



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated July 7, 2020 which reads as follows:

“G.R. No. 241785 — 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 no error committed in the Decision² dated October 25, 2017 (Decision) of the Court of Appeals, Fifth Division (CA), in CA-G.R. CR-HC No. 06925. The facts, as borne out by the records, sufficiently support the conclusion that accused-appellant is indeed guilty of the crime of Statutory Rape charged against him. 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

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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. 2-11. Penned by Associate Justice Zenaida T. Galapate-Laguilles, with Associate Justices Magdangal M. De Leon and Franchito N. Diamante concurring.

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

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and sincerity of witnesses during trial.⁴ Here, after examining the records of this case, the Court finds no cogent reason to vacate the appreciation of the evidence by the Regional Trial Court⁵ (RTC) which was affirmed *in toto* by the CA.

In the same vein, accused-appellant's defenses of alibi and denial cannot outweigh the candid and straightforward testimony of the private complainant AAA⁶ that he indeed had sexual intercourse with her through force and against her will, namely, by pulling down her underwear while she was asleep and then inserting his penis into her vagina while covering her mouth to prevent her from shouting for help. AAA was likewise able to positively identify accused-appellant as her assailant because he is her uncle.

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.⁷

In this connection, the Court quotes with approval the following disquisition by the CA:

With respect to accused-appellant's defense of alibi, We also uphold the ruling of the RTC that the same deserves scant consideration. Alibi is an inherently weak defense because it is easy to fabricate and highly unreliable. To merit approbation, the accused must adduce clear and convincing evidence that he was in a place other than the *situs criminis* at the time the crime was committed, such that it was physically impossible for him to have been at the scene of the crime when it was committed. Since alibi is a weak defense for being easily fabricated, it cannot prevail over and is worthless in the face of the positive identification by a credible witness that an accused perpetrated the crime.

As correctly found by the RTC, it was not physically impossible for him to be at AAA's house in the morning of August 20, 2006 and commit the rape of AAA. Accused-appellant himself admitted that his place of work was two hours travel away from AAA's house. Given that and AAA's positive testimony that she was raped by accused-appellant certainly deserve more credence and greater evidentiary weight than that of his alibi.

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

⁵ Regional Trial Court of Quezon City, Branch 89 in Criminal Case No. Q-07-146630; Decision penned by Presiding Judge Cecilyn E. Burgos-Villavert, CA *rollo*, pp. 10-18.

⁶ *Supra* note 1.

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

Furthermore, the Court similarly rejects the contention of the accused-appellant that AAA may have been prompted to falsely testify against him in view of his quarrel with CCC. We find the same implausible. Where the charges against the [accused-appellant] involve a heinous offense, a minor disagreement, even if true does not amount to a sufficient justification for dragging a young girl's honor to a merciless public scrutiny that a rape trial brings in its wake.⁸

Verily, the Court fails to see how a 10-year-old girl would be able and willing to concoct an elaborate story of sexual violation, subject herself to medical examination, and go through the rigors of trial and cross-examination, just to falsely accuse a relative over a minor disagreement her mother allegedly had with him. The Court thus affirms the conviction of accused-appellant for the crime of Statutory Rape.

WHEREFORE, premises considered, the appeal is **DISMISSED** for lack of merit. The Decision dated October 25, 2017 of the Court of Appeals in CA-G.R. CR-HC No. 06925, finding accused-appellant XXX guilty beyond reasonable doubt of Statutory Rape, defined and punished under Article 266-A, paragraph 1(d) of the Revised Penal Code, as amended, is hereby **AFFIRMED**.

SO ORDERED.”

By authority of the Court:



LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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⁸ Rollo, pp. 9-10.



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Court of Appeals (x)
Manila
(CA-G.R. CR HC No. 06925)

The Hon. Presiding Judge
Regional Trial Court, Branch 89
1100 Quezon City
(Crim. Case No. Q-07-146630)

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