



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 23, 2020** which reads as follows:*

“G.R. No. 246522 – People of the Philippines v. Jessie Brillo y Dela Cruz

On appeal is the Decision¹ dated July 31, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09369, affirming with modification the Decision² dated April 11, 2017 of the Regional Trial Court (RTC), Branch 43, Dagupan City in Criminal Case No. 2016-0626-D. The RTC found Jessie³ Brillo y Dela Cruz (Brillo) guilty beyond reasonable doubt of statutory rape under Article 266-A paragraph 1(d) of the Revised Penal Code (RPC), as amended by Republic Act (R.A.) No. 8353, otherwise known as The Anti-Rape Law of 1997.

The Facts

In the Information dated May 4, 2016, Brillo was charged with the crime of statutory rape, the accusatory portion thereof reads:

That on or about the 31st day of January, 2016, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, JESSIE BRILLO y DELA CRUZ, did then and there, willfully, unlawfully and criminally, have carnal knowledge of AAA,⁴ a 3-year old minor, to

- over – eighteen (18) pages ...

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¹ Penned by Associate Justice Renato C. Francisco, with Associate Justices Magdangal M. De Leon and Rodil V. Zalameda (now a Member of the Court), concurring; CA rollo, pp. 114-125.

² Penned by Judge Caridad V. Galvez; id. at 33-43.

³ Also referred to as “Jesse” in some parts of the records.

⁴ The real name of the victim, her personal circumstances and other information which tend to establish or compromise her identity, as well as those of her immediate family, or household members, shall not be disclosed to protect her privacy, and fictitious initials shall, instead, be used, in accordance with *People v. Cabalquinto* (533 Phil. 703 [2006]) and Amended Administrative Circular No. 83-2015 dated September 5, 2017.

the damage and prejudice of said AAA.

Contrary to Article 266-A, paragraph 1(d) of the Revised Penal Code, as amended by Republic Act No. 8353.⁵

When arraigned on June 8, 2016, Brillo entered a plea of not guilty to the crime charged.⁶

At the preliminary and pre-trial conference, the prosecution and the defense stipulated on the following matters: (1) the minority of the private complainant as evidenced by her Certificate of Live Birth; (2) the fact that Brillo and AAA were neighbors; (3) the existence of the medico-legal report; and (4) the fact of reporting of the incident with the Philippine National Police (PNP) Dagupan City as evidenced by the certification of the entry in the police blotter book.⁷

Trial on the merits then ensued.

The facts established by the prosecution are narrated in the People's brief as follows:

At about 7:00 in the evening of January 31, 2016, Jessie Brillo (later on identified as appellant) willfully went on top of then three-year-old AAA as she was lying down. Appellant then pulled down AAA's short pants and panty. He then proceeded to kiss AAA on different parts of her body - her lips, cheeks and eyes. After some time, appellant proceeded to put his penis in between AAA's thighs and eventually inserted his penis in AAA's vagina to the fright, disdain and horror of the child. When asked what appellant did to her, AAA responded, "*iniyot niya ako*["] which means, "he sexually abused me, ma'am." When also asked if she felt pain when appellant's penis was inserted, AAA answered yes.

AAA told BBB, AAA's mother, about the incident. BBB accompanied AAA to the police station of Dagupan City. AAA and BBB each executed a [*sinumpaang salaysay*] on the incident. AAA was also subject to medico-legal examination which resulted to fresh lacerations on the 6 o'clock of the hymen. During trial, AAA testified through categorical narrations of the incident with the help of an anatomically correct doll.⁸

The version of the defense, on the other hand, is as follows:

At around [7 o'clock] in the evening of 31 January 2016, the accused Jesse D. Brillo, was at home with his two (2) siblings when AAA arrived to have coffee with them for about five (5)

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⁵ CA rollo, p. 33.

⁶ Id.

⁷ Id. at 34.

⁸ Id. at 83-84.

minutes. After drinking coffee, the accused went to his job of being a caretaker of the nearby Pisonet until [3 o'clock] in the morning. The accused denied having carnal knowledge of AAA as he treated her as a sister.⁹

The RTC Ruling

On April 11, 2017, the RTC found Brillo guilty beyond reasonable doubt of the crime of statutory rape under paragraph 1(d), Article 266-A, of the RPC, as amended by R.A. No. 8353 and ordered him to suffer the penalty of *reclusion perpetua* and to pay AAA the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱30,000.00 as exemplary damages. He was likewise ordered to pay AAA interest on all damages awarded at the legal rate of 6% per annum from the date of finality of the judgment.¹⁰

The trial court rejected Brillo's defense of alibi that he was at work at the time of the alleged rape for failure to show that it was not physically impossible for him to be at the place where the crime was committed. It declared that the prosecution was able to establish that Brillo had carnal knowledge of AAA on January 31, 2016 through the latter's testimony. It stressed that AAA, without any ill motive to falsely testify, positively pointed to Brillo as the one who sexually attacked her. The trial court convicted Brillo on account of AAA's positive identification of her offender, corroborated by the medical findings of hymenal lacerations in her vagina.¹¹

Aggrieved, Brillo elevated his conviction to the CA.

