



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 24, 2023, which reads as follows:*

“**G.R. No. 257104 (*People of the Philippines v. XXX*<sup>1</sup>)**. – This treats of the Notice of Appeal<sup>2</sup> filed by XXX (accused-appellant), seeking the reversal of the Decision<sup>3</sup> dated September 4, 2020 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 13092, finding accused-appellant guilty beyond reasonable doubt of the crime of Statutory Rape.

**The Case**

Accused-appellant stands charged with the crime of Rape as defined under Article 266-A of the Revised Penal Code (RPC) in an Information, the accusatory portion of which reads:

That on or about 12:30 mid-noon of May 20, 2010 at [REDACTED], Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously, have sexual intercourse with [AAA], a minor, 11 years old, against her will and without her consent, to her damage and prejudice.

CONTRARY to Article 266-A paragraph 1, subparagraph (a) in relation to Article 266-B, paragraph 2 of the Revised Penal Code as amended by R.A. 8353 (The Anti-Rape Law of 1997) in relation to R.A. 7610.<sup>4</sup>

<sup>1</sup> 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 R.A. No. 7610, “An Act providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes;” R.A. No. 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 A.M. No. 04-10-11 SC known as the “Rule on Violence Against Women and their Children,” effective November 5, 2004; *People v. Cabalquinto*, 533 Phil. 703, 709 (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.

<sup>2</sup> *Rollo*, pp. 3-4.

<sup>3</sup> *Id.* at 8-28. Penned by Associate Justice Rafael Antonio M. Santos, with Associate Justices Elihu A. Ybañez and Carlito B. Calpatura, concurring.

<sup>4</sup> *CA rollo*, p. 49.

Upon arraignment on September 30, 2010, accused-appellant pleaded “not guilty” to the charge.<sup>5</sup> During pre-trial, the defense admitted the identity of accused-appellant and AAA, the private complainant. The defense, likewise, admitted that AAA was 11 years old at the time of the alleged incident; and that she submitted herself to a Medico-Legal Examination.<sup>6</sup> Thereupon, trial on the merits ensued.

The prosecution presented two witnesses, AAA, and BBB (AAA’s aunt and guardian).<sup>7</sup> Meanwhile, the defense presented accused-appellant who posed the defense of alibi, and CCC, the brother of accused-appellant.<sup>8</sup>

### The Antecedents

#### *Prosecution’s Version of Facts*

On May 20, 2010, AAA, who at the time was 11 years old and diagnosed with moderate mental retardation with equivalent mental age of two years and eight months, was having lunch with her aunt, BBB. While the two were having lunch, accused-appellant, who is BBB’s grandson and who lives near the house of AAA and BBB, was lying down under a mango tree.<sup>9</sup>

After they had their lunch or at around 12:30 p.m., while AAA was washing the dishes inside the kitchen of their house, accused-appellant inserted his penis into AAA’s vagina. Accused-appellant also touched AAA’s vagina and inserted his finger therein. Thereafter, accused-appellant asked AAA to take a bath.<sup>10</sup>

Meanwhile, BBB was urinating at the back of the house when she saw accused-appellant, who was two meters away from him, fixing his pants. Accused-appellant then proceeded to the faucet where he wiped his pants and washed his face before passing through the back portion of the house.<sup>11</sup>

After AAA took a bath, BBB called AAA’s sister to ask what happened, but before she could do so, AAA came crying and confessed that accused-appellant had sexual intercourse with her. AAA then demonstrated to BBB what happened. Thereafter, AAA and BBB went to the police station and reported the incident.<sup>12</sup>

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<sup>5</sup> Id.

<sup>6</sup> Id.

<sup>7</sup> Id. at 51.

<sup>8</sup> Id. at 53.

<sup>9</sup> *Rollo*, p. 10.

<sup>10</sup> Id.

<sup>11</sup> Id.

<sup>12</sup> Id. at 10-11.

On the same day, BBB brought AAA to ██████ City Medical Center to undergo a medical examination. After examination, it was found that AAA sustained healed and fresh hymenal lacerations inside her vagina.<sup>13</sup>

#### *Defense's Version of Facts*

On May 20, 2010, at around 12:30 p.m., accused-appellant was with his two children eating mangoes at the back of their house in ██████, Pangasinan. He then met AAA at the door of BBB's house when he returned the saucer they used.<sup>14</sup>

To corroborate accused-appellant's defense, CCC testified that accused-appellant was with them eating mangoes under the mango tree near BBB's house; accused-appellant, together with his two minor children, thereafter, entered the house of BBB purposely to get salt. They stayed inside the house for five minutes and then left.<sup>15</sup>

Simply, accused-appellant denied the accusation against him and insisted that he did not commit any crime against AAA.

