



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION
NOTICE

Sirs/Mesdames

Please take notice that the Court, Third Division, issued a Resolution dated February 13, 2023, which reads as follows:

“**G.R. No. 262881 (XXX,¹ Petitioner vs. People of the Philippines, Respondent).** — Before the Court is a Petition² for Review on *Certiorari* under Rule 45 of the Rules of Court filed by XXX (petitioner) assailing the Decision³ dated February 21, 2022 and Resolution⁴ dated July 29, 2022 of the Court of Appeals (CA) in CA-G.R. CR HC No. 13733.

The CA affirmed with modification the Consolidated Judgment⁵ dated August 19, 2019 of Branch ■, Regional Trial Court (RTC), ■ in Criminal Case Nos. 41304-R and 41305-R that found petitioner guilty of two (2) counts of Statutory Rape under Article 266-A paragraph 1(d),⁶ in relation to Article 266-B⁷ of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 8353.⁸

¹ 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 RA 7610, entitled “An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, And For Other Purposes,” approved on June 17, 1992; RA 9262, entitled “An Act Defining Violence Against Women and their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, And For Other Purposes,” approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the “Rule on Violence Against Women and their Children” (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 (2014), citing *People v. Lomaque*, 710 Phil. 338, 342 (2013). See also Amended Administrative Circular No. 83-2015, 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,” dated September 5, 2017.).

² *Rollo*, pp. 8–40.

³ *Id.* at 173–188. Penned by Associate Justice Marlene B. Gonzales-Sison and concurred in by Associate Justices Geraldine C. Fiel-Macaraig and Bonifacio S. Pascua.

⁴ *Id.* at 210–211.

⁵ *Id.* at 89–119. Penned by Presiding Judge Mia Joy C. Oallares-Cawed.

⁶ Article 266-A of the Revised Penal Code provides:

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:

x x x x

d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

x x x x

⁷ Article 266-B of the Revised Penal Code provides:

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

x x x x

⁸ The Anti-Rape Law of 1997, approved on September 30, 1997.

Petitioner argues before the Court that the CA erred when it affirmed his conviction despite the prosecution not having proven his guilt beyond reasonable doubt. He alleges that: (1) the rape incidents did not happen as he was not with AAA when they occurred; and (2) AAA's behavior after the incidents and the inconsistencies in her testimony negate the commission of rape.⁹

The Court denies the petition for lack of merit.

Most of the time in rape cases, there are usually only two witnesses—the victim and the accused. Considering this, it is really imperative for trial courts to meticulously look into the testimonies of the victims and compare them with the testimonies of the accused. This is why trial courts after hearing many rape cases have acquired the necessary expertise in carefully evaluating witnesses' testimonies and making them as basis for their finding of guilt or innocence.¹⁰

The Court realizes this and affords great weight to the factual findings of the lower courts especially when their findings are in unison in declaring that indeed rape was committed and the petitioner committed the same.¹¹

In the case, the RTC and the CA concluded that based on the testimonies given, petitioner raped AAA. The Court concurs with the lower courts that all the elements of Statutory Rape have been sufficiently established in the case. As found by the CA, the testimony of AAA proved that petitioner inserted his penis into her vagina on two separate incidents, sometime in 2014 and 2015. At that time, AAA was 9 and 10 years old when the crime was committed.¹²

Petitioner prays for the Court to reverse the rulings of the lower courts and declare his guilt not proven beyond reasonable doubt. He insists that the alleged incidents did not happen. *On the first incident*, he said that he was in Dagupan City or if he was in Baguio City, AAA was not living with him and her sister. *As to the second incident*, he stated that while they were both in Baguio City, again AAA was not living with them. He also questions the credibility of AAA by remarking that her testimony is replete of inconsistencies. *First*, he points out that AAA flip-flopped in recalling the dates of the commission of the rape incidents. *Second*, he points out that AAA was inconsistent in detailing what exactly the three of them were doing during the incidents, what she was wearing, and how she was penetrated. Finally, he asks the Court to look into the motives of AAA in filing the complaint and that he was essentially accused of the crimes because he sent

⁹ Id. at 18–35.

¹⁰ The RTC that tried this case was a Family Court. See the Family Courts Act of 1997 (RA 8369) detailing the qualification and training required to be a Family Court Judge (Sec. 4).

¹¹ *CICL XXX v. People*, G.R. No. 246146, March 18, 2021, citing *People v. Tulagan*, G.R. No. 227363, March 12, 2019.

¹² *Rollo*, p. 184. See also the Certificate of Live Birth of AAA stating that she was born on March 10, 2005 (id. at 54).

Finally, he asks the Court to look into the motives of AAA in filing the complaint and that he was essentially accused of the crimes because he sent AAA back to her hometown, against her wishes, and that he discontinued his financial support to her family.¹³

Petitioner's allegations are substantially factual in nature and the Court, not being a trier of facts, will not reexamine them as they were already discussed by the lower courts. Nonetheless, even if discussed by the Court, his allegations are essentially flawed and thus his petition must be dismissed.

The Court has held that the precise time of the commission of rape has no substantial bearing on its occurrence. What is material in a prosecution for rape is its occurrence, not the time of its commission.¹⁴ The Court also understands the alleged inconsistencies in AAA's testimony considering the rape incidents happened when she was just 9 and 10 years old. Conflicting statements will not undermine her credibility or the veracity of her testimony.¹⁵ The Court has previously held that testimonies of child-victims are given full weight since youth and immaturity are badges of truth and sincerity.¹⁶ Besides, when the credibility of a witness is questioned, the Court will not disturb the lower courts' factual findings since it is in a better position to decide on the issue as it has the unique opportunity observe the witnesses when they were testifying.¹⁷

Furthermore, as to petitioner's allegation that the behavior of AAA after her ordeal does not show that she was raped, the CA, citing jurisprudence, held that AAA cannot be faulted for her behavior since rape victims react differently when confronted with sexual abuse.¹⁸

The Court notes that the penalty imposed and the award of damages by the RTC, as affirmed by the CA, are in accordance with prevailing jurisprudence.¹⁹

Moreover, the Court notes that the petition is fatally defective as it suffers from technical infirmities which would warrant its dismissal. *First*, it lacks a soft copy of the petition as required under the Rules on E-Filing (A.M. No. 10-3-7-SC) and the Efficient Use of Paper Rule (A.M. No. 11-9-4-SC); and *second*, the verification of the petition with certification of non-forum shopping was signed by petitioner's mother without proof of authority to sign for and on behalf of petitioner.

WHEREFORE, the petition is **DENIED**. The Decision dated February 21, 2022 and Resolution dated July 29, 2022 of the Court of Appeals

¹³ Id. at 18–33.

¹⁴ *People v. ZZZ*, G.R. No. 232329, April 28, 2021.

¹⁵ Id., citing *People v. Lagbo*, 780 Phil. 834, 844 (2016).

¹⁶ *Mendoza v. People*, G.R. No. 239756, September 14, 2020, citing *People v. Lagbo*, supra at 846.

¹⁷ *Mendoza v. People*, supra, citing *People v. Menaling*, 784 Phil. 592, 599 (2016).

¹⁸ *Rollo*, p. 185, citing *People v. Suwalat*, G.R. No. 227749, September 22, 2020.

¹⁹ *People v. Jugueta*, 783 Phil. 806 (2016).

(CA) in CA-G.R. CR HC No. 13733 are **AFFIRMED**. Petitioner XXX is found guilty beyond reasonable doubt of two (2) counts of Statutory Rape under Article 266-A paragraph 1(d) in relation to Article 266-B of the Revised Penal Code, as amended by Republic Act No. 8353. Petitioner is sentenced to suffer the penalty of *reclusion perpetua* for each count. Further, petitioner is **ORDERED** to pay AAA the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages for each count. The amounts shall earn interest at the rate of six percent (6%) *per annum* from finality of this Resolution until fully paid.

SO ORDERED.”

By authority of the Court:

Misael C. Battung III
MISAEL DOMINGO C. BATTUNG III
Division Clerk of Court *JB 5/15/23*

Atty. Bernardo O. Bagang
Counsel for Petitioner
Rm. 403 La Azotea Building, Session Road
2600 Baguio City

COURT OF APPEALS
CA-G.R. CR HC No. 13733
1000 Manila

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo Street
1229 Legaspi Village, Makati City

The Presiding Judge
REGIONAL TRIAL COURT
Branch 4, Baguio City
(Crim. Case Nos. 41304-R and 41305-R)

PHILIPPINE JUDICIAL ACADEMY
Research Publications and Linkages Office
Supreme Court, Manila
[research_philja@yahoo.com]

PUBLIC INFORMATION OFFICE
Supreme Court, Manila
[For uploading pursuant to A.M. 12-7-1-SC]

LIBRARY SERVICES
Supreme Court, Manila

Judgment Division
JUDICIAL RECORDS OFFICE
Supreme Court, Manila

G.R. No. 262881

(238)
URES