



Republic of the Philippines
Supreme Court
Baguio City

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated April 12, 2023, which reads as follows:

“G.R. No. 247911 (People of the Philippines, Plaintiff-Appellee vs. ZZZ,¹ Accused-Appellant). — Before the Court is an ordinary appeal² assailing the Decision³ dated January 28, 2019, of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09897 which affirmed the Judgment⁴ dated September 4, 2017, of Branch ■, Regional Trial Court (RTC), ■, Camarines Sur, in Criminal Case No. L-5447. The RTC found ZZZ (accused-appellant) guilty beyond reasonable doubt of Rape under paragraph 1(a), Article 266-A of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 8353,⁵ in relation to Article 266-B of the RPC.

The Antecedents

The case stemmed from an Information⁶ charging accused-appellant with Rape defined under paragraph 1, Article 266-A of the RPC, as amended by RA 8353, in relation to Article 266-B of the RPC:

“That sometime in August, 2012 at about 8:00 o’clock in the evening at Bgy. ■, Camarines Sur and within the jurisdiction of this Honorable Court, the above-named accused, did

¹ The identity of the victim or any information to establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. (RA) 7610, “An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, and for Other Purposes”; RA 9262, “An Act Defining Violence against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes;” Section 40 of Administrative Matter No. 04-10-11-SC, known as the “Rule on Violence against Women and Their Children,” effective November 15, 2004; *People v. Cabalquinto*, 533 Phil. 703 (2006); and Amended Administrative Circular No. 83-2015 dated September 5, 2017, Subject: 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 See Notice of Appeal dated February 27, 2019, *rollo*, pp. 18–19.

³ *Id.* at 3–17. Penned by Associate Justice Marie Christine Azcarraga-Jacob and concurred in by Associate Justices Remedios A. Salazar-Fernando and Amy C. Lazaro-Javier (now a Member of the Court).

⁴ *CA rollo*, pp. 47–53. Penned by Judge Irma Isidora M. Boncodin-Zamudio.

⁵ The Anti-Rape Law of 1997, approved on September 30, 1997.

⁶ As culled from the CA Decision, *rollo* pp. 4–5.

then and there willfully, unlawfully, and feloniously, by means of force, threat and intimidation have carnal knowledge of Private Complainant AAA, a fourteen (14) year-old [*sic*] minor (born on April 29, 1999), against her will and consent, to the damage and prejudice of the said private complainant-victim.

The crime was committed with the special aggravating/qualifying circumstance[s] of age and relationship; that the victim is under eighteen (18) years of age and the accused is the common-law spouse of the mother/parent of the herein victim.

ACTS CONTRARY TO LAW.”⁷

Upon arraignment, accused-appellant pleaded “not guilty” to the crime charged.⁸

Trial on the merits ensued.

The prosecution established that sometime in 2011, AAA, who was merely 12 years old, was sleeping beside her younger sister in the house of accused-appellant, who was her mother’s live-in partner. Accused-appellant lay down beside AAA and told her to place her legs over his legs; however, AAA stood up and lay down beside her sister. Thereafter, AAA told her mother, DDD, about the incident, but the latter told her to just avoid him.⁹

In August 2012, accused-appellant again lay down beside AAA and told her to face him and remove her dress. When AAA refused, accused-appellant began kissing her neck. He likewise sucked her breast and removed her shorts and panties. Despite AAA’s resistance, accused-appellant succeeded in inserting his penis into her vagina. After satisfying his lust, accused-appellant left her crying in the room.¹⁰ AAA did not tell DDD about the incident because the latter did nothing to protect her when she previously told her about the first incident.¹¹

In August 2013, one of AAA’s friends narrated to AAA her experience of sexual abuse. This led AAA to reveal to her friends the same ordeal she had with accused-appellant. Eventually, AAA disclosed the sexual abuse incident to her biological father, CCC, who was working in Saudi Arabia at the time.¹²

In no time, CCC asked his brother and the latter’s wife to fetch AAA and take her into their custody. CCC’s brother, together with his wife, BBB, accompanied AAA to the police station to file a complaint

⁷ As culled from the RTC Decision, *CA rollo*, p. 47.

⁸ *Rollo*, p. 5.

⁹ *Id.*

¹⁰ *Id.* at 5–6.

¹¹ *Id.* at 6.

