



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **July 18, 2022** which reads as follows:*

“**G.R. No. 255342 (People of the Philippines, plaintiff-appellee, v. XXX255342, accused-appellant)**. — Assailed in this ordinary appeal<sup>1</sup> is the Decision<sup>2</sup> dated August 27, 2020 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 02034-MIN, which affirmed the Judgment<sup>3</sup> dated May 18, 2018 of the Regional Trial Court of [REDACTED] (RTC) finding accused-appellant XXX255342 (accused-appellant) guilty beyond reasonable doubt of the crime of Qualified Rape, as defined and penalized under Article 266-A, in relation to Article 266-B of the Revised Penal Code<sup>4</sup> (RPC).

**The Facts**

This case stemmed from an Information<sup>5</sup> filed before the RTC, charging XXX255342 of Rape of a 13-year-old minor under Article 266-A, in relation to Article 266-B of the RPC, the accusatory portion of which reads:

‘That sometime in January 2007, in the City of [REDACTED], and within the jurisdiction of this Honorable Court, the said accused, with grave abuse of authority being the common-law spouse of the mother of private complainant, armed with a bolo, with lewd design, by means of force and intimidation, willfully, unlawfully and feloniously had carnal knowledge with ‘AAA255342’, a thirteen (13) year old minor, against her will.

The use of a bolo, a deadly weapon, in the commission of the crime and that the offender is the common-law spouse of the parent of the victim are alleged herein as qualifying aggravating circumstance.

<sup>1</sup> See Notice of Appeal dated September 22, 2020; *rollo*, pp. 21-22.

<sup>2</sup> *Rollo*, pp. 5-20. See also *CA rollo*, pp. 92-107. Penned by Associate Justice Loida S. Posadas-Kahulugan and concurred in by Associate Justices Edgardo T. Lloren and Richard D. Mordeno.

<sup>3</sup> *CA rollo*, pp. 45-51. Penned by Presiding Judge Arvin Sadiri B. Balagot.

<sup>4</sup> Entitled ‘AN ACT REVISING THE PENAL CODE AND OTHER PENAL LAWS,’ approved on December 8, 1930.

<sup>5</sup> See *rollo*, p. 6. See also *CA rollo*, p. 46-47.

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

The prosecution alleged that AAA255342<sup>7</sup> was born on April 4, 1994.<sup>8</sup> Her parents separated when she was 10 years old. Thereafter, her mother, BBB255342, cohabited with accused-appellant, her common-law husband. Together with her mother, AAA255342 lived with accused-appellant in his house.<sup>9</sup>

Sometime in January 2007, AAA255342 was alone in their house with accused-appellant when the latter ordered her to go upstairs. AAA255342 saw accused-appellant holding a bolo. Frightened, AAA255342 refused to go, but accused-appellant pointed the bolo at her neck and forcibly took her upstairs. AAA255342 tried to run but accused-appellant caught her. Accused-appellant then brought her to his bedroom and pushed her down the bed. He then placed himself on top of AAA255342, poked the bolo at her neck, and started undressing her. AAA255342 desperately struggled to fight but failed to stop accused-appellant's advances as he was stronger.<sup>10</sup>

After undressing AAA255342 and while brandishing the bolo against her neck, accused-appellant undressed himself and started kissing AAA255342's neck. Accused-appellant then forcefully inserted his penis into AAA255342's vagina, and made a push and pull movement several times. AAA255342 begged accused-appellant to stop, pleading to him that she was his daughter. Accused-appellant, however, ignored AAA255342's pleas and continued with his bestial desires, telling her to keep quiet. After satisfying his lust, accused-appellant warned AAA255342 not to tell anyone about what happened. AAA255342 testified that she did not tell her mother about the rape incident out of fear that accused-appellant might kill her.<sup>11</sup>

A few months later, accused-appellant mauled AAA255342 and her sister, prompting AAA255342's aunt and grandmother to report the incident to the Department of Social Welfare and Development. AAA255342 was rescued and brought to a shelter, where a social worker noticed that she was

<sup>6</sup> See *id.* at 46-47.

<sup>7</sup> 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.)

<sup>8</sup> See Certificate of Live Birth; records, p. 6.

<sup>9</sup> See *rollo*, p. 7.

<sup>10</sup> See *id.*

<sup>11</sup> See *id.* at 8.

pregnant. AAA255342 then revealed to the social worker how accused-appellant molested her.<sup>12</sup>

AAA255342 was later brought to a physician for a medical examination. The physician testified that AAA255342 suffered ‘multiple hymenal lacerations at 2 o’clock, 4 o’clock, 6 o’clock, 7 o’clock, and 10 o’clock positions, which were completely healed.’<sup>13</sup>

In his defense, accused-appellant denied being the common-law spouse of BBB255342 and countered that he merely allowed AAA255342 and BBB255342’s temporary refuge at his house due to the latter’s relentless begging. According to him, BBB255342 was also mistaken in considering him her live-in-partner, as he saw her only as a friend and nothing more. Accused-appellant further denied raping AAA255342 sometime in January 2007 and testified that it could not have been possible since he went to work very early in the morning and left his house before breakfast.<sup>14</sup>

