



Republic of the Philippines
 Supreme Court
 Manila

EN BANC

PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee,

G.R. No. 252214

Present:

GESMUNDO, C.J.,
 LEONEN,
 CAGUIOA,
 HERNANDO,
 LAZARO-JAVIER,*
 INTING,
 ZALAMEDA,
 LOPEZ, M.,
 GAERLAN,
 ROSARIO,
 LOPEZ, J.,
 DIMAAMPAO,
 MARQUEZ,
 KHO, JR., and
 SINGH, JJ.

- versus -

BBB,¹

Accused-Appellant.

Promulgated:

June 14, 2022

X-----
[Signature]-----X

DECISION

GAERLAN, J.:

This is an ordinary appeal under Rule 122 of the Rules of Court, as amended, seeking to reverse and set aside the Decision² dated November 11,

* On official leave.

¹ Pursuant to Supreme Court Amended Administrative Circular No. 83-2015, the personal circumstances and other information which tend to establish or compromise the identity of the victim, including the names of her family members or relatives, and the *barangay* and town where the incidents occurred, are withheld. The names of the victim and her family members or relatives are replaced with fictitious initials. Likewise, the real name of the accused-appellant is replaced with fictitious initials by reason of his relationship to the minor victim.

² *Rollo*, pp. 3-13. Penned by Associate Justice Ma. Luisa C. Quijano-Padilla with Associate Justices Edwin D. Sorongon and Ruben Reynaldo G. Roxas concurring.

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2019 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 11429. The said issuance affirmed with modification the April 16, 2018 Decision³ of Branch I of the Regional Trial Court (RTC) of Pallocan West, Batangas City in Criminal Case Nos. 18941 and 18942 which, in turn, found accused-appellant BBB guilty beyond reasonable doubt of one (1) count of rape, imposing upon him the penalty of *reclusion perpetua* and other monetary awards.

Antecedents

BBB is the biological father of AAA, the private offended party. BBB was indicted for the crime of rape committed against AAA by virtue of two Informations, the accusatory portions of which read as follows:

Criminal Case No. 18941

That sometime in the month of July 2013, at [REDACTED], Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously lie with and have carnal knowledge with one [AA], accused's daughter, a thirteen (13)[-]year[-]old minor, against her will and consent, which acts debased, degraded and demeaned the intrinsic worth and dignity of said [AA] as human being.

Contrary to law.⁴

Criminal Case No. 18942

That on or about the 9th day of February 2014, at about 11:00 o'clock in the evening, at [REDACTED], Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously lie with and have carnal knowledge with one [AA], accused's daughter, a fourteen (14)[-]year[-]old minor, against her will and consent, which acts debased, degraded and demeaned the intrinsic worth and dignity of said [AA] as human being.

Contrary to law.⁵

Upon arraignment, BBB pleaded not guilty to the offenses charged. Thus, pre-trial ensued, followed by trial on the merits.

³ CA *rollo*, pp. 46-50. Rendered by Presiding Judge Florencio S. Arellano.

⁴ *Id.* at 46.

⁵ *Id.* at 46-47.

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The records show that AAA was not able to testify during trial. Nevertheless, the case was prosecuted on the strength of a Deoxyribonucleic Acid (DNA) test which revealed BBB to be the biological father of AAA's child.⁶

The evidence for the prosecution and the defense were summarized by the CA as follows:

On October 5, 2015, the prosecution presented Loreto F. Bravo, Forensic Chemist II from the National Bureau of Investigation (NBI). Pursuant to the trial court's order, blood and buccal swabs were collected from the accused-appellant, the victim and the victim's child CCC. The witness then testified that after the amplifications and DNA profiling conducted during the laboratory examinations at the NBI Office, Taft Avenue, Manila, the results of their analysis showed that the minor victim is the daughter of accused-appellant. Moreover, the analysis also revealed that accused-appellant is the biological father of the victim's child CCC with a probability of paternity of 99.9999% as per DNA Report No. DNA-15-09.

As for its next witness, the prosecution presented DDD. Her testimony was however dispensed with after the defense agreed to stipulate and admit that: "the witness is aunt of private complainant/victim AAA; her brother EEE reported to her that her niece AAA is pregnant and that the father of the child in her womb is her father, BBB; she brought AAA to the hospital and had her examined at the Batangas Medical Center, Batangas City wherein it was found out that she was pregnant; [and] that she will be able to identify her affidavit executed on February 11, 2014 x x x."

