



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-appellee,

G.R. No. 261571

Present:

-versus-

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

PAUL JOVEN y SENENCHE,
Accused-appellant.*

Promulgated:
MAY 29 2024

X-----X

DECISION

LEONEN, J.:

When a person has sexual intercourse with a child through force, threat, or intimidation, the crime of rape is committed. A child does not have the capacity to give consent to a sexual act.

The case presents an opportunity for the Court to clearly demonstrate the application of Republic Act No. 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act *vis-à-vis* Article 266 of the Revised Penal Code, involving a child who is 12 years old or below 18.

In line with Amended Administrative Circular No. 83-2015, as mandated by Republic Act No. 8353, the names of offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

This Court resolves an appeal from the June 3, 2021 Decision¹ of the Court of Appeals affirming with modification the Regional Trial Court's conviction² of Paul Joven y Senenche (Joven) of two counts of violation of Section 5(b) of Republic Act No. 7610. The Court of Appeals modified the Regional Trial Court's conviction of Joven by convicting him instead of two counts of rape under Article 266-A, paragraph 1, in relation to Article 266-B of the Revised Penal Code, as amended.

In three separate Informations, Joven was charged with three counts of other sexual abuse punished under Article III, Section 5(b) of Republic Act No. 7610. The accusatory portions of the Informations read:

Criminal Case No. L-11259

"That sometime within the period of January to March 2016 in the evening in [REDACTED], Pangasinan, and within the jurisdiction of this Honorable Court, the above-named accused, an adult, did, then and there, willfully and unlawfully indulge [AAA], a seventeen (17) year old minor child (D.O.B.: March 17, 1999) with mild intellectual disability, into sexual intercourse with him due to coercion and undue influence on his part, to the prejudice and damage of the said minor child.

Contrary to Art. III, Section 5(b) of R.A. 7610 (The Anti-Child Abuse Act)."


Criminal Case No. L-11260

"That sometime within the period of January to March 2016 in the evening in [REDACTED], Pangasinan, and within the jurisdiction of this Honorable Court, the above-named accused, an adult, did, then and there, willfully and unlawfully indulge [AAA], a seventeen (17) year old minor child (D.O.B.: March 17, 1999) with mild intellectual disability, into sexual intercourse with him due to coercion and undue influence on his part, to the prejudice and damage of the said minor child.

Contrary to Art. III, Section 5(b) of R.A. 7610 (The Anti-Child Abuse Act)."

Criminal Case No. L-11261

"That sometime within the period of January to March 2016 in the evening in [REDACTED], Pangasinan, and within the jurisdiction of this Honorable Court, the above-named accused, an adult, did, then and there, willfully and unlawfully indulge [AAA], a seventeen (17) year old minor child (D.O.B.: March 17, 1999) with mild intellectual disability, into sexual intercourse with him due to coercion and undue influence on his part, to the prejudice and damage of the said minor child.



¹ *Rollo*, pp. 9–25. The Decision in CA-G.R. CR No. 43909 was penned by Associate Justice Manuel M. Barrios and concurred in by Associate Justices Gabriel T. Robeniol and Alfredo D. Ampuan of the Tenth Division of the Court of Appeals, Manila City.

² *Id.* at 29–38. The Decision in Crim. Case Nos. L-11259 to L-11261 was penned by Presiding Judge Maria Laarni R. Parayno of [REDACTED], Regional Trial Court of [REDACTED], Pangasinan.

Contrary to Art. III, Section 5(b) of R.A. 7610 (The Anti-Child Abuse Act).”³

On arraignment, Joven pleaded not guilty to the offenses charged. Thereafter, trial on the merits ensued.⁴

The prosecution presented AAA and her mother, BBB. The presentation of the following witnesses was dispensed with:

1. Dr. Gwendolyn Luna (Dr. Luna) of the [REDACTED] in Dagupan City, as the defense admitted her findings and the contents of the Medico-Legal Report; and
2. Police Officer 1 Jonabel Celso of the Philippine National Police - [REDACTED], Pangasinan, as the defense also admitted that the Police Certification attached to the records was a faithful reproduction of the police blotter entries.⁵

Before BBB’s testimony, the defense admitted the following:

1. AAA was a minor being only 17 years old;
2. AAA’s mental state as observed in her house;
3. AAA was impregnated but the identity of the father remains unknown since there were three alleged assailants; and
4. AAA gave birth to a child.⁶

The prosecution showed that at the time material to the case, private complainant AAA was then 17 years old, having been born on March 17, 1999 as evidenced by her Certificate of Live Birth.⁷ AAA and her family resided in [REDACTED], Pangasinan.⁸

Sometime in January to March 2016, while AAA was in their house, she received a text message from her suitor, Joven. Joven persuaded AAA to meet him at the nearby abandoned [REDACTED] Building. AAA was reluctant to go out since it was already nighttime, but Joven insisted that she follow him.⁹

As soon as AAA arrived at the building, Joven forcibly grabbed her, laying her down on an old foam on the floor. Joven undressed himself and removed AAA’s pants and underwear. Joven then inserted his penis into her

³ *Rollo*, pp. 29–30.

⁴ *Id.* at 30.

⁵ *Id.* at 30–31.

⁶ *Id.* at 31–32.

⁷ *Id.* at 11.

