



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. 258292** (*People of the Philippines v. XXX*¹). — On appeal² is the February 18, 2021 Decision³ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 13552 affirming with modification the July 5, 2019 Decision⁴ of Regional Trial Court (RTC) of [REDACTED],⁵ Branch 13 in Criminal Case No. RTC-12099-2018-I and Criminal Case Nos. RTC-12179-2018-I to RTC-12181-2018-I.

In Criminal Case No. RTC-12099-2018-I, the RTC found accused-appellant XXX guilty beyond reasonable doubt of the crime of Acts of Lasciviousness penalized under Article 336 of the Revised Penal Code (RPC). The appellate court modified the decision of the lower court and instead convicted accused-appellant of Lascivious Conduct penalized under Section 5(b) of Republic Act No. (RA) 7610,⁶ also known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

In Criminal Case Nos. RTC-12179-2018-I to RTC-12181-2018-I, accused-appellant was found guilty beyond reasonable doubt of three counts of Statutory Rape penalized under Art. 266-A, in relation to Art. 266-B of the RPC, as amended by RA 8353 otherwise known as “The Anti-Rape Law of 1997.”

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 9-37. Penned by Associate Justice Elihu A. Ybañez and concurred in by Associate Justices Rafael Antonio M. Santos and Raymond Reynold R. Lauigan.

⁴ *Id.* at 39-50. Penned by Presiding Judge Maribel F. Mariano Beltran.

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

⁶ Entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, PROVIDING PENALTIES FOR ITS VIOLATION, AND FOR OTHER PURPOSES.” Approved: June 17, 1992.

In the Information for Criminal Case No. RTC-12099-2018-I dated November 13, 2018, and amended on November 29, 2019, accused-appellant was charged with the crime of Lascivious Conduct penalized under Sec. 5(b) RA 7610, as follows:

Criminal Case No. RTC-12099-2018-I

That on or about the 12th day of November 2018, at about 6:00 a.m., in [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the said accused, with lewd design and while having moral ascendancy over twelve (12) years old [AAA]⁷ being the common-law spouse of the said child's grandmother, and the child considers him as her grandfather, thru coercion, influence or for other consideration, did then and there willfully, unlawfully and feloniously commit lascivious conduct on [AAA], a child subjected to other sexual abuse, by holding or touching her buttocks, which act of the accused debased, degraded and demeaned the latter of her intrinsic worth and dignity as a human being, to the damage and prejudice of said minor [AAA].

CONTRARY TO LAW.”⁸

In the three separate sets of Information in Criminal Case Nos. RTC-12179-2018-I to RTC-12181-2018-I, all dated December 5, 2018 and amended on January 18, 2019,⁹ accused-appellant was charged with three counts of Statutory Rape penalized under Art. 266-A of the RPC, in relation to Art. 266-B thereof, as amended, as follows:

Criminal Case No. RTC-12179-2018-I

That in the month of July 2017, in the evening, in [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the said accused, with lewd design and with force and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse [with AAA, an 11-year-old at the time of commission of the offense against her will and consent, and while having moral ascendancy over said [AAA] being the live-in partner of complainant's grandmother and the child considers him as her grandfather, to the damage and prejudice of said minor [AAA].

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 Reproduced from RTC and CA Decisions. The Records for Criminal Case No. RTC-12099-2018-I were not in the case files. See *rollo*, pp. 10 and 39; records (Criminal Case No. RTC-12179-2018-I), p. 66.

⁹ Records (Criminal Case No. RTC-12179 -2018-I), pp. 18-19; records (Criminal Case Nos. RTC-12180-2018-I to RTC-12181-2018-I), pp. 14-15.

CONTRARY TO LAW.¹⁰

Criminal Case No. RTC-12180-2018-I

That in the month of September 2017, in the afternoon, in [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the said accused, with lewd design and with force and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse [with AAA], an 11-year-old at the time of commission of the offense, against her will and consent, and while having moral ascendancy over said [AAA] being the live-in partner of complainant's grandmother and the child considers him as her grandfather, to the damage and prejudice of said minor [AAA].

CONTRARY TO LAW."¹¹

Criminal Case No. RTC-12181-2018-I

That in the month of May 2018, in the evening, in [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the said accused, with lewd design and with force and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse [with AAA], an 11-year-old at the time of commission of the offense, against her will and consent, and while having moral ascendancy over said [AAA] being the live-in partner of complainant's grandmother and the child considers him as her grandfather, to the damage and prejudice of said minor [AAA].

CONTRARY TO LAW."¹²

During his arraignment on January 18, 2019, accused-appellant entered a plea of "not guilty" to all the crimes charged.¹³ During the pre-trial conference, the prosecution and the defense stipulated on the following: identity of the accused-appellant as the person named in each Information and arraigned, the minority of private complainant AAA, the existence and authenticity of the Certificate of Live Birth of AAA, that AAA calls accused-appellant her "*tatay*," and accused-appellant is the live-in partner of AAA's grandmother BBB.¹⁴ After termination of pre-trial conference, the joint trial on the merits ensued.

The prosecution presented the following witnesses: private complainant AAA, her mother CCC, and Dr. Samantha P. Fantone (Dr. Fantone). The defense presented the lone testimony of accused-appellant.

¹⁰ Records (Criminal Case No. RTC-12179-2018-I), p. 3.

¹¹ Records (Criminal Case No. RTC-12180-2018-I), p. 2.

¹² Records (Criminal Case No. RTC-12181-2018-I), p. 2.

¹³ Records (Criminal Case No. RTC-12179 -2018-I), pp. 23-24; records (Criminal Case No. RTC-12180-2018-I), p. 19.

¹⁴ Records (Criminal Case No. RTC-12179 -2018-I), p. 19; records (Criminal Case Nos. RTC-12180-2018-I to RTC-12181-2018-I), p. 15.

