



Republic of the Philippines  
**Supreme Court**  
Manila

**THIRD DIVISION**

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated February 13, 2023, which reads as follows:*

**G.R. No. 262871 – PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee, v. MICHAEL WAYNE ETHRIDGE, Accused-Appellant.**

**RESOLUTION**

This resolves an appeal from the Court of Appeals (CA) Decision, dated February 21, 2022,<sup>1</sup> in CA-G.R. CR-HC No. 14648. The CA affirmed with modification the Decision, dated February 6, 2020,<sup>2</sup> of the Regional Trial Court, Branch 194, Parañaque City (RTC), which found accused-appellant Michael Wayne Ethridge (**Ethridge**) guilty beyond reasonable doubt of the crime of Rape under Article 266-A, paragraph 1(a) of the Revised Penal Code, as amended (RPC).

The Court concurs with the findings of the RTC, as affirmed by the CA, that the prosecution was able to establish beyond reasonable doubt the elements of Rape under paragraph 1(a), Article 266-A of the RPC: (a) the man had carnal knowledge of a woman; and (b) he accomplished this act through force, threat or intimidation.<sup>3</sup>

Private complainant AAA,\* who was only 15 years old at the time of the incident and 16 years old when she was called to the witness stand,<sup>4</sup> narrated in detail how Ethridge succeeded in having carnal knowledge of her through force, threat, and intimidation, and her testimony was given full weight and credence by both the RTC and the CA.

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\* In line with Amended Administrative Circular No. 83-2015, as mandated by Republic Act No. 8505, the name of the private complainant, along with all other personal circumstances that may tend to establish her identity, are made confidential to protect her privacy and dignity.

<sup>1</sup> *Rollo*, pp. 9-20. Penned by Associate Justice Gabriel T. Robeniol and concurred in by Associate Justices Manuel M. Barrios and Angelene Mary W. Quimpo-Sale.

<sup>2</sup> *Id.* at 22-29. Penned by Judge Marie Grace Javier Ibay.

<sup>3</sup> *People v. Seguisabal*, G.R. No. 240424, March 18, 2021.

<sup>4</sup> *Rollo*, pp. 22-23.

Time and again the Court has held that due to the nature of the crime of Rape, the lone testimony of the victim, when found to be credible, natural, and consistent with human nature, is enough to sustain a conviction, especially where the victim is a minor.<sup>5</sup> The matter of ascribing substance to the testimonies of witnesses is best discharged by the trial court, having heard the witnesses and observed their deportment and mode of testifying during the trial. On account of this, the findings of the trial court which are factual in nature and which involve the credibility of witnesses are accorded with respect, if not finality by the appellate court, when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gathered from such findings.<sup>6</sup>

After a review of the records of the case, the Court finds no reason to depart from the RTC and the CA's factual findings.

As correctly found by the CA, the alleged inconsistency between AAA's *Sinumpaang Salaysay*, where she stated that she was ravished by Ethridge at 6:40 a.m., and her testimony in court that she went to Ethridge's apartment at around 7:20 a.m., does not affect AAA's credibility. It refers to a minor detail which does not discount the fact that Ethridge had carnal knowledge of AAA against her will. It is a well-entrenched rule that in order for inconsistencies in a witness' testimony to warrant acquittal, the same must refer to significant facts vital to the guilt or innocence of the accused or must refer to the elements of the crime.<sup>7</sup> In fact, minor inconsistencies and discrepancies in the testimonies actually tend to strengthen the credibility of the witness because they discount the possibility of them being rehearsed.<sup>8</sup> Moreover, it has long been settled that when the date and time are not essential elements of an offense, the allegation of a date nearest to the date of actual commission is sufficient.<sup>9</sup>

Also, as aptly observed by the CA, a rape victim cannot be expected to be conscious of the exact time of the commission of the crime.<sup>10</sup> As the Court held in *People v. XYZ*,<sup>11</sup> it is only natural for the rape victim to forget some details of her traumatic and horrifying experience.

Neither AAA's lack of physical injury nor the absence of fresh lacerations on her hymen exculpates Ethridge. The Court has repeatedly held that the absence of physical injuries and fresh hymenal lacerations does not

<sup>5</sup> *People v. Banayat*, 828 Phil. 231 (2018); *People v. Zabala*, 456 Phil. 237 (2003).

<sup>6</sup> *People v. Ovani, Jr.*, G.R. No. 247624, June 16, 2021.

