

## SECOND DIVISION

[ G.R. No. 212161, March 29, 2017 ]

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

### D E C I S I O N

**LEONEN, J.:**

This is a tragic story resulting from an act of depravity: an 11-year old girl gave birth to a child after she was repeatedly raped by the common-law husband of her biological mother.

This is an appeal from a conviction for two (2) counts of statutory rape.

We emphatically affirm the conviction.

The setting of this case is in a rural sitio of Barangay Bawod, San Isidro, Leyte.<sup>[1]</sup> It is far from the urban centers where courts sit, but it is a place where the writs shaped by the rule of law can still provide succor.

Accused-appellant Juanita Entrampas (Entrampas) and BBB were common-law spouses.<sup>[2]</sup> They co-habited for eight (8) years, from 1995 to 2003. AAA, BBB's daughter from a previous relationship, lived with them.<sup>[3]</sup> She looked up to Entrampas as her adoptive father.

Entrampas, then 50 years old,<sup>[4]</sup> was a farmer who tilled a rice field half a kilometer away from their home.<sup>[5]</sup> BBB collected shrimps and shells for a living,<sup>[6]</sup> and would usually be at sea or by the beach from 4:00 p.m. to 7:00 p.m.<sup>[7]</sup> AAA was still in elementary school.<sup>[8]</sup>

Sometime in February 2003, at about 5:00 p.m., AAA arrived from school to cook for her family. She was interrupted by Entrampas and was asked to go to the room upstairs.<sup>[9]</sup> The 11-year old girl obeyed.<sup>[10]</sup>

"Once in the room, [Entrampas] forced AAA to lie down on the floor[.]"<sup>[11]</sup> She was warned by accused-appellant that if she shouted he would kill her. She was also warned that if she told her mother about what he was about to do, he would kill them.<sup>[12]</sup>

Entrampas took off the child's panty, undressed himself, and inserted his penis into her vagina. AAA felt pain as he penetrated her. Her vagina bled. She cried and pleaded him to stop.<sup>[13]</sup>

As he consummated the act, she noticed a knife on the wall within his reach. She became more fearful. After satisfying himself, he again warned the child that he would kill her and her mother if she informed anyone about the incident.<sup>[14]</sup>

She was left in the room sobbing.<sup>[15]</sup>

That evening, after arriving from the sea shore, BBB asked AAA why she was crying. Fearful of Entrampas' threats, AAA did not tell her mother.<sup>[16]</sup>

The incident occurred again a week later in February 2003.<sup>[17]</sup> Entrampas told AAA to lie down, penetrated her vagina, and then left her.<sup>[18]</sup> AAA stayed in the room upstairs, crying, until her mother came home at 10:00 p.m.<sup>[19]</sup>

Over the following months, Entrampas repeatedly raped AAA, who, out of fear, remained silent.<sup>[20]</sup>

In July 2003, BBB observed some changes in her daughter's body.<sup>[21]</sup> AAA's breasts had swollen, she had lost her appetite, and she was always sleeping.<sup>[22]</sup> By September 2003, AAA's belly had become noticeably bigger.<sup>[23]</sup> She was brought to the dispensary where her urine test was submitted for analysis.<sup>[24]</sup> AAA's pregnancy test yielded positive.<sup>[25]</sup>

Fearing for her life, AAA refused to reveal the identity of the father of her child.<sup>[26]</sup> Neighbors suspected that Entrampas got her pregnant. BBB asked Entrampas, who, according to BBB, admitted that he was the father of AAA's child.<sup>[27]</sup>

On September 8, 2003, Entrampas and BBB went to BBB's brother, CCC, "to confess the crime he had committed against AAA."<sup>[28]</sup> Entrampas allegedly felt remorseful and told CCC to kill him to avenge AAA. CCC immediately reported the matter to the police.<sup>[29]</sup>

On November 3, 2003, AAA gave birth to a baby boy at the North Western Leyte District Hospital of Calubian, Leyte.<sup>[30]</sup>

Before the Regional Trial Court, Entrampas was charged with two (2) counts of qualified rape under the Revised Penal Code, as amended by Republic Act No. 8353 (Anti-Rape Law of 1997).<sup>[31]</sup> Two (2) separate informations were filed against him:

CRIMINAL CASE NO. CN-04-457

That sometime in the afternoon of February, 2003, in the Municipality of San Isidro, Province of Leyte, Philippines, and within the jurisdiction of this Honorable Court, the accused, actuated by lust, did, then and there, willfully, unlawfully and feloniously, through threat and intimidation, succeed in having carnal knowledge of [AAA], who was eleven (11) years old and the daughter of his common-law wife, without her consent and against her will.

