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Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 276383

Plaintiff-appellee,

Present:

-versus-

LEONEN, S.A.J., Chairperson,
LAZARO-JAVIER,
LOPEZ, J.,
KHO, JR., and
VILLANUEVA, ** JJ.

XXX276383*,
Accused-appellant.

Promulgated:
AUG 06 2025

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X

DECISION

LEONEN, S.A.J.:

The presence of other people does not negate the commission of rape. There have been many instances where rape was committed even in public circumstances.¹

This Court resolves an appeal² from the Court of Appeals Decision,³ which affirmed with modification the Decision of the Regional Trial Court.⁴

* In line with Amended Administrative Circular No. 83-2015, as mandated by Republic Act No. 8353, 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.

** On official business.

¹ *People v. Nuyok*, 759 Phil. 437, 454 (2015) [Per J. Bersamin, First Division].

² *Rollo*, pp. 3-5.

³ *Id.* at 10-35. The November 21, 2023 Decision in CA-G.R. CR-HC No. 14483 was penned by Associate Justice Alfonso C. Ruiz II and concurred in by Associate Justices Ramon M. Bato, Jr. and Eleuterio L. Bathan of the Special Third Division, Court of Appeals, Manila.

⁴ *Id.* at 39-60. The June 3, 2020 Decision was penned by Presiding Judge Lorna F. Catris-Chua Cheng of [REDACTED], Regional Trial Court, [REDACTED].

The Court of Appeals found accused-appellant XXX276383 guilty of one count of rape under Article 266-A(1) of the Revised Penal Code, as amended by Republic Act No. 8353;⁵ one count of sexual assault under Article 266-A(2) of the Revised Penal Code, as amended;⁶ two counts of lascivious conduct under Section 5(b) of Republic Act No. 7610, otherwise known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act;⁷ and four counts of acts of lasciviousness under Article 336 of the Revised Penal Code,⁸ in relation to Section 5(b) of Republic Act No. 7610.

Nine separate Informations for rape and violation of Section 5(b) of Republic Act No. 7610 were filed against Agustin, as follows:

In Criminal Case No. 2013-15461-MK:

That sometime in the year 2010, at [REDACTED], in the [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and with the use of intimidation, did then and there willfully, unlawfully, and feloniously have carnal knowledge with one [AAA276383], eleven (11) years old at the time the incident happened, by then and there inserting his penis in her vagina, attended by the following qualifying circumstances of relationship, the above-named accused being the maternal uncle of [AAA276383], and minority, [AAA276383] being below eighteen (18) years old at the time the carnal knowledge was committed, against her will and without her consent.

⁵ REV. PEN. CODE, art. 266-A, par. 1 states:

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:

- Through force, threat, or intimidation;
- When the offended party is deprived of reason or otherwise unconscious;
- By means of fraudulent machination or grave abuse of authority; and
- When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

⁶ REV. PEN. CODE, art. 266-A, par. 2 states:

ARTICLE 266-A. Rape: *When and How Committed*. — Rape is committed:

2. By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

⁷ Republic Act No. 7610 (1992), sec. 5 (b) states:

Section 5. *Child Prostitution and Other Sexual Abuse*. — Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty of *reclusion temporal* in its medium period to *reclusion perpetua* shall be imposed upon the following:

(b) Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected to other sexual abuse; *Provided*, That when the victim is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, the Revised Penal Code, for rape or lascivious conduct, as the case may be: *Provided*, That the penalty for *lascivious conduct* when the victim is under twelve (12) years of age shall be *reclusion temporal* in its medium period[.]

⁸ REV. PEN. CODE, art. 336 states:

Article 336. *Acts of lasciviousness*. — Any person who shall commit any act of lasciviousness upon other persons of either sex, under any of the circumstances mentioned in the preceding article, shall be punished by *prisión correccional*.

CONTRARY TO LAW.⁹

In Criminal Case No. 2013-15462-MK:

That sometime in the year 2010, at [REDACTED], in the [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and with the use of intimidation, did then and there willfully, unlawfully, and feloniously commit sexual assault upon the person of [AAA276383], eleven (11) years old at the time the incident happened, by then and there inserting his finger in her vagina, attended by the following qualifying circumstances of relationship, the above-named accused being the maternal uncle of [AAA276383], and minority, [AAA276383] being below eighteen (18) years old at the time the sexual assault was committed, against her will and without her consent.

CONTRARY TO LAW.¹⁰

In Criminal Case No. 2013-15463-MK:

That sometime in the year 2010, at around 8:30 in the morning at [REDACTED], in the [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and with the use of intimidation, did then and there willfully, unlawfully, and feloniously commit lascivious conduct on the person of [AAA276383], eleven (11) years old at the time the incident happened, by then and there putting down her short pants and removing also his own short pants, taking her hand and making it [sic] hold his penis and forcing her to “isubo” his penis which she did not do, attended by the following qualifying circumstances of relationship, the above-named accused being the maternal uncle of [AAA276383], and minority, [AAA276383] being below eighteen (18) years old at the time the lascivious conduct was committed, against her will and without her consent.

CONTRARY TO LAW.¹¹

In Criminal Case No. 2013-15464-MK:

That sometime in the year 2010, at around 10:30 in the morning at [REDACTED], in the [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and with the use of intimidation, did then and there willfully, unlawfully, and feloniously commit lascivious conduct on the person of [AAA276383], eleven (11) years old at the time the incident happened, by then and there pushing her on the bed and went on top of her, attended by the following qualifying circumstances of relationship, the above-named accused being the maternal uncle of [AAA276383], and minority,

⁹ *Rollo*, pp. 40–41.

¹⁰ *Id.* at 41.

¹¹ *Id.* at 41–42.

