



Republic of the Philippines
 Supreme Court
 Manila

THIRD DIVISION

PEOPLE OF THE G.R. No. 261970
 PHILIPPINES,

Plaintiff-Appellee,

- versus -

Present:
 CAGUIOA, J., Chairperson,
 INTING,
 GAERLAN,
 DIMAAMPAO, and
 SINGH, JJ.

DIONI MIRANDA y PAREÑA,
 A.K.A. "ABE",

Accused-Appellant.

Promulgated:

June 14, 2023

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DECISION

SINGH, J.:

This is an ordinary appeal under Rule 122 of the Rules of Court assailing the Decision,¹ dated November 22, 2021, of the Court of Appeals (CA) in CA-GR CR HC No. 14435, which affirmed with modification the Decision,² dated March 10, 2020, of Branch 21, Regional Trial Court, [REDACTED] (RTC), in Criminal Case No. 21-9467-FC. The RTC convicted accused-appellant Dioni Miranda y Pareña, a.k.a. "Abe" (**Miranda**) of the crime of Statutory Rape under Article 266-A, paragraph (1)(d) of the Revised Penal Code (RPC), with the presence of the aggravating circumstance of ignominy, and sentenced him to suffer the penalty of *reclusion perpetua* without eligibility for parole.³ On the other hand, the CA upheld the RTC Decision and additionally ruled that Miranda was guilty of Qualified Statutory Rape under Article 266-A, paragraph (1)(d), in relation to Article 266-B of

¹ *Rollo*, pp. 9-22. Penned by Associate Justice Manuel M. Barrios and concurred in by Associate Justices Gabriel T. Robeniol and Bonifacio S. Pascua.

² *Id.* at 24-43. Penned by Presiding Judge Nicasio B. Bautista III.

³ *Id.* at 43.

the RPC, considering that the victim was a minor under 12 years of age, and that Miranda was the victim's guardian.⁴

The Facts

Miranda was charged with Qualified Statutory Rape defined and penalized under Article 266-A, paragraph (1)(d), in relation to Article 266-B of the RPC in an Information, dated October 22, 2015, which reads as follows:

That on or about the 17th day of September 2015 at [REDACTED] [REDACTED] Philippines and within the jurisdiction of this Honorable Court, the above-named accused did then and there wilfully, unlawfully, and feloniously have carnal knowledge with the victim [AAA],⁵ a minor, seven (7) years of age, and who is the step-daughter of the accused without her consent and against the will (*sic*) her will to the damage and prejudice of the private complainant.

CONTRARY TO LAW.⁶

Miranda pleaded "not guilty" to the crime charged.⁷ During the pre-trial conference, the prosecution and the defense stipulated that the victim, AAA, was seven years old at the time of the commission of the offense.⁸ Thereafter, trial on the merits ensued.

During the trial, the prosecution presented the following witnesses: AAA, the private offended party; Dr. Elise V. Cruz (**Dr. Cruz**), the physician who examined AAA shortly after the alleged rape incident;⁹ and Rosalie Apolinario (**Apolinario**), AAA's neighbor at the time when the alleged rape happened.¹⁰

The Version of the Prosecution

AAA testified that she first met Miranda in the terminal of Mabalacat, Pampanga.¹¹ Miranda then brought AAA to his shanty in [REDACTED].¹² Thereafter, Miranda became AAA's *tatay-tatayan*, and they lived

⁴ Id. at 20, CA Decision.

⁵ In line with Amended Administrative Circular No. 83-2015, dated September 5, 2017, the name of the private offended party, along with all other personal circumstances that may tend to establish her identity, are made confidential to protect her privacy and dignity.

⁶ Id. at 24, RTC Decision.

⁷ Id.

⁸ Id.

⁹ Id. at 25-27, RTC Decision.

¹⁰ Id. at 27, RTC Decision.

¹¹ Id. at 25, RTC Decision.

¹² Id.

together in Miranda's shanty for quite some time.¹³ During this period, Miranda raped AAA multiple times.¹⁴

In the evening of September 17, 2015, Miranda again raped AAA.¹⁵ He took off her clothes and inserted his penis inside her vagina.¹⁶ While Miranda was raping AAA, the latter kept on shouting, hoping to get the attention of their neighbors. After raping her, Miranda instructed AAA to lie down on the part of the shanty with so many ants. Miranda then urinated on AAA.¹⁷

Meanwhile, while Miranda was raping AAA, Apolinario's daughter heard AAA screaming and crying, prompting her to wake her mother up. Apolinario then peeped into Miranda's shanty and asked him why AAA was crying. Miranda then told Apolinario that a person just came into his house and threatened AAA.¹⁸

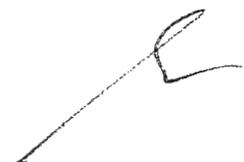
The following morning, AAA approached Apolinario to ask for help.¹⁹ AAA told her that her vagina was painful,²⁰ and that Miranda raped her the night before and on other numerous occasions.²¹

The Version of the Defense

The defense presented Miranda as its sole witness.²² According to Miranda, he met AAA when he was collecting garbage in Pampanga. AAA then asked Miranda to take her with him because she had no house and parents.²³ Miranda admitted that he and AAA have been living together in his shanty in [REDACTED] for around five months prior to the filing of the rape case against him. However, Miranda denied that he had sexually molested AAA. He testified that in the evening of September 17, 2015, he scolded AAA for still going out to watch television even if they did not have any food to eat. This was the reason why AAA kept on crying that night.²⁴

The Ruling of the RTC

¹³ Id.
¹⁴ Id. at 12, CA Decision.
¹⁵ Id. at 25, RTC Decision.
¹⁶ Id.
¹⁷ Id.
¹⁸ Id. at 27.
¹⁹ Id.
²⁰ Id.
²¹ Id. at 12, CA Decision.
²² Id. at 28, RTC Decision.
²³ Id.
²⁴ Id.



On March 10, 2020, the RTC rendered a Decision²⁵ finding Miranda guilty beyond reasonable doubt of Statutory Rape.²⁶ Additionally, despite not being alleged in the Information, the RTC appreciated the presence of the aggravating circumstance of ignominy considering that Miranda, after raping AAA, forced the latter to lie on the bare ground to be bitten by ants and urinated on her.²⁷ The dispositive portion of the RTC Decision states:

WHEREFORE, accused DIONI MIRANDA Y PARENA aka “ABE” is hereby found **GUILTY** beyond reasonable doubt of the crime of statutory rape defined under Article 266-A, paragraph d of the Revised Penal Code as amended by Republic Act No. 8353, as charged in the Information, with the presence of the aggravating circumstance of ignominy, and is sentenced to suffer the penalty of **RECLUSION PERPETUA WITHOUT ELIGIBILITY FOR PAROLE**.

The civil indemnity, moral damages, and exemplary damages awarded to the minor victim is in the amount of P75,000.00 *each*. All damages awarded shall earn interest at the legal rate of 6% per annum from the date of finality of this judgment until fully paid.

SO ORDERED.²⁸ (Emphasis in the original)

The RTC gave full weight and credit to the testimony of AAA and held that when a child says she has been raped, she says all that is necessary to show that she has actually been raped.²⁹ The RTC concluded that AAA’s testimony was convincing, candid, concise, and more than satisfactorily proved that Miranda raped her.³⁰

Also, the prosecution’s version of events was supported by the medical findings of Dr. Cruz, who testified that she can insert her finger into the vagina of AAA, who was then only seven years old, with ease, and that there was a foul smelling discharge from AAA’s vagina due to a sexually transmitted disease.³¹ Additionally, the testimony of Apolinario, AAA’s neighbor who rescued her, strengthened the prosecution’s case because it was her from whom AAA sought help, and she actually heard AAA crying for help at the time the crime was being committed.³²

Undeterred, Miranda appealed to the CA.³³ He argued that the RTC gravely erred in convicting him of Statutory Rape as the prosecution failed to prove the elements thereof beyond reasonable doubt.³⁴ Also, Miranda contended that the RTC committed reversible error when it appreciated the

²⁵ Id. at 24-43.

²⁶ Id.

²⁷ Id. at 43.

²⁸ Id.

²⁹ Id. at 42.

³⁰ Id.

³¹ Id.

³² Id.

³³ CA *rollo*, p. 13, Notice of Appeal.

³⁴ Id. at 25, Brief for the Accused-Appellant.



aggravating circumstance of ignominy even if it was not alleged in the Information.³⁵

The Ruling of the CA

On November 22, 2021, the CA rendered the assailed Decision³⁶ affirming Miranda's conviction by the RTC, but with modification with respect to the amount of damages. The *fallo* of the decision reads:

WHEREFORE, premises considered, the appeal is **DENIED**. The Decision dated 10 March 2020 of the Regional Trial Court, Branch 21, [REDACTED], is **AFFIRMED** with **MODIFICATION** in that this Court finds accused-appellant Dioni Miranda y Pareña **GUILTY BEYOND REASONABLE DOUBT** of the crime of Statutory Rape under Article 266-A, paragraph d of the Revised Penal Code and hereby sentences him to suffer the penalty of *reclusion perpetua without eligibility for parole*. Accused-appellant is further ordered to pay the victim civil indemnity, moral damages, and exemplary damages at P100,000.00 each, with interest on all such monetary awards for damages at the rate of six percent (6%) *per annum* from the date of finality of this decision until full satisfaction thereof.

