XXX280727, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 280727, February 04, 2026

Ponente: LEONEN, SAJ.

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LEONEN, SAJ.:

Sexual violence devastates equally, regardless of gender. However, people may vary in their reactions and the way they cope with distressing situations. Thus, the fact that a person's reaction to an incident is different from what is deemed "standard," does not diminish the credibility of their claims.[1]

This Court resolves a Petition for Review[2] under Rule 45 of the Rules of Court, assailing the August 30, 2024 Decision[3] and the April 29, 2025 Resolution[4] of the Court of Appeals in CA-G.R. CR No. 47966. The Court of Appeals affirmed the conviction of XXX280727 for acts of lasciviousness under Article 336 of the Revised Penal Code in relation to Section 5(b) of Republic Act No. 7610[5] with modification as to the imposable penalty.

An information for acts of lasciviousness was filed against XXX280727 as follows:

> That on or about September 7, 2018, in the City of X, and within the jurisdiction of this Honorable Court, the said accused, being the paternal aunt of AAA280727, a minor, 11 years old, and by means of persuasion, inducement, enticement or coercion, did then and there [willfully], unlawfully and feloniously commit acts of lasciviousness upon the person of the said AAA280727 by calling him to go to her bed in her dwelling located at X removing his clothes, inserting condom in his penis, touching it and inserting it in her vagina, moving it up and down, thus causing fear [and] inappropriate malice upon the latter, which debases and demeans his intrinsic worth and dignity as a human being, an act prejudicial to his normal growth and development, to his damage and prejudice.
>
> Contrary to Law.[6]

On arraignment, XXX280727 pleaded not guilty to the charge. After pretrial, trial on the merits then ensued.[7]

The prosecution presented as witnesses, private complainant, AAA280727; private complainant's maternal uncle, BBB280727; and psychiatrist, Dr. Bernadette Manalo-Arcena (Dr. Manalo-Arcena).[8]

The testimonies of the prosecution witnesses tend to establish that on September 7, 2018, then 11-year-old AAA280727 visited the house of his paternal relatives in X. That night he slept in his father's room. However, he later transferred to the air-conditioned room of XXX280727, the half-sister of AAA280727's father. She was 25 years old at that time.[9]

AAA280727 narrated that XXX280727 woke him up in the middle of the night, ordered him to remove his clothes, and lie down on her bed. XXX280727 then removed her clothes and put a condom on AAA280727's penis. Afterwards, she went on top of AAA280727 and inserted his penis inside her vagina. XXX280727 did this for 10 minutes and, when she was done, she told AAA280727 to put his clothes back on and to not tell anyone about what happened or else she would lie that AAA280727 was the one who raped her.[10]

AAA280727 testified that he did not protest at first because he felt curious about what would happen, but after the incident, he felt ashamed and contemplated committing suicide.[11]

On February 16, 2019, AAA280727's maternal uncle, BBB280727, got a call from AAA280727's mother who was working in Saudi Arabia. AAA280727's mother allegedly told him to confront AAA280727 about a group chat with his friends which talked about AAA280727's alleged experience with a college girl. When BBB280727 confronted AAA280727, AAA280727 told him about what had happened between him and XXX280727.[12]

On February 19, 2019, Dr. Manalo-Arcena conducted a psychological debriefing and supportive psychotherapy on AAA280727. During the session, Dr. Manalo-Arcena noted that AAA280727 exhibited symptoms of anxiety and depression. AAA280727 also suffered from flashbacks, nightmares, and suicidal thoughts. Due to the sexual violence he suffered, AAA280727 was diagnosed with Post-Traumatic Stress Disorder (PTSD) and was advised to take anti-depressant medications and to continue with the psychotherapy sessions.[13]

Meanwhile, the defense presented the testimonies of: (1) XXX280727; (2) XXX280727's sister, YYY280727; (3) XXX280727's mother, ZZZ280727; and (4) XXX280727's brother and private complainant's father, CCC280727.[14]

XXX280727 denied all accusations against her and said that on the night of the incident, she slept in a room with her other siblings. Meanwhile, AAA280727 slept in another room with his cousin, grandmother, and father. This was corroborated by YYY280727 and ZZZ280727.[15] Lastly, CCC280727 testified that the case was only filed against his sister to deprive him of custody of AAA280727 as he and his wife were separated and were fighting for custody over AAA280727.[16]

In a December 2, 2022 Decision,[17] the Regional Trial Court found XXX280727 guilty of the crime charged and sentenced her as follows:

> WHEREFORE, in view of the foregoing disquisition, the court finds accused XXX280727 guilty beyond reasonable doubt of Acts of Lasciviousness in relation to Section 5(b) of R.A. No. 7610.
>
> She is hereby sentenced to suffer the indeterminate sentence of twelve (12) years and one (1) day of reclusion temporal as MINIMUM, to fourteen (14) years, eight (8) months and one (1) day of reclusion temporal, as MAXIMUM.
>
> She is further adjudged to PAY private complainant (a) civil indemnity of P50,000.00, (b) moral damages of P50,000.00, (c) exemplary damages of P50,000.00; and (d) costs.
>
> The monetary award shall include the interest at the rate of six percent (6%) per annum from the finality of judgment until fully paid.
>
> . . . .
>
> SO ORDERED.[18]

In its August 30, 2024 Decision,[19] the Court of Appeals affirmed XXX280727's conviction with modification as to the penalty imposed:

> WHEREFORE, the appeal is DENIED. The December 2, 2022 Decision of the Regional Trial Court, X, in Criminal Case No. R-MNL-19-11074-CR, is hereby AFFIRMED with MODIFICATION in that accused-appellant [XXX280727] is sentenced to suffer the indeterminate penalty of imprisonment of twelve (12) years and one (1) day of reclusion temporal, as minimum, to sixteen (16) years, five (5) months and nine (9) days of reclusion temporal, as maximum.
>
> SO ORDERED.[20]

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In affirming XXX280727's guilt, the Court of Appeals found present all the elements of acts of lasciviousness under Article 336 of the Revised Penal Code in relation to Section 5(b) of Republic Act No. 7610. It held that XXX280727 used her influence and moral ascendancy to perform lewd acts on AAA280727 who was only 11 years old during the incident.[21]

