



Republic of the Philippines
 Supreme Court
 Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 252865
Plaintiff-Appellee,

Present:

PERLAS-BERNABE, S.A.J.,
Chairperson,

HERNANDO,
 CARANDANG,**
 INTING, and
 GAERLAN, JJ.

- versus -

Promulgated:

YYY,*

Accused-Appellant.

AUG 04 2021

X-----X

DECISION

INTING, J.:

Before the Court is an appeal¹ assailing the Decision² dated October 1, 2019 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 11075 which affirmed the Decision³ dated February 13, 2018 of Branch

* The identity of the victim or any information to establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. (RA) 7610, "An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation and For Other Purposes;" RA 9262, "An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and For Other Purposes;" Section 40 of Administrative Matter No. 04-10-11-SC, known as the "Rule on Violence against Women and Their Children," effective November 15, 2004; *People v. Cabalquinto*, 533 Phil: 703 (2006); and Amended Administrative Circular No. 83-2015 dated September 5, 2017, Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances.

** Designated additional member per Raffle dated January 20, 2021.

¹ See Notice of Appeal dated October 30, 2019, *rollo*, pp. 20-21.

² *Id.* at 3-19; penned by Associate Justice Zenaida T. Galapate-Laguilles with Associate Justices Ricardo R. Rosario (now a member of the Court) and Walter S. Ong, concurring.

³ CA *rollo*, pp. 71-79; penned by Presiding Judge Pedro M. Redona.

63, Regional Trial Court (RTC), ██████████, Camarines Sur finding YYY (accused-appellant) guilty beyond reasonable doubt of four counts of Statutory Rape.

The Antecedents

The instant case stemmed from five separate Informations docketed as Criminal Case Nos. 09-1411, 09-1412, 09-1413, 09-1414, and 09-1415 filed before the RTC charging accused-appellant with five counts of the crime of Statutory Rape defined and penalized under Article 266-A paragraph (1)(d) of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 8353⁴ committed against the siblings AAA and BBB⁵ who were then two years old and eight years old, respectively, when the crimes were allegedly committed against them. The accusatory portions of the Informations state:

Criminal Case No. 09-1411

“That on or about January 24, 2007 at ██████████ ██████████, Camarines Sur, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, moved by his sexual lust and desire, with lewd design, did then and there willfully, unlawfully, and feloniously, by means of force and intimidation, have carnal knowledge of AAA, then a two (2) year old girl (born on March 8, 2004 based on her birth certificate), minor, against her will and consent, to the damage and prejudice of the herein private complainant.

Contrary to law.” x x x⁶

Criminal Case No. 09-1412

“That on or about January 24, 2007 at ██████████ ██████████, Camarines Sur, Philippines and within the jurisdiction

⁴ The Anti-Rape Law of 1997, approved on September 30, 1997.

⁵ The identities of the victims or any information to establish or compromise their identities, as well as those of their immediate family or household members, shall be withheld pursuant to Republic Act No. (RA) 7610, “An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation and For Other Purposes;” RA 9262, “An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and For Other Purposes;” Section 40 of Administrative Matter No. 04-10-11-SC, known as the “Rule on Violence against Women and Their Children,” effective November 15, 2004; *People v. Cabalquinto*, 533 Phil. 703 (2006); and Amended Administrative Circular No. 83-2015 dated September 5, 2017, Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances.

⁶ *Rollo*, p. 4.

of this Honorable Court, the above-named accused, moved by his sexual lust and desire, with lewd design, did then and there willfully, unlawfully, and feloniously, by means of force and intimidation, have carnal knowledge of BBB, then an eight (8) year old girl (born on October 7, 1998 based on her birth certificate), minor, against her will and consent, to the damage and prejudice of the herein private complainant.

Contrary to law.” x x x⁷

Criminal Case No. 09-1413

“That on or about January 25, 2007 at [REDACTED], Camarines Sur, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, moved by his sexual lust and desire, with lewd design, did then and there willfully, unlawfully, and feloniously, by means of force and intimidation, have carnal knowledge of AAA, then a two (2) year old girl (born on March 8, 2004 based on her birth certificate), minor, against her will and consent, to the damage and prejudice of the herein private complainant.

