

THIRD DIVISION

[G.R. No. 218584, April 25, 2018]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. DENNIS
MANALIGOD Y SANTOS, ACCUSED-APPELLANT.**

DECISION

MARTIRES, J.:

This is an appeal from the 26 June 2014 Decision^[1] of the Court of Appeals in CA-G.R. CR-H.C. No. 05260 which affirmed with modification the 5 July 2011 Decision^[2] of the Regional Trial Court, Isabela (RTC), in Criminal Case No. Br. 20-6024 finding Dennis Manaligod y Santos (*accused-appellant*) guilty of statutory rape.

THE FACTS

In an Information, dated 25 September 2007, accused-appellant was charged with statutory rape. The Information reads:

That on or about the 24th day of September 2007, in the City of [XXX],^[3] Province of Isabela, Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there wilfully, unlawfully and feloniously, have carnal knowledge with eight (8) year old minor, AAA, a child under twelve (12) years of age, to her damage and prejudice.^[4]

Upon arraignment, accused-appellant pleaded not guilty to the charge. Thereafter, trial on the merits ensued.

Version of the Prosecution

On 24 September 2007, BBB asked her daughter, AAA,^[5] to borrow a cellphone charger at the videoke bar where she worked. When AAA came back, BBB saw that AAA had P20.00 in her possession. She asked AAA where it came from and the latter answered that accused-appellant a.k.a. "Kulot" gave it to her. BBB asked why Kulot would give her P20.00 but AAA refused to answer because Kulot told her not to tell anyone.^[6] Upon further questioning by her mother, AAA narrated that accused-appellant brought her to a room at the videoke bar where he removed her clothes and underwear, and then undressed himself. Afterwards, he repeatedly inserted his penis into AAA's vagina. Accused-appellant then told AAA not to tell her mother what had happened and gave her P20.00.^[7]

BBB called her employer and informed him of what accused-appellant did to AAA. Accompanied by her employer's wife, BBB reported the incident to the police and was advised to request a medical examination of AAA and to file a complaint against accused-appellant. BBB then brought AAA to the hospital for examination.^[8] Dr.

Vilma G. Lorenzo (*Dr. Lorenzo*) performed the examination and found lacerations in AAA's vagina.^[9]

Version of the Defense

Accused-appellant, through his counsel, manifested that he would not present evidence for his defense.^[10]

The Regional Trial Court's Ruling

In its decision, the RTC found accused-appellant guilty of statutory rape. It reasoned that the penetration of the penis through the labia of the vagina, even without rupture or laceration of the hymen, is enough to justify a conviction of rape. The trial court ruled that medical findings of injuries or hymenal laceration in the victim's genitalia are not essential elements of rape, what is indispensable is that there was penetration by the penis, however slight, through the labia of the female organ. The *fallo* reads:

WHEREFORE, finding the accused DENNIS MANALIGOD y SANTOS guilty beyond reasonable doubt of the crime of Rape as defined and penalized under Article 266-A paragraph (D) in relation to Article 266-B of the Revised Penal Code as amended by Republic Act 8353 he is hereby sentenced to suffer imprisonment of Reclusion Perpetua and to indemnify the victim minor [AAA] and her mother [BBB] in the amount of FIFTY THOUSAND (P50,000.00) PESOS.

Costs to be paid by the accused.^[11]

Aggrieved, accused-appellant elevated an appeal before the CA.

The Court of Appeals' Ruling

In its decision, the CA affirmed the conviction of accused-appellant for statutory rape but modified the award of damages. It opined that AAA recounted her tragic experience, unflawed by inconsistencies or contradictions in its material points and unshaken by the tedious and grueling cross-examination. The appellate court noted that AAA's declaration revealed each and every detail of the incident and gave no impression whatsoever that her testimony was a mere fabrication. It held that contrary to accused-appellant's contention that the medical findings did not prove sexual intercourse, Dr. Lorenzo found an old laceration at 7 o'clock position which she said may have been caused by the insertion of a blunt object that may not be too hard or too soft, and can possibly be caused by the insertion of a penis. Finally, the CA declared that even without the medical findings, AAA's testimony was sufficient to justify accused-appellant's conviction for the crime of statutory rape. It disposed the case thus:

WHEREFORE, the Decision of the Regional Trial Court, Branch 20, 2nd Judicial Region [XXX], Isabela, in Criminal Case No. Br. 20-6024, is hereby **AFFIRMED with MODIFICATION**. In addition to the civil indemnity of P50,000.00, the accused-appellant is also **ORDERED** to pay the victim the amount of P50,000.00 as moral damages and P30,000.00 as exemplary damages for the crime of statutory rape committed and that interests at the rate of 6% per annum shall be imposed on all

damages awarded from the finality of the judgment until fully paid. The assailed decision is affirmed in all other respects.^[12]

Hence, this appeal.

ISSUE

WHETHER THE GUILT OF ACCUSED-APPELLANT HAS BEEN PROVEN BEYOND REASONABLE DOUBT.

Accused-appellant asserts that there were inconsistencies in the testimonies of BBB and Dr. Lorenzo as to the time of the alleged rape; that BBB testified that the incident happened at around 11:00 A.M., while Dr. Lorenzo testified that she examined AAA at around 8:30A.M.; that the medical findings contradicted AAA's claim that she was raped because the latter underwent medical examination on the same day that she was raped but the medical findings revealed that she had an old hymenal laceration; and that his act of not leaving the place where the alleged rape was committed bolsters his innocence.^[13]

THE COURT'S RULING

The appeal is without merit.

Statutory rape is committed by sexual intercourse with a woman below 12 years of age regardless of her consent, or the lack of it, to the sexual act. Proof of force, intimidation or consent is unnecessary as they are not elements of statutory rape, considering that the absence of free consent is conclusively presumed when the victim is below the age of 12. At that age, the law presumes that the victim does not possess discernment and is incapable of giving intelligent consent to the sexual act. Thus, to convict an accused of the crime of statutory rape, the prosecution carries the burden of proving: (a) the age of the complainant; (b) the identity of the accused; and (c) the sexual intercourse between the accused and the complainant.^[14]

As evidenced by her Certificate of Live Birth,^[15] AAA was only eight (8) years old at the time she was sexually molested on 24 September 2007. Inside the courtroom, AAA identified accused-appellant as her rapist.^[16] Thus, the remaining element of statutory rape which needed to be established is carnal knowledge between accused-appellant and AAA. The Court finds no cogent reason to reverse the RTC's assessment of AAA's credibility, which was affirmed by the CA. Absent any evidence that the trial court's assessment was tainted with arbitrariness or oversight of a fact of consequence or influence – especially so when affirmed by the CA – it is entitled to great weight, if not conclusive and binding on the Court.^[17] AAA narrated her tragic ordeal in the hands of accused-appellant in a clear, straightforward, and convincing manner:

[Prosecutor Laygo]: What did he do to you if any?

[AAA]: He inserted his penis into my vagina, sir.

Q: So where did he do that, at what place?

A: At the V.I.P. room, sir.

Q: Of the [XXX] Videoke Bar?