The Antecedents

The facts, as alleged by the prosecution, are as follows:

Accused-Appellant is the live-in partner of BBB, grandmother of private complainant AAA.¹⁵ Sometime in the evening of July 2017, AAA was sleeping in the living room of BBB's house with accused-appellant. BBB was sleeping in a separate bedroom.¹⁶ AAA was suddenly awakened when she felt something was inside her.¹⁷ AAA then saw accused-appellant on top her with his penis inside her vagina.¹⁸ AAA pushed accused-appellant away but he still approached her, covered her mouth, and threatened to kill her if she told anyone about what happened that night.¹⁹

Sometime in the afternoon of September 2017, accused-appellant once again raped and threatened AAA.²⁰ Accused-appellant instructed AAA to bring to him his mobile phone.²¹ While AAA was at the door of accused-appellant's room, accused-appellant pulled her inside the room, locked the door behind her, and told her not to make any noise.²² Despite AAA telling him that she will not comply with accused-appellant's lewd intentions, accused-appellant pushed AAA towards the bed and threatened to kill her if she will continue to refuse to follow his demands.²³ Accused-appellant then removed AAA's shorts and undergarment, inserted his penis into her vagina, and kissed her lips.²⁴ AAA attempted to flee but accused-appellant held her down.²⁵

Sometime in May 2018, at around 2:00 p.m., accused-appellant called AAA over to the former's house.²⁶ Accused-appellant then pulled her inside one of the rooms in the house and made her lie down on a bed.²⁷ Accused-appellant closed the door and threatened to kill her if she would make any noise.²⁸ Accused-appellant removed her garments, kissed her lips and neck,

¹⁵ TSN, March 6, 2019, p. 3.

¹⁶ TSN, March 13, 2019, pp. 8-9.

¹⁷ TSN, March 13, 2019, p. 9; records (Criminal Case No. RTC-12179 -2018-I), p. 44.

¹⁸ TSN, March 13, 2019, p. 9.

¹⁹ TSN, March 13, 2019, pp. 910; records (Criminal Case No. RTC-12179 -2018-I), p. 44.

²⁰ TSN, March 13, 2019, p. 11.

²¹ TSN, March 13, 2019, pp. 11-14; records (Criminal Case No. RTC-12179 -2018-I), p. 45; records (Criminal Case Nos. RTC-12180-2018-I to RTC-12181-2018-I), p. 8.

²² TSN, March 13, 2019, pp. 11-14.

²³ TSN, March 13, 2019, pp. 14-16; records (Criminal Case No. RTC-12179 -2018-I), p. 45; records (Criminal Case Nos. RTC-12180-2018-I to RTC-12181-2018-I), p. 8.

²⁴ TSN, March 13, 2019, pp. 15-16; records (Criminal Case No. RTC-12179 -2018-I), p. 45; records (Criminal Case Nos. RTC-12180-2018-I to RTC-12181-2018-I), p. 8.

²⁵ TSN, March 13, 2019, p. 15.

²⁶ TSN, March 13, 2019, p. 18; records (Criminal Case No. RTC-12179 -2018-I), p. 45; records (Criminal Case Nos. RTC-12180-2018-I to RTC-12181-2018-I), p. 8.

²⁷ Id.

²⁸ TSN, March 13, 2019, p. 19; records (Criminal Case No. RTC-12179 -2018-I), p. 45; records (Criminal Case Nos. RTC-12180-2018-I to RTC-12181-2018-I), p. 8.

and then inserted his penis in her vagina.²⁹

On November 12, 2018, at around 6:00 a.m., AAA was fetching water for her bath when accused-appellant caressed her buttocks.³⁰ When she looked behind her, she saw accused-appellant grinning at her.³¹ AAA then ran away and went home to her mother.³²

AAA did not report the foregoing incidents out of fear that the accused-appellant will kill her.³³ AAA was only 11 years old when she was thrice raped by a man she recognized as her *lolo* or grandfather.³⁴ She was 12 years old when accused-appellant lasciviously held her buttocks.³⁵

On November 12, 2018, AAA's mother, CCC, brought AAA to the Rural Health Center because AAA complained of pain on her right side, difficulty urinating, and other symptoms.³⁶ At the health center, Dr. Fantone examined AAA and found out that she was pregnant.³⁷ AAA then told CCC that accused-appellant had repeatedly raped her.³⁸ AAA and CCC then went to the Department of Social Welfare and Development (DSWD) and, thereafter, the police station to file a report on the incidents of rape and lascivious conduct committed by accused-appellant.³⁹ AAA gave birth on December 16, 2018.⁴⁰

For his defense, accused-appellant claimed that at the time of the commission of the alleged crimes charged against him, he was not in his house because he was likely plying his tricycle from morning until afternoon and would only return home briefly for lunch.⁴¹ During his free time, accused-appellant would also drive the van service of his employer⁴² while his wife stays at home to cook and clean.⁴³ Accused-appellant further claimed that every Thursday and Sunday, he would collect *barisara* (seashells), which BBB would sell in the public market.⁴⁴ Accused-appellant insisted that he was

²⁹ TSN, March 13, 2019, pp. 15-16; records (Criminal Case No. RTC-12179 -2018-I), p. 45; records (Criminal Case Nos. RTC-12180-2018-I to RTC-12181-2018-I), p. 8.

³⁰ TSN, March 13, 2019, p. 6; records (Criminal Case No. RTC-12179 -2018-I), p. 44; records (Criminal Case Nos. RTC-12180-2018-I to RTC-12181-2018-I), p. 7.

³¹ Id.

³² TSN, March 13, 2019, pp. 7-8; records (Criminal Case No. RTC-12179 -2018-I), p. 44; records (Criminal Case Nos. RTC-12180-2018-I to RTC-12181-2018-I), p. 7.

³³ Id.

³⁴ Records (Criminal Case No. RTC-12179 -2018-I), p. 47 (Certificate of Live Birth of AAA); TSN, 13 March 2019, p. 3.

³⁵ Id.

³⁶ TSN, March 6, 2019, p. 5; TSN, March 13, 2019, p. 20.

³⁷ TSN, May 9, 2019, pp. 6-7.

³⁸ TSN, March 6, 2019, p. 9.

³⁹ TSN, March 13, 2019, p. 31.

⁴⁰ Records (Criminal Case No. RTC-12179 -2018-I), p. 56 (Certificate of Live Birth of AAA's child).

⁴¹ TSN, May 21, 2019, pp. 6-7.

⁴² Id. at 6.

⁴³ Id. at 8.