⁸ *Id.*

⁹ *Id.* at 11–12.

vagina without her consent. AAA tried her best to free herself, but Joven was too strong. When Joven was already satisfied, he immediately left AAA.¹⁰

This series of events happened again, still within the months of January to March 2016. On another day, Joven texted AAA and told her to meet him again in the abandoned [REDACTED] Building. To convince AAA, he threatened to throw stones at her house if she did not give in to his request. Fearful of said threat, AAA went to the building. Once she arrived, Joven forcibly laid her on a foam and had sexual intercourse with her against her will.¹¹

AAA, shaken up by these events, decided not to tell anyone about what happened for fear that Joven might come back for her and her family. However, BBB noticed that AAA's stomach was getting bigger. She also noticed that AAA missed her menstrual period. Thus, BBB confronted AAA and it was only then that AAA revealed to her mother that she was raped by Joven. AAA also disclosed to BBB that she was also sexually abused by two others, Mario Cerezo and Jeffrey Estrada.¹²

On July 20, 2016, after AAA's revelation, AAA was accompanied by BBB to the Pangasinan Police Station to report the incidents and to ask for assistance for the prosecution of AAA's case. Police Officer 1 Raquel Doquenia (PO1 Doquenia) recorded AAA's sworn statement wherein she narrated the details on how she was violated by the abovementioned persons on separate occasions.¹³

On the same date, AAA was examined by Dr. Luna who reported that AAA's "hymen had deep healed lacerations at 3, 7 and 10 o'clock positions."¹⁴ She also reported that AAA was 24 weeks and four days pregnant.¹⁵

On August 1, 2016, while BBB and AAA were sweeping outside their house, they saw Joven pass by at the other side of the street. Upon seeing Joven, AAA pointed to Joven and told BBB that it was he who had raped her. The next day, BBB was able to gather more information about Joven from their neighbors. BBB learned that Joven worked as a room boy at [REDACTED] [REDACTED] which was only around 250 meters away from AAA's house.¹⁶ BBB reported these details to the Pangasinan Police which led to the arrest of Joven at [REDACTED].¹⁷

¹⁰ *Id.* at 12.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.* at 13.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* at 32.

The defense, on the other hand, presented Joven as its sole witness. Joven denied having sexual intercourse with AAA, claiming that he was at work during the alleged three different incidents between January to March 2016. According to him, he only worked at [REDACTED] from February 13, 2016 to August 19, 2016 and during such period, he was prohibited from leaving the resort during working hours. He also testified that he resided in [REDACTED], Pangasinan, which was a different area from [REDACTED], Pangasinan where the alleged incidents happened. He averred that he does not know AAA more so her mobile number. However, he admitted that there were times when he would see AAA whenever he bought cigarettes from a store near her house. He also averred that he never met with AAA at [REDACTED] Building which was along a highway near AAA's house.¹⁸

On July 28, 2019, the Regional Trial Court found Joven guilty beyond reasonable doubt of only two counts of violation of Section 5(b) of Republic Act No. 7610 since AAA testified on only two instances of forceful sexual intercourse with Joven. Consequently, for failure of the prosecution to prove the third charge, Joven was acquitted of the same.¹⁹

The Regional Trial Court held that Joven's defenses of denial and alibi were not well taken. It reasoned that based on Joven's testimony, it is evident that Joven actually knows AAA and where she lives, since he admitted that he sees her every time he buys cigarettes in a store near AAA's house. The Regional Trial Court also observed that Joven seemed to already be familiar with the places relevant to the case, especially the abandoned [REDACTED] Building where AAA was raped.²⁰

Moreover, the Regional Trial Court noted that although Joven claimed that he worked at [REDACTED] only from February to August 2016—thereby excluding January 2016 or the start of the abuses as stated in the Informations—these months were still well within the period of the alleged abuses.²¹ It also observed that Joven resided in [REDACTED], Pangasinan which was actually near the municipality of [REDACTED], Pangasinan, the place where the incidents happened and where Joven worked. The Regional Trial Court took judicial notice of the fact that these municipalities are traversed by a national highway and public transportation is accessible in these areas.²²

Finally, the Regional Trial Court declared that Joven's defense of denial was bereft of any merit given the clear and categorical testimony of AAA and BBB, and the positive identification of Joven as the perpetrator. It deemed AAA's testimony as credible and straightforward since there was no showing of any ill motive on the part of AAA to concoct her story. In addition, her

¹⁸ *Id.* at 33.

¹⁹ *Id.*

²⁰ *Id.* at 35.

²¹ *Id.*

²² *Id.*

testimony was corroborated by the Medico-Legal Certificate issued by Dr. Luna.²³

The dispositive portion of the Regional Trial Court's Decision reads:

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

- 1) In **Criminal Case No. L-11259 (violation of Section 5(b), R.A. No. 7610)**- accused PAUL JOVEN y Senenche is found GUILTY beyond reasonable doubt of the crime of other sexual abuse under Section 5(b), R.A. No. 7610 and he is hereby sentenced to suffer the penalty of 12 years, 5 months and 11 days of prision mayor medium to reclusion temporal minimum, **as minimum**, to 17 years and 4 months reclusion temporal medium to reclusion perpetua, **as maximum**; to pay private complainant [AAA] the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages. The amounts of damages awarded are subject to interest at the legal rate of 6% per annum, to be reckoned from the date of finality of this judgment until fully paid. The accused is also ordered to pay a fine of ₱15,000.00; and
- 2) In **Criminal Case No. L-11260 (violation of Section 5(b), R.A. No. 7610)**- accused PAUL JOVEN y Senenche is found GUILTY beyond reasonable doubt of the crime of other sexual abuse under Section 5(b), R.A. No. 7610 and he is hereby sentenced to suffer the penalty of 12 years, 5 months and 11 days of prision mayor medium to reclusion temporal minimum, **as minimum**, to 17 years and 4 months reclusion temporal medium to reclusion perpetua, **as maximum**; to pay private complainant [AAA] the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages. The amounts of damages awarded are subject to interest at the legal rate of 6% per annum, to be reckoned from the date of finality of this judgment until fully paid. The accused is also ordered to pay a fine of ₱15,000.00; and
- 3) In **Criminal Case No. L-11261 (violation of Section 5(b), R.A. No. 7610)**- accused PAUL JOVEN y Senenche is ACQUITTED for failure of the prosecution's evidence to prove his guilt beyond reasonable doubt.

SO ORDERED.²⁴ (Emphasis in the original)

Joven appealed²⁵ the Regional Trial Court's Decision before the Court of Appeals.

In its assailed June 3, 2021 Decision,²⁶ the Court of Appeals affirmed with modification the trial court's Decision. The Court of Appeals found that

²³ *Id.* at 35–36.

²⁴ *Id.* at 37–38.

²⁵ *Id.* at 13.

²⁶ *Id.* at 9–25.



the trial court was wrong when it convicted Joven of the crime of other sexual abuse under Republic Act No. 7610, when the evidence was clear that Joven had committed rape under Article 266-A, paragraph 1, in relation to Article 266-B of the Revised Penal Code, as amended.²⁷

The Court of Appeals declared that Joven cannot be held liable for a violation of Section 5(b) of Republic Act No. 7610, since “minor [AAA] did not give consent to the sexual intercourse.”²⁸ Consequently, since it was shown that the sexual intercourse was committed through force, intimidation, and threats, the appellate court ruled that the proper crime is rape under the Revised Penal Code, as amended. It held that “the proven facts and evidence presented support [Joven]’s conviction for the crime of [r]ape, the elements of which were sufficiently alleged in the subject Informations.”²⁹

The Court of Appeals clarified that the children referred to under Section 5(b) of Republic Act No. 7610 are those who “for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct,”³⁰ which was not availing in this case.³¹

The Court of Appeals ruled that Joven’s defense of denial and alibi cannot be appreciated as he did not present any evidence to show that he was not present in the crime scene when the rape incidents transpired and that he did not know or even see AAA during said periods.³² The Court of Appeals also held that the Regional Trial Court “did not anchor its verdict of conviction on the results of hymenal examination conducted on [AAA], but on her positive identification of [Joven] as the perpetrator.”³³ To the Court of Appeals, “the fact that [AAA] was unable to provide specific details of the rape incident was understandable and [did] not, in any way, affect the credibility of her testimony”³⁴ as “[a] rape victim cannot be expected to mechanically keep and give an accurate account of the traumatic and horrible experience she had undergone.”³⁵

The dispositive portion of the Court of Appeals Decision reads:

WHEREFORE, premises considered, the Decision dated 28 July 2019 of Regional Trial Court, [REDACTED], Pangasinan is **AFFIRMED** with **MODIFICATION** in that appellant Paul S. Joven is found GUILTY beyond reasonable doubt of two (2) counts of Rape under Article 266-A, paragraph 1, in relation to Article 266-B, of the Revised

²⁷ *Id.* at 22.

²⁸ *Id.* at 22–23.

²⁹ *Id.* at 23.

³⁰ *Id.*

³¹ *Id.*

³² *Id.* at 24.

³³ *Id.* at 23.

³⁴ *Id.*

³⁵ *Id.*, citing *People v. Brioso*, 788 Phil. 292, 310 (2016) [Per J. Peralta, Third Division].

Penal Code, and is hereby sentenced to *reclusion perpetua* for both counts. Further, the penalty of fine imposed against said appellant is **DELETED** for lack of basis.

SO ORDERED.³⁶ (Emphasis in the original)

On August 2, 2021 Joven filed a Notice of Appeal.³⁷

In an October 19, 2022 Resolution, this Court required the parties to file their supplemental briefs.³⁸

Both Joven³⁹ and the Office of the Solicitor General⁴⁰ manifested that they would no longer file their supplemental briefs and will adopt the Briefs filed before the Court of Appeals.

For this Court's resolution is whether accused-appellant Joven is guilty beyond reasonable doubt of committing two counts of rape under Article 266-A, paragraph 1, in relation to Article 266-B of the Revised Penal Code, as amended.

After a thorough evaluation of the records of the case, this Court resolves to deny the appeal for failure to sufficiently show that the Court of Appeals committed any reversible error in its assailed Decision as to warrant the exercise of this Court's appellate jurisdiction.

The Court deems it appropriate to discuss the proper designation of the crime committed by accused-appellant given the variation in the findings of the Regional Trial Court and the Court of Appeals. As correctly found and explained by the Court of Appeals, accused-appellant should be convicted of two counts of rape under Article 266-A, paragraph 1, in relation to Article 266-B of the Revised Penal Code, as amended, instead of other sexual abuse punished under Section 5(b) of Republic Act No. 7610.

It is worth noting that on March 4, 2022, Republic Act No. 11648⁴¹ was enacted, amending the Revised Penal Code, the Anti-Rape Law, and Republic Act No. 7610. The law increased the age of sexual consent from 12 years old to 16 years old. This is a welcome development as it provides stronger protection for children from rape and sexual exploitation and abuse.

³⁶ *Id.* at 24.

³⁷ *Id.* at 3.

³⁸ *Id.* at 39.

³⁹ *Id.* at 40.

⁴⁰ *Id.* at 45.

⁴¹ An Act Providing for Stronger Protection Against Rape and Sexual Exploitation and Abuse, Increasing the Age for Determining the Commission of Statutory Rape, Amending for the Purpose Act No. 3815, as Amended, Otherwise Known as "The Revised Penal Code," Republic Act No. 8353, Also Known as "The Anti-Rape Law of 1997," and Republic Act No. 7610, As Amended, Otherwise Known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act" (2022).

However, Republic Act No. 11648 is not applicable in this case, given that the crime was committed within the period of January to March 2016 prior to the law's enactment. Moreover, the case involves a victim whose age is not covered by the amendment.

Based on the Informations, the charge against accused-appellant was "other sexual abuse,"⁴² as defined in Article III, Section 5 (b) of Republic Act No. 7610 as "[t]hose who commit the act of sexual intercourse . . . with a child exploited in prostitution or subjected to other sexual abuse."⁴³ The allegations in the Informations stated that accused-appellant "willfully and unlawfully indulge [AAA], a seventeen (17) year old minor child . . . into sexual intercourse with him due to coercion and undue influence on his part, to the prejudice and damage of the said minor child."⁴⁴ Although the Informations stated that the acts were "[c]ontrary to Art. III, Section 5(b) of R.A. 7610 (The Anti-Child Abuse Act),"⁴⁵ it is the factual allegations in the Informations that determine the crime being charged.⁴⁶

As the charges against accused-appellant were for other sexual abuse, we now examine whether the elements of other sexual abuse exist in this case. Section 5 (b) of Republic Act No. 7610 reads:

SECTION 5. *Child Prostitution and Other Sexual Abuse.* — Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty of *reclusion temporal* in its medium period to *reclusion perpetua* shall be imposed upon the following:

....

