



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,  
*Plaintiff-Appellee,*

G.R. No. 192232

Present:

- versus -

CARPIO, *Chairperson,*  
DEL CASTILLO,  
VILLARAMA, JR.,  
MENDOZA, *and*  
LEONEN, *JJ.*

JOSE ESTALIN PRODENCIADO,  
*Accused-Appellant.*

Promulgated:  
DEC 10 2014

X ----- X

RESOLUTION

DEL CASTILLO, *J.:*

On appeal is the February 4, 2010 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 02861 affirming with modification the May 25, 2007 Decision<sup>2</sup> of the Regional Trial Court (RTC), Branch 13, Malolos, Bulacan, in Criminal Case Nos. 3206-M-2000 to 3209-M-2000 which found appellant Jose Estalin Prodenciado (Prodenciado) guilty of two counts of Statutory Rape and two counts of Simple Rape.

*Factual Antecedents*

Prodenciado was charged with two counts each of Statutory Rape and Simple Rape committed against his own daughter, "AAA."<sup>3</sup> The Informations for the charges narrate:

\* Per Special Order No. 1888 dated November 28, 2014.

<sup>1</sup> CA rollo, pp. 136-143; penned by Associate Justice Arcangelita M. Romilla-Lontok and concurred in by Associate Justices Ricardo R. Rosario and Priscilla J. Baltazar-Padilla.

<sup>2</sup> Records, Vol. I, pp. 178-186; penned by Presiding Judge Andres B. Soriano.

<sup>3</sup> "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.)" *People v. Teodoro*, G.R. No. 175876, February 20, 2013, 691 SCRA 324, 326.

**Crim. Case No. 3208-M-2000 for Statutory Rape**

That in or about the year 1993, in the municipality of Baliuag, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a bolo, did then and there willfully, unlawfully and feloniously, by means of threats, force and intimidation and with lewd designs, have carnal knowledge of his daughter “AAA,” a girl 8 years of age, against her will and consent.

Contrary to law.<sup>4</sup>

**Crim. Case No. 3209-M-2000 for Statutory Rape**

That in or about the year 1995, in the municipality of Baliuag, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a bolo, did then and there willfully, unlawfully and feloniously, by means of threats, force and intimidation and with lewd designs, have carnal knowledge of his daughter “AAA,” below 12 years old, against her will and consent.

Contrary to law.<sup>5</sup>

**Crim. Case No. 3206-M-2000 for Simple Rape**

That on or about the 13<sup>th</sup> day of August, 2000 at about 11:00 o’clock in the morning, in the municipality of Baliuag, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a bolo, did then and there willfully, unlawfully and feloniously, by means of threats, force and intimidation and with lewd designs, have carnal knowledge of his daughter “AAA,” a girl 14 years of age, against her will and consent.

Contrary to law.<sup>6</sup>

**Crim. Case No. 3207-M-2000 for Simple Rape**

That on or about the 13<sup>th</sup> day of August 2000 at about 11:30 in the morning, in the municipality of Baliuag, province of Bulacan, Philippines, and within the Jurisdiction of this Honorable Court, the above-named accused, armed with a bolo, did then and there willfully, unlawfully and feloniously, by means of threats, force and intimidation and with lewd designs, have carnal knowledge of his daughter “AAA,” a girl 14 years of age, against her will and consent.

Contrary to law.<sup>7</sup>

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<sup>4</sup> Records, Vol. III, p. 1.

<sup>5</sup> Id., Vol. II, p. 1.

<sup>6</sup> Id., Vol. I, p. 1.

<sup>7</sup> Id., Vol. IV, p. 1.

Upon arraignment, Prodenciado, assisted by counsel, entered separate pleas of not guilty to the crimes charged.

### ***The Prosecution's Case***

As summarized in the Appellee's Brief,<sup>8</sup> the prosecution's case is premised on the following facts:

"AAA" was born on December 13, 1985<sup>9</sup> to common[-]law spouses "BBB", a housewife, and Jose E. Prodenciado (a.k.a. Rommel), a fisherman. The couple has five (5) children[,] with "AAA" being the eldest. At the time the rape incidents took place, appellant and "AAA" resided at Sta. Barbara, Baliuag, Bulacan.

X X X X

Sometime in 1993[,] at around noon, "AAA" brought food for appellant at the hut by the river where her father usually rests after fishing. Suddenly, appellant pulled out a knife, poked it at her and told her to go up the hut with him. As soon as they reached the hut, appellant removed both their clothes and told "AAA" to lie down on the floor. Appellant lowered himself atop "AAA" and inserted his penis into her vagina.

After satiating his lust, appellant dressed and warned "AAA" not to tell anybody what happened[,] or else[,] he would kill her mother. At that time, "AAA" was only eight (8) years old.

X X X X

The incident was repeated sometime in 1995 when "AAA" was then [10] years old and was in Grade III.

