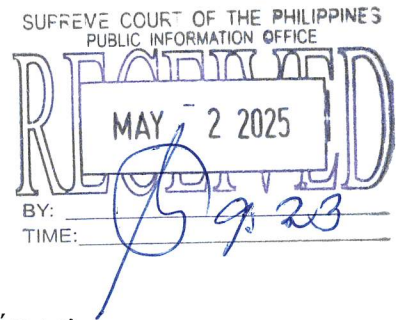




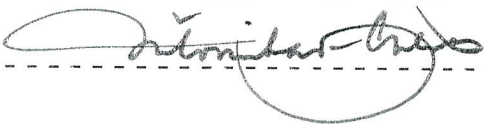
Republic of the Philippines
Supreme Court
Manila
EN BANC

PEOPLE OF THE G.R. No. 254878
PHILIPPINES, Plaintiff-appellee, Present:

- versus -

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,*
LAZARO-JAVIER,**
INTING,
ZALAMEDA,***
LOPEZ, M.,
GAERLAN,
ROSARIO,****
LOPEZ, J.
MARQUEZ,
DIMAAMPAO,
KHO, JR., and
SINGH, JJ.

BBB254878,*****
Accused-appellant.

Promulgated:
October 22, 2024


X-----X

* On official business.
** On official leave.
*** On leave.
**** On official leave
***** The identity of the victim or any information to establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. (RA) 8505, entitled "Rape Victim Assistance and Protection Act of 1998," approved on February 13, 1998; and 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.

M

DECISION**INTING, J.:**

Before the Court is an Appeal¹ from the Decision² dated July 7, 2020, of the Court of Appeals (CA) in CA-G.R. CEB CR-HC No. 03014. The CA affirmed, with modification as to the damages, the Decision³ dated May 7, 2018 of Branch ■ Regional Trial Court, ■ City, Eastern Samar (RTC), in Criminal Case No. 12541 that found BBB254878 (accused-appellant) guilty beyond reasonable doubt of the crime of Qualified Statutory Rape.

The Antecedents

Accused-appellant was charged with Statutory Rape in relation to Republic Act No. 7610 in an Information⁴ dated April 17, 2013. The Information reads as follows:

The undersigned hereby accuses [accused-appellant] of Bgy. ■ City, Eastern Samar of the crime of Statutory Rape, committed as follows:

That sometimes (sic) [in] September, 2010 in the evening at Bgy. ■ City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused with lewd design, did then and there [willfully], unlawfully and feloniously have carnal knowledge with [AAA], a minor being 8 years old only and his own [niece], against her will and consent, to the damage and prejudice of the herein victim.

CONTRARY TO LAW.⁵

Upon arraignment, accused-appellant entered a plea of “not guilty” to the charge.⁶

Trial on the merits ensued.⁷

¹ CA rollo, pp. 98–100.

² *Id.* at 80–97. Penned by Associate Justice Gabriel T. Ingles and concurred in by Associate Justices Pamela Ann Abella Maxino and Marilyn B. Lagura-Yap of the Special Eighteenth Division, Court of Appeals, Cebu City.

³ *Id.* at 39–46. Penned by Presiding Judge Nathaniel E. Baldono.

⁴ RTC records, vol. 1, pp. 2–3.

⁵ *Id.* at 2.

⁶ CA rollo, p. 81.

⁷ *Id.*

Version of the Prosecution

AAA positively identified her maternal uncle, herein accused-appellant, in open court as the person who sexually abused her. She narrated that sometime in September 2010, when she was 8 years old, she and CCC, her mother, went to [REDACTED], Eastern Samar, to visit her maternal grandmother. On that night, while having dinner at the house of her maternal grandfather, accused-appellant stretched his left foot and inserted his toe into her vagina. When her grandfather left the house, accused-appellant dragged her to a hut, undressed her, and inserted his penis into her vagina three times. After satisfying his lust, accused-appellant warned AAA that her parents would be killed if she tells anyone about the incident. In 2011, when AAA stayed at the house of her grandfather, accused-appellant dragged her again to a nipa hut and sexually ravished her.⁸

