



Republic of the Philippines  
**Supreme Court**  
 Manila

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**WILFREDO M. CAPITAN**  
 Division Clerk of Court  
 Third Division  
 JUN 27 2016

**THIRD DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
 Plaintiff-Appellee,

**G.R. No. 211026**

Present:

VELASCO, JR., J.,  
 Chairperson,

-versus-

PERALTA,\*  
 PEREZ,  
 REYES, and  
 PERLAS-BERNABE,\*\* JJ.

**RENATO B. SUEDAD,**  
 Accused-Appellant.

Promulgated:

June 8, 2016

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**DECISION**

**PEREZ, J.:**

Before us for review is the Decision<sup>1</sup> of the Court of Appeals in CA-G.R. CR.-H.C. No. 00955-MIN dated 6 September 2013, which dismissed the appeal of appellant Renato B. Suedad and affirmed with modification the Decision<sup>2</sup> of the Regional Trial Court (RTC) of Isulan, Sultan Kudarat, Branch 19, in Criminal Case Nos. 115 and 117-118, finding appellant Renato Bolivar Suedad guilty beyond reasonable doubt of three (3) counts of Qualified Rape.

In line with the ruling of this Court in *People v. Cabalquinto*,<sup>3</sup> the real name and identity of the rape victim, as well as the members of her

\* On Official Leave.

\* Additional Member per Raffle dated 3 September 2014.

<sup>1</sup> *Rollo*, pp. 3-25; Penned by Associate Justice Henri Jean Paul B. Inting with Associate Justices Edgardo A. Camello and Jhosep Y. Lopez concurring.

<sup>2</sup> Records, pp. 376-403; Presided by Presiding Judge Roberto L. Atco.

<sup>3</sup> 533 Phil. 703 (2006).

immediate family, are not disclosed. The rape victim shall herein be referred to as AAA, and her mother as BBB.

Appellant was charged with four (4) counts of qualified rape in the Informations that read as follows:

CRIMINAL CASE NO. 115

That sometime on October 20, 2008 at about 5:00 o'clock in the afternoon, inside their house at Purok [x x x], Barangay [x x x], Municipality of Isulan, Province of Sultan Kudarat and within the jurisdiction of the Honorable Court, the said accused, with lewd and unchaste designs did then and there willfully, unlawfully and feloniously had carnal knowledge of his daughter, [AAA], an eleven years old child, against her will and consent, which act of the accused demeans, degrades and debases the intrinsic worth of the child as a human being.

CONTRARY TO [LAW], particularly Article [266-A] paragraph 1 in relation to Article [266-B] of the Revised Penal Code of the Philippines and Republic Act 7610.

CRIMINAL CASE NO. 116

That sometime in the night during the last week of October 2008, at their house at Purok [x x x], Barangay [x x x], Municipality of Bagumbayan, Province of Sultan Kudarat and within the jurisdiction of the Honorable Court, the said accused, with lewd and unchaste designs did then and there willfully, unlawfully and feloniously had carnal knowledge of his daughter, [AAA], an eleven years old child, against her will and consent, which act of the accused demeans, degrades and debases the intrinsic worth of the child as a human being.

CONTRARY TO LAW, particularly Article [266-A] paragraph 1 in relation to Article [266-B] of the Revised Penal Code of the Philippines and Republic Act 7610.

CRIMINAL CASE NO. 117

That sometime on November 26, 2008 at about 11:00 o'clock in the evening, at the house of her grandmother, at Purok [x x x], Barangay [x x x], Municipality of Bagumbayan, Province of Sultan Kudarat and within the jurisdiction of the Honorable Court, the said accused, with lewd and unchaste designs did then and there willfully, unlawfully and feloniously had carnal knowledge of his daughter, [AAA], an eleven years old child, against her will and consent, which act of the accused demeans, degrades and debases the intrinsic worth of the child as a human being.