The prosecution also presented PO1 Richmon Tumabaga Manalo on the witness stand. Again, his testimony was also dispensed with after the parties stipulated that based on the complaint made on February 10, 2014 by private complainant and her aunt DDD, that herein accused-appellant had carnal knowledge of said victim, this witness and PO3 Reynaldo Mendoza Ilagan were able to apprehend him at YYY, Batangas.

Thereafter, the public prosecutor manifested that private complainant cannot be presented as a witness on account of her continuous absence during the scheduled hearing dates. Thus, the RTC ordered the Social Worker assigned to said court to conduct a case study and submit a report on why the minor victim is not appearing in court to testify in relation to the case being filed.

In compliance to said directive, Social Worker Josefina S. Perez filed a report, stating that private complainant already went back to her home province in Romblon. This was after she was misinformed that the results of the DNA tests would be released only upon payment of ₱75,000.00. The minor victim and her family knew that they had no way to raise said amount, thus, forcing them to abandon the case. The report also

⁶ Id. at 47-48.

stated that the child of the victim, CCC, is now under the care of the victim's mother FFF, in [REDACTED].

On the other hand, accused-appellant for his defense, denied the allegation of rape against him. Accused-appellant mainly states that his daughter falsely accused him of rape upon the prodding of his sister-in-law, DDD, with whom he had a misunderstanding. He also claims to be unaware of the fact that his daughter got pregnant and that the latter gave birth to a child in August 2014. Accused-appellant nevertheless confirms that the representatives of the NBI collected DNA samples from him, his daughter AAA and her child CCC upon order of the trial court. Despite the DNA results indicating that he is the biological father of AAA's child, accused-appellant insists that the same is not true.⁷

The RTC Ruling

On April 16, 2018, the RTC found BBB guilty of rape as charged in Criminal Case No. 18942, holding that the circumstantial evidence sufficiently establishes the fact that BBB raped AAA.⁸

The RTC declared that it cannot be denied that AAA was still a minor at the time of the commission of the crime, as evidenced by her certificate of live birth and by BBB's own admission, and that she was impregnated by her own biological father. And while there may be a discrepancy as to the exact time that BBB took carnal knowledge of his own daughter, the trial court ruled that the same cannot overcome the fact that a DNA test confirms that BBB is the father of AAA's child.⁹

Ultimately, the trial court disposed:

WHEREFORE, premises considered, finding the Accused BBB **guilty** beyond reasonable doubt, as principal, of the crime of **Rape** defined under Article 266-A par. 1 and penalized under Article 266-B of the Revised Penal Code, as amended by R.A. 8353, there being no aggravating nor mitigating circumstances in attendance, he is hereby sentenced to suffer the penalty of **Reclusion Perpetua** (Criminal Case No. 18942).

Further, the accused is hereby ordered to indemnify AAA and her mother the amount of Seventy[-]Five Thousand (Php75,000.00) Pesos as moral damages plus the sum of Forty Thousand (Php40,000.00) Pesos, as exemplary damages, and to pay the costs.

Furthermore, accused is ordered to support the child he bore on AAA.

⁷ *Rollo*, pp. 5-6.

⁸ *CA rollo*, p. 50.

⁹ *Id.* at 49.

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For failure of the prosecution to prove the guilt of the accused beyond reasonable doubt for the rape committed sometime in July 2013, herein Accused BBB is **acquitted** (Criminal Case No. 18941).

Considering that Accused BBB has undergone preventive imprisonment, being a detention prisoner, and there being no evidence to show that he is a recidivist, he shall be credited in the service of sentence with the full time during which he has undergone preventive imprisonment, had he agreed in writing to abide by the same disciplinary rules imposed upon convicted prisoners, otherwise, he shall be credited only with four[-]fifths (4/5) of the time during which he has undergone preventive imprisonment, as provided for in Article 29 of the Revised Penal Code, as amended.

The Jail Warden, Provincial Jail, Batangas City or any of his duly authorized representatives is hereby directed to immediately commit the herein accused to the custody of the National Bilibid Prison, Muntinlupa City. Let a commitment order be issued for this purpose.

SO ORDERED.¹⁰

Aggrieved, BBB interposed an appeal with the CA. He argued, in the main, that because AAA was unable to testify before the trial court, the prosecution was not able to prove one of the elements of the crime of rape, *i.e.*, that there be force, threat, intimidation, or coercion. BBB also contended that the witnesses who testified for the prosecution had no personal knowledge of the act of rape purportedly committed against AAA; and that the fact that AAA's child was born sometime in August 2014 shows that it was very unlikely that she was raped either in July 2013 or on February 9, 2014.¹¹

The CA Ruling

On November 11, 2019, the CA issued the herein assailed decision affirming with modification BBB's conviction.¹²

The appellate court held that, indeed, the fact that BBB fathered AAA's child, is irrefutable. It is conclusive proof that BBB had carnal knowledge of his own minor daughter.¹³

The CA further ruled that because BBB is AAA's father, there was no more need for the prosecution to prove that there was actual threat, force, or intimidation in the commission of the crime of rape. BBB's moral ascendancy

¹⁰ Id. at 50.

¹¹ Id. at 37-39.

¹² *Rollo*, p. 20.

¹³ Id. at 9-10.

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over AAA already exists by virtue of their relationship as father and daughter, respectively.¹⁴

Finally, the CA declared that the fact that AAA's child's date of birth does not correspond with exactitude to the date when AAA was raped by BBB is immaterial. The date of commission of the rape is not an essential element of the crime, especially in this case when the victim was impregnated by her own father, the appellate court emphasized.¹⁵

Thus, the CA disposed as follows:

WHEREFORE, the appeal is **DENIED**.

The Decision promulgated on June 14, 2018 of the Regional Trial Court, Branch 1 of Batangas City, finding accused-appellant BBB guilty beyond reasonable doubt of Rape in *Crim. Case No. 18942* is hereby **AFFIRMED** with **MODIFICATION** that the penalty of *reclusion perpetua* is imposed without the benefit of parole and the amounts awarded for the civil indemnity, moral damages and exemplary damages are hereby increased to ₱100,000.00 each, pursuant to the prevailing jurisprudence.

SO ORDERED.¹⁶

Hence, the present recourse.

On January 8, 2020, the CA issued a Minute Resolution¹⁷ giving due course to the Notice of Appeal¹⁸ filed by BBB, thereby ordering the elevation of the records of the instant case to this Court.

In a Resolution¹⁹ dated September 2, 2020, this Court noted the records of the case forwarded by the CA. The parties were then ordered to file their respective supplemental briefs, should they so desire, within 30 days from notice.

In a Manifestation (In Lieu of Supplemental Brief)²⁰ dated November 4, 2020, BBB, through the Public Attorney's Office, declared that he would no longer file a supplemental brief because all of his contentions have been

¹⁴ Id. at 10.

¹⁵ Id. at 10-11.

¹⁶ Id. at 12.

¹⁷ CA *rollo*, p. 118.

¹⁸ Id. at 112-113.

¹⁹ *Rollo*, pp. 20-21.

²⁰ Id. at 24-27.

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exhaustively ventilated in the Appellant's Brief²¹ that he filed with the CA. On December 17, 2020, the Office of the Solicitor General filed a similar Manifestation²² on behalf of the People.

Issue

Succinctly, this Court is tasked to determine whether the CA erred in affirming with modification BBB's conviction for the crime of rape.

The Ruling of the Court

BBB excoriates his conviction primarily on the ground that AAA was not able to testify against him in open court. It is his theory that the reliance of the courts *a quo* on circumstantial evidence is virtually flawed because there was no direct evidence of the commission of the crime of rape, thereby warranting his acquittal.

Following a painstaking review of the records of the instant case, as well as the parties' respective postures as amplified in their pleadings, the Court finds the instant appeal bereft of merit.

Circumstantial evidence alone may be relied upon by the courts to render a judgment of conviction

Circumstantial evidence is defined as “[e]vidence based on inference and not on personal knowledge or observation.”²³ Alternatively stated, circumstantial evidence refers to “evidence of facts or circumstances from which the existence or nonexistence of fact in issue may be inferred.”²⁴ Circumstantial evidence is that which is applied to the principal fact, indirectly, or through the medium of other facts, from which the principal fact is inferred²⁵ according to reason and common experience.²⁶

In this jurisdiction, circumstantial evidence has been defined as that evidence “which indirectly proves a fact in issue through an inference which

²¹ CA rollo, pp. 27-45.

