



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated August 9, 2023, which reads as follows:

“G.R. No. 253295 (People of the Philippines, Plaintiff-Appellee v. XXX,¹ Accused-Appellant).— The Court NOTES:

- (1) the Letter dated May 26, 2023 of C/Insp. Dexter M. Alcantara, Deputy Chief of the PDL Documents and Processing Division, Bureau of Corrections (BuCor), Muntinlupa City, confirming the confinement of accused-appellant at the New Bilibid Prison (NBP) since August 31, 2018; and
- (2) the Letter dated May 25, 2023 of JSInsp. Angelina L. Bautista (Ret.) Acting Superintendent, NBP, BuCor, Muntinlupa City, confirming the confinement therein of accused-appellant since August 31, 2018.

Assailed in this appeal is the Decision² of the Court of Appeals (CA) in CA-G.R. CR-HC No. 11764, affirming the conviction of XXX for the crime of Qualified Rape. The impugned Decision sustained *in toto* the Decision³ of the Regional Trial Court (RTC) of ██████████, Nueva Ecija.

The precursor facts are synthesized as follows.

Private complainant AAA lived with her mother, two siblings, and XXX, her father. They slept together in one room of the house. AAA recounted that XXX started raping her when she was 14 years old. On multiple occasions, XXX would quietly approach AAA while she was sleeping, undress her, fondle her breast and vagina, and insert his penis inside her

¹ Initials were used to identify accused-appellant pursuant to Supreme Court (SC) Amended Administrative Circular No. 83-2015 dated September 5, 2017, entitled: “PROTOCOLS AND PROCEDURES IN THE PROMULGATION, PUBLICATION, AND POSTING ON THE WEBSITES OF DECISIONS, FINAL RESOLUTIONS, AND FINAL ORDERS USING FICTITIOUS NAMES/PERSONAL CIRCUMSTANCES.”

² *Rollo*, pp. 3-16. The January 31, 2020 Decision was penned by Associate Justice Pedro B. Corales, with the concurrence of Associate Justices Ramon R. Garcia and Walter S. Ong.

³ *CA rollo*, pp. 63-71. The July 19, 2018 Decision was penned by Presiding Judge Anarica J. Castillo-Reyes.

vagina. Because of fear, AAA was unable to resist her father's bestial acts.⁴

AAA's ordeal went on for two years and stopped only when XXX was arrested. Disheartened by the abuses inflicted by her own father, AAA confided the same to her best friend, who is also her cousin. The best friend relayed AAA's confession to her mother. Thenceforth, the best friend's mother informed AAA's grandfather about AAA's rape. In turn, AAA's grandfather reported the same to AAA's mother.⁵ The matter was brought to the authorities and XXX was charged with Rape, qualified by minority and relationship, in an Information bearing the following inculpatory averments:

That on or about the 20th day of June 2015, in [REDACTED], Nueva Ecija, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there, wil[l]fully, unlawfully and feloniously have sexual intercourse with his own daughter, AAA, a minor, 14 years [old], through force, violence, and intimidation and against the will of said minor, to the damage and prejudice of said AAA and detriment of her growth and development.

CONTRARY TO LAW.⁶

When arraigned, XXX pled not guilty. During pre-trial, the prosecution and defense stipulated on XXX's identity; his relationship with AAA; and that on June 20, 2015, he was in [REDACTED], Nueva Ecija.⁷

The prosecution presented AAA and the medico-legal officer as its witnesses. The medico-legal officer testified that she observed a deep, old, healed laceration at 1, 3, 6, and 11 o'clock positions of the hymen indicating sexual abuse.⁸

On the other hand, only XXX testified for the defense. Expostulating from the prosecution's version of the facts, he denied having raped his own daughter and averred that he often disciplined AAA to prevent her from coming home late.⁹

In its Decision,¹⁰ the RTC convicted XXX of Qualified Rape, the *fallo* of which reads:

WHEREFORE, FOREGOING PREMISES CONSIDERED, the Prosecution having sufficiently established the guilt of the accused, XXX beyond reasonable doubt, this Court finds him GUILTY of the crime of Rape qualified by minority and relationship. Accordingly, the accused is hereby sentenced to suffer the penalty of reclusion perpetua pursuant to Art. 266-1 (a) of the Revised Penal Code as amended by Republic Act No. 8353

⁴ *Rollo*, p. 5. CA Decision.

