



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

XXX255931,*

G.R. No. 255931

Petitioner,


Present:

- versus -

LEONEN, J., *Chairperson*,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., and
KHO, JR., *JJ.*

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

AUG 23 2023 

X-----X

DECISION

LOPEZ, J., J.:

This Court resolves the Petition for Review on *Certiorari*¹ seeking to reverse and set aside the Decision² and Resolution³ of the Court of Appeals (CA), which affirmed, with modification as to the penalty, the Decision⁴ of the Regional Trial Court (RTC) finding XXX255931 guilty of violation of Section 5(b) of Republic Act (R.A.) No. 7610.⁵

* In line with Amended Administrative Circular No. 83-2015, as mandated by the Revised Penal Code, Article 266-A, 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. 18-37.

² *Id.* at 39-57. The December 27, 2019 Decision in CA-G.R. CR No. 42040 was penned by Associate Justice Walter S. Ong, and concurred in by Associate Justices Ramon R. Garcia and Zenaida T. Galapate-Laguilles of the Eighth Division, Court of Appeals, Manila.

³ *Id.* at 59-66. The February 3, 2021 Resolution in CA-G.R. CR No. 42040 was penned by Associate Justice Walter S. Ong, and concurred in by Associate Justices Ramon R. Garcia and Zenaida T. Galapate-Laguilles of the Former Eighth Division, Court of Appeals, Manila.

⁴ *Id.* at 67-90. The May 18, 2018 Decision in Criminal Case No. 2017-0872-D was penned by Presiding Judge Caridad V. Galvez of Branch 43, Regional Trial Court, [REDACTED].

⁵ THE SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION, AND DISCRIMINATION ACT (1992).

XXX255931 was charged in an Information,⁶ the accusatory portion of which reads:

That sometime on March 22, 2017 in Brgy. ██████████, ██████████ and within the jurisdiction of the Honorable Court, the above-named accused, did then and there, willfully unlawfully and feloniously have sexual intercourse with [AAA255931], 17 years old (DOB-11.27.1999), who under the law cannot give a valid consent in view of her minority and which act debases, degrades or demeans the intrinsic worth and dignity of said child, to her damage and prejudice.

Contrary to Section 5(b) of RA 7610, otherwise known as the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.⁷

On arraignment, XXX255931 pleaded not guilty to the charge.⁸ During pre-trial, the parties stipulated on the following matters: (1) the identity of XXX255931; (2) the minority of AAA255931 as per her Certificate of Live Birth;⁹ (3) the fact of reporting of the incident with the Philippine National Police ██████████ as evidenced by the Certification of Entry in the police blotter book; and (4) the fact of medical examination of AAA255931 as evidenced by the Medico-Legal Report.¹⁰ Trial thereafter ensued.

The prosecution presented AAA255931 on the witness stand. She testified that on March 22, 2017, she received a text message from XXX255931, who was her boyfriend at the time, inviting her to go to the latter's house in Barangay ██████████ so he can introduce her to his parents. XXX255931 fetched AAA255931 at the public plaza between 7:00 a.m. and 8:00 a.m. AAA255931 was supposed to go to school, but she went with XXX255931 and rode his motorcycle.¹¹

AAA255931 further testified that when she and XXX255931 arrived at the latter's house, XXX255931 ushered her into his mother's room. XXX255931 first took a shower and afterwards approached AAA255931 who was sitting on the bed. He pushed AAA255931 to lie down and then he forcibly removed her clothes. AAA255931 shouted and tried to push and kick him, but XXX255931 threatened her that he would kill her if she made any noise. XXX255931 then successfully undressed AAA255931 and inserted his penis inside her vagina.¹²

AAA255931 stated that XXX255931's mother, CCC255931, returned to their home at around 12:00 p.m. CCC255931 invited AAA255931 and

⁶ Records, p. 1.

⁷ *Id.*

⁸ *Id.* at 46.

⁹ *Id.* at 12.

¹⁰ *Id.* at 43–45. Arraignment and Pre-trial Order dated October 4, 2017.

