



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **October 7, 2020** which reads as follows:*

“G.R. No. 247754 – PEOPLE OF THE PHILIPPINES vs. XXX

This appeal assails the Decision¹ of the Court of Appeals in CA-G.R. CR HC No. 01924-MIN dated April 17, 2019 affirming appellant’s² conviction for violation of Article 266-A of the Revised Penal Code (RPC).

The Facts

In an Information³ dated November 15, 2011, appellant XXX was charged with rape, thus:

That sometime in the evening of October 28, 2010 in Sitio [REDACTED], and within the jurisdiction of this Honorable Court, the above-named Accused, a relative within the third civil degree of affinity of the

- over – thirteen (13) pages ...
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¹ Penned by Associate Justice Walter S. Ong and concurred in by Associate Justices Edgardo A. Camello and Florencio M. Mamauag, Jr., all members of the Twenty-First Division, *rollo*, pp. 5-19.

² *People v. Manjares*, 677 Phil. 242 (2011), decreed: “In line with Section 29 of Republic Act No. 7610, Section 44 of Republic Act No. 9262, and Section 40 of A.M. No. 04-10-11-SC, 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. For purposes of discussion, the private offended party and her immediate family members shall be referred to using initials. See *People v. Cabalquinto*, 533 Phil. 703 (2006) and *People v. Guillermo*, 550 Phil. 176 (2007).”

³ CA *rollo*, p. 36.

victim and also regarded by the victim as stepfather, with lewd design, did, then and there, willfully, unlawfully and feloniously have carnal knowledge of the victim AAA,⁴ a 14-year old child, while she was unconscious, to her damage and prejudice.

CONTRARY TO LAW.⁵

On arraignment, XXX pleaded not guilty.

During the trial, the prosecution presented AAA and Dr. Raul Manansala. It also submitted in evidence several documentary exhibits, to wit: (1) Sworn Statement⁶ of AAA dated September 14, 2011; (2) Affidavit⁷ dated September 14, 2011 of CCC, AAA's grandmother; (3) *Medico Legal Certification*⁸ dated February 3, 2011; and (4) AAA's Certificate of Live Birth.⁹ The defense, on the other hand, presented the lone testimony of XXX.¹⁰

Prosecution's Version

AAA testified that around eight (8) o'clock in the evening of October 28, 2010, she was alone in their house when XXX arrived with bottles of RC Cola and *Tanduay Rhum*. He mixed the drinks and drank a portion of it before offering it to her. When she refused the drink, XXX drew his gun, pointed it at her, and threatened to kill her if she did not drink. Out of fear, AAA was forced to drink. After drinking, AAA began to feel dizzy so she went up to her room and locked the door. She passed out but was awoken when XXX banged the door and tried to push it open. She saw him climb over the wall into her room and lay beside her. She felt him touching her before she passed out again. When she woke up the following morning, her body ached all over and she felt pain in her vagina. To her horror, she discovered that she was naked from her waist down and saw blood stains around her vagina. She noticed that XXX was asleep beside her

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⁴ Pursuant to Supreme Court Administrative Circular No. 83-2015 which mandates that the complete names of the women and children victims be replaced by fictitious initials. Also, *People v. Manjares*, 677 Phil. 242 (2011), decreed: "In line with Section 29 of Republic Act No. 7610, Section 44 of Republic Act No. 9262, and Section 40 of A.M. No. 04-10-11-SC, 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. For purposes of discussion, the private offended party and her immediate family members shall be referred to using initials. See *People v. Cabalquinto*, 533 Phil. 703 (2006) and *People v. Guillermo*, 550 Phil. 176 (2007)."

⁵ CA rollo, p. 36.

⁶ Record, pp. 10-11.

⁷ *Id.* at 8.

⁸ *Id.* at 15.

⁹ *Id.* at 12.

