

Republic of the Philippines  
Supreme Court  
Baguio City

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,  
*Plaintiff-Appellee,*

G.R. No. 255491

Present:

- versus -

PERLAS-BERNABE, S.A.J.,  
*Chairperson,*  
HERNANDO,  
ZALAMEDA,  
ROSARIO, and  
MARQUEZ, J.J.

XXX,<sup>1</sup>

*Accused-Appellant.*

Promulgated:

APR 18 2022

X-----X

DECISION

**HERNANDO, J.:**

This appeal<sup>2</sup> assails the September 27, 2019 Decision<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09868, which modified the August 9, 2017 Omnibus Judgment<sup>4</sup> of the Regional Trial Court, [REDACTED].<sup>5</sup> The CA found accused-appellant XXX (accused-appellant) guilty beyond reasonable doubt for Qualified Statutory Rape in violation of Article 266-A, paragraph 1(d), in relation to Article 266-B of the Revised Penal Code (RPC).

<sup>1</sup> Initials were used to identify the accused-appellant pursuant to Supreme Court Amended Administrative Circular No. 83-2015 dated September 5, 2017 entitled "Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders using Fictitious Names/Personal Circumstances."  
<sup>2</sup> *Rollo*, pp. 23-25.  
<sup>3</sup> *CA rollo*, pp. 147-165. Penned by Associate Justice Nina G. Antonio-Valenzuela and concurred in by Associate Justices Apolinario D. Bruselas, Jr. and Louie P. Acosta.  
<sup>4</sup> Records (Criminal Case No. 33-09), pp. 156-200.  
<sup>5</sup> Geographical location is blotted out pursuant to Supreme Court Amended Circular No. 83-2015.

**The Antecedents:**

On November 3, 2008, accused-appellant was charged with Qualified Statutory Rape for having carnal knowledge of his minor daughter AAA,<sup>6</sup> against the latter's will on three different occasions. The accusatory portions of the three separate Informations<sup>7</sup> filed against accused-appellant read as follows:

**Criminal Case No. 33-09:**

That on or about the 13<sup>th</sup> day of March 2007, in [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, motivated by lust and with lewd design, with the use of force, threat and intimidation and taking advantage of his moral ascendancy over his eleven (11) year old daughter [AAA] (born on May 14, 1995), did then and there willfully, unlawfully and feloniously have carnal knowledge of said [AAA] by inserting his penis into her vagina, against her will and consent, to her damage and prejudice.

CONTRARY TO LAW.<sup>8</sup>

**Criminal Case No. 34-09:**

That on or about the year 2004, in [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, motivated by lust and with lewd design, with the use of force, threat and intimidation and taking advantage of his moral ascendancy over his nine (9) year old daughter [AAA] (born on May 14, 1995), did then and there willfully, unlawfully, and feloniously have carnal knowledge of said [AAA] by inserting his penis into her vagina, against her will and consent, to her damage and prejudice.

CONTRARY TO LAW.<sup>9</sup>

**Criminal Case No. 35-09:**

That on or about the year 2005, in [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the

<sup>6</sup> "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]).

<sup>7</sup> Records (Criminal Case No. 33-09), p. 1; records (Criminal Case No. 34-09), p. 1; records (Criminal Case No. 35-09), p. 1

<sup>8</sup> Records (Criminal Case No. 33-09), p. 1

<sup>9</sup> Records (Criminal Case No. 34-09), p. 1

above-named accused, motivated by lust and with lewd design, with the use of force, threat and intimidation and taking advantage of his moral ascendancy over his ten (10) year old daughter [AAA] (born on May 14, 1995), did then and there willfully, unlawfully, and feloniously have carnal knowledge of said [AAA] by inserting his penis into her vagina, against her will and consent, to her damage and prejudice.

