

EN BANC

[G.R. No. 175831, April 12, 2011]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. FLORANTE RELANES ALIAS "DANTE," APPELLANT.

D E C I S I O N

DEL CASTILLO, J.:

Oftentimes in criminal cases, the issue presented for resolution is mostly confined to a question of credibility, a weighing of the prosecution's evidence against that of the defense. "In rape cases, if the testimony of the victim passes the test of credibility, the accused may be convicted solely on that basis"^[1] for "[r]ape is generally unwitnessed and oftentimes, the victim is left to testify for herself."^[2] From our thorough review of the instant case, we find that the trial court, as well as the appellate court, committed no reversible error in extending superior credit to the prosecution's evidence particularly the victim's testimony.

This is an automatic review of the Decision^[3] of the Court of Appeals (CA) dated March 17, 2006 in CA-G.R. CR No. 00675 affirming with modification the Joint Decision^[4] dated October 29, 2004 of the Regional Trial Court (RTC), Fifth Judicial Region, Branch 51, Sorsogon City, in Criminal Case Nos. 2003-5882 and 2003-5883, finding herein appellant Florante Relanes guilty beyond reasonable doubt of the crime of rape, in both cases, committed against his own daughter "AAA"^[5] and imposing on him the supreme penalty of death for each act of rape.

Appellant was charged in two separate Informations both dated March 14, 2003 with the crime of rape committed against "AAA," his own daughter, during the first week of August 2002 and on January 9, 2003. The Informations upon which appellant stood indicted read as follows:

CRIMINAL CASE NO. 2003-5882

That sometime in the first week of August 2002 at Barangay "CCC," Municipality of "DDD," Province of "EEE," Philippines, and within the jurisdiction of this Honorable Court, the above-named accused with lewd designs, armed with a bolo and by means of force, threat and intimidation, did, then and there, willfully, unlawfully and felonious[ly], have sexual intercourse with "AAA," his 13-year old daughter, thereby impregnating her, against her will, to her damage and prejudice.

CONTRARY TO LAW.^[6]

That on or about the 9th day of January, 2003, at Barangay "CCC," Municipality of "DDD," Province of "EEE," Philippines, and within the jurisdiction of this Honorable Court, the above-named accused with lewd designs, armed with a bolo and by means of force, threat and intimidation, did, then and there, willfully, unlawfully and felonious[ly], have sexual intercourse with "AAA," his 14-year old daughter, thereby impregnating her, against her will, to her damage and prejudice.

CONTRARY TO LAW.^[7]

Upon arraignment, appellant, assisted by his counsel, pleaded not guilty to both charges. The two criminal actions were jointly tried. In the course of the trial, the prosecution presented private complainant "AAA," Dr. Ronald Lim, and "BBB," complainant's mother. For its part, the defense presented the sole testimony of the appellant.

Evidence for the Prosecution

The pertinent facts are faithfully stated in the Decision of the appellate court, viz:

"AAA," the private complainant herein, testified that she was only eight (8) years old when her father, accused Florante started to rape her and continued sexually abusing her until January 9, 2003; that as a result of such abuse, she got pregnant and that despite knowledge of her pregnancy, the accused continued to have sexual intercourse with her. The witness further narrated that the sexual abuse began after her whole family, including her two sisters transferred from Manila to "CCC," "DDD," "EEE" and that the very first time she was sexually abused by her father was on the occasion when her mother was away vending vegetables. This sexual encounter was followed by countless instances, whenever her mother was not at home and vending vegetables, where she was sexually abused by her father at bolo-point and threats were made against her life and that of her family, as well, in order to prevent her from telling anyone about the incidents. As recounted by "AAA," such sexual abuse happened once a week, usually on a Thursday at around 7:00 o'clock in the evening when her mother was away spending the night with her aunt in "FFF," "EEE" which was nearer to the market. Such sexual abuses were done by her father at their house and usually in the room of her parents and also, sometimes in the room where she and her siblings sleep. In describing how her father sexually abused her, "AAA" stated that her father would mount x x x her and insert his penis into her vagina and do a push and pull movement and in three occasions, her father even turned her backwards against him.

x x x x

Despite her pregnancy, her father continued to have sexual intercourse with her until January 9, 2003 when her father left for Manila on January

11, 2003. On January 24, 2003, while her father was still in Manila, "AAA" finally had the courage to tell her mother about her sexual ordeals in the hands of her father. They went to the authorities to have [her] father arrested and there she executed a sworn statement about the rape incidents and likewise submitted herself to medical examination.

In this connection, Dr. Ronald Lim, the physician who examined "AAA" and who is the Municipal Health Officer of "DDD," "EEE" testified that on January 27, 2003, he conducted a physical examination of "AAA's" reproductive organ and found healed lacerations on the victim's genitalia indicating that a man had sexual intercourse with her. From the said examination, he also discovered that the victim was pregnant.

