

THIRD DIVISION

[G.R. No. 215341, November 28, 2016]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
MARLON MANSON Y RESULTAY, ACCUSED-APPELLANT.**

DECISION

PERALTA, J.:

This case seeks to reverse and set aside the Decision^[1] dated October 13, 2014 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 05340. The CA upheld the Decision^[2] of the Regional Trial Court (RTC) of Baguio City, Branch IV, dated September 29, 2010 in Criminal Case No. 26824-R, which found accused-appellant Marlon Manson y Resultay guilty beyond reasonable doubt of the crime of statutory rape.

An Information was filed charging Manson of raping AAA,^[3] which reads:

That on or about the 10th day of December 2006, in the City of Baguio, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of offended party AAA, a minor 8 years of age, and taking advantage of the minority of said complainant who because of her tender age is unable to fully take care and protect herself from such sexual abuse of said accused, against her will and consent.

CONTRARY TO LAW.^[4]

Upon arraignment, Manson pleaded not guilty to the crime charged. Hence, trial on the merits proceeded.

The factual and procedural antecedents of the case are as follows: Marlon Manson was accused of raping AAA, a girl aged eight (8).

AAA testified that she was born on April 24, 1998. On the afternoon of December 10, 2006, AAA's mother sent her on an errand in order to buy Milo at a store. On her way back home, she met Manson near a vacant lot. He asked AAA to help him look for eggs in the grassy place. Once there, Manson suddenly strangled her from the back, rendering her unconscious. When she woke up, she found herself near the spring at the lower portion of the grassy place. She felt pain in her genitals and in her neck. Later, she discovered that her genitals were bleeding. Due to the pain, AAA crawled her way home, leaving bruises on her palms and knees. When she reached her house at around 6:00 p.m., her mother, BBB, saw that AAA's face and neck were bluish. When asked what happened to her, AAA answered, "Pangga (Manson's nickname) strangled me." BBB likewise noticed that AAA's pants were

drenched. When she checked and pulled her pants down, she was shocked to see that her daughter's genitals were bleeding profusely. BBB then changed AAA's clothes and they proceeded to the Benguet General Hospital.

At the hospital, the medical staff had to stitch AAA's genitalia as she suffered a one (1)-inch laceration. AAA likewise suffered hematoma in her neck and was bleeding in the eye area.

For his defense, Manson denied that he raped AAA. He alleged that on the afternoon of December 10, 2006, he had a drinking session with his 2 uncles in their house in Lower Fairview, Baguio City. When they finished at around 5:00 p.m., he accompanied one of his uncles to wait for a ride. While waiting, they consumed a bottle of Red Horse beer. Then he hailed a taxi for his uncle and proceeded to walk back home where he went straight to bed. On December 11, 2006, at about 1:00 p.m., he was in La Trinidad, Benguet selling fish when two (2) police officers approached and invited him to go with them. They then brought him to a room of a child at the Benguet General Hospital. The police officers then told the child to point at him. He also learned that he was being accused of raping said child and the officers were forcing him to admit to the accusation. Further, he pointed out that *Pangga* did not only pertain to him but to all of them in their household since they were all Pangasinenses.

On September 29, 2010, the RTC found Manson guilty in Criminal Case No. 26824-R and sentenced him to suffer the penalty of *reclusion perpetua*, and to pay AAA P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P14,439.25 as actual damages, thus:

WHEREFORE, in view of all the foregoing, the Accused MARLON MANSON y RESULTAY is found **GUILTY** beyond reasonable doubt of the offense of Rape as defined under Article 266-A, par. 1 (d) of the Revised Penal Code as amended by Republic Act 8353 and is sentenced to suffer the penalty of *reclusion perpetua* and all its accessory penalties.

Considering that the Accused has undergone preventive imprisonment, he shall be credited in the service of his sentence with the time he has undergone preventive imprisonment subject to the conditions provided for by law.

In line with prevailing jurisprudence, he is to pay AAA P75,000.00 as civil indemnity *ex-delicto* and P75,000.00 as moral damages.

The Accused is likewise ordered to pay the amount of P14,439.25 as actual damages to compensate the expenses incurred for her medication which were duly proven by the Prosecution.

SO ORDERED.^[5]

Thus, Manson appealed before the CA. On October 13, 2014, the CA affirmed the RTC Decision with modification as to the amount of damages, thus:

WHEREFORE, premises considered, the assailed Decision is hereby **AFFIRMED with MODIFICATION. The amount of P30,000.00 is**

hereby awarded to AAA as exemplary damages in addition to the actual, moral and civil damages already awarded by the Family Court.

SO ORDERED.^[6]

Manson then comes before the Court, maintaining that the prosecution failed to prove his guilt beyond reasonable doubt.

The Court dismisses the appeal for lack of merit.

From the testimony of the very young complainant, the prosecution was able to firmly establish the elements of the crime of statutory rape. Statutory rape is committed when (1) the offended party is under twelve (12) years of age and (2) the accused had carnal knowledge of her, regardless of whether there was force, threat or intimidation, whether the victim was deprived of reason or consciousness, or whether it was done through fraud or grave abuse of authority. It is termed statutory rape as it departs from the usual modes of committing rape. The law presumes that the victim does not and cannot have a will of her own on account of her tender years. What the law punishes in statutory rape is carnal knowledge of a woman below twelve (12) years old. Thus, force, intimidation and physical evidence of injury are not relevant considerations; the only pertinent concern is the age of the woman and whether carnal knowledge indeed took place.^[7]

At bar, AAA's birth certificate would show that she was merely eight (8) years old when she was violated. While the second element, that Manson had carnal knowledge of AAA, was evidenced by the testimony of the victim herself. The medical report likewise clearly shows that AAA suffered a fourth (4th)-degree laceration in her *ano-genital* area which could have been caused by a blunt object, usually the male sexual organ. It has been held that when the victim's testimony is corroborated by the physician's finding of penetration, there is sufficient foundation to conclude the existence of the essential requisite of carnal knowledge, and that laceration, whether healed or fresh, is the best physical evidence of forcible defloration.^[8] Here, the examining physician found that the laceration was about 1-1/2 inches deep, which even reached AAA's anal area. Because of the unbearable pain it caused the child, the doctors had to rush her to the operating room and sedate her in order to examine the extent of the laceration.

True, she did not actually see Manson in the act of abusing her as she was, at that time, unconscious. When asked, she did not even know the real meaning of the word rape. In fact, she had innocently referred to the rape incident as the pain and wound in her genitals. The Court, however, agrees with the courts below that AAA was able to positively identify Manson as the man who assaulted her.

It is settled that the crime of rape is difficult to prove because it is generally left unseen and very often, only the victim is left to testify for herself. However, the accused may still be proven as the culprit despite the absence of eyewitnesses. Direct evidence is not a condition *sine qua non* to prove the guilt of an accused beyond reasonable doubt. For in the absence of direct evidence, the prosecution may resort to adducing circumstantial evidence to discharge its burden. Circumstantial evidence consists of proof of collateral facts and circumstances from