CONTRARY TO LAW.<sup>10</sup>

Accused-appellant pleaded not guilty to the crimes charged during his arraignment.<sup>11</sup> Joint pre-trial and trial ensued.<sup>12</sup> The prosecution presented the following: (1) AAA; (2) BBB, mother of AAA; (3) CCC, brother of AAA; and (4) Medico-Legal Officer Marianne S. Ebdane (Officer Ebdane).<sup>13</sup> The defense presented accused-appellant as its sole witness.<sup>14</sup>

### Version of the Prosecution

At around 2:00 p.m. of March 13, 2007, accused-appellant, AAA, CCC and their other siblings were at their house in [REDACTED]. While AAA was washing the dishes, accused-appellant asked CCC to take his other siblings on a stroll around their place. CCC heeded the instruction of his father. Accused-appellant and AAA were thus left in the house.<sup>15</sup> While strolling around, CCC passed by their house and observed that the windows and door were covered or with *tabing*.<sup>16</sup>

Meanwhile, inside the house, accused-appellant ordered AAA to change her clothes and to wear a skirt. Thereafter, accused-appellant told AAA to lie on the floor. He then removed his clothes, applied cooking oil on his penis, removed AAA's skirt and underwear, and inserted his penis into AAA's vagina. Despite the pain she felt, AAA remained silent for fear that her father might hurt her. After the bestial act, accused-appellant told AAA to change her clothes.<sup>17</sup>

CCC's sister, DDD, cried for milk so they decided to return home. On their way home, they met accused-appellant who is on his way to [REDACTED]. CCC and his siblings proceeded home. Upon arriving home, CCC was suspicious of the

<sup>10</sup> Records (Criminal Case No. 35-09), p. 1

<sup>11</sup> CA *rollo*, p. 149.

<sup>12</sup> Id.

<sup>13</sup> Id.

<sup>14</sup> Id. at 152.

<sup>15</sup> Id. at 150.

<sup>16</sup> Records (Criminal Case No. 33-09), p. 165.

<sup>17</sup> TSN, October 5, 2009, pp. 8-9. See also CA *rollo*, p. 150.

*tabing* so he asked AAA what she and accused-appellant were doing when they were out. AAA, however, did not answer him.<sup>18</sup>

At around 7:00 p.m., BBB, their mother, arrived home from [REDACTED]. CCC informed her of the *tabing* that he saw on the windows. BBB then asked AAA about it. AAA disclosed that accused-appellant defiled her. BBB brought AAA to the *barangay* hall, then to the municipal hall, where they met with a representative from the Department of Social Welfare and Development (DSWD). Thereafter, AAA was brought to Camp Crame for examination.<sup>19</sup>

Officer Ebdane examined AAA. In her Medico Legal Report No. RO7-559,<sup>20</sup> Officer Ebdane found neither laceration nor injury on AAA's vagina at the time of the examination, but such evaluation could not exclude possible sexual abuse. She explained that lacerations or injuries might not be evident despite the fact of sexual abuse due to certain factors such as age and health of the victim. Further, the hymen of an 11-year old is similar to a rubber band that can be stretched without evident injury.<sup>21</sup>

AAA testified that accused-appellant's bestial act of inserting his penis inside her vagina and against her will similarly happened in 2004 when she was still nine years old, and in 2005, when she was 10 years old.<sup>22</sup> Hence, the filing of three separate Informations against accused-appellant.

### Version of the Defense

From 9:00 a.m. until 3:00 p.m. of March 13, 2007, accused-appellant was with BBB and EEE at the seaside in [REDACTED]. Accused-appellant was repairing a *baklad* until BBB had to leave for [REDACTED] so he accompanied her to the bus terminal. Thereafter, accused-appellant went to his live-in partner at [REDACTED] where he slept until 6:30 p.m. When his live-in partner woke him up, he went to the seaside, stayed there for two hours, went back to [REDACTED] and slept again.<sup>23</sup>

Meanwhile, a commotion happened in the neighboring house that awakened accused-appellant. Police officers handcuffed accused-appellant's brother and asked the latter if he were accused-appellant. Accused-appellant immediately left when he knew that the police officers were looking for him.

<sup>18</sup> Records (Criminal Case No. 33-09), p. 165. See also TSN, August 17, 2009, pp. 5-12.

<sup>19</sup> TSN, August 3, 2009, pp. 11-16. See also *CA rollo*, p. 151.

<sup>20</sup> Records (Criminal Case No. 34-09), p. 12.

<sup>21</sup> Records (Criminal Case No. 33-09), pp. 172-173. See also TSN, November 4, 2011, pp. 13-14.

<sup>22</sup> *Id.* at 170-172.

