



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,     G.R. No. 262600  
Plaintiff-appellee,

Present:

-versus-

LEONEN, J., *Chairperson*,  
LAZARO-JAVIER,  
LOPEZ, M.,  
LOPEZ, J., and  
KHO, JR., JJ.

AAA,  
Accused-appellant.

Promulgated:  
JAN 31 2024

X-----X

DECISION

LEONEN, J.:

The moral ascendancy of the common law father of a minor substitutes force and intimidation in rape.<sup>1</sup> When the offender has moral ascendancy over the victim, physical resistance no longer needs to be proven.

This Court resolves an appeal<sup>2</sup> from the Court of Appeals Decision<sup>3</sup> finding AAA guilty beyond reasonable doubt of rape under Article 266-A of the Revised Penal Code, as amended. The Court of Appeals modified the Judgment<sup>4</sup> of the trial court, finding AAA guilty of six counts of rape instead

<sup>1</sup> *People v. Gacusan*, 809 Phil 773, 774 (2017) [Per J. Leonen, Second Division].

<sup>2</sup> *Rollo*, p. 3.

<sup>3</sup> *Id.* at 9-47. The March 22, 2022 Decision in CA-G.R. CR HC No. 14261 was penned by Associate Justice Louis P. Acosta and concurred in by Associate Justices Myra V. Garcia-Fernandez and Bonifacio S. Pascua of the Eleventh Division, Court of Appeals, Manila.

<sup>4</sup> *Id.* at 49-68. The January 30, 2020 Judgment in Crim. Case No. 264-287-M-2016 was penned by Presiding Judge Maria Zenaida Bernadette T. Mendiola of Branch 80, Regional Trial Court of Malolos, Bulacan.

of seven.

AAA was charged with rape in 24 similarly-worded Informations, all filed on January 12, 2016.<sup>5</sup> The accusatory portions of the Informations read:

**Criminal Case No. 264-M-2016**

That on or about the 24<sup>th</sup> day of December 2015, in [REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB], a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd designs, have carnal knowledge of [BBB] against her will and without her consent.

Contrary to law.

**Criminal Case No. 265-M-2016**

That on or about the 1<sup>st</sup> day of December 2015, in [REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB], a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd designs, have carnal knowledge of the said [BBB] against her will and without her consent.

Contrary to law.

**Criminal Case No. 266-M-2016**

That on or about the 2<sup>nd</sup> day of December 2015, in [REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB], a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd designs, have carnal knowledge of the said [BBB] against her will and without her consent.

Contrary to law.

**Criminal Case No. 267-M-2016**

That on or about the 3<sup>rd</sup> day of December 2015, in [REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB], a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd designs, have carnal knowledge of the said [BBB] against her will and without her consent.

Contrary to law.

<sup>5</sup> *Id.* at 10.

**Criminal Case No. 268-M-2016**

That on or about the 4<sup>th</sup> day of December 2015, in [REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB], a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd designs, have carnal knowledge of the said [BBB] against her will and without her consent.

Contrary to law.

**Criminal Case No. 269-M-2016**

That on or about the 5<sup>th</sup> day of December 2015, in [REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB], a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd designs, have carnal knowledge of the said [BBB] against her will and without her consent.

Contrary to law.

**Criminal Case No. 270-M-2016**

That on or about the 6<sup>th</sup> day of December 2015, in [REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB], a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd designs, have carnal knowledge of the said [BBB] against her will and without her consent.

Contrary to law.

**Criminal Case No. 271-M-2016**

That on or about the 7<sup>th</sup> day of December 2015, in [REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB], a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd designs, have carnal knowledge of the said [BBB] against her will and without her consent.

Contrary to law.

**Criminal Case No. 272-M-2016**

That on or about the 8<sup>th</sup> day of December 2015, in [REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB],



a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd designs, have carnal knowledge of the said [BBB] against her will and without her consent.

Contrary to law.

**Criminal Case No. 273-M-2016**

That on or about the 9<sup>th</sup> day of December 2015, in [REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB], a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd designs, have carnal knowledge of the said [BBB] against her will and without her consent.

Contrary to law.

**Criminal Case No. 274-M-2016**

That on or about the 10<sup>th</sup> day of December 2015, in [REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB], a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd designs, have carnal knowledge of the said [BBB] against her will and without her consent.

Contrary to law.

**Criminal Case No. 275-M-2016**


That on or about the 11<sup>th</sup> day of December 2015, in [REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB], a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd designs, have carnal knowledge of the said [BBB] against her will and without her consent.

Contrary to law.

**Criminal Case No. 276-M-2016**

That on or about the 12<sup>th</sup> day of December 2015, in [REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB], a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd designs, have carnal knowledge of the said [BBB] against her will and without her consent.

Contrary to law.



**Criminal Case No. 277-M-2016**

That on or about the 13<sup>th</sup> day of December 2015, in [REDACTED]  
[REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB], a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd designs, have carnal knowledge of the said [BBB] against her will and without her consent.

Contrary to law.

**Criminal Case No. 278-M-2016**

That on or about the 14<sup>th</sup> day of December 2015, in [REDACTED]  
[REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB], a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd designs, have carnal knowledge of the said [BBB] against her will and without her consent.

Contrary to law.

**Criminal Case No. 279-M-2016**

That on or about the 15<sup>th</sup> day of December 2015, in [REDACTED]  
[REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB], a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd designs, have carnal knowledge of the said [BBB] against her will and without her consent.

Contrary to law.

**Criminal Case No. 280-M-2016**

That on or about the 16<sup>th</sup> day of December 2015, in [REDACTED]  
[REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB], a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd designs, have carnal knowledge of the said [BBB] against her will and without her consent.

Contrary to law.

**Criminal Case No. 281-M-2016**

That on or about the 17<sup>th</sup> day of December 2015, in [REDACTED]  
[REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB], a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd



designs, have carnal knowledge of the said [BBB] against her will and without her consent.

Contrary to law.

**Criminal Case No. 282-M-2016**

That on or about the 18<sup>th</sup> day of December 2015, in [REDACTED] [REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB], a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd designs, have carnal knowledge of the said [BBB] against her will and without her consent.

Contrary to law.

**Criminal Case No. 283-M-2016**

That on or about the 19<sup>th</sup> day of December 2015, in [REDACTED] [REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB], a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd designs, have carnal knowledge of the said [BBB] against her will and without her consent.

Contrary to law.

**Criminal Case No. 284-M-2016**


That on or about the 20<sup>th</sup> day of December 2015, in [REDACTED] [REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB], a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd designs, have carnal knowledge of the said [BBB] against her will and without her consent.

Contrary to law.

**Criminal Case No. 285-M-2016**

That on or about the 21<sup>st</sup> day of December 2015, in [REDACTED] [REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB], a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd designs, have carnal knowledge of the said [BBB] against her will and without her consent.

Contrary to law.



**Criminal Case No. 286-M-2016**

That on or about the 22<sup>nd</sup> day of December 2015, in [REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB], a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd designs, have carnal knowledge of the said [BBB] against her will and without her consent.

Contrary to law.

**Criminal Case No. 287-M-2016**

That on or about the 23<sup>rd</sup> day of December 2015 in [REDACTED], and within the jurisdiction of this Honorable Court, the said accused, being then the step-father of [BBB], a fifteen (15) year old minor, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, with lewd designs, have carnal knowledge of the said [BBB] against her will and without her consent.

Contrary to law.<sup>6</sup>

AAA pleaded not guilty to the charges. Trial on the merits ensued.<sup>7</sup>

The prosecution presented BBB and Dr. Editha Martinez (Dr. Martinez), the medico-legal officer of [REDACTED] Crime Laboratory.<sup>8</sup> Meanwhile, the defense presented AAA and his sister, CCC, as its witnesses.<sup>9</sup>

BBB, then 15 years old, recalled that on December 1, 2015, at around 4:00 a.m., while she was sleeping in her room, she was sexually abused by AAA, her stepfather. She said that her mother, DDD, was not home as she leaves early to sell vegetables in the market. When AAA got into her room, he took off her jogging pants and his shorts. He then climbed on top of her and inserted his penis in her vagina.<sup>10</sup>

BBB alleged that AAA threatened to kill her family if she resisted his lewd advances. When he was done, he wore his shorts back and told BBB to keep silent. She wanted to shout and push the accused away but he threatened to kill her, her mother, or her family.<sup>11</sup>

From December 1 to 24, 2015, AAA would go to her room at around 4:00 a.m. to sexually assault BBB whenever her mother was not around.

<sup>6</sup> *Id.* at 49–54.

<sup>7</sup> *Id.* at 21.

<sup>8</sup> CA rollo, p. 60.

<sup>9</sup> *Id.* at 62–64.

<sup>10</sup> *Id.* at 65.

<sup>11</sup> *Id.* at 65–66.

Repeated sexual assaults on BBB happened in similar ways and under similar conditions.<sup>12</sup> AAA would remove her shorts and underwear, remove his shorts and underwear, mount her, insert his penis into her vagina and start pumping.<sup>13</sup> Unfortunately, her room's door lock was broken and had not been fixed because her mother and brother were always busy with work.<sup>14</sup>

When she could no longer take the pain of being sexually abused over and over again, BBB told her sister EEE about what happened.<sup>15</sup>

Her sister then brought her to the barangay to file a Complaint.<sup>16</sup>

Upon medico-legal examination on BBB, Dr. Martinez found the "presence of deep healed laceration at the 6 o'clock position of the hymen."<sup>17</sup> The examination showed "clear evidence of blunt penetrating trauma to the hymen caused by any blunt hard object that penetrated the hymen which could be an erected penis, finger or any blunt hard object."<sup>18</sup>

For his defense, AAA denied the accusations.<sup>19</sup> He testified that from December 1, 2015 to December 24, 2015 at 4:00 a.m., the period that BBB was allegedly raped, he slept in a different room. Their house had three separate rooms, and thus it was physically impossible for him to be in her room.<sup>20</sup> Most of the time, he woke up at around 6:00 or 7:00 a.m. and went with BBB's mother to Novaliches market at around 10:00 a.m.<sup>21</sup> Further, AAA asserted that he did not have the physical strength to commit the crime and overpower BBB into submission as he lost his left hand in a firecracker accident in 1990.<sup>22</sup>

In its January 30, 2020 Judgment,<sup>23</sup> the Regional Trial Court convicted AAA of seven counts of rape.<sup>24</sup> The trial court found that the alleged rape committed on December 8 to 24, 2015 had not been established by the required quantum of evidence as BBB "merely made a general statement that the rape was committed in the same manner as in the previous dates already testified on."<sup>25</sup>

The dispositive portion of the trial court's Judgment reads:

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<sup>12</sup> *Id.* at 66.

<sup>13</sup> *Id.* at 59.

<sup>14</sup> *Id.* at 60.

<sup>15</sup> *Id.* at 59, 66.

<sup>16</sup> *Id.* at 60.

<sup>17</sup> *Id.* at 61.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 62.

<sup>20</sup> *Id.* at 62, 69.

<sup>21</sup> *Id.* at 63.

<sup>22</sup> *Id.* at 66.

<sup>23</sup> *Id.* at 51-71.

<sup>24</sup> *Id.* at 71.

<sup>25</sup> *Id.* at 69.



WHEREFORE, accused [AAA] is hereby adjudged GUILTY beyond reasonable doubt of the crime of seven (7) counts of rape in Criminal Case Nos. 265-M-2016 to 271-M-2016, in violation of Article 266-A, with imposable penalty provided under Article 266-B of the Revised Penal Code, as amended, and is hereby sentenced as follows:

- (a) that he shall suffer *reclusion perpetua* for each case;
- (b) that he shall pay the private complainant the amount of P50,000.00 as and by way of moral damages for each count of rape;
- (c) that he shall pay the private complainant the amount of P50,000.00 as and by way of civil indemnity for each count of rape;
- (d) that he shall pay the sum of P25,000.00 as exemplary damages to the private complainant for each count of rape to serve as deterrent to stepfathers or common law spouses with perverse tendencies from sexually abusing the daughters of their partners; and
- (e) that all the awards for damages shall bear interest of 6% per annum reckoned from the finality of this decision.

Furthermore, for insufficiency of evidence, the accused is ACQUITTED of the charges in Criminal Case Nos. 264-M-2016, 272-M-2016 to 287-M-2016.

