



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **14 March 2022** which reads as follows:*

“**G.R. No. 242277** (*People of the Philippines v. XXX*<sup>1</sup>). — This is an appeal<sup>2</sup> from the May 23, 2018 Decision<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08806 which affirmed with modification the November 17, 2016 Decision<sup>4</sup> of the Regional Trial Court (RTC), [REDACTED], [REDACTED]<sup>5</sup> in Criminal Case No. C-87326, finding accused-appellant XXX (accused-appellant) guilty of Rape under Article 266-A, paragraph 1(a) of the Revised Penal Code (RPC), as amended.

**The Facts:**

In an Information<sup>6</sup> dated June 30, 2011, accused-appellant was charged with Rape, as follows:

That on or about the 11<sup>th</sup> day of September, 2010, in [REDACTED]  
[REDACTED], and within the jurisdiction of this Honorable Court, the above-named

<sup>1</sup> Initials were used to identify the accused-appellant pursuant to Supreme Court Amended Administrative Circular No. 83-2015 dated September 5, 2017 entitled “Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders using Fictitious Names/Personal Circumstances.

<sup>2</sup> *Rollo*, pp. 17-18.

<sup>3</sup> *Id.* at 2-12. Penned by Associate Justice Ronaldo Roberto B. Martin and concurred in by Associate Justices Ricardo R. Rosario (now a Member of the Court) and Eduardo B. Peralta, Jr.

<sup>4</sup> *CA rollo*, pp. 53-57. Penned by Presiding Judge Eleanor R. Kwong.

<sup>5</sup> Geographical location is blotted out pursuant to Supreme Court Amended Circular No. 83-2015.

<sup>6</sup> Records, p. 2.

accused, being then the common-law spouse of the victim's mother, [BBB],<sup>7</sup> with lewd design and by means of force, threats and intimidation, that is, by threatening her of physical harm if she refuses, did then and there willfully, unlawfully and feloniously lie and have carnal knowledge with [AAA] against her will and without her consent.

Contrary to law.<sup>8</sup>

Upon his arraignment on January 25, 2012,<sup>9</sup> accused-appellant pleaded not guilty to the charge. Thereafter, trial on the merits ensued.

### **Version of the Prosecution:**

To establish its case, the prosecution presented three witnesses – AAA, Police Chief Inspector Jericho Cordero (PCI Cordero), and CCC who is AAA's younger sister. Their collective testimonies tended to establish the following facts:

On September 11, 2010, the date of the rape incident, AAA was at their family abode in [REDACTED]. The said family residence was also occupied by CCC, their mother, BBB, and other family members. Accused-appellant, whom AAA calls "Papa [REDACTED]" who was then cohabiting with CCC, likewise occupied the same residence. During this time, BBB had already separated from DDD, the biological father of AAA and CCC.<sup>10</sup>

Based on the testimony of AAA, while she was alone with accused-appellant in their home, the latter started spanking her with his slippers. Thereafter, he brought AAA to the bedroom where he took off all of his clothes. He also took off the clothes and underwear of AAA. He then proceeded to touch AAA's breast, stomach, and vagina, and proceeded to have carnal knowledge of her. CCC, who at that time, was lying on the same bed where accused-appellant raped AAA, witnessed the said rape incident. Meanwhile, BBB was at work.<sup>11</sup>

Upon learning of the rape incident from AAA, DDD assisted AAA in reporting the same to the police.<sup>12</sup> At the police station, AAA executed a

<sup>7</sup> "The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation, and for Other Purposes; Republic Act No. 9262, An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes; and Section 40 of A.M. No. 04-10-11-SC, known as the Rule on Violence against Women and their Children, effective November 15, 2004." (*People v. Dumadag*, 667 Phil. 664, 669 [2011]).

<sup>8</sup> Records, p. 2.

<sup>9</sup> Id. at 19.

<sup>10</sup> CA *rollo*, p. 68.

<sup>11</sup> Id. at 69.

<sup>12</sup> Id.

*Sinumpaang Salaysay*<sup>13</sup> wherein she narrated the crime of Rape committed against her by accused-appellant.<sup>14</sup>

Thereafter, at 10:00 p.m. of the same day, PCI Cordero, a medico-legal officer of the Philippine National Police Crime Laboratory in Camp Crame, Quezon City, conducted the medical examination of AAA. PCI Cordero found signs of blunt and penetrating injuries on the genitalia of AAA. However, since the injuries have already healed, penetration could have happened three to seven days prior to the examination. This notwithstanding, PCI Cordero found that there was swelling of the labia majora and labia minora of AAA. He explained that the said injury could be caused by scratching of the genitalia or due to forcible penetration thereof.<sup>15</sup>

### **Version of the Defense:**

The defense presented as witnesses accused-appellant himself and BBB.

