



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 201587

Present:

SERENO, *CJ.*,
Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR., and
REYES, *JJ.*

- versus -

Promulgated:

VICTOR LANSANGAN,
Accused-Appellant.

NOV 14 2012

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RESOLUTION

REYES, *J.*:

This is an appeal filed by Victor Lansangan (Lansangan) from the Decision¹ dated December 5, 2011 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 04036. The CA Decision affirmed the Decision² dated June 30, 2009 of the Regional Trial Court (RTC), Agoo, La Union, Branch 32 finding Lansangan guilty beyond reasonable doubt of statutory rape, with modification, however, as to the amounts of civil indemnity, moral and exemplary damages.

¹ Penned by Associate Justice Rodil V. Zalameda, with Associate Justices Rebecca De Guia-Salvador and Normandie B. Pizarro, concurring; *rollo*, pp. 2-14.

² CA *rollo*, pp. 13-21.

In the instant appeal, Lansangan was accused of raping XXX,³ the grandchild of his live-in partner, AAA.

At the trial, the prosecution presented the testimonies of XXX; her grandmother, AAA; a DSWD social worker named Grenaflor Magsacay; and a police officer named PO3 Susan Abril. The defense, on the other hand, presented the testimonies of accused-appellant Lansangan and Victorino Mangaoang, the BJMP jail guard, as evidence.

Being a relative of the victim, AAA testified in court that:

[S]he is the grandmother of the child victim, XXX, and a live-in partner of accused-appellant. She and accused-appellant had lived together from 1995 to 1997 and then from 2003 to 28 July 2005 in the Nagtagaan, Rosario, La Union. Her adopted child, Jojo Rivera, and XXX stayed with them in their house. In August 2005, after accused-appellant left her due to financial problems, she came to know that XXX was sexually molested by accused-appellant. According to her, as she was bathing XXX, the child told her that her vagina was painful. Thinking that it was probably caused by the soap which she used, she just ignored what XXX told her. However, the following day, XXX again told her that her vagina was painful. It was then that XXX told her that every time the accused-appellant would bathe XXX, accused-appellant would insert his finger into XXX's vagina. Also, on three (3) occasions when she was not around, the accused-appellant went on top of XXX, rubbed his penis on her vagina, mashed her breasts. After the said revelations, she sought help from their *Barangay* Captain who went with them to the Department of Social Welfare and Development in Rosario, La Union to report the matter. She identified her sworn statement dated 31 August 2005 and the Certificate of Live Birth of XXX.

On cross-examination, AAA further testified that she discovered that XXX was sexually molested by the accused-appellant sometime in August 2005 when the child told her about it. She admitted having visited accused-appellant in jail several times. She identified the letter which she sent to accused-appellant asking for money.⁴ (Citations omitted)

XXX, for her part, candidly testified the sexual ordeal she had gone through with Lansangan, to wit:

³ Under Republic Act No. 9262, also known as the "Anti-Violence Against Women and their Children Act of 2004", and its implementing rules, the real name of the victim and those of her immediate family members are withheld; fictitious initials are instead used to protect the victim's identity.

⁴ *Rollo*, pp. 3-4.

The child victim, XXX, eight (8) years old and a Grade III pupil testified that she used to live in Nagtagaan, Rosario, La Union with her grandmother (AAA), her brother, Kuya Jojo, and the accused-appellant whom she called “Tatay.” On 31 August 2005, she and her grandmother, accompanied by Jean Flor Magsacay of the DSWD, went to the police station of Rosario, La Union to report that accused-appellant inserted his finger and penis into her vagina, among others, on three (3) occasions while her grandmother was in the market. The child said she felt pain everytime the accused-appellant did this to her. She said that she revealed everything to her grandmother when she felt pain in her vagina at one time the latter was giving her a bath. She did not tell her grandmother about it at once for fear that accused-appellant would hurt the latter.⁵ (Citation omitted)

Lansangan, on the other hand, denied having committed the crime.

His version of the facts is, as follows:

AAA was his live-in partner from 1994 to 2005. According to him, the house in Nagtagaan, Rosario, La Union where he used to live with AAA, was built by him out of the money he earned as an overseas worker in the Middle East from 2000-2005. The reason why he left AAA was that the latter’s failure to pay their debts despite him regularly sending his income. After their separation in fact on 27 July 2005, he went back to his hometown in Tarlac and stayed there until 05 April 2006. From 27 July 2005 to 05 April 2006, AAA sent text messages asking him for money, but he just ignored the messages. AAA thereafter sent him a text message threatening him with revenge, but he just ignored it. On 06 April 2006, he went back to Nagtagaan, Rosario, La Union to sign a deed of sale for their house in Nagtagaan to help solve AAA’s financial problems. He was not able to sign the deed of sale as he was arrested by the police officers at 10:00 o’clock in the morning of the same day.

While in jail, accused-appellant was visited by AAA five (5) times. In one of those visits, AAA told him to just wait for some time because XXX will withdraw the case. AAA also wrote him a letter stating that the money she borrowed from one of accused-appellant’s “kumares” for his release was instead used by her to buy medicine.

On cross-examination, accused-appellant insisted on the impossibility of committing the alleged crime as there was never an instance that XXX was left with him alone in the house. According to him, the testimonies of XXX were all fabricated as she was not close to the child. Furthermore, accused-appellant testified that when AAA visited him in jail two (2) months after he was arrested, he instructed her to go to his “kumpare” Boy to borrow money. The money was supposed to be spent in the preparation of the affidavit of desistance to be filed by AAA, as the latter told him that she is going to withdraw the case.⁶ (Citation omitted)

⁵ Id. at 4-5.

⁶ Id. at 6-7.

Lansangan also added XXX and AAA find him very strict so its impossible for him to commit the allegations thrown against him.⁷

The Decision of the RTC

On June 30, 2009, the RTC convicted Lansangan of statutory rape. The trial court stressed that the testimony of XXX deserves full credit despite her tender age. It further explained that her clear, candid and straightforward testimony categorically narrated how Lansangan successfully ravished her innocence when he inserted his penis into her vagina and the fact that he even repeated his bestial desire when he inserted his index finger into her *pudendum* that caused her to feel pain in her genital parts. Indeed, XXX's positive identification of Lansangan as her molester convinced the trial court to believe her version of what indeed transpired between them.

The RTC brushed aside Lansangan's denial of the charge against him, it being intrinsically weak. Thus, having been found guilty for the crime of statutory rape, the RTC sentenced Lansangan to *reclusion perpetua* and to pay XXX the amount of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages and ₱25,000.00 as exemplary damages.⁸

The *fallo* of the RTC Decision reads:

WHEREFORE, the foregoing considered, the Court hereby renders judgment finding accused Victor Lansangan **guilty beyond reasonable doubt** of the crime of statutory rape, and hereby sentences him to suffer the penalty of *reclusion perpetua*.

Further, the accused is ordered to pay the victim [XXX] the amount of [₱]50,000.00 as moral damages, [₱]50,000.00 as civil indemnity and [₱]25,000.00 exemplary damages.

SO ORDERED.⁹

⁷ CA *rollo*, p. 15.

⁸ Id. at 13-21.

⁹ Id. at 20-21.

The Decision of the CA

On December 5, 2011, the CA rendered a Decision affirming that of the RTC. The CA ratiocinated that the elements of statutory rape were duly proved. The presentation of the birth certificate of XXX sufficiently established her minority for being only nine (9) years old at the time when the crime was committed. The CA, moreover, was convinced that XXX's "clear, frank and definite"¹⁰ testimony positively identifying Lansangan as her perpetrator remained undisputed. Lansangan's defense of denial was also brushed aside while his self-serving claim that AAA coached her granddaughter, XXX, to testify against him in order to get even with him in view of his refusal to provide her with financial support was also disregarded. According to the CA, even the non-presentation of the doctor who examined XXX as witness is not fatal to the prosecution of rape cases because it is merely corroborative¹¹ in nature and not indispensable in the prosecution of rape cases.

Lastly, in view of prevailing jurisprudence in rape cases, the CA increased the amount of damages and civil indemnity awarded by the RTC. Thus, it decreed, as follows:

WHEREFORE, premises considered, the instant appeal is hereby **DENIED**. The Decision dated 30 June 2009 of Branch 32 of the Regional Trial Court, Agoo, La Union is **AFFIRMED with MODIFICATION** that accused-appellant is ordered to indemnify the herein victim the amounts of Seventy-Five Thousand (Php75,000.00) Pesos as moral damages, Seventy Five Thousand (Php75,000.00) Pesos as civil indemnity and Thirty Thousand (Php30,000.00) Pesos as exemplary damages.

SO ORDERED.¹²

¹⁰ *Rollo*, p. 11.

¹¹ *Id.* at 13.

¹² *Id.* at 14.

