



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 8, 2023** which reads as follows:*

“G.R. No. 257868 (People of the Philippines, Petitioner v. XXX, ¹ Respondent). — This Court resolves an appeal² from the Decision³ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 13700, which affirmed the Decision⁴ of the Regional Trial Court (RTC) of ██████████ City, Quezon, finding XXX guilty beyond reasonable doubt of rape and sentenced him to suffer the penalty of *reclusion perpetua*.

The Antecedents

The public prosecutor filed an Information⁵ against XXX for allegedly committing rape against his daughter, which reads:

That on or about 1:00 o'clock in the afternoon on the 6th day of April 2005 at, ██████████,⁶ and within the

¹ 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.

² *Rollo*, pp. 3–4.

³ *Id.* at 9–19; 89–105. The Decision dated November 18, 2020 in CA-G.R. CR-HC No. 13700 was penned by Associate Justice Manuel M. Barrios, and concurred in by Associate Justices Ronaldo Roberto B. Martin and Carlito B. Calpatura, Special Twelfth Division, Court of Appeals, Manila.

⁴ *Id.* at 37–46. The Decision dated August 20, 2019 in Criminal Case No. 14559-G was penned by Judge Edilwasif T. Baddiri, Branch 96, Regional Trial Court of ██████████, Quezon.

⁵ Records, pp. 4–5.

⁶ 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.

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jurisdiction of this Honorable Court, the above-named accused, being the biological father of one AAA⁷ with lewd design, through force, threat and intimidation, qualified by circumstance of minority and grave abuse of confidence, did then and there willfully, unlawfully and feloniously have carnal knowledge upon said AAA, a 14-year old female, by then and there removing her leggings and panty thereafter putting himself over her and inserting his penis into her vagina, against her will, to her damage and prejudice.

Contrary to law.

Upon arraignment, XXX pleaded not guilty to the charge. Thereafter, trial on the merits ensued.

To establish the prosecution's case, it presented AAA who testified that she was born on May 28, 2000 and that XXX is her biological father. She claimed that as early as 2013, when they were then living in [REDACTED] and in [REDACTED], XXX had sexually abused her. She was not able to seek help because her aunt was residing in a farther town. On April 6, 2015, AAA was again subjected to another episode of sexual defilement. This time, AAA was already 14 years old. She testified that while XXX's live-in partner was taking a bath some 20 meters away from their home, XXX grabbed the chance to consummate his lust. As soon as AAA went inside the room, XXX locked the door and started touching AAA's private parts. She tried to resist XXX's advances but she feared her father so much that she could not utter to scream. XXX proceeded to remove AAA's undergarments, mounted on her, and inserted his penis into AAA's genitalia. After a while, AAA was able to push XXX away, wear her clothes, and run out of the house. At that point, she met her younger sibling and together, they proceeded to the house of their maternal aunt in [REDACTED].⁸ After revealing her ordeal, AAA and her aunt reported the matter to the police authorities and charged XXX for the crime of rape.⁹

⁷ 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.

⁸ 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.

⁹ *Rollo*, p. 91.

Dr. Ramon P. Baldovino (*Dr. Baldovino*) examined AAA and found that her hymen had healed laceration at 10 o'clock position showing blunt force or penetrating trauma.¹⁰

In his defense, XXX denied the accusations. He narrated that on the date of the incident, he was working at a house construction in [REDACTED]. His last visit to [REDACTED] was in 2014, a year before the incident. According to him, the charge was fabricated by BBB,¹¹ his sister-in-law, to wrest custody of his children. He also added that AAA harbored ill feelings towards him because of his frequent admonition.¹²

On August 20, 2019, the RTC rendered judgment finding XXX guilty of rape under Article 266-A paragraph 1(a) and sentenced him to suffer the penalty of *reclusion perpetua* and to indemnify AAA in the following amounts: PHP 75,000.00 as civil indemnity; PHP 75,000.00 as moral damages; and PHP 75,000.00 as exemplary damages.¹³

Aggrieved, XXX appealed his conviction to the CA.¹⁴

Upon review, the CA found the presence of all the elements of rape. Thus, on November 18, 2020, the CA affirmed with modification the RTC Decision, *viz.*:

WHEREFORE, premises considered, the appeal is **DENIED**. The Decision dated 20 August 2019 of the Regional Trial Court, Branch 96, [REDACTED], Quezon is **AFFIRMED** in that accused-appellant XXX is found **GUILTY BEYOND REASONABLE DOUBT** of the crime of Rape under Article 266-A(1), in relation to Article 266-B of the Revised Penal Code, and is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility of parole; but **MODIFIED** in that accused-appellant is ordered to pay the victim AAA civil indemnity, moral damages, and exemplary damages at PHP 100,000.00 each, with interest on all such monetary awards at the rate of six percent (6%) *per annum* from the date of finality of this decision until full satisfaction thereof.

SO ORDERED.¹⁵ (Emphasis in the original)

¹⁰ Medical certificate, records p. 17–18.

¹¹ 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.

¹² *Rollo*, p. 92.

¹³ *Id.* at 37–46.

¹⁴ Records, pp. 84–85.

¹⁵ *Rollo*, p. 98.

Hence, the present appeal.

XXX claims that the RTC gravely erred in finding him guilty beyond reasonable doubt of rape despite the inconsistent and improbable testimony of AAA. He argues that the prosecution failed to show that there was force, threat, and intimidation when he and AAA had sex, and that there was no proof that AAA resisted his deed. He also advances that it took AAA two years before reporting the first incident, which supposedly undermines her credibility and the integrity of her claim. Likewise, XXX points out that he was able to present a witness that he and his family did not live in [REDACTED] and that he was at work when the incident happened, which precludes the possibility of his presence at the *locus criminis*.¹⁶

The Office of the Solicitor General (OSG) counters that the prosecution sufficiently proved all the elements of the crime of rape. It asserts that in incestuous rape, the moral and physical dominion of the father takes the place of the violence or intimidation. Further, the Office of the Solicitor General maintains that AAA was consistent in detailing the harrowing experience she went through in the hands of her father.¹⁷

The OSG also take exception in the delay in reporting the incident of rape to the police authorities. It submitted that the delay in prosecuting the offense is not an indication of a fabricated charge as many rape victims prefer to bear the ignominy in silence rather than expose her defilement in public.¹⁸

Finally, the OSG challenges XXX's twin defenses of denial and alibi. They express that XXX failed to show the physical impossibility for him to have been at the scene of the crime when it was committed.¹⁹

Issue

The main issue raised for this Court's consideration is whether or not XXX is guilty beyond reasonable doubt of rape.

This Court's Ruling

This Court affirms XXX's conviction.

¹⁶ Brief for the Accused-Appellant, *id.* at 26–34.

¹⁷ Brief for the Plaintiff-Appellee, *id.* at 58–63.

¹⁸ *Id.*

¹⁹ *Id.*

The elements of rape were proven by the prosecution

Article 266-A of the Revised Penal Code (RPC), as amended by Republic Act (R.A.) No. 8353, also known as the Anti-Rape Law of 1997, enumerates the elements of the crime of rape:

ART. 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 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. (Emphasis supplied)

If rape is committed by a parent against his child under 18 years of age, such as the instant case, the rape is qualified under paragraph 1, Article 266-B of the same Code, as amended, *viz.*:

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

...

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)

In proving the commission of rape, the prosecution needs to present evidence of 1) sexual congress; 2) with a woman; 3) by force and without consent. Due instance that would qualify the crime of rape would require the additional elements of: 1) the victim is *under 18 years* of age at the time of the rape; and 2) the offender is a *parent* (whether legitimate, illegitimate, or adopted) of the victim. All these elements are clearly present in this case. The victim, AAA, was 14 years old when she was forced to engage in sexual relations by XXX, her own father as duly shown in her testimony:

Q: At ngayong ineng natatandaan mo ba kung nasaaan ka noong April 6, 2015 mga ala una yun?

A: Nasa loob po ako ng bahay.

Q: At yung bahay nyo ay nakatayo saang barangay?

A: [REDACTED] po.

Q: At anong bayan ang nakakasakop sa [REDACTED]?

A: [REDACTED] po.

Q: [REDACTED], Quezon at nagsosolo ka ba dun?

A: Naliligo po yung asawa po nya.

Q: Asawa nino? Pag sinabi nya sino ito? Yung tatay mo?

A: Opo.

Q: Ikaw ay nasa loob ka ng bahay?

A: Opo.

Q: At habang naliligo yung asawa ni XXX ay nasasaan naman sya?

A: Nasa loob din po.

