

SECOND DIVISION

[G.R. No. 123803, February 26, 1998]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
PASTOR JERUSALEM MEDEL, ACCUSED-APPELLANT.**

D E C I S I O N

PUNO, J.:

Appellant Jerusalem Medel seeks to reverse the Decision^[1] of the trial court, dated October 4, 1995, finding him guilty of raping complainant Axel Rose Rula.^[2]

The complainant and the appellant were members of the Student Missionary Outreach (SMO), a Christian organization conducting bible studies in different schools and universities. At the time of the incident, complainant was the national treasurer of SMO while appellant was the Officer-in-Charge and member of the SMO Board of Trustees. Complainant was twenty five (25) years old, unmarried and had a boyfriend, Orly. Appellant, on the other hand, was thirty (30) years old and married to Dinah Medel, a physician, with whom he has two children.^[3]

There is no question that appellant and complainant had coitus at Veny's Inn in Baguio City on November 9, 1993. The issue is whether appellant forced the complainant to have sex or whether they engaged in consensual sexual intercourse.

The prosecution evidence show that on November 7, 1993, appellant, complainant, and Reverend Alejo Calopes,^[4] went to Tadian, Mountain Province, to resolve a conflict involving two (2) members of their organization. They took the 11:00 p.m. bus and arrived in Baguio at 5:00 a.m. the following day. They boarded another bus bound for Tadian which they reached at 4:00 p.m. They met with the members of their organization and successfully settled their dispute.^[5]

The next day, November 9, at about 7:30 a.m., appellant, complainant, and Rev. Calopes headed back to Baguio City. They reached Baguio at about 4:00 p.m. Appellant suggested that they roam around the city and buy some "*pasalubong*" before going home. Complainant agreed as it was her first time in Baguio. Rev. Calopes begged off for he had to attend to important matters. He took the 4:30 p.m. trip to Manila.^[6]

After Rev. Calopes left, appellant told complainant that their trip to Manila would be at 11:00 p.m. They inquired from an employee at the bus station if they could temporarily leave their things for safekeeping. They were told that the bus company would not take any responsibility for lost baggage. Appellant then suggested that they deposit their things in a lodging house. Complainant rejected the suggestion. She said: "*Pastor, ayoko po sa ganyang lugar, hindi po magandang tingnan, Kristiyano pa naman tayo.*" To allay her fears, he replied: "*Huwag kang mag-alala, at bakit tayo magi-guilty? Basta*

alam nating wala naman tayong ginagawang masama, hindi tayo dapat mahiya." In jest, he said he had no plan to rape her.^[7]

Appellant and complainant checked in at Veny's Inn along Session Road at about 5:45 p.m. Complainant registered her name on the registry book on appellant's instruction. They kept their belongings in their room. After a while, they proceeded to the public market and bought "*pasalubong*." They also went sight-seeing, took pictures and, later in the evening, dined in a restaurant. All those times, appellant did not convey any evil desire towards complainant.^[8]

At about 8:30 p.m., they returned to Veny's Inn. Their room was small -- it had only a bed, a table and a small private bathroom. Complainant sat on the bed to rest. She stayed awake for their 11:00 p.m. trip. Appellant refreshed himself by taking a shower.^[9]

At about 9:20 p.m., appellant emerged from the bathroom clad in brief. He then told her: "*Alam mo, noong una palang, crush na kita, matagal na kitang gustong maangkin.*" She was stunned as he continued saying: "*Kapag nakikita kita, palagi akong nag we-wet dreams.*" Finally, complainant was able to retort: "*Ang bastos-bastos mo. Pastor ka pa naman.*" She walked towards the door but appellant locked it. He grabbed her upper arms and laid her down on the bed. She struggled as she pled: "*Huwag, ayoko, maawa ka.*" Appellant sat on her belly, choked her with his right hand and delivered a strong blow on her left shoulder. He kissed her on the face, lips and neck and then forcibly took off her pants and underwear. The pants' zipper was torn in the process. They wrestled for an hour before he managed to subdue her. She felt excruciating pain when he penetrated her. He was done in fifteen (15) minutes.^[10]

Complainant picked up her pants and underwear and went to the bathroom. She cried but could not shout due to exhaustion. When she came out of the bathroom, appellant threatened her with death if she would reveal the incident.

