



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 February 2022** which reads as follows:*

“G.R. No. 245920 (*People of the Philippines v. CCC*¹). —This resolves the appeal² filed by the accused-appellant CCC (accused-appellant) assailing the November 15, 2018 Decision³ of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 01793 which affirmed with modifications the October 13, 2017 Joint Decision⁴ of the Regional Trial Court (RTC) of ██████████,⁵ Branch 23, in Criminal Case Nos. 237-2007 and 300-2007, finding accused-appellant guilty beyond reasonable doubt of Qualified Rape and Acts of Lasciviousness, respectively, and acquitting him of the charge of violation of Republic Act No. (RA) 9262,⁶ or the “Anti-Violence Against Women and Their Children Act of 2004” in Criminal Case No. 94-2007. Notably, accused-appellant is challenging the ruling of the CA with respect only to the Qualified Rape case docketed as Criminal Case No. 237-2007.

The Antecedent Facts:

Accused-appellant was charged in three separate Informations with the crimes of Rape under Article 266-A par. 1, in relation to Article 266-B, 6th par.

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

² *Rollo*, pp. 26-27.

³ *Id.* at 5-25. Penned by Associate Justice Edgardo T. Lloren and concurred in by Associate Justices Ruben Reynaldo G. Roxas and Walter S. Ong.

⁴ *CA rollo*, pp. 46-60. Penned by Presiding Judge Jose T. Tabosares.

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

⁶ Entitled “AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES.” Approved: March 8, 2004.

of the Revised Penal Code (RPC), Acts of Lasciviousness under Article 336 of the RPC, and violation of Section 5(b) of RA 9262, respectively, the accusatory portions of which read:

Criminal Case No. 237-2007:

That on or about June 26, 2004, in the Municipality of ██████████, Province of ██████████, Philippines, and within the jurisdiction of this Honorable Court, said accused, being the father of the victim, by means of force and intimidation, with lewd design, did then and there punched her abdomen, thereby rendering her unconscious, thus accused willfully, unlawfully and feloniously succeeded in having carnal knowledge with AAA,⁷ his own daughter, who is a minor, fifteen (15) years old, against her will.

CONTRARY TO LAW.⁸

Criminal Case No. 300-2007:

That on or about August 19, 2002, in ██████████ City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with abuse of confidence, being the father of private complainant, a thirteen (13) year old minor, with lewd design, willfully, unlawfully and feloniously kissed private complainant's lips, touched her breast and got her right hand and put it inside his underwear while she was sleeping, against her will and consent, to her damage and prejudice.

CONTRARY TO LAW.⁹

Criminal Case No. 94-2007:

That sometime on February 18, 2007, in the City of ██████████, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, willfully, unlawfully and feloniously threatened to kill his wife, BBB, causing her mental and emotional anguish.

CONTRARY TO LAW.¹⁰

When arraigned, accused-appellant pleaded not guilty to all the offenses charged against him.¹¹ Joint trial then ensued. The prosecution presented the testimonies of AAA and her mother, BBB, Dr. Jocelyn E. Incienzo (Dr. Incienzo), the examining physician, and Raul A. Malaluan (Malaluan), the City

⁷ "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]).

⁸ Records, Criminal Case No. 237-2007, p. 5.

⁹ Records, Criminal Case No. 300-2007, p. 2.

¹⁰ Records, Criminal Case No. 94-2007, p. 2.

¹¹ CA rollo, p. 47.

Civil Registrar of ██████████ City. Accused-appellant alone testified for his defense.

Version of the Prosecution:

AAA, then a 13-year old minor, testified that she was molested by her own father on two separate occasions in 2002 and 2004.

AAA recounted that on August 19, 2002, while she was sleeping at her grandmother's house in ██████████ City, she was awakened by somebody kissing her lips and holding her breast. She found out that it was her father, accused-appellant herein. Accused-appellant also placed AAA's hand inside his underwear and let her hold his penis. Afraid, AAA ran to her grandparents' bedroom where she slept that night.¹²

The second incident occurred on June 26, 2004. AAA recalled that in the morning of June 26, 2004, accused-appellant arrived at the house of her aunt DDD where she was then staying and requested her to do the laundry at his apartment in ██████████. AAA initially refused. However, upon the prodding of DDD as it was accused-appellant's third time to request AAA to do his laundry, the first two having been rejected, AAA gave in and went along with accused-appellant at his apartment, only to find out that there were no clothes to be washed. AAA decided to spend the night at accused-appellant's house. At around 9:30 p.m., AAA was awakened from her sleep because she felt something heavy on top of her. When she opened her eyes, she saw accused-appellant wearing only his underwear. Accused-appellant covered AAA's mouth to prevent her from shouting. He then punched AAA in her stomach with his left hand. AAA felt dizzy and she lost strength.¹³

