



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated October 3, 2022, which reads as follows:

“**G.R. No. 252497** (*People of the Philippines v. XXX*¹). — On appeal is the June 25, 2019 Decision² of the Court of Appeals (CA) in CA-G.R. CR-HC No. 10826, which affirmed with modification the November 29, 2017 Decision³ of the Regional Trial Court (RTC) of ██████████, ██████████, in Criminal Case Nos. 2009-7533 and 2009-7532, finding accused-appellant XXX guilty beyond reasonable doubt of the crime of Rape.

Antecedents

In two separate Informations⁴ both dated July 6, 2009, accused-appellant was charged with the crime of Rape in relation to Republic Act No. (RA) 7610⁵ otherwise known as “Special Protection of Children against Abuse, Exploitation and Discrimination Act,” which respectively alleged:

Criminal Case No. 2009-7532

That sometime in the evening of June 2000 in Barangay ██████████, ██████████, ██████████, Philippines,⁶ and within the jurisdiction of this Honorable Court, the above-named accused, with lewd

¹ 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.”

² *Rollo*, pp. 3-15. Penned by Associate Justice Eduardo B. Peralta, Jr. and concurred in by Associate Justices Ramon R. Garcia and Gabriel T. Robeniol.

³ Records, pp. 121-128. Penned by Acting Presiding Judge Bernardo R. Jimenez, Jr.

⁴ Records, Criminal Case No. 2009-7532, pp. 1-2; Criminal Case No. 2009-7533, pp. 1-2.

⁵ Entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, PROVIDING PENALTIES FOR ITS VIOLATION, AND FOR OTHER PURPOSES.” Approved: June 17, 1992.

⁶ Geographical location is blotted out pursuant to Supreme Court Amended Administrative Circular No. 83-2015.

designs, and by means of force, rendered the 10-year old AAA⁷ unconscious and, did then and there, willfully, unlawfully and feloniously have carnal knowledge with the said [sic] AAA against her will and without her consent, which act likewise [constitutes] child abuse as it debases, degrades and demeans the dignity of the victim as a child causing her emotional and psychological trauma, to her damage and prejudice.

The aggravating circumstance of relationship is attendant, the accused being the uncle of the victim, a relative by consanguinity within the third civil degree.

CONTRARY TO LAW.⁸

Criminal Case No. 2009-7533

That sometime in the evening of the month of April, 2001, in [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, and by means of force, rendered the 11-year old [sic] BBB unconscious, and did then and there, willfully, unlawfully and feloniously have carnal knowledge with the said [sic] BBB against her will and without her consent, which act likewise constitute child abuse as it debases, degrades and demeans the dignity of the victim as a child causing her emotional and psychological trauma, to her damage and prejudice.

The aggravating circumstance of relationship is attendant, the accused is the uncle of the victim, a relative by consanguinity within the third civil degree.

CONTRARY TO LAW.⁹

Upon arraignment, accused-appellant pleaded not guilty to all the offenses charged against him.¹⁰ Trial on the merits thereafter ensued.

Version of the Prosecution

AAA narrated that sometime in June 2000, she was then only 10 years old at the time of the incident.¹¹ At that time, she was staying at her grandmother's house in [REDACTED] and helping in the preparations for

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. 2009-7532.

⁹ Records, Criminal Case No. 2009-7532, p. 1.

¹⁰ Records, p. 32.

¹¹ TSN, February 22, 2012, p. 6.

the fiesta.¹² Around midnight, AAA was roused from her sleep when she noticed her uncle, herein accused-appellant, was already beside her.¹³ Accused-appellant then suddenly covered AAA's mouth and nose with a foul-smelling blanket,¹⁴ causing AAA to lose consciousness. When she regained consciousness, she noticed that she no longer had her lower garments and that accused-appellant who was naked was sleeping beside her.¹⁵ When AAA moved, she felt pain in her inner thigh and genital area.¹⁶ Thereafter, accused-appellant stared sharply at AAA and warned her not to tell anyone about what happened, otherwise something bad will happen to her father.¹⁷ AAA failed to immediately report the incident out of fear that accused-appellant will pursue his threat of harming her father.¹⁸

