



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **24 August 2020** which reads as follows:*

“**G.R. No. 247006** (*People of the Philippines v. XXX*<sup>1</sup>). – This is an appeal filed by XXX (appellant) from the Decision<sup>2</sup> dated December 14, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01825-MIN affirming the Decision<sup>3</sup> dated October 2, 2017 of the Regional Trial Court (RTC) of ██████████ Branch 22, finding accused-appellant guilty beyond reasonable doubt of the crime of Rape.

**Facts**

In an Information dated February 2, 2006, appellant was charged with the crime of Rape of his minor biological daughter, AAA. He was placed under arrest three years after or on October 10, 2009. Upon arraignment on August 9, 2010, he entered a plea of not guilty to the crime charged. Trial of the case ensued.

The prosecution presented three witnesses: (1) AAA, the victim herself; (2) BBB, the victim’s mother; and (3) Dr. Ma. Antoinetta Odi (Dr. Odi), the medico-legal officer who conducted the physical examination on AAA who testified as an expert witness.

The private complainant AAA is the eldest among the four daughters of appellant and BBB. After their parents decided to live separately, all four daughters lived with their mother BBB in a boarding house located at

<sup>1</sup> In accordance with Amended Administrative Circular No. 83-2015, the identities of the parties, records and court proceedings are kept confidential by replacing their names and other personal circumstances with fictitious initials, and by blotting out the specific geographical location that may disclose the identities of the victims.

<sup>2</sup> Penned by Associate Justice Oscar V. Badelles, with Associate Justices Walter S. Ong and Evalyn M. Arellano-Morales, concurring; *rollo*, pp. 4-13.

<sup>3</sup> Penned by Presiding Judge Jose C. Blanza, Jr.; *CA rollo*, pp. 27-39.

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Appellant arrived at Purok Chico, Malapatan at around 9:00 in the evening where he saw his cousins having a drinking spree and decided to join them. He stayed there until 3:00 at dawn. After which he went home and was reprimanded by his mother for staying out late. He resumed his search for his family on June 27, 2005. On July 20, 2005, he saw BBB in front of the police station in Uhaw. He asked BBB why she left and she answered there were several rumors about her. Appellant asked about their children and BBB told him to go with her to their boarding house. Appellant thereafter gave BBB money. When they arrived, the four children were present and welcomed him with embraces. The children complained that they have no food so appellant cooked for them. Appellant requested BBB for them to go back home but the latter refused and opted to stay. He left them in the boarding house and went home. After three days, appellant went back to the boarding house. He saw that the doors were padlocked. He asked the neighbors of the whereabouts of his family. He was informed that his family already left. Not long after, he heard his daughter screaming. He looked for an entrance and chanced upon an open door. When he went inside, he saw his four children and his wife with another man, the owner of the boarding house in a compromising position. He thought of killing them but he was prevented when he realized that his children were inside the room. He asked his wife why she had done such deed but she remained silent instead, the man pulled his .45 caliber pistol and brandished it at him. Then the owner told BBB to pay the rent. He thereafter left them. Appellant did not return to the boarding house after that incident. He learned later on that a case was filed against him.

### **RTC Ruling**

The RTC found appellant guilty beyond reasonable doubt of Rape. It found AAA to be a credible witness having testified in a straightforward manner who positively identified appellant as the perpetrator of the crime. AAA's testimony was corroborated by physical evidence, the medico-legal report showing that she had healed lacerations in 5 and 7 o'clock positions in her hymen. The RTC gave no weight to appellant's defense that he was charged out of revenge for his maltreatment to AAA or that the latter was used and manipulated by BBB to cover up her affair with another man. It declared that it is highly unbelievable for a young girl to fabricate rape charges against her own father as a revenge for previous maltreatment. Likewise, it is unthinkable for a mother to sacrifice the honor of her daughter that would damage her reputation and her future just to cover her alleged love affair. The RTC also disregarded the defense of alibi and denial as it observed the appellant's and other defense witnesses' inconsistent testimonies as to his whereabouts on the night the rape was committed. Hence, the RTC disposed of the case as follows:

**WHEREFORE**, premises considered, the Court finds XXX guilty beyond reasonable doubt for the crime of Rape, as defined and penalized under Art. 266-A, Par. 1, in relation to Art. 266-B, par. (1) and is hereby senten[c]ed to suffer the penalty of Death. In view of R.A. 9346 that

suspended the imposition of death penalty, the penalty of *reclusión perpetua* is imposed against the accused without eligibility of parole.

The accused is further ordered to pay the private complainant the amount of [P]100,000.00 as civil indemnity, [P]100,000.00 as moral damages and [P]100,000.00 as exemplary damages. All damages awarded shall earn interest at the rate of 6% per annum from date of finality of this judgment until fully paid.

The period within which the accused was detained shall be credited to him in full as long as he abided by and strictly followed the rules and regulations of the City Jail when he is detained.

**SO ORDERED.**<sup>4</sup>

### **CA Ruling**

Finding no reversible error in the factual findings and legal conclusions of the RTC, the CA affirmed *in toto* the said Decision of the RTC convicting appellant of the crime of rape.