<sup>23</sup> TSN, October 5, 2012, pp. 5-9. See also *CA rollo*, pp. 152-153.

First, he went to the seaside and stayed there for an hour, went back home to pack his things, headed to [REDACTED] to collect a debt, then to [REDACTED] in [REDACTED] where stayed for two days. He went back to [REDACTED] to borrow money from his sister then went to [REDACTED]. When he received a text message that his family filed a complaint against him, he traveled back to [REDACTED] to clear his name.<sup>24</sup>

Accused-appellant denied having carnal knowledge of AAA. He imputed ill motive on the part of BBB. He contended that BBB was jealous and angry at him for having an affair with another woman. Hence, the complaint against him.<sup>25</sup>

### **Ruling of the Regional Trial Court:**

In an Omnibus Judgment<sup>26</sup> dated August 9, 2017, the trial court found accused-appellant guilty beyond reasonable doubt for Qualified Statutory Rape. The testimony of AAA was straightforward, categorical and spontaneous during the direct and cross-examination. Sincerity and truthfulness were evident in her testimony. AAA also positively identified accused-appellant as the person who defiled her.<sup>27</sup> While no laceration was noted, the trial court resolved that the medico-legal report was merely corroborative and dispensable, and the testimony of the victim alone may be sufficient to convict the perpetrator, as long as credibility was established.<sup>28</sup>

Moreover, the trial court found that the prosecution adequately established the two elements of Statutory Rape. The minority of AAA, and the father-daughter relationship between accused-appellant and AAA, were alleged in the informations and proven during trial.<sup>29</sup> The trial court likewise did not appreciate the defenses of alibi, denial, and ill motive proffered by accused-appellant.<sup>30</sup>

The *fallo* of the Omnibus Judgment reads in this wise:

**WHEREFORE**, premises considered, this Honorable Court, hereby finds the accused, [XXX], a resident of [REDACTED]:

<sup>24</sup> TSN, October 5, 2012, pp. 10-12. See also *CA rollo*, p. 153.

<sup>25</sup> TSN, October 5, 2012, pp. 13-15. See also *CA rollo*, p. 153.

<sup>26</sup> Records (Criminal Case No. 33-09), pp. 156-200.

<sup>27</sup> *Id.* at 189-191.

<sup>28</sup> *Id.* at 191-192.

<sup>29</sup> *Id.* at 192-194.

<sup>30</sup> *Id.* at 183-188.

1. **GUILTY** beyond reasonable doubt in **Criminal Case No. 33-09**, of the crime of rape under Article 266-A, paragraph 1(b) (*sic*) in relation to Article 266-B, paragraph 2, no. 1 of the Revised Penal Code, as amended by R.A. 8353, and is sentenced to suffer the penalty of *reclusion perpetua without benefit of parole*, in accordance with R.A. 9346, “*An Act Prohibiting the Imposition of Death Penalty in the Philippines*”, and is ordered to pay the private complainant [AAA], his biological daughter, *Seventy Five Thousand Pesos* (P75,000.00) as civil indemnity, *Seventy Five Thousand Pesos* (P75,000.00) as moral damages, and *Thirty Thousand Pesos* (P30,000.00) as exemplary damages, all with interest at the rate of Six Percent (6%) *per annum* from the date of finality of this judgement (*sic*). No costs.

2. **GUILTY** beyond reasonable doubt in **Criminal Case No. 34-09**, of the crime of rape under Article 266-A, paragraph 1(b) (*sic*) in relation to Article 266-B, paragraph 2, no. 1 of the Revised Penal Code, as amended by R.A. 8353, and is sentenced to suffer the penalty of *reclusion perpetua without benefit of parole*, in accordance with R.A. 9346, “*An Act Prohibiting the Imposition of Death Penalty in the Philippines*”, and is ordered to pay the private complainant [AAA], his biological daughter, *Seventy Five Thousand Pesos* (P75,000.00) as civil indemnity, *Seventy Five Thousand Pesos* (P75,000.00) as moral damages, and *Thirty Thousand Pesos* (P30,000.00) as exemplary damages, all with interest at the rate of Six Percent (6%) *per annum* from the date of finality of this judgement (*sic*). No costs.

