



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 30, 2020** which reads as follows:*

“G.R. No. 243629 — THE PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus AAA,¹ accused-appellant.

We review in this appeal the conviction of the accused for the crime of Statutory Rape assailing the Court of Appeals’ (CA) Decision² dated May 29, 2018 in CA-G.R. CR-HC No. 09215, which affirmed the findings of the Regional Trial Court (RTC) in Criminal Case No. 2015-0369-D.

ANTECEDENTS

On June 10, 2014, AAA inserted his penis inside the vagina of his five-year old daughter BBB. AAA did not notice that his six-year old son DDD was peeping through the window and witnessed the entire incident. Sometime in December 2014, DDD told their mother what his father did to BBB. DDD also said that he saw AAA inserting his finger in the vagina of CCC, AAA’s two-year old daughter. EEE immediately reported this to the local police. On December 16, 2014, AAA was arrested.³ In January 2015, BBB and CCC underwent

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¹ At the victim’s instance or, if the victim is a minor, that of his or her guardian, the complete name of the accused may be replaced by fictitious initials and his or her personal circumstances blotted out from the Decision, Resolution, or Order if the name and personal circumstances of the accused may tend to establish or compromise the victims’ identities, in accordance with Amended Administrative Circular No. 83-2015 (III[I][c]) dated September 5, 2017.

² CA *rollo*, pp. 122-130; penned by Associate Justice Manuel M. Barrios, with the concurrence of Associate Justices Japar B. Dimaampao and Jhosep Y. Lopez.

³ *Id.* at 125.

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medical examination. The results revealed healed lacerations on their hymen.⁴ The medico-legal attested that BBB was last raped on November 29, 2014 based on the lacerations.⁵

Accordingly, AAA was charged with one count of sexual assault against CCC docketed as Criminal Case No. 2014-0933-D. Also, AAA was charged with one count of Statutory Rape and one count of Sexual Assault against BBB docketed as Criminal Case Nos. 2015-0369-D and 2015-0370-D,⁶ to wit:

Criminal Case No. 2014-0933-D

That on or about the 15th day of December, 2014, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, [AAA], did then and there, willfully, unlawfully and criminally sexually abuse **his daughter**, [CCC], a 2-year old minor, by inserting his finger to her vagina, against the latter's will and consent, to the damage and prejudice of said minor [CCC].

x x x x

Criminal Case No. 2015-0369-D

That on or about June 10, 2014, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, [AAA], did then and there, willfully, unlawfully and criminally, insert his penis inside the vagina of BBB, a five (5) year old minor, his daughter, to her damage and prejudice.

x x x x

Criminal Case No. 2015-0370-D

That on or about June 10, 2014, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, [AAA], did then and there, willfully, unlawfully and criminally, insert his finger inside the vagina of BBB, a five (5) years [sic] old minor, his daughter, to her damage and prejudice.

x x x x⁷ (Emphases in the original.)

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⁴ *Id.* at 53.

⁵ *Id.* at 70.

⁶ *Id.* at 48-49.

⁷ *Id.* at 48.

The prosecution presented EEE, DDD, and the examining physician as witnesses. On the other hand, AAA denied the accusations and countered that EEE fabricated the charges against him. It was EEE who sexually abused their daughters. EEE was motivated by revenge because AAA threatened to report EEE's abusive acts to the proper authorities.⁸

On February 7, 2017,⁹ the RTC found AAA guilty beyond reasonable doubt of Statutory Rape against BBB in Criminal Case No. 2015-0369-D but acquitted him of the other charges. The testimonies of the prosecution witnesses only proved that AAA had carnal knowledge of BBB but failed to prove that he inserted his finger in her vagina,¹⁰ thus:

WHEREFORE, premises considered, the court finds accused [AAA] **NOT GUILTY** in **Criminal Case No. 2014-0933-D** and is hereby acquitted for failure of the prosecution to prove his guilt beyond reasonable doubt.

On the other hand, the Court finds the accused [AAA] **GUILTY** of Statutory Rape in **Criminal Case No. 2015-0369-D** and is hereby sentenced to suffer the penalty of reclusion perpetua. He is also ordered to pay "BBB" the amounts of P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P30,000.00 as exemplary damages with interest at the rate of 6% per annum from the date of finality of this judgment.

Accused is however **acquitted** in **Criminal Case No. 2015-0370-D** for failure to prove his guilt beyond reasonable doubt.

SO ORDERED.¹¹ (Emphases in the original.)

Aggrieved, AAA elevated the case to the CA and pointed on the material inconsistency between the medical findings and the supposed date the crime was committed. On May 29, 2018, the CA denied the appeal and affirmed the RTC's findings. It ruled that the date or time of commission of Rape is not a material ingredient of the crime. Further, the CA modified the penalty and civil liabilities that the RTC imposed upon the accused, viz.:

WHEREFORE, the foregoing considered, the instant appeal is **DENIED** for lack of merit. The Joint Judgment dated 07 February 2017 of the Regional Trial Court, Branch 43, Dagupan

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⁸ *Id.* at 68-69.

⁹ *Id.* at 47-74.

¹⁰ *Id.* at 67-73.

¹¹ *Id.* at 74.

City in Crim. Case No. 2015-0369-D is **AFFIRMED with MODIFICATION** in that accused-appellant is meted the penalty of *reclusion perpetua* without eligibility for parole and is ordered to pay BBB the amounts of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages. All monetary awards for damages shall earn an interest rate of six percent (6%) *per annum* to be computed from finality of this Decision until fully paid.

SO ORDERED.¹² (Emphases in the original.)

