



CERTIFIED TRUE COPY  
*Wilfredo V. Lapitan*  
**WILFREDO V. LAPITAN**  
 Division Clerk of Court  
 Third Division  
 OCT 04 2017

**Republic of the Philippines**  
**Supreme Court**  
 Manila

**THIRD DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
 Plaintiff-appellee,

**G.R. No. 208625**

Present:

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

-versus-

**RAMON FRANCICA y NAVALTA,**  
 Accused-appellant.

**Promulgated:**  
**September 6, 2017**

X-----*Wilfredo V. Lapitan*-----X

**DECISION**

**LEONEN, J.:**

No amount, especially not the ₱50.00 paid by the accused for sexually abusing his 11-year-old victim, will ever compensate for her trauma. The depravity of a grown man in taking advantage of a child's trust and innocence and her family's poverty to repeatedly rape her rightfully deserves condemnation and the most severe punishment that can be meted out under the law.

This Court is asked to review the February 22, 2013 Decision<sup>1</sup> of the Court of Appeals in CA-G.R. CR-HC No. 03929. This Decision affirmed the conviction of accused-appellant Ramon Francica (Francica) for three (3) counts of statutory rape under Article 266-A(1)(d) of the Revised Penal Code, as amended by Republic Act No. 8353, in relation to Republic Act No.

<sup>1</sup> *Rollo*, pp. 2–11. The Decision was penned by Associate Justice Francisco P. Acosta and concurred in by Associate Justices Fernanda Lampas Peralta and Angelita A. Gacutan of the Tenth Division, Court of Appeals, Manila.

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7610, and imposed the penalty of *reclusion perpetua* for each count of rape.<sup>2</sup>

This Court restates the facts as found by the lower courts.

On February 3, 2005, in Criminal Case No. 05-1287-FC-H, an Information<sup>3</sup> was filed against Francica before Branch 209, Regional Trial Court, Mandaluyong City. This Information read:

That on or about the 2<sup>nd</sup> day of February 2005, in the city of Mandaluyong, Philippines, a place within the jurisdiction of [this Honorable Court,] the above-named accused, being the neighbor of the victim, did, then and there willfully, unlawfully and feloniously have carnal knowledge with [AAA], a girl eleven (11) years of age, by then and there inserting his private part into [the] latter's vagina, all against the latter's will, which acts [sic] debases, degrades or demeans the intrinsic worth and dignity of the victim (a child) as a human being.

CONTRARY TO LAW.<sup>4</sup>

When arraigned,<sup>5</sup> Francica pleaded not guilty to the crime charged against him.

On September 20, 2005, in Criminal Case Nos. MC05-1483-FC-H and MC05-1484-FC-H, two (2) additional Informations were also filed against Francica before Branch 209, Regional Trial Court, Mandaluyong City. The second Information read:

That on or about the 19<sup>th</sup> day of January 2005, in the city of Mandaluyong, Philippines, a place within the jurisdiction of [this Honorable Court,] the above-named accused, motivated by carnal lust and by means of force, threat and intimidation, did, then and there willfully, unlawfully and feloniously have carnal knowledge with [AAA], a girl eleven (11) years of age, a child within the meaning of R.A. 7610, by then and there inserting his private part into the latter's vagina, all against the latter's will, which acts [sic] debases, degrades or demeans the intrinsic worth and dignity of the victim (a child) as a human being.

CONTRARY TO LAW.<sup>6</sup>

The third Information read:

That sometime in the month of March 2004, in the City of Mandaluyong, Philippines, a place within the jurisdiction [of this

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<sup>2</sup> Id. at 10.

<sup>3</sup> RTC records, pp. 1-2.

<sup>4</sup> Id. at 1.

<sup>5</sup> Id. at 13.

<sup>6</sup> Id. at 49.

Honorable Court,] the above-named accused, motivated by carnal lust and by means of force, threat and intimidation, did, then and there willfully, unlawfully and feloniously have carnal knowledge with [AAA], a girl eleven (11) years of age, a child within the meaning of R.A. 7610, by then and there inserting his private part into the latter's vagina, all against the latter's will, which acts [sic] debases, degrades or demeans the intrinsic worth and dignity of the victim (a child) as a human being.

CONTRARY TO LAW.<sup>7</sup>

On October 26, 2005, the trial court ordered the consolidation of the three (3) charges of rape.<sup>8</sup>

Francica also pleaded not guilty to the two (2) other charges of rape against him.<sup>9</sup>

Trial on the merits ensued.

The prosecution presented the child victim, AAA, who was then 11 years old and a Grade 6 student at a public school in Nueve de Pebrero in Mandaluyong City.<sup>10</sup>

AAA testified that she lived with her parents and five (5) siblings in Mandaluyong City near Cardinal Sin. AAA claimed that she knew Francica because he was their neighbor.<sup>11</sup>

AAA testified that Francica was a good person because he would sometimes give her money whenever he touched her.<sup>12</sup> When asked how Francica touched her, AAA answered that he licked her breasts and inserted his penis into her vagina.<sup>13</sup>

She claimed that Francica started touching her sometime in March 2004 and that this went on many times. He would sometimes even give her ₱50.00 after touching her.<sup>14</sup>

The next prosecution witness was BBB, AAA's grandmother. BBB testified that AAA lived on the ground floor of her house in Nueve de Pebrero while she lived on the second floor. BBB claimed to know Francica

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<sup>7</sup> Id. at 58.

<sup>8</sup> Id. at 69.

<sup>9</sup> Id. at 71-72.

<sup>10</sup> TSN dated August 30, 2005, pp. 3-4, 6-7.

<sup>11</sup> Id. at 5-7.

<sup>12</sup> Id. at 7-9.

<sup>13</sup> Id. at 9-10.

<sup>14</sup> Id. at 9.

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because he had been her neighbor for many years.<sup>15</sup>

BBB testified that she had two (2) bathrooms at the back of her house.<sup>16</sup> In the afternoon of February 2, 2005, she was using one (1) of them when she heard a voice say, "*May tao. Si Mamang yata yun*" from inside the other lavatory.<sup>17</sup> When she went out, she saw someone run out of the other bathroom. She quickly looked inside the washroom and saw AAA. She ran after the other person and when he looked backed, she recognized him as Francica.<sup>18</sup>

She was unable to catch Francica and when she returned to her house, she saw her other grandchild, CCC, talking with AAA. CCC was outside the bathrooms when the commotion happened and CCC told BBB that she saw AAA pulling up her underwear inside the lavatory after Francica ran out.<sup>19</sup>

BBB claimed that she had heard rumors that Francica and AAA regularly had sexual intercourse and that she had confronted AAA about this before, but AAA never confirmed these rumors.<sup>20</sup>

After she saw AAA and Francica inside the bathroom, BBB told Josephine, AAA's aunt, about what happened. AAA and Josephine then went to the barangay hall to report the incident.<sup>21</sup>

BBB testified that she was summoned to the barangay hall later that afternoon to confront Francica. She claimed that Francica admitted the accusation against him, for which he was mauled inside the barangay hall.<sup>22</sup>

After the barangay investigation, BBB and AAA went to the police station to execute their respective affidavits.<sup>23</sup>

BBB testified that AAA's family was very poor and that AAA's mother could not look after her children because she had a gambling problem. BBB admitted that she would prefer that AAA be placed under the custody of the Department of Social Welfare and Development because she was already overtaxed with looking after and providing for several other grandchildren and could no longer take care of AAA.<sup>24</sup>

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<sup>15</sup> Id. at 11–12.

<sup>16</sup> Id. at 23.

<sup>17</sup> Id. at 17.

<sup>18</sup> Id. at 13–17.

<sup>19</sup> Id. at 14–15.

<sup>20</sup> Id. at 17–18.

<sup>21</sup> Id. at 19.

<sup>22</sup> Id. at 20–21.

<sup>23</sup> Id. at 22; RTC records, pp. 4–5.

<sup>24</sup> Id. at 25–26.

The third prosecution witness was Carlos C. Gojo (Gojo), a member of Task Force Anti-Vice. He testified that after BBB reported AAA's rape, Task Force Anti-Vice teamed up with Bantay Bayan of Addition Hills that same day to arrest Francica. The two (2) groups went to Francica's house where they found and arrested him. Gojo attested that Francica was informed of his constitutional rights to be silent and be represented by a lawyer during his arrest.<sup>25</sup>

Gojo admitted that they had no warrant of arrest when they arrested Francica since they relied on the complaint lodged against Francica.<sup>26</sup>

Both parties agreed to stipulate<sup>27</sup> on the testimony of PO1 Jocelyn Samson, who investigated the case and endorsed the complaint against Francica to the Office of the City Prosecutor.

The trial court then ruled that the prosecution waived its right to present as its witness medico-legal PSI Pierre Paul Carpio, M.D. (PSI Carpio), who examined AAA, because of his repeated failure to attend the hearings.<sup>28</sup>

The last prosecution witness was Court Social Worker Leonor Laureles (Laureles), who conducted the Social Case Study Report<sup>29</sup> on AAA upon the trial court's directive.<sup>30</sup> Laureles testified that she interviewed AAA, who opened up about the abuse she underwent because of Francica.<sup>31</sup> Laureles also averred that she had recommended that AAA be referred to an institution as she was neglected by her parents.<sup>32</sup>

Francica was the only witness for the defense and he denied that he ever had sexual intercourse with AAA. He claimed that he was only set up by AAA's family after he found out from Nora, AAA's other aunt, that AAA had a relationship with her uncle. Francica stated that he told AAA's parents about her relationship with her uncle, but they ignored him. Francica further claimed that he was made a scapegoat after he revealed AAA's relationship with her uncle.<sup>33</sup>

Francica did not deny being inside the bathroom with AAA, but he

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<sup>25</sup> TSN dated August 9, 2006, pp. 3-6.

<sup>26</sup> Id. at 9.

<sup>27</sup> RTC records, pp. 221-222.

<sup>28</sup> Id. at 255-256.

<sup>29</sup> *CA rollo*, pp. 38-41.

<sup>30</sup> TSN dated August 6, 2008, pp. 4-5.

<sup>31</sup> Id. at 7-8.

<sup>32</sup> Id. at 12-15.

<sup>33</sup> TSN dated October 22, 2008, pp. 5-8 and TSN dated November 19, 2008, p. 4.

claimed that it was a common facility and that he was urinating when AAA went inside to wait for her turn to use the toilet. It was at this point when AAA's cousin and BBB saw them inside the lavatory.<sup>34</sup>

On March 3, 2009, the trial court rendered judgment<sup>35</sup> finding Francica guilty of three (3) counts of statutory rape and meting out the penalty of *reclusion perpetua* for each count.<sup>36</sup>

The trial court ruled that all the elements of statutory rape were established with AAA's credible and candid testimony, corroborated by BBB's testimony.<sup>37</sup>

The trial court also held that it was immaterial that the prosecution failed to present the testimony of medico-legal PSI Carpio, since "a medical examination is not indispensable to the prosecution of rape as long as the evidence on hand convinces the court that conviction for rape is proper."<sup>38</sup>

The dispositive portion of the trial court's decision read:

WHEREFORE, premises considered, this Court finds the accused RAMON FRANCICA y NAVALTA GUILTY beyond reasonable doubt of three (3) counts of Statutory Rape and he is hereby sentenced to suffer the penalty of three (3) *reclusion perpetua* to be served successively. The accused is further ordered to pay the victim, for each count of rape, the amount of P50,000.00 as civil indemnity, P25,000.00 as exemplary damages, and P50,000.00 as moral damages.

COSTS against the accused.

SO ORDERED.<sup>39</sup>

Francica filed a Notice of Appeal.<sup>40</sup> In his appeal,<sup>41</sup> he claimed that the prosecution's failure to present medico-legal PSI Carpio was fatal to the prosecution's case because there were matters that should be clarified by the examining physician.<sup>42</sup>

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<sup>34</sup> TSN dated November 19, 2008, pp. 8-9.

<sup>35</sup> RTC records, pp. 311-321. The Decision in Crim. Case Nos. MC05-1287-FC and MC05-1483-4-FC-H was penned by Presiding Judge Monique A. Quisumbing-Ignacio of Branch 209, Regional Trial Court, Mandaluyong City.

<sup>36</sup> Id. at 321.

<sup>37</sup> Id. at 317-319.

<sup>38</sup> Id. at 319.

<sup>39</sup> Id. at 321.

<sup>40</sup> Id. at 324.

<sup>41</sup> *CA rollo*, pp. 79-91.

<sup>42</sup> Id. at 87.

On February 22, 2013, the Court of Appeals rendered a decision<sup>43</sup> affirming Francica's conviction.

The Court of Appeals held that AAA's *Sinumpaang Salaysay* and her testimony in court were consistent in showing that she repeatedly had sexual intercourse with Francica, sometimes in exchange for ₱50.00.<sup>44</sup>

In upholding the trial court's assessment on the credibility of the witnesses, the Court of Appeals stated that "the trial judge enjoys the peculiar advantage of observing firsthand the deportment of witnesses while testifying, and is, therefore, in a better position to form accurate impressions and conclusions."<sup>45</sup>

The Court of Appeals emphasized that a conviction for rape based on the sole testimony of the victim is possible, as long as the victim's testimony is competent and credible.<sup>46</sup>

Finally, the Court of Appeals asserted that a medical examination of a rape victim is not indispensable to the prosecution of a rape case, as it is merely corroborative in nature.<sup>47</sup>

The *fallo* of the Court of Appeals Decision read:

**WHEREFORE**, premises considered, the instant Appeal is hereby **DENIED**. The Decision of the court *a quo* dated 3 March 2009 is hereby **AFFIRMED in toto**.

SO ORDERED.<sup>48</sup> (Emphasis in the original)

On March 21, 2013, Francica filed a Notice of Appeal<sup>49</sup> with the Court of Appeals, which was given due course in the Resolution<sup>50</sup> dated April 23, 2013. Hence, this appeal was instituted.

In the Resolution<sup>51</sup> dated October 23, 2013, this Court notified the parties that they may file their respective supplemental briefs, if they so desired. However, both parties manifested<sup>52</sup> that they were dispensing with the filing of their supplemental briefs.

