

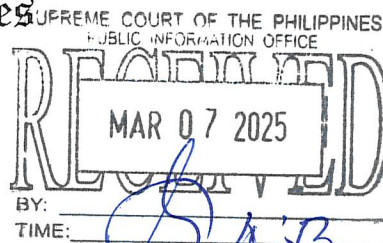


Republic of the Philippines

Supreme Court

Manila

SECOND DIVISION



PEOPLE OF THE PHILIPPINES,

Plaintiff-appellee,

G.R. No. 268654

Present:

LEONEN, *SAJ*, Chairperson,

LAZARO-JAVIER,

LOPEZ, M.,

LOPEZ, J., and

KHO, JR., *JJ*.

-versus-

Promulgated:

XXX,*

Accused-appellant.

JUN 10 2024

X-----X

DECISION

LOPEZ, J., *J*:

This Court resolves the Appeal¹ filed by accused-appellant XXX assailing the Decision² of the Court of Appeals (CA), which affirmed with modification the Joint Decision³ of the Regional Trial Court (RTC) that found him guilty beyond reasonable doubt of three counts of qualified rape.⁴

* In line with the Amended Administrative Circular No. 83-2015, as mandated by Republic Act No. 7610, the names of the private offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

¹ Rollo, pp. 3-5; CA rollo, pp. 143-145.

² *Id.* at 8-24; *id.* at 113-129. The March 8, 2023 Decision in CA-G.R. CR-HC No. 15409 was penned by Associate Justice Gabriel T. Robeniol and concurred in by Associate Justices Ramon R. Garcia and Michael P. Ong of the Sixth Division, Court of Appeals, Manila.

³ RTC Records (Criminal Case No. 7465), pp. 76-90. The February 18, 2021 Joint Decision in CRIM. CASE Nos. 7465 to 7467 was penned by Acting Presiding Judge Jose Demosthenes M. Salgado of Branch 12, Regional Trial Court, [REDACTED].

⁴ 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, the Anti-Rape Law of 1997.

Facts

In three separate Informations, XXX was charged with three counts of qualified rape committed against his 11-year-old daughter, AAA. The accusatory portions of the Informations state:

Criminal Case No. 7465

That on November 23, 2014, at around 12:00 o'clock midnight at [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd and unchaste design, by means of force, intimidation, and taking advantage of his moral ascendancy being the father of [AAA], **an 11 year old child** [sic] willfully, unlawfully, and feloniously have carnal knowledge with the latter, against her will and consent, such act of herein accused being prejudicial to her emotional development as a child, to her damage and prejudice.

ACTS CONTRARY TO LAW.⁵ (Emphasis in the original)

Criminal Case No. 7466

That on December 29, 2013 at around 12:00 o'clock midnight at [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd and unchaste design, by means of force, intimidation, and taking advantage of his moral ascendancy being the father of [AAA], **a 10 year old child**, [sic] willfully, unlawfully, and feloniously have carnal knowledge with the latter, against her will and consent, such act of herein accused being prejudicial to her emotional development as a child, to her damage and prejudice.

ACTS CONTRARY TO LAW.⁶ (Emphasis in the original)

Criminal Case No. 7467

That sometime on October 2013 at around 12:00 o'clock midnight at [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd and unchaste design, by means of force, intimidation, and taking advantage of his moral ascendancy being the father of [AAA], **a 10 year old child**, [sic] willfully, unlawfully, and feloniously have carnal knowledge with the latter, against her will and consent, such act of herein accused being prejudicial to her emotional development as a child, to her damage and prejudice.

ACTS CONTRARY TO LAW.⁷ (Emphasis in the original)

⁵ RTC Records (Criminal Case No. 7465), p. 1.

⁶ RTC Records (Criminal Case No. 7466), p. 1.

⁷ RTC Records (Criminal Case No. 7467), p. 1.

