

EN BANC

[G.R. No. 145726, March 26, 2003]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. FERDINAND ANTONIO, APPELLANT.

DECISION

PER CURIAM:

For automatic review is the Decision^[1] of the Regional Trial Court (RTC), Branch 24, Echague, Isabela in Criminal Case No. 24-0683 convicting Ferdinand Antonio, appellant, of rape and sentencing him to suffer the extreme penalty of death and to pay AAA, complainant, the amount of P50,000.00 as moral damages.

On October 6, 1998, Provincial Prosecutor Anthony A. Foz of Isabela filed with the trial court three Informations charging appellant Antonio with three counts of rape committed in the following manner:

CRIM. CASE NO. BR. 24-0681

"That on or about the month of November 1996, in the [REDACTED], province of Isabela, Philippines, and within the jurisdiction of this Honorable Court, the said accused, by means of force and intimidation and with lewd designs, did then and there, willfully, unlawfully and feloniously, lay with, and have carnal knowledge with his own daughter AAA, a girl of 12 years of age, thereby subjecting her to exploitation and sexual abuse against her will and consent."

"CONTRARY TO LAW."

CRIM. CASE NO. BR. 24-0682

"That on or about the month of February 1997, in the [REDACTED], province of Isabela, Philippines, and within the jurisdiction of this Honorable Court, the said accused, by means of force and intimidation, and with lewd designs, did then and there, willfully, unlawfully and feloniously, lay with, and have carnal knowledge with his own daughter AAA, a girl of 13 years of age, thereby subjecting her to exploitation and sexual abuse against her will and consent."

"CONTRARY TO LAW."

CRIM. CASE NO. BR. 24-0683

"That on or about the month of January 1998, in the [REDACTED], province of Isabela, Philippines, and within the jurisdiction of this

Honorable Court, the said accused, by means of force and intimidation, and with lewd designs, did then and there, willfully, unlawfully and feloniously, lay with, and have carnal knowledge with his own daughter AAA, a girl of 14 years of age, thereby subjecting her to exploitation and sexual abuse against her will and consent."

"CONTRARY TO LAW."^[2]

During the arraignment on February 10, 1999, appellant pleaded not guilty to all three charges.^[3] Thereafter, the joint trial of the three cases ensued.

The Solicitor General, in the Appellee's Brief,^[4] summarized the prosecution's version as follows:

"AAA, born on July 24, 1983 (Exhibit "C"), is the eldest of the five (5) children of appellant and his wife, [REDACTED] (Exhibit "B"; TSN, May 12, 1999 at 7). They lived in a small bamboo house at [REDACTED], Isabela (TSN, May 12, 1999 at 9 & 13) From 1996 to 1997, however, [REDACTED] was working in Singapore as a domestic helper. During this time, AAA took care of her younger brothers and sisters, did the household chores and helped out in the cornfield, too (id. at 9-11).

"One Wednesday night in November 1996, AAA was sleeping in the living room with her siblings while appellant was out having a drink (id. at 16). About midnight, AAA sensed that her father was home because he stayed beside her that night. Appellant started undressing AAA, warning her at the same time not to say anything to anybody, otherwise he would kill her. She cried and pleaded to her father for mercy, but her entreaties fell on deaf ears (id. at 25). Instead, appellant pointed a knife at her waist and went on top of her. Appellant removed AAA's panties and his briefs. Embracing AAA, appellant inserted his penis into her vagina and did push and pull movements for more than a minute. His bestial desires satisfied, appellant stood up and went outside, leaving AAA in tears and gripped with fear (id. at 26-29).

"On the last Sunday of February 1997, appellant had gone out to the barrio drinking with his companions in the field. He went home about midnight (id. at 30-31). By then, all his children were already sleeping. AAA, however, noticed appellant standing in front of her for quite sometime. Scared that there might be a repetition of her harrowing experience that occurred a few months back, AAA turned her back on her father and pretended that she was sound asleep. This did not dampen the evil designs of appellant who, placing his hand on the arm of AAA, made her lie flat on her back. She started pleading to her father not to sexually abuse her again but appellant pointed a knife (beinte nueve) at her (id. at 32-33). As AAA cried and tried to cover her chest with her two hands, appellant undressed himself. He told her to likewise remove her clothes, but she refused. Appellant then pulled down the shorts of AAA, repeating his order that she undress, this time with a warning that he was going to kill her if she did not do what he told her. AAA still said "no" but, crying and reluctantly, removed her dress because appellant pointed his knife to her. Appellant kissed her at the neck and embraced her, after

which, he lay on top of her. He removed her panties and his briefs. AAA pleaded to her father once again not to molest her but appellant once again warned her not to make any noise or he would kill her and her siblings. Appellant then inserted his penis into her vagina and proceeded to do the push and pull movements for about a minute. AAA cried and felt pain. Appellant stood up, threatened to kill her and her brothers and sisters if she squealed, then went to his usual place for sleeping (id. at 33-35). Putting her hand in her mouth so as not to make noise that might wake up her brother and sisters, AAA continued crying until she fell asleep (id. at 36).

"On January 3, 1998, appellant had gone out with his friends for a drinking spree. All his children were sound asleep at the sala when he arrived that night. AAA was sleeping on her side when she was awakened by appellant who was at her back (id. at 37). He began touching her breasts. AAA said "no" to her father, but he told her to keep quiet and pointed a knife on her right side. Appellant took the liberty of removing his shorts and her panties, and lay on top of her. He embraced AAA then inserted his penis into her vagina (id. at 38). After doing the push and pull movements for less than a minute, appellant stood up and again threatened AAA not to report what happened to anybody or he would kill her and the person to whom she would report the rape (id. at 39).

