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Division Clerk of Court
Third Division

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SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

THE PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 218277
Present:
LEONEN, J.,
Chairperson,
HERNANDO,
INTING*,
DELOS SANTOS, and
ROSARIO, JJ.

versus

XXX,¹
Accused-Appellant.

Promulgated:
November 9, 2020
Mis PDC Batt

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DECISION

HERNANDO, J.:

This appeal assails the June 26, 2014 Decision² of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05315, which affirmed the November 11, 2011 Decision³ of the Regional Trial Court (RTC), Quezon City, Branch 106, in Crim. Case No. Q-08-151411, finding accused-appellant XXX (accused-appellant) guilty of Statutory Rape.

The Antecedents

In an Information⁴ dated March 26, 2008, accused-appellant was charged with Statutory Rape, the accusatory portion of which reads:

* On official leave.
¹ Initials were used to identify accused-appellant pursuant to Amended Administrative Circular No. 83-15 dated September 5, 2017 Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders using Fictitious Names/Personal Circumstances issued on September 5, 2017.
² *Rollo*, pp. 2-17; penned by Associate Justice Victoria Isabel A. Paredes and concurred in by Associate Justices Isaias P. Dican and Michael P. Elbinias.
³ *CA rollo*, pp. 11-23; penned by then Presiding Judge, now Associate Justice of the Court of Appeals, Angelene Mary W. Quimpo-Sale.
⁴ *Records*, pp. 1-2.

That on or about the 22nd day of March 2008, in Quezon City, Philippines, the said accused, with force and intimidation, did then and there, [willfully], unlawfully commit acts of sexual assault upon the person of [AAA],⁵ his own daughter, a minor, 9 years old, by then and there undressing her and inserting his [penis into] her vagina against her will and without her consent, to the damage and prejudice of the said offended party.

Contrary to law.⁶

During his arraignment, accused-appellant entered a plea of “not guilty.”⁷

Version of the Prosecution:

At around 6:00 p.m. on March 22, 2008, the victim, AAA, was at home with her two brothers, her grandmother and her father, herein accused-appellant. BBB,⁸ her mother, was out selling barbecue. Thereafter, while AAA's brothers were at the basketball court, her father instructed AAA to go up to the bedroom. Subsequently, he ordered her to remove her shorts. After AAA complied, accused-appellant inserted his penis into her vagina which caused her pain. AAA shouted and pleaded, “*wag na, tama na po*”. Accused-appellant stopped but threatened her not to tell her mother about what happened. When BBB returned home that night, AAA did not report anything as she feared that her father might do something to her mother.

The day after, accused-appellant banished BBB from their house during their quarrel. Traumatized by her husband's constant verbal and physical abuse against her, BBB tearfully bade goodbye to her children. Afraid that her mother would leave her, AAA whispered to her mother that she needed to tell her something. Alone in the bedroom, AAA disclosed to her mother what her father had done to her. AAA likewise revealed that it was not the first time it happened since her father has been sexually assaulting her since she was five years old. Unfortunately, AAA could no longer remember how many times her father molested her. Consequently, BBB and AAA reported the matter to the authorities which eventually led to accused-appellant's arrest. Afterwards, AAA gave her statement to the police and then underwent medical examination.⁹

⁵ “The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, An Act Providing for Stronger Deterrence And Special Protection Against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation, And for Other Purposes; Republic Act No. 9262, An Act Defining Violence Against Women And Their Children, Providing For Protective Measures For Victims, Prescribing Penalties Therefor, And for Other Purposes; and Section 40 of A.M. No. 04-10-11-SC, known as the Rule on Violence against Women and Their Children, effective November 15, 2004.” (*People v. Dumadag*, 667 Phil. 664, 669 [2011]).

⁶ *Records*, p. 1.

⁷ *Id.* at 17.

⁸ *Supra*, note 5.

⁹ *Rollo*, p. 4; *CA rollo*, pp. 12-13.

In her *Salaysay*,¹⁰ AAA stated that her father has been sexually molesting her since she was around six years old and that she did not tell her mother about it since he threatened to kill BBB if she did. AAA asserted that she finally told her mother the truth out of fear that her mother would leave her since her father was sending BBB away already.