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CONTRARY TO LAW, particularly Article 266-A paragraph 1 in relation to Article [266-B] of the Revised Penal Code of the Philippines and Republic Act 7610.

CRIMINAL CASE NO. 118

That sometime on March 20, 2009 at about 9:00 o'clock in the morning, in their house at Purok [x x x], Barangay [x x x], Municipality of Bagumbayan, Province of Sultan Kudarat and within the jurisdiction of the Honorable Court, the said accused, with lewd and unchaste designs did then and there willfully, unlawfully and feloniously had carnal knowledge of his daughter, [AAA], an eleven years old child, against her will and consent, which act of the accused demeans, degrades and debases the intrinsic worth of the child as a human being.

CONTRARY TO LAW, particularly Article 266-A paragraph 1 in relation to Article 266-B of the Revised Penal Code of the Philippines and Republic Act 7610.<sup>4</sup>

Appellant pleaded not guilty to all the charges. At the pre-trial conference, it was stipulated that AAA was born on 5 July 1997 and that appellant is her natural/biological father. Trial on the merits ensued.

The prosecution presented AAA, her mother, BBB, her maternal grandmother, CCC, AAA's maternal aunt, DDD, and Dr. Raul Manansala (Dr. Manansala), the Municipal Health Officer of Bagumbayan, as witnesses.

The prosecution established that AAA is the only child of BBB and appellant, born to them on 5 July 1997.<sup>5</sup> When AAA was less than two (2) years old, BBB had to work overseas and AAA was left in the care of her father. BBB only came home occasionally.<sup>6</sup>

AAA's ordeal began when she was eleven (11) years old, on 20 October 2008, when her father's initial gestures of affection led to a sexual intimacy AAA had known to only belong to a husband and wife.<sup>7</sup> AAA narrated in detail how she was helplessly and hopelessly ravaged by her own father in their own home.<sup>8</sup> AAA alleged that appellant repeated the unspeakable acts

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<sup>4</sup> Records, pp. 377-378.

<sup>5</sup> Id. at 11.

<sup>6</sup> TSN, 24 November 2009, pp. 3-8.

<sup>7</sup> Records, p. 12.

<sup>8</sup> TSN, 1 December 2009, pp. 12-23.

on the last week of October 2008 though she vaguely remembers the particulars.<sup>9</sup>

Then again on 26 November 2008, AAA recounted that during her paternal grandmother's wake held at the house of the deceased, while sleeping in one of the rooms, appellant woke her, choked her and succeeded in having sexual congress with her.<sup>10</sup>

On 13 March 2009, within the confines of their house, appellant once more had carnal knowledge of AAA.<sup>11</sup>

Emboldened by the knowledge that her mother BBB would be home soon, AAA disclosed her sufferings to her grandmother CCC on 15 April 2009 despite the threats to her life.<sup>12</sup> The next day, AAA, accompanied by her aunt, was subjected to a physical examination by Dr. Manansala. His findings were contained in a medico-legal report<sup>13</sup> which states:

PARTIAL HEALED LACERATION 9 o'clock, 3 o'clock, HYMEN  
ADMIT (SIC) 1 FINGER WITH EASE

During the direct examination, Dr. Manansala explained that an eleven (11) year old girl who has had frequent sexual contact may suffer full or partial lacerations depending on the thickness of the hymen. A thick and elastic hymen may accommodate the male anatomy without lacerations. AAA was found to have a thick hymen.<sup>14</sup>

AAA stayed with CCC until BBB's arrival during which period the latter first learned of AAA's torment. A complaint against appellant was filed before the prosecutor's office on 21 April 2009.<sup>15</sup>

Appellant, for his part, admitted to having indeed been physically intimate with AAA during the days of the alleged sexual abuses but denied the rape charges.<sup>16</sup> He countered that there were ill motives in filing the criminal charges against him. Appellant averred that AAA held a grudge

<sup>9</sup> TSN, 2 December 2009, pp. 7-14.

