



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. 245970 – PEOPLE OF THE PHILIPPINES vs. XXX

Facts

The Charge

Appellant XXX was charged with the rape of his thirteen-year-old niece AAA¹ in Criminal Case No. 01-0014-2013, viz.:

That on or about the 22nd day of October 2008 at [REDACTED] Lipa City and within the jurisdiction of this Honorable Court, the above-named accused, being the uncle of minor victim, a relative by consanguinity within 3rd civil degree, by means of force, threat or intimidation, fraudulent machination or grave abuse of authority, by taking advantage of the minority and vulnerability of one AAA, did then and there willfully, unlawfully, and feloniously have carnal knowledge of said AAA, then thirteen (13) year old minor, against her will and consent which acts debased, degraded or demeaned the intrinsic worth and dignity of said (AAA).

Contrary to law.²

- over – sixteen (16) pages ...

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¹ The real name of the victim, her personal circumstances and other information which tend to establish or compromise her identity, as well as those of her immediate family, or household members, shall not be disclosed to protect her privacy, and fictitious initial shall, instead, be used, in accordance with *People v. Cabalquinto* [533 Phil. 730 (2006)] and Amended Administrative Circular No. 83-2015 dated September 5, 2017.

² CA rollo, p. 89.

A handwritten signature in blue ink is located in the bottom right corner of the page.

The case was raffled to the Regional Trial Court, Branch 13, Lipa City, Batangas. On arraignment, appellant pleaded not guilty.³ Trial on the merits ensued.

Proceedings before the Trial Court

Prosecution's Evidence

Complainant AAA testified: In 2008, she was only thirteen (13) years old. She and her family lived in close proximity to appellant's residence. On October 22, 2008, about 3 o'clock in the afternoon, she went to appellant's house to receive her father's salary from appellant, her father's employer and her uncle. Appellant is the brother of her father. She sat on a long chair near the door. When appellant saw her, he sat beside her and put his arms around her shoulders. Then he forcibly pulled her but she resisted by holding on to her chair. Appellant, however, persisted in pulling her and at the same time telling her he would get something from his room. Inside the room, appellant pushed her to the bed and removed her jogging pants. He also removed his jeans and brief, went on top of her, and kissed her neck. She pushed him away but he continued kissing her. He inserted his penis into her vagina and pushed himself inside her for about half an hour. She tried pushing him away but he also kept pulling her back to the bed. She also tried to shout but he covered her mouth.⁴

When he finally allowed her to get off the bed, she felt pain and noticed that there was something sticky in her private part. She got dressed and got out of the room. He then handed her ₱2,000.00 as her father's salary. She hurriedly signed the voucher and left. She did not tell anyone about the incident.⁵

Four (4) years later, for the first time, she told her mother, BBB, about the incident. She did so because appellant tried to sexually ravage her again.⁶

BBB, complainant's mother, testified: In the morning of July 22, 2012, she saw complainant crying. Upon her prodding, complainant revealed that appellant had raped her. She later told her husband CCC about it. On August 13, 2012, she and her husband

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³ *Id.* at 71.

⁴ *Id.* at 72.

⁵ *Id.* at 73.

⁶ *Id.*

went to the barangay to report the incident. Sometime in September 2012, complainant, one of her sisters, and CCC went to the police station to file a complaint against appellant.⁷

The proposed testimony of Dr. Melanie Mendoza of the Batangas Medical Center, Batangas City was dispensed with when the defense admitted the fact that she had issued Medico-Legal Certificate dated September 20, 2012 based on her physical examination of complainant. Dr. Mendoza reported therein that complainant had healed lacerations in her hymen at 7, 5 and 3 o'clock positions.⁸

Defense's Evidence

Invoking alibi and denial, XXX testified: He was a licensed contractor since 1987 and owned GICCA Construction and NTC Construction. Since 2007, he had been living with EEE, treasurer and one of the incorporators of GICCA Construction. As treasurer, EEE was in charge of money matters including giving out salaries to the workers and keeping corporate records. In 2008 and 2009, he had many construction projects in different places in the country. He monitored his projects *via* cellular phone.⁹

He personally monitored his Luzon projects. For this purpose, he woke up daily by 6 o'clock in the morning and came back home by 8 o'clock in the evening. There were times he would go to the house of Edwin Gadiola, his client, and would already get home by midnight. Most of his 2008 projects were in Batangas, except for the installation of metal guard rail in Leyte. CCC was his foreman in some projects within Batangas, Sarangani and Cotabato. CCC likewise served as his foreman for his Lipa City and Leyte projects. Whenever CCC was assigned outside Batangas, his wife and daughters were the ones who came to claim his salary.¹⁰

On October 22, 2008, he left the house between 7 o'clock and 8 o'clock in the morning to go to his projects in Lipa City, Mataas na Kahoy, and San Juan, all in Batangas. He came home around 10 o'clock in the evening. EEE told him that complainant already came earlier that day to draw her father's salary.¹¹

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⁷ *Id.* at 74.