The CA found that all the elements of rape under Article 266-A of the Revised Penal Code (RPC) were sufficiently proved through AAA's statement. Appellant is the offender who had carnal knowledge of AAA when he forced himself upon the latter, and accomplished his purpose through the use of threat, threatening to kill AAA. It gave full faith and credit to AAA's categorical, straightforward, and spontaneous narration which remained consistent on cross-examination. The CA rejected appellant's assertion that the room was dark at the time of commission of rape making it impossible for AAA to positively identify him as the perpetrator. According to the CA, it was proven that there were lights from the outside permeating inside the room which made possible for AAA to recognize her father. Moreover, it noted that being her own father, AAA had easily recognized appellant by the shape of his body and tenor of his voice. Lastly, the CA brushed aside appellant's denial and alibi as the prosecution has sufficiently and positively ascertained appellant's identity.

Hence, this appeal.

### **The Court's Ruling**

The appeal lacks merit.

The prosecution was able to show the existence of the elements of rape under the amended RPC as effectuated by Republic Act No. (RA) 8353, or the Anti-Rape Law of 1997, thus:

Art. 266-A. *Rape: When and how committed.* - Rape is committed:

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<sup>4</sup> CA rollo, p. 39.

1) By a man who shall have **carnal knowledge of a woman** under any of the following circumstances:

a) Through **force, threat, or intimidation;**

x x x (Emphasis supplied)

In this case, all the elements of Rape were established beyond reasonable doubt by the testimony of AAA and the medical findings of Dr. Odi. The evidence on record sufficiently established that appellant had carnal knowledge of AAA through force and intimidation.

Appellant asserted that AAA may have mistakenly identified him as her assailant considering that the room was dark when the rape occurred. This is a weak argument that deserves scant consideration. As correctly found by the CA, the prosecution was able to prove through AAA's consistent statement that she saw appellant's face and body through the light coming from outside their room, and that she recognized his voice when she was sexually abused. Indeed, and as aptly noted by the Office of the Solicitor General (OSG), the fact that appellant is her father makes AAA's positive identification certain as AAA is presumably very familiar with the physical appearance and voice of her father.

The Court has held time and again that testimonies of rape victims who are young and immature deserve full credence, considering that no young woman, especially of tender age, would concoct a story of defloration, allow an examination of her private parts, and thereafter pervert herself by being subject to a public trial, if she was not motivated solely by the desire to obtain justice for the wrong committed against her. Youth and immaturity are generally badges of truth. It is highly improbable that a girl of tender years, one not yet exposed to the ways of the world, would impute to any man a crime so serious as rape if what she claims is not true.<sup>5</sup>

On the alleged inconsistencies in AAA and BBB's testimonies, the CA aptly observed that the variance between their respective testimonies refer to incidents after the rape and thus, do not relate to the essential elements of the offense which may affect the established fact that appellant is guilty of raping AAA on the night of June 25, 2005.

Indeed, the RTC did not err in giving full faith and credence to AAA's testimony. Settled is the rule that the findings of the RTC on the credibility of witnesses and their testimonies in rape cases are generally accorded great weight and respect, and at times even finality, unless there appears certain facts or circumstances of weight and value which the lower court overlooked and which, if properly considered, would alter the result of the case.<sup>6</sup> Here, there is no cogent reason to disturb the RTC's findings disregarding the testimonies of the defense witnesses and upholding the credibility of AAA

<sup>5</sup> *People v. Rubio*, 683 Phil. 714, 722-723 (2012).

<sup>6</sup> *People v. Villamor*, 780 Phil. 817, 829 (2016).

who stood firm on her assertions and remained consistent in her testimony that appellant raped her.

On appellant's defense of improper motive arguing that AAA was motivated by vengeance in accusing him of rape, the pronouncement of the Court in *People v. Prodenciado*,<sup>7</sup> is instructive, thus:

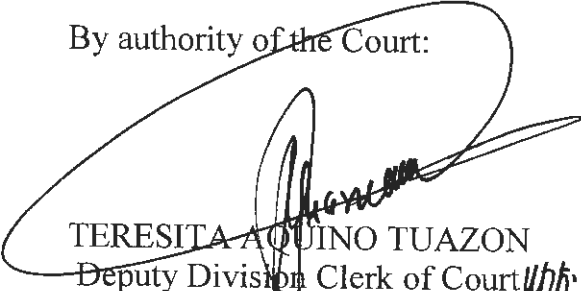
We must brush aside as flimsy the appellant's insistence that the charges were merely concocted by his daughter to punish him for bringing in his illegitimate daughters to live with them and for maltreating her. It is unthinkable for a daughter to accuse her own father, to submit herself for examination of her most intimate parts, put her life to public scrutiny and expose herself, along with her family, to shame, pity or even ridicule not just for a simple offense but for a crime so serious that could mean the death sentence to the very person to whom she owes her life, had she really not have been aggrieved. Nor do we believe that the victim would fabricate a story of rape simply because she wanted to exact revenge against her father, appellant herein, for allegedly scolding and maltreating her.<sup>8</sup>

In fine, appellant failed to show any compelling reason to deviate from the findings of the RTC which were affirmed by the CA. His conviction must be sustained.

**WHEREFORE**, the appeal is **DISMISSED**. The Decision dated December 14, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 01825-MIN is hereby **AFFIRMED**.

**SO ORDERED.**" (*Baltazar-Padilla, J., on official leave.*)

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court *Urh*  
10 NOV 2020 *11/10*

<sup>7</sup> 749 Phil. 746 (2014), citing *People v. Canoy*, 459 Phil. 933 (2003).

<sup>8</sup> Id. at 766.

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THE SUPERINTENDENT (reg)  
Davao Prison and Penal Farm  
B.E. Dujali Davao del Norte

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 22  
General Santos City  
(Crim. Case No. 19039)

COURT OF APPEALS (reg)  
Cagayan de Oro City  
CA-G.R. CR HC No. 01825-MIN

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