

XXX269009 (CRIMINAL CASE NO. L-13307), PETITIONER, VS. PEOPLE OF THE PHILIPPINES RESPONDENT.

G.R. No. 269009, April 07, 2026

Ponente: INTING, J.

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INTING, J.:

Before the Court is a Petition for Review on Certiorari[1] under Rule 45 of the Rules of Court filed by XXX269009 (petitioner) assailing the Decision[2] dated April 28, 2023, and the Resolution[3] dated August 4, 2023, of the Court of Appeals (CA) in CA-G.R. CR No. 46261 which affirmed the Decision[4] dated May 14, 2021, of Branch , Regional Trial Court (RTC), , Pangasinan in Criminal Case No. L-13307. The RTC found petitioner guilty of Rape by Sexual Assault under Article 266-A(2)[5] of the Revised Penal Code,[6] as amended by Republic Act No. 8353,[7] in relation to Section 5(b),[8] Article III of Republic Act No. 7610.[9]

The Antecedents

In an Information,[10] petitioner was charged with Rape by Sexual Assault. The crime was allegedly committed against AAA269009, who was 5 years old at the time of the incident. The accusatory portion of the Information states:

That sometime in the year 2013 in , Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused, did then and there wi[l]fully, unlawfully and feloniously, licked the vagina of AAA269009, then only 5 years old (DOB and inserted his finger inside, which acts degrade, demean and debase the intrinsic worth and dignity of the minor child, to her damage and prejudice.

Contrary to Law.[11]

Upon arraignment, petitioner entered a plea of "Not Guilty" to the charge.[12]

During pre-trial, the prosecution and defense agreed to stipulate on the following: (1) the identity of the accused as the same person charged and arraigned; (2) the due execution, authenticity, and the contents of the Certificate of Live Birth[13] of private complainant; and (3) the Ce11ification of Police Blotter[14] entered on June 25, 2020.[15]

Trial on the merits ensued.

The prosecution presented the following witnesses: AAA269009; AAA269009's mother; and Dr. Daryl Joe Aquino (Dr. Aquino), pediatric resident of Region I Medical Center , Pangasinan.[16]

On the other hand, the defense presented the following witnesses: petitioner; petitioner's sister; and petitioner's mother.[17]

Version of the Prosecution

Petitioner is the live-in-partner of AAA269009's aunt.

In the house where AAA269009 lived are the following persons: her mother, her grandmother, her aunt, herein

petitioner, and her cousin who is the son of her aunt and petitioner.[18]

Sometime in 2013, petitioner called the then 5-year-old AAA269009 into his room. His toddler son was also in the room. He gave AAA269009 his cellphone for the latter to play with it. Then he carried her and his toddler son into the bed. While she was playing with the cellphone, he started pulling down her undergarments. After that, he licked her vagina and then inserted his finger in her vagina. She felt pain but continued playing with the cellphone.[19]

The incident was not the only occasion that petitioner sexually assaulted AAA269009. At one time, petitioner inserted his finger inside her vagina when he gave her a bath. The other incident of sexual assault happened inside petitioner's bedroom.[20]

AAA269009 did not report any of the sexual assaults committed against her for fear that petitioner would harm her. Nevertheless, she felt disgusted by the sexual assaults and experienced trauma. Evidence of her trauma became apparent through her recurring nightmares, absent-mindedness, and difficulty in sleeping. Yet she remained dismissive for fear that her mother would disown her.[21]

Eventually, AAA269009 left the family home and stayed in the house of her estranged father. It was there, sometime in 2020, when she was already 12 years of age, that she disclosed to her older sister, in the presence of her father and older brother, that petitioner sexually assaulted her when she was 5 years old and still living with him.[22]

Upon learning about the incident, AAA269009's mother immediately reported the incident to the police. The police advised them to have AAA269009 medically examined and interviewed by an officer of the Department of Social Welfare and Development.[23]

Dr. Aquino examined AAA269009 and found that her hymen displayed an incomplete laceration at the 5 and 7 o'clock positions. The medical findings indicated that the entire width of the hymen is partially torn or ripped which happened a long time ago.[24]

Version of the Defense

Petitioner denied sexually abusing AAA269009. He confirmed that he lived in the family home with her but left sometime in 2013. He alleged that during the time AAA269009 lived in the family home, he treated her as his own child. He confirmed her statement that he had bathed her along with his toddler son but alleged that he never inserted his finger inside her vagina during the bath. He insisted that he could not have done the acts complained of as he was busy tending to their sari-sari store and that her grandmother and cousin were always present in the family home.[25]