3. **GUILTY** beyond reasonable doubt in **Criminal Case No. 35-09**, of the crime of rape under Article 266-A, paragraph 1(b) (*sic*) in relation to Article 266-B, paragraph 2, no. 1 of the Revised Penal Code, as amended by R.A. 8353, and is sentenced to suffer the penalty of *reclusion perpetua without benefit of parole*, in accordance with R.A. 9346, “*An Act Prohibiting the Imposition of Death Penalty in the Philippines*”, and is ordered to pay the private complainant [AAA], his biological daughter, *Seventy Five Thousand Pesos* (P75,000.00) as civil indemnity, *Seventy Five Thousand Pesos* (P75,000.00) as moral damages, and *Thirty Thousand Pesos* (P30,000.00) as exemplary damages, all with interest at the rate of Six Percent (6%) *per annum* from the date of finality of this judgement (*sic*). No costs.

So Ordered.<sup>31</sup>

Aggrieved, accused-appellant appealed<sup>32</sup> to the CA.

### **Ruling of the Court of Appeals:**

In its September 27, 2019 Decision,<sup>33</sup> the appellate court convicted accused-appellant for Qualified Statutory Rape, and increased the amount of civil indemnity, moral damages, and exemplary damages to ₱100,000.00 each<sup>34</sup> for each count.

<sup>31</sup> Id. at 198-200.

<sup>32</sup> CA *rollo*, p. 14.

<sup>33</sup> Id. at 147-165.

<sup>34</sup> Id. at 157 and 163.

The appellate court maintained that AAA's narration of her ordeal in the hands of her father was clear, consistent and credible. On the basis of a natural and credible testimony of the rape victim, the perpetrator may be convicted of the crime charged.<sup>35</sup> Furthermore, the prosecution sufficiently proved that there was carnal knowledge of AAA, a minor, without her consent, perpetrated by accused-appellant, her father.<sup>36</sup> The appellate court affirmed the corroborative character of the medico-legal certificate. It also found accused-appellant's defenses as without merit since they were mere allegations without evidence.<sup>37</sup>

The dispositive portion of the appellate court's Decision reads:

**ACCORDINGLY**, we **MODIFY** the Decision dated 9 August 2017, of the Regional Trial Court, [REDACTED], [REDACTED], as follows:

1. **Criminal Case No. 33-09**: we find the appellant [XXX] **GUILTY** beyond reasonable doubt of the crime of Rape punished under Article 266-A(1)(d), Revised Penal Code, and sentence him to:

- a. imprisonment of the indivisible penalty of *Reclusion Perpetua*; and
- b. to pay AAA P100,000.00 (as civil indemnity), P100,000.00 (as moral damages), P100,000.00 (as exemplary damages);

2. **Criminal Case No. 34-09**: we find the appellant [XXX] **GUILTY** beyond reasonable doubt of the crime of Rape punished under Article 266-A(1)(d), Revised Penal Code, and sentence him to:

- a. imprisonment of the indivisible penalty of *Reclusion Perpetua*; and
- b. to pay AAA P100,000.00 (as civil indemnity), P100,000.00 (as moral damages), P100,000.00 (as exemplary damages);

3. **Criminal Case No. 35-09**: we find the appellant [XXX] **GUILTY** beyond reasonable doubt of the crime of Rape punished under Article 266-A(1)(d), Revised Penal Code, and sentence him to:

- a. imprisonment of the indivisible penalty of *Reclusion Perpetua*; and
- b. to pay AAA P100,000.00 (as civil indemnity), P100,000.00 (as moral damages), P100,000.00 (as exemplary damages).

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<sup>35</sup> Id. at 159.

<sup>36</sup> Id. at 159-161.

<sup>37</sup> Id. at 161-162.

All sums awarded are subject to interest at the rate of 6% *per annum* from the finality of thus (*sic*) Decision, until full payment.