In the meantime, "BBB," the mother of private complainant, testified that she and accused Florante are the parents of "AAA." She related that on October 22, 1987, she and accused Florante were married and that on July 5, 1988, "AAA" was born from their union. She recalled that on January 24, 2003, "AAA" informed her that she had a problem and then proceeded to tell her that she was pregnant. When she asked who the father was, "AAA" replied that it was her own father, "BBB's" own husband who made her pregnant. The two of them then went to the police station to report the incident and to have Florante arrested and at the same time, have "AAA" medically examined. The witness stated that the result of the medical examination confirmed that "AAA" was indeed pregnant.

x x x x^[8]

Evidence for the Appellant

During the trial, appellant initially denied that he raped "AAA" in August 2002. But during the presentation of the defense evidence, he admitted having sexual intercourse with "AAA" during that time. Appellant, however, stood pat in denying the accusation against him in Criminal Case No. 2003-5883, asserting in the main that he had already left for Manila prior to the alleged rape on January 9, 2003.

Ruling of the Regional Trial Court

The trial court found the testimony of "AAA" in relating her horrible misfortune at the hands of her own father to be consistent and steadfast. It discredited appellant's defense of alibi holding that it cannot prevail over the positive testimony of "AAA." The dispositive portion of its Joint Decision reads:

WHEREFORE, finding the accused FLORANTE RELANES guilty of the crime of Rape beyond reasonable doubt in both Criminal Case Nos. 2003-5882 [and] 5883, the Court hereby sentences him to suffer the penalty of double death and to pay the victim ["AAA"] the civil indemnity in the amount of Php50,000.00, Php75,000.00 [as] moral damages and Php25,000.00 as exemplary damages in each case.

SO ORDERED.^[9]

Ruling of the Court of Appeals

In a Decision dated March 17, 2006, the CA affirmed with modification the trial court's Joint Decision convicting appellant. Like the trial court, the CA also found the testimony of "AAA" clear, positive and consistent with the circumstances surrounding the rape incidents disposing as follows:

WHEREFORE, premises considered, the Joint Decision dated October 29, 2004 of the Regional Trial Court, Branch 51 of Sorsogon City, in Criminal Case Nos. 2003-5882 and 2003-5883 finding accused-appellant Florante Relanes alias "Dante" GUILTY beyond reasonable doubt of the crime of qualified rape and imposing upon him the death penalty in both cases is AFFIRMED with MODIFICATION in that, accused-appellant is hereby ordered to pay "AAA" the following amounts, in each case: P75,000.00 as civil indemnity; P50,000.00 as moral damages and P25,000.00 as exemplary damages.

SO ORDERED.^[10]

From the CA, the case was elevated to this Court for automatic review. In its Resolution^[11] dated January 30, 2007, this Court required the parties to submit Supplemental Briefs within 30 days from notice thereof if they so desire.

In a Manifestation^[12] filed on March 14, 2007, appellant manifested that he is no longer filing a Supplemental Brief but adopts his arguments in the Appellant's Brief^[13] submitted before the CA. Appellee, for its part, manifested^[14] that it is dispensing with the filing of a Supplemental Brief as the facts, issues and pertinent arguments have already been discussed in its Appellee's Brief^[15] dated September 20, 2005. Hence, this case was submitted for deliberation on the basis of Appellant's Brief and Appellee's Brief filed with the CA.

Issues

In the Brief he filed with the CA, appellant raised the following assignment of errors:

- I. The trial court gravely erred in giving full weight and credence to the incredible testimony of the private complainant.
- II. The trial court gravely erred in convicting the accused-appellant of the crime charged despite the failure of [the] prosecution to prove his guilt beyond reasonable doubt.^[16]

Our Ruling

We sustain the assailed Decision of the CA.

At the core of almost all rape cases, the credibility of the victim's testimony

is crucial in view of the intrinsic nature of the crime where only the participants therein can testify to its occurrence. In this regard, a restatement of a consistent ruling is in order. The rule is that "the findings of fact of trial court, its calibration of the testimonies of the witnesses and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings, are accorded high respect if not conclusive effect."^[17] This is especially true if such findings have been affirmed by the appellate court, thereby making such findings generally binding upon this Court.

We have thoroughly reviewed the records and found that indeed the prosecution has sufficiently and convincingly proved that appellant had carnal knowledge of "AAA" through force and intimidation sometime in August 2002 and on January 9, 2003. Records bear out the convincing manner in which "AAA" testified and did so with candor and consistency in recounting the material points of the criminal incidents. She vividly recounted the sexual ordeal that she suffered sometime in August 2002 at the hands of her father, thus:

xxxx

Q. Why did you file a complaint against your father?

A. I want him to pay [for] what he did to me.
The victim is crying, Your Honor.

Q. Tell us, what did your father do to you?

A. He raped me.

Q. Where did that happen?

A. In our house.

Q. Where is that house?

A. In "CCC."

Q. When did it happen?

A. The last time was on January 9, ma'am

Q. What year?

A. 2003.

Q. You said that the last time your father raped you was on January 9, 2003, it means that there were other times, am I right?

A. Yes, ma'am.

Q. When was the first time that he raped you?

A. When I was in grade 2, ma'am.

Q. How old were you then?

A. I was 8 years old.

Q. And were you still living in "CCC" then?

A. Yes, ma'am.

Q. What about your mother, where was she when you were first raped by your father?

A. She was out of the house vending.

Q. What?

A. Selling vegetables.

Q. You were first raped when you were in grade 2, when else [was that] done to you?