



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated September 3, 2020 which reads as follows:

“G.R. No. 248196 – PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus XXX,¹ accused-appellant.

After a careful review of the records of the case and the issues submitted by the parties, the Court finds that the Court of Appeals Twenty-First Division (CA) did not err in promulgating the Decision² dated April 30, 2019 (Decision) in CA-G.R. CR-HC No. 01877-MIN. The facts, as borne out by the records, sufficiently support the conclusion that accused-appellant **XXX** (accused-appellant), is indeed guilty of two (2) counts of Statutory Rape. The issues and matters raised before the Court, the same ones already raised in the CA, there being no supplemental briefs filed, 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

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192-A

¹ The real name of the victim, her personal circumstances and other information which tend to establish or compromise her identity, as well as those of her immediate family, or household members, shall not be disclosed to protect her privacy, and fictitious initials shall, instead, be used, in accordance with *People v. Cabalquinto* (533 Phil. 703 [2006]) and Amended Administrative Circular No. 83-2015 dated September 5, 2017.

² *Rollo*, pp. 4-20. Penned by Associate Justice Walter S. Ong, with Edgardo A. Camello and Florencio M. Mamaug, Jr. concurring.

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

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and sincerity of witnesses during trial.⁴ This rule finds an even more stringent application where the CA sustained said findings, as in this case.⁵

In the present case, the Court finds no cogent reason to vacate the appreciation of the evidence of the trial court,⁶ which was affirmed *in toto* by the CA.

Statutory rape is committed by sexual intercourse with a woman below 12 years of age regardless of her consent, or the lack of it, to the sexual act.⁷ Thus, to convict an accused of the crime of statutory rape, the prosecution carries the burden of proving: (a) the age of the complainant; (b) the identity of the accused; and (c) the sexual intercourse between the accused and the complainant.⁸

The Court agrees with the conclusions of the trial court and the CA that the prosecution sufficiently established the elements of statutory rape. The first element was substantiated by the presentation of the *Certificate of Live Birth* showing that AAA⁹ was eight or nine years of age when the first and second rape took place.¹⁰ The second and third elements were evidenced by the testimony of AAA positively identifying accused-appellant as the one who raped her on two occasions. This was corroborated by medical examination showing AAA had healed hymenal lacerations at 9 and 11 o'clock positions,¹¹ and that her "gaping *labia majora*" is not normal for a child of nine years of age who had no sexual experience.¹²

The Court also agrees with the CA that the alleged inconsistency between AAA's *Sworn Statement* dated 23 September 2015 and her testimony in open court does not negate the commission of rape. It is doctrinally established that discrepancies between the statements of the affiant in her affidavit and those made by her on the witness stand do not necessarily discredit her, since *ex parte* affidavits tend to be incomplete and inaccurate. Hence, affidavits are generally subordinated in importance to declarations made in open court.¹³ In

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192-A

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

⁵ See *People v. Regaspi*, 768 Phil. 593, 598 (2015).

⁶ CA *rollo*, pp. 24-33. Joint Judgment for Criminal Cases Nos. XXI-1919(15)FC and XXI-1990(15)FC dated February 27, 2018, penned by Judge Loida S. Posadas-Kahulugan.

⁷ *People v. Cadano, Jr.*, 729 Phil. 576, 584 (2014).

⁸ *Id.*

⁹ *Supra* note 1.

¹⁰ *Rollo*, p. 10.

¹¹ *Id.* at 15.

¹² CA *rollo*, p. 31.

¹³ *People v. Remedios*, 772 Phil. 660, 669 (2015).

this connection, the CA holds that AAA's testimony in open court clarifies the matter that she was indeed raped by accused-appellant.¹⁴ AAA repeatedly testified that accused-appellant "gihilabtan" (molested) her, inserted his penis into her vagina, and pressed his penis into her vagina many times.¹⁵

Notably, against AAA's direct, positive, and categorical assertion, accused-appellant only offered denial as his defense. The Court has consistently held that denial is an intrinsically weak defense which must be supported by strong evidence of non-culpability to merit credibility. No jurisprudence in criminal law is more settled than that alibi is the weakest of all defenses, for it is easy to contrive and difficult to disprove, and for which reason, it is generally rejected.¹⁶

Accused-appellant's argument that AAA's conduct after the rape belies her claim of rape deserves scant consideration. Rape victims, especially minor victims, should not be expected to act the way mature individuals would when placed in such a situation. It is not proper to judge the actions of children who have undergone traumatic experience by the norms of behavior expected from adults under similar circumstances.¹⁷ "The range of emotions shown by rape victims is yet to be captured even by the calculus. It is thus unrealistic to expect uniform reactions from rape victims."¹⁸

In view of the foregoing, the Court is convinced that the prosecution proved accused-appellant's guilt beyond reasonable doubt.

With regard to the penalty, the courts below were correct in imposing *reclusion perpetua*.¹⁹ The Court likewise affirms the damages imposed by the CA as the same is in accordance with *People v. Jugueta*.²⁰

WHEREFORE, premises considered, the appeal is **DISMISSED** for lack of merit. The Court hereby **ADOPTS** the findings of fact and conclusions of law in the Decision dated April 30, 2019 of the Court of Appeals, Twenty-First Division, in CA-G.R. CR-HC No. 01877-MIN. The Court finds accused-appellant XXX:

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192-A

¹⁴ *Rollo*, p. 14.

¹⁵ *Id.* at 29-30.

¹⁶ *People v. Regaspi*, *supra* note 5.

¹⁷ *People v. Ducay*, 747 Phil. 657, 670 (2014).

¹⁸ *Id.*, citing *People v. Montemayor*, 444 Phil. 169, 186 (2003).

¹⁹ *Rollo*, pp. 18-19.

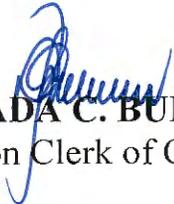
²⁰ 783 Phil. 806 (2016).

1. **GUILTY** beyond reasonable doubt of Rape, defined and punished under Article 266-A (d) of the Revised Penal Code, as amended, in Crim. Case No. XXI-1919(15)FC. He is sentenced to *reclusion perpetua* and ordered to PAY ₱75,000.00 as civil indemnity; ₱75,000.00 as moral damages; and ₱75,000.00 as exemplary damages.
2. **GUILTY** beyond reasonable doubt of Rape, defined and punished under Article 266-A (d) of the Revised Penal Code, as amended, in Crim. Case No. XXI-1990(15)FC. He is sentenced to *reclusion perpetua* and ordered to PAY ₱75,000.00 as civil indemnity; ₱75,000.00 as moral damages; and ₱75,000.00 as exemplary damages.

These amounts shall earn six percent (6%) interest per annum from finality of this Resolution until fully paid.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
192-A

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Court of Appeals
9000 Cagayan de Oro City
(CA-G.R. CR HC No. 01877-MIN)

The Hon. Presiding Judge
Regional Trial Court, Branch 21
Bansalan, 8005 Davao del Sur
(Crim. Case Nos. XXI-1919(15)FC
& XXI-1990(15)FC)

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