



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

THE PEOPLE OF THE
PHILIPPINES

Plaintiff-appellee,

-versus-

XXX,

Accused-appellant.

G.R. No. 262812

Present:

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

Promulgated:

NOV 22 2023

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DECISION

M. LOPEZ, J.:

In the interpretation of penal statutes and prosecution of crimes, any doubt must be construed in favor of the accused and against the State. Hence, an accused cannot be held liable for the qualified nature of a crime and be condemned to suffer a higher penalty in case of conflict between the testimonial and documentary evidence of the prosecution, which created doubt in the allegations in the Information. We observe these precepts in this appeal assailing the Court of Appeals' (CA) Decision dated February 15, 2021 in CA-G.R. CR HC No. 02282-MIN.

ANTECEDENTS

XXX was charged with qualified rape under the Revised Penal Code (RPC) and sexual abuse under Section 5(b) of Republic Act (RA) No. 7610 or the Special

* On official leave.

Protection Against Child Abuse, Exploitation and Discrimination Act,¹ committed against AAA before the Regional Trial Court (RTC), Branch 44, [REDACTED], Misamis Oriental docketed as Criminal Case Nos. 2015-2613 and 2015-2672,² respectively, thus:

[Criminal Case No. 2015-2613]

That on or about **March 3, 2015**, at around 12:30 early morning, in Barangay [REDACTED], Municipality of [REDACTED], [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being the father of the complainant, with lewd design and by using force and intimidation, did then and there willfully, unlawfully, and feloniously have carnal knowledge of AAA, 12 years old, minor, against her consent, to her damage and prejudice. Contrary to and in violation of Article 266-A and 266-B of the Revised Penal Code.

Contrary to and in violation of Article 266-A and 266-B of the Revised Penal Code.

[Criminal Case No. 2015-2672]

That sometime [between] **February 2013 to March 2015**, in Barangay [REDACTED], Municipality of [REDACTED], Province of [REDACTED] and within the jurisdiction of this Honorable Court, the above-named accused, being the father of the offended party, with lewd design, did then and there willfully and feloniously have carnal knowledge [of] AAA, 12 years old, minor, which act demeans, debases and degrades the intrinsic worth and dignity of the child, to her damage and prejudice.

Contrary to and in violation of Section 5(b) of RA 7610.³

XXX pleaded not guilty. Joint trial ensued. AAA testified that on February 20, 2013, around 8:00 p.m., she was sleeping with her younger siblings when XXX removed her undergarments, spread her legs, and inserted his penis into her vagina. AAA felt pain but she kept quiet after XXX threatened to take her away. AAA got frightened with the thought of leaving her younger siblings. AAA then narrated that XXX repeatedly abused her. XXX insisted to sleep with AAA saying that she was the replacement of her mother. On March 4, 2015, about 8:00 p.m., AAA was sleeping again with her younger siblings when XXX forcibly undressed her and inserted his penis into her vagina. Later, AAA and her siblings transferred to the house of their uncle. AAA confided to her uncle the sexual abuses she suffered from XXX, and they reported the matter to the police. The physical examination revealed that AAA had healed lacerations at 4 o'clock and 8 o'clock positions. The prosecution offered documentary evidence consisting of the medico-legal report and a photocopy of AAA's birth certificate showing that she was born on November 5, 2002, and that XXX is her biological father.⁴

¹ Entitled, "An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes." Approved on June 17, 1992.

² *Rollo*, pp. 10-11.

³ *Id.*

⁴ *Id.* at 11-12, 38-39.

XXX refused to take the witness stand and did not adduce evidence in his defense. The case was then submitted for decision. On March 25, 2019, the RTC convicted XXX of rape and sexual abuse. The RTC gave credence to AAA's testimony supported with medical findings:⁵

WHEREFORE, premises considered, judgment is hereby rendered as follows:

1. In Criminal Case No. 2015-2613: Finding accused XXX GUILTY beyond reasonable doubt of the crime of Rape, hereby sentenced him to suffer the penalty of Reclusion Perpetua. He is further ORDERED to pay the victim, AAA, moral damages, exemplary damages and civil indemnity in the amount of [PHP] 75,000.00. All damages shall earn interest at the rate of six percent (6%) per annum from the date of finality of this judgment.
2. In Criminal Case No. 2015-2672: Finding accused XXX GUILTY beyond reasonable doubt of violation of Section 5(b) of Republic Act 7610, hereby sentenced him to suffer the indeterminate imprisonment of twelve (12) years and one (1) day of reclusion temporal in its minimum period as minimum term to fifteen (15) years[,] six (6) months, and twenty-one (21) days of reclusion temporal in its medium period as maximum term. He is further ORDERED to pay the victim, AAA, moral damages, exemplary damages and fine in the amount of [PHP] 15,000.00 as well as [PHP] 20,000.00 as civil indemnity. All damages shall earn interest at the rate of six percent (6%) per annum from the date of finality of this judgment.

SO ORDERED.⁶ (Emphasis in the original)

XXX elevated the case to the CA, docketed as CA-G.R. CR HC No. 02282-MIN. XXX argued that the prosecution failed to prove his guilt beyond reasonable doubt because the testimony of AAA was teemed with inconsistencies and that the physician who examined her did not appear in court. On February 15, 2021, the CA affirmed the RTC's findings with modifications as to the nature of the crimes, penalties, and award of damages:⁷

It must be pointed out that in the course of the proceedings in Criminal Cases No. 2015-2613 and No. 2015-2672, AAA claimed that accused-appellant is her step-father. However, a strict scrutiny of the evidence on record would reveal that the Informations alleged that accused-appellant is AAA's father. More importantly, accused-appellant is listed as AAA's father in her Certificate of Live Birth, marked Exhibit "E" for the prosecution. Accused-appellant never disputed the fact that he was the informant of the entries indicated in said Birth Certificate and that he signed the same as father of AAA.

....

⁵ *Id.* at 37-43.

⁶ *Id.* 42-43.

⁷ *Id.* at 9-35. Penned by Associate Justice Lily V. Biton and concurred in by Associate Justices Oscar V. Badelles and Anisah B. Amanodin-Umpa of the Twenty-Third Division, Court of Appeals, Cagayan de Oro City.

In the case at bar, it is conceded that it is immaterial whether accused-appellant is in fact AAA's biological father or just her step-father, because in this jurisdiction rape becomes qualified when committed by a parent or step-parent against a child less than 18 years of age. Nonetheless, this Court shall consider the relationship of accused-appellant and AAA as that of a father and daughter in keeping with the entries of the private complainant's Certificate of Live Birth.

....

In Criminal Case No. 2015-2613, it is clear that accused-appellant is guilty beyond reasonable doubt of Qualified Rape pursuant to Article 266-B of the RPC.

Consequently, We cannot sustain accused-appellant's conviction for Simple Rape in Criminal Case No. 2015-2613. To be sure, the concurrence of the minority of the rape victim and her relationship with the offender is a special qualifying circumstance that upgrades the penalty prescribed by law. AAA's minority and her relationship with accused-appellant having been duly established, the imposition of the supreme penalty of death upon accused-appellant is thereby warranted in Criminal Case No. 2015-2613.

However, in view of the enactment of RA No. 9346, which took effect on 24 June 2006, prohibiting the imposition of the death penalty, this Court affirms the imposition of the penalty of *reclusion perpetua*, without eligibility of parole, upon accused-appellant in Criminal Case No. 2015-2613.

....

Likewise, this Court deems it proper to modify the penalty imposed upon accused-appellant in Criminal Case No. 2015-2672.

Since accused-appellant is AAA's father, and such alternative circumstance of relationship was alleged in the Information and proven during trial, the same must be credited against accused-appellant in Criminal Case No. 2015-2672. Accordingly, accused-appellant should suffer *reclusion perpetua* and fine of [PHP] 15,000.00[.]

....

WHEREFORE, the appealed Joint Decision dated 25 March 2019 of the Regional Trial Court, Tenth Judicial Region, Branch 44, [REDACTED], [REDACTED], in Criminal Cases No. 2015-2613 and No. 2015-2672 is AFFIRMED with the following MODIFICATIONS:

- a. In Criminal Case No. 2015-2613: Accused-appellant XXX is found guilty beyond reasonable doubt of Qualified Rape, and is hereby sentenced to suffer the penalty of *reclusion perpetua*, in lieu of death. Accused-appellant is further ORDERED to pay AAA the amounts of [PHP] 100,000.00 as civil indemnity, [PHP] 100,000.00 as moral damages, and [PHP] 100,000.00 as exemplary damages;
- b. In Criminal Case No. 2015-2672: Accused-appellant XXX is found guilty beyond reasonable doubt of Sexual Abuse under Section 5 (b), Article III of RA No. 7610, and is sentenced to suffer the penalty of *reclusion perpetua* and to pay a fine of [PHP]

15,000.00. He is further ordered to pay the victim, AAA, the amounts of [PHP] 75,000.00 as civil indemnity, [PHP] 75,000.00 as moral damages, and [PHP] 75,000.00 as exemplary damages.

Upon finality of this decision, appellant is directed to pay interest, at the rate of 6% *per annum*, on all the monetary awards for damages from the date of finality until fully paid.

SO ORDERED.⁸

Hence, this recourse. The parties opted not to file supplemental briefs considering that all issues have already been exhaustively discussed in their pleadings before the CA. Thus, XXX reiterates his arguments that the prosecution failed to establish the charges because AAA's testimony was incredible and that the examining physician was not presented in court.

RULING

The appeal is partly meritorious.

XXX assailed his conviction on the ground that AAA's testimony is incredible. On this point, we stress that the CA and the RTC's assessment on the credibility of the prosecution witness and the veracity of her testimony are given the highest degree of respect,⁹ especially if there is no fact or circumstance of weight or substance that was overlooked, misunderstood, or misapplied, which could affect the result of the case.¹⁰ The trial court had the best opportunity to determine the credibility of the prosecution witness, having evaluated her emotional state, reactions, and overall demeanor in open court.¹¹ Here, AAA positively identified XXX as her perpetrator. Also, AAA vividly recounted her harrowing experience of sexual violations, to wit:

FISCAL PARRADO

Q: When did XXX rape you for the first time?

A: February 20.

Q: What year?

A: 2013.

....

Q: Who were living with you that time?

A: My 5 younger siblings.

Q: Who else if any?

A: My stepfather

⁸ *Id.* at 16-34.

⁹ *People v. Matignas, et al.*, 428 Phil. 834, 869 (2002) [Per J. Panganiban, *En Banc*] citing *People v. Basquez*, 418 Phil. 426, 439 (2001) [Per J. Panganiban, Third Division].

¹⁰ *People v. Orosco*, 757 Phil. 299, 310 (2015) [Per Villarana, Jr., Third Division], citing *People v. De Leon*, 608 Phil. 701, 721 (2009) [Per J. Peralta, Third Division].

¹¹ *People v. Gerola*, 813 Phil. 1055, 1064 (2017) [Per J. Caguioa, First Division].

Q: You are referring to XXX, your stepfather?

A: Yes sir.

....

Q: Can you still recall where were you on February 20, 2013 at about 8:00 o'clock in the evening?

A: Yes sir.

Q: Where were you at that time?

A: In the house.

....

Q: What were you doing at that time?

A: Sleeping.

Q: Who were beside you at that time?

A: My younger sibling.

Q: Aside from your sibling who else was there if any?

A: My stepfather.

....

Q: While you were sleeping at that time, what happened next if any?

A: My stepfather went near me and then after (sic) he undressed me.

....

Q: After your stepfather removed your short pants, what did he do next if any?

A: He entered his penis.

Q: Where did your father insert his penis on you?

A: In my vagina.

Q: Is your stepfather in court today?

A: He [is] here.

....

FISCAL PARRADO

Q: What was your position when your stepfather XXX inserted his penis into your vagina?

A: With my legs apart "*nagbelangkad*."

....

Q: While he inserted his sexual organ to your sexual organ, what did you do at that time?

A: I just kept silent.

Q: What did you feel at that time?

A: Painful.

Q: What part of your body did you feel pain?

A: My vagina.

Q: Why did you keep quiet when you were sexually assaulted by your stepfather?

A: He warned or told me that if I would inform anybody about it then we would leave together.

Q: Why were you afraid of that?

A: I am afraid that he would really do it and then I would be leaving behind my younger siblings.

Q: How many times did your stepfather rape you?

A: Many times.

....

Q: When was the last time your stepfather sexually assaulted you if you can still recall?

A: March 4, 2015.

Q: What time on March 4, 2015?

A: 8:00.

Q: 8:00 in the morning or evening?

A: Evening.

Q: Where did it happen on March 4, 2015?

A: In the house.

....

Q: What were you doing at that time?

A: Sleeping.

Q: While you were sleeping on March 4, 2015 at about 8:00 o'clock in the evening, what happened next if any?

A: He started molesting me.

Q: How did he molest you at that time, what did he do?

A: He undressed me. He removed my upper garments and my pants.

....

Q: After your clothes were removed at that time, what happened next or what did XXX do next if any?

A: He inserted his penis to my vagina.

Q: What was your position when he inserted his sexual organ in your sexual organ?

A: He let me spread my legs.

....

Q: What did you feel when he inserted his sexual organ to your sexual organ?

A: Very painful.

Q: What part of your body was painful?

A: My vagina.¹² (Emphasis supplied)

Notably, AAA testified that XXX sexually violated her several times from 2013 to 2015. Yet, the prosecution indicted XXX only of qualified rape committed on **March 3, 2015** docketed as Criminal Case No. 2015-2613, and sexual abuse that transpired sometime from **February 2013 to March 2015** docketed as Criminal Case No. 2015-2672. As such, the Court shall limit XXX's criminal liabilities based on the charges.

In Criminal Case No. 2015-2613, XXX is guilty of rape, not qualified rape, absent allegation and proof as to the concurrence of the special qualifying circumstances of minority and relationship

The information must allege not only all the elements of the crime but also all the proper qualifying and aggravating circumstances that would change the nature of the offense or increase the penalty. Any doubt in the allegations in the information shall be construed in favor of the accused and against the State. The purpose is to give life to the accused's constitutional rights to be informed of the nature and cause of the accusation and to be presumed innocent.¹³ In Criminal Case No. 2015-2613, XXX was charged with qualified rape. The Information alleged that XXX had carnal knowledge of AAA as well as the special qualifying circumstances of minority of the victim and her father-daughter relationship with the accused.¹⁴ Specifically, the elements of rape through sexual intercourse are: (1) the accused had carnal knowledge of the victim; and (2) that said act was accomplished (a) through the use of force or intimidation, or (b) when the victim is deprived of reason or otherwise unconscious, or (c) by means of fraudulent machination or grave abuse of authority, or (d) when the victim is under 12 years of age or is demented.¹⁵ Here, AAA categorically narrated in open court how XXX forcibly undressed her and inserted his penis into her vagina. The existence of healed hymenal lacerations based on the medical findings of the attending physician who examined AAA further supports the fact of forcible defloration.¹⁶ Contrary to XXX's theory, the failure of the examining physician to testify in court is not fatal to the prosecution's case. The medico-legal report is not indispensable and is merely corroborative in character.¹⁷

Also, the fact that AAA was uncertain as to the actual date and time when the crime was committed does not cast doubt on her credibility. The Information alleged that the rape happened on March 3, 2015 at 12:30 a.m., but AAA testified that she was sexually abused on March 4, 2015 at 8:00 p.m. Verily, the exact date and time of the rape incident has no substantial bearing on its commission. Neither date nor

¹² *Id.* at 18–21.

¹³ *People v. Aquino*, 435 Phil. 417, 425 (2002) [*Per Curiam, En Banc*].

¹⁴ Revised Penal Code, Article 266-B par. 1.

¹⁵ *People v. Vañas*, 850 Phil. 201, 211 (2019) [*Per J. Del Castillo, First Division*], citing *People v. Jastiva*, 726 Phil. 607, 624 (2014) [*Per J. Leonardo-De Castro, First Division*].

¹⁶ *People v. Banayat*, 828 Phil. 231, 240 (2018) [*Per J. Martires, Third Division*] citing *People v. Sabal, Jr.*, 734 Phil. 742, 746 (2014) [*Per J. Brion, Second Division*].

¹⁷ *People v. YYY*, G.R. No. 252865, August 4, 2021 [*Per J. Inting, Second Division*].

time of commission is an essential element of the crime of rape. What is decisive is that the commission of the crime has been sufficiently proven. Therefore, it is unnecessary to allege the date and time in the Information with ultimate precision. Besides, a victim of tender age is not expected to recall the exact date and time when the traumatic experience took place.¹⁸

As to the minority of the victim, the prosecution adduced a photocopy of AAA's Certificate of Live Birth stating that she was born on [REDACTED], [REDACTED]. Thus, AAA was 13 years old at the time of the rape incident on March 3, 2015. Under Section 3(d) of Rule 130 of the Revised Rules of Court,¹⁹ the presentation of the original document may be dispensed with when the same is a public record in the custody of a public officer or is recorded in a public office. In *People v. Cayabyab*,²⁰ the Court ruled that a photocopy of the rape victim's birth certificate is admissible to prove their age because its original is a public record in the custody of the local civil registrar, thus:

Without doubt, a certificate of live birth is a public record in the custody of the local civil registrar who is a public officer. Clearly, therefore, the presentation of the photocopy of the birth certificate of Alpha Jane is admissible as **secondary evidence** to prove its contents. **Production of the original may be dispensed with, in the trial court's discretion, whenever in the case at hand the opponent does not *bona fide* dispute the contents of the document and no other useful purpose will be served by requiring production.**

In the case at bar, the defense did not dispute the contents of the photocopied birth certificate; in fact, it admitted the same. Having failed to raise a valid and timely objection against the presentation of this secondary evidence the same became a *priAAA* evidence, and deemed admitted and the other party is bound thereby.²¹

Hence, the CA and the RTC did not err in admitting in evidence the photocopy of AAA's Certificate of Live Birth to prove her minority.²² The CA and the RTC made categorical rulings that AAA was only 13 years old when the sexual violation happened in 2015. The defense did not even object against the victim's minority and the presentation of the photocopy of her birth certificate. Corollarily, the evidence indicating that AAA was 13 years old at the time she was raped in 2015 deserves probative value.²³

As regards the circumstance of father-daughter relationship, the CA anchored its finding on the entries in AAA's birth certificate which bears the name of XXX as her father. The Court disagrees with the CA's conclusion. Foremost, the Information alleged that XXX is the "*father*" of AAA. At the trial, however, AAA consistently testified that XXX is his "*stepfather*" despite what was stated in the birth certificate.

¹⁸ *People v. ZZZ*, G.R. No. 232329, April 28, 2021 [Per J. Hernando, Third Division].

¹⁹ Sec. 3. Original document must be produced; exceptions. — When the subject of inquiry is the contents of a document, no evidence shall be admissible other than the original document itself, except in the following cases:

....
(d) When the original is a public record in the custody of a public officer or is recorded in a public office.

²⁰ 503 Phil. 606 (2005) [*Per Curiam, En Banc*].

²¹ *Id.* at 620.

²² *People v. XXX*, 887 Phil. 734, 752 (2020) [Per J. Lazaro-Javier, First Division].

²³ *People v. XXX*, G.R. No. 244048, February 14, 2022 [Per J. Hernando, Second Division].

This is a judicial admission that does not require proof. Interestingly, neither did the prosecution explain that such admission was made through palpable mistake or that no such admission was made.²⁴ To be sure, the prosecution repeatedly referred to XXX as AAA's stepfather in the course of the trial. The prosecution cannot take a different stand. In the analogous case of *People v. XYZ*,²⁵ the victim testified at the trial that the accused is her stepfather. Nevertheless, the prosecution submitted the victim's birth certificate which indicated the accused as her father. The Court ruled that a judicial admission, which conclusively binds the party, prevails over the entries in the public records which are merely *prima facie* evidence of the facts stated therein:

Of course[,] the CA would lean on the presumption of regularity of government functions to protect the entries in the birth certificate. However, such argument is based solely on a rebuttable presumption that can be overturned by evidence. The *praesumptio iuris tantum* of the entries in the birth certificate is reflected in the rules, thus:

Public documents as evidence. — Documents consisting of entries in public records made in the performance of a duty by a public officer are *prima facie* evidence of the facts therein stated. All other public documents are evidence, even against a third person, of the fact which gave rise to their execution and of the date of the latter.

Hence, the entry in the birth certificate that accused-appellant was the father of private complainant is not conclusive and evidence may be presented to disprove the same. The evidence here came in the form of a judicial admission which conclusively binds the party making it. He cannot thereafter take a position contradictory to, or inconsistent with his pleadings. Acts or facts admitted do not require proof and cannot be contradicted unless it is shown that the admission was made through palpable mistake or that no such admission was made. Therefore, there was no evidence that, indeed, accused-appellant is the father of the private complainant.²⁶ (Emphasis supplied)

Consequently, the alleged relationship between accused-appellant and the victim was not duly proven. The Court cannot consider the allegation of “*father*” as to include “*stepfather*.” It is a basic rule in statutory construction that penal statutes are construed against the State and in favor of the accused.²⁷ The reason for this principle is the tenderness of the law for the rights of individuals and the object is to establish a certain rule by conformity to which mankind would be safe, and the discretion of the court limited.²⁸ Also, the purpose of strict construction is not to enable a guilty person to escape punishment through a technicality but to provide a precise definition of forbidden acts.²⁹ Verily, the relationship between the victim and the accused was expressly and distinctly enumerated in Article 266-B of the RPC. The word “*step-father*” cannot be implied from the term “*father*.” Taken together, the Court refuses to convict the accused for qualified rape due to the erroneous allegation in the Information regarding the relationship between the accused and the

²⁴ RULES OF COURT, Rule 128, sec. 4.

²⁵ 879 Phil. 752 (2020) [Per J. Gesmundo, Third Division].

²⁶ *Id.* at 779-771.

²⁷ *People v. Valdez*, 774 Phil. 723, 747 (2015) [Per J. Feralta, *En Banc*].

²⁸ *Ursua v. Court of Appeals*, 326 Phil. 157, 168 (1996) [Per J. Bellosillo, First Division].

²⁹ *Centeno v. Villalon-Pornillos*, 306 Phil. 219, 231 (1994) [Per J. Regalado, Second Division].

victim. The prosecution's flaw spared XXX from the gallows of qualified rape and its prescribed penalty. At most, XXX is liable only for rape in Criminal Case No. 2015-2613.

In Criminal Case No. 2015-2672, XXX is liable for rape under the RPC, not sexual abuse under Section 5(b) of RA 7610

In *People v. Tulagan*,³⁰ the Court clarified the principles laid down in jurisprudence with respect to the need to examine the evidence of the prosecution to determine whether the person accused of rape should be prosecuted under the RPC or RA 7610, to wit:

First, if sexual intercourse is committed with an offended party who is a child less than 12 years old or is demented, whether or not exploited in prostitution, it is always a crime of statutory rape; more so when the child is below 7 years old, in which case the crime is always qualified rape.

Second, when 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."³¹ (Emphasis supplied)

Applying these guidelines, if rape through sexual intercourse or carnal knowledge is committed against the victim who is **12 years old and under 18 years old**, the crime may be rape under the RPC punished with *reclusion perpetua* or sexual abuse under Section 5(b) of RA 7610 penalized with *reclusion temporal* in its medium period to *reclusion perpetua*.³² In Criminal Case No. 2015-2672, XXX cannot be prosecuted under RA 7610 absent allegation and proof that AAA was "exploited in prostitution or other sexual abuse" or that she indulged in sexual intercourse either "for money, profit or any other consideration or due to coercion or influence of any adult, syndicate or group." Rather, the prosecution evidence duly established that XXX had carnal knowledge of AAA on February 20, 2013. Moreover, XXX threatened to separate AAA from her younger siblings if she disclosed the incident. Although AAA was just 10 years old at the time of the sexual violation, such fact cannot be appreciated because her age alleged in the Information was exactly 12 years old which is different from that actually proven. As intimated earlier, the relationship between accused-appellant and the victim cannot also be considered to qualify the rape because of the variance between the allegation and

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

³¹ *Id.* at 241–242.

³² *People v. XXX*, G.R. No. 233867, February 28, 2022 [Per J. Hernando, Second Division]; and *People v. Nocido*, 874 Phil. 653, 675 (2020) [Per C.J. Peralta, First Division].



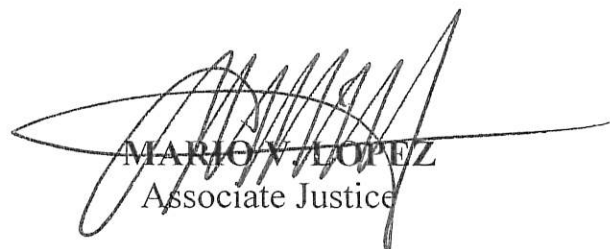
proof as to their correct filial connection. Thus, XXX is guilty of rape under the RPC and not sexual abuse under RA 7610.

In sum, XXX is liable for two counts of rape in Criminal Case Nos. 2015-2613 and 2015-2672. XXX should be sentenced with *reclusion perpetua* for each count.³³ Also, pursuant to current jurisprudence,³⁴ XXX must pay the victim PHP 75,000.00 civil indemnity, PHP 75,000.00 moral damages, and PHP 75,000.00 exemplary damages, for each crime, all with interest at the rate of 6% per annum from date of finality of the judgment until fully paid.³⁵

On a final note, the Court reminds that qualifying and aggravating circumstances are integral components of a crime that must be sufficiently alleged in the information and established during trial with proof beyond reasonable doubt.³⁶ The Court's refusal to qualify the charge does not lessen its condemnation of the violation that the accused committed against the victim but stems rather from its solemn duty to protect the constitutional rights of individuals.

ACCORDINGLY, the appeal is **DISMISSED**. The Court of Appeals' Decision dated February 15, 2021 in CA-G.R. CR HC No. 02282-MIN is **AFFIRMED** with **MODIFICATIONS**. In Criminal Case Nos. 2015-2613 and 2015-2672, accused-appellant XXX is found **GUILTY** of two counts of rape and is sentenced to suffer the penalty of *reclusion perpetua* for each count. The appellant is also held liable to pay the victim PHP 75,000.00 civil indemnity, PHP 75,000.00 moral damages, and PHP 75,000.00 exemplary damages, for each count. The award of damages in both cases shall all earn legal interest at the rate of 6% per annum from the finality of judgment until full payment.

SO ORDERED.


MARIO V. LOPEZ
Associate Justice

³³ Article 266-A par. 1 in relation to Article 266-B, 1st par. of the Revised Penal Code.

³⁴ *People v. Jugueta*, 783 Phil. 806 (2016) [Per J. Peralta, *En Banc*].

³⁵ *Nacar v. Gallery Frames and/or Felipe Bordey, Jr.*, 716 Phil. 267 (2013) [Per J. Peralta, *En Banc*].

³⁶ Revised Rules of Criminal Procedure, Rule 110, Section 8 provides that: "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." Also, Section 9 provides that: "Section 9. *Cause of the accusation.* — The acts or omissions complained of as constituting the offense and the qualifying and aggravating circumstances must be stated in ordinary and concise language and not necessarily in the language used in the statute but in terms sufficient to enable a person of common understanding to know what offense is being charged as well as its qualifying and aggravating circumstances and for the court to pronounce judgment."

WE CONCUR:



MARVIC M.V. F. LEONEN

Senior Associate Justice

Chairperson



AMY C. LAZARO-JAVIER
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice

On official leave
ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

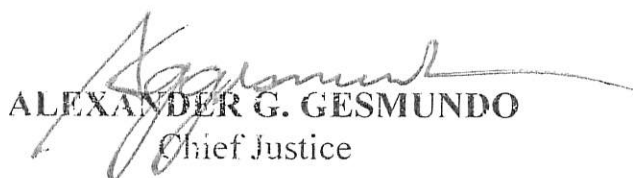
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



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