



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **16 February 2022** which reads as follows:*

“**G.R. No. 255101 (XXX v. People of the Philippines)**. – Assailed in this Petition for Review on *Certiorari* Under Rule 45<sup>1</sup> are the Decision<sup>2</sup> dated December 20, 2019 and the Resolution<sup>3</sup> dated October 13, 2020 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 12505. The assailed CA Decision dismissed the appeal filed by petitioner XXX (petitioner) and affirmed the Decision<sup>4</sup> dated December 5, 2018 of Branch 136, Regional Trial Court (RTC), Makati City in Criminal Case No. 16-034. The assailed CA Resolution, on the other hand, denied petitioner’s motion for reconsideration.

*The Antecedents*

Petitioner was charged with Rape in an Information,<sup>5</sup> the accusatory portion of which reads:

Sometime in April 2015, in the city of Makati, the Philippines, accused did then and there willfully, unlawfully, and feloniously, by means of intimidation, by reason of the latter’s moral ascendancy with complainant, AAA, 16 years old, a minor, who is her (sic) niece and after giving said complainant money, have carnal knowledge of the latter against her will, which acts threatened and is prejudicial to her normal development.

<sup>1</sup> *Rollo*, pp. 3-21.

<sup>2</sup> *Id.* at 27-36; penned by Associate Justice Jane Aurora C. Lantion, with Associate Justices Rafael Antonio M. Santos and Ronaldo Roberto B. Martin, concurring.

<sup>3</sup> *Id.* at 37-39; penned by Associate Justice Ronaldo Roberto B. Martin, with Associate Justices Franchito N. Diamante and Rafael Antonio M. Santos, concurring.

<sup>4</sup> *Id.* at 22-25; penned by Presiding Judge Rico Sebastian D. Liwanag.

<sup>5</sup> As culled from the CA Decision, *id.* at 28.

CONTRARY TO LAW.<sup>6</sup>

When arraigned, petitioner entered a plea of not guilty. Trial ensued.<sup>7</sup>

As summarized by the CA, the following are the respective versions of facts of the prosecution and the defense:

*Version of the Prosecution*

There is a building along ██████ St., ██████, Makati City which is divided into several small rooms and houses different families. One of the families occupying a room is the [BBB] family. A member of the [BBB] family is 16-year-old AAA (the victim). Whenever the victim does not attend school, she baby-sits the child of the [petitioner] who in turn gives her money as remuneration. The [petitioner]'s family stays at the 3<sup>rd</sup> floor while the victim's family stays at the ground floor.

Sometime in April 2015, the [petitioner] came home after work. He called the victim to come up to their room on the 3<sup>rd</sup> floor. Thereafter the [petitioner] handed money to the victim and asked her to lie down on her back. The [petitioner] then started kissing her and pulled-down her pants and underpants. He then inserted his penis inside her vagina. The victim cried in pain. The [petitioner] got nervous and desisted from having sex with the victim. The victim got dressed and went out of her Lola's house to seek refuge away from the [petitioner].

She eventually told her parents the ordeal she suffered from the [petitioner] and reported the matter to the police. There, she was offered assistance in the filing of charges against the [petitioner]. She was also subjected to medical examination.

The examining physician issued a medical certificate stating that there were healed lacerations in her vagina. This medical certificate along with her Sworn Statement were filed with the City Prosecutor's Office. Finding probable cause, the Prosecutor recommended the filing of an Information charging the [petitioner] with rape.<sup>8</sup>

*Version of the Defense*

The [petitioner] denied the allegations made by the victim

<sup>6</sup> As culled from the CA Decision, *id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 28-29.

against him. He contends that it was impossible for him to commit the crime because the rooms in the building were separated by thin plywood. He also contends that the victim was merely prodded by her boyfriend to file a case against him. Lastly, he contends that the victim filed the case to extort money from him.<sup>9</sup>

### *The RTC Ruling*

The RTC found the testimony of the private complainant, AAA, to be logical, credible, and consistent. It noted that AAA remained steadfast in her accusation despite her stringent cross-examination and the fact that it came out, during her re-direct examination, that her father did not support her in the filing of the criminal case against petitioner.<sup>10</sup>