While appellant was fishing near their place in Sta. Barbara, Baliuag, Bulacan, he told "AAA" to go with him to the hut. "AAA" obeyed and once there, she was instructed to take off her clothes. She was made to lie down on the floor and while [in] that position, appellant [laid] on top of her. Appellant then inserted his penis inside her vagina and raped her. There were no other people in the hut that day.

Afterwards, appellant told her to put on her clothes and go home. "AAA" did as she was told and upon reaching their house, she prepared to go to school. She did not report the incident to her mother. She could not recall the exact date when she was raped the second time.

X X X X

On August 13, 2000, appellant repeated his dastardly acts. This time,

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<sup>8</sup> CA *rollo*, pp. 67-104.

<sup>9</sup> Per Certification of Birth issued by the Office of the Local Registrar of Baliuag, Bulacan, records, Vol. I, p. 38.

“AAA” was sexually violated not once but twice that same day.

At around 11:00 o’clock in the morning, “AAA,” was doing the laundry by the river while appellant was sharpening his bolo nearby. Suddenly, appellant, clutching his bolo, approached “AAA” and dragged her towards the hut. At that time, the victim’s mother[,] “BBB,” who was then cooking by their stove outside the house about two (2) meters away[,] and two younger siblings saw appellant pulling “AAA” towards the house. As appellant climbed the stairs, he warned “BBB” not to follow them.

Inside the hut, appellant raised “AAA’s” blouse and forcibly took off her shorts and underwear. Appellant kissed “AAA’s” lips and breasts then mounted her and consummated his bestial desires. After satisfying his lust, appellant told “AAA” to dress up and go downstairs. “AAA” did as she was told and resumed doing her laundry chores.

A few minutes thereafter, or at around 11:30 o’clock that same day, appellant, still holding his bolo, called “AAA” and told her to go upstairs again to fix the clothes. “AAA” obeyed and, once again, she was sexually ravished by her father.

On both times that “AAA” went down the hut with appellant, “BBB” noticed her daughter to be crying. At that point, “BBB” suspected that “AAA” was being sexually abused by appellant. “BBB” wanted to ask her daughter what appellant did to her, but she could not since they were constantly being watched by appellant who was always armed with a bolo.

When Edwin, a neighbor, dropped by their place and talked with appellant, “BBB” took advantage of the opportunity and advised “AAA” to report the incidents to the police.

Subsequently, “BBB” devised a plan to report the matter to the police authorities. “BBB” asked appellant’s permission to leave the house on the pretext of buying medicines. Before she left, appellant warned her not to do anything behind his back (“*walang traiduran*”). “BBB” then immediately proceeded to the police station where she and the police officers plotted appellant’s arrest.

The following day, appellant was fishing by the river when the policemen arrived. “BBB” guided the police towards the river and on their way thereto, she destroyed the fence so that the police would be able to pass by without being noticed by appellant.

“BBB” called out [to] her husband and told him to come over as there was a snake. Knowing that “BBB” was scared of snakes, appellant rushed to her side. The police immediately closed in on appellant and effected his arrest.

Thereafter, “AAA” and “BBB” executed a complaint and caused the investigation of the rapes committed against the victim. The victim was referred to the Bulacan Provincial Crime Laboratory Office, Philippine National Police (PNP) in Malolos, Bulacan. Police Senior Inspector Ivan Richard A. Viray, a Medico-Legal Officer, performed a physical examination on the victim. His Medico-Legal Report No. MR-146-2000 disclosed his findings, thus:

GENERAL AND EXTRAGENITAL:

|                   |   |   |
|-------------------|---|---|
| PHYSICAL BUILT    | - | Light built   |
| PHYSICAL STATUS   | - | Coherent female subject   |
| BREAST[S]         | - | Are conical in shape with light brown areola and nipples from which no secretion could be pressed out |
| ABDOMEN           | - | Is flat/soft  |
| PHYSICAL INJURIES | - | No external signs of application of any form of trauma  |

GENITAL:

|                                     |   |  |
|-------------------------------------|---|--|
| PUBIC HAIR                          | - | Scanty growth  |
| LABIA MAJORA                        | - | Are full, convex and coaptated   |
| LABIA MINORA                        | - | In between labia majora, pinkish brown in color  |
| HYMEN                               | - | Elastic fl[e]shy type with the presence of deep healed laceration at 2 and 3 o'clock positions |
| POSTERIOR FOURCHETTE                | - | V-shaped or sharp  |
| EXTERNAL VAGINAL ORIFICE            | - | Offers strong resistance to the examining index finger   |
| VAGINAL CANAL                       | - | Narrow with prominent rugosities   |
| CERVIX                              | - | Is firm/close[d]   |
| PERI-URETHRAL & PERI-VAGINAL SMEARS | - | Are negative for spermatozoa and negative for gram (-) diplococci.                             |

During the trial, [Dr.] Viray elucidated on the procedures he undertook in examining the child and gave his impressions on his findings, viz: (1) subject is in non-virgin state physically; and (2) there are no external signs of application of any form of trauma.<sup>10</sup>

*Appellant’s Defense*

As set forth in his Accused-Appellant’s Brief,<sup>11</sup> Prodenciado alleged that he could not have committed the rape in 1993 as he was then a construction worker with a project in Pulilan, Bulacan and that the *nipa* hut where the alleged rape took place was built only in 1994. Anent the alleged rape in 1995, he contended that “AAA” and “BBB” lived with his mother-in-law during that year and that “AAA” never visited him in the *nipa* hut by the river at any time then. With regard the alleged rape on August 13, 2000, Prodenciado averred that “AAA” was already working in a factory at that time and she likewise did not pay him any visit during that period.

