



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 8, 2023 which reads as follows:

“G.R. No. 257956 (*People of the Philippines v. XXX*¹).—This is an appeal² from the December 9, 2020 Decision³ of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 11515 affirming the May 8, 2018 Joint Decision⁴ of the Regional Trial Court (RTC) of [REDACTED],⁵ Branch 214. The RTC Joint Decision found accused-appellant XXX guilty beyond reasonable doubt of two counts of Qualified Rape, and sentenced him to suffer the penalty of *reclusion perpetua* without eligibility for parole for each count, and to pay damages.

The Factual Antecedents

Two Informations⁶ both dated December 17, 2014 were filed against herein accused-appellant and XXX and YYY, the accusatory portions of which read:

Criminal Case No. MC15-4594-FC:

That on or about the 21st day of August 2014, in the [REDACTED], Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, did then and there willfully, unlawfully and feloniously

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. 3-5.

³ *Id.* at 8-20. Penned by Associate Justice Florencio M. Mamauag, Jr. and concurred in by Associate Justices Japar B. Dimaampao (Now a Member of this Court) and Zenaida T. Galapate-Laguilles.

⁴ *Id.* at 22-32. Penned by Presiding Judge Imelda L. Portes-Saulog.

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

⁶ Records, pp. 1-4 and 18-19.

have carnal knowledge of AAA,⁷ a minor, five (5) years of age, and biological daughter of herein accused [YYY], against her will and consent, and to her damage and prejudice.

CONTRARY TO LAW.⁸

Criminal Case No. MC15-4595-FC:

That on or about the 21st day of August 2014, in the [REDACTED] [REDACTED], Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, did then and there willfully, lawfully and feloniously have carnal knowledge of [AAA], a minor, five (5) years of age, and biological daughter of herein accused [YYY], against her will and consent, and to her damage and prejudice.

CONTRARY TO LAW.⁹

AAA, born on November 12, 2008, was only 5 years old when the incident happened. On August 21, 2014, AAA, while in the house of her maternal grandmother, was called by her father YYY. As AAA approached YYY, she saw the latter with another man, herein accused-appellant XXX. AAA testified that YYY laid her on the floor and removed her underwear. Thereafter, YYY and XXX took turns in violating her by licking her vagina and inserting their fingers. AAA further recounted that afterwards, YYY and XXX inserted their penis in her vagina and likewise sucked her breasts and kissed her on the lips and neck.¹⁰

After the deed was done, AAA recalled that she was warned by YYY and XXX not to tell anyone about it; otherwise, she will be hit. Nevertheless, AAA reported the incident to her aunt which prompted AAA's mother to file a complaint at the police station.¹¹

The prosecution likewise presented Dr. Marianne S. Ebdane (Dr. Ebdane), the medico-legal and police officer who conducted the genitalia examination of AAA on August 28, 2014. Dr. Ebdane's findings disclosed the presence of deep healed lacerations on AAA's genitalia at 3:00, 6:00, and 9:00 o'clock positions. She further explained that the "deep healed lacerations" meant that the injury occurred more than seven days prior to the

⁷ "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]).

⁸ Records, p. 1.

⁹ Id. at 18.

¹⁰ Id. at 14.

¹¹ *Rollo*, p. 10.

examination and that the diameter of the hymen has reached up to more than 50%. Dr. Ebdane added that the result of the examination is consistent with AAA's claim of rape, since it presupposes that the injury in the hymen could be caused by a blunt force or the insertion of a blunt object.¹²

Meanwhile, XXX vehemently denied the accusations against him. He claimed that on August 21, 2014, on the supposed date of the incident, he was in the house of his girlfriend in [REDACTED], with his friends – a tricycle ride away from AAA's house.

XXX further contended that he was surprised by the allegations of rape and only learned about the cases against him when he was about to post bail for his other offenses. He speculated that he was being charged because he went to see YYY after the latter was arrested for molesting AAA.

