



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 10, 2022 which reads as follows:

“G.R. No. 254176 [*People of the Philippines v. XXX and YYY*¹ (deceased)]. — On appeal is the June 8, 2020 Decision² of the Court of Appeals (CA) in CA-G.R. CR-HC No. 11726, affirming the July 13, 2018 Decision³ of the Regional Trial Court (RTC), Branch 144 of [REDACTED]⁴ in Criminal Case Nos. 15-2811 and 15-2812, which found accused-appellants XXX and YYY guilty beyond reasonable doubt of one count each of Qualified Rape under Art. 266-A (1)(a) of the Revised Penal Code (RPC) in relation to Article 266-B(1), as amended by Republic Act No. (RA) 8353⁵ or the Anti-Rape Law of 1997.

The accusatory portions of the separate Informations⁶ charging XXX and YYY with the crime of Qualified Rape read:

- over – fifteen (15) pages ...

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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. 4-22. Penned by Associate Justice Marie Christine Azcarraga-Jacob and concurred in by Associate Justices Marlene B. Gonzales-Sison and Ruben Reynaldo G. Roxas.

³ *CA rollo*, pp. 56-72. Penned by Presiding Judge Liza Marie R. Picardal-Tecson.

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

⁵ 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. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE AND FOR OTHER PURPOSES.” Approved: September 30, 1997.

⁶ Records, Vol. III, pp. 291-298.

Criminal Case No. 15-2811

Sometime in April or May 2011, in the City ██████████ ██████████ Philippines, accused, by means of intimidation, did then and then (sic) willfully, unlawfully and feloniously, have carnal knowledge of [AAA]⁷ against her will and consent.

CONTRARY TO LAW, and with the aggravating circumstance of minority of the private offended party, [AAA] being then only twelve (12) years of age and moral ascendancy and influence by reason of relationship of the private offended party with the accused, [XXX], the latter being the elder brother of said offended party.⁸

Criminal Case No. 15-2812

On April 8, 2013, in ██████████ ██████████, the Philippines, accused, by means of intimidation, did then and then (sic) willfully, unlawfully and feloniously, have carnal knowledge of [AAA] against her will and consent.

CONTRARY TO LAW, and with the aggravating circumstances of minority of the private offended party, [AAA] being then only fifteen (15) years of age and moral ascendancy and influence by reason of relationship of the private offended party with the accused, [YYY], the latter being the uncle of said offended party.⁹

WWW, private complainant AAA's biological father, and VVV, her other brother, were also charged with Qualified Rape in separate Informations.¹⁰ VVV remained at-large and an Alias Warrant of Arrest¹¹ was issued while the case against him was archived pending his apprehension.¹²

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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 Id. at 292.

⁹ Id. at 295.

¹⁰ Id. at 288.

¹¹ Id. at 568.

¹² Id.

Meanwhile, XXX, YYY, and WWW pleaded “not guilty” to the crime charged.¹³ During pre-trial, the parties entered into stipulations and admitted the trial court’s jurisdiction, identity, and relationship of all the accused to the private complainant.¹⁴

Joint trial ensued. In the intervening time, WWW filed a Motion to Change Plea with Motion to Dismiss¹⁵ wherein he pleaded “guilty” to only one count of Qualified Rape, and moved for the dismissal of the rest of the 339 counts. The trial court granted the motion since the public prosecutor and the private complainant, after searching questions from the trial court,¹⁶ posed no objection against it. For AAA, as long as accused WWW will be imprisoned, justice will be served.¹⁷ Consequently, WWW was convicted of the crime of Qualified Rape in the RTC’s July 13, 2018 Decision and no longer appealed his conviction.