Similarly, BBB averred in her *Salaysay*¹¹ that after a huge fight with her husband, she was driven out of their house but AAA tearfully asked her not to leave. BBB eventually revealed that her husband has been sexually assaulting her during those times when BBB would leave the house to make a living. After this revelation, BBB and AAA reported the matter to the authorities.

The prosecution presented AAA's birth certificate¹² which confirmed that she was born on July 8, 1998 and that she was only nine years old when her father allegedly raped her on March 22, 2008.

The prosecution also established that AAA submitted herself to a medical examination wherein the attending medico-legal officer, Police Chief Inspector (PCI) Jesille C. Baluyot (PCI Baluyot), found that there was a recent and previous blunt force to the labia minora and the hymen. This was affirmed by the Initial Medico-Legal Report¹³ dated March 23, 2008 and the subsequent Medico-Legal Report No. R08-669¹⁴ dated April 14, 2008.

During her testimony, AAA recalled her ordeal at the hands of her father. She likewise confirmed that she was born on July 8, 1998.¹⁵ She described in detail the rape incident on March 22, 2008 as follows:

Q During that time and date could you tell this court if there was [an] unusual incident that happened?

A Yes, sir.

Q Could you tell us what is that incident that happened to you?

A My father told me to go inside the room.

Q What did you do when your father told you to go inside the room?

A [H]e told me to remove my dress.

Q Did you undress as told to you by your father?

A I removed my shorts.

Q After you removed your shorts what other things transpired?

A He inserted his penis inside my vagina.

¹⁰ Records, pp. 6-7.

¹¹ Id. at 8-9.

¹² Id. at 58-58(1).

¹³ Id. at 11.

¹⁴ Id. at 67.

¹⁵ TSN, September 5, 2008, p. 3.

Q What did you do when your father [did] that to you?

A I was shouting then.

Q What other things did you do aside from shouting, did you do anything?

A Yes, sir.

Q What was that?

A I said 'Wag na, tama na po.'

Q What did your father tell you if any?

A He told me not to tell the matter to my mother.

Q While your father was doing that what did you feel?

A It [was] painful.¹⁶

AAA testified that it was not the first time that her father took advantage of her, as he has been molesting her since she was five years old. However, she could no longer recall how many times it occurred.¹⁷ She even averred that her classmates in school teased her about the incident which made her feel ashamed.¹⁸

On cross-examination, AAA asserted that sometimes, her father would spank her and her siblings and would hurt her mother whenever they fought.¹⁹ She likewise admitted that their grandmother lived with them and that she (grandmother) took care of her (AAA's) siblings. Supposedly, her grandmother was downstairs while the incident occurred upstairs in the room.²⁰ AAA related that she informed BBB of the ordeal for fear that her mother would leave her or that her father might do something to her mother.²¹ Although she answered during the cross-examination that it was her father who removed her shorts,²² she averred that she did not fight back because she was terrified of her father.²³

PCI Baluyot testified that based on her examination of AAA's genital area, there was redness on both sides of the labia minora and the hymen was swollen which could have been caused by an erect penis, a finger or a blunt object.²⁴ On cross-examination, however, PCI Baluyot averred that it was more probable that a finger was inserted due to the difference in force between a hand and a penis.²⁵ She added that during the genital examination, the hymen was intact and had no laceration which could be caused by an erect penis.²⁶ Nevertheless, she clarified that it is still possible that the injury could

¹⁶ Id. at 6-7.

¹⁷ Id. at 7-8.

¹⁸ Id. at 9-10.

¹⁹ Id. at 10-11.

²⁰ Id. at 13-14.

²¹ Id. at 15.

²² Id.

²³ Id. at 16.

²⁴ Id. at 8.

²⁵ Id. at 9.

