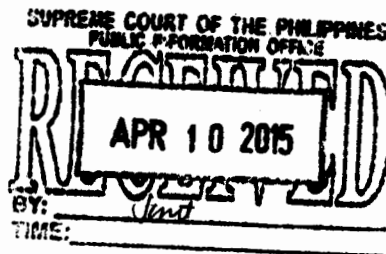




Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **March 25, 2015**, which reads as follows:*

“**G.R. No. 210842 (People of the Philippines vs. Manuel Dela Paz y Reyes)**. – This is an appeal from the Decision¹ dated May 21, 2013 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05236, which affirmed the conviction of Manuel Dela Paz y Reyes (accused-appellant) in the Decision² dated June 23, 2010 of the Regional Trial Court (RTC) of Antipolo City, Branch 72, in Criminal Case No. 02-23960 and 02-23961, for the crime of Rape.

The accused-appellant was charged in two informations with the crime of rape committed against his daughter, AAA,³ docketed as Criminal Case Nos. 02-23960 and 02-23961 allegedly committed on December 22, 1998 and sometime in 1995, respectively.⁴

During arraignment, the accused-appellant pleaded “not guilty”.⁵

The prosecution evidence showed that in 1995, the 12-year-old AAA lived with her parents and four brothers at Talisay Street, Ilog Pugad, Manila East, Taytay, Rizal. The accused-appellant just arrived two days from Saudi Arabia. While asleep at their residence, AAA woke up and noticed that she was no longer wearing her underwear. The accused-appellant was already on top of her and was starting to insert his penis into her vagina. He successfully penetrated his organ in hers until he ejaculated. He simply made a sign for her to keep quiet afterwards. Fearful, AAA simply went

¹ Penned by Associate Justice Angelita A. Gacutan, with Associate Justices Fernanda Lampas Peralta and Francisco P. Acosta concurring; CA rollo, pp. 93-104.

² Issued by Judge Ruth D. Cruz-Santos; id. at 16-22.

³ The real name of the victim, her personal circumstances and other information which tend to establish or compromise her identity, as well as those of her immediate family or household members, shall not be disclosed to protect her privacy and fictitious initials shall, instead, be used in accordance with *People v. Cabalquinto*, 533 Phil. 703 [2006], and A.M. No. 04-11-09-SC dated September 19, 2006.

⁴ Rollo, pp. 16-17.

⁵ Id. at 17.

back to sleep. She decided to conceal the scandal so it would not affect her mother, who nurtured a heart ailment at that time.⁶

On December 22, 1998, at around 2:30 a.m., AAA was again asleep in her bedroom when she felt her short pants and underwear were being removed. AAA was surprised to see the accused-appellant on top of her as she thought "*Bakit ganon na naman?*" He pulled down all her lower garments and gradually mounted her. He ejaculated outside her vagina and slept afterwards. AAA also dozed off for she did not know what to do. AAA was unaware that her brother, BBB, saw the incident when he peeped through a hole in the room out of curiosity to discover why the accused-appellant did not reprimand her for getting home late. BBB confronted AAA the next day and inquired if she was afraid in their house. He admitted to her that he saw what happened between her and the accused-appellant.⁷

In defense, the accused-appellant denied having raped AAA in 1995 and in December 1998. He averred that his children took the parcel of land which he inherited from his grandmother. He further claimed that they filed the criminal cases against him so he would be unable to possess the land and its title which his children hid from their stepbrother.⁸

In a Decision⁹ dated June 23, 2010, the RTC accorded full weight and credence to the testimonies of the prosecution witnesses who positively identified the accused-appellant as AAA's molester. The uncertainty in AAA's testimony about the exact date of commission of the rape was excused for not being an essential element thereof as long as the acts alleged have taken place as near to the actual date when it was committed; that a father's moral ascendancy over his daughter substitutes the elements of violence, threat or intimidation; and, that bare denial is insufficient to exculpate the accused-appellant from the charges filed against him. Thus, the RTC convicted the accused-appellant in its decision, the *fallo* of which reads:

WHEREFORE, finding the accused MANUEL DELA PAZ GUILTY, beyond reasonable [doubt] for the crime of Rape in Criminal Case No. 02-23960 as defined and penalized under Art. 266-A, par. 1, in relation to Art. 266-B 6th par. No. 1 of the Revised Penal Code in further relation to Sec. 5 (a) of R.A. 8369 and in Criminal Case No. 02-23961, he is hereby sentenced to suffer the penalty of RECLUSION PERPETUA, in each case.

