



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated August 31, 2022, which reads as follows:

“**G.R. No. 253284** (*People of the Philippines v. XXX*¹). — Accused-appellant XXX challenges the August 19, 2019 Decision² of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09510, which affirmed with modification the February 24, 2017 Decision³ of the Regional Trial Court (RTC) of [REDACTED],⁴ Branch 70 in Criminal Case Nos. RTC-8778-I and RTC-9000-I. The appellate court convicted accused-appellant of two counts of Qualified Rape.

The Factual Antecedents

Accused-appellant was charged under the following Informations,⁵ the accusatory portion of which reads:

Criminal Case No. RTC-8778-I

That on or about the 13th day of May 2015, at about 11:00 o'clock in the morning, in [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the said accused with lewd design, through threats and intimidation, did then and there willfully, unlawfully and feloniously

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 CA *rollo*, pp. 94-112. Penned by Associate Justice Elihu A. Ybañez and concurred in by Associate Justices Maria Filomena D. Singh (now a Member of the Court) and Louis P. Acosta.

³ Id. at 45-52. Penned by Presiding Judge Marifi P. Chua.

⁴ Geographical location is blotted out pursuant to Supreme Court Amended Administrative Circular No. 83-2015.

⁵ Records, Volume I, pp. 2-3; Records, Volume II, pp. 2-3.

have carnal knowledge of his own daughter, 14-year old lass [AAA]⁶ [private complainant] against her will and consent, to the damage and prejudice of said minor [AAA].

CONTRARY TO LAW.⁷

Criminal Case No. RTC-9000-I

That in or about the month of June 2013, in ██████████ ██████████ Philippines and within the jurisdiction of this Honorable Court, the said accused, with lewd design, through threats and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of his own daughter, 12 year old lass [AAA], against her will and consent, to the damage and prejudice of said minor [AAA].

CONTRARY TO LAW.⁸

Accused-appellant pleaded not guilty to the charges upon arraignment. Thereafter, the pre-trial was conducted and subsequently a joint trial ensued.⁹

The prosecution presented private complainant, her brother, BBB, and Dr. Milagrina M. Mayor (Dr. Mayor) as its witnesses.¹⁰ On the other hand, the defense presented accused-appellant as its witness.¹¹

Version of the Prosecution

Private complainant described their house as small, with no bedroom or partition, and has only one bed inside.¹² During her testimony, she presented her certificate of live birth which shows that she was born on March 9, 2001, thus a minor when the rape incidents were committed in 2013 and 2015, and to prove her relationship to accused-appellant as her biological father.¹³

Private complainant narrated that in June 2013, while she and her siblings were sleeping, accused-appellant went home drunk, laid down beside her, and started touching her private parts. Private complainant woke up startled. She could not understand what was happening, as she was only 12

⁶ "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]).

⁷ Records, Volume I, p. 2.

⁸ Records, Volume II, pp. 2-3.

⁹ CA *rollo*, p. 96.

¹⁰ Id.

¹¹ Id. at 98.

¹² Id. at 47.

¹³ Id. at 48; See also Records, Volume I, p. 13.

years old at that time. She tried to break free from his grasp and was crying out of fear. Accused-appellant threatened to kill her mother if she tells what happened. He then proceeded to have sexual intercourse with private complainant.¹⁴

After the foregoing incident, accused-appellant continued to have sexual intercourse with private complainant almost every month.¹⁵ Every time she was sexually abused, private complainant pleaded for her father to stop but the latter was unrelenting. Whenever she resisted, accused-appellant hurt her by punching her thighs.¹⁶ Moreover, in all those incidents, her father repeatedly threatened her that he would kill her mother if she would report to her what he did. During those times, her mother was working in [REDACTED].¹⁷

As a result, private complainant did not tell anyone about what accused-appellant did to her because of the continuing fear he instilled on her.¹⁸

