

EN BANC

[G.R. Nos. 137762-65, March 27, 2001]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
REYNALDO BARES Y LONGASA, ACCUSED-APPELLANT.**

DECISION

MENDOZA, J.:

These cases are here on automatic review from the decision,^[1] dated January 28, 1999, of the Regional Trial Court, Branch 64, Labo, Camarines Norte, finding accused-appellant Reynaldo Bares y Longasa guilty of four counts of rape against his daughter Maribel Bares and sentencing him to death and ordering him to pay the complainant for each count of rape the amount of P50,000.00 as moral damages and P30,000.00 as exemplary damages and to pay the costs.

In Criminal Case No. 96-0079, the information alleged:

That on or about 1:00 o'clock in the early morning of September 8, 1995 at Barangay Dalas, municipality of Labo, province of Camarines Norte, and within the jurisdiction of this Honorable Court, the above-named accused motivated by bestial lust and by means of force and intimidation, did then and there, wilfully, unlawfully, and feloniously have carnal knowledge [of] one Maribel D. Bares, a minor fifteen years of age who is his own daughter and that thereafter, the said dastardly act was repeated two more times on the same early morning, to the damage and prejudice of the offended party.

CONTRARY TO LAW.^[2]

In Criminal Case No. 96-0080, the information stated:

That on or about 1:00 o'clock in the early morning of October 21, 1995 at Barangay Dalas, municipality of Labo, province of Camarines Norte, and within the jurisdiction of this Honorable Court, the above-named accused, motivated by bestial lust and by means of force and intimidation, did then and there, wilfully, unlawfully, and feloniously have carnal knowledge [of] one Maribel D. Bares, a minor fifteen years of age who is his own daughter, to the damage and prejudice of the offended party.

CONTRARY TO LAW.^[3]

In Criminal Case No. 96-0081, the information averred:

That on or about 3:00 o'clock in the early morning of October 22, 1995, at Barangay Dalas, municipality of Labo, province of Camarines Norte,

and within the jurisdiction of this Honorable Court, the above-named accused, motivated by bestial lust and by means of force and intimidation, did then and there, wilfully, unlawfully, and feloniously have carnal knowledge [of] one Maribel D. Bares, a minor fifteen years of age who is his own daughter, to the damage and prejudice of the offended party.

CONTRARY TO LAW.^[4]

In Criminal Case No. 96-0082, the information asserted:

That on or about 2:00 o'clock in the early morning of October 20, 1995 at Barangay Dalas, municipality of Labo, province of Camarines Norte and within the jurisdiction of this Honorable Court, the above-named accused urged by his bestial lust, unlawfully, feloniously, and criminally, did then and there, commit sexual intercourse with his own daughter, Maribel Bares, a girl 15 years [of age] and while on [the] family way with seven (7) months pregnancy against the will of said Maribel Bares to her damage and prejudice.

CONTRARY TO LAW.^[5]

When arraigned on June 3, 1996, accused-appellant pleaded not guilty to the charges against him,^[6] and the cases were then jointly tried.

Three witnesses, namely, complainant Maribel Bares, her aunt Nenita Bares,^[7] and Dr. Marcelito Abas, medico-legal officer of the Camarines Norte Provincial Hospital, testified for the prosecution. Their testimonies established the following facts:

Complainant is the daughter of accused-appellant Reynaldo Bares and his wife, Predisminda Dasco. She finished only the fourth grade of elementary school. When she was studying, her family lived in her grandmother's house in Sta. Elena. Later on, after her mother left for Manila, complainant and her brother lived with accused-appellant in Barangay Dalas, Labo, Camarines Norte.^[8]

Prior to September 8, 1995, complainant ran away with her boyfriend, Artemio Bola, and went to Mabilo I, Labo, Camarines Norte. She stayed there until she became pregnant by him. On September 8, 1995, accused-appellant went to Artemio Bola's house and fetched complainant so she could go back with him to Barangay Dalas, Labo, Camarines Norte. By that time, complainant was already eight months pregnant.^[9]

