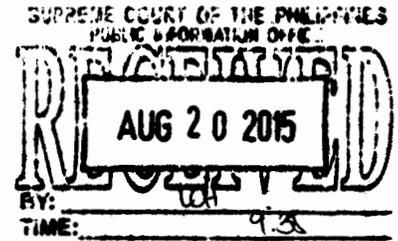




REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Baguio City

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **06 April 2015** which reads as follows:

**G.R. No. 208756 (People of the Philippines v. Conrado Ladisla y Rodriguez).** – We resolve the appeal of appellant Conrado Ladisla y Rodriguez (*appellant*) from the March 25, 2013 decision<sup>1</sup> (*pen*ned by Associate Justice Ramon R. Garcia, and concurred in by Associate Justices Amelita G. Tolentino and Danton Q. Bueser) of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05271. The CA affirmed *in toto* the June 27, 2011 decision<sup>2</sup> of the Regional Trial Court (RTC), Branch 130, Caloocan City, convicting the appellant of the crime of statutory rape.

**Facts of the Case**

On the eve of Christmas day in 1998, AAA was playing with her friends when the appellant approached her. The appellant offered AAA ₱3.00 on the condition that she would go to his (appellant's) house. AAA agreed, and when they arrived at the appellant's house, the latter led AAA to the bedroom. The appellant removed AAA's shorts, t-shirt and underwear while the latter was standing, and then made her lie on the floor. The appellant then placed himself on top of AAA, and forcefully inserted his penis into her vagina. After the appellant removed his penis, AAA got dressed and hurriedly went back home. AAA informed her aunt about the incident the following day. AAA and her parents reported the incident to the NBI. AAA was later subjected to physical examination.<sup>3</sup>

In its June 27, 2011 decision, the RTC found the appellant guilty beyond reasonable doubt of the crime of statutory rape. It held that the prosecution duly established all the elements of the crime of statutory rape. The RTC rejected the appellant's uncorroborated defenses of denial and alibi. Accordingly, the RTC sentenced the appellant to suffer the penalty of *reclusion perpetua*. It likewise ordered him to pay the victim ₱50,000.00 as civil indemnity; ₱50,000.00 as moral damages; and ₱25,000.00 as exemplary damages.

On appeal, the CA affirmed the RTC decision *in toto*. The CA ruled that AAA positively identified appellant as the person who inserted his penis in her private part. It added that the categorical and positive declarations of AAA prevail over the appellant's defenses of denial and alibi. It also held that an accused can still be convicted of rape on the basis of the sole testimony of the victim.

<sup>1</sup> Rollo, pp. 2-15.

<sup>2</sup> CA rollo, pp. 59-71.

<sup>3</sup> *Supra* note 1, at 4.

*Ado*

The CA further ruled that a victim's medical examination is not indispensable in a prosecution for rape. It reasoned out that the lacerations could have already healed because AAA was medically examined five months after the commission of the rape. Finally, the CA emphasized that the gravamen of the crime of statutory rape is the carnal knowledge of a woman below 12 years of age. As such, proof of force and intimidation is not necessary.<sup>4</sup>

### Our Ruling

We affirm the appellant's conviction, but modify the awarded indemnities. We also impose interest at the rate of 6% per annum on all the monetary awards for damages to be reckoned from the date of finality of this resolution until fully paid.

Under Article 266-A 1(d) of the Revised Penal Code (RPC), as amended, there is rape when the offender had sexual intercourse with a victim under twelve (12) years of age even if force, threat, and intimidation are absent. The absence of free consent is conclusively presumed when the victim is below the age of 12. At that age, the law presumes that the victim is incapable of giving intelligent consent to the sexual act.<sup>5</sup> Thus, to convict an accused of the crime of statutory rape, the prosecution must prove the age of the victim, the identity of the accused, and the sexual intercourse between the accused and the victim.<sup>6</sup>

In the present case, carnal knowledge was evidenced by AAA's testimony. The medical finding that AAA was in a virgin state physically does not necessarily negate the commission of rape. It is settled that the foremost consideration in the prosecution of rape is the victim's testimony and not the findings of the medico-legal officer.<sup>7</sup> Proof of hymenal laceration is not an element of rape.<sup>8</sup> Therefore, AAA's medical findings do not preclude the conclusion that the appellant had carnal knowledge of her.

As regards AAA's age, it is undisputed that she was only six (6) years old when the appellant raped her in December 1998.<sup>9</sup> AAA's Birth Certificate shows that AAA was born on March 27, 1992.<sup>10</sup>

<sup>4</sup> Id. at 13.

<sup>5</sup> *People v. Canares*, G.R. No. 174065, February 18, 2009, 579 SCRA 588.

<sup>6</sup> Id. at 601-602.

<sup>7</sup> *People v. Buclao*, G.R. No. 208173, June 11, 2014.

<sup>8</sup> *People v. Castillo*, G.R. No. 193666, February 19, 2014.

<sup>9</sup> The Information alleged that AAA was a seven-year old minor at the time of the rape incident in December 1998. In reality, however, AAA was only six years old, having been born on March 27, 1992. The appellant could have been found guilty of qualified rape penalized under Article 266-B(5) of the Revised Penal Code had it been specifically alleged in the Information that AAA was a child below seven (7) years old. However, since this circumstance was not specifically alleged in the Information, the same cannot be considered to have qualified the crime and merit the imposition of the death penalty.

<sup>10</sup> *Supra* note 2, at 70.

As the lower courts did, we find the appellant's defenses of denial and alibi untenable. Denial and alibi are inherently weak and constitute self-serving negative evidence, which cannot prevail over the declaration of a credible witness who testifies on affirmative matters.<sup>11</sup> Thus, AAA's positive testimony that the appellant raped her deserves more credence than that of the latter's uncorroborated defenses.

Statutory rape is punishable by *reclusion perpetua* in accordance with Article 266-B of the RPC, as amended. Thus, the CA correctly affirmed the penalty of *reclusion perpetua* imposed upon the appellant by the RTC.

We however modify the awarded indemnities in favor of AAA. We increase the amount of civil indemnity awarded to AAA from ₱50,000.00 to ₱75,000.00 in accordance with the current policy of the Court.<sup>12</sup> We affirm the award of moral damages in the amount of ₱50,000.00. We likewise increase the amount of exemplary damages from ₱25,000.00 to ₱30,000.00 to conform to prevailing jurisprudence.<sup>13</sup>

Finally, we impose interest at the rate of 6% per annum on all the monetary awards for damages, to be reckoned from the date of the finality of this Resolution until their full satisfaction.

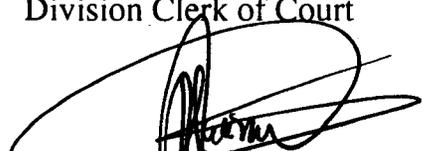
**WHEREFORE**, premises considered, we **AFFIRM** the Decision of the Court of Appeals dated March 25, 2013 in CA-G.R. CR-H.C. No. 05271 with the following **MODIFICATIONS**: a) the awards of civil indemnity and exemplary damages are increased to ₱75,000.00 and ₱30,000.00, respectively; and b) the award of damages shall earn interest at the rate of 6% per annum, computed from the date of the finality of this Resolution until their full satisfaction.

**SO ORDERED.**''

Very truly yours,

MA. LOURDES C. PERFECTO  
Division Clerk of Court

By:

  
TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court 8/21/17

<sup>11</sup> *People v. Sató*, G.R. No. 190863, November 19, 2014.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

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