

## SECOND DIVISION

[ \*G.R. No. 224212, November 27, 2019 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMEO DE CASTRO DE GUZMAN, ACCUSED-APPELLANT.**

### DECISION

**HERNANDO, J.:**

This is an appeal under Rule 124<sup>[1]</sup> of the Rules of Court challenging the May 26, 2015 Decision<sup>[2]</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06680, which affirmed with modification the January 20, 2014 Joint Decision<sup>[3]</sup> of the Regional Trial Court (RTC), Las Piñas City, Branch 254, in Crim. Case Nos. 11-0400 and 11-0540, finding accused-appellant Romeo De Castro De Guzman (De Guzman) guilty of two counts of Qualified Rape.

#### The Antecedents

De Guzman appeals his conviction for two counts of qualified rape. He denies the charges and argues that his guilt has not been proven beyond reasonable doubt.

In two separate Informations both dated May 11, 2011, De Guzman was charged with Qualified Rape in relation to Republic Act (RA) No. 7610, the accusatory portions of which read:

In Criminal Case No. 11-0400 (Qualified Rape in relation to RA 7610):

That on or about the 9<sup>th</sup> day of May 2011, in the City of Las Piñas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, did then and there willfully, unlawfully and feloniously had carnal knowledge [of AAA<sup>[4]</sup>], a fifteen (15)[-]year old minor, without her consent, by means of force, threat and intimidation, and by taking advantage of his moral ascendancy over her, he being her step parent, thereby subjecting her to sexual abuse; the act complained of is prejudicial to the physical, psychological and moral development of the said minor, and which degrades or demeans her intrinsic worth and dignity as a human being.

CONTRARY TO LAW.<sup>[5]</sup>

In Criminal Case No. 11-0540 (Qualified Rape in relation to RA 7610):

That sometime in year 2003, in the City of Las Piñas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, did then and there willfully, unlawfully and feloniously

had carnal knowledge [of AAA], an eight (8)[-]year old minor, without her consent, by means of force, threat and intimidation, and by taking advantage of his moral ascendancy over her, he being her step-parent, thereby subjecting her to sexual abuse; the act complained of is prejudicial to the physical, psychological and moral development of the said minor, and which degrades or demeans her intrinsic worth and dignity as a human being

CONTRARY TO LAW.<sup>[6]</sup>

During his arraignment, De Guzman entered a plea of "not guilty."<sup>[7]</sup>

At the pre-trial, the parties stipulated on the following: a) jurisdiction of the court; b) identity of the accused; and c) the victim was still a minor at the time of the alleged incidents.<sup>[8]</sup>

The pertinent facts, as stated in the Appellee's Brief (represented by the Office of the Solicitor General), are as follows:

AAA was born on January 20, 1996. After the separation of her mother BBB<sup>[9]</sup> with her biological father, BBB cohabited with appellant, who acted as his stepfather. Appellant also has two (2) biological children with BBB.

Sometime in 2003, when AAA was only eight (8) years old, appellant who was then at the small extension of their house at x x x asked AAA to join him. At that time[,], BBB was out of their house doing laundry. AAA's siblings were also asleep.

AAA approached appellant who made her lie down on the floor and removed her shorts and underwear. Appellant then inserted his penis [into] AAA's vagina. AAA felt pain but did not shout because prior to this, appellant warned AAA against reporting the incident to anyone, including her mother. Appellant also told AAA not to make any noise. Out of fear, AAA did not report the rape to her mother.

AAA was repeatedly raped on separate occasions, which she did not also report to her mother. In order to avoid appellant, AAA often spent time with her friends outside of their house. Meanwhile, AAA's mother did not appreciate this so she shaved AAA's head. At this point, AAA also stopped studying.

Thereafter, AAA transferred to the house of her aunt, [CCC<sup>[10]</sup>], x x x where she continued her studies. While living with her aunt [CCC] sometime in March 2011, she disclosed to her aunt [CCC] that appellant raped her.

Another incident of rape occurred when AAA returned to their new house x x x. On May 9, 2011, at around 2:00 p.m., appellant approached AAA while [she was sorting out] her younger brothers' toys. He immediately removed AAA's shorts and underwear, and instructed AAA to lie down on

the floor. Appellant then inserted his penis into AAA's vagina. AAA did not shout because she was scared. No one was home at the time of the said incident because AAA's mother was doing laundry at her employer's house, while her brothers were playing outside.

The following day, or on May 10, 2011, at around 11:00 a.m., AAA's aunt [DDD<sup>[11]</sup>] went to their house x x x when she learned from [CCC] about what happened. Afterwards, [DDD] brought AAA to her own house where she confronted AAA regarding the sexual abuse committed by appellant. AAA then confirmed that appellant indeed raped her.

Soon after, AAA and her aunt [DDD] went to her uncle [EEE<sup>[12]</sup>]. They then proceeded to the Department of Social Welfare and Development (DSWD) and to the Las Piñas Police Station for purposes of reporting AAA's rape.<sup>[13]</sup> (Citations omitted)

During trial, AAA's birth certificate<sup>[14]</sup> was presented which revealed that she was only around seven years old (not yet eight years old as indicated in the Information) when the first rape was committed against her in 2003, as she was born on January 20, 1996. AAA was 15 years old when she was raped on May 9, 2011.

