

FIRST DIVISION

[G.R. No. 242690, September 03, 2020]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. WODIE FRUELDA Y ANULAO, ACCUSED-APPELLANT.

DECISION

CAGUIOA, J:

This is an appeal from the Decision dated May 29, 2018^[1] rendered by the Court of Appeals (CA) in CA-G.R. CR-HC No. 08996, which affirmed with modification the Decision dated August 31, 2016^[2] of the Regional Trial Court (RTC) of Pallocan West, Batangas City, Branch 8, finding accused-appellant Wodie Fruelda y Anulao (Fruelda) guilty beyond reasonable doubt of rape under Article 266-A, paragraph 1 (b) of the Revised Penal Code (RPC).

The Facts

An Information^[3] was filed against Fruelda for the crime of rape, the accusatory portion of which reads:

That on or about April 28, 2014 at around 8:00 in the morning at Brgy. Kumintang Ibaba, Batangas City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, motivated by lust and lewd designs, and by means of force and intimidation, did then and there willfully, unlawfully and feloniously insert his fingers into the genital organ of one [AAA]^[4] and thereafter have carnal knowledge to said [AAA], while the said offended party is deprived of reason or otherwise unconscious and against the latter's will and consent.

CONTRARY TO LAW.

Upon arraignment, Fruelda pleaded not guilty.

After pre-trial was terminated, trial on the merits ensued.

The CA summarized the respective versions of the prosecution and defense as follows:

Version of the Prosecution

The prosecution presented the private complainant AAA, Edna Rabano Ilagan, Police Inspector Julieta Magpantay, and Dr. Jerico Cordero.

The private complainant testified that she is a member and a full-time worker of Jesus the Anointed One Church in XXX City. She is in charge of the storeroom where bars of soaps, coffee and other items used to generate funds for the congregation were stored. On the other hand, Accused was the driver of the church's Bishop Arthur Gonzales.

At around eight o'clock in the morning of (8:00 A.M.) of 28 April 2014, she was charging her cellphone inside the church premises when the accused arrived and asked her where the storeroom was. After being pointed to where the storeroom was located, the Accused asked private complainant to retrieve bar soaps for him to which she obliged. Private complainant entered the storeroom through its main door while the Accused trailed behind her.

Inside, she pointed where the bar soaps were located. As she was about to leave, the Accused asked her why some of the expired fabric conditioners were still being kept. While she was explaining that an inventory is required before the items can be disposed of, the Accused suddenly grabbed her breasts. Out of shock, private complainant shouted. Although the Accused released her breasts, he, however, immediately grabbed the front of private complainant's pants directly over her private part. She was shouting in pain as the Accused dragged her further inside the bodega. The Accused then used his body to block and keep the door shut behind him as he fondled her breasts and tried to unzip her pants. When the Accused was able to open the zipper of her pants, the Accused inserted his fingers in and out of her vagina. All the while, private complainant resisted and tried to protect herself by crossing her arms in front of her in an "X" position thereby incurring bruises in the process. The Accused then pressed her onto the wall causing her to bump her head which left her disoriented and dazed. She also felt weakened by the pain that she was feeling all over her body. The last thing she saw was the accused pulling out his penis and she heard him saying "tumuwad ka".

When she regained composure, private complainant realized that she was already seated on the floor. She saw that her pants as well as her underwear were pulled down to her knees but the Accused was no longer to be found. She also does not know how much time has already lapsed after the accused told her "tumuwad ka". Although it was already dark and she could not see anything, private complainant gathered her senses, pulled up her clothes and went out of the bodega. She was bursting in tears when her fellow church member Conchita Pandi saw her. She retrieved her cellphone and called Edna Rabano Ilagan, her fellow member at "Samahang Magdalo", to come to her aid.

When Edna Rabano Ilagan arrived, they went to Camp Miguel Malvar where the private complainant filed her complaint. Pictures of her and

her bruises were also taken. She was thereafter subjected to medical examination in Camp Vicente Lim in Laguna. When they returned to Camp Miguel Malvar to submit the results of the medical examination, she was told to rest and return the next day since she could not physically bear to execute a *sinumpaang salaysay*.

Edna Rabano Ilagan testified that she was acquainted with the private complainant as they are both members of Samahang Magdalo, a non-government organization. On 28 April 2014, she was on her way to fetch her granddaughter when she received a call from private complainant who was crying on the line. Private complainant was begging to be fetched as she was allegedly raped. When she arrived at Jesus the Anointed One Church, she saw private complainant crying and shaking near the storeroom. She also noticed that private complainant had bruises on her body. She then accompanied private complainant to the women's desk at Camp Miguel Malvar where they were interviewed by P/Insp. Julieta Magpantay. She observed that private complainant at times could not answer the questions asked as she was crying and trembling while other times she was shouting and crying. When P/Insp. Julieta Magpantay noticed private complainant's bruises, the police officer thought that a medico-legal examination is needed. However, there was no SOCO personnel available at Camp Miguel Malvar; thus, private complainant was brought to Camp Vicente Lim. After the examination, private complainant was in pain and since it was also heavily raining at that time, they were told to come back to Camp Miguel Malvar the next day for the completion of private complainant's statement.

P/Insp. Julieta Magpantay testified that she is a member of the criminal investigation and detection team of the provincial police office. On 28 April 2014, she received a complaint for sexual assault from private complainant against the Accused. She interviewed private complainant and asked her to fill up the complaint sheet. She observed, however, that private complainant was not physically and emotionally prepared to do so as she was hysterical from time to time. Private complainant also passed out while she was accomplishing the complaint sheet.

