

FIRST DIVISION

[G.R. No. 180497, October 05, 2011]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
PATRICIO TAGUIBUYA, ACCUSED-APPELLANT.**

R E S O L U T I O N

BERSAMIN, J.:

The accused was charged with two counts of rape and a violation of Republic Act No. 7610,^[1] committed against his own daughter, AAA,^[2] then a minor. In the first instance of rape (Criminal Case No. 2545), committed in the month of May 1998, the accused allegedly forced AAA to have sexual intercourse when she was cleaning the rice fields; she was then alleged to be "a 15 year old minor and his own daughter."^[3] In the second instance of rape (Criminal Case No. 2546), which took place on March 15, 2000 and in "the month of May 1998 up to and including March 2000," he allegedly raped AAA, "a 16 year old minor and his own daughter."^[4] As to the charge of child abuse (Criminal Case No. 2386), committed about "the month of May 1998 up to and including March 2000," he allegedly "touch(ed), caress(ed) and forcibly inserted his penis (in)to the private parts (vagina) of AAA, a 17 year old minor, which acts constitute(d) the Violation of Republic Act No. 7610)."^[5]

The accused, pleading not guilty at his arraignment, denied the charges, claiming that AAA had fabricated them in retaliation for his and his wife's refusal to allow her to go with her boyfriend to Baguio and for the subsequent punishments he had inflicted on her. He insisted that it was impossible for him to have accosted AAA in the areas where the rapes were supposedly committed because said areas were visible to others. His wife corroborated his denials.

In its decision promulgated on October 15, 2003,^[6] the Regional Trial Court (RTC) accorded credence to the testimony of AAA and found the accused guilty of two counts of qualified rape due to AAA being a minor at the time of the commission of the rapes and because he had admitted being her father. The RTC acquitted him of the violation of Republic Act No. 7610 on the ground that the information did not allege that AAA had been a "child below eighteen years of age but over twelve years." Accordingly, the RTC ruled:

WHEREFORE, the Court finds the accused Patricio Taguibuya:

In Criminal Case No. 2545-Bg., GUILTY beyond reasonable doubt of the crime of qualified rape defined in and penalized by Article 335, Revised Penal Code, as amended and sentences him to suffer the Supreme Penalty of DEATH and to pay the costs. The accused is hereby ordered to pay the victim AAA, the amount of Seventy Five Thousand (P75,000.00) Pesos as civil indemnity and Fifty Thousand (P50,000.00) Pesos by way

of moral damages.

In Criminal Case No. 2546-Bg., GUILTY beyond reasonable doubt of the crime of qualified rape defined in and penalized by Article 335, Revised Penal Code, as amended and sentences him to suffer the Supreme Penalty of DEATH and to pay the costs. The accused is hereby ordered to pay the victim AAA, the amount of Seventy Five Thousand (P75,000.00) Pesos as civil indemnity and Fifty Thousand (P50,000.00) Pesos by way of moral damages.

In Criminal Case No. 2386-Bg., for failure of the prosecution to allege in the information that the victim is a "child" below eighteen years of age but over twelve years which is an essential element of the crime of Violation of Section 5, Republic Act No. 7610, the accused is hereby acquitted of the charge.

SO ORDERED.^[7]

On March 20, 2007, the Court of Appeals (CA) affirmed the findings of the RTC,^[8] specially taking note of the credibility of AAA in contrast with the denials by the accused. The CA reduced the penalty of death to *reclusion perpetua* "with no possibility of parole for each of the two (2) counts of consummated rape" pursuant to Republic Act No. 9346,^[9] viz:

WHEREFORE, in light of the foregoing, the appealed *Joint Decision* of the Regional Trial Court dated October 15, 2003 is hereby AFFIRMED with MODIFICATION. The Court sentences appellant Patricio Taguibuya to the penalty of *reclusion perpetua* with no possibility of parole for each of the two (2) counts of consummated rape. Appellant is further ORDERED to indemnify the complainant for each of the two counts of consummated rape the amounts of P75,000.00 as civil indemnity, P50,000.00 as moral damages.

SO ORDERED.^[10]

The accused now appeals, assailing the convictions for their being solely based on the testimony of AAA.

We affirm.

To begin with, the accused assails the factual findings of the RTC, including its assessment of the worth of the witnesses who testified in the trial. We cannot, however, contradict the factual findings, especially because the CA, as the reviewing tribunal, affirmed them. Such findings are now entitled to great weight and respect, if not conclusiveness, for we accept that the trial court was in the best position as the original trier of the facts in whose direct presence and under whose keen observation the witnesses rendered their respective versions of the events that made up the occurrences constituting the ingredients of the offenses charged. The direct appreciation of testimonial demeanor during examination, veracity, sincerity

and candor was foremost the trial court's domain, not that of a reviewing court that had no similar access to the witnesses at the time they testified.^[11] Without the accused persuasively demonstrating that the RTC and the CA overlooked a material fact that otherwise would change the outcome, or misappreciated a circumstance of consequence in their assessment of the credibility of the witnesses and of their respective versions, the Court has no ground by which to reverse their uniform findings as to the facts.

And, secondly, the urging of the accused, that the RTC and the CA should not have accorded faith to the evidence of his guilt because the only witness presented to prove the accusations was the victim herself, is unworthy of consideration. Such urging cannot acquit him, considering that it is already settled that the accused in a prosecution for rape can be convicted on the basis of the sole testimony of the victim provided the victim and her testimony are credible, convincing, and consistent with human nature and the normal course of things.^[12] Conviction or acquittal in a prosecution for rape has often depended more often than not almost entirely on the credibility of the victim's testimony, for, by the very nature of the crime, the victim is usually the only one who can testify on its occurrence. At any rate, we also remind that in this jurisdiction the worth of witnesses has been based on their quality, not on their quantity. Accordingly, the RTC correctly considered AAA to be forthright and consistent in her recollection of the details of her ordeals at the hands of her own father.

Nonetheless, there is a need to rectify the judgment of the CA on the civil liabilities. The CA awarded only the civil indemnity of P75,000.00 and moral damages of P50,000.00 for each of the two counts of rape, and said nothing about exemplary damages. Its judgment was inadequate in that respect in the face of the prevailing law and jurisprudence.

Civil indemnity is mandatory upon a finding of the fact of rape; it is distinct from and should not be denominated as moral damages, which are based on different jural foundations and assessed by the court in the exercise of its discretion.^[13] In contrast, moral damages are granted to the victim in rape in such amount as the court shall deem just and reasonable without the necessity of pleading or proof.^[14] Indeed, the fact that the victim suffered the trauma of mental, physical and psychological sufferings that constituted the bases for moral damages is too obvious to still require the recital of such sufferings by the victim at the trial; the trial court itself assumes and acknowledges her agony as a gauge of her credibility.^[15] To expect and to require her to still provide the proof of her pains and sufferings is to demand that she render a very superfluous testimonial charade.^[16]

Exemplary damages, which are intended to serve as deterrents to serious wrongdoings and as a vindication of undue sufferings and wanton invasion of the rights of an injured, or as a punishment for those guilty of outrageous conduct,^[17] are awarded under Article 2230 of the *Civil Code* when the crime is committed with one or more aggravating circumstances.^[18] In *People v. Catubig*,^[19] the Court held that the term *aggravating circumstances* as used by the *Civil Code* should be understood in its broad or generic sense, not in the sense of prescribing a heavier punishment on the offender; hence, the ordinary or qualifying nature of an aggravating circumstance should be a distinction that was of consequence only to