

Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated January 29, 2020 which reads as follows:

“G.R. No. 233694 — (PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus ALBERT HAPA y RUELO, accused-appellant.)

After a careful review of the records of the case and the issues submitted by the parties, the Court finds no error committed in the Decision¹ dated April 19, 2017 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08169. The facts, as borne out by the records, sufficiently support the conclusion that accused-appellant is indeed guilty of the crimes of five (5) counts of Qualified Statutory Rape charged against him. The issues and matters raised before the Court, the same ones as those raised in the CA, there being no supplemental briefs filed, were sufficiently addressed and correctly ruled upon by the CA.

It is a settled rule that sexual intercourse with a woman who is a mental retardate, with a mental age below 12 years old, constitutes statutory rape.² In this case, AAA³ had a mental age of 8 years and 7 months, as determined and testified to by the clinical psychologist, Ms. Jennifer F. Ebio. The sexual intercourse, on the other hand, between AAA and accused-appellant has been established through the

¹ *Rollo*, pp. 2-15. Penned by Associate Justice Jhosep Y. Lopez, with Associate Justices Normandie B. Pizarro, and Samuel H. Gaerlan (now a Member of the Court) concurring.

² *People v. Deniega*, 811 Phil. 712, 721 (2017).

³ 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.

former's testimony, which was found by both the RTC and the CA to be clear, credible, and straightforward. Moreover, her testimony was corroborated by the medical evidence from her genito-physical examination showing "clear evidence of a recent blunt force trauma to the posterior fourchette."⁴

In contrast, accused-appellant simply interposed the defense of denial. The said defense, however, cannot outweigh the candid and straightforward testimony of AAA that he indeed committed the sexual acts charged against him. The Court has oft pronounced that denial is an inherently weak defense which cannot prevail over the positive and credible testimony of the prosecution witness that the accused committed the crime. Thus, as between a categorical testimony which has the ring of truth on the one hand, and a mere denial and alibi on the other, the former is generally held to prevail.⁵ In sum, the Court finds no reason to not uphold the credibility of AAA's testimony that accused-appellant indeed had sexual intercourse with her.

Considering the foregoing, the Court therefore affirms accused-appellant's conviction, including the damages imposed by the CA which was in line with current jurisprudence.⁶

WHEREFORE, premises considered, the Court hereby **ADOPTS** the findings of fact and conclusions of law in the Decision dated April 19, 2017 of the Court of Appeals in CA-G.R. CR-HC No. 08169. The Decision finding accused-appellant Albert Hapa y Ruelo guilty beyond reasonable doubt for five (5) counts of Qualified Statutory Rape, defined and punished under Article 266-A, paragraph 1(d), in relation to Article 266-B, paragraph 1(10) of the Revised Penal Code, as amended, is hereby **AFFIRMED**.

The Office of the Solicitor General's manifestation (in lieu of supplemental brief), pursuant to the Resolution dated November 6, 2017, dispensing with the filing of a supplemental brief considering that the issues were already fully and exhaustively discussed in its brief for the appellee filed before the Court of Appeals; and the accused-appellant's manifestation in lieu of supplemental brief, pursuant to the Resolution dated November 6, 2017, stating that a supplemental brief will no longer be filed as the latter would only be a rehash of the previous exhaustive discussion of the assigned errors in the brief for the accused-appellant filed before the Court of Appeals

⁴ *Rollo*, p. 6.

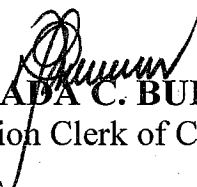
⁵ *People v. Piosang*, 710 Phil. 519, 527 (2013).

⁶ *People v. Jugueta*, 783 Phil. 806 (2016).

and thus, adopting the same as his supplemental brief, are both **NOTED.**

SO ORDERED.”

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court
2/2/20
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Manila
(CA-G.R. CR-HC No. 08169)

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(Criminal Case Nos. 156466, 156467 & 156468, 156469, 156470)

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