Version of the Prosecution

The prosecution presented the testimonies of AAA; her mother, BBB; her aunt CCCC; and Police Chief Inspector Shane Lore Dettabali (PCI Dettaballi), the medico legal who examined AAA.¹⁸ From their testimonies the following are culled:

AAA was born on July 14, 1998,¹⁹ and she used to live in [REDACTED] with her parents together with her brothers XXX and VVV. YYY, her uncle, resided in the same house but in the room adjacent to where her family lives.²⁰

In 2007, when she was merely 10 years old, her father WWW started raping her and repeated it about 339 times until 2014 when she was already 16 years old. Her recollection of each harrowing experience became dim except for that one time which she competently relayed in open court. At that instance, she and her father were left alone inside their house and he went inside the room, covered her mouth and undressed her. He went on top of her and inserted his penis inside her vagina despite her resistance.²¹

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¹³ Id. at 565-567.

¹⁴ CA rollo, p. 57.

¹⁵ Id. at 59.

¹⁶ TSN, October 5, 2017, p. 13.

¹⁷ CA rollo, p. 59.

¹⁸ Rollo, pp. 6-7.

¹⁹ Records, Vol. III, p. 442.

²⁰ TSN, December 10, 2015, p. 19.

²¹ Rollo, p. 7.

Anent the charge against XXX, AAA recalled that her brother was already residing elsewhere but he often visited their house in ██████ to check on their mother.²² In April or May of 2011, during her summer vacation, AAA who was then 12 years old, was left alone inside their house as her mother went to work in ██████. At around 12:00 p.m., AAA was resting inside their room when XXX suddenly entered. AAA asked her brother “*Kuya, bakit nandito ka?*”²³ to which XXX replied “*Huwag kang maingay, may gagawin tayo.*”²⁴ When AAA inquired further, XXX remained silent, removed her undergarments while covering her mouth. XXX mounted her and touched her breasts. AAA struggled against XXX but he held her down and threatened to kill their mother if she resisted. Cowed into submission, AAA remained still and XXX inserted his penis into her vagina and made pumping motions for about 20 minutes until he ejaculated. After satisfying his lust, XXX stood up and instructed AAA to clean herself up otherwise he would kill her and their mother. AAA kept what happened to herself out fear of being a subject of gossip among their neighbors.²⁵

As to her uncle YYY, on April 8, 2013, at around 6:00 a.m., AAA, who was then 15 years old, was alone inside their family room when suddenly YYY entered and took off his pants. Stunned, AAA backed away from him but he pushed her down on her back. YYY removed AAA’s shorts and panties while covering her mouth. AAA tried to resist but he held her hands and went on top of her. YYY touched her breasts, inserted his penis into her vagina and thrust in and out of her for about 30 minutes until he ejaculated. When he was done abusing AAA, YYY dressed up and warned her not to tell anyone what happened or else he will repeat what he did to her. AAA heeded his warning out of fear.²⁶

Unable to bear it any longer, AAA in 2014 wrote a letter to her cousin DDD and revealed the sexual defilement she experienced from her very own father, brothers, and uncle. DDD immediately shared it to her mother CCC who cried when she read the letter. CCC took action and she and AAA sought legal assistance from UNTV. They were then directed to proceed to Camp Crame to request for a medico-legal examination.²⁷

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²² CA rollo, p. 60.

²³ Rollo, p. 8.

²⁴ Id.

²⁵ TSN, December 10, 2015, pp. 35-41; January 18, 2018, pp. 42-54.

²⁶ TSN, January 18, 2018, pp. 15-28.

²⁷ Records, Vol. III. p. 542.

Thereat, she was examined by PCI Dettabali and the findings revealed that AAA's hymen had deep healed lacerations and showed evidence of blunt penetration trauma.²⁸

On August 19, 2014, AAA filed a Complaint²⁹ before the Office of the City Prosecutor in ██████████ against WWW, XXX, YYY, and VVV. She also executed her *Sinumpaang Salaysay*³⁰ narrating the horrible experience she suffered in the hands of her blood relatives.³¹

