



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

RECORDED
DEC 17 2019
BY: YSC
TIME: 9:16 am

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **02 October 2019** which reads as follows:

G.R. No. 234779 - PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus XXX,¹ accused-appellant.

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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 Decision² dated May 25, 2017 (Decision) of the Court of Appeals (CA) in CA-G.R. CR-HC No. 07620. The facts, as borne out by the records, sufficiently support the conclusion that XXX (the accused-appellant) is indeed guilty of the crimes charged against him. The issues and matters raised before the Court, the same ones as those raised in the CA, there being no supplemental briefs filed, were sufficiently addressed and correctly ruled upon by the CA.

In this appeal, the accused-appellant reiterates his claim of innocence, anchored on the supposed incredibility of the testimony of the victim, AAA.³ The accused-appellant argues that the Regional Trial Court (RTC) and the CA erred in convicting him of the crimes charged on the basis only of the testimony of the victim. He argues that the results of the medico-legal examination were inconclusive, and he should thus be acquitted on the ground of reasonable doubt.

His contentions, however, are not novel and are untenable.

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.⁴ Thus, when the case pivots on the issue of the credibility of the witnesses, 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.⁵ Here, after examining the records of this case, the Court finds no cogent reason to vacate the appreciation of the evidence by the RTC,⁶ which was affirmed *in toto* by the CA. In this connection, the Court thus quotes with approval the following discussion by the CA:

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. 2-16. Penned by Associate Justice Japar B. Dimaampao, with Associate Justices Franchito N. Diamante and Zenaida T. Galapate-Laguilles concurring.
³ See note 1.
⁴ *People v. Gerola*, 813 Phil. 1055, 1064 (2017).
⁵ *People v. Aguilar*, 565 Phil. 233, 247 (2007).
⁶ Decision of Branch 71, Regional Trial Court of Iba, Zambales in Criminal Cases Nos. RTC-6390-I, RTC-6391-I, and RTC 6400-I, CA *rollo*, pp. 64-78. Penned by Presiding Judge Consuelo Amog-Ebocar.

10/17

Probing into the records of this case with a fine-tooth comb, We entertain no doubt that appellant is guilty beyond reasonable doubt of the crimes charged. We find AAA's testimony worthy of full faith and credence. Whence, there is no cogent reason to deviate from the disposition of the court *a quo* especially with its calibration of the credibility of AAA.

AAA dovetailed her traumatic experiences in the hands of the appellant in a natural yet convincing and consistent manner.⁷

Just to emphasize, AAA was just 11 years old at the time of the incidents. It is hornbook doctrine that no woman, least of all a child, would concoct a story of defloration, allow examination of her private parts and subject herself to public trial or ridicule if she had not, in truth, been a victim of sexual abuse and impelled to seek justice for the wrong done to her being.⁸ AAA would not go through what she went through during the trial of this case if she was, as the accused-appellant claims, merely seeking revenge because he scolded her a few times. It is also irrelevant that the medico-legal results were inconclusive as the said evidence is merely corroborative and is not an indispensable requirement to reach a conviction. In this case, the medico-legal results would understandably not yield any spermatozoa from the accused-appellant because AAA never claimed that he inserted his penis into her vagina. By the nature of the crimes charged — sexual assault through the insertion of a finger, and acts of lasciviousness by sucking and mashing of the breast — it is but natural that the medico-legal results would be inconclusive.

In addition, the accused-appellant's defenses of alibi and denial cannot outweigh the candid and straightforward testimony of AAA that he indeed committed the sexual acts charged against him. The Court has oft pronounced that both denial and alibi are inherently weak defenses which cannot prevail over the positive and credible testimony of the prosecution witness that the accused committed the crime. Thus, as between a categorical testimony which has the ring of truth on the one hand, and a mere denial and alibi on the other, the former is generally held to prevail.⁹ In sum, the Court finds no reason to not uphold the credibility of AAA's testimony.

The Court thus agrees that the accused-appellant's guilt was proven beyond reasonable doubt.

The Court, however, modifies the penalty and damages to be imposed on the accused-appellant to conform with the recent case of *People v. Tulagan*¹⁰ (*Tulagan*). In line with *Tulagan*, since the victim was less than 12 years old at the time the sexual acts were committed, the proper nomenclature of the crimes committed should be "Acts of Lasciviousness, in relation to Section 5(b), Republic Act No. 7610" and "Sexual Assault, in relation to

⁷ *Rollo*, p. 7.

⁸ *People v. Tubillo*, 811 Phil. 525, 533 (2017).

⁹ *People v. Piosang*, 710 Phil. 519, 527 (2013).

¹⁰ G.R. No. 227363, March 12, 2019, accessed at <http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65020>.

Section 5(b), Republic Act No. 7610.” The accused-appellant is then sentenced to suffer the indeterminate penalty of 14 years, 8 months and 1 day of *reclusion temporal* as minimum, to 17 years and 4 months of *reclusion temporal*, as maximum, for each of the crimes committed.

As regards damages, the Court also deems it proper to modify the amount of damages imposed against the accused-appellant in accordance with *Tulagan*.¹¹ The awards of civil indemnity, moral damages, and exemplary damages for each of the two crimes are therefore increased to ₱50,000.00 each. A legal interest of 6% per annum is likewise imposed from the finality of this Resolution until full satisfaction.¹²

The Court thus affirms the conviction of the accused-appellant for the crimes charged.

WHEREFORE, premises considered, the Court hereby **ADOPTS** the findings of fact and conclusions of law in the attached Decision dated May 25, 2017 of the Court of Appeals in CA-G.R. CR-HC No. 07620. The Decision finding accused-appellant XXX guilty beyond reasonable doubt for the crimes charged is **AFFIRMED** with **MODIFICATION**.

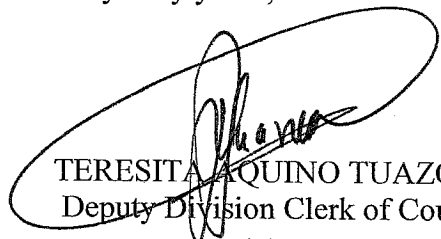
The accused-appellant is hereby declared guilty of the crimes of “Acts of Lasciviousness, in relation to Section 5(b), Republic Act No. 7610” in Crim. Case No. RTC-6390-I and “Sexual Assault, in relation to Section 5(b), Republic Act No. 7610” in Crim. Case No. RTC-6400-I. He is **ORDERED** to suffer the indeterminate penalty of 14 years, 8 months and 1 day of *reclusion temporal* as minimum, to 17 years and 4 months of *reclusion temporal*, as maximum, for each of the two crimes committed.

He is likewise ordered to pay the victim AAA, **FIFTY THOUSAND PESOS** (₱50,000.00) as civil indemnity, **FIFTY THOUSAND PESOS** (₱50,000.00) as moral damages, and **FIFTY THOUSAND PESOS** (₱50,000.00) as exemplary damages, for each of the two crimes.

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.¹¹

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
11 DEC 2019

¹¹ Id.

¹² Id.

-PAGE 4-

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THE DIRECTOR (reg)
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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 71
Iba, Zambales
(Crim. Case Nos. RTC-6390-1 & RTC-6400-1)

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Supreme Court, Manila

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CA-G.R. CR-HC No. 07620

*with copy of CA Decision dated 25 May 2017
Please notify the Court of any change in your address.
GR234779. 10/02/2019A(107)URES(m)

112/11