

SECOND DIVISION

[G.R. No. 225059, July 23, 2018]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. XXX*,
ACCUSED-APPELLANT.**

DECISION

CAGUIOA, J:

This is an appeal^[1] filed under Section 13(c), Rule 124 of the Rules of Court from the Decision^[2] dated July 24, 2015(questioned Decision) of the Court of Appeals, Eleventh Division (CA), in CA-G.R. CR-HC No. 05783, which affirmed the Joint Decision^[3] dated July 10, 2012 (RTC Decision) of the Regional Trial Court of Valenzuela City, Branch 270 (RTC) in Criminal Case Nos. 671-V-10, 672-V-10, 673-V-10, and 674-V-10, convicting herein accused-appellant XXX for the crimes charged therein.

The Facts

Four (4) separate Informations for rape under Article 266-A, par. 1, in relation to Article 266-B, par. 2, of the Revised Penal Code^[4] were filed in the RTC against XXX for four (4) counts of rape committed against BBB, as follows:

CRIMINAL CASE NO. 671-V-10

The undersigned State Prosecutor accuses [XXX] of the crime of Rape under Article 266-A, par. 1 in relation to Art. 266-B, 2nd Par. of the RPC, committed as follows:

That on or about May 18, 2010 in Valenzuela City and within the jurisdiction of this Honorable Court, the above-named accused, being then the father of the complainant, with lewd design, by means of force and intimidation employed upon the person of one "BBB", did then and there willfully, unlawfully and feloniously have sexual intercourse with the said complainant, against her will and without her consent.

CONTRARY TO LAW.^[5]

CRIMINAL CASE NO. 672-V-10

The undersigned State Prosecutor accuses [XXX] of the crime of Rape under Article 266-A, par. 1 in relation to Art. 266-B, 2nd Par. of the RPC, committed as follows:

That sometime in the year 2005 in Valenzuela City and within the

jurisdiction of this Honorable Court, the above-named accused, being then the father of the complainant, with lewd design, by means of force and intimidation employed upon the person of one "BBB", then 15 years old, did then and there willfully, unlawfully and feloniously have sexual intercourse for the second time, the first happened when "BBB" was 14 years old, with the said complainant, against her will and without her consent, thereby subjecting the said minor to sexual abuse which debased, degraded and demeaned her intrinsic worth and dignity as a human being.

CONTRARY TO LAW.^[6]

CRIMINAL CASE NO. 673-V-10

The undersigned State Prosecutor accuses [XXX] of the crime of Rape under Article 266-A, par. 1 in relation to Art. 266-B, 2nd Par. of the RPC, committed as follows:

That sometime in the year 2005 in Valenzuela City and within the jurisdiction of this Honorable Court, the above-named accused, being then the father of the complainant, with lewd design, by means of force and intimidation employed upon the person of one "BBB", then 15 years old, did then and there willfully, unlawfully and feloniously have sexual intercourse for the third time, against her will and without her consent, thereby subjecting the said minor to sexual abuse which debased, degraded and demeaned her intrinsic worth and dignity as a human being.

CONTRARY TO LAW.^[7]

CRIMINAL CASE NO. 674-V-10

The undersigned State Prosecutor accuses [XXX] of the crime of Rape under Article 266-A, par. 1 in relation to Art. 266-B, 2nd Par. of the RPC, committed as follows:

That sometime in the year 2004 in Valenzuela City and within the jurisdiction of this Honorable Court, the above-named accused, being then the father of the complainant, with lewd design, by means of force and intimidation employed upon the person of one "BBB", then 14 years old, did then and there willfully, unlawfully and feloniously have sexual intercourse with the said complainant thereby subjecting the said minor to sexual abuse which debased, degraded and demeaned her intrinsic worth and dignity as a human being.

CONTRARY TO LAW.^[8]

Upon arraignment, XXX pleaded "not guilty" to all charges.^[9] Trial on the merits ensued thereafter.

The antecedent facts were summarized in the RTC Decision, as affirmed by the CA, as follows:

THE VERSION OF THE PROSECUTION

"BBB" is the daughter of the accused, [XXX]. She is the only girl in the brood of three. Her mother is a manicurist while the accused is a pedicab driver. She recounted that on four different occasions, her father ravished her, inside their residence located at xxx, Valenzuela City.

It was in 2004 when she was still fourteen (14) years old that her very own father, the accused did the first horrid act of ravishing her. It was her narration that she arrived home from school and her mother and two brothers were not around. Her father went inside her room and began to undress her and made her lie down. He was naked and he went on top of her, inserted his penis to her vagina, caressed her thigh and made a pumping motion. She accounted that her father was then holding a knife and told her that if she would report what he did to her, he would kill her mother. She felt not only pain. She was afraid and angry at the same time. She felt so afraid that she was not able to fight back or even to shout for help.

The same bestial act of the accused towards her was repeated for the second time in 2005 at around 10:00 o'clock in the evening. Her father came home drunk. She was then left alone in their house watching TV. He instructed her to turn off the TV. He undressed himself and told her to remove hers too. He was at that time holding a knife compelling her to succumb to his desire out of fear. He told her to lie down. He initially sat beside her, caressed her thighs, then, went on top of her, and inserted his penis to her vagina while doing a pumping motion. He stopped when he heard someone knocking at the door.