<sup>10</sup> CA rollo, pp. 73-80.  
<sup>11</sup> Id. at 35-51.

Prodenciado asserted that “AAA” must have been impelled by anger in filing the cases against him as he used to scold her for accepting suitors at a very young age. There were even occasions that he hit her for coming home late. However, as “AAA” later on admitted to him that the suitors were not hers but her mother’s, Prodenciado likewise surmised that his wife wanted to get rid of him so she can live-in with one of her suitors. In fact, immediately upon his detention, “BBB” already started living-in with another man.

### ***Ruling of the Regional Trial Court***

On May 25, 2007, the RTC rendered a Decision, the dispositive portion of which reads as follows:

WHEREFORE, premises considered, the Court finds [the] accused guilty beyond reasonable doubt of the crime of Statutory Rape thru carnal knowledge on two (2) counts in Crim. Case Nos. 3208-M-2000 and 3209-M-2000, and hereby sentences him to suffer the penalty of *reclusion perpetua*, for each count (Total: Two (2) *reclusion perpetua*).

The accused is likewise directed to indemnify the private complainant in the amount of ₱100,000.00 for each count (Total: ₱200,000.00).

The Court likewise finds the accused guilty beyond reasonable doubt of the crime of Rape thru carnal knowledge on two (2) counts in Crim. Case Nos. 3206-M-2000 and 3207-M-2000, and hereby sentences him to suffer the penalty of *reclusion perpetua* for each count (Total: Two (2) *reclusion perpetua*).

The accused is likewise directed to indemnify the private complainant in the amount of ₱50,000.00 for each count (Total: ₱100,000.00).

SO ORDERED.<sup>12</sup>

### ***Ruling of the Court of Appeals***

On appeal, the CA issued the assailed Decision, the dispositive portion of which reads:

WHEREFORE, in view of the foregoing, the appeal is DISMISSED. The appealed decision is AFFIRMED but MODIFIED by reducing the amount of civil liability from ₱100,000.00 to ₱75,000.00 for each count in Criminal Case Nos. 3208-M-2000 and 3209-M-2000, increasing the civil liability from ₱50,000.00 to ₱75,000.00 for each count in Criminal Case Nos. 3206-M-2000 and 3207-M-2000; and for appellant to pay private complainant the sums of ₱75,000.00 and ₱25,000.00 as moral and exemplary damages, respectively[,] for each count of rape against her.

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<sup>12</sup> Records, Vol. I, pp. 185-186.

SO ORDERED.<sup>13</sup>

### Issues

Thus, this appeal. Both parties manifested that they were adopting the briefs they filed with the CA.<sup>14</sup> Hence, the Court shall resolve the assigned errors contained in Prodenciado's Accused-Appellant's Brief, to wit:

#### I

THE TRIAL COURT GRAVELY ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE TESTIMONY OF THE PRIVATE COMPLAINANT.

#### II

THE TRIAL COURT GRAVELY ERRED IN FINDING [PRODENCIADO] GUILTY BEYOND REASONABLE DOUBT OF THE CRIME[S] CHARGED.<sup>15</sup>

### Our Ruling

We sustain Prodenciado's conviction.

*"AAA's" testimony deserves full weight and credence.*

In *People v. Sanchez*,<sup>16</sup> we reiterated the guidelines laid down by this Court in addressing the issue of credibility of witnesses on appeal, viz:

First, the Court gives the highest respect to the RTC's evaluation of the testimony of the witnesses, considering its unique position in directly observing the demeanor of a witness on the stand. From its vantage point, the trial court is in the best position to determine the truthfulness of witnesses.

Second, absent any substantial reason which would justify the reversal of the RTC's assessments and conclusions, the reviewing court is generally bound by the lower court's findings, particularly when no significant facts and circumstances, affecting the outcome of the case, are shown to have been overlooked or disregarded.

And third, the rule is even more stringently applied if the CA concurred with the RTC.<sup>17</sup>

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<sup>13</sup> CA rollo, pp. 142-143.

<sup>14</sup> Rollo, pp. 147-149 and 153-155.

<sup>15</sup> CA rollo, p. 37.

<sup>16</sup> G.R. No. 197815, February 8, 2012, 665 SCRA 639.

<sup>17</sup> Id. at 643.