SO ORDERED.<sup>26</sup>

In its ruling, the trial court explained:

What appears in the information is that the accused is the stepfather of the victim. For accused to be the stepfather of [BBB], he must be legally married to [AAA]'s mother. However, accused and the victim's mother were not legally married but merely lived together under common[ ]law relationship. Accused being the common law husband of [AAA]'s mother at the time of the commission of the rape, even if established during the trial, could not be appreciated because the information did not specifically allege it as a qualifying circumstance. Otherwise, he would be deprived of his right to be informed of the charge lodged against him.<sup>27</sup>

Aggrieved, AAA appealed to the Court of Appeals, which affirmed the conviction but only for six counts of rape, acquitting him in one count.<sup>28</sup>

The dispositive portion of the Court of Appeals Decision reads:

ACCORDINGLY, the appeal is PARTIALLY GRANTED. The Judgment dated January 30, 2020 of the Regional Trial Court [REDACTED], [REDACTED], Third Judicial Region, in Criminal Cases Nos. 264-287-M-2016, is

<sup>26</sup> *Id.* at 71.

<sup>27</sup> *Id.* at 70.

<sup>28</sup> *Rollo*, pp. 9-47.

**AFFIRMED WITH MODIFICATION.** Let the dispositive portions of the aforementioned Judgment read as follows:

**WHEREFORE**, accused [AAA] is hereby adjudged **GUILTY** beyond reasonable doubt of the crime of six (6) counts of rape in Criminal Cases Nos. 265-M-2016 to 268-M-2016 and 270-M-2016 to 271-M-2016, in violation of Article 266-A, with imposable penalty provided under Article 266-B of the Revised Penal Code, as amended, and is hereby sentenced as follows:

- (a) that he shall suffer *reclusion perpetua* for each case;
- (b) that he shall pay the private complainant the amount of Php100,000.00 as and by way of moral damages for each count of rape;
- (c) that he shall pay the private complainant the amount of Php100,000.00 as and by way of civil indemnity for each count of rape;
- (d) that he shall pay the sum of Php100,000.00 as exemplary damages to the private complainant for each count of rape to serve as deterrent to stepfathers or common law spouses with perverse tendencies from sexually abusing the daughters of their partners; and
- (e) that all the awards for damages shall bear interest of 6% per annum reckoned from the finality of this decision.

**Furthermore**, for insufficiency of evidence, accused is **ACQUITTED** of the charges in Criminal Cases Nos. 264-M-2016, 269-M-2016 and 272-M-2016 to 287-M-2016.

SO ORDERED.

**SO ORDERED.**<sup>29</sup> (Emphasis in the original).

AAA filed a Notice of Appeal<sup>30</sup> on April 21, 2022 before the Court of Appeals, which was given due course on June 6, 2022.<sup>31</sup>

In an August 23, 2023 Resolution,<sup>32</sup> this Court noted the parties' respective Manifestations (In Lieu of Supplemental Briefs)<sup>33</sup> and the Bureau of Corrections' confirmation of accused-appellant's confinement.<sup>34</sup>

<sup>29</sup> *Id.* at 46–47.

<sup>30</sup> *Id.* at 3–4.

<sup>31</sup> *Id.* at 7.

<sup>32</sup> *Id.* at 79–80.

<sup>33</sup> *Id.* at 70–71, 74–75.

<sup>34</sup> *Id.* at 73.

*P*

The sole issue for this Court's resolution is whether accused-appellant is guilty beyond reasonable doubt of six counts of rape.

The appeal lacks merit.

Preliminarily, we discuss why accused-appellant is only guilty of rape, and not qualified rape.

Article 266-A, paragraph 1 of the Revised Penal Code, as amended, provides:

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.

Rape is qualified 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>35</sup>

In *People v. Corpuz*,<sup>36</sup> this Court held that “to obtain a conviction for qualified rape, the minority of the victim and her relationship to the offender must be both alleged in the information and proved with certainty.”<sup>37</sup> In addition:

The stepfather-stepdaughter relationship as a qualifying circumstance presupposes that the victim's mother and the accused contracted marriage. The prosecution, however, did not present proof that BBB and appellant did contract marriage. What appellant claimed is that he and BBB are merely common-law spouses (“live-in” partners), which could also qualify the offense but only if the same is alleged in each of the Informations and proven at the trial.<sup>38</sup> (Citations omitted).

<sup>35</sup> REV. PEN. CODE, art. 266-B.

<sup>36</sup> 597 Phil 459, 469 (2009) [Per J. Carpio Morales, Second Division].

<sup>37</sup> *Id.* at 468.