Hence, this recourse. AAA argues that there is a material inconsistency between the date of Rape alleged in the information (June 15, 2014) and the medical finding as to the last date BBB was raped (November 29, 2014) based on the healed lacerations.¹³

RULING

The petition is unmeritorious.

The accused raised a question regarding the RTC and CA's appreciation of the evidence which is one of fact and is beyond the ambit of this Court's jurisdiction in a petition for review on *certiorari*. It is not this Court's task to go over the proofs presented below to ascertain if they were appreciated and weighed correctly, most especially when the RTC and the CA speak as one in their findings and conclusions.¹⁴ To be sure, the instant petition merely reiterates the factual issues and arguments raised in the appeal. The alleged inconsistency between the information and the medical examination as to the date of the commission of the crime will require a review of the evidence presented. While it is widely held that this rule of limited jurisdiction admits of exceptions, none exists in the instant case.¹⁵

¹² *Id.* at 130.

¹³ *Rollo*, pp. 24-25.

"x x x. To avoid being repetitious, accused-appellant respectfully manifests that a *Supplemental Brief* will no longer be filed considering that he, through counsel, has exhaustively discussed the issues presented for resolution in his *Brief for Accused-Appellant* dated September 27, 2017, filed before the Court of Appeals in CA-G.R. CR-HC No. 09215." *Id.* at 24.

¹⁴ *Gatan, et al. v. Vinarao, et al.*, 820 Phil. 257, 267 (2017); *Heirs of Teresita Villanueva v. Heirs of Petronila Syquia Mendoza, et al.*, 810 Phil. 172, 177-178 (2017); and *Bacsasar v. Civil Service Commission*, 596 Phil. 858, 867 (2009).

¹⁵ The recognized exceptions are: (a) When the findings are grounded entirely on speculation, surmises, or conjectures; (b) When the inference made is manifestly mistaken, absurd, or impossible; (c) When there is grave abuse of discretion; (d) When the judgment is based on a misapprehension of facts; (e) When the findings of facts are conflicting; (f) When in making its findings the CA went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; (g) When the CA's findings are contrary to those by the trial court; (h) When the findings are conclusions without citation of specific evidence on which they are based; (i) When the facts set forth in the petition, as well as in the petitioner's main and reply briefs, are not disputed by the respondent; (j) When the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; or (k) When the CA manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion. See *Navaja v. Hon. de Castro, et al.*, 761 Phil. 142, 155 (2015).



At any rate, even if this Court decides these issues, the petition would still be denied.

Here, both the CA¹⁶ and the RTC¹⁷ ruled that the supposed discrepancy does not discredit the testimonies of the prosecution's witnesses. As the CA aptly observed, the fact that BBB may have been last raped on November 29, 2014 does not prove that she was not raped on June 15, 2014.¹⁸ On this point, we reiterate that the credibility of witnesses is a matter best addressed to the trial court, it being in a better position to decide such question, having heard them and observed their demeanor, conduct, and attitude under grueling examination.¹⁹

In any event, it is already settled that the date of commission is not an essential element of the crime of Rape. The Revised Rules of Criminal Procedure provides that it is not necessary to state in the complaint or information the precise date the offense was committed if it is not a material ingredient of the offense.²⁰ Also, it expressly permits that the crime may be alleged to have been committed on a date as near as possible to the actual date of its commission. As declared in *Andaya v. People*,²¹ the fundamental requisite to satisfy the accused's right to be informed of the charges against him is that every element of the crime charged be alleged in the information. Hence, not being an element of the crime of Rape, the failure to state the exact date of the commission of the crime does not violate AAA's right to be informed of the charges against him.

Lastly, the crime is Qualified Statutory Rape if committed by a parent against his daughter and shall be punished with death.²² Considering that death penalty may not be imposed,²³ the CA properly penalized the accused of *reclusion perpetua* without eligibility for

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¹⁶ CA *rollo*, p. 129.

¹⁷ *Id.* at 70.

¹⁸ *Id.*

¹⁹ *People v. Diu, et al.*, 708 Phil. 218, 231 (2013).

²⁰ Rule 110, Section 11, provides that: "SEC. 11. *Date of commission of the offense.* – It is not necessary to state in the complaint or information the precise date the offense was committed except when it is a material ingredient of the offense. The offense may be alleged to have been committed on a date as near as possible to the actual date of its commission."

²¹ 526 Phil. 480 (2006); "[i]t is fundamental that every element constituting the offense must be alleged in the information. The main purpose of requiring the various elements of a crime to be set out in the information is to enable the accused to suitably prepare his defense because he is presumed to have no independent knowledge of the facts that constitute the offense. x x x." *Id.* at 497.

²² REVISED PENAL CODE, Art. 266-B.

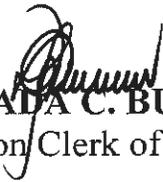
²³ Republic Act No. 9346. "An Act Prohibiting the Imposition of Death Penalty in the Philippines," approved on June 24, 2006.

parole.²⁴ Similarly, consistent prevailing jurisprudence, the CA awarded the correct amount of civil indemnity, moral and exemplary damages which shall all earn interest at the rate of 6% *per annum* from finality of the Decision until fully paid.²⁵

FOR THESE REASONS, the petition is DENIED.

SO ORDERED.”

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court
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by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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Manila
(CA-G.R. CR HC No. 09215)

The Hon. Presiding Judge
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Dagupan City, 2400 Pangasinan
(Crim. Case No. 2015-0369-D)

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²⁴ *People v. Gaa*, 810 Phil. 860, 871 (2017).

²⁵ *People v. Jugueta*, 783 Phil. 806, 856 (2016).

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