



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 13, 2023** which reads as follows:*

“G.R. No. 257091 (People of the Philippines, Plaintiff-Appellee v. XXX, Accused-Appellant). — This Court resolves the Appeal¹ assailing the Decision² of the Court of Appeals, which affirmed the Joint Decision³ of the Regional Trial Court, finding accused-appellant XXX guilty beyond reasonable doubt of two counts of rape.

In two Informations dated November 13, 2015, private complainant AAA⁴ charged XXX of the crime of rape under Article 266-A No. 1(a) and (d) and penalized under the first and sixth paragraphs of Article 266-B of the Revised Penal Code, as amended by Republic Act No. 8353, in relation to Republic Act No. 7610 and Republic Act No. 8369. XXX allegedly committed the crime on two different occasions. Thus:

Criminal Case No. II-13095

That on MAY 22, 2013, or thereabout, in the [REDACTED]
[REDACTED],⁵ and within the jurisdiction of this Honorable Court, the

¹ *Rollo*, pp. 3–5.

² *Id.* at 9–18. The November 26, 2020 Decision was penned by Associate Justice Victoria Isabel A. Paredes, and concurred in by Associate Justices Fernanda Lampas-Peralta and Walter S. Ong, Second Division, Court of Appeals, Manila.

³ *Id.* at 20–33. The June 14, 2018 Decision was penned by Presiding Judge Conrado T. Tabaco of Branch 9, Regional Trial Court, [REDACTED], Cagayan.

⁴ The identity of the victim or any information to establish or compromise their identity, as well as those of their immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, “An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes”; Republic Act 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 15, 2004; *People v. Cabalquinto*, 533 Phil. 703 (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.

⁵ Any information to establish or compromise the identity of the victim, as well as those of their immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, “An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes”; Republic Act 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 15, 2004; *People v. Cabalquinto*, 533 Phil. 703 (2006); and Amended Administrative Circular No. 83-2015 dated September 5, 2017, Subject: Protocols and

above-named accused, armed with a piece of firewood, with lewd design, by the use of force or intimidation, having moral ascendancy of his niece, the herein offended party, AAA, a minor, under twelve (12) years of age, did then and there wilfully (*sic*), unlawfully and feloniously have carnal knowledge of the latter, all against her will and consent, the sexual assault thereby gravely threatening the survival and normal development of the child and demeaned her intrinsic worth as human being. The same was aggravated the accused being an ascendant of the offended party.

CONTRARY TO LAW.⁶

Criminal Case No. II-13096

That on APRIL 25, 2014, or thereabout, in the [REDACTED], within the jurisdiction of this Honorable Court, the above-named accused, armed with a piece of wood, with lewd design, by the use of force or intimidation, having moral ascendancy of his niece, herein offended party, AAA, a minor, twelve (12) years of age, did then and there wilfully (*sic*), unlawfully and feloniously have carnal knowledge of the latter, all against her will and consent, the sexual assault thereby gravely threatening the survival and normal development of the child and demeaned her intrinsic worth as human being. The same was aggravated the accused being an ascendant of the offended party.

CONTRARY TO LAW.⁷

XXX pleaded not guilty to the charge.⁸ Pre-trial and trial on the merits ensued.

AAA testified that she was born on March 14, 2002.⁹ She lived at [REDACTED]¹⁰ with her maternal grandparents, two cousins, and two uncles—one of which was XXX—who were her mother's brothers.¹¹ AAA's parents lived separately.¹² Her father lived in [REDACTED], while her mother lived in [REDACTED].¹³ XXX had been raping AAA since she was in 3rd grade, yet she could no longer recall the earlier dates.¹⁴

Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances.

⁶ Records, Criminal Case No. II-13905, p. 1.

⁷ Records, Criminal Case No. II-13096, p. 1.

⁸ *Rollo*, p. 12.

⁹ Records, Criminal Case No. II-13096, p. 10. See also *rollo*, p. 9.

¹⁰ Records, Criminal Case No. II-13095, p. 4.

¹¹ *Rollo*, pp. 9-10.

¹² *Id.* at 10.

¹³ *Id.* See also TSN, August 30, 2016, p. 9.

¹⁴ *Id.*

On May 22, 2013 at around 7:00 p.m., when AAA was 11 years old, she, her grandmother BBB¹⁵ and cousins CCC¹⁶ and DDD¹⁷ were already asleep when XXX arrived drunk and unruly.¹⁸ Out of fear, BBB, CCC, and DDD ran out of the house.¹⁹ AAA was left behind because XXX grabbed AAA's hands and locked the door.²⁰ XXX dragged AAA toward his bedroom, pushed her down on the bed, undressed her, and hit her with a piece of firewood.²¹ XXX forced her to spread her legs apart, licked her vagina, and attempted to insert his penis into her mouth.²² Despite her resistance, XXX inserted his penis in her vagina and sucked her breast.²³ After raping her, XXX threatened her not to tell anyone what happened, otherwise, he will kill them.²⁴

On April 25, 2014, AAA, then 12 years old, was alone in the house.²⁵ She was washing the dishes when XXX arrived home drunk.²⁶ XXX called her to the living room, but she replied that she wanted to finish washing the dishes.²⁷ XXX angrily stormed into the kitchen with a piece of firewood and dragged her into the bedroom.²⁸ XXX pulled down her shorts and underwear,

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¹⁶ The identity of the victim or any information to establish or compromise their identity, as well as those of their immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, "An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes"; Republic Act 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 15, 2004; *People v. Cabalquinto*, 533 Phil. 703 (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.

¹⁷ The identity of the victim or any information to establish or compromise their identity, as well as those of their immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, "An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes"; Republic Act 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 15, 2004; *People v. Cabalquinto*, 533 Phil. 703 (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.

¹⁸ *Rollo*, p. 10.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

but she tried to pull them up.²⁹ XXX pulled her hands above her head, used his foot to spread her legs apart, and then pinned her leg with his knee.³⁰ As AAA begged for him to stop, he mounted her and inserted his penis into her vagina.³¹ Although she cried and shouted for help, nobody came because the neighbors' houses were far from their house.³² AAA did not tell her grandparents and parents of the rape incidents because of XXX's threat to kill them.³³ Yet, she confided to CCC that XXX raped her.³⁴ Afterwards, AAA went to Laguna to work to finance her studies.³⁵ AAA only revealed that XXX raped her when CCC reported to the authorities that XXX also raped the latter in 2015.³⁶

EEE,³⁷ AAA's mother, testified that she lived separately from her husband and was living with her second husband.³⁸ Thus, AAA stayed with EEE's mother in 2013 and 2014 as she was then studying in [REDACTED].³⁹ XXX is EEE's younger brother, who also lived in the same house as AAA.⁴⁰ On June 10, 2015, at around 11:00 a.m., AAA called EEE on the phone and told EEE that XXX raped her since she was in 3rd grade until 2014.⁴¹ At that time, AAA was at [REDACTED] District Hospital for a medical check-up due to the rape incidents.⁴²

Dr. Michelle Sera (*Dr. Sera*), a medical officer at the [REDACTED] District Hospital, likewise took the witness stand and stated that she examined AAA on June 10, 2015. In her medico-legal certificate dated June 10, 2015, she found "multiple healed hymenal lacerations at 3 o'clock and 9 o'clock positions" in her vagina and that her vagina "admits two (2) fingers with ease."⁴³

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.* at 10-11.

³⁶ *Id.* at 11.

³⁷ The identity of the victim or any information to establish or compromise their identity, as well as those of their immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, "An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes"; Republic Act 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 15, 2004; *People v. Cabalquinto*, 533 Phil. 703 (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.

³⁸ *Rollo*, p. 11.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

Meanwhile, XXX interposed the defense of denial.⁴⁴ He testified that he worked as a farmer and usually left the house at 7:00 a.m. and returned at 4:00 p.m.⁴⁵ He lived with AAA, his mother, stepfather, brother, and sister.⁴⁶ He denied having raped AAA on May 22, 2013 at 7:00 p.m. and said that he was at his uncle's house⁴⁷ for a drinking spree.⁴⁸ That night, he returned home at 8:00 p.m.⁴⁹ He also denied having raped AAA on April 25, 2014 at 5:30 p.m.⁵⁰ That afternoon, he was cooking and there were many people in the house.⁵¹ He admitted that AAA is his sister's daughter and that he had no understanding or conflict with AAA.⁵²

The RTC rendered a Joint Decision finding XXX guilty beyond reasonable doubt of the crime of two counts of rape. It found AAA's testimony to be clear and spontaneous and was persuaded that AAA was telling the truth.⁵³ Hence:

This Court finds the complaining witness testimony to be clear and spontaneous and is persuaded that she was telling the truth. She stated that on two occasions, first on May 22, 2013 and on April 25, 2014, the accused had carnal knowledge of her at the house where she and the accused were then staying.

Denial is inherently a weak defense, which cannot have greater evidentiary weight than the positive testimony of a credible witness.

