

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. XXX, ACCUSED-APPELLANT.

G.R. No. 268163, July 08, 2026

Ponente: ROSARIO, J.

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ROSARIO, J.:

This is an ordinary appeal[1] of the Court of Appeals (CA) Decision,[2] which affirmed with modification the Regional Trial Court (RTC) Joint Decision[3] convicting XXX of violation of Section 5(b) of Republic Act No. 7610[4] and of qualified rape under the Revised Penal Code, as amended by Republic Act No. 8353.[5]

I

XXX was indicted for violation of Section 5(b) of Republic Act No. 7610, as well as for qualified rape under the Revised Penal Code in two separate Informations, the accusatory portions of which read:

[Criminal Case No. 15983-14]

That on or about [October 30, 2014], in the ,[6] Province of Rizal, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, by means of persuasion, inducement, enticement and coercion, did then and there willfully, unlawfully and feloniously commit lascivious conduct upon the person of one [AAA], a [13-year-old minor], by then and there touching her vagina, against her will and consent.

CONTRARY TO LAW.[7]

[Criminal Case No. 17352-16]

That, sometime [in] the year 2013, in the , Province of Rizal, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and by means of force, threat and intimidation did, then and there willfully, unlawfully and knowingly have carnal knowledge with [AAA], a [12-year-old] minor at the time of the commission of the crime, and who is accused's step daughter, against her will and consent.

CONTRARY TO LAW.[8]

XXX pleaded not guilty to the crimes charged. Thereafter, trial on the merits ensued.[9]

The facts as summarized by the CA are as follows:

[XXX] is a resident of , Rizal[,] and private complainant AAA is the daughter of his live-in partner, BBB. AAA's biological father, CCC, is a resident of , Pasig City. [XXX] and BBB have been living together since 2005 or 2006[,] and they have their own [two] children. At the time of the first incident in 2013, AAA was [12] years old, having been born on February 21, 2001, while her half-brother was [five] years old and her half-sister was still a baby.

According to AAA, [XXX] started molesting and sexually abusing her in 2013, when [she] was a Grade 6

student. Every time AAA came home from school, [XXX] would tell her to sleep or take a nap in the afternoon. During those times when her mother... was outside of the house doing laundry for their neighbor or taking care of her half-brother, [XXX] touched her private parts, undressed her[,] and inserted his penis into her vagina. This incident happened... about [three] times a week, whenever BBB was not around or when she was busy with household chores. At first, AAA did not tell BBB about the incidents because she was afraid that BBB would leave her. But after several incidents, AAA eventually told BBB about the incidents, but the latter did not believe her.

On October 30, 2014, [XXX] again sexually abused AAA by touching her private parts and inserting his penis into her vagina. The following day, October 31, 2014, AAA lost consciousness while in school. The school guidance counselor talked to AAA and asked her if she had a problem. That was when AAA told the guidance counselor about [XXX's] sexual abuses against her. The guidance counselor called the Office of the Department of Social Welfare and Development (DSWD), and the DSWD Officer assisted AAA in contacting her biological father CCC and reporting the incident to the police authorities.

Also on October 31, 2014, AAA, assisted by CCC, reported the incident to the Women and Children's Protection Desk, Police Station... and filed complaints against [XXX] for violation of Section 5(b), [Republic Act] No. 7610... and [q]ualified [r]ape[.]

On November 3, 2014, AAA was brought to the Rizal Provincial Crime Laboratory Office... for initial medico-legal examination, the result of which revealed that there was "deep healed laceration at 3, 6 and 9 o'clock positions" of the hymen. The Medico-Legal Officer thus concluded that there was "clear evidence of application of blunt trauma to the hymen."

For his part, [XXX] denied having sexual intercourse with AAA. Allegedly, another person named [DDD] raped AAA, for which reason BBB filed a complaint against said [DDD], but the same did not prosper. [XXX] admitted that in 2013, AAA was living in the same house with him, BBB and their [two] other children, but there was no instance that he was left alone inside the house with AAA. He surmised that the complaints for rape were filed against him by AAA as a form of retaliation only because of the way he would discipline her, as he was strict.[10] (Emphasis supplied)

In its Joint Decision,[11] the RTC found XXX guilty beyond reasonable doubt of the crimes charged. The decretal portion reads:

WHEREFORE... judgment is hereby rendered as follows:

1. In Criminal Case No. 15983[-14], accused [XXX] is hereby found GUILTY beyond reasonable doubt for Violation of Section 5(b), [Republic Act No.] 7610... and hereby sentences him to suffer the indeterminate penalty of imprisonment of twelve [12] years and [one] day of reclusion temporal in its minimum period as minimum to [15] years[,] [six] months, and [21] days of reclusion temporal in its medium period as maximum. He is further ORDERED to pay the victim... moral damages, exemplary damages[,] and fine in the amount of [PHP] 15,000.00 each as well as [PHP] 20,000.00 as civil indemnity.