<sup>10</sup> Id. at 14-21.

<sup>11</sup> TSN, 3 December 2009, pp. 3-7.

<sup>12</sup> Id. at 10; TSN, 8 December 2009, p. 24.

<sup>13</sup> Records, p. 10

<sup>14</sup> TSN, 25 November 2009, pp. 3-13.

<sup>15</sup> TSN, 24 November 2009, pp. 9 and 19-20.

<sup>16</sup> TSN, 18 January 2011, pp. 11-13.

against him when he discovered a sensual letter the former wrote to one Marvin, her alleged boyfriend, and has threatened to reveal this fact to her mother BBB.<sup>17</sup> He also asserted that CCC had long planned to file criminal cases against him to take away AAA from him.<sup>18</sup> Moreover, CCC and appellant have had many quarrels over several issues.<sup>19</sup>

The defense also presented a nephew and a niece to support appellant's denial of the rape charges on 26 November 2008 and 20 March 2009, respectively.<sup>20</sup>

On 9 June 2011, appellant was found guilty beyond reasonable doubt of three (3) counts of qualified rape. The dispositive portion of the RTC Decision reads:

**WHEREFORE**, premises all considered, the court hereby rendered a judgment, as follows:

- a) In Criminal Case No. 116, it finds that the prosecution failed to present a clear and convincing evidence to sustain it in finding the accused guilty as he is charged, hence, the accused is hereby **ACQUITTED**.
- b) In Criminal Cases Nos. 115, 117 and 118, the court finds the evidence adduced by the prosecution as sufficient, clear and convincing to hold the accused criminally responsible as he is charged.

Consequently, accused Renato Suedad y Bolivar is hereby found **GUILTY** beyond reasonable doubt of the crimes of rape he committed against the victim on **October 20, 2008**, on **November 26, 2008** and that on **March 20, 2009**.

Accordingly, he is hereby sentenced to suffer the penalty of imprisonment of **reclusion perpetua each in said cases**. He is further ordered to pay his victim, the amount of P50,000.00 each case, as indemnity and the amount of P30,000.00 each case, as moral damages.<sup>21</sup>

On intermediate review, the Court of Appeals rendered the assailed decision affirming with modification the trial court's judgment, to wit:

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<sup>17</sup> Id. at 5-7.

<sup>18</sup> Id. at 10.

<sup>19</sup> Id. at 3 and 8-11.

<sup>20</sup> TSN, 5 October 2010, pp. 3-4 and 8; TSN, 22 June 2010, pp. 8 and 10-14.

<sup>21</sup> Records, pp. 402-403.

WHEREFORE, the instant appeal is DENIED. The June 9, 2011 Decision of the Regional Trial Court, Branch 19, Isulan, Sultan Kudarat in Criminal Cases Nos. 115 and 117-118 is hereby AFFIRMED with MODIFICATION. Accused-appellant BBB is found GUILTY of qualified rape and is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole for each case. He is further ORDERED to pay AAA the amount of P75,000.00 as civil indemnity, P75,000.00 as moral damages and P30,000.00 exemplary damages on each count of rape with interest on all damages awarded at the legal rate of six percent (6%) per annum from the date of the finality of this Decision.<sup>22</sup>

Appellant filed the instant appeal. In a Resolution<sup>23</sup> dated 31 March 2014, appellant and the Office of the Solicitor General (OSG) were asked to file their respective supplemental briefs if they so desired. Both parties no longer filed supplemental briefs.

We affirm the appellant's conviction.

Rape is committed as follows:

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 woman is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

x x x x

Article 266-B. *Penalties-* Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

x x x x

The death penalty shall also be imposed if the crime of rape is committed with any of the following attendant circumstances:

<sup>22</sup> Rollo, p. 25.

<sup>23</sup> Id. at 31.

X X X X

1. 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.

X X X X

Sexual congress with a girl under 12 years old is always rape. In this type of rape, force and intimidation are immaterial; the only subject of inquiry is the age of the woman and whether carnal knowledge took place. The law presumes that the victim does not and cannot have a will of her own on account of her tender years; the child's consent is immaterial because of her presumed incapacity to discern evil from good.<sup>24</sup>

In rape cases, primordial is the credibility of the victim's testimony because the accused may be convicted solely on said testimony provided it is credible, natural, convincing and consistent with human nature and the normal course of things.<sup>25</sup>

It is also well-settled that the trial court's findings on the credibility of witnesses and of their testimonies are entitled to the highest respect and will not be disturbed on appeal, in the absence of any clear showing that the court overlooked, misunderstood or misapplied some facts or circumstances of the case. This is because the trial court, having seen and heard the witnesses themselves, and observed their behavior and manner of testifying, is in a better position to decide the question of credibility.<sup>26</sup>

The trial court lent full credence to AAA's testimony that appellant raped her on three (3) occasions. AAA clearly, spontaneously and categorically testified that her father sexually abused her first at their house on 20 October 2008, then at her deceased paternal grandmother's house on 26 November 2008 and again at their house on 20 March 2009. In fact, these instances may only be a fraction of the several times appellant has had sexual congress with AAA leading her to sadly report that appellant *treated her as his wife*.<sup>27</sup>

<sup>24</sup> *People v. Sabal, Jr.*, 734 Phil. 742, 745 (2014).

<sup>25</sup> *People v. Pascua*, 462 Phil. 245, 252 (2003).

<sup>26</sup> *People v. Paculba*, 628 Phil. 662, 673 (2010).

<sup>27</sup> Records, p. 12.

The Court finds no reason to disbelieve AAA's testimony which both the trial and appellate courts found credible and straightforward. Testimonies of child victims are given full weight and credit, for when a woman or a girl-child says that she has been raped, she says in effect all that is necessary to show that rape was indeed committed. Youth and maturity are generally badges of truth and sincerity.<sup>28</sup>

AAA's testimony was corroborated by the findings of Dr. Manansala showing that AAA had lacerations on her female anatomy. Hymenal lacerations, whether healed or fresh, are the best evidence of forcible defloration. When the consistent and straightforward testimony of a rape victim is consistent with medical findings, there is sufficient basis to warrant a conclusion that the essential requisites of carnal knowledge have been established.<sup>29</sup>

The Court finds unmeritorious appellant's defense of denial. Aside from being weak, it is self-serving evidence undeserving of weight in law, if not substantiated by clear and convincing proof as in the case at bar, and hence cannot prevail over AAA's clear narration of facts and positive identification of appellant. More importantly, it is highly inconceivable for a daughter like AAA to impute against her own father a crime as serious and despicable as incest rape, unless the imputation was the plain truth. In fact, it takes a certain amount of psychological depravity for a young woman to concoct a story that would put her own father to jail for the rest of his remaining life and drag the rest of the family including herself to a lifetime of shame.<sup>30</sup> AAA's vacillation, if any, in making the rape accusation does not impair her credibility as a witness nor undermine her charges, particularly when the delay can be attributed to a pattern of fear instilled by the threats of one who exercises moral ascendancy over her.<sup>31</sup>

The Court also rejects appellant's contention that he could not have raped AAA on 26 November 2008 during his mother's wake as the house then was full of people. Suffice it to say that lust does not respect either time or place and that sexual abuse is committed in even in the most unlikely places. Indeed, the evil in man has no conscience-the beast in him bears no respect for time and place, driving him to commit rape anywhere.<sup>32</sup>

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<sup>28</sup> *People v. Aguilar*, 643 Phil. 643, 654 (2010) citing *People v. Corpuz*, 517 Phil. 622, 636-637 (2006).

<sup>29</sup> *People v. Perez*, 595 Phil. 1232, 1258 (2008).

