



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **06 April 2022** which reads as follows:*

“G.R. No. 254203 (People of the Philippines vs. CCC)”. – The instant Appeal¹ seeks to reverse and set aside the Decision dated 24 October 2019² of the Court of Appeals (CA) in CA-G.R. CR. HC No. 01971-MIN. In the assailed Decision, the CA affirmed the Joint Decision dated 27 April 2018³ of the Regional Trial Court (RTC) Branch 23, ██████████ convicting herein accused-appellant CCC of the crime of Qualified Rape in Criminal Case No. 124-2007 and the crime of Simple Rape in Criminal Case No. 125-2007.

Antecedents

Accused-appellant CCC (accused) was charged with two (2) counts of Rape as penalized under Article 266-A, paragraph 1, in relation to Article 266-B, paragraph 6 of the Revised Penal Code (RPC).⁴ The Informations filed are quoted hereunder:

Criminal Case No. 124-2007

That on or about December 15, 2005, in the Municipality of ██████████, Province of Cotabato, Philippines, and within the jurisdiction of this Honorable Court, the said accused, being the maternal uncle of the victim, a relative by consanguinity within the third civil degree, by means of force, threat and intimidation, did then and there, willfully, unlawfully and

* At the victim's instance or, if the victim is a minor, that of his or her guardian, the complete name of the accused may be replaced by fictitious initials and his or her personal circumstances blotted out from the decision, resolution, or order if the name and personal circumstances of the accused may tend to establish or compromise the victims' identities, in accordance with Amended Administrative Circular No. 83-2015 (III [I][c]) dated 05 September 2017.

¹ *Rollo*, pp. 32-33; See Notice of Appeal, 12 November 2019.

² *Id.* at 5-31. Penned by Associate Justice Angelene Mary W. Quimpo-Sale and concurred in by Associate Justices Edgardo T. Lloren and Loida S. Posadas-Kahulugan of the Twenty-Second (22nd) Division, Court of Appeals, Cagayan de Oro City.

³ *CA rollo*, pp. 38-45.

⁴ *Rollo*, p. 5.

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feloniously succeeded in having carnal knowledge with [AAA],⁵ his own niece, who is a minor, fourteen (14) years old, against her will.

Criminal Case No. 125-2007

That on or about September 1, 2006, in the Municipality of [REDACTED], Province of Cotabato, Philippines, and within the jurisdiction of this Honorable Court, said accused, being the guardian of the victim, by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously succeeded in having carnal knowledge with [BBB],⁶ who is a minor, fourteen (14) years old, against her will.⁷

During arraignment, the accused pleaded not guilty to both charges. Thus, the joint pre-trial and trial proceedings ensued.⁸

Version of the Prosecution

The prosecution presented the following witnesses: (1) the Municipal Civil Registrar, Gregorio S. Barredo; (2) AAA; (3) BBB; and (4) the Assistant City Health Officer, Dr. Ted Calica (Dr. Calica). For its documentary exhibits, the prosecution presented the sworn statements, medical certificates, and birth certificates of both AAA and BBB.⁹

Criminal Case No. 124-2007. The prosecution established that AAA was born on 22 December 1991, as indicated in her birth certificate. The accused is her neighbor and uncle, being the brother of her mother, EEE.¹⁰

It was alleged that prior to the incident, AAA was asked by the accused and his wife to stay in their house in the Municipality of [REDACTED], Province of Cotabato, to help them take care of their young child while the wife of the accused was three (3) months pregnant. On 10 December 2005, AAA acceded to their request and went to their house.¹¹

In the morning of 15 December 2005, AAA allegedly went to a nearby river to wash their clothes, and returned at 1:00 P.M. in the afternoon. Along the way, she saw her aunt, the wife of the accused, picking coffee beans. When she arrived, the accused, who was shelling corn at their *sala*, asked

⁵ 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 (*People v. Cabalquinto*, 533 Phil. 703 (2006) [Per J. Tinga]) and the Amended Administrative Circular No. 83-2015 dated 05 September 2017.

⁶ Id.