2. In Criminal Case No. 17352[-16], accused [XXX] is hereby found GUILTY beyond reasonable doubt of [q]ualified [r]ape and hereby sentences him to suffer the penalty of [reclusion perpetua] without the eligibility of parole and orders him to pay the victim [PHP] 100,000.00 as civil indemnity, [PHP] 100,000.00 as moral damages[,] and [PHP] 100,000.00 as exemplary damages.

A legal interest at the rate of [6%] per annum shall be imposed on all the monetary awards for damages from the date of finality of this judgment until fully paid.

SO ORDERED.[12]

Aggrieved, XXX appealed his conviction before the CA. In his Brief,[13] XXX argued that the RTC gravely erred

in convicting him despite the defective Information, AAA's incredible and inconsistent testimony, and failure of the prosecution to prove all the elements of the crimes charged beyond reasonable doubt. In particular, he contended that: (1) his constitutional right was violated when the date of the alleged qualified rape was described merely as "sometime [in] the year of 2013"; (2) AAA failed to properly recollect past events, having testified when she was only 16 years old, and thus cannot be given credibility; and (3) not all the elements of qualified rape were proven by the prosecution. He denies having sexually abused AAA and alleges that he was never alone in the house with her.[14]

The Office of the Solicitor General, representing the People, retorted in its Brief[15] that XXX raised the issue of a supposed defect in the Information for the first time on appeal. Not only did he fail to move to quash the Information, he also voluntarily entered his plea during arraignment and actively participated during trial. At any rate, jurisprudence holds that the time of commission of rape is not an essential element of the crime. More importantly, the prosecution has successfully discharged its burden of proving the guilt of XXX beyond reasonable doubt because it has sufficiently established the existence of all the elements of the crimes charged.[16]

The CA affirmed XXX's conviction but modified the penalty for violation of Section 5(b) of Republic Act No. 7610. It ruled that the prosecution established beyond reasonable doubt that XXX sexually abused AAA on several occasions in 2013 and touched her breasts and vagina on October 30, 2014. The dispositive portion of its assailed Decision[17] reads:

WHEREFORE, the appealed Joint Decision... of the trial court is AFFIRMED, subject to the modification of the penalty in Criminal Case No. 15983-14... by sentencing [XXX] to suffer the indeterminate penalty of reclusion perpetua and further ordering him 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.

In all other respects, the Joint Decision... is affirmed.

SO ORDERED.[18]

Hence, this appeal. In their respective Manifestations,[19] the parties opted to dispense with the filing of supplemental briefs and adopted their respective Appellate Briefs.

II

Contrary to accused-appellant's claim, the designation of the date of the rape in Criminal Case No. 17352-16 as "sometime [in] the year 2013" did not violate his constitutional right to be apprised of the nature and cause of the accusation against him. True, We held in *People v. Ladrillo*[20] that the phrase "on or about the year 1992" violates Rule 110, Section 11 of the Rules of Court, which requires that the time of the commission of the offense be alleged as near to the actual date as the Information will permit, and thus, runs afoul of the constitutionally protected right of the accused to be informed of the nature and cause of the accusation against him as it prevents him from intelligently preparing his defense.[21] However, in *People v. Santos*,[22] We held that unlike the defective Information in *Ladrillo*, where the phrase "on or about the year 1992" encompasses not only 1992 but also 1991 and 1993, an Information stating "on or about and sometime in the year 1988" alleges that the crime was committed in a definite year, i.e., 1988.[23] Here, the phrase "sometime [in] the year of 2013" alleges that the rape occurred in a definite year, i.e., 2013, and not on or about 2013. At any rate, accused-appellant is deemed to have waived his objection on the alleged defect in the Information for failure to move for its quashal or allege such ground in said motion.[24]

Article 266-A(l)(d), in relation to Article 266-B(l) of the Revised Penal Code, as amended,[25] punishes qualified rape as follows:

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;

....