<sup>30</sup> *People v. Felan*, 656 Phil. 464, 470 (2011).

<sup>31</sup> *People v. Vitero*, 708 Phil. 49, 62 (2013) citing *People v. Simoro*, 449 Phil. 370, 381 (2003).

<sup>32</sup> *People v. Alipio*, 618 Phil. 38, 47 (2009).



The Court is also not convinced by appellant's proposition that ill feelings and ill motives of AAA, her mother and grandmother prompted the filing of the charges against him. Ill-motives become inconsequential where there are affirmative or categorical declarations establishing appellant's accountability for the felony. Not a few persons convicted of rape have attributed the charges against them to family feuds, resentment or revenge, however, these have never swayed us from giving full credence to the testimony of a complainant for rape, especially a minor, AAA in the case at bar, who remained steadfast and unyielding throughout the long and tedious direct and cross-examination that she was sexually abused. It would take a certain degree of perversity on the part of a parent, especially a mother, to concoct a false charge of rape and then use her daughter as an instrument to settle her grudge.<sup>33</sup>

All told, appellant's guilt of the crimes charged was established beyond reasonable doubt.

The courts properly appreciated the circumstances of minority and relationship that qualify the crime of rape and increase the severity of the penalty. AAA was eleven (11) years old at the time of the rape incidents and appellant is her father. The passage of Republic Act No. 9346 however debars the imposition of the death penalty without declassifying the crime of qualified rape as heinous. Thus, the appellate correctly reduced the penalty from death penalty to *reclusion perpetua* for each count of rape.

We, however, modify the appellate court's award of damages and increase it as follows for each count of rape: ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages pursuant to prevailing jurisprudence.<sup>34</sup> Further, the amount of damages awarded should earn interest at the rate of 6% *per annum* from the finality of this judgment until said amounts are fully paid.<sup>35</sup>

**WHEREFORE**, premises considered, the Decision dated 6 September 2013 of the Court of Appeals of Cagayan de Oro City, Twenty-Second Division, in CA-G.R. CR.-H.C. No. 00955-MIN, finding appellant Renato B. Suedad guilty beyond reasonable doubt of three (3) counts of the crime of qualified rape in Criminal Case Nos. 115 and 117-118, is hereby **AFFIRMED** with **MODIFICATION**. Appellant Renato B. Suedad is

<sup>33</sup> See *People v. Santos*, 532 Phil. 752, 767 (2006).

<sup>34</sup> *People v. Gambao*, 718 Phil. 507 (2013).

<sup>35</sup> *People v. Vitero*, supra note 32 at 65.


ordered to pay the private offended party for each count of qualified rape as follows: ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages and ₱100,000.00 as exemplary damages. He is **FURTHER** ordered to pay interest on all damages awarded at the legal rate of six percent (6%) *per annum* from the date of finality of this judgment until fully paid.

No pronouncement as to costs.


**SO ORDERED.**


**WE CONCUR:**

  
**JOSE PORTUGAL PEREZ**  
Associate Justice

  
**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson

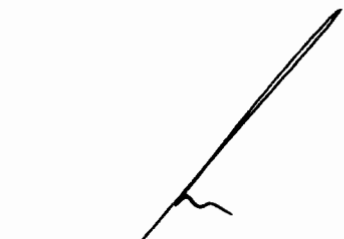
(On Official Leave)  
**DIOSDADO M. PERALTA**  
Associate Justice

  
**BIENVENIDO L. REYES**  
Associate Justice

  
**ESTELA M. PERLAS-BERNABE**  
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.



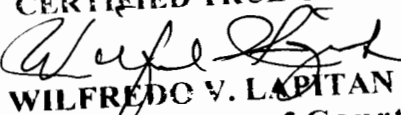
**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson, Third Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, it is hereby certified 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**  
Acting Chief Justice

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**WILFREDO V. LAPITAN**  
Division Clerk of Court  
Third Division

**JUN 27 2016**