The Ruling of the RTC

On May 14, 2021, the RTC rendered the Decision convicting petitioner of Rape by Sexual Assault under Article 266-A(2) of the Revised Penal Code, in relation to Section 5(b), Article III of Republic Act No. 7610. The dispositive portion of the Decision reads:

WHEREFORE, the foregoing premises duly considered, accused [XXX269009] is hereby found GUILTY of the crime of Sexual Assault defined and penalized under Article 266-A(2) of the Revised Penal Code, as amended, in relation to Section 5(b) of Republic Act No. 7610 and is sentenced to suffer the indeterminate penalty of twelve (12) years, ten (10) months, and twenty-one (21) days of reclusion temporal, as minimum, to fifteen (15) years, six (6) months, and twenty (20) days of reclusion temporal, as maximum.

The accused is ordered to indemnify [private complainant] the following amounts: civil indemnity of [PHP] 50,000.00, moral damages of [PHP] 50,000.00, and exemplary damages of [PHP] 50,000.00. All monetary

awards for damages shall earn interest at the legal rate of six percent (6%) per annum from date of finality of this Decision until fully paid.

SO ORDERED.[26]

The RTC gave full credence to AAA269009's positive, clear, spontaneous, consistent, and straightforward testimony that petitioner sexually assaulted her on several occasions. It found no reason to doubt the veracity of her testimony.[27] Thus, it was not persuaded when petitioner attempted to discredit her testimony.[28]

Further, the RTC found petitioner's arguments without merit as they are matters that are not essential to the elements of the crime. It held that: First, the exact date of the commission of the rape is immaterial. The time or place of commission in rape cases need not be accurately stated. It is sufficient if the acts complained of are alleged to have taken place as near to the actual date of the commission of the crime as alleged in the Information.[29] Second, the close proximity of other people or even relatives at the rape scene does not disprove the commission of rape, for lust is no respecter of time and place.[30] Third, delay in reporting the incidents does not taint her trust worthiness or negate the commission of rape. Rape victims react differently when confronted with sexual abuse.[31]

Aggrieved, petitioner appealed to the CA.[32]

The Ruling of the CA

In his Brief for the Accused-Appellant,[33] petitioner asserted that the prosecution failed to sufficiently allege that the crime happened on a date as near to the actual date of the rape thereby violating his constitutional right to be informed of the nature and cause of the accusation against him.[34] Also, he insisted that AAA269009's testimony is incredible, inconclusive, and contrary to ordinary human experience.[35]

In the Brief for the Plaintiff-Appellee,[36] the Office of the Solicitor General stated that the Information sufficiently informed petitioner of the nature and cause of the accusation against him and that the RTC correctly gave weight and credit to AAA269009's testimony.[37] Therefore, it asseverated that petitioner's guilt for the crime charged was proven beyond reasonable doubt.[38]

On April 28, 2023, the CA issued the assailed Decision denying petitioner's appeal. The dispositive portion of the Decision reads:

WHEREFORE, the appeal is DENIED. The decision of the Regional Trial Court of , Pangasinan, Branch dated May 14, 2021 in Criminal Case No. L-13307 is AFFIRMED with MODIFICATION. Accused-appellant XXX269009 is found guilty beyond reasonable doubt of lascivious conduct under Section 5(b), Article III of [Republic Act] No. 7610. He is sentenced to suffer the indeterminate penalty often (10) 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. Accused-appellant is ordered to pay the victim [private complainant] Fifty Thousand Pesos ([PHP] 50,000.00) as civil indemnity, Fifty Thousand Pesos ([PHP] 50,000.00) as moral damages, and Fifty Thousand Pesos ([PHP] 50,000.00) as exemplary damages. Accused-appellant is also ordered to pay a fine in the amount of Fifteen Thousand Pesos ([PHP] 15,000.00). The monetary awards shall earn interest of six percent (6%) per annum from the date of finality of the judgment until fully paid.