Article 266-B. Penalties. – ...

....

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

....

1)

When the victim is under [18] years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim[.]

While the Information in Criminal Case No. 17352-16 alleged that AAA is accused-appellant's stepdaughter, the prosecution failed to establish such relationship. A stepfather is the husband of one's mother by virtue of a marriage subsequent to that of which the person spoken of is the offspring. It presupposes a legitimate relationship between the accused and the victim's mother.[26] Here, records show that accused-appellant was only the live-in partner of the victim's mother. While the prosecution successfully proved the common-law relationship, the Information did not properly allege the qualifying circumstance of relationship, which affects accused-appellant's right to be informed of the nature and cause of the accusation against him.[27] Consequently, he can only be held liable for rape and not qualified rape.

We find that the prosecution was able to establish all the elements of rape through AAA's clear, straightforward, and unequivocal testimony:

Q

Prior to the sexual molestation or sexual attack made against you, how was your relationship with your stepfather?

A

At first, it was okay, sir.

Q

And how did you feel when he sexually attacked you?

A

I felt afraid, sir.

Q

By the way, when he tried to insert his penis into your private part and you said you felt pain, was there blood coming out?

A

I cannot recall, sir, but it was inserted and I felt pain at that time.

Q

Did he threaten you?

A

No, sir.

Q

Did he say anything to you?

A

No, sir.

Q

Why did you not fight him off?

A

Because I was afraid, sir.

....

Q

Could you point at him to us?

A

He is there, sir.

INTERPRETER:

Witness pointing to a person who when asked answered by the name of [XXX], your Honor.[28]

Although accused-appellant did not employ threat, this Court has held that the moral ascendancy of the common law father of a minor substitutes force and intimidation in rape.[29]

Accused-appellant assails AAA's testimony for inconsistency, contending that her testimony in open court that the first incident occurred in March 2014 is in direct contravention of her claim in her *Malaya at Kusang Loob na Salaysay*[30] (Salaysay) as well as in the Information in Criminal Case No. 17352-16, that the sexual abuse first started in 2013. Moreover, in her *Salaysay*, AAA stated that on October 30, 2014, accused-appellant merely touched her vagina, but in her direct testimony, she added that he tried to insert his penis inside her vagina. Further, accused-appellant contends that AAA's testimony that her mother did nothing despite knowledge of the abuse is too incredible to be believed.[31]

While AAA mentioned that the first incident happened in March 2014, it was confirmed in the latter part of her

testimony that the molestation began in 2013, to wit:

PUBLIC PROS. SALA:

Q:

Ms. Witness, I'm inviting your attention to Question No. 10 in your [Salaysay], the question is "TANONG: Kailan pa nag-umpisa ang sinasabi mong insidente ng pangmomolestiya?" Your answer was "Simula po noong grade 6 pa po ako, 2013 po." "Ilang taong gulang noon?" "12 taong gulang po." Now my question is, what form of sexual attack or molestation was done to you in 2013?

COURT:

What are you trying to prove? Please specify.

PUBLIC PROS. SALA:

The [q]ualified [r]ape, your Honor.

COURT:

Are you sure in 2013? We are in joint trial that's why I'm trying to clear what is the offense.

PUBLIC PROS. SALA:

Yes, your Honor.

....

WITNESS:

A:

During those times, he just touched me.

PUBLIC PROS. SALA:

Q:

Touched you. In what month was this, if you could still recall?

A:

I cannot recall anymore, sir.

....

Q:

In a week, how many times would he do it to you?

A:

A: About [three] times a week, sir.

Q:

And aside from touching your private parts, what else did he do to you?

A:

He also undressed me and inserted his penis into my vagina, sir.

Q:

These happened according to you, more or less, [three] times a week, for how long did this happen? How many months?

A:

For a long time, sir.[32] (Emphasis supplied)

Clearly, AAA was referring to the 2013 incidents for which she could no longer recall the month.

On cross-examination, counsel for accused-appellant even relied on AAA's Salaysay to the effect that the abuse began in 2013, to wit:

Q:

... In your Affidavit you testified that this started around 2013 and your mother knew of it only when?

A:

My mother came to know about it in the month of March but I can no longer recall the year, sir.[33] (Emphasis supplied)

As regards the October 30, 2014 incident, AAA testified as follows:

Q:

And how about the last incident, if you could still recall, when was it?

