

## THIRD DIVISION

[ G.R. No. 234825, September 05, 2018 ]

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

### DECISION

**GESMUNDO, J.:**

On appeal is the Decision<sup>[1]</sup> dated July 31, 2017, of the Court of Appeals (CA) in CA-G.R. CR HC No. 07664. The CA affirmed with modification the Decision<sup>[2]</sup> dated April 22, 2014, of the Regional Trial Court of Tuguegarao City, Cagayan, Branch 4 (RTC) in Criminal Case Nos. 10648 and 10649, finding YYY<sup>[3]</sup> (*appellant*) guilty of Rape and Qualified Rape, respectively.

#### The Antecedents

In two (2) informations, both dated February 8, 2005, YYY was charged with two (2) counts of rape. The accusatory portion of the informations read:

Criminal Case No. 10648

That on or about March, 1993 and subsequent thereto, in the Municipality of [XXX],<sup>[4]</sup> Province of Cagayan and within the jurisdiction of this Honorable Court, the said accused [YYY], father of the complainant, [AAA]<sup>[5]</sup> a minor 15 years of age, thus have [*sic*] moral ascendancy over the aforesaid complainant, armed with soft broom, with lewd design and by use of force, threat and intimidation enter inside the room of the complainant, and once inside hit and struck complainant with the wooden handle of the soft broom which caused her to be unconscious and did, then and there, willfully, unlawfully, and feloniously have sexual intercourse with his own daughter, the herein complainant, [AAA]. a minor, 15 years of age. against her will.

Contrary to law.<sup>[6]</sup>

Criminal Case No. 10649

That on or about November 14, 2001, and sometime prior thereto, in the Municipality of [XXX], Province of Cagayan and within the jurisdiction of this Honorable Court, the said accused [YYY], the father of the offended party, [AAA], thus have [*sic*] moral ascendancy over the complainant, with lewd design and by use of force, threat and intimidation. did, then and there, willfully, unlawfully, and feloniously have sexual intercourse with his own daughter, the herein complainant, [AAA], against her will.

Contrary to law.<sup>[7]</sup>

During his arraignment, YYY pleaded "not guilty" and, thereafter, the cases were consolidated and jointly tried.

#### *Evidence of the Prosecution*

The prosecution presented private complainant AAA, her elder sister BBB, and Dr. Mila F. Lingan-Simangan (*Dr. Lingan-Simangan*). Their combined testimonies tended to establish the following:

AAA was the daughter of YYY. At the time of the first incident, she was fifteen (15) years old. AAA resided in XXX, Cagayan with her parents and seven (7) other siblings. Sometime in March 1993, YYY hit her head with a broom and she lost consciousness. When she regained consciousness, she felt pain in her body, particularly her hands and vagina. AAA saw YYY seated in the veranda.

With regard to the second incident, this allegedly happened on November 14, 2001 at nighttime while AAA was sleeping. She claimed that when she woke up the next morning, she was naked and that YYY was seated at the veranda. AAA felt pain in her vagina. In both instances YYY allegedly threatened to kill AAA, her mother, and her siblings if she would report the incidents.

Dr. Lingan-Samangan testified that she was the Municipal Health Officer of Cagayan and that in 2004, she examined AAA who was already twenty-five (25) years old. No physical injuries were noted during the physical examination. Upon internal examination of the genital, she discovered healed hymenal lacerations at the 4 and 7 o'clock positions, which could mean that the sexual abuse happened at least a month or two months before the examination, or even more than two or ten years before. The tip of her finger was admitted to AAA's vagina, and there was laxity in the vaginal canal indicating that she was no longer a virgin at that time.

BBB testified that upon learning of the sexual abuses committed by YYY in 2002, BBB confronted her sister and the latter related to her what their father did. After which, they decided to file the cases against YYY.

#### *Evidence of the Defense*

The defense presented YYY as its sole witness. He vehemently denied the allegations against him. He testified that during the entire month of March 1993, he was living in XXX, Cagayan and never left the place. Likewise, on November 14, 2001, he was at his house in Cagayan, together with his children because his wife was in Manila.

#### *The RTC Ruling*

In its Decision dated April 22, 2014, the RTC found YYY guilty beyond reasonable doubt of: Rape under Article 226-A, (1) and (2) of the Revised Penal Code (*RPC*) in Criminal Case No. 10648; and Qualified Rape under Article 226-A (1), in relation to Article 226-B(1) of the *RPC* in Criminal Case No. 10649.

The RTC ruled that all the elements of the crimes of rape and qualified rape were

present. It opined that YYY had carnal knowledge with AAA against her will and while she was unconscious in the year 1993 and asleep in the year 2001. The RTC also highlighted that the delayed reporting of the incident in 2004 could not be taken against AAA as she was threatened by YYY. The *fallo* of the decision reads:

WHEREFORE, premises considered, the GUILT of accused [YYY] having been established beyond reasonable doubt, sentence is hereby pronounced against him as follows:

1. In Criminal Case No. 10648, accused is held guilty beyond reasonable doubt of rape and is hereby sentenced to suffer the penalty of *reclusion perpetua* and is ordered to pay the offended party, [AAA], P50,000.00 by way of civil indemnity and P50,000.00 by way of moral damages;
2. In Criminal Case No. 10649, accused is hereby held guilty beyond reasonable doubt of qualified rape and that, he is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole, and ordered to pay the private offended party civil indemnity in the amount of Seventy-Five Thousand Pesos (P75,000.00), moral damages also in the amount of Seventy-Five Thousand Pesos (P75,000.00), and exemplary damages in the amount of Thirty Thousand Pesos (P30,000.00);

The accused who is [a] detained prisoner is hereby credited in full of the period of this preventive imprisonment in accordance with Article 29 of the Revised Penal Code, as amended.