On May 13, 2015, about lunchtime, while private complainant was sleeping at their house, she suddenly felt that someone removing her shorts and underwear. She then saw her father. She tried to break free from his grasp, by pushing and kicking him but her efforts failed because accused-appellant had a tight hold on both of her arms. After private complainant's failed attempt to escape, accused-appellant went on top of her. At this point, she was still resisting and trying to escape. Accused-appellant warned her that should she tell her mother about what transpired, he will kill her mother.¹⁹

Accused-appellant successfully mounted private complainant and thereafter pulled down his own shorts and brief down to his thighs.²⁰ Accused-appellant then touched private complainant's genitals, inserted his penis in her private part, and started to push and pull his penis several times. While this was happening, private complainant was crying. Once he was done, accused-appellant left the house and went to their backyard, while private complainant dressed up herself.²¹

While the assault on private complainant was happening on said date, her brother BBB went home during lunchtime and saw his father and private complainant with their lower garments pulled down to the middle of their thighs while his father was on top of private complainant trying to insert his penis on the latter's genitals. Shocked about what he saw between her father and his sister, he went to their backyard to calm himself. When his father

¹⁴ CA *rollo*, p. 96.

¹⁵ Id. at 47.

¹⁶ Id. at 96.

¹⁷ Id. at 47.

¹⁸ Id. at 96.

¹⁹ Id. at 97.

²⁰ Id. at 47.

²¹ Id. at 97.

noticed him, his father summoned him inside the house. Accused-appellant then begged his son not to tell anyone about what he saw. However, when the latter was on his way out of the house, he saw accused-appellant holding a knife and shouted: “[h]uwag kang aalis ng bahay kundi papatayin kita.” He did not heed his father’s warning and instead he ran towards his friend’s house where he could make a phone call to their mother. He then informed his mother about what he saw and waited for her to arrive. Once his mother arrived, they reported the incident to the *barangay* captain and thereafter to the municipal police station.²²

When private complainant’s brother and mother arrived home, they found her crying and she was with her grandparents.²³

On the same day, Dr. Mayor examined private complainant and she found old healed lacerations at 3, 5 and 11 o’clock positions, indicating that the hymen is no longer intact which could be attributed to sexual intercourse, among others. Dr. Mayor also noted the erythematous fresh laceration at 8 o’clock position which in layman’s term, redness or bleeding along the vaginal canal which was possibly caused by the alleged intercourse especially since her examination of private complainant took place just four hours after the alleged rape incident.²⁴ She further found that private complainant’s vagina admitted one index finger with ease but with pain, and her underwear had blood stains.²⁵

Version of the Defense

Accused-appellant vehemently denied the rape charges against him. He averred that at around 2:00 p.m. of May 13, 2015, he was having snacks in a store at another town, namely, [REDACTED] when he was arrested by police officers. He said that during that time, he was about to get the fish and squid promised to him by his *kumpare*.²⁶

Ruling of the Regional Trial Court

On February 24, 2017, the RTC rendered its Decision finding accused-appellant guilty beyond reasonable doubt of two counts of rape, the *fallo* of which reads:

WHEREFORE, premises considered, judgment is hereby rendered:

(1) Finding [accused-appellant] **GUILTY** beyond reasonable doubt of

²² Id. at 48 and 97.

²³ Id. at 97.

²⁴ Id. at 48.

²⁵ Id. at 98.

²⁶ Id.

the crime of Rape charged under Criminal Case No. RTC-8778-I and is hereby sentenced to suffer the penalty of *Reclusion Perpetua*.

(2) Finding [accused-appellant] **GUILTY** beyond reasonable doubt of the crime of Rape charged under Criminal Case No. RTC-9000-I and is hereby sentenced to suffer the penalty of *Reclusion Perpetua*.

In line with existing jurisprudence, [accused-appellant] is ordered to pay the minor victim Php75,000.00 as civil indemnity, Php50,000.00 as moral damages and Php30,000.00 as exemplary damages.