Ruling of the Regional Trial Court

In its Joint Decision¹³ dated May 8, 2018, the RTC ruled as follows:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

In **CRIMINAL CASE NO. Mc15-4594-FC**, the court finds accused [XXX] **GUILTY** beyond reasonable doubt of qualified rape defined and penalized under Article 266-A in relation to Article 266-B of the Revised Penal Code, as amended, and is hereby meted out the penalty of Reclusion Perpetua without eligibility for parole.

In **CRIMINAL CASE NO. MC15-4595-FC**, the court finds accused [XXX] **GUILTY** beyond reasonable doubt of qualified rape defined and penalized under Article 266-A in relation to Article 266-B of the Revised Penal Code, as amended, and is hereby meted out the penalty [of] Reclusion Perpetua, without eligibility for parole.

Further, accused XXX is ordered to pay [AAA] the amount of ONE HUNDRED THOUSAND PESOS (Php100,000.00) as civil indemnity; ONE HUNDRED THOUSAND PESOS (Php100,000.00) as moral damages and FIFTY THOUSAND PESOS (Php50,000.00) as exemplary damages, subject to an interest rate of six percent (6%) per annum from finality of this decision.

SO ORDERED.¹⁴

The RTC found AAA's testimony to be credible. It held that despite her age, AAA was able to clearly and consistently communicate that XXX

¹² Id. at 10-11.

¹³ Id. at 22-32.

¹⁴ Id. at 32.

perpetrated the bestial acts upon her person.¹⁵ This, taken together with the findings of Dr. Ebdane, lead to the conclusion that AAA was indeed raped by XXX and YYY.

Aggrieved, XXX filed a Notice of Appeal¹⁶ dated May 29, 2018. Meanwhile, YYY remains at-large.

Ruling of the Court of Appeals

In its December 9, 2020 Decision,¹⁷ the CA denied XXX's appeal and affirmed the RTC's findings, albeit changing the nomenclature of the crime from "Qualified Rape" to "Qualified Statutory Rape" and increasing the damages awarded. The dispositive portion of the CA Decision reads:

WHEREFORE, the appeal is **DENIED**. The Joint Decision dated May 8, 2018 of the Regional Trial Court, Branch 214 of [REDACTED], in CRIM. CASES Nos. MC15-4594-FC and MC15-4595-FC, finding the accused-appellant [XXX] **GUILTY** beyond reasonable doubt of two (2) counts of Qualified Statutory Rape sentencing him to suffer the penalty of *reclusion perpetua* without eligibility of parole for each count of rape is hereby **AFFIRMED with MODIFICATION** in that: the accused-appellant [XXX] is **ORDERED TO PAY** the private complainant [AAA], for each count of rape, the amounts of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages, all with legal interest rate of six percent (6%) from finality of this ruling until fully paid.

SO ORDERED.¹⁸

The CA echoed the RTC's findings as to the credibility of AAA's testimony. The CA emphasized that "the testimonies of rape victims who are young and of tender age deserve full credence."¹⁹

Undeterred, XXX elevated the case before this Court via a Notice of Appeal.²⁰

Issue

The sole issue to be resolved is whether XXX is guilty beyond reasonable doubt of two counts of Qualified Statutory Rape.

Our Ruling

The appeal holds no merit.

¹⁵ Id. at 29.

¹⁶ Records, p. 13.

¹⁷ *Rollo*, pp. 8-20.

¹⁸ Id. at 19.

¹⁹ Id. at 16.

²⁰ Id. at 3-5.

The elements of the crime of Rape under Article 266-A of the Revised Penal Code are as follows: (1) the offender had carnal knowledge of the victim; and (2) such act was accomplished through any of the following means or under any of the following circumstances: through force or intimidation, when the victim is deprived of reason or otherwise unconscious, or when the victim is under 12 years of age. In the last scenario, or when the victim is under 12 years of age, it is enough that the perpetrator had carnal knowledge of her and it is not necessary that the same be done through force or intimidation, or that the victim be deprived of reason or otherwise unconscious. The crime is further qualified and hence, the penalty increased, when the victim is below 7 years old.

