



Republic of the Philippines
Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
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FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 223102

Present:

- versus -

SERENO, C.J., Chairperson,
 LEONARDO-DE CASTRO,
 DEL CASTILLO,
 JARDELEZA, and
 TIJAM, JJ.

CARLOS BAUIT y DELOS SANTOS,
Accused-Appellant.

Promulgated:
FEB 14 2018.

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DECISION

DEL CASTILLO, J.:

Challenged before this Court is the March 20, 2015 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06646 which affirmed the January 7, 2014 Decision² of the Regional Trial Court (RTC) of Makati City, Branch 140, in Criminal Case No. 11-1968, finding the accused-appellant Carlos Bait y Delos Santos guilty beyond reasonable doubt of the crime of qualified rape.

In an Information³ dated July 25, 2011, the accused-appellant was charged with rape, the accusatory portion of which reads as follows:

¹ CA rollo, pp. 101-113; penned by Associate Justice Remedios A. Salazar-Fernando and concurred in by Associate Justices Marlene Gonzales-Sison and Ramon A. Cruz.

² Records, pp. 111- 118; penned by Judge Cristina F. Javalera-Sulit.

³ Id. at 1.

On or about July 20, 2011, x x x accused, by means of force, threat or intimidation, did then and there wilfully, unlawfully, and feloniously have carnal knowledge [of] his biological daughter, "AAA,"⁴ a minor, 12 years old, against her will and without her consent.

CONTRARY TO LAW.⁵

Accused-appellant entered a plea of not guilty. During the pre-trial conference, the parties did not bring forth any issue that became the subject of stipulation. Trial on the merits then ensued.

Version of the Prosecution

"AAA," a 12-year old high school student, born on September 21, 1998, is the daughter of accused-appellant. In the early morning of July 20, 2011, while she was on her way to the bathroom, accused-appellant suddenly held her and forced her to lie down in their room. Accused-appellant pulled down her short pants and underwear. After removing his own pants, he placed himself on top of her and inserted his penis into her vagina. "AAA" felt pain in the process. She resisted but her effort was in vain. After taking her bath, "AAA" went to school as if nothing happened. Upon the arrival of her mother "BBB" from Cagayan, "AAA" confided to her the incident. With the help of her aunts, the matter was reported to a *barangay kagawad* and then to the police station wherein "AAA" gave her statement. After an investigation, "AAA" was sent to a doctor in Camp Crame for genital examination.

"BBB" is the mother of "AAA." She declared that accused-appellant was her live-in partner. "AAA" is the biological daughter of accused-appellant as acknowledged in the Birth Certificate of the former. As early as March 2011, "AAA" already told her about her being sexually molested but she and "AAA" did not file a case against accused-appellant since the latter was the only one providing support for the two of them.

On July 22, 2011, Medico Legal Officer Dr. Joseph Palmero (Dr. Palmero) examined "AAA". The physical and genital examination, as contained in Medico Legal Report No. R11-1065, yielded deep healed

⁴ "The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, An Act Providing for Stronger Deterrence And Special Protection Against Child Abuse, Exploitation And Discrimination, Providing Penalties for its Violation, And for Other Purposes; Republic Act No. 9262, An Act Defining Violence Against Women And Their Children, Providing For Protective Measures For Victims, Prescribing Penalties Therefor, And for Other Purposes; and Section 40 of A.M. No. 04-10-11-SC, known as the Rule on Violence against Women and Their Children, effective November 15, 2004." *People v. Dumadag*, 667 Phil. 664, 669 (2011).

⁵ Records, p. 1.

hymenal lacerations at 3:00 o'clock and 7:00 o'clock positions which indicated a blunt penetrating trauma on the genitalia. According to Dr. Palmero, these healed lacerations could have been inflicted more than a week before the examination. Dr. Palmero found no other signs of physical injuries on the body of "AAA." He concluded that "AAA" was no longer a virgin.

