

THIRD DIVISION

[CA-G.R. CR-H.C. NO. 06476, November 28, 2014]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
SALVADOR REYES BARCIA, ACCUSED-APPELLANT.**

D E C I S I O N

DE GUIA-SALVADOR, R., J.:

This is an appeal from the Decision dated October 25, 2013 rendered by the Regional Trial Court (RTC) of Marikina City, Branch 273, in Criminal Case No. 07-9834-MK,^[1] the dispositive portion of which states:

"WHEREFORE, accused SALVADOR REYES BARCIA is found guilty beyond reasonable doubt of Rape under Article 266-A in relation to Article 266-B of the Revised Penal Code as amended by RA 8353, and is hereby sentenced to suffer the penalty of *Reclusion Perpetua*.

Accused is further directed to pay AA P50,000.00 as civil indemnity, P50,000.00 as moral damages and P30,000.00 as exemplary damages, plus interest of 6% per annum on all damages from the date of the finality of this Decision.

SO ORDERED."^[2]

The Facts

On November 19, 2007, at around 3 o'clock in the afternoon, AA,^[3] then fourteen (14) years old, accompanied her mother BB^[4] and a certain Aling Belen to gather firewood at a vacant lot near the "paaralan ng madre" at Meteor, Marikina City. As AA and BB were about to go home after filling up one (1) sack with firewood, Aling Belen requested BB to allow AA to stay behind to accompany her while she cooked cassava. BB agreed and went home by herself, while Aling Belen and AA proceeded to the nipa hut of accused-appellant Salvador Reyes Barcia/Alias Badong ("**Barcia**") so the former could start cooking.^[5]

About an hour later, AA decided to go outside to gather more firewood. She walked further down the hill where the guava trees were ("bayabasan"), filled up one (1) plastic bag with firewood, and picked some guavas. To AA's surprise, Barcia suddenly appeared holding a bolo and poked it at her. He then grabbed AA by her clothes and dragged her to the grassy area at the bottom of the hill. AA shouted for help, but to no avail.^[6]

Upon reaching the grassy area, Barcia kissed AA on the lips while he poked the bolo at her mouth. Afterward, he kissed her neck and her chest.^[7] While poking the bolo at her, Barcia ordered AA to take off her clothes and lie down on the ground. AA put up no resistance for fear of her life, as he threatened to kill her if she made any noise. Barcia hurriedly undressed himself, laid on top of her and inserted his private part into hers. After some time, Barcia ejaculated and stood up. He again threatened AA that he would kill her if she told anyone about what happened. He ordered AA to leave so she put on her clothes and went back to the nipa hut to find Aling Belen so she could go home.^[8]

When they reached BB's house, AA told Aling Belen what had happened to her. Aling Belen immediately informed BB that AA had been raped. Asked what happened, AA narrated what Barcia did to her. BB cried and got angry at Aling Belen because she entrusted AA to her. AA and BB then sought the assistance of the barangay tanod in turning in Barcia to the authorities. Barcia was immediately arrested after AA recounted what he had done to her.^[9] AA and BB then proceeded to the Women's Desk at the Marikina City police station to file charges against Barcia. They also went to the Crime Laboratory at Camp Crame so that AA could be examined by a Medico-Legal officer.^[10]

Upon examination of AA, the Initial Medico Legal Report prepared by PCI Shanne Lore A. Dettabali, M.D. ("**PCI Dettabali**") indicated the following findings:

"Hymen: Presence of deep, fresh lacerations on the 3, 6 & 9 o'clock positions
The perihymenal area, labia majora & minor are congested
The posterior fourchette is abraded
Conclusion: Medical evaluation shows evidence of recent blunt force or penetrating trauma to the genital area"^[11]

As a consequence, a criminal information was filed on November 22, 2007 by Assistant City Prosecutor Ernesto L. Abijay, Jr. before the RTC of Marikina City, charging Barcia with the crime of rape under Article 266-A (1)(a) in relation to Article 266-B par. (2) of the Revised Penal Code, as amended by RA 8353 in relation to Section 5(a) of RA 8369, thus:

"That on or about the 19th day of November 2007, in the City of Marikina, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a bolo, by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of one [AA], a fourteen (14) year old minor at the time of the commission of the offense, against her will and without her consent.

