

THIRD DIVISION

[G.R. No. 202187, February 10, 2016]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ELISEO D. VILLAMOR, APPELLANT.

DECISION

PERALTA, J.:

Before the Court is an appeal from the Decision^[1] dated September 27, 2011 of the Court Appeals (CA) in CA-G.R. CR. HC. No. 00970 which affirmed the Decision^[2] dated October 22, 2008 of the Regional Trial Court (RTC), 81th Judicial Region, Branch 13, Carigara, Leyte, in Criminal Case Nos. 4679, 4680, 4681, 4682, and 4683 for rape.

The antecedent facts are as follows:

On April 27, 2006, several informations were filed against appellant Eliseo D. Villamor charging him with five (5) counts of the crime of rape, committed by having carnal knowledge of his own daughter, AAA,^[3] a 15-year-old girl, against her will and to her damage and prejudice, the accusatory portions of which read:

Case No. 4679:

That on or about the 5th day of November 2005, in the municipality of Barugo, Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is the father of the victim, with deliberate intent and with lewd designs and by use of force and intimidation, did then and there wilfully, unlawfully and feloniously had a carnal knowledge with his own daughter, AAA, a 15-year-old girl, against her will to her damage and prejudice.

CONTRARY TO LAW.

Case No. 4680:

That on or about the 7th day of November 2005, in the municipality of Barugo, Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is the father of the victim, with deliberate intent and with lewd designs and by use of force and intimidation, did then and there wilfully, unlawfully and feloniously had a carnal knowledge with his own daughter, AAA, a 15-year-old girl, against her will to her damage and prejudice.

CONTRARY TO LAW.

Case No. 4681:

That on or about the 10th day of November 2005, in the municipality of Barugo, Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is the father of the victim, with deliberate intent and with lewd designs and by use of force and intimidation, did then and there wilfully, unlawfully and feloniously had a carnal knowledge with his own daughter, AAA, a 15-year-old girl, against her will to her damage and prejudice.

CONTRARY TO LAW.

Case No. 4682:

That on or about the 3rd day of December 2005, in the municipality of Barugo, Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is the father of the victim, with deliberate intent and with lewd designs and by use of force and intimidation, did then and there wilfully, unlawfully and feloniously had a carnal knowledge with his own daughter, AAA, a 15-year-old girl, against her will to her damage and prejudice.

CONTRARY TO LAW.

Case No. 4683:

That on or about the 15th day of December 2005, in the municipality of Barugo, Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is the father of the victim, with deliberate intent and with lewd designs and by use of force and intimidation, did then and there wilfully, unlawfully and feloniously had a carnal knowledge with his own daughter, AAA, a 15-year-old girl, against her will to her damage and prejudice.

CONTRARY TO LAW.^[4]

Upon arraignment, appellant pleaded not guilty to the offense charged.^[5] During trial, the prosecution presented the testimonies of the victim, AAA, the doctor who conducted her medical examination, the police officers who made entries of complaints made by AAA's mother on the police blotter, the local civil registrar, and the Municipal Social Welfare Officer who prepared the Child Study Report on AAA.^[6]

According to the prosecution, at about 11:00 p.m. on November 5, 2005, while AAA was asleep beside her sister, brothers, and grandmother, at the second floor of their house in Barugo, Leyte, she was awakened by someone who was fondling her breasts and vagina. She instantly knew the man to be her father because of his built, smell, and voice. Sensing that she was awake, he threatened to kill her if she made noise or tell anybody about what he was doing to her. For fear of her life, AAA

silently tried to resist and push her father away, but to no avail as he was much stronger than her. She could only cry while appellant mounted her, let his penis out of his loose short pants, took her underwear off, and inserted his penis inside her vagina by making a push-and-pull movement. AAA felt pain as her father penetrated her and then ejaculated inside her. During all of this, her siblings and grandmother were sound asleep.^[7]

The same incident happened four (4) more times that year, particularly on November 7, November 10, December 3, and December 15. During those times, AAA did not open up to anyone for not only was she afraid of her father, she had no one to confide in as her mother was working as a domestic helper in Singapore. When, however, AAA became pregnant in February 2006, she finally told her mother, who angrily came home in April 2006 and helped her file a complaint against her father.^[8]

AAA's testimony was corroborated by the medical findings of Dr. Lourdes Calzita, the Municipal Health Officer who conducted the medical examination on AAA showing that since she was already 22 weeks pregnant in April 2006, it is possible that the rape victim had sexual intercourse in the middle of November or early December 2005. Also, Municipal Social Welfare Officer, Luz Raagas, who prepared the Child Study Report on AAA, testified that during her interviews with AAA, she observed how AAA cried and expressed her deep hate for her father. Further, as borne by the Birth Certificate presented by the Municipal Civil Registrar of Carigara, Leyte, AAA was born on April 24, 1990 to spouses appellant and AAA's mother, showing that AAA was indeed, a minor at the time of the alleged incidents.^[9]

In contrast, the defense presented the lone testimony of appellant himself, who interposed a defense of denial and alibi. He contended that it was physically impossible for him to have committed the five (5) counts of rape on his daughter because during those times, he had not been sleeping in the bigger house where AAA, his mother, and his other children would normally sleep, but in a small hut situated at the back of their house. He added that from November 5 to December 15, 2005, he was busy looking for his wife, AAA's mother, who had left him for Manila with another man in July 2004. In fact, he intended on filing a complaint against his wife but was advised otherwise for she might be imprisoned.^[10]

