



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

PEOPLE  
PHILIPPINES,

OF THE  
Plaintiff-appellee,

G.R. No. 266706

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

- versus -

ZZZ,\*\*

Accused-appellant.

Promulgated:

June 26, 2024

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DECISION

SINGH, J.:

Accused-appellant ZZZ was charged with three counts of Rape under Article 266-A, paragraph 1 (a) of the Revised Penal Code (RPC); one count of Rape by Sexual Assault under Article 266-A, paragraph 2 of the RPC; one

\* On official leave.

\*\* The identities of the victim or any information which could establish or compromise their identity, as well as those of their immediate family or household members, shall be withheld pursuant to Republic Act No. 7610 (1992), An Act Providing For Stronger Deterrence And Special Protection Against Child Abuse, Exploitation And Discrimination, And For Other Purposes ; Republic Act No. 9262 (2004), An Act Defining Violence Against Women And Their Children, Providing For Protective Measures For Victims, Prescribing Penalties Therefore, And For Other Purposes; and A.M. No. 04-10-11-SC (2004), sec. 40, Rule on Violence against Women and Their Children. (See *People v. Cadano, Jr.*, 729 Phil. 576, 578 (2014) [Per J. Perlas-Bernabe, Second Division], citing *People v. Lomaque*, 710 Phil. 338, 342 (2013) [Per J. Del Castillo, Second Division]. See also Amended Administrative Circular No. 83-2015 (2017) Protocols and Procedures In The Promulgation, Publication, And Posting On The Website Of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances).

count of Acts of Lasciviousness under Republic Act No. 7610,<sup>1</sup> or the Special Protection of Children Against Abuse and Discrimination Act; three counts of Child Abuse under Republic Act No. 7610; and one count of Violation of Section 5 (a) of Republic Act No. 9262,<sup>2</sup> or the Anti-Violence Against Women and Children Act; in separate Informations filed before Branch 43, Regional Trial Court of Dagupan City (RTC).<sup>3</sup>

The Informations allege:

Criminal Case No. 2017-1045-D

That sometime in the month of April[] 2009, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, taking advantage of his moral authority and ascendancy and by means of force and intimidation, did then and there willfully, unlawfully[] and feloniously inserted his finger into the genital orifice of “AAA”, a minor, 10 years of age, against her will and without her consent, the said crime having been attended by the qualifying circumstances of relationship and minority, the said accused being the father of the said victim, a 10-year old minor daughter of the accused, thereby raising the crime to qualified object rape, to the damage and prejudice of the said minor, “AAA.”

CONTRARY to Article 266-A, paragraph 2 of the [RPC] as amended by Republic Act No. 8353.

Criminal Case No. 2017-1046-D

That sometime in the month of April[] 2011, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, taking advantage of his moral authority and ascendancy and by means of force and intimidation, did then and there willfully, unlawfully[,] and feloniously have carnal knowledge of one “AAA”, a minor, 12 years of age, against her will and without her consent, the said crime having been attended by the qualifying circumstances of relationship and minority, the said accused being the father of the said victim, a 12 year old minor daughter of the accused, to the damage and prejudice of the said minor “AAA.”

CONTRARY to Article 266-A, paragraph 1 of the [RPC] as amended by Republic Act No. 8353.

Criminal Case No. 2017-1047-D

That sometime in the month of October[] 2012, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-mentioned accused, taking advantage of his moral authority and ascendancy and by means of force and intimidation, did then and there willfully, unlawfully[,] and feloniously have carnal knowledge of one “AAA”, a minor, 13 years of age, against her will and without her consent,

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<sup>1</sup> Approved on June 17, 1992.

<sup>2</sup> Approved on March 8, 2004.

<sup>3</sup> *Rollo*, pp. 31–35.

the said crime having been attended by the qualifying circumstances of relationship and minority, the said accused being the father of the said victim, a 13 year old minor daughter of the accused, to the damage and prejudice of the said minor, "AAA".

CONTRARY to Article 266-A, paragraph 1 of the [RPC] as amended by Republic Act No. 8353.

Criminal Case No. 2017-1048-D

That sometime in the month of November[] 2012, in the City of Dagupan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, taking advantage of his moral authority and ascendancy and by means of force and intimidation, did then and there willfully, unlawfully[,] and feloniously have carnal knowledge of one "AAA", a minor, 13 years of age, against her will and without her consent, the said crime having been attended by the qualifying circumstances of relationship and minority, the said accused being the father of the said victim, a 13 year old minor daughter of the accused, to the damage and prejudice of the said minor, "AAA".

CONTRARY to Article 266-A, paragraph 1 of the [RPC] as amended by Republic Act No. 8353.

Criminal Case No. 2017-1049-D

That sometime in the month of August[] 2015, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused taking advantage of his moral authority and ascendancy being the father of the victim AAA, with force and intimidation did then and there willfully, unlawfully[,] and feloniously commit acts of lewdness upon the person of one "AAA" his own daughter – a minor 16 years of age, by then and there touching her breast, which is an act prejudicial to the child's psychological and emotional development which debase, demean, and degrade the intrinsic worth and dignity of said "AAA" as a human being.

Contrary to Article III, Sec. 5 (b) of [Republic Act No.] 7610 for Acts of Lasciviousness.

Criminal Case No. 2017-1050-D

That on or about the 19<sup>th</sup> day of September 2017, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully[,] and criminally, commit acts of child abuse and cruelty upon his daughter, "BBB", a 16 year old minor, by spanking her several times and shouting at her, hitting her in the stomach and punching her nose and thumping her in the chest and choking her, thereby causing psychological and physical abuse against her which are detrimental to her growth and development as a child and which debase, demean, and degrade her intrinsic worth and dignity as a human being.

Contrary to Article VI, Sec. 10 (a) of [Republic Act No.] 7610, as amended.

Criminal Case No. 2017-1051-D



That on or about the 19<sup>th</sup> day of September 2017, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully[,] and criminally, commit acts of child abuse and cruelty upon his daughter, “CCC”, a 15 year old minor, the accused herein punched and hit her side body and inflicting other physical injury in different parts of her body, thereby causing psychological and physical abuse against her which are detrimental to her growth and development as a child and which debase, demean, and degrade her intrinsic worth and dignity as a human being.

Contrary to Article VI, Sec. 10 (a) of [Republic Act No.] 7610, as amended.

