



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **July 10, 2023** which reads as follows:*

“**G.R. No. 252675 (PEOPLE OF THE PHILIPPINES, Plaintiff-appellee v. XXX,<sup>1</sup> Accused-appellant)** — This Court resolves the Appeal<sup>2</sup> assailing the Court of Appeals’ Decision<sup>3</sup> which affirmed the Regional Trial Court’s Joint Decision<sup>4</sup> finding accused-appellant guilty beyond reasonable doubt of one count of statutory rape under Article 266-A paragraph 1(d)<sup>5</sup> of the Revised Penal Code, as amended.

Accused-appellant, who is the common-law spouse of the victim’s mother, was charged in two separate Informations with two counts of statutory rape under Article 266-A paragraph 1(d) of the Revised Penal Code, as amended.

The Information in Criminal Case No. 157625-PSG reads:

On or about February 12, 2015, in [REDACTED], and within the jurisdiction of this Honorable Court, the accused, being the step-father of the minor complainant, by taking advantage of his moral authority, ascendancy and influence, and by means of force, threat and intimidation, and with lewd design, did then and there willfully, unlawfully and feloniously have sexual intercourse with one CCC, who is an eleven (11)

<sup>1</sup> In line with Amended Administrative Circular No. 83-2015, as mandated by Republic Act No. 9262, the names of offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity

<sup>2</sup> *Rollo*, p. 16.

<sup>3</sup> *Id.* at 3-15. The November 26, 2019 Decision in CA-G.R. CR-H.C. No. 11901 was penned by Associate Justice Ramon R. Garcia and concurred in by Associate Justices Victoria Isabel A. Paredes and Tita Marilyn B. Payoyo-Vitoron of the Eighth Division, Court of Appeals, Manila.

<sup>4</sup> *CA rollo* at pp. 48-57. The August 23, 2018 Joint Decision was penned by Judge Elma M. Rafallo-Lingan of Branch 159, Regional Trial Court, [REDACTED].

<sup>5</sup> Article 266-A of the Revised Penal Code, as amended provides: 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.* (Emphasis supplied)

year old minor, by then and there insert[ing] his penis inside her vagina, against her will and consent.

Contrary to law.<sup>6</sup>

The Information in Criminal Case No. 157626-PSG reads:

Sometime in 2011, in [REDACTED], and within the jurisdiction of this Honorable Court, the accused, being the step-father of the minor complainant, by taking advantage of his moral authority, ascendancy and influence, and by means of force, threat and intimidation, and with lewd design, did then and there willfully, unlawfully, and feloniously have sexual intercourse with one CCC, who is a seven (7) year old minor (sic), at the time of the commission of the crime, against her will and consent.

Contrary to law.<sup>7</sup>

Upon arraignment on March 29, 2016, XXX pleaded not guilty to the charges.<sup>8</sup> A pre-trial was conducted and terminated, after which, trial proceeded.<sup>9</sup>

Initially, the prosecution had three witnesses, namely: (a) CCC, the minor victim; (b) BBB, the victim's aunt; and (c) Police Chief Inspector Dr. Shane Lore Dettabali (Dr. Dettabali), Medico-Legal.<sup>10</sup> However, the testimonies of BBB and Dr. Dettabali were eventually dispensed with and were stipulated upon by the parties instead.<sup>11</sup> Among the pieces of documentary evidence that the prosecution offered were: (a) *Malaya at Kusang-loob na Salaysay* ni CCC; (b) CCC's Certificate of Live Birth; (c) Initial Medico-Legal Report Case No. R15-0126; and (d) Medico-Legal Report No. R15-0126 (the medico-legal report).<sup>12</sup>

On the other hand, the defense presented XXX as its sole witness.

Based on prosecution evidence, CCC is AAA's eldest daughter among three children. AAA met XXX at a time when their family was having financial difficulties. When their relationship progressed in 2012, AAA's entire family moved to XXX's house.<sup>13</sup> Because of AAA's romantic relationship with XXX, CCC considered XXX as her father.<sup>14</sup>

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<sup>6</sup> *CA rollo*, p. 48.