When she noticed that private complainant had a lot of bruises, P/Insp. Julieta Magpantay took photographs. Thereafter, she, together with one SPO3 Plerbert Mendoza, proceeded to the crime scene for ocular inspection. They were then able to verify the allegations of private complainant. Since the Accused was not around, SPO3 Herbert Mendoza contacted Bishop Arthur Gonzales and informed him of the complaint against the Accused. P/Insp. Julieta Magpantay then accompanied private complainant and her companion Edna R. Ilagan to SOCO Camp Vicente in Calamba City, Laguna for medico-legal examination. When they went back to Batangas CIDG, he saw the Accused seating in the kitchen. Upon inquiry, she learned that the accused surrendered voluntarily. When the statement of private complainant was completed the next day, P/Insp. Julieta Magpantay assisted the parties at the City Prosecutor's Office for inquest.

Dr. Jerico Cordero testified that he is the Assistant Regional Chief and

Medico-legal Officer of Regional Crime Laboratory Office 4A – CALABARZON. He was qualified and presented as an expert witness to testify on Medical Report No. SA-0139-14 which was executed by Dr. Dorothy Joy Collo based on the examination she conducted on private complainant. Dr. Dorothy Joy Collo, however, can no longer be presented as witness as she is no longer connected with the Regional Crime Laboratory Office and has already moved abroad. In any case, Dr. Jerico Cordero was asked to interpret the findings in the Medical Report. He testified that the presence of deep fresh hymenal lacerations indicate that the injuries were inflicted within a 24-hour period. A blunt object, such as a finger or penis, could have caused the injury by penetration. The medicolegal anatomic sketch also shows that the private complainant had multiple abrasions (*gasgas*) on her jaw, neck, chest and forearms.^[5]

Version of the Defense

For the defense, the following witnesses took the witness stand: the Accused Wodie Fruelda himself, Conchita Pandi and Romel Elida.

Stripped of the non-essentials, the Accused denied the imputations against him and anchored his defense on the sweetheart theory.

The Accused testified that he had been a member of Jesus the Anointed One since 1991. Prior to being the personal driver of Bishop Arthur Gonzales, he used to work for the church as part of maintenance. He was acquainted with private complainant when she joined the church in 1996. When he got married in 1999, private complainant would usually ask him about his marital life. As time went by, they became closer with one another until private complainant became his mistress. As such, it was just natural for the both of them to engage in sexual activities as they did in the morning of 28 April 2014 inside the storeroom. After their rendezvous, the Accused went out of the storeroom ahead of the private complainant. However, he saw their fellow member Conchita Pandi outside the storeroom. He then went inside to retrieve soaps and handed to Conchita Pandi. Thereafter, he left to drive for the Bishop to Manila.

When he and the Bishop returned to the church, the Accused was informed that there was a complaint against him for rape filed by private complainant. The Bishop then told him that they needed to go to CIDG at the PNP Headquarters wherein a certain SPO3 Mendoza talked to him. He was then told to remain at the police station because of the complaint lodged against him. He stayed at the police station for two (2) weeks before he was brought to court and later to the city jail. He was saddened because the reason why he went to the camp was to explain his side that he did not commit the charges hurled against him.

Conchita Pandi testified that around seven thirty in the morning (7:30 A.M.) of 28 April 2014, she was looking for private complainant as she needed assistance in laying foam to be used for the church activity to be held the next day. She asked the security guard on duty, Romel Eldin, of the whereabouts of private complainant. She was told that private

complainant was inside the storeroom with the Accused. She went to the storeroom but it was locked. She likewise did not find anybody inside the storeroom but she still waited outside.

After some time, the Accused went out of the storeroom and handed her some soap for cleaning. She, however, did not take the soap as she was not supposed to clean that day. She then saw private complainant peeping out of the door of the storeroom. When she asked private complainant what she was doing inside with the Accused, private complainant replied that the Accused locked her there. She, however, pointed out the impossibility of being locked from the inside considering that private complainant was able to open the door on her own. Private Complainant thereafter broke down in tears. She then asked that their HR be summoned in order to talk to private complainant. A woman thereafter arrived and picked up private complainant from the church premises. Later that day, private complainant and the woman returned with police officers who were looking for the Accused allegedly for raping private complainant. As the police officers were inspecting the storeroom, Conchita Pandi told them that no rape occurred as she merely caught the private complainant and the Accused together inside the storeroom.

Romil Elida corroborated the testimony of Conchita Pandi. He testified that he was a volunteer security guard at the Jesus the Anointed One Church of which the Accused and private complainant were his co-members. He, however, treats the Accused as his brother. On 28 April 2014, he was on duty when the Accused arrived and asked for private complainant who was inside the church premises. After about fifteen (15) minutes, Conchita Pandi arrived and was looking for private complainant as well to whom he responded that private complainant was inside. Conchita Pandi, however, returned saying that she could not find private complainant but he replied that he just saw private complainant with the Accused. After a while, Conchita Pandi returned saying that he caught private complainant and the Accused inside the storeroom. He then saw private complainant crying outside the storeroom.

Both Conchita Pandi and Romel Elida also testified as to the demeanor and interaction of the Accused and private complainant prior to the 28 April 2014 incident. Romel Elida averred that he had the notion that the Accused and private complainant was in some sort of relationship as the Accused would usually ask him about private complainant. He sees them flirting or joking with each other. However, he only confirmed his suspicion on 28 April 2014 when he saw private complainant crying outside the storeroom after Conchita Pandi told him that she caught the Accused and private complainant inside the storeroom. As for Conchita Pandi, she relayed to the court an incident she witnessed between the Accused and private complaint which occurred three to four years prior to 28 April 2014.^[6]

Ruling of the RTC