



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **02 September 2020** which reads as follows:*

“**G.R. No. 252197 (Renato R. Lalaguna y Robles v. People of the Philippines)**. – This Petition for Review on *certiorari* under Rule 45 of the Revised Rules of Court seeks to reverse and set aside the November 27, 2019 Decision¹ and the February 20, 2020 Resolution² of the Court of Appeals (CA) in CA-G.R. CR No. 42814, which affirmed the January 18, 2019 Decision³ of the Regional Trial Court (RTC) of ██████████ ██████████, finding petitioner Renato R. Lalaguna (Lalaguna) guilty of violating Section 10 (a) of Republic Act No. (RA) 7610 or the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.

Facts

In an Information dated August 2, 2018, Lalaguna was charged with the crime of Child Abuse committed against AAA,⁴ then a 13-year-old minor.⁵ Upon arraignment, he entered a plea of not guilty. At the pre-trial, the parties entered into a stipulation on the identity of Lalaguna as the same person charged in the Information, the territorial jurisdiction of the trial court, and the minority of AAA.⁶ Thereafter, trial ensued.

The prosecution presented private complainant, AAA. Her testimony established that on April 11, 2018, at around noontime, while AAA, who

¹ Penned by Associate Justice Remedios A. Salazar-Fernando, with Associate Justices Samuel H. Gaerlan (now a Member of the Court) and Germano Francisco D. Legaspi, concurring; *rollo*, pp. 39-48.

² *Id.* at 51-52.

³ *Id.* at 67-69; dated January 18, 2019.

⁴ In accordance with Amended Administrative Circular No. 83-2015, the identities of the parties, records, and court proceedings are kept confidential by replacing their names and other personal circumstances with fictitious initials, and by blotting out the specific geographical location that may disclose the identities of the victims.

⁵ *Rollo*, p. 67.

⁶ *Id.* at 22.

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was then 13 years old, was hanging out in front of a store in [REDACTED], she was approached by Lalaguna who invited her to go with him to the house of his friend in [REDACTED]. When AAA agreed, Lalaguna hailed a tricycle and asked her to board the same, while he rode on his bicycle. Upon reaching their destination, Lalaguna requested his female friend to buy food. When the latter left, Lalaguna removed his shorts and also tried to remove AAA's shorts, but the latter resisted. When Lalaguna's friend returned, he stopped what he was doing. Lalaguna again requested his friend to buy softdrinks. When his friend left, Lalaguna again tried to remove AAA's shorts, but she resisted by kicking him until his friend came back. Lalaguna and AAA stayed in the said house until 3:00 in the afternoon. Thereafter, Lalaguna asked AAA to board a *padyak*. When AAA arrived home, she told her parents about the incident, but they did nothing. Her mother just told her that if Lalaguna would do it again to her, they would send him to jail. AAA also narrated that she was abused and raped by Lalaguna on June 7, 2018 inside the latter's house located in [REDACTED].⁷

For the defense, Lalaguna averred that on April 11, 2018, he was roaming in the areas of Malabon, Francis, and Tatawid to sell linoleum. On that day, he never went to [REDACTED]. He denied all the allegations of AAA against him. He suspected that her family merely wanted to extort money from him because they always see him counting money from his linoleum sales.⁸

With respect to the alleged rape incident on June 7, 2018 at his house, Lalaguna presented his wife Letecia Lalaguna and his son Renato Lalaguna, Jr., who both vehemently denied having seen AAA in their house on that said date.⁹

RTC Ruling

The RTC found Lalaguna liable for Child Abuse in violation of Section 10 (a) of RA 7610. It gave no weight to Lalaguna's defense of denial. It gave full faith to AAA's testimony and considered her to be a credible witness who positively identified Lalaguna as the perpetrator of the crime. The dispositive portion of the Decision reads:

WHEREFORE, the court finds the accused RENATO LALAGUNA y ROBLES guilty beyond reasonable doubt, as principal of the crime of violation of Section 10 (a) of R.A. 7610, and in the absence of any mitigating and aggravating circumstance, he is hereby sentenced to suffer the penalty of imprisonment [of] four (4) years, nine (9) months and eleven (11) days of prision correccional as minimum to six (6) years, eight (8) months and one (1) day of prision mayor as maximum, and he is ordered to pay AAA the amount of Php20,000.00 as moral damages which

⁷ Id. at 41.

⁸ Id.

⁹ Id. at 42.

shall bear interest at six percent (6%) per annum from finality of this decision until fully paid.