²⁶ Id. at 10.

have been caused by a penis which did not actually penetrate the vagina but only reached the opening.²⁷

Version of the Defense:

Conversely, the defense averred that on March 22, 2008, accused-appellant was at home with his two sons while AAA and BBB were at their neighbor's house. Allegedly, he and BBB had an ongoing fight which started the day before (March 21, 2008) when they arrived from the grotto in Bulacan. At that time, their verbal argument turned physical when he pushed BBB, who stumbled and almost fell against the wall of the house. Shortly after, BBB threw something at him but he was able to evade it. BBB then took a knife and tried to hurt him but he evaded again. Eventually, BBB packed her things and left. Their three children trailed behind BBB up to the house of their neighbor. He followed and ordered his children to come home but only the two boys obeyed him. The next day or on March 22, 2008, AAA and BBB did not return so he took care of the two boys on his own. That night, he went to a friend's house with the two boys and stayed thereat until 2:00 a.m. of March 23, 2008 before finally calling it a night. Upon reaching the house, he found that AAA and BBB were already there. He then went to sleep.²⁸

When he woke up the following morning, he prepared breakfast and invited AAA and BBB to join him but they declined. At around lunchtime, he knocked on the bedroom door and again invited AAA and BBB to eat with him. Afterwards, he told BBB not to involve AAA in their squabble but BBB hit him in the face instead. Incensed, he slammed the door which caused the hinges to break and fall on AAA, hurting her. After fifteen minutes, AAA left with BBB. Barangay and police officers arrived shortly to question and arrest him. He insisted that BBB concocted the rape allegations in order to exact revenge against him.²⁹

At the trial, the parties stipulated on the following: a) the fact of arrest of the accused; b) authenticity of the affidavit of arrest but not the contents thereof; c) that one of the intended witnesses (BPSO Diosdado Garbin) has no personal knowledge of the facts stated in the Information; and d) that there was no warrant of arrest issued for him as he was only invited for questioning by the arresting officers.³⁰

The Ruling of the Regional Trial Court:

In a Decision³¹ dated November 11, 2011, the RTC ruled that the victim's testimony established the existence of all the elements of Rape under Article 266-A, paragraph (1) of the Revised Penal Code (RPC), as amended. It found

²⁷ Id. at 11.

²⁸ *Rollo*, pp. 6-7; *CA rollo*, p. 14.

²⁹ Id., id. at 15.

³⁰ *Records*, p. 42.

³¹ *CA rollo*, pp. 11-23.

that AAA's testimony directly and positively demonstrated that accused-appellant succeeded in having carnal knowledge of her.³²

The RTC appreciated the qualifying circumstances of minority and relationship, ruling that the felony should be denominated as Incestuous Rape which is punishable by death. Even if the caption of the Information charged Statutory Rape, the trial court noted that the victim's age and her relationship with the accused were alleged in the body thereof. Thus, it held that the allegation of facts in the Information should be controlling.³³ Nonetheless, the RTC ruled that in view of the prohibition on the imposition of the death penalty, accused-appellant should instead suffer the penalty of *reclusion perpetua* without eligibility for parole.³⁴ Hence, the dispositive portion of the RTC's Decision reads:

IN VIEW WHEREOF, accused [XXX] is found guilty of the crime of rape qualified by minority and relationship and is hereby sentenced to suffer the penalty of reclusion perpetua, without eligibility for parole.

The accused is further ordered to pay private complainant the amount of P75,000.00 as civil indemnity, P75,000.00 as moral damages and P30,000.00 as exemplary damages.

SO ORDERED.³⁵ (Emphasis in the original)

Aggrieved, accused-appellant appealed³⁶ before the CA and assigned this sole error:

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF THE CRIME CHARGED NOTWITHSTANDING THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.³⁷

The Ruling of the Court of Appeals:

The CA, in its assailed June 26, 2014 Decision,³⁸ held that accused-appellant is guilty beyond reasonable doubt of Statutory Rape given that the prosecution established the victim's minority as well as the identity of her father as the perpetrator.³⁹ It ruled that AAA, a child victim whose testimony should be given weight and credit, categorically and positively stated that her father inserted his penis inside her vagina.⁴⁰ Furthermore, it held that any penetration of the female organ by the male organ, however slight, is sufficient

³² Id. at 16-20.

³³ Id. at 21-22.

³⁴ Pursuant to Republic Act (RA) No. 9346, An Act Prohibiting the Imposition of Death Penalty in the Philippines.