Thereafter, accused-appellant undressed her, spread her legs, and inserted his penis into her vagina. She felt so much pain that she lost consciousness. When AAA regained her consciousness, she was already naked. Accused-appellant was beside her, also naked and smoking cigarette. Accused-appellant told her not to report the incident, otherwise, he would kill her and do the same abusive act to her younger sister. The next day, AAA went home to her aunt's house in ██████████.¹⁴

AAA kept her harrowing experience to herself because she feared that her mother's work abroad might suffer if she told her the truth. It was only in 2006 that she decided to write a letter to her mother BBB, and disclosed her ordeal to her. The first sexual abuse occurred at AAA's grandparents' house in ██████████ ██████████ in 2002 while BBB was in ██████████.

¹² Id. at 48.

¹³ Id. at 49.

¹⁴ Id.

During the rape incident in 2004, BBB was in [REDACTED], applying for work abroad, thus, AAA and her siblings were left under the care of their aunt DDD.¹⁵

BBB testified that she worked abroad as an OFW¹⁶ in October 2004. To ensure the safety of her children as her husband, herein accused-appellant, is a drunkard, BBB left her children under the custody of her sister DDD in [REDACTED]. BBB learned of the sexual assault committed against AAA through a letter sent to her by AAA. She immediately went home to file a complaint against accused-appellant.¹⁷

On February 18, 2007, BBB and her three children were at her father's house in [REDACTED]. At around 10:00 p.m. of the same day, accused-appellant, who was then drunk, suddenly barged in and got angry at BBB for not informing him that she already arrived from abroad. BBB confronted accused-appellant about what he had done to AAA. Accused-appellant got mad and threatened to kill all of them with a bolo. BBB's nephew called the police station and thereafter, police officers arrived and arrested accused-appellant.¹⁸

AAA submitted herself to a medical examination wherein the attending physician, Dr. Incienzo, found complete lacerations in AAA's hymen at 5, 7 and 10 o'clock positions, suggestive of a forceful entry of a blunt object, possibly a male sex organ.¹⁹

During trial, the prosecution presented AAA's birth certificate,²⁰ which revealed that she was only 13 years old when the first felony was committed against her and 15 years old when she was raped. It was also established that accused-appellant is AAA's father as appearing on her Certificate of Live Birth. The City Civil Registrar of [REDACTED] identified the original certificate of live birth of AAA.²¹

Version of the Defense:

On the other hand, accused-appellant relied on denial and alibi to establish his innocence. He averred that the sexual acts imputed by AAA against him were all fabricated. Essentially, he claimed that he could not have raped AAA because even before his wife left to work abroad in 2004, his children were already living in his sister in-law's house in [REDACTED] while he lived alone in [REDACTED]. He only visited his children in [REDACTED] on Sundays.²²

¹⁵ Id.

¹⁶ Overseas Filipino Workers.

¹⁷ CA *rollo*, p. 50.

¹⁸ Id. at 51.

¹⁹ Id.

²⁰ Records, Criminal Case No. 237-2007, p. 15.

²¹ CA *rollo*, p. 51.

²² *Rollo*, pp. 12-13.

Accused-appellant further denied that he threatened to kill BBB and her family in the afternoon of February 18, 2007. On the contrary, it was BBB who was very mad at that time and accused him of womanizing and sexually abusing their eldest daughter AAA. BBB even attempted to hack him with a bolo. Thereafter, he was arrested by a police officer and detained at the lock-up cell in [REDACTED]. The next day, he learned that his wife filed charges against him for violation of RA 9262 for Rape and Acts of Lasciviousness.²³

Ruling of the Regional Trial Court:

Lending credence to the prosecution witnesses' straightforward and categorical testimonies, the RTC rendered its judgment finding accused-appellant guilty beyond reasonable doubt of the crimes charged. In Criminal Case No. 237-2007, the RTC considered the qualifying circumstances of minority and relationship and held that accused-appellant should be held liable for Qualified Rape. The RTC further ruled that accused-appellant's denial cannot overcome the positive testimony of AAA.²⁴

The dispositive portion of the RTC's Decision reads:

WHEREFORE, in view of all the foregoing, judgment is hereby rendered as follows:

1. In Criminal Case No. 300-2007 for Acts of Lasciviousness, the court finds the accused [CCC] guilty of the crime as charged beyond reasonable doubt, and he is hereby sentenced to suffer an Indeterminate Penalty of Imprisonment of six (6) months of *arresto mayor*, as minimum, to five (5) years and eight (8) months of *prision correccional*, as maximum.