Version of the Defense

The defense vehemently denied the narration of the prosecution.³²

XXX denied the charges against him and averred that it was merely concocted and was borne out of CCC's resentment against him. He claimed that in 2009, he got into a fight with CCC which forced him and his then common-law partner to move out of his family's house in ██████████ and relocate in ██████████. He also maintained that he was informed by their mother, BBB, that CCC warned AAA that she will have them evicted from the house and have BBB arrested if AAA will not push through in filing a complaint against him. Hence, AAA's charges against him were all invented to satisfy CCC. In fact, when he got married in 2013, AAA even stood as bridesmaid. They had a close relationship and insisted that he would never rape his own sister.³³

YYY, on the other hand, likewise denied the accusations hurled against him. He maintained that he was employed as a jeepney and a taxi driver. His job was dependent on the availability of the vehicles but he would leave home as early as 2:00 a.m. when driving the jeepney, and at 4:00 a.m. when driving the taxi. He would return home at 6:00 p.m. very tired from his work and any sexual intercourse was unlikely to happen. Moreover, if indeed the rape incident took place as alleged, surely his wife and children would have heard the commotion considering that the house they share with AAA's family has thin partitions. He asserted that the charge against him was just

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²⁸ Id. at 545-547.

²⁹ Id. at 317.

³⁰ Id. at 318-321.

³¹ Id.

³² *Rollo*, p. 9.

³³ Id.



fabricated by his sister, CCC, and AAA. He had many disagreements with CCC including a conflict regarding the sale of their inherited property and their living arrangements whereby his married son continues to reside in their house. As to AAA, he knew that his niece wanted to get back at him for the many times he scolded her about her attitude and her decision to stop going to school.³⁴

Ruling of the Regional Trial Court

The RTC rendered a Decision³⁵ finding XXX, YYY, and WWW guilty of Qualified Rape. The trial court disposed the cases in this wise:

WHEREFORE, in view of the foregoing, the Court rules in the following manner:

(1) In Criminal Case No. 15-2810, accused [WWW] is found **GUILTY** of the crime of qualified rape under Articles 266-A and 266-B of the Revised Penal Code and is sentenced to a penalty of *reclusion perpetua*.

(2) In Criminal Case No. 15-2811, accused [XXX] is found **GUILTY** of the crime of qualified rape under Articles 266-A and 266-B of the Revised Penal Code and is sentenced to a penalty of *reclusion perpetua*.

(3) In Criminal Case No. 15-2812, accused [YYY] is found **GUILTY** of the crime of qualified rape under Articles 266-A and 266-B of the Revised Penal Code and is sentenced to a penalty of *reclusion perpetua*.

(4) Criminal Case Nos. 15-2471 to 2809 are **DISMISSED** considering the failure of the prosecution to prove the guilt of the accused beyond reasonable doubt.

Accused [WWW], [XXX], and [YYY] are also **ORDERED** to each pay to the private complainant the following amounts: (1) **ONE HUNDRED THOUSAND PESOS** (P100,000.00) as civil indemnity; (2) **ONE HUNDRED THOUSAND PESOS** (P100,000.00) as moral damages; and (3) **ONE HUNDRED THOUSAND PESOS** (P100,000.00) as exemplary damages.

x x x x

SO ORDERED.³⁶

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³⁴ TSN, February 8, 2018, pp. 2-17.

³⁵ CA rollo, pp. 56-72.

³⁶ Id. at. 71-72.

The trial court convicted accused-appellants XXX and YYY of Qualified Rape on the basis of AAA's clear, categorical and straightforward testimony. She explicitly narrated how she was raped by her brother and uncle, and how force and intimidation were employed to carry out the bestial acts. The trial court also took into consideration her demeanor, expressions, and emotional reactions to the questions propounded to her during her testimony before the court. All revealed the sincerity of her statements and belied the allegations that the incestuous rape charges were merely fabricated. The RTC held that it was absurd and illogical that families in feud would make their child a tool to give a scripted testimony of being raped just to send her family to jail. It goes against human experience that a girl would fabricate such story and drag herself and her family to a lifetime of dishonor, unless that is the truth. Finally, the RTC rejected the bare denials and unverified alibis of XXX and YYY.³⁷

