

## FIRST DIVISION

[ G.R. No. 140278, June 03, 2004 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. SONNY BAUTISTA  
Y LACANILAO, APPELLANT.**

### D E C I S I O N

**PANGANIBAN, J.:**

In rape, the “sweetheart” defense must be proven by compelling evidence: *first*, that the accused and the victim were lovers; and, *second*, that she consented to the alleged sexual relations. The *second* is as important as the first, because this Court has held often enough that love is not a license for lust.

#### The Case

Sonny Bautista y Lacanilao appeals the September 13, 1999 Decision<sup>[1]</sup> of the Regional Trial Court (RTC) of Manila (Branch 26) in Criminal Case No. 96-148248, finding him guilty of rape. The dispositive part of the Decision reads as follows:

“WHEREFORE, PREMISES CONSIDERED, this Court finds accused SONNY BAUTISTA y LACANILAO GUILTY beyond reasonable doubt [of] the crime of Rape under Article 335 of the Revised [P]enal Code of the Philippines, as charged in the information. He is hereby sentenced to suffer the penalty of Reclusion Perpetua with all the accessory penalties provided by law; to indemnify the private complainant Mischel Amparo the sum of Fifty Thousand (P50,000.00) Pesos by way of moral damages; and to pay the costs of this suit.”<sup>[2]</sup>

The Information<sup>[3]</sup> dated March 14, 1996, charged appellant in these words:

“That on or about March 8, 1996, in the City of Manila, Philippines, the said accused, with lewd designs, did then and there willfully, unlawfully and feloniously by means of force, violence and intimidation, to wit: by then and there forcibly carrying her and lying her in bed, placing himself on top of her and kissing and embracing her tightly, and when said complainant is resisting and pushing him away from her, said accused punched her thighs, remov[ed] her clothes and panty and succeeded in having carnal knowledge of her against her will and consent.”<sup>[4]</sup>

Upon his arraignment on April 16, 1996,<sup>[5]</sup> appellant, assisted by his counsel *de oficio*,<sup>[6]</sup> pleaded not guilty. After trial in due course, the court *a quo* rendered the assailed Decision.

#### The Facts

### **Version of the Prosecution**

In its Brief, the Office of the Solicitor General (OSG) presents the prosecution's version of the facts in the following manner:

"On March 8, 1996, appellant Sonny Bautista went to the house of Mischel Amparo at Bagong Silang, Quezon City. Mischel, who was fifteen [15] years old and in her third year in high school, knew appellant very well. He is the godchild by marriage of her parents and had previously rented a room in their house for a year. Appellant's wife Analisa Sagot and Mischel's mother, Crispina Amparo, were the best of friends and both worked as janitresses at Paz Manpower Agency. Thus, Crispina had readily agreed to Analisa's request for the newly-wed couple to stay at their house.

"The bond between the two (2) women had drawn appellant and the Amparo family closer. Appellant, who worked as a taxi driver, was like a son to them. Mischel and her siblings addressed him as 'Kuya Sonny.'

"Appellant pleaded [with] Mischel to skip her classes and to go with him and his wife to a supposed field trip in Cavite. Having complete trust [i]n him as a family friend and remembering the couple's acts of kindness such as giving food to her family, Mischel agreed to go with him although she still had a class at 12:00 noon.

"Appellant told Mischel that they would fetch his wife in Sta. Mesa before going to Cavite. They boarded a bus going to Cubao. From Cubao, they took a jeep bound for Sta. Mesa. When they arrived in Sta. Mesa, Mischel asked appellant regarding her 'Ate Ana.' Appellant replied that since she had yet to arrive with her co-employees, they should just pass time at the SM Centerpoint. When they arrived at the mall at 2:00 p.m., appellant invited her to see a movie. Without thinking that he just might be deceiving her, Mischel went along.