When arraigned, XXX pleaded “not guilty” to all the charges.⁸ Subsequently, the pretrial of the case proceeded. Following its conclusion, trial on the merits ensued.⁹

The prosecution presented the victim, AAA, as its lone witness. She testified that her father, XXX, raped her on three separate occasions.¹⁰ The first incident happened on October 2013 when she was only 9 years old. At around midnight on even date, AAA was roused from her sleep when she felt someone get on top of her. To her surprise, she saw her father, XXX, when she woke up.¹¹

XXX stripped off AAA’s shorts and underwear. Afterwards, he undressed himself, mashed AAA’s breasts, and kissed and licked her vagina.¹² AAA resisted but she was unable to ward off her father’s advances. Despite AAA’s resistance, XXX managed to insert his penis into her vagina. AAA wept in pain.¹³

AAA suffered the same fate on December 29, 2013 when she was already 10 years old. In her words, “*iniwag ako*,” which meant that her father, XXX, inserted his penis into her vagina. After satisfying his lust, XXX forbade her from disclosing the incident to anybody.¹⁴

On November 23, 2014, AAA, then 11 years old, had to relive the same ordeal. She recalled that XXX laid beside her around midnight. He made sexual advances to her, which she tried to evade by moving around the house. XXX eventually caught up with AAA, cornered her, and forced himself on her again.¹⁵

One day, AAA’s mother, BBB, who was then working in [REDACTED], found out about AAA’s situation and immediately went home.¹⁶ AAA confessed to her mother.¹⁷ Subsequently, BBB assisted AAA in the filing of the criminal complaint against XXX.¹⁸

Dr. Arnel Tuanqui Borja (Dr. Borja), the Rural Health Physician, examined AAA and issued a Medico-Legal Certificate,¹⁹ where he observed

⁸ RTC Records (Criminal Case No. 7466), p. 27.

⁹ *Rollo*, p. 9; *CA rollo*, p. 114.

¹⁰ *CA rollo*, pp. 114–115.

¹¹ *Id.* at 114.

¹² *Id.* at 114–115.

¹³ *Id.* at 115.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ RTC Records (Criminal Case No. 7466), p. 46.

¹⁷ *CA rollo*, p. 115.

¹⁸ RTC Records (Criminal Case No. 7466), p. 46.

¹⁹ RTC Records (Criminal Case No. 7465), p. 11.

that the victim had a “non[-]intact hymen” and “healed hymenal laceration noted along 7 o’clock side.”²⁰

The prosecution also presented AAA’s birth certificate,²¹ which showed that she was born on November 22, 2003. Hence, she was only 9 to 11 years old when the incidents happened in 2013 and 2014, respectively. More, the birth certificate also established AAA’s relationship to XXX as his daughter.²²

Maintaining his innocence, XXX testified for the defense.²³ He claimed that in October 2013, he woke up AAA only to give her food. Meanwhile, the incidents on December 29, 2013 and November 23, 2014 could not have happened since AAA and her siblings slept beside their grandfather, while he slept on a bench.²⁴

After trial, the RTC rendered a Joint Decision,²⁵ which convicted XXX of three counts of qualified rape. The RTC gave more credence to AAA’s testimony, who was a child witness, rather than to XXX’s denial. The dispositive portion of the RTC Decision reads:

WHEREFORE, premises considered, judgment is hereby rendered, finding accused [XXX], **GUILTY as charged in Criminal Case Nos. 7465, 7466[,] and 7467**, and is hereby sentenced to suffer the penalty of *Reclusion Perpetua, for each case*, and to pay the victim “AAA”, the amount of (ONE HUNDRED THOUSAND PESOS (P[HP] 100,000.00) as civil indemnity, ONE HUNDRED THOUSAND PESOS (P[HP] 100,000.00) as moral damages and ONE HUNDRED THOUSAND PESOS (P[HP]100,000.00) as exemplary damages, with an interest rate of 6% per annum upon the finality of the decision until fully paid.

SO ORDERED.²⁶ (Emphasis in the original)

Undeterred, XXX appealed to the CA.²⁷

The CA rendered a Decision,²⁸ which affirmed with modification XXX’s conviction. The CA opined that XXX committed qualified statutory rape since AAA was below 12 years old and the circumstances of her

²⁰ *Id.*

²¹ *Id.* at 12.

²² *Id.*

²³ CA rollo, p. 115.

²⁴ *Id.* at 115–116.

²⁵ RTC Records (Criminal Case No. 7465), pp. 76–90.

²⁶ *Id.* at 89.

