

THIRD DIVISION

[G.R. No. 242278, December 09, 2020]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CHRISTIAN MANUEL Y VILLA, ACCUSED-APPELLANT.**

D E C I S I O N

DELOS SANTOS, J.:

The Case

This ordinary appeal challenges the Decision^[1] dated April 26, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08616, which affirmed the Judgment^[2] dated July 15, 2016 of the Regional Trial Court (RTC) of Manila, Branch 9 in Crim. Case Nos. 11-288374-78, finding accusedappellant Christian Manuel y Villa (accused-appellant) guilty beyond reasonable doubt of Acts of Lasciviousness, Attempted Qualified Rape, Qualified Rape, and Qualified Rape by Sexual Assault.

The Antecedents

Accused-appellant's conviction arose from the following sets of Information, viz.:

Criminal Case No. 11[-]288374

That on or about June 15, 2009, in the City of Manila, Philippines, the said [accused-appellant], being then the stepfather of [AAA],^[3] **a minor, 9 years old**, and/or common[-]law husband of [BBB], with lewd design, did then and there willfully, unlawfully and feloniously commit acts of lasciviousness upon the person of [AAA], by then and there directing her to hold his penis and moving it up and down, against her will and without her consent. (Emphasis supplied)

CONTRARY TO LAW.^[4]

Criminal Case No. 11[-]288375

That on or about June 27, 2009, in the City of Manila, Philippines, the said [accused-appellant], being then the stepfather of [AAA], **a minor, 9 years old**, and/or common[-]law husband of [BBB], with lewd design, did then and there willfully, unlawfully and feloniously commence the commission of the crime of rape directly by overt acts, to wit: by then and there suddenly removing the shorts and panty of said [AAA], and forcibly trying to place his penis into her vagina, with the evident intent of having carnal knowledge with her, all against her will and consent, but

said [accused-appellant] did not perform all the acts of execution which should have produced the crime of rape by reason of some cause or accident other than his own spontaneous desistance, that is, by the act of said [AAA] of kicking the herein [accused-appellant] causing him to return to the original place where he was then sleeping. (Emphasis supplied)

CONTRARY TO LAW.^[5]

Criminal Case No. 11[-]288376

That sometime [i]n August 2010, in the City of Manila, Philippines, the said [accused-appellant], being then the stepfather of [AAA], **a minor, 11 years old**, and/or common[-]law husband of [BBB], mother of said [AAA], did then and there willfully, unlawfully and feloniously have carnal knowledge upon said [AAA], by then and there making her lie sideways and thereafter, inserting his penis [i]nto her vagina, touching lightly its hole/[*labia*]. (Emphasis supplied)

CONTRARY TO LAW.^[6]

Criminal Case No. 11[-]288377

That sometime [sic] on the third Saturday of August 2010, in the City of Manila, Philippines, the said [accused-appellant], being then the stepfather of [AAA], **a minor, 11 years old**, and/or common[-]law husband of [BBB], mother of [AAA], did then and there willfully, unlawfully and feloniously have carnal knowledge upon said [AAA], by then and there pulling her, removing her clothes and shorts, making her lie sideways, and forcibly inserting his penis [into] her vagina. (Emphasis supplied)

CONTRARY TO LAW.^[7]

Criminal Case No. 11[-]288378

That on or about June 28, 2009, in the City of Manila, Philippines, the said [accused-appellant], being then the stepfather of [AAA], **a minor, 9 years old**, and/or common[-]law husband of [BBB], mother of [AAA], did then and there willfully, unlawfully and feloniously commit sexual assault upon said [AAA], by then and there making her hold his penis and putting it inside her mouth, against her will and consent, to her damage and prejudice. (Emphasis supplied)

CONTRARY TO LAW.^[8]

Accused-appellant pleaded not guilty to all charges. Thereafter, trial on the merits ensued.