⁷ *Rollo*, p. 6.

⁸ Id. at 7.

⁹ Id.

¹⁰ Id.

¹¹ *CA rollo*, p. 39.

her to cook rice for their lunch.¹²

When AAA went to the room where the rice sack was placed, the accused allegedly followed her and started to embrace and kiss her, while covering her mouth with his hand. AAA narrated that she attempted to free herself but the accused pushed her towards the floor and lied on top of her. She pleaded with the accused to stop, but the latter continued and told her to keep quiet as his wife might hear them.¹³

While the accused was on top of AAA, he purportedly undressed her by removing her underwear and also undressed himself. AAA mentioned that the accused was armed with a knife but it was set aside when he started to insert his penis inside her vagina, at which point AAA felt pain. She also attempted to shout but the accused covered her mouth and boxed her stomach, causing her to faint. When AAA woke up, she noticed that she was still naked, felt pain in her vagina and saw white fluids coming out of it. When she saw the accused, he was already in the area where he was originally shelling corn. Thereafter, the accused instructed AAA not to tell anyone what happened, under threats that he will kill her if she does not comply.¹⁴

Approximately two (2) weeks after the incident, AAA stated that she left the house of the couple as the accused was always trailing her. She added that after the incident, she felt pain, became sensitive, was always dizzy, and was easily irritated. However, she did not tell anyone about the incident out of fear of the accused. It was only on 25 September 2006 when she reported to the authorities and agreed to undergo a medical examination, upon learning that her friend, BBB, also went through the same experience.¹⁵

AAA's medical examination conducted by Dr. Calica revealed "healed lacerations at the vaginal mucosal opening at 1, 5, 9, [and] 12 o'clock positions".¹⁶

Criminal Case No. 125-2007. Months after AAA left the accused and his wife, the couple asked BBB to stay in their house as a helper and working student.¹⁷

BBB alleged that at around 4:00 A.M. on 01 September 2006, the wife of the accused awakened her to cook rice. Thereafter, the accused called her and asked if she already had her menstruation, to which she responded not

¹² Id.

¹³ Id. at 40.

¹⁴ Id.

¹⁵ Id.

¹⁶ *Rollo*, p. 8.

¹⁷ *CA rollo*, p. 40.

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yet. The accused then told her to check the faucet outside the house to see if it is opened.¹⁸

When BBB was already outside, the accused followed her and kissed her on the lips. He then dragged BBB to the back of their house, kissed and undressed her, and made her lie on the ground. BBB claimed that she did not resist due to his fear of the accused. She stated that she wanted to shout but the radio was playing loud. The accused then inserted his penis into her vagina and made a push and pull movement, causing BBB to cry after feeling pain. Thereafter, BBB felt weak. After the accused was done with his act, BBB claimed that he instructed her to cook vegetables.¹⁹

BBB stated that she did not inform the wife of the accused because she was afraid of what the accused might do. Two (2) days after, she left the house of the couple and went to her brother who was guarding the barangay hall. She then conferred with her friend, AAA, who disclosed her similar experience. The next morning, BBB reported the incident to the authorities and underwent a medical examination.²⁰

BBB's medical examination conducted by Dr. Calica revealed "healed laceration[s] at the 3, 5, [and] 9 o'clock positions at the vaginal mucosal opening".²¹

Version of the Defense

For its part, the defense presented: (1) the accused; and (2) his sister, DDD. No documentary evidence was submitted.²²

Regarding the charges of AAA, the accused denied the allegations against him. On 10 December 2005, he claimed that he was not at home as he stayed at the house of his mother-in-law. The accused maintained that AAA was merely compelled to file the case against him upon the instigation of his elder sister and AAA's mother, EEE. He stated that he confronted EEE regarding her extramarital affair with another man, which defense witness DDD confirmed.²³

As to the charges of BBB, the accused confirmed that on 01 September 2006, he was at their house but BBB was no longer residing with

¹⁸ Id.

¹⁹ Id.

²⁰ Id. at 41.

²¹ *Rollo*, p. 9.

²² Id.

