

Title: People of the Philippines v. Efren Agao y Añonuevo

Facts:

Efren Agao y Añonuevo, the accused-appellant, was charged with two counts of statutory rape under Article 266-A, paragraph 1 and Article 266-B of the Revised Penal Code (RPC) as amended by Republic Act No. (R.A.) 8353 in conjunction with R.A. 7610. The charges pertain to alleged incidents of sexual abuse committed against a minor (AAA) in July 2010 and January 2012, who was then 10 and 13 years old, respectively. Agao, the step-father of AAA, purportedly had sexual intercourse with AAA by means of force and intimidation.

Upon arraignment, the appellant pleaded not guilty. Through the trial, AAA recounted the repeated assaults, specifying that on both occasions, she was asleep when Agao attempted to insert his penis into her vagina. She resisted, and Agao only managed to introduce his penis into the outer fold (labia majora) of her vagina without full penetration. A complaint was lodged against Agao after AAA and her mother left him in June 2014.

The RTC found Agao guilty beyond reasonable doubt of two counts of statutory rape, sentencing him to reclusion perpetua for each count and ordering him to pay damages. The RTC based its decision on AAA's straightforward testimony and held that even without full penetration, rape was consummated as the penis had touched the labia majora. The RTC did not, however, appreciate the qualifying circumstance of the stepdaughter-stepfather relationship due to lack of evidence of a legal marriage between AAA's mother and Agao.

The CA affirmed the RTC's decision but modified the awards of damages. The CA dismissed Agao's assertion that AAA's delayed reporting cast doubt on the incidents of rape.

Issues:

1. Whether the CA correctly affirmed the RTC's decision that found Agao guilty of two counts of rape through sexual intercourse as defined under Article 266-A, paragraph 1 and Article 266-B of the RPC as amended by R.A. 8353 in conjunction with R.A. 7610.

Court's Decision:

The Supreme Court dismissed the appeal and ruled that the CA correctly affirmed the RTC's conviction of the appellant for two counts of rape through sexual intercourse. The Court noted that the prosecution had sufficiently established, through AAA's testimony, that Agao engaged in carnal knowledge of her and thus was guilty beyond reasonable doubt. The

Court clarified the physical threshold for consummated rape, rejecting that mere touching of the external genitalia by a penis capable of consummating the sexual act constitutes carnal knowledge. Instead, it was affirmed that rape is consummated when the penis penetrates the cleft of the labia majora, even slightly. Furthermore, the Court modified the RTC's finding, categorizing the first rape charge as statutory rape due to the victim's age and the second as simple rape.

#### Doctrine:

The Supreme Court elaborated on the physical threshold for consummated rape, stating that rape is consummated as soon as the penis penetrates the cleft of the labia majora in even the slightest degree. Mere introduction, however slight, into the cleft of the labia majora by a penis that is capable of penetration, regardless of whether such penile penetration is thereafter fully achieved, consummates the crime of rape.

#### Class Notes:

- Rape defined under Article 266-A, paragraph 1 of the RPC amended by R.A. 8353 in conjunction with Article 266-B: Carnal knowledge of a woman under specific circumstances.
- Elements of statutory rape: sexual intercourse with a minor under 12 years of age.
- Consummated rape: at least a slight penetration of the penis into the labia majora (vulval cleft), not merely a touch on the fleshy outer part of the labia majora or pudendum.
- The credibility of the victim's testimony assumes paramount importance in rape cases.
- Delay in reporting an incident of rape is not necessarily unreasonable and can be due to various factors such as fear or trauma.

#### Historical Background:

The case reflects the progression of penal law in the Philippines regarding the crime of rape. At the time the case was decided, the most recent amendment to the law concerning rape was the Anti-Rape Law of 1997 (R.A. No. 8353), which broadened the definition of rape, previously understood strictly in terms of women being victims and men as perpetrators, and reclassified the crime from against chastity to against persons. Subsequent legal developments and social awareness attributed to recognizing the broader spectrum of victims and perpetrators without being bound by traditional gender roles. The Court in this case sought to provide a more precise delineation of the physical threshold for consummated rape, thus refining jurisprudence that had been clouded by euphemisms and imprecise language historically attributable to the sensitive nature of the crime and the

perceived need to protect the decency of the victims during court proceedings.