



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES  
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Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **August 26, 2020**, which reads as follows:

“G.R. No. 233323 – (PEOPLE OF THE PHILIPPINES, *plaintiff-appellee*. **DDD**,<sup>1</sup> *accused-appellant*).—This is an ordinary appeal under Rule 122 of the Rules of Court, seeking to reverse and set aside the Decision<sup>2</sup> dated February 24, 2017 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01222-MIN. The said issuance affirmed the June 3, 2013 Judgment<sup>3</sup> of Branch 17 of the Regional Trial Court (RTC) of Kidapawan City in Criminal Case Nos. 208-2001 and 209-2001 which, in turn, found accused-appellant DDD (appellant) guilty beyond reasonable doubt of two counts of Statutory Rape and imposing upon him the penalty of *reclusion perpetua* for each count without eligibility for parole.

**The Factual Antecedents**

Appellant was indicted of the crimes charged by virtue of two Informations, the accusatory portions of which were similarly worded as follows:

That sometime this year 2001 but prior to the first week of August 2001, in the City of Kidapawan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with lewd design, through force, threat and intimidation, willfully, unlawfully and feloniously had carnal knowledge with her [sic] stepdaughter AAA, a five (5) year old minor, against her will.

CONTRARY TO LAW.<sup>4</sup>

When he was arraigned on July 4, 2002, appellant, assisted by counsel, pleaded not guilty to the offenses charged.<sup>5</sup> Thereafter, pre-trial ensued, followed by trial on the merits.

<sup>1</sup> Supreme Court Administrative Circular No. 83-15 dated September 15, 2017.  
<sup>2</sup> *Rollo*, pp. 3-12. Penned by Associate Justice Ruben Reynaldo G. Roxas and concurred in by Associate Justices Edgardo T. Lloren and Rafael Antonio M. Santos.  
<sup>3</sup> Penned by Judge Arvin Sadiri B. Balagot; records, pp. 146-160.  
<sup>4</sup> *Id.* at 2.  
<sup>5</sup> *Id.* at 29.

*Version of the Prosecution*

To prove its case, the prosecution presented as witnesses AAA, the victim, as well as Dr. Marilyn Filipinas (Dr. Filipinas), a physician at the Cotabato Provincial Hospital who performed a medical examination on AAA.

The evidence for the prosecution established that AAA, who was born on June 6, 1996, is the daughter of CCC and FFF.<sup>6</sup> AAA never knew her biological father. Her father figure had always been appellant, being the live-in partner of CCC. AAA and her three brothers and three sisters lived with appellant and CCC at a house located in Paco, Kidapawan City in the year 2001. During that time, AAA professed that appellant raped her on two occasions.<sup>7</sup>

The first incident of rape happened in the evening. At that time, AAA had a fever.<sup>8</sup> While AAA was sleeping, appellant lied beside her, removed his short pants and underwear, and tried to insert his penis into her vagina. Although there was no penetration, AAA felt appellant's penis touching her vagina.<sup>9</sup>

The second incident of rape occurred under similar circumstances. Notwithstanding AAA's pleas, appellant succeeded in inserting his penis into her vagina. As a result, AAA felt pain and cried.<sup>10</sup>

Out of fear that appellant would whip her, AAA did not tell the foregoing incidents to any of her siblings. Instead, she reported appellant's acts to their neighbor, EEE, who happens to be a social worker. It was EEE who brought AAA to the Health Center of Barangay Paco and, thereafter, to the police station to report the incidents of rape.<sup>11</sup>

The medical examination on AAA, which was performed by Dr. Filipinas, yielded the following findings:

Hymen intact, abrasion noted on right labia minora lower portion.<sup>12</sup>

Dr. Filipinas explained that while there was no finding of penetration, the abrasion on AAA's *labia minora* could have been caused by a blunt object such as a penis or a finger.<sup>13</sup>

<sup>6</sup> Id. at 11.

<sup>7</sup> TSN, August 23, 2005, pp. 4-6.