⁸ *Id.* at 75.

⁹ *Id.* at 76.

¹⁰ *Id.*

¹¹ *Id.*

He did not know of any reason why complainant accused him of rape. Although he did have a conflict with CCC (his brother) pertaining to the latter's ancestral house in Bongog, Mataas na Kahoy, Batangas. His brother once borrowed money from him and demanded that he be given a share in the sale proceeds of their ancestral house even though he had already given him his share. His brother threatened to file a case against him. Their conflict may have been the root cause of the rape case that was filed against him.¹²

EEE, appellant's live-in partner, testified: She had been living with appellant since 2007 up till he got incarcerated on February 18, 2013. They had two (2) children. She essentially corroborated appellant's testimony regarding his work arrangements and out-of-town travels. She also confirmed that CCC worked as appellant's foreman in many projects. She approved the vouchers for the release of CCC's salaries which were drawn by the latter's daughters on separate occasions. Whenever she was busy taking care of their child, it was appellant who would pay and release CCC's salary.¹³

On October 22, 2008, complainant came to their house, accompanied by three (3) to five (5) classmates, to draw her father's salary. She gave complainant ₱2,000.00, at that time, only she, her nine-month old baby and a house help were in their house. Appellant was out of town visiting his construction projects. Complainant drew her father's salary on October 29, 2008, November 10, 2008, November 18, 2008, and November 26, 2008. When CCC was assigned in Rosario, Batangas from May 19, 2009 to June 17, 2009, complainant was the one who also drew his salaries. Complainant would sometimes also draw the salaries of her uncle DDD, who, too, worked for appellant.¹⁴

██████████, appellant's son, testified: He stopped going to school after his father got incarcerated. He took over his father's construction business. In April and May 2009, he was the one who brought the money to EEE in San Nicolas, Batangas. EEE was in charge of releasing the salaries of their workers. EEE knew complainant because the latter drew her father's salaries on several occasions.¹⁵

██████████, appellant's eldest sister, testified: In August 2012, CCC went to their house in Mataas na Kahoy, Batangas.

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¹² *Id.*

¹³ *Id.* at 77.

¹⁴ *Id.* at 77.

¹⁵ *Id.* at 78.

He told her he would file a case against appellant to get his share in their ancestral house in Bantog, Mataas na Kahoy, Batangas. CCC was also very mad at appellant because the latter did not give him money for his (CCC) daughter's wedding. She also told CCC to file the case against appellant because she also did not get her share in the sale proceeds of their ancestral house. When she found out that a complaint for rape had been filed against appellant, she asked CCC about it. He told her to just wait for the outcome. He had since been aloof to her.¹⁶

The Trial Court's Ruling

By Decision¹⁷ dated January 10, 2017, the trial court gave credence to complainant's positive and categorical testimony. The trial court observed that throughout her testimony, complainant was firm and steadfast in pointing to appellant as the one who sexually ravished her. At one point, she even cried in open court. She was not shown to have been impelled by any ulterior motive to falsely implicate appellant, her uncle and her father's employer, in such heinous crime as rape. At any rate, complainant's almost four-year delay in reporting the rape incident did not diminish her credibility. Dr. Mendoza's finding of healed lacerations in complainant's hymen further bolstered her testimony against appellant. Finally, the trial court disregarded appellant's twin defenses of denial and alibi for being weak and self-serving. The trial court decreed:

WHEREFORE, in view of all the foregoing, the Court hereby finds herein accused **XXX GUILTY** beyond reasonable doubt, as principal, for the crime of *Rape* defined under *Article 266-A paragraph 1(a)* and penalized under *Article 266-B of the Revised Penal Code* in relation to *R.A. No. 7610* also known as the "*Special Protection of Children against Abuse, Exploitation and Discrimination Act*" and hereby sentences him to suffer the penalty of *Reclusion Perpetua* and to pay herein victim AAA the sum of Seventy Five Thousand Pesos (Php75,000.00) as civil indemnity, Seventy Five Thousand Pesos (Php75,000.00) as moral damages and Thirty Thousand Pesos (Php30,000.00) as exemplary damages.

