



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated September 7, 2022 which reads as follows:

“**G.R. No. 255746** (*People of the Philippines v. XXX*). – This appeal assails the Decision¹ dated 28 February 2020 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 12791. The CA affirmed the Decision² dated 06 December 2018 of Branch 73, Regional Trial Court (RTC) of [REDACTED] in Criminal Case No. 08-37381, convicting herein accused-appellant XXX (accused-appellant) for the crime of Rape.

Antecedents

An Information was filed against accused-appellant for the crime of Rape under Article 266-A(1)(a), in relation to paragraph 1, Article 266-B of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 8353,³ allegedly committed against private complainant (private complainant, or AAA⁴ in the alternative), then a 14-year old minor at the time of the alleged incident. The Information reads:

That on or about the 13th day of October, 2008, in the City of x x x, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, and by means of force, threat

¹ *Rollo*, pp. 4-16; penned by Associate Justice Priscilla J. Baltazar-Padilla (a former Member of this Court), and concurred in by Associate Justices Maria Filomena D. Singh (now a Member of this Court) and Perpetua Susana T. Atal-Paño of the Special Eleventh Division, Court of Appeals, Manila.

² *CA rollo*, pp. 49-54; penned by Acting Presiding Judge Leili Cruz Suarez.

³ 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: 30 September 1997.

⁴ The identity of the victim or any information which could establish or compromise her identity, including the names of her immediate family or household members, and the barangay and town of the incident, are withheld pursuant to SC Amended Administrative Circular No. 83-2015. The real name of the accused-appellant is also replaced with fictitious initials by reason of his relationship to the minor victim.

and intimidation, did, then and there willfully, unlawfully and feloniously have sexual intercourse with one AAA, a fourteen (14) year old minor, against her will and consent.

CONTRARY TO LAW.⁵

During his arraignment, accused-appellant pleaded not guilty.⁶ After termination of the pre-trial, trial on the merits ensued.⁷

As culled from the records, trial before the RTC proceeded as follows:

During the trial, the prosecution presented the victim AAA; BBB,⁸ [Police Officer] 1 Ana Marie Francisco (PO1 Francisco), PO2 Rodolfo Bautista (PO1 Bautista) and [Police Chief Inspector] Marianne S. Ebdane (PCI Ebdane) as its witnesses and offered in evidence the following: (a) Joint Affidavit of Arrest [Exhibits "A" and its sub-markings]; (b) Request for Genital Examination [Exhibit "B"]; (c) Sexual Crime Protocol [Exhibit "C"]; (d) Medico Legal Report No. R08-2360 [Exhibits "E" and its sub-markings] and (e) Affidavit of minor complainant AAA [Exhibits "F" and its sub-markings].

On the other hand, the defense presented accused XXX as its lone witness. No documentary evidence was offered.

Version of the Prosecution

AAA's mother was the godmother of accused. When he stayed in x x x, he asked AAA's father if he could stay in their house which was located at x x x, to which the latter agreed. On October 13, 2008, at around 7:00 o'clock in the morning, AAA was surprised to see accused who was naked beside her. AAA also noticed that her upper garments were removed. At that juncture, accused tried to pull down AAA's pants but she resisted. When AAA was about to shout, accused covered her mouth and he went on top of her body. Meanwhile, AAA was struggling to wake up her niece who was just beside them, but she failed. Consequently, accused was able to insert his penis in to AAA's vagina. When accused heard AAA's father arrive, he stopped his actions and gave AAA her clothes. Thereafter, accused went to their living room and slept.

Afraid that AAA's father would kill accused, she refrained from telling him what transpired. Later on, she opened up her problems with their school principal, who, in turn, reported the matter to the police, which led to the present case.

Version of the Defense

On October 13, 2008, at around 7:00 o'clock in the morning, accused was in a jeepney terminal, waiting for a ride so that he could go home after staying at his godmother's residence. At

⁵ CA rollo, p. 49.

⁶ Id.

⁷ Id.

⁸ AAA's mother.

that point, two (2) policemen appeared and invited him to the police station. Upon arriving thereat, accused was immediately put to jail. He found out that a rape case was filed against him.⁹

Ruling of the RTC

In its Decision¹⁰ dated 06 December 2018, the RTC found accused-appellant guilty beyond reasonable doubt of the crime of rape. The dispositive portion of its ruling states:

WHEREFORE, in light of all the foregoing, accused XXX is hereby found **GUILTY** beyond reasonable doubt of the crime of Rape, as defined and penalized under Art. 266-A, No.1(a) in relation to Art. 266-B, 1st paragraph of the Revised Penal Code, and he is hereby sentenced to suffer the penalty of *reclusion perpetua*. He is further ordered to pay AAA the amount of Seventy-Five Thousand Pesos (Php 75,000.00) as civil indemnity, Seventy-Five Thousand Pesos (Php 75,000.00) as moral damages, and Seventy-Five Thousand Pesos (Php 75,000.00) as exemplary damages, all at the rate of 6% per annum from the finality of this Decision until fully paid.

SO ORDERED.¹¹

The RTC found that the prosecution was able to establish all of the elements of the crime of Rape through private complainant's testimony.¹² It observed that private complainant gave her testimony in a detailed, credible, and unwavering manner.¹³ Her narration was bolstered by the testimony of PCI Ebdane who confirmed that there were deep-healed lacerations on her genitals caused by a blunt penetrating trauma to her hymen.¹⁴ The RTC noted that accused-appellant claimed there was bad blood between him and private complainant's mother, but no evidence was presented to substantiate this other than accused-appellant's self-serving allegations.¹⁵ Thus, the RTC gave more credence to private complainant's testimony, as accused-appellant's defenses of denial and alibi were unsupported.¹⁶

Ruling of the CA

In its assailed Decision¹⁷ dated 28 February 2020, the CA affirmed with modification the ruling of the RTC. The *fallo* of the CA ruling reads:

WHEREFORE, the impugned Decision of the court *a quo* finding accused-appellant guilty beyond reasonable doubt of Rape is hereby **AFFIRMED** with **MODIFICATION** in that he shall suffer the penalty of *reclusion perpetua*.

⁹ CA rollo, p. 49-50.

¹⁰ Id. at 49-54.

¹¹ Id. at 54.

¹² Id. at 51.

¹³ Id.

¹⁴ Id. at 52.

¹⁵ Id.

¹⁶ Id. at 53.

¹⁷ Rollo, pp. 4-16.

The rest of the Decision **SUBSISTS**.

SO ORDERED.¹⁸

The CA agreed with the RTC that the prosecution was able to prove beyond reasonable doubt the elements of the crime of Rape.¹⁹ It found private complainant's testimony coherent and intrinsically believable, despite accused-appellant's argument that there were minor inconsistencies.²⁰ Further, the CA explained that private complainant's failure to shout or seek for help does not render voluntary her submission to accused-appellant's sexual act.²¹ Likewise, it found that the element of force was present as accused-appellant covered private complainant's mouth and held both of her hands tightly to restrain her.²² However, the CA deemed it proper to modify the ruling of the RTC, by qualifying that accused-appellant shall not be eligible for parole.²³

Hence, this present appeal. In accused-appellant's Manifestation (In Lieu of a Supplemental Brief)²⁴ filed with the Court, he stated that he is adopting all the defenses and arguments raised in his Appellant's Brief with the CA.²⁵

Issue

The relevant issue in this case is whether accused-appellant was correctly convicted for the crime of Rape.

Ruling of the Court

The appeal lacks merit.

Well-established is the rule that the evaluation of the credibility of witnesses and their testimonies is best undertaken by the trial court, as it has the opportunity to actually observe the demeanor and conduct of witnesses at the stand.²⁶ Consequently, the trial court's factual findings based on its calibration of the testimonies of the witnesses are accorded high respect by the Court.²⁷ Pertinently, this rule holds more weight when such factual findings are affirmed by the CA.²⁸

¹⁸ Id. at 15.

¹⁹ Id. at 10.

²⁰ Id. at 12-13.

²¹ Id. at 13.

²² Id. at 13-14.

²³ Id. at 14-15.

²⁴ Id. at 33-35.

²⁵ Id. at 33.

²⁶ *People v. Abat*, 731 Phil. 304, 311 (2014).

²⁷ *See People v. Palanay*, 805 Phil. 116, 126 (2017).

²⁸ Id.