A:

On October 30, 2014, sir.

Q:

What did he do to you?

....

A:

At that time, sir, he touched my private parts and then, he undressed me and tried to insert his penis into my vagina.

....

Q:

Could you tell us what particular parts of your body [were] touched by him on October 30, 2014?

A:

My breast and my vagina, sir.[34] (Emphasis supplied)

Anent the alleged discrepancy between her Salaysay and her direct testimony regarding the October 30, 2014 incident, Our pronouncement in *People v. Nelmidia*[35] is instructive:

Inconsistencies between the sworn statement and direct testimony given in open court do not necessarily

discredit the witness. An affidavit, being taken ex-parte, is oftentimes incomplete and is generally regarded as inferior to the testimony of the witness in open court. Judicial notice can be taken of the fact that testimonies given during trial are much more exact and elaborate than those stated in sworn statements, which are usually incomplete and inaccurate for a variety of reasons. More so, because of the partial and innocent suggestions, or for want of specific inquiries.[36]

The additional information in AAA's direct testimony that, aside from touching her vagina, accused-appellant tried to insert his penis, even renders the act more lascivious than initially narrated in her Salaysay and would have made him liable for attempted rape were it not for the allegations in the Information in Criminal Case No. 15983-14.

The fact that her mother did nothing despite knowledge of the abuse does not negate its occurrence. In fact, AAA's Salaysay reveals that her mother knew of the rape, to wit:

13

TANONG:

Alam ba ng mama mo ang ginagawa [sa iyo] ng [stepfather] mo?

SAGOT:

Nalaman po niya noong March 2014 po.

14

TANONG:

Ano ang ginawa ng mama mo noong nalaman niya na ginagahasa ka ng [stepfather] mo?

SAGOT:

Tinanong po niya si tito [XXX], tapos umamin naman siya kaya pinagsasampal niya ito. Tapos sinabi ni tito [XXX] na hindi na niya uulitin.

15

TANONG:

Simula noong nalaman ng mama mo ang nangyari, inulit pa ba ni [XXX] ang kanyang ginagawa [sa iyo]?

SAGOT:

Opo.[37]

Despite this, her mother testified on cross-examination that she did not believe her daughter and would do anything in accused-appellant's favor:

Q:

Just to refresh you, she said [every time] you went out of your house together with your child, that's the time that [XXX] would sexually [abuse] her?

A:

It is not true, sir, because I am always in our house.

....

Q:

How do you call [XXX]?

A:

Sometimes [XXX], sometimes papa, sir.

Q:

That is your endearment with [XXX]?

A:

Yes, sir.

Q:

Do you love him?

A:

Yes, sir.

Q:

Would you do anything in his favor?

A:

Yes, sir.[38] (Emphasis supplied)

On re-direct examination, her mother categorically expressed that she loved accused-appellant more than her own daughter:

ATTY. GRANDE:

Q:

Do you also love your daughter?

A:

Yes, sir.

Q:

So, you both loved them equally?

COURT:

Please answer the question.

PROSECUTOR SALA:

May I just manifest, your Honor, that up to now the witness does not answer the question.

COURT:

It is just a simple question. Do you love them equally or you favor one over the other?

WITNESS:

A:

As of now I love [XXX] more, your Honor.

....

Q:

So, you don't believe your own daughter, Madam witness?

A:

I did [sic] not, your Honor.[39] (Emphasis supplied)

Given her mother's professed inclination towards her live-in partner over her daughter, the fact that her mother did not believe her is not incredible at all. Even early on, AAA was hesitant to tell her mother of the incidents for fear that she might leave her:

Q

For a long time. Did you tell your mother about these incidents?

A

Yes, sir, I told her about it but at first she did not believe me.

Q

Did you tell her when the first incident happened?

A

Yes, sir, I told it to her.

Q

You mean to say, right after the first incident you already told her about the sexual attack by your stepfather?

A

No, sir.

Q

How many incidents happened before you told her?

A

It was after several incidents that I was able to tell my mother about it, sir.

Q

Why did you not tell her at once?

A

Because I was afraid, sir.

Q

Afraid of whom?

A

Because they might leave me, sir.

Q

Are you referring to your mother and your stepfather?