Aggrieved, XXX and YYY appealed their conviction before the appellate court.³⁸

Ruling of the Court of Appeals

The appellate court, finding no reversible error in the assailed RTC Decision, upheld the trial court's judgment of conviction. It, however, modified and clarified the imposed penalty of *reclusion perpetua*. The CA held that since the imposable penalty in Qualified Rape is death but the same cannot be imposed in light of RA 8553, the proper penalty imposed shall be *reclusion perpetua* without eligibility of parole. It also imposed interest at the rate of six percent (6%) per *annum* on all damages awarded from the date of finality of judgment until fully paid.³⁹ The dispositive portion of the judgment reads:

WHEREFORE, premises considered, the instant appeal is **DENIED**.

Accordingly, the assailed *Decision dated 13 July 2018* of the Regional Trial Court, [REDACTED], in Criminal Case Nos. 15-2811 and 15-2812 is hereby **AFFIRMED** subject to the following **MODIFICATIONS**:

(1) Accused-appellants XXX and YYY are hereby sentenced to a penalty of *reclusion perpetua* **without eligibility of parole**; and

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³⁷ Id. at. 68-70.

³⁸ *Rollo*, pp. 23-24.

³⁹ Id. at 20-21.

(2) Accused-appellants XXX and YYY are **ORDERED** to pay an interest of six percent (6%) *per annum* on all damages awarded to AAA from date of finality of this judgment until fully paid;

The rest of the *Decision* stands.

SO ORDERED.⁴⁰

Undeterred, accused-appellants brought the case before Us.⁴¹ In a letter⁴² dated June 16, 2022, the Bureau of Corrections informed the Court of the death on May 17, 2022 of YYY. Thus, pursuant to Article 89 of the RPC, the criminal action and the civil action for the recovery of civil liability *ex delicto* against YYY are totally extinguished.

Issue

The fundamental issue in this appeal is whether the CA correctly found accused-appellants guilty of Qualified Rape.

Our Ruling

The appeal is dismissed.

Jurisprudence has emphatically maintained that the evaluation of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses first hand, and to note their demeanor, conduct, and attitude under grueling examination.⁴³ The trial court's evaluation and conclusion on the credibility of witnesses, especially in rape cases, are generally accorded great weight and respect, and at times even finality, especially after the CA, as the intermediate reviewing tribunal, has affirmed the findings, unless there is a clear showing that the findings were reached arbitrarily, or that certain facts or circumstances of weight, substance or value were overlooked, misapprehended, or mis-appreciated that, if properly considered, would alter the result of the case.⁴⁴

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⁴⁰ Id. at 21.

⁴¹ Id. at 23-24.

⁴² Temporary *rollo*, unpaginated.

⁴³ *People v. Sapigao*, 614 Phil. 589, 599 (2009).

⁴⁴ See *People v. Ganaba*, 829 Phil. 306, 315 (2018).

We find none in this case. The assailed judgment is impermeable; it is supported by extant evidence, jurisprudence and law. This Court thus has no reason to overturn a solid ruling.

**Rape can be proven by
sole testimony of the
victim when it is
credible**

XXX alleges that the statements of AAA were incredible and inconsistent with human experience to be believable. They cannot thus be the basis of his conviction.⁴⁵

The argument is utterly unpersuasive.

Article 266-A, paragraph (1) of the RPC provides when and how rape is committed, thus: (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 12 years of age, or is demented, even though none of the circumstances mentioned above be present.⁴⁶

Rape becomes qualified when the victim is under 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.⁴⁷ The elements of Qualified Rape are: “(1) sexual congress; (2) with a woman; (3) done by force, [threat or intimidation] and without consent [or those instances cited in Art. 266-A of the RPC]; (4) the victim is under [18] years of age at the time of the rape; and (5) the offender is [either] a parent (whether legitimate, illegitimate or adopted), [ascendant, stepparent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent] of the victim.”⁴⁸

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⁴⁵ CA rollo, pp. 47-48.

