



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **04 April 2022** which reads as follows:*

“G.R. No. 257962 (People of the Philippines v. XXX¹). — The Court NOTES:

1. the manifestation and motion dated March 24, 2022 of the Office of the Solicitor General, dispensing with the filing of supplemental brief as all issues raised have been addressed in its brief filed before the Court of Appeals (CA); and

2. the manifestation (in lieu of supplemental brief) dated March 21, 2022 of the Public Attorney’s Office, adopting the brief filed before the CA as XXX’s supplemental brief as the same had adequately refuted all arguments raised by plaintiff-appellee.

After a judicious study of the case, the Court resolves to **DISMISS** the appeal² for failure to sufficiently show that the CA committed any reversible error in affirming the conviction of XXX of the crimes of Qualified Rape, defined and penalized under Article 266-A (1), in relation to Article 266-B of the Revised Penal Code.

The elements of Rape under Article 266-A (1) (a) are: (1) the offender had carnal knowledge of a woman; and (2) said carnal knowledge was accomplished through force, threat or intimidation. This shall be qualified pursuant to Article 266-B (1) if: (i) the victim is under eighteen (18) years of age; and (ii) the offender is a

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. 3.

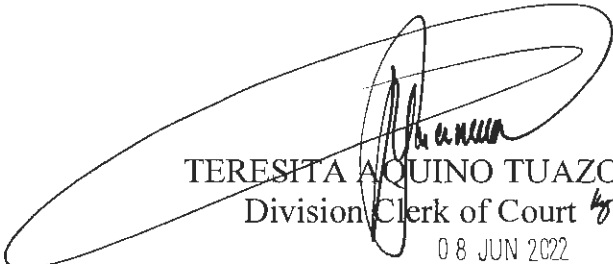
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parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim.³ In Criminal Cases Nos. 6955, 6956 and 6957, the Court agrees with the findings of the courts *a quo* that the prosecution was able to prove beyond reasonable doubt that XXX had carnal knowledge of his minor biological daughter, AAA, through force and intimidation. Given the foregoing, the Court finds no cogent reason to reverse the Regional Trial Court's assessment of AAA's credibility, which was affirmed by the CA. Absent any evidence that the trial court's assessment was tainted with arbitrariness or oversight of a fact of consequence or influence — especially so when affirmed by the CA — it is entitled to great weight, if not conclusive and binding on the Court.⁴ It is also 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 her own father, imputing to him the grave crime of rape, if this crime did not happen.⁵

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the Decision⁶ dated November 18, 2020 of the Court of Appeals in CA-G.R. CR-HC No. 11491 and **AFFIRMS** said Decision finding XXX **GUILTY** beyond reasonable doubt of three (3) counts of Qualified 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*, without eligibility for parole, and ordered to pay AAA, for each count of Qualified Rape, the amounts of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 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.”

By authority of the Court:


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

³ See *People v. Comboy*, 782 Phil. 187, 196 (2016); citations omitted.

⁴ *People v. Cadano, Jr.*, 729 Phil. 576 (2014).

⁵ See *People v. De Guzman*, G.R. No. 234190, October 1, 2018, citing *People v. Comboy*, 782 Phil. 187, 196 (2016).

⁶ *Rollo*, pp. 8-20. Penned by Associate Justice Ramon M. Bato, Jr. with Associate Justices Jhosep Y. Lopez (now a member of this Court) and Carlito B. Calpatura, concurring.

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 17
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(Crim. Cases Nos. 6955,6956 and 6957)

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Please notify the Court of any change in your address.
GR257962. 04/04/2022(133)URES(m) **16/11**