Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **February 20, 2023** *which reads as follows:*

"G.R. No. 254385 ***(People of the Philippines v. XXX[1]).*** — This appeal[2] assails the Decision[3] dated 15 October 2019 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 10951. The CA affirmed with modification the Judgment[4] dated 19 February 2018 of Branch 57, Regional Trial Court (RTC) of San Carlos City, Pangasinan in Criminal Case No. SCC-6079, finding accused-appellant XXX (accused-appellant), guilty beyond reasonable doubt of Rape under Article 266-A of the Revised Penal Code[5] (RPC), in relation to Republic Act No. (RA) 7610.[6]

Antecedents

Accused-appellant was charged with the crime of Rape, in relation to RA 7610, in an Information[7] that reads:

> "That on or about September 11, 2011, in the evening, in [redacted], Pangasinan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, did then and there willfully, unlawfully and feloniously insert his finger into the private part and after which have sexual intercourse with herein

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1 The identity of the victim or any information which could establish or compromise her identity, including the names of her immediate family are withheld pursuant to SC Amended Administrative Circular No. 83-2015. Likewise, the real name of the accused-appellant is replaced with fictitious initials by reason of his relationship to the minor victim.

2 *Rollo*, pp. 17-19; see Notice of Appeal dated 31 October 2019.

3 Id. at 4-16; penned by Associate Justice Edwin D. Sorongon and concurred in by Associate Justices Japar B. Dimaampao (now a Member of this Court) and Geraldine C. Fiel-Macaraig.

4 CA *rollo*, pp.106-109; penned by Acting Presiding Judge Jaime L. Dojillo, Jr.

5 Article 266-A of the Revised Penal Code are: (1) offender had carnal knowledge of a woman and (2) he accomplished such act through force or intimidation, or when she was deprived of reason or unconscious, or when she was under 12 years of age, or demented.

6 Entitled, "SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION," approved on 17 June 1992.

7 Records, Vol. 1, p. 1.

complainant [AAA], a 6-year old minor, against her will and consent, to her damage and prejudice.

Contrary to Article 266-A, of the Revised Penal Code in relation to R.A. 7610, as amended."[8]

Upon arraignment, accused-appellant pleaded not guilty to the charge. After pre-trial, trial on the merits ensued.[9]

Version of the Prosecution

It was established at trial that the victim, AAA, was born on 05 October 2003[10] and accused-appellant was the former live-in partner of AAA's mother, BBB. The prosecution alleged that accused-appellant had molested AAA on numerous occasions, by inserting his fingers in her vagina, licking her ears, and sucking her breast.[11]

The last time AAA was sexually abused was on 11 September 2011. While she was sleeping beside BBB, she felt a person on top of her and realized that it was accused-appellant. The latter licked her vagina and inserted his finger and penis inside. Subsequently, AAA told BBB her ordeal. Her mother then brought her to the police station. On 13 September 2011, AAA was subjected to medical examination. Based on the ano-genital examination, Dr. Daisy Dizon (Dr. Dizon) found "erythema," or redness at the perihymenal areal and fossa navicularis; multiple old lacerations at 1, 3, 5, and 11 o'clock positions and fresh laceration at 7 o'clock position of her hymen; bloody discharge; and vaginal infection. Dr. Dizon explained that the erythema surrounding AAA's hymen was caused by an insertion of an object, possibly a finger or penis. She also explained that the old lacerations were possibly incurred 72 hours prior to the physical examination.[12]

Version of the Defense

Accused-appellant denied the charge. He countered that the same was ill-motivated because BBB wanted to evict him from the house, which belonged to BBB' sister and entrusted to him.[13] He admitted that he and BBB had a brief live-in relationship in 2008 and they separated within the same year. He also asserted that he left their house in the afternoon of 11 September

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[8] Id.
[9] *Rollo*, p. 5.
[10] Records, Vol. 1, p. 8; See Certificate of Live Birth.
[11] *Rollo*, p. 5.
[12] Id. at 5-6.
[13] CA *rollo*, p. 108.

2011 to report for his work as a guard at the public market where he stayed until 7:00 a.m. the following day. He admitted, though, that the market is only around 500 meters away from the place of the commission of the crime.[14]

AAA's uncle CCC, corroborated accused-appellant's testimony. Fernando insisted that accused-appellant was at work in the public market from 4:00 p.m. of 11 September 2011 until 8:00 a.m. According to CCC, he was with accused-appellant the entire time the latter was inside the house where AAA was allegedly raped. He argued that it was impossible for accused-appellant to sexually abuse AAA inside their home since the same has no partition or division where he could perform such beastly act. Further, AAA, on said date, was also playing with CCC's children.[15]

Ruling of the RTC

On 19 February 2018, the RTC rendered its judgment finding accused-appellant guilty beyond reasonable doubt of Rape, thus:

> **WHEREFORE**, premises considered, the Court hereby declares the accused guilty beyond reasonable doubt of the offense charge and accordingly sentences him to suffer the penalty of *Reclusion Perpetua,* without eligibility for Parole. He is likewise ordered to pay the victim [AAA] fifty thousand (P50,000.00) pesos as civil indemnity; fifty thousand (P50,000.00) pesos as moral damages; and thirty thousand (P30,000.00) pesos as exemplary damages.
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> **SO ORDERED**.[16]

The RTC gave full credence to AAA's narration on how accused-appellant succeeded in having sexual intercourse with her against her will. It held that it was highly inconceivable for AAA, then of tender age, to concoct a story that she was molested if such story did not really happen. The result of AAA's medical examination also overwhelmingly proved her defloration. On the other hand, the RTC rejected accused-appellant's bare denial and *alibi*. It declared that since accused-appellant's workplace is only 500 meters away from their house, the possibility of the latter being at the place of the commission of the crime is not remote.[17]

Aggrieved, accused-appellant appealed his conviction before the CA.[18]

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[14] *Rollo*, p. 6
[15] CA *rollo*, p. 108
[16] Id. at 109.
[17] Id. at 108-109.
[18] *Rollo*, p. 4.

Ruling of the CA

On 15 October 2019, the CA affirmed accused-appellant's conviction with modification, thus:

> **WHEREFORE,** the present appeal is **DENIED**. The *Judgment* dated February 19, 2018 of the Regional Trial Court (RTC) of San Carlos City, Pangasinan, Branch 57, in *Crim Case No. SCC-6079* is hereby **AFFIRMED with MODIFICATION** in that the Court increases the amount of civil indemnity of ₱50,000.00 to ₱75,000.00, moral damages of ₱50,000.00 to ₱75,000.00, and exemplary damages of ₱25,000.00 to ₱75,000.00. All monetary awards for damages shall earn interest at the legal rate of six percent (6%) per *annum* from the date of finality of this judgment until fully paid.
>
> **SO ORDERED.**[19]

The CA upheld the findings of fact and conclusions of law of the RTC. It held that, by itself, AAA's testimony withstands scrutiny sufficient to support a verdict of conviction. Taken with the medico-legal findings, AAA's testimony assumed even more probative value. The CA also held that accused-appellant failed to ascribe ill motive on the part of BBB. In fact, he even admitted that there was no bad blood between him and the latter. The CA also gave more weight to AAA's positive identification of accused-appellant as the perpetrator of the assault over the latter's *alibi,* considering that the possibility of him being present at the place of the commission of the crime was not farfetched.[20]

Hence, this appeal.[21]

Issue

The sole issue for this Court's resolution is whether accused-appellant is guilty beyond reasonable doubt for the crime of Rape under Article 266-A of the RPC, in relation to RA 7610.

Ruling of the Court

The appeal has no merit.

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[19] Id. at 15.
[20] Id. at 10-14.
[21] Id. at 17.

Appeal in criminal cases opens the entire case for review, and thus, it is the duty of the reviewing tribunal to correct, cite, and appreciate errors in the appealed judgment whether they are assigned or unassigned. The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.[22]

A reading of the Information reveals that accused-appellant was charged with two crimes - Rape through Sexual Intercourse and Sexual Assault. The acts complained of against accused-appellant are his act of inserting his finger into the private part of AAA, and thereafter, his act of having sexual intercourse with her.