For her part, BBB (AAA's twin sister) narrated that sometime in April 2001, she was then only 11 years old when the crime was committed.¹⁹ She averred that accused-appellant was her uncle, being her mother's brother.²⁰ At that time, BBB was asked by her mother to buy medicine at [REDACTED].²¹ By the time she was done, BBB decided to spend the night in her grandmother's house since it was already getting dark and she still had three kilometers to traverse.²² At around 10:00 p.m., while BBB was sleeping in the living room of her grandmother's house, she was awakened when she felt accused-appellant lay down beside her.²³ BBB immediately stood up to leave, however, accused-appellant suddenly covered her mouth and nose with a blanket that had a foul smell which made her feel dizzy.²⁴ Thereafter, she lost consciousness and woke up the following day.²⁵ She noticed that accused-appellant was still asleep beside her and that the zipper of her shorts was open.²⁶ She immediately went to the bathroom and noticed that there were drops of blood in her urine.²⁷ Before BBB left, accused-appellant told her not to tell anyone about what happened, otherwise something bad will happen to her father.²⁸ BBB failed to immediately report the incident as she was so afraid to tell anyone what happened.²⁹

¹² Id. at 5.

¹³ Id. at 4-6.

¹⁴ Id. at 6-8.

¹⁵ Id. at 8-9.

¹⁶ Id. at 10.

¹⁷ Id. at 9.

¹⁸ Id. at 10.

¹⁹ TSN, October 28, 2014, p. 19.

²⁰ Id. at 17.

²¹ Id. at 18.

²² Id.

²³ Id. at 20-21.

²⁴ Id. at 22.

²⁵ Id. at 23.

²⁶ Id. at 24.

²⁷ Id.

²⁸ Id. at 24-25.

²⁹ Id. at 25.

Sometime in 2009, AAA and BBB noticed that their other sister, CCC, was acting strangely.³⁰ When they confronted her, CCC admitted that accused-appellant raped her.³¹ AAA and BBB told CCC that they too were raped by accused-appellant when they were younger.³²

Fearing that their other sisters would also be victimized by their uncle, AAA and BBB, together with their sister CCC, went to the Department of Social Welfare and Development (DSWD) where they were advised to go the *barangay*.³³ Upon arrival, they immediately reported the rape incidents and thereafter filed their complaint.³⁴

AAA and BBB went to the Municipal Health Center of [REDACTED] [REDACTED] for a physical examination.³⁵ Dr. Salve B. Sapinoso (Dr. Sapinoso) conducted the physical examination on AAA and BBB.³⁶ Dr. Sapinoso testified that while there was no evident sign of extra genital physical injuries noted on AAA's and BBB's body at the time of the examination, but the lacerations on AAA's and BBB's hymen suggest a possibility that it was penetrated by a sex organ.³⁷

Version of the Defense

Accused-appellant denied all the accusations against him. He narrated that in 2000 to 2001, he was staying at the house of his mother in [REDACTED], [REDACTED].³⁸ He averred that AAA and BBB live with their mother, in *Barangay* [REDACTED] which is five kilometers away from where he resides.³⁹ He maintained that he was always at sea from 4:00 p.m. up to 3:00 to 4:00 a.m. of the following day.⁴⁰ He would only go home to have coffee, take some rest, and go back to the sea again.⁴¹ Accused-appellant further averred that most of the time, he sleeps at his hut near the seashore and would seldom stay at the house of his mother.⁴² He maintained that the only reason private complainants filed the case against him is that they want to take over his mother's house.⁴³

Ruling of the Regional Trial Court

³⁰ Id. at 26.

³¹ Id.

³² Id. at 27.

³³ TSN, February 22, 2012, p. 12.

³⁴ Id. at 12-13.

³⁵ Id. at 13.

³⁶ TSN, March 18, 2015, p. 4.

³⁷ Id. at 6-7.

³⁸ TSN, January 24, 2017, p. 3.

³⁹ Id. at 4.

⁴⁰ Id.

⁴¹ Id. at 5.

⁴² Id.

⁴³ Id. at 6.

The RTC, in its Decision⁴⁴ dated November 29, 2017, found accused-appellant guilty beyond reasonable doubt of the offenses charged. It held that all the elements of Rape by carnal knowledge are present in both cases. Moreover, the trial court found accused-appellant's defenses of denial and alibi too weak as against private complainants' positive identification of him as the malefactor. The dispositive portion of the RTC Decision reads:

WHEREFORE, in the light of the above-foregoing, judgment is hereby rendered finding the accused [XXX] guilty beyond reasonable doubt of the crime of rape and sentencing him the penalty of *reclusion perpetua* for both cases.

Accused is further ordered to pay each of the private complainants AAA and BBB civil indemnity of [P]100,000.00; moral damages of [P]100,000.00 and exemplary damages of [P]100,000.00 with interest of six percent (6%) per annum on the imposed civil indemnity, moral damages and exemplary damages from the time of the finality of this decision until fully paid.

SO ORDERED.⁴⁵

Aggrieved, accused-appellant appealed his conviction before the CA.

Ruling of the Court of Appeals

In its assailed June 25, 2019 Decision,⁴⁶ the CA affirmed the trial court's judgment of conviction. It held that accused-appellant's defenses of denial and alibi cannot be given greater evidentiary value over the credible testimonies of AAA and BBB. The appellate court gave credence to AAA's and BBB's claim of rape concluding that the accused-appellant may still be condemned of rape regardless of the existence or absence of lacerations.

The appellate court, however, modified the amounts of monetary damages and ruled that in order to conform to the prevailing jurisprudence, the accused-appellant should pay the victims civil indemnity, moral damages, and exemplary damages in the amount of P75,000.00 each, and that all monetary damages shall earn interest at the legal rate of six percent (6%) per *annum* from the date of finality of the decision until fully paid.

The dispositive portion of the CA Decision reads:

WHEREFORE, premises considered, the appealed Decision is hereby AFFIRMED with MODIFICATION by ordering appellant to pay the victims civil indemnity, moral damages and exemplary damages in the amount of [P]75,000.00 each, inclusive of interest at the legal rate of six percent (6%) per annum from date of finality of the decision until fully paid.

⁴⁴ Records, pp. 121-128.

⁴⁵ Id.

⁴⁶ *Rollo*, pp. 3-15.

SO ORDERED.⁴⁷

Issue

The issue for Our resolution is whether accused-appellant's guilt for the charges of Rape was proven beyond reasonable doubt.

Our Ruling

The appeal is bereft of merit.

Art. 266-A of the RPC, as amended, provides the elements for the crime of Rape, to wit:

Article 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 is otherwise unconscious;**
- c) By means of fraudulent machination or grave abuse of authority; and
- d) **When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.**

Article 266-B. Penalties. — x x x

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;**

In every prosecution for the crime of Statutory Rape, the following elements must be proven beyond reasonable doubt, to wit: (1) the offended party is under 12 years of age; and (2) the accused had carnal knowledge of the victim, regardless of whether there was force, threat, or intimidation or grave abuse of authority.⁴⁸ Thus, to sustain a conviction for Statutory Rape, the prosecution must establish the following: (a) the age of the complainant; (b) the identity of the accused; and (c) the sexual intercourse between the

⁴⁷ Id.