⁴⁴ Id. at 5-6.

collecting *barisara* (seashells) from 5:00 a.m. until noon on November 12, 2018.⁴⁵

Ruling of the Regional Trial Court

In its July 5, 2019 Decision,⁴⁶ the trial court rendered its Decision finding accused-appellant guilty beyond reasonable doubt of the following charges: (1) Acts of Lasciviousness penalized under Art. 336 of the RPC in Criminal Case No. RTC-12099-2018-I, and (2) three counts of Statutory Rape penalized under Art. 266-A, in relation to Art. 266-B of the RPC, as amended by RA 8353, in Criminal Case Nos. RTC-12179-2018-I to RTC-12181-2018-I. The lower court held that all elements of Rape under Art. 266-A of the RPC, as amended, have been established by the prosecution which warrants the conviction accused-appellant for three counts of Statutory Rape. The defense of accused-appellant was disregarded by the trial court in view of the clear, straightforward, and categorical testimony of AAA. The RTC, however, held that accused-appellant cannot be held criminally liable under Sec. 5 (b) of RA 7610 because while the element of sexual abuse was alleged in the Information, there is no evidence that AAA suffered depression and emotional trauma as well as evidence that accused-appellant's acts had degraded, debased, and demeaned her intrinsic worth and dignity as a person. Hence, the trial court found accused-appellant criminally liable of Acts of Lasciviousness under the RPC. The dispositive portion of the RTC judgment reads:

WHEREFORE, judgment is hereby rendered finding the accused [XXX] guilty beyond reasonable doubt of three (3) counts of Statutory Rape in Criminal Case Nos. RTC-12179-2018-I to RTC-12181-2018-I and he is sentenced to suffer the penalty of *reclusion perpetua* for each count without eligibility for parole. He is ordered to pay private complainant civil indemnity of Php75,000.00, moral damages of Php75,000.00 and exemplary damages of Php75,000.00 for each count.

On the other hand, accused is also guilty beyond reasonable doubt of Acts of Lasciviousness under the Revised Penal Code in Criminal Case No. RTC-12099-2018-I and he is hereby sentenced to suffer imprisonment of six (6) months of *arresto mayor*, as minimum, to four (4) years and two (2) months of *prision correccional*, as maximum. He is also ordered to pay private complainant the amount of P20,000.00 as civil indemnity; P30,000.00 as moral damages and P10,000.00 as exemplary damage [sic].

All damages awarded shall earn interest at the rate of 6% per annum from the date of finality of this decision until fully paid.

[SO ORDERED.]⁴⁷

⁴⁵ Records (Criminal Case No. RTC-12179 -2018-I), p. 60

⁴⁶ *Rollo*, p. 39-50; records (Criminal Case No. RTC-12179-2018-I), pp. 66-77; records (Criminal Case No. RTC-12180-2018-I), pp. 43-54; records (Criminal Case No. RTC-12181-2018-I), pp. 41-52.

⁴⁷ *Rollo*, p. 50.

Aggrieved, accused-appellant appealed his conviction to the appellate court on August 14, 2019.⁴⁸ In his brief, accused-appellant alleged that there were inconsistencies in the testimony of AAA and averred that the prosecution did not present sufficient evidence to hold the accused-appellant guilty for the crimes charged.⁴⁹ Accused-appellant further claimed that the defense of denial, taken side by side with AAA's incredible testimony, and the failure of the prosecution to prove accused-appellant's guilt beyond reasonable doubt, is sufficient to sustain his acquittal.⁵⁰

Ruling of the Court of Appeals

In its February 18, 2021 Decision,⁵¹ the appellate court affirmed the trial court's judgment of conviction. The CA found that all the essential elements of Statutory Rape under Art. 266-A of the RPC were established by the prosecution. The appellate court affirmed the RTC's findings that AAA's testimony was direct, positive, and categorical while the defense failed to substantiate his alibi.

The CA disregarded accused-appellant's claims that AAA's testimony was inconsistent and, thus, not credible. The CA emphasized that it is unreasonable to demand a standard rational reaction from survivors of a crime as heinous as rape. Also, resistance to unwanted advances and inconsistencies in the gestational dates are not elements of Statutory Rape under Art. 266-A of the RPC and are irrelevant to the conviction of accused-appellant of the crimes charged.

The appellate court also found that the essential elements of Lascivious Conduct under Sec. 5 (b), Art. III of RA 7610 were sufficiently alleged in the Information and proven by the prosecution during trial. The CA held that RA 7610 does not require that the prosecution show that AAA suffered depression and emotional trauma especially since the law indicates that mere touching or caressing of AAA's buttocks strongly suggest the act was intentional and constitutes lascivious conduct. The appellate court further stated that accused-appellant's act of caressing AAA's buttocks demonstrates nothing but his intention to degrade, debase, demean her intrinsic worth and dignity as a person as the nature of the act itself, *i.e.*, lewd or lascivious, operates to corrupt the morality of the victim.

The *fallo* of the CA's February 18, 2021 Decision reads:

FOR THESE REASONS, the appeal is **DENIED**. The assailed Decision rendered on 05 July 2019 by the Regional Trial Court, Branch 13 of

⁴⁸ Records (Criminal Case No. RTC-12179 -2018-I), pp. 80-81; records (Criminal Case No. RTC-12180-2018-I), pp. 57-58; records (Criminal Case No. RTC-12181-2018-I), pp. 41-52.

⁴⁹ *CA rollo*, pp. 31-47.

⁵⁰ *Id.*

⁵¹ *Rollo*, pp. 9-37.

██████████ in Criminal Case No. RTC-12099-2018-I and Criminal Case Nos. RTC-12179-2018-I to RTC-12181-2018-I is **AFFIRMED** with the following **MODIFICATIONS**:

- 1) In Criminal Case No. RTC-12099-2018-I, accused-appellant [XXX] is found **GUILTY** beyond reasonable doubt of Lascivious Conduct under Section 5(b), Article III of Republic Act No. 7610. Accused-appellant is hereby sentenced to suffer the penalty of imprisonment ranging from ten (10) years and one (1) day of *prision mayor*, as minimum, to seventeen (17) years, four (4) months, and one (1) day of *reclusion temporal*, as maximum, and to PAY private complainant [AAA] in the amount of Fifty Thousand Pesos (₱50,000.00) as civil indemnity, Fifty Thousand Pesos (₱50,000.00) as moral damages, and Fifty Thousand Pesos (₱50,000.00) as exemplary damages; and
- 2) The total monetary awards adjudged to private complainant shall earn interest at the rate of six percent (6%) *per annum* from the date of finality of this Decision until fully paid.

The assailed Decision is **AFFIRMED** in all other aspects.

SO ORDERED.⁵²

Issue

Whether accused-appellant is guilty beyond reasonable doubt of the following charges: (1) Lascivious Conduct penalized under Sec. 5(b), Art. III of RA 7610, and (2) three counts of Statutory Rape penalized under Art. 266-A, in relation to Art. 266-B of the RPC, as amended by RA 8353.