<sup>7</sup> *Id.* at 49.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 86.

<sup>10</sup> *Id.* at 86-87.

<sup>11</sup> *Id.* at 49.

<sup>12</sup> *Id.* at 51.

<sup>13</sup> *Id.* at 86.

<sup>14</sup> *Id.*

At around 10:00 a.m. on February 12, 2015, AAA left CCC under XXX's care. CCC was alone with XXX inside the house since her siblings and XXX's children were playing outside.<sup>15</sup>

CCC was watching television when XXX suddenly grabbed her hand tightly and dragged her to the bed.<sup>16</sup> XXX then removed CCC's shorts and panties.<sup>17</sup> He laid on top of CCC and inserted his penis into her vagina.<sup>18</sup> CCC felt pain, so she tried to push XXX away, but was unable to resist the intrusion because she was physically overpowered. XXX threatened CCC that he will evict her whole family from his house if she shouted or relayed the incident to her mother. AAA arrived home 30 minutes after the incident. Since CCC was scared, she did not tell AAA about what had happened.<sup>19</sup>

At around 12 p.m. on March 15, 2015, XXX suddenly entered the comfort room while CCC was taking a bath.<sup>20</sup> CCC testified that XXX approached her and licked her vagina. She was 11 years old at that time.<sup>21</sup>

A few weeks after these incidents, CCC met with her maternal aunt BBB,<sup>22</sup> whom she told about what XXX did to her.<sup>23</sup> Acting on the disclosure, BBB immediately reported the incidents to the barangay. When they arrived at the barangay, CCC executed her sworn statement. She also disclosed that "she was likewise raped by the accused sometime in 2011."<sup>24</sup>

The Women's and Children Protection Desk of ██████████ referred CCC to the Philippine National Police Crime Laboratory for general physical and anogenital examination.<sup>25</sup> On March 17, 2015, Dr. Dettabali examined CCC and concluded that there is "evidence of blunt force and penetrating trauma,"<sup>26</sup> among others.

XXX was charged with sexual assault before the Regional Trial Court, Branch 261, ██████████.<sup>27</sup> The case was docketed as Criminal Case No. 156563.<sup>28</sup> Five months after, XXX was charged with two counts of statutory rape, one of which is the subject of this Appeal.<sup>29</sup>

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<sup>15</sup> *Id.* at 49, 86.

<sup>16</sup> *Id.* at 53–54, *citing* TSN, October 4, 2016, pp. 9–12.

<sup>17</sup> *Id.* at 54.

<sup>18</sup> *Id.*

<sup>19</sup> *Rollo*, p. 6.

<sup>20</sup> *CA rollo*; p. 50.

<sup>21</sup> *Id.* at 86.

<sup>22</sup> *Id.* at 87.

<sup>23</sup> *Id.* at 50.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.* at 50–51.

<sup>28</sup> *Id.* at 51.

<sup>29</sup> *Id.*

On his part, XXX denied all the charges made against him.<sup>30</sup> According to him, the statutory rape charge in 2011 could not have happened since he only started living with AAA in August 2012.<sup>31</sup>

XXX testified that on March 15, 2015, he was sleeping when AAA woke him up because several persons came to their house shouting and accusing him of raping CCC. Even if he was surprised by the commotion, he voluntarily joined them when they proceeded to the barangay hall for CCC's report.

Moreover, he claimed that he treated CCC like his own daughter. He alleged that CCC only filed rape and sexual assault cases against him because of the disagreements between his children and AAA's other family members.<sup>32</sup>

In the Joint Decision,<sup>33</sup> the Regional Trial Court found XXX guilty beyond reasonable doubt of statutory rape under Article 266-A paragraph 1(d) in Criminal Case No. 157625-PSG. However, it acquitted XXX in Criminal Case No. 157626-PSG. The dispositive portion of the Decision reads:

**WHEREFORE**, premises considered, this Court hereby renders judgment as follows:

In Criminal Case No. 157625-PSG, judgment is hereby rendered finding accused **XXX GUILTY** beyond reasonable doubt for one (1) count of Statutory Rape under Article 266-A paragraph 1(d) in relation to Article 266-B (1) of the Revised Penal Code, as amended by R.A. No. 8353. He is hereby sentenced to suffer the penalty of **RECLUSION PERPETUA** and is ordered to pay the minor private complainant the amount of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages, with interest thereon at the rate of six percent (6%) per annum reckoned from the date of finality of this judgment until fully paid.

On the other hand, the Court hereby **ACQUITS** the accused **XXX** in Criminal Case No. 157626 for insufficiency of evidence.

The preventive imprisonment he has undergone shall be credited in the service of the sentence. Issue Mittimus Order or Commitment Order.

**SO ORDERED.**<sup>34</sup> (Emphasis in the original)

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<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 52.

<sup>33</sup> *Id.* at 48–57. The August 23, 2018 Joint Decision was penned by Presiding Judge Elma M. Rafallo-Lingan.

<sup>34</sup> *Id.* at 57.

The trial court found XXX guilty of statutory rape in Criminal Case No. 157625-PSG. It concluded that the prosecution was able to establish all the elements of statutory rape. It found CCC's testimony regarding the rape incident on February 12, 2015 "positive, categorical, and spontaneous"<sup>35</sup> and corroborated by the medico-legal report.<sup>36</sup> However, the trial court did not consider the qualifying circumstance of relationship under Article 266-B, paragraph 1 of the Revised Penal Code, as amended,<sup>37</sup> since it found that XXX is AAA's common-law spouse and not CCC's legal stepfather.<sup>38</sup>

On the other hand, in acquitting XXX in Criminal Case No. 157626-PSG, the trial court found that the prosecution failed to adduce evidence to prove the allegation of statutory rape in 2011.<sup>39</sup> It only gave credence to CCC's testimony that the first incident of rape happened on February 12, 2015 since her family only started to live with XXX in 2012.<sup>40</sup>

XXX then filed his Notice of Appeal for his conviction in Criminal Case No. 157625-PSG, which the Regional Trial Court considered.<sup>41</sup>

In his Appellant's Brief dated April 12, 2019, XXX argued that the trial court erred in convicting him based on CCC's testimony since her narration of facts is "too incredible" and inconsistent.<sup>42</sup> Moreover, he alleged that the trial court was wrong in disregarding his defense of denial especially since the prosecution's evidence is weak.<sup>43</sup>

In the assailed Decision,<sup>44</sup> the Court of Appeals dismissed XXX's Appeal and upheld the trial court's findings. The dispositive portion of the Court of Appeals' Decision reads:

<sup>35</sup> *Id.* at 53.

<sup>36</sup> *Id.* at 55.

<sup>37</sup> Article 266-B of the Revised Penal Code, as amended provides:

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

Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* to death.

When by reason or on the occasion of the rape, the victim has become insane, the penalty shall become *reclusion perpetua* to death.

When the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be *reclusion perpetua* to death.

When by reason or on the occasion of the rape, homicide is committed, the penalty shall be death.

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[.]* (Emphasis supplied)

<sup>38</sup> CA rollo, p. 56.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*, citing TSN, October 4, 2016, p. 16.

<sup>41</sup> *Id.* at 84, 90.

<sup>42</sup> *Id.* at 38.

<sup>43</sup> *Id.* at 45.

<sup>44</sup> Rollo, pp. 3-15.

**WHEREFORE**, premises considered, the instant appeal is hereby **DENIED**. The Joint Decision dated August 23, 2018 of the Regional Trial Court, Branch 159, Pasig City is **AFFIRMED**.<sup>45</sup> (Citations omitted)

Thus, XXX filed a Notice of Appeal on January 8, 2020.<sup>46</sup> In a February 18, 2020 Resolution,<sup>47</sup> the Court of Appeals gave due course to the Notice of Appeal filed by XXX. It then elevated the records of this case to this Court.

