

THIRD DIVISION

[G.R. No. 137270, June 29, 2000]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ARNOLD RATUNIL Y OTICO, ACCUSED-APPELLANT.**

D E C I S I O N

PANGANIBAN, J.:

In a rape case, the testimony of the complainant is scrutinized with great caution, for the crime is usually known only to her and the rapist. The dubious behavior of the alleged victim after the rape detracts from her credibility and creates reasonable doubt that may lead to the acquittal of the accused. Conviction always rests on the strength of the prosecution's evidence, never on the weakness of that of the defense.

The Case

Arnold Ratunil y Otico appeals the November 13, 1998 Decision of the Regional Trial Court of Malaybalay, Bukidnon convicting him of rape and sentencing him to *reclusion perpetua*. On April 22, 1998, an Information was filed charging him with the rape of Jenelyn Garcenilla, allegedly committed as follows:

"That on or about the early dawn of the 18th day of February 1998, at Barangay Bangahan, Municipality of Pangantucan, Province of Bukidnon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused prompted [by] lewd design, and armed with a sharp bladed weapon, by means of violence and intimidation, brought JENELYN GARCENILA to a grassy place and at knife point commanded her to remove her panty and city shorts, made her lie down on the ground, did then and there wilfully, unlawfully and criminally have sexual intercourse with JENELYN GARCENILLA against her will, to the damage and prejudice of JENELYN GARCENILA in such amount as may be allowed by law."^[1]

On May 7, 1998, appellant, assisted by Counsel Loreto G. Tumampas, pleaded not guilty to the charge.^[2] After due trial on the merits, Judge Vivencio P. Estrada rendered his assailed 6-page Decision,^[3] the dispositive portion of which reads:

"WHEREFORE, the court finds accused Arnold Ratunil GUILTY beyond reasonable doubt of the crime of rape with the use of force as defined and penalized under Article 335 paragraph 1 of the Revised Penal Code, as amended by Republic Act 7659, and he is therefore sentenced to suffer the penalty of reclusion perpetua. Accused is ordered to indemnify his victim Jenelyn Garcenilla [in] the sum of P50,000.00."^[4]

On November 27, 1998, appellant filed his Notice of Appeal. This Court received his Brief on November 29, 1999.^[5] On April 17, 2000, the case was deemed submitted for decision when the Office of the Solicitor General filed, in lieu of the appellee's brief, a Manifestation and Motion,^[6] praying for the reversal of the trial court's Decision and the appellant's acquittal.

The Facts
Version of the Prosecution

The trial court summarized the evidence for the prosecution as follows:

"Jenelyn was 19 years old during the alleged incident, single and a high school graduate. [O]n the evening of February 17, 1998, Jenelyn went to attend a disco dance in barangay Bangahan, Pangantukan, Bukidnon, which is about three kilometers from her residence in Malipayon. She was with her elder sister Jackelyn and younger brother Raymund. They went on a motorcycle owned by one Larry Otico, arriving there at 10:30.

"Upon their arrival they discovered that the disco dance ha[d] been cancelled. As it was the eve of the "Araw ng Bangahan", they decided to just enjoy themselves by roaming around. A friend, Delia Periodico, whom they saw when they arrived and who is also from Malipayon joined them.

"At 1:00 past midnight, Jackelyn and Raymund went home. Jenelyn stayed behind together with Delia Periodico.

"After an hour and a half, at 2:30, Jenelyn asked Delia if she wanted to go home to Malipayon with her. Delia responded that she will just stay behind. So Jenelyn looked for a motorcycle for hire (locally called "habal-habal") for a ride home. Ratunil, who owned a "habal-habal", saw her and offered to bring her back.

"Arnold Ratunil is also from barrio Malipayon. He and Jenelyn were in fact classmates since their elementary grades until high school. They were not, however, close, Jenelyn told the court. She has her own circle of friends.

"On their way to Malipayon, accused stopped his motorcycle a few meter[s] away from the road. He ordered Jenelyn to get off. Pointing a knife at her, accused pushed her and ordered her to remove her city-short[s]. She cried and beg[ged] accused not to harm her but accused instead threatened to kill her if she will refuse. Out of fear, she removed her shorts and panty. Then accused told her to lie down on the ground. He mounted her and kissed her lips. After a while, he forcibly inserted his erected penis into her vagina.

"After he consummated his dastardly desire, accused ordered her to stand up and to put on her panty and shorts. Thereafter, he commanded her to ride again on his motorcycle.

"Accused did not bring Jenelyn to her house. He stopped about a

kilometer away where [he] told her to get off. Jenelyn walked the rest of the way arriving at her parent's house at about 3:30. Her mother and sister saw her crying but she did not reveal to them what had happened even when they asked why.

"The whole day of the 18th, Jenelyn stayed home depressed. She had no appetite for food. She decided to send a brief letter to Ratunil to ask for money so that she will be able to leave home. Seeing Delia Periodico passing by her house, she requested her to deliver the letter (placed inside an envelope) to Ratunil. Jenelyn did not receive any respon[se] from the accused regarding her letter.

"The next day, February 19, in the morning, Jenelyn finally told her mother that Arnold Ratunil had raped her. (Her father was not at home, being in the farm). Furious and shocked, Jenelyn's mother, Emageline Garcenil[I]a, took her to her uncle, Reynaldo Garcenil[I]a, to seek his advice on what action to take. Reynaldo suggested that they should report to the Barangay Captain.

"On the 22nd of February, mother and daughter reported the rape to Barangay Captain George Nobleza.

"Barangay Captain Nobleza testified that Jenelyn and her mother arrived at his house before noon of February 22 and reported to him the alleged rape committed by Ratunil. Nobleza set a meeting for the parties at 3:30 o'clock in the afternoon. During the confrontation, he pointedly asked Ratunil if it [wa]s true he raped Jenelyn. Ratunil denied it, saying that their sexual intercourse was by mutual agreement. But Jenelyn insisted she was raped. There being nothing else he could do, Nobleza just insinuated to Ratunil to uphold the honor of Jenelyn.

"On February 24, after having her vagina examined by a doctor, Jenelyn filed the instant case of rape with the police authorities of Pangantucan.

"During the trial, Jenelyn declared firmly on cross-examination that accused was not [her] boyfriend. She told the court that she was still a virgin when Ratunil raped her."^[7]

Version of the Defense

In his 19-page Brief, appellant presented the following version of the facts:

"The defense presented the testimonies of Delia Periodico, Jefferson Marapao and appellant Arnold Ratunil.

"Accused-appellant Arnold Ratunil denied the criminal accusation filed against him by Jenelyn, claiming that the sexual intercourse between the two of them was consensual. He further averred that they ha[d] been lovers since their high school days. Arnold further added that there was a dance disco [o]n the evening of February 18, 1998 at Brgy. Mangahan, Pangantucan, Bukidnon and he danced with Jenelyn twice. At around 2:00 o'clock early dawn he left the disco dance on his motorcycle

together with Jenelyn who was riding at his back. Jenelyn was hugging him tightly, her nipple nibbling against his back thus arousing him to have an erection. Sexually awakened, Arnold stopped the motorcycle, engaged Jenelyn in kissing, took off her T-shirt, let her lie on the ground and undressed her. He likewise took off all his clothing and engaged Jenelyn in sexual intercourse and afterwards, he took her back home. On February 20, 1998 at around 6:00 o'clock in the evening while he was having drinks with some friends at the waiting shed of Brgy. Malipayon, Jenelyn arrived accompanied by her two (2) elder sisters. They later went to the house of Arnold's brother, Allan Ratunil wherein they discussed the incident. When Arnold was asked by Jenelyn whether he would marry her, he responded that he was willing but he was not prepared yet so Jenelyn decided that she will just leave her family and go away hence she asked for some money from him. Arnold told Jenelyn to just write him a letter when she [was] ready to go. Thereafter, he received a letter (Exhibit 1) from Jenelyn on February 22, 1998 at about 5:00 o'clock in the afternoon which was handed x x x to him by Delia Periodico. Immediately, he secured five hundred (P500.00) pesos to be given to Jenelyn but there was no one who could deliver the same to Jenelyn. On February 23, 1998 at around 7:00 o'clock in the evening, he was called [to] the house of Jenelyn's grandmother and while in the presence of Jenelyn's brother and sister, Jenelyn's mother confront[ed] him about his affair with her daughter (Jenelyn). Arnold was asked if he was ready to uphold the honor of Jenelyn by marrying her. Arnold answered that while he was willing to marry Jenelyn, he was still not ready because of financial difficulties. (TSN, August 4, 1998, pp. 4-13; 15-16)"^[8]

Trial Court's Ruling

The trial court gave credence to the testimony of the complainant, thereby rejecting the "sweethearts defense" propounded by the appellant.

"From the evidence presented, the court believes that accused had indeed raped Jenelyn. The court cannot believe that Jenelyn consented to the sexual intercourse [o]n the evening of February 18 as claimed by the accused.

"There appears to be no valid reason why she would accuse Ratunil of raping her which she knew for sure will expose her to shame and ridicule if found to be false. The explanation of the accused that they [were] sweethearts and she was compelled to file the case because her mother discovered their sexual intercourse cannot be believed. Surely, if they were sweethearts, and their intercourse was voluntary, the mother would be the last person to know because nobody saw them. And even granting Jenelyn was his girlfriend, this is hardly a defense. The crime of rape can be committed against a sweetheart.

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"There is nothing i[n] the letter that would indicate that it was written by a young woman to a beloved. There is not a single word of affection, or even a farewell. It is even hardly friendly. It does not also show that

Jenelyn was leaving because her mother had discovered her [dis]graceful conduct. Note that Jenelyn's principal reason for going away was her fear of the humiliation she will be experiencing once the talk will spread that Ratunil was able to rape her and so she begged accused not to tell his friends.

"In consonance with the exhortation of the Supreme Court to proceed with utmost caution in scrutinizing the testimony of a complainant in the prosecution of rape given the fact that there are usually only two persons involved (like [in] this case), this court closely observed the demeanor of private complainant [o]n the witness stand for any telltale sign which may reveal that she and the accused were sweethearts and which [would] perhaps prove that their sexual intercourse was voluntary. The court did not notice any. Jenelyn is a simple barrio lass. Certainly not the scheming woman who would send her boyfriend to jail for jilting her.

"To be sure, private complainant was simply motivated to obtain justice so that the man who ravished her [would] be punished. When confronted [with] Exhibit "1" she cried profusely, telling the court she was not herself when she wrote the letter. Her only thought then was to depart from her place as soon as possible and be free from hearing ugly [talk] about her lost maidenhood."^[9]

The Assigned Errors

Appellant imputes the following errors to the trial court:

"I

The trial court gravely erred in giving due weight and credence to the testimony of private complainant which is punctuated with material inconsistency, uncertainty and unreliability, thereby casting grave doubt on the criminal culpability of the accused-appellant.

"II

The trial court gravely erred in finding that accused-appellant used force against private complainant in the perpetration of the incident in question.

"III

The trial court gravely erred in totally ignoring the corroborated evidence of the defense which put in doubt the guilt of the accused-appellant beyond reasonable doubt."^[10]

In the main, the present appeal questions the credibility of the complainant.

The Court's Ruling