



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. 258301 (People of the Philippines, Plaintiff-Appellee v. XXX258301,<sup>1</sup> Accused-Appellant.) – Assailed in this ordinary appeal is the Decision<sup>2</sup> dated February 4, 2021 of the Court of Appeals (CA) in CA-G.R. CR HC No. 12143, which affirmed with modification the Decision<sup>3</sup> promulgated on September 7, 2018 of the Regional Trial Court of [REDACTED] (RTC), finding accused-appellant XXX258301 guilty beyond reasonable doubt of the crime of Qualified Rape, as defined and penalized under Article 266-A (1) in relation to Article 266-B of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 8353.<sup>4</sup>

**The Facts**

This case stemmed from an Information filed before the RTC, charging XXX258301 of the aforesaid crime, the accusatory portion of which reads:

That sometime in September 2014, in [REDACTED] and within the jurisdiction of this Honorable Court, the above-named accused, who is the biological father of the victim and who exercises moral ascendancy over the latter, with lewd design, and by means of force and intimidation, with grave abuse of authority, did then and there willfully, unlawfully and feloniously lie and have sexual intercourse with one [AAA258301], 15 [years] old, against the latter’s will and without her consent.<sup>5</sup>

<sup>1</sup> Pursuant to Supreme Court 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,” issued on September 5, 2017, in relation to Republic Act (RA) No. 7610, RA No. 8508, RA No. 9262, and RA No. 9344 Fictitious initials are instead used to represent the victim. Likewise, the personal circumstances or other information tending to establish or compromise their identity, as well as those of their immediate family or household members shall not be disclosed. The name of the accused-appellant is also blotted out as it tends to establish or compromise the victim’s identity.

<sup>2</sup> *Rollo*, pp. 9-20. Penned by Associate Justice Ronaldo Roberto B. Martin with Associate Justices Manuel M. Barrios and Walter S. Ong, concurring.

<sup>3</sup> *Id.* at 23-37. Penned by Presiding Judge Glenda K. Cabello-Marin.

<sup>4</sup> Otherwise known as “THE ANTI-RAPE LAW OF 1997,” approved on September 30, 1997.

<sup>5</sup> *Rollo*, pp. 23-24.

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The prosecution alleged that sometime in September 2014, at around 2:00 a.m., AAA258301, then fourteen (14) years of age, and her sibling were sleeping in their *sala* when her inebriated father, XXX258301, approached and undressed her. XXX258301 then threatened AAA258301 not to tell anyone what he was about to do, otherwise he would kill her and her sibling. He also brandished an improvised gun and a knife at her. After which, XXX258301 positioned himself behind AAA258301 (who was lying on her side) and inserted his penis into her vagina. Thereafter, the sexual abuse repeatedly occurred, with the last incident taking place sometime in January 2015, wherein XXX258301 inserted his fingers coated with some hair product into AAA258301's vagina.

On July 30, 2015, AAA258301 eventually disclosed the abuse to her mother, BBB258301, when the latter returned home from overseas work. BBB258301 then reported the matter to the police authorities and AAA258301 underwent a physical examination. The medico-legal officer found healed deep lacerations on AAA258301's hymen and concluded that there was clear evidence of blunt penetrating trauma that could have been caused by an erect penis.<sup>6</sup>

For his part, XXX258301, who admitted to being AAA258301's biological father, mainly invoked the defenses of denial and alibi. He claimed that: (a) he was working as a stay-in construction worker during the period when the alleged sexual abuses occurred; (b) he had a fight with AAA258301 regarding the latter's school allowance which he thought to be the cause of his arrest; and (c) BBB258301 filed the complaint against him due to their fractured relationship and affair with another man.<sup>7</sup>

### The RTC Ruling

In a Decision<sup>8</sup> promulgated on September 7, 2018, the RTC found XXX258301 guilty beyond reasonable doubt of Qualified Rape, and accordingly sentenced him to suffer the penalty of *reclusion perpetua*, without the possibility of parole. In addition, he was ordered to pay AAA258301 the amounts of: (a) ₱75,000.00 as civil indemnity; (b) ₱75,000.00 as moral damages; and (c) ₱75,000.00 as exemplary damages, with an interest of six percent (6%) per annum computed from the finality of judgment until fully paid.<sup>9</sup>

The RTC found that the prosecution, through AAA258301's positive testimony, had adequately established that XXX258301, by means of force and threats, had carnal knowledge of AAA258301, his biological daughter who was then below eighteen (18) years of age, thereby qualifying the Rape

<sup>6</sup> See *id.* at 25-26.

<sup>7</sup> *Id.* at 27.

<sup>8</sup> *Id.* at 23-37. Penned by Presiding Judge Glenda K. Cabello-Marin.

<sup>9</sup> *Id.* at 36-37.

on account of the latter's minority and relationship to XXX258301. This was corroborated by AAA258301's certificate of live birth and the medico-legal officer's findings. The RTC rejected XXX258301's unsubstantiated defenses of alibi and denial. The RTC noted that XXX258301's alibi did not prove that it was physically impossible for him to have been at the scene of the crime at the time the sexual abuses occurred. In addition, XXX258301's claim that BBB258301 orchestrated the filing of the case so she can continue her affair with another man is unavailing to warrant his exoneration from the crime charged.<sup>10</sup>

Aggrieved, XXX258301 appealed to the CA.

### The CA Ruling

In a Decision<sup>11</sup> dated February 4, 2021, the CA **affirmed with modification** XXX258301's conviction, increasing all the damages awarded by the RTC to ₱100,000.00 each pursuant to prevailing jurisprudence.<sup>12</sup> The CA found that the prosecution was able to prove all the elements of the crime of Qualified Rape, and that XXX258301's uncorroborated defenses of denial and alibi could not prevail over his positive identification as the perpetrator of the crime. The CA likewise held that: (a) AAA258301's delay in reporting the crime was not indicative of a fabricated charge; (b) it was not impossible or incredible for him to commit the crime despite the presence of AAA258301's sibling in the same room; and (c) XXX258301's non-flight was not conclusive proof of his innocence.<sup>13</sup>

Hence, this appeal.<sup>14</sup>

### The Issue Before the Court

The issue before the Court is whether or not XXX258301 is guilty beyond reasonable doubt of the crime charged.

### The Court's Ruling

The appeal is denied.

Article 266-A (1) (a) in relation to Article 266-B (1) of the RPC reads:

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<sup>10</sup> See *id.* at 28-35.

<sup>11</sup> *Id.* at 9-20.

<sup>12</sup> *Id.* at 19-20.

<sup>13</sup> See *id.* at 14-19.

<sup>14</sup> See Notice of Appeal dated February 26, 2021; *id.* at 3-5.

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;

x x x x

Article 266-B. *Penalties.* – 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 x

Based on the foregoing provisions, the elements of Rape under Article 266-A (1) (a) of the RPC are as follows: (a) the offender had carnal knowledge of a woman; and (b) said carnal knowledge was accomplished through force, threat, or intimidation.<sup>15</sup> Moreover, the crime of Rape shall be qualified pursuant to Article 266-B (1) of the same law if: (a) the victim is under eighteen (18) years of age; and (b) 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 victim's parent.<sup>16</sup>

As Associate Justice Mario V. Lopez pointed out during the deliberations of this case, Rape cases are solely decided based on the credibility of the testimony of the private complainant. In this regard, the Court in *People v. Amarela (Amarela)*<sup>17</sup> had veered away from the 'women's honor' doctrine – which essentially provides that '*no young Filipina of decent repute would publicly admit that she has been sexually abused, unless that is the truth, for it is her natural instinct to protect her honor*'<sup>18</sup> – on the ground that this misconception, particularly in this day and age, not only puts the accused at an unfair disadvantage, but creates a travesty of justice. As such, in order for the Court to affirm a conviction for Rape, the version of the events as narrated by the victim should be credible and be believed beyond reasonable doubt. Thus, in evaluating the credibility of witnesses, the Court should abide by the following guidelines: (a) the Court gives the highest respect to the RTC's evaluation of the testimony of the witnesses, considering

<sup>15</sup> See *People v. Comboy*, 782 Phil. 187, 197 (2016); citation omitted.

<sup>16</sup> See *id.* at 197-198.

<sup>17</sup> 823 Phil. 1188 (2018).

<sup>18</sup> *Id.*; citations omitted.

its unique position in directly observing the demeanor of a witness on the stand. From its vantage point, the trial court is in the best position to determine the truthfulness of witnesses; (b) absent any substantial reason which would justify the reversal of the RTC's assessments and conclusions, the reviewing court is generally bound by the lower court's findings, particularly when no significant facts and circumstances, affecting the outcome of the case, are shown to have been overlooked or disregarded; and (c) the rule is even more stringently applied if the CA concurred with the RTC.<sup>19</sup>

In this case, the Court agrees with the findings of the courts *a quo* that the prosecution was able to prove beyond reasonable doubt that XXX258301 had carnal knowledge of his minor biological daughter, AAA258301, through threats and intimidation. Verily, this fact has been established through AAA258301's positive, candid, clear, categorical, and unwavering testimony, which absent any significant facts or circumstances that indicate otherwise, should be believed.

Given the foregoing, the Court finds no cogent reason to reverse the RTC's assessment of AAA258301's credibility, which was affirmed by the CA. 'Absent any evidence that such 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.'<sup>20</sup>

Anent the proper penalty to be imposed on XXX258301, the Court notes that Section 3 of RA 9346<sup>21</sup> provides that '[p]ersons convicted of offenses punished with *reclusion perpetua*, or whose sentences will be reduced to *reclusion perpetua*, by reason of this Act, shall not be eligible for parole under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended.' Pursuant thereto, and in accordance with Section 2<sup>22</sup> of RA 9346, XXX258301 should be sentenced to suffer the penalty of *reclusion perpetua*, without eligibility for parole.<sup>23</sup> Finally, the CA correctly modified the monetary awards due AAA258301 to ₱100,000.00, as civil indemnity, ₱100,000.00, as moral damages, and ₱100,000.00, as exemplary damages, all with legal interest at the rate of six percent (6%) per annum from finality of the ruling until full payment, in accordance with prevailing jurisprudence.<sup>24</sup>

<sup>19</sup> Id., citing *People v. Pareja*, 724 Phil. 759, 773 (2014).

<sup>20</sup> *People v. Cadano, Jr.*, 729 Phil. 576, 585 (2014); citation omitted.

<sup>21</sup> Entitled "AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES" approved on June 24, 2006.

<sup>22</sup> Section 2 of RA 9346 reads:

Section 2. In lieu of the death penalty, the following shall be imposed:  
a. the penalty of *reclusion perpetua*, when the law violated makes use of the nomenclature of the penalties of the Revised Penal Code; or  
b. the penalty of life imprisonment, when the law violated does not make use of the nomenclature of the penalties of the Revised Penal Code.

<sup>23</sup> See also A.M. 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>24</sup> See *People v. Tulagan*, G.R. No. 227363, March 12, 2019.

**FOR THESE REASONS**, the appeal is **DENIED**. The Court **ADOPTS** the findings of fact and conclusions of law in the Decision dated February 4, 2021 of the Court of Appeals in CA-G.R. CR HC No. 12143 and **AFFIRMS** said Decision finding accused-appellant XXX258301 **GUILTY** beyond reasonable doubt 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 AAA258301 the amounts of: (a) ₱100,000.00, as civil indemnity; (b) ₱100,000.00, as moral damages; and (c) ₱100,000.00, as exemplary damages. In addition, all monetary awards shall earn 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:



MA. CONSOLACION GAMINDE-CRUZADA  
Deputy Division Clerk of Court <sup>mm</sup>  
27 JAN 2023 127

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THE DIRECTOR (reg)  
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HON. PRESIDING JUDGE (reg)  
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(Crim. Case No. C-98066)

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GR258301. 07/18/2022(164 & 176)URES(m)