Verily, the elements of the crime of Rape through sexual intercourse under Article 266-A(1)(a) of the RPC are: (1) that the offender is a man; (2) that the offender had carnal knowledge of a woman; and (3) that such act is accomplished using force or intimidation.²⁹

As noted by the RTC and the CA, private complainant categorically testified that on the day of the incident, she woke up and was shocked to see accused-appellant beside her, naked and embracing her.³⁰ She added that accused-appellant forcefully removed her pants and covered her mouth when she was about to shout.³¹ Thereafter, accused-appellant mounted her and went on a kneeling position while she was crying.³² Private complainant struggled to free herself as accused-appellant held both of her hands, to no avail.³³ Then, accused-appellant proceeded to insert his penis into her vagina, which caused her pain.³⁴ Accused-appellant only stopped when he heard private complainant's father arrive.³⁵

To attack private complainant's testimony, accused-appellant questions her credibility, as she initially stated that accused-appellant's private organ only slightly touched her vagina. Purportedly, only later on did private complainant confirm that there was indeed penetration. However, jurisprudence provides that even the slightest penetration of the victim's genitals, or the touching by the penis of the vagina's labia, is enough to satisfy the element of carnal knowledge.³⁶ Here, when private complainant was asked if she felt accused-appellant's private organ touch her vagina, she first replied "*konti lang*."³⁷ When asked to explain this, she clarified, "*konti lang ng ari niya ang pumasok sa akin, Sir*."³⁸ It bears stressing that private complainant's narration was corroborated by Medico-Legal Report No. R08-2360, which confirmed the presence of fresh lacerations in private complainant's hymen caused by blunt force or penetrating trauma.³⁹ From this, it can be derived that the element of carnal knowledge was present.

Likewise, this Court finds no merit in the argument of accused-appellant that private complainant's narration is contrary to human experience, as she failed to ask for help from her father who was just outside their house during the incident. It has been repeatedly held and acknowledged by the Court that there is no standard form of reaction which can be expected from a victim of a crime such as rape.⁴⁰ The lack of resistance on the part of the victim does not render voluntary her submission

²⁹ See *People v. Alfredo*, 653 Phil. 435, 451 (2010).

³⁰ *Rollo*, pp. 10-11.

³¹ *Id.* at p. 11.

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *People v. Bay-od*, 890 Phil. 377, 388 (2019).

³⁷ *Rollo*, p. 12.

³⁸ *Id.*

³⁹ *Id.* at 12.

⁴⁰ *People v. XXX*, G.R. No. 244288, 04 March 2020.

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to the perpetrator's lust.⁴¹ Hence, the failure of private complainant to shout or call her father at the time of the incident does not render her story incredible.

Similarly, contrary to the allegations of accused-appellant, We find that the element of force was established. It is a well-entrenched principle that the force in the commission of rape need not be absolutely overpowering.⁴² Ultimately, what is essential is that the force used by accused was enough to enable him to consummate his lewd purpose.⁴³ In the present case, private complainant stated that accused-appellant covered her mouth and held both of her hands to restrain her. Evidently, this was sufficient to constitute the element of force for accused-appellant to commit the crime of rape against private complainant.

Moreover, accused-appellant failed to show any improper motive on the part of private complainant to fabricate the accusation. Although accused-appellant mentioned that there was bad blood between him and private complainant's mother, this allegation remained unsubstantiated.⁴⁴ Based on a review of private complainant's testimony, the Court is persuaded that she filed the case for no other purpose than to seek justice for the crime committed against her.

In rape cases, the Court is called to abide by the following principles: (1) an accusation for rape can be made with facility, is difficult to prove, but more difficult for the accused to disprove; (2) due to the nature of the crime in which only two (2) persons are usually involved, the testimony of the victim must be scrutinized with extreme caution; and (3) the evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence of the accused.⁴⁵

Given its nature, the crime of rape is almost always committed in secret.⁴⁶ Thus, an accused may be convicted of rape based on the victim's sole testimony, provided it is logical, credible, consistent, and convincing.⁴⁷ In cases involving young victims, their testimonies are generally given full weight and credence, as it is against human nature for a young girl to fabricate a story, allow an examination of her body, and subject herself and her family to public trial or ridicule, unless impelled to seek justice for the wrong done to her.⁴⁸

With the foregoing principles in mind, We find that the prosecution was able to establish the guilt of accused-appellant beyond reasonable doubt.

⁴¹ *People v. Penilla*, 707 Phil. 130, 146 (2013).

⁴² *People v. Tamano*, G.R. No. 227866, 08 July 2020.

⁴³ *People v. Barangan*, 560 Phil. 811, 836 (2007).