Criminal Case No. 2017-1052-D

That on or about the 19<sup>th</sup> day of September 2017, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully[,] and criminally, commit acts of child abuse and cruelty upon his daughter, “DDD”, a 17-year old minor, the accused herein punched her off in the nose, collared and dragged her at the middle of the road, and inflicting other physical injury in different parts of her body, thereby causing psychological and physical abuse against her which are detrimental to her growth and development as a child and which debase, demean, and degrade her intrinsic worth and dignity as a human being.

Contrary to Article VI, Sec. 10 (a) of [Republic Act No.] 7610, as amended.

Criminal Case No. 2017-1053-D

That on or about the 19<sup>th</sup> day of September 2017, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being the husband of the complainant, did then and there willfully, unlawfully and feloniously use personal violence on the complainant, by punching her on the chest, thereby demeaning and degrading the complainant’s intrinsic worth and dignity as a human being, to [the] damage and prejudice of the said complainant EEE.

Contrary to Section 5 (a) of Republic Act [No.] 9262.<sup>4</sup>

The RTC convicted ZZZ of two counts of Rape under Article 266-A, paragraph 1 (a), one count of Rape by Sexual Assault under Article 266-A, paragraph 2 of the RPC; and four counts of Slight Physical Injuries under Article 266 of the RPC; in its Joint Decision,<sup>5</sup> dated August 28, 2018. On appeal, the Court of Appeals (CA) affirmed the Joint Decision with modifications in its Decision,<sup>6</sup> dated September 28, 2021.

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<sup>4</sup> *Id.* at 9–12

<sup>5</sup> *Id.* at 29–81. Penned by Judge Caridad V. Galvez.

<sup>6</sup> *Id.* at 8–27. The Decision in CA-G.R. CR-HC No. 12274 was penned by Associate Justice Florencio M. Mamaug, Jr. and concurred in by Associate Justices Zenaida T. Galapate-Laguilles and Raymond Reynold R. Lauigan of the Seventeenth Division, Court of Appeals, Manila.



ZZZ filed his Notice of Appeal,<sup>7</sup> dated October 26, 2021. The CA gave due course to the appeal and ordered the elevation of the records of the case to the Court in its Resolution,<sup>8</sup> dated February 22, 2022.

### *The Facts*

#### *The Version of the Prosecution*

The prosecution presented the testimonies of:

1. AAA, complainant in Criminal Case Nos. 2017-1045 to 1049;
2. BBB, complainant in Criminal Case No. 2017-1050;
3. CCC, complainant in Criminal Case No. 2017-1051;
4. DDD, complainant in Criminal Case No. 2017-1052;
5. EEE, complainant in Criminal Case No. 2017-1053;
6. FFF, EEE's mother and the grandmother of AAA, BBB, CCC, and DDD; and
7. Dr. Patrick Lawrence Manaois (**Dr. Manaois**), a Resident General Surgeon at Region I Medical Center, who examined the private complainants.

The prosecution also presented various documentary evidence consisting of medical certificates, birth certificates, marriage certificates, and sworn statements and affidavits.

ZZZ is the biological father of the complainants AAA, BBB, CCC, and DDD with his wife, complainant EEE.<sup>9</sup>

ZZZ began molesting AAA, his eldest daughter, when she was just 9 years old. The first incident happened sometime in April 2009. AAA testified that one evening in April 2009, while their entire family was asleep, ZZZ woke her up. He forced her to sit down on his abdomen while he was lying down and inserted his finger inside her vagina. She tried to resist him, but he threatened that he would hurt her.<sup>10</sup>

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<sup>7</sup> CA rollo, pp. 270–271.

<sup>8</sup> *Id.* at 283.

<sup>9</sup> Rollo, p. 12.

<sup>10</sup> *Id.*



In April 2011, ZZZ abused AAA again. AAA described this as the worst incident.<sup>11</sup> This happened one night sometime in April 2011 when she, her siblings, and ZZZ were sleeping in their father's house. Their mother EEE was not with them at the time. AAA narrated that her father woke her up and told her that she should not have a boyfriend and that she should love him only. He then made her undress. He tried to insert his penis into her mouth. He then went on top of AAA and forcibly inserted his penis into her vagina and then made a push and pull motion.<sup>12</sup>

Sometime between October and November 2012, while they were at AAA's grandparents' house, ZZZ called AAA and ordered her to enter the room where he was staying. She refused but he succeeded in pulling her inside. He commanded her to lie down on the bed, surrender her cellphone, and kiss him. Sometime later, he unbuckled his belt, held her hand tight, and forced her to touch his penis.<sup>13</sup>

In November 2012, ZZZ raped AAA again. One evening sometime in November 2012, AAA was asleep in her grandparents' house. She was with her youngest siblings CCC and DDD and their mother EEE. ZZZ slept on the ground floor. AAA was awakened by ZZZ by tapping her feet. He then ordered her to move beside him. AAA claimed that she obeyed because she was afraid that something bad might happen if she refused to follow him because he was drunk at the time. ZZZ removed AAA's pants and underwear and also removed his own clothes. When they were both naked, he went on top of her and inserted his penis into her vagina. He made several push and pull motions. He eventually stopped after AAA repeatedly tried to push him away.<sup>14</sup>

ZZZ attempted to rape AAA again in 2015 but did not succeed because she resisted and ZZZ was ill at the time.<sup>15</sup>

AAA further testified that ZZZ also physically abused her mother EEE who is suffering from a psychological disorder. She claimed that she once saw ZZZ drag EEE into a room while holding a gun. There was also an instance when ZZZ attacked, kicked, and held EEE at gunpoint when he was drunk.<sup>16</sup>

On September 19, 2017, AAA, her mother EEE, and her siblings BBB, CCC, and DDD could not take any more abuse.

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<sup>11</sup> *Id.* at 20.

<sup>12</sup> *Id.* at 68.

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

<sup>14</sup> *Id.* at 69.

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

<sup>16</sup> *Id.* at 13.



