

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. XXX274442
[CA-G.R. CR-HC NO. 13704 (CRIMINAL CASE NOS. RTC 2011-0176, RTC
2011-0177, AND RTC 2011-0178)], ACCUSED-APPELLANT.**

G.R. No. 274442, April 21, 2026

Ponente: GAERLAN, J.

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GAERLAN, J.:

In rape cases, the courts' attention must focus not on the character or behavior of victim but on the actions of the offender. The victim's sexual history or lack of resistance during the commission of the crime is not determinative of the consent necessary for the offender's acquittal.

Before the Court is an ordinary appeal seeking to reverse and set aside the Decision[1] dated April 26, 2022 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 13704, which affirmed with modification the Judgment dated December 19, 2017 of Branch of the Regional Trial Court (RTC) of Naga City, Camarines Sur in Criminal Case Nos. RTC 2011-0176, RTC 2011-0177, and RTC 2011-0178, finding accused-appellant XXX274442 guilty of two counts of rape by sexual intercourse under Article 266-A, paragraph 1 and one count of rape by sexual assault under Article 266-A, paragraph 2 of the Revised Penal Code.

The Antecedents

XXX274442 was charged with two counts of rape by sexual intercourse under Article 266-A, paragraph 1 of the Revised Penal Code, as amended by Republic Act No. 8353, and one count of rape by sexual assault under paragraph 2 of the same provision under the following Informations:

Criminal Case No. RTC 2011-0176:

That on or about November 19, 2010, in the City of Naga[, Camarines Sur.] Philippines[,] and within the jurisdiction of [the RTC, appellant], while armed with a deadly weapon (knife), and with threat and intimidation, did then and there, willfully, unlawfully and feloniously have carnal knowledge with the minor victim. [AAA274442], against her will and consent, to her damage and prejudice, which act is the first of the two (2) acts of rape committed by [appellant] against [AAA274442].

CONTRARY TO LAW.

Criminal Case No. RTC 2011-0177:

That on or about November 19, 2010, in the City of Naga, [Camarines Sur,] Philippines[,] and within the jurisdiction of [the RTC], appellant], while armed with a deadly weapon (knife), and with threat and intimidation, did then and there, willfully, unlawfully and feloniously have carnal knowledge with the minor victim, [AAA274442], against her will and consent to her damage and prejudice, which act is the second of the two (2) acts of rape committed by [appellant] against [AAA274442].

CONTRARY TO LAW.

Criminal Case No. RTC 2011-0178:

That on or about November 19, 2010, in the City of Naga, [Camarines Sur,] Philippines[,] and within the

jurisdiction of [the RTC,] appellant], while armed with a deadly weapon (knife), and with threat and intimidation, did then and there, willfully, unlawfully and feloniously sexually assault the minor victim, [AAA274442], by inserting his penis into her mouth, against her will and consent, and to her damage and prejudice.

CONTRARY TO LAW.[2] (Emphasis supplied)

Upon arraignment, XXX274442 entered a plea of not guilty in all charges.[3]

Version of the Prosecution

During trial the prosecution presented the following witnesses: (1) private complainant "AAA274442;" (2) her father, "BBB274442;" (3) her brother, "CCC274442;" (4) her cousin, "DDD274442;" (5) National Bureau of Investigation (NBI) Medico Legal Officer, Dr. Raoul V. Alcantara (Dr. Alcantara); and (6) NBI Sketch Artist, Rolando Buñag.[4] Their testimonies established the following version of the facts:

On November 19, 2010, at around 3:00 a.m., then 16-year-old AAA274442 was alone, sleeping in her room. She was awakened by someone knocking on her door. She asked who was there but no one answered. She noticed that the person knocking on her door reeked of alcohol. When she turned on the light and opened the door, she saw a stranger holding a kitchen knife. He had black hair, a round face, thick lips, normal-sized nose, sleepy eyes (mapungay), and was newly shaved. He was wearing a bull cap, white shirt, black jacket and shorts with six pockets.[5]

The man uttered "DAI KA MAGPALAG! GAGADANON TAKA!" [Do not fight back. I will kill you]. He showed his knife and pushed AAA274442 towards her bed. The man threatened to kill her if she shouted or said a word.[6]

The man undressed AAA274442 and began kissing her lips and breast. He then undressed himself and proceeded to insert his penis into AAA274442's vagina. AAA274442 felt pain and told the man to stop. She tried pushing him, but the man continued raping her. Thereafter, the man asked AAA274442 to lick his penis. He pushed his penis into AAA274442's mouth, causing AAA274442 to vomit.[7] The man still wanted to insert his penis in her vagina but she complained that she can no longer bear the pain that she felt. But the man was able to rape her for the second time.[8]

While still at AAA274442's house, the man asked AAA274442 when her father will return. AAA274442 answered that her father, who was a tricycle driver, would be back in a short while. He then asked what time she goes home from school. AAA274442 answered that it is at around 2:00 p.m. Hearing this, the man told AAA274442 that after her classes, they should meet at the school pavilion at 2:00 p.m. Afterwards, he said that his name is Robert and that he would call her "Honey." AAA274442 later used this information to entrap her rapist.[9]

The man continued raping AAA274442 until 4:00 a.m.

AAA274442 thought of how she could get more information about the rapist. To keep him calm, AAA274442 accompanied him in going out of the room up to the main door. The man asked if he could kiss her vagina but she refused. He asked where he could pass and AAA274442 pointed to the fence. The man left at around 4:30 a.m.[10]

On the same day, AAA274442 stored in separate Ziplock containers her first pee that day, a tissue swabbed with her saliva, and her pajama, blanket, and shirt. She kept these things until she was able to contact someone who could help her. She contacted her brother, CCC274442, and her cousin, DDD274442.[11]

When her father, BBB274442, came back home at around 7:10 a.m. or 7:15 a.m., he saw AAA274442 acting hysterical while fixing her things. BBB274442 asked AAA274442 why she was acting that way, and AAA274442 revealed to him that she was raped. At around 7:30 a.m., or 7:35 a.m., DDD274442 also arrived at their house. DDD274442 accompanied AAA274442 to the police station.[12]

At the police station, AAA274442 reported the crime and brought the things she stored in the Ziplock containers. DDD274442 and AAA274442 then went to the National Bureau of Investigation (NBI) office but it was only at 5:00 p.m. when the inquiry started. After giving her report, AAA274442 was made to describe her rapist for the cartographic sketch. AAA274442 later confirmed that the cartographic sketch resembled her rapist.[13]

On November 24, 2010, AAA274442 returned to the NBI office and underwent a medico-legal check-up. The preliminary medical report yielded the following findings:

1. No recent, extragenital physical injury on the body of the subject at the time of examination;
2. Genital findings [reveal] clear evidence of previous injury to the hymen secondary to intravaginal penetration by a blunt object.[14]

Pursuing her plan to entrap the rapist, AAA274442, at 2:00 p.m., went to the pavilion of her school where they agreed to meet. However, the rapist did not appear. AAA274442 then received a Facebook message from Richard Regalado (Regalado), her batchmate from elementary school, which read: "Hi honey, musta? Ang cute mo naman sa profile mo. Pasensya na palan sa urulay ta 'di ako nakaabot on time Ako nag abot mayo ka na man. Nahiling ko si ate, gusto ko siya hapoton kaso nasusupog ako. I miss you, I love you. Nagmamahal, Robert. [Hi honey, how are you? You look cute on your profile [picture]. I'm sorry I was unable to arrive on time. I went there but you were no longer around. I saw your sister and wanted to ask her [about you] but I felt shy. I miss you. I love you. Love, Robert.]"[15]

AAA274442, together with CCC274442, met with Regalado and asked him who sent the message. Regalado said that Robert, whose real name is "XXX274442," asked him if he could use his Facebook account. As they were friends, Regalado allowed XXX274442 to use his account.[16]

After learning this information, AAA274442 and CCC274442 went to the police station to inquire whether they know a person named XXX274442. The police told AAA274442 that XXX274442 has a pending case. When AAA274442 was presented a picture of XXX274442, she confidently said that "Robert" and XXX274442 were one and the same and that he was the person who raped her.[17]

After presenting its witnesses, the prosecution presented its documentary evidence to corroborate their testimonies. The following were admitted by the RTC in its Order dated February 24, 2016:

- Exhibit "A" – AAA274442's Sworn Statement dated November 26, 2010;
- Exhibit "B" – Certified photocopy of AAA274442's Certificate of Live Birth, with Local Civil Registry No. 94-1119 issued by the Local Civil Registrar of Naga City, Camarines Sur;
- Exhibits "C" and "C-1" – Preliminary Report dated November 24, 2010 and Medico-Legal Report No. BRO-MG-10-190 issued by Dr. Alcantara relative to the medico-genital examination he conducted on AAA274442;
- Exhibit "D" – Cartographic Sketch of XXX274442, as described by AAA274442;
- Exhibit "E" – Printout of XXX274442's messages to AAA274442, using the Facebook Account "XhaicHad Regalado;"
- Exhibit "F" – Certification dated October 28, 2015 issued by Police Superintendent Tomas D. Loquias of the

Women and

Children Protection Desk of the Naga City Police Office on the blotter entry pertaining to AAA274442's report on November 19, 2010 of the rape incident; and

- Exhibit "G" – XXX274442's Police Profile from the Naga City Police Office.[18]

Version of the Defense

The defense presented XXX274442 and Ma. Perpetua Natoza (Natoza), a common friend of AAA274442 and XXX274442, as its witnesses.

XXX274442 vehemently denied having raped AAA274442. He claimed that he and AAA274442 were in a relationship at the time of the alleged rape incidents. He also alleged that AAA274442 voluntarily allowed him to enter her house at around 7:30 p.m. of November 18, 2010 and that she consented to performing oral sex on him at the time of the purported rape.[19]

The testimony of XXX274442 was corroborated by Natoza who testified that she saw XXX274442 enter the house of AAA274442 on November 18, 2010 at around 7:30 p.m. Natoza recalled that it was AAA274442 who opened the gate for XXX274442. Natoza also testified that at around 8:30 p.m., XXX274442 exited the house of AAA274442 alone.[20]

The defense rested its case without offering any documentary evidence.[21]

The RTC Ruling

On December 19, 2017, the RTC rendered its Judgment and ruled as follows:

WHEREFORE, the foregoing premises considered, judgment is hereby rendered finding accused [XXX274442]:

a. GUILTY beyond reasonable doubt for two counts of the crime of RAPE defined and penalized under Article 266-A, Par. 1 of the Revised Penal Code and is hereby sentenced to suffer the penalty of imprisonment of Reclusion Perpetua and to pay ["AAA274442"] [PHP] 75,000.00 as civil indemnity, [PHP] 75,000.00 as moral damages and [PHP] 30, 000.00 as exemplary damages.

b. GUILTY beyond reasonable doubt of the crime of Rape under Par. 2 of Article 266-A of the Revised Penal Code and is hereby sentenced to suffer the indeterminate penalty of imprisonment of indeterminate penalty of eight (8) years and one (1) day of prison mayor as minimum to fourteen (14) years and eight (8) months of reclusion temporal as maximum. Accused is likewise liable to pay ["AAA274442"] [PHP] 30,000.00 as civil indemnity, [PHP] 30,000.00 as moral damages, and [PHP] 30,000.00 as exemplary damages. In addition, legal interest at the rate of six (6%) percent per annum is imposed on all amounts of damages awarded to the private complainant from date of finality of this judgment until fully paid.

SO ORDERED.[22] (Emphasis supplied)

The RTC held that the prosecution was able to prove all the elements of rape through sexual intercourse under Article 266-A paragraph 1 of the Revised Penal Code and rape through sexual assault under paragraph 2 of the same provision. The RTC gave credence to the straightforward testimony of AAA274442 that she was raped twice by XXX274442 and was forced to do oral sex on him. According to the RFC, the fact that he was carrying a knife was more than enough to induce fear in AAA274442 who was alone and in a vulnerable state. AAA274442's testimony was also corroborated by the findings of the medico-legal officer who examined her. The RTC also noted that AAA274442 promptly reported the incident to the police and even helped the authorities to locate and identify XXX274442.[23] XXX274442, on the other hand, failed to provide any proof that he and AAA274442 were in a consensual relationship.[24] As for Natoza's testimony, the RTC found her account

implausible for being contrary to human experience and natural flow of events.[25]

The CA Ruling

On appeal, the CA rendered the assailed Decision which affirmed with modification the ruling of the RTC. The fallo of which reads:

The appeal is DENIED. The appealed Judgment dated 19 December 2017 rendered by Branch 20 of the Regional Trial Court, Fifth Judicial Region, Naga City, Camarines Sur in Criminal Cases No. RTC 2011-0176, No. RTC 2011-0177 and No. RTC 2011-0178 is AFFIRMED with MODIFICATION, in that:

a. In Criminal Cases No. RTC 2011-0176, appellant [XXX274442] is found GUILTY beyond reasonable doubt the crime of Rape by Sexual Intercourse [sic] under paragraph 1, Article 266-A of the Revised Penal Code. He is SENTENCED to suffer imprisonment of reclusion perpetua, and ORDERED to pay private complainant [AAA274442] the amounts of Seventy-Five Thousand Pesos ([PHP] 75,000.00), as civil indemnity; Seventy-Five Thousand Pesos ([PHP] 75,000.00), as moral damages; and Seventy-Five Thousand Pesos ([PHP] 75,000.00), as exemplary damages, all of which shall earn interest at the rate of six percent (6%) per annum from the finality of this Decision until fully paid;

b. In Criminal Cases No. RTC 2011-0177, appellant [XXX274442] y Albuerio is found GUILTY beyond reasonable doubt the crime of Rape by Sexual Intercourse [sic] under paragraph 1, Article 266-A of the Revised Penal Code. He is SENTENCED to suffer imprisonment of reclusion perpetua, and ORDERED to pay private complainant [AAA274442] the amounts of Seventy-Five Thousand Pesos ([PHP] 75,000.00), as civil indemnity; Seventy-Five Thousand Pesos ([PHP] 75,000.00), as moral damages; and Seventy-Five Thousand Pesos ([PHP] 75,000.00), as exemplary damages, all of which shall earn interest at the rate of six percent (6%) per annum from the finality of this Decision until fully paid; and

c. In Criminal Case No. RTC 2011-0178, appellant [XXX274442] is found GUILTY beyond reasonable doubt of the crime of Lascivious Conduct under Section 5(b) of [Republic Act] No. 7610. He is SENTENCED to suffer the penalty of indeterminate penalty of imprisonment of ten (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, and ORDERED to pay [AAA274442] the amounts of 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, all of which shall earn interest at the rate of six percent (6%) per annum from the finality of this Decision until fully paid. Appellant [XXX274442] is also ORDERED to pay a fine in the amount of Fifteen Thousand Pesos ([PHP] 15,000.00).

IT IS SO ORDERED.[26] (Emphasis supplied)

Similar to the RTC the CA concluded that AAA274442's testimony, both written and in open court, sufficiently established that XXX274442 had carnal knowledge of her on two separate instances. Thus, the CA convicted XXX274442 of two counts of rape under Article 266-A, paragraph 1 of the Revised Penal Code.

However, for Criminal Case No. RTC 2011-0178, the CA held that XXX274442 is criminally liable, not for rape by sexual assault under Article 266-A, paragraph 2 of the Revised Penal Code, but for lascivious conduct under Section 5(b) of Republic Act No. 7610. Citing *People v. Tulagan*,[27] the CA explained that when sexual assault is committed against as child who is 12 years old or older but below 18 or 18 years old and above but under special circumstances, the crime should be designate as "lascivious conduct under Section 5(h) of Republic Act No. 7610.

XXX274442 moved for reconsideration,[28] but this was denied by the appellate court as it merely rehashed arguments already passed upon in the assailed Decision.[29]

Aggrieved, XXX274442 elevated the case to the Court.[30]

Before Us, XXX274442 filed a Manifestation, stating that he is no longer submitting a Supplemental Brief considering that he has sufficiently and exhaustively argued his case in the Appellant's Brief that he submitted before the CA.[31] Similarly, the Office of the Solicitor General filed a Manifestation in lieu of Supplemental Brief, adopting the arguments in its Appellee's Brief.[32]

The Courts Ruling

The Appeal is without merit.

In almost all rape cases, the determination of the credibility of witnesses is crucial in establishing the guilt of the accused. In these cases, the testimony of the victim alone, if credible, suffices to sustain a conviction.[33]

In his plea for acquittal, XXX274442 cites purported inconsistencies and contradictions in AAA274442's testimony:

First, AAA274442 in her NBI complaint sheet stated that she opened the door because she thought that it was her father or sister who was entering their house. However, in her sworn statement and her testimony, she did not mention that her reason for opening the door was the belief that it was her father or sister on the other side. What she alleged was that she felt nervous at the time, as somebody was knocking at the door at an unholy hour. Second, AAA274442's testimony that when her father arrived, she was busy preparing her things contradicts BBB274442's testimony that when he arrived at their house, AAA274442 was hysterical. Third, in AAA274442's sworn statement, she claimed that XXX274442 inserted his finger in her vagina but such allegation was never mentioned in her testimony during trial. Finally, AAA274442 maintained that she was not able to resist XXX274442 because of fear. She alleged that she was not able to fight back or scream as XXX274442 was holding a knife. As such, she just acceded to what XXX274442 wanted. However, in AAA274442's sworn statement, she is seemingly calm and well-aware of the situation, allowing her to elicit personal information from XXX274442 and plan out an entrapment.[34]

The Court is not convinced.

In *People v. Sanchez*, [35] the Court laid down the following guidelines to determine the credibility of witness testimonies:

First, the Court gives the highest respect to the RTC's evaluation of the testimony of the witnesses, considering its unique position in directly observing the demeanor of a witness on the stand. From its vantage point, the trial court is in the best position to determine the truthfulness of witnesses.

Second, absent any substantial reason which would justify the reversal of the RTC's assessments and conclusions, the reviewing court is generally bound by the lower court's findings, particularly when no significant facts and circumstances, affecting the outcome of the case, are shown to have been overlooked or disregarded.

And third, the rule is even more stringently applied if the CA concurred with the RTC.[36]

In this case, the lower courts gave credence to the testimony of AAA274442 on how she was raped by XXX274442. According to the RTC, AAA274442 positively stated that she was raped twice and was forced to do oral sex on XXX274442. She clearly narrated her harrowing experience and gave a straightforward testimony that XXX274442 threatened to kill her with a knife if she refused his demands. The RTC also found that the allegations of AAA274442 were supported by the findings of the examining physician.[37] In its evaluation of the facts, the CA found no reason to depart from the findings of the RTC on the credibility of AAA274442's account on how she was raped. The CA also held that AAA274442's narration of the event was corroborated by the Medico-Legal Report No. BRO-MG-10-190 which showed that AAA274442 sustained an injury to her hymen:

IMPRESSIONS

....

2. Genital findings reveal clear evidence of previous injury to the hymen secondary to intravaginal penetration by a blunt object.[38]

As the Court is not a trier of facts, the question of credibility of witnesses is primarily for the trial courts to determine. For this reason, the trial court's observations and conclusions are accorded great respect, especially when affirmed by the appellate court.[39] By way of exception, this rule does not apply when glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gathered from the trial court's findings.[40] In this case, there is no showing that the trial judge overlooked or disregarded significant facts and circumstances that, if considered, would affect the outcome of the case. Therefore, following the guidelines set out in *Sanchez*, We affirm the findings and conclusions of the trial courts on the credibility of AAA274442's testimony.

As to the purported inconsistencies raised by XXX274442, We find that they do not cast doubt on the credibility of AAA274442. As explained in *People v. Esquila*,[41] it is not unnatural for inconsistencies to crop into the testimonies of minor victims as they are more prone to error than an adult person. In fact, minor inconsistencies may be expected of persons of such tender years.

In the case of child victims, jurisprudence also instructs that their testimonies are given full weight and credit as youth and immaturity are generally treated as marks of truth and sincerity.[42] In *People v. Echanes*,[43] the Court ruled that when the offended parties are of tender age and immature, courts are inclined to give credit to their account of the event, considering not only their relative vulnerability but also the shame that they would experience if the matter to which they testified is proved to be untrue.

The above considered, the Court finds that AAA274442's narration of the commission of the crime worthy of credence. Her straightforward, convincing, and credible testimony shows no other intention than to obtain justice for the wrong committed against her.