Accused-appellant vehemently denied the rape charge leveled against him. He alleged that the accusations against him were fabricated by DDD since the latter suspects that he is in a relationship with BBB. On this point, accused-appellant denied that he is in a relationship with BBB. He also claimed that both AAA and CCC have mental disorders.<sup>16</sup>

Accused-appellant further alleged that on September 11, 2010, he went to the house of BBB at around 2:00 p.m. to cook rice for AAA and CCC, upon the request of BBB. He averred that at the time the supposed rape incident occurred, both AAA and CCC were not in their place of residence since BBB brought them to her friend before reporting for work.<sup>17</sup>

On her part, BBB doubted the accusations of AAA given her mental disability, and that it is possible that DDD made AAA file the case against accused-appellant considering his animosity toward the latter, and BBB's refusal to live with him again. Notably, when asked on cross-examination whose testimony she would believe, she answered that she would believe the testimony of her daughter, AAA.<sup>18</sup>

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

After due proceedings, the RTC rendered judgment finding accused-appellant guilty beyond reasonable doubt of the crime of Rape under Article

---

<sup>13</sup> Records, p. 4.

<sup>14</sup> CA rollo, p. 70.

<sup>15</sup> Rollo, p. 4.

<sup>16</sup> Id.

<sup>17</sup> CA rollo, p. 38.

<sup>18</sup> Rollo, p. 5.

266-A, paragraph 1 of the RPC, and sentencing him to suffer the penalty of *reclusion perpetua*.<sup>19</sup>

The dispositive part of the RTC Decision reads:

**WHEREFORE**, finding the accused guilty beyond reasonable doubt for the crime of Rape, he is hereby sentenced to Reclusion Perpetua, with all accessory penalties attached thereto and to pay private complainant “AAA” Fifty Thousand Pesos (P50,000.00) as civil indemnity and Fifty Thousand Pesos (P50,000.00) as moral damages.

**SO ORDERED.**<sup>20</sup>

The RTC found that the prosecution established accused-appellant’s guilt beyond reasonable doubt. It emphasized that the testimony of AAA is credible as it found no reason for her to fabricate the case against accused-appellant. In contrast, the RTC found that accused-appellant’s defenses of denial and alibi were weak.<sup>21</sup>

Aggrieved, accused-appellant appealed<sup>22</sup> his conviction before the CA.

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

On May 23, 2018, the CA rendered the assailed Decision<sup>23</sup> affirming with modification the RTC Decision, *viz.*:

**WHEREFORE**, the Decision of the Regional Trial Court, ██████████, ██████████ in Criminal Case No. C-87326 is **AFFIRMED** with modifications in that accused-appellant, XXX is ordered to pay private complainant, [AAA] SEVENTY FIVE THOUSAND PESOS (Php75,000.00) as Civil Indemnity, SEVENTY FIVE THOUSAND PESOS (Php75,000.00) as Moral Damages and SEVENTY FIVE THOUSAND PESOS (Php75,000.00) as Exemplary Damages.

Interest at the rate of six percent (6%) per annum is imposed on all the amounts awarded in this case, from the date of finality of this judgment until the damages are fully paid.

**SO ORDERED.**<sup>24</sup>

The CA observed that AAA repeatedly and consistently asserted that she was raped by accused-appellant. She also unerringly narrated the details and circumstances of how accused-appellant defiled her. In this regard, the CA held that her testimony was credible and trustworthy. Moreover, the medico-legal report is corroborative of the findings of rape.<sup>25</sup>

<sup>19</sup> CA *rollo*, pp. 53-57.

<sup>20</sup> Id. at 57.

<sup>21</sup> Id. at 56-57.

<sup>22</sup> Id. at 8.

<sup>23</sup> *Rollo*, pp. 2-12.

<sup>24</sup> Id. at 12.

<sup>25</sup> Id. at 6-12.

Hence, the instant appeal<sup>26</sup> seeking accused-appellant's acquittal. The People of the Philippines, through the Office of the Solicitor-General, and accused-appellant filed their respective manifestations<sup>27</sup> stating that they would no longer file their Supplemental Briefs as the briefs filed with the CA thoroughly discussed all the issues in the case.<sup>28</sup>

### **Issue**

The main issue raised for the Court's resolution is whether or not the prosecution sufficiently proved beyond reasonable doubt accused-appellant's guilt for the crime of Rape.

### **Our Ruling**

We dismiss the appeal. We hold that the RTC and the CA correctly found the accused-appellant guilty beyond reasonable doubt of the crime of Rape.

#### **Credibility of the prosecution's witnesses.**

In support of his appeal, accused-appellant attacks the credibility of the prosecution witnesses in view of the inconsistencies in their narration of facts of the rape incident.<sup>29</sup> Accused-appellant further contends that AAA was merely manipulated by DDD into filing the instant criminal complaint against him considering the existing animosity between them.<sup>30</sup>

To start with, the lower courts did not err in giving more credence to the testimonies of the prosecution's witnesses. It is well settled that when the credibility of the witnesses are at issue, due respect shall be given to the trial court's factual findings, calibration of the testimonies, assessment of their probative weight, and conclusions based on such factual findings, absent any showing that it had overlooked circumstances that would have affected the final outcome of the case. This rule finds an even more stringent application where the trial court's findings are sustained by the CA, as in this case. Such factual findings should be final and conclusive on appeal unless there is an error in appreciation, or a misapprehension of the facts.<sup>31</sup> On this principle alone, accused-appellant's arguments must fail.

In any case, AAA's narration of the entire ordeal was clear, candid, and straightforward. Moreover, she positively identified accused-appellant as the person who molested her. In fact, she identified accused-appellant as "Papa

<sup>26</sup> Id. at 17-18.

<sup>27</sup> Id. at 25-27 and 29-unpaginated.

<sup>28</sup> Id.

<sup>29</sup> CA *rollo*, p. 45.

<sup>30</sup> Id. at 47.

<sup>31</sup> See *People v. Almosara*, G.R. No. 223512, July 24, 2019.

██████████,” which he never refuted before the lower courts. Moreover, AAA’s credibility is bolstered by her prompt report of the incident to DDD after it had transpired, and by their immediate action for AAA to undergo a medico-legal examination. These matters only proved that AAA did not have the luxury of time to fabricate a rape story.

Indeed, the straightforward and categorical testimony of AAA and her positive identification of accused-appellant proved that the latter had carnal knowledge of AAA against her will and without her consent. As such, her testimony must prevail over the self-serving denial of accused-appellant.

The supposed inconsistent statements of AAA and CCC – AAA testified that she was alone when the rape incident happened whereas CCC alleged that she was on the same bed when accused-appellant raped AAA – do not diminish the credibility of AAA’s declaration that she was raped by accused-appellant. In this regard, the Court has consistently held that “inconsistencies of witnesses with respect to minor details and collateral matters do not affect the substance of their declarations, their veracity or the weight of their testimonies. It would be unfair to expect a flawless recollection from one who is forced to relieve the gruesome details of a painful and humiliating experience such as rape.”<sup>32</sup>

Accordingly, in this case, what is important are the witnesses’ complete and comprehensive narration of the rape itself, and their positive identification of the offender. Notably, both AAA and CCC positively identified accused-appellant as the person who molested AAA.

Accused-appellant’s theory that AAA was merely manipulated by DDD into filing the criminal complaint against him must also fail. It is worth noting that based on AAA’s testimony, it is clear that her biological father, DDD, only assisted her in reporting the rape incident to the police considering that BBB initially did not believe AAA’s accusations of Rape against accused-appellant.<sup>33</sup> On the contrary, accused-appellant failed to show that AAA had reasons to fabricate her story, or improper motive which would cause her to falsely implicate him of committing a heinous crime. The fact that there may be some animosity between DDD and accused-appellant does not negate proof that rape was committed. The Court’s pronouncement in *People v. Galagati*<sup>34</sup> is instructive on this matter, to wit:

Like alibi, denial is an inherently weak and easily fabricated defense. It is a self-serving negative evidence that cannot be given greater weight than the stronger and more trustworthy affirmative testimony of a credible witness. 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 testimony.<sup>35</sup>

<sup>32</sup> *People v. Mendoza*, G.R. No. 239892, June 10, 2020, citing *People v. Bautista*, 474 Phil. 531 (2004).

<sup>33</sup> TSN, September 4, 2013, pp. 12-13; Records, p. 4 (AAA’s Sinumpaang Salaysay).

<sup>34</sup> 788 Phil. 670 (2016).

<sup>35</sup> Id. at 688.

**Findings of the medico-legal officer corroborate the testimony of the prosecution's witness.**

Accused-appellant also imputes doubt on the allegation of Rape considering that the medico-legal report reveals that the laceration in AAA's hymen has already healed when he examined her on September 11, 2010, which is the same day the rape incident occurred.

Hymenal lacerations, *whether healed or fresh*, are compelling evidence of forcible defloration.<sup>36</sup> Even the absence of external signs or injury on the victim's body, such as hymenal lacerations, does not negate the commission of rape, the same not being an element of the crime of rape.<sup>37</sup> In fact, mere touching, no matter how slight, of the labia or lips of the female organ by the male genital, even without rupture or laceration of the hymen, is sufficient to consummate rape.<sup>38</sup> The absence of fresh hymenal lacerations, therefore, fails to exonerate accused-appellant in this case.

