



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Cagayan de Oro City  
SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **March 6, 2023** which reads as follows:*

**“G.R. No. 258439 (PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee, v. XXX258439,<sup>1</sup> Accused-Appellant).** – This appeal seeks to reverse the Decision<sup>2</sup> dated June 1, 2021 of the Court of Appeals in CA-G.R. CR-HC No. 13550, affirming the trial court’s verdict of conviction against appellant XXX258439 (appellant) for five counts of rape under Article 266-A of the Revised Penal Code (RPC).

On September 15, 2014, appellant was charged with six counts of Rape,<sup>3</sup> as follows:

Crim. Case 1261-M-2015

That on or about the 17th day of May, 2007, in the municipality of [REDACTED], province of [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, did then and there willfully, unlawfully and feloniously commit rape upon the person of [AAA258439], a minor, by means of force, threat and intimidation, by inserting his penis into her vagina, against her will and without her consent, which debased, degraded and demeaned the intrinsic worth and dignity of said [AAA258439], a child and human being.

<sup>1</sup> The identity of the victim or any information to establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. (RA) 7610, “An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation and For Other Purposes;” RA 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 Administrative Matter 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.

<sup>2</sup> Penned by Associate Justice Louis P. Acosta with the concurrences of Associate Justices Myra V. Garcia-Fernandez and Carlito B. Calpatura, *Rollo*, pp. 8–34.

<sup>3</sup> Court of Appeals Decision, June 1, 2021, CA-G.R. CR-H.C. No. 13550. *Id.* at 9–11.

## Crim. Case No. 1262-M-2015

That on or about the 16th day of May, 2007, in the municipality of [REDACTED], province of [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, did then and there willfully, unlawfully and feloniously commit rape upon the person of [AAA258439], a minor, by means of force, threat and intimidation, by inserting his penis into her vagina, against her will and without her consent, which debased, degraded and demeaned the intrinsic worth and dignity of said [AAA258439], a child and human being.

## Crim. Case No. 1263-M-2015:

That on or about the 14th day of May, 2007, in the municipality of [REDACTED], province of [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, did then and there willfully, unlawfully and feloniously commit rape upon the person of [AAA258439], a minor, by means of force, threat and intimidation, by inserting his penis into her vagina, against her will and without her consent, which debased, degraded and demeaned the intrinsic worth and dignity of said [AAA258439], a child and human being.

## Crim. Case No. 1264-M-2015:

That on or about the 13th day of May, 2007, in the municipality of [REDACTED], province of [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, did then and there willfully, unlawfully and feloniously commit rape upon the person of [AAA258439], a minor, by means of force, threat and intimidation, by inserting his penis into her vagina, against her will and without her consent, which debased, degraded and demeaned the intrinsic worth and dignity of said [AAA258439], a child and human being.

## Crim. Case No. 1265-M-2015

That on or about the 15th day of May, 2007, at 9:00 in the morning in the municipality of [REDACTED], province of [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, did then and there willfully, unlawfully and feloniously commit rape upon the person of [AAA258439], a minor, by means of force, threat and intimidation, by inserting his penis into her vagina, against her will and without her consent, which debased, degraded and demeaned the intrinsic worth and dignity of said [AAA258439], a child and human being.

## Crim. Case No. 1266-M-2015

That on or about the 15th day of May, 2007 at 7:00 in the evening, in the municipality of [REDACTED], province of [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, did then and there willfully, unlawfully and feloniously commit rape upon the person of [AAA258439], a minor, by means of force, threat and intimidation, by inserting his penis into her vagina, against her will and without her consent, which debased, degraded and demeaned the intrinsic worth and dignity of said [AAA258439], a child and human being.

On arraignment, appellant pleaded not guilty to all charges.<sup>4</sup>

### Version of the Prosecution

AAA258439 testified that she was born on June 30, 1999, and was 7 years old at the time of the incidents. On May 13, 2007, her mother, [REDACTED], and her stepfather had a fight. Her mother brought her, together with her two younger siblings, to the house of her mother's friend, [REDACTED], in [REDACTED], [REDACTED], [REDACTED] where they stayed for one week. That evening, her mother and [REDACTED] were having a drinking spree with some of their friends when appellant, [REDACTED]'s brother, arrived from [REDACTED]. Later that night, while AAA258439, her siblings, and their mother were sleeping on the floor, she was awakened by a man who placed himself on top of her, covered her mouth, and pointed a knife at her. The man told her to be quiet, or otherwise, she and her siblings would get hurt. The man kissed her neck while she cried in fear. She did not see the man's face because it was dark, but she believed it was appellant because there was no other man in the house at that time. She kept mum about the incident for fear of her and her siblings' safety.<sup>5</sup>

The following evening, or on May 14, 2007, AAA258439 was playing with her siblings when appellant ordered her to go to the empty pigpen at the back of the house. He told her that if she did not obey him, he would hurt her younger sister. She followed him to the back of the house where she was asked to lay on the floor. He removed her shorts and underwear, kissed her neck and removed her shirt. He then removed his lower garments, placed himself on top of her, told her to be quiet and inserted his penis into her vagina. She cried out of fear and felt extreme pain. She told him that he was hurting her, but he just ignored her and continued his lustful act. He told her not to tell anyone about what happened. He also told her to clean up since she was bleeding. While feeling pain in her vagina, she got dressed and went to the bathroom to clean up.<sup>6</sup>

On May 15, 2007, at 9 a.m., she was left sleeping alone in the room where she, her siblings, and mother were staying. She was awoken when she felt that she was being undressed. It was appellant. He removed his lower garments, placed himself on top of her, and inserted his penis into her vagina. As he was doing the act, she was in extreme pain. When he was done satisfying his lust, he left.<sup>7</sup>

That evening, around 7 p.m., appellant called her while she was playing with her siblings. He told her to follow him to the back of the house where he

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<sup>4</sup> *Id.* at 11.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 12.

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

once again made her lie on the floor. He also told her not to tell anyone and that no one would believe her since he was friends with her mother. He removed her shorts and underwear and removed his own lower garment. He then placed himself on top of her and inserted his penis into her vagina as she cried in pain. When he was done, he told her to go back to the house.<sup>8</sup>

The incidents were repeated for the duration of their stay in the house of [REDACTED]. On the evening of May 16, 2007, appellant once again ordered her to go to the back of the house where he did the same things to her — undressed her and made her lie down. Then, the appellant undressed himself and inserted his penis in her vagina. This incident was repeated on May 17, 2007. Around 6 p.m., he again instructed her to follow him to the back of the house where he did the same things to her. Just like what happened before, he inserted his penis in her vagina. On these twin occasions, he threatened that if she ever reported the incidents to her mother or refused to obey him, he would hurt her younger sister.<sup>9</sup>

After these recent incidents, she eagerly asked her mother to go home. It was only after they left the house of [REDACTED] that her ordeals in appellant's hands finally ended. The harrowing experiences, however, deeply scarred her. Six years later, she finally told her mother about the incidents. Her revelation was prompted when she heard her mother talking to a friend about how appellant raped a mentally deficient woman. Her mother cried upon learning the ordeals that her own child also suffered.<sup>10</sup>

On July 24, 2013, Dr. Roberto Rey C. San Diego (Dr. San Diego) of the National Bureau of Investigation, Manila conducted tests on AAA258439 for signs of sexual abuse. In the medico-legal report, Dr. San Diego found that she had a completely healed laceration at the 5 o'clock position in her hymen. He stated that the genital findings showed conclusive signs of blunt intravaginal penetration.<sup>11</sup>

### **Version of the Defense**

Appellant denied the accusations against him. He testified that at the time of the incidents, he was in [REDACTED], where he was residing since 2006 and helping his father plant corn, rice, and tobacco. On May 7, 2015, he was arrested by police officers at his aunt's house in [REDACTED].<sup>12</sup>

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<sup>8</sup> *Id.* at 13–14.

