PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JAYSON CASTRO Y EBASCO, ACCUSED-APPELLANT.

Ponente: SORONGON, E. D., J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/fff15f289155/

SORONGON, E. D., J.:

> No woman, more so, a minor would weave a tale of pure sordid fantasy that her intrinsic worth and dignity was demeaned and defiled thereby subjecting herself to public humiliation scarring her for the rest of her life unless her coming out is impelled by a strong motive of truth aiming to condemn an injustice done to her[1].

On appeal is the Decision[2] dated November 3, 2011 of the Regional Trial Court of Manila, Branch 5 in Criminal Case No. 08-263712 for Rape in relation to R.A. 7610, in which a guilty verdict was handed down on accused-appellant Jayson Castro y Ebasco (accused-appellant).

The Information alleged:

> "That on or about September 4, 2008, in the City of Manila, Philippines, the said accused, with lewd design, did then and there willfully, unlawfully and feloniously commit sexual abuse and lascivious conduct against "AAA[3]", a minor 13 years old, by then and there taking off her short pants and panty and inserting his penis into her private part and threatening to hit her head with a bottle of beer should she refuse, and succeeded in having carnal knowledge of her, thereby gravely endangering the normal growth and development of said child, to her damage and prejudice.
>
> Contrary to law."

During arraignment accused-appellant pleaded not guilty. Trial thus ensued.

The facts as summarized by the trial court:

> "On September 9, 2009 at or about 8:30 in the evening AAA was at a store located at Soler St. to buy things for her project in school when she met Dianne niece of one Angie, the aunt of Dianne. She (Dianne) told her that she would just see her cousin. All of the sudden, Erwin arrived who blocked her way and invited her to have a drinking spree. She (AAA) agreed and had their drinking spree in the house of Angie. The person in the house were herself and Erwin.
>
> She first met Erwin on August 16, 2008 at Solis St. Tondo, Manila. On September 4, 2008 she met (him) again in the house of Angie, her acquaintance. She does not know the age of Angie at that time. Angie is older than she is maybe about thirty years old. The niece of Angie, Youlove who was about 16 years of age, invited her to stay. She has known Youlove for less than a year. At 4:00 o'clock in the afternoon of September 4, 2008 she went home and returned with cousin at or about 7:30 in the evening. She was supposed to go to the house of her aunt Angie, to meet her cousin, Reggie. After minutes of waiting she decided to leave but accused blocked her way because according to him (accused) he was looking for her. Dianne left her in the house of Angie. Accused invited her to have a drink. Accused bought the two bottles of red horse. When she was about to leave, accused blocked her way and told her to finish first the red horse bottle. After consuming the contents of red horse, she told accused that she would leave already but he told her "later" and closed the door. She forced herself to go out but unsuccessful. Then accused forced her to undress. She shouted and was resisting his

> advances, but she failed. Accused undressed her by removing her shorts pants and panty. Accused also removed his pants and brief the he forced himself to her by lying down. He held her hands and pushed her down. She was angry and shouting "tulong po" but he threatened her that he would hit her with the bottle. After the sexual abuse she put on her panty and short. While she was about to leave Reggie knocked at the door. She did not tell to (sic) Reggie what accused did to her. She reported the incident to a certain Jenny, a friend of her. After telling Jenny about the incident they went to the Police Station #7 where she executed a sworn statement. They went to Philippine General Hospital for medical examination. On September 5, 2008 a Medico Legal Report was issued (Exh. "C"). After the formal offer and admission of documents marked as Exhibits "A" to "E-2" the prosecution rested.
>
> On the part of defense, accused testified.
>
> Jayso Castro, 24 years old, single and residing at 1064-1 Solis St., Tondo Manila, denied the accusation against him and alleged that he is Erwin Muyon and not Jayson Castro y Ebasco @Erwin. He knows AAA who lives near their place. He has known her for about a month. He does not know Dianne nor Angie. He does not know how far is the house of AAA in relation to their house. He was with his live-in partner Jacqueline Meneses. He just came from work and they were just eating when police officers from Police Station #7 came. He learned of the charge when he was already detained. AAA was there. He was accused of Frustrated Homicide by Ronald Castro and the case was raffled at Branch 17 of this Regional Trial Court, Manila. He was already convicted. He learned of the case when he was already detained at the precinct. He was not able to talk to AAA nor to her mother Estella Boquirin although she was at the police station. He knows the reason why AAA filed the case against him. The private complainant in the other case is her cousin Ronald Castro. Ronald Castro even spanked her at the police station. At that time Ronald Castro told him "Mababulok ka na". He called the attention of the police officer who even threatened his brothers and sisters.
>
> Accused told that he wrote a letter and gave it to the media asking for help. The person with whom he handed the letter inquired from him if he really committed the crime. He learned of the names of the police officers PO3 Jaycee John Galotera, PO3 Pelano and Jayson Magbitang. He did not file the complaint against them because he was threatened. There were police officers and bystander when one of the police officers stopped Ronald Castro by saying "nakakulong na nga, sasapakin mo pa". AAA is the cousin of Ronald Castro.
>
> Jayson Castro told that the house of Angie is far from their house, about ten (10) meters away. When he arrived home, he stayed in their house from 8:00 p.m. to 8:30 when he was arrested. He came from work. He was inside their house at the time of his arrest./ It was in the log book of the security guard."[4]