Contrary to law.” x x x⁸

Criminal Case No. 09-1414

“That on or about January 25, 2007 at [REDACTED], Camarines Sur, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, moved by his sexual lust and desire, with lewd design, did then and there willfully, unlawfully, and feloniously, by means of force and intimidation, have carnal knowledge of BBB, then an eight (8) year old girl (born on October 7, 1998 based on her birth certificate), minor, against her will and consent, to the damage and prejudice of the herein private complainant.

Contrary to law.” x x x⁹

Criminal Case No. 09-1415

“That on or about January 26, 2007 at [REDACTED], Camarines Sur, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, moved by his sexual lust and desire, with lewd design, did then and there willfully, unlawfully, and feloniously, by means of force and intimidation, have carnal knowledge of BBB, then an eight (8) year old girl (born on

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 5.

October 7, 1998 based on her birth certificate), minor, against her will and consent, to the damage and prejudice of the herein private complainant.

Contrary to law.” x x x¹⁰

When arraigned on August 25, 2009, accused-appellant pleaded not guilty to all the charges.¹¹

Trial ensued.

Version of the Prosecution

On January 24, 2007, victims, AAA and BBB, two years old and eight years old respectively, were in the house of accused-appellant, their uncle, being the first cousin of their father. While they were on the second floor of accused-appellant's house, accused-appellant removed his clothes as well as BBB's shorts and panty. Accused-appellant then placed himself on top of BBB, and inserted his penis into her vagina. BBB kept on pushing accused-appellant until the latter stopped. Thereafter, accused-appellant went to AAA, undressed her, and laid on top of her. BBB tried to pull accused-appellant from AAA, who was already crying. Then, accused-appellant left.¹²

On January 25, 2007, while the victims' parents were away harvesting copra, accused-appellant entered their house. Thereafter, accused-appellant proceeded to undress BBB and again laid on top of her. He spread BBB's legs and inserted his penis into her vagina. BBB felt pain when the penis touched her vagina. BBB kicked accused-appellant. Accused-appellant proceeded towards AAA, undressed her, and laid on top of her. BBB kicked accused-appellant when the latter tried to insert his penis into AAA's vagina. Accused-appellant then left.¹³

The next day, or on January 26, 2007, BBB was at accused-appellant's house looking for the latter's mother. When BBB entered the door, accused-appellant pushed her inside the house and placed her on top of the table. Accused-appellant removed BBB's shorts and panty, spread her legs, and inserted his penis into her vagina. Accused-appellant

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.* at 6.

¹³ *Id.*

was not able to fully penetrate his penis as BBB kept on pushing him until he got up and left.¹⁴

After several days, AAA informed her mother what accused-appellant did to them.¹⁵

AAA testified that accused-appellant inserted his penis into her vagina which caused pain, but declared that the incident happened only once.¹⁶

The victims' mother also testified and affirmed that AAA was the one who informed her of the incident.¹⁷

In the Medico-Legal Report Nos. BRO-MG-08-111 and BRO-MG-08-110, Dr. Raoul V. Alcantara (Dr. Alcantara) noted that both AAA and BBB had no recent extragenital physical injury and no sign of either recent or previous injury to the hymen.¹⁸

Version of the Defense

In defense, accused-appellant denied the allegations against him. He insisted that on January 24, 25, and 26, 2007, he was working as a stay in store helper for a certain [REDACTED]. Accused-appellant argued that the reason for filing the instant criminal cases against him is the quarrel between his parents and the victims' parents over a parcel of land.¹⁹

The RTC Ruling

In the Decision²⁰ dated February 13, 2018, the RTC found the accused-appellant guilty beyond reasonable doubt of four counts of Statutory Rape; but acquitted him in Criminal Case No. 09-1413. The dispositive portion of the decision reads:

¹⁴ *Id.*

¹⁵ *Id.* at 7.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *CA rollo*, pp. 71-79.

