



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **August 8, 2022** which reads as follows:*

“G.R. No. 229358 (PEOPLE OF THE PHILIPPINES, *plaintiff-appellee*, v. REYNULFO ISAIAS y EJE, *accused-appellant*.) – Unless significant matters have been overlooked, determination of witness credibility of the trial courts will seldom be disturbed on appeal. The reversal of these findings would be inappropriate when affirmed by the Court of Appeals.¹

This Court resolves an appeal² from the Court of Appeals’ Decision³ which affirmed the trial court’s conviction⁴ of Reynulfo Isaias y Eje (Isaias) of the crime of rape as defined in Article 266-A, paragraph 1(a) of the Revised Penal Code.

In an Information,⁵ Isaias was charged with the crime of rape under Article 266-A, paragraph 1(a) of the Revised Penal Code, as follows:

That on or about the 3rd day of August 2010 in the municipality of xxxxxxx, Province of Pampanga, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and by means of force, threats and intimidation, did then and there willfully and feloniously have carnal knowledge [of] private complainant AAA, a fourteen (14) year old minor, born on December 5, 1995,⁶ by inserting his penis in her vagina against her will and without her consent, which act of sexual abuse demeans [and] degrades the intrinsic worth and dignity of the said minor as a human being and endanger her normal development.

¹ *People v. ZZZ*, G.R. No. 229209, February 12, 2020, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66164>> [Per J. Leonen, Third Division].

² CA *rollo*, pp. 106–107.

³ *Id.* at 82–98. The December 28, 2015 Decision in CA-G.R. CR-HC No. 06968 was penned by Associate Justice Franchito N. Diamante with the concurrence of Associate Justices Japar B. Dimaampao (now a Member of this Court) and Carmelita Salandanan Manahan of the Eighth Division, Court of Appeals, Manila.

⁴ *Id.* at 40–55. The July 28, 2014 Decision in Criminal Case No. 10-6428 was penned by Presiding Judge Ma. Angelica T. Paras-Quiambao of the Regional Trial Court, Angeles City, Branch 59.

⁵ *Id.* at 40.

⁶ *Id.* at 46. The Regional Trial Court found that AAA was born on March 5, 1997, not December 5, 1997.

Contrary to law.⁷

Upon arraignment, Isaias pleaded not guilty to the offenses charged.⁸ Thereafter, trial on the merits ensued.⁹

During trial, the prosecution and the defense stipulated on the identity of Isaias as the same person whose name appears in the Information and who was arraigned.¹⁰

The prosecution presented the victim, 14-year-old AAA,¹¹ and Dr. John Harvey I. Cruz (Dr. Cruz) as its witnesses.¹²

AAA testified that she was at Isaias's house as the helper of his wife, Rebecca. She calls Isaias "Kuya Rey." At 2:00 a.m. on August 3, 2010, while AAA was lying on the floor of Isaias's living room, Isaias went on top of her, then hugged and kissed her on the lips. She tried to push Isaias away, but Isaias persisted. Isaias then repeatedly thrust his penis inside AAA's vagina. Because of this, AAA felt pain.¹³ After Isaias had carnal knowledge of AAA, she went to the house of Isaias's friend,¹⁴ a certain Darang Nene, and reported the incident.¹⁵

On August 4, 2010, Dr. Cruz examined AAA and found that she had "positive hematoma" and slight abrasion on the left breast, noting that the injuries could have been caused by trauma.¹⁶ He also noted the following on her hymen: (a) fresh, incomplete laceration at 6:00 position; (b) complete laceration on 5:00, 8:00 position; and (c) incomplete laceration on 7:00 position.¹⁷ Dr. Cruz also noted that the lacerations could have been caused by penetration of the hymen, by an erect penis, or through other factors, like biking.¹⁸

During AAA's cross-examination, she testified that in 2010, Isaias had carnal knowledge of her several times, specifically on July 31, August 1, 2, and 3.¹⁹ These incidents happened when Rebecca goes to the market and AAA

⁷ Id. at 40.

