

## FIRST DIVISION

[ G.R. No. 181829, September 01, 2010 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. SATURNINO VILLANUEVA, APPELLANT.**

### D E C I S I O N

**DEL CASTILLO, J.:**

On appeal is the November 5, 2007 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 02210 which affirmed with modification the November 28, 2003 Decision<sup>[2]</sup> of the Regional Trial Court (RTC) of Tayug, Pangasinan, Branch 51. The CA found appellant Saturnino Villanueva guilty beyond reasonable doubt of three counts of qualified rape and sentenced him to suffer the penalty of *reclusion perpetua* and to pay his victim the amounts of P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P25,000.00 as exemplary damages, for each count.

***Factual Antecedents:***

On November 6, 2002, three Informations were filed against appellant for the crime of rape. The accusatory portions of the Informations read:

**Crim. Case No. T-3157:**

That on or about the 9<sup>th</sup> day of June, 2002, at dawn, x x x, province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused who is the father of complainant, armed with a bladed weapon, by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with one "AAA,"<sup>[3]</sup> a minor 12 years of age, against her will and consent, to the damage and prejudice of said "AAA."

CONTRARY to Article 335 of the Revised Penal Code, as amended by Republic Act 8353.<sup>[4]</sup>

**Crim. Case No. T-3158:**

That on or about the 27<sup>th</sup> day of September, 1999, in the evening, at x x x, province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused who is the father of complainant, armed with a bladed weapon, by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with one "AAA," a minor 9 years of age, against her

will and consent, to the damage and prejudice of said "AAA."

CONTRARY to Article 335 of the Revised Penal Code, as amended by Republic Act 8353.<sup>[5]</sup>

**Crim. Case No. T-3159:**

That on or about the 28<sup>th</sup> day of September, 1999, at dawn, at x x x, province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused who is the father of complainant, armed with a bladed weapon, by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with one "AAA," a minor 9 years of age, against her will and consent, to the damage and prejudice of said "AAA."

CONTRARY to Article 335 of the Revised Penal Code, as amended by Republic Act 8353.<sup>[6]</sup>

When arraigned on November 14, 2002, appellant pleaded not guilty to all charges.<sup>[7]</sup>

During pre-trial, the parties stipulated that the appellant is the father of "AAA." It was likewise agreed that "AAA" was below 12 years of age when the rape incidents happened.<sup>[8]</sup> "AAA's" birth and medical certificates were likewise marked as Exhibits "A" and "C," respectively.<sup>[9]</sup>

Thereafter, the cases were tried jointly.<sup>[10]</sup>

***Version of the Prosecution***

The prosecution presented "AAA" as its witness. "AAA" narrated that when she was about 4 years old, her mother left her in the care of her father, herein appellant. Since then, she had been living with her father.

"AAA" claimed that appellant sexually abused her on September 27 and 28, 1999 and on June 9, 2002. During her testimony, "AAA" narrated that:

PROS. ULANDAY:

Q Will you please state your name, age and other personal circumstances?

WITNESS:

A I am "AAA," 13 years old, out-of-school youth, presently residing at x x x<sup>[11]</sup>

x x x x

PROS. ULANDAY:

Q Madam Witness, do you still remember September 27, 1999?

A Yes, sir.

Q Why do you remember that particular date?

A That was the birthday of my father and the date when he touched me, sir.

x x x x

Q Who rape[d] you?

A My papa, sir. Witness pointed to the accused.

x x x x

PROS. ULANDAY:

Q You claimed that your father touched and used you. How did he begin in touching you?

A He tied me, sir.

x x x x

Q What part of your body was x x x tied by your father?

A My mouth, sir.

Q What other parts of your body, if there [are] any?

A My hands and my feet, sir.

PROS. ULANDAY:

My witness is crying, your Honor. <sup>[12]</sup>

x x x x

Q Now, after your father tied you on September 27, 1999, what did he do, if there's any?

A He raped me, sir.