⁴⁸ *People v. XXX*, G.R. No. 244047, December 10, 2019.

accused and the complainant.⁴⁹ Furthermore, these acts of Rape shall be qualified pursuant to Art. 266-B (1) of the RPC if: (i) the victim is under 18 years of age; and (ii) 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.⁵⁰ Parenthetically, the victim's minority and relationship with the perpetrator must both be alleged in the Information and proved, as in this case.⁵¹ The victims testified that they were 10 and 11 years old, respectively, when raped.⁵² Moreover, the prosecution formally offered the victims' respective certificates of birth.⁵³ As can be gleaned from the established facts, AAA and BBB are relatives by consanguinity within the third civil degree of the accused-appellant since the latter is the brother of the victims' mother. Accused-appellant's relationship with the victims was likewise established by the testimonies of AAA and BBB and accused-appellant's own admission. AAA and BBB also categorically identified their uncle as the perpetrator. Moreover, it is indubitable that accused-appellant had carnal knowledge of the victims, who were minors at the time of the incident. AAA's testimony was as follows:

Q: Do you know this [XXX]?

A: Yes Ma'am.

Q: Why do you know him?

A: He is the brother of my mother.

Q: So, he is your maternal uncle?

A: Yes, Ma'am.

Q: Your middle name is xxx?

A: Yes, Ma'am.

Q: Now Madam Witness, why did you file a complaint against your uncle?

A: Because he raped us.

Q: You said us, whom do you mean?

A: My sister [CCC] and my twin sister [BBB].⁵⁴

x x x x

Q: By the way Madam Witness, if [XXX] is in court, will you please point him out to us?

A: (Witness pointed to a man seated at the gallery wearing an orange T-Shirt who confirmed that he is [XXX])

⁴⁹ *People v. De Guzman*, 840 Phil. 759, 767 (2018).

⁵⁰ *Id.*

⁵¹ *People v. Ibañez*, G.R. No. 231984, July 6, 2020.

⁵² TSN, February 22, 2012, p. 6; October 28, 2014, pp. 2 and 19.

⁵³ Records, pp. 95 and 100.

⁵⁴ TSN, February 22, 2012, pp. 4-5.

Q: Now Madam Witness, you said that you were raped, how were you raped?

A: While I was sleeping, I felt that my uncle was already lying down beside me and when I awoke he covered me with a blanket containing an odor with a weird smell and I lost consciousness and when I awoke the following morning I have no more lower clothing, I was no longer wearing my shorts and my panties and I felt pain on my thighs and I saw blood in my inner thighs.

Q: So this happened at night, Madam Witness?

A: Yes Ma'am, it was [midnight].⁵⁵

x x x x

Q: In the year 2000, how old were you then?

A: Turning eleven (11).⁵⁶

x x x x

Q: Now, you said that the blanket was pressed against your face, you lose consciousness, correct?

A: Yes, Ma'am.

Q: And when you woke up, was it already morning?

A: Yes, Ma'am.

Q: Who woke you up, by yourself or did someone wake you?

A: I woke up by myself.

Q: When you woke up, was [XXX] still lying beside you?

A: Yes, Ma'am and I got up ahead of him.

Q: What else did you notice when you woke up?

A: I do not have my lower garments and he was also naked.

Q: You said that he was naked, meaning to say he had no shorts on?

A: He had a shirt on but his shorts were lowered down.

Q: Was he wearing any briefs?

A: None.

Q: You said that your undergarments, your shorts and your panties were already lowered, what do you mean, where was it when you woke up? Will you please stand up and show us?

A: (Witness demonstrating by pointing to her knees) they were lowered up to my knees.

Q: Now, before you slept Madam Witness, were your shorts and your

⁵⁵ Id. at 5-6.

⁵⁶ Id. at 6.

panties already lowered to your knees?

A: No, Ma'am.

Q: You were still wearing them?

A: Yes, Ma'am.

Q: So, you were surprised when you saw that your shorts and your panties were already down to your knees?

A: Yes, Ma'am.

x x x x

Q: What did you do when you noticed those things?

A: I did nothing because he stared at me sharply and he whispered to me not to tell anybody or else something bad will happen especially to my father. He said that to me in a whispering manner.⁵⁷

Likewise, BBB testified on the alleged rape incident committed by her own uncle, viz.:

Q: Do you know this [XXX]?

A: Yes, Ma'am.

Q: Why do you know him?

A: He is my uncle.