[AAA276383] being below eighteen (18) years old at the time the lascivious conduct was committed, against her will and without her consent.

CONTRARY TO LAW.¹²

In Criminal Case No. 2013-15465-MK:

That sometime in the year 2011, in the [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and with the use of intimidation, did then and there willfully, unlawfully, and feloniously commit lascivious conduct on the person of [BBB276383], thirteen (13) years old at the time the incident happened, by then and there putting his hand inside her clothes and touched her breasts and when she resisted, above-named accused removed his hand from her breast and then touched and caressed her vagina, attended by the following qualifying circumstances of relationship, the above-named accused being the maternal uncle of [BBB276383], and minority, [BBB276383] being below eighteen (18) years old at the time the lascivious conduct was committed, against her will and without her consent.

CONTRARY TO LAW.¹³

In Criminal Case No. 2013-15466-MK:

That sometime in the year 2012, in the [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and with the use of intimidation, did then and there willfully, unlawfully, and feloniously commit lascivious conduct on the person of [BBB276383], fourteen (14) years old at the time the incident happened, by then and there putting his hand inside her clothes and touched her breasts and when she resisted, above-named accused removed his hand from her breast and then touched and caressed her vagina, attended by the following qualifying circumstances of relationship, the above-named accused being the maternal uncle of [BBB276383], and minority, [BBB276383] being below eighteen (18) years old at the time the lascivious conduct was committed, against her will and without her consent.

CONTRARY TO LAW.¹⁴

In Criminal Case No. 2013-15467-MK:

That sometime in the year [sic] April 2013, in the [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and with the use of intimidation, did then and there willfully, unlawfully, and feloniously commit lascivious conduct on the person of [CCC276383], eleven (11) years old at the time the incident happened, by then and there putting minor victim's penis inside his mouth, attended by the following qualifying circumstances of relationship, the above-named accused being the maternal uncle of [CCC276383], and

¹² *Id.* at 42.

¹³ *Id.* at 42-43.

¹⁴ *Id.* at 43.

minority, [CCC276383] being below eighteen (18) years old at the time the lascivious conduct was committed, against his will and without his consent.

CONTRARY TO LAW.¹⁵

In Criminal Case No. 2013-15468-MK:

That sometime in the month of May 2013, in the [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and with the use of intimidation, did then and there willfully, unlawfully, and feloniously commit lascivious conduct on the person of [CCC276383], eleven (11) years old at the time the incident happened, by then and there putting minor victim's penis inside his mouth, attended by the following qualifying circumstances of relationship, the above-named accused being the maternal uncle of [CCC276383], and minority, [CCC276383] being below eighteen (18) years old at the time the lascivious conduct was committed, against his will and without his consent.

CONTRARY TO LAW.¹⁶

In Criminal Case No. 2013-15469-MK:

That on or about the 24th day of August 2013, in the [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and with the use of intimidation, did then and there willfully, unlawfully, and feloniously commit lascivious conduct on the person of [AAA276383], fourteen (14) years old at the time the incident happened, by then and there suddenly carrying her, kissing her lips[,] telling her he missed her a lot[,] and holding her breast, attended by the following qualifying circumstances of relationship, the above-named accused being the maternal uncle of [AAA276383], and minority, [AAA276383] being below eighteen (18) years old at the time the lascivious conduct was committed, against her will and without her consent.

CONTRARY TO LAW.¹⁷

XXX276383 pleaded not guilty to the crimes charged against him. Thereafter, a joint trial on the merits ensued.¹⁸

The prosecution presented the following private complainants as witnesses: (1) AAA276383; (2) CCC276383; and (3) BBB276383.¹⁹

¹⁵ *Id.* at 44.

¹⁶ *Id.*

¹⁷ *Id.* at 45.

¹⁸ *Id.* at 18.

¹⁹ *Id.*

According to the prosecution, AAA276383, CCC276383, and BBB276383 are siblings, while XXX276383, whom they call "████████", is their maternal uncle.²⁰

AAA276383 testified that she was first sexually abused by XXX276383 sometime in 2010 at her family's rented house at ██████████. She was then 11 years old.²¹ She was sick at that time, so she was resting in a room on the second floor of their house. XXX276383 knocked and entered the room to give her food and medicine. Afterwards, XXX276383 went downstairs to get water but when he returned to AAA276383's room, he punched her on the stomach and face. He then put a handkerchief in her mouth, ordered her to stand up, and made her remove her shorts and underwear. She struggled against him but to no avail.²²

Thereafter, XXX276383 dragged AAA276383 to her grandmother's room. At this point, she was already crying and feeling terrified. He then removed his shorts and inserted his penis inside her vagina while she was lying on the bed, which caused her to feel pain.²³

AAA276383 was able to escape and run downstairs. However, XXX276383 followed her and sat beside her on the sofa. He then made her lie on the sofa, rested on top of her, and rubbed his penis on her vagina. Afterwards, he ordered her to wear her shorts. He threatened to kill her parents if she told anyone about the incident. After he left, she returned upstairs.²⁴

The second incident occurred when AAA276383 went to her grandmother's house at ██████████, where XXX276383 also lived. While she was sleeping on the sofa, she felt XXX276383 cover her with a blanket. He then pulled down her shorts and underwear, licked and mashed her breasts, and licked her vagina. He forced her to hold his penis but she refused. He also inserted his finger inside her vagina, which caused her pain. She told him to stop as she was hurting, but he only stopped when he sensed that AAA276383's aunt was about to go downstairs. He left after warning AAA276383 not to tell the police about the incident.²⁵ AAA276383 did not report the incident due to the fear she felt, as well as XXX276383's threat to hurt her family.²⁶

At around 8:30 a.m. of the same day, while AAA276383 was on the sofa, XXX276383 pulled down his shorts and ordered her to hold his penis. She complied out of fear. He again threatened her not to report the incident

²⁰ *Id.* at 19.

