



Republic of the Philippines
Supreme Court
 Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES, **G.R. No. 210654**
 Plaintiff-appellee,

Present:

CARPIO, J., *Chairperson*,
 PERALTA,
 MENDOZA,*
 LEONEN, and
 MARTIRES,** JJ.

-versus-

PABLO LUAD ARMODIA,
 Accused-appellant.

Promulgated:
07 JUN 2017

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DECISION

LEONEN, J.:

The rape of a minor constitutes moral depravity of the highest order. This is an appeal from a conviction for two (2) counts of rape of a child under Article 266-A (1) of the Revised Penal Code by a father, who twice fulfilled his desires on his own daughter.

Accused-appellant Pablo Luad Armodia (accused-appellant) and his wife, BBB, had three (3) children, the oldest of whom was AAA.¹ They owned a piggery² in Cambanay, Danao City, Cebu, located close to their house.³ Beside this piggery was a makeshift room that served as the venue

* On official leave.

** On official leave.

¹ *Rollo*, p. 5, Court of Appeals Decision.

² *Id.*

³ *Id.* at 7.

9

for the material incidents in this case.⁴

The first incident happened in the last week of March 2003, at about 8:00 p.m. Accused-appellant called for AAA and ordered her to sleep beside him in the makeshift room. The child obeyed her father. While AAA was lying down, accused-appellant pinned her to the ground with his arms and legs. To ensure his success, he placed a *lagting*—a bolo used for cutting sugarcanes—a foot away from her head.⁵

AAA's agony then began to unfold. Accused-appellant slid his leg down from her hip and removed her shorts and underwear. Then, he stripped off his briefs and shorts and went on top of her. The child tried to push him away, but she was powerless against the figure that lunged towards her.⁶

Holding his penis, accused-appellant inserted it into his child's vagina. AAA felt pain as he penetrated her. He continued to thrust her until he ejaculated. Sexually satisfied at her daughter's expense, accused-appellant cleaned out the sperm left in her vagina. He threatened to kill anyone to whom she would report the incident. AAA kept quiet out of fear. She was then only 16 years old.⁷

The second incident happened in the same place. On April 4, 2003, around 3:00 a.m., accused-appellant shouted for her, who was asleep. His booming voice roused her up from slumber. He ordered her to give water to the hogs and she complied. Then, he commanded her to lie down in the makeshift room next to the piggery. Accused-appellant threatened to wield his *lagting* and chop off the heads of those who would find out what he was about to do.⁸

He grabbed her hands and legs, pinned her down on the floor, stripped off her panty, and removed his underwear. Going on top of her, he mashed her breasts and forced himself on her body.⁹ His penis abused her vagina until he reached his climax.¹⁰ Scooping his semen out of her vagina,¹¹ accused-appellant told AAA to rest easy as she would not get pregnant.¹²

The child could no longer remain quiet. The next day, on April 5,

⁴ Id. at 5.

⁵ Id.

⁶ Id.

⁷ Id.

⁸ Id.

⁹ Id.

¹⁰ Id. at 5–6.

¹¹ Id. at 6.

¹² Id. at 8.

2003, AAA finally revealed everything to her mother, BBB.¹³ Crying and shaking, AAA informed BBB that her father raped her.¹⁴

On April 6, 2003, AAA and BBB reported the incident to their *punong barangay*, who thereafter informed the police.¹⁵ She was brought to Vicente Sotto Memorial Medical Center, then Southern Island Hospital, for examination.¹⁶

Dr. Elvie Austria (Dr. Austria) examined AAA and issued a Medical Certificate.¹⁷ The Medical Certificate stated, "Tanner IV, redundant."¹⁸ It also stated that the "medical evaluation is suggestive of abuse."¹⁹

Accused-appellant was arrested on the same day.²⁰ He was charged with two (2) counts of rape of a minor under two (2) separate informations, the pertinent portions of which read as follows:

Criminal Case No. DNO-2983

That on or about April 4, 2003 at 3:00 o'clock (sic) at dawn more or less, in Cambanay, Danao City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there, with threats, intimidation and influence of moral ascendancy, forcibly, willfully, unlawfully and feloniously have sexual intercourse with [AAA], a virgin over 12 years old but under 18 years of age.

CONTRARY TO LAW.

Criminal Case No. DNO-2998

That sometime in the last week of March, 2003, in Cambanay, Danao City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there, with threats, intimidation and influence of moral ascendancy, forcibly, willfully, unlawfully and feloniously have sexual intercourse with [AAA], a virgin over 12 years old but under 18 years of age.