In the landmark case of *People v. Caoili*,[23] the Court had the occasion to differentiate Rape through Sexual Intercourse from Sexual Assault, as follows:

> R.A. No. 8353 or the "Anti-Rape Law of 1997" amended Article 335, the provision on rape in the RPC, reclassifying rape as a crime against persons and introducing rape by "sexual assault," as differentiated from rape through "carnal knowledge" or rape through "sexual intercourse." Incorporated into the RPC by R.A. 8353, Article 266-A reads:
>
> > 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 is 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[.]
> > 2) By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual **assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.**
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> Thus, rape under the RPC, as amended, can be committed in two ways:
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> > (1) Article 266-A paragraph 1 refers to **rape through sexual intercourse**, also known as "organ rape" or "penile rape." The central element in rape through

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[22] *People v. Quiñones*, G.R. No. 250908, 23 November 2020.
[23] 815 Phil. 839 (2017).

> sexual intercourse is carnal knowledge, which must be proven beyond reasonable doubt.
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> (2) Article 266-A paragraph 2 refers to **rape by sexual assault, also called "instrument or object rape," or "gender-free rape." It must be attended by any of the circumstances enumerated in sub-paragraphs (a) to (d) of paragraph 1.**[24]

It was further elucidated therein that Sexual Assault is not necessarily included in the crime of Rape through Sexual Intercourse, thus:

> We cannot accept the OSG's argument that based on the variance doctrine, Caoili can be convicted of rape by sexual assault because this offense is necessarily included in the crime of rape through sexual intercourse.
>
> The variance doctrine, which allows the conviction of an accused for a crime proved which is different from but necessarily included in the crime charged, is embodied in Section 4, in relation to Section 5 of Rule 120 of the Rules of Court, which reads:
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> > **Sec. 4.** *Judgment in case of variance between allegation and proof.* — When there is variance between the offense charged in the complaint or information and that proved, and the offense as charged is included in or necessarily includes the offense proved, **the accused shall be convicted of the offense proved which is included in the offense charged**, or of the offense charged which is included in the offense proved. (Emphasis ours.)
> >
> > **Sec. 5.** *When an offense includes or is included in another.* — An offense charged necessarily includes the offense proved when some of the essential elements or ingredients of the former, as alleged in the complaint or information, constitute the latter. And an offense charged is necessarily included in the offense proved, when the essential ingredients of the former constitute or form part of those constituting the latter.
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> By jurisprudence, however, an accused charged in the Information with rape by sexual intercourse cannot be found guilty of rape by sexual assault, even though the latter crime was proven during trial. This is due to the substantial distinctions between these two modes of rape.
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> x x x x
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> The Court *en banc*'s categorical pronouncement in *People v. Abulon*, thus, finds application:
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> > **In view of the material differences between the two modes of rape, the first mode is not necessarily**

[24] Id. at 878-879.

> **included in the second, and vice-versa**. Thus, since the charge in the Information in Criminal Case No. SC-7424 is rape through carnal knowledge, appellant cannot be found guilty of rape by sexual assault although it was proven, without violating his constitutional right to be informed of the nature and cause of the accusation against him.[25] (Emphasis supplied.)

Proceeding from the foregoing discussion, the acts pertaining to the crime of Sexual Assault are not absorbed in the crime of Rape through Sexual Intercourse. Consequently, an accused can be proceeded against for both crimes for as long as the elements of each crime are proven beyond reasonable doubt.

Going back to the subject Information, it is clear that it alleged acts constitutive of both crimes. However, the next issue which must be resolved is whether any of the rights of the accused was violated when such criminal acts were included in one information.

It is settled in our jurisdiction that what is controlling in an information is not the title of the complaint or information, nor the designation of the offense charged or the particular law or part thereof allegedly violated, but the description of the crime charged and the particular facts recited therein.[26] Thus, there is nothing which prevents the Court from making a ruling as to the charge of Sexual Assault since such particular act was mentioned in the Information in this case.

Furthermore, in *People v. VVV*,[27] the Court punished an accused for Rape through Sexual Intercourse and Sexual Assault even if the constitutive acts thereof were alleged in one information. It was also discussed that, while the information is duplicitous in nature, the same has been waived by the accused after it failed to object thereto, thus:

> At the outset, the Court notes that the CA convicted accused-appellant for two counts of Rape, while only one Information was filed against him. Duplicity of offenses charged contravenes Section 13, Rule 110 of the Rules of Court (Rules) which states that "[a] complaint or information must charge only one offense, except when the law prescribes a single punishment for various offenses."
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> From a reading of the Information dated June 15, 2010, the Court agrees with the CA that accused-appellant was charged with two offenses — the act of having carnal knowledge of AAA constitutes one offense, while the act of inserting his finger into AAA's private part constitutes another. Section 3 (f), Rule 117 of the Rules allows the accused to move for the quashal of the information based on the ground of duplicity of the offenses

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[25] Id. at 882-884.
[26] *People v. Taño*, 387 Phil. 465, 487 (2000), citing *People v. Barrientos*, 349 Phil. 141, 166 (1998).
[27] G.R. No. 230222, 22 June 2020.

> charged. However, under Section 9, Rule 117 of the Rules, **accused-appellant is deemed to have waived any objection based on this ground due to his failure to assert it before he pleaded to the Information**. Thus, the CA was correct in holding that accused-appellant can be convicted for the two offenses.[28] [Emphasis supplied]

The same treatment was applied by the Court in *People v. XXX*[29] which involved an information alleging the act of inserting a penis to the mouth of the victim, and sexual intercourse, thus:

> A reading of the Information in Criminal Case No. 158508 shows that XXX was charged with two distinct offenses — inserting his penis into AAA's mouth, and having carnal knowledge of her. This duplicitous Information transgresses Section 13, Rule 110 of the Rules of Criminal Procedure, which ordains that "[a] complaint or information must charge only one offense, except when the law prescribes a single punishment for various offenses."
>
> Parenthetically, Section 3 (f), Rule 117 of the Rules of Criminal Procedure allows the accused to move for the quashal of an information that charges more than one offense. The objection must be made at any time before the accused enters his/her plea. Otherwise, the accused is deemed to have waived the ground for objection.
>
> The records reveal that XXX failed to timely interpose an objection against the duplicitous Information. He simply entered his plea of not guilty during his arraignment, without questioning the defective Information, and even actively participated throughout the trial.[30] (Citations omitted.)

In this case, there is nothing in the records which suggests that accused-appellant interposed any objection to the duplicitous nature of the Information filed against him.

After a careful review of the records of the case, the Court finds no cogent reason to deviate from the factual findings of the RTC, as affirmed with modification by the CA.

AAA was born on 05 October 2003 making her barely eight years old, in particular, only seven years and 11 months old at the time of the incident. Next, AAA positively identified accused-appellant as the one who molested her by inserting his fingers in her vagina, and had carnal knowledge of her.[31] Her testimony was corroborated by the medical findings of Dr. Dizon, who testified that when she conducted a physical examination on AAA, she noted a fresh laceration at 7 o'clock position of her hymen, among others, and which could have been caused by an insertion of an object, possibly a finger

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[28] Id.
[29] G.R. No. 254254, 16 February 2022.
[30] Id.
[31] *Rollo*, p. 6.

or a penis.[32]

Crimes proven beyond reasonable doubt against accused-appellant

On the basis of the foregoing factual findings, accused-appellant is guilty of the crime of Statutory Rape under Art. 266-A (1) (d) in relation to Art. 266-B of the RPC, as amended by RA 8353,[33] and Sexual Assault under Art. 266-A (2) of the RPC, as amended by RA 8353, in relation to Sec. 5(b) of RA 7610.