That sometime in the evening of February, 2003, in the Municipality of San Isidro, Province of Leyte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, actuated by lust, did, then and there, willfully, unlawfully and feloniously, through threat and intimidation, succeed in having carnal knowledge of [AAA], who was eleven (11) years old and the daughter of his common-law wife, without her consent and against her will.

CONTRARY TO LAW with the qualifying circumstances that the victim was under eighteen (18) years of age and the offender is the common-law spouse of the mother of the victim.<sup>[32]</sup>

Prosecution presented AAA's certificate of live birth, the laboratory report of AAA's pregnancy test, Dr. Robert C. Nicolas's certification dated October 26, 2004, and four (4) witnesses' testimonies.<sup>[33]</sup>

According to BBB, Entrampas was her live-in partner for eight (8) years.<sup>[34]</sup> BBB was at sea when the rape happened in February 2003.<sup>[35]</sup> Entrampas admitted to BBB that he impregnated AAA, and that they came to see CCC, to whom Entrampas also admitted the rape.<sup>[36]</sup>

The second prosecution witness, AAA, narrated how Entrampas raped her in February 2003, again one (1) week after, and in the succeeding months until she had a baby bump.<sup>[37]</sup> He gave her P10.00 for the first time he raped her.<sup>[38]</sup> She had her menstruation at 11 years old, while she was in Grade 5, and Entrampas knew this.<sup>[39]</sup> AAA had no boyfriend as she had no suitors.<sup>[40]</sup>

The third prosecution witness, Dr. Danilo Bagaporo (Dr. Bagaporo), verified that he was the Municipal Health Officer of San Isidro, Leyte.<sup>[41]</sup> On September 10, 2003, he administered AANs pregnancy test, which yielded a positive result.<sup>[42]</sup>

The fourth prosecution witness, CCC, held that, on September 8, 2003, he was chopping wood in Sitio Cabgan, Brgy. Biasong, San Isidro, Leyte when Entrampas and BBB visited him.<sup>[43]</sup> Entrampas confessed the rape to CCC. At about 11:00 a.m. on the same day, CCC reported this to the barangay captain of Bawod, San Isidro. CCC was first referred to the house of the punong tanod, who was then not around. At noon, he proceeded to the police headquarters. The police investigated the incident and then incarcerated Entrampas.<sup>[44]</sup>

The defense's sole witness was Entrampas himself.<sup>[45]</sup> Entrampas claimed that he could not have raped AAA as he was often in the rice field.<sup>[46]</sup> He usually went to the rice field at 5:00 a.m. and headed home at about 5:00 p.m. or 6:00 p.m.<sup>[47]</sup>

He denied having raped AAA and having visited CCC with BBB.<sup>[48]</sup> He equally refuted confessing to CCC that he raped AAA and asking for his forgiveness.<sup>[49]</sup> He also contested the alleged inconsistent statements of AAA regarding the time the first and second rape happened, and whether she was awake or asleep before the

sexual molestation.<sup>[50]</sup>

On December 6, 2008, the Regional Trial Court found the accused guilty beyond reasonable doubt of two (2) counts of statutory rape. The dispositive portion of the Decision<sup>[51]</sup> reads:

WHEREFORE, judgment is hereby rendered convicting the accused, Juanito Entrampas, in Criminal Cases [sic] Nos. CN-04-457 and CN-04-458, [guilty] beyond reasonable doubt of the crime of statutory rape as charged in the Informations and as defined and penalized in Article 299-A of the Revised Penal Code, and in accordance with Criminal Case No. CN-04-457, this Court is left with no alternative but to impose upon the accused, Juanito Entrampas, the penalty of Reclusion Perpetua with all the accessory penalties provided for by law, and to indemnify the victim, [AAA] the sum of Fifty Thousand (P50,000.00) Pesos, without subsidiary imprisonment in case of insolvency and to pay Ten Thousand (P10,000.00) Pesos, as moral damages, and to pay the cost, and in Criminal Case No. CN-04-458, the accused, Juanito Entrampas, is sentenced to suffer the penalty of Reclusion Perpetua, with all the accessory penalties provided for by law and to indemnify the victim, [AAA], the sum of Fifty Thousand (P50,000.00) Pesos, without subsidiary imprisonment in case of insolvency and to pay Ten Thousand (P10,000.00) Pesos, as moral damages and to pay the cost.

The herein accused, being a detention prisoner, is entitled to a full credit of his preventive imprisonment in the service of his sentence.

**SO ORDERED.**<sup>[52]</sup> (Emphasis in the original)

In the Decision<sup>[53]</sup> dated November 6, 2013, the Court of Appeals affirmed the ruling of the Regional Trial Court. It held that the inconsistencies alleged by Entrampas did not "touch upon the commission of the crime nor affect [the minor victim]'s credibility."<sup>[54]</sup> The dispositive portion of this Decision reads as follows:

**WHEREFORE**, in view of the foregoing premises, the Decision of the Regional Trial Court, Branch 11 of Calubian, Leyte, in Criminal Case Nos. CN-04-457 and CN-04-458 are hereby **AFFIRMED with the following MODIFICATIONS** that the award of civil indemnity and moral damages in both charges are increased to Php75,000.00 each. Further, accused-appellant is ordered to pay Php30,000.00 as exemplary damages as well as the rate of 6% per annum interest on all the damages awarded to be computed from the date of finality of the judgment until fully paid. No pronouncement as to costs.

**SO ORDERED.**<sup>[55]</sup> (Emphasis in the original)

On December 2, 2013, Entrampas appealed via a Notice of Appeal<sup>[56]</sup> before the Court of Appeals, which resolved to give it due course on March 25, 2014.<sup>[57]</sup>

For resolution is whether accused-appellant Juanito Entrampas is guilty beyond reasonable doubt of two (2) counts of statutory rape.

We affirm the finding of Entrampas' guilt.

The alleged inconsistencies "are collateral and minor matters which do not at all touch upon the commission of the crime nor affect [the minor victim]'s credibility."

[58] AAAs inability to recall the precise date and time of the rape is immaterial as these are not elements of the crime.[59] Moreover, "rape victims are not expected to cherish in their memories an accurate account of the dates, number of times[,] and manner they were violated." [60]

Inconsistencies on minor details and collateral matters do not affect the substance truth, or weight of the victim's testimonies.[61] "[M]inor inconsistencies may be expected of [a girl] of such tender years ... who is unaccustomed to a public trial[,] "[62] particularly one where she would recount such a harrowing experience as an assault to her dignity. The inconsistencies and contradictions in AAA's declarations are quite expected. The victim is a child less than 12 years old and, therefore, more likely to commit errors than teenagers or adults.[63]

Neither do these alleged discrepancies, not being elements of the crime, diminish the credibility of AAA's declarations. Jurisprudence has consistently given full weight and credence to a child's testimonies.[64] "Youth and immaturity are badges of truth and sincerity." [65] "Leeway should be given to witnesses who are minors, especially when they are relating past incidents of abuse." [66]

AAA, then only 11 years old, had no reason to concoct lies against petitioner. Her declarations are generally coherent and intrinsically believable. In *People v. Dimanawa*: [67]

[R]everence and respect for the elders is deeply rooted in Filipino children and is even recognized by law. Thus, it is against human nature for a ... girl to fabricate a story that would expose herself, as well as her family, to a lifetime of shame, especially when her charge could mean the death or lifetime imprisonment of her own father.[68] (Citation omitted)

Her failures to resist the sexual aggression and to immediately report the incident to the authorities or to her mother do not undermine her credibility. The silence of the rape victim does not negate her sexual molestation or make her charge baseless, untrue, or fabricated.[69] A minor "cannot be expected to act like an adult or a mature experienced woman who would have the courage and intelligence to disregard the threat to her life and complain immediately that she had been sexually assaulted." [70]

Force and intimidation must be appreciated in light of the victim's perception and judgment when the assailant committed the crime.[71] In rape perpetrated by close kin, such as the common-law spouse of the child's mother, actual force or intimidation need not be employed.[72]

"While [accused-appellant] was not the biological father of AAA ... [she] considered him as her father since she was a child." [73] Moral influence or ascendancy added to the intimidation of AAA. It enhanced the fear that cowed the victim into silence.