



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 8, 2023** which reads as follows:*

“G.R. No. 258614 (People of the Philippines, Plaintiff-appellee, v. XXX258614, Accused-appellant).” — This Court resolves an appeal,¹ assailing the Decision² of the Court of Appeals (CA), which affirmed the Decision³ of the Regional Trial Court (RTC), finding XXX258614 guilty beyond reasonable doubt of the crime of rape under Article 266-A in relation to Republic Act No. 7610, otherwise known as the “Special Protection of Children Against Child Abuse, Exploitation, and Discrimination Act.”

The instant case stemmed from an Information⁴ filed against XXX258614, which reads:

That on or about April 10, 2013 at around 8:00 o’clock in the evening, more or less, in [REDACTED], Biliran, and within the jurisdiction of this Honorable Court, said accused, actuated by lust, by intimidation, taking advantage of his superior strength and having moral ascendancy over complainant 15-year[-]old [AAA258614] who is his daughter, did then and there, willfully, unlawfully[,], and feloniously have carnal knowledge of said complainant [AAA258614] against her will, to her damage and prejudice.

CONTRARY TO LAW, with aggravating circumstances of abuse of superior strength and taking advantage of his moral ascendancy over complainant who is his 15-year[-]old daughter.⁵

* In line with Amended Administrative Circular No. 83-2015, as mandated by R.A. No. 7610, the names of the private offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

¹ *Rollo*, pp. 5–7.

² *Id.* at 11–29. The June 17, 2021 Decision in CA-G.R. CR-HC No. 02964 was penned by Associate Justice Bautista G. Corpin, Jr., and concurred in by Associate Justices Gabriel T. Ingles and Nancy C. Rivas-Palmones of the Special Eighteenth Division, Court of Appeals, Cebu City.

³ *Id.* at 31–40. The May 8, 2018 Decision in Criminal Case No. CB-13-449 was penned by Presiding Judge Constantino F. Esber of Branch 37, Regional Trial Court, [REDACTED], Biliran.

⁴ Records, p. 1.

⁵ *Id.*

During the arraignment on June 19, 2013, XXX258614 pleaded not guilty to the charge against him.⁶ After pre-trial was conducted, trial on the merits ensued.

The prosecution presented four witnesses: (1) the minor victim herself, AAA258614; (2) her aunt, BBB258614; (3) the Municipal Health Officer of ██████████, Biliran, Dr. Dionesio B. Plaza (*Dr. Plaza*); and (4) Police Officer 1 Joan Leones (*PO1 Leones*), who assisted the victim and her family in filing the Complaint. The testimony of PO1 Leones was dispensed with after the defense admitted the due execution and authenticity of the extract copy from the police blotter.⁷

To prove the victim's minority and age, the prosecution presented the baptismal certificate⁸ of AAA258614 which showed that she was born on July 7, 1997 in ██████████, Biliran. However, it was only her mother, CCC258614, who was identified, and her father was not indicated.⁹

During trial, BBB258614 described AAA258614 as mentally immature and a slow learner as she suffered from a severe fever when she was younger that caused her learning deficiency.¹⁰ When the incident occurred on April 10, 2013, AAA258614 was already 15 years old but was only in grade 3 at school.¹¹

BBB258614 claimed that AAA258614's mother died when she was young. She also testified that XXX258614 was not married to the mother of AAA258614. Still, AAA258614 referred to XXX258614 as her "father."¹²

At around 8:00 p.m. on April 10, 2013, while BBB258614 was preparing for dinner, she noticed that AAA258614 and her two grandchildren were not yet home. She went outside to look for them, but as she could not locate them, she sought assistance from the barangay tanods. However, they were only able to find her two grandchildren.¹³

While they continued to search for AAA258614, BBB258614 met a person who informed her that AAA258614 was brought home by her "father," XXX258614.¹⁴

⁶ *Id.* at 27.

⁷ *Rollo*, p. 12.

⁸ Records, p. 18.

⁹ *Id.*

¹⁰ *Rollo*, p. 13.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

When they eventually found AAA258614, they saw her crying and noticed that her pants were stained with mud. BBB258614 asked AAA258614 what happened to her and she explained that her “father” brought her to the coco lands in a grassy area and sexually abused her by removing her pants and inserting his penis in her vagina.¹⁵

BBB258614 immediately brought AAA258614 to the [REDACTED] Police Station to report the incident. The following day, BBB258614 brought AAA258614 to a doctor for medical examination.¹⁶

Following the conduct of the medical examination on AAA258614, Dr. Plaza found lacerations at 4 o'clock and 6 o'clock positions of the minor victim's hymen. Further, AAA258614's vaginal canal and cervix were found positive for the presence of spermatozoa.¹⁷

Dr. Plaza testified that under favorable conditions, spermatozoa found in a vagina can survive for up to three to four days.¹⁸

More, Dr. Plaza observed that AAA258614 had difficulty with comprehensive thinking as during their conversation, he noticed that AAA258614 was only smiling, even when asked about the particulars of the incident.¹⁹

Further, Dr. Plaza testified that it was possible that AAA258614 had sexual intercourse a month prior to the examination, hence the healed lacerations. Thus, if a patient had healed lacerations and would thereafter have sexual intercourse, the lacerations would become fresh. However, when the RTC judge and the prosecutor tried to clarify the statement, Dr. Plaza answered that it is likewise possible that the healed laceration will no longer become fresh.²⁰

Lastly, AAA258614 herself testified about the incident. At the time of her testimony, AAA258614 was 16 years old. However, it was noted by the CA that during her testimony before the RTC, it was stated therein that she was a fourth year student and was 17 years old.²¹

AAA258614 averred that BBB258614 was her mother's cousin and that she knew XXX258614 as her father. AAA258614 corroborated BBB258614's testimony that she resided with her at [REDACTED], Biliran.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* at 14.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.* at 15.

On April 10, 2013, at around 8:00 p.m., AAA258614 was with BBB258614's grandchildren and together, they went to [REDACTED] to ask XXX258614 for some money. XXX258614 refused to give them any but he accompanied them on their walk home.²²

While they were along the way, XXX258614 ordered BBB258614's grandchildren to go on ahead. Then, near some coconut trees, XXX258614 undressed AAA258614 before removing his own clothes, and bent AAA258614 on the ground to insert his penis into her vagina and doing a push-and-pull motion. AAA258614 testified that she felt pain. XXX258614 then told AAA258614 not to tell anybody about the incident or else he will kill her.²³

At the time of rape, XXX258614 was unarmed, but AAA258614 could not immediately escape or shout because XXX258614 held her arms and covered her mouth.²⁴

Eventually, AAA258614 got away from XXX258614 and proceeded to go home, but he still accompanied her, even sending her home and kissing her on the left cheek.²⁵

This incident was the first time that XXX258614 did such an act to AAA258614.²⁶

However, on cross-examination, it was revealed by AAA258614 that prior to the above incident, AAA258614 was raped by XXX258614 five times and she was also raped by her nephews.²⁷

AAA258614 stated that she reported the earlier rape incidents to her aunt, BBB258614, but she did not do anything. More, AAA258614 cried as she left the witness stand.²⁸

On the part of the defense, XXX258614 was presented as its sole witness.²⁹

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.* at 16.

²⁸ *Id.*

²⁹ *Id.*

At the outset, the defense counsel manifested that the transcript of stenographic notes for AAA258614's testimony stated that the incident happened in [REDACTED].³⁰

XXX258614 averred that he was a resident of [REDACTED], and that he was unmarried and had no children. He testified that he knew AAA258614 as the niece of BBB258614, who, in turn, was his own niece. He also claimed that he did not often meet with AAA258614.³¹

On April 10, 2013, or the day of the incident, XXX258614 alleged that he never saw AAA258614. At around 7:00 p.m., he was asleep.³² However, XXX258614 also stated that at around 6:00 p.m. on even date, AAA258614, with two companions went to see him to ask for money. As he had no money, XXX258614 told AAA258614 to go home instead and AAA258614 became mad at him. XXX258614 denied accompanying AAA258614 home and said that after he spoke with her, he went to sleep.³³

On cross-examination, XXX258614 again denied meeting AAA258614. He said that the day of the incident was the first time that AAA258614 asked him for money, as he used to give her money and goods occasionally in the past.³⁴

On re-direct examination, XXX258614 described the distance between the place he resided in and the house of BBB258614 as a 15 to 30-minute walk.³⁵

In its Decision,³⁶ the RTC found XXX258614 guilty of the crime of rape under Article 266-A and Article 266-B of the Revised Penal Code, *viz.*:

WHEREFORE, in view of all the foregoing, the Court hereby renders judgment finding accused [XXX258614] guilty beyond reasonable doubt as Principal of the crime of Rape, defined and penalized under Article 266-A and Article 266-B of the Revised Penal Code, as amended by Republic Act No. 8353 (The Anti-Rape Law of 1997), and hereby sentences him to suffer the penalty of imprisonment of RECLUSION PERPETUA and to pay AAA[258614] civil indemnity ex delicto in the amount of [PHP] 75,000.00, moral damages in the amount of [PHP] 75,000.00, and exemplary damages in the amount of [PHP] 30,000.00. The accused is also ordered to pay interest at the rate of six percent (6%) per annum on all the monetary awards, from the date of finality of this Decision until fully paid.

³⁰ *Id.*

³¹ *Id.* at 16-17.

³² *Id.* at 17.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.* at 31-40. Dated May 8, 2018.

With costs de oficio³⁷

The RTC found that the prosecution clearly established the elements of the crime of rape and the corresponding guilt of XXX258614.

The RTC explained that XXX258614 raped AAA258614 through force, threat, and intimidation when he threatened her not to tell anyone about what he did to her, otherwise, he would kill her.³⁸

More, AAA258614 was able to testify in a credible, convincing, and straightforward manner and identified XXX258614, who she knew as her father, as the person who raped her.³⁹ In upholding the testimony of AAA258614, the RTC emphasized that an accused may be convicted solely on the basis of the testimony of a victim.⁴⁰

Additionally, AAA258614's testimony was corroborated by the results of the medical examination conducted by Dr. Plaza the day after she reported the incident to the authorities, and that spermatozoa were found in her body.⁴¹

The RTC did not give credence to the inconsistencies pointed out by the defense in AAA258614's testimony, particularly, that the rape happened in [REDACTED], and not in [REDACTED] as stated in the information, because AAA258614 never stated that she was raped in [REDACTED]. She only went there to ask XXX258614 for money and it was on their way to her home in [REDACTED], where she was raped by him, as correctly indicated in the Information.⁴²

Aggrieved, XXX258614 filed an appeal with the CA.⁴³

In the assailed Decision,⁴⁴ the CA affirmed XXX258614's conviction with modification, increasing the amount of exemplary damages, the dispositive portion of which states:

WHEREFORE, premises considered, the appeal is DENIED. The Decision dated May 8, 2018 of the Regional Trial Court, Branch 37-[REDACTED], Biliran, in Crim. Case No. CB-13-449, is AFFIRMED with MODIFICATION in that accused-appellant [XXX258614] is ORDERED to pay the victim, AAA[258614], exemplary damages in the amount of [PHP] 75,000.00.

³⁷ *Id.* at 40.

³⁸ *Id.* at 37.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.* at 38.

⁴² *Id.* at 39.

⁴³ Records, p. 163.

⁴⁴ *Rollo*, pp. 11-29. Dated June 17, 2021.

SO ORDERED.⁴⁵

Hence, this appeal.

The issue for this Court's resolution is whether XXX258614 is guilty of rape.

The appeal must be denied.

XXX258614 was charged and convicted of rape which is defined and penalized under Article 266-A of the Revised Penal Code by the RTC, *viz.*:

Article 266-A. Rape: *When And How Committed*. — Rape is committed:

- 1) By a man who shall have carnal knowledge of a woman under any of the following circumstances;
 - a) Through force, threat, or intimidation;
 - b) When the offended party is deprived of reason or otherwise unconscious;
 - c) By means of fraudulent machination or grave abuse of authority; and
 - d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present. (Emphasis in the original)

The elements of rape by sexual intercourse are that: (1) the offender is a man; (2) the offender had carnal knowledge of a woman; and (3) such act was accomplished by using force, threat, or intimidation.⁴⁶

This Court finds that the elements to convict XXX258614 of rape are present in this case.

As the facts show, on the day of the incident, AAA258614 and BBB258614's two grandchildren went to visit XXX258614 to ask him for some money. After he did not give them any, he accompanied all three of them on their walk home. Afterwards, XXX258614 ordered BBB258614's two children to go home and that AAA258614 would stay with him for a while.

⁴⁵ *Id.* at 28.

⁴⁶ *People v. Caoili*, 815 Phil. 339, 882-883 (2017) [Per J. Tijam, *En Banc*].

When they were left alone, AAA258614 testified that XXX258614 brought her over to the coco lands where he made her lie down on the grass, groped, and then raped her, which is an act of sexual abuse.

During the commission of the offense, XXX258614 forced AAA258614 to bend over as he inserted his penis into her vagina and do a push-and-pull motion, during which AAA258614 stated she felt pain.

The rape was attended with force, threat, and intimidation by XXX258614 when he told her not to tell anyone about what he did to her, as he held her down so that she could not escape, and covered her mouth so that she could not shout for help. As narrated by AAA258614:

Q: Why were you left behind?

A: Because my father order[ed] them to go ahead and leave your ate here.

....

Q: You and your father were left behind, were you also walking along the way?

A: Yes[,] ma[']am.

Q: Now you did mention earlier at being undressed, in which part of the road that your father do that if you were walking along the way in going home [sic]?

A: Near the coconut trees.

Q: You were undressed by whom?

A: My father.

Q: After you were undressed by your father what did he do next?

A: He had sexual molestation [sic] to me.

Q: Did he undress himself?

A: Yes[,] ma[']am.

Q: You mentioned of being sexually molested[,] what was your position when he sexually molested you?

A: I was made to bend down to the ground.

Q: Your father was at your back when he molested you?

A: Yes[,] m[a']am.

....

Q: Did he insert his penis into your vagina?

A: Yes[,] ma[']am.

Q: Did he make a push[-]and[-]pull motion?

A: Yes[,] ma[']am.

Q: While he was doing that[,] what did you tell him?

A: I did not say anything.

Q: Was there an opportunity for you to break free from your father while he was going there?

A: Yes[,] I tried to get away from him.

Q: But you were [un]successful?

A: Yes, ma[']am.

Q: What did you feel while he was doing that?

A: I [felt] pain.

....

Q: Going back to that date when your father molested you, did he threaten you?

A: Yes[,] ma[']am.

Q: How did he threaten you?

A: He told me not to tell anybody.

Q: If you would tell anybody of what happened[,] what will he do to you?

A: He will kill me.

....

Q: At that time when your father raped you[,] was he armed?

A: No[,] sir.

Q: When he was going to rape you [behind your back position], before he enter[ed] his penis to your vagina, why did you not run [and] break free from him?

A: He was holding [me] all the way.

Q: How did he hold you?

A: He was holding me in my arms.

Q: But you did not also shout?

A: Because he was covering my mouth.⁴⁷

Thus, AAA258614's narration reveals that she was threatened, rendering her subservient to XXX258614's control.

Again, the minority of AAA258614 was shown through the presence of her baptismal certificate, which was admitted in evidence by the RTC, showing that the victim was only 15 years old at the time the crime was committed.

More, it bears to note that the RTC highlighted that AAA258614 viewed and often referred to XXX258614 as her "father," although their

⁴⁷ TSN, March 3, 2015, pp. 6-8 & 10.

biological relationship was not proven by the prosecution. Nevertheless, this indicates that he had an influence over her as she saw him as a paternal figure.

In addition, AAA258614 exhibited a slower rate of maturity and a lower level of comprehension for her age. BBB258614 corroborated this point as she stated that AAA258614 was only able to finish grade 2.

During the testimony of Dr. Plaza, he stated that he observed that AAA258614 had difficulty in comprehension, thus:

Q: Now, Dr. Plaza, you have personally seen and examined [AAA258614] based on your observation with that patient was she mentally normal or how do you assess in your [o]bservation on that patient? [sic]

A: On my observation[,] the patient stop[ed] [sic] on comprehensive thinking.

Q: How old was she when she was referred to your clinic at that particular date and time?

A: She [was] 15 years old.

Q: At that time[,] did she exhibit normal action or normal physical condition of that of [15-year-old] girl?

A: The time when I asked[,] the patient is only smiling [at] me and when I'm asking her about the incident[,] she's always smiling.⁴⁸

Next, in support of XXX258614's argument that his guilt was not proven beyond reasonable doubt, he asserts that AAA258614's testimonies were inconsistent as she changed her statements in her judicial affidavit when she took the witness stand.

XXX258614 claims that initially, AAA258614 claimed that she was with her two cousins, or BBB258614's children, to meet her "father," XXX258614. However, during her testimony, AAA258614 referred to her two cousins as her younger siblings.

Anent the details of rape in her judicial affidavit, AAA258614 stated that XXX258614 firmly held her hips and inserted his hand under her blouse to hold her breasts while he raped her against her own will. Thereafter, during her testimony, she claimed that XXX258614 held her down in her arms all the way down so she could not break away from him.⁴⁹

Lastly, in AAA258614's judicial affidavit, she stated that aside from XXX258614, she was also raped by her nephews, one [REDACTED] and

⁴⁸ TSN, February 5, 2014, p. 11.

⁴⁹ Records, p. 12.

██████████, who raped her one at a time.⁵⁰ Therefore, considering the foregoing circumstances, it is possible that XXX258614 is not the perpetrator.

XXX258614's contentions are completely devoid of merit.

In criminal cases, "proof beyond reasonable doubt" does not mean such degree of proof, excluding possibility of error, that produces absolute certainty; only "moral certainty" is required, or that degree of proof which produces conviction in an unprejudiced mind.⁵¹

Mere inconsistencies or discrepancies in a witness' testimony do not, by such fact alone, diminish the credibility of the same, as in this case, when they are minors.

As correctly pointed out by the CA, as the defense counsel never mentioned AAA258614's judicial affidavit during cross-examination, she was not given the chance to explain the inconsistencies in her statements contrary to Rule 132, Section 13⁵² of the Rules of Court.

In its ruling, the CA found that:

The courts cannot appreciate the claimed inconsistencies between AAA[258614]'s Judicial Affidavit and her testimony in open court for three reasons.

First, aptly cited by the plaintiff-appellee is the case of *People v. Castellano* where it was held:

Before the credibility of a witness and the truthfulness of his testimony can be impeached by evidence consisting of his prior statements which are inconsistent with his present testimony, the cross-examiner must lay the predicate or the foundation for impeachment and thereby prevent an injustice to the witness being cross-examined. The witness must be given a chance to recollect and to explain the apparent inconsistency between his two statements and state the circumstances under which they were made. This Court held in *People v. Escosura* that the statements of a witness prior to her present testimony cannot serve as basis for impeaching her credibility unless her attention was directed to the

⁵⁰ *Id.* at 13.

⁵¹ *People v. Gerola*, 813 Phil. 1055, 1066 (2017) [Per J. Caguioa, First Division]. (Citation omitted)

⁵² RULES OF COURT, Rule 132, sec. 13 states:

Section 13. *How witness impeached by evidence of inconsistent statements.* — Before a witness can be impeached by evidence that he has made at other times statements inconsistent with his present testimony, the statements must be related to him, with the circumstances of the times and places and the persons present, and he must be asked whether he made such statements, and if so, allowed to explain them. If the statements be in writing they must be shown to the witness before any question is put to him concerning them.

inconsistencies or discrepancies and she was given an opportunity to explain said inconsistencies.

However, the defense counsel never mentioned AAA[258614]'s Judicial Affidavit during cross-examination. She was never afforded the chance to explain these apparent inconsistencies, contrary to Section 13, Rule 132 of the Rules of Court, which states:

How witness impeached by evidence of inconsistent statements. — Before a witness can be impeached by evidence that he has made at other times statements inconsistent with his present testimony, the statements must be related to him, with the circumstances of the times and places and the persons present, and he must be asked whether he made such statements, and if so, allowed to explain them. If the statements be in writing they must be shown to the witness before any question is put to him concerning them.

Second, *People v. Gonzales Jr.* states:

It has been consistently held that discrepancies and/or inconsistencies between a witness' affidavit and testimony do not necessarily impair his credibility as affidavits are taken *ex parte* and are often incomplete or inaccurate for lack or absence of searching inquiries by the investigating officer. What is important is, in the overall analysis of the case, the trial court's findings and conclusions are duly supported by the evidence on record.

Moreover, "if there is an inconsistency between the affidavit and the testimony of a witness, the latter should be given more weight.

And third, "inaccuracies and inconsistencies in a rape victim's testimony are generally expected[.]"⁵³ (Emphasis supplied and citations omitted)

More, in *People v. XXX*,⁵⁴ this Court ruled that:

The general rule is that contradictions and discrepancies between the testimony of a witness in contrast with what was stated in an affidavit do not necessarily discredit her. Affidavits given to police and barangay officers are *ex parte*. *Ex parte* affidavits are almost always incomplete and often inaccurate for varied reasons. In any case, open court declarations take precedence over written affidavits in the hierarchy of evidence. Testimonies given during trials are much more precise and elaborate than those stated in sworn statements[.]⁵⁵ (Citations omitted)

⁵³ *Rollo*, pp. 20–22.

⁵⁴ G.R. No. 236562, September 22, 2020 [Per C.J. Peralta, First Division].

⁵⁵ *Id.* at 12. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

This Court has also consistently given full weight and credence to a child's testimony as youth and immaturity are badges of truth and sincerity.⁵⁶ Thus, the testimony of AAA258614 must be upheld.

In addition, XXX258614 pointed out the fact that the hymenal lacerations of the victim were healed when she was examined by Dr. Plaza on April 11, 2013, or a day after the rape was committed or on April 10, 2013, which could negate the fact of rape.

In the medical certificate⁵⁷ issued by Dr. Plaza, it was discovered that AAA258614 had healed hymenal lacerations at 4 o'clock and 6 o'clock positions. XXX258614 believes that this weakens the prosecution's establishment of his guilt.

This Court emphasizes that the absence of fresh lacerations in the hymen cannot be an indication that a victim was not raped. As discussed in *People v. Boromeo*,⁵⁸ viz.:

Proof of hymenal laceration is not an element of rape. An intact hymen does not negate a finding that the victim was raped. To sustain a conviction for rape, full penetration of the female genital organ is not necessary. It is enough that there is proof of entry of the male organ into the *labia of the pudendum* of the female organ. Penetration of the penis by entry into the lips of the vagina, even without laceration of the hymen, is enough to constitute rape, and even the briefest of contact is deemed rape. As long as the attempt to insert the penis results in contact with the lips of the vagina, even without rupture or laceration of the hymen, the rape is consummated[.]⁵⁹ (Citations omitted)

Further, in a long line of cases, this Court found that even medico-legal examinations may be dispensed with as offenders can be convicted by testimonies of rape victims.

In the case at bar, the rape was corroborated by the same findings of Dr. Plaza as AAA258614's physical examination, which showed the presence of spermatozoa. Notably, it was on April 11, 2013 when AAA258614 was subjected to the physical examination, the day after the rape took place on April 10, 2013.

Lastly, XXX258614 offered the defense of denial.

⁵⁶ *Dela Cruz v. People*, G.R. No. 245516, June 14, 2021 [Per J. J. Lopez, Third Division] at 12. (Citations omitted) This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

⁵⁷ Records, p. 72.

⁵⁸ 474 Phil. 605 (2004) [*Per Curiam, En Banc*].

⁵⁹ *Id.* at 616-617.

In *People v. Salazar*,⁶⁰ this Court held that:

Denial is an inherently weak defense and is generally viewed upon with disfavor, because it is easily concocted but difficult to disprove. Thus, denial will not prevail over positive identification of the accused. For an alibi to prosper, it must be proved that the accused was in another place during the commission of the crime, rendering it physically impossible for the accused to be at the scene of the crime. Further, an alibi must be corroborated by a disinterested witness.

Bare, unsubstantiated denial is “negative self-serving evidence which cannot be given greater evidentiary weight than the testimony of the complaining witness who testified on affirmative matters.” In *People v. Galagati*:

Like alibi, denial is an inherently weak and easily fabricated defense. It is a self-serving negative evidence that cannot be given greater weight than the stronger and more trustworthy affirmative testimony of a credible witness . . . Besides, no woman would cry rape, allow an examination of her private parts, subject herself (and even her entire family) to humiliation, go through the rigors of public trial, and taint her good name if her claim were not true.⁶¹ (Citations omitted)

In stark contrast to AAA258614’s statements, XXX258614’s defense of denial remained unsubstantiated. AAA258614 also positively identified, in open court, XXX258614 as the perpetrator of the crime. XXX258614 testified before the RTC that he lived in a town that was 15 to 30 minutes away from the victim’s home, stating that:

Q: Mr. Witness, you said your house in [REDACTED] and the house of [BBB258614] in [REDACTED] is far, you said that a while ago, is it not?

A: Yes, sir.

Q: How far is that?

A: I don’t know how far.

Q: If you will go to the house of [BBB258614] by foot from [REDACTED] to [REDACTED], how long did it take you to reach that place?

A: About fifteen (15) minutes to thirty (30) minutes.

Q: From [REDACTED] [going] to [REDACTED], how many barangay[s] will you pass by?

A: They are adjacent.⁶²

⁶⁰ G.R. No. 239138, February 17, 2021 [Per J. Leonen, Third Division].

⁶¹ *Id.* at 15. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

⁶² TSN, March 21, 2018, p. 16.

Thus, it cannot be said that it was physically impossible for him not to be at the scene of the crime given that the barangay he lived in and where the rape was committed was only 15 to 30 minutes away by foot.

Resultingly, this Court yields to the assessment of the RTC on the appreciation of the witnesses' testimony, and its findings of fact must be given credence and upheld.

In line with *People v. Jugueta*,⁶³ XXX258614 must also be held civilly liable to pay: (1) PHP 75,000.00 as civil indemnity, (2) PHP 75,000.00 moral damages, and (3) PHP 75,000.00 as exemplary damages to be paid to the victim.

All monetary awards shall bear interest of 6% per annum reckoned from the finality of this Resolution until fully paid.

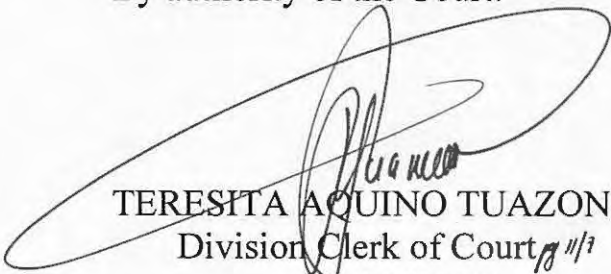
FOR THESE REASONS, the instant Petition is **DENIED**. The Decision dated June 17, 2021 of the Court of Appeals in CA-G.R. CR-HC No. 02964, which affirmed the Decision of Branch 37, Regional Trial Court, [REDACTED], Biliran in Criminal Case No. CB-13-449 is hereby **AFFIRMED**.

- a. Accused-appellant XXX258614 is **GUILTY** beyond reasonable doubt of rape under Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353.
- b. He is likewise **ORDERED** to **PAY** AAA258614 the following amounts, to wit:
 1. PHP 75,000.00 as civil indemnity;
 2. PHP 75,000.00 by way of moral damages;
 3. PHP 75,000.00 as exemplary damages.
- c. Legal interest is hereby imposed on all damages awarded at the rate of 6% per annum from the date of finality of this Resolution until fully paid.

SO ORDERED.”

⁶³ 783 Phil. 806, 855 (2016) [Per J. Peralta, *En Banc*].

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court #17
08 NOV 2023

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

PUBLIC ATTORNEY'S OFFICE (reg)
Regional Special & Appealed Cases Unit
3F, Taft Commercial Center
Metro Colon Carpark, Osmeña Boulevard
Brgy. Kalubihan, 6000 Cebu City

XXX258614 (reg)
Accused-Appellant
c/o The Superintendent
Leyte Regional Prison
Abuyog, 6510 Leyte

THE SUPERINTENDENT (reg)
Leyte Regional Prison
Abuyog, 6510 Leyte

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 37
██████████, Biliran
(Crim. Case No. CB-13-449)

COURT OF APPEALS (reg)
Visayas Station
Cebu City
CA-G.R. CR-HC No. 02964

JUDGMENT DIVISION (x)
Supreme Court, Manila

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PHILIPPINE JUDICIAL ACADEMY (x)
Supreme Court, Manila

Please notify the Court of any change in your address.
GR258614. 3/08/2023(228)URES(m)

(228)URES(m)