Our Ruling

The appeal is bereft of merit.

In his brief, accused-appellant claims that the testimony of AAA is not credible and readily points to his innocence.⁵³ Accused-appellant contends that AAA should have felt and acted differently towards him after the first alleged incident of rape. AAA should not have continued to stay in her grandmother's house,⁵⁴ and the testimony of AAA's mother, CCC, negates AAA's testimony as her "apparent amiable disposition towards him despite her supposed sexual ordeal is behavior contrary to the actuations of rape victims."⁵⁵

Since AAA did not shout for help when she was allegedly raped by him on three different occasions, he posits that such behavior is "contrary to what someone who was about to get raped would do under the circumstances." Accused-appellant also denies the presence of force, threat, and intimidation simply because AAA never testified that accused-appellant was carrying any

⁵² Id. at 35-36.

⁵³ CA *rollo*, p. 39.

⁵⁴ Id.

⁵⁵ Id. at 40.

deadly weapon when he supposedly raped AAA.⁵⁶ Moreover, accused-appellant insists that “AAA’s rape claim is highly improbable because she claimed to have not been awakened first by the removal of her lower garments by the accused-appellant, or by the latter’s weight, when he was on top of her.”⁵⁷

As to the relevant dates, accused-appellant questions the gestational dates mentioned by AAA and Dr. Fantone in their respective testimonies.⁵⁸ “Considering that AAA must have been impregnated sometime in March 2018, [since she claimed that she was eight (8) months pregnant when she was examined by Dr. Fantone on November 12, 2018], her claim that the accused-appellant raped [her] in July 2017, September 2017, or May 2018, has no leg to stand on.”⁵⁹ Accused-appellant also asserts that the testimony of the examining physician and the Medico-Legal certificate presented by the prosecution did not prove the elements of the crimes charged.⁶⁰

Despite the foregoing claims of accused-appellant, this Court emphasizes that persistent physical resistance of sexual assault, the fact of pregnancy of the rape survivor, and the details surrounding the gestational dates of the rape survivor are not elements of the crimes of Lascivious Conduct penalized under Sec. 5(b), Art. III of RA 7610, and Statutory Rape penalized under Art. 266-A, in relation to Art. 266-B of the RPC, as amended by RA 8353. Hence, as correctly held by the appellate court, inconsistencies in the testimony of AAA regarding her behavior during and after the incidents of rape as well as the gestational dates in connection with the alleged dates of commission of the crimes charged are irrelevant to the determination of accused-appellant’s guilt of the crimes charged against him.

In an attempt to attack the credibility of AAA, accused-appellant insists that AAA exhibited “behavior contrary to the actuations of rape victims”⁶¹ during and after the alleged incidents of rape and lascivious conduct. However, AAA explained in her testimony that she did not resist and did not report the incidents of rape and lascivious conduct out of fear that accused-appellant will follow through on his threats to kill her if she disobeyed him.⁶² In the testimonies of AAA and her mother, it was established that at the time of the first incident of rape in July 2017, AAA was sleeping in BBB’s house because she often assisted her grandmother whenever the latter was experiencing asthma attacks.⁶³ AAA’s grandmother, BBB, would also often

⁵⁶ Id.

⁵⁷ Id. at 41.

⁵⁸ Id.

⁵⁹ Id.

⁶⁰ Id.

⁶¹ Id. at 40.

⁶² TSN, March 13, 2019, pp. 7-8; records (Criminal Case No. RTC-12179 -2018-I), p. 44; records (Criminal Case Nos. RTC-12180-2018-I to RTC-12181-2018-I), p. 7.

⁶³ TSN, March 13, 2019, p. 9.

call AAA over to the former's house to eat and sleep.⁶⁴ AAA's mother, CCC, further testified that AAA told her that BBB will get mad if CCC did not allow AAA to sleep in BBB's house.⁶⁵ AAA stated that she is hesitant or "shy" to refuse BBB because BBB would nag AAA if she would not follow her grandmother's orders.⁶⁶

Even without the explanation provided by the prosecution, this Court emphasizes that, as correctly held by the courts *a quo*, it would be unreasonable to expect survivors of heinous crimes such as rape to present a standard rational reaction to such a traumatic incident. Accused-appellant and AAA's grandmother have been living together even before AAA was born.⁶⁷ AAA testified that she grew up knowing accused-appellant as her "lolo" or grandfather⁶⁸ and AAA would even call accused-appellant, "tatay."⁶⁹ AAA was only 11 years old when a man she views as her *lolo* or "tatay" repeatedly sexually abused and threatened her. This Court has consistently held that "no standard form of behavior can be anticipated of a rape victim following her defilement, particularly a child who could not be expected to fully comprehend the ways of an adult. People react differently to emotional stress, and rape victims are no different from them."⁷⁰

With particular regard to the credibility of witnesses, the Court has consistently held that the findings of the trial court are accorded high respect, if not conclusive effect, unless such "overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which will alter the assailed decision or affect the result of the case," to wit:

The Court has ruled, time and again, that when the issues involve matters of credibility of witnesses, the findings of the trial court, its calibration of the testimonies, and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings, are accorded high respect, if not conclusive effect. This is so because it is the trial court that has the unique opportunity to observe the demeanor of witnesses; and the trial court is in the best position to discern whether or not the witnesses are telling the truth. Generally, the appellate courts will not overturn the trial court's findings unless it overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which will alter the assailed decision or affect the result of the case.⁷¹

The courts *a quo* both found that AAA delivered clear, direct, positive, and categorical testimony and positively identified accused-appellant as the

⁶⁴ TSN, March 6, 2019, p. 11.

⁶⁵ Id. at 25.

⁶⁶ TSN, March 13, 2019, p. 29.

⁶⁷ TSN, March 6, 2019, p. 11.

⁶⁸ TSN, March 13, 2019, pp. 6 and 23.

⁶⁹ TSN, March 13, 2019, p. 5; TSN, March 6, 2019, p. 11.

⁷⁰ *People v. XXX*, G.R. No. 246499, November 4, 2020.

⁷¹ *People v. Silvederio III*, G.R. No. 239777, July 8, 2020, citing *People v. Cirbeto*, 825 Phil. 793, 802 (2018); *People v. Agalot*, 826 Phil. 541, 550 (2018); and *People v. Gerola*, 813 Phil. 1055, 1064 (2017). Citations Omitted.

perpetrator of the crimes charged. In contrast to the evidence presented by the prosecution, the accused-appellant's defense is merely based on denial and alibi. Denial and alibi are inherently weak defenses. In the case of *People v. Seguisabal*,⁷² this Court held that the defenses of denial and alibi cannot defeat the positive identification of eyewitnesses. For the defense of alibi to prosper, the accused-appellant must prove "(a) that he [or she] was present at another place at the time of the perpetration of the crime, and (b) that it was physically impossible for him [or her] to be at the scene of the crime during its commission:"

The Court finds no reason to disturb the findings of the lower court that accused-appellant's weak defense[s] of denial and alibi cannot defeat the positive identification of eyewitnesses, whose testimonies were strengthened by the corroborative testimony of Martinez. Unless substantiated by clear and convincing proof, denial and alibi [are] negative, self-serving and undeserving of any weight in law. Thus, for the defense of alibi to prosper, the accused must prove (a) that he [or she] was present at another place at the time of the perpetration of the crime, and (b) that it was physically impossible for him [or her] to be at the scene of the crime during its commission."⁷³

In the present case, accused-appellant merely claimed that he was collecting *barisara* (seashells) from 5:00 a.m. until noon on November 12, 2018,⁷⁴ and that he barely stayed in his house because he was busy working. However, accused-appellant admitted that his house is less than 30 minutes walking distance from the river where he collects *barisara* ("seashells") and that he would go home to eat lunch.⁷⁵ Thus, for each charge against him, the defense failed to prove that it was physically impossible for accused-appellant to be at the scene of the crime at the time of its commission. The defense was also unable to provide evidence that accused-appellant was present at another place at the time the alleged crimes were committed. Since the defense failed to substantiate accused-appellant's defenses of denial and alibi, such defenses deserve scant consideration and must necessarily fail in light of the prosecution's evidence positively identifying accused-appellant.

Accused-appellant also failed to establish any ill will or motivation for AAA to accuse him of the crimes charged against him. Nonetheless, any imputation of ill will must necessarily fail considering the risk of shame and embarrassment AAA must face in pursuing the present case. In cases when the offended party is a young girl, as in the present case, courts tend to lend credence to their version of events considering their relative vulnerability as well as the shame and embarrassment to which they would be exposed if the matter about which they testified were not true.⁷⁶ The Court has declared that

⁷² G.R. No. 250330, March 18, 2021, citing *People v. Narciso*, 440 Phil. 964, 977 (2002) and *People v. Macaranas*, 811 Phil. 610, 624 (2017).

⁷³ Id. Citations Omitted.

⁷⁴ Records (Criminal Case No. RTC-12179 -2018-I), p. 60.

⁷⁵ TSN, May 21, 2019, pp. 7 and 12.

⁷⁶ *People v. YYY*, G.R. No. 252865, August 4, 2021, citing *People v. Fetalco*, G.R. No. 241249, July 28, 2020.

“no young girl would usually concoct a tale of defloration, publicly admit to having been ravished and her honor being tainted, allow the examination of her private parts, and undergo all the trouble and inconvenience, not to mention the trauma and scandal of a public trial, had she not in fact been raped and been truly moved to protect and preserve her honor and motivated by the desire to obtain justice for the wicked acts committed against her.”⁷⁷ This Court has also consistently held that youth and immaturity are generally badges of truth and sincerity.⁷⁸

Accused-appellant is guilty beyond reasonable doubt of three counts of Statutory Rape penalized under Art. 266-A, in relation to Art. 266-B of the RPC, as amended by RA 8353

The elements of Rape under Art. 266-A (1) of the RPC are: (a) the offender had carnal knowledge of a woman; and (b) said carnal knowledge was achieved through any of the following circumstances: force, threat, or intimidation; when the offended party is deprived of reason or otherwise unconscious; by means of fraudulent machination or grave abuse of authority; and when the offended party is under 12 years of age or is demented, even though none of the circumstances mentioned above be present. If the offended party is under 12 years of age, proof of force, threat, or intimidation, or consent of the offended party is unnecessary as these are not elements of Statutory Rape, considering that the absence of free consent is conclusively presumed when the victim is below the age of 12.⁷⁹ The law presumes that the offended party does not possess discernment and is incapable of giving intelligent consent to the sexual act.⁸⁰ Thus, to sustain a conviction for Statutory Rape, the prosecution must establish the following: (a) the age of the complainant; (b) the identity of the accused; and (c) the sexual intercourse between the accused and the complainant.⁸¹

In the present case, the prosecution established through AAA’s Certificate of Live Birth that she was only 11 years old in July 2017, September 2017, and May 2018.⁸² In AAA’s testimony, she positively identified accused-appellant as the perpetrator of the crimes charged and also narrated in detail each traumatic incident.

⁷⁷ *People v. YYY*, G.R. No. 252865, August 4, 2021, citing *People v. XXX*, G.R. No. 225793, August 14, 2019, and *People v. Barberan*, 788 Phil. 103, 110, (2016).

⁷⁸ *Id.*, supra, citing *People v. Deliola*, 794 Phil. 194, 208, August 31, 2016.

⁷⁹ *People v. Comboy*, 782 Phil. 187, 197 (2016).

⁸⁰ *Id.*

⁸¹ *Id.*, citing *People v. Cadano, Jr.*, 729 Phil. 576, 584-585 (2014).

⁸² Records (Criminal Case No. RTC-12179 -2018-I), pp. 12 and 47-49; records (Criminal Case Nos. RTC-12180-2018-I to RTC-12181-2018-I), p. 11

AAA testified that, sometime in July 2017, as she was sleeping in her grandmother's house, she woke up to find the accused-appellant on top of her and saw that his penis was in her vagina:

[PROS. CATOLICO]: You said that while you were sleeping, you suddenly woke up because you felt something was inside you and you saw [XXX's] penis inside your vagina and [XXX] was on top of you. Is that correct, [AAA]?

[AAA]: Yes, ma'am.

Q: So, what did you do?

A: I pushed him away from me, ma'am.

Q: And, what did [XXX] do when you pushed him?

A: He approached and covered my mouth and told me that I should not report about it because will kill me, ma'am.

Q: What do you mean when he approached you, what happened to him when you pushed him?

A: He was pushed at a distance from me, ma'am.