SO ORDERED.[39]

The CA found that petitioner committed lascivious conduct against AAA269009 when he licked and inserted his finger into her vagina to gratify his sexual desire. It stated that he exercised moral ascendancy over the then 5-year-old victim considering that he was the live-in partner of her aunt and lived in the same house.[40]

Moreover, the CA held that the alleged inconsistencies in AAA269009's testimony are understandable considering that she was still 13 years of age when she testified before the trial court. It pointed out that her testimony was consistent on material points.[41] Therefore, it held that petitioner's denial and alibi cannot prevail over AAA269009's positive and categorical testimony, particularly since those defenses were unsubstantiated by clear and convincing evidence.[42]

The CA, however, modified the nomenclature of the crime and imposed the corresponding penalty. As to the award of damages, it affirmed the monetary awards and additionally imposed a fine of PHP 15,000.00 in line with Republic Act No. 7610.[43]

Petitioner sought reconsideration,[44] but the CA denied his motion in the assailed Resolution. Hence, the instant Petition.

In his Petition, petitioner essentially reiterates the same arguments he raised before the CA.[45]

The Issue

The issue for the resolution of the Court is whether petitioner is guilty of Lascivious Conduct under Section 5(b), Article III of Republic Act No. 7610.

The Ruling of the Court

The petition is without merit.

The Court emphasizes that it is not a trier of facts and therefore affords great weight and respect to the factual findings of the trial court, especially when they are affirmed by the appellate court.[46] The findings of the courts a quo, which include an assessment of the credibility of the witnesses, will not be overturned by the Court, absent any glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions.[47]

Here, the Court finds no compelling reason to depart from the uniform factual findings of the courts a quo that petitioner sexually assaulted AAA269009 by inserting his finger inside her private organ.

To recall, petitioner was charged with Rape through Sexual Assault under Article 266-A(2) of the Revised Penal Code, as amended. To be convicted of this crime, it is necessary to prove the following elements: (1) the accused committed an act of sexual assault by (a) inserting his penis into another person's mouth or anal orifice, or (b) by inserting any instrument or object into the genital or anal orifice of another person; and, (2) the act was accomplished (a) through the use of force or intimidation, or (b) when the victim is deprived of reason or otherwise unconscious, or (c) when the victim is under 12 years of age or is demented.[48]

The courts a quo concluded that based on AAA269009's testimony, petitioner inserted his finger inside her vagina when she was about 5 years old.[49] He brought her to the room of her aunt and let her borrow his cellphone. While she was playing with his cellphone, he removed her undergarments and committed the sexual assault.[50] The medical findings corroborated her narration of the incident.[51]

It is clear that petitioner sexually assaulted AAA269009. He persuaded her to go inside his room using his cellphone as a bait. His influence was apparent as she trusted him being the live-in partner of her aunt. Consequently, he was able to force his lustful will upon her effortlessly. As a minor, she was vulnerable to his deception, and thus, failed to understand the consequence of his act.

AAA269009 was in pain when petitioner committed the sexual assault against her. Yet, she did not disclose the incident to her parents because she was afraid of petitioner.[52] She was traumatized by the rape incident. Her experience frightened her and made her feel "nandidiri sa sarili ko." Eventually, she mustered the courage to report the incidents and instituted a case against petitioner.[53]

AAA269009 was consistent and categorical in identifying petitioner as the perpetrator of the crime. As held by the RTC, her testimony is entitled to full faith and credence.[54] As a credible witness her testimony certainly holds more weight than that of petitioner's weak defenses of denial and alibi.

The Court notes that the rape incident happened sometime in the year 2013. In the same year, petitioner still lived in the same house as AAA269009.[55] Thus, it would not have been physically impossible for him to be at the locus criminis. For his alibi to prosper, he should have proven that he was at some other place at the time of the rape incident and that it was physically impossible for him to be at the locus delicti or within its immediate vicinity.[56]

For his defense, petitioner offered the testimony of his sister and mother to show that despite the alleged sexual assault, AAA269009 acted normally when she was made part of the bridal entourage of his sister's wedding. However, the Court has been consistent in ruling that there is no standard behavior among rape victims considering the different circumstances they had to cope with.[57] Moreover, jurisprudence has established that testimonies of child victims, such as AAA269009, are given full weight and credit, because youth and immaturity are generally badges of truth and sincerity.[58]

Petitioner contends that the testimony of AAA269009 does not measure up to the test of credibility considering its inconsistencies. He maintains that her narration is highly improbable, incredible, inconclusive, and contrary to ordinary experience.[59]

Inaccuracies and inconsistencies in a rape victim's testimony are generally expected.[60] However, these inconsistencies do not affect the credibility or veracity of the testimony. On the contrary, these inconsistencies strengthen the testimony's credibility as they show that the testimony is not rehearsed.[61] It is only important that the testimony is consistent as to the occurrence and identity of the perpetrator. Thus, the inconsistencies in AAA269009's testimony do not diminish the probative value of her declarations on the witness stand.

