



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 15, 2023** which reads as follows:*

“**G.R. No. 259222 – (People of the Philippines, plaintiff-appellee v. YYY259222, accused-appellant).** – This appeal seeks to reverse the Decision<sup>1</sup> dated June 14, 2021 of the Court of Appeals in CA-G.R. CR-HC No. 14304 entitled *People v. YYY259222*,<sup>2</sup> which affirmed with modification appellant’s conviction from statutory rape to qualified statutory rape as well as the monetary awards.

**Proceedings before the Regional Trial Court**

Appellant YYY259222 was charged, as follows:

“That on or about the 1st day of July 2019, in the [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, **YYY259222**, did then and there, willfully (sic), unlawfully and criminally, have carnal knowledge of one “**AAA**”[,], a **4-year old minor**, against her will and consent, inside his dwelling, to her damage and prejudice.

Contrary to Article 266-A par. 1D of the Revised Penal Code as amended by RA 8353.<sup>3</sup>

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

<sup>1</sup> Penned by Associate Justice Apolinario D. Bruselas, Jr. and concurred in by Associate Justices Rafael Antonio M. Santos and Carlito B. Calpatura; Rollo, pp. 8–21.

<sup>2</sup> Pursuant to Supreme Court Administrative Circular No. 83-2015 which mandates that the complete names of the women and children victims be replaced by fictitious initials. Also, *People v. Manjares*, G.R. No. 185844, November 23, 2011, decreed: “In line with Section 29 of Republic Act No. 7610, Section 44 of Republic Act No. 9262, and Section 40 of A.M. No. 04-16-11-SC, the identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld. For purposes of discussion, the private offended party and her immediate family members shall be referred to using initials. See *People v. Cabalquinto* (G.R. No. 167693, September 19, 2006, 502 SCRA 419) and *People v. Guillermo* (G.R. No. 173787, April 23, 2007, 521 SCRA 597).”

<sup>3</sup> *CA rollo*, p. 76.

<sup>4</sup> *Rollo*, p. 9.

### Version of the Prosecution

Four-year old AAA259222 testified that on July 1, 2019, appellant called her inside his house. Once there, he removed her shorts and laid on top of her. Then he removed his short pants and inserted his penis in her vagina. She continuously cried in pain all through the sexual act.<sup>5</sup> To demonstrate what appellant did to her, she was given an anatomically correct doll which she used to narrate the incident, specifically the bestial acts perpetrated on her.

Nine-year old CCC259222, AAA259222's cousin, testified that on July 1, 2019, she was playing near the house of appellant and saw AAA259222 enter appellant's house. On her way back to their house, she saw AAA259222's mother, BBB259222, looking for AAA259222. She told BBB259222 where AAA259222 was.<sup>6</sup>

BBB259222 testified that on July 1, 2019, at 11:55 in the morning, she was doing the laundry in their house when AAA259222 told her she was going to a nearby computer shop. When she noticed AAA259222 had not returned, she went out and looked for her. She came across CCC259222, daughter of her cousin, who told her that AAA259222 was in the house of appellant.<sup>7</sup>

She thus went to the house of appellant, and called for him and AAA259222. As AAA259222 was walking out of the house, she noticed she was fixing her short pants. She suspected there was something amiss. She and AAA259222 left and went to the house of her (BBB259222) cousin. There, she asked AAA259222 what appellant did to her. AAA259222 answered that appellant raped her. BBB259222 then removed AAA259222's shorts and saw her (AAA259222) vagina was reddish.<sup>8</sup>

She confronted appellant who denied her accusation, claiming he just had coffee with AAA259222. Thereafter, BBB259222 reported the incident to the police station and had AAA259222 examined.<sup>9</sup>

Dr. Daryl Joe B. Aquino (Dr. Aquino) of the Pediatric Surgery Department of a local hospital testified that on July 1, 2019, he examined AAA259222 and found redness and inflammation in her vagina caused by incomplete laceration at 3 o'clock position. He opined that the redness and inflammation of the hymen and the incomplete laceration thereof could have been caused by rubbing against the hymen and the insertion of a hard object into the vagina.<sup>10</sup>

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

<sup>6</sup> *Id.* at 10

<sup>7</sup> *Id.* at 9-10.

<sup>8</sup> *Id.*

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

<sup>10</sup> *Id.* at 10-11.

He did not find any blood stain and spermatozoa on the underwear of AAA.<sup>11</sup>

### Version of the Defense

Appellant interposed denial and alibi. He admitted that he and BBB259222 were neighbors but denied seeing AAA259222 on July 1, 2019. He claimed he could not have committed the crime as he is already old and could no longer have an erection.<sup>12</sup>

### The Ruling of the Trial Court

By Decision<sup>13</sup> dated January 17, 2020, the trial court found appellant guilty as charged, viz.:

WHEREFORE, premises considered, the [c]ourt finds the accused ██████████ GUILTY BEYOND REASONABLE DOUBT of STATUTORY RAPE and is hereby sentenced to suffer the penalty of *reclusion perpetua*, without eligibility for parole. Accused is ordered to pay AAA the following amounts: civil indemnity of P75,000.00, moral damages of P75,000.00, and exemplary damages of P75,000.00. All monetary awards for damages shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this Decision until fully paid.

SO ORDERED.

The trial court gave more credence to the categorical and straightforward testimony of AAA259222 that appellant had carnal knowledge of her over appellant's bare denial. Especially since her testimony was corroborated by the medico-legal report of the examining doctor.<sup>14</sup>

### The Ruling of the Court of Appeals

By its assailed Decision<sup>15</sup> dated June 14, 2021, the Court of Appeals affirmed with modification. It corrected the nomenclature of the crime and increased the monetary awards.

It held that the proper nomenclature of the crime committed is qualified statutory rape considering that AAA259222 was only four (4) years old at the time of the incident. The award of damages was increased from PHP 75,000.00 each as civil indemnity, moral damages, and exemplary damages to PHP 100,000.00 each.

<sup>11</sup> CA rollo, pp. 39-40.

<sup>12</sup> Rollo, p. 11.

<sup>13</sup> CA Rollo, pp. 36-53.

<sup>14</sup> Rollo, pp. 11-12.

<sup>15</sup> Penned by Associate Justice Apolinario D. Bruselas, Jr. and concurred in by Associate Justices Rafael Antonio M. Santos and Carlito B. Calpatura; Rollo, pp. 8-21.

## The Present Appeal

Appellant now prays anew for his acquittal. In accordance with the Court's Resolution<sup>16</sup> dated June 20, 2022, both appellant and the Office of the Solicitor General manifested that in lieu of supplemental briefs, they were adopting their respective briefs filed before the Court of Appeals.<sup>17</sup>

## Our Ruling

Rape is defined under Article 266-A, paragraph (1) of the Revised Penal Code, as amended by Republic Act No. 8353,<sup>18</sup> viz.:

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 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.

xxx

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

xxx

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

xxx

- 5) When the victim is a child below seven (7) years old:

xxx

In qualified statutory rape under Article 266-A, paragraph (1)(d) in relation to Article 266-B, paragraph (5), where the victim is below seven years old, the only subject of inquiry, just like in simple statutory rape (victim is below 12 years old),

<sup>16</sup> *Rollo*, p. 42.

<sup>17</sup> *Id.* at 44-45.

<sup>18</sup> The Anti-Rape Law of 1997, approved September 3, 1997.

is whether the accused had carnal knowledge of the victim. Proof of force, threat, or intimidation is not necessary.<sup>19</sup>

Here, it is undisputed that AAA259222 was only four years old<sup>20</sup> when the incident happened. Her certificate of live birth was submitted in evidence by the prosecution. The only issue now left is whether the prosecution sufficiently established that appellant had carnal knowledge of her (AAA259222).

On this point, AAA259222 categorically identified appellant as the one who raped her. Using an anatomically correct female and male dolls, she demonstrated how appellant removed her short pants and laid on top of her with his exposed penis. She testified that appellant subsequently inserted his penis in her vagina, causing her to cry in pain.

The trial court and Court of Appeals gave full credence to the categorical, straightforward, and consistent testimony of AAA259222. The Court finds no reason to deviate from such finding of the courts below, as indeed, the lone testimony of the victim, when credible, is sufficient to sustain a verdict of conviction, especially when the victim is of tender age and whose youth and immaturity are generally badges of truth and sincerity, as in this case. AAA259222, just four years old when she was presented in court, would not have pointed to appellant as her sexual predator had she not actually suffered sexual abuse in his hands. Her testimony, too, conformed with the medical findings of Dr. Aquino. Notably, there was no showing that AAA259222 was impelled by any improper motive to falsely testify against appellant.

Whether BBB259222 and CCC259222 saw appellant inside his house where the incident happened refers to trivial matters which do not affect AAA259222's credibility as a witness, as it does not relate to the elements of the crime charged.

As for the absence of blood or spermatozoa in the genitalia of AAA259222, suffice it to state that this is not an element of rape.<sup>21</sup> Its absence therefore does not negate the commission of the crime.

In any event, against AAA259222's categorical and straightforward testimony, appellant could only offer his uncorroborated and self-serving denial, which is inherently weak. His claim of impotency due to old age remained an allegation, uncorroborated by any evidence. Impotency is an abnormal condition which must be proven with certainty.<sup>22</sup> Verily, as between AAA259222's categorical testimony which has a ring of truth on one hand, and appellant's mere denial, on the other, the former prevails.<sup>23</sup>

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<sup>19</sup> See *People v. Pagkatipunon y Cleope*, 859 Phil. 806 (2019) [Per J. Lazaro-Javier, Second Division].

<sup>20</sup> As evidenced by her Certificate of Live Birth.

<sup>21</sup> See *People v. Lazaro*, 319 Phil. 352 (1995) [Per J. Bellosillo, First Division].

<sup>22</sup> *People v. ZZZ*, G.R. No. 229209, February 12, 2020 [Per J. Leonen, Third Division].

<sup>23</sup> See *People v. Batalla*, 116 OG No 6. 836 (2020) [Per J. Hernando, Third Division].

**Nomenclature of the crime committed; Penalty**

Considering that AAA259222 was only four years old when the rape happened, the Court of Appeals correctly: (1) modified the nomenclature of the crime from statutory rape to qualified statutory rape and sentenced appellant to *reclusion perpetua* without eligibility for parole pursuant to A.M. 15-08-02-SC<sup>24</sup> and Article 266-A, paragraph 1(d) in relation to Article 266-B, paragraph 5 of the Revised Penal Code, as amended by Republic Act No. 8353,<sup>25</sup> and (2) increased the awards of civil indemnity, moral damages, and exemplary damages from PHP 75,000.00 each to PHP 100,000.00 each pursuant to *People v. Tulagan*.<sup>26</sup> The total monetary award shall earn 6% legal interest per annum from finality of this Resolution until fully paid.

The Court **NOTES** the manifestation dated January 16, 2023 of the Public Attorney's Office in compliance with the Resolution dated October 19, 2022 (which awaits accused-appellant's supplemental brief), informing the Court that it already filed a manifestation in lieu of supplemental brief on November 21, 2022.

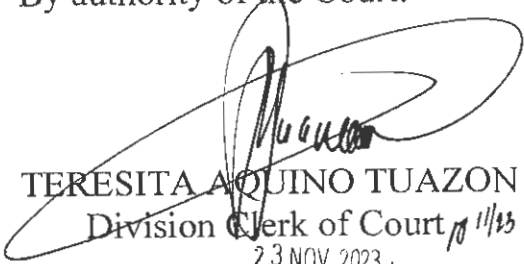
**ACCORDINGLY**, the appeal is **DISMISSED**. The Decision dated June 14, 2021 of the Court of Appeals in CA-G.R. CR-HC No. 14304 is **AFFIRMED**.

**YYY259222** is found **GUILTY** of **QUALIFIED STATUTORY RAPE** and sentenced to *reclusion perpetua* without eligibility for parole. He is **ORDERED** to **PAY AAA259222** civil indemnity, moral damages, and exemplary damages of PHP 100,000.00 each.

The monetary awards shall earn 6% legal 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 11/23  
23 NOV 2023

<sup>24</sup> *Guidelines for the Proper Use of the Phrase "Without Eligibility for Parole" in Indivisible Penalties*. Approved on August 4, 2015

<sup>25</sup> *People v. Toreno*, G.R. No. 250332, November 23, 2021 [Per J. Caguioa, First Division, First Division].

<sup>26</sup> G.R. No. 227363, March 12, 2019 [Per J. Peralta, *En Banc*]; see also *People v. Jugueta*, 783 Phil. 806, 849 (2016) [Per J. Peralta, *En Banc*].

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THE DIRECTOR GENERAL (reg)  
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HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 43  
[REDACTED], Pangasinan  
(Crim. Case No. 2019-0539-D)

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