Dr. Ma. Theresa Tabungar (Dr. Tabungar), a Child Protection Specialist, testified that she conducted a physical and genital examination on AAA. She found a laceration on AAA's hymen which could have been caused by a penetration in her genitalia of a blunt object, such as the penis.⁹

Version of the Defense

Accused-appellant denied the accusation against him. He averred that at the time of the incident, he was working in a shop as a welder from 7:00 a.m. to 4:00 p.m. After work, he would stay at his father's house in [REDACTED], but would sleep at the shop sometimes.¹⁰

The Ruling of the RTC

In the Decision dated May 7, 2018, the RTC found accused-appellant guilty beyond reasonable doubt of the crime of Statutory Rape, qualified by relationship. The dispositive portion of the RTC Decision reads:

WHEREFORE, premises considered, the Court finds [accused-appellant] GUILTY beyond reasonable doubt of statutory rape qualified by relationship. Accordingly, he is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole, in lieu of death. He is also ORDERED to pay [AAA] the amounts of [PHP] 100,000.00 as civil indemnity, [PHP] 100,000.00 as moral damages, and [PHP] 100,000.00 as

⁸ *Id.* at 40-41.

⁹ *Id.* at 82.

¹⁰ *Id.* at 82-83.

exemplary damages, plus legal interest at the rate of 6% *per annum* from the finality of the decision until the amounts are fully paid.

The preventive imprisonment of the accused shall be fully credited in his favour provided he abided by and strictly followed the rules and regulations of the institution where he has been detained or confined.

SO ORDERED.¹¹

The RTC gave full credence to the positive and straightforward testimony of AAA which was corroborated by the testimony of her mother and Dr. Tabungar. It ruled that accused-appellant failed to interpose any credible defense as his denial and alibi, being unsubstantiated by clear and convincing evidence, were deemed self-serving and had no weight.¹²

The Ruling of the CA

In the Decision dated July 7, 2020, the CA affirmed with modification as to damages the ruling of the RTC. The *fallo* of the CA Decision states:

WHEREFORE, the appeal is DISMISSED. The Decision of the Regional Trial Court of [REDACTED], Eastern Samar, 8th Judicial Region, Branch [REDACTED] in Criminal Case No. 12541 finding [accused-appellant] guilty beyond reasonable doubt of statutory rape is AFFIRMED WITH MODIFICATION. [Accused-appellant] is sentenced to suffer the penalty of *reclusion perpetua*, and to pay [AAA] the amounts of [PHP] 75,000.00 as civil indemnity, [PHP] 75,000.00 as moral damages[,] and [PHP] 75,000.00 as exemplary damages.

The award of damages must earn 6% *per annum* computed from finality of the Court's Decision until satisfied.

SO ORDERED.¹³

The CA concurred with the RTC that the prosecution, through the testimony of AAA, her mother, and Dr. Tabungar, successfully established the elements of the crime of Statutory Rape.¹⁴ It stressed that the sexual congress between accused-appellant and AAA, then below 12 years of age, consummated the crime of Statutory Rape even if it was not attended by force, threat, or intimidation.¹⁵ However, the CA ruled that the RTC erred in qualifying the crime by reason of relationship because the Information did not

¹¹ *Id.* at 46.

¹² *Id.* at 44–45.

¹³ *Id.* at 97.

¹⁴ *Id.* at 86, 90–91.

¹⁵ *Id.* at 91.

expressly state that accused-appellant is AAA's relative within the third civil degree. Accordingly, the CA ruled that accused-appellant can only be convicted of the crime of Statutory Rape.¹⁶

Hence, the present Appeal.¹⁷

The Issue

The core issue to be resolved is whether accused-appellant is guilty beyond reasonable doubt of the crime of Statutory Rape.

The Ruling of the Court

The appeal is bereft of merit.