<sup>7</sup> *People v. Ferrer*, G.R. No. 237215, June 28, 2021.

<sup>8</sup> *People v. Licayan*, 765 Phil. 156 (2015).

<sup>9</sup> *People v. Awing*, 404 Phil. 815 (2001).

<sup>10</sup> *Rollo*, p. 15.

<sup>11</sup> G.R. No. 246975, March 23, 2022.

negate rape because physical injuries and fresh hymenal lacerations are not among the essential elements in the prosecution for Rape.<sup>12</sup>

The Court is also not convinced that AAA's act of going to Ethridge's apartment after receiving lewd comments from him cast serious doubt on AAA's credibility. AAA testified that Ethridge previously told her that he wanted to have sex with her.<sup>13</sup> The defense claims that "if [AAA's] version is to be believed, it is quite baffling why she still opted to come back to [Ethridge's] apartment the next day on her own, despite what [Ethridge] had said he wanted to do with her."<sup>14</sup> This reasoning deserves scant consideration. It constitutes victim blaming, an abhorrent practice prevalent in sexual abuse cases which the Court should not tolerate especially in this case where the victim is a minor.

The Court also finds that AAA's decision to attend school after the incident instead of immediately going home and reporting the abuse to her aunt is not fatal to the prosecution's case. As the Court held in *People v. Alarcon*,<sup>15</sup> "different people react differently to a given situation or type of situation and there is no standard form of human behavioral response when one is confronted with a strange, startling or frightful experience." Thus, the failure of a victim to immediately report the rape does not necessarily weaken the case against the accused.

As regards Ethridge's defenses of denial and *alibi*, the Court finds that they cannot outweigh the positive and credible testimony of AAA. These negative defenses are self-serving and undeserving of weight in law absent clear and convincing proof.<sup>16</sup> For the defense of *alibi* to prosper, the accused must prove that he was at some other place at the time of the commission of the crime and it was physically impossible for him to be at the *locus delicti* or within its immediate vicinity.<sup>17</sup>

As the RTC aptly found, Ethridge failed to meet the requirements for his defense of *alibi* to prosper. The evidence adduced by Ethridge only establishes that he was at the Manila City Hall in the morning of February 17, 2017, the date of the incident, and encashed a check at 9:32 a.m. of the same day at Land Bank of the Philippines Arroceros Branch, which is just across the Manila City Hall.<sup>18</sup> This does not make it impossible for Ethridge to have committed the crime charged in his apartment in Parañaque City, which occurred at around 6:40 to 7:20 a.m. His claim that he left his house at around 6:20 a.m. and arrived at the United States Embassy in Manila at around 7:20

<sup>12</sup> *People v. Manuel, Jr.*, G.R. No. 247976, May 14, 2021.

<sup>13</sup> CA rollo, pp. 32-33.

<sup>14</sup> *Id.* at 34-35.

<sup>15</sup> 638 Phil. 660 (2010).

<sup>16</sup> *People v. Campos*, G.R. No. 252212, July 14, 2021.

<sup>17</sup> *People v. Moreno*, G.R. No. 191759, March 2, 2020.

<sup>18</sup> Rollo, pp. 25-27.

a.m. then proceeded to the Manila City Hall, where he arrived at around 7:55 to 8:00 a.m. and stayed until 12:00 noon was unsubstantiated and uncorroborated.

The CA also correctly increased the award of civil indemnity and moral and exemplary damages to PHP 75,000.00 each, consistent with *People v. Jugueta*.<sup>19</sup>

In view of the foregoing, the Court resolves to dismiss the appeal for failure to sufficiently show that the CA committed any reversible error in rendering the assailed Decision.

**WHEREFORE**, the appeal is **DISMISSED**. The Decision, dated February 21, 2022 of the Court of Appeals in CA-G.R. CR-HC No. 14648 is **AFFIRMED**.

**SO ORDERED.**

By authority of the Court:

*Misael DC Batt*  
**MISAEL DOMINGO C. BATTUNG III**  
Division Clerk of Court  
*3/2/23*

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The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 194, 1700 Paranaque City  
(Criminal Case. No. 2017-0253)

Gen. Gregorio Pio P. Catapang Jr., AFP (Ret.) CESE  
Acting Director General  
BUREAU OF CORRECTIONS  
New Bilibid Prison  
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<sup>19</sup> 783 Phil. 806 (2016).

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**G.R. No. 262871**

*Jem*

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