"On January 29, 1998, [REDACTED] arrived from abroad (id.). AAA seized this opportunity to disclose to her mother that her future had been tarnished by appellant who had repeatedly ravished her (id.). Furious, [REDACTED] reported the matter to the Barangay Captain who accompanied her to the police station where she filed a complaint against appellant (TSN, October 7, 1999 at 15-16). The police authorities in [REDACTED], Isabela advised [REDACTED] to have AAA examined by a doctor (id.).

"On February 26, 1998, AAA underwent a physical examination by Dr. Theresa Dalmacio, a rural health officer at [REDACTED], Isabela, pursuant to a request (Exhibit "D") from the Philippine National Police (TSN, November 24, 1999 at 3). Dr. Dalmacio found that AAA had a ruptured hymen (id. at 4; Exhibit "A") with laceration although she did not count how many (TSN, November 24, 1999 at 6). According to Dr. Dalmacio, the laceration of the hymen may be secondary to penetration (id. at 6 & 8). During her medical examination, AAA revealed, in answer to Dr. Dalmacio's query, that her first sexual contact occurred in November 1996 while her last was in January 1998 (id. at 4)."

The evidence for the defense consists of the testimony of appellant. He admitted that complainant AAA is his daughter, the eldest of his five children; that he is legally married to [REDACTED], complainant's mother; and that they all reside in [REDACTED], Isabela.^[5]

Appellant merely denied the charges, maintaining that his daughter would have been pregnant if the allegations in the Informations were true. Moreover, as a truck helper and corn thresher in 1998, he spent nights away from home, separated from his family.^[6]

He claimed that his wife, succumbing to the will of her relatives who opposed their marriage, caused the filing of the Informations against him. In fact, they concocted the rape charges to force him to abandon her and migrate to another place.^[7]

On July 7, 2000, the trial court rendered its judgment convicting appellant in Criminal Case No. Br. 24-0683 but acquitting him in Criminal Cases Nos. Br. 24-0681 and Br. 24-0682, thus:

"WHEREFORE, in view of the foregoing, the Court finds accused FERDINAND ANTONIO in Criminal Case No. Br. 24-0683 guilty beyond reasonable doubt of the crime of Rape under Article 335 of the Revised Penal Code as amended by Section 11 of Republic Act No. 7659 committed by a father against a daughter who is under eighteen (18) years of age and he is hereby sentenced to suffer the extreme penalty of DEATH and to indemnify the victim the sum of P50,000.00 as moral damages.

"Accused FERDINAND ANTONIO is however ACQUITTED in Criminal Cases Nos. Br. 24-0681 and Br. 24-0682, the prosecution having failed to prove his guilt beyond reasonable doubt.

"SO ORDERED."^[8]

Considering that the trial court imposed the death penalty on appellant in Criminal Case No. Br. 24-0683, the records thereof were forwarded to this Court for automatic review.

In Appellant's Brief, he ascribes to the trial court the following errors:

"I. THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED IN CRIMINAL CASE NO. BR. 24-0683 DESPITE THE LACK OF A FORMAL OFFER OF EXHIBITS BY THE PROSECUTION.

"II. ASSUMING IN ARGUENDO THAT THE PROSECUTION'S DOCUMENTARY EXHIBITS FORM PART OF THE RECORDS OF THE CASE, THE TRIAL COURT GRAVELY ERRED IN CONSIDERING THE SAME, IN VIOLATION OF THE BEST EVIDENCE RULE."^[9]

Well-settled is the rule that a conviction for rape may be made even on the testimony of the victim herself, as long as such testimony is credible.^[10] In fact, the testimony of the victim is the most important factor to prove that the felony has been committed. This is primarily because the crime of rape is usually committed in a private place where only the aggressor and the rape victim are present.^[11]

Consequently, the issue in a rape case boils down to the credibility of the victim.^[12] In scrutinizing such credibility, jurisprudence has established the following doctrinal guidelines: (1) the appellate tribunal will not disturb the findings of the lower court unless there is a showing that it had overlooked, misunderstood, or misapplied some fact or circumstance of weight and substance that would have affected the result of the case; (2) the findings of the trial court pertaining to the credibility of witnesses are entitled to great respect and even finality since it had the opportunity

to examine their demeanor as they testified on the witness stand; and (3) a witness who testified in a categorical, straightforward, spontaneous and frank manner and remained consistent on cross-examination is a credible witness.^[13]

In the case at bar, complainant recounted her harrowing experience in the hands of appellant, thus:

“Q . . . where were you on that evening of January 3, 1998?

A. I was at home, sir.

Q. How about your father, where was he at that time on January 3, 1998?

A. He went to have a drinking spree again, sir.

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Q. What time did he arrive, if you remember?

A. It was already at the middle of that night that time because when I woke up, he was already at my back.

Q. Why, what was your position when your father went at your back?

A. I was on my side, sir.

Q. What were you doing at that time?

A. I was sleeping at that time.

Q. Where were you sleeping at that time?

A. In our house, sir.

Q. Where in your house?

A. In the living room, sir.

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Q. When your father went at your back while you were sleeping, do you remember what did he do to you?

A. Yes, sir.

Q. What did he do to you?

A. He touched my breast, sir.

Q. When your father touched your breast, what did you do?

A. I told him, Daddy, no.

Q. When you pleaded to your father, what did your father do?

A. He told me just to keep quiet and then I felt something pointed at my side, here, sir. (Witness pointing to her right side).

Q. After that, what happened next, if any?

A. He undressed me, sir.

Q. And when he undressed you, what did he do?