



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **28 February 2022** which reads as follows:*

“**G.R. No. 246523** (*People of the Philippines v. XXX*¹). — This ordinary appeal² under Rule 43 of the Rules of Court seeks the reversal of the November 21, 2018³ Decision of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 09514, and the June 2, 2017 Decision⁴ of the Regional Trial Court (RTC), Branch 94, ██████████⁵ in Criminal Case Nos. R-QZN-15-07306-CR and R-QZN-15-07307-CR. Both the CA Decision and the RTC Decision found accused-appellant XXX (accused-appellant) guilty beyond reasonable doubt of two counts of Rape defined and penalized under Article 266-A paragraph 1 (a) of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 8353,⁶ otherwise known as the “Anti-Rape Law of 1997.”

Two Informations⁷ charging accused-appellant with the crime of Rape read as follows:

CRIMINAL CASE NO. R-QZN-15-07306-CR

¹ 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.

² *Rollo*, pp. 17-19.

³ *Id.* at 3-16. Penned by Associate Justice Danton Q. Bueser and concurred in by Associate Justices Mariflor P. Punzalan Castillo and Pablito A. Perez.

⁴ *CA rollo*, pp. 38-46. Penned by Presiding Judge Roslyn M. Rabara-Tria.

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

⁶ 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.” Approved: September 30, 1997.

⁷ Records, pp. 1-2.

That on or about the 16th day of October 2013, in ██████████, Philippines, the said accused, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with said AAA,⁸ a minor, 13 years of age, against her will and without her consent.

CONTRARY TO LAW.⁹

CRIMINAL CASE NO. R-QZN-15-07307-CR

That on or about the 31st day of December 2013, in ██████████, Philippines, the said accused, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of AAA, a minor, 13 years of age, against her will and without her consent.

CONTRARY TO LAW.¹⁰

Accused-appellant pleaded not guilty to the above charges. Thus, a pre-trial conference was held with the parties stipulating on the following admissions, to wit: (1) the identity of the accused-appellant as the one charged in the two Informations, present in court and arraigned on the said date; (2) the jurisdiction of the court over the person of the accused-appellant; (3) the minority of AAA; (4) the relationship of accused-appellant as AAA's uncle; and (5) the relationship of BBB, AAA's mother, as the sister of accused-appellant's wife.

After the termination of the pre-trial, trial on the merits ensued.

Version of the Prosecution:

Accused-appellant is the uncle of AAA.¹¹ BBB, the mother of AAA, is the sister of accused-appellant's wife.

At the time of the incidents, AAA, then 13 years of age, was living with her family in a house located in ██████████. AAA's family

⁸ "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]).

⁹ Id. at 1.

¹⁰ Id. at 2.

¹¹ In line with the case of *People v. Cabalquinto*, 533 Phil. 703-719 (2006), citing Sec. 40 of the Rule on Violence Against Women and their Children; Rule XI, Sec. 63 of the Rules and Regulations Implementing Republic Act No. 9262, otherwise known as the "Anti-Violence Against Women and their Children Act," the real names of the rape victims will not be disclosed. The Court will instead use fictitious initials to represent them throughout the decision. The personal circumstances of the victims or any other information tending to establish or compromise their identities will likewise be withheld.

occupied the first floor while accused-appellant's family occupied the second floor.¹²

On October 16, 2013, at around 3:00 p.m., AAA was alone inside their house, watching television when accused-appellant, who was outside the house, called for her to come out. When she was already outside, accused-appellant asked her to follow him to the back of the house. At the back of the house, AAA was surprised when accused-appellant told her to remove her clothes. She asked accused-appellant why, but the latter replied, "*Saglit lang.*" She refused. When she was about to leave, accused-appellant suddenly grabbed AAA's arm and pushed her down to the floor. As she was pinned on the floor, accused-appellant removed the short pants and panties of AAA as well as his short pants and briefs. Accused-appellant kissed her on her cheeks and neck, and mashed her breasts. Thereafter, accused-appellant inserted his penis into the vagina of AAA. She felt so much pain and she tried to fight back, but accused-appellant was too strong for her. Accused-appellant threatened to kill her mother and her sister if AAA would report the incident to anyone. Accused-appellant repeatedly made a push and pull movement until a whitish substance came out of his penis. During the whole time, accused-appellant was covering AAA's mouth.¹³