(b) *Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected to other sexual abuse; Provided, That when the victim is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, the Revised Penal Code for rape or lascivious conduct, as the case may be: Provided, That the penalty for lascivious conduct when the victim is under twelve (12) years of age shall be reclusion temporal in its medium period[.]* (Emphasis supplied)

For a successful prosecution of other sexual abuse, the prosecution must establish the following elements: "(1) the accused commits the act of sexual

⁴² *Rollo*, pp. 29–30.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

intercourse or lascivious conduct;⁴⁷ (2) “the said act is performed with a child exploited in prostitution”⁴⁸ or subjected to other sexual abuse;⁴⁹ and (3) “the child, whether male or female, is below 18 years of age.”⁵⁰ As correctly held by the Court of Appeals, accused-appellant cannot be held liable for other sexual abuse as the second element of the crime is not present in this case.⁵¹

In *People v. Larin*,⁵² the Court explained that a child “deemed exploited in prostitution or subjected to other sexual abuse”⁵³ refers to a child who “indulges in sexual intercourse or lascivious conduct (a) for money, profit, or any other consideration; or (b) under the coercion or influence of any adult, syndicate or group.”⁵⁴

Republic Act No. 7610 declares that it is the State’s responsibility to “provide special protection to children from all forms of abuse, neglect, cruelty exploitation and discrimination.”⁵⁵ With this in mind, Republic Act No. 7610 introduced the term “exploited in prostitution or other sexual abuse,” the element of sexual abuse under Section 5(b) of Republic Act No. 7610. Consequently, Section 5(b) of the law punishes two offenses: (1) child prostitution and (2) other sexual abuse.

Child prostitution is committed when children “who for money, profit or any other consideration . . . indulge in sexual intercourse or lascivious conduct.”⁵⁶ The crime of other sexual abuse, meanwhile, is committed when children who “due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct[.]”⁵⁷ A basic notion involving these criminal acts is that “[c]hildren do not willingly indulge in sexual intercourse or lascivious conduct with an adult. There is always an element of intimidation or coercion involved. Thus, the crime is punishable not merely under the Revised Penal Code, but also under Republic Act No. 7610.”⁵⁸

For cases that involve children subjected to sexual abuse, it is important for courts to “determine whether coercion or influence was present, which compelled the child to indulge in sexual conduct.”⁵⁹ Jurisprudence explains

⁴⁷ *People v. Udang Sr.*, 823 Phil. 411, 435 (2018) [Per J. Leonen, Third Division], citing *Amplayo v. People*, 496 Phil. 747, 758 (2005) [Per J. Chico-Nazario, Second Division].

⁴⁸ *Id.*

⁴⁹ Republic Act No. 7610 (1992), sec. 5.

⁵⁰ Republic Act No. 7610 (1992), sec. 5.

⁵¹ *Rollo*, p. 22.

⁵² 357 Phil. 987 (1998) [Per J. Panganiban, First Division].

⁵³ *Id.* at 998.

⁵⁴ *Id.*

⁵⁵ Republic Act No. 7610 (1992), sec. 2.

⁵⁶ Republic Act No. 7610 (1992), sec. 5.

⁵⁷ Republic Act No. 7610 (1992), sec. 5.

⁵⁸ J. Leonen, Concurring Opinion in *People v. Tulagan*, 849 Phil. 197, 326–327 (2019) [Per J. Peralta, *En Banc*].

⁵⁹ J. Leonen, Dissenting Opinion in *Bangayan v. People*, 885 Phil. 405, 459 (2020) [Per J. Carandang, Third Division].

that “sexual intercourse or lascivious conduct under the coercion or influence of an adult exists when there is some form of compulsion equivalent to intimidation which subdues the free exercise of the offended party’s free will.”⁶⁰ Moreover, Section 2(g) of the Rules on Child Abuse Cases defines sexual abuse as:

The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in, sexual intercourse or lascivious conduct or the molestation, prostitution, or incest with children.

Considering these definitions, we hold that accused-appellant’s actions do not amount to overt acts of coercion and influence. Accused-appellant’s acts of persuading AAA to meet up with him and threatening to throw rocks at her house if she did not⁶¹ were, at most, only meant to influence AAA to agree to meet up with him. These acts were not used to compel AAA to indulge in sexual intercourse with accused-appellant.

The phrase “children exploited in prostitution” was further dissected in *People v. Tulagan*.⁶²

...the phrase “children exploited in prostitution” contemplates four (4) scenarios: (a) a child, whether male or female, who for money, profit or any other consideration, indulges in lascivious conduct; (b) a female child, who for money, profit or any other consideration, indulges in sexual intercourse; (c) a child whether male or female, who due to the coercion or influence of any adult, syndicate or group, indulges in lascivious conduct; and (d) a female, due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse.⁶³

Scenarios (b) and (d), relating to sexual intercourse, the act involved in this case, are not availing here. For one, AAA did not indulge in sexual intercourse for money, profit, or any other consideration. Neither did AAA indulge in sexual intercourse due to the coercion or influence of any adult, syndicate, or group. More importantly, AAA did not consent to have sexual intercourse with accused-appellant. It was accused-appellant who used force to have sexual intercourse with AAA.⁶⁴

On the contrary, although the Informations against accused-appellant designate the offense as contrary to the Anti-Child Abuse Act, more particularly, “other sexual abuse,”⁶⁵ the allegations in the recital of facts properly constitute the crime of rape by sexual intercourse under Article 266-

⁶⁰ *Caballo v. People*, 710 Phil. 792, 805 (2013) [Per J. Perlas-Bernabe, Second Division].

⁶¹ *Rollo*, p. 12.

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

⁶³ *Id.* at 242.

⁶⁴ *Rollo*, p. 14.

⁶⁵ *Id.* at 29–30.

