

SEVENTH DIVISION

[CA-G.R. CR-HC. NO. 05869, May 14, 2014]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RONNIEVIC "RONNIE" GAURANOC, ACCUSED-APPELLANT.**

D E C I S I O N

BALTAZAR-PADILLA, J.:

Before US is an appeal^[1] filed by accused Ronnievic "Ronnie" Gauranoc from the Decision^[2] rendered by the Regional Trial Court of Quezon City, Branch 94 in Criminal Case No. Q-10-163866 for Rape and Criminal Case No. Q-10-163867 for Violation of Sec. 10(a) of Republic Act No. 7610, the decretal portion of which reads:

"WHEREFORE, premises considered, the court finds the accused Ronnievic "Ronnie" Gauranoc y Calbo guilty beyond reasonable doubt of the crimes of rape and violation of Sec. 10(a) of Republic Act 7610.

In Criminal Case No. Q-10-163866 for rape, accused is sentenced to suffer the penalty of reclusion perpetua. He is further ordered to pay the victim AAA the following amounts: P50,000.00 as civil indemnity, P50,000.00 as moral damages, and P30,000.00 as exemplary damages and to pay the costs.

In Criminal Case No. Q-10-163867 for violation of Sec. 10(a) of Republic Act No. 7610, accused is sentenced to suffer an indeterminate penalty of FOUR (4) YEARS, NINE (9) MONTHS and ELEVEN (11) DAYS of prision correccional as minimum, to SIX (6) YEARS, EIGHT (8) MONTHS and ONE (1) DAY of prision mayor as maximum and to pay costs.

SO ORDERED."

Culled from the record, the facts of the case are summarized as follows:

Accused-appellant was charged under two Informations,^[3] one for Rape, the other for Violation of Sec. 10(a) R.A. No. 7610, the accusatory portions of which read, viz

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CRIMINAL CASE NO. Q-10-163866

"That on or about the 2nd day of May 2010 in Quezon City, Philippines, the above named accused, did then and there willfully, unlawfully and feloniously commit sexual abuse and have carnal knowledge with AAA^[4], a minor, 13 years of age, his biological daughter, against her will and without her consent to the damage and prejudice of the said offended party.

CONTRARY TO LAW.”

CRIMINAL CASE NO. Q-10-163867

“That on or about the 15th day of May 2010 in Quezon City, Philippines, the above-named accused, did then and there, willfully, unlawfully and feloniously commit an act of child abuse upon the person of AAA, a minor, 13 years of age, his biological daughter, by then and there pulling her hair and thereafter slapping her face, causing her to bump her head/ear on a nail, thereby causing physical injuries upon her; which act debases, degrades and demeans the intrinsic worth or dignity of said victim as human being.

CONTRARY TO LAW.”

Upon arraignment, accused-appellant pleaded “not guilty” to the crimes charged against him.^[5] Considering that the parties are the same in both cases, joint trial on the merits was conducted by the trial court.

The prosecution presented private complainant AAA, Ma. Haidy Gauranoc and Dr. Editha B. Martinez as witnesses. The defense, on the other hand, presented accused-appellant as its lone witness.

In the course of the trial, the prosecution and defense entered into stipulations on the intended testimonies of Barangay Protection and Security Officers (BPSOs) Rodolfo Salazar, Ricardo Apape and Pepito Carpio as follows:

- “1. that BPSOs Rodolfo Salazar, Ricardo Apape and Pepito Carpio are duly designated as Barangay Protection and Security Officers of Barangay Baesa, Quezon City;*
- 2. that on May 15, 2010 at around 9:15 in the evening while the said Barangay Protection and Security Officers mentioned were at the Barangay performing their duties they received a call from a concerned citizen informing them of an alleged abused(sic) perpetrated by a father against his daughter;*
- 3. that upon receiving the said complaint or information, they proceeded to NPC Mendez Road, Brgy. Baesa, Quezon City where they were met by the private complainant AAA, a 13 years(sic) old minor, who pointed to the accused as the perpetrator of the alleged abuse;*
- 4. that after informing the suspect of his constitutional rights, the suspect who gave his name as Ronnie Gauranoc y Calbo was brought to the Barangay for blotter and the police for proper investigation;*
- 5. that thereafter, the said BPSOs executed a Pinagsamang Sinumpaang Salaysay which they can identify if they will be presented to the Court for their testimony; and*
- 6. that the BPSOs have no personal knowledge of the facts surrounding the circumstances of these cases.”^[6]*

