



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **25 January 2021** which reads as follows:*

**“G.R. No. 250858 (*People of the Philippines v. XXX*)** — The Court resolves to **NOTE** the SEPARATE MANIFESTATIONS (In lieu of Supplemental Brief) filed by counsel for accused-appellant XXX (accused-appellant) dated 10 September 2020 and by the Office of the Solicitor General dated 12 October 2020, in compliance with the Resolution dated 2 March 2020, both adopting their respective briefs filed before the Court of Appeals as their supplemental brief as the same have thoroughly discussed the pertinent issues in the case.

Accused-appellant implores the Court to reverse and set aside his conviction for two (2) counts of Simple Rape in Criminal Case No. 554-V-16 and Criminal Case No. 555-V-16, respectively. In the main, accused-appellant faults the Court of Appeals for affirming the trial court’s factual findings on the credibility of AAA’s<sup>1</sup> testimony. He asserts that the so called material inconsistencies as to the date, time and frequency of the alleged rape incidents show that AAA is merely concocting a story of defloration done by no less than her accused-appellant.<sup>2</sup>

The appeal must fail.

The trial court gave full credence to the positive, clear, and straightforward testimony of fourteen (14) year old AAA. Indeed, the credible

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<sup>1</sup> 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. Cubalquinto* [533 Phil. 703 (2006)] and Amended Administrative Circular No. 83-2015 dated September 5, 2017.

<sup>2</sup> CA rollo, pp. 25-44.

testimony of the victim in rape cases is sufficient to sustain a verdict of conviction. More so when the victim's testimony, as in this case, solidly conformed with the medical findings of the doctor who examined her. PCI Charyl Escaro's (PCI Escaro) findings revealed that AAA sustained healed hymenal lacerations at 4, 6 and 8 o'clock positions.<sup>3</sup> A hymenal laceration is the best evidence of forcible sexual penetration. It does not matter whether it is healed or fresh.<sup>4</sup>

AAA was only twelve (12) and fourteen (14) years old when the rape incidents happened in 2013 and 2015, respectively. To prove this, the prosecution offered in evidence AAA's birth certificate.<sup>5</sup> 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.<sup>6</sup>

Further, there is no showing that AAA was impelled by any improper motive or was influenced by any of her family members to falsely accuse accused-appellant of rape. Where there is no evidence that the principal witness for the prosecution was actuated by improper motive, the presumption is that he or she was not so actuated and his or her testimony is entitled to full credence.<sup>7</sup>

Against AAA's positive testimony, accused-appellant only offered denial and alibi. We have consistently pronounced that both denial and alibi are inherently weak defenses because they can easily be fabricated.<sup>8</sup> These cannot prevail over the positive and credible testimony of the prosecution witness who consistently identified the accused as the one who committed the crime. Thus, as between a categorical testimony which has a ring of truth, on one hand, and a mere denial, on the other, the former prevails.<sup>9</sup>

In any event, when the issue is one of credibility of witnesses, this Court will generally not disturb the trial court's findings, especially when the same were already affirmed by the Court of Appeals, as in this case. The trial court indeed is in a better position to decide the question of credibility as it heard the witnesses themselves and observed their deportment and the manner by which they testified during the trial.<sup>10</sup> So must it be.

The Court of Appeals correctly modified accused-appellant's conviction from Qualified Rape to Simple Rape.

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<sup>3</sup> *Id.* at 47.

<sup>4</sup> *See People v. Sabal*, 734 Phil. 742, 746 (2014).

<sup>5</sup> CA rollo, p. 48.

<sup>6</sup> *See People v. Padit*, 780 Phil. 69, 80 (2016).

<sup>7</sup> *See People v. Galuga*, G.R. No. 221428, February 13, 2019.

<sup>8</sup> *See People v. Villamor*, 780 Phil. 817, 824-825 (2016).

<sup>9</sup> *See People v. Batalla*, G.R. No. 234323, January 7, 2019.

<sup>10</sup> *See People v. Bay-Od*, G.R. No. 238176, January 14, 2019.

Rape is qualified when: a) the victim is under eighteen (18) years of age; and b) committed by the victim's parent, ascendant, step-parent, guardian, or relative by consanguinity or affinity within the third civil degree, or by the common-law spouse of the victim's parent. In order for an accused to be convicted of Qualified Rape, it is essential that these special qualifying circumstances of minority and relationship are properly alleged in the Information and duly proven during the trial.<sup>11</sup> This is to comply with the constitutional right of the accused to be properly informed of the nature and cause of the accusation against him. The purpose is to allow the accused to prepare fully for his defense to prevent surprises during the trial.<sup>12</sup>

Here, AAA's minority is undisputed. AAA was twelve (12) and fourteen (14) years old, respectively, when the rape incidents happened. Her birth certificate was presented in evidence to prove her age when the twin incidents transpired. But as for the fact of her relationship with accused-appellant, AAA's certificate of live birth does not bear the name of her father. There is only the entry "Unknown".

The Court of Appeals therefore did not err in rendering a verdict of conviction against accused-appellant for Simple Rape and imposing the penalty of *reclusion perpetua* in accordance with Article 266-B, as amended by Republic Act No. 8353.