³⁵ CA *rollo*, p. 23.

³⁶ Id. at 26-28.

³⁷ Id. at 48.

³⁸ *Rollo*, pp. 2-17.

³⁹ Id. at 8-9.

⁴⁰ Id. at 11.

to support the claim of rape. This is in addition to the statement of PCI Baluyot that there is a possibility that the redness in the labia minora was caused by a male organ.⁴¹

The appellate court also rejected accused-appellant's defenses of denial and alibi, as he failed to show that it was physically impossible that both he and the victim were at the *locus criminis* at the time of the commission of the crime.⁴² Similarly, it found untenable his imputation of ill motive since it is unimaginable that the young and innocent victim would concoct a story and file a rape case against her father knowing that it may bring shame to her and her family.⁴³ Hence, the appellate court explained that:

[H]aving sufficiently established the elements of statutory rape and the qualifying circumstance of relationship between accused-appellant and AAA, We find no reason to depart from the ruling of the RTC finding accused-appellant guilty beyond reasonable doubt of the crime of statutory rape. The imposition of the penalty of *reclusion perpetua*, instead of death, on accused-appellant, who shall not be eligible for parole under the Indeterminate Sentence Law, is in order, in light of RA 9346 or the Anti-Death Penalty Law, which prohibits the imposition of the death penalty.⁴⁴

The dispositive portion of the assailed CA Decision provides:

WHEREFORE, premises considered, the instant Appeal is **DENIED**. The Decision dated November 11, 2011 of the Regional Trial Court, Branch 106, Quezon City, in Criminal Case No. Q-08-151411, finding accused-appellant [XXX] guilty beyond reasonable doubt of statutory rape is hereby **AFFIRMED**.

SO ORDERED.⁴⁵ (Emphasis in the original)

Discontented, accused-appellant appealed⁴⁶ his case before Us.

Issue

The main issue is whether or not accused-appellant is guilty beyond reasonable doubt of the felony of Statutory Rape.

Accused-appellant argues that AAA's testimony does not deserve full credit since there is doubt as to her motive, considering that he was known to be a stern disciplinarian who usually spanked her and hit her mother. Thus, the victim, for fear that she would be left behind with him if her mother left, invented a story in order to escape further harm.⁴⁷ Moreover, he contends that

⁴¹ Id. at 11-12.

⁴² Id. at 13.

⁴³ Id. at 14-15.

⁴⁴ Id. at 15-16.

⁴⁵ Id. at 16.

⁴⁶ Id. at 18-19.

⁴⁷ CA rollo, pp. 49-50.

the prosecution failed to prove beyond reasonable doubt the fact of carnal knowledge, the central element in the crime of Rape.⁴⁸ He emphasizes that AAA did not respond to material questions such as: “(1) why she did not immediately tell her mother about the incident; (2) what was [he] doing while in the act of penetrating her; and (3) x x x why she was afraid of [him].”⁴⁹ He adds that AAA’s testimony bore inconsistencies which invited uncertainty as to the veracity of her statements.⁵⁰

He further avers that the physical evidence, specifically the medical findings of PCI Baluyot, did not corroborate AAA’s testimony as supposedly, the possibility that a penis might have caused trauma in the vagina was ruled out.⁵¹ In the same way, he asserts that he should be presumed innocent until the contrary is proved, given that an accusation is not synonymous with guilt.⁵²

The People counters that AAA’s straightforward testimony was corroborated by PCI Baluyot’s testimony who stated that “there was redness on both sides of the labia minora, while the hymen was swollen or ‘maga’ which [may] have been caused by a blunt trauma, or by an object that is not sharp.”⁵³ PCI Baluyot testified that it is possible that a penis did not penetrate the vagina but only stayed at the opening. The People argues that mere touching of the labia of the female organ already consummates the crime of rape, even if the hymen is still intact.⁵⁴ It asserts that although accused-appellant claims that AAA’s credibility and motives are doubtful, her statements should not be discounted given that people react differently to a situation involving a startling occurrence. Additionally, it opines that the testimony of a child-witness is normally given full weight, and the trial court’s evaluation of the credibility of a witness should be considered as it had the opportunity to directly observe the testimonies of the witnesses.⁵⁵

Our Ruling

The appeal lacks merit.

