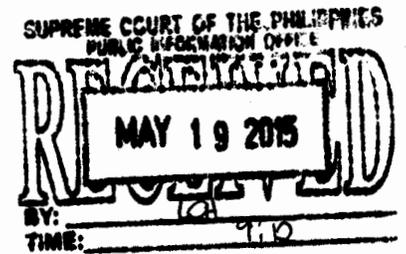




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Baguio City

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **20 April 2015** which reads as follows:

¹G.R. No. 202984 – *People of the Philippines, plaintiff-appellee v. Erasmo Sanoy, accused-appellant.*

Appellant Erasmo Sanoy was charged with the crime of statutory rape¹ committed against “AAA,”² a 10-year old minor. During arraignment, appellant entered a plea of not guilty.³ The prosecution established that sometime in February 1999, AAA was in her parents' house in Liloy, Zamboanga del Norte when appellant, who is her brother-in-law, entered her room, removed his clothing and AAA's panty, inserted his penis into AAA's private part and made push and pull movements. After satiating his lust, appellant threatened AAA not to disclose to anyone what happened between them or he would box her. For his part, appellant denied raping AAA; he claimed that in February 1999, he was at Tungawan, Zamboanga Sibugay (formerly Zamboanga del Sur).

After trial, the Regional Trial Court (RTC) of Liloy, Zamboanga del Norte, Branch 28, rendered a Decision⁴ in Crim. Case No. L-00255 finding appellant guilty as charged, viz:

WHEREFORE, premises considered, this court finds accused ERASMO SANOY, guilty beyond reasonable doubt of the crime of statutory rape defined and penalized under Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353, and accordingly sentences him to suffer the penalty of *Reclusion Perpetua*. He is also directed to pay the complainant [AAA] or her heirs, the sum of Php75,000.00 as civil indemnity, Php25,000.00 as exemplary damages and Php75,000.0 as moral damages.

SO ORDERED.⁵

¹The accusatory portion of the Information reads as follows:

That, at high noon, sometime [in] the month of February, 1999, in the municipality of Liloy, Zamboanga del Norte, within the jurisdiction of this Honorable Court, the said accused, moved by lewd and unchaste desire and by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously succeed in having sexual intercourse with [AAA], a 10 year old child against her will and without her consent.

CONTRARY TO LAW, (Viol. Of Art. 266-A of the Revised Penal Code as amended by RA No. 8353. (Records, p. 1.)

²“The real names of the victim and of the members of her immediate family are withheld pursuant to Republic Act No. 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act) and Republic Act No. 9262 (Anti-Violence Against Women and Their Children Act of 2004.)” *People v. Teodoro*, G.R. No. 175876, February 20, 2013, 691 SCRA 324, 326.

³Records, p. 23.

⁴Id. at 434-449; penned by Judge Oscar D. Tomarong.

⁵Id. at 447.

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Adna

The trial court lent credence to the version of the prosecution. It disregarded appellant's denial and alibi for being self-serving and uncorroborated. It noted that appellant even admitted visiting Liloy, Zamboanga del Norte in 1999. Moreover, the trial court pointed out that the element of physical impossibility was not established because the distance between Liloy and Tungawan could be traversed in four hours. And since AAA was only 10 years old at the time of the rape, the crime committed was statutory rape.

On appeal, the Court of Appeals (CA) in a Decision⁶ dated December 7, 2011, affirmed with modifications the ruling of the trial court, *viz*:

WHEREFORE, premises considered, Decision dated 15 September 2008 of the Regional Trial Court, 9th Judicial Region, Branch 28, Liloy, Zamboanga del Norte, in Criminal Case No. L-00255, finding accused-appellant Erasmo Sanoy guilty beyond reasonable doubt of having committed the crime of Statutory Rape and sentencing him to reclusion perpetua without eligibility for parole, is hereby AFFIRMED with MODIFICATIONS. As modified, accused-appellant is ORDERED to indemnify AAA the amounts of Php50,000.00 as civil indemnity, Php50,000.00 as moral damages and Php30,000.00 as exemplary damages with interest on all damages awarded at the rate of six percent (6%) per annum from finality of this judgment until fully paid.

SO ORDERED.⁷

Hence, this appeal. In a Resolution⁸ dated September 19, 2012, we directed the parties to file their Supplemental Briefs. However, both parties opted to adopt the briefs they submitted before the CA as their Supplemental Briefs.⁹

The appeal lacks merit.