¹⁰ Rollo, p. 8.

and was naked from his waist up. She boxed him before going down to wash her vagina and change her clothes. She left the house and never returned.¹¹

AAA confided in her mother BBB about the rape that very same morning. BBB, however, simply told her to wait as she wanted to observe XXX first.¹² On February 3, 2011, BBB finally brought AAA to Dr. Raul Manansala, the Municipal Health Officer. Dr. Manansala examined her and found old hymenal lacerations at 3 o'clock and 9 o'clock positions.¹³

Appellant's Version

XXX denied the charge. He testified that he was in his house in [REDACTED] at the time of the rape. He was alone and did not see AAA that day. In fact, AAA was in another *barangay* with her family at that time, thus, it was impossible for him to have raped her. CCC merely fabricated this case against him because of their misunderstanding over a piece of property that he had acquired, which the former was unhappy about.¹⁴

The Trial Court's Ruling

As borne by its Judgment¹⁵ dated May 19, 2016, the trial court rendered a verdict of conviction, thus:

WHEREFORE, based on all the foregoing considerations, and finding the guilt of the accused beyond reasonable doubt, the accused, **XXX**, is hereby held liable and hereby sentences the penalty of **RECLUSION PERPETUA** and the accused is further ordered to pay the following sums:

- (a) P50,000.00 as civil indemnity;
- (b) P50,000.00 as moral damages, and
- (c) P30,000.00 as exemplary damages.

This is in accordance with Article 2230 of the New Civil Code. This is intended to serve as a deterrent to serious wrongdoings, and as a vindication of undue sufferings and wanton invasion of the rights of the injured or a punishment for those guilty of outrageous conduct.

IT IS SO ORDERED.¹⁶

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¹¹ *Id.* at 12.

¹² Record, p. 11.

¹³ *Id.* at 15.

¹⁴ CA rollo, p. 37.

¹⁵ Penned by Judge Renato B. Gleyo, CA rollo, pp. 36-41.

¹⁶ *Id.* at 41.

The trial court found that the defenses of denial and *alibi* proffered by XXX were too weak to stand against the prosecution's evidence. In contrast, AAA convincingly testified that XXX forced her to drink alcohol by threatening to kill her, and when she fell unconscious, the latter sexually ravished her. Too, the medical findings of Dr. Manansala disclosed evidence of sexual abuse, corroborating AAA's claim of rape.¹⁷

The Proceedings Before the Court of Appeals

On appeal, XXX faulted the trial court for convicting him, despite the prosecution's alleged failure to prove all the elements of rape. AAA failed to describe with particularity how the alleged rape was committed. More, AAA did not have personal knowledge thereof considering that she was unconscious at that time. AAA and her family merely fabricated the charge and were impelled by ill motive. The trial court based his conviction on the weakness of his evidence and without any discussion on how the crime was committed.¹⁸

For its part, the Office of the Solicitor General (OSG) maintained there were sufficient pieces of circumstantial evidence to prove the guilt of XXX. Direct evidence is not a condition *sine qua non* to prove the guilt of an accused for rape. The prosecution may resort to circumstantial evidence which could also sufficiently and competently establish that the crime had, in fact, been committed. Finally, the trial court complied with the requirements set forth in Section 14, Article 8 of the 1987 Constitution. The trial court distinctly stated the facts and the law upon which the decision was based and made an evaluation of the evidence that proved XXX's guilt beyond reasonable doubt.¹⁹

The Court of Appeals' Ruling

By Decision²⁰ dated April 17, 2019, the Court of Appeals affirmed.

The Court of Appeals ruled that all the elements of rape were proved beyond reasonable doubt. XXX pointed a gun at AAA and forced her to drink the rum mixed with soft drinks which caused her to lose consciousness. When she regained consciousness, she was

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¹⁷ *Id.* at 40.

¹⁸ Appellant's Brief, *id.* at 22-34.

¹⁹ Brief for the Appellee, *id.* at 48-65.

²⁰ *Supra* note 1.

already naked from waist down, felt pain, and had blood in her vagina. XXX, thus, clearly employed threat and intimidation in order to gain carnal knowledge of AAA and consummate the act while she was unconscious.²¹

Despite the absence of direct evidence, the prosecution was able to establish sufficient facts and circumstances that, when taken together, very well constituted evidence of XXX's guilt beyond reasonable doubt.²²

XXX himself admitted that he had good relations with AAA and denied that he had any misunderstanding with her.²³

More, the assailed judgment did contain the trial court's factual findings which established the elements of the crime charged and the law on which it was based in compliance with the command of the Constitution.²⁴

Finally, XXX failed to demonstrate that he was somewhere else at the time of the commission of the crime and that it was then physically impossible for him to have been at the scene of the crime.²⁵

The Present Appeal

XXX now seeks anew a verdict of acquittal.²⁶ Both XXX and the OSG manifested²⁷ that, in lieu of supplemental briefs, they were adopting their respective briefs before the Court of Appeals.