The RTC rejected petitioner's contention that AAA should have broken her silence. It ruled that there is no uniform behavior that can be expected from those who have had the misfortune of being sexually molested.<sup>11</sup>

Thus, the RTC found petitioner guilty beyond reasonable doubt of Simple Rape through Sexual Intercourse, sentenced him to suffer the penalty of *reclusion perpetua*, and ordered him to pay AAA the amounts of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱30,000.00 as exemplary damages, all with interest at the rate of 6% *per annum* from finality of judgment until full payment.<sup>12</sup>

The dispositive portion of the RTC Decision<sup>13</sup> dated December 5, 2018 reads:

WHEREFORE, the Court renders judgment finding accused [XXX] GUILTY beyond reasonable doubt of the crime of Simple Rape Through Sexual Intercourse. The Court sentences him to suffer the penalty of *reclusion perpetua*.

The Court further directs the accused to pay private complainant in the amounts of P50,000.00 as civil indemnity, P50,000.00 as moral damages, and P30,000.00 as exemplary damages, with six percent annual interest of all the damages awarded, from finality of this Decision until full payment.

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<sup>9</sup> *Id.* at 29.

<sup>10</sup> *Id.* at 24.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* at 25.

<sup>13</sup> *Id.* at 22-25.

p/m

The Court credits in his favor the entire period of preventive imprisonment at the Makati City Jail.

The Court assesses no costs.

IT IS SO ORDERED.<sup>14</sup>

On January 21, 2019, the RTC issued an Order<sup>15</sup> denying petitioner's motion for reconsideration.

Aggrieved, petitioner appealed his conviction to the CA.

*The CA Ruling*

The CA found no error in the RTC's judgment of conviction in light of the positive and straightforward testimony of AAA as against petitioner's defenses which are not supported by proof. It also found the imposition of the penalty of *reclusion perpetua* and the awards of civil indemnity, moral damages, and exemplary damages to be in accord with law and current jurisprudence. Hence, it dismissed petitioner's appeal and affirmed the RTC Decision<sup>16</sup> dated December 5, 2018.

The dispositive portion of the assailed CA Decision<sup>17</sup> dated December 20, 2019 reads:

WHEREFORE, the appeal is DISMISSED. The Decision dated [sic] of the Regional Trial Court, Branch 136, Makati City dated 05 December 2018 in Criminal Case No. 16-034 is AFFIRMED.

SO ORDERED.<sup>18</sup>

Petitioner moved for reconsideration, but the CA denied the motion in its Resolution<sup>19</sup> dated October 13, 2020.

Hence, the instant petition.

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<sup>14</sup> *Id.* at 25.

<sup>15</sup> *Id.* at 26.

<sup>16</sup> *Id.* at 22-25.

<sup>17</sup> *Id.* at 27-36.

<sup>18</sup> *Id.* at 35.

<sup>19</sup> *Id.* at 37-39.

*The Issue*

The Court is called upon to resolve whether the CA erred in affirming the conviction of petitioner for the crime of Rape.

*The Court's Ruling*

The petition has no merit.

To begin with, petitioner availed of a petition for review on *certiorari* under Rule 45 which is a wrong mode of appeal. Considering that the CA imposed the penalty of *reclusion perpetua*, the appeal should be by notice of appeal filed before it.<sup>20</sup>

Moreover, it bears stressing that a petition for review under Rule 45 is limited only to questions of law which must be distinctly set forth.<sup>21</sup> “Factual questions are not the proper subject of an appeal by *certiorari*.”<sup>22</sup>

In *Macayan, Jr. v. People*,<sup>23</sup> the Court held that the determination of the guilt of an accused hinges on how a court appreciates evidentiary matters in relation to the requisites of an offense. “Determination of guilt is, thus, a fundamentally factual issue.”<sup>24</sup>

Here, the issues raised by petitioner largely relate to the CA’s appreciation of the testimonial evidence on record, *viz.*:

## I.

WHETHER OR NOT THE [CA] ERRED IN THE APPRECIATION OF CIRCUMSTANCES AND SOLELY RELIED ON THE CREDIBILITY OF [AAA] DESPITE THE SERIOUS DISCREPANCIES IN HER TESTIMONY.