Q: Nang bahay.

A: Nang bahay po.

Q: Kung saan ka naroroon din?

A: Opo.

Q: At habang naandun kayo ng iyong ama sa loob ng bahay at habang naliligo yung asawa ni XXX ano na yung kasunod na nangyari?

A: Hinawakan nya po ako.

Q: Saan ka nya hinahawakan?

A: Sa maselan po.

Q: Saan kayo banda sa bahay? Sa kwarto, kusina o salas?

A: Sa kwarto po.

Q: Sa kwarto. Nakasara yung pintuan?

A: Sinarhan po nya.

Q: Ngayon sinasabi mo na hinawakan ka sa maselang bahagi ng katawan. Kaya mo bang banggitin kung ano yung maselang bahagi ng katawan?

Court: Prosecutor kaninong kwarto yun? Kwarto mo o kwarto nya?

A: Sa aming lahat po.

Q: Sa inyong lahat isang kwarto lang para sa inyong lahat? Ilan kayong natutulog dun?

A: Apat (4) po.

Q: Pero nung panahong yun kayo lang dal[a]wa ng tatay mo ang naandun sa loob ng bahay?

A: Opo.

Q: At ngayong kaya mo bang banggitin kung ano yung maselang bahagi ng katawan na hinawakan nya?

A: Sa maselan po una sa katawan sumunod na po.

Q: Ay saan yung kasunod?

A: Sa dito po.

Q: Saan yan? Sige ineng huwag kang mahiya.

A: Pipi ko po.

Q: Sa iyong ari?

A: Opo.

Q: At ngayon anong ginawa mo nung hinahawakan ka [ng] iyong papa?

A: Ayaw ko po pero pinilit nya ako.

Q: So, pagkatapos ka nyang hawakan ano pang kasunod na ginawa ng papa mo?

A: Tinuloy pa rin po nya.

Q: Pag sinabi mong tinuloy anong ginawa nya? Hinawakan ka pa rin?

A: Opo.

Q: Pagkatapos syang mahubad ang kanyang short ano pang kasunod na ginawa ng papa mo?

A: Hinubaran nya rin ho ako ng short.

Q: Anong ginawa mo nung hinuhubaran ka nya?

A: Ayaw ko po nun pero pinilit po nyang ipasok?

Q: So, nahubaran ka ba nya?

A: Opo.

Q: Matapos ka nyang mahubaran ano pa yung kasunod na nangyari?

A: Ginalaw nya po ako.

Q: Pag sinabi mong ginalaw ka nya anoong ginawa sa iyo ni [REDACTED] nang iyong ama?

A: Pinasok nya po yung ari nya.

Q: Saan nya ito ipinasok?

A: Sakin din pong ari.

Q: Sa iyong ari. At anong naramdaman mo nung ipinasok yung ari nya sa ari mo?

A: Nasaktan po ako.

Q: At anong ginawa mo habang pinasok nya yung kanyang ari sa iyong ari?

A: Naiyak po.

Q: So, hindi ka sumigaw?

A: Natatakot po ako nun.

Q: Dahil sya ay iyong ama? At ngayon gaano katagal yung pagpapasok ng ari nya sa ari mo?

A: Matagal po.

...

Q: At ngayong habang nakapasok yung ari nya sa ari mo anong kasunod na ginawa ng tatay mo?

A: Tuloy tuloy po sya.

Q: Na?

A: Ginawa nya po sa akin.

Q: Pag sinabi mong tuloy tuloy ano yung ginawa?

A: Ginalaw nya po ako.

Q: Ginalaw ka nya. So, sya ba ay gumagalaw nung nandun sya sa ibabaw mo?

A: Opo.

Q: At paano yung paggalaw nya kung alam mo? Kung kaya mong...

A: Nakadapa po sya sa akin.

Q: Tapos?

A: Tapos nakahawak po sa kamay ko.

Q: Tapos? Ito na yung nakapasok na yung ari nya sa ari mo?

A: Opo.

Q: So, ngayon medyo matagal paano tapos yung pagpasok nya sa ari?

A: Matagal po.

Q: Paano nga natapos ito?

A: Mula po nung [naitulak] ko po sya nun.

Q: Naitulak mo ba naman sya?

A: Opo.²⁰

...

Q: Sa salaysay mo din nabasa ko na bago pa yung April 6, 2015 matagal ka na nyang ginagahasa tama ba?

