



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE G.R. No. 262581
PHILIPPINES,

Plaintiff-appellee, Present:

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

-versus-

SPS. XXX262581 and
YYY262581,*
Accused-appellants.

Promulgated:

AUG 16 2023

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DECISION

M. LOPEZ, J.:

This is not just another horrid case of child rape or an incident of a father raping his own daughter. This is a despicable case of rape committed by a father and a mother against their own minor daughter. This only proves that lust is not deterred by age or relationship.¹

The conviction² of spouses XXX262581 and YYY262581 for rape committed against their 14-year-old daughter is the subject of review in this

* Initials were used to identify accused-appellants pursuant to Supreme Court Amended Administrative Circular No. 83-2015 (2017), "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 *People v. De Guzman*, 423 Phil. 313, 317 (2001) [*Per Curiam, En Banc*].

² *Rollo*, pp. 25-46. The Decision dated February 11, 2019 in Criminal Case Nos. L-11634 and L-11648 to L-11671 was penned by Judge Maria Laarni R. Parayno of [REDACTED], Regional Trial Court, [REDACTED], Pangasinan.

appeal³ assailing the Decision⁴ dated April 20, 2022 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 13030.

FACTS

XXX262581 and YYY262581 were charged with incestuous rape under Article 266-A, in relation to Article 266-B of the Revised Penal Code (RPC), as amended by Republic Act No. 8353⁵ under the following Information:

That sometime in the year 2008 in [REDACTED],⁶ Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused, being then the parents and having moral ascendancy over [AAA262581]⁷ (offended party) a 14 year old minor ([REDACTED]), did, then, and there, willfully, unlawfully and feloniously conspired with one another in having sexual intercourse with the offended party by means of force or intimidation, whereby accused [YYY262581], held the offended party while the accused [XXX262581] was having a carnal knowledge to the said offended party, against the will and consent of their daughter [AAA262581], to the prejudice and damage of the said minor offended party.

Contrary to Article 266-A in relation to Article 266-B (1) of the Revised Penal Code as amended by R.A. No. 8353.⁸

There are other rape charges against XXX262581, allegedly committed against AAA262581 when she was already 18 years old, but these were raffled to another branch.⁹

Upon arraignment, XXX262581 and YYY262581 pleaded not guilty.¹⁰ During pre-trial, the parties stipulated on the identities of XXX262581 and YYY262581 as parents of AAA262581, the minority of AAA262581 at the time of the alleged incident, and the authenticity and due execution of AAA262581's medico-legal report.¹¹ The Regional Trial Court (RTC)

³ See *id.* at 3-4, Notice of Appeal dated May 11, 2022.

⁴ *Id.* at 8-17. Penned by Associate Justice Jaime Fortunato A. Caringal, with the concurrence of Associate Justices Myra V. Garcia-Fernandez and Louis P. Acosta of the Eleventh Division, Court of Appeals, Manila.

⁵ Entitled "An Act Expanding the Definition of the Crime of Rape, Reclassifying the Same as a Crime Against Persons, Amending for the Purpose Act No. 3815, as amended, Otherwise Known as the Revised Penal Code, and for Other Purposes" (1997).

⁶ Supreme Court Amended Administrative Circular No. 83-2015 states that the geographical location where the crime was committed should refer only to the province where the crime occurred. References to the specific barangay or town should be blotted from the body of the court decision if its identification could lead to the disclosure of the women or children victims.

⁷ The identity of the victim or any information which could establish or compromise their identity, and those of their immediate family or household members, shall be withheld pursuant to Republic Act No. 7610 (1992), "An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes,"; and Section 40 of A.M. No. 04-10-11-SC (2004), Rule on Violence Against Women and Their Children.

⁸ RTC Records (Criminal Case No. L-11634), p 1.

⁹ *Rollo*, p. 25.

¹⁰ *Id.* at 9, 34.

¹¹ *Id.* at 9, 35.

conducted a joint trial of the rape charge filed by AAA262581 against her parents and the rape charges filed by her sister, BBB262581, against their father.¹²

The prosecution presented AAA262581, BBB262581, and Police Officer II Joan Claire Espelita (PO2¹³ Espelita).¹⁴ AAA262581 testified that she was born on November 11, 1994,¹⁵ as evidenced by her Certificate of Live Birth.¹⁶ She narrated that on December 15, 2008, at around 10:00 p.m., her mother woke her up from her sleep and told her to lie down beside her father. Her mother then held both of her feet while her father removed her shorts and panty. AAA262581 further testified that her father went on top of her and inserted his penis inside her vagina for five minutes while holding both of her hands. She also claimed that during this incident, and while she was crying out of pain, her mother continued to hold both of her feet. Afterwards, her parents ordered her to go back to where she was sleeping.¹⁷

AAA262581 claimed that she did not report the incident to anyone because she was afraid of her father. It was only on May 29, 2017 that she broke her silence and told her mother's sister about what happened. She also stated that she spoke up because she was tired of what her parents were doing to her and wanted them to pay for what they have done.¹⁸

On the other hand, BBB262581 narrated that she went to the police station with AAA262581 on May 29, 2017 before filing the cases against their parents. However, she testified that she refused to sign her sworn statement, despite having answered the questions asked by the police, because there was no truth to it. She further claimed that it was her sister, AAA262581, who signed the statement. BBB262581 recounted that they were medically examined that same day. She also stated that when they got back home, their parents were no longer there because they were already in jail.¹⁹ On cross-examination, BBB262581 insisted that her father did not rape her. She claimed that her uncle threatened to behead her if she refused to file the rape cases against her father. Her aunt allegedly also threatened to spank her. BBB262581 added that she wanted her parents out of jail so that her younger siblings, who are still studying, could live with them. However, she stated that she would not be living with her family because she will be looking for a job.²⁰

Lastly, the prosecution presented PO2 Espelita as rebuttal witness. PO2 Espelita confirmed that BBB262581 went to the police station at 4:00 p.m. on May 29, 2017. However, she went alone. After interviewing BBB262581, PO2 Espelita narrated that they went to [REDACTED], Pangasinan. Upon

¹² *Id.* at 35.

¹³ "PO1" in some parts of the records.

¹⁴ *Rollo*, pp. 9, 40.

¹⁵ *Id.* at 36.

¹⁶ RTC Records (Criminal Case No. L-11634), p 22.

¹⁷ *Rollo*, pp. 9-10, 36.

¹⁸ *Id.* at 10, 36.

¹⁹ *Id.* at 37.

²⁰ *Id.*

arriving, BBB262581 alighted from the vehicle and identified her parents and her sister, AAA262581. PO2 Espelita then took charge of AAA262581 and told her that she received a report that her father and mother were abusing her. Upon hearing this, AAA262581 allegedly looked relieved and teary-eyed.²¹

For their part, the defense presented XXX262581 and YYY262581 as witnesses.²² Both of them denied AAA262581's allegations and testified that their house had no other rooms. They claimed that they slept on the floor with their other children, while AAA262581 and BBB262581 had their own bed. YYY262581 added that her husband was rarely home because he spent most of his time as a rice seller from 6:00 a.m. to 9:00 p.m. He also allegedly worked as a "*hilot*" and treated 30 to 50 clients per day.²³ Meanwhile, XXX262581 claimed that he only learned of the charges against them when they were arrested at the municipal hall. At the time, they were with BBB262581, who was processing her wedding requirements.²⁴

In a Decision²⁵ dated February 11, 2019, the RTC convicted spouses XXX262581 and YYY262581 of rape in Criminal Case No. L-11634 filed by AAA262581, but acquitted XXX262581 in Criminal Case Nos. L-11648 to L-11671 filed by BBB262581. The RTC found AAA262581's testimony categorical, positive, and straightforward. It observed that AAA262581's claims were corroborated by her medico-legal report, which showed that her hymen has an "old scar on 5 and 7 o'clock positions." On the other hand, the RTC found XXX262581 and YYY262581's defense of denial and alibi weak and unable to overcome AAA262581's credible testimony.²⁶ The RTC also declared that their living arrangement, i.e., living in one house with no rooms, did not dispel the fact that the rape happened.²⁷ The dispositive portion of the Decision reads:

WHEREFORE, in view of the foregoing, this court hereby renders judgment as follows:

1) In Criminal Case No. L-11634 – accused [XXX262581] and [YYY262581] are found GUILTY beyond reasonable doubt of the crime of rape as defined and penalized under Article 266-A, paragraph 1 of the Revised Penal Code (as amended by R.A. No. 8353) and are hereby sentenced to suffer the penalty of *reclusion perpetua*; and to pay, jointly and severally, private complainant [AAA262581] the amounts of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages. The award of damages shall earn interest at the rate of 6% per annum from the date of finality of this Decision until fully paid; and

2) In Criminal Cases Nos. L-11648 to L-11671 – accused [XXX262581] is ACQUITTED for failure of the evidence of the prosecution to prove his guilt beyond reasonable doubt.

²¹ *Id.* at 40.

²² *Id.* at 10, 35.

²³ *Id.* at 10, 39.

²⁴ *Id.* at 40.

²⁵ *Id.* at 25–46.

²⁶ *Id.* at 41–42.

²⁷ *Id.* at 43.

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The accused, who are detained, are credited with the number of days they spent under detention, if they are qualified, otherwise, they shall be credited only with four-fifths (4/5) of their preventive imprisonment, pursuant to Article 29 of the Revised Penal Code as amended.

Furthermore, accused [XXX262581] and [YYY262581] are not eligible for parole in accordance with Section 3 of R.A. 9346 which provides:

“Section 3. Persons 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. 4103, otherwise known as the Indeterminate Sentence Law, as amended.”

SO ORDERED.²⁸ (Emphasis in the original)

Accused-appellants appealed²⁹ their conviction to the CA.³⁰ They stressed the RTC's alleged grave error in convicting them of the crime of rape based on the inconsistent and incredulous testimonies of AAA262581 and BBB262581³¹ and in disregarding their defenses of denial and alibi.³² Particularly, they raised the following issues: (a) the conflicting testimonies of AAA262581 and BBB262581, (b) the failure of the prosecution to present the medico-legal expert who issued the medico-legal report of AAA262581, (c) the lack of reason for AAA262581 waiting several years before reporting the incident, and (d) the fact that the Information only stated “sometime in the year 2008” as the date of the commission of the alleged rape.³³

In a Decision³⁴ dated April 20, 2022, the CA upheld the conviction of XXX262581 and YYY262581. *First*, the CA found AAA262581's testimony credible. AAA262581's testimony, together with her emotional reaction while testifying, was held to be plain, consistent, and straightforward. The CA also found that BBB262581's claims that her father did not rape her and that she was only forced to file the rape cases were irrelevant and did not contradict AAA262581's claim that their father raped her.³⁵ *Second*, the CA ruled that AAA262581's medico-legal report was unnecessary to establish the crime of rape. It maintained that AAA262581's testimony alone, if found credible, was sufficient to convict XXX262581 and YYY262581 of rape. The CA further emphasized that, in any case, the parties had stipulated on the authenticity and due execution of AAA262581's medico-legal certificate.³⁶ *Third*, the CA held that AAA262581's failure to immediately report the incident should not be taken against her. It highlighted that there is no consistent behavior that can

²⁸ *Id.* at 45–46.

²⁹ CA *rollo*, p. 14, Notice of Appeal dated February 12, 2019.

³⁰ *Id.* at 43–58.

³¹ *Id.* at 50–55.

³² *Id.* at 55–57.

³³ *Id.* at 52–54.

³⁴ *Rollo*, pp. 8–17.

³⁵ *Id.* at 13–15.

³⁶ *Id.* at 15.

be expected from those who had the misfortune of being sexually molested.³⁷ *Fourth*, the CA found that the prosecution's failure to state the exact date of the commission of the crime was not detrimental to the case. The CA reiterated the rule that the date is not an essential element of the crime of rape.³⁸ Finally, the CA maintained that the defense of denial of XXX262581 and YYY262581 was self-serving. It held that even if they claimed that XXX262581 was always out at night, they still failed to establish that it was physically impossible for XXX262581 to be at the crime scene. Thus, the denial and alibi of accused-appellants cannot prevail over AAA262581's positive and categorical testimony:³⁹

WHEREFORE, premisses considered, the instant appeal is **DENIED**. The Decision dated February 11, 2019 of the Regional Trial Court of ██████████, Pangasinan, ██████████ is **AFFIRMED in toto**.

SO ORDERED.⁴⁰

Hence, this appeal.⁴¹ The People of the Philippines, through the Office of the Solicitor General, manifested⁴² that they have succinctly discussed the facts, issues, and pertinent arguments in this case in their Appellee's Brief⁴³ with the CA.

RULING OF THE COURT

The appeal is unmeritorious.

The prosecution established all the elements of rape

Article 266-A of the RPC, as amended, states when and how rape through sexual intercourse is committed:

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

³⁷ *Id.* at 15–16.

³⁸ *Id.* at 16.

³⁹ *Id.* at 16–17.

⁴⁰ *Id.* at 17.

⁴¹ *Id.* at 3–4.

⁴² *Id.* at 49–51.

⁴³ CA rollo, pp. 117–135.

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.

The gravamen of the crime of rape is the carnal knowledge of a woman against her will.⁴⁴ All the elements of rape are present here. The prosecution proved that XXX262581—who has moral ascendancy and influence being AAA262581's father—had carnal knowledge of AAA262581 with the help of YYY262581, his wife and AAA262581's mother.⁴⁵ During the RTC's examination of AAA262581, she unequivocally recounted her harrowing experience at the hands of her own parents:

Q: And do you remember madam witness, when for the first time that he raped you?

A: Yes mam

Q: When was that, what year?

A: That was December 15 mam

Q: Do you know what year was that?

A: 2008 mam

....

Q: On December 15, 2008 which you claim was the very first incident that you were raped by your father, how old were you then?

A: Fourteen (14) mam

....

Q: What happened when you lied beside your father?

A: They were removing my clothes mam

Q: What were you wearing before they remove your clothes?

A: Short pant[s] and T-shirt mam

Q: What did they remove from you?

A: Short pants and my panty mam

Q: What about your T-shirt?

A: They did not remove mam

Q: Who removed your short pant[s] and panty?

A: My father mam

Q: What was your mother doing while your father was removing your short pant[s] and panty?

A: My mother held my two feet mam

Q: What was your position when your mother was holding your two feet and your father was removing your short pant[s] and panty?

A: I was lying on my back mam.

⁴⁴ *People v. Almendral*, 477 Phil. 521, 537 (2004) [Per J. Tinga, Second Division].

⁴⁵ *Rollo*, pp. 36-39.

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Q: After your father removed your short pant[s] and panty and your mother held your two feet, what next happened?

A: My father went on top of me mam

Q: What happened when your father went on top of you?

A: He raped me mam

Q: What do you mean when you said you were raped?

A: He inserted his penis inside my vagina mam

Q: How long did he do that?

A: Around five minutes mam

Q: What did you feel [sic] at that time?

A: I was crying because it was painful mam

Q: When your father was inserting his penis inside your vagina, what was your mother doing?

A: She was still holding my feet mam

Q: All those[sic] time she is holding your two feet?

A: Yes mam⁴⁶ (Emphasis supplied)

The primary consideration in rape cases is the victim's testimony.⁴⁷ The accused may be convicted of rape based on the lone, uncorroborated testimony of the victim if it is clear, natural, convincing, and consistent with human nature and the normal course of things.⁴⁸ The credibility of witnesses is a purely factual matter best addressed by the trial court because of its unique position to ascertain the sincerity and spontaneity of witnesses through their manner of testifying, their demeanor, and their behavior in court.⁴⁹ It is the Court's policy to accord great weight and respect, and at times even finality, to the trial court's evaluation and conclusion on the credibility of witnesses in rape cases, especially when upheld by the appellate court and absent any showing that the findings were reached arbitrarily, or that certain facts or circumstances of weight, substance, or value were overlooked, misapprehended, or misappreciated that, if properly considered, would change the result of the case.⁵⁰ Such is the case here.

AAA262581 testified clearly and categorically on how her father succeeded in having carnal knowledge of her with the help of her mother. Accused-appellants have apparent moral ascendancy and physical superiority over AAA262581. They placed AAA262581 in a position where she cannot resist because her father was holding her hands and her mother was holding her feet.⁵¹ Although it was only XXX262581 who had actual sexual

⁴⁶ TSN, AAA262581, October 30, 2017, pp. 7-15.

⁴⁷ *People v. XXX*, 886 Phil. 155, 177 (2020) [Per C.J. Peralta, First Division].

⁴⁸ *People v. Rupal*, 834 Phil. 594, 613 (2018) [Per J. Martires, Third Division].

⁴⁹ *People v. Agalot*, 826 Phil. 541, 550 (2018) [Per J. Martires, Third Division], citing *People v. Gerola*, 813 Phil. 1055, 1064 (2017) [Per J. Caguioa, First Division].

⁵⁰ *People v. Ganaba*, 829 Phil. 306, 315 (2018) [Per J. Martires, Third Division].

⁵¹ *Rollo*, pp. 9-10, 36.

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intercourse with AAA262581 and YYY262581 merely instructed AAA262581 to lie beside XXX262581 and held her feet while he sexually abused her,⁵² YYY262581 is still liable as a conspirator. Their actions clearly demonstrated a common design towards the accomplishment of the same unlawful purpose.⁵³

*People v. Saban*⁵⁴ and *People v. Villamala*⁵⁵ taught us that a wife can be held liable as a conspirator if she helps her husband in raping the victim by pinning the victim on the floor. In *People v. Viñas*,⁵⁶ the Court found that conspiracy existed when the common-law wife held the victim's hands and gagged her while the common-law husband ravished her. Meanwhile, in *People v. Dongcoy*,⁵⁷ the Court upheld the appellant's conviction for rape even if he merely touched the victim's breasts and restrained her hands and feet while his co-accused alternated in raping her. Given these, the Court likewise finds conspiracy in this case. Hence, accused-appellants are liable for rape.

A wife helping her husband rape another person is not new,⁵⁸ and our jurisprudence⁵⁹ is replete with cases of fathers raping their daughters. However, a mother helping her husband rape their own daughter is uncommon. It is so despicable that it seems unreal. However, even if it is unimaginable, it can still happen. Its inconceivability cannot reduce the credibility of the victim's testimony nor make her words less true.

In hopes of earning acquittal, accused-appellants attempt to discredit AAA262581's claims by arguing that her testimony conflicts with that of BBB262581's and that there is no reason for AAA262581 to belatedly report the incident. They also point out that the Information only stated "sometime in the year 2008."⁶⁰

The Court is unconvinced.

First, AAA262581 and BBB262581's testimonies are not conflicting. BBB262581's allegations that her father did not rape her and that she was only forced by her uncle and aunt to file the rape charges against their father⁶¹ do not contradict AAA262581's positive identification of her parents as her molesters and her categorical account of what happened to her.⁶² *Second*, delay in reporting the crime of rape to the proper authorities cannot taint the

⁵² *Id.*

⁵³ *People v. Sumalinog, Jr.*, 466 Phil. 637, 658 (2004) [Per J. Carpio, First Division].