WHEREFORE, premises considered, the Court finds herein accused YYY GUILTY, beyond reasonable doubt, for four (4) counts of statutory rape and judgment is hereby rendered as follows:

1. For Crim. Cases Nos. 09-1411, accused YYY is sentenced to suffer the penalty of RECLUSION PERPETUA without eligibility for parole and ordered to pay AAA the amounts of P75,000.00 as civil indemnity, P75,000.00 as moral damages, P30,000.00 as exemplary damages, and the costs of suit, with legal interest from the date of filing of the information until fully paid.
2. For Crim. Cases Nos. 09-1412, accused YYY is sentenced to suffer the penalty of RECLUSION PERPETUA without eligibility for parole and ordered to pay BBB the amounts of P75,000.00 as civil indemnity, P75,000.00 as moral damages, P30,000.00 as exemplary damages, and the costs of suit, with legal interest from the date of filing of the information until fully paid.
3. For Crim. Cases Nos. 09-1413, accused YYY is hereby ACQUITTED for failure of the prosecution to prove the guilt of the accused beyond reasonable doubt on account of AAA's spontaneous statement that the attack on her only happened ONCE.
4. For Crim. Cases Nos. 09-1414, accused YYY is sentenced to suffer the penalty of RECLUSION PERPETUA without eligibility for parole and ordered to pay BBB the amounts of P75,000.00 as civil indemnity, P75,000.00 as moral damages, P30,000.00 as exemplary damages, and the costs of suit, with legal interest from the date of filing of the information until fully paid.
5. For Crim. Cases Nos. 09-1415, accused YYY is sentenced to suffer the penalty of RECLUSION PERPETUA without eligibility for parole and ordered to pay BBB the amounts of P75,000.00 as civil indemnity, P75,000.00 as moral damages, P30,000.00 as exemplary damages, and the costs of suit, with legal interest from the date of filing of the information until fully paid.

SO ORDERED.²¹

The RTC gave full weight and credit to the testimonies of AAA and BBB. According to the RTC, youth and immaturity are generally

²¹ CA rollo, pp. 78-79.

badges of truth.²² It found that AAA and BBB's statements in positively identifying accused-appellant as the perpetrator of the crimes are clear, simple, spontaneous, and straightforward.²³ Likewise, it held that accused-appellant's bare denial, which was unsubstantiated by clear and convincing evidence, cannot prevail over the positive identification made by AAA and BBB who had no ill motive to testify against accused-appellant.²⁴

Undaunted, accused-appellant filed an appeal before the CA.

The CA Ruling

In the assailed Decision²⁵ dated October 1, 2019, the CA denied the appeal. The CA disposed of the case as follows:

WHEREFORE, the *Appeal* is DENIED. The February 13, 2018 *Decision* of the Regional Trial Court (RTC), Branch 63, ██████████, Camarines Sur in Criminal Case Nos. 09-1411, 09-1412, 09-1414 and 09-1415 finding accused-appellant [YYY] guilty beyond reasonable doubt of four (4) counts of the crime of Statutory Rape defined and penalized under the Revised Penal Code, as amended by Republic Act (R.A.) No. 8353 is AFFIRMED with MODIFICATION. Accused-appellant [YYY] is ordered to pay P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P75,000.00 as exemplary damages for each count of Statutory Rape committed against BBB; and P100,000.00 as civil indemnity, P100,000.00 as moral damages, and P100,000.00 as exemplary damages for the crime of statutory rape committed against AAA.

SO ORDERED.²⁶

The CA affirmed accused-appellant's conviction. However, the CA modified the damages awarded by the RTC. The CA ratiocinated that since AAA is below seven years old when the crime of Qualified Rape was committed against her person, accused-appellant should pay AAA ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages.²⁷

²² *Id.* at 77-78.

²³ *Id.* at 78.

²⁴ *Id.* at 77.

²⁵ *Rollo*, pp. 3-19.

²⁶ *Id.* at 18.

²⁷ *Id.* at 17-18.

Aggrieved, accused-appellant filed the instant appeal.

Issue

Whether the CA erred in affirming accused-appellant's conviction.

Our Ruling

The appeal is unmeritorious.

In this instant appeal, accused-appellant reiterates that the RTC erred in convicting him despite: (1) the failure of the prosecution to prove that he acted with discernment considering that he was only 17 years old at the time of the commission of the crimes; (2) the insufficiency of prosecution's evidence against him; and (3) the credible defense of denial.²⁸

After a judicious scrutiny of the records of this case, the Court finds that the appeal lacks merit.

First, accused-appellant's claim of minority is purely self-serving.

