

****People of the Philippines vs. Terencio Funesto y Llospardas****

****G.R. No. 178394, December 13, 2006, 670 Phil. 530****

****Facts:****

On June 9, 1992, Terencio Funesto y Llospardas was charged with the rape of AAA, a nine-year-old girl, on January 15, 1992. The incident occurred while AAA's mother, BBB, was at a prayer service. Funesto, who lived in the same house in Barangay Marcos, Magallanes, Agusan del Norte, approached the sleeping AAA around 9:00 PM, removed her underwear, and forcibly inserted his penis into her vagina. AAA woke up due to the extreme pain but was unable to resist due to the numbness in her legs. After the assault, Funesto replaced AAA's underwear and returned to his sleeping area. When BBB returned, she noticed blood on AAA's dress, to which AAA confessed the assault by Funesto. BBB confronted Funesto, who denied the allegations and threatened them. BBB took AAA to the Cabadbaran Emergency Hospital the next day, where Dr. Teonesto K. Mora confirmed that AAA's hymen was no longer intact and found the presence of human spermatozoa.

The defense, by Funesto, claimed that BBB fabricated the charge due to rejected sexual advances by him and an attempt to extort money.

The RTC convicted Funesto of statutory rape, imposed reclusion perpetua, and ordered him to pay damages to AAA and BBB. The case was automatically forwarded to the Supreme Court, which referred it to the CA for intermediate appellate review pursuant to *People v. Mateo*.

The CA affirmed Funesto's conviction but deleted the damages awarded to BBB as these are supposed to be only for the victim.

****Issues:****

1. Whether the element of minority required for statutory rape was sufficiently proved.
2. Whether the force and intimidation necessary to consummate the crime of rape were adequately established.
3. Whether the damages awarded were appropriately determined and whether additional exemplary damages should be awarded.

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

1. **Minority of the Victim:**

The Supreme Court affirmed the appellant's conviction but held that AAA's minority was not proved by independent evidence as required under the rules set in **People v. Pruna**. The prosecution failed to present a birth certificate, baptismal certificate, or any other similar document, and the appellant did not expressly admit it. Thus, the conviction could not be for statutory rape but for simple rape under Article 335 (2) of the Revised Penal Code due to failure to concretely prove AAA's minority.

2. **Force and Intimidation:**

The Court observed that the force or violence in rape cases is relative and need not be overpowering. The force sufficient to consummate the act was inherently demonstrated by the testimony and medical findings, which were consistent with forceful penetration. AAA's account and the corroborating medical testimony substantiated the presence of force and intimidation used by Funesto to commit the rape.

3. **Damages Award:**

The Supreme Court agreed with the CA's modification to delete the award of P50,000.00 moral damages to BBB and instead awarded P50,000.00 to AAA as moral damages. Additionally, it awarded AAA P50,000.00 as civil indemnity and P30,000.00 as exemplary damages following existing jurisprudence to serve as a deterrent against such crimes.

Doctrine:

The Court reiterated that in **People v. Pruna**, the best evidence to prove the age of the offended party is a birth certificate. In the absence of this or similar authentic documents, testimony from the victim's mother or a qualified family member is acceptable. However, the lack of an objection from the accused to testimonial evidence regarding age does not relieve the prosecution of its burden to prove it.

Class Notes:

- **Elements of Rape:** Force, threat, or intimidation; absence of consent; age of the victim proving minority.
- **Statutory Rape:** Requires proof of the victim's minority.
- **Procedural Posture:** Automatic review to the Supreme Court and referral to the Court of Appeals for intermediate review.
- **Doctrine on Evidence:** Proof of the victim's age must be documented or credibly testified by qualified relatives if documents are unavailable.

****Historical Background:****

This case highlights the Philippine judicial system's strict adherence to procedural requirements in establishing elements of crimes and emphasizes protections for child victims under statutory law. The procedural history reflects revisions in handling automatic reviews post-*People v. Mateo* and evolving standards in evidence, specifically regarding the proving of age in statutory rape cases, illustrating the justice system's ongoing evolution and focus on precise legal standards.