SO ORDERED.²⁷ (Emphasis in the original)

Ruling of the Court of Appeals

Aggrieved with the trial court's findings, accused-appellant filed an appeal with the appellate court. However, in its August 19, 2019 Decision, the CA affirmed the findings of the RTC with modification that the crimes committed were two counts of Qualified Rape and increased the monetary awards pursuant to prevailing jurisprudence. Thus, the dispositive portion of said Decision reads:

FOR THESE REASONS, the Decision dated 24 February 2017 rendered by Branch 70 of the [REDACTED] convicting accused-appellant [x x x] for Rape in Criminal Case Nos. RTC-8778-I and RTC-9000-I is **AFFIRMED** with the following **MODIFICATIONS**:

1.) [Accused-appellant] is **CONVICTED** of two (2) counts of qualified rape under Article 266-A(1), in relation to Article 266-B of the RPC, as amended by R.A. 8353, and is imposed the penalty of *reclusion perpetua* without eligibility for parole on each count; and

2.) [Accused-appellant] is **ORDERED** to **PAY** civil indemnity in the amount of ₱100,000.00; moral damages in the amount of ₱100,000.00; and exemplary damages in the amount of ₱100,000.00 on each count, with the [accused-appellant] paying an interest of six percent (6%) per annum on all damages awarded from the date of finality of this Decision until fully paid.

SO ORDERED.²⁸ (Emphasis on the original)

Not in agreement with the findings of the appellate court, accused-appellant filed the instant appeal.

Issue

²⁷ Id. at 51-52.

²⁸ Id. at 111-112.

The fundamental issue in the instant case is whether accused-appellant is guilty of the offenses charged against him.

Our Ruling

The instant appeal is devoid of merit.

The appellate court's findings on accused-appellant's guilt of the crime of Qualified Rape must be sustained

The prosecution was able to establish beyond reasonable doubt all elements of Qualified Rape. Rape under paragraph 1, Article 266-A of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 8353,²⁹ is committed 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 is otherwise unconscious;

c. By means of fraudulent machination or grave abuse of authority;

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. (Emphasis supplied)

If rape is committed by a parent against his child under 18 years of age, such as the instant case, the rape is qualified under paragraph 1, Article 266-B of the same Code, as amended, *viz.*:

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:

²⁹ 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.

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. (Emphasis supplied)

Thus, the elements of Qualified Rape are: “(1) sexual congress; (2) with a woman; (3) done by force and without consent; (4) the victim is under [18] years of age at the time of the rape; (5) the offender is a parent (whether legitimate, illegitimate or adopted) of the victim.”³⁰

We note that in the two Informations, it was alleged that private complainant was aged 12 and 14 years old when the rape incidents happened. Moreover, during the trial of the instant case, private complainant presented her certificate of live birth showing that she was born on March 9, 2001 to prove her minority during the commission of the rape in June 2013 and on May 13, 2015. Furthermore, the same certificate indicates her relationship to accused-appellant as her biological father.³¹ Accused-appellant likewise categorically admitted during trial that private complainant is his own daughter.³²

We find that the prosecution substantially proved that private complainant’s own father had carnal knowledge of her through force, threat and intimidation when she was only 12 and 14 years old, respectively. This Court has scrutinized the records and they bear out the convincing manner by which private complainant testified with candor and consistency in recounting the material points of the criminal incidents. She vividly narrated the sexual ordeal that she suffered at the hands of her own father. Private complainant testified as follows:

Q: Naalala mo ba kung paano ka sinimulang galawin ng papa mo noong June 2013?

A: Lasing po siya noon.³³

x x x x

Q: Sabi mo lasing siya nung ginalaw ka niya, naramdaman mo ba na gagalawin ka niya?

A: Hindi po, nabigla na lang ako katabi ko na siya.

