



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

**PEOPLE OF THE
PHILIPPINES,**

Plaintiff-Appellee,

-versus-

**TOMAS TEODORO y
ANGELES,**

Accused-Appellant.

G.R. No. 175876

Present:

SERENO, C.J.,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR., and
REYES, JJ.

Promulgated:

FEB 20 2013

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DECISION

BERSAMIN, J.:

The recantation of her testimony by the victim of rape is to be disregarded if the records show that it was impelled either by intimidation or by the need for the financial support of the accused.

This rule comes to the forefront once again in our review of the affirmance by the Court of Appeals (CA) of the conviction for two counts of rape of Tomas Teodoro y Angeles,¹ in which the victim, AAA,² was the 8-year old daughter of BBB, his common-law wife. The Regional Trial Court had pronounced Teodoro guilty of two counts of statutory rape on December 10, 2001, and condignly meted him the penalty of *reclusion perpetua* for each count.³

¹ CA rollo, pp. 119-136; penned by Associate Justice Myrna Dimaranan-Vidal (retired), with Associate Justice Romulo V. Borja and Associate Justice Ricardo R. Rosario concurring.

² The real names of the victim and of the members of her immediate family are withheld pursuant to Republic Act No. 7610 (*Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act*) and Republic Act No. 9262 (*Anti-Violence Against Women and Their Children Act of 2004*). See *People v. Cabalquinto*, G.R. No. 167693, September 19, 2006, 502 SCRA 419.

³ CA rollo, pp. 71-85.

Antecedents

Two informations, both dated March 25, 1998, charged Teodoro with statutory rape committed as follows:

Criminal Case No. 98-02

That on or about the 18th day of December, 1997, at, 10:00 o'clock in the evening, more or less, in Sitio Seringan, Poblacion, Kitcharao, Agusan del Norte, Philippines, and within the jurisdiction of this Honorable Court, said accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of AAA, an eight (8) year old minor.

CONTRARY TO LAW: (Article 335, *Revised Penal Code*, as amended by R.A. 7659)⁴

Criminal Case No. 98-03

That on or about the 8th day of February, 1998, at 10:00 o'clock in the evening, more or less, in Sitio Seringan, Poblacion, Kitcharao, Agusan del Norte, Philippines, and within the jurisdiction of this Honorable Court, said accused by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of AAA, an eight (8) year old minor.

CONTRARY TO LAW: (Article 335, *Revised Penal Code*, as amended by R.A. 7659)⁵

With respect to the statutory rape charged in Criminal Case No. 98-02, the records show that on December 18, 1997 BBB left home in Kitcharao, Agusan del Norte on an errand in Surigao; that her children, including AAA, were left under the care of Teodoro, her common-law husband; that late that night, he returned home drunk, and his arrival roused the children from their sleep, because they had not yet eaten; that they eagerly ate the food he set down for them; that soon after the dinner, he told the children to go to bed; that the children went to sleep in their respective places on the floor; that AAA became puzzled when he turned off the lights that were supposed to be left on; that AAA eventually fell asleep beside her siblings; that at some point later in the night, he roused AAA, and ordered her to strip naked; that she initially defied him, but he himself then undressed her; that he took off his pants and drawers down to his knees, exposing his penis; that he went on top of her, inserted his penis in her vagina, and made push and pull movements; that she felt a sharp pain inside her vagina; that he stopped his movements when she protested due to her pain becoming unbearable, because he did not want the other children to be roused from sleep; that he returned to his own place, but she got up to

⁴ Records, Vol. I, p. 1.

⁵ Records, Vol. II, p. 1.

relieve herself; that she felt searing pain in her vagina as she was relieving herself; and that she did not tell her mother upon the latter's return from Surigao about what Teodoro had done to her.

Anent the rape committed on February 8, 1998 (Criminal Case No. 98-03), BBB was again away from the house, having gone to Manila. Teodoro committed the rape in a fashion similar to that in the first rape. However, AAA could no longer bear her ordeal, and told of the rapes to CCC, the older brother of BBB: *Tay, guihilabtan ko ni Tomas Teodoro (Tay, I was touched by Tomas Teodoro).*⁶ CCC immediately reported the crimes to the Kitcharao Police Station. The police quickly arrested Teodoro. Upon BBB's return in the afternoon, CCC informed her about what Teodoro had done to her daughter. BBB and CCC took AAA to the Kitcharao District Hospital for physical and medical examination.

Dr. Mary Ann D. Abrenillo of the Kitcharao District Hospital examined AAA, and issued a medical certificate on her findings, as follows:

1. Intact Hymen that admits Right Small Finger of examiner and with slight peripheral erythema.
2. *Labia Majora* and *Minora* slightly Gaped Exposing Hymenal Opening, with tenderness.⁷

Based on the medical certificate, the Office of the Provincial Prosecutor of Agusan del Norte charged Teodoro with two counts of statutory rape through the aforequoted informations.⁸

At his arraignment on August 17, 1998, Teodoro pleaded *not guilty* to the informations. Although he subsequently manifested a willingness to change the pleas to *guilty*, he balked when he was re-arraigned on December 23, 1998 by qualifying that he had only "fingered" AAA. Accordingly, the RTC reinstated his pleas of *not guilty*.

During the trial, AAA⁹ and BBB¹⁰ testified for the Prosecution, but two years later recanted and turned hostile towards the Prosecution, now telling the RTC that Teodoro had only touched AAA's vagina on the nights of December 18, 1997 and February 8, 1998.¹¹

⁶ TSN, May 31, 1999, p. 10.

⁷ Records, Vol. II, Index of Exhibits, Exh. A-2.

⁸ Records, Vol. II, p. 1.

⁹ TSN, November 17, 1998.

¹⁰ TSN, September 7, 1999.

¹¹ For AAA, see TSN, November 20, 2000; for BBB, see TSN, January 8, 2001.

On his part, Teodoro claimed¹² that he had only caressed or touched AAA's body on the night of February 8, 1998; that before going home from work on that day, he had joined his friends in drinking *Kulafu*; that he had arrived home late that night, and had gone to bed after serving the children food to eat; that he had later awakened to find somebody sleeping beside him; that he had embraced and caressed the different parts of the body of that person, whom he thought was BBB whom he had earlier sent off to Surigao on an errand; that he had realized that he was caressing AAA only after she shouted: *Cle, Cle, ayaw! (Uncle, stop that!)*; that he had then gotten up to go to a different part of the room;¹³ and that he did not rape AAA on the night of December 18, 1997,¹⁴ although he admitted being at home then.¹⁵

Ruling of the RTC

After the trial, on December 10, 2001, the RTC rendered its judgment convicting Teodoro on both counts of statutory rape notwithstanding the recantations by AAA and BBB. The RTC disposed:

WHEREFORE, in the light of all the foregoing, the Court finds the accused TOMAS TEODORO Y ANGELES in Criminal Cases Nos. 98-02 and 98-03 GUILTY beyond reasonable doubt of the crimes of rape committed against AAA, an eight (8)-year old minor. Accordingly, he is hereby sentenced to suffer the penalty of RECLUSION PERPETUA in each of the cases, with the accessories provided for by law, to pay the offended party the sum of ₱100,000.00, ₱50,000.00 for each case, and to pay the costs.

In the service of his sentence, accused is credited with the full time during which he has undergone preventive imprisonment conformably to Article 29 of the Revised Penal Code, as amended.

IT IS SO ORDERED.¹⁶

The RTC rejected AAA's recantation of her accusation for being inconsistent with the testimony of Dr. Abrenillo showing that the redness on the edges of the protective structure of her vaginal opening had been caused by friction from the forceful introduction of an erect penis; and that such forceful introduction of an erect penis had led to the gaping of the *labia minora* and *labia majora* of AAA.

¹² TSN, October 19, 1999.

¹³ Id. at 11-13.

¹⁴ Id. at 7.

¹⁵ Id. at 8.

¹⁶ Records, Vol. I, pp. 222-223.

Ruling of the CA

On appeal, Teodoro focused on the RTC's rejection of AAA's recantation. He argued in his appellant's brief¹⁷ that no rape was committed considering that the Cebuano-Visayan word *guihilabtan* used by AAA in describing what he did to her signified only touching, as contrasted with *lugos*, the proper Cebuano-Visayan term for rape that AAA did not use.

Unimpressed, the CA sustained the RTC, and ignored AAA's recantation for being dictated by her family's financial difficulties. It agreed with the observation of the Office of the Solicitor General to the effect that AAA's recantation should not be considered because it came about after she had returned home from the custody of the Department of Social Welfare and Development (DSWD). In contrast, it found AAA's court testimony given on November 17, 1998 consistent with the physical findings of Dr. Abrenillo.

The CA decreed:

WHEREFORE, premises considered, herein appeal is hereby **DISMISSED** for evident lack of merit and the assailed Judgment is hereby **AFFIRMED** with **MODIFICATION** granting in each case moral damages in the amount of P50,000.00 and exemplary damages in the sum of P25,000.00.

SO ORDERED.¹⁸

Issues

1. Were the rapes charged against Teodoro established beyond reasonable doubt?
2. Should the recantation by AAA be accepted?

Ruling of the Court

The appeal lacks merit.

Articles 266-A and 266-B of the *Revised Penal Code*, as amended by Republic Act No. 8353,¹⁹ define and punish rape as follows:

¹⁷ CA rollo, pp. 57-69.

¹⁸ *Supra* note 1, at 135-136.

¹⁹ Effective on October 22, 1997.

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 circumstances:

a) Through force, threat, or intimidation;

b) When the offended party is deprived of reason or otherwise unconscious;

c) By means of fraudulent machinations 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.

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

X X X X

The crimes charged were two counts of statutory rape. The elements of statutory rape are that: (a) the victim is a female under 12 years or is demented; and (b) the offender has carnal knowledge of the victim. Considering that the essence of statutory rape is carnal knowledge of a female *without her consent*, neither the use of force, threat or intimidation on the female, nor the female's deprivation of reason or being otherwise unconscious, nor the employment on the female of fraudulent machinations or grave abuse of authority is necessary to commit statutory rape.²⁰ Full penile penetration of the female's genitalia is not likewise required, because carnal knowledge is simply the act of a man having sexual bodily connections with a woman.²¹

Describing the rape committed against her on December 18, 1997, AAA declared thus:

Q: How about your uncle, Tomas Teodoro, do you know what did he do after you have already eaten and drank water?

A: Yes. My uncle commanded us and he told my elder brother, EEE, to go to sleep and on that night, I was surprised because he put off the light.

Q: Now, AAA, could you describe how your uncle look like when he arrived in your house?

²⁰ Article 266-A, (d), *Revised Penal Code*.

²¹ *Black's Law Dictionary* 193 (5th ed., 1979); see also *People v. Taguilid*, G.R. No. 181544, April 11, 2012, 669 SCRA 341, 350-351; *People v. Butiong*, G.R. No. 168932, October 19, 2011, 659 SCRA 557, 566; *People v. Masalihit*, G.R. No. 124329, December 14, 1998, 300 SCRA 147, 155; *People v. Flores, Jr.*, G.R. No. 128823-24, December 27, 2002, 394 SCRA 325, 333.

A: Yes, Ma'am.

Q: How did he look like? Did he look normal?

A: Yes, Ma'am, but he was drunk.

x x x x

Q: What do you mean by he drinks something?

A: It was Kulafu, Ma'am, because it smelt bad.

x x x x

Q: x x x. After your uncle put off the light, did you immediately fall asleep?

A: Not yet. I first looked at the light because I was surprised why it was put off and I noticed that it was my uncle who put off the light.

x x x x

Q: So you are telling the Court that you were the last one to sleep that night including your uncle, of course, among you and your siblings? You were the last one who went to sleep that night

A: Yes ma'am

Q: Now, when you already fell asleep, was it then the time you were awakened again because your uncle came near you?

A: Yes ma'am

x x x x

Q: How did he force you to undress?

A: He was the one who undressed me ma'am.

Q: After he undressed you, your uncle also undressed his trousers and drawers, correct?

A: He just lowered his pants up to his knee

Q: After lowering his pants up to his knee, he laid on top of you correct?

A: He laid on top of me

Q; After that, x x x what was the next thing that he did?

A: He inserted his penis into my vagina.

x x x x

Q: Now, AAA, before this incident happened on December 18, 1997, do you have a good relationship with your step-father?

A: Yes, ma'am we have a good relationship.²² (Emphasis supplied)

Concerning the rape committed on February 8, 1998, AAA's testimony ran as follows:

Q: Now, what happened to you while you were sleeping or about to sleep on February 8, 1998 at your house?

A: He touched "*hilabtan*" me, Sir.

Q: When you said "he touched you", you are referring to your step-father, the accused in these cases?

A: Yes, Sir.

Q: Now, would you kindly tell this Honorable Court how did the accused Tomas Teodoro touch you?

A: He laid on top of me, Sir.

Q: Before he laid on top of you, what did he do to you?