⁵ *Id.*

⁶ *Id.* at 2, CA Decision.

⁷ *CA rollo*, p. 64, RTC Decision.

⁸ *Rollo*, p. 6, CA Decision.

⁹ *CA rollo*, p. 67, RTC Decision.

¹⁰ *Supra* note 3.

without eligibility for parole under R.A. 9346.

Pursuant to the ruling in **People vs. Ireneo Jugbueta**, the accused is further ordered to pay private complainant AAA the following amounts:

1. One Hundred Thousand pesos (P100,000.00) as civil indemnity;
2. One Hundred Thousand pesos (P100,000.00) as moral damages; and
3. One Hundred Thousand pesos (P100,000.00) as exemplary damages.

The accused is further ordered to pay the complainant interest on all damages awarded at the legal rate of 6% per annum from the date of finality of judgment until full payment thereof.

Likewise, the accused XXX, being a detention prisoner is entitled to be credited four-fifths (4/5) of his preventive imprisonment in the service of his sentence in accordance with Article 29 of the Revised Penal Code.

No pronouncement as to costs.

SO ORDERED.¹¹

The RTC was convinced that all the elements of the crime of Rape were duly established. The RTC adjudged that XXX consummated his dastardly acts through the employment of moral ascendancy over AAA, his own daughter, which takes the place of the element of force and intimidation. Conversely, the trial court refused to give credence to XXX's mere denial.¹²

XXX elevated his case to the CA, arguing that the Information was defective and that the elements of rape were not proven.¹³ In due course, the appellate court affirmed the RTC's ruling *in toto*,¹⁴ holding that the Information was sufficient. It is not necessary to allege the exact date and time of the commission of the crime since such date and time are not essential ingredients of the rape.¹⁵ Further, the CA agreed that the elements of qualified rape were all duly established by the prosecution.¹⁶

Unflinching, XXX filed a notice of appeal before this Court.¹⁷ Both parties waived the filing of their respective Supplemental Briefs and opted to adopt the briefs they filed before the CA.¹⁸

¹¹ CA *rollo*, pp. 70-71, RTC Decision.

¹² Id. at 69, RTC Decision.

¹³ *Rollo*, p. 8, CA Decision.

¹⁴ Id. at 15, CA Decision.

¹⁵ Id. at 9-10, CA Decision.

¹⁶ Id. at 12, CA Decision.

¹⁷ Id. at 17-18, Notice of Appeal.

¹⁸ Id. at 26-27, 32-33, Manifestation filed by the Office of the Solicitor General for appellee People of the Philippines, and Manifestation in Lieu of Supplemental Brief by Accused-Appellant XXX.

THE COURT'S RULING

The appeal is bereft of merit.

XXX postulates that the Information was defective when it accused him of rape “on or about the 20th day of June 2015,” notwithstanding the failure of the prosecution to prove that there was a rape incident on the said date.

XXX is clutching at straws.