AAA testified that in the afternoon of September 19, 2017, she was at the kitchen of her grandparents' house when ZZZ, who was drunk, grabbed her cellphone. She went to the bathroom to try to escape but he yelled at her and pushed the door open. He violently pulled her hair. Her sisters BBB and CCC tried to stop ZZZ, but he just pushed them aside. He punched AAA in the abdomen and continued to punch and kick her even after she fell to the floor. Despite her pleas for him to stop, ZZZ beat her and even slammed her on the ground.<sup>17</sup>

ZZZ also attacked BBB, CCC, DDD, and EEE.<sup>18</sup>

BBB, who was 16 year old at the time of the incident, testified that at around 5:00 p.m. on September 19, 2017, she was removing a rope on the roof of her grandparents' house when ZZZ arrived. He asked her if she knew where AAA and CCC were and she told him that she did not know. Sometime later, while BBB was in the living room with her mother EEE and her sister CCC, ZZZ entered the room and asked her again if she knew where AAA and DDD were. When BBB told him that she did not know, ZZZ slapped her with the back of his hand. The force was so strong that BBB bumped her head against the wall. ZZZ slapped her a second time even as CCC attempted to pacify him. ZZZ turned to CCC and punched her in the abdomen. He then proceeded to punch BBB in her abdomen, which caused her to have difficulty in breathing. He punched her again in the nose causing it to bleed. When BBB tried to break free, ZZZ choked her. BBB eventually succeeded in breaking free after kicking ZZZ. At this point, ZZZ turned to her mother EEE and punched her near her breast.<sup>19</sup> BBB also corroborated AAA's statement that EEE was suffering from a psychological disorder.<sup>20</sup>

CCC corroborated the testimonies of her sisters. CCC, who was 15 years old on September 19, 2017, said that she was in her grandparent's home that afternoon. Her father arrived drunk and was looking for AAA. When she told ZZZ that she did not know where AAA was, he got mad and told her to look for her sister. CCC was, however, not able to find her. When she returned home, ZZZ, BBB, and EEE were in the living room. ZZZ slapped BBB and punched CCC in the abdomen. When AAA returned home, ZZZ pulled her hair and hit her. CCC tried to intervene, but ZZZ slammed her against the wall and tiles. CCC also claimed that she tried to ask for help from their neighbors, but nobody wanted to intervene.<sup>21</sup>

DDD was 17 years old on September 19, 2017. She narrated that at around 6:00 p.m. on September 19, 2017, she was at her friend's house. As

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<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 44–45.

<sup>20</sup> *Id.* at 45.

<sup>21</sup> *Id.* at 14.



she was walking toward home from her friend's house, she saw AAA running away. She followed AAA and eventually caught up with her. ZZZ suddenly appeared and forced them to come home. While walking home, ZZZ hit DDD's nose. He pushed her toward the road where there was an oncoming car and then only pulled her back when the car was about one meter away. When they finally reached home, she sat down in the living room. Her father got a welding rod and intended to strike her, but her sisters intervened. ZZZ left and when he returned, he was carrying a fork which he failed to use to hit DDD because the police arrived with CCC.<sup>22</sup>

When their grandparents arrived, AAA, DDD, BBB, CCC, and their mother EEE went to the police station to report the incident. They also went to the hospital for medical examination. While at the police station, AAA also reported that ZZZ had sexually abused her repeatedly.<sup>23</sup>

Dr. Manaois examined the complainants and testified as to their injuries. He observed that AAA has erythema on her lower back and left side of her body, soft tissue contusion on the right temporal area, hematoma at the right inner thigh and abrasion on the right frontal area. He stated that these injuries are consistent with physical injuries and/or beating.<sup>24</sup> Dr. Manaois also confirmed that he found deep healed hymenal lacerations at three, four, seven, and nine o'clock positions upon examination of AAA.<sup>25</sup>

As for BBB, Dr. Manaois confirmed that her abdomen had tenderness. DDD had an abrasion in her supraclavicular area. EEE had a hematoma on her chest.<sup>26</sup>

### *The Version of the Defense*

The evidence for the defense consisted of the testimonies of ZZZ and his sisters XXX and YYY.<sup>27</sup>

XXX testified that she was surprised when she heard about AAA's accusations against ZZZ. According to her, ZZZ was always busy as a Victory bus driver. She also claimed that ZZZ's family was happy and their relationship was harmonious. Despite chatting with AAA frequently, AAA never mentioned to her that she was being abused by ZZZ.<sup>28</sup>

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<sup>22</sup> *Id.* at 48–49.

<sup>23</sup> *Id.* at 15.

<sup>24</sup> *Id.*

<sup>25</sup> *CA rollo*, pp. 233–234.

<sup>26</sup> *Rollo*, p. 15.

<sup>27</sup> *Id.* at 15–16.

<sup>28</sup> *Id.* at 16.





YYY asserted that she lived briefly with ZZZ and his family. She believed that it would have been impossible for ZZZ to rape AAA because ZZZ always slept on the ground floor and AAA and the others slept at the second floor.<sup>29</sup>

ZZZ denied the allegations against him. He said that he advised AAA to concentrate on her studies, but he caught her owning a cellphone which her boyfriend gave her. He admitted that he hurt her, but this was only in an effort to discipline her.<sup>30</sup> He denied ever raping AAA.<sup>31</sup>

As to BBB, DDD, CCC, and EEE, ZZZ admitted that he got angry at them. He claimed that he had no choice but to be strict with his children because he does not want them to go astray. He also said that he was frustrated at EEE because she neglected their children. He further stated that BBB, DDD, and CCC visited him several times in jail and that the cases were filed because of EEE's parents who wanted to take custody of their children.<sup>32</sup>

ZZZ was charged under nine separate Informations filed before the RTC. He pleaded not guilty to all the charges during the arraignment on December 15, 2017.<sup>33</sup> Trial ensued.

### *The Ruling of the RTC*

The RTC convicted ZZZ of the following offenses: (1) Rape by Sexual Assault under Article 266-A, paragraph 2 of the RPC in Criminal Case No. 2017-1045-D; (2) Rape under Article 266-A, paragraph 1 of the RPC in Criminal Case Nos. 2017-1046-D and 2017-1048-D; (3) Slight Physical Injuries/Maltreatment under Article 266 of the RPC in Criminal Case Nos. 2017-1050-D, 2017-1051-D, 2017-1052-D, and 2017-1053-D. The RTC acquitted ZZZ of the charges of Acts of Lasciviousness under Republic Act No. 7610 and Violation of Republic Act No. 9262, on the ground of reasonable doubt.<sup>34</sup>

The dispositive portion of the Joint Judgment reads as follows:

**WHEREFORE**, in view of the foregoing, the Court finds the accused **guilty beyond reasonable doubt** for the following offenses:

- (a) sexual assault under Article 266-A, paragraph 2 of the [RPC] as amended by [Republic Act No.] 8353 in criminal case no. 2017-

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

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

<sup>31</sup> *Id.* at 60.

<sup>32</sup> *Id.* at 16.

<sup>33</sup> *Id.* at 35.

<sup>34</sup> *Id.* at 80-81.



