



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated July 25, 2023 which reads as follows:*

**“UDK-16150 (XXX,<sup>1</sup> petitioner vs. People of the Philippines, respondent).** – This is an Appeal by *Certiorari*<sup>2</sup> seeking to annul and set aside the May 5, 2017 Decision<sup>3</sup> and the January 19, 2018 Resolution<sup>4</sup> of the Court of Appeals (CA), in CA-G.R. CR-HC No. 01291-MIN, dismissing the appeal filed by XXX (*petitioner*) from the June 13, 2013 Omnibus Judgment<sup>5</sup> of the Regional Trial Court, [REDACTED],<sup>6</sup> Branch 1 (RTC) in Criminal Case Nos. 14859 and 14860. The RTC found petitioner guilty beyond reasonable doubt of the crime of Rape against AAA<sup>7</sup> in Criminal Case No. 14859 but acquitted him of Attempted Rape in Criminal Case No. 14860 due to insufficiency of evidence.

*The Antecedents*

Petitioner was charged with Rape and Attempted Rape in two separate Informations, the respective accusatory portions of which read:

Rape

CRIMINAL CASE NO. 14859

That sometime on or July 2010 and subsequent thereto, at [REDACTED]  
[REDACTED], Philippines and within the jurisdiction of this

<sup>1</sup> Pursuant to R.A. No. 7610, R.A. No. 9262, and Sec. 40 of A.M. No. 04-10-11-SC, the identity of the victim or any information which could establish or compromise the victim's identity including those of the immediate family or household members, shall be withheld.

<sup>2</sup> *Rollo*, pp. 8-22.

<sup>3</sup> Id. at 24-41; penned by Associate Justice Edgardo A. Camello and concurred in by Associate Justices Rafael Antonio M. Santos and Ruben Reynaldo G. Roxas.

<sup>4</sup> Id. at 43-44; penned by Associate Justice Edgardo A. Camello and concurred in by Associate Justices Oscar V. Badelles and Ruben Reynaldo G. Roxas.

<sup>5</sup> Id. at 58-72; penned by Judge Eduardo S. Casals.

<sup>6</sup> The city where the crime was committed is withheld to protect the identity of the rape victim pursuant to Amended Administrative Circular No. 83-2015 issued on September 5, 2017.

<sup>7</sup> *Supra*.

Honorable Court, the above-named accused who is an ascendant of the victim, did then and there willfully, unlawfully[,] and feloniously have carnal knowledge with victim [AAA], who was then a minor ten (10) years of age, to the damage and prejudice of the mental, emotional, and psychological development of said [AAA] and in such amount as may be proved in court.

CONTRARY TO LAW: (Article 266-A, par. 1(d) of the Revised Penal Code, as amended by [Republic Act (R.A.)] No. 8353 in relation to [R.A. No.] 7610).

Attempted Rape

CRIMINAL CASE NO. 14860

That at more or less 7:30 o'clock in the evening of March 25, 2011 at [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused who is an ascendant of the victim, did then and there willfully, unlawfully[,] and feloniously commence the commission of the crime of rape directly by overt acts upon the victim [AAA], a minor 11 years of age[,] by following her and entering the comfort room where she was, with the intention of having carnal knowledge with her considering that accused has repeatedly done and succeeded in raping the victim at the said place for almost a year now since July 2010, but accused however, did not accomplish his evil purpose in so raping his victim, not because he spontaneously desisted from accomplishing his evil desire but because the accused heard the voice of the mother of the victim who was going to use the said comfort room, to the damage and prejudice of the mental, emotional, and psychological development of said [AAA] and in such amount as may be proved in court.

CONTRARY TO LAW: (Article 266-A, par. 1(d) and in relation to Art. 6 of the Revised Penal Code and [R.A. No.] 7610).<sup>8</sup>

At the outset, it bears to stress that as a general rule, when the CA imposes the penalty of *reclusion perpetua*, as in this case, the appeal should be by notice of appeal.<sup>9</sup> Here, instead of a notice of appeal, as provided under Section 13(c), Rule 124 of the Rules of Court (*Rules*),<sup>10</sup> petitioner filed a Petition for Review on *Certiorari* under Rule 45 — which is limited only to questions of law. However, in the case of *People v. Olpindo*<sup>11</sup> (*Olpindo*), the Court ruled that a petition for review on *certiorari* may be filed by an accused where the penalty imposed is *reclusion perpetua* or life imprisonment, provided that purely a question of law is raised. Nevertheless, if a petition for review on *certiorari* raises a question of fact, it can be treated as an ordinary appeal based on the interests of substantial justice, which would throw the

<sup>8</sup> *Rollo*, pp. 58-59.