Proof of a victim's past sexual behavior does not negate the possibility of rape

To further discredit AA A274442's credibility, XXX274442 avers that contrary to AAA274442's representation that she had no prior sexual experience, her own actions during the alleged rape incidents prove otherwise. XXX274442 argues that a person who had no prior sexual experience would not have known how to perform oral sex. Thus, he posits that AAA274442's prior sexual experience casts doubt on the possibility of rape.[44]

The Court finds completely and utterly incorrect the contention that a victim's sexual history puts into question the possibility of rape.

Evidence of a person's sexual history is most controversially introduced to support inferences of consent or to challenge credibility. In relation to consent, it relies on an assumption that prior consent is indicative of consent on the occasion of rape.[45] However, such assumption is fundamentally misguided.

In the prosecution of rape, evidence of the complainant's "loose morals" or sexual promiscuity finds no relevance. This is because the elements of rape under the Revised Penal Code, as elucidated in jurisprudence, clearly and unmistakably focus on the actions of the offender and not those of the complainant. In several instances, the Court has recognized that prior sexual intercourse, which could have resulted in hymenal laceration, is immaterial in

rape cases for virginity is not an element of the crime.[46] For this reason, rape trials must focus on the defendant's actions and choices, rather than the complainant's sexual history or character. Hence, any attempt to picture complainant as indiscreet and sexually promiscuous should be given no regard.

On this note, We echo Our pronouncement in *People v. ZZZ*: [47]

Rape is perhaps the only crime where the trial often focuses on the conduct of the victim instead of that of the accused. The need to prove lack of consent often becomes a question of the victim's behavior, her history, and her conduct before, during, and after the rape as implying that some women can be "bad enough" to be raped while others, because of their background, choices, and conduct, are simply lying when they claim that they were raped. It is time to strike down such uninformed and ignorant views.[48]

Plainly, the fact that a person engaged in sexual activities prior to the time that he or she was sexually abused or violated cannot be used to infer consent. Neither does it make their testimony less worthy of belief. Prior consent is never indicative of consent on the occasion of rape. Therefore, a victim's prior sexual behavior does not negate the possibility that rape was committed.

With this in mind, the Court finds no merit in XXX274442's contention that AAA274442's alleged sexual experience prior to the incident weakened AAA274442's testimony on the commission of rape. Her sexual character or purported promiscuity cannot be used to assail her credibility. Even assuming that AAA274442 had sexual intercourse before the crime was committed, it does not imply that she consented to the sexual intercourse during the incidents in question or that her recollection of the event is highly improbable. As such, proof of AAA274442's previous sexual behavior is irrelevant in determining whether rape was committed by XXX274442.

The Sweetheart Defense does not establish consent

Another defense interposed by XXX274442 is that he and AAA274442 were in a relationship at the time of the alleged rape. This being the case, AAA274442 voluntarily allowed him to enter her house and consented to performing oral sex on him.[49] He testified as follows:

COURT

Q:

For how long a time did you court her?

A:

Three weeks

Q:

And she allegedly perhaps answered you?

A:

Yes sir.

Q:

And you had now this girlfriend end boyfriend relationship? For how long this relationship lasted?

A:

About three months[.]

Q:

And according to you, you are in-love with her?

A:

Yes sir.

Q:

And perhaps according to you, she loves you also?

A:

Yes sir.

Q:

Because according to you, she allows you to get inside their house in the middle or early in the morning of that day?

A:

Yes sir.

Q:

And during that time you had that relation as boyfriend and girlfriend within a period of three months?

A:

Yes sir.[50]

The defense of XXX274442 relied heavily on the sweetheart theory. This defense was explained in *Toralde v. People*.^[51]

The sweetheart theory is a defense in this jurisdiction that is oft applied in acts of lasciviousness and rape, "felonies committed against or without the consent of the victim." Well-engrained in jurisprudence, the exculpatory value of the sweetheart theory has long since diminished, as it is known to be a "much abused defense that rashly derides the intelligence of this Court and sorely tests its patience."^[52]

In the case of *Toralde*, the 14-year-old complainant admitted that she was in a relationship with the accused at the time that she was raped. One night, while the complainant was alone in her house, the accused gave her a surprise visit. As he was sitting beside her, the accused began insisting that they have sexual intercourse. After the complainant denied his request, he dragged her to her bedroom and threatened her that if she did not have sex with him, he would release a video of them kissing, and show the same to her relatives. The complainant, out of fear, gave into his demands. Two weeks after the incident, the complainant was forced to elope with the accused as he reiterated his threats to expose their video to her relatives.

The Court in *Toralde* found the accused guilty of rape and held that their relationship does not necessarily establish consent. It was ruled that sweetheart theory advanced by the defense cannot be given credence due to the lack of consent on the part of the victim. The Court cited *People v. Gecom*,^[53] which declared that a person can be convicted of rape despite proving his or her relationship with the complainant, viz.:

It should be borne in mind that love is not a license for carnal intercourse through force or intimidation. Even

granting that appellant and complainant were really sweethearts, that fact alone would not negate the commission of rape. A sweetheart cannot be forced to have sex against her will. From a mere fiancée, definitely a man cannot demand sexual submission and, worse, employ violence upon her on a mere justification of love. A man can even be convicted for the rape of his common-law wife.[54]

Prior to *Toralde*, the Court has, in several cases, declared that being "sweethearts" does not prove consent to the sexual act.[55] That fact would not exempt a person from criminal liability if the sexual intercourse with another was against the latter's will.[56] As the Court held in *People v. Bautista*,[57] it is insufficient to merely prove that the accused and the victim were lovers; it must likewise be shown via compelling evidence that the victim consented to the sexual relations for "love is not a license for lust." [58]

Therefore, even assuming that XXX274442 and AAA274442 were in a relationship at the time that the rape was committed, such relationship does not imply the presence of consent. The sweetheart theory is an inherently weak defense that crumbles in the face of positive and categorical evidence that XXX274442 had sexual intercourse with the complainant without the latter's consent.

Resistance is not an element of rape

Another defense invoked by XXX274442 is the lack of resistance on the part of AAA274442 when she was allegedly raped. Citing *People v. Amogis*,[59] XXX274442 argued in his Brief that AAA274442's lack of resistance casts doubt as to whether she was actually raped:

The actuations of the complainant would be contrary to natural course of things. If she was calm and well-aware of the situation, it would have been easy for her to get hold of the knife and prevent the alleged rape and even during the time when she was made to perform "blowjob" on the accused, she could have easily hurt the accused in the penis or scrotum and escape. However, complainant did not do any of those possible ways to escape or prevent rape. These actuations clearly cast doubt as to what really transpired and if the complainant was indeed raped. Conversely, if the complainant was really fearful for her life, such that she followed every command of the accused, it would be implausible for her to deny the request of the accused to lick her vagina, as she stated in her testimony. In *People v. Amogis*, the Court stated that-"Resistance must be manifested and tenacious. A mere attempt to resist is not the resistance required and expected of a woman defending her honor and chastity." Furthermore, her house is also located at a densely populated area and have several neighbors. She had several opportunities to escape or scream but she did not do so.[60] (Emphasis supplied)

The Court cannot subscribe to such view.

