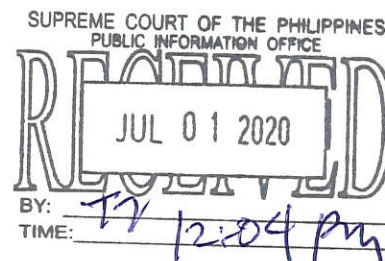




Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated February 12, 2020 which reads as follows:*

**“G.R. No. 243989 – PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus EEE,\* 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 Decision<sup>1</sup> dated June 29, 2018 of the Court of Appeals, Cebu City (CA) in CA-G.R. CR-HC No. 02489. The facts, as borne out by the records, sufficiently support the conclusion that accused-appellant is indeed guilty of the crime of Statutory Rape. 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.

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\* The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act (RA) No. 7610, entitled “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 No. 9262, entitled “AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, 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, entitled “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); *People v. XXX*, G.R. No. 235652, July 9, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64406>>.

<sup>1</sup> *Rollo*, pp. 4-10. Penned by Associate Justice Edward B. Contreras with Associate Justices Edgardo L. Delos Santos (now a member of this Court) and Louis P. Acosta, concurring.

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There is statutory rape when: “(1) the offended party is under 12 years of age; and (2) the accused had carnal knowledge of the victim, regardless of whether there was force, threat, or intimidation or grave abuse of authority [as it] is enough that the age of the victim is proven and that there was sexual intercourse.”<sup>2</sup>

In this case, the Regional Trial Court of Cebu City, Branch 6 (RTC), as affirmed with modification by the CA, found that the prosecution was able to establish, beyond reasonable doubt, all the elements of statutory rape. *First*, AAA testified that accused-appellant had carnal knowledge of her on August 17, 2011; and *second*, as admitted by the parties, AAA was only ten (10) years old at the time of the incident.

Further, the Court agrees with the CA’s ruling that the absence of hymenal laceration will not exonerate accused-appellant. In *People v. Degay*,<sup>3</sup> the Court held that:

x x x [T]he absence of hymenal laceration does not preclude the finding of rape, especially when the victim is of tender age, [as in this case]. Rape is consummated by the slightest penile penetration of the *labia* or pudendum of the female. The presence of hyperemia in the vaginal opening is a clear indication that the penis of the accused indeed touched the *labia* or pudendum of the complainants.<sup>4</sup>

In this case, while AAA testified that only a small portion of accused-appellant’s organ was inside AAA’s private part, the same is sufficient to constitute consummated rape.

To exculpate himself from liability, accused-appellant questions AAA’s credibility insisting that her narration of the event was highly improbable and plagued with inconsistencies.

The assessment of the credibility of witnesses is a task most properly within the domain of trial courts because they are in the best position to ascertain and measure the sincerity and spontaneity of witnesses through their actual observation of the witnesses’ manner of testifying, their demeanor and behavior in court. Trial court judges, therefore, can better determine if such witnesses are telling the truth, being in the ideal position to weigh conflicting testimonies. Thus, unless there are certain facts of substance and value which were

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<sup>2</sup> *People v. Roy*, G.R. No. 225604, July 23, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64329>>.

<sup>3</sup> 643 Phil. 616 (2010).

<sup>4</sup> *Id.* at 628.

overlooked and if considered will affect the result of the case, trial court's assessment of the witnesses is respected and not overturned by the Court. This rule finds an even more stringent application where the said findings are sustained by the CA.<sup>5</sup>

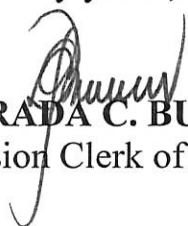
Here, the RTC found AAA's testimony candid and credible. The CA affirmed the RTC's assessment and added that AAA's youth and immaturity are badge of truth and sincerity. Also, the supposed inconsistencies in AAA's testimony, which refer to minor details, do not diminish AAA's credibility. On the contrary, these minor inconsistencies strengthen the credibility of the witness and the testimony as these erase any suspicion of a rehearsed testimony and can, thus, be considered as badge of truth rather than of falsehood.<sup>6</sup> Accordingly, there is no reason for the Court to reverse the findings of the lower courts.

Finally, as regards the award of damages, the Court finds the CA's modification proper following prevailing jurisprudence.<sup>7</sup>

**WHEREFORE**, premises considered, the appeal is **DISMISSED** for lack of merit. The Court **ADOPTS** the findings of facts and conclusions of law in the Decision dated June 29, 2018 of the Court of Appeals, Cebu City in CA-G.R. CR-HC No. 02489 and **AFFIRMS** the Decision finding accused-appellant **EEE GUILTY** beyond reasonable doubt of the crime of Statutory Rape under Article 266-A(1)(d) of the Revised Penal Code, as amended by Republic Act No. 8353, in relation to Article 266-B and sentencing him to suffer the penalty of *reclusion perpetua* and to pay AAA the following amounts: (1) ₱75,000.00 as civil indemnity; (2) ₱75,000.00 as moral damages; and (3) ₱75,000.00 as exemplary damages. These amounts shall earn 6% interest per annum from the finality of judgment until fully paid.

**SO ORDERED.**” *REYES, J. JR, J., on leave.*

Very truly yours,

  
**LIBRADA C. BUENA**  
Division Clerk of Court *m.c./18*

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<sup>5</sup> *People v. Gerola*, 813 Phil. 1055, 1064 (2017).

<sup>6</sup> *People v. Tahop*, 374 Phil. 65, 74 (1999).

<sup>7</sup> *People v. Jugueta*, 783 Phil. 806 (2016).



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Court of Appeals  
6000 Cebu City  
(CA-G.R. CR HC No. 02489)

The Hon. Presiding Judge  
Regional Trial Court, Branch 6  
6000 Cebu City  
(Crim. Case No. CBU-98214)

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