

## EN BANC

[ G.R. No. 148991, January 21, 2004 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. LEONARDO  
NUGUID Y MAYAO, APPELLANT.**

### D E C I S I O N

**CARPIO, J.:**

#### The Case

Before this Court for automatic review is the Decision<sup>[1]</sup> dated 16 May 2001 of the Regional Trial Court of Manila, Branch 18, in Criminal Case No. 00-179698. The trial court found Leonardo Nuguid y Mayao ("appellant") guilty of the crime of serious illegal detention with rape and imposed on him the death penalty.

#### The Charge

The Information charging appellant with the crime of serious illegal detention with rape reads:

That on or about January 1, 2000, in the City of Manila, Philippines, the said accused, being then a private individual and without authority of law, willfully, unlawfully, feloniously and illegally detain (sic) ROWENA RIANZARES Y MIRANDA by then and there taking and locking her inside his room located at 1932 Firmeza Street, Sampaloc, this City, and preventing her from going out of said room for a period of three (3) hours, more or less, thereby depriving her of her liberty and during the said period of time, said accused by means of force, violence and intimidation, to wit: by poking a knife, threatening to kill her should she resist and choking her, did then and there willfully, unlawfully and feloniously succeed in having carnal knowledge of her, against her will and consent.

Contrary to law.<sup>[2]</sup>

#### Arraignment and Plea

When arraigned on 14 February 2000, appellant, with the assistance of counsel *de oficio*, entered a plea of not guilty.<sup>[3]</sup>

#### The Trial

##### ***Version of the Prosecution***

The prosecution presented four witnesses: (1) complainant Rowena Rianzares

("Rowena"); (2) Dr. Mirasol Pangan of the U.P. Philippine General Hospital Obstetrics and Gynecology Department, who examined the complainant; (3) Eldee Eusebio; and (4) Dante Magat.

The Solicitor General summarized the prosecution's version of the incident in the People's Brief as follows:

On December 31, 1999, about 7 o'clock in the evening, appellant and his companions (names not on record) were having a drinking spree outside the house of Jun Rianzares xxx. (p. 5, TSN, May 22, 2000).

About 2 o'clock in the morning of the following day or right after the New Year's eve celebration, Jun Rianzares left their house to see a friend. His wife, Rowena Rianzares, was left behind sleeping inside the room of their house with their daughter [six (6) years old] and son [three (3) years old] (pp. 3-4, *ibid.*).

After a while, Rowena Rianzares heard a knock at the door of their room. Consequently, she rose from the bed and partially opened the door to look [at] who was knocking. It was appellant. Appellant tried to push open the door, telling Rowena Rianzares that her husband was asking for money to buy liquor. Rowena Rianzares got suspicious because her husband had money at that time and he would not ask money from her. Rowena Rianzares thus closed the door (pp. 3-5, *ibid.*)

Thereafter, Rowena Rianzares went back to sleep. A few minutes later, she heard appellant upstairs repeatedly shouting that her husband was very mad because he did not have money to buy liquor. When she heard appellant say that her husband was allegedly mad, she opened the door of their room and went out. She went inside appellant's room which was located in front of their room to confront him. She told appellant: "*Bakit hihingi ng pera si Kuya Jun mo may pera naman siya?*" Immediately thereafter, appellant rushed to her back and placed his left arm around her neck with his right hand holding a kitchen knife, about twelve (12) inches long (pp. 5-6 and 12, *ibid.*).

Rowena Rianzares got surprised and, consequently, pushed appellant's left arm. In the process, Rowena Rianzares got off balance and fell down xxx the stairway screaming. She asked for help shouting her husband's name (p. 11, *ibid.*)

Appellant immediately went after Rowena Rianzares and upon catching up with her, appellant held her hair and left arm. He then dragged her upstairs towards his (appellant's) room (pp. 5-6, *ibid.*)

Inside the room, appellant asked Rowena Rianzares to undress while pointing the knife he was holding at her right rear side of the body. He threatened to kill Rowena Rianzares if she did not undress herself. Out of fear, she was forced to undress herself.