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<sup>43</sup> *Rollo*, pp. 2–11.

<sup>44</sup> *Id.* at 7–9.

<sup>45</sup> *Id.* at 6.

<sup>46</sup> *Id.* at 9.

<sup>47</sup> *Id.* at 10.

<sup>48</sup> *Id.*

<sup>49</sup> *CA rollo*, pp. 155–156.

<sup>50</sup> *Id.* at 161.

<sup>51</sup> *Rollo*, p. 17–17-A.

<sup>52</sup> *Id.* at 18–20 and 22–23.

In his appellant's brief,<sup>53</sup> Francica denies the accusations of rape against him and insists that he was merely made a fall guy to cover up AAA's sexual relationship with her uncle.<sup>54</sup>

Francica also claims that the lower courts erred in declaring that the prosecution's failure to present the medico-legal officer was not fatal to the case since it affects the reliability of AAA's allegations.<sup>55</sup>

Francica points out that the alleged rape on February 2, 2005 happened at 1:30 p.m. and AAA was examined that same day at 5:53 p.m.<sup>56</sup> However, the initial medico-legal report submitted by PSI Carpio showed shallow healed lacerations at 3:00 and 9:00 positions.<sup>57</sup> Francica maintains that if AAA was indeed raped that afternoon, the lacerations should either be fresh bleeding laceration or "fresh healing with fibrin formation and with edema of the surrounding tissue"<sup>58</sup> and not healed lacerations as stated in the medico-legal report.

Francica likewise asserts that not all lacerations in the vagina are caused by sexual acts because normal activities like jumping and running can also lead to lacerations or injury. He opines that the initial medico-legal report failed to describe the degree and location of the laceration, thereby creating doubt that the laceration was indeed caused by a sexual act.<sup>59</sup>

On the other hand, the prosecution emphasizes that given the nature of rape cases, conviction usually rests on the sole testimony of the victim.<sup>60</sup> The prosecution contends that AAA's credibility as a witness survived strict scrutiny since she was credible and straightforward during her testimony. She positively identified Francica and testified with specificity what transpired between them.<sup>61</sup>

The prosecution underscores that jurisprudence is consistent that when a child victim says that she has been raped, her testimony should be given full weight and credence.<sup>62</sup>

Finally, the prosecution contends that the finding of a healed

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<sup>53</sup> *CA rollo*, pp. 79-91.

<sup>54</sup> *Id.* at 84-85.

<sup>55</sup> *Id.* at 86-87.

<sup>56</sup> *Id.* at 88.

<sup>57</sup> *Id.* at 87.

<sup>58</sup> *Id.* at 88.

<sup>59</sup> *Id.* at 89.

<sup>60</sup> *Id.* at 122.

<sup>61</sup> *Id.* at 124-125.

<sup>62</sup> *Id.* at 126.

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laceration instead of a fresh bleeding or fresh healing laceration is irrelevant, as this Court ruled in *People v. Espino*<sup>63</sup> that full penile penetration of the vagina is not an element of rape.<sup>64</sup>

The only issue to be resolved by this Court is whether the prosecution was able to prove beyond reasonable doubt that accused-appellant was guilty of statutory rape as defined under Article 266-A(1)(d) of the Revised Penal Code, as amended by Republic Act No. 8353,<sup>65</sup> in relation to Republic Act No. 7610.<sup>66</sup>

This Court affirms Francica's conviction.

## I

This Court notes that in the Information<sup>67</sup> dated February 3, 2005, Francica was charged with rape under Article 266-A(2) of the Revised Penal Code, as amended by Republic Act No. 8353, in relation to Republic Act No. 7610, while he was charged with rape under Article 266-A(1) under the two (2) other Informations.<sup>68</sup>

Rape is defined in Article 266-A of the Revised Penal Code as:

Article 266-A. *Rape; When and How Committed.* — Rape is committed:

1. By a man who shall have carnal knowledge of a woman under any of the following circumstances:
  - a. Through force, threat, or intimidation;
  - b. When the offended party is deprived of reason or otherwise unconscious;
  - c. By means of fraudulent machination or grave abuse of authority; and
  - d. When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.
2. By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or

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<sup>63</sup> Id. at 127–128.

<sup>64</sup> Id. at 128.

<sup>65</sup> Anti-Rape Law of 1997

<sup>66</sup> Special Protection of Children Against Abuse, Exploitation and Discrimination Act

<sup>67</sup> RTC records, pp. 1–2.

<sup>68</sup> Id. at 49–50 and 58–59.

any instrument or object, into the genital or anal orifice of another person.

For a charge of rape under Article 266-A(1) to prosper, it must be proven that “(1) the offender had carnal knowledge of a woman, and (2) he accomplished such act through force or intimidation, or when she was deprived of reason or otherwise unconscious, or when she was under 12 years of age or was demented.”<sup>69</sup>

On the other hand, rape under Article 266-A(2) is described in *Ricalde v. People*<sup>70</sup> as “‘instrument or object rape,’ ‘gender-free rape,’ or ‘homosexual rape.’ The gravamen of rape through sexual assault is ‘the insertion of the penis into another person’s mouth or anal orifice, or any instrument or object, into another person’s genital or anal orifice.’”<sup>71</sup>

Francica was charged with rape under Article 266-A(2) in the Information dated February 3, 2005, yet even a cursory reading of this Information shows that the allegations and the acts or omissions complained of pertain to rape under Article 266-A(1)(d) or carnal knowledge of a girl below 12 years of age:

That on or about the 2<sup>nd</sup> day of February 2005, in the city of Mandaluyong, Philippines, a place within the jurisdiction of [this Honorable Court,] the above-named accused, being the neighbor of the victim, did, then and there willfully, unlawfully and feloniously have carnal knowledge with [AAA], a girl eleven (11) years of age, by then and there inserting his private part into [the] latter’s vagina, all against the latter’s will, which acts [sic] debases, degrades or demeans the intrinsic worth and dignity of the victim (a child) as a human being.<sup>72</sup> (Emphasis supplied)

It is well-established that the nature of a criminal charge is determined “by the recital of the ultimate facts and circumstances in the complaint or information”<sup>73</sup> and not by the caption of the information or the provision of the law claimed to have been violated.<sup>74</sup> Thus, the lower courts did not err in treating and trying all charges against Francica as rape through carnal knowledge under Article 266-A(1)(d).

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<sup>69</sup> *People v. Dalan*, 736 Phil. 298, 300 (2014) [Per J. Brion, Second Division].

<sup>70</sup> 751 Phil. 793 (2015) [Per J. Leonen, Second Division].

<sup>71</sup> *Id.* at 804.

<sup>72</sup> RTC records, p. 1.

<sup>73</sup> *Pielago v. People*, 706 Phil. 460, 470 (2013) [Per J. Reyes, First Division]

<sup>74</sup> *Id.* at 470.

## II

Rape under Article 266-A(1)(d) is also called statutory rape as “it departs from the usual modes of committing rape.”<sup>75</sup> The child victim’s consent in statutory rape is immaterial because the law presumes that her young age makes her incapable of discerning good from evil.<sup>76</sup> *People v. Gutierrez*<sup>77</sup> explained the elements of statutory rape:

Statutory rape is committed when (1) the offended party is under 12 years of age and (2) the accused has 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 enough that the age of the victim is proven and that there was sexual intercourse.<sup>78</sup>

The defense did not dispute the fact that AAA was 11 years old at the time of the incidents. Her birth certificate<sup>79</sup> was presented into evidence before the trial court and was not questioned by the defense. What only needs to be proven, therefore, is whether AAA and Francica had sexual intercourse.

AAA testified as follows:

Q [FISCAL TRONCO]: Kilala mo ba iyong akusado sa kasong ito si Ramon Fran[c]ica?

A: Opo.

Q: Bakit mo siya kilala?

A: Kapit-bahay po namin.

....

Q: Mabait ba siya sa ‘yo?

A: (Witness nodded in the positive).

....

Q: Bakit sinabi mo mabait siya sa ‘yo?

A: Kasi po binibigyan niya ako ng pera.

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<sup>75</sup> *People v. Teodoro*, 622 Phil. 328, 337 (2009) [Per J. Brion, Second Division].

<sup>76</sup> *Id.* at 337.

<sup>77</sup> 731 Phil. 352 (2014) [Per J. Leonen, Third Division].

<sup>78</sup> *Id.* at 357.

<sup>79</sup> *CA rollo*, p. 42.

- Q: Palagi ka ba niyang binibigyan ng pera?
- A: Minsan lang po.
- Q: Ito bang perang binibigay niya sa 'yo may kapalit?
- A: Opo.
- Q: Ano ang kapalit noon?
- A: No answer.
- Q: Naiintindihan mo ba iyong tanong o gusto mong ibahin? Bakit ka niya binibigyan ng pera?
- A: Ginagalaw niya po ako.
- Q: Binibigyan ka ba niya ng pera dahil ginagalaw ka niya?
- A: Opo.
- Q: Magkano ang binibigay niya sa 'yo?
- A: ₱50.00 po.
- Q: Sa natatandaan mo, ilang beses ka na niyang ginagalaw at binibigyan ng pera.
- A: Marami na po.
- Q: Alam mo ba kung kailan nagsimula iyon? Alam mo ba na kailangan mo dito na magsabi ng katotohanan lamang at bawal magsinungaling?
- A: Opo.
- Q: So, yung sinasabi mo ngayon totoo yan lahat?
- A: Opo.
- Q: Kailan nga nagsimula yung paggalaw niya sa 'yo?
- A: Mga March 2004 po.
- Q: 'Pag sinabi mong "ginalaw ka niya" ano ang ginalaw niya sa 'yo?
- A: Dede ko po at ari kop o [sic].
- Q: Paano niya ginagalaw yung dede mo?
- A: Dinidilaan po niya.
- Q: Eh yung ari mo paano naman niya ginagalaw?



A: Pinapasok po niya yung ari niya.<sup>80</sup>

AAA's testimony is consistent with her *Sinumpaang Salaysay*:<sup>81</sup>

- T: Bakit ka na ririto [sic] sa amin[g] opisina?  
 S: Para po sabihin yung ginawa sa akin ni Amon (**victim refer[r]ing to suspect identified as one Ramon Francisca**) [sic]  
 T: Ano ba ang ginawa sa iyo ni Amon?  
 S: Dinidilaan niya po yung dede ko po at yung ari po nya ay pinapasok niya sa pepe ko.  
 T: Kailan nangyari ang insidente?  
 S: Kanina lang po, mga 1:30 po sa banyo po.  
 T: May sinabi ka sa akin kanina na matagal nya nang gin[a]gawa sa iyo ito. Naaalala mo pa ba kung kailan nag sinmula [sic]?  
 S: Opo. Noon pong March 2004 po.  
 T: Sabihin mo nga sa akin kung paano nagsimula ang insedente?  
 S: Nandoon po ako sa Bulatao (**Bulatao Compound**) at naglalaro, lumapit siya (Ramon Francisca) [sic] sa akin at sinabi niya na punta ka na doon sa banyo. Nagpunta naman po ako[,] tapos po ay pinapasok nya ako sa loob ng banyo at pumasok din sya. Tapos po ay dinilaan nya ako sa dede ko tapos po yung ari nya ay ipinasok nya sa pepe ko. Umiyak po ako sa sobrang sakit. Nang matapos po ay binigyan nya ako ng pera. Tapos po ay naging madalas na po.  
 T: Magkano naman ang ibinigay nyang pera sa iyo?  
 S: Fifty pesos (50.00Php) po.  
 T: Kailan naman yung mga sumunod na insedente.  
 S: Yung iba po ay hindi ko na matandaan pero noong January 19[,] 2005 ng gabi ay tinawag nya uli ako at pinapunta nya sa bahay nya at ginawa nya uli yung ginagawa nya sa akin.  
 T: Hindi ka ba nag sumbong sa magulang mo?  
 S: [N]agsumbong po ako sa mama ko pero hindi po sya naniniwala sa akin.  
 T: Yung insedente kanina, maari mo bang sabihin sa akin?  
 S: Kanina naman po ay nasa Bulatao uli ako at naglalaro tinawag nya po ako pinapunta nya ako sa banyo at dinilaan nya ang dede ko at pinasok ang ari nya sa pepe.<sup>82</sup> (Emphasis in the original)

As shown by her testimony, AAA was able to narrate in a straightforward and categorical manner what transpired between her and Francica. In a long line of cases,<sup>83</sup> this Court has given full weight and credence to the testimony of child victims, holding that their “[y]outh and immaturity are generally badges of truth and sincerity.”<sup>84</sup>

<sup>80</sup> TSN dated August 30, 2005, pp. 7–10.

<sup>81</sup> CA Rollo, p. 33.

<sup>82</sup> Id.

<sup>83</sup> See *Pielago v. People*, 706 Phil. 460, 471(2013) [Per J. Reyes, First Division]; *Campos v. People*, 569 Phil. 658, 671 (2008) [Per J. Ynares-Santiago, Third Division], citing *People v. Capareda*, 473 Phil. 301, 330 (2004) [Per J. Callejo, Sr., Second Division]; *People v. Galigao*, 443 Phil. 246, 260 (2003) [Per J. Ynares-Santiago, En Banc].

<sup>84</sup> *People v. Oliva*, 616 Phil. 786, 792 (2009) [Per J. Nachura, Third Division].

Compared to AAA's candid and categorical testimony, Francica's defense of denial must fail. *Imbo v. People*<sup>85</sup> emphasized that the self-serving defense of denial falters against the "positive identification by, and straightforward narration of the victim."<sup>86</sup> This Court has likewise repeatedly held that the lone yet credible testimony of the offended party is sufficient to establish the guilt of the accused.<sup>87</sup>

Francica's defense that he was merely set up to become the fall guy so that AAA's family can hide her sexual relationship with her uncle is not worthy of belief. Additionally, Francica's exposé is primarily hearsay in character since it was supposedly relayed to him by AAA's aunt Nora, who was not presented as a witness before the trial court to corroborate his testimony. Thus, this Court concurs with the trial court when it held that "[t]he 'secret' is too specious a motive for one to file not only one but three serious charges of rape against the accused."<sup>88</sup>

BBB also corroborated AAA's testimony on the sexual abuse committed on February 2, 2005:

Q: What did you see inside the bathroom which is being done to your granddaughter, Madam Witness?

A: When I was inside the bathroom which is just beside the other room, I heard noise inside that bathroom. I don't know whose [sic] inside. My other grandchild who was about to throw or dispose something at that time [was] standing at that time, and when I went out [of] the bathroom that was also the time that someone who was inside the other bathroom also went out, ma'am.

Q: What did you see when you got out of the bathroom?

A: When I went out of the bathroom that was the time that the person went out of the bathroom and that person who went out of the bathroom ran but I saw my grandchild inside the bathroom and then I ran after the person who ran and then when we were running looked back and then I saw the person's face, and then I uttered, "*Walang hiya ka ikaw pala!*"

Q: What did you exactly see your grandchild doing at that particular time, Madam Witness?

A: She was standing but when I asked my other grandchild who was outside at that time what my grandchild saw, she told me that she

<sup>85</sup> G.R. No. 197712, April 20, 2015 <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2015/april2015/197712.pdf>> [Per J. Perez, First Division].

<sup>86</sup> Id. at 5.

<sup>87</sup> *Ricalde v. People*, 751 Phil 793, 807 (2015) [Per J. Leonen, Second Division]; *Garingarao v. People*, 669 Phil. 512, 522 (2011) [Per J. Carpio, Second Division]; *People v. Tagaylo*, 398 Phil. 1123, 1131-1132 (2000) [Per CJ Davide, Jr, First Division].

<sup>88</sup> *CA rollo*, p. 52.

was pulling up her underwear, ma'am.

Q: Just for clarification, Madam Witness, the grandchild that you saw inside the bathroom, are you referring to the victim in this case?

A: Yes, Ma'am. Her name is [AAA].<sup>89</sup>

The trial court found AAA's testimony to be worth believing, being both positive and credible, thus:

[AAA] is a credible witness. She has not obtained enough experience and maturity to concoct such a story of rape. Her testimony, considering her very young age, was straightforward and candid. Thus, it is sufficient to convict the accused.<sup>90</sup>

The Court of Appeals likewise found that "AAA made sensible, straightforward and categorical answers to the substantial, relevant and material questions."<sup>91</sup>

The rule is settled that the trial court's factual findings and evaluation of witnesses' credibility and testimony should be entitled to great respect unless it is shown that the trial court may have "overlooked, misapprehended, or misapplied any fact or circumstance of weight and substance."<sup>92</sup>

Francica's argument that the presence of healed hymenal lacerations belies AAA's accusation that he sexually abused her on February 2, 2005 must fail in light of the fact that hymenal laceration is not an element of rape. *People v. Araojo*<sup>93</sup> expounds on the evidentiary weight of a hymenal laceration in a charge of rape:

The absence of external signs or physical injuries on the complainant's body does not necessarily negate the commission of rape, hymenal laceration not being, to repeat, an element of the crime of rape. A healed or fresh laceration would of course be a compelling proof of defloration. What is more, the foremost consideration in the prosecution of rape is the victim's testimony and not the findings of the medico-legal officer. In fact, a medical examination of the victim is not indispensable in a prosecution for rape; the victim's testimony alone, if credible, is sufficient to convict.<sup>94</sup> (Citations omitted)

Despite the absence of the medico-legal officer as a witness, the

<sup>89</sup> TSN dated August 30, 2005, pp. 13-15.

<sup>90</sup> CA rollo, p. 50.

<sup>91</sup> Rollo, p. 9.

<sup>92</sup> *People v. De Jesus*, 695 Phil. 114, 122 (2012) [Per J. Brion, Second Division].

<sup>93</sup> 616 Phil. 275 (2009) [Per J. Velasco, Third Division].

<sup>94</sup> Id. at 288.

presence of healed lacerations corroborates AAA's testimony as it "is the best physical evidence of forcible defloration."<sup>95</sup>

It is well-established that "[p]hysical evidence is evidence of the highest order. It speaks more eloquently than a hundred witnesses."<sup>96</sup> The physical evidence of the healed lacerations in AAA's vagina strongly corroborates her testimony that she was sexually abused by Francica.

Beyond reasonable doubt, Francica took advantage of AAA's youth and naiveté to repeatedly sexually abuse her.

Article 266-B<sup>97</sup> of the Revised Penal Code provides that the penalty of *reclusion perpetua* shall be imposed in cases of rape stated in the first paragraph of Article 266-A where there are no aggravating or qualifying circumstances present. This corresponds with Section 5(b) of Republic Act No. 7610, which also provides for the penalty of *reclusion perpetua* if the rape victim is below 12 years old:

Section 5. Child Prostitution and Other Sexual Abuse. —

....

(b) Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected to other sexual abuse; Provided, *That when the victim is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, the Revised Penal Code, for rape* or lascivious conduct, as the case may be: Provided, That the penalty for lascivious conduct when the victim is under twelve (12) years of age shall be *reclusion temporal* in its medium period[.] (Emphasis supplied)

The lower courts correctly imposed the penalty of *reclusion perpetua* for each count of statutory rape. However, this Court increases the amount of civil indemnity of ₱50,000.00 to ₱75,000.00, moral damages of ₱50,000.00 to ₱75,000.00, and exemplary damages of ₱25,000.00 to ₱75,000.00 pursuant to prevailing jurisprudence.<sup>98</sup>

In addition, interest at the legal rate of six percent (6%) per annum shall be imposed on all damages awarded from the date of finality of this

<sup>95</sup> *People v. Noveras*, 550 Phil. 871, 887 (2007) [Per J. Callejo, Sr., Third Division].

<sup>96</sup> *People v. Sacabin*, 156 Phil 707, 713 (1974) [Per J. Fernandez, Second Division].

<sup>97</sup> REV. PEN. CODE, art. 266-B provides:

Article 266-B. Penalty. — Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

<sup>98</sup> *People v. Jugueta*, G.R. No. 202124, April 5, 2016 < <http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/april2016/202124.pdf> > [Per J. Peralta, En Banc].

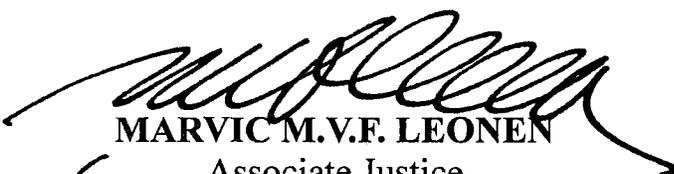
judgment until fully paid.<sup>99</sup>

**WHEREFORE**, the Decision dated February 22, 2013 of the Court of Appeals in CA-G.R. CR-HC No. 03929, finding accused-appellant Ramon Francica y Navalta guilty beyond reasonable doubt of three (3) counts of statutory rape is **AFFIRMED** with **MODIFICATION**. The accused-appellant is sentenced to suffer the penalty of three (3) *reclusion perpetua* to be served successively and is ordered to pay AAA, for each count of rape, the amount of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages.

All monetary awards for damages shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this judgment until fully paid.

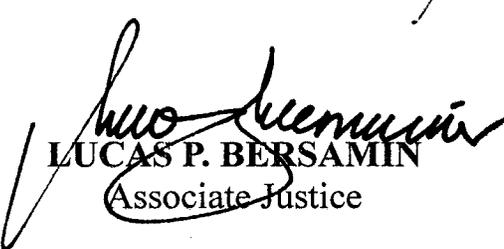
Costs against accused-appellant.

**SO ORDERED.**

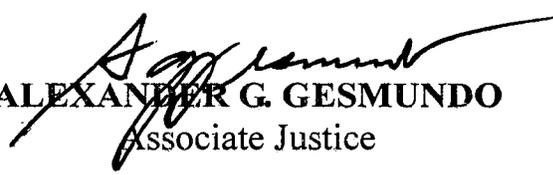
  
MARVIC M.V.F. LEONEN  
Associate Justice

WE CONCUR:

  
PRESBITERO J. VELASCO, JR.  
Associate Justice  
Chairperson

  
LUCAS P. BERSAMIN  
Associate Justice

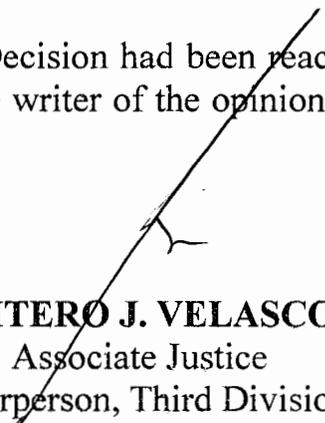
  
SAMUEL R. MARTIRES  
Associate Justice

  
ALEXANDER G. GESMUNDO  
Associate Justice

<sup>99</sup> *Ricalde v. People*, 751 Phil 793, 816 (2015) [Per J. Leonen, Second Division].

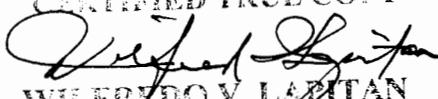
**ATTESTATION**

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.

CERTIFIED TRUE COPY  
  
**WILFREDO V. LAPITAN**  
Division Clerk of Court  
Third Division  
OCT 04 2017

  
**ANTONIO T. CARPIO**  
Acting Chief Justice