

SECOND DIVISION

[G.R. No. 229677, October 02, 2019]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. XXX,
ACCUSED-APPELLANT.**

DECISION

LAZARO-JAVIER, J.:

The commission of rape offends social fabric. It is an affront to human dignity and if tolerated or dealt with leniency, even encourages criminality. No court of law should take an accusation of rape lightly; at the same time, however, it has the duty to protect the Constitutional right of the accused to be presumed innocent unless proven otherwise. When a woman cries rape, the Court is bound to balance the natural inclination to commiserate with the victim, with logic and legal precepts. In doing so, the Court reviews the allegations in its entirety, probing for consistency, sufficiency, and credibility of evidence vis-à-vis the right of the accused to be presumed innocent until otherwise proven. For the Court is beholden, at all times, to safeguard the social fabric and human dignity without compromising fundamental legal rights.

The Case

This appeal assails the Decision^[1] dated September 27, 2016 of the Court of Appeals in CA-G.R. CR-HC No. 06208 entitled *People of the Philippines v. XXX*, affirming appellant's conviction for two (2) counts of rape.

The Proceedings Before the Trial Court

The Charges

Appellant XXX was charged with rape in two (2) separate Informations, viz:

Criminal Case No. C-6350

That on or about the 17th day of October 2000, at around 9:00 o'clock in the morning, more or less, at Barangay [REDACTED], City of Calapan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, motivated by lust and lewd desire, by means of force and intimidation, willfully, unlawfully and feloniously did lie, and succeeded in having carnal knowledge of AAA,^[*] against her will and without her consent, to the damage and prejudice of the latter.

Contrary to Article 335 in relation to R.A. 7659 & 8353.^[2]

Criminal Case No. C-6358

That on or about the 17th day of October 2000 at around 2:00 o'clock in the afternoon, more or less, at Barangay [REDACTED], City of Calapan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, motivated by lust and lewd desire, by means of force and intimidation, willfully, unlawfully and feloniously did lie, and succeeded in having carnal knowledge of the AAA, against her will and without her consent, to the damage and prejudice of the latter.

Contrary to Article 335 in relation to R.A. 7659 & 8353.^[3]

The cases were raffled to the Regional Trial Court-Branch 40, Calapan City, Oriental Mindoro.

On arraignment, appellant pleaded not guilty. During the trial, the prosecution presented complainant AAA, her mother BBB, her sister CCC, and Dr. Angelita C. Legaspi. On the other hand, the defense presented appellant and his neighbor DDD.

The Prosecution's Version

AAA^[*] testified that she first met appellant sometime in February 2000, in a restaurant in Calapan City where she used to work. On October 9, 2000, they crossed paths again in an appliance store where she had assumed another job. Appellant inquired if they were selling low-cost appliances. During their conversation, he asked if she was looking for an apartment because he had a spare room for rent. She told him to return the next day because she needed to inform her sister first.

On October 13, 2000, appellant came back and asked her if she had decided to rent the room he offered. She agreed to transfer to appellant's room although they did not agree on the rental rate yet.^[4] On even date, she moved to appellant's two-storey apartment in Calapan City. The room which appellant rented out to her was located at the second floor next to appellant's room.

On October 16, 2000, she went to her sister's house because her parents were there. She informed her parents she was renting a room in appellant's apartment. On that same night, she went back to appellant's apartment together with her parents. She introduced them to appellant, who invited them to sleep in his room. Appellant made the offer because her room was still in disarray and she was only sleeping in a folding bed. They talked about the apartment and a firearm which appellant showed her father. Appellant and her father had some drinks up to 10 o'clock in the evening. Around thirty (30) minutes later, she and her mother decided to sleep ahead in appellant's room.^[5]

Around 6 o'clock the following morning, October 17, 2000, she and her mother got up. Her parents left around 7 o'clock in the morning. By 9 o'clock, appellant asked her to fix the bedding in his room to which she obliged. While she was fixing the bedding, however, he suddenly barged, closed the door, and held her shoulders. She tried to wrestle away but appellant covered her nose with his hand which emitted an odor that made her weak and dizzy.^[6]

She felt him laying her down and removing her short pants and undergarments. Appellant then mounted her, held her body, thrust his penis into her vagina, and made pumping motions. She tried to resist but every push and pull was painful.

After satisfying his lust, appellant put on his clothes and left. She weakly put on her clothes, sat on the edge of the bed, and cried. She tried to escape but the door was locked from the outside.^[7]

Around 2 o'clock of the same day, appellant came back and poked a firearm on her. He forced her to lie down, removed her clothes, and lowered his pants down to his knees. She tried to kick him but his full weight weakened her. Again, he inserted his penis into her vagina and made a push and pull movement. He held her breast and kissed her neck. After the act, he warned her not to tell anyone. He left and locked the door again.^[8]

She was locked inside the room the whole night. The next day, October 18, 2000, around 8 o'clock in the morning, her mother BBB was able to unlock the door and take her home. Still gripped with fear, she was unable to talk to her mother about the incident. It was only the following day, October 19, 2000, when she was able to muster the courage to confide the incidents to her mother.^[9]

On October 20, 2000, she and BBB together went to the Victoria Municipal Police Station where they reported the rape incidents. But the police officers advised them instead to proceed to Calapan City Police Station. So they went back home and found appellant waiting for her there. He asked her hand in marriage but she rejected his proposal. On October 23, 2000, they reported the incidents, this time, to the Calapan City Police Station.^[10]

BBB testified that on October 16, 2000, she and her husband went to Calapan City to visit AAA in her new apartment. They arrived there around 7 o'clock in the evening. Appellant invited them to sleep over. She had a short conversation with appellant. When she later felt sleepy, she asked her daughter if she could take a rest already. She and her daughter slept ahead of appellant and her husband who were still drinking at that time. The following day, October 17, 2000, she woke up around 6:30 in the morning, and left together with her husband thirty (30) minutes later.

On October 18, 2000, while resting at home, her husband told her about his gut feel that their daughter might be in danger. She then rushed to the apartment and found that AAA was not in her room. She knocked on appellant's room around three (3) times, after which, appellant opened the door. She asked for her daughter. Appellant told her AAA was inside. She went inside and opened the door leading to an inner room. There, she saw her daughter looking frightened. She told her to pack her things because they were going home.^[11]

At home, AAA complained her stomach was aching so they went to a quack doctor. After the treatment, they returned home. AAA then confided to her about the rape incidents. The following day, on October 20, 2000, they went to the Victoria Municipal Police Station to report the rape incidents but they were instructed to report them instead to the Calapan City Police Station. They went home and found appellant there. He proposed marriage to AAA but the latter rejected his proposal. On October 23, 2000, they reported the rape incidents to the Calapan City Police Station.^[12]

CCC testified that appellant went to their house on October 20, 2000 and proposed marriage to AAA, but AAA refused his proposal. She also testified that AAA forewarned her against believing appellant should he claim they were sweethearts.^[13]

Dr. Angelita C. Legaspi, the Rural Health Physician of Calapan City Health and Sanitation Department testified that based on her examination of AAA, the latter sustained old healed complete hymenal lacerations at 7 and 12 o'clock positions and old healed partial lacerations at 4 o'clock position. These lacerations could have been caused by penetration, insertion of a hardened penis, trauma, any hard object, or by accident. She concluded that AAA may have had sexual experience in the past. [14]

The prosecution offered the following exhibits: 1) Sworn Statement of AAA; 2) Sworn Statement of BBB; and 3) Medical Certificate of AAA. [15]

The Defense's Version

Appellant testified that he first met AAA sometime in February 2000 in a restaurant at Victoria, Oriental Mindoro. In May 2000, he met AAA the second time in the same place. On September 30, 2000, he went to an appliance store to look for low-cost appliances. There, he chanced upon AAA who then worked as sales lady in that store. They had a short conversation during which he courted her. Before the day ended, they were already a couple. He told her he was renting an apartment and gave her his address. Thereafter, AAA, together with a mutual friend visited his apartment. [16]

