



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 229677

Present:

- versus -

CARPIO, *Chairperson*,
CAGUIOA,
REYES, J., JR.,
LAZARO-JAVIER, and
ZALAMEDA, *JJ.*

XXX,

Accused-Appellant.

Promulgated:

02 OCT 2019

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DECISION

LAZARO-JAVIER, J.:

The commission of rape offends social fabric. It is an affront to human dignity and if tolerated or dealt with leniency, even encourages criminality. No court of law should take an accusation of rape lightly; at the same time, however, it has the duty to protect the Constitutional right of the accused to be presumed innocent unless proven otherwise. When a woman cries rape, the Court is bound to balance the natural inclination to commiserate with the victim, with logic and legal precepts. In doing so, the Court reviews the allegations in its entirety, probing for consistency, sufficiency, and credibility of evidence vis-à-vis the right of the accused to be presumed innocent until otherwise proven. For the Court is beholden, at all times, to safeguard the social fabric and human dignity without compromising fundamental legal rights.

The Case

This appeal assails the Decision¹ dated September 27, 2016 of the Court of Appeals in CA-G.R. CR-HC No. 06208 entitled *People of the Philippines v. XXX*, affirming appellant's conviction for two (2) counts of rape.

The Proceedings Before the Trial Court

The Charges

Appellant XXX was charged with rape in two (2) separate Informations, viz:

Criminal Case No. C-6350

That on or about the 17th day of October 2000, at around 9:00 o'clock in the morning, more or less, at Barangay [REDACTED], City of Calapan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, motivated by lust and lewd desire, by means of force and intimidation, willfully, unlawfully and feloniously did lie, and succeeded in having carnal knowledge of AAA,* against her will and without her consent, to the damage and prejudice of the latter.

Contrary to Article 335 in relation to R.A. 7659 & 8353.²

Criminal Case No. C-6358

That on or about the 17th day of October 2000, at around 2:00 o'clock in the afternoon, more or less, at Barangay [REDACTED], City of Calapan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, motivated by lust and lewd desire, by means of force and intimidation, willfully, unlawfully and feloniously did lie, and succeeded in having carnal knowledge of the AAA, against her will and without her consent, to the damage and prejudice of the latter.

Contrary to Article 335 in relation to R.A. 7659 & 8353.³

The cases were raffled to the Regional Trial Court-Branch 40, Calapan City, Oriental Mindoro.

¹ Penned by Associate Justice Zenaida T. Galapate-Laguilles, and concurred in by Associate Justices Mariflor P. Punzalan Castillo and Florito S. Macalino, all members of the Tenth Division, *rollo*, pp. 2-25.

* Pursuant to Supreme Court Administrative Circular No. 83-2015 which mandates that the complete names of the women and children victims be replaced by fictitious initials. Also, *People v. Manjares*, 677 Phil. 242 (2011), decreed: "In line with Section 29 of Republic Act No. 7610, Section 44 of Republic Act No. 9262, and Section 40 of A.M. No. 04-10-11-SC, the identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld. For purposes of discussion, the private offended party and her immediate family members shall be referred to using initials. See *People v. Cabalquinto*, 533 Phil. 703 (2006) and *People v. Guillermo*, 550 Phil. 176 (2007)."

² Criminal Case No. 6350, Record, pp. 1-2.

³ *Id.*

On arraignment, appellant pleaded not guilty. During the trial, the prosecution presented complainant AAA, her mother BBB, her sister CCC, and Dr. Angelita C. Legaspi. On the other hand, the defense presented appellant and his neighbor DDD.

The Prosecution's Version

AAA* testified that she first met appellant sometime in February 2000, in a restaurant in Calapan City where she used to work. On October 9, 2000, they crossed paths again in an appliance store where she had assumed another job. Appellant inquired if they were selling low-cost appliances. During their conversation, he asked if she was looking for an apartment because he had a spare room for rent. She told him to return the next day because she needed to inform her sister first.

On October 13, 2000, appellant came back and asked her if she had decided to rent the room he offered. She agreed to transfer to appellant's room although they did not agree on the rental rate yet.⁴ On even date, she moved to appellant's two-storey apartment in Calapan City. The room which appellant rented out to her was located at the second floor next to appellant's room.

On October 16, 2000, she went to her sister's house because her parents were there. She informed her parents she was renting a room in appellant's apartment. On that same night, she went back to appellant's apartment together with her parents. She introduced them to appellant, who invited them to sleep in his room. Appellant made the offer because her room was still in disarray and she was only sleeping in a folding bed. They talked about the apartment and a firearm which appellant showed her father. Appellant and her father had some drinks up to 10 o'clock in the evening. Around thirty (30) minutes later, she and her mother decided to sleep ahead in appellant's room.⁵

Around 6 o'clock the following morning, October 17, 2000, she and her mother got up. Her parents left around 7 o'clock in the morning. By 9 o'clock, appellant asked her to fix the bedding in his room to which she obliged. While she was fixing the bedding, however, he suddenly barged, closed the door, and held her shoulders. She tried to wrestle away but appellant covered her nose with his hand which emitted an odor that made her weak and dizzy.⁶

She felt him laying her down and removing her short pants and undergarments. Appellant then mounted her, held her body, thrust his penis into her vagina, and made pumping motions. She tried to resist but every push and pull was painful. After satisfying his lust, appellant put on his clothes and

* SUPREME COURT AMENDED ADMINISTRATIVE CIRCULAR NO. 83-15 - (Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances, September 5, 2017).

⁴ TSN, August 22, 2001, pp. 2-36; See also TSN, February 19, 2002, pp. 2-29.

⁵ *Id.*

⁶ *Id.*



left. She weakly put on her clothes, sat on the edge of the bed, and cried. She tried to escape but the door was locked from the outside.⁷

Around 2 o'clock of the same day, appellant came back and poked a firearm on her. He forced her to lie down, removed her clothes, and lowered his pants down to his knees. She tried to kick him but his full weight weakened her. Again, he inserted his penis into her vagina and made a push and pull movement. He held her breast and kissed her neck. After the act, he warned her not to tell anyone. He left and locked the door again.⁸

She was locked inside the room the whole night. The next day, October 18, 2000, around 8 o'clock in the morning, her mother BBB was able to unlock the door and take her home. Still gripped with fear, she was unable to talk to her mother about the incident. It was only the following day, October 19, 2000, when she was able to muster the courage to confide the incidents to her mother.⁹

On October 20, 2000, she and BBB together went to the Victoria Municipal Police Station where they reported the rape incidents. But the police officers advised them instead to proceed to Calapan City Police Station. So they went back home and found appellant waiting for her there. He asked her hand in marriage but she rejected his proposal. On October 23, 2000, they reported the incidents, this time, to the Calapan City Police Station.¹⁰

BBB testified that on October 16, 2000, she and her husband went to Calapan City to visit AAA in her new apartment. They arrived there around 7 o'clock in the evening. Appellant invited them to sleep over. She had a short conversation with appellant. When she later felt sleepy, she asked her daughter if she could take a rest already. She and her daughter slept ahead of appellant and her husband who were still drinking at that time. The following day, October 17, 2000, she woke up around 6:30 in the morning, and left together with her husband thirty (30) minutes later.

On October 18, 2000, while resting at home, her husband told her about his gut feel that their daughter might be in danger. She then rushed to the apartment and found that AAA was not in her room. She knocked on appellant's room around three (3) times, after which, appellant opened the door. She asked for her daughter. Appellant told her AAA was inside. She went inside and opened the door leading to an inner room. There, she saw her daughter looking frightened. She told her to pack her things because they were going home.¹¹

At home, AAA complained her stomach was aching so they went to a quack doctor. After the treatment, they returned home. AAA then confided to

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ TSN, May 13, 2002, pp. 5-47.

her about the rape incidents. The following day, on October 20, 2000, they went to the Victoria Municipal Police Station to report the rape incidents but they were instructed to report them instead to the Calapan City Police Station. They went home and found appellant there. He proposed marriage to AAA but the latter rejected his proposal. On October 23, 2000, they reported the rape incidents to the Calapan City Police Station.¹²

CCC testified that appellant went to their house on October 20, 2000 and proposed marriage to AAA, but AAA refused his proposal. She also testified that AAA forewarned her against believing appellant should he claim they were sweethearts.¹³

Dr. Angelita C. Legaspi, the Rural Health Physician of Calapan City Health and Sanitation Department testified that based on her examination of AAA, the latter sustained old healed complete hymenal lacerations at 7 and 12 o'clock positions and old healed partial lacerations at 4 o'clock position. These lacerations could have been caused by penetration, insertion of a hardened penis, trauma, any hard object, or by accident. She concluded that AAA may have had sexual experience in the past.¹⁴