Preliminarily, an appeal in criminal cases throws the whole case open for review, and the Court is mandated to rule on errors as may be found in the judgment appealed from, even if unassigned.¹⁸ In the exercise of its appellate jurisdiction, the Court may even impose a graver penalty than that provided in the assailed judgment.¹⁹ In the case, the Court finds no compelling reason to depart from the uniform factual findings of the RTC and the CA. Nevertheless, the Court declares that the proper designation of the crime is Qualified Rape of a minor.

Settled is the rule that the matter of ascribing substance to the testimonies of witnesses is best discharged by the trial court, and the appellate courts will not generally disturb the findings of the trial court in this respect.²⁰ Further, "findings of the trial court which are factual in nature and which involve the credibility of witnesses are accorded with respect, if not finality by the appellate court, when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gathered from such findings."²¹ The rationale behind is that "the trial judge is in a better position to ascertain the conflicting testimonies of witnesses after having

¹⁶ *Id.* at 94–96.

¹⁷ *Id.* at 98–100.

¹⁸ *See Gelig v. People*, 640 Phil. 109, 115 (2010).

¹⁹ *See People v. Olpindo*, G.R. No. 252861, February 15, 2022. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

²⁰ *Estrella v. People*, 874 Phil. 374, 384 (2020).

²¹ *Id.*, citing *People v. Aspa, Jr.*, 838 Phil. 302, 311–312 (2018), further citing *People v. De Guzman*, 564 Phil. 282, 290 (2007).

heard them and observed their deportment and mode of testifying during the trial.”²²

On the procedural aspect, the Court finds that the Information sufficiently shows the relation of the parties. In the case, the CA modified the RTC Decision and ruled that accused-appellant can only be convicted of Statutory Rape because the Information failed to specifically state that accused-appellant is AAA’s relative within the 3rd civil degree by consanguinity or affinity.²³

The Court disagrees.

As discussed below, the Information specifically described AAA as accused-appellant’s “own niece.” The prosecution proved the relationship between the parties through the respective testimony of AAA and CCC.²⁴ AAA narrated:

....

Q: [AAA], do you know a person by the name [accused-appellant]?

A: Yes, sir.

Q: Will you, please, inform us why do you know [accused-appellant]?

A: Because he is a brother of my mother, sir.

Q: If he is inside this session hall, will you be able to point to him?

A: Yes, sir.

Q: Will you, please, point to him?

A: Witness saying he is there and the person pointed to by witness when asked his name answers [accused-appellant], sir.²⁵

Further, AAA’s testimony was corroborated by the following statement of her mother, CCC, viz.:

....

Q: Madam Witness, the middle name of [AAA] is [REDACTED] and the accused is also [REDACTED], do you have a family relations?

A: [Accused-appellant] is my younger brother, so [AAA] is his niece.

²² *Estrella v. People, id., citing People v. Villamin*, 625 Phil. 698, 713 (2010).

²³ *CA rollo*, pp. 95–96.

²⁴ *Id.* at 29.

²⁵ TSN, AAA, March 18, 2015, p. 15.

Q: So it was very clear Madam Witness, that you and [accused-appellant] are brother's and sister's (*sic*) ?

A: Yes Sir.

....

Q: Will you please point to him?

INTERPRETER:

The witness is saying the accused is wearing a blue T-shirt, and the person pointed to by the witness, when I asked his name answered in the name of [accused-appellant].²⁶

Significantly, also, accused-appellant himself admitted his relationship with AAA and CCC. He said:

CROSS-EXAMINATION OF PROS. AFABLE ON [ACCUSED- APPELLANT]:

Q: Mr. Witness, you denied the charge against you for the crime of rape, the victim here is one [AAA]. This [AAA] is the daughter of [CCC], is that correct?

ATTY. GARFIN:

Objection, it was not touched during the direct, Your Honor.

PROS. AFABLE:

Your Honor, it was mentioned in the information. Now I am asking the relations, Your Honor.

....

COURT:

The witness may answer.

WITNESS:

A: Yes, sir.

PROS. AFABLE:

Q: And [CCC] and you are (*sic*) [brothers] and [sisters]?

