



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **15 July 2020** which reads as follows:*

“G.R. No. 251796 (*Ronald “Cheska” Gimpayan v. People of the Philippines*). – After a judicious study of the case, the Court resolves to **DENY** the instant petition for review on *certiorari* for failure of petitioner to show that the Court of Appeals (CA) committed any reversible error in affirming the Decision¹ of the Regional Trial Court (RTC) dated October 26, 2016 finding petitioner guilty beyond reasonable doubt of Acts of Lasciviousness under Article 336 of the Revised Penal Code (RPC), in relation to Section 5(b), Article III of Republic Act No. (RA) 7610, also known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

In his appeal, petitioner contends that the lone testimony of the victim, AAA,² is not sufficient to convict him and to overthrow the constitutionally guaranteed presumption of innocence in his favor. He likewise asserts that the prosecution was not able to present definitive proof of AAA’s minority and that there was neither physical nor psychological manifestation that AAA had been subjected to molestation.

Petitioner miserably fails to persuade this Court.

Basic is the rule that the trial court’s factual findings, especially its assessment of the credibility of witnesses, are accorded great weight and respect and binding upon this Court, particularly when affirmed by the CA.³ It is settled that in assessing the credibility of a witness, the findings of the trial court carry great weight and respect due to the unique opportunity

¹ Penned by Assisting Judge Soliver C. Peras, *rollo*, pp. 31-43.

² 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.

³ *People v. Adajar*, G.R. No. 231306, June 17, 2019.

afforded them to observe the deportment of the witness while undergoing the rigors of examination. Hence, appellate courts will not overturn the factual findings of the trial court unless there is a showing that the latter overlooked facts or circumstances of weight and substance that would affect the result of the case. Such rule finds an even more stringent application where the findings of the RTC are sustained by the CA, as in the case at bench.⁴

Likewise settled is the rule that the testimony of a single witness may be sufficient to produce a conviction, if the same appears to be trustworthy and reliable. If credible and convincing, that alone would be sufficient to convict the accused. No law or rule requires the corroboration of the testimony of a single witness in prosecutions of rape or acts of lasciviousness.⁵ In prosecutions for acts of lasciviousness, the lone testimony of the offended party, if credible, is sufficient to establish the guilt of the accused. Moreover, the testimony of a child victim is normally given full weight and credit as youth and immaturity of the victim are generally badges of truth that the courts cannot justly ignore.⁶

In this case, the CA and the RTC are consistent in their findings that AAA was able to categorically recount in detail petitioner's immoral acts and positively identified petitioner as the perpetrator of the dastardly crime. Verily, AAA's credible and positive testimony outweighs petitioner's defense of denial. It is an established rule that denial is an inherently weak defense and constitutes self-serving negative evidence, which cannot be accorded greater evidentiary weight than the positive declaration by a credible witness.⁷ Besides, petitioner's theory that the charges were merely fabricated and were instigated by a certain Jovita Lepiten, the boss of AAA's mother, who had a grudge against him was completely unsubstantiated. Furthermore, as aptly posited by the CA, no mother would contemplate subjecting her son to the humiliation, disgrace, exposure, anxiety and tribulation attendant to a public trial for a crime against chastity that in all likelihood would result in the incarceration of the accused unless she was motivated solely by the honest and sincere desire to have the person responsible apprehended and punished.⁸

In his futile attempt for exoneration, petitioner claimed that the prosecution was not able to present definitive proof of AAA's minority. However, the records of the case evidently show that the prosecution formally offered its documentary exhibits consisting of (1) Exhibit "A" – AAA's Birth Certificate; (2) Exhibit "B" – Medico-Legal Certificate; and (3) Exhibit "C" – Psychological Report,⁹ which petitioner's counsel, Atty. Veloso, admitted and adopted as their own exhibits. Exhibits "A" to "C" and submarkings were duly admitted by the RTC for the purpose these

⁴ *People v. Bongbonga*, 816 Phil. 596, 606-607 (2017).

⁵ *People v. Pareja*, 724 Phil. 759, 776 (2014).

⁶ *Awas v. People*, 811 Phil. 700, 707-708 (2017).

⁷ *People v. Udtohan*, 815 Phil. 449, 465 (2017).

⁸ *People v. Ortoa*, 599 Phil. 232, 244 (2009).

⁹ *Rollo*, p. 77.

exhibits were being offered in Court.¹⁰ As pointed out by the CA, AAA's minority was both sufficiently alleged in the Information and proved by the prosecution through the presentation of his Certificate of Live Birth showing that he was born on 12 January 1998. Indisputably, as shown by AAA's birth certificate, he was only 11 years old at the time of the commission of the lascivious conduct.

Lastly, petitioner's argument that the prosecution failed to prove the crime charged as there is neither physical nor psychological manifestation that AAA had been subjected to molestation is utterly unfounded. The CA correctly held that the presence of injury is not an element of the crime. Indeed, as settled in jurisprudence, a medical certificate is not necessary to prove the commission of rape or acts of lasciviousness. Expert testimony is merely corroborative in character and not essential for the conviction of such crimes.¹¹

In fine, the Court finds no compelling reason to reverse petitioner's conviction of the crime charged.

The Court, however, deems it prudent to revise the award of damages in order to conform with recent jurisprudence.

In *People v. Tulagan*,¹² the Court has declared that in cases of Sexual Assault under paragraph 2, Article 266-A of the RPC in relation to Section 5(b) of RA 7610, and Acts of Lasciviousness under Article 336 of the RPC, in relation to Section 5(b) of RA 7610, the award of civil indemnity and moral damages should now be fixed in the amount of ₱50,000.00 each, taking into account that the imposable penalties for the said crimes are within the range of *reclusion temporal*. Moreover, in order to deter deleterious and wanton acts of elders who abuse and corrupt the youth, exemplary damages in the amount of ₱50,000.00 should likewise be awarded.

WHEREFORE, the petition for review on *certiorari* is **DENIED**. The Decision dated 15 March 2019 of the Court of Appeals in CA-G.R. CR No. 02929 is **AFFIRMED** with **MODIFICATIONS** on the award of damages. Petitioner Ronald "Cheska" Gimpayan is **ORDERED** to pay the victim, AAA, the amounts of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱50,000.00 as exemplary damages. An interest at the legal rate of six percent (6%) *per annum* is also imposed on the total judgment award computed from the finality of this resolution until fully paid.

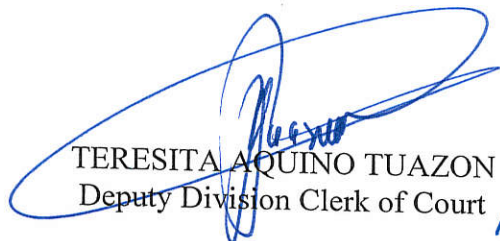
SO ORDERED." (J. Gaerlan, designated Additional Member per Special Order No. 2780 dated May 11, 2020.)

¹⁰ Id. at 32.

¹¹ *People v. Opanda*, G.R. No. 226157, June 19, 2019.

¹² G.R. No. 227363, March 12, 2019.

Very truly yours,


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*with copy of CA decision dated 15 March 2019
Please notify the Court of any change in your address.
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