Q: Noong ginalaw ka ba niya- Noong tumabi ba siya sa’yo natutulog ka na?

A: Opo.

Q: Tapos noong tumabi siya sa’yo, anong ginawa niya?

A: Yon na po, sinimulan na niya pong hawak-hawakan.

³⁰ *People v. XXX*, G.R. No. 218277, November 9, 2020.

³¹ *CA rollo*, p. 48 and 110; See also Records, Volume I, p. 13.

³² *CA rollo*, p. 110; See also TSN, February 21, 2017, p. 8

³³ TSN, April 5, 2016, p. 15; See also *CA rollo*, p. 67.

Court: Saan ka niya hinawakan?

A: Sa mga maseselang bahagi.³⁴

x x x x

Q: x x x Noong June 2013, pumatong ba siya sayo?

A: Opo.

Q: Anong ginawa niya noong nakapatong siya sa'yo?

A: Sinimulan na niya po.

Q: Ano yung sinimulan niya?

A: Sinimulan niyang ipasok.

Q: Pinasok ng ilang beses?

A: Marami po.³⁵

As regards the May 13, 2015 incident, private complainant testified, to wit:

Q: Tapos anong ginawa niya noon hawak niya ang parehong braso mo?

A: 'Yon po sinimulan na niya.

Q: Sabi mo "sinimulan na niya", paano niya sinimulan?

A: Bigla na lang po siya pumatong.

x x x x

Q: Sabi mo bigla siyang pumatong sa iyo, tama?

A: Opo.

Q: Habang nakapatong siya sa'yo, anong ginawa mo?

A: Sinubukan ko po ulit tumakas.

Q: Papaano mo sinubukang tumakas?

A: Tinulak ko po siya.

Q: Noong tinulak mo ba siya, nabuwal siya?

A: Hindi po.

x x x x

Q: Sabi mo rin na wala kang magawa ng binaba niya ang short at brief niya hanggang hita, anong ibig mong sabihin na wala kang magawa?

A: (no answer)

x x x x

³⁴ TSN, April 5, 2016, p. 16; See also CA *rollo*, pp. 67-68.

³⁵ TSN, April 5, 2016, p. 17; See also CA *rollo*, p. 68.

PROS. BAUTISTA

Q: Noong binaba na niya ang shorts at panty mo, ano ang sunod niyang ginawa?

A: Sinimulan na niya po.

Q: Pwede mo bang sabihin sa amin kung paano niya sinimulan? Kaya mo ba?

COURT

Q: Paano niya ginawa?

A: Hinawakan niya po muna.

Q: Hinawakan ka niya sa...

A: (no answer)

Q: Yung private part mo?

A: Opo.

Q: Tapos?

A: Tapos pinasok niya po.

Q: Alin ang pinasok niya?

A: Yong ano niya po.

PROS. BAUTISTA

Q: Yon kanya bang pagkalalaki, yon kanyang daliri or ibang bagay?

A: 'Yong ari niya po.

Q: Tapos noong pinasok na niya, ano ang sunod niyang ginawa?

A: (no answer)

Q: Ilang beses niyang pinasok ang ari niya?

A: Marami po.

COURT

Q: Gaano katagal 'yong pangyayari na yon? Masasabi mo ba ilang minuto?

A: Matagal po.³⁶

Based on the foregoing narrations, We find conclusive evidence that private complainant was undoubtedly raped against her will with the use of force, threat and intimidation, for at least two separate occasions at the hands of her own father.