<sup>9</sup> *Ramos v. People*, 803 Phil. 775, 782 (2017).

<sup>10</sup> Section 13. *Certification or appeal of case to the Supreme Court.* — x x x (c) In cases where the Court of Appeals imposes *reclusion perpetua*, life imprisonment or a lesser penalty, it shall render and enter judgment imposing such penalty. The judgment may be appealed to the Supreme Court by notice of appeal filed with the Court of Appeals.

<sup>11</sup> G.R. No. 252861, February 15, 2022.



whole case open for review, including the factual findings of the courts *a quo*.<sup>12</sup> Accordingly, since questions of fact are raised herein, the Court will treat the present petition as an ordinary appeal in consonance with *Olpindo* case.

In any event, as the Court finds no reversible errors in the assailed May 5, 2017 Decision of the CA, the Court resolves to affirm the same with modification on the award of damages.

Here, petitioner questions the credibility of victim AAA. He points out inconsistencies in AAA's testimony regarding her position when he allegedly sexually abused her. Further, he submits that AAA's reaction and demeanor towards him after the rape incident were contrary to human nature and common experience.

By the distinctive nature of rape cases, conviction usually rests solely on the basis of the testimony of the victim, provided that such testimony is credible, natural, convincing and consistent with human nature and the normal course of things.<sup>13</sup> This holds even more true where the victim is a minor, as youth and immaturity are generally regarded as badges of truth and sincerity.<sup>14</sup> Furthermore, the Court accords the highest respect for the factual findings of the trial court, **the assessment of the credibility of witnesses and the probative weight of their testimonies**, and the conclusions drawn from its factual findings, particularly when they are affirmed by the CA.<sup>15</sup>

Here, both the RTC and the CA gave full faith and credence to AAA's testimony. The RTC even described the testimony of AAA as "truthful, straightforward, and candid".<sup>16</sup> In fact, AAA's testimony was consistent where it was material — she was able to clearly identify petitioner as the perpetrator of the dastardly act and vividly narrate where and how the July 2010 sexual molestation occurred. Such findings and conclusions of the trial courts on the credibility of witnesses enjoy a badge of respect, for trial courts have the advantage of observing the demeanor of the witnesses as they testify.<sup>17</sup> Furthermore, the pain that AAA said she suffered is, in itself, an indicator of the commission of rape.<sup>18</sup> In the present case, AAA repeatedly testified feeling pain while she was struggling to evade petitioner's sexual advances.<sup>19</sup> Her claims are supported by the medical examination conducted by Dr. Wenceslina Caseñas which confirmed the existence of "healed deep hymenal lacerations." Jurisprudence dictates that when the forthright

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<sup>12</sup> Id.

<sup>13</sup> *People v. Palanay*, 805 Phil. 116, 126 (2017).

<sup>14</sup> *People v. Corpuz*, 517 Phil. 622, 636-637 (2006).

<sup>15</sup> *Cruz v. People*, 745 Phil. 54, 66 (2014).

<sup>16</sup> *Rollo*, p. 69.

<sup>17</sup> *People v. Mabalo*, 848 Phil. 173, 183 (2019); *People v. Bay-Od*, 845 Phil. 644, 651 (2019).

<sup>18</sup> *People v. Canares*, 599 Phil. 60, 75 (2009).

<sup>19</sup> *Rollo*, pp. 103 and 112.

testimony of a rape victim is consistent with medical findings, as in the case at bench, carnal knowledge is deemed to have been sufficiently established.<sup>20</sup>

AAA's reaction and demeanor after the rape incidents cannot likewise be taken against her, especially since AAA was then only 10 years old and considered petitioner as her "Lolo." Victims of a heinous crime, such as rape, cannot be expected to act within reason or in accordance with society's expectations. It is unreasonable to demand a standard rational reaction to an irrational experience, especially from a young victim.<sup>21</sup> It is well-settled that the rape victim's failure to immediately report a case is not an indication of a fabricated charge.<sup>22</sup>

Against AAA's testimony, petitioner offered nothing but mere denial. Denial is an inherently weak defense that must be buttressed by strong evidence of non-culpability to merit credibility.<sup>23</sup> As a negative evidence, it pales in comparison with a positive testimony that asserts the commission of a crime and the identification of the accused as its culprit.<sup>24</sup>

Furthermore, while it was not discussed by the courts *a quo*, petitioner had moral ascendancy over AAA, her grandniece. AAA even calls him "Lolo" and testified that she was close to him.<sup>25</sup> Such fact was clearly alleged in the Informations and remained undisputed. In fact, petitioner himself categorically admitted that he knows AAA as the grandchild of his sister.<sup>26</sup> Notwithstanding their blood relation, petitioner is not AAA's ascendant by consanguinity within the third civil degree. Their relationship cannot qualify the crime enough to warrant the charge of qualified rape and merit the punishment of *reclusion perpetua* to death under Article 266-B of the Revised Penal Code, as amended by Republic Act No. 8353.<sup>27</sup> Nevertheless, the Court has a history of sanctioning ascendants with perverse tendencies and aberrant sexual behaviors towards their kin.<sup>28</sup>

The Court therefore resolves to increase the respective awards of civil indemnity and moral damages to ₱75,000.00 each to conform with recent jurisprudence.<sup>29</sup> In addition, the Court also awards exemplary damages in the amount of ₱75,000.00. Exemplary damages are awarded by way of public example and serves as a deterrent against elders who abuse and corrupt the

<sup>20</sup> *People v. Perez*, 595 Phil. 1232, 1258 (2008).

<sup>21</sup> *People v. Gersamio*, 763 Phil. 523, 536 (2015).

<sup>22</sup> *Id.*

<sup>23</sup> *People v. Malones*, 469 Phil. 301, 328 (2004).

<sup>24</sup> *People v. XXX*, G.R. No. 242216, September 22, 2020; *People v. Canares*, *supra*, at 76.

<sup>25</sup> *Rollo*, p. 60.

<sup>26</sup> *Id.* at 66.

<sup>27</sup> Entitled "AN ACT EXPANDING THE DEFINITION OF THE CRIME OF RAPE, RECLASSIFYING THE SAME AS A CRIME AGAINST PERSONS, AMENDING FOR THE PURPOSE ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AND FOR OTHER PURPOSES;" R.A. No. 8353, otherwise known as The Anti-Rape Law of 1997, took effect on October 22, 1997.

<sup>28</sup> *People v. Abon*, 459 Phil. 837, 855 (2003); see also *People v. Dominguez*, 667 Phil. 105, 126 (2011).

<sup>29</sup> *People v. Jugueta*, 783 Phil. 806, 849 (2016).





youth.<sup>30</sup> Finally, the Court affirms the imposed interest rate of 6% *per annum* on all monetary awards for damages, computed from the date of the finality of this judgment until the award’s full satisfaction.

**WHEREFORE**, the Court **AFFIRMS with MODIFICATION** the May 5, 2017 Decision and the January 19, 2018 Resolution of the Court of Appeals in CA-G.R. CR-HC No. 01291-MIN. XXX is found guilty beyond reasonable doubt of the crime of Rape and is sentenced to suffer the penalty of *reclusion perpetua*. He is **ORDERED** to **PAY** AAA the following amounts: ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages and ₱75,000.00 as exemplary damages. He is further **ORDERED** to **PAY** interest at the rate of 6% *per annum* on all monetary awards, computed from the date of the finality of this Resolution until fully paid.

**SO ORDERED.”** *Rosario, J., on leave.*

**By authority of the Court:**

  
**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
and Acting Division Clerk of Court   
**424-B**  
**AUG 11 2023**

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<sup>30</sup> *People v. Pacheco*, 468 Phil. 289, 304 (2004).