Her motion for reconsideration having been denied by the Court of Appeals in its April 29, 2025 Resolution,[22] XXX280727 filed a Petition for Review before this Court.[23]

Petitioner assails the credibility of AAA280727's testimony. She argues that AAA280727's behavior before, during, and after the incident showed that he consented to the act and enjoyed it. She also claims that AAA280727 had the propensity to lie as evidenced by the contradicting claims he made during his testimony.[24] Considering that AAA280727's testimony is incredible, petitioner claims that her defense must be given more weight.[25]

Petitioner also claims that the rule giving deference to the factual findings of the trial court does not apply in this case because the judge who decided the case is not the judge who tried and heard it. She points out that it was then Judge Emily San Gaspar-Gito who tried and heard the testimonies of the witnesses, but the Decision was penned by Judge Ma. Theresa C. Bueno.[26]

The issue for this Court's resolution is whether the Court of Appeals erred in affirming petitioner's conviction for acts of lasciviousness under Article 336 of the Revised Penal Code in relation to Section 5(b) of Republic Act No. 7610.

In a Rule 45 petition, this Court has the prerogative to only review matters when special and important reasons are present. Unless it is clearly shown that the Court of Appeals' ruling manifestly contravened laws and established jurisprudence, this Court shall not disturb its pronouncement.[27]

In this case, we find that the Court of Appeals correctly held petitioner culpable for the acts complained of. However, petitioner should be held liable of statutory acts of lasciviousness under Article 336 of the Revised Penal Code and not lascivious conduct under Section 5(b) of Republic Act No. 7610.

I

As to her first argument, petitioner claims that the Regional Trial Court judge who penned the decision misappreciated the facts of the case as it was a different judge who heard the testimonies of the witnesses. However, the reliability and accuracy of a decision is not diminished by the fact that the judge who penned the decision was different from the judge who examined the witnesses, unless it is shown that there is grave abuse of discretion in the substitute judge's appreciation of facts.[28]

Here, the substitute judge who penned the Decision had at their disposal the transcript of stenographic notes containing all that was said during the hearings which can be used to make a sound judgment on petitioner's guilt. As there is no grave abuse of discretion in the trial court judge's appreciation of factual findings, it shall not be disturbed.

Petitioner also insists that AAA280727's actions before, during, and after the incident were contrary to human experience, making him an unreliable witness. Nevertheless, this Court has held time and again that people vary in their reactions and the way they cope with distressing situations. Victims of rape or sexual abuse should not be burdened to resist or to have a standard reaction when intimidated and under emotional stress. Thus, AAA280727's reaction, which differs from what is deemed to be normal, does not invalidate his claims.[29]

In any case, AAA280727's clear and credible narration sufficiently establishes petitioner's culpability.[30] Pertinent portions of his testimony read:

Q:

You said that your Tita [XXX280727] called you thrice, did you react to that call?

A:

Yes ma'am.

Q:

What happened?

A:

She wanted me to go in front of the bed ma'am.

Q:

In front of the... [whose] bed?

A:

My Tita [XXX280727's] bed.

Q:

Did you ask why she wants you to go in front of the bed?

A:

No ma'am.

Q:

No. What happened, if there's any?

A:

I went straight in front of [the] bed ma'am.

Q:

Why did you go straight in front of the bed?

A:

Because I was afraid.

Q:

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So what happened when you went in front of the bed of your Tita [XXX280727]?

A:

She asked me to remove my clothes ma'am.

Q:

And did you heed, ah did you [accept]? Ah, did you say yes to Tita [XXX280727]?

A:

I did not respond.

Q:

But what did you do when she was ordering you to remove your dress?

A:

I followed [her].

Q:

So you removed your clothes?

A:

Yes[,] ma'am.

Q:

So what happened[,] Mr. [W]itness?

A:

She told me to lie on the bed ma'am.

Q:

What was the voice... can you describe the tone of the voice of your aunt [XXX280727] at the time when she was ordering you to remove your clothes and lie down on the bed?

A:

Low tone.

Q:

So did you follow her?

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A:

Yes[,] ma'am.

Q:

So why did you [follow] her?

A:

Because I was afraid.

Q:

Why were you afraid of aunt [XXX280727]?

A:

She was older than me.

. . . .

Q:

So what happened Mr. [W]itness after you were ordered to remove your clothes and to lie down on the bed?

A:

She removed her clothes.

Q:

[S]o what happened after your Tita [XXX280727] removed her clothes?

A:

She inserted something on my genitals.

Q:

[W]ere you able to know what was that something that she inserted [on] your genitals?

A:

I think it's a condom.

Q:

Condom? Why do you know that it's a condom?

A:

It is slippery[,] ma'am.

Q:

Can you describe that something that was inserted in your genitals aside from the fact that it is [slippery]?

A:

It's rubber.

. . . .

Q:

Now after she inserted [what you described earlier as condom,] what happened next?

A:

Then she went on top of me ma'am.

. . . .

Q:

So what happened after she inserted something [on] your genitals?

A:

She inserted my genitals into her genitals.

. . . .

Q:

Her vagina?

A:

Yes[,] ma'am.

Q:

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[H]ow did she [insert] into her vagina your penis?

A:

She held my penis and inserted it ma'am.

Q:

So how [were] you feeling at that time, how did you react?

A:

I was feeling ashamed because of what she did.

Q:

Ah is it okay if you describe to us her position at the time when she inserted your genitals into her genitals?

A:

She was on top of me ma'am.

Q:

[So] how long was she on top of you?

A:

Around ten (10) minutes ma'am.

Q:

What happened after that?

A:

Then she did not go on top of me anymore [and] she told me to put my clothes on.[31]

AAA280727 categorically testified that petitioner ordered him to remove his clothes and lie down on the bed. Petitioner then proceeded to get on top of AAA280727 and inserted his penis into her vagina. AAA280727's testimony proves the factual allegations in the information upon which the Court of Appeals based its ruling.