The accused is likewise directed to pay the victim the sum of Php 30,000.00 as moral damages; Civil indemnity of Php20,000.00 and Exemplary damages of Php 20,000.00 and to pay interests on these damages at 6% per annum reckoned from the finality of this decision until full payment.

2. In Criminal Case No. 237-2007 for Rape, the court finds the accused guilty of the crime as charged beyond reasonable doubt and he is hereby sentenced to suffer the penalty of *Reclusion Perpetua* without the benefit of parole.

The accused is likewise ordered to pay the victim the sum of Php75,000.00 as civil indemnity; P75,000.00 as moral damages and P30,000.00 as exemplary damages, plus legal interest on all damages awarded at the legal rate of 6% from the date of finality of this decision until fully paid.

3. In Criminal Case No. 94-2007 for violation of RA 9262, the court finds the accused [CCC] guilty beyond reasonable doubt of Violation of Section 5 (b) of RA 9262 and he is hereby sentenced to suffer an indeterminate penalty of 4 years, 8 months and 1 day of *prision correccional* as minimum to 10 years and 1 day of *prision mayor* as maximum.

²³ CA rollo, pp. 52-53.

²⁴ Id. at 57-59.

The period of preventive detention of the accused is considered in his favor in the service of the sentence as herein imposed.

No costs.

SO ORDERED.²⁵

Aggrieved, accused-appellant lodged an appeal with the CA.

Ruling of the Court of Appeals:

On November 15, 2018, the CA affirmed accused-appellant's conviction for Acts of Lasciviousness in Criminal Case No. 300-2007 and for Qualified Rape in Criminal Case No. 237-2007, but absolved him from the charge of violation of RA 9262.²⁶

The CA upheld the RTC's findings that all the elements of the crimes of Acts of Lasciviousness and Qualified Rape had been sufficiently established by the prosecution. However, with respect to the charge of violation of RA 9262, the CA held that accused-appellant's acts and the words he uttered on February 18, 2007 could not be categorized as one to cause BBB mental and emotional anguish, but was more of an outburst of anger brought about by the circumstances then present.²⁷

The dispositive portion of the assailed CA Decision reads:

WHEREFORE, in view of the foregoing, the appeal is PARTLY GRANTED and the Joint Decision of the RTC, 12th Judicial Region, Branch 23, [REDACTED], dated October 13, 2017 is AFFIRMED WITH MODIFICATION[S] as follows:

In Criminal Case No. 300-2007 (Acts of Lasciviousness)

The Court finds accused-appellant [CCC] GUILTY beyond reasonable doubt of the crime as charged and he is hereby sentenced to suffer the penalty of *reclusion perpetua*, without eligibility of parole, pursuant to the case of *People v Noel Caoli*. This is in consonance with Section 31 (c) of R.A. No. 7610 which expressly provides that the penalty shall be imposed in its maximum period when the perpetrator is, *inter alia*, the parent of the victim.

Accused-Appellant is DIRECTED to pay the victim indemnity, moral damages and exemplary damages each in the amount of Php 75,000.00, subject to interest at the rate of six percent (6%) per annum from the date of finality of this judgment until fully paid.

In Criminal Case No. 237-2007 (Rape)

²⁵ Id. at 59-60.

²⁶ *Rollo*, pp. 23-24.

²⁷ Id. at 16-23.

The Court finds accused-appellant [CCC] GUILTY beyond reasonable doubt of the crime as charged and he is hereby sentenced to suffer the penalty of *reclusion perpetua*, without eligibility of parole.

However, in order to conform to prevailing jurisprudence, the Court finds it necessary to increase the amount of damages awarded. Thus, the amounts of exemplary damages, civil indemnity and moral damages are increased to P100,000.00 each.

