



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **January 25, 2023** which reads as follows:*

“**G.R. No. 260092 (People of the Philippines v. XXX¹)**.—On appeal² is the June 18, 2021 Decision³ of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 13587, affirming with modification the July 25, 2019 Joint Decision⁴ of the Regional Trial Court of [REDACTED],⁵ Branch 83 in Criminal Case Nos. CR-15-03-7727 and CR-15-03-7728 which found accused-appellant XXX guilty beyond reasonable doubt of two counts of Rape under Article 266-A, paragraph 1(a) of the Revised Penal Code (RPC).

The Antecedents

In two separate Informations⁶ both dated October 20, 2014, accused-appellant was charged with Rape penalized under Art. 266-A in relation to Art. 266-B of the RPC, as amended by Republic Act No. 8353.⁷ The accusatory portion of thereof reads:

In Criminal Case No. 15-03-7727:

That on or about the 26th day of November, 2013 at about 7:00 o'clock in the evening at [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, threat

¹ Initials were used to identify the accused-appellant pursuant to the Supreme Court Amended Administrative Circular No. 83-2015 dated September 5, 2017 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.”

² *Rollo*, pp. 3-4.

³ *Id.* at 8-18. Penned by Associate Justice Nina G. Antonio-Valenzuela and concurred in by Associate Justices Walter S. Ong and Bonifacio S. Pascua.

⁴ *Id.* at 21-32. Penned by Acting Presiding Judge Cynthia R. Mariño-Ricablanca.

⁵ Geographical location is blotted out pursuant to Supreme Court Amended Administrative Circular No. 83-2015.

⁶ Records, Criminal Case No. 15-01-7727, pp. 1-2; Criminal Case No. 15-01-7728, pp. 1-2.

⁷ Entitled “AN ACT EXPANDING THE DEFINITION OF THE CRIME OF RAPE, RECLASSIFYING THE SAME AS A CRIME AGAINST PERSONS, AMENDING FOR THE PURPOSE ACT NO. 9815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE AND FOR OTHER PURPOSES.” Approved on September 30, 1997.

and/or intimidation, did then and there willfully, unlawfully and feloniously lie with and have carnal knowledge [of] one [AAA],⁸ against her will and consent.

Contrary to law.⁹

In Criminal Case No. 15-03-7728:

That on or about the 27th day of November, 2013 at about 11:00 o'clock in the evening at [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, threat and/or intimidation, did then and there willfully, unlawfully and feloniously lie with and have carnal knowledge [of] one [AAA], against her will and consent.

Contrary to law.¹⁰

During arraignment, XXX entered a plea of "not guilty" to the charges against him.¹¹ Thereafter, both cases were jointly tried.¹² The parties agreed to dispense with the testimony of the victim's father, BBB, after the following stipulations were entered into:

1. That [BBB] can identify and has in fact identified the accused [XXX] in open court;
2. That [BBB] is the father of the private complainant in these cases as shown in in the Certificate of Live Birth (Exhibit "B")
3. That [BBB] accompanied his daughter [AAA] at the [REDACTED] Police Station for the execution of her sworn statement on June 3, 2014;
4. That [BBB] can identify the sworn statement of said [AAA] and also his signature on the second page;
5. That [BBB] has no personal knowledge as to the surrounding circumstances stated in the sworn statement of his daughter [AAA]; and
6. The truthfulness and veracity of the contents of the said sworn statement executed by his daughter.¹³

The parties also dispensed with the testimony of Dr. Dorothy Joy Collo (Dr. Collo) and stipulated that Dr. Collo issued Medico Legal Report No. SA-

⁸ "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 Republic Act No. 7610, An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation, and for Other Purposes; Republic Act No. 9262, An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes; and Section 40 of A.M. No. 04-10-11-SC, known as the Rule on Violence against Women and their Children, effective November 15, 2004." (*People v. Dumadag*, 667 Phil. 664, 669 [2011]).

⁹ Records, Criminal Case No. 15-01-7727, p. 1.

¹⁰ Id.

¹¹ Id. at 21.

¹² Id. at 32-34.

¹³ Id. at 72.

01-77-14.¹⁴ The prosecution presented AAA as its lone witness.

On November 25, 2013, AAA, then 16 years old,¹⁵ left their house after being scolded by BBB. She went to a demolished house near their place and spent the night there. At about 8:00 a.m. the following day, she proceeded to the house of her friend and one of XXX's wives, YYY. XXX offered to help AAA escape so that her father would not hurt her. Thereafter, XXX brought AAA to a house in [REDACTED].¹⁶

On November 26, 2013 at about 7:00 p.m., AAA suddenly woke up and felt accused-appellant kissing her neck. XXX forcibly removed AAA's shorts while the latter kicked and begged him to stop. Accused-appellant then proceeded to insert his penis into AAA's vagina. He also threatened her that he would kill her family if she told her father what happened.¹⁷

The following day at around 11:00 p.m., XXX forcibly removed AAA's shirt and shorts and kissed her lips, neck, and breasts. Despite AAA's cries, XXX again went on top of her and inserted his penis inside her vagina. He also covered AAA's mouth, preventing her from screaming for help. AAA tried to push and kick XXX but the latter was too strong.¹⁸

On November 28, 2013, XXX brought AAA to his parents' house in [REDACTED]. At about 7:00 p.m. on even date, XXX's uncle brought AAA to his house in [REDACTED] where she worked as a house helper until June 2014.¹⁹

On June 2, 2014, AAA returned to their house in [REDACTED] and told BBB about what XXX did to her. Later on, AAA went to the barangay hall and police station with her father to report the rape incidents.²⁰

On June 3, 2014, Dr. Collo examined AAA. The medico-legal report revealed "definite evidence of sexual contact" and that AAA was "in pregnant state, G1P0 31 5/7 weeks aog by Imp."²¹

The defense did not present any evidence.²²

¹⁴ Id.

¹⁵ Id. at 9.

¹⁶ TSN, August 17, 2015, pp. 5-16.

¹⁷ Id. at 18-25.

¹⁸ TSN, November 23, 2015, pp. 3-7.

¹⁹ Id. at 11-17.

²⁰ Id. at 18-20.

²¹ Records, Criminal Case No. 15-01-7727, p. 11.

²² Id. at 84.

Ruling of the Regional Trial Court

In the RTC's Joint Decision,²³ it found XXX guilty beyond reasonable doubt of the crimes charged. It held that the prosecution sufficiently established all the elements of Rape.

The dispositive portion thereof states:

WHEREFORE, the court hereby finds accused, [XXX] GUILTY BEYOND REASONABLE DOUBT of two (2) counts of Rape in Criminal Case Nos. 15-03-7727 and 15-03-7728.

Hence, the accused is hereby sentenced to suffer the penalty of *reclusion perpetua* in each case.

Moreover, the accused is directed to indemnify the private complainant, [AAA], the amount of Fifty Thousand Pesos ([P]50,000.00) as civil indemnity, Fifty Thousand Pesos ([P]50,000.00) as moral damages, and Thirty Thousand Pesos ([P]30,000.00) as exemplary damages.

SO ORDERED.²⁴

XXX appealed²⁵ to the CA arguing that AAA's testimony was full of inconsistencies and contrary to human experience.²⁶

Ruling of the Court of Appeals

In the assailed June 18, 2021 Decision,²⁷ the CA affirmed the RTC's Decision with modification. The *fallo* of the Decision reads:

ACCORDINGLY, we **MODIFY** the Joint Decision dated July 25, 2019 issued by the Regional Trial Court, Branch 83, ██████████ ██████████ in Criminal Case No. 15-03-7727 and Criminal Case No. 15-03-7728 as follows:

1. We find the appellant [XXX] **GUILTY** beyond reasonable doubt of two counts of Rape, and sentence him to the indivisible penalty of *reclusion perpetua* for each count of Rape;

2. We order [XXX] to pay the victim [AAA] the followings sums: a) [P]75,000.00 as civil indemnity, for each count of Rape; b) [P]75,000.00 as moral damages, for each count of Rape; and c) [P]75,000.00 as exemplary damages, for each count of Rape. All the monetary awards are subject to interest at the rate of 6% *per annum* from the finality of this Decision, until the award is fully satisfied.

²³ *Rollo*, pp. 21-32.

²⁴ *Id.* at 32.

²⁵ Records, Criminal Case No. 15-01-7727, pp. 104-105.

²⁶ CA *rollo*, pp. 25-47.

²⁷ *Rollo*, pp. 8-18.

SO ORDERED.²⁸

The CA agreed that the prosecution sufficiently established all the elements of Rape. It held that while AAA's testimony had inconsistencies as to the names of XXX "wives," these were minor details that did not affect the veracity of her testimony. In giving credence to AAA's testimony, the CA further noted that AAA's testimony was corroborated by the medico-legal report which stated that there was "definitive evidence of sexual contact."

Hence, the present appeal.²⁹

Issue

Whether accused-appellant XXX is guilty of the charges against him.

Our Ruling

The appeal has no merit.

After a careful review of the records, We find no reason to deviate from the findings of the courts *a quo*. In prosecuting the crime of Rape, the victim's credibility becomes the single most important issue.³⁰ In this regard, the trial court's assessment of a witness' credibility will seldom be disturbed on appeal, more so if affirmed by the appellate court.³¹ This is so because the trial court has the unique opportunity to observe the demeanor of witnesses and is in the best position to discern whether they are telling the truth.³² They are conclusive and binding unless shown to be tainted with arbitrariness or unless, through oversight, some fact or circumstance of weight and influence has not been considered.³³ Absent any indication that the lower courts committed any error in the evaluation of the evidence, the Court sees no reason to disturb the trial court's finding, as affirmed by the CA, that XXX had carnal knowledge of AAA.

Art. 266-A, par. (1) of the RPC, as amended, describes how Rape is committed, as follows:

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:

²⁸ Id. at 17.

²⁹ Id. at 3-4.

³⁰ *People v. Ramos*, 743 Phil. 344, 355-356 (2014).

³¹ *People v. Dimapilit*, 816 Phil. 523, 541 (2017), citing *People v. Harovilla*, 436 Phil. 287, 293 (2002).

³² *People v. Barcelá*, 734 Phil. 332, 342 (2014), citing *People v. Nieto*, 571 Phil. 220, 233 (2008).

³³ *People v. Gambaó*, 718 Phil. 507, 519 (2013), citing *People v. Montanir*, 662 Phil. 535, 551 (2011).

a) Through force, threat or intimidation;

b) When the offended party is deprived of reason or is otherwise unconscious;

c) By means of fraudulent machination or grave abuse of authority;

d) When the offended party is under sixteen (16) years of age or is demented, even though none of the circumstances mentioned above be present: *Provided*, That there shall be no criminal liability on the part of a person having carnal knowledge of another person sixteen (16) years of age when the age difference between the parties is not more than three (3) years, and the sexual act in question is proven to be consensual, non-abusive, and non-exploitative: *Provided, further*, That if the victim is under thirteen (13) years of age, this exception shall not apply.

As used in this Act, non-abusive shall mean the absence of undue influence, intimidation, fraudulent machinations, coercion, threat, physical, sexual, psychological, or mental injury or maltreatment, either with intention or through neglect, during the conduct of sexual activities with the child victim. On the other hand, non-exploitative shall mean there is no actual or attempted act or acts of unfairly taking advantage of the child's position of vulnerability, differential power, or trust during the conduct of sexual activities.³⁴ (Emphasis supplied)

To successfully prosecute the offense of rape by sexual intercourse under Art. 266-A par. 1(a) of the RPC, it must be proven that: (a) the offender had carnal knowledge of a woman; and (b) the offender accomplished this act through force, threat or intimidation.³⁵ In other words, it must be established that there was no consent or voluntariness on the part of the victim, and that the accused employed force, threat, or intimidation to consummate the crime.³⁶

In the case at bar, the prosecution was able to prove beyond reasonable doubt that XXX had carnal knowledge of AAA, who was only 16 years old at the time of the incident as proven by her Birth Certificate.³⁷ AAA positively identified XXX and testified that he kissed her neck while she was sleeping, forcibly undressed her, and inserted his penis into her vagina. She further added that the day following the first rape incident, XXX again forcibly removed her shirt and shorts, kissed her lips, neck, and breasts, and inserted his penis into her vagina. Due to the fear that XXX would kill her family as he had threatened her, AAA could not disclose to her father what happened to her. AAA's testimony was also substantiated by the findings of Dr. Collo, who examined her and reported definite evidence of sexual contact.³⁸

³⁴ REVISED PENAL CODE, Article 266-A, as amended by Republic Act No. 11648 (2022).

³⁵ *People v. Ejercito*, 834 Phil. 837, 844 (2018).

³⁶ *People v. Tionloc*, 805 Phil. 907, 915 (2017).

³⁷ Records, Criminal Case No. 15-01-7727, p. 9.

³⁸ *Id.* at 11.

In sustaining a conviction for Rape, the lone uncorroborated testimony of a rape victim is heavily relied on because the victim is usually the only one who can testify on the forced sexual intercourse, provided it is clear, convincing, and consistent with human nature.³⁹ Moreover, absent any evidence that the victim was actuated by ill motive, the presumption is that the victim was not so actuated and their testimony is entitled to full credence.⁴⁰ In this case, AAA's testimony is clear, convincing, and spontaneous and was not tainted by ill motive. Notably, the defense did not present any evidence to prove that AAA had any ill motive to testify falsely against XXX.

While there were inconsistencies in AAA's testimony, they are too inconsequential in prosecuting the crime of Rape. As a rule, inconsistencies in the testimony of the victim do not necessarily render such testimony incredible, but strengthen the victim's credibility by discounting the possibility of a fabricated testimony.⁴¹ In fact, inconsistencies in one's testimony will only result to reasonable doubt when the detail pertains to an essential element of the crime or to the identity of the offender.⁴² Here, while AAA mentioned different names of XXX's alleged wives, these are inconsistencies that do not pertain to any essential element in the crime of rape and thus immaterial.

With regard to AAA's pregnancy, such fact is immaterial to the case at bar since it also does not pertain to any of the essential elements of rape.⁴³ We echo the CA's pronouncement in this wise:

The victim AAA's pregnancy, and stage of pregnancy, were immaterial to the issue of the case. Pregnancy is not an essential element of the crime of rape. Whether the child which the rape victim bore was fathered by the accused, or some unknown individual, is of no moment. What is important and decisive is that the accused had carnal knowledge of the victim against the latter's will or without her consent, and such fact was testified to by the victim in a truthful manner. As long as the elements of rape are present and proven by the prosecution, the accused could be adjudged guilty thereof notwithstanding the attendance of other matters which are completely irrelevant to the crime.⁴⁴

All told, the CA committed no reversible error in affirming the findings of the trial court convicting XXX for the crime of Rape.

WHEREFORE, the appeal is **DISMISSED**. The June 18, 2021 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 13587 finding accused-appellant XXX **GUILTY** of two counts of Rape under paragraph 1

³⁹ *People v. Ronquillo*, 818 Phil. 641, 649-650 (2017), citing *People v. Olimba*, 645 Phil. 468, 480 (2010).

⁴⁰ *People v. Dadao*, 725 Phil. 298, 310-311 (2014), citing *People v. Roman*, 715 Phil. 817, 830 (2013).

⁴¹ *People v. Udtohan*, 815 Phil. 449, 463 (2017), citing *People v. Cabigting*, 397 Phil. 944, 981 (2000).

⁴² See *People v. Delos Santos, Jr.*, G.R. No. 248929, November 9, 2020.

⁴³ *People v. Gersamio*, 763 Phil. 523, 535 (2015).

⁴⁴ *Rollo*, pp. 15-16.

(a) of Article 266-A, as amended, is **AFFIRMED** *in toto*.

The accused-appellant's Manifestation (in Lieu of a Supplemental Brief), pursuant to the Resolution dated October 17, 2022; and the Office of the Solicitor General's Manifestation (in Lieu of Supplemental Brief), pursuant to the Resolution dated October 17, 2022, are both **NOTED**; and the Office of the Solicitor General is required to **SUBMIT**, within five (5) days from notice hereof, a verified declaration of the manifestation in lieu of supplemental brief, pursuant to the Resolution dated February 22, 2022 in A.M. Nos. 10-3-7-SC and 11-9-4-SC.

SO ORDERED.” *Rosario, J., on official leave.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *241*

by:

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Deputy Division Clerk of Court
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