PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CHRISTOPHER FRIAS Y BIEN, ACCUSED-APPELLANT.

Ponente: BATO, JR., J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/2c49017e134f/

BATO, JR., J.:

This is an appeal from the Decision[1] dated September 27, 2010 of the Regional Trial Court of Naga City, Branch 20, in Criminal Case No. RTC 2008-0007, the dispositive portion of which reads:

> "WHEREFORE, the Court finds Christopher Frias y Bien GUILTY beyond reasonable doubt of Violation of Section 3, subsection (b), par. 2, Article I and Section 10 of Republic Act 7610 and hereby sentences him to suffer the penalty of Prision Mayor in its minimum period and to pay the offended party the amount of Fifty Thousand (P50,000.00) Pesos as moral damages.
>
> SO ORDERED."[2]
>
> The factual antecedents:

Christopher Frias y Bien [herein accused-appellant] was charged before the Regional Trial Court [Branch 20, Naga City; hereafter court a quo], with the crime of child abuse defined and penalized under Sections 3 (b) (2) and 10 of Republic Act No. 7610[3]. The accusatory portion of the Amended Information states:

> "That on or about 7:45 in the morning of 02 January 2008, in the City of Naga, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there, willfully, unlawfully, and feloniously commit acts of child abuse against AAA, an eleven (11)-year old minor, by forcibly taking her to a grassy place beside the Sabang Elementary School, Naga City and thereat forcibly removed her worn shorts and tried to remove her panty though unsuccessfully as the private complainant fought him hardly, thus subjecting her to emotional maltreatment, psychological and physical abuse and which deeds have debased, degraded and demeaned her intrinsic worth and dignity as a child and human being to the damage and prejudice of AAA.
>
> CONTRARY TO LAW."[4]

Upon arraignment, accused-appellant pleaded "not guilty" to the charge.[5] Trial on the merits ensued.

During the trial, the prosecution presented the following witnesses, namely: AAA, Emerinciano Hernandez, Evangeline Reyes, Melvin Aben, and Rodrigo Cardona. The testimony of AAA, who was eleven (11) years old at the time of the incident, was summarized by the court a quo as follows:

> "x x x on January 2, 2008 at about 7:45 o'clock in the morning, while she was sitting inside a 'padyak' parked along the road of Felix Plazo, Naga City, accused Christopher Frias approached and offered her money in the amount of P3.00 just to go with him but when she declined the offer, the latter pulled her left hand and dragged her towards the gate of the Sabang Elementary School. Accused, again offered her money and asked her to kneel and when she did not heed the command of the accused, the latter pushed her down. While accused was in a kneeling position, he asked her to remove her shorts but when she refused him, the former lowered her shorts up to her knees. She fought him by pushing his face and stomach and at the same time lambasted him by

saying the word 'hamag'.”[6]

Around that time, Evangeline Reyes [Reyes] and Melvin Aben [Aben] were on duty as security guards at the Sabang Elementary School. They went out of the school to buy food when they chanced upon AAA and accused-appellant at the lot beside the school. They saw that AAA was crying while pushing the accused-appellant. They also noticed that her shorts was lowered down to her knees. When Reyes asked accused-appellant what he was doing and ran towards him, the latter ran away and left behind coins amounting to P4.00. AAA likewise ran away and went home. Subsequently, accused-appellant returned to the school and looked for his money. Aben arrested the accused-appellant and turned him over to a certain Jojo who was a security guard at the Sabang High School. Reyes and Aben were advised to report the incident to the barangay outpost of Barangay Igualdad. Reyes proceeded thereto and reported the incident to Chief Tanod Rodrigo Cardona [Cardona]. Cardona and his companions went to Sabang Elementary School and brought accused-appellant to AAA's house. Reyes informed AAA's father about the incident. Accused-appellant was brought to the barangay outpost where the incident was recorded in the blotter. He was thereafter brought to the Naga City Police Substation 3 in Tabuco and was investigated by SP04 Celestino Obina.

