



Republic of the Philippines  
**Supreme Court**  
Manila

**FIRST DIVISION**

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated September 7, 2022, which reads as follows:*

“**G.R. No. 248199** (*People of the Philippines v. XXX*<sup>1</sup>). — This resolves the appeal<sup>2</sup> filed by accused-appellant XXX (accused-appellant) challenging the April 30, 2019 Decision<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. CR HC No. 01980-MIN which affirmed the June 1, 2018 Decision<sup>4</sup> of the Regional Trial Court (RTC) of [REDACTED],<sup>5</sup> Branch 11 in Criminal Case No. S-5542 finding accused-appellant guilty of the crime of Statutory Rape.

**Factual Antecedents**

Accused-appellant was charged under the following Information,<sup>6</sup> the accusatory portion of which reads:

That on July 22, 2016 or thereabouts in [REDACTED], within the jurisdiction of this Honorable Court, the said accused, moved by lewd and unchaste design, did then and there willfully, unlawfully and feloniously succeed in having carnal knowledge with his own daughter [AAA]<sup>7</sup> [private complainant], an eleven (11) year-old minor,

<sup>1</sup> “Initials were used to identify the accused-appellant pursuant to the 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. 21-22.

<sup>3</sup> *CA rollo*, pp. 100-116. Penned by Associate Justice Walter S. Ong and concurred in by Associate Justices Edgardo A. Camello and Florencio M. Mamauag, Jr.

<sup>4</sup> *Id.* at 33-43. Penned by Presiding Judge Reymer L. Lacaya.

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

<sup>6</sup> Records, pp. 1-2.

<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,

against her will and without her consent.

CONTRARY TO LAW, (Viol. of Art. 266-A(1)(d) in relation to Art. 266-B of the Revised Penal Code as amended). With the qualifying circumstance that the offender is a parent of the victim.<sup>8</sup>

Upon arraignment, accused-appellant pleaded not guilty to the offense charged. Thereafter, trial ensued.<sup>9</sup>

The prosecution presented private complainant and her maternal aunt, BBB, as witnesses, while the defense presented accused-appellant as its lone witness.<sup>10</sup>

### Version of the Prosecution

Private complainant was born on August 7, 2004, as shown in her Certificate of Live Birth.<sup>11</sup> She claimed that her father, accused-appellant herein, raped her several times. She cannot recall the exact date of the first rape incident but she remembered that it happened when she was still in Grade 2. The last time she was raped by accused-appellant was on July 22, 2016.<sup>12</sup>

Private complainant narrated that on July 22, 2016, at around 4:00 p.m., she arrived home from school. Only accused-appellant was present; her mother and siblings were not home yet.<sup>13</sup>

Accused-appellant then asked her to lie down in their room and undressed her. Private complainant did not resist because she feared that he would beat her. Accused-appellant removed his shorts and placed himself on top of her. Then, he inserted his penis inside her vagina and made a push and pull movement which caused her pain.<sup>14</sup>

Private complainant recalled several more sexual molestations she suffered in the hands of accused-appellant but she did not disclose them for fear that he would kill her if she would tell anybody. However, about a month after the July 22, 2016 incident, she reported her ordeal to her maternal aunt, BBB. Private complainant did not disclose the incident to her mother because she feared that her mother would kill her if she found out.<sup>15</sup>

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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. 1.

<sup>9</sup> CA *rollo*, p. 101.

<sup>10</sup> Id.

<sup>11</sup> Records, pp. 53-54.

<sup>12</sup> CA *rollo*, p. 71.

<sup>13</sup> Id.

<sup>14</sup> Id.

<sup>15</sup> Id.