⁸ Id.

⁹ Id. at 27.

¹⁰ Id.

In line with Amended Administrative Circular No. 83-2015, as mandated by Republic Act No. 9262, the names of offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

¹² CA *rollo*, pp. 42-43.

¹³ Id. at 42.

¹⁴ Id. at 44.

¹⁵ Id. at 42.

¹⁶ Id. at 43.

¹⁷ Id. at 47.

¹⁸ Id. at 43-44.

¹⁹ Id. at 44.

has no other companions in the house aside from Isaias and his three-year-old child, Jumong.²⁰

The defense presented Isaias as its lone witness. Although Isaias admitted that AAA stayed and slept in his 7x5-meter house on August 3, 2010, he denied the charges against him and interposed the defense of frame-up. According to him, AAA's accusations were not true because aside from Rebecca and Jumong, two other relatives were sleeping in the house when the alleged incident took place. In addition, he even claimed that their house had no division.²¹

During Isaias's cross and re-direct examination, he even illustrated their respective sleeping positions on August 3, 2010:

AAA slept on the upper portion of the square. The accused slept at the bottom portion of the square. His wife slept beside him. Simon and Baleleng slept on the upper right portion of the square. AAA was three (3) meters away from the accused. Simon and Baleleng were also three (3) meters away from the accused.²²

Isaias posited that AAA only made up the accusations against him because AAA's father had tuberculosis and she needed money to buy the latter's medicine. He also claimed that AAA falsely accused him so that her family would no longer need to pay their ₱5,000.00 debt to him.²³

Before discussing the merits of the case in its July 28, 2014 Decision,²⁴ the trial court noted that based on the Information, Isaias was charged with two felonies: one for rape under the Revised Penal Code and the other for violation of Republic Act No. 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act.²⁵ The trial court discussed that under the Rules of Court, an information must charge only one offense, except when the law prescribes a single punishment for various offenses.²⁶ However, where the information charged more than one offense against the accused-appellant and they waive this defect for failing to move to quash the information before entering their plea, the accused-appellant can be convicted of as many offenses as are charged and proved.²⁷ While Isaias was indicted for two separate offenses in one Information,²⁸ he waived his objection to the duplicity of the offenses charged because he failed to move

²⁰ Id. at 44–45.

²¹ Id. at 31, 45.

²² Id.

²³ Id.

²⁴ Id. at 40–55.

²⁵ Id. at 48.

²⁶ RULES OF COURT, rule 110, sec. 13.

²⁷ Id. at 48. *See also* *People v. Guardian*, 435 Phil. 666 (2002) [Per J. Puno, En Banc].

²⁸ *Rollo*, pp. 53–54.

for the quashal of the Information. Consequently, he may be tried and convicted for as many offenses as may have been charged and proved.²⁹

The trial court gave full credence to AAA's testimony and found Isaias guilty beyond reasonable doubt of the crime of rape, as defined and penalized under Article 266-A and 266-B of the Revised Penal Code, but dismissed the charge in relation to Republic Act No. 7610 because the Information did not state which provision was violated by the accused and because sexual abuse is excluded from the ambit of Section 10(a) of the said law.³⁰

The dispositive portion of the trial court's Decision reads:

WHEREFORE, premises considered, the court finds accused Reynulfo Isaias y Eje **GUILTY BEYOND REASONABLE DOUBT** of the crime of Rape defined in Article 266-A of the Revised Penal Code and penalized under Article 266-B thereof embodied in the Information dated August 4, 2010, and hereby **SENTENCES** him to suffer the penalty of *reclusion perpetua*.

Accused Reynulfo Isaias y Eje is further ordered to **PAY** private complainant AAA: (a) civil indemnity in the amount of Fifty thousand pesos (P50,000.00); (b) moral damages in the amount of Fifty thousand pesos (P50,000.00); and (c) exemplary damages in the amount of Thirty thousand pesos (P30,000.00).