CONTRARY TO LAW.²¹

Accused-appellant was arraigned and pleaded "not guilty" to the rape charges.²² On October 21, 2003, the State moved for leave to amend the

¹³ Id. at 8.

¹⁴ Id. at 6.

¹⁵ Id. at 8.

¹⁶ Id. at 6.

¹⁷ Id.

¹⁸ Id.

¹⁹ Id.

²⁰ Id. at 8.

²¹ CA *rollo*, p. 26.

²² Id. at 27.



informations and add the phrase, “being the father of the victim.”²³

On November 7, 2003, the Regional Trial Court denied the State’s motion, ruling that the requested amendment was substantial and prejudicial to accused-appellant’s right to be informed of the charges against him. The criminal cases were tried jointly.²⁴

The State presented three (3) witnesses: pediatrician Dr. Naomi Poca (Dr. Poca), BBB, and AAA. Dr. Poca testified that another physician, Dr. Austria, examined AAA. She explained that the phrase “Tanner IV, redundant” in the Medical Certificate issued by Dr. Austria meant that AAA’s hymen was “thickened, redundant, estrogenized (effect), and elastic;” in simple terms, it could “accommodate a penis or any object.”²⁵

For her part, BBB testified that accused-appellant was her husband and that AAA was their eldest child. On April 5, 2003, at about 7:00 p.m., AAA trembled and cried as she recounted to BBB accused-appellant’s acts. The following day, BBB accompanied her daughter to Barangay Captain Tomas Gomez, who then reported the incidents to the police.²⁶

Meanwhile, defense presented accused-appellant as its sole witness. He admitted that AAA was his daughter but denied the rape charges against him. According to him, the criminal cases were filed in retaliation for his strict upbringing of his children. Accused-appellant added that he was physically incapable of having sexual intercourse as two (2) years before the first alleged rape, he sustained a gunshot wound on the right portion of his body. Thus, whenever he had sex, “his wastes would go out of his intestines.”²⁷

On July 25, 2011, the Regional Trial Court convicted²⁸ accused-appellant of two (2) counts of simple rape.

Citing *People v. Ilao*,²⁹ it held that the “accused [cannot] be convicted of qualified rape, because of the prosecution’s failure to include the relationship in the information[.]”³⁰ The trial court did not give credence to his defense of physical incapacity, as “his wife BBB testified that they had sexual congress many times.”³¹ The dispositive portion read:

²³ Id.

²⁴ Id.

²⁵ *Rollo*, p. 6.

²⁶ Id.

²⁷ Id.

²⁸ *CA Rollo*, pp. 26–40. The Decision was penned by Assisting Judge Sylva G. Aguirre Paderanga of Branch 25, Regional Trial Court of Danao City.

²⁹ 357 Phil. 656 (1998) [Per J. Regalado, En Banc].

³⁰ *CA Rollo*, p. 39.

³¹ *Rollo*, p. 6.

WHEREFORE, FOR ALL THE FOREGOING the court finds the accused **PABLO LUAD ARMODIA**:

- a) In Criminal Case No. DNO-2983, **GUILTY** beyond reasonable doubt for the crime of rape [under Article 266-A(1), which is punished under the provision of Article 266-B of the Revised Penal Code, and hereby sentences him to suffer the penalty of *reclusion perpetua*; and
- b) In Criminal Case No. DNO-2998, **GUILTY** beyond reasonable doubt of the crime of rape [under Article 266-A(1), which is punished under the provision of Article 266-B of the Revised Penal Code, and hereby sentences him to suffer the penalty of *reclusion perpetua*.

Accused is likewise directed to indemnify private complainant, [AAA], the amounts of P50,000.00 as civil indemnity, P50,000.00 as moral damages and P30,000.00 as exemplary damages for each count of rape pursuant to People v. Malana.

SO ORDERED.³² (Emphasis in the original, citation omitted)

Accused-appellant appealed before the Court of Appeals, arguing that “the prosecution failed to prove his guilt beyond reasonable doubt.”³³

The Court of Appeals affirmed³⁴ with modification the Regional Trial Court’s Decision, adding the payment of six percent (6%) legal interest in the award for damages. The dispositive portion of the Decision reads:

WHEREFORE, premises considered, this appeal is **DENIED**. The *Decision* of the Regional Trial Court, Branch 25, Danao City in Crim. Cases Nos. DNO-2983 and DNO-2998 dated July 25, 2011 is **AFFIRMED** with **MODIFICATION**. Armodia is further **ORDERED** to pay to pay [sic] interest on all damages awarded at the legal rate of 6% per annum from the date of finality of this Decision. No pronouncement as to costs.

SO ORDERED.³⁵ (Emphasis in the original)

The case has reached this Court via a notice of appeal.³⁶ For

³² CA rollo, p. 40.

