

THIRD DIVISION

[G.R. No. 208760, April 23, 2014]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FLORO
BUBAN BARCELA, ACCUSED-APPELLANT.**

DECISION

MENDOZA, J.:

This is an appeal from the March 19, 2013 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 04961, which affirmed with modifications the January 6, 2011 Decision^[2] of the Regional Trial Court, Branch 93, San Pedro, Laguna (RTC), in Criminal Case Nos. 5517-SPL, 5526-SPL and 5527-SPL, finding accused-appellant Floro B. Barcelá (*Barcela*) guilty beyond reasonable doubt of Qualified Rape committed against AAA,^[3] and of Qualified Rape by Sexual Assault and Violation of Republic Act (R.A.) No. 7610 and Acts of Lasciviousness, committed against BBB.^[4]

The Facts

Barcela was charged with the following crimes: 1] Qualified Rape, docketed as Crim. Case No. 5517-SPL; 2] Violation of Article 266-A(2) in relation to R.A. No. 7610, docketed as Crim. Case No. 5526-SPL; and 3] Violation of R.A. No. 7610 (Acts of Lasciviousness), docketed as Crim. Case No. 5527-SPL, in three (3) separate Informations which read:

Crim. Case No. 5517-SPL

That sometime in the year 2002, in the Municipality of San Pedro, Province of Laguna, Philippines, and within the jurisdiction of this Honorable Court, accused being the stepfather of AAA by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with AAA, a minor, nine (9) years of age, against her will and to her damage and prejudice.

The crime is qualified by minority and relationship between the offender and offended party.

CONTRARY TO LAW.

Crim. Case No. 5526-SPL

That on or about November 12, 2004, in the Municipality of San Pedro, Province of Laguna, Philippines, and within the jurisdiction of this Honorable Court, accused being then the stepfather of BBB, did then and there willfully, unlawfully and feloniously commit sexual assault and/or

subject to sexual abuse the latter by inserting his finger into the genital or private part of the said BBB, a minor, fourteen (14) years of age, against her will and consent, which act being detrimental to her normal growth and development.

CONTRARY TO LAW.

Crim. Case No. 5527-SPL

That sometime on 2003 and subsequent thereto, in the Municipality of San Pedro, Province of Laguna, Philippines, and within the jurisdiction of this Honorable Court, said accused did then and there willfully, unlawfully and feloniously commit acts of lasciviousness upon his stepdaughter BBB, a minor, fourteen (14) years of age, by touching the private part of the said minor, against the latter's will and consent, which act is detrimental to the normal growth and development of the said minor child.

CONTRARY TO LAW. (Underscoring supplied)

Version of the Prosecution

The prosecution's version of the events was succinctly summarized by the Office of the Solicitor General (OSG) in its Brief^[5] as follows:

Private complainants BBB and AAA were living, along with the appellant, their mother, grandmother and sister in a two-storey house where all of the family members sleep together in one room in San Pedro, Laguna, because the other rooms [were] being rented to other people. AAA was seven (7) years old when her stepfather, appellant Barcelá, committed the despicable by sexually abusing her. She was lying on the floor sleeping one early morning in 2002, when she was awakened and noticed that her stepfather lifted her clothes and removed her shorts. Appellant then placed his hand on his organ as AAA lay still with her hands on the floor shocked by what was happening. Appellant successfully inserted his penis inside complainant AAA's vagina. While committing the bestial act, appellant threatened her not to tell anyone what he was doing to her, otherwise he would kill her.

Her elder sister BBB also suffered the same horrible fate. On 12 November 2004 at around 3:00 o'clock in the morning, appellant Barcelá made a similar sexual assault upon BBB who was only fourteen (14) years at that time. It happened while BBB was sleeping in one room with her stepfather, mother and other sister. Appellant was lying at her right side. Suddenly, appellant lifted her skirt, removed her underwear and inserted his finger inside her vagina. After accomplishing the atrocious act, appellant threatened to kill her if she [would] disclose to anyone what happened to her. BBB was very afraid because of the threat that she pretended to be asleep after being raped. On that same night, BBB also saw her stepfather molesting her sister AAA. BBB also testified that prior to being raped in 2004, appellant had been regularly touching her

private organ.

AAA informed her mother, grandmother and her sister BBB of what happened to her. Sadly, her mother did not believe her but her grandmother and sister BBB (who also suffered the same fate) believed her. BBB then informed her classmate, teacher and school principal of the grim experience she and her sister underwent in the hands of her stepfather. Her grandmother was summoned by the principal and, together, they reported to the police the rape incidents. In order to protect herself, AAA stayed at the "Kanlungan" shelter. As a result of the loathsome episode in their lives, AAA and BBB both felt afraid, ashamed and aggrieved.

