



Republic of the Philippines  
**Supreme Court**  
Manila

**THIRD DIVISION**

**PEOPLE OF THE PHILIPPINES,**      **G.R. No. 261962\***  
Plaintiff-appellee,

Present:

CAGUIOA, J., *Chairperson*,  
INTING,  
GAERLAN,  
DIMAAMPAO, and  
SINGH,\*\* JJ.

- versus -

**XXX,**

Accused-appellant.

**Promulgated:**

JAN 27 2025

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**DECISION**

**DIMAAMPAO, J.:**

This instant Appeal<sup>1</sup> before the Court bewails the Decision<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 11125, which affirmed with modification the Judgment<sup>3</sup> rendered by Branch ■ of the Regional Trial Court, ■, Catanduanes (RTC), convicting accused-appellant XXX of the crime of rape as defined and penalized under Article 266-A of the Revised

\* The identity of the victims or any information which could establish or compromise their identities, as well as those of their immediate family or household members, shall be withheld pursuant to Amended Administrative Circular No. 83-2015, entitled: Protocols and Procedures in the Promulgation, Publication and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances dated September 5, 2017.

\*\* On leave.

<sup>1</sup> *Rollo*, pp. 3–5.

<sup>2</sup> *Id.* at 8–23. The September 14, 2020 Decision was penned by Associate Justice Tita Marilyn B. Payoyo-Villordon, with the concurrence of Associate Justices Fernanda Lampas Peralta and Nina G. Antonio-Valenzuela of the Second Division, Court of Appeals, Manila.

<sup>3</sup> *Id.* at 25–33. The April 10, 2018 Judgment in Criminal Case No. 5319 was rendered by Presiding Judge Lelu P. Contreras.

*[Handwritten signature]*

Penal Code, as amended by Republic Act No. 8353,<sup>4</sup> in relation to Republic Act No. 7610.<sup>5</sup>

On January 21, 2015, an Information<sup>6</sup> docketed as Criminal Case No. 5319 was filed against XXX, indicting him for the crime of rape. The inculpatory averments of the Information read as follows:

That sometime in the evening in November 2012, between November 8, 2012 to November 14, 2012, in [REDACTED], [REDACTED], province of Catanduanes, Philippines, and within the jurisdiction of this Honorable Court, while the victim, [AAA], who was then ten (10) years old, and therefore, under twelve (12) years of age, was sleeping at the house of [BBB], the above-named accused, with lewd designs, lay [sic] down beside her, then removed her shorts and panty, placed himself on top of the victim, kissed her, and then and there willfully, unlawfully and feloniously had carnal knowledge of the victim against her will, through force, threat and/or intimidation, which acts debased, degraded and demeaned her intrinsic worth as a child and as a human being, to the damage and prejudice of the said victim and that of the general public.

That the crime was attended by the following aggravating circumstance[s], namely, that the victim is under eighteen (18) years of age and the offender is the victim's relative by consanguinity within the third civil degree.<sup>7</sup>

Upon arraignment, XXX pled not guilty to the charge.<sup>8</sup> Trial forthwith ensued.

The prosecution avouched that sometime in November 2012, CCC and DDD were going to attend the wake of a certain Jesus Tayo a.k.a. "Jaru" in [REDACTED], [REDACTED], Catanduanes. Before heading to the wake, they left their then 10-year-old<sup>9</sup> daughter, AAA, in the house of a certain EEE.<sup>10</sup>

AAA then went to the house of her friend's grandmother, BBB, to play with her friend. EEE and BBB eventually left to attend the wake. Thereupon, XXX, the brother of DDD,<sup>11</sup> went to BBB's house and asked AAA to look after FFF, his then 2-year-old daughter, as he was also going to the wake.<sup>12</sup>

FFF and AAA were already asleep in the living room of BBB's house when AAA was awakened by XXX, who appeared to be drunk. XXX lay beside her and removed her shorts and panty. He then placed himself on top

<sup>4</sup> The Anti-Rape Law of 1997.

<sup>5</sup> Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

<sup>6</sup> RTC records, pp. 1-3.

<sup>7</sup> *Id.* at 1.

<sup>8</sup> *Id.* at 24-a, Certificate of Arraignment.