The period which the accused has undergone preventive imprisonment during the pendency of this case shall be credited to him provided he agreed in writing to abide by and comply strictly with the rules and regulations imposed upon committed prisoners.

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¹⁶ *Id.*

¹⁷ *Id.* at 71-84.

The Jail Warden of the Bureau of Jail Management and Penology (BJMP), Lipa City, Batangas, is hereby directed to immediately commit herein accused to the National Penitentiary, Muntinlupa City, for him to serve his sentence.

SO ORDERED.¹⁸

Appellant's motion for reconsideration was denied by the trial court under Order¹⁹ dated April 19, 2017. In the same order though, the trial court recalled the commitment order on appellant in view of another case pending before it requiring appellant's testimony.

Proceedings Before the Court of Appeals

On appeal, appellant faulted the trial court for rendering the verdict of conviction. He argued that the prosecution failed to present proof beyond reasonable doubt to establish his guilt for rape. Complainant's testimony was implausible and full of contradictions especially her narration on how appellant allegedly penetrated her. There was unreasonable and inexplicable delay in complainant's disclosure of the alleged case. Complainant's actuations after the alleged rape incident were doubtful for she still continued to collect and receive the respective salaries of her father and uncle in appellant's house. On October 22, 2008, the day she was allegedly raped, it was EEE who handed complainant her father's salary. The trial court erred in giving credence to the medico-legal report here for the same was rendered only four (4) years after the alleged rape incident.²⁰

The Office of the Solicitor General (OSG), through Assistant Solicitor General Derek Puertollano and Associate Solicitor Andres Jose, Jr., submitted that complainant's testimony sufficiently established all the elements of rape. The medico-legal report materially corroborated complainant's tale of sexual ravishment. Complainant credibly testified that appellant's actually penetrated her. Appellant's claim that it was EEE who handed the money to complainant on October 22, 2008 was highly suspect because the supposed cash voucher could have been easily manipulated to reflect this allegation. There was no clear showing that the charge of rape against him was rooted in the supposed dispute between him and CCC regarding the latter's share in the proceeds of their ancestral home.²¹

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¹⁸ *Id.* at 84.

¹⁹ *Id.* at 86.

²⁰ *Id.* at 37-67.

²¹ *Id.* at 162-175.

Appellant replied that per EEE's testimony, complainant was not alone but was accompanied by her classmates when she went to his house on October 22, 2008.²²

The Ruling of the Court of Appeals

By assailed Decision²³ dated August 7, 2018, the Court of Appeals found appellant guilty of qualified rape. It held that the prosecution was able to establish all the elements of rape and complainant was a reliable and credible witness. Complainant's delay in reporting the rape incident did not affect the veracity of complainant's accusation against appellant. It had been stipulated during the pre-trial that appellant was complainant's uncle and complainant's certificate of live birth showed she was below eighteen (18) years old. Verily, appellant should be convicted of qualified rape. Consequently, the Court of Appeals decreed:

WHEREFORE, premises considered, the appeal is **DENIED**. The Judgment dated 10 January 2017 of Branch 13[,] Lipa City, Regional Trial Court of Batangas in Criminal Case No. 01-0014-2013 is **AFFIRMED** with **MODIFICATION** in that accused-appellant XXX is found **GUILTY** beyond reasonable doubt of the crime of qualified rape and hereby sentenced to suffer the penalty of *reclusion perpetua without eligibility for parole*. He is **ORDERED** to pay AAA as follows: P100,000.00 as civil indemnity, P100,000.00 as moral damages, and P100,000.00 as exemplary damages. He is further ordered to pay interest on all damages awarded at the rate of six percent (6%) per annum from the time of finality of this decision until fully paid.

SO ORDERED.²⁴

The Present Appeal

Appellant now seeks anew a verdict of acquittal. In his Supplemental Brief dated September 3, 2019, he essentially argues that complainant and her family got impelled by ill motive to accuse him of rape. This stemmed from his conflict with complainant's father CCC who was pressuring him to give his share in the sale proceeds of their ancestral house, although he (CCC) had already received what was justly due him. CCC was also angry at him for not honoring his alleged promise to give him (CCC) money for the wedding of his daughter.²⁵

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²² *Id.* at 182-186.

²³ Penned by Associate Justice Renato C. Francisco with the concurrence of Associate Justices Magdangal M. De Leon, and Rodil V. Zalameda (now a member of this Court), all members of the Sixth Division, *id.* at 196-213.