In line with the discussion above, the charge for Violation of Republic Act [N]o. 7610 embodied in the Information dated August 4, 2010 against accused Reynulfo Isaias y Eje is hereby **DISMISSED**.

No costs.

SO ORDERED.³¹ (Emphasis in the original)

Isaias appealed his conviction before the Court of Appeals.³²

On appeal, Isaias contended that rape is usually done in private, with only the victim and assailant present. However, AAA admitted that Rebecca, Simon, Baleleng, and Jumong were all in the living room when the alleged rape happened, thus it was totally impossible for Isaias to have raped her. Assuming without conceding that there was sexual intercourse, Isaias asserted that the prosecution failed to prove the element of force or intimidation and thus erred in convicting him.³³

²⁹ Id. at 48–49.

³⁰ Id. at 53–54.

³¹ Id. at 55.

³² Id. at 10–11.

³³ Id. at 31.

On the other hand, the prosecution argued that all elements of rape were proven and established through AAA's testimony.³⁴

In its Decision,³⁵ the Court of Appeals dismissed the appeal and affirmed Isaias's conviction, with modifications on the penalty. The dispositive portion of the Decision reads:

WHEREFORE, in view of the foregoing, the instant appeal is hereby DENIED [sic].³⁶ The assailed Decision dated July 28, 2014 of the Angeles City [Regional Trial Court], Branch 59 in Criminal Case No. 10-6428 is hereby AFFIRMED with MODIFICATIONS by holding that the penalty of reclusion perpetua imposed on accused Reynulfo Isaias y Eje shall be *without eligibility for parole*. Accused-appellant is held *liable for interest of 6% per annum on the monetary awards reckoned from the finality of this decision until fully paid*.

All other aspects of the *fallo* of the assailed Decision, stand.

SO ORDERED.³⁷ (Emphasis supplied)

Isaias received a copy of the Court of Appeals' Decision on January 11, 2016.³⁸ On January 26, 2016, he filed a Notice of Appeal³⁹ before the Court of Appeals, which then elevated the records of this case to this Court.⁴⁰

In a March 15, 2017 Resolution,⁴¹ this Court noted the records forwarded by the Court of Appeals and directed the parties to submit their respective supplemental briefs. Both parties manifested that they are adopting their respective Briefs before the Court of Appeals.⁴²

This Court notes that accused-appellant only appealed his conviction as regards the charge of rape under Article 266-A, paragraph 1(a) of the Revised Penal Code.⁴³ Thus, pursuant to Rule 120, Section 7,⁴⁴ in relation to Rule 122, Section 6⁴⁵ of the Rules of Court, the dismissal of the charge of violation of

³⁴ Id. at 67–70.

³⁵ Id. at 82–98.

³⁶ The *fallo* of the Court of Appeals Decision stated that the appeal was “denied.” However, pursuant to the 2002 Internal Rules of the Court of Appeals, Rule VI, Section 6, the proper terminology is “dismissed.”

³⁷ CA *rollo*, pp. 97–98.

³⁸ Id. at 100.

³⁹ Id. at 106–107.

⁴⁰ Id. at 109.

⁴¹ *Rollo*, pp. 32.

⁴² Id. at 24–25, 29–30.

⁴³ CA *rollo*, pp. 10–11.

⁴⁴ Rule 120, Section 7 of the Rules of Court provides:

Section 7. *Modification of judgment*. — A judgment of conviction may, upon motion of the accused, be modified or set aside before it becomes final or before appeal is perfected. Except where the death penalty is imposed, a judgment becomes final after the lapse of the period for perfecting an appeal, or when the sentence has been partially or totally satisfied or served, or when the accused has waived in writing his right to appeal, or has applied for probation.

