

Title: ****The People of the Philippines v. Severino Gondaway Dulay y Corona****

Facts:

This case involves accused-appellant Severino Gondaway Dulay y Corona, who was charged with twenty-five (25) counts of rape against his thirteen-year-old daughter, Juvelyn Dulay y Mones, spanning from September 14, 1998, to December 13, 1998. These incidents purportedly took place at their residence in Pasig City. Dulay pleaded not guilty, and the case proceeded to trial. The prosecution presented the testimony of the victim, a medico-legal officer, and two other witnesses to establish the occurrence of rape. Juvelyn recounted multiple instances where she was sexually assaulted by her father, particularly detailing the circumstances of the assaults, her attempts at resistance, and her fears of her father's wrath. The defense, including testimonies from Dulay and his wife, revolved around an alibi and the improbability of the acts being unnoticed.

The case escalated to the Supreme Court on automatic review following the decision of the Regional Trial Court (RTC) of Pasig City, Branch 166, which convicted Dulay in all twenty-five counts, sentencing him to death in each count.

Issues:

1. Whether evidence presented established guilt beyond reasonable doubt for the crime of rape.
2. Whether the victim's lack of consent was demonstrated without insisting on physical resistance.
3. The application of Republic Act No. 8353 (The Anti-Rape Law of 1997) in the context of familial sexual assault.

Court's Decision:

The Supreme Court affirmed the RTC's decision, underscoring the reliability and consistency of Juvelyn's testimony, which clearly indicated non-consent and fear of the appellant. The Court dismissed the defense's alibi and rationale, noting the possibility of committing the crime without detection within their living arrangements. Additionally, the Court found no substantial discrepancies in Juvelyn's account of the events, emphasizing that minor lapses in memory did not detract from the overall credibility of her testimony. The Court also highlighted that under RA 8353, physical resistance was not a requisite to establish lack of consent in rape cases. Severino Gondaway Dulay y Corona was convicted and sentenced to death in each of the twenty-five counts, with the addition of damages awarded to the victim.

Doctrine:

The case reiterates the principle that in rape prosecutions, the credible testimony of the victim alone can suffice to convict the accused if it passes the test of credibility. Furthermore, it established that under RA No. 8353, physical resistance is not necessary to prove lack of consent in rape cases. The presence of fear and inability to give valid consent are considered sufficient evidence.

Class Notes:

- Credibility of the victim: The testimony of the victim in rape cases is pivotal when assessing the occurrence of the act and the absence of consent.
- Lack of Consent under RA 8353: Physical resistance is not requisite; fear, intimidation, or incapacity to consent suffices.
- Familial Rape: The relationship between the victim and perpetrator influences the assessment of power dynamics and consent.
- Legal Statutes: Republic Act No. 8353 (The Anti-Rape Law of 1997) reclassified rape as a crime against persons and expanded definitions and penalties related to sexual assault.

Historical Background:

The case represents application and interpretation complexities surrounding RA No. 8353, showcasing the evolving legal landscape in the Philippines regarding sexual crimes. It underscores societal and legal recognition of the complexities inherent in familial rape and the significant shifts in law to better protect victims irrespective of the physical resistance put up against their assailants.