⁴⁶ REVISED PENAL CODE, ARTICLE 266-A, as amended by REPUBLIC ACT NO. 8353 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. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE AND FOR OTHER PURPOSES.” Approved: December 8, 1930.

⁴⁷ REVISED PENAL CODE, ARTICLE 266-B, as amended by REPUBLIC ACT NO. 8353.

⁴⁸ See *People v. De Guzman*, G.R. No. 224212, November 27, 2019, citing *People v. Salaver*, 839 Phil. 90, 102 (2018), citing *People v. Colentava*, 153 Phil. 361, 372-373 (2015).

In this case, the private complainant's minority and her relationship with the accused-appellant XXX, being her own brother, were properly alleged and admitted during pre-trial;⁴⁹ these circumstances were also proven during trial. The fact of her minority at the time the crimes were committed against her was evidenced by her Certificate of Live Birth which was duly presented and admitted.⁵⁰ As to the commission of the rape itself, the private complainant was able to narrate the sexual molestation she suffered in the hands of the accused-appellant XXX in a detailed, clear, straightforward, and unequivocal manner. Even without corroboration from other witnesses it can stand on its own.

Her narration against her own brother, XXX, reveals:

Q. Okay. Tell this Honorable Court the circumstance or circumstances under which accused [XXX] raped you on April or May of 2011?

A. Wala po noon 'yung mama ko po, nagtatrabaho po sa [REDACTED] tapos ako lang po naiwan sa bahay.

x x x x

Q. So, while you were alone in your house, what happened?

A. Natutulog po ako noon.

Q. So, you were sleeping?

A. Yes, sir.

Q. You were sleeping in your room?

A. Yes, sir.

Q. And you were all alone?

A. Yes, sir.

Q. Then, what happened afterwards?

A. **Doon na din po ako inano ni [XXX] po. Hinalay niya din po ako.**

Q. **How did [XXX] rape you?**

A. **Pinasok niya din po 'yung ano niya, yung ari niya po sa pepe ko.**

Q. Okay. Let's go on this in detail. So, you were in your room sleeping, and where did [XXX] come from?

A. Naligo po siya tapos natulog din po sa bahay namin.

Q. Okay, So, this is night time, day time?

A. Ano po tanghali.

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⁴⁹ CA rollo, p. 57.

⁵⁰ Records, Vol. III, p. 442.

- Q. So, [XXX] was in your house and he just took a bath, is that what you are telling this court?
A. Yes, sir.

x x x x

- Q. So, after he took a bath, what happened afterwards?
A. Inano niya na po ako, nirape niya na po ako.
- Q. So, [XXX] entered the room while you were sleeping?
A. Yes, sir.
- Q. What did [XXX] first do to you?
A. Hinubaran niya po ako ng short tapos panty po.
- Q. Okay. And what was your position when [XXX] did this?
A. Nakahiga din po ako.
- Q. Nakahiga. And why did not you (sic) shout?
A. Tinakpan niya din po ang bibig ko.
- Q. Okay. And when [XXX] took off your short and panty in the vernacular *tinakpan ang bibig mo*, what else did he do?
A. Inano niya na po yung dito ko, yung dibdib ko po para po mahawakan niya din po yung suso ko.
- Q. And was he on top of you?
A. Opo.
- Q. And when he was already on top of you, what did he do?
A. **Pumapalag po ako tapos hinahawakan niya po yung dalawang kamay tapos sabi niya, huwas kang papalag, kung ayaw mo mamatay si mama.**
- Q. Okay, that's what he told you?
A. Yes, sir.
- Q. And what was your reaction when he told you that?
A. Natakot po ako.
- Q. So when he was already on top of you, what did he do?
A. **Inano niya na po ako, pinasok niya na po ang ari niya sa pepe ko.**⁵¹ (Emphasis Ours)

It is thus undeniable that the private complainant was raped by her brother XXX. The elements of the crime were established and We agree with the CA in sustaining the trial court's reliance on the positive and categorical testimony of the private complainant. Her narrations of the harrowing experience she endured in hands of XXX were convincingly candid, credible, and without badge of malice.

