

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

G.R. No. 274405, July 08, 2026

Ponente: ROSARIO, J.

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ROSARIO, J.:

Before the Court is a Petition for Review on Certiorari[1] assailing the Decision[2] and Resolution[3] of the Court of Appeals (CA), which affirmed the Decision[4] of the Regional Trial Court finding accused-appellant XXX guilty of qualified rape and qualified statutory rape.

XXX was charged with two counts of rape by private complainant AAA. The accusatory portions of the Informations read:

[Criminal Case No. 65,765-09]

That sometime in April 2003, at Magsaysay, Brgy. Catigan, Toril, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused did then and there willfully, unlawfully[,] and feloniously by means of force, threat[,] and intimidation have carnal knowledge of one AAA, a minor, [12] years of age, who is his own niece (daughter of his brother), in front of her cousin BBB, causing shame and humiliation to private complainant.

That the relationship of the accused to the victim AAA, and the latter's minority and ignominy are alleged therein as qualifying circumstance[s].

CONTRARY TO LAW.

[Criminal Case No. 65,766-09]

That sometime in May 26, 2002, at Magsaysay, Brgy. Catigan, Toril, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being then the uncle or relative by consanguinity within the third civil degree of herein private complainant AAA, then and there willfully, unlawfully[,] and feloniously by means of force, threat[,] and intimidation have carnal knowledge of said AAA, a minor, [11] years of age.

That the relationship of the accused to the victim AAA, and the latter's minority and ignominy are alleged therein as qualifying circumstance[s].

CONTRARY TO LAW.[5]

XXX is AAA's paternal uncle, being her father's sibling.[6] AAA testified that she was in her residence on May 26, 2002, her 11th birthday, when XXX lay down beside her and threatened her with a knife. XXX then proceeded to undress. He inserted his finger inside AAA's vagina. He then inserted his penis into AAA's vagina and thrust three times, causing AAA pain. He masturbated and threatened AAA not to tell anyone.[7]

This happened again sometime in April 2003. XXX once more inserted his finger inside AAA's vagina and thereafter, his penis. He told AAA that he would kill her if she told her parents.[8]

AAA filed a complaint-affidavit in 2008. She narrated the two instances of rape. She recalled that in the April 2003 incident, she was raped in front of her cousin, BBB.[9]

XXX offered the testimony of BBB, who narrated that she never witnessed XXX rape AAA.[10] XXX also raised the defense of alibi, claiming that he was with his wife when the instances of rape were committed. He also narrated that AAA only started accusing him of rape when he had a quarrel with her father.[11]

AAA explained the inconsistency between BBB's testimony and her statements. AAA testified that the police officer who took her statement must have misunderstood what she said; she never claimed that BBB witnessed the rape.[12]

AAA's birth certificate was shown to prove that she was 11 years old when XXX raped her in May 2002 and April 2003.[13]

The prosecution offered the testimony of Dr. Ingrid Sonido (Dr. Sonido), who testified on her examination of AAA's vagina. It was found that Dr. Sonido only examined AAA's vagina five years after the alleged rape occurred. However, it was still found that she had healed hymenal lacerations.[14]

Ruling of the RTC

The RTC convicted XXX of qualified rape for the April 2003 rape and qualified statutory rape for the May 2002 rape.[15]

The RTC held that AAA's testimony was spontaneous, candid, and straightforward when she narrated the incidents of rape.[16] The RTC also found that the conflict between AAA's and BBB's testimonies was sufficiently explained during trial.[17] The RTC gave little credence to XXX's bare denial and alibi.[18]

The RTC also discussed that while it was proven during trial that AAA was under 12 years old during both instances of rape, the Information for the April 2003 rape alleged that she was 12 years old. The RTC applied the exception in the variance doctrine, stating that qualified statutory rape cannot be said to be necessarily included in the commission of qualified rape. [t added that convicting XXX of qualified statutory rape would violate his right to be informed of the nature of the accusation against him.[19]

The dispositive portion of the RTC Decision[20] reads:

WHEREFORE, Judgment is hereby rendered:

1. In Criminal Case No. 65,765-09 finding accused [XXX] "GUILTY" beyond reasonable doubt of the crime of QUALIFIED RAPE, under Article 266-A in relation to Article 266-B of the Revised Penal Code as amended by Republic Act [No.] 8353, by reason of which he is thus hereby sentenced to suffer the penalty of [reclusion perpetua], without eligibility for parole, and to pay AAA the amounts of (1) [PHP 100,000.00] as civil indemnity; (2) [PHP 100,000.00] as moral damages; and (3) [PHP 100,000.00] as exemplary damages.
2. In Criminal Case No. 65,766-09 finding accused [XXX] "GUILTY" beyond reasonable doubt of the crime of QUALIFIED STATUTORY RAPE, under Article 266-A paragraph [1(d)], in relation to Article 266-B paragraph 6(1) of the Revised Penal Code as amended by Republic Act No. 8353, by reason of which he is thus hereby sentenced to suffer the penalty of [reclusion perpetua], without eligibility for parole, and to pay AAA the amounts of (1) [PHP 100,000.00] as civil indemnity; (2) [PHP 100,000.00] as moral damages; and (3) [PHP 100,000.00] as exemplary damages.

Legal interest of [6%] per annum is imposed on all damages awarded in each case, from the date of finality of this Decision until fully paid.

The entire period of accused [XXX]'s detention at the Davao City Jail-Annex shall be credited to his favor as

time served, on the condition that he faithfully abides by the rules and regulations of the penitentiary.

SO ORDERED.[21]

Ruling of the CA

The CA affirmed the RTC's ruling in toto, giving great weight to the RTC's factual findings. The CA held that the inconsistency between AAA's and BBB's testimonies did not affect XXX's conviction because all the elements of rape were proven even if BBB's presence during one instance of rape was put in question. It ruled that AAA's testimony was enough to confirm that XXX raped her in May 2002 and April 2003.[22]

The dispositive portion of the CA Decision reads:

WHEREFORE, the instant Appeal is hereby DENIED. The March 5, 2021 Decision of the Regional Trial Court, Branch 8 of Davao City is AFFIRMED in toto.

SO ORDERED.[23]

Hence, this Petition for Review on Certiorari, wherein the accused-appellant once more raises the issue of AAA's complaint-affidavit being inconsistent with BBB's testimony. The accused-appellant argues that BBB's testimony should have negatively affected AAA's credibility, enough to cause his acquittal.[24]

Ruling of this Court

Under Rule 124, Section 13(c) of the Rules of Court, as amended by A.M. No. 00-5-03-SC,[25] in cases where the CA imposes the penalty of reclusion perpetua, life imprisonment, or a lesser penalty, it shall render and enter judgment imposing such penalty. The judgment may be appealed to this Court by notice of appeal filed with the CA. This Court has previously ruled that, in the interest of justice, a case erroneously filed as a petition for review on certiorari under Rule 45 may be treated as an appeal under Rule 124, Section 13 of the Rules of Court when it is the proper remedy against a conviction where the penalty imposed was reclusion perpetua.[26]

The CA's Decision affirmed the RTC's Decision, which imposed the penalty of reclusion perpetua.[27] From the foregoing, the proper remedy was an appeal under Rule 124 of the Rules of Court. However, the accused-appellant instead pursued the remedy of a petition for review on certiorari under Rule 45 of the Rules of Court.[28] In the interest of justice, this Court treats the present case as an appeal under Rule 124.

After a careful evaluation of the records, the Court denies the appeal but modifies the CA Decision by applying the proper nomenclature of the offense and revising the amount of the damages awarded.

To convict an accused of the crime of rape, the prosecution carries the burden of proving: (a) that the accused had carnal knowledge of the victim; (b) the act was consummated; and (c) it was done through the use of force or intimidation, the victim was deprived of reason or unconscious, or the victim was below 12 years of age or is demented.[29]

The elements of rape were proven during trial. Carnal knowledge and intimidation were proven through the private complainant's testimony. In both instances of rape, the private complainant testified that the accused appellant threatened her with a knife.[30]

A review of the private complainant's testimony shows that it is straightforward, categorical, and candid. The RTC likewise came up with the same findings.[31] This conclusion was made even if the defense presented a witness to contradict the private complainant's initial testimony.