Q: How did he become your uncle? [sic]

A: He is [the] brother of my mother.⁵⁸

x x x x

Q: Let me clarify. This incident happened in April 2001 at [REDACTED], [REDACTED]?

A: Yes, Ma'am.

Q: What were you doing then at [REDACTED]?

A: My mother told me to buy medicine but since I was alone and it was already dark and I still have three kilometers to walk passing thru a mountain and creek in order to reach home I decided to sleep in [REDACTED] and go home the following day.

Q: So, in whose house did you decide to stay in [REDACTED]?

A: In the house of my grandmother.

Q: What is the name of your grandmother?

A: [DDD].⁵⁹

x x x x

⁵⁷ Id. at 8-9.

⁵⁸ TSN, October 28, 2014, p. 17.

⁵⁹ Id. at 18.

Q: Madam Witness, at that time how old were you then?

A: Eleven.⁶⁰

x x x x

Q: While you were sleeping, Madam Witness, did anything happened [sic] unusual?

A: At around 10:00 o'clock in the evening I was awakened when he lay down beside me so I stood up but he covered me with a blanket and I lost consciousness.⁶¹

x x x x

Q: Which part of your body did he cover you with a blanket?

A: My nose and mouth (witness demonstrated by cupping her nose and mouth with her right hand).

Q: Before you slept, were you using a blanket?

A: Yes, ma'am but he lowered my blanket and covered my body with the blanket he had with him.

Q: Did you notice anything unusual with regards the blanket that he used on you?

A: I cannot describe the odor of the blanket but I felt dizzy when I smelled it.

Q: When he covered your nose and mouth with a blanket, was he still lying beside you?

A: When I felt dizzy I fell back to where I was sleeping and that was then that he lay down again beside me.⁶²

x x x x

Q: You said you lost consciousness then, right?

A: Yes, ma'am.

Q: About what time did you regain consciousness?

A: The following morning.

Q: It was already at daytime?

A: Yes, ma'am.

Q: By the way, you were sleeping on the floor of your grandmother's living room?

A: Yes, ma'am.

Q: When you woke up you were still in the same place in the living room?

A: Yes, ma'am.

⁶⁰ Id. at 19.

⁶¹ Id. at 21.

⁶² Id. at 22.

Q: What did you notice when you woke up if any?

A: My zipper was open and my genital is aching and when I urinated there was blood on my panty.⁶³

x x x x

Q: When you woke up were you already alone or was [XXX] still beside you?

A: He was still there beside me fast asleep.

Q: That was when you got up and went to the bathroom?

A: Yes, ma'am.

Q: After this, did he say anything to you?

A: When I was about to go home he told me not to tell anybody or else something bad will happen to my father and I felt very much afraid because he was staring at me menacingly every time I looked at him as if he was threatening me.

Q: During the time that he was threatening you not to tell anyone of what happened or something will happen to your father, was he also staring at you menacingly?

A: Yes, his stare was threatening.

Q: So, you felt very much afraid?

A: Yes, and I was very much afraid that something will happen to my parents (witness in tears).⁶⁴

Admittedly, AAA and BBB both failed to testify on the actual commission of rape as they were rendered unconscious when the acts complained of were committed. However, the Court in *People v. YYY*⁶⁵ enunciated that direct evidence is not a condition *sine qua non* to prove the guilt of an accused beyond reasonable doubt. For in the absence of direct evidence, the prosecution may resort to adducing circumstantial evidence to discharge its burden.⁶⁶ Circumstantial evidence consists of proof of collateral facts and circumstances from which the existence of the main fact may be inferred according to reason and common experience.⁶⁷ Thus, circumstantial evidence is sufficient to sustain a conviction if the following conditions concurred, to wit:

Sec. 4, Rule 133. *Circumstantial evidence, when sufficient.* — Circumstantial evidence is sufficient for conviction if:

- (a) There is more than one circumstance;
- (b) The facts from which the inferences are derived are proven; and
- (c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

⁶³ Id. at 23-24.