Q: Why did you not shout for help, [AAA]?

A: Because he covered my mouth and told me that he will kill me, ma'am.⁸³

AAA also testified that, sometime in September 2017, accused-appellant pulled her into a room in the house of her grandmother, threatened her, pushed her down a bed, kissed her on the lips, and once again inserted his penis into her vagina:

[PROS. CATOLICO]: You said that you were not able to do anything because the accused threatened to kill you again. Is that correct?

[AAA]: Yes, ma'am.

Q: And, will you tell us again the facial expression of the accused, when he threatened to kill you?

A: He made his eyes bigger, ma'am.

Q: And, you said that he removed your shortpants and then he also removed his underwear. Is that correct?

A: Yes, ma'am.

Q: And then he himself removed his underwear. Is that correct?

A: Yes, ma'am.

Q: And then you said, he inserted his penis into your vagina. Is that correct?

A: Yes, ma'am.

Q: What was your position when he inserted his penis into your vagina?

A: I was lying-down, ma'am.

⁸³ TSN, March 13, 2019, pp. 9-10.

Q: And, were you able to stand up and go to the door in order to flee before he went on top of you?

A: No, ma'am.

Q: Why not?

A: He was pressing me down, ma'am.

Q: So you said he inserted his penis into your vagina. So, what was the motion was [sic] he doing while his penis was inside you?

A: He was moving up and down, ma'am.

[PROS. CATOLICO]: May we put on record your Honor, that while the witness is testifying, she was twisting hard the towel in her hand.

[COURT]: Noted.

[PROS. CATOLICO]: You also said that he kissed you in the lips. Is that right?

A: Yes, ma'am.

Q: Can you give us an estimate as to how long accused was on top of you and doing the up and down motions?

A: For five to ten minutes, ma'am.⁸⁴

AAA recalled that, sometime in May 2018, accused-appellant pulled her towards a room, made her lie down on a bed, kissed her lips and neck, and inserted his penis into her vagina:

[PROS. CATOLICO]: And, you said accused called you and you did not want to go, which I quote, "tiningnan niya po ako ng masama, kaya natakot po ako at sumunod sakanya." Do you affirm that answer?

[AAA]: Yes, ma'am.

Q: And you said, he again pulled you towards the room and made you lie-down [sic] on [sic] bed?

A: Yes, ma'am.

Q: And again, he warned you not to create noise and he will kill you. Is that right?

A: Yes, ma'am.

Q: So, what did you feel again this May 2018 when accused pulled you again inside the room where you were raped in September 2017?

A: I am scared, ma'am.

Q: Did you shout?

A: No, ma'am.

Q: Why not?

A: Because he told me that, if I will create noise, he will kill me, ma'am.

⁸⁴ Id. at 15-16.

Q: And, you said that, he again he [sic] removed your shortpants and panty and he also took off his underwear and kissed you in [sic] the lips and neck. Is that correct?

A: Yes, ma'am.

Q: And, then he inserted his penis into your vagina. Do you confirm that?

A: Yes, ma'am.

Q: What motions was he doing while he was on top of you?

A: He was moving up and down his penis, ma'am.

Q: And, after that you said, he asked you to leave. Is that correct?

A: Yes, ma'am.

Q: At what point in time, did he threaten to kill you, was it before he raped you or after he raped you?

A: Before, ma'am.⁸⁵

It is apparent that accused-appellant succeeded in having carnal knowledge of AAA by force, threat, and intimidation especially considering that, as narrated by AAA in her testimony, accused-appellant pushed her down as she resisted his advances. AAA also clearly stated, in her testimony, that she was unable to resist accused-appellant's advances and report the same because the latter threatened to kill her if she made any noise and if she told anyone about each encounter. Furthermore, accused-appellant was no mere stranger to AAA; she grew up with him knowing him as her "lolo" or grandfather,⁸⁶ and would even call him "tatay."⁸⁷ Accused-appellant, thus, clearly exercised authority and ascendancy over AAA.

It is clear from the foregoing that the prosecution successfully established the following: (1) AAA was 11 years old when she was raped by accused-appellant in July 2017, September 2017, and May 2018; (2) AAA positively identified accused-appellant as the man who forcibly had sexual intercourse with her in three separate incidents; and (3) carnal knowledge was achieved through force, threat, and intimidation. Hence, We affirm the finding of the courts *a quo* that accused-appellant is guilty beyond reasonable doubt of three counts of Statutory Rape penalized under Art. 266-A, in relation to Art. 266-B of the RPC, as amended by RA 8353.

**Accused-appellant is guilty
beyond reasonable doubt of
Lascivious Conduct penalized
under Sec. 5(b), Art. III of RA
7610**

⁸⁵ Id. at 18-19.

⁸⁶ Id. at 6 and 23.

⁸⁷ TSN, March 13, 2019, p. 5; TSN, March 6, 2019, p. 11.

Under Art. 336 of the RPC, the crime of Acts of Lasciviousness is defined as “any person who shall commit any act of lasciviousness upon other persons of either sex” under any of the circumstances mentioned in Art. 335 of the RPC, as amended by RA 8353. To sustain a conviction of Acts of Lasciviousness under Art. 336 of the RPC, the prosecution must establish the following elements:

- (1) That the offender commits any act of lasciviousness or lewdness;
- (2) That it is done 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
 - (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; and
- (3) That the offended party is another person of either sex.⁸⁸

If found guilty of Acts of Lasciviousness under Art. 336 of the RPC, the offending party shall suffer the penalty of *prision correccional*.

In cases where the offended party is a child, Sec. 5(b), Art. III of RA 7610 provides that a person who commits lascivious conduct with a child subject to other sexual abuse shall suffer the penalty of *reclusion temporal* in its medium period to *reclusion perpetua*:

Section 5. Child Prostitution and Other Sexual Abuse. – Children, whether **male or female**, who for money, profit, or any other consideration or **due to the coercion or influence of any adult**, syndicate or group, **indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.**

The **penalty of reclusion temporal in its medium period to reclusion perpetua shall be imposed upon the following:**

x x x x

(b) **Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subject to other sexual abuse;** Provided, That when the victims is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, the Revised Penal Code, for rape or lascivious conduct, as the case may be: Provided, That the penalty for lascivious conduct when the victim is under twelve (12) years of age shall be reclusion temporal in its medium period; x x x x⁸⁹

⁸⁸ *Quimvel v. People*, 808 Phil. 889, 914 (2017).