Issue

Did the Court of Appeals err in affirming XXX's guilt for simple rape?

Ruling

The appeal is devoid of merit.

We quote anew the allegations in the Information, viz.:

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²¹ *Rollo*, p. 10.

²² *Id.* at 13-14.

²³ *Id.* at 15.

²⁴ *Id.*

²⁵ *Id.* at 18.

²⁶ *Id.* at 20-21.

²⁷ *Id.* at 27-32.

That sometime in the evening of October 28, 2010 in [REDACTED] [REDACTED], and within the jurisdiction of this Honorable Court, the above-named Accused, a relative within the third civil degree of affinity of the victim and also **regarded by the victim as stepfather**, with lewd design, did, then and there, willfully, unlawfully and feloniously have carnal knowledge of the victim AAA, a 14-year old child, while she was unconscious, to her damage and prejudice.

CONTRARY TO LAW.²⁸

Article 266-A, paragraph (1) (b), in relation to Section 266-B, paragraph (1) of the Revised Penal Code, as amended, reads:

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:
 - xxx
 - (b) When the offended party is deprived of reason or otherwise unconscious;

xxx

Article 266-B. Penalty. — xxx

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; (emphasis supplied)

xxx

A conviction for qualified rape under these provisions require the following elements: (1) appellant had carnal knowledge; (2) with a woman; (3) when the offended party is deprived of reason or otherwise unconscious; (4) the victim is under eighteen [18] years of age at the time of the rape; and (5) 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.

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²⁸ CA *rollo*, p. 36.

Further, the twin circumstances of minority and relationship must be alleged in the Information and sufficiently proved during trial.²⁹

While the Information here sufficiently alleged the minority of AAA, it did not properly allege the relationship between AAA and XXX.

The Information used the phrase “**regarded** by the victim as her stepfather”, which rendered the element of relationship ambiguous. The term “regarded by the victim as her stepfather” is not a categorical declaration of the true relationship between XXX and AAA. Based on this averment, it is unclear whether XXX was indeed legally AAA’s stepfather, or whether he was only regarded by her as a stepfather but without the existence of any legitimate relationship between them. The Information, thus, failed to distinctly state the element of relationship.

Significantly, the requirement of alleging clearly the elements in the Information is to properly inform the accused of the nature of the accusation against him so as to enable him to suitably prepare his defense.³⁰

Undoubtedly, the two (2) elements of qualified rape must be both alleged and proved with absolute certainty. Absent such allegation, appellant cannot be convicted of qualified rape, but only of **simple rape**.

In any event, the relationship of XXX being AAA’s stepfather was not duly proven.

Here, the prosecution was able to prove that AAA was only fourteen (14) years old, a minor, at the time she got raped by XXX, by presenting her birth certificate.³¹ **It, however, failed to prove the allegation that XXX is the step-father of AAA as it failed to present the marriage contract between XXX and BBB.**

Evidently, with respect to qualified rape, the relationship between a stepfather and a stepdaughter assumes the existence of a legitimate relationship, that is, the stepfather should be legally

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²⁹ *People v. Lomaque*, 710 Phil. 338, 354 (2013).

³⁰ *Canceran v. People*, 762 Phil. 558, 566 (2015).

³¹ Record, p. 12.

married to the stepdaughter's mother.³² This is because relationship is an aggravating circumstance that increases the imposable penalty, hence, it must be proven by competent evidence.

XXX's admission that he is the stepfather of AAA cannot be considered as conclusive evidence to prove the relationship because the marriage contract remains to be the best evidence to prove the fact of marriage between XXX and BBB. Said admission did not dispense with the burden of the prosecution to adduce in evidence the marriage contract itself.³³

In *People v. Santos*,³⁴ the Court convicted appellant therein only for simple rape and not qualified rape because the prosecution failed to establish the relationship of Danly as the stepdaughter of appellant. The Court noted that the Information alleged that Danly was appellant's stepdaughter, but the prosecution did not offer in evidence the marriage certificate between appellant and Danly's mother.

