Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

- versus -

ROLANDO DE GUZMAN *y* VILLANUEVA,
Accused-Appellant

G.R. No. 229714

Present:

BERSAMIN, *C.J.*,
DEL CASTILLO,
JARDELEZA,
GESMUNDO, *and*
CARANDANG, *JJ.*

Promulgated:
JUN 19 2019

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DECISION

DEL CASTILLO, *J.*:

On appeal is the January 22, 2016 Decision[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06640, which affirmed with modification the December 23, 2013 Decision[2] of the Regional Trial Court (RTC) of Tarlac City, Branch 64, in Criminal Case Nos. 15127 and 15128.

Antecedent Facts

In two separate Informations dated June 20, 2007, appellant Rolando De Guzman *y* Villanueva was charged with rape, which, except for the dates of commission of the offense, were similarly worded as follows:

> That [on or about May 13, 2006 and thereafter/ sometime in the first week of April, 2007], in Tarlac City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with force and intimidation did then and there willfully, unlawfully and feloniously [have]

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1 CA *rollo*, pp. 125-137; penned by Associate Justice Victoria Isabel A. Paredes and concurred in by Associate Justices Magdangal M. De Leon and Eduardo B. Peralta, Jr.

2 Records, pp. 140-149; penned by Presiding Judge Lily C. De Vera-Vallo.

carnal knowledge of his daughter ["AAA",][3] 15 years old, against the latter's will.

CONTRARY TO LAW.[4]

Appellant having pleaded "Not Guilty"[5] to the charges against him, trial on the merits ensued.

Version of the Prosecution

On the night of May 13, 2006, "AAA," who, at that time was 14 years old,[6] was at their home in Tarlac City, together with her father, herein appellant, and her two brothers. At around 10:30 p.m., she was awakened from her sleep when she felt someone (who she later discovered was her biological father, the appellant) was on top of her and kissing her neck. Appellant also kissed her chest and breast, licked her vagina, and thereafter, removed her bra. "AAA" kept quiet because appellant had a bladed weapon pointed at her side. He also threatened to kill her if she made any move. "AAA" asked her father to stop what he was doing, but to no avail.[7]

Appellant then pulled down "AAA's" underwear and placed the bladed weapon at the headboard of the bed. After this, he placed "AAA's" clothes on one side of the bed, leaving her naked. "AAA" tried to shout but her voice was not loud enough to awaken her brother, who was sleeping in the lower portion of the double-deck bed she was lying on. She was also unable to shout aloud because she was afraid of her father.[8]

Appellant continued to kiss "AAA" on her breast and then he inserted his penis into her private organ. For a while, he made push-and-pull movements on her. He then removed his penis and secreted his semen on "AAA's" stomach.[9]

In substantiation of the other information, the State's evidence tended

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[3] "The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, and for Other Purposes; Republic Act No. 9262, An Act Defining Violence against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes; and Section 40 of A.M. No. 04-10-11-SC, known as the Rule on Violence against Women and Their Children, effective November 15, 2004." *People v. Dumadag*, 667 Phil. 664, 669 (2011).

[4] Records, pp. 1, 8.

[5] Id. at 23-24.

[6] Her birthdate is August 18, 1991; Records, p. 6.

[7] TSN, June 10, 2008, pp. 6-12, 18.

[8] Id. at 13-14, 17.

[9] Id. at 17, 24-25.

to show that sometime in the first week of April 2007, "AAA," then already 15 years old, was left at home with her brother and appellant because her mother, "BBB," was staying in the house of her ("AAA's") aunt.[10]

That evening, "AAA" was watching television when appellant suddenly pulled her towards the bedroom. While inside the bedroom, appellant told "AAA" that she should not have a boyfriend, and that she should follow his wishes. Appellant then proceeded to caress "AAA's" arms and back, and then removed her shirt.[11]

Appellant then laid "AAA" down, went on top of her, and kissed her on the lips and neck. "AAA" pushed him but her efforts were futile because he was too strong. Then appellant raised her bra and pressed and kissed her breasts. He then pulled down her shorts, kissed her breasts downward and licked her belly button. He also removed her underwear and licked her private organ. "AAA" tried to kick appellant but to no avail. Appellant then inserted his penis into "AAA's" vagina and made push-and-pull movements on her. After sometime, he removed his penis and secreted his semen on "AAA's" stomach.[12]

After the incident, "AAA's" brother reported to their mother that something had happened to "AAA". Because of this revelation, "BBB" and "AAA's" aunt confronted "AAA" who eventually confessed to them that her father, the appellant, had indeed raped her.[13]

On April 14, 2007, "AAA" underwent a medical examination which revealed, among others, that she had "deep healed laceration at 7 [o']clock position (+) complete healed laceration at 5 [o']clock position."[14]

Version of the Defense

The appellant denied the accusation against him and testified in this wise:

> [Appellant] used to work in Riyadh, Saudi Arabia as a trailer driver and returned to the Philippines sometime in May 2006. However he could not recall if he was already in the Philippines on 13 May 2006, the day he allegedly first raped his daughter AAA.

[10] TSN, November 25, 2008, pp. 2, 4.
[11] Id. at 5-6, 11-12.
[12] Id. at 13-24.
[13] Id. at 26-30.
[14] Records, p. 7.

