



Republic of the Philippines
Supreme Court
Manila

SPECIAL FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Special First Division, issued a Resolution dated **July 6, 2022** which reads as follows:*

“G.R. No. 252700 (*People of the Philippines v. XXX*¹). –This resolves the Motion for Reconsideration² filed by XXX (accused-appellant) seeking a review of the Court’s Resolution³ dated February 10, 2021, the *fallo* of which states:

WHEREFORE, the appeal is **DISMISSED**. The Court of Appeals Decision dated December 11, 2019 in CA-G.R. CR HC No. 10179 is **AFFIRMED with MODIFICATION** in the following:

Criminal Case No. 3557-M-2007

- a. ₱75,000.00 as civil indemnity;
- b. ₱75,000.00 as moral damages; and
- c. ₱75,000.00 as exemplary damages

Criminal Case Nos. 3558-M-2007, 3559-M-2007, and 3560-M-2007

- a. ₱100,000.00 as civil indemnity for each count of rape;
- b. ₱100,000.00 as moral damages for each count of rape; and
- c. ₱100,000.00 as exemplary damages for each count of rape.

- over – eight (8) pages ...

104-A

¹ The real name of the victim, her personal circumstances and other information which tend to establish or compromise her identity, as well as those of her immediate family, or household members, shall not be disclosed to protect her privacy, and fictitious initial shall, instead, be used in accordance with the Supreme Court Amended Administrative Circular No. 83-2015 dated September 5, 2017.

² *Rollo*, pp. 56-65.

³ *Id.* at 44-54.

The award of damages shall likewise be subject to an interest of six percent (6%) *per annum* reckoned from the finality of this Resolution until fully paid.

SO ORDERED.⁴

In his motion, accused-appellant asserts that the Information in Criminal Case No. 3557-M-2007 for Sexual Abuse under Section 5(b), Article III of Republic Act (R.A.) No. 7610 was violative of his constitutional right to be informed of the nature and cause of the accusation against him. According to him, the Information was too vague because the incident was alleged to have happened anywhere between 2005 and December 2006. On this premise, accused-appellant claims that he was deprived of the opportunity to give a substantial and more detailed defense.⁵

The Court begs to differ. Sections 6 and 11, Rule 110 of the Revised Rules of Criminal Procedure provide:

Sec. 6. Sufficiency of complaint or information. – A complaint or information is sufficient if it states the name of the accused; the designation of the offense given by the statute; the acts or omissions complained of as constituting the offense; the name of the offended party; the approximate date of the commission of the offense; and the place where the offense was committed.

x x x x

Sec. 11. Date of commission of offense. – It is not necessary to state in the complaint or information the precise date the offense was committed except when it is a material ingredient of the offense. The offense may be alleged to have been committed on a date as near as possible to the actual date of its commission.

An Information is valid as long as it distinctly states the elements of the offense and the acts or omissions constitutive thereof.⁶ Here, the exact date of commission is not even an essential element of Sexual Abuse under Section 5(b), Article III of R.A. No. 7610 which elements are: (1) the accused commits the act of sexual intercourse or lascivious conduct; (2) the said act is performed with a child exploited in prostitution or subjected to other sexual abuse; and

- over -

104-A

⁴ Id. at 53-54.

⁵ Id. at 58-59.

⁶ *People v. Espejon*, 427 Phil. 672, 680 (2002).

(3) the child, whether male or female, is below 18 years of age.⁷ Hence, failure to allege the exact date when the Sexual Abuse transpired does not render the Information defective, much less void.⁸

It also bears emphasis that objections as to the form of the Complaint or Information cannot be made for the first time on appeal. If accused-appellant found the Information insufficient, he should have moved before arraignment either for a bill of particulars, for him to be properly informed of the exact date of the alleged sexual abuse; or for the quashal of the Information, on the ground that it did not conform with the prescribed form. As accused-appellant failed to pursue either remedy, he is deemed to have waived objection to any formal defect in the Information.⁹

Accused-appellant further claims that the second element of Sexual Abuse has not been established by the prosecution. Invoking Section 2(g)¹⁰ of the Rules and Regulations on the Reporting and Investigation of Child Abuse Cases, accused-appellant points out that the existence of coercion, intimidation, or influence has not been duly proved.¹¹

Accused-appellant posits that his moral ascendancy cannot be presumed simply because he is the father of AAA. Accused-appellant argues that if AAA was indeed forced, intimidated, or induced by him, she would not have allowed the sexual abuse purportedly committed against her to persist when she could have immediately informed the authorities about it. Citing the case of *People v. Solomon*,¹² accused-appellant avers that moral ascendancy does not lead to the conclusion that force or intimidation was present.¹³

Accused-appellant's argument is specious. All the elements of Sexual Abuse under Section 5(b), Article III of R.A. No. 7610 have been proven by the prosecution beyond reasonable doubt. Accused-appellant, as a father having moral ascendancy over his daughter, committed lascivious conduct against AAA when he caressed and touched her private parts. It was admitted in court that AAA was a minor at the time of the incident,¹⁴ being only fourteen (14) or fifteen (15) years old.