<sup>8</sup> Id. at 12

<sup>9</sup> Id. at 11-12.

<sup>10</sup> Id. at 7-8.

<sup>11</sup> TSN, January 17, 2006, pp. 10-12.

<sup>12</sup> Records, p. 10.

<sup>13</sup> TSN, June 25, 2003, pp. 4-9.

Professing innocence, appellant presented himself and AAA's older sister, BBB, as witnesses.<sup>14</sup>

Relying on the defense of alibi, appellant testified that he was not at Kidapawan City at the time of the alleged crimes. He claimed that he spent most of his time tending to his farm in Kabacan, Cotabato, and that he only went to Kidapawan City every 15<sup>th</sup> and 30<sup>th</sup> of the month.<sup>15</sup>

BBB likewise belied AAA's claim that she was raped by appellant. BBB asserted that she shared a single room with AAA and their brother, EEE. Since the three of them slept together side by side – with AAA positioned in the middle – BBB would have been awakened if someone like appellant would lie down and do anything to AAA.<sup>16</sup>

BBB further claimed that in the evening of July 30, 2001, a certain Remedios Tarnate and a barangay health worker identified as Isabelita Tungan (Tungan) went to their house. Thereat, Tungan removed AAA's underwear and inserted her fingers into her vagina.<sup>17</sup> Thus, the defense imputes the abrasion on AAA's *labia minora* to the said act of Tungan.

On June 3, 2013, the trial court rendered judgment finding petitioner guilty beyond reasonable doubt of two (2) counts of Statutory Rape. The RTC did not give credence to the defenses raised by appellant and, instead, placed premium on the strength of AAA's testimony.

The RTC decreed as follows:

WHEREFORE, premises considered, pursuant to Art. 266-A and 266-B of the Revised Penal Code as amended, and further amended by R.A. 8353 (Rape Law of 1997) and R.A. 9346 the Court found accused DDD, GUILTY beyond reasonable doubt of TWO COUNTS OF STATUTORY RAPE charged under the Informations and sentenced him to suffer the maximum penalty of RECLUSION PERPETUA for each count without parole, and to indemnify the victim, "AA[A]" the amount of Seventy Five Thousand (P75,000.00) Pesos for each count of rape as civil indemnity, moral damages in the amount of Seventy Five Thousand (P70,000.00) [sic] Pesos for each count of rape, exemplary damages of Thirty Thousand Pesos (Php30,000.00) for each count of rape, pay the cost and interest at the rate of 6% per annum starting from the finality of this judgment until said amounts are fully paid.

SO ORDERED.<sup>18</sup>

<sup>14</sup> TSN, June 11, 2008, pp. 2-20.

<sup>15</sup> TSN, March 18, 2013, pp. 11-12.

<sup>16</sup> TSN, June 11, 2008, pp. 6-8.

<sup>17</sup> Id. at 8-10.

<sup>18</sup> Records, p. 159.

Undaunted, appellant interposed an appeal to the CA which was, however, denied by the appellate court in the herein assailed Decision, the dispositive portion of which states:

WHEREFORE, premises considered, the instant appeal is DENIED for lack of merit. The Judgment dated 03 June 2013 of the Regional Trial Court, Branch 7, Kidapawan City, in Criminal Cases No. 208-2011 [sic] and 209-2011 [sic] is hereby AFFIRMED.<sup>19</sup>

SO ORDERED.

Hence, the present recourse.

On March 10, 2017, the CA issued a minute resolution<sup>20</sup> giving due course to the Notice of Appeal<sup>21</sup> filed by appellant, thereby ordering the elevation of the records of the instant case to this Court.

In a Resolution<sup>22</sup> dated October 4, 2017, this Court noted the records of the case forwarded by the CA. The parties were then ordered to file their respective supplemental briefs, should they so desire, within 30 days from notice.

On December 19, 2017, appellant, through the Public Attorney's Office, filed a Manifestation<sup>23</sup> stating that he would no longer file a supplemental brief because all of his contentions have been amplified in full in the Appellant's Brief<sup>24</sup> that he submitted to the CA. On October 3, 2019, the Office of the Solicitor General (OSG) filed a similar Manifestation<sup>25</sup> on behalf of the People.