#### **The RTC Ruling**

On April 12, 2019, the RTC rendered a Judgment<sup>16</sup> finding accused-appellant guilty beyond reasonable doubt of the crime of Statutory Rape. The RTC gave credence to AAA's testimony who narrated what occurred during that fateful incident when she was abused and raped. The trial court also concluded that all the elements of the crime of Statutory Rape were established by the prosecution.<sup>17</sup> Finally, the RTC looked with disfavor on accused-appellant's defense of denial and alibi.<sup>18</sup> Accordingly, the trial court disposed of the case in this wise:

**WHEREFORE**, in the light of the foregoing, the Court hereby renders judgment declaring [XXX] *GUILTY beyond reasonable doubt* of the crime of **Statutory Rape** and sentences him to suffer the penalty of imprisonment of *reclusion perpetua*.

Pursuant to the guidelines laid down by the Supreme Court in *People v. Jugueta* in awarding damages, the accused is hereby ordered to pay [AAA] the amounts of: PhP75,000.00 as civil indemnity; PhP75,000.00 as moral damages; and PhP75,000.00 as exemplary damages. All monetary awards for damages shall earn interest at the legal interest rate of 6% per annum from the date of finality of this judgment until full paid.

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<sup>13</sup> Id. at 11.

<sup>14</sup> Id.

<sup>15</sup> CA rollo, p. 53.

<sup>16</sup> Id. at 49-57.

<sup>17</sup> Id. at 53-56.

<sup>18</sup> Id. at 56.

**SO ORDERED.**<sup>19</sup> (Emphases and italics in the original)

Aggrieved, accused-appellant appealed the RTC Judgment to the CA.

### The CA Ruling

In a Decision<sup>20</sup> promulgated on September 4, 2020, the CA affirmed the Judgment of the RTC. The CA ratiocinated that AAA's testimony was straightforward and done in an unequivocal manner proving that accused-appellant raped her. The CA, thus, concluded that all the elements of Statutory Rape were established by the prosecution.<sup>21</sup>

The CA, likewise, found that, while the RTC judge who issued the Judgment was not the same judge who heard the testimonies of the witnesses, both from the prosecution and the defense, such was immaterial for the judge who penned the decision can rely on the transcribed stenographic notes taken during trial.<sup>22</sup> Finally, the CA concluded that the result of the medical examination on AAA done on the exact same day of the incident was consistent with AAA's assertion that she was raped by accused-appellant.<sup>23</sup> The *fallo* of the assailed Decision reads:

**WHEREFORE**, the appeal is **DENIED** for lack of merit. The *Judgment* dated 12 April 2019 of the Regional Trial Court of [REDACTED], Pangasinan, Branch 49, in Criminal Case No. U-16828 is hereby **AFFIRMED**.

**SO ORDERED.**<sup>24</sup> (Emphases in the original)

Undaunted, accused-appellant filed a Notice of Appeal<sup>25</sup> to this Court.

### Issue

The sole issue in this case is whether the CA erred in affirming the RTC's Judgment convicting accused-appellant of the crime of Statutory Rape.

### The Court's Ruling

The instant appeal is bereft of merit.

The statutory provisions relevant to the present review is Article 266-A (1)(d) of the RPC, which states:

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<sup>19</sup> Id. at 57.  
<sup>20</sup> *Rollo*, pp. 8-28.  
<sup>21</sup> Id. at 13-17.  
<sup>22</sup> Id. at 21.  
<sup>23</sup> Id. at 26.  
<sup>24</sup> Id. at 27.  
<sup>25</sup> Id. at 3-4.