In Criminal Case No. 94-2007 for violation of R.A. 9262

The Joint Decision of the RTC insofar as it found accused-appellant GUILTY beyond reasonable doubt of violation of Section 5(b) of R.A. 9262, and meted to him the indeterminate penalty of 4 years, 8 months, and 1 day of *prision correccional* as minimum, to 10 years and 1 day of *prision mayor* as maximum, is REVERSED and SET ASIDE. Accused-Appellant [CCC] is ACQUITTED and the case against him is DISMISSED.

SO ORDERED.²⁸

Undaunted, accused-appellant filed a notice of appeal²⁹ before this Court, challenging the ruling of the CA with respect only to the Qualified Rape case docketed as Criminal Case No. 237-2007.

Both the appellee and the accused-appellant manifested that they will no longer file supplemental briefs, having already extensively discussed their respective positions in their previous briefs before the CA.³⁰

Issue

The issue in this case is whether or not accused-appellant is guilty beyond reasonable doubt of Qualified Rape.

Our Ruling

There is no merit in the appeal.

AAA's testimony is credible and she is a credible witness.

A careful review of AAA's testimony shows that she positively identified accused-appellant, her own father, as the person who defiled her on June 26, 2004. AAA clearly and categorically recalled how the accused-appellant had carnal knowledge of her.

²⁸ *Rollo*, pp. 23-24.

²⁹ *Id.* at 26-27.

³⁰ *Id.* at 33-34, Manifestation of Plaintiff-Appellee; and pp. 40-41, Manifestation (In Lieu of Supplemental Brief) of Accused-Appellant.

Q And please tell us where were you last June 26, 2004 at about 9:30 o'clock in the evening?

A We were in our house at [REDACTED].

Q And who were your companions in your house in [REDACTED] that evening?

A I and my father only were in the house.

Q Will you please tell us where were your other siblings?

A They were in [REDACTED].

Q What were you doing in your house that evening of June 26, 2004?

A I was sleeping.

Q And while you were sleeping that evening, could you please tell us if you were able to wake up? (sic)

A Yes, Sir.

Q Why did you wake up from your deep sleep?

I would like to state for the record, Your Honor, that the witness paused for a while in answering the question of this prosecutor because she is crying intensely.

COURT:

Prosecutor if you believe that the complainant cannot continue with the testimony, the Court would allow to call again in another time.

PROS LAMATA:

The witness can make it, Your Honor, according to her.

A Because I felt something heavy on my body.

Q And when you woke up because you felt something heavy on top of your body, what did you notice or observe?

A My father was on top of me.

Q And could you tell us what was your father wearing when he was already on top of you?

A He was wearing his underwear.

Q So upon noticing that your father was on top of you with only his brief, what did you do?

A I tried to shout.

Q And were you able to shout?

A No, Sir.

Q Why?

A Because he covered my mouth.

- Q What hand was used by your father in covering your mouth which prevented you to shout?
- A His right hand.
- Q Aside from being on top of you covering your mouth with his right hand, what else did accused do to you?
- A He boxed my abdomen.
- Q Now upon being boxed at the abdomen by accused CCC, what happened to you?
- A I felt dizzy and I lost strength.
- Q Since CCC your father was covering your mouth with his right hand, please tell us what hand did he use in punching you?
- A His left hand.
- Q After being punched with his left hand and for (sic) losing your strength, what else did accused CCC do to you?
- A He undressed me.
- Q Why, what apparel were you wearing at that time?
- A Pants and t-shirt.
- Q When you said he undressed you, you want to tell us that he removed your t-shirt?
- A Yes, Sir.
- Q What about your bra, were you a (sic) bra at that time?
- A Yes, Sir.
- Q What about your underwear, did he remove your underwear?
- A Yes, Sir.
- Q And when you were lying naked already, could you tell us what did CCC to you?
- A He spread my two legs.
- Q And after spreading your two legs, what else did he do to you?
- A He inserted his penis to my vagina.
- Q When this CCC had already inserted his penis to your vagina, what did you feel?
- A I felt very painful (sic) and then I lost my consciousness.
- Q By the way, you said that because of the pain you lost consciousness, were you able to regain your consciousness afterwards?
- A Yes, Sir.
- Q After regaining your consciousness what did you notice or observe?
- A I was naked, we were both naked.
- Q And where was CCC at that time when you discovered that you were naked, both of you?
- A He was seated on my side.
- Q And after that sexual assault when you regained consciousness, what did you feel?
- A I felt pain in my vagina and body.

Q So what did you do after you regained your consciousness?

A I tried my best to stand up to dress myself.

