



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila
SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **February 6, 2023** which reads as follows:*

“G.R. No. 258959 (PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee v. XXX258959,¹ Accused-Appellant). – This appeal seeks to reverse the Decision² dated March 25, 2021 of the Court of Appeals in CA-G.R. CR-HC No. 02955, affirming with modification the Decision³ dated February 7, 2018 of the Regional Trial Court, Branch 27, ██████████, Samar in Criminal Case No. 8644, which found appellant XXX258959 guilty of qualified statutory rape, sentenced him to *reclusion perpetua* without eligibility for parole, and ordered him to pay the victim AAA258959 PHP 100,000.00 as civil indemnity, PHP 100,000.00 as moral damages, and PHP 100,000.00 as exemplary damages. The Court of Appeals though added 6% interest per annum on the monetary award from finality of judgment until fully paid.

Under Information⁴ dated January 3, 2014, appellant was charged with the rape of his six-year-old daughter AAA258959, *viz.*:

That on or about the 29th day of July, 2013, at around 10:00 o'clock (*sic*) in the evening, more or less, in ██████████, ██████████, Province of Samar, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and lustful intent, by means of force, violence, and intimidation, did, then and there, willfully, unlawfully, feloniously and sexually molest his (accused) own daughter [AAA258959], who is only 6 years old, and have

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 R.A. No. 760, “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.

² Penned by Associate Justice Roberto P. Quiroz and concurred in by Associate Justices Marilyn B. Lagura-Yap and Bautista G. Corpin, Jr., *rollo*, pp. 12–26.

³ Penned by Judge Cicero T. Lampasa, *id.* at 28–45.

⁴ Records, p. 1.

carnal knowledge with the said victim by inserting his (accused) penis into the vagina of the minor victim, which act debased, degraded or demeaned the intrinsic worth and dignity of the person [AAA258959].

CONTRARY TO LAW.⁵

The case was raffled to the Regional Trial Court, Branch 27, [REDACTED], Samar.

On arraignment, appellant pleaded “not guilty.”⁶

AAA258959 testified that she was only six years old when XXX258959, her own father, raped her.⁷ She recalled that in the evening of July 29, 2013, she and her siblings BBB258959, CCC258959, and DDD258959 went to the house of their neighbor EEE258959 to watch television. They arrived home around 10:00 p.m. They heeded their father’s instruction for them to go to sleep. She positioned herself in between her father and her sister BBB258959 on the floor. While they were lying on the floor, XXX258959 suddenly undressed her, removed her shirt, shorts, and underwear. He, too, took off his shorts and placed himself on top of her. He inserted his penis into her vagina which caused her so much pain. She was crying the whole time and asked BBB258959 for help. After her ordeal, she lay beside her sister BBB258959.⁸ XXX258959 changed his shorts and dozed off as if nothing happened.

The following morning, she and BBB258959 informed FFF258959, their mother’s friend, about the incident. FFF258959 immediately reported the rape to the police station and went to the Department of Social Welfare and Development (DSWD).⁹ Consequently, a DSWD social worker brought her and BBB258959 to [REDACTED], while CCC258959 and DDD258959 were brought to their aunt, XXX258959’s sister.¹⁰

BBB258959, AAA258959’s sister, testified that she is the eldest daughter of XXX258959. Their mother already passed away.¹¹ She personally witnessed how their own father raped her sister.¹² On July 29, 2013, she and all her siblings went to their neighbor’s house to watch television. Upon arriving home, XXX258959 instructed them to go to sleep which they heeded. She recalled that he brought AAA258959 near the door and cuddled her. The surrounding was illuminated by the light in the nearby pigpen owned by their neighbor and a lighted kerosene lamp. Later, XXX258959 put off the kerosene lamp but she could still see both of them.

⁵ *Id.*

⁶ *Rollo*, p. 28

⁷ *CA rollo*, pp. 26 & 52.

⁸ *Rollo*, p. 16.

⁹ *Id.* at 14.

¹⁰ *Id.*

¹¹ *Id.* at 13.

¹² *Id.* at 35.

