

NINTH DIVISION

[CA-G.R. CR-HC No. 06021, March 18, 2014]

**PEOPLE OF THE PHILIPPINES PLAINTIFF-APPELLEE, VS.
LUISITO SALAZAR Y CASTRO, ACCUSED-APPELLANT.**

D E C I S I O N

LAMPAS PERALTA, J.:

The present appeal assails the Joint Decision dated November 20, 2012^[1] in thirteen (13) criminal cases, docketed as Criminal Cases Nos. C-55573 (99), C-55574 (99), C-55575 (99), C-55576 (99), C-55577 (99), C-55578 (99), C-55579 (99), C-55580 (99), C-55581 (99), C-55582 (99), C-55583 (99), C-55584 (99) and C-55585 (99) of Branch 130, Regional Trial Court, Caloocan City, finding accused-appellant Luisito Salazar y Castro guilty beyond reasonable doubt of rape committed against AAA,^[2] his own minor daughter, on thirteen (13) separate occasions.

THE ANTECEDENTS

The victim in this case, AAA, was born on August 21, 1982.^[3] She was twelve (12) years of age at the time of the first incident, and fifteen (15) years of age at the time of the 13th incident. She lived with her family including her father, accused-appellant, in Caloocan City.^[4]

In July 1994, about 12:00 midnight, AAA was sleeping on the living room floor of her family's house^[5] when accused-appellant arrived, intoxicated.^[6] He told her that he wanted to talk to her and led her outside the house. Once outside, he made her board a passenger jeepney that was parked in front of their house.^[7] Accused-appellant then told AAA that she was "already a growing up child" and he would explain to her what to do in case she had a boyfriend.^[8] He made her lie on the floor of the passenger jeepney, kissed her, and then touched her breasts and vagina. Accused-appellant forcibly removed her "sando" and pulled her shorts down to her knees. He succeeded in having carnal knowledge of her.^[9] When he was through, accused-appellant stood up and AAA went inside the house. She did not tell anyone about her ordeal because accused-appellant threatened to kill her mother.^[10]

Accused-appellant succeeded in having carnal knowledge of AAA for twelve (12) more times in January 1995, February 1995, March 1995, April 1995, May 1995, July 1995, August 1995, October 1995, September 1995, April 1996, December 1996 and April 1997^[11] in a nipa hut near their house.^[12] According to AAA, during the second incident, accused-appellant touched her breast and vagina before raping her.^[13]

The factual findings of the trial court, based on the testimony of AAA, were summarized in its Joint Decision dated November 20, 2012 as follows:

"The victim AAA then 12 years old, having been born on August 21, 1982 as evidenced by her Birth Certificate (Exhibits 'A', 'A-1', and 'A-2') first testified for the prosecution. On the stand, she recalled the bitter experience she suffered in the hands of her father the accused **Luisito Salazar**. She recalled that sometime in the late evening of July 1994, she was roused from her sleep when her father came home reddish and intoxicated. The latter summoned her to come out of the house and directed her to board the passenger jeepney parked a few meters away outside of their house. Seated beside her father inside the jeepney, she was told how she had grown to be a young woman and thereafter, explained and demonstrated to her what she should do if and when she would have a boyfriend. Her father compelled her to lie down on the stainless steel flooring of the jeepney, kissed her and thereafter touched her breast and vagina. Her 'sando' was removed and her short pants were forcibly pulled down to her knees. She tried to struggle and fight back, but her efforts proved futile until she felt an excruciating pain when her father tried to insert his penis inside her vagina. When through, her father stood up while she, on the other hand, went inside their house feeling weak and terrified because of the former's threat to kill her mother should she tell anyone about the incident. Her father, a known tough guy and trouble maker not only in their province in Nueva Ecija, but also in their place in Caloocan, she thus have every reason to believe this life threatening remarks keeping her mum regarding the incident. This was followed by twelve (12) more similar incidents occurring during the period covering the second week of January 1995; February 1995; March 1995; April 1995; May 1995; July 1995; August 1995; October 1995; September 1995; April 1996; December 1996 and April 1997, all of which took place inside a nipa hut measuring more or less 3 x 4 meters and is located near an unfinished house. There inside, she was repeatedly ravished by her father on different occasions even as her grandmother slumbered nearby. That it was only after the 12th incident of rape which coincided with the shooting of her father that she was able to finally muster the guts to tell her mother of how her father was sexually abusing her for the past several months. They proceeded to report the matter to the police authorities where her written statement was taken (*Exhibits 'B', 'B-1' to 'B-3'*) before undergoing medico-legal examination at Camp Crame (*Exhibit 'C'*). Her Complaint Affidavit and Supplemental Affidavit were prepared and later filed before the Prosecutor's Office of Caloocan City for purposes of formal investigation and appropriate filing of charges (*Exhibits 'D', 'D-1' and 'D-2'; Exhibits 'E', 'E-1' and 'E-23'*). On the other hand, her father, after being discharged from the hospital from his gunshot wound at the back of the head, went to visit them briefly in their house before proceeding to BBB to recuperate."^[14]