II

However, in light of this Court's recent pronouncement in Gramatica v. People,[32] petitioner should be convicted of statutory acts of lasciviousness under Article 336 of the Revised Penal Code and not lascivious conduct under Section 5(b) of Republic Act No. 7610.

Gramatica clarified that acts of lasciviousness under Republic Act No. 7610 only applies when a minor gives a semblance of consent, albeit flawed, to sexual intercourse or lascivious conduct due to the coercion or influence of an adult. It does not apply where a minor is entirely unaware, unconscious, or, in this case, unable to give legal

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consent.[33]

> The Court finds that the term "sexual abuse," as defined under Republic Act No. 7610, encompasses situations wherein a minor indulges—or, put differently, consents, albeit defectively—to engage in sexual intercourse or lascivious conduct as a result of coercion or undue influence exerted by an adult.
>
> The presence—or, at the very least, the semblance—of consent on the part of the minor, which justifies the application of Republic Act No. 7610, is further reinforced by Section 2(g) of the law's Implementing Rules and Regulations (IRR). The IRR defines sexual abuse as including the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexual intercourse or lascivious conduct or the molestation, prostitution, or incest with children.
>
> A review of Section 2(g) leads to the conclusion that the word "engage" suggests active participation by the child, who is not merely a passive victim of sexual abuse but engages in it precisely due to the "employment, use, persuasion, inducement, enticement, or coercion" exerted by the adult.[34]

The age of sexual consent when the incident happened in 2018 was still 12 years old before it was raised to 16 years old with the passage of Republic Act No. 11648 in 2022. Thus, AAA280727, an 11-year-old child at that time of the incident, is deemed unable to give consent.

Section 5(b) of Republic Act No. 7610, before its amendment in 2022, also excluded minors less than 12 years old from its coverage. However, it states that even though the crime shall be prosecuted under Article 336 of the Revised Penal Code, the penalty of reclusion temporal in its medium period shall still be imposed if the victim is under 12 years old.

> 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 subjected 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[.](Emphasis supplied)

Following the ruling in Gramatica, as well as the guideline provided for in Section 5(b) of Republic Act No. 7610, the proper denomination of the crime in this case is statutory acts of lasciviousness under Article 336 of the Revised Penal Code, but the penalty shall be reclusion temporal in its medium period.

As there are no aggravating or mitigating circumstances attending the commission of the crime, the maximum penalty to be imposed shall be taken from the medium period of reclusion temporal which is 14 years, eight months, and one day, to 17 years and four months. Meanwhile, the minimum penalty, applying the Indeterminate Sentence Law, shall be taken anywhere within the range of the next penalty lower which is prision mayor ranging from six years and one day, to 12 years.

Considering the facts of the case, this Court deems it proper to impose upon petitioner the indeterminate penalty

of imprisonment of nine years, four months, and one day of prision mayor, as minimum, to 16 years, five months and nine days of reclusion temporal, as maximum. Further, pursuant to People v. Jugueta,[35] the amount of civil indemnity shall be raised to PHP 150,000.00.

III

This Court notes that petitioner was charged with statutory acts of lasciviousness because her acts do not fall into any definition of rape as provided for in Article 266-A of the Revised Penal Code as it was worded during the commission of the crime on September 7, 2018:

> 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 anal orifice of another person.[36] (Emphasis supplied)

In the previous text of the law, rape under Section 266-A(1) was limited to a man inserting his penis into a woman's vagina, while rape under Section 266-A(2) only covers insertions of the penis or any object into another person's genital or anal opening. Thus, there is a void where the penalized act is committed by a woman who, without consent, puts a man's penis into her vagina. In this case, while the elements of carnal knowledge and lack of consent are present, the gendered language of the law automatically excludes the crime committed within the ambit of rape.

However, Republic Act No. 11648, passed into law on March 4, 2022, not only raised the age of consent to 16 years old, but it also revised the wording of Section 266-A to state that rape may be committed "by a person who shall have carnal knowledge of another person[.]"

Article 266-A. Rape; When and How Committed. - Rape is committed:

> 1) By a person who shall have carnal knowledge of another person under any of the following circumstances:
>
> . . . .
>
> d) When the offended party is under sixteen (16) years of age or is demented, even though none of the circumstances mentioned above be present: Provided, That there shall be no criminal liability on the part of a person having carnal knowledge of another person under sixteen (16) years of age when the age difference

> between the parties is not more than three (3) years, and the sexual act in question is proven to be consensual, non-abusive, and non-exploitative: Provided, further, That if the victim is under thirteen (13) years of age, this exception shall not apply.

The use of "person" in the law instead of specifying the perpetrator's gender theoretically allows for the commission of rape even by women. However, jurisprudence[37] still takes a conservative approach when it comes to defining carnal knowledge to strictly mean the "penetration of the female sexual organ by the sexual organ of the male[,]"[38] attributing the action of penetration solely to male offenders done to female victims. Even recent rulings[39] after the promulgation of Republic Act No. 11648 still construe rape in the context of male penile insertion instead of broadly encompassing intercourse involving the penis and the vagina regardless of who initiates it.

That rape through carnal knowledge may only be committed by a man against a woman is entrenched in the patriarchal roots of rape laws which were originally created not to penalize the violence done to women, but rather to punish men who stole women—who were regarded as properties of their husbands and fathers—through rape and abduction.[40] The gendered distinction is also a product of the belief that penile penetration of the vagina only burdens women who are in danger of getting pregnant, without recognizing that sterile women, young girls, or those who have undergone menopause can also be raped.[41]

These views on rape are not only misogynistic, they also disenfranchise male victims who have less redress in law, but are inflicted with the same trauma. Further, the lack of recognition that males can be victims also impairs their ability to recognize that they have been violated in the first place.[42]

Men can also be victims of sexual violence.

In Garcia v. Drilon,[43] this Court held that laws offering gender-based protection, such as Republic Act No. 9262 or the Anti-Violence Against Women and their Children Act of 2004, do not necessarily violate the equal protection clause, as long as the classifications rest on substantial distinctions. Nonetheless, in a separate concurring opinion, I emphasized that violence against men, although they may be in marginal cases, still deserve the same degree of constitutional and statutory protection.