A: Yes, sir.

²⁶ TSN, CCC, January 26, 2015, pp. 7-8.

ATTY. GARFIN:

Objection, Your Honor, it was not taken up in the information.

PROS. AFABLE:

That is correct, Your Honor but. . . (interrupted)

COURT:

Witness may answer.

WITNESS:

A: Yes, sir.

PROS. AFABLE:

Q: Now being (sic) [brothers] and [sisters] certainly you have a common father in the name of [DDD]?

A: Yes, sir.²⁷

In *People v. XXX*,²⁸ the Information alleged that therein accused-appellant willfully, unlawfully, and feloniously had carnal knowledge of *his niece* who is a minor. In that case, the Court considered the qualifying circumstance of relationship notwithstanding the absence of a specific allegation that the same was within the third civil degree of consanguinity or affinity.²⁹

By the same token, in *People v. Abat*³⁰ and *People v. XXX*,³¹ the Court qualified the crime of Rape even though the respective Informations simply alleged that the rape victim is accused-appellant's niece. The Court ruled that the allegation of relationship between the victim and the accused was sufficiently alleged in the Information.

More recently, in 2022, in the case of *People v. XXX*,³² the Court reiterated that the mere allegation that accused-appellant is the uncle of the victim without specifically alleging that such relation was within the third civil degree, is specific enough to satisfy the special qualifying circumstance

²⁷ TSN, [Accused-appellant], June 16, 2016, pp. 47–48.

²⁸ 886 Phil. 155 (2020).

²⁹ *Id.* at 171.

³⁰ 731 Phil. 304 (2014).

³¹ 886 Phil. 155 (2020).

³² G.R. No. 257276, February 28, 2022. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

of relationship.³³ Significantly, the rulings in the aforementioned cases have been consistently reaffirmed in several recent unsigned resolutions³⁴ issued by the Court.

The same principle applies here. While there is diverse jurisprudence on the matter, the use of specific familial terms, like niece or uncle, is *adequate* to inform the accused of the nature of the relationship between him and the victim, thereby meeting the requirements of the law. There is no ambiguity in the case. The Information *explicitly* stated that: (1) AAA was only 8 years old when the incident happened, and (2) AAA is accused-appellant's own niece. While the Information did not specify the degree of relationship between AAA and accused-appellant, it nevertheless *directly*, and in layman's terms, conveyed the nature of the relationship. Verily, a description that *clearly* and *categorically* identified AAA as accused-appellant's niece satisfies the requirement to *inform* him fully and prepare a defense. By clearly defining the familial relationship, the prosecution ensures that the accused-appellant is properly *apprised* of the accusation, fulfilling the principles of fairness and due process.

Therefore, under the circumstances, the consideration of the relationship between the victim, AAA, and accused-appellant to qualify the crime of rape is proper.

The Court will now resolve the case on the merits.

In the prosecution of Statutory Rape as defined in Article 266-A(1)(d) of the Revised Penal Code, the following elements must be proven: (a) the offended party is under 12 years of age; and (b) the accused had carnal knowledge of the victim, regardless of whether there was force, threat or intimidation.³⁵ Proof of force, intimidation, or consent is unnecessary because the absence of free consent is *conclusively* presumed when the victim is below the age of 12. It is enough that the age of the victim is proven and that there was sexual intercourse.³⁶

³³ *Id.*

³⁴ *See People v. XXX*, G.R. No. 264311, March 27, 2023 (Notice), *People v. XXX*, G.R. No. 257091, February 13, 2023 [Notice], *People v. XXX*, G.R. No. 260814, February 13, 2023 [Notice], *People v. Mata*, G.R. No. 229664, October 6, 2021 [Notice], and *People v. Cariño*, G.R. No. 230550, January 13, 2020 [Notice].

³⁵ *See People v. Conti*, G.R. No. 260704, February 27, 2023. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

³⁶ *See People v. Diaz, Jr.*, G.R. No. 248698, September 29, 2021 [Notice], citing *People v. Deliola*, 794 Phil. 194, 205 (2016).