⁴⁵ Rule 122, Section 6 of the Rules of Court provides:

Republic Act No. 7610 in Criminal Case No. 10-6428 became final after the lapse of the period for perfecting an appeal, or on January 26, 2016.⁴⁶

The sole issue for this Court's resolution is whether the prosecution proved accused-appellant Reynulfo Isaias y Eje's guilt beyond reasonable doubt for the crime of rape under Article 266-A, paragraph 1(a) of the Revised Penal Code.

The appeal is dismissed. Accused-appellant failed to present any cogent reason to reverse the factual findings of the Court of Appeals and the Regional Trial Court with regard to his conviction.

Article 266-A of the Revised Penal Code enumerates the different modes by which rape is committed:

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. (Emphasis supplied)

For a conviction of rape under Article 266-A, paragraph 1(a), the prosecution must prove that: (1) that the offender had carnal knowledge of a woman; and (2) that the act was accomplished through force or intimidation.⁴⁷

In rape cases, the law does not require the corroboration of a testimony of a sole witness.⁴⁸ When the offended party's testimony is credible, natural, convincing, and consistent with human nature and the normal course of things, such testimony suffices to support a conviction of rape.⁴⁹ In *People v. Perez*,⁵⁰ this Court has emphasized that:

Section 6. *When appeal to be taken.* — An appeal must be taken within fifteen (15) days from promulgation of the judgment or from notice of the final order appealed from. This period for perfecting an appeal shall be suspended from the time a motion for new trial or reconsideration is filed until notice of the order overruling the motion has been served upon the accused or his counsel at which time the balance of the period begins to run.

⁴⁶ The Regional Trial Court Decision was promulgated on July 28, 2014. A copy of the Decision was duly served on the accused, through his counsel, on January 11, 2016. The Notice of Appeal was filed on the last day of the reglementary period to appeal, that is, on January 26, 2016.

⁴⁷ *People v. Soronio*, 281 Phil. 820, 824 (1991) [Per J. Griño-Aquino, First Division].

⁴⁸ *People v. Perez*, 595 Phil. 1232, 1252 (2008) [Per J. Chico-Nazario, Third Division].

⁴⁹ *People v. Rubio*, 683 Phil. 714, 725 (2012) [Per J. Velasco, Jr., Third Division].

⁵⁰ *People v. Perez*, 595 Phil. 1232 (2008) [Per J. Chico-Nazario, Third Division].

[T]estimonies of rape victims who are young and immature deserve full credence, considering that no young woman, especially of tender age, would concoct a story of defloration, allow an examination of her private parts, and thereafter pervert herself by being subject to a public trial, if she was not motivated solely by the desire to obtain justice for the wrong committed against her. Youth and immaturity are generally badges of truth. It is highly improbable that a girl of tender years, one not yet exposed to the ways of the world, would impute to any man a crime so serious as rape if what she claims is not true.⁵¹ (Citations omitted)

Here, both the Court of Appeals and the Regional Trial Court found AAA's testimony to be credible. The lower courts found that at the age of 13, AAA started working as a helper of Rebecca, who sold viands. AAA had to live with Rebecca and Isaias. During AAA's stay with Rebecca and Isaias, Rebecca goes to the market at 2:00 a.m., returns home at 10:00 a.m. to cook, and starts selling viands at 11:00 a.m. Whenever Rebecca was out, only Isaias and Jumong were left with AAA.⁵²

As appreciated by the Court of Appeals, AAA testified and narrated in detail how accused-appellant had carnal knowledge of her on August 3, 2010 during the wee hours of the morning:

AAA stands by her complete account of her ordeal in the hands of accused-appellant, to wit:

PROS. SALOMEO:

Q AAA, when you testified last time[,] you said that on August 3, 2010 you were then residing at Kuya Rey's house, do you recall of (sic) any unusual incident that happened on August 3, 2010 while you were at Kuya Rey's house?

A Yes, ma'am, I have (sic).

Q AAA, what is that unusual incident?

A He raped me (nirape nya ako).

....

Q AAA, you stated a while ago that Kuya Rey raped you in their house, were there other persons present when Kuya Rey raped you?

A Yes, ma'am[;] a small child.

Q And who is this small child?

⁵¹ Id. at 1251-1252.

⁵² CA rollo, p. 46.

A The child of Kuya Rey.

....

Q How old is [the child] on August 3, 2010?

A Three years old, ma'am.

Q AAA, it is stated in your sworn statement that Kuya Rey undressed you and inserted his penis inside your vagina and it happened in your Kuya Rey's sala. Was the child also present there[,] AAA?

A Yes, ma'am.

....

Q AAA, you stated in your sworn statement that your Kuya Rey undressed you and inserted his penis inside your vagina[;] were you then in a lying position?

A Yes, ma'am.

Q And where were you lying then?

A On (sic) the sala.

Q Were you then lying on a (sic) floor?

A Yes, ma'am.

Q And how about Kuya Rey, what was his position while you were then lying on the floor?

A I tried to push him but he does not want to.

Q AAA, can you please show to us using the male and female dolls the position of the accused while you were then lying on the floor when he inserted his penis inside your vagina?

INTERPRETER:

Witness demonstrating by holding the female doll in a lying position, and the male doll on top of the female doll.

PROS. SALOMEO:

Q Can you still recall what time Kuya Rey raped you?

A 2 o'clock, ma'am.

Q Was it in the early morning or already in the afternoon?

A Dawn, sir (sic).

Q It is stated in your sworn statement that you were then sleeping and you felt Kuya Rey went on top of you and when you opened your eyes you saw Kuya Rey and he hugged and kissed you. What[,] if any[,] did you do when you saw Kuya Rey?

A I tried to push him but he does not want to.

Q And after Kuya Rey kissed and hugged you, what[,] if any[,] [did] Kuya Rey [do]?

A He was kissing me on my lips, ma'am.

Q And after he kissed you, what[,] if any[,] happened?

A He kissed me, ma'am.

Q It is stated in your sworn statement that after Kuya Rey removed your clothes, kissed your neck, body, including your vagina, he inserted his penis inside your vagina while you were trying to push him and then he again inserted his penis inside your vagina, is it true?

A Yes, ma'am.

Q Can you please show to us again using the female and male dolls while Kuya Rey was on top of you and inserted his penis inside your vagina?

INTERPRETER: Witness demonstrating by putting the male doll on top of the female doll facing her and doing a repeated thrusting motion.

PROS. SALOMELO:

Q When Kuya Rey inserted his penis inside your vagina, what[,] if any[,] did you feel?

A It was painful.

Q You said that Kuya Rey raped you and it happened around 2:00 o'clock in the morning, was there a light in the sala?

A Yes, ma'am.

Q So[,] after your Kuya Rey inserted his penis inside your vagina, what happened after that[,] if any?

A I reported the incident.⁵³

In affirming accused-appellant's conviction for rape, the Court of Appeals thoroughly debunked accused-appellant's defenses. It held that the prosecution proved all the elements of rape:

From the foregoing testimony of AAA, We find that the elements of Rape under Article 266-A of the Revised Penal Code were established. First, accused-appellant is a man. Second, accused-appellant had carnal knowledge of AAA. He was positively identified by AAA as her assailant. She was unwavering in her narration that accused-appellant inserted his penis in her vagina; she even demonstrated, using two dolls, how accused-appellant performed the deed. The [Regional Trial Court] which had the opportunity to observe AAA during her testimony noted that she made no gesture or body movements which would suggest fabrication of her testimony. The [Regional Trial Court] even found her testimony to be direct, candid, and replete with the details of rape. On this matter, settled is the rule that the findings of the trial court on the credibility of a witness deserve great weight, given the clear advantage of a trial judge in the appreciation of testimonial evidence. We have repeatedly recognized that the trial court is in the best position to assess the credibility of witnesses and their testimonies, because of its unique opportunity to observe the witnesses first hand and to note their demeanor, conduct, and attitude under grueling examination. These are significant factors in evaluating the sincerity of witnesses, in the process of unearthing the truth. Third, accused-appellant employed threat, force and intimidation to satisfy his lust.⁵⁴