Here, the trial court found “AAA’s” testimony to be credible as it was made in a simple and consistent manner. Notably, the CA agreed with the RTC on this point and saw no reason to overturn the same. And upon perusal of the records of this case, this Court likewise sees no reason to depart from the lower courts’ assessment of “AAA’s” testimony. Indeed, her statements pertaining to the identity of Prodenciado as her violator and the perverse acts he visited upon her were straightforward and categorical. Moreover, “[t]estimonies of child-victims are normally given full weight and credit, since when a girl, particularly if she is a minor, says that she has been raped, she says in effect all that is necessary to show that rape has in fact been committed. When the offended party is of tender age and immature, courts are inclined to give credit to her account of what transpired, considering not only her relative vulnerability but also the shame to which she would be exposed if the matter to which she testified is not true. Youth and immaturity are generally badges of truth and sincerity.”<sup>18</sup>

*In rape cases, the date of commission is not an essential element of the offense.*

Prodenciado, however, makes much of “AAA’s” failure to pinpoint the dates when she was raped. According to him, this does not only render “AAA’s” credibility suspect, but likewise deprived him of the full opportunity to defend himself thereby violating his right to due process.

Time and again, the Court has repeatedly held that it is not incumbent upon the victim to establish the date when she was raped for purposes of convicting the perpetrator. This is because “[i]n rape cases, the date of commission is not an essential element of the offense; what is material is its occurrence,”<sup>19</sup> which in this case, was sufficiently established by “AAA.”

Moreover, Prodenciado’s assertion that he was deprived of the full opportunity to defend himself by reason of “AAA’s” failure to disclose when the alleged rapes were committed was raised only during his appeal. In *People v. Aboganda*,<sup>20</sup> the Court declared that:

[I]f the accused really believed in the allegedly defective information and the prejudice to his rights, he should have filed a motion for bill of particulars before his arraignment. We, thus, also rule in the instant case that it is too late for accused-appellant to protest the [unspecified] dates found in the informations against him.<sup>21</sup>

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<sup>18</sup> *People v. Piosang*, G.R. No. 200329, June 5, 2013, 697 SCRA 587, 595.

<sup>19</sup> *People v. Colorado*, G.R. No. 200792, November 14, 2012, 685 SCRA 660, 671.

<sup>20</sup> 603 Phil. 1 (2009).

<sup>21</sup> *Id.* at 11.



What is telling here instead is that despite his insistence that his right to due process was violated, Prodenciado entered pleas of not guilty, went on to deny raping “AAA” and, in the process, even offered a number of excuses to extricate himself from the consequences of his transgressions.

It is understandable that “AAA” has no clear memory on when the alleged rapes were committed as she was still a minor when the incidents occurred and when she took the witness stand to testify against her father. Yet, despite her age, and as the Court likewise found in the similar case of *People v. Dominguez*,<sup>22</sup> she was “able to narrate the incidents, albeit not exactly with the same coherence as a fully capacitated adult witness would.”<sup>23</sup> Thus, just as in the said case, “[I]eeway should be given to witnesses who are minors, especially when they are relating past incidents of abuse.”<sup>24</sup>

*“AAA’s” failure to immediately report the rape incidents does not detract from the fact that they were committed; neither does “AAA’s” resumption of a normal life after the incidents negate rape.*

Prodenciado also finds fault in AAA’s failure to report the alleged rape incidents. He avers that if “AAA” was indeed sexually abused, she should have wasted no time in reporting the matter to her mother, brothers and sisters, other relatives and/or to the police considering that she was neither pushed against the wall nor under Prodenciado’s watch 24 hours a day.

The Court notes, however, that “AAA” was able to satisfactorily explain why she kept silent about the rapes for years and why, even if she had the chance, she did not run away or shout for help. She testified, *viz*:

Q: x x x [A]ccording to you, appearing on page 5 of the transcript, [o]n August 13, 2000[,] allegedly the accused in this case raped you at 11:00 in the morning?

A: Yes, sir.

Q: Can you still recall where you proceeded after 11:00 in the morning of that date?

A: Yes, sir. I just remained there.

Q: You did not go anywhere?

A: [No], sir.

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<sup>22</sup> G.R. No. 191065, June 13, 2011, 651 SCRA 791.

<sup>23</sup> Id. at 802.

<sup>24</sup> Id.

Q: As a matter of fact, you did not leave the house because, according to you, at 11:30[,] you were again raped, is that correct?

A: Yes, sir.

Q: There is a difference of 30 minutes. Do you want to impress to this Honorable Court that after the first incident you just stayed there and waited for the other incident to occur?

A: No, sir, because he did not allow us to proceed to my lola's house, sir.

Q: You made mention of the word "us[.]" When you mentioned the word "us[.]" you were with somebody then and you were not alone?

A: Yes, sir.

Q: As a matter of fact, on that very date of August 13, 2000[,] you were with a person name[d] [BBB]?

A: Yes, sir.