²³ Id.

them. He explained that BBB's stay with their family lasted for only two (2) weeks. Apparently, accused was becoming concerned with BBB spending too much time with his nephew, and asked her to move out as she might get pregnant. The accused claimed that BBB was likewise instigated by EEE.²⁴

Ruling of the RTC

On 27 April 2018, the RTC issued its Joint Decision convicting the accused, to wit:

WHEREFORE, from the foregoing premises, this court finds the accused CCC guilty beyond reasonable doubt of the crime of qualified rape in Criminal Case No. 124-2007 and he is hereby sentenced to suffer the penalty of Reclusion Perpetua without the benefit of parole.

In Criminal Case No. 125-2007, the court likewise finds the accused CCC guilty beyond reasonable doubt of the crime of simple rape and he is hereby sentenced to suffer the penalty Reclusion Perpetua.

In Criminal Case No. 124-2007, the accused is further directed to pay the victim AAA the sum of P100,000 as civil indemnity, P100,000 as moral damages and P100,000 as exemplary damages.

In Criminal Case No. 125-2007, the accused is likewise directed to pay the victim BBB the sum of P75,000 as civil indemnity, P75,000 as moral damages and P75,000 as exemplary damages.

All damages as herein awarded shall earn interest at the rate of 6% *per annum* from the date of finality of this decision until fully paid.

The period of preventive detention of the accused since in June 15, 2007 is counted in his favor as advance service of the herein sentence imposed on him. **Cost de Officio.**

SO ORDERED.²⁵

The RTC found that the elements of Qualified Rape and Simple Rape were established. It gave full credence and weight to the statements of AAA and BBB, noting that their testimonies were straightforward and coherent in their material points.²⁶ Further, the RTC explained that the defense of denial of accused deserves scant consideration for being a weak defense.²⁷

²⁴ Id. at 10.

²⁵ *CA rollo*, p. 45.

²⁶ Id. at 38-45.

²⁷ Id. at 44.

Ruling of the CA

Upon appeal to the CA, the latter affirmed the Joint Decision of the RTC in its Decision dated 24 October 2019, *viz*:

WHEREFORE, the appeal is DENIED. The Joint Decision dated 27 April 2018 of the Regional Trial Court, 12th Judicial Region, Branch 23, ██████████ in Criminal Case Nos. 124-2007 and 125-2007, is hereby AFFIRMED.

SO ORDERED.²⁸

The CA likewise gave credence to the testimonies of AAA and BBB. It found the accused's defenses of denial and alibi self-serving, as these remained unsubstantiated. Moreover, the CA explained that the alibi of the accused cannot prosper, as he was not able to prove that it was physically impossible for him to be present at the place of the crime during both incidents.

On 12 November 2019, the accused filed a Notice of Appeal with the CA.²⁹ This was given due course by the latter through its Resolution dated 11 June 2020.³⁰ Before this Court, the parties filed their respective Manifestations³¹ stating that they will merely adopt the arguments in the Briefs³² they filed with the CA.

The accused maintains that the prosecution failed to prove his guilt beyond reasonable doubt. He pointed out that from AAA's testimony, she claimed to have lost consciousness after being boxed by the accused. Thus, the accused asserts that AAA lost memory of the alleged Rape. Further, the accused imputes doubt on the credibility of AAA, having reported to the authorities ten (10) months after the incident.³³

Similarly, the accused contends that from the narration of BBB, there was no indication that she was forced, threatened, or intimidated. In fact, the accused states, BBB was perfectly normal immediately following the incident.³⁴

Further, he points out conflicting details between the testimonies of AAA and BBB, namely: (1) AAA claimed that in December 2005, the wife

²⁸ *Rollo*, pp. 30-31.

²⁹ *Id.* at 32-34.

³⁰ *Id.* at 35.

³¹ *Id.* at 40-45; 48-51.

³² *CA rollo*, pp. 24-37, 53-72.

³³ *Rollo*, pp. 11-30.