A: He undressed me.

Q: What kind of clothes did you wear?

A: I was wearing a whole dress, Sir.

Q: When you said "whole dress," it is the same kind of clothes you are wearing now?

A: Yes, Sir.

Q: Before he laid on top of you, you said that he undressed you. Now, was he able to undress you?

A: I undressed myself.

Q: You undressed yourself because your father told you?

A: Yes, sir.

Q: Now, were you wearing a panty at that time?

A: Yes, Sir, I was wearing a panty.

Q: Now, what happened to your panty before your step-father laid on top of you?

A: He lowered my panty up to my thigh.

²² TSN, December 3, 1998, pp. 9-12.

Q: When your father lowered your panty up to your thigh and you were completely naked, were you lying down on the floor of the room where you were sleeping?

A: Yes, Sir, I was lying down.

Q: How about your step-father before he laid on top of you, what kind of clothes did he wear?

A: He was wearing a jacket and a t-shirt, Sir.

Q: Did he remove his jacket and t-shirt?

A: Yes, Sir.

Q: How about his pants, did he remove his pants before he laid on top of you?

A: When he laid on top of me, he just lowered his pants up to his knee.

Q: Did he also lower his drawers?

A: He also lowered his drawers up to his knee, Sir.

Q: Now, when he laid on top of you, what else did he do to you aside from lying on top of you?

A: He touched me, Sir; he inserted his penis into my vagina.

Q: After he inserted his penis into your vagina, what else did he do?

A: He made some push and pull movement, Sir.

Q: When he made that push and pull movement, what did you feel?

A: I felt pain, Sir.

Q: Where did you feel that pain?

A: In my vagina, Sir.

Q: Now, while your father made that push and pull movement, what did you do or say?

A: I begged him to stop because it was really painful and after that I urinated and it was really very painful.

Q: Where did you feel that pain while you were urinating?

A: In my vagina, Sir.²³ (Emphasis supplied)

The Court declares that the findings of the RTC and the CA on the commission of the two counts of statutory rape by Teodoro were well-

²³ TSN, November 17, 1998, pp. 14-A to 16.

founded. AAA's recollections given in court when she was only eight years old disclosed an unbroken and consistent narration of her ordeals at his hands. She thereby revealed details that no child of her very tender age could have invented or concocted. The only rational and natural conclusion to be made by any objective arbiter is to accord the fullest credence to her.

Yet, Teodoro would have us undo his convictions for statutory rape, arguing that AAA's description of his acts in Cebuano-Visayan, the dialect spoken by AAA, was *guihilabtan*, not *lugos*, the former being the dialect term for *touching* and the latter for *rape*.

Teodoro's argument is directly belied by the established facts. AAA remained categorical and steadfast about what Teodoro had done to her all throughout her testimony in court, even during her delivery of the supposed recantation. She narrated how he had committed the rape in the evening of December 18, 1997 by undressing her and himself, going on top of her, inserting his male organ into her vagina, and making push and pull motions, causing her to suffer severe pain in her vagina, to wit:

Q: Now, do you remember what happened to you while you were inside that room about to sleep on that evening of December 18, 1997?

A: Yes, Sir.

Q: Now, what happened to you?

A: At that time, he laid beside me and he told me to take off my clothes. After that, he also took off his clothes then he laid on top of me.²⁴

x x x x

Q: When your father laid on top of you, what did he do aside from lying on top of you?

A: **He inserted his penis into my vagina and he made some push and pull movement.**

Q: **You said that your father inserted his penis into your vagina and made a push and pull movement. Now, when this was happening, what did you feel?**

A: **I asked him to stop because I felt pain, but he told me to keep quite because others might hear us.**

Q: **When you told your father or begged your father to stop because you were feeling pain, which part of your body did you feel that pain?**

A: **In my vagina, Sir.**

²⁴ Id. at 8.

Q: When you begged your father to stop because there was pain on your vagina, did your father heed your request to stop?

A: He stopped, Sir.

Q: You mean your father stopped his push and pull movement?

A: Yes, because after that, I told him.

Q: Now, after your father stopped his push and pull movement, what did your father do next?

A: He stopped and after that I urinated and I felt pain.

Q: Now, where did you feel that pain?

A: In my vagina.

Q: When you urinated, did your father go to sleep?

A: He did not go to sleep right away but he just lay down on bed.

Q: You mean to tell this Court that he returned to his place where he was lying down before he raped you?