Under Section 7 of RA 9344,²⁹ the age of a child may be determined from the child's birth certificate, or other pertinent documents. It is only in the absence of these documents that age may be based on information from the child himself/herself and testimonies of other persons; thus:

SEC. 7. Determination of Age. - x x x The age of a child may be determined from the child's birth certificate, baptismal certificate or any other pertinent documents. *In the absence of these documents*, age may be based on information from the child himself/herself, testimonies of other persons, the physical appearance of the child *and* other relevant evidence. In case of doubt as to the age of the child, it shall be resolved in his/her favor. (*Emphasis supplied*)

²⁸ CA rollo, pp. 58-59.

²⁹ Juvenile Justice and Welfare Act of 2006, approved on April 28, 2006.

Rule 35.b³⁰ of the Implementing Rules and Regulations (IRR) of RA 9344 outlines the measures that may be undertaken by the law enforcers to determine the age of the child. The law enforcers may only resort to statements of the child or information from other persons who may have knowledge of the age of the child, if the pertinent documents, such as the child's birth certificate or baptismal certificate cannot be obtained or while receipt of the documents required are still pending.

The Court has accepted testimonial evidence to prove the age of the child *in the absence of any document* or other satisfactory evidence showing the child's date of birth. The Court has given evidentiary weight to testimonial evidence of an accused's minority and age *upon the concurrence* of the following conditions: (1) the absence of any other satisfactory evidence such as the birth certificate, baptismal certificate, or similar documents that would prove the date of birth of the accused; (2) the presence of testimony of the accused and/or relative on the age of minority of the accused at the time of the complained incident without any objection on the part of the prosecution; and (3) lack of any contrary evidence showing that the accused's and/or relatives' testimonies are untrue.³¹

In the case at bench, the Court finds that the defense failed to show that there was an absence of any document or other satisfactory evidence showing accused-appellant's minority or that the pertinent documents enumerated in the IRR of RA 9344 cannot be obtained for the trial court. Neither could the Court give weight to the testimonial evidence of the defense claiming minority. It is well to stress that aside from accused-appellant's claim that he was 17 years old at the time of the commission of the act, there was no other corroborating evidence to prove his date of birth. To recall, accused-appellant's mother, ZZZ, and her neighbor testified during the trial, but none of them emphasized the

³⁰ RULE 35.b of the Revised Rules and Regulations Implementing Republic Act No. 9344, as Amended by R.A. 10630, JJWC Resolution No. 02-14 provides:

Rule 35.b. *Determination of the Age of the Child.* —

x x x x

(2) The law enforcement officer may obtain the above documents from any of the following:

- a. Parents, guardian or relatives of the child (for copies of any of the above documents);
- b. Local Civil Registrar or the National Statistics Office (for a copy of the birth certificate);
- c. School where the child attends (for school records, dental records, birth certificate or baptismal certificate, when required by the school);

³¹ *Sierra v. People*, 609 Phil 446, 465-466 (2009).

age of accused-appellant or his date of birth. Their testimonies could have corroborated accused-appellant's claim of minority. The defense could have raised accused-appellant's minority during the trial if indeed he was a minor when the crimes were committed, knowing that his age, if he were truly 17 years old, could mitigate the penalty to be imposed. The RTC did not even discuss or touch upon the claim of minority of accused-appellant. Hence, the Court rules that accused-appellant's claim of minority is self-serving and unsupported by any shadow of proof.

Records would show that accused-appellant did not secure or offer an explanation why he failed to obtain a document proving his date of birth.

Second, the prosecution was able to prove the guilt of accused-appellant beyond reasonable doubt. Records disclose that accused-appellant is guilty of Statutory Rape committed against BBB and Qualified Statutory Rape committed against AAA.

Statutory Rape under Article 266-A of the RPC is committed when: (1) the offended party is under 12 years of age; and (2) the accused has carnal knowledge of her, regardless of whether there was force, threat, or intimidation, whether the victim was deprived of reason or consciousness, or whether it was done through fraud or grave abuse of authority.³² In Statutory Rape, it is enough that the age of the victim is proven and that there was sexual intercourse,³³ for the absence of free consent is conclusively presumed when the victim is below the age of 12.³⁴ At that age, the law presumes that the victim does not possess discernment and is incapable of giving intelligent consent to the sexual act.³⁵

In the case, the RTC, as affirmed by the CA, found that the prosecution was able to prove beyond reasonable doubt all elements of Statutory Rape. Undeniably, BBB was eight years old, while AAA was only two years old when they were raped by accused-appellant. AAA was born on March 8, 2004³⁶ while BBB was born on October 7, 1998.³⁷

³² *People v. Fetalco*, G.R. No. 241249, July 28, 2020.