In a September 14, 2020 Resolution, this Court noted the records forwarded by the Court of Appeals and informed the parties that they may file supplemental briefs simultaneously, if they so desire, within 30 days from notice.<sup>48</sup>

On December 13, 2021, XXX, through the Public Attorney's Office, manifested that he will no longer file a supplemental brief.<sup>49</sup> A similar Manifestation was filed by the Office of the Solicitor General on behalf of XXX on January 22, 2021.<sup>50</sup>

The sole issue in this case is whether the prosecution was able to prove beyond reasonable doubt that accused-appellant XXX is guilty of statutory rape.

After an evaluation of the case records, this Court resolves to affirm the conviction of accused-appellant and dismiss the Appeal, there being no reversible error in the assailed Decision that would warrant the exercise of this Court's appellate jurisdiction.

Paragraph 1(d) of Article 266-A of the Revised Penal Code, as amended by the Anti-Rape Law of 1997, states:

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

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<sup>45</sup> *Id.* at 14.

<sup>46</sup> *CA rollo*, p. 97.

<sup>47</sup> *Id.* at 101.

<sup>48</sup> *Rollo*, p. 22.

<sup>49</sup> *Id.* at 26.

<sup>50</sup> *Id.* at 36.

*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.*

2. By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person. (Emphasis supplied).

In *People v. Gutierrez*,<sup>51</sup> this Court enumerated the elements of statutory rape:

*Statutory rape is committed when (1) the offended party is under 12 years of age and (2) the accused has carnal knowledge of her, 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. (Emphasis supplied).*<sup>52</sup>

The first element has been satisfied. CCC's Certificate of Live Birth shows that she was "born on July 31, 2003."<sup>53</sup> Since the rape incident happened on February 12, 2015, CCC was 11 years old during that time.<sup>54</sup>

As for the second element, the Court of Appeals was correct when it agreed with the trial court's declaration that CCC's narration of how the accused-appellant had carnal knowledge of her is "positive, categorical, and spontaneous."<sup>55</sup>

#### ACP SIMBAHAN

Q. *Sige na ikwento mo kay Judge kung anong nangyari sa iyo nung araw na yun?*

A. *Ganito po iyon, nung February 12, 2015 alas-diyes ng umaaga umalis po si mama at nakaupo po ako nun sa upuan, sa silya malapit sa pinto, malapit po sa pinto, nanonood po ako ng TV nun.*

Q. *Tapos anong ginawa ni XXX, sabi mo kasama mo sya nun ng araw na yun, nasaan ba sya?*

A. *Nakahiga po sya sa kama.*

Q. *Pagkatapos?*

A. *Biglaan po syang tumayo at hinila po ako sa higaan.*

Q. *Pagkatapos ka nyang hilahin sa higaan, anong sunod na nangyari*

<sup>51</sup> 731 Phil. 352 (2014) [Per J. Leonen, Third Division].

<sup>52</sup> *Id.* at 357.

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

<sup>54</sup> *Id.*

<sup>55</sup> *Id.* at 53-54, citing TSN, October 4, 2016, pp. 9-12.

- kung mayroon man?
- A. Hinila ko rin po ang kamay ko
- Q. Tapos anong sunod na nangyari?
- A. Mahigpit po ang pagkakahawak nya sa akin kaya po nadala nya po ako sa higaan.
- Q. Pagkatapos nyang dalhin ka sa higaan, anong sumunod na nangyari?
- A. Agad nya pong hinubad ang short kasama po ang panty ko, tapos po naghubad na rin po sya ng short at brief nya.
- Q. *Pagkatapos nyang hubaran ka at pagkatapos nyang maghubad din ng suot nya, ano ang sunod na nangyari?*
- A. *Pumatong po sya sa ibabaw ko.*
- Q. *Pagkatapos?*
- A. *Pinasok nya po ang ari nya sa ari ko.*
- Q. *Maari mo bang ituro kung saan nya ipinasok yung ari nya?*
- A. *Dito po. Dito sa gitna*

ACP Simbahan:

The witness, Your Honor, is pointing to her vagina.