The prosecution offered the following exhibits: 1) Sworn Statement of AAA; 2) Sworn Statement of BBB; and 3) Medical Certificate of AAA.¹⁵

The Defense's Version

Appellant testified that he first met AAA sometime in February 2000 in a restaurant at Victoria, Oriental Mindoro. In May 2000, he met AAA the second time in the same place. On September 30, 2000, he went to an appliance store to look for low-cost appliances. There, he chanced upon AAA who then worked as sales lady in that store. They had a short conversation during which he courted her. Before the day ended, they were already a couple. He told her he was renting an apartment and gave her his address. Thereafter, AAA, together with a mutual friend visited his apartment.¹⁶

On October 13, 2000, AAA started sleeping in his rented apartment. They made love twice during her stay there. After their first sexual intercourse AAA gave him a personal note written on a Jollibee table napkin where she wrote "*Pa, Napakaswerte mong lalake ikaw ang nakauna sa akin. Love,* [REDACTED]." On October 18, 2000, before she left the apartment, she instructed him to retrieve her undergarments from the clothesline and put them in his bag.¹⁷

On October 19, 2000, he went to AAA's house and proposed marriage to her. He was not able to personally propose to AAA since she was in her

¹² *Id.*

¹³ TSN, March 25, 2003, pp. 3-26.

¹⁴ TSN, February 5, 2003, pp. 4-20.

¹⁵ Formal Offer of Evidence dated August 30, 2005, Record, pp. 147-148.

¹⁶ TSN, December 12, 2007, pp. 2-25; See also, TSN, March 15, 2010, 2-23.

¹⁷ *Id.*

room. It was her mother who met and talked to him in their living room. The latter informed him that AAA rejected his proposal. Dismayed, he yelled "*Pag di ka pumayag, di na ako babalik.*" Knowing that AAA was madly in love with him, he left her money and a ring worth ₱3,000.00.¹⁸

He denied having drugged and raped AAA. It was unlikely that the so-called rape incidents took place inside his apartment because there were other people in the area. In fact, his room and his drug testing clinic manned by four (4) people were both on the same floor.¹⁹ It was his earlier statement "*Pag di ka pumayag, di na ako babalik*"²⁰ which caused AAA to file the rape cases against him.

On cross, he clarified that during the pendency of the case, AAA's family offered to withdraw the charges against him in exchange for ₱150,000.00, allegedly to help out a relative in need. But knowing he is innocent, he refused the offer.²¹

DDD, the *carinderia* owner on the first floor of appellant's apartment, testified that AAA and appellant were sweethearts. Whenever she delivered food to appellant's room, they were oftentimes lying in the bed side by side, watching television while caressing each other. She also saw them go to the market every afternoon. Appellant usually laid his arms around AAA's shoulders.

One day, when AAA came to her *carinderia*, she asked her if she had a relationship with appellant. AAA confirmed to her that she and appellant in fact had a relationship. AAA revealed that appellant courted her for two (2) weeks until they became sweethearts.²²

The defense offered the following exhibits: 1) A 2 x 2 picture with love note and signature of AAA on the dorsal side, it reads: "*This picture is for you so keep this as a simple remembrance from me, AAA;*" 2) Jollibee table napkin with inscription and signature of AAA; 3) AAA's undergarments and blouse; and 4) Photos of the apartment.²³

The Trial Court's Ruling

By Joint Decision dated November 24, 2011,²⁴ the trial court found appellant guilty of two (2) counts of rape, *viz*:

For all that have been said, this Court finds that the constitutional presumption of herein accused XXX has been overcome by his guilt beyond

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ TSN, December 12, 2007, p. 10.

²¹ TSN, May 19, 2010, pp. 4-33.

²² TSN, May 30, 2011, pp. 2-14.

²³ Formal Offer of Evidence dated June 29, 2011, Record, pp. 269-270.

²⁴ CA *rollo*, pp. 58-73.

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reasonable doubt of the crimes charged.

