

FIRST DIVISION

[G.R. No. 176634, April 05, 2010]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMEO MIRANDA Y MICHAEL, ACCUSED-APPELLANT.

D E C I S I O N

LEONARDO-DE CASTRO, J.:

Accused-appellant Romeo Miranda y Michael (Miranda) is before Us on automatic review of the Decision^[1] dated October 31, 2006 of the Court of Appeals in CA-G.R. CR-HC No. 01953, which affirmed the Decision^[2] dated February 13, 2004 of the Regional Trial Court (RTC) of Pasig City, Branch 261, in Criminal Case No. 118507-H, insofar as the trial court found Miranda guilty beyond reasonable doubt of the crime of **Rape** against his own daughter AAA^[3] and awarded to AAA civil indemnity and exemplary damages in the amounts of P75,000.00 and P25,000.00, respectively. However, the Court of Appeals modified the same RTC judgment by reducing Miranda's sentence from the extreme penalty of death to *reclusion perpetua* and increasing the award of moral damages from P50,000.00 to P75,000.00.

The Information charging Miranda of the crime of Rape pertinently read:

On or about June 24, 2000 in Pateros, Metro Manila, and within the jurisdiction of this Honorable Court, the accused, with lewd designs and by means of force and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with his daughter AAA, a minor, seventeen (17) years of age, against her will and consent.^[4]

Miranda pleaded "Not Guilty" when arraigned.^[5] Prior to the commencement of trial, the prosecution and Miranda agreed upon the following stipulation of facts:

- a) Fact of identity of the accused;
- b) The case is within the jurisdiction of this court;
- c) The date of the commission of the crime;
- d) Fact of the minority of the offended party;
- e) The relationship of the accused and the complainant as father and daughter; [and]
- f) Existence of the medico-legal report.^[6]

The prosecution called to the witness stand AAA, the victim; Police Senior Inspector (P/Sr. Insp.) Ruby Grace Sabino, the medico-legal officer who conducted the physical examination on AAA; and Senior Police Officer 4 Ramon Tagle, one of the

arresting officers. The RTC summarized their testimonies as follows:

P/Insp. Ruby Grace Sabino, x x x testified that upon a letter-request from the Pateros Police Station, she conducted a physical examination of AAA on June 25, 2000, the findings of which she reduced into writing in Medico Legal Report No. M-2000-00, to wit:

Findings:

Hymen: elastic, fleshy type with deep fresh laceration at 6 o'clock position.

Conclusion:

Physical findings of the genitalia is definitive evidence of penetration. There is no external signs of application of any form of physical trauma.

She declared that the laceration was fresh because at the time of the examination, there was blood; that something has penetrated the vagina or the hymen, and, that there was seminal fluid on the vagina.

She prepared a document entitled Sexual Crime dated June 25, 2000, Manifestation of Consent in Case No. M-2000 dated June 25, 2000, which was signed by AAA and her mother and Initial Medico Legal Report in case No. M-2000-00 dated June 25, 2000.

Through the testimony of the offended party, AAA, it was established that she was born on May 27, 1983, as evidenced by her Birth Certificate, marked as Exh. "C", hence, she was 17 years old at the time of the commission of the instant charge. She declared that her father and mother have been separated for 14 years and are not in speaking terms with each other. She has been staying with her mother at x x x while her father, a jeepney driver, resides in x x x, in a two-storey house with an unfinished lower portion.

About noontime of June 23, 2000, while she was fetching water in a "poso" near their house in x x x, she came to learn that the live-in partner of her father died, hence, she went to her father's house in x x x to condole. Her father then told her to look after her half-brother, CCC, and [half]sister, BBB. She stayed at his house, cooked food and washed the dishes. She slept that night with her half-sister in the sala.

On the following day, June 24, 2000, her father left in the morning but returned at lunch time and stayed in the house for the rest of the day. She was, however, not feeling well because of a high fever and headache accompanied by vomiting spills which started at noontime of the same day.

After having dinner at 7:00 p.m. and while she was washing the dishes, her father came to know of her condition and he told his daughter, BBB

to finish the dish washing. She then went to the room and after wearing a pajama over her shorts and panty, she put on the mosquito net. She then laid down and while preparing herself to rest and go to sleep, she watched TV from 8:00 p.m. to 10:00 p.m. with a "Good Morning" towel stuck on her mouth to prevent her from vomiting. When her father turned off the TV, she asked for the "Vicks Vaporub" placed at the side of the TV set. Accused then entered the mosquito net and volunteered to massage her head. While he was massaging her head, she felt that both his elbows were touching her breasts. She tried to evade his elbows saying she would be the one to do the massaging but he refused. Thereafter, he told her "*dededehin niya po ang dede ko*" and she replied that she will tell her mother about it which made him stop and instead, he massaged her hands.

In between sobs, AAA continued testifying that her father then kissed her on her neck while slowly lifting her T-shirt who thereafter sucked her breasts causing her to push him hard telling him not to do it to her. Only his two children were inside the house but both were already asleep at that time. After sucking her breasts, he used his left hand in slowly pulling down her pajama and thereafter her short and panty. He then held both her arms and with his head going down, he licked her vagina. She resisted and tried to kick the wall to create some noise to awaken her half-brother and sister but he did not stop. She did not shout for help out of fear of her father stating "*baka saktan niya ako*", whom she saw with red eyes for the first time. Thereafter, he removed his shorts with a garter and his brief and she turned her back to him but he embraced her to make her face him. He told her that he will insert his penis to her vagina "*pero hinde raw po niya ipuputok yun para hindi daw po ako mabuntis.*" Then and there, he laid on top of her and inserted his penis into her vagina. She felt an entry into her vagina which she described to be painful. When her father removed his sex organ from hers, she felt something hot flowed from her vagina.

After the foregoing incident, he got dressed and wiped her vagina with the "good morning" towel. Her father also asked her if she wants to eat to which she replied in the negative. She then waited for him to sleep and seeing him asleep, she fixed herself and climbed the fence to get out from the house. She went to their house in x x x and because her mother was still sleeping, she proceeded to the Barangay Hall of x x x where she saw her uncle who accompanied her to x x x Police Station where she executed a sworn statement. She was also brought to Camp Crame for a physical and genital check-up.

On the questions propounded by the Court, she answered that it was before her father inserted his penis to her vagina that he said that he will insert his penis but will not "*ipuputok*" so that she will not get pregnant. She knows the meaning of "*ipapuputok*" because she was able to watch a rape movie; that when her father knew that "*lalabasan siya, hinugot niya po, inalis niya `yong ari niya sa ari ko*" and she was able to see something "*parang sipon at tumapon malapit sa higaan ko.*"

SPO4 Ramon Tagle's testimony is confined to the fact of apprehension of

the accused in the early morning of June 25, 2000. He declared that he, along with SPO3 Carmelito Dequino and SPO1 Alfredo Cardenas effected the arrest of the accused at his house at 1:15 a.m. of June 25, 2000 after his daughter, AAA, lodged a complaint of Rape against him. He further testified that the accused voluntarily went with them after he was pinpointed and positively identified by his daughter as the one who raped her. He identified his signature in the "Sinumpaang Salaysay," marked as Exh. "B" with submarkings.^[7]

On the other hand, the defense presented as witnesses Miranda himself and the victim's half-sister, BBB. The RTC recounted their testimonies, thus:

BBB, 13 years old, single, [Grade] VI pupil, residing at x x x, testified that the accused is her father while the offended party is her [half] sister. In the evening of June 24, 2000, she was at their house sleeping. AAA was sleeping at her mother's bed while her father was at the other bed watching television. She noticed that AAA was vomiting who told her that she was feeling dizzy and so she slept ahead of her. She could see AAA from where she was because the room has no door. She identified the pictures of their house situated at x x x taken by her [half] sister, DDD. She slept beside her brother and father in a "*papag*." At that time, she heard "*kalampag*" outside the house. She and her brother slept ahead of their father.

Romeo Miranda, Sr., 53 years old, married, driver, residing at x x x, denied the accusation as he testified that at twelve o'clock midnight of June 25, 2000, he was sleeping with his children when they were awakened by policemen knocking at their window. He was told to go down by the policemen and after doing so, he was brought directly to the x x x Municipal Hall where he met his daughter AAA. It was only at that instance that he came to know that he was being accused of Rape by her. He then asked AAA, "*ano bang problema mo?*", but she did not respond. He declared that he was not pinpointed by AAA, but she simply said ... "*ako raw*", after which, he was detained in jail. He belied the accusation but did not tell the police of the falsity of the charge for fear that he might be hurt by them.

When asked if he knows of any reason why he was charged by his daughter of this grave offense, he replied "*wala naman po. Lumaki sila na hindi ko binigyan ng pansin, dahil nga sa kanilang ina ay walang ginawa kundi magsugal, bingo, baraha, 41 x x x. Masama po ang loob nila dahil hindi ko sila sinuportahan, pinabayaan ko sila... sila pong magkakapatid, lima po sila.*"

He likewise testified that he and AAA seldom see each other since she was staying with her mother. As regards the rape charge that occurred at 11:00 p.m. on June 24, 2000, he stated that he was already sleeping side by side with his children, BBB and CCC from 9:00 to 10:00 p.m. and that AAA was also asleep in another room. He did not deny that before they went to sleep, he massaged AAA's aching forehead with efficascent

from 9:00 to 9:30 p.m. as she was also feeling dizzy. He, however, vehemently denied having raped her asserting that after massaging her head AAA transferred to another room while he, together with his two (2) children, remained in the room where they eventually slept. He further averred that before June 24, 2000, he had no misunderstanding with AAA neither did they quarrel before the subject incident.

He described that the materials separating his room from the room where AAA slept were made of carton and wood of good lumber and one can hear and see if someone is talking or doing anything in the other room as it has no door.^[8]

On February 13, 2004, after trial, the RTC rendered its Decision finding Miranda guilty beyond reasonable doubt of the crime of rape. The court *a quo* gave credence to AAA's plain and straightforward testimony on how she was ravished by Miranda on June 24, 2000, as well as her positive identification of Miranda, her own father, as her assailant, thus, discrediting Miranda's defense of denial. The RTC decreed:

WHEREFORE, in light of the foregoing, the Prosecution having proved the guilt of the accused, ROMEO MIRANDA y MICHAEL, beyond reasonable doubt, he is hereby meted out the capital punishment of DEATH.

He is likewise hereby ordered to pay the offended party, AAA, the amount of Seventy-Five Thousand [Pesos] (PhP75,000.00) as civil indemnity and Fifty Thousand Pesos (PhP50,000.00) as moral damages, without the necessity of proving the same. An award of Twenty-Five Thousand Pesos (PhP25,000.00) to complainant as exemplary damages is also in order, to deter fathers with perverse behavior from sexually abusing their daughters.

The warden of the x x x Municipal Jail, xxx, is hereby directed to immediately transfer the accused to the Bureau of Corrections, New Bilibid Prisons, Muntinlupa City.^[9]

The records of this case were originally transmitted to this Court on automatic review. However, pursuant to *People v. Mateo*,^[10] the Court remanded the records to the Court of Appeals for appropriate action and disposition, whereat it was docketed as CA-G.R. CR-HC No. 01953.

In his brief,^[11] Miranda made a lone assignment of error - that the RTC gravely erred in finding him guilty beyond reasonable doubt of the crime of rape.

In its Decision dated October 31, 2006, the Court of Appeals affirmed the Decision dated February 13, 2004 of the RTC with the modification that the death penalty imposed on Miranda for the crime of rape be reduced to *reclusion perpetua* in view of the abolition of the death penalty; and that the amount of moral damages awarded to AAA be increased from P50,000.00 to P75,000.00. The *fallo* of the Decision of the appellate court reads: