



REPUBLIC OF THE PHILIPPINES

**Sandiganbayan**

Quezon City

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**SPECIAL THIRD DIVISION**

PEOPLE OF THE PHILIPPINES,  
*Plaintiff,*

Crim. Case No. **SB-08-CRM-0418**  
and **SB-08-CRM-0419**

For: Violation of R.A. No. 7610  
(*Special Protection of Children Against  
Child Abuse, Exploitation and  
Discrimination Act*) and Violation of  
Sec. 1 (g) of P.D. No. 1829 (*Penalizing  
Obstruction of Apprehension and  
Prosecution of Criminal Offender*)

- versus -


*Present:*

CABOTAJE-TANG, PJ., *Chairperson*  
MARTIRES, J. and  
QUIROZ, J.

Promulgated:

JULIUS C. PADIOS


*Accused.*

JUNE 3, 2016 

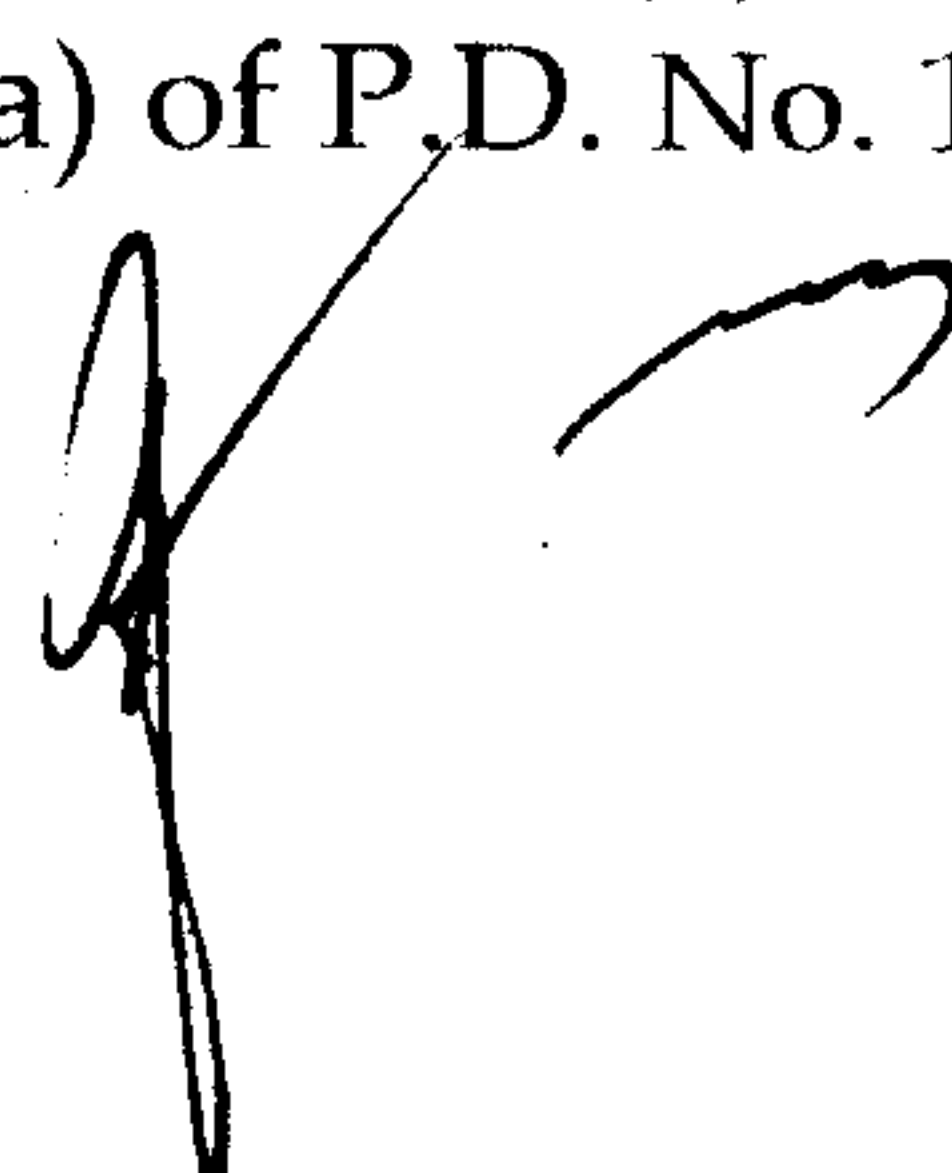
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**JOINT RESOLUTION**

*Martires, J.:*

This resolves the *Joint Motion for Reconsideration* of the accused seeking the reversal of this Court's Joint Decision<sup>1</sup> finding him guilty beyond reasonable doubt for violation of Section 10 (a), Article VI of R.A. No. 7610 and for violation of Section 1 (a) of P.D. No. 1829. 