A: Yes, Sir.

Q: Now, before you urinated, did your father tell you about what to do?

A: He told me never to tell the incident that happened because the moment I will tell the truth, he will reprimand me.²⁵ (Emphasis supplied)

x x x x

Moreover, to believe Teodoro's argument is to belie that AAA exhibited at the time of her physical examination by Dr. Abrenillo a peripheral erythema, or redness, in her hymen, as well as tenderness and gaping in her *labia majora* and *labia minora*. Dr. Abrenillo explained the significance of her physical findings, to wit:

Q. So, you are telling this Honorable Court that when an erect male penis may contact in this particular area, that might have caused the discoloration of the reddish in color of that particular area, is that correct?

A. Yes, because the force of the friction might be that adequate to cause the reddish or inflammation that resulted in the discoloration of the normal tissue or structure.

x x x x

Q. Now, in your second findings, you said that there is a slightly Gaped Exposing Hymenal Opening of the Labia Majora and Minora, in your

²⁵ Id. at 11-13.

expert opinion as medico legal expert, what might have caused this Gape Opening?

A. Again related to number 1, a friction also mean something can cause the gaping or exposure of the opening and it can be substantiated also that there was pain that was experienced by the patient.

Q. Now, you are telling this Honorable Court that when you touched this particular area, the patient experienced pain?

A. Yes, Sir.

Q. As a medico legal expert, could this particular injury be caused by a contact of an erect male organ?

A. Well, it is sustain and with a force.

Q. In this particular case because there is a gape opening of the lips which you said this medico legal term, Labia Majora and Minora, could this opening be caused by a contact of an erect male organ?

A. Yes, Sir, because normally, gape should not be exposing the Hymenal Opening and the smaller lip should be covered by the bigger one.²⁶

In objective terms, carnal knowledge, the other essential element in consummated statutory rape, does not require full penile penetration of the female. The Court has clarified in *People v. Campuhan*²⁷ that the mere touching of the external genitalia by a penis *capable of consummating the sexual act* is sufficient to constitute carnal knowledge. All that is necessary to reach the consummated stage of rape is for the penis of the accused capable of consummating the sexual act to come into contact with the lips of the pudendum of the victim. This means that the rape is consummated once the penis of the accused capable of consummating the sexual act *touches* either *labia* of the pudendum. As the Court has explained in *People v. Bali-Balita*,²⁸ the *touching* that constitutes rape does not mean mere epidermal contact, or stroking or grazing of organs, or a slight brush or a scrape of the penis on the external layer of the victim's vagina, or the *mons pubis*, but rather the erect penis touching the *labias* or sliding into the female genitalia. Accordingly, the conclusion that touching the *labia majora* or the *labia minora* of the pudendum constitutes consummated rape proceeds from the physical fact that the *labias* are physically situated beneath the *mons pubis* or the vaginal surface, such that for the penis to touch either of them is to attain some degree of penetration beneath the surface of the female genitalia. It is required, however, that this manner of touching of the *labias* must be sufficiently and convincingly established.

Here, the proof of the penis of Teodoro touching the *labias* of AAA was sufficient and convincing. Dr. Abrenillo found the peripheral erythema

²⁶ TSN, October 26, 1998, pp. 7-8.

²⁷ G.R. No. 129433, March 30, 2000, 329 SCRA 270, 280.

²⁸ G.R. No. 134266, September 15, 2000, 340 SCRA 450, 465.

in the hymen of AAA and the fact that her *labia majora* and *labia minora* were tender and gaping, exposing the hymenal opening. In other words, the touching by Teodoro's penis had gone beyond the *mons pubis* and had reached the *labias* of the victim. Such physical findings, coupled with the narrative of AAA that, *one*, Teodoro went on top of her body; *two*, he inserted his penis into her vagina; *three*, he made push and pull motions thereafter; and, *four*, she felt great pain inside her during his push and pull movements, rendered the findings of rape against him unassailable as to the rape committed on February 8, 1998. With respect to the rape committed on December 18, 1997, we concur with the RTC and CA's conclusion that AAA's testimonial account thereon likewise sufficiently and convincingly established the commission of rape. She suffered severe pain inside her genitalia while his penis was penetrating her, which could only be understood in the light of the foregoing explanation made herein about his penis attaining some degree of penetration beneath the surface of her genitalia.

