



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **March 6, 2023**, which reads as follows:*

**G.R. No. 264798 – RODEL SALIGUMBA y RAYMUNDO,\***  
*Petitioner, v. PEOPLE OF THE PHILIPPINES, Respondent.*

This involves a Petition for Review on *Certiorari*<sup>1</sup> (**Petition**) filed by petitioner Rodel Saligumba y Raymundo (**Saligumba**) to assail the March 24, 2022 Decision<sup>2</sup> and December 12, 2022 Resolution<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. CR No. 44785. The CA affirmed the December 23, 2019 Decision<sup>4</sup> of the Regional Trial Court, Branch 229, Quezon City (**RTC**) in Criminal Case No. R-QZN-16-07142-CR, convicting Saligumba of Sexual Assault under Article 266-A(2) of the Revised Penal Code (**RPC**), in relation to Section 5(b) of Republic Act No. (**RA**) 7610<sup>5</sup> or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

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 Sexual Assault under Article 266-A(2) of the RPC, in relation to Section 5(b) of RA 7610, which is committed when: (1) the victim is a child, male or female, under 12 years of age; and (2) the offender inserts any instrument or object into the genital or anal orifice of the victim.<sup>6</sup>

It is undisputed that the victim AAA, having been born on [REDACTED], was under 12 years old when the incident occurred sometime in September 2013. She testified that Saligumba inserted his finger into her

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\* In line with Amended Administrative Circular No. 83-2015, the name of the private offended party, along with all other personal circumstances that may tend to establish her identity, is made confidential to protect her privacy and dignity.

<sup>1</sup> *Rollo*, pp. 3-23.

<sup>2</sup> *Id.* at 31-66. Penned by Associate Justice Lorenza R. Bordios and concurred in by Associate Justices Ramon M. Bato, Jr. and Rafael Antonio M. Santos.

<sup>3</sup> *Id.* at 27-29. Penned by Associate Justice Lorenza R. Bordios and concurred in by Associate Justices Ramon M. Bato, Jr. and Rafael Antonio M. Santos.

<sup>4</sup> *Id.* at 120-136. Penned by Judge Cleto R. Villacorta III.

<sup>5</sup> Approved on June 17, 1992.

<sup>6</sup> *People v. Pueyo*, G.R. No. 192327, February 26, 2020, 933 SCRA 522, 532.

vagina. Both the RTC and the CA gave full weight and credence to AAA's testimony, who was only nine years old when she testified.<sup>7</sup>

Time and again the Court has stressed that 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>8</sup>

Contrary to Saligumba's contention, the Court cannot simply discount the testimony of AAA on account of her minority. In fact, this circumstance should be appreciated in her favor. In *People v. Baylon*,<sup>9</sup> the Court had the occasion to rule that where the victims are of tender years, "there is a marked receptivity on [the Court's] part to lend credence to their version of what transpired," a matter that is not to be wondered at, since the State, as *parens patriae*, is under the obligation to minimize the risk of harm to those who, because of their minority, are not yet able to fully protect themselves.<sup>10</sup> As further explained by the Court in *ABC v. People*:<sup>11</sup>

As regards petitioner's contention that the court a quo failed to consider the inconsistencies in the prosecution's evidence, the Court agrees with the findings of both the Family Court and the CA as to the credibility of AAA who was only 10 years old at the time of the incident. The straightforward and categorical testimony of AAA and her positive identification of petitioner must prevail over the uncorroborated and self-serving denial of the latter. **Moreover, AAA, being a child-victim, the Court is inclined to normally give full weight and credit to her testimony, since when a girl of tender age and immaturity says that she has been raped, or as in this case, sexually assaulted, she says in effect all that is necessary to show that rape has in fact been committed. A young girl's revelation that she had been raped or sexually assaulted, coupled with her voluntary submission to medical examination and willingness to undergo public trial where she could be compelled to give out the details of an assault on her dignity, cannot be so easily dismissed as mere concoction.**<sup>12</sup> (Emphasis supplied)

To emphasize, AAA was only five years old at the time of the commission of the crime and nine years old when she testified.

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<sup>7</sup> *Rollo*, p. 40.

<sup>8</sup> *People v. Ovani, Jr.*, G.R. No. 247624, June 16, 2021.

<sup>9</sup> 156 Phil. 87 (1974).

<sup>10</sup> *People v. Cabodac*, 284-A Phil. 303, 312 (1992).

<sup>11</sup> G.R. No. 241591, July 8, 2020, 942 SCRA 48.

<sup>12</sup> *Id.* at 58-59.

With regard to Saligumba's argument that the absence of hymenal laceration belies AAA's claim that Saligumba inserted his finger into her vagina, suffice it to state that hymenal laceration is not an element of Sexual Assault. In any case, Dr. Annalee C. Palma (**Dr. Palma**), the Medico-Legal expert, confirmed the possibility of AAA not sustaining any hymenal injury even if a finger was indeed inserted into her vagina.<sup>13</sup>

The Court likewise agrees with the RTC and the CA that AAA's direct, positive, and straightforward narration of the incident in detail prevails over Saligumba's denial and unsupported allegations that he was somewhere else at the time of the commission of the crime.

