



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. 253465 (*People of the Philippines v. XXX*¹). — On appeal² before Us is the June 8, 2020 Decision³ of the Court Appeals (CA) in CA-G.R. CR-HC No. 10723 which affirmed in *toto* the December 21, 2017 Judgment⁴ of the Regional Trial Court (RTC), Branch 60, [REDACTED] convicting accused-appellant XXX of Rape under Article 266-A, paragraph 1⁵ of the Revised Penal Code (RPC).

The Facts

Accused-appellant was charged with Rape under par. 1 (a), Art. 266-A of the RPC in an Information which reads, thus:

That in or about and during the period comprised between September 28, 2013 and October 6, 2013, inclusive, in the Municipality of [REDACTED], [REDACTED], Philippines,⁶ and within the jurisdiction of this Honorable Court, the above named accused, with lewd design and by means of force, threat and intimidation, did then and there

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. 17-18.

³ *CA rollo*, pp. 109-122. Penned by Associate Justice Marie Christine Azcarraga-Jacob and concurred in by Associate Justices Marlene B. Gonzales-Sison and Ruben Reynaldo G. Roxas.

⁴ Records, pp. 53-66. Penned by Acting Presiding Judge Agripino R. Bravo.

⁵ As amended by Republic Act No. 8353, entitled “THE ANTI RAPE LAW OF 1997.” Enacted on October 23, 1997.

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

[willfully], unlawfully, and feloniously have carnal knowledge of AAA,⁷ inside the latter's house, by then and there threatening to kill her with a bolo, thereafter mashing her breast and inserting his penis into her vagina, without the consent and against the will of said AAA.

At the time of the commission of the crime, accused knew that AAA is [sic] suffering from mental disability, emotional disorder and physical handicap.

CONTRARY TO LAW.⁸

After arraignment where accused-appellant pleaded not guilty, pre-trial conference followed.⁹

The varying facts presented by the prosecution and the defense are fairly summarized by the CA:

Version of the Prosecution

The prosecution presented three (3) witnesses: AAA, the latter's sister BBB, and Dr. Ramon Baldovino (Dr. Baldovino). Before AAA testified, the [RTC] noted that she is a special child.

AAA who was then thirty-four (34) years of age at the time she gave her testimony in court, narrated that between the period of 28 September 2013 to 06 October 2013, she was raped several times by the appellant, her neighbor. She was usually alone at BBB's house in [REDACTED] when appellant would go to their house holding a bolo, remove her panty, mash her breasts, remove his pants and briefs, and insert his penis into her vagina. Appellant would threaten her not to tell BBB, otherwise she would be killed.

AAA further stated that she cannot read and write. She was able to name and identify in court the appellant.

BBB testified that appellant is their neighbor. On 11 October 2013, while she and AAA were washing their clothes in the river, AAA confessed that appellant raped her at their house while BBB and her common-law spouse[,] CCC[,] were away in [REDACTED]. AAA informed her that she was raped many times but AAA could not recall the number times she was raped because she did not know how to count. AAA told her that appellant would go everyday to their house when BBB and CCC were in [REDACTED]. BBB averred that AAA is illiterate and has a mental disability.

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, p. 2.

⁹ *Rollo*, p. 4.

The findings of Dr. Baldovino's examination on AAA are reflected in the medical certificate he prepared. It was revealed therein that the anogenital findings of AAA are diagnostic of blunt force or penetrating trauma. AAA's hymen has a healed transection at 4 o'clock and 9 o'clock position and an absent hymen at 6 to 7 o'clock position.¹⁰

Version of the Defense

On the other hand, the defense presented as witnesses the appellant, Municipal Mayor [XXX], Barangay Captain [ZZZ], and Department of Social Welfare and Development (DSWD) Representative Recelyn Bandayril (Bandayril).

Appellant denied the charges against him. He testified that he only knew about the accusation against him when a barangay tanod and a police officer [VVV] came to his house while he was cutting grasses. He was ordered to go to the barangay hall. Thereat, [ZZZ] informed him that he was being accused of raping AAA. He denied the charges and sought the help of [ZZZ].

