

SECOND DIVISION

[G.R. No. 187083, June 13, 2011]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
EDUARDO DAHILIG Y AGARAN, ACCUSED-APPELLANT.**

D E C I S I O N

MENDOZA, J.:

This is an appeal from the October 29, 2008 Decision ^[1] of the Court of Appeals (CA) in CA G.R. CR-H.C. No. 01488, which modified the July 19, 2005 Decision ^[2] of the Regional Trial Court, Branch 159, Pasig City (RTC), in Criminal Case No. 121472-H, by finding the accused guilty of child abuse, defined and penalized in Sec. 5(b) of Republic Act (R.A.) No. 7610, instead of the crime of rape.

The Information, dated August 6, 2001, indicting the accused for rape reads:

Criminal Case No. 121472-H

The undersigned 2nd Assistant Provincial Prosecutor accuses **EDUARDO DAHILIG Y AGARAN**, of the crime of Rape (Violation of Article 266-A par. 1 in relation to Article 266-B, 1st par. of the Revised Penal Code, as amended by RA 8353 and in further relation to Section 5(a) of RA 8369), committed as follows:

That on or about the 17th day of December 2000, in the municipality of San Juan, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above named accused, by means of force and intimidation, and taking advantage of night time and in the dwelling of complainant, did, then and there, wilfully, unlawfully and feloniously have carnal knowledge with one AAA, ^[3] sixteen (16) year old minor at the time of the commission of the offense, against her will and consent.

CONTRARY TO LAW. ^[4]

[Underscoring supplied]

During the trial, the prosecution presented AAA, the private complainant; and Police Senior Inspector Bonnie Y. Chua, the medico-legal officer, as its witnesses. The defense, on the other hand, presented the accused himself, Eduardo Dahilig (*accused*), as its sole witness.

Accused and AAA were both employed as house helpers by a certain Karen Gomez. AAA was only sixteen (16) years old at the time of the commission of the act, having been born on August 17, 1984. Their respective versions of the incident, as expected, were diametrically opposed.

Version of the Prosecution

On December 17, 2000, at around 4:00 o'clock in the morning, AAA was lying in bed with her fellow helper, Roxanne. As it was hot and humid that morning, AAA moved to the floor. While on the floor, she felt someone touching her. At that instant, she found out it was the accused. She tried to resist his advances, but he succeeded in pinning her down with his weight and he told her not to move. She shouted for help from Roxanne but to no avail because the latter was sound asleep. Eventually, the accused was able to remove her shirt, shorts and undergarments and afterwards was able to get on top of her. Then, he forced his penis into her vagina which caused her pain. After he was done with her, he returned to his quarters on the third floor.

The following day, AAA angrily confronted the accused and asked him why he did such an act against her. He reacted by getting all his belongings and immediately left their employer's house. AAA then informed her employer what the accused did to her. Their employer immediately assisted her in filing a case against him. This caused the arrest of the accused and, at this point, he offered to marry her. His offer, however, was rejected because AAA was determined to seek justice for the ordeal she suffered in his hands.

A few days after the incident, AAA was medically examined. The medico-legal examination disclosed that there was a healing laceration in her hymen although no spermatozoa was found. It was also stated in the medico-legal report that AAA could have lost her virginity on or about December 17, 2000.

Version of the Accused

Accused denied having raped AAA. According to him, the sexual congress that transpired between them was consensual as she was then his girlfriend. He related that he came to know AAA sometime in July 2000 and after a month of courtship, they became sweethearts. In fact, on November 10, 2000, at around 9:00 o'clock in the evening, she went up to the floor where he was sleeping and had sex with him. Afterwards, she returned to her room which was located on the second floor. It was also in the same month that his former girlfriend, Roxanne, arrived and demanded that he choose between her and AAA.

On the day of the incident, he was very tired and decided to lie down on the floor where AAA and Roxanne were sleeping. AAA noticed him and moved beside him. At around 4:00 o'clock in the morning, they made love. He noticed during that time Roxanne was awake because her eyes were open. When their employer arrived at around 5:00 o'clock in the morning, she asked him to go upstairs to his room.

At around 8:00 o'clock of that same morning, the accused was fetched by her sister to attend a birthday party. When he returned at around 5:00 o'clock in the afternoon, AAA and Roxanne were quarrelling about their love making. The latter threatened to report the incident to their employer. He tried to ease the tension

between the two but both refused to be pacified. In fact, Roxanne threatened to stab both of them. This prompted him to flee by taking his personal belongings and leaving their employer's premises. AAA wanted to join him but he told her that he would just return for her.