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She saw XXX258959 remove AAA258959's short and panty, as well as his own shorts and brief. He went on top of AAA258959 where she heard him say "it was already inserted." AAA258959 was crying the whole time and pleaded "Ate you help me, Ate." Unfortunately, she did nothing for fear that XXX258959 might hurt her too. Thereafter, XXX258959 went to sleep. She approached AAA258959 and told her to sleep next to her.¹³

Meanwhile, Alma Lucero-Llanita, the DSWD social worker, testified that she interviewed AAA258959 who told her she was only six years old at that time. AAA258959 as well as her sister BBB258959 attested that XXX258959 raped AAA258959. She asked AAA258959 if any part of her body was painful to which she replied "pepe" (vagina). Thereafter, she brought them to the Regional Center for Girls in [REDACTED].¹⁴

Dr. Janice Capoquian (Dr. Capoquian) did a physical examination on AAA258959. She asked her why she was crying, and the latter replied "guinkantok" (touched). Dr. Capoquian further inquired who touched her but AAA258959 no longer said a word. She observed that there was a "postural lesion on the *labia majora* and inflammation of the *labia minora* and fourchette," caused by sexual abuse.¹⁵

In his defense, XXX258959 interposed denial. He admitted being the father of AAA258959 and affirmed that the latter was only six years old at the time the alleged incident happened.¹⁶

On July 29, 2013, he allegedly went to the farm and spent the entire day there. He harvested some root crops and arrived home around 5:00 p.m. All his children were also home. He asked BBB258959 to peel the root crops, but she refused. BBB258959 instead proceeded to clean the dishes but she broke the plates. He got angry so he beat up his children who later went out.¹⁷

Around 6:00 p.m., the police arrived and arrested him for allegedly raping AAA258959. He later learned that FFF258959 reported the alleged rape incident to the police. Prior to the case, he and FFF258959 had bad blood because the latter failed to give him a piglet which he bought from her for PHP 1,500.00. He added that if he indeed raped AAA258959, then she should have suffered from blood loss.¹⁸

By Decision¹⁹ dated February 7, 2018, the trial court found appellant guilty of qualified statutory rape, *viz.*:

¹³ *Id.* at 14.

¹⁴ *Id.* at 14-15.

¹⁵ *Id.* at 15.

¹⁶ *Id.* at 38.

¹⁷ *Id.* at 17.

¹⁸ *Id.*

¹⁹ *Id.* at 28-45.

WHEREFORE, premises considered, the Court finds accused [REDACTED] **GUILTY BEYOND REASONABLE DOUBT of the crime of QUALIFIED STATUTORY RAPE.** He is sentenced to suffer prison term of Reclusion Perpetua, without eligibility for parole.

Accused is further ordered to pay the victim [AAA258959], moral damages, exemplary damages, and civil indemnity in the amounts of Php100,000[.00], Php100,000[.00], Php100,000[.00], respectively xxx

xxx

SO ORDERED.²⁰ (Emphasis in the original)

On appeal, the Court of Appeals affirmed with modification, imposing a 6% interest rate per annum on the monetary award from date of finality of the Decision until fully paid, thus:

WHEREFORE, the appeal is DENIED. The Decision dated February 7, 2018 of the RTC, Branch 27, [REDACTED], Samar, finding [XXX258959] guilty beyond reasonable doubt in Criminal Case No. 8644, is hereby AFFIRMED with the MODIFICATION that the moral damages, exemplary damages[,] and civil indemnity payable by appellant in the amounts of Php100,000.00, Php100,000.00, and Php100,000.00, respectively, are subject to interest at the rate of 6% per annum from the finality of this decision until fully paid.

SO ORDERED.²¹

The Present Appeal

Appellant now seeks affirmative relief and prays anew for his acquittal. In compliance with Resolution²² dated June 27, 2022, appellant and the Office of the Solicitor General both manifested²³ that in lieu of supplemental briefs, they were adopting their respective briefs before the Court of Appeals.

Our Ruling

We affirm.

Article 266-A in relation to Article 266-B(1) of the Revised Penal Code, as amended, provides, viz.:

²⁰ *Id.* at 45.

²¹ *Id.* at 25.

²² *Id.* at 48–49.

²³ *Id.* at 50–52 & 63–65.

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;
- 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.**

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

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, stepparent, 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

(Emphases supplied)

Rape is qualified when: a) the victim is under 18 years of age; and b) committed by the victim's parent, ascendant, step-parent, guardian, or relative by consanguinity or affinity within the third civil degree, or by the common-law spouse of the victim's parent.²⁴ Meanwhile, *People v. XXX*²⁵ specifically ordained that the crime committed is qualified statutory rape when there is a concurrence of the qualifying circumstances of a) minority (below 12 years of age); and b) relationship.

Here, there is no dispute that AAA258959 was only six years old when she got raped, and that XXX258959 is her biological father. Thus, AAA258959 testified that she was only six years old at the time the incident happened which was admitted by the defense. XXX258959 likewise affirmed he is AAA258959's father.

²⁴ *People v. XXX*, G.R. No. 257441 (Notice), July 27, 2022.