Similarly, in *People v. Victor*,³⁵ the Court ruled that the trial court erred in imposing the extreme penalty of death, despite the fact that the relationship of the accused and the mother of private complainant was not proved with certainty. The Court faulted the trial court for relying solely on the admission of appellant during cross-examination that he was married to private complainant's mother, thus:

The declaration of accused-appellant that he was married to Julieta, even if made in the course of the proceedings in the trial court, is not conclusive proof that the two are legally married. Said declaration did not dispense with the burden of the prosecution to adduce in evidence the marriage contract of accused-appellant and Julieta. Neither may the prosecution rely on the disputable presumption that when a man and woman live together as husband and wife, they are presumed to be married. **Relationship is a qualifying circumstance in rape and must not only be alleged. It must also be proved beyond reasonable doubt as the crime itself.**³⁶

In fine, both the trial Court and the Court of Appeals correctly ruled that XXX is guilty of the crime of simple rape only under Article 266-A (1) (b) of the Revised Penal Code.

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³² *People v. Santos*, 452 Phil. 1046, 1066 (2003).

³³ *People v. Corral*, 446 Phil. 652, 666 (2003).

³⁴ *Supra* note 32.

³⁵ 441 Phil. 798, 813 (2002).

³⁶ *Id.*

The Court of Appeals though found that while AAA was asleep the accused had carnal knowledge of her through force and intimidation.

We cannot agree.

The Information simply states that the accused had carnal knowledge of the victim **while she was unconscious**. Force and intimidation is not alleged. Besides, the evidence shows that appellant employed these means only for the purpose of compelling the victim to take the alcoholic drink which caused her to feel dizzy and go up to her room where she passed out.

Unquestionably, carnal knowledge of a woman who is unconscious is rape for the simple reason that she cannot freely and voluntarily consent to engaging in sexual intercourse.³⁷ An unconscious person cannot rationally respond to stimuli or perform acts such as giving consent or offering resistance because he or she is either unaware, asleep, or in a coma.³⁸

*People v. De La Cruz*³⁹ held that the carnal knowledge of a woman who is asleep constitutes rape. Likewise, in *People v. Aban*,⁴⁰ the Court sustained the conviction of rape upon finding that AAA was asleep when Aban had carnal knowledge of her.

XXX nonetheless argues that since AAA was unconscious when the rape was committed, there was no direct evidence to support his conviction therefor.

In cases where the victim, being the sole witness, cannot testify on the actual commission of the rape because she was rendered unconscious when the act was committed, conviction for rape may be based on circumstantial evidence.⁴¹ To rule otherwise would obstruct the successful prosecution of a rapist who renders his victim unconscious before the consummation.⁴²

Circumstantial evidence is sufficient to sustain a conviction if: (1) there is more than one circumstance; (2) the facts from which the inferences are derived are proven; and (3) the combination of all the

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³⁷ *People v. Caga*, G.R. No. 206868, August 22, 2016.

³⁸ *People v. Quintos*, 746 Phil. 809, 829 (2014).

³⁹ 435 Phil. 297-312 (2002).

⁴⁰ G.R. No. 213606, November 20, 2017.

⁴¹ *People v. Belgar*, 742 Phil. 404, 415 (2014).

⁴² *People v. Nuyok*, 759 Phil. 437, 451 (2015).

circumstances is such as to produce a conviction beyond reasonable doubt.⁴³ In other words, a judgment of conviction based on circumstantial evidence may be had when the circumstances proved form an unbroken chain that results in a fair and reasonable conclusion pointing to the accused, to the exclusion of all others, as the perpetrator.⁴⁴

The trial court and the Court of Appeals considered the following circumstantial evidence in convicting XXX: (1) AAA and XXX lived in the same house; (2) around 8 o'clock in the evening of October 28, 2011, AAA was alone at home when XXX arrived and forced her to drink rum mixed with soft drinks; (3) AAA refused so XXX threatened to kill her and pointed a gun at her; (4) out of fear, AAA was forced to drink but soon thereafter began to feel dizzy so she went up to her room and locked the door; (5) AAA passed out but was awoken when XXX banged the door and tried to force himself in; (6) AAA then saw XXX climb over the wall into her room and felt him touching her before she passed out again; (7) when AAA woke up the following morning, she found herself naked from waist down and found blood around her vagina; (8) AAA felt pain in her vagina too; (9) XXX was sleeping beside her, naked from the waist up; and (10) AAA sustained hymenal lacerations.

These circumstances, when taken together, clearly lead to no other logical conclusion than that **XXX had carnal knowledge of AAA while she was unconscious.**

XXX further insists that AAA fabricated the charge because of his misunderstanding with CCC and because she did not like him and wanted to send him away.

We are not convinced. We note that AAA was only fourteen (14) years old at the time of the rape, as evidenced by the birth certificate she presented during the trial.⁴⁵ It is settled that when the offended party is of tender age, courts are inclined to give credit to her account of what transpired, considering not only her relative vulnerability, but also the shame to which she would be exposed if the matter to which she testified is not true. Youth and immaturity are generally badges of truth and sincerity. A young girl's revelation that she had been raped, coupled with her voluntary submission to medical

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⁴³ *People v. ZZZ*, G.R. No. 228828, July 24, 2019.

⁴⁴ *Supra* note 42.

⁴⁵ *Rollo*, p. 18.

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 a mere concoction.⁴⁶

The trial court found AAA's testimony to be credible, consistent, and forthright which, by itself, would be sufficient to produce a verdict of conviction. But this is not all. The trial court also considered the medical findings of Dr. Manansala, who testified that AAA's vagina had old hymenal lacerations at the three (3) o'clock and nine (9) o'clock positions.⁴⁷ *People v. Mabalo*⁴⁸ instructs that medical findings showing the offended party sustained hymenal lacerations are corroborative of the testimony of the rape victim.

To be sure, while the presence of hymenal lacerations is not an element of rape, it is the best physical evidence of forcible defloration. When the consistent and forthright account of a rape victim is consistent with medical findings, as in this case, the essential requisites of carnal knowledge are deemed to have been sufficiently established.⁴⁹

In fine, the trial court and the Court of Appeals correctly gave credence to AAA's testimony. It is settled that the trial court's factual findings on the credibility of witnesses are accorded high respect, if not conclusive effect, due to its unique opportunity to observe the witnesses' demeanor on the stand. This rule becomes even more compelling when such factual findings are concurred in by the Court of Appeals, as in this case.⁵⁰

On the other hand, XXX merely invokes denial and *alibi*. Denial is inherently a weak defense which cannot outweigh positive testimony. It is settled that between a categorical statement bearing the earmarks of truth on the one hand, and bare denial on the other, the former is generally held to prevail.⁵¹

Another. For *alibi* to prosper, it is not enough that XXX proves he was somewhere else when the crime was committed. He must likewise satisfactorily establish that it was physically impossible for him to be at the scene of the crime at the time of its commission.⁵² XXX testified that he could not have raped AAA as he was alone in

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⁴⁶ *People v. Cadano, Jr.*, 729 Phil. 576, 585 (2014).

⁴⁷ *Rollo*, p. 14.

⁴⁸ G.R. 238839, February 27, 2019.

⁴⁹ *People v. Sabal, Jr.*, 734 Phil. 742, 746 (2014).

⁵⁰ *Supra* note 48.

⁵¹ *People v. Gabriel*, 807 Phil. 516, 527 (2017).

⁵² *People v. Barberan, et al.*, 788 Phil. 103, 113 (2016).

his house situated in another area at the time of the incident. His testimony, however, was not substantiated by any credible evidence. Hence, his defense of *alibi* must also fail.

Going now to the penalty. Article 266-B of the Revised Penal Code, as amended by Republic Act No. 8353,⁵³ prescribes the penalty of *reclusion perpetua* for simple rape.

Applying *People v. Jugueta*,⁵⁴ the awards of civil indemnity, moral damages, and exemplary damages should be increased from ₱50,000.00 to ₱75,000.00 each. These amounts shall be subject to six percent (6%) interest *per annum* from finality of this resolution until fully paid.

WHEREFORE, the appeal is **DENIED**. The Decision of the Court of Appeals in CA-G.R. CR HC No. 01942-MIN dated April 17, 2019 is **AFFIRMED with MODIFICATION**.



Appellant **XXX** is found **GUILTY** of **SIMPLE RAPE**. He is sentenced to *reclusion perpetua* and ordered to **PAY**:

- 1) ₱75,000.00 as civil indemnity;
- 2) ₱75,000.00 as moral damages; and
- 3) ₱75,000.00 as exemplary damages.

These amounts shall be subject to six percent (6%) interest *per annum* from finality of this resolution until fully paid.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court 

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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⁵³ The Anti-Rape Law of 1997, September 30, 1997.

⁵⁴ 783 Phil. 806, 848-849 (2016).



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Court of Appeals
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(CA-G.R. CR HC No. 01942-MIN)

The Hon. Presiding Judge
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