<sup>20</sup> Section 13(c), Rule 124 of the Revised Rules on Criminal Procedure reads:  
Section 13. *Certification or appeal of case to the Supreme Court.* -

x x x x.

(c) In cases where the Court of Appeals imposes *reclusion perpetua*, life imprisonment or a lesser penalty, it shall render and enter judgment imposing such penalty. *The judgment may be appealed to the Supreme Court by notice of appeal filed with the Court of Appeals.* (Italics supplied.)

<sup>21</sup> See Section 1, Rule 45 of the Rules of Court.

<sup>22</sup> *Sps. Miano v. Manila Electric Company*, 800 Phil. 118, 119 (2016).

<sup>23</sup> 756 Phil. 202, 214 (2015).

<sup>24</sup> *Id.*

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## II.

WHETHER OR NOT THE [CA] ERRED IN DISREGARDING THE TESTIMONY OF YYY, A CHILD WITNESS, AND ZZZ, THE NEIGHBOR OF THE HEREIN PETITIONER[.]

## III.

ULTIMATELY, WHETHER OR NOT THE [CA] FAILED TO APPLY THE DOCTRINE OF PRESUMPTION OF INNOCENCE.<sup>25</sup>

However, this Court is not a trier of facts. The general rule is that only questions of law, not questions of fact, may be raised in a petition for review on *certiorari* under Rule 45.<sup>26</sup>

In criminal cases, it is well settled that factual findings of the trial court are generally accorded great weight and respect on appeal, especially when such findings are supported by substantial evidence on record.<sup>27</sup> It is only in exceptional circumstances, such as when the trial court overlooked material and relevant matters, that the Court will recalibrate and evaluate the factual findings of the trial court.<sup>28</sup> In the case, a departure from the general rule is not warranted.

Even if the Court were to re-evaluate the merits of the case, the petition would still fail.

Petitioner avers that the RTC, as affirmed by the CA, did not offer any reason for discrediting or not considering the testimonies of YYY, a child witness whom AAA babysat; and ZZZ, petitioner's neighbor. According to him, the testimonies of YYY and ZZZ cast doubt as to the credibility of AAA. He maintains that based on their testimonies, it was impossible for him to rape AAA because YYY was always either with him or AAA.<sup>29</sup>

Further, petitioner contends that the RTC failed to consider the place of the commission of the crime. He states that AAA and ZZZ both testified that the rooms at the third floor were just divided merely by plywood about one centimeter thick, where sounds or voices in a normal

<sup>25</sup> *Rollo*, p. 7.

<sup>26</sup> *Macayan, Jr. v. People*, *supra* note 23 at 214.

<sup>27</sup> *Seguritan v. People*, 632 Phil. 415 (2010).

<sup>28</sup> *Id.*

<sup>29</sup> *Rollo*, pp. 7-13.

conversation within each room could be heard easily and clearly from the other. As such, he argues that it was highly improbable that anyone present in the other rooms could not hear AAA crying relatively loud at the time of the alleged rape. He also points out that ZZZ was in the building practically the whole month of April when the alleged rape was committed. Moreover, according to ZZZ, there were always a lot of people present in the building, and there was no instance when not a single person was present at the third floor.<sup>30</sup>

Petitioner also finds contrary to human experience the fact that AAA's very own father refused to support her. He argues that the actions of her father would have been different had the allegations of AAA been true, "as it is of common fact that a father would be the first person to protect his daughter's honor."<sup>31</sup>

Ultimately, petitioner contends that the RTC, in rendering a judgment of conviction merely relied on the sole testimony of AAA despite its inconsistencies.

The Court is not convinced.

The crime of rape is difficult to prove because it is generally left unseen and, very often, only the victim is left to testify for herself.<sup>32</sup> In the case, the Court finds that the CA's affirmance of the findings of the RTC was based on a judicious review of the evidence on record.