Then, appellant kissed the different parts of her body. Rowena Rianzares struggled and resisted. She grappled for possession of the knife and

succeeded in holding its bladed portion causing her injury on the right palm. She persisted in grappling for possession of the knife but failed. In the process, she sustained a further injury on her left arm. Instead of relenting, appellant pulled her and slapped the back of her head. Thereafter, appellant dragged and forced her to lie down on the lower portion of the double [deck] bed located inside appellant's room (pp. 6-13, *ibid.*).

While Rowena Rianzares was xxx lying down xxx with her legs spread apart, appellant placed himself on top of her. He placed his left foot under Rowena Rianzares' left leg and his right foot on Rowena Rianzares' right leg. While in that position, appellant forced his private organ into Rowena Rianzares' private part. Rowena Rianzares continued to shout for help but appellant poked the knife at the left side of her body. While appellant was raping her, he pointed the knife at Rowena Rianzares' private part and told her that he wanted to get [a] thrill out of it because he could not get a full erection since he was under the influence of "shabu." Rowena Rianzares pleaded [with] appellant to stop and assured him that she would help him get out xxx but appellant remained unmoved (pp. 13-17, *ibid.*).

About ten (10) minutes after Rowena Rianzares was dragged by appellant to his room, somebody knocked at appellant's door and shouted: "*Bernie ano ba ang ginagawa mo dyan?*" Appellant answered back: "*Umalis kayo kundi papatayin ko ito.* " (pp. 18-19, *ibid.*).

Eldee Eusebio, a neighbor of spouses Jun and Rowena Rianzares at Firmeza Street, Sampaloc, Manila (p. 7, TSN, May 30, 2000), testified that on January 1, 2000, about 2:15 in the morning, he went to the house of his *Kuya* Jose "Jun" Rianzares because he was summoned by the latter (p. 4, TSN, May 30, 2000). When he was about to enter the house, Eldee Eusebio heard Rowena Rianzares shout. Immediately, Eldee Eusebio kicked the entrance gate of the house to open it. He then hurriedly went upstairs and saw Rowena Rianzares using her feet in trying to prevent the door of appellant's room from closing. After the door was closed, he immediately knocked at the door. Appellant, however, shouted, telling him to leave and nobody should go up; otherwise, he would kill Rowena Rianzares (pp. 4-5, *ibid.*).

Consequently, Eldee Eusebio went outside the house to look for Jun Rianzares because he did not see him inside the house. When he found Jun Rianzares, he told him that there was a problem in his house (p. 5, *ibid.*).

About thirty (30) minutes later, Rowena Rianzares' husband arrived. Jun Rianzares knocked at appellant's door and asked appellant what was he doing to his wife. Appellant pounded the floor, using the handle of the knife and shouted. He asked Jun Rianzares to leave him alone; otherwise, he would kill his wife (pp. 18-19, May 22, 2000).

Thirty (30) minutes thereafter, Barangay Councilor Nida Magat, together with her husband, Dante Magat, arrived. She and her relatives negotiated

for Rowena Rianzares' release. However, appellant told them to leave; otherwise, he would kill Rowena Rianzares. While they were negotiating for Rowena Rianzares' release, appellant was still on top of her (Rowena Rianzares) (pp. 19-20, *ibid.*).

After more than an hour of failed negotiations by Barangay Councilor Nida Magat, the policemen took over (pp. 2-4, TSN, July 11, 2000).