### Arguments Raised by the Appellant

Appellant excoriates the alleged vagueness of AAA's testimony, particularly her failure to clearly describe the acts of rape. According to appellant, AAA had on occasions interchange the terms "rape" and "sexual abuse", thus creating a reasonable doubt as to her understanding of whether the case involves a mere touching of her genitals or actual penile penetration. The absence of carnal knowledge, appellant adds, is bolstered by the medical finding that AAA's hymen remained intact. Thus, AAA's acquittal is in order.

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<sup>19</sup> *Rollo*, p. 12.

<sup>20</sup> *Id.* at 16.

<sup>21</sup> *Id.* at 13-14.

<sup>22</sup> *Id.* at 18.

<sup>23</sup> *Id.* at 23-24.

<sup>24</sup> *CA rollo*, pp. 103-118.

<sup>25</sup> *Rollo*, pp. 32-34.

### Rebuttal Arguments by Appellee

The People, through the OSG, maintain that the appellate court did not err in affirming the findings and conclusion of the trial court. The fact that there was no full penetration, or that her hymen remained intact, does not negate AAA's claim that she was raped by appellant. Moreover, appellant's alibi cannot prevail over AAA's straightforward testimony.

### The Issue

The issue raised for the Court's resolution is whether or not the CA correctly upheld the conviction of herein appellant for two counts of statutory rape.

### The Ruling of the Court

Time and again, the Court has held that when the issues involve matters of credibility of witnesses, the findings of the trial court, its calibration of the testimonies, and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings, are accorded high respect, if not conclusive effect. This is so because the trial court has the unique opportunity to observe the demeanor of witnesses and is in the best position to discern whether they are telling the truth.<sup>26</sup> Moreover, the CA, performing its sworn duty to re-examine the trial records as thoroughly as it could in order to uncover any fact or circumstances that could impact the verdict in favor of the appellant, is presumed to have uncovered none sufficient to undo or reverse the conviction.<sup>27</sup> Thus, it bears to reiterate that in the review of a case, the Court is guided by the long-standing principle that factual findings of the trial court, especially when affirmed by the CA, deserve great weight and respect.<sup>28</sup>

In reviewing rape convictions, the Court has been guided by three principles, namely: (a) that an accusation of rape can be made with facility; it is difficult for the complainant to prove but more difficult for the accused, though innocent, to disprove; (b) that in view of the intrinsic nature of the crime of rape as involving only two persons, the rapist and the victim, the testimony of the complainant must be scrutinized with extreme caution; and (c) that the evidence for the prosecution must stand or fall on its own merits, and cannot be allowed to draw strength from the weakness of the evidence for the defense.<sup>29</sup> Rape is particularly odious, one which figuratively scrapes the bottom of the barrel of moral depravity, when committed against a minor.<sup>30</sup> It is essentially an offense

<sup>26</sup> *People v. Dayaday*, 803 Phil. 363, 370-371 (2017).

<sup>27</sup> *People v. Sota*, G.R. No. 203121, November 29, 2017, 847 SCRA 113, 129.

<sup>28</sup> *People v. Racal*, 817 Phil. 665, 676 (2017).

<sup>29</sup> *People v. Buado, Jr.*, 701 Phil. 72, 83-84 (2013).

<sup>30</sup> *People v. Lopez*, 617 Phil. 733, 736 (2009).

of secrecy involving only two persons and not generally attempted save in secluded places far from prying eyes.<sup>31</sup> Thus, the accused can be convicted solely on the testimony of the victim for as long as such testimony is credible, convincing, and consistent with human nature and the normal course of things.<sup>32</sup>

Following a thorough and judicious review of the records of this case, as well as the parties' respective postures as amplified in their pleadings, We affirm the conviction of appellant.

