



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE
PHILIPPINES,

Plaintiff-appellee,

-versus-

XXX270149,

Accused-appellant.*

G.R. No. 270149

Present:

LEONEN, *SAJ.*, Chairperson,

LAZARO-JAVIER,**

LOPEZ, M.,

LOPEZ, J., and

KHO, JR., *JJ.*

Promulgated:

~~OCT 23 2024~~

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DECISION

LOPEZ, J., *J.*:

This Court resolves an Appeal¹ assailing the Decision² of the Court of Appeals (CA), which affirmed the Judgment³ of the Regional Trial Court (RTC) convicting XXX270149 of violation of Article 266-A in relation to Article 266-B(1) of the Revised Penal Code, as amended.⁴

* In line with Amended Administrative Circular No. 83-2015, as mandated by Republic Act No. 8353, the names of the private offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

** On official business.

¹ *Rollo*, p. 3.

² *Id.* at 9-24. The July 11, 2023 Decision in CA-G.R. CR-HC No. 15743 was penned by Associate Justice Ronaldo Roberto B. Martin concurred in by Associate Justices Ramon M. Bato, Jr. and Alfonso C. Ruiz II of the Fourth Division, Court of Appeals, Manila.

³ *Id.* at 27-41. The March 24, 2021 Judgment in Crim. Case No. FC-19-3112 was penned by Presiding Judge Ritche R. Regala of Branch [REDACTED], Regional Trial Court, [REDACTED].

⁴ *Id.* at 41.

The Antecedents

The instant case stemmed from an Information⁵ filed against XXX270149, the accusatory portion of which reads:

That on or about 16th day of February 2015 in the [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, exercising moral ascendancy, influence and parental authority over his daughter, [AAA270149], a six (6) year old minor, did then and there willfully, unlawfully and feloniously have sexual intercourse with the latter, by inserting his penis inside her vagina, against her will and without her consent, to her damage and prejudice.

That the crime is qualified by the aggravating circumstance of relationship, the accused being the parent and/or biological father of the minor victim.

CONTRARY TO LAW.⁶ (Emphasis in the original)

On November 20, 2019, the City Prosecutor of [REDACTED] originally charged XXX270149 with rape, which was docketed as Criminal Case No. FC-15-1707. The said case was dismissed for lack of authority of the signing prosecutor in accordance with Rule 112, Section 4 of the Rules of Court.⁷ Upon securing the proper authority, the case was re-filed on December 12, 2019 and re-docketed as Criminal Case No. FC-19-3112.⁸

Upon arraignment, XXX270149 pleaded not guilty to the crime charged. Pre-trial was conducted, then trial on the merits ensued.⁹ During pre-trial, the parties both stipulated that XXX270149 is the biological father of AAA270149.¹⁰

AAA270149 narrated that her parents are separated, and she lived with her father, XXX270149. On February 16, 2015, they went to the house of XXX270149's friend, Joey Amboyao (Joey), in [REDACTED] for a drinking session. Joey's wife, Melody Amboyao (Melody), their children, and AAA270149 were inside their house, while he and XXX270149 were drinking in their porch.¹¹

⁵ Records, pp. 255–256.

⁶ *Id.* at 255.

⁷ RULES OF COURT, Rule 112, sec. 4 states:

.....

No complaint or information may be filed or dismissed by an investigating prosecutor without the prior written authority or approval of the provincial or city prosecutor or chief state prosecutor or the Ombudsman or his deputy.

⁸ *Rollo*, p. 28.

⁹ *Id.* at 11.

¹⁰ Records, p. 59.

¹¹ *Rollo*, pp. 29–30.

AAA270149 went to the bathroom to defecate and then called XXX270149 to help her clean up. When XXX270149 was inside the bathroom with AAA270149, he removed his brief and AAA270149's panty, then he inserted his finger into AAA270149's vagina. Afterwards, she made AAA270149 lean on a cement wall inside the bathroom. XXX270149 was behind AAA270149 and inserted his penis into her vagina. She cried because it was so painful and uttered the words "*aray ko papa, tama na.*" AAA270149 noted that while XXX270149 was doing these things to her, Melody was near the bathroom.

Melody testified that she sensed that something bad was happening to AAA270149, so she went inside the bathroom. When she brushed the curtain aside, she was surprised to see AAA270149's underwear on her feet, and XXX270149 was behind AAA270149 with his underwear down to his knees, and his penis was inside AAA270149's vagina.¹² Melody immediately ordered AAA270149 to go to her room, and when Melody checked her underwear, she saw blood stains on it.

