



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Cagayan de Oro City  
SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **March 8, 2023** which reads as follows:*

**“G.R. No. 258854 (PEOPLE OF THE PHILIPPINES, Plaintiff-appellee v. EDWIN GARCIA MENDOZA @ “PINGAS,” Accused-appellant).** — On appeal<sup>1</sup> is the Decision<sup>2</sup> dated September 15, 2020 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 10961 which affirmed the Decision<sup>3</sup> of the Regional Trial Court [REDACTED]<sup>4</sup> (RTC) in Criminal Case No. 10-6151 finding Edwin Garcia Mendoza @ “Pingas” (Pingas) guilty beyond reasonable doubt of the crime of statutory rape.

The antecedents follow.

On May 28, 2010, Pingas was charged with statutory rape, to wit:

That on or about the 23<sup>rd</sup> day of May, 2010 at [REDACTED] [REDACTED] province of Pampanga, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs did then and there willfully, unlawfully and feloniously have carnal knowledge with the offended party, [AAA258854],<sup>5</sup> 5 years old, minor, born on November 11, 2004, by then

<sup>1</sup> See Notice of Appeal dated October 14, 2020; *rollo*, p. 3–4.

<sup>2</sup> *Id.* at 8–24. Penned by Associate Justice Geraldine C. Fiel-Macaraig, with the concurrence of Associate Justices Danton Q. Bueser and Alfredo D. Ampuan.

<sup>3</sup> *Id.* at 26–56. Penned by Presiding Judge Maria Angelica T. Paras-Quiambao.

<sup>4</sup> Supreme Court Amended Administrative Circular No. 83-2015 states that the geographical location where the crime was committed should refer only to the province where the crime occurred. References to the specific barangay or town should be blotted out from the body of the court decision if its identification could lead to the disclosure of the women or children victims.

<sup>5</sup> The identity of the victim or any information which could establish or compromise their identity, and those of their immediate family or household members, shall be withheld pursuant to Republic Act (RA) No. 7610, entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES,” approved on June 17, 1992; RA No. 9262, entitled “AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES,” approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, entitled “RULE ON VIOLENCE AGAINST WOMEN AND THEIR CHILDREN,” effective November 15, 2004.

and there, inserting his penis into her vagina against her will and without her consent.

CONTRARY TO LAW.<sup>6</sup>

Upon arraignment, Pingas entered a plea of *not guilty*. Trial then ensued.<sup>7</sup>

The prosecution presented six witnesses, namely: (1) the victim, AAA258854; (2) AAA258854's mother, BBB258854; (3) AAA258854's neighbor, Alma Calma Galang (Alma); (4) Records Officer of the [REDACTED] District Hospital, Cyra Cano Garbo (Cyra); (5) Bantay Bayan Member, Jeowel Reyes Regalario (Jeowel); and (6) Dr. Stephen Reyes Aurelio (Dr. Aurelio). The prosecution offered AAA258854's Certificate of Live Birth<sup>8</sup> which showed that AAA258854 was born on November 11, 2004 and was five years old when the incident happened. AAA258854 testified that on May 23, 2010, Pingas was having a drinking spree with her father, CCC258854. Later that day, Pingas asked AAA258854 and her cousins to play with him near the creek at the back of their house. While they were playing outside, AAA258854's cousins had to visit their grandmother, leaving AAA258854 alone with Pingas. Pingas then exposed his penis and pulled down AAA258854's shorts and underwear up to her knees. Pingas went on top of AAA258854 and forced his penis in her vagina. AAA258854 claimed she felt a sharp pain in her private parts. Pingas stopped when their neighbor, Alma, shouted "*Rape[!] Rape[!]*" When all of AAA258854's relatives came out of their house, Pingas ran away. BBB258854 rushed to help AAA258854 while CCC258854 chased after Pingas.<sup>9</sup>