<sup>38</sup> *Id.*

Here, although all 24 Informations alleged that accused-appellant is BBB's stepfather, it did not allege the relationship between accused-appellant and DDD, BBB's mother, as common law spouses.<sup>39</sup>

As a result, the step relationship between accused-appellant and BBB cannot be appreciated as a qualifying circumstance for rape. Even if accused-appellant admitted that he has been living in with DDD for 13 years, they are not married. Accused-appellant is only DDD's common law spouse, but he is not, legally, BBB's stepfather.<sup>40</sup>

Absent the qualifying circumstance, we find accused-appellant guilty beyond reasonable doubt of six counts of rape.

Under Article 266-A, paragraph 1 of the Revised Penal Code, absence of consent or voluntariness on the part of the private offended party and the employment of force, threat, or intimidation to consummate the crime by the accused must be established.<sup>41</sup> Force must be "sufficient to consummate the purposes which the accused had in mind."<sup>42</sup>

However, in *People v. Abella*,<sup>43</sup> this Court held that moral ascendancy and influence over the private offended party substitute physical violence and intimidation in the crime of rape. Intimidation, force, or violence is not necessary when the offender is closely related to the victim:

The defense here now asserts that while Violeta has declared that her father employed force against her, nowhere in her testimony, however, did she mention about having sustained any external injury or suffered bodily harm. Appellant fails to realize that he enjoys moral ascendancy and influence over Violeta, his own daughter, a circumstance that has been held to substitute for physical violence or intimidation in an indictment for rape. The matter, it should be stressed, is to be viewed in the light of the perception and judgment of the victim at the time of the commission of the offense, rather than that of the malefactor. At all events, the absence of any external sign or physical injury does not necessarily negate the occurrence of rape, proof of injury not being an essential element of that crime.<sup>44</sup> (Citations omitted)

Further, there is no need to establish physical resistance when a victim submits because of fear due to threats and intimidation employed by the perpetrator.<sup>45</sup>

<sup>39</sup> *Rollo*, p. 70.

<sup>40</sup> *Id.*

<sup>41</sup> *People v. Tionloc*, 805 Phil 907, 915 (2017) [Per J. Del Castillo, First Division].

<sup>42</sup> *People v. Salazar*, G.R. No. 239138, February 17, 2021 [Per J. Leonen, Third Division], citing *People v. Tionloc*, 805 Phil 907, 915 (2017) [Per J. Del Castillo, First Division].

<sup>43</sup> 373 Phil. 650 (1999) [Per J. Vitug, *En Banc*].

<sup>44</sup> *Id.* at 657–658.

<sup>45</sup> *People v. Gacusan*, 809 Phil 773, 782 (2017) [Per J. Leonen, Second Division]. (Citation omitted)

In *People v. Corpuz*,<sup>46</sup> the private offended party was only 13 years old when the accused, who was the common law spouse of the victim's mother, raped her:

[I]n rape committed by close kin, such as the victim's father, stepfather, uncle, or the *common-law spouse of her mother*, it is not necessary that actual force or intimidation be employed; moral influence or ascendancy takes the place of violence or intimidation.<sup>47</sup> (Emphasis supplied).

Here, accused-appellant had moral ascendancy not only on BBB, but also on her siblings, as their stepfather. He has been the common law spouse of BBB's mother for 13 years.<sup>48</sup> Undoubtedly, BBB regarded accused-appellant as a guardian comparable to a father who, unfortunately, exploited this moral ascendancy.<sup>49</sup>

The lower courts found that accused-appellant threatened and forced BBB to yield to his lust. He told her to remain silent and threatened that he would kill her family if she rejected his sexual advances.<sup>50</sup> Although she wanted to shout and push accused-appellant away, fear and terror paralyzed her.<sup>51</sup>

BBB, then 15 years old, had no reason to concoct lies against accused-appellant. Her declarations are generally coherent and intrinsically believable. The trial court observed the demeanor of BBB while she testified and found that she gave clear, straightforward, consistent, logical, and convincing answers to the questions propounded to her by the public prosecutor.<sup>52</sup>

In *People v. Abangin*,<sup>53</sup> this Court emphasized that when there is no showing that the judge erred in evaluating the testimony, the credibility of the testimony of the victim will be upheld:

It is settled that once a woman cries rape, she is saying all that is necessary to show that rape was indeed committed. If her testimony meets the test of credibility, such is sufficient to convict the accused. The credibility of the victim is almost always the single most important issue to hurdle. In this regard, the trial judge is in the best position to assess the credibility of the complainant, having personally heard her and observed

<sup>46</sup> 597 Phil. 459 (2009) [Per J. Carpio Morales, Second Division].

<sup>47</sup> *Id.* at 467, citing *People v. Remudo*, 416 Phil. 422 (2001) [*Per Curiam, En Banc*].

<sup>48</sup> *Rollo*, p. 29.

<sup>49</sup> *Id.* at 30.

<sup>50</sup> *CA rollo*, p. 65.

<sup>51</sup> *Id.* at 66.

<sup>52</sup> *Id.* at 64-66.

<sup>53</sup> 358 Phil. 303 (1998) [Per J. Davide, Jr., First Division].

her deportment and manner of testifying during the trial. Absent any showing that the trial judge overlooked, misunderstood, or misapplied some facts or circumstances of weight which would affect the result of the case, or that the judge acted arbitrarily, the trial judge's assessment of credibility deserves the appellate court's highest respect.<sup>54</sup> (Citations omitted)

In resolving rape cases, the lone testimony of the victim is and should be, by itself sufficient to warrant a judgment of conviction if found to be credible. This Court consistently held that credible testimony of the victim is paramount in rape cases.<sup>55</sup>

Under A.M. No. 004-07-SC or the Rule on Examination of a Child Witness, the sole testimony of BBB, by itself, is sufficient to establish the guilt of accused-appellant beyond reasonable doubt for the crimes charged granting that said testimony is unequivocal, consistent, and lucid. Section 6 of the Rule specifically states that every child is presumed qualified to be a witness. Further, Section 22 states:

Section 22. *Corroboration.* - Corroboration shall not be required of a testimony of a child. His testimony, if credible by itself, shall be sufficient to support a finding of fact, conclusion, or judgment subject to the standard of proof required in criminal and non-criminal cases.

Jurisprudence emphasizes that "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."<sup>56</sup>

The lower courts found that BBB's testimony was candid and straightforward. She was able to establish that accused-appellant, who had moral ascendancy over her, violated her sexually by inserting his penis into her vagina during the early hours of December 1 to 4, 2015 and December 6 to 7, 2015.<sup>57</sup>

Further, when the prosecution presented the medico-legal report to corroborate the testimony of BBB, the report concluded that the medical assessment showed "clear evidence of blunt penetrating trauma to the hymen."<sup>58</sup>

This Court does not find accused-appellant's alibis to be credible.

<sup>54</sup> *Id.* at 313.

<sup>55</sup> *People v. Salazar*, G.R. No. 239138, February 17, 2021 [Per J. Léonen, Third Division].

<sup>56</sup> *People v. XXX*, 889 Phil 359, 376-377 (2020) [Per J. Hernando, Third Division]. (Citation omitted)

<sup>57</sup> *Rollo*, pp. 30, 42.

<sup>58</sup> *Id.* at 43.

First, he claimed that it was physically impossible for him to be in BBB's room when the rape happened as he was sleeping in another room. Second, he insisted that the charges were baseless, claiming that the cases were filed against him because BBB's mother and her two sisters had a misunderstanding, which led them to leave their house. He even claimed that he had a good relationship with BBB as he supported her studies and everyday needs.<sup>59</sup> Third, accused-appellant pointed out that he could not overpower BBB if she resisted as he only had one hand. Lastly, he asserted that she had the chance to report the incident to the authorities or even tell her mother, but she decided not to.<sup>60</sup>

This Court has consistently ruled that for alibi to prosper, it is not enough for the accused to prove that they have been elsewhere when the crime was committed. They must also show that it was physically impossible for them to be at the scene of the crime at the time of its commission.<sup>61</sup>

Accused-appellant's alibi fails to persuade this Court.

BBB's positive identification of the accused and her testimony pointed to accused-appellant as the offender. By saying that he was in the next room, accused-appellant in effect admitted that it was not physically impossible for him to have been at the crime scene during the times when BBB was raped.<sup>62</sup>

In addition, the delay in reporting the incidents to the proper authorities did not taint BBB's credibility. Jurisprudence provides that "long silence and delay in reporting the crime of rape have not always been construed as an indication of false accusation."<sup>63</sup> A rape charge becomes doubtful only when the delay in revealing its commission is unreasonable and cannot be explained.<sup>64</sup> In this case, accused-appellant threatened BBB that he would kill her family if she discloses to anyone what happened. We find this explanation for the delay reasonable.

