



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 15, 2023** which reads as follows:*

“G.R. No. 258958 (*People of the Philippines v. XXX*)¹.—This is an appeal² under Rule 124³ of the Rules of Court challenging the January 29, 2021 Decision⁴ of the Court of Appeals (CA) in CA-G.R. CR HC No. 02815, which affirmed the November 17, 2015 Judgment⁵ of the Regional Trial Court (RTC), Branch 7, ██████████,⁶ in Criminal Case No. 2013-04-312 finding accused-appellant XXX guilty of Rape.

Version of the Prosecution

Private complainant AAA,⁷ then 15 years old at the time of the incident, alleged that in July 2012, accused-appellant employed her as a member of the sales staff in his vegetable store at the ██████ Public Market in ██████. In the evenings, private complainant and the other employees would sleep in accused-appellant’s house which is located two kilometers away from the vegetable store. At around 11:00 p.m. on September 14, 2012, while private complainant was sleeping in the living room and while accused-appellant’s

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. 5-6, 8.

³ As amended by A.M. No. 00-5-03-SC. Dated: October 12, 2004.

⁴ *Rollo*, pp. 12-25. Penned by Associate Justice Marilyn B. Lagura-Yap and concurred in by Associate Justices Pamela Ann Abella Maxino and Lorenza R. Bordios.

⁵ *Id.* at 27-35. Penned by Acting Presiding Judge Yolanda U. Dagandan.

⁶ Geographical location is blotted out pursuant to Supreme Court Amended Administrative Circular No. 83-2015.

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]).

wife and children were attending church services, accused-appellant suddenly woke her up. Accused-appellant threatened private complainant that something will happen to her parents. Subsequently, accused-appellant instructed her to go to the bedroom upstairs with him. He removed his short pants and then private complainant's clothes. He pinned her towards the bed, held her hands, and inserted his penis inside her vagina. Private complainant felt pain. She was unable to shout for help because accused-appellant again threatened her that something will happen to her parents if she dares to report the incident. After sexually attacking her, accused-appellant told private complainant to head downstairs and sleep. She could not sleep because she kept on crying.⁸

Private complainant eventually left the employ of accused-appellant on October 6, 2012. She returned to her parents' house and after a while, informed her mother of her ordeal. She, along with her mother, reported the incident to the authorities. After around two days, private complainant underwent medical examination.⁹

Private complainant maintained that she and BBB slept in the house of accused-appellant while the males under accused-appellant's employ slept in the store at the [REDACTED] Public Market. Yet, BBB could not have witnessed the rape since she was asleep at the time.¹⁰ However, on cross-examination, private complainant admitted that she was alone with accused-appellant that night, and that she just said that BBB was sleeping in the house on the same night because she was already confused.¹¹

Private complainant's mother, CCC, affirmed that private complainant was only 15 years old on the day of the incident. She averred that before private complainant started working as a member of the sales staff in the vegetable store, accused-appellant and his wife requested from her CCC to allow private complainant to work for them.¹² Yet, on October 6, 2012, when private complainant returned home, CCC noticed that her daughter remained quiet and seemed to have a problem. At 7:00 p.m., CCC read a text message from accused-appellant on private complainant's cellphone ordering her to take medication in order to prevent a pregnancy. Reading such shocked CCC so she questioned private complainant. It took around four days before private complainant revealed the torment. Afterwards, they went to the police station to have the incident recorded in the blotter,¹³ then had private complainant examined at a medical center in [REDACTED].¹⁴

⁸ Rollo, p. 15; records, pp. 16-17; TSN, July 22, 2014, pp. 4-8.

⁹ Rollo, p. 13; TSN, July 22, 2014, pp. 9-10.

¹⁰ Rollo, p. 14; TSN, September 8, 2015, p. 3.

¹¹ TSN, September 8, 2015, pp. 5-6.

¹² Rollo, p. 13.

¹³ Contained in the Documentary Exhibits folder, Exhibit "C."

¹⁴ Rollo, pp. 13-14; TSN, September 30, 2014, pp. 5-10.

According to the Medico-Legal Report¹⁵ dated October 17, 2012, there are complete healed lacerations at the 3, 6, and 9 o'clock positions of the victim's private part, which could have been caused by any object that is inserted into the vagina like an erect penis.