After trial on the merits, the court a quo rendered judgment on November 3, 2011 convicting herein accused-appellant of the charge, thus:

> "WHEREFORE, premises considered, the Court finds accused JAYSON CASTRO y EBASCO @ "ERWIN" GUILTY beyond reasonable doubt of the crime charged and is hereby sentenced to suffer the penalty of Reclusion Perpetua and to indemnify private complainant AAA the amount of P50,000.00 as actual damages; P50,000.00 as moral damages, and P50,000.00 as exemplary damages and to pay the cost.
>
> SO ORDERED."[5]

Hence, this appeal contending that THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

Accused-appellant predicated his plea for acquittal on two grounds, viz: (a) the trial court erred in giving full faith and credence to the testimony of the private complainant, and (2) the Information charging him of violation of Section 5 of Republic Act No. 7610 is void.

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

In reviewing rape cases the Supreme Court has time and again laid down the principles to guide the appellate court in its review, thus: (1) an accusation for rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove it; (2) in view of the intrinsic nature of the crime of rape where two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; (3) the evidence for the prosecution must stand or fall on its own merits, and cannot be allowed to draw strength from the weakness of the evidence for the defense[6]. Inasmuch as the crime of rape is essentially committed in relative isolation or even secrecy, it is usually only the victim who can testify with regard to the fact of the forced sexual intercourse. Therefore, in a prosecution for rape, the credibility of the victim is almost always the single and most important issue to deal with. Thus, if the victim's testimony meets the test of credibility, the accused can justifiably be convicted on the basis of this testimony; otherwise, the accused should be acquitted of the crime[7].

We go to our present case. Accused-appellant is charged under Section 5, Article III of RA No. 7610.

The elements of the crime punishable under the specific provision of the said law are the following:

(1) the accused commits the act of sexual intercourse or lascivious conduct;
(2) that said act is performed with a child exploited in prostitution or subjected to other sexual abuse; and,
(3) the child, whether male or female, is or is deemed under 18 years of age.

Did the prosecution succeed in proving these elements? The testimony of AAA showed that it did.

The straightforward, candid and intrepid revelation of AAA in coming forward to avenge the immoral defilement made upon her person is more convincing and plausible compared to the weak, uncorroborated defense of accused-appellant’s alibi. Considering her tender years and the sensitivity of the matter, AAA had been honest and spontaneous in recounting her ordeal especially during the cross- examination where she was subjected to the relentless questioning of the defense counsel to which she continued to be unshaken and grounded. Certainly minor inconsistencies in AAA's narration are to be expected, however, her general statements remained consistent throughout the trial as she stands firm and determined in recounting her ordeal from accused-appellant who is much her senior. No decent and sensible woman, least of all a child of tender years, would concoct a story so hideous thereby subjecting herself and her family to public humiliation.