"While watching the film, appellant muttered to Mischel that his wife was domineering. She would get quarrelsome over small matters and would be very angry if he could not give her seven hundred pesos (P700.00) a week. He likewise told her that his sister had been behaving strangely. She once took a bath while exposed to appellant and had once taken off her clothes in front of him. Appellant then remarked that Mischel should do the same. Mischel advised him to understand his wife and then inquired if they could go to 'Ate Ana.' He replied that his wife would arrive at 4:30 p.m.

"Before the film was finished, appellant and Mischel went out of the mall. She asked him again if they could go to her 'Ate Ana.' Appellant answered that they were going to fetch her. He hailed a taxi and invited her to board it. Thinking that they were indeed going to meet appellant's wife, Mischel boarded the taxi although she had no specific idea where they were heading.

"When the taxi had reached Town and Country Motel, appellant told the

young girl that they were going to wait for her 'Ate Ana' in a room in the motel. She had no idea that the place they were in was a motel.

"Inside the room, appellant told Mischel that he had to take a bath since Cavite was quite far. Mischel believed him. However, she was surprised when appellant told her that she should take a bath as well. She refused. Whereupon, appellant threatened to leave her. He then urged Mischel to take a bath since there was no water in the place they were going.

"A male attendant went to the room and handed two (2) shampoo sachets to appellant. He took a bath. Not knowing what to do, Mischel meanwhile sat on a chair.

"Appellant went out of the bathroom and again told Mischel to take a bath. Again, she refused. This enraged appellant. His display of wrath unnerved Mischel. He held her hand and pushed her inside the bathroom, forcing her into taking a short bath.

"A few minutes later, she emerged from the bathroom. Appellant suddenly carried her to the bed and poured kisses on her neck. He removed the towel covering his waist, leaving him completely naked.

"Mischel resisted appellant fiercely. She slapped him on the face four (4) times. But appellant, who is bigger and taller, returned each slap with fist blows on the young girl's left thigh. She felt her strength drain away.

"Although she tried to push appellant away and free herself, appellant nevertheless proceeded to undress Mischel methodically. First, he took off her T-shirt and her skirt. Next, he stripped of[f] her bra and then finally removed her panty.

"The young girl was now lying naked with her back on the bed. Appellant, equally bare, knelt on the bed. He forced Mischel to part her legs. Appellant went away quickly to wet his fingers. When he returned, he drove his wet finger into Mischel's vagina. She felt pain.

"After a while, appellant mounted Mischel. He spread her legs open and tried to insert his penis into her vagina. Mischel continued to struggle with her remaining strength so that appellant failed to penetrate her sexually.

"Appellant decided to change Mischel's position. By kicking the young girl, he let her know that he wanted her to assume a prone position ('pinatuwad') in the bed. In that position, appellant parted Mischel's legs and then plunged his penis into her vagina. This time, the penetration was successful. The pain felt by Mischel weakened her further. Fear gripped her as her genitals bled.

"After abusing Mischel in such position for fifteen minutes, appellant stood up and took a piece of cloth. He tied up her hands and legs. Mischel sat on the bed. Appellant then told her that he would kill her and her family. In sheer terror, Mischel pleaded to him, 'huwag mo akong

papatayin, hindi ako magsusumbong kahit kanino.'

"Appellant untied Mischel. He told her that they were going home. Appellant left the room and paid the bill. Mischel put back her clothes and went out of the room after thirty (30) minutes. She saw appellant waiting at the gate of the motel. They boarded a jeep going to Cubao. Upon arrival, appellant left her. She went home.

"When Mischel arrived at their home around 11:30 p.m., Crispina noticed her tears. She asked her what happened. Unable to contain herself, she blurted out that she was raped by appellant. Crispina cried and looked at the panty of her daughter. She saw blood. Mother and daughter went to the barangay hall for assistance. With the help of the Quezon City Police, appellant was apprehended in his house in Sta. Ana on the same night.