¹¹ TSN, October 27, 2019, pp. 4–5.

¹² *Id.* at 6–17.

XXX255931 to eat lunch, but AAA255931 did not say anything because of XXX255931's threats that he would kill her if she said a word about the incident that morning. At 4:00 p.m., XXX255931 brought AAA255931 back to the plaza. AAA255931 went to his father's shop and went home with him. Still, AAA255931 did not have the courage to tell her father about what XXX255931 did to her. Four days after, XXX255931 asked AAA255931 to go with him to [REDACTED]. AAA255931 initially refused but she was threatened by XXX255931 that he would kill her. They went to the house of XXX255931's uncle where they stayed for almost two days until AAA255931's parents found their whereabouts on March 27, 2017 and picked her up. Thereafter, AAA255931, accompanied by her mother, reported the incident to the police and AAA255931 was duly subjected to medical examination.¹³ The Medico-Legal Report¹⁴ stated that the medical evaluation of AAA255931 showed evidence of penetrating trauma and that her hymen had healed lacerations at 4, 6, and 7 o'clock positions.

The testimony of AAA255931's mother, BBB255931, was dispensed with after the parties stipulated on the nature of her testimony. The material portions of her proposed testimony stated that on the night of March 25, 2017, at around 11:00 p.m., she woke up from her sleep and could not see AAA255931 who was sleeping beside her. She went to the house of her sister and called her husband who was in [REDACTED] to ask for AAA255931's whereabouts. When they answered that they did not know where AAA255931 was, BBB255931 went to their house in [REDACTED], where someone told her that he saw AAA255931 boarding the tricycle of XXX255931 and they went to [REDACTED]. When BBB255931 eventually saw AAA255931, she asked the latter if something happened between her and XXX255931. AAA255931 admitted that she had sexual intercourse with XXX255931 on March 22, 2017. On March 27, 2017, BBB255931 accompanied AAA255931 to the police station to report the incident.¹⁵

For its part, the defense presented XXX255931 and CCC255931. XXX255931 testified that she met AAA255931 through Facebook and that he loves her. They had been together for two months before March 22, 2017. On March 22, 2017, AAA255931 texted him to pick her up from the plaza. When he met AAA255931, the latter asked that they go to his house. They arrived at the house between 7:00 a.m. and 8:00 a.m., and his brother, his mother CCC255931, and his aunt were there. All of them then watched the television from 3:00 p.m. to 4:00 p.m. Afterwards, XXX255931 accompanied AAA255931 to the plaza and went home.¹⁶

¹³ *Id.* at 19–26.

¹⁴ Records, p. 13.

¹⁵ *Id.* at 55–56. Order dated November 20, 2017.

¹⁶ TSN, January 3, 2017, pp. 3–8.

XXX255931 further testified that on March 25, 2017, AAA255931 again asked him to pick her up in her house in [REDACTED]. He then fetched her and brought her to his uncle's house in [REDACTED]. XXX255931 claimed that he left AAA255931 in his uncle's house because the latter's family hurt her.¹⁷

Meanwhile, CCC255931 testified that she first saw AAA255931 when the latter went alone to their house on March 22, 2017. When AAA255931 arrived, she went directly to the bamboo bed in their house where XXX255931 was watching television. CCC255931 claimed that their house is made of bamboo. It is elevated, but since the house is already dilapidated, they only stayed on the ground floor. CCC255931 further stated that she was cooking while AAA255931 and XXX255931 were watching television. She can see them sitting beside each other from where she was. When her husband arrived, AAA255931 stood up and "blessed" his hand. Later, she, her husband, AAA255931, XXX255931, and the latter's siblings ate lunch and then watched television together. At around 4:00 p.m., AAA255931 already left their house. CCC255931 asserted that it was impossible for AAA255931 and XXX255931 to have had sexual intercourse that day because she and their other family members were there.¹⁸

In its Decision,¹⁹ the RTC found XXX255931 guilty of violating Section 5(b) of R.A. No. 7610. The dispositive portion of the Decision states:

WHEREFORE, premises considered, the Court finds the accused [XXX255931] guilty beyond reasonable doubt of the crime of Violation of Section 5(b) of RA 7610 and is hereby imposed the indeterminate prison term of ten (10) years of *prision mayor*[,] as minimum[,] to sixteen (16) years, five (5) months and ten (10) days of *reclusion temporal*[,] as maximum. Accused is also ordered to pay P20,000 as civil indemnity, P15,000 as moral damages, and P15,000 as exemplary damages to [AAA255931].

Moreover, as provided in Section 31(f) of RA 7610, the Court imposes a fine upon the offender, [XXX255931] and is ordered to pay a fine of P15,000, in accordance with prevailing jurisprudence.

Accused is further ordered to pay interest at the rate of six percent (6%) *per annum* on all damages awarded from the date of finality of this Decision until such damages are fully paid, in accordance with prevailing jurisprudence.

SO ORDERED.²⁰ (Emphasis in the original)

¹⁷ *Id.* at 8–9.

¹⁸ TSN, February 6, 2018, pp. 3–7.

¹⁹ *Rollo*, pp. 67–90.

²⁰ *Id.* at 90.

The RTC held that all the elements of violation of Section 5(b)²¹ of R.A. No. 7610 were duly established by the prosecution. The RTC gave credence to AAA255931's testimony which it found straightforward, categorical, and candid. Meanwhile, it dismissed XXX255931's defense of denial for lack of strong evidence to support it.²²

The RTC emphasized that for the second element of violation of Section 5(b) of R.A. No. 7610, a child is deemed subjected to other sexual abuse when he or she indulges in sexual intercourse or lascivious conduct under the coercion or influence of any adult. Here, the RTC was convinced that AAA255931 was induced, enticed, and influenced by XXX255931 to indulge in lascivious conduct and that XXX255931 took advantage of AAA255931's minority and vulnerability.²³

XXX255931 appealed to the CA which, in its Decision,²⁴ affirmed with modification the ruling of the RTC. The CA agreed with the RTC ruling that AAA255931's testimony was credible. It was supported by the medico-legal findings showing evidence of penetrating trauma and was thus consistent with the allegation of sexual intercourse.²⁵ The CA also affirmed the RTC's finding that coercion and influence were duly established in the case. It noted that AAA255931 was allegedly having problems with her physically abusive father when the incident happened. According to the CA, XXX255931, knowing and taking advantage of AAA255931's situation, improperly used his power over AAA255931 and compelled her to engage in a sexual intercourse with him.²⁶

The CA, however, modified the penalty of imprisonment imposed by the RTC on XXX255931. It ruled that in the absence of any modifying circumstances and applying the Indeterminate Sentence Law, the appropriate penalty is indeterminate penalty of imprisonment of eight years and one day of *prision mayor*, as minimum, to 17 years, four months, and one day of *reclusion temporal*, as maximum.²⁷

XXX255931 filed a Motion for Reconsideration, which was denied by the CA in its Resolution.²⁸

²¹ (1) the accused commits the act of sexual intercourse or lascivious conduct; (2) the said act is performed with a child exploited in prostitution or subjected to other sexual abuse; and (3) the child, whether male or female, is below 18 years of age. (*Id.* at 85, citing *People v. Bonaagua*, 665 Phil. 730, 768 (2011) [Per J. Peralta, Second Division]).

²² *Rollo*, pp. 85–86.

²³ *Id.* at 87.

²⁴ *Id.* at 39–57.

²⁵ *Id.* at 51–52.

²⁶ *Id.* at 53–54.

²⁷ *Id.* at 56.

²⁸ *Id.* at 59–66.

Hence, this Petition.

XXX255931 argues that the prosecution failed to prove all the elements of sexual abuse under Section 5(b) of R.A. No. 7610. He avers that AAA255931's testimony was inconsistent and improbable and should not have been given credence.²⁹

Moreover, XXX255931 argues that the Information against him is deficient for failure to allege the elements necessary in committing a violation of Section 5(b) of R.A. No. 7610. He avers that the Information does not allege coercion or influence or that the lascivious conduct was performed with a child exploited in prostitution or subjected to other sexual abuse.³⁰ Even assuming that the Information against him is sufficient, XXX255931 argues that the elements of force, intimidation, coercion, or influence were not successfully established by the prosecution. He contends that there is no evidence that he employed any kind of force or violence on AAA255931, or that he improperly used his power or trust in any way that deprived AAA255931 of her free will or compelled her to submit to his wishes.³¹

In its Comment,³² the People, through the Office of the Solicitor General (*OSG*), counters that the issues raised by XXX255931 in the present petition are questions of fact which cannot be entertained by this Court in a petition for review on *certiorari* under Rule 45 of the Rules of Court.³³

In any case, the *OSG* argues that the prosecution successfully established all the elements of the crime charged against XXX255931. Preliminarily, it avers that failure of the Information to specifically mention the terms "coercion," "influence," "exploited in prostitution or subject to other abuse" was not fatal to the prosecution's case. The allegations in the Information already sufficiently classify the victim as one "exploited in prostitution or subjected to other sexual abuse." Meanwhile, contrary to XXX255931's assertion, the testimony of AAA255931 is credible and sufficient to sustain his conviction.³⁴

The sole issue for this Court's resolution is whether the CA erred in affirming the conviction of XXX255931 for violation of Section 5(b) of R.A. No. 7610.

The Petition is denied.

²⁹ *Id.* at 27.

³⁰ *Id.* at 28–29.

³¹ *Id.* at 29–30.

³² *Id.* at 153–166.

³³ *Id.* at 158–161.

³⁴ *Id.* at 161–164.

The lower courts did not err in giving credence to the testimony of private complainant

The RTC and the CA uniformly found that XXX255931 had carnal knowledge of AAA255931 against her will or without her consent. Pertinent portions of AAA255931's testimony state:

PROS ESPINOZA

Q When you arrived at their house, what happened?

A He took a bath, sir.

Q Where did you proceed?

A We stayed in their house, sir.

Q Where did you proceed inside their house?

A In his room, sir.

....

Q What [happened] after [XXX255931] [took] his bath?

A He [undressed] me in the bed, sir.

Q He did not enter the room?

A He entered the room, sir.

Q What was he wearing?

A He was wearing shorts, sir.

Q What were you doing when he entered the room?

A I was watching television, sir.

Q When he entered the room, he [undressed] you?

A Yes, sir.

Q What was your position when he [undressed] you?

A He let me [lie] down, sir.

....

Q What did he do that made you [lie] down on the bed?

A He pushed me, sir.

....

COURT:

Q Did you try to resist when he was removing your jogging pants?

A Yes, your Honor.

COURT:

Continue.

PROS ESPINOZA

Q How?

A I was kicking him, sir.

.....

Q Did you try to shout?

A Yes, sir.

Q But you were not able to shout?

A I shouted but nobody heard me, sir.

.....

Q After removing all your clothes, what else did [XXX255931] do[,] if any?

A He inserted his penis [into] my vagina, sir.

.....

Q You did not try to escape?

A No, sir.

Q Why not?

A He will kill me if I will leave, sir.

Q He told you that?

A Yes, sir.

.....

Q After inserting his penis, did he do the push and pull movement?

A Yes, sir.

Q After that sexual intercourse, what [happened]?

A He mashed my breast, sir.

Q What else?

A He kissed me on my lips, sir.

Q That was before or after he inserted his penis inside your vagina?

A Before he inserted his penis inside my vagina, sir.³⁵

This Court sees no reason to depart from the RTC and the CA's assessment of AAA255931's credibility. Time and again, we have held that the findings of the trial courts with respect to the credibility of a witness carry great weight due to the unique opportunity afforded them to observe the deportment of a witness during examination.³⁶ The rule is that in the absence of substantial reason to justify the reversal of the trial court's assessment, such as when significant facts and circumstances affecting the outcome of the case are shown to have been disregarded, this Court is generally bound by its

³⁵ TSN, October 25, 2017, pp. 7-18.

³⁶ *People v. Bongbonga*, 816 Phil. 596, 606 (2017) [Per J. Caguioa, First Division], citing *Corpuz v. People*, 734 Phil. 353, 391 (2014) [Per J. Peralta, *En Banc*].

findings.³⁷ The trial court's findings and conclusion in this regard assume even greater weight when affirmed by the Court of Appeals,³⁸ as in this case.

With respect to XXX255931's assertion that AAA255931's testimony was inconsistent, suffice it to say that inconsistencies in the testimony of the witness regarding minor or collateral matters do not diminish the substance, truth, or weight of the testimony.³⁹ Victims are not expected to have an errorless recollection of the incident so humiliating and painful that they may be trying to obliterate it from their memory.⁴⁰ Indeed, such inconsistencies are badges of truth and candidness, and often a manifestation that the witness was not coached or rehearsed.⁴¹ Here, XXX255931 failed to show that the inconsistencies in AAA255931's testimony are so substantial as to destroy her credibility.

Moreover, the testimony of AAA255931 was supported by the Medico-Legal Report⁴² which found that AAA255931 suffered penetrating trauma and that her hymen had healed lacerations. While medical examination is not indispensable,⁴³ it serves to corroborate and strengthen the testimony of the victim.⁴⁴

Accused is guilty of rape under paragraph 1(a), Article 266-A of the RPC

Notably, the RTC and the CA convicted XXX255931 of violation of Section 5(b) of R.A. No. 7610. However, there is a need to correct the error in the nomenclature of XXX255931's crime. XXX255931 should be held criminally liable for rape under paragraph 1(a), Article 266-A of the RPC, as amended.

This Court cannot sustain the trial court's pronouncement that the prosecution had established XXX255931's criminal liability under Section 5(b), Article III of R.A. No. 7610. The essential elements of violation of Section 5(b) of R.A. No. 7610 are as follows: (1) the accused commits the act of sexual intercourse or lascivious conduct; (2) the said act is performed with a child exploited in prostitution or subjected to other sexual abuse; and (3) the

³⁷ *People v. Nocido*, 874 Phil. 653, 669 (2020) [Per C.J. Peralta, First Division], citing *People v. XXX*, 859 Phil. 696, 705 (2019) [Per J. C. Reyes, Jr., Second Division].

³⁸ *People v. Diu*, 708 Phil. 218, 232 (2013) [Per J. Leonardo-De Castro, First Division], citing *People v. Algarme, et al.*, 598 Phil. 423, 439 (2009) [Per J. Brion, Second Division].

³⁹ *People v. Mendoza*, 873 Phil. 987, 995 (2020) [Per C.J. Peralta, First Division].

⁴⁰ *People v. Linsie*, 722 Phil. 374, 384 (2013) [Per J. Leonardo-De Castro, First Division], citing *People v. Veloso*, 703 Phil. 541, 554 (2013) [Per J. Leonardo-De Castro, First Division].

⁴¹ *People v. Salaver*, 839 Phil. 90, 104 (2018) [Per J. Del Castillo, First Division], citing *People v. Descartin*, 810 Phil. 881, 893 (2017) [Per J. Tijam, Third Division].

⁴² Records, p. 13.

⁴³ *People v. Otos*, 661 Phil. 724, 727 (2011) [Per J. Brion, Third Division].

⁴⁴ *People v. Campos*, 394 Phil. 868, 872 (2000) [Per J. Bellosillo, Second Division].

child whether male or female, is below 18 years of age.⁴⁵ With respect to the second element of Section 5(b), a “child exploited in prostitution or subjected to other sexual abuse” is one who, for money or profit or any other consideration, or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or conduct.⁴⁶ Under the circumstances, AAA255931 cannot be deemed to be a child “exploited in prostitution and other sexual abuse”; hence, the second element is lacking in the case. Instead, the prosecution’s evidence clearly established the elements under paragraph 1(a), Article 266-A⁴⁷ of the RPC, as amended.

In *People v. Tulagan*,⁴⁸ this Court explained that when the offended party is 12 years old or below 18 and the charge against the accused is carnal knowledge through force or intimidation, then he would be prosecuted for rape under Article 266-A(1)(a) of the RPC, thus:

[W]hen the offended party is 12 years old or below 18 and the charge against the accused is carnal knowledge through “force, threat or intimidation,” then he will be prosecuted for rape under Article 266-A(1)(a) of the RPC. In contrast, in case of sexual intercourse with a child who is 12 years old or below 18 and who is deemed “exploited in prostitution or other sexual abuse,” the crime could not be rape under the RPC, because this no longer falls under the concept of statutory rape, and the victim indulged in sexual intercourse either “for money, profit or any other consideration or due to coercion or influence of any adult, syndicate or group,” which deemed the child as one “exploited in prostitution or other sexual abuse.”

....

Assuming that the elements of both violations of Section 5(b) of R.A. No. 7610 and of Article 266-A, paragraph 1(a) of the RPC are mistakenly alleged in the same Information — e.g., carnal knowledge or sexual intercourse was due to “force or intimidation” with the added phrase of “due to coercion or influence,” one of the elements of Section 5(b) of R.A. No. 7610; or in many instances wrongfully designate the crime in the Information as violation of “Article 266-A, paragraph 1(a) in relation to Section 5(b) of R.A. No. 7610,” although this may be a ground for quashal of the Information under Section 3(f) of Rule 117 of the Rules of Court — and proven during the trial in a case where the victim who is 12 years old or under 18 did not consent to the sexual intercourse, the accused should still be prosecuted pursuant to the RPC, as amended by R.A. No. 8353, which is the more recent and special penal legislation that is not only consistent, but also strengthens the policies of R.A. No. 7610. Indeed, while R.A. No. 7610 is a special law specifically enacted to provide special protection to children from all forms

⁴⁵ *People v. XXX*, 882 Phil. 875, 892 (2020) [Per J.C. Reyes, Jr., First Division], citing *People v. Jaime*, 836 Phil. 871, 893 (2018) [Per J. Martires, Third Division].

⁴⁶ *People v. BBB*, 891 Phil. 289, 298 (2020) [Per J. Caguioa, First Division].

⁴⁷ 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.

⁴⁸ 849 Phil. 197 (2019) [Per C.J. Peralta, *En Banc*].

of abuse, neglect, cruelty, exploitation and discrimination and other conditions prejudicial to their development, We hold that it is contrary to the legislative intent of the same law if the lesser penalty (*reclusion temporal* medium to *reclusion perpetua*) under Section 5(b) thereof would be imposed against the perpetrator of sexual intercourse with a child 12 years of age or below 18.

Article 266-A, paragraph 1(a) in relation to Article 266-B of the RPC, as amended by R.A. No. 8353, is not only the more recent law, but also deals more particularly with all rape cases, hence, its short title “The Anti-Rape Law of 1997.” R.A. No. 8353 upholds the policies and principles of R.A. No. 7610, and provides a “stronger deterrence and special protection against child abuse,” as it imposes a more severe penalty of *reclusion perpetua* under Article 266-B of the RPC[.]⁴⁹ (Citations omitted)

In this case, XXX255931 may properly be convicted of rape without violating his due process rights and the right to be informed of the nature and cause of the accusations against him. It is settled that “what determines the real nature and cause of the accusation against an accused is the actual recital of facts stated in the Information or Complaint, not the caption or preamble thereof nor the specification of the provision of law alleged to have been violated, being conclusions of law.”⁵⁰ The relevant question is not “did he [or she] commit a crime given in the law with some technical and specific name,” but rather, “did he [or she] perform the acts alleged in the body of the information in the manner therein set forth.”⁵¹

Here, it is clear from the allegations in the Information that it constitutes a criminal charge for rape under paragraph 1(a), Article 266-A of the RPC, as amended. The Information satisfactorily mentioned and charged XXX255931 with carnal knowledge of AAA255931, a minor, by willfully and unlawfully having sexual intercourse with her on March 22, 2017. These allegations are sufficient to inform XXX255931 of the nature and cause of the accusations against him, and to enable him to suitably prepare his defense. It must be noted that the gravamen of rape is sexual intercourse with a woman against her will.⁵² The sexual intercourse and lack of consent on the part of AAA255931 were substantially alleged in the Information. It should also be pointed out that XXX255931 was sufficiently informed of the crime he was accused of as in fact he mounted the sweetheart defense, *i.e.*, insisting on the presence of consent, before the RTC and the CA.

Furthermore, AAA255931 narrated how XXX255931 forcibly had sexual intercourse with her, and how he threatened her. She testified that XXX255931 forcibly undressed her and inserted his penis into her vagina. She shouted and tried to push and kick him, but XXX255931 threatened her that

⁴⁹ *Id.* at 242–247. (Citations omitted)

⁵⁰ *Quimvel v. People*, 808 Phil. 889, 913 (2017) [Per J. Velasco, Jr., *En Banc*], citing *Espino v. People*, 713 Phil. 377, 385–385 (2013) [Per C.J. Sereno, First Division].

⁵¹ *Padiernos, et al. v. People*, 766 Phil. 657, 670 (2015) [Per J. Brion, Second Division], citing *Matrido v. People*, 610 Phil. 203, 210–211 (2009) [Per J. Carpio-Morales, Second Division].

⁵² *Id.*

he would kill her.⁵³ With the prosecution sufficiently establishing all the elements of Rape, XXX255931's guilt was proved beyond reasonable doubt.

Proper penalty

Rape under paragraph 1, Article 266-A of the RPC, as amended, is punishable by *reclusion perpetua* in accordance with Article 266-B⁵⁴ of the same Code. Notably, this penalty is higher than the penalty for violation of Section 5(b) of R.A. No. 7610 for which the CA found XXX255931 guilty of.

In this regard, this Court emphasizes that by filing a Petition for Review on *Certiorari*, which is a mode of appeal,⁵⁵ XXX255931 opened wide the criminal case against him for review by this Court.⁵⁶ We have held that:

[A]n appeal in criminal cases confers upon the court full jurisdiction and renders it competent to examine the record and revise the judgment appealed from. Accordingly, "errors in an appealed judgment [of a criminal case], even if not specifically assigned, may be corrected *motu proprio* by the court if the consideration of these errors is necessary to arrive at a just resolution of the case." The rationale behind this rule stems from the recognition that an accused waives the constitutional safeguard against double jeopardy once he appeals from the sentence of the trial court. As such, it is incumbent upon the appellate court to render such judgment as law and justice dictate, whether it be favorable or unfavorable to him.⁵⁷

In line with *People v. Jugueta*,⁵⁸ XXX255931 is also liable to pay AAA255931 civil indemnity 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 75,000.00.⁵⁹

The monetary awards for damages shall earn interest at the rate of six percent per annum to be reckoned from the date of the finality of this Decision until its full satisfaction.

⁵³ TSN, October 27, 2019, pp. 6–17.

⁵⁴ Article 266-B. Penalty. — Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*[.]

⁵⁵ *Department of Public Works and Highways v. City Advertising Ventures Corporation*, 799 Phil. 47, 58 (2016) [Per J. Leonen, Second Division].

⁵⁶ *People v. Sandiganbayan (1st Div., et al.)*, 637 Phil. 147, 158 (2010) [Per J. Mendoza, Second Division]. See also *Candelaria v. People*, 749 Phil. 517, 530 (2014) [Per J. Perlas-Bernabe, First Division] where the Court said that an appeal of a criminal case throws the entire case for review, even though the mode of appeal in that case was a Petition for Review on *Certiorari* assailing a conviction for qualified theft. This Court held similarly in *Spouses Tayamen v. People*, G.R. No. 246986, April 28, 2021 [Per J. Delos Santos, Third Division]; *Veloso v. People*, 566 Phil. 53, 57 (2008) [Per J. Sandoval-Gutierrez, First Division]; and *Dico v. Court of Appeals*, 492 Phil. 534, 545 (2005) [Per J. Chico-Nazario, Second Division].

⁵⁷ *People v. Miranda*, 824 Phil. 1042, 1057 (2018) [Per J. Perlas-Bernabe, Second Division].

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

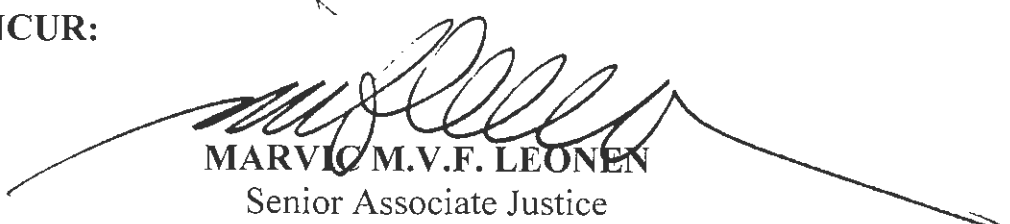
⁵⁹ *Id.* at 849.

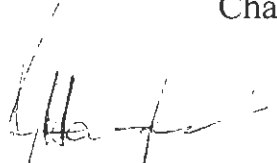
ACCORDINGLY, the Petition is **DENIED**. The Decision dated December 27, 2019 and the Resolution dated February 3, 2021 of the Court of Appeals in CA-G.R. CR No. 42040 are **AFFIRMED** with **MODIFICATION**. XXX255931 is **GUILTY** of Rape under paragraph 1(a), Article 266-A, in relation to Article 266-B of the Revised Penal Code, as amended. He is hereby sentenced to suffer the penalty of *reclusion perpetua* and is **ORDERED** to **PAY** AAA255931 the following amounts: (1) PHP 75,000.00 as civil indemnity; (2) PHP 75,000.00 as moral damages; and (3) PHP 75,000.00 as exemplary damages. All amounts due shall earn legal interest at the rate of six percent (6%) per annum from the date of the finality of this Decision until full payment.

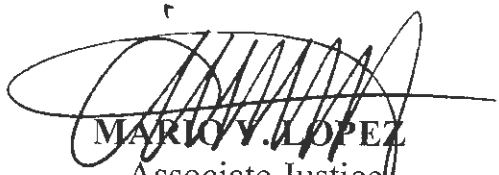
SO ORDERED.


JHOSEP Y. LOPEZ
 Associate Justice

WE CONCUR:


MARVIC M.V.F. LEONEN
 Senior Associate Justice
 Chairperson, Second Division

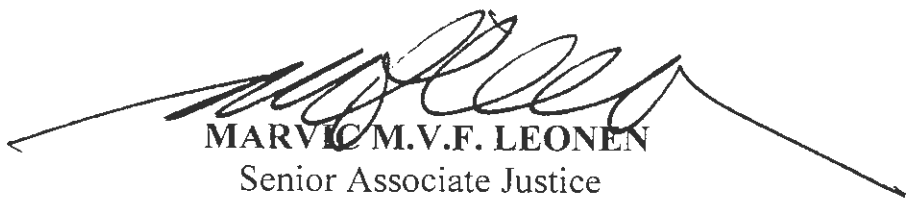

AMY C. LAZARO-JAVIER
 Associate Justice


MARIO V. LOPEZ
 Associate Justice


ANTONIO T. KHO, JR.
 Associate Justice

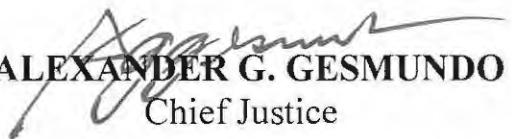
ATTESTATION

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.


MARVIC M.V.F. LEONEN
 Senior Associate Justice
 Chairperson, Second Division

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