Meanwhile, XXX270149 immediately went back to the porch where he was drinking liquor with Joey. Afterwards, Melody brought AAA270149 to Marilyn Tan (Marilyn), a social worker in their area. Marilyn also saw the blood stains on AAA270149's underwear. Then, they went to the police station to report the incident.¹³

Joey corroborated the testimony of Melody. He testified that XXX270149 asked him where AAA270149 was. Joey responded that AAA270149 went with Melody to buy some drinks. XXX270149 immediately ran away, and when Joey chased him, they engaged into a fist fight until the barangay tanods arrived to pacify them. XXX270149 was then brought to the barangay hall, and later to the police station.¹⁴

For his part, XXX270149 admitted that he is AAA270149's father, but denied the accusation against him. He testified that he went to the house of his friend Joey, with his daughter, to cook dog's meat. Joey asked him to climb a coconut tree to get a coconut, which they would use in cooking dog's meat. When he was at the top of the coconut tree, he heard his daughter AAA270149 calling him, so he immediately went down from the tree. Upon reaching down, Joey boxed him, so he ran away, leaving his daughter behind.¹⁵

In its Judgment,¹⁶ the RTC found XXX270149 guilty of qualified rape, disposing as follows:

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.* at 31.

¹⁵ *Id.* at 33.

¹⁶ *Id.*

WHEREFORE, the Court finds accused [XXX270149] GUILTY of **Qualified Rape** under Article 266-A[,] paragraph 1(d), as qualified under Article 266-B of the RPC, as amended, and hereby imposes upon him the penalty of *RECLUSION PERPETUA*, without eligibility for parole, pursuant to Section 3 of [Republic Act] No. 9346.

The accused is likewise ordered to pay of [PHP] 100,000.00 as civil indemnity; [PHP] 100,000.00 as moral damages; and [PHP] 100,000.00 as exemplary damages, with interest at the rate of 6% per annum counted from the date of finality of this judgment until fully paid.

SO ORDERED.¹⁷ (Emphasis in the original)

The RTC held that the prosecution had successfully established the elements of qualified rape under Article 266-A(1) in relation to Article 266-B(1) of the Revised Penal Code, as amended, based on the prosecution witnesses' testimony and supported by prosecution's evidence.¹⁸

Aggrieved, XXX270149 appealed to the CA.¹⁹

In a Decision,²⁰ the CA denied the appeal of XXX270149, the dispositive portion of which reads:

WHEREFORE, premises considered, the instant Appeal is **DENIED**. The Judgment dated [March 24, 2021] issued by the Regional Trial Court, Fifth Judicial Region, Branch [REDACTED] in Crim. Case No. FC-19-3112 is **AFFIRMED**.

SO ORDERED.²¹ (Emphasis in the original)

The CA ruled that the prosecution had discharged its burden of proving the guilt of XXX270149 with moral certainty. It did not give credence to XXX270149's mere denial and alibi as these could not prevail over the positive and unequivocal identification by AAA270149 that her father, XXX270149 raped her.

Hence, XXX270149 filed the instant Appeal.

Issue

At its core, the question for this Court's resolution is whether accused-appellant XXX270149 is guilty beyond reasonable doubt of qualified rape.

¹⁷ *Id.* at 41.

¹⁸ *Id.* at 35-38.

¹⁹ *CA rollo*, p. 12.

²⁰ *Rollo*, pp. 9-24.

²¹ *Id.* at 24.

This Court's Ruling

The Appeal is bereft of merit.

Preliminary, as a rule, only questions of law, and not questions of fact, can be raised in a petition for review on *certiorari* under Rule 45 of the Rules of Court. This Court, not being a trier of facts, is not duty-bound to re-examine and calibrate the evidence on record. It will not entertain questions of fact as the factual findings of the appellate courts are “final, binding, or conclusive on the parties and upon this Court when supported by substantial evidence.”²²

After a careful review of the records of this case, this Court finds no cogent reason to reverse the ruling of the CA. Time and again, this Court has ruled that the “trial court’s factual findings, especially its assessment of the credibility of witnesses, are accorded great weight and respect and binding upon this Court, particularly when affirmed by the CA.”²³

Articles 266-A and 266-B(1) of the Revised Penal Code, as amended by Republic Act No. 8353, state:

ARTICLE 266-A. *Rape: When and How Committed.* — Rape is 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.

