

Title: Pedro “Pepe” Talisay v. People of the Philippines

Facts:

Pedro “Pepe” Talisay (petitioner) was convicted for violation of Section 5(b) of Republic Act No. 7610 (Special Protection of Children Against Abuse, Exploitation, and Discrimination Act) against a 15-year-old victim identified as AAA. The incident occurred on September 29, 2016, in Leyte, Philippines, when Talisay, allegedly taking advantage of the victim’s minority and by means of force, threat, and intimidation, committed acts of lasciviousness. These acts included kissing AAA’s cheeks, removing her pants and panty, and placing his penis outside of her vagina to satisfy his lustful desires.

Talisay pleaded not guilty and asserted defenses of denial and alibi. The prosecution’s narrative, supported by AAA’s testimony, depicted an event wherein the petitioner followed AAA, dragged her to a pigpen, undressed both himself and her, and committed the lascivious acts despite AAA’s resistance resulting from fear and an epileptic seizure during the ordeal.

The defense presented testimonies of the petitioner, his wife, and son to establish an alibi that they were at home attending to their store and were thus not at the location of the crime. They claimed to have provided water and money to AAA out of pity for her epilepsy.

The Regional Trial Court (RTC) found Talisay guilty and sentenced him accordingly. The Court of Appeals (CA) affirmed the conviction with modifications to the nomenclature of the crime and the awarded damages, maintaining that AAA’s testimony was credible. Talisay then appealed to the Supreme Court, challenging his conviction.

Issues:

1. Whether the CA erred in affirming the RTC decision finding Talisay guilty of lascivious conduct under Section 5(b) of R.A. No. 7610.
2. Whether the inconsistencies and lack of coercion in AAA’s testimony negated her credibility.
3. Whether the victim’s age was duly proven by competent evidence due to the non-presentation of a birth certificate.

Court’s Decision:

The Supreme Court upheld both the RTC and the CA’s decisions but modified the imposed penalty. The Court affirmed that the petitioner’s acts constitute lascivious conduct under Section 5(b) of R.A. No. 7610. The Court found AAA’s direct testimony to be consistent and

credible. It determined that physical contact, coercion, intimidation, and the absence of consent were sufficiently demonstrated. Moreover, it held that the petitioner's admission of AAA's age during the pre-trial is conclusive, rendering presentation of the birth certificate unnecessary.

The SC modified the CA's decision, applying the Indeterminate Sentence Law to the penalty, imposing eight (8) years and one (1) day of prision mayor, as minimum, to seventeen (17) years, four (4) months, and one (1) day of reclusion temporal, as maximum.

Doctrine:

The essential elements of lascivious conduct under Section 5(b) of R.A. No. 7610 are: (1) the act of sexual intercourse or lascivious conduct; (2) by any person who has the custody or influence over a child whether as a parent, guardian, step-parent or any of the custodian or guardian by law; (3) with a child exploited in prostitution or subjected to sexual abuse; and (4) the child is below 18 years of age. An admission of the victim's minority during pre-trial is conclusive proof of age in sexual abuse cases.

Historical Background:

The context around this case reflects the Philippines' legal framework for protecting children against sexual abuse and exploitation. The enactment of Republic Act No. 7610 signifies the country's response to such concerns, providing stringent measures and substantial penalties against offenses that pertain to child abuse and exploitation. The judiciary's task is to interpret and apply these laws to cases brought before the courts, emphasizing the importance of protecting children's rights. In this case, the Court employed its judicial power to affirm that the protections of the law extend to acts that threaten the safety and dignity of children, reiterating the legal stance on child protection in the Philippines.