Moreover, AAA’s honest, spontaneous and realistic account of her rape is duly substantiated by the findings of the medical doctor who examined her for hymenal lacerations. AAA's conduct of wasting no time in reporting the bestial act of accused-appellant to the police accompanied by her friend, Jenny is truly commendable and speaks well of her earnest desire to vindicate the wrong and injustice done to her person and honor. This is further bolstered by her act of going to the hospital with her mother for examination where she was physically examined by Dr. Bernadette J. Madrid who found that “genital finding in the peripymenal area is suggestive of blunt force trauma.”[8], which report was not in any way discounted and disproved by the accused-appellant. Hence, it is said that, “When the consistent and forthright testimony of a rape victim is consistent with medical findings, there is sufficient basis to warrant a conclusion that the essential requisites of carnal knowledge have been established.[9]

The trial court was duly convinced of the veracity and sincerity of AAA’s testimony. Such assessment and determination as to AAA’s competence and credibility to testify and narrate her misfortune should be respected on appeal absent any showing of patent disregard of some substantial facts that could materially alter the outcome of the case. Time and again, the Supreme Court has said that the assessment of the credibility of witnesses and their testimonies is a matter best undertaken by a 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. Since appellate courts have access only to inanimate transcripts of stenographic notes of the testimonies of the witnesses during the trial and to the various documentary evidence adduced by both parties, they must rely on the assessment of the trial court regarding the credibility of the witnesses[10]. Finding no reason to disturb the trial court's assessment and determination of AAA’s credibility, the same beckons Our affirmance.

Accused-appellant also claimed that the Information charging him of violation of Section 5 of RA 7610 is void. We disagree.

Paragraph (b), Section 5, Article III of RA No. 7610 punished sexual intercourse or lascivious conduct not only with a child exploited in prostitution but also with a child subjected to other forms of sexual abuse. It covers not only a situation where a child is abused for profit but also one which a child, through coercion, intimidation or influence, engages in sexual intercourse or lascivious conduct[11].

The first element of paragraph (b), Section 5, Article III of R.A. No. 7610 pertains to the act or acts committed by the accused-appellant; the second element refers to the state or condition of the offended party; and the third element corresponds to the minority of age of the offended party[12].

It is our well considered view that all these elements have been duly established by the prosecution to prove the guilt of the accused-appellant beyond reasonable doubt. Therefore, his conviction is proper.

For the first element, sexual abuse is defined in Section 2 (g) of the Rules and Regulations on the Reporting and Investigation of Child Abuse Cases promulgated to implement the provisions of R.A. No. 7610, as follows:

> (g) "Sexual abuse" includes the employment, use, persuasion, inducement, enticement or coercion of a child to engage in, or assist another person to engage in, sexual intercourse or lascivious conduct or the molestation, prostitution, or incest with children. (emphasis supplied)

More specifically in the case of People vs. Soraino[13], the contact of the male penis with the woman's vagina is referred to as "rape by sexual intercourse". In AAA's testimony, she categorically stated that accused-appellant inserted his penis in her vagina for about 5 seconds[14]. This act clearly constitutes sexual abuse.

The second element is likewise present here. In People vs. Larin,[15] the Supreme Court held that a child is deemed exploited in prostitution or subjected to other sexual abuse when the child indulges in sexual intercourse or lascivious conduct (a) for money, profit, or any other consideration; or (b) under the coercion or influence of any adult, syndicate or group.

In this case, AAA was subjected to sexual abuse under accused-appellant' coercion and intimidation. He was able to satisfy his bestial desire by threatening to smash a bottle on AAA's head if she reports him to the police[16].

