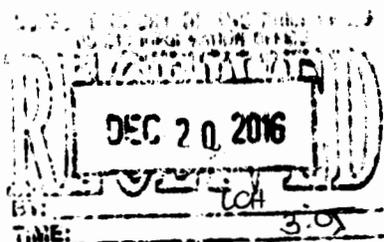




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Wilfredo S. Lepitan
 WILFREDO S. LEPITAN
 Division Clerk of Court
 Third Division

DEC 14 2016

Republic of the Philippines
 Supreme Court
 Manila



THIRD DIVISION

THE PEOPLE OF THE PHILIPPINES, **G.R. No. 215341**

Plaintiff-Appellee, **Present:**

VELASCO, JR., J., *Chairperson*,
 PERALTA,
 PEREZ,
 MENDOZA,* and
 REYES, JJ.

- versus -

MARLON MANSON y RESULTAY,
 Accused-Appellant.

Promulgated:

November 28, 2016

x-----*Wilfredo S. Lepitan*-----x

DECISION

PERALTA, J.:

This case seeks to reverse and set aside the Decision¹ dated October 13, 2014 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 05340. The CA upheld the Decision² 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:

* Designated Additional Member in lieu of Associate Justice Francis H. Jardeleza per Raffle dated December 8, 2014.

¹ Penned by Associate Justice Samuel H. Gaerlan, with Associate Justices Apolinario D. Bruselas, Jr. and Amy C. Lazaro-Javier; concurring; *rollo*, pp. 2-17.

² Penned by Judge Mia Joy C. Oallares-Cawed; *CA rollo*, pp. 37-53.

³ In line with the Court's ruling in *People v. Cabalquinto*, 533 Phil. 703, 709 (2006), citing Rule on Violence Against Women and their Children, Sec. 40; Rules and Regulations Implementing Republic Act

AV

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

No. 9262, Rule XI, Sec. 63, otherwise known as the "Anti-Violence Against Women and their Children Act," the real names of the rape victims will not be disclosed. The Court will instead use fictitious initials to represent them throughout the decision. The personal circumstances of the victims or any other information tending to establish or compromise their identities will likewise be withheld.

⁴ Records, p. 1.



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 ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱14,439.25 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 ₱75,000.00 as civil indemnity *ex-delicto* and ₱75,000.00 as moral damages.

The Accused is likewise ordered to pay the amount of ₱14,439.25 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 **₱30,000.00** is hereby awarded to AAA as exemplary damages in

⁵ CA rollo, pp. 52-53. (Emphasis and underscoring in the original)

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 1-½ 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

⁶ *Rollo*, pp. 16-17. (Emphasis in the original)

⁷ *People v. Gutierrez*, G.R. No. 208007, April 2, 2014, 720 SCRA 607, 613.

⁸ *People v. Rondina*, G.R. No. 207763, June 30, 2014, 727 SCRA 591, 615.

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 which the existence of the main fact may be inferred according to reason and common experience.⁹ Section 4, Rule 133, of the Revised Rules of Evidence, as amended, sets forth the requirements of circumstantial evidence that is sufficient for conviction, *viz.*:

SEC. 4. *Circumstantial evidence, when sufficient.* – Circumstantial evidence is sufficient for conviction if:

- (a) There is more than one circumstance;
- (b) The facts from which the inferences are derived are proven; and
- (c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

Here, the prosecution has proved the following circumstances: that AAA's mother sent her on an errand on the afternoon of December 10, 2006; that on her way back home, AAA met Manson near a vacant lot and the latter approached her to allegedly help him look for eggs in the grassy place; that AAA was alone with Manson when they went to the grassy area of the lot; that once there, Manson suddenly strangled her, leaving her unconscious; that when she woke up, she felt pain in her genitals and in her neck, and saw that her genitals were already bleeding; that the physician who examined AAA found multiple injuries on her neck, face, and eyes which are consistent with the claim of strangulation; and that the medical report 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.

Considering all the circumstances mentioned and in light of previous rulings, the Court is satisfied that the prosecution has successfully proved Manson's guilt beyond reasonable doubt. The evidence adduced against Manson constitutes an unbroken chain leading to the one fair and reasonable conclusion that he was indeed the perpetrator of the crime. The requirement

⁹ *People v. Broniola*, G.R. No. 211027, June 29, 2015, 760 SCRA 597, 606.



of proof beyond reasonable doubt in criminal law does not mean such a degree of proof as to exclude the possibility of error and produce absolute certainty. Only moral certainty is required or that degree of proof which produces conviction in an unprejudiced mind.¹⁰ This was satisfactorily established in the case at bar.

While Manson claims that it was not only him who was called *Pangga*, AAA, in addition to referring to him as *Pangga*, likewise pointed at him as the culprit when she was in the hospital just a day after the incident. There is therefore no cogent reason to reverse the trial court's assessment of AAA's credibility, as affirmed by the CA. When it comes to credibility of witnesses, the findings of the trial court on such matter will not be disturbed unless the lower court had clearly misinterpreted certain facts. The credibility of the witnesses is best addressed by the trial court, it being in a better position to decide such question, having heard them and observed their demeanor, conduct, and attitude under grueling examination. Verily, absent any evidence that it was tainted with arbitrariness or oversight of a fact, the lower court's assessment is entitled to great weight, if not conclusive or binding on the Court. Lastly, where there is no evidence that the witnesses of the prosecution were influenced by ill motive, as in this case, it is presumed that they were not so actuated and their testimony is entitled to full faith and credit.¹¹ As to the amount of damages, however, the exemplary damages should be increased from ₱30,000.00 to ₱75,000.00 based on recent jurisprudence.¹²

The Court strongly abhors and condemns such an odious act, especially one that is committed against a defenseless child. This kind of barbarousness, although it may drop the victim still alive and breathing, instantly zaps all that is good in a child's life and corrupts its innocent perception of the world. It likewise leaves a child particularly susceptible to a horde of physical, emotional, and psychological suffering later in life, practically stripping it of its full potential. Every child's best interests are and should be the paramount consideration of every member of the society. Children may constitute only a small part of the population, but the future of this nation hugely, if not entirely, depends on them. And the Court will not in any way waver in its sworn duty to ensure that anyone who endangers and poses a threat to that future cannot do so with untouchable impunity, but will certainly be held accountable under the law.

WHEREFORE, PREMISES CONSIDERED, the Court **DISMISSES** the appeal and **AFFIRMS with MODIFICATION** the Decision dated October 13, 2014 of the Court of Appeals in CA-G.R. CR-H.C. No. 05340 finding accused-appellant Marlon Manson y Resultay guilty

¹⁰ *Id.* at 607.

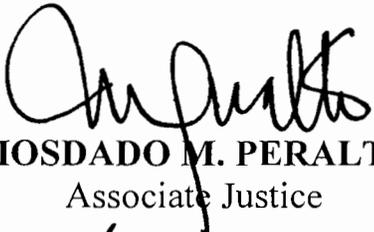
¹¹ *People v. Dadao, et al.*, 725 Phil. 298, 310-311 (2014).

¹² *People v. Ireneo Jugueta*, G.R. No. 202124, April 5, 2016.



beyond reasonable doubt of the crime of Statutory Rape under Article 266-A, paragraph 1 (d) of the Revised Penal Code, as amended by Republic Act 8353. The Court sentences Manson to suffer the penalty of *reclusion perpetua* and to pay AAA the amount of ₱14,439.25 as actual damages, ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and another ₱75,000.00 as exemplary damages, all with interest at the rate of six percent (6%) *per annum* from the finality of this judgment until fully paid.

SO ORDERED.

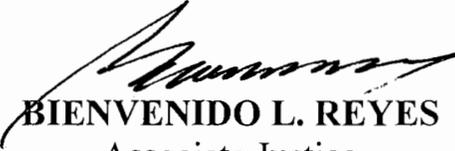

DIOSDADO M. PERALTA
Associate Justice

WE CONCUR:


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson


JOSE PORTUGAL PEREZ
Associate Justice


JOSE CATRAL MENDOZA
Associate Justice


BIENVENIDO L. REYES
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

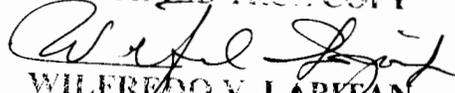
CERTIFICATION

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.



MARIA LOURDES P. A. SERENO
Chief Justice

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WILFREDO V. LAPEAN
Division Clerk of Court
Third Division

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