For the crime of Statutory Rape, Art. 266-A (1) (d) in relation to Art. 266-B of the RPC, as amended, respectively read:

> 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:
>
> x x x x
>
> 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.
>
> 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

Under Art. 266-A (1) (d) of the RPC, Statutory Rape is committed by having sexual intercourse with a woman below 12 years of age regardless of her consent, or lack of it, to the sexual act. Proof of force, threat, or intimidation, or consent of the offended party is unnecessary since these are not elements of Statutory Rape. Moreover, the absence of free consent is conclusively presumed when the victim is below the age of 12. The law presumes that the offended party does not possess discernment and is incapable of giving intelligent consent to the sexual act. Thus, to sustain a conviction for Statutory Rape, the prosecution must establish the following:

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[32] Id.

[33] Entitled "AN ACT EXPANDING THE DEFINITION OF THE CRIME OF RAPE, RECLASSIFYING THE SAME AS A CRIME AGINST PERSONS, AMENDING FOR THE PURPOSE ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AND FOR OTHER PURPOSES," approved on 30 September 1997.

(a) the age of the complainant; (b) the identity of the accused; and (c) the sexual intercourse between the accused and the complainant.[34]

In this case, the act of accused-appellant in having sexual intercourse with AAA who is seven years and 11 months old at that time falls squarely within the elements of Statutory Rape. While the information alleged that AAA was six years old at the time of the incident, the evidence presented, *i.e.*, her birth certificate, and as noted by the RTC,[35] shows that she was already seven years and 11 months old. As such, the qualifying circumstance that the victim is below seven years old cannot be appreciated in this case. Thus, the CA and the RTC properly imposed the penalty of *reclusion perpetua* for the crime of Statutory Rape.

Accused-appellant is also liable for Sexual Assault under Art. 266-A (2) of the RPC, as amended by RA 8353, in relation to Sec. 5(b) of RA 7610.

The elements of Sexual Assault are: (1) that the offender commits an act of Sexual Assault; (2) that the act of Sexual Assault is committed by inserting his penis into another person's mouth or anal orifice or by inserting any instrument or object into the genital or anal orifice of another person; and (3) that the act of Sexual Assault is accomplished by using force or intimidation, among others.[36] In this case, it was proved that accused-appellant also inserted his finger in the private part of AAA who was seven years and 11 months old at the time of the incident.

The Court clarified the proper nomenclature applicable in this case in *People v. Tulagan*,[37] thus:

> Considering the development of the crime of sexual assault from a mere "crime against chastity" in the form of acts of lasciviousness to a "crime against persons" akin to rape, as well as the rulings in *Dimakuta* and *Caoili*. We hold that if the acts constituting sexual assault are committed against a victim under 12 years of age or is demented, the nomenclature of the offense should now be "Sexual Assault under paragraph 2, Article 266-A of the RPC in relation to Section 5(b) of R.A. No. 7610" and no longer "Acts of Lasciviousness under Article 336 of the RPC in relation to Section 5(b) of R.A. No. 7610," because sexual assault as a form of acts of lasciviousness is no longer covered by Article 336 but by Article 266-A(2) of the RPC, as amended by R.A. No. 8353. Nevertheless, the imposable penalty is still *reclusion temporal* in its medium period, and not *prision mayor*.[38]

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[34] *People v. De Guzman*, 840 Phil. 759, 766-767 (2018), citing *People v. Comboy*, 782 Phil. 187, 197 (2016); *People v. Cadano*, Jr., 729 Phil. 576, 584-585 (2014).
[35] CA *rollo*, p. 108.
[36] *People v. Caoili*, 815 Phil. 839, 883 (2017).
[37] G.R. No. 227363, 12 March 2019.
[38] Id.

In this case, the act of inserting accused-appellant's finger in the private part of AAA constitutes the crime of Sexual Assault under Article 266-A (2) of the RPC, as amended by RA 8353, in relation to Section 5(b) of RA 7610. Considering that AAA is seven years and 11 months old at that time, Section 5(b) of RA 7610 provides that the penalty that should be imposed is *reclusion temporal* in its medium period.