Accused went to Bulacan and stayed there for two (2) months. He then proceeded to Ilocos where he requested his grandfather and mother to fetch AAA because he wanted to marry her. She, however, refused to go with the two insisting that he personally fetch her.

Three weeks later, the accused returned to Manila together with his mother and grandfather to fetch AAA but again they failed. Instead, their employer sought the help of the police who invited him to the station to discuss the intended marriage. He was given two weeks to settle this matter. AAA said that she needed to call her parents first. In the meantime, he was allowed to go home to Ilocos. Subsequently, he received a call from their employer, telling him that her parents had already arrived in Manila. He could not, however, go to Manila because he had no money for transportation.

Sometime thereafter, he received a subpoena from the Office of the Prosecutor informing him that he had been charged with the crime of rape against AAA. For lack of funds, he was also not able to attend the hearings at the prosecutors' office either. Finally, after several months, he was arrested by virtue of a warrant of arrest issued against him.

Ruling of the Regional Trial Court

In convicting the accused, the RTC reasoned out that, in its observation, AAA never wavered in her assertion that the accused sexually molested her against her will. According to the trial court, her narration bore the earmarks of truth and was consistent throughout. As to his "sweetheart defense," the accused failed to prove it by clear and convincing evidence. What he laid before the court for its consideration was a mere self-serving claim of their relationship. It fell short of the rule that a sweetheart defense cannot be given credence in the absence of corroborative proof like love notes, mementos, and pictures, to name a few. Bolstering AAA's story was the medico-legal finding that there was a deep-healing laceration which was consistent with the charge that she had been raped. Thus, the dispositive portion of the RTC decision reads:

WHEREFORE, in view of the foregoing, the Court finds the accused **EDUARDO DAHILIG Y AGARAN GUILTY** beyond reasonable doubt for the crime of Rape (Violation of Article 266-A par. 1 in rel. to Article 266-B, 1st par. of the Revised Penal Code, as amended by RA 8353 and in further relation to Section 5(a) of R.A. No. 8369) and the accused is hereby sentenced to suffer imprisonment of **reclusion perpetua**.

Accused **EDUARDO DAHILIG Y AGARAN** is hereby adjudged to pay **AAA** the amount of **FIFTY THOUSAND PESOS** (P50,000.00), as moral damages and **FIFTY THOUSAND PESOS** (P50,000.00), as civil indemnity.

SO ORDERED. ^[5] [Underscoring supplied]

Ruling of the Court of Appeals

On appeal, the CA affirmed the findings of fact of the RTC but clarified that the crime charged should have been "Child Abuse" as defined and penalized in Sec. 5 (b) of R.A. No. 7610, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act." Its conclusion was based on the fact that the complainant was a minor, being 16 years of age at the time of the commission of the offense and, as such, was a child subject of sexual abuse. R.A. No. 7610 defines children as persons below eighteen years of age or those unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of her age. Considering that AAA was 16 years old at the time of the commission of the crime, having been born on August 17, 1984 and the accused had admitted having sexual intercourse with her, all the elements of child abuse were present. Thus, the decretal portion of the CA decision reads:

WHEREFORE, the **DECISION DATED JULY 19, 2005** is **MODIFIED**, finding **EDUARDO DAHILIG Y AGARAN** guilty of child abuse as defined and penalized by Sec. 5, (b), Republic Act No. 7610, and, accordingly, sentencing him to suffer the indeterminate penalty of 11 years of *prision mayor*, as minimum, to 17 years, 4 months and 1 day of *reclusion temporal*, as maximum; and to pay to AAA P50,000.00 as moral damages and P50,000.00 as civil indemnity.

The total period of the preventive detention of the accused shall be credited to him provided he has satisfied the conditions imposed in Art. 29, *Revised Penal Code*, as amended.

SO ORDERED. ^[6] [Underscoring supplied]

In this forum, both the prosecution and the accused opted not to file any supplemental briefs and manifested that they were adopting their arguments in their respective briefs filed before the CA. In his Appellant's Brief, the accused presented the following:

ASSIGNMENT OF ERRORS

I

THE TRIAL COURT GRAVELY ERRED IN GIVING CREDENCE TO THE INCREDIBLE TESTIMONIES OF THE PROSECUTION'S WITNESSES.

II

THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-