Private complainant and her aunt then reported the incidents to the police authorities. She also submitted herself for medical examination. By then, accused-appellant already left their place and she did not know where he went. The next time she saw her father was already during the trial of the instant case.<sup>16</sup>

Private complainant further testified that when she eventually told her mother about the incident, the latter acted as if nothing happened. Private complainant positively identified accused-appellant in open court as the perpetrator of the crime.<sup>17</sup>

The prosecution presented BBB as its second witness, who testified that private complainant is her niece. She knew accused-appellant being the father of private complainant and her brother-in-law.<sup>18</sup> She likewise identified accused-appellant in open court.<sup>19</sup>

She narrated that on July 24, 2016, a relative told her that private complainant was sexually molested by her father. They decided to fetch private complainant and brought her to BBB's house. Thereafter, she asked private complainant about what happened. The latter then told her that she was molested by accused-appellant. Upon confirming the incident, they went to the police station<sup>20</sup> where private complainant was interviewed by a police officer. Afterwards, they went to the health center where private complainant was medically examined.<sup>21</sup>

### **Version of the Defense**

Accused-appellant vehemently denied the accusation against him. He admitted that private complainant is her daughter. Prior to his arrest, he was engaged in farming. He and his family lived in a small one-bedroom house.<sup>22</sup> He claimed that the rape accusation against him was fabricated by his neighbors.<sup>23</sup>

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

In its June 1, 2018 Decision, the RTC found accused-appellant guilty of the offense charged, the *fallo* of which reads:

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<sup>16</sup> Id. at 72.

<sup>17</sup> Id.

<sup>18</sup> Id.

<sup>19</sup> Id. at 73.

<sup>20</sup> Id. at 72.

<sup>21</sup> Id.

<sup>22</sup> Id. at 25.

<sup>23</sup> Id.

WHEREFORE, premises considered, judgment is hereby rendered finding [accused-appellant] **GUILTY** beyond reasonable doubt of **STATUTORY RAPE** as defined in Article 266-A and penalized in Article 266-B of the Revised Penal Code. He is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility of parole.

Further, the accused is sentenced to pay private complainant x x x the following amounts: civil indemnity of ₱100,000.00, moral damages of ₱100,000.00 and exemplary damages of ₱100,000.00. All monetary awards for damages shall earn interest at the legal rate of six percent (6%) *per annum* from the date of finality of this Decision until fully paid.

The accused being a detention prisoner, he shall be credited the preventive imprisonment he has undergone in the service of his sentence.

SO ORDERED.<sup>24</sup>

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

Not in agreement with the RTC's ruling, accused-appellant filed an appeal with the CA. However, in its April 30, 2019 Decision, the appellate court affirmed the trial court's findings, the dispositive portion of which reads:

Accused-appellant's appeal is DENIED. The *Decision* dated 01 June 2018 issued by the Regional Trial Court, [REDACTED],<sup>25</sup> x x x in Criminal Case No. S-5542 is AFFIRMED.

It is so ORDERED.<sup>26</sup>

Aggrieved with the ruling of the appellate court, accused-appellant filed the instant appeal.

### **Issue**

The fundamental issue in the instant case is whether accused-appellant is guilty beyond reasonable doubt of the offense charged.

### **Our Ruling**

The instant appeal is devoid of merit. The Court finds no cogent reason to depart from the findings of both the RTC and the appellate court that the prosecution was able to sufficiently prove beyond reasonable doubt all the elements of the crime. However, there is a need to modify the nomenclature of the crime. We hold that instead of Statutory Rape, the crime actually committed is Qualified Statutory Rape.

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<sup>24</sup> Id. at 42-43.

<sup>25</sup> Blotted in the Original.

<sup>26</sup> CA *rollo*, p. 116.

Under Article 266-A of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 8353,<sup>27</sup> rape is committed by having carnal knowledge of a woman under any of the following circumstances:

1. Through force, threat, or intimidation;
2. When the offended party is deprived of reason or otherwise unconscious;
3. By means of fraudulent machination or grave abuse of authority; and
4. **When the offended party is under twelve (12) years of age** or is demented, even though none of the circumstances mentioned above be present. (Emphasis supplied)

In *People v. HHH*,<sup>28</sup> We held that there is Statutory Rape when: “(1) the offended party is under 12 years of age; and (2) the accused had carnal knowledge of her, regardless of whether there was force, threat or intimidation; whether the victim was deprived of reason or consciousness; or whether it was done through fraud or grave abuse of authority.” It is enough that the age of the victim is proven and that there was sexual intercourse.<sup>29</sup>