All the elements are present in this case.

There is no denying that AAA was only 5 years old at the time of the incident. Neither does XXX contest this; hence, discussion as to this point is no longer necessary.

Instead, the point of contention is whether AAA was indeed violated, the finding of which was based largely on her testimony. XXX mainly argues that the RTC and the CA erred in heavily relying on the testimony of AAA. Specifically, XXX relies on the Court's hesitance in applying the *Maria Clara* doctrine in more recent jurisprudence and states:

10. Further, in *People v. Amarela, et. al.*, the Supreme Court held:

And while the factual setting back then would have been appropriate to say it is natural for a woman to be reluctant in disclosing a sexual assault; today, we simply cannot be stuck to the *Maria Clara* stereotype of a demure and reserved Filipino woman. **We, should stay away from such mindset and accept the realities of a woman's dynamic role in a society today; she who has over the years transformed into a strong and confidently intelligent and beautiful person, willing to fight for her rights.**

In this way, we can evaluate the testimony of a private complainant of rape without gender bias or cultural misconception. **It is important to weed out these unnecessary notions because an accused may be convicted solely on the testimony of the victim, provided of course, that the testimony is credible, natural, convincing, and consistent with human nature and the normal course of things.** Thus in order for us to affirm a conviction for rape, we must believe beyond reasonable doubt the version of events narrated by the victim.

11. Hence, it is incorrect for the trial court to rely heavily on the testimony [of AAA] and to rule that due to her age she could not have concocted a tale of pure fantasy out of mere imagination. The trial court should have determined if indeed [AAA] was credible enough to narrate the

circumstances of the alleged qualified rape against her, free from gender bias or cultural misconception.²¹

Further, XXX assails the competency of AAA as a witness due to her young age. He claims:

13. Interestingly, [AAA's] capacity to remember events happened during her tender age and to testify the same before the trial court would surely be difficult for her.

x x x x

16. Notably, nothing on the records would show that the trial court conducted a competency examination so as to test [AAA's] ability to perceive, remember, communicate, distinguish truth from falsehood or appreciate the duty to tell the truth in court. This competency test is necessary considering the age of [AAA] at the time of the incident (5 years old) and at the time she testified in court (6 years old).²²

The Court does not agree.

Briefly, the *Maria Clara* doctrine, also known as the “women’s honor” doctrine, is an old legal principle that teaches the presumption that women, especially Filipinos, would not admit having been abused unless that abuse had actually happened, owing to their natural instinct to protect their honor.²³ The doctrine’s moniker is derived from the name of a character in Dr. José Rizal’s novel *Noli Me Tángere – Maria Clara* – who is portrayed as a shy, reserved, and innocent woman. Admittedly, the concept carries stereotypical and sexist underpinnings.

Given the foregoing, it thus appears that XXX’s reliance on the Court’s aversion to the doctrine is heavily misplaced. First, XXX assumes that the lower courts relied on such doctrine in deciding the cases against him. This assumption however does not find support anywhere. Second, while the Court has indeed shied away from the application of the doctrine, such deviation is on account of the recognition of the modern woman’s more assertive, independent, and courageous attitude – a far cry from *Maria Clara* – which enables the Court to resolve sexual abuse cases without the attendant bias or stereotype. In the present case, the victim is a girl who was only 5 years old when the tragedy happened; a mere child who barely understands the concept of honor. Therefore, the *Maria Clara* doctrine and the Court’s hesitation in applying it does not at all find relevance in the case before Us.

As to AAA’s age when she testified, such fact alone cannot operate to discredit her testimony.

²¹ CA *rollo*, p. 44. Emphases in the original.

²² Id. at 45-46.

²³ *People v. Taño*, 109 Phil. 912, 914 (1960).

