

****Title:****

People of the Philippines vs. Ireneo Bonaagua y Berce

****Facts:****

1. ****Accusation and Arraignment:****

- Ireneo Bonaagua was charged with four separate counts of Rape under Paragraph 2, Article 266-A of the Revised Penal Code (RPC), in relation to R.A. No. 7610.
- Charges were filed based on allegations that Ireneo repeatedly raped his minor daughter, AAA.

2. ****Incidents:****

- In December 1998, while AAA and her mother were visiting accused appellant in Las Piñas City, Ireneo allegedly raped AAA twice in a single day.
- In December 1999, Ireneo allegedly raped AAA again in Candelaria, Quezon.
- In December 2000, Ireneo allegedly raped AAA twice in Las Piñas City during another visit.

3. ****Initial Police Reporting and Medical Examination:****

- On January 26, 2001, following complaints of severe abdominal pain, AAA underwent a physical examination revealing a healed superficial hymenal laceration.
- AAA then disclosed the incidents to her mother, leading to filing a complaint with the police and a sworn statement to the NBI.

4. ****Defense:****

- Ireneo denied the charges, claiming he was in Las Piñas City working while AAA was in Sariaya, Quezon. He also suggested that allegations were fabricated by AAA's mother due to suspicions of infidelity.

5. ****Trial Court Verdict:****

- On August 6, 2007, the RTC found Ireneo guilty of four counts of Rape, sentencing him to reclusion perpetua for each count with civil indemnity and moral damages totaling Php 400,000.

6. ****Court of Appeals Ruling:****

- The CA affirmed the RTC's decision with modifications, finding Ireneo guilty of three counts of Rape and one count of Acts of Lasciviousness under Section 5 (b) of R.A. No. 7610.

****Issues:****

1. Whether the CA erred in finding Ireneo Bonaagua guilty of Rape and Acts of

Lasciviousness despite alleged inconsistencies and incredibilities in witness testimonies.

2. Whether the CA correctly interpreted the medical evidence and factual context of the cases.

Court's Decision:

1. **Inconsistencies in Testimonies:**

- The Supreme Court upheld the RTC and CA's decision, emphasizing that minor inconsistencies do not detract from the overall credibility of a young rape victim's account, especially when threats of harm are involved.

2. **Medical Findings:**

- The Court found the medical evidence supported the victim's testimony. The law does not require the presence of multiple lacerations to prove instances of rape. Even a healed single laceration supported the occurrence of sexual assault.

3. **Denial and Alibi:**

- The Court dismissed Ireno's defenses of denial and alibi, highlighting that they are inherently weak and cannot outweigh positive identification and corroborated testimonies.

4. **Affidavit of Desistance:**

- The Court indicated that the affidavit executed by AAA and her mother retracting their accusations was influenced by external pressures related to regaining custody of her children, not by the lack of merit in the accusations.

5. **Acts of Lasciviousness:**

- On whether Ireno's actions were sufficient for rape charges, the SC concurred with the CA that Ireno should be convicted of Acts of Lasciviousness for Criminal Case No. 03-0255 due to the lack of evidence for digital penetration.

Doctrine:

1. **Credibility of Minor Victims:**

- The testimony of child victims of rape is given credence due to their innocence and the improbability of fabricating such serious allegations.

2. **Penetration not Required for Rape:**

- Slight contact or insertion, even without full penetration, can constitute rape or sexual assault.

3. **Affidavit of Desistance:**

- Such affidavits are given little weight, especially if influenced by external factors or executed under coercion.

Class Notes:

- **Article 266-A:** Defines Rape and its various forms including sexual assault by insertion of genitalia or objects.

- **R.A. No. 7610:** Encompasses laws protecting children against abuse, including Acts of Lasciviousness.

- **Rape through Sexual Assault:**

- Requires only slight penetration or contact.

- Presence of qualifying circumstances can enhance penalties.

Historical Background:

- The case underscores the judicial system's focus on protecting minors from sexual exploitation and abuse. Particularly, it exhibits the application of expanded legal definitions of rape to include not only intercourse but varied forms of sexual assault.