



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 17, 2020** which reads as follows:*

“G.R. No. 246585 – PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus MANUEL DEOCARES y DELOS SANTOS, 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, Sixth Division (CA) did not err in promulgating the Decision¹ dated August 13, 2018 in CA-G.R. CR-HC No. 09743. The facts, as borne out by the records, sufficiently support the conclusion that accused-appellant Manuel Deocares y Delos Santos (accused-appellant Deocares) is indeed guilty of Rape under Article 266-A of the Revised Penal Code, as amended. 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.² 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.³

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¹ *Rollo*, pp. 3-15. Penned by Associate Justice Renato C. Francisco and concurred in by Associate Justices Magdangal M. De Leon and Rodil V. Zalameda (now a Member of this Court).

² *People v. Gerola*, 813 Phil. 1055, 1064 (2017).

³ *People v. Aguilar*, 565 Phil. 233, 247 (2007).

After a judicious examination of the records of the instant case, the Court finds no cogent reason to vacate the Regional Trial Court's (RTC)⁴ appreciation of the evidence, which was affirmed *in toto* by the CA.

The Court agrees with the conclusions of the CA that the prosecution sufficiently established the elements of rape through the straightforward, positive, and convincing testimony of the minor victim AAA⁵ (AAA) who unequivocally stated, despite rigorous cross-examination, that through force and violence and despite her attempts to fight him off, accused-appellant Deocares dragged her to a grassy area, covered her mouth and nose, removed her shorts and underwear, and forcibly inserted his penis into her vagina.⁶ Thereafter, he threatened her that he would kill her if he reported the incident to anyone.⁷

As regards the purported inconsistencies in AAA's testimony, *i.e.*, whether accused-appellant Deocares' house was indeed far or near AAA's house, the Court agrees with the RTC that the same relate only to minor and irrelevant matters that do not at all affect the credibility of AAA.⁸ The Court reiterates that errorless statements and testimonies cannot be expected, especially when a rape victim is a minor and is recounting details of a harrowing experience.⁹ In fact, minor inconsistencies are more consistent with human nature and experience and serve to strengthen rather than destroy a victim's credibility.¹⁰

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⁴ See Decision dated July 4, 2017 of the RTC of Dagupan City, Pangasinan, Branch 43 in Crim. Case No. 2016-1146-D, penned by Judge Caridad V. Galvez; *CA rollo*, pp. 45-60.

⁵ The identity of the victims or any information which could establish or compromise their identities, as well as those of their immediate family or household members, shall be withheld pursuant to Republic Act No. (RA) 7610, titled "AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES," approved on June 17, 1992; RA 9262, titled "AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES," approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the "Rule on Violence against Women and Their Children" (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014], citing *People v. Lomaque*, 710 Phil. 338, 342 [2013]. See also Amended Administrative Circular No. 83-2015, titled "PROTOCOLS AND PROCEDURES IN THE PROMULGATION, PUBLICATION, AND POSTING ON THE WEBSITES OF DECISIONS, FINAL RESOLUTIONS, AND FINAL ORDERS USING FICTITIOUS NAMES/PERSONAL CIRCUMSTANCES," dated September 5, 2017; and *People v. XXX and YYY*, G.R. No. 235652, July 9, 2018.)

⁶ *Rollo*, pp. 9-11.

⁷ *Id.* at 11.

⁸ *CA rollo*, p. 58.

⁹ *People v. Lagramada*, 436 Phil. 758, 771 (2002).

¹⁰ *Id.*

In the same vein, the Court agrees with the lower courts that accused-appellant Deocares' defenses of denial cannot outweigh the detailed testimony of AAA that he had sexual intercourse with her against her will. The Court has oft pronounced that denial is an inherently weak defense 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 on the other, the former is generally held to prevail.¹¹ It bears reiterating that "[t]he testimonies of child victims of rape are generally accorded full weight and credit. When a child victim says that she has been raped, she says in effect all that is necessary to show that rape was committed x x x. As we have said in numerous cases, a young girl's revelation that she has been raped, coupled with her voluntary submission to medical examination and willingness to undergo public trial where she could be compelled to give the details of her ignominy, cannot just be dismissed as a mere concoction."¹²

Finally, as regards the absence of hymenal lacerations and spermatozoa, the Court agrees with the CA that the same have never been elements of rape.¹³ Besides, the physician who examined AAA adequately explained that the absence of lacerations could be attributed to several factors, including the thickness of the hymen, the size of the penis, and the force of the penetration.¹⁴ On the other hand, spermatozoa could be removed simply by cleaning the female genital.¹⁵ In any event, full penetration and ejaculation are not required to sustain a conviction for consummated rape.

In view of the foregoing, the Court is convinced that the prosecution proved accused-appellant Deocares' guilt beyond reasonable doubt. We likewise affirm the damages imposed by the CA as the same is in accordance with *People v. Jugueta*.¹⁶

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 August 13, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 09743. The Decision finding accused-appellant Manuel Deocares y Delos Santos

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¹¹ *People v. Piosang*, 710 Phil. 519, 527 (2013).

¹² *People v. Fraga*, 386 Phil. 884, 905 (2000).

¹³ *Rollo*, p. 12.

¹⁴ *Id.*

¹⁵ *Id.* at 12-13.

¹⁶ 783 Phil. 806 (2016).

GUILTY beyond reasonable doubt of Rape, defined and punished under Article 266-A of the Revised Penal Code, as amended, and awarding damages is hereby **AFFIRMED**.

SO ORDERED.”

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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The Solicitor General
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Court of Appeals (x)
Manila
(CA-G.R. CR HC No. 09743)

The Hon. Presiding Judge
Regional Trial Court, Branch 43
Dagupan City, 2400 Pangasinan
(Crim. Case No. 2016-1146-D)

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