*The prosecution was able to establish all the elements of statutory rape*

Under Article 266-A of the Revised Penal Code, Rape is committed as follows:

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

Statutory rape, under Article 266-A(1)(d), is committed by sexual intercourse with a woman below 12 years of age regardless of her consent, or the lack of it, to the sexual act.<sup>33</sup> To convict an accused of statutory rape, the prosecution must prove: (1) the age of the complainant; (2) the identity of the accused; and (3) the sexual intercourse between the accused and the complainant.<sup>34</sup> Indeed, while abhorrent in all instances, lust manifested through rape is especially reprehensible when committed against a child.<sup>35</sup> The law

<sup>31</sup> *People v. Llanas, Jr.*, 636 Phil. 611, 621 (2010).

<sup>32</sup> *People v. Nuyok*, 759 Phil. 437, 453 (2015).

<sup>33</sup> *People v. Udtohan*, 815 Phil. 449, 459 (2017).

<sup>34</sup> *People v. Ramirez*, G.R. No. 219863, March 6, 2018, 857 SCRA 435, 444.

<sup>35</sup> *People v. Ronquillo*, 818 Phil. 641, 643 (2017).

presumes that the victim does not and cannot have a will of her own on account of her tender years; the child's consent is immaterial because of her presumed incapacity to discern good from evil.<sup>36</sup>

That AAA was a minor child at the time of the commission of the two counts of statutory rape is not disputed. Her birth certificate was duly offered as evidence before the trial court.

On the first incident of rape, AAA recounted:

Q: When he first raped you, you did not tell him not to do it to you?

A: I did not, sir.

Q: You did not cry?

A: I cried, sir.

Q: Tell us why you cry? [sic]

A: (No answer).

Q: Would you please tell us how [DDD] raped you for the first time?

A: Yes, sir.

Q: Please tell us?

A: I was sleeping at that time when he removed his short pants and brief.<sup>37</sup>

x x x x

Q: What did [DDD] do to you when he first raped you?

A: He removed his short pants and brief then he molested me.

Q: How did he molest you?

A: He undressed me.

Q: Then after undressing you what else did he do?

A: He inserted his penis.

Q: What were you doing that time he first molested you?

A: I was lying, Your Honor.

Q: Was that nighttime or daytime?

A: Nighttime, Your Honor.<sup>38</sup>

As to the second incident of rape, AAA declared:

Q: And you said that he inserted his penis into your vagina and [DDD] was no longer wearing any short pants and underwear?

A: Yes, sir.

<sup>36</sup> *People v. Teodoro*, 622 Phil. 328, 337 (2009).

<sup>37</sup> TSN, August 23, 2005, pp. 6-7.

<sup>38</sup> *Id.* at 19.

Q: That happened in the evening?

A: Yes, sir.

x x x x

Q: It was the first time that you were raped or it was the second time?

A: The second time, sir.

Q: You said that he inserted his penis into your vagina, you felt pain?

A: Yes, sir.

Q: In fact, you cried?

A: Yes, sir.

Q: In fact, you told him not to abuse you?

A: Yes, sir.

Q: And despite your plea for him not to abuse you he did not mind you?

A: Yes, sir.<sup>39</sup>

x x x x

Q: The second time what did [DDD] do?

A: He raped me.

Q: What do you understand by rape?

A: He had sexual intercourse with me.

Q: And that was the first time you had sexual intercourse?

A: Yes, sir.

Q: What did you feel?

A: Painful.<sup>40</sup>

The Court finds that AAA was able to clearly and concisely answer the questions propounded to her in open court. When a testimony is given in a candid and straightforward manner, there is no room for doubt that the witness is telling the truth.<sup>41</sup> We have held on numerous occasions held that by the peculiar nature of rape cases, conviction thereon most often rests solely on the basis of the offended party's testimony, if credible, natural, convincing, and consistent with human nature and the normal course of things.<sup>42</sup> This holds true in this case.

Moreover, it bears stressing that the incidents of rape occurred when AAA was only five years old, and she gave her testimony before the trial court at a still tender age of nine. Testimonies of rape victims who are young and of tender age

<sup>39</sup> Id. at 8.

