

## THIRD DIVISION

[ G.R. No. 243987, September 23, 2020 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BBB,  
ACCUSED-APPELLANT.**

### DECISION

**LEONEN, J.:**

The clear, straightforward, and categorical testimony of a rape victim, who is a minor, prevails over the defenses of alibi and denial.

This is an appeal from the Court of Appeals' Decision,<sup>[1]</sup> which affirmed with modification the accused-appellant's conviction for violation of Article 266-A of the Revised Penal Code, in relation to Republic Act No. 7610, and violation of Section 5(i) of Republic Act No. 9262.

In three separate Informations, BBB was charged with the crime of committing violence against his common-law wife DDD and raping his two minor stepdaughters AAA and CCC:<sup>[2]</sup>

#### Crim. Case No. 12493

That in the evening, on or about the 25<sup>th</sup> day of April 2004, in the municipality of [REDACTED], within the jurisdiction of this Honorable Court, the said accused did then and there wil[l]fully, unlawfully and feloniously commit violence against women and their children on one [DDD], a 34-year-old [sic] his common-law wife, by causing mental or emotional anguish, public ridicule or humiliation by accused's acts of raping her children [AAA] and [CCC], all minors, on the night of December 9, 1999 and March 30, 2004, respectively, in gross violation of Sec. 5(i) of R.A. 9262.

CONTRARY TO LAW.

#### Crim. Case No. 12605

That at dawn, on or about the 10<sup>th</sup> day of December, 1999, in the municipality of [REDACTED], within the jurisdiction of this Honorable Court, the said accused, by means of force and intimidation, did then and there wil[l]fully, unlawfully and feloniously succeed in having sexual intercourse with his stepdaughter [AAA], a 13[ ]year old minor, against her will and without her consent.

CONTRARY TO LAW, (Viol. Of Art. 266-A of the Revised Penal Code, in

relation to R.A. 7610, with the aggravating/qualifying circumstances: that the victim is under 18 years of age and the offender is the step-parent of the victim.)

Crim. Case No. 12606

That at midnight, on or about the 30<sup>th</sup> day of March 2004, in the municipality of [REDACTED], within the jurisdiction of this Honorable Court, the said accused, by means of force and intimidation, did then and there wil[ly], unlawfully and feloniously succeed in having sexual intercourse with his stepdaughter [CCC], a 13[ ]year old minor, against her will and without her consent.

CONTRARY TO LAW, (Viol. Of Art. 266-A of the Revised Penal Code, in relation to R.A. 7610, with the aggravating/qualifying circumstances: that the victim is under 18 years of age and the offender is the step-parent of the victim.)<sup>[3]</sup>

AAA was born on December 31, 1985, and CCC was born on October 21, 1990. Their mother, DDD, was in a live-in relationship with BBB, who was a soldier in the Philippine Army.<sup>[4]</sup>

According to the prosecution, in the early morning of December 10, 1999, BBB entered the room of AAA, then 13 years old, who just arrived home. BBB laid on top of AAA, undressed her, removed her panty, and then forcibly inserted his penis into her vagina while covering her mouth. BBB threatened AAA with a gun saying that if she tells anyone, he would kill her mother, brother, and sister. A week later, AAA confided to her mother about the incident but DDD did not believe her and instructed her not to tell anyone.<sup>[5]</sup>

In another incident on the evening of March 30, 2004, CCC, then 13 years old, was left in their house while DDD and AAA were away on a wake vigil. BBB and CCC were playing cards when BBB asked CCC if she had already experienced sex. Instead of answering, CCC went to her room. BBB followed her and attempted to punch her. He then pinned her to the bed and forced himself inside her. BBB threatened CCC to not make any noise and to not report what happened or else he will kill her.<sup>[6]</sup>

A month after, or on April 25, 2004, BBB told CCC that he will abuse her again, prompting CCC to confide to AAA that she was molested by their stepfather. AAA likewise revealed that a similar incident happened to her.<sup>[7]</sup>