We hold that the RTC and the CA did not err in relying on the private complainant's testimony that she was raped by the accused-appellant. The RTC's findings, when affirmed by the CA, are binding and conclusive on this

Court.[32] This Court gives great weight to the RTC's findings since it had two instances to examine the credibility of the private complainant.[33] Moreover, trial courts are in the best position to evaluate the probative value of the testimonies of witnesses, particularly that of the offended party.[34]

Due to the foregoing, the accused-appellant's lone argument, i.e., the inconsistency in the private complainant's testimony vis-à-vis BBB's testimony, must necessarily fail.

Penalty

Under Article 266-B(1) of the Revised Penal Code, rape is qualified when the offender is related to the victim who is below 18 years old and is within the third degree of consanguinity.

In the present case, it was proven that the private complainant was 11 years old at the time she was raped. It was also proven that the private complainant is within the accused-appellant's third degree of consanguinity, being the private complainant's paternal uncle.[35]

To recall, the RTC convicted the accused-appellant of qualified statutory rape for the May 2002 rape and qualified rape for the April 2003 rape.[36] The accused-appellant was sentenced to suffer the penalty of reclusion perpetua without eligibility for parole for each offense.

Under the Revised Penal Code, the penalty for qualified rape shall be the death penalty.[37] With the passage of Republic Act No. 9346,[38] the appropriate penalty shall be reclusion perpetua without eligibility for parole. Applying the foregoing, the CA correctly affirmed the RTC's imposition of the penalty of reclusion perpetua without eligibility for parole.

However, the nomenclature of the May 2002 rape used by the RTC and affirmed by the CA, i.e., qualified statutory rape, should be modified.

People v. ABC260708[39] provides the proper nomenclature of the crime when the Information alleges both statutory rape and qualified rape:

For clarity and uniformity, the Court now formulates the amended guidelines as to the proper designation of the offense and award of damages when the elements of both statutory rape and qualified rape are present, thus: 1. The crime shall be denominated as QUALIFIED RAPE of a minor and not qualified statutory rape if any of the special qualifying aggravating circumstances mentioned in Article 266-B of the [Revised Penal Code] is present and when the victim is below the statutory age or is suffering from mental retardation comparable to the intellectual capacity of a child below the statutory age. The floor amounts as to the civil liability of the accused shall be PHP 150,000.00 civil indemnity, PHP 150,000.00 moral damages, and PHP 150,000.00 exemplary damages without prejudice to further increase if there are other factual circumstances showing depravity of the accused in the commission of the crime.

2. The crime shall be denominated as QUALIFIED RAPE if any of the special qualifying aggravating circumstances mentioned in Article 266-B of the [Revised Penal Code] is present and the victim is not below the statutory age or is suffering from mental retardation comparable to the intellectual capacity of a child below the statutory age. The floor amounts as to the civil liability of the accused shall be PHP 100,000.00 civil indemnity, PHP 100,000.00 moral damages, and PHP 100,000.00 exemplary damages without prejudice to further increase if there are other factual circumstances showing depravity of the accused in the commission of the crime.

. . . .

5. The term "statutory age" in these guidelines shall mean either "below 12 years old" or "under 16 years old" depending on whether the crime of rape was committed before or after the effectivity of Republic Act No.

11648, respectively.[40] (Emphasis in the original)

Pursuant to ABC260708, the proper nomenclature of the May 2002 rape is qualified rape of a minor, not qualified statutory rape. Accordingly, for the May 2002 rape, the accused-appellant is sentenced to reclusion perpetua without eligibility for parole. Following ABC260708, the accused-appellant is ordered to pay the private complainant PHP 150,000.00 as civil indemnity, PHP 150,000.00 as moral damages, and PHP 150,000.00 as exemplary damages.

For the April 2003 rape, the R.TC and the CA correctly convicted the accused-appellant of qualified rape, even if it was proven that the private complainant was 11 years old at that time. This is because: (1) the Information alleges that the private complainant was 12 years old at the time of the commission of the offense;^[41] and (2) Republic Act No. 11648,^[42] which increased the statutory age qualifying a rape to 16, was not yet in effect.