³³ *Id.*, citing *People v. Brioso*, 788 Phil. 292, 305 (2016).

³⁴ *People v. XXX*, G.R. No. 229836, July 17, 2019.

³⁵ *Id.*

³⁶ *Rollo*, p. 5.

³⁷ *Id.*

The age of AAA and BBB were uncontested. Their birth certificates were presented and admitted in court.

Likewise, it is beyond doubt that accused-appellant had carnal knowledge of AAA and BBB. During the trial, AAA and BBB positively identified accused-appellant as the person who raped them.³⁸ BBB consistently stated that she was raped by accused-appellant three times, and on those occasions, accused-appellant inserted his penis into her vagina and succeeded in having carnal knowledge with her.³⁹

On the other hand, AAA's testimony is categorical and unequivocal. AAA testified that accused-appellant inserted his penis into her vagina and succeeded in having carnal knowledge with her. But during the trial, AAA testified that the accused-appellant raped her only once.⁴⁰

Both AAA and BBB testified that the insertion of the accused-appellant's penis into their vaginas caused them pain.⁴¹ Notably, during the trial, the victims were consistent in their testimonies that accused-appellant's penis was never fully inserted into their vaginas. However, it must be highlighted that a complete or total penetration of the private organ is not necessary to consummate the crime of rape.⁴² A slightest penetration is sufficient.⁴³

Moreover, the Court finds no doubt as to the credibility of AAA and BBB and has no reason to deviate from the findings of the RTC and CA in lending credence to the victim's version of the rape incidents. Time and again, the Court has held that when the offended parties are young and immature girls, as in this case, courts are inclined to lend credence to their version of what transpired, considering not only their relative vulnerability but also the shame and embarrassment to which they would be exposed if the matter about which they testified were not true.⁴⁴ Youth and immaturity are generally badges of truth and

³⁸ *CA rollo*, p. 73.

³⁹ *Id.* at 73-75.

⁴⁰ *Rollo*, p. 7.

⁴¹ *Id.* at 15.

⁴² *People v. Agan*, G.R. No. 228947, June 22, 2020, citing *People v. Cruz*, 259 Phil. 1256, 1259 (1989).

⁴³ *Id.*

⁴⁴ *People v. Fetalco*, *supra* note 32.

sincerity.⁴⁵ No young girl would usually concoct a tale of defloration, publicly admit to having been ravished and her honor being tainted, allow the examination of her private parts, and undergo all the trouble and inconvenience, not to mention the trauma and scandal of a public trial, had she not in fact been raped and been truly moved to protect and preserve her honor and motivated by the desire to obtain justice for the wicked acts committed against her.⁴⁶

Considering that BBB and AAA were 11 years old and six years old when they testified before the RTC, they could hardly concoct a horrible story that would haunt them for life. It is even well settled that due to the nature of the crime, the lone testimony of the rape victim, when found to be credible, natural, and consistent with human nature, is enough to sustain a conviction.⁴⁷

Accused-appellant's denial must be rejected as it could not prevail over the victims' unwavering testimony and their positive and firm identification of him as the perpetrator. The Court likewise cannot give credence to the defense of alibi. In order that alibi might prosper, it is not enough to prove that the accused had been somewhere else during the commission of the crime; it must also be shown that it would have been impossible for him to be anywhere within the vicinity of the crime scene.⁴⁸

Accused-appellant miserably failed to discharge the burden of proving that such was the case. The place of the rape incidents which is [REDACTED], Camarines Sur is just six to seven kilometers away from [REDACTED], Camarines Sur, the place used as an alibi by accused-appellant. Both *barangays* belong to the same municipality and it is not impossible or difficult to travel from one to the other. In other words, both *barangays* are easily accessible. Thus, it was not impossible for accused-appellant to be in *situs criminis* at the dates and time when the rape incidents happened. Also, jurisprudence has dictated that positive identification prevails over alibi since the latter can easily be fabricated and is inherently unreliable.⁴⁹ Because alibi is a

⁴⁵ *People v. Deliola*, 794 Phil. 194, 208 (2016).