The Court agrees with the CA that the Information charging XXX of qualified rape was sufficient and valid. Section 6, Rule 110 of the Rules of Criminal Procedure instructs that an Information is sufficient if it states the name of the accused; the designation of the offense given by the statute; the acts or omissions complained of as constituting the offense; the name of the offended party; the approximate date of the commission of the offense; and the place where the offense was committed.¹⁹ Section 11 of the same Rule provides that it is not necessary to state in the Information the precise date of commission of the offense except when it is a material ingredient of the offense.²⁰ The offense may be alleged to have been committed on a date as near as possible to the actual date of its commission.²¹

Failure to specify the exact date or time when the rape occurred does not *ipso facto* make the information defective on its face. When all the essential elements of the crime of rape are stated in the Information, an accused is sufficiently apprised of the crime charged against him. Moreover, the precise time of the commission of the crime of rape is neither an essential element of rape nor is the exact date of commission of rape an element of the crime, for the gravamen of the offense of rape is sexual intercourse without consent.²²

XXX also refutes the unanimous findings of the RTC and the CA that Qualified Rape was proven by the prosecution beyond reasonable doubt.

Again, XXX's disputation has no legal and factual moorings.

Article 266-A(1) of the amended Revised Penal Code (RPC)²³ states that rape is committed:

¹⁹ *Villarba v. CA*, G.R. No. 227777, June 15, 2020.

²⁰ *Jupiter Vidad v. People*, UDK 17168, Resolution dated March 9, 2022.

²¹ See *People v. Pareja*, 724 Phil. 759, 775 (2014).

²² See *People v. Pascual*, 590 Phil. 554 (2008).

²³ Act No. 3815, as amended by RA No. 8353 or “THE ANTI-RAPE LAW OF 1997,” AND FURTHER AMENDED BY RA NO. 11648, ENTITLED: “AN ACT PROVIDING FOR STRONGER PROTECTION AGAINST RAPE AND SEXUAL EXPLOITATION AND ABUSE, INCREASING THE AGE FOR DETERMINING THE COMMISSION OF STATUTORY RAPE, AMENDING FOR THE PURPOSE ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE, [RA] NO. 8353, ALSO KNOWN AS “THE ANTI-RAPE LAW OF 1997,” AND [RA] NO. 7610, AS AMENDED, OTHERWISE KNOWN AS THE “SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION AND DISCRIMINATION ACT,” which was published in the Official Gazette, Vol. 118, No. 11, p. 2504 on March 14, 2022 and took effect fifteen (15) days therefrom.

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 is otherwise unconscious;
- c. By means of fraudulent machination or grave abuse of authority;
- 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.²⁴ (Emphasis added.)

Rape is qualified when, among others, the victim is under 18 years of age and the offender is a relative by consanguinity or affinity within the third civil degree.²⁵

XXX committed Qualified Rape against his minor daughter. The father-daughter relationship between XXX and AAA was stipulated by the parties and AAA's minority at the time of the rape incident was duly substantiated by her certificate of live birth.²⁶

The fact of sexual intercourse was likewise duly established in this case. AAA directly and categorically narrated how her father succeeded in inserting his penis into her vagina numerous times. AAA admitted to having been afraid of her father XXX. As such, she was unable to forcefully resist her father's beastly advances.

On this score, it bears stressing that even without the use of force or intimidation or failure to prove the presence thereof, the moral ascendancy that exists with XXX being AAA's father is sufficient. In cases of incestuous rape of a minor, it has been established that moral ascendancy of the ascendant substitutes force or intimidation.²⁷

Further, AAA positively identified XXX as her rapist and gave a straightforward testimony therefor. It is primal that a rape victim's testimony

²⁴ Now amended by RA No. 11648 to read as follows:

"d. When the offended party is under **sixteen (16) years of age** or is demented, even though none of the circumstances mentioned above be present: *Provided*, That there shall be no criminal liability on the part of a person having carnal knowledge of another person under sixteen (16) years of age when the age difference between the parties is not more than three (3) years, and the sexual act in question is proven to be consensual, non-abusive, and non-exploitative: *Provided, further*, That if the victim is under thirteen (13) years of age, this exception shall not apply.