While accused-appellant attempts to cast doubt on the credibility of AAA, it is settled that unless significant matters have been overlooked, considering that the trial court has the opportunity to observe the witnesses' demeanor during trial, its determination of witness credibility and of the probative weight of the witness testimonies will not be disturbed on appeal. Moreover, the trial court's factual findings are accorded even greater weight when affirmed by the Court of Appeals.⁵⁵

Accused-appellant also contends that there was no threat or intimidation because AAA attempted to push accused-appellant only once and did not shout or cry at the time; thus, she "passively allowed herself to be ravished."⁵⁶

This argument is untenable.

⁵³ CA rollo, pp. 88-92.

⁵⁴ Id. at 93.

⁵⁵ *People v. ZZZ*, G.R. No. 229209, February 12, 2020, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66164>> [Per J. Leonen, Third Division] citing *People v. Diu*, 708 Phil. 218, 232 (2013) [Per J. Leonardo-de Castro, First Division]. See also *People v. Concepcion*, 829 Phil. 275 (2018) [Per J. Leonen, Third Division].

⁵⁶ CA rollo, p. 33.

In *People v. Soronio*,⁵⁷ this Court held that:

The force employed in rape need not be so great or of such character that it could not be repelled. Not all women react similarly when subjected to the same force or intimidation. Some fight back as trapped tigers in defense of their honor while others are cowed to obey from fear. There is no standard form of behavior when one is confronted by a shocking incident, as the working of the mind under stress are unpredictable.⁵⁸ (Citation omitted)

The Court of Appeals correctly found that resistance is not an element of rape.⁵⁹ Therefore, it is not necessary for rape victims to do all within their power to resist the force or intimidation employed upon them.

With respect to accused-appellant's defense of denial and alibi, it is settled that positive, categorical, and consistent identification—without any showing of ill motive on the part of the eyewitness testifying on the matter—prevails over an unsubstantiated and self-serving denial. A denial cannot be given greater evidentiary value over the testimony of a credible witness who testify on affirmative matters.⁶⁰

As regards accused-appellant's imputation of ill motive upon AAA, this Court has previously ruled in *Perez* that:

When there is no evidence to show any improper motive on the part of the rape victim to testify falsely against the accused or to falsely implicate him in the commission of a crime, the logical conclusion is that the testimony is worthy of full faith and credence.⁶¹ (Citation omitted)

Thus, the Court of Appeals correctly held that AAA “could not have concocted a story of defloration if it were not true as she has to remain in the employ of accused-appellant's family in order to sustain the medical needs of her father.”⁶²

Accused-appellant's argument that AAA's story is impossible deserves scant consideration.⁶³ This Court has repeatedly ruled that:

[L]ust is no respecter of time or place; rape defies constraint of time and space. Rapists are not deterred from committing the odious act of sexual abuse by mere inconvenience or awkwardness of the situation or even by

⁵⁷ 281 Phil. 820 (1991) [Per J. Griño-Aquino, First Division].

⁵⁸ Id. at 823.

⁵⁹ CA rollo, pp. 93–95.

⁶⁰ *People v. Joson*, 751 Phil. 450, 461 (2015) [Per J. Perez, First Division].

⁶¹ *People v. Perez*, 595 Phil. 1232, 1259 (2008) [Per J. Chico-Nazario, Third Division].

⁶² CA rollo, p. 95.