On the same day, the two sisters told their mother that BBB molested them. They then all went to the office of the National Bureau of Investigation to report the crime.<sup>[8]</sup>

The prosecution also presented as witness a municipal health officer who, after performing medical examinations on AAA and CCC, testified that they have "old lacerations in their hymens and [are] in non-virginal states."<sup>[9]</sup> The other prosecution witness was their mother DDD who testified that she fainted upon being

informed that her children AAA and CCC were molested by her live-in partner BBB.  
[10]

BBB denied molesting AAA and CCC. He maintained that on December 10, 1999, he was in Jolo, Sulu serving in the Philippine Army.<sup>[11]</sup> He likewise claimed that he was home on March 30, 2004 for a business meeting with his neighbor, [REDACTED] (Bornia), which lasted until 2:00 am, and that neither AAA nor CCC were at home during that time.<sup>[12]</sup> This was corroborated by Bornia's testimony.<sup>[13]</sup>

In its Decision,<sup>[14]</sup> the Regional Trial Court found BBB guilty beyond reasonable doubt for violation of Section 5 (i)<sup>[15]</sup> of Republic Act No. 9262 and two (2) counts of rape under Article 266-A of the Revised Penal Code. The dispositive portion of the Decision read:

**WHEREFORE**, judgment is tendered declaring accused [BBB] guilty beyond reasonable doubt in all these three (3) cases and is penalized as follows:

1. For Criminal Case No. 12493 for Violation of Section 5(i), R.A. 9262, to suffer the indeterminate sentence of **TWO (2) years and ONE (1) day to FOUR (4) years and TWO (2) months of prision correccional**. In addition, accused shall pay a **FINE of Two Hundred Thousand (P200,000.00) Pesos** with subsidiary imprisonment in case of insolvency and he shall undergo mandatory psychological counselling or psychiatric treatment and shall report compliance to the Court. In this connection, the jail authorities is [sic] directed to make the necessary arrangement for the compliance of this directive by R.A. 9262.
2. For Criminal Case No. 12605, for Rape, to suffer the penalty of **RECLUSION PERPETUA** with all its accessory penalties and to pay the private complainant [AAA], civil indemnity of P75,000.00, moral damages of P75,000.00 and exemplary damages of P30,000.00.
3. For Criminal Case No. 12606, for Rape, to suffer the penalty of **RECLUSION PERPETUA** with all its accessory penalties and to pay the private complainant [CCC], civil indemnity of P75,000.00, moral damages of P75,000.00 and exemplary damages of P30,000.00.

The detention of the accused since May 4, 2004 shall be credited to all his sentence.<sup>[16]</sup> (Emphasis in the original)

BBB appealed to the Court of Appeals, arguing that DDD reported the crime to get rid of him so she could go to another man.<sup>[17]</sup> He asserted that Bornia's testimony should have been given more weight since Bornia was able to testify that accused-appellant was not in Zamboanga del Norte on December 10, 1999 and that they had a business meeting on the night of March 30, 2004.<sup>[18]</sup>

In its assailed Decision,<sup>[19]</sup> the Court of Appeals affirmed the Decision of the Regional Trial Court with modification. It found that the testimonies of the victims were credible and convincing.<sup>[20]</sup> It gave no merit to BBB's defense that he was

serving in the Army in Sulu on December 10, 1999 as he failed to produce any evidence to prove this. It likewise found that his mere denial that that he did not rape CCC was weak when weighed with the clear and convincing testimony of the victim.<sup>[21]</sup>

The Court of Appeals, however, modified the penalty for violation of Republic Act No. 9262, in view of *Quimvel v. People*,<sup>[22]</sup> as well as the amount of damages awarded, in view of *People v. Jugueta*.<sup>[23]</sup> The dispositive portion the Court of Appeals' Decision read:

**WHEREFORE**, foregoing premises considered this ordinary appeal is **DENIED** for lack of merit. The 01 December 2016 Judgment rendered by the Regional Trial Court, Branch 7, Dipolog City, in Criminal Case Nos. 12493, 12605 and 12606 is **AFFIRMED** with **MODIFICATION**. Appellant [redacted] is found **GUILTY beyond reasonable doubt of two (2) Counts of Qualified Rape under Article 266-A (1) of the Revised Penal Code, as amended by R.A. No. 8353, in relation to R.A. No. 7160.**