²⁷ *Id.* at 91.

²⁸ Rollo, pp. 8–24; CA rollo, pp. 113–129.

minority and relationship to XXX were duly established.²⁹ The dispositive portion of the CA Decision states:

WHEREFORE, the *appeal* is **DENIED**. The February 18, 2021 *Joint Decision* of the Regional Trial Court of [REDACTED], Branch 12, in Criminal Case Nos. 7465, 7466, and 7467, is **AFFIRMED with MODIFICATIONS**. As modified, the dispositive portion of the RTC's *Joint Decision* shall read as follows:

“WHEREFORE, premises considered, judgment is hereby rendered, finding accused XXX, GUILTY of three (3) counts of Qualified Statutory Rape in Criminal Case Nos. 7465, 7466, and 7467, and is hereby sentenced to suffer the penalty of *Reclusion Perpetua* for each case, without eligibility for parole, and to pay the victim ‘AAA,’ the amount of ONE HUNDRED THOUSAND PESOS (P[HP] 100,000.00) as civil indemnity, ONE HUNDRED THOUSAND PESOS (P[HP] 100,000.00) as moral damages[,] and ONE HUNDRED THOUSAND PESOS (P[HP] 100,000.00) as exemplary damages, with an interest rate of 6% per annum upon the finality of the decision until fully paid.” (Amendments underlined)

SO ORDERED.³⁰ (Emphasis in the original)

Hence, XXX filed the present Appeal.³¹

Issue

Whether the CA erred in convicting accused-appellant XXX of three counts of qualified statutory rape in Criminal Case Nos. 7465, 7466, and 7467.

This Court's Ruling

The appeal lacks merit. This Court, nonetheless, modifies the proper designation of the crimes committed and the amounts of civil indemnity and damages, as will be discussed below.

The prosecution proved all the elements of qualified rape of a minor

Article 266-A, paragraph 1 of the Revised Penal Code (RPC), as amended by Republic Act No. 8353, defines and penalizes rape through

²⁹ CA rollo, p. 126.

³⁰ *Id.* at 128.

³¹ Rollo, pp. 3–5; CA rollo, pp. 143–145.

sexual intercourse, which is committed when a man has 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.³²

Under Article 266-A, paragraph 1(d) of the RPC, as amended, when the victim is under 12 years of age, the crime committed is always statutory rape. At such a tender age, the law conclusively presumes that “the victim does not possess discernment and is incapable of giving intelligent consent to the sexual act.”³³

Significantly, Congress enacted Republic Act No. 11648³⁴ which took effect on March 22, 2022.³⁵ Republic Act No. 11648 increased the age for determining the commission of statutory rape and other sexual acts, from 12 years old to 16 years old.³⁶ The intention of the law is “to provide for stronger protection against rape and sexual exploitation and abuse, by raising the age of consent to 16 years old.”³⁷

Here, the crimes against AAA were committed in 2013 and 2014, when the law in force was Article 266-A, paragraph 1(d) of the RPC, as amended by Republic Act No. 8353. Article 22³⁸ of the RPC highlights the prospectivity of our penal laws unless they are favorable to the accused. Consequently, this Court shall resolve the case in line with Article 266-A, paragraph 1(d), as amended by Republic Act No. 8353, which sets the age requirement of the victim in statutory rape to under 12 years old, because it was the law prevailing during the material period.

³² REV. PEN. CODE, art. 266-A, par. 1, as amended by Republic Act No. 8353 (1997).

³³ *People v. Medina*, 788 Phil. 115, 122 (2016) [Per J. Perez, Third Division].

³⁴ 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.”

³⁵ *People v. Dalaguet*, G.R. No. 249414, July 27, 2022 [Per J. J. Lopez, Second Division] at 28. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

³⁶ Republic Act No. 11648, sec. 1.

³⁷ *People v. Dalaguet*, G.R. No. 249414, July 27, 2022 [Per J. J. Lopez, Second Division] at 32. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

³⁸ REV. PEN. CODE, art. 22 states:

Article 22. *Retroactive Effect of Penal Laws*. — Penal laws shall have a retroactive effect in so far as they favor the person guilty of a felony, who is not a habitual criminal, as this term is defined in rule 5 of article 62 of this Code, although at the time of the publication of such laws a final sentence has been pronounced and the convict is serving the same.