The Jail Warden is hereby directed to commit/transfer the accused to the New Bilibid Prison, Bureau of Corrections, Muntinlupa City, immediately upon receipt of this decision and submit report five (5) days from compliance.

SO ORDERED.¹⁰

Aggrieved, Lalaguna appealed before the CA. He argued that the prosecution failed to prove his guilt beyond reasonable doubt as AAA's version of the event is incredible.

CA Ruling

In its assailed Decision dated November 27, 2019, the CA affirmed the RTC Decision convicting Lalaguna of the crime charged.

The CA found the circumstances surrounding the case proved beyond reasonable doubt that Lalaguna was guilty of child abuse by deeds that degraded, debased, and demeaned the intrinsic worth and dignity of AAA as a human being. It brushed aside Lalaguna's defense of denial for being a weak defense and for having been belied by his own testimony during cross-examination.

Lalaguna moved for reconsideration, but the motion was denied by the CA in the assailed Resolution dated February 20, 2020.

Hence, this petition for review on *certiorari* raising the following:

Issues

I.

WHETHER THE COURT OF APPEALS GRAVELY ERRED IN SUSTAINING THE CONVICTION OF THE PETITIONER FOR VIOLATION OF SECTION 10(A) OF REPUBLIC ACT NO. 7610 DESPITE THE PATENT INCREDIBILITIES IN THE PRIVATE COMPLAINANT'S TESTIMONY;

II.

WHETHER THE COURT OF APPEALS GRAVELY ERRED IN NOT CONSIDERING THE PETITIONER'S DEFENSE OF DENIAL AND ALIBI.¹¹

Lalaguna contends that the CA gravely erred in sustaining his conviction as AAA's testimony was replete with incredibilities which render her credibility doubtful. As such, he argues that his guilt for the crime charged was not proven beyond reasonable doubt.

¹⁰ Id. at 69.

¹¹ Id. at 26-27.

The Court's Ruling

The petition is without merit.

Only questions of law may be raised in a petition for review on *certiorari* before the Court. A petition for review on *certiorari* under Rule 45 is an appeal from a ruling of a lower tribunal on pure questions of law and only in exceptional circumstances has the Court entertained questions of fact.¹²

Here, Lalaguna calls for a review of the facts as an exception to the rule because the CA rendered judgment based on a misapprehension of facts, and overlooked certain relevant facts, which, if properly considered, would have justified a different conclusion.¹³ A scrutiny of his case, however, shows that none of the exceptions is present to warrant a review.

At any rate, the merits of the case still fail to convince.

Article VI on Other Acts of Abuse, Section 10 (a) of RA 7610, otherwise known as Special Protection of Children Against Abuse, Exploitation and Discrimination Act, reads:

Section 10. *Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child's Development.* –

(a) Any person who shall commit any other acts of child abuse, cruelty or exploitation or to be responsible for other conditions prejudicial to the child's development including those covered by Article 59 of Presidential Decree No. 603, as amended, but not covered by the Revised Penal Code, as amended, shall suffer the penalty of prision mayor in its minimum period.

Child abuse is defined by Section 3 (b) of the same law as follows:

Section 3. *Definition of Terms.*

(b) "Child abuse" refers to the maltreatment, whether habitual or not, of the child which includes any of the following:

- (1) Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
- (2) **Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;**
- (3) Unreasonable deprivation of his basic needs for survival, such as food and shelter; or
- (4) Failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in his permanent incapacity or death.
(Emphasis supplied)

¹² *Escalante v. People*, 811 Phil. 769, 776 (2017).

¹³ *Rollo*, p. 26.

In this case, the prosecution through the testimony of the victim AAA had sufficiently established beyond reasonable doubt Lalaguna's criminal act of child abuse. As correctly found by the RTC and affirmed by the CA, Lalaguna's acts of bringing AAA, a 13-year-old child, along with him to his friend's house, and trying to remove her shorts, indeed debased, degraded, and demeaned her intrinsic worth and dignity as a person.

Lalaguna alleged that AAA's testimony was replete with incredibilities and that her actions are inconsistent with human experience since she did not oppose, disapprove, or resist Lalaguna's invitation to go with him to his friend's house. Neither did she shout or ask for help from his father who was just eight (8) feet away when Lalaguna boarded her in the tricycle, nor did she run away from him or tell his friend or the tricycle driver about his act of removing her shorts while in the house of his friend. As this Court held in *People v. Palanay*,¹⁴ the failure to shout or offer tenuous resistance does not make voluntary the victim's submission to the criminal acts of the accused.

Indeed, there is no standard form of reaction for a girl when facing a shocking incident or startling occurrence, as in this case. The workings of the human mind placed under emotional stress are unpredictable, and people react differently some may shout, some may faint, and some may be shocked into insensibility.¹⁵ As properly pointed out by the Office of the Solicitor General in its Appellee's Brief,¹⁶ the reaction of AAA, who was merely 13 years of age then, cannot be expected to fall under what is logical and acceptable. What is essential is that AAA was able to narrate the actual facts constituting the crime and identify the perpetrator thereof.¹⁷

When the credibility of a witness is in issue, the findings of the trial court are not to be disturbed considering that the latter is in a better position to decide the question as it heard the witness and observed her deportment and manner of testifying during trial. As held in *People v. Elimancil*:¹⁸

Findings of facts and assessment of credibility of witnesses are matters best left to the trial court. What militates against the claim of appellant is the time-honored rule that the findings of facts and assessment of credibility of witnesses are matters best left to the trial court. The trial court has the unique position of having observed that elusive and incommunicable evidence of the witnesses' deportment on the stand while testifying, which opportunity is denied to the appellate courts. Only the trial judge can observe the furtive glance, blush of conscious shame, hesitation, flippant or sneering tone, calmness, sigh, or the scant or full realization of an oath – all of which are useful aids for an accurate determination of a witness' honesty and sincerity.

¹⁴ 805 Phil. 116 (2017), citing *People v. Lomaque*, 710 Phil. 338 (2013).

¹⁵ Id. at 127, citing *People v. Ortoa*, 599 Phil. 232 (2017).

¹⁶ *Rollo*, pp. 70-83.

¹⁷ Id. at 81.

¹⁸ G.R. No. 234951, January 28, 2019, citing *People v. Castel*, 593 Phil. 288 (2008).

Unless certain facts of substance and value were overlooked which, if considered, might affect the result of the case, the trial court's assessment must be respected, for it had the opportunity to observe the conduct and demeanor of the witnesses while testifying and to detect if they were lying.¹⁹

Here, there is no sufficient justification to apply the exception.

On Lalaguna's defense of denial and improper motive arguing that AAA and her family were trying to extort money from him, the RTC found, viz.:

The defense of the accused is bare denial. As against the positive assertion of AAA and [her] positive identification of the accused as the perpetrator of the crime, accused's defense of denial cannot be given any weight. Admittedly, the accused had also other cases for violation of Section 5(b) of R.A. 7610 and Rape under Art. 266-A paragraph 1(a) of the Revised Penal [Code] before the Regional Trial Court, [REDACTED] involving him and the same complainant, wherein he entered into plea bargaining. His admission of the existence of the said cases and his entering into plea bargaining only shows that AAA was telling the truth, and she had no ill motive to file this case against the accused.²⁰

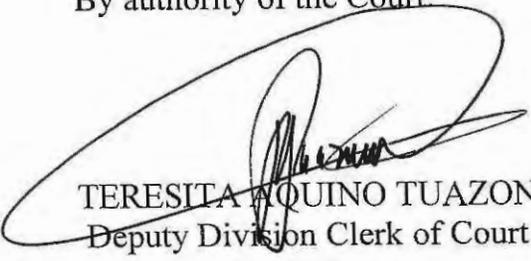
The factual findings of the trial court, as affirmed by the CA, are binding and conclusive on this Court,²¹ as Lalaguna failed to show any compelling reason to deviate from the said findings. The CA, therefore, did not err in sustaining Lalaguna's conviction.

Lastly, the penalty imposed by the RTC and affirmed by the CA is proper. Moral damages should be awarded to assuage the moral and emotional sufferings of the victim, and in that respect the Court believes and holds that ₱20,000.00 is reasonable.²²

WHEREFORE, the Decision dated November 27, 2019 and the Resolution dated February 20, 2020 of the Court of Appeals in CA-G.R. CR No. 42814 are **AFFIRMED**.

SO ORDERED." (*Baltazar-Padilla, J., on leave.*)

By authority of the Court:


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

25 NOV 2020

¹⁹ Id.

²⁰ *Rollo*, p. 68.

²¹ *Torres v. People*, 803 Phil. 480, 487 (2017), citing *Manotok Realty, Inc. v. CLT Realty Development Corp.*, 512 Phil. 679, 706 (2005).

²² *Rosaldez v. People*, 745 Phil. 77, 91 (2014).

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HON. PRESIDING JUDGE (reg)
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