



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 248777

Present:

PERALTA, C.J., Chairperson,
CAGUIOA,
REYES, J., JR.,
LAZARO-JAVIER, and
LOPEZ, JJ.

- versus -

AAA,¹

Accused-Appellant.

Promulgated:

JUL 07 2020 *mitrabelo*

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DECISION

PERALTA, C.J.:

For consideration of the Court is the appeal of the Decision² dated May 9, 2019 of the Court of Appeals (CA) in CA-G.R. CR HC No. 01774-MIN which affirmed the Decision³ dated August 4, 2017 of the Regional Trial Court (RTC), Branch 26, Medina, Misamis Oriental, finding appellant guilty beyond reasonable doubt of rape under Article 266-A, in relation to Article 266-B, of the Revised Penal Code (RPC).

¹ 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. 7610, "An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes"; Republic Act No. 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 A.M. No. 04-10-11-SC, known as the "Rule on Violence Against Women and Their Children," effective November 5, 2004; *People v. Cabalquinto*, 533 Phil. 703, 709 (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.

² Penned by Associate Justice Edgardo A. Camello, with Associate Justices Walter S. Ong and Florencio M. Mamauag, Jr., concurring; *rollo*, pp. 5-13.

³ Penned by Judge Judy A. Sia-Galvez; *CA rollo*, pp. 35-43.

The antecedent facts are as follows.

AAA was charged with rape in an Information, the accusatory portions of which read:

That on or about December 2015, in [REDACTED], Municipality of [REDACTED], [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there wilfully, unlawfully and feloniously have carnal knowledge with BBB, 15 years old, minor, against her consent, to her damage and prejudice.

The commission of the crime is qualified by the circumstance that the victim is under 18 years of age and the offender is the parent of the victim.

Contrary to and in violation of Article[s] 266-A and 266-B of the Revised Penal Code.⁴

During arraignment, AAA, assisted by counsel, pleaded not guilty to the charge. Subsequently, trial on the merits ensued. The prosecution presented the minor victim, BBB, and SPO2 Felix A. Espejon, while the defense presented the accused AAA, and his son.

The prosecution evidence shows that sometime in December 2015, after attending one of the early morning masses or *misa de gallo*, BBB saw her father AAA as she passed by a wake. AAA asked her to stay and offered her coffee. After drinking it, she went home. While she was changing her clothes, AAA arrived home. He went to her room and told her to lie down. He undressed her pants and took off his pants too. He lay on top of her, kissed her lips, took off her panties, and took off his briefs. Then, he inserted his penis into her vagina. BBB felt pain as he was doing it to her. Afterwards, he casually walked away.⁵

BBB admitted that it was not the first time that her father did that to her. But it was only after the December 2015 incident that she reported it to the Department of Social Welfare and Development (*DSWD*) with her aunt. The social worker thereat accompanied them to the nearest police station to report the rape incident. After taking BBB's statement, a team of police officers went to the residence of AAA to arrest him. But he had already left to work as a driver of a passenger multicab. The police officers eventually arrested AAA at Gingoog City and brought him to the police station.⁶

⁴ Rollo, pp. 5-6.

⁵ *Id.* at 6.

⁶ *Id.* at 6-7.

For his part, AAA denied the accusation against him. He testified that he has not seen his wife and mother of his children for 11 years, and that his 3 children lived with him. He believed that BBB merely made up the story against him at the instance of her aunt who was the sister of his wife. He countered that on the day of the alleged rape, he was busy driving his multicab during the day and sleeping at the waiting shed near their house at night. In support thereof, AAA's son testified that he lived with his father and siblings when his father was arrested. He said that during the time of the alleged rape incident, he also attended the *misa de gallo*. According to him, he went home immediately after the mass, but his sister BBB stayed behind with her friends.⁷

On September 18, 2017, the RTC rendered its Decision finding AAA guilty of the crime charged and disposing of the case as follows:

WHEREFORE, since there is proof beyond reasonable doubt, accused [AAA] is found GUILTY of the crime of QUALIFIED RAPE, as provided under Article 266-a, paragraph 1, of the Revised Penal Code, in relation to Article 266-B, as amended, for having carnal knowledge with his biological daughter – 15-year-old [BBB], in December 2015 in their house at [REDACTED], and sentenced to serve the penalty of DEATH, which is reduced to *Reclusion Perpetua*, in view of R.A. 9346, without eligibility for parole under Act 4103, as amended.

