

THIRD DIVISION

[G.R. No. 175275, February 19, 2008]

**EMILIO CAMPOS, Petitioner, vs. PEOPLE OF THE PHILIPPINES,
Respondent.**

DECISION

YNARES-SATIAGO, J.:

This petition for review assails the May 30, 2006 Decision^[1] of the Court of Appeals in CA-G.R. CR-H.C. No. 00417, which affirmed the November 26, 2004 Decision^[2] of the Regional Trial Court of Dagupan City, Branch 43 finding appellant Emilio D. Campos guilty of five counts of qualified rape committed against his 14-year old daughter, AAA.^[3] Also assailed is the August 2, 2006 Resolution^[4] denying the motion for reconsideration.

On February 27, 2002, five separate Informations were filed before the Regional Trial Court of Dagupan City, charging appellant with qualified rape, as follows:

CRIMINAL CASE NO. 2002-0154-D

That on or about December 9, 2001 in the evening of Brgy. "G", Mapandan, Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, father of herein victim with force, violence, and intimidation, did then and there, willfully and unlawfully and feloniously have sexual intercourse with her [sic] daughter (AAA), a 14-year old minor, against her will and consent to her damage and prejudice.

Contrary to Art. 266-A, par. 1 in relation to Art. 266-B, 6th par. as amended by R.A. 8353.

CRIMINAL CASE NO. 2002-0155-D

That on or about December 8, 2001 in the evening of Brgy. "G", Mapandan, Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, father of herein victim with force, violence, and intimidation, did then and there, willfully and unlawfully and feloniously have sexual intercourse with her [sic] daughter (AAA), a 14-year old minor, against her will and consent to her damage and prejudice.

Contrary to Art. 266-A, par. 1 in relation to Art. 266-B, 6th par. as amended by R.A. 8353.

CRIMINAL CASE NO. 2002-0156-D

That on or about December 7, 2001 in the evening of Brgy. "G", Mapandan, Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, father of herein victim with force, violence, and intimidation, did then and there, willfully and unlawfully and feloniously have sexual intercourse with her [sic] daughter (AAA), a 14-year old minor, against her will and consent to her damage and prejudice.

Contrary to Art. 266-A, par. 1 in relation to Art. 266-B, 6th par. as amended by R.A. 8353.

CRIMINAL CASE NO. 2002-0157-D

That on or about December 6, 2001 in the evening of Brgy. "G", Mapandan, Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, father of herein victim with force, violence, and intimidation, did then and there, willfully and unlawfully and feloniously have sexual intercourse with her [sic] daughter (AAA), a 14-year old minor, against her will and consent to her damage and prejudice.

Contrary to Art. 266-A, par. 1 in relation to Art. 266-B, 6th par. as amended by R.A. 8353.

CRIMINAL CASE NO. 2002-0158-D

That on or about December 5, 2001 in the evening of Brgy. "G", Mapandan, Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, father of herein victim with force, violence, and intimidation, did then and there, willfully and unlawfully and feloniously have sexual intercourse with her [sic] daughter (AAA), a 14-year old minor, against her will and consent to her damage and prejudice.

Contrary to Art. 266-A, par. 1 in relation to Art. 266-B, 6th par. as amended by R.A. 8353.

Appellant pleaded not guilty to the charges, after which joint trial of the cases ensued.

AAA testified that in the evening of December 5, 2001, she was asleep inside her bedroom in the family residence at Barangay "G", Mapandan, Pangasinan, when appellant entered the room and lay beside her. She was awakened when appellant started massaging her breast and touching her vagina. Thereafter, he removed her panty, inserted his penis into her vagina, and made push and pull movements. After having engaged her in sexual intercourse, appellant told her not to tell anyone. AAA could not resist and was immobilized with fear of her father, who is cruel and ill-tempered.

Appellant repeated the sexual abuse on December 6, 7, 8 and 9, 2001. AAA tried to deter appellant by locking her bedroom on the night of December 7, 2001.

However, he was able to enter using a duplicate key. AAA did not try to resist because she was afraid.

On December 12, 2001, appellant again attempted to rape AAA but was prevented by the arrival of Maribel Francisco, appellant's mistress. Appellant immediately left the room, and an altercation between him and Maribel ensued. Maribel later brought AAA to the Region I Medical Center for a physical examination.

Dr. Brenda Tumacder, consultant of the Women and Children Protection Unit's Pediatrics Department of Region I Medical Center, testified that AAA's inner vagina had a positive healed laceration at 7 o'clock position which may have been caused by a blunt object, like a penis. She also testified that AAA told her how she was sexually abused by her father and that she was emotionally depressed because of the said incident.