A

My mother, sir.[40] (Emphasis supplied)

Jurisprudence has held that no woman, least of all a child, would concoct a story of rape, allow examination of her private parts, and subject herself to public trial or ridicule if she has not, in truth, been a victim of rape and impelled to seek justice for the wrong done to her being.[41] Aside from exposing herself, AAA even risked estranging her own mother when she testified against her common-law father. These circumstances could only lend further credence to her already candid and straightforward testimony.

The penalty for rape is reclusion perpetua.[42] In the absence of any modifying circumstance, accused-appellant was correctly sentenced to reclusion perpetua, pursuant to A.M. No. 15-08-02-SC.[43] However, We delete the phrase "without eligibility [for] parole" since the same is only employed when emphasizing that the accused should have been sentenced to death were it not for Republic Act No. 9346, which is not the case here. We likewise award civil indemnity, moral damages, and exemplary damages, each in the amount of PHP 75,000.00 pursuant to *People v. Jugueta*. [44]

As regards accused-appellant's conviction for violation of Section 5(b) of Republic Act No. 7610, We held in Our recent decision in *Gramatica v. People*[45] that minors subjected to sexual abuse are "those who indulge or engage in, or, in other words, consent, albeit such consent being defective under the law, or are those who are convinced, cajoled, prevailed upon, to participate and engage in lascivious conduct, due to the 'employment, use, persuasion, inducement, enticement or coercion' conducted by the adult." [46] We clarified the meaning of the word "engage" as follows:

[T]he term "sexual abuse," as defined under Republic Act No. 7610, encompasses situations wherein a minor indulges—or, put differently, consents, albeit defectively—to engage in sexual intercourse or lascivious conduct as a result of coercion or undue influence exerted by an adult.

The presence—or, at the very least, the semblance—of consent on the part of the minor, which justifies the application of Republic Act No. 7610, is further reinforced by Section 2(g) of the law's Implementing Rules and Regulations (IRR). The IRR defines sexual abuse as including the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexual intercourse or lascivious conduct[,] or the molestation, prostitution, or incest with children.

A review of Section 2(g) leads to the conclusion that the word "engage" suggests active participation by the child, who is not merely a passive victim of sexual abuse but engages in it precisely due to the "employment, use, persuasion, inducement, enticement, or coercion" exerted by the adult.

....

Indeed, the use of the word "engage" clearly indicates the legislature's intent for Republic Act No. 7610 to cover situations where a child consents, albeit with the consent being defective. It is not designed to cover acts where the minor is completely unconscious, overpowered, or unwilling from the outset.[47] (Emphasis in the

original)

Since there was no proof that AAA actively participated, as in fact, she was unwilling from the outset, it could not be said that she engaged in lascivious conduct, which negates a finding of sexual abuse as defined under Republic Act No. 7610. Thus, accused-appellant can only be held liable for acts of lasciviousness under Article 336 of the Revised Penal Code.

The penalty prescribed by law for acts of lasciviousness is prision correccional.[48] Applying the Indeterminate Sentence Law, the indeterminate minimum penalty shall be fixed anywhere within the full range of the penalty that is one degree lower, i.e., arresto mayor (one month and one day to six months), and the indeterminate maximum penalty shall be fixed anywhere within the range of prision correccional in its medium period (two years, four months, and one day to four years and two months), there being no modifying circumstances.[49] The Court therefore sentences accused-appellant to suffer the indeterminate penalty of six months of arresto mayor, as minimum, to four years and two months of prision correccional, as maximum.

Considering that the penalty imposed upon accused-appellant is considerably lower than that which would have been imposed had We affirmed his conviction for sexual abuse under Section 5(b) of Republic Act No. 7610, We find that an award of civil indemnity, moral damages, and exemplary damages in the amount of PHP 150,000.00 each is justified.[50]

FOR THESE REASONS, the appeal is DISMISSED. The December 14, 2021 Decision of the Court of Appeals in CA-G.R. CR HC No. 14552 is AFFIRMED with MODIFICATION.

In Criminal Case No. 15983-14, accused-appellant XXX is found GUILTY beyond reasonable doubt of 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 ORDERED to pay the victim civil indemnity, moral damages, and exemplary damages each in the amount of PHP 150,000.00.

In Criminal Case No. 17352-16, accused-appellant XXX is found GUILTY beyond reasonable doubt of rape, and is sentenced to suffer the penalty of reclusion perpetua. He is ORDERED to pay the victim PHP 75,000.00 as civil indemnity, PHP 75,000.00 as moral damages, and PHP 75,000.00 as exemplary damages.

