



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **03 February 2021** which reads as follows:*

“**G.R. No. 252028 (People of the Philippines v. XXX<sup>1</sup>)**. – After a judicious study of the case, the Court resolves to **DISMISS** the appeal<sup>2</sup> for failure to sufficiently show that the Court of Appeals (CA) committed any reversible error in affirming the conviction of accused-appellant XXX of the crime of Simple Rape, as defined and penalized under Article 266-A in relation to Article 266-B of the Revised Penal Code (RPC).

‘For a charge of Rape by sexual intercourse under Article 266-A (1) of the RPC, as amended by [Republic Act No. (RA)] 8353, to prosper, the prosecution must prove that: (a) the offender had carnal knowledge of a woman; and (b) he accomplished this act under the circumstances mentioned in the provision, *e.g.*, through force, threat or intimidation. The gravamen of Rape is sexual intercourse with a woman against her will.’<sup>3</sup>

In this case, the Court agrees with the findings<sup>4</sup> of the courts *a quo* that the prosecution was able to prove beyond reasonable doubt that in the morning of September 14, 2009, XXX indeed pulled AAA into a room and through force and

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<sup>1</sup> 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 RA 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 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. Cadamo, 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.)

<sup>2</sup> See Notice of Appeal (with compliance) dated August 20, 2019; *rollo*, pp. 17-20.

<sup>3</sup> *People v. Ejercito*, G.R. No. 229861, July 2, 2018, 869 SCRA 353, 366 citing *People v. Bagamuno*, 793 Phil. 602, 608 (2016).

<sup>4</sup> See CA Decision dated July 26, 2019 penned by Associate Justice Priscilla J. Baltazar-Padilla (now a retired Member of the Court), with Associate Justices Pedro B. Corales and Geraldine C. Fiel-Macaraig, concurring; *rollo*, pp. 3-16.

intimidation, had carnal knowledge of her against her will. While AAA claimed that XXX, her mother's common-law husband, raped her since she was just 12 years old, the incident subject of the Information was the one that occurred on the aforementioned date – when AAA was no longer a minor.<sup>5</sup> Hence, the conviction for Simple Rape is proper.

Finally, pursuant to A.M. No. 15-08-02-SC,<sup>6</sup> the Court hereby deletes the phrase 'without eligibility for parole' in the penalty to be imposed on XXX.

**WHEREFORE**, the Court **ADOPTS** the findings of fact and conclusions of law in the Decision<sup>7</sup> dated July 26, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 11316 and **AFFIRMS with MODIFICATION** said Decision finding accused-appellant XXX **GUILTY** beyond reasonable doubt of the crime of Simple Rape, as defined and penalized under Article 266-A, in relation to Article 266-B, of the Revised Penal Code. Accordingly, he is sentenced to suffer the penalty of *reclusion perpetua* and ordered to pay AAA the amounts of P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P75,000.00 as exemplary damages. In addition, all monetary awards shall earn a legal interest at the rate of six percent (6%) per annum from the date of finality of this Resolution until full payment.

**SO ORDERED.**"

By authority of the Court:

TERESITA AQUINO TUAZON  
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA  
Deputy Division Clerk of Court *by 3/2*  
02 MAR 2021

<sup>5</sup> Under Article 266-B, Rape becomes qualified if *inter alia*, 'the victim is below 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.'

<sup>6</sup> Entitled 'GUIDELINES FOR THE PROPER USE OF THE PHRASE 'WITHOUT ELIGIBILITY FOR PAROLE' IN INDIVISIBLE PENALTIES' dated August 4, 2015.

<sup>7</sup> *Rollo*, pp. 3-16. Penned by Associate Justice Priscilla J. Baltazar-Padilla (now a retired Member of the Court), with Associate Justices Pedro B. Corales and Geraldine C. Fiel-Macaraig, concurring.

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\*XXX (reg)  
(Prison No. N212P-1669)  
Accused-Appellant  
c/o The Director  
Bureau of Corrections  
1770 Muntinlupa City

THE DIRECTOR (reg)  
Bureau of Corrections  
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 23  
Trece Martires City, Cavite  
(Crim. Case No. TMCR-373-09)

JUDGMENT DIVISION (x)  
Supreme Court, Manila

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COURT OF APPEALS (x)  
Ma. Orosa Street  
Ermita, 1000 Manila  
CA-G.R. CR-H.C. No. 11316

\*with copy of the CA Decision dated 26 July 2019.  
*Please notify the Court of any change in your address.*  
GR252028. 02/03/2021(182)URES(m)