²¹ *Id.* at 46.

²² *Id.* at 46–47.

²³ *Id.* at 47.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.* at 48.

to the police. He also tried to force her to put his penis in her mouth, but he stopped upon sensing that AAA276383's aunt was about to go downstairs. AAA276383's aunt then instructed her to continue sleeping in the attic.²⁷

Following her aunt's instruction, AAA276383 went to the attic to continue sleeping. However, XXX276383 woke her up and told her to get a handkerchief, to which she complied with out of fear. He then inserted the handkerchief in her mouth, pushed her on the bed, went on top of her, and rubbed his body against hers. XXX276383 stopped when AAA276383's grandmother was about to go to the attic.²⁸

The last incident happened in the afternoon of August 24, 2013, when AAA276383, with her elder sister, DDD276383, went to get a garbage bag at her grandmother's house in [REDACTED]. When DDD276383 tried to greet XXX276383 with a kiss, he ignored her and kissed AAA276383 on her cheek instead. DDD276383 then went upstairs to greet her grandmother. AAA276383 was about to follow her when XXX276383 stopped her, lifted her, and kissed her on the lips.²⁹

On her part, BBB276383 testified that XXX276383 sexually abused her sometime in 2011 when she went to the [REDACTED] house to seek XXX276383's help with her school project. While he was helping her, XXX276383 went near her, then inserted his hand in her shirt, and squeezed her breasts. When she resisted, he removed his hand and instead touched her vagina inside her shorts. She was unable to stop him as he threatened to kill her parents.³⁰

During cross-examination, BBB276383 admitted that no incident happened in 2012.³¹

CCC276383 also testified on the acts committed by XXX276383 against him. He stated that sometime in April 2013 in their house at [REDACTED], XXX276383 was giving him a bath when he put CCC276383's penis inside his mouth and sucked it. XXX276383 threatened to kill CCC276383's parents if he told them what happened.³²

The second incident happened in May 2013 when CCC276383 was on his way inside their house after buying food. XXX276383 called him to come to the side of the house, which he obeyed. XXX276383 threatened to kill CCC276383's parents and thereafter, pulled down CCC276383's shorts and

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.* at 48–49.

³⁰ *Id.* at 50.

³¹ *Id.* at 51–52.

³² *Id.* at 52.

underwear and sucked his penis. Thereafter, he was ordered to go inside the house.³³

CCC276383 admitted that he did not immediately report the incidents because of the threats made by XXX276383.³⁴

AAA276383 and CCC276383 were examined by Dr. Marianne Ebdane. The medical examination of AAA276383 revealed a deep healed laceration in her hymen.³⁵

In his defense, XXX276383 denied the allegations against him. He admitted that he is the uncle of private complainants. He averred that they were close to him, and he did not know any reason for the charges against him.³⁶ He claimed that it was impossible for him to have sexually abused them considering that there were always other people around the house. He further asserted that he worked at the water refilling station at [REDACTED] around 3:00 to 4:00 a.m. for six days each week.³⁷

XXX276383's testimony was corroborated by his sister, EEE276383,³⁸ and his aunt, FFF276383.³⁹

On June 3, 2020, the Regional Trial Court rendered a Decision⁴⁰ convicting XXX276383 of the crimes charged against him. It gave credence to the "positive and straightforward testimony"⁴¹ of private complainants over Agustin's defense of denial. The dispositive portion of its Decision reads:

WHEREFORE, finding the accused [XXX276383] **GUILTY** beyond reasonable doubt and there being a qualifying/aggravating circumstances [sic] of relationship and minority without the presence of any mitigating circumstances to offset the same, [t]he court sentences him:

1. In Crim. Case No. **2013-15461** for RAPE to suffer the penalty of *reclusion perpetua* without eligibility for parole and ordered to pay each victim civil indemnity of [PHP 75,0000.00], moral damages of [PHP 75,0000.00] and exemplary damages of [PHP 30,0000.00].
2. In Crim. Case No. **2013-15462** for Rape under Art. 266-A par. 2-a of the Revised Penal Code[,] as amended[,] to suffer the indeterminate penalty of imprisonment of six (6) years and one (1) day of *prision mayor* as minimum to fourteen (14) years,

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.* at 21.

³⁶ *Id.* at 53.

³⁷ *Id.* at 54.

³⁸ *Id.* at 54-55.

³⁹ *Id.* at 55.

⁴⁰ *Id.* at 39-60.

⁴¹ *Id.* at 58.

eight (8) months, and one (1) day of *reclusion temporal*, as maximum. He is likewise ordered to pay the amount of [PHP 75,0000.00] as civil indemnity, [PHP] 75,000.00 as moral damages and [PHP] 75,000.00 as exemplary damages.