- Q. *So ipinasok na nya. So anong ginawa mo?*
- A. *Nusaktan po ako nun.*
- ...
- Q. Sabi mo ipinasok nya yung ari nya sa ari mo, natatandaan mob a kung ilang beses nya ginawa s aiyo yun nung araw nay un?
- A. Tatlong beses po.<sup>56</sup> (Emphasis supplied)

The trial court also observed that when they probed CCC's testimony by asking additional questions to confirm the veracity of her testimony, CCC did not waver.<sup>57</sup> She narrated the circumstances consistently and sufficiently.

This Court has repeatedly held that appellate courts will generally "not disturb the trial court's factual findings unless it is shown that certain facts or circumstances that would substantially affect the result of the case have been overlooked or misinterpreted."<sup>58</sup>

In *People v. XXX*,<sup>59</sup> this Court discussed that a rape victim's lone testimony, if found to be credible, is sufficient to sustain a conviction. Qualifying this, the complainant's testimony is credible, truthful, and logical if it is not flawed with contradictions in its material points and if it remains

<sup>56</sup> *Id.*

<sup>57</sup> *Id.* at 54–55, citing TSN, October 4, 2016.

<sup>58</sup> *People v. Sumayod*, 872 Phil 499, 515 (2020) [J. Leonen, Third Division], citing *People v. Gahi*, 727 Phil. 642 (2014) [Per J. Leonardo De Castro, First Division].

<sup>59</sup> *People v. XXX*, 879 Phil 736 (2020) [Per J. Inting, Second Division].



“unshaken by the tedious and grueling cross-examination:”<sup>60</sup>

In rape cases particularly, the conviction or acquittal of the accused most often depends almost entirely on the credibility of the complainant’s testimony. By the very nature of this crime, it is generally unwitnessed and usually the victim is left to testify for herself. Her testimony is most vital and must be received with the utmost caution. Once found credible, her lone testimony is sufficient to sustain a conviction.

After a careful scrutiny of the respective testimonies of AAA and accused-appellant, the Court finds AAA’s testimony to be credible, truthful, and logical as opposed to the testimony of accused-appellant. AAA recounted the circumstances surrounding the rape incident that occurred on June 12, 2009; it is not flawed with inconsistencies or contradictions in its material points and unshaken by the tedious and grueling cross-examination. Her declaration revealed the logical circumstances and gave no impression whatsoever that her testimony was a mere fabrication.

....

The foregoing testimony of AAA contains badges of truth and sincerity. It is spontaneous and does not show any sign of fabrication. Even after questions propounded towards her were asked repeatedly during cross-examination, AAA proved to be very consistent in narrating her ordeal. 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. A young girl’s revelation that she had been raped, coupled with her voluntary submission to medical examination and willingness to undergo public trial where she could be compelled to give out the details of an assault on her dignity, cannot be so easily dismissed as mere concoction.<sup>61</sup> (Citations omitted)

CCC’s direct and clear testimony can stand alone. However, it is even more reliable because it is supported by Dr. Dettabali’s medico-legal report. In concluding that there is “evidence of blunt force and penetrating trauma,”<sup>62</sup> she had the following findings: (a) “deep[-]healed lacerations at the 3 and 9 o’clock positions in private complainant’s hymen;”<sup>63</sup> (b) “congested labia minora;”<sup>64</sup> and (c) “abraded posterior fourchette.”<sup>65</sup>

Accused-appellant disputes the second element. He argues that CCC’s testimony has inconsistencies regarding the alleged date of the rape incident.<sup>66</sup> He highlights that CCC claimed that she was raped in early

<sup>60</sup> *Id.* at 746.

<sup>61</sup> *Id.* at 746 -748.

<sup>62</sup> *CA rollo*, p. 87.

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> *CA rollo*, p. 38.

