



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **July 5, 2023** which reads as follows:*

“G.R. No. 262589 (PEOPLE OF THE PHILIPPINES, plaintiff-appellee v. XXX262589, accused-appellant). – The Court NOTES:

1. the letter dated March 3, 2023 of Corrections Senior Inspector Arlene Casilihan, PDL Documents and Processing Division, Bureau of Corrections, Muntinlupa City, confirming the confinement of accused-appellant XXX262589 at the New Bilibid Prison, Muntinlupa City on January 15, 2021; and
2. The separate manifestations (in lieu of supplemental briefs) of the Public Attorney’s Office dated March 22, 2023 and the Office of the Solicitor General dated March 27, 2023, both dispensing with the filing supplemental briefs as their respective briefs filed before the Court of Appeals had exhaustively discussed all matters pertinent to their case.

This appeal seeks to reverse the Decision¹ dated March 24, 2022 of the Court of Appeals in CA-G.R. CR-HC No. 14122 finding appellant guilty of rape under Article 266-A in relation to 266-B of the Revised Penal Code, as amended.

Antecedents

Appellant XXX262589 was charged with rape under Article 266-A in relation to 266-B of the Revised Penal Code, as amended,² viz.:

CRIMINAL CASE NO. 2319-2013

¹ Penned by Associate Justice Tita Marilyn B. Payoyo-Villordon and concurred in by Associate Justices Eduardo B. Peralta, Jr. and Angelene Mary W. Quimpo-Sale, of the Twelfth Division, Court of Appeals, Manila; *rollo*, pp. 8-20.

² The Anti-Rape Law of 1997.

That on or about July 16, 2013 at around 12:30 in the morning at [REDACTED], Province of [REDACTED], Philippines and within the jurisdiction of this Honorable Court, accused, did then and there willfully, unlawfully and feloniously by means of force and intimidation had carnal knowledge of [REDACTED],³ a minor, 8 years old, born on March 4, 2005, against her will with aggravating/qualifying circumstance that said accused is the older brother of the victim [REDACTED]

CONTRARY TO LAW.⁴

On arraignment, appellant pleaded “not guilty”.⁵

Complainant AAA262589 testified for the prosecution while appellant testified for the defense.⁶

Version of the Prosecution

Eight year old AAA262589 testified that she and appellant, then 21 years old, are siblings, the latter being her “*kuya*.” On July 16, 2013, around 12:30 midnight, appellant arrived home drunk. He instructed her to go to a nipa hut beside their house and wait for him there. She obeyed.⁷

Shortly after, appellant arrived. He was only wearing brief. He laid her on the floor, removed her short pants and undergarment, mounted her, and lowered his brief down to his knees and inserted his penis in her mouth and thereafter in her vagina. While only a portion of appellant’s penis slid in her vagina, she felt pain and described it as “feeling like something was ripped.” She wanted to shout, however, appellant threatened to hit her. Nevertheless, she told her mother BBB262589 the sordid act appellant did to her.⁸

Dr. Rona Liza Yuson-Faustino conducted a medical examination on AAA262589. She was issued numerous notices since March 2015 but she only complied with the Subpoena Duces Tecum and Ad Testificandum on February 24, 2016. On the scheduled hearing, however, in view of the absence of the handling public prosecutor, the substitute public prosecutor moved that Dr. Yuson-Faustino’s testimony be dispensed with which the trial court granted.⁹

³ In line with Amended Administrative Circular No. 83-2015, as mandated by Section 29 of Republic Act No. 7610, Section 44 of Republic Act No. 9262, and Section 40 of A.M. No. 04-10-11-SC, 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.

⁴ *CA rollo*, p. 87.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at 89.

⁸ *Id.*

⁹ *Id.* at 83.

Version of the Defense

Appellant, denied having committed the crime charged. He claimed that he could not remember any unusual incident on July 16, 2013. He denied being drunk on the said date and he did not know of any reason why his sister would file a case against him.¹⁰

Ruling of the Regional Trial Court

The trial court found appellant guilty of rape under Article 266-A of the Revised Penal Code and sentenced him to *reclusion perpetua*. He was also ordered to pay AAA262589 PHP 30,000.00 as civil indemnity, PHP 30,000.00 as moral damages, and PHP 30,000.00 as exemplary damages for each count, as well as 6% interest per annum on all monetary awards.¹¹

The trial court gave full weight and credence to the testimony of AAA262589. It held that her detailed narration of the events coupled with her positive identification of appellant as the culprit established his guilt beyond reasonable doubt. Too, appellant's denial deserved scant consideration for being self-serving.¹²

Ruling of the Court of Appeals

Under its assailed Decision¹³ dated March 24, 2022, the Court of Appeals affirmed with modification.

The Court of Appeals held that appellant is guilty of qualified statutory rape. AAA262589 was a minor, eight years old when appellant ravished her. Too, appellant is her brother, AAA262589's relative within the third civil degree of consanguinity.

As for the amount of damages, the Court of Appeals, in accordance with prevailing jurisprudence, increased the amount of civil indemnity, moral damages, and exemplary damages from PHP 30,000.00 to PHP 100,000.00.¹⁴

The Present Appeal

Appellant now seeks affirmative relief from the Court and prays anew for his acquittal. In accordance with the Resolution¹⁵ January 23, 2023, both

¹⁰ *Id.* at 90.

¹¹ Penned by Presiding Judge Lily C. De Vera-Vallo, Branch 64, RTC, Tarlac City; *id.* at 87-95.

¹² *Rollo*, pp. 74-76.

¹³ *Id.* at 8-20.

¹⁴ *Id.* at 10-26.

¹⁵ *Id.* at 31-32.

appellant¹⁶ and the Office of the Solicitor General¹⁷ manifested that in lieu of supplemental briefs, they were adopting their respective briefs before the Court of Appeals.

Ruling

The appeal must fail.

Applying Article 266-A, paragraph 1 (d) in relation to Article 266-B of the Revised Penal Code, the prosecution must allege and prove the following elements of qualified statutory rape:

- (1) the accused had carnal knowledge of the offended party, a girl;
- (2) the offended party was under twelve (12) years of age at the time of the rape; and
- (3) the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree.

Statutory rape under Article 266-A (1)(d) 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.¹⁸

Here, the prosecution had sufficiently established appellant's guilt of the crime charged through the straightforward testimony of the victim herself that appellant had forced carnal knowledge of her. Notably, although the Medico-Legal Report on AAA262589 was not identified by the examining physician, jurisprudence is clear that in the crime of rape, the testimony of the victim, and not the findings of the medico-legal officer, is the most important element to prove that the felony had been committed. Too, a medical examination of the victim as well as the medical certificate are merely corroborative in character and are not indispensable for conviction in rape cases. What is important is that the testimony of the private complainant about the incident is clear, unequivocal and credible, as in this case.¹⁹

¹⁶ Manifestation dated March 22, 2023, unnumbered pages.

¹⁷ *Id*

¹⁸ *People v DDD*, G.R. No. 233323, August 26, 2020, [Per Notice, Third Division].

¹⁹ *People v. Fernandez*, 426 Phil. 168, 175 (2002), [Per J. Pardo, First Division].

With regard to AAA262589's minority, she was only eight years old when the rape incident happened on July 16, 2013. To prove this, the prosecution offered in evidence AAA262589's birth certificate.²⁰

As for the qualifying circumstance of relationship, it was alleged and proved that appellant is the brother of AAA262589 and both AAA262589 and BBB262589 confirmed this relationship in their respective testimonies. Notably, appellant himself did not deny it.

Finally, there is no showing that AAA262589 was impelled by any improper motive or was influenced by any of her family members to falsely accuse appellant of rape. Where there is no evidence that the principal witness for the prosecution was actuated by improper motive, the presumption is that he or she was not so actuated and his or her testimony is entitled to full credence.²¹

To be sure, appellant's bare denial cannot prevail over the positive and credible testimony of the prosecution witness who consistently identified him as the one who raped her.

In any event, when the issue is one of credibility of witnesses, this Court will generally not disturb the trial court's findings, especially when the same were already affirmed by the Court of Appeals. The trial court indeed is in a better position to decide the question of credibility as it heard the witnesses themselves and observed their deportment and the manner by which they testified during the trial.²² So must it be.

Penalty

Under Article 266-B of the Revised Penal Code, the prescribed penalty for qualified statutory rape is death where the victim is below 18 years of age and the violator is her relative by consanguinity within the third civil degree *i.e.* brother. By virtue of Republic Act No. 9346, however, the death penalty is reduced to *reclusion perpetua* without eligibility for parole. Section 3 of Republic Act No. 9346 states:

SEC. 3. Person convicted of offenses punished with *reclusion perpetua*, or whose sentences will be reduced to *reclusion perpetua*, by reason of this Act, shall not be eligible for parole under Act No. 4180, otherwise known as the Indeterminate Sentence Law, as amended.

²⁰ CA rollo, p. 7.

²¹ *People v. Galuga*, 847 Phil. 93, 105 (2019) [Per J. Hernando, Second Division].

²² *People v. Bay-Od*, 845 Phil. 644, 651 (2019). [Per J. Peralta, Third Division].

Verily, the Court of Appeals correctly meted the penalty of *reclusion perpetua* without eligibility for parole in lieu of death in accordance with Section 3 of Republic Act No. 9346.

On the civil indemnity and damages, the Court of Appeals correctly awarded the following: (a) PHP 100,000.00 as civil indemnity; (b) PHP 100,000.00 as moral damages; and (c) PHP 100,000.00 as exemplary damages, in accordance with prevailing jurisprudence. These amounts shall earn six percent (6%) interest *per annum* from finality of this Resolution until fully paid.

FOR THESE REASONS, the appeal is **DISMISSED**. The Decision of the Court of Appeals in CA-G.R. CR-HC No. 14122 dated March 24, 2022 is **AFFIRMED**.

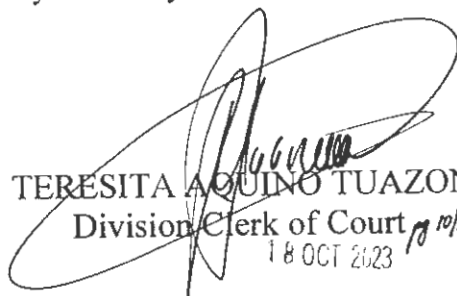
Appellant. XXX262589 is found **GUILTY** of **QUALIFIED STATUTORY RAPE** in Criminal Case No. 2319-2013. He is sentenced to *reclusion perpetua* without eligibility for parole and ordered to pay AAA262589:

- 1) PHP 100,000.00 as civil indemnity;
- 2) PHP 100,000.00 as moral damages; and
- 3) PHP 100,000.00 as exemplary damages.

These amounts shall earn six (6%) percent 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
18 OCT 2023

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THE DIRECTOR (reg)
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*CSINSP. ARLENE I. CASILIHAN (reg)
Deputy Chief, Inmate Documents and
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1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 64
[REDACTED]
(Crim. Case No. 2319-2013)

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CA-G.R. CR-HC No. 14122

*For this resolution only
Please notify the Court of any change in your address.
GR262589. 7/5/2023(56)URES(m) *10/12*