### The RTC Ruling

In a Judgment<sup>15</sup> dated May 18, 2018, the RTC found accused-appellant guilty beyond reasonable doubt of the crime of Rape with the aggravating circumstances that the victim is under 18 years old and that the offender is the common-law spouse of the victim’s mother. Accordingly, accused-appellant was sentenced to suffer the penalty of *reclusion perpetua* without parole, and to pay AAA255342 the amounts of ₱100,000.00 as moral damages; ₱100,000.00 as civil indemnity; and ₱100,000.00 as exemplary damages, with legal interest at the rate of six percent (6%) per annum from the date of finality of the Judgment until full payment.<sup>16</sup>

Aside from finding all the elements of Rape present in the case, the RTC gave credence to AAA255342’s testimony and found no reason to doubt her honesty.<sup>17</sup> It also found that accused-appellant failed to substantiate his defense that he was not a common-law husband of BBB255342.<sup>18</sup>

Aggrieved, accused-appellant filed an appeal<sup>19</sup> with the CA.

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<sup>12</sup> See *id.*

<sup>13</sup> See *id.*

<sup>14</sup> See *id.* at 9

<sup>15</sup> CA *rollo*, pp. 45-51.

<sup>16</sup> See *id.* at 50.

<sup>17</sup> See *id.* at 47.

<sup>18</sup> See *id.* at 49-50.

<sup>19</sup> See Notice of Appeal dated September 22, 2020; *rollo*, pp. 21-22.

### The CA Ruling

In a Decision<sup>20</sup> dated August 27, 2020, the CA affirmed the RTC ruling. It held that accused-appellant's relation with BBB255342 as the latter's common-law husband was proven through the testimonies of AAA255342 and BBB255342. In addition, the CA reiterated that the rape committed in this case is qualified since AAA255342 was under 18 at the time the rape was committed and that accused-appellant was BBB255342's common-law husband.<sup>21</sup>

### The Issue Before the Court

The issue before the Court is whether or not the CA erred in affirming the RTC Judgment finding accused-appellant guilty of the crime charged.

### The Court's Ruling

The appeal has no merit.

The elements of Rape, which are: (1) the offender is a man; (2) the offender had carnal knowledge of a woman; (3) such act was accomplished by using force, threat or intimidation under paragraph 1 of Article 266-A of the RPC<sup>22</sup> are present in this case. Case law instructs that in rape cases alleged to have been committed by force, threat or intimidation, 'the prosecution must prove that force or intimidation was actually employed by accused upon his victim to achieve his end.'<sup>23</sup> Here, accused-appellant was able to accomplish the crime of Rape by threatening AAA255342 with a bolo.

Further, the Court finds that accused-appellant's relationship with BBB255342 as the latter's common-law husband was also established during the trial. In *People v. Udtohan*,<sup>24</sup> the Court ruled that under Article 266-B of the RPC, there is qualified rape when the victim is below 18 years of age and the offender is the common-law spouse of the parent of the victim.<sup>25</sup> Thus, both the RTC and the CA correctly convicted accused-appellant of Qualified Rape.

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<sup>20</sup> Id. at 5–20; see also *CA rollo*, pp. 92–107.

<sup>21</sup> See id. at 11–18 and 98–105.

<sup>22</sup> See *People v. Tionloc*, 805 Phil. 907, 915 (2017).

<sup>23</sup> Id.

<sup>24</sup> 815 Phil. 449 (2017).

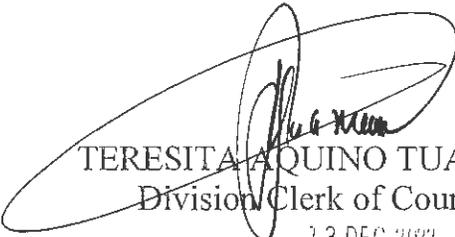
<sup>25</sup> Id. at 459.

Moreover, both the RTC and the CA likewise correctly imposed the penalty of *reclusion perpetua*<sup>26</sup> without eligibility for parole.<sup>27</sup> Finally, all the monetary awards in the amount of ₱100,000.00 each for civil indemnity, moral damages, and exemplary damages, with legal interest at the rate of six percent (6%) per annum from the finality of the Judgment until full payment were also consistent with the Court's ruling in *People v. Jugueta*.<sup>28</sup>

**FOR THESE REASONS**, the Court **ADOPTS** the findings of fact and conclusions of law in the Decision dated August 27, 2020 of the Court of Appeals in CA-G.R. CR-HC No. 02034-MIN and **AFFIRMS** said Decision finding accused-appellant XXX255342 guilty beyond reasonable doubt of the crime Qualified Rape, as defined and penalized under Article 266-A, in relation to Article 266-B of the Revised Penal Code. He is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole and to pay AAA255342 the amounts of ₱100,000.00 each for civil indemnity, moral damages, and exemplary damages, with 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 <sup>mm</sup> 12/13  
13 DEC 2022

<sup>26</sup> Article 266 B of the RPC, in relation to RA 9346.

<sup>27</sup> Administrative Matter No. 15-08-02-SC, entitled 'GUIDELINES FOR THE PROPER USE OF THE PHRASE 'WITHOUT ELIGIBILITY FOR PAROLE' IN INDIVISIBLE PENALTIES,' (August 4, 2015).

<sup>28</sup> 783 Phil. 806, 848 (2016).

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