3. In Crim. Case No. **2013-15463** for Violation of Section 5(b) of Republic Act [No.] 7610 to suffer the indeterminate penalty of twelve (12) years, ten (10) months and twenty-one (21) days of *reclusion temporal* to fifteen (15) years, six (6) months and twenty (20) days of *reclusion temporal* as maximum. He is likewise ordered to pay the amount of [PHP 50,0000.00] as civil indemnity, [PHP 50,0000.00] as moral damages and [PHP 50,0000.00] as exemplary damages.
4. In Crim. Case No. **2013-15464** for Violation of Section 5(b) of Republic Act [No.] 7610 to suffer the indeterminate penalty of twelve (12) years, ten (10) months and twenty-one (21) days of *reclusion temporal* to fifteen (15) years, six (6) months and twenty (20) days of *reclusion temporal* as maximum. He is likewise ordered to pay the amount of [PHP 50,0000.00] as civil indemnity, [PHP 50,0000.00] as moral damages and [PHP 50,0000.00] as exemplary damages.
5. In Crim. Case No. **2013-15465** for Violation of Section 5(b) of Republic Act [No.] 7610 to suffer an indeterminate penalty of imprisonment of six (6) years of *prision correctional* as minimum to ten (10) years of *prision mayor* as maximum and ordered to pay his victim a fine of [PHP 15,0000.00], civil indemnity of [PHP 20,0000.00], moral damages of [PHP 15,0000.00], and exemplary damages of [PHP 15,0000.00].
6. In Crim. Case No. **2013-15466** accused is acquitted for failure of the prosecution to prove the guilt of the accused beyond reasonable doubt.
7. In Crim. Case No. **2013-15467** for Rape under Art. 266-A par. 2-a of the Revised Penal Code[,] as amended[,] to suffer the indeterminate penalty of imprisonment of six (6) years and one (1) day of *prision mayor* as minimum to fourteen (14) years, eight (8) months, and one (1) day of *reclusion temporal*, as maximum. He is likewise ordered to pay the amount of [PHP 75,0000.00] as civil indemnity, [PHP] 75,000.00 as moral damages and [PHP] 75,000.00 as exemplary damages.
8. In Crim. Case No. **2013-15468** for Rape under Art. 266-A par. 2-a of the Revised Penal Code[,] as amended[,] to suffer the indeterminate penalty of imprisonment of six (6) years and one (1) day of *prision mayor* as minimum to fourteen (14) years, eight (8) months, and one (1) day of *reclusion temporal*, as maximum. He is likewise ordered to pay the amount of [PHP 75,0000.00] as civil indemnity, [PHP] 75,000.00 as moral damages and [PHP] 75,000.00 as exemplary damages.
9. In Crim. Case No. **2013-15469** for Violation of Section 5(b) of Republic Act [No.] 7610 to suffer the indeterminate penalty of twelve (12) years, ten (10) months and twenty-one (21) days of *reclusion temporal* to fifteen (15) years, six (6) months and

twenty (20) days of *reclusion temporal* as maximum. He is likewise ordered to pay the amount of [PHP 50,0000.00] as civil indemnity, [PHP 50,0000.00] as moral damages and [PHP 50,0000.00] as exemplary damages.

Accused XXX276383 is further ordered to pay the legal interest on all damages awarded in this case at the rate of six percent (6%) per annum from the date of finality of this Decision until fully paid.

The preventive imprisonment undergone by the accused shall be credited in his favor pursuant to Article 29 of the Revised Penal Code[,] as amended.

SO ORDERED.⁴² (Emphasis in the original)

XXX276383 appealed the Regional Trial Court's Decision before the Court of Appeals.⁴³

In its assailed November 21, 2023 Decision,⁴⁴ the Court of Appeals affirmed with modification the Regional Trial Court's Decision.⁴⁵ In accordance with jurisprudence, the Court of Appeals modified the nomenclature of the crimes, penalties, and damages imposed on XXX276383.⁴⁶ The dispositive portion of its Decision reads:

WHEREFORE, premises considered, the appeal is hereby DENIED for lack of merit. The Decision promulgated on June 3, 2020 of the Regional Trial Court, National Capital Judicial Region, [REDACTED], in Criminal Case Nos. 2013-15461-MK, 2013-15462-MK, 2013-15463-MK, 2013-15464-MK, 2013-15465-MK, 2013-15466-MK, 2013-15467-MK, 2013-15468-MK, and 2013-15469-MK, is AFFIRMED with MODIFICATION. The Decision of the RTC now reads as follows:

WHEREFORE, finding the accused [XXX276383] **GUILTY** beyond reasonable doubt and there being a qualifying/aggravating circumstances [sic] of relationship and minority without the presence of any mitigating circumstances to offset the same, the court sentences him:

1. In Crim. Case No. **2013-15461-MK** for RAPE, to suffer the penalty of *reclusion perpetua* without eligibility for parole and ordered to pay the victim civil indemnity [PHP 100,000.00], moral damages of [PHP 100,000.00], and exemplary damages of [PHP 100,000.00].
2. In Crim. Case No. **2013-15462-MK** for Sexual Assault under paragraph 2, Article 266-A of the [Revised Penal Code], in relation to Section 5(b) of [Republic Act No.] 7610, to suffer the indeterminate penalty of

⁴² *Id.* at 58–60.

⁴³ CA *rollo*, pp. 25–26.

⁴⁴ *Rollo*, pp. 10–35.

⁴⁵ *Id.* at 32.

⁴⁶ *Id.* at 29–32.

imprisonment of twelve (12) years and one (1) day of *reclusion temporal* as minimum to fifteen (15) years, six (6) months and twenty (20) days as maximum. He is likewise ordered to pay the amount of [PHP 50,000.00] as civil indemnity, [PHP 50,000.00] as moral damages and [PHP 50,000.00] as exemplary damages.

