

THIRD DIVISION

[G.R. No. 148134, July 08, 2003]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
GEORGE BUENAFLOR Y LABNOTIN, ACCUSED-APPELLANT.**

DECISION

PUNO, J.:

Merly Marcaida, a fifteen-year old young girl from Irosin, Sorsogon, suffered in silence for more than three years in the vile hands of appellant, her "stepfather". After the last incident on May 5, 1996, she finally left home and mustered up enough courage to tell her tale.

Before this Court on review is the Decision^[1] and Resolution^[2] of the Regional Trial Court of Irosin, Sorsogon dated January 26, 2000 and February 16, 2000, respectively in Crim. Case No. 1193, finding accused-appellant George Buenaflor y Labnotin guilty beyond reasonable doubt of the crime of rape, and imposing upon him the penalty of imprisonment of reclusion perpetua.^[3]

In an Information^[4] dated August 26, 1996, accused-appellant George Buenaflor was charged with the crime of Rape, committed as follows:

That on or about the 5th day of May 1996 at sitio Kalian, Barangay Bagsangan, municipality of Irosin, province of Sorsogon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there, wilfully, unlawfully and feloniously had (*sic*) carnal knowledge of one Merly Marcaida, against her will and without her consent, to her damage and prejudice.

CONTRARY TO LAW.

Accused-appellant pleaded not guilty to the offense charged and was tried for the crime of rape. He is the common-law husband of private complainant Merly Marcaida's mother Josephine. The latter has been cohabiting with the accused for more than ten (10) years, out of which four (4) children were born. Merly, on the other hand, is Josephine's legitimate daughter with her deceased husband.

The evidence of the prosecution is based mainly on the testimony of Merly. She testified that in the morning of May 5, 1996, she was washing clothes in the river of Sitio Kalian, Bagsangan, Irosin, Sorsogon, some ten (10) meters away from their house. She was then alone in the river, while the appellant and her three half-brothers were left in their house. The accused called out for her, and she was told to come to the house, which she did. The appellant then sent her three (3) half-brothers out of the house, and with a bolo in his hand, pulled her into the bedroom.

Once inside the room, the appellant stripped her of her shorts and underwear while she was standing. She asked the appellant what he was going to do with her; he warned her not to tell anybody what he would do with her. The appellant forced her to lie down on the mat but she tried to push him away. She did not succeed in shoving him off because he was very strong. While she was in the supine position, the appellant removed his shorts and underwear, held her legs, and straddled her. His first attempt to insert his penis into her vagina failed. The appellant proceeded to kiss and embrace her while doing some pumping motions until he succeeded in penetrating her and satisfying his bestial desire. Merly felt pain but could do nothing. The appellant was too strong, and had a bolo at his side while ravishing her. Before the appellant left, he again warned her not to tell on him or else he will kill all of them. She returned to the river to resume her washing.^[5]

A few days after, she revealed to her mother the incident. Her mother would not believe her. That was the last straw for Merly. She decided to leave home, and sought refuge in the house of Jose Gobres in Monbon, Irosin, Sorsogon. Jose Gobres is the husband of her cousin Myrna Gobres. Merly confided to them all that had happened. The Gobres spouses helped her hide from her mother and the appellant by bringing her to Puting Sapa and recommending her to work as a housemaid for the Barangay Captain. When the latter knew of her ordeal, he helped them in reporting the case to the police authorities.^[6]

Merly testified that appellant has raped her on several occasions. The first time was committed in 1993 when she was in Grade 3, and while they were still residing in Matnog. Between 1993 and 1996, countless other incidents of rape occurred. On May 9, 1995 she even bore a child, conceived by the appellant. The child died a few minutes after birth.^[7] We reproduce Merly's clear and straightforward testimony, viz:

CROSS-EXAMINATION BY ATTY. ARRIESGADO:^[8]

q - Madam witness, you have stated that you had been raped by your stepfather several times before and until May 5, 1996, do I get you right?

a - Yes.

q - And will you please tell the honorable court that you get (*sic*) pregnant when your stepfather had raped you?

a - Yes, sir.

q - Will you please tell this hon. court when did you deliver that baby which was conceived by your stepfather?

a - May 9, 1995.

q - Do we understand from you that before May 1995 you have (*sic*) frequent sexual intercourse with your stepfather, do I get you right?

a - Yes.

q - And those sexual intercourse you first associate you have been forced to have sexual intercourse and then the succeeding sexual intercourse there was no force anymore, do I get you right?

- a - No, that is not true.
- q - Will you please tell this hon. court how frequent that sexual intercourse occurs (*sic*) previous to May 1995?
- a - In one week time sometimes three times.
- q - And when you became pregnant that is one month or three months old, do you have also an occasion to have sexual intercourse with your stepfather?
- a - Yes.
- q - Did your mother notice when you became pregnant?
- a - Yes, sir.
- q - What did your mother do?
- a - She just have me drink one glass of a very bitter herbal medicine.
- q - And what happened when you took the herbal medicine?
- a - Then after that I was told to take cortal tablets.
- q - And you took those herbal medicine & cortal tablets?
- a - I don't want to take those cortal tablets but she forced me.
- q - It was your mother who forced you to take the herbal medicine and the cortal tablets?
- a - My mother and stepfather the two of them.

x x x x x x x x x

QUESTION BY THE COURT:

- q - Where is the child now?
- a - Dead already.

Atty. Arriesgado:

- q - Please tell this hon. court how old that child?
- a - After it was delivered after a few minutes he died.

Court:

Put on record that the witness is crying.

Prosecution witness, Myra Gobres, corroborated the testimony of Merly that the latter visited her at her house in Monbon, Irosin, Sorsogon on May 26, 1996. She and her husband were then having their siesta. Merly was crying and asked them to hide her because she could no longer bear her deflorations in the hands of her stepfather.^[9]

Dr. Nerissa Tagum, the medico-legal officer who examined Merly, stated in her report the following findings:^[10]

INTERNAL EXAMINATION:

- Multiple old hymenal lacerations at 1, 4, 5, 7, 9 & 10 o' clock positions
- Vagina admits 2 fingers with ease
- Cervix closed, no vaginal bleeding

Microscopic Findings:

- Negative for spermatozoa

Dr. Tagum testified that the multiple lacerations could be caused by sexual intercourse, as well as the insertion of the finger or an instrument.

The appellant denies having raped Merly. He claims that Merly was his sweetheart and live-in partner. He, however, presented conflicting statements surrounding the alleged relationship.

The defense assigns as error the following:

THE REGIONAL TRIAL COURT OF IROSIN, SORSOGON (BRANCH 55) HAS COMMITTED AN ERROR IN NOT ABSOLVING AND FREEING THE ACCUSED-APPELLANT OF THE SERIOUS CRIME CHARGED DUE TO PRESENCE OF REASONABLE DOUBT.

We find no reason to doubt the testimony of Merly. As the trial court ruled, Merly's declaration^[11] before the police investigator of PNP-Irosin, her narration^[12] in the course of the preliminary examination conducted by the presiding judge of MTC Irosin, and her testimony in open court during the trial were consistent in substance. She was unwavering in her claim that she was raped by the appellant, her mother's common-law husband. The trial court found her to be a credible witness, without any ill-motive to lie, her testimony clear, candid and straightforward.

It has been held in a long line of cases that the findings of the trial court on the credibility of witnesses and their testimonies are accorded great respect. It is the trial judge who sees the behavior and demeanor of the witness in court, her apparent possession or lack of intelligence, as well as her understanding of the obligation of an oath. The evaluation or assessment made by the trial court acquires greater significance in rape cases because from the nature of the offense, the only evidence that can oftentimes be offered to establish the guilt of the accused is the victim's testimony.^[13] In the case at bar, no compelling reason exists to disturb the trial court's finding disregarding the testimonies of the defense witnesses and upholding the credibility of Merly who stood firm on her claim and unshakable in her testimony.

The evidence for the defense was anchored solely on the claim of the appellant that he and Merly were sweethearts and live-in partners. He alleged that the several incidents of sexual intercourse between him and Merly, including that of May 5, 1996, were consensual. He likewise admitted to have impregnated Merly whose baby, however, died immediately after birth. At first, he denied during his direct testimony in open court that he had any relations with Josephine Marcaida (mother