⁴⁴ *CA rollo*, p. 52.

⁴⁵ *People v. Barela*, 432 Phil. 612, 623-624 (2002).

⁴⁶ *People v. Gallano*, 755 Phil. 120, 129-130 (2015).

⁴⁷ *Id.*

⁴⁸ *People v. Alberca*, 810 Phil. 896, 906 (2017).

We give due respect to the observation of the RTC, as affirmed by the CA, that private complainant was able to testify in a clear, convincing, and straightforward manner.⁴⁹ Pitted against private complainant's testimony, accused-appellant's defenses of denial and alibi are weak and must be brushed aside.⁵⁰ Hence, the conviction of accused-appellant must be affirmed.

In *People v. Tulagan*,⁵¹ the crime of Rape by carnal knowledge committed against victims aged 12 years old or below 18 are liable under Article 266 (A)(1), in relation to Article 266 (B) of the RPC, and punishable by *reclusion perpetua*. Here, the records show that the prosecution presented the Certificate of Live Birth of private complainant to prove her minority at the time of the incident, and accused-appellant no longer disputed her age.⁵² Hence, the designation of the crime and the imposable penalty of *reclusion perpetua* against herein accused-appellant are correct.

We note that the CA discussed that the penalty of *reclusion perpetua* meted-out to accused-appellant must be qualified such that he shall not be eligible for parole.⁵³ However, the case of *People v. Gozo*,⁵⁴ citing A.M. No. 15-08-02-SC,⁵⁵ clarified that there is only a need to qualify that the accused is not "eligible for parole" in cases where the imposable penalty should have been death were it not for the enactment of RA 9346.⁵⁶ This is to differentiate cases where the imposable penalty was reduced to *reclusion perpetua* from cases where the penalty imposed was *reclusion perpetua*.

While the CA stated in the *fallo* of its Decision dated 28 February 2020 that it is affirming with modification the RTC's ruling, it failed to indicate the purported modification. Instead, the penalty was indicated as one for *reclusion perpetua*, without reference to the ineligibility for parole.⁵⁷ Thus, to clarify the variance between the discussion in the body and the dispositive portion of the assailed Decision, the Court rules that the imposable penalty against accused-appellant is *reclusion perpetua*.

Lastly, following this Court's pronouncement in *People v. Jugueta*,⁵⁸ We sustain the damages awarded by the RTC, as affirmed by the CA, in the amount of: (a) ₱75,000.00 as civil indemnity; (b) ₱75,000.00 as moral damages; and (c) ₱75,000.00 as exemplary damages. Likewise, the imposition of legal interest at the rate of 6% per *annum* from date of finality

⁴⁹ CA rollo, p. 53.

⁵⁰ *People v. XXX*, G.R. No. 232308, 07 October 2020.

⁵¹ G.R. No. 227363, 12 March 2019.

⁵² CA rollo, p. 6.

⁵³ Id. at 54.

⁵⁴ 836 Phil. 932 (2018).

⁵⁵ Guidelines for the Proper Use of the Phrase "Without Eligibility for Parole" in Indivisible Penalties, A.M. No. 15-08-02-SC, 04 August 2015.

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

⁵⁷ Rollo, p.15.

⁵⁸ See *People v. Jugueta*, 783 Phil. 806, 848 (2016).

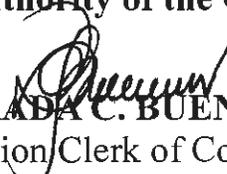
of the judgment until its full payment⁵⁹ is likewise correct.

WHEREFORE, the appeal is hereby **DISMISSED**. The Decision dated 28 February 2020 of the Court of Appeals in CA-G.R. CR-HC No. 12791 is **AFFIRMED**. Accordingly, accused-appellant XXX is found guilty beyond reasonable doubt of the crime of Rape punished under Article 266-A(1)(a), in relation to paragraph 1 of Article 266-B of the Revised Penal Code, as amended by Republic Act No. 8353. He is sentenced to suffer the penalty of *reclusion perpetua*.

Moreover, accused-appellant is 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. In line with current jurisprudence, interest at the rate of six percent (6%) per *annum* should be imposed on all damages awarded from the date of finality of this Resolution until fully paid.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *10/10/22*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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The Hon. Presiding Judge
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⁵⁹ See *Nacar v. Gallery Frames*, 716 Phil. 267, 281-283 (2013).

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