



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **01 March 2021** which reads as follows:

“**G.R. No. 254683** (*Alfredo Espiritu y Sta. Ana v. People of the Philippines*). — Before this Court is a petition for review on *certiorari*¹ seeking to reverse and set aside the Decision² dated December 9, 2020 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 10561 that affirmed the Decision³ dated February 9, 2018 of the Regional Trial Court (RTC), which found Alfredo Espiritu y Sta. Ana (Alfredo) guilty of Statutory Rape.

Alfredo was charged with Statutory Rape under the following Information:

On or about April 30, 2015, in Pasig City, and within the jurisdiction of this Honorable Court, the accused, taking advantage of this moral authority and influence, with lewd design, did then and there willfully, unlawfully and feloniously have sexual intercourse with AAA, who was then 8 years old, a minor at the time of the commission of the crime, said crime having been aggravated by circumstances of treachery and abuse of superior strength, to the damage and prejudice of the victim.

Contrary to law.⁴

Alfredo pleaded not guilty; thus, trial ensued.⁵ The prosecution, through the testimonies of AAA,⁶ her mother – BBB, PO2 Dennis

¹ *Rollo*, pp. 11-31.

² *Id.* at 52-63; penned by Associate Justice Victoria Isabel A. Paredes, with the concurrence of Associate Justices Fernanda Lampas-Peralta and Walter S. Ong.

³ *Id.* at 34-47; penned by Presiding Judge Elma M. Rañallo-Lingan.

⁴ *Id.* at 34.

⁵ *Id.* at 34-35.

⁶ Any information to establish or compromise the identity of the victim, as well as those of her immediate or household family members, shall be withheld, and fictitious names are used, pursuant to RA No. 7610, An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes; RA No. 9262, An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes; Section 40 of A.M. No. 04-10-11-SC, Rule on Violence Against Women and Their Children; and *People v. Cabalquinto*, 533 Phil. 703 (2006).

AK

Singuillo, and PO2 Julmalyn A. Habibon, established that, in the afternoon of April 30, 2015, AAA was invited by Alfredo's child to their house. Upon seeing them, Alfredo told his child to go outside to run an errand for him. Suddenly, Alfredo grabbed AAA, and dragged her upstairs. He undressed AAA and himself, covered her mouth, and inserted his penis into her vagina. After, he gave ₱20.00 to AAA, told her to get dressed and not to tell her mother about what happened.⁷ When BBB went to look for AAA, she was told by a certain "Utak" that AAA was at Alfredo's house. There, BBB saw Alfredo shirtless with AAA. BBB told AAA to go home. Later, BBB found AAA at a corner in their house, acting anxious. AAA confessed about what Alfredo did to him, which prompted BBB to check AAA's shorts. BBB saw the ₱20.00 in coins and noticed the redness in the vagina of AAA. When BBB touched it, AAA reacted in pain.⁸ They reported the incident to the police and Alfredo was arrested.⁹ Dr. Rodelia V. Nicolas (Dr. Rodelia) also testified, and stated that she conducted a medico-legal examination on AAA and found abrasions at the left side of the labia minora and no laceration in the hymen. Dr. Rodelia concluded that "*findings show clear evidence of recent blunt force trauma to the labia minora.*"¹⁰

Alfredo denied the charge, and claimed that he was at the *sugalan* at the end of the alley where he lived from 10:00 a.m. to 5:00 p.m. of April 30, 2015. He went to sleep upon arriving home, and asked his mother to wake him up at 8:00 p.m. for his duty as barangay tanod. He was roused from his sleep when two police officers came to arrest him. Alfredo asserted that AAA fabricated the rape charge because her family was humiliated after their neighbors learned that she stole money from Alfredo's mother.¹¹

In its Decision¹² dated February 9, 2018, the RTC found Alfredo guilty of Statutory Rape and sentenced him as follows:

WHEREFORE, the foregoing considered, judgment is hereby rendered finding accused **ALFREDO ESPIRITU y STA. ANA GUILTY** beyond reasonable doubt for Statutory Rape under [*sic*] Article 266-A, paragraph 1(d) of the Revised Penal Code in relation to Sec. 5(a) of Republic Act (R.A[.]) No. 8369 and he is hereby sentenced to suffer the penalty of RECLUSION PERPETUA and to indemnify the victim ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages, with interest thereon at the rate of six percent (6%) per annum reckoned from the date of finality of this judgment until fully paid.

The accused is entitled to the full credit of his detention.

⁷ *Id.* at 35.

⁸ *Id.*

⁹ *Id.* at 36.

¹⁰ *Id.* 54-55.

¹¹ *Id.* at 55.

¹² *Id.* at 34-47.

SO ORDERED.¹³ (Emphases in the original.)

The RTC ruled that all the elements of Statutory Rape are present. First, AAA was only eight years old at the time of the rape. Second, AAA's testimony established that Alfredo had carnal knowledge of her.

On appeal, the CA affirmed the trial court's finding of conviction.¹⁴ Alfredo's contention that, no laceration was found on AAA's hymen, was not given credit since rape does not require full penile penetration of the female. On the other hand, the medico-legal examination showed clear evidence of recent blunt force trauma to the labia minora.

Hence, this petition. Alfredo (now, petitioner) alleges that it was not established by the prosecution's evidence that he had carnal knowledge of AAA. The medical findings cast doubt that AAA was raped because only abrasions were seen on the labia minora, and no healed or fresh hymenal lacerations were found. Also, Alfredo avers that AAA's testimony is inconsistent and "*she x x x gave her testimony in a mechanical and scripted manner.*"¹⁵

Under Article 266-A(1)(d) of the Revised Penal Code, rape is committed by a man, who shall have carnal knowledge of a woman under 12 years of age or is demented. To be liable for Statutory Rape, it is not necessary that the commission of the crime is attended by force, threat or intimidation, fraudulent machination or grave abuse of authority, or that the victim is deprived of reason or unconscious.¹⁶ In considering the victim's age, the law presumes that the victim does not possess discernment, and is incapable of giving intelligent consent to the sexual act.¹⁷ The elements of Statutory Rape are: (1) the offended party is under 12 years of age; and (2) the accused had carnal knowledge of her, regardless of whether there was force, threat or intimidation, whether the victim was deprived of reason or unconscious, or whether it was done through fraud or grave abuse of authority.¹⁸ It is enough that the age of the victim is proven, and that there was sexual intercourse.¹⁹

In this case, it is undisputed that AAA was 8 years old at the time of the incident. As to the fact of sexual intercourse, AAA unequivocally testified that she was raped by petitioner, thus:

¹³ *Id.* at 47.

¹⁴ *Id.* at 62-63. The dispositive portion of the CA's December 9, 2020 Decision states:
WHEREFORE, premises considered, the appeal is **DENIED**. The assailed *Decision dated February 9, 2018* of the Regional Trial Court, Branch 159, Pasig City, in Criminal Case No. 157045-PSG, is **AFFIRMED**.

SO ORDERED. (Emphases and italics in the original.)

¹⁵ *Id.* at 26.

¹⁶ *People v. Reyes* (Resolution), 741 Phil. 773, 783 (2014).

¹⁷ *Id.* at 784, citing *People v. Cadano, Jr.*, 729 Phil. 576, 584 (2014).

¹⁸ *People v. Francica*, 817 Phil. 972, 986 (2017), citing *People v. Gutierrez*, 731 Phil. 352, 357 (2014).

¹⁹ *Id.*

SACP NGAOSI:

Natatandaan mo noon April 30, 2015 between 3:00 to 4:00 [p.m.]
kung nasaan ka?

A : Opo.

Q : Nasaan ka noon?

A : Nasa bahay po nila Alfredo

x x x x

Q : x x x paano ka napunta sa bahay x x x?

A : Tinawag po ako ng anak niya

Q : Sino ang anak niya?

A : Si Tone

Q : Bakit ka tinawag ni Tone?

x x x x

A : Ano daw po, uutusan ako ng papa niya

Q : Pumunta ka? Sumunod ka ba noon tinawag ka? x x x

A : Hindi po ako sumunod.

Q : Pagkatapos nun may nangyari pa?

A : Pinasunod po ako.

Q : So sumunod ka na nun?

A : Akala ko po uutusan talaga ako.

Q : So, ano ang ginawa mo?

A : Ano po, sumunod po.

Q : So, nakapasok ka ba sa bahay nila?

A : Opo.

Q : Andun si Tone[?]

A : Opo

x x x x

Q : O, noong nasa loob ka ano ang nangyari?

A : Pinalabas po si Tone.

Q : Sino ang nagpalabas kay Tone?

A : Yong tatay niya po.

Q : Ano ang pangalan ng tatay nga ni Tone?

A : Alfredo Espiritu

x x x x

Q : Noong naiwan ka sa loob, ano ang nangyari?

A : Nagtataka lang po ako.

Q : Bakit ka nagtataka?

A : Kami lang pong dalawa.

Q : Tapos noong kayo lang dalawa, ano pa ang sumunod na nangyari?

A : Hinawakan po niya ako sa kamay.

Q : Noong hinawakan ka niya sa kamay, ano pa ang sumunod na nangyari?

A : Tinaas niya po ako doon sa taas ng bahay nila.

Q : Ang ibig mo bang sabihin ng tinaas, inakyat ka?

A : Opo.

Q : Sumunod ka ba?

A : Hindi po. Hinila niya po ako.

Q : Anong ginawa mo noong hinihila ka niya paakyat?

A : Natakot po ako.

Q : Nakarating ka ba sa taas?

A : Opo.

x x x x

Q : Sabi mo may kwarto doon. Pinasok ka ba niya sa kwarto?

A : Opo.

Q : Anong ginagawa mo noong pinasok ka sa kwarto? Pumayag ka?

A : Takot na takot lang po ako.

Q : Naipasok ka ba niya sa kwarto?

A : Opo.

Q : Noong nasa kwarto na kayo, natatandaan mo kung ano ang nangyari doon?

A : Opo.

Q : Pwede mo ikuwento.

A : Opo.

Q : Ano ang nangyari?

A : Ano po, pinahubad niya po ako.

Q : Noong sinabi niya na maghubad ka, naghubad ka?

A : Hindi po.

Q : Noong hindi ka naghubad, ano ang nangyari?

A : Hinubaran niya po ako.

Q : Paano ka hinubaran?

A : Hinubad niya po damit ko.

Q : Ano nauna?

x x x x

A : Pang-taas

Q : Tapos?

A : Hinubad niya din yong pambaba

Q : So, nung nahubaran ka na niya, ano pa ang sumunod na nangyari?

A : Iyon po, naghubad na po siya, wala po siyang pantaas.

Q : Ano pa?

A : Tinakpan niya po ako ng kamay niya sa bibig

Q : Tapos, ano pa?

A : Yong ano po, tapos po yong ari niya po pinasok niya

SACP NGAOSI:

Saan? Your Honor, may we make it of record that the witness is having a hard time answering the question. Sabihin mo kung saan pinasok?

- A : Sa ari ko po.
- Q : Okay. Noong pinasok niya ang ari niya sa iyo, ano pa ang nangyari?
- A : Doon na po niya ako ni-rape.
- Q : x x x hindi ka ba pumalag noong hinahalay ka niya?
- A : Natatakot po ako.
- Q : Noong matapos siya sa iyo na manghalay, ano ang nangyari?
- A : Ano po, pinasuot na po niya ako ng damit.
- Q : Ano pa?
- A : Nagsuot na rin po siya ng damit.
- Q : Nun pagkatapos nyong magsuot ng damit, x x x, ano pa ang nangyari?
- A : Ang sabi niya po huwag daw po ako magsusumbong kay mama.
- x x x x
- Q : Tapos, noong sinabihan ka niya ano pa?
- A : Binigyan na niya po ako ng pera.²⁰

The allegation of petitioner that AAA's testimony was mechanical and scripted deserves scant consideration. Section 10(c), Rule 132 of the Rules on Evidence²¹ and the Rule on Examination of a Child Witness,²² allows leading questions to be asked of a child witness in all stages of examination to further the interests of justice and to allow children to give reliable and complete evidence, minimize trauma and encourage them to testify in legal proceedings and facilitate the ascertainment of the truth.²³ Here, AAA's testimony, taken in its entirety, established the consummation of rape and that petitioner was the perpetrator.