¹² *Id.*

against accused-appellant.¹³ Dr. Marilyn R. Folloso examined AAA and found healed hymenal lacerations in her vagina.¹⁴

In his defense, accused-appellant denied the charge against him. He insisted that AAA filed the case against him because her mother became his common-law wife.¹⁵

Ruling of the RTC

The RTC rendered the Judgment¹⁶ dated September 4, 2017, finding accused-appellant guilty beyond reasonable doubt of Rape. The dispositive portion of the Judgment states:

WHEREFORE, the prosecution having proved the guilt of the accused [ZZZ] with proof beyond reasonable doubt he is hereby found GUILTY of the crime of RAPE defined and penalized under Article 266-A and 266-B of the Revised Penal Code as amended by R.A. 8353 and hereby imposes upon him the penalty of RECLUSION PERPETUA without eligibility for parole in accordance with Republic Act No. 9346. In line with recent jurisprudence accused is ordered to pay AAA One Hundred Thousand Pesos (P100,000.00) as moral damages, which are awarded without need of proof of mental suffering or anguish other than the fact of statutory rape as in this case, One Hundred Thousand Pesos (P100,000.00) as civil damages, and One Hundred Thousand Pesos (P100,000.00) as exemplary damages.

SO ORDERED.¹⁷ (Emphasis and italics omitted)

Ruling of the CA

In the assailed Decision¹⁸ dated January 28, 2019, the CA denied the appeal and affirmed the RTC Judgment *in toto*, viz.:

WHEREFORE, premises considered, the instant appeal is hereby DENIED.

Accordingly, the Judgment dated 04 September 2017 of the Regional Trial Court, Branch [REDACTED], [REDACTED], Camarines Sur, in Criminal Case No. L-5447, is AFFIRMED *in toto*.

Pursuant to the pronouncement in *Nacar v. Gallery Frames and Felipe Bordey, Jr.*, accused-appellant [ZZZ] is further ORDERED to pay legal interest on all awarded damages at 6% per annum from the filing of the Information on 14 November 2013 until the finality of the appealed Decision, and another 6% *per annum* from such finality until full payment.

¹³ CA rollo, p. 49.

¹⁴ Id. at 50.

¹⁵ Id.

¹⁶ Id. at 47-53.

¹⁷ Id. at 53.

¹⁸ Rollo, pp. 3-17.

x x x x

SO ORDERED.¹⁹

The CA affirmed the findings of the RTC as to the credibility of AAA.²⁰ It ruled as follows: that the delay of one year in reporting the incident to the authorities cannot be taken against AAA; that the delay was due to AAA's fear of accused-appellant and to avoid ruining the relationship between accused-appellant and her mother;²¹ that AAA's silence after the incident was due to the fact that she was terrified and shocked into insensitivity by the bestiality to which she had been subjected;²² and that the alleged ill feelings of her biological father towards accused-appellant cannot be a plausible reason for discrediting AAA's testimony.²³

Hence, the instant appeal.²⁴

Accused-appellant manifested that he is not anymore filing his supplemental brief before the Court because he had already discussed all the relevant issues in the Brief for the Accused-Appellant.²⁵ The Office of the Solicitor General (OSG), representing plaintiff-appellee, similarly manifested that it will no longer file a supplemental brief.²⁶

In the Brief for the Accused-Appellant,²⁷ herein accused-appellant argued that AAA's testimony is doubtful. He asserted that AAA's one-year delay in reporting the incident to the authorities tainted her credibility as a witness.²⁸ Moreover, he stressed that AAA's father had an ill motive to compel AAA to file the instant criminal case against him considering that her mother became his common-law wife.²⁹

On the other hand, the OSG, in its Brief for the Plaintiff-Appellee,³⁰ countered that accused-appellant's guilt has been proven beyond reasonable doubt. It pointed out that the unwavering and straightforward testimony of AAA directly implicating accused-appellant as her rapist was credible and certain.³¹ Also, it emphasized that AAA's failure to immediately report the incident to the authorities is not an indication that the charge was fabricated.³² Lastly, the OSG argued that accused-

¹⁹ Id. at 16–17.

²⁰ Id. at 10.

²¹ Id. at 13.

²² Id. at 13–14.

²³ Id. at 14.

²⁴ Id. at 18–19.

²⁵ See Manifestation (In Lieu of a Supplemental Brief with Profuse Apology) dated December 6, 2019, id. at 31–33.

²⁶ See Manifestation (In Lieu of Supplemental Brief) dated August 25, 2021, id. at 40–43.

²⁷ CA *rollo*, pp. 36–45

²⁸ Id. at 41–42.

²⁹ Id. at 42.

³⁰ Id. at 78–91.

³¹ Id. at 85.

³² Id. at 86.

appellant's allegation that AAA's father had an ill-motive to compel AAA to file a case against accused-appellant is unsubstantiated.³³

Issue

Whether the CA correctly affirmed accused-appellant's conviction.

The Court's Ruling

The appeal is without merit.

Factual findings of the trial court are entitled to great weight and respect, especially when they are affirmed by the appellate court.³⁴ Such findings that are factual in nature and that involve the credibility of witnesses are accorded "respect, if not finality by the appellate court, when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gathered from such findings."³⁵

After a judicious perusal of the records of the instant appeal, the Court finds no compelling reason to depart from the uniform factual findings of the RTC and the CA. However, the Court finds a need to modify the nomenclature of the crime from Rape to Qualified Rape.

Accused-appellant was indicted for Qualified Rape under paragraph 1, Article 266-A, in relation to Article 266-B of the RPC, as amended, which provides as follows:

Art. 266-A. *Rape: When And How Committed.* — Rape is committed —

1. By a man who shall have carnal knowledge of a woman under any of the following circumstances:
 - 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;

x x x x

Art. 266-B. *Penalties.* — Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

³³ Id. at 88.

³⁴ *Villarba v. Court of Appeals*, G.R. No. 227777, June 15, 2020.

³⁵ *Estrella v. People*, G.R. No. 212942, June 17, 2020, citing *People v. Aspa*, 838 Phil. 302, 311–312 (2018).

x x x x

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

1. When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim.

x x x x

The elements of Qualified Rape under these provisions are: “(a) the victim is a female over twelve (12) years but under eighteen (18) years of age; (b) the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim; and (c) the offender has carnal knowledge of the victim either through force, threat, or intimidation.”³⁶

The Court finds that all the elements of Qualified Rape are present in the instant case. Records reveal: that AAA was 13 years old when she was raped by accused-appellant;³⁷ that accused-appellant admitted that he is the common-law spouse of AAA’s mother,³⁸ and that accused-appellant inserted his penis into AAA’s vagina.³⁹

AAA painstakingly recalled how accused-appellant succeeded in having sexual intercourse with her, thus:

Q: Now, in 2012, sometime in August, can you inform this court what happened to you in your residence involving the accused [ZZZ]?

A: In August 2012, he went inside our room, I was sleeping then, my back was facing him when he told me to face him and remove my dress, but I did not follow him, and then he kissed my neck and then sucked my breast.

x x x x

Q: Did [*sic*] your stepfather able to insert his penis into your vagina?

A: Yes, sir, it[']s painful and I tried to push him but I was not able to push him. And then he asked me “was it good?” and then he left.

Q: You mean to say when your stepfather was able to insert his penis to your vagina, he made this push and pull movement?

³⁶ *People v. Monroyo*, 811 Phil. 802, 816 (2017).

³⁷ *CA rollo*, p. 48.

³⁸ *Id.* at 50.

³⁹ *Id.* at 49.

A: Yes, sir.⁴⁰

Based on the above-mentioned statements, it is clear that accused-appellant succeeded in having carnal knowledge of AAA. Thus, there is no doubt that the crime of Qualified Rape was consummated.

In the case, the element of force and intimidation can be substituted by accused-appellant's moral ascendancy over AAA.⁴¹ It must be stressed that even without the use of force or intimidation or failure to prove the presence thereof, the moral ascendancy that exists with accused-appellant being the common-law husband of AAA's mother is sufficient.⁴²

Accused-appellant insists that AAA's statements were incredible considering the delay of one year in reporting the incident to the authorities.⁴³

Accused-appellant is grasping at straws.

It must be emphasized that "testimonies of child victims are given full weight and credit, for when a woman or a girl-child says that she has been raped, she says in effect all that is necessary to show that [r]ape was indeed committed."⁴⁴ Jurisprudence has considered youth and immaturity to be "generally badges of truth and sincerity,"⁴⁵ and has recognized that no woman "would concoct a story of defloration, allow examination of her private parts and subject herself to public trial or ridicule if she has not, in truth, been a victim of rape and impelled to seek justice for the wrong done to her being."⁴⁶

It is also well-settled that "[r]ape victims react differently"⁴⁷ and that "[t]here is no standard form of reaction for a woman when facing a shocking and horrifying experience such as a sexual assault."⁴⁸ In *People v. Villamor*,⁴⁹ the Court discussed:

Neither does AAA's silence on the incident nor failure to shout or wake up her siblings affect her credibility. The Court had consistently found that there is no uniform behavior that can be expected from those who had the misfortune of being sexually molested. While there are some who may have found the courage early on to reveal the abuse they experienced, there are those who have opted to initially keep the harrowing ordeal to themselves and attempted to

⁴⁰ As culled from the RTC Decision, id. at 51-52.

⁴¹ See *People v. XXX*, G.R. No. 220716 (Notice), June 23, 2021.

⁴² See *People v. XXX*, G.R. No. 244288, March 4, 2020.

⁴³ CA rollo, pp. 41-42.

⁴⁴ See *People v. ABC*, G.R. No. 244835, December 11, 2019, citing *People v. Alberca*, 810 Phil. 896, 906 (2017).

⁴⁵ *People v. Deliola*, 794 Phil 194, 208 (2016), citing *People v. Suarez*, 750 Phil 858, 869 (2015).

⁴⁶ See *People v. Ragasa*, 826 Phil. 468, 482 (2018).

⁴⁷ See *People v. Palanay*, 805 Phil. 116, 126 (2017).

⁴⁸ Id. at 127.

⁴⁹ 780 Phil. 817 (2016).

move on with their lives. This is because a rape victim's actions are oftentimes overwhelmed by fear rather than by reason. The perpetrator of the rape hopes to build a climate of extreme psychological terror, which would numb his victim into silence and submissiveness. In fact, incestuous rape further magnifies this terror for the perpetrator in these cases, such as the victim's father, is a person normally expected to give solace and protection to the victim. Moreover, in incest, access to the victim is guaranteed by the blood relationship, magnifying the sense of helplessness and the degree of fear.⁵⁰ (Citations omitted)

Beyond doubt, AAA's failure to shout during the rape incident and her silence thereafter does not impair her credibility and should not be taken against her.

Likewise, the fact that it took one year for AAA to disclose the rape incident to her father and to the authorities does not mean that she is not telling the truth. The Court has held: "[d]elay in revealing the commission of a crime such as rape does not necessarily render such charge unworthy of belief. This is because the victim may choose to keep quiet rather than expose her defilement to the harsh glare of public scrutiny."⁵¹

Here, AAA was clearly overwhelmed by fear rather than by reason considering her young age and the fact that accused-appellant is the common-law husband of her mother. She was afraid of accused-appellant and did not want to ruin the relationship between accused-appellant and her mother.⁵²

The Court finds that it is illogical to expect AAA to act within reason or behave as expected by persons who did not experience trauma in their lives. Simply stated, AAA was cowed into silence out of fear after the traumatic incident. She opted to keep the harrowing ordeal to herself and attempted to move on with her life for one year. The traumatic experience committed by accused-appellant clearly created a climate of extreme psychological terror on the part of AAA, which numbed her into silence, not to mention that the rapist is the common-law husband of AAA's mother.

Accused-appellant pointed out that AAA's father had an ill motive to compel AAA to file the instant criminal case against him considering that AAA's mother became accused-appellant's common-law wife.⁵³

It is worthy to stress that accused-appellant's claim is unsubstantiated.⁵⁴ AAA and her family were impelled to prosecute the instant case against the accused-appellant with the view of seeking justice to the dishonor caused by the latter to AAA's person. In the face of

⁵⁰ Id. at 830–831.

⁵¹ *People v. YYY*, 839 Phil. 1147, 1165 (2018).

⁵² See *rollo* p. 13.

⁵³ *CA rollo*, p. 42.

⁵⁴ See *id.* at 52.

accused-appellant's unsubstantiated claim of AAA's biological father alleged ill motive, what is clear to this Court is that the testimony of AAA positively and categorically pointed to accused-appellant as the person who raped her.

The Court reiterates that accused-appellant's denial cannot prevail over the positive and categorical testimony of AAA. Bare "denial cannot prevail over the categorical testimony of a victim,"⁵⁵ and, when unsubstantiated by clear and convincing evidence, is "a self-serving assertion that deserves no weight in law."⁵⁶ In the case, accused-appellant merely offered a plain self-serving denial unsupported by any independent, clear, and convincing evidence.

Finally, the Court finds that there is a need to specify the nomenclature of the crime. It must be modified from Rape to Qualified Rape because AAA's minority and her relationship to the accused-appellant were clearly alleged in the Information⁵⁷ and proven during trial. AAA was merely 13 years old when the crime was committed against her person. Also, accused-appellant admitted that he is the common-law spouse of AAA's mother.⁵⁸

The penalty imposed for Qualified Rape in the case is death. However, by virtue of RA 9346,⁵⁹ the courts *a quo* correctly imposed the penalty of *reclusion perpetua* without eligibility for parole against accused-appellant.⁶⁰ Therefore, the trial court, as affirmed by the CA, correctly held that the accused-appellant is not "eligible for parole" because the penalty to be imposed "should have been death were it not for the enactment of [RA] 9346."⁶¹

In A.M. No. 15-08-02-SC,⁶² the Court had provided the guidelines for the use of the phrase "without eligibility for parole" to remove any confusion, to wit:

x x x x

⁵⁵ See *People v. XXX*, G.R. No. 235662, July 24, 2019.

⁵⁶ *Id.*

⁵⁷ *CA rollo*, p. 47.

⁵⁸ *Id.* at 50.

⁵⁹ An Act Prohibiting the Imposition of Death Penalty in the Philippines, approved on June 24, 2006.

⁶⁰ Sections 2 and 3 of RA 9346 provide:

SECTION 2. In lieu of the death penalty, the following shall be imposed:

(a) the penalty of *reclusion perpetua*, when the law violated makes use of the nomenclature of the penalties of the Revised Penal Code; or

(b) the penalty of life imprisonment, when the law violated does not make use of the nomenclature of the penalties of the Revised Penal Code.

SECTION 3. Persons convicted of offenses punished with *reclusion perpetua*, or whose sentences will be reduced to *reclusion perpetua*, by reason of this Act, shall not be eligible for parole under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended.

⁶¹ See *People v. XXX*, G.R. No. 243988, August 27, 2020.

⁶² Guidelines for the Proper Use of the Phrase "Without Eligibility for Parole" in Indivisible Penalties, approved on August 4, 2015.

- (2) When circumstances are present warranting the imposition of the death penalty, but this penalty is not imposed because of Republic Act (R.A.) No. 9346, the qualification of “*without eligibility of parole*” shall be used to qualify *reclusion perpetua* in order to emphasize that the accused should have been sentenced to suffer the death penalty had it not been for R.A. No. 9346.⁶³

Likewise, the awards of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages are pursuant to *People v. Jugueta*.⁶⁴ The imposition of six percent (6%) interest *per annum* on all monetary awards from the finality of this Resolution until full payment is likewise proper.⁶⁵

WHEREFORE, the appeal is **DISMISSED**. The Decision dated January 28, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 09897 is **AFFIRMED** with **MODIFICATION** in that accused-appellant ZZZ is hereby found **GUILTY** beyond reasonable doubt of Qualified Rape defined and penalized under paragraph 1, Article 266-A, in relation to Article 266-B of the Revised Penal Code, as amended.

Accused-appellant ZZZ is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole and is hereby **ORDERED** to pay AAA the following amounts: ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages. All the damages awarded shall earn interest at the legal rate of six percent (6%) *per annum* from the finality of this Resolution until fully paid.

SO ORDERED.” (Lopez, J. and Kho, JJ., designated additional Members *vice* Gaerlan and Dimaampao, JJ. in Raffle dated July 6, 2022 due to their prior actions in the Court of Appeals.)

By authority of the Court:

Misael Domingo C. Battung III
MISAEL DOMINGO C. BATTUNG III
Division Clerk of Court
4/12/23

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⁶³ See also *People v. Gozo*, 836 Phil. 932, 945 (2018).

⁶⁴ 783 Phil. 806, 839-840 (2016).

⁶⁵ *People v. Briones*, G.R. No. 240217, June 23, 2020.

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The Superintendent
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