Appellant related that the next day, he was invited to the Office of the Municipal Mayor for an investigation. [YYY], [ZZZ], Bandayril, AAA and BBB were present. During that encounter in the Mayor's Office, Mayor [YYY] asked AAA if she knew appellant and the latter only shook her head. Appellant said that despite Mayor [YYY's] repeated requests to AAA to point at the person who raped her, she did not.

Appellant alleged that during the period of 28 September to 06 October 2013, he did not leave his residence in [REDACTED] and that his house is about 500 meters away from the house of BBB and CCC. He surmised that the probable motive for the filing of the rape charge against him was the dispute he had with CCC about electrical wirings some three years before the filing of the complaint.

Mayor [YYY] testified that appellant told him that the accusation against him was not true. He asked AAA if she knew the person who raped her and AAA answered "[XXX]" who was her neighbor. He asked AAA if she could point to that person but AAA failed to do so even when the appellant was in front of her. Thus, Mayor [YYY] informed AAA and BBB that they have no case against appellant because AAA failed to identify him.

[ZZZ] attested that he was the one who accompanied appellant to the Office of the Municipal Mayor. He admitted that he did not observe the demeanor of AAA during the investigation. He added that appellant was neither handcuffed nor arrested yet at that time.

Bandayril declared that she did not observe anything unusual about the behavior of AAA when the latter was at the DSWD office and at the Mayor's office.¹¹

¹⁰ CA *rollo*, p. 11.

¹¹ *Id.* at 111-113.

Ruling of the Regional Trial Court

As previously adverted to, in its December 21, 2017 Judgment, the RTC found accused-appellant guilty of raping AAA:

WHEREFORE, premises considered, [XXX} is found **GUILTY** beyond reasonable doubt of rape under Art. 266-A (1) of the Revised Penal Code, as amended. He is sentenced to suffer the penalty *reclusion perpetua*. He is ordered to pay AAA the awards of Php75,000.00 as civil indemnity, Php75,000.00 as moral damages, and P75,000.00 as exemplary damages. Interest at the rate of six percent (6%) per *annum* shall be imposed on all damages awarded from the date of the finality of this judgment until fully paid.

SO ORDERED.¹²

The RTC ruled that the prosecution established beyond reasonable doubt accused-appellant's culpability for the rape of AAA. The trial court specifically observed the existence of AAA's mental disability who is incapable of giving consent to a sexual act. Nonetheless, it still found AAA's testimony credible, steadfast, and categorical in identifying accused-appellant as the perpetrator of her sexual abuse. With the physical evidence supporting the charge, the trial court pronounced tenuous accused-appellant's bare denial and imputation of ill motive.

Accused-appellant thus appealed to the CA maintaining his innocence. He argued that the trial court gravely erred in finding him guilty considering that the prosecution failed to establish all the elements of Rape.

Ruling of the Court of Appeals

In its June 8, 2020 Decision, the CA denied the appeal and affirmed in *toto* the trial court's ruling. According to the CA, while AAA's mental disability was alleged in the Information and subsequently observed by the trial court, accused-appellant's knowledge of AAA's disability when he raped her was not adequately proven during trial. Nonetheless, the CA likewise found AAA's testimony competent and credible, consistently naming accused-appellant as her rapist. Without invoking AAA's mental disability and incapability to give a valid consent, the appellate court ruled that accused-appellant had carnal knowledge of AAA under the circumstance provided in par. 1(a) of Art. 266-A of the RPC, *i.e.*, "through force, threat and intimidation."

Adamant on his innocence, accused-appellant filed a Notice of Appeal to this Court.¹³

¹² Records, pp. 65-66.

¹³ CA *rollo*, p. 123.

Issue

The sole issue for Our resolution is whether accused-appellant is guilty of Rape under Art. 266-A, par. 1(a) of the RPC.