⁶⁴ Id. at 24-25.

⁶⁵ 839 Phil. 1147 (2018).

⁶⁶ Id. at 1158.

⁶⁷ Id.

As correctly pointed out by the appellate court, the prosecution proved through AAA's testimony the following circumstantial evidence: (1) in June 2000, when she was then 10 years old, she and her cousin were sleeping in the living room of her grandmother's house; (2) at around midnight, she was awakened when accused-appellant laid down beside her; (3) accused-appellant covered AAA's nose and mouth with a blanket that smelled something like a mosquito coil; (4) she was rendered unconscious; (5) when AAA woke up the following morning, she noticed her undergarments lowered to her knees and she felt pain in her inner thighs and genital area; and (6) before leaving her grandmother's house, accused-appellant threatened her not to tell anyone about what happened, otherwise something bad will happen to her father.

The lower courts likewise considered the following circumstantial evidence in convicting the accused-appellant through the testimony of BBB, to wit: (1) in April 2001, BBB, who was then 11 years old decided to sleep in her grandmother's house; (2) at around 10:00 p.m., she was awakened when accused-appellant laid down beside her; (3) accused-appellant covered BBB's nose and mouth with a foul-smelling blanket which made her feel dizzy; (4) she was rendered unconscious; (5) when BBB woke up the following morning, she noticed that her zipper was open and the accused-appellant was sleeping beside her; (6) she felt pain in her genital area and saw blood in her urine; and (7) before leaving her grandmother's house, accused-appellant threatened her not to tell anyone about what happened, otherwise something bad will happen to her father.

All these circumstances clearly lead to the conclusion that accused-appellant had carnal knowledge of AAA and BBB while they were unconscious.

For his defense, accused-appellant attacks both AAA's and BBB's credibility for having inconsistent and improbable testimonies. Accused-appellant further claims that the inconsistencies in the testimonies of AAA and BBB warrant his acquittal for failure of the prosecution to establish his guilt beyond reasonable doubt. In the same vein, accused-appellant claims that the victims' delay in reporting the crime equated to a fabrication of the accusations against him.

The arguments of the accused-appellant fail to convince.

Well-settled is the rule that the trial courts' evaluation of a witness is generally accorded great weight and respect as they are in a better position to determine the latter's conduct and demeanor and to determine whether indeed they are telling the truth. The Court, in *People v. Menaling*,⁶⁸ has elucidated that:

⁶⁸ 784 Phil. 592 (2016).

Rape is a crime that is almost always committed in isolation or in secret, usually leaving only the victim to testify about the commission of the crime. Thus, the accused may be convicted of rape on the basis of the victim's sole testimony provided such testimony is logical, credible, consistent and convincing. Moreover, the testimony of a young rape victim is given full weight and credence considering that her denunciation against him for rape would necessarily expose herself and her family to shame and perhaps ridicule.⁶⁹

As aptly noted by the appellate court, inaccuracies and inconsistencies in a rape victim's testimony are generally expected. This Court likewise enunciated in *People v. Ganaba*⁷⁰ that accuracy in a testimonial account of a rape victim has never been used as a standard in testing the credibility of the witness, viz.:

Rape is a painful experience which is oftentimes not remembered in detail. For such an offense is not analogous to a person's achievement or accomplishment as to be worth recalling or reliving; rather, 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 opt to forget. Thus, a rape victim cannot be expected to mechanically keep and then give an accurate account of the traumatic and horrifying experience she had undergone.⁷¹

Furthermore, the delay in reporting the incident is not necessarily an indication that the charge is fabricated. The victim's conduct after the sexual molestation and her inability to report the incident are also not enough to discredit her.⁷²

The Court, in *People v. Cubay*⁷³ held:

x x x to blame the victim for not raising the injustice that had happened to her immediately after her first ordeal to the proper authorities and allowing the perpetrator to continue with his vile advances would be absurd. Every person's reaction to a heinous act committed against his/her person, honor, liberty and/or property cannot be simply chalked up to mathematical statistics and logical drivel. One may instantly fling himself/herself against his/her attacker in righteous fury and seek immediate and just reparation for the damage done to his/her person and honor, while another may need a longer time to recover his/her sanity due the shock of the abuse, thus, committed against him/her and prefer to delay his/her retaliation against his/her tormentors. Only an omnipotent, omniscient and omnipresent God could tell how a rape victim should and would react after such harrowing and stressful situation. If even trained experts in this field have differing opinions on how the abused mind of a rape victim reacts after the fact, the

⁶⁹ Id. at 604-605.