³³ Rollo, p. 7.

³⁴ Id. at 3–10. The Decision was promulgated on August 15, 2013, docketed as CA-G.R. CEB-C.R.-H.C. No. 01489, and was penned by Associate Justice Ramon Paul L. Hernando and concurred in by Associate Justices Carmelita Salandanan-Manahan and Ma. Luisa C. Quijano-Padilla of the Twentieth (20th) Division, Court of Appeals, Cebu City.

³⁵ Id. at 10.

³⁶ RULES OF COURT, Rule 122, sec. 3(c) states:

The appeal to the Supreme Court in cases where the penalty imposed by the Regional Trial Court is death, *reclusion perpetua*, or life imprisonment, or where a lesser penalty is imposed but for offenses committed on the same occasion or which arose out of the same occurrence that gave rise to the more

resolution is whether accused-appellant is guilty of two (2) counts of simple rape.

We affirm the conviction.

I

The prosecution has proven beyond reasonable doubt that accused-appellant had carnal knowledge of AAA against her will, through force, threat, or intimidation.

Article 266-A (1)(a) of the Revised Penal Code states:

Article 266-A. *Rape; When And How Committed.* – Rape is committed –

1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

a. Through force, threat, or intimidation[.]

AAA's testimonies established that she was sexually abused by her father in the last week of March 2003 and on April 4, 2003. She categorically and positively identified accused-appellant as the perpetrator of the crime. She adequately recounted the details that took place, the dates of the incidents, how her father committed carnal knowledge against her, and his threats to wield the *lagting* if the crimes were revealed to others.³⁷

Accused-appellant had carnal knowledge of AAA twice, through force and intimidation. His moral ascendancy also intimidated her into submission. This ascendancy or influence is grounded on his parental authority over his child, which is recognized by our Constitution³⁸ and laws,³⁹ as well as on the respect and reverence that Filipino children generally accord to their parents.⁴⁰

AAA's story cannot be trivialized as a mere fabrication or a tale allegedly weaved to take revenge for her father's strictness. Children are vulnerable.⁴¹ Generally, they do not have the maturity to execute complex strategies impelled by evil motives. That they would go through such lengths—exposing themselves and their families to dishonor by publicly

serious offense for which the penalty of death, *reclusion perpetua*, or life imprisonment is imposed, shall be by filing a notice of appeal in accordance with paragraph (a) of this section.

³⁷ *Rollo*, pp. 5–6.

³⁸ CONST., art. XIV, sec. 2(2) recognizes that parents have the “natural right . . . to rear their children.”

³⁹ CIVIL CODE, art. 311 states that “[c]hildren are obliged to obey their parents so long as they are under parental power, and to observe respect and reverence toward them always.”

⁴⁰ *People v. Panique*, 375 Phil. 227, 238 (1999) [Per J. Mendoza, En Banc].

⁴¹ *People v. Guillermo*, 550 Phil. 176, 188 (2007) [Per J. Garcia, En Banc].

narrating how their father stripped them of their innocence⁴²—only to get even for a trivial reason is, therefore, incredulous.

Testimonies of child victims may not always be the absolute truth. Nevertheless, the testimonies of child rape victims are generally entitled to full faith and credence. A girl who would willingly cause the examination of her private parts, allow the invasion of her privacy via an open trial, and recall the harrowing experiences she suffered in the hands of her own father must have been impelled by the desire to have the perpetrator caught and punished.⁴³ More significantly, she must have been motivated by the need to be physically and psychologically protected from her assailant.

After a child rape victim gives a credible testimony, the defense carries the burden of evidence to rebut it. Certainly, the defense that a child would wish to cause the arrest, imprisonment, and embarrassment of her own father only because he was strict strains logic and common sense. It is a narrative that has no basis on any fact proven on record.

A child would not concoct a story of incest especially if it would result in losing one's father to prison.⁴⁴ In *People v. Baun*,⁴⁵ where the father was convicted for raping his 14-year old daughter four (4) times:

No sane girl would concoct a story of defloration, allow an examination of her private parts and subject herself to public trial or ridicule if she has not in truth, been a victim of rape and impelled to seek justice for the wrong done to her. *It is against human nature for a girl to fabricate a story that would expose herself and her family to a lifetime of dishonor, especially where her charges would mean the death or the long-term imprisonment of her own father.*⁴⁶ (Emphasis supplied, citations omitted)

The Medical Certificate issued by Dr. Austria stating, “medical evaluation is suggestive of abuse,” further supports the lower courts’ finding that accused-appellant committed the incestuous acts charged against him.

