



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 207513

Present:

SERENO, C.J.,
Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR., and
REYES, JJ.

- versus -

BRICCIO BACULANTA,
Accused-Appellant.

Promulgated:

JUN 16 2014

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RESOLUTION

REYES, J.:

This resolves the appeal from the Decision¹ dated June 28, 2012 of the Court of Appeals (CA) in CA-G.R. CEB-CR HC No. 00717, which affirmed with modification the Decision² dated March 2, 2007 of the Regional Trial Court (RTC) of Carigara, Leyte, Branch 36, in Criminal Case No. 4531 finding Briccio Baculanta (accused-appellant) guilty of the crime of Rape.

The accused-appellant was indicted before the RTC for the crime of rape *via* an information that reads:

¹ Penned by Associate Justice Pamela Ann Abella Maxino, with Associate Justices Edgardo L. Delos Santos and Zenaida T. Galapate-Laguilles, concurring; CA *rollo*, pp. 73-91.

² Issued by Presiding Judge-Designate Crisostomo L. Garrido; *id.* at 39-52.

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That on or about the 27th of February, 2005 in the [M]unicipality of Capoocan, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above[-]named accused[,] with deliberate intent and with lewd designs and by means of force and intimidation, did then and there willfully[,] unlawfully and feloniously had carnal knowledge of one AAA,³ a 7[-]year[-]old girl[,] against her will, to her damage and prejudice.

CONTRARY TO LAW.⁴

Upon arraignment, the accused-appellant pleaded “not guilty” to the charge. After pre-trial, trial on the merits ensued.

The prosecution claimed that at around 12:00 noon on February 27, 2005, victim AAA, then 7 years old, was left with her younger brother, EEE, at their family’s residence in Capoocan, Leyte by their mother, CCC. With them in the house was the accused-appellant, a septuagenarian whom AAA treated as a close relative, being a godfather of CCC.⁵

While at home with the two children, the accused-appellant ordered AAA to fetch water from a river⁶ that was about four to five meters away from their house,⁷ to which order AAA acceded. It turned out, however, that the accused-appellant followed AAA to the river. There, he pushed the young girl into the water, and then ordered her to get up and to lie down on a rock. After AAA followed the orders of the accused-appellant, the latter undressed the young girl, removed his shorts and then went on top of AAA.⁸ He prevented his victim from shouting saying, “keep quiet, this will be done in a short time.”⁹ AAA cried in pain when the accused-appellant’s penis was inserted into her vagina.¹⁰ After the accused-appellant had consummated his dastardly act, he directed AAA to stand up and to hand over her underwear, which the accused-appellant threw into the river. He threatened to kill his victim should she report the incident to anyone. He ordered AAA to put on her clothes, and then followed the child on her way home.¹¹

³ The real name of the victim, her personal circumstances and other information which tend to establish or compromise her identity, as well as those of her immediate family or household members, shall not be disclosed to protect her privacy and fictitious initials shall, instead, be used, in accordance with *People v. Cabalquinto* (533 Phil. 703 [2006]), and A.M. No. 04-11-09-SC dated September 19, 2006.

⁴ CA rollo, p. 39.

⁵ Id. at 40-41.

⁶ Id. at 40.

⁷ Id. at 43.

⁸ Id. at 40.

⁹ Id.

¹⁰ Id.

¹¹ Id.

On the evening of February 28, 2005, CCC discovered that AAA was raped after her son EEE mentioned that AAA was already menstruating. Believing that AAA was still too young to menstruate, CCC checked on AAA and upon finding blood on her daughter's shorts, undressed AAA and examined the child's genitals.¹² AAA then confided to her mother that she was raped by the accused-appellant.¹³

On March 1, 2005, a physical examination of AAA was conducted at the Eastern Visayas Medical Center in Tacloban City by Dr. May Conde Hernandez (Dr. Hernandez), who was also among the physicians who issued a medicolegal report indicating the following findings:

Pelvic Exam:

Ext. gen[i]talia: grossly normal

Introitus: (+) erythematous labia minora, bilateral

(+) intact hymen

S/E)

) not done due to resistance

I/E)¹⁴

Dr. Hernandez explained during the trial that the finding of a positive erythematous, labia minora bilateral, signified redness and swelling of the victim's labia minora, and was indicative of a penetration by a penis. She surmised that AAA's resistance to an internal examination was due to pain resulting from the swelling of the young girl's vagina.¹⁵

Only the accused-appellant testified for his defense. While he admitted that he was at AAA's house on February 27, 2005, he denied having raped the child. He claimed to have left the offended party's house only for some time at around 10:00 a.m., to clean a butchered dog at the river near the house. Upon returning home, he resumed his drinking spree with the stepfather of AAA. He got drunk, fell asleep, and was awakened at around 11:00 p.m. of the same day by policemen for his investigation and detention.¹⁶ The accused-appellant supposed that it was AAA's stepfather who raped the victim.¹⁷

¹² Id. at 41.