A.M. No. 004-07-SC, or the Rule on Examination of a Child Witness provides:

Section 6. Competency. – Every child is presumed qualified to be a witness. However, the court shall conduct a competency examination of a child, *motu proprio* or on motion of a party, when it finds that substantial doubt exists regarding the ability of the child to perceive, remember, communicate, distinguish truth from falsehood, or appreciate the duty to tell the truth in court.

- (a) *Proof of necessity.* – A party seeking a competency examination must present proof of necessity of competency examination. The age of the child by itself is not a sufficient basis for a competency examination.
- (b) *Burden of proof.* – To rebut the presumption of competence enjoyed by a child, the burden of proof lies on the party challenging his competence.

Clear from the cited provisions that the child's age, by itself, is not basis to assail the credibility of their testimony, contrary to XXX's arguments. Neither is there merit in the contention that the RTC should have conducted a competency examination. Again, the Rule on Examination of a Child Witness provides that a motion must be filed for such purpose, or *motu proprio*, if the court finds substantial doubt on the child's ability to perform the necessary acts in testifying. In the present case, the RTC did not see the need for a competency examination, which leads to the conclusion that AAA was able to perceive, remember, communicate, distinguish truth from falsehood, and appreciate the duty to tell the truth in court.

In *People v. Hermosa*,²⁴ the Court explained:

We should not take Macuibelle's testimony lightly simply because she was a mere child when she witnessed the incident and when she gave her testimony in court. There is no showing that her mental maturity rendered her incapable of testifying and of relating the incident truthfully. Indeed, the time when we degrade a child witness testimony is now passé. In the new Child Witness Rule, every child is presumed qualified to be a witness. To rebut this presumption, the burden of proof lies on the party challenging the child's competence. Only when substantial doubt exists regarding the ability of the child to perceive, remember, communicate, distinguish truth from falsehood, or appreciate the duty to tell the truth in court will the court, *motu proprio* or on motion of a party, conduct a competency examination of a child.²⁵

Having established AAA's competency as a child witness, We now come to the question of whether her testimony is indeed credible, and sufficient to serve as basis for the establishment of the element of the crime and ultimately, XXX's conviction.

²⁴ 417 Phil. 132 (2001).

²⁵ Id. at 144-145.

We answer in the positive.

As found by the RTC and the CA, AAA was able to clearly and directly recall and convey the incidents that happened, as well as the identity of XXX as one of the perpetrators:

PROSEC ORTIZ:

Q: Ikaw ba iyong nakalagay dito na [AAA] [sic] na nagsusumbong sa isang Tatay [YYY] at [XXX]. Ikaw ba iyong nagsusumbong?

A: (AAA): Opo.

Q: Kilala mo ba iyong [XXX]?

A: Opo.

Q: Nandito ba iyong [XXX] kasama natin?

A: Opo.

Q: Puwede mo ba siyang ituro?

A: Siya po.

Q: Anong kulay ng damit?

A: Yellow po.

x x x x

Q: Bakit mo sinusumbong si [XXX], may mga ginawa ba siya sa iyo?

A: Opo.

Q: Ano bang ginawa sa iyo ni [XXX]?

A: **Hinawakan niya po niya [sic] ang pepe ko at pinasok ang ari nila.**

Q: Ano bang ibig mong sabihin ng pepe puwede mo bang ituro? Mayroon akong ipapakita sa iyong doll ha at kunyari ito ikaw ha. Ituro mo nga kung saan ba iyong pepe na sinasabi mo?

A: Ito po.

INTERPRETER: The witness is pointing to the private part of the female doll.

x x x x

Q: Kanina itinuro mo sa doll ang sinabi mo at ang sabi mo iyan ang pepe. Kunyari ito si [XXX] puwede mo bang ituro kung anong ari ang sinasabi mo?

A: Ito po.

INTERPRETER: The witness is pointing to the private part of the male doll.²⁶

²⁶ TSN, September 23, 2015, pp. 5-7.

