



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 241787

Present:

- versus -

LEONEN, *Chairperson,*
HERNANDO,
INTING,
DELOS SANTOS, and
LOPEZ, J., *JJ.*

XXX,

Accused-Appellant.

Promulgated:

March 15, 2021

MisADC Barff

x-----x

DECISION

LOPEZ, J., J.:

“Here, from her ashes you lay. A broken girl so lost in despondency that you know that even if she does find her way out of this labyrinth in hell, that she will never see, feel, taste, or touch life the same again.”

— Amanda Steele, *The Cliff*

The Case

Under consideration is this appeal directed against the Decision¹ dated on February 21, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08758 whereby the appellate court affirmed with modifications the Joint Decision² dated August 25, 2016 of the Regional Trial Court (RTC), [REDACTED] Branch 20, in Criminal Case Nos. BR. 20-7306 and BR. 20-7307, finding accused-appellant Alexander Camit y Fernandez, (*accused-appellant*), guilty of two counts of qualified rape.

¹ Rollo, pp. 2-16, Penned by Associate Justice Stephen C. Cruz (retired) with Presiding Justice Romeo F. Barza (retired) and, Associate Justice Carmelita Salandanan Manahan (retired), concurring.

² CA rollo, pp. 55-75

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Antecedents

Two Informations were filed against the accused-appellant for allegedly raping [REDACTED] AAA,³ the accusatory portions of the indictments read:

CRIMINAL CASE NO. BR. 20-7306

That in or about the month of May, 2007, in the [REDACTED] Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there, willfully, unlawfully and feloniously, have carnal knowledge of one AAA, a 9[-]year[-]old minor, with the aggravating circumstance that the accused is the father of said minor.

CONTRARY TO LAW.⁴

CRIMINAL CASE NO. BR. 20-7307

That in or about the month of May, 2007, in the [REDACTED] Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there, willfully, unlawfully and feloniously, have carnal knowledge of one AAA, a 9[-]year[-]old minor, with the aggravating circumstance that the accused is the father of said minor.

CONTRARY TO LAW.⁵

Accused-appellant pleaded not guilty to the two charges laid against him. Trial on the merits ensued as a matter of course.⁶

To establish the prosecution's case, it presented the testimony of the private complainant, the pertinent portions of which are hereby quoted:

Evidence of the prosecution showed that on April 25, 2011, minor victim "JJJ" (hereinafter referred as AAA), assisted by her uncle EEE, reported to the PNP of [REDACTED] that her father attempted to rape her. During the investigation, she narrated to the police that she was raped by her father twice in May, 2007 at their house in [REDACTED]. She was then barely nine (9) years of age. At that time, her mother was in Qatar and she was living with her father. Her father told her to lie down then he removed her pajama and panty. He told her that he will kill her if she will resist then he went on top of her and forcibly inserted his penis into her genitals; she cried because the offender is her own father and she felt pain. She was scared. Out of fear for her life and safety, she did not shout for help. Her father was successful in deflowering her. He raped her again the following day. He told her in Ilocano dialect "*Nu agipulong ka patayin ka*" translated in English "*If you report the matter, I will kill you.*" Again, he removed her panty and inserted

³ The name of the minor victim was replaced with fictitious initials and her personal circumstances were blotted out pursuant to Supreme Court Admin. Circular No. 83-2015 dated July 27, 2015.

⁴ *Rollo*, pp. 3-4, culled from CA Decision.

⁵ *Id.*

⁶ *Id.*

his penis into her vagina. On March 29, 2011, her father tried to rape her again but she resisted. She told him not to do that because she is her (sic) daughter but he slapped her. She cried. She kicked him in his penis and she covered her face. He told her to sleep but she slept at the house of their neighbor. She reported the incident to her uncle EEE. She, together with her uncles EEE and FFF, and aunt GGG, went to the Police Station, ██████████ to report the matter. She was interviewed by a policewoman after which her aunt accompanied her to ██████████ District Hospital where she was examined by a lady medical officer. x x x⁷

In response, the defense presented the testimony of accused-appellant. The CA summarized his testimony in this manner:

In his Brief, accused-appellant, completely denied the charges against him. Accused-appellant argued that AAA was not in his custody at the time she was allegedly raped, but with his mother-in-law, BBB. Accused-appellant, further claimed that the filing of the case below was instigated by BBB, so that he and his wife, CCC, will be separated because she does not like him. Furthermore, accused-appellant Camit, submitted that BBB was envious because he was receiving remittances from CCC.⁸

Judgment of the RTC

After trial, the RTC rendered a Decision ruling that all the elements of the crime have been duly proven by the State. The trial court noted that the testimony of the victim is worthy of belief. The *fallo* reads:

WHEREFORE, finding the accused Alexander Camit y Fernandez guilty beyond reasonable doubt of the crime of Qualified Rape, defined under Article 266-A, paragraph 2 and penalized under Article 266-B, paragraph 2 of the Revised Penal Code as amended by Republic Act 8353, he is hereby sentenced to suffer the penalty of RECLUSION PERPETUA in Criminal Case No. Br. 20-7306 and also to indemnify the private complainant minor "JJJ" and her mother the amount of SEVENTY [-]FIVE THOUSAND PESOS (₱75,000.00) as Civil indemnity, FIFTY THOUSAND PESOS (₱50,000.00) as Moral Damages and THIRTY THOUSAND PESOS (₱30,000.00) as Exemplary Damages, with six percent (6%) interest on all the monetary awards for damages to be reckoned from the date of finality of this Decision until fully paid.

He is likewise sentenced to suffer the penalty of RECLUSION PERPETUA in Criminal Case No. Br. 20-7307 and also to indemnify the private complainant minor "JJJ" and her mother the amount of SEVENTY[-]FIVE THOUSAND PESOS (₱75,000.00) as Civil Indemnity, FIFTY THOUSAND PESOS (₱50,000.00) as Moral Damages and THIRTY THOUSAND PESOS (₱30,000.00) as Exemplary Damages, with six percent (6%) interest on all the monetary awards for damages to be reckoned from the date of finality of this Decision until fully paid.

Cost to be paid by the accused.

SO ORDERED.⁹

⁷ CA rollo, p. 57.

⁸ Rollo, p. 5.

⁹ CA rollo, pp. 74-75. (Emphasis omitted)

As stated above, the CA found accused-appellant guilty of two (2) counts of qualified rape. Further, the appellate court ruled that accused-appellant's denial cannot be credited, considering the positive identification of private complainant that accused-appellant abused her on two incidents. The CA ruled, thus:

WHEREFORE, premises considered, the Joint Decision dated August 25, 2016 of the Regional Trial Court of [REDACTED] Branch 20 (RTC), in the case entitled "*People of the Philippines v. Alexander Camit y Fernandez*" docketed therein as Crim. Case Nos. BR. 20-7306 and 20-7307, is hereby **AFFIRMED** with **MODIFICATIONS** in that: (a) the awards of civil indemnity, moral damages and exemplary damages are each increased to One Hundred Thousand Pesos (P100,000); and (b) interest at the rate of 6% per annum is imposed on all damages awarded from the date of finality of this judgment until fully paid.

SO ORDERED.⁹

Hence, this appeal.

Accused-appellant and the Office of the Solicitor General (*OSG*) both manifested that they are no longer submitting supplemental briefs instead they will be adopting the Briefs they submitted in the CA.¹⁰ Thus, the case was deemed submitted for decision.

Issues

In his Brief, the accused-appellant assigned the following errors:

I.

THE COURT *A QUO* GRAVELY ERRED IN RELYING ON THE INCREDIBLE TESTIMONY OF THE PRIVATE COMPLAINANT.

II.

THE COURT *A QUO* GRAVELY ERRED WHEN IT ADMITTED IN EVIDENCE THE MEDICO-LEGAL REPORT DESPITE THE FACT THAT THE EXAMINING PHYSICIAN DID NOT IDENTIFY THE SAME.

III.

THE COURT *A QUO* GRAVELY ERRED IN COMPLETELY DISREGARDING THE ACCUSED-APPELLANT'S DEFENSE OF DENIAL.¹¹

The Court's Ruling

After a careful examination of the records, We affirm the appellant's

⁹ Rollo, p. 15.

¹⁰ The accused-appellant filed a *Manifestation in lieu of Supplemental Brief* on January 14, 2019, *id.* at 25-26; The OSG filed a *Manifestation* on January 28, 2019, *id.* at 29-30.

¹¹ CA rollo, p. 37.

conviction.

Credibility of the victim is unimpeached

The accused-appellant's attempt to question the credibility of the victim should be ignored. We have consistently ruled that testimonies of victims given in a categorical, straightforward, spontaneous, and frank manner are considered worthy of belief, for no woman would concoct a story of defloration, consent to an examination of her private parts, and thereafter allow herself to be perverted in a public trial if she was not motivated solely by the desire to have the culprit apprehended and punished.¹² It is highly improbable for an innocent girl of tender years like the victim, who is naive to the things of this world, to fabricate a charge so humiliating not only to herself but also to her family.¹³

It is to be emphasized that in rape cases, the conviction of the accused rests heavily on the credibility of the victim. Hence, the strict mandate that all courts must examine thoroughly the testimony of the offended party. While the accused in a rape case may be convicted solely on the testimony of the complaining witness, courts are, nonetheless, duty-bound to establish that their reliance on the victim's testimony is justified. Courts must ensure that the testimony is credible, convincing, and otherwise consistent with human nature. If the testimony of the complainant meets the test of credibility, the accused may be convicted on the basis thereof.¹⁴

In the present case, both the RTC and the CA found that AAA's testimony was forthright, candid, and steadfast even during cross-examination. We find no sound justification to depart from the factual findings of the RTC as no facts were overlooked or misconstrued in the case at bench.

Denial of the accused was unsubstantiated

As correctly pointed out by the CA, that denial is an inherently weak defense. Such being the case, a mere denial, just like an *alibi*, is a self-serving negative evidence, which cannot be accorded greater evidentiary weight than the declarations of credible witnesses who testify on affirmative matters.¹⁵ We find that accused-appellant's claim that her daughter was staying with her grandmother on the dates in question was not proven and uncorroborated. Hence, it deserves scant consideration and will not be given any weight or credence by this Court. Accused-appellant's denial fails even more because of the fact that AAA was able to unequivocally narrate the traumatic experience she underwent twice and that there was no ulterior motive that could be ascribed to AAA.

¹² *People v. Alvarez*, G.R. No. 223523 (Notice), October 16, 2019.

¹³ *People v. Pajalla*, G.R. No. 221426 (Notice) (March 25, 2019).

¹⁴ *People v. XXX*, G. R. No. 242216, September 22, 2020.

¹⁵ *Rollo*, p. 13.

The medico-legal report may be dispensed

In *People v. Fernandez*,¹² we stated that the non-presentation of the doctor who conducted the medical examination in court would not save the day for the accused. This is because the defense has the prerogative to compel the doctor's testimony in court, but he did not do so. We further noted that it is well-established that a medical examination of the victim can be dispensed with in a prosecution for rape since the victim's testimony alone, if credible, is sufficient to convict the accused of the crime.

This point was aptly ruled by the CA in its decision in this manner:

In addition, as to accused-appellant's argument that the Medico-Legal Report of AAA was not identified by the examining physician, jurisprudence is clear that in the crime of rape, the testimony of the victim, and not the findings of the medico-legal officer, is the most important element to prove that the felony had been committed. In any event, the Supreme Court has already ruled that a medical examination of the victim as well as the medical certificate are merely corroborative in character and are not indispensable for conviction in rape cases. What is important is that the testimony of the private complainant about the incident is clear, unequivocal and credible, and this We find to be the case here.¹³

The State was able to prove its case

The Court does not find any reason to depart from the findings of the courts below as to accused-appellant's guilt. Article 266-A, paragraph (1) of the Revised Penal Code (*RPC*) provides the elements of the crime of rape:

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;
- b) When the offended party is deprived of reason or otherwise unconscious;
- c) By means of fraudulent machination or grave abuse of authority; and
- d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present;

2. By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

¹² *People v. Fernandez*, 426 Phil.168 (2002).

¹³ *Rollo*, pp.13-14. (*Citation omitted*)

The unimpeached testimony of AAA satisfactorily proved the animalistic acts of accused-appellant. Her testimony clearly proved all the elements of the crime as well as the qualifying circumstances. We reiterate that her testimony was candid, straightforward, and worthy of belief. The pertinent part of the Transcript of Stenographic Notes (*TSN*) is quoted below:

PROS. LAYGO:

Q: Two (2) cases of rape against your father. When did those occasions of rape [take] place if you remember?