To convict the offender of statutory rape, the prosecution should prove: (1) the age of the victim; (2) the identity of the offender; and (3) the sexual intercourse between the offender and the victim.³⁹ Indeed, the relevant considerations are the age of the woman and whether carnal knowledge took place.⁴⁰

In addition, rape is qualified when the victim is a minor and the offender is a parent, ascendant, stepparent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim.⁴¹ In such case of qualified rape, “moral ascendancy or influence supplants the element of violence or intimidation.”⁴²

Notably, in the landmark case of *People v. ABC260708*,⁴³ this Court categorically ruled that when the elements of both statutory rape, such as when the victim is below the statutory age, and qualified rape, like when the twin circumstances of minority and relationship are present, the crime shall be denominated as qualified rape and not qualified statutory rape.⁴⁴ In *ABC260708*, this Court explained that “it is a fundamental rule in criminal law that aggravating circumstances cannot be appreciated more than once since it will be prejudicial to the accused.”⁴⁵ Consequently, “once a circumstance is used to qualify the crime, the same could no longer be considered anew as an aggravating circumstance.”⁴⁶ With this in mind, the victim being below the statutory age cannot be appreciated as an inherent and special qualifying aggravating circumstance at the same time.⁴⁷

In *ABC260708*, this Court summarized the new guidelines in the proper designation of the crime, in this manner:

For clarity and uniformity, the Court now fixes the guidelines as to the proper designation of the offense when the elements of both statutory rape, i.e., *victim is below the statutory age or is suffering from mental retardation comparable to the intellectual capacity of a child below the statutory age*, and qualified rape, i.e., *twin circumstances of minority and relationship, or the accused’s knowledge of the mental disability of the victim at the time of the commission of rape, or the age of the victim being below 7 years old*, are present, thus:

1. The crime shall be denominated as **QUALIFIED RAPE of a minor** and not qualified statutory rape if any of the special qualifying aggravating circumstances is present,

³⁹ *People v. Medina*, 788 Phil. 115, 122 (2016) [Per J. Perez, Third Division]. (Citation omitted)

⁴⁰ *People v. HHH*, 879 Phil. 773, 797 (2020) [Per J. Carandang, Third Division]. (Citation omitted)

⁴¹ REV. PEN. CODE, art. 266-B, par. 1.

⁴² *People v. Buclao*, 736 Phil. 325, 338 (2014) [Per J. Leonen, Third Division]. (Citation omitted)

⁴³ G.R. No. 260708, January 23, 2024 [Per J. M. Lopez, *En Banc*].

⁴⁴ *Id.* at 26–27. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citation omitted)

⁴⁵ *Id.* at 25.

⁴⁶ *Id.*

⁴⁷ *Id.*

i.e., twin circumstances of minority and relationship, or the age of the victim being below 7 years old, or the accused's knowledge of the mental disability of the victim at the time of the commission of rape. This rule shall apply whether the victim is below the statutory age or is suffering from mental retardation comparable to the intellectual capacity of a child below the statutory age.

2. The crime shall be denominated as **QUALIFIED RAPE of a minor** and not qualified statutory rape if the crime is attended with two or more special qualifying aggravating circumstances, *i.e., twin circumstances of minority and relationship, or the age of the victim being below 7 years old, or the accused's knowledge of the mental disability of the victim at the time of the commission of rape.* One of these aggravating circumstances is sufficient to qualify the crime. The unutilized special qualifying aggravating circumstances will be deemed as generic aggravating circumstances which may be appreciated if the facts warrant the imposition of a divisible penalty, *i.e., existence of privileged mitigating circumstances under Article 69 of the RPC, and penalties in cases of frustrated and attempted felonies, and for accomplices and accessories pursuant to Articles 50 to 57 of the RPC.* Otherwise, any unutilized aggravating circumstances shall not be considered in the application of penalties.

3. The term “statutory age” in these guidelines shall mean either “below 12 years old” or “under 16 years old” depending on whether the crime of rape was committed before or after the effectivity of Republic Act No. 11648, respectively.⁴⁸ (Emphasis in the original)

Suffice it is to say, “the term qualified statutory rape is not consistent with the basic precepts of criminal law in defining and treating the nature of crimes, and [this Court] abandons the set of case law adopting such nomenclature.”⁴⁹

In the present case, XXX was convicted for having carnal knowledge of his daughter, AAA, on three separate occasions.⁵⁰

In rape through sexual intercourse, “[c]arnal knowledge has been defined as the act of a man having sexual bodily connections with a woman; sexual intercourse. Carnal knowledge requires the penetration of the female sexual organ by the male’s sexual organ.”⁵¹ Jurisprudence underscores that “even the slightest penetration of victim’s genitals—*i.e.*, the ‘touching’ by

⁴⁸ *Id.* at 27.

⁴⁹ *Id.* at 26.

⁵⁰ CA rollo, p. 128.

⁵¹ *People v. Dalaguet*, G.R. No. 249414, July 27, 2022 [Per J. J. Lopez, Second Division] at 12. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citations omitted)

the penis of the vagina's *labia*—already satisfies the element of carnal knowledge.”⁵²

To prove the element of carnal knowledge, the prosecution presented the following pieces of evidence: 1) the testimony of the victim, AAA⁵³ and 2) the Medico-Legal Certificate issued by Dr. Borja after he examined AAA and observed that she had a “non[-]intact hymen” and “healed hymenal laceration noted along 7 o’clock side.”⁵⁴

During AAA’s direct testimony, she testified that her father, XXX, raped her on the following occasions:

Q: And when I said October 2013, I am referring to midnight, could you still recall that?

A: Yes, sir, I can remember.

....

Q: Now [AAA], you said in your Affidavit that in the midnight, sometime in October 2013, you smelled your father[,] or your father went beside you in the bed and you smelled liquor from him, will you please confirm that?

A: Yes, sir.

Q: And according again to your Affidavit, he removed your shorts and your panty and kissed your vagina and licked and mashed your breasts, will you please confirm that?

A: That is correct, sir.

Q: And that was also the time that he removed his worn clothes, will you please confirm that[, AAA]?

A: Yes, sir.

....

PROS. REBUENO:

Q: And that was the time [AAA] that you were sexually molested?

WITNESS:

A: Yes, sir.

Q: And when you say that you were sexually molested that was also the time that he was able to insert his penis into your vagina?

A: Yes, sir.

Q: And what did you do when he was able to insert his penis into your vagina?

⁵² *Id.* (Citation omitted)

⁵³ TSN, AAA, October 22, 2020, pp. 9–35.

⁵⁴ RTC Records (Criminal Case No. 7465), p. 11.

A: I was pushing him away.

Q: You were pushing him because it was painful and you do not want what was being done to you, will you please confirm that?

A: Yes, sir.

Q: Now, did you not shout at that night?

A: I did not. I was crying.

Q: Why did you not shout?

A: Because I do not know what to do, sir.

....

Q: Now [AAA] on December 29, 2013[,] at around midnight again, you were again at your house in [REDACTED] Albay, will you please confirm that?

A: Yes, sir.

....

Q: And could you tell this Honorable Court what untoward incident that happened that night[,] December 29, 2013[,] at around midnight?

A: Yes, sir.

....

Q: And when your father went near you or rather beside you, what did he do to you?

....

INTERPRETER:

The witness said "*iniwag ako*" meaning he touched me.

....

PROS. REBUENO:

Q: And when you said "*iniwag ako*[,] " what do you mean by that?

WITNESS:

A: He molested me.

Q: And when you said again you were molested, what do you mean by that?

A: He repeated what he did to me.

Q: To set things straight [AAA], your father again inserted his penis into your vagina, will you please confirm that?

A: That is correct, sir.⁵⁵

⁵⁵ TSN, AAA, October 22, 2020, pp. 9-17.

....

COURT:

Okay, question from the Court.

....

Q: That is why [AAA], the last incident November 23, 2014, what did your father do to you?

A: “*Iniwag ako[.]*”]

Q: And when you say “*iniwag ako[.]*” what do you mean by that?

A: He inserted his penis.

Q: And he was able to insert his penis after he was running after you or going after you, will you please confirm?

A: He followed me everywhere I go inside the house and when he caught me, he was able to insert his penis into my vagina.⁵⁶

In the review of rape cases, the credibility of the complainant is important,⁵⁷ such that “the testimony of the rape survivor alone, if credible, is sufficient to convict the accused of the crime.”⁵⁸

Along this line, the ruling of this Court in *People v. YYY*,⁵⁹ lends guidance:

A rape victim—especially one of tender age—would not normally concoct a story of defloration, allow an examination of her private parts and thereafter permit herself to be subjected to a public trial, if she is not motivated solely by the desire to have the culprit apprehended and punished. Thus, when a woman—more so if she is a minor—says that she has been raped, she says in effect all that is necessary to show that rape was committed. And as long as the testimony meets the test of credibility, the accused may be convicted on that basis alone.⁶⁰ (Citations omitted)

Indeed, “the testimony of a young rape victim is given full weight and credence considering that her denunciation against him for rape would necessarily expose herself and her family to shame and perhaps ridicule.”⁶¹ Likewise, it is inconceivable how a girl of tender years, unaccustomed to the ways of the world; would be able to describe in detail such harrowing experience, if what she claims to be were not true. In *People v. Buclao*,⁶² this

⁵⁶ *Id.* at 26.

⁵⁷ *People v. XXX*, G.R. No. 257276, February 28, 2022 [Per J. Hernando, Second Division] at 6. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citation omitted)

⁵⁸ *People v. Dalaguet*, G.R. No. 249414, July 27, 2022 [Per J. Lopez, J., Second Division] at 11. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citation omitted)

⁵⁹ 839 Phil. 1147 (2018) [Per J. Gésmundo, Third Division].

⁶⁰ *Id.* at 1165.

⁶¹ *People v. Gallano*, 755 Phil. 120, 130 (2015) [Per J. Bersamin, First Division]. (Citation omitted)

⁶² 736 Phil. 325 (2014) [Per J. Leonen, Third Division].

9

Court aptly held that “[n]ot even the most ungrateful and resentful daughter would push her own father to the wall as the fall guy in any crime unless the accusation against him is true.”⁶³

In prosecuting the offender for rape, “[w]hat 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 did it to her.”⁶⁴

At this juncture, the RTC found AAA’s testimony to be spontaneous and straightforward.⁶⁵ Time and again, this Court has held that the trial court’s assessment of the witnesses’ testimonies is accorded great respect on appeal because of its unique position which allows it to observe the witnesses’ deportment on the stand while testifying an opportunity, which is denied to the appellate courts.⁶⁶ Consequently, when no significant facts and circumstances are shown to have been overlooked or disregarded, the reviewing court is generally bound by the trial court’s assessment and conclusion. “The rule is even more strictly applied if the appellate court has concurred with the trial court as in this case.”⁶⁷

More, Dr. Borja’s medical findings as reflected in his Medico-Legal Certificate,⁶⁸ which indicated that the victim had a “non[-]intact hymen” and “healed hymenal laceration noted along 7 o’clock side,”⁶⁹ corroborated AAA’s testimony.

Hymenal laceration, whether healed or fresh, is “the best physical evidence of forcible defloration.”⁷⁰ In *People v. BBB*,⁷¹ this Court held that, “[w]hen the testimony of a rape victim [is] consistent with the medical findings, there is sufficient basis to conclude that there has been carnal knowledge.”⁷² Indeed, “[p]hysical evidence is evidence of the highest order. It speaks more eloquently than a hundred witnesses.”⁷³

Meanwhile, XXX contends that the incidents could not have happened since AAA was in the company of her grandfather and siblings at home during those times.⁷⁴

⁶³ *Id.* at 338–339. (Citation omitted)

⁶⁴ *People v. [REDACTED]*, 857 Phil. 202, 214–215 (2019) [Per J. Lazaro-Javier, Second Division]. (Citation omitted)

⁶⁵ RTC Records (Criminal Case No. 7465), p. 84.

⁶⁶ *People v. Alberca*, 810 Phil. 896, 906 (2017) [Per J. Tijam, Third Division]. (Citation omitted)

⁶⁷ *Id.*

⁶⁸ RTC Records (Criminal Case No. 7465), p. 11.

⁶⁹ *Id.*

⁷⁰ *People v. BBB*, G.R. No. 249260, May 5, 2021 [Per J. Inting, Third Division]. (Citation omitted)

⁷¹ *Id.*

⁷² *Id.*

⁷³ *People v. Rupal*, 834 Phil. 594, 612 (2018) [Per J. Martires, Third Division]. (Citation omitted)

⁷⁴ *CA rollo*, pp. 115–116.

This Court remains unswayed.

In *People v. Regaspi*,⁷⁵ this Court underscored that “[r]ape cases, however, are not always committed in seclusion. It is settled that lust is no respecter of time or place, and rape defies constraints of time and space.”⁷⁶ Consequently, in *People v. Siscar*,⁷⁷ this Court “has consistently recognized that rape may be committed even in places where people congregate, in parks, along roadside, within school premises, inside an occupied house, and even where other members of the family are sleeping.”⁷⁸

With this in mind, this Court is not convinced with XXX’s denial, since it is inherently a weak defense.⁷⁹ The mere denial of the offender, without presenting any supporting evidence, can hardly overcome the positive declaration of the victim, especially that of a child-victim, regarding the identity of the offender and his involvement in the crimes.⁸⁰

It is also well to note that XXX did not even prove that he was at some other place and it was physically impossible for him to be at the scene of the crime or within its immediate vicinity at the time of its commission. “For the defense of alibi to prosper, the accused must prove that he was at some other place at the time of the commission of the crime and it was physically impossible for him to be at the *locus delicti* or within its immediate vicinity.”⁸¹ Lamentably, XXX even admitted during his direct testimony that he was staying with his children, including AAA, in one house when the incidents occurred.⁸² Hence, AAA’s positive testimony prevails over his denial.

To prove that AAA was below the statutory age, the prosecution presented her birth certificate,⁸³ which showed that she was born on November 22, 2003. Hence, she was only 9 to 11 years old, when XXX defiled her in 2013 and 2014, respectively. Likewise, the birth certificate also established AAA’s relationship to XXX as his daughter.⁸⁴

⁷⁵ 768 Phil. 593 (2015) [Per J. Peralta, Third Division].

⁷⁶ *Id.* at 599. (Citation omitted)

⁷⁷ 852 Phil. 355 (2019) [Per J. Lazaro-Javier, Second Division].

⁷⁸ *Id.* at 368. (Citation omitted)

⁷⁹ *People v. Conti*, G.R. No. 260704, February 27, 2023 [Per J. Singh, Third Division] at 7. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citation omitted)

⁸⁰ *People v. BBB*, G.R. No. 249260, May 5, 2021 [Per J. Inting, Third Division].

⁸¹ *People v. Conti*, G.R. No. 260704, February 27, 2023 [Per J. Singh, Third Division] at 7. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citation omitted)

⁸² TSN, XXX, October 29, 2020, p. 15.

⁸³ RTC Records (Criminal Case No. 7465), p. 12.

⁸⁴ *Id.*

All told, the prosecution proved beyond reasonable doubt that XXX had carnal knowledge of his minor daughter on three separate occasions, which makes him liable for three counts of qualified rape of a minor.

Penalties and damages

Article 266-A, paragraph 1(d) of the RPC, as amended, imposes the penalty of *reclusion perpetua* against the offender who commits statutory rape, unless its commission was attended by any of the qualifying circumstances enumerated under Article 266-B of the same law.⁸⁵ One of these qualifying circumstances is when the victim is a minor 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,⁸⁶ such as in this case.

When rape is qualified, the imposable penalty is death. However, since the death penalty cannot be imposed in view of Republic Act No. 9346,⁸⁷ the sentence shall be reduced to *reclusion perpetua* without eligibility for parole.⁸⁸

Certainly, “[t]here are not enough words to condemn the depravity that one adult can do to a child-victim,”⁸⁹ let alone of a father who abuses his own daughter. “To protect one’s daughter is one of the noblest roles of a father. A father who defies this role is afflicted with a dysfunctional character that borders on moral depravity.”⁹⁰ As aptly held by this Court in *Buclao*:

A father is supposed to be a daughter’s role model of a man. He is there to protect and comfort her. With the mother, a father’s love will be every daughter’s assurance that however harsh the world turns out to be, he will be there for her. Fathers should inspire courage and trust within their daughters.