Accused is ordered to indemnify the complainant in the amount of P50,000.00 as civil indemnity.

⁶ Id. at 17, 95.

⁷ Id. at 95.

⁸ Id. at 96.

⁹ Id. at 16-22.

SO ORDERED.¹⁰

On appeal, the CA affirmed the findings of the RTC. For the CA, even if AAA failed to recall the exact date of the incidents, she has a memory of an event based on the arrival of the accused-appellant from which the date of her molestation can be calculated.¹¹ Also, in Criminal Case No. 02-23960, AAA's testimony was considered categorical and straightforward that it was her father, the accused-appellant, who removed her undergarments and raped her for the second time when she was already 16 years old. On the contrary, the CA was not persuaded by the bare denial of the accused-appellant including his claim that his children were ill motivated by a grudge against him due to a parcel of land which they took from him. Hence, the CA upheld the accused-appellant's conviction.

The Ruling of the Court

There is no cogent reason to reverse the conviction.

The prosecution successfully proved the essential elements of qualified rape, *i.e.*, carnal knowledge of the accused-appellant with his daughter AAA when she was 12 and 16 years old. AAA's statement was categorical and straightforward that it was her father who molested her twice on different occasions. The bare denial of the accused-appellant, on the other hand, was purely self-serving and uncorroborated. The Court, moreover, does not find any merit in his claim that the charges were a ploy to prevent him from taking possession of a certain parcel of land. Hence, even the lone testimony of AAA is sufficient basis to uphold his conviction.

As to the penalties awarded, the amount of civil indemnity is increased from ₱50,000.00 to ₱75,000.00.¹² Additionally, the Court awards ₱75,000.00 as moral damages and exemplary damages of ₱30,000.00.¹³ All damages awarded shall earn an interest of six percent (6%) *per annum* computed from the finality of this Resolution until fully paid.¹⁴

WHEREFORE, in consideration of the foregoing premises, the Decision dated May 21, 2013 of the Court of Appeals in CA-G.R. CR-HC No. 05236 is **AFFIRMED** with **MODIFICATION** that in each case the amount of civil indemnity be increased to ₱75,000.00. Moral damages in the amount of ₱75,000.00 and exemplary damages in the amount of ₱30,000.00 are also awarded.

¹⁰ Id. at 22.

¹¹ Id. at 98.

¹² *People v. Bustamante*, G.R. No. 189836, June 5, 2013, 697 SCRA 411, 424.

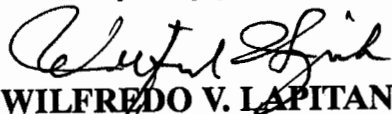
¹³ *People v. Broca*, G.R. No. 201447, August 28, 2013, 704 SCRA 369, 372.

¹⁴ *People v. Cabangon*, G.R. No. 189355, January 23, 2013, 689 SCRA 236, 249.

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Furthermore, all damages awarded shall earn an interest of six percent (6%) *per annum* to be computed from the finality of this Resolution until it is fully paid.” (Jardeleza, J., no part in view of participation in the Office of the Solicitor General; Mendoza, J., designated additional member per Raffle dated October 22, 2014; Peralta, J., no part in view of participation of the spouse in the assailed CA decision; Bernabe, J., designated additional member per Raffle dated November 3, 2014.)

Very truly yours,


WILFREDO V. LAPITAN
Division Clerk of Court

Mjg 4-1-15

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The Presiding Judge
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Branch 72, 1870 Antipolo City
(Crim. Case No. 02-23960-61)

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