- over -

104-A

⁷ *People v. XXX*, G.R. No. 235662, July 24, 2019.

⁸ *People v. Espejon*, supra at 680-681.

⁹ *People v. ZZZ*, G.R. No. 232329, April 28, 2021.

¹⁰ g) "Sexual abuse" includes the employment, use, persuasion, inducement, enticement or coercion of a child to engage in, or assist another person to engage in, sexual intercourse or lascivious conduct or the molestation, prostitution, or incest with children.

¹¹ *Rollo*, p. 60.

¹² 434 Phil. 1 (2002).

¹³ *Rollo*, pp. 60-62.

¹⁴ *Id.* at 49.

Anent the second element, “other Sexual Abuse” covers not only a situation where a child is abused for profit but also one in which a child, through coercion, intimidation or influence, engages in sexual intercourse or lascivious conduct.¹⁵ Intimidation need not necessarily be irresistible. It is sufficient that some compulsion equivalent to intimidation annuls or subdues the free exercise of the will of the offended party. The law does not require physical violence on the person of the victim; moral coercion or ascendancy is sufficient.¹⁶ This is especially true in the case of young, innocent and immature girls who could not be expected to act with equanimity of disposition and with nerves of steel. Young girls cannot be expected to act like adults under the same circumstances or to have the courage and intelligence to disregard the threat.¹⁷

In this case, accused-appellant threatened to kill AAA and instilled fear in her by saying that he would do the same bestial acts to her younger siblings should she not submit to whatever he commands, thereby satisfying the second element.

Likewise, petitioner’s reliance on the case of *People v. Solomon*¹⁸ is misplaced. It is not on all fours with the instant case. In *Solomon*, the accused was charged with five (5) counts of Rape. In the three (3) counts, the Court held that there was no force or intimidation because there was no evidence that accused uttered threatening words or that he brandished any weapon. Thus, the Court declared that moral ascendancy alone does not lead to the conclusion that force or intimidation was present. But as for the other two (2) counts, where accused pushed and kicked the victim in one and threatened to kill her in the other, the Court found accused guilty of rape using force and/or intimidation.¹⁹

Yet, accused-appellant insists that AAA’s testimony is unworthy of belief, uncorroborated and remains contrary to common human experience because of the following circumstances: (a) they lived in a house without interior partition and the comfort room, which AAA testified to be the place where accused-appellant often abused her, was only covered by a curtain and located merely three steps away from the sleeping area; (b) it is hard to believe that

- over -

104-A

¹⁵ *Capueta v. People*, G.R. No. 240145, September 14, 2020, citing *Quimvel v. People*, 808 Phil. 889, 917 (2017).

¹⁶ *Mendoza v. People*, G.R. No. 239756, September 14, 2020, citing *Quimvel v. People*, supra at 930-931, further citing *People v. Eulalio*, G.R. No. 214882, October 16, 2019.

¹⁷ *People v. Tulagan*, G.R. No. 227363, March 12, 2019.

¹⁸ Supra note 12.

¹⁹ Id. at 24-25

accused-appellant would expose himself to the risk that AAA may react adversely to his advances considering that all members of his family were in the same room; and (c) AAA's narration of the four instances of Sexual Abuse and rape appears too uniform which fuels suspicion.²⁰

Accused-appellant's insistence deserves scant consideration. The Court has already addressed and passed upon the issue on the credibility of AAA's testimony, as well as the matters mentioned above.

Accused-appellant then goes to question the probative value of the Initial Medico Legal Report MLC 363-07, contending that it does not conclusively prove that AAA was raped by accused-appellant.²¹

It must be stressed that a medico-legal report is not indispensable to the prosecution of Rape, it being merely corroborative in nature. The fact of Rape and the identity of the perpetrator may be proven even by the lone uncorroborated testimony of the victim.²² Thus, even if the Court disregards the same, it would still not be sufficient to acquit accused-appellant.²³ The credible disclosure of AAA that the accused-appellant raped her is the most important proof of the commission of the crime.²⁴

Lastly, accused-appellant maintains that his defense of denial must not be looked with disfavor and the presumption of innocence must be applied accordingly because the prosecution's evidence is inherently weak. Accused-appellant intimates that the charges were merely concocted by AAA as she had a grudge against him for being a strict father.²⁵

The Court is not persuaded. Accused-appellant's uncorroborated denial and alibi cannot prevail over the credible and positive testimony of AAA. To come forward as a victim of rape, incestuous at that, entails a great deal of courage and carries with it consequences far too grave to be taken and used lightly for the sole purpose of getting back at a strict father. As succinctly put by the Court in *People v. Marmol*:²⁶

- over -

104-A

²⁰ *Rollo*, pp. 57-58.

