

FIRST DIVISION

[G.R. No. 232500, July 28, 2020]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ZZZ,^[1]
ACCUSED-APPELLANT.**

D E C I S I O N

PERALTA, C.J.:

Before this Court is an appeal from the November 28, 2016 Decision^[2] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06755 which affirmed the October 29, 2013 Joint Decision^[3] of the Regional Trial Court (RTC) of Calapan, Oriental Mindoro, Branch 39, finding accused-appellant ZZZ guilty beyond reasonable doubt of violations of Section 5 (a) and (i), in relation to Section 6 (a) and (f), of Republic Act (R.A.) No. 9262, otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004"; of Rape; and of three (3) counts of Acts of Lasciviousness, in relation to R.A. No. 7610.^[4]

The antecedent facts are as follows.

In six (6) separate Informations, accused-appellant was charged with violations of Section 5 (i), in relation to Section 6 (f), and Section 5 (a), in relation to Section 6 (a), of R.A. No. 9262; with Rape; and with three (3) counts of Acts of Lasciviousness, in relation to R.A. No. 7610, the accusatory portions of which read:

Criminal Case No. CR-08-9135

That sometime prior thereto and continuously up to April 19, 2008, in the City of Calapan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused who is the legitimate father of complainant [AAA],^[5] 12-year-old minor, in utter disregard of the respect owing to his said son, did then and there, willfully, unlawfully and feloniously inflict emotional, mental, and psychological violence upon the said [AAA] by causing him psychological, mental and emotional sufferings and anguish, public ridicule and humiliation, specially through repeated verbal and emotional abuse, threatening complainant of physical harm and other forms of intimidation and harassment, acts which debase, degrade, and demean the intrinsic worth and dignity of the said [AAA] as a human being, to his damage and prejudice.

Contrary to law.^[6]

Criminal Case No. CR-08-9136

That on or about April 19, 2008, at around 8:00 o'clock (*sic*) in the evening, more or less, at [REDACTED], City of Calapan, Philippines and

within the jurisdiction of this Honorable Court, the above-named accused who is the legitimate father of complainant [AAA], 12 years old, in utter disregard of the respect owing to his said son, did then and there, willfully, unlawfully and feloniously attack, assault and use personal violence upon the person of [AAA], inflicting upon the latter hematoma, 1 cm, right upper lip, which injury necessitates medical attendance for less than nine days, acts which debase, degrade, and demean the intrinsic worth and dignity of the said [AAA] as a human being, to his damage and prejudice.

Contrary to law.^[7]

Criminal Case No. CR-08-9180

That sometime in the month of May 2003, in [REDACTED], City of Calapan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, motivated by lust and lewd desire, by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously [have] carnal knowledge of [BBB], his sixteen (16) year old daughter and therefore a relative within 1st civil degree by consanguinity and living with him in the same house, against her will and without her consent, acts which debase, degrade and demean the intrinsic worth and dignity of the said [BBB], as a human being, to her damage and prejudice.

Contrary to law.^[8]

Criminal Case No. CR-08-9183

That on or about the 18th day of March, 2008, in [REDACTED], City of Calapan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, actuated by lust and lewd desire, taking advantage of his moral ascendancy over [CCC], by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously commit acts of lasciviousness against the person of [CCC], his fourteen (14) year old daughter, and therefore a relative within the 1st civil degree by consanguinity, and living with him in the same house, by embracing her, massaging her breast and touching her sexual organ, against complainant's will and without her consent, acts which debase, degrade and demean the intrinsic worth [and] dignity of the said complainant as a child, to the damage and prejudice of the said [CCC].

Contrary to law.^[9]

Criminal Case No. CR-08-9184

That on or about the 19th day of March, 2008, in [REDACTED], City of Calapan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, actuated by lust and lewd desire, taking advantage of his moral ascendancy over [CCC], by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously

commit acts of lasciviousness against the person of [CCC], his fourteen (14) year old daughter, and therefore a relative within the 1st civil degree by consanguinity, and living with him in the same house, by embracing her, massaging her breast and touching her sexual organ, against complainant's will and without her consent, acts which debase, degrade and demean the intrinsic worth [and] dignity of the said complainant as a child, to the damage and prejudice of the said [CCC].

