

**Title:** Garingarao vs. People of the Philippines, G.R. No. 192760

**Facts:**

1. **Incident and Initial Actions:**

- On October 28, 2003, AAA, a 16-year-old girl, was admitted to Virgen Milagrosa Medical Center due to fever and abdominal pain.
- On October 29, 2003, AAA was left alone in her hospital room as her parents went to attend to various matters.
- AAA alleged that Jojit Garingarao, an on-duty nurse, touched her breast and inserted his finger into her genitalia during what was purported to be a medical examination.

2. **Reporting and Initial Investigation:**

- When AAA's father returned to the hospital, AAA insisted on going home, where she then narrated the incident to her parents.
- The family returned to the hospital to report the incident to Dr. Morante and learned that Garingarao was the nurse on duty.

3. **Legal Proceedings:**

- On January 20, 2004, the City Prosecutor charged Garingarao with acts of lasciviousness in relation to RA 7610.
- At the trial, AAA testified against Garingarao, detailing the incidents of molestation.
- Garingarao and his nursing aide, Edmundo Tamayo, testified for the defense, claiming a different story involving an argument with AAA's father about medication administration.

4. **Trial Court Conviction:**

- On November 5, 2007, the Regional Trial Court found Garingarao guilty and sentenced him to reclusion temporal, with corresponding damages to AAA.

5. **Court of Appeals:**

- On November 26, 2009, the Court of Appeals affirmed the trial court's decision but modified the sentence and damages.
- A subsequent motion for reconsideration was denied on June 22, 2010.

**Issues:**

1. **Credibility of Testimonies:**

- Whether the testimony of AAA was credible enough to establish Garingarao's guilt beyond

reasonable doubt.

2. **Application of RA 7610:**

- Whether Garingarao's actions constituted acts of lasciviousness in relation to RA 7610.
- Whether the crime's penalty, as applied by the lower courts, was appropriate under RA 7610.

3. **Defense of Denial and Alibi:**

- Whether Garingarao's defense that he was motivated by an argument and that the accusations were merely retaliatory holds any validity.

4. **Single Incident Argument:**

- Whether a single incident suffices to qualify as a violation under RA 7610.

**Court's Decision:**

1. **Credibility of Testimonies:**

- The Supreme Court upheld that the lone testimony of AAA, which both the trial court and the Court of Appeals found credible, was sufficient for a conviction. A positive and credible account by the victim outweighs the defendant's denial and alibi, especially in sexual abuse cases.

2. **Applicability of RA 7610:**

- The Court confirmed that Garingarao's actions fell under acts of lasciviousness as defined in RA 7610. The elements of sexual abuse in RA 7610 were satisfied: intentional touching for sexual gratification, performed with a child under 18, using influence or coercion.

3. **Rejection of Defense's Argument:**

- The defense of denial and assertion that the case was a result of an argument was deemed weak and self-serving in comparison to the positive identification by AAA of the offender.

4. **Single Incident Sufficient for Violation:**

- The Court ruled that the habitual nature of the abuse is not required under RA 7610. A single incident suffices to hold the perpetrator liable under this statute.

5. **Adjustments to Indemnity and Moral Damages:**

- The Court deemed it necessary to align the financial awards with prevailing jurisprudence, adjusting civil indemnity to P20,000, moral damages to P15,000, and imposing a fine of P15,000.

**\*\*Doctrine:\*\***

- **\*\*Single Incident Suffices:\*\*** Under RA 7610, a single act of lasciviousness is sufficient to hold the perpetrator liable. It's irrelevant whether the offense was habitual or not.
- **\*\*Victim's Testimony:\*\*** The lone credible testimony of a victim in sexual abuse cases is sufficient to establish the guilt of the accused.
- **\*\*Weakness of Denial and Alibi:\*\*** Denial and alibi are considered inherently weak defenses against credible positive identification by a victim.

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

- **\*\*RA 7610, Section 5(b):\*\*** Defines acts of sexual abuse, covering both habitual and non-habitual offenses.
- **\*\*Elements of Lascivious Conduct:\*\*** As defined by the Implementing Rules and Regulations of RA 7610, it includes any intentional touching of intimate parts with the intent to sexualize or harass.

**\*\*Historical Background:\*\***

This case highlights the Philippine legal framework's strong stance against child abuse, embodied in RA 7610. Historically, such laws have been part of progressive efforts to enhance protections for minors against various forms of exploitation and abuse. This case serves as an example of the judiciary's commitment to uphold the rights of minors and deliver justice despite challenges in proving sexual crimes that typically have no other witnesses.