The CA Ruling

In its Decision dated July 31, 2018, the CA agreed with the RTC that all the elements of statutory rape were established by the prosecution. It did not give weight to Brillo's defenses of denial and alibi considering AAA's positive evidence that Brillo raped her, coupled with the latter's failure to prove physical impossibility of his presence at the *locus criminis* at the time of the incident. Further, the CA turned down Brillo's contention that the RTC erred in relying on the findings of the attending physician who failed to testify in court. Citing *People v. Ferrer*,¹² it clarified that a medico-legal report may be dispensed with for the prosecution of rape, it being merely corroborative in character. The dispositive portion states:

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⁹ Id. at 21.

¹⁰ Id. at 42-43.

¹¹ Id. at 39-42.

¹² *People v. Ferrer*, 415 Phil. 188 (2001).

WHEREFORE, in light of the foregoing, the assailed Decision dated 11 April 2017 of the RTC, finding appellant Jessie Brillo y Dela Cruz guilty beyond reasonable doubt of the crime of Statutory Rape is hereby AFFIRMED with the MODIFICATION in that appellant is ineligible for parole and that the award of exemplary damages is increased to Php75,000.00. In accordance with *People v. Taguibuya*, the award of civil liability and damages shall be subject to interest at the legal rate of 6% per annum from the date of finality of this judgment until fully paid.

SO ORDERED.¹³

The Court's Ruling

The appeal is bereft of merit.

For a charge of rape by sexual intercourse under Article 266-A, paragraph 1 of the RPC to prosper, the prosecution must prove that: (1) the offender had carnal knowledge of a woman; and (2) he accomplished this act through force, threat or intimidation, or when the victim was deprived of reason or otherwise unconscious, or by means of fraudulent machination or grave abuse of authority, or when the victim is under 12 years of age or is demented.¹⁴

The act is classified as statutory rape when the sexual intercourse is committed with a woman below 12 years of age, regardless of the existence of the victim's consent to the sexual congress. The law presumes that a rape victim below 12 years of age does not possess discernment and the capacity to give intelligent consent to the sexual act.¹⁵ Hence, to secure conviction for statutory rape, the prosecution needs only to establish with moral certainty the following: (1) age of the complainant; (2) the identity of the accused; and (3) the sexual intercourse between the accused and the complainant.¹⁶

The victim's age is undisputed in this case. Among the facts stipulated by the public prosecutor and the defense during the scheduled preliminary and pre-trial conference is the minority of AAA as shown in her Certificate of Live Birth.¹⁷ To establish that AAA was only three years old at the time of the rape incident, the

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¹³ *Rollo*, p. 13.

¹⁴ *People v. Tagle*, G.R. No. 229348, November 19, 2018.

¹⁵ *People v. Manaligod*, G.R. No. 218584, April 25, 2018, 862 SCRA 751, 756.

¹⁶ *People v. De Guzman*, G.R. No. 234190, October 1, 2018.

¹⁷ *CA rollo*, p. 34.

prosecution presented the “best evidence of a person’s date of birth,”¹⁸ that is, AAA’s birth certificate. When the prosecution formally offered said documentary evidence marked as Exhibit “E,” the RTC ordered its admission.¹⁹

Now, as to the identity of the offender and the fact of carnal knowledge.

AAA narrated in a clear, categorical, and consistent manner how Brillo molested her on January 31, 2016. She testified that Brillo kissed her then pointed to her lips, cheeks and eyes. He likewise kissed her vagina and inserted his finger into it. Using anatomically correct dolls, she recalled the harrowing ordeal she endured in the hands of Brillo. She said she was lying down when Brillo went on top of her and lowered down her short pants.²⁰ When asked what Brillo did with his penis, AAA uttered, “*iniyot niya ako*” which means “he sexually abused me, ma’am.” She recalled that she felt pain when Brillo’s penis penetrated her vagina.²¹ After the ravishment, Brillo put back her underwear and short pants and gave her a toy.²²

AAA’s testimony was even buttressed by the medico-legal certificate issued by the attending physician of Region I Medical Center,²³ which indicated fresh lacerations on the 6 o’clock position of her hymen.²⁴ Settled is the rule that when the victim’s testimony is corroborated by the physician’s findings of penetration, then there is sufficient foundation to conclude the existence of the essential requisite of carnal knowledge.²⁵

The Court finds no compelling reason to revoke the great weight and credence accorded by the RTC to AAA’s credibility as a witness, especially so that the trial court’s assessment was affirmed by the CA. The trial court is in the best position to determine the truthfulness of witnesses given its unique position in directly observing their demeanor on the stand.²⁶ Furthermore, deeply embedded in our jurisprudence is this rule:

Testimonies of child-victims are normally given full weight and credit, since when a girl, particularly if she is a minor, says

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¹⁸ *People v. Apostol*, 378 Phil. 61, 74 (1999).