A, paragraph 1, in relation to Article 266-B of the Revised Penal Code, as amended. Instead of alleging the elements of other sexual abuse under Republic Act No. 7610, the text of the Informations consistently alleged the elements of the crime of rape under the Revised Penal Code:

“...*did, then and there, willfully and unlawfully indulge* [AAA], a seventeen (17) year old minor child (D.O.B.: March 17, 1999) with mild intellectual disability, *into sexual intercourse with him due to coercion and undue influence on his part*, to the prejudice and damage of the said minor child.”⁶⁶ (Emphasis supplied)

In *Tulagan*, the elements of rape under the Revised Penal Code, as amended, were compared side by side with the elements of sexual intercourse with a child under Section 5(b) of Republic Act No. 7610, where the offended party is between 12 years old or below 18. *Tulagan* clarified the principles laid down by the Court in *People v. Abay*,⁶⁷ *People v. Pangilinan*,⁶⁸ and *People v. Tubillo*,⁶⁹ emphasizing that “to determine whether the person accused of rape should be prosecuted under the [Revised Penal Code] or [Republic Act No. 7610] when the offended party is 12 years old or below 18,”⁷⁰ the Court must examine the evidence of the prosecution:

...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 [Revised Penal Code]. 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 [Revised Penal Code], 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.

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For a clearer view, a comparison of the elements of rape under the RPC and sexual intercourse with a child under Section 5 (b) of [Republic Act] No. 7610 where the offended party is between 12 years old and below 18, is in order.

Rape under Article 266-A (1) (a, b, c) under the RPC	Section 5 [(b)] of R.A. No. 7610
1. Offender is a man;	1. Offender is a man;

⁶⁶ *Id.*

⁶⁷ 599 Phil. 390 (2009) [Per J. Corona, First Division].

⁶⁸ 676 Phil. 16 (2011) [Per J. Peralta, Third Division].

⁶⁹ 811 Phil. 525 (2017) [Per J. Mendoza, Second Division].

⁷⁰ *People v. Tulagan*, 849 Phil. 197, 241 (2019) [Per J. Peralta, *En Banc*].

2. Carnal knowledge of a woman;	2. Indulges in sexual intercourse with a female child exploited in prostitution or other sexual abuse, who is 12 years old or below 18 or above 18 under special circumstances;
3. Through force, threat or intimidation; when the offended party is deprived of reason or otherwise unconscious; and by means of fraudulent machination or grave abuse of authority.	3. Coercion or influence of any adult, syndicate or group is employed against the child to become a prostitute.

As can be gleaned above, "force, threat or intimidation" is the element of rape under the RPC, while "due to coercion or influence of any adult, syndicate or group" is the operative phrase for a child to be deemed "exploited in prostitution or other sexual abuse," which is the element of sexual abuse under Section 5 (b) of [Republic Act] No. 7610. The "coercion or influence" is not the reason why the child submitted herself to sexual intercourse, but it was utilized in order for the child to become a prostitute.⁷¹

As in any other crime, it is crucial to analyze the operative criminal act to charge the accused with the correct violation of the law. *Tulagan* laid down and explained the instances where the crime of rape under the Revised Penal Code, as amended, prevails over Section 5(b) of Republic Act No. 7610:

Assuming that the elements of both violations of Section 5 (b) of [Republic Act] No. 7610 and of Article 266-A, paragraph 1 (a) of the [Revised Penal Code] are mistakenly alleged in the same Information — e.g., carnal knowledge or sexual intercourse was due to "force or intimidation" with the added phrase of "due to coercion or influence," one of the elements of Section 5 (b) of [Republic Act] No. 7610; or in many instances wrongfully designate the crime in the Information as violation of "Article 266-A, paragraph 1 (a) in relation to Section 5 (b) of [Republic Act] No. 7610," although this may be a ground for quashal of the Information under Section 3 (f) of Rule 117 of the Rules of Court — and proven during the trial in a case where the victim who is 12 years old or under 18 did not consent to the sexual intercourse, the accused should still be prosecuted pursuant to the [Revised Penal Code], as amended by [Republic Act] No. 8353, which is the more recent and special penal legislation that is not only consistent, but also strengthens the policies of R.A. No. 7610. Indeed, while [Republic Act] No. 7610 is a special law specifically enacted to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination and other conditions prejudicial to their development, We hold that it is contrary to the legislative intent of the same law if the lesser penalty (*reclusion temporal medium to reclusion perpetua*) under Section 5 (b) thereof would be imposed against the perpetrator of sexual intercourse with a child 12 years of age or below 18.

⁷¹ *Id.* at 242, 244–245.

Article 266-A, paragraph 1 (a) in relation to Article 266-B of the [Revised Penal Code], as amended by [Republic Act] No. 8353, is not only the more recent law, but also deals more particularly with all rape cases, hence, its short title "*The Anti-Rape Law of 1997*." [Republic Act] No. 8353 upholds the policies and principles of [Republic Act] No. 7610, and provides a "stronger deterrence and special protection against child abuse," as it imposes a more severe penalty of *reclusion perpetua* under Article 266-B of the [Revised Penal Code], or even the death penalty if the victim is (1) under 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 common-law spouse of the parent of the victim; or (2) when the victim is a child below 7 years old.⁷²

In *People v. Quintos*,⁷³ the Court held that "[t]he circumstances when rape may be committed under Article 266-A of the Revised Penal Code should be defined in terms of the capacity of an individual to give consent."⁷⁴ Accordingly, rape is a violation of a victim's dignity:

Rape, including other forms of sexual abuse, should no longer be viewed as a crime against chastity, which focuses on the dishonor to the victim's father or family. Rape and sexual abuse is a strike against the person of the victim. It is a violation of one's autonomy, a "violation of free will, or the freely made choice to engage in sexual intimacy."⁷⁵

Consequently, the crime of rape ought to be viewed and understood as a consent-based offense.⁷⁶ *Tulagan* discussed how consent affects the crime committed when one has sexual intercourse with a victim who is 12 years old or less than 18:

If the victim who is 12 years old or less than 18 and is deemed to be a child "exploited in prostitution and other sexual abuse" because she agreed to indulge in sexual intercourse "for money, profit or any other consideration or due to coercion or influence of any adult, syndicate or group," then the crime could not be rape under the RPC, because this no longer falls under the concept of statutory rape, and there was consent. That is why the offender will now be penalized under Section 5(b), R.A. No. 7610, and not under Article 335 of the RPC [now Article 266-A]. But if the said victim does not give her consent to sexual intercourse in the sense that the sexual intercourse was committed through force, threat or intimidation, the crime is rape under paragraph 1, Article 266-A of the RPC.⁷⁷

⁷² *People v. Tulagan*, 849 Phil. 197, 246–248 (2019) [Per J. Peralta, *En Banc*].

