

## ## Title

People of the Philippines v. Marino Baya y Ybiososa

## ## Facts

In Muntinlupa, Philippines, Marino Baya y Ybiososa (alias Rene) faced nine charges for sexually abusing three minors, identified as AAA (7 years old), BBB (9 years old), and CCC (9 years old). He was charged with five counts of rape and four counts of acts of lasciviousness under Article 336 of the Revised Penal Code (RPC) and Section 5(b), Article III, Republic Act 7610 (RA 7610).

## ### Procedural History

- **September 28, 2006:** Baya was charged for placing his hand in AAA's short pants and touching her vagina.
- **September 26, 2006:** BBB and CCC were at Baya's sister Joy's house, where Baya raped BBB by removing her shorts and inserting his penis into her vagina. CCC testified that Baya raised her shorts and pressed his penis into her vagina.
- **Pre-Trial:** Baya pleaded not guilty to Criminal Case Nos. 06-884, 07-285 to 07-287 but was not arraigned for Nos. 07-281 to 07-284 and 07-288.
- **Trial:** The prosecution presented BBB and CCC as witnesses. The court dispensed PO1 Gil Inape's testimony but admitted several documents, including the victims' sworn statements and initial medico-legal reports.
- **RTC Decision (January 13, 2016):** Baya was found guilty for one count of acts of lasciviousness against AAA (No. 06-884), two counts of rape against BBB (Nos. 07-281 and 07-284), and one count of acts of lasciviousness against CCC. Baya was sentenced to an indeterminate prison term, reclusion perpetua, and ordered to pay damages.
- **CA Decision (July 18, 2017):** CA modified the RTC decision, acquitted Baya in No. 06-884, found him guilty in No. 07-285 (correcting clerical error), and remanded Nos. 07-281 to 07-284 and 07-288 for arraignment. Baya appealed to the Supreme Court.

## ## Issues

1. Whether the CA erred in acquitting Baya of acts of lasciviousness against AAA.
2. Whether the CA erred in convicting Baya of rape against BBB.
3. Whether the CA erred in convicting Baya of acts of lasciviousness against CCC.

## ## Court's Decision

### ### I. Acquittal of Acts of Lasciviousness against AAA (Criminal Case No. 06-884)

- **Issue:** Inconsistency in BBB and CCC's testimony about AAA's presence and failure of

AAA to testify.

- **Decision:** The Supreme Court affirmed the CA's acquittal. BBB and CCC's testimonies were inconsistent, and AAA's non-presentation in court led to reasonable doubt about the crime's occurrence.

### II. Conviction of Rape against BBB (Criminal Case No. 07-285)

- **Issue:** Whether Baya's conviction should be under Article 266-A of the RPC as amended by RA 8353 instead of RA 7610.

- **Decision:** The Supreme Court upheld Baya's conviction but under Article 266-A of the RPC, noting RA 8353 should be uniformly applied to rape cases involving minors, and that special laws should prevail when specific. BBB's birth certificate and her testimony confirmed the elements of rape, proving Baya's guilt beyond reasonable doubt.

### III. Conviction of Acts of Lasciviousness against CCC (Criminal Case No. 07-287)

- **Issue:** Whether the elements of acts of lasciviousness under Article 336 of the RPC, in relation to RA 7610, were established.

- **Decision:** The Supreme Court affirmed Baya's conviction. CCC's birth certificate proved she was under 12 years old. Testimonies and medico-legal reports substantiated the lascivious acts, establishing Baya's guilt.

### Penalties

- In Criminal Case No. 07-285, Baya was sentenced to reclusion perpetua with modified damages.

- In Criminal Case No. 07-287, the Supreme Court imposed reclusion temporal in its medium period and ordered damages to CCC.

### Doctrine

#### Legal Doctrines Established:

- Uniform Application:** RA 8353 amendments to the RPC for rape cases involving minors should be applied, even when RA 7610 could also theoretically apply.
- Reasonable Doubt in Sexual Abuse Cases:** Inconsistencies in witness testimonies and the absence of the victim's testimony can lead to acquittal.

### Class Notes

#### Key Elements/Concepts:

- Article 336, RPC (Acts of Lasciviousness):**
  - Act of lewdness.

- Offended person of either sex.
- Done through force, threat, intimidation, etc.
- Offended party below 12 years or demented.

2. **Article 266-A, RPC (Rape) Provisions**:

- Sexual intercourse with a minor (under 12 years old).
- Circumstances: force, threat, unconsciousness, fraudulent machination, grave abuse of authority.

3. **Section 5(b), RA 7610**:

- Sexual intercourse or lascivious conduct with a child exploited in prostitution or subject to sexual abuse.
- Child is below 18 years of age.

**### Simplified Application:**

- **Minor's Birth Certificate**: Crucial for proving age in sexual abuse cases.
- **Victim's Testimony**: Consistency and presence impact credibility and case strength.
- **Legal Harmonization**: More specific laws prevail in case conflict or detailed applications.

**## Historical Background**

The case encapsulates the ongoing legal protection and gradual enhancement of laws regarding the sexual abuse of minors in the Philippines. RA 7610, approved in 1992, initially tackled these issues. However, RA 8353 (Anti-Rape Law of 1997) further modernized and expanded the legal framework for punishing crimes against minors, reflecting the legislative evolution toward stringent protection of minors against sexual exploitation and abuse.