In his Appellant's Brief,¹⁴ XXX assails the credibility of AAA whose testimony "is incompetent and severely insufficient to have established [his guilt] beyond reasonable doubt."¹⁵ Accused-appellant insists that AAA's mental disability was not proven during trial, "through medical or clinical means," or that he knew of her condition when he allegedly raped her.¹⁶

Contrary to the findings of the lower courts on AAA's testimony, accused-appellant proffers that assuming AAA's mental incapacity, she is necessarily "incapable of sufficient perception so as to relate the complained act x x x candidly and truthfully."¹⁷ He further argues that AAA failed to identify him as her assailant whose testimonies thereon by independent third parties should not have been ignored by the trial court.¹⁸

Moreover, accused-appellant points out that the medical certificate offered in evidence by the prosecution does not "show any direct link between the subject charge and the injuries suffered by [AAA] as stated [therein]."¹⁹ He posits that the "medical certificate itself [does] not contain any indication if any spermatozoa was retrieved or if such specimen was examined for trace [DNA] and compared with that of accused-appellant."²⁰

Our Ruling

Accused-appellant's appeal is bereft of merit.

We are in full accord with the uniform ruling of the lower courts that accused-appellant raped AAA. However, We find it imperative to clarify the specific circumstance attendant in this case through which accused-appellant had carnal knowledge of AAA, a woman above 18 years old at the time of the rape, but with an intellectual disability— a low mental cognition noted by the lower courts as a "special child."²¹

First. The gravamen of the offense of Rape is sexual intercourse with a woman against her will or without her consent.²² Carnal knowledge by a man

¹⁴ Id. at 36-51.

¹⁵ Id. at 42.

¹⁶ Id. at 43.

¹⁷ Id. at 46.

¹⁸ Id. at 46-47

¹⁹ Id. at 48.

²⁰ Id.

²¹ The RTC labels AAA as a "mental retardate." See *People v. Quintos*, 746 Phil. 809, 830 (2014) using the term "intellectual disability" as per the 2013 Diagnostic and Statistical Manual V.

²² *People v. Ejercito*, 834 Phil. 837, 844 (2018).

of a woman under any of the circumstances enumerated in par. 1 of Art. 266-A of the RPC is Rape:

- 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.

Whereas the circumstances qualifying the crime of Rape are listed in Art. 266-B of the same Code:

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:

x x x x

10) When the offender knew of the mental disability, emotional disorder and/or physical handicap of the offended party at the time of the commission of the crime.

Second. In this case, the Information alleged that accused-appellant had carnal knowledge of AAA under sub-par. (a) and (b) of Art. 266-A, par. 1 of the RPC. While the RTC adjudged accused-appellant guilty of raping AAA who had an intellectual disability and is incapable of giving consent to a sexual act, the CA found that accused-appellant used forced, threat and intimidation to overcome AAA and subjugate her to his will (sexual congress).

The trial court’s ruling circled around AAA’s intellectual disability which was established by the prosecution and its evaluation of her testimony:

The prosecution must prove that the offender had carnal knowledge of a woman under any of the four enumerated circumstances. Carnal knowledge of a woman who is a mental retardate is rape under the aforesaid provisions of law. Proof of force or intimidation is not necessary, as a mental retardate is not capable of giving consent to a sexual act. What needs to be proven are the facts of sexual congress between the accused and the victim, and the mental retardation of the latter.

Question before the Court now is, has the prosecution established that the victim a mental retardate? [sic]

I.

MENTAL RETARDATION OF THE VICTIM:

Here, the mental depravity of AAA was alleged in the Information. Likewise, BBB, AAA's sister, testified that her sister has some mental disability. Though the defense did not admit during the pre-trial conference that the victim was suffering from mental disorder at the time the crime was allegedly committed, yet, it did not challenge the mental abnormality of the victim at the time the prosecution witnesses were testifying. In fact, when the victim herself was presented and the Court notes that she is a special child, defense counsel did not dispute said observation. It did not put up any objection to the observation that the victim is a mental retardate or even moved that prosecution [prove] the same. Further, the Court observed and derived conclusion based on the victim's answer on the propounded questions asked in Tagalog that she has difficulty understanding and answering simple questions.

"A person's mental retardation can also be proven by evidence other than medical/clinical evidence, such as the testimony of witnesses and even the observation by the trial court."