⁵⁴ 377 Phil. 37, 46-49 (1999) [Per J. Purisima, Third Division].

⁵⁵ 168 Phil. 296, 303-305 (1977) [Per J. Fernando, Second Division].

⁵⁶ G.R. No. 234514, April 28, 2021 [Per J. Leonen, Third Division].

⁵⁷ G.R. No. 250437, June 16, 2021 [Notice, Second Division].

⁵⁸ See *People v. Saban*, 377 Phil. 37, 46-49 (1999) [Per J. Purisima, Third Division]; *People v. Villamala*, 168 Phil. 296, 303-305 (1977) [Per J. Fernando, Second Division].

⁵⁹ *People v. Herico*, 270 Phil. 780, 780-784 (1990) [Per J. Gancayco, First Division]; *People v. Santos*, 418 Phil. 299, 304-306 (2001) [Per *Curiam, En Banc*]; *People v. Mendoza*, 460 Phil. 642, 651 (2003) [Per *Curiam, En Banc*]; *People v. DDD*, 881 Phil. 482, 503-504 (2020) [Per C.J. Peralta, First Division].

⁶⁰ CA rollo, pp. 50-55.

⁶¹ Rollo, p. 37.

⁶² TSN, AAA262581, October 30, 2017, pp. 6-15.

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victim's credibility because long silence and delay are not always construed as indications of a false accusation. A rape charge becomes doubtful only if the delay is unreasonable and unexplained.⁶³ In this case, AAA262581 sufficiently explained that she did not immediately report the incident because she was afraid of her father.⁶⁴ Worse, she could not confide in her mother because her mother was also her abuser. One can only imagine the physical, emotional, and psychological trauma that the 14-year-old girl had to put up with every single day for several years before finally mustering the courage to reveal her ordeal to her aunt. *Lastly*, the Information sufficiently charged accused-appellants with rape. The well-settled rule is that when the time of the commission of the offense is not an essential element, it does not have to be proven as alleged. The complaint will still be sustained if it is proven that the offense was committed at any time within the period of the statute of limitations and before the commencement of the action.⁶⁵ This is in accord with Rule 110, Section 11 of the Rules of Criminal Procedure, which provides:

Section 11. *Date of commission of the offense.* — It is not necessary to state in the complaint or information the precise date the offense was committed except when it is a material ingredient of the offense. The offense may be alleged to have been committed on a date as near as possible to the actual date of its commission.

In *People v. Arpon*,⁶⁶ the Court found the information alleging that the rape was committed "sometime in the year 1995" sufficient to inform the accused-appellant of the nature of the accusation against him. In the more recent case of *People v. ZZZ*,⁶⁷ the Court likewise recognized the validity of the information charging rape committed "sometime in the early part of 2008." Here, the Court similarly finds the allegation that the rape was committed "sometime in the year 2008" sufficient to uphold the validity of the Information and inform the accused-appellants of the nature of the allegations against them. The precise date of the commission of rape is not an essential element of rape.

In fine, accused-appellants failed to cast doubt on AAA262581's credibility as a witness. Despite overwhelming prosecution evidence, accused-appellants tendered nothing but their unconvincing alibi and bare denials. Their negative defenses are self-serving and undeserving of weight in law absent clear and convincing proof.⁶⁸ More, their alibi that XXX262581 was not home at night because he had 30 to 50 clients⁶⁹ is weak. Not one of these clients testified to confirm their claim. Accused-appellants also failed to prove that XXX262581 could not be physically present at the time and place of the crime. The Court also notes that there was no allegation that AAA262581 was motivated by grudge or other ill-motive when she filed the

⁶³ *People v. Bongos*, 824 Phil. 1004, 1023 (2018) [Per J. Peralta, Second Division].

⁶⁴ TSN, AAA262581, October 30, 2017, pp. 21-22.

⁶⁵ *People v. Bugayong*, 359 Phil. 870, 878-879 (1998) [Per J. Panganiban, First Division].

⁶⁶ 678 Phil. 752, 774 (2011) [Per J. Leonardo-De Castro, First Division].

⁶⁷ G.R. No. 232329, April 28, 2021 [Per J. Hernando, Third Division].

⁶⁸ *People v. Togahan*, 551 Phil. 997, 1013-1014 (2007) [Per J. Tinga, Second Division].

⁶⁹ *Rollo*, pp. 10, 39.

charges against her own parents. Thus, the defenses of denial and alibi of accused-appellants deserve scant consideration.

The Court stresses that incestuous rape is not a simple criminal offense that can easily be fabricated, especially in this case where both parents are accused. The humiliation of a trial and life-long stigmatization will surely take a toll on the victim and her family. To our mind, a daughter like AAA262581 would not have imputed false allegations against her own parents, on whom she depends for support, were it not for her desire to seek justice and to stop the sexual abuse that she had to endure at a very young age.⁷⁰

Penalties

Rape is punishable by *reclusion perpetua* under Article 266-A, in relation to Article 266-B, of the RPC. If the rape is qualified, it is punishable by death.⁷¹ Considering that AAA262581 was under 18 years old when the rape occurred and accused-appellants are her parents,⁷² the rape is qualified.⁷³ The prosecution also alleged and proved that accused-appellants are the parents of AAA262581, a 14-year-old minor born on November 11, 1994.⁷⁴ Thus, the special qualifying circumstances of minority and relationship are satisfied. In view of Republic Act No. 9346,⁷⁵ the RTC and the CA correctly imposed the penalty of *reclusion perpetua* without eligibility for parole in lieu of the death penalty. Further, the awards of PHP 100,000.00 as civil indemnity, PHP 100,000.00 as moral damages, and PHP 100,000.00 as exemplary damages were proper.⁷⁶

Certainly, accused-appellants deserve no mercy in view of the attending circumstances and manner of committing the crime.

ACCORDINGLY, the appeal is **DISMISSED**. The Decision dated April 20, 2022 of the Court of Appeals in CA-G.R. CR-HC No. 13030 is **AFFIRMED**. Accused-appellants Spouses XXX262581 and YYY262581 are **GUILTY** beyond reasonable doubt of qualified rape under Article 266-A, in relation to Article 266-B, of the Revised Penal Code, as amended, and are sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole. They are held solidarily liable to pay the victim the amounts of PHP

⁷⁰ See *People v. Santos*, 418 Phil. 299, 308–309 (2001) [*Per Curiam, En Banc*].

⁷¹ REV. PEN. CODE, art. 266-B.

⁷² *Rollo*, pp. 9, 35.

⁷³ The RPC provides:

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

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

1. When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim;

⁷⁴ RTC Records (Criminal Case No. L-11634), p. 1.

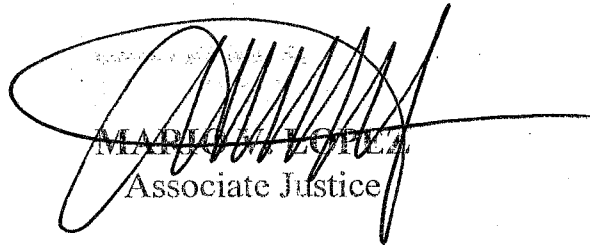
⁷⁵ Entitled "An Act Prohibiting the Imposition of Death Penalty in the Philippines" (2006).

⁷⁶ *People v. Jugueta*, 783 Phil. 806, 848 (2016) [*Per J. Peralta, En Banc*].


100,000.00 as civil indemnity, PHP 100,000.00 as moral damages, and PHP 100,000.00 as exemplary damages.


All monetary awards shall earn interest at the rate of 6% per annum from the date of finality of this Decision until fully paid.

SO ORDERED.


MARVIC M. LOPEZ
Associate Justice

WE CONCUR:


MARVIC M.V.F. LEONEN
Senior Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


JHOSEP 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

CERTIFICATION

Pursuant to Article VIII, Section 13 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