A: May 2007, sir.

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Q: Now, on the first incident of the alleged rape, the suppose[d] rape, where were you immediately before the rape?

A: I was in the house, sir.

Q: And what time was that?

A: 9:00 o'clock, sir.

Q: Who were inside the house besides you and your father?

A: None, sir.

Q: Where is your mother?

A: She was in Qatar.

Q: Do you have a grandmother?

A: Yes, sir.

Q: Where is your grandmother at that time?

A: Culalabat, sir.

Q: Do you have siblings?

A: None, sir.

Q: Sometime [in] May 2007, while you were inside your house, how did your father committed the rape against you [in] May 2007?

A: **He told me to lie down and he inserted his penis in my vagina, sir.**

Q: How old are you at that time?

A: **Nine (9) years old, sir.**

Q: According to you, your father told you to lie down and then he inserted his penis to your vagina, were you wearing anything at that time when your father asked you to lie down?

A: There is, sir.

COURT:

Q: What were you wearing at that time?

A: Pajama and t-shirt, your Honor.

PROS. LAYGO:

Q: Now, you were asked to lie down, what happen[ed] to your pajama and t-shirt?

A: He removed my pajama, sir.

Q: Were you wearing [undergarments]?

A: Yes, sir.

Q: And after your father removed your pajama, what else happen[ed]?

A: He also removed my [undergarments], sir.

Q: How about your shirt?

A: He did not remove, sir.

Q: After removing your pajama and panty, what happen[ed] next[,] if any?

A: **He inserted his penis, sir.**

Q: Immediately after removing your panty he inserted his penis to your vagina[,] you did not resist?

A: No, sir.

Q: Why?

A: Because he told me that he will kill me if I resist, sir.

xxxx

Q: What happen[ed] after you woke up?

A: He told me that he will kill me if I will tell anybody, sir.

Q: And what is your reaction?

A: I was scared, sir.

Q: Now, after you [sic] scared because of his warning, what happen[ed] next if any?

A: The next day he committed that again, sir.

Q: What is that he committed again?

A: He again inserted his penis to my vagina, sir.

Q: What time did that happen if you remember?

A: Night time also, sir.

Q: You do not have any companion at your house besides your father?

A: None, sir.

Q: Before the actual insertion of his penis to your vagina what did your father do?

A: He removed my panty and underwear, sir.

Q: How about your upper garment?

A: No, sir.

Q: What did he tell you if any when he was removing your [undergarments]?

A: He will kill me if I will tell anybody, sir.

xxxx

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Q: Are you sure that his penis (sic) stays in your vagina?

A: Yes, sir.

Q: How many times?

A: Twice, sir.

Q: What do you mean twice?

A: He raped me twice, sir.

Q: You are referring to the previous and subsequent night?

A: Yes, sir.

Q: On the subsequent night, what did you do when your father inserted his penis inside your vagina?

A: I was crying, sir.

Q: How long did it last, the subsequent, how long did your father went on top of you?

A: I cannot remember, sir.

Q: What did he do with his hands during those occasions?

A: None, sir.

Q: Now, after he went on top of you, you said you were crying, what else happen[ed] if there is any?

A: He removed his penis to [sic] my vagina, sir.

Q: How many times (sic) he inserted (sic) his penis to your vagina after he removed it? Once during the last night?

A: Once, sir.

Q: How did you feel when your father inserted his penis to your vagina?

A: Painful, sir.

Q: Also on the first occasion?

A: Yes, sir.¹⁴

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As to the imposable penalty, Article 266-B of the RPC provides that rape is qualified when certain circumstances are present in its commission, such as when the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim. Hence, in a conviction for qualified rape, the prosecution must prove that (1) the victim is under eighteen years of age at the time of the rape, and (2) the offender is a parent (whether legitimate, illegitimate or adopted) of the victim. In other words, it is the concurrence of both the minority of the victim and her relationship with the offender that will be considered as a special qualifying circumstance, raising the penalty to the supreme penalty of death. Thus, it is imperative that the circumstance of minority and relationship

¹⁴ TSN, August 15, 2012; pp. 5-6; 8-10. (*Emphasis ours*)

be proved conclusively and indubitably as the crime itself; otherwise, the crime shall be considered simple rape warranting the imposition of the lower penalty of *reclusion perpetua*.¹⁵

The Court laid down the following controlling guidelines in appreciating age, either as an element of the crime or as a qualifying circumstance:

In order to remove any confusion that may be engendered by the foregoing cases, we hereby set the following guidelines in appreciating age either as an element of the crime or as a qualifying circumstance.

1. The best evidence to prove the age of the offended party is an original or certified true copy of the certificate of live birth of such party.

2. In the absence of a certificate of live birth, similar authentic documents, such as baptismal certificate and school records which show the date of birth of the victim, would suffice to prove age.

3. If the certificate of live birth or authentic document is shown to have been lost or destroyed or otherwise unavailable, the testimony, if clear and credible, of the victim's mother or a member of the family either by affinity or consanguinity who is qualified to testify on matters respecting pedigree such as the exact age or date of birth of the offended party pursuant to Section 40, Rule 130 of the Rules on Evidence shall be sufficient under the following circumstances:

- a. If the victim is alleged to be below 3 years of age and what is sought to be proved is that she is less than 7 years old;
- b. If the victim is alleged to be below 7 years of age and what is sought to be proved is that she is less than 12 years old;
- c. If the victim is alleged to be below 12 years of age and what is sought to be proved is that she is less than 18 years old.

4. In the absence of a certificate of live birth, authentic document, or the testimony of the victim's mother or relatives concerning the victim's age, the complainant's testimony will suffice provided that it is expressly and clearly admitted by the accused.

5. It is the prosecution that has the burden of proving the age of the offended party. The failure of the accused to object to the testimonial evidence regarding age shall not be taken against him.¹⁶

We find that the prosecution sufficiently alleged and proved AAA's minority and her filiation with accused-appellant. The presentation of the marriage certificate; as well as the certificate of live birth of AAA, to prove the qualifying facts of minority and filiation satisfactorily complies with the guidelines above cited. The RTC was able to clearly discuss this matter:

¹⁵ *People v. Sariego*, 781 Phil. 659 (2016).

¹⁶ *Id.*, citing *People v. Pruna* 439 Phil. 440 (2002).

Although the prosecution and the defense stipulated that victim “[AAA]” was barely nine (9) years of age in May, 2007; that accused Alexander F. Camit is the father of minor “[AAA]”; that [BBB] is the mother of minor “[AAA]” and that “[AAA]” is the only child of spouses Alexander F. Camit and [BBB], nevertheless, the prosecution presented proof thereof considering that the accused was charged with Qualified Rape; thus, the prosecution presented the Certificate of Marriage issued by the Office of the Civil Registrar General with Registry No. 96-0530 marked as Exhibit “F” to prove that the accused and [BBB], the mother of the victim were married at the [REDACTED] on August 24, 1996; and that the minor victim is their daughter as evidenced by the Certificate of Live Birth issued by the Office of the Civil Registrar General with Registry No. 97-2838 marked as Exhibit “F” and the entry name of father Alexander F. Camit as Exhibit “E-1”; that the minor victim was born on November 02, 1997 at [REDACTED]


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WHEREFORE, the Court **AFFIRMS** the Decision dated February 21, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 08758 finding Alexander Camit y Fernandez **GUILTY** beyond reasonable doubt for two counts of qualified rape. The Court sentences Alexander Camit y Fernandez to suffer the penalty of *reclusion perpetua* for each count of rape without eligibility for parole and to pay a civil indemnity in the amount of ₱100,000.00, moral damages in the amount of ₱100,000.00, and exemplary damages in the amount of ₱100,000.00, subject to 6% interest per annum from finality of judgment until fully paid.

SO ORDERED.


JHOSEP Y. LOPEZ
 Associate Justice

WE CONCUR:


MARVIC M.V.F. LEONEN
 Associate Justice


RAMON PAUL L. HERNANDO
 Associate Justice



HENRI JEAN PAUL B. INTING
 Associate Justice



EDGARDO L. DELOS SANTOS
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 Third Division.



MARVIC M.V.F. LEONEN
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Third 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.



DIOSDADO M. PERALTA
Chief Justice