March 2015.<sup>67</sup> If this were true, then the rape incident could have not happened less than a week before the anogenital examination because the medico-legal report states that there were already healed lacerations in her hymen.<sup>68</sup> According to him, the lacerations could not have healed in less than one week.<sup>69</sup>

Accused-appellant is mistaken. In *People v. Vergara*,<sup>70</sup> this Court reiterated the doctrine that minor inconsistencies in the testimony of a child victim which are irrelevant to the elements of the crime are “badges of truth.”<sup>71</sup>

The alleged inconsistency is also understandable considering that AAA was only ten (10) years old at the time she testified before the trial court. Courts expect minor inconsistencies when a child-victim narrates the details of a harrowing experience like rape. Such inconsistencies on minor details are in fact badges of truth, candidness and the fact that the witness is unrehearsed. These discrepancies as to minor matters, irrelevant to the elements of the crime, cannot thus be considered a ground for acquittal. In this case, the alleged inconsistency in AAA's testimony regarding the exact place of the commission of rape does not make her otherwise straightforward and coherent testimony on material points, less worthy of belief.<sup>72</sup>

CCC categorically testified that she was raped on February 12, 2015. During the trial court's clarificatory questioning, she likewise confirmed that accused-appellant raped her several times and the February 12, 2015 incident was just the first rape incident.<sup>73</sup> She further explained that because of accused-appellant's repeated abuse, she sometimes forgot the dates of the incidents or got confused with them.<sup>74</sup> Thus, CCC's confusion and tendency to forget resulting from the abuse should not imply that XXX did not rape CCC. Besides, the date of the incident is not an essential element of the crime of rape.<sup>75</sup>

Moreover, “[a] freshly broken hymen is not an essential element of rape.”<sup>76</sup> In *People v. Luceriano*,<sup>77</sup> this Court explained that if the victim was able to describe the sexual assault in vivid detail, the presence of old healed hymenal lacerations before the date of the victim's medical examination does not negate the commission of rape:

<sup>67</sup> *Id.* at 41.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> 724 Phil 702 (2014) [Per J. Leonardo-De Castro, First Division].

<sup>71</sup> *Id.* at 710.

<sup>72</sup> *Id.*

<sup>73</sup> *Rollo*, p. 13, citing TSN, October 4, 2016, p. 25.

<sup>74</sup> *Id.*, citing TSN, October 4, 2016, p. 23.

<sup>75</sup> *People v. Quiapo*, 838 Phil 260, 271 (2018) [Per J. Del Castillo, First Division].

<sup>76</sup> *People v. Luceriano*, 467 Phil 91, 98 (2004) [Per J. Carpio, *En Banc*].

<sup>77</sup> 467 Phil 91 (2004) [Per J. Carpio, *En Banc*].

The healed lacerations in Mysan's hymen do not prove that appellant did not rape her. A freshly broken hymen is not an essential element of rape. It is highly unlikely that a young girl like Mysan would fabricate a story that would destroy her reputation and her family life, and endure the ordeal of a trial, were it not to seek justice for herself. No ulterior motive was offered to explain why Mysan would concoct a story charging appellant with the crime of rape.

*The presence of old healed hymenal lacerations prior to the date of the victim's medical examination does not negate the commission of rape by the accused when the victim herself has testified in vivid detail on the sexual assault on her.* In the present case, we entertain no doubt that Mysan told the truth. Her testimony was straightforward, consistent and unwavering. There is also her positive assertion that appellant raped her when she was 8 years old.<sup>78</sup> (Emphasis supplied)

The trial court also correctly ruled that the qualifying circumstance of relationship should not be considered.<sup>79</sup> It found that accused-appellant is AAA's common-law spouse and not CCC's legal stepfather as alleged in the Information.<sup>80</sup>

In *People v. De Guzman*,<sup>81</sup> the accused was convicted of simple statutory rape since the qualifying circumstance of relationship was not properly pleaded and proved by the prosecution. The Information alleged a stepfather-stepdaughter relationship, but the records showed that the accused was actually the common-law spouse of the victim's mother. This Court ruled that there will be a denial of the right of the accused to be informed of the charges against him if the attendant circumstance qualifying the offense was not alleged in the indictment on which the accused was arraigned and he is convicted of the qualified form of the crime:

However, during trial, the prosecution failed to establish this stepparent-stepdaughter relationship between De Guzman and AAA. No proof of marriage was presented in order to establish De Guzman's legal relationship with BBB. In other words, De Guzman cannot be considered as the stepfather of AAA as alleged in the Informations. On the contrary, records show that De Guzman was actually the common-law spouse of BBB as he was not legally married to her. Since De Guzman's relationship with AAA as alleged in the Informations was not proven beyond reasonable doubt, De Guzman cannot be convicted of Qualified Rape, only Simple Statutory Rape and Simple Rape. Stated differently, "the crime is only simple rape, although the State successfully proves the common-law relationship, where the information does not properly allege the qualifying circumstance of relationship between the accused and the female. This is because the right of the accused to be informed of the nature and cause of the accusation against him is inviolable."

According to *People v. Begino*, the "qualifying circumstances must

<sup>78</sup> *Id.* at 98-99.

<sup>79</sup> *CA rollo*, p. 56.

<sup>80</sup> *Id.*

<sup>81</sup> 866 Phil 670 (2019) [Per J. Hernando, Second Division].

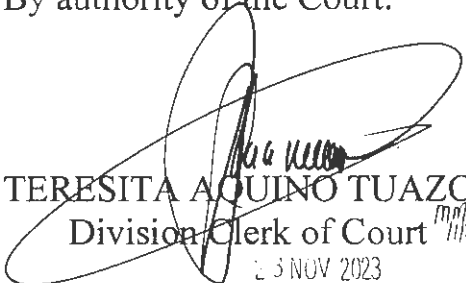
be properly pleaded in the indictment. If the same are not pleaded but proved, they shall be considered only as aggravating circumstances since the latter admit of proof even if not pleaded. It would be a denial of the right of the accused to be informed of the charges against him and consequently, a denial of due process, if he is charged with simple rape and be convicted of its qualified form, although the attendant circumstance qualifying the offense and resulting in the capital punishment was not alleged in the indictment on which he was arraigned.” Since the qualifying circumstance of relationship was not properly pleaded and proved in the case at bench, De Guzman should only be convicted of Simple Statutory Rape and Simple Rape under paragraph 1 of Article 266-A of the RPC.<sup>82</sup> (Citations omitted)

In sum, all elements of simple statutory rape are present. There is no reversible error in the assailed Decision that would warrant the exercise of this Court’s appellate jurisdiction.

**FOR THESE REASONS**, the instant Appeal is **DISMISSED** and the Court of Appeals’ November 26, 2019 Decision in CA-G.R. CR-H.C. No. 11901 which found accused-appellant XXX guilty in Criminal Case No. 157625-PSG of statutory rape is **AFFIRMED**. Accused-appellant is thus sentenced to suffer the penalty of *reclusion perpetua*. He is likewise ordered to pay CCC PHP 75,000.00 as civil indemnity, PHP 75,000.00 as moral damages, and PHP 75,000.00 as exemplary damages, all of which shall earn interest at the rate of 6% per annum<sup>83</sup> from the finality of this Resolution until fully paid.

**SO ORDERED.”**

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Division Clerk of Court <sup>11/23</sup>  
23 NOV 2023

<sup>82</sup> *Id.* at 686–687.

<sup>83</sup> *People v. Jugueta*, 783 Phil. 806, 848–849 (2016) [Per J. Peralta, *En Banc*].

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XXX (reg)  
Prison No. N218P-4414  
Accused-Appellant  
c/o The Director  
Bureau of Corrections  
1770 Muntinlupa City

THE DIRECTOR (reg)  
Bureau of Corrections  
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 159  
[REDACTED]  
(Crim. Case No. 157625-PSG)

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*Please notify the Court of any change in your address.*  
GR252675. 07/10/2023(145)URES(m) *Julia*