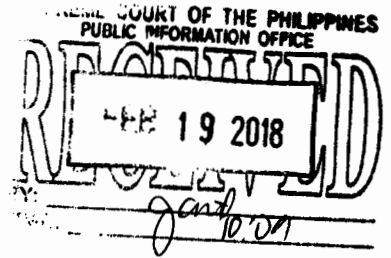




Republic of the Philippines
 Supreme Court
 Manila



FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 218427

Present:

- versus -

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

EMILIANO DE CHAVEZ,
Accused-Appellant.

Promulgated:
JAN 31 2018

X-----X

RESOLUTION

DEL CASTILLO, J.:

This is an appeal filed by Emiliano De Chavez (appellant) from the June 20, 2014 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06133, affirming with modification the February 27, 2013 Consolidated Decision² of the Regional Trial Court (RTC) of Calamba City, Branch 92, in Criminal Case Nos. 13940-06-C, 13941-06-C, 13942-06-C, and 13943-06-C finding the appellant guilty beyond reasonable doubt of two counts of rape by sexual assault and two counts of qualified rape.

The Factual Antecedents

Appellant was charged under the following Informations:

Criminal Case No. 13940-06-C

That on or about June 2, 2005, x x x Province of Laguna, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design

* Designated as additional member per November 29, 2017 raffle vice J. Jardeleza who recused due to prior action as Solicitor General.

¹ Rollo, pp. 2-19; penned by Associate Justice Magdangal M. De Leon and concurred in by Associate Justices Stephen C. Cruz and Ramon A. Cruz.

² CA rollo, pp. 24-45; penned by Judge Alberto F. Serrano.

through force, threat and intimidation, did then and there willfully, unlawfully and feloniously commit an act of sexual assault upon his daughter, "XXX,"³ a thirteen (13) year-old minor, by inserting his finger inside her genitalia against her will and consent to her damage and prejudice.

Contrary to law.⁴

Criminal Case No. 13941-06-C

That on or about June 3, 2005, x x x Province of Laguna, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design through force, threat and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of his daughter, "XXX," a thirteen (13) year-old minor, against her will and consent to her damage and prejudice.

Contrary to law.⁵

Criminal Case No. 13942-06-C

That on or about September 30, 2005, x x x Province of Laguna, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design through force, threat and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of his daughter, "XXX," a thirteen (13) year-old minor, against her will and consent to her damage and prejudice.

Contrary to law.⁶

Criminal Case No. 13943-06-C

That on or about June 4, 2005, x x x Province of Laguna, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design through force, threat and intimidation, did then and there willfully, unlawfully and feloniously commit an act of sexual assault upon his daughter, "XXX," a thirteen (13) year-old minor, by inserting his finger inside her genitalia against her will and consent to her damage and prejudice.

Contrary to law.⁷

³ "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, 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).

⁴ CA rollo, p. 25.

⁵ Id.

⁶ Id.

⁷ Id. at 26.

Appellant pleaded not guilty to the crimes charged.⁸

Version of the Prosecution

During the trial, the prosecution presented the testimonies of private complainant "XXX," her sister "YYY," and Dr. Roy Camarillo, the Medico-Legal Officer of the Philippine National Police Crime Laboratory, Camp Vicente Lim.

The evidence of the prosecution as summarized by the CA is as follows:

Private complainant "XXX" is the daughter of appellant and "ZZZ". Appellant and "XXX" live in x x x Laguna together with "XXX's" two younger siblings, "YYY" and her brother, "AAA".

On June 2, 2005, "XXX," who was then thirteen (13) years old, was sleeping on the floor of their room while her siblings were sleeping with their father on the bed. "XXX" was suddenly awakened when her father lay [beside her]. She asked him what he was doing. Appellant did not answer, then slowly he raised her shirt. He whispered "Sundin mo na lang ako at pag hindi mo ako sinunod ay papatayin ko ang mga kapatid mo at guguluhin ko ang nanay mo x x x," then he told "XXX" "ibaba mo ang jogging pants at panty mo." Because of fear, "XXX" followed her father's order. Appellant then started kissing her and inserted his finger into her vagina. She told her father to stop but he continued what he was doing. "XXX" cried as she felt pain in her vagina. She did not ask for help because she was afraid of her father's threat. After a few minutes, appellant removed his finger and returned to bed.

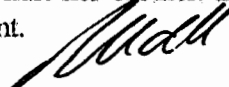
The following day, June 3, 2005, "XXX" was awakened when her father lay on top of her. He started kissing her lips, neck and breast then he removed her jogging pants and panty. Appellant inserted his penis into "XXX's" vagina. She begged him to stop, saying "Papa masakit" but he just ignored her and did a pumping motion for few minutes, then went back to bed.