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⁵¹ TSN, December 10, 2015, pp. 35-42.

Due to its intimate nature, rape is usually a crime bereft of witnesses, and, more often than not, the victim is left to testify for herself. Thus, in the resolution of rape cases, the victim's credibility becomes the primordial consideration. It is settled that when the victim's testimony is straightforward, convincing, and consistent with human nature and the normal course of things, unflawed by any material or significant inconsistency, it passes the test of credibility, and the accused may be convicted solely on the basis thereof. Inconsistencies in the victim's testimony do not impair her credibility, especially if the inconsistencies refer to trivial matters that do not alter the essential fact of the commission of rape. The trial court's assessment of the witnesses' credibility is given great weight and is even conclusive and binding,⁵² precisely as in this case.

**No stereotypical form
of reactions in rape
victims and disputable
presumption of private
complainant's absence
of ill motive stands if
testimony is credible**

We find unmeritorious the allegations that private complainant's testimony was incredible since she carried on for years without divulging the traumatic sexual molestation she suffered, and that it was out of "fear" which made her unable to resist considering that XXX used no deadly weapons in committing the rape.⁵³

In rape cases, the law does not impose a burden on the rape victim to prove resistance because it is not an element of rape. Not all victims react the same way. Some people may cry out, some may faint, some may be shocked into insensibility, while others may appear to yield to the intrusion. Some may offer strong resistance while others may be too intimidated to offer any resistance at all. Thus, the failure of a rape victim to offer tenacious resistance does not make her submission to accused-appellant's criminal acts voluntary.⁵⁴

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⁵² See *People v. Primavera*, 813 Phil. 355-368 (2017), citing *People v. Dion*, 668 Phil. 333, 348 (2011).

⁵³ *CA rollo*, pp. 48-51.

⁵⁴ See *People v. Bacatan*, 718 Phil. 187, 199 (2013).

If at all, it is not necessary that the force employed be so great or be of such character that it could not be resisted; it is only necessary that the force employed by the guilty party be sufficient to consummate the purpose for which it was inflicted.⁵⁵ Where the rape is committed by a close kin, such as the victim's father, stepfather, uncle, or the common-law spouse of her mother, it is not necessary that actual force or intimidation be employed; moral influence or ascendancy takes the place of violence or intimidation.⁵⁶ Here, private complainant attempted to resist but it goes without saying that the accused-appellant, who is private complainant's own blood relative, not only has physical advantage over her, but also has undeniable moral ascendancy sufficient to quell her resistance.

Moreover, the delay in reporting the incident does not weaken the private complainant's testimony considering that she was threatened (her life and her mother's) by the accused-appellant who had moral ascendancy over her. Considering too that the private complainant was continually and consistently being raped by her father, aside from the rape incidents she experienced in the hand of XXX, the threat, intimidation, and fear may be considered ever continuous, prevalent, and looming that would naturally make her hesitant in disclosing what was happening to her.

Moreover, it is settled that delay in revealing the commission of a crime such as rape does not necessarily render such charge unworthy of belief. This is because the victim may choose to keep quiet rather than expose her defilement to the harsh glare of public scrutiny. Only when the delay is unreasonable or unexplained may it work to discredit the complainant.⁵⁷ The delay in the case at bar was certainly justified and reasonable. After all, there is no stereotypical form of reaction in victims of a traumatic experience as its physical, mental and emotional consequences are handled differently by every victim.

Likewise, a rape victim — especially one of tender age — would not normally concoct a story of defloration, allow an examination of her private parts, and thereafter permit herself to be

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⁵⁵ See *People v. Buban*, 618 Phil. 202, 223 (2009).