Version of the defense

Accused-appellant denied raping "AAA." Instead, he claimed that the filing of the rape case against him was meant to cover up the wrongdoings of "AAA," she being a problem child and rebellious. The case was supposedly instigated by the siblings of "BBB" because they did not like him. According to accused-appellant, he could not have molested "AAA" because he loves her. He further stated that their house has no sala or living room and it was impossible for the rape to happen because the rooms were separated only by plywood and any commotion would surely alarm the occupants of the adjoining rooms.

Ruling of the Regional Trial Court

On January 7, 2014, the trial court rendered its Decision finding accused-appellant guilty beyond reasonable doubt of the crime of rape against "AAA," his daughter of minor age, as charged in the Information. The trial court gave credence to the testimony of "AAA" and her positive identification of accused-appellant as her rapist. It found the testimony of "AAA" straightforward and categorical. It ruled that tenacious resistance on the part of "AAA" was irrelevant considering his moral ascendancy over her. It also held that the allegations of accused-appellant that the charge against him was filed to get rid of him and in retaliation for disciplining her too flimsy. It rejected accused-appellant's defense of denial in view of the straightforward testimony of "AAA." The dispositive portion of the Decision reads as follows:

WHEREFORE, judgment is hereby rendered as follows:

1. Finding the accused Carlos Baut y Delos Santos GUILTY beyond reasonable doubt of the crime of rape defined and penalized under Article 266-A paragraph 1(a) of Republic Act No. 8353. Consequently, he is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole pursuant to R.A. 9346.
2. Said accused is likewise ordered to pay "AAA" civil indemnity in the amount of ₱75,000.00^[,] for moral damages, the sum of



₱75,000.00 and ₱30,000.00 as exemplary damages or a total of ₱180,000.00.

Costs de officio.

SO ORDERED.⁶

Ruling of the Court of Appeals

In its Decision dated March 20, 2015, the CA found no merit in the appeal of accused-appellant. The CA ruled that the elements of the crime of rape were indubitably established by the prosecution. The CA concurred with the factual findings of the trial court that accused-appellant committed the crime charged based on the clear, straightforward and categorical testimony of “AAA”. The CA found immaterial and irrelevant the fact that the room had no sala and the bathroom was 16 meters away from their room. What mattered, according to the CA, was that “AAA” clearly narrated that the incident happened inside the room they were occupying and not somewhere else. The CA brushed aside accused-appellant’s argument that he could not have perpetrated the crime since the four rooms being occupied by “BBB” and her siblings were separated only by thin plywood. The CA reasoned that it was not impossible that rape could be perpetrated inside a room adjacent to a room occupied by other persons. The CA was not convinced that the medical finding of the presence of deep healed lacerations sustained more than a week earlier were caused by somebody else and not by the accused-appellant. Likewise, the CA did not give credence to the claim that the rape charge was fabricated. The dispositive portion of the appellate court’s Decision reads as follows:

WHEREFORE, appeal is DENIED. The assailed Decision dated January 7, 2014 of the Regional Trial Court of Makati City, Branch 140 in Criminal Case No. 11-1968 is AFFIRMED.

SO ORDERED.⁷

Unfazed by the findings and conclusions reached by the courts below, accused-appellant comes to this Court through this appeal.

Our Ruling

The appeal is barren of merit.



⁶ Id. at 118.

⁷ CA rollo, p. 112.

In the present recourse, accused-appellant reiterates the same issues raised before the appellate court, arguing that “the court a quo gravely erred in convicting [him] of rape despite the prosecution’s failure to prove his guilt beyond reasonable doubt.”⁸ He insists that there was physical impossibility to commit the rape considering the layout of the place of the alleged incident and the close proximity of the rooms in the house which were separated by mere thin plywoods. He relies on the medico-legal finding that the deep healed lacerations were inflicted by sexual contacts that occurred more than one week from the time of the genital examination of “AAA.” He points out that there were barely three days in between the date of the incident and the examination and therefore he could not have been the author of the rape. Moreover, he avers that the absence of any contusion or abrasion on the body of “AAA” and any seminal fluid on her vagina negate the commission of rape.