SO ORDERED.³⁷ (Emphasis in the original)

The CA ruled that notwithstanding the non-allegation in the Information of the aggravating circumstance of ignominy, and the error in the designation of the qualifying circumstance of relationship between Miranda and AAA, said defects have been cured when Miranda failed to assail the sufficiency of the Information during trial.³⁸

Notably, however, the CA did not include in the dispositive portion of the assailed Decision its conclusion that the aggravating circumstance of ignominy and the qualifying circumstance of relationship, *i.e.*, that Miranda was AAA's guardian, are present and can be appreciated in this case. In the body of its decision, the CA held that Miranda has waived any waivable defects in the Information, including the supposed failure to allege the aggravating circumstance of ignominy and the error in designating the relationship between AAA and Miranda, when he failed to object to the sufficiency of the Information.³⁹ Nevertheless, the incorporation of the above conclusion in the *fallo* of the decision is shown by the inclusion of the phrase "without eligibility of parole" in the penalty imposed upon Miranda and the increase of damages from ₱75,000.00 to ₱100,000.00 each.⁴⁰

³⁵ Id. at 29.

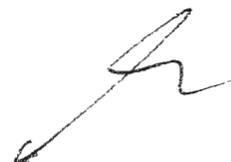
³⁶ *Rollo*, pp. 9-22.

³⁷ Id. at 21.

³⁸ Id. at 17.

³⁹ Id. at 18.

⁴⁰ Id. at 21.



Undaunted, Miranda appealed the CA Decision before the Court pursuant to Rule 122 of the Rules of Court.

The Issue

Did the CA commit reversible error when it upheld Miranda's conviction of Statutory Rape under Article 266-A, paragraph (1)(d) of the RPC, and appreciated the aggravating circumstance of ignominy and the qualifying circumstance of Miranda being AAA's guardian?

The Ruling of the Court

The Court rules that the CA correctly found Miranda guilty beyond reasonable doubt of the crime of Statutory Rape under Article 266-A, paragraph (1)(d) of the RPC. However, the CA committed reversible error when it appreciated the aggravating circumstance of ignominy and the qualifying circumstance of guardianship in this case.

The prosecution was able to prove beyond reasonable doubt the existence of all the elements of statutory rape

Statutory Rape is defined under Article 266-A, paragraph (1)(d) of the RPC, as follows:

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.** (Emphasis supplied)

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.⁴¹ Proof of force, intimidation, or lack of consent is unnecessary since none of these is an element of statutory rape,⁴² considering that the absence of free consent is conclusively presumed when the victim is below 12 years old.⁴³

Both elements were proven beyond reasonable doubt by the prosecution.

As to the first element, AAA's age at the time of the commission of the crime is undisputed. Based on her birth certificate, which was duly presented and offered in evidence, AAA was only seven years and seven months old at the time she was raped on September 17, 2015. Additionally, the records do not show that Miranda questioned the veracity of AAA's age during trial. In fact, Miranda admitted during pre-trial that AAA was seven years old at the time of the commission of the crime.⁴⁴

Carnal knowledge was proven through AAA's categorical testimony, which was corroborated by medical findings and testimonies of other witnesses

AAA rendered a detailed narration of her ordeal. As found by the RTC and affirmed by the CA, she recounted in an unequivocal manner the circumstances clearly showing that Miranda had carnal knowledge of her: (1) in the evening of September 17, 2015, after playing and watching television at a neighbor's house, AAA returned to Miranda's shanty and saw the latter already lying down; (2) shortly after AAA went to bed, Miranda approached her and told her to remove her pants; (3) AAA obeyed Miranda, being her "tatay," and went to sleep; (4) not long thereafter, AAA was awakened when she felt Miranda inserting his penis inside her vagina; (5) AAA cried because of pain, but Miranda persisted; (6) when Miranda ejaculated, he instructed AAA to wash her vagina; (7) Miranda likewise told AAA to lie down in the place with many ants; and, (8) Miranda urinated on AAA. AAA also positively identified Miranda as the person who raped her.⁴⁵

AAA's testimony is sufficient to convict Miranda of Statutory Rape. In *People v. Castillo*,⁴⁶ the Court recognized that "[t]he nature of the crime of rape often entails reliance on the lone, uncorroborated testimony of the victim, which is sufficient for a conviction, provided that such testimony is clear, convincing, and otherwise consistent with human nature."⁴⁷

⁴¹ *People v. Jagdon, Jr.*, G.R. No. 242882, September 9, 2020, 952 SCRA 92, 104-105.

⁴² *People v. Ordaneza*, G.R. No. 250640, May 5, 2021.

⁴³ *People v. Jagdon, Jr.*, supra note 40, at 105.

⁴⁴ *Rollo*, p. 24, RTC Decision.

⁴⁵ *Id.* at 25, RTC Decision.

⁴⁶ G.R. No. 242276, February 18, 2020, 932 SCRA 487.

⁴⁷ *Id.* at 498.



The RTC found that AAA's testimony was convincing, candid, concise, and more than satisfactorily proved that Miranda raped her.⁴⁸ It is a well-settled rule that "questions on the credibility of witnesses should best be addressed to the trial court because of its unique position to observe that elusive and incommunicable evidence of the witnesses' deportment on the stand while testifying which is denied to the appellate courts."⁴⁹ The rule is even more stringently applied if the appellate court has concurred with the trial court.⁵⁰ Here, both the RTC and the CA found AAA's testimony to be credible and convincing.⁵¹

Nevertheless, the trial court's conviction resulted not only from AAA's testimony but was also based on the corroborative testimony of Dr. Cruz, who examined AAA after the commission of the rape. AAA's testimony relative to the sexual assault against her is consistent with Dr. Cruz's medical report and testimony that there was reddish or hyperemic of the hyperemia at the upper portion of AAA's labia minora.⁵² Also, AAA's vaginal introitus admitted one finger with ease.⁵³ Dr. Cruz then concluded that there had been a repeated insertion of hard objects into AAA's vaginal opening, such as an erect penis, since one will not normally be able to insert a finger into the vagina of a seven-year-old without encountering pain. In Dr. Cruz' expert opinion, AAA was a victim of rape.⁵⁴

Moreover, Apolinario, whose house was only half a meter away from Miranda's shanty, corroborated AAA's version of the events. Apolinario testified that on September 17, 2015, she was woken up by her daughter who heard AAA crying. She then peeped into Miranda's house and asked the latter why AAA was crying. Miranda just told her that a person went into his house and threatened AAA.⁵⁵

There is thus greater reason to believe the veracity of AAA's statements, as to both the fact of rape and the identity of the assailant.

Moreover, the Court has explained that the testimonies of young rape victims deserve full credence, thus:

This Court has held time and again that testimonies of rape victims who are young and immature deserve full credence, considering that no young woman, especially of tender age, would concoct a story of defloration, allow an examination of her private parts, and thereafter pervert herself by being subject to a public trial, if she was not motivated solely by

⁴⁸ *Rollo*, p. 42, RTC Decision.

⁴⁹ *People v. XXX*, G.R. No. 218277, November 9, 2020.

⁵⁰ *People v. Castillo*, supra note 45 at 498.

⁵¹ *Rollo*, pp.19-20, CA Decision; *rollo*, p. 42, RTC Decision.

⁵² *Id.* at 26, RTC Decision.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.* at 27, RTC Decision.



the desire to obtain justice for the wrong committed against her. Youth and immaturity are generally badges of truth. It is highly improbable that a girl of tender years, one not yet exposed to the ways of the world, would impute to any man a crime so serious as rape if what she claims is not true.⁵⁶

Notably, Miranda did not even sufficiently establish any ill motive that could have compelled AAA to falsely accuse him of rape. His allegation that AAA filed the rape complaint against him as retaliation for scolding her when she went out to watch television⁵⁷ fails to convince the Court. It is against human nature and common human experience for a child to fabricate a crime as serious as rape against his or her *tatay-tatayan* who has been taking care of said child for months just because said guardian scolded him or her.

In his attempt to discredit AAA's testimony, Miranda points out alleged inconsistencies in her statements. Miranda argues that in AAA's in-court testimony, she stated that Miranda suddenly took her to ride a bus going to [REDACTED] and once there, raped her. However, in her *Sinumpaang Salaysay* and in her interview with Dr. Cruz, AAA claimed that Miranda had already been sexually-abusing her numerous times for four months.⁵⁸

Miranda's argument is untenable.

AAA gave the following answers to the prosecutor's questions during her direct examination:

- Q: And then after you walked around what happened next?
A: He boarded me inside the bus, sir. (*Sinakay niya na ako sa bus*)
- Q: After you took the bus where did you proceed?
A: In his house, sir.
- Q: When you say his house are you referring to his house in [REDACTED]?
A: Yes, sir.
- Q: So where (*sic*) you able to reach the house of Dioni Miranda, [AAA]?
A: Yes, sir.
- Q: When you reached the house of Dioni Miranda y Pareña aka Abe[,] what happened, [AAA]?
A: He raped me, sir.⁵⁹

⁵⁶ *People v. Pangilinan*, 547 Phil. 260, 285 (2007).

⁵⁷ *CA rollo*, p. 24, Brief for the Accused-Appellant.

⁵⁸ *Rollo*, p. 27, RTC Decision.

⁵⁹ *Id.* at 30, RTC Decision.



Based on the foregoing, AAA did not categorically state that Miranda raped her on the day of their first meeting or immediately upon reaching Miranda's house in [REDACTED]. In fact, in her cross-examination, AAA confirmed that she had been living with Miranda for quite some time and even considers him her *tatay-tatayan*:

Q: Are you in anyway (*sic*) related to Abe? Is he your uncle? Is he your father? Is he you grandfather or what, [AAA]?

A: He is my tatay, sir.

Q: If you say tatay or father you are referring to as if (*sic*) "tatay-tatayan"?

A: Tatay-tatayan, sir.

Q: How long have you been together with your Tatay-tatayan Abe, [AAA]?

A: I've been with him for quite some time, sir.⁶⁰

To the Court, AAA's statement during her direct examination to the effect that she was raped by Miranda upon reaching the latter's house pertains to the place of the commission of the crime and not the date or time of the incident. This is especially true considering that, as AAA testified, Miranda raped her numerous times in his house.

Even assuming *arguendo* that there is indeed inconsistency in AAA's testimony as to the timing of the rape incident, the same cannot entirely discredit AAA's testimony. It is a well-settled rule that "if the testimonial inconsistencies do not hinge on any essential element of the crime, such inconsistencies are deemed insignificant and will not have any bearing on the essential fact or facts testified to. These inconsistencies, if at all, even indicate that the witness was not rehearsed."⁶¹ Thus, in this case, the Court agrees with the CA's findings that the question as to whether the rape was committed immediately after Miranda brought AAA to his house in [REDACTED] or whether AAA had been sexually abused numerous times already by Miranda is of no consequence, as it does not pertain to the material elements of Statutory Rape. What is important is the proof that Miranda had carnal knowledge with AAA, a child who is less than 12 years old. Additionally, AAA's testimony as to how Miranda raped her was clear, detailed, consistent, and supported by medical and other corroborating evidence.

On the other hand, Miranda's bare denial without any evidence to support the same failed to overcome AAA's candid and straightforward testimony and positive identification that Miranda raped her. Denial is an inherently weak defense and is generally viewed upon with disfavor, because it is easily concocted but difficult to disprove.⁶² Bare and unsubstantiated

⁶⁰ Id. at 31.

⁶¹ *People v. XXX*, 857 Phil. 202, 215 (2019).

⁶² *People v. Salazar*, G.R. No. 239138, February 17, 2021.



denial is considered a “negative self-serving evidence which cannot be given greater evidentiary weight than the testimony of the complaining witness who testified on affirmative matters.”⁶³

All told, the prosecution has proven beyond reasonable doubt the presence of the elements of Statutory Rape in this case.

The qualifying circumstance of guardianship, as well as the aggravating circumstance of ignominy, cannot be appreciated in this case

The Constitution guarantees the right of the accused in all criminal prosecutions “to be informed of the nature and cause of the accusation against him,”⁶⁴ in order for him or her to prepare his or her defense. In *People v. Manalili*,⁶⁵ the Court held:

The hornbook doctrine in our jurisdiction is that an accused cannot be convicted of an offense, unless it is clearly charged in the complaint or information. Constitutionally, he has a right to be informed of the nature and cause of the accusation against him. To convict him of an offense other than that charged in the complaint or information would be violative of this constitutional right. Indeed, the accused cannot be convicted of a crime, even if duly proven, unless it is alleged or necessarily included in the information filed against him.⁶⁶

Similarly, qualifying circumstances in rape cases, such as the relationship between the accused and the victim, must be properly alleged in the Information because they alter the nature of the crime and increase the imposable penalty. This is consistent with the Court’s ruling in *People v. Arcillas (Arcillas)*,⁶⁷ which states that:

Rape is qualified and punished with death when committed by the victim’s parent, ascendant, step-parent, guardian, or relative by consanguinity or affinity within the third civil degree, or by the common-law spouse of the victim’s parent. However, **an accused cannot be found guilty of qualified rape unless the information alleges the circumstances of the victim’s over 12 years but under 18 years of age and her relationship with him. The reason is that such circumstances alter the nature of the crime of rape and increase the penalty; hence, they are special qualifying circumstances. As such, both the age of the victim and her relationship with the offender must be specifically alleged in**

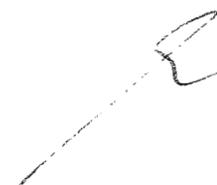
⁶³ Id.

⁶⁴ CONSTITUTION, Art. III, Sec. 14(2).

⁶⁵ 355 Phil. 652 (1998).

⁶⁶ Id. at 684.

⁶⁷ 692 Phil. 40 (2012).



the information and proven beyond reasonable doubt during the trial; otherwise, the death penalty cannot be imposed.⁶⁸ (Emphasis supplied)

Additionally, Section 8, Rule 110 of the Revised Rules of Criminal Procedure, requires the qualifying and aggravating circumstances to be specified in the Information:

Section 8. *Designation of the offense.* — The complaint or information shall state the designation of the offense given by the statute, aver the acts or omissions constituting the offense, and specify its qualifying and aggravating circumstances. If there is no designation of the offense, reference shall be made to the section or subsection of the statute punishing it.

As such, in *Arcillas*,⁶⁹ *People v. Mayao (Mayao)*,⁷⁰ and *People v. Negosa*,⁷¹ the Court convicted the accused of Statutory Rape only, and not Qualified Statutory Rape, because of the erroneous allegation in the Information of the relationship between the accused and the victim.

In this case, the minority of AAA was sufficiently alleged in the Information, which stated that she was “seven (7) years of age” at the time of the commission of the crime. The prosecution established that her age when the rape was committed on September 17, 2015 was seven years and seven months by presenting her birth certificate.⁷²

As to AAA’s relationship with Miranda, the Information averred that she was the “step-daughter”⁷³ of Miranda. It turned out, however, that he was not her stepfather as he was only her *tatay-tatayan*. No legitimate relationship existed between AAA and Miranda before, during, and after the commission of the crime. The evidence of the prosecution only established that Miranda and AAA met in a terminal in Mabalacat, Pampanga, and that Miranda subsequently brought AAA to his shanty in [REDACTED] where they lived together for some time.⁷⁴

In *Mayao*, the Court held that “[t]he relationship of stepfather presupposes a legitimate relationship. A stepfather is the husband of one’s mother by virtue of a marriage subsequent to that of which the person spoken of is the offspring.”⁷⁵ The records of the case clearly show that Miranda is not the stepfather of AAA.

⁶⁸ Id. at 52.

⁶⁹ Id.

⁷⁰ 550 Phil. 841 (2007).

⁷¹ 456 Phil. 861 (2003).

⁷² *Rollo*, pp. 29-30, RTC Decision.

⁷³ Id. at 24, RTC Decision.

⁷⁴ Id. at 25, RTC Decision.

⁷⁵ *People v. Mayao*, supra note 69, at 857-858.



The CA relied on the Court's ruling in *People v. Rebato* (***Rebato***)⁷⁶ to support its conclusion that the failure to allege in the Information the aggravating circumstance of ignominy and the erroneous designation in the Information of the relationship between AAA and Miranda were cured in view of the latter's failure to object to the sufficiency of the Information through a motion to quash or a motion for a bill of particulars.⁷⁷

However, the CA's reliance on *Rebato* is misplaced.

Rebato adopted the guidelines laid down in *People v. Solar*⁷⁸ as to how qualifying or aggravating circumstances in which the law uses a broad term to embrace various situations in which it may exist should be properly alleged in the Information. In alleging such circumstances, the information "must state the ultimate facts relative to such circumstance[s]."⁷⁹ Otherwise, the Information may be subject to a motion to quash for failure to conform substantially to the prescribed form, or a motion for a bill of particulars. Failure of the accused to avail any of the said remedies constitutes a waiver of his right to question the defective statement of the aggravating or qualifying circumstance in the Information, and consequently, the same may be appreciated against him if proven during trial.⁸⁰

Based on the foregoing, it is clear that *Rebato*'s application is limited only to cases where the Information alleges broad qualifying or aggravating circumstances, *e.g.*, treachery, abuse of superior strength, or ignominy, without stating the ultimate facts relative to such circumstances. *Rebato* is not applicable to qualifying or aggravating circumstances with narrow or particular application. Also, *Rebato* does not apply to cases where a qualifying or aggravating circumstance has not been alleged in the Information but was established during trial. In these cases, the filing of a motion to quash or motion for a bill of particulars is improper.

Thus, the requisites for *Rebato* to apply are as follows: (1) the Information alleges a circumstance in which the law uses a broad term to embrace various situations in which it may exist; (2) the Information does not state the ultimate facts relative to such circumstance; (3) the accused fails to assail the sufficiency of the circumstance as alleged in the Information through a motion to quash or a motion for a bill of particulars; and, (4) the circumstance is proven beyond reasonable doubt during trial.

Applying the requisites enumerated above, the Court holds that *Rebato* is not applicable in this case. With respect to the qualifying circumstance of relationship, the Information alleged that AAA is the stepdaughter of

⁷⁶ G.R. No. 242883, September 3, 2020, 949 SCRA 327.

⁷⁷ *Rollo*, p. 17, CA Decision.

⁷⁸ 858 Phil. 884 (2019).

⁷⁹ *Id.* at 930.

⁸⁰ *Id.* at 931.



Miranda. The relationship between a stepfather and a stepdaughter has a narrow and specific definition under the law. As discussed above, “[a] stepfather is the husband of one’s mother by virtue of a marriage subsequent to that of which the person spoken of is the offspring.”⁸¹ As to the aggravating circumstance of ignominy, *Rebato* cannot be applied because the Information did not allege this circumstance.

In any case, even if the Information alleged that Miranda was AAA’s guardian at the time of the commission of the crime, the same still cannot be considered in convicting Miranda of Qualified Statutory Rape.

In *People v. Flores (Flores)*,⁸² the Court held that the definition of a “guardian” as a qualifying circumstance in rape cases must be restrictive, *i.e.*, that the accused is the legal or judicial guardian of the victim, because such relationship will lead to the imposition of the death penalty on the accused.⁸³

In this case, Miranda cannot be considered as AAA’s legal or judicial guardian.

A legal guardian is one who exercises parental authority over a child. Under the Family Code, parents exercise parental authority over their children.⁸⁴ In default of parents or a judicially appointed guardian, substitute parental authority over a child shall be exercised by the following persons in the order indicated:

1. The surviving grandparent,
2. The oldest brother or sister, over 21 years of age, unless unfit or disqualified, and
3. The child’s actual custodian, over 21 years of age, unless unfit or disqualified.⁸⁵

Based on the records of the case, Miranda may be considered as AAA’s actual custodian. However, this does not automatically make him the legal guardian of AAA. A child’s actual custodian may only validly exercise substitute parental authority in default of the child’s parents, judicially appointed guardian, surviving grandparent, or qualified oldest brother or sister. In this case, the prosecution failed to establish that AAA no longer has parents, grandparents, or a sibling qualified to exercise parental authority over her. Notwithstanding the fact that Miranda testified that AAA told him that she has no parents,⁸⁶ the same cannot be used as sole basis to conclude that Miranda qualifies to be AAA’s legal guardian. In *Flores*, the Court held that:

⁸¹ *People v. Mayao*, supra note 69, at 858.

⁸² 643 Phil. 683 (2010).

⁸³ *Id.* at 701.

⁸⁴ FAMILY CODE, Art. 209.

⁸⁵ FAMILY CODE, Art. 216.

⁸⁶ *Rollo*, p. 28, RTC Decision.



The accused cannot be condemned to suffer the extreme penalty of death on the basis of stipulations or admissions. This strict rule is warranted by the gravity and irreversibility of capital punishment. To justify the death penalty, the prosecution must specifically allege in the information and prove during the trial the qualifying circumstances of minority of the victim and her relationship to the offender.⁸⁷

Thus, the Court rules that the qualifying circumstance of relationship and the aggravating circumstance of ignominy cannot be appreciated in this case. Therefore, the Court finds Miranda guilty of Statutory Rape, without any aggravating or qualifying circumstance.

Appropriate penalty and damages

Under A.M. No. 15-08-02-SC, which deals with the proper use of the phrase “without eligibility for parole” in indivisible penalties, there is no need to use the phrase “without eligibility for parole” to qualify the penalty of *reclusion perpetua* in cases where the death penalty is not warranted.

In this case, Miranda is only guilty of Statutory Rape, without any aggravating or qualifying circumstance, which has a corresponding penalty of *reclusion perpetua*. Thus, the death penalty is not warranted in this case. Consequently, there is no need to use the phrase “without eligibility for parole” in the penalty imposed against Miranda.

As to the matter of the proper amount of imposable damages, the case of *People v. Jugueta*⁸⁸ is instructive, where the Court held that:

[W]hen the crime proven is consummated and the penalty imposed is death but reduced to *reclusion perpetua* because of R.A. 9346, the civil indemnity and moral damages that should be awarded will each be ₱100,000.00 and another ₱100,000.00 for exemplary damages or **when the circumstances of the crime call for the imposition of *reclusion perpetua* only, the civil indemnity and moral damages should be ₱75,000.00 each, as well as exemplary damages in the amount of ₱75,000.00.**⁸⁹ (Emphasis supplied)

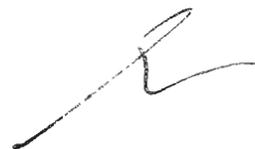
Considering that the proper penalty imposable against Miranda is *reclusion perpetua* only, his liability for civil indemnity, moral damages, and exemplary damages must be reduced to ₱75,000.00 each.

WHEREFORE, the instant appeal is **PARTIALLY GRANTED**, and the Decision, dated November 22, 2021, of the Court of Appeals, in CA-GR CR HC No. 14435, is **MODIFIED**. The Court finds accused-appellant Dioni

⁸⁷ *People v. Flores*, supra note 81, at 699.

⁸⁸ 783 Phil. 806 (2016).

⁸⁹ Id. at 845.



Miranda y Pareña, a.k.a. "Abe" **GUILTY** beyond reasonable doubt of the crime of Statutory Rape under Article 266-A, paragraph (1)(d) of the Revised Penal Code, as amended by Republic Act No. 8353, and sentences him to suffer the penalty of *reclusion perpetua*.

Miranda is **ORDERED** to indemnify AAA Seventy-Five Thousand Pesos (₱75,000.00) as civil indemnity, Seventy-Five Thousand Pesos (₱75,000.00) as moral damages, and Seventy-Five Thousand Pesos (₱75,000.00) as exemplary damages. All damages awarded shall earn interest at the legal rate of six percent (6%) *per annum* from finality of this Decision until fully paid.

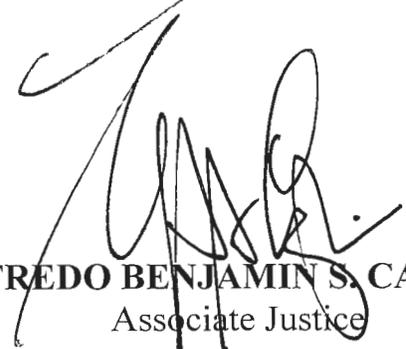
SO ORDERED.



MARIA FILOMENA D. SINGH

Associate Justice

WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA

Associate Justice



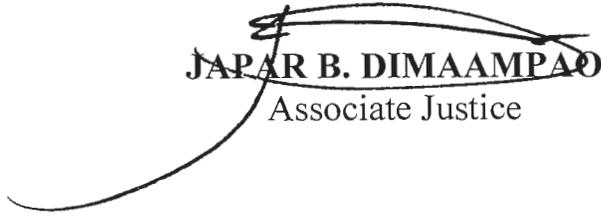
HENRIJEAN PAUL B. INTING

Associate Justice



SAMUEL H. GAERLAN

Associate Justice

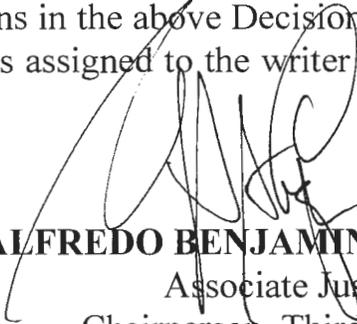


JAPAR B. DIMAAMPAO

Associate Justice

ATTESTATION

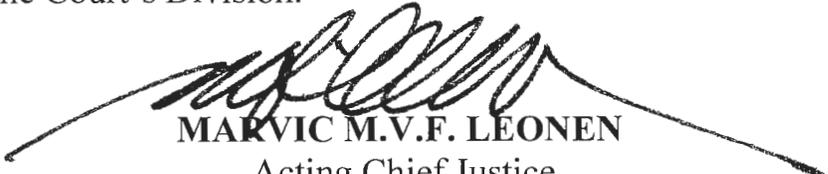
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third 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.



MARVIC M.V.F. LEONEN
Acting Chief Justice
Per Special Order No. 2977 dated June 1, 2023