In *People v. ABC260708*,³⁷ the Court clarified the proper nomenclature of the crime when the elements of both Statutory Rape and Qualified Rape are present, viz.:

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, 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 Article 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. (Emphasis in the original)

In the case, it is undisputed that at the time of the incident, AAA was below 12 years of age as established by her Certificate of Live Birth showing that she was born on [REDACTED].³⁸ It is also undisputed that AAA is accused-appellant's niece.

The prosecution ably established that accused-appellant had carnal knowledge of AAA. The prosecution proved beyond reasonable doubt that accused-appellant sexually abused AAA through the latter's straightforward testimony. She categorically identified accused-appellant in open court as the person who dragged her to a hut from her grandfather's

³⁷ G.R. No. 260708, January 23, 2024. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

³⁸ CA rollo, p. 86.

house, removed her shorts and panty, and then inserted his penis into her vagina.³⁹ The medical findings of Dr. Tabungar corroborated AAA's testimony considering that Dr. Tabungar's medical examination found laceration on her hymen. "Laceration, whether healed or fresh, is the best physical evidence of forcible defloration."⁴⁰

In court, AAA narrated:

DIRECT-EXAMINATION OF PROS. AFABLE ON [AAA]:

Q: [AAA], you said feet, which part of the feet of [accused-appellant] that was inserted into your vagina?

A: His left foot and he inserted his toe (*tamuragko*) Witness pointing to the big finger of his (sic) left foot, sir.

....

Q: What else, if any, did [accused-appellant] do on that night when you were having dinner?

A: When [DDD] leave (sic) the house, [accused-appellant] was dragging me to a hut, sir.

Q: Where was that hut?

A: At [REDACTED], sir.

....

Q: Now, when he dragged you to that hut in [REDACTED], which part of your body that he was holding?

A: He was holding the collar of my shirt and the witness further demonstrated by holding the collar of her shirt, sir.

Q: Now, [AAA], will you illustrate how [accused-appellant] was holding the back of your shirt when he was dragging you, with you acting as [accused-appellant] and the interpreter acting as yourself?

A: Witness demonstrated how she was dragged by [accused-appellant], sir.

Q: With that position you said you were being dragged, to which direction were you being dragged?

A: Witness saying that she was being dragged backward, sir.

....

Q: Inside that hut, [AAA], do you recall what did [accused-appellant] do to you?

A: He undressed me, sir.

³⁹ *Id.* at 87.

⁴⁰ See *People v. Manaligod*, 831 Phil. 204, 213 (2018), citing *People v. Clores, Jr.*, 475 Phil. 99, 107 (2004).

- Q: Which clothing that [accused-appellant] undressed you?
A: My short and my panty, sir.
- Q: Now, [AAA], after [accused-appellant] undressed you meaning your panty and your shorts, do you recall what happened next?
A: His penis was inserted to my vagina, sir.
- Q: Do you recall [AAA] how many times was it inserted?
A: Three times, sir.
- Q: After [accused-appellant] inserted his penis to your vagina, what did he tell you, if any?
A: [Accused-appellant] told me that if ever I tell anybody what bad happened to me, he will kill my parents, sir.⁴¹

Accused-appellant contended that AAA's testimony is incredible considering her failure to shout for help from the time he allegedly inserted his toe into her vagina while they were having dinner together with AAA's grandfather up to the time he allegedly dragged her into a hut to rape her. The Court finds this contention untenable.

The Court has recognized that there is no clear-cut behavior that can be expected of a person being raped or has been raped.⁴² The failure of the victim to shout or seek help does not negate rape.⁴³ Further, "[i]t is unreasonable to demand a standard rational reaction to an irrational experience, especially from a young victim."⁴⁴

Similarly, AAA's belated reporting of the incidents to her mother is immaterial and does not affect her credibility as a witness. It must be recalled that accused-appellant threatened to kill her parents if she would tell anyone of the incident. Thus, her failure to immediately report the incident to her mother, or to the proper authorities, does not weaken her allegation that she was raped and should not be taken against her.