In addition, appellant denied that he impregnated his daughter, AAA, for in truth, it was actually her boyfriend who impregnated her. According to appellant, AAA and said boyfriend even got married in April 2006 with his blessing and upon the intercession of the boyfriend's mother and the barangay chairman. Apart from this, appellant claims that the charges against him were merely the result of the manipulations of AAA's aunt, his wife's cousin, who had been against him ever since he and his wife were just sweethearts. Thus, AAA was simply maneuvered to file the fabricated charges against him.^[11]

After the presentation of the appellant's testimony, the defense, having no other witness or documentary evidence to present, formally offered its evidence, consisting of said testimony without any documentary exhibits.^[12]

On October 22, 2008, the RTC found appellant guilty beyond reasonable doubt of the five (5) counts of incestuous rape and rendered its Decision, the dispositive

portion of which reads:

WHEREFORE, premises considered, the court found accused ELISEO VILLAMOR, GUILTY, beyond reasonable doubt for the crime of five (5) counts of incestuous rape of his daughter, AAA, and sentenced to suffer the maximum penalty of reclusion perpetua in Criminal Case No. 4679; reclusion perpetua in Criminal Case No. 4680; reclusion perpetua in Criminal Case No. 4681; reclusion perpetua in Criminal Case No. 4682; , reclusion perpetua in Criminal Case No. 4683; and to pay civil indemnity in the total amount of Two Hundred Fifty Thousand (P250,000.00), Fifty Thousand (P50,000.00 for each count of rape), moral damages in the amount of Two Hundred Fifty Thousand (P250,000.00) (P50,000.00 for each count of rape), and exemplary damages in the amount of One Hundred Twenty-Five Thousand (P125,000.00) Pesos (P25,000.00 for each count of rape) to AAA; and

Pay the Cost.

SO ORDERED.

On the one hand, the trial court found appellant's defense weak and unconvincing. While appellant completely denies the charges against him, he failed to produce any competent evidence to controvert the same. Neither did he present a single witness to stand in his favor. The trial court also found that appellant similarly failed to substantiate his defense of alibi. It noted that alibi, like denial, is inherently weak and can easily be fabricated.^[13] For this defense to justify an acquittal, the following must be established: the presence of the accused in another place at the time of the commission of the offense and the physical impossibility for him to be at the scene of the crime. The trial court, however, found that the defense failed to establish his presence at the small hut at the back of his house as well as the impossibility for him to be at the second floor of his house where his children normally slept.^[14]

On the other hand, the RTC found that the vivid portrayal by AAA of the horrible sexual molestations she experienced from her own father is beyond comprehension. AAA, in her minor and innocent mind, was able to chronicle every detail of the five (5) counts of sexual molestation against her by her own father. Notwithstanding the gruelling and rigid cross-examination by the defense, she maintained her composure and was able to withstand the same, although at times, she had to shed tears. Her testimony was steadfast, clear and straightforward in every detail of her harrowing experience.^[15] Thus, the trial court observed that an innocent child could not have possibly fabricated such a tale and accused her own father of a crime as heinous as incestuous rape had she really not been abused.

Thus, the trial court convicted appellant on the settled jurisprudence that a categorical and consistent positive identification, absent any showing of ill-motive on the part of the eyewitness testifying thereon, prevails over the defenses of denial and alibi, which if not substantiated by clear and convincing proof, constitute self-serving evidence undeserving of weight in law.^[16]

On appeal, the CA affirmed the RTC Decision in its entirety, absent any clear showing that some fact or circumstance of weight or substance had been overlooked, misunderstood or misapplied by the trial court. Contrary to appellant's contention that AAA's testimony is not credible because it was characterized by glaring inconsistencies, the CA upheld the accepted rule that the credibility of a rape victim is not impaired by some inconsistencies in her testimony. Minor inconsistencies tend to bolster, rather than weaken, the rape victim's credibility since one could hardly doubt that her testimony was not contrived and the court cannot expect a rape victim to remember every ugly detail of the appalling outrage. [17]

Moreover, the fact that the incidents of rape happened while the other members of the family were asleep beside AAA does not detract from her credibility. According to the CA, it is common judicial experience that rapists are not deterred by the presence of other people nearby, such as the members of their own family inside the same room, with the likelihood of being discovered, since lust respects no time, locale, or circumstance. [18] Where the accused was positively identified by the victim of rape herself who harboured no ill motive against the accused, the defense of alibi must fail. From the evidence on record, it is indeed abundantly clear that accused-appellant raped his own daughter, his defense of denial is inherently weak. It cannot outweigh the positive and unequivocal narration by the victim on how she was ravished by her own father. [19]

Consequently, appellant filed a Notice of Appeal [20] on October 14, 2011. Thereafter, in a Resolution [21] dated July 30, 2012, the Court notified the parties that they may file their respective supplemental briefs, if they so desire, within thirty (30) days from notice. Both parties, however, manifested that they are adopting their respective briefs filed before the CA as their supplemental briefs, their issues and arguments having been thoroughly discussed therein. Thereafter, the case was deemed submitted for decision.

In his Brief, appellant assigned the following error:

I.

THE COURT OF APPEALS ERRED IN CONVICTING THE ACCUSED-APPELLANT FOR THE CRIME CHARGED DESPITE THE FACT THAT THE PROSECUTION FAILED TO PROVE HIS GUILT BEYOND REASONABLE DOUBT. [22]

First, appellant alleged that the courts below should not have convicted him of the offense charged for the prosecution failed to prove his guilt beyond reasonable doubt. He maintained that AAA's credibility is doubtful for as she admitted, she did not see the perpetrator's face. She only identified him from his voice. He also questions why AAA allowed the incident to be repeated multiple times before she decided to tell her mother as well as why, amidst the raping, AAA did not shout or wake up her siblings who were sleeping right beside her. *Second*, he asserted that during the months when he allegedly raped his daughter AAA, they did not sleep in the same place for she usually slept inside their house together with his mother and