Version of the Prosecution

The evidence of the prosecution comprised of the testimonies of the minor victim, AAA, and her mother, BBB. Their testimonies sought to establish the following:

AAA is the daughter of BBB from a previous relationship. AAA was born on July 13, 1999, and was only 3 years old when BBB lived with her common-law husband, herein accused-appellant. At the time of the incidents, they all resided in [REDACTED], Manila, together with BBB's two children with accused-appellant.^[9]

AAA narrated that the first incident occurred on June 15, 2009 when she was 9 years old. While she was sleeping, accused-appellant sat beside her and made her hold his penis, guiding her hand in upward and downward movements. The act lasted for about 20 minutes until she resisted by kicking him.^[10]

AAA recalled that on June 27, 2009, accused-appellant forcibly removed her shorts and underwear while she was sleeping. Accusedappellant then went on top of her, held her hands and feet, and tried to insert his penis into her vagina. However, she successfully resisted his sexual advances by pushing and kicking him.^[11] The following night, or on June 28, 2009, accused-appellant forced AAA to hold his penis and insert it into her mouth. Owing to her resistance by pushing and kicking him, his penis merely touched her mouth.^[12]

Sometime in August 2010, accused-appellant successfully ravished AAA. After removing her shorts and underwear, accused-appellant made her lie sideways and forcibly inserted his penis into her vagina, overpowering her resistance.^[13]

On September 1, 2010, AAA told her mother that accused-appellant sexually molested her. The following morning, they reported the incidents to the police station. AAA was then referred to the Child Protection Unit of the Philippine General Hospital (CPU-PGH) and to the care of the Department of Social Welfare and Development.^[14]

BBB declared that her daughter developed depression and exhibited an unusual behavior. Sometimes AAA would go berserk and curse at herself. Since 2011, they went to CPU-PGH thrice for her treatment.^[15]

In a Provisional Medico-Legal Report^[16] dated September 7, 2010, Dr. Stella Manalo of the CPU-PGH indicated the following:

IMPRESSIONS

No evident injury at the time of the examination but medical evaluation cannot exclude sexual abuse. Acute Tonsillopharyngitis, exudative.

Version of the Defense

The defense presented accused-appellant as its lone witness. Accusedappellant declared that he and BBB were not married, but they were living as husband and wife for about 10 years. AAA, BBB's daughter from a previous relationship, lived with them, together with accused-appellant's two children with BBB. Accused-appellant admitted having exercised parental authority over AAA when she was just

3 years old, and treated her as his own daughter.^[17]

Interposing denial, accused-appellant argued that it was impossible for him to have molested or raped AAA inside their house, which he claimed to be mere shanty covering a very small area, where they all slept together, *i.e.*, accused-appellant slept beside his two children, while AAA slept beside her mother, BBB.^[18]

The RTC Ruling

In its Judgment^[19] dated July 15, 2016, the RTC convicted accused-appellant of Acts of Lasciviousness under Article 336 of the Revised Penal Code (RPC) in Criminal Case No. 11-288374, Attempted Qualified Rape in Criminal Case No. 11-288375, Qualified Rape in Criminal Case No. 11-288377 and Qualified Rape by Sexual Assault in Criminal Case No. 11-288378. However, it acquitted accused-appellant of the charge of Rape in Criminal Case No. 11-288376 for failure to prove his guilt beyond reasonable doubt. The *fallo* of the Decision reads:

WHEREFORE, accused is hereby found:

GUILTY beyond reasonable doubt of ACTS OF LASCIVIOUSNESS, defined and penalized under Article 336 of the Revised Penal Code, in Criminal Case No. 11[-]288374. He is sentenced to suffer the indeterminate penalty of 5 months and 10 days of [*Arresto Mayor*] medium as minimum, to 4 years and 2 months of [*Prision Correccional*] [m]edium as maximum, and is ORDERED to pay the victim P75,000[.00] as civil indemnity, P75,000[.00] as moral damages, and P30,000[.00] as exemplary damages, plus interest of 6% per annum on the amount of damages, reckoned from the finality of this decision until full payment.

GUILTY beyond reasonable doubt of ATTEMPTED QUALIFIED RAPE, defined and penalized under Article 266-A, in relation to Article 6 of the Revised Penal Code in Criminal Case No. 11[-]288375. He is sentenced to suffer the indeterminate penalty of 6 years[,] 2 months and 1 day of [*Prision Mayor*] minimum as minimum, to 18 years and 2 months of [*Reclusion Temporal*] maximum as maximum and is ORDERED to pay the victim P30,000.00 as civil indemnity, P25,000.00 as moral damages and P10,000.00 as exemplary damages, plus interest at 6% per annum on the amount of damages, reckoned from the finality of this decision until full payment.

GUILTY beyond reasonable doubt of QUALIFIED RAPE under Article 266-A paragraph [1(d)] of the Revised Penal Code in Criminal Case No. 11[-]288377. He is sentenced to suffer the [indeterminate] penalty of *RECLUSION PERPETUA* without eligibility for parole, and is ORDERED to pay the victim P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P30,000[.00] as exemplary damages, plus interest of 6% per annum on the amount of damages, reckoned from the finality of this decision until full payment.

GUILTY beyond reasonable doubt of QUALIFIED RAPE BY SEXUAL ASSAULT under Article 266-A[,] paragraph 2 of the Revised Penal Code in

Criminal Case No. 11[-]288378. He is sentenced to suffer the indeterminate penalty of 10 years of [*Prision Mayor*] as minimum, to 17 years [and] 4 months of [*Reclusion Temporal*] as maximum, and is ORDERED to pay the victim P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P30,000[.00] as exemplary damages, plus interest of 6% per annum on the amount of damages, reckoned from the finality of this decision until full payment.

Accused is ACQUITTED of the crime of Rape under Article 266-A, paragraph [1(d)] of the Revised Penal Code under Criminal Case No. 11[-]288376, for lack of evidence to prove guilt beyond reasonable doubt.

SO ORDERED.^[20]

The RTC held that AAA gave a detailed and credible narration of her sexual ordeal, positively identifying accused-appellant as the perpetrator who consummated the sexual acts against her will. Taking into consideration the child's very young age at the time of the incidents, the RTC was persuaded of her candor and sincerity throughout the trial and even during her cross-examination. The RTC also underscored that the lack of specific injuries on AAA's genital and hymen did not negate her claim of rape and sexual abuse, holding that a medical examination of the victim is merely corroborative in character and is not essential to a conviction.

Aggrieved, accused-appellant appealed to the CA challenging AAA's credibility. Accused-appellant maintained that it was impossible for him to have sexually molested and raped AAA in their house where they were sleeping, together with his wife and two children. To him, they would have been easily awakened by any slight movement. He added that AAA's behavior of staying in the same house with her supposed violator after the alleged three incidents of sexual abuse and rape is uncharacteristic of a sexually-abused or raped victim. Lastly, accused-appellant argued that the lack of definitive statement in the medical findings on AAA that she had been raped or sexually abused belied her claims.

The CA Ruling

In its Decision^[21] dated April 26, 2018, the CA affirmed accusedappellant's conviction in Criminal Case Nos. 11-288375, 11-288377 and 11-288378 for Attempted Qualified Rape, Qualified Rape and Qualified Rape by Sexual Assault, respectively, with modification as regards the penalties imposed and damages awarded. In Criminal Case No. 11-288374, the CA convicted accused-appellant of Acts of Lasciviousness under Article 336 of the RPC, in relation to Section 5(b), Article III of Republic Act (R.A.) No. 7610, otherwise known as the *Special Protection of Children Against Abuse, Exploitation and Discrimination Act*. The *fallo* of the Decision reads:

WHEREFORE, the *Appeal* is hereby DENIED. The Judgment dated 15 July 2016 of the Regional Trial Court of Manila, Branch 9, is AFFIRMED with MODIFICATIONS to [read] as follows:

1. Criminal Case No. 11[-]288374 (*Acts of Lasciviousness*) under Article 336 of the Revised Penal Code in relation to Section 5(b),