³⁴ *Id.*

of the accused was three (3) months pregnant, while BBB claimed that in September 2006, the wife of the accused was eight (8) months pregnant; and (2) AAA claimed that there was no electricity in the house of the accused, while BBB narrated that there was a radio turned on while she was being raped.³⁵

Issue

The primordial issue in this case is whether or not the CA correctly found the accused guilty of the crimes charged.

Ruling of the Court

The Appeal has no merit.

Art. 266-A defines the crime of Rape, as follows:

Article 266-A. Rape; When and How Committed. – Rape is committed:

1. By a man who shall have carnal knowledge of a woman under any of the following circumstances:
 - a. Through force, threat, or intimidation;
 - b. When the offended party is deprived of reason or otherwise unconscious;
 - c. By means of fraudulent machination or grave abuse of authority; and
 - d. When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

Article 266-B provides that the crime of Rape shall be qualified, and shall be punishable with death, 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. Pursuant to Republic Act No. 9346, the penalty should now be *reclusion perpetua*.

We find that the elements of Qualified Rape and Simple Rape were duly established in this case.

Preliminarily, it is doctrinally settled that the factual findings of the trial court as regards the credibility of the rape victim shall be accorded great weight and respect, and will generally not be disturbed on appeal.³⁶ Notably,

³⁵ Id.

³⁶ *People v. Buclao*, 736 Phil. 325 (2014), citing *People v. Gani*, 710 Phil. 466 (2013); *People v. Delos*

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the RTC and the CA in this case found that the testimonies of AAA and BBB were straightforward, consistent, coherent, and impeccable in their material points notwithstanding the cross-examination conducted by the defense.³⁷

In *Criminal Case. No. 124-2007* involving AAA, the element of carnal knowledge was duly proven through her testimony. That the crime was done with force, threat, or intimidation was established, as AAA consistently stated that the accused was holding a knife during the act. Further, there is moral ascendancy given that the accused is the uncle of AAA,³⁸ as duly admitted by the former. Lastly, AAA's age at the time of the incident (*i.e.*, fourteen (14) years old) was sufficiently established through her Birth Certificate.

The contention of the accused that AAA lost memory of the incident has no merit, as it was clear from her testimony that she lost consciousness after the carnal deed was already consummated:

COURT

Q What is your name?

A AAA

Q Before CCC boxed your side, what did he do to you?

A He inserted his penis to my vagina and then that was the time I was able to release his knife and then I shouted but he covered my mouth and then he boxed my side.³⁹

xxx xxx

ATTY. PALOMAR

Q So when did the accused box you, did he box you after he undressed you or before he undressed you?

A After I was undressed and after raping me.

Q So now you are saying Miss witness that the incident already took place after the accused boxed you, am I correct?

A Yes, Sir.⁴⁰

Further, contrary to the contentions of the accused, AAA's belated report to the authorities cannot be taken against her. It is established that the

Reyes, 697 Phil. 531 (2012); *People v. Mirandilla, Jr.*, 670 Phil. 397 (2011); *Soriano v. People*, 579 Phil. 83 (2008).

³⁷ CA rollo, p. 43.

³⁸ *People v. Candellada*, 713 Phil. 623 (2013) citing *People v. Violeja*, 697 Phil. 513 (2012).

³⁹ TSN, pp. 5-12, 04 October 2007.

⁴⁰ TSN, pp. 27-28, 08 October 2007.

failure to immediately report a rape incident to the authorities at the soonest possible time is not enough reason to cast doubt on the guilt of the accused.⁴¹ AAA cannot be blamed for the delay as the threats made by the accused, taken together with the fact that the bestial deed was done by her own uncle, are enough reasons to discourage her to report the same.

Similarly, in *Criminal Case No. 125-2007* involving BBB, carnal knowledge was proven through BBB's straightforward testimony. The presence of force and intimidation was likewise established, considering the moral ascendancy of the accused over BBB, a minor who was working for him as a house helper.⁴²

The fact that BBB acted normal after the incident does not cast doubt on her testimony. This Court has repeatedly held that no standard behavior may be expected from a rape victim.⁴³ In any case, the victim's reaction during or even after the incident is immaterial, as it is not an element of the crime of Rape.⁴⁴

As to the contradictions pointed out by the accused between the testimonies of AAA and BBB, these pertain to mere minor details which are insufficient to destroy their credibility as witnesses.⁴⁵ It cannot be stressed enough that inconsistencies with regard to immaterial and minor details do not detract from the actual fact of rape.⁴⁶

Lastly, the defenses of denial and alibi of the accused deserve no credence. It is settled that the positive identification and straightforward testimony of a credible witness prevails over alibi, as the latter is unreliable and can easily be concocted.⁴⁷ In any case, despite herein accused's allegations that he was somewhere else during the rape incidents, he failed to establish that it was physically impossible for him to be at the scene of the crime at the time commission.⁴⁸

Finally, We affirm the penalty and the awards of damages. The RTC, as affirmed by the CA, correctly meted the penalty of imprisonment, *reclusion perpetua* without eligibility of parole,⁴⁹ in lieu of death,⁵⁰ against

⁴¹ *People v. Delos Reyes*, *supra* note 36.

⁴² *See Dimakuta v. People*, 771 Phil. 631 (2015).

⁴³ *People v. Cabales*, G.R. No. 213831, 25 September 2019 [Per J. Hernando].

⁴⁴ *See People v. Bugna*, 829 Phil. 536 (2018).

⁴⁵ *People v. Sagarino, Jr.*, 416 Phil. 845 (2001).

⁴⁶ *Id.*

⁴⁷ *People v. Ramos*, 715 Phil. 193 (2013).

⁴⁸ *People v. Guillen*, 722 Phil. 28 (2013).

⁴⁹ Article 266-B states that 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, the penalty of death shall be imposed.

⁵⁰ In view of the enactment of RA 9346 which prohibits the imposition of death penalty. Also *see* A.M.

accused-appellant, as well as the award of civil, moral and exemplary damages in the amount of ₱100,000.00 each⁵¹ in favor of AAA in *Criminal Case No. 124-2007*. Likewise, the lower courts were correct in their imposition of the penalty of imprisonment, *reclusion perpetua*,⁵² against accused-appellant, and award of civil, moral and exemplary damages in the amount of ₱75,000.00 each⁵³ in favor of BBB in *Criminal Case No. 125-2007*.

In line with current jurisprudence, legal interest at the rate of six percent (6%) *per annum* was properly imposed by the lower courts on all damages awarded from finality of judgment until fully paid.⁵⁴

WHEREFORE, premises considered, the instant appeal is **DENIED**. Accordingly, the Decision dated 24 October 2019 of the Court of Appeals in CA-G.R. CR. HC No. 01971-MIN is **AFFIRMED**.

The Court **NOTES** the manifestation and motion (in lieu of supplemental brief) dated 27 August 2021 of the Office of the Solicitor General and the manifestation (in lieu of supplemental brief) dated 27 October 2021 of the Public Attorney's Office, both adopting their briefs filed before the Court of Appeals as supplemental briefs in this case.

SO ORDERED.”

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court *gg dr*

12 AUG 2022

No. 15-08-02-SC.

⁵¹ *People v. Jugucta*, 783 Phil. 806 (2016).

⁵² *People v. Mendoza*, G.R. No. 250003, 22 June 2020 [Per J. Bernabe].

⁵³ *Id.*

⁵⁴ *Nacar v. Gallery Frames*, 716 Phil. 267 (2013).

PUBLIC ATTORNEY'S OFFICE (reg)
Special and Appealed Cases Division
Department of Justice
BJS Bldg., Tiano Brothers St., cor. San Agustin St.
Cagayan de Oro City

OFFICE OF THE SOLICITOR GENERAL (reg)
134 Amorsolo Street
1229 Legaspi Village
Makati City

CCC (reg)
Accused-Appellant
c/o The Superintendent
San Ramon Prison and Penal Farm
Zamboanga City

THE SUPERINTENDENT (reg)
San Ramon Prison and Penal Farm
Zamboanga City

THE DIRECTOR (reg)
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 23
Kidapawan City
(Crim. Case No. 124-2007 & 125-2007)

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