Relevantly, the birth certificate¹⁶ of private complainant confirmed that she was born on October 28, 1996 and that she was merely 15 years old when the incident allegedly occurred.

Version of the Defense

Accused-appellant argued that in the evening of September 14, 2012, he and his family were in their house caring for his daughter, YYY, who experienced difficulty in breathing. Moreover, private complainant was no longer under his employ on that day as her services had been terminated on September 7, 2012 since she habitually left the store where she and the other employees slept in the evenings. He denied that he allowed private complainant to sleep in his house at night when she was still working in the vegetable store.¹⁷

ZZZ, the wife of accused-appellant, corroborated the latter's statement that they were taking care of their daughter who was having convulsions. She confirmed that private complainant was their former employee who started working on June 4, 2012. However, they dismissed her from employment in the first week of September 2012 because the other employees complained that private complainant usually leaves the store at night.¹⁸

BBB executed an Affidavit of Witness¹⁹ supporting the assertions of accused-appellant. However, she did not testify in open court to affirm her statement.

The Proceedings

In an Information²⁰ dated February 25, 2013, accused-appellant was charged with Rape under Article 266-A of the Revised Penal Code (RPC), as amended, the accusatory portion of which reads:

That on or about the 14th day of September 2012, in [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused [XXX], by means of force, did then and there willfully, unlawfully and feloniously have carnal knowledge of

¹⁵ Contained in the Documentary Exhibits folder, Exhibit "B"; signed by Anna L. Abadine, M.D. and Janice B. Capoquian, M.D.

¹⁶ Contained in the Documentary Exhibits folder, Exhibit "A."

¹⁷ *Rollo*, p. 14; records, pp. 7-9; TSN, March 24, 2015, pp. 3-7.

¹⁸ *Rollo*, pp. 14-15; records, pp. 12-13; TSN, December 2, 2014, pp. 3-6.

¹⁹ Records, pp. 10-11.

²⁰ *Id.* at 1-2.

one AAA, a 15-year-old minor, against her will and without her consent, with the aggravating circumstance of nighttime and grave abuse of confidence.

ACTS CONTRARY TO LAW.²¹

During the arraignment, accused-appellant entered a plea of “not guilty.”²²

At the pre-trial, the parties stipulated on the following: (1) that the court has jurisdiction to try the case; (2) that accused-appellant who was arraigned and was present in court is the one named in the Information; (3) that the private complainant and accused-appellant know each other; (4) that the private complainant was a minor on September 14, 2012; and, (5) that the certification containing police blotter entry no. 451 dated October 12, 2012 issued by the [REDACTED], Police Station is an authentic document.²³

Ruling of the Regional Trial Court

In a Judgment²⁴ dated November 17, 2015, the RTC ruled that the prosecution proved accused-appellant’s guilt beyond reasonable doubt through the testimonies of the victim and her mother, which were corroborated by the medical results.²⁵ However, the aggravating circumstances of nighttime and abuse of confidence cannot be appreciated.²⁶ Further, it held that accused-appellant’s denial is a weak defense, and noted that his supposed impartial witness and former employee, BBB, refused to testify.²⁷

The dispositive portion of the RTC’s Judgment reads:

WHEREFORE, premises considered, the Court finds the accused [XXX] **GUILTY BEYOND REASONABLE DOUBT** of the crime of Rape defined and penalized in paragraph 1 of Article 266-A of the Revised Penal Code as amended and without the presence of a mitigating as well as an aggravating circumstance, hereby sentences him to suffer imprisonment of **RECLUSION PERPETUA**; to indemnify [AAA] the amount of Php50,000.00 as civil liability and another Php50,000.00 as moral damages.

The accused who underwent preventive imprisonment since February 1, 2014 shall be credited with the full time during which he was deprived of his liberty if he agreed voluntarily and in writing to abide by the same disciplinary rules imposed upon convicted prisoners otherwise he will be entitled to only four-fifths (4/5) thereof.

²¹ Id. at 1.

²² Id. at 30-31.

²³ Id. at 33.

²⁴ *Rollo*, pp. 27-35.

²⁵ Id. at 31-33.

²⁶ Id. at 33.

²⁷ Id. at 34.

[SO ORDERED.]²⁸

Aggrieved, accused-appellant appealed²⁹ to the CA.

Accused-appellant contended that the testimonies of the prosecution witnesses were riddled with discrepancies which adversely affected their credibility. In particular, private complainant's testimony was inconsistent with her previously accomplished complaint-affidavit. She was not certain with her answer that BBB was in the same house on the night of the alleged incident and that accused-appellant threatened or invited her to go upstairs with him.³⁰ Similarly, the testimonies of private complainant and her mother do not complement each other on material points.³¹ He added that the delay in reporting the rape militates against the victim's claim.³²

Moreover, accused-appellant asserted that there were no signs of physical struggle found on the victim's body and that she failed to cry for help. Her bare claims are not enough to establish with moral certainty and proof beyond reasonable doubt that the accused-appellant committed the felony.³³

On the other hand, the People of the Philippines, through the Office of the Solicitor General, maintained that the trial court correctly convicted accused-appellant, as the prosecution proved beyond reasonable doubt that he is guilty of committing rape.³⁴ Accused-appellant employed force in raping the 15-year-old victim as he pinned her on the bed by holding her hands above her head.³⁵ The inconsistencies in the prosecution witnesses' testimonies and affidavits are not material, and the victim's age should be considered when evaluating her credibility.³⁶ Likewise, the victim positively identified accused-appellant as the offender during trial, and such prevails over the accused-appellant's mere denial.³⁷

Ruling of the Court of Appeals

The CA, in its assailed January 29, 2021 Decision,³⁸ ruled that accused-appellant successfully raped the 15-year-old victim as he continually threatened her before, during, and after the crime. Accused-appellant intimidated her since he exercised not only physical superiority but also moral ascendancy because he was her employer. Additionally, he threatened to hurt

²⁸ Id. at 34-35.

²⁹ Records, pp. 99, 104-105.

³⁰ CA *rollo*, pp. 37-41.

³¹ Id. at 41-42.

³² Id. at 42.

³³ Id. at 43-45.

³⁴ Id. at 67-68.

³⁵ Id. at 68.

³⁶ Id. at 69-70.

³⁷ Id. at 70-71.

³⁸ *Rollo*, pp. 12-25.

her family if she would not yield to his sexual desires.³⁹ The appellate court noted that based on the Information, carnal knowledge was committed through force, and not threats. Notwithstanding the variance between the charge and the proof presented, the said variance in the mode of commission of the offense is binding upon the accused if he fails to object to evidence showing that the felony was committed in a different manner than what was alleged.⁴⁰

In addition, the CA held that minor inconsistencies in the victim's testimony do not destroy her credibility especially when corroborated by the medical report, and that the trial court's findings should be accorded great respect.⁴¹ The appellate court affirmed the penalty imposed by the RTC but modified the amounts for the award of damages and imposed legal interest.⁴²

The dispositive portion of the assailed CA Decision reads:

WHEREFORE, the appeal is **DENIED**. The Judgment dated November 17, 2015 of the Regional Trial Court (RTC), Branch 7, [REDACTED], in Criminal Case No. 2013-04-312 convicting accused-appellant XXX for Rape under paragraph 1 of Article 266-A of the Revised Penal Code as amended is **AFFIRMED** with **MODIFICATION** as to the amount of civil liability. Accused-appellant is **ORDERED** [to] pay the victim [P]75,000.00 as civil indemnity, [P]75,000.00 as moral damages, and [P]75,000.00 as exemplary damages, subject to 6% interest from the finality of the Decision until fully paid.

SO ORDERED.⁴³

Discontented, accused-appellant appealed⁴⁴ his case before Us.

Issue

The main issue is whether accused-appellant is guilty beyond reasonable doubt of committing Rape.

Our Ruling

There is no merit in the appeal.

Art. 266-A, paragraph (1) (a) of the RPC defines the felony of Rape as follows:

³⁹ Id. at 16-21.

⁴⁰ Id. at 22.

⁴¹ Id. at 22-24.

⁴² Id. at 24.

⁴³ Id.

⁴⁴ Id. at 5-6 and 8.

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;⁴⁵

Under the aforementioned provision, the elements of Rape are: “(1) that the offender had carnal knowledge of a woman; and (2) that such act was accomplished through force, threat, or intimidation.⁴⁶ From these requisites, it can thus be deduced, that rape is committed the moment the offender has sexual intercourse with a woman by using force or intimidation.⁴⁷ The gravamen of the crime of Rape is sexual congress with a woman by force and without consent.”⁴⁸

As pointed out by the People, the felony was committed by force when accused-appellant pinned the victim to the bed and held her hands up to prevent resistance. Although threats were initially made (that he would inflict harm upon her family) to coerce her into going to the bedroom, physical force was still employed by the offender to consummate the act, coupled with continuing threats to compel the victim into submission.

Apart from this, accused-appellant exercised physical superiority as well as moral ascendancy over private complainant because he was her employer. Thence, he successfully pressured her into yielding to his reprehensible desires. It should be noted that “even absent actual force or intimidation, rape can still be committed if the [offender] has moral ascendancy over the victim.”⁴⁹ Moral ascendancy substitutes for force and intimidation.⁵⁰ Nevertheless, the attendant circumstances support the allegation that the use of force and threats ensured accused-appellant’s success in having carnal knowledge of the victim.

In like manner, it should be emphasized that:

Rape is a crime that is almost always committed in isolation or in secret, usually leaving only the victim to testify about the commission of the crime. As such, the accused may be convicted of rape on the basis of the victim’s sole testimony provided such testimony is logical, credible, consistent, and convincing. Moreover, the testimony of a young rape victim is given full weight and credence considering that her denunciation against him for rape would necessarily expose herself and her family to shame and perhaps ridicule. Indeed, it is more consistent with human experience to hold that a rape victim

⁴⁵ REVISED PENAL CODE, Art. 266-A, as amended by Republic Act No. 8353 (1997).

⁴⁶ *People v. XYZ*, G.R. No. 246975, March 23, 2022, citing *People v. CCC*, 843 Phil. 473, 479 (2018).

⁴⁷ *Id.*, citing *People v. Aca-ac*, 409 Phil. 425, 436 (2001).

⁴⁸ *Id.*, citing *People v. Dimaano*, 506 Phil. 630, 648 (2005).

⁴⁹ *People v. Amoc*, 810 Phil. 253, 260 (2017).

⁵⁰ See *Dela Cruz v. People*, G.R. No. 245516, June 14, 2021.

of tender age will truthfully testify as to all matters necessary to show that she was raped.⁵¹

In this case, private complainant testified that accused-appellant imposed his carnal desires upon her through force, threats, and basically without her consent. The defense presented no compelling reason to discredit her assertions, apart from the contention that they terminated her employment. Even then, they did not present proof showing that private complainant implicated accused-appellant out of spite or revenge due to the said dismissal. Instead, she risked exposing her nightmare and her personal life to the public by reporting the felony in order to seek justice. Also, “[j]urisprudence⁵² holds that when a victim’s testimony is corroborated by the medical findings of the examining physician, the same is sufficient to sustain a verdict of conviction.”⁵³ This is in addition to the victim’s positive identification of the accused-appellant as the offender in open court.

In any case, “[i]t is deeply entrenched in our jurisprudence that the matter of assigning values to declarations on the witness stand is best and most competently performed by the trial court judge, who has the unmatched opportunity to observe the witnesses and to assess their credibility by the various indicia available but not reflected on the record.⁵⁴ Owing to this unique vantage point, ‘this Court gives great weight and respect to the judge’s assessment of the witnesses’ credibility.’”⁵⁵ Here, there is no showing that the RTC erred in its assessment of the testimonies of the witnesses. Simply put, the defense failed to show evidence to convince this Court that the RTC’s factual findings should be disregarded.

The accused-appellant attempted to belittle the charge by stating that the victim should have reported the incident with haste. Yet, while there was a delay in reporting the felony, “[s]ettled is the rule that delay or hesitation in reporting a case of rape due to threats of the assailant is justified and must not be taken against the victim.”⁵⁶ Private complainant revealed her ordeal to her family on October 6, 2012. Prior to that, however, she was scared and confused,⁵⁷ one of the many understandable yet expected reactions from a rape victim. Besides, private complainant insisted that accused-appellant threatened to harm her family if she attempted to report the crime, which further explained the delay in reporting.

⁵¹ *People v. Olpindo*, G.R. No. 252861, February 15, 2022, citing *People v. Gallano*, 755 Phil. 120, 129-130 (2015).