A: Opo.

Q: Kailan ka nya unang ginahasa? Kung iyong natatandaan? Anong taon?

A: 2013 po.

Q: So, two years so ikaw ay twelve years old ano?

A: Opo.

Q: Matapos yung insidente nung April 6, 2015 mo naisipang umalis sa bahay ninyo at magsumbong sa iyong tiyahin kung mula nung taong 2013 ay nangyayari na ang pang-aabuso sa iyo?

A: Tinatakot nya po kami. Natatakot din po ako.

Q: Anong sinasabi sa iyo?

A: Sasaktan daw yung mga kapatid ko.

Q: Sasaktan. Yung mapanakot nya nung matapos ka nyang gahasain o bago?

A: Bago pa lang po nung hinahawakan pa lang ako.

Q: May insidente ba na nasaktan ka [ng] tatay mo? Halimbawa sinampal o binugbog ka?

A: Opo nananakit po sya.²¹

²⁰ TSN, January 8, 2019, pp. 6–10.

²¹ *Id.* at 18.

The medico-legal report confirmed the testimony of AAA. It showed the presence of deep-healed lacerations at 10 o'clock position in AAA's hymen, showing blunt penetrating trauma. Time and again, this Court held that the slightest penetration of the labia of the female victim's genitalia consummates the crime of rape.²²

The clear and straightforward testimony of AAA, as corroborated by the medical findings, show beyond reasonable doubt that she was raped. In *People v. XXX*,²³ We said that [w]hen the testimony of a rape victim is consistent with the medical findings, there is sufficient basis to conclude that there has been carnal knowledge. Laceration, whether healed or fresh, is the best physical evidence of forcible defloration.

As can be further gleaned from AAA's testimony, XXX employed threat and intimidation upon her. He threatened to hurt AAA's siblings if she would report the incident. With her past experience of being beaten up by her father, AAA has sufficient reason to fear for the lives of her younger siblings. Even if XXX made no actual threat, jurisprudence instructs that where rape is committed by a relative, such as a father, stepfather, uncle, or common law spouse, moral influence or ascendancy takes the place of "force and intimidation" as an essential element of rape.²⁴

XXX contends that there is no specific allegation, let alone proof, that AAA resisted his sexual advances before or even during the coitus. To bolster his claim, XXX asserted that AAA awaited until the consummation of the sexual congress before she reacted and pushed him away.

In *People v. Rapiz*,²⁵ this Court enunciated that rape victims react differently. Some people may cry out, some may faint, some may be shocked into insensibility, while others may appear to yield to the intrusion. Some may offer strong resistance while others may be too intimidated to offer any resistance at all.²⁶

In fact, AAA cannot be faulted for behaving the way she did.²⁷ In *People v. Amper*,²⁸ We explained that there is no clear-cut behavior that can be expected of one who is being raped or has been raped. To stress, there is no standard form of behavior when one is confronted by a shocking incident as the workings of the human mind, when placed under emotional stress, are

²² *People v. Christian Manuel y Villa*, G.R. No. 242278, December 9, 2020 [Per J. Delos Santos, Third Division].

²³ *People v. XXX*, G.R. No. 258729, October 19, 2022 (Notice).

²⁴ *People v. VVV*, G.R. No. 230222, June 22, 2020 [Per J. Inting, Second Division].

²⁵ G.R. No. 240662, September 16, 2020 [Per J. Lazaro-Javier, First Division].

²⁶ *Id.*

²⁷ *People v. Amper*, G.R. No. 239334, June 16, 2021 [Per J. J. Lopez, Third Division].

²⁸ *Id.*

unpredictable.²⁹ It is, thus, unreasonable to expect or demand a standard behavioral response from a victim, especially from a minor, who was confronted with such startling and traumatic experience.

Even assuming that AAA did not resist, the same does not necessarily amount to acquiescence to the licentious behavior displayed by XXX. In the case of *People v. Salazar*,³⁰ this Court has iterated that a victim's lack of physical resistance, especially when intimidated by the offender into submission, does not signify voluntariness or consent to the assault. In addition, no minor daughter would desire to have sexual intercourse with her own father, regardless of how she responds during the commission of their sexual act.³¹

Particularly, in *People v. Servano*,³² it was recognized that in incest rape, the minor victim is at a great disadvantage because the assailant, by his overpowering and overbearing moral influence, can easily consummate his bestial lust with impunity. The influence or ascendancy necessarily flows from the father's parental authority. Early on, Filipino children are taught and expected to revere and respect their father. Thus, abuse by a father can subjugate his daughter's will, thereby forcing her to do whatever he wants. Consequently, proof of force and violence is unnecessary, as opposed to cases where the accused is not an ascendant or blood relative of the victim.³³

At any rate, resistance is not an element of rape.³⁴ A rape victim has no burden to prove that she did all within her power to resist the force or intimidation employed upon her. What needs only to be proved by the prosecution is that force or intimidation was actually employed by the accused upon his victim to achieve his end³⁵—which AAA did in this case.

In his last attempt to put a dent on the credibility of AAA's testimony, XXX fustigates the length of time it took AAA to report the sexual molestations. According to XXX, AAA waited more than two years to disclose her ordeal and she failed to proffer any explanation for the setback.

In *People v. Gratela*,³⁶ We held that long silence and delay in reporting the crime of rape have not always been construed as indications of a false accusation especially so when the delay can be ascribed to fear instilled by the threats of bodily harm, especially by one who exercises moral ascendancy

²⁹ *People v. Rupal*, 834 Phil. 594, 608 (2018) [Per J. Martires, Third Division].

³⁰ G.R. No. 239138, February 17, 2021 [Per J. Leonen, Third Division].

³¹ *People v. XXX*, G.R. No. 253284, August 31, 2022 (Notice).

³² 454 Phil. 256 (2003) [Per J. Corona, *En Banc*].

³³ *Id.* at 280.

³⁴ *People v. XXX*, G.R. No. 259739, September 21, 2022 (Notice).

³⁵ *Id.*

³⁶ G.R. No. 225961, January 6, 2020 [Per J. J. Reyes, Jr., First Division].

over the victim.³⁷ Besides, AAA was only 12 years old when XXX first molested her. Undoubtedly, the threat AAA received from XXX, coupled with his moral ascendancy, were enough to cow and intimidate her.

Being a minor and a daughter of her own assailant instilled tremendous fear in her mind³⁸. Also, the previous rape incidents happened in Candelaria and in Tayabas, Quezon, far from where her aunt lives. It would take AAA at least four hours to reach her aunt, and a minor without capacity to finance her travel would have difficulty seeking help from a relative whom she can trust. As she testified:

Q: So, di ba yung ibang rape incident nangyari doon sa ibang lugar hindi dito sa [REDACTED]?

A: Opo.

Q: Nangyari ito sa [REDACTED], nangyari ito sa [REDACTED], tama?

A: Opo.

Q: At yung tiya mo ay nakatira sa [REDACTED]?

A: Opo.

Q: Kaya nung dito ka nirape, dito ka nagsumbong?

A: Opo.³⁹

It is settled that the effect of fear and intimidation in the victim's mind cannot be measured through a standard form of behavior such that it must be viewed in the context of the victim's perception and judgment during and after the commission of the crime. Indeed, the rule is that the failure of the victim to immediately report the rape is not necessarily an indication of a fabricated charge.⁴⁰

***Denial, alibi, and ill motive
are weak defenses***

This Court can hardly be swayed by XXX's denial and alibi. While he maintains that he was at work when the incident happened, it was not physically impossible for him to be at the *locus criminis* considering that he can easily travel between two places within the same day as they are located in the same province. Denial and alibi are inherently weak defenses. Mere denial, sans any strong evidence to support it, may not overcome the positive declaration of AAA who positively identified XXX.⁴¹

³⁷ *Supra*, note 27.

³⁸ *Id.*

³⁹ TSN, January 8, 2019, pp. 1–20.

⁴⁰ *Id.* at 6–10.

⁴¹ *People v. XXX*, G.R. No. 251867, April 28, 2021 (Notice).

Moreover, this Court finds untenable XXX's argument that AAA fabricated the rape charge because his sister-in law wanted to have custody of his children and that AAA harbored ill feelings towards him as he always scolds her. Unfortunately, this allegation of ill motive was not substantiated by clear and convincing proof. Motives such as resentment or hatred or revenge do not convince this Court from giving full credence to the testimony of a minor rape victim.⁴²

In *People v. Austria*,⁴³ this Court, citing *People v. Venturina*,⁴⁴ elucidated that even the most ungrateful and resentful daughter would not accuse her own father, unless the accusation against him is true. As we articulated in *People v. XXX*,⁴⁵ citing *People v. Descartin*:⁴⁶

[I]t is unthinkable for a daughter to accuse her own father, to submit herself for examination of her most intimate parts, put her life to public scrutiny and expose herself, along with her family, to shame, pity or even ridicule not just for a simple offense but for a crime so serious that could mean the death sentence to the very person to whom she owes her life, had she really not been aggrieved.⁴⁷

Accordingly, this Court believes that AAA was compelled by a sense of justice in instituting the rape case against her father. As such, the RTC and the CA correctly convicted XXX of qualified rape under Article 266-A(1)(d), in relation to Article 266-B (1) of the Revised Penal Code.

***The appellate court imposed
the proper penalties and
monetary award***

As regards the penalty and damages, this Court finds that the CA imposition thereof with respect to the crime of rape under paragraph 1(a), Article 266-A, in relation to Article 266-B, of the Revised Penal Code conforms to recent jurisprudence. The qualifying circumstances of minority and relationship are present, AAA being 14 years old at the time of the commission of the crime, and the perpetrator was her relative by consanguinity within the third civil degree, as evidenced by AAA's birth certificate admitted by the court.

Taking into consideration the presence of the qualifying circumstances of minority and relationship, the proper penalty would have been death if not

⁴² *Id.*

⁴³ 820 Phil. 747 (2017) [Per J. Leonen, Third Division].

⁴⁴ 694 Phil. 646 (2012) [Per J. Del Castillo, Second Division].

⁴⁵ G.R. No. 254254, February 16, 2022 [Per J. Gaerlan, Second Division].

⁴⁶ 810 Phil. 881 (2017) [Per J. Tijam, Third Division].

⁴⁷ *Id.* at 892.

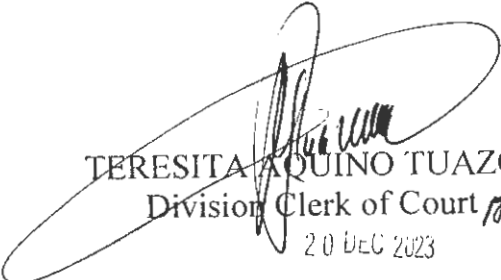
for the prohibition under R.A. No. 9346.⁴⁸ In essence, the CA correctly imposed the penalty of *reclusion perpetua* without eligibility for parole in lieu of death. It also correctly ordered XXX to pay AAA civil indemnity, moral damages, and exemplary damages, each in the amount of PHP 100,000.00, with interest at the rate of 6% *per annum* from the date of finality of judgment until full payment.

FOR THESE REASONS, the appeal is **DISMISSED**. The November 18, 2020 Decision of the Court of Appeals in CA-G.R. CR-HC No. 13700 is **AFFIRMED**. XXX is declared **GUILTY** beyond reasonable doubt of qualified rape, and is thus meted with the penalty of *reclusion perpetua* without eligibility for parole.

XXX is **ORDERED** to pay AAA the following amounts: (i) PHP 100,000.00 as civil indemnity; (ii) PHP 100,000.00 as moral damages; and (iii) PHP 100,000.00 as exemplary damages. The total amount due shall be subject to a legal interest of six percent (6%) *per annum* reckoned from the finality of this Court's Resolution until full satisfaction.

SO ORDERED."

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court 12/20
20 DEC 2023

⁴⁸ Entitled "An Act Prohibiting the Imposition of Death Penalty in the Philippines," approved on June 24, 2006.

*OFFICE OF THE SOLICITOR GENERAL (reg)
134 Amorsolo Street
1229 Legaspi Village
Makati City

*PUBLIC ATTORNEY'S OFFICE (reg)
Special & Appealed Cases Service
Department of Justice
5th Floor, PAO-DOJ Agencies Building
NIA Road corner East Avenue
Diliman, 1104 Quezon City

*XXX (reg)
Accused-Appellant
c/o The Director General
Bureau of Corrections
1770 Muntinlupa City

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

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 96
██████████, Quezon
(Crim. Case No. 14559-G)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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Supreme Court, Manila

*COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CR-HC No. 13700

*with a copy of the October 4, 2023 Resolution
Please notify the Court of any change in your address.
GR257868. 2/08/2023(154)URES(m) *//lv/da*