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; x x x

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 (Emphases supplied)

Thus, to sustain a conviction for Statutory Rape under paragraph 1(d) of Article 266-A of the Revised Penal Code, the following elements must concur: (a) the victim is a female below twelve (12) years of age; and (b) the offender has carnal knowledge of the victim, regardless of whether there was force, threat, or intimidation; whether the victim was deprived of reason or consciousness; or whether it was done through fraud or grave abuse of authority. It is enough that the age of the victim is proven and that there was sexual intercourse.<sup>26</sup>

In *People v. Gutierrez*,<sup>27</sup> the Court explained that it is termed Statutory Rape as it departs from the usual modes of committing rape, and what the law punishes in Statutory Rape is carnal knowledge of a woman below twelve (12) years old. The Court explained further that the law presumes that the victim does not and cannot have a will of her own on account of her tender years; the child's consent is immaterial because of her presumed incapacity to discern good from evil.<sup>28</sup>

In this case, the prosecution has established that AAA was born on April 4, 1999.<sup>29</sup> Hence, at the time of the incident or on May 20, 2010, AAA was just 11 years old. The defense, during pre-trial conference, even admitted that AAA was indeed 11 years old at the time of the incident.<sup>30</sup> What is critical in this case, therefore, is whether there is proof beyond reasonable doubt that accused-appellant had carnal knowledge of the minor victim.

AAA, during direct examination, narrated in detail how accused-appellant raped her, thus:

x x x x

Pros. Lopez:

<sup>26</sup> *People v. Castillo*, G.R. No. 242276, February 18, 2020.

<sup>27</sup> 731 Phil. 352 (2014).

<sup>28</sup> Id. at 357, citing *People v. Teodoro*, 704 Phil. 335 (2013)

<sup>29</sup> CA rollo, p. 55.

<sup>30</sup> Id. at 49.

Q: Will you please tell us what did [accused-appellant] do to you on May 20, 2010?

A: I was washing dishes in our house that time, sir.

Q: While washing dishes at that time, what did [accused-appellant] do to you?

A: He raped me, sir.

Q: When you said he raped you, what did the accused actually do to you?

A: He touched my vagina, sir.

Q: What did he use in touching your vagina?

A: His hand sir.

Q: Did he insert his hand or fingers?

A: He inserted it, sir.

Q: What did you feel when the accused inserted his finger into your vagina?

A: I felt his hand, sir.

Q: How long did he insert his finger into you vagina?

A: Quite long, sir.

Q: Aside from the finger, did [accused-appellant] insert any part of his body?

A: Yes, sir.

x x x x

Q: Did the accused insert his penis to your vagina?

A: Yes, sir.

x x x x<sup>31</sup>

AAA's testimony during trial is consistent with her Judicial Affidavit, wherein she narrated that accused-appellant inserted his finger, as well as his penis, in her vagina; accused-appellant then asked AAA to take a bath.<sup>32</sup>

Clearly, AAA rendered a detailed narration of her ordeal. As quoted above, she recounted, in a steadfast and unequivocal manner, the circumstances clearly showing that accused-appellant had carnal knowledge of her: (1) while she was washing dishes, accused-appellant suddenly inserted his finger in her vagina; (2) accused-appellant, thereafter, inserted his penis in her vagina; and (3) afterwards, she took a bath per instruction of accused-appellant.

Without a doubt, AAA's testimony is straightforward, convincing, and consistent with human nature and the normal course of things. Thus, it passes the test of credibility.

<sup>31</sup> Id. at 50-51.

<sup>32</sup> *Rollo*, p. 16.

It bears stressing that AAA's ordeal was supported by the testimony of BBB, the other prosecution witness. While BBB may have not actually witnessed the rape, she was able to lay down several circumstances that corroborate AAA's testimony.

On cross-examination, BBB testified that when she was urinating at the back of the house, she saw accused-appellant fixing his pants. With a distance of two meters, she saw accused-appellant washed his hands and face. BBB then went inside the house and there, AAA narrated what accused-appellant did to her.<sup>33</sup>

It bears stressing at this point that due to its intimate nature, rape is usually a crime bereft of witnesses, and, more often than not, the victim is left to testify for herself. Thus, in the resolution of rape cases, the victim's credibility becomes the primordial consideration.<sup>34</sup> Further, in the case of *People v. Bay-od*,<sup>35</sup> the Court gave full weight and credence to the testimony of a child rape victim and explained:

Testimonies of child-victims are normally given full weight and credit, since when a girl, particularly if she is a minor, says that she has been raped, she says in effect all that is necessary to show that rape has in fact been committed. **When the offended party is of tender age and immature, courts are inclined to give credit to her account of what transpired, considering not only her relative vulnerability but also the shame to which she would be exposed if the matter to which she testified is not true. Youth and immaturity are generally badges of truth and sincerity.**<sup>36</sup> (Emphasis supplied)

In this case, We find no reason not to give credence to the testimony of AAA, an 11-year old lass at the time of the incident and who narrated in a straightforward manner his experience with accused-appellant.

Moreover, the medico-legal report issued after a physical examination of AAA on the same day the alleged incident happened revealed that she had fresh hymenal lacerations at the time of examination.<sup>37</sup> This corroborates AAA's testimony of forcible defloration.

It is settled that laceration, whether healed or fresh, is the best physical evidence of forcible defloration,<sup>38</sup> and when the consistent and forthright testimony of a rape victim is consistent with medical findings, there is sufficient basis to warrant a conclusion that the essential requisites of carnal knowledge have been established.<sup>39</sup>

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<sup>33</sup> CA rollo, p. 52.

<sup>34</sup> *People v. Dion*, 668 Phil. 333 (2011).

<sup>35</sup> G.R. No. 238176, January 14, 2019, 890 SCRA 377.

<sup>36</sup> Id. at 390, citing *People v. Piosang*, 710 Phil. 519 (2013).

<sup>37</sup> Rollo, p. 26.

<sup>38</sup> *People v. Bachiller*, G.R. No. 240700 (Notice), November 4, 2020.

<sup>39</sup> *People v. Sabal*, 734 Phil. 742, 746 (2014), citing *People v. Perez*, 595 Phil. 1232, 1258 (2008).

Since the prosecution, in this case, has overcome the presumption of innocence by proving the elements of the crime of Statutory Rape and the identity of accused-appellant as the perpetrator, the burden of evidence to show reasonable doubt shifts to accused-appellant. He shall then test the strength of the prosecution's case either by showing that no crime was, in fact, committed or that accused-appellant could not have committed or did not commit the imputed crime or, at the very least, by casting doubt on the guilt of accused-appellant.<sup>40</sup>

Unfortunately for accused-appellant, he miserably failed to cast reasonable doubt on his guilt for the crime charged.

*First*, accused-appellant avers that the judge who penned the RTC decision erred in giving credence to the testimony of AAA as he was not the judge who heard AAA's testimony in open court.

We find this allegation bereft of any merit.

It is settled that the validity of a judgment is not rendered erroneous solely because the judge who heard the case was not the same judge who rendered the decision. The judge who penned the decision can merely rely on the transcribed stenographic notes taken during the trial as the basis for his decision. In other words, it is not necessary for the validity of a judgment that the judge who penned the decision should actually hear the case in its entirety.<sup>41</sup>

*Second*, accused-appellant insists that AAA's failure to react during the alleged rape was inconsistent with human nature for she could have easily shouted and asked for help.

We disagree. Rape victims react to similar situations differently. This was Our pronouncement in the case of *People v. Mendoza*,<sup>42</sup> viz.:

x x x This Court has recognized the fact that no clear-cut behavior can be expected of a person being raped or has been raped. It is a settled rule that failure of the victim to shout or seek help do not negate rape. Behavioral psychology teaches that people react to similar situations dissimilarly. The range of emotions shown by rape victims is yet to be captured even by calculus. It is, thus, unrealistic to expect uniform reactions from rape victims. Indeed, we have not laid down any rule on how a rape victim should behave immediately after she has been abused. This experience is relative and may be dealt with in any way by the victim depending on the circumstances, but her credibility should not be tainted with any modicum of doubt. Different people act differently to a given stimulus or type of situation, and there is no standard form of behavioral response when one is

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<sup>40</sup> *People v. Lumikid*, G.R. No. 242695, June 23, 2020, 940 SCRA 90, 102.

<sup>41</sup> *Kummer v. People*, 717 Phil. 670 (2013).

<sup>42</sup> G.R. No. 239892, June 10, 2020, 937 SCRA 405.



confronted with a strange or startling or frightful experience.<sup>43</sup> (Citations omitted)

Accordingly, AAA's failure to shout for help or resist during the incident does not belie the fact that she was raped.

*Third*, accused-appellant avers that the manner through which the alleged rape was committed was highly improbable as AAA was then in close proximity to BBB thereby exposing him to the risk of getting caught.

Again, accused-appellant's contention is untenable.

Lust, it has been said before, is apparently no respecter of time and place. Neither is it necessary for rape to be committed in an isolated place, for rapists bear no respect for locale and time in carrying out their evil deed.<sup>44</sup> "The evil in man has no conscience. The beast in him bears no respect for time and place, driving him to commit rape anywhere — even in places where people congregate such as in parks, along the roadside, within school premises and inside a house where there are other occupants."<sup>45</sup> Needless to state, the fact that BBB was just outside the house when AAA was raped does not make the commission of the crime highly improbable.

*Finally*, accused-appellant raises the defense of denial and alibi.

To recall, accused-appellant averred that he was eating mangoes at the back of their house, which was near BBB's house. He then met AAA at the door of BBB's house when he returned the saucer they used.<sup>46</sup> At that time AAA was alone in the house. Simply, accused-appellant tries to extricate himself from criminal liability by positing that he was accused of something which he did not do, or simply, denial.

It is elementary that denial is an intrinsically a weak defense, which must be buttressed with strong evidence of non-culpability to merit credibility.<sup>47</sup> In other words, a denial, which necessarily constitutes self-serving negative evidence, *cannot* prevail over the declaration of credible witnesses who testify on affirmative matters.<sup>48</sup>

Meanwhile, for alibi to prosper, it is imperative that the accused establish two elements: (1) he was not at the *locus delicti* at the time the offense was committed; and (2) it was physically impossible for him to be at the scene at the time of its commission.<sup>49</sup>

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<sup>43</sup> Id. at 416-417.

<sup>44</sup> *People v. Elimancil*, G.R. No. 234951, January 28, 2019, 891 SCRA 385, 395.

<sup>45</sup> *People v. XXX*, G.R. No. 232308, October 7, 2020, citing *People v. Balora*, 388 Phil. 193 (2000).

<sup>46</sup> *CA rollo*, p. 41.

<sup>47</sup> *People v. Tamolon*, 599 Phil. 542, 552 (2009).

<sup>48</sup> *People v. Licaros*, G.R. No. 238622, December 7, 2020.

<sup>49</sup> *People v. Amper*, G.R. No. 239334, June 16, 2021.

In the case at bench, accused-appellant failed to substantiate his defense of denial. He, likewise, failed to establish all the elements of alibi. He merely denied the accusations and claimed that he could not have committed the offense as he was with his two children when he returned the saucer to BBB's house. While, CCC testified for accused-appellant, in that, he stated that accused-appellant was with his two children when he went inside BBB's house to get salt. His testimony is deemed biased for he is the brother of accused-appellant. As such, it is bereft of any probative value.

Moreover, as the CA observed, accused-appellant, during trial, contended that on the day and time of the incident, he was with his cousin DDD. He, however, failed to present his cousin to testify on the truthfulness of his allegation.<sup>50</sup> Instead, accused-appellant presented his brother, CCC. As the saying goes "blood is thicker than water." Moreover, alibi becomes less plausible as a defense when it is mainly established by the accused himself and his immediate relatives.<sup>51</sup> Accused-appellant's alibi is patently self-serving even though his brother tried to corroborate it.

Furthermore, it bears stressing at this point that the *locus delicti* was just a few meters away from accused-appellant's house. It was, therefore, not impossible for him to be at the crime scene at the time of the commission of the rape. Accused-appellant even admitted that he entered BBB's house and met AAA when he returned the saucer, knowing fully well that AAA was alone at that time. Accused-appellant's defense of alibi and denial inevitably falters.

In view of the foregoing, We are satisfied with moral certainty that the prosecution has established accused-appellant's guilt beyond reasonable doubt for the crime of Statutory Rape.

All told, this Court finds no reason to deviate from the RTC's and the CA's findings. The RTC, likewise, correctly imposed upon accused-appellant the penalty of *reclusion perpetua* and awarded the correct amount of damages per this Court's ruling in *People v. Jugueta*.<sup>52</sup>

**WHEREFORE**, the instant appeal is **DENIED**. The assailed Decision of the Court of Appeals in CA-G.R. CR-HC No. 13092 dated September 4, 2020 is **AFFIRMED** *in toto*.

**SO ORDERED."**

By authority of the Court:

*Misael Domingo C. Battung III*  
**MISAEL DOMINGO C. BATTUNG III**  
 Division Clerk of Court  
Grn  
 2/1/23

<sup>50</sup> *Rollo*, p. 26.

<sup>51</sup> *People v. Cacayan*, 579 Phil. 803 (2008).

<sup>52</sup> 783 Phil. 806 (2016).

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Branch 49, Urdaneta City, Pangasinan  
(Crim. Case No. 11-16828)

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