The Court agrees with the RTC's assessment of AAA's testimony, as affirmed by the CA. Considering that AAA was only 8 years old when the incident happened, she could hardly concoct a horrible story that would haunt her for life. It is even well settled that due to the nature of the crime, the lone testimony of the rape victim, when found to be credible, natural, and consistent with human nature, is enough to sustain a conviction.⁴⁵

⁴¹ CA rollo, pp. 86-88.

⁴² See *People v. Mendoza*, 873 Phil. 987, 996 (2020).

⁴³ See *People v. Mendoza*, *id.*, citing *People v. Pareja*, 724 Phil. 759, 778 (2014).

⁴⁴ *People v. Pareja*, *id.* at 779.

⁴⁵ See *People v. Banayat*, 828 Phil. 231, 237 (2018), citing *People v. Olimba*, 645 Phil. 468, 480 (2010).



Further, accused-appellant's defense of denial must be rejected as it could not prevail over AAA's unwavering testimony and her positive and firm identification of him as the perpetrator. The Court likewise cannot give credence to the defense of alibi. For alibi to prosper, it is not enough to prove that the accused had been somewhere else during the commission of the crime; it must also be shown that it would have been impossible for him to be anywhere within the vicinity of the crime scene.⁴⁶ The defense failed in this respect.

In the absence of any ill-motive on the part of AAA that would make her falsely testify against accused-appellant, her candid narration of the incident deserves full faith and credence. Indeed, when there is no evidence to show any improper motive on the part of the prosecution witness to testify against the accused or to falsely implicate him in the commission of a crime, the logical conclusion is that the testimony is worthy of full faith and credence,⁴⁷ as in the case.

As for the proper penalty, under Article 266-B of the Revised Penal Code, the penalty for Qualified Rape is death, viz.:

Article 266-B. *Penalties.* — ...

....

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;

....

However, in view of Republic Act No. 9346,⁴⁸ the death penalty is reduced to *reclusion perpetua*. Under A.M. No. 15-08-02-SC,⁴⁹ which provided the guidelines for the use of the phrase "without eligibility for parole," the proper penalty that must be imposed upon accused-appellant is *reclusion perpetua*, without eligibility for parole.

⁴⁶ *Pendoy v. Court of Appeals (18th Division)-Cebu City*, 853 Phil. 242, 262 (2019), citing *People v. Abella*, 624 Phil. 18, 36 (2010).

⁴⁷ *People v. Arellano*, 397 Phil. 307, 318 (2000).

⁴⁸ (2006). An Act Prohibiting the Imposition of Death Penalty in the Philippines.

⁴⁹ Guidelines for the Proper Use of the Phrase "Without Eligibility for Parole" in Indivisible Penalties, August 4, 2015.

For the civil liability, consistent with recent jurisprudence⁵⁰ and the attendant circumstances in the case, accused-appellant is liable to pay AAA the following amounts: PHP 150,000.00 as civil indemnity, PHP 150,000.00 as moral damages, and PHP 150,000.00 as exemplary damages. Additionally, all damages awarded shall earn legal interest at the rate of 6% per annum from the date of the finality of this Resolution until fully paid.

Finally, under Republic Act No. 8505, or the Rape Victim Assistance and Protection Act of 1998, the Department of Social Welfare and Development is directed to refer AAA to the appropriate rape crisis center for the necessary assistance to be rendered to her and her family.

WHEREFORE, the appeal is **DISMISSED**. The Decision dated July 7, 2020, of the Court of Appeals in CA-G.R. CEB CR-HC No. 03014 is **AFFIRMED** with **MODIFICATION**. Accused-appellant BBB254878 is found **GUILTY** beyond reasonable doubt of the crime of *Qualified Rape of a minor* defined and penalized under Article 266-A, paragraph 1, in relation to Article 266-B of the Revised Penal Code, as amended by Republic Act No. 8353⁵¹ in Criminal Case No. 12541 filed before Branch ■, Regional Trial Court, ■■■■■ City, Eastern Samar. He is **SENTENCED** to suffer the penalty of *reclusion perpetua*, without eligibility for parole.