**IT IS SO ORDERED.**<sup>38</sup>

Unrelenting, accused-appellant appealed<sup>39</sup> before this Court. The People, through the Office of the Solicitor General, manifested that it would be adopting its Appellee's Brief as its Supplemental Brief.<sup>40</sup>

In his Brief,<sup>41</sup> accused-appellant insists that the trial court failed to consider the inconsistent testimony of AAA, where she testified that her mother knew of the gruesome incident from her brother, and yet she testified that her brother did not actually see the incident.<sup>42</sup> He also argues that the alleged rape did not happen because the physical evidence as found by Officer Ebdane was contrary to AAA's contention.<sup>43</sup> As to the other incidents of rape, accused-appellant asserts that AAA's narration sounded uniform, memorized and rehearsed.<sup>44</sup> He concludes that the prosecution failed to prove his guilt because AAA failed to give a clear, positive, and convincing testimony, and hence, his defense of denial is significant. Accused-appellant prays for his acquittal.<sup>45</sup>

For its part, the People, in its Brief for the Plaintiff-Appellee,<sup>46</sup> reiterates that appellate courts would generally not disturb the findings of the trial court with regard to the credibility of witnesses.<sup>47</sup> Moreover, it disproves the claim that there was inconsistency in the testimony of AAA because she merely said that it was through her brother that her mother knew of the incident. Even granting that there was inconsistency, it was merely minor and would not discount the fact that accused-appellant had carnal knowledge of AAA.<sup>48</sup> Also, the uniform narration did not necessarily mean that AAA's testimony was rehearsed or contrived because AAA categorically testified that accused-appellant had carnal knowledge of her on three separate instances.<sup>49</sup> In conclusion, the People contends that the prosecution established all the elements of Qualified Statutory Rape,<sup>50</sup> and that accused-appellant's defenses could not

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<sup>38</sup> Id. at 163-164.

<sup>39</sup> *Rollo*, pp. 23-25.

<sup>40</sup> Id. at 32-33.

<sup>41</sup> *CA rollo*, pp. 43-57.

<sup>42</sup> Id. at 51.

<sup>43</sup> Id. at 52.

<sup>44</sup> Id. at 52-54.

<sup>45</sup> Id. at 54-56.

<sup>46</sup> Id. at 108-128.

<sup>47</sup> Id. at 117-118.

<sup>48</sup> Id. at 119-120.

<sup>49</sup> Id. at 120-121.

<sup>50</sup> Id. at 121-123.



be given greater weight over AAA's positive identification.<sup>51</sup>

### Issue

All told, the sole issue before this Court is whether or not accused-appellant is guilty beyond reasonable doubt of the crimes charged.

### Our Ruling

The appeal lacks merit.

This Court affirms the conviction of accused-appellant for Qualified Statutory Rape in Criminal Case No. 33-09, Criminal Case No. 34-09, and Criminal Case No. 35-09.

As a preliminary matter, this Court adheres to the well-entrenched principle that the trial court's factual findings, including its pronouncement as to the credibility of the witnesses, should be accorded great weight and respect. This is because trial courts have the opportunity to personally examine and observe the demeanor, manner, and body language of the witnesses when they were placed on the witness stand during trial.<sup>52</sup>

In this instant case, the trial court categorically emphasized its positive observation of AAA's credibility during the direct and cross-examination, viz.:

The Court is impressed of the courage of the private complainant as she recounted her ordeals at the hands of his (*sic*) own father, the accused in this case. The victim, the private complainant, was straightforward, categorical and spontaneous in her answers during direct examination and cross-examination. Her account of her ordeal resonated with sincerity and truthfulness.

Thus, this Court is convinced of the credibility of the private complainant as witness to the commission of the very crime perpetrated against her by her own father, the accused. The cross-examination shows that her answers were clearly uncoached as they did not stray from her main testimony and she answered the questions without hesitation. The defense failed to impeach her credibility in this case.<sup>53</sup>

This Court will generally not deviate from these factual findings especially when the appellate court also stamped its affirmation on the credibility of the

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<sup>51</sup> Id. at 123-125.

<sup>52</sup> See *People v. Jagdon, Jr.*, G.R. No. 242882, September 9, 2020.