²⁵ G.R. No. 248199 (Notice), September 7, 2022.

As it was, AAA258959 categorically stated that his own father raped her when she was only six years old.

She recalled that in the evening of July 29, 2013, she and her siblings BBB258959, CCC258959, and DDD258959 went to the house of their neighbor EEE258959 to watch television. They arrived home around 10:00 p.m. Their father was already home and he ordered that all of them should go to sleep which they obeyed.²⁶ She was in between XXX258959 and her sister BBB258959. While lying on the floor, appellant suddenly undressed her. He removed her t-shirt, shorts, and underwear. He, too, took off his underwear and then placed himself on top of her. He inserted his penis into her vagina which caused her pain. She was crying the whole time and pleaded her sister BBB258959 for help. Unfortunately, BBB258959 cowed herself into silence because of fear that appellant would hurt her too. After his dastardly act, XXX258959 put on his clothes and dozed off as if nothing happened.

As she took the witness stand, AAA258959 swore that she was telling the truth and understood that his father would be imprisoned for life if found guilty.²⁷

It is unthinkable, if not completely preposterous, that a daughter, especially a mere six-year-old girl, would concoct a story of rape against her father.²⁸ In view of her tender age, AAA258959 would not have narrated the sordid details of the rape had she not actually experienced it.²⁹ Her positive, straightforward, and categorical testimony, therefore, deserves utmost credence and respect. In fact, even standing alone, her testimony is sufficient to support a verdict of conviction against appellant.³⁰ After all, the nature of the crime of rape entails reliance on the lone, yet clear, convincing, and consistent testimony of the victim herself.³¹

But this is not all. AAA258959's assertion that she had been sexually ravished solidly conforms with the medical findings of Dr. Capoquian who examined her. Dr. Capoquian reported that AAA258959 sustained "postural lesion on the *labia majora* and inflammation of the *labia minora* and fourchette," caused by sexual abuse. Indeed, where the victim's testimony is corroborated by physical findings of penetration, there is sufficient basis for concluding that sexual intercourse did take place.³²

²⁶ *Rollo*, p. 16.

²⁷ *Id.*

²⁸ *People v. CCC*, G.R. No. 245920 (Notice), February 14, 2022.

²⁹ See *Pielago v. People*, 706 Phil. 460, 471 (2013) [Per J. Reyes, First Division]; *Campos v. People*, 569 Phil. 658, 671 (2008) [Per J. Ynares-Santiago, Third Division], citing *People v. Capareda*, 473 Phil. 301, 330 (2004) [Per J. Callejo, Sr., Second Division]; *People v. Galigao*, 443 Phil. 246, 260 (2003) [Per J. Ynares-Santiago, En Banc].

³⁰ *People v. [REDACTED]*, G.R. No. 229836, July 17, 2019 [Per J. Lazaro-Javier, Second Division].

³¹ See *People v. Ronquillo*, 818 Phil. 641, 650 (2017) [Per J. Martires, Third Division].

³² *Supra*, note 30.

Appellant, nonetheless, points to the alleged inconsistent testimonies of AAA258959 and BBB258959. On one hand, AAA258959 testified she was lying on the floor beside appellant when he undressed her, went on top of her, and inserted his penis into her vagina. On the other hand, BBB258959 asserted that she saw him cuddle AAA258959, bring her near the door,³³ and rape her there. Such inconsistency, therefore, weakens the prosecution's case and renders doubt on his culpability.

We are not persuaded.

The alleged inconsistent statements of AAA258959 and BBB258959 pertaining to the exact place in the house where she got raped are trivial matters which do not negate the fact that appellant did rape AAA258959.³⁴

In another attempt to discredit AAA258959, appellant insists that it is not in the ordinary course of things for a victim of rape to sleep immediately after being sexually molested.

AAA258959's behavior after the rape incident does not affect her credibility.³⁵ *People v. XXX*³⁶ is in point:

The behavior and reaction of every person cannot be predicted with accuracy. **It is an accepted maxim that different people react differently to a given situation or type of situation, and there is no standard form of behavioral response when one is confronted with a strange or startling experience. Not every rape victim can be expected to act conformably to the usual expectations of everyone.** Some may shout; some may faint; and some be shocked into insensibility, while others may openly welcome the intrusion. Behavioral psychology teaches us that people react to similar situations dissimilarly. **There is no standard form of behavior when one is confronted by a shocking incident. The workings of the human mind when placed under emotional stress are unpredictable. This is true specially in this case where the victim is a child of tender age under the moral ascendancy of the perpetrator of the crime.** (Emphases supplied)

Indeed, there is no standard form of behavior for a rape victim, more so for a minor such as AAA258959 who was only six years old when the person who should be protecting her stripped her of her innocence. Appellant shamelessly discredited the aphorism "the safest place in the world for a daughter is in her father's arms"³⁷ as he did the most inhumane, gut-wrenching, monstrous deed a father could ever do to his own child.

