

## FIRST DIVISION

[ G.R. No. 223102, February 14, 2018 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
CARLOS BAUIT Y DELOS SANTOS, ACCUSED-APPELLANT.**

### D E C I S I O N

#### **DEL CASTILLO, J.:**

Challenged before this Court is the March 20, 2015 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06646 which affirmed the January 7, 2014 Decision<sup>[2]</sup> of the Regional Trial Court (RTC) of Makati City, Branch 140, in Criminal Case No. 11-1968, finding the accused-appellant Carlos Bautit y Delos Santos guilty beyond reasonable doubt of the crime of qualified rape.

In an Information<sup>[3]</sup> dated July 25, 2011, the accused-appellant was charged with rape, the accusatory portion of which reads as follows:

On or about July 20, 2011, x x x accused, by means of force, threat or intimidation, did then and there wilfully, unlawfully, and feloniously have carnal knowledge [of] his biological daughter, "AAA"<sup>[4]</sup> a minor, 12 years old, against her will and without her consent.

CONTRARY TO LAW.<sup>[5]</sup>

Accused-appellant entered a plea of not guilty. During the pre-trial conference, the parties did not bring forth any issue that became the subject of stipulation. Trial on the merits then ensued.

#### ***Version of the Prosecution***

"AAA," a 12-year old high school student, born on September 21, 1998, is the daughter of accused-appellant. In the early morning of July 20, 2011, while she was on her way to the bathroom, accused-appellant suddenly held her and forced her to lie down in their room. Accused appellant pulled down her short pants and underwear. After removing his own pants, he placed himself on top of her and inserted his penis into her vagina. "AAA" felt pain in the process. She resisted but her effort was in vain. After taking her bath, "AAA" went to school as if nothing happened. Upon the arrival of her mother "BBB" from Cagayan, "AAA" confided to her the incident. With the help of her aunts, the matter was reported to a barangay kagawad and then to the police station wherein "AAA" gave her statement. After an investigation, "AAA" was sent to a doctor in Camp Crame for genital examination.

"BBB" is the mother of "AAA." She declared that accused-appellant was her live-in partner. "AAA" is the biological daughter of accused appellant as acknowledged in the Birth Certificate of the former. As early as March 2011, "AAA" already told her

about her being sexually molested but she and "AAA" did not file a case against accused-appellant since the latter was the only one providing support for the two of them.

On July 22, 2011, Medico Legal Officer Dr. Joseph Palmero (Dr. Palmero) examined "AAA". The physical and genital examination, as contained in Medico Legal Report No. R11-1065, yielded deep healed hymenal lacerations at 3:00 o'clock and 7:00 o'clock positions which indicated a blunt penetrating trauma on the genitalia, According to Dr. Palmero, these healed lacerations could have been inflicted more than a week before the examination. Dr. Palmero found no other signs of physical injuries on the body of "AAA." He concluded that "AAA" was no longer a virgin.

### ***Version of the defense***

Accused-appellant denied raping "AAA." Instead, he claimed that the filing of the rape case against him was meant to cover up the wrongdoings of "AAA," she being a problem child and rebellious. The case was supposedly instigated by the siblings of "BBB" because they did not like him. According to accused-appellant, he could not have molested "AAA" because he loves her. He further stated that their house has no sala or living room and it was impossible for the rape to happen because the rooms were separated only by plywood and any commotion would surely alarm the occupants of the adjoining rooms.

### ***Ruling of the Regional Trial Court***

On January 7, 2014, the trial court rendered its Decision finding accused appellant guilty beyond reasonable doubt of the crime of rape against "AAA," his daughter of minor age, as charged in the Information. The trial court gave credence to the testimony of "AAA" and her positive identification of accused appellant as her rapist. It found the testimony of "AAA" straightforward and categorical. It ruled that tenacious resistance on the part of "AAA" was irrelevant considering his moral ascendancy over her. It also held that the allegations of accused-appellant that the charge against him was filed to get rid of him and in retaliation for disciplining her too flimsy. It rejected accused-appellant's defense of denial in view of the straightforward testimony of "AAA." The dispositive portion of the Decision reads as follows:

WHEREFORE, judgment is hereby rendered as follows:

1. Finding the accused Carlos Bait y Delos Santos GUILTY beyond reasonable doubt of the crime of rape defined and penalized under Article 466-A paragraph 1(a) of Republic Act No. 8353. Consequently, he is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole pursuant to R.A. 9346.
2. Said accused is likewise ordered to pay "AAA" civil indemnity in the amount of P75,000.00[,] for moral damages, the sum of P75,000.00 and P30,000.00 as exemplary damages or a total of P180,000.00.

*Costs de oficio.*

SO ORDERED. [6]

## ***Ruling of the Court of Appeals***

In its Decision dated March 20, 2015, the CA found no merit in the appeal of accused-appellant. The CA ruled that the elements of the crime of rape were indubitably established by the prosecution. The CA concurred with the factual findings of the trial court that accused-appellant committed the crime charged based on the clear, straightforward and categorical testimony of "AAA". The CA found immaterial and irrelevant the fact that the room had no sala and the bathroom was 16 meters away from their room. What mattered, according to the CA, was that "AAA" clearly narrated that the incident happened inside the room they were occupying and not somewhere else. The CA brushed aside accused-appellant's argument that he could not have perpetrated the crime since the four rooms being occupied by "BBB" and her siblings were separated only by thin plywood. The CA reasoned that it was not impossible that rape could be perpetrated inside a room adjacent to a room occupied by other persons. The CA was not convinced that the medical finding of the presence of deep healed lacerations sustained more than a week earlier were caused by somebody else and not by the accused-appellant. Likewise, the CA did not give credence to the claim that the rape charge was fabricated. The dispositive portion of the appellate court's Decision reads as follows:

WHEREFORE, appeal is DENIED. The assailed Decision dated January 7, 2014 of the Regional Trial Court of Makati City, Branch 140 in Criminal Case No. 11-1968 is AFFIRMED.

SO ORDERED.<sup>[7]</sup>

Unfazed by the findings and conclusions reached by the courts below, accused-appellant comes to this Court through this appeal.

### **Our Ruling**

The appeal is barren of merit.

In the present recourse, accused-appellant reiterates the same issues raised before the appellate court, arguing that "the court a quo gravely erred in convicting [him] of rape despite the prosecution's failure to prove his guilt beyond reasonable doubt."

<sup>[8]</sup> He insists that there was physical impossibility to commit the rape considering the layout of the place of the alleged incident and the close proximity of the rooms in the house which were separated by mere thin plywoods. He relies on the medico-legal finding that the deep healed lacerations were inflicted by sexual contacts that occurred more than one week from the time of the genital examination of "AAA." He points out that there were barely three days in between the date of the incident and the examination and therefore he could not have been the author of the rape. Moreover, he avers that the absence of any contusion or abrasion on the body of "AAA" and any seminal fluid on her vagina negate the commission of rape.

The arguments of accused-appellant deserve scant consideration considering that all pertain to the issue of credibility of the testimony of the private complainant, "AAA."

Time and again, the Court has held that when the decision hinges on the credibility of witnesses and their respective testimonies, the trial court's observations and conclusions deserve great respect and are often