⁴⁶ *People v. XXX*, G.R. No. 225793, August 14, 2019, citing *People v. Barberan*, 788 Phil. 103, 110 (2016).

⁴⁷ *People v. Banayat*, 828 Phil. 231, 237 (2018), citing *People v. Olimba*, 645 Phil. 468, 480 (2010).

⁴⁸ *Pendoy v. Court of Appeals (18th Division)-Cebu City*, G.R. No. 228223, June 10, 2019, citing *People v. Abella*, 624 Phil. 18, 36 (2010).

⁴⁹ *People v. XYZ*, G.R. No. 244255, August 26, 2020, citing *People v. Dadao*, 725 Phil. 298, 312

weak defense for being easily fabricated, it cannot prevail over and is worthless in the face of the positive identification by a credible witness that an accused perpetrated the crime.⁵⁰

Further, the Court does not find it necessary to discuss and elaborate upon the contention of accused-appellant that he deserves an acquittal as the medico-legal certificate reveals that the victims' respective hymens were not lacerated or ruptured; and that no sign of neither recent nor previous injury to the hymens.

It is elementary that a medico-legal report is not indispensable to the prosecution of the rape case, it being merely corroborative in nature.⁵¹ At this point, the fact of rape and the identity of the perpetrator were already proven by the consistent testimonies of both AAA and BBB. The credible statements of the rape victims are the material proof of the commission of rape, rather than the medico-legal certificate issued by Dr. Alcantara. The prime consideration in the prosecution of rape is the victim's testimony, not necessarily the medical findings.⁵²

As to the crime committed against AAA, the Court finds that accused-appellant is guilty of Qualified Statutory Rape. It has been settled that if sexual intercourse is committed with a child below seven years old, the proper designation of the crime is always "qualified statutory rape."⁵³ Rape shall be qualified when the victim is below 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; and/or when the victim is a child below seven years old.⁵⁴

The penalty for Qualified Statutory Rape is death. But because the death penalty cannot be imposed in view of RA 9346,⁵⁵ the sentence

(2014).

⁵⁰ *People v. Agustin*, 690 Phil. 17, 29 (2012).

⁵¹ *People v. Fetalco*, *supra* note 32, citing *People v. Bongos*, 824 Phil. 1004, 1023 (2018).

⁵² *People v. Suarez*, 750 Phil. 858, 868 (2015), citing *People v. Perez*, 673 Phil. 373, 382 (2011)

⁵³ *People v. Pablo*, G.R. No. 244840 (Notice), January 20, 2021, citing *People v. Tulagan*, G.R. No. 227363, March 12, 2019.

⁵⁴ *People v. XXX*, G.R. No. 244047, December 10, 2019, citing Article 266-B(5) of the Revised Penal Code, as amended.

⁵⁵ Entitled "An Act Prohibiting the Imposition of Death Penalty in the Philippines," approved on June 24, 2006.

shall be reduced to *reclusion perpetua* without eligibility for parole.⁵⁶

Here, it is undisputed that AAA was merely two years old when she was raped by accused-appellant. Thus, the Court finds it proper to correct the nomenclature of the crime committed against AAA from Statutory Rape to Qualified Statutory Rape.

As for BBB, the RTC and the CA correctly convicted accused-appellant of Statutory Rape which is punishable by *reclusion perpetua* under Article 266-B of the RPC, as amended, in relation to Section 5(b), Article III of RA 7610.⁵⁷ The RTC however imposed on him the penalty of *reclusion perpetua* without eligibility for parole for the three counts.