Thirteen (13) informations were filed with the trial court charging accused-appellant with "RAPE, IN RELATION TO R.A. 7610" committed as follows:

"That sometime in the 2nd week of July, 1994, in Caloocan City, Metro-Manila and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and by means of force, threats and intimidation, did then and there willfully, unlawfully and feloniously lie and have sexual intercourse with his daughter AAA, a minor of 12 years old, against the latter's will and without her consent.

Contrary to law."^[15]

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Re: Criminal Case No. C-55574 (99)

"That sometime in the month of December 1996 in Caloocan City, Metro-Manila and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and by means of force, threats and intimidation, did then and there willfully, unlawfully and feloniously lie and have sexual intercourse with his daughter AAA, a minor of 14 years old, against the latter's will and without her consent.

Contrary to law."^[16]

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Re: Criminal Case No. C-55575 (99)

"That sometime in the 3rd week of April, 1997 in Caloocan City, Metro-Manila and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and by means of force, threats and intimidation, did then and there willfully, unlawfully and feloniously lie and have sexual intercourse with his daughter AAA, a minor of 15 years old, against the latter's will and without her consent.

Contrary to law."^[17]

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Re: Criminal Case No. C-55576 (99)

"That sometime in the 3rd week of April, 1996 in Caloocan City, Metro-Manila and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and by means of force, threats and intimidation, did then and there willfully, unlawfully and feloniously lie and have sexual intercourse with his daughter AAA, a minor of 14 years old, against the latter's will and without her consent.

Contrary to law."^[18]

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Re: Criminal Case No. C-55577 (99)

"That sometime in the 1st week of Dec. 1995 in Caloocan City, Metro-Manila and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and by means of force, threats and intimidation, did then and there willfully, unlawfully and feloniously lie and have sexual intercourse with his daughter AAA, a minor of 13 years old, against the latter's will and without her consent.

Contrary to law."^[19]

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Re: Criminal Case No. C-55578 (99)

"That sometime in the 1st week of October 1995 in Caloocan City, Metro-Manila and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and by means of force, threats and intimidation, did then and there willfully, unlawfully and feloniously lie and have sexual intercourse with his daughter AAA, a minor of 13 years old, against the latter's will and without her consent.

Contrary to law.”^[20]

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Re: Criminal Case No. C-55579 (99)

“That sometime in the last week of Aug. 1995 in Caloocan City, Metro-Manila and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and by means of force, threats and intimidation, did then and there willfully, unlawfully and feloniously lie and have sexual intercourse with his daughter AAA, a minor of 13 years old, against the latter's will and without her consent.

Contrary to law.”^[21]

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Re: Criminal Case No. C-55580 (99)

“That sometime in the 1st week of July 1995 in Caloocan City, Metro-Manila and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and by means of force, threats and intimidation, did then and there willfully, unlawfully and feloniously lie and have sexual intercourse with his daughter AAA, a minor of 13 years old, against the latter's will and without her consent.

Contrary to law.”^[22]

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Re: Criminal Case No. C-55581 (99)

“That sometime in the 1st week of May 1995 in Caloocan City, Metro-Manila and within the jurisdiction of this Honorable Court, the above-