⁷³ *People v. Quintos*, 746 Phil. 809 [Per J. Leonen, Second Division].

⁷⁴ *Id.* at 829.

⁷⁵ J. Leonen, Dissenting Opinion in *Bangayan v. People*, 885 Phil. 405, 465 (2020) [Per J. Carandang, Third Division], *citing* Rosemary Hunter, et al., *Choice and Consent* 97 (2007).

⁷⁶ J. Leonen, Dissenting and Concurring Opinion in *People v. Agao*, G.R. No. 248049, October 4, 2022 [Per J. Caguioa, *En Banc*] at 31. This pinpoint citation refers to a copy of the Decision uploaded to the Supreme Court website.

⁷⁷ *People v. Tulagan*, 849 Phil. 197, 238 (2019) [Per J. Peralta, *En Banc*].

Applying the foregoing, the Court of Appeals correctly ruled that accused-appellant “cannot be held liable for [v]iolation of Section 5(b), [Republic Act] No. 7610, since, pursuant to the *Tulagan* case, minor [AAA] did not give consent to the sexual intercourse.”⁷⁸ The only thing that AAA agreed to was to meet accused-appellant in the abandoned [REDACTED] Building.⁷⁹ She had no idea that accused-appellant would use force to have sexual intercourse with her. The fact that AAA “did not give her consent to sexual intercourse in the sense that the sexual intercourse was committed through force, threat or intimidation”⁸⁰ takes it out of the coverage of other sexual abuse under Section 5(b) of Republic Act No. 7610.

Bearing in mind that “the victim’s minority is an important consideration in determining whether he or she could freely and rationally give consent to a sexual act with an adult[,]”⁸¹ it is difficult to regard AAA, a 17-year-old, as mature enough to give consent.

Thus, the correct charge against accused-appellant should be a violation of Article 266-A, paragraph 1, in relation to Article 266-B of the Revised Penal Code, as amended, and further amended by Republic Act No. 8353 or the Anti-Rape Law of 1997,⁸² the pertinent portions of which are:

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.

....

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

For a successful prosecution of the crime of rape by sexual intercourse, the prosecution must establish the following elements: “(1) the offender had carnal knowledge of the victim; and (2) such act was accomplished through

⁷⁸ *Rollo*, p. 14.

⁷⁹ *Id.* at 12.

⁸⁰ *People v. Tulagan*, 849 Phil. 197, 238 (2019) [Per J. Peralta, *En Banc*].

⁸¹ J. Leonen, Dissenting Opinion in *People v. Bangayan*, 849 Phil. 197, 331 (2019) [Per J. Peralta, *En Banc*].

⁸² Republic Act No. 8353 (1997), 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.

force or intimidation; or when the victim is deprived of reason or otherwise unconscious; or [by means of fraudulent machination or grave abuse of authority];⁸³ or when the victim is under 12 years of age.”⁸⁴

Applying these to the case, all the elements of rape under the Revised Penal Code, as amended, were alleged in the Informations and were proven by the prosecution. As correctly found by the Court of Appeals, “the subject Informations identically alleged that [accused-appellant] had sexual intercourse with the minor victim – [AAA] – without her consent by means of coercion and undue influence exerted upon her by [accused-appellant].”⁸⁵

The prosecution has established that accused-appellant committed rape by sexual intercourse. The prosecution was able to prove through AAA’s testimony that after accused-appellant convinced AAA to meet him at the abandoned [REDACTED] Building, he forcibly grabbed AAA and, with the use of force, laid her down on a foam on the floor.⁸⁶ Accused-appellant then inserted his penis into AAA’s vagina.⁸⁷ The prosecution was also able to prove that this series of events happened on two separate occasions between the period of January 2016 to March 2016.⁸⁸

Although the Informations did not specifically state the terms “force, threat, or intimidation,” the terms “coercion and undue influence” used in the Informations were sufficient to apprise accused-appellant of the nature and cause of the accusation charged against him.

In *Quimvel v. People*,⁸⁹ the Court has clarified that the term “force and intimidation” is subsumed under “coercion and influence,” as follows:

The term “*coercion and influence*” as appearing in the law is broad enough to cover “*force and intimidation*” as used in the Information. To be sure, Black’s Law Dictionary defines “*coercion*” as “*compulsion; force; duress*” while “[undue] *influence*” is defined as “*persuasion carried to the point of overpowering the will.*” On the other hand, “*force*” refers to “*constraining power, compulsion; strength directed to an end*” while jurisprudence defines “*intimidation*” as “*unlawful coercion; extortion; duress; putting in fear.*” As can be gleaned, the terms are used almost synonymously.⁹⁰ (Emphasis in the original, citations omitted)

In *Matilde, Jr. v. Jabson*,⁹¹ the Court laid down the test to determine the sufficiency of an Information and the purpose for such requirement:

⁸³ REV. PEN. CODE, art. 266-A (1).

⁸⁴ *People v. Limos*, 465 Phil. 66, 77 (2004) [Per J. Sandoval-Gutierrez, *En Banc*].

⁸⁵ *Rollo*, p. 12.

⁸⁶ *CA rollo*, p. 82.

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ 808 Phil. 889 (2017) [Per J. Velasco, Jr., *En Banc*].

⁹⁰ *Id.* at 919.

⁹¹ 160-A Phil. 1098 (1975) [Per J. Antonio, Jr., Second Division].

