



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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SECOND DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 238206
Plaintiff-Appellee,

Present:

PERLAS-BERNABE, S.A.J.,
Chairperson,
HERNANDO,
INTING,
GAERLAN, and
DIMAAMPAO, JJ.

- versus -

SSS,*

Accused-Appellant.

Promulgated:

SEP 29 2021

X-----X

DECISION

INTING, J.:

This is an appeal¹ from the Decision² of the Court of Appeals (CA) dated August 25, 2017 in CA-G.R. CR-HC No. 08248, which affirmed with modification the Decision³ dated December 28, 2015 of Branch 30, Regional Trial Court (RTC), [REDACTED], Nueva Vizcaya in Criminal Case

* 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. (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.

¹ See Notice of Appeal dated September 13, 2017, *rollo*, pp. 14-15.

² *Id.* at 2-13; penned by Associate Justice Rodil V. Zalameda (now a Member of the Court) with Associate Justices Mariflor P. Punzalan Castillo and Ma. Luisa Quijano-Padilla, concurring.

³ CA *rollo*, pp. 9-19; penned by Presiding Judge Paul R. Atolba, Jr.

No. 2944 finding SSS (accused-appellant) guilty beyond reasonable doubt of the crime of Rape, defined and penalized under Article 266-A and Article 266-B of the Revised Penal Code (RPC), as amended by Republic Act No. 8353.⁴

The Antecedents

On January 31, 2011, an Information⁵ for Rape was filed against accused-appellant, the accusatory portion of which reads:

That sometime in October 2005, in [REDACTED] Province of Nueva Vizcaya, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, while pulling the hand of [AAA], a fourteen (14) year old minor, said "come with me or else I will punch you" and thereafter brought said [AAA] to the kitchen and did then and there, by means of force and intimidation, willfully, unlawfully and feloniously, with lewd design, have carnal knowledge of said [AAA] by inserting his penis inside the vagina of said [AAA], against her will and without her consent, to her damage and prejudice.

CONTRARY TO LAW.⁶

When arraigned, accused-appellant pleaded not guilty to the charge.⁷

Thereafter, the case, upon motion of the public prosecutor, was consolidated with Criminal Case No. 2433 for Unjust Vexation which was then pending before the RTC. However, Criminal Case No. 2433 was dismissed by the RTC for being filed beyond the prescriptive period.⁸

During trial, the prosecution presented the victim, AAA, her grandmother, BBB, and Dra. Elizabeth M. Joaquin (Dra. Joaquin), the Municipal Health Officer who examined AAA on May 31, 2010.⁹

⁴ The Anti-Rape Law of 1997, approved on September 30, 1997.

⁵ CA rollo, pp. 9-10.

⁶ *Id.* at 10.

⁷ *Rollo*, p. 4.

⁸ *Id.*

⁹ *Id.*

AAA was nine years old at the time of the incident on October 15, 2005.¹⁰ At around 3:00 p.m. that day, AAA was playing with her siblings at BBB's house when accused-appellant (BBB's husband) came. Accused-appellant pulled AAA, who was then carrying her younger sibling on her back, and pulled her pajamas down. When AAA resisted, accused-appellant exclaimed, "*Ukinnam danugin kan tu pay! (Come with me or else I will punch you!)*." Accused-appellant then lowered his pants and made AAA sit on his lap with her sibling still on her back. Thereafter, accused-appellant inserted his penis inside AAA's vagina several times while holding her forearms. AAA felt pain and tried to break free from accused-appellant's grasp but failed.¹¹

After a while, BBB arrived and saw accused-appellant having sexual intercourse with AAA, who was sitting on his lap. Immediately, accused-appellant pushed AAA away. It was then that BBB saw accused-appellant's erect penis, while his semen squirted into his abdomen. Accused-appellant raised his pants, dared BBB to kill him, and then left. Upon regaining her bearings, BBB immediately examined AAA. She noticed the reddening of AAA's vagina where she saw the presence of semen.¹² Later, BBB confronted accused-appellant who asked for forgiveness and promised not to do his dastardly act again. BBB forgave accused-appellant and they continued to live their lives as if nothing happened. Around five years later, when AAA was already 14 years old, she revealed the incident to her aunt. Thus, BBB decided to help AAA undergo a medical examination and file the case.¹³

For his part, accused-appellant denied the accusations against him. He alleged that AAA and her parents were subservient to BBB as they were dependent on her for support. Accused-appellant then implied that AAA filed the case at the behest of BBB, seemingly as a leverage because BBB desperately wanted accused-appellant to return to her after their separation.¹⁴

Accused-appellant narrated that he and BBB were working in the ricefield in the morning when the alleged incident transpired. In the afternoon, he went home to drink water and BBB followed. As soon as BBB reached home, she brought AAA to a corner and slapped her face out of jealousy, suspecting that accused-appellant and AAA were having

¹⁰ *CA rollo*, p. 10.

¹¹ *Rollo*, pp. 4-5.

¹² *Id.* at 5.

¹³ *Id.*

¹⁴ *Id.*

an affair.¹⁵ This notwithstanding, they remained as husband and wife until April 2020 when he left their home after BBB brandished a kitchen knife, narrowly missing him. He alleged that BBB tried to convince him to go home from time to time, but he was afraid of her.¹⁶

The Ruling of the RTC

After trial, the RTC found accused-appellant guilty beyond reasonable doubt of the crime of Rape. The dispositive portion thereof reads:¹⁷

WHEREFORE, premises considered, finding accused [SSS] GUILTY beyond reasonable doubt of the crime [of] rape, he is hereby sentenced to suffer the penalty of reclusion perpetua and to indemnify victim [AAA] in the amount of P50,000.00 as civil indemnity; P50,000.00 as moral damages; and P30,000.00 as exemplary damages.

x x x x.

SO ORDERED.¹⁸

The RTC found AAA's straightforward and candid narration of her traumatic ordeal more than sufficient to support a conviction for Rape. It added that the failure of AAA to immediately report the rape incident to the authorities did not detract from the fact that rape was committed.¹⁹

Aggrieved, accused-appellant appealed²⁰ to the CA arguing that his guilt was not proved beyond reasonable doubt as the prosecution witnesses' testimonies were replete with significant inconsistencies and should not have been given full weight and credence.²¹

On the other hand, the Office of the Solicitor General (OSG), for the State, contended that accused-appellant was rightly convicted of Statutory Rape.²²

¹⁵ *Id.* at 6.

¹⁶ *Id.*

¹⁷ *CA rollo*, pp. 9-19.

¹⁸ *Id.* at 19.

¹⁹ *Id.* at 17-18.

²⁰ See Notice of Appeal dated March 16, 2016, *id.* at 20-21.

²¹ *Id.* at 63.

²² See Brief for the Appellee dated May 15, 2017, *id.* at 132.

The Ruling of the CA

In the assailed Decision²³ dated August 25, 2017, the CA affirmed the RTC's ruling with modification, *viz.*:

WHEREFORE, premises considered, the Appeal is hereby DENIED. Accordingly, the Decision of the court *a quo* is AFFIRMED with MODIFICATION, in that the damages awarded shall earn interest of six percent (6) per annum from the date of finality of the Decision until fully paid.

SO ORDERED.²⁴

The CA held that the alleged inconsistencies pointed out by accused-appellant were minor and trivial and do not affect the credibility of AAA or necessarily cast doubt on her positive identification of accused-appellant as the person who raped her so as to tilt the scales of justice in accused-appellant's favor.²⁵ Nonetheless, the CA did not subscribe to the OSG's position that accused-appellant was correctly convicted of Statutory Rape considering that the RTC never convicted accused-appellant of Statutory Rape in the first place.²⁶

Discontented, accused-appellant appealed to the Court through this appeal invoking the same arguments he raised before the CA in assailing his conviction. Essentially, accused-appellant denied the rape charge leveled against him and maintained that "[t]he instant case was only filed because [BBB] failed to convince [accused-appellant] to go home."²⁷

Issue

Whether accused-appellant is guilty beyond reasonable doubt of the crime of Rape.

Our Ruling

The Court upholds the conviction of accused-appellant.

²³ *Rollo*, pp. 2-13.

²⁴ *Id.* at 12.

²⁵ *Id.* at 10.

²⁶ *Id.* at 10-11.

²⁷ *CA rollo*, p. 63.

- A. I was playing with my younger brother at the balcony of [accused-appellant's] house when he came and hold my left hand saying "come with me or else I will punch you" and, at the same time pulled me inside their kitchen then and there pulled down my jogging pants and inserted his penis between my legs that touched my *vagina* in which he rubbed *in there* until he secreted his sperm cells.³⁹ (Italics supplied.)

More importantly, the RTC found AAA's testimony to be clear and convincing. Accordingly, the Court sees no cogent reason to disturb the factual findings of the RTC, as affirmed by the CA, that accused-appellant forced AAA to engage in sexual intercourse with him. It is noteworthy that in resolving rape cases, the primary consideration is almost always given to the credibility of the victim's testimony. When the latter's testimony is credible, it may be the sole basis for the accused-appellant's conviction since, due to its intimate nature, rape is usually a crime bereft of witnesses, and, more often than not, the victim is left to testify for herself.⁴⁰

Finally, the CA correctly held that accused-appellant cannot be convicted of Statutory Rape, contrary to the OSG's contention.⁴¹

Although the prosecution was able to establish that AAA was barely nine years of age when the rape was committed against her, the Information erroneously stated that she was 14 years old. Accused-appellant, thus, cannot be held liable for Statutory Rape because the Information alleged that AAA was not under 12 years of age at the time.⁴² A contrary ruling would result in denial of the right of the accused to be informed of the charges against him, and hence, a denial of due process.⁴³ Nevertheless, accused-appellant should still suffer the penalty of *reclusion perpetua* for Simple Rape. Moreover, the awards for damages should be modified to conform to recent jurisprudence. Thus, the proper amount of civil indemnity, moral damages, and exemplary damages should all be increased to ₱75,000.00 each.⁴⁴ In addition, the

³⁹ *Id.* at 142.

⁴⁰ See *People v. XXX*, G.R. No. 230981, July 15, 2020

⁴¹ *Rollo*, p. 10.

⁴² The elements necessary in every prosecution for statutory rape are: (1) *the offended party is under 12 years of age*; and (2) *the accused had carnal knowledge of the victim, regardless of whether there was force, threat, or intimidation or grave abuse of authority*; See *People v. Cariño y Tilzon*, G.R. No. 230550 (Notice), January 13, 2020. Italics supplied.


⁴³ *People v. Urmaza*, 829 Phil. 324, 340 (2018), citing *People v. Dela Paz*, 569 Phil. 684, 705-706 (2008).

⁴⁴ *People v. Jugueta*, 783 Phil. 806, 849 (2016).

amounts of damages shall earn legal interest of 6% *per annum* from the date of the finality of this Decision until full payment.


WHEREFORE, the appeal is **DENIED**. The Decision dated August 25, 2017 of the Court of Appeals in CA-G.R. CR-HC No. 08248 is hereby **AFFIRMED with MODIFICATION** in that the awards for civil indemnity, moral damages, and exemplary damages shall each be increased to ₱75,000.00. All amounts due shall earn legal interest of 6% *per annum* from the date of the finality of this Decision until full payment.


SO ORDERED.


HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

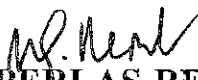

RAMON PAUL L. HERNANDO
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


JAPAR B. DIMAAMPAL
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice

