

SECOND DIVISION

[CA-G.R. CR No. 34832, May 21, 2014]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V.
URCESIO RIVAS Y HUERTA, ACCUSED-APPELLANT.**

DECISION

GAERLAN, S.H., J.:

Before this Court is an appeal from the 9 September 2011 Decision^[1] of Branch 254 of the Regional Trial Court of Las Piñas City for Criminal Cases Nos. 09-0775 and 09-0776, wherein the accusedappellant was found guilty beyond reasonable doubt for Violations of Section 5 (b), Article III of Republic Act No. 7610, also known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

The Informations charging Urcesio Rivas y Huerta read:

Criminal Case No. 09-0775^[2]

"That on or about the 30th day of June 2009, in the City of Las Piñas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and by taking advantage of the youth and vulnerability of AAA, a fifteen-year old minor, did then and there willfully, unlawfully and feloniously commit acts of child abuse on the person of the said victim by having sexual intercourse with her without her consent, thereby degrading her dignity as a child, to her damage and prejudice.

Contrary to law."

Criminal Case No. 09-0776^[3]

"That on or about the 1st day of July 2009, in the City of Las Piñas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and by taking advantage of the youth and vulnerability of AAA, a fifteen-year old minor, did then and there willfully, unlawfully and feloniously commit acts of child abuse against the person of the said victim by having sexual intercourse with her and without her consent, thereby degrading her dignity as a child, to her damage and prejudice.

Contrary to law."

During the arraignment on 29 July 2009^[4] for Criminal Case No. 09-0776 and on 6 August 2009^[5] for Criminal Case No. 09-0775, accusedappellant, assisted by counsel *de parte*, entered a plea of **not guilty** to both charges.

On 20 October 2009, a Motion for Consolidation^[6] was filed by the prosecutor which was later granted by the trial court in its Order^[7] dated 27 October 2009.

On 12 November 2009^[8], a pre-trial of the consolidated cases was conducted and likewise terminated. The parties reached no stipulation of facts.

Thereafter, trial on the merits begun on 20 May 2010.^[9]

The trial court in ruling the caseS considered the alleged circumstances in the Sexual Crime (Protocol) written by CCC^[10] and signed by AAA^[11] which stated-

"BABALIK NA AKO SA BAHAY NAMIN NASALOBONG KO SIYA TAPOS SINUNDAN AKO SA BAHAY NAMIN POMASOK SIYA TAPOS HINOBARAN AKO TAPOS PINASOK NIYA ANG TITI SA KIKI KO NOON GABI JUNE 31 ALAS 7:00 NG GABE KINABUKASAN NAMAN JULY 1 SINILIP NIYA AKO PONA NIYA AKO TAPOS PINAGHALIKAN NIYA AKO TAPOS HINOBARAN PINASOK NIYA ULI ANG TITI NIYA SA KIKI KO MGA ALAS 8:00 NG GABI JULY 1 TAPOS NAKITA SIYA NG KAPATID KO TUMAKBO SIYA HINOLI NG BARANGAY ."

The trial court also considered in reaching its conclusion the testimonies of the following prosecution witnesses:

Barangay Tanod Eduardo Maglente Diaz^[12], whose testimony was dispensed with and the parties agreed to stipulate on the following facts: (a) he is a Barangay Tanod at Barangay Pamplona II, Las Piñas City; (b) sometimes on July 1, 2009 at around 8:15 in the evening, while he, together with Barangay Tanod Daniel A. San Juan were performing their duties as barangay tanods, they met a certain BBB^[13], who reported that her sister AAA^[14] was raped by herein accused-appellant Urcesio Rivas. Consequently, they chased and arrested the accused-appellant whom the private complainant identified as the one who raped or sexually molested her; (c) he identified his signature affixed on the *Sinumpaang Salaysay* he executed; and (d) he has no personal knowledge on the alleged facts and circumstances surrounding the commission of the offense.

Barangay Tanod Daniel A. San Juan^[15], whose testimony was likewise dispensed with. The following stipulation of facts were agreed to by the parties: (a) he, together with Barangay Tanod Eduardo Maglente prepared a *Sinumpaang Salaysay* and affixed their signatures thereon; and (b) he has no personal knowledge of the alleged facts and circumstances surrounding the commission of the offense.

Police Chief Inspector Jesille Cui Baluyot^[16], is the medico-legal officer assigned at the PNP Crime Laboratory, Camp Crame, Quezon City who conducted a vaginal and anal examination on the private complainant pursuant to the request of PNP Las Piñas City. She also prepared a medical report on the said examinations conducted.

PO2 Jill Capistrano, whose testimony was dispensed with and the parties instead agreed to stipulate on the following: (a) she is a police officer presently assigned at the Las Piñas Children and Women's Desk; (b) on 1 July 2009, she conducted an investigation relative to this case and reduced the same into writing; (c) she

prepared an Investigation Report dated 1 July 2009; and (d) she has no personal knowledge of the alleged incident.