<sup>53</sup> Records (Criminal Case No. 33-09), p. 190.

witness.<sup>54</sup> As much as these matters are beyond this Court's sphere, they are properly within the domain of the trial courts.<sup>55</sup>

The Court is not swayed by accused-appellant's protestations as to AAA's credibility. In any case, the alleged inconsistencies were inconsequential to the commission of the crime. This Court reiterates that inconsistencies on one's testimony will only result to reasonable doubt when the detail pertains to an essential element of the crime or to the identity of the offender.<sup>56</sup> As clarified in *People v. Nocido*,<sup>57</sup> minor inconsistencies may even work to enhance the credibility of a witness:

For as long as the testimonies of AAA are coherent and intrinsically believable, the minor inconsistencies in her narration of facts do not detract from their essential credibility. Rather, the minor inconsistencies enhance credibility as they manifest spontaneity and lack of scheming.<sup>58</sup>

Articles 266-A and 266-B of the RPC, as amended by Republic Act No. (RA) 8353,<sup>59</sup> read:

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:

x x x x

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.

x x x x

Article 266-B. Penalties. — x x x.

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;

<sup>54</sup> CA rollo, p. 159.

<sup>55</sup> *People v. Jagdon, Jr.*, supra note 52.

<sup>56</sup> See *People v. Delos Santos, Jr.*, G.R. No. 248929, November 9, 2020.

<sup>57</sup> See G.R. No. 240229, June 17, 2020.

<sup>58</sup> See *id.*

<sup>59</sup> Entitled "AN ACT EXPANDING THE DEFINITION OF THE CRIME OF RAPE, RECLASSIFYING THE SAME AS A CRIME AGAINST PERSONS, AMENDING FOR THE PURPOSE ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE AND FOR OTHER PURPOSES." Approved: September 30, 1997.

x x x x

Statutory Rape has the following elements: (1) that a man had carnal knowledge of a woman; and (2) that the offended party is under 12 years of age. Moreover, the penalty to be imposed is death when one of the aggravating or qualifying circumstances is present. In this instant case, AAA is under 18 years of age and the offender is her parent.

All these elements and qualifying circumstances were alleged in the three Informations, and were proven by the prosecution during trial.

On the first element, accused-appellant had carnal knowledge of AAA on three different occasions. There is carnal knowledge even with the slightest penetration or the mere touching of the lips of the pudendum of the woman by a man's genitalia.<sup>60</sup> AAA testified that accused-appellant inserted his penis into her vagina<sup>61</sup> on three occasions.<sup>62</sup>

Officer Ebdane's findings of the absence of laceration or injury in AAA's genitalia is not fatal to the prosecution. It is settled that a medical report is dispensable in proving the commission of rape. In any event, Officer Ebdane even confirmed that sexual abuse could not be cancelled out even if no injuries or lacerations were found.<sup>63</sup> *People v. Manaligod*<sup>64</sup> is instructive on this:

Moreover, even if the Court disregards the medico-legal certificate, the same would still not be sufficient to acquit accused-appellant. **It has been repeatedly held that the medical report is by no means controlling. A medical examination of the victim is not indispensable in the prosecution for rape, and no law requires a medical examination for the successful prosecution thereof. The medical examination of the victim or the presentation of the medical certificate is not essential to prove the commission of rape,** as the testimony of the victim alone, if credible, is sufficient to convict the accused of the crime. The medical examination of the victim as well as the medical certificate is merely corroborative in character.<sup>65</sup> (Emphasis supplied)

Based on AAA's straightforward declaration, this Court, therefore, concludes that accused-appellant indeed had carnal knowledge of her against her will. Accused-appellant's moral ascendancy, being the father of AAA, takes the place of violence or intimidation.<sup>66</sup> Hence, the first element has been proven.

<sup>60</sup> See *People v. Mendoza*, G.R. No. 239892, June 10, 2020.

<sup>61</sup> TSN, October 5, 2009, pp. 8-9. See also *CA rollo*, p. 150.

<sup>62</sup> Records (Criminal Case No. 33-09), p. 170-172.

<sup>63</sup> *Id.* at 172-173. See also TSN, November 4, 2011, pp. 13-14.

<sup>64</sup> 831 Phil. 204 (2018).

<sup>65</sup> *Id.* at 213.

<sup>66</sup> See *People v. Cabales*, G.R. No. 249149, December 2, 2020.

With regard to the second element, AAA was below 12 years old when the three rape incidents happened. Her Certificate of Live Birth<sup>67</sup> reflects that she was born on May 14, 1995. Hence, she was nine, 10, and 11 years old, respectively, when the rape incidents happened in 2004, 2005, and 2007, respectively.