Further, accused [AAA], is ordered to pay minor victim [BBB] the following:

Civil Indemnity *Ex Delicto* – One Hundred Thousand Pesos
(Php 100,000.00)
Moral Damages – One Hundred Thousand Pesos
(Php100,000.00) [and]
Exemplary Damages – One Hundred Thousand Pesos
(Php100,000.00),

all with interest at the rate of 6% *per annum* from the date of finality of this judgment until the amount is paid in full.

Costs against accused [AAA].

SO ORDERED.⁸

The RTC found that, judging on the basis of the testimonies of both the prosecution and defense in connection with which documentary pieces of evidence were formally offered, the prosecution sufficiently established that AAA has committed the offense charged against him. In a Decision dated May 9, 2019, the CA affirmed the RTC Decision. According to the

⁷ *Id.* at 7.

⁸ CA *rollo*, pp. 42-43.

appellate court, there is no reason to disturb the findings of the RTC holding that BBB's credibility, by well-established precedents, is given great weight and accorded high respect.⁹

Now before Us, AAA manifested that he is dispensing with the filing of a supplemental brief, considering that he had exhaustively discussed the assigned errors in his Appellant's Brief filed before the CA.¹⁰ The Solicitor General similarly manifested that it had already discussed its arguments in its Appellee's Brief.¹¹

In his Brief, AAA assailed the constitutionality of his warrantless arrest. According to him, the police officers violated his constitutional right for immediately arresting him without a warrant and in the absence of the circumstances provided under Section 5, Rule 113 of the Revised Rules of Court. As to the rape charge, AAA maintains his innocence in light of the prosecution's failure to prove his guilt beyond reasonable doubt. In support of this claim, he assails BBB's testimony for being too simplistic, lacking the details as to what happened after she was raped or how she reacted during the same. She even testified that her friend saw them naked that day but she neither identified nor presented said friend before the court. Finally, AAA concludes that BBB's testimony deserves scant consideration as her delay in reporting the incident runs contrary to human experience.¹²

After a careful review of the records of this case, the Court finds no cogent reason to reverse the rulings of the RTC and CA finding him guilty of the acts charged against him.

Prefatorily, We sustain the CA's conclusion insofar as AAA's arrest is concerned. Time and again, the Court has ruled that an accused is estopped from assailing any irregularity of his arrest if he fails to raise this issue or to move for the quashal of the information against him on this ground before arraignment; thus, any objection involving a warrant of arrest or the procedure by which the court acquired jurisdiction of the person of the accused must be made before he enters his plea; otherwise, the objection is deemed waived.¹³ What is more is that even if AAA's warrantless arrest were proven to be indeed invalid, such a scenario would still not save his plight because case law also instructs that the illegal arrest of an accused is not sufficient cause for setting aside a valid judgment rendered upon a sufficient complaint after a trial free from error.¹⁴

⁹ *Rollo*, pp. 5-12.

¹⁰ *Id.* at 29.

¹¹ *Id.* at 23.

¹² *CA rollo*, pp. 23-31.

¹³ *People v. Velasco*, 722 Phil. 243, 252 (2013).

¹⁴ *Id.* at 253.



Unfortunately for AAA, the Court's judicious review of the records of the case yields no reason to suspect that the trial court committed any mistake in convicting him for the crime charged. To determine the innocence or guilt of the accused in rape cases, the courts are guided by three well-entrenched principles: (1) an accusation of rape can be made with facility and while the accusation is difficult to prove, it is even more difficult for the accused, though innocent, to disprove; (2) considering that in the nature of things, only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence for the defense. Accordingly, in resolving rape cases, the primordial or single most important consideration is almost always given to the credibility of the victim's testimony. When the victim's testimony is credible, it may be the sole basis for the accused person's conviction since, owing to the nature of the offense, in many cases, the only evidence that can be given regarding the matter is the testimony of the offended party. A rape victim's testimony is entitled to greater weight when she accuses a close relative of having raped her.¹⁵

In the present case, We concur with both the trial court and appellate court in finding that BBB was convincingly straightforward when she narrated in open court the details of her harrowing experience, to wit:

Q: Now, when you arrived at the house, no one was there?

A: Yes, ma'am.

Q: So when you arrived in the house, what did you do, if any?

A: I went upstairs, ma'am.

Q: And when you got inside upstairs, what did you do?

A: I changed my clothes, ma'am.

Q: And while you were changing your clothes, was there anything that happened, if any?

A: My father arrived, ma'am.

Q: And when your father arrived, what happened, if any?

A: He let me lay (sic) down, ma'am.

Q: Where did he let you lay (sic) down?

A: On the floor, ma'am.

Q: And did you ask him why did he want you to lay (sic) down?

A: Yes, ma'am.

¹⁵

People v. BBB, G.R. No. 232071, July 10, 2019.

Q: And what did he tell you?

A: He just let me lay (sic) down and he let me undress my pants, ma'am.

Q: Who took off your pants, is it you or your father?

A: My father, ma'am.

Q: After taking off your pants, what happened next?

A: Then he took off his short pants, ma'am.

Q: And after he took off his short pants, what happened next?

A: He laid on top of me, ma'am.

Q: Were you still wearing your panties at that time, [BBB]?

A: Yes, ma'am.

Q: How about your father, did he still have his briefs?

A: Yes, ma'am.

Q: So when he laid on top of you, what happened next?

A: He held my hands and feet, ma'am.

Q: And after that, what happened next?

A: He then kissed my lips, ma'am.

Q: And after he kissed you on the lips, what happened next?

A: He let me take off my panties, ma'am.

Q: Who took off your panties, was it you or your father?

A: My father, ma'am.

Q: And then after he took off your panties, what happened next?

A: He took off his briefs, ma'am.

Q: And after taking off his briefs, what happened next?

A: He inserted his penis, ma'am.

Q: Where did he insert his penis?

A: In my vagina, ma'am.

Q: And when he inserted his penis into your vagina, what did you feel, if any? Did you feel pain?

A: Yes, ma'am.

Q: After he inserted his penis, what happened next?

A: And then he walked away, ma'am.

Q: Was he holding any sharp object at that time, [BBB]?

A: No, ma'am.

Q: Did he threaten you in any way?

A: Yes, ma'am.



Q: What kind of threat?

COURT

Actually, there is really no need for a threat because there is abuse of authority.

ASST. PROVINCIAL PROS. CHARISSA KAY B. ALVAREZ

Okay, your Honor.

Q: Now, after your father left, [BBB], what did you do, if any?

A: I changed my dress, ma'am.

Q: Now, in Question No. 6 in your Affidavit, [BBB], you were asked if there was anyone who knew about this incident and you said that no one, but there was a friend who saw you naked with your father, is that correct?

A: Yes, ma'am.

x x x x

Q: Now, aside from the incident on December 2015, were there any other incidents of sexual abuse or rape that your father did to you?

A: Yes, ma'am.

Q: Do you remember the months?

A: No, ma'am.

Q: Was the incident on December 2015 the last time that your father sexually abused you?

A: Yes, ma'am.¹⁶

As shown by the records, the trial court found the foregoing account especially credible. The rule is settled that when the decision hinges on the credibility of witnesses and their respective testimonies, the trial court's observations and conclusions deserve great respect and are accorded finality, unless the records show facts or circumstances of material weight and substance that the lower court overlooked, misunderstood or misappreciated, and which, if properly considered, would alter the result of the case. This is so because trial courts are in the best position to ascertain and measure the sincerity and spontaneity of witnesses through their actual observation of the witnesses' manner of testifying, their demeanor and their behavior in court. Trial judges, therefore, can better determine if such witnesses are telling the truth, being in the ideal position to weigh conflicting testimonies. The rule finds an even more stringent application where the said findings are sustained by the CA.¹⁷

¹⁶ TSN, March 31, 2016, pp. 9-12.

¹⁷ People v. BBB, *supra* note 15

Accordingly, AAA may argue that BBB's testimony lacks certain details, but such argument can barely persuade. As We have consistently ruled, a rape victim cannot be expected to mechanically keep and then give an accurate account of the traumatic and horrifying experience she had undergone. Inaccuracies and inconsistencies in her testimony are generally expected. Thus, such fact, alone, cannot automatically result in an accused's acquittal.¹⁸ Neither can BBB's alleged delay in reporting the incident save AAA's plight. Settled is the rule that delay in reporting the incident does not weaken AAA's testimony. Delay in revealing the commission of a crime such as rape does not necessarily render such charge unworthy of belief. This is because the victim may choose to keep quiet rather than expose her defilement to the harsh glare of public scrutiny. Only when the delay is unreasonable or unexplained may it work to discredit the complainant.¹⁹


As such, AAA cannot escape the consequences of his bestial acts punishable and defined under Article 266-A, paragraph 1(a), in relation to Article 266-B of the RPC. Pursuant to said Article 266-A, paragraph 1(a), the crime of rape may be 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 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. Pursuant to Article 266-B, paragraph 1, moreover, the rape is qualified 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. Thus, the elements of the offense charged are that: (a) the victim is a female over 12 years but under 18 years of age; (b) 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 (c) the offender has carnal knowledge of the victim either through force, threat or intimidation; or when she is deprived of reason or is otherwise unconscious; or by means of fraudulent machinations or grave abuse of authority.²⁰

As duly proven by the prosecution, BBB was merely fifteen (15) years old when she was raped by her father, AAA, in their very home. Thus, the moral ascendancy AAA has over BBB takes the place of violence and intimidation due to the fact that force, violence, or intimidation in rape is a relative term, depending not only on the age, size, and strength of the parties but also on their relationship with each other. Indeed, a rape victim's actions are oftentimes overwhelmed by fear rather than reason. It is this fear, springing from the initial rape, that the perpetrator hopes to build a climate

¹⁸ *Id.*

¹⁹ *People v. Jordan Batalla y Aquino*, G.R. No. 234323, January 7, 2019.

