

FIRST DIVISION

[G.R. No. 121994, October 18, 2000]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ANGELES TEVES Y TAPEL, ACCUSED-APPELLANT.**

D E C I S I O N

PARDO, J.:

The case is an appeal from the decision of the Regional Trial Court, South Cotabato, Branch 26, Surallah, convicting accused Angeles Teves y Tapel of rape and sentencing him to *reclusion perpetua* and to indemnify the victim Mary Jane Vargas in the sum of P50,000.00.^[1]

On November 4, 1993, 4th Assistant Provincial Prosecutor Jerry A. Garcia of South Cotabato filed with the Regional Trial Court, South Cotabato, Surallah an information^[2] charging accused with rape, committed as follows:

"That on or about the 22nd day of August, 1993 at about 8:30 o'clock in the evening thereof, at Sitio Lutayan, Barangay Poblacion, Municipality of Lake Sebu, Province of South Cotabato, Philippines and within the jurisdiction of the Honorable Court, the above-named accused by means of violence, force and intimidation did then and there willfully, unlawfully and feloniously have carnal knowledge with Mary Jane Vargas, against her will and without her consent.

"CONTRARY TO LAW."

At the arraignment on February 2, 1994, accused pleaded not guilty to the crime charged.^[3] Trial followed. The facts may be related as follows:

At around 9:00 a. m. of August 22, 1993, Mary Jane Vargas, then 15 years old and a resident of Lutayan, Poblacion, Lake Sebu, left for Marbel, Koronadal, South Cotabato with the accused, her uncle (Mary Jane's mother is a 1st degree cousin of accused), to bring the allowance of her elder sister. They arrived at her sister's boarding house in Marbel at around 12:00 p.m.

Thereafter, Mary Jane, her sister and accused decided to watch a movie. They left the movie house at around 3:30 p.m. and did some shopping. The trio separated at around 4:00 p.m. Mary Jane and accused proceeded to the bus terminal for their ride back to Lake Sebu, while her sister went back to her boarding house.

Mary Jane and accused arrived at the poblacion of Lake Sebu at around 7:00 p.m. As there were no longer any vehicles to take them to her house, which was still two (2) kilometers away from the poblacion, they decided to walk home.

When the two were near a bridge some 400 meters away from the nearest house, the accused told Mary Jane that he loves her. Mary Jane replied that she could not forgive him for professing his love because he is her uncle. Suddenly, accused held Mary Jane's neck, choked her then kicked her feet, causing her to fall down on the grassy roadside. While she was on the ground shouting for help, accused took her towel and gagged her mouth. Armed with a knife pointed at Mary Jane's stomach, the accused mounted her and forcibly removed her pants and underwear. Accused then removed his pants and tried to insert his penis in the vagina of Mary Jane who, for quite some time, bravely resisted by moving and crossing her legs. Accused eventually overpowered her and was able to insert his penis into her vagina.

About five (5) minutes into the forced coition, Jerry Dolan who was walking nearby heard a woman's voice screaming for help. He proceeded to where the voice came from and saw the accused holding Mary Jane's neck while raping her. Jerry even heard the accused admit to her that a jail term is inevitable for him for his bestiality. Jerry picked up some stones and rushed towards Mary Jane to help her. She pushed the accused who hurriedly wore his pants, but not his shirt, and ran away. Jerry chased the accused but failed to overtake him, while Mary Jane fled bringing along accused's shirt. Jerry went back to the crime scene and recovered a pair of rubber shoes and lady's sandals which he surrendered to Sitio Leader Lagras Buayan.^[4]

For his defense, the accused had a "sweetheart story" to tell.^[5] He admitted accompanying Mary Jane to Marbel and watching a movie with her and her sister. Inside the movie house, Mary Jane who was seated beside the accused, took his left hand and directed it to her breasts. After the movie, they headed back to Lake Sebu.

The accused and Mary Jane arrived at the poblacion of Lake Sebu at around 7:00 p.m. and decided to take a walk home because there were no more tricycles plying the route at that time. While they were walking, the accused offered his love to Mary Jane who accepted. The two (2) then went at the back of a lodge building where they merely embraced and kissed each other. They broke their intimate moments when someone passed by. The two hid behind the road and after three (3) minutes, the accused returned to the place where they rested to get his rubber shoes and her sandals. He took his shirt off and gave it to Mary Jane before getting the pair of shoes, to avoid being recognized.

The accused strongly denied the charge of rape against him, and even claimed that Mary Jane's parents ransacked his house of rice, food and personal belongings that very same night.

The trial court discarded accused's defense and found Mary Jane's account of her defloration credible. Thus, on August 3, 1994, the trial court rendered a judgment finding accused guilty of rape, the dispositive portion of which reads:

"WHEREFORE, the court finds the accused Angelo Teves guilty beyond reasonable doubt of rape and hereby sentences him to the penalty of reclusion perpetua and to indemnify the victim Mary Jane Vargias the sum of P50,000.00.

"SO ORDERED."^[6]

Hence, this appeal.^[7]