> Social and cultural expectations on masculinity and male dominance urge men to keep quiet about being a victim, adding to the unique experience of male victims of domestic abuse. This leads to latent depression among boys and men. In a sense, patriarchy while privileging men also victimizes them.
>
> It is true that numerous literature relate violence against women with the historically unequal power relations between men and women, leading to domination over and discrimination against the latter. Sociologists cite the 18[th]-century English legal tradition on the "rule of thumb" giving husbands the right to beat their wives with a stick no thicker than a thumb. In America, women were regarded as property until the latter half of the 19[th] century with marital violence considered a husband's privilege[.]
>
> The perspective portraying women as victims with a heritage of victimization results in the unintended consequence of permanently perceiving all women as weak. This has not always been accepted by many other strands in the Feminist Movement.
>
> As early as the 70s, the nationalist movement raised questions on the wisdom of a women's movement and its possible divisive effects, as "class problems deserve unified and concentrated attention while the women question is vague, abstract, and does not have material base."
>
> In the early 80s, self-identifying feminist groups were formed. The "emancipation theory" posits that female crime has increased and has become more masculine in character as a result of the women's liberation movement.

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> Feminism also has its variants among Muslims. In 2009, Musawah ("equality" in Arabic) was launched as a global movement for equity and justice in the Muslim family. It brought together activists, scholars, legal practitioners, policy makers, and grassroots women and men from all over the world. Their belief is that there cannot be justice without equality, and its holistic framework integrates Islamic teachings, universal human rights, national constitutional guarantees of equality, and the lived realities of women and men.
>
> There is now more space to believe that portraying only women as victims will not always promote gender equality before the law. It sometimes aggravates the gap by conceding that women have always been dominated by men. In doing so, it renders empowered women invisible; or, in some cases, that men as human beings can also become victims.[44] (Citations omitted)

Thus, while there must be recognition of the historical injustice women have suffered, the law, as well as its interpretation, must be resilient enough to provide equal protection to all victims and guard against stereotypes that all women are victims and all men are perpetrators. When laws are not gender-neutral, male victims suffer twice: once at the hands of their abuser and second through the judicial system.[45]

> I accept that for purposes of advocacy and for a given historical period, it may be important to highlight abuse of women qua women. This strategy was useful in the passing of Republic Act No. 9262. It was a strategy that assured that the problem of battered women and children in the context of various intimate relationships becomes publicly visible. However, unlike advocacy, laws have the tendency to be resilient and permanent. Its existence may transcend historical periods that dictate effective advocacy. Laws also have a constitutive function—the tendency to create false consciousness when the labels and categories it mandates succeed in reducing past evils but turn a blind eye to other issues.[46] (Citation omitted)

In this context, rape must be viewed not only through the lens of gender but, more importantly, of power.

At its core, rape is an issue of power—an imposition of someone's dominance to violate the bodily autonomy of another.[47] This power imbalance can manifest in many ways such as through differences in gender, age, socio-economic stature, professional authority, or education. In rape, the perpetrator uses this power imbalance to coerce or manipulate the victim into submitting to their will or to make it impossible for the victim to refuse their advances. In this case, petitioner used her age and moral ascendancy to coerce a then 11- year-old AAA280727 into satisfying her lewd intentions.

In several jurisdictions,[48] gender-neutral reforms on rape laws have been adopted to protect a person's sexual autonomy from the harm brought by non-consensual penetrative sex acts. These reforms focus on a consent-based approach on rape and are grounded on the principle that "all persons should be protected equally from harm of like degree."[49] The acknowledgment and proper labeling of such abuse aim to "break down societal notions of denial and assist male and female victims in seeking support and legal redress."[50]

Similarly, there must be recognition in our laws that sexual violence devastates equally regardless of how it was committed or, at the very least, a reevaluation of whether the historical justifications for the distinctions in our rape laws are still relevant—and, more importantly, fair.

> By concurring with these statements I express a hope: that the normative constitutional requirements of human dignity and fundamental equality can become descriptive reality. The socially constructed distinctions between women and men that have afflicted us and spawned discrimination and violence should be eradicated sooner. Power and intimacy should not co-exist.
>
> The intimate spaces created by our human relationships are our safe havens from the helter skelter of this world. It is in that space where we grow in the safety of the special other who we hope will be there for our entire lifetime. If that is not possible, then for such time as will be sufficient to create cherished memories enough to last for eternity.[51]

The law has long defined rape by the conduct of the perpetrator, yet this captures only part of the truth. The violation and loss of dignity endured by the victim must also be taken into the equation. By doing this, the law can pave the way to humanize the victims and vindicate the harm they have endured. In People v. Quintos,[52] this Court acknowledged the immeasurable harm that all forms of sexual violence inflict on a victim:

> The classifications of rape in Article 266-A of the Revised Penal Code are relevant only insofar as these define the manners of commission of rape. However, it does not mean that one manner is less heinous or wrong than the other. Whether rape is committed by nonconsensual carnal knowledge of a woman or by insertion of the penis into the mouth of another person, the damage to the victim's dignity is incalculable. Child sexual abuse in general has been associated with negative psychological impacts such as trauma, sustained fearfulness, anxiety, self-destructive behavior, emotional pain, impaired sense of self, and interpersonal difficulties. Hence, one experience of sexual abuse should not be trivialized just because it was committed in a relatively unusual manner.
>
> "The prime purpose of [a] criminal action is to punish the offender in order to deter him and others from committing the same or similar offense, to isolate him from society, reform and rehabilitate him or, in general, to maintain social order." Crimes are punished as retribution so that society would understand that the act punished was wrong.
>
> Imposing different penalties for different manners of committing rape creates a message that one experience of rape is relatively trivial or less serious than another. It attaches different levels of wrongfulness to equally degrading acts. Rape, in whatever manner, is a desecration of a person's will and body.[53] (Emphasis supplied, citations omitted)

In this case, the sexual violence AAA280727 suffered caused him to feel intense shame and guilt and traumatized him enough that he contemplated ending his life.[54] Further, petitioner gaslit him into thinking that he consented to and enjoyed what was done to him.[55] If the genders were swapped, what happened would have been considered rape. However, as it stands, the acts penalized are not within the limits of rape as provided by law.

WHEREFORE, the August 30, 2024 Decision and the April 29, 2025 Resolution of the Court of Appeals in CA-G.R. CR No. 47966 are AFFIRMED with MODIFICATION. Petitioner XXX280727 is found GUILTY of statutory acts of lasciviousness under Article 336 of the Revised Penal Code. She is hereby sentenced to suffer the indeterminate penalty of imprisonment of nine years, four months, and one day of prision mayor, as minimum, to 16 years, five months and nine days of reclusion temporal, as maximum.

She is also ORDERED to PAY AAA280727 the following: (a) civil indemnity of PHP 150,000.00; (b) moral damages of PHP 50,000.00; (c) exemplary damages of PHP 50,000.00; and (d) costs of suit. The awards shall earn interest at the rate of 6% per annum from the finality of this Decision until fully paid.[56]

SO ORDERED.

Gesmundo, C.J., Caguioa, Hernando, Lazaro-Javier, Inting, Zalameda, Gaerlan, Rosario, Lopez, Dimaampao, Marquez, Kho, Jr., Singh, and Villanueva, JJ., concur.
Lopez, J., with separate concurring opinion.

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[*] In line with Amended Administrative Circular No. 83-2015 the names of 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] See People v. Salazar, 897 Phil. 388, 399 (2021) [Per J. Leonen, Third Division]; People v. Pareja, 724 Phil.

759, 779 (2014) [Per J. Leonardo-De Castro, First Division].

[2] Rollo, pp. 13-40.

[3] Id. at 43-59. The Decision was penned by Associate Justice Florencio M. Mamauag, Jr. and concurred in by Associate Justices Nina G. Antonio-Valenzuela and Eleuterio L. Bathan.

[4] Id. at 61-62. The Decision was penned by Associate Justice Florencio M. Mamauag, Jr. and concurred in by Associate Justices Nina G. Antonio-Valenzuela and Eleuterio L. Bathan.

[5] Section 5(b) states:

> Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected 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[.]

[6] Rollo, p. 44.

[7] Id.

[8] Id.

[9] Id. at 41, 44, 65.

[10] Id. at 45.

[11] Id. at 45-46.

[12] Id. 46, 66.

[13] Id. at 46-47, 66-67.

[14] Id. at 47, 67-69.

[15] Id. at 67-68.

[16] Id. at 69.

[17] Id. at 63-82. The December 2, 2022 Decision in Case No. R-MNL-19-11074-CR was penned by Judge Ma. Theresa C. Bueno of x, Regional Trial Court, Manila.

[18] Id. at 80-81.

[19] Id. at 43-59.

[20] Id. at 58.

[21] Id. at 55-56.

[22] Id. at 61-62.

[23] Id. at 13-41.

[24] Id. at 19-27.

[25] Id. at 28-30.

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[26] Id. at 32.

[27] Kumar v. People, 874 Phil. 214, 223 (2020) [Per J. Leonen, Third Division].

[28] People v. Geralde, 549 Phil. 841, 866 (2007) [Per J. Callejo, Sr., En Banc].

[29] People v. Salazar, 897 Phil. 388, 399 (2021) [Per J. Leonen, Third Division]; People v. Pareja, 724 Phil. 759, 778-779 (2014) [Per J. Leonardo-De Castro, First Division].

[30] People v. Rabosa, 339 Phil. 339, 348 (1997) [Per J. Kapunan, First Division].

[31] Rollo, pp. 54-56.

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

[33] Id. at 24-26. This pinpoint citation refers to the uploaded copy of the Decision in the Supreme Court website.

[34] Id. at 24-25.

[35] 783 Phil. 806 (2016) [Per J. Peralta, En Banc].

[36] Republic Act No. 8353, (1997), The Anti-Rape Law of 1997.

[37] See People v. Tulagan, 849 Phil. 197, 222-224 (2019) [Per J. Peralta, En Banc]; People v. Pareja, 694 Phil. 338, 347 (2012) [Per J. Brion, Second Division]; People v. Campuhan, 385 Phil. 912, 915-916 (2000) [Per J. Bellosillo, En Banc]; People v. Bormeo, 292-A Phil. 691, 704 (1993) [Per J. Davide, Jr., Third Division].

[38] People v. Bormeo, 292-A Phil. 691, 704 (1993) [Per J. Davide, Jr., Third Division].

[39] See People v. ZZZ, G.R. No. 267815, August 6, 2025 [Per J. Rosario, First Division]; People v. XXX263553, 949 Phil. 562 (2023) [Per J. Lazaro-Javier, Second Division]; People v. Agao, 930 Phil. 559 (2022) [Per J. Caguioa, En Banc].

[40] People v. Jumawan, 733 Phil. 102, 126 (2014) [Per J. Reyes, First Division], citing Cassandra M. DeLaMothe, Liberta Revisited: A Call to Repeal the Marital Exemption for All Sex Offenses in New York's Penal Law, 23 FORDHAM URBAN LAW JOURNAL, Iss. 3, 857, 861 (1995); Maria Pracher, The Marital Rape Exemption: A Violation of a Woman's Right of Privacy, 11 GOLDEN GATE U. L. REV., Iss. 3, 717, 725 (1981).

[41] Philip N.S. Rumney, In Defence of Gender Neutrality Within Rape, 6 SEATTLE JOURNAL FOR SOCIAL JUSTICE, Iss. 1, 481, 483, (2007).

[42] Id. at 484.

[43] 712 Phil. 44 (2013) [Per J. Perlas-Bernabe, En Banc].

[44] J. Leonen, Separate Concurring Opinion in Garcia v. Drilon, 712 Phil. 44, 169-171 (2013) [Per J. Perlas-Bernabe, En Banc].

[45] Id. at 171.

[46] Id. at 172.

[47] J. Leonen, Separate Concurring Opinion in People v. Tulagan, 849 Phil. 197, 337 (2019) [Per J. Peralta, En Banc].