BBB258854 testified that she saw AAA258854 by the creek moments after the incident. AAA258854 was quivering and crying while BBB258854 helped her wear her panty. AAA258854 told BBB258854 that Pingas removed her panty, went on top of her, and forcibly inserted his penis into her vagina. BBB258854 then sought the help of her father-in-law. Together, they brought AAA258854 to the [REDACTED] District Hospital where she was examined by Dr. Maranatha M. Zablan (Dr. Maranatha), the resident on duty who prepared the Medico-Legal Certificate. Dr. Maranatha found that there was a laceration in AAA258854's vagina and she issued her a prescription for antibiotics. According to BBB258854, AAA258854 continued to cry and was traumatized after the incident. AAA258854 lost her appetite and had frequent nightmares.<sup>10</sup>

Cyra, in her capacity as Records Officer of the [REDACTED] District Hospital, certified the following documents during her testimony: (1) the copy of the excerpts from the logbook of the [REDACTED] District Hospital on May 23, 2010 showing the name of AAA258854; (2) the Medico-Legal

<sup>6</sup> Records, p. 2.

<sup>7</sup> *Rollo*, pp. 10 and 29.

<sup>8</sup> Records, p. 14.

<sup>9</sup> *Rollo*, pp. 11 and 33-34.

<sup>10</sup> *Id.* at. 11-12 and 35.

Certificate of AAA258854 issued by Dr. Maranatha; and (3) the test results of AAA258854 issued by Dr. Maranatha.<sup>11</sup>

Alma, AAA258854's neighbor, declared that at around 5:30 in the afternoon on May 23, 2010, she was on her way to the store when she saw two persons having sexual intercourse near the creek. She looked closer and saw Pingas forcing himself on AAA258854. She shouted for help and identified the face of Pingas who stood up and ran away. Joewel, the Bantay Bayan Member, confirmed that he met AAA258854 and BBB258854 after the incident. At that time, he was walking on his way to a meeting with his fellow Bantay Bayan members. Joewel recalled that BBB258854 and AAA258854 were both crying when they told him of the rape incident.<sup>12</sup>

Dr. Aurelio was presented as an expert witness in his capacity as the incoming chief resident of the [REDACTED] District Hospital. Dr. Aurelio identified and confirmed the Medico-Legal Certificate issued by Dr. Maranatha showing the following findings: (1) soil/sandy particles on labia majora and labia minora and around the anal area; (2) erythematous labia minora; (3) erythematous hymen with swelling and incomplete laceration at the 11 o' clock position; and (4) bleeding/discharge/hematoma Rectal – E/N. Dr. Aurelio confirmed his signature found in the Medico-Legal Certificate. On cross examination, Dr. Aurelio explained that the findings of the laceration of the hymen may have been caused by inserting a hard object, *i.e.*, an erect penis.<sup>13</sup>

The defense presented the following witnesses: (1) Pingas; (2) Eduardo G. Mendoza (Eduardo), brother of Pingas; and (3) DDD258854, a distant relative of AAA258854. Pingas denied all the allegations against him. Pingas testified that he was at home at about 9:00 in the morning on May 23, 2010 when he was invited to drink at his brother-in-law's house. Around 3:00 in the afternoon, CCC258854 invited him to continue their drinking spree in their house. Pingas claimed that as he went to urinate at the back of CCC258854's house, his drinking companions suddenly punched and continuously hit him for no apparent reason. For fear of his life and safety, he stood up and ran away. He continued to run as the people who mauled him continued to chase after him.<sup>14</sup>

DDD258854 claimed that she was playing with AAA258854 and Pingas near the creek on May 23, 2010 and that AAA258854 was not raped. On cross examination, DDD258854 declared that Pingas lied in his testimony when he mentioned that he was only outside of the house to urinate. DDD258854 averred that the statement was false because Pingas actually played with her and AAA258854 and that they were building mountains of sand outside AAA258854's house.<sup>15</sup> Finally, Eduardo testified that the

<sup>11</sup> *Id.* at 12 and 36.

<sup>12</sup> *Id.* at 12 and 36–39.

<sup>13</sup> *Id.* at 13 and 37.

<sup>14</sup> *Id.* at 13–14 and 41–42.

<sup>15</sup> *Id.* at 14 and 42–43.

present case was filed out of spite since he threatened to file a case against CCC258854 for the mauling incident of his brother, Pingas, on May 23, 2010.<sup>16</sup>

In a Decision<sup>17</sup> dated March 12, 2018, the RTC convicted Pingas of the crime charged. The RTC held that the prosecution successfully established all the elements of rape under Article 266-A, paragraph 1 of the Revised Penal Code (RPC). The RTC found the testimonies of the prosecution witnesses as categorical, convincing, and straightforward and rejected Pingas's self-serving defense of alibi,<sup>18</sup> thus:

WHEREFORE, premises considered, judgement is hereby rendered finding the accused Edwin Garcia Mendoza @ Pingas GUILTY BEYOND REASONABLE DOUBT of the crime of RAPE under Article 266-A, paragraph 1 of the Revised Penal Code, as amended, with the qualifying circumstance that the victim is a child below seven (7) years old as embodied in the Information dated May 24, 2010.

Accordingly, accused Edwin Garcia Mendoza @ Pingas is hereby SENTENCED to suffer the penalty of *reclusion perpetua* with credit of his preventive imprisonment, without eligibility for parole.

Further, accused Edwin Garcia Mendoza @ Pingas is ORDERED to PAY private complainant [AAA258854]:

- (1) Civil indemnity in the amount of One hundred thousand pesos ([PHP] 100,000.00);
- (2) Moral damages in the amount of One hundred thousand pesos ([PHP] 100,000.00); and
- (3) Exemplary damages in the amount of One hundred thousand pesos ([PHP] 100,000.00).

Finally, accused Edwin Garcia Mendoza @ Pingas is ORDERED to PAY [AAA258854] interest at six [percent] (6%) per annum on all damages awarded from the date of finality of this Decision until fully paid.

No costs.

SO ORDERED.<sup>19</sup>

Pingas elevated<sup>20</sup> the case to the CA assailing the credibility of AAA258854's testimony.<sup>21</sup>

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<sup>16</sup> *Id.* at 14 and 43-44.

<sup>17</sup> *Id.* at 26-56.

<sup>18</sup> *Id.* at 46-56.

<sup>19</sup> *Id.* at 55-56.

<sup>20</sup> See Brief for the Accused-Appellant dated November 20, 2018; CA *rollo*, pp. 32-45.

<sup>21</sup> *Id.* at 38-44.

In a Decision<sup>22</sup> dated September 15, 2020, the CA affirmed his conviction. The CA found nothing in the records to doubt the credibility of the victim and the other prosecution witnesses.<sup>23</sup>

WHEREFORE, the Appeal is DISMISSED. The Decision of the Regional Trial Court, Branch 59, [REDACTED] dated 12 March 2018, is hereby AFFIRMED.

SO ORDERED.<sup>24</sup>

Hence, the appeal.<sup>25</sup> Pingas argues that the prosecution failed to establish the elements of statutory rape beyond reasonable doubt and that testimonies of the prosecution witnesses lacked credibility as they were tainted with inconsistencies.<sup>26</sup>

The appeal is unmeritorious.

The crime of statutory rape is defined under Article 266-A,<sup>27</sup> paragraph 1(d) of the RPC, as amended by Republic Act No. (RA) 8353,<sup>28</sup> and has the following elements: (1) the offended party is under 12 years of age; and (2) the accused had carnal knowledge of the victim.<sup>29</sup> Meanwhile, Article 266-B of the RPC qualifies the crime of rape when the victim is a child below seven years old. The crime is committed regardless of whether there was force, threat, or intimidation; fraud or grave abuse of authority; and whether the victim was deprived of reason or consciousness.<sup>30</sup> It is enough that the age of the victim is proven and that there was sexual intercourse.<sup>31</sup>

Here, the prosecution established that Pingas had carnal knowledge of AAA258854 who was born on November 11, 2004 and was five years old at the time of the rape on May 23, 2010. The age of the victim was confirmed when the prosecution presented the Certificate of Live Birth of AAA258854. In her testimony, AAA258854 vividly recounted the incidents on how Pingas raped her outside of their house and near the creek. AAA258854 categorically stated that when her cousins left, Pingas showed his penis, removed her shorts,

<sup>22</sup> *Rollo*, pp. 8–24.

<sup>23</sup> *Id.* at 17–24.

<sup>24</sup> *Id.* at 24.

<sup>25</sup> See Notice of Appeal dated October 14, 2020; *id.* at 3–4.

<sup>26</sup> See Manifestation in Lieu of Supplemental Brief dated August 4, 2022; *id.* at 64–65. See also *CA rollo*, pp. 38–44.

<sup>27</sup> Article 266-A. *Rape: When and How Committed*. — Rape is committed:

- 1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:
  - a) Through force, threat, or intimidation;
  - b) When the offended party is deprived of reason or is otherwise unconscious;
  - c) By means of fraudulent machination or grave abuse of authority; and
  - d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

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<sup>28</sup> Entitled “AN ACT EXPANDING THE DEFINITION OF THE CRIME OF RAPE, RECLASSIFYING THE SAME AS A CRIME AGAINST PERSONS, AMENDING FOR THE PURPOSE ACT 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE AND FOR OTHER PURPOSES,” approved September 30, 1997.

<sup>29</sup> *People v. Ronquillo*, 818 Phil. 641, 648 (2017) [Per J. Martires, Third Division].

<sup>30</sup> *People v. Guitierrez*, 731 Phil. 352, 357 (2014) [Per J. Leonen, Third Division].

<sup>31</sup> *People v. Manson*, 801 Phil. 130, 137 (2016) [Per J. Peralta, Third Division].

and went on top of her. She vividly recalled that she felt pain in her private parts while Pingas forced his penis into her vagina. AAA258854's testimony was substantially corroborated by Alma who saw Pingas having carnal knowledge with AAA258854 near the creek. Further, the findings in the Medico-Legal Certificate are consistent with the witnesses's testimonies that AAA258854 was raped. Dr. Maranatha found that AAA258854 suffered an erythematous hymen with swelling and incomplete laceration at the 11 o' clock position, as well as an erythematous labia minora.<sup>32</sup>

Pingas assails his conviction of qualified statutory rape on the ground that the testimony of the victim is incredible. He points out that it is hard to believe that AAA258854 did not cry, shout, or ask for help despite her claim that she felt pain in her private parts.<sup>33</sup> On this point, we stress that the CA and the RTC's assessment on the credibility of the prosecution witnesses and the veracity of the victim's testimony are given the highest degree of respect,<sup>34</sup> especially if there is no fact or circumstance of weight or substance that was overlooked, misunderstood, or misapplied, which could affect the result of the case.<sup>35</sup> Moreover, the trial court had the best opportunity to determine the credibility of the prosecution witness, having evaluated AAA258854's emotional state, reactions, and overall demeanor in open court.

AAA258854's positive identification of Pingas as the perpetrator of the crime and her categorical account of what transpired deserve full weight and credit. As the CA pointed out, it is highly improbable that a girl of tender years, one not yet exposed to the ways of the world, would impute to any man a crime so serious as rape if what she claims is not true.<sup>36</sup> A young victim's revelation that she had been raped, coupled with her 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 a mere concoction. Corollarily, Pingas's defense of denial and alibi cannot prevail over the positive declaration of the victim. These negative defenses are self-serving and undeserving of weight in law absent clear and convincing proof.<sup>37</sup> Here, Pingas did not adduce evidence that he was somewhere else when the crime was committed and that it was physically impossible for him to be present at the crime scene or its immediate vicinity at the time of its commission.<sup>38</sup> To be sure, there are glaring inconsistencies in Pingas's alibi. On cross-examination, DDD258854 confirmed that Pingas lied in his testimony when he mentioned that he went outside of CCC258854's house to urinate when in fact he was there because he had asked AAA258854 and her cousins to play outside.

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<sup>32</sup> *Rollo*, pp. 11-13 and 33-40.

<sup>33</sup> *Id.* at 15-16.

<sup>34</sup> *People v. Matignas*, 428 Phil. 834, 868-869 (2002) [Per J. Panganiban, *En Banc*], citing *People v. Basquez*, 418 Phil. 426, 439 (2001) [Per J. Panganiban, Third Division]; *People v. Jaberto*, 366 Phil. 556, 558 (1999) [Per J. Panganiban, Third Division]; and *People v. Deleverio*, 352 Phil. 382, 401 (1998) [Per J. Vitug, *En Banc*].

<sup>35</sup> *People v. Grosco*, 757 Phil. 299, 310 (2015) [Per J. Villarama, Jr., Third Division], citing *People v. De Leon*, 608 Phil. 701, 721 (2009) [Per J. Peralta, Third Division].

<sup>36</sup> *Rollo*, p. 20.

<sup>37</sup> *People v. Togahan*, 551 Phil. 997, 1013-1014 (2007) [Per J. Tinga, Second Division].

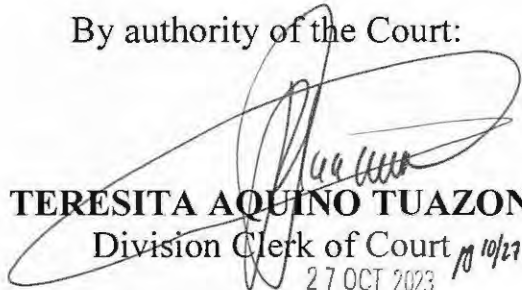
<sup>38</sup> *People v. Espina*, 383 Phil. 656, 668 (2000) [Per J. Quisumbing, Second Division].

All told, Pingas is guilty of statutory rape in its qualified form. The Court fully agrees with the CA and the RTC that the prosecution has established the gravamen of the crime with the attending qualifying circumstance of age of the victim. Applying Article 266-B of the RPC, the CA and the RTC correctly imposed the penalty of *reclusion perpetua without eligibility for parole* in view of RA 9346<sup>39</sup> which prohibits the imposition of the death penalty and the guidelines of this Court in A.M. No. 15-08-02-SC.<sup>40</sup> As to the damages, the CA aptly awarded civil indemnity, moral damages, and exemplary damages at PHP 100,000.00 each.<sup>41</sup> The CA likewise correctly imposed legal interest at the rate of 6% per annum interest upon the total indemnities from the finality of this Resolution until full payment, in line with current jurisprudence.<sup>42</sup>

**FOR THESE REASONS**, the appeal is **DISMISSED**. The Decision dated September 15, 2020 of the Court of Appeals in CA-G.R. CR-HC No. 10961 is **AFFIRMED**. Edwin Garcia Mendoza @ “Pingas” is found **GUILTY** beyond reasonable doubt of qualified statutory rape under Article 266-A, paragraph 1(a) of the Revised Penal Code in relation to Article 266-B, as amended by Republic Act No. 8353, and is sentenced to suffer the penalty of *reclusion perpetua* without eligibility of parole. He is also **DIRECTED** to pay the victim the amounts of PHP 100,000.00 as civil indemnity, PHP 100,000.00 as moral damages, PHP 100,000.00 as exemplary damages, all with legal interest at the rate of 6% per annum from the finality of this Resolution until full payment.

**SO ORDERED.”**

By authority of the Court:

  
**TERESITA AQUINO TUAZON**  
Division Clerk of Court *10/27*  
27 OCT 2023

<sup>39</sup> Entitled “AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES,” approved on June 24, 2006.

<sup>40</sup> Entitled “GUIDELINES FOR THE PROPER USE OF THE PHRASE ‘WITHOUT ELIGIBILITY FOR PAROLE’ IN INDIVISIBLE PENALTIES,” approved on August 4, 2015. The guidelines provide: “[w]hen circumstances are present warranting the imposition of the death penalty, but this penalty is not imposed because of [RA No.] 9346, the qualification of ‘*without eligibility of parole*’ shall be used to qualify *reclusion perpetua* in order to emphasize that the accused should have been sentenced to suffer the death penalty had it not been for [RA] No. 9346.”

<sup>41</sup> *People v. Jugueta*, 783 Phil. 806, 848 (2016) [Per J. Peralta, *En Banc*].

<sup>42</sup> *Nacar v. Gallery Frames*, 716 Phil. 267, 282–283 (2013) [Per J. Peralta, *En Banc*].

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EDWIN GARCIA MENDOZA @ "PINGAS" (reg)  
Accused-Appellant  
c/o The Director  
Bureau of Corrections  
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THE DIRECTOR (reg)  
Bureau of Corrections  
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 59  
██████████, Pampanga  
(Crim. Case No. 10-6151)

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