



Republic of the Philippines
Supreme Court
Baguio City

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated April 26, 2022 which reads as follows:

“G.R. No. 251752 (People of the Philippines, *Plaintiff-Appellee vs. XYZ*,¹ *Accused-Appellant*). – This is an appeal² assailing the Decision³ dated July 26, 2019 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 11153. The CA affirmed the judgment⁴ dated May 3, 2018 of Branch 77, Regional Trial Court (RTC), [REDACTED], Bulacan in Criminal Case No. 3213-M-2010 that found XYZ (accused-appellant) guilty beyond reasonable doubt of Qualified Rape under paragraph 1(a), Article 266-A of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 8353,⁵ in relation to Article 266-B of the RPC; but acquitted him of Acts of Lasciviousness in Criminal Case No. 3214-M-2010.

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¹ 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. (RA) 7610, “An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, and for Other Purposes”; RA 9262, “An Act Defining Violence against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes”; 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. Cabalquinto*, 533 Phil. 703 (2006); and Amended Administrative Circular No. 83-2015 dated September 5, 2017, Subject: 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 See Notice of Appeal dated August 16, 2019; *rollo*, pp. 16-18.

³ CA *rollo*, pp. 133-145. Penned by Associate Justice Priscilla J. Baltazar-Padilla (now a retired Member of the Court) and concurred in by Associate Justices Pedro B. Corales and Geraldine C. Fiel-Macaraig.

⁴ Id. at 80-83. Penned by Presiding Judge Gorgonio B. Elarmo, Jr.

⁵ The Anti-Rape Law of 1997, approved on September 30, 1997.

The Antecedents

The case stemmed from two separate Informations,⁶ both dated October 7, 2010, charging accused-appellant with Qualified Rape and Acts of Lasciviousness.

In Criminal Case No. 3213-M-2010
(Qualified Rape)

That on or about the 19th day of September, 2010 in the municipality of [REDACTED], province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being the common-law spouse of the victim's mother, with lewd designs, and through force, threat and intimidation, did then and there, willfully, unlawfully and feloniously have carnal knowledge of [AAA], a minor 13 years of age, by then and there inserting his penis into her vagina, against her will and without her consent.

Contrary to law.⁷

In Criminal Case No. 3214-M-2010
(Acts of Lasciviousness)

That on or about the 22nd day of September, 2010, in the municipality of [REDACTED], province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused did then and there willfully, unlawfully and feloniously, with lewd designs and with force, threat and intimidation, commit acts of lasciviousness upon the person of [AAA], a minor 13 years of age by then and there touching the breasts of the said [AAA] against her will and without her consent.

Contrary to law.⁸

Upon arraignment, accused-appellant pleaded not guilty to the crimes charged.⁹

Trial on the merits ensued.

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⁶ Records, pp. 1-2, 4-5.

⁷ As culled from the CA Decision; *rollo*, pp. 3-4. See also records, p. 1.

⁸ *Rollo*, p. 4. See also records, p. 4.

⁹ *Rollo*, p. 4.

Version of the Prosecution

The prosecution alleged that accused-appellant is the common-law spouse of ZZZ, the mother of AAA.¹⁰ It claimed that on the night of September 19, 2010, AAA, a 13-year-old girl,¹¹ was sleeping in the room she shared with her siblings and accused-appellant's children. At around 10:00 p.m., AAA woke up and saw that accused-appellant started to remove her shirt and bra. Accused-appellant touched her breast and kissed her. After accused-appellant removed AAA's shorts and panties, he kissed her private part and forcibly inserted his penis into her vagina. While accused-appellant was doing the lewdness to AAA, he threatened her not to tell anybody about it otherwise, he will kill all of her siblings. Accused-appellant's threat silenced AAA. After accused-appellant satisfied himself, he put on his clothes and returned to sleep.¹²

On the night of September 22, 2010, AAA was again awakened when accused-appellant started touching her breasts. When she attempted to scream, accused-appellant covered her mouth and threatened her that if she tells anyone, he will kill her siblings. When one of AAA's siblings stirred in her sleep, accused-appellant stopped from continuing his bestial act.¹³

The next day, AAA reported the horrible experience she had with accused-appellant to GGG and HHH, her mother's sisters. HHH then accompanied AAA to the *barangay* hall, then later to the police station to report the incidents.¹⁴

Police Chief Inspector Joseph Palmero, MD (Dr. Palmero) conducted a medical examination on AAA. Dr. Palmero found shallow healed hymenal lacerations that could have been caused by a previous blunt force or penetrating genital trauma.¹⁵

Version of the Defense

In his defense, accused-appellant denied the charges. He insisted that AAA was being coached by her aunts, GGG and HHH, to file the charges because the two were mad at him.¹⁶

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¹⁰ Id. at 5.