At about 10:45 p.m., complainant and appellant checked out of Veny's Inn. They proceeded to the bus terminal. Complainant cried throughout the trip.^[11] She was again warned not to tell anyone of the incident because nobody would listen to her. Appellant boasted that their congregation would believe whatever he would tell them. He also showed her a military badge and bragged about his "connections" in the military. The threats cowed her into silence.^[12]

Since then, complainant started to avoid the appellant. Allegedly, she would hurriedly fix her things and leave when she sensed she was left alone in the office with appellant. However, on four (4) occasions, appellant obliged her to go to his house because his wife, Dr. Dinah Medel,^[13] would give her vaccines for Hepatitis B.^[14]

Complainant's first visit to Dr. Medel happened on November 18, 1993, nine (9) days after the rape. On said date, appellant accompanied her to his house. Complainant's next visits to Dr. Medel took place on December 9, 1993, January 18, 1994 and February 17, 1994.^[15]

On March 29, 1994, complainant was at the SMO office doing some paper work. She found herself alone in the office with appellant. When appellant closed the door, she hid under her table. Appellant forced her out and said: "*Huwag kang tatanggi, sandali lang ito.*" He then molested her for about fifteen (15) minutes.^[16]

On April 11-14, 1994, the SMO held a convention in Malaybalay, Bukidnon. Complainant's boyfriend, Orly, accompanied her to avert appellant's advances. Appellant, however, told complainant that the other pastors were displeased by her boyfriend's presence and they would discuss the matter with her. He warned her not to reveal the Baguio incident, otherwise, he would throw her in a cliff.^[17]

One week after the convention, complainant decided to relate her misfortune to her aunt, Gloria Trayco.

Gloria Trayco^[18] is also a missionary at the SMO. She testified that complainant's eyes were swollen when she came home from Baguio in the early morning of November 10, 1993. She thought complainant was just tired from her trip so she left her in her room to rest. Gloria sorted out complainant's dirty clothes for laundry and saw blood stains on her pants and underwear. Complainant attributed them to her menstrual period. Gloria washed complainant's clothes but the blood stains appeared redder than usual. She returned to complainant's room and found her crying. Complainant was hiding her face under a pillow. Gloria took the pillow and noticed a hematoma on her left shoulder. Complainant claimed that the hematoma was due to a bad fall in Baguio. Gloria did not discuss the issue any further.^[19]

Gloria noted that complainant's behavior changed after her trip to Baguio. She was no longer jolly. Her zest to work at the SMO vanished. Nonetheless, she just let things be in view of complainant's refusal to open up to her.^[20]

On April 22, 1994, Gloria persuaded complainant to report to the SMO office because she had been absent for two (2) consecutive days. When complainant refused, she repeatedly asked her why she did not want to work. Complainant then tearfully revealed that she had been raped by appellant. The following day, they reported the rape to the National Bureau of Investigation (NBI) in Manila.^[21]

Complainant was medically examined by NBI Medico-Legal Officer Aurea Villena. Dr. Villena found an "old-healed complete hymenal laceration" on complainant's genitalia. The laceration was approximately more than three (3) months old. She opined that the age of the laceration was consistent with the date of the rape.^[22]

Complainant's close friend and co-worker Mirasol Valdez also testified for the prosecution. Mirasol lives with complainant and Gloria at the SMO staff house in Cavite. She declared that Dr. Dinah Medel visited them in the staff house and tried but failed to convince complainant to withdraw the rape case against appellant. When Dr. Medel came a third time, complainant did not give her an audience. Dr. Medel then requested Mirasol and Gloria to help her talk to complainant for her children's sake. Complainant was unbending.^[23]

Appellant denied the charge. He claimed that complainant developed a crush on him when she saw him in his office in Taytay in 1988. In 1992, he became the secretary general of SMO and transferred to its national office in Quezon City where complainant was working as its national treasurer. He was temporarily designated as officer-in-charge of SMO later that year when its national director travelled abroad. Appellant's transfer to the national office brought him closer to complainant. She confided to him her personal problems, including her sexual adventures with a former boyfriend, Rolly. They took turns in paying the bills whenever they go out to eat. She also gifted him a desk calendar.^[24]

On November 7, 1993, appellant and Reverend Calopes were to go to Tadian, Mountain Province, for a mission trip. Complainant volunteered to join them when she learned that they would pass by Baguio City. Appellant told complainant that they could not accommodate her due to their limited budget. Complainant offered to pay her fare so she was able to join the trip.^[25]

Their mission to Tadian was successful. On November 9, at about 7:30 a.m., they headed back to Baguio City. The bus arrived in Baguio at about 4:30 p.m. Rev. Calopes left the duo and took the 5:00 p.m. trip to Manila. As it was complainant's first time in Baguio, complainant and appellant decided to stay in the city for a few more hours. They bought tickets for the 11:00 p.m. trip to Manila.^[26]