About four (4) months had lapsed and she recalled that it was "holy week" in 2005 that she suffered the same fate in the hands of her father, the accused, once more. Her mother and siblings went to a birthday party that fateful night. She was sick then and was not able to come along in the said birthday party. Her father just drove her mother and siblings and went back home drunk. He again went near her. She began to cry. But her father told her not to be noisy as he would do something to her and pulled a knife from his back pocket. He removed her blanket and while showing a knife began to undress her. He removed his clothing too. He told her to lie face down. He caressed her buttocks and thighs and inserted his penis to (*sic*) her vagina from behind. He did a pumping motion and when he stopped she was able to touch a sticky white substance slathered on her thighs.

On May 18, 2010, the accused repeated the same horrid act to her. Her father had a drinking session with his friend, a fellow pedicab driver. He came home very drunk and sent her cousin and brother to do an errand. She assisted her father in going to bed and gave him a sponge bath. After she had given him a sponge bath, he stood up and got a knife in a small box and started caressing her. With the use of the knife he tore

down the shirt she was wearing, pulled down her shorts. For himself, he removed his underwear and stayed on top of her, inserted his penis, pumped for a while and left her alone.

She attested that it took her a while before she was able to muster enough courage to reveal to others her ordeal in the hands of her own father. She kept in silence for a long time, not revealing to anyone [what her] father had been doing to her, afraid that if she would tell anyone, her father would make good his threat to kill her mother and her family would be saddled with problems.

It was in 2010 that she decided not to go home anymore. She opted to stay in the house of a friend, "CCC". After a week and she was no longer coming back home with her family, her friend, "CCC" began to probe her, why she was not going home anymore. It was then that she disclosed to "CCC" what she had been through in the hands of her father. Her friend encouraged and helped her in filing a formal complaint against her father. They went to the police authorities at Polo Police Station. She was referred to the Women's Protection Desk. It was there that her Sworn Statement was taken. After, which she was subjected to medical examinations.

xxxx

THE VERSION OF THE DEFENSE

[XXX] testified to belie the imputation against him made by his own daughter, [BBB]. He flatly denied the truth in the asseveration of facts labeled against him by his daughter, [BBB]. He claimed that there is no truth in the charges against him stating that his daughter is "isip bata" and was influenced by this friend of hers with whom she is currently living with. He further claims that [BBB] visited him in jail and asked for his forgiveness for falsely accusing him of raping her. Such confession of [BBB] was witnessed by his son and overheard by the "mayor" of the jail where he is presently detained.^[10]

Ruling of the RTC

In the RTC Decision, XXX was found guilty on all four (4) counts of rape and was sentenced to suffer the penalty of *reclusion perpetua* for each charge:

WHEREFORE, in the light of the foregoing, this court finds accused [XXX]:

- (1) GUILTY for Criminal Case No. 671-V-10 and sentenced (*sic*) him to suffer the penalty of *reclusion perpetua*;
- (2) GUILTY for Criminal Case No. 672-V-10 and sentenced (*sic*) him to suffer the penalty of *reclusion perpetua*;
- (3) GUILTY for Criminal Case No. 673-V-10 and sentenced (*sic*) him to suffer the penalty of *reclusion perpetua*;
- (4) GUILTY for Criminal Case No. 674-V-10 and sentenced (*sic*)

him to suffer the penalty of *reclusion perpetua*;

- (5) To indemnify [BBB] the amount of P75,000 as civil indemnity; P75,000 as moral damages; and P30,000 as exemplary damages, for each count of rape he was proven guilty.

The service of his sentence shall be served simultaneously and his preventive imprisonment shall be credited in full to his favour.

SO ORDERED.^[11]

The RTC, in considering the evidence on record, found BBB's testimony to be straightforward and credible as against XXX's unsubstantiated defense of denial and alibi.^[12] Likewise, XXX's imputation of ill motive to BBB was considered by the RTC as "too petty to merit belief."^[13]

Unsatisfied, XXX elevated the case to the CA via Notice of Appeal dated July 17, 2012.^[14] Briefs were then respectively filed by XXX and plaintiff-appellee on June 18, 2013^[15] and December 6, 2013.^[16]

In his appeal, XXX argued that the RTC's finding of guilt is negated by the following circumstances: (i) BBB's failure to offer any resistance or shout for help during the incidents; (ii) BBB's inconsistent statements during her testimony; (iii) BBB's willingness to live in the same house as XXX even after the incidents; (iv) BBB's failure to immediately report the crimes; and (v) the RTC's failure to give weight to his alibi that he was not at home during the May 18, 2010 incident in Criminal Case No. 671-V-10.^[17]

Ruling of the CA

On July 24, 2015, the CA rendered the questioned Decision, affirming the RTC Decision with modification, to wit:

WHEREFORE, in view of the foregoing, the Joint Decision dated July 10, 2012 of the Regional Trial Court of Valenzuela City, Branch 270, is hereby AFFIRMED with MODIFICATION, to read as follows:

- (1) In Criminal Case No. 671-V-10, appellant [XXX] is hereby found GUILTY and sentenced to suffer the penalty of *reclusion perpetua*;
- (2) In Criminal Case No. 672-V-10, appellant [XXX] is hereby found GUILTY and sentenced to suffer the penalty of *reclusion perpetua*;
- (3) In Criminal Case No. 673-V-10, appellant [XXX] is hereby found GUILTY and sentenced to suffer the penalty of *reclusion perpetua*;
- (4) In Criminal Case No. 674-V-10, appellant [XXX] is hereby found GUILTY and sentenced to suffer the penalty of *reclusion perpetua*;