⁸⁹ Emphasis supplied.

The elements of Lascivious Conduct under Sec. 5(b), Art. III of RA 7610 are the following:

- (1) the accused commits the act of sexual intercourse or lascivious conduct;
- (2) The said act is performed with a child exploited in prostitution or other sexual abuse. [Section 5 of R.A. No. 7610 deems as “children exploited in prostitution and other sexual abuse” those children, whether male or female,
 - (1) who for money, profit or any other consideration, or;
 - (2) due to the coercion or influence of any adult, syndicate or group,
 indulge in sexual intercourse or lascivious conduct;] and
- (3) The child, whether male or female, is below 18 years of age.⁹⁰

The Court, in *People v. Caoili*,⁹¹ prescribed the following guidelines in designating or charging the proper offense in case Lascivious Conduct is committed under Sec. 5 (b) of RA 7610, and in determining the imposable penalty:

1. The age of the victim is taken into consideration in designating or charging the offense, and in determining the imposable penalty.
2. If the victim is under twelve (12) years of age, the nomenclature of the crime should be “Acts of Lasciviousness under Article 336 of the Revised Penal Code in relation to Section 5(b) of R.A. No. 7610.” Pursuant to the second proviso in Section 5(b) of R.A. No. 7610, the imposable penalty is *reclusion temporal* in its medium period.
3. **If the victim is exactly twelve (12) years of age, or more than twelve (12) but below eighteen (18) years of age, or is eighteen (18) years old or older but is unable to fully take care of herself/himself or protect herself/himself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition, the crime should be designated as “Lascivious Conduct under Section 5(b) of R.A. No. 7610,” and the imposable penalty is *reclusion temporal* in its medium period to *reclusion perpetua*.”⁹²**

If the victim of the lascivious conduct is 18 years old and above, the crime would be designated as “Acts of Lasciviousness under Article 336 of the RPC” with the imposable penalty of *prision correccional*.⁹³

As may be gleaned from AAA’s Certificate of Live Birth,⁹⁴ AAA was 12 years old at the time the reported incident occurred. Since AAA was exactly 12 years of age at the time of the incident, the crime should be designated as

⁹⁰ *People v. Tulagan*, 849 Phil. 197, 381 (2019).

⁹¹ 815 Phil. 839 (2017). Emphasis supplied.

⁹² *Id.* at 894. Emphasis supplied.

⁹³ *Id.* at 921.

⁹⁴ Records (Criminal Case No. RTC-12179 -2018-I), p. 47 (Certificate of Live Birth of AAA).

“Lascivious Conduct under Sec. 5(b) of RA 7610,” and the imposable penalty is *reclusion temporal* in its medium period to *reclusion perpetua*.

As to the first element of Lascivious Conduct, AAA clearly and categorically testified that, in the morning of November 12, 2018 as she was fetching water for her bath, accused-appellant lasciviously held her buttocks:

[PROS. CATOLICO]: You mentioned that, on November 12, 2018 at about 6:00 o'clock in the morning at the water pump in the house of [XXX] while you were fetching water, the accused held your buttocks. Is that correct?

[AAA]: Yes, ma'am.

x x x x

Q: Will you demonstrate to use how the accused held your buttocks with my close [sic] fist as your buttock?

[COURT INTERPRETER]: The witness is demonstrating by touching whole the close [sic] fist of the good prosecutor, by moving all her fingers on top of the close [sic] fist from outward to inward motion, “*himas*.”

Q: And you said, that you looked back and you saw [XXX] and you saw him smiling and using the word, “*nakangisi*.” Is that correct?

A: Yes, ma'am.⁹⁵

AAA further testified that even if she immediately thereafter ran home to her mother, she did not tell her mother about accused-appellant touching her buttocks because of accused-appellant's previous threats and repeated sexual abuse:

[PROS. CATOLICO]: So, what did you do when you saw the accused standing behind you?

[AAA]: I ran away ma'am, and went to our house.

Q: Did you still take a bath?

A: Not anymore, ma'am.

Q: So you said, that when you ran you proceeded to your house and went to your mother. Correct?

A: Yes, ma'am.

Q: Did you tell your mother that accused caressed your buttocks?

A: No, ma'am.

Q: Will you tell us the reason why did you not tell your mother about it?

⁹⁵ TSN, March 13, 2019, pp. 6-7.

A: I did not tell about it to my mother because he told me that he will kill me, ma'am.

Q: When was that, when accused tell [sic] you that he will kill you?

A: Every time he will, "*binababoy niya po ako*," ma'am.

[PROS. CATOLICO]: May we put on record your Honor, that the witness [sic] continuously crying, she would burst to cry.

[COURT]: Noted. Next question.

[PROS. CATOLICO]: You said that [XXX] is, [sic] "*binababoy ka*." What do you mean by that, [AAA]?

A: He raped me, ma'am.

Q: How many times?

A: Three (3) times, ma'am.⁹⁶

With regard to the second element requiring that the lascivious conduct be performed with a child exploited in prostitution or subjected to other sexual abuse, this Court has held in the case of *Quimvel v. People*⁹⁷ that –

[I]t is settled that the child is deemed subjected to other sexual abuse when the child engages in lascivious conduct under the coercion or influence of any adult. Intimidation need not necessarily be irresistible. It is sufficient that some compulsion equivalent to intimidation annuls or subdues the free exercise of the will of the offended party. The law does not require physical violence on the person of the victim; moral coercion or ascendancy is sufficient.⁹⁸

As earlier established, AAA grew up knowing accused-appellant as her "*lolo*" or grandfather⁹⁹ and would even call him "*tatay*."¹⁰⁰ AAA testified that accused-appellant raped her in three separate incidents and that such horrific acts were made possible because accused-appellant threatened and intimidated AAA, as well as exercised his authority and ascendancy over her. After enduring repeated sexual abuse, AAA was then subjected to lascivious conduct because of accused-appellant's ascendancy over AAA.

Considering the presence of all the elements of the crime charged, We find accused-appellant guilty beyond reasonable doubt of Lascivious Conduct under Sec. 5(b), Art. III of RA 7610. This Court also agrees with the finding of the appellate court that RA 7610 does not require that the prosecution show that AAA suffered depression and emotional trauma since the law indicates that mere touching or caressing of AAA's buttocks in broad daylight and in front of the home of AAA's grandmother strongly suggests the act was

⁹⁶ Id. at 7-8.