The prosecution likewise established that AAA submitted herself to a medical examination wherein the attending medico-legal officer found that she had both shallow and deep healed hymenal lacerations, which confirmed that there was a prior blunt force or penetrating trauma to the area. This was affirmed by the Initial Medico-Legal Report<sup>[15]</sup> dated May 10, 2011 and the subsequent Medico-Legal Report No. R11-748<sup>[16]</sup> dated May 13, 2011.

Police Chief Inspector Editha Martinez, who conducted the medico-legal examination, affirmed the findings in the medico-legal report during her testimony. She stated that a possible cause of the lacerations would be any hard blunt object that penetrated the hymen, which could include an erect penis.<sup>[17]</sup> On cross-examination, though, she admitted that it was possible that the trauma caused on the hymen could have been self-inflicted.<sup>[18]</sup>

Significantly, AAA, during her testimony, affirmed that De Guzman is her stepfather.<sup>[19]</sup> She also narrated how De Guzman took advantage of her during the 2003 incident, as follows:

[Pros. Sylvia I. Butial]: Can you tell the Court of any incident that transpired in 2003, inside your house x x x?

[AAA]: My mother was not at home then. She was doing the laundry and

my siblings were then asleep when this incident happened, Ma'am.

Q: Do you recall the [month] when this incident happened?

A: No more, Ma'am.

Q: What happened when your mother was not at home and your siblings were then sleeping?

A: My stepfather who was then at the small extension of our house called me, Ma'am.

Q: Can you tell me the name of your stepfather?

A: Romeo De Castro De Guzman, Ma'am.

Q: What did you do when Romeo De Castro De Guzman called you x x x?

A: I approached [him], Ma'am.

Q: What happened when you approached Romeo De Castro De Guzman?

A: He made me lie down on the floor and removed my shorts and panty, Ma'am.

Q: What happened after he removed your shorts and panty?

A: He inserted his penis [into] my vagina, Ma'am.

Q: How did you feel when he did that to you?

A: It was painful, Ma'am.

Q: Did you shout when he did that to you?

A: No, Ma'am.

Q: Why did you not shout?

A: Because before he did that to me, he told me not to report to my mother nor to anyone and not to make any noise, Ma'am.

Q: What else did he tell you before he inserted his penis [into] your vagina?

A: That's all, Ma'am.

Q: Did you tell your mother [about] what the accused did to you?

A: No, Ma'am.

Q: Why not?

xxxx

A: Because I was scared, Ma'am. <sup>[20]</sup>

Likewise, AAA narrated what De Guzman did to her during the May 9, 2011 incident, as follows:

[Pros. Sylvia I. Butial]: Can you also tell the Court if there was any unusual incident that transpired on May 9, 2011?

[AAA]: Yes, Ma'am.

Q: What was that incident?

A: That same day, he again did the same thing he was doing to me, Ma'am.

Q: Who is that person you are referring to?

A: Romeo De Guzman, Ma'am.

Q: Can you tell the Court what exactly did Romeo De Guzman do to you?

A: He removed my shorts and my panty and he inserted his penis [into] my vagina, Ma'am.

Q: How old were you then?

A: I was 15 years old, Ma'am. [21]

AAA stated that she was alone at the time and while she was sorting the toys of her siblings, De Guzman approached her. Thereafter, he immediately removed her shorts and panty and instructed her to lie down on the floor. She did not do anything because she did not know who to ask help from in case she had the chance to do so. Moreover, she explained that she did not shout because she was scared, and that she did not tell her mother about what happened. After the harrowing experience, AAA stayed at her cousin's house. Afterwards, AAA's aunt, DDD, asked AAA about the rape incidents. AAA then relayed to DDD that De Guzman raped her. In turn, DDD told her brother EEE about what happened to AAA. Together, they brought AAA to the Department of Social Welfare and Development (DSWD) to report the crime. [22]

On cross-examination, AAA averred that her brothers were sleeping when the 2003 incident occurred. She likewise revealed that she had earlier told her aunt CCC about what De Guzman did to her. [23]

AAA further narrated that in April 2010, her mother sent her to stay with her aunt CCC. AAA explained that at the time, she would usually go out with her friends to avoid staying at home with De Guzman. Unaware of the reasons for such display of attitude, she caught the ire of her mother causing the latter to shave her head and to force her to discontinue her studies. [24] Even so, AAA revealed that she was terrified to tell her mother about the rape incidents because she feared that her mother would only scold her and not support her. She likewise claimed that there were other rape incidents. [25]

DDD, BBB's sister and AAA's aunt, testified that she asked for the transfer of custody of AAA to the DSWD-Marillac Hills because BBB was trying to convince AAA to desist from pursuing the case. [26]

The defense presented De Guzman as its lone witness. De Guzman denied the accusations against him. He alleged that AAA was a problematic child and even joined a gang so much so that her mother shaved her head. Due to this, De Guzman and BBB sent AAA to live with her aunt CCC in Montalban. He likewise claimed that AAA was angry at him because he always scolds her, especially since AAA was seeing her boyfriend. He claimed that AAA's aunts, the ones who helped AAA file the case, were averse to him. He reiterated that there was no truth in the allegations. [27]

### ***The Ruling of the Regional Trial Court***