In *People v. Mascariñas*,^[43] this Court ruled that the qualifying circumstance of age cannot be considered if it was not alleged despite being proven in court, thus:

In the present case, although the age of Maries was satisfactorily established with the presentation of her baptismal certificate, accused appellant argues against the imposition of the death penalty due to the failure of the Information to specifically alleged [sic] the exact age of Maries at the time of the commission of the rape.

We find merit in accused-appellant's argument. The allegation in the Information that Maries was his minor daughter is as a matter of law insufficient to alert him as to the exact nature of the rape imputed to him. To do so would be to allege a conclusion of law to which the plea of not guilty joins no issue. Its effect is the same as alleging negligence without specifying the facts constituting such want of care or prudence. In the instant case, the exact age of the victim should have been asserted. Furthermore, the term minority is too technical to satisfy the pleading requirement that acts alleged as crime must be averred in a manner that a person of common understanding would understand the offense being charged. Certainly stating the words [15] years old, for example, in the information would signify something more familiar than the word minority could achieve. We accordingly modify the Decision of the court a quo.^[44] (Emphasis in the original)

We ruled in *People v. XXX*^[45] that "[t]he allegation in the information charging the accused of [q]ualified [r]ape under Article 266-B(1) of the Revised Penal Code, should be precise as to the relationship between the offender and the victim" for the following reasons:

Section 6, in relation to [Section] 9, Rule 110 of the Rules of Criminal Procedure requires that the information must be sufficient. In the event that a qualifying or aggravating circumstance attended the commission of the crime, [Section] 9 ordains that the same should be stated in ordinary and concise language, sufficient to inform the accused not only of the crime, but also the qualifying circumstances which attended its commission. The facts alleged in the body of the information, not the technical name given by the prosecutor appearing in the title of the information, determine the character of the crime.

On the other hand, the relationship cannot increase the crime to [q]ualified [r]ape if the information did not specifically allege the relationship. Otherwise, the accused would be deprived of his right to be informed of the nature of the charge against him.^[46] (Emphasis in the original, citations omitted)

In the same vein, since the age of the victim of qualified rape of a minor qualifies the crime, the allegation in the Information charging an accused of qualified rape of a minor should be precise as to the age of the victim. Otherwise, the accused would be deprived of their right to be informed of the nature of the charge against them.

Consequently, the April 2003 rape may only be designated as qualified rape instead of qualified rape of a minor. Accordingly, the accused-appellant was correctly sentenced to suffer the penalty of reclusion perpetua without eligibility for parole. Following *People v. Jugueta*,^[47] the accused-appellant was correctly ordered to pay the

private complainant PHP 100,000.00 as civil indemnity, PHP 100,000.00 as moral damages, and PHP 100,000.00 as exemplary damages.

Moreover, in line with jurisprudence, the damages awarded shall be subject to 6% legal interest per annum from finality of judgment until full payment.[48]

ACCORDINGLY, the appeal is DISMISSED. The August 24, 2023 Decision and February 22, 2024 Resolution of the Court of Appeals in CA-G.R.-CR-HC No. 02860-MIN are AFFIRMED with MODIFICATION as follows:

1. In Criminal Case No. 65, 765-09, accused-appellant XXX is GUILTY of qualified rape and is sentenced to suffer the penalty of reclusion perpetua without eligibility for parole. He is also ORDERED to pay the private complainant 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.

2. In Criminal Case No. 65,766-09, accused-appellant XXX is GUILTY of qualified rape of a minor and is sentenced to suffer the penalty of reclusion perpetua without eligibility for parole. He is also ORDERED to pay the private complainant the amounts of PHP 150,000.00 as civil indemnity, PHP 150,000.00 as moral damages, and PHP 150,000.00 as exemplary damages.

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

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. 9208, as amended by Republic Act No. 10364, the names of the accused and the private offended party, along with all 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. 3-42-A.

[2] Id. at 44-55. The August 24, 2023 Decision in CA-G.R. CR-HC No. 02860-MIN was penned by Associate Justice Oscar V. Badelles and concurred in by Associate Justices Richard D. Mordeno and Jill Rose S. Jaugan-Lo of the Twenty-First Division, Court of Appeals, Cagayan de Oro City,

[3] Id. at 100-102. The February 22, 2024 Resolution in CA-G.R. CR-HC No. 02860-MIN was penned by Associate Justice Oscar V. Badelles and concurred in by Associate Justices Richard D. Mordeno and Jill Rose S. Jaugan-Lo of the Twenty-First Division, Court of Appeals, Cagayan de Oro City.