<sup>9</sup> *Id.* at 13, Certificate of Live Birth of AAA.

<sup>10</sup> *Rollo*, pp. 27-28.

<sup>11</sup> TSN, AAA, April 19, 2017, p. 3.

<sup>12</sup> *Rollo*, p. 28.

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of AAA's body and kissed her lips. Afterwards, he removed his brief and inserted his penis into her vagina. AAA cried in pain. She struggled to push XXX away and begged him to stop, to no avail. XXX only stopped when DDD called him from outside the house.<sup>13</sup>

AAA heard her mother call XXX by his nickname "██████", to accompany her to the wake. XXX replied, "*Iyo*" (yes). DDD also called AAA because FFF was crying. Immediately thereafter, XXX left through the main door. Despite the fact that DDD was just outside, AAA did not call for help as she was afraid of her own mother, who, for many times in the past, had physically hurt her by pinching her and hitting her with a rattan stick.<sup>14</sup>

A year later, AAA recounted the rape incident to DDD's aunt, GGG, who then relayed the same to CCC and DDD, AAA's parents. Thenceforward, they accompanied their daughter to undergo a medical examination and to report the incident at the police station.<sup>15</sup>

On November 20, 2013, Dr. Cheryl T. Benavidez (Dr. Benavidez) conducted a physical examination on AAA. Dr. Benavidez eventually testified that her examination on AAA revealed the presence of an old hymen laceration at 3 o'clock and 9 o'clock positions that could have been caused by "[s]oft [t]issue [i]njury. . . [p]robably [s]econdary to [a]lleged [s]exual [a]ssault[.]"<sup>16</sup> Dr. Benavidez asked AAA if she had been doing any heavy physical work, to which she denied.<sup>17</sup>

In the afternoon of the same day, AAA, together with her parents, reported the incident to Police Officer II Rowena Llandelar, who took their respective *Sinumpaang Salaysay*.<sup>18</sup>

Subjected to mental evaluation, AAA was brought to Dr. Gibson Gabitan (Dr. Gabitan) on July 10 and 15, 2017. Dr. Gabitan found her to have exhibited a "*mild form of intellectual disability*."<sup>19</sup> According to him, AAA could not fully express what exactly happened to her. However, even in not a logical progression of events, AAA was able to describe a fraction of what she had experienced during the rape incident. While Dr. Gabitan could not categorically vouch for the truth of AAA's narration, he admitted that she was consistent with her story that she was sexually abused.<sup>20</sup>

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

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

<sup>15</sup> *Id.* at 29.

<sup>16</sup> TSN, Dr. Cheryl T. Benavidez, January 25, 2017, p. 11. *See also* RTC records, p. 14, Medicolegal Certificate.

<sup>17</sup> *Rollo*, pp. 28–29.

<sup>18</sup> *Id.* at 29; RTC records, p. 10, *Sinumpaang Salaysay* of AAA; 11, *Sinumpaang Salaysay* of CCC; 12, *Sinumpaang Salaysay* of DDD.

<sup>19</sup> TSN, Dr. Gibson Gabitan, October 4, 2017, p. 5.

<sup>20</sup> *Rollo*, pp. 30–31.

For his part, XXX failed to adduce any evidence to exculpate himself from liability.<sup>21</sup>

In due course, the RTC rendered its Judgment convicting XXX of the crime of rape. The *fallo* reads:

**WHEREFORE**, this Court finds [XXX] GUILTY beyond reasonable doubt of the crime of [r]ape and is, hereby, sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole, and to pay the victim, AAA, the amounts of SEVENTY-FIVE THOUSAND PESOS ([PHP] 75,000.00), as civil indemnity, SEVENTY-FIVE THOUSAND PESOS ([PHP] 75,000.00), as moral damages and THIRTY THOUSAND PESOS ([PHP] 30,000.00), as exemplary damages, which shall be subject to legal interest at the rate of six percent (6%) per annum from the date of finality of Judgment until fully paid.