The arguments of accused-appellant deserve scant consideration considering that all pertain to the issue of credibility of the testimony of the private complainant, “AAA.”

Time and again, the Court has held that when the decision hinges on the credibility of witnesses and their respective testimonies, the trial court’s observations and conclusions deserve great respect and are often accorded finality. The trial judge has the advantage of observing the witness’ deportment and manner of testifying. x x x The trial judge, therefore, can better determine if witnesses are telling the truth, being in the ideal position to weigh conflicting testimonies. Unless certain facts of substance and value were overlooked which, if considered, might affect the result of the case, its assessment must be respected for it had the opportunity to observe the conduct and demeanor of the witnesses while testifying and detect if they were lying. The rule finds an even more stringent application where said findings are sustained by the Court of Appeals.⁹

In the case at bar, both the trial and appellate courts uniformly found the testimony of “AAA” in narrating the rape incident to be straightforward, clear and convincing. We reviewed the testimony of “AAA” and found nothing significant to justify a deviation from the above-quoted general rule.

Accused-appellant argues that the testimony of “AAA” was incredible considering the relative distance (about 16 meters away) between the bathroom and the room they shared. “AAA” could have simply used a nearby bathroom. He likewise claims that the rooms were adjacent to each

⁸ Id. at 42.

⁹ *People v. Arpon*, 678 Phil. 752, 774 (2011), citing *People v. Condes*, 659 Phil. 375 (2011).



other and separated by thin plywoods and their occupants could easily be awakened if indeed there was resistance from “AAA.” The points raised by accused-appellant, however, have no probative significance and do not detract from the findings and conclusions of the courts below. As aptly observed by the Court of Appeals:

x x x Whether or not the bathroom is outside the room being occupied by accused-appellant Baut and “AAA” and about sixteen (16) meters away is immaterial and irrelevant and will not in any manner affect the credibility of “AAA” and her story that she was raped by her own father. She convincingly testified that she was made to lie down and was sexually abused by accused-appellant Baut in their room, as she was preparing for school and about to go to the bathroom. Likewise, whether or not the family has a receiving room or sala would not make the testimony of “AAA” unbelievable or less credible. What matters is that she narrated that the incident happened inside the room they were occupying and not somewhere else.¹⁰

Moreover, the fact that the rooms were adjacent and divided merely by plywood and any adjacent noise could be heard such that it was unlikely for accused-appellant to commit the rape is of no moment. As the appellate court correctly noted: “Jurisprudence teaches us that rape may be committed even in places where people congregate. Thus, it is not impossible or unlikely that rape is perpetrated inside a room adjacent to a room occupied by other persons, as in this case.”¹¹

To further complement the attack on the credibility of “AAA,” accused-appellant gives emphasis to the medico-legal finding that the deep healed lacerations were caused by sexual contact more than one week before the general examination of “AAA” on July 22, 2011. He posits that since the alleged rape occurred on July 20, 2011, or less than three days before “AAA” was examined, the lacerations were not caused by him but somebody else.

We are not persuaded.

As held in *People v. Rubio*,¹² “a medical examination of the victim is not indispensable in a prosecution for rape inasmuch as the victim’s testimony alone, if credible, is sufficient to convict the accused of the crime. In fact, a doctor’s certificate is merely corroborative in character and not an

¹⁰ CA rollo, p. 110.

¹¹ Id.

¹² 683 Phil. 714, 726-727 (2012).



indispensable requirement in proving the commission of rape. The presence of healed or fresh hymenal laceration is not an element of rape.” “In the crime of rape, the testimony of the victim, and not the findings of the medico-legal officer, is the most important element to prove that the felony had been committed.”¹³ “Moreover, the absence of external injuries does not negate rape. In fact, even the [presence] of spermatozoa is not an essential element of rape.”¹⁴