As used in this Act, non-abusive shall mean the absence of undue influence, intimidation, fraudulent machinations, coercion, threat, physical, sexual, psychological, or mental injury or maltreatment, either with intention or through neglect, during the conduct of sexual activities with the child victim. On the other hand, non-exploitative shall mean there is no actual or attempted act or acts of unfairly taking advantage of the child's position of vulnerability, differential power, or trust during the conduct of sexual activities." (Emphasis added.)

²⁵ Article 266-B of the amended RPC.

²⁶ *Rollo*, p. 12, CA Decision.

²⁷ See *People v. XXX*, G.R. No. 244288, March 4, 2020.

is entitled to greater weight when she accuses a close relative of having raped her.²⁸

Finally, XXX attacks AAA's credibility by claiming that if indeed the rape occurred, she could have easily shouted considering that the whole family is cramped in a single room.

The contention is specious.

It is immaterial whether other family members were inside the house. Lust is no respecter of time and place.²⁹ Rape can be committed even in places where people congregate, in parks, along the roadside, within school premises, even inside the sanctity of a home where there are other occupants, and even in the same room where other members of the family are staying. Besides, when a woman says that she has been raped, she says in effect all that is necessary to show that it happened.³⁰ No young woman would fabricate a story of rape, allow an examination of her private parts, and be subjected to public trial and humiliation if she has not, in truth, been a victim of rape and impelled to seek justice for the wrong done to her being.³¹

Moreover, when the issue is one of credibility of witnesses, appellate courts will generally not disturb the findings of the trial court, considering that the latter is in a better position to decide the question as it heard the witnesses themselves and observed their deportment and manner of testifying during trial.³² The exceptions to the rule are when such evaluation was reached arbitrarily, or when the trial court overlooked, misunderstood, or misapplied some facts or circumstance of weight and substance which could affect the result of the case.³³ None of the exceptions obtain in the case at bench.

As regards the penalties, the trial court and the CA properly meted the penalty of *reclusion perpetua* without eligibility for parole for Qualified Rape.³⁴ The monetary awards of civil indemnity, moral damages, and exemplary damages at ₱100,000.00 each,³⁵ all with six percent (6%) interest *per annum* from the date of finality of judgment until fully paid, are likewise in order.³⁶

IN LIGHT OF THE FOREGOING DISQUISITIONS, XXX's appeal is hereby DENIED. The Court of Appeals' Decision January 31, 2020

²⁸ See *People v. Balmes*, 786 Phil. 425, 433 (2016).

²⁹ See *People v. CCC*, 843 Phil. 473 (2018).

³⁰ See *People v. Villaruel*, 428 Phil. 449 (2002).

³¹ See *People v. Pareja*, supra note 21, at 780.

³² See *People v. ZZZ*, G.R. No. 229209, February 12, 2020.

³³ See *People v. Elimancil*, 846 Phil. 186, 196 (2019).

³⁴ Article 266-B of the amended RPC in relation to RA No. 9346, which prohibited the imposition of death penalty in the Philippines. A.M. No. 15- 08-02-SC instructs that the phrase "*without eligibility for parole*" may be applied to qualify *reclusion perpetua* to emphasize that accused-appellant should have been sentenced to suffer the penalty of death were it not for RA No. 9346.

³⁵ See *People v. Jugueta*, 783 Phil. 806, 849 (2016).

³⁶ See *Lara's Gifts & Decor, Inc. v. Midtown Industrial Sales, Inc.*, G.R. No. 225433, Resolution dated September 20, 2022.

August 9, 2023

in CA-G.R. CR-HC No. 11764 is **AFFIRMED *in toto***. The Court finds XXX **GUILTY** beyond reasonable doubt of Qualified Rape under Article 266-A(1) in relation to Article 266-B of the Revised Penal Code, as amended.

XXX is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole. Further, XXX is **ORDERED** to pay AAA the amounts of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages, all with legal interest at the rate of six percent (6%) interest *per annum* from the finality of this Resolution until full payment.

SO ORDERED.”

By authority of the Court:

Misael C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court
G.R.
11764123

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