At around 1 o'clock in the morning of September 9, 1995,^[10] complainant Maribel Bares was sleeping in their house in Barangay Dalas, Labo, Camarines Norte when she was awakened by accused-appellant. Complainant woke up to find that her hands and feet had been tied. She noticed that she only had her panty on. Upon discovering that complainant had woken up, accused-appellant removed her panty, went on top of her, and succeeded in having sexual intercourse with her. As she was already eight months pregnant when she was raped by accused-appellant, complainant felt pain on her shoulder and pelvis. Complainant was raped by accused-appellant thrice that day.^[11]

On October 20, 1995, complainant was again raped by her father in their house in Barangay Dalas. He got angry when she did not remove her panty, and he even kicked her. Nevertheless, accused-appellant succeeded in having sexual intercourse with complainant. The following day, October 21, 1995, accused-appellant once more forced complainant to have sex with him. Accused-appellant raped Maribel for the last time on October 22, 1995. She was already nine months pregnant at that time. During the occasions she was raped by accused-appellant, complainant was left alone with accused-appellant in their house because her mother and sister were staying in Manila.^[12]

On October 23, 1995, complainant went to the house of Nenita Bares, sister of accused-appellant, in Masalong, Labo, Camarines Norte and told the latter about what accused-appellant had done to her. Complainant then asked her aunt to file a complaint against accused-appellant so Nenita accompanied her to the Camarines Norte Provincial Command of the Philippine National Police in Dogongan, Daet, Camarines Norte. At the police headquarters, complainant gave her statement to the investigating officer. She also submitted herself to physical examination in the Camarines Norte Provincial Hospital.^[13]

On the same day, October 23, 1995, Dr. Marcelito Abas conducted a physical examination of complainant Maribel Abas which yielded the following results:

Genital Exam:

- = Multiple hymenal lacerations;
- = Admits two fingers with ease;
- = Pregnant nine (9) months;
- = Negative for Physical injuries;^[14]

Dr. Abas testified that the multiple hymenal lacerations meant that complainant had had sexual intercourse several times. He explained that the opening of the vagina is closed when a woman is a virgin, but when the vagina admits two fingers with ease, as in complainant's case, this could only mean that penetration of the vagina had already occurred. As the victim was already nine months pregnant at the time of the examination, Dr. Abas confirmed that the pregnancy was not caused by the rapes that began in September 1995. However, he said that a woman would still be capable of engaging in sexual intercourse even if she was already eight months pregnant. He added that the presence of lacerations in the vagina does not preclude voluntariness on the part of the woman in engaging in sexual intercourse.^[15]

The defense then presented as witnesses accused-appellant himself, his son Reynaldo Bares, Jr., and his landlady Lydia Espina.

Accused-appellant admitted that complainant Maribel Bares is his daughter but denied that he raped her. He claimed that he was working as a driver and helper at the Uniphil at the time of the alleged rapes. At around 1 o'clock in the morning of September 8, 1995, he said he and his son Reynaldo Bares, Jr., went to the warehouse of Uniphil to load copra and later proceeded to San Pedro, Pangasinan. On October 20, 1995, he went to the worksite at San Pedro, Pangasinan and, upon arriving there, loaded copra. He finished loading copra only at 12 noon of the same day. He went back to Labo, Camarines Norte at 3 o'clock in the afternoon. The next

day, October 21, 1995, he again went to San Pedro, Panganiban and returned to the Uniphil compound in Labo, Camarines Norte at around 4 o'clock in the afternoon. At 1 o'clock in the early morning of October 22, 1995, he went to San Pedro, Panganiban to load copra and came back to Labo, Camarines Norte at around 3 o'clock in the afternoon of October 23, 1995. He testified that his wife and daughter were angry at him because he discovered that they had been fooling around with other men as a result of which both became pregnant. He claimed that because of this, he maltreated his wife and daughter. He likewise stated that his sister Nenita Bares was angry at him because she tolerated and even helped cover up his wife's and daughter's activities. Accused-appellant testified that his sister was also interested in appropriating for herself a piece of land left by their parents.^[16]

Reynaldo Bares, Jr. corroborated accused-appellant's testimony that he was with the latter during the time of the alleged rapes.^[17] On cross-examination, however, he admitted that he testified accordingly only because he had been asked to do so by accused-appellant.^[18]