As to the other contentions of petitioner, the Court finds them squarely addressed by the courts a quo. It is already jurisprudentially settled that: (1) Rape victims react differently when confronted with sexual abuse.[62] Therefore, it is wrong to discredit the victim's testimony based on his/her reaction to a traumatic and horrifying experience as it is unfair and unreasonable to demand a standard reaction from him/her.[63] Corollary to this, AAA269009's delay in reporting the sexual assault does not mean that it is fabricated as the delay could be attributed to her tender age and fear of the consequences of reporting the incident; (2) Lust is no respecter of time and place.[64] Rape can be committed in the most unlikely places,[65] even in the same room where other members of the family are sleeping,[66] or as in the case where there are always relatives present in the subject family home; and (3) The exact date of the commission of the sexual assault is not an essential element thereof. Therefore, its precise time has no substantial bearing on its commission. Accordingly, it is not essential that it be alleged precisely in the Information.[67] Here, the allegation in the Information sufficiently informed petitioner that he was being accused of the crime charged.

The CA found petitioner guilty of Lascivious Conduct under Section 5(b), Article III of Republic Act No. 7610. However, in *People v. Tulagan*,[68] the Court clarified that when the acts constituting sexual assault are committed against a victim below 12 years of age, the nomenclature of the crime should be Sexual Assault under Article 266-A(2) of the Revised Penal Code, in relation to Section 5(b), Article III of Republic Act No. 7610. Hence, the RTC correctly designated the nomenclature of the crime.[69]

However, in the recent en banc case of *Gramatica v. People*,[70] the Court highlighted that Tulagan blurred the line or distinction between the charges under Republic Act No. 7610 and those under the Revised Penal Code by ruling that it is not required to determine whether the prosecution's evidence focuses on coercion and influence or

force and intimidation when deciding which law applies. Despite the guidelines in Tulagan, there continues to be confusion in the Court's efforts to harmonize and reconcile the existing laws involving minors, particularly those aged 12 or older but under 18.[71]

Gramatica clarified that the term sexual abuse under Republic Act No. 7610 contemplates abuses wherein a minor indulges—or put differently, consents, albeit defectively—to engage in sexual intercourse or lascivious conduct resulting from a perpetrator's coercion or undue influence.[72] This contextual appreciation of sexual abuse is reinforced by the Implementing Rules and Regulations of Republic Act No. 7610 which 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.[73] The word engage suggests active participation of the child and not merely a passive victim of sexual abuse due to the coercion by an adult.[74]

The foregoing clarification shows that the Revised Penal Code and Republic Act No. 7610 serve different purposes; the former focuses on acts carried out through force or intimidation, while the latter addresses exploitative situations where coercive social and personal factors undermine the child's consent. Thus, if a case does not fall under the specific conditions of Section 5(b) then it 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.[75]

Applying the preceding discussion to the case, the Court modifies the crime of which petitioner was convicted to Rape by Sexual Assault under Article 266-A(2) of the Revised Penal Code. As shown earlier, the factual findings clearly show that petitioner sexually assaulted the then 5-year-old AAA269009 when he inserted his finger inside her vagina.

Rape by Sexual Assault under Article 266-A(2) of the Revised Penal Code, as amended, is punishable by prision mayor. Under Article 266-B, when this crime is committed with any of the qualifying circumstances (in this case, AAA269009 was a child below 7 years old), then reclusion temporal shall be imposed. Applying the Indeterminate Sentence Law, absent any attending circumstances, the maximum term of the indeterminate penalty shall be taken from the medium period of the prescribed penalty which has the range of 14 years, eight months, and one day to 17 years and four months. The minimum term shall be within the range of the penalty next lower in degree, which is prision mayor which has the range of six years and one day to 12 years.[76]

Accordingly, the Court imposes upon petitioner the indeterminate penalty of 10 years of prision mayor, as minimum to 17 years and four months of reclusion temporal, as maximum.

Further, the award of civil indemnity, moral damages, and exemplary damages in the amount of PHP 50,000.00, each is proper.[77] All monetary awards should earn legal interest at the rate of 6% per annum from the date of the finality of this Decision until fully paid.

Finally, the fine in the amount of PHP 15,000.00 is deleted considering that reference to Republic Act No. 7610 has been removed.