⁵⁶ *People of the Philippines v. XXX*, G.R. No. 235662, July 24, 2019, citing *People v. Padua*, 661 Phil. 366, 370 (2011).

⁵⁷ *People v. YYY*, 839 Phil. 1147, 1165 (2018), citing *People v. Buenvinoto*, 735 Phil. 724, 735 (2014).

subjected to a public trial, if she is not motivated solely by the desire to have the culprit apprehended and punished. Thus, when a woman — more so if she is a minor — says that she has been raped, she says in effect all that is necessary to show that rape was committed and as long as the testimony meets the test of credibility, the accused may be convicted on that basis alone.⁵⁸

Private complainant effectively did all that is necessary to show that rape was committed and her testimony meets the test of credibility; accused-appellant failed to debunk her narrations, offering nothing but uncorroborated *alibi*, bare denial,⁵⁹ and flimsy arguments.⁶⁰

The crime committed and the proper penalty and indemnity

The CA thus correctly convicted accused-appellants XXX of Qualified Rape and imposed the penalty of *reclusion perpetua* in light of RA 9346, without eligibility for parole,⁶¹ and awarded damages in the amount of ₱100,000.00 each for civil indemnity, moral damages and exemplary damages,⁶² with interest of six percent (6%) per *annum* on all damages awarded from the date of finality of judgment until fully paid.⁶³

WHEREFORE, the appeal is **DISMISSED** for lack of merit. The June 8, 2020 Decision of the Court of Appeals in CA-G.R. CR-HC No. 11726 is hereby **AFFIRMED** in *toto*. Criminal Case No. 15-2812 is **DISMISSED** in view of the demise of accused-appellant YYY and the civil action for the recovery of the civil liability *ex delicto* against him is **TOTALLY EXTINGUISHED** pursuant to Article 89 of the Revised Penal Code.

The letter dated June 16, 2022 of CSO4 Cesar T. Grecia, Chief Administration, Inmate Documents and Processing Division, Bureau of Corrections, Muntinlupa City, informing the Court of the death on May 17, 2022 of accused-appellant YYY, as shown by the thereto attached notice of death, is **NOTED**; and the Bureau of Corrections is

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⁵⁸ *Id.*, citing *People v. Buenvinoto*, 735 Phil. 724, 735 (2014) and *People v. Galido*, 470 Phil. 345, 362 (2004).

⁵⁹ TSN, December 10, 2015, pp. 35-41; January 18, 2018, pp. 42-54; February 8, 2018, pp. 2-17.

⁶⁰ *CA rollo*, pp. 47-52.

⁶¹ A.M. No. 15-08-02-SC or the "GUIDELINES FOR THE PROPER USE OF THE PHRASE 'WITHOUT ELIGIBILITY FOR PAROLE' IN INDIVISIBLE PENALTIES." Issued on August 4, 2015.

⁶² *CA rollo*, pp. 70-72.

⁶³ *Rollo*, pp. 20-21.

required to **SUBMIT**, within five (5) days from notice hereof, the original or certified true copy of the death certificate of accused-appellant YYY.

SO ORDERED.”

By authority of the Court:

LIBRADA C. BUENA

Division Clerk of Court
8/22

by:



MARIA TERESA B. SIBULO

Deputy Division Clerk of Court

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The Solicitor General
134 Amorsolo Street, Legaspi Village
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Court of Appeals (x)
Manila
(CA-G.R. CR-HC No. 11726)

The Hon. Presiding Judge
Regional Trial Court, Branch 144
1200 Makati City
(Crim. Case Nos. 15-2811 & 15-2812)

PUBLIC ATTORNEY'S OFFICE
Special and Appealed Cases Service
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Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

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

Philippine Judicial Academy (x)
Supreme Court

YYY
Accused-Appellant
(Deceased)

Judgment Division (x)
Supreme Court

The Director General
Bureau of Corrections
1770 Muntinlupa City

The Chief Administration
Inmate Documents & Processing Division
Bureau of Corrections
1770 Muntinlupa City



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