

THIRD DIVISION

[G.R. No. 143383, October 08, 2002]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOEL ORQUINA Y MANGUMAYAO, ACCUSED-APPELLANT.

DECISION

CORONA, J.:

At about 1:00 in the afternoon on May 31, 1998, Ricalinda Limon was found unconscious inside her room in her boarding house, drenched in blood. When she regained consciousness, she uttered the words "Joel raped me."

On August 10, 1998, accused-appellant Joel Orquina was charged with the crime of rape in the following information:

The undersigned Assistant Prosecutor, based on a verified complaint filed by one Ricalinda B. Limon, accuses JOEL ORQUINA of the crime of RAPE, committed as follows:

That on or about the 30th day of May 1998, in the Municipality of Rosario, Province of Cavite, Philippines and within the jurisdiction of this Honorable Trial Court, by means of threat, force and intimidation, with lewd designs, did then and there, willfully, unlawfully and feloniously have sexual intercourse with one Ricalinda B. Limon, against her will and consent, to the damage and prejudice of said Ricalinda B. Limon.

CONTRARY TO LAW.^[1]

The facts of the case follow.

Accused-appellant Joel Orquina and his victim, Ricalinda Limon, both worked at the Export Processing Zone Authority in Rosario, Cavite, the former as a security guard and the latter as a factory worker.

Ricalinda resided in Bucal, Maragondon, Cavite but whenever she had overtime work, she stayed in the boarding house of her co-workers located at Barangay 2, Tramo, Rosario, Cavite.

On May 30, 1998, Ricalinda was asked by a co-worker, a certain Maila Galera, to stay in the boarding house because, said date being a Saturday, the house was empty as most of the boarders had left for their respective residences. Ricalinda agreed to keep her co-worker company for the night. However, at about 6 o'clock in the evening, Maila was fetched by her boyfriend, leaving Ricalinda alone in the boarding house. Ricalinda nonetheless decided to stay in the boarding house because she had to work the following day.^[2]

At about 10:45 o'clock in the evening, Ricalinda was awakened from her sleep by knocking on the door. It was accused-appellant who was looking for his cousin, Risma Budias, also a boarder. When accused-appellant found out that Ricalinda was all alone, he immediately entered the house and closed the door behind him. Once inside, accused-appellant threatened Ricalinda with death if she shouted. Accused-appellant then covered his victim's mouth and forced her to lie down on the bed. He removed her short pants, underwear and t-shirt.^[3] All the while, Ricalinda was petrified with fear.^[4] Accused-appellant then removed his pants, brief and t-shirt, and started kissing his victim. Ricalinda tried to push her assailant away but she was overpowered. Accused-appellant then forcibly inserted his penis in her vagina and made pumping motions for about 10 minutes. This caused intense pain to the victim.^[5]

His lust satisfied, accused-appellant left his victim in bed. Profuse bleeding of her genitals rendered Ricalinda too weak to move. Thus, she was barely able to put on her t-shirt before she completely lost consciousness.^[6]

At about 1 o'clock in the afternoon the following day, Ricalinda was found by her co-worker, Cristeta Borata, who went to the boarding house for a bible study. Cristeta knocked on the door but received no answer so she pushed the door and discovered that it was open. Upon entering the boarding house, Cristeta was met by foul odor. She then found the still unconscious Ricalinda drenched in her own blood, with only a t-shirt on and surrounded by coagulated blood all over the bed and the floor.

Upon regaining consciousness, Ricalinda told Cristeta that she was raped by accused-appellant, Joel Orquina. Cristeta then cleaned and dressed Ricalinda. Ricalinda asked Cristeta to call her mother and inform her about what happened to her (Ricalinda). Cristeta was able to contact Ricalinda's aunt who, in turn, relayed the information to Ricalinda's sisters. The sisters immediately went to the boarding house to bring Ricalinda to the emergency room of Tanza General Hospital where she was treated by Dr. Lucio T. de Mesa for a deep lacerated wound in the vaginal wall.

After bringing Ricalinda to the hospital, her sisters and Cristeta then proceeded to the EPZA police station to report the incident. Immediately thereafter, accused-appellant was arrested.

On June 2, 1998, after her being discharge from the hospital, Ricalinda executed a sworn statement which served as the basis of the criminal complaint against accused-appellant.

After preliminary investigation, an information was filed, charging accused-appellant with the crime of rape. Upon arraignment, accused-appellant, assisted by counsel, pleaded not guilty.

On March 31, 2001, the trial court rendered its decision finding accused-appellant guilty of rape. The dispositive portion of the decision provided:

WHEREFORE, in view of all the foregoing, this court hereby finds the accused Joel Orquina y Mangumayao guilty beyond reasonable doubt of the crime of Rape as charged in the Information, without any modifying circumstances, accordingly hereby sentences him to a penalty for reclusion perpetua, with the accessory penalties provided for by law; to

pay the complainant indemnity in the amount of fifty thousand (P50,000.00) pesos, and also moral damages in the amount of fifty thousand (P50,000.00) pesos; to pay the complainant the sum of ten thousand five hundred twenty eight and 65/100 (P10,528.65) pesos as actual damages; and to pay the costs.

SO ORDERED.^[7]

Accused-appellant now questions said conviction and anchors his appeal on the general and catch-all argument that the trial court erred in finding him guilty beyond reasonable doubt.

The fact that accused-appellant had carnal knowledge of the victim is undisputed since accused-appellant himself admitted it by proffering the “sweetheart theory” in his defense.

The appeal is without merit.

Even assuming *ex gratia argumenti* that accused-appellant and the victim were indeed sweethearts as he claimed, this fact alone will not extricate him from his predicament. The assertion of a “love relationship” — even if true — does not necessarily rule out the use of force to consummate the crime. In rape cases, the gravamen of the offense is sexual intercourse with a woman against her will or without her consent. The Court has consistently held that a sweetheart cannot be forced to have sex against her will. Definitely, a man cannot force sexual gratification from a girlfriend or worse, employ violence upon her for that purpose. Love is not a license for lust.

Courts have been traditionally guided by three settled principles in the prosecution of the crime of rape: (a) an accusation for rape is easy to make, difficult to prove and even more difficult to disprove; (b) in view of the intrinsic nature of the crime, the testimony of the complainant must be scrutinized with utmost caution and (c) the evidence of the prosecution must stand on its own merits and cannot draw strength from the weakness of the evidence of the defense.^[8]

Guided by the above principles, we now delve into the lone issue in the case at bar, which is whether or not the sexual intercourse between accused-appellant and Ricalinda was consensual.

Accused-appellant argues that the prosecution failed to prove that accused-appellant employed force or intimidation in consummating the carnal act. Accused-appellant relies on the medical report showing that the victim did not suffer any extra-genital injuries which, accused-appellant argues, would have been present had there been any physical violence upon the victim.

Considering that a rape victim’s natural reaction upon regaining consciousness would be to seek help as soon as she can, the conduct of the victim immediately following the alleged assault is of utmost importance in establishing the truth or falsity of the charge of rape.^[9] The Court takes note of the fact that immediately upon regaining her senses more than 12 hours after the incident, Ricalinda told her co-worker Cristeta that she was raped by accused-appellant. She asked Cristeta to inform her mother about what happened to her. This reaction, to our mind, leads us to no other conclusion than that indeed the sexual intercourse between Ricalinda and accused-appellant was definitely not consensual.