1045-D and is sentenced to suffer the indeterminate penalty of [12] years, [10] months[,] and [21] days of *reclusion temporal*, as minimum, to [15] years, six [] months[,] and [20] days of *reclusion temporal*, as maximum. He is further ordered to pay AAA [PHP] 30,000.00 as civil indemnity, [PHP] 30,000.00 as moral damages, and [PHP] 30,000.00 as exemplary damages, plus legal interest on all damages awarded at the rate of 6% per annum from the date of finality of this Decision.

- (b) Rape under Article 266-A paragraph 1 of the [RPC] as amended by Republic Act [No.] 8353 in criminal case nos. 2017-1046-D and 2017-1048-D and is hereby sentenced to suffer the penalty of [*reclusion perpetua*] and to indemnify the victim the sum of [PHP] 75,000.00 as civil indemnity, [PHP] 75,000.00 as moral damages, and [PHP] 30,000.00 as exemplary damages in both cases. Accused is furthered [sic] ordered to pay legal interest on all damages awarded in this case at the rate of [6%] per annum from the date of finality of this Decision until fully paid.
- (c) Slight physical injuries/maltreatment under paragraph 2, Article 266 of the [RPC], and is hereby sentenced to suffer the penalty of [20] days of *arresto menor* each in criminal case nos. 2017-1050-D; 2017-1051-D; 2017-1052-D, and 2017-1053-D.

The Court however finds the accused “not guilty” in criminal cases nos. 2017-1047-D and 2017-1049-D for failure of the prosecution to prove his guilt beyond reasonable doubt.

**SO ORDERED.**<sup>35</sup> (Emphasis in the original)

ZZZ filed a Notice of Appeal,<sup>36</sup> dated September 3, 2018, which the RTC gave due course to in its Order,<sup>37</sup> dated September 18, 2018.

### ***The Ruling of the CA***

In his Appellant’s Brief,<sup>38</sup> dated September 23, 2019, ZZZ raised the following arguments:

First, AAA’s allegations of rape are mere fabrications. AAA’s testimony shows that she did not resist the alleged rape. It goes against the grain of human experience for a woman “who has been robbed of her honor and chastity not to seize an opportunity to escape from the clutches of her malefactor.”<sup>39</sup> ZZZ cited *People v. Amogis*<sup>40</sup> and *People v. Tionloc*<sup>41</sup> where the Court said that “resistance must be manifested and tenacious. A mere

<sup>35</sup> *Id.*

<sup>36</sup> *CA rollo*, p. 14.

<sup>37</sup> *Id.* at 15.

<sup>38</sup> *Id.* at 39–63.

<sup>39</sup> *Id.* at 55.

<sup>40</sup> 420 Phil. 278, 293 (2001) [Per J. Buena, Second Division].

<sup>41</sup> 805 Phil. 907, 918 (2017) [Per J. Del Castillo, First Division].

attempt to resist is not the resistance required and expected of a woman defending her virtue, honor[,] and chastity.”<sup>42</sup>

Second, AAA’s claim that she kept the sexual abuse secret because she was afraid of ZZZ is not believable. It is puzzling that AAA would keep quiet for six years when she had the chance to report ZZZ.<sup>43</sup>

Third, the reason why AAA accused ZZZ of raping her is because she is angry at him for being a very strict father “who disciplines his children with an iron fist.”<sup>44</sup>

Fourth, the RTC and the CA erred in refusing to give weight to ZZZ’s denial. While denial is generally held to be weak and unavailing, it gains strength when the credibility of the prosecution witness is wanting and questionable.<sup>45</sup>

ZZZ also admitted that he is strict in disciplining his children because he wants them to prioritize their studies. He claims that his wife and children filed the cases against him because they are being manipulated by his mother-in-law.<sup>46</sup>

The People, represented by the Office of the Solicitor General, in their Appellee’s Brief,<sup>47</sup> dated February 3, 2020, raised the following arguments:

First, the prosecution’s evidence adequately proved ZZZ’s guilt beyond reasonable doubt. AAA is a credible witness and her testimony is also corroborated by the physical evidence. In particular, Dr. Manaois confirmed that he found healed deep hymenal lacerations at three, four, seven, and nine o’clock positions.<sup>48</sup>

Second, the trial court’s assessment of the credibility of the witness is entitled to respect and should not be disturbed on appeal in the absence of proof that the court overlooked, misunderstood, or misapplied some facts and circumstances.<sup>49</sup>

Third, AAA’s failure to shout for help does not negate the rape. Physical resistance is not the sole test to determine whether a woman was

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<sup>42</sup> CA rollo, p. 56.

<sup>43</sup> *Id.* at 55–56.

<sup>44</sup> *Id.* at 56.

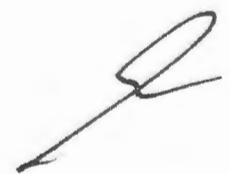
<sup>45</sup> *Id.* at 60.

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

<sup>47</sup> *Id.* at 213–240.

<sup>48</sup> *Id.* at 233–234.

<sup>49</sup> *Id.* at 234.



forced to have sexual intercourse. In this case, it should be emphasized that AAA was only 9 years old when her own father began raping her. ZZZ's moral ascendancy rendered it unnecessary for the prosecution to establish the presence of physical force and intimidation.<sup>50</sup>

Fourth, AAA's delay in reporting the sexual abuse did not affect her credibility.<sup>51</sup>

Finally, ZZZ cannot claim that his act of assaulting his children BBB, DDD, and CCC, and his wife EEE lacked criminal intent. On the contrary, it was clear that ZZZ intended to inflict physical harm on them.<sup>52</sup>

The CA affirmed the RTC Joint Decision with modification. Specifically, ZZZ's conviction for two counts of rape by sexual intercourse and one count of rape by sexual assault, the CA modified the penalties and the damages imposed.

In particular, in Criminal Case Nos. 2017-1046-D and 2017-1048-D, the CA found that the crime of rape was aggravated by AAA's minority and her relationship to ZZZ. These aggravating circumstances raise the penalty to *reclusion perpetua* to death. As the penalty of death cannot be imposed in accordance with Republic Act No. 9346,<sup>53</sup> the penalty imposed is *reclusion perpetua* without eligibility for parole. Moreover, the civil indemnity, moral damages, and exemplary damages are increased from PHP 75,000.00 to PHP 100,000.00 each.

The dispositive portion of the CA Decision states as follows:

**WHEREFORE**, the appeal is **DENIED**. The Joint Decision[,] dated August 28, 2018[,] of the Regional Trial Court[, Branch 43 of Dagupan City] is hereby **AFFIRMED WITH MODIFICATIONS** in that:

1. In **Criminal Case No. 2017-1045-D**, accused[-]appellant [ZZZ] is found **GUILTY** of Sexual Assault under paragraph 2, Article 266-A of the [RPC] in relation to Section 5 (b) of [Republic Act No.] 7610. He is sentenced to suffer the penalty of [12] years and one [] day of *reclusion temporal* as minimum to [16] years, five [] months, and one day of *reclusion temporal* as maximum. He is **ORDERED TO PAY** the private complainant AAA [PHP] 50,000.00 as civil indemnity, [PHP] 50,000.00 as exemplary damages, ₱50,000.00 as moral damages and [PHP] 15,000.00 as **FINE**.

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<sup>50</sup> *Id.* at 234–235.

<sup>51</sup> *Id.* at 235.

<sup>52</sup> *Id.* at 237.

<sup>53</sup> Approved on June 24, 2006.



2. In **Criminal Cases Nos. 2017-1046-D** and **2017-1048-D**, accused[-]appellant [ZZZ] is found **GUILTY** of two [] counts of Rape under paragraph 1, Article 266-A of the [RPC], as amended. He is sentenced to suffer the penalty of *reclusion perpetua* without eligibility of parole and is **ORDERED TO PAY** the private complainant AAA [PHP] 100,000.00 as civil indemnity, [PHP] 100,000.00 as exemplary damages, and [PHP] 100,000.00 as moral damages, for each count.
3. In **Criminal Cases Nos. 2017-1050-D, 2017-1051-D[,] and 2017-1052-D**, accused[-]appellant [ZZZ] is found **GUILTY** of three [] counts of Slight Physical Injuries under Article 266 of the [RPC]. He is sentenced to suffer the penalty of [20] days of *arresto menor* for each count and is **ORDERED TO PAY** PHP 5,000.00 as moral damages each to the private complainants BBB, CCC[,] and DDD.
4. In **Criminal Case No. 2017-1053-D**, accused[-]appellant [ZZZ] is found **GUILTY** of Violation of Section 5(a) of [Republic Act No.] 9262 and is sentenced to suffer the penalty of four [] months of *arresto mayor*.

All damages awarded shall be subject to the legal interest rate of [6%] from finality of this ruling until fully paid.

**SO ORDERED.**<sup>54</sup> (Emphasis in the original)

### *The Issue*

Whether the CA correctly affirmed the ruling of the RTC which found ZZZ guilty beyond reasonable doubt of one count of Rape by Sexual Assault under Article 266-A, paragraph 2; two counts of Rape under Article 266-A, paragraph 1; three counts of Slight Physical Injuries under Article 266 of the RPC; and one count of Violation of Section 5 (a) of Republic Act No. 9262?

### *The Ruling of the Court*

The Court partially grants the appeal.

#### *AAA's testimony is credible*

ZZZ's main defense in the rape cases is that AAA is not a credible witness and that her testimony as to the alleged incidents of rape is not believable because it is contrary to human experience.

The defense questions the RTC's findings of fact. As a general rule, the trial court's findings of fact, including its appreciation of the credibility of the witnesses, carries persuasive weight. As regards the assessment of the

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<sup>54</sup> *Rollo*, pp. 25–26.



credibility of a witness, the trial court's determination that a witness is credible is "entitled to great weight, sometimes even finality."<sup>55</sup> Absent any showing that the trial court "overlooked or misinterpreted some material facts or that it gravely abused its discretion," the Court will not disturb its factual findings.<sup>56</sup>

The Court finds no reason to reverse the RTC and the CA's conclusion that AAA's testimony is credible. AAA testified:

PROS. SEGUNDO:

Q: You filed several cases against your father?

A: Yes, ma'am.

Q: What did your father do to you?

A: He touched me.

Q: What do you mean he touched you?

A: He undressed me, ma'am.

Q: When was the first time he did that to you?

A: When I was in Grade V, ma'am.

[. . .]

Q: If I tell you, is there something [that] happened sometime [in] April 2009 between you and your father?

A: Yes, ma'am[,] that was when she [sic] undressed me, he was kissing me, and he uses [sic] his fingers.

[. . .]

COURT:

Q: What [did] you mean when you said he used his finger, [and] what did he do with his finger?

A: He put it inside my vagina and he asked me to go on top of him.

[. . .]

Q: Did you not wake up also your mother?

A: No, Your Honor.

Q: Why not?

A: Because when I will wake up my mother my father might get mad at me.

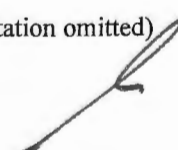
Q: How did you know?

A: Because he told me to be quite [sic], Your Honor.

Q: Did you tell anyone what your father did to you?

<sup>55</sup> *People v. Rubio*, 683 Phil. 714, 721 (2012) [Per J. Velasco, Jr., Third Division].

<sup>56</sup> *People v. Gabrino*, 660 Phil. 485, 493 (2011) [Per J. Velasco, Jr., First Division]. (Citation omitted)



A: None, Your Honor because I was afraid at that time and my father did not want that anybody know about it.

[. . .]

Q: Are you very sure that the finger was inserted inside your vagina?

A: Yes, your Honor he undressed me until my panty was removed.

[. . .]

PROS. SEGUNDO:

Q: Now you mentioned about April 2011 what did your father do which is very significant that you can remember what did your father do to you?

A: That was the worst incident, ma'am.

COURT:

Q: What made you say that was the worst incident, what did he do?

A: That was the time that he was forcing to insert his penis.

Q: Was he able to insert his penis?

A: Yes, your Honor.

Q: How old were you then?

A: I graduated in Grade VI [at] that time.

Q: What made you remember when that was [sic] happened a long time ago?

A: What I remember ma'am when he kissed me on my neck, on my breast[,] and he wanted to insert his penis in my mouth.

Q: Was he able to insert his penis in your mouth?

A: Yes, your Honor.

[. . . .]

PROS. SEGUNDO:

Q: April 2011 you said your father inserted his penis into your mouth, are you sure that it was only on your mouth that your father inserted his penis?

A: He also inserted it in my vagina.

Q: What time of the day when your father did that on April 2011 AAA?

A: It was in the evening, ma'am.

[. . .]

COURT:

Q: What made you say that your father inserted his penis?

A: He made me undressed [sic] and he also undressed and he went on top of me and he was forcing to insert his penis, Your Honor.

Q: Are you sure his penis was inserted in your vagina?

A: Yes, Your Honor.



PROS. SEGUNDO:

Q: Did he make the push and pull movement

A: Yes, ma'am.

[...]

Q: Now do you remember on [sic] November 2012, what did your father do to you?

A: I can remember that he was drunk at that time, Madam.

[...]

Q: What happened next?

A: And he was asking me to sleep in his bed, Ma'am.

Q: And did you go?

A: Yes, Madam.

Q: Why do you have to go?

A: I was afraid that something bad that will happen if I will not follow him because he was drunk at that time, Madam.

Q: So did you sleep with him?

A: Yes, Madam.

Q: What happened?

A: After a while he was hugging me, Madam.

Q: Aside from hugging you, what else did he do, if any?

A: What I remember is that I took off [sic] my clothes and he also took off his clothes, Madam.

[...]

Q: When you were both naked, what did your father do?

A: He went on top of me, Madam.

Q: And what did he do when he was already on top of you?

A: He spread my legs, and my legs were around his waist, Madam.

Q: And what did he do next?

A: And he inserted his penis, Madam.<sup>57</sup>

As the RTC observed, AAA was able to “narrate in a clear and categorical manner” the repeated abuse that she was subjected to by her own father.”<sup>58</sup> AAA’s testimony is direct, consistent, sufficiently detailed, and withstood the questioning of both the defense and the RTC.

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<sup>57</sup> *Rollo*, pp. 19–22.

<sup>58</sup> *Id.* at 75.





In an attempt to discredit the testimony of his own daughter, ZZZ argued that AAA's narration of the abuses is not believable because she did not shout for help and did not tell anyone. In support of this argument, ZZZ cites *Amogis* and *Tionloc* where the Court said that in rape cases "resistance must be manifested and tenacious. A mere attempt to resist is not the resistance required and expected of a woman defending her virtue, honor[,] and chastity."<sup>59</sup> ZZZ also asserted that AAA accused him, her own father of rape, because she was angry at him for being a strict parent.

The Court takes this case as an opportunity to reiterate that in cases penalized under Article 266-A of the RPC where the rape was committed with force, threat or intimidation, proof of resistance is not necessary. In *People v. Bisora*,<sup>60</sup> the Court ruled as follows:

In rape, the force and intimidation must be viewed in the light of the victim's perception and judgment at the time of the commission of the crime. As already settled in our jurisprudence, not all victims react the same way. Some people may cry out, some may faint, some may be shocked into insensibility, while others may appear to yield to the intrusion. Some may offer strong resistance while others may be too intimidated to offer any resistance at all. *Moreover, resistance is not an element of rape. A rape victim has no burden to prove that she did all within her power to resist the force or intimidation employed upon her. As long as the force or intimidation is present, whether it was more or less irresistible is beside the point.*<sup>61</sup> (Emphasis supplied; citation omitted)

It is regrettable that the Court has, in the past, made pronouncements, such as those in *Tionloc* and *Amogis*, that suggest that a woman cannot claim that she was raped unless she aggressively puts up a fight to defend her "honor, chastity, and virtue." Pronouncements like this are not only contrary to the prevailing doctrine, they also tend to reinforce misguided stereotypes that perpetuate gender bias and insensitivity. The right of women to autonomy and bodily integrity should be recognized and respected just as it is for men. That there are cases that continue to invoke this line of reasoning compels the Court to state in clear terms why this position, i.e., that a woman must prove that she tenaciously resisted a man's sexual assault before she can claim that she was raped, is both legally and morally wrong.

The gravamen of the crime of Rape is sexual intercourse against the will of the victim.<sup>62</sup> Article 266-A identifies the situations within which a sexual intercourse may be concluded as against the will of the victim. Specifically, Rape is deemed to be committed where the sexual intercourse occurred: (a) through force, threat, or intimidation; (b) when the offended

<sup>59</sup> CA rollo, p. 56.

<sup>60</sup> 810 Phil. 339 (2017) [Per J. Tijam, Third Division].

<sup>61</sup> *Id.* at 344.

<sup>62</sup> *People v. Ejercito*, 834 Phil. 837, 844 (2018) [Per J. Perlas-Bernabe, Second Division]. (Citation omitted)



party is deprived of reason or otherwise unconscious; (c) by means of fraudulent machinations or grave abuse of authority; and (d) when the victim is under 12 years of age or is demented. What the law penalizes is the violation of a woman's autonomy and bodily integrity.

If the law is to be interpreted such that a woman claiming that she was raped must satisfactorily establish that she resisted the sexual assault, we become complicit in perpetuating the premise that men, as a general rule, are entitled to free access to a woman's body at any given time and place because unless a woman proves she resisted such act by actively resisting a man's advances, she will be deemed to have consented to it. This is simply unacceptable in any civilized society.

Not only this. Requiring a female rape victim to present proof of active resistance is to judge the victim's behavior by male standards. The subtext of this view is that the absence of consent to the sexual intercourse is manifested only through aggressive physical resistance. This requirement is one that only a person from the vantage point of male privilege can make. It is blind to the social milieu within which a rape is often committed. It is a requirement that is insensitive to the fact that the victim of traditional rape is a woman, a member of a powerless minority and a group that has been subjugated for centuries. This requirement of resistance denies the fact that most women have been conditioned to live for the male gaze and to believe that it is impolite to assert oneself. It refuses to acknowledge the fact that there is a shockingly large probability that resisting a man's sexual advances can cause a woman harm or even get her killed, not to mention exposure and defilement. The resistance requirement thus compels a woman to risk her life to protect her "virtue, honor, and chastity" as if a woman should believe that life is not worth living if she was abused without a fight. This view reeks of misogyny.

Moreover, in many rape cases, the assailant is someone the victim knows and it is not unusual that the victim is often already subjected to abuse. To demand tenacious physical resistance from these victims worsens the impact of the rape.

Rape is perhaps the only crime where the trial often focuses on the conduct of the victim instead of that of the accused. The need to prove lack of consent often becomes a question of the victim's behavior, her history, and her conduct before, during, and after the rape as implying that some women can be "bad enough" to be raped while others, because of their background, choices, and conduct, are simply lying when they claim that they were raped. It is time to strike down such uninformed and ignorant views.

To reiterate, in rape cases, proof of resistance is not required. In rape cases committed through force, threat, or intimidation, it is sufficient that such



force, threat, or intimidation existed and was compelling enough to prevent a woman from asserting her will. The existence of such force, threat, or intimidation is determined from the perspective of the victim given, among other considerations, the circumstances of the rape, her relationship to the assailant, her state of mind, and the disparity in the assailant and the victim's physical strength.

With respect specifically to incestuous rape, where the assailant is the father and the victim is his minor child, as in this case, moral ascendancy or influence supplants the element of violence or intimidation.