²⁴ *Id.* at 213.

²⁵ *Rollo*, pp. 42-49.

The OSG manifested that, in lieu of its supplemental brief, it was adopting its appellee's brief in the Court of Appeals.²⁶

Issue

Did the Court of Appeals err in convicting appellant of rape, qualified by relationship and minority?

Ruling

Complainant is a credible witness

Complainant testified on how appellant sexually ravished her on October 22, 2008, thus:

PROS. ALDAY:

Q: Madam Witness, do you know the accused in this case?

A: Yes, sir.

Q: Why do you know him?

A: He is my uncle, sir.

Q: He is your uncle, why, what is the relation of any of your parents to the accused?

A: He is the brother of my father, sir.

PROS. ALDAY

Q: When he was able to pull you inside the bedroom, what happened next?

A: He pushed me to a bed, Sir.

xxx

Q: What happened next after you were pushed to the bed?

A: He removed my jogging pants, Sir.

Q: How about your shoes, what did he do to your shoes?

A: None, Sir.

Q: After removing your jogging pants while your rubber shoes is still on you, what happened next?

A: He removed also his clothes, Sir.

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²⁶ *Id.* at 52-53.

Q: You said that he took off his clothes, what clothes specifically did he took (sic) off while you were lying on the bed with your jogging pants already off you?

A: His pants, Sir.

Q: So when he removed his pants, what happened next?

A: Then he started to rape me, Sir.

Q: What was the underwear that the accused was wearing, if he was wearing them?

A: A brief, Sir.

xxx

Q: After removing his pants, you said he was wearing brief, what did he do with the brief?

A: He also removed it, Sir.

Q: And then you said that he started raping you, what did he specifically do to you after removing his pants and his brief?

A: He kissed me on my neck, Sir.

Q: And what did you do while he was kissing you in the neck?

A: I was pushing him, Sir.

Q: What was his position relative to your position lying on the bed at the time when he was kissing you (on) the neck?

A: He was on top of me, Sir.

Q: So after kissing you on the neck, what happened next?

A: He inserted his private part to my private part, Sir.

Q: And how long did it take when you felt that his private part was inside your private part?

A: Immediately, Sir.

Q: And while this private (part) of his was inside your private part, what was he doing?

A: Tinutulak niya ang sarili niya sa akin and he was kissing me.

Q: When you say he was pushing himself towards you, what part of his body was he pushing himself to you while he was kissing you?

A: His body and his private part, Sir.

Q: So you mentioned that it was for a long (time), more or less, more or less (sic) in minutes, or in house (sic), or in seconds, how long do you think was that when he was doing this motion to you?

A: About half an hour, Sir.

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Q: Now, after these motions done to you by the accused, what happened next?

A: After that he stood up and I was pushing him but I cannot push him, Sir.

Q: When you were pushing him already, after that motions done by you by the accused, what happened next?

A: He was pushing me also to the bed, Sir.

Q: And then what happened next?

A: And I was to shout, Sir, but he was covering my mouth.

Q: Why while he was on top of you and you were feeling his private part inside your private part, what were you then doing?

A: I was crying then, Sir.

Q: And after that you mentioned he was trying to get off you and pushing you down to the bed, you were about to shout and you said that he put his hand on your mouth, what happened next after that?

A: (Witness cannot answer because she is crying).

xxx

A: I was pushing him, Sir and I was trying to escape but I cannot do so.

Q: And what happened next?

A: It was then (that) he allowed me to let go, Sir.

Q: Now, what did you feel with your private part after he allowed you to let go?

A: It's painful, Sir.

Q: What else?

A: It was sticky, Sir.

Q: And from where does this sticky feeling with you come from?

A: I do not know, (maybe) from him, Sir.

Q: Now, after he allowed you to let go, you were on the bed, what happened next?

A: I went out of the room, Sir.²⁷

The spontaneity and consistency by which complainant had detailed out the incident dispel any insinuation of a rehearsed testimony. Her eloquent testimony should be enough to confirm the

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²⁷ CA rollo, pp. 203-206.

veracity of the charge of rape against appellant.²⁸ After all, the nature of the crime of rape entails reliance on the lone, yet clear, convincing and consistent testimony²⁹ of the victim herself.