As to the other incident of rape, AAA's testimony is likewise enlightening:

PROSEC. ORTIZ:

Q: Bakit mo sinusumbong si [XXX], may mga ginawa ba siya sa iyo?

A: Opo.

Q: Ano bang ginawa sa iyo ni [XXX]?

A: Hinawakan niya po niya [sic] ang pepe ko at pinasok ang ari nila.

x x x x

Q: Sinabi mo nila, may kasama ba si [XXX]?

A: Opo.

Q: Sino ang kasama ni [XXX]?

A: [YYY].

x x x x

Q: Paano nangyari iyong sinabi mo, pwede mo bang ulitin kung ano ang ginawa ni [XXX]?

A: Hinawakan po niya ang pepe ko at ipinapasok nila ang ari sa pepe ko.

x x x x

Q: Sinabi mo ipinapasok nila ang ari nila sa pepe mo. Ilan ba ang gumawa noon s aiyo?

A: Dalawa (2) po.

Q: Sino-sino sila?

A: [XXX] at [YYY].

Q: Sino ang nauna?

A: [YYY].

Q: At ang sumunod?

A: [XXX].

x x x x

Q: Ang sabi mo pinasok nila ang ari nila. Naipasok ba nila?

A: Opo.

Q: Paano mo nalaman na naipasok naramdaman mo ba?

A: Opo.

Q: Saan mo naramdaman?

A: Masakit po.

Q: Tatanungin kita [AAA]. Ilang ari ang pumasok s aiyo?

A: Dalawa (2) po.

Q: Kanino iyong mga ari na iyon?
A: Kay [XXX] at [YYY] po.

x x x x

Q: Noong bang nangyari iyon magkasama ba sila?
A: Opo.²⁷

The conciseness and directness of AAA's testimony cannot be doubted. Evidently, it reveals that she was able to vividly recall the ordeal she had to go through at the hands of YYY and XXX, and express the same in open court. Recall likewise that this testimony is corroborated by Dr. Ebdane's findings of lacerations inside AAA's genitalia which strongly suggest that she was indeed sexually violated.

In any case, We quote with approval the appellate court's discussion:

Besides, settled is the rule that the assessment of the credibility of witnesses is a task most properly within the domain of trial courts. The evaluation of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court given its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct, and attitude under grilling examination. Consequently, in the absence of any substantial reason to justify the reversal of the trial court's assessment and conclusion, like 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.²⁸ (Citations omitted)

Given the foregoing, the Court finds no reason to reverse the appellate court's Decision.

WHEREFORE, the appeal is hereby **DISMISSED**. The December 9, 2020 Decision of the Court of Appeals in CA-G.R. CR-HC No. 11515 is **AFFIRMED**.

The Office of the Solicitor General's Manifestation and Motion, pursuant to the Resolution dated March 7, 2022 and its Manifestation stating, among others, that on April 22, 2022, it received a Resolution dated March 21, 2022 which contains the same directives as the Resolution dated March 7, 2022, and in compliance with the former resolution, it states that it had already filed its manifestation and motion; the accused-appellant's Manifestation (in lieu of a supplemental brief), pursuant to the Resolution dated March 7, 2022; the Letter dated April 8, 2022 of CSO4 Cesar T. Grecia, Chief, Inmate Documents and Processing Division, New Bilibid Prison, Muntinlupa City, in compliance with the Resolution dated March 7, 2022; and the Letter dated October 4, 2022 of C/Insp. Argie H. Adel, Deputy Chief, Inmate Documents and Processing Division, New Bilibid Prison, Muntinlupa


²⁷ TSN, September 23, 2015, pp. 6-11.

²⁸ *Rollo*, p. 16-17.

City, requesting for a certified true copy of the decision/resolution and entry of judgment in this case, as said documents will form part of the *carpeta* of the accused-appellant, are all **NOTED**.

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

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
270 & 428

FEB 17 2023

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Manila
(CA-G.R. CR-HC No. 11515)

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& MC15-4595-FC)

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