A child simply cannot be expected to resist her own father's abuse. The father-assailant's dominance over the child-victim is complete in cases like this. Not only is the father physically superior as a grown male adult compared to a physically immature child, he also asserts moral authority over the child. As children are raised and taught to obey their parents, it would be difficult for a child not to follow her own father's orders, no matter how perverted. The internal turmoil that a child suffers at the realization that her own father wishes to harm her is unimaginable. This is particularly underscored in this case where AAA knows that her father is abusive and has even repeatedly beat her own mother. The fear in AAA's mind was undoubtedly real and paralyzing.

Nor can ZZZ assail AAA's credibility by arguing that it is not believable that AAA waited for years before she told anyone about the alleged sexual abuse. Delay in reporting an incident of rape does not prove that the claim is a mere fabrication. It does not necessarily cast doubt on the credibility of the victim. The victim may choose to keep her silence rather than expose what happened to her to public scrutiny.<sup>63</sup>

In this case, it is not surprising that AAA remained silent for years and chose not to report her own father to the authorities. The Court notes that ZZZ was the breadwinner for the family, as AAA's mother is suffering from some mental disorder. AAA therefore faced the prospect of sending her father to jail and losing hers, her mother's, and her younger siblings' only means of support. It is likely that AAA only found the courage to speak up because it was no longer possible to keep quiet given her father's assault on her mother and siblings. It is also understandable that AAA only found the strength to speak up when she saw that her grandmother, mother, and siblings would take her side.

The Court also finds no basis to believe ZZZ's claim that AAA merely invented the allegations of rape because she was angry at him for being a strict

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<sup>63</sup> *People v. Bisora*, 810 Phil. 339, 345 (2017) [Per J. Tijam, Third Division].



parent. This is nothing but ZZZ's speculation. In the absence of proof that AAA was motivated by ill will, her testimony must stand.

*The elements of the crime of qualified rape and rape by sexual assault were proven*

The Court concludes that the RTC and the CA correctly ruled that the elements of the crime of Rape under Article 266-A, paragraph 1 (a) and paragraph 2 were established with proof beyond reasonable doubt.

As to Criminal Case No. 2017-1045-D, which pertains to the crime of Rape by Sexual Assault penalized under Article 266-A, paragraph 2, the burden of the prosecution is to prove that the accused inserted his penis into another person's mouth, or any instrument or object into the genital or anal orifice of another person. This must be attended by any of the circumstances identified in Article 266-A, paragraph 1.<sup>64</sup>

Here, AAA categorically and convincingly testified that ZZZ inserted his finger into her vagina. Her testimony also satisfactorily established that this was done by force, threat, and intimidation and certainly against her will. There is, therefore, no doubt that the crime of Rape by Sexual Assault was also committed.

As to Criminal Case Nos. 2017-1046-D and 2017-1048-D, which pertain to the crimes of Rape under Article 266-A, paragraph 1 (a), the burden of the prosecution was to prove that the accused had sexual intercourse with the victim under any of the circumstances identified in the said provision.

Again, AAA's categorical and convincing statement that ZZZ forced sexual intercourse with her against her will in April 2011 and November 2012, proved ZZZ's guilt beyond reasonable doubt for two counts of rape. The physical evidence consisting of the medical reports corroborated this.

Further, the Court agrees with the CA that the aggravating circumstances of minority and relationship were established here. Thus, the nomenclature of the crime should be Qualified Rape. Further, in accordance with Article 266-B of the RPC, the penalty that should be imposed is *reclusion perpetua* to death. As the death penalty cannot be imposed, the Court affirms the imposition of the penalty of *reclusion perpetua* without eligibility of parole in this case. The civil indemnity, moral damages, and exemplary damages should also be increased to PHP 100,000.00 each.

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<sup>64</sup> *People v. Talib-Og*, 844 Phil. 1073, 1082 (2018) [Per J. Tijam, First Division].



*ZZZ is guilty of slight physical injuries*

ZZZ's main defense in Criminal Case Nos. 2017-1050-D, 2017-1051-D, 2017-1052-D, and 2017-1053-D is that while it is true that he physically attacked EEE, BBB, DDD, and CCC, this lacked criminal intent. He only wanted to discipline his children because he did not want them to go astray.

This defense simply cannot prosper.

On the question of whether ZZZ is liable for Slight Physical Injuries under Article 266 of the RPC, the Court agrees with the RTC and the CA that he is. The presence of criminal intent was properly established in this case. The Court said in *Villareal v. People*:<sup>65</sup>

In order to be found guilty of any of the felonious acts under Articles 262 to 266 of the [RPC], the employment of physical injuries must be coupled with *dolus malus*. As an act that is *mala in se*, the existence of malicious intent is fundamental, since injury arises from the mental state of the wrongdoer[—]*iniuria ex affectu facientis consistat*. If there is no criminal intent, the accused cannot be found guilty of an intentional felony. Thus, in case of physical injuries under the Revised Penal Code, there must be a specific *animus iniuriandi* or malicious intention to do wrong against the physical integrity or well-being of a person, so as to incapacitate and deprive the victim of certain bodily functions. Without proof beyond reasonable doubt of the required *animus iniuriandi*, the overt act of inflicting physical injuries [per se] merely satisfies the elements of freedom and intelligence in an intentional felony. The commission of the act does not, in itself, make a man guilty unless his intentions are.

....

Indeed, the threshold question is whether the accused's initial acts of inflicting physical pain on the neophytes were attended by *animus iniuriandi* amounting to a felonious act punishable under the [RPC], thereby making it subject to Article 4 (1) thereof. In *People v. Regato*, we ruled that *malicious intent must be judged by the action, conduct, and external acts of the accused. What persons do is the best index of their intention. We have also ruled that the method employed, the kind of weapon used, and the parts of the body on which the injury was inflicted may be determinative of the intent of the perpetrator.*<sup>66</sup> (Emphasis supplied; citations omitted).

BBB, DDD, CCC, and AAA's narration of ZZZ's repeated physical attack on them on September 19, 2017 simply cannot be described as lacking the malicious intent to do wrong against the physical integrity or well-being of the complainants.

<sup>65</sup> 680 Phil. 527 (2012) [Per J. Sereno, Second Division].

<sup>66</sup> *Id.* at 589–591.



ZZZ deliberately attacked his own children not once but repeatedly over the course of an afternoon with the clear intention of hurting them because, as he himself admitted, he was angry at them. There is no mistaking his malice in severely physically punishing his own children. This is not comparable to cases such as *Bagajo v. Marave*<sup>67</sup> where the Court found that the accused's act of whipping the back of the legs of the victim to discipline her did not constitute a crime as the intent to commit a crime was clearly absent.