Q: And this [BBB] is your mother

A: Yes, sir.<sup>25</sup>

x x x x

Q: Do you want to impress before this Honorable Court that the incident occurred in 1993 and you kept quiet about [it] until the year 2000?

A: Because the accused kept on telling me that if I report the matter he would kill me and my mother, sir.

Q: Do you want to impress before this Honorable Court that in the year 2000 the accused did not threaten you anymore because you already went to the police authorities and you were not afraid anymore?

A: He warned me not to report the incident, sir.

Q: But you still reported the same?

A: Yes, sir.<sup>26</sup>

x x x x

Q: x x x [Y]ou will agree with me when I say that you had all the time to run away from the hut?

x x x x

A: I was nervous at that time, sir.

x x x x

I was afraid to run, sir.<sup>27</sup>

x x x x

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<sup>25</sup> TSN, September 5, 2002, pp. 2-4.

<sup>26</sup> Id. at 6-7.

<sup>27</sup> Id. at 12-14.

Q: The only reason why[,] according to you[,] you did not shout in your answer[,] and I quote [from page] 10, [of the February 21, 2002 transcript], “even [if I] shout[,] nobody can hear me,” am I correct?

A: Yes, sir.

Q: Nobody can hear you considering the fact that your mother was there?

A: My mother can hear me, sir, but [she] cannot do anything.<sup>28</sup>

x x x x

Q: Ms. Witness, x x x you said that when you were raped by your father your mother was around and you said you did not ask for help because your mother could not do anything, what do you mean by that?

A: Because (referring to the accused) he was armed with [a] bolo (*itak*), sir.

Q: Are you afraid of *itak*?

A: I am afraid “*baka patayin po ako[,]*” sir.<sup>29</sup>

Clearly, “AAA” did not reveal to anyone what Prodenciado was doing to her out of fear that he might make good his threats to kill her and her family. Indeed, in one case, we have recognized that “[t]he fear of [the victim] that her father would kill her and the other members of her family, should she report the incident to her mother or the police, is not so unbelievable nor is it contrary to human experience.”<sup>30</sup> Besides, “the failure of the victim to immediately report the rape is not an indication of a fabricated charge and does not detract from the fact that rape was committed.”<sup>31</sup>

Prodenciado also questions the facility whereby “AAA” was able to resume her life despite the supposed rape incidents. He avers, *viz*:

Not only did “AAA” fail to mention what ought to have been a traumatic experience to her older sister, brothers and to her mother much earlier than she did, but **she had apparently been able to resume her life, as well as her role as the obedient daughter to the accused-appellant, despite the alleged rape.** Most notable was her revelation during her direct testimony on February 21, 2002, about the alleged rape that happened in 1995.

“AAA” recalled that after she was allegedly sexually molested by the accused, she was in fact sent home, to which she obeyed and **even mustered the courage to go to school after what could have been a harrowing experience.** x x x<sup>32</sup> (Emphases supplied)

This hardly convinces. It has been held that “different people react differently to different situations and there is no standard form of human

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<sup>28</sup> TSN, February 20, 2003, p. 10.

<sup>29</sup> TSN, March 6, 2003, p. 2.

<sup>30</sup> *People v. Publico*, G.R. No. 183569, April 13, 2011, 648 SCRA 734, 746.

<sup>31</sup> *Id.*

<sup>32</sup> Accused-Appellant’s Brief, *CA rollo*, pp. 46-47.

behavioral response when one is confronted with a strange, startling or frightful experience,”<sup>33</sup> such as rape. Verily, some victims choose to suffer in silence; while others may be moved to action out of a need to seek justice for what was done to them. Then there are those who opt not to dwell on their experience and try to live as though it never happened. To the Court’s mind, this is how “AAA” tried to cope with the harrowing experience that befell her. Moreover, since she was just a young girl when all these rapes were committed against her, “AAA” simply knew no other way of life than what she was accustomed to.

*A medical report is merely corroborative to a claim of rape.*

Prodenciado also points out that the result<sup>34</sup> of the medical examination done on “AAA” merely confirms the fact that she had already engaged in sexual intercourse and this does not necessarily mean that it was with him.

While it is true that the result of “AAA’s” medical examination only supports the fact that “AAA” has already had sexual intercourse and does not by itself establish that it was her father, Prodenciado, with whom she had sex, this does not divest the results of medical examination of any relevance. In *People v. Cial*<sup>35</sup> it was explained that:

**[T]he examining physician was presented to testify only on the fact that he examined the victim and on the results of such examination. He is thus expected to testify on the nature, extent and location of the wounds. Dr. Arnulfo Imperial (Dr. Imperial) found, among others, that “AAA” suffered hymenal lacerations. This refers to the location and nature of the wounds suffered by the victim. Dr. Imperial could not be expected to establish the cause of such lacerations with particularity because he has no personal knowledge of how these hymenal lacerations were inflicted on “AAA.” He could only surmise that the lacerations could have been caused “by activities like cycling, horseback riding x x x or the insertion of a hard object into the vagina of the victim x x x such as the penis.”<sup>36</sup> (Emphases supplied)**