Article 266-B. *Penalties.* — Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

.....
The death penalty shall also be imposed if the crime of rape is committed with any of the following attendant circumstances:

- 1) When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, [stepparent], guardian, relative by

²² *Pascual v. Burgos*, 776 Phil. 167, 182 (2016) [Per. J. Leonen, Second Division].

²³ *People v. Talib-og*, 844 Phil. 1073, 1081 (2018) [Per J. Tijam, First Division].

consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim[.]

Under Article 266-A(1) of the Revised Penal Code, as amended, the elements of rape are:

(1) the offender is a man who had carnal knowledge of a woman; and (2) he accomplished such act through force or intimidation upon her; or she is deprived of reason or otherwise unconscious; or she is under 12 years of age or is demented. The gravamen of rape is carnal knowledge or sexual intercourse with a woman against her will or without her consent.²⁴ (Citation omitted)

In *People v. Tulagan*,²⁵ this Court held that if the victim of the sexual abuse is below 12 years old, the offender should be prosecuted for statutory rape under Article 266-A(d) of the Revised Penal Code, as amended. Here, AAA270149 was below 12 years old when the rape incident happened.

More, rape is qualified when the victim is under 18 years of age and the offender is a parent, ascendant, stepparent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim. The elements of qualified rape are: (1) sexual congress; (2) with a woman; (3) done by force and without consent; (4) the victim is under 18 years of age at the time of the rape; and (5) the offender is a parent (whether legitimate, illegitimate or adopted) of the victim.²⁶

Hence, to raise the crime of rape, be it simple rape or statutory rape to qualified rape, the twin circumstances of minority of the victim and her relationship to the offender must concur. In the present case, the elements of qualified rape were sufficiently alleged in the Information: a) AAA270149 was 6 years old at the time of the rape incident; and b) accused-appellant is AAA270149's biological father. The foregoing elements were also sufficiently proven by the prosecution.

In *People v. Pruna*,²⁷ this Court enumerated the guidelines for proving the victim's age, thus:

In order to remove any confusion that may be engendered by the foregoing cases, we hereby set the following guidelines in appreciating age, either as an element of the crime or as a qualifying circumstance.

1. The best evidence to prove the age of the offended party is an original or certified true copy of the certificate of live birth of such party.

²⁴ *People v. Bejic*, 552 Phil. 555, 566-567 (2007) [Per J. Chico-Nazario, *En Banc*].

²⁵ 849 Phil. 197, 239-240 (2019) [Per J. Peralta, *En Banc*].

²⁶ *See People v. Candellada*, 713 Phil. 623, 635 (2013) [Per. J. Leonardo-De Castro, First Division].

²⁷ 439 Phil. 440 (2002) [Per. C.J. Davide, Jr., *En Banc*].

2. In the absence of a certificate of live birth, similar authentic documents such as baptismal certificate and school records[,] which show the date of birth of the victim[,] would suffice to prove age.

3. If the certificate of live birth or authentic document is shown to have been lost or destroyed or otherwise unavailable, the testimony, if clear and credible, of the victim's mother or a member of the family either by affinity or consanguinity who is qualified to testify on matters respecting pedigree such as the exact age or date of birth of the offended party pursuant to Section 40, Rule 130 of the Rules on Evidence shall be sufficient under the following circumstances:

- a. If the victim is alleged to be below 3 years of age and what is sought to be proved is that [they are] less than 7 years old;
- b. If the victim is alleged to be below 7 years of age and what is sought to be proved is that [they are] less than 12 years old;
- c. If the victim is alleged to be below 12 years of age and what is sought to be proved is that [they are] less than 18 years old.

4. *In the absence of a certificate of live birth, authentic document, or the testimony of the victim's mother or relatives concerning the victim's age, the complainant's testimony will suffice provided that it is expressly and clearly admitted by the accused.*

5. It is the prosecution that has the burden of proving the age of the offended party. The failure of the accused to object to the testimonial evidence regarding age shall not be taken against [them].

6. The trial court should always make a categorical finding as to the age of the victim.²⁸ (Emphasis supplied, citation omitted)

From the foregoing guidelines, the best evidence to prove the age of a person is the original birth certificate or certified true copy. In their absence, similar authentic documents may be presented such as baptismal certificates and school records. If the original or certified true copy of the birth certificate is not available, credible testimonies of the victim's mother or a member of the family may be sufficient under certain circumstances.²⁹ In the event that both the birth certificate or other authentic documents and the testimonies of the victim's mother or other qualified relative are unavailable, the testimony of the victim may be admitted in evidence provided that it is expressly and clearly admitted by the accused.³⁰

Notably, the prosecution did not present AAA270149's birth certificate to prove her exact age at the time of the rape incident. Nevertheless, in line with the pronouncement of this Court, in the absence of a certificate of live birth, the victim's testimony will be enough, provided that it is expressly and

²⁸ *Id.* at 470-471.

