

****Title:**** *People of the Philippines v. Domingo Gallano y Jaranilla*

****Facts:****

The accused, Domingo Gallano, was charged and convicted of rape, qualified by the victim's minority and his relationship to her (as her uncle by marriage), in Silay City, Negros Occidental. The case stemmed from an incident on January 2, 2003, when Gallano allegedly raped his 12-year-old niece, AAA, while her guardian was away. AAA initially hesitated to disclose the incident but eventually reported it, leading to a legal battle that traversed the Regional Trial Court (RTC) to the Court of Appeals (CA), and subsequently, the Supreme Court (SC).

At trial, Gallano denied the accusations and presented an alibi, claiming he was working in a sugarcane field far from the scene. Nonetheless, the RTC found the victim's testimony credible and convicted Gallano, imposing the death penalty, later modified to reclusion perpetua by the CA due to the enactment of Republic Act No. 9346 that prohibits the imposition of the death penalty.

****Issues:****

The primary legal issues addressed by the SC include:

1. The credence of rape allegations based solely on the victim's testimony.
2. The proper qualification of rape based on the victim's minority and the accused's relation to the victim.
3. The evidentiary standard required to establish the victim's age for qualifying the rape charge.

****Court's Decision:****

The SC affirmed Gallano's conviction for rape but set aside its qualification based on the victim's minority and relationship due to insufficient evidence proving the victim's age conclusively. The Court underscored that rape can be proved solely by the victim's credible testimony. However, for the crime to be qualified as aggravated, factors like the victim's age and the perpetrator's relationship to the victim must be both alleged and proven with certainty.

For AAA's minority, the Court found the prosecution's evidence wanting, as it failed to present a birth certificate or any authentic documentary evidence of her age. The

testimonies provided were deemed inconclusive, and Gallano's supposed admission of AAA's age during cross-examination was not considered explicit and unequivocal as required.

Thus, Gallano was found guilty only of simple rape, meriting reclusion perpetua. The SC also adjusted the damages awarded in line with prevailing jurisprudence, setting civil indemnity and moral damages at P50,000 each and exemplary damages at P30,000, all subject to 6% annual interest until fully paid.

****Doctrine:****

The decision reiterates the doctrine that qualifying circumstances in crimes such as rape must be proven with the same degree of certainty as the crime itself. Specifically, for rape charges, the victim's minority and the perpetrator's relationship to the victim must be conclusively established for the crime to be qualified as aggravated. It also emphasizes the precedence of *People v. Pruna* guidelines in determining the victim's age in rape cases.

****Class Notes:****

1. ****Credibility of Victim's Testimony:**** A rape conviction can be based on the victim's credible testimony alone, provided it is logical, clear, consistent, and convincing.
2. ****Qualifying Circumstances:**** For rape to be qualified, aggravating circumstances such as the victim's age and the offender's relationship to the victim must be both alleged in the information and proved during trial with absolute certainty.
3. ****Proving Victim's Age:**** The best evidence of age is the original or certified true copy of the certificate of live birth. In its absence, authentic documents or clear and credible testimonial evidence from qualified family members are required. The offense is considered simple rape if the victim's age cannot be conclusively established.
4. ****Legal Interpretation:**** In criminal prosecutions, especially for qualified crimes, all elements, including qualifying circumstances, must be proven beyond reasonable doubt. Ambiguities or insufficiencies in proving such circumstances favor the less severe application of the law in accordance with the principle of *in dubio pro reo*.

****Historical Background:****

This case underscores the evolving legal standards and evidentiary requirements in prosecuting sexual violence, particularly in establishing aggravating conditions such as

victim's minority. It highlights the judiciary's balance between ensuring justice for victims of grave offenses and safeguarding the rights of the accused to a fair trial, especially in light of changes to capital punishment laws in the Philippines.