Other arguments raised by accused-appellant are devoid of merit

Accused-appellant points out that the judge who penned the judgment was not the same one who heard AAA's testimony. He posits that the judge who handed the judgment must have overlooked substantial facts and circumstances in the case, specifically AAA's incredible claims and material inconsistencies in her testimony.[39]

Likewise, accused-appellant insists that there were circumstances casting serious doubt on AAA's claim that she was raped because her testimony was riddled with inconsistencies and improbabilities. In particular, he avers that there is no evidence on record that AAA cried, screamed, struggled, or at least attempted to escape from accused-appellant's sexual advances, which reaction would have awakened BBB and AAA's brother.[40] Accused-appellant also argues that the trial court erred in concluding that AAA was able to narrate in detail how accused-appellant raped her. He points out that AAA was not even able to identify which finger accused-appellant inserted in her vagina nor did she specify the position in which accused-appellant succeeded in having carnal knowledge of her.[41]

The Court has previously ruled that the validity of a judgment is not rendered erroneous solely because the judge who heard the case was not the same judge who rendered the decision. In fact, it is not necessary for the validity of a judgment that the judge who penned the decision should actually hear the case in its entirety, for he can merely rely on the transcribed stenographic notes taken during the trial as the basis for his decision. It is sufficient that the judge, in deciding the case, must base the ruling completely on the records before them, in the way that appellate courts do when they review the evidence of the case raised on appeal.[42] Thus, contrary to accused-appellant's contention, that fact that it was a different judge who penned the decision cannot be the basis for his acquittal. What is important is that trial court's findings and conclusions are duly supported by the evidence on record, as in this case.

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[39] CA *rollo*, p. 97.
[40] Id. at 99.
[41] Id. at 98.
[42] *Kummer v. People*, 717 Phil 670, 680 (2013).

In the same vein, the supposed inconsistencies and improbabilities in AAA's testimony and her failure to supply every single detail of the horrific acts committed against her by accused-appellant are not enough to discredit her testimony. AAA was barely eight years old at the time of the incident. As such, she cannot be expected to deliver an errorless recollection of that harrowing episode.[43] Likewise, different people react differently to different situations and there is no standard form of human behavioral response when one is confronted with a strange, startling, or frightful experience.[44] Rape victims show no uniform reaction. Some may offer resistance, while others may offer no resistance at all.[45]

Accordingly, that AAA did not struggle nor shout for help does not negate her claim of rape. Likewise, the alleged inconsistencies in AAA's testimony are too flimsy and trivial to merit serious consideration. We have repeatedly held that what is decisive in a rape charge is that the commission of the rape by the accused against the complainant has been sufficiently proven; and that inconsistencies and discrepancies as to minor matters which are irrelevant to the elements of the crime cannot be considered grounds for acquittal.[46]

More significantly, AAA's narration of the events was corroborated by the medical findings of Dr. Dizon, which found fresh laceration on her vagina. It is well-settled that when the testimony of a rape victim is consistent with the medical findings, sufficient basis exists to warrant a conclusion that the essential requisite of carnal knowledge has thereby been established.[47]

The RTC found the testimony of AAA to be clear, consistent, and straightforward. To emphasize, testimonies 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.[48]

In sum, the RTC did not err in its findings of fact. In the absence of any substantial reason to justify the reversal of the trial court's assessment and conclusion, as when no significant facts and circumstances are shown to have been overlooked or disregarded, the reviewing court is generally bound by the former's findings. The rule is even more stringently applied if the appellate court has concurred with the trial court, as in this case.[49]

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[43] *People v.* _____, G.R. No. 229836, 17 July 2019.
[44] *People v. Prodenciado*, 749 Phil 746, 763 (2014).
[45] *People v. Joson*, 751 Phil 450, 460 (2015).
[46] *People v. Linsie*, 722 Phil 374, 384 (2013).
[47] *Pendoy v. Court of Appeals*, G.R. No. 228223, 10 June 2019.
[48] *People v. Ronquillo*, 818 Phil 641, 651 (2017).
[49] *People v. XXX*, G.R. No. 225793, 14 August 2019; citing *People vs. Agudo*, 810 Phil. 918, 928 (2017).