Nonetheless, petitioner questions the medical findings of Dr. Rodelia, and claims that the absence of hymenal lacerations suggests that there was no penetration; hence, there was no rape. It is well-settled that

²⁰ *Rollo*, pp. 65-72.

²¹ SEC. 10. *Leading and misleading questions*. — A question which suggests to the witness the answer which the examining party desires is a leading question. It is not allowed, except:

x x x x

(c) When there is a difficulty in getting direct and intelligible answered from a witness who is ignorant, or a child of tender years, or is of feeble mind, or a deaf-mute[.]

²² A.M. No. 004-07-SC, dated November 21, 2000. Section 20 of which provides that, "The court may allow leading questions in all stages of examination of a child if the same will further the interests of justice."

²³ See *People v. Brioso*, 788 Phil. 292, 310 (2016); *People v. Ugos*, 586 Phil. 765, 773 (2008).

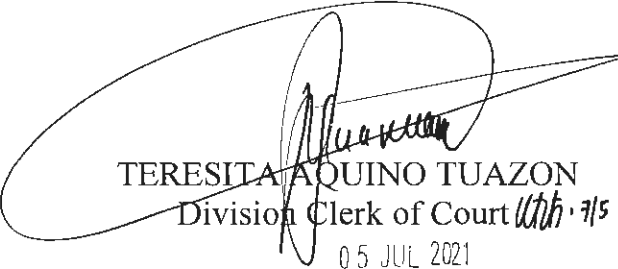
proof of hymenal laceration is not an element of rape.²⁴ The absence of external signs or physical injuries on the victim's body does not necessarily negate the commission of rape, hymenal laceration not being an element of the crime. Although, a healed or fresh laceration can be compelling proof of defloration, the foremost consideration in the prosecution of rape is the victim's testimony and not the findings of the medico-legal officer.²⁵ A medical examination and a medical certificate are merely corroborative and are not indispensable to the prosecution of a rape case.²⁶

In view of the foregoing, the conviction of Alfredo for Statutory Rape must be sustained, as well as, the imposed penalty of *reclusion perpetua*, and the order to pay the victim ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages, with interest thereon at the rate of six percent (6%) *per annum* reckoned from the date of finality of judgment until full payment.²⁷

FOR THE STATED REASONS, the Petition for Review on *Certiorari* is **DENIED**. The Decision dated December 9, 2020 of the Court of Appeals in CA-G.R. CR-HC No. 10561 is **AFFIRMED** in that Alfredo Espiritu y Sta. Ana is found guilty of Statutory Rape under Article 266-A, paragraph 1(d) of the Revised Penal Code and is sentenced to suffer the penalty of *reclusion perpetua* and ordered to pay the victim ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages, with interest thereon at the rate of six percent (6%) *per annum* reckoned from the date of finality of this judgment until fully paid.

SO ORDERED." (Rosario, J., *on leave*.)

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *with* 7/5
05 JUL 2021

²⁴ See *People v. XXX*, G.R. No. 243789 (Notice), September 11, 2019.

²⁵ *Id.*, citing *People v. Francica*, *supra* note 18, at 992. See also *People v. Esteves*, 438 Phil. 687, 699 (2002).

²⁶ See *People v. Manaligod*, G.R. No. 218584, April 25, 2018, 862 SCRA 751, 758.

²⁷ *People v. Tulagan*, G.R. No. 227363, March 12, 2019.

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THE DIRECTOR (reg)
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
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1605 Pasig City
(Crim. Case No. 157045-PSG)

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