In the afternoon of December 31, 2013, accused-appellant again forced himself on AAA who was alone inside their house. Accused-appellant undressed her and inserted his penis inside her vagina. Again, accused-appellant threatened AAA that he would kill her mother and her sister should she report the incident to anyone.¹⁴

On February 15, 2014, BBB learned from CCC that accused-appellant was molesting AAA. CCC apparently saw accused-appellant touching AAA. CCC, however, asked BBB not to tell anyone about it. The following day, BBB called and asked AAA if accused-appellant had in fact been touching her. Not satisfied, BBB confronted AAA again in the evening. Eventually, AAA admitted what accused-appellant did to her. After said admission, BBB and her husband, DDD, brought AAA to the barangay authorities, who in turn referred them to the [REDACTED] Police Station 6. After filing a complaint with the police, they also went to the Department of Social Welfare and Development to report the incident.¹⁵

On February 25, 2014, Dr. Renee Joy Peralta Neri (Dr. Neri) of the [REDACTED] interviewed AAA and BBB. Dr. Neri also conducted a physical examination on AAA. In her Medico-Legal Report, Dr. Neri explained that she found a deep hymenal notch at the 5 o'clock position, which is suggestive that it endured a blunt force or penetrating trauma.¹⁶

¹² *Rollo*, p. 4.

¹³ *Id.* at 4-5.

¹⁴ *Id.* at 5.

¹⁵ *Id.*

¹⁶ *Id.* at 5-6.

Aside from documentary exhibits, the prosecution presented in evidence the testimonies of AAA, and the stipulations of complainant's mother, BBB, and Dr. Neri.¹⁷

Version of the Defense:

Accused-appellant claimed that on October 16, 2013 and December 31, 2013, he was plying his pedicab along [REDACTED]. He could not have raped AAA, considering that the latter was always with her parents and siblings. Accused-appellant further claimed that she was close to him and that the latter would always ask money from him.¹⁸

Ruling of the Regional Trial Court:

On June 2, 2017, the RTC promulgated a Decision¹⁹ in the two criminal cases finding accused-appellant guilty beyond reasonable doubt of the crime of Rape, to wit:

WHEREFORE, premises considered, the court finds accused [REDACTED] [REDACTED] GUILTY beyond reasonable doubt of two (2) counts of the crime of rape defined and penalized under Article 266-A paragraph 1 (a) of the Revised Penal Code as amended by Republic Act No. 8353, and sentences him to *reclusion perpetua* for each of the two (2) counts of rape.

Accused is further ordered to pay private complainant AAA the amounts of P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P75,000.00 as exemplary damages.

The amount of damages awarded are subject further to interest of six (6%) per annum from the date of finality of this judgment until they are fully paid.

SO ORDERED.²⁰

Ruling of the Court of Appeals:

In a Decision²¹ dated November 21, 2018, the CA denied the appeal of accused-appellant. The pertinent portions of the Decision read thus:

Thus, the court *a quo* aptly imposed upon appellant the penalty of *reclusion perpetua* for each of the two (2) counts of rape. Article 266-B in relation to Article 266-A (1) (a) of the Revised Penal Code, as amended provides that the penalty

¹⁷ Id. at 7.

¹⁸ Id. at 9.

¹⁹ CA *rollo*, pp. 38-46.

²⁰ Id. at 45.

²¹ *Rollo*, pp. 3-16.

for simple rape is reclusion perpetua. Guilty as charged, appellant is liable to compensate AAA for damages as correctly decreed by the trial court. Abiding by the ruling in recent jurisprudence, the amounts awarded by the trial court for damages, *i.e.*, P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P75,000.00 exemplary damages are proper. An interest at the legal rate of six percent (6%) *per annum* on all monetary awards for damages, from date of finality of the decision until fully paid shall also be imposed. There is therefore no cogent reason to reverse and set aside the assailed Decision *sans* any reversible error on the part of the trial court.

WHEREFORE, the foregoing considered the appeal is hereby DISMISSED and the assailed Decision dated June 2, 2017 AFFIRMED *in toto*.

SO ORDERED.²²

Our Ruling

The appeal has no merit.

Accused-appellant questions the credence the CA and the RTC accorded to AAA's testimony, stating that the testimony was highly inconsistent and incredible.²³ Accused-appellant also asserts that AAA's testimony was contradictory and uncorroborated as no other witness was presented to substantiate the allegations of rape.²⁴

The Court is not convinced.

Accused-appellant's guilt has been established beyond reasonable doubt. Jurisprudence has held time and time again that a rape victim is accorded great premium, as it is usually the victim alone who can testify on the forced sexual intercourse.²⁵ If the victim's testimony meets the test of credibility, the accused can justifiably be convicted on the basis of her lone testimony.²⁶

In this case, AAA categorically pointed to accused-appellant as the rapist and laid out her accusations with overt clarity, despite the minor inconsistencies that can be overlooked. As pointed out in the appellee's Brief, the court that had the opportunity to observe firsthand the witnesses' demeanor and hear their testimonies:

With regard to the alleged inconsistent statements of private complainant, it is settled that the credibility of a rape victim is not destroyed by some inconsistencies in her testimony. On the contrary, it is a recognized axiom in rape cases that inconsistencies in the victim's testimony do not detract from the vital fact that, in truth, she had been abused. x x x Inconsistencies in the testimony of the witness with regard to minor or collateral matters do not diminish the value

²² Id. at 15-16.

²³ CA *rollo*, p. 29.

²⁴ Id. at 30.

²⁵ *People v. Cabales*, G.R. No. 213831, September 25, 2019.

²⁶ Id.

of the testimony in terms of truthfulness or weight. The gravamen of the felony is the carnal knowledge by the appellant of the private complainant under any of the circumstances provided in Article 266-A of the Revised Penal Code, as amended by R.A. No. 8353. **In the present case, it should be noted that private complainant fell victim to appellant twice. Hence, it is highly possible that the two (2) rape incidents that transpired caused her to get the harrowing details all mixed up so that her statements during the direct and cross examination were contradicting. Be that as it may, it cannot be denied that appellant had carnal knowledge of private complainant twice, which acts are punishable under Article 266-A paragraph 1(a) of the Revised Penal Code, as amended.**²⁷ (Emphasis supplied)

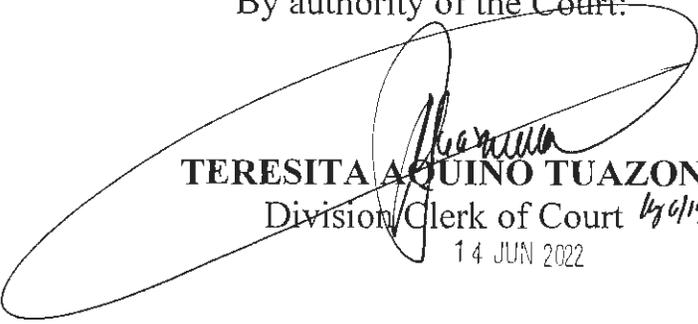
The Court accords due respect to the RTC's factual findings and appreciation thereof much more as the CA affirmed the lower court's judgment of conviction in all its substantial aspects.

Thus, the Court finds that the CA correctly affirmed the RTC Decision finding accused-appellant guilty beyond reasonable doubt of two counts of Rape in accordance with Article 266-B, in relation to Article 266-A (1) (a), of the RPC, as amended. Accordingly, accused-appellant is sentenced with the penalty of *reclusion perpetua*. Accused-appellant shall also compensate AAA for damages as correctly decreed by both the CA and the RTC, *i.e.*, ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages. All amounts due shall earn legal interest of six percent (6%) per *annum* from the date of finality of this Resolution until full payment.

WHEREFORE, the appeal is **DISMISSED**. The November 21, 2018 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 09514 is **AFFIRMED**. Accused-appellant XXX is held **GUILTY** beyond reasonable doubt of two counts of Rape and is hereby sentenced to *reclusion perpetua* and is ordered to pay the victim AAA the following amounts: (i) ₱75,000.00 as civil indemnity; (ii) ₱75,000.00 as moral damages; and (iii) ₱75,000.00 as exemplary damages. All amounts due shall earn legal interest of six percent (6%) per *annum* from the date of the finality of this Resolution until full payment.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *6/14*
14 JUN 2022

²⁷ CA rollo, p. 66.

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

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

XXX (reg)
Prison No. N217P-2830
Accused-Appellant
c/o The Director
Bureau of Corrections
1770 Muntinlupa City

THE DIRECTOR (reg)
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 94
Quezon City
(Crim. Case Nos. R-QZN-15-07306-CR &
R-QZN-15-07307-CR)

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. 09514

Please notify the Court of any change in your address.
GR246523. 02/28/2022(119)URES(m) *Palif*