Based on the testimony of AAA, the CA found that there was rape through the employment of force when petitioner succeeded in having carnal knowledge of AAA despite the latter's protest, as manifested by her act of pushing his face away from her.<sup>33</sup> On the other hand, it found petitioner's allegations to be self-serving as they were not substantiated with corresponding evidence.<sup>34</sup>

Between the denial and assertions of petitioner and the testimony of AAA, the latter deserves credence. Jurisprudence has emphasized that "the trial court's evaluation and conclusion on the credibility of witnesses in rape cases are generally accorded great weight and respect,

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<sup>30</sup> *Id.* at 13.

<sup>31</sup> *Id.* at 14.

<sup>32</sup> *People v. Manson*, 801 Phil. 130, 138 (2016).

<sup>33</sup> See CA Decision, *rollo*, pp. 34-35.

<sup>34</sup> *Id.* at 35.

and at times even finality, especially after the CA, as the intermediate reviewing tribunal, has affirmed the findings.”<sup>35</sup> This applies in the absence of “a clear showing that the findings were reached arbitrarily, or that certain facts or circumstances of weight, substance or value were overlooked, misapprehended or misappreciated that, if properly considered, would alter the result of the case.”<sup>36</sup>

Notably, both the RTC and the CA found credible the testimony of AAA. There is also no showing that the RTC and the CA disregarded the testimonies of defense witnesses YYY and ZZZ. In fact, in resolving petitioner’s motion for reconsideration of the CA Decision affirming the conviction, where petitioner argued the CA’s alleged failure to give weight to the testimonies of YYY and ZZZ, the CA declared that the issues in the motion were mere reiterations of those already raised and had already been passed upon in its assailed Decision.<sup>37</sup>

The Court finds scant consideration in the assertion that AAA’s father refused to support the charge for rape against petitioner. “For no woman in her right mind will admit to having been raped, allow an examination of her most private parts and subject herself as well as her family to the humiliation and shame concomitant with a rape prosecution, unless the charges are true.”<sup>38</sup> In the absence of any ill-motive on AAA’s part that would make her testify falsely against petitioner, her candid narration of the rape incident deserves full faith and credence.<sup>39</sup>

It bears stressing that “[t]he credibility of the witnesses is best addressed by the trial court, it being in a better position to decide such question, having heard them and observed their demeanor, conduct, and attitude under grueling examination.”<sup>40</sup> Considering that there is no evidence that the RTC’s assessment of the credibility of AAA’s testimony was tainted with arbitrariness or oversight of a fact, it is entitled to great weight, if not conclusive or binding on the Court,<sup>41</sup> especially that the CA affirmed such assessment.

Accordingly, the Court holds that the CA did not err in affirming

<sup>35</sup> *People v. Ganaba*, 829 Phil. 306, 315 (2018).

<sup>36</sup> *Id.*

<sup>37</sup> *Rollo*, p. 38.

<sup>38</sup> *People v. Espino, Jr.*, 577 Phil. 546, 563 (2008).

<sup>39</sup> *People v. Bandoquillo*, 825 Phil. 753, 762 (2018).

<sup>40</sup> *People v. Manson*, *supra* note 32 at 140.

<sup>41</sup> *Id.*

petitioner's conviction for rape.

The Court notes that AAA was sixteen (16) years old at the time of the commission of the crime. In *People v. Tulagan*,<sup>42</sup> the Court declared that when the victim is twelve (12) years old or older but below eighteen (18), or eighteen (18) under special circumstances, and the crime committed is rape by carnal knowledge, the designation of the crime shall be Rape under Article 266-A(1)<sup>43</sup> in relation to Article 266-B<sup>44</sup> of the Revised Penal Code (RPC), and the corresponding penalty to be

<sup>42</sup> G.R. No. 227363, March 12, 2019.

<sup>43</sup> Article 266-A(1) of the Revised Penal Code provides:

**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.

x x x x

<sup>44</sup> Article 266-B of the Revised Penal Code provides:

**Article 266-B. Penalty.** – Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* to death.

When by reason or on the occasion of the rape, the victim has become insane, the penalty shall become *reclusion perpetua* to death.

When the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be *reclusion perpetua* to death.

When by reason or on the occasion of the rape, homicide is committed, the penalty shall be death.

