Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee,	**G.R. No. 234825**
	Present:
- versus -	PERALTA, *J., Chairperson,* LEONEN, REYES, JR., A.B.,* GESMUNDO, and REYES, JR., J.C., *JJ.*
YYY, Accused-Appellant.	Promulgated: September 5, 2018

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DECISION

GESMUNDO, *J.*:

On appeal is the Decision[1] dated July 31, 2017, of the Court of Appeals *(CA)* in CA-G.R. CR HC No. 07664. The CA affirmed with modification the Decision[2] dated April 22, 2014, of the Regional Trial Court of Tuguegarao City, Cagayan, Branch 4 *(RTC)* in Criminal Case Nos. 10648 and 10649, finding YYY[3] *(appellant)* guilty of Rape and Qualified Rape, respectively.

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* Additional member per Special Order No. 2588 dated August 28, 2018.
[1] *Rollo*, pp. 2-20; penned by Associate Justice Marie Christine Azcarraga-Jacob with Associate Justice Normandie B. Pizarro and Associate Justice Danton Q. Bueser, concurring.
[2] CA *rollo*, pp. 70-79; penned by Judge Pablo M. Agustin.
[3] The complete names and personal circumstances of the victim's family members or relatives, who may be mentioned in the court's decision or resolution have been replaced with fictitious initials in conformity with Administrative Circular No. 83-2015 *(Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances).*

The Antecedents

In two (2) informations, both dated February 8, 2005, YYY was charged with two (2) counts of rape. The accusatory portion of the informations read:

Criminal Case No. 10648

> That on or about March, 1993 and subsequent thereto, in the Municipality of [XXX],[4] Province of Cagayan and within the jurisdiction of this Honorable Court, the said accused [YYY], father of the complainant, [AAA],[5] a minor 15 years of age, thus have *[sic]* moral ascendancy over the aforesaid complainant, armed with soft broom, with lewd design and by use of force, threat and intimidation enter inside the room of the complainant, and once inside hit and struck complainant with the wooden handle of the soft broom which caused her to be unconscious and did, then and there, willfully, unlawfully, and feloniously have sexual intercourse with his own daughter, the herein complainant, [AAA], a minor, 15 years of age, against her will.
>
> Contrary to law.[6]

Criminal Case No. 10649

> That on or about November 14, 2001, and sometime prior thereto, in the Municipality of [XXX], Province of Cagayan and within the jurisdiction of this Honorable Court, the said accused [YYY], the father of the offended party, [AAA], thus have *[sic]* moral ascendancy over the complainant, with lewd design and by use of force, threat and intimidation, did, then and there, willfully, unlawfully, and feloniously have sexual intercourse with his own daughter, the herein complainant, [AAA], against her will.
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> Contrary to law.[7]

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[4] The city where the crime was committed is blotted to protect the identity of the rape victim pursuant to Administrative Circular No. 83-2015 issued on 27 July 2015.

[5] The true name of the victim has been replaced with fictitious initials in conformity with Administrative Circular No. 83-2015 *(Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances).* The confidentiality of the identity of the victim is mandated by Republic Act (R.A.) No. 7610 *(Special Protection of Children Against Abuse, Exploitation and Discrimination Act)*; R.A. No. 8505 *(Rape Victim Assistance and Protection Act of 1998);* R.A. No. 9208 *(Anti-Trafficking in Persons Act of 2003);* R.A. No. 9262 (*Anti-Violence Against Women and Their Children Act of 2004*); and R.A. No. 9344 *(Juvenile Justice and Welfare Act of 2006).*

[6] Records (Crim. Case No. 10648), pp. 1-2.

[7] Records (Crim. Case No. 10649), pp. 1-2.

During his arraignment, YYY pleaded "not guilty" and, thereafter, the cases were consolidated and jointly tried.

Evidence of the Prosecution

The prosecution presented private complainant AAA, her elder sister BBB, and Dr. Mila F. Lingan-Simangan *(Dr. Lingan-Simangan)*. Their combined testimonies tended to establish the following:

AAA was the daughter of YYY. At the time of the first incident, she was fifteen (15) years old. AAA resided in XXX, Cagayan with her parents and seven (7) other siblings. Sometime in March 1993, YYY hit her head with a broom and she lost consciousness. When she regained consciousness, she felt pain in her body, particularly her hands and vagina. AAA saw YYY seated in the veranda.

