

FIRST DIVISION

[G.R. No. 133605, June 28, 2001]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
BENJAMIN BARRIAS, ACCUSED-APPELLANT.**

D E C I S I O N

PUNO, J.:

This is an appeal from the Decision of the Regional Trial Court of Naga City convicting accused-appellant of the crime of rape and sentencing him to *reclusion perpetua* and to pay private complainant the sum of P50,000.00 as moral damages, P10,000.00 as attorney's fees, plus costs.^[1]

Accused-appellant Benjamin Barrias was charged before the Regional Trial Court of Naga City with the crime of rape allegedly committed against private complainant Rosalinda Guerrero on April 27, 1995. The Information dated October 31, 1995 alleged:

"That on or about April 27, 1995, in the City of Naga, Philippines, and within the Jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation with lewd design, did then and there, willfully, unlawfully and feloniously have sexual intercourse with private complainant, ROSALINDA GUERRERO y ORTIZ, a minor, 15 years old, against her will and without her consent, to her damage and prejudice.

That as a result thereof, private complainant is now six (6) months pregnant.

CONTRARY TO LAW."^[2]

The prosecution proved the following facts:

On April 27, 1995, around 9:00 o'clock in the morning, private complainant who was then 15 years of age^[3] went to the residence of accused-appellant in Barangay Concepcion Grande, Naga City to buy some indian mangoes which she would in turn sell for profit. She called on the occupants of the house four times before accused-appellant came out through the kitchen door. She told him that she wanted to buy some mangoes. Accused-appellant, armed with a bolo, held her left wrist and dragged her into the house. Private complainant tried to resist by moving her body toward the opposite direction and by holding on to a piece of bamboo by the door. But he prevailed upon her and successfully dragged her to the room near the kitchen. Upon reaching the room, accused-appellant pushed private complainant.

She fell and hit her forehead on the floor, causing her to feel dizzy. Accused-appellant threw the bolo on the table in the kitchen. He then drew a fan knife from his pocket and walked toward private complainant. He warned her not to make any noise, otherwise, he would kill her. With the knife in his left hand, accused-appellant started undressing private complainant using his right hand. He removed her short pants and underwear. Thereafter, he took off his short pants and briefs. Accused-appellant mounted private complainant and pressed her legs with his knees to prevent her from moving. He poked the knife on her chest, above her left breast. Using his knees, accused-appellant forcibly spread the legs of private complainant. He then held his penis and inserted it into her vagina. Private complainant felt pain. Accused-appellant made a push and pull movement. She cried because of severe pain. After satisfying his lust, accused-appellant stood up and wiped his organ with his shirt. Private complainant saw blood and felt pain in her vagina. She, nevertheless, managed to get up and flee. She took her short pants and underwear and ran to a grassy area and there put on her lower garments. Accused-appellant tried to pursue her but he was not able to catch up with her.^[4]

Private complainant proceeded to the house of her aunt, Lourdes Nidea, where she was staying. When she reached the house, she went straight to the bathroom to wash herself. She also washed her short pants and underwear which were smeared with blood. Private complainant changed her clothes and went to bed. She slept until 6:00 o'clock in the evening because her body was aching. Private complainant did not tell her aunt about the sexual assault because she was afraid that accused-appellant might carry out his threat to kill her if she reports the incident to her relatives.^[5] But accused-appellant's evil deed could not remain hidden forever. Because of the rape, private complainant became pregnant. In August 1995, Lourdes Nidea noticed that private complainant was getting plump and her abdomen was growing bigger. Lourdes confronted her and asked her if she had a problem. Fearful of accused-appellant's threat, private complainant replied in the negative. Lourdes brought private complainant to her grandmother, Flora Cortez, and asked the latter to talk to her. Private complainant revealed to her grandmother that accused-appellant had raped her.^[6]

Flora accompanied private complainant to the police authorities to report the rape. Then they went to the Naga City Hospital to have private complainant physically examined.^[7] Dr. Joel Jurado conducted a physical examination of private complainant on September 6, 1995. He made the following findings:

"The following lesions / findings were noted:

1. Pubic Hairs - Scanty
2. Hymen - Laceration at 4 o'clock and 5 o'clock position.
3. Uterine fundus - Two (2) fingers breaths below umbilicus.
4. Breasts plus fullness.
5. Last menstrual period - April 1995."^[8]

Private complainant filed a complaint against accused-appellant for rape at the Office of the City Prosecutor.^[9] After the filing of the complaint, in September 1995, accused-appellant went to the house of Lourdes Nidea and requested them to withdraw the case against him. He promised to support private complainant, to give them five (5) cavans of palay every harvest, and to make improvements in the house of Flora Cortez. He pledged to give P2,000.00 every month to private complainant. Lourdes informed Flora about the offer of accused-appellant but Flora said that they would not withdraw the case.^[10]

Private complainant gave birth to a baby boy named Marvin Cortez Guerrero on January 9, 1996.^[11] He, however, died on April 8, 1997 due to acute bronchopneumonia.^[12]

The defense denied the charge filed against accused-appellant. Accused-appellant testified that in the morning of April 27, 1995, private complainant went to his house to ask for some indian mangoes. He allowed her to pick some mangoes from the trees in his backyard. Private complainant got ten mangoes and placed them in her pocket. Thereafter, she left. Around 3:00 o'clock in the afternoon of the same day, private complainant came to him to borrow P500.00 to be used for their excursion in Pasacao. Accused-appellant did not give her the money at that time but told her to meet with him at the house of his daughter, Eva, where he would hand to her the money.^[13] Accused-appellant denied having carnal knowledge of private complainant.^[14] He claimed that private complainant might have filed the case against him to evade payment of the debt of her grandmother in the amount of P1,000.00, as well as those of her other relatives.^[15]

The trial court gave credence to the evidence of the prosecution and convicted accused-appellant of the crime of rape. The dispositive portion of the Judgment reads:

"WHEREFORE, the prosecution having proved beyond reasonable doubt the guilt of the accused Benjamin Barrias of the crime of rape of which he is presently charged, judgment is hereby rendered whereby the accused is sentenced to suffer the penalty of *reclusion perpetua*; to pay private complainant the sum of FIFTY THOUSAND (P50,000.00) PESOS as moral damages; TEN THOUSAND (P10,000.00) PESOS for attorney's fees; and to pay the costs.

SO ORDERED."^[16]

Accused-appellant filed a notice of appeal from the Judgment of the trial court.^[17] He raised the sole assignment of error in the appeal:

"The court a quo erred in finding accused-appellant guilty of the crime of rape by totally disregarding his evidence, the law and existing jurisprudence."^[18]