Appellant nonetheless assails complainant's credibility because of the alleged discrepancy in her testimony, *i.e.* - on direct testimony, she said that appellant completely took off her jogging pants while on cross, she said that her jogging pants and panties were pulled down only up to her knees. On this score, appellant contends that it would have been impossible for appellant to have sexual intercourse with complainant because her jogging pants and panties would have gotten in the way.

Surely, this a trivial matter which does not affect complainant's testimony on the presence of the essential elements of rape. If at all, this alleged inconsistency even indicates that the witness was not rehearsed.³⁰ We reckon with complainant's testimony that appellant inserted his penis into her vagina and pushed himself inside her for half an hour, afterwards she felt pain, and her vagina felt sticky. These are ugly details which complainant narrated, albeit painfully, to establish that appellant did sexually ravish her against her will.

We affirm the trial court's finding that complainant's testimony is credible and straightforward and, as such, is sufficient to convict appellant of qualified rape.

First. Complainant was only thirteen (13) years old when appellant, her own uncle, sexually ravished her. When the offended party is of tender age and immature, courts are inclined to give credit to her account of what transpired, considering not only her relative vulnerability but also the shame to which she would be exposed if the matter to which she testified is not true. Youth and immaturity are generally badges of truth and sincerity.³¹ Errorless recollection of a harrowing incident cannot be expected of a witness, especially when she is recounting details of an experience so humiliating and so painful as rape. What is important is that the victim's declarations are consistent on basic matters constituting the elements of rape and her positive identification of the person who committed it.³²

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²⁸ *People v. Padilla*, 666 Phil. 565, 588 (2011).

²⁹ See *People v. Ronquillo*, 818 Phil. 641, 649-650 (2017).

³⁰ *People v. SPO1 Gonzales, Jr.*, 781 Phil. 149, 156 (2016).

³¹ *People v. Araojo*, 616 Phil. 275, 287 (2009), citing *Llave v. People*, 522 Phil. 340 (2006) and *People v. Guambor*, 465 Phil. 671, 678 (2004).

³² *People v. Daco*, 589 Phil. 335, 348 (2008).

Second. Appellant has alluded ill motive on complainant and her family. He claims that the criminal complaint was a retaliation for his refusal to give CCC money which the latter demanded on two (2) separate occasions. Yet, the Court finds this aspersion of ill-motive flimsy. It is highly implausible that complainant and her family would go through the harrowing experience of exposing complainant's private parts to physical examination and filing rape charges against appellant, her flesh and blood, for such relatively trivial reason.³³

Third. Dr. Melanie Mendoza confirmed that complainant had healed lacerations in her hymen at 7, 5 and 3 o'clock positions. She also issued a medical certificate bearing these findings. Where the victim's testimony is corroborated by physical findings of penetration, there is sufficient basis for concluding that sexual intercourse did take place.³⁴

Fourth. As for EEE's testimony that she was the one who handed complainant CCC's salary on October 22, 2008, we refer back to complainant's positive identification of appellant as the man who sexually ravished her on the date, time, and place alleged in the Information.

Fifth. Complainant cannot be faulted for returning to appellant's house even after the rape incident for the purpose of drawing the salaries of her father and sometimes of her uncle, too. She was obviously just following instructions from them. Besides, different people react differently to different situations and there is no standard form of human behavioral response when one is confronted with a strange, startling or frightful experience, such as rape. Verily, some victims choose to suffer in silence; while others may be moved to action out of a need to seek justice for what was done to them. Then there are those who opt not to dwell on their experience and try to live as though it never happened. This is how complainant apparently tried to cope with the harrowing experience that befell her. More, since she was just a young girl when she got raped, she simply knew no other way of life than what she was accustomed to.³⁵

Sixth. Complainant's four-year delay in reporting her sexual ravishment does not diminish her credibility. To begin with, the prosecution is under no burden to establish acceptable reasons or satisfactory explanation for delay in reporting a rape. Such delay does

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³³ See *People v. Medina*, 788 Phil. 115, 124 (2016).

³⁴ *People v. Lumaho*, 744 Phil. 233, 243 (2014).