²⁰ *People v. BBB*, *supra* note 15.



of extreme psychological terror which would, he hopes, numb his victim into silence and submissiveness. Incestuous rape magnifies the terror because the perpetrator is the person normally expected to give solace and protection to the victim. Furthermore, in incest, access to the victim is guaranteed by the blood relationship, proximity magnifying the sense of helplessness and degree of fear.²¹

In view of the foregoing, We sustain AAA's conviction of qualified rape defined under Article 266-A, paragraph 1(a), in relation to Article 266-B, of the RPC. We, likewise, sustain the penalty imposed and amount of damages awarded by the courts below. Thus, AAA is hereby sentenced to suffer the penalty of *reclusion perpetua*, without eligibility for parole, pursuant to A.M. No. 15-08-02-SC,²² and in lieu of death, because of its suspension under Republic Act No. 9346.²³ As to the award of damages, AAA is ordered to pay civil indemnity in the amount of ₱100,000.00, moral damages in the amount of ₱100,000.00, and exemplary damages in the amount of ₱100,000.00, pursuant to *People v. Jugueta*,²⁴ as well as a six percent (6%) interest *per annum* on all the amounts awarded reckoned from the date of finality of this Decision until the damages are fully paid.²⁵

WHEREFORE, premises considered, the instant appeal is **DISMISSED** for lack of merit. The assailed Decision dated May 9, 2019 of the Court of Appeals in CA-G.R. CR HC No. 01774-MIN, which affirmed the Decision dated August 4, 2017 of the Regional Trial Court, Branch 26, Medina, Misamis Oriental, is **AFFIRMED**.

²¹ *Id.*

²² Section II of A.M. No. 15-08-02-SC Guidelines for the Proper Use of the Phrase "Without Eligibility for Parole" in Indivisible Penalties, August 4, 2015 provides:

In these lights, the following guidelines shall be observed in the imposition of penalties and in the use of the phrase "without eligibility for parole":

(1) x x x; and

(2) When circumstances are present warranting the imposition of the death penalty, but this penalty is not imposed because of R.A. 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.

35. RPC, Article 266-B:

Art. 266-B. *Penalty*. — x x x

x x x x

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[.]

²³ Article 266-B of the Revised Penal Code provides:

Art. 266-B. *Penalty*. — x x x

x x x x

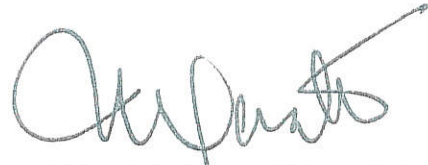
The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

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[.]

²⁴ 783 Phil. 806 (2016).

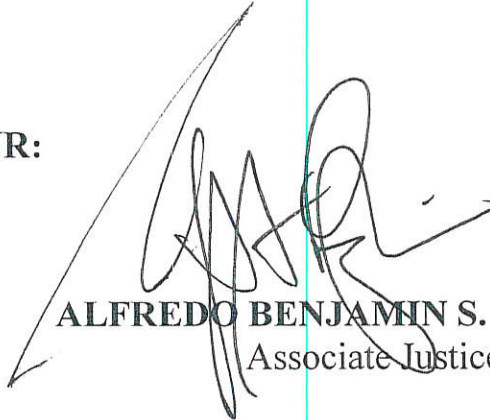
²⁵ *People v. BBB*, *supra* note 15.

SO ORDERED.



DIOSDADO M. PERALTA
Chief Justice

WE CONCUR:



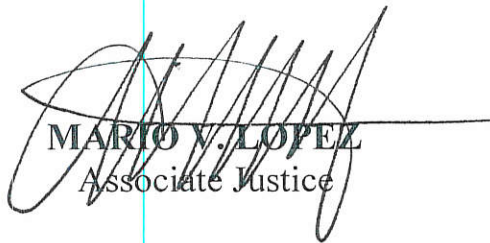
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



JOSE C. REYES, JR.
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice



MARIO V. LOPEZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.



DIOSDADO M. PERALTA
Chief Justice