Private complainants were eventually examined by Dr. Roy Camarillo, a medico-legal officer of the Philippine National Police. In his medico-legal report, he concluded that BBB sustained a shallow healing laceration in her hymen caused by the insertion of a hard object which may be a penis, finger or a flat hard object. As regards the examination conducted on AAA, he concluded that there was no evident injury at the time of the examination but testified that the injury that AAA incurred may have totally healed as the rape occurred two (2) years from the time of the examination.^[6]

Version of the Defense

Barcela denied the accusations and alleged the following in his Brief^[7] to substantiate his claim of innocence:

Accused Floro B. Barcela is the common law husband of the private complainants' mother, CCC. They all resided at the two-storey house of CCC's mother in San Vicente, San Pedro, Laguna. On November 12, 2004, the private complainants were sleeping beside their mother CCC and their half-sister DDD, herein accused-appellant's daughter with CCC. He did not rape AAA. Neither did he insert his finger inside BBB's vagina, nor threatened either of the two (2) private complainants. He knew of no reason why the private complainants would accuse him of such crimes charged against him.^[8]

Ruling of the RTC

In its January 6, 2011 Decision, the RTC found Barcela guilty as charged. In its assessment, the testimonies of AAA and BBB have successfully met the test of credibility and were found to have been solely motivated by the desire to obtain justice for the wrong done against them. The denial proffered by Barcela must then yield to the positive testimonies of the offended parties. The RTC explained:

The culpability of accused FLORO BUBAN BARCELA was clearly established by private complainants AAA and BBB. In this regard, there is

nothing in the records to show that their testimony was motivated by any other reason other than to bring to justice the perpetrator of the crimes against them. Indeed, the Court finds that there is no evidence to show that AAA and BBB were prejudiced against accused FLORO BUBAN BARCELA that they would impute to him the commission of the crimes charged if he was not guilty thereof. It must be noted that not only were the testimony of AAA and BBB convincing and unequivocal, the same were also backedup by the physical evidence, which is a mute but eloquent manifestation of truth.^[9]

The dispositive portion of the RTC decision reads:

WHEREFORE, the Court hereby renders judgment:

1) Finding accused FLORO BUBAN BARCELA GUILTY beyond reasonable doubt of Rape in Criminal Case No. 5517-SPL and hereby sentencing him to suffer the penalty of Reclusion Perpetua. In addition, accused FLORO BUBAN BARCELA is ORDERED to pay the victim the amounts of P75,000.00 as civil indemnity, P50,000.00 as moral damages and P30,000.00 as exemplary damages.

2) Finding accused FLORO BUBAN BARCELA guilty beyond reasonable doubt of the crime of Violation of Article 266-A (2) in relation to R.A. 7610 in Criminal Case No. 5526-SPL and hereby sentencing him to suffer the penalty of imprisonment from Two (2) years, Four (4) Months and One (1) day of prision correccional as minimum to EIGHT (8) YEARS and ONE (1) DAY of prision mayor as maximum and to pay the victim the amounts of P30,000.00 as civil indemnity, P30,000.00 as moral damages and P30,000.00 as exemplary damages

3) Finding accused FLORO BUBAN BARCELA guilty beyond reasonable doubt of the crime of Violation of R.A. No. 7610 (Acts of Lasciviousness) in Criminal Case No. 5527-SPL and hereby sentencing him to suffer the penalty of imprisonment from EIGHT (8) YEARS and ONE (1) DAY of prision mayor as minimum to 17 years, 4 months and 1 day of reclusion temporal as maximum and to pay the victim the amounts of P30,000.00 as civil indemnity, P30,000.00 as moral damages and P30,000.00 as exemplary damages.

SO ORDERED.^[10]

Feeling aggrieved, Barcelá appealed the RTC judgments of conviction before the CA.

The Ruling of the CA

On appeal, the CA affirmed the trial court's finding of Barcelá's guilt of the crimes charged. The appellate court lent credence to the testimonies of AAA and BBB, declaring the same to be credible and sufficient to sustain the conviction. It ruled that the crime of penile rape committed against AAA and that of rape by sexual

assault committed against BBB were qualified by the special qualifying circumstances of minority and the relationship between the offender and the offended party because Barcelá was the common-law husband of the victims' mother. The dispositive portion of the decision reads:

WHEREFORE, premises considered, the assailed RTC Decision dated January 06, 2011 is hereby AFFIRMED with MODIFICATIONS:

1. In Criminal Case No. 5517-SPL (Qualified Rape), Floro Barcelá y Bubán is hereby sentenced to suffer the penalty of reclusion perpetua, without eligibility of parole. Accused-appellant is ordered to pay AAA P75,000.00 as civil indemnity, P75,000.00 as moral damages and P30,000.00 as exemplary damages.

2. In Criminal Case No. 5526-SPL (Qualified Sexual Assault in relation to RA 7610), accused-appellant is hereby sentenced to suffer the indeterminate penalty of ten (10) years of prision mayor, as minimum to seventeen (17) years and four (4) months of reclusion temporal, as maximum. He is ordered to pay BBB P30,000 as civil indemnity, P30,000.00 as moral damages and P30,000.00 as exemplary damages.

3. In Criminal Case No. 5527-SPL (Acts of Lasciviousness in relation to RA 7610), accused-appellant is hereby sentenced to suffer the indeterminate penalty of eight (8) years and one (1) day of prision mayor as minimum to seventeen (17) years, four (4) months and one (1) day of reclusion temporal, as maximum. Consistent with the prevailing jurisprudence, he is ordered to pay a fine of P15,000.00 and to pay BBB of the amounts of P20,000.00 as civil indemnity, P15,000.00 as moral damages and P15,000.00 as exemplary damages.

SO ORDERED.^[11]

The Issue

Insisting on his innocence, Barcelá filed the present appeal and raised this lone assignment of error:

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE OFFENSES CHARGED ALTHOUGH HIS GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.

The Court's Ruling

The appeal is devoid of merit.

Barcelá faults the courts a quo for giving undue faith and credence to the testimonies of AAA and BBB, contending that the same were laced with inconsistencies and improbabilities that tainted the veracity of their charges. He avers that the lack of concrete prosecution evidence showing any unusual behavior