



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **March 16, 2022**, which reads as follows:

“G.R. No. 257283 (*People of the Philippines, plaintiff-appellee v. XYZ*,¹ *accused-appellant*). – This appeal assails the Decision² dated November 16, 2020 of the Court of Appeals in CA-G.R. CR-HC No. 12122 entitled “*People of the Philippines v. XYZ*” affirming appellant XYZ’s conviction for Simple Rape under Article 266-A, paragraph 1 of the Revised Penal Code (RPC).

We affirm.

Rape is defined and penalized under Article 266-A of the Revised Penal Code (RPC), as amended by Republic Act No. 8353 (RA 8353),³ viz.:

Art. 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

¹ The real name of the victim, her personal circumstances and other information which tend to establish or compromise her identity, as well as those of her immediate family, or household members, shall not be disclosed to protect her privacy, and fictitious initial shall, instead, be used in accordance with *People v. Cabalquinto* [533 Phil 703 (2006)] and Amended Administrative Circular No. 83-2015 dated September 5, 2017.

² Penned by Associate Justice Victoria Isabel A. Paredes and concurred in by Associate Justices Fernanda Lampas Peralta and Tita Marilyn B. Payoyo-Villordon, *rollo*, pp. 8-17.

³ The Anti-Rape Law of 1997. Approved, September 30, 1997.

- 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.

Under Article 266-A of the RPC, as amended, rape requires the following elements: (1) the offender had carnal knowledge of a woman; and (2) he accompanied such act through force, threat, or intimidation, or when she was deprived of reason or otherwise unconscious, or when she was under twelve (12) years of age or was demented.⁴

Rape is a crime that is almost always committed in isolation or in secret, usually leaving only the victim to testify about the commission of the crime. As such, the accused may be convicted of rape on the basis of the victim's sole testimony provided it is credible, consistent, and convincing.⁵

Here, the prosecution established beyond reasonable doubt that on May 21, 2018, appellant, through force, threat, or intimidation, had carnal knowledge of AAA,⁶ minor daughter of his live-in partner BBB, against her will. AAA positively identified appellant as the one who mounted her, pinned down her hands, removed her shorts and underwear, kissed her, and inserted his penis into her vagina several times.⁷

By itself, the victim's testimony withstands scrutiny sufficient to sustain a verdict of conviction. It assumes even more probative weight when it is corroborated by physical evidence.⁸ Here, AAA's allegation of rape conforms with the physical evidence. Dr. Alma Lalic (Dr. Lalic) examined AAA and found a hymenal transection at 9 o'clock position indicating a blunt force or penetrating trauma probably caused by any penetrating blunt object or even penile penetration.

The alleged absence of "fresh" hymenal laceration does not *ipso facto* disprove rape. For hymenal laceration is not an element of rape.⁹ Nonetheless, hymenal lacerations, whether healed or fresh, are the best evidence of forcible defloration. And when the consistent and forthright testimony of a rape victim is consistent with medical findings, as here,

⁴ *People v. XXX*, G.R. No. 252351, July 7, 2021.

⁵ *People v. XXX*, G.R. No. 230904, January 8, 2020.

⁶ The real name of the victim, her personal circumstances and other information which tend to establish or compromise her identity, as well as those of her immediate family, or household members, shall not be disclosed to protect her privacy, and fictitious initial shall, instead, be used in accordance with *People v. Cabalquinto* [533 Phil 703 (2006)] and Amended Administrative Circular No. 83-2015 dated September 5, 2017.

⁷ *Rollo*, pp. 8-9.

⁸ *People v. XXX*, supra; *People v. XXX*, supra.

⁹ *People v. Shihani*, G.R. No. 233534 (Notice), April 28, 2021.

the essential requisites of carnal knowledge are deemed to have been sufficiently established.¹⁰

Anent AAA's failure to shout for help or resist appellant's sexual advances, the same does not amount to consent as to negate the commission of rape. Rape victims react differently when confronted with sexual abuse.¹¹ Their actions are often overwhelmed by fear rather than reason.¹² Some may cry out, some may faint, some may be shocked into insensibility, others may appear to yield to the intrusion. Some may offer strong resistance, while others may be too intimidated to offer any resistance at all.¹³ Some may find the courage to immediately reveal their ordeal, others may opt to initially keep the harrowing ordeal to themselves.¹⁴ The mere fact that appellant had moral ascendancy over AAA, being the latter's surrogate father, coupled with AAA's tender age, would suffice to justify AAA's fear that led her to give in to appellant's lustful desire, failure to resist, and option to keep to herself such horrendous experience, including appellant's sexual advances in the past.¹⁵ Appellant's moral ascendancy and influence over AAA substitutes for violence and intimidation.¹⁶

The fact that the rape took place in a small room with people nearby is also immaterial. It is settled that the presence or close proximity of other people or even relatives at the rape scene do not disprove the commission of rape. For lust is no respecter of time and place. Rape can be committed in places where people congregate or inside a house where there are other occupants, and even in the same room where other members of the family are present.¹⁷

Youth and immaturity are generally badges of truth and sincerity. Absent any ill motive on the part of the minor witness AAA, the credibility of her testimony is not diminished.¹⁸ As between AAA's credible and positive identification of appellant as the one who had carnal knowledge of her against her will, on one hand, and appellant's bare denial, on the other, the former indubitably prevails.¹⁹

In fine, the trial court and the Court of Appeals correctly gave credence to AAA's testimony. The factual findings of the trial court are binding and

¹⁰ *People v. XXX*, supra.

¹¹ *People v. Barberan*, 788 Phil. 103, 111-112 (2016).

¹² *People v. Suwalat*, G.R. No. 227749, September 22, 2020.

¹³ *People v. Alberca*, 810 Phil. 896, 909 (2017).

¹⁴ *People v. Suwalat*, supra.

¹⁵ See *People v. Alberca*, supra, at 909.

¹⁶ *People v. XXX*, supra.

¹⁷ *People v. Descartin, Jr.*, 810 Phil. 881, 892 (2017).

¹⁸ *People v. XXX*, supra.

¹⁹ *People v. Suwalat*, supra.

conclusive upon this Court especially when supported by evidence and affirmed by the Court of Appeals,²⁰ as in this case. The trial court's assessment of the witnesses' credibility and calibration of their testimonies are accorded weight and respect as the trial court had the unique opportunity to observe the witnesses' deportment firsthand and even carries the full concurrence of the Court of Appeals.²¹ There is no cogent reason to deviate from this rule in the present case.

Penalty

Rape is defined and penalized under Article 266-A in relation to Article 266-B of the RPC, as amended by RA 8353. It carries the penalty of *reclusion perpetua* unless attended by the qualifying circumstances defined under Article 266-B.²² Rape is qualified when: a) the victim is under eighteen (18) years of age; and b) committed by the victim's parent, ascendant, step parent, guardian, or relative by consanguinity or affinity within the third civil degree, or by the common-law spouse of the victim's parent. To be properly appreciated, the special qualifying circumstances of the victim's minority and her relation to the perpetrator must be both alleged and proved.²³ Otherwise, the same cannot be recognized and the accused can only be held guilty of Simple Rape.²⁴

As the Court of Appeals correctly ruled, appellant can only be convicted of Simple Rape. While it was alleged in the Information that appellant was AAA's stepfather, the prosecution failed to prove such relationship. A "stepfather" is the "husband of one's mother by virtue of a marriage subsequent to that of which the person spoken of is the offspring. It presupposes a legitimate relationship between the appellant and the victim's mother."²⁵ As it was, however, the prosecution failed to present any proof of marriage to establish appellant's legitimate relationship with BBB. On the contrary, records show that appellant was actually BBB's common-law spouse as they never got legally married.

All told, both the trial court and the Court of Appeals correctly convicted appellant of Simple Rape and sentenced him to *reclusion perpetua*. We likewise sustain the awards of civil indemnity, moral

²⁰ *Gumama v. People*, G.R. No. 253799 (Notice), February 3, 2021.

²¹ *People v. Tulagan*, G.R. No. 227363. March 12, 2019, 896 SCRA 307, 353-354.

²² Article 266-B. *Penalty*. — Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*. x x x x

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

1) When the victim is under eighteen (18) years of age and the offender is a 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; x x x

²³ *People v. XXX*, supra.

²⁴ *People v. Suwalat*, supra; *People v. XXX*, G.R. No. 232308, October 7, 2020.

²⁵ *People v. De Guzman*, G.R. No. 224212, November 27, 2019, citing *People v. Begino*, 601 Phil. 182, 190 (2009).

damages, and exemplary damages of ₱75,000.00 each in accordance with *People v. Juguet*.²⁶ These amounts shall earn six percent (6%) legal interest *per annum* from finality of this Resolution until fully paid.

WHEREFORE, the appeal is **DISMISSED**. The Decision dated November 16, 2020 of the Court of Appeals in CA-G.R. CR-HC No. 12122 is **AFFIRMED**. Appellant **XYZ** is found **GUILTY** of Simple Rape and sentenced to *Reclusion Perpetua*. He is further **ORDERED** to **PAY AAA ₱75,000.00** as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages.

All monetary awards are subject to six percent (6%) legal interest *per annum* from finality of this Resolution until fully paid.

SO ORDERED.”

By authority of the Court:

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Division Clerk of Court *et al*

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²⁶ 783 Phil. 806, 846 (2016).