

### Title:

**People of the Philippines v. Bienvinido Udang, Sr. y Sevilla**

### Facts:

Two informations charging Bienvinido Udang Sr. (Udang) with child abuse (sexual abuse) were filed on December 8, 2005, before the Regional Trial Court of Cagayan de Oro City.

- **First Information (Family Case No. 2006-140)**:

- **Incident Date**: December 2003

- **Victim**: AAA, aged 13

- **Details**: Accused, along with his children and the victim, consumed alcoholic drinks. When AAA became intoxicated, Udang carried her to a room, undressed her, and had sexual intercourse with her.

- **Second Information (Family Case No. 2006-141)**:

- **Incident Date**: September 2002

- **Victim**: AAA, aged 12

- **Details**: Similar to the first incident, they drank alcohol, AAA got intoxicated, and Udang carried her to a room, undressed, and raped her.

Udang pleaded not guilty, leading to a joint trial. The prosecution presented testimonies from the victim and a medical expert. The defense testified that these allegations were retaliations for AAA's previous arrest for sniffing rugby, an act implicated by Udang. Despite these defenses, including testimonies from inmates claiming AAA's innocence, the trial court convicted Udang of rape.

### Issues:

1. **Judge Credibility**:

- Whether the judge who rendered the decision, but did not hear the trial, could credibly assess witness testimonies.

2. **Double Jeopardy**:

- Whether Udang's prosecution for both child abuse and rape constitutes double jeopardy.

3. **Credibility of Testimonies**:

- Whether AAA's testimony was credible despite the year gap and her return to the same environment of alleged abuse.

4. **Valid Conviction**:

- Whether the conviction was valid based on the evidence and testimonies presented.

**Court's Decision:**

1. **Judge Credibility**:

- The Court held that the decision penned by a judge different from the one who heard the testimony was valid. There is no implied prohibition against such circumstance, and thorough records provide sufficient basis for ruling.

2. **Double Jeopardy**:

- The Court determined that being charged with both rape under the Revised Penal Code and sexual abuse under Republic Act No. 7610 does not violate double jeopardy principles, as these are distinct crimes with different elements.

3. **Credibility of Testimonies**:

- The Court upheld AAA's credibility, noting her consistent and categorical testimony. Variance in behaviors of victims was considered, and her delay in reporting the crime was not seen as diminishing her credibility.

4. **Valid Conviction**:

- The conviction for rape was modified to two counts of sexual abuse due to procedural grounds. The Court found Udang guilty of sexual abuse, imposing the lesser penalty as appropriate under the law.

**Doctrine:**

- **Evaluation of Witness Credibility**: A succeeding judge can render a decision based on the transcript and filings even if they did not directly examine the testimonies.
- **Distinct Offenses**: Charging an accused under both the Revised Penal Code (rape) and a special law (sexual abuse under Republic Act No. 7610) does not constitute double jeopardy, as these are separate offenses with distinct elements.

**Class Notes:**

- **Elements of Rape (Article 266-A, RPC)**:

1. Sexual intercourse;
2. Circumstance: force, threat, unconsciousness, or grave abuse of authority.

- **Elements of Sexual Abuse (Section 5(b), RA 7610)**:

1. Sexual intercourse or lascivious conduct;
2. With a minor exploited through coercion or influence of adults.

- **\*\*Procedural Rules on Testimony Credence\*\***:

- Article 266-A of RPC
- Section 5(b) of Republic Act No. 7610
- Application in evaluating judges' discretion and witness testimony assessment.

**### Historical Background:**

This case reflects the evolution of legal interpretation surrounding child exploitation and sexual abuse laws, emphasizing the need for updated legal mechanisms to protect minors from abuse. It demonstrates the judiciary's efforts to balance the technicalities of criminal law with protective jurisprudence for vulnerable populations. The ruling reinforces that different infractions within the same criminal acts can be separately prosecuted without violating constitutional safeguards against double jeopardy.