The claim of the accused-appellant that the charges filed against him were baseless as these were filed due to the misunderstanding between BBB's mother and her is unsubstantiated. Further, accused-appellant's claim that BBB could have defended herself against his advances emphasizing that he would not have been able to overpower her if she resisted, given that he only had the use of one hand is unjustified.

In *People v. Senieres*,<sup>65</sup> this Court held that there is "no standard form

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<sup>59</sup> *Id.* at 21.

<sup>60</sup> CA rollo, p. 66.

<sup>61</sup> *People v. Villaros*, 841 Phil 595, 610 (2018) [Per J. Caguioa, Second Division].

<sup>62</sup> Rollo, p. 44.

<sup>63</sup> *People v. Senieres*, 547 Phil. 674, 688 (2007) [Per J. Tinga, Second Division].

<sup>64</sup> *People v. Buenvinoto*, 735 Phil 724, 735 (2014) [Per J. Reyes, First Division].

<sup>65</sup> 547 Phil. 674 (2007) [Per J. Tinga, Second Division].

of behavior [that] can be anticipated of a rape victim following her defilement, particularly by a child who could not be expected to fully comprehend the ways of an adult. People react differently to emotional stress and rape victims are no different from them.”<sup>66</sup>

Further, the Court held that “physical resistance need not be established in rape when threats and intimidation are employed and the victim submits herself to the embrace of her rapist because of fear.”<sup>67</sup>

With this, we affirm accused-appellant’s conviction and dismiss the appeal. In *People v. Jugueta*,<sup>68</sup> this Court held that “when the circumstances of the crime call for the imposition of *reclusion perpetua* only, the civil indemnity and moral damages should be [PHP] 75,000.00 each, as well as exemplary damages in the amount of [PHP] 75,000.00.”


**ACCORDINGLY**, the March 22, 2022 Decision of the Court of Appeals in CA-G.R. CR HC No. 14261 is **AFFIRMED with MODIFICATION**. Accused-appellant AAA is **GUILTY** beyond reasonable doubt of six counts of rape in Criminal Case Nos. 265-M-2016 to 268-M-2016 and 270-M-2016 to 271-M-2016. He is sentenced to suffer the penalty of *reclusion perpetua* for each of the six counts.

He is **ORDERED** to pay BBB PHP 75,000.00 as civil liability, PHP 75,000.00 as moral damages, and PHP 75,000.00 as exemplary damages for each of the six counts of rape. All damages awarded shall earn interest at the legal rate of 6% per annum from the finality of this Decision until fully paid.<sup>69</sup>

**SO ORDERED.**

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

WE CONCUR:

  
**AMY C. LAZARO-JAVIER**  
Associate Justice

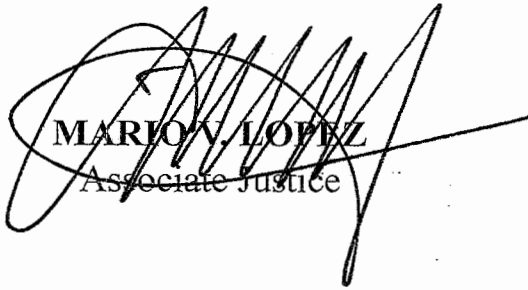
<sup>66</sup> *Id.* at 687. (Citation omitted)

<sup>67</sup> *People v. Corpuz*, 597 Phil. 459, 467 (2009) [Per J. Carpio Morales, Second Division] citing *People v. Adajio*, 397 Phil 354 (2000) [Per J. Gonzaga-Reyes, Third Division].

<sup>68</sup> 783 Phil. 806 (2016) [Per J. Peralta, *En Banc*].

<sup>69</sup> *See Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta, *En Banc*].





**MARION V. LOPEZ**  
Associate Justice



**JHOSEP V. LOPEZ**  
Associate Justice



**ANTONIO T. KHO, JR.**  
Associate Justice

### ATTESTATION

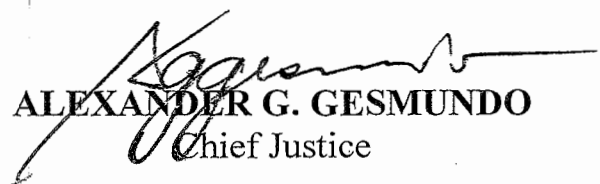
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



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

### 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 as assigned to the writer of the opinion of the Court's Division.



**ALEXANDER G. GESMUNDO**  
Chief Justice

