



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 14 March 2022 which reads as follows:

“**G.R. No. 256378 (People of the Philippines v. XXX¹)**. — The Court **NOTES** the letter² dated March 15, 2022 of CSO4 Cesar T. Grecia, Chief of Inmate Documents and Processing Division, Bureau of Corrections, Muntinlupa City, in compliance with the Resolution³ dated February 14, 2022, stating that per the available records of their office and upon verification with all the prison facilities of the Bureau, they have no record of confinement of XXX as of said date.

After a judicious review of the case, the Court resolves to **DISMISS** the appeal⁴ and **AFFIRM** the Decision⁵ dated November 20, 2020 of the Court of Appeals (CA) in CA-G.R. CEB CR-HC No. 03250 for failure to sufficiently show that the CA committed any reversible error in affirming the conviction of XXX for the crime of Simple Rape, as defined and penalized under Article 266-A in relation to Article 266-B of the Revised Penal Code (RPC).

‘[T]o sustain a conviction for rape through sexual intercourse, the prosecution must prove the following elements beyond reasonable doubt, namely, (i) that the accused had carnal knowledge of the victim; and (ii) that said act was accomplished (a) through the use of force or intimidation, or (b) when the victim is

¹ 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 RA 7610, entitled ‘AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES,’ approved on June 17, 1992; RA 9262, entitled ‘AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES,’ approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the ‘Rule on Violence against Women and Their Children’ (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014], citing *People v. Lomaque*, 710 Phil. 338, 342 [2013]. See also Amended Administrative Circular No. 83-2015, 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,’ dated September 5, 2017.)

² *Rollo*, p. 49.

³ *Id.* at p. 51.

⁴ *Id.* at 20.

⁵ *Id.* at 6-19. Penned by Associate Justice Dorothy P. Montejo-Gonzaga with Associate Justices Pamela Ann Abella Maxino and Lorenza R. Bordios, concurring.

deprived of reason or otherwise unconscious, or (c) by means of fraudulent machination or grave abuse of authority, or (d) when the victim is under 12 years of age or is demented.⁶

In this case, the Court concurs with the findings of the courts below that the prosecution was able to prove beyond reasonable doubt that XXX, through force and intimidation, rendered then 13-year old private complainant AAA unconscious in order to obtain carnal knowledge of her. AAA's failure to narrate the specific acts of defilement due to her unconscious state does detract from her assertions that XXX raped her. We have held that in cases where the victim cannot testify on the actual commission of the rape as she was rendered unconscious when the act was committed, the accused may be convicted based on circumstantial evidence, provided that more than one circumstance is duly proven and that the totality or the unbroken chain of the circumstances proven lead to no other logical conclusion than the appellant's guilt of the crime charged.⁷ AAA's testimony clearly provided such unbroken chain of circumstances, as: (a) she was waylaid by XXX; (b) XXX threatened her and forced her to smell a cigarette-like object; (c) she lost consciousness and fell asleep; (d) when she awoke, she was fully unclothed and alone in a house located in a remote area; and, (e) her vagina was hurting. These circumstances, when taken together, clearly lead to no other logical conclusion than that XXX had carnal knowledge of AAA while she was unconscious. Further, it is settled that a young girl would not concoct a sordid tale of a crime as serious as rape, allow the examination of her private parts, and subject herself to the stigma and embarrassment of a public trial, if her motive were other than a fervent desire to seek justice. Hence, there is no plausible reason why AAA would testify against XXX, her mother's cousin, imputing to him the grave crime of Rape, if this crime did not happen.⁸ Thus, there being no indication that the courts below overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case, the Court finds no reason to deviate from their factual findings.⁹

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the Decision¹⁰ dated November 20, 2020 of the Court of Appeals in CA-G.R. CEB CR-HC No. 03250 and **AFFIRMS** said Decision finding XXX **GUILTY** beyond reasonable doubt of the crime of Simple Rape, as defined and penalized under Article 266-A in relation to Article 266-B of the Revised Penal Code. Accordingly, he is sentenced to suffer the penalty of *reclusion perpetua*, and ordered to pay AAA the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages. In addition, all monetary awards shall earn a legal interest at the rate of six percent (6%) per annum from the date of finality of this Resolution until full payment.

SO ORDERED.”

⁶ *People v. Laguerta*, 835 Phil. 1063 (2018).

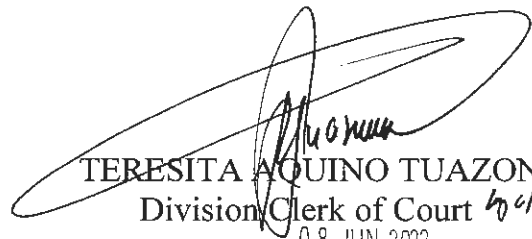
⁷ *People v. Laguerta*, 835 Phil. 1063 (2018).

⁸ See *People of the Philippines v. XXX*, G.R. No. 252858 (February 3, 2021).

⁹ See *Cahulogan v. People*, G.R. No. 225695, March 21, 2018, citing *Peralta v. People*, G.R. No. 221991, August 30, 2017, further citing *People v. Matibag*, 757 Phil. 286, 293 (2015).

¹⁰ *Rollo*, pp. 6-19.

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *h/c/s*
08 JUN 2022

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[For uploading pursuant to A.M. No. 12-7-SC]

THE SUPERINTENDENT (reg)
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OFFICE OF THE REPORTER (x)
PHILIPPINE JUDICIAL ACADEMY (x)
Supreme Court, Manila

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 18
Hilongos, Leyte
(Crim. Case No. H-2174)

COURT OF APPEALS (reg)
Visayas Station
Cebu City
CA-G.R. CEB-CV-HC No. 03250

*For this resolution only
Please notify the Court of any change in your address.
GR256378. 03/14/2022(74 & 189)URES(m)