Here, ZZZ repeatedly slapped, punched, hit, and kicked his own children even when they were already bleeding and despite their pleas for him to stop. There is no mistaking his criminal intent.

*ZZZ is acquitted of the charge of  
Violation of Section 5 (a) of Republic  
Act No. 9262*

The Court emphasizes that the RTC acquitted ZZZ in Criminal Case No. Criminal Case No. 2017-1053-D for Violation of Section 5 (a) of Republic Act No. 9262. However, the CA reversed this and convicted ZZZ. An examination of the CA Decision shows that the CA did not discuss its reasons for reversing the acquittal.

The Constitutional right against double jeopardy dictates that the CA's ruling on this point must be reversed. Double jeopardy attaches when the following elements are present: (a) a valid indictment; (b) a court of competent jurisdiction; (c) arraignment and plea; and (d) the acquittal or conviction of the accused or the dismissal or termination of the case without his express consent. A necessary component of the right against double jeopardy is the rule that a judgment of acquittal is final, unappealable, and immediately executory upon its promulgation. In *People v. Hernando*,<sup>68</sup> the Court ruled as follows:

Notwithstanding, the error committed can no longer be rectified under the cardinal rule on double jeopardy. *The judgment of acquittal in favor of an accused necessarily ends the case in which he is prosecuted and the same cannot be appealed nor reopened because of the doctrine that nobody may be put twice in jeopardy for the same offense.* Respondents have been formally acquitted by respondent Court, albeit erroneously. *That judgment of acquittal is a final verdict.* Errors or irregularities, which do not render the proceedings a nullity, will not defeat a plea of *antefois acquit*. The proceedings in the Court below were not an absolute nullity as to render the judgment of acquittal null and void. The prosecution was not without the opportunity to present its evidence or even to rebut the testimony of Leonico Talingdan, the witness on new trial. It cannot be justifiably

<sup>67</sup> 176 Phil. 20 (1978) [Per J. Barredo, *En Banc*].

<sup>68</sup> 195 Phil. 21 (1981) [Per J. Melencio-Herrera, First Division].



claimed, therefore, that the prosecution was deprived of its day in Court and denied due process of law, which would have rendered the judgment of acquittal a nullity and beyond the pale of a claim of double jeopardy. What was committed by respondent Judge was a reversible error but which did not render the proceedings an absolute nullity.<sup>69</sup> (Emphasis supplied; citations omitted)

Here, there are no allegations, let alone proof, that the proceeding before the RTC is a nullity or that circumstances exist that would warrant the reopening of ZZZ's acquittal. Thus, this acquittal became final, executory, and unappealable upon the promulgation of the Joint Decision.

**ACCORDINGLY**, the appeal is **PARTIALLY GRANTED**.

In Criminal Case No. 2017-1045-D, accused-appellant ZZZ is found **GUILTY** of the crime of Rape by Sexual Assault penalized under Article 266-A, paragraph 2 of the RPC. He is sentenced to suffer the penalty of 12 years and one day of *reclusion temporal* as minimum to 16 years, five months, and one day of *reclusion temporal* as maximum. He is **ORDERED** to pay private complainant AAA PHP 50,000.00 as civil indemnity *ex delicto*, PHP 50,000.00 as exemplary damages, and PHP 50,000.00 as moral damages.

In Criminal Case Nos. 2017-1046-D and 2017-1048-D, accused-appellant ZZZ is found **GUILTY** of two counts of Qualified Rape under Article 266-A, paragraph 1, in relation to Article 266-B, paragraph 1 of the Revised Penal Code, as amended. He is sentenced to suffer the penalty of *reclusion perpetua* without eligibility of parole and is **ORDERED** to pay private complainant AAA PHP 100,000.00 as civil indemnity *ex delicto*, PHP 100,000.00 as exemplary damages, and PHP 100,000.00 as moral damages, for each count.

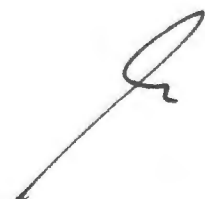
In Criminal Case Nos. 2017-1050-D, 2017-1051-D and 2017-1052-D, accused-appellant ZZZ is found **GUILTY** of three counts of Slight Physical Injuries under Article 266 of the Revised Penal Code. He is sentenced to suffer the penalty of 20 days of *arresto menor* for each count and is **ORDERED** to pay PHP 5,000.00 as moral damages each of private complainants BBB, CCC, and DDD.

In Criminal Case No. 2017-1053-D, accused-appellant ZZZ is **ACQUITTED** of violation of Section 5(a) of Republic Act No. 9262.

All damages awarded shall earn a 6% interest per annum from the date of the finality of this Decision until full payment.

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<sup>69</sup> *Id.* at 32.



Finally, the Department of Social Welfare and Development is **DIRECTED** to refer the minor victim to the appropriate rape crisis center for the necessary assistance to be rendered to the victim and their family, in line with Republic Act No. 8505 or the Rape Victim Assistance and Protection Act of 1998.<sup>70</sup>

**SO ORDERED.**



**MARIA FILOMENA D. SINGH**

Associate Justice

WE CONCUR:



**ALFREDO BENJAMIN S. CAGUIOA**

Associate Justice

On official leave

**HENRI JEAN PAUL B. INTING**

Associate Justice



**SAMUEL H. GAERLAN**

Associate Justice



**JAPAR B. DIMAAMPAO**

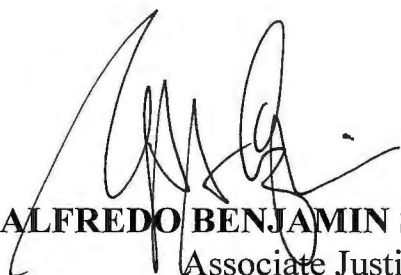
Associate Justice

**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.

<sup>70</sup> Approved on February 13, 1998.

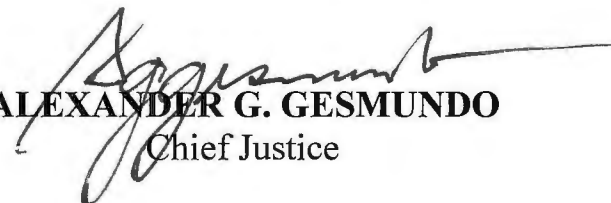




**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice  
Chairperson, Third Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII 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 the Court's Division.



**ALEXANDER G. GESMUNDO**  
Chief Justice