With regard to the second incident, this allegedly happened on November 14, 2001 at nighttime while AAA was sleeping. She claimed that when she woke up the next morning, she was naked and that YYY was seated at the veranda. AAA felt pain in her vagina. In both instances YYY allegedly threatened to kill AAA, her mother, and her siblings if she would report the incidents.

Dr. Lingan-Samangan testified that she was the Municipal Health Officer of Cagayan and that in 2004, she examined AAA who was already twenty-five (25) years old. No physical injuries were noted during the physical examination. Upon internal examination of the genital, she discovered healed hymenal lacerations at the 4 and 7 o'clock positions, which could mean that the sexual abuse happened at least a month or two months before the examination, or even more than two or ten years before. The tip of her finger was admitted to AAA's vagina, and there was laxity in the vaginal canal indicating that she was no longer a virgin at that time.

BBB testified that upon learning of the sexual abuses committed by YYY in 2002, BBB confronted her sister and the latter related to her what their father did. After which, they decided to file the cases against YYY.

Evidence of the Defense

The defense presented YYY as its sole witness. He vehemently denied the allegations against him. He testified that during the entire month of March 1993, he was living in XXX, Cagayan and never left the place. Likewise, on November 14, 2001, he was at his house in Cagayan, together with his children because his wife was in Manila.

The RTC Ruling

In its Decision dated April 22, 2014, the RTC found YYY guilty beyond reasonable doubt of: Rape under Article 226-A, (1) and (2) of the Revised Penal Code *(RPC)* in Criminal Case No. 10648; and Qualified Rape under Article 226-A(1), in relation to Article 226-B(1) of the RPC in Criminal Case No. 10649.

The RTC ruled that all the elements of the crimes of rape and qualified rape were present. It opined that YYY had carnal knowledge with AAA against her will and while she was unconscious in the year 1993 and asleep in the year 2001. The RTC also highlighted that the delayed reporting of the incident in 2004 could not be taken against AAA as she was threatened by YYY. The *fallo* of the decision reads:

> **WHEREFORE**, premises considered, the GUILT of accused [YYY] having been established beyond reasonable doubt, sentence is hereby pronounced against him as follows:
>
> 1. In Criminal Case No. 10648, accused is held guilty beyond reasonable doubt of rape and is hereby sentenced to suffer the penalty of *reclusion perpetua* and is ordered to pay the offended party, [AAA], ₱50,000.00 by way of civil indemnity and ₱50,000.00 by way of moral damages;
>
> 2. In Criminal Case No. 10649, accused is hereby held guilty beyond reasonable doubt of qualified rape and that, he is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole, and ordered to pay the private offended party civil indemnity in the amount of Seventy-Five Thousand Pesos (₱75,000.00), moral damages also in the amount of Seventy-Five Thousand Pesos (₱75,000.00), and exemplary damages in the amount of Thirty Thousand Pesos (₱30,000.00);

> The accused who is [a] detained prisoner is hereby credited in full of the period of this preventive imprisonment in accordance with Article 29 of the Revised Penal Code, as amended.
>
> SO ORDERED.[8]

Aggrieved, YYY appealed to the CA.

The CA Ruling

In its Decision dated July 31, 2017, the CA found YYY guilty of qualified rape in Criminal Case No. 10648. However, it acquitted YYY of the crime charged in Criminal Case No. 10649 for failure of the prosecution to prove his guilt beyond reasonable doubt.

As to the March 1993 incident, the CA sustained YYY's conviction for qualified rape. It held that the prosecution established several circumstantial evidence, to wit: (1) the use of force and intimidation rendering AAA unconscious because YYY hit her with a broom; (2) when AAA regained consciousness, she found herself naked and felt pain in her body, particularly in her hands and vagina; (3) AAA saw her father in the veranda; and (4) YYY then threatened to kill AAA if she would report the incident. The CA underscored that AAA's testimony was corroborated by the physician's testimony because the latter found healed hymenal lacerations. It also highlighted that YYY should be convicted of qualified rape in Criminal Case No. 10648 because the prosecution was able to prove the minority of the victim and her relationship with appellant.

As to the November 14, 2001 incident, the CA acquitted YYY of the crime charged because AAA's testimony on the alleged second rape did not satisfy the standard of proof beyond reasonable doubt. Based on AAA's testimony, the CA observed there was no admissible evidence to show that YYY inserted his penis into AAA's mouth or anal orifice, or any instrument or object into the victim's genital or anal orifice. The CA emphasized that AAA merely stated she was raped but failed to testify on the facts and circumstances that would lead the court to conclude that there was rape. It determined that the testimony of AAA with respect to the second rape was too general as it failed to focus on material details as to how the said rape was committed.