**SO ORDERED.**<sup>22</sup> (Emphasis in the original)

The RTC accorded full weight and credence to AAA's positive and categorical testimony, which established that, indeed, XXX had carnal knowledge of her without her consent. Corollary thereto, Dr. Gabitan's assessment of AAA's mental condition, albeit not indispensable, bolstered her case.<sup>23</sup>

Likewise, the RTC adjudged that the prosecution demonstrably established that AAA was only 10 years old when the rape incident transpired and that XXX was her uncle, who, therefore, had moral ascendancy over her. Evidently, the concurrence of AAA's minority and her relationship to XXX is a special qualifying circumstance, which sentence may be death penalty were it not for the supervening passage of Republic Act No. 9346.<sup>24</sup> Section 2 of this Act imposes the penalty of *reclusion perpetua* in lieu of death when the law violated makes use of the nomenclature of the penalties of the Revised Penal Code, as in this case. Thus, XXX could not be eligible for parole.<sup>25</sup>

Unflustered, XXX sought recourse before the CA,<sup>26</sup> which, in the impugned Decision, sustained his guilt, ratiocinating in this wise—

Accused-appellant criticizes the testimony of AAA to be unworthy of belief for being too incredible and improbable in view of Dr. Gabitan's finding that AAA exhibited a mild form of intellectual disability.

This Court is not persuaded.

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<sup>21</sup> *Id.* at 30.

<sup>22</sup> *Id.* at 32–33.

<sup>23</sup> *Id.* at 30–31.

<sup>24</sup> An Act Prohibiting the Imposition of Death Penalty in the Philippines.

<sup>25</sup> *Rollo*, p. 32.

<sup>26</sup> *CA rollo*, pp. 30–53. Brief for the Accused-Appellant.

AAA's mental condition does not make her testimony incredible as long as she can recount her experience in a straightforward, spontaneous, and believable manner[.]

....

What also makes the case stronger for the prosecution is that the testimony of AAA is corroborated by the medical findings of the presence of lacerations in her hymen. Such medico-legal findings bolsters the prosecution's testimonial evidence. In *People v. Francica*, the Supreme Court held that lacerations were the best physical evidence of forcible defloration and that physical evidence speaks more eloquently than a hundred witnesses. Together, these pieces of evidence produce a moral certainty that accused-appellant indeed raped AAA.<sup>27</sup>

The CA explicated that while the RTC received in evidence XXX's plea bargain as an implied admission of his guilt, it nevertheless considered the evidence presented by the prosecution.<sup>28</sup>

Lastly, the amounts of civil indemnity, moral damages and exemplary damages awarded were modified by the CA, in accordance with recent jurisprudence.<sup>29</sup> The CA decreed—

**ACCORDINGLY**, the appeal is **DENIED**. The Judgment dated 10 April 2018 of the Regional Trial Court, 5<sup>th</sup> Judicial Region, Branch ■, ■, Catanduanes, in Criminal Case No. 5319, convicting accused-appellant XXX of [r]ape under Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353, in relation to Republic Act No. 7610 is **AFFIRMED** with **MODIFICATION** in that civil indemnity, moral damages and exemplary damages are each **INCREASED** to one hundred thousand pesos ([PHP] 100,000.00). Interest at the rate of six percent (6%) per annum from the date of finality of this [D]ecision until fully paid is to be imposed on all the amounts of damages awarded.

**SO ORDERED.**<sup>30</sup> (Emphasis in the original)

Taking umbrage at the foregoing disposition, XXX is now before the Court, ascribing error on the part of the CA in affirming his conviction.

According to XXX, AAA's testimony is tainted with contradictions and illogical details as to the occurrence of the rape incident. He relies on the testimony of Dr. Gabitan, an expert, which revealed that AAA's statements were inconsistent and unreliable. He likewise faults the RTC for convicting him based on his plea bargain.<sup>31</sup>

<sup>27</sup> *Rollo*, pp. 15, 17.

<sup>28</sup> *Id.* at 20.

<sup>29</sup> *Id.* at 21–22.

<sup>30</sup> *Id.* at 22.

<sup>31</sup> *See rollo*, pp. 36–40, Manifestation (In Lieu of Supplemental Brief).

### The Court's Ruling

*After a judicious rumination of the case, the Court upholds XXX's conviction, but modifies the crime committed to statutory rape instead of qualified rape.*

***AAA's testimony is straightforward and credible.***

Upholding the findings of the RTC, the CA adjudged that *AAA's testimony was straightforward, positive and credible, viz.:*

[PROS. VALEZA:]

Q: And you mentioned in your Affidavit that the accused removed his briefs. How were you able to see him removed his briefs if it was dark?

....

A: I felt that he was removing his briefs.

Q: When the accused removed your panty, you mentioned in your Affidavit that he was on top of you and that he kissed you on your lips, is that correct?

A: Yes, sir.

Q: And you also mentioned that he removed his briefs and put out his penis and placed it inside your vagina?

A: Yes, sir.

Q: What did you feel or how did you feel when the accused placed or put his penis inside your vagina?

A: It was painful.

Q: And when he placed or put his penis inside your vagina, what did he do?

A: He moved.

Q: Which part of his body did he move?

A: The lower part.

Q: While [he] was moving his lower body, was his penis still inside your vagina?

A: Yes, sir.

Q: You said you felt pain, did you cry at that time?

A: Yes, sir.

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[PROs. VALEZA:]

Q: How did the accused put his penis inside your vagina and moved [sic] his lower body? What was the duration when he placed his penis inside your vagina and moved his lower body?

A: About one (1) minute.<sup>32</sup>

The Court has consistently held that when the credibility of a witness is in question, the trial court's observations and conclusions deserve great respect and are accorded finality, unless the records show material facts or circumstances that the lower court overlooked, misunderstood or misappreciated, and which, if properly considered, would ultimately alter the result of the case. Such is the case since trial courts are in the best position to ascertain and measure the sincerity and spontaneity of witnesses through their actual observation of the manner of testifying, demeanor and behavior of witnesses in court. Therefore, trial judges can better determine if such witnesses are telling the truth, as they are in the ideal position to weigh conflicting testimonies. The rule finds an even more stringent application where the said factual findings are sustained by the CA,<sup>33</sup> as in this case.

XXX makes a lunge at AAA's testimony in view of Dr. Gabitan's finding that she exhibited a mild form of intellectual disability.

The assailment deserves scant consideration. On this score, the Court reverberates the CA's disposition apropos the issue at hand, viz.:

AAA's mental condition does not make her testimony incredible as long as she can recount her experience in a straightforward, spontaneous, and believable manner. The disquisition in *People v. Deniega* is instructive, to wit:

In the present case, it is true that based on the medical and psychiatric evaluation of AAA, she has moderate mental retardation and that she has the mental age of a six-year-old child. Accused-appellant makes much of this fact to discredit the testimony of AAA. This Court has, nonetheless, held that competence and credibility of mentally deficient rape victims as witnesses have been upheld where it is shown that they can communicate their ordeal capably and consistently. **Rather than undermine the gravity of the complainant's accusations, it even lends greater credence to her testimony, that, someone as feeble-minded and guileless could speak so tenaciously and explicitly on the details of the rape if she has not in fact suffered such crime at the hands of the accused.** The basic rule is that when a victim's testimony is credible and sufficiently establishes the elements of the crime, it may be enough basis to convict an accused of rape.<sup>34</sup> (Emphasis in the original)

<sup>32</sup> TSN, AAA, April 19, 2017, pp. 10–11.

<sup>33</sup> See *People v. AAA*, 876 Phil. 639, 650 (2020) [Per C.J. Peralta, First Division].

<sup>34</sup> *Rollo*, pp. 15–16.

In sooth, AAA's credible and straightforward testimony withstands scrutiny sufficient to produce a verdict of conviction, even more so, when it is corroborated with solid physical evidence. The physical examination conducted on AAA revealed that she sustained old laceration at 3 o'clock and 9 o'clock positions in her external genitalia. "Hymenal lacerations, whether healed or fresh, are the best evidence of forcible defloration. And when the consistent and forthright testimony 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."<sup>35</sup>

***XXX was positively identified  
as the perpetrator of the crime***

XXX asseverates that the prosecution failed to identify him as the perpetrator since the purported rape occurred in a house that was poorly lit.<sup>36</sup> He claims that AAA only recognized her because of his facial hair and the apparent smell of alcohol.<sup>37</sup>

*XXX's asseverations hold no water.*

Admittedly, the place where the rape incident occurred was poorly lit. However, such circumstance alone did not prevent AAA from positively identifying XXX as her perpetrator. As established during trial, immediately after the incident, AAA heard her mother, loud and clear, calling XXX by his nickname "██████", thus—

[PROS. VALEZA:]

Q: You mentioned that your mother invited XXX to go to the wake. What does your mother call your *Tio* ██████?

A: ██████.

Q: When your mother asked him to go [ ] with her to the wake, did you hear her call his name ["██████"]?

A: Yes, sir.

Q: Now, when your mother called your XXX and asked him to accompany her to the wake, did XXX reply?

A: Yes, sir.

Q: And what was the reply?

A: He said, *iyó* (yes[ ])[.]

Q: Did you hear the answer of your XXX?

A: Yes, sir.

<sup>35</sup> *People v. XXX*, 856 Phil. 408, 420 (2019) [Per J. Lazaro-Javier, Second Division].

<sup>36</sup> *CA rollo*, p. 44.

<sup>37</sup> *Id.* at 43.



Q: Do you know his voice, the accused, your XXX?

A: Yes, sir.

Q: Considering that you know the voice of the accused, XXX, could you say that the person who said[] [“]yo[”] after your mother invited him to go to the wake, could you say that it was the voice of XXX?

A: Yes, sir.<sup>38</sup>

From the foregoing avowals, there is nary a doubt that AAA positively identified XXX as the person who committed the bestial act against her. Moreover, in *People v. Sanay*,<sup>39</sup> the Court emphasized that identifying the assailant based on *familiarity* may be deemed reliable, thusly—

A victim who was sufficiently acquainted with their assailant due to a prior relationship or association, such as being “barriomates,” neighbors, or as the second husband of their grandmother, signifies a certain familiarity with the assailant’s physical features, which the victim may easily perceive at the time of the commission of the crime. Accordingly, even when the offense was committed under circumstances that make it difficult for the victim to ascertain the identity of the perpetrator, as in this case where AAA was raped at night, the identification of the accused is deemed credible when the victim is closely familiar with the assailant.<sup>40</sup>

It cannot be gainsaid that AAA is familiar with both the physical features and the voice of XXX, being her uncle. Irrefutably, she had adequate basis to easily identify him as her abuser.

***Lust is no respecter of time  
and place, and AAA’s silence  
before revealing her ordeal  
does not imply falsity***

The Court, in *People v. Descartin*,<sup>41</sup> has settled that—

[C]lose proximity of other relatives at the scene of the rape does not negate the commission of the crime. Rape can be committed even in places where people congregate, in parks, along the roadside, within school premises, inside a house where there are other occupants, and even in the same room where other members of the family are also sleeping. It is not impossible or incredible for the members of the victim’s family to be in deep slumber and not to be awakened while a sexual assault is being committed. *Lust is no respecter of time and place; neither is it deterred by age nor relationship.*<sup>42</sup> (Emphasis supplied, citation omitted)

<sup>38</sup> TSN, AAA, April 19, 2017, p. 15.

<sup>39</sup> 918-A Phil. 726 (2021) [Per J. Caguioa, First Division].

<sup>40</sup> *Id.* at 740.

<sup>41</sup> 810 Phil. 881 (2017) [Per J. Tijam, Third Division].

<sup>42</sup> *Id.* at 892.

With the foregoing doctrinal mooring, the Court cannot lend credence to XXX's postulations that, *first*, it is contrary to human experience that AAA failed to shout or ask for her mother's help who was just nearby, and *second*, it would have been highly dangerous on his part to abuse AAA when her mother was just nearby.

In the same vein, the fact that AAA stayed silent for a year does not imply that the accusations divulged later were false. *People v. Tadeo*<sup>43</sup> instructs—

There is no standard form of behavioral response when one is confronted with startling or frightful experience. Fear has rendered some people immobile if not useless in some life-and-death situations. Besides, when a woman, more so if she is a minor, says that she has been raped, she says in effect, all that is necessary to prove that rape was committed. No woman would be willing to undergo a public trial, along with the shame, humiliation and dishonor of exposing her own degradation, were it not to condemn an injustice and to have the offender apprehended and punished. The embarrassment and stigma of allowing an examination of her private parts and testifying at a public trial on the painfully intimate details of her violation effectively rule out the possibility of a false accusation of rape.<sup>44</sup> (Citations omitted)

### ***XXX is guilty of statutory rape***

In *People v. Barcelá*,<sup>45</sup> this Court decreed that—

In the crime of rape, the concurrence of the minority of the victim and her relationship with the offender is a special qualifying circumstance and raises the penalty to the supreme penalty of death. It is essential that this circumstance must be alleged in the criminal complaint or information and must be proved *conclusively* and *indubitably* as the crime itself; otherwise, the crime shall be considered simple rape warranting the imposition of the lower penalty of *reclusion perpetua*.<sup>46</sup> (Citation omitted)

Both the RTC and the CA held that the rape committed by XXX was qualified on account of AAA's minority and his being a relative of AAA within the third civil degree by consanguinity.

*The Court begs to disagree.*

The crime of qualified rape is punishable under Article 266-B(1) of the Revised Penal Code, which reads:

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<sup>43</sup> 422 Phil. 640 (2001) [Per J. Ynares-Santiago, First Division].

<sup>44</sup> *Id.* at 646.

<sup>45</sup> 734 Phil. 332 (2014) [Per J. Mendoza, Third Division].

<sup>46</sup> *Id.* at 347.



Article 266-B. Penalty. — . . .

. . . .

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]

Article 266-B(1) qualifies the crime of rape when it is committed by a relative by consanguinity or affinity within the third civil degree of a victim below the age of 18.

*AAA's minority is undisputed.* The prosecution unmistakably established that she was merely 10 years old when she was raped by XXX. This was evinced by her birth certificate.<sup>47</sup> However, the Court is faced with this conundrum anent AAA's relationship with XXX: *Is he indeed a relative by consanguinity within the third civil degree, as alleged in the Information?*

*This Court finds and so holds that XXX is not.*

AAA's birth certificate purportedly shows that CCC is her father and DDD is her mother. However, both CCC and DDD admitted during trial that AAA was an adopted child.<sup>48</sup> Upon this point, the Court takes cue from the case of *XXX257134 v. People*,<sup>49</sup> which reiterated the following jurisprudential precept:

**The relationship established by the adoption, however, is limited to the adopting parent, and does not extend to his other relatives, except as expressly provided by law. Thus, the adopted child cannot be considered as a relative of the ascendants and collaterals of the adopting parents, nor of the legitimate children which they may have after the adoption, except that the law imposes certain impediments to marriage by reason of adoption. Neither are the children of the adopted considered as descendants of the adopter. The relationship created is exclusively between the adopter and the adopted, and do not extend to the relatives of either.**<sup>50</sup> (Emphasis in the original; citation omitted)

Applying the foregoing *doctrine of exclusivity*, AAA and XXX are thus not related to each other.

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<sup>47</sup> RTC records, p. 13.

<sup>48</sup> TSN, CCC, August 29, 2017, p. 3; TSN, DDD, August 22, 2017, p. 3.

<sup>49</sup> G.R. No. 257134, February 6, 2023 [Per J. Kho, Jr., Second Division].

<sup>50</sup> *Id.* at 13. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.



The Court is mindful that under Republic Act No. 11642,<sup>51</sup> the State has unequivocally considered that the legitimate filiation created between the adopter and the adoptee shall be extended to the adopter's parents, adopter's legitimate siblings, and legitimate descendants.<sup>52</sup> Furthermore, the Implementing Rules and Regulations of Republic Act No. 11642 stipulate that the effect of adoption shall retroact to the date the petition for adoption is filed.<sup>53</sup>

All the same, despite the retroactive provisions of Republic Act No. 11642, the law cannot be applied in the case of XXX as the crime was committed in 2012. Applying otherwise would violate the constitutional prohibition against *ex post facto* laws. In *Trillanes IV v. Medialdea*,<sup>54</sup> this Court defined an *ex post facto* law as follows:

A law passed after the occurrence of a fact or commission of an act, which retrospectively changes the legal consequences or relations of such fact or deed.... It is a law which provides for the infliction of punishment upon a person for an act done which, when it was committed, was innocent; **a law which aggravates a crime or makes it greater than when it was committed; a law that changes the punishment or inflicts a greater punishment than the law annexed to the crime when it was committed;** a law that changes the rules of evidence and receives less or different testimony than was required at the time of the commission of the offense in order to convict the offender; **a law which, assuming to regulate civil rights and remedies only, in effect imposes a penalty or the deprivation of a right which, when done, was lawful; a law which deprives persons accused of crime of some lawful protection to which they have become entitled, such as the protection of a former conviction or acquittal, or of the proclamation of amnesty; every law which, in relation to the offense or its consequences, alters the situation of a person to his disadvantage.**

**The prohibition against *ex post facto* laws is generally aimed against the retrospectivity of penal laws.**<sup>55</sup> (Emphasis in the original; emphasis supplied; citations omitted)

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<sup>51</sup> The Domestic Administrative Adoption and Alternative Child Care Act.

<sup>52</sup> SEC. 41. Legitimacy. – the adoptee shall be considered the legitimate child of the adopter for all intents and purposes and as such is entitled to all the rights and obligations provided by law to legitimate children born to them without discrimination of any kind. To this end, the adoptee is entitled to love, guidance, and support in keeping with the means of the family. The legitimate filiation that is created between the adopter and adoptee shall be extended to the adopter's parents, adopter's legitimate siblings, and legitimate descendants.

The adopter is also given the right to choose the name by which the child is to be known, consistent with the best interest of the child.

<sup>53</sup> Republic Act No. 11642, Implementing Rules and Regulations (2002), sec. 69.

<sup>54</sup> G.R. Nos. 241494, 256660 & 256078, April 3, 2024 [Per J. Singh, *En Banc*].

<sup>55</sup> *Id.* at 43–44. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

Clearly then, the provisions of Republic Act No. 11642 cannot apply to the case at bench. The qualifying circumstance of relationship cannot be used against XXX.

*Penalty*

The Court modifies the penalty imposed and the damages awarded by the CA. As XXX is guilty of statutory rape, he is sentenced to suffer the penalty of *reclusion perpetua*. Pursuant to prevailing jurisprudence,<sup>56</sup> he is also ordered to pay the victim PHP 75,000.00 as civil indemnity, PHP 75,000.00 as moral damages, and PHP 75,000.00 as exemplary damages.

**ACCORDINGLY**, the instant Appeal is **DISMISSED**. The September 14, 2020 Decision of the Court of Appeals in CA-G.R. CR-HC No. 11125 is **AFFIRMED with MODIFICATIONS**.

Accused-appellant XXX is **GUILTY** of statutory rape. He is **SENTENCED** to suffer the penalty of *reclusion perpetua* and **ORDERED to PAY** AAA the sum of PHP 75,000.00 as civil indemnity, PHP 75,000.00 as moral damages, and PHP 75,000.00 as exemplary damages. The monetary awards shall be subject to legal interest at the rate of 6% per annum from the date of finality of this Decision until full payment.

The Department of Social Welfare and Development is **DIRECTED** to refer the victim AAA to the appropriate rape crisis center for the necessary assistance to be rendered to the victim and her family, in accordance with Republic Act No. 8505, or the Rape Victim Assistance and Protection Act of 1998.

**SO ORDERED.**


  
**JAPAR B. DIMAAMPAO**  
*Associate Justice*

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<sup>56</sup> 783 Phil. 806 (2016) [Per J. Peralta, *En Banc*].

**WE CONCUR:**


*See  
Concurring  
Opin*



**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*



**HENRI JEAN PAUL B. INTING**  
*Associate Justice*

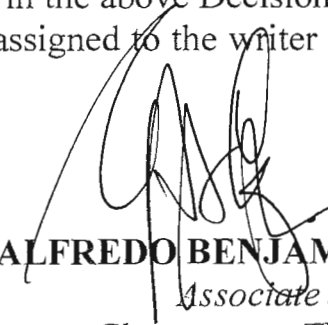


**SAMUEL H. GAERLAN**  
*Associate Justice*

On leave  
**MARIA FILOMENA D. SINGH**  
*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.



**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*  
*Chairperson, Third Division*

**CERTIFICATION**

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

  
**ALEXANDER G. GESMUNDO**  
*Chief Justice*