As for the third element, Section 3 (a), Article I of R.A. No. 7160 provides:

Section 3. Definition of Terms. -

> (a) "Children" refers to person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition;

At the time of the incident, or on September 4, 2008, AAA was only thirteen (13) years old, as evidenced by her birth certificate.[17]

Granting that accused-appellant cannot be charged or convicted with either sexual abuse under Section 5 (b) of RA 7610 or rape under Article 266-A (except paragraph 1 [d]) of the Revised Penal Code[18], however, records

reveal that indeed there is only one Information filed against him for Rape in relation to Republic Act No. 7610. In Malto vs. People of the Philippines[19], the Supreme Court held that,

> "The designation in the information of the specific statute violated is imperative to avoid surprise on the accused and to afford him the opportunity to prepare his defense accordingly. However, the failure to designate the offense by statute, or to mention the specific provision penalizing the act, or an erroneous specification of the law violated does not vitiate the information if the facts alleged clearly recite the facts constituting the crime charged. What controls is not the title of the information or the designation of the offense but the actual facts recited in the information. In other words, it is the recital of facts of the commission of the offense, not the nomenclature of the offense, that determines the crime being charged in the information."

Thus, even if the the Information did not clearly charge the accused-appellant under RA No. 7610, the recital of facts as well as the evidence established by the prosecution make out a clear case of Rape under RA No. 7610.

In his desperate attempt to escape conviction, accused-appellant insists that AAA's testimony is not credible; she merely wove a story of her defloration; she gave inconsistent testimonies; she barely "resisted" when the sexual abuse was committed; and she is not as innocent and naive as what the prosecution has portrayed her.[20]

This insistence is frivolous.

In People vs. Apilo,[21] the Supreme Court had the occasion to state that a rape or sexually abused victim, as in this case, will not come out in the open and make public the offense committed against her, undergo the agony of humiliation of a public trial or endure the ordeal of testifying on all the sordid details of the crime, if she has not been truthful as to whether she has in fact been raped and by whom or if she has not been motivated by the desire to obtain justice.

Moreover, "when a woman, more so if she is a minor, says that she has been raped or sexually abused she says in effect all that is necessary to show that rape or sexual abuse was committed. And as long as the testimony meets the test of credibility, the accused may be convicted on the basis thereof. It is well entrenched doctrine, founded on the reason and experience, that when the victim testifies that she has been raped or sexually abused, and her testimony is credible, such testimony may be the sole basis of conviction".[22]

Notably, accused-appellant cannot deny liability merely on the basis of the inconsistencies of AAA's testimony. As clarified by the Supreme Court in People vs. Malate[23]:

> Accused-appellant cannot plausibly bank on the minor inconsistencies in the testimony of the complainant to discredit her account of the incident. Even if they do exist, minor and insignificant inconsistencies tend to bolster, rather than weaken, the credibility of the witness for they show that his testimony was not contrived or rehearsed. Trivial inconsistencies do not rock the pedestal upon which the credibility of the witness rests, but enhances credibility as they manifest spontaneity and lack scheming. As aptly held in the American case of State v. Erikson, the rule that a victim's testimony in sexual assault cases must be corroborated "does not apply where the inconsistency or contradiction bears upon proof not essential to the case." Well to point, even the most truthful witnesses can sometimes make mistakes, but such minor lapses do not necessarily affect their credibility. (emphasis supplied)

Likewise settled in jurisprudence that the force and intimidation must be viewed in the light of the victim's perception and judgment at the time of the consummation of the crime. Failure to offer any kind of resistance to her abuser is of no moment and cannot in any way affect the credibility of the victim's testimony. Rape is perpetrated when the accused has carnal knowledge of the victim through the use of force or threat or intimidation. Again, it must be stressed that the resistance of the victim is not an element of the crime, and it need not be established by the prosecution.[24]

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

In People vs. Mahinay,[25] the victim there did not even shout or make an outcry when there was nearby person yet the Supreme Court still stated that such action or lack of it does not mean that the victim was not raped. Thus:

> "The workings of the human mind under emotional stress are unpredictable; people react differently in such situations: some may shout; some may faint; some may be shocked into insensibility; others may openly welcome their intrusion."[26]

The insinuation that AAA was not as naive or innocent is beside the point and quite uncalled for. It is well to note that she is still very young and inexperienced. Needless to say, the character of the victim is immaterial to rape.

> The fact that the offended party may have been of unchaste character constitutes no defense in a charge of rape, provided that the illicit relations were committed with force and violence.[27]

For his defense, accused-appellant raises denial. He testified that he was at home with his live-in partner during that fateful night and that he was arrested not knowing the charge of rape against him.[28] Without more, he plainly claimed that he was mauled and that his live-in partner and his siblings were threatened not to report such abuse.[29] Such claims fail to satisfactorily substantiate his claim of innocence.

Moreover, it is settled that denial, like alibi is an inherently weak defense and cannot prevail over the positive and categorical identification provided by the eyewitness.[30] Thus, as correctly found by the trial court:

> The Court rejects the uncorroborated defense of denial. Consistently held to be prone to fabrication and inherently weak, denial is a negative self-serving evidence which deserves no weight in law. It cannot be given greater evidentiary value than the testimony of a minor victim who testified on affirmative matters. (People vs. Au, G.R. No. 19687, April 04, 2009). Unsubstantiated by clear and convincing evidence, accused denial cannot prevail over the rape victim positive identification of her ravisher.[31]

Besides, accused-appellant’s defense of denial and alibi cannot at all free him from criminal liability, because being the weakest of all defenses, AAA has positively and sufficiently established the identity of her molester, herein accused-appellant. Furthermore, it is not physically impossible for the accused-appellant to be at the locus criminis and commit such dastardly act against AAA. Obviously overcome by the strength of the accused-appellant as well as the fact that he threatened to hit AAA with a bottle of beer should the latter resist, AAA could not be expected to act intelligently and respond rationally under such frightening circumstances, thus, she would timidly submit to his lustful desires.

To reiterate, We are convinced that the prosecution has met the required quantum of evidence provided by law necessary to convict accused-appellant of the crime charged. Thus, his conviction is proper. We likewise stamp Our imprimatur on the penalties imposed by the trial court as it is in accord with law and prevailing jurisprudence.

WHEREFORE, the appeal is DISMISSED. The Decision dated November 3, 2011 of the Regional Trial Court of Manila, Branch 5 in Criminal Case No. 08-263712 is AFFIRMED in all respects.

SO ORDERED.

Reyes, Jr., A.B., Chairperson, and Rosario, R.R., JJ., concur.

---

[1] PP vs. Taño, GR. No. 133874, May 4, 2000, PP vs. Amigable, GR 133857, March 31, 2000

[2] Rollo, pp.27-30

[3] Name of victim/private complainant is witheld pursuant to the ruling of People vs. Cabalquinto, G.R. 167693, Sept. 19, 2006 and A.M. 04-10-11 SC effective Nov. 4, 2004.

[4] Id.

[5] Id.

[6] People vs. Yambao, 193 SCRA 571 (1991)

[7] People vs. Cias, G.R. No. 194379, June 1, 2011

[8]Supra at note 1

[9] People of the Philippines vs. Rodolfo Lopez, G.R. No. 179714, October 2, 2009

[10] People vs. Daramay, G.R. Nos. 140235 & 142748, May 9, 2002

[11] Malto vs. People, 533 SCRA 643 (2007)

[12] Ibid.

[13] 300 SCRA 140 (2002)

[14] pp. 9-10, TSN, February 5, 2010

[15] 297 SCRA 309 (1998)

[16] pp. 7-8, TSN, February 5, 2010; pp. 8-13, TSN, March 23, 2010

[17] p. 13, TSN, March 23, 2010,

[18] People vs. Crisostomo, G.R. No. 183090, November 14, 2011

[19] G.R. No. 164733, September 21, 2007

[20] pp. 6-9, Appellant's Brief

[21] 263 SCRA 582 (1996)

[22] People vs. Santos, 368 SCRA 535 (2001)

[23] 588 SCRA 817 (2009)

[24] People vs. Baldo, 580 SCRA 225 (2009); People vs. Sulima, 578 SCRA 415 (2009)

[25] 576 SCRA 777 (2009)

[26] Ibid.

[27] People vs. Lamberte, 142 SCRA 685 (1986)

[28] pp. 6-10, TSN, July 15, 2011

[29] pp. 15-20, Ibid,

[30] Olivarez vs. DA, 465 SCRA 465 (2005)

[31] pp. 3-4, Decision; Annex A, Appellant's Brief

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

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.