"Mischel was examined by Dr. Maximo Reyes, a medical-legal officer of the NBI, on March 9, 1996. He found a kiss mark on the neck of the victim and contusions on her left thigh. He opined that the bruises could be caused by a bare hand which forcefully hit the victim. He also concluded that the laceration on the hymen of Mischel was caused by a fully-erect penis. The medical report he issued reads:

'March 11, 1996

#### PRELIMINARY REPORT

To Whom It May Concern:

This is to certify that Dr. Maximo L. Reyes, NBI Medico-Legal Officer, conducted a medico-genital examination on Mischel Amparo y Amparado, 15 yrs. old, single, of Gen. De Dios Ext., Purok 4 Bgy. Bagong Silang, Q.C. on March 9, 1996 with the hereunder findings:

1. Extragenital physical injuries present
2. Healing complete hymenal laceration, present.'"<sup>[7]</sup>

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

Appellant does not deny that he had sexual intercourse with the victim who, he claims, had consented to it; hence, no rape was committed. His version of the incident is as follows:

"x x x [T]he accused fetched the victim from her house on March 8, 1996 at around 11:00 or 12:00 [noon] in order to watch a movie. The victim's parent[s] disapproved but [she still] went with him. They went to the SM Centerpoint in Sta. Mesa, Manila and they arrived thereat at around 2:00 p.m. Inside the movie house, the accused placed his arm around the shoulder of the victim, and he kissed her twice on the lips and cheeks. She got mad, since she was concentrating in watching the movie and he was disturbing her. The accused kept quiet and also focused his attention on the movie. They left the movie house at around 4:00 or 4:30 P.M.

They boarded a taxi and proceeded to Anito Lounge, but they were not admitted since the victim looked very young, hence, they proceeded to Town and Country located at V. Mapa. Upon arriving thereat, they paid the fare and the accused called the room boy. [T]he accused went up first and the victim followed. They entered Room No. 48. The ac[c]used took a bath while the victim watched T.V. After taking a bath, he asked the victim, if she wanted to take a bath and the latter replied 'yes.' Since there was no shampoo, he requested for one and the roomboy gave him the shampoo which he in turn gave to the victim. The victim took a bath. Afterwards, she went out of the bathroom wearing only a T-shirt and towel wrapped around her waist. She sat beside the accused. The accused started kissing the victim and the latter did not get angry. He removed her T-shirt and started kissing her breast, and she did not get angry. He continued kissing her on the lips and she felt tickled. He removed her panty and she did not object, but said that the mother might know about it and get angry, but he told her that if she really love[d] him, they alone [would] be responsible. He placed himself on top of her and she felt pain after which he removed himself from her. The victim told him that her mother might learn about it and the latter might kill her. He in turn replied that she should not worry, since he will take the responsibility. The victim embraced him and he kissed her on the forehead. They dressed up and the accused paid at the counter. They walked towards the corner of Sta. Mesa and boarded a jeepney going to Cubao. Upon reaching the said place, he gave the victim P50.00 for her transportation and his telephone number. He even accompanied her in boarding a bus bound for Fairview. The accused went home to Sta. Ana where he ate and slept. At around 3:00 A.M., someone knocked at the door. There were policemen who pointed a .45 caliber gun at him and handcuffed him. He was taken to police precinct No. 6 in Quezon City. His wife visited him and informed him that the victim's parents came to know about it and mauled the victim to admit where she came from and who her companion [was]. The accused denied that he forced the victim as she actually agreed.”<sup>[8]</sup>

### **Ruling of the Trial Court**

The trial court ruled that appellant had employed deception as well as force and intimidation upon the victim, in order to consummate his libidinous desire. It was convinced that appellant -- on the pretext that he had been sent by his wife to fetch the victim for an excursion -- inveigled the girl to a motel, where he forced himself upon her. The lower court was impressed by the straightforward, positive and convincing testimony of the victim.

The court *a quo* likewise ruled that her credibility was enhanced by 1) the fact that she had immediately reported the incident to her mother; 2) there was no showing of any motive on the part of the girl to testify falsely against the accused; and 3) the medicolegal report indicated contusions on her body and the laceration of her hymen.

On the other hand, it discarded the sweetheart defense of appellant for its intrinsic weakness and lack of corroboration.