Q And was there a conversation that took place between you and your father after that sexual assault?

A Yes, Sir.

Q Will you please tell the Court what did he tell you?

A He told me not to tell anybody because if I will reveal he will do what he did to me to my younger sister and then he will bring my youngest sister to a far place.

x x x x

Q Were you able to go to the house of your aunt DDD in [REDACTED]

A Yes, Sir.

Q Did you tell her the incident?

A No, Sir.

Q Why?

A Because I was afraid, he might do what he told me.

Q Why, what did he tell you?

A If I will reveal of (sic) what happened to us, he will kill me and he will do what he did to me to my younger sister and he will bring my youngest sister to a far place.³¹

Significantly, AAA was only 15 years old when she was raped. Jurisprudence dictates that –

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. Errorless recollection of a harrowing incident cannot be expected of a witness, especially when she is recounting details of an experience so humiliating and so painful as rape. What is important is that the victim's declarations are consistent on basic matters constituting the elements of rape and her positive identification of the person who did it to her.³²

Accused-appellant cannot escape culpability by highlighting AAA's testimony on cross-examination where she stated that it was dark inside the room where she was raped, hence, it was unlikely that she was able to identify her assailant.

In *People v. Corpuz*,³³ citing *People v. Razonable*,³⁴ the Court pronounced that:

³¹ TSN dated May 27, 2008, pp. 15-21.

³² *People v. XXX*, G.R. No. 238405, December 7, 2020.

³³ 517 Phil. 622, 637 (2006).

³⁴ 386 Phil. 771, 781 (2000).

It is highly inconceivable that complainant would not recognize her own father with whom she had been living alone for a long time. For one, we have ruled that it is the most natural reaction for victims of criminal violence to strive to see the appearance of their assailant and observe the manner in which the crime was committed. Most often, the face and body movements of the assailant create a lasting impression which cannot be easily erased from their memory. The impression becomes more profound where the malefactor is the victim's own father. x x x³⁵

Further, AAA categorically testified that it was her father who raped her. It is unthinkable, if not completely preposterous, that a daughter would concoct a story of rape against her father, taking to mind the reverence and respect for elders that is too deeply ingrained in Filipino children.³⁶

It should be emphasized that when it comes to the credibility of witnesses, the trial court's assessment deserves great weight, and is even conclusive and binding provided that it is not tainted with arbitrariness or oversight of some fact or circumstance of weight and influence. The reason is basic. The trial court, having the full opportunity to observe directly the witnesses' deportment and manner of testifying, is in a better position than the appellate court to properly evaluate testimonial evidence and in assessing who among the witnesses holds the truth.³⁷ In this case, the RTC found AAA's sincerity and candor to be free from suspicion. It observed that AAA was in tears while narrating her harrowing experience at the hands of accused-appellant, her own father.

Notably, AAA's narration was corroborated by Dr. Incienzo's medical findings as to the existence of hymenal lacerations. When the testimony of a rape victim is consistent with the medical findings, there is sufficient basis to conclude that there has been carnal knowledge. Laceration, whether healed or fresh, is the best physical evidence of forcible defloration.³⁸

Accused-appellant, however, impugns the medical findings of Dr. Incienzo as having no significance. He argues that the healed lacerations found on AAA's private organ could not be automatically associated with the alleged rape since AAA submitted herself for examination only in February 2007, or almost three years after the June 2004 rape incident. He also pointed out that AAA's live-in relationship with her boyfriend preceded the conduct of her medico-legal examination in 2007.

We find this argument untenable.

It is settled that "[p]remarital relationships do not necessarily entail sexual intimacy. Neither can the sexual behavior of a rape victim reverse her violator's

³⁵ *People v. Corpuz*, supra at 637.

³⁶ *Id.*

³⁷ *People v. Quinto*, G.R. No. 246460, June 8, 2020.

³⁸ *People v. Manaligod*, 831 Phil. 204, 212-213 (2018).

criminal culpability. It must always be remembered that the lack of consent is the line crossed in non-Statutory Rape. Romantic affairs voluntarily engaged into by a rape victim, whether before, during, or after the rape incident, will not overwrite the established fact that her violator forcibly obtained carnal knowledge of her without her consent.”³⁹

Even if the Court disregards the medico-legal certificate, the same would still not be sufficient to acquit accused-appellant. It has been repeatedly held that the medical report is by no means controlling. 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.⁴⁰

The prosecution was able to establish all the elements of the crime of Qualified Rape.

The elements necessary to sustain a conviction for Qualified Rape are: “(1) sexual congress; (2) with a woman; (3) done by force and without consent; (4) the victim is under [18] years of age at the time of the rape; and (5) the offender is [either] a parent (whether legitimate, illegitimate or adopted), [ascendant, stepparent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent] of the victim.”⁴¹

Here, AAA categorically testified that accused-appellant had carnal knowledge of her by means of force and violence, boxing her in the stomach, causing her to feel dizzy and lose her strength. Thereafter, he inserted his penis into her vagina. She felt so much pain that she lost consciousness. When AAA regained consciousness, the outrage had already been consummated. The pain in AAA’s private organ, the naked victim, her naked father beside her threatening her with death if she would report the incident, and a threat of committing the same bestial act to her younger sister — all these reasonably indicated that accused-appellant had violated AAA while she was unconscious.

AAA’s minority was likewise properly alleged and indisputably proven during trial. She was only 15 years old at the time she was raped, as evidenced by her birth certificate stating that she was born on May 5, 1989.⁴² Corollarily, it was alleged in the Information and duly established through accused-appellant’s own admission and as shown in AAA’s birth certificate that

³⁹ *People v. ZZZ*, G.R. No. 226144, October 14, 2020.

⁴⁰ *People v. Manaligod*, supra.

⁴¹ *People v. Romeo de Castro de Guzman*, G.R. No. 224212, November 27, 2019.

⁴² *CA rollo*, pp. 52-53.

accused-appellant is her biological father. Thus, the RTC and the CA correctly appreciated the qualifying circumstances of minority and relationship in this case.

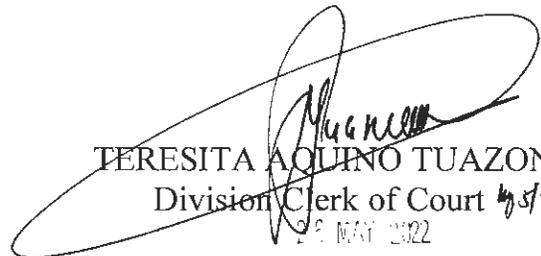
All told, We find no error on the part of the RTC and the CA in according AAA's testimony full weight and credence. It is worthy to note that AAA testified with candor and consistency in recounting the material events of the crime. Against such testimony, the unsubstantiated denial of the accused-appellant must certainly fail.

As to the penalty for Qualified Rape under paragraph 1, Article 266-A of the RPC, Article 266-B (1) of the RPC provides that the death penalty shall be imposed if the victim is under 18 years of age and the offender is the parent. Thus, the CA correctly affirmed the penalty of *reclusion perpetua* in light of the prohibition on the imposition of the death penalty, as mandated by RA 9346,⁴³ without eligibility for parole.⁴⁴ Likewise, it rightly imposed the amounts of ₱100,000.00 each for civil indemnity, moral damages, and exemplary damages in accordance with recent jurisprudence.⁴⁵

WHEREFORE, the instant appeal is **DISMISSED**. The November 15, 2018 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 01793 finding accused-appellant CCC guilty beyond reasonable doubt of Qualified Rape in Criminal Case No. 237-2007 and sentencing him to suffer the penalty of *reclusion perpetua* without eligibility for parole and ordering him to pay AAA ₱100,000.00 each as civil indemnity, moral damages, and exemplary damages, with interest at the rate of six percent (6%) per *annum* from date of finality of this Resolution until fully paid, is hereby **AFFIRMED**.

SO ORDERED."

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *by s/r*
22 MAY 2022

⁴³ Entitled "AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES."
Approved: June 24, 2006.

⁴⁴ *People v. XXX*, supra note 28.

⁴⁵ *Id.* citing *People v. Jugueta*, 783 Phil. 806, 848 (2016).

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

PUBLIC ATTORNEY'S OFFICE (reg)
Regional Special & Appealed Cases Unit –
Mindanao Station
BJS Building, Tiano-San Agustin Sts.
Cagayan de Oro City

CCC (reg)
Prison No. R-218P-520
Accused-Appellant
c/o The Superintendent
San Ramon Prison & Penal Farm
Zamboanga City

THE SUPERINTENDENT (reg)
San Ramon Prison & Penal Farm
Zamboanga City

THE DIRECTOR (reg)
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 23
Kidapawan City
(Crim. Case Nos. 94-2007; 237-2007;300-2007)

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