[4] Id. at 56-78. The March 5, 2021 Decision in Criminal Case Nos. 65,765-2009 and 65,766-2009 was penned by Presiding Judge Glenn De Castro Aquino of Branch 8, Regional Trial Court, Davao City.

[5] Id. at 57.

[6] Id. at 58.

[7] Id. at 47.

[8] Id. at 59.

[9] Id.

[10] Id. at 69.

[11] Id. at 64

[12] Id. at 70-72.

[13] Id. at 73.

[14] Id. at 62.

[15] Id. at 77.

[16] Id. at 67.

[17] Id. at 70.

[18] Id. at 67.

[19] Id. at 76-77.

[20] Id. at 56-78.

[21] Id.

[22] Id. at 53.

[23] Id. at 55.

[24] Id. at 19.

[25] RULES OF COURT, Rule 124, sec. 13, as amended by A.M. No. 00-5-03-SC, October 15, 2024, reads: Section 13. Certification or appeal of case to the Supreme Court. — (a) Whenever the Court of Appeals finds that the penalty of death should be imposed, the court shall render judgment but refrain from making an entry of judgment and forthwith certify the case and elevate its entire record to the Supreme Court for review.

(b) Where the judgment also imposes a lesser penalty for offenses committed on the same occasion or which arose out of the same occurrence that gave rise to the more severe offense for which the penalty of death is imposed, and the accused appeals, the appeal shall be included in the case certified for review to the Supreme Court.

(c) In cases where the Court of Appeals imposes reclusion perpetua, life imprisonment[,] or a lesser penalty, it shall render and enter judgment imposing such penalty. The judgment may be appealed to the Supreme Court by notice of appeal filed with the Court of Appeals.

[26] *People v. XXX*, 886 Phil. 155, 169-170 (2020) [Per C.J. Peralta, First Division].

[27] *Rollo*, p. 55, 78.

[28] Id. at 3-42-A.

[29] *People v. XXX*, 920 Phil. 272, 284 (2022) [Per J. Hernando, Second Division]. (Citation omitted)

[30] Rollo, pp. 47-48.

[31] Id. at 67.

[32] Borja v. People of the Philippines, 950 Phil. 491, 497 (2024) [Per J. Inting, Third Division].

[33] Rollo, p. 70.

[34] People v. Mendoza, 873 Phil. 987, 994 (2020) [Per C.J. Peralta, First Division].

[35] Rollo, p. 66.

[36] Id. at 77.

[37] REV. PEN. CODE, as amended by Republic Act No. 8353 (1997), art. 266-B par. 2(1) reads:

Article 266-B. Penalty. —

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

[38] Republic Act No. 9346 (2006), An Act Prohibiting the Imposition of Death Penalty in the Philippines.

[39] People vs. ABC260708, G.R. No. 260708, April 22, 2025 [Per J. Lopez, En Banc].

[40] Id. at. 6-7. This pinpoint citation was taken from the copy of the Resolution uploaded to the Supreme Court's website.

[41] Rollo, pp. 67, 73.

[42] Republic Act No. 11648 (2022), An Act Providing for Stronger Protection Against Rape and Sexual Exploitation and Abuse, Increasing the Age for Determining the Commission of Statutory Rape, Amending for the Purpose Act No. 3815 as Amended, Otherwise Known As "The Revised Penal Code," Republic Act No. 8353, Also Known as "The Anti-Rape Law of 1997," And Republic Act No. 7610, as Amended, Otherwise Known As the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act."

[43] 432 Phil. 96 (2025) [Per J. Bellosillo, En Banc].

[44] Id. at 103.

[45] 944 Phil. 517 (2023) [Per C.J. Gesmundo, First Division].

[46] Id. at 534.

[47] 783 Phil. 806, 848 (2016) [Per J. Peralta, En Banc].

[48] Lara's Gifts & Decors, Inc. v. Midtown Industrial Sales, Inc., 929 Phil. 754, 781-782 (2022) [Per J. Leonen, En Banc].

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