ACCORDINGLY, finding herein accused XXX guilty by direct participation of two (2) counts of Rape punishable under Article 266-A (a) of the Revised Penal Code, said accused is hereby sentenced to suffer the penalty of **TWO (2) RECLUSION PERPETUA** with all the accessory penalties as provided by law. The accused is hereby directed to indemnify the private complainant [AAA] the amount of One Hundred Thousand Pesos (P100,000.00) for each count of Rape as civil indemnity and Fifty Thousand Pesos (P50,000.00) for each count of Rape as moral and exemplary damages.

SO ORDERED.²⁵

The Proceedings Before the Court of Appeals

On appeal, appellant asserted that he and AAA were actually lovers and their sexual congress was consensual. He also pointed out the multiple irreconcilable inconsistencies in AAA's testimony.²⁶

The Office of the Solicitor General (OSG) essentially countered: (1) other than appellant's bare allegations, he failed to support his sweetheart theory; and (2) the trial court did not err in finding AAA's testimony on how appellant had sexually abused her was clear and straightforward.²⁷

The Court of Appeal's Ruling

By Decision dated September 27, 2016, the Court of Appeals affirmed in the main but modified the award of damages. It ruled that the prosecution had proven beyond reasonable doubt all the elements of rape, including the use of force or intimidation. This, despite appellant's stance that AAA's testimony was replete with unexplained and material inconsistencies and improbabilities. Its dispositive portion reads:

WHEREFORE, in view of all the foregoing, the *Appeal* is **DENIED**. The *Joint Decision*, rendered by Branch 40 of the Regional Trial Court in the City of Calapan on 24 November 2011 convicting [accused-appellant] for two (2) counts of rape in Crim. Case Nos. C-6350 and C-6358, is **AFFIRMED** with **MODIFICATION** with respect to damages.

Consistent with the ruling in *People v. Frias*, accused-appellant is directed to indemnify private complainant with the following amounts: PhP50,000.000 for each count of rape as moral damages, PhP50,000.00 for each count of rape as civil indemnity, and PhP30,000.00 for each count of rape as justified under Article 2229 of the Civil Code to set a public example or correction for the public good.

²⁵ *Id.* at 72-73.

²⁶ Appellant's Brief dated April 10, 2014, *CA rollo*, pp. 38-56.

²⁷ Appellee's Brief dated August 28, 2014, *CA rollo*, pp. 82-102.

SO ORDERED.²⁸

The Present Appeal

Appellant now seeks affirmative relief from the Court and prays anew for his acquittal.

In compliance with Resolution dated April 17, 2017,²⁹ both the OSG and appellant manifested³⁰ that, in lieu of supplemental briefs, they were adopting their respective briefs before the Court of Appeals.

Issue

Did the Court of Appeals err in affirming appellant's conviction for rape?

Ruling

We acquit.

In criminal cases, an appeal throws the entire case wide open for review.³¹ Thus, the Court may review the circumstances of this case to determine if AAA was raped through force or intimidation as opposed to appellant's assertion that their sexual congress was consensual because they were in fact sweethearts. In fine, the Court is confronted with one crucial question: which between the two opposing factual narrations is more credible?

Rape is defined and penalized under Article 266-A, paragraph 1 of the Revised Penal Code (RPC), as amended by Republic Act No. 8353,³² viz.:

Article 266-A. Rape: When And How Committed. - Rape is committed:

1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

a) **Through force, threat, or intimidation;**

²⁸ *Rollo*, pp. 24-25.

²⁹ *Rollo*, pp. 32-33.

³⁰ Manifestation and Motion dated July 7, 2017 filed by Office of the Solicitor General; *rollo*, pp. 34-36; and Manifestation (In Lieu of a Supplemental Brief) dated August 206 filed by the Public Attorney's Office; *rollo*, pp. 39-41.

³¹ "The reviewing tribunal can correct errors, though unassigned in the appealed judgment, or even reverse the trial court's decision based on grounds other than those that the parties raised as errors." *Miguel v. People*, G.R. No. 227038, July 31, 2017, 814 SCRA 1073, 1081; citing *People v. Alejandro*, 807 Phil. 221, 229 (2017), and *People v. Comboy*, 782 Phil. 187, 196 (2016).

³² Otherwise known as the *Anti-Rape Law of 1997*.

- b) When the offended party is deprived of reason or otherwise unconscious;
- c) By means of fraudulent machination or grave abuse of authority; and
- d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present. (Emphasis supplied)

Under Article 266-A (1)(a), rape requires the following elements: (1) the offender had carnal knowledge of a woman; and (2) the offender accomplished such act through force, threat, or intimidation.³³

Appellant does not deny the fact that he had carnal knowledge of AAA twice. He maintains though that when these happened, AAA was his girlfriend and they both consented to it. We now focus on whether force or intimidation was employed by appellant as means by which he succeeded in having carnal knowledge of AAA.

In reviewing rape cases, the Court is guided by the following principles: (1) to accuse a man of rape is easy, but to disprove the accusation is difficult, though the accused may be innocent; (2) inasmuch as only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence for the prosecution must stand or fall on its own merit and should not be allowed to draw strength from the weakness of the evidence for the defense.³⁴ We, therefore, scrutinize AAA's testimony, *viz*:

On Direct-examination:

Q: Now eventually, Miss Witness, were you able to rent that house which was offered you by accused XXX?

A: When he returned on October 13, 2000, XXX again offered his house, sir.

Q: And what did you do after XXX again offered to you his house?

A: I agreed to rent the house.

Q: **And eventually you were able to rent that house?**

A: **No, sir, because XXX did not right away tell me how much is the rental of the house, sir.**

Q: **And were you able to transfer to that house offered by the accused?**


A: **Yes, sir.**

Q: **And when did you transfer to that house offered to you by the accused?**

A: **On the night of October 13, 2000, sir.**

³³ *Id.*

³⁴ *People v. Patentos*, 726 Phil. 590, 599-600 (2014), citing *People v. Marquez*, 400 Phil. 1313, 1323 (2000).



XXX XXX

Q: Now, aside from you, who were the other persons, if any, occupying the second floor?

A: XXX's brother, a student and myself, sir.

Q: How about XXX, where was he staying at that time?

A: Also in that house, sir.³⁵

XXX XXX

Q: And who talked about your stay in the same house?

A: My parents and XXX, sir.

Q: And what were they talking about relative to your stay in that house?

A: Aside from talking about my stay in the house, XXX showed to my father a gun since my father was at that time looking for a gun, sir.

XXX XXX

Q: Aside from talking about your stay in that house and later on about the gun which was shown by the accused to your father. What more did the accused and your father do, if any?

A: My father and XXX had a drinking spree, sir.

Q: And up to what time did they had a drinking spree? Up to what hour?

A: Until almost ten o'clock in the evening sir.

Q: Now during that particular night, Miss Witness, what time did you go to sleep?

A: 10:30 in the evening, sir.

Q: And where did you go to sleep?

A: In the room of XXX together with my mother, sir.³⁶

XXX XXX

Q: Now, after your parents left to go home to Victoria, what happened, if any?

A: When my parents left that morning, XXX requested me to fix the cover of his bed in his room and that was around nine o'clock in the morning.³⁷

XXX XXX

Q: Now, when XXX requested you to fix the beddings inside his room, what did you do, if any?

A: I fixed his beddings and thereafter, XXX entered the room and closed its door, sir.³⁸

XXX XXX

Q: Now, you said that while you were fixing the beddings inside the

³⁵ TSN, August 22, 2001, pp. 12-15.

³⁶ *Id.* at 21-24.

³⁷ *Id.* at 27-28.

³⁸ *Id.* at 29.

room of accused XXX, he entered the room and closed the door. Now, after that, what happened, if any?

A: He held me by my two shoulders and so, I struggled and I also smelled something from his hand, sir.

Q: When were you able to smell something on his hand?

A: When he placed his hand on my nose, I felt dizzy after that.

Q: After the accused placed his hand on your nose and you smelled something and you felt dizzy, what happened next?

A: He laid me down on the bed and I felt that the accused started removing my short and panty, sir.

Q: Now, while accused was removing your short and panty, what did you do, if any?

A: I could not do anything. I could not even shout. I felt weak at that time and I noticed that he always placed his hand on my mouth.

Q: Now, you said that he removed your short and panty. Now, was he able to remove your short and panty?

A: Yes, sir.

Q: After removing your short and panty, what did he do, if any?

A: I felt that the accused place himself on top of me and he inserted his sexual organ into my sexual organ.³⁹

XXX XXX

Q: Why did you not go out of the room?

A: Because he locked me inside that room, sir.

Q: And how did you know that you were locked inside that room?

A: Because I tried to open the room but I failed to do so, sir.

COURT:

Q: What was the lock of the door? A door knob?

A: I can no longer remember, Your Honor.⁴⁰

XXX XXX

Q: After the incident, what happened?

A: He again raped me at around 2:00 o'clock in the afternoon of the (sic) that same day, sir.

Q: By the way, in the first incident, what time was that?

A: More or less 9:00 o'clock in the morning, sir.

Q: After the first incident at around 9:00 o'clock in the morning up to the time of the second incident that happened at 2:00 o'clock in the afternoon, where did you stay?

A: I was inside the bedroom, sir.

Q: Why did you not leave that room?

³⁹ *Id.* at 19-31.

⁴⁰ TSN, February 19, 2000, pp. 3-4.

A: I heard that the accused lock(ed) the door of that bedroom then I tried to open the same, but I could not do so, sir.

XXX XXX

Q: On the second incident you said that the accused tried to insert his penis into your vagina. How did you know it was the penis of the accused that was inserted into your vagina during the second time?

A: Because I saw what he was doing to me for the second time, sir.

Q: You mean to say that you saw the actual penetration of the penis of the accused into your vagina?

A: Yes, sir.

XXX XXX

Q: And after he raped you what happened next?

A: After that second incident, the accused warned me not to tell to (sic) anybody, sir.

Q: And after that he left the room and left you?

A: Yes, sir.

Q: Why did you not immediately (go) out of the room after the second incident?

A: Because the accused was poking a gun at me, sir.⁴¹

XXX XXX

Q: After the first incident at around 9:00 o'clock in the morning up [t]o the time of the second incident that happened at 2:00 o'clock in the afternoon, where did you stay?

A: I was inside the bedroom, sir.

Q: Why did you not leave the room?

A: I heard that the accused locked the door of that bedroom then I [t]ried to open the same, but I could not do so, sir.

Q: What kind of lock was placed on that door?

A: I can't remember anymore, sir.⁴²

XXX XXX

Q: At the time that XXX was doing that to you during the [s]econd time, was the door closed?

A: I can't remember anymore, sir.

Q: You can't remember anymore, but definitely, do you agree with [m]e that the door was not closed, because there was no lock on it?

A: Yes, sir.

Q: You will agree with me that here was no lock in the room outside that door?

⁴¹ TSN, February 20, 2002, pp. 30-36.

⁴² *Id.* at 37-38.

A: Yes, sir.

Q: **And at that time that the accused was molesting you for the first and second time, people might see you because there was no lock inside?**

A: Yes, sir.⁴³

XXX XXX

On Sur-rebuttal:

Q: Did you ever go to the comfort room that evening?

A: I did not.

XXX XXX

Q: There were people outside the house in the neighborhood?

A: I do not know, sir.

Q: **There is a window in that room where you slept in that evening of October 17, 2000?**

A: Yes, sir.

Q: **That window is open? You can open that window? Is it not?**

A: Yes, sir.⁴⁴ (Emphases supplied)

We find AAA's testimony to be replete with material inconsistencies and improbabilities. She testified she was locked inside the room although on cross, she backtracked and said the room was not locked. In fact, she admitted she could not even remember whether the door had a lock at all. Granting the room was locked from the outside, she neither knocked nor shouted for help. Too, AAA confirmed that the windows in appellant's room were open; thus, she could have easily asked for help from people outside. But she did not. More, AAA did not testify that she was denied the capacity to move or even shout while she was left alone in appellant's room. For sure, AAA had the opportunity to call for help and a chance to escape. But she did nothing.

More, when AAA was allegedly rescued by her mother, she never disclosed to her about the supposed rape incidents. It was so unnatural for a rape victim who claimed to have been detained overnight by her rapist not to have immediately if not spontaneously uttered a single word to her mother right after she got rescued.

The time-honored test in determining the value of the testimony of a witness is its compatibility with human knowledge, observation and common experience of man. Thus, whatever is repugnant to the standards of human knowledge, observation and experience becomes incredible and must lie outside judicial cognizance. Consistently, the Court has ruled that

⁴³ *Id.* at 45.

⁴⁴ TSN, September 15, 2004, pp. 12-13.

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evidence to be believed must proceed not only from the mouth of a credible witness but must be credible in itself as to hurdle the test of conformity with the knowledge and common experience of mankind.⁴⁵ Here, