

Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated August 14, 2019 which reads as follows:

“G.R. No. 233252 (PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee, v. SALVADOR DANA O, Accused-Appellant.) - After a judicious perusal of the records, the Court resolves to **DISMISS** the appeal and to **AFFIRM** the February 21, 2017 decision¹ of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 01937.

The Court sees no cogent reason to depart from the findings of fact by the Regional Trial Court (RTC) that the CA affirmed. The factual findings of the trial court as affirmed by the CA are entitled to respect and are not disturbed on appeal unless some facts or circumstances of weight and substance were overlooked or misappreciated, and could materially affect the disposition of the case otherwise.²

In here, the prosecution had established that AAA was only ten (10) years old when the rape incident occurred and only twelve (12) years old when she testified on the witness stand to recount her painful ordeal. The examining physician even corroborated AAA’s testimony when he testified as to the possibility that the vaginal discoloration and hymenal laceration of AAA was caused by a blunt object, such as a penis.³ Also, the Court accords full weight and credit to the testimonies of child victims, for when a woman or a girl-child

¹ *Rollo*, pp. 4-16; penned by Associate Justice Pablito A. Perez, and concurred in by Associate Justice Pamela Ann Abella Maxino, and Associate Justice Gabriel T. Robeniol.

² *Carballo v. People*, G.R. No. 240499, January 14, 2019 (Notice).

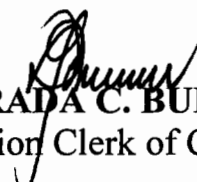
³ *Rollo*, p. 11.

says that she has been raped, she says in effect all that is necessary to show that rape was indeed committed.⁴

WHEREFORE, the Court **DISMISSES** the appeal for being unmeritorious and **AFFIRMS** the assailed decision dated February 21, 2017 rendered by the Court of Appeals in CA-G.R. CR-H.C. No. 01937.

SO ORDERED.”

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court ^{CR-H.C. No. 01937}

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(CA-G.R. CR-HC No. 01937)

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(Criminal Case No. 11-09-8181)

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⁴ *People v. Alberca*, G.R. No. 217459, June 7, 2017, 827 SCRA 1, 13.