

THIRD DIVISION

[G.R. No. 211026, June 08, 2016]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RENATO B. SUEDAD, ACCUSED-APPELLANT.**

DECISION

PEREZ, J.:

Before us for review is the Decision^[1] of the Court of Appeals in CA-G.R. CR.-H.C. No. 00955-MIN dated 6 September 2013, which dismissed the appeal of appellant Renato B. Suedad and affirmed with modification the Decision^[2] of the Regional Trial Court (RTC) of Isulan, Sultan Kudarat, Branch 19, in Criminal Case Nos. 115 and 117-118, finding appellant Renato Bolivar Suedad guilty beyond reasonable doubt of three (3) counts of Qualified Rape.

In line with the ruling of this Court in *People v. Cabalquinto*,^[3] the real name and identity of the rape victim, as well as the members of her immediate family, are not disclosed. The rape victim shall herein be referred to as AAA, and her mother as BBB.

Appellant was charged with four (4) counts of qualified rape in the Informations that read as follows:

CRIMINAL CASE NO. 115

That sometime on October 20, 2008 at about 5:00 o'clock in the afternoon, inside their house at Purok [x x x], Barangay [x x x], Municipality of Isulan, Province of Sultan Kudarat and within the jurisdiction of the Honorable Court, the said accused, with lewd and unchaste designs did then and there willfully, unlawfully and feloniously had carnal knowledge of his daughter, [AAA], an eleven years old child, against her will and consent, which act of the accused demeans, degrades and debases the intrinsic worth of the child as a human being.

CONTRARY TO [LAW], particularly Article [266-A] paragraph 1 in relation to Article [266-B] of the Revised Penal Code of the Philippines and Republic Act 7610.

CRIMINAL CASE NO. 116

That sometime in the night during the last week of October 2008, at their house at Purok [x x x], Barangay [x x x], Municipality of Bagumbayan, Province of Sultan Kudarat and within the jurisdiction of the Honorable Court, the said accused, with lewd and unchaste designs did then and there willfully, unlawfully and feloniously had carnal knowledge of his

daughter, [AAA], an eleven years old child, against her will and consent, which act of the accused demeans, degrades and debases the intrinsic worth of the child as a human being.

CONTRARY TO LAW, particularly Article [266-A] paragraph 1 in relation to Article [266-B] of the Revised Penal Code of the Philippines and Republic Act 7610.

CRIMINAL CASE NO. 117

That sometime on November 26, 2008 at about 11:00 o'clock in the evening, at the house of her grandmother, at Purok [x x x], Barangay [x x x], Municipality of Bagumbayan, Province of Sultan Kudarat and within the jurisdiction of the Honorable Court, the said accused, with lewd and unchaste designs did then and there willfully, unlawfully and feloniously had carnal knowledge of his daughter, [AAA], an eleven years old child, against her will and consent, which act of the accused demeans, degrades and debases the intrinsic worth of the child as a human being.

CONTRARY TO LAW, particularly Article 266-A paragraph 1 in relation to Article [266-B] of the Revised Penal Code of the Philippines and Republic Act 7610.

CRIMINAL CASE NO. 118

That sometime on March 20, 2009 at about 9:00 o'clock in the morning, in their house at Purok [x x x], Barangay [x x x], Municipality of Bagumbayan, Province of Sultan Kudarat and within the jurisdiction of the Honorable Court, the said accused, with lewd and unchaste designs did then and there willfully, unlawfully and feloniously had carnal knowledge of his daughter, [AAA], an eleven years old child, against her will and consent, which act of the accused demeans, degrades and debases the intrinsic worth of the child as a human being.

CONTRARY TO LAW, particularly Article 266-A paragraph 1 in relation to Article 266-B of the Revised Penal Code of the Philippines and Republic Act 7610.^[4]

Appellant pleaded not guilty to all the charges. At the pre-trial conference, it was stipulated that AAA was born on 5 July 1997 and that appellant is her natural/biological father. Trial on the merits ensued.

The prosecution presented AAA, her mother, BBB, her maternal grandmother, CCC, AAA's maternal aunt, DDD, and Dr. Raul Manansala (Dr. Manansala), the Municipal Health Officer of Bagumbayan, as witnesses.