Lastly, **AAA** was presented to testify. Her initial direct testimony, however, was stricken off the records for her failure to appear for the continuation of her direct examination. The prosecution formally offered^[17] as evidence the following documents: (1) *Sinumpaang Salaysay*^[18] of AAA^[19] and BBB^[20]; (2) *Sinumpaang Salaysay*^[21] of Daniel San Juan and Eduardo Maglente; (3) Initial Medico-Legal Report^[22]; (4) Investigation Report^[23] of PO2 Jill Capistrano; and (5) Request for Anal and Genital Medico Legal Examination^[24].

In an Order^[25] dated 8 March 2011 issued by the trial court, it held that with the exception of the *Sinumpaang Salaysay* of AAA and BBB for not being properly identified, all other pieces of documentary evidence of the prosecution are admitted.^[26]

On 23 March 2011, the defense filed a Motion for Leave of Court to File Demurrer to Evidence^[27] attached thereto was the Demurrer to Evidence^[28] which was later denied by the trial court in its Order^[29] dated 9 May 2011 and ruled that -

x x x x x x x x

It should be noted that a criminal case, once it is filed in court, the real offended party therein is the State. For that reason, criminal cases are captioned as "People of the Philippines vs. X". The interest of the private complainant or the private offended party is limited to the civil liability. Private offended party is entitled to intervene in its prosecution in cases where the civil action is impliedly instituted therein. Thus, in the prosecution of criminal cases, the complainant's role is limited to that of a witness for the prosecution.

The corroboration of the testimonies of the arresting officers, medico-legal officer and the investigating officer here, are clearly sufficient to convict the accused. Their testimonies disclosed that the accused committed the crimes charged. They constituted the chain that could lead to a fair and reasonable conclusion that the accused had sexual intercourse with the private complainant. More so, they have no improper motive in testifying against the accused and they have no beneficial interest therein.

Considering that the prosecution was able to substantiate the allegations in the information, it is up to the defense to disprove them. The burden of proof is now shifted to them.

Thereafter, the defense filed a Motion to Submit Case for Resolution^[30] which was granted by the trial court in its 14 July 2014 Order^[31]. Thus, the case was submitted for decision.

On 9 September 2011, the trial court promulgated the questioned Decision. The dispositive portion of the same decision states:

"WHEREFORE, accused URCESIO RIVAS y HUERTA @ "Robert" is hereby declared **GUILTY BEYOND REASONABLE DOUBT** for two (2) counts of

violation of Sec. 5 (b) Art. III of R.A. 7610 docketed as Criminal Cases Nos. 09-0775 and 09-0776 and is hereby SENTENCED to suffer the penalty of imprisonment of SIX (6) YEARS and ONE (1) DAY of prison mayor, as minimum, to FIFTEEN (15) YEARS, SIX (6) MONTHS and TWENTY (20) DAYS of reclusion temporal as maximum for each count and to pay AAA, in the amount of FIFTY THOUSAND PESOS (P50,000.00) as civil indemnity; FIFTY THOUSAND PESOS (P50,000.00) as moral damages; and THIRTY THOUSAND PESOS (P30,000.00), as exemplary damages, for each count.

SO ORDERED.”

Aggrieved by the decision of the trial court, the accusedappellant is now before this Court interposing this appeal and assigning the following errors^[32]:

I.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSEDAPPELLANT DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

II.

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY UNDER SECTION (5), ARTICLE III OF R.A. NO. 7610.

THIS COURT’S RULING

The appeal is meritorious.

To begin with, the Bill of Rights under Article III of the 1987 Constitution clearly guarantees the right of an accused to be presumed innocent until proven guilty. Section 14(2) thereof states – *In all criminal prosecutions, the accused shall be presumed innocent until contrary is proved, x x x*

Once again this Court finds occasion to reiterate this most echoed constitutional guarantee in criminal prosecutions.^[33] To overcome the presumption of innocence and arrive at a finding of guilt, the prosecution is duty bound to establish with moral certainty the elemental acts constituting the offense.

Moreover, Section 2 of Rule 133 which states -

SEC. 2. Proof beyond reasonable doubt. - In a criminal case, the accused is entitled to an acquittal, unless his guilt is shown beyond reasonable doubt. Proof beyond reasonable doubt does not mean such a degree of proof as, excluding possibility of error, produces absolute certainty. Moral certainty only is required, or that degree of proof which produces conviction in an unprejudiced mind.

Along side this rule is Section 1 of Rule 131 of the Rules of Court expressly states -

SECTION 1. Burden of proof. - Burden of proof is the duty of a party to present evidence on the facts in issue necessary to establish his claim or defense by the amount of evidence required by law.