ACCORDINGLY, the Petition for Review on Certiorari are DENIED. The Decision dated April 28, 2023, and the Resolution dated August 4, 2023, of the Court of Appeals in CA-G.R. CR No. 46261 are hereby AFFIRMED WITH MODIFICATIONS. Petitioner XXX269009 is found GUILTY of Rape by Sexual Assault under Article 266-A(2), of the Revised Penal Code, as amended by Republic Act No. 8353, in Criminal Case No. L-13307 filed before Branch , Regional Trial Court, , Pangasinan.

Petitioner XXX269009 is SENTENCED to suffer the indeterminate penalty of 10 years, as minimum, to 17 years and four months, as maximum. Further, he is ORDERED to PAY AAA269009 PHP 50,000.00 as civil indemnity,

PHP 50,000.00 as moral damages, and PHP 50,000.00 as exemplary damages. The amounts shall earn interest at the rate of 6% per annum from the date of the finality of this Decision until fully paid.

The Department of Social Welfare and Development, through Branch , Regional Trial Court, , Pangasinan, is DIRECTED to refer AAA269009, to the appropriate rape crisis center for the necessary assistance to be rendered to her and her family, in line with Republic Act No. 8505, or the Rape Victim Assistance and Protection Act of 1998.[78]

SO ORDERED.

Caguioa (Chairperson), Gaerlan, Dimaampao, and Singh, JJ., concur.

[*] In line with the Resolution dated February 4, 2025 in A.M. No. 23-10-18-SC titled, "FURTHER AMENDMENTS TO SUPREME COURT AMENDED ADMINISTRATIVE CIRCULAR NO. 83-2015 (RE: 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 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. 11-35.

[2] Id. at 37-51. Penned by Associate Justice Myra V. Garcia-Fernandez and concurred in by Associate Justices Tita Marilyn B. Payoyo-Villordon and Rex Bernando L. Pascual of the Tenth Division, Court of Appeals, Manila.

[3] Id. at 53-54. Penned by Associate Justice Myra V. Garcia-Fernandez and concurred in by Associate Justices Tita Marilyn B. Payoyo-Villordon and Rex Bernando L. Pascual of the Tenth Division, Court of Appeals, Manila.

[4] CA rollo, pp. 63-88. Penned by Assisting Judge Avelina J. Villegas-Rosario.

[5] ARTICLE 266-A. Rape; When And How Committed. – Rape is Committed —

....

2)

By any person who, under any of the circumstances mentioned in paragraph 1 hereof; shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

[6] Act No. 3815, approved on December 8, 1930.

[7] An Act Expanding the Definition of the Crime of Rape, Reclassifying the same as a Crime Against Persons, amending for the Purpose Act No. 3815, as Amended, otherwise known as The Revised Penal Code, and for other Purposes. Approved on September 30, 1997.

[8] SECTION 5. Child Prostitution and Other Sexual Abuse. — Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty of reclusion temporal in its medium period to reclusion perpetua shall be imposed upon the following:

....

(b)

Those who commit the act of sexual intercourse of lascivious conduct with a child exploited in prostitution or subject to other sexual abuse; Provided, That when the victim is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, the Revised Penal Code, for rape or lascivious conduct, as the case may be: Provided, That the penalty for lascivious conduct when the victim is under twelve (12) years of age shall be reclusion temporal in its medium period[.]

....

[9] An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes. Approved on June 17, 1992.

[10] RTC records, p. 1.

[11] Id.

[12] Id. at 46, Certificate of Arraignment dated November 5, 2020.

[13] Id. at 9. The original copy of the Certificate of Live Birth indicated that AAA269009 was born on .

[14] Id. at 10, with Blotter Entry Number W-2020-06-138.

[15] Id. at 50-54, Order (Arraignment and Pre-Trial Conference) dated November 5, 2020.

[16] Id. at 52.

[17] Rollo, p. 41, CA Decision.

[18] Id. at 39.

[19] Id.

[20] Id.

[21] Id. at 39-40.

[22] Id. at 40.

[23] Id.

[24] Id.; RTC records, p. 8, see Medico-Legal Report dated June 23, 2020, signed by Dr. Aquino.

[25] CA rollo, pp. 69-70, RTC Decision.

[26] Id. at 88.

[27] Id. at 75.

[28] Id. at 76.

[29] Id. at 77-78.

[30] Id. at 79.

[31] Id. at 80.