As against these details and testimonies, all that accused-appellant has offered in defense are denials and alibis, defenses which jurisprudence has long considered as weak and unreliable.⁴⁷

⁴² *People v. Baun*, 584 Phil. 560, 574 (2008) [Per J. Azcuna, En Banc].

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ 584 Phil. 560 (2008) [Per J. Azcuna, En Banc].

⁴⁶ *Id.* at 574.

⁴⁷ *People v. Liwanag*, 415 Phil. 271, 295 (2001) [Per J. Ynares-Santiago, First Division].

II

Accused-appellant committed two (2) counts of simple rape, not qualified rape.

The crime of qualified rape under Article 266-B(1)⁴⁸ of the Revised Penal Code consists of the twin circumstances of the victim's minority and her relationship to the perpetrator, both of which must concur and must be alleged in the information.⁴⁹ It is immaterial whether the relationship was proven during trial if that was not specifically pleaded for in the information.⁵⁰

The Court of Appeals⁵¹ and the Regional Trial Court⁵² found that accused-appellant's relationship with AAA was not duly alleged in the informations. Thus, his relationship with the victim cannot qualify the crimes of rape. Ruling otherwise would deprive him of his constitutional right to be informed of the nature and cause of accusation against him.⁵³

Simple rape is punishable by *reclusion perpetua*.⁵⁴ Even if the aggravating circumstances of minority and relationship were present, the appropriate penalty would still be *reclusion perpetua* under the law. Article 63 of the Revised Penal Code provides that "in all cases in which the law prescribes a single indivisible penalty, it shall be applied by the courts regardless of any mitigating or aggravating circumstances that may have attended the commission of the deed."

In view of the depravity of the acts committed by accused-appellant against his daughter, we increase the amounts awarded to AAA, in accordance with jurisprudence:⁵⁵

For each incident of rape through carnal knowledge, this Court modifies the award of civil indemnity from ₱50,000 to ₱100,000.00; moral

⁴⁸ Article 266-B. *Penalties*—

.....
The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

1) When the victim is under eighteen (18) years of age *and* the offender is a parent. . . of the victim[.]

⁴⁹ *People v. Malana*, 646 Phil. 290, 310 (2010) [Per J. Perez, First Division].

⁵⁰ *People v. Ilao*, 357 Phil. 656, 671 (1998) [Per J. Regalado, En Banc].

⁵¹ *Rollo*, p. 9.

⁵² *CA Rollo*, pp. 38–40.

⁵³ *Andaya v. People*, 526 Phil. 480, 496 (2006) [Per J. Ynares-Santiago, First Division].

⁵⁴ See Article 266-B, Revised Penal Code.

⁵⁵ *People v. Jugueta*, G.R. No. 202124, April 5, 2016
<<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/april2016/202124.pdf>> [Per J. Peralta, En Banc].

damages from ₱50,000 to ₱100,000; and exemplary damages from ₱30,000 to ₱100,000.


WHEREFORE, finding accused-appellant Pablo Luad Armodia **GUILTY** beyond reasonable doubt, he is hereby **SENTENCED** as follows:

In Criminal Case No. DNO-2983 for simple rape – the penalty of *reclusion perpetua* without eligibility for parole and to pay AAA the amount of **₱100,000.00** as civil indemnity, **₱100,000.00** as moral damages, and **₱100,000.00** as exemplary damages; and

In Criminal Case No. DNO-2998 for simple rape – the penalty of *reclusion perpetua* without eligibility for parole and to pay AAA the amount of **₱100,000.00** as civil indemnity, **₱100,000.00** as moral damages, and **₱100,000.00** as exemplary damages.


All awards for damages are with interest at the legal rate of six percent (6%) per annum from the date of finality of this judgment until fully paid.⁵⁶

SO ORDERED.

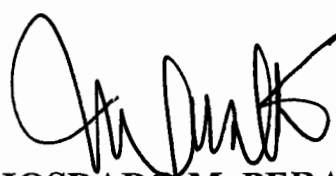


MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson



DIOSDADO M. PERALTA
Associate Justice

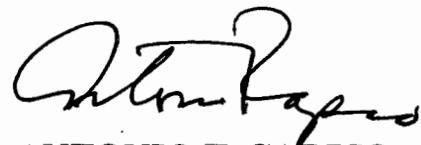
On official leave
JOSE CATRAL MENDOZA
Associate Justice

⁵⁶ *Ricalde v. People*, 751 Phil. 793, 816 (2015) [Per J. Leonen, Second Division].

On official leave
SAMUEL R. MARTIRES
Associate Justice

ATTESTATION

I attest 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.



ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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.



MARIA LOURDES P. A. SERENO
Chief Justice