

SECOND DIVISION

[G.R. No. 213215, January 11, 2016]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RUBEN BARON, ACCUSED-APPELLANT.

DECISION

LEONEN, J.:

The saddest thing about court decisions is that they cannot prevent moral depravity when it has already happened. We can only do justice by imposing the proper penalty upon the finding of guilt beyond reasonable doubt.

We affirm with modification the conviction of accused-appellant Ruben Baron for the crime of rape with homicide. Due to the sheer depravity of the offense, in that accused-appellant Ruben Baron raped a seven-year-old child and drowned her to death, we increase the award of damages to P100,000.00 as civil indemnity, P100,000.00 as moral damages, and P100,000.00 as exemplary damages.

In an Information, accused-appellant Ruben Baron (Baron) was charged with the rape and killing of a seven-year-old girl identified as AAA:

That on the 4th day of May, 1999 in the City of Iloilo, Philippines and within the jurisdiction of this Honorable Court, said accused, through force, threat and intimidation did then and there wilfully, unlawfully and criminally have carnal knowledge with AAA against her will and having succeeded in raping the seven (7) years (sic) old girl kill the latter by drowning her at the river.

CONTRARY TO LAW.^[1]

Eight (8) witnesses testified for the prosecution: AAA's mother, Alcid Flores, Arsenio Valguna, Barangay Captain Segundina Morales, Ma. Concepcion Tacorda,^[2] Gennive Belarma, Dr. Tito D. Doromal, and rebuttal witness Romeo Inocencio.^[3]

AAA's mother testified that at about 12:30 p.m. on May 4, 1999, AAA sought her permission to play at the day care center, which was a short distance from their house. At about 1:30 p.m., Baron arrived with AAA, both of them wet from head to toe. They informed her that they bathed at the seawall. They then asked her permission to go for a "joy-ride"^[4] in Baron's *trisykad*. They returned at about 4:00 p.m. At about 5:30 p.m., she noticed that her daughter was missing. She then went to the Molo Supermarket to look for her common-law partner so that he may assist her. After a certain Perla Tacorda informed them that AAA might have returned to the seawall, AAA's mother sought Baron's assistance in searching for AAA. Baron

initially refused, but with her prodding, reluctantly relented. With the permission of the landowner Felix Gascon and Barangay Captain Segundina Morales, they entered the seawall, where they found the lifeless body of AAA.^[5]

Alcid Flores testified that at about 4:15 p.m. on May 4, 1999, he saw Baron in a white sleeveless shirt and short pants driving his *trisikad* with AAA in the passenger seat. They had passed by the seawall. Later in the day, he joined the search for AAA.^[6]

Arsenio Valguna testified that at about 4:30 p.m. on May 4, 1999, he was outside the gate of the house of his employer Felix Gascon (Gascon), where they were having a conversation. He saw a *trisikad* parked some three (3) arms' length away with no one in it. About 15 minutes later, he saw a person clad in a white sleeveless shirt and short pants (whom he later identified in open court as Baron) coming from the river. He appeared nervous and hurried away, driving the same *trisikad* that was earlier parked. At about 8:00 p.m., he heard persons crying near the river. The following day, he revealed to Gascon what he saw the previous day. Upon Gascon's prodding, he reported the matter to the police. Subsequently, he identified Baron in a police line-up as the person he saw on May 4, 1999.^[7]

Barangay Captain Segundina Morales testified that sometime between 7:00 and 7:30 p.m. of May 4, 1999, Romeo Inocencio and Baron sought her permission to enter the seawall as AAA, who earlier went there, was missing. There, Inocencio and Baron pointed to AAA's lifeless body. Alcid Flores, who was also present, told him that Baron ought to be imprisoned as it was he whom he saw accompanying AAA earlier in the day.^[8]

Ma. Concepcion Tacorda, a 12-year-old acquaintance of AAA, testified that at about 4:30 p.m. on May 4, 1999, AAA invited her to play at the seawall. She refused, and AAA proceeded to the seawall herself. She saw a medium-built man, clad in a white sleeveless shirt and short pants, following AAA.^[9]

Gennivive Belarma, AAA's seven-year-old cousin, narrated that on May 4, 1999, she and AAA were playing with another girl, Candy, when AAA was picked up by Baron. She knew Baron as he was the husband of her mother's younger sister. AAA never returned to play with them. That evening, her mother told her that AAA had died.^[10]

Dr. Tito Doromal, Medico-Legal Officer of the Philippine National Police, Iloilo City Police Office, prepared AAA's autopsy report and death certificate. He testified on his medico-legal findings. On AAA's drowning, he noted that the presence of water in her lungs showed that she was still alive when she was submerged.^[11]

Romeo Inocencio, the common-law partner of AAA's mother, was presented as a rebuttal witness after Baron pointed to him as the culprit. He testified that at about 2:00 p.m. on May 4, 1999, he was playing *tong-its* at the day care center near their house when Baron and AAA arrived, all wet. Baron then asked AAA's mother if he could bring AAA along for a joy ride, to which she acceded. He added that from 3:00 to 5:30 p.m., he was at the parking area beside the Molo Supermarket.^[12]

Three (3) witnesses testified for the defense: Baron, Trinidad Palacios, and Flordeliza Baron, Baron's wife.