³⁵ See *People v. Prodenciano*, 749 Phil. 746, 763 (2014).

not indicate deceit or a fabricated insinuation inasmuch as it is uncommon that a rape victim prefers silence because of fear of her aggressor and the lack of courage to face the public stigma stemming from the abuse.³⁶

Seventh. The trial court's assessment of the credibility of the witnesses, the probative weight of their testimonies and the conclusions drawn from these factual findings are accorded the highest respect by the appellate court, whose review power is limited to the records of the case. This explains why this Court, which is not a trial court, is loathe to re-examine and re-evaluate the evidence that had been analyzed and dissected by the trial court, and sustained and affirmed by the appellate court.³⁷

Against complainant's positive identification of appellant as the one who sexually ravished her in 2008 and the corroborative medical findings of Dr. Mendoza, appellant merely interposed alibi and denial. Denial is the weakest of all defenses. It easily crumbles in the face of positive identification of the accused as the perpetrator of the crime.³⁸ More, for alibi to prosper, it is not enough for the accused to prove that he was in another place when the crime was committed as he must likewise prove that it was physically impossible for him to be present at the crime scene or its immediate vicinity at the time of its commission.³⁹ As it was, appellant failed to convincingly substantiate his alibi.

Appellant is guilty of qualified rape

The crime of rape is defined and penalized under Article 266-A of the Revised Penal Code (RPC), viz.:

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;

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³⁶ See *People v. Lantano*, 566 Phil. 628, 638-639 (2008).

³⁷ *People v. Soriano*, 810 Phil. 239, 251 (2017).

³⁸ *People v. Glino*, 564 Phil. 396, 420 (2007).

³⁹ *People v. Apattad*, 671 Phil. 95, 111 (2011).

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.

x x x

For purposes of imposing the death penalty in cases of qualified rape, Article 266-B of the RPC provides:

Article 266-B Penalty – x x x

x x x

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

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

x x x

The elements of qualified rape are: (1) sexual congress; (2) with a woman; (3) done by force and without consent; (4) the victim is under eighteen (18) years of age at the time of the rape; (5) the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim.

Based on complainant's credible and straightforward testimony, the prosecution has established all the elements of qualified rape. Appellant had sexual congress with complainant, his niece – his relative within the third degree of consanguinity - who was thirteen (13) years old at the time, as alleged in the Information and proved by the offer in evidence of her certificate of live birth. The circumstance of relationship was also alleged and established by the parties' stipulation during the pre-trial. Appellant employed force when he dragged complainant into the room where he pushed her to the bed, and covered her mouth so she would not be able to scream.

***Imposable Penalties and
Damages***

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Under Article 266-B of the Revised Penal Code, the imposable penalty is death where the victim is below eighteen (18) years of age and the violator is the victim's own relative within the third civil degree of consanguinity. By virtue of RA 9346, however, the death penalty is reduced to *reclusion perpetua* without eligibility for parole. Section 3 of RA 9346 states:

SEC. 3. Person convicted of offenses punished with *reclusion perpetua*, or whose sentences will be reduced to *reclusion perpetua*, by reason of this Act, shall not be eligible for parole under Act No. 4180, otherwise known as the Indeterminate Sentence Law, as amended.

Additionally, appellant is liable for ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages for each count of qualified rape in conformity with prevailing jurisprudence.⁴⁰ These amounts shall earn six percent (6%) interest *per annum* from finality of this Resolution until fully paid.

WHEREFORE, the appeal is **DISMISSED**. The assailed Decision dated August 7, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 09418 is **AFFIRMED**. Appellant **XXX** is found **GUILTY** of **QUALIFIED RAPE** and sentenced to **RECLUSION PERPETUA** without eligibility for parole.

He is further required **TO PAY** ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages. All monetary awards are subject to six percent (6%) interest *per annum* from finality of this Resolution until fully paid.

The Jail Warden of Bureau of Jail Management and Penology, Lipa City, Batangas, is required to **TRANSFER** the accused-appellant to the New Bilibid Prison Muntinlupa City, and to **SUBMIT** to this Court a report of such transfer, within ten (10) days from notice; and the Director General of the Bureau of Corrections is required to **CONFIRM** the confinement of accused-appellant to said prison and to **SUBMIT** to this Court a report thereon, within ten (10) days from receipt of the accused-appellant.

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⁴⁰ *People v. Jugueta*, 783 Phil. 806, 848 (2016):

x x x

II. For Simple Rape/Qualified Rape:

1.1 Where the penalty imposed is Death but reduced to *reclusion perpetua* because of RA 9346:

Private parts

Civil indemnity-P100,000.00

Moral damages - P100,000.00

Exemplary damages - P100,000.

SO ORDERED.”

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

Court of Appeals (x)
Manila
(CA-G.R. CR HC No. 09418)

The Hon. Presiding Judge
Regional Trial Court, Branch 13
Lipa City, 4217 Batangas
(Crim. Case No. 01-0014-2013)

The Jail Warden
Bureau of Jail Management and Penology
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