What is important is that *the crime is described in intelligible terms with such particularity as to apprise the accused, with reasonable certainty, of the offense charged.* In other words, the crime is stated in such a way that *a person of ordinary intelligence may immediately know what is meant, and the court can decide the matter according to law.* Inasmuch as "not only the liberty but even the life of the accused may be at stake, it is always wise and proper that the accused should be fully apprised of the true charges against them, and thus avoid all and any possible surprises which may be detrimental to their rights and interests." *The main purpose of this requirement is to enable the accused to suitably prepare his defense.* He is presumed to be innocent and has, therefore, no independent knowledge of the facts that constitute the offense with which he is charged.⁹² (Emphasis supplied, citations omitted)

The Court of Appeals correctly ruled that the Regional Trial Court committed an error when it convicted accused-appellant of the crime of other sexual abuse, as not all elements of the crime exist. Consequently, the appellate court found that the "proven facts and evidence presented support [accused-appellant's] conviction for the crime of [r]ape, the elements of which were sufficiently alleged in the subject Informations."⁹³

The constitutional right of the accused to be "informed of the nature and cause of the accusation against him"⁹⁴ is a due process requirement in all criminal prosecutions.⁹⁵ This constitutional right is reinforced⁹⁶ in Sections 6 and 9 of the Revised Rules of Criminal Procedure:

SECTION 6. Sufficiency of complaint or information. — A complaint or information is sufficient if it states the name of the accused; the designation of the offense given by the statute; *the acts or omissions complained of as constituting the offense*; the name of the offended party; the approximate date of the commission of the offense; and the place where the offense was committed. When an offense is committed by more than one person, all of them shall be included in the complaint or information.

....

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*

⁹² *Id.* at 1103–1104.

⁹³ *Id.* at 15.

⁹⁴ CONST., art. III, sec. 2, par. 2 provides:

(2) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable.

⁹⁵ *Villarba v. Court of Appeals*, 874 Phil. 84, 97 (2020) [Per J. Leonen, Third Division].

⁹⁶ *Id.* at 6.

charged as well as its qualifying and aggravating circumstances and for the court to pronounce judgment. (Emphasis supplied)

It is well-established that between the designation of the offense as stated in the Information and the recital of the acts or omissions complained of, the latter is what is more controlling as the designation of an offense is but a conclusion of law.⁹⁷ The Court clearly enunciated this in *People v. Mendoza*:⁹⁸

*It is well-settled that the real nature of the criminal charge is determined not from the caption or preamble of the Information nor from the specification of the provision of law alleged to have been violated, they being conclusions of law, but by the actual recital of facts in the complaint or information. Only recently, this principle was reiterated...wherein this Court again held that it is not the technical name given by the Fiscal appearing in the title of the Information that determines the character of the crime but the facts alleged in the body of the Information.*⁹⁹ (Emphasis supplied, citation omitted)

Hence, an “information need not reproduce the law verbatim in alleging the acts or omissions that constitute the offense.”¹⁰⁰ As long as “its language is understood, the constitutional right to be informed of the nature and cause of the accusation against the accused stands unviolated.”¹⁰¹

Accused-appellant argues that the appellate court gravely erred when it heavily relied on and gave credence to AAA’s allegedly incomplete and bias testimony.¹⁰² He argues that AAA’s testimony lacked details and that the dates “from January to March 2016” were too broad for him to sufficiently defend himself.¹⁰³

Accused-appellant’s claims are without merit. AAA categorically identified accused-appellant as the one who had raped her. AAA consistently testified that accused-appellant persuaded her to meet him at the abandoned [REDACTED] Building, and once she arrived, accused-appellant grabbed her, and with the use of superior force, placed her on top of a piece of foam on the ground and proceeded to insert his penis into her vagina.¹⁰⁴

Moreover, both the Regional Trial Court¹⁰⁵ and the Court of Appeals¹⁰⁶ found AAA’s testimony on the two incidents clear, convincing, and

⁹⁷ *People v. Cosare*, 95 Phil. 656, 660 (1954) [Per J. Bautista, *En Banc*].

⁹⁸ 256 Phil. 1136 (1989) [Per J. Fernan, Third Division].

⁹⁹ *Id.* at 1144.

¹⁰⁰ *Villarba v. Court of Appeals*, 874 Phil. 84, 88 (2020) [Per J. Leonen, Third Division].

¹⁰¹ *Id.*

¹⁰² *Id.* at 42.

¹⁰³ *Id.* at 43.

¹⁰⁴ *Id.* at 82.

¹⁰⁵ *Rollo*, p. 35.

¹⁰⁶ *Id.* at 22.

straightforward. The Court has consistently held that “a rape victim cannot be expected to mechanically keep and then give an accurate account of the traumatic and horrifying experience she had undergone.”¹⁰⁷ This is due to the reality that “rape is a painful experience which is oftentimes not remembered in detail,”¹⁰⁸ as further explained by this Court in *People v. Saludo*:¹⁰⁹

For such an offense is not analogous to a person's achievement or accomplishment as to be worth recalling or reliving; rather, it is something which causes deep psychological wounds and casts a stigma upon the victim, scarring her psyche for life and which her conscious and subconscious mind would opt to forget.¹¹⁰

Accused-appellant also claims that the Regional Trial Court anchored his conviction on the results of the hymenal examination conducted on AAA.¹¹¹ However, as correctly ruled by the Court of Appeals, contrary to such claim, the trial court actually anchored its verdict based on the positive identification of accused-appellant as the perpetrator,¹¹² together with her and her mother's clear and straightforward testimonies in court.

Accused-appellant insists that he does not know AAA and he could not have been present during the alleged incidents since he was prohibited from leaving the resort where he worked during business hours.¹¹³ In *People v. Dubria*,¹¹⁴ the Court explained the requirements when the defense of alibi may be appreciated:

For the defense of alibi to be appreciated, it is not enough to prove that the accused was somewhere else when the offense was committed. *It must likewise be shown that he was so far away that it was not possible for him to have been physically present at the place of the crime or its immediate vicinity at the time of its commission.* The rule is settled that for the defense of alibi to prosper, the requirement of time and place must be strictly met.¹¹⁵ (Emphasis supplied)

In this case, accused-appellant already admitted that he knew AAA, as he saw her whenever he bought cigarettes from a store near her house.¹¹⁶ This shows that there is indeed a possibility that during his work hours, he was able to leave the resort which is in the same municipality where the crime took place.¹¹⁷ Moreover, accused-appellant resided near the abandoned [REDACTED] Building where the incidents happened. As observed by the Regional Trial

¹⁰⁷ *People v. Ching*, 310 Phil. 269, 286 (1995) [Per J. Regalado, Second Division].