SO ORDERED.<sup>[8]</sup>

Aggrieved, YYY appealed to the CA.

#### *The CA Ruling*

In its Decision dated July 31, 2017, the CA found YYY guilty of qualified rape in Criminal Case No. 10648. However, it acquitted YYY of the crime charged in Criminal Case No. 10649 for failure of the prosecution to prove his guilt beyond reasonable doubt.

As to the March 1993 incident, the CA sustained YYY's conviction for qualified rape. It held that the prosecution established several circumstantial evidence, to wit: (1) the use of force and intimidation rendering AAA unconscious because YYY hit her with a broom; (2) when AAA regained consciousness, she found herself naked and felt pain in her body, particularly in her hands and vagina; (3) AAA saw her father in the veranda; and (4) YYY then threatened to kill AAA if she would report the incident. The CA underscored that AAA's testimony was corroborated by the physician's testimony because the latter found healed hymenal lacerations. It also highlighted that YYY should be convicted of qualified rape in Criminal Case No. 10648 because the prosecution was able to prove the minority of the victim and her relationship with appellant.

As to the November 14, 2001 incident, the CA acquitted YYY of the crime charged because AAA 's testimony on the alleged second rape did not satisfy the standard of

proof beyond reasonable doubt. Based on AAA's testimony, the CA observed there was no admissible evidence to show that YYY inserted his penis into AAA's mouth or anal orifice, or any instrument or object into the victim's genital or anal orifice. The CA emphasized that AAA merely stated she was raped but failed to testify on the facts and circumstances that would lead the court to conclude that there was rape. It determined that the testimony of AAA with respect to the second rape was too general as it failed to focus on material details as to how the said rape was committed.

As to the award of damages, the CA modified the same to conform with prevailing jurisprudence. It increased the award of civil indemnity and moral damages to P100,000.00 each; awarded exemplary damages in the amount of P100,000.00; and stated that all monetary awards in Criminal Case No. 10648 shall earn interest at the legal rate of six percent (6%) *per annum* from date of finality of judgment until fully paid. The dispositive portion of the CA decision states:

**WHEREFORE**, the instant appeal is **PARTLY GRANTED**. The appealed *Decision dated 22 April 2014* is hereby ordered **MODIFIED** as follows:

1. Appellant [YYY] is **GUILTY** of the crime of Qualified Rape in *Criminal Case No. 10648* and is hereby sentenced to the penalty of *reclusion perpetua* without eligibility for parole. He is likewise ordered to pay AAA the following: civil indemnity of One Hundred Thousand Pesos (Php 100,000.00), moral damages of One Hundred Thousand Pesos (Php 100,000.00), and exemplary damages of One Hundred Thousand Pesos (Php 100,000.000);

2. Appellant [YYY] is **ACQUITTED** of the crime of Qualified Rape in *Criminal Case No. 10649* for failure of the prosecution to prove his guilt beyond reasonable doubt.

All monetary awards for damages in *Criminal Case No. 10648* shall earn interest at the legal rate of six (6%) *per annum* from date of finality of this *Decision* until fully paid.

**SO ORDERED.**<sup>[9]</sup>

Hence, this appeal assailing YYY 's conviction for the crime of qualified rape in Criminal Case No. 10648. He raises the following assignment of errors in his Brief for the Accused-Appellant:<sup>[10]</sup>

I.

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIMES CHARGED DESPITE PRIVATE COMPLAINANT'S LACK OF PERSONAL KNOWLEDGE OF THE ALLEGED INCIDENTS.

II

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-

APPELLANT DESPITE THE DOUBTFUL IDENTITY OF THE ACTUAL CULPRIT.

III.

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE UNCORROBORATED TESTIMONY OF THE PRIVATE COMPLAINANT.

IV.

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.<sup>[11]</sup>

In a Resolution<sup>[12]</sup> dated December 11, 2017, the Court required the parties to submit their respective supplemental briefs, if they so desired. In his Manifestation in lieu of Supplemental Brief<sup>[13]</sup> dated March 21, 2018, YYY manifested that he did not intend to file a supplemental brief, since all relevant issues were exhaustively discussed in his Appellant's Brief. In its Manifestation and Motion<sup>[14]</sup> dated March 19, 2018, the Office of the Solicitor General stated that it had already discussed all relevant issues in its brief before the CA and asked that it be excused from filing its supplemental brief.

**The Court's Ruling**

The appeal lacks merit.

In reviewing rape cases, the Court is guided by the following principles: (1) to accuse a man of rape is easy, but to disprove the accusation is difficult, though the accused may be innocent; (2) inasmuch as only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence for the prosecution must stand or fall on its own merit and should not be allowed to draw strength from the weakness of the evidence for the defense.<sup>[15]</sup>

Further, the review of a criminal case opens up the case in its entirety. The totality of the evidence presented by both the prosecution and the defense are weighed, thus, avoiding general conclusions based on isolated pieces of evidence. In the case of rape, a review begins with the reality that rape is a very serious accusation that is painful to make; at the same time, it is a charge that is not hard to lay against another by one with malice in her mind. Because of the private nature of the crime that justifies the acceptance of the lone testimony of a credible victim to convict, it is not easy for the appellant, although innocent, to disprove his guilt. These realities compel the Court to approach with great caution and to scrutinize the statements of a victim on whose sole testimony conviction or acquittal depends.<sup>[16]</sup>

In this case, the Court finds that the prosecution was able to prove beyond reasonable doubt the guilt of YYY for the crime of qualified rape in Criminal Case No. 10648.

*Circumstantial evidence prove*