3. In Crim. Case No. **2013-15463-MK** for Acts of Lasciviousness under Article 336 of the [Revised Penal Code] in relation to Section 5(b) of [Republic Act No.] 7610, to suffer the indeterminate penalty of twelve (12) years, ten (10) months and twenty-one (21) days of *reclusion temporal* as minimum to fifteen (15) years, six (6) months and twenty (20) days of *reclusion temporal* as maximum. He is likewise ordered to pay the amount of [PHP 50,000.00] as civil indemnity, [PHP 50,000.00] as moral damages and [PHP 50,000.00] as exemplary damages.
4. In Crim. Case No. **2013-15464-MK** for Acts of Lasciviousness under Article 336 of the [Revised Penal Code] in relation to Section 5(b) of [Republic Act No.] 7610, to suffer the indeterminate penalty of twelve (12) years, ten (10) months and twenty-one (21) days of *reclusion temporal* as minimum to fifteen (15) years, six (6) months and twenty (20) days of *reclusion temporal* as maximum. He is likewise ordered to pay the amount of [PHP 50,000.00] as civil indemnity, [PHP 50,000.00] as moral damages and [PHP 50,000.00] as exemplary damages.
5. In Crim. Case No. **2013-15465-MK** for Lascivious Conduct under Section 5(b) of [Republic Act No.] 7610, to suffer the indeterminate penalty of eight (8) years and one (1) day of *prision mayor* as minimum to seventeen (17) years, four (4) months and one (1) day of *reclusion temporal* as maximum and ordered to pay his victim the amount of [PHP 50,000.00] as civil indemnity, [PHP 50,000.00] as moral damages and [PHP 50,000.00] as exemplary damages.
6. In Crim. Case No. **2013-15466-MK** accused is acquitted for failure of the prosecution to prove the guilt of the accused beyond reasonable doubt.
7. In Crim. Case No. **2013-15467-MK** for Acts of Lasciviousness under Article 336 of the [Revised Penal Code] in relation to Section 5(b) of [Republic Act No.] 7610, to suffer the indeterminate penalty of twelve (12) years, ten (10) months and twenty-one (21) days of *reclusion temporal* as minimum to fifteen (15) years, six (6) months and twenty (20) days of *reclusion temporal* as maximum. He is likewise ordered to pay the amount of [PHP 50,000.00] as civil indemnity, [PHP 50,000.00] as moral damages and [PHP 50,000.00] as exemplary damages.

8. In Crim. Case No. 2013-15468-MK for Acts of Lasciviousness under Article 336 of the [Revised Penal Code] in relation to Section 5(b) of [Republic Act No.] 7610, to suffer the indeterminate penalty of twelve (12) years, ten (10) months and twenty-one (21) days of *reclusion temporal* as minimum [] to fifteen (15) years, six (6) months and twenty (20) days of *reclusion temporal* as maximum. He is likewise ordered to pay the amount of [PHP 50,000.00] as civil indemnity, [PHP 50,000.00] as moral damages and [PHP 50,000.00] as exemplary damages.
9. In Crim. Case No. 2013-15469-MK for Lascivious Conduct under Section 5(b) of [Republic Act No.] 7610, to suffer the indeterminate penalty of eight (8) years and one (1) day of *prision mayor* as minimum to seventeen (17) years, four (4) months and one (1) day of *reclusion temporal* as maximum and ordered to pay his victim the amount of [PHP 50,000.00] as civil indemnity, [PHP 50,000.00] as moral damages and [PHP 50,000.00] as exemplary damages.

Accused [XXX276383] is further ordered to pay legal interest on all damages awarded in this case at the rate of six percent (6%) per annum from the date of finality of this Decision until fully paid.

The preventive imprisonment undergone by the accused shall be credited in his favor pursuant to Article 29 of the Revised Penal Code[,] as amended.

SO ORDERED.⁴⁷

On January 15, 2024, XXX276383 filed his Notice of Appeal,⁴⁸ which was given due course by the Court of Appeals in its February 5, 2024 Resolution.⁴⁹

This Court noted the records forwarded by the Court of Appeals and required the parties to file their supplemental briefs, if so desired, within 30 days from notice.⁵⁰ Both XXX276383⁵¹ and the People of the Philippines, through the Office of the Solicitor General,⁵² manifested that they would no longer file supplemental briefs.

⁴⁷ *Id.* at 32–34.

⁴⁸ *Id.* at 3–5.

⁴⁹ *Id.* at 8.

⁵⁰ *Id.* at 61.

⁵¹ *Id.* at 64–68.

⁵² *Id.* at 69–74.

The sole issue for this Court's resolution is whether accused-appellant XXX276383 is guilty beyond reasonable doubt of the crimes charged against him.

After evaluating the records, this Court resolves to deny the appeal, there being no reversible error in the assailed Court of Appeals Decision that would warrant the exercise of this Court's appellate jurisdiction.

Accused-appellant claims that his right to due process was violated considering that the Regional Trial Court's Decision did not state clearly and distinctly the facts and the law on which its conclusions were based, as well as the elements of the offenses charged against him.⁵³

This contention is untenable. This Court has held that while it is paramount that every decision must state clearly and distinctly the facts and the law on which it is based, courts must also be allowed to synthesize and simplify their decisions on account of clogged dockets and time constraints:

It is understandable that courts, with their heavy dockets and time constraints, often find themselves with little to spare in the preparation of decisions to the extent most desirable. We have thus pointed out that judges might learn to synthesize and to simplify their pronouncements. Nevertheless, concisely written such as they may be, decisions must still distinctly and clearly express, at least in minimum essence, its factual and legal bases.⁵⁴ (Citations removed)

Here, no violation of this constitutional mandate was made by the Regional Trial Court. As pointed out by the Office of the Solicitor General, the Regional Trial Court reproduced the nine Informations against accused-appellant in its Decision. It then detailed the testimonies of the witnesses of the prosecution and the defense, and assessed the parties' conflicting versions. It ruled that accused-appellant's "moral ascendancy over private complainants ... satisfied the element of force and intimidation."⁵⁵ It even considered accused-appellant's defense of denial and alibi,⁵⁶ which, it ruled, must fail in light of private complainants' testimonies.⁵⁷ It also cited relevant jurisprudence to rule against accused-appellant's arguments.⁵⁸ Thus, the Regional Trial Court clearly stated the facts and the law on which its conclusions were based.

⁵³ CA *rollo*, p. 63.

⁵⁴ *Del Mundo v. Court of Appeals*, 310 Phil. 367, 375 (1995) [Per J. Vitug, Third Division].