²¹ *Id.* at 62.

²² *People v. Agudo*, 810 Phil. 918, 929 (2017).

²³ *People v. Manaligod*, 831 Phil. 204, 213 (2018).

²⁴ *People v. Agudo*, *supra* at 930.

²⁵ *Rollo*, pp. 62.

²⁶ 800 Phil. 813 (2016).

More importantly, it is highly inconceivable for a daughter like AAA to impute against her own father a crime as serious and despicable as incest rape, unless the imputation was the plain truth. In fact, it takes a certain amount of psychological depravity for a young woman to concoct a story that would put her own father to jail for the rest of his remaining life and drag the rest of the family including herself to a lifetime of shame. Filipino children have great respect and reverence for their elders. For this reason, great weight is given to an accusation a child directs against a close relative, especially the father. A rape victim's testimony against her father goes against the grain of Filipino culture as it yields unspeakable trauma and social stigma on the child and the entire family.²⁷ (Citations omitted)

All told, the Court finds no compelling reason to overturn its earlier Resolution. In resolving accused-appellant's appeal, the Court has carefully examined the entire records and there was no material fact or circumstance which had been overlooked or misunderstood by the lower courts as to warrant a totally different result.

However, the Court deems it necessary to include the imposition of fine in Criminal Case No. 3557-M-2007, in addition to the civil indemnity, moral damages, and exemplary damages awarded therein, pursuant to Section 31(f), Article XII of R.A. No. 7610 which states:

Sec. 31. Common Penal Provisions. –

x x x x

(f) A fine to be determined by the court shall be imposed and administered as a cash fund by the Department of Social Welfare and Development and disbursed for the rehabilitation of each child victim, or any immediate member of his family if the latter is the perpetrator of the offense.

In line with current jurisprudence,²⁸ the amount of ₱15,000.00 is deemed proper, which shall also be subject to interest at the rate of six percent (6%) *per annum* from the date of finality of this Resolution until fully paid.

- over -

104-A

²⁷ Id. at 827.

²⁸ *People v. XXX*, G.R. No. 235662, July 24, 2019, citing *People v. Caoili*, 815 Phil. 839, 896-897 (2017).

WHEREFORE, the Motion for Reconsideration filed by accused-appellant is **DENIED with FINALITY**. The Resolution of this Court dated February 10, 2021 is **AFFIRMED with MODIFICATION** to read as follows:

Accused-appellant XXX is hereby found **GUILTY** beyond reasonable doubt of the following:

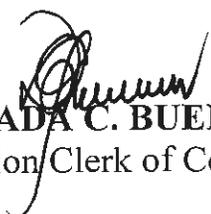
1. One (1) count of Sexual Abuse under Section 5(b), Article III of Republic Act No. 7610 in **Criminal Case No. 3557-M-2007**. He is sentenced to suffer the penalty of *reclusion perpetua*, to pay a fine of ₱15,000.00, and to pay AAA the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages; and
2. Three (3) Counts of Qualified Rape, as defined and penalized under Articles 266-A and 266-B of the Revised Penal Code, in **Criminal Case Nos. 3558-M-2007, 3559-M-2007, and 3560-M-2007**. He is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole, and to pay AAA the amounts of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages, for each count.

All monetary awards shall earn interest at the rate of six percent (6%) *per annum* from finality of this Resolution until fully satisfied.

No further pleadings will be entertained in this case. Let Entry of Judgment be **ISSUED** in due course.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

104-A

SEP 02 2022



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

Court of Appeals (x)
Manila
(CA-G.R. CR HC No. 10179)

The Hon. Presiding Judge
Regional Trial Court, Branch 16
Malolos City, 3000 Bulacan
(Crim. Case Nos. 3557-M-2007 to
3560-M-2007)

PUBLIC ATTORNEY'S OFFICE
Special and Appealed Cases Service
Counsel for Accused-Appellant
5/F, DOJ Agencies Building
NIA Road cor. East Avenue, Diliman
1101 Quezon City

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

The Director General
Bureau of Corrections
1770 Muntinlupa City

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

Philippine Judicial Academy (x)
Supreme Court

Judgment Division (x)
Supreme Court

104-A

UR