²² Rollo, pp. 32-37.

²³ Black's Law Dictionary, 635 (9th ed., 2009).

²⁴ *Grant v. Delco Oil, Inc.*, 259 B.R. 742 (2000).

²⁵ *People v. Goldstein*, 139 Cal. App. 2d 146 (1956).

²⁶ *State v. Austin*, 399 So. 2d 158 (1981).

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the fact-finder draws from the evidence established.”²⁷ It is that which “goes to prove a fact or series of facts other than the facts in issue, which, if proved, may tend by inference to establish a fact in issue.”²⁸

Contrary to BBB’s insinuations, circumstantial evidence is neither weaker nor inferior to direct evidence. Rather, direct evidence and circumstantial evidence are equally probative.²⁹ It is a settled rule that circumstantial evidence is sufficient to support a conviction, and that direct evidence is not always necessary.³⁰ Circumstantial evidence is not only sufficient, but may also be more certain, satisfying and persuasive than direct evidence.³¹

In *People v. Pentecostes*,³² this Court held that a person accused of a crime may be convicted solely based on circumstantial evidence if the following requisites concur:

1. there is more than one circumstance;
2. the facts from which the inferences are derived are proven; and
3. the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.³³

Like a tapestry made up of strands which create a pattern when interwoven, a judgment of conviction based on circumstantial evidence can be upheld only if the circumstances proved constitute an unbroken chain which leads to one fair and reasonable conclusion which points to the accused, to the exclusion of all others, as the guilty person.³⁴ The circumstances proved must be concordant with each other, consistent with the hypothesis that the accused is guilty and, at the same time, inconsistent with any hypothesis other than that of guilt.³⁵ The facts and circumstances must be so closely interwoven and connected that the finger of guilt is pointed unerringly at the accused and the accused alone.³⁶

Guided by the foregoing precepts, We sustain BBB’s conviction.

²⁷ *Espineli v. People*, 735 Phil. 530, 539 (2014).

²⁸ *People v. Modesto*, 134 Phil. 38, 43 (1968).

²⁹ *Ramsey v. State*, 473 SW 3d 805 (2015).

³⁰ *Zabala v. People*, 752 Phil. 59, 67 (2015).

³¹ *Michalic v. Cleveland Tankers, Inc.*, 364 U.S. 325 (1960).

³² 820 Phil. 823 (2017).

³³ *Id.* at 833.

³⁴ *People v. Geron*, 346 Phil. 14, 24 (1997).

³⁵ *People v. Abdulah*, 596 Phil. 870, 876 (2009).

³⁶ *State v. Crawford*, 470 SW 2d 610 (1971).

The prosecution was able to prove all of the elements of the crime of rape

Under Article 266-A(1) of the Revised Penal Code (RPC), as amended, the elements of rape are: (1) the offender had carnal knowledge of the victim; and (2) such act was accomplished through force or intimidation; or when the victim is deprived of reason or otherwise unconscious; or when the victim is under twelve years of age.³⁷ These elements are obtaining in this case.

The records of the instant case ineluctably show that BBB fathered AAA's child. The result of the DNA test which was ordered by the trial court attests to the same with scientific certainty. Thus, the first element of rape, *i.e.*, that the offender had carnal knowledge of the victim, has been duly established by the prosecution. Surely, it is an unimpeachable fact that BBB had carnal knowledge of AAA.

As to the second element of rape, the CA correctly ruled that AAA's testimony was no longer necessary in order for the prosecution to prove that force or intimidation was employed by BBB to consummate his dastardly acts.

Case law holds that where the rape is committed by a close kin, such as the victim's father, stepfather, uncle, or the common-law spouse of her mother, it is not necessary that actual force or intimidation be employed; moral influence or ascendancy takes the place of violence or intimidation,³⁸ especially so when they are living under the same roof.³⁹ Considering that BBB is AAA's biological father, the former's moral ascendancy over the latter is substituted for force and intimidation.⁴⁰

Indeed, in cases of incestuous rape of a minor, it has been established that moral ascendancy of the ascendant substitutes force or intimidation.⁴¹

In *People v. Servano*,⁴² the Court explained:

We have to bear in mind that, in incest rape, the minor victim is at a great disadvantage because the assailant, by his overpowering and overbearing moral influence, can easily consummate his bestial lust with impunity. As a consequence, proof of force and violence is unnecessary unlike where the

³⁷ *People v. Tubillo*, 811 Phil. 525, 532 (2017).