Testimonies of witness who have no motive to falsify or perjure their testimony shall be given credence. No young Filipina of decent repute publicly admit (*sic*) that she has been criminally abuse (*sic*) unless it is the truth....

The complaining witness was a minor at the time of the incidents complained of, as she was still a minor when she testified in Court. She has no reason to concoct a false accusation against the accused who happens to be her own uncle, a brother of her mother. A woman will not exposed (*sic*) herself to humiliation of a rape trial, with the attendant publicity and the morbid curiosity (*sic*) that will arouse, unless she was truly wronged seeks (*sic*) atonement for her abuse. Indeed, the claim of the young girl that she has been sexually molested and her willingness to subject herself to a public trial or ridicule cannot be easily dismissed as a mere concoction....

...

Undeniably, all the elements of rape are present in these cases. Otherwise stated the prosecution has proven the guilt of the accused beyond reasonable doubt. In sum, the bare defense of denial of the accused unsubstantiated by any

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.* at 11-12.

⁵³ *Id.* at 31.

convincing evidence is not sufficient reasonable doubt as to his commission of two (2) counts of rape.

WHEREFORE, foregoing premises considered, this Court hereby finds accused [XXX] of ██████████, Cagayan GUILTY beyond reasonable doubt of two (2) counts of rape under Article 266-A paragraph 1-A in relation to Article 266-B of the Revised Penal Code as charged in the Informations and he is hereby sentenced to suffer the supreme penalty of reclusion perpetua in the two (2) cases.

He is further ordered to indemnify the complaining witness the amount of One Hundred Thousand Pesos (Php100,000.00) as civil indemnity, One Hundred Thousand Pesos (Php100,000.00) as moral damages and One Hundred Thousand Pesos (Php100,000.00) as exemplary damages in each case, plus 6 percent interest thereof per annum on each item counted from the finality of the decision until full payment.⁵⁴

On appeal, the CA affirmed with modification the RTC Joint Decision and found XXX guilty of qualified statutory rape in Criminal Case No. II-13095 and qualified rape in Criminal Case No. II-13096.⁵⁵ The CA sentenced XXX to suffer the penalty of *reclusion perpetua* without eligibility for parole for each count of rape.⁵⁶ The CA ruled that the RTC correctly imposed the penalty of *reclusion perpetua* for each count, with the specification that the penalty is “without eligibility for parole.”⁵⁷ This is pursuant to Administrative Matter No. 15-08-02-SC which states that when circumstances are present warranting the imposition of the death penalty, but which cannot be imposed because of Republic Act No. 9346, the qualification “without eligibility for parole” shall be used to qualify *reclusion perpetua* to emphasize that the accused should have been sentenced to suffer the death penalty had it not been for Republic Act No. 9346.⁵⁸

Hence, the present Appeal.

XXX argues that AAA’s credibility, which is based only on her minority and her declarations, was doubtful.⁵⁹

Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353, defines rape:

Art. 266-A. Rape, When and How Committed.
Rape is committed -

⁵⁴ *Id.* at 31-33.

⁵⁵ *Id.* at 9-18.

⁵⁶ *Id.* at 17.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.* at 18.

- 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 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.

For a charge of rape through sexual intercourse to prosper, the prosecution must prove the following elements beyond reasonable doubt: (1) that the accused had carnal knowledge of the victim; and (2) that said act was accomplished (a) through the use of force or intimidation, or (b) when the victim is deprived of reason or otherwise unconscious, or (c) by means of fraudulent machination or grave abuse of authority, or (d) when the victim is under 12 years of age or is demented.⁶⁰

Under Article 266-B, the rape shall be qualified if: (1) the victim is under 18 years of age, and (2) 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.

In the present case, XXX twice committed the rape when AAA was under the age of 18. During trial, the RTC declared that AAA's minority is clear and uncontested.⁶¹ AAA's birth certificate was also presented as the prosecution's Exhibit "E."⁶² Further, XXX is AAA's relative by consanguinity within the third civil degree. In fact, EEE admitted that XXX is her younger brother.⁶³

The prosecution established the elements of rape under Article 266-A of the Revised Penal Code, as amended. First, AAA positively identified XXX as the person who inserted his penis in her vagina on two occasions—May 22, 2013 and April 25, 2014.

XXX questions AAA's credibility.⁶⁴ However, We find that AAA testified in a clear and categorical manner, to wit:

Q: Sino si Uncle [XXX]?

A: Siya ay kapatid ng nanay ko na si [EEE].

⁶⁰ *People v. Laguerta*, G.R. No. 233543, July 9, 2018 [Per J. Reyes, Second Division].

⁶¹ *Rollo*, p. 30.

⁶² Records, Criminal Case No. II-1309, p. 10.

⁶³ *Rollo*, p. 27.

⁶⁴ *Id.* at 32.

Q: Bakit mo gustong ireklamo si [XXX]?

A: Dahil ginahasa (ni rape) po niya ako, ma'am.

Q: Ilang beses ka niyang ginahasa?

A: Maraming beses na po simula noon Grade III pa lang po ako at hindi ko na po matandaan ang eksaktong petsa, and natatandaan ko lang po ay noong May 22, 2013 bandang alas siyete (7:00 PM) ng gabi at April 25, 2014 bandang alas 5:30 ng hapon na nangyari pong parehas sa loob ng aming bahay sa [REDACTED].

Q: Saan at kaylan ka niya ginahasa?

A: Noong May 22, 2013 bandang alas siyete ng gabi at noong April 25, 2014 bandang 5:30 ng hapon parehas na nangyari sa loob ng aming bahay sa [REDACTED].

Q: Ano ang [nangyari] kung maalala mo pa?

A: Noong May 22, 2013 bandang alas siyete ng gabi (7:00 PM) Natutulog na po kami sa loob ng aming bahay ng aking Lola [BBB, CCC at DDD] nang bigla po kaming nagising dahil nagwawala po si [XXX] na lasing, at bigla na lang pong nagtakbuhang palabas ng aming bahay ang aking mga kasama. Naiwan po ako sa aming bahay dahil pinigilan po ako ni Uncle Junjun na may hawak na panggatong.

Q: Ano ang nangyari, kung mayroon?

A: Isinara (Ni lock) po niya ang pinto at bigla po akong hinila ni [XXX] at dinala niya po ako sa sa (sic) sa aming kwarto, itinulak po niya ako sa aming kama at hinubad po niya ang lahat po saplot ko sa katawan (damit), umiiyak po ako noon at nagmamakaawa ako sa kanya na huwag niya akong gagahasain pero pag lumalaban po ako ay pinapalo niya ako ng panggatong. Pwersahan po niyang ibinukaka ang dalawang hita ko pagkatapos po ay dinilaan niya ang aking ari (pepet) patapos po ay pilit niyang ipinasok sa bunganga ko ang kanyang ari pero ayaw ko po. Nang hindi po niya ako mapilit ay ipinasok po niya ang kanyang ari (titi) sa akin gari (pepet) at habang ginagahasa po niya ako ay sinususo po niya ang aking suso.

Q: Ano pa ang sumunod na nangyari?

A: Pagkatapos po niya akong gahasain ay sinabi po niya sa akin sa salitang ilokano "Han ka agipulpulong ti uray asinnu, nu agipulong ka makasarak kayu amin kanyak, patayen kayu am amin". Ibig sabihin ay "Wag kang magsusumbong kahit kanino, kung magsusumbong ka malilintikan ka sakín, papatayin ko kayong lahat".

Q: Ano naman ang nangyari noong April 25, 2014?

A: Noong April 25, 2014, bandang 5:30 ng hapon, Habang naghuhugas po ako ng aming pinggan, mag isa lang po ako nang bigla pong dumating si [XXX] sa bahay na lasing na lasing. Tinawag po niya ako sa sala, pero sinabli (sic) ko na tapusin ko lang ang hinuhugasan kong pinggan. Pinuntahan po niya ako sa kusina na galit na galit at pumulot pa ng panggatong. Hinila po niya akong bigla hanggang sa loob ng aming kwarto pagkatapos ay pilit niya tinanggal ang aking short at panty pero itinitaas ko din po. Kaya hinawakan po niya ang dalawa kong kamay na pataas pagkatapos po tinanggal niya ulit ang aking short at panty ay pinilit po niyang ibinukaka ang dalawa kong paa gamit ang kanyang paa habang ang isa niyang tuhod ay nakapatong sa aking hita sumisigaw po ako at nagmamakaawa pero itinutuloy pa rin niya ang ginagawa niya.

Q: Ano pa ang ginawa niya kung mayroon?

A: Pumatong po siya sa akin at ipinasok po niya ang kanyang ari (titi) sa aking ari (pepe) at tuluyan na po niya akong ginahasa.

Q: Noong April 25, 2014, sinabi mong sumisigaw ka at nagmamakaawa sa kanya na huwang ka niyang gahasain, wala man lang bang nakarinig na kapit-bahay mo sa iyong pagsigaw?

A: Wala po dahil, medyo may kalayuan po ang mga bahay ng aming mga kapit-bahay.⁶⁵

Further, AAA's claim of sexual intercourse had been corroborated by the medical findings and testimony of Dr. Sera, who found multiple healed hymenal lacerations at the 3 o'clock and 9 o'clock positions of AAA's vagina.⁶⁶ Dr. Sera further found that AAA's vagina admits two fingers with ease, showing blunt penetrating trauma.⁶⁷ These corroborate AAA's testimony that XXX raped her several times.

Second, XXX shall be held liable for qualified statutory rape for the crime committed on May 22, 2013. The prosecution established that AAA was below 12 years old when XXX raped her on May 22, 2013. Under Article 266-A of the Revised Penal Code, statutory rape is committed when the offended party is under 12 years of age.⁶⁸ Meanwhile, Article 266-B provides that the rape shall be qualified if the offender is a relative by consanguinity within the third civil degree.

As for the rape he committed on April 25, 2014, AAA was already over 12 years of age, yet the prosecution was able to establish that XXX accomplished the act using force or intimidation. Thus, XXX shall be held liable for qualified rape owing to Article 266-B of the Revised Penal Code.

Finally, XXX interposed the defense of denial, finding it incredible how he could have raped AAA considering that they lived in the same house as AAA's grandmother and cousins.⁶⁹ Suffice to state that lust is no respecter of time and place.⁷⁰

In sum, XXX twice committed the rape when AAA was under 18 years of age. Again, XXX is AAA's relative by consanguinity within the third civil degree. Therefore, for the rape committed on May 22, 2013, or for Criminal Case No. II-13095, XXX is guilty of qualified statutory rape. Meanwhile, for

⁶⁵ *Id.* at 23–25. See also Records, Criminal Case No. II-13095, pp. 4–6.

⁶⁶ *Id.* at 15.

⁶⁷ *Id.*

⁶⁸ *People v. HHH*, G.R. No. 248245, August 26, 2020 [Per J. Carandang, Third Division] at 16. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

⁶⁹ *Rollo*, p. 15.

⁷⁰ *Supra* note 62 at 18. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

the rape committed on April 25, 2014, or for Criminal Case No. II-13096, XXX is guilty of qualified rape.

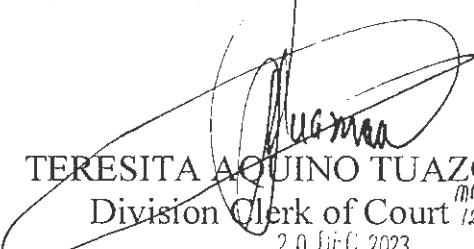
Regarding the penalty, We agree with the CA. The RTC correctly imposed the penalty of *reclusion perpetua* for each count, without eligibility for parole pursuant to Administrative Matter No. 15-08-02-SC. As the CA ruled, Administrative Matter No. 15-08-02-SC states that when circumstances are present warranting the imposition of the death penalty, but which cannot be imposed because of Republic Act No. 9346, the qualification “without eligibility for parole” shall be used to qualify *reclusion perpetua* to emphasize that the accused should have been sentenced to suffer the death penalty had it not been for Republic Act No. 9346.⁷¹

Moreover, pursuant to *People v. Juguetta*,⁷² XXX is liable to pay PHP 100,000.00 each as civil indemnity, moral damages, and exemplary damages for each count of rape, with 6% per annum interest on each item from finality of the Resolution until full satisfaction.

FOR THESE REASONS, the Appeal is **DISMISSED**. The Decision dated November 26, 2020 of the Court of Appeals is **AFFIRMED**. Accused-appellant XXX is **GUILTY BEYOND REASONABLE DOUBT** for the crime of qualified statutory rape in Criminal Case No. II-13095 and qualified rape in Criminal Case No. II-13096. He is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole for each count of qualified rape. He is further **ORDERED** to indemnify the complaining witness the amount of PHP 100,000.00 as civil indemnity, PHP 100,000.00 as moral damages, and PHP 100,000.00 as exemplary damages in each case, plus 6% interest thereof per annum on each item counted from the finality of this Resolution until full payment. Accused-appellant XXX is ordered to pay the costs of suit.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court ^{mm} 12/26
20 DEC 2023

⁷¹ *Rollo*, p. 15.

⁷² 783 Phil. 806 (2016) [Per J. Peralta, *En Banc*].

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Prison No. N218P-3372
Accused-Appellant
c/o The Director General
Bureau of Corrections
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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 09
██████, Cagayan
(Crim. Cases Nos. II-13095 and II-13096)

THE DIRECTOR GENERAL (reg)
Bureau of Corrections
1770 Muntinlupa City

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