On October 13, 2000, AAA started sleeping in his rented apartment. They made love twice during her stay there. After their first sexual intercourse AAA gave him a personal note written on a Jollibee table napkin where she wrote "*Pa, Napakaswerte mong lalake ikaw ang nakauna sa akin. Love,* [REDACTED] "On October 18, 2000, before she left the apartment, she instructed him to retrieve her undergarments from the clothesline and put them in his bag. [17]

On October 19, 2000, he went to AAA's house and proposed marriage to her. He was not able to personally propose to AAA since she was in her room. It was her mother who met and talked to him in their living room. The latter informed him that AAA rejected his proposal. Dismayed, he yelled "*Pag di ka pumayag, di na ako babalik.*" Knowing that AAA was madly in love with him, he left her money and a ring worth P3,000.00. [18]

He denied having drugged and raped AAA. It was unlikely that the so called rape incidents took place inside his apartment because there were other people in the area. In fact, his room and his drug testing clinic manned by four (4) people were both on the same floor. [19] It was his earlier statement "*Pag di ka pumayag, di na ako babalik*" [20] which caused AAA to file the rape cases against him.

On cross, he clarified that during the pendency of the case, AAA's family offered to withdraw the charges against him in exchange for P150,000.00, allegedly to help out a relative in need. But knowing he is innocent, he refused the offer. [21]

DDD, the *carinderia* owner on the first floor of appellant's apartment, testified that AAA and appellant were sweethearts. Whenever she delivered food to appellant's room, they were oftentimes lying in the bed side by side, watching television while caressing each other. She also saw them go to the market every afternoon. Appellant usually laid his arms around AAA's shoulders.

One day, when AAA came to her *carinderia*, she asked her if she had a relationship with appellant. AAA confirmed to her that she and appellant in fact had a relationship. AAA revealed that appellant courted her for two (2) weeks until they became sweethearts.^[22]

The defense offered the following exhibits: 1) A 2 x 2 picture with love note and signature of AAA on the dorsal side, it reads: "*This picture is for you so keep this as a simple remembrance from me, AAA;*" 2) Jollibee table napkin with inscription and signature of AAA; 3) AAA's undergarments and blouse; and 4) Photos of the apartment.^[23]

The Trial Court's Ruling

By Joint Decision dated November 24, 2011,^[24] the trial court found appellant guilty of two (2) counts of rape, *viz*:

For all that have been said, this Court finds that the constitutional presumption of herein accused XXX has been overcome by his guilt beyond reasonable doubt of the crimes charged.

ACCORDINGLY, finding herein accused XXX guilty by direct participation of two (2) counts of Rape punishable under Article 266-A (a) of the Revised Penal Code, said accused is hereby sentenced to suffer the penalty of **TWO (2) RECLUSION PERPETUA** with all the accessory penalties as provided by law. The accused is hereby directed to indemnify the private complainant [AAA] the amount of One Hundred Thousand Pesos (P100,000.00) for each count of Rape as civil indemnity and Fifty Thousand Pesos (P50,000.00) for each count of Rape as moral and exemplary damages.

SO ORDERED.^[25]

The Proceedings Before the Court of Appeals

On appeal, appellant asserted that he and AAA were actually lovers and their sexual congress was consensual. He also pointed out the multiple irreconcilable inconsistencies in AAA's testimony.^[26]

The Office of the Solicitor General (OSG) essentially countered: (1) other than appellant's bare allegations, he failed to support his sweetheart theory; and (2) the trial court did not err in finding AAA's testimony on how appellant had sexually abused her was clear and straightforward.^[27]

The Court of Appeal's Ruling

By Decision dated September 27, 2016, the Court of Appeals affirmed in the main but modified the award of damages. It ruled that the prosecution had proven beyond reasonable doubt all the elements of rape, including the use of force or intimidation. This, despite appellant's stance that AAA's testimony was replete with unexplained and material inconsistencies and improbabilities. Its dispositive portion reads:

WHEREFORE, in view of all the foregoing, the *Appeal* is **DENIED**. The *Joint Decision*, rendered by Branch 40 of the Regional Trial Court in the