Contrary to the ruling in *Amogis*, there is a long line of jurisprudence holding that physical resistance is not an essential element of rape.[61] Rape victims have no burden to prove that they did all within their power to resist the force or intimidation employed upon them. As long as the force or intimidation is present, whether it was more or less irresistible is immaterial.[62] In other words, the victim's lack of resistance, especially when intimidated by the offender into submission, does not signify voluntariness or consent.[63]

Considering that people react differently in the face of immense fear, the Court held in *People v. Lucena*[64] that resistance cannot be expected from a rape victim:

It must be borne in mind that when a rape victim becomes paralyzed with fear, she cannot be expected to think and act coherently. Further, as has been consistently held by this Court, physical resistance is not an essential element of rape and need not be established when intimidation is exercised upon the victim, and, the latter submits herself, against her will, to the rapist's embrace because of fear for her life and personal safety. The victim's failure to shout or offer tenacious resistance did not make voluntary her submission to the criminal acts of her aggressor. It bears stressing that not even a rape victim can be expected to act with reason or in

conformity with the usual expectations of everyone. The workings of a human mind placed under emotional stress are unpredictable; people react differently. Some may shout, some may faint, while others may be shocked into insensibility.[65]

In *People v. ZZZ*,^[66] the Court had the opportunity to discuss that cases like *Amogis*, which requires tenacious resistance from rape victims, are contrary to the prevailing doctrine and tend to reinforce misguided stereotypes in rape cases:

It is regrettable that the Court has, in the past, made pronouncements, such as those in *Tionloc* and *Amogis*, that suggest that a woman cannot claim that she was raped unless she aggressively puts up a fight to defend her "honor, chastity, and virtue." Pronouncements like this are not only contrary to the prevailing doctrine, they also tend to reinforce misguided stereotypes that perpetuate gender bias and insensitivity. The right of women to autonomy and bodily integrity should be recognized and respected just as it is for men. That there are cases that continue to invoke this line of reasoning compels the Court to state in clear terms why this position, i.e., that a woman must prove that she tenaciously resisted a man's sexual assault before she can claim that she was raped, is both legally and morally wrong.

The gravamen of the crime of Rape is sexual intercourse against the will of the victim. Article 266-A identifies the situations within which a sexual intercourse may be concluded as against the will of the victim. Specifically, Rape is deemed to be committed where the sexual intercourse occurred: (a) through force, threat, or intimidation; (b) when the offended party is deprived of reason or otherwise unconscious; (c) by means of fraudulent machinations or grave abuse of authority; and (d) when the victim is under 12 years of age or is demented. What the law penalizes is the violation of a woman's autonomy and bodily integrity.

If the law is to be interpreted such that a woman claiming that she was raped must satisfactorily establish that she resisted the sexual assault, we become complicit in perpetuating the premise that men, as a general rule, are entitled to free access to a woman's body at any given time and place because unless a woman proves she resisted such act by actively resisting a man's advances, she will be deemed to have consented to it. This is simply unacceptable in any civilized society.

Not only this. Requiring a female rape victim to present proof of active resistance is to judge the victim's behavior by male standards. The subtext of this view is that the absence of consent to the sexual intercourse is manifested only through aggressive physical resistance. This requirement is one that only a person from the vantage point of male privilege can make. It is blind to the social milieu within which a rape is often committed. It is a requirement that is insensitive to the fact that the victim of traditional rape is a woman, a member of a powerless minority and a group that has been subjugated for centuries. This requirement of resistance denies the fact that most women have been conditioned to live for the male gaze and to believe that it is impolite to assert oneself. It refuses to acknowledge the fact that there is a shockingly large probability that resisting a man's sexual advances can cause a woman harm or even get her killed, not to mention exposure and defilement. The resistance requirement thus compels a woman to risk her life to protect her "virtue, honor, and chastity" as if a woman should believe that life is not worth living if she was abused without a fight. This view reeks of misogyny.[67] (Emphasis supplied)

The above quoted pronouncement in *People v. ZZZ* is not only supported by existing jurisprudence but is also consistent with the Philippines' legal obligation under the Convention on the Elimination of All Forms of Discrimination against Women or the CEDAW.

Article 5(a) of CEDAW binds State Parties to: "modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women." The Convention creates a positive obligation on all State organs, including the Judiciary, to prevent practices of discrimination—such as wrongful stereotyping—to ensure that rape victims obtain substantial justice in

court decisions. Establishing legal protection for women, in compliance with this Convention, entails changes in the legal system that will improve the judicial handling of rape cases. This includes removing gender-based prejudices during the trial of rape cases, such as the assumption that resistance is expected of a woman defending her virtue, honor, and chastity.[68]

Thus, the Court must reject the contention that in rape cases, lack of resistance is evidence of consent. Where rape was committed with force, threat or intimidation, proof of resistance is unnecessary.[69]

XXX274442 is guilty of qualified rape by sexual intercourse and qualified sexual assault

We must now determine whether the conviction of XXX274442 was proper.

Under Article 266-A, there are two kinds of rape: (a) rape by sexual intercourse; and (b) rape by sexual assault:

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;
- b) When the offended party is deprived of reason or otherwise unconscious;
- c) By means of fraudulent machination or grave abuse of authority; and
- d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

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 and orifice of another person.[70]

In *People v. Caoili*,[71] We held that rape by sexual intercourse is a crime committed by a man against a woman—the central element being carnal knowledge. Carnal knowledge has been defined by jurisprudence as the act of a man having sexual bodily connections with a woman. It requires the penetration of the female sexual organ by the male's sexual organ.[72]

Thus, for a charge of rape under Article 266-A, paragraph 1(a) of the Revised Penal Code to prosper, the following elements must be proven beyond reasonable doubt: (1) that the offender is a man; (2) that the offender had carnal knowledge of a woman; and (3) that such act is accomplished by force or intimidation.[73]

In Criminal Case Nos. RTC 2011-0176 and RTC 2011-0177, the Court finds that all the elements of rape through sexual intercourse were proven by the prosecution to the point of moral certainty.

AAA274442 positively identified XXX274442 as the person who raped her twice when she was alone in her house. She vividly narrated that XXX274442, who was carrying a knife, threatened to kill her if she refused to have sex with him. As correctly observed by the CA, AAA274442's Sworn Statement and her testimony in open court sufficiently established how XXX274442 had carnal knowledge of her on two separate occasions.

AAA274442, in her Sworn Statement dated November 26, 2010, recalled the two incidents of rape committed by XXX274442:

7.

Q: What [happened after] yen were pushed to the bed?

A: ... [Appellant threatened me] with a knife [and] immed[ia]tely undressed me. [H]e remove[d] my t[-]shirt [and] kiss[ed] my lips [and] breast. [H]e pulled down my pajama along with my panty. ... I beg[ged] him not to rap[e me] and I ... offered my credit card[,] ATM and cash of [PHP] 1,800.00. [A]ll he said ... was[,] "DAI [KA NA] MAGRIBOK! MAGHIGDA KA NA LANG DIYAN" [Keep quiet! Just lie there]. Then he "fingered" my vagina and he succeeded in inserting his penis[,] ... Then thereafter, he ordered me to "blowjob" him.

8.

Q: Did you do it?

A: Yes[,] sir. I could not do anything but to follow. Then he wanted again to insert [his penis] or [have sexual] intercourse[.] I begged him [not to and told him] that I cannot bear the pain [b]ut he was able to rape me twice[.][74] (Emphasis supplied)

When AAA274442 was called to the witness stand, she gave a testimony confirming the statements she made in her Sworn Statement.

FIRST INCIDENT

Q:

After [appellant] undressed you, what did [he] do[?]

A:

He [kissed] my lips and ... my body.

Q:

[A]fter ... kissing your body [and] your breast, what transpired next?

A:

He also undressed himself[.]

....

[H]e started to insert his penis [into] my vagina[.]

SECOND INCIDENT

Q:

[W]hat happened next?

A:

[Appellant] made me ... lie down and tried again to insert his penis but... only the head of his penis ... entered my vagina.

Q:

[A]bout how many minutes transpired during [that] second incident[, when appellant attempted to insert his penis into your vagina but only the head was able to penetrate]?

A:

[A]bout ten minutes[.][75] (Emphasis supplied)

These statements were also corroborated by the medical findings on AAA274442 that she sustained an injury to her hymen, According to Dr. Alcantara who conducted the medical examination on AAA274442, a fully erected penis could have caused the injury.[76]

AAA274442's testimonies, both written and in open court, also detailed how XXX274442 used force and intimidation to make her submit to his will:

[AAA274442's] Sworn Statement

4.

Q: Will you please relate to this [i]nvestigator the surrounding circumstances of the said incident?

A: ... I was surprised when I saw a man standing, who] immediately ... uttered,] "DAI KA MAGPALAG! GAGADANON TAKA!" [Do not fight back. I will kill you]. [H]e showed me a knife [and] pushed me [to] my bed... [H]e warned me not to say anything [and not to] shout or he would kill me...

....

7.

Q: What followed [after] you were pushed to the bed?

A: I was then frightened that I was not able to move away from him [or] shout for help from the neighborhood...

[AAA274442's] testimony in open court

Q:

And you categorically testify that you were very nervous at that time[,], seeing a man holding a knife?

A:

Yes[.]

Q:

And you became scared stiff?

A:

Yes[.][77]

From AAA274442's narration, it is clear that XXX274442 used force and intimidation to gain carnal knowledge of her on two separate instances. Considering that AAA274442 was alone in her house with no one to help her, she must have been overwhelmed by fear when XXX274442 pushed her to her bed while holding a deadly weapon. Under these circumstances, she was deprived of any other choice but to succumb to XXX274442's will.

The Court therefore concludes that the elements of the crime of rape under Article 266-A, paragraph 1 (a) of the Revised Penal Code were established with proof beyond reasonable doubt.

Under Article 266-B of the Revised Penal Code, the use of a deadly weapon qualifies the crime of rape by sexual intercourse under Article 266-A, paragraph 1, increasing the penalty to reclusion perpetua to death, in view of Republic Act No. 9346 which prohibited the imposition of the death penalty, qualified rape is punishable by

reclusion perpetua. Here, the use of a knife, a deadly weapon, was properly alleged in the Informations and proven during trial. Thus, the crime committed in Criminal Case Nos. RTC 2011-0176 and RTC 2011-0177 is qualified rape.

With respect to Criminal Case No. RTC 2011-0178, the Court rules that XXX274442 is guilty of qualified sexual assault under Article 266-A, paragraph 2 of the Revised Penal Code, and not Section 5(b) of Republic Act No. 7610.

Section 5(b) of Republic Act No. 7610 provides as follows:

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 or lascivious conduct with a child exploited in prostitution or subject to other sexual abuse; Provided, That when the victims is under sixteen (16) 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 sixteen (16) years of age shall be reclusion temporal in its medium period[.] (As amended by Republic Act No. 11648, Emphasis supplied)

The Court in *Gramatica v. People*[78] clarified the proper application of Section 5(b) of Republic Act No. 7610 in relation to acts of lasciviousness involving minors. It enumerated the following elements of Section 5(b) of Republic Act No. 7610: (1) the accused commits the act of sexual intercourse or lascivious conduct; (2) the said act is performed with a child exploited in prostitution or subjected to other sexual abuse; and (3) the child whether male or female, is below 18 years of age.

In *Gramatica*, the Court held that for a case under Section 5(b) of Republic Act No. 7610 to prosper, the minor victim must be a child "exploited in prostitution or subjected to other sexual abuse." 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." [79]

Gramatica clarified that Section 5(b) of Republic Act No. 7610 covers situations where the minor engages in sexual intercourse or lascivious conduct through coercion or influence. As such, it 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 Revised Penal Code governs.[80]

In light of prevailing jurisprudence, We rule that Section 5(b) of Republic Act No. 7610 is inapplicable to the present case.

First, the records show that AAA274442 is not a child exploited in prostitution or subjected to other sexual abuse. Second, AAA2 74442 did not indulge or engage in lascivious conduct through the coercion or influence of XXX274442. On the contrary, XXX274442 was able to have carnal knowledge of AAA274442 through force or intimidation. He pushed AAA274442 to her bed and threatened to kill her with a knife if she made a sound. Thus, considering how the crime was committed, XXX274442 should be prosecuted under the provisions of the Revised

Penal Code and not under Republic Act No. 7610.

As to whether the crime committed is acts of lasciviousness or sexual assault, the Court explained in *Padua v People*[81] that prior to the effectivity of Republic Act No. 8353 or The Anti-Rape Law of 1997, acts constituting sexual assault under Article 266-A, paragraph 2 of the Revised Penal Code were punished as acts of lasciviousness under Article 336 of the same Code. However, with the development of the crime of sexual assault from a mere "crime against chastity" in the form of acts of lasciviousness to a "crime against persons" akin to rape, sexual assault as a form of acts of lasciviousness is no longer covered by Article 336 but by Article 266-A, paragraph 2 of the Revised Penal Code, as amended by Republic Act No. 8353.[82]

Therefore, the acts of XXX274442 should be evaluated based on the elements of rape by sexual assault under Article 266-A, paragraph 2 of the Revised Penal Code.