¹⁰⁸ *People v. Saludo*, 662 Phil. 738, 753 (2011) [Per J. Leonardo-De Castro, Second Division].

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Rollo*, p. 23.

¹¹² *Id.*

¹¹³ *Id.* at 33.

¹¹⁴ 395 Phil. 325 (2000) [Per J. Gonzaga-Reyes, Third Division].

¹¹⁵ *People v. Dubria*, 395 Phil. 325, 338 (2000) [Per J. Gonzaga-Reyes, Third Division].

¹¹⁶ *Rollo*, p. 33.

¹¹⁷ *Id.* at 35.

Court, the pertinent municipalities are traversed by a national highway and are accessible to accused-appellant via public transportation.¹¹⁸ Consequently, accused-appellant could have been physically present at the place of the crime, even more so at the immediate vicinity, at the time of the commission of the offense. Accordingly, accused-appellant's defenses of alibi and denial are unavailing especially considering that AAA positively identified him as her rapist.

This Court now comes to the issue of penalty.

The Court of Appeals imposed the penalty of *reclusion perpetua* for two counts of rape under Article 266-A, paragraph 1, in relation to Article 266-B, of the Revised Penal Code, as amended.¹¹⁹ However, although the Court of Appeals discussed¹²⁰ the basis for the imposition of the awards of civil indemnity and moral and exemplary damages, it was not able to include this in the dispositive portion of its Decision.

In *People v. Tulagan*,¹²¹ this Court outlined the designation of the crime and imposable penalty in view of the provisions of the Revised Penal Code and Republic Act No. 7610. According to *Tulagan*,¹²² when the crime committed is rape by carnal knowledge under Article 266-A (1) in relation to Article 266-B of the Revised Penal Code, as amended, and the age of the victim is 12 years old or below 18, as in this case, the imposable penalty is *reclusion perpetua*.¹²³

In *People v. Jugueta*,¹²⁴ the Court held that "when the circumstances surrounding the crime call for the imposition of *reclusion perpetua* only, there being no ordinary aggravating circumstance . . . the proper amounts should be PHP 75,000.00 as civil indemnity, PHP 75,000.00 as moral damages and PHP 75,000.00 exemplary damages, regardless of the number of qualifying aggravating circumstances present."¹²⁵ Moreover, the Court held that the awards of civil indemnity, moral damages, and exemplary damages payable by the offender "are subject to interest at the rate of six percent (6%) per annum from the finality of [the] decision until fully paid."¹²⁶

Applying these to the case at hand, accused-appellant is thus sentenced to suffer the penalty of *reclusion perpetua* for both counts of rape under Article 266-A, paragraph 1, in relation to Article 266-B, of the Revised Penal Code, as amended. He is ordered to pay AAA PHP 75,000.00 as civil

¹¹⁸ *Id.*

¹¹⁹ *Id.* at 24.

¹²⁰ *Id.*

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

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

¹²³ *Id.* at 249.

¹²⁴ 783 Phil. 805 (2016) [Per J. Peralta, *En Banc*].

¹²⁵ *Id.* at 840.

¹²⁶ *Id.*

indemnity, PHP 75,000.00 as moral damages, and PHP 75,000.00 as exemplary damages. Lastly, he is also ordered to pay interest at the rate of six percent per annum from the time of finality of this Decision until fully paid, to be imposed on the awarded civil indemnity, moral damages, and exemplary damages.

ACCORDINGLY, the appeal is **DENIED**. The June 3, 2021 Decision of the Court of Appeals in CA-G.R. CR No. 43909 is hereby **AFFIRMED WITH MODIFICATION**. Accused-appellant Paul Joven y Senenche is found **GUILTY** beyond reasonable doubt of two counts of rape under Article 266-A, paragraph 1, in relation to Article 266-B, of the Revised Penal Code, as amended, and is sentenced to suffer the penalty of *reclusion perpetua* in each count. Furthermore, accused-appellant shall pay AAA PHP 75,000.00 as civil indemnity, PHP 75,000.00 as moral damages, and PHP 75,000.00 as exemplary damages for each count of rape. All amounts awarded shall earn interest at the legal rate of six percent per annum from the finality of this Decision until full payment.

SO ORDERED.

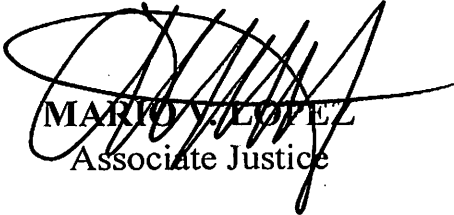


MARVIC M.V.F. LEONEN
Senior Associate Justice


WE CONCUR:



AMY C. LAZARO-JAVIER
Associate Justice



MARIO V. LOPEZ
Associate Justice



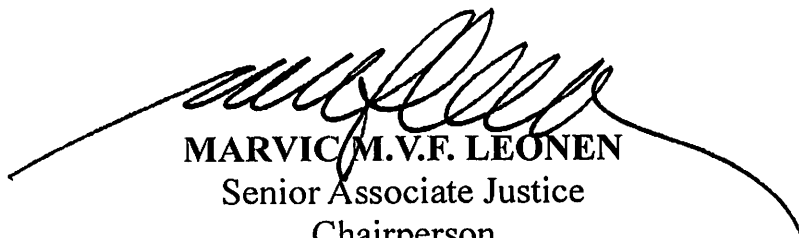
JHOSEP Y. LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

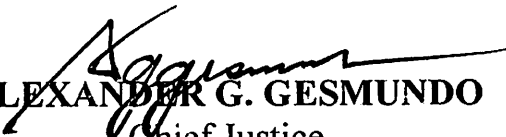
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



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