Apart from being incompatible with the established facts, Teodoro's argument remained a matter of pure semantics. For sure, *rape* as defined and used by the *Revised Penal Code* is a legal term whose exact nuances and juridical consequences no victim of AAA's tender age and naivete could already fully know or realize. As such, her usage of the term *guihilabtan* to describe in the dialect what he had done to her should not be confined to what he would have us accept as the entire characterization of his deeds. Indeed, his argument on the distinction between the dialect terms *guihilabtan* and *lugos* reflected nothing better than his self-serving opinion on their meanings. Such opinion, already by its nature argumentative, should not prevail over the physical evidence. Worse, it was not even relevant, for what he ought to have done, instead, was to flesh out his opinion through a credible demonstration during the trial that by her usage of the dialect term *guihilabtan* she really meant mere touching of her genitalia that did not amount to his having carnal knowledge of her.

Teodoro's further submission that AAA recanted the accusations against him is bereft of substance.

The relevant portions of AAA's recantation on November 20, 2000 went as follows:

Q: Now, it appears that during the time that you were made to testify, you testified before this honorable court that your stepfather had carnal knowledge with you, the question is – why did you make that testimony before?

A: **Because I saw him doing that to me, Sir.**

Q: Which one?

A: Because he undressed me and he touched my private parts. He touched my vagina and I told him to stop because I felt the need to urinate. When I urinated, it was very painful since the act has just been done.

X X X X

Q: AAA, why are you crying?

A: Because of my problem, sir.

Q: What is your problem, AAA?

A: When my step-father touched me.

Q. AAA, you pity your step-father or your uncle because he has been in jail for a long time and nobody can help your mother now?

A. Yes, Sir.

Q. You want your step-father to come home, is that correct, to help you and your mother?

A. Yes, Sir.

X X X X

COURT

Q: Why are you crying?

A: Because it is against my will, your honor.

Q: Which one is against your will?

A: When my uncle touched me your honor. That is why I cried.

Q: You are no longer with the DSWD in Butuan city?

A: Not any more Your Honor.

X X X X

Q: You informed the Court before when you testified for the prosecution that your uncle removed your panty, touched your vagina and inserted his penis into your vagina is it not?

A: That is not true, Your Honor.

Q: What do you mean that is not true? What is your understanding about that?

A: He was only touching me, Your Honor.

Q: Okay he touched your vagina?

A: Yes, Your Honor.

Q: He did not insert his fingers into your vagina?

A: He did not, Your Honor.²⁹ (Emphasis supplied)

Even during her intended recantation, AAA cried most of the time. Such demeanor reflected how much she despised what he had done to her twice. As such, her supposed recantation did not conceal the impelling motive for it being that her mother and her family still needed the material support of Teodoro. This was confirmed even by BBB, whose own testimony on AAA's supposed recantation was as follows:

Court:

But despite the fact that your common law husband according to you he is a troublesome person everytime he gets drunk, this case will be dismissed. You want to maintain your relationship again?

A: Not anymore, Your Honor.

Q. Why?

A. I want him to get out from Jail so that I could have somebody to help me and to assist me in rearing my children specially so, Your Honor, my children are now growing up.

Q. Okay, now if you want him to rear or help in rearing your children, naturally he used to go home to your house and sleep together with you, do you want him to sleep in another house?

A. He promised to me, Your Honor, that he will live in the residence of his employer.³⁰ (Emphasis supplied)

BBB was then rearing four young children by Teodoro (the youngest being born when he was already detained),³¹ as well as AAA and her five siblings that BBB had from an earlier relationship.³² She unabashedly needed the material support of Teodoro; hence, she prevailed on AAA to withdraw her charges against him. But a recantation under such insincere circumstances was unacceptable.

As a rule, recantation is viewed with disfavor firstly because the recantation of her testimony by a vital witness of the State like AAA is exceedingly unreliable, and secondly because there is always the possibility that such recantation may later be repudiated.³³ Indeed, to disregard testimony solemnly given in court simply because the witness recants it

²⁹ TSN, November 20, 2000, pp. 4-6, and 8.

³⁰ TSN dated January 8, 2001, p. 14.

³¹ TSN, October 19, 1999, p. 7.

³² TSN, September 7, 1999, p. 15.