⁶³ CA rollo, pp. 88–97.

the presence of people or family members nearby. Rape is committed not exclusively in seclusion.⁶⁴ (Citation omitted)

However, the Court of Appeals' imposition of monetary liability on accused-appellant must be modified. In *People v. Jugueta*,⁶⁵ this Court stated the amounts that must be awarded in favor of a private complainant where the accused is convicted and sentenced to suffer *reclusion perpetua*:

When the circumstances surrounding the crime call for the imposition of *reclusion perpetua* only, there being no ordinary aggravating circumstance, the Court rules that the proper amounts should be ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages and ₱75,000.00 exemplary damages, regardless of the number of qualifying aggravating circumstances present.⁶⁶

Since accused-appellant was meted the penalty of *reclusion perpetua*, accused-appellant must be held liable to the modified amounts of ₱75,000.00 each as civil indemnity, moral damages, and exemplary damages.

As regards the Court of Appeals' addition of the phrase "without eligibility of parole," we deem it superfluous and thus said phrase must be omitted to avoid confusion. In A.M. No. 15-08-02-SC or the Guidelines for the Proper Use of the Phrase "Without Eligibility for Parole" in Indivisible Penalties, this Court explained:

Parole is extended only to those convicted of divisible penalties. *Reclusion perpetua* is an indivisible penalty and carries no minimum nor maximum period. Section 5 of the Indeterminate Sentence Law provides that it is after "any prisoner shall have served the minimum penalty imposed on him" that the Board of Indeterminate Sentence may consider whether such prisoner may be granted parole. With no "minimum penalty" imposable on those convicted of a crime punishable by *reclusion perpetua*, then even prior to the enactment of R.A. No. 9346, persons sentenced by final judgment to *reclusion perpetua* could not have availed of parole under the Indeterminate Sentence Law.

Since the distinction between *reclusion perpetua* and *reclusion perpetua* without eligibility for parole is more apparent than real, then there is no more need to append the phrase "without eligibility for parole" to qualify the penalty of *reclusion perpetua*.

If at all, the qualification of "without eligibility for parole" may be applied to qualify *reclusion perpetua* in order to emphasize that the appellant should have been sentenced to suffer the death penalty had it not been for R.A. No. 9346.

⁶⁴ *People v. XXX*, G.R. No. 225793, August 14, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65616>> [Per J. J. Reyes Jr., Second Division].

⁶⁵ 783 Phil. 806 (2016) [Per J. Peralta, En Banc].

⁶⁶ *Id.* at 840.

In cases where the death penalty is not warranted, the phrase “without eligibility for parole” does not need to describe and be affixed to *reclusion perpetua*; it is understood that convicted persons penalized with an indivisible penalty are not eligible for parole.

FOR THESE REASONS, the Appeal is **DISMISSED**. The December 28, 2015 Decision of the Court of Appeals in CA-G.R. CR-HC No. 06968 is hereby **AFFIRMED WITH MODIFICATIONS**.

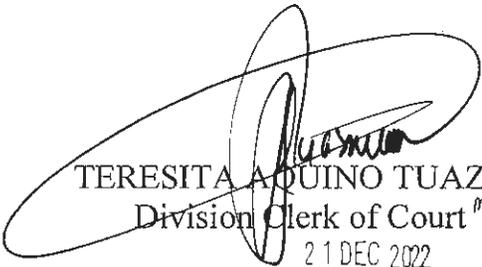
Accused-appellant Reynulfo Isaias y Eje is **CONVICTED** of the crime of rape under Article 266-A, paragraph 1(a) of the Revised Penal Code and **SENTENCED** to suffer the penalty of *reclusion perpetua*. Furthermore, accused-appellant is ordered to **PAY** private complainant AAA civil indemnity, moral damages, and exemplary damages in the amount of ₱75,000.00 each.

All damages awarded shall be subject to interest at the rate of 6% per annum from the finality of this Resolution until full payment.⁶⁷

No costs.

SO ORDERED.” (Lopez, M., J., *on official leave*)

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court ^{mm} 12/21
21 DEC 2022

⁶⁷ *People v. Tulagan*, G.R. No. 227363, March 12, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65020>> [Per J. Peralta, En Banc].

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 59
Angeles City, 2009 Pampanga
(Crim. Case No. 10-6428)

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*with a copy of the CA Decision dated December 28, 2015.
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