³³ CA rollo, p. 18.

³⁴ See *People v. XXX*, G.R. No. 252351, July 7, 2021 [Per J. Lazaro-Javier, Second Division].

³⁵ *People v. Galagati*, 788 Phil. 670, 687 (2016) [Per J. Peralta, Third Division].

³⁶ G.R. No. 248365 (Notice), October 6, 2021.

³⁷ See *People v. ABC*, G.R. No. 244835, December 11, 2019 [Per J. Reyes, Second Division].

In any event, AAA258959's positive identification of her father as her rapist prevails over appellant's unsubstantiated denial. On this score, the evaluation on the credibility of witnesses is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct, and attitude under grueling examination. Hence, the Court defers and accords finality to the factual findings of the trial court especially when such findings are undisturbed by the appellate court.³⁸

Penalty

Article 266-B of the Revised Penal Code, as amended by Republic Act No. 8353,³⁹ prescribes the penalty of *reclusion perpetua* for simple rape. Where the victim is under 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, the penalty is death.⁴⁰

Here, AAA258959's minority, as well as her blood relation with appellant, were properly alleged in the Information and remain undisputed. Appellant affirmed that AAA258959 was only six years old at the time the incident happened,⁴¹ and admitted to being AAA258959's father.⁴² With the concurrence of the qualifying circumstances of a) minority, in this case AAA258959 was below 12 years of age when she was raped; and b) relationship, the Court of Appeals did not err in affirming appellant's conviction for qualified statutory rape.⁴³

Consequently, the death penalty should have been imposed here were it not for the enactment of Republic Act No. 9346.⁴⁴ Therefore, the penalty of *reclusion perpetua* without eligibility for parole is in order.⁴⁵

Consistent with prevailing jurisprudence,⁴⁶ we sustain the awards of a) PHP 100,000.00 civil indemnity; b) PHP 100,000.00 moral damages; and c) PHP 100,000.00 exemplary damages. These amounts shall earn 6% interest per annum from finality of this Resolution until fully paid.

³⁸ *People v. Mancao*, [Per Lazaro-Javier, Second Division].

³⁹ "AN ACT EXPANDING THE DEFINITION OF THE CRIME OF RAPE, RECLASSIFYING THE SAME AS A CRIME AGAINST PERSONS, AMENDING FOR THE PURPOSE ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AND FOR THE PURPOSES."

⁴⁰ Article 266-B (1).

⁴¹ *Rollo*, p. 38.

⁴² *Id.* at 37.

⁴³ *Supra*, note 25.

⁴⁴ An Act Prohibiting the Imposition of Death Penalty in the Philippines.

⁴⁵ Section 3, Republic Act No. 9346.

⁴⁶ See *People v. Jugueta*, 783 Phil. 806, 846 (2016) [Per J. Peralta, En Banc].

FOR THESE REASONS, the appeal is **DISMISSED**. The Decision dated March 25, 2021 of the Court of Appeals in CA-G.R. CR-HC No. 02955 is **AFFIRMED**. XXX258959 is **GUILTY** of **QUALIFIED STATUTORY RAPE**. He is sentenced to suffer the penalty of *reclusion perpetua* without eligibility of parole and **ORDERED** to **PAY** AAA258959 PHP 100,000.00 as civil indemnity, PHP 100,000.00 as moral damages, and PHP 100,000.00 as exemplary damages. These amounts shall earn 6% interest per annum from finality of this Resolution until fully paid.

The Court **NOTES**:

1. The Letter dated September 2, 2022 of Corrections Chief Inspector Pablito A. Jacinto, Acting Superintendent, Leyte Regional Prison, confirming the confinement thereof of appellant since March 8, 2019; and

2. The Manifestation (in lieu of supplemental brief) dated September 28, 2022 of counsel for appellant, adopting in toto the contents and substance of its brief filed before the Court of Appeals to expedite the proceedings and to avoid repetitious arguments.

SO ORDERED.”

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court ^{mm} 9/22

22 SEP 2023

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 27
██████████, Samar
(Crim. Case No. 8644)

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Supreme Court, Manila

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*with copy of Resolution dated July 3, 2023
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Please notify the Court of any change in your address.
GR258959. 02/06/2023(108)URES(m)

mtw