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. These requirements of time and place must be strictly met.<sup>14</sup> Saligumba miserably failed in this regard.

As correctly held by the CA, neither the Certification from Saligumba's employer nor the Board Resolution constitutes clear and convincing proof that Saligumba was not at the place of the commission of the crime. At most, the Certification from Saligumba's employer at that time only proves that he reported for work in September 2013 but it does not discount the possibility that Saligumba was at the crime scene at the time of the commission of the crime. On the other hand, the Board Resolution only establishes that outsiders were not allowed in the subdivision where the crime was committed and where AAA was residing. It must be underscored that Saligumba was no stranger to the subdivision as he was a friend of AAA's mother and a drinking buddy of her uncle and thus frequented AAA's house.<sup>15</sup>

In view of the foregoing, the Court sees no cogent reason to deviate from the unanimous findings and legal conclusions reached by the RTC and the CA with respect to the guilt of Saligumba.

The nomenclature of the crime and the civil indemnity and damages awarded by the RTC are in line with the Court's ruling in the case of *People v. Tulagan (Tulagan)*.<sup>16</sup> The CA's imposition of PHP 15,000.00 fine is also consistent with Section 31(f) of RA 7610.<sup>17</sup> However, the penalty must be

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<sup>13</sup> Rollo, p. 58.

<sup>14</sup> *Carpio v. People*, G.R. No. 211691, April 28, 2021.

<sup>15</sup> Rollo, pp. 61-62.

<sup>16</sup> 849 Phil. 197 (2019).

<sup>17</sup> Section 31 (f) of RA 7610 provides that "a fine to be determined by the court shall be imposed and administered as a cash fund by the Department of Social Welfare and Development and disbursed for the rehabilitation of each child victim, or any immediate member of his family if the latter is the perpetrator of the offense."

modified. The maximum of the indeterminate sentence should be fifteen (15) years, six (6) months, and twenty-one (21) days, instead of twenty (20) days.

*Tulagan*<sup>18</sup> provides that the imposable penalty for Sexual Assault under Article 266-A(2) of the RPC, in relation to Section 5(b) of RA 7610, is *reclusion temporal* in its medium period, which ranges from fourteen (14) years, eight (8) months, and one (1) day to seventeen (17) years and four (4) months. Applying the provisions of the Indeterminate Sentence Law<sup>19</sup> and considering the absence of any mitigating or aggravating circumstance in this case, the maximum term of Saligumba's sentence shall be taken from the medium period of *reclusion temporal* medium, which ranges from fifteen (15) years, six (6) months, and twenty-one (21) days to sixteen (16) years, five (5) months, and ten (10) days. On the other hand, the minimum term shall be taken from the penalty next lower to *reclusion temporal* medium, i.e., *reclusion temporal* minimum, which ranges from twelve (12) years and one (1) day to fourteen (14) years and eight (8) months, considering the absence of any mitigating or aggravating circumstance in this case. While the minimum term imposed by the RTC, as affirmed by the CA, was well within the range prescribed by law, the maximum term must be increased to fifteen (15) years, six (6) months, and twenty-one (21) days to comply with the law.

**WHEREFORE**, the Petition for Review on *Certiorari* is **DENIED**. The March 24, 2022 Decision and the December 12, 2022 Resolution of the Court of Appeals in CA-G.R. CR No. 44785 finding petitioner Rodel Saligumba y Raymundo **GUILTY** beyond reasonable doubt of Sexual Assault under Article 266-A(2) of the Revised Penal Code, in relation to Section 5(b) of Republic Act No. 7610, are **AFFIRMED with MODIFICATION**, in that petitioner is sentenced to suffer the indeterminate penalty of twelve (12) years, ten (10) months, and twenty-one (21) days of *reclusion temporal*, as minimum, to fifteen (15) years, six (6) months, and twenty-one (21) days of *reclusion temporal*, as maximum. The imposition of fine in the amount of PHP 15,000.00 and the award of moral damages, exemplary damages, and civil indemnity are maintained. All amounts due shall earn interest at the rate of six percent (6%) per annum from the finality of this Resolution until full satisfaction.

**SO ORDERED.**

By authority of the Court:

*Misa D C Batt*  
**MISAELO DOMINGO C. BATTUNG III**  
*Division Clerk of Court*

<sup>18</sup> *People v. Tulagan, supra.*

<sup>19</sup> Act No. 4103. Approved on December 5, 1933.

Atty. Virgilio S. Ferrer II  
Counsel for Petitioner  
14 Mahusay St., U.P. Village  
1100 Quezon City

COURT OF APPEALS  
CA-G.R. CR No. 44785  
1000 Manila

OFFICE OF THE SOLICITOR GENERAL  
143 Amorsolo Street  
1229 Legaspi Village, Makati City

The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 229, Quezon City  
(Criminal Case No. R-QZN-16-07142-CR)

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**G.R. No. 264798**

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