[32] Id. at 15, Notice of Appeal dated May 20, 2021.

[33] Id. at 43-62.

[34] Id. at 47-48.

[35] Id. at 51-52.

[36] Id. at 94-113.

[37] Id. at 98-103.

[38] Id. at 103-108.

[39] Rollo, p. 50.

[40] Id. at 45.

[41] Id. at 46-47.

[42] Id. at 48-49.

[43] Id. at 49.

[44] Id. at 126-135.

[45] Id. at 18.

[46] CICL XXX v. People, 899 Phil. 467, 472 (2021) [Per J. Peralta, First Division], citing Typoco, Jr. v. People, 816 Phil. 914, 929 (2017) [Per C.J. Peralta, Second Division] and People v. Tulagan, 849 Phil. 197, 216 (2019) [J. Peralta, En Banc].

[47] People v. Conde, 923 Phil. 775, 780 (2022) [Per J. Inting, Third Division], citing Estrella v. People, 874 Phil. 374, 384 (2020) [Per J. Inting, Second Division].

[48] BBB v. People, 880 Phil. 417, 436-437 (1020) [Per J. Lazaro-Javier, First Division].

[49] TSN, AAA269009, December 10, 2020, p. 7.

[50] Id. at 8.

[51] Rollo, p. 47, CA Decision.

[52] TSN, AAA269009, December 10, 2020, p. 9.

[53] Id. at 12-13.

[54] Rollo, p. 98, RTC Decision.

[55] TSN, XXX269009, January 21, 2021, p. 6. The RTC noted that the petitioner and AAA269009 were living in the subject family home from January to April 2013. It also noted that petitioner admitted that he bathed AAA269009 sometime in 2013 when he was still living there (rollo, p. 90, RTC Decision).

[56] See People v. Conde, *supra* note 47, at 785, citing People v. Moreno, 872 Phil. 17, 28 (2020) [Per J. Hernando, Second Division].

[57] People v. Amper, 904 Phil. 610, 621 (202 I) [Per J. Lopez, J., Third Division]. citing People v. Pareja, 724 Phil. 759, 778-779 (2014) [Per J. Leonardo-De Castro, First Division].

[58] *People v. XXX*, 889 Phil. 359, 376-377 (2020) [Per J. Hernando, Third Division], citing *People v. Salaver*, 839 Phil. 90, 103 (2018) [Per J. Del Castillo, First Division].

[59] Rollo, pp. 21-22, Petition.

[60] *Id.* at 91, RTC Decision.

[61] *People v. Salaver*, *supra* note 58, at 104.

[62] *People v. Suwalat*, 886 Phil. 81, 97 (2020) [Per J. Lazaro-Javier, First Division], citing *People v. Barberan*, 788 Phil. 103, 112 (2016) [Per J. Perez, Third Division].

[63] *People v. XXX*, 877 Phil. 742, 756 (2020) [Per J. Inting, Second Division].

[64] *People v. XXX*, 907 Phil. 510, 524 (2021) [Per J. Lazaro-Javier, Second Division].

[65] *People v. Agao*, 930 Phil. 559, 624 (2022) [Per J. Caguioa, En Banc], citing *People v. Cabillan*, 334 Phil. 912, 919-920 (1997) [Per Vitug, First Division].

[66] *People v. Agao*, *id.*, citing *People v. Gabayron*, 343 Phil. 593, 608-609 (1997) [Per J. Hermosisima, Jr., First Division].

[67] Rollo, p. 47, CA Decision, citing *People v. ZZZ*, 901 Phil. 251, 256 (2021) [Per J. Hernando, Third Division].

[68] 849 Phil. 197 (2019) [Per J. Peralta, En Banc].

[69] *Id.* at 229.

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

[71] *Id.* at 20. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website

[72] *Id.* at 24.

[73] Rules and Regulations on the Reporting and Investigation of Child Abuse Cases, sec. 2(g).

[74] *Gramatica v. People*, *supra* at 25.

[75] *Id.* at 53.

[76] REV. PEN. CODE, art. 76.

[77] *People v. Tulagan*, *supra* note 46, at 291.

[78] Section 3 of Republic Act No. 8505 provides that the assistance to rape victims and their families may include: (1) providing the victims psychological counseling, medical and health services, including medico-legal examination; (2) ensuring their privacy and safety; (3) providing psychological counseling and medical services whenever necessary for their family; and (4) adopting and implementing programs for their recovery.

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