Baron resorted to a denial. He testified that at about 2:00 p.m. on May 4, 1999, AAA joined him for a joy ride aboard his *trisikad*. At about 2:30 p.m., he turned over AAA to her mother in the presence of Gingging Tacorda, Langging Tacorda, Soledad Palacios, and Romeo Inocencio. At about 6:30 p.m., AAA's mother approached him in the vicinity of Molo Supermarket, asking about AAA's whereabouts. He reminded her that he had returned AAA to her. Romeo Inocencio asked him to go to the seawall, where they found AAA's lifeless body. He claimed to have learned of being implicated in AAA's rape and killing only after he was apprehended.^[13]

Trinidad Palacios testified that at about 4:30 p.m. on May 4, 1999, she rode the *trisikad* driven by Baron from the Molo Supermarket to their house. She added that Baron stayed at the day care center for about 45 minutes, eating arroz caldo. At about 6:00 p.m., she returned to the Molo Supermarket and she saw Baron's *trisikad* parked across the road. Baron then met AAA's mother, who asked about AAA's whereabouts. He reminded her that he had turned over AAA to her. He then joined in the search for AAA.^[14]

Flordeliza Baron testified on the same circumstances of Baron's having sought permission from AAA's mother for AAA to go to the seawall, and, much later, to join him on a joy ride, as well as of the search for AAA. On cross-examination, she said that between 5:00 and 6:00 p.m., she never saw Baron.^[15]

In its Decision^[16] dated May 10, 2004, the Regional Trial Court, Branch 23, Iloilo City found Baron guilty beyond reasonable doubt of rape with homicide and sentenced him to death. The dispositive portion of this Decision reads:

WHEREFORE, in light of the facts obtaining and the jurisprudence aforecited, judgment is hereby rendered finding the accused Ruben Baron GUILTY beyond reasonable doubt of the crime of RAPE WITH HOMICIDE hereby sentencing the said accused to the supreme penalty of DEATH via lethal injection, further condemning the said accused to indemnify the heirs of the victim civil indemnity of P100,000.00, moral damages in the amount of P50,000.00, temperate damages in the amount of P25,000.00 and the actual damages of P8,000.00.^[17]

Let the entire records of this case be elevated to the Honorable Supreme Court, Manila for automatic review.

SO ORDERED.^[18]

Pursuant to this court's Decision in *People v. Mateo*,^[19] which settled on the Court of Appeals as an intermediate level of appeal in criminal cases imposing the penalty of *reclusion perpetua* or higher, the case was referred for review to the Court of Appeals.

In its Decision^[20] dated April 23, 2014, the Court of Appeals affirmed with

modification the Decision of the Regional Trial Court. The dispositive portion of this Decision reads:

WHEREFORE, the appeal is hereby DENIED. The Decision of the RTC, Branch 23, Cebu City in Criminal Case No. 00-51525 dated May 10, 2004 is hereby AFFIRMED WITH MODIFICATION. Accused-appellant Ruben Baron is found GUILTY beyond reasonable doubt of the special complex crime of rape with homicide and sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole. Accused-appellant is ordered to pay the heirs of AAA the amounts of P100,000.00 as civil indemnity, P75,000.00 as moral damages, P50,000.00 as exemplary damages, P25,000.00 as temperate damages and P8,000.00 as actual damages.

SO ORDERED.^[21]

On May 5, 2014, Baron filed before the Court of Appeals his Notice of Appeal.^[22] The Court of Appeals then forwarded its records to this court.

In the Resolution^[23] dated September 8, 2014, this court noted the records forwarded by the Court of Appeals and informed the parties that they may file their supplemental briefs.

On January 22, 2015, the Office of the Solicitor General filed a Gestation^[24] on behalf of the People of the Philippines informing the court that it will no longer file a supplemental brief.

On February 20, 2015, Baron filed a Manifestation^[25] noting that he will no longer file a supplemental brief and that he is, instead, adopting the Appellant's Brief he filed before the Court of Appeals.

For resolution is the sole issue of whether accused-appellant Ruben Baron's guilt has been established beyond reasonable doubt.

Accused-appellant is of the position that the prosecution has not established his involvement with certainty. He bewails the prosecution's reliance on supposedly tenuous circumstantial evidence.

The requirements for circumstantial evidence to sustain a conviction are settled. Rule 133, Section 4 of the Revised Rules on Evidence provides:

Section 4. Circumstantial evidence, when sufficient. — Circumstantial evidence is sufficient for conviction if:

(a) There is more than one circumstances;

(b) The facts from which the inferences are derived are proven; and