



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated March 1, 2023, which reads as follows:

“G.R. No. 252607 (*People of the Philippines v. XXX*¹). – This resolves the appeal from the Decision² dated November 18, 2019 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 11393, which affirmed with modification the Judgment³ dated May 4, 2018 of the Regional Trial Court (RTC) of ██████████, Bataan, Branch 3, finding XXX (accused-appellant) guilty beyond reasonable doubt of three counts of rape in Criminal Case Nos. 15247, 15924, and 15925.

Antecedents

In three separate Informations, accused-appellant was charged of committing rape against his stepdaughter, AAA, who was then 17 years old, the accusatory portion of which read:

For Criminal Case No. 15247:

That on or about October 13, 2015, in ██████████, Bataan, Philippines and within the jurisdiction of this Honorable Court, the accused, by means of force and intimidation, and with grave abuse of authority, did then and there succeed in having carnal knowledge with his stepdaughter, AAA, 17 years old, against the latter’s will and consent.

CONTRARY TO LAW.⁴

For Criminal Case No. 15924:

¹ Pursuant to Our ruling *People v. Cabalquinto*, 533 Phil. 703 (2006), the real name of the victim-survivor, as well as his/her personal circumstances or any information tending to establish or compromise his/her identity and those of his/her immediate family or household members, shall not be disclosed. *See also* Supreme Court Amended Circular No. 83-2015 or the Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances, issued on September 5, 2017.

² *Rollo*, pp. 3-13. Penned by Associate Justice Danton Q. Bueser, with Associate Justices Fernanda Lampas-Peralta and Ronaldo Roberto B. Martin, concurring.

³ *CA rollo*, pp.45-54. Penned by Presiding Judge Marion Jacqueline P. Poblete.

⁴ *Id.* at 45.

That sometime in May 2015, in the [REDACTED], Bataan, Philippines and within the jurisdiction of this Honorable Court, the accused being the common-law spouse of the mother of AAA, through force and grave abuse of authority, did then and there succeed in having sexual intercourse with said AAA, then 17 years old, against the will and consent of the latter.

CONTRARY TO LAW.⁵

For Criminal Case No. 15925:

That sometime in March 2015 in the [REDACTED], Bataan, Philippines and within the jurisdiction of this Honorable Court, the accused being the common-law spouse of the mother of AAA, through force, intimidation and grave abuse of authority, did then and there succeed in having sexual intercourse with said AAA, then 17 years old, against the will and consent of the latter.

CONTRARY TO LAW.⁶

Accused-appellant was arraigned on June 8, 2016⁷ for Criminal Case Nos. 15924 and 15925; and on December 2, 2015⁸ for Criminal Case No. 15247. Accused-appellant pleaded not guilty on all the criminal charges against him. Pre-trial and trial on the merits ensued thereafter.

The prosecution presented the victim, AAA, the victim's mother, BBB, and Dr. Sherryl B. Ramirez (Dr. Ramirez) as their witnesses. Accused-appellant was the lone witness for the defense.

AAA was 17 years old when the incidents of rape happened. She was born on January 11, 1998.⁹ AAA knew accused-appellant to be her stepfather since she was 6 years old. Sometime in March 2015, at around 11:00 p.m., AAA was already sleeping in a room in their rented house when accused-appellant entered inside. He then held her arms, covered her mouth and told her "[AAA], *huwag kang magtatangkang magsumbong sa iyong Tito o Tita kung hindi papatayin ko ang Mama mo!*" He went on top of her, pulled up her shirt, mashed her breast, and kissed her all over. When AAA was unable to free herself, accused-appellant went on to remove AAA's shorts and underwear and forcibly inserted his penis inside her vagina. After the evil deed, accused-appellant left inside the room, and all she could do was cry. Another incident happened sometime in May 2015, at around 6:00 p.m., when AAA was left alone in their house with accused-appellant. That time, accused-appellant forcibly carried AAA inside the room, removed her pajama, mashed her breast, and forcibly inserted his penis inside her vagina. When he was done, he went out of the room and acted like nothing happened, again leaving AAA crying.

⁵ Id. at 45-46.

⁶ Id. at 46.

⁷ Records (Criminal Case No. 15295), p. 18.

⁸ Records (Criminal Case No. 15247), p. 17.

⁹ Id. at 10.

Out of fear for her life, AAA suffered in silence. She never told anyone about the dastardly acts done to her by accused-appellant. However, on October 13, 2015, at around 2:00 a.m., AAA was sleeping in the living room when suddenly she felt accused-appellant poking a knife against her, then continued to remove her pajamas, and again inserted his penis in her vagina. AAA struggled to escape, but to no avail. At that moment, she was already feeling a lot of pain due to her pregnancy. In the afternoon of the same day, AAA decided to reveal to her mother the heinous experiences that she suffered in the hands of accused-appellant, as well as her pregnancy. Thereafter, they both went to the nearby police station where AAA executed her *Salaysay*,¹⁰ recalling her ordeal with accused-appellant; and criminal charges were then filed against him.

Dr. Ramirez conducted a physical examination on AAA and reported that there were signs of deep healed laceration on the six and nine o'clock positions in the hymenal area, and that her hymen was no longer intact.¹¹ Also, an ultrasound report¹² dated October 14, 2015 confirmed that AAA was 34 weeks and 3 days pregnant.

Accused-appellant admitted that AAA is the daughter of his common-law wife, BBB. For his defense, accused-appellant denied all the imputations against him and stated that it is impossible for him to commit such crime. He works at the market everyday as a delivery boy. He goes to work from 7:00 a.m. and leaves at 5:00 p.m. From work, he goes straight home to their house and have dinner with his wife and children. After dinner, he sleeps with BBB, and her son in one room, while AAA sleeps in another room with her siblings. Aside from being out of the house most of the time, AAA's mother is always home. Accused-appellant could not think of any reason why AAA was accusing him of these crimes but surmised that it could have been the reprimands he often makes when AAA comes home late in the evening.

Ruling of the Regional Trial Court

In its Judgment dated May 4, 2018, the trial court found accused-appellant guilty beyond reasonable doubt of three counts of rape, the dispositive portion reads:

WHEREFORE, in the light of all the foregoing, accused [XXX] is found **GUILTY** beyond reasonable doubt of three (3) counts of offense of Rape under Article 266-A of the Revised Penal Code in Criminal Case Nos. 15247, 15924 and 15925, and is hereby sentenced to suffer the penalty of *reclusion perpetua* for each count.

Further accused [XXX] is ordered to pay AAA the following:

1. civil indemnity in the amount ₱50,000.00 for each count;

¹⁰ Records (Criminal Case Nos. 15924 & 15925), pp. 6-8; records (Criminal Case No. 15247), pp. 4-6.

¹¹ Records (Criminal Case No. 15247), p. 8.

¹² Id. at 11.

2. moral damages in the amount of ₱50,000.00 for each count;
3. interest on all damages awarded at the legal rate of 6% per annum from the date of finality of this judgement until full payment thereof.

SO ORDERED.¹³ (Emphases and italics in the original; citation omitted)

Ruling of the Court of Appeals

Accused-appellant then appealed to the CA questioning his conviction on the ground that the trial court gravely erred in finding him guilty on the basis of the dubious and incredible testimony of AAA.

Upon review of the instant case, the CA found that the appeal had no merit. AAA's testimony sufficiently established the material facts that proved the sexual congress between her and accused appellant. She was able to narrate the incidents clearly and spontaneously. She showed coherence and straightforwardness in her narration. Thus, the principle in rape cases, that the sole testimony of the victim as long as it is credible and has sufficiently established the elements of the crime can convict an accused, was applied. The dispositive portion of the Decision reads:

FOR THESE REASONS, the appeal is **DENIED**. The Decision dated May 4, 2016 of the Regional Trial Court (RTC), Branch 3, [REDACTED] is **AFFIRMED** with **MODIFICATION** that the accused-appellant [XXX], is sentenced to suffer the penalty of *reclusion perpetua* for each count, conformably with R.A. No. 9346, and further **ORDERED** to pay the victim AAA, PhP75,000.00 as civil indemnity, PhP75,000.00 as morals damages, and PhP75,000.00 as exemplary damages, for each count, all with interest at the 6% per annum [sic] from the date of finality of this judgment until its satisfaction.

