



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 17, 2020** which reads as follows:*

“G.R. No. 243655 – PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus MICHAEL BALINGIT y MUÑOZ, accused-appellant.*

RESOLUTION

After a careful review of the records of the case and the issues submitted by the parties, the Court finds no error committed in the Decision¹ dated July 10, 2018 of the Court of Appeals (CA), in CA-G.R. C.R H.C. No. 09616. The facts, as borne out by the records, sufficiently support the conclusion that accused-appellant Michael Balingit y Muñoz (accused-appellant) is indeed guilty of the crime of Statutory Rape. The issues and matters raised before the Court, the same ones as those raised in the CA, there being no supplemental briefs filed, were sufficiently addressed and correctly ruled upon by the CA.

The prosecution was able to establish, beyond reasonable doubt, the elements of statutory rape, to wit: (1) that accused-appellant had carnal knowledge of AAA² on July 14, 2014; and (2) AAA, at the time of the incident, was only seven (7) years and ten (10) months old.

* Spelled “Munoz” in some parts of the *rollo*.

¹ *Rollo*, pp. 2-15. Penned by Associate Justice Ramon A. Cruz with Associate Justices Ramon M. Bato, Jr. and Pablito A. Perez, concurring.

² The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act (RA) No. 7610, entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES,” approved on June 17, 1992; RA No. 9262, entitled “AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING



To exculpate himself from liability, accused-appellant claims that the medico-legal finding that the hymenal lacerations of AAA happened more than seventy-two (72) hours from the time of examination belies the incident of rape which happened one (1) day before the conduct of medical examination.

Accused-appellant's argument deserves scant consideration. In *People v. Tamano*,³ the Court explained that the foremost consideration in rape cases is the testimony of the rape victim and not the findings of the medico-legal officer, *viz.*:

In the crime of rape, the testimony of the victim, and not the findings of the medico-legal officer, is the most important element to prove that the felony had been committed. A medical examination is not indispensable in the prosecution of a rape victim. Insofar as the evidentiary weight of the medical examination is concerned, we have already ruled that a medical examination of the victim, as well as the medical certificate, is merely corroborative in character and is not an indispensable element for conviction in rape. **What is important is that the testimony of private complainant about the incident is clear, unequivocal and credible, and this we find here to be the case.**⁴

In this case, both the trial court and the CA found AAA's testimony consistent, honest and categorical. In fact, the Regional Trial Court noted that AAA is a competent child witness as she has some understanding of the punishment which may result from false testimonies.⁵ In rape cases, the accused may be convicted on the basis of the lone, uncorroborated testimony of the rape victim, provided that her testimony is clear, convincing, and otherwise consistent with human nature. This is a matter best assigned to the trial court which had the first-hand opportunity to hear the testimonies of the witnesses and observe their demeanor, conduct, and attitude during cross-examination. Such matters cannot be gathered from a mere reading of

FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES," approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the "Rule on Violence against Women and Their Children" (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014], citing *People v. Lomaque*, 710 Phil. 338, 342 [2013]. See also Amended Administrative Circular No. 83-2015, entitled "PROTOCOLS AND PROCEDURES IN THE PROMULGATION, PUBLICATION, AND POSTING ON THE WEBSITES OF DECISIONS, FINAL RESOLUTIONS, AND FINAL ORDERS USING FICTITIOUS NAMES/PERSONAL CIRCUMSTANCES," dated September 5, 2017); *People v. XXX*, G.R. No. 235652, July 9, 2018, 871 SCRA 424.

³ G.R. No. 188855, December 8, 2010, 637 SCRA 672.

⁴ *Id.* at 688; emphasis in the original.

⁵ CA rollo, p. 53.

the transcripts of stenographic notes. Hence, the trial court's findings carry very great weight and substance.⁶

Moreover, the Court agrees with the courts *a quo*, that accused-appellant's twin defenses of alibi and denial, which are inherently weak, cannot prevail over the positive and credible testimony of AAA that the accused-appellant committed the crime. Thus, as between a categorical testimony which has the ring of truth on the one hand, and a mere denial and alibi on the other, the former is generally held to prevail.⁷

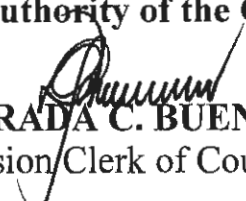
Further, the continuing case law is that for the defense of alibi to prosper, the accused must prove not only that he was at some other place when the crime was committed, but also that it was physically impossible for him to be at the scene of the crime or its immediate vicinity through clear and convincing evidence. In this case, accused-appellant admits that the house of AAA is merely ten (10) meters away from his house and he was at the place of the commission of the rape, at the time when the incident happened.⁸

Finally, as regards the award of damages, the Court finds the CA's modification proper following prevailing jurisprudence.⁹

WHEREFORE, premises considered, the appeal is **DISMISSED** for lack of merit. The findings of facts and conclusions of law of the Court of Appeals in its Decision dated July 10, 2018 in CA-G.R. C.R H.C. No. 09616 are **ADOPTED** and the said Decision is hereby **AFFIRMED**.

SO ORDERED."

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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⁶ *People v. Nievera*, G.R. No. 242830, August 28, 2019, pp. 5-6, citing *People v. Alemania*, G.R. Nos. 146521-22, November 13, 2002, 391 SCRA 619, 625.

⁷ *Id.* at 13.

⁸ *Rollo*, p. 12.

⁹ *People v. Jugueta*, G.R. No. 202124, April 5, 2016, 788 SCRA 331.

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(Crim. Case Nos. 14220-14221)

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