Further, he is **ORDERED** to **PAY** AAA the amounts of PHP 150,000.00 as civil indemnity, PHP 150,000.00 as moral damages, and PHP 150,000.00 as exemplary damages.

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

The Department of Social Welfare and Development is **DIRECTED** to **REFER** AAA to the appropriate rape crisis center for the necessary assistance to be rendered to her and her family, in line with Republic Act No. 8505, or the Rape Victim Assistance and Protection Act of 1998.

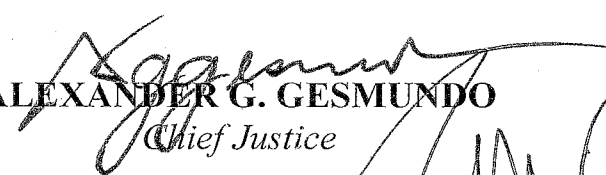
⁵⁰ See *People v. ABC260708*, G.R. No. 260708, January 23, 2024. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁵¹ (1997). The Anti-Rape Law of 1997.

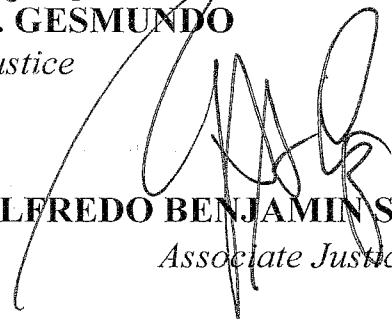
SO ORDERED.


HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice


MARVIC M.V.F. LEONEN
Associate Justice

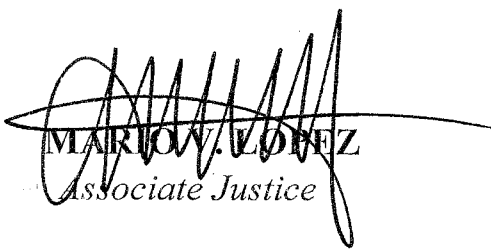

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

*See
Concurring
Opinion*

(On Official Business)
RAMON PAUL L. HERNANDO
Associate Justice

(On Official Leave)
AMY C. LAZARO-JAVIER
Associate Justice

(On Leave)
RODIL V. ZALAMEDA
Associate Justice

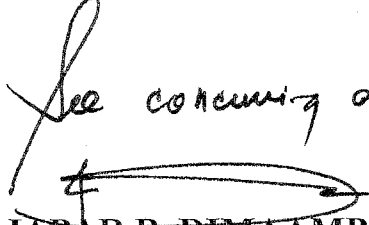

MARION. LOPEZ
Associate Justice

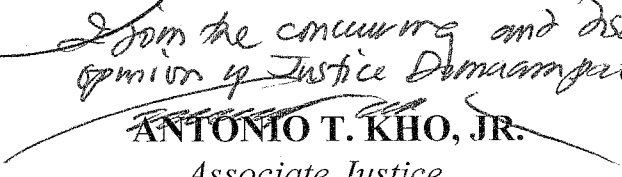

SAMUEL H. GAERLAN
Associate Justice

(On Official Leave)
RICARDO R. ROSARIO
Associate Justice


JOSE P. LOPEZ
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice

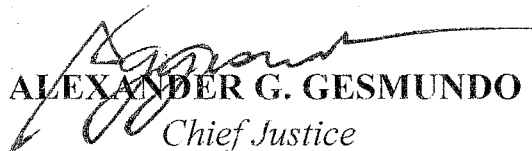
See concurring and dissenting opinion

JAPAR B. DIMAAMPAO
Associate Justice

I join the concurring and dissenting opinion of Justice Dimaampao.

ANTONIO T. KHO, JR.
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, 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.


ALEXANDER G. GESMUNDO
Chief Justice