Thus, the Court is of the conclusion that indeed, the victim was suffering from mental retardation.²³ (citations omitted)

On the other hand, the appellate court noted:

In its *Decision*, the RTC concluded that AAA is suffering from a mental disability due to her difficulty in understanding and answering simple questions. We, however, note that such conclusion was not based on the results of a psychological examination conducted on AAA as it appears she was not referred to a psychologist, psychiatrist or a clinical counsellor or therapist. We note further that despite the RTC's conclusion that AAA suffered from mental infirmity, it convicted appellant of the crime of simple rape under Article 266-A (1) of R.A. No. 8353, without specifying the circumstances under which the sexual abuse was committed.²⁴

Ultimately, however, both the lower courts accorded full credence to AAA's testimony, which did not falter even during cross-examination.²⁵ accused-appellant had sex with AAA against her will. Notwithstanding her intellectual disability, AAA directly and categorically testified as to the circumstances surrounding the rape she suffered and her identification of the perpetrator thereof:

PROS. SERRANO:

Q: Alam mo kung bakit umupo diyan? Alam mo kung bakit ka nakaupo?

A: Opo, testigo.

Q: Anong tetestigohan mo?

A: Rape.

²³ Records, pp. 61-62.

²⁴ CA rollo, p. 114.

²⁵ See TSN dated May 19, 2017.

Q: Rape, alam mo ba kung ano ibig sabihin ng rape?

A: Gahasa.

Q: Sinong ginahasa?

A: Ako.

Q: Ikaw ang ginahasa. Sino yung taong gumahasa sa iyo?

A: [XXX].

Q: Matagal mo ng kilala si [XXX], yun? (pointed to the accused)

A: (witness nod)

Q: Ganno mo na katagal siyang kakilala, si [XXX]?

A: (no answer, smiling)

Q: Matagal mo ng kakilala si [XXX]?

A: (witness nod)

Q: Sinasabi mong ikaw ay ginahasa, paano, anong ginawa niya
sayo?

A: Gahasa.

Q: Oo, paano ka ginahasa?

A: Hubad panty.

Q: Hinubad ang panty mo. Anong ginawang ni [XXX]?

A: Hinipo dede ko.

Q: Hinipo ang dede mo tapos hinubad ang panty mo?

A: Gahasa. (witness nod)

Q: Anong hitsura ni Mario nung hinawakan ang dede mo at hinubad ang
panty? Nakahubad ba [sya]? Anong hitsura ni [XXX]?

A: Hubad pantalon.

Q: Hubad pantalon, yung brief nya, hinubad ba nya?

A: Opo (witness nod)

Q: Anong ginawa sa iyo, di ba sabi mo hawak ang dede mo at hinubad ang
panty mo?

A: Opo.

Q: Hinubad din niya pantalon nya?

A: (witness nod)

x x x x

Q: Yung pang itaas niya, inalis niya?

A: Hindi po.

Q: Hindi niya hinubad pang taas nya?

A: Opo.

Q: Anong ginawa nya nun hubarin brief niya? Sabihin mo.



A: (no answer)

Q: Anong hitsura ni [XXX] nun ginagawa niya? Mayroon ba siyang hawak?
May hawak ba siyang itak?

A: (witness nod)

Q: Bakit siya may hawak na itak?

A: Patay ako.

Q: Papatayin ka, sinasabi niya yoon?

A: Opo.

Q: Tapos anong ginagawa niya nung sabi niya papatayin ka niya?

A: Wag sumbong.

Q: Huwag magsumbong, kanino?

A: Ate, kanya (pointing to her sister beside her)

Q: Sa ate mo. Tapos bukod sa may hawak ng itak sabi mo hubad na niya ang
pantalón at brief at ikaw ay nakahubad na. Anong nangyari pagkatapos?

A: Rape.

Q: Ni-rape ka nga, paano? Sabi mo naghubad siya ng brief, pantalón at suot
damit nya. Pinasok ba niya ang kanyang ari sa ari mo?

A: (witness nod)

Q: Paano niya ipinasok, inihiga ka ba niya?

A: (witness nod)

Q: Inihiga nya at pagkatapos anong nangyari? Umibabaw sayo ipinasok ari
nya sa ari mo?

A: (witness nod)²⁶

Consequently, We find no reason to diverge from the lower courts' ruling which found AAA's testimony to be credible and convincing. We adhere to jurisprudential guidelines in the affirmance of lower courts' findings of fact and credibility of witnesses:

First, the Court gives the highest respect to the RTC's evaluation of the testimony of the witnesses, considering its unique position in directly observing the demeanor of a witness on the stand. From its vantage point, the trial court is in the best position to determine the truthfulness of witnesses.

Second, absent any substantial reason which would justify the reversal of the RTC's assessments and conclusions, the reviewing court is generally bound by the lower court's findings, particularly when no significant facts and circumstances, affecting the outcome of the case, are shown to have been overlooked or disregarded.

²⁶ TSN, May 19, 2017, pp. 4-8.

And third, the rule is even more stringently applied if the CA concurred with the RTC.²⁷

Curiously, accused-appellant denies AAA's intellectual disability but in the same argument uses the very same to assail her credibility. Accused-appellant contends that AAA's intellectual disability was not established through medical or clinical means.

We disagree.

*People v. Monticalvo*²⁸ has already settled that the term "deprived of reason", sub-par. (b) of Art. 266-A (1), has been construed to encompass those suffering from mental abnormality, deficiency or retardation. In this case, AAA's intellectual disability was testified to by her sister, BBB, and observed by the trial court as a "special child"²⁹ prior to the prosecution's presentation of evidence. The demeanor of AAA was established by the prosecution as one who is a "mental retardate" and thus "deprived of reason" considering her adult age of 31 years at the time she was raped.

We note that the recently enacted Republic Act No. 11036,³⁰ the Mental Health Act, defines "Mental Health Condition" as referring to:

[A] neurologic or psychiatric condition characterized by the existence of a recognizable, clinically-significant disturbance in an individual's cognition, emotional regulation, or behavior that reflects a genetic or acquired dysfunction in the neurobiological, psychosocial, or developmental processes underlying mental functioning. The determination of neurologic and psychiatric conditions shall be based on scientifically-accepted medical nomenclature and best available scientific and medical evidence[.]³¹

In any event, even assuming that AAA's mental disability was not sufficiently established, the circumstance of "force, threat and intimidation" was clearly alleged in the Information, proven during trial and found to be so by the lower courts. The testimony of AAA, quoted herein, that accused-appellant, carrying an ax, threatened to kill AAA should she refuse to succumb to his wishes and tell her sister about his "visits."³²

Accused-appellant makes much of AAA's purportedly incompetent testimony and her supposed failure, at the Mayor's Office, to point to him as

²⁷ *People v. Tuyor*, G.R. No. 241780, October 12, 2020.

²⁸ 702 Phil. 643, 657 (2013).

²⁹ Has difficulty in understanding and answering simple questions. See RTC Decision, records, p. 61.

³⁰ Entitled "AN ACT ESTABLISHING A NATIONAL HEALTH POLICY FOR THE PURPOSE OF ENHANCING THE DELIVERY OF INTEGRATED MENTAL HEALTH SERVICES, PROMOTING AND PROTECTING THE RIGHTS OF PERSONS UTILIZING PSYCHIATRIC, NEUROLOGIC AND PSYCHOSOCIAL HEALTH SERVICES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES." Approved: June 20, 2018.

³¹ Enacted on June 20, 2018.

³² TSN, May 19, 2017, p. 7.

the perpetrator of her rape. We find this trivial and inconsequential considering AAA's positive identification in court that accused-appellant, "[XXX]," is her assailant.

Contrary to accused-appellant's contention, AAA's mental disability did not preclude her from consistently testifying that she had been raped and identifying accused-appellant as her assailant. Further, the lower courts' evaluation of AAA's credibility did not hinge on the outdated standard for assessing witness credibility, *i.e.*, the *Maria Clara* stereotype of a Filipino woman who will not lie about such an ordeal as rape.³³

In *People v. Amarela*³⁴ (*Amarela*) we had occasion to clarify that the testimony of a private complainant in rape cases anchors on testimony that is "credible, natural, convincing, and consistent with human nature and the normal course of things." It is not solely tethered to stereotypical gender notions of automatically protecting a Filipino woman's honor who claims to have been raped.

Thus, in *Amarela*, the accused therein was acquitted because the victim's account was improbable and marred by inconsistencies, regardless of the existing preconception that a Filipino woman's honor would prevent her from lying about her ordeal.

In the same vein, *Perez v. People*,³⁵ even as it reiterated the significance of doing away with gender stereotypes, emphasized that "courts must continue to be sensitive to the power relations that come clothed in gender roles." Thus, even with a converse *Maria Clara* situation, where the victim expressed infatuation with the accused therein, did not detract from the victim's credibility, as her testimony was independently believable and sufficiently corroborated by evidence adduced by the prosecution.

The trial court's assessment of AAA's testimony did not rely solely and primarily on preconceived notions of gender roles in society. The RTC, affirmed by the CA, thus found AAA's account, corroborated by the medical findings, to be truthful, unrehearsed and unwavering:

[AAA] was steadfast in naming [XXX] as the one who raped her for many times. She consistently gave [XXX's] name as the culprit first to her sister-[BBB], then to Ms. Bandayril and then to Mayor [YYY]. [XXX] being her neighbor and the rape against her having committed several times, she cannot be mistaken in his identity. Further, she identified him in Court albeit by nodding her head only which to the mind of the Court is tantamount to a positive identification considering also the mental retardation of [AAA], and nodding of her head is her usual or customary answer to a "yes" question. It must be pointed out too that when the

³³ See *People v. ZZZ*, G.R. No. 229209, February 12, 2020.

³⁴ 823 Phil. 1188, 1200 (2018). Citation omitted.

³⁵ 830 Phil. 162, 179 (2018).

prosecution asked [AAA] who raped her, she immediately and categorically named [XXX] as the culprit and as follow-up to said question, prosecution pointed to [XXX]. Said gesture clearly manifested that there are no other [XXX] that [AAA] is referring to and is in fact affirming her identification of the accused.³⁶

The dust has long settled on the rule that rape may be proven by the sole and uncorroborated testimony of the offended party, provided that her testimony is clear, positive, and probable.³⁷ As against AAA's clear and steadfast, albeit timid, testimony, accused-appellant's hollow defense consisting of a bare denial and a vaguely drawn theory as to the impetus for the accusation (that he fought with BBB's common-law husband about electrical wiring) does not stand.

Third. AAA's intellectual disability, as observed by the trial court, does not qualify her rape. Although alleged in the Information, accused-appellant's knowledge of the disability at the time of commission of the offense was not proven during trial. Even BBB testified that her sister only lived with her in 2012 and she never saw accused-appellant at their house nor around AAA.³⁸ No other testimony was proffered by the prosecution to establish that accused-appellant knew of AAA's mental disability.

Last. In all, the trial court, affirmed *in toto* by the appellate court, correctly convicted accused-appellant of Simple Rape and sentenced him to *reclusion perpetua*. The lower courts' uniform award of damages in the amount of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages, plus six percent (6%) interest thereon per *annum* from finality of the Resolution until full satisfaction thereof are likewise affirmed.³⁹

WHEREFORE, the appeal is **DISMISSED**. The June 8, 2020 Decision of the Court of Appeals in CA-G.R. CR-HC No. 10723 convicting accused-appellant XXX of Rape under paragraph 1, Article 266-A of the Revised Penal Code, is **AFFIRMED**. Accused-appellant is sentenced to suffer the penalty of *reclusion perpetua*, and **ORDERED** to **PAY** private complainant AAA ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages. All damages awarded shall earn interest at the rate of six percent (6%) per *annum* from finality of this Resolution until full satisfaction thereof.

³⁶ CA rollo, p. 62.


³⁷ *People v. Barberan*, 788 Phil. 103, 109 (2016).

³⁸ See TSN, June 16, 2017, pp. 6-10.

³⁹ See *People v. Jugueta*, 783 Phil. 806, 849 (2016) and *Nacar v. Gallery Frames*, 716 Phil. 267, 283 (2013).

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *at roll*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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OCT 14 2022

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(CA-G.R. CR-HC No. 10723)

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