Accordingly, said appellant is **SENTENCED** to suffer the penalty of *reclusion perpetua* for each case, in lieu of the abolition of death penalty under Article 266-B of the Revised Penal Code as amended by R.A. No. 8353, in relation to R.A. No. 7160. Moreover, appellant is hereby ORDERED to pay both [redacted] and [redacted] the amount of One Hundred Thousand Pesos (Php100,000) as civil indemnity; One Hundred Thousand Pesos (Php100,000) as moral damages; and One Hundred Thousand Pesos (Php100,000) as exemplary damages for each case.

All damages awarded shall earn interest at the rate 6% per annum from date of finality of judgment until fully paid.

As to Criminal Case No. 12493, appellant [redacted] is also found **GUILTY beyond REASONABLE DOUBT for Violation of Section 5(i), R.A. 9262 also known as *The Anti-Violence Against Women and Their Children Act 2004*.**

Said appellant is **SENTENCED** suffer the penalty of imprisonment for an **INDETERMINATE PERIOD** of six (6) years of *prision correccional*, as minimum, to ten (10) years and one (1) day of *prision mayor*, as maximum. In addition, appellant is also ordered to pay a fine in the amount of Two Hundred Thousand (P200,000.00) pesos, to undergo a mandatory psychological counselling or psychiatric treatment and report compliance to the Regional Trial Court (RTC), Branch 7, Dipolog City.

**SO ORDERED.**<sup>[24]</sup> (Emphasis in the original)

Accused-appellant filed his Notice of Appeal.<sup>[25]</sup> In a March 20, 2019 Resolution<sup>[26]</sup> this Court noted the records forwarded by the Court of Appeals and informed the parties that they may file their Supplemental Briefs.

On July 16, 2019, the Office of the Solicitor General filed a Manifestation<sup>[27]</sup> on

behalf of the People of the Philippines, stating that it would no longer file a Supplemental Brief considering that the counterarguments raised in its Brief filed before the Court of Appeals are exhaustive enough to refute the arguments of the accused-appellant.

On June 28, 2019, the accused-appellant filed a Manifestation<sup>[28]</sup> indicating that he, too, would no longer file a Supplemental Brief since he had already thoroughly discussed his defenses in the Appellant's Brief he filed before the Court of Appeals.

For this Court's resolution is the sole issue of whether or not the Court of Appeals erred in affirming the accused-appellant's conviction.

Rape is defined under Article 266-A of the Revised Penal Code as follows:

ARTICLE 266-A. *Rape; When and How Committed.* - Rape is committed -  
1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:  
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.

Rape is qualified when the circumstances of the victim's minority and her relationship to the perpetrator concur and are alleged in the information.<sup>[29]</sup>

Here, both the Regional Trial Court and Court of Appeals found that the prosecution proved beyond reasonable doubt all the elements of qualified rape. The Regional Trial Court ruled that the allegations of AAA and CCC are credible:

They were raped by the accused at the time that they were still at their tender age. Complainant [AAA] was only 14 years old while complainant [CCC] was also 14 years old. The tenderness of their age made them susceptible to fear and intimidation employed by the accused. The accused was even armed with his gun when he raped [AAA]. Both complainants testified consistently, candidly[,], and in direct manner even during cross-examination. A candid and straightforward narration by the victim of how she [had] been raped bears the earmarks of credibility. Both the complainants were able to clearly show to the court the clear picture of how they were molested by the accused.<sup>[30]</sup>

The Court of Appeals similarly ruled that the testimonies of AAA and CCC during the direct examination showed that they candidly recalled how accused-appellant committed the crime. The pertinent portion of AAA's testimony is as follows:

Q: When he entered the room what did he say to you?

A: He asked me if I felt cold and I said yes and then he embraced me