> x x x Sometime in the first week of April 2007, [appellant], who was then living alone in x x x Tarlac City, went to x x x where his wife, and three (3) children, including AAA, were residing, and took the mobile phone that he lent to AAA.
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> x x x On 08 April 2007, [appellant] went swimming with his wife, children, mother-in-law, nephews and nieces. He promised AAA that he will return to her the mobile phone.
>
> [Appellant] does not know the reason why AAA accused him of raping her. At the time of the alleged incidents, he had a close relationship with his children.[15]

Ruling of the Regional Trial Court

On December 23, 2013, the RTC convicted appellant of two counts of qualified rape. It held that the qualifying circumstances of relationship and minority were properly alleged in the Informations and likewise proved beyond reasonable doubt. Considering, however, the proscription on the imposition of the death penalty, the RTC sentenced appellant to suffer the penalty of *reclusion perpetua*. The dispositive portion of the RTC Decision reads:

> WHEREFORE, in light of the foregoing, this Court finds the accused ROLANDO DE GUZMAN y Villanueva guilty [of] two (2) counts of rape for which this Court hereby sentences him to suffer the penalty of *reclusion perpetua* for each count as the imposition of death is abolished.
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> Likewise, as to the civil liability, the accused is ordered to pay [AAA] for each count of rape ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages and ₱30,000.00 as exemplary damages.
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> SO ORDERED.[16]

Ruling of the Court of Appeals

On January 22, 2016, the CA affirmed the RTC Decision with modification as to the amount of damages and declared appellant without eligibility for parole. The dispositive portion of its Decision reads:

> WHEREFORE, premises considered, the instant appeal is DENIED. The assailed December 23, 2013 Decision of the Regional Trial Court,

[15] As culled from the Brief for the Accused-Appellant (filed with the CA); CA *rollo*, p. 40.
[16] Records, p. 149.

> Branch 64, Tarlac City, in Criminal Case Nos. 15127 and 15128, is AFFIRMED with the MODIFICATION that: (1) appellant x x x shall be ineligible for parole; (2) the awards of civil indemnity, moral damages, and exemplary damages are increased to ₱100,000.00 each for each count of qualified rape; and (3) the monetary awards shall earn interest at the rate of six percent (6%) per annum from the finality of this decision until full payment.
>
> SO ORDERED.[17]

The CA held that appellant was guilty of two counts of qualified rape considering that, by use of *force and intimidation*, he had *carnal knowledge* of his *daughter* "AAA," who at the time of the first incident was just a 14 year old *minor* and was only 15 years old during the second incident.[18]

Like the RTC, the CA also gave credence to "AAA's" positive identification of appellant as the person who raped her on two occasions; it rejected the defenses of denial and alibi interposed by appellant.[19]

Hence, this appeal.

Our Ruling

After a thorough review of the records, the Court finds this appeal bereft of merit. We thus hold that the CA in CA-G.R. CR-HC No. 06640 properly affirmed with modifications the December 23, 2013 Decision of the RTC of Tarlac City, Branch 64, in Criminal Case Nos. 15127 and 15128.

We agree with the CA that appellant is guilty of two counts of qualified rape considering that the following elements thereof had been duly established here: "(1) sexual congress; (2) with a woman; (3) done by force and without consent; (4) the victim is under eighteen years of age at the time of the rape; and (5) the offender is a parent (whether legitimate, illegitimate or adopted) of the victim."[20]

Established facts revealed that appellant had carnal knowledge of his own biological daughter, "AAA," who at the time of the first rape incident was just 14 years old, and was only 15 years old when appellant raped her the

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[17] CA *rollo*, p. 136.
[18] Id. at 132.
[19] Id. at 135.
[20] See *People v. Divinagracia, Sr.*, G.R. No. 207765, July 26, 2017, 833 SCRA 53, 72.

second time. "AAA" testified in a clear and straightforward manner her harrowing ordeal; and equally important, the medical examination on "AAA" corroborated her testimony, as elucidated by the RTC, to wit:

> The testimony of ["AAA"] describes vividly every lurid detail of the carnal knowledge or sexual intercourse between her and the accused, including the [complete] penetration of the female organ by the male organ and the ejaculation thereafter. Her account on how the carnal knowledge/sexual intercourse [had] been committed by means of force and intimidation has been consistent even under grueling cross-examination by the defense counsel. Her testimony contained the adequate recital of evidentiary facts constituting the crime of rape under paragraph 1 of Article 266-A.
>
> The medical certificate even indicated that during the internal examination conducted on the victim, there was a deep healed hymenal laceration at 7:00 o'clock position and a complete healed hymenal laceration at 5:00 o'clock position. The medical examination conducted corroborates the positive testimony of the victim that she was sexually abused.[21]

The Court holds that "AAA's" positive and categorical testimony must be accorded full credit because when a woman, especially a minor, testifies that she had been raped, she testifies to all that is necessary to prove that she was indeed raped. Indeed, "[y]outh and immaturity are generally badges of truth and sincerity,"[22] which are cogent reasons to accord full faith and credence to the straightforward testimony of the child-victim here as against the implausible feeble denial of her own biological father.

Finally, the CA properly imposed upon appellant the penalty of *reclusion perpetua* without eligibility of parole for each count of qualified rape. Likewise, in light of prevailing jurisprudence, the CA correctly condemned appellant to pay "AAA" ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages for each count of qualified rape; all of which awards for damages shall earn interest at the rate of 6% *per annum* from the date of this Decision becomes final, until paid in full.[23]

WHEREFORE, the appeal is **DISMISSED**. The assailed January 22, 2016 Decision of the Court of Appeals in CA-G.R. CR-HC No. 06640, is **AFFIRMED**.

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[21] Records, p. 146.

[22] *People v. Villamor*, 780 Phil. 817, 832 (2016).

[23] *People v. Salaver*, G.R. No. 223681, August 20, 2018.

SO ORDERED.

MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:

LUCAS P. BERSAMIN
Chief Justice

FRANCIS H. JARDELEZA
Associate Justice

ALEXANDER G. GESMUNDO
Associate Justice

ROSMARI D. CARANDANG
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

LUCAS P. BERSAMIN
Chief Justice