The prosecution established that AAA is the only child of BBB and appellant, born to them on 5 July 1997.^[5] When AAA was less than two (2) years old, BBB had to work overseas and AAA was left in the care of her father. BBB only came home occasionally.^[6]

AAA's ordeal began when she was eleven (11) years old, on 20 October 2008, when her father's initial gestures of affection led to a sexual intimacy AAA had known to only belong to a husband and wife.^[7] AAA narrated in detail how she was helplessly and hopelessly ravaged by her own father in their own home.^[8] AAA alleged that appellant repeated the unspeakable acts on the last week of October 2008 though she vaguely remembers the particulars.^[9]

Then again on 26 November 2008, AAA recounted that during her paternal grandmother's wake held at the house of the deceased, while sleeping in one of the rooms, appellant woke her, choked her and succeeded in having sexual congress with her.^[10]

On 13 March 2009, within the confines of their house, appellant once more had carnal knowledge of AAA.^[11]

Emboldened by the knowledge that her mother BBB would be home soon, AAA disclosed her sufferings to her grandmother CCC on 15 April 2009 despite the threats to her life.^[12] The next day, AAA, accompanied by her aunt, was subjected to a physical examination by Dr. Manansala. His findings were contained in a medico-legal report^[13] which states:

PARTIAL HEALED LACERATION 9 o'clock, 3 o'clock, HYMEN ADMIT (SIC) 1
FINGER WITH EASE

During the direct examination, Dr. Manansala explained that an eleven (11) year old girl who has had frequent sexual contact may suffer full or partial lacerations depending on the thickness of the hymen. A thick and elastic hymen may accommodate the male anatomy without lacerations. AAA was found to have a thick hymen.^[14]

AAA stayed with CCC until BBB's arrival during which period the latter first learned of AAA's torment. A complaint against appellant was filed before the prosecutor's office on 21 April 2009.^[15]

Appellant, for his part, admitted to having indeed been physically intimate with AAA during the days of the alleged sexual abuses but denied the rape charges.^[16] He countered that there were ill motives in filing the criminal charges against him. Appellant averred that AAA held a grudge against him when he discovered a sensual letter the former wrote to one Marvin, her alleged boyfriend, and has threatened to reveal this fact to her mother BBB.^[17] He also asserted that CCC had long planned to file criminal cases against him to take away AAA from him.^[18] Moreover, CCC and appellant have had many quarrels over several issues.^[19]

The defense also presented a nephew and a niece to support appellant's denial of the rape charges on 26 November 2008 and 20 March 2009, respectively.^[20]

On 9 June 2011, appellant was found guilty beyond reasonable doubt of three (3) counts of qualified rape. The dispositive portion of the RTC Decision reads:

WHEREFORE, premises all considered, the court hereby rendered a judgment, as follows:

a) In Criminal Case No. 116, it finds that the prosecution failed to present a clear and convincing evidence to sustain it in finding the accused guilty as he is charged, hence, the accused is hereby **ACQUITTED**.

b) In Criminal Cases Nos. 115, 117 and 118, the court finds the evidence adduced by the prosecution as sufficient, clear and convincing to hold the accused criminally responsible as he is charged.

Consequently, accused Renato Suedad y Bolivar is hereby found **GUILTY** beyond reasonable doubt of the crimes of rape he committed against the victim on **October 20, 2008**, on **November 26, 2008** and that on **March 20, 2009**.

Accordingly, he is hereby sentenced to suffer the penalty of imprisonment of **reclusion perpetua each in said cases**. He is further ordered to pay his victim, the amount of P50,000.00 each case, as indemnity and the amount of P30,000.00 each case, as moral damages.^[21]

On intermediate review, the Court of Appeals rendered the assailed decision affirming with modification the trial court's judgment, to wit:

WHEREFORE, the instant appeal is DENIED. The June 9, 2011 Decision of the Regional Trial Court, Branch 19. Isulan, Sultan Kudarat in Criminal Cases Nos. 115 and 117-118 is hereby AFFIRMED with MODIFICATION. Accused-appellant BBB is found GUILTY of qualified rape and is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole for each case. He is further ORDERED to pay AAA the amount of P75,000.00 as civil indemnity, P75,000.00 as moral damages and P30,000.00 exemplary damages on each count of rape with interest on all damages awarded at the legal rate of six percent (6%) per annum from the date of the finality of this Decision.^[22]

Appellant filed the instant appeal. In a Resolution^[23] dated 31 March 2014, appellant and the Office of the Solicitor General (OSG) were asked to file their respective supplemental briefs if they so desired. Both parties no longer filed supplemental briefs.

We affirm the appellant's conviction. Rape is committed as follows:

Article 266-A. *Rape; When and How commuted*. - Rape is committed -

1. By a man who shall have carnal knowledge of a woman under any of the following circumstances:

- a. Through force, threat or intimidation;
 - b. When the offended party is deprived of reason or otherwise unconscious;
 - c. By means of fraudulent machination or grave abuse of authority;
- and