There is statutory rape when "(1) x x x the accused had carnal knowledge of a woman; and (2) x x x the woman is below 12 years of age or is demented."¹⁰ As correctly found by the trial court and the appellate court, the prosecution in this case sufficiently established beyond reasonable doubt that appellant had carnal knowledge of AAA in February, 1999. At the time of the incident, the victim was barely 10 years old. She also positively identified appellant as her rapist. AAA's testimony was corroborated by the medical findings showing that she suffered hymenal lacerations.

⁶CA *rollo*, pp. 102-122; penned by Associate Justice Zenaida T. Galapate-Laguilles and concurred in by Associate Justices Edgardo A. Camello and Pamela Ann Abella Maxino.

⁷Id. at 121-122.

⁸*Rollo*, pp. 29-30.

⁹Id. at 31-34; 45-47.

¹⁰*People v. Amistoso*, G.R. No. 201447, January 9, 2013, 688 SCRA 376, 386.

Appellant's denial and alibi were properly disregarded by the courts below. Aside from being self-serving, the court *a quo* noted that appellant admitted his presence in Liloy, Zamboanga del Norte during the time material to this case. It was also noted that it was not physically impossible for appellant to be present at the crime scene considering that the distance between Liloy and Tungawan could be traversed in approximately four hours.

Finally, we find no cogent reason to modify the findings of both the trial court and the appellate court as regards the credibility of AAA. Aside from being a 10-year old minor, it was not shown that the victim harbored ill-motives against appellant. In fact, appellant even admitted that he had maintained good relations with the victim as well as his mother-in-law who supported AAA in filing the charge against him.

In fine, the appellant was properly found guilty beyond reasonable doubt of statutory rape and sentenced to *reclusion perpetua* without eligibility for parole. The awards of moral damages in the amount of ₱50,000.00 and exemplary damages in the amount of ₱30,000.00 are likewise proper. Also, the imposition of interest at the rate of six percent (6%) *per annum* on all damages awarded from date of finality of this Resolution until full payment is proper. However, the award of civil indemnity must be increased to ₱75,000.00 in line with prevailing jurisprudence.

At this juncture, it must be mentioned that in his 1st Indorsement¹¹ dated November 7, 2012, Venancio J. Tesoro, Superintendent of the the Davao Prison and Penal Farm, manifested that they have no record of confinement of appellant at their facility. We thus direct the Presiding Judge of the Regional Trial Court of Liloy, Zamboanga del Norte, Branch 28, to inform the Court of the present whereabouts of appellant within 10 days from receipt of this Resolution.

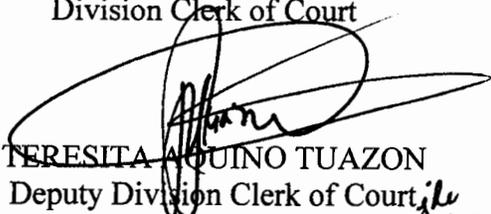
WHEREFORE, we **ADOPT** the findings of facts of the trial court as affirmed by the appellate court. The appeal is **DISMISSED** and the December 7, 2011 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 00685 finding appellant Erasmo Sanoy guilty beyond reasonable doubt of the crime of statutory rape is **AFFIRMED with MODIFICATION** that the award of civil indemnity is increased to ₱75,000.00. The Presiding Judge of the Regional Trial Court of Liloy, Zamboanga del Norte, Branch 28, is **DIRECTED** to inform the Court of the present whereabouts of appellant within 10 days from receipt of this Resolution.

SO ORDERED."

Very truly yours,

MA. LOURDES C. PERFECTO
Division Clerk of Court

By:


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
4/29

¹¹Rollo, p. 37.

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Special and Appealed Cases
2nd Floor, Hall of Justice
Hayes Street, Cagayan de Oro City

OFFICE OF THE SOLICITOR GENERAL (reg)
134 Amorsolo Street,
Legaspi Village, 1229
Makati City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 28
Liloy, Zamboanga del Norte

ERASMO SANJOY (reg)
Accused-Appellant
c/o The Superintendent
San Ramon Prison & Penal Farm
Zamboanga City

THE SUPERINTENDENT (reg)
San Ramon Prison & Penal Farm
Zamboanga City

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