On this matter, the findings of the CA are instructive, *viz.*:

x x x P/CI Cordero, however, explained further that there were injuries in AAA's *labia mejora* (sic) and *labia minora* which happened within 24 hours of the examination and penetration was one of the possible causes of such injuries. It cannot then be gainsaid AAA did not suffer from being raped just because the injuries in her genitalia has healed considering that based on the examination of P/CI Cordero the injuries on AAA's *labia mejora* (sic) and *labia minora* could have been caused by the penetration of blunt object which happened within 24 hours of physical examination.<sup>39</sup>

Considering the foregoing premises, the Court sees no cogent reason to disturb the uniform findings of the RTC and the CA that accused-appellant was guilty of Rape. However, there is a need to modify the nomenclature of the crime to Qualified Rape. The Information alleged that accused-appellant is "the common-law spouse of the victim's mother." During trial, BBB testified that accused-appellant is her common-law spouse<sup>40</sup> and that BBB and accused-appellant were living together as husband and wife when the rape against AAA transpired.<sup>41</sup> Thus, the qualifying circumstance of relationship shall be appreciated.

The penalty of Qualified Rape is *reclusion perpetua* without eligibility for parole. Pursuant to *People v. Jugueta*,<sup>42</sup> accused-appellant shall pay AAA the

<sup>36</sup> *People v. Suedad*, 786 Phil. 303 (2016).

<sup>37</sup> See *People v. ZZZ*, G.R. No. 229862, June 19, 2019, citing *People v. Araojo*, 616 Phil. 275, 288 (2009).

<sup>38</sup> *Id.*, citing *People v. Osing*, 402 Phil. 343, 354 (2001).

<sup>39</sup> *Rollo*, p. 7.

<sup>40</sup> *CA rollo*, p. 55.

<sup>41</sup> *Id.* at 57.

<sup>42</sup> 783 Phil. 806 (2016).

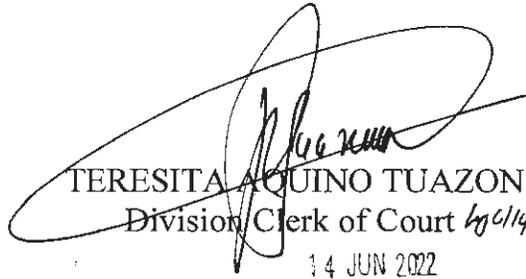
amounts of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages. These monetary awards shall earn interest at the rate of six percent (6%) per annum from date of finality of this Resolution until fully paid.

**WHEREFORE**, the appeal is **DISMISSED**. The May 23, 2018 Decision of the Court of Appeals in CA-G.R. CR-HC No. 08806, is hereby **MODIFIED**. Accused-appellant XXX is found **GUILTY** beyond reasonable doubt of Qualified Rape. He is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole. Accused-appellant is **DIRECTED** to pay AAA: ₱100,000.00 as moral damages; ₱100,000.00 as civil indemnity; and ₱100,000.00 as exemplary damages.

All damages awarded shall be subject to interest at the rate of six percent (6%) per *annum* from the finality of this Resolution until its full satisfaction.

**SO ORDERED.**" (*J. Dimaampao designated additional Member per March 7, 2022 Raffle vice J. Rosario who recused due to prior action in the Court of Appeals*)

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Division Clerk of Court by *clly*  
14 JUN 2022

PUBLIC ATTORNEY'S OFFICE (reg)  
Special & Appealed Cases Service  
Department of Justice  
5<sup>th</sup> Floor, PAO-DOJ Agencies Building  
NIA Road corner East Avenue  
Diliman, 1104 Quezon City

OFFICE OF THE SOLICITOR GENERAL (reg)  
134 Amorsolo Street  
1229 Legaspi Village  
Makati City

XXX (reg)  
Prison No. N216P-3823  
Accused-Appellant  
c/o The Director  
Bureau of Corrections  
1770 Muntinlupa City

- more -

(127)URES(m)

THE DIRECTOR (reg)  
Bureau of Corrections  
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 128  
Caloocan City  
(Crim. Case No. C-87326)

JUDGMENT DIVISION (x)  
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)  
LIBRARY SERVICES (x)  
[For uploading pursuant to A.M. No. 12-7-SC]

OFFICE OF THE CHIEF ATTORNEY (x)  
OFFICE OF THE REPORTER (x)  
PHILIPPINE JUDICIAL ACADEMY (x)  
Supreme Court, Manila

COURT OF APPEALS (x)  
Ma. Orosa Street  
Ermita, 1000 Manila  
CA-G.R. CR-HC No. 08806

*Please notify the Court of any change in your address.*  
GR242277. 3/14/2022(127)URES(m) *fol. 4*