Our Ruling

We dismiss the appeal.

The Court finds no cogent reason to disturb the factual findings of the RTC, as affirmed by the CA. It is well-settled that factual findings of the trial court, especially on the credibility of the rape victim, are accorded great weight and respect and will not be disturbed on appeal.¹³ In its assessment of the instant case, this Court is convinced that the testimony of XXX positively identifying Lansangan as her perpetrator is worthy of belief. The clear, consistent and spontaneous testimony of XXX unrelentingly established that Lansangan inserted his penis and his index finger into her vagina while she was in his custody. Being a child of tender years, her failure to resist or struggle while Lansangan molested her would all the more prove how she felt intimidated by her “*Tatay*.” It has been held that:

[W]hen the offended parties are young and immature girls, as in this case, courts are inclined to lend credence to their version of what transpired, considering not only their relative vulnerability, but also the shame and embarrassment to which they would be exposed if the matter about which they testified were not true. A young girl would not usually concoct a tale of defloration; publicly admit having been ravished and her honor tainted; allow the examination of her private parts; and undergo all the trouble and inconvenience, not to mention the trauma and scandal of a public trial, had she not in fact been raped and been truly moved to protect and preserve her honor, and motivated by the desire to obtain justice for the wicked acts committed against her. Moreover, the Court has repeatedly held that the lone testimony of the victim in a rape case, if credible, is enough to sustain a conviction.¹⁴

Besides, in rape cases, physical resistance need not be established when intimidation is exercised upon the victim and the latter submits herself out of fear. Intimidation is addressed to the mind of the victim and is therefore subjective.¹⁵

¹³ *People v. Ramos*, G.R. No. 198017, June 13, 2012.

¹⁴ *People v. Tejero*, G.R. No. 187744, June 20, 2012.

¹⁵ *Id.*

The denial of Lansangan cannot exculpate him from the criminal charge. It is well-settled that denial, just like *alibi*, cannot prevail over the positive and categorical testimony and identification of an accused by the complainant.¹⁶ Mere denial, without any strong evidence to support it, can scarcely overcome the positive declaration by the victim of the identity and involvement of appellant in the crime attributed to him.¹⁷ Apparently, in the instant case, Lansangan failed to impute any ill motive on the part of the prosecution witnesses, particularly XXX, that would have impelled her to testify falsely against him. Thus, it was held in *People v. Agcanas*:¹⁸

Positive identification where categorical and consistent and without any showing of ill motive on the part of the eyewitness testifying on the matter prevails over a denial which, if not substantiated by clear and convincing evidence is negative and self-serving evidence undeserving of weight in law. They cannot be given greater evidentiary value over the testimony of credible witnesses who testify on affirmative matters.¹⁹

As to the imposed sentence, the RTC and CA correctly imposed *reclusion perpetua* in view of Republic Act No. 9346 although it should likewise be emphasized that the same law considers the accused ineligible for parole.

As to the civil indemnities, the CA correctly increased the amounts awarded by the lower court in view of the prevailing jurisprudence on the matter.

WHEREFORE, in view of the foregoing premises, the appeal is **DENIED**. Accordingly, the Decision dated December 5, 2011 of the Court of Appeals in CA-G.R. CR-HC No. 04036 sentencing Victor Lansangan to *reclusion perpetua* is **AFFIRMED** with **MODIFICATION** that he is ineligible for parole. The accused is likewise ordered to pay legal interest on all damages awarded at the legal rate of 6% from the date of finality of this

¹⁶ *People v. Malate*, G.R. No. 185724, June 5, 2009, 588 SCRA 817, 829, citing *People v. Gingos*, G.R. No. 176632, September 11, 2007, 532 SCRA 670, 683.

¹⁷ *People of the Philippines v. Melecio de los Santos, Jr.*, G.R. No. 186499, March 21, 2012.

¹⁸ G.R. No. 174476, October 11, 2011, 658 SCRA 842.

¹⁹ *Id.* at 847, citing *People v. Caisip*, 352 Phil. 1058, 1065 (1998).


Decision until fully satisfied.


No costs.

SO ORDERED.

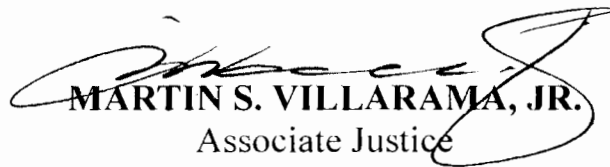

BIENVENIDO L. REYES
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution 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