

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALLAN BACLEAN Y CHAVEZ A.K.A. “ALLAN CHAVEZ Y BACLIYAN,” ACCUSED-APPELLANT.

G.R. No. 252455, June 16, 2026

Ponente: CAGUIOA, J.

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CAGUIOA, J.:

This Court resolves the Motion for Reconsideration[1] dated June 13, 2022 filed by accused-appellant Allan Baclean y Chavez a.k.a. "Allan Chavez y Bacliyan" (Allan), seeking reconsideration of this Court's Resolution[2] dated December 2, 2021, which affirmed with modification the Decision[3] dated July 15, 2019 of the Court of Appeals (CA), in CA-G.R. CR-HC No. 10863, finding him guilty beyond reasonable doubt of Rape under Article 266-A of the Revised Penal Code and Lascivious Conduct under Section 5(b), Article III of Republic Act No. 7610.[4] The dispositive portion of the assailed Resolution reads:

FOR THE STATED REASONS, the appeal is DENIED. The July 15, 2019 Decision of the Court of Appeals in CA-G.R. CR-HC No. 10863 is AFFIRMED with MODIFICATION. Accused-appellant Allan Baclean y Chavez [a.k.a. "Allan Chavez y Bacliyan"] is found GUILTY beyond reasonable doubt of:

- Rape under Article 266-A, in relation to Article 266-B, of the Revised Penal Code, and is sentenced to suffer Reclusion Perpetua. Accused-appellant is ORDERED to pay AAA the amounts of [PHP] 75,000.00 as civil indemnity [PHP] 75,000.00 as moral damages, and [PHP] 75,000.00 as exemplary damages; and

- Lascivious Conduct under Section 5 (b), Article III of [Republic Act] No. 7610, and is sentenced to suffer the indeterminate penalty of eight (8) years and one (1) day of Prision Mayor, as minimum, to seventeen (17) years, four (4) months, and one (1) day of Reclusion Temporal, as maximum, and to pay a fine of [PHP] 15,000.00. Accused-appellant is likewise ORDERED to pay AAA the amounts of [PHP] 50,000.00 as civil indemnity, [PHP] 50,000.00 as moral damages, and [PHP] 50,000.00 as exemplary damages.

Legal interest at the rate of six percent (6%) per annum is imposed on all damages awarded from the date of finality of this Resolution until fully paid.

SO ORDERED.[5] (Emphasis in the original)

Antecedents

Allan was charged with Rape under Article 266-A of the Revised Penal Code, and Lascivious Conduct under Section 5(b), Article III of Republic Act No. 7610 in two separate Informations, the accusatory portions of which read:

Criminal Case No. 20540 – for Rape

That on or about November 4, 2015 at around 6:30 in the morning at [6] City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, while armed with a kitchen knife (kutsilyo), motivated by lust and lewd designs, through force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge [of] one [AAA], a 15-year[-]old minor, against the latter's will and

consent.

CONTRARY TO LAW.

Criminal Case No. 20443 – for Lascivious Conduct

That on or about November 4, 2015 at around 8:30 in the morning at [7] City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, an adult male, through moral influence, motivated by lust and lewd design, and with intent to arouse and gratify his sexual desire, did then and there knowingly, willfully, and criminally commit lascivious conduct on one [AAA], a minor more than [12] but less than [18] years old, by intentionally and directly kissing her lips and embracing her, against the latter's will, in flagrant violation of the aforecited law.

CONTRARY TO LAW.[8]

The prosecution's evidence showed that at around 6:30 a.m. on November 4, 2015, AAA, then 15 years old, was on her way to a neighbor's house when Allan suddenly dragged her into his residence, threatened her with a knife, forcibly removed her clothes, restrained her, and had carnal knowledge of her against her will. AAA further testified that, later that morning, Allan went to their house under the pretense of borrowing tweezers, forcibly pulled her toward a bedroom, laid her down, embraced her, and kissed her lips despite her resistance. AAA thereafter disclosed the incidents to her mother, BBB, and a subsequent medical examination revealed fresh genital injuries consistent with recent sexual intercourse.[9]

For his part, Allan denied the accusations and claimed that he was at home during the alleged rape incident. Although he admitted going to AAA's house later that morning to borrow tweezers, he denied embracing or kissing AAA and maintained that he merely stayed briefly at the door before leaving. Allan asserted that the charges were fabricated due to BBB's alleged grudge against him arising from a dispute over unpaid water bills.[10] Allan's mother corroborated his claim that he was at home during the relevant time and that no unusual incident occurred.[11]

The Regional Trial Court (RTC), whose findings were affirmed by the CA, found Allan guilty beyond reasonable doubt of both Rape under Article 266-A of the Revised Penal Code and Lascivious Conduct under Section 5(b), Article III of Republic Act No. 7610, giving full credence to AAA's positive identification over Allan's defense of denial.[12] Aggrieved, Allan appealed before the Court.[13]

In the assailed Resolution, the Court affirmed Allan's conviction for both Rape under Article 266-A of the Revised Penal Code and for Lascivious Conduct under Section 5(b), Article III of Republic Act No. 7610, with modification as to the damages awarded.[14]

Hence, the present Motion for Reconsideration.

Ruling of the Court

The Motion lacks merit.

In seeking reconsideration, Allan principally argues that AAA's testimony was riddled with material inconsistencies and was contrary to common human experience. He points to the alleged discrepancy between AAA's affidavit and her testimony in open court regarding the events that transpired during the second incident; her inconsistent narration as to where she went immediately after the rape; her supposed unusual behavior in accommodating Allan shortly after the alleged assault; and the alleged incompatibility between AAA's claims and the medico-legal findings. Allan, thus, insists that the prosecution failed to establish his guilt beyond reasonable doubt.[15]

The arguments fail to persuade.

A careful review of the Motion readily reveals that the arguments raised by Allan are mere reiterations of the same issues extensively discussed and squarely resolved by the Court in the assailed Resolution.

The alleged inconsistencies pointed out by Allan pertain only to collateral matters and do not impair AAA's credibility nor negate the commission of rape. As already explained in the assailed Resolution, discrepancies between an affidavit and testimony in open court do not necessarily discredit a witness.[16] What is controlling is the testimony given during trial, where the witness is subjected to direct and cross-examination, as compared to affidavits which are ex parte and almost always incomplete.[17] Significantly, AAA candidly admitted during trial that she became confused while narrating the sequence of events pertaining to the second incident.[18] Such admission even negates any suspicion that her testimony was rehearsed or fabricated. Settled is the rule that minor inconsistencies and discrepancies are badges of truth rather than indicia of falsehood, especially in prosecutions for rape where victims are not expected to narrate every detail with precision.[19]

Neither does AAA's conduct after the incident render her testimony incredible. Jurisprudence consistently recognizes that there is no standard form of behavior expected from rape victims.[20] Different individuals react differently to trauma. Some may resist violently; others may submit out of fear or shock. Courts cannot calibrate human behavior according to preconceived notions of how a rape victim should act.

Likewise unavailing is Allan's reliance on the medical findings of Dr. Carla De Gracia. The physician categorically testified that AAA sustained a fresh laceration consistent with recent sexual intercourse. Her clarification that healing periods vary from person to person does not negate the prosecution's evidence. In any event, medical findings are merely corroborative and are not indispensable for conviction where the victim's testimony itself sufficiently establishes the crime.[21]

Accordingly, the Court finds no cogent reason to disturb Allan's conviction for Rape.

As correctly observed by the RTC, and affirmed by the CA, AAA testified in a candid, categorical, and straightforward manner regarding how Allan dragged her into his house, threatened her with a knife, restrained her, undressed her, and inserted his penis into her vagina against her will. Her testimony positively established the elements of rape through force, threat, or intimidation.

Significantly, both the Information and the evidence presented during trial established that Allan committed the rape while armed with a knife. AAA consistently testified that Allan poked a knife at her chest and threatened to kill her should she report the incident.[22] The RTC gave full credence to AAA's testimony on this point, and the CA affirmed the RTC's findings. The use of a knife during the commission of the rape qualifies the offense under Article 266-B of the Revised Penal Code, which provides that rape committed with the use of a deadly weapon shall be punished by reclusion perpetua to death. Hence, the penalty imposed in the assailed Resolution must be modified.

As to Allan's conviction for Lascivious Conduct under Section 5(b), Article III of Republic Act No. 7610, the Court finds it necessary to revisit the same in light of the Court's recent pronouncements in *Gramatica v. People*,[23] where the Court clarified the proper application of Section 5(b), Article III of Republic Act No. 7610 vis-à-vis Acts of Lasciviousness under Article 336 of the Revised Penal Code:

First, Section 5(b) of Republic Act No. 7610, as amended by Republic Act No. 11648 (which raised the age of sexual consent to 16), applies to minors aged 16 and above but below 18 years old who are subjected to other forms of sexual abuse. This provision specifically covers situations where a minor engages in sexual intercourse or lascivious conduct due to the coercion or influence of an adult, even when the minor appears to "consent" to the act.

Second, the provision contemplates a semblance of consent that is defective or vitiated—where the minor allows, yields, or participates in the act not through free will but because of the coercion or influence exerted by an adult. Such coercion or influence is distinct from the concepts of force or intimidation under the Revised Penal Code. Therefore, when the minor's participation is induced by pressure, manipulation, or abuse of authority that does not rise to the level of force or intimidation, Section 5(b) properly applies.

Third, Section 5(b) does not apply when the lascivious conduct is committed through force or intimidation, or when the victim is deprived of reason, unconscious, or otherwise subjected to fraudulent machination or grave abuse of authority. In such cases, the proper charge is acts of lasciviousness under Article 336 of the Revised Penal Code, and Republic Act No. 7610 does not find application.

Fourth, suppose the victim is below 12 years old, or below 16 years old, and the case does not fall under the specific conditions of Section 5(b). In that case, the offense should be prosecuted as either rape or acts of lasciviousness, as the case may be, under the provisions of the Revised Penal Code, as amended.[24] (Emphasis supplied)

The Court explained that Section 5(b), Article III of Republic Act No. 7610 applies when the child's participation in the sexual act is brought about by coercion, influence, or moral ascendancy exerted by the offender, resulting in a vitiated or defective consent. The provision contemplates situations where the minor appears to yield or participate in the act, not through genuine free will, but because of manipulation, intimidation falling short of force contemplated under the Revised Penal Code, or abuse of influence by an adult.

Conversely, when the lascivious conduct is committed through force or intimidation, the proper offense is Acts of Lasciviousness under Article 336 of the Revised Penal Code, not sexual abuse under Section 5(6), Article III of Republic Act No. 7610.

Here, both the allegations in the Information and the evidence presented by the prosecution unmistakably establish that the acts complained of were committed through force and intimidation. These findings remove the case from the ambit of Section 5(b), Article III of Republic Act No. 7610 as clarified in *Gramatica*.

Accordingly, Allan cannot be convicted of Lascivious Conduct under Section 5(b), Article III of Republic Act No. 7610. Nonetheless, the allegations in the Information, as well as the evidence adduced during trial, sufficiently establish the crime of Acts of Lasciviousness under Article 336 of the Revised Penal Code.

To sustain a conviction for Acts of Lasciviousness under Article 336 of the Revised Penal Code, the prosecution must establish:

a.)

that the offender commits any act of lasciviousness or lewdness;

b.)

that the act of lasciviousness is committed against a person of either sex; and

c.)

that it is done under any of the following circumstances:

(1) By using force or intimidation;

(2) When the offended party is deprived of reason or otherwise unconscious;

(3) By means of fraudulent machination or grave abuse of authority; OR

(4) When the offended party is under 12 years of age or is demented.[25]

All these elements are present in this case.

As found by the RTC and affirmed by the CA, Allan forcibly pulled AAA toward the bedroom, compelled her to lie down, embraced her, and kissed her against her will. AAA expressly testified that she resisted but was overpowered because Allan was stronger than her. The prosecution therefore established the presence of physical force and intimidation.

The Court thus modifies Allan's conviction from Lascivious Conduct under Section 5(b), Article III of Republic Act No. 7610 to Acts of Lasciviousness under Article 336 of the Revised Penal Code.

Penalty and Damages

For rape qualified by use of a deadly weapon, the penalty is reclusion perpetua to death. Article 63(2) of the Revised Penal Code provides that when the penalty prescribed by law consists of two indivisible penalties and neither mitigating nor aggravating circumstances attended the commission of the offense, the lesser penalty shall be imposed. Considering that no mitigating or aggravating circumstance was established in this case, the proper penalty is reclusion perpetua.

In line with prevailing jurisprudence,[26] the Court imposes civil indemnity, moral damages, and exemplary damages in the amount of PHP 100,000.00 each.

As to Acts of Lasciviousness under Article 336 of the Revised Penal Code, the penalty is prision correccional, ranging from six months and one day to six years. Applying the Indeterminate Sentence Law, the minimum of the indeterminate penalty shall be taken from the penalty one degree lower, which is arresto mayor, ranging from one month and one day to six months. There being neither aggravating nor mitigating circumstances, the maximum term shall be taken from medium period of prision correccional, ranging from two years, four months, and one day to four years and two months. Accordingly, the Court sentences Allan to suffer the indeterminate penalty of six months of arresto mayor, as minimum, to four years and two months of prision correccional, as maximum.

Pursuant to Gramatica, where the Court increased the awards of civil indemnity, moral damages, and exemplary damages given that the penalty imposed upon the accused therein was considerably lower than that which would have been imposed had he been found liable under Republic Act No. 7610, the Court deems it proper to award AAA civil indemnity, moral damages, and exemplary damages in the amount of PHP 100,000.00 each.

ACCORDINGLY, the Motion for Reconsideration dated June 13, 2022 is DENIED with FINALITY. The Resolution dated December 2, 2021 of this Court is AFFIRMED with MODIFICATION. Accused-appellant Allan Baclean y Chavez a.k.a. "Allan Chavez y Bacliyan" is found GUILTY beyond reasonable doubt of:

- Rape under Article 266-A, in relation to Article 266-B, of the Revised Penal Code, committed through force or intimidation and with the use of a deadly weapon, and is SENTENCED to suffer the penalty of reclusion perpetua. He is ORDERED to pay AAA the amounts of PHP 100,000.00 as civil indemnity, PHP 100,000.00 as moral damages, and PHP 100,000.00 as exemplary damages; and
- Acts of Lasciviousness under Article 336 of the Revised Penal Code, and is SENTENCED to suffer the indeterminate penalty of six months of arresto mayor, as minimum, to four years and two months of prision correccional, as maximum. He is likewise ORDERED to pay AAA the amounts of PHP 100,000.00 as civil indemnity, PHP 100,000.00 as moral damages, and PHP 100,000.00 as exemplary damages.

All monetary awards shall earn legal interest at the rate of 6% per annum from the date of finality of this Resolution until fully payment.

The Department of Social Welfare and Development is DIRECTED to refer the victim to the appropriate rape crisis center, through Branch 1, Regional Trial Court, City, for the necessary assistance to be rendered to the victim and her immediate family, in line with Republic Act No. 8505, otherwise known as the Rape Victim Assistance and Protection Act of 1998.

SO ORDERED.

Gesmundo, C.J. (Chairperson), Lazaro-Javier, Lopez, and Villanueva, JJ., concur.

[*] In line with Amended Administrative Circular No. 83-2015 dated September 5, 2017, titled "Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances," 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.

[1] Rollo, pp. 55-63.

[2] Id. at 43-53. Signed by Division Clerk of Court Librada C. Buena of the First Division, Supreme Court.

[3] Id. at 3-21. Penned by Associate Justice Jane Aurora C. Lantion, with the concurrence of Associate Justices Maria Elisa Sempio Diy and Geraldine C. Fiel-Macaraig of the Special Sixteenth Division, Court of Appeals, Manila.

[4] Republic Act No. 7610 (1992), An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes.

[5] Rollo, p. 52.

[6] Redacted in the original.

[7] Redacted in the original.

[8] Rollo, pp. 43-44, SC Resolution.

[9] Id. at 44-45.

[10] Id. at 45.

[11] Id. at 7-8, CA Decision.

[12] Id. at 45-46, SC Resolution.

[13] Id. at 22-24, Notice of Appeal.

[14] Id. at 52, SC Resolution.

[15] Id. at 55-59, Motion for Reconsideration.

[16] Id. at 50, SC Resolution.

[17] People v. XXX, 886 Phil. 155, 176 (2020) [Per C.J. Peralta, First Division].

[18] Rollo, p. 50, SC Resolution.

[19] See People v. ZZZ, 901 Phil. 251, 257 (2021) [Per J. Hernando, Third Division], citing People v. Lagbo, 780

Phil. 834, 844 (2016) [Per J. Peralta, Third Division].

[20] *People v. XXX*, G.R. No. 274549, April 6, 2026, p. 13 [Per C.J. Gesmundo, First Division], citing *People v. Saludo*, 662 Phil. 738 (2011) [Per J. Leonardo-De Castro, First Division]. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[21] *People v. XXX*, 898 Phil. 346, 353 (2021) [Per J. J. Lopez, Third Division].

[22] *Rollo*, p. 49, SC Resolution.

[23] G.R. Nos. 260233 and 266039, August 12, 2025 [Per J. Inting, En Banc].

[24] *Id.* at 52-53. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[25] *Barona v. People*, 917 Phil. 677, 688-689 (2021) [Per J. Carandang, Third Division].

[26] *People v. ABC260708*, G.R. No. 260708, April 22, 2025 [Per J. M. Lopez, En Banc].

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