⁵⁵ CA *rollo*, p. 127.

⁵⁶ *Id.* at 126-127.

⁵⁷ *Rollo*, p. 58.

⁵⁸ *Id.* at 57-58.

The Regional Trial Court, as affirmed by the Court of Appeals, found accused-appellant guilty of eight crimes charged against him. We find no reason to deviate from these findings.

Article 266-A of the Revised Penal Code, as amended, provides when and how rape is committed:

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;
 - 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.
2. By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

Here, as the lower courts found, accused-appellant had carnal knowledge of AAA276383 by forcibly inserting his penis inside her vagina. In another instance, he also inserted his finger inside her vagina.⁵⁹ AAA276383 was only 11 years old at the time both incidents happened.⁶⁰

Accused-appellant also committed acts of lasciviousness against his nieces and nephew. Section 5(b) of Republic Act No. 7610 provides:

Section 5. *Child Prostitution and Other Sexual Abuse.* — Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty of *reclusion temporal* in its medium period to *reclusion perpetua* shall be imposed upon the following:

....
(b) Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected to other sexual abuse; *Provided*, That when the victim is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and

⁵⁹ *Id.* at 47.

⁶⁰ *Id.* at 46.

Article 336 of Act No. 3815, as amended, the Revised Penal Code, for rape or lascivious conduct, as the case may be: *Provided*, That the penalty for lascivious conduct when the victim is under twelve (12) years of age shall be *reclusion temporal* in its medium period[.]

Additionally, when AAA276383 was only 11 years old, accused-appellant committed acts of lasciviousness against her in two different instances. First, by forcing her to hold his penis,⁶¹ and second, by rubbing his body against hers.⁶² When AAA276383 was 14 years old, he also kissed her lips and touched her breasts.⁶³ Accused-appellant committed a similar act against BBB276383 when she was 13 years old by touching her breast and vagina.⁶⁴

Accused-appellant also committed acts of lasciviousness against his nephew, CCC276383, who was then 11 years old, by sucking his penis in two different instances.⁶⁵

Accused-appellant claims that the Regional Trial Court erred in convicting him of the crimes charged against him because of inconsistencies in private complainants' testimonies.⁶⁶ However, this Court has held that inconsistencies relating to minor details do not affect the credibility of the witness provided that there are no material contradictions in the narration of the principal incident and the positive identification of the accused.⁶⁷ Moreover, inconsistencies on minor details are expected when victims of tender age narrate distressing experiences as these minor inconsistencies are indications of truth.⁶⁸

Here, the alleged inconsistent statements pertain only to the minor detail of the exact moment when AAA276383 removed and then wore again her shorts and underwear. This minor discrepancy does not change the fact that accused-appellant raped AAA276383.

Accused-appellant further asserts that it was impossible for him to have committed the crimes against AAA276383 since there were other people in the house at the time the incidents happened.⁶⁹

Time and again, this Court has held that "lust is no respecter of time and place."⁷⁰ The presence of other people does not negate the commission

⁶¹ *Id.* at 48.

⁶² *Id.*

⁶³ *Id.* at 49.

⁶⁴ *Id.* at 50.

⁶⁵ *Id.* at 52.

⁶⁶ CA *rollo*, p. 65.

⁶⁷ *People v. Dimapilit*, 816 Phil. 523, 541 (2017) [Per J. Leonen, Second Division].

⁶⁸ *People v. Lagbo*, 780 Phil. 834, 846 (2016) [Per J. Peralta, Third Division].

⁶⁹ CA *rollo*, p. 66.

⁷⁰ *People v. XXX*, 887 Phil. 734, 749 (2020) [Per J. Lazaro-Javier, First Division].

of rape as there have been many instances where rape was committed even in public circumstances.⁷¹

The presence of others as occupants in the same house where the accused and AAA lived did not necessarily deter him from committing the rapes. The crowded situation in any small house would sometimes be held to minimize the opportunity for committing rape, but it has been shown repeatedly by experience that many instances of rape were committed not in seclusion but in very public circumstances. Cramped spaces of habitation have not halted the criminal from imposing himself on the weaker victim, for privacy is not a hallmark of the crime of rape.⁷²

Moreover, accused-appellant's contention that it was impossible for AAA276383 not to have asked for help despite numerous opportunities to do so⁷³ holds no merit. This Court has held that "no standard form of behavior could be anticipated of a rape victim following her defilement, particularly a child who could not be expected to fully comprehend the ways of an adult."⁷⁴

Neither does the delay in reporting the incidents to the police render the charges unbelievable as this Court has already held that failure to immediately report an incident of rape does not necessarily mean that the charge is fabricated.⁷⁵

The failure of complainant to disclose her defilement without loss of time to persons close to her or to report the matter to the authorities does not perforce warrant the conclusion that she was not sexually molested and that her charges against the accused are all baseless, untrue and fabricated. Delay in prosecuting the offense is not an indication of a fabricated charge. Many victims of rape never complain or file criminal charges against the rapists. They prefer to bear the ignominy and pain, rather than reveal their shame to the world or risk the offenders' making good their threats to kill or hurt their victims.⁷⁶ (Citation omitted)

Private complainants cannot be faulted for not immediately seeking help and reporting the incidents because accused-appellant threatened them each time he committed the horrendous acts. Moreover, accused-appellant has moral ascendancy over private complainants as their uncle, whom they also treated like a father.

As long as substantial facts were not misconstrued, the findings of fact by the Regional Trial Court on the credibility of the witness, when affirmed by the Court of Appeals, are entitled great weight and respect.⁷⁷ As this Court

⁷¹ *People v. Nuyok*, 759 Phil. 437, 454 (2015) [Per J. Bersamin, First Division].

