



Republic of the Philippines
Supreme Court
Baguio City

CERTIFIED TRUE COPY
Wilfredo V. Lapitan
WILFREDO V. LAPITAN
Division Clerk of Court
Third Division

THIRD DIVISION

MAY 25 2018

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 218584

Present:

- versus -

VELASCO, JR., J.,
Chairperson,
BERSAMIN,
LEONEN,
MARTIRES, and
GESMUNDO, JJ.

DENNIS MANALIGOD Y SANTOS,
Accused-Appellant.

Promulgated:

April 25, 2018

Wilfredo V. Lapitan

X ----- X

DECISION

MARTIRES, J.:

This is an appeal from the 26 June 2014 Decision¹ of the Court of Appeals in CA-G.R. CR-H.C. No. 05260 which affirmed with modification the 5 July 2011 Decision² 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:

Prasad

¹ CA *rollo*, pp. 113-124; penned by Associate Justice Elihu A. Ybañez with Associate Justice Japar B. Dimaampao and Associate Justice Carmelita S. Manahan, concurring.

² Id. at 17-23; penned by Presiding Judge Reymundo L. Aumentado.

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 ₱20.00 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 ₱20.00 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 ₱20.00.⁷

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

³ The city where the crime was committed is blotted to protect the identity of the rape victim pursuant to Administrative Circular No. 83-2015 issued on 27 July 2015.

⁴ Records, p. 1.

⁵ The true name of the victim has been replaced with fictitious initials in conformity with Administrative Circular No. 83-2015 (*Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances*). The confidentiality of the identity of the victim is mandated by Republic Act (R.A.) No. 7610 (*Special Protection of Children Against Abuse, Exploitation and Discrimination Act*); R.A. No. 8505 (*Rape Victim Assistance and Protection Act of 1998*); R.A. No. 9208 (*Anti-Trafficking in Persons Act of 2003*); R.A. No. 9262 (*Anti-Violence Against Women and Their Children Act of 2004*); and R.A. No. 9344 (*Juvenile Justice and Welfare Act of 2006*).

⁶ TSN, 11 November 2009, pp. 5-8.

⁷ TSN, 16 November 2009, pp. 6-7.

⁸ TSN, 11 November 2009, pp. 8-10.

⁹ Records, p. 22.

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 (₱50,000.00) 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:



¹⁰ Id. at 96.

¹¹ CA *rollo*, p. 23.

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 ₱50,000.00, the accused-appellant is also **ORDERED** to pay the victim the amount of ₱50,000.00 as moral damages and ₱30,000.00 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 8:30 A.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

¹² Id. at 123-124.

¹³ Id. at 58-61.

¹⁴ *People v. Cadano, Jr.*, 729 Phil. 577, 584-585 (2014).

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?

A: Yes, sir.

Q: What first did he do to you?

A: He let me to undress, sir.

Q: You remove your dress?

A: He let me to undress, sir.

Q: He ask you to do that?

A: Yes, sir.

Q: You complied with his command?

A: Yes, sir.

Q: After you removed your dress, what happened next if any?

A: He also undressed, sir.

Q: What happened if any?

A: He inserted it, sir.

Q: What did he insert?

A: He inserted his penis inside my vagina, sir.

Q: And how did it feel?

A: It hurts, sir.

Q: How many times did he do that?

A: I cannot count it, sir.

Q: More than ten times?



¹⁵ Records, p. 80.

¹⁶ TSN, 16 November 2009, p. 4.

¹⁷ *People v. Garcia*, 695 Phil. 576, 588 (2012).

A: I do not know, sir.

Q: After he inserted his penis to your vagina what happened next?

A: He told me not to tell about what happened to my mother, sir.

Q: After he told you not to tell to your mother about what happened, what did he tell you if any?

A: He gave me Twenty Pesos (₱20.00), sir. x x x¹⁸

AAA's narration was likewise corroborated by Dr. Lorenzo's medical findings as to the existence of hymenal laceration. When the testimony of a rape victim is consistent with the medical findings, there is sufficient basis to conclude that there has been carnal knowledge.¹⁹ Laceration, whether healed or fresh, is the best physical evidence of forcible defloration.²⁰

Moreover, even if the Court disregards the medico-legal certificate, the same would still not be sufficient to acquit accused-appellant. It has been repeatedly held that the medical report is by no means controlling. A medical examination of the victim is not indispensable in the prosecution for rape, and no law requires a medical examination for the successful prosecution thereof. The medical examination of the victim or the presentation of the medical certificate is not essential to prove the commission of rape, as the testimony of the victim alone, if credible, is sufficient to convict the accused of the crime. The medical examination of the victim as well as the medical certificate is merely corroborative in character.²¹

Accused-appellant further contends that he should be acquitted on the flimsy reason that BBB and Dr. Lorenzo contradicted each other as regards the time when the rape incident took place. However, it is already well-settled that it is not necessary to state the precise time when the offense was committed except when time is a material ingredient of the offense. In statutory rape, time is not an essential element.²² In addition, the time of the commission of the crime assumes importance only when it creates serious doubt as to the commission of the rape or the sufficiency of the evidence for purposes of conviction.²³ In this case, accused-appellant failed to impeach the credible and straightforward testimony of AAA considering that he did not even bother to present any evidence in his defense.

Lastly, accused-appellant's claim that his non-flight after the incident proves his innocence has no probative value so as to exculpate him from liability. While it is true that the Court has ruled in several cases that flight is

¹⁸ TSN, 16 November 2009, pp. 6-7.

¹⁹ *People v. Mercado*, 664 Phil. 747, 751 (2011).

²⁰ *People v. Clores, Jr.*, 475 Phil. 99, 107 (2004).

²¹ *People v. Ferrer*, 415 Phil. 188, 199 (2001).

²² *People v. Escultor*, 473 Phil. 717, 727 (2004).

²³ *People v. Cantomayor*, 441 Phil. 840, 847 (2002).

evidence of guilt, “there is no law or dictum holding that staying put is proof of innocence, for the Court is not blind to the cunning ways of a wolf which, after a kill, may feign innocence and choose not to flee.”²⁴


All told, the prosecution has successfully established the elements of statutory rape. As regards the awards of damages, in line with the Court’s ruling in *People v. Jugueta*,²⁵ accused-appellant should pay AAA ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages and ₱75,000.00 as exemplary damages.

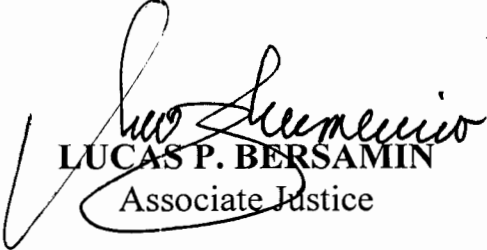
WHEREFORE, the appeal is **DISMISSED**. The 26 June 2014 Decision of the Court of Appeals in CA-G.R. CR-HC No. 05260 is **AFFIRMED** with **MODIFICATION**. Accused-appellant **Dennis Manaligod y Santos** is found **GUILTY** beyond reasonable doubt of **Statutory Rape** and is hereby sentenced to suffer the penalty of *reclusion perpetua, without eligibility for parole*. He is ordered to pay AAA ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages and ₱75,000.00 as exemplary damages.

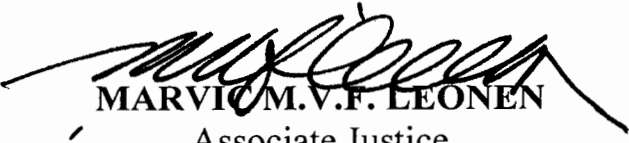
SO ORDERED.


SAMUEL R. MARTIRES
 Associate Justice

WE CONCUR:


PRESBITERO J. VELASCO, JR.
 Associate Justice
 Chairperson


LUCAS P. BERSAMIN
 Associate Justice


MARVIC M.V.F. LEONEN
 Associate Justice


²⁴ *People v. Diaz*, 443 Phil. 67, 90 (2013).

²⁵ *People v. Jugueta*, 783 Phil. 806 (2016).


ALEXANDER G. GESMUNDO
Associate Justice


ATTESTATION

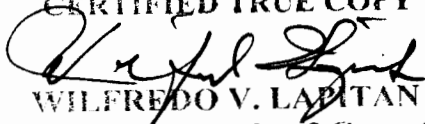
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ANTONIO T. CARPIO
Acting Chief Justice

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WILFREDO V. LAPIDAN
Division Clerk of Court
Third Division

MAY 25 2018