Article 266-A, paragraph (1) of the RPC describes how rape is committed as follows:

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:

⁴⁸ Id. at 51-53.

⁴⁹ Id. at 53.

⁵⁰ Id. at 54.

⁵¹ Id. at 54-55.

⁵² Id. at 56.

⁵³ Id. at 98.

⁵⁴ Id. at 99-100.

⁵⁵ Id. at 101-102.

- a) Through force, threat, or intimidation;
- b) When the offended party is deprived of reason or is 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.⁵⁶
(Emphasis supplied)

Rape shall be qualified and the death penalty shall be imposed under paragraph 1 of Article 266-B of the RPC if it is committed by a parent against his child who is below eighteen (18) years old, viz.:

ART. 266-B. *Penalties.* – Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

x x x x

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;⁵⁷ xxx

We entertain no doubt that accused-appellant is guilty of raping AAA. However, there is a need to correct the nomenclature of the crime committed.

The elements of Qualified Rape are: “(1) sexual congress; (2) with a woman; (3) done by force and without consent; (4) the victim is under [eighteen] years of age at the time of the rape; and (5) the offender is a parent (whether legitimate, illegitimate or adopted) of the victim.”⁵⁸ In this case, AAA was below eighteen years old when the crime was committed against her, which was verified by her birth certificate. Accused-appellant, who admitted that he is AAA’s father, sexually took advantage of her without her consent, likely relying on the authority he holds over her. Relevantly, “when the offender is the victim’s father, as in this case, there need not be actual force, threat or intimidation because when a father commits the odious crime of rape against his own daughter, who was also a minor at the time of the commission of the offenses, his moral ascendancy or influence over the latter substitutes for violence and intimidation.”⁵⁹ Undoubtedly, accused-appellant’s relationship with the victim should be considered in assessing his criminal liability.

⁵⁶ REVISED PENAL CODE, Article 266-A, as amended by Republic Act No. 8353 (1997).

⁵⁷ REVISED PENAL CODE, Article 266-B, as amended by Republic Act No. 8353 (1997).

⁵⁸ *People v. Salaver*, G.R. No. 223681, August 20, 2018 citing *People v. Colentava*, 753 Phil. 361, 372-373 (2015).

⁵⁹ *People v. Bentayo*, 810 Phil. 263, 269 (2017) citing *People v. Fragante*, 657 Phil. 577, 592 (2011).

It is important to emphasize that although the Information designated the felony as Statutory Rape and not Qualified Rape, “this omission is not fatal so as to violate his right to be informed of the nature and cause of accusation against him. Indeed, what controls is not the title of the Information or the designation of the offense, but the actual facts recited in the information constituting the crime charged.”⁶⁰ The Court clarified in *Quimvel v. People*⁶¹ that:

Jurisprudence has already set the standard on how the requirement is to be satisfied. Case law dictates that the allegations in the Information must be in such form as is sufficient to enable a person of common understanding to know what offense is intended to be charged and enable the court to know the proper judgment. The Information must allege clearly and accurately the **elements** of the crime charged. The facts and circumstances necessary to be included therein are determined by reference to the definition and elements of the specific crimes.

The main purpose of requiring the elements of a crime to be set out in the Information is to enable the accused to suitably prepare his defense because he is presumed to have no independent knowledge of the facts that constitute the offense. The allegations of facts constituting the offense charged are substantial matters and the right of an accused to question his conviction based on facts not alleged in the information cannot be waived. As further explained in *Andaya v. People*:

No matter how conclusive and convincing the evidence of guilt may be, an accused cannot be convicted of any offense unless it is charged in the information on which he is tried or is necessarily included therein. To convict him of a ground not alleged while he is concentrating his defense against the ground alleged would plainly be unfair and underhanded. The rule is that a variance between the allegation in the information and proof adduced during trial shall be fatal to the criminal case if it is material and prejudicial to the accused so much so that it affects his substantial rights. (Emphasis supplied; citations omitted.)