COURT:

Q What do you mean by x x x saying he raped you?

x x x x

A He undressed me, sir.

x x x x

COURT:

And we make of record that [witness is now] in tears. <sup>[13]</sup>

x x x x

PROS. ULANDAY:

Q Madam Witness, during the last hearing you uttered the word "incua na." What do you mean by that?

A He inserted his penis into my vagina, sir.

Q How long a time did your father [insert] his penis into your vagina?

A About two minutes, sir.

Q At early dawn of September 28, 1999, what happened if any, between you and your father?

A The same, sir.

Q What do you mean by the same?

A That he inserted his penis into my vagina, sir.

Q Before your father inserted his penis into your vagina, what did he do, if there was any?

A He first undressed me, sir.

Q While he was undressing you what were you doing, if any?

A I failed to do any, sir.

Q Why did you fail to do any?

A Because I was afraid, sir.

Q Why were you afraid at the time?

A Because he threatened me, sir.

Q How did he [threaten] you?

A That if I would report the matter to anyone he would kill the person to whom I will report, sir.

Q Do you remember June 9, 2002 at 3:00 o'clock dawn?

A Yes, sir.

Q Why do you remember that particular date?

A Because he again raped me, sir.

Q Who raped you?

A My father, sir.

Q In what particular place [were] you raped?

A In our house, sir.

x x x x

Q You claimed that you were raped by your father, how did he rape you?

A He undressed me, sir.

Q What else did he do aside from undressing you?

A He poked a knife at me, sir.

Q And after poking a knife at you, what happened next, if any?

A Then he touched (kinuti) me, sir.

Q What part of your body was touched by your father?

A            My vagina, sir.

Q            How did he touch your vagina?

A            He inserted his penis into my vagina, sir.

Q            What happened when he inserted his penis into your vagina?

A            I cried, sir.<sup>[14]</sup>

Q:           You have no idea about what?

A:           I do not know how to come to this court, sir.<sup>[20]</sup>

After the presentation of "AAA's" testimony, the prosecution rested its case.

### ***Version of the Defense***

The defense presented appellant as its first witness. In his testimony, appellant admitted that "AAA" is his daughter.<sup>[15]</sup> He also admitted that on September 27 and 28, 1999 and June 9, 2002, he was living in the same house as "AAA."<sup>[16]</sup> However, when asked regarding the rape charges filed against him by his daughter, appellant denied the same. Thus:

Q            And this daughter of your[s] now charge you [with] rape in Crim. Case Nos. T-3157/3158/3159 for allegedly having sexual intercourse with her against her will and consent. What can you say against these charges by your daughter?

A            [Those are] not true, sir.<sup>[17]</sup>

The defense next presented Marcelino Villanueva (Marcelino) who testified that he is the father of the appellant.<sup>[18]</sup> He claimed that "AAA" filed the rape cases against appellant because the latter forbade her to entertain suitors.<sup>[19]</sup> Marcelino also alleged that after appellant was incarcerated, "AAA" eloped with her 20-year old boyfriend and that "AAA" only separated from her boyfriend when she was brought under the care of the Department of Social Welfare and Development.<sup>[20]</sup> When asked how old "AAA" was when she allegedly eloped with her boyfriend, Marcelino answered that "AAA" was only 13 years old.<sup>[21]</sup>

### ***Ruling of the Regional Trial Court***

The trial court lent credence to the testimony of "AAA." However, it noted that although it was agreed upon during the pre-trial that "AAA" was a minor below 12 years of age, the fact remains that "AAA" was 12 years, six months and 19 days when she was ravished by the appellant on June 9, 2002.<sup>[22]</sup> The court below also observed that "AAA has always been a pathetic child of oppression, abuse and neglect" and that "[h]er innocence, tender age, dependence [on appellant] for survival, and her virtual orphanhood sufficed to qualify every sexual molestation perpetrated by her father as rape x x x."<sup>[23]</sup>