⁷⁰ 829 Phil. 306 (2018).

⁷¹ Id. at 320. Citation omitted.

⁷² *People v. XXX*, G.R. No. 230981, July 15, 2020.

⁷³ G.R. No. 224597, July 29, 2019.

Court should apply the same level of caution and not make any speculative judgments regarding when a rape victim should have been considered recovered enough to face his/her abuser/s privately, much less publicly in court.⁷⁴

Moreover, accused-appellant has miserably failed to overturn the burden of evidence against him. The accused-appellant's defenses of denial and alibi are inherently weak. The positive and categorical testimonies of AAA and BBB, therefore, should be given more credence as against the defenses of denial and alibi professed by accused-appellant.

Considering the concurrence of the aggravating/qualifying circumstances of minority and relationship, this Court deems it proper to upgrade accused-appellant's conviction to two counts of Qualified Statutory Rape pursuant to Article 266-A (1)(d) in relation to Art. 266-B of the RPC. Well settled is the rule that in criminal cases, an appeal throws the whole case open for review.⁷⁵ The underlying principle is that errors in an appealed judgment, even if not specifically assigned, may be corrected *motu proprio* by the court if the consideration of these errors is necessary to arrive at a just resolution of the case.⁷⁶

In addition, the damages awarded by the lower courts must likewise be modified. Pursuant to *People v. Jugueta*,⁷⁷ where the penalty imposed is death but reduced to *reclusion perpetua* because of RA 9346,⁷⁸ the amounts of civil indemnity, moral damages, and exemplary damages should be at ₱100,000.00 each for each count. Also, in consonance with prevailing jurisprudence, the amount of damages shall earn interest at the rate of six percent (6%) per *annum* from the date of finality of the judgment until fully paid. Moreover, pursuant to A.M. No. 15-08-02-SC it must be categorically stated that accused-appellant is not eligible for parole.

WHEREFORE, the instant appeal is hereby **DISMISSED**. The assailed June 25, 2019 Decision of the Court of Appeals in CA-G.R. CR-HC No. 10826, is hereby **AFFIRMED with MODIFICATIONS**.

Accused-appellant XXX is found **GUILTY** beyond reasonable doubt of two counts of Qualified Statutory Rape. Accordingly, he is sentenced to suffer the penalty of *reclusion perpetua*, without eligibility for parole, for each count. He is also **DIRECTED** to pay each of the victims, civil indemnity, moral damages, and exemplary damages amounting to ₱100,000.00 each.

⁷⁴ Id.

⁷⁵ *People v. Salen, Jr.*, G.R. No. 231013, January 29, 2020.

⁷⁶ Id.

⁷⁷ 783 Phil 806, 848 (2016).

⁷⁸ Entitled "AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES." Approved on June 24, 2006.

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

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *10/13*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
112

OCT 14 2022

The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

Court of Appeals (x)
Manila
(CA-G.R. CR-HC No. 10826)

The Director General
Bureau of Corrections
1770 Muntinlupa City

The Hon. Presiding Judge
Regional Trial Court, Branch 51
4700 Sorsogon City
(Crim. Case Nos. 2009-7532 & 2009-7533)

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No. 12-7-1-SC)

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Philippine Judicial Academy (x)
Supreme Court

XXX
Accused-Appellant
c/o The Director General
Bureau of Corrections
1770 Muntinlupa City

Judgment Division (x)
Supreme Court

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