

FIRST DIVISION

[G.R. No. 137660, March 28, 2001]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CARLOS L. ALCANTARA, ACCUSED-APPELLANT.**

D E C I S I O N

PARDO, J.:

Defilement of a child causes trauma that not only destroys her future, it painfully mars a youth of this country.

We are faced with a crime committed by a stepfather against his wife's daughter by a prior marriage, violating the trust reposed in him and robbing an innocent child of her future.

Rosalie Gonzales was a Grade 5 student of Pangpang, Sorsogon, Sorsogon. On February 13, 1996, she testified that her stepfather, Carlos L. Alcantara, had been sexually abusing her since 1988, when she was six (6) years old.^[1] The last incident occurred on November 19, 1991.

She recounted that while the rest of the family slept at night, the accused would go to where she was sleeping, and then rape her.

Rosalie tried to call for help but Carlos covered her mouth and threatened to kill her if she would tell anyone about the incident. She felt severe pain all over her body and would wake up the following morning with a swollen sexual organ.

The sexual abuse was repeated several times. Rosalie did not inform her mother because she was afraid of the threats.

Sometime in 1994, Rosalie's sister, Daisy, told Rosalie that accused intended to abuse her as well. Rosalie decided to inform her mother, Salvacion, about the sexual abuse. On October 13, 1994, Rosalie submitted herself to a medical examination by Dr. Salve Bermundo Sapinoso of the Castilla Rural Health Unit. Dr. Sapinoso found that Rosalie's vaginal opening admitted two fingers freely and had old lacerations at 9:00 o'clock to 1:00 o'clock position,^[2] compatible with rape involving the insertion of a hardened penis into the private organ of the victim.

On November 17, 1994, Maximino R. Ables, Assistant Provincial Prosecutor of Sorsogon, filed with the Regional Trial Court, Sorsogon an information for rape against Carlos L. Alcantara, as follows:

"The undersigned Assistant Provincial Prosecutor accuses CARLOS ALCANTARA of La Union, Castilla, Sorsogon, of RAPE, defined and penalized under Article 335 of the Revised Penal Code, committed as

follows:

"That sometime in the year 1988, while the victim was only 6 years old, and the following years thereafter up to 1991 at Barangay La Union, Municipality of Castilla, Province of Sorsogon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused with lewd design, did then and there, willfully, unlawfully and feloniously, by means of force and intimidation, have sexual intercourse with one Rosalie Gonzales, his step daughter against her will and consent."^[3]

Upon arraignment on February 13, 1995, the accused pleaded not guilty.^[4]

The facts are as follows:

Salvacion Alcantara had five children with her deceased husband. Rosalie Gonzales was one of them.

Sometime in 1986, Salvacion started living with accused Carlos L. Alcantara.^[5]

Sometime in 1988, when Rosalie was just about six (6) years of age, Carlos started the series of abuse against Rosalie in a small *nipa* hut owned by Carlos' father in law.

Rosalie did not report the rape to her mother because Carlos threatened to kill her if she told anyone.

Sometime in 1990, Salvacion and Carlos got married.

In the evening of November 19, 1991, Carlos raped Rosalie for the last time at their house in La Union, Castilla, Sorsogon. Rosalie was beside her elder sister, Daisy, when Carlos went to where they were sleeping, held her hand, placed his other hand on her mouth and went on top of her, preventing her from waking up his sister. While undressing her, he covered her mouth with his hand, preventing her from calling for assistance.

He then placed his finger in her sex organ and then subsequently inserted his penis into her private part.^[6]

Carlos threatened Rosalie with death if she told anybody what happened.^[7]

Sometime in October 1994, Daisy (Rosalie's elder sister) informed Rosalie that Carlos threatened to abuse her too. Rosalie informed her mother immediately.^[8]

When Salvacion learned about the incident, she could not believe that her husband was capable of abusing her child so she approached Rosalie's schoolteacher, Teresita Yumol. Yumol suggested that they go to the doctor so that Salvacion would believe that the abuse was real.

On October 13, 1994, at about 1:45 p.m., Yumol brought Salvacion and Rosalie to Cumadcad to see a doctor.^[9]

Dr. Salve Sapinoso examined Rosalie and found that her hymen in the genitalia had an old laceration. In examining the hymen as compared to the face of a watch, the old laceration was at 9:00 o'clock to 1:00 o'clock position. The vaginal opening admitted of two (2) fingers freely without feeling pain possibly due to the insertion of a hardened object to her private part.^[10]

On the same day, October 13, 1994, Salvacion filed with the Municipal Trial Court, Castilla, Sorsogon a criminal complaint^[11] against her husband.

During the trial, Daisy left their house and could not be served with subpoena. Thus, she was not presented as a witness.

On July 27, 1998, the trial court rendered a decision the dispositive portion of which reads:

"WHEREFORE, based on the foregoing premises, the guilt of the accused Carlos Alcantara having been proved by evidence beyond reasonable doubt, this court hereby sentenced (sic) the accused to suffer an imprisonment of Reclusion Perpetua, to indemnify the complainant the amount of P50,000.00 without subsidiary imprisonment in case of insolvency and to pay the costs.

"SO ORDERED.

"Given in Chamber this 27th of July 1998, at Sorsogon, Sorsogon, Philippines.

"HONESTO A. VILLAMOR

"Judge"^[12]

On August 27, 1998, the accused filed a notice of appeal.^[13]

On July 12, 1999, we accepted the appeal.^[14]

Accused Carlos maintains that the trial court erred in not acquitting him on the ground that his guilt has not been proved beyond reasonable doubt.

Carlos' argument hinged on three points.

First, he was innocent because he "denies strongly the accusation"^[15] and that it was unlikely for him to commit such a serious charge against Rosalie whom he treated as his own dear child.^[16] He contended that the allegations of the prosecution are well-nigh fabrications. He pointed out that the prosecution failed to present Daisy Gonzales in court.

Second, Rosalie testified that accused Carlos ravished her when her siblings were around. Carlos argued that Rosalie must have been telling a lie since he could not have done the crime when they were not alone.^[17]

Third, his wife's motive in filing the complaint against him was jealousy. Accused Carlos alleged that his wife always fought him due to ill feelings against him.^[18]