¹³ Id.

¹⁴ Id. at 46.

¹⁵ Id.

¹⁶ Id. at 48-49.

¹⁷ Id. at 43.

On March 2, 2007, the RTC rendered its Decision¹⁸ finding the accused-appellant guilty beyond reasonable doubt of the crime charged. He was sentenced to suffer the penalty of *reclusion perpetua*, and ordered to pay civil indemnity in the amount of ₱50,000.00, moral damages in the amount of ₱50,000.00 and exemplary damages in the amount of ₱25,000.00.

Feeling aggrieved, the accused-appellant appealed to the CA, which rendered its Decision¹⁹ on June 28, 2012 affirming the RTC decision, with the modification in that, *first*, exemplary damages was increased to ₱30,000.00 and, *second*, legal interest on all damages was expressly awarded in favor of the victim from finality of decision until full payment. Thus, the dispositive portion of the CA decision reads:

IN LIGHT OF ALL THE FOREGOING, the Court hereby AFFIRMS with MODIFICATION the assailed Decision dated March 2, 2007 of the Regional Trial Court, Branch 36, Carigara, Leyte in Criminal Case No. 4531. The accused-appellant Briccio Baculanta is found GUILTY of the crime of Rape and is hereby sentenced to suffer the penalty of *reclusion perpetua*. He is likewise ordered to indemnify AAA the amounts of [₱]50,000.00 as civil indemnity, [₱]50,000.00 as moral damages, and [₱]30,000.00 as exemplary damages, plus legal interest on all damages awarded at the rate of six percent (6%) from the date of the finality of this decision.

SO ORDERED.²⁰

Hence, the present appeal.

Settled is the doctrine that the findings of the trial court, its calibration of witnesses, and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings are accorded respect if not conclusive effect. This is truer if such findings were affirmed by the appellate court, in which case, as in the case at bar, said findings are generally binding upon us.²¹

Upon review, the Court finds no cogent reason to reverse the accused-appellant's conviction. His appeal is bereft of merit.

¹⁸ Id. at 39-52.

¹⁹ Id. at 73-91.

²⁰ Id. at 90-91.

²¹ *People v. Vitero*, G.R. No. 175327, April 3, 2013, 695 SCRA 54, 64-65.

The accused-appellant was correctly convicted of the crime of rape, after the prosecution established the elements of the crime under Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353,²² which states:

Art. 266-A. *Rape: When and how committed.* Rape is committed:

1) 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;
- 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.**

x x x x (Emphasis ours)

The testimony in court of AAA, as corroborated by the testimonies of the other prosecution witnesses and supported by the records of the case, sufficiently established the fact of carnal knowledge by the accused-appellant of the offended party. In *People v. Abellera*,²³ the Court proclaimed that testimonies of victims of tender age are credible, more so if they are without any motive to falsely testify against their offender. Their revelations that they were raped, coupled with their willingness to undergo public trial where they could be compelled to describe the details of the assault on their dignity could not be easily dismissed as concoctions. It would be the height of moral and psychological depravity if they were to fabricate sordid tales of sexual defloration if these were untrue.²⁴

Consistent with the foregoing general principle which supports the testimonies of young victims, the RTC cited in its decision AAA's credibility as a witness and described clearly how the offended party narrated her ordeal with the accused-appellant:

There is credence to the testimony of the 7-year[-]old minor victim, [AAA], that the perpetrator of the crime against her person is accused, Briccio Baculanta. The vivid portrayal, clear, and [straightforward] testimony of the minor victim on how she was sexually molested by Briccio Baculanta; that she was pushed into the river where her clothes got wet; was ordered to lie on the rock, about one (1) meter in diameter where the accused removed her shorts and short sleeve shirt, and while lying naked on the rock, accused Briccio Baculanta removed his

²² The Anti-Rape Law of 1997.