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

- 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;
- 2) When the victim is under the custody of the police or military authorities or any law enforcement or penal institution;
- 3) When the rape is committed in full view of the spouse, parent, any of the children or other relatives within the third civil degree of consanguinity;
- 4) When the victim is a religious engaged in legitimate religious vocation or calling and is personally known to be such by the offender before or at the time of the commission of the crime;
- 5) When the victim is a child below seven (7) years old;
- 6) When the offender knows that he is afflicted with the Human Immuno-Deficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS) or any other sexually transmissible

imposed, in the absence of any of the aggravating or qualifying circumstances stated in Article 266-B, shall be *reclusion perpetua*.

Finding petitioner guilty of the crime of Rape under Article 266-A (1) in relation to Article 266-B of the RPC, as amended by Republic Act No. 8353,<sup>45</sup> the Court thus sustains the penalty of *reclusion perpetua* imposed by the CA.

As regards the damages, however, there is a need to make a modification. In light of prevailing jurisprudence,<sup>46</sup> petitioner shall pay AAA ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages. These amounts shall be subject to legal interest at the rate of six percent (6%) *per annum* from finality of judgment until full payment.

**WHEREFORE**, the petition is **DENIED**. The Decision dated December 20, 2019 and the Resolution dated October 13, 2020 of the Court of Appeals in CA-G.R. CR-HC No. 12505 are **AFFIRMED with MODIFICATION**.

Petitioner XXX is hereby found **GUILTY** of the crime of Rape under Article 266-A(1) in relation to Article 266-B of the Revised Penal Code, as amended by Republic Act No. 8353, and is sentenced to suffer the penalty of *reclusion perpetua*. He is further **ORDERED** to pay the victim, AAA, ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages, all with legal interest at the rate of six percent (6%) *per annum* from finality of this Resolution until fully paid.

The Court further resolves to:

disease and the virus or disease is transmitted to the victim;

7) When committed by any member of the Armed Forces of the Philippines or para-military units thereof or the Philippine National Police or any law enforcement agency or penal institution, when the offender took advantage of his position to facilitate the commission of the crime;

8) When by reason or on the occasion of the rape, the victim has suffered permanent physical mutilation or disability;

9) When the offender knew of the pregnancy of the offended party at the time of the commission of the crime; and

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.

x x x x.

<sup>45</sup> Otherwise known as the "Anti-Rape Law"; approved; September 30, 1997.

<sup>46</sup> See *People v. Jugueta*, 783 Phil. 806 (2016).

1. **GRANT** the Motion for Extension<sup>47</sup> dated July 5, 2021 and the Motion for Additional Extension of Time to File Comment<sup>48</sup> dated August 16, 2021, both filed by the Office of the Solicitor General, seeking extension for a total of sixty (60) days from July 11, 2021 or until September 9, 2021 within which to file the required Comment on the petition for review on *certiorari*;
2. **NOTE** the Comment<sup>49</sup> dated September 8, 2021 on the petition for review on *certiorari* filed by the Office of the Solicitor General; and
3. **NOTE** the Compliance with Apology<sup>50</sup> dated August 23, 2021 filed by counsel for petitioner XXX, relative to the Resolution<sup>51</sup> dated March 15, 2021, stating that the material date of receipt of the assailed Court of Appeals Decision is January 17, 2020 and submitting the valid Verification and Certification of Non-Forum Shopping<sup>52</sup> and Affidavit of Service.<sup>53</sup>

**SO ORDERED.”**

By authority of the Court:

TERESITA AQUINO TUAZON  
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA  
Deputy Division Clerk of Court *ff/46*

27 APR 2022

<sup>47</sup> *Rollo*, pp. 42-46.

<sup>48</sup> *Id.* at 49-52.

<sup>49</sup> *Id.* at 54-58.

<sup>50</sup> *Id.* at 64-68.

<sup>51</sup> *Id.* at 40.

<sup>52</sup> *Id.* at 70-71.

<sup>53</sup> *Id.* at 72.

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c/o The Director  
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1770 Muntinlupa City

THE DIRECTOR (reg)  
Bureau of Corrections  
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 136  
Makati City  
(Crim. Case No. 16-034)

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\*with copy of the CA Decision dated 20 December 2019  
*Please notify the Court of any change in your address.*  
GR255101. 2/16/2022(23)URES(m)

*mlw*