²⁹ *People v. Suriego*, 781 Phil. 659, 671 (2016) [Per J. Perala, Third Division].

³⁰ *Id.*

clearly admitted by the accused. Here, AAA270149 and accused-appellant testified that AAA270149 was 6 years old when she took the witness stand on December 2, 2015.³¹

Further, in *People v. Gamez*,³² this Court explained that the observations of the trial court are afforded great weight:

This Court has consistently adhered to the rule that the matter of assigning values to declarations on the witness stand is best and most competently performed by the trial judge, who had the unmatched opportunity to observe the witnesses and to assess their credibility by the various *indicia* available but not reflected on the record. Hence, the corollary principle that absent any showing that the trial court overlooked substantial facts and circumstances that would affect the final disposition of the case, appellate courts are bound to give due deference and respect to its evaluation of the credibility of an eyewitness and his testimony as well as its probative value amidst the rest of the other evidence on record.³³ (Citation omitted)

Clearly, 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. Corollary, as the trial courts discern the demeanor of the witness, they are also able to observe the physical appearance of the said witness. In the same vein, the RTC was able to observe the physical appearance of AAA270149, which manifestly showed that she was 6 years old at the time she took the witness stand. Considering that the age of AAA270149 was 6 years old, it was not difficult for the RTC to observe her physical appearance and take judicial notice of her age despite the absence of AAA270149's birth certificate. The CA and the RTC made categorical rulings that AAA270149 was only 6 years old when accused-appellant raped her in February 2015. The defense did not even object against AAA270149's minority.

In *People v. Tipay*,³⁴ this Court recognized that the presentation of the birth certificate is not an exclusive requisite in proving the age of the victim, thus:

This does not mean, however, that the presentation of the certificate of birth is at all times necessary to prove minority. The minority of a victim of tender age who may be below the age of ten is quite manifest and the court can take judicial notice thereof. The crucial years pertain to the ages of fifteen to seventeen where minority may seem to be dubitable due to one's physical appearance. In this situation, the prosecution has the burden of proving with certainty the fact that the victim was under 18 years of age

³¹ *Rollo*, p. 17.

³² 720 Phil. 561 (2013) [Per. J. Reyes, First Division].

³³ *Id.* at 569.

³⁴ 385 Phil. 689 (2000). [Per J. Melo, *En Banc*].

when the rape was committed in order to justify the imposition of the death penalty under the above-cited provision.³⁵

Similarly, aside from the admission of accused-appellant and AAA270149 with regard to the latter's minority, the RTC emphatically observed that AAA270149 was only 6 years old when she took the witness stand in December 2015 or just 10 months after the commission of the crime.

More, during pre-trial, it was stipulated that accused-appellant is AAA270149's biological father. Moreso, accused-appellant expressly admitted in his testimony that AAA270149 is his daughter, thus:

Q: Do you know the private complainant [AAA270149]?
A: Yes ma'am, she is my daughter.³⁶

Hence, the fact that AAA270149 was 6 years old at the time of the commission of the crime and that accused-appellant is her father had already been admitted by the parties. The defense did not dispute the age of the victim and her relationship with accused-appellant. The defense did not claim that such admission was made through palpable mistake or no such admission was made.³⁷ Verily, the admission made by accused-appellant in his testimony before the RTC partakes of a judicial admission that does not require proof. Such admission dispenses with the further requirement on the part of the prosecution to prove the relationship of AAA270149 and accused-appellant.³⁸ Thus, accused-appellant's relationship with AAA270149, together with the latter's minority, was duly established by the prosecution.

As to the commission of the crime, AAA270149 clearly and categorically remembered how accused-appellant inserted his penis in her vagina against her will. She narrated:

Q: You said that you went to the comfort room to defecate.
Do you remember seeing your father inside that comfort room?
A: Yes, ma'am, in fact, it was in that comfort room that he did something to me.

Q: Please tell the Court what did your father do?
A: He inserted his finger inside my vagina.

Q: Now[,] did your father also inserted [sic] his penis inside your vagina?
A: Yes, ma'am.

³⁵ *Id.* at 718–719.

