



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated January 22, 2020 which reads as follows:

“G.R. No. 243776 — (RONALD JOHN MICHAEL LIWANAG @ “Ronald,” petitioner, versus PEOPLE OF THE PHILIPPINES, respondent.)

After a careful review of the records of the case and the issues submitted by the parties, the Court finds no error committed in the Decision¹ dated September 28, 2018 (Decision) and Resolution² dated December 10, 2018 (Resolution) of the Court of Appeals (CA), in CA-G.R. CR No. 40362. The facts, as borne out by the records, sufficiently support the conclusion that the petitioner is indeed guilty of violating Section 5(b) of Republic Act No. 7610. The issues and matters raised before the Court, the same ones as those raised in the CA, were sufficiently addressed and correctly ruled upon by the CA.

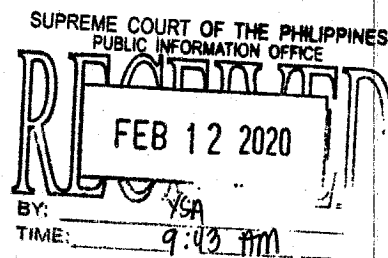
It is well settled that in the absence of facts or circumstances of weight and substance that would affect the result of the case, appellate courts will not overturn the factual findings of the trial court.³ Thus, when the case pivots on the issue of the credibility of the victim, the findings of the trial courts necessarily carry great weight and respect as they are afforded the unique opportunity to ascertain the demeanor and sincerity of witnesses during trial.⁴ Here, after examining the records of this case, the Court finds no cogent reason to vacate the

¹ *Rollo*, pp. 32-46. Penned by Associate Justice Priscilla J. Baltazar-Padilla, with Associate Justices Victoria Isabel A. Paredes and Marie Christine Azcarraga-Jacob concurring.

² *Id.* at 48-49.

³ *People v. Gerola*, 813 Phil. 1055, 1064 (2017).

⁴ *People v. Aguilar*, 565 Phil. 233, 247 (2007).



appreciation of the evidence of the Regional Trial Court⁵ (RTC), which was affirmed *in toto* by the CA.

Moreover, the CA was actually correct in ruling against the petitioner's contentions. The Court quotes with approval the following disquisitions by the CA:

WE deny accused-appellant's supposition that he could not have molested private complainant in view of the presence of other people in the house when the alleged sexual abuse transpired. It is an oft repeated rule that the presence of people nearby is no guarantee that rape will not be committed for lust is no respecter of time and place. Neither the crampedness of the room, nor the presence of other people therein, nor the high risk of being caught, has been held sufficient and effective obstacle to deter the commission of rape.

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WE are not convinced with accused-appellant's argument that the victim's actuations before and immediately after the supposed sexual abuse are contrary to common experience since jurisprudence has long established that it is difficult to predict, in every instance, how a person, especially a child reacts to traumatic experiences. What is within the realm of experience is that it is common for a victim of rape or any sexual abuses to hesitate, for varying periods of time, before reporting the incident. Often, it is because of a real or imagined fear for the victim's life, or the lives of others, and the natural aversion to exposing the shame that accompanies the experience.

WE are not persuaded by accused-appellant's claim that the inconsistency between complainant's Sinumpaang Salaysay and her testimony on her re-cross examination is material as to destroy her credibility as a witness. This inconsistency cited by accused-appellant relates only to a trivial matter.⁶

In addition, petitioner's defense of denial cannot outweigh the candid and straightforward testimony of the private complainant that he indeed had sexual intercourse with her through force and intimidation, namely, by putting his hand on her mouth while doing the lascivious acts, and ordering her not to tell anyone what happened after he was done. The Court has oft pronounced that denial is an inherently weak defense which cannot prevail over the positive and credible testimony of the victim that the accused committed the crime. Thus, as between

⁵ *Rollo*, pp. 65-82. Decision dated July 19, 2017 of Branch 229, Regional Trial Court of Quezon City in Criminal Case No. R-QZN-16-08971-CR, penned by Presiding Judge Cleto R. Villacorta III.

⁶ *Id.* at 42-43.

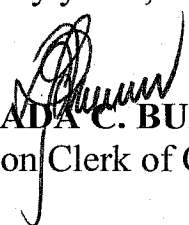
a categorical testimony which has the ring of truth on the one hand, and a mere denial on the other, the former is generally held to prevail.⁷

Considering the foregoing, the Court therefore affirms the petitioner's conviction. The Court, however, modifies the award of damages in line with *People v. Tulagan*.⁸

WHEREFORE, premises considered, the Court hereby **ADOPTS** the findings of fact and conclusions of law in the Decision dated September 28, 2018 and Resolution dated December 10, 2018 of the Court of Appeals in CA-G.R. CR No. 40362. The Decision finding petitioner Ronald John Michael Liwanag guilty beyond reasonable doubt of violating Section 5(b) of Republic Act No. 7610 is hereby **AFFIRMED with MODIFICATION**. In addition to the damages already awarded by the Court of Appeals, the petitioner is ordered to pay the private complainant the amount of Fifty Thousand Pesos (₱50,000.00) representing exemplary damages, in accordance with the Court's Decision in *People v. Tulagan*. All monetary awards shall earn interest at the legal rate of six percent (6%) *per annum* from the date of finality of this Resolution until fully paid.

SO ORDERED."

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court

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⁷ *People v. Piosang*, 710 Phil. 519, 527 (2013).

⁸ G.R. No. 227363, March 12, 2019, accessed at <http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65020>.



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