



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated May 5, 2021 which reads as follows:

“G.R. No. 253660 – (*People of the Philippines v. XXX*¹)

This is an appeal from the July 1, 2020 Decision² of the Court of Appeals (CA) in CA-G.R. CR HC No. 13184. After a careful review of the allegations, issues, and arguments raised in this instant appeal, the Court hereby resolves to **DISMISS** the same for failing to show any reversible error on the part of the CA in finding XXX (*accused-appellant*) guilty of qualified rape.

With regard to the issue of the validity of the information filed, the State was able to submit proof that the investigating prosecutor who signed the information had authority to do so, on behalf of the city prosecutor. In any case, the CA correctly held that the defense failed to move to quash the information before arraignment. As such, pursuant to Rule 117, Section 9, in relation to Sec. 3 of the same rule, any objection to the information on such ground is deemed waived.³

Accused-appellant’s allegations on the substantive merits of the case are likewise lacking. The claims that he could not have committed the rape in a shanty where he might have been easily

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¹ Pursuant to the Court's ruling in *People v. Cabalquinto* (533 Phil. 703 [2006]), the real name of the private offended party and her immediate family members, including any other personal circumstance or information tending to establish or compromise the identity of said party, shall be withheld.

² *Rollo*, pp. 3-17; penned by Associate Justice Marlene B. Gonzales-Sison with Associate Justices Marie Christine Azcarraga-Jacob and Florencio Mallano Mamauag, Jr., concurring.

³ See also *Gomez v. People*, G.R. No. 216824, November 10, 2020.

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caught and that AAA⁴ could have shouted for help to alert people nearby deserve scant consideration. It is recognized that lust is no respecter of time and place; rape can thus be committed even in places where people congregate, in parks, along the roadside, within school premises, inside a house where there are other occupants, and even in the same room where other members of the family are also sleeping.⁵

Neither is there merit in the claim that AAA's credibility is tarnished by the delay in the reporting of the incident. Delay in revealing the commission of a crime such as rape does not necessarily render such charge unworthy of belief. Only when the delay is unreasonable or unexplained may it work to discredit the complainant.⁶ Considering the circumstances herein, particularly the tender age of the victim, We do not find the span of nine months from the time of the incident to the filing of criminal charges to be unreasonable.

As to the alleged lack of reaction from AAA's biological father, the same is purely speculative. The CA eloquently pointed out that it is "absurd to demand a certain standard of rational reaction from an irrational experience," and that "[i]mpassiveness and apathy from collateral people do not weaken a strong prosecution."⁷

The Court finds the contention that Dr. Lara Jessica G. Murao (*Dr. Murao*), the physician who examined AAA, was not a medico-legal officer, to be inconsequential. A medico-legal report is not indispensable to the prosecution of the rape case, it being merely corroborative in nature.⁸ Whether or not Dr. Murao is a medico-legal officer does not affect the credibility of her testimony as a medical professional, insofar as it corroborates AAA's testimony.

We find that the CA correctly affirmed the Regional Trial Court, Makati City, Branch 140 (*RTC*) in finding that the elements of rape under Article 266-A(1)(d) of the Revised Penal Code (*RPC*) were

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⁴ The true name of the victim has been replaced with fictitious initials in conformity with Amended Administrative Circular No. 83-2015 dated September 5, 2017 (*Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances*). The confidentiality of the identity of the victim is mandated by Republic Act (R.A.) No. 7610 (*Special Protection of Children Against Abuse, Exploitation and Discrimination Act*); R.A. No. 8505 (*Rape Victim Assistance and Protection Act of 1998*); R.A. No. 9208 (*Anti-Trafficking in Persons Act of 2003*); R.A. No. 9262 (*Anti-Violence Against Women and Their Children Act of 2004*); and R.A. No. 9344 (*Juvenile Justice and Welfare Act of 2006*).

⁵ *People v. Traigo*, 734 Phil. 726, 730 (2014).

⁶ *People v. AAA*, G.R. No. 248777, July 7, 2020.

⁷ *Rollo*, p. 13.

⁸ *People v. Fetalco*, G.R. No. 241249, July 28, 2020.

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proven. The elements of said offense being: (1) the offended party is under 12 years of age; and (2) the accused had carnal knowledge of the victim. It is enough that the age of the victim and the fact of sexual intercourse is proven.⁹ Both elements were sufficiently alleged in the information and proven during trial.

Furthermore, the prosecution was able to establish two additional qualifying and aggravating circumstances listed under Article 266-B of the RPC: the relationship of accused-appellant to the minor victim as her step-father, and the use of a deadly weapon by accused-appellant. Considering such elements were duly alleged and proven, the proper designation of the crime is Qualified Statutory Rape, which warrants the imposition of the penalty of death. However, by virtue of Republic Act No. 9346, the proper imposable penalty shall be *reclusion perpetua* without eligibility for parole.¹⁰

The RTC and the CA likewise correctly ordered accused-appellant to pay the appropriate amount of damages and civil indemnity in conformity with Our ruling in *People v. Jugueta*.¹¹

WHEREFORE, the petition is hereby **DISMISSED**. The Decision of the Court of Appeals in CA-G.R. CR HC No. 13184, promulgated on July 1, 2020, is hereby **AFFIRMED**.

Accused-appellant XXX is found **GUILTY** of Qualified Statutory Rape and is hereby **SENTENCED** to suffer the penalty of *reclusion perpetua* without eligibility for parole. Accused-appellant is **ORDERED** to **PAY** the victim ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages. All awards shall earn interest at the rate of six percent (6%) *per annum* from finality of the Resolution, until fully paid.

The Office of the Solicitor General's manifestation and motion (re: supplemental brief), pursuant to the Resolution dated November 23, 2020, stating that it is not filing a supplemental brief as the brief for the appellee filed before the Court of Appeals had sufficiently addressed the issues and arguments raised by the accused-appellant; the accused-appellant's manifestation (in lieu of supplemental brief), pursuant to the Resolution dated November 23, 2020, stating that the brief for the accused-appellant filed before the Court of Appeals is hereby adopted as his supplemental brief; and the letter dated January 21, 2021 of CTCInsp. Albert C. Manalo, LLB, Officer-in-

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⁹ *People v. Gutierrez*, 731 Phil. 352, 357 (2014).

¹⁰ *People v. XXX*, G.R. No. 248370, October 14, 2020 (Resolution).

¹¹ 783 Phil. 806 (2016).

Charge, Inmate Documents and Processing Division, Bureau of Corrections, Muntinlupa City, in compliance with the Resolution dated November 23, 2020, informing the Court that the accused-appellant was received for confinement in their institution on August 12, 2019, are all **NOTED**.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court
8/19

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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The Solicitor General
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1229 Makati City

Court of Appeals (x)
Manila
(CA-G.R. CR HC No. 13184)

The Hon. Presiding Judge
Regional Trial Court, Branch 140
1200 Makati City
(Crim. Case No. R-MKT-19-00103-CR)

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