There is a need to qualify that while accused-appellant is guilty of Statutory Rape, penalized with *reclusion perpetua*, there is no need to indicate that he was “ineligible for parole” because he was sentenced to suffer an indivisible penalty. There is a need to qualify that the accused is not “eligible for parole” only in cases where the penalty to be imposed should have been death were it not for the enactment of RA 9346 or the Anti-Death Penalty Law.⁵⁸

In A.M. No. 15-08-02-SC,⁵⁹ the Court provided the guidelines for the use of the phrase “without eligibility for parole” to remove any confusion, to wit:

1. In cases where the death penalty is not warranted, there is no need to use the phrase “without eligibility of parole” to qualify the penalty of *reclusion perpetua*; it is understood that convicted persons penalized with an indivisible penalty are not eligible for parole; and
2. When circumstances are present warranting the imposition of the death penalty, but this penalty is not imposed because of Republic Act (R.A.) No. 9346, the qualification of without “eligibility for parole” shall be used to qualify *reclusion perpetua* in order to emphasize that the accused should have been sentenced to suffer the death penalty had it not been for R.A. No. 9346.⁶⁰

⁵⁶ *People v. Pablo*, *supra* note 53, citing *People v. Bay-Od*, G.R. No. 238176, January 14, 2019.

⁵⁷ Special Protection of Children Against Abuse, Exploitation and Discrimination Act, approved on June 17, 1992. See also *People v. Jagdon, Jr.*, G.R. No. 242882, September 9, 2020.

⁵⁸ *People v. XXX*, G.R. No. 243988, August 27, 2020.

⁵⁹ Entitled “Guidelines for the Proper Use of the Phrase “Without Parole” in Indivisible Penalties,” approved on August 4, 2015.

⁶⁰ *People v. Gozo*, 836 Phil. 932, 945 (2018).

This is the reason why in decisions of the Court in Statutory Rape cases, accused-appellants are sentenced to suffer the penalty of *reclusion perpetua* and the phrase “without eligibility for parole” is no longer indicated.⁶¹

Beyond doubt, accused-appellant is guilty of three counts of Statutory Rape committed against BBB and one count of Qualified Statutory Rape against AAA.

For Statutory Rape committed against BBB, the corresponding penalty is *reclusion perpetua* with damages of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages for each count.⁶² For Qualified Statutory Rape committed against AAA, the penalty is *reclusion perpetua* without eligibility for parole⁶³ plus ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages.⁶⁴

WHEREFORE, the appeal is **DENIED**. The Decision dated October 1, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 11075 is **AFFIRMED** with **MODIFICATION** in that accused-appellant YYY is found **GUILTY** beyond reasonable doubt of three (3) counts of Statutory Rape defined and penalized under paragraph (1)(d), Article 266-A, in relation to paragraph 1, Article 266-B of the Revised Penal Code, as amended by Republic Act No. 8353, and one (1) count of Qualified Statutory Rape defined and penalized under paragraph (1)(d), Article 266-A in relation to Article 266-B of the Revised Penal Code, as amended by Republic Act No. 8353.

Accordingly, accused-appellant YYY is sentenced to suffer the penalty of *reclusion perpetua* for each count of Statutory Rape; and *reclusion perpetua* without eligibility for parole for one count of Qualified Statutory Rape. He is **ORDERED** to pay BBB ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages for each count of Statutory Rape. He is likewise

⁶¹ See *People v. Cunanan*, G.R. No. 247719 (Notice), February 24, 2020; *People v. XXX*, G.R. No. 243988, August 27, 2020; *People v. Dorado*, G.R. No. 248845 (Notice), September 16, 2020; *People v. Eulalio*, G.R. No. 214882, October 16, 2019; *People v. Adajar*, G.R. No. 231306, June 17, 2019.

⁶² *People v. Jagdon*, supra note 57.

⁶³ *People v. Pablo*, supra note 56.

⁶⁴ *Id.*, citing *People v. Jugueta*, 783 Phil. 806, 849 (2016); *People v. XXX*, G.R. No. 244047, December 10, 2019.


ORDERED to pay AAA ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages for Qualified Statutory Rape.

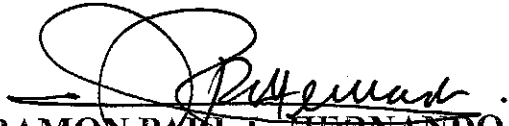
All monetary awards shall earn legal interest at the rate of 6% *per annum* from the finality of this Decision until full payment.

SO ORDERED:


HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson



RAMON PAUL L. HERNANDO
Associate Justice


ROSMARI D. CARANDANG
Associate Justice


SAMUEL H. GAERLAN
Associate Justice

ATTESTATION

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


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson



CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice

