

FIRST DIVISION

[G.R. No. 200077, September 17, 2014]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ADEL RAMOS Y ABELLANA, ACCUSED-APPELLANT.

D E C I S I O N

PEREZ, J.:

Before us is a Notice of Appeal from the Decision^[1] of the Court of Appeals in CA-G.R. CR. H.C. No. 04354, affirming the judgment of conviction of accused-appellant, Adel Ramos y Abellana (Ramos) of four (4) counts of Rape meted by the Regional Trial Court, Branch 199, Las Piñas City in Criminal Case Nos. 08-0281 to 08-0284.^[2]

Ramos was charged with four (4) counts of Rape committed on different occasions in similarly worded Informations:

Criminal Case No. 08-0281

That on or about the 17th day of July 2007, in the City of Las Piñas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, by means of force, violence and intimidation, willfully, unlawfully and feloniously have carnal knowledge with one "AAA",^[3] a sixteen (16) year old minor, against her will and without her consent, subjecting the said minor complainant to sexual abuse, which act debases the intrinsic dignity of the minor complainant and which is prejudicial to her physical, emotional and psychological development.

CONTRARY TO LAW.

Criminal Case No. 08-0282

That on or about the 29th day of January 2008, in the City of Las Piñas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, by means of force, violence and intimidation, willfully, unlawfully and feloniously have carnal knowledge with one "AAA", a seventeen (17) year old minor, against her will and without her consent, subjecting the said minor complainant to sexual abuse, which act debases the intrinsic dignity of the minor complainant and which is prejudicial to her physical, emotional and psychological development.

CONTRARY TO LAW.

Criminal Case No. 08-0283

That on or about and sometime between July 17, 2007 and January 29, 2008, in the City of Las Piñas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, by means of force, violence and intimidation, willfully, unlawfully and feloniously have carnal knowledge with one "AAA", a seventeen (17) year old minor, against her will and without her consent, subjecting the said minor complainant to sexual abuse, which act debases the intrinsic dignity of the minor complainant and which is prejudicial to her physical, emotional and psychological development.

CONTRARY TO LAW.

Criminal Case No. 08-0284

That on or about and sometime between July 17, 2007 and January 29, 2008, in the City of Las Piñas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, by means of force, violence and intimidation, willfully, unlawfully and feloniously have carnal knowledge with one "AAA", a seventeen (17) year old minor, against her will and without her consent, subjecting the said minor complainant to sexual abuse, which act debases the intrinsic dignity of the minor complainant and which is prejudicial to her physical, emotional and psychological development.

CONTRARY TO LAW.^[4]

These cases were consolidated and jointly tried. Upon arraignment, Ramos pleaded not guilty to all counts of rape.

As directed by the trial court, its social worker conducted a case study on the minor victim, AAA, the victim's family and environment and on such other matters relevant to the proper disposition of the case.

The Pre-Trial Order for the cases contained the following stipulations and admissions:

1. that the court has acquired jurisdiction over the offense charged and over the person of the accused;
2. the identity of the accused Adel Ramos y Abellana [who] is the same person present in court and that his true name is that appearing on the criminal information; and
3. the fact that the minor private complainant (AAA) was brought to Camp Crame for medical examination.^[5]

At the trial, the prosecution presented four (4) witnesses: (1) AAA; (2) BBB, AAA's

mother; (3) Police Chief Inspector Marianne S. Ebdane (P/Chief Insp. Ebdane), Philippine National Police Medico-Legal Officer and Child Protection Specialist; and (4) Roselyn Abunal (Roselyn), AAA's friend and confidant.

On the witness stand, AAA recounted that the first incident of rape occurred on 17 July 2007 when she slept over at Ramos' house upon the invitation of the latter's daughter and AAA's friend, Jocelyn Ramos' (Jocelyn). AAA and her family resided next door in a house leased to them by Ramos.

In the early hours of that day, 3:00 a.m., AAA woke up and went to the comfort room to urinate. About to step out of the comfort room, she was surprised to see Ramos who blocked her way, suddenly pushed her inside, pointed a gun at her side, and told her to be quiet. Ramos threatened to kill her and evict her family from their house, so she silently acquiesced.

Ramos ordered AAA to undress and lie on the bathroom floor; he then mounted AAA and penetrated her twice. Once sated, Ramos instructed AAA to wear her clothes and return to bed. AAA narrated that she sustained bloodstains on her panty and shorts and fell ill for about a week. She was terrified and thus, spoke to no one and nothing of what had befallen her.

Unwittingly, BBB sent her daughter to her second rape — on an errand, giving Ramos another opportunity to ravage AAA.

One day between the first rape on 17 July 2007 and the last one on 29 January 2008, at noon, BBB asked AAA to bring viand to Ramos' house. AAA was at the door and called for someone to get the food she had brought with her. A male voice asked her to place the food on the table, so AAA entered the house, placed the food and hurried to get out of the house. Unfortunately, however, Ramos pulled AAA back inside the house.

Trapped once more inside Ramos' house, AAA immediately saw that she and Ramos were again alone. At this point, Ramos again threatened AAA and ordered her to undress. Ramos then removed his shorts and for the second time, Ramos raped AAA. Like before, AAA was terrified, left Ramos' house and kept mum about this second rape.

The third incident took place sometime in August 2007 when AAA went to Ramos' house to return Jocelyn's things. AAA thought no one was at Ramos' house since no one came to the door despite her knocking. Despite her prior experience, she decided to go inside the house and just leave Jocelyn's things. AAA was once again surprised by Ramos who was inside the house. The experience was repeated, Ramos pulled her and told her to remove her shorts. Ramos kissed AAA on the neck, fondled her, and ultimately succeeded in raping her for the third time. AAA, the whole time, just silently cried. As in the past assaults, AAA kept the ordeal to herself.

The fourth and final incident took place at around 3:00 a.m. of 29 January 2008. AAA went to the comfort room outside of their house and was startled see Ramos already inside. Similar to the previous occasions, Ramos threatened AAA to keep silent and told her to remove all her clothes. This time, Ramos lifted one of AAA's legs, shoved her against the wall and penetrated her while standing up.

Three days later, AAA broke her silence and told her best friend, Roselyn about Ramos' sexual assaults. Upon Roselyn's urging, AAA revealed all to her mother who brought her to the Women and Children Protection Desk at the Las Piñas Police Station the following day.

At Camp Crame, Quezon City, P/Chief Insp. Ebdane conducted the medical examination of AAA:

x x x [AAA] has a deep-healed laceration at 6 o'clock position which means that the laceration cannot be dated accurately since it is healed but there is clear evidence that there is a blunt penetrating trauma; AAA's claim, as stated on the sexual crime protocol, that she was raped on 17 July 2007 is consistent with [the] findings in [the] medico-legal report; during [the] medical examination, AAA was coherent; there were no other abnormal findings, and no abnormalities on the external genitalia; the general physical examination was normal and there were no physical injuries except for the genital finding; AAA was not crying at the time of her medical examination; and AAA was accompanied at that time by her mother. Dr. Ebdane identified the Medico-Legal Report No. R08-244 dated 08 February 2008.

x x x AAA's deep-healed laceration could also be caused by consensual sex; a blunt force or penetrating trauma could be caused by a finger, penis or a ballpen; the trauma could also be self-inflicted by using one's finger ; a deep healed laceration cannot be dated accurately; a deep-healed laceration is more than twenty-one (21) days; the blunt force or penetrating trauma sustained by AAA was not caused just recently at the time of the examination on 02 February 2008 because the laceration is already healed; according to AAA she has not sexual relationship and that it was the accused who is the perpetrator; and AAA told her that she was raped for the first time on 17 July 2007 and that the last time was on 29 January 2008 at x x x, Las Piñas City.^[6]

Meanwhile, based on the Social Case Study Report filed on June 8, 2008 by the court's social worker, the trial court issued an Order on the same day directing the parents of AAA to bring her to the National Center for Mental Health (NCMH) for psychiatric evaluation and treatment. The trial court likewise directed the NCMH to submit a report thereon.

As expected, the defense painted a different story: Ramos simply denied all charges of rape and countered with rhetorical questions and scenarios to assail the prosecution's evidence:

1. On the first incident, AAA did not sleep over and was accompanied by his daughter back to AAA's house while Ramos held their household dogs at bay to stop them from running after AAA. These dogs are usually near the comfort room and would bark at strangers in their house. Moreover, their house, 4 x 4 meters in size, is made of thin wood, without divisions, where all members of his household slept near the comfort room. In all, Ramos could not have raped AAA without being heard

by other occupants of his house.

2. As for the circumstances surrounding the other incidents of rape, Ramos simply proffered instances of his kindness and generosity to AAA's family ranging from stopping AAA's parents from fighting to allowing AAA's family to pay house rentals on installment.

3. On raping AAA while in a standing position as recounted in the fourth and final rape charge, Ramos pointed out that he was taller than AAA which renders it impossible for him to rape the latter at such position.

4. If he had indeed raped AAA, then she and her family would have lodged a complaint at the first occurrence thereof.

Ramos' testimony was corroborated by his wife and daughter, Vergie and Joandel Ramos.

As adverted to, the trial court found Ramos guilty of four (4) counts of rape:

WHEREFORE, the court finds the accused **ADEL RAMOS y ABELLANA**, GUILTY beyond reasonable doubt for Four (4) counts of Rape under Criminal Informations Nos. 08-0281, 08-0282, 08-0283 and 08-0284 (penalized under Article 266-A Revised Penal Code in relation to Republic Act 7610), and hereby sentence (sic) to suffer a penalty of *RECLUSION PERPETUA* for each of the aforesaid cases with the accessory penalty as provided for by law.

This court likewise directs the accused ADEL RAMOS Y ABELLANA to indemnify the victim "AAA" FIFTY THOUSAND PESOS (P50,000.00) as civil indemnity *ex-delicto*, another FIFTY THOUSAND PESOS (P50,000.00) as moral damages and another TWENTY FIVE THOUSAND PESOS (P25,000.00) as exemplary damages for each of the aforesaid cases.

The awards of civil indemnity and moral damages [are] in accordance with prevailing jurisprudence. Civil indemnity, actually given as actual or compensatory damages, is awarded upon the finding that rape was committed. Similarly, moral damages are awarded to rape victims without need of pleading or evidentiary basis because the law assumes that a rape victim suffered moral injuries entitling her to the award.^[7]

On Notice of Appeal, the appellate court affirmed the trial court's finding of guilt on four (4) counts of rape. However, the Court of Appeals increased the award of exemplary damages for each count of rape and specified that all awards for civil indemnity, moral and exemplary damages shall bear interest at the rate of six percent (6%) per annum from the date of finality of the decision:

WHEREFORE, premises considered, the appeal is **DENIED**. The Decision dated 27 January 2010 of the Regional Trial Court of Las Piñas City, Branch 199 in *Crim. Cases Nos. 08-0281, 08-0282, 08-0283, 08-0284*