⁷² *Id.*

⁷³ CA *rollo*, p. 66.

⁷⁴ *Perez v. People*, 830 Phil. 162, 177 (2018) [Per J. Leonen, Third Division], *citing People v. Barcela*, 734 Phil. 332, 344 (2014) [Per J. Mendoza, Third Division].

⁷⁵ *People v. Ogarte*, 664 Phil. 642, 661 (2011) [Per J. Leonardo-De Castro, First Division].

⁷⁶ *Id.*

⁷⁷ *People v. Kelley*, 874 Phil. 906, 917 (2020) [Per J. Leonen, Third Division].

has ruled, “[q]uestions on the credibility of witnesses are best addressed to the trial court due to its unique position to observe the witnesses' deportment on the stand while testifying.”⁷⁸

The private complainants' testimonies deserve full weight and credence considering that they have candidly narrated how accused-appellant committed the atrocious sexual acts against them. There was also no showing that they harbored any ill motive to falsely testify against him considering that, as claimed by accused-appellant, the three of them were close to him⁷⁹ and treated him like a father.⁸⁰

Moreover, this Court has held that bare denial “falters against the ‘positive identification by, and straightforward narration of the victim.’”⁸¹ Thus, accused-appellant's defense of denial and alibi cannot prevail over the positive and categorical statements of private complainants.

While this Court affirms the conviction of accused-appellant, there is a need to modify the nomenclature and damages imposed on him for the crime of rape committed against AAA276383. This Court ruled in *People v. ABC260708*⁸² that the proper nomenclature of the crime when the elements of both statutory rape and qualified rape⁸³ are present is “qualified rape of a minor.”⁸⁴ Here, AAA276383 was only 11 years old at the time of the incident. Accused-appellant, being her uncle, is her relative by consanguinity within the third civil degree.

Moreover, the amounts of civil indemnity, moral damages, and exemplary damages shall be increased to PHP 150,000.00 for the crime of qualified rape of a minor.⁸⁵

For crimes involving a violation of Republic Act No. 7610, a fine in the amount of PHP 15,000.00 shall be imposed “in furtherance of the law's

⁷⁸ *People v. Avelino, Jr.*, 856 Phil. 94, 102 (2019) [Per J. Del Castillo, First Division].

⁷⁹ *Rollo*, p. 53.

⁸⁰ *Id.* at 54.

⁸¹ *People v. Divinagracia, Sr.*, 814 Phil. 730, 753 (2017) [Per J. Leonen, Second Division], *citing Imbo v. People*, 758 Phil. 430, 437 (2015) [Per J. Perez, First Division].

⁸² G.R. No. 260708, January 23, 2024 [Per. J. M. Lopez, *En Banc*].

⁸³ REV. PEN. CODE, art. 266-B states:
ARTICLE 266-B. Penalty. —

.....
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[.]

⁸⁴ G.R. No. 260708, January 23, 2024 [Per. J. M. Lopez, *En Banc*].

⁸⁵ *Id.*

objective...to provide special protection to children and to assist in the rehabilitation of child victims.”⁸⁶

ACCORDINGLY, the appeal is **DENIED**. The November 21, 2023 Decision of the Court of Appeals in CA-G.R. CR-HC No. 14483 is **AFFIRMED with MODIFICATION**.

In Criminal Case No. 2013-15461-MK, accused-appellant XXX276383 is **GUILTY** beyond reasonable doubt of qualified rape of a minor under Article 266-A, paragraph 1(d) in relation to Article 266-B of the Revised Penal Code, as amended, and is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole. He is likewise ordered to **PAY** AAA276383 PHP 150,000.00 as civil indemnity, PHP 150,000.00 as moral damages, and PHP 150,000.00 as exemplary damages, all of which shall earn interest at the legal rate of 6% per annum from the finality of this Decision until full payment.

In Criminal Case No. 2013-15462-MK, accused-appellant XXX276383 is **GUILTY** beyond reasonable doubt of sexual assault under Article 266-A(2) of the Revised Penal Code in relation to Section 5(b) of Republic Act No. 7610 and is sentenced to suffer the penalty of 12 years and one day of *reclusion temporal* as minimum to 15 years, six months, and 20 days of *reclusion temporal* as maximum, and to **PAY** a fine of PHP 15,000.00. He is likewise ordered to **PAY** AAA276383 PHP 50,000.00 as civil indemnity, PHP 50,000.00 as moral damages, PHP 50,000.00 as exemplary damages, all of which shall earn interest at the legal rate of 6% per annum from the finality of this Decision until full payment.

In Criminal Case No. 2013-15463-MK, accused-appellant XXX276383 is **GUILTY** beyond reasonable doubt of acts of lasciviousness under Article 336 of the Revised Penal Code in relation to Section 5(b) of Republic Act No. 7610 and is sentenced to suffer the penalty of 12 years, 10 months, and 21 days of *reclusion temporal* as minimum to 15 years, six months, and 20 days of *reclusion temporal* as maximum, and to **PAY** a fine of PHP 15,000.00. He is likewise ordered to **PAY** AAA276383 PHP 50,000.00 as civil indemnity, PHP 50,000.00 as moral damages, PHP 50,000.00 as exemplary damages, all of which shall earn interest at the legal rate of 6% per annum from the finality of this Decision until full payment.