³⁸ *People v. XXX*, G.R. No. 235662, July 24, 2019.

³⁹ *People v. Lantano*, 566 Phil. 628, 639 (2008).

⁴⁰ *People v. Amoc*, 810 Phil. 253, 260 (2017).

⁴¹ *People v. XXX*, G.R. No. 244288, March 4, 2020.

⁴² 454 Phil. 257 (2003).

accused is not an ascendant or blood relative of the victim. Thus, the failure of the victim to explicitly verbalize, as in this case, the use of force, threat, or intimidation by the accused should not adversely affect the case of the prosecution as long as there is adequate proof that sexual intercourse did take place. x x x⁴³

In *People v. Castel*,⁴⁴ We further ratiocinated:

It is a hornbook doctrine that in the incestuous rape of a minor, actual force or intimidation need not even be employed where the overpowering moral influence of the father would suffice. The moral and physical dominion of the father is sufficient to cow the victim into submission to his bestial desires. One should bear in mind that in incestuous rape, the minor victim is at a great disadvantage. The assailant, by his overpowering and overbearing moral influence, can easily consummate his bestial lust with impunity. As a consequence, proof of force and violence is unnecessary, unlike when the accused is not an ascendant or a blood relative of the victim. x x x⁴⁵ (Citation omitted)

As expounded by the RTC, BBB admitted not only that he is AAA's biological father but also the fact that AAA was a minor at the time of the commission of the crime. AAA's birth certificate was also presented during the trial to further cement these facts.

Being AAA's biological father, BBB indubitably holds moral ascendancy over her. Thus, there was no longer any need for the prosecution to prove the use of force and intimidation in the act of rape. After all, such moral ascendancy may have reduced AAA to nothing more but an object, devoid of free will, to satisfy BBB's ungodly desires.⁴⁶

BBB's defenses of denial and frame-up are unworthy of the Court's consideration

The defenses of denial and frame-up advanced by BBB are not enough to overcome the evidence adduced by the prosecution.

Denial is considered with suspicion and received with caution, not only because it is inherently weak and unreliable but also because it is easily

⁴³ Id. at 280.

⁴⁴ 593 Phil. 288 (2008).

⁴⁵ Id. at 319.

⁴⁶ *People v. Bugna*, 829 Phil. 536, 552 (2018).

fabricated and concocted⁴⁷ and difficult to check or rebut.⁴⁸ The same goes for the defense of frame-up.⁴⁹

We are not convinced by BBB's assertion that he was framed by AAA upon the prodding of his sister-in-law who harbored ill feelings against him. BBB failed to present any clear and convincing proof that AAA was moved by hatred or revenge, or that she was influenced by her aunt to implicate such a serious and grave crime against him.⁵⁰

It is not essential that the time of commission of the rape be determined with precision

Too, the Court cannot sustain BBB's argument that he should be acquitted because the gestational period of AAA's pregnancy was incompatible with the alleged time of the commission of the crime of rape as stated in the Information.

In a prosecution for rape, the material fact to be considered is the occurrence of carnal knowledge, not the time of its commission.⁵¹ The date of commission is not an essential element of the crime of rape.⁵² The precise time of the crime has no substantial bearing on its commission.⁵³ Consequently, the date or the time of the commission of the rape need not be stated in the complaint or information with absolute accuracy, for it is sufficient that the complaint or information states that the crime was committed at any time as near as possible to the date of its actual commission.⁵⁴

Here, the prosecution was already able to prove the presence of the essential elements of the crime of rape. The fact that there is a slight discrepancy on the date of the commission of the crime vis-à-vis the date when AAA gave birth is immaterial. It cannot result in BBB's acquittal.

As to the penalty imposed and the monetary awards

All told, the Court finds that the RTC and the CA did not commit any

⁴⁷ *People v. Pagamucan*, 820 Phil. 732, 738 (2017).

⁴⁸ *People v. Agalot*, 826 Phil. 541, 557 (2018).

⁴⁹ *People v. Meneses*, G.R. No. 233533, June 30, 2020.

⁵⁰ *People v. Gani*, 710 Phil. 466, 475 (2013).