⁵² *Brozoto v. People*, G.R. No. 233420, April 28, 2021, citing *XXX v. People*, G.R. No. 248348, January 15, 2020.

⁵³ *Id.*

⁵⁴ *People v. Boringot*, G.R. No. 245544, March 21, 2022, citing *People v. Palema*, G.R. No. 228000, July 10, 2019, which cited *People v. Dejillo*, 700 Phil. 643, 660-661 (2012).

⁵⁵ *Id.*

⁵⁶ *People v. XYZ*, G.R. No. 246975, March 23, 2022, citing *People v. XXX*, G.R. No. 235662, July 24, 2019, which cited *People v. Lantano*, 566 Phil. 628, 638 (2008).

⁵⁷ TSN, July 22, 2014, p. 12.

Accused-appellant also argued that the victim did not shout for help during the rape. Regardless, “[t]he law does not impose upon a rape victim the burden of proving resistance. The Court has explained that resistance is not an element of rape and lack thereof does not lead to an acquittal of the accused.”⁵⁸ To repeat, the victim did not protest out of fear for her and her family’s safety. Her failure to plead for help does not suggest that her experience was fictitious or that she consented to the criminal acts of the accused-appellant.⁵⁹

Finally, accused-appellant denied the charge against him. “Thus, accused-appellant’s defense of denial cannot overcome the categorical testimony of the victim. Denial is an intrinsically weak defense which must be buttressed with strong evidence of non-culpability to merit credibility. A denial, which necessarily constitutes self-serving negative evidence, cannot prevail over the declaration of credible witnesses who testify on affirmative matters.”⁶⁰ In fine, the accused-appellant’s simple denial will not automatically absolve him from liability, and it would most definitely not amount to his innocence.

Regarding the penalty, Art. 266-B of the RPC provides that Rape under paragraph 1 of Art. 266-A shall be punished by *reclusion perpetua*, unless there are other circumstances alleged and proven in court which would modify the imposable penalty. In relation to this, although alleged in the Information, as found by the RTC, the aggravating circumstances of nighttime and abuse of authority were not proven during trial.⁶¹

Since accused-appellant is guilty beyond reasonable doubt⁶² of committing Rape, he should suffer the penalty of *reclusion perpetua*.⁶³ Furthermore, as correctly held by the appellate court, he is liable to indemnify the victim the monetary awards of civil indemnity, moral damages, and exemplary damages at PHP 75,000.00 each. Moreover, the CA’s imposition of interest at the rate of 6% per *annum* on the said monetary awards from the finality of the judgment until fully paid is proper.⁶⁴

WHEREFORE, the appeal is **DISMISSED**. The assailed January 29, 2021 Decision of the Court of Appeals in CA-G.R. CR HC No. 02815 is **AFFIRMED**.

The Office of the Solicitor General’s Manifestation in lieu of supplemental brief, pursuant to the Resolution dated July 11, 2022; the

⁵⁸ *People v. Dechoso*, G.R. No. 248530, March 3, 2021, citing *People v. Josen*, 751 Phil. 450, 460 (2015).

⁵⁹ *People v. Ramos*, 838 Phil. 797, 811 (2018).

⁶⁰ *People v. XXX*, G.R. No. 257276, February 28, 2022, citing *People v. XXX*, G.R. No. 239906, August 26, 2020.

⁶¹ See: *People v. XYZ*, G.R. No. 244255, August 26, 2020.

⁶² RULES OF COURT, Rule 133, Sec. 2.


⁶³ *People v. Tulagan*, 849 Phil. 197, 315 (2019).

⁶⁴ *People v. Jugueta*, 783 Phil. 806, 848 (2016).

accused-appellant’s Supplemental Brief, also pursuant to the Resolution dated July 11, 2022; and the Letter dated November 30, 2022 of C/Supt. Alfredo A. Devaras, Jr., Superintendent, Leyte Regional Prison, Abuyog, Leyte, in compliance with the Resolution dated July 11, 2022, informing the Court that the accused-appellant is confined in their Institution by virtue of a Commitment Order, attached therein, issued and signed on February 14, 2017, are all **NOTED**.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *m 3/22*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
192 & 281
MAR 27 2023

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