The fact that “AAA” was a rebellious and a problem child or that it was her mother’s siblings who instigated the filing of the charge, is not a viable defense for accused-appellant. As the Court held in *People v. Venturina*,¹⁵ “[n]ot even the most ungrateful and resentful daughter would push her own father to the wall as the fall guy in any crime unless the accusation against him is true.” Moreover, the reason ascribed by accused-appellant to accuse him of rape *i.e.*, that the siblings of “BBB” disliked him was unconvincing. “[M]otives such as resentment, hatred or revenge have never swayed this Court from giving full credence to the testimony of a minor rape victim. Further, ill motives become inconsequential if the rape victim gave an affirmative and credible declaration, which clearly established the liability of the accused.”¹⁶

From the totality of the evidence adduced by the prosecution, we are convinced that the elements of rape under Article 226-A, paragraph 1 of the Revised Penal Code (RPC), as amended by Republic Act (RA) No. 8353, were sufficiently established.

Anent the penalty imposed by the trial court and affirmed by the appellate court which is *reclusion perpetua*, we find the same in order.

Article 266-B of the RPC, provides:

Art. 266-B. Penalties – Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

x x x x

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:



¹³ *People v. Espino, Jr.*, 577 Phil. 546, 566 (2008).

¹⁴ *People v. Pelagio*, 594 Phil. 464, 475 (2008).

¹⁵ 694 Phil. 646, 655 (2012).

¹⁶ *People v. Pamintuan*, 710 Phil. 414, 424-425 (2013).

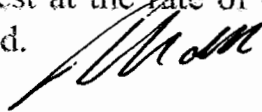
1. When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, stepparent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim.

In the case at bar, the twin qualifying circumstances of minority of the victim and her blood ties to the accused-appellant were properly alleged in the Information, proved during trial, and duly appreciated. The Birth Certificate of “AAA” proved that she was the biological daughter of accused-appellant. He was duly identified as the father of “AAA” and did not even impugn such relationship during the trial.

Under the circumstances, where it not for the supervening passage of RA 9346,¹⁷ the proper penalty should be death following Article 266-B of the RPC. Thus, pursuant to Section 2 of the Act, the penalty to be meted out should be *reclusion perpetua* without eligibility for parole.

As regards the award of civil indemnity, moral and exemplary damages, we find the same to be in order. Civil indemnity, which is actually in the nature of actual or compensatory damages, is mandatory upon the finding of the fact of rape.¹⁸ “[M]oral damages may be automatically awarded in rape cases without need of proof of mental and physical suffering.¹⁹ Exemplary damages are also called for, by way of public example, and to protect the young from sexual abuse.”²⁰ However, the amount of damages awarded by the trial court and affirmed by the appellate court should be modified in line with prevailing jurisprudence.²¹ Thus, since the crime committed was rape in its qualified form, we modify the award of damages to “AAA” to ₱100,000.00 as civil indemnity; ₱100,000.00 as moral damages and ₱100,000.00 as exemplary damages. In addition, all damages awarded shall earn interest at the rate of 6% *per annum* from date of finality of this Decision until fully paid.

WHEREFORE, premises considered, the assailed March 20, 2015 Decision of the Court of Appeals in CA-G.R. CR-HC No. 06646 is **AFFIRMED with the MODIFICATION** that appellant Carlos Baut y Delos Santos is ordered to pay (a) ₱100,000.00 as civil indemnity; (b) ₱100,000.00 as moral damages; and (c) ₱100,000.00 as exemplary damages, all with interest at the rate of 6% *per annum* from finality of this Decision until fully paid.



¹⁷ An Act Prohibiting the Imposition of Death Penalty in the Philippines.

¹⁸ *People v. Rubio*, supra note 12 at 727.

¹⁹ *People v. Padit*, 780 Phil. 69, 84 (2016).

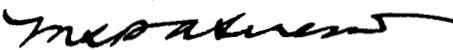
²⁰ *Id.*

²¹ *People v. Jugueta*, G.R. No. 202124, April 5, 2016, 788 SCRA 331.

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson


TERESITA J. LEONARDO-DE CASTRO
Associate Justice


FRANCIS H. JARDELEZA
Associate Justice


NOEL GIMENEZ TIJAM
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO
Chief Justice