[48] See Michigan Penal Code, Section 750.520b where the crime of non-consensual sexual penetration committed by any person is penalized; Criminal Code of Canada, Section 271 which uses the term "everyone" on

who may commit sexual assault; Australian Criminal Code of 1899, Section 349 which states that rape may be committed by "any person"; and Criminal Code of Finland, Chapter 20, Section 1 which penalizes "a person who forces another into sexual intercourse."

[49] Philip N.S. Rumney, In Defence of Gender Neutrality Within Rape, 6 SEATTLE JOURNAL FOR SOCIAL JUSTICE, Iss. 1, 481, 484 (2007).

[50] Id. at 486.

[51] J. Leonen, Separate Concurring Opinion in Garcia v. Drilon, 712 Phil. 44, 176 (2013) [Per J. Perlas-Bernabe, En Banc].

[52] 746 Phil. 809 (2014) [Per J. Leonen, Second Division].

[53] Id. at 832-833.

[54] Rollo, pp. 45-46.

[55] Id. at 24.

[56] Nacar v. Gallery Frames, 716 Phil. 267 (2013) [Per J. Peralta, En Banc].

SEPARATE CONCURRING OPINION

LOPEZ, J. J.:

XXX280727 was charged in an Information that reads as follows:

> That on or about September 7, 2018, in the City of x, and within the jurisdiction of this Honorable Court, the said accused, being the paternal aunt of [AAA280727], a minor, 11 years old, and by means of persuasion, inducement, enticement or coercion, did then and there [willfully], unlawfully[,] and feloniously commit acts of lasciviousness upon the person of the said [AAA280727] by calling him to go to her bed in her dwelling located at x, removing his clothes, inserting condom in his penis, touching it and inserting it in her vagina, moving it up and down, thus causing fear [and] inappropriate malice upon the latter as a human being, an act prejudicial to his normal growth and development, to his damage and prejudice.
>
> Contrary to law.[1]

These acts are constitutive of rape under Republic Act No. 11648.[2] In 2022, the enactment of Republic Act No. 11648 strengthened the protection given by existing laws against rape by increasing the age of consent from 12 years old to 16 years old and by expanding the definition of rape, which stressed that rape may now be committed by any person who has carnal knowledge of another person under specific circumstances. Here, the acts of XXX280727 may be considered as rape under Article 266-A(1) of the Revised Penal Code, as amended by Republic Act No. 11648 because XXX280727 had carnal knowledge with AAA280727 by inserting AAA280727's penis into her vagina.

However, the said acts were committed in 2018 before the effectivity of Republic Act No. 11648. Notably, Article 22 of the Revised Penal Code states that penal laws shall have a retroactive effect insofar as it is favorable to the accused. Here, the retroactive effect of Republic Act No. 11648 will result into a higher penalty of reclusion perpetua. Thus, to apply Republic Act No. 11648 to this case will not be favorable to XXX280727.

At the time the abuse was committed, the provisions on acts of lasciviousness are the applicable provision. Pursuant to Gramatica v. People,[3] the proper designation of the crime committed by XXX280727 is statutory

acts of lasciviousness under Article 336 of the Revised Penal Code.

To restate, AAA280727 was only 11 years old at the time XXX280727 sexually abused him. He categorically testified that his aunt, XXX280727, woke him up in the middle of the night, commanded him to remove his clothes and made him lie down on her bed. Then, XXX280727 removed her clothes and put a condom over AAA280727's penis. Afterwards, she went on top of AAA280727 and inserted AAA280727's penis inside her vagina. XXX280727 did this for 10 minutes and when she was done, she told AAA280727 to put his clothes back on and not tell anyone about what happened or else she would lie that AAA280727 was the one who raped her.[4]

The Regional Trial Court found that all the elements of acts of lasciviousness under Article 336 of the Revised Penal Code in relation to Section 5(b) Republic Act No. 7610[5] are present. It held that XXX280727 used her influence and moral ascendancy to perform lewd acts on AAA280727, who was only 11 years old at the time of the incident. This was affirmed by the Court of Appeals (CA). Hence, XXX280727 filed a Petition for Review on Certiorari under Rule 45 of the Rules of Court before this Court to assail the decision of the CA.

Article 336 of the Revised Penal Code defines acts of lasciviousness as follows:

> Art. 336. Acts of lasciviousness. — Any person who shall commit any act of lasciviousness upon other persons of either sex, under any of the circumstances mentioned on the preceding article, shall be punished by prision correccional.

Conviction under this provision requires that the prosecution establish the following elements:

1)

That the offender commits any act of lasciviousness or lewdness;

2)

That it is done 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;

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; and

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3)

That the offended party is another person of either sex.[6]

Similarly, the Implementing Rules and Regulations of Republic Act No. 7610 defines lascivious conduct as "the intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks, or the introduction of any object into the genitalia, anus or mouth, of any person, whether of the same or opposite sex, with intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person, bestiality, masturbation, lascivious exhibition of the genitals or pubic area of a person[.]"[7]

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

> 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 subjected 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 [sic] 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[.]

In the recent case of Gramatica, this Court clarified that when lascivious conduct committed through force, threat, or intimidation, or where the victim is deprived of reason or otherwise unconscious, or by fraudulent machination or grave abuse of authority is committed against a child who is under 12 years old, the crime committed is statutory acts of lasciviousness under Article 336 of the Revised Penal Code. In the said case, this Court also laid down the guidelines on the proper application of Section 5(b) of Republic Act No. 7610, in relation to acts of lasciviousness involving minors.

This Court, speaking through Associate Justice Henri Jean Paul B. Inting, issued guidelines to aid the courts in the uniform and consistent prosecution of acts of lasciviousness involving minors, especially in the light of the amendments introduced by Republic Act No. 11648 and relevant jurisprudence:

> First, Section 5(b) of Republic Act No. 7610, as amended by Republic Act No. 11648 (which raised the age of sexual consent to 16), applies to minors aged 16 and above but below 18 years old who are subjected to other forms of sexual abuse. This provision specifically covers situations where a minor engages in sexual intercourse or lascivious conduct due to the coercion or influence of an adult, even when the minor appears to "consent" to the act.
>
> Second, the provision contemplates a semblance of consent that is defective or vitiated—where the minor allows, yields, or participates in the act not through free will but because of the coercion or influence exerted by an adult. Such coercion or influence is distinct from the concepts of force or intimidation under the Revised Penal Code. Therefore, when the minor's participation is induced by pressure, manipulation, or abuse of authority that does not rise to the level of force or intimidation, Section 5(b) properly applies.