³³ *People v. Sumingwa*, G.R. No. 183619, October 13, 2009, 603 SCRA 638, 650; *People v. Navasca*, No. L-28107, March 15, 1977, 76 SCRA 70, 78; *People v. Genilla*, No. L-23681, September 3, 1966, 18 SCRA 12, 16; *People v. Pasilan*, No. L-18770, July 30, 1965, 14 SCRA 694, 701; *People v. Domenden*, No. L-17822, October 30, 1962, 6 SCRA 343, 351.

ignores the possibility that intimidation or monetary considerations may have caused the recantation. Court proceedings, in which testimony upon oath or affirmation is required to be truthful under all circumstances, are trivialized by the recantation. The trial in which the recanted testimony was given is made a mockery, and the investigation is placed at the mercy of an unscrupulous witness. Before allowing the recantation, therefore, the court must not be too willing to accept it, but must test its value in a public trial with sufficient opportunity given to the party adversely affected to cross-examine the recanting witness both upon the substance of the recantation and the motivations for it.³⁴ The recantation, like any other testimony, is subject to the test of credibility based on the relevant circumstances, including the demeanor of the recanting witness on the stand. In that respect, the finding of the trial court on the credibility of witnesses is entitled to great weight on appeal unless cogent reasons necessitate its re-examination, the reason being that the trial court is in a better position to hear first-hand and observe the deportment, conduct and attitude of the witnesses.³⁵

Finally, we rectify the amounts of the civil liability of Teodoro. The RTC had granted to AAA only the amount of ₱50,000.00 for each case, or a total of ₱100,000.00 for both cases, without stating the character of the award, but the CA modified the award by granting in each case moral damages of ₱50,000.00 and exemplary damages of ₱25,000.00.

Both lower courts thereby erred. There is no longer any debate that the victim in statutory rape is entitled to a civil indemnity of ₱50,000.00, moral damages of ₱50,000.00, and exemplary damages of ₱30,000.00. The award of civil indemnity of ₱50,000.00 is mandatory upon the finding of the fact of rape.³⁶ Similarly, the award of moral damages of ₱50,000.00 is mandatory, and made without need of allegation and proof other than that of the fact of rape,³⁷ for it is logically assumed that the victim suffered moral injuries from her ordeal. In addition, exemplary damages of ₱30,000.00 are justified under Article 2229 of the *Civil Code*³⁸ to set an example for the public good and to serve as deterrent to those who abuse the young.³⁹

WHEREFORE, we **AFFIRM** the decision promulgated on April 24, 2006, with the **MODIFICATION** that **TOMAS TEODORO y ANGELES** is ordered to pay to AAA for each count of rape the amounts of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱30,000.00 as exemplary damages, plus interest of 6% *per annum* from the finality of this decision.

³⁴ *People v. Ballabare*, G.R. No. 108871, November 19, 1996, 264 SCRA 350, 361.

³⁵ *People v. Terrible*, G.R. No. 140635, November 18, 2002, 392 SCRA 113, 118.

³⁶ *People v. Begino*, G.R. No. 181246, March 20, 2009 582 SCRA 189, 198-199.

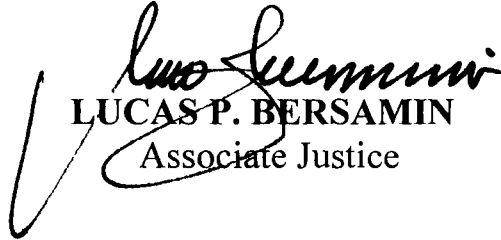
³⁷ *People v. Pabol*, G.R. No. 187084, October 12, 2009, 603 SCRA 522, 532.

³⁸ *People v. Matunhay*, G.R. No. 178274, March 5, 2010, 614 SCRA 307, 321.

³⁹ *People v. Tormis*, G.R. No. 183456, December 18, 2008, 574 SCRA 903, 920.


The accused is further liable for the costs of suit.

SO ORDERED.



LUCAS P. BERSAMIN
Associate Justice

WE CONCUR:



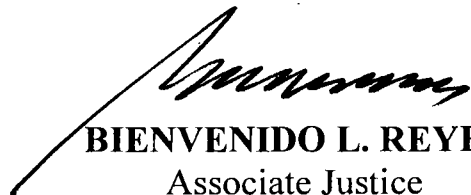
MARIA LOURDES P. A. SERENO
Chief Justice



TERESITA J. LEONARDO-DE CASTRO
Associate Justice




MARTIN S. VILLARAMA, JR.
Associate Justice



BIENVENIDO L. REYES
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.



MARIA LOURDES P. A. SERENO
Chief Justice