<sup>40</sup> TSN, January 17, 2006, p. 8.

<sup>41</sup> *People v. Aquino*, 724 Phil. 739, 749.

<sup>42</sup> *People v. Ramos*, G.R. No.210435, August 15, 2018, 877 SCRA 424, 438.



are credible. The revelation of an innocent child whose chastity was abused deserves full credence.<sup>43</sup> 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.<sup>44</sup>

The alleged inconsistencies in AAA's testimony, particularly on the use of the terms "rape" and "sexual abuse", are matters of semantics that do not erode her credibility. Inconsistencies in the testimony of the witness with regard to minor or collateral matters do not diminish the value of the testimony in terms of truthfulness or weight.<sup>45</sup> Courts expect minor inconsistencies when a child-victim narrates the details of a harrowing experience like rape. Such inconsistencies on minor details are in fact badges of truth, candidness, and the fact that the witness is unrehearsed. These discrepancies as to minor matters, irrelevant to the elements of the crime, cannot, thus, be considered a ground for acquittal.<sup>46</sup>

*The fact that AAA's hymen was intact does not prove that she was not raped; full penetration is not an element of rape*

The medical finding that AAA's hymen was intact does not give any weight to appellant's cause.

Carnal knowledge, as an element of rape under Article 266-A(1) of the RPC, is not synonymous to sexual intercourse in its ordinary sense; it implies neither the complete penetration of the vagina nor the rupture of the hymen.<sup>47</sup> Carnal knowledge is defined as the act of a man having sexual bodily connections with a woman; as such, a mere touching of the external genitalia by the penis capable of consummating the sexual act already constitutes consummated rape.<sup>48</sup> The breaking of the hymen of the victim is not among the means of consummating rape. All that the law requires is that the accused had carnal knowledge of a woman under the circumstances described in the law.<sup>49</sup>

In *People v. Teodoro*,<sup>50</sup> the Court explained:

In objective terms, carnal knowledge, the other essential element in consummated statutory rape, does not require full penile penetration of the female. The Court has clarified in *People v. Campuhan* that the mere touching

<sup>43</sup> *People v. Udtohan*, supra note 33 at 463.

<sup>44</sup> *People v. Tuballas*, 811 Phil. 201, 217 (2017).

<sup>45</sup> Id. at 218.

<sup>46</sup> *People v. Descartin, Jr.*, 810 Phil. 881, 893 (2017).

<sup>47</sup> *People v. Bay-od*, G.R. No. 238176, January 14, 2019.

<sup>48</sup> *People v. Aycardo*, 810 Phil. 309, 332 (2017).

<sup>49</sup> *People v. Reyes*, 714 Phil. 300, 307 (2013).

<sup>50</sup> 704 Phil. 335 (2013).

of the external genitalia by a penis *capable of consummating the sexual act* is sufficient to constitute carnal knowledge. All that is necessary to reach the consummated stage of rape is for the penis of the accused capable of consummating the sexual act to come into contact with the lips of the pudendum of the victim. This means that the rape is consummated once the penis of the accused capable of consummating the sexual act *touches* either *labia* of the pudendum. As the Court has explained in *People v. Bali-Balita*, the *touching* that constitutes rape does not mean mere epidermal contact, or stroking or grazing of organs, or a slight brush or a scrape of the penis on the external layer of the victim's vagina, or the *mons pubis*, but rather the erect penis touching the *labias* or sliding into the female genitalia. Accordingly, the conclusion that touching the *labia majora* or the *labia minora* of the pudendum constitutes consummated rape proceeds from the physical fact that the *labias* are physically situated beneath the *mons pubis* or the vaginal surface, such that for the penis to touch either of them is to attain some degree of penetration beneath the surface of the female genitalia. It is required, however, that this manner of touching of the *labias* must be sufficiently and convincingly established.<sup>51</sup> (Citations omitted.)