Moreover, private complainant's account was further supported by her brother's testimony who witnessed the rape incident on May 13, 2015. Furthermore, private complainant's testimony was corroborated by the findings of the examining physician, Dr. Mayor. On May 13, 2015, barely

³⁶ TSN, April 5, 2016, pp. 6-8; See also *CA rollo*, pp. 68-69



four hours after the rape incident of that day, Dr. Mayor examined private complainant and she found old healed lacerations at 3, 5 and 11 o'clock positions indicating that the hymen is no longer intact which could be attributed to sexual intercourse, among others. Dr. Mayor also noted the erythematous fresh laceration at 8 o'clock position which in layman's term, redness or bleeding along the vaginal canal which was possibly caused by the alleged recent intercourse.³⁷ She further found that private complainant's vagina admitted one index finger with ease but with pain, and her underwear had blood stains.³⁸ We reiterate that "when a rape victim's account is straightforward and candid, and is corroborated by the medical findings of the examining physician, the testimony is sufficient to support a conviction."³⁹

In view of the foregoing, this Court finds that undoubtedly all elements of Qualified Rape were sufficiently established herein.

**Accused-appellant's arguments
and denial deserve scant
consideration**

In his attempt to discredit private complainant, accused-appellant contends that: (i) the prosecution's evidence failed to prove that there was threat, force, or intimidation because as per testimony of private complainant's brother who witnessed the May 13, 2015 incident, private complainant was silent or he did not hear her crying during the sexual congress, and that it appeared to the brother that private complainant was embracing their father and was just letting the sexual activity to happen;⁴⁰ (ii) private complainant's brother is not a credible witness due to inconsistencies in his testimony. For instance, in his *Sinumpaang Salaysay*,⁴¹ he did not mention that accused-appellant threatened him with the statement "[h]uwag kang aalis ng bahay kundi papatayin kita," and yet during his testimony, he narrated that accused-appellant uttered said threat to him;⁴² and (iii) the medical report of Dr. Mayor does not guarantee that private complainant was raped since lacerations or break in the hymen may be caused by other factors like menstruation, stretching, horse riding, or bicycle riding, as testified by said physician.⁴³

We are not persuaded.

The failure of private complainant to sob, struggle, or at least offer resistance during the rape incidents does not diminish her credibility. We have

³⁷ CA rollo, p. 48.

³⁸ Id. at 98.

³⁹ *People v. De Guzman*, G.R. No. 224212, November 27, 2019.

⁴⁰ CA rollo, p. 39.

⁴¹ Records, Volume I, p. 7.

⁴² CA rollo, pp. 39-40.

⁴³ Id. at 40.

previously held that “[p]hysical resistance need not be established in rape when threats and intimidation are employed and the victim submits herself to her attackers because of fear.”⁴⁴ As has been held, “the failure to shout or offer tenacious resistance does not make voluntary the victim’s submission to the criminal act of the offender.”⁴⁵ Victims of sexual abuse react differently during and after the occasion of rape.⁴⁶ Thus, an older victim may have shouted for help under similar circumstances, but a minor victim such as private complainant may easily be overcome by fear and may not be able to cry for help. In the instant case, accused-appellant unceasingly threatened to kill private complainant’s mother and often struck her thighs when she offers any kind of resistance during the rape incidents.⁴⁷ We further note that private complainant’s brother only witnessed a portion of the sexual congress, where at that particular moment, private complainant’s hand may appear to be embracing her father but this does not necessarily mean that private complainant consented thereto. In any event, We underscore that no minor daughter would desire to have sexual intercourse with her own father, regardless of how she responds during the commission of their sexual act.⁴⁸

For the same reason, private complainant’s failure to immediately divulge her sexual molestation to immediate relatives and authorities despite her claim that it happened for several times does not affect her credibility.⁴⁹ The delay in the filing of a complaint of rape despite the lapse of years after its commission does not *ipso facto* taint the credibility of a witness or undermine the charges of rape “when the delay can be attributed to the pattern of fear instilled by the threats of bodily harm, specially by one who exercises moral ascendancy over the victim.”⁵⁰ In this case, accused-appellant continuously threatened private complainant during and after the commission of each rape that he would kill her mother if ever she would tell anyone about what happened. Private complainant was only 12 years old when she was first threatened by her father. Undoubtedly, the threat private complainant received from appellant-appellant, coupled with his moral ascendancy, were enough to cow and intimidate her. Being a minor and a daughter of her own assailant, it instilled tremendous fear in her mind. In *People v. Nievera*,⁵¹ We ruled that the effect of fear and intimidation instilled in the victim’s mind cannot be measured through a standard form of behavior such that it must be viewed in the context of the victim’s perception and judgment during and after the commission of the crime. Thus, settled is the rule that the failure of the victim