All monetary awards shall earn 6% legal interest per annum from the date of finality of this Decision until fully paid.

SO ORDERED.

Hernando (Acting Chairperson)[***] and Zalameda, JJ., concur.
Gesmundo,** C.J. and Marquez,[****] J., on official business.

[*] In line with SC Amended Administrative Circular No. 83-2015, as mandated by Republic Act No. 7610 in cases of child abuse, exploitation, and discrimination, and Republic Act No. 8505 in cases of rape and other forms of sexual abuse, the names of the parties and their relatives, and other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

[**] On official business.

[***] Per Special Order No. 3309 dated July 3, 2026.

[****] On official business.

- [1] Rollo, pp. 3-6.
- [2] Id. at 9-34. The December 14, 2021 Decision in CA-G.R. CR HC No. 14552 was penned by Associate Justice Fernanda Lampas Peralta and concurred in by Associate Justices Maria Filomena D. Singh (now a Member of this Court) and Bonifacio S. Pascua of the Second Division, Court of Appeals, Manila.
- [3] Id. at 37-49. The May 18, 2020 Joint Decision in Criminal Case Nos. 15983-14 and 17352-16 was penned by Acting Presiding Judge S. Maribeth Rodriguez-Manahan of Branch 77, Regional Trial Court, , Rizal.
- [4] Republic Act No. 7610 (1992), Special Protection of Children Against Abuse, Exploitation and Discrimination Act.
- [5] Republic Act No. 8353 (1997), The Anti-Rape Law of 1997.
- [6] Geographical location is concealed pursuant to SC Amended Administrative Circular No. 83-2015.
- [7] RTC records (Criminal Case No. 15983-14), p. 1.
- [8] RTC records (Criminal Case No. 17352-16), p. 1.
- [9] Rollo, p. 13.
- [10] Id. at 10-12.
- [11] Id. at 37-49.
- [12] Id. at 49.
- [13] CA rollo, pp. 31-57.
- [14] Id. at 39-54.
- [15] Id. at 71-87.
- [16] Id. at 77-85.
- [17] Rollo, pp. 9-34.
- [18] Id. at 33-34.
- [19] Id. at 55-61, 62-65.
- [20] 377 Phil. 904 (1999) [Per J. Bellosillo, Second Division].
- [21] Id. at 911-912.
- [22] 390 Phil. 150 (2000) [Per J. Mendoza, Second Division].
- [23] Id. at 161.
- [24] RULES OF COURT, Rule 117, sec. 9.
- [25] Republic Act No. 8353 (1997), The Anti-Rape Law of 1997.
- [26] People v. Radam, Jr., 434 Phil. 87, 100 (2002) [Per J. Puno, En Banc].
- [27] People v. De Guzman, 866 Phil. 670, 686 (2019) [Per J. Hernando, Second Division].
- [28] TSN, AAA, February 29, 2018, pp. 13-14.

[29] *People v. AAA*, 950 Phil. 830, 830 (2024) [Per J. Leonen, Second Division].

[30] RTC records (Criminal Case No. 17352-16), pp. 23-24.

[31] CA rollo, pp. 43-45.

[32] TSN, AAA, February 29, 2018, pp. 8-10.

[33] *Id.* at 16.

[34] *Id.* at 11-14.

[35] 694 Phil. 529 (2012) [Per J. Perez, En Banc].

[36] *Id.* at 559.

[37] RTC records (Criminal Case No. 17352-16), pp. 23-24.

[38] TSN, BBB, November 20, 2019, pp. 7-8.

[39] *Id.* at 8-10.

[40] TSN, AAA, February 29, 2018, pp. 10-11.

[41] *People v. Alborida*, 412 Phil. 81, 95 (2001) [Per Curiam, En Banc].

[42] REV. PEN. CODE, art. 266-B, in relation to Art. 266-A(l).

[43] NON-ELIGIBILITY FOR PAROLE GUIDELINES.

[44] 783 Phil. 806, 849 (2016) [Per J. Peralta, En Banc].

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

[46] *Id.* at 41. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Emphasis in the original)

[47] *Id.* at 24-25.

[48] REV. PEN. CODE, art. 336.

[49] REV. PEN. CODE, art. 64(l).

[50] See *Gramatica v. People*, G.R. Nos. 260233 & 266039, August 12, 2025 [Per J. Inting, En Banc].

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