That a father abuses this trust to gratify his selfish carnal desires is a dastardly act. It defiles not only his daughter’s person. It extinguishes all hope the daughter may have of the value of family. It skews her understanding of the honor that may be inherent in all men.

This court will never countenance such repugnant acts.⁹¹

⁸⁵ *People v. Medina*, 788 Phil. 115, 124 (2016) [Per J. Perez, Third Division].

⁸⁶ REV. PEN. CODE, art. 266-B, par. 1

⁸⁷ An Act Prohibiting the Imposition of Death Penalty in the Philippines.

⁸⁸ *People v. Medina*, 788 Phil. 115, 124–125 (2016) [Per J. Perez, Third Division]. (Citation omitted)

⁸⁹ *People v. Gutierrez*, 731 Phil. 353, 362 (2014) [Per J. Leonen, Third Division].

⁹⁰ *People v. Buclao*, 736 Phil. 325, 328 (2014) [Per J. Leonen, Third Division].

⁹¹ *Id.* at 340.

Indubitably, “[e]ven if this breach of trust deserves the highest penalties in our legal order; it will never compensate for the daughter’s deepest scars and sorrows.”⁹² Impelled by this reason, in the landmark case of *ABC260708*, this Court increased the awards of civil indemnity, moral damages, and exemplary damages awarded to the minor victim from PHP 100,000.00 to PHP 150,000.00 each. “The purpose is to deter parents with perverse or aberrant sexual behavior from sexually abusing their children.”⁹³ More, when the minor involved is below 12 years old and relationship qualifies the crime of rape, or when the victim is below 7 years old, the increased amount of damages must be applied.

Given the heinous nature of the crime which XXX committed against his own daughter AAA, this Court modifies the awards of civil indemnity, moral damages, and exemplary damages from PHP 100,000.00 to PHP 150,000.00 each, to conform with prevailing jurisprudence.⁹⁴

Finally, interest at the rate of 6% is imposed on all monetary awards from the date of finality of this Decision until fully paid.

ACCORDINGLY, the Appeal is **DENIED**. The March 8, 2023 Decision of the Court of Appeals in CA-G.R. CR-HC No. 15409 is **AFFIRMED with MODIFICATIONS** as to the proper designation of the crimes and the amounts of civil indemnity and damages.

Accused-appellant XXX is found **GUILTY** beyond reasonable doubt of three counts of qualified rape of a minor in Criminal Case Nos. 7465, 7466, and 7467. He is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole, in each case. He is also **ORDERED to PAY** AAA in each case the following amounts: (1) PHP 150,000.00 as civil indemnity; (2) PHP 150,000.00 as moral damages; and (3) PHP 150,000.00 as exemplary damages.

All monetary awards shall earn legal interest at the rate of 6% per annum from the finality of this Decision until full payment.

SO ORDERED.


JHOSEPH M. LOPEZ
Associate Justice

⁹² *Id.* at 328.

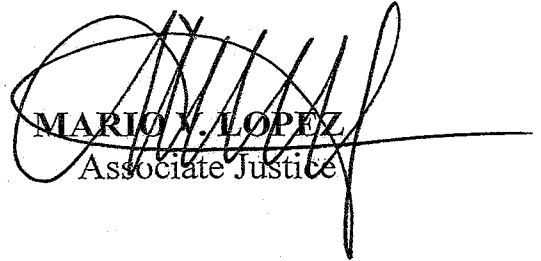
⁹³ *People v. ABC260708*, G.R. No. 260708, January 23, 2024 [Per J. M. Lopez, *En Banc*] at 26. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citation omitted)

⁹⁴ *Id.* at 29.

WE CONCUR:


MARVIC M.V.F. LEONEN
Senior Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


MARIO V. LOPEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice

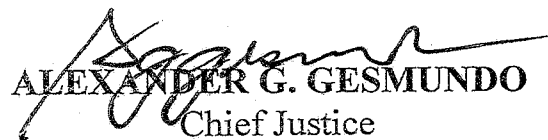
ATTESTATION

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, Second Division

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