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[8] CA *rollo*, pp. 78-79.

As to the award of damages, the CA modified the same to conform with prevailing jurisprudence. It increased the award of civil indemnity and moral damages to ₱100,000.00 each; awarded exemplary damages in the amount of ₱100,000.00; and stated that all monetary awards in Criminal Case No. 10648 shall earn interest at the legal rate of six percent (6%) *per annum* from date of finality of judgment until fully paid. The dispositive portion of the CA decision states:

> **WHEREFORE**, the instant appeal is **PARTLY GRANTED.** The appealed *Decision dated 22 April 2014* is hereby ordered **MODIFIED** as follows:
>
> > 1. Appellant [YYY] is **GUILTY** of the crime of Qualified Rape in *Criminal Case No. 10648* and is hereby sentenced to the penalty of *reclusion perpetua* without eligibility for parole. He is likewise ordered to pay AAA the following: civil indemnity of One Hundred Thousand Pesos (Php100,000.00), moral damages of One Hundred Thousand Pesos (Php 100,000.00), and exemplary damages of One Hundred Thousand Pesos (Php 100,000.000);
> >
> > 2. Appellant [YYY] is **ACQUITTED** of the crime of Qualified Rape in *Criminal Case No. 10649* for failure of the prosecution to prove his guilt beyond reasonable doubt.
>
> All monetary awards for damages in *Criminal Case No. 10648* shall earn interest at the legal rate of six (6%) *per annum* from date of finality of this *Decision* until fully paid.
>
> **SO ORDERED**.[9]

Hence, this appeal assailing YYY's conviction for the crime of qualified rape in Criminal Case No. 10648. He raises the following assignment of errors in his Brief for the Accused-Appellant:[10]

> I.
>
> THE COURT *A QUO* GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIMES CHARGED DESPITE PRIVATE COMPLAINANT'S LACK OF PERSONAL KNOWLEDGE OF THE ALLEGED INCIDENTS.

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[9] *Rollo*, pp. 19-20.
[10] CA *rollo*, pp. 49-68.

II.

THE COURT *A QUO* GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE DOUBTFUL IDENTITY OF THE ACTUAL CULPRIT.

III.

THE COURT *A QUO* GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE UNCORROBORATED TESTIMONY OF THE PRIVATE COMPLAINANT.

IV.

THE COURT *A QUO* GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.[11]

In a Resolution[12] dated December 11, 2017, the Court required the parties to submit their respective supplemental briefs, if they so desired. In his Manifestation in lieu of Supplemental Brief[13] dated March 21, 2018, YYY manifested that he did not intend to file a supplemental brief, since all relevant issues were exhaustively discussed in his Appellant's Brief. In its Manifestation and Motion[14] dated March 19, 2018, the Office of the Solicitor General stated that it had already discussed all relevant issues in its brief before the CA and asked that it be excused from filing its supplemental brief.

The Court's Ruling

The appeal lacks merit.

In reviewing rape cases, the Court is guided by the following principles: (1) to accuse a man of rape is easy, but to disprove the accusation is difficult, though the accused may be innocent; (2) inasmuch as only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence for the prosecution must stand or fall on its own merit and should not be

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[11] Id. at 51-52.
[12] *Rollo*, p. 26.
[13] Id. at 36-38.
[14] Id. at 32-34.

allowed to draw strength from the weakness of the evidence for the defense.[15]

Further, the review of a criminal case opens up the case in its entirety. The totality of the evidence presented by both the prosecution and the defense are weighed, thus, avoiding general conclusions based on isolated pieces of evidence. In the case of rape, a review begins with the reality that rape is a very serious accusation that is painful to make; at the same time, it is a charge that is not hard to lay against another by one with malice in her mind. Because of the private nature of the crime that justifies the acceptance of the lone testimony of a credible victim to convict, it is not easy for the appellant, although innocent, to disprove his guilt. These realities compel the Court to approach with great caution and to scrutinize the statements of a victim on whose sole testimony conviction or acquittal depends.[16]

In this case, the Court finds that the prosecution was able to prove beyond reasonable doubt the guilt of YYY for the crime of qualified rape in Criminal Case No. 10648.