The Information specifically alleged that accused-appellant sexually assaulted “his own daughter, a minor, 9 years old, by then and there undressing her and inserting his [penis into] her vagina against her will and without her consent.”⁶² Thus, with supporting proof, these allegations in the Information were adequately proven which in turn effectively qualified the rape even if the term “Statutory Rape” was provided in the caption instead of “Qualified Rape.” Also, We note that the appellate court erroneously referred to accused-appellant’s crime as Statutory Rape. Although it correctly affirmed his guilt, the CA erred in stating in its ratio and disposition that he is guilty beyond reasonable doubt of Statutory Rape, as this is actually different from Qualified Rape, which is the felony committed as correctly held by the RTC. The crime was Qualified Rape precisely because of the concurrence of **both**

⁶⁰ *People v. Molejon*, G.R. No. 208091, April 23, 2018 citing *People v. Ursua*, 819 Phil. 467 (2017).

⁶¹ *Quimvel v. People*, 808 Phil. 889, 912-913 (2017).

⁶² *Records*, p. 1.

the *minority* of the victim *and* the *relationship* of the parties, *i.e.*, as father and daughter. Even if the CA erroneously denominated the crime as Statutory Rape instead of Qualified Rape, it nonetheless imposed the appropriate penalty of *reclusion perpetua* without eligibility of parole.

Another point. The records showed that both BBB⁶³ and AAA⁶⁴ made written recantations dated May 28, 2010. BBB claimed that she filed the case out of anger towards accused-appellant. However, she regretted what she had done since the children were already longing for their father and she cannot act as both the mother and father to them. Furthermore, BBB admitted that she coached AAA to say that her father raped her in order to exact revenge. She added that accused-appellant had already changed for the better especially while experiencing life in prison. In the same vein, AAA stated that she filed a case against her father because the latter was always hurting her mother. Moreover, she asserted that BBB was having a hard time raising all of the children and that her father was the only one who could help her (BBB) do so.

Considering these, however, the Court cannot give such statements any weight, as these recantations were presented two years after the criminal case was filed and three months after accused-appellant completed his testimony on February 19, 2010. If, as BBB and AAA now claim, their accusations were all made up, then why did AAA subject herself to medical examination and endure all the rigorous questioning in open court? Why did accused-appellant or his counsel not insist on dropping the case before the RTC promulgated its Decision when they had ample time to do so? Moreover, We earlier noted that AAA's testimony was clear and consistent and did not show badges of rehearsal or coercion. Indeed, "[r]ecantations are viewed unfavorably especially in rape cases. Circumstances in which the recantation was made are thoroughly examined before the evidence of retraction can be given any weight."⁶⁵ Likewise, the Court noted that even the trial court did not consider, much less take note of, these recantations before rendering its ruling.

Moreover, "testimonies of child victims are given full weight and credit, because 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. Youth and immaturity are generally badges of truth and sincerity."⁶⁶ Since AAA positively identified her father as the perpetrator, his denial and alibi without adequate proof cannot stand.⁶⁷ Accused-appellant did not even bother to further elucidate on why he could not have been at the scene of the crime at the time the incident happened. Furthermore, the defense failed to present the testimony of accused-appellant's friend with whom he supposedly spent time in order to corroborate his version of the story.

⁶³ *Id.* at 84-85.

⁶⁴ *Id.* at 86.

⁶⁵ *People v. ZZZ*, G.R. No. 229862, June 19, 2019.

⁶⁶ *People v. Salaver*, G.R. No. 223681, August 20, 2018 citing *People v. Vergara*, 724 Phil. 702 (2014).

⁶⁷ *People v. Alberca*, 810 Phil. 896, 909 (2017) citing *People v. Barberan*, 788 Phil. 103 (2016).

