

## People of the Philippines vs. Roger Mendoza y Dela Cruz

### Facts:

On April 28, 2000, Roger Mendoza y Dela Cruz was charged with raping a six-year-old minor, AAA, in Muntinlupa City. Mendoza, initially a family driver, reapplied for his job on April 24, 2000. The alleged incident occurred on April 25, 2000, when AAA was playing in the garage. Her dress got wet, so she went to her room to change, and Mendoza followed her. He undressed her, pulled down her panties, and inserted his finger inside her vagina. She reported the incident to her parents later that evening, leading to Mendoza being reported to barangay officials and the police.

Mendoza was arraigned and pleaded not guilty. During the trial, AAA testified using a sketch to indicate where she was touched, and the medical examination revealed no physical manifestation of vaginal insertion. Mendoza denied the accusations, countering that he was outside watching road workers during the time of the incident.

On October 27, 2004, the RTC found Mendoza guilty of rape. Mendoza appealed to the CA, contending violations of his right to a speedy trial, improper consideration of evidence, and insufficiency of evidence for a rape conviction. The CA modified the RTC's decision, finding him guilty of acts of lasciviousness instead, citing no conclusive evidence of finger insertion. Mendoza then appealed to the Supreme Court.

### Issues:

1. Whether or not Mendoza's right to speedy trial was violated.
2. Whether or not the trial court erred in considering the prosecution's testimonial evidence that was not formally offered.
3. Whether the evidence presented supported a conviction for acts of lasciviousness over the crime of rape.

### Court's Decision:

**\*\*Issue 1: Right to Speedy Trial\*\***

- **\*\*Resolution\*\***: The Court held that none of the delays experienced were vexatious, capricious, or oppressive. Mendoza did not claim these delays in detail or assert his right timely. Therefore, he effectively waived this objection. The CA had similarly observed Mendoza's belated invocation of this right.

**\*\*Issue 2: Formal Offer of Evidence\*\***

- **\*\*Resolution\*\***: The trial court had indeed accepted AAA's testimony which was not

formally offered as required by the Rules of Court. However, Mendoza did not raise timely objections when this evidence was presented and even cross-examined the witness. Thus, the evidence was deemed admitted.

**\*\*Issue 3: Conviction for Acts of Lasciviousness\*\***

- **\*\*Resolution\*\***: The Supreme Court agreed with the CA that the prosecution failed to prove beyond reasonable doubt the element of insertion required for rape. However, evidence, including the testimonies of AAA and her parents, sufficiently established that lascivious acts occurred when Mendoza undressed AAA and touched her vagina without inserting his finger.

**### Doctrine:**

- **\*\*Right to Speedy Trial\*\***: It requires the court proceedings to be free from vexatious, capricious, and oppressive delays. Failure to timely assert this right constitutes a waiver.
- **\*\*Formal Offer of Evidence\*\***: Objections to the lack of proper formal offer must be timely. Otherwise, the unchallenged evidence will be deemed admitted and considered in the judgment.
- **\*\*Acts of Lasciviousness\*\***: Established under Article 336 of the Revised Penal Code. Elements include lewd designs, touching, and the use of force or intimidation, as supported by credible testimonial evidence without needing physical proof of insertion.

**### Class Notes:**

- **\*\*Right to Speedy Trial (Sec. 14 (2), Art. III, 1987 Constitution):** Ensures prompt disposition; waiver occurs when not timely invoked.\*\*
- **\*\*Procedural Rules (Rule 132, Rules of Court, Evidence):** Evidential objections must be timely; mere failure to comply with formal offers can be waived by inaction.\*\*
- **\*\*Acts of Lasciviousness (Article 336, Revised Penal Code):** Requires proof of lewd intent and commission of sexual acts without needing full consummation like rape.\*\*
- **\*\*Rape through Sexual Assault (Article 266-A, Revised Penal Code):** Requires evidence of insertion into genital or anal orifices.\*\*

**### Historical Background:**

The case is set within the broader context of the Philippine judicial process, emphasizing child protection under the law. Acts of child molestation, especially involving minors as victims, are taken seriously with procedural safeguards and significant attention to the accurate determination of facts and appropriate charges given the sensitivity and gravity of such offenses. The modification from rape to acts of lasciviousness reflects the meticulous

nature of judicial review to ensure just convictions based on the available evidence.