

Title: People of the Philippines v. Benny Dalaguet

**\*\*Facts:\*\***

In two separate Informations dated March 29, 2010, Benny Dalaguet was charged with violating Section 5(b) of Republic Act No. 7610, for lascivious conduct. The charges were based on incidents involving a minor, AAA, aged 15 at the time.

**\*\*Criminal Case No. F-10-49-MJ:\*\***

- In December 2009, in an undisclosed municipality, Dalaguet allegedly molested AAA by force and intimidation within a hut.

**\*\*Criminal Case No. F-10-50-MJ:\*\***

- In March 2010, again, in an undisclosed municipality and allegedly sexually molested AAA at her own house when her parents were away.

AAA testified about both incidents, claiming that Dalaguet failed to penetrate her vagina but engaged in molesting acts. Her testimony was corroborated by her grandfather, EEE, who caught Dalaguet in the act during the March 2010 incident. Another witness, Marretta Rubio, presented a family study report on AAA.

Dalaguet denied the allegations, claiming he was only retrieving his phone from AAA on March 9, 2010, and he further contested the legality of his arrest.

After being arraigned and pleading not guilty, the trial proceeded. The lower court convicted Dalaguet on July 13, 2016, sentencing him to reclusion perpetua for two counts of rape. Subsequently, the Court of Appeals modified this decision, convicting Dalaguet instead of two counts of lascivious conduct.

**\*\*Issues:\*\***

1. Whether the Court of Appeals erred in convicting Dalaguet under Section 5(b) of RA 7610 instead of rape.
2. Whether AAA's testimony was credible and sufficient to prove Dalaguet's guilt beyond a reasonable doubt.
3. Whether the inconsistencies in AAA's testimony and the medical certificate warranted Dalaguet's acquittal.

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

1. **Legal Qualification of the Act**:

- The Court found that the prosecution did not prove beyond a reasonable doubt that Dalaguet had carnal knowledge of AAA, essential for a rape conviction under Article 266-A of the Revised Penal Code.
- However, the sexual acts Dalaguet committed against AAA, who was 15 years old, amounted to lascivious conduct, thus falling under Section 5(b) of RA 7610.

2. **Credibility of AAA**

- The Court held that victims' testimonies in sexual offenses are given considerable weight, particularly when they are consistent and credible. AAA's consistent assertions that Dalaguet did not penetrate but did engage in molesting acts sufficed for the conviction of lascivious conduct.
- The Court reiterated that different individuals manifest trauma differently, and AAA's behavior did not undermine her credibility.

3. **Inconsistencies**

- The alleged discrepancies between AAA's testimony and the medical certificate were deemed inconsequential. The certificate indicated healed lacerations, which did not undermine AAA's consistent claims about Dalaguet's inability to penetrate her vagina.

**Doctrine:**

- **Lascivious Conduct under RA 7610**: Lascivious conduct qualifies as touching intended to abuse, humiliate, harass, degrade, or arouse sexual desire in any person.
- **Victim's Testimony in Sexual Crimes**: Sole and uncorroborated testimony of minor victims, if credible, can be a sufficient basis for conviction.
- **Behavioral Response in Sexual Abuse Cases**: Varied responses from victims do not undermine the credibility of claims.

**Class Notes:**

- **Lascivious Conduct Elements**:
  1. Child below 18 years.
  2. Sexual conduct without consent of the child.
  3. Conduct accompanied by coercion, force, or influence.
- **Section 5(b) of RA 7610**: Penalizes those committing lascivious acts with children under 18.
- **Testimony Consideration in Sexual Crimes**: Testimonies by minors in sexual offense

cases must be clear, straightforward, and probable to be given credence.

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

RA 7610, also known as the Special Protection of Children Against Abuse, Exploitation, and Discrimination Act, was enacted in 1992 in response to increasing concerns about the exploitation and abuse of children in the Philippines. This case underscores the judicial application of RA 7610 in scenarios where rape is not conclusively established but lascivious acts are evident, reflecting evolving legal protections for minors against sexual abuse.