Accused-appellant's imputation of ill motive on the part of the victim is equally unconvincing and rather shallow when compared to the consequences upon the victim by reporting a rape incident especially since it involves her dignity and reputation. Juxtaposed with the victim's testimony, accused-appellant's claim failed to convince Us otherwise. Withal, the Court reiterates that "a young girl's revelation that she had been raped, coupled with her voluntary submission to medical examination and willingness to undergo public trial where she could be compelled to give out the details of an assault on her dignity, cannot be so easily dismissed as mere concoction."⁶⁸

Furthermore, "[j]urisprudence is replete with cases where the Court ruled that questions on the credibility of witnesses should be best addressed to the trial court because of its unique position to observe that elusive and incommunicable evidence of the witnesses' deportment on the stand while testifying which is denied to the appellate courts."⁶⁹ Thus, the testimonies of the witnesses for the prosecution should be favored given that the RTC placed more confidence therein. We therefore see no reason to depart from the RTC's findings that accused-appellant had carnal knowledge of AAA, as charged in the Information, absent any badge of error on the part of the trial court when it assessed the evidence before it.

With regard to the penalties, the CA correctly affirmed the penalty of *reclusion perpetua* in light of the prohibition on the imposition of the death penalty as mandated by Republic Act No. 9346. However, pursuant to recent jurisprudence, the awards for civil indemnity, moral damages and exemplary damages should all be increased to ₱100,000.00 each.⁷⁰ Additionally, the said monetary awards should be subject to the interest rate of six percent (6%) per *annum* from the finality of the Decision until fully paid.⁷¹

WHEREFORE, the instant appeal is hereby **DISMISSED**. The assailed Decision dated June 26, 2014 rendered by the Court of Appeals in CA-G.R. CR-HC No. 05315, is hereby **AFFIRMED with MODIFICATIONS** in that accused-appellant XXX is **GUILTY** beyond reasonable doubt of one count of Qualified or Incestuous Rape and is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole. Moreover, the awards for civil indemnity, moral damages and exemplary damages are increased to ₱100,000.00 each. Lastly, all amounts due shall earn a legal interest of six percent (6%) per *annum* from the date of the finality of this Decision until full payment.

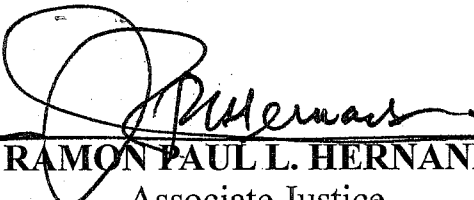
⁶⁸ *People v. Salaver*, G.R. No. 223681, August 20, 2018 citing *People v. Dalipe*, 633 Phil. 428 (2010).

⁶⁹ *People v. Roy*, G.R. No. 225604, July 23, 2018 citing *People v. Barcelá*, 734 Phil. 332 (2014).


⁷⁰ *People v. Jugueta*, 783 Phil. 806, 854 (2016).

⁷¹ *People v. Colentava*, 753 Phil. 361, 381 (2015) citing *People v. Vitero*, 708 Phil. 49 (2013).

SO ORDERED.

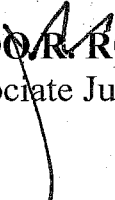

RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:


MARVIC M. V. F. LEONEN
Associate Justice
Chairperson

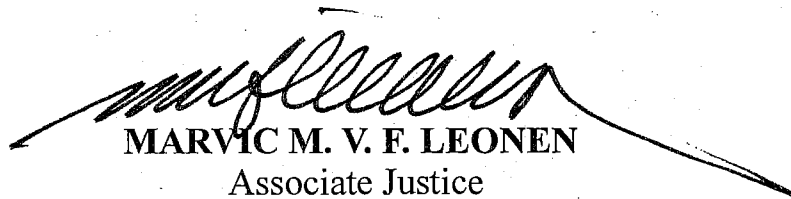
On official leave
HENRI JEAN PAUL B. INTING
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice


RICARDO R. ROSARIO
Associate Justice

ATTESTATION

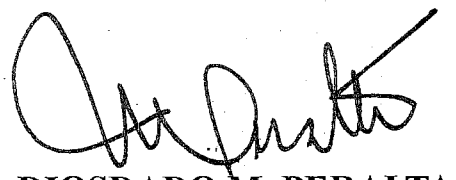
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M. V. F. LEONEN
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I hereby 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.



DIOSDADO M. PERALTA
Chief Justice

CERTIFIED TRUE COPY

MisprCBH
MICHAEL DOMINGO C. BATTUNG III
Division Clerk of Court
Third Division
FEB 15 2021