> Third, Section 5(b) does not apply when the lascivious conduct is committed through force or intimidation, or when the victim is deprived of reason, unconscious, or otherwise subjected to fraudulent machination or grave abuse of authority. In such cases, the proper charge is acts of lasciviousness under Article 336 of the Revised Penal Code, and Republic Act No. 7610 does not find application.
>
> Fourth, suppose the victim is below 12 years old, or below 16 years old, and the case does not fall under the specific conditions of Section 5(b). In that case, the offense should be prosecuted as either rape or acts of lasciviousness, as the case may be, under the provisions of the Revised Penal Code, as amended.[8]

The case of Gramatica clarified that Republic Act No. 7610 did not impliedly repeal Article 336 of the Revised Penal Code. Section 5(b) of Republic Act No. 7610 only applies when the minor "indulges in" or "engages in" sexual intercourse or lascivious conduct as a child exploited in prostitution or subjected to "other sexual abuse" in the specific sense of being induced, enticed, or coerced to participate. Clearly, it covers children who participate in sexual acts due to consideration or the coercion or influence of adults or syndicates. On the other hand, Article 336 of the Revised Penal Code continues to govern acts of lasciviousness where the child does not "indulge" or "engage," such as when the child is asleep or unconscious. Apparently, Section 5(b) of Republic Act No. 7610 only provides a clear definition of children subjected to other sexual abuse as those who indulge in sexual intercourse or lascivious conduct due to the coercion or influence of an adult.

Here, XXX280727 ordered her 11-year old nephew, AAA280727, to remove his clothes and made him lie down on the bed. Then, XXX280727 proceeded to get on top of AAA280727 and inserted his penis into her vagina. Notably, AAA280727 followed the instructions of XXX280727 because she threatened AAA280727 that if he will tell anyone what happened, then XXX280727 will frame AAA280727 as the one who raped her. Evidently, these overt acts of XXX280727 are tantamount to lascivious conduct as defined in the Revised Penal Code.

Verily, the case of Gramatica has brought much-needed clarity to the application of Section 5(b) of Republic Act No. 7610, particularly in cases involving acts of lasciviousness against minors. By delineating the scope of the said provision, this Court provided a clear framework for the prosecutors and the courts, ensuring that justice is served and the rights of the minors are protected. Undoubtedly, the guidelines issued by this Court will aid in the uniform and consistent prosecution of such cases, helping to address the alarming rates of child abuse and exploitation in the Philippines. Moreso, it highlights the importance of having clear and specific laws that address the complexities of child abuse cases.

Breaking Barriers: The Evolution of Rape Laws in the Philippines

Rape is an inherently violent crime that typically results in physical, social, emotional, and psychological harm. It remains a prevalent social problem in the Philippines, and throughout the world. Notably, the history of rape law in the Philippines has undergone significant changes.

The origin of the crime of rape as it is now defined traces its source to the Codigo Penal of 1870, which was introduced in the Philippines in 1887, and was not superseded until the effectivity of the Revised Penal Code in 1932.[9] Rape was historically classified as a crime against chastity, which focused on protecting a woman's honor and deemed it a private offense. Then in 1997, Republic Act No. 8353 otherwise known as the Anti-Rape Law of 1997, expanded the definition of rape and reclassified it as a crime against persons instead of as a crime against chastity. As a crime against persons, the law no longer considers rape as a private crime. Thus, anyone who knows of the crime may file a case on the victim's behalf, and prosecution may continue even if the victim drops the case. In this regard, the law is considered as progressive in terms of veering away from the chastity framework.

Moreso, Republic Act No. 8353 expanded the definition of rape to include sexual assault by penetration with

objects or body parts, removed the requirement of physical resistance, and allowed cases to proceed regardless of victim pardon or marriage to the offender. With this development, rape is no longer limited to traditional penile-vaginal intercourse. It added Article 266-A(2) which includes acts of sexual violence, such as the insertion of objects or other body parts into the genital or anal orifice of another. In rape through sexual assault, the offender may be a man or a woman, in contrast with rape through sexual intercourse where the offender can only be a man.

The expanded definition of rape under Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353 is as follows:

> Article 266-A. Rape: When And How Committed. — Rape is committed:
>
> 1)
>
> By a man who shall have carnal knowledge of a woman under any of the following circumstances:
>
> a)
>
> Through force, threat, or intimidation;
>
> 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 anal orifice of another person.

From the foregoing provision, Article 266-A(1) contemplates the traditional rape which states that rape can only be committed by a man through inserting his penis into a woman's vagina. On the other hand, Article 266-A(2) is sexual assault which occurs when an offender, whether male or female, commits acts such as oral sex, anal sex, or penetration by an instrument or object other than penile-vaginal intercourse, against a male or female victim. Further, Article 266-A(1) is punishable by reclusion perpetua, while Article 266-A(2) is punishable by prision mayor.[10]

Evidently, prior to the amendment of the Revised Penal Code, male victims of rape by sexual intercourse were not acknowledged or recognized. While Republic Act No. 8353 allowed the legal recognition of rape of a man and a woman, there are different penalties for the offense of raping a man compared to doing the same act to a woman. Rape against a man can only be committed through rape by sexual assault under Article 266-A(2), which carries a

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lesser penalty of prision mayor, while rape against a woman under Article 266-A(1) is penalized by reclusion perpetua.