In the instant case, AAA testified that appellant's penis touched her vagina, resulting in pain. This Court has held that rape is committed on the victim's testimony that she felt pain.<sup>52</sup> This, at least, could be nothing but the result of penile penetration sufficient to constitute rape. Rape is committed even with the slightest penetration of the woman's sex organ.<sup>53</sup>

*Neither can appellant be acquitted on the claim that rape cannot occur in a small room that AAA shared with her siblings*

Then, too, the Court finds no credence in the defense that AAA could not have been raped because there were other persons occupying the room where appellant committed the debased acts in question.

It is well-settled that close proximity of other relatives at the scene of the rape does not negate the commission of the crime.<sup>54</sup> In *People v. Corial*,<sup>55</sup> the Court held that rapists are not deterred from committing the odious act of sexual abuse by the mere presence nearby of people or even family members; rape is committed not exclusively in seclusion.<sup>56</sup> Lust is no respecter of time and place,<sup>57</sup> and rape defies constraints of time and space.<sup>58</sup> In *People v. Sangil, Sr.*,<sup>59</sup> We held that:

<sup>51</sup> Id. at 352-353.

<sup>52</sup> *People v. Padit*, 780 Phil. 69, 81 (2016).

<sup>53</sup> *People v. Pangilinan*, 676 Phil. 16, 32 (2011).

<sup>54</sup> *People v. Descartin, Jr.*, supra note 45 at 892.

<sup>55</sup> 451 Phil. 703 (2003).

<sup>56</sup> Id. at 709.

<sup>57</sup> *People v. Bugna*, G.R. No. 218255, April 11, 2018, 861 SCRA 137, 155.

<sup>58</sup> *People v. Molejon*, G.R. No. 208091, April 23, 2018, 862 SCRA 256, 268.

<sup>59</sup> 342 Phil. 499 (1997).

In *People v. Ignacio*, we took judicial notice of the interesting fact that among poor couples with big families living in small quarters, copulation does not seem to be a problem despite the presence of other persons around them. Considering the cramped space and meager room for privacy, couples perhaps have gotten used to quick and less disturbing modes of sexual congresses which elude the attention of family members; otherwise, under the circumstances, it would be almost impossible to copulate with them around even when asleep. It is also not impossible nor incredible for the family members to be in deep slumber and not be awakened while the sexual assault is being committed. One may also suppose that growing children sleep more soundly than grown-ups and are not easily awakened by adult exertions and suspirations in the night. There is no merit in appellant's contention that there can be no rape in a room where other people are present. There is no rule that rape can be committed only in seclusion. We have repeatedly declared that "lust is no respecter of time and place," and rape can be committed in even the unlikeliest of places.<sup>60</sup>(Citations omitted.)

Cramped spaces of habitation have not halted the criminal from imposing himself on the weaker victim, for privacy is not a hallmark of the crime of rape.<sup>61</sup> Neither the crampedness of the room, nor the presence of other people therein, nor the high risk of being caught, has been held sufficient and effective obstacle to deter the commission of rape.<sup>62</sup>

*Appellant's defense of alibi and denial cannot prevail over AAA's positive identification*

Appellant's bare defense of alibi and denial, *i.e.*, that he could not have committed the subject crimes because he was tending to a farm in another town at the time of the commission thereof, finds no support in our jurisprudence.

This Court has time and again declared that the defense of alibi and denial, if not substantiated by clear and convincing evidence, are negative and self-serving evidence undeserving of weight in law. They are considered with suspicion and received with caution, not only because they are inherently weak and unreliable but also because they are easily fabricated and concocted<sup>63</sup> and difficult to check or rebut.<sup>64</sup> Emphatically, for the defense of *alibi* to prosper, appellant must prove not only that he was at some other place when the crime was committed but that it was physically impossible for him to be at the *locus criminis* at the time of its commission.<sup>65</sup> Such is not the case here. Where there is the least chance for the accused to be present at the crime scene, the defense of alibi must fail.<sup>66</sup>

<sup>60</sup> Id. at 506-507.

<sup>61</sup> *People v. Nuyok*, supra note 31 at 454.