⁹⁷ Supra note 86

⁹⁸ Id., citing *Garingarao v. People*, 669 Phil. 512, 524 (2011), *Caballo v. People*, 710 Phil. 792, 805-806 (2013), and *Dimakuta v. People*, 771 Phil. 641, 668 (2015).

⁹⁹ TSN, March 13, 2019, pp. 6 and 23.

¹⁰⁰ TSN, March 13, 2019, p. 5; TSN, March 6, 2019, p. 11.

intentional and constitutes lascivious conduct. Also, since AAA was subjected to repeated instances of abuse, accused-appellant's act of caressing AAA's buttocks demonstrates his intention to taunt AAA, flaunt his power and authority over her, and to further degrade, debase, demean her intrinsic worth and dignity as a person.

In view of the foregoing, We agree with the findings of the courts *a quo* that the evidence of the prosecution clearly established the elements of the following crimes charged: (1) Lascivious Conduct penalized under Sec.5 (b), Art. III of RA 7610 and (2) three counts of Statutory Rape penalized under Art. 266-A, in relation to Art. 266-B of the RPC, as amended by RA 8353. In the present appeal, accused-appellant merely relied on the defenses of denial and alibi as well as resorting to alleging inconsistencies in the testimony of AAA. Accused-appellant's arguments and defenses must necessarily fail in view of the straightforward, clear, and convincing testimony of AAA positively identifying the accused-appellant as the perpetrator of the crimes charged.

Anent the imposable penalties, the CA correctly imposed the penalty of *reclusion perpetua* for each count of Statutory Rape as well requiring the payment of PHP 75,000.00 as civil indemnity, PHP 75,000.00 as moral damages, and PHP 75,000.00 as exemplary damages, for each count in Criminal Case Nos. RTC-12179-2018-I to RTC-12181-2018-I.¹⁰¹

With regard to the penalty imposed in Criminal Case No. RTC-12099-2018-I, the penalty for Lascivious Conduct under Sec. 5 (b) of RA 7610 is *reclusion temporal* in its medium period to *reclusion perpetua*. Applying the Indeterminate Sentence Law, the maximum term of the sentence shall be taken from the medium period of *reclusion temporal* in its medium period to *reclusion perpetua*, or from 17 years, four (4) months and one (1) day to 20 years, owing to the absence of any mitigating or aggravating circumstance.¹⁰² The minimum term of the indeterminate penalty shall be taken within the range of the penalty next lower in degree, which is *prision mayor* in its medium period to *reclusion temporal* in its minimum period, or from eight (8) years and one (1) day to 14 years and eight (8) months.¹⁰³ Accordingly, the CA correctly imposed the indeterminate penalty of imprisonment ranging from a period ten (10) years and one (1) day of *prision mayor*, as minimum, to 17 years, four (4) months, and one (1) day of *reclusion temporal*, as maximum. This Court also affirms the amounts of PHP 50,000.00 as civil indemnity, PHP 50,000.00 as moral damages, and PHP 50,000.00 as exemplary damages. Moreover, pursuant to Sec. 31(f), Art. XII of RA 7610, accused-appellant shall also pay a fine in the amount of PHP 15,000.00.¹⁰⁴

¹⁰¹ *People v. Roy*, 836 Phil. 920, 931 (2018), citing *People v. Ronquillo*, 818 Phil. 641, 654 (2017); *People v. Cadano, Jr.*, 729 Phil. 576, 584 (2014).

¹⁰² *Carbonell v. People*, G.R. No. 246702, April 28, 2021.

¹⁰³ *Id.*

¹⁰⁴ *People v. VVV*, G.R. No. 230222, June 22, 2020; *People v. BBB*, G.R. No. 232071, July 10, 2019.

Interest on the aggregate amount of the monetary awards is imposed at the legal rate of six percent (6%) per *annum* from the date of finality of this Resolution until such monetary awards are fully paid.

WHEREFORE, the appeal is **DISMISSED**. The February 18, 2021 Decision of the Court of Appeals in CA-G.R. CR-HC No. 13552 is **AFFIRMED** in that accused-appellant XXX is found **GUILTY** of Lascivious Conduct penalized under Sec. 5(b) of RA 7610 and three counts of Statutory Rape penalized under Art. 266-A, in relation to Art. 266-B of the Revised Penal Code.

In Criminal Case No. RTC-12099-2018-I, accused-appellant is found **GUILTY** beyond reasonable doubt of Lascivious Conduct under Sec. 5(b), Art. III of Republic Act No. 7610. Accused-appellant is hereby sentenced to suffer the penalty of imprisonment ranging from ten (10) years and one (1) day of *prision mayor*, as minimum, to seventeen (17) years, four (4) months, and one (1) day of *reclusion temporal*, as maximum, to **PAY** a fine of PHP 15,000.00, and to **PAY** private complainant AAA the amounts of PHP 50,000.00 as civil indemnity, PHP 50,000.00 as moral damages, and PHP 50,000.00 as exemplary damages.

In Criminal Case Nos. RTC-12179-2018-I to RTC-12181-2018-I, accused-appellant is found **GUILTY** beyond reasonable doubt of three counts of Statutory Rape and he is sentenced to suffer the penalty of *reclusion perpetua* for each count. He is ordered to **PAY** private complainant civil indemnity of PHP 75,000.00, moral damages of PHP 75,000.00, and exemplary damages of PHP 75,000.00, for each count.

Interest at the rate of six percent (6%) per *annum* shall be imposed on the aggregate amount of the monetary awards computed from the finality of this Resolution until full payment.

The accused-appellant's Manifestation in lieu of supplemental brief, pursuant to the Resolution dated March 9, 2022; the Office of the Solicitor General's Manifestation and Motion, pursuant to the Resolution dated March 9, 2022; and 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 9, 2022, are all **NOTED**; and the Office of the Solicitor General is required to **SUBMIT**, within five (5) days from notice hereof, a soft copy in compact disc, USB or e-mail containing the PDF file of the signed manifestation and motion pursuant to 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
4216

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
262 & 429
FEB 17 2023

The Solicitor General
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Court of Appeals (x)
Manila
(CA-G.R. CR-HC No. 13552)

The Hon. Presiding Judge
Regional Trial Court, Branch 13
Iba, 2201 Zambales
(Crim. Case Nos. RTC-12179-2018-I to
RTC-12181-2018-I & RTC-12099-2018-I)

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