

MODIFIED RESOLUTION



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

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

“G.R. No. 231795 – PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus XXX, accused-appellant.*

RESOLUTION

After a careful review of the records of the case and the issues submitted by the parties, the Court affirms with modification the Decision¹ dated October 28, 2016 rendered by the Court of Appeals (CA), in CA-G.R. CR HC No. 07442. The facts, as borne out by the records, sufficiently support the conclusion that accused-appellant is indeed guilty of the crime of Rape. The issues and matters raised before the Court, the same ones as those raised in the CA, there being no supplemental briefs filed, were sufficiently addressed and correctly ruled upon by the CA.

* 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 pursuant to Republic Act (RA) No. 7610, entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES,” approved on June 17, 1992; RA No. 9262, entitled “AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES,” approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the “Rule on Violence against Women and Their Children” (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014], citing *People v. Lomaque*, 710 Phil. 338, 342 [2013]. See also 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); *People v. XXX*, G.R. No. 235652, July 9, 2018, 871 SCRA 424.

¹ *Rollo*, pp. 2-18. Penned by Associate Justice Jane Aurora C. Lantion with Associate Justices Fernanda Lampas Peralta and Nina G. Antonio-Valenzuela, concurring.

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It is well-settled that in the absence of facts or circumstances of weight and substance that would affect the result of the case, appellate courts will not overturn the factual findings of the trial court.² Thus, when the case pivots on the issue of the credibility of the victim, the findings of the trial courts necessarily carry great weight and respect as they are afforded the unique opportunity to ascertain the demeanor and sincerity of witnesses during trial.³ Here, after examining the records of this case, the Court finds no cogent reason to vacate the Regional Trial Court's⁴ (RTC) appreciation of the evidence, which was affirmed with modification by the CA.

In the same vein, accused-appellant's defense of denial and alibi cannot outweigh the positive identification by the private complainant, his very own daughter, that he was indeed the perpetrator of the crime charged. The twin defenses of denial and alibi are inherently weak due to the ease by which they may be fabricated.⁵ If not substantiated by clear and convincing evidence, such defenses are considered self-serving and thus bereft of weight in courts of law.⁶ Moreover, there is truth to private complainant's testimony, as it would be inconceivable that she, as a minor, would concoct stories of rape or any form of sexual abuse against her very own father and drag the rest of her family to a lifetime of shame, unless such imputation is the plain truth.⁷

Here, as correctly observed by the CA, it was established that accused-appellant, the father of private complainant, kissed her lips, raised her T-shirt and bra and kissed her breast, forced her to sit beside him, pulled down her shorts, kissed her vagina, placed himself on top of private complainant, forced her to open her legs, and inserted his penis into her vagina, all against her will. Thus, the CA did not err in affirming the RTC's ruling that the guilt of accused-appellant beyond reasonable doubt of the offenses charged had been completely proven.

Anent the nomenclature of the crime committed, while the Court notes that the RTC and CA were correct in considering the circumstances of the minority of the victim, AAA, and the filial relationship between her and accused-appellant, the Court, for

² *People v. Gerola*, G.R. No. 217973, July 19, 2017, 831 SCRA 469, 478.

³ *People v. Aguilar*, G.R. No. 177749, December 17, 2007, 540 SCRA 509, 522.

⁴ Regional Trial Court of Olongapo City, Branch 73, in Criminal Case No. 83-2008FC.

⁵ *People v. Bulfango*, G.R. No. 138647, September 27, 2002, 390 SCRA 100, 104-105.

⁶ *Id.* at 105.

⁷ *People v. Sangil*, G.R. No. 113689, July 31, 1997, 276 SCRA 532, 542.



purposes of clarity, finds that the proper nomenclature should have been **Qualified Rape**. This flows from the fact that it was alleged in the Information and proven during trial that accused-appellant is the biological father of AAA and that the latter was under eighteen (18) years of age during the incident. In this respect, following prevailing jurisprudence, the CA was correct in meting out the following monetary awards: ₱100,000.00 for civil indemnity; ₱100,000.00 for moral damages; and ₱100,000.00 for exemplary damages.

WHEREFORE, premises considered, the appeal⁸ is **DISMISSED** for lack of merit, and the assailed Decision dated October 28, 2016 of the Court of Appeals in CA-G.R. CR HC No. 07442 is **AFFIRMED** with **MODIFICATION**. Accused-appellant XXX is hereby found **GUILTY** beyond reasonable doubt for the crime of Qualified Rape under Article 266-A, in relation to 266-B of the Revised Penal Code, as amended, and is sentenced to suffer the penalty of *reclusion perpetua* without eligibility of parole. Accused-appellant is ordered to pay private complainant AAA, One Hundred Thousand Pesos (₱100,000.00) as civil indemnity, One Hundred Thousand Pesos (₱100,000.00) as moral damages, and One Hundred Thousand Pesos (₱100,000.00) as exemplary damages. All monetary awards shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this Resolution until fully paid.

SO ORDERED.” PERALTA, C.J., no part; ZALAMEDA, J., designated additional member per Raffle dated June 1, 2020

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
22-B

⁸ Rollo, p. 19.

The Solicitor General
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(CA-G.R. CR-HC No. 07442)

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