¹⁹ *CA rollo*, p. 36.

²⁰ *Id.* at 35.

²¹ *Id.* at 120.

²² *Supra* note 20.

²³ *Id.* at 39.

²⁴ *Id.* at 83.

²⁵ *People v. Vedra*, 396 Phil. 487, 496 (2000).

²⁶ *People v. Sanchez*, 681 Phil. 631, 635 (2012).

that she has been raped, she says in effect all that is necessary to show that rape has in fact been committed. When the offended party is of tender age and immature, courts are inclined to give credit to her account of what transpired, considering not only her relative vulnerability but also the shame to which she would be exposed if the matter to which she testified is not true. Youth and immaturity are generally badges of truth and sincerity.²⁷

In maintaining his innocence, Brillo stresses that while it is true that AAA went to their house in the evening of the incident, the latter only stayed for five minutes. He also claims that when AAA went to their house, he left and proceeded to work located at about 50 meters away from where he lives. He denies the accusation against him and insists that he cannot do such thing to AAA who was like a sister to him.²⁸

The Court is not persuaded.

Brillo's defense of denial was self-serving and was invoked *sans* any clear and convincing evidence to substantiate the same. Denial, if not supported by clear and convincing evidence, is not worthy of credence and has no weight in law.²⁹ Brillo's alibi must likewise fail for physical impossibility is crucial in this kind of defense. An alibi can be admitted when the accused satisfactorily demonstrates that he was so far away from the crime scene that he could not have been physically present thereat, or at the very least, its immediate vicinity when the rape incident took place and that his presence elsewhere renders it impossible for him to be the perpetrator of the crime.³⁰ This was not shown in this case. In fact, Brillo admitted that he and AAA were in his house in the evening of January 31, 2016. The act of bestiality may have already been committed against AAA before Brillo went to work that evening, as he claimed.

All told, Brillo miserably failed to show any reason for the Court to overturn his conviction.

The CA is correct in imposing upon Brillo the penalty of *reclusion perpetua* without eligibility for parole. Article 266-B of the RPC provides:

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

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²⁷ *People v. Amaro*, 739 Phil. 170, 178 (2014).

²⁸ *CA rollo*, p. 37.

²⁹ *People v. Arsayo*, 534 Phil. 381, 396 (2006); *People v. Esquillo*, 253 Phil. 564, 570 (1989).

³⁰ *People v. Harovilla*, 436 Phil. 287, 293 (2002).

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

x x x x

5. When the victim is a child below seven (7) years old.

However, pursuant to R.A. No. 9346³¹ and A.M. No. 15-08-02-SC,³² the penalty of *reclusion perpetua without eligibility for parole* shall be imposed in lieu of death.

As to Brillo's civil liabilities, we increase the amounts awarded to AAA specifically: ₱100,000.00 for civil indemnity; ₱100,000.00 for moral damages; and ₱100,000.00 for exemplary damages, all to be paid to AAA with interest of 6% per annum from the finality of this Resolution until full satisfaction, in conformity with *People v. Jugueta*.³³

WHEREFORE, the appeal is **DISMISSED**. The July 31, 2018 Decision of the Court of Appeals in CA-G.R. CR-HC No. 09369 is hereby **AFFIRMED** with **FURTHER MODIFICATION**. Jessie Brillo y Dela Cruz is hereby found **GUILTY** beyond reasonable doubt of Statutory Rape under paragraph 1(d), Article 266-A of the Revised Penal Code. He is sentenced to suffer the penalty of *reclusion perpetua without eligibility for parole*. He is **ORDERED** to **PAY** the victim, AAA, the increased amounts of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages, with legal interest at the rate of 6% per annum from the date of finality of this Resolution until fully paid.

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³¹ An Act Prohibiting the Imposition of the Death Penalty.

³² Guidelines for the Proper Use of the Phrase "Without Eligibility for Parole" in Indivisible Penalties dated August 4, 2015; II (2) When the circumstances are present warranting the imposition of the death penalty, but this penalty is not imposed because of R.A. No. 9346, the qualification "without eligibility for parole" shall be used to qualify *reclusion perpetua* in order to emphasize that the accused should have been sentenced to suffer the death penalty had it not been for R.A. No. 9346.

³³ 783 Phil. 806, 848 (2016).

SO ORDERED.”

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court 

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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