

**\*\*Title:\*\*** ABC vs. People of the Philippines

**\*\*Facts:\*\***

1. Between March 28, 2015, and March 31, 2015, in Baguio City, ABC committed acts of lasciviousness and sexual assault on AAA, a ten-year-old child and his granddaughter.
2. Three criminal informations were filed against ABC:
  - Criminal Case No. 37118-R: Accused of acts of lasciviousness by performing “push and pull” motions on AAA’s vagina and mashing her breast.
  - Criminal Case No. 37119-R: Accused of sexual assault by inserting a finger in AAA’s anal orifice.
  - Criminal Case No. 37120-R: Accused of sexual assault by inserting a finger in AAA’s vagina.
3. AAA testified to the events with help of anatomical dolls, illustrating how ABC had wronged her.
4. Upon arraignment, ABC pleaded not guilty to all charges.
5. The Family Court acquitted ABC in Criminal Cases Nos. 37118-R and 37119-R but convicted him in Criminal Case No. 37120-R for sexual assault for inserting his finger in AAA’s vagina.
6. ABC appealed, arguing the conviction for Criminal Case No. 37119-R was wrong because it pertained to the accusation concerning anal penetration, which was not proven.
7. The Court of Appeals (CA) clarified there was a typographical error in the Family Court’s decision and affirmed with modification that ABC was guilty of Criminal Case No. 37120-R.
8. ABC filed a Petition Review on Certiorari with the Supreme Court challenging the CA’s decisions.

**\*\*Issues:\*\***

1. Whether double jeopardy attached in Criminal Case No. 37120-R due to a typographical error in the Family Court’s judgment.
2. Whether AAA’s testimonies were credible in convicting ABC for sexual assault.

**Court's Decision:**

1. **Double Jeopardy:** The Supreme Court held that double jeopardy does not apply as there was no valid judgment of acquittal for Criminal Case No. 37120-R. The Family Court's ruling contained a typographical error in the case number. The substantive part of the decision clearly supported the finding of guilt for the act of inserting a finger in AAA's vagina. Thus, correcting the error did not violate ABC's rights against double jeopardy.

2. **Credibility of Testimony:** The Court found no compelling reason to doubt AAA's credibility. Her testimony was consistent and straightforward. The Court afforded weight to AAA's account over ABC's denial, noting the typical trustworthiness of a victim's declaration in sexual crimes. The trial and appellate courts' findings were affirmed, substantiating the conviction.

**Doctrine:**

- **Principle of Typographical Errors:** When a discrepancy exists between the dispositive portion (fallo) and the body of a decision, clarity from the latter may warrant modification of the former if a clerical error is evident.

- **Child Testimony in Sexual Offenses:** Testimonies of young victims, especially concerning sexual offenses, are accorded considerable weight and credibility due to their expected frankness and vulnerability.

**Class Notes:**

- **Elements of Sexual Assault under Article 266-A, paragraph 2 of the RPC:** The act of inserting a finger into the genitalia of another person constitutes sexual assault, particularly aggravated by the victim's minority and familial relationship to the perpetrator.

- **Double Jeopardy:** Under Sec. 7, Rule 117 of the Rules on Criminal Procedure, a valid acquittal or conviction is necessary for double jeopardy to bar subsequent prosecution. Errors not affecting substantive rights do not constitute double jeopardy.

**Historical Background:**

This case underscores the judiciary's diligent interpretation in cases involving typographical errors and the gravity of sexual offenses against minors. It emphasizes the importance of precise judicial documentation and declination from upholding procedural errors that lead

to substantive injustice, particularly in child protection laws within the Philippines. In the Philippine legal context, it reflects continued vigilance in cases of sexual violence, espousing stringent protection under Republic Act No. 7610 for minors against abuse.