⁵¹ *People v. Jampas*, 610 Phil. 652, 662 (2009).

⁵² *People v. Losano*, 369 Phil. 966, 978 (1999).

⁵³ *People v. Ibañez*, 551 Phil. 137, 143 (2007).

⁵⁴ *People v. Nuyok*, 759 Phil. 437, 448-449 (2015).

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reversible error in convicting accused-appellant of rape under Article 266-A of the RPC.

The Court modifies the award of civil indemnity, moral damages, and exemplary damages in favor of AAA. In line with current policy,⁵⁵ the Court also imposes interest at the legal rate of six percent (6%) *per annum* on all these monetary awards, reckoned from the date of finality of this Resolution until their full satisfaction.


Indeed, when facts or circumstances which are proved are not only consistent with the guilt of the accused but also inconsistent with his innocence, such evidence, in its weight and probative force, may surpass direct evidence in its effect upon the court.⁵⁶ We find no compelling reason to stray from this principle, in light of applicable laws and prevailing jurisprudence.

WHEREFORE, the appeal is **DISMISSED** for lack of merit. The Decision dated November 11, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 11429 is **AFFIRMED** with **MODIFICATION**.

Accused-appellant BBB is found **GUILTY** beyond reasonable doubt of Rape under Article 266-A of the Revised Penal Code, as amended, and is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole. Accused-appellant BBB is further **ORDERED** to **PAY** AAA the amount of ₱100,000.00 each as civil indemnity, moral damages, and exemplary damages.

All monetary awards shall earn legal interest at the rate of six percent (6%) *per annum* from the date of finality of this Decision until their full satisfaction.

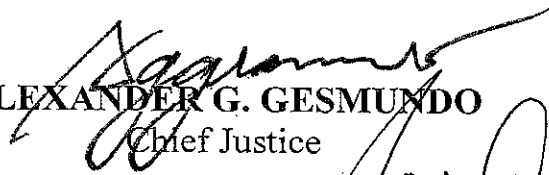
SO ORDERED.


SAMUEL H. GAERLAN
Associate Justice

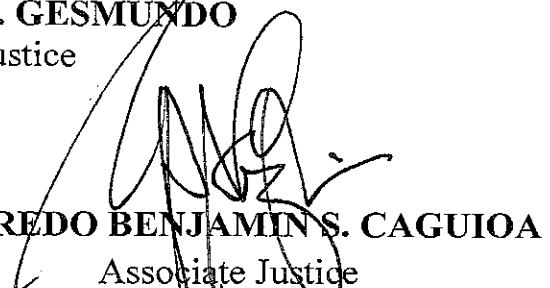
⁵⁵ *People v. Dechoso*, G.R. No. 248530, March 3, 2021.

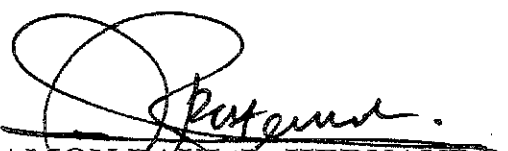
⁵⁶ *People v. Vallejo*, 431 Phil. 798, 819 (2002).

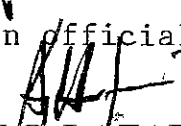
WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice



MARVIC M.V.F. LEONEN
Associate Justice

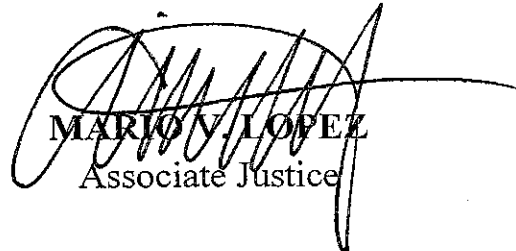

ALFREDO BENJAMINS S. CAGUIOA
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice

(On official leave)

AMY C. LAZARO-JAVIER
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



RODIL V. ZALAMEDA
Associate Justice



MARION V. LOPEZ
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JHOSEP Y. LOPEZ
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice



JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice

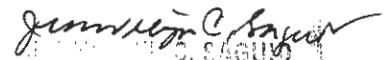

MARIA FILOMENA D. SINGH
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court.


ALEXANDER G. GESMUNDO
Chief Justice

VERIFIED TRUE COPY


GEMMA C. SAGUISA

Staff Officer
Office of the Chief Justice
Supreme Court of the Philippines

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