Circumstantial evidence prove that YYY raped her daughter

The elements of Rape under Article 266-A(1)(a) are: (a) the offender had carnal knowledge of a woman; and (b) said carnal knowledge was accomplished through force, threat or intimidation. The gravamen of rape is sexual intercourse with a woman against her will. Rape shall be qualified pursuant to Article 266-B(1) of the RPC if: (a) the victim is under eighteen (18) years of age; and (b) the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim.[17]

The Court rules that all the elements of the crime of qualified rape have been proven by the prosecution. The age of AAA, only fifteen (15) years old at the time of the first incident, had been proven by her birth certificate, and by her testimony. On the other hand, AAA's relationship with YYY, her father, was established by AAA's testimony and YYY's own admission. While AAA did not provide a direct testimony on the details of the actual incident of rape because she was unconscious at the time of the dastardly act, the prosecution established the circumstantial evidence

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[15] *People v. Patentes*, 726 Phil. 590, 599-600 (2014).
[16] *People v. Fabito*, 603 Phil. 584, 600-601 (2009).
[17] *People v. Comboy*, G.R. No. 218399, March 2, 2016, 785 SCRA 512, 522-523.

proving that YYY had sexual intercourse with his own daughter against the latter's will.

It is settled that the crime of rape is difficult to prove because it is generally left unseen and very often, only the victim is left to testify for herself. However, the accused may still be proven as the culprit despite the absence of eyewitnesses. Direct evidence is not a condition *sine qua non* to prove the guilt of an accused beyond reasonable doubt. For in the absence of direct evidence, the prosecution may resort to adducing circumstantial evidence to discharge its burden. Circumstantial evidence consists of proof of collateral facts and circumstances from which the existence of the main fact may be inferred according to reason and common experience.[18] Section 4, Rule 133, of the Revised Rules of Evidence, as amended, sets forth the requirements of circumstantial evidence that is sufficient for conviction, *viz.:*

> SEC. 4. Circumstantial evidence, when sufficient. — Circumstantial evidence is sufficient for conviction if:
>
> (a) There is more than one circumstance;
>
> (b) The facts from which the inferences are derived are proven; and
>
> (c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

Here, there are several circumstantial evidence that would prove the carnal knowledge between AAA and appellant while the former was unconscious.

First, AAA consistently testified that appellant hit her in the head, which made her lose consciousness, to wit:

> Pros. Geron:
>
> Q: [AAA], you said last time that when your father hit your head with a broom you lost consciousness, am I correct?
> A: I lost consciousness, sir.[19]
>
> xxxx

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[18] *People v. Manson*, G.R. No. 215341, November 28, 2016, 810 SCRA 551, 559.
[19] TSN, May 8, 2009, p. 1.

Pros. Geron:

Q: [AAA], previously you said that you were raped by your father [YYY]?
A: Yes, sir.

Q: And you also said that the first time that you were raped by your father was when you were at the porch (biranda) of your house, am I correct?
A: Yes, sir.

Q: And you also said before that before raping you, your father hit your [head] with a broom which resulted to your [losing] of consciousness?[20]

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Pros. Geron:

Q: AAA you said previously that sometime in March 1993, you were hit by your father with a wood which prompted you to [lose] consciousness, am I right?
A: Yes, sir.[21]

Second, after AAA lost consciousness, it was at that moment that appellant raped her. When AAA woke up, she felt pain in her hands and in her vagina, which are indicative that her father defiled her, *viz.:*

Court:

Q: Did you see your father when you regained consciousness?
A: Yes, ma'am.

xxxx

Pros. Geron:

Q: How about with your body, what did you observe?

Atty. Enaman:
We just put on record, your honor, that the witness could not immediately answer on the propound[ed] questions by the fiscal.
A: I felt pain in my body, sir.

Q: Where in particular?

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[20] TSN, February 9, 2010, p. 1.
[21] TSN, May 20, 2010, p. 2.

A: My hands, sir.

Court:

Q: Did you feel pain in your vagina?
A: Yes, ma'am.[22]

Third, after ravishing AAA, appellant also threatened her not to report the incident; otherwise he would kill her and her entire family, to wit:

Pros. Geron:

Q: One of the persons who were in your house when you were raped for the first time was your father?
A: Yes, sir.

Q: And he was the same person who warned you that you should not report what he did to you otherwise he would kill you and the rest of your family?
A: Yes, sir.

Q: And the person who warned you is no other than your father [YYY]?
A: Yes, sir.

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Q: And you lived with your father from the time you were born up to the time you were raped?
A: Yes, sir.

Q: And you were very familiar with the voice of your father?
A: Yes, sir.

Q: You said that you did not shout, why did you not shout?
A: Because he told me that he will kill all of us, sir.[23] (emphasis supplied)

Fourth, after she woke up, AAA was able to positively identify appellant as the person who raped her, to wit:

Q: And at the time you slept, was there light at that time?
A: It was put off, sir.

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[22] TSN, February 9, 2010, pp. 1-2.
[23] TSN, October 25, 2011, p. 4

Q: Now madam witness, [in] March 1993, you said that you have been molested by accused, will you agree with me that at the time when this incident happened, you have not seen the face of the accused because there was no light, am I right, madam witness?
A: Yes, sir.

Court:

Q: But you knew that it was [YYY] who was there?
A: Yes, ma'am.

Q: How?
A: Because of his height, ma'am.

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Court:

Q: Did you hear the voice of [YYY] when he raped you?
A: No, ma'am.

Q: He did not tell you anything?
A: He said that he will kill my mother and my brothers and sisters, ma'am.

Q: So you recognized the voice of that male person?
A: Yes, ma'am.

Q: And you know it to be the voice of the accused?
A: Yes, ma'am.[24] (emphases supplied)

Fifth, the prosecution presented the Medico-Legal Report[25] of Dr. Lingan-Samangan regarding the medical examination of AAA. It stated that AAA had healed hymenal lacerations at the 4 & 7 o'clock positions and that her vagina admits a tip of a finger easily. Dr. Lingan-Samangan testified as follows:

Pros. Geron:

Q: Why do you classify the laceration as healed?
A: The lacerations classified healed because there were no erosions or contusions noted at the hymen of the victim, sir.

Q: What does that tell us?
A: It tells us that the sexual abuse could have happened at least for a month or two, sir.

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[24] Id. at 2-3.
[25] Records (Crim. Case No. 10648), p. 6.

Q: From the date of examination?
A: Yes, sir.

Q: And you also indicate[d] in your report that vagina admits tip of finger easily, what does that tell us, my good doctor?
A: In my examination, vagina admits tip of finger easily what I mean here is upon insertion of my examining finger[,] there is laxity in the vagina canal of the patient, sir.

Q: Considering the age, the physical structure of the patient, what does that indicate?
A: The laxity in the vaginal canal in the medical parlance indicates that there were repeated sexual intercourse or sexual penetration in the body of the patient, sir.[26] (emphasis supplied)

On cross-examination, Dr. Lingan-Samangan testified that:

Q: Now Madam witness, you conducted your medico legal examination on February 27, 2004, isn't it?
A: Yes, sir.

Q: And you are sure Madam witness at the time you conducted the medico legal examination, the alleged sexual assault, if any, could have happened one or two months prior to the examination as stated in your direct examination?
A: Yes, sir.

Q: And therefore, you agree with me my good doctor as an expert, that the medico legal examination is not indicative of the fact that a sexual assault happened [in] March 1993 and [on] November 14, 2001 because the alleged hymenal laceration could have happened one or two months prior to the date of examination?

A: Sir, what I said at least a month or two prior to the day, so it could be year or more. It could have been more than a year.

Q: In short doctor, it could happen more than two years before the examination?
A: It could be possible, sir.

Q: It could have happen[ed] more than ten years before the examination?
A: It could be possible, sir.[27] (emphasis supplied)

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[26] TSN, October 4, 2007, p. 4.
[27] Id. at 6-7.

Thus, based on the medico-legal report, AAA suffered from repeated sexual intercourse and these incidents could have happened more than ten years before the examination on February 27, 2004. Consequently, the medical findings corroborate the conclusion that AAA was raped sometime in March 1993.

To summarize, there are several circumstantial evidence that establish that YYY raped his own daughter AAA:

1. YYY hit her on the head to make her lose consciousness;

2. While unconscious, YYY raped her; thus, AAA's vagina was in pain when she woke up;

3. YYY threatened AAA not to report the incident; otherwise, he would kill her and her family;

4. When she woke up, AAA positively identified YYY as the perpetrator because of his height and voice; and

5. The medico-legal report corroborate that AAA had healed hymenal lacerations at the 4 & 7 o'clock positions and her vagina admits a tip of a finger easily, which indicate repeated sexual intercourse. It was also established that AAA could have been raped more than ten (10) years before the examination, which covers the March 1993 incident.