Appellant denied raping AAA. He claimed that on the night of December 5, 2001, he was playing a card game somewhere at the west direction of their house, and went home only the following day, at about 6:00 a.m. On December 6, and 7, 2001, he slept in the house of Maribel who was ill. On December 8, 2001, he and his playmates played *tong-its* at Maribel's house until 5:00 a.m. the following morning. Meanwhile, on December 9, 2001, he claimed to have slept in a *bahay kubo* situated at the back of their house.^[5]

Maribel Francisco and Marjorie Campos, AAA's younger sister, corroborated appellant's testimony as to his whereabouts from December 5 to 9, 2001.

On November 26, 2004, the Regional Trial Court rendered a decision finding appellant guilty beyond reasonable doubt of the crime of qualified rape and sentenced him to suffer the penalty of death. Thus:

WHEREFORE, the Court finds EMILIO D. CAMPOS guilty beyond reasonable doubt for the felony of QUALIFIED RAPE and in conformity with law, he is sentenced to suffer the capital penalty of DEATH in each of the above cases.

The accused is further ordered to pay the victim the following amounts, to wit:

1. P75,000.00 as indemnity
2. P50,000.00 as moral damages
3. P40,000.00 as exemplary damages
4. And costs.

The BJMP-Dagupan City is ordered to commit the person of the accused to the National Bilibid Prison immediately without necessary delay.

SO ORDERED.^[6]

Appellant appealed before the Court of Appeals, which affirmed the decision of the Regional Trial Court in its May 30, 2006 Decision, the dispositive portion of which states:

WHEREFORE, the assailed November 26, 2004 Decision of the Regional Trial Court of Dagupan City, Branch 43, in Criminal Case Nos. 2002-0154-D up to 2002-0158-D, is hereby AFFIRMED *in toto*.

SO ORDERED.^[7]

Appellant's motion for reconsideration was denied, hence this petition.

Appellant claims there was no evidence showing the presence of force, violence, or intimidation; that the prosecution failed to prove that the sexual acts were committed against the will of AAA; and that AAA's narration is contrary to human experience and natural course of things.

The Office of the Solicitor General argues that appellant's moral ascendancy and influence over AAA may substitute for force, violence and intimidation as an element of rape; that the trial court correctly found that the rapes were committed against AAA's will; and that the trial court was correct in giving weight to the testimony of AAA.

The sole issue for resolution is whether appellant is guilty of the crime of qualified rape.

In determining the innocence or guilt of the accused in rape cases, the courts are guided by three well-entrenched principles: (1) an accusation of rape can be made with facility and while the accusation is difficult to prove, it is even more difficult for the accused, though innocent, to disprove; (2) considering that in the nature of things, only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence for the defense.^[8] The credibility of the complainant is, therefore, of vital importance, for in view of the peculiar nature of rape, conviction or acquittal of the accused depends almost entirely upon the word of the private complainant.^[9]

In the instant case, AAA was forthright and candid in recalling her ordeal, as follows:

Q So, when you went to your bedroom, in order to sleep on December 5, 2001, do you recall if there was any unusual incident that happened to you, Madam Witness?

A Yes, sir.

Q What was that?

A I was raped by my Dad, sir.

Q When you said, you were raped by your Dad, you are referring to Emilio Campos, the accused in this case?

A Yes, sir.

x x x x

Q How did your Dad rape you?

A At first my Dad mashed my breast and he touched my vagina after that he removed my lower clothing, sir.

Q When your Dad did that mashing of your breast and touching your vagina, were you already lying down on your bed?

A I was already lying down, sir.

x x x x

Q You said that you were asleep when your father entered the room and while inside he mashed your breast, touched your vagina and removed your lower clothing. When you sensed the presence of your father doing these lascivious acts, what was he actually doing?

A He was inserting his penis into my vagina, sir.

x x x x

Q Madam Witness, x x x, When you woke up and sense that your father was touching your breast and vagina and pulling down your panty, did you say something to your father? What if any did you say to your father?

A I did not tell him anything because I was frightened, sir.

x x x x

Q When your father was inserting his penis into your vagina, where was he at that time in relation to yourself as lying on the bed?

A He was behind me, sir.

Q How did your father insert his penis into your vagina?

A He moved one of my legs and he held his penis and then inserted it into my vagina, sir.

Q Your father was lying beside you at that time he was inserting his penis inside your vagina, is it not?

A Yes, sir.

Q How did he insert his penis into your vagina?

A He held his penis and then he inserted it into my vagina, sir.