CONTRARY TO LAW."^[12]

Upon arraignment on January 16, 2008, Barcia, assisted by counsel de *oficio*, entered a plea of not guilty. During the preliminary conference, the parties

stipulated on the identity of the accused, and the jurisdiction of the trial court, and that for resolution is the sole issue of whether or not Barcia is guilty of the crime charged. When efforts to settle the case failed, the parties proceeded to mark their respective documentary evidence.^[13] With the conclusion of the pre-trial, trial ensued.^[14]

During trial, the prosecution presented the testimony of the victim AA. and submitted her Sinumpaang Salaysay^[15] which was executed on the same day she claimed to have been raped. When asked in open court to identify who raped her, AA specifically pointed to Barcia.^[16] In the course of her direct testimony, she likewise described in detail how Barcia raped her after poking a bolo at her face.^[17]

The prosecution also presented the Medico-Legal Officer as an expert witness to explain the findings in the Initial^[18] and Final^[19] Medico Legal Report. In her direct examination, PCI Dettabali stated that there were deep and fresh lacerations on AA's private part at the 3, 6 and 9 o'clock positions which would support the theory that she had been raped.^[20]

To corroborate AA's testimony, the prosecution submitted in evidence BB's Sinumpaang Salaysay^[21] stating that Barcia raped her daughter and that the offense had caused their family great suffering and humiliation. BB also testified in open court and expressed her anger at what had happened to her daughter, especially when she saw how AA was deeply affected and traumatized. She likewise affirmed having accompanied her daughter to the barangay and the police station to report the incident and file a case against Barcia.^[22]

To refute the testimonies of the prosecution witnesses, Barcia took the witness stand and asserted that he was planting cassava in his "taniman" at the vacant lot near his nipa hut when he was suddenly summoned by the barangay tanod to the barangay hall on the pretext that somebody wanted to talk to him. There, Barcia saw both AA and BB who accused him of rape.^[23] He denied their accusation.^[24]

After trial, the RTC rendered the appealed October 25, 2013 Decision.^[25] Giving full credence to the testimonies of the prosecution witnesses, the trial court found Barcia guilty beyond reasonable doubt of the offense charged. Hence, this appeal.

The Issues

Accused-appellant Barcia urges the reversal and setting aside of the RTC Decision on the following errors ascribed to the trial court, viz.:

"I

THE TRIAL COURT GRAVELY ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE PRIVATE COMPLAINANT'S TESTIMONY.

II

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-

APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED DESPITE THE PROSECUTION'S FAILURE TO OVERTHROW THE CONSTITUTIONAL PRESUMPTION OF INNOCENCE IN HIS FAVOR."^[26]

The Court's Ruling

We find the appeal devoid of merit.

Article 266-A (1) of the Revised Penal Code, as amended by RA 8353, provides that rape is committed 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 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.

In rape cases, the gravamen of the offense is sexual intercourse with a woman against her will or without her consent.^[27] In reviewing rape cases, three settled principles have traditionally guided the courts in determining the guilt or innocence of the accused, viz.: (1) an accusation of 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 of rape where only 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 of the defense.^[28] As a result of these guiding principles, in a prosecution for rape, credibility becomes the single most important issue.^[29]

In urging the reversal of the judgment of conviction, Barcia stressed that the presumption of innocence should prevail and that even if his defense was simply a denial, he should be acquitted for failure of the prosecution to prove his guilt beyond reasonable doubt.^[30] Barcia argued that if indeed he tried to rape AA, she should have tried to call for help, or at least struggled from his hold in order to escape while he was supposedly undressing himself. Barcia also assailed AA's credibility on his claim that she displayed a confused behavior during her direct testimony.^[31] As to the purported lack of bad faith or ill motive on the part of AA, Barcia argued that such does not guarantee the reliability and veracity of her accusation.

In essence, Barcia's contentions boil down to AA's credibility which the trial court relied upon in convicting him of the crime of rape. Well-settled is the rule that findings of trial courts which are factual in nature and which revolve on matters of credibility of witnesses deserve to be respected when no glaring errors bordering on a gross misapprehension of facts, or where no speculative, arbitrary and

unsupported conclusions, can be gleaned from such findings.^[32] This is in view of its inimitable opportunity to directly observe the witnesses and their deportment, conduct and attitude, especially during cross-examination. Thus, unless it is shown that its evaluation was tainted with arbitrariness or certain facts of substance and value have been plainly overlooked, misunderstood, or misapplied, the same will not be disturbed on appeal."^[33]

Far from yielding reasons of such strength or cogency as would warrant a departure from the foregoing principles, however, Our circumspect perusal of the record impels Us to concur with the trial court's observation that AA testified in a clear, candid and straightforward manner in recounting how Barcia had carnal knowledge of her in the afternoon of November 19, 2007, thus:

"xxx xxx xxx

PROS. JAUCIAN:

xxx the accused, whose name is Alias Badong, approached you and poked you with a bolo?

WITNESS:

Yes, Ma'am.

xxx xxx xxx

PROS. JAUCIAN:

And that when he approached you, you said that he started kissing you?

WITNESS:

Yes, Ma'am.

xxx xxx xxx

PROS. JAUCIAN:

And at the time that he poked the bolo at you, what part of your body was poked with that bolo?

WITNESS:

While he was kissing me the bolo was also pointed at my mouth.

xxx xxx xxx

PROS. JAUCIAN:

And what was your reaction then while he was kissing you?

WITNESS:

Nothing, Ma'am, because I was afraid of him.

xxx xxx xxx

PROS. JAUCIAN:

So, after he kissed you on the chest, madam witness, what