As to the presence of the qualifying circumstance, the father-daughter relationship between accused-appellant and AAA was also established through the latter's Certificate of Live Birth,<sup>68</sup> where it was indicated that the father is accused-appellant. Likewise, BBB testified in open court that AAA's father was accused-appellant.<sup>69</sup> Since this qualifying circumstance was properly alleged in the three informations, and proven during trial, this Court holds that accused-appellant committed Qualified Statutory Rape under Article 266-A(1)(d), in relation to Article 266-B(1) of the RPC, as amended by RA 8353.

Under Article 266-B, accused-appellant would have been meted the penalty of death if not for the passage of RA 9346.<sup>70</sup> Accused-appellant is thus sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole<sup>71</sup> for each count. He is also ordered to pay AAA the amounts of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages for each count.<sup>72</sup> Interest at the rate of six percent (6%) is imposed on all monetary awards from the date of finality of this Decision until fully paid.

**WHEREFORE**, the appeal is **DISMISSED**. The September 27, 2019 Decision of the Court of Appeals in CA-G.R. CR-HC No. 09868 is **AFFIRMED**. Accordingly, accused-appellant XXX is found **GUILTY** beyond reasonable doubt for three counts of Qualified Statutory Rape. He is sentenced to suffer the penalty of *reclusion perpetua*, without eligibility for parole, for each count. He is ordered to pay AAA the following: (1) ₱100,000.00 as civil indemnity; (2) ₱100,000.00 as moral damages; and (3) ₱100,000.00 as exemplary damages. Said amounts shall earn legal interest at the rate of six percent (6%) per *annum* from the finality of this Decision until full satisfaction thereof.

<sup>67</sup> Records (Criminal Case No. 34-09), p. 14.

<sup>68</sup> Id.

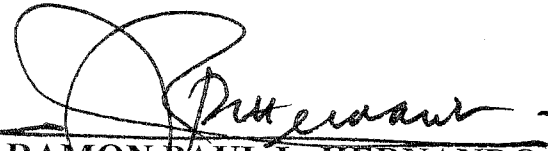
<sup>69</sup> Records (Criminal Case No. 33-09), p. 161-163.

<sup>70</sup> Entitled "AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES." Approved: June 24, 2006


<sup>71</sup> A.M. No. 15-08-02-SC or the Guidelines for the Proper Use of the Phrase "Without Eligibility for Parole" in Indivisible Penalties: "If at all, the qualification of "without eligibility for parole" may be applied to qualify *reclusion perpetua* in order to emphasize that the appellant should have been sentenced to suffer the death penalty had it not been for R.A. No. 9346.

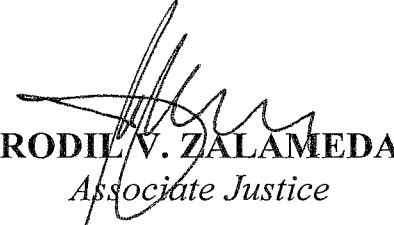
<sup>72</sup> See *People v. Gaa*, 810 Phil. 860, 871 (2017).

**SO ORDERED.**

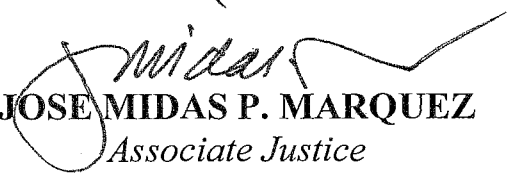
  
**RAMON PAUL L. HERNANDO**  
*Associate Justice*

WE CONCUR:

  
**ESTELA M. PERLAS-BERNABE**  
*Senior Associate Justice*  
*Chairperson*

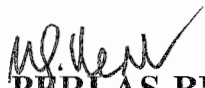
  
**RODIL V. ZALAMEDA**  
*Associate Justice*

  
**RICARDO R. ROSARIO**  
*Associate Justice*

  
**JOSE MIDAS P. MARQUEZ**  
*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.

  
**ESTELA M. PERLAS-BERNABE**  
*Senior Associate Justice*  
*Chairperson*

**CERTIFICATION**

Pursuant to Section 13, Article VIII 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*