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<sup>33</sup> *People v. Espinoza*, 317 Phil. 79, 85 (1995). See also *People v. Marcos*, 607 Phil. 642, 655-656 (2009), where we elucidated:

Rape victims, especially child victims, should not be expected to act the way mature individuals would when placed in such a situation. It is not proper to judge the actions of children who have undergone traumatic experience by the norms of behavior expected from adults under similar circumstances. The range of emotions shown by rape victims is yet to be captured even by calculus. It is, thus, unrealistic to expect uniform reactions from rape victims. Certainly the Court has not laid down any rule on how a rape victim should behave immediately after she has been violated. This experience is relative and may be dealt with in any way by the victim depending on the circumstances, but her credibility should not be tainted with any modicum of doubt. Indeed, different people act differently to a given stimulus or type of situation, and there is no standard form of behavioral response when one is confronted with a strange or startling or frightful experience. (Citations omitted.)

<sup>34</sup> Medico-Legal Report No. MR-146-2000, records, Vol. I, p. 127.

<sup>35</sup> G.R. No. 191362, October 9, 2013, 707 SCRA 285.

<sup>36</sup> *Id.* at 293-294.

Clearly, the result of the medical examination and the testimony of the examining physician thereon are essential to establish only the nature, extent and locations of the wounds and not the cause thereof. Verily, “AAA’s” medical certificate reveals that she sustained hymenal lacerations. The examining physician, Dr. Viray, testified as to the location and nature of the same. However, Dr. Viray did not state on the said medical certificate or in his testimony the exact cause of said lacerations as he has no personal knowledge as to how they were inflicted on “AAA.” He could only theorize that they may have been caused by the insertion of a hard object, such as an erected penis.<sup>37</sup> It is only “AAA” herself who can positively state the source of her hymenal lacerations. And as shown by the overwhelming evidence for the prosecution, she has sufficiently demonstrated that it was her own father, Prodenciado, who caused the same when he repeatedly raped her.

In any case, this Court has already concluded that a medical report is not even material for purposes of proving rape as it is merely corroborative in character and, thus, can be dispensed with accordingly.<sup>38</sup> In fact, the Court has consistently maintained that:

x x x The medical report is by no means controlling. This Court has repeatedly held that a medical examination of the victim is not indispensable in the prosecution for rape, and no law requires a medical examination for the successful prosecution thereof. The medical examination of the victim or the presentation of the medical certificate is not essential to prove the commission of rape as **the testimony of the victim alone, if credible, is sufficient to convict the accused of the crime. The medical examination of the victim as well as the medical certificate is merely corroborative in character.**<sup>39</sup> (Emphasis supplied)

*Prodenciado’s defenses of denial and alibi do not deserve credence.*

Prodenciado would also have this Court believe that “AAA” and “BBB” had an axe to grind against him, thus, the filing of the rape cases. He claims “AAA” may have harbored ill-feelings against him for his having hit her (“*napagbuhatan ng kamay*”) a number of times for entertaining suitors at a young age and for coming home late at night. “BBB,” on the other hand, wanted him incarcerated as she wanted to live-in with another man.

The Court, however, finds Prodenciado’s theory not only flimsy but also unsupported by any proof, and, thus, unworthy of credence.

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<sup>37</sup> TSN, September 6, 2001, p. 7.

<sup>38</sup> *People v. Dion*, G.R. No. 181035, July 4, 2011, 653 SCRA 117, 136.

<sup>39</sup> *Id.* at 137, citing *People v. Ferrer*, 415 Phil. 188, 199 (2001).

In *People v. Amistoso*,<sup>40</sup> the Court had the opportunity to discuss that:

**Alleged motives of family feuds, resentment, or revenge are not uncommon defenses, and have never swayed the Court from lending full credence to the testimony of a complainant who remained steadfast throughout her direct and cross-examinations, especially a minor as in this case.**

**Moreover, the Court finds it difficult to believe that a young girl would fabricate a rape charge against her own father as revenge for previous maltreatment, ruling in *People v. Canoy* as follows:**

We must brush aside as flimsy the appellant[']s insistence that the charges were merely concocted by his daughter to punish him for bringing in his illegitimate daughters to live with them and for maltreating her. It is unthinkable for a daughter to accuse her own father, to submit herself for examination of her most intimate parts, put her life to public scrutiny and expose herself, along with her family, to shame, pity or even ridicule not just for a simple offense but for a crime so serious that could mean the death sentence to the very person to whom she owes her life, had she really not have been aggrieved. Nor do we believe that the victim would fabricate a story of rape simply because she wanted to exact revenge against her father, appellant herein, for allegedly scolding and maltreating her. (*Citations omitted.*)