<sup>9</sup> *Id.* at 14.

<sup>10</sup> *Id.*

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

<sup>12</sup> *Id.* at 15.

### Ruling of the Regional Trial Court

By Decision<sup>13</sup> dated August 9, 2019, the trial court rendered a verdict of conviction, thus:

ACCORDINGLY, accused [XXX258439] is FOUND GUILTY of the crime of rape in five counts all in violation of Article 266-A (1) (a) and (d) of the Revised Penal Code, as amended.

(1) In Criminal Case No. 1261-M-2015, he is IMPOSED the penalty of *reclusion perpetua* and ORDERED to pay the private complainant the amounts of P75,000.00 civil indemnity, P75,000.00 moral damages, and P75,000.00 exemplary damages;

(2) In Criminal Case No. 1262-M-2015, he is IMPOSED the penalty of *reclusion perpetua* and ORDERED to pay the private complainant the amounts of P75,000.00 civil indemnity, P75,000.00 moral damages, and P75,000.00 exemplary damages;

(3) In Criminal Case No. 1263-M-2015, he is IMPOSED the penalty of *reclusion perpetua* and ORDERED to pay the private complainant the amounts of P75,000.00 civil indemnity, P75,000.00 moral damages, and P75,000.00 exemplary damages;

(4) In Criminal Case No. 1265-M-2015, he is IMPOSED the penalty of *reclusion perpetua* and ORDERED to pay the private complainant the amounts of P75,000.00 civil indemnity, P75,000.00 moral damages, and P75,000.00 exemplary damages; and

(5) In Criminal Case No. 1266-M-2015, he is IMPOSED the penalty of *reclusion perpetua* and ORDERED to pay the private complainant the amounts of P75,000.00 civil indemnity, P75,000.00 moral damages, and P75,000.00 exemplary damages;

All of the amounts mentioned above shall earn a yearly interest of 6% from the finality of this Decision until they have been fully paid.

In Criminal Case No. 1264-M-2015, accused [XXX258439] is ACQUITTED of the charge against him for the prosecution's failure to present evidence of his guilt.

SO ORDERED.

### Ruling of the Court of Appeals

By its assailed Decision<sup>14</sup> dated June 1, 2021, the Court of Appeals affirmed the trial court, *viz.*:

<sup>13</sup> *Id.* at 15-16.

<sup>14</sup> *Id.* at 34.

ACCORDINGLY, the appeal is hereby DENIED.

The Joint Judgment dated 9 August 2019 of the Regional Trial Court, Branch 77, ██████████, Bulacan, finding accused-appellant [XXX258439] guilty for five (5) counts of rape in Criminal Cases No. 1261-M-2015, 1262-M-2015, 1263-M-2015, 1265-M-2015, and 1266-M-2015, is AFFIRMED.

SO ORDERED.

### The Present Appeal

Appellant now seeks affirmative relief from the Court and pleads anew for his acquittal.<sup>15</sup> For the purpose of this appeal, both appellant<sup>16</sup> and the People<sup>17</sup> manifested that, in lieu of supplemental briefs, they were adopting their respective Briefs before the Court of Appeals.

### Our Ruling

We affirm.

After a judicious review of the records, the Court finds no cogent reason to deviate from the trial court's factual findings, which carry the full conformity of the Court of Appeals. The Court agrees with the conclusions of both courts that the prosecution established beyond reasonable doubt the elements of rape under Article 266-A of the RPC, through the straightforward, positive, and convincing testimony of the minor victim, AAA258439.

Article 266-A, paragraph (1) reads:

**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:

xxx

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; and

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<sup>15</sup> *Id.* at 55.

<sup>16</sup> *Id.* at 55-56.

<sup>17</sup> *Id.* at 49-50.

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; x x x

As stated, AAA258439 gave a detailed, spontaneous, and consistent narration of her ordeal in appellant's hands. During the incidents in question, appellant would undress her, remove his own clothes, place himself on top of her, and insert his penis into her vagina. She would always tell him to stop as she was in harrowing pain. After his bestial acts, he would threaten her as he always did each time. The nature of the crime of rape often entails reliance on the lone and uncorroborated testimony of the victim, which is sufficient to support a conviction, provided that such testimony is clear, convincing, and consistent with human nature,<sup>18</sup> as here.

Notably, AAA258439's testimony was found by both the trial court and the appellate court to be credible, positive, clear, and categorical. As such, it is sufficient to support a verdict of conviction. As it was, however, the victim's testimony did not stand alone. The trial court and the Court of Appeals also considered the corroborative medical findings of Dr. San Diego, who examined AAA258439 and found the presence of completely healed lacerations at the 5 o'clock position in her hymen, which were caused by blunt intravaginal penetration, consistent with sexual abuse. Hymenal lacerations, whether healed or fresh, are the best evidence of forcible defloration. When the forthright testimony of a rape victim is consistent with medical findings, as in this case, the essential requisites of carnal knowledge are deemed to have been sufficiently established.<sup>19</sup>

On this score, appellant's denial, aside from being inherently weak, cannot outweigh the positive testimony of AAA258439. It is settled that between a categorical statement bearing the earmarks of truth on one hand, and bare denial on the other, the former is generally held to prevail.<sup>20</sup>

In the same vein, appellant's challenge against AAA258439's credibility based on her so-called inconsistent testimony on the exact time when the rape incidents took place and when she had bleeding in her vagina refer to trivial matters which do not affect her credibility. Discrepancies referring only to minor details and not to the central fact of the crime do not affect the veracity or detract from the credibility of a witness's declaration.<sup>21</sup> In *People v. Cabilida, Jr.*,<sup>22</sup> we held that "a few discrepancies and inconsistencies in the testimonies of witnesses referring to minor details and not in actuality touching upon the central fact of the crime do not impair the

<sup>18</sup> *People v. Castillo*, G.R. No. 242276, February 18, 2020.

<sup>19</sup> *People v. Pagkatipunan*, 859 Phil. 806, 816 (2019).

<sup>20</sup> *People v. Gabriel*, 807 Phil. 516, 527 (2017).

<sup>21</sup> *People v. Noel Bejim Y. Romero*, 824 Phil. 10, 21 (2018).

<sup>22</sup> 836 Phil. 144, 152 (2018).

credibility of the witnesses.” In fact, such inconsistencies strengthen the credibility of the witness as these discount the possibility of being rehearsed.<sup>23</sup>

Too, it is settled that when the offended party is of tender age, 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 a mere concoction.<sup>24</sup>

In any event, the trial court’s factual findings on the credibility of witnesses are accorded high respect, if not conclusive effect. This is because the trial court has the unique opportunity to observe the witnesses’ demeanor and is in the best position to discern whether they are telling the truth or not.<sup>25</sup> This rule becomes more compelling when such factual findings carry the full concurrence of the Court of Appeals, as in this case.

As for the correct designation of the crime committed, *People v. Tulagan*<sup>26</sup> ordains that if sexual intercourse is committed against a child less than 12 years old or is demented, whether or not exploited in prostitution, it is always a crime of statutory rape.

Statutory rape is committed by sexual intercourse with a woman below 12 years of age regardless of her consent, or the lack of it, to the sexual act. Proof of force, intimidation or consent is unnecessary as they are not elements of statutory rape, for the absence of free consent is conclusively presumed when the victim is below the age of 12. At that age, the law presumes that the victim does not possess discernment and is incapable of giving intelligent consent to the sexual act.<sup>27</sup>

Here, the prosecution was able to establish that AAA258439 was only 7 years old when appellant raped her five times in May 2007, by offering in evidence her Certificate of Live Birth showing that she was born on June 30, 1999. Consequently, the verdict of conviction against appellant should be modified from rape to statutory rape. The lower courts correctly sentenced him to *reclusion perpetua* and ordered the awards of civil indemnity, moral damages, and exemplary damages at PHP 75,000.00 each, per count of statutory rape, pursuant to *People v. Jugueta*.<sup>28</sup> These amounts shall be subject

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

<sup>24</sup> *People v. Cadano*, 729 Phil. 576, 585 (2014).

<sup>25</sup> *People v. Nelmida*, 694 Phil. 529, 556 (2012).

<sup>26</sup> 849 Phil. 197, 247 (2019).

<sup>27</sup> *People v. Gaa*, 810 Phil. 860, 867 (2017).

<sup>28</sup> 783 Phil. 806, 854 (2016).



to six percent (6%) interest *per annum* from finality of this Resolution until fully paid.

**FOR THESE REASONS**, the appeal is **DENIED**. The Decision of the Court of Appeals in CA-G.R. CR-HC No. 13550 dated June 1, 2021 is **AFFIRMED with MODIFICATION**.

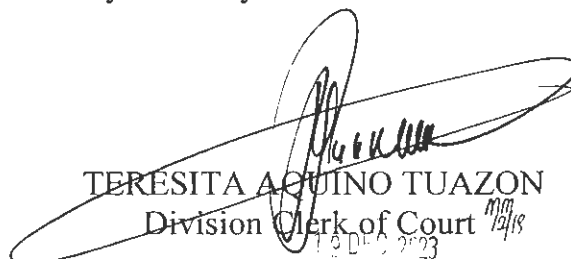
Appellant XXX258439 is found **GUILTY** beyond reasonable doubt of five (5) counts of **STATUTORY RAPE**, all in violation of Article 266-A (1) (a) and (d) of the Revised Penal Code, as amended.

- (1) In Criminal Case No. 1261-M-2015, he is sentenced to *reclusion perpetua* and ordered to pay private complainant PHP 75,000.00 civil indemnity, PHP 75,000.00 moral damages, and PHP 75,000.00 exemplary damages;
- (2) In Criminal Case No. 1262-M-2015, he is sentenced to *reclusion perpetua* and ordered to pay private complainant PHP 75,000.00 civil indemnity, PHP 75,000.00 moral damages, and PHP 75,000.00 exemplary damages;
- (3) In Criminal Case No. 1263-M-2015, he is sentenced to *reclusion perpetua* and ordered to pay private complainant PHP 75,000.00 civil indemnity, PHP 75,000.00 moral damages, and PHP 75,000.00 exemplary damages;
- (4) In Criminal Case No. 1265-M-2015, he is sentenced to *reclusion perpetua* and ordered to pay private complainant PHP 75,000.00 civil indemnity, PHP 75,000.00 moral damages, and PHP 75,000.00 exemplary damages; and
- (5) In Criminal Case No. 1266-M-2015, he is sentenced to *reclusion perpetua* and ordered to pay private complainant PHP 75,000.00 civil indemnity, PHP 75,000.00 moral damages, and PHP 75,000.00 exemplary damages;

These amounts shall be subject to six percent (6%) interest *per annum* from finality of this Resolution until fully paid.

**SO ORDERED.”**

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Division Clerk of Court <sup>MM</sup> 12/18  
13 01 0 2023

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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 77  
3000 [REDACTED], Bulacan  
(Crim. Cases Nos. 1261-M-2015, 1262-M-2015, 1263-M-2015,  
1264-M-2015, 1265-M-2015 & 1266-M-2015)

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\*with copy of CA Decision dated June 1, 2021  
*Please notify the Court of any change in your address.*  
GR258439. 03/06/2023(270)URES(m) *ju/c*