<sup>62</sup> *People v. Gerandoy*, 743 Phil. 396, 415 (2014).

<sup>63</sup> *People v. Pagamucan*, G.R. No. 207772, November 8, 2017, 844 SCRA 506, 513.

<sup>64</sup> *People v. Agalot*, G.R. No. 220884, February 21, 2018, 856 SCRA 317, 336.

<sup>65</sup> *People v. Villanueva*, G.R. No. 211082, December 13, 2017, 848 SCRA 575, 588.

<sup>66</sup> *People v. Bongos*, G.R. No. 227698, January 31, 2018, 854 SCRA 1, 19.

Indeed, denial and alibi are inherently weak defenses and must be brushed aside when the prosecution has sufficiently and positively ascertained the identity of the accused.<sup>67</sup> In the face of the positive identification by AAA, appellant's self-serving denial and alibi cannot prevail.<sup>68</sup>

*As to the penalty and monetary awards*

Article 266-B<sup>69</sup> of the Revised Penal Code prescribes the penalty of *reclusion perpetua* for the crime of statutory rape. On this matter, it is apt to discuss that Republic Act (R.A.) No. 8353,<sup>70</sup> otherwise known as the "Anti-Rape Law of 1997", which introduced various qualifying circumstances that would increase the penalty for the crime of rape from *reclusion perpetua* to death, *e.g.*, when the offended party is a minor under 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>71</sup> Nevertheless, in light of the abolition of the death penalty pursuant to R.A. No. 9346,<sup>72</sup> the imposable penalty is lowered to *reclusion perpetua*, with the offender being rendered ineligible for parole.<sup>73</sup> This penalty was correctly imposed by trial court on appellant.

However, the monetary awards due AAA must be modified to conform with prevailing jurisprudence.

For each count of statutory rape, *People v. Bay-od*<sup>74</sup> recommends the award of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages.

All damages awarded shall earn legal interest at the rate of six percent (6%) *per annum* from the date of finality of this judgment until their full satisfaction.<sup>75</sup>

**WHEREFORE**, the Decision dated February 24, 2017 of the Court of Appeals in CA-G.R. CR-HC No. 01222-MIN is hereby **AFFIRMED with MODIFICATION**.

<sup>67</sup> *People v. Alberca*, 810 Phil. 896, 909 (2017).

<sup>68</sup> *People v. Gersamio*, 763 Phil. 523, 538-539 (2015).

<sup>69</sup> Article 266-B. Penalty. - Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

<sup>70</sup> 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.

<sup>71</sup> *People v. Cadano, Jr.*, 729 Phil. 576, 586 (2014).

<sup>72</sup> An Act Prohibiting the Imposition of Death Penalty in the Philippines.

<sup>73</sup> *People v. Cadano, Jr.*, *supra*.

<sup>74</sup> G.R. No. 238176, January 14, 2019.

<sup>75</sup> *Nacar v. Gallery Frames*, 716 Phil. 267, 283 (2013).

Accused-appellant DDD is found **GUILTY** beyond reasonable doubt of the crime of **STATUTORY RAPE** in Criminal Case Nos. 208-2001 and 209-2001. He is sentenced to suffer the penalty of *reclusion perpetua*, without eligibility for parole, for each count. In addition, he is 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 of statutory rape.

In line with current jurisprudence, interest at the rate of six percent (6%) *per annum* is hereby imposed on the total monetary award from the date of finality of this judgment until its full satisfaction.

**SO ORDERED.”**

By authority of the Court:

*Misael DCB-H*  
**MISAEAL DOMINGO C. BATTUNG III**  
*Division Clerk of Court*

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CA G.R. CR HC No. 01222-MIN  
9000 Cagayan de Oro City

OFFICE OF THE SOLICITOR GENERAL  
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The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 17, 9400 Kidapawan City

The Superintendent  
DAVAO PRISON & PENAL FARM  
B.E. Dujali, 8105 Davao del Norte

Mr. Elmo de Jesus Alera  
c/o The Superintendent  
DAVAO PRISON & PENAL FARM  
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