  - Negative for discharges
  - Admits 2 fingers with ease<sup>[9]</sup>

A pastor of the United Church of Christ of the Philippines (UCCP) testified on the contents of the Membership Record Book which show that AAA was born on 10 September 1987 and was baptized on 5 June 1988. Said document also listed accused-appellant as AAA's father.

Accused-appellant confirmed that AAA started staying with him in March 2002 but added that there were five of them living in the house of his nephew, Rene Pateño (Rene). He denied raping AAA and claimed that AAA is taking revenge because during a beauty contest in April of that year, he pinched AAA in front of her fellow contestants and *barangay* councilors.<sup>[10]</sup> Accused-appellant's nephew, Rene testified that accused-appellant lived with him but AAA was living with his sister.<sup>[11]</sup> Rene's sister Arly corroborated Rene's statement that AAA was living with her on the dates of the alleged rape incidents.<sup>[12]</sup> Both witnesses speculated that AAA wrongfully accused her father of rape because she harbored a grudge towards accused-appellant who would always scold her.<sup>[13]</sup>

On 27 April 2007, accused-appellant was found guilty beyond reasonable doubt of five (5) counts of rape. The dispositive portion of the Decision reads:

**WHEREFORE**, premises considered, this [c]ourt finds accused **RODOLFO PATEÑO y DAYAPDAPAN, guilty beyond reasonable doubt for the crime of rape for five (5) counts** as provided under the provisions of Article 266-A of the Revised Penal Code, and pursuant to the provisions of par. (1) of Article 266-B, he may be meted the extreme penalty of death. But, with the passage of Republic Act No. 8353, he is thereby meted the penalty of **FIVE (5) RECLUSION PERPETUAS**, and with all the accessory penalties.

He is thereby ordered to pay the victim, [AAA], the amount of FIFTY THOUSAND (P50,000.00) PESOS for actual damages and another FIFTY THOUSAND (P50,000.00) PESOS for moral damages, and to pay costs.

[14]

On 23 May 2013, the CA rendered the assailed judgment affirming with modification the trial court's decision, the dispositive portion of which reads:

**WHEREFORE**, premises considered, the Appeal is **DENIED**. The *Joint Decision* dated April 27, 2007 of the Regional Trial Court RTC), Branch 45, Bais City in Criminal Case Nos. F-03-12-A, F-03-13-A, F-03-14-A, F-03-15-A, [and] F-03-16-A convicting Rodolfo Pateño y Dayapdapan of five (5) counts of rape and meting him the penalty of imprisonment of *reclusion perpetua* for each count, is hereby **AFFIRMED** with the **MODIFICATIONS** as to damages.

Accused-appellant Rodolfo Pateño y Dayapdapan is ordered to pay the victim AAA Seventy Five Thousand Pesos (P75,000.00) as civil indemnity, Seventy Five Thousand Pesos (P75,000.00) as moral damages and Thirty Thousand Pesos (P30,000.00) as exemplary damages, for each count of rape, all with interest at the rate of 6% per annum from the date of finality of this judgment. No costs.[15]

Accused-appellant filed the instant appeal. In a Resolution<sup>[16]</sup> dated 18 November 2013, accused-appellant and the Office of the Solicitor General (OSG) were required to file their respective supplemental briefs if they so desired. Both parties manifested that they were adopting their respective briefs filed before the appellate court.<sup>[17]</sup>

In his Brief,<sup>[18]</sup> accused-appellant argues that AAA's testimony regarding the time and manner of the purported five (5) rape incidents is incredulous. Accused-appellant insists that AAA did not feel any fatherly love towards him and she had the motive to falsely accuse him of rape. Accused-appellant claimed that AAA had been reprimanded numerous times by him because of her unacceptable behavior. Finally, accused-appellant contends that the prosecution failed to prove AAA's age at the time of the commission of the alleged crime.

The appeal is without merit.

Accused-appellant insists that AAA's claim of sequent rape identically done is highly improbable and contrary to human experience.

In *People v. Solomon*,<sup>[19]</sup> we held that the victim's uniform testimony regarding the manner by which she was raped does not diminish her credibility. We explained, thus:

Men are creatures of habit and are bound to adopt a course of action that has proven to be successful. As appellant was able to fulfill his lustful designs upon complainant the first time, it comes as no surprise that he would repeat the horrific acts when the circumstances obtaining in the first rape again presented themselves.<sup>[20]</sup>