To prove rape through sexual assault, the following elements must be established: (1) that the offender commits an act of sexual assault; (2) that the act of sexual assault is committed by inserting his penis into another person's mouth or anal orifice or by inserting any instrument or object into the genital or anal orifice of another person; and (3) that the act of sexual assault is accomplished by using force or intimidation or any of the circumstances enumerated in Article 266-A, paragraph 1 of the Revised Penal Code.[83]

As applied here, the prosecution was able to prove that XXX274442 committed an act of sexual assault against AAA274442 by pushing his penis into the latter's mouth, causing AAA274442 to feel nauseated. As shown by AAA274442's candid and straightforward testimony, the act was accomplished through the use of force and intimidation as XXX274442 threatened to kill her if she disobeyed his orders:

Q: [Y]ou did ... as ordered by [applicant and] lick[ed] his penis?

....

A: ... I cannot do anything but ... to follow [appellant] out of fear that he will kill me.

....

Q: [H]ow [did] you [lick] his penis[?]

....

A: At first I was not the one licking his penis but it was [appellant] who was pushing his penis inside my mouth[;] it even caused me to [feel nauseated].[84]

Undoubtedly, all the elements of rape by sexual assault are present in this case.

Separate criminal intent attended each criminal act

In an attempt to lower his penalty, XXX274442 argued that assuming he was guilty, the RTC failed to consider that there was only one criminal intent when he allegedly inserted his penis to AAA274442's vagina, when he asked for oral sex, and when he inserted his penis to her vagina for the second time. Absent proof that there were separate intents for each act, he averred that it was only one continuing rape.[85]

The Court disagrees.

Jurisprudence instructs that an accused can have separate criminal intent for committing distinct acts of rape by

sexual intercourse and rape by sexual assault committed successively, in the same incident. In *People v. Agoncillo*[86] the Court acknowledged the possibility of convicting an offender for both rape by sexual assault and statutory rape committed on the same occasion provided that these crimes are properly alleged in the informations. In *People v. Lucena*[87] the Court convicted the accused of three counts of rape by sexual intercourse due to the fact that three penetrations occurred successively at an interval of approximately five minutes. According to the Court, the three, insertions into the victim's vagina were in satiation of successive but distinct criminal carnality. Thus, it was held that the accused's conviction for three counts of rape was proper.[88]

In this case, AAA274442's testimony established that XXX274442 first inserted his penis into her vagina. Thereafter, XXX274442 ordered AAA274442 to lick his penis. He then forcibly pushed his penis into AAA274442's mouth, causing AAA274442 to vomit. When XXX274442 told AAA274442 that he wants to insert his penis in her vagina again, AAA274442 protested as she could no longer bear the pain that she felt from the penetration. Despite this, XXX274442 was able to insert his penis into her vagina for the second time.

Similar to *Lucena*, the criminal acts in this case were committed successively, each with a separate criminal intent. After satiating his lust from pushing his penis into AAA274442's vagina, he committed sexual assault by forcing his penis into her mouth. Still unsatisfied, he proceeded to insert his penis into her vagina for the second time. It can be inferred, therefore, that when he decided to commit those separate and distinct acts, he was not motivated by a single criminal impulse. Thus, XXX274442 must be convicted of two separate counts of rape by sexual intercourse and one count of rape by sexual assault.

Penalty and damages

Pursuant to Article 266-B of the Revised Penal Code, as amended, the use of a deadly weapon qualifies the crime of rape by sexual intercourse. There being no aggravating or mitigating circumstance present, XXX274442 shall be meted with the penalty of reclusion perpetua for each count of rape in Criminal Case Nos. RTC 2011-0176 and RTC 2011-0177. Applying *People v. Jugueta*[89] where the penalty imposed is reclusion perpetua, civil indemnity of PHP 75,000.00, moral damages of PHP 75,000.00, and exemplary damages of PHP 75,000.00 shall be awarded in each case.

As for the crime of rape by sexual assault in Criminal Case No. RTC 2011-0178, Article 266-B of the Revised Penal Code provides that whenever the rape is committed with the use of a deadly weapon, the penalty shall be reclusion temporal mayor to reclusion temporal. Applying the Indeterminate Sentence Law and in the absence of qualifying circumstances other than the use of the deadly weapon which already qualified the offense, the maximum period of the penalty shall be taken from the medium period of the penalty imposed by law or reclusion temporal mayor to reclusion temporal minimum which ranges

from 10 years and one day to 14 years and eight months. The minimum period, on the other hand, shall be taken from the penalty next lower in degree in any of its period. Under Article 61, paragraph 4 of the Revised Penal Code, this shall be within the range of arresto mayor to prison correccional which has a range of one month and one day to six years. Considering the foregoing, the Court imposes the indeterminate penalty of six years of prison correccional as minimum to 14 years and eight months of reclusion temporal as maximum.

For the crime of qualified sexual assault, considering that the penalty imposed is within the range of reclusion temporal medium and the victim is a minor, XXX274442 is ordered to pay AAA274442 the amounts of: (1) PHP 50,000.00, as civil indemnity; (2) PHP 50,000.00, as moral damages; and (3) PHP 50,000.00, as exemplary damages.

ACCORDINGLY, the appeal is DENIED.

In Criminal Case No. RTC 2011-0176, accused-appellant XXX274442 is found GUILTY beyond reasonable doubt of the crime of qualified rape by sexual intercourse under Article 266-A, paragraph 1 of the Revised Penal Code. He is SENTENCED to suffer imprisonment of reclusion perpetua, and ORDERED to PAY private complainant AAA274442 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 Criminal Case No. RTC 2011-0177, accused-appellant XXX274442 is found GUILTY beyond reasonable doubt of the crime of qualified rape by sexual intercourse under Article 266-A, paragraph 1(a) of the Revised Penal Code. He is SENTENCED to suffer imprisonment of reclusion perpetua, and ORDERED to PAY private complainant AAA274442 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

In Criminal Case No. RTC 2011-0178, accused-appellant XXX274442 is found GUILTY beyond reasonable doubt of the crime of qualified rape by sexual assault under Article 266-A, paragraph 2 of the Revised Penal Code. He is SENTENCED to suffer imprisonment of 6 years of prison correccional as minimum to 14 years and 8 months of reclusion temporal as maximum. He is likewise ORDERED to PAY private complainant AAA274442 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.

In addition, all awards of damages are subjected to legal interest at the rate of 6% per annum from the date of finality of this Decision until fully paid.

Finally, the Department of Social Welfare and Development is DIRECTED to refer private complainant Honey Grace Orbina to the appropriate rape crisis center, through Branch 20 of the Regional Trial Court of Naga City, Camarines Sur, for the necessary assistance to be rendered to her and her family, in line with Republic Act No. 8505, otherwise known as the Rape Victim Assistance and Protection Act of 1998.

SO ORDERED.

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

[*] Pursuant to 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," which requires the preparation of a first copy of Decisions/Resolutions/Orders where the real or genuine name/s or identities and personal circumstances of the victim/s are used.

[1] Rollo, pp. 8-34. Penned by Associate Justice Walner S. Ong and concurred in by Associate Justices Alfredo D. Ampuan and Emily U. San Gaspar-Gito of the Special Thirteenth Division, Court of Appeals, Manila.