In Criminal Case No. 2013-15464-MK, accused-appellant XXX276383 is **GUILTY** beyond reasonable doubt of acts of lasciviousness under Article 336 of the Revised Penal Code in relation to Section 5(b) of Republic Act No. 7610 and is sentenced to suffer the penalty of 12 years, 10 months, and 21 days of *reclusion temporal* as minimum to 15 years, six months, and 20 days of *reclusion temporal* as maximum, and to **PAY** a fine of PHP 15,000.00. He

⁸⁶ *Trocio v. People*, 929 Phil. 60, 72 (2022) [Per J. Inting, Third Division].

is likewise ordered to **PAY** AAA276383 PHP 50,000.00 as civil indemnity, PHP 50,000.00 as moral damages, PHP 50,000.00 as exemplary damages, all of which shall earn interest at the legal rate of 6% per annum from the finality of this Decision until full payment.

In Criminal Case No. 2013-15465-MK, accused-appellant XXX276383 is **GUILTY** beyond reasonable doubt of lascivious conduct under Section 5(b) of Republic Act No. 7610 and is sentenced to suffer the penalty of eight years and one day of *prision mayor* as minimum to 17 years, four months and one day of *reclusion temporal*, as maximum, and to **PAY** a fine of PHP 15,000.00. He is likewise ordered to **PAY** BBB276383 PHP 50,000.00 as civil indemnity, PHP 50,000.00 as moral damages, PHP 50,000.00 as exemplary damages, all of which shall earn interest at the legal rate of 6% per annum from the finality of this Decision until full payment.

In Criminal Case No. 2013-15466-MK, accused-appellant XXX276383 is **ACQUITTED** for failure of the prosecution to prove his guilt beyond reasonable doubt.

In Criminal Case No. 2013-15467-MK, accused-appellant XXX276383 is **GUILTY** beyond reasonable doubt of acts of lasciviousness under Article 336 of the Revised Penal Code in relation to Section 5(b) of Republic Act No. 7610 and is sentenced to suffer the penalty of 12 years, 10 months and 21 days of *reclusion temporal* as minimum to 15 years, six months, and 20 days of *reclusion temporal* as maximum, and to **PAY** a fine of PHP 15,000.00. He is likewise ordered to **PAY** CCC276383 PHP 50,000.00 as civil indemnity, PHP 50,000.00 as moral damages, PHP 50,000.00 as exemplary damages, all of which shall earn interest at the legal rate of 6% per annum from the finality of this Decision until full payment.

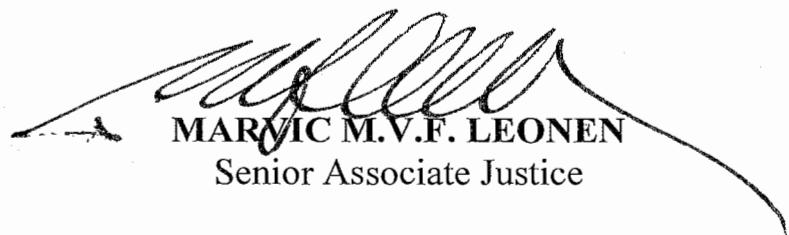
In Criminal Case No. 2013-15468-MK, accused-appellant XXX276383 is **GUILTY** beyond reasonable doubt of acts of lasciviousness under Article 336 of the Revised Penal Code in relation to Section 5(b) of Republic Act No. 7610 and is sentenced to suffer the penalty of 12 years, 10 months, and 21 days of *reclusion temporal* as minimum to 15 years, six months, and 20 days of *reclusion temporal* as maximum, and to **PAY** a fine of PHP 15,000.00. He is likewise ordered to **PAY** CCC276383 PHP 50,000.00 as civil indemnity, PHP 50,000.00 as moral damages, PHP 50,000.00 as exemplary damages, all of which shall earn interest at the legal rate of 6% per annum from the finality of this Decision until full payment.

In Criminal Case No. 2013-15469-MK, accused-appellant XXX276383 is **GUILTY** beyond reasonable doubt of lascivious conduct under Section 5(b) of Republic Act No. 7610 and is sentenced to suffer the penalty of eight years and one day of *prision mayor* as minimum to 17 years, four months and one day of *reclusion temporal*, as maximum, and to **PAY** a fine of PHP 15,000.00. He is likewise ordered to **PAY** AAA276383 PHP 50,000.00 as



civil indemnity, PHP 50,000.00 as moral damages, PHP 50,000.00 as exemplary damages, all of which shall earn interest at the legal rate of 6% per annum from the finality of this Decision until full payment.

SO ORDERED.



MARVIC M.V.F. LEONEN
Senior Associate Justice

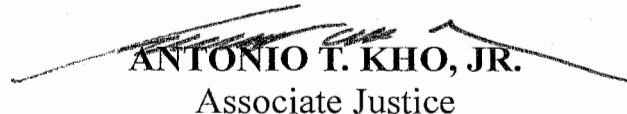
WE CONCUR:



AMY C. LAZARO-JAVIER
Associate Justice



JHOSEPH V. LOPEZ
Associate Justice

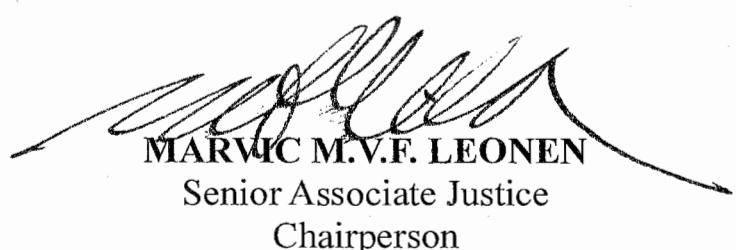


ANTONIO T. KHO, JR.
Associate Justice

(On official business)
RAUL B. VILLANUEVA
Associate Justice

ATTESTATION

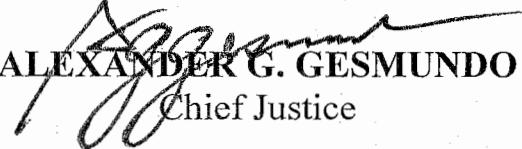
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson

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