

****Title:**** People of the Philippines vs. Romeo Garin y Osorio

****Facts:****

On December 25, 2010, at around 1:20 PM in Butuan City, appellant Romeo Garin y Osorio allegedly sexually assaulted “AAA”, a four-year-old minor, by inserting his finger into her vagina, causing her mental, emotional, and psychological trauma. The Information filed stated that the crime was in violation of Article 266-A, paragraph 2 of the Revised Penal Code (RPC), as amended by RA 8353 in relation to RA 7610.

Upon arraignment, Garin pleaded not guilty. During the pre-trial conference, both parties stipulated the identity of the accused, the age of the victim, and the date of the incident.

During the trial, the prosecution presented “AAA”, her mother “BBB”, witness “FFF”, and Dr. Wenceslina L. Caseñas. “AAA” testified that Garin took her to his lap, inserted his finger into her vagina, and then chased and hit her when she tried to escape. “BBB” testified about her daughter’s distressed state and subsequent medical examination.

In his defense, Garin denied the allegations, asserting he was with friends during the incident but later admitted to having interacted with “AAA” that afternoon. His mother corroborated his presence but mentioned police visitations related to other accusations of theft against him.

The RTC of Butuan City found Garin guilty, sentencing him to reclusion perpetua and ordering him to pay various damages. Garin appealed to the Court of Appeals (CA), which modified the penalty and civil indemnities.

****Issues:****

1. Whether the prosecution proved beyond reasonable doubt that Garin committed rape through sexual assault.
2. Whether the lack of in-court identification of Garin affected the validity of his conviction.
3. Proper imposition of penalties and civil indemnities considering the qualifying circumstance of the victim’s age.

****Court’s Decision:****

1. ****Prosecution’s Proof Beyond Reasonable Doubt:**** The Supreme Court upheld the CA’s findings, which validated the victim’s consistent and straightforward testimony and the corroborative medical evidence. The Court emphasized jurisprudence that minor victims’ testimonies generally hold significant weight due to their perceived truthfulness and

immaturity.

2. **In-Court Identification:** The Court ruled that in-court identification was not mandatory here since the parties stipulated to Garin's identity. This is consistent with jurisprudence that waives the necessity of such identification when it is not in dispute, especially to shield the minor victim from further trauma.

3. **Penalties and Civil Indemnities:** The Supreme Court affirmed the appellant's guilt but adjusted the indeterminate penalty. With the aggravating circumstance of the victim being under seven years old, the proper penalty should reflect prison mayor to reclusion temporal duration. Accordingly, the Court modified the penalty to eight years and one day of prison mayor as minimum, to fourteen years, eight months, and one day of reclusion temporal as maximum. The civil indemnities were affirmed as modified by the CA, with reductions in both civil indemnity ex delicto and moral damages to Php30,000.00 each, and increased exemplary damages to Php30,000.00.

Doctrine:

- Minor victims' testimonies are given full weight and credence due to their youth and perceived sincerity.
- In-court identification is not always necessary when identities are stipulated.
- The qualifying circumstance of the victim's age (below seven years old) must be considered in determining the penalty.

Class Notes:

- **Elements of Sexual Assault under Article 266-A, RPC:**
 1. By inserting his penis into another person's mouth or anal orifice, or
 2. By inserting any instrument or object into the genital or anal orifice of another person.
- **Key Principles:**
- **Jurisprudence on Minor Victims:** Testimonies of minor victims are highly credible.
- **In-Court Identification:** Not always necessary if identity is not in dispute.
- **Qualifying Circumstance:** Under Article 266-B of RPC, qualifying when the victim is below seven years old.

Historical Background:

The case is set against the backdrop of increasing efforts to protect child victims in the Philippines, reflected in legislation like RA 7610, aimed at addressing child abuse, exploitation, and discrimination. The judicial system prioritizes the protection of child

victims, particularly during trial procedures to prevent additional trauma.