In the present case, We find all the elements of Statutory Rape to have been sufficiently established. The prosecution’s evidence showed that accused-appellant had carnal knowledge of private complainant, a woman under 12 years of age at the time of the incident. Her birth certificate which was presented before the RTC clearly stated that her date of birth is August 7, 2004.<sup>30</sup> Thus, at the time of the rape incident on July 22, 2016, she was only 11 years and 11 months old.<sup>31</sup> Likewise, the defense did not dispute the fact that private complainant was of that age at the time of the incident.

Furthermore, the fact of sexual intercourse between the private complainant and accused-appellant was duly established during the former’s direct examination where she categorically stated that accused-appellant inserted his penis into her vagina on July 22, 2016. The relevant portions of her testimony revealed the following incident on even date:

Fiscal Cabañog

(Q): You filed a case against [accused-appellant], your father, why did you file a case against your father, [accused-appellant]?

Witness

(A): Because he had sexual intercourse with me, sir.<sup>32</sup>

x x x x

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<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. 9815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE AND FOR OTHER PURPOSES.” Approved on September 30, 1997.

<sup>28</sup> *People v. HHH*, G.R. No. 248245, August 26, 2020.

<sup>29</sup> Id.

<sup>30</sup> Records, pp. 53-54.

<sup>31</sup> CA *rollo*, p. 41.

<sup>32</sup> TSN, November 6, 2017, p. 4.

Q: When was the last time when you were sexually molested by your father?  
A: July 22, 2016.<sup>33</sup>

x x x x

Q: You said that the last time you were sexually molested by your father was on July 22, 2016, so, where were you on July 22, 2016?  
A: I was in school at that time sir and when I went home, that's the time that he sexually molested me, sir.

Q: You went home about what time?  
A: 4:00 o'clock in the afternoon, sir.

Q: So when you arrived home at about 4:00 o'clock in the afternoon, were there persons at your house, your siblings as well as your parents, your mother and father?  
A: My mother as well as my siblings were not home, sir. It was only my father who was at home.

x x x x

Q: So, what happened next when you arrived at your house in that afternoon of July 22, 2016?<sup>34</sup>  
A: My father had sexual intercourse with me, sir.

Q: What did he do to you, please tell us?  
A: He undressed me, sir.

x x x x

Q: Was your father able to undress you?  
A: Yes, sir.

Q: Did you resist when he undressed you?  
A: I did not resist because he will beat me, sir.

Q: So, what did you do when your father undressed you?  
A: He let me lie down inside our room, sir.

Q: Then when you were lie down [sic], what did your father do next?  
A: He placed himself on top of me, sir.

COURT: (CLARIFICATORY QUESTION)

Q: Was he naked when he placed himself on top of you?  
A: Yes, you Honor.

FISCAL CABAÑOG: (DIRECT EXAMINATION)

Q: Was he totally naked during this time?  
A: Only his short pants, sir.

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<sup>33</sup> Id. at 5.

<sup>34</sup> Id. at 7.



Q: Then what happened next after he put himself on top of you?

A: He made a push and pull movement, sir.

Q: When he made a push and pull movement, what happened?

A: I felt pain because he pushed hard, sir.<sup>35</sup>

Q: In what part of your body felt pain?

A: My vagina, sir.

Q: So you said he pushed hard, what is that he pushed hard to your vagina?

A: His penis, sir.

COURT: (CLARIFICATORY QUESTION)

Q: When you said he pushed hard, are you telling the Court that his penis inserted into your vagina?

A: Yes, your Honor.

x x x x

FISCAL CABAÑOG: (DIRECT EXAMINATION)

x x x x

Q: Then what happened next when he made that push and pull movement?

A: I felt pain.<sup>36</sup>

Q: And after that, what else did your father do?

A: After he was through, he pulled out his penis, sir.

Q: When he pulled out his penis, what did you notice to your vagina, if there was any?

A: There was semen, sir.

Q: Why did you say that it's semen, can you describe it?

A: It's a white and sticky fluid, sir.

Q: So, what did do [sic] after that?

A: I wiped it, sir.<sup>37</sup>

The Court gives great weight to the findings of the lower courts on the credibility of private complainant. It is settled jurisprudence that "testimonies of child victims are given full weight and credit, because when a woman, more so if she is a minor, says that she has been raped, she says in effect all that is necessary to show that rape was committed. Youth and immaturity are generally badges of truth and sincerity."<sup>38</sup> As correctly pointed out by the trial court, private complainant recounted her horrific experience at the hands of her father in a clear and straightforward manner.<sup>39</sup> Accused-appellant's

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<sup>35</sup> Id. at 8.

<sup>36</sup> Id. at 9.

<sup>37</sup> Id. at 10.

<sup>38</sup> *People v. XXX*, G.R. No. 218277, November 9, 2020.

<sup>39</sup> *CA rollo*, p. 38.

defense of denial and ambiguous claim that the rape charge was fabricated by his neighbors<sup>40</sup> deserve no weight in law, and cannot prevail over private complainant's positive and categorical testimony.<sup>41</sup> The Court has consistently ruled that "a young girl's revelation that she had been raped, coupled with her voluntary submission to [a] medical examination and willingness to undergo public trial where she could be compelled to give out the details of an assault on her dignity, cannot be so easily dismissed as mere concoction."<sup>42</sup> This legal principle especially applies in cases where the assailant was her father.

To exonerate himself, accused-appellant avers that the prosecution failed to prove his guilt beyond reasonable doubt for the following reasons: (i) the delay in private complainant's reporting of the alleged abuse by accused-appellant lends suspicion to her entire claim. She stated that accused-appellant raped her several times since she was in Grade 2 but she never reported the same despite having several opportunities to do so. Her inaction was far too unnatural;<sup>43</sup> (ii) there were inconsistencies in the testimonies of the prosecution's witnesses. For instance, private complainant testified that after the rape incident on July 22, 2016, she went to her maternal aunt's house to tell her about the rape. However, her maternal aunt offered another version wherein she claimed that she learned about the incident from another aunt after which they fetched private complainant from her house;<sup>44</sup> and (iii) there was a discrepancy between private complainant's testimony in court and in her Judicial Affidavit. For instance, she testified that during the rape, there was no conversation between her and accused-appellant. However, in her Judicial Affidavit, private complainant stated that accused-appellant was talking to her while raping her.<sup>45</sup>

Accused-appellant's arguments fail to persuade Us.

Private complainant's hesitation to immediately report the alleged several rape incidents is not unusual for rape victims who are minors. "Behavioral psychology teaches us that, even among adults, people react to similar situations differently, and there is no standard form of human behavioral response when one is confronted with a startling or frightful experience."<sup>46</sup> Moreover, the failure or delay in the reporting of rape incidents cannot be taken against private complainant since rape victims, particularly minors, are oftentimes overwhelmed with fear especially if their assailant is their own father. This Court has recognized the moral ascendancy and influence the father has over his child.<sup>47</sup> "[T]here can be no greater source of fear or intimidation than your own father, [the] one, who, generally, has

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<sup>40</sup> Id. at 25.

<sup>41</sup> *People v. DDD*, G.R. No. 243583, September 3, 2020.

<sup>42</sup> *People v. XXX*, G.R. No. 232308, October 7, 2020.

<sup>43</sup> *CA rollo*, p. 27.

<sup>44</sup> Id. at 27-28.

<sup>45</sup> Id. at 28-29.

<sup>46</sup> *People v. XXX*, G.R. No. 230981, July 15, 2020.

<sup>47</sup> *People v. ZZZ*, G.R. No. 224584, September 4, 2019.



exercised authority over your person since birth.”<sup>48</sup> Considering that private complainant was a young girl when she was raped, and the fact that accused-appellant was her biological father who exercised moral ascendancy over her, explain why she hesitated to immediately report the alleged repeated sexual molestation and behaved as though no wrong had been done to her. We have consistently held that delay in divulging the identities of the perpetrator of the crime, if sufficiently explained, does not impair the credibility of the witness and her testimony nor destroy their probative value.<sup>49</sup>

Moreover, the inconsistencies alluded to in private complainant’s testimony refer to minor details and not to the essential elements of the crime of rape. What is decisive is that accused-appellant’s commission of the crime charged has been sufficiently proved.<sup>50</sup> Settled is the rule that “inconsistencies on minor details are in fact badges of truth, candidness, and the fact that the witness was unrehearsed.”<sup>51</sup> Moreover, the trial court found her testimony credible since it was given in a categorical, straightforward, spontaneous, and frank manner despite her young age. Notably, the trial judge had the opportunity to personally examine the demeanor of the witnesses when they testified on the stand. We find no compelling reason to deviate from these findings especially since the appellate court affirmed the same. The finding of credibility may be overturned only when certain facts or circumstances are overlooked, misunderstood, or misapplied, and the same could have materially affected the outcome of the case.<sup>52</sup> No such circumstance is present in the case at bar. Thus, We uphold the finding of private complainant’s credibility.

Private complainant’s minority during the commission of the rape and her relationship to accused-appellant as her father were likewise duly alleged in the Information and established during trial, as in fact, accused-appellant himself admitted his relationship with private complainant.<sup>53</sup> With the concurrence of the qualifying circumstances of minority (below 12 years of age) and relationship, the crime committed is Qualified Statutory Rape.

Under Article 266-B of the RPC, the death penalty shall be imposed when the victim of rape is below 18 years of age and the offender is a parent, such as accused-appellant who is the father of private complainant. The death penalty cannot, however, be imposed in view of RA 9346.<sup>54</sup> In lieu of death penalty, *reclusion perpetua* is imposed. However, it must be stated that accused-appellant is not eligible for parole.<sup>55</sup>

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<sup>48</sup> *People v. Pacayra*, 810 Phil. 275, 293-294 (2017).

<sup>49</sup> *People v. Cabigquez*, 646 Phil. 266, 286 (2010).

<sup>50</sup> *People v. XXX*, G.R. No. 242216, September 22, 2020.

<sup>51</sup> *People v. Molejon*, 830 Phil. 519, 532 (2018).

<sup>52</sup> *People v. Adalia*, G.R. No. 235990, January 22, 2020.

<sup>53</sup> CA rollo, p. 25.

<sup>54</sup> Entitled “AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES.” Approved: June 24, 2006.

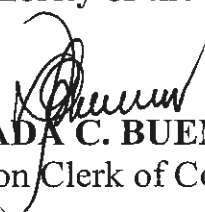
<sup>55</sup> A.M. No. 15-08-02-SC or the “GUIDELINES FOR THE USE OF THE PHRASE ‘WITHOUT ELIGIBILITY FOR PAROLE’ IN INDIVISIBLE PENALTIES.” Signed: August 4, 2015.

Hence, the Court finds proper the penalty imposed by the RTC upon accused-appellant as affirmed by the CA, *i.e.*, *reclusion perpetua* without eligibility for parole.<sup>56</sup> Moreover, the amounts of damages awarded and the interest imposed are pursuant to prevailing jurisprudence.<sup>57</sup>

**ACCORDINGLY**, the appeal is **DISMISSED**. The April 30, 2019 Decision of the Court of Appeals in CA-G.R. CR-HC No. 01980-MIN is **AFFIRMED** with **MODIFICATION** in that accused-appellant XXX is found guilty of the crime of Qualified Statutory Rape.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court  
8/9/22

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

**121-I**  
**SEP 27 2022**

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(CA-G.R. CR-HC No. 01980-MIN)

The Hon. Presiding Judge  
Regional Trial Court, Branch 11  
Sindangan, 7112 Zamboanga del Norte  
(Crim. Case No. S-5542)

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<sup>56</sup> CA rollo, p. 42.

<sup>57</sup> *People v. XXX*, G.R. No. 236562, September 22, 2020.



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