[2] Id. at 10-11.

[3] Id. at 11.

[4] Id.

[5] Id. at 12.

[6] Id. at 21.

[7] Id. at 12.

[8] Id. at 46.

[9] Id. at 12.

[10] Id.

[11] Id. at 13.

[12] Id.

[13] Id.

[14] Id. at 48.

[15] Id. at 13.

[16] Id.

[17] Id. at 14.

[18] Id. at 14-15.

[19] Id. at 15.

[20] Id.

[21] Id.

[22] Id. at 54-55.

[23] Id. at 50-51.

[24] Id. at 52-54.

[25] Id. at 54.

[26] Id. at 32-33.

[27] 849 Phil. 197 (2019) [Per J. Peralta, En Banc].

[28] Ca rollo, pp. 143-149.

[29] Id. at 158-164.

[30] Rollo, pp. 3-4.

[31] Id. at 66-67.

[32] Id. at 60-62.

[33] *People v. Alcantara*, 407 Phil. 935, 942 (2001) [Per J. Pardo, First Division].

[34] CA rollo, pp. 26-27.

[35] 681 Phil. 631, 635 (2012) [Per J. Brion, Second Division], citing *People v. Laog*, 674 Phil. 444, 475 (2011) [Per J. Villarama, Jr., First Division].

[36] *People v. Amarela*, 823 Phil. 1188, 1201 (2018) [Per J. Martires, Third Division]; *People v. Peek*, 964 Phil. 605, 614-615 (2025) [Per J. Kho, Jr., En Banc].

[37] Rollo, pp. 50-51.

[38] Id. at 20.

[39] Rabanal v. People, 518 Phil. 734, 741 (2006) [Per J. Tinga, Third Division].

[40] People v. Lim, 914 Phil. 374, 380 (2021) [Per J. Inting, Second Division].

[41] 324 Phil. 366, 371 (1996) [Per J. Melo, Third Division].

[42] People v. Amaro, 739 Phil. 170, 178 (2014) [Per J. Perez, Second Division].

[43] 962 Phil. 299, 314 (2025) [Per J. Lazaro-Javier, Second Division].

[44] CA rollo, pp. 27-28.

[45] Clare McGlynn. Rape Trials and Sexual History Evidence: Reforming the Law on Third-Party Evidence, 81 THE JOURNAL OF CRIMINAL LAW 367, 369 (2017).

[46] People v. Luceriano, 467 Phil. 91, 98 (2004) [Per J. Carpio, En Banc]; People v. Cajara, 395 Phil. 386, 396 (2000) [Per J. Bellosillo, En Banc]; People v. Sacapaño, 372 Phil. 543, 558-559 (1999) [Per Curiam, En Banc]; People v. Cabiles, 348 Phil. 220, 238-239 (1998) [Per J. Melo, Third Division]; People v. Delovino, 317 Phil. 741, 756 (1995) [Per J. Davide, Jr., First Division].

[47] 955 Phil. 733 (2024) [Per J. Singh, Third Division].

[48] Id. at 754.

[49] Rollo, p. 15.

[50] Id. at 52-53.

[51] 963 Phil. 26 (2025) [Per J. J.Y. Lopez, Second Division].

[52] Id. at 42.

[53] 324 Phil. 297 (1996) [Per J. Regalado, Second Division].

[54] Id. at 329.

[55] People v. Olesco, 663 Phil. 15, 24-25 (2011) [Per J. Del Castillo, First Division]; People v. Magbanua, 576 Phil. 642, 647-648 (2008) [Per J. Tinga, Second Division]; People v. Tismo, 281 Phil. 593, 614 (1991) [Per J. Davide, Jr., Third Division].

[56] People v. Timbang, 267 Phil. 326, 334-335 (1990) [Per J. Padilla, Second Division].

[57] 474 Phil. 531 (2004) [Per J. Panganiban, First Division].

[58] Id. at 534.

[59] 420 Phil. 278, 293 (2001) [Per J. Buena, Second Division].

[60] CA rollo, p. 27.

[61] People v. Dalaguet, 926 Phil. 713, 724 (2022) [Pa J. J.Y. Lopez, Second Division]; People v. Opeña, 828 Phil. 701, 707 (2018) [Per J. Del Castillo, First Division]; People v. Lucena, 728 Phil. 147 (2014) [Per J. Perez, Second Division]; People v. Rubio, 683 Phil. 714, 726 (2012) [Per J. Velasco. Jr., Third Division]; People v. Arraz, 591 Phil. 128, 138 (2008) [Per J. Carpio, First Division].

- [62] *People v. Bisora*, 810 Phil. 339, 344 (2017) [Per J. Tijam, Third Division].
- [63] *People v. Ofemiano*, 625 Phil 92, 99 (2010) [Per J. Velasco, Jr., Third Division].
- [64] 728 Phil. 147 (2014) [Per J. Perez, Second Division].
- [65] *Id.* at 162-163.
- [66] 955 Phil, 733 (2024) [Per J. Singh, Third Division].
- [67] *Id.* at 753-754.
- [68] Stephanie Ann B. Lopez, *On Consent and Resistance: CEDAW as a Framework for Reinterpreting Evidentiary Presumptions in Rape Cases*, 32 REVIEW OF WOMEN'S STUDIES 95, 114 (2023).
- [69] *People v. ZZZ*, 955 Phil. 733, 752 (2024) [Per J. Singh, Third Division].
- [70] Prior to the amendment introduced by Republic Act No. 11648.
- [71] 815 Phil 839, 883 (2017) [Per J. Tijam, En Banc].
- [72] *Padua v. People*, 955 Phil. 494 (2024) [Per J. J.Y. Lopez, Second Division].
- [73] 815 Phil. 839, 882-883 (2017) [Per J. Tijam, En Banc].
- [74] *Rollo*, p. 19.
- [75] *Id.* at 19-20.
- [76] *Id.* at 20-21.
- [77] *Id.* at 21.
- [78] *Gramatica v. People*, G.R. Nos. 260233 & 266039, August 12, 2025 [Per J. Inting, En Banc].
- [79] *Id.* at 41. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.
- [80] *Id.* at 45. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.
- [81] 955 Phil. 494, 502 (2024) [Per J. J.Y. Lopez, Second Division].
- [82] *Id.*
- [83] *AAA261422 v. XXX261422*, 949 Phil. 236, 257 (2023) [Per J. Lazaro-Javier, Second Division].
- [84] *Rollo*, p. 27.
- [85] *Id.* at 29-30.
- [86] 820 Phil. 1194, 1209-1210 (2017) [Per J. Gesmundo, Third Division].
- [87] 728 Phil. 147 (2014) [Per J. Perez, Second Division].
- [88] *Id.* at 166.
- [89] *People v. Jugueta*, 783 Phil. 806, 848 (2016) [Per J. Peralta, En Banc].

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