<sup>1</sup> Promulgated on April 30, 2015; Records Vol. III, pp. 15-52.



This Court found the acts of the accused in making the complainant, a child below eighteen years old, take off her clothes, offering to conduct an examination on her, as well as, kissing her on the lips constituting the acts of child abuse under R.A. No. 7610. Also, using bribery, misrepresentation, deceit, intimidation, force or threats to prevent the complainant to be a witness in the rape case before the RTC Branch 40 of Silay City the accused is found in violation of P.D. No. 1829.

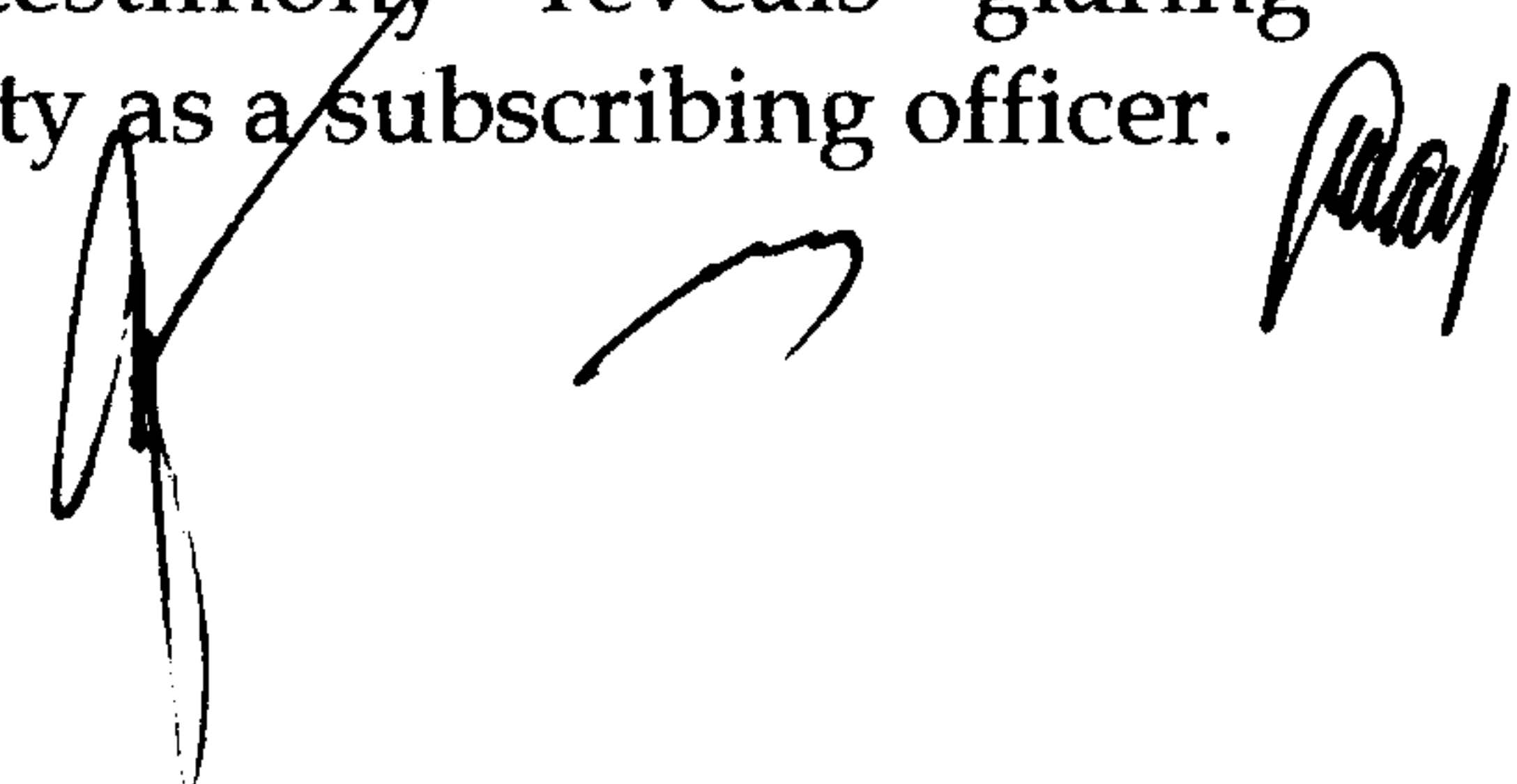
In his Motion<sup>2</sup>, accused contests the findings of this Court which raises the following arguments, *to wit*:

- (1) that the prosecution was not able to prove, with the required quantum and sufficiency of evidence, the guilt of the accused beyond reasonable doubt for violation of R.A. No. 7610 as there were indeed glaciers of doubts in the totality of the evidence;
- (2) that even though an affidavit of desistance may not be looked upon with favor, it is also true that the same may create serious doubts as to the liability of the accused;
- (3) that this Court failed to consider in resolving the case the evidentiary weight of the testimony of Prosecutor Thelma J. Seva which was never rebutted nor countervailed by the prosecution; and,
- (4) that this Court erred in convicting the accused of violation of Section 1 (a) of P.D. No. 1829 considering the prosecution failed to prove all the elements of the said offense.

In its Comment/Opposition<sup>3</sup>, the prosecution states that the arguments and issues raised by the accused are verbatim repetitions and/or rehash of his Memorandum submitted to this Court, and that all the said arguments and issues were sufficiently discussed and ruled upon in the assailed Decision. Prosecution further submits that the accused witness Deputy Prosecutor Thelma Seva is perceived to be a lying and biased witness, and her testimony reveals glaring irregularities in the performance of her duty as a subscribing officer.

<sup>2</sup> Dated May 14, 2015, Records Vol. III, pp. 57-86.

<sup>3</sup> Dated June 9, 2015, Records Vol. III, pp. 88-98.



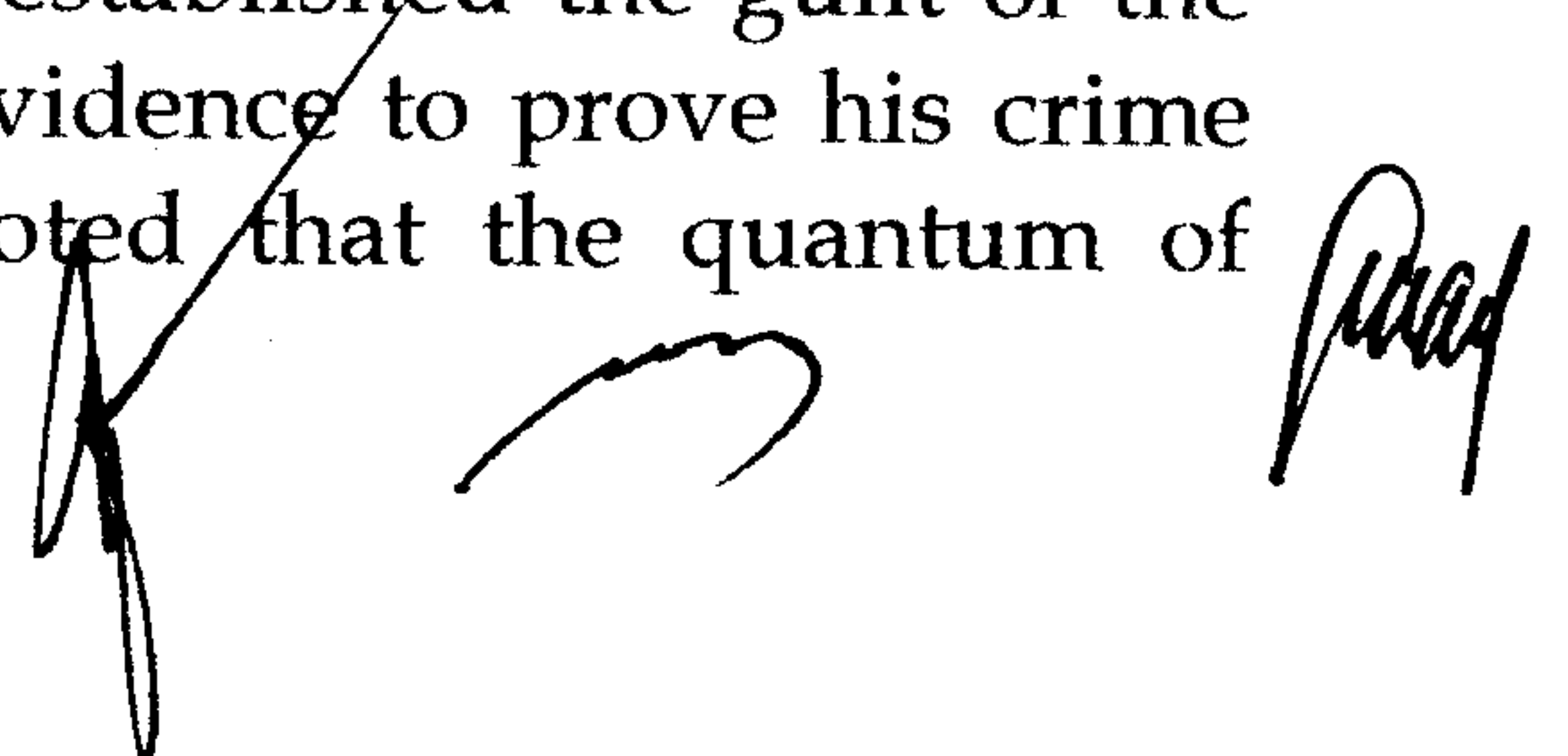
After going through the instant Motion, this Court finds no cogent reason to disturb its earlier findings. The issues averred are the very same issues previously passed upon and resolved by this Court in the assailed Decision. There is nothing in the said Motion, which raises any substantial argument that warrants deviation from this Court's findings.

In general, the Motion would want to insist that this Court erred in finding the accused guilty beyond reasonable doubt just because the appreciation and consideration of the totality of evidence was not taken in his favor.

There are no novel arguments raised in the Motion, which had not been profusely discussed and considered in the assailed Decision. The prosecution in its Comment/Opposition had meticulously pointed-out the arguments in the Motion *vis-à-vis* the legal reasoning of this Court in appreciating the evidence and application of laws and jurisprudence.

Let it be emphasized that this Court found that the minor inconsistencies in the testimony of the private complainant did not put her credibility in doubt. Time honored is the doctrine that discrepancies referring to minor details and collateral matters do not affect the veracity of the witnesses' declarations. In fact, they strengthen, rather than impair, the witnesses' credibility, for they erase any suspicion of rehearsed testimony. Further, full faith and credence were given to the testimony of the private complainant that she was led to believe that the affidavit was only in favor of Rommel Resurrection and not including the accused. It need not be stressed that this Court did not find weight on the testimony of the accused witness Deputy Prosecutor Thelma Seva. Furthermore, the defense evidence were not credible enough to overturn the established evidence of the prosecution.

While it is true that a doubt exist as to the liability of the accused, the same cannot be appreciated under the circumstances to exonerate him. This is because the prosecution had established the guilt of the accused with compelling and sufficient evidence to prove his crime beyond reasonable doubt. It must be noted that the quantum of



evidence needed under the law for the conviction of an accused, does not require an absolute certainty or the total absence of a doubt, but rather, only the existence of a moral certainty or proof beyond dispute that the said accused committed the crime. The doubt desperately raised by the accused is, but, an unreasonable doubt, which did not affect this Court's findings that the evidence presented by the prosecution met the minimum requirement of evidence under the law.

Thus, as categorically stated in the assailed Decision, the totality of evidence presented is sufficient to prove beyond reasonable doubt that the accused committed acts of child abuse under R.A. No. 7610 and acts in violation of P.D. No. 1829.


**WHEREFORE**, the *Joint Motion for Reconsideration* is hereby **DENIED** for lack of merit.

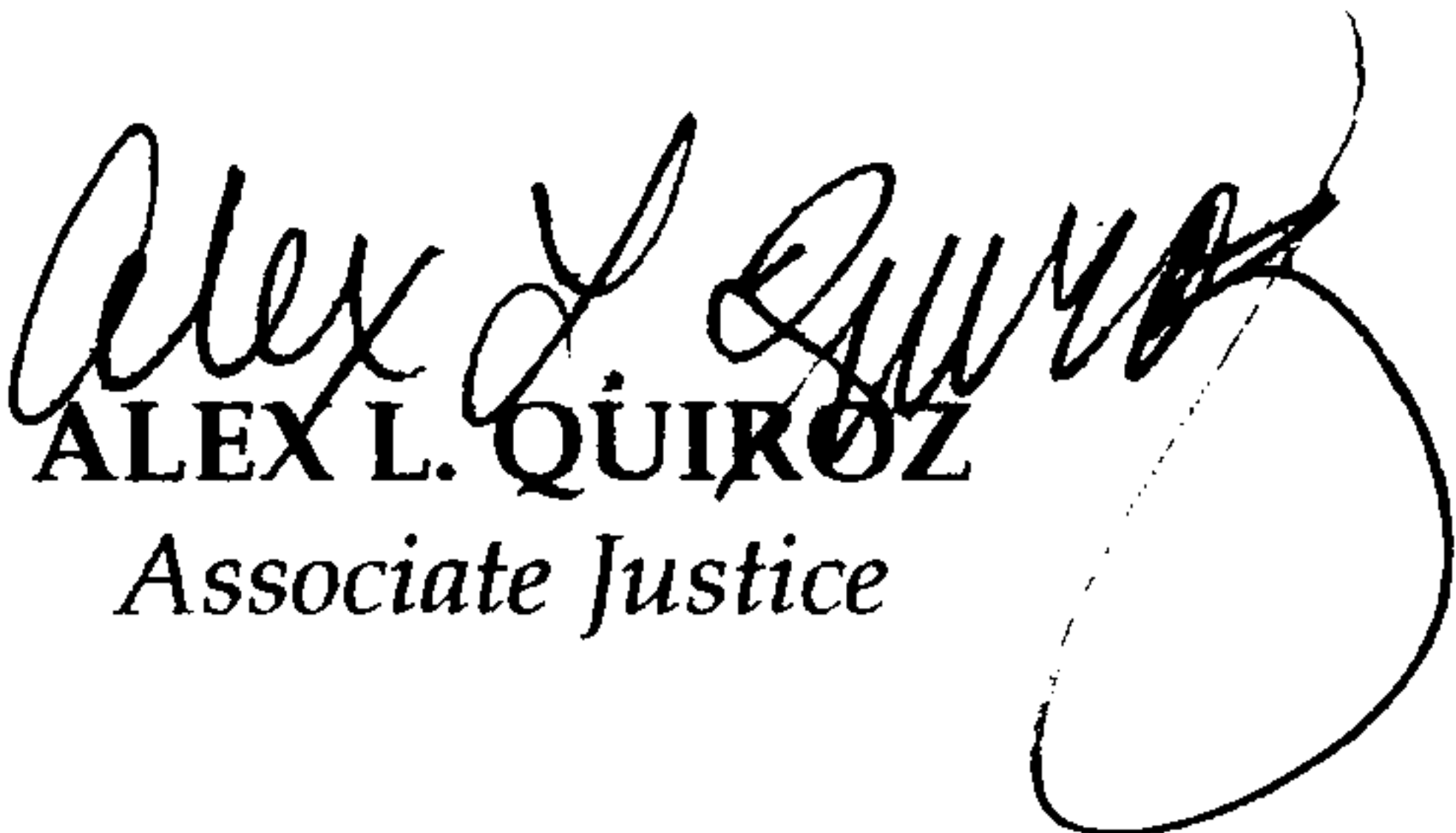
**SO ORDERED.**

Quezon City, Philippines.

  
**SAMUEL R. MARTIRES**  
*Associate Justice*

*We concur:*

  
**AMPARO M. CABOTAJE-TANG**  
*Presiding Justice*  
*Chairperson*

  
**ALEX L. QUIROZ**  
*Associate Justice*