Penalties imposed

On the basis of the foregoing, the RTC and the CA correctly imposed the penalty of *reclusion perpetua* for the crime of Statutory Rape under Art. 266-A (1) (d) in relation to Art. 266-B of the RPC as amended by RA 8353. However, the qualification *"without eligibility for parole"* should be removed based on A.M. No. 15-08-02-SC.[50]

Accused-appellant is likewise imposed the penalty of *reclusion temporal* in its medium period for the crime of Sexual Assault under Art. 266-A (2) of the RPC as amended by RA 8353, in relation to Section 5(b) of RA 7610. Applying the Indeterminate Sentence Law, he is sentenced to suffer the penalty of 12 years, ten months and 21 days of *reclusion temporal*, as minimum, to 15 years, six months and 20 days of *reclusion temporal*, as maximum.

We also concur with the CA in increasing the monetary awards to ₱75,000.00 each for civil indemnity, moral damages, and exemplary damages for the crime of Statutory Rape pursuant to *People v. Jugueta*.[51] We further award ₱50,000.00[52] each for civil indemnity, moral damages, and exemplary damages for the crime of Sexual Assault under Art. 266-A (2) of the RPC as amended by RA 8353, in relation to Sec. 5(b) of RA 7610. However, there is a need to impose the fine of ₱15,000.00 in accordance with Sec. 31(f) of RA 7610.

The imposition of legal interest on all the damages awarded, pursuant to current jurisprudence is likewise warranted.[53]

WHEREFORE, in view of the foregoing, the appeal is hereby **DISMISSED.** The Decision of the Court of Appeals dated 15 October 2019 in CA-G.R. CR-HC No. 10951 is **AFFIRMED with MODIFICATION.** Accused-appellant is found **GUILTY** of:

(1) Statutory Rape under Article 266-A (1) (d) in relation to Article 266-B (1) of the Revised Penal Code, as amended by Republic Act No. 8353, and he is sentenced to suffer the penalty of *reclusion perpetua,* and to pay AAA the following amounts: (a) ₱75,000.00 as civil indemnity; (b) ₱75,000.00 as moral damages; and (c) ₱75,000.00 as exemplary damages.

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50 Entitled "GUIDELINES FOR THE PROPER USE OF THE PHRASE 'WITHOUT ELIGIBILITY FOR PAROLE' IN INDIVISIBLE PENALTIES," approved on 04 August 2015.

51 783 Phil 806, 848-849 (2016).

52 *People v. Tulagan*, G.R. No. 227363, 12 March 2019.

53 *People v. Jugueta*, 783 Phil 806, 848-849 (2016).

(2) Sexual assault under Article 266-A (2) of the Revised Penal Code, as amended by Republic Act No. 8353, in relation to Section 5(b) of Republic Act No. 7610, and he is sentenced to suffer the indeterminate penalty of 12 years, ten months and 21 days of *reclusion temporal*, as minimum, to 15 years, six months and 20 days of *reclusion temporal*, as maximum., and to pay AAA the following amounts: (a) ₱50,000.00 as civil indemnity; (b) ₱50,000.00 as moral damages; and (c) ₱50,000.00 as exemplary damages. Further, pursuant to Section 31(f), Article XII of Republic Act No. 7610, accused-appellant is ordered to pay a fine of ₱15,000.00.

All monetary awards for damages shall earn legal interest at the rate of six percent (6%) per *annum* from the date of finality of this Resolution until full payment.

The Office of the Solicitor General's compliance with the Resolution dated 15 August 2022, requiring the submission of a soft copy in compact disc, USB, or e-mail containing the PDF file of the signed manifestation in lieu of supplemental brief is **DISPENSED WITH**.

SO ORDERED."

By authority of the Court:

LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

189

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The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

Court of Appeals (x)
Manila
(CA-G.R. CR-HC No. 10951)

The Hon. Presiding Judge
Regional Trial Court, Branch 57
San Carlos City, 2420 Pangasinan
(Crim. Case No. SCC-6079)

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c/o The Director General
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Bureau of Corrections
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189

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