¹¹ However, as per Certification from the Office of the Civil Registrar, AAA was born on August 24, 1998, which means that at the time of the rape incident, she was only 12 years of age; id. at 13.

¹² *CA rollo*, p. 81.

¹³ *Rollo*, p. 5.

¹⁴ Id.

¹⁵ Id.

¹⁶ Id.

The RTC Ruling

The RTC, in its judgment¹⁷ dated May 3, 2018, found accused-appellant guilty beyond reasonable doubt of Qualified Rape in Criminal Case No. 3213-M-2010. However, it acquitted him of the charge of Acts of Lasciviousness in Criminal Case No. 3214-M-2010 for failure of the prosecution to prove his guilt beyond reasonable doubt.¹⁸ The dispositive portion of the judgment states:

Samakatuwid, ang nasasakdal na si [XYZ] ay NATAGPUAN sa ibayo ng makatwirang alinlangan na NAGKASALA sa Kasong Kriminal Blg. 3213-M-2010 ng krimeng kwalipikadong pang[g]agahasa o *qualified rape* sa anak ng kanyang kinakasama na batang wala pang 18 taong gulang na labag sa Art. 266-A(1)(a), kaugnay ng bilang (1) ng ikaanim na talata ng Art. 266-B ng Binagong Kodigo Penal ng Pilipinas, na sinusugan. Siya ay:

(1) HINAHATULAN ng *reclusion perpetua* na walang karapatan sa *parole*; at

(2) INUUTUSAN ding magbayad sa batang biktima ng ₱100,000.00 bayad-pinsalang sibil, ₱100,000.00 moral na kapinsalaan, at ₱100,000.00 pambabalang kapinsalaan. Ang bawat halagang nabanggit ay may 6% interes kada taon mula sa pagiging pinal ng Hatol na ito hanggang sa lubos na mabayaran.

Samantala, dahil walang naiharap na katibayan laban sa akusado sa Kasong Kriminal Blg. 3214-M-2010, siya ay PINAPAWALANG-SALA sa nasabing kaso.

IPINAG-UUTOS.¹⁹ (Emphasis and italics in the original.)

The RTC ruled that the prosecution proved all the elements of Qualified Rape beyond reasonable doubt. It found AAA's testimony as to the incident that transpired on September 19, 2010 credible; AAA consistently, positively, and categorically identified accused-appellant as her abuser; AAA was merely 12 years of age when the incident happened; and accused-appellant is the common-law spouse of AAA's mother. Thus, it declared that the crime committed was Qualified Rape.²⁰ However, it acquitted accused-appellant of the charge of Acts of Lasciviousness for failure of the prosecution to prove his guilt beyond reasonable doubt.²¹

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¹⁷ CA rollo, pp. 80-83.

¹⁸ Id. at 82-A.

¹⁹ CA rollo, pp. 82-A-83.

²⁰ Id. at 81-82.

²¹ Id. at 82-A.

The CA Ruling

In the assailed Decision²² dated July 26, 2019, the CA denied the appeal and affirmed the RTC judgment, thus:

WHEREFORE, the instant appeal is hereby DENIED.

The Decision dated May 3, 2018 of the Regional Trial Court of the [REDACTED], Bulacan, Branch 77, is hereby AFFIRMED.