SO ORDERED.¹⁴ (Emphases and italics in the original)

Hence, the present recourse.

Both parties dispensed with the filing of their supplemental briefs, instead, manifested that their briefs submitted in the appellate court would suffice.

Issue

Accused-appellant questions his conviction based only on the dubious and incredible testimony of the victim.

¹³ CA rollo, p. 104.

¹⁴ Rollo, pp. 12-13.

Ruling of this Court

We sustain accused-appellant's conviction.

It has been long established in our jurisprudence that a lone testimony of a rape victim, if credible can convict an accused. A conviction for rape can be sustained based on the sole testimony of the victim, provided it is credible, natural, convincing, and consistent with human nature and the normal course of things.¹⁵ Further, the trial court's determination of the credibility of witness is given great weight and respect as they are in a better position to observe the witness' conduct and demeanor and determine whether she is lying or telling the truth.

In the case at bar, We find no reason to deviate from the findings of the trial court and the CA that the testimony of herein victim is credible. The victim's testimony was found to be clear, spontaneous, and consistent on the manner and circumstances of the sexual congress between her and accused-appellant. Accused-appellant questions the lack of resistance on the part of the victim and her failure to cry for help during the alleged rape. He claims that those are against the grain of human experience for a woman who has been robbed of her honor and chastity to seize an opportunity to escape from the clutches of her assailant.

We do not agree.

First, lack of resistance on the part of AAA, the victim, is understandable considering the circumstances surrounding the rapes committed. It was clear in the testimony of the victim that she was threatened by accused-appellant by telling her that if she would shout or tell anybody of the rape, he would kill her mother. Also, physical force was employed by accused-appellant against AAA in order to commit the said rapes. Accused-appellant held AAA's hands, forcibly carried her, and even poked a knife against AAA. AAA was also pregnant at the time the last incident of rape was committed, which in her condition, her effort is not sufficient to overcome accused-appellant.

Second, there is no standard form of behavior in rape victim.¹⁶ As ruled in *People v. Lolos*,¹⁷

x x x. 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

¹⁵ *People v. XXX*, G.R. No. 239637, July 6, 2021.

¹⁶ *People v. XXX*, G.R. No. 248365, October 6, 2021.

¹⁷ 641 Phil. 624 (2010).

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.¹⁸

Third, it must be noted that accused-appellant in this case is the victim's stepfather, who was with her from the time that she was merely 6 years old. It is, thus, not hard to believe for the victim to stay quiet and suffer in silence because of the relationship she has with accused-appellant. In the case of *People v. Austria*,¹⁹ it was held that:

A stepfather's moral ascendancy or influence over his stepdaughter, who grew up knowing him as the only father she has ever had, supplants the element of violence or intimidation in a charge of rape. In this case, such influence over the stepdaughter is the reason why she silently endured years of sexual abuse without fighting back or confiding in anyone.²⁰

Further, the testimonies of child victims are often given full weight and credit, since youth and immaturity are generally badges of truth and sincerity. It is recognized that "no sane woman, least of all a child, would concoct a story of defloration, allow an examination of her private parts and subject herself to public trial or ridicule if she was not, in truth, a victim of rape and impelled to seek justice for the wrong done to her."²¹

Lastly, the defense of denial posed by accused-appellant cannot be given weight. It is elementary that denial is an intrinsically weak defense which must be buttressed with strong evidence of non-culpability to merit credibility.²² It is a negative self-serving evidence which crumbles before positive declarations of truthful witnesses who testified that the culprits were at the scene of the incident and were the assailants of the victim.²³ Here, AAA positively identified accused-appellant as her assailant. In her testimony, she was sure that it was accused-appellant based on his built, face, and even his voice.²⁴ AAA even stated that it is accused-appellant, who is the father of her child.²⁵ Thus, between the denial of accused-appellant and the positive and straightforward testimony of the victim, the latter shall prevail.

Accused-appellant even raised that it is impossible for him to have committed the crimes charged against him, since his wife, the mother of the victim, is always home. It must be noted that lust is not a respecter of place and time. As held in *People v. Elimancil*,²⁶ "[r]ape can be committed in the

¹⁸ Id. at 634.

¹⁹ 820 Phil. 747 (2017).

²⁰ Id. at 749.

²¹ *People v. XXX*, supra note 15.

²² *People v. Tamolon*, 599 Phil. 542, 552 (2009).

²³ *Talay v. Court of Appeals*, 446 Phil. 256, 277 (2003).

²⁴ TSN dated November 18, 2016, p. 5.

²⁵ Id. at 10.

²⁶ G.R. No. 234951, January 28, 2019.

same room with the rapist's spouse or where other members of the family are also sleeping, in a house where there are other occupants or even in places which to many might appear unlikely and high-risk venues for its commission."²⁷

In view of the foregoing, the CA did not err in affirming accused-appellant's conviction. However, because of the attendant circumstances in the present case, this Court deems it proper to modify the nomenclature of the crime in order to reflect its proper designation and penalty. Under Article 266-B of the Revised Penal Code, the supreme penalty of death shall be imposed against the accused if the victim of rape is below 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. However, to justify the imposition of the death penalty, it is essential that the special qualifying circumstances of minority and relationship are properly alleged in the Information and duly proven during the trial.²⁸ In the case at bar, the Informations had properly alleged minority and relationship as attendant circumstances of the rape committed. AAA was a minor during the alleged rapes, proven by her Certificate of Live Birth.²⁹ Herein accused-appellant was the common-law spouse of the mother of the victim. In their testimony during trial, AAA has testified that accused-appellant was her stepfather, while accused-appellant admitted that AAA was the daughter of his common-law wife. Thus, the existence of the attendant circumstances of minority and relationship qualifies the rapes committed against AAA, which warrants the imposition of the maximum penalty of death upon the accused. Accordingly, accused-appellant must be meted the penalty of *reclusion perpetua* without eligibility for parole, in lieu of the death penalty, pursuant to Section 3 of Republic Act (R.A.) No. 9346.³⁰ We also modify the amounts awarded to AAA in view of recent jurisprudence imposing a minimum amount of ₱100,000 as civil indemnity; ₱100,000.00 as moral damages; and ₱100,000.00 as exemplary damages, in cases where the proper penalty for the crime committed by the accused is death but could not be imposed because of the enactment of R.A. No. 9346.³¹ Further, the total monetary award of damages shall earn interest at the rate of six percent (6%) *per annum* from the date of finality of this judgment until fully paid.³²

WHEREFORE, the appeal is **DISMISSED**. The Decision dated November 18, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 11393, is **AFFIRMED WITH MODIFICATION**. Accused-appellant XXX is **GUILTY** beyond reasonable doubt of three counts of qualified rape. He is sentenced to suffer the penalty of *reclusion perpetua* without eligibility of parole for each count. He is further **ORDERED** to pay the victim: (1) civil

²⁷ Id.

²⁸ *People v. XXX*, G.R. No. 257441 (Notice), July 27, 2022.

²⁹ Records (Criminal Case No. 15247), p. 48.

³⁰ An Act Prohibiting the Imposition of Death Penalty in the Philippines, June 24, 2006.

³¹ *People v. ZZZ*, G.R. No. 243933 (Notice), June 21, 2021.

³² *Nacar v. Gallery Frames*, 716 Phil. 267 (2013).

indemnity in the amount of ₱100,000.00; (2) moral damages in the amount of ₱100,000.00; and (3) exemplary damages in the amount of ₱100,000.00, for each count. All damages awarded shall earn interest at the rate of six percent (6%) *per annum* from date of finality of this Resolution until fully paid.

SO ORDERED.”

By authority of the Court:

^{Misa DC Batt}
MISAEAL DOMINGO C. BATTUNG III
Division Clerk of Court ^{idw}

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The Superintendent
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XXX
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