In 2022, Republic Act No. 11648 was enacted amending Republic Act No. 8353:

> SECTION 1. Article 266-A (1)(d) of Act No. 3815, otherwise known as "The Revised Penal Code," as amended by Republic Act No. 8353 otherwise known as "The Anti-Rape Law of 1997," is hereby further amended to read as follows:
>
> Article 266-A. Rape; When and How Committed. – Rape is Committed:
>
> 1)
>
> By a person who shall have carnal knowledge of another person under any of the following circumstances[.] (Emphasis supplied)

From the foregoing, the wordings of the law significantly changed where the perpetrator of the crime may now be any person, regardless of gender. Article 266-A(1) of the Revised Penal Code, as amended by Republic Act No. 8353 and further amended by Republic Act No. 11648 is no longer limited to a man having carnal knowledge with a woman. Carnal knowledge is the gravamen of rape. It has been defined as the act of a man having sexual bodily connections with a woman; sexual intercourse.[11]

As early as 1990, this Court has ruled that mere touching of a vagina by a penis capable of penetration is considered consummated rape. In People v. Orita,[12] this Court decisively disregarded the notion that perfect penetration and hymenal rupture are necessary for consummation of rape, and clarified that any penetration of the female organ by the male organ, however slight, is sufficient to warrant conviction, thus:

> Clearly, in the crime of rape, from the moment the offender has carnal knowledge of his victim, he actually attains his purpose and, from that moment also all the essential elements of the offense have been accomplished. Nothing more is left to be done by the offender, because he has performed the last act necessary to produce the crime. Thus, the felony is consummated. In a long line of cases (People v. Oscar, 48 Phil. 527; People v. Hernandez, 49 Phil. 980; People v. Royeras, G.R. No. L-31886, April 29, 1974, 56 SCRA 666; People v. Amores, G.R. No. L-32996, August 21, 1974, 58 SCRA 505), We have set the uniform rule that for the consummation of rape, perfect penetration is not essential. Any penetration of the female organ by the male organ is sufficient. Entry of the labia or lips of the female organ, without rupture of the hymen or laceration of the vagina is sufficient to warrant conviction. Necessarily, rape is attempted if there is no penetration of the female organ (People v. Tayaba, 62 Phil. 559; People v. Rabadan, et al., 53 Phil. 694; United States v. Garcia, 9 Phil. 434) because not all acts of execution [were] performed. The offender merely commenced the commission of a felony directly by overt acts. Taking into account the nature, elements and manner of execution of the crime of rape and jurisprudence on the matter, it is hardly conceivable how the frustrated stage in rape can ever be committed.[13] (Emphasis supplied)

In the succeeding case of People v. Quiñanola,[14] this Court reiterated that in light of discerning whether carnal knowledge was had, "mere touching" of the penis consummates the crime:

> In the context it is used in the Revised Penal Code, "carnal knowledge," unlike its ordinary connotation of sexual intercourse, does not necessarily require that the vagina be penetrated or that the hymen be ruptured. The crime of rape is deemed consummated even when the man's penis merely enters the labia or lips of the female organ or, as once so said in a case, by the "mere touching of the external genitalia by a penis capable of consummating the sexual act."[15] (Citations omitted)

Verily, the mere touching of the external genitalia by a penis capable of consummating the sexual act constitutes carnal knowledge.[16] All that is necessary to reach the consummated stage of rape is for the penis capable of

consummating the sexual act to come into contact with the lips of the pudendum. With the advent of Republic Act No. 11648, rape through sexual intercourse can be consummated by any person having carnal knowledge with anyone, regardless of gender. Thus, a woman can be held liable of rape through sexual intercourse for having a carnal knowledge with a man, without the latter's consent, under Article 266-A(1) of the Revised Penal Code, as amended.

Historically, men are expected to take on the dominant roles both in the community and in the family. This perception naturally leads to men gaining more power over women—power, which must necessarily be controlled and maintained. With this, violence against women is one of the ways men control women to retain such power. Rape was indeed defined as a crime committed against women, reflecting societal attitudes that often overlooked or downplayed men victimization. This narrow definition contributed to a culture where men survivors were left without adequate support or recognition. The stigma surrounding men rape, coupled with traditional stereotypes about masculinity makes it even harder for men to speak out. Consequently, men are far less likely to report rape than women often suffering in silence due to fear of being perceived as weak.

The case at bar presents a different situation where the woman, who was older, had the power over a child. Here, XXX280727 caused the insertion of AAA280727's penis into her vagina, without the latter's consent. The enactment of Republic Act No. 11648 marks a significant shift in the judicial approach to rape cases. By broadening the scope of rape through sexual intercourse to include any person as potential perpetrator, the law strongly recognizes that rape through sexual intercourse is a crime of violence rather than a crime defined by gender. This shift acknowledges the reality that rape through sexual intercourse can be committed by anyone, regardless of gender.

Thusly, the impact of Republic Act No. 11648 will likely be far-reaching, encouraging more victims to come forward and seek justice, and serving as a deterrent to potential perpetrators. It is a significant stride towards creating a more just and equitable society where everyone can live without fear of sexual violence.

Nonetheless, as Republic Act No. 11648 still does not apply to the present case. XXX280727 must be held liable for the crime of statutory acts of lasciviousness under Article 336 of the Revised Penal Code.

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[1] Ponencia, p. 2.

[2] An Act Promoting 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" (2022).

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

[4] Id. at 2-3. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

[5] Otherwise known as the "Special Protection of Children Against Child Abuse Exploitation and Discrimination Act" (1992).

[6] Valenzona v. People, 894 Phil. 345, 352-353 (2021) [Per J. Inting, Third Division].

[7] DOJ Rules and Regulations on the Reporting and Investigation of Child Abuse Cases, October 11, 1993. (Emphasis supplied)

[8] Gramatica v. People, G.R. No. 260233 and 266039, August 12, 2025 [Per J. Inting, En Banc] at 52-53. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[9] 66 RUBEN F. BALANE, THE SPANISH ROOTS OF PHILIPPINE LAW 23-31 (2018).

[10] REV. PEN. CODE, as amended, art. 266-B.

[11] People of the Philippines v. Bormeo, 292-A Phil. 691, 704 (1993) [Per J. Davide, Jr., Third Division]. (Citation omitted)

[12] 262 Phil. 963 (1990) [Per J. Medialdea, First Division].

[13] Id. at 976-977.

[14] 366 Phil. 390 (1999) [Per J. Vitug, Third Division].

[15] Id. at 410.

[16] People v. Campuhan, 385 Phil. 912, 920-921 (2000) [Per J. Bellosillo, En Banc].

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