⁴⁴ *People v. Nievera*, G.R. No. 242830, August 28, 2019.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *CA rollo*, p. 96.

⁴⁸ See also *People v. CCC*, G.R. No. 239336, June 3, 2019.

⁴⁹ *Id.*

⁵⁰ *People v. DDD*, G.R. No. 243583, September 3, 2020.

⁵¹ G.R. No. 242830, August 28, 2019

to immediately report the rape is not necessarily an indication of a fabricated charge.⁵²

Private complainant having positively identified her assailant to be herein accused-appellant and no other, the latter's defense of denial must fail. Denial cannot prevail over the victim's direct, positive, and categorical assertion.⁵³

Notably, the findings of the RTC were affirmed by the CA, and both courts found that the testimonies of the prosecution's witnesses were credible. "It is settled that the RTC's findings on the credibility of witnesses and their testimonies are entitled great weight and respect, and the same should not be overturned on appeal in the absence of any clear showing that the trial court overlooked, misunderstood, or misapplied some facts or circumstances which would have materially affected the outcome of the case."⁵⁴ Thus, We have consistently held that "[q]uestions on the credibility of witnesses are best addressed to the trial court due to its unique position to observe the witnesses' deportment and demeanor on the stand while testifying."⁵⁵ In this case, both the RTC and the appellate court held that the prosecution's witnesses were credible and private complainant's testimony categorically identified accused-appellant as the person who raped her. The Court finds no reason to doubt the findings of both the trial court and CA, especially since no evidence was adduced showing that private complainant had ill motive to falsely charge her own father with the crime of rape.

The appellate court imposed the proper penalties and monetary awards

Lastly, this Court finds that the appellate court properly imposed the penalties and monetary awards in its assailed Decision.

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 9346.⁵⁶ In lieu of the death penalty, the penalty of *reclusion perpetua* without eligibility for parole shall be imposed.⁵⁷ Hence, the Court finds proper the penalty of *reclusion perpetua* imposed by the CA upon accused-appellant for each of Qualified Rape, without eligibility for parole on each count.

⁵² *People v. XXX*, G.R. No. 240441, December 4, 2019.

⁵³ *Uddin v. People*, G.R. No. 249588, November 23, 2020.

⁵⁴ *Alotra v. People*, G.R. No. 221602, November 16, 2020.

⁵⁵ *Id.*

⁵⁶ Entitled "AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES." Approved: June 24, 2006.

⁵⁷ 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.



Moreover, the appellate court correctly increased the amounts of damages to ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages, for each count of Qualified Rape pursuant to prevailing jurisprudence.⁵⁸

Finally, We likewise uphold the appellate court's imposition of interest at the rate of six percent (6%) per *annum* from date of finality of this judgment until fully paid.⁵⁹

ACCORDINGLY, the appeal is **DISMISSED**. The August 19, 2019 Decision of the Court of Appeals in CA-G.R. CR-HC No. 09510 finding accused-appellant guilty beyond reasonable doubt of two counts of Qualified Rape is **AFFIRMED**.

SO ORDERED."

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court 

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

97-I
SEP 19 2022

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

The Hon. Presiding Judge
Regional Trial Court, Branch 70
Iba, 2201 Zambales
(Crim. Case Nos. RTC-8778-I & RTC-9000-I)

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⁵⁸ *People v. XXX*, G.R. No. 236562, September 22, 2020.

⁵⁹ *Id.*



