

SECOND DIVISION

[G.R. No. 205308, February 11, 2015]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. OSCAR SANTOS Y ENCINAS, APPELLANT.

R E S O L U T I O N

CARPIO, J.:

This is an appeal from the 20 April 2012 Decision^[1] of the Court of Appeals in CA-G.R. CR-HC No. 04793, affirming with modifications the trial court's decision, finding appellant Oscar Santos y Encinas guilty beyond reasonable doubt of rape and 15 counts of violation of Article 336 of the Revised Penal Code (RPC) in relation to Section 5 of Republic Act No. (RA) 7610.

Appellant Santos was charged in 16 informations with one count of rape (in relation to RA 7610) and 15 counts of acts of lasciviousness (violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610). The information on rape alleged that in June 1997, appellant had carnal knowledge with AAA,^[2] his seven-year old goddaughter. The 15 charges of acts of lasciviousness alleged that appellant kissed AAA's neck and lips, and and licked her sex organ on different dates from July 1997 to September 1998.

The informations against appellant Santos read:

CRIM. CASE NO. 7587
(Rape in relation to RA 7610)

That in or about June, 1997, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously have carnal knowledge with his goddaughter, [AAA], a seven-year old girl, against the latter's will and consent, to her damage and prejudice.^[3]

CRIM. CASE NO. 7588
(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about July 1997, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], a seven-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.^[4]

CRIM. CASE NO. 7589

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about August 1997, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], a seven-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.^[5]

CRIM. CASE NO. 7590

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about September 1997, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], a seven-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.^[6]

CRIM. CASE NO. 7591

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about October 1997, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], a seven-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.^[7]

CRIM. CASE NO. 7592

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about November 1997, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], a seven-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.^[8]

CRIM. CASE NO. 7593

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about December 1997, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick

the sex organ, of his goddaughter, [AAA], a seven-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.^[9]

CRIM. CASE NO. 7594

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about January 1998, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], a seven-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.^[10]

CRIM. CASE NO. 7595

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about February 1998, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], a seven-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.^[11]

CRIM. CASE NO. 7596

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about March 1998, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], a seven-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.^[12]

CRIM. CASE NO. 7597

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about April 1998, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], a seven-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.^[13]

CRIM. CASE NO. 7598

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about May 1998, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], a seven-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.^[14]

CRIM. CASE NO. 7599

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about June 1998, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], an eight-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.^[15]

CRIM. CASE NO. 7600

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about July 1998, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], an eight-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.^[16]

CRIM. CASE NO. 7601

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about August 1998, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], an eight-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.^[17]

CRIM. CASE NO. 7602

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about September 1998, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], an eight-year old girl,

thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.^[18]

AAA testified that sometime in June 1997, appellant, whom she calls *Ninong* Boy, grabbed her while she was playing alone outside their house. AAA could not shout for help because appellant covered her mouth with his right hand. Appellant then brought AAA to his house nearby. Inside the house, appellant brought her to a room, removed her panties and licked her vagina. Appellant then poked his penis into her vagina. AAA felt pain and tried to resist but appellant held both her hands and told her to lie still. Appellant also kissed her lips and neck. AAA further testified that once a month from July 1997 to September 1998, appellant brought her to his house and once inside, kissed her lips and neck, and licked her vagina. On two incidents, in July and August 1997, appellant forcibly put his penis inside AAA's mouth. AAA was afraid and could not resist because appellant was restraining her and told her to keep quiet. Appellant would then give AAA money in amounts ranging from P1.50 to P5.00 after he was done with her. AAA did not tell anyone about these incidents because she was afraid.

AAA's mother testified that a relative told her in September 1999 that appellant had been molesting her other minor daughter BBB, who told her that appellant asked BBB to hold his penis. AAA's mother then asked AAA if appellant also molested her. Only then did AAA tell her mother about the incidents which happened in June 1997 to September 1998. AAA's mother then brought her and her sister to the Bataan General Hospital. The Medico-Legal Certificate,^[19] dated 29 September 1999, stated that AAA's hymen was "intact with wider opening." AAA's mother testified that AAA was born on 20 May 1990, as stated in AAA's birth certificate^[20] which was presented in court.

Appellant, the sole witness for the defense, denied sexually abusing AAA. He testified that as a fisherman, he was always at sea fishing particularly during the period of the alleged incidents. Appellant testified that from June 1997 to September 1998, the only time he took a day off from fishing was on Good Friday.

On 21 October 2010, the trial court rendered a decision, the dispositive portion of which reads:

WHEREFORE, in Criminal Case No. 7587, accused OSCAR SANTOS y ENCINAS is found GUILTY beyond reasonable doubt of the crime of Rape, defined and penalized under Article 335 of the Revised Penal Code, in relation to Republic Act No. 7610, and is imposed the penalty of reclusion perpetua.

His guilt having been established likewise with moral certainty in Criminal Cases Nos. 7588, 7589, 7590, 7591, 7592, 7593, 7594, 7595, 7596, 7597, 7598, 7599, 7600, 7601, and 7602, accused OSCAR SANTOS y ENCINAS is found GUILTY in each of said Fifteen (15) separate cases for Violation of Article 336 of the Revised Penal Code, in relation to Section 5(b) of Republic Act No. 7610 and, absent any attendant circumstance that would mitigate or aggravate the imposable penalties, is hereby sentenced in each of the Fifteen (15) cases to suffer imprisonment