²³ 553 Phil. 307 (2007).

²⁴ Id. at 319.

own shorts and placed himself on top of her and inserted his penis into her vagina and made a push and pull [movement].²⁵

Considering that the trial court had the best opportunity to observe the demeanor of the witness while on the stand, it was in the best position to discern whether or not she was telling the truth.²⁶ The Court further considers the fact that the medical report presented by the prosecution and identified during the trial by the doctor who personally examined AAA, Dr. Hernandez, supported the young girl's claim that she was sexually abused.

The victim's age at the time of the rape was sufficiently established by a copy of AAA's Certificate of Live Birth which forms part of the case records. AAA was born on December 9, 1997, and thus, was only seven (7) years old when the crime happened.²⁷ This circumstance is material to the case, given that a man commits rape by having carnal knowledge of a child under twelve (12) years of age, even in the absence of any of the following circumstances: (a) force, threat or intimidation; (b) the offended party is deprived of reason or otherwise unconscious; or (c) fraudulent machination or grave abuse of authority.²⁸

The accused-appellant tried to obtain his acquittal by questioning AAA's credibility as a witness. To show that the young girl's testimony was unconvincing, the accused-appellant cited the failure of AAA to even attempt to escape from her assailant or to cry for help at the time of the alleged assault. It is settled, however, that "[p]eople react differently under emotional stress[.]"²⁹ "There is no standard form of behavior when one is confronted by a shocking incident especially if the assailant is physically near."³⁰ More so, children who are victims of rape should not be expected to act the way mature individuals would when placed in the same situation.³¹

As against the prosecution's strong case against the accused-appellant, the latter merely denied the accusation against him. No one even testified to corroborate his defense. Time and again, the Court has ruled that "a mere denial, without any strong evidence to support it, can scarcely overcome the positive declaration by the victim of the identity and

²⁵ CA rollo, pp. 49-50.

²⁶ *Taguinod v. People*, G.R. No. 185833, October 12, 2011, 659 SCRA 23, 28-29.

²⁷ CA rollo, pp. 47.

²⁸ *People v. Pinic*, G.R. No. 186395, June 8, 2011, 651 SCRA 623, 631, citing *People v. Jacinto*, G.R. No. 182239, March 16, 2011, 645 SCRA 590, 608.

²⁹ *People v. Gecomo*, 324 Phil. 297, 313 (1996).

³⁰ *Id.* at 313-314.

³¹ *People of the Philippines v. Daniel Alcober*, G.R. No. 192941, November 13, 2013.


involvement of appellant in the crimes attributed to him.”³² In this case, the accused-appellant even failed to present any possible ground for AAA and her mother to falsely testify against him. “[A]bsent evidence showing any reason or motive for a witness to falsely testify against the accused, the logical conclusion is that no such improper motive exists and the testimony should be accorded full faith and credit.”³³ “Between the positive and categorical testimony of the rape victim on one hand and the accused’s bare denial on the other, the former generally prevails.”³⁴


WHEREFORE, the Decision dated June 28, 2012 of the Court of Appeals in CA-G.R. CEB-CR HC No. 00717 finding accused-appellant Briccio Baculanta guilty beyond reasonable doubt of rape is **AFFIRMED** *in toto*.

SO ORDERED.


BIENVENIDO L. REYES
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson


TERESITA J. LEONARDO-DE CASTRO
Associate Justice


LUCAS P. BERSAMIN
Associate Justice

³² *People v. Pamintuan*, G.R. No. 192239, June 5, 2013, 697 SCRA 470, 483; *People v. De los Santos, Jr.*, G.R. No. 186499, March 21, 2012, 668 SCRA 784, 801; *People v. Pojo*, G.R. No. 183709, December 6, 2010, 636 SCRA 545, 550.

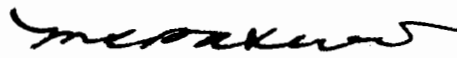
³³ *People v. Mangune*, G.R. No. 186463, November 14, 2012, 685 SCRA 578, 590, citing *People v. Bulan*, 498 Phil. 586, 599 (2005).

³⁴ *People v. Publico*, G.R. No. 183569, April 13, 2011, 648 SCRA 734, 748, citing *People v. Cambi*, 388 Phil. 978, 991 (2000).


MARTIN S. VILLARAMA, JR.
Associate Justice

C E R T I F I C A T I O N

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO
Chief Justice