*People v. Bayya*<sup>13</sup> nonetheless ordained that relationship and minority in qualified rape partake of the nature of a special qualifying circumstance which has the effect of increasing the prescribed penalty by degrees. When either one of the said circumstances is omitted or lacking, that which is pleaded in the Information and proven by the evidence may be considered merely as a generic aggravating circumstance which shall entitle the victim to the award of exemplary damages.

*People v. Arcillas*<sup>14</sup> is in point:

The minority of AAA was sufficiently alleged in the information that stated that she was "a 13-year-old girl." The Prosecution established that her age when the rape was committed on May 12, 2000 was thirteen years and two months by presenting her birth certificate revealing her date of birth as March 15, 1987. As to her relationship with Arcillas, the information averred that he was "then the step-father of AAA." It turned out, however, that he was not her stepfather, being only the common-law husband of BBB. The RTC itself found that he and BBB were only "live-in partners." In addition, AAA's birth certificate disclosed that her father was CCC, who had been married to BBB, who was widowed upon the death of CCC in 1996. No evidence was adduced to establish that BBB and Arcilla legally married after CCC's death.

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<sup>11</sup> *People v. XXX*, G.R. No. 240441, December 4, 2019.

<sup>12</sup> *People v. XYZ*, G.R. No. 244255, August 26, 2020.

<sup>13</sup> 384 Phil. 519, 527-528 (2000).

<sup>14</sup> 692 Phil. 40, 52-54 (2012); citations omitted.

x x x x

x x x [T]he CA and the RTC should have recognized the entitlement of AAA to exemplary damages on account of the attendance of her minority and the common-law relationship between him and her mother. It did not matter that such qualifying circumstances were not taken into consideration in fixing his criminal liability, because the term aggravating circumstances as basis for awarding exemplary damages under the Civil Code was understood in its generic sense. As the Court well explained in *People v. Catubig*:

The term “aggravating circumstances” used by the Civil Code, the law not having specified otherwise, is to be understood in its broad or generic sense. The commission of an offense has a two-pronged effect, one on the public as it breaches the social order and the other upon the private victim as it causes personal sufferings, each of which is addressed by, respectively, the prescription of heavier punishment for the accused and by an award of additional damages to the victim. The increase of the penalty or a shift to a graver felony underscores the exacerbation of the offense by the attendance of aggravating circumstances, whether ordinary or qualifying, in its commission. Unlike the criminal liability which is basically a State concern, the award of damages, however, is likewise, if not primarily, intended for the offended party who suffers thereby. It would make little sense for an award of exemplary damages to be due the private offended party when the aggravating circumstance is ordinary but to be withheld when it is qualifying. Withal, the ordinary or qualifying nature of an aggravating circumstance is a distinction that should only be of consequence to the criminal, rather than to the civil, liability of the offender. In fine, relative to the civil aspect of the case, an aggravating circumstance, whether ordinary or qualifying, should entitle the offended party to an award of exemplary damages within the unbridled meaning of Article 2230<sup>[15]</sup> of the Civil Code.

Verily, the Court of Appeals here properly awarded the following amounts (a) ₱75,000.00 as civil indemnity; (b) ₱75,000.00 as moral damages; and (c) ₱75,000.00 as exemplary damages, in accordance with *People v. Jugueta*.<sup>16</sup> These amounts shall earn six percent (6%) interest *per annum* from finality of this resolution until fully paid.

**ACCORDINGLY**, the appeal is **DISMISSED** and the Decision dated June 14, 2018, **AFFIRMED**.

Accused-appellant XXX is found **GUILTY** of **SIMPLE RAPE** in Criminal Case No. 554-V-16 and Criminal Case No. 555-V-16. He is sentenced to *reclusion perpetua* for each count and ordered to pay ₱75,000.00 as civil indemnity; ₱75,000.00 as moral damages; and ₱75,000.00 as

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<sup>15</sup> ART. 2230. In criminal offenses, exemplary damages as a part of the civil liability may be imposed when the crime was committed with one or more aggravating circumstances. Such damages are separate and distinct from fines and shall be paid to the offended party.

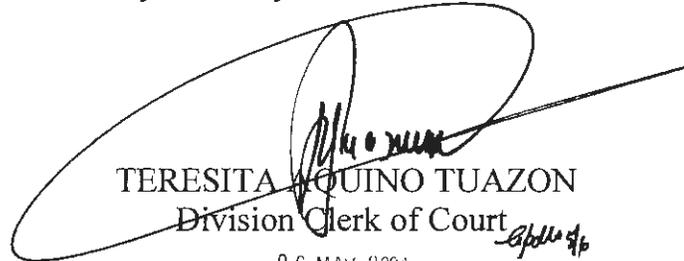
<sup>16</sup> 783 Phil. 806, 846 (2016).

exemplary damages, for each count.

These amounts shall earn six percent (6%) interest *per annum* from finality of this Resolution until fully paid.

**SO ORDERED.**" (Rosario, J., designated additional member per S.O. 2797 dated November 5, 2020)

By authority of the Court:



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 06 MAY 2021

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