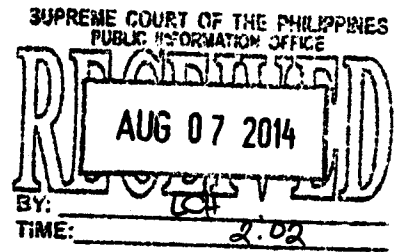




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION
NOTICE



Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **June 16, 2014** which reads as follows:

“G.R. No. 188110 –PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee, v. AMADEO BARAQUIO, Accused-Appellant.

For resolution is the appeal by Amadeo Baraquio of the decision promulgated on December 13, 2006,¹ whereby the Court of Appeals affirmed the joint decision rendered by the Regional Trial Court, Branch 33, in Guimba, Nueva Ecija (RTC)² finding him guilty of three counts of rape committed on different dates against three different victims.

The three complainants were siblings who lived with their widowed mother in Brgy. Alula, Talugtog, Nueva Ecija. Their house was only four meters away from Baraquio’s house,³ his wife being a sister of their mother’s.

The CA summarized the established facts, as follows:

BBB⁴ testified: x x x

On January 10, 1999 at 5:00 o’clock in the afternoon, while she was in the terrace of their house, the accused went to their house. While there(.) the accused laid (sic) down, removed her shorts and panty, kissed her lips, mashed her breast and inserted his penis inside her vagina.

¹ Rollo, pp. 2-25; penned by Associate Justice Vicente S.E. Veloso with the concurrence of then Presiding Justice Ruben T. Reyes (later a Member of the Court, but already retired) and Associate Justice Juan Q. Enriquez (retired).

² Records, pp. 11-18.

³ Rollo, p. 4.

⁴ Pursuant to Republic Act No. 9262, otherwise known as the *Anti-Violence Against Women and Their Children Act of 2004*, and its implementing rules, the real names of the victims, as well those of their immediate family or household members, are withheld, and in their stead fictitious initials are used to represent them, to protect their privacy. See *People v. Cabalquinto*, G.R. No. 167693, September 19, 2006, 502 SCRA 419.

Something came out from the penis of the accused. She felt pain in her vagina. She did not resist because the accused threatened to kill her and the other members of their family if she resisted.

At that time, her mother and her sisters were not home. Earlier at four that afternoon, they left at the same time and returned at six. She did not report to her mother what the accused did to her because she was afraid that the accused might kill all of them. It was only when her sister Irma (complainant in Crim. Case No. 1718-G) reported to their mother that the accused raped her, that she told her mother that the accused raped her, too.

On cross-examination, she clarified that she is already eighteen and will turn nineteen by June 2002 and that she was sixteen when the incident happened. She claimed, the accused raped her for the first time on January 10, 1999 in their house. On further cross-examination, she said the accused raped her for the first time in the house of accused himself. Their house is near the road leading to Muñoz, Nueva Ecija. At the time she was raped, it was not yet dark. She did not notice any person passing by. There is a house to their left which is 10 meters away. To her right is another house about 15 meters away. The occupants of these two houses were not home then. The wife of the accused and his three children were not also home (at) that time.

CCC testified: x x x.

Sometime in May 1994, about eight in the morning, when she was twelve years old, the accused dragged her to a bamboo grove. When they were under the bamboo grove, the accused told her to remove her clothes. When she refused to remove her clothes, the accused himself removed her short pants and panty. He did not remove her t-shirt. At that time, the accused was pointing a knife at her.

After removing her short pants and panty, the accused kissed her lips, mashed her breast, laid her down and inserted his penis inside her vagina. Thereafter, the accused told her not to tell anybody what he did to her otherwise he will kill her and the other members of their family.

The accused had carnal knowledge of her three more times after May 1994 and these happened in their house. x x x Later, when she was in Maturanoc, Guimba, she told her auntie Marcy what the accused did to her. In turn, her auntie Marcy informed her mother about it.

After her mother learned what happened to her, she together with her mother, her auntie Marcy, her uncle Dominador Macanas and her sisters BBB and AAA went to the police station of Talugtog, Nueva Ecija to file a complaint against the accused.

On cross-examination, she confirmed having executed a Sinumpaang Salaysay wherein she stated that the incident happened on May 8, 1994 about 8 a.m. The accused raped her many more times but she no longer remember(s) the dates of occurrence. The rape that took place in May 1994 took place when she was looking for their carabao and the accused followed her.

AAA testified: x x x.

- over -

On June 12, 1997 about 6:00 A.M., while she was alone inside their house and starting to keep their beddings, the accused entered their house, and began kissing her on the lips and cheeks, made her lie down and removed her shorts and panty. While she was lying down naked on the ground beside the aparador, the accused pulled down his pants and place(d) himself on top (of) her. While on top of her, the accused inserted his penis into her vagina and started to make a push and pull motion(.) pumping several times. This lasted for about five minutes.

Her vagina ached because the accused thrust(ed) his penis deep. She did not resist because she was afraid of her uncle. Before leaving her(.) the accused warned her not to tell anyone what he did to her otherwise he will (sic) kill her.

In June 1999, she reported the matter to her mother after she and her sisters BBB and CCC had agreed to tell their mother about what the accused did to each of them.

The following day, after learning what happened to her daughters, her mother who was furious brought them to the police authorities in Talugtog to seek justice.

X X X X

Common prosecution witness, Dr. Diosdado Barawid, 67, a retired physician testified: On July 6, 1999, he was the Rural Health Physician of Talugtog, Nueva Ecija. On the said date, with the help of his staff nurse, he examined BBB, CCC and AAA who were referred to him by Talugtog police in a (sic) connection (sic) with their complaint for rape against their uncle. In the case of BBB, his findings are: vagina admits two fingers, no recent laceration. In the case of CCC, he also found no recent laceration in her vagina. Her vagina admits three fingers easily. In the case of AAA, he also found no recent laceration in her vagina. Her vagina admits two fingers. He found no old healed laceration in each of the vagina of the three complainants. He presumed that the three were no longer virgins because there was no resistance to the entry of two fingers into their vagina.⁵

In his defense, Baraquio denied raping or sexually abusing the three complainants. He said that he could not have raped AAA on May 8, 1994, who was then only 10 or 11 years old, because she had not been with them when they went looking for the missing carabao.⁶ He dismissed BBB's accusation of rape committed on June 12, 1997, explaining that he had then been working in his ricefield on that day it being the season for planting *palay*.⁷ Lastly, he belied CCC's allegations because on January 10, 1999, the time of the alleged rape, he had already been working as a carpenter in Makati.⁸ He insinuated that the charges had been ill-motivated, averring

⁵ *Rollo*, pp. 4-6.

⁶ *Id.* at 7.

⁷ *Id.*

⁸ *Id.*

that the complainants' mother had wanted a portion of the parcel of land that her parents had mortgaged but which her sister, his wife, had redeemed.⁹

The Defense presented a witness to corroborate the claim of Baraquio that he had been working in Makati for five months beginning on January 8, 1999.¹⁰ Another witness attested that there had been four or five of them, including Baraquio, who had gone looking for the missing carabao on May 8, 1994, and that their search had lasted about a week; and that CCC was not with them during those times.¹¹

Baraquio's own wife corroborated his version about the motivation for the charges, insisting that her sister and her nieces (*i.e.*, the victims) had been envious because he had been planning to leave the country to work abroad. She added that her sister had wanted a portion of the parcel of land mortgaged by their deceased parents that only she and her husband had redeemed.¹²

Judgment of the RTC

On May 19, 2004,¹³ the RTC rendered its judgment of conviction, *viz*:

WHEREFORE, finding the accused guilty beyond reasonable doubt of the crime charged in each of the above-entitled cases, the Court hereby sentences the accused, as follows:

A. In Criminal Case No. 1717-G, to reclusion perpetua and to pay BBB:

- a. ₱50,000.00 actual damages, and
- b. ₱50,000.00 in moral damages.

B. In Criminal Case No. 1718-G, to reclusion perpetua and to pay CCC:

- a. ₱50,000.00 actual damages, and
- b. ₱50,000.00 in moral damages.

C. In Criminal Case No. 1719-G, to reclusion perpetua and to pay AAA:

⁹ Id.
¹⁰ Id. at 7-8.
¹¹ Id. at 8.
¹² Id.
¹³ CA *rollo*, pp. 11-18.



- a. ₱50,000.00 actual damages, and
- b. ₱50,000.00 in moral damages.

SO ORDERED.¹⁴

Decision of the CA

Baraquio elevated the conviction to the CA, assigning the following as errors, namely:

I

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT, WHEN HIS GUILT HAS NOT BEEN PROVEN BEYOND REASONABLE DOUBT.

II

THE TRIAL COURT GRAVELY ERRED IN GIVING CREDENCE TO THE TESTIMONY OF THE PROSECUTION'S WITNESSES.¹⁵

On December 13, 2006,¹⁶ however, the CA promulgated its judgment, decreeing thusly:

WHEREFORE, the assailed decision is **AFFIRMED** with **MODIFICATION**, in that the award of actual damages is hereby deleted. In addition, however, to the award of moral damages, civil indemnity of ₱50,000.00 is hereby awarded to each of the victims.