Contrary to law.^[10]

Criminal Case No. CR-08-9185

That on or about the 20th day of March, 2008, in [REDACTED], City of Calapan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, actuated by lust and lewd desire, taking advantage of his moral ascendancy over [CCC], by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously commit acts of lasciviousness against the person of [CCC], his fourteen (14) year old daughter, and therefore a relative within the 1st civil degree by consanguinity, and living with him in the same house, by embracing her, massaging her breast and touching her sexual organ, against complainant's will and without her consent, acts which debase, degrade and demean the intrinsic worth [and] dignity of the said complainant as a child, to the damage and prejudice of the said [CCC].

Contrary to law.^[11]

When arraigned, accused-appellant pleaded not guilty to all the charges. After termination of the pre-trial, trial on the merits ensued.

Around 8:00 p.m. on April 19, 2008, accused-appellant's twelve (12)-year-old son AAA was at home with his mother DDD and his four (4) siblings. AAA and his sister EEE were playing a game of "dama" when the heavily drunk accused-appellant arrived from a wedding celebration. He hurled words at EEE, such as "*Putang-ina mo, putang-ina n'yo isama n'yo na ang inyong ina sa Maynila at gawin n'yo ng pagerper.*"^[12] To avoid scolding, EEE and AAA ignored their father's rants. However, accused-appellant approached AAA, berated him, and boxed him which caused his mouth to bleed and loosened his teeth.^[13] DDD, who was doing laundry at that time, heard the commotion and rushed to the scene to pacify accused-appellant. EEE then instructed AAA to go to their other brother and report the incident to the police.^[14]

Prior to the incident, or around lunchtime in May 2003, accused-appellant asked his then ten (10)-year-old daughter BBB to accompany him to get firewood near the irrigation canal. On their way home, he ordered BBB to lie down on the banana leaf. Terrified, BBB obeyed him. He then took off his pants and removed BBB's lower garments. He went on top of her, told her to remain silent, and forcibly inserted his penis into her vagina. Afterwards, he instructed her to dress, and warned her not to tell anybody about the incident.^[15]

In the evening of March 18, 2008, fourteen (14)-year-old CCC was sleeping with her three (3)-year-old nephew when her drunk father entered the room. He lay beside her and touched her vagina. Overcome with fear, she was unable to shout for help from her brothers who were sleeping in another room. The following night, March 19, 2008, she asked her brother FFF to sleep with her and their nephew. However, accused-appellant was undeterred and repeated his reprehensible acts, and was even smiling. FFF witnessed the incident but was also helpless. The following morning, or on March 20, 2008, CCC went to the house of a barangay councilor to report her father. Unfortunately, the said councilor failed to help her. She also called her mother DDD, urging her to return home, but the latter was unable to return since her brother was still under treatment at a mental hospital. That night, accused-appellant lay beside her and fondled her breasts and vagina. He also embraced her and placed his legs between her legs. He only left when she started to cry.^[16]

On the other hand, accused-appellant admitted that he and DDD have fourteen (14) children, including AAA, BBB, CCC, EEE and FFF. However, he fervently denied the accusations of his children. Unlike the portrayal of the prosecution, he was close to AAA, and took care of BBB and CCC when they were studying. It was only when CCC returned after five (5) years in Manila with her sister that she started the allegations against him. He claimed that it was EEE who filed the cases against him.^[17]

On October 29, 2013, the RTC found accused-appellant guilty on all the charges against him, the *fallo* of the Joint Decision reads:

ACCORDINGLY, judgment is hereby rendered as follows:

1. In Criminal Case No. CR-08-9135, this Court finds the accused [ZZZ] **GUILTY** beyond reasonable doubt as principal of the crime charged against him in the aforequoted Information and in default of any mitigating or aggravating circumstances, hereby sentences him to suffer an indeterminate sentence of imprisonment ranging from **SIX (6) MONTHS AND ONE (1) DAY OF PRISION CORRECCIONAL AS MINIMUM TO SIX(6) YEARS AND ONE (1) DAY OF PRISION MAYOR AS MAXIMUM** and to pay the FINE of ONE HUNDRED THOUSAND PESOS ([P]100,000.00);
2. In Criminal Case No. CR-08-9136, this Court finds the accused [ZZZ] **GUILTY** beyond reasonable doubt as principal of the crime charged against him in the aforequoted Information and in default of any mitigating or aggravating circumstances, hereby sentences him to suffer the straight penalty of imprisonment for **THREE (3) MONTHS OF ARRESTO MAYOR IN ITS MEDIUM PERIOD** and to pay the FINE of ONE HUNDRED THOUSAND PESOS ([P]100,000.00)[;]
3. In Criminal Case No. C[R]-08-9180, this Court finds the accused [ZZZ] **GUILTY** beyond reasonable doubt as principal of the crime charged against him in the aforequoted Information and appreciating his relationship with the private complainant as an aggravating circumstance and in default of any mitigating circumstances, hereby sentences him to suffer the penalty of

RECLUSION PERPETUA, WITHOUT ELIGIBILITY FOR PAROLE, and to **PAY** the private complainant the amount of [P]20,000.00 as civil indemnity, [P]15,000.00 as moral damages, [P]15,000.00 as exemplary damages, [P]15,000.00 as fine, and to pay the costs;

4. In Criminal Case No. C[R]-08-9183, this Court finds the accused [ZZZ] **GUILTY** beyond reasonable doubt as principal of the crime charged against him in the aforequoted Information and appreciating his relationship with the private complainant as an aggravating circumstance and in default of any mitigating circumstances, hereby sentences him to suffer the penalty of **RECLUSION PERPETUA, WITHOUT ELIGIBILITY FOR PAROLE,** and to **PAY** the private complainant the amount of [P]20,000.00 as civil indemnity, [P]15,000.00 as moral damages, [P]15,000.00 as exemplary damages, [P]15,000.00 as fine, and to pay the costs;
5. In Criminal Case No. C[R]-08-9184, this Court finds the accused [ZZZ] **GUILTY** beyond reasonable doubt as principal of the crime charged against him in the aforequoted Information and appreciating his relationship with the private complainant as an aggravating circumstance and in default of any mitigating circumstances, hereby sentences him to suffer the penalty of **RECLUSION PERPETUA, WITHOUT ELIGIBILITY FOR PAROLE,** and to **PAY** the private complainant the amount of [P]20,000.00 as civil indemnity, [P]15,000.00 as moral damages, [P]15,000.00 as exemplary damages, [P]15,000.00 as fine, and to pay the costs;
6. In Criminal Case No. CR-08-9185, this Court finds the accused [ZZZ] **GUILTY** beyond reasonable doubt as principal of the crime charged against him in the aforequoted Information and appreciating his relationship with the private complainant as an aggravating circumstance and in default of any mitigating circumstances, hereby sentences him to suffer the penalty of **RECLUSION PERPETUA, WITHOUT ELIGIBILITY FOR PAROLE,** and to **PAY** the private complainant the amount of [P]75,000.00 as civil indemnity, [P]75,000.00 as moral damages, [P]25,000.00 as exemplary damages, and to pay the costs;

The aforementioned penalties shall be served by the accused **SUCCESSIVELY.**

SO ORDERED.^[18] (Emphases, italics and underscores in the original)

The RTC held in Criminal Case Nos. CR-08-9135 and CR-08-9136 that AAA positively identified accused-appellant as the one who berated and boxed him on the face. His mother and his sister corroborated the same. The incident caused physical injury, as well as mental or emotional anguish, public ridicule or humiliation, on AAA's person.

^[19] In Criminal Case No. CR-08-9180, BBB's categorical identification of the perpetrator and straightforward narration established that accused-appellant, through force, threat or intimidation, had carnal knowledge of his minor daughter. It is unthinkable for a daughter to accuse her own father, submit herself for examination of her most intimate parts, put her life to public scrutiny and expose