

FIRST DIVISION

[G.R. No. 202122, January 15, 2014]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
BERNABE PAREJA Y CRUZ, ACCUSED-APPELLANT.**

D E C I S I O N

LEONARDO-DE CASTRO, J.:

The accused-appellant Bernabe Pareja y Cruz (Pareja) is appealing the January 19, 2012 **Decision**^[1] of the Court of Appeals in **CA-G.R. CR.-H.C. No. 03794**, which affirmed in toto the conviction for Rape and Acts of Lasciviousness meted out by Branch 113, Regional Trial Court (RTC) of Pasay City in Criminal Case Nos. 04-1556-CFM and 04-1557-CFM.^[2]

On May 5, 2004, Pareja was charged with two counts of Rape and one Attempted Rape. The Informations for the three charges read as follows:

I. For the two counts of Rape:

Criminal Case No. 04-1556-CFM

That on or about and sometime in the month of February, 2004, in Pasay City, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, Bernabe Pareja y Cruz, being the common law spouse of the minor victim's mother, through force, threats and intimidation, did then and there wil[l]fully, unlawfully and feloniously commit an act of sexual assault upon the person of [AAA^[3]], a minor 13 years of age, by then and there mashing her breast and inserting his finger inside her vagina against her will.^[4]

Criminal Case No. 04-1557-CFM

That on or about and sometime in the month of December, 2003, in Pasay City, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, Bernabe Pareja y Cruz, being the stepfather of [AAA], a minor 13 years of age, through force, threats and intimidation, did then and there wil[l]fully, unlawfully and feloniously have carnal knowledge of said minor against her will.^[5]

II. For the charge of Attempted Rape:

Criminal Case No. 04-1558-CFM

That on or about the 27th day of March, 2004, in Pasay City, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, BERNABE PAREJA Y CRUZ, being the common law spouse of minor victim's mother by means of force, threats and intimidation, did then and there willfully, unlawfully and feloniously commence the commission of the crime of Rape against the person of minor, [AAA], a 13 years old minor by then and there crawling towards her direction where she was sleeping, putting off her skirt, but did not perform all the acts of execution which would have produce[d] the crime of rape for the reason other than his own spontaneous desistance, that is the timely arrival of minor victim's mother who confronted the accused, and which acts of child abuse debased, degraded and demeaned the intrinsic worth and dignity of said minor complainant as a human being.

[6]

On June 17, 2004, Pareja, during his arraignment, pleaded not guilty to the charges filed against him.^[7] After the completion of the pre-trial conference on September 16, 2004,^[8] trial on the merits ensued.

The antecedents of this case, as narrated by the Court of Appeals, are as follows:

AAA was thirteen (13) years of age when the alleged acts of lasciviousness and sexual abuse took place on three (3) different dates, particularly [in December 2003], February 2004, and March 27, 2004.

AAA's parents separated when she was [only eight years old^[9]]. At the time of the commission of the aforementioned crimes, AAA was living with her mother and with herein accused-appellant Bernabe Pareja who, by then, was cohabiting with her mother, together with three (3) of their children, aged twelve (12), eleven (11) and nine (9), in x x x, Pasay City.

The first incident took place [i]n December 2003 [the December 2003 incident]. AAA's mother was not in the house and was with her relatives in Laguna. Taking advantage of the situation, [Pareja], while AAA was asleep, placed himself on top of [her]. Then, [Pareja], who was already naked, begun to undress AAA. [Pareja] then started to suck the breasts of [AAA]. Not satisfied, [Pareja] likewise inserted his penis into AAA's anus. Because of the excruciating pain that she felt, AAA immediately stood up and rushed outside of their house.

Despite such traumatic experience, AAA never told anyone about the [December 2003] incident for fear that [Pareja] might kill her. [Pareja] threatened to kill AAA in the event that she would expose the incident to anyone.

AAA further narrated that the [December 2003] incident had happened more than once. According to AAA, [i]n February 2004 [the February 2004 incident], she had again been molested by [Pareja]. Under the same circumstances as the [December 2003 incident], with her mother not around while she and her half-siblings were asleep, [Pareja] again

laid on top of her and started to suck her breasts. But this time, [Pareja] caressed [her] and held her vagina and inserted his finger [i]n it.

With regard to the last incident, on March 27, 2004 [the March 2004 incident], it was AAA's mother who saw [Pareja] in the act of lifting the skirt of her daughter AAA while the latter was asleep. Outraged, AAA's mother immediately brought AAA to the barangay officers to report the said incident. AAA then narrated to the barangay officials that she had been sexually abused by [Pareja] x x x many times x x x.

Subsequently, AAA, together with her mother, proceeded to the Child Protection Unit of the Philippine General Hospital for a medical and genital examination. On March 29, 2004, Dr. Tan issued Provisional Medico-Legal Report Number 2004-03-0091. Her medico-legal report stated the following conclusion:

Hymen: Tanner Stage 3, hymenal remnant from 5-7 o'clock area, Type of hymen: Crescentic

x x x x

Genital findings show Clear Evidence of Blunt Force or Penetrating Trauma.

After the results of the medico-legal report confirmed that AAA was indeed raped, AAA's mother then filed a complaint for rape before the Pasay City Police Station.

To exculpate himself from liability, [Pareja] offered both denial and ill motive of AAA against him as his defense. He denied raping [AAA] but admitted that he knew her as she is the daughter of his live-in partner and that they all stay in the same house.

Contrary to AAA's allegations, [Pareja] averred that it would have been impossible that the alleged incidents happened. To justify the same, [Pareja] described the layout of their house and argued that there was no way that the alleged sexual abuses could have happened.

According to [Pareja], the house was made of wood, only about four (4) meters wide by ten (10) meters, and was so small that they all have to sit to be able to fit inside the house. Further, the vicinity where their house is located was thickly populated with houses constructed side by side. Allegedly, AAA also had no choice but to sleep beside her siblings.

All taken into account, [Pareja] asseverated that it was hard to imagine how he could possibly still go about with his plan without AAA's siblings nor their neighbors noticing the same.

Verily, [Pareja] was adamant and claimed innocence as to the imputations hurled against him by AAA. He contended that AAA filed these charges against him only as an act of revenge because AAA was mad at [him] for being the reason behind her parents' separation.^[10]

Ruling of the RTC

On January 16, 2009, the RTC acquitted Pareja from the charge of attempted rape but convicted him of the crimes of rape and acts of lasciviousness in the December 2003 and February 2004 incidents, respectively. The dispositive portion of the Decision^[11] reads as follows:

WHEREFORE, the herein accused Bernabe Pareja y Cruz is hereby acquitted from the charge of attempted rape in Crim. Case No. 04-1558, for want of evidence.

In Crim. Case No. 04-1556, the said accused is CONVICTED with Acts of Lasciviousness and he is meted out the penalty of imprisonment, ranging from 2 years, 4 months and 1 day as minimum to 4 years and 2 months of prison [correccional] as maximum.

In Crim. Case No. 04-1557, the said accused is CONVICTED as charged with rape, and he is meted the penalty of reclusion perpetua.

The accused shall be credited in full for the period of his preventive imprisonment.

The accused is ordered to indemnify the offended party [AAA], the sum of P50,000.00, without subsidiary imprisonment, in case of insolvency.
^[12]

The RTC, in convicting Pareja of the crime of Rape and Acts of Lasciviousness, gave more weight to the prosecution's evidence as against Pareja's baseless denial and imputation of ill motive. However, due to the failure of the prosecution to present AAA's mother to testify about what she had witnessed in March 2004, the RTC had to acquit Pareja of the crime of Attempted Rape in the March 2004 incident for lack of evidence. The RTC could not convict Pareja on the basis of AAA's testimony for being hearsay evidence as she had no personal knowledge of what happened on March 27, 2004 because she was sleeping at that time.

Ruling of the Court of Appeals

Wanting to reverse his two convictions, Pareja appealed^[13] to the Court of Appeals, which on January 19, 2012, affirmed *in toto* the judgment of the RTC in Criminal Case Nos. 04-1556 and 04-1557, to wit:

WHEREFORE, in view of the foregoing premises, the instant appeal is hereby DENIED and, consequently, **DISMISSED**. The appealed Decisions rendered by Branch 113 of the Regional Trial Court of the National Capital Judicial Region in Pasay City on January 16, 2009 in Criminal Cases Nos. 04-1556 to 04-1557 are hereby **AFFIRMED in toto**.
^[14]

Issues

Aggrieved, Pareja elevated his case to this Court^[15] and posited before us the following errors as he did before the Court of Appeals:

I

THE TRIAL COURT SERIOUSLY ERRED IN CONVICTING [PAREJA] OF THE CRIMES CHARGED NOTWITHSTANDING THAT HIS GUILT HAS NOT BEEN PROVEN BEYOND REASONABLE DOUBT.

II

THE TRIAL COURT GRAVELY ERRED IN CONVICTING [PAREJA] BASED SOLELY ON THE PROSECUTION WITNESS' TESTIMONY.^[16]

In his Supplemental Brief^[17] Pareja added the following argument:

The private complainant's actuations after the incident negate the possibility that she was raped.^[18]

Pareja's main bone of contention is the reliance of the lower courts on the testimony of AAA in convicting him for rape and acts of lasciviousness. Simply put, Pareja is attacking the credibility of AAA for being inconsistent. Moreover, he claimed, AAA acted as if nothing happened after the alleged sexual abuse.

Ruling of this Court

This Court finds no reason to reverse Pareja's conviction.

Core Issue: Credibility of AAA

Pareja claims that AAA's testimony cannot be the lone basis of his conviction as it was riddled with inconsistencies.^[19]

We find such argument untenable.

When the issue of credibility of witnesses is presented before this Court, we follow certain guidelines that have overtime been established in jurisprudence. In *People v. Sanchez*,^[20] we enumerated them as follows:

First, the Court gives the highest respect to the RTC's evaluation of the testimony of the witnesses, considering its unique position in directly observing the demeanor of a witness on the stand. From its vantage point, the trial court is in the best position to determine the truthfulness of witnesses.

Second, absent any substantial reason which would justify the reversal