The policemen (names not on record) forcibly opened the door and immediately, thereafter, they got hold of appellant. Before they could get hold of appellant, however, he (appellant tried to stab Rowena Rianzares but the latter was able to evade the thrust. Instead, she was hit on her left arm. Then a certain Colonel Castro pulled Rowena Rianzares and immediately covered her with a blanket (p. 20, TSN, May 22, 2000).

xxx

Dr. Mirasol Pangan testified that she was the one who physically examined Rowena Rianzares. She testified that she examined Rowena Rianzares' body from head to foot. She found the following injuries on her body:

1. one (1) hematoma on the right neck;
2. two (2) abrasions at the left lower hip approximately 0.5cm.;
3. one (1) abrasion at the left forearm;
4. one (1) abrasion hematoma-circular at the left lower arm;
5. multiple abrasion hematoma at the volar aspect of the second, fourth digits of right hand and under the nose;
6. one (1) hematoma at the back and the anterior tract the largest of which measures 6 x1 cm.;
7. one (1) stab wound at the left forearm; and
8. one (1) hematoma measuring two cm. at the right labia minora of the genitalia.<sup>[4]</sup>

### ***Version of the Defense***

Appellant Leonardo Nuguid was the sole witness for the defense. The Public Attorney summarized the defense's version of what transpired, as follows:

Leonardo Nuguid testified that he knew the victim because he worked in the latter's Manila K-9 college as their dog trainer. He had been working with the Rianzares [spouses] for five (5) years. (TSN, September 11, 2000, pp. 1-4)

On December 31, 1999 at about 10:30 p.m., Rowena Rianzares entered his room. He asked her what she wanted but Rowena did not answer and instead she kissed him on the lips. He had sex with Rowena and the latter's husband arrived. Jun called up for Rowena but the latter told her husband that she was in the accused-appellant's room talking with the latter. Jun left at around 11:00 pm and Rowena stayed in his room until the police called by her husband arrived. He told Rowena to go out of the room but the latter refused to do so. The police kept on convincing them

to go out of the room but Rowena told them that they were just talking and they would go out soon. The police kicked the door open and he was arrested. He was brought to the police station wherein he was mauled and was forced to confess that he raped Rowena. The first time he had sexual intercourse with Rowena was the middle of 1998 when they went to Bulacan. Rowena told her then that she saw in him what was lacking in her husband. Rowena's husband was an alcoholic and a drug user. He does not know why she filed [t]his serious illegal detention with rape [charge] against him. (TSN, September 11, 2000, pp. 1-15)

He testified that he had worked with Rianzares from 1995-2000. There was a time he had an argument with Jun so he was asked to leave the Rianzares' house. (TSN, September 11, 2000, pp. 15-16)

The first time he had sexual intercourse with Rowena was when they went to Bulacan to get rice from Rowena's parents. Prior to January 1, 2000, he had several sexual intercourse (sic) with Rowena. Rowena gave him several lovenotes but he lost them all. (TSN, September 11, 2000, pp. 15-16)

On January 1, 2000, he did not notice that Rowena was bleeding when she emerged from the room. He was holding a knife when the police arrested him because he was forced to fight back at the police who were mauling him inside his room. He had a kitchen knife inside his room because Rowena's husband told him to bring the kitchen knife inside him (sic) room so that he could easily open the box of firecrackers in case anybody came to buy. (TSN, September 11, 2000, pp. 24-30)<sup>[5]</sup>

### **The Trial Court's Ruling**

The trial court considered the testimonies of Rowena and the other prosecution witnesses to be straightforward and credible. The physical injuries Rowena suffered, confirmed by the examining physician and observed by the trial court, corroborated her version of the events.

On the other hand, the trial court found dubious appellant's story that he and Rowena were sweethearts. The trial court held that:

The accused's sweetheart defense is of doubtful nature and undeserving of credence. Firstly, the accused's version of the incident is unnatural and contrary to common human experience. If it was true that the complainant was in the accused's room on the second floor at 11:00 p.m., when her husband called her from the ground floor, she would surely have quickly gotten out of the room, instead of coolly telling her husband that she was with the accused in the latter's room. Secondly, the accused's declaration is contradicted not only by the straightforward, convincing and believable testimonies of the complainant and prosecution witnesses Eusebio and Magat, but also by the physical evidence of the injuries sustained by the complainant on the occasion of the commission of the crime, Exhibits "F" and "F-1".<sup>[6]</sup>