SO ORDERED.²³

The CA affirmed the RTC's findings as to the credibility of AAA as a witness and ruled that the inconsistencies in AAA's testimony as cited by accused-appellant are not fatal and do not affect her credibility.²⁴ It further ruled that the qualifying circumstance of relationship was sufficiently alleged in the Information and proven during trial; and that accused-appellant admitted that he is the common-law spouse of AAA's mother.²⁵

Hence, the instant appeal.²⁶

Accused-appellant manifested that he is adopting the appellant's brief²⁷ as his supplemental brief before the Court.²⁸ The appellee, through the Office of the Solicitor General (OSG), similarly manifested that the plaintiff-appellee will no longer file a supplemental brief.²⁹

In his appellant's brief, accused-appellant ascribed error on the RTC for giving credence and weight to AAA's incredible testimony. He asserted that AAA's testimony is inconsistent with her *Sinumpaang Salaysay*. Accused-appellant contends that AAA stated in her *Sinumpaang Salaysay* that she tried to stop accused-appellant whereas on her direct examination, she testified that she did not do anything to stop accused-appellant because she was afraid.³⁰ He also questioned AAA's failure to shout for help during the alleged incidents although all of her siblings were sleeping right next to her.³¹

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²² *Rollo*, pp. 3-15.

²³ *Id.* at 14.

²⁴ *Id.* at 9-10, 12.

²⁵ *Id.* at 13-14.

²⁶ *Id.* at 16-17.

²⁷ *CA rollo*, pp. 67-77.

²⁸ See Manifestation (In Lieu of a Supplemental Brief) dated February 18, 2021; *rollo*, pp. 27-30.

²⁹ See Manifestation dated February 15, 2021; *id.* at 31-32.

³⁰ *CA rollo*, pp. 75-76.

³¹ *Id.* at 76.

On the other hand, the OSG, in its Brief for the Appellee,³² countered: that AAA's *Sinumpaang Salaysay* and testimony are consistent; that in both her *Sinumpaang Salaysay* and testimony, AAA alleged that she tried to resist accused-appellant but failed because he not only overpowered her but also threatened her;³³ that AAA adequately explained the four-day delay in reporting the incident; that AAA's silence for four days after the rape incident was due to the death threats from accused-appellant;³⁴ and that the crime of Rape can be committed in public or even in the presence of other people.³⁵

The Issue

The issue to be resolved is whether the CA correctly affirmed the judgment of the RTC that accused-appellant is guilty beyond reasonable doubt of the crime of Qualified Rape.

Our Ruling

The appeal is without merit.

Well settled is the rule that the matter of ascribing substance to the testimonies of witnesses is best discharged by the trial court, and the appellate courts will not generally disturb the findings of the trial court in this respect.³⁶

As explained in *Estrella v. People*:³⁷

x x x. Findings of the trial court which are factual in nature and which involve the credibility of witnesses are accorded with respect, if not finality by the appellate court, when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gathered from such findings. The reason is quite simple: the trial judge is in a better position to ascertain the conflicting testimonies of witnesses after having heard them and observed their deportment and mode of testifying during the trial.³⁸

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³² Id. at 88-98.

³³ Id. at 93-95.

³⁴ Id. at 95-96.

³⁵ Id. at 97.

³⁶ *Estrella v. People*, G.R. No. 212942, June 17, 2020.

³⁷ Id.

³⁸ Id., citing *People v. Aspa*, 838 Phil. 302, 311-312 (2018) and *People v. Villamin*, 625 Phil. 698, 712-713 (2010).

After a judicious perusal of the records, the Court finds no compelling reason to depart from the RTC and CA's uniform factual findings. The Court affirms accused-appellant's conviction.

Accused-appellant was indicted for Qualified Rape under paragraph 1, Article 266-A, in relation to Article 266-B of the RPC, as amended, which provides as follows:

Art. 266-A. *Rape, When And How Committed.* — Rape is committed —

1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

- a) Through force, threat, or intimidation;
- b) When the offended party is deprived of reason or otherwise unconscious;
- c) By means of fraudulent machination or grave abuse of authority;

x x x x

Art. 266-B *Penalties.* — Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

x x x x

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

1) When the victim is *under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common law spouse of the parent of the victim.*

x x x x (Italics supplied.)

The elements of Qualified Rape under the provisions are: (a) the victim is a female over twelve (12) years but under eighteen (18) years of age; (b) the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim; and (c) the offender has carnal knowledge of the victim either through force, threat, or intimidation.³⁹

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³⁹ *People v. Monroyo*, 811 Phil. 802, 816 (2017).

The Court concurs with the findings of the RTC, as affirmed by the CA, that the prosecution was able to establish beyond reasonable doubt all the elements of Qualified Rape. Records reveal that AAA was 12 years old when she was raped by accused-appellant;⁴⁰ that accused-appellant admitted that he is the common-law spouse of AAA's mother;⁴¹ and that accused-appellant inserted his penis into AAA's vagina through force, threat, and intimidation.⁴²

AAA painstakingly recalled how accused-appellant succeeded in having carnal knowledge of her through force, threat, and intimidation.⁴³ AAA categorically testified that accused-appellant raped her on September 19, 2010; thus:

Q: You said that [accused-appellant] held your both hands, what else did he do after he held your both hands?

A: He removed my dress and also my bra, sir.

Q: And after he removed your dress and bra, what else did he do?

A: He kissed my neck and my breast, sir.

Q: Is that the only thing that [accused-appellant] did to you?

A: There was some more, sir.

Q: What was that?

A: And then he also removed my shorts and panty, sir.

Q: Did he successfully remove your shorts and panty?

A: Yes, sir.

Q: Thereafter, what did [accused-appellant] do?

A: After he kissed my neck, my breast and then it proceeded up to my private parts, sir.

Q: Did he kiss also your private parts, AAA?

A: Yes, sir.

Q: And what did you feel when he did these things to you?

A: I was scared, sir.

Q: And what did he do when he you became afraid, AAA?

A: Then he inserted his penis into my vagina, sir.

Q: Did he also successfully enter his penis into your vagina?

A: Yes, sir.

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⁴⁰ *Rollo*, p. 13. See also records, pp. 10-11, 15.

⁴¹ *CA rollo*, p. 82.

⁴² *Id.*

⁴³ *Rollo*, p. 8.

Q: For how long did he insert his penis into your vagina, if you know?

A: For a quite long time, sir.

Q: And what did you feel while the same was being inserted into your vagina?

A: I was hurt, sir.

Q: Is that the first time you experienced that incident?

A: Yes, sir.

Q: While he was doing these things to you, was (sic) [accused-appellant] uttered (sic) something?

A: There was, sir.

Q: What was that AAA?

A: He threatened me that if ever you (sic) reported (sic) to somebody he will kill my siblings, sir.

Q: Now, you said he was successful in inserting his penis into your vagina, could you tell this Honorable Court what was your relative position at that time?

A: I was lying and then he put his body on top of me, sir.

Q: Was XYZ at that time fully naked?

A: Yes, sir.⁴⁴

Based on the above-mentioned statements, it is clear that accused-appellant forcibly inserted his penis into AAA's vagina. Accused-appellant likewise threatened AAA that if she discloses the incident to anyone, he will kill all of her siblings. Undisputedly, Qualified Rape was consummated.

Accused-appellant insists that the inconsistencies in AAA's *Sinumpaang Salaysay* and testimony during direct examination cast doubt as to her credibility. He claims that AAA failed to state during the direct examination that she tried to fight back when he was allegedly raping her, which is contrary to her statements in her *Sinumpaang Salaysay* wherein she mentioned that she tried to resist the actions of accused-appellant.⁴⁵

Accused-appellant's claim is clearly misleading.

Records reveal that during cross-examination, AAA did testify that she tried to fight back. AAA declared "*pumapalag-palag po ako*" when accused-appellant was sexually abusing her. This statement is

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⁴⁴ As culled from the CA Decision; id. at 8-9.

⁴⁵ CA *rollo*, p. 75.

consistent with what she alleged in her sworn affidavit that she tried to resist but was unsuccessful because accused-appellant tightly hugged her. Moreover, the CA correctly ruled that it is understandable that during direct examination, AAA did not state whether she resisted accused-appellant because there was no question propounded on that matter.⁴⁶

Besides, inaccuracies and inconsistencies in a rape victim's testimony are generally expected.⁴⁷ "Rape is a painful experience which is oftentimes not remembered in detail."⁴⁸ For some, "it is something which causes deep psychological wounds and casts a stigma upon the victim, scarring her psyche for life and which her conscious and subconscious mind would not easily forget."⁴⁹ Thus, inaccuracies and inconsistencies are expected in a rape victim's testimony.⁵⁰

It must likewise be emphasized that testimonies of child victims are given full weight and credit, for when a woman or a girl-child says that she has been raped, she says in effect all that is necessary to show that rape was indeed committed.⁵¹ "Youth and immaturity are generally badges of truth and sincerity."⁵²

Furthermore, accused-appellant posits that AAA's behavior during the alleged rape incident is not consistent with one subjected to sexual abuse. According to accused-appellant, AAA could have easily shouted for help during the assault as they were in the same room with her siblings and accused-appellant's children.⁵³

Accused-appellant is grasping at straws.

Lust is no respecter of time or place.⁵⁴ "Rapists are not deterred from committing the odious act of sexual abuse by the mere presence of people nearby or even family members; rape is committed not exclusively in seclusion."⁵⁵

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⁴⁶ See *rollo*, p. 10.

⁴⁷ *People v. Pareja*, 724 Phil. 759, 773 (2014).

⁴⁸ *People v. Fetalco*, G.R. No. 241249, July 28, 2020.

⁴⁹ *People v. CCC*, 836 Phil. 133, 141 (2018).

⁵⁰ *People v. Agalot*, 826 Phil. 541, 559 (2018).

⁵¹ See *People v. ABC*, G.R. No. 244835, December 11, 2019, citing *People v. Alberca*, 810 Phil. 896, 906 (2017).

⁵² *People v. Deliola*, 794 Phil 194, 208 (2016), citing *People v. Suarez*, 750 Phil 858, 869 (2015).

⁵³ *CA rollo*, p. 76.

⁵⁴ *People v. Siscar*, G.R. No. 218571, June 3, 2019.

⁵⁵ *People v. Jagdon, Jr.*, G.R. No. 242882, September 9, 2020, citing *People v. Agudo*, 810 Phil. 918, 929 (2017).

*People v. XXX*⁵⁶ is instructive, thus:

First, appellant contends that complainant's testimony of rape is not credible as it is against human nature and common human experience for a person to commit rape in broad daylight and in a small house of five (5) by ten (10) meters where 11 persons reside.

The contention is without merit. The argument that rape cannot be committed in a house where other members of the family reside or may be found is a contention that has long been rejected by the Court. It is almost a matter of judicial notice that crimes against chastity have been committed in many different places which may be considered as unlikely or inappropriate and that the scene of the rape is not always or necessarily isolated or secluded for lust is no respecter of time or place. Thus, rape can, and has been, committed in places where people congregate, *e.g.*, inside a house where there are occupants, a five (5) meter room with five (5) people inside, or even in the same room which the victim is sharing with the sister of the accused. Thus, it is not improbable for appellant to have raped complainant in their house where 11 family members reside. To stress, complainant testified that she was raped during daytime when no one was home except for herself and appellant.⁵⁷

It is also well settled that rape victims react differently.⁵⁸ "There is no standard form of reaction for a woman when facing a shocking and horrifying experience such as a sexual assault."⁵⁹

In *People v. Villamor*,⁶⁰ the Court discussed:

Neither does AAA's silence on the incident nor failure to shout or wake up her siblings affect her credibility. The Court had consistently found that there is no uniform behavior that can be expected from those who had the misfortune of being sexually molested. While there are some who may have found the courage early on to reveal the abuse they experienced, there are those who have opted to initially keep the harrowing ordeal to themselves and attempted to move on with their lives. This is because a rape victim's actions are oftentimes overwhelmed by fear rather than by reason. The perpetrator of the rape hopes to build a climate of extreme psychological terror, which would numb his victim into silence and submissiveness. In fact, incestuous rape further

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⁵⁶ G.R. No. 236562, September 22, 2020.

⁵⁷ *Id.*

⁵⁸ See *People v. Palanay*, 805 Phil. 116, 126 (2017).

⁵⁹ *Id.* at 127.

⁶⁰ 780 Phil. 817 (2016).

magnifies this terror for the perpetrator in these cases, such as the victim's father, is a person normally expected to give solace and protection to the victim. Moreover, in incest, access to the victim is guaranteed by the blood relationship, magnifying the sense of helplessness and the degree of fear.⁶¹

Beyond doubt, AAA's failure to shout during the rape incident, despite the presence of her siblings and accused-appellant's children in the same room, does not impair her credibility and should not be taken against her. AAA was clearly overwhelmed by fear rather than by reason because accused-appellant is the common-law spouse of her mother and because he threatened to kill her siblings if she told anyone about the incident.⁶²

Finally, the Court reiterates that accused-appellant's denial and alibi cannot prevail over the positive and categorical testimony of AAA. "Denial, if unsubstantiated by clear and convincing evidence, is a self-serving assertion that deserves no weight in law."⁶³ In the case, accused-appellant merely offered a plain self-serving denial unsupported by any independent, clear, and convincing evidence.⁶⁴

As for the penalty, the RTC and the CA correctly convicted accused-appellant of Qualified Rape. AAA was merely 12 years old⁶⁵ when the crime was committed against her person.

In *People v. Tulagan*,⁶⁶ the Court highlighted that "when the offended party is 12 years old or below 18 and the charge against the accused is carnal knowledge through "force, threat or intimidation" then he will be prosecuted for rape under Article 266-A(1)(a) of the RPC" which is punishable by *reclusion perpetua*.

Here, the accused-appellant admitted that he is the common-law spouse of AAA's mother.⁶⁷ The relationship of accused-appellant and AAA's mother is one of the filial relationships enumerated under Article 266-B, qualifying the offense. Thus, the nomenclature of the crime should be Qualified Rape under paragraph 1(a), Article 266-A of the RPC, as amended by RA 8353, in relation to Article 266-B of the RPC.

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⁶¹ Id. at 830-831.

⁶² See *rollo*, p. 9.

⁶³ *People v. Molejon*, 830 Phil. 519, 534 (2018), citing *People v. Vitero*, 708 Phil. 49, 63 (2013).

⁶⁴ See *rollo*, p. 12.

⁶⁵ Id. at 13.

⁶⁶ G.R. No. 227363, March 12, 2019.

⁶⁷ *Rollo*, p. 13.

The penalty that should be imposed is death;⁶⁸ but by virtue of RA 9346,⁶⁹ the courts *a quo* correctly imposed the penalty of *reclusion perpetua* without eligibility for parole against accused-appellant.

In A.M. No. 15-08-02-SC,⁷⁰ the Court provided the guidelines for the use of the phrase “without eligibility for parole” to remove any confusion, to wit:

1. In cases where the death penalty is not warranted, there is no need to use the phrase “without eligibility of parole” to qualify the penalty of *reclusion perpetua*; it is understood that convicted persons penalized with an indivisible penalty are not eligible for parole; and
2. When circumstances are present warranting the imposition of the death penalty, but this penalty is not imposed because of R.A. 9346, the qualification of without “eligibility of parole” *shall be used* to qualify *reclusion perpetua* in order to emphasize that the accused should have been sentenced to suffer the death penalty had it not been for R.A. No. 9346. (Emphasis in the original.)⁷¹

Likewise, the awards of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages are proper pursuant to *People v. Jugueta*.⁷² The imposition of six percent (6%) interest *per annum* on all monetary awards from the finality of this Resolution until full payment is likewise proper.⁷³

WHEREFORE, the appeal is **DISMISSED**. The Decision dated July 26, 2019 of the Court of Appeals in CA-G.R. CR-H.C. No. 11153 finding accused-appellant XYZ **GUILTY** beyond reasonable doubt of Qualified Rape defined and penalized under Articles 266-A

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⁶⁸ Article 266-B. *Penalty*. – Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

x x x x

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

1) When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim;

x x x x

⁶⁹ An Act Prohibiting the Imposition of Death Penalty in the Philippines, approved on June 24, 2006.

⁷⁰ Guidelines for the Proper Use of the Phrase “Without Eligibility for Parole” in Indivisible Penalties, dated August 4, 2015.

⁷¹ *Id.* See also *People v. Gozo*, 836 Phil. 932, 945 (2018).

⁷² 783 Phil. 806, 839-840 (2016).

⁷³ *People v. Briones*, G.R. No. 240217, June 23, 2020.

and 266-B of the Revised Penal Code, as amended by Republic Act No. 8353, is **AFFIRMED** *in toto*. Accused-appellant XYZ is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole and is hereby **ORDERED** to pay AAA the following amounts: ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages. All the damages awarded shall earn legal interest rate of six percent (6%) *per annum* from the finality of this Resolution until fully paid.

SO ORDERED.” Gaerlan, J., on official leave.

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court _{7/14}

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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JUL 19 2022

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