³⁶ TSN, [REDACTED], September 9, 2020, p. 5.

³⁷ RULES OF COURT, Rule 129, sec. 4 states:

Section 4. Judicial admissions. — An admission, verbal or written, made by the party in the course of the proceedings in the same case, does not require proof. The admission may be contradicted only by showing that it was made through palpable mistake or that no such admission was made.

³⁸ *People v. ABC260708*, G.R. No. 260708, January 23, 2024 [Per J. M. Lopez, *En Banc*].

Q: You said your father inserted first his finger inside your vagina and you also said your father inserted his penis inside your vagina. In order the Court [sic] to understand what you are saying, I will show to you two dolls; one representing a girl, one representing a boy or a man. First, I am showing to you a female doll. I would like you to think that this doll is you. You said your father inserted his penis inside your vagina. Now[,] could you please point where in this doll your vagina is located?

INTERPRETER:

Witness placed her fingers on top of the vagina of the anatomically-correct doll.

PROS. TENA:

Q: I am also showing to you a doll[,] which represents a boy or a man. I would like you to think that this doll is your father. You said a while ago that your father inserted his penis inside your vagina. Using this doll as a medium, point to the place where you think the penis is located.

INTERPRETER:

Witness pointed to the male organ of the anatomically-correct doll.

PROS. TENA:

Q: When the incident happened when you said your father inserted his penis inside your vagina inside the comfort room, were you standing, were you lying down[,] or were you seated?

A: I was then standing.

Q: I am going to make this female doll stand. I would like you to think that this is you. When the story you narrated transpired that your father inserted his penis inside your vagina[,] you said you were standing. Where was your father positioned, was he in front of you, beside you[,] or behind you?

A: My father was then standing behind me.

Q: So[,] I am going this male doll to stand in front of you [sic]. Do you confirm that this is how you are positioned when the incident happened when your father inserted his penis inside your vagina?

A: Yes, that is correct.

Q: During that time, [AAA270149], do you remember what kind of lower garment your father was wearing?

A: I can no longer recall.

INTERPRETER:

Witness answered by shaking her head left to right.

PROS. TENA:

Q: You can no longer remember the kind of lower garment your father was wearing that time. Do you remember if he removed any of his clothing? Was your father then wearing a brief?

A: Yes, ma'am.

Q: Did your father remove his brief?

A: Yes, ma'am.



- Q: How about you, were you then wearing a panty?
A: Yes, ma'am.
- Q: Did your father remove your panty?
A: Yes, ma'am.
- Q: Your father remove your panty before he inserted his penis inside your vagina?
A: Yes, ma'am.
- Q: [AAA270149], you are very much shorter than your father. When your father inserted his penis inside your vagina, did you hold on to anything to support you?
A: In a cemented wall.
- Q: Are you facing a cemented wall?
A: Yes, ma'am.
- Q: When your father inserted his penis inside your vagina, did you feel any pain?
A: Yes, ma'am, I felt pain.
- Q: Did you cry?
A: Yes, ma'am.
- Q: Did you see if there was any blood in your panty after your father inserted his penis inside your vagina?
A: Yes, ma'am.³⁹

Evidently, AAA270149's straightforward testimony in open court convincingly established the sexual intercourse between her and accused-appellant. The prosecution has sufficiently proven beyond reasonable doubt that accused-appellant had carnal knowledge of AAA270149 against her will.

In *People v. Garcia*,⁴⁰ this Court held that:

Testimonies of child-victims are normally given full weight and credit, since when a [person], particularly if [the victim] is a minor, says that [the victim] has been raped, [the victim] says in effect all that is necessary to show that rape has in fact been committed. When the offended party is of tender age and immature, courts are inclined to give credit to [their] account of what transpired, considering not only [their] relative vulnerability but also the shame to which [they] would be exposed if the matter to which [they] testified is not true. Youth and immaturity are generally badges of truth and sincerity. A young [person]'s revelation that [they] had been raped, coupled with [their] voluntary submission to medical examination and willingness to undergo public trial where [they] could be compelled to give out the details of an assault on [their] dignity, cannot be so easily dismissed as mere concoction.⁴¹ (Citations omitted)

³⁹ TSN, [REDACTED], December 2, 2015, pp. 6-9.

⁴⁰ 695 Phil. 576 (2012) [Per J. Reyes, First Division].

⁴¹ *Id.* at 588-589.