Meanwhile, "YYY," "XXX's" younger sister, who was sleeping on the bedside beside the mat where "XXX" was sleeping was awakened when she saw appellant on top of the latter. Moments later, appellant removed his penis and returned to his bed. The following morning, "YYY" told "XXX" that she saw what the appellant did to her. That same day, June 4, 2005, appellant inserted again his finger into "XXX's" vagina.

On September 30, 2005, "XXX" was awakened when her father removed her clothes and inserted his penis into her vagina. The following morning, "XXX" noticed a white discharge on her panty.

"XXX" was prompted to proceed to the house of her mother x x x to report what appellant did to her when the latter hurt her brother. Immediately, they went to the police station and filed a complaint.

⁸ Id.



Dr. Roy Camarillo, Medico-Legal Officer, PNP Crime Laboratory, Camp Vicente Lim, conducted a laboratory examination on "XXX." The Medical Legal Report contained the following findings and conclusions:

Fairly-nourished, normally-developed, conscious, coherent, ambulatory female subject. Breasts are conical in shape with light brown areola and nipples from which no secretions could be pressed out. Abdomen is soft and flat.

There's scanty growth of pubic hairs. Labia majora are full, convex and coaptated with light brown and non-hypertrophied labia minora presenting in between. On separating the same is disclosed annular type of hymen, thin with PRESENCE OF DEEP HEALED LACERATIONS at 3 o'clock and 9 o'clock positions. The peri-hymenal, urethra, periurethral area and fossa navicularis have no evident injury noted at the time of examination. There is no discharge noted.

Vaginal & Periurethral Swabbing: NON-REACTIVE to Seminal Stain Reagent.

CONCLUSION:

MEDICAL EXAMINATION SHOWS DEFINITE EVIDENCE OF ABUSE OF SEXUAL CONTACT.

THERE ARE NO EXTRA-GENITAL INJURIES NOTED AT THE TIME OF EXAMINATION.⁹

Version of the Appellant

Appellant, on the other hand, testified that the accusations of his daughter against him were done in retaliation because he scolded his children and severely punished his youngest child.¹⁰

Ruling of the Regional Trial Court

On February 27, 2013, the RTC rendered a Consolidated Decision finding the appellant guilty of the charges against him, the dispositive portion of which reads:

WHEREFORE, judgment is hereby rendered in the above-captioned cases, as follows:

1. In Criminal Case No. 13940-06-C, the Court finds the accused Emiliano De Chavez guilty beyond reasonable doubt of [the] crime of sexual

⁹ *Rollo*, pp. 5-7.

¹⁰ *Id.* at 8-10.



assault defined under paragraph 2 of Article 266-A of the Revised Penal Code and hereby sentences him to imprisonment of ten years of *prision mayor* as minimum to twenty years of *reclusion temporal* as maximum. The accused is further ORDERED to indemnify the private complainant "XXX" the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages and ₱25,000.00 as exemplary damages.

2. In Criminal Case No. 13941-06-C, the Court finds the accused Emiliano De Chavez guilty beyond reasonable doubt of [the] crime of rape and hereby sentences him to the penalty of *reclusion perpetua*. In addition, the accused is ORDERED to indemnify the private complainant "XXX" the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages and ₱25,000.00 as exemplary damages.

3. In Criminal Case No. 13942-06-C, the Court finds the accused Emiliano De Chavez guilty beyond reasonable doubt of [the] crime of rape and hereby sentences him to the penalty of *reclusion perpetua*. The accused is also ORDERED to indemnify the private complainant "XXX" the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages and ₱25,000.00 as exemplary damages.

4. In Criminal Case No. 13943-06-C, the Court finds the accused Emiliano De Chavez guilty beyond reasonable doubt of [the] crime of sexual assault defined under paragraph 2 of Article 266-A of the Revised Penal Code and hereby sentences him to imprisonment of ten years of *prision mayor* as minimum to twenty years of *reclusion temporal* as maximum. The accused is further ORDERED to indemnify the private complainant "XXX" the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages and ₱25,000.00 as exemplary damages.

With costs against the accused.

SO ORDERED.¹¹

Ruling of the Court of Appeals

Appellant elevated the case to the CA.

On June 20, 2014, the CA rendered the assailed Decision, affirming the Consolidated Decision with modification, to wit:

WHEREFORE, the appeal is DENIED. The Consolidated Decision dated February 27, 2013 is AFFIRMED WITH MODIFICATION that exemplary damages in the amount of ₱30,000.00 is awarded for each offense.

SO ORDERED.¹² 

¹¹ CA rollo, p. 45.

¹² Rollo, p. 18.

Hence, appellant filed the instant appeal.

On July 22, 2015, the Court required both parties to file their respective supplementary briefs; however, they opted not to file the same.¹³

The Court's Ruling

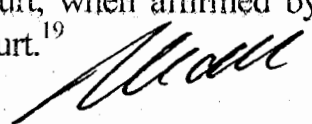
In assailing his conviction, appellant puts in issue the inconsistencies in the testimonies of the prosecution's witnesses, which he believes is an indication that they were coached.¹⁴ Thus, he claims that the prosecution was not able to prove the accusations against him beyond reasonable doubt.¹⁵

The Court is not persuaded.

Inaccuracies and inconsistencies in the testimony of a rape victim is not unusual considering that the painful experience is oftentimes not remembered in detail as "[i]t causes deep psychological wounds that scar the victim for life and which her conscious and subconscious mind would opt to forget."¹⁶ Besides, the determination of the credibility of a witness is best left to the trial court, which had the opportunity to observe the deportment and demeanor of the witness while testifying.¹⁷

Moreover, the Court has consistently ruled that there is sufficient basis to conclude the existence of carnal knowledge when the testimony of a rape victim is corroborated by the medical findings of the examining physician as "[l]acerations, whether healed or fresh, are the best physical evidence of forcible defloration."¹⁸

In this case, the victim's testimony is corroborated not only by her sister but also by the medical findings of the examining physician, who testified that the presence of deep healed lacerations on the victim's genitalia is consistent with the dates the alleged sexual acts were committed. Accordingly, the Court finds no reason to disturb the findings of the RTC, which was affirmed by the CA. It bears stressing that factual findings of the trial court, when affirmed by the CA, are generally binding and conclusive upon the Court.¹⁹



¹³ Id. at 25-26 and 36.

¹⁴ CA rollo, pp. 70-76.

¹⁵ Id.

¹⁶ *People v. Sonido*, G.R. No. 208646, June 15, 2016, 793 SCRA 568, 578.

¹⁷ Id. at 577.

¹⁸ *People v. Saludo*, 662 Phil. 738, 755 (2011).

¹⁹ *People v. Sonido*, supra at 577-578.

In fine, we affirm the ruling of the courts below finding appellant guilty beyond reasonable doubt of two counts of qualified rape and two counts of rape by sexual assault.

As regards the penalty imposed in Criminal Case Nos. 13941-06-C and 13942-06-C for qualified rape, both the trial court and the CA properly imposed the penalty of *reclusion perpetua* in view of the proscription on the imposition of the death penalty. We agree with the courts below that the prosecution had satisfactorily established the minority of “XXX” and the qualifying circumstance of relationship, *i.e.*, that appellant is the father of “XXX.”

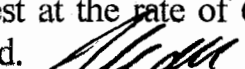
However, in order to conform to prevailing jurisprudence,²⁰ the Court finds it necessary to increase the amounts of damages awarded in these cases. Thus, the amounts of exemplary damages, civil indemnity and moral damages are increased to ₱100,000.00 each for each count.

As regards Criminal Case Nos. 13940-06-C and 13943-06-C for rape by sexual assault, we modify the penalty to eight (8) years and one (1) day of *prision mayor*, as minimum, to seventeen (17) years and four (4) months of *reclusion temporal*, as maximum.²¹ In addition, the awards of civil indemnity and moral damages are modified to ₱30,000.00 each for each count of sexual assault.²² The award of exemplary damages at ₱30,000.00 for each count is sustained.

In addition, all damages awarded shall earn legal interest at the rate of 6% *per annum* from the date of finality of judgment until fully paid.

WHEREFORE, premises considered, the appeal is **DISMISSED**.

The June 20, 2014 Decision of the Court of Appeals finding appellant Emiliano De Chavez guilty beyond reasonable doubt of the charges against him is **AFFIRMED with MODIFICATIONS** that in Criminal Case Nos. 13941-06-C and 13942-06-C, the awards of civil indemnity, moral damages, and exemplary damages are each increased to ₱100,000.00 for each count. In Criminal Case Nos. 13940-06-C and 13943-06-C, appellant is sentenced to suffer the penalty of eight (8) years and one (1) day of *prision mayor*, as minimum, to seventeen (17) years and four (4) months of *reclusion temporal*, as maximum, for each count. In addition, the awards of civil indemnity and moral damages are modified to ₱30,000.00 each for each count

Finally, all the damages awarded shall earn interest at the rate of 6% *per annum* from the date of finality of judgment until fully paid. 

²⁰ *People v. Jugueta*, G.R. No. 202124, April 5, 2016, 788 SCRA 331, 383.


²¹ See *People v. Marmol*, G.R. No. 217379, November 23, 2016, 810 SCRA 379, 392-393.

²² *Id.*

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Associate Justice
Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice

(On official leave)
SAMUEL R. MARTIRES
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 Resolution 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