

Title:

People of the Philippines vs. Roberto Abay y Trinidad

Facts:

In December 1999, in Manila, the appellant, Roberto Abay y Trinidad, was accused of sexually abusing AAA, a minor of 13 years, by forcible sexual intercourse, to the endangerment of her normal growth and development. The case was brought before the Regional Trial Court (RTC) of Manila, Branch 4, where Abay pleaded not guilty. During the trial, the prosecution presented AAA, her mother BBB, and Dr. Stella Guerrero-Manalo, revealing a history of abuse by Abay since AAA was seven. The defense argued the incredibility of the charges citing the house layout and alleged conduct of AAA.

The RTC found Abay guilty, sentencing him to the death penalty and ordering payment of moral damages. The Court of Appeals (CA) later modified this—the death penalty was revised to reclusion perpetua, and additional damages awarded due to legislative changes in RA 8353 and RA 9346. Upon reaching the Supreme Court (SC), the case focused on whether Abay could be convicted under RA 7610 or for rape under the Revised Penal Code without jeopardizing double jeopardy principles.

Issues:

1. Whether the appellant could be convicted of sexual abuse under RA 7610 or rape under the Revised Penal Code without violating the principle of double jeopardy.
2. The appropriate penalties and damages due to legislative amendments in RA 8353 and RA 9346.

Court's Decision:

The SC affirmed the CA's decision with modifications. It clarified that an offender could be prosecuted under Section 5(b) of RA 7610 or Article 266-A of the Revised Penal Code based on the victim's age. Given AAA was over 12 years at the incident, the appellant was rightly charged with rape. The SC established the appellant's guilt of rape under Article 266-A(1)(a) of the Revised Penal Code and sentenced him to reclusion perpetua. Additionally, the court revised the damages due to AAA, confirming the application of current jurisprudence on sexual abuse cases.

Doctrine:

The case reiterates the principle that rape under the Revised Penal Code cannot be complexed with a violation of Section 5(b) of RA 7610 due to the prohibition against double

jeopardy. It also stressed the legislative intent behind RA 8353 and RA 9346 in reformulating the penalties and considerations for rape and sexual abuse crimes.

Class Notes:

- ****Double Jeopardy****: No person shall be tried twice for the same offense. Applicable in cases where one act may violate both a special law and the Revised Penal Code.
- ****Sexual Abuse under RA 7610 vs. Rape under the Revised Penal Code****: Determined by the victim's age; if below 12, prosecute for statutory rape, if 12 or above, may be charged under RA 7610 or for rape excluding statutory.
- ****Penalties and Damages for Rape****: Reclusion perpetua for rape under certain circumstances with mandatory awards for civil indemnity and moral damages, additionally inclusive of exemplary damages to prevent sexual exploitation.

Historical Background:

The evolving jurisprudence around sexual abuse in the Philippines reflects a dynamic legislative approach towards protecting minors and redefining penalties for sexual crimes. This case exemplifies a judicial interpretation that navigates between RA 7610 (Child Protection Act) and amendments brought by RA 8353 (Anti-Rape Law of 1997) and RA 9346 (prohibiting the death penalty), aiming to accurately sanction and provide remedies for sexual crimes while respecting constitutional safeguards against double jeopardy.