The combination of all these pieces of circumstantial evidence prove beyond reasonable doubt the crime of qualified rape. The Court is convinced that the testimony of AAA, who was merely fifteen (15) years old at the time of the rape incident, should be given full force and credence. Despite the taxing cross-examination, AAA's testimony regarding the incident of rape in March 1993 was consistent and definite. It is a well-settled rule that the testimonies of rape victims who are young and of tender age are credible. The revelation of an innocent child whose chastity was abused deserves full credence.[28]

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[28] *People v. Baraga*, 735 Phil. 466, 472 (2014).

Delay in reporting the rape incident does not affect AAA's credibility

The Court finds that the delay in reporting the incident does not weaken AAA's testimony since YYY threatened to kill her, and because YYY had moral ascendancy over AAA as he was her father. Delay in revealing the commission of a crime such as rape does not necessarily render such charge unworthy of belief.[29] This is because the victim may choose to keep quiet rather than expose her defilement to the harsh glare of public scrutiny.[30] Only when the delay is unreasonable or unexplained may it work to discredit the complainant. [31]

A rape victim — especially one of tender age — would not normally concoct a story of defloration, allow an examination of her private parts and thereafter permit herself to be subjected to a public trial, if she is not motivated solely by the desire to have the culprit apprehended and punished.[32] Thus, when a woman — more so if she is a minor — says that she has been raped, she says in effect all that is necessary to show that rape was committed.[33] And as long as the testimony meets the test of credibility, the accused may be convicted on that basis alone.[34]

In this case, even though the rape incident in March 1993 was only reported in 2004, the Court gives full credence to the testimony of AAA. As stated earlier, it is understandable that AAA was frightened in reporting the incident due to the death threats of her father. It was only when her sister confronted her that AAA had the courage to speak up regarding the abuses she suffered at the hands of her father. More importantly, as AAA's testimony was credible and consistent in its material parts, then it must stand and prevail.

Defenses of denial and alibi are weak

On the other hand, YYY merely presented the defense of denial and alibi. He testified that during the entire month of March 1993, he was living in XXX, Cagayan and never left the place. However, his testimony was not

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[29] *People v. Buenvinoto*, 735 Phil. 724, 735 (2014).
[30] Id.
[31] Id.
[32] *People v. Galido*, 470 Phil. 345, 362 (2004).
[33] Id.
[34] Id.

substantiated by any other credible evidence. Mere denial, without any strong evidence to support it, can scarcely overcome the positive declaration by the child-victim of the identity of the appellant and his involvement in the crime attributed to him.[35]

Further, for a defense of alibi to prosper, appellant must prove not only that they were somewhere else when the crime was committed, but they must also satisfactorily establish that it was physically impossible for them to be at the crime scene at the time of its commission. Here, YYY failed to present any evidence that it was physically impossible for him to be at the house of AAA, when the rape incident happened, and also at XXX, Cagayan. Hence, his defense of alibi must also fail.

To conclude, the Court strongly abhors and condemns such an odious act, especially one that is committed against a defenseless child. This kind of barbarousness, although it may drop the victim still alive and breathing, instantly zaps all that is good in a child's life and corrupts its innocent perception of the world. It likewise leaves a child particularly susceptible to a horde of physical, emotional, and psychological suffering later in life, practically stripping it of its full potential. Every child's best interests are and should be the paramount consideration of every member of the society. Children may constitute only a small part of the population, but the future of this nation hugely, if not entirely, depends on them. And the Court will not in any way waver in its sworn duty to ensure that anyone who endangers and poses a threat to that future cannot do so with untouchable impunity, but will certainly be held accountable under the law.[36]

WHEREFORE, the appeal is **DISMISSED**. The Decision dated July 31, 2017 of the Court of Appeals in CA-G.R. CR HC No. 07664 is **AFFIRMED *in toto.***

SO ORDERED.

ALEXANDER G. GESMUNDO
Associate Justice

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[35] *People v. Amaro*, 739 Phil. 170, 178 (2014).
[36] *People v. Manson*, supra note 18, at 561.

WE CONCUR:

DIOSDADO M. PERALTA
Associate Justice
Chairperson

MARVIC M.V.F. LEONEN
Associate Justice

ANDRES B. REYES, JR.
Associate Justice

JOSE C. REYES, JR.
Associate Justice

ATTESTATION

I attest 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's Division.

DIOSDADO M. PERALTA
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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's Division.

TERESITA J. LEONARDO-DE CASTRO
Chief Justice

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