Appellant and complainant strolled along Session Road. Complainant asked if they could leave their luggage in a lodging house. They passed by Veny's Inn and inquired for its short time rate, from 6:00 p.m. to 9:00 p.m. They were informed that the inn had only whole day rates. Appellant then told complainant that the rate was high and it was impractical for them to get a room. Complainant, however, volunteered to take care of the payment. She registered her name on the registry book, took the key from the receptionist and handed it over to appellant. After putting their belongings in the room, they went to the public market. They bought vegetables, fruits and brooms. At about 7:00 p.m., they returned to Veny's Inn for a brief rest.^[27]

That evening, complainant and appellant dined in a restaurant across Burnham Park. They then strolled, exchanged jokes, and soon were holding hands. They decided to see a movie. They engaged in kissing, necking and petting inside the movie house. They returned to Veny's Inn and had sex for about fifteen (15) or twenty (20) minutes. They rested for some minutes and had sex a second time. During that brief rest, complainant confessed that she had gone to a motel before with a former boyfriend named Rolly. She even described the motel's room.^[28]

At about 9:30 p.m., complainant and appellant checked out of Veny's Inn and went to the bus terminal. Complainant stayed at the bus station to look after their luggage while appellant sauntered within the vicinity. He watched a televised PBA basketball game in a nearby store. They took the 11:00 p.m. trip to Manila. They slept and barely talked to each other throughout the trip.^[29]

Complainant and appellant's relationship became more intimate after their trip to Baguio. On one occasion, complainant invited appellant to a lunch date. Thereafter, they went to Delta Theater where they engaged in kissing, necking and petting. They repeated it several days later.^[30]

Complainant also went to appellant's house four (4) times because his wife, Dr. Dinah Medel, gave her vaccines for Hepatitis B. She was accompanied by appellant on her first two visits on November 18, 1993 and December 9, 1993. They came ahead of Dr. Medel and she helped prepare the lunch. Dr. Medel and their children came at past twelve. Complainant ate lunch with the family and washed the dishes.^[31]

In December, 1993, the SMO held a Christmas party at their office. Complainant served food and refreshment on appellant and the other guests. She gave him a planner calendar.

On another occasion, appellant brought his wife's electric fan to the SMO office. Complainant borrowed the electric fan from him and used it.^[32]

On January 6, 1994, complainant and appellant had lunch at McDonald's in Monumento. They proceeded to Sunshine Lodge afterwards. They had sex two (2) times that afternoon. While resting, complainant spoke about her new boyfriend, Orly. She confessed that she went to bed with Orly three (3) days after she became his girlfriend.^[33]

During the Bukidnon convention on April 11-14, 1994, Orly accompanied complainant. The members of the SMO Board of Trustees were displeased by his presence. They asked appellant to discuss the problem with complainant. Appellant relayed the board's sentiment to complainant. He also ended their illicit affair as he and his family would settle down in Cagayan de Oro City.^[34]

After the convention, appellant received reports from their office secretary and Rev. Clacio that complainant and Orly were always in their office. He scolded complainant.^[35] She did not report for work for two days. Appellant learned later that Orly, complainant and Ms. Trayco were looking for him. They appeared furious. Appellant was advised by Rev. Clacio to avoid the office.

After a few days, appellant reported to the office and he found his things stored up in a box placed atop the desk of a security guard. He could not enter their office as its lock had been changed. A note at the door stated that their national director ordered its temporary closure.

On May 1, 1994, an SMO worker informed appellant that Ms. Trayco reported to a group of SMO missionaries that he had sexually abused complainant. He went into hiding when he was told that NBI agents would arrest him. He met with other pastors and members of Valenzuela Gospel Church to seek a meeting with Ms. Trayco and complainant. Their efforts were unsuccessful.^[36] He was dismissed from the SMO Board of Trustees.^[37]

Dr. Dinah Medel, wife of appellant, also testified for the defense. She declared that after appellant's trip to Tadian, she went to the SMO office and offered to examine its members for Hepatitis B. Complainant availed of her offer. They agreed to meet at Dr. Medel's house for her blood test and vaccination.

Complainant's first visit to the Medels was on November 18, 1993. When Dr. Medel came home for lunch, complainant was already inside the house talking to appellant. There was nothing unusual in their behavior as they lunched together. After lunch, Dr. Medel took blood samples from complainant who was wearing a collarless short sleeved blouse. Dr. Medel did not see any hematoma or bruise on complainant's upper arm or neck.^[38]

After Dr. Medel received the results of the blood test, she asked appellant to inform complainant that she could have the Hepatitis B vaccine in their (Medels') house. Thus, on December 9, 1993, complainant saw Dr. Medel for her first injection. Again, complainant and appellant were already inside the house when Dr. Medel arrived from work. They ate lunch together and thereafter, complainant washed the dishes. Dr. Medel gave complainant her first shot. Dr. Medel then requested complainant to sell some pieces of jewelry from Bangkok. Complainant gladly agreed.^[39]