Considering that AAA270149 was of tender age and had undergone a dreadful experience, this Court finds it improbable that she would impute so grave a crime against her father. Certainly, AAA270149 would not undergo the trouble and humiliation of public trial and endure the ordeal of testifying to all its gruesome details if she had not in fact been raped.

Lastly, accused-appellant's contention that his defense of denial and alibi should not have been outrightly discounted considering the failure of the prosecution to prove his guilt beyond reasonable doubt holds no basis. The settled rule is that "both denial and alibi are inherently weak defenses[,] which cannot prevail over the positive and credible testimony of the prosecution witness that the accused committed the crime."⁴² "Thus, as between a categorical testimony[,] which has a ring of truth on one hand, and a mere denial and alibi on the other, the former is generally held to prevail."⁴³ Considering the positive and categorical testimony of AAA270149 that accused-appellant raped her, the mere denial of accused-appellant, without any corroborative evidence, will not prevail. AAA270149's straightforward narration of the events as appreciated by the trial court, who had the opportunity to observe her demeanor, deserves greater weight and consideration.

Indubitably, the prosecution has successfully established beyond reasonable doubt all the elements of statutory and qualified rape. In accordance with this Court's pronouncement in *People v. ABC260708*,⁴⁴ the proper nomenclature of the crime when both the elements of statutory rape and qualified rape are present is qualified rape of a minor. Thus, accused-appellant is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole, in lieu of the death penalty, under Section 3⁴⁵ of Republic Act No. 9346. Also, in line with *People v. ABC260708*, the amounts of civil indemnity, moral damages, and exemplary damages shall be increased to PHP 150,000.00 each.⁴⁶ Further, in accordance with *People v. Jugueta*,⁴⁷ all of these amounts shall earn interest at the rate of 6% per annum from the date of finality of this Resolution until full payment.⁴⁸

⁴² *People v. Linsie*, 722 Phil. 374, 385 (2013) [Per J. Leonardo-De Castro, First Division].

⁴³ *People v. Lagbo*, 780 Phil. 834, 847 (2016) [Per J. Peralta, Third Division]. (Citation omitted)

⁴⁴ G.R. No. 260708, January 23, 2024 [Per J. M. Lopez, *En Banc*] at 26. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁴⁵ Republic Act No. 9346 (2006), sec. 3, An Act Prohibiting the Imposition of Death Penalty in the Philippines, states:

SECTION 3. Persons convicted of offenses punished with *reclusion perpetua*, or whose sentences will be reduced to *reclusion perpetua*, by reason of this Act, shall not be eligible for parole under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended.

⁴⁶ G.R. No. 260708, January 23, 2024 [Per J. M. Lopez, *En Banc*] at 26. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁴⁷ 783 Phil. 806 (2016) [Per J. Peralta, *En Banc*].

⁴⁸ *People v. Caoili*, 815 Phil. 839, 897 (2017) [Per J. Tijam, *En Banc*].

ACCORDINGLY, the Appeal is **DENIED**. The July 11, 2023 Decision of the Court of Appeals in CA-G.R. CR-HC No. 15743 is **AFFIRMED with MODIFICATIONS**. Accused-appellant XXX270149 is **GUILTY** beyond reasonable doubt of qualified rape of a minor under Article 266-A in relation to Article 266-B(1) of the Revised Penal Code, as amended. He is sentenced to suffer *reclusion perpetua* without eligibility for parole and **ORDERED to PAY** private complainant AAA270149 the following amounts: (a) civil indemnity in the amount of PHP 150,000.00; (b) moral damages in the amount of PHP 150,000.00; and (c) exemplary damages in the amount of PHP 150,000.00.

The civil liability imposed herein are subject to interest at the rate of 6% per annum from the date of finality of this Decision until fully paid.

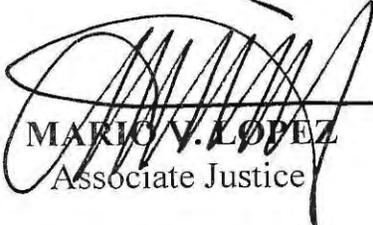
SO ORDERED.


JHOSEP Y. LOPEZ
 Associate Justice

WE CONCUR:


MARVIC M.V.F. LEONEN
 Senior Associate Justice

(on official business)
AMY C. LAZARO-JAVIER
 Associate Justice


MARIO V. LOPEZ
 Associate Justice


ANTONIO T. KHO, JR.
 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 this Court's Division.



MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson, Second 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's Division.



ALEXANDER G. GESMUNDO
Chief Justice