

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BENEDICT BARCELINO Y DAVID, ACCUSED-APPELLANT.

Ponente: REYES-CARPIO, A., J.

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REYES-CARPIO, A., J.:

Accused-appellant BENEDICT BARCELINO y DAVID[1] appeals from the Decision[2] dated September 16, 2013 rendered by the Regional Trial Court of Valenzuela City, Branch 270, in Criminal Case No. 32-V-13, for the offense of Violation of Section 5(a) of Republic Act No. 9262 (Anti-Violence Against Women and Their Children Act of 2004), committed as follows:

“That on [or] about November 21, 2012, in Valenzuela City and within the jurisdiction of this Honorable Court, the above-named accused, without any justifiable cause, did then and there willfully, unlawfully and feloniously maul her live-in partner SUSANA MENDOZA y CONCEPCION (complainant), hitting the latter at different part[s] of her body, thereby inflicting upon the latter physical injuries which required medical attendance for a period of two (2) weeks and incapacitated said victim from performing her habitual work for the same period of time.

CONTRARY TO LAW.”[3]

When arraigned on February 22, 2013, accused-appellant pleaded not guilty.[4] Thereafter, trial on the merits ensued. The summary made by the court a quo regarding the evidence of the opposing parties is as follows:

“THE VERSION OF THE PROSECUTION

Private complainant Susana C. Mendoza testified that on November 21, 2012 at around 10:00 o’clock in the evening, she was at home together with the accused. While cleaning her face, the accused called her but she did not accede. The accused got mad and started to curse her. He not only uttered invective words, but he laid his violent hand upon her by hitting the back of her head, pulling her hair, dragging her to their room, pushing her to bed, choking and boxing her forehead and shoulder. She sustained injuries as evidenced by her photographs marked as Exhibits ‘C’ to ‘C-3’. The accused was drunk at that time. Due to the blows she received from him, she passed out. The accused called her daughter Shiela to give her water. Shortly thereafter, the accused started consoling her. Before the subject incident, the accused have already hurt her many times every time he imbibes liquor.

She reported the mauling incident at the police station where she executed an affidavit marked as Exhibit ‘A’. She likewise sought medical help as evidenced by the Medico-Legal Slip marked as Exhibit ‘B’. She wanted the accused to be incarcerated. She has been living with the accused for eighteen (18) years but it is an on and off relationship because of his attitude. The attitude of the accused affected her physically and emotionally.

The private complainant identified the accused in open court.

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THE VERSION OF THE DEFENSE

Benedict D. Barcelino testified that the private complainant is his live-in partner for eighteen (18) years with

no children. They are no longer living together because of their irreconcilable differences.

In the evening of November 21, 2012, he drank one (1) bottle of Red Horse. When he got home, he called the private complainant to go inside their room but she refused. He approached the private complainant and an altercation ensued. He boxed her in the forehead. The person depicted in Exhibit 'C' is the private complainant. He denied having inflicted the depicted injuries sustained by the private complainant in Exhibits 'C-2' and 'C-3'. However, he likewise asserts that he is not certain whether he was the one who inflicted the injuries in Exhibit 'C-1'.

On the following day, he left the house to work. The private complainant was still mad at him. He was arrested in the evening of November 22, 2012. His witness is his sister, Marietta Calicdan, who would testify that the private complainant scratches him every time they fight.

No cross examination was conducted by the prosecution.

Marietta Calicdan testified that she is the sister of the accused. Whenever the accused and the private complainant would fight, the former would come to their house with injuries. She learned about the incident on November 21, 2012 after two (2) to three (3) days already.

During the cross-examination, she testified that she did not witness the subject incident. She learned about it when a relative informed her that the accused was put in jail. As far as she knows, the accused did not go to the doctor after the incident on November 21, 2012.

During the re-direct examination, she testified that she has no written proof that the accused sustained injuries because she merely relied on the information given by the latter.”[5]

On September 16, 2013, the court a quo rendered its assailed Decision, the decretal portion of which states:

“WHEREFORE, IN THE LIGHT OF THE FOREGOING, violation of Section 5(a) of RA 9262 having been proven by the prosecution beyond reasonable doubt, accused BENEDICT BARCELINO y DAVID is hereby sentenced to suffer the penalty of six (6) months imprisonment and to pay a fine of One Hundred Thousand Pesos (Php 100,000.00) and for him to undergo psychological counseling for a period of six (6) months before the Valenzuela City Social Welfare Development Office (CSWDO), and to submit compliance thereof to this Court.

SO ORDERED.”[6]

Hence, the instant appeal, wherein accused-appellant asserts that the court a quo gravely erred in finding him guilty of the offense charged despite the prosecution’s failure to prove his guilt beyond reasonable doubt.

Accused-appellant initially contends that other than the photographs of the alleged physical harm inflicted upon the private complainant, the prosecution failed to prove with definite exactitude that it was indeed him who inflicted the said injuries.[7]

We disagree.

Accused-appellant readily admitted during his direct examination that he punched private complainant on her left forehead which apparently caused the latter’s head injury, to wit:

“Atty. De Guzman:

Q: Mr. Witness, it appears from these pictures that Susana is displaying or showing the injuries that she allegedly sustained. It was also the allegation of Susana that you inflicted those injuries. What can you say to those allegations?

A: Not all her injuries as depicted in these pictures were inflicted by me, Sir.

Q: Just to clarify that answer of yours, what injuries did you inflict on her, if any?

A: I was able to punch her on her left forehead, Sir.

[the witness is pointing to the left side of his forehead]

Q: When did this happen, if you can still recall?

A: It happened on the night of November 21, Sir.

Court:

Q: What year?

A: In 2012, Your Honor.”[8]

In this regard, the Supreme Court has repeatedly held that a judicial confession constitutes evidence of a high order. The presumption is that no sane person would deliberately confess to the commission of a crime unless prompted to do so by truth and conscience.[9] Moreover, the following provisions of the Rules of Court clearly provide that an admission of guilt constitutes evidence against the accused, viz:

Rule 129

SEC. 4. Judicial admissions. - An admission, verbal or written, made by a party in the course of the proceedings in the same case, does not require proof. The admission may be contradicted only by showing that it was made through palpable mistake or that no such admission was made.

Rule 130

SEC. 26. Admissions of a party. - The act, declaration or omission of a party as to a relevant fact may be given in evidence against him.

SEC. 33. Confession. - The declaration of an accused acknowledging his guilt of the offense charged, or of any offense necessarily included therein, may be given in evidence against him.

The court a quo, therefore, did not err in ruling that the prosecution was able to firmly establish that accused-appellant violated Section 5(a) of R.A. 9262 (Anti-Violence Against Women and Their Children Act of 2004), which provides that violence against women and their children includes an act or acts of a person which causes physical harm to the woman or her child.

Accused-appellant, however, also argues that the prosecution failed to prove the element of force or intimidation as shown by the fact that the private complainant failed to make an outcry during the time he was allegedly hurting her.[10]

We again disagree.

Accused-appellant’s argument that he employed no force or intimidation upon the private complainant is absurd, to say the least, in light of his judicial admission that he punched the latter on the forehead. Basic knowledge and common sense dictate that a punch obviously requires force from the one delivering it.

Besides, the lack of an outcry by the private complainant should not be taken against her, as the workings of the human mind when placed under emotional stress are unpredictable.[11] In fact, it is a time-honored precept that different people react differently to a given situation or type of situation and there is no standard form of behavioral response when one is confronted with a strange or startling or frightful experience.[12]

With regard, meanwhile, to the penalty imposed by the court a quo upon accused-appellant, it is in full accord with the law, thus there is no cogent reason to disturb the same.

WHEREFORE, premises considered, the instant appeal is DENIED for lack of merit. The assailed Decision of the

court a quo is hereby AFFIRMED.

SO ORDERED.

Carandang, R.D., Chairperson, and Barza, R.F., JJ., concur.

[1] Hereinafter accused-appellant

[2] Original records, pp. 105-110, penned by Presiding Judge Evangeline M. Francisco

[3] Original Records, p. 1

[4] Original Records, p. 37

[5] Original Records, pp. 106-108

[6] Original Records, p. 110

[7] Rollo, p. 53

[8] TSN of Benedict D. Barcelino, May 10, 2013, p. 6

[9] People vs. Samolde, G.R. No. 128551, July 31, 2000

[10] Rollo, p. 53

[11] People vs. Lolos, G.R. No. 189092, August 19, 2010

[12] People vs. Silvano, G.R. No. 127356, June 29, 1999

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