Lydia Espina likewise corroborated accused-appellant's testimony. According to her, accused-appellant was not in the house during the times of the alleged rapes as he left for work early in the morning. She also testified that Maribel Bares was not staying in their house on October 21, 1995 as the latter lived in the house of her supposed sister-in-law in front of the Camarines Norte College.^[19]

On January 28, 1999, the trial court rendered a decision, the dispositive portion of which states:

WHEREFORE, IN THE LIGHT OF THE FOREGOING PREMISES, JUDGMENT is hereby rendered finding accused REYNALDO BARES, SR. Y LONGASA, GUILTY beyond reasonable doubt of the crime of four (4) counts of rape as defined and penalized under par. 3, Article 335 of the Revised Penal Code in relation to Sec. 11 of Republic Act No. 7659 (Death Penalty Law) and accordingly, sentencing him to suffer the supreme penalty of DEATH in each of the four (4) separate crimes of rape committed on September 8, 1995 and October 21, 22 and 23, respectively, all in 1995, and to pay the victim in the amount of P50,000.00 each for four (4) separate crimes of rape with a total of P200,000.00 as moral damages pursuant to Article 2219 (3) in relation to Article 2217 of the New Civil Code and P30,000.00 each for four (4) separate crimes of rape or a total of P120,000.00 as exemplary damages; and to pay the costs.

SO ORDERED.^[20]

Accused-appellant now makes the following assignment of errors:

I. THE COURT A QUO ERRED IN ACCORDING WEIGHT AND CREDENCE TO THE TESTIMONIES OF THE TWO KEY PROSECUTION WITNESSES, MARIBEL BARES AND NENITA [BARES], DESPITE THERE BEING ILL MOTIVE ON THEIR PART TO IMPUTE ACCUSATORY CHARGES AGAINST THE ACCUSED-APPELLANT.

II. THE COURT A QUO ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF RAPE IN SPITE OF THE FACT THAT THE MEDICAL

FINDINGS DO NOT CLEARLY SUPPORT SUCH A CONCLUSION AND THE ALLEGATIONS RAISED BY THE SUPPOSED VICTIM ARE INHERENTLY FLAWED.

III. THE COURT A QUO ERRED IN SENTENCING ACCUSED-APPELLANT TO DEATH, ALTHOUGH THE MINORITY OF THE ALLEGED VICTIM WAS NEVER DULY PROVEN IN ACCORDANCE WITH THE DOCTRINE LAID DOWN IN PEOPLE VS. AMADO SANDRIAS JAVIER.^[21]

First. Accused-appellant questions the probative value of the testimonies of Nenita Bares and Dr. Marcelito Abas. He claims that Dr. Abas' testimony does not establish that he (accused-appellant) had raped complainant as she was already pregnant at the time Dr. Abas examined her. Nor can Nenita Bares' testimony be given evidentiary weight, accused-appellant argues, because Nenita had only been told about the rape incidents by complainant.^[22]

To be sure, a medical certificate is not necessary to prove the commission of rape. Indeed, the purpose of Nenita Bares' testimony is not to corroborate complainant as to the commission of the rapes but only to prove that the latter told her aunt what had happened to her and that she and her aunt reported the matter to the authorities afterwards.

The prosecution of rape cases is anchored mainly on the credibility of the complaining witness. Generally, the nature of the offense is such that the only evidence that can prove the guilt of the accused is the testimony of the complainant herself.^[23] Hence, in deciding rape cases, this Court has been guided by the following principles: (1) an accusation for rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove it; (2) in view of the intrinsic nature of the crime, where two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and (3) the evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence for the defense.^[24]

It is well settled that the accused in a rape case may be convicted solely on the testimony of the complaining witness, provided that such is credible, natural, convincing, and otherwise consistent with human nature and the normal course of things.^[25] In this case, Maribel testified in a direct, unequivocal, and consistent manner with regard to the rapes committed by accused-appellant:

Q Sometime on September 8, 1995, while you and your father were staying in Dalas, Labo, Camarines Norte, in the morning at around 1:00 o'clock, do you remember [an] unusual incident that happened to you?

A Yes, sir.

Q What happened to you?

A I was raped, sir.

Q Who raped you?

A My father, sir.