

****Title**:** People of the Philippines vs. Benny Dalaguet

****Facts**:**

- December 2009: Benny Dalaguet allegedly sexually molested AAA, a 15-year-old girl, while she was pasturing her cow. Dalaguet allegedly forced her into a hut, where he undressed her and attempted sexual intercourse. AAA resisted and did not report the incident for fear of disbelief and maltreatment from her parents.
- March 9, 2010: Dalaguet reportedly entered AAA's house, sent her 9-year-old sister away, and undressed AAA. Her grandfather, EEE, caught Dalaguet in the act. Despite AAA's initial silence due to Dalaguet's threats, she eventually disclosed the incident.

On March 29, 2010, two Informations were filed against Dalaguet for violating Section 5(b) of Republic Act No. 7610.

- September 22, 2010: Dalaguet pleaded not guilty.
- December 15, 2010: Pre-trial conducted, and facts were stipulated.
- AAA and other witnesses presented their testimonies.
- July 13, 2016: RTC convicted Dalaguet of two counts of rape and imposed reclusion perpetua for each count.
- Dalaguet appealed, arguing denial and insufficiency of evidence for rape.
- June 25, 2019: CA affirmed, modifying the charge to two counts of lascivious conduct due to lack of evidence for penetration.
- July 29, 2019: Dalaguet filed a Notice of Appeal to the Supreme Court.

****Issues**:**

1. Whether the CA erred in convicting Dalaguet of lascivious conduct under Section 5(b) of R.A. No. 7610 without proving his guilt beyond reasonable doubt.
2. Whether the testimonies of the prosecution, particularly AAA's, were credible despite inconsistencies.
3. Whether the variance between the medical certificate and AAA's testimony affected the credibility of the allegations.
4. Whether the new R.A. No. 11648 applied retroactively to the advantage of Dalaguet.

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

1. ****Credibility of Testimonies**:** The Court upheld the credibility of AAA's testimony, noting that inconsistencies in minor details are not unusual for traumatized victims of sexual abuse. Her account, supported by her grandfather's corroboration, fulfilled the elements of

lascivious conduct under R.A. No. 7610.

2. **Medical Evidence**: The Court ruled that the medical certificate's discrepancies did not discredit AAA's testimony. The absence of fresh lacerations did not negate the lascivious conduct, as rape does not always leave physical marks, particularly without penetration.

3. **Retroactive Application of R.A. No. 11648**: The Court acknowledged that R.A. No. 11648, effective in March 2022, raised the age of consent but did not provide a more favorable penalty for Dalaguet under the circumstances. Thus, it denied retroactive application.

Doctrine:

- **Credibility of Victim's Testimony**: Consistency in material points and demeanor are pivotal in assessing the credibility of rape or sexual abuse victims.
- **Variance Doctrine**: Conviction may still proceed for other criminal conduct (e.g., lascivious conduct) if essential elements for the higher charge (rape) are not fully met.
- **Independent corroboration of medical evidence**: Conviction can be based primarily on credible testimony without necessitating complete alignment with medical findings.
- **Retroactivity of Penal Laws**: New penal laws apply retroactively only if they favor the accused. Despite raised age of consent by R.A. No. 11648, it did not provide more favorable relief for Dalaguet.

Class Notes:

- **Key Elements - Lascivious Conduct (R.A. No. 7610, Sec 5(b))**:
 1. Acts of lasciviousness (intentional touching with sexual intent).
 2. Involving a child under 18.
 3. Conducted under coercion, influence, or for consideration.
- **Key Statutory Provisions**:
 - Article 266-A of the Revised Penal Code (elements for rape).
 - Section 5(b) of R.A. No. 7610 (lascivious conduct).
- **Application**: Assessing the burden of proof, understanding the procedural history and the relevance of omissions/misalignments in medical-legal evidence within sexual offense cases.

Historical Background:

The case took place against the backdrop of ongoing legislative and judicial efforts in the Philippines to address and mitigate child abuse, sexual exploitation, and ensure justice for

minor victims. The reaffirmation of existing protection laws (R.A. No. 7610) and introduction of amendments (R.A. No. 11648) reflect these endeavors, underscoring the evolving nature of legal protection for children.