

**\*\*Title:\*\*** People of the Philippines v. Marlon Conti y Paraggua

**\*\*Facts:\*\*** Marlon Conti y Paraggua, the defendant, faced charges for Violation of Section 5(a), in relation to Section 6(a), of Republic Act No. 9262 (Anti-Violence Against Women and their Children Act of 2004) and Statutory Rape under Article 266-A(1)(d) of the Revised Penal Code in two separate informations. These offenses involved physical and sexual abuse against his live-in partner, , and her seven-year-old daughter, , respectively. The incident occurred on November 13, 2013. Upon arraignment, Marlon pled not guilty, and the cases were jointly tried. The prosecution presented the testimonies of the private complainants and the attending physician for the medical examination, whereas the defense relied on Marlon and his co-worker's testimonies, positing an alibi. The Regional Trial Court (RTC) found Marlon guilty as charged. Marlon appealed the conviction for Statutory Rape to the Court of Appeals (CA), which upheld the RTC's decision but modified the monetary awards with legal interest. Consequently, Marlon elevated the case to the Supreme Court.

**\*\*Issues:\*\*** The pertinent legal issue revolved around the CA's affirmation of Marlon's conviction for Statutory Rape under Article 266-A(1)(d) of the RPC. Additionally, the Supreme Court examined whether Marlon should also be convicted for Sexual Assault under Article 266-A(2) of the RPC, in relation to Section 5(b) of RA 7610, given the evidence presented.

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

- **\*\*Statutory Rape:\*\*** The Supreme Court affirmed the lower courts' ruling, highlighting that the essential elements for Statutory Rape were satisfactorily met, particularly that the victim was under 12 years of age and that the accused had carnal knowledge of her. The Court dismissed Marlon's alibi and denial, emphasizing the credibility and directness of the witnesses' testimonies.

- **\*\*Sexual Assault:\*\*** The Supreme Court, however, found that Marlon was also guilty of Sexual Assault under Article 266-A(2) of the RPC, in relation to Section 5(b) of RA 7610, based on his act of inserting his finger into the victim's vagina. This determination was grounded on the applicable laws and judicial precedents which allow for conviction for both Statutory Rape and Rape by Sexual Assault if these offenses are properly alleged and proven.

**\*\*Doctrine:\*\*** The case reaffirmed the doctrines regarding the credibility of positive testimony over denial and alibi, the elements of Statutory Rape under Article 266-A(1)(d) of the RPC, and the possibility of convicting an accused of both Statutory Rape and Rape by

Sexual Assault when the acts constituting both crimes are proven and properly indicted.

**\*\*Class Notes:\*\***

- **\*\*Statutory Rape Elements:\*\***

1. The victim is under 12 years of age.
2. The accused had carnal knowledge of the victim.

- **\*\*Sexual Assault under RPC Article 266-A(2):\*\***

1. The victim is a child under 12 years of age.
2. The offender inserts any instrument or object into the genital or anal orifice of the victim.

**\*\*Historical Background:\*\*** This case underscores the severity with which the Philippine judicial system addresses crimes against women and children, particularly within the framework of the Anti-Violence Against Women and their Children Act (RA 9262) and the amendments to the Revised Penal Code regarding sexual abuse. It exemplifies judicial responsiveness to changes in societal norms and legal standards aimed at protecting vulnerable populations.