SO ORDERED.

Issues

Hence, this appeal, in which Baraquio contends that: (1) AAA's testimony contained inconsistencies; (2) BBB failed to account how many times she had been raped by Baraquio; and (3) delay in reporting the rape incidents rendered the credibility of each complainant questionable.¹⁷

Ruling of the Court

The appeal lacks merit.

¹⁴ Id. at 18.

¹⁵ Id. at 35.

¹⁶ Supra note 1, at 24.

¹⁷ Id. at 11.

The relevant law is found in Article 266-A and Article 266-B of the *Revised Penal Code*, which pertinently read as follows:

Article 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;

x x x x

Article 266-B. *Penalties.* – Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* to death.

x x x x

Conformably with the foregoing provision, rape is committed by having carnal knowledge of a female by force, threat, or intimidation. The elements of rape are, therefore: (1) that the accused had carnal knowledge of the victim; and (2) that his act was accomplished (a) through the use of force or intimidation, or (b) when the victim is deprived of reason or otherwise unconscious, or (c) when the victim is under 12 years of age or is demented.¹⁸

The State established the elements of rape through the testimonies of victims BBB, CCC, and AAA, whom the RTC and the CA found to be credible witnesses. Without Baraquio convincingly showing now why their testimonies should be rejected and disbelieved, the lower courts' assessment of their credibility should stand. We agree that the single most important issue in a prosecution for rape centers on the victim's credibility, for when a female says she was raped, she says in effect all that was necessary to show that rape was committed.¹⁹ Once the victims' credibility is found to be strong and firm, like now, the Court has no alternative but to affirm the trial court's assessment.

The inconsistencies allegedly contained in AAA's testimony (such as whether Baraquio had pinned her down using his left hand; whether he had unzipped his pants prior to placing himself on top of her; and whether she had worn a blouse or a T-shirt and a sando) involved merely trivial and

¹⁸ *People v. Perez*, G.R. No. 191265, September 14, 2011, 657 SCRA 734, 739.

¹⁹ *Id.* at 739.

minor details that were inconsequential to the factual findings made against him. Anent the credibility of witnesses, the Court generally defers to the assessment by the trial court by virtue of its singular opportunity to observe their demeanor.²⁰ Thus, the trial court's findings are conclusive upon us, unless the appellant could show that certain facts of substance and value were overlooked.²¹ But a perusal of the records indicates that the RTC reached its conclusions and rendered its findings upon its opportunity to carefully examine the testimonies of the complaining witnesses. With the accused failing to dent the victims' credibility, the Court has no reason to overturn the trial court's factual findings.

Baraquio insists that BBB did not prove how many times he had raped her. Such insistence has no relevance in this review, for, as the Office of the Solicitor-General (OSG) aptly states, the State had no obligation to have BBB testify on the other rapes he had committed against her, and that all it needed to establish was the rape committed on January 10, 1999, as alleged in the information.²²

Although the victims' testimonies could have been marked by some degree of confusion as to the dates and details on the rapes committed by Baraquio, the confusion centered only on minor details too inconsequential to negate the credibility of their testimonies.²³ Instead of weakening their credibility, the confusion even tended to bolster it inasmuch as rape victims could not be expected to be errorless and accurate in recounting every detail of their humiliation at the hands of the accused.²⁴ Moreover, the minor details were extraneous to and did not affect any element of rape, such that any inconsistency or discrepancy was irrelevant and would not support his exoneration. To be considered in his favor, the alleged testimonial discrepancies must affect the facts constitutive of the rapes charged, or must bear on the guilt of the accused.²⁵

Finally, Baraquio submits that delay in reporting the incidents of rape raised serious questions on the veracity of the accusations.

²⁰ *People v. Mendoza*, G.R. Nos. 143844-46, November 19, 2002, 392 SCRA 240, 251, citing *People v. Managaytay*, G.R. No. 126916, March 25, 1999, 305 SCRA 316, 324.

²¹ *Id.* at 251-252, citing *People v. Cana*, G.R. No. 139229, April 22, 2002, 381 SCRA 435; *People v. Villanueva*, G.R. Nos. 112164-65, February 28, 1996, 254 SCRA 202.

²² *Rollo*, p. 13.

²³ *People v. Lantano*, G.R. No. 176734, January 28, 2008, 542 SCRA 640, 652, citing *People v. Maglente*, G.R. Nos. 124559-66, April 30, 1999, 306 SCRA 546.

²⁴ *Id.* at 652, citing *People v. Ballester*, G.R. No. 152279, January 2, 2004, 420 SCRA 379; *People v. Obrique*, G.R. No. 146859, January 20, 2004, 420 SCRA 304, 320; *People v. Aguero, Jr.*, G.R. No. 139410, September 20, 2001, 365 SCRA 503; *People v. Nerio*, G.R. No. 142564, September 26, 2001, 366 SCRA 63.

²⁵ *Id.*, citing *People v. Maglente*, G.R. Nos. 124559-66, April 30, 1999, 306 SCRA 546, 566-567.

The submission is unwarranted.

The State had no obligation to establish acceptable reasons or to render satisfactory explanations for the delay in reporting the rapes. The settled rule is that the delay or hesitation in reporting a case of rape because of the threats of the assailant is justified and must not be taken against the victim.²⁶ Nor should such delay indicate deceit or fabrication on the part of the victims inasmuch as it is understandably common for the victims to prefer to be silent out of fear of their aggressor; besides, they could also lack the courage to face the public stigma stemming from the sexual abuse suffered.²⁷ Indeed, even absent the threats on the victims' lives and personal safety by the assailant, his moral ascendancy and influence as their elder in the family could take the place of intimidation.

There is to be no question that in the prosecution of rape cases the victim's long silence and delay in reporting the crime cannot diminish her credibility,²⁸ particularly if the delay is satisfactorily explained.²⁹ Here, fear of Baraquio as the explanation for the delay was sufficient, for when he committed the rapes he had carried his knife with which he had ominously threatened them with taking their lives and those of the members of their family should they report his crimes.

We have no cogent reason to ignore the RTC's assessment of the complainants' credibility, which the CA affirmed. Unless Baraquio convincingly shows that the RTC acted arbitrarily or whimsically in reaching its assessment, we are thereby concluded because the trial court had the direct opportunity to hear and see the witnesses as to enable it to make an appropriate appreciation of their demeanor and credibility.³⁰ Alas, he did not make such a showing.

The Court modifies the award of damages allowed to each of the victims by granting uniform awards of ₱50,000.00 as civil indemnity *ex delicto*, ₱50,000.00 as moral damages, and ₱30,000.00 as exemplary damages for each count of rape. In addition, interest of 6% *per annum* is prescribed on the awards reckoned from the finality of this decision.

²⁶ Id. at 649, citing *People v. Tabugoca*, G.R. No. 125334, January 28, 1998, 285 SCRA 312, 326; *People v. Matrimonio*, G.R. Nos. 82223-24, November 13, 1992, 215 SCRA 613, 633; *People v. Degala*, G.R. Nos. 129292-93, June 20, 2001, 359 SCRA 143, 153; *People v. Melivo*, G.R. No. 113029, February 8, 1996, 253 SCRA 347, 357-358; *People v. Aguero, Jr.*, G.R. No. 139410, September 20, 2001, 503 SCRA 516-517.

²⁷ Id., citing *People v. Aguero*, *supra*.

²⁸ *People v. Alimon*, G.R. No. 87758, June 28, 1996, 257 SCRA 658, 674.

²⁹ *People v. Errojo*, G.R. No. 102077, January 4, 1994, 229 SCRA 49, 57.

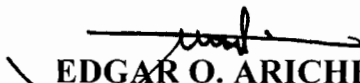
³⁰ *People v. Cadano Jr.*, G.R. No. 207819, March 12, 2014, citing *People v. Garcia*, G.R. No. 200529, September 19, 2012, 681 SCRA 465, 477.

WHEREFORE, the Court **AFFIRMS** the decision promulgated on December 13, 2006 with the **MODIFICATION** that the civil liability shall be ₱50,000.00 as civil indemnity *ex delicto*, ₱50,000.00 as moral damages, and ₱30,000.00 as exemplary damages for each count of rape, plus interest of 6% *per annum* on the awards reckoned from the finality of this decision.

The accused shall pay the costs of suit.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court *Aricheta*
238

The Solicitor General (x)
Makati City

Court of Appeals (x)
Manila
(CA-G.R. CR H.C. No. 01235)

The Director
Bureau of Corrections
1770 Muntinlupa City

The Hon. Presiding Judge
Regional Trial Court, Br. 33
3115 Guimba, Nueva Ecija
(Crim. Case Nos. 1717-G, 1718-G
& 1719-G)

Public Information Office (x)
Judgment Division (x)
Supreme Court

PUBLIC ATTORNEY'S OFFICE
Counsel for Accused-Appellant
DOJ Agencies Bldg.
1128 Diliman, Quezon City

Library Services (x)
Supreme Court
(Pursuant to A.M. No. 12-7-1-SC)

Mr. Amadeo Baraquio
Accused-Appellant
c/o The Director
Bureau of Corrections
1770 Muntinlupa City

SR