Neither is the Court convinced that BBB would use and manipulate her own daughter, “AAA,” to wrongfully accuse Amistoso, her husband and “AAA’s” father, of rape, just to cover-up her alleged affair with another man. It is unthinkable that a mother would sacrifice her daughter[']s honor to satisfy her grudge, knowing fully well that such an experience would certainly damage her daughter’s psyche and mar her entire life. A mother would not subject her daughter to a public trial with its accompanying stigma on her as the victim of rape, if said charges were not true. (Emphases supplied)

On the contrary, more telling is the fact that Prodenciado, in his testimony before the trial court, first stated that he *never* hit the victim. Later and in an apparent effort to discredit “AAA” by imputing that she was unduly resentful of him, he admitted that he hit her *several times* for returning home late.<sup>41</sup>

Anent Prodenciado’s other averments, *i.e.*, that the nipa hut where he allegedly raped “AAA” in 1993 was built only in 1994; that in 1995, “AAA” and “BBB” lived with the latter’s mother and the former never visited him in the hut; and, that “AAA” was already working at a factory on August 13, 2000 and did not pay him any visit during the said period, suffice it to say that these are mere allegations without proof. Moreover, it has been held that the defense of denial is

<sup>40</sup> G.R. No. 201447, January 9, 2013, 688 SCRA 376, 392-393.

<sup>41</sup> TSN, October 24, 2005 and December 5, 2005, pp. 6-7 and p. 4, respectively.

inherently weak and self-serving, especially if uncorroborated.<sup>42</sup>

Neither does Prodenciado's alibi hold water. In order for the Court to consider the defense of alibi, it must be shown that "it was physically impossible for him to have been at the scene of the crime when it was committed."<sup>43</sup> A perusal of Prodenciado's testimony would show that despite his adamant position that he could not have committed the rape in 1993 as he was then employed as a construction worker in Pulilan, Bulacan, he was, however, unable to demonstrate that it was physically impossible for him to have been present at the scene of the crime when the rape incidents occurred. Consequently, Prodenciado's defense of alibi must fail. Moreover, alibi "cannot prevail over ["AAA's"] positive identification of [Prodenciado] as the perpetrator of the crime."<sup>44</sup>

*Appellant is liable for one count of statutory rape and three counts of qualified rape.*

Coming now to the proper designation of the crimes committed, we are mindful of the fact that "AAA" was born on December 13, 1985. Thus, she was only 8 years old when she was first raped by her father in 1993; 10 years of age during the second rape which took place in 1995; and 14 years old when the last two rapes were committed in the year 2000. It must also be pointed out that different laws on rape are applicable to the rape cases subject of this appeal.

During the commission of the rape in 1993 (first rape), Article 335(3) of the RPC was the prevailing statute for the crime of rape, viz:

Art. 335. *When and how rape is committed.* - Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

1. By using force or intimidation;
2. When the woman is deprived of reason or otherwise unconscious;  
and
3. **When the woman is under twelve years of age or is demented.**

The crime of rape shall be punished by *reclusion perpetua*.

x x x x (Emphasis supplied)

As such, the CA was correct in upholding Prodenciado's conviction for

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<sup>42</sup> *People v. Amistoso*, supra note 40 at 394, citing *People v. Abulon*, 557 Phil. 428, 447-448.

<sup>43</sup> *People v. Laurino*, G.R. No. 199264, October 24, 2012, 684 SCRA 612, 620 (2007).

<sup>44</sup> *People v. Monticalvo*, G.R. No. 193507, January 30, 2013, 689 SCRA 715,737.

statutory rape and imposing upon him the penalty of *reclusion perpetua*.<sup>45</sup> However, in view of Republic Act No. 9346<sup>46</sup> (RA 9346), he is not eligible for parole.

For the rape in 1995 (second rape), Article 335 of the RPC as amended by RA 7659 was already the pertinent law in rape cases. The relevant portions thereof provide:

Art. 335. When and how rape is committed. - Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

1. By using force or intimidation;
2. When the woman is deprived of reason or otherwise unconscious;  
and
3. **When the woman is under twelve years of age or is demented.**

The crime of rape shall be punished by *reclusion perpetua*.

x x x x

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

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<sup>47</sup> (Emphases supplied)

Here, the Information for the second rape subject of Criminal Case No. 3209-M-2000 alleges that the rape was committed by appellant upon his own minor daughter “AAA,” who was then 10 years old. These were eventually proved during trial. Thus, it was correct for the trial court to hold Prodenciado liable for rape under Article 335(3) of the RPC, albeit with the modification that it

<sup>45</sup> See *People v. Apostol*, 378 Phil. 61, 77 (1999).

Said ruling is in accordance with our declaration in *People v. Lim*, 371 Phil. 468 (1999). In that case, although the rape took place in 1993, it was not established that it transpired on December 31, 1993, the date when RA 7659, otherwise known as “An Act to Impose the Death Penalty on Certain Heinous Crimes, Amending for that Purpose the Revised Penal Laws, As Amended, Other Special Penal Laws, and for Other Purposes”, took effect. Thus, in keeping with the principle that doubts should be resolved in favor of the accused, we refused to apply RA 7659 therein. The same principle applies here since the Information for the first rape, which occurred in 1993, did not specifically allege that it occurred on December 31, 1993 which would have placed it within the ambit of RA 7659. Following *Lim*, and since the relevant law at the time when the rape happened was Article 335 (3) of the RPC, Prodenciado was rightfully convicted of statutory rape and meted the penalty of *reclusion perpetua*.

<sup>46</sup> An Act Prohibiting the Imposition of Death Penalty in the Philippines. Approved on June 24, 2006.

<sup>47</sup> The said provision, together with the other attendant circumstances enumerated therein (but not made part the above quotation) was referred to as the “old provision on qualified rape”. See *People v. Aquino*, 435 Phil. 417 (2002), *People v. Santos*, 430 Phil. 432 (2002), *People v. Platilla*, 428 Phil. 520 (2002), *People v. Villaruel*, 428 Phil. 449 (2002) and *People v. Dagano*, 425 Phil. 186 (2002).



is qualified by the attendant circumstances of minority and relationship<sup>48</sup> which, as mentioned, were sufficiently alleged in the Information and ultimately proved by the prosecution in the course of the proceedings below. Accordingly, and in view of RA 9346,<sup>49</sup> we impose upon appellant the penalty of *reclusion perpetua*, in lieu of the death penalty, without eligibility for parole.

Similarly, in the last two rape cases committed in 2000, the prosecution properly alleged in their corresponding Informations and duly proved during trial that they were committed through force and intimidation; that the victim “AAA” is a minor; and, that appellant as the offender is the victim’s father. Hence, the trial court should have also found Prodenciado guilty beyond reasonable doubt of qualified rape, not simple rape, under the now prevailing provisions on rape cases which is Article 266-A of the RPC, in relation to Article 266-B thereof. Pertinent portions of which provide:

**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;**

x x x x

**Article 266-B. Penalty. - x x x**

x x x x

**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, 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 (Emphases supplied)

As such, his penalty therefor shall also be *reclusion perpetua* without eligibility for parole for each of the two counts of qualified rape.

*Damages awarded*

For the statutory rape committed by Prodenciado against “AAA,” we affirm the CA’s award of ₱75,000.00 as civil indemnity. However, the award of

<sup>48</sup> *People v. Barcelá*, G.R. No. 179948, December 8, 2010, 637 SCRA 599, 612-613.

<sup>49</sup> An Act Prohibiting the Imposition of Death Penalty in the Philippines. Approved on June 24, 2006.

moral damages must be reduced to ₱50,000.00 while the award of exemplary damages must be increased to ₱30,000.00.

As regards the three counts of qualified rape, “AAA” is entitled to the following awards: ₱100,000.00 as civil indemnity for each count; ₱100,000.00 as moral damages for each count; and ₱100,000.00 as exemplary damages for each count.<sup>50</sup>

Finally, all damages awarded shall earn interest at the rate of 6% *per annum* from date of finality of this judgment until fully paid.

**WHEREFORE**, the February 4, 2010 Decision of the Court of Appeals in CA-G.R. CR-HC No. 02861 is **AFFIRMED with MODIFICATIONS** in that appellant Jose Estalin Prodenciano is: (1) hereby found guilty beyond reasonable doubt of one count of **STATUTORY RAPE** and three counts of **QUALIFIED RAPE**; (2) sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole, for the statutory rape and for each count of qualified rape; (3) ordered to pay the victim “AAA” ₱50,000.00 as moral damages, and ₱30,000.00 as exemplary damages, in addition to ₱75,000.00 as civil indemnity, in Criminal Case No. 3208-M-2000 (statutory rape), and (4) ordered to pay “AAA” ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages, for each count of qualified rape in Criminal Case Nos. 3209-M-2000, 3206-M-2000 and 3207-M-2000 (qualified rape). Appellant is also ordered to pay interest at the legal rate of 6% *per annum* on all damages awarded from the date of finality of this judgment until fully paid.

**SO ORDERED.**

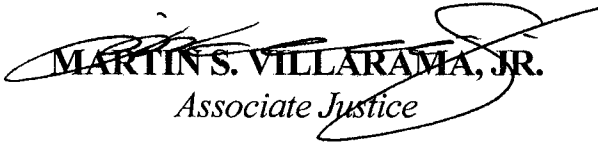
  
**MARIANO C. DEL CASTILLO**  
*Associate Justice*

WE CONCUR:

  
**ANTONIO T. CARPIO**  
*Associate Justice*  
*Chairperson*

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<sup>50</sup> *People v. Gambao*, G.R. No. 172707, October 1, 2013, 706 SCRA 508, 535.


  
**MARTIN S. VILLARAMA, JR.**  
*Associate Justice*

  
**JOSE CATRAL MENDOZA**  
*Associate Justice*

  
**MARVIC M.V.F. LEONEN**  
*Associate Justice*

### ATTESTATION

I attest that the conclusions in the above Resolution 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*

### CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Resolution 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*