The evidence presented by the prosecution tend to establish the following:

Private complainant AAA was born on June 23, 1996 to accused-appellant and his late wife BBB. In November, 1997, BBB entrusted AAA to the care of CCC (accused-appellant's brother) and his wife because she was already seriously ill and could no longer take care of AAA. She also gave to the said spouses AAA's baptismal certificate. On December 1, 1997, BBB passed away. AAA was raised by CCC and his wife in Antique. To facilitate AAA's schooling, they registered her at the Office of the Local Civil Registrar of Sebaste, Antique, as their daughter.^[7]

On November 3, 2009, accused-appellant took AAA from his brother and brought her to Manila. They first lived in Marikina City with accused-appellant's second wife, his mother and two nephews. Later on, they transferred their residence to Baesa, Quezon City.

According to AAA, she had been repeatedly raped by accused-appellant from February to May, 2010. This happened every Sunday when her stepmother was in Marikina working as a sewer. The last time she was raped by her father was on May 2, 2010. On the said day, she was inside the room of their house getting her clothes as she was about to take a bath when accused-appellant entered the room and lifted her. He turned her around three times then laid her on the floor. He held both her hands and pinned her legs with his. Accused-appellant undressed her and took off his clothes. She tried to fight him back but she was not able to get loose of his hold. Accused-appellant placed himself on top of her and inserted his penis into her vagina. She was so disgusted about what his father was doing to her. She felt pain and cried several times.

AAA did not immediately tell anyone about her father's sexual abuses because he had been inflicting physical harm on her, *i.e.* "*sinusuntok sa tagiliran*", and had been threatening her that blood would shed in their house if she would report the incident to her uncle and grandmother "*Dadanak daw po ng dugo sa bahay* ." When AAA first told her stepmother about her ordeal in her father's hands, the latter refused to believe her. She only believed AAA when it was confirmed that the latter was pregnant.

On May 13, 2010, while AAA was alone inside the room talking to herself saying that she could no longer bear what her father was doing to her and that she would already report him to the authorities, accused-appellant entered the room, strangled her and slapped her hardly.

In the evening of May 15, 2010, her stepmother got drunk and made a scene outside their house, she shouted that AAA had been consenting to what her father was doing to her. An argument, thereafter, ensued inside their house between her father and her stepmother. Her father attempted to leave the house with his bag but he was prevented by her stepmother. He kept saying that "*aalis na ako para wala ng gulo* ." AAA went outside their house and sat on the doorstep.

Hearing the commotion inside their house, one of their neighbors asked AAA if what her stepmother was saying is true. While crying, she narrated to their neighbor what her father did to her. The neighbor reported the incident to the barangay officials.

When her father heard what she was saying to their neighbor, on his way out of their house, he approached AAA and slapped her strongly on the right cheek causing her to hit a nail. She sustained a cut on the left cheek and outside her ear. She felt so dizzy after she was slapped by her father so she remained seated until the barangay kagawads (BPSOs) arrived and arrested accused-appellant.

Accused-appellant and AAA were brought to the barangay hall for investigation. The following day, AAA was brought to Police Station 3, Quirino Highway, Barangay Talipapa, Quezon City for further investigation. She executed a sworn complaint affidavit dated May 16, 2010 before the City Prosecutor of Quezon City.^[8] Consequently, two Informations^[9] were filed against accused-appellant. One for Rape which was docketed as Criminal Case No. Q-10-163866 and another for Violation of Section 10(a) of Republic Act No. 7610. These cases were consolidated and jointly tried.

From Police Station 3, AAA was brought to Camp Crame for medical examination. Police Chief Inspector Editha B. Martinez, Medico-Legal Officer of the Philippine National Police Crime Laboratory, Camp Crame, conducted a physical examination on AAA and found that AAA had a *"deep healed hymenal laceration at three o'clock position" showing "clear evidence of blunt penetrating trauma to the hymen". AAA also had various physical injuries, i.e., "abrasion, left zygomatic region measuring 1x1 cm., 7.5 cm. and abrasion, right pinna, measuring 2x0.2 cm".*^[10]

In refutation of the prosecution's version, the defense presented accused-appellant as its sole witness.

In his testimony in open court, accused-appellant admitted that AAA is his daughter. He denied all the accusations against him and stated that from 8:00 o'clock in the morning to 7:00 o'clock in the evening of May 2, 2010, a Saturday, he was at his work place at Project 8, Quezon City. He was a stay-in worker who reported every Monday at 7:00 o'clock in the morning and left his work place on Saturday at 7:00 o'clock in the evening. His work place was only an hour and a half ride by jeepney or tricycle from their house in Baesa, Quezon City.

He admitted having physically hurt AAA when he was informed by their neighbor and his nephew that AAA was impregnated by her boyfriend Niño.

Accused-appellant averred that on May 15, 2010, his live-in partner created trouble that his mother and AAA got scared and went outside the house. The president of their neighborhood association called the barangay officials and reported that he raped AAA. He could not think of any reason why AAA would file a complaint for rape against him.

After hearing on the merits, the trial court found accused-appellant guilty of the of the crimes charged against him in its assailed Decision dated October 15, 2012.^[11]

Aggrieved by the trial court's Decision, accused-appellant interposed the extant appeal attributing the following error to the lower court, viz –

"THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF RAPE AND VIOLATION OF SEC. 10(a), R. A. NO. 7610, DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT."^[12]

The appeal is bereft of merit.

In seeking his acquittal, accused-appellant asserts that AAA's testimony in open court is replete with inconsistencies and improbabilities that it should be disregarded.

He claims that he could not have raped AAA in their twenty (20) square meter-house in Quezon City specially when AAA's grandmother was inside the said house. With the several incidents of rape allegedly happening every Sunday in their small house, it is quite impossible that AAA's grandmother would not notice even a whimper. While AAA alleged that she tried to resist his sexual advances and she cried a number of times, her physical examination revealed no marks of force or battery.

Accused-appellant also insists that AAA's testimony pertains to a different rape incident known only to her and not to that alleged in the Information. Hence, there remains no testimony specifically directed at proving the alleged rape on May 2, 2010.

Accused-appellant further relies on the case of *People vs. Padilla*^[13] in asserting that he should be acquitted. In the said case, the Supreme Court acquitted the accused because the prosecution's evidence on the whole was improbable.

The postures taken by accused-appellant fail to impress US.

In reviewing convictions for rape, we are guided by the following principles: (a) an accusation of rape can be made with facility and while the accusation is difficult to prove, it is even more difficult for the person accused, although innocent, to disprove; (b) considering the intrinsic nature of the crime, only two persons being usually involved, the testimony of the complainant should be scrutinized with great caution; and (c) the evidence for the prosecution must stand or fall on its own merit, and cannot be allowed to draw strength from the weakness of the evidence for the defense.^[14]

In rape cases, the conviction or acquittal of the accused most often depends almost entirely on the credibility of the private complainant's testimony. By the very nature of this crime, it is generally unwitnessed and usually the victim is left to testify for herself. When a rape victim's testimony is straightforward and marked with consistency despite grueling examination, it deserves full faith and confidence and cannot be discarded.^[15]

In the extant case, accused-appellant's contentions cannot prevail over the testimony of private complainant which the trial court found to be "*straightforward, clear and consistent.*" She gave a full detail of how she was raped by her father and did not waver on her claim despite the grueling cross-examination of the defense.

Her testimony is as follows:

"Q *On February 1, 2010, Ms. Witness, where were you?*

A *I was at home.*

Q *What were you doing?*

A *I was just there together with my grandmother.*

Q *Do you remember anything that happened on that day?*