Accused-appellant denied the accusations against him. He testified that in the morning of January 2, 2008, he went to the public market to use the comfort room and passed by Sabang Elementary School. He saw AAA sitting at the lot beside the school and she suddenly pulled her shorts up when she saw him. He proceeded to the public market and went home. On cross-examination, he claimed that he was actually on his way home when he saw AAA. On the other hand, his mother, Meden Frias, testified that her son did not commit the crime charged against him and that when they were at the police station, AAA told her father that she was not molested by the accused-appellant. Upon inquiry from the court a quo, Meden admitted that her son was arrested while he was at the Sabang Elementary School.

On September 27, 2010, the court a quo rendered the assailed Decision. Hence, this appeal by the accused-appellant raising this sole assignment of error:

“I.

THE LOWER COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.”[7]

In his brief, the accused-appellant argued that the prosecution failed to present proof beyond reasonable doubt of his guilt. He claimed that it is unlikely for him to harass AAA early in the morning as it is unimaginable for a malefactor to execute his evil motive under circumstances that would not afford him impunity. He likewise assailed the testimonial evidence of the prosecution in view of the following circumstances, viz.: (a) the testimony of Reyes that accused-appellant went back to look for his coins is unthinkable as one who committed a crime would necessarily avoid apprehension; (b) the testimonies of the victim's father and tanod Cardona do not prove his guilt since they have no personal knowledge of the incident; and (c) there was an inconsistency in the testimony of Reyes as to who arrested accused-appellant. In fine, accused-appellant argued that his conviction cannot be sustained in view of the inherent defects of the prosecution's evidence.

We deny the appeal.

Prefatorily, it bears stressing that at the time of the unfortunate incident, AAA was only eleven (11) years old,[8] thus, entitled to the mantle of protection afforded by R.A. No. 7610. Section 10(a) of R.A. No. 7610 provides:

SECTION 10. Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child's Development. —

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> (a) Any person who shall commit any other acts of child abuse, cruelty or exploitation or be responsible for other conditions prejudicial to the child's development including those covered by Article 59 of Presidential Decree No. 603, as amended, but not covered by the Revised Penal Code, as amended, shall suffer the penalty of prision mayor in its minimum period.

In relation thereto, Subsection (b), Section 3 of R.A. No. 7610, defines child abuse as the maltreatment of a child, whether habitual or not, which includes any of the following:

> (1) Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
>
> (2) Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;

x x x

x x x

x x x

In the present case, the court a quo correctly found that the prosecution had established by proof beyond reasonable doubt that the accused-appellant had committed acts of child abuse punishable under Section 10(a) of R.A. No. 7610. The testimony of AAA proved that she was sitting at a padyak near the Sabang Elementary School when the accused-appellant approached her and persuaded her to go with him in exchange for P3.00. Despite her protestation, accused-appellant dragged her on her left wrist and pulled her towards the lot beside the school. Accused-appellant then asked her to kneel and when she refused, he forced her to kneel by pushing her shoulders and accused-appellant told her that he would give her P3.00. Accused-appellant kneeled and pulled down her shorts to her knees while she relentlessly fought by pushing him away.[9] She tried to shout but no voice came out from her mouth. At that juncture, Reyes arrived and shouted at accused-appellant. Accused-appellant fled and AAA also ran away out of fright.[10] AAA's testimony was corroborated by Reyes and Aben who both saw the accused-appellant and AAA beside the school where the latter was crying while pushing away the accused-appellant. The court a quo correctly declared:

> “x x x such devious act by the accused must have shattered her self-esteem and womanhood and virtually debased, degraded or demeaned her intrinsic worth and dignity. As a young and helpless lass at that time, x x x, AAA must have felt desecrated and sexually transgressed, especially considering the fact that the incident took place before the very eyes of two (2) security guards of the Sabang Elementary School who were then on duty when this incident happened. Accused who was old enough to be the victim’s elder brother, did not only traumatize and gravely threaten the normal development as an innocent child but also betrayed the trust that young girls place in the adult members of the community who are expected to guide and nurture the well-being of these fragile members of our society. Undoubtedly, such insensible act of the accused constitutes child abuse.”[11]

We do not subscribe to accused-appellant's defense of denial. Nothing is more settled in criminal law jurisprudence than that denial and alibi cannot prevail over the positive and categorical testimony of the witnesses.12 Denial is an intrinsically weak defense which must be buttressed with strong evidence of non-culpability to merit credibility.13 In the case at bar, accused-appellant failed to adduce any evidence to bolster his denial. Worse, accused-appellant himself admitted that he saw AAA beside the school.[14] Also, We cannot give credence to his claim that it is unimaginable for him to execute his evil motive under circumstances

that would not afford him impunity – beside the school and early in the morning. It has been repeatedly ruled that lust is no respecter of time and place.[15] A crime does not necessarily have to be committed in an ideal or spacious place and can in fact be committed in places which to many would appear to be unlikely and highrisk venues for sexual advances.[16]

Be that as it may, accused-appellant assailed the testimonial evidence of the prosecution in light of the following circumstances: (a) the testimony of Reyes that accused-appellant went back to look for his coins is unthinkable as one who committed a crime would necessarily avoid apprehension; (b) the testimonies of the victim's father and tanod Cardona do not prove his guilt since they have no personal knowledge of the incident; and (c) there was an inconsistency in the testimony of Reyes as to who arrested accused-appellant.

We are not persuaded.

It is jurisprudentially settled that the assessment of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand; and to note their demeanor, conduct and attitude under examination. Its findings on such matters are binding and conclusive on appellate courts unless some facts or circumstances of weight and substance have been overlooked, misapprehended or misinterpreted.[17] We found no cogent reason to depart from this rule. Firstly, upon inquiry from the court a quo, the accused-appellant's mother admitted that indeed, he was at Sabang Elementary School when he was arrested.[18] Secondly, accused-appellant's claim that the testimonies of the victim's father and tanod Cardona do not prove his guilt is clearly misplaced as a perusal of the Transcript of Stenographic Notes shows that the testimony of AAA's father was merely offered to prove that he is the father of the offended child and that he was informed of the unfortunate incident at 8:00 o'clock in the morning of January 2, 2008.[19] Meanwhile, Cardona's testimony was offered to prove that he responded to the report of Reyes and recorded the incident in the blotter, among others.[20]

As regards the alleged inconsistency of Reyes as to who effected the arrest, suffice it to state that where the inconsistency is not an essential element of the crime, such inconsistency is insignificant and cannot have any bearing on the essential fact testified to.[21] Inconsistencies and discrepancies in the testimony referring to minor details and not upon the basic aspect of the crime do not diminish the witnesses' credibility.[22] More so, an inconsistency, which has nothing to do with the elements of a crime, is not a ground to reverse a conviction.[23] In this case, all the elements of the crime had been adequately established by the prosecution through the affirmative, credible and categorical testimonies of AAA, Reyes and Aben who had shown no ill motive to testify against the accused-appellant.

In view of all the foregoing, the court a quo correctly found the accused-appellant guilty beyond reasonable doubt of the crime of child abuse. Nonetheless, a modification of the penalty of "prision mayor in its minimum period" imposed by the court a quo is warranted. While the parties did not assail the propriety of the penalties imposed by the court a quo, it is worthy to note that an appeal in criminal cases throws the whole case open for review and it is the duty of the court to correct such error as may be found in the judgment appealed from.[24] The penalty for child abuse under Section 10(a) of R.A. No. 7610 was elucidated in the case of Faustino vs. People of the Philippines, to wit:

> "x x x the penalty for Other Acts of Child Abuse is prision mayor in its minimum period. This penalty is derived from, and defined in, the Revised Penal Code. Although R.A. No. 7610 is a special law, the rules in the Revised Penal Code for graduating penalties by degrees or determining the proper period should be applied. Thus, where the special law adopted penalties from the Revised Penal Code, the Indeterminate Sentence Law will apply just as it would in felonies. x x x

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

x x x

x x x

x x x

> In the absence of any modifying circumstances, and because it is favorable to appellant, we find the penalty of four (4) years, nine (9) months and eleven (11) days of prision correccional, as minimum, to six (6) years, eight (8) months and one (1) day of prision mayor, as maximum, proper." [Citations omitted]

Accordingly, the accused-appellant is hereby sentenced to suffer the indeterminate penalty of four (4) years, nine (9) months and eleven (11) days of prision correccional, as minimum, to six (6) years, eight (8) months and one (1) day of prision mayor, as maximum. As to moral damages, the court a quo correctly awarded the amount of P50,000.00 since AAA suffered undue embarrassment due to the incident and such amount is reasonable under the facts obtaining in this case.[25]

WHEREFORE, the appeal is DENIED. The Decision dated September 27, 2010 of the Regional Trial Court of Naga City, Branch 20, in Criminal Case No. RTC 2008-0007 is hereby AFFIRMED with MODIFICATION in that the accused-appellant CHRISTOPHER FRIAS Y BIEN is hereby sentenced to suffer the indeterminate penalty of four (4) years, nine (9) months and eleven (11) days of prision correccional, as minimum, to six (6) years, eight (8) months and one (1) day of prision mayor, as maximum.

SO ORDERED.

C E R T I F I C A T I O N

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

[*]Gaerlan and Diy, JJ., cocncur.

---

[*] Vice J. Zalameda per Office Order No. 242-14-ABR dated May 23, 2014.

[1] Rollo, pp. 27-34.

[2] Ibid., p. 34.

[3] AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES

[4] Records, p. 26.

[5] Ibid., p. 13.

[6] RTC Decision, p. 4, Rollo, p. 30.

[7] Rollo, p. 21.

[8] TSN, p. 3, November 18, 2008.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

[9] TSN, pp. 9-10, November 18, 2008.

[10] TSN, p. 11, November 18, 2008.

[11] RTC Decision, p. 7, Rollo, p. 33.

[12] People of the Philippines vs. Bulasag, G.R. No. 172869, July 28, 2008

[13] People of the Philippines vs. Bulasag, G.R. No. 172869, July 28, 2008 citing People of the Philippines vs. Penaso, G.R. No. 121980, February 23, 2000.

[14] TSN, p. 4, November 4, 2009.

[15] People vs. Faustino, G.R. No. 194462, June 13, 2012.

[16] People vs. Faustino, G.R. No. 194462, June 13, 2012 citing People vs. Watimar, 392 Phil. 711, 724 (2000).

[17] People of the Philippines vs. Mapalo, G.R. No. 172608, February 6, 2007 citing People vs. Tampis, G.R. No. 148725, July 31, 2003

[18] TSN, p. 16, September 23, 2009.

[19] TSN, p. 3, July 10, 2008.

[20] TSN, p. 3, September 4, 2008.

[21] People vs. Villahermosa, G.R. No. 186465, June 1, 2011.

[22] People vs. Villahermosa, G.R. No. 186465, June 1, 2011 citing People vs. Sabardan, G.R. No. 132135, May 21, 2004 citing People vs. Monieva, G.R. No. 123912, June 8, 2000

[23] People vs. Villahermosa, G.R. No. 186465, June 1, 2011 citing Peeople vs. Ignas, 458 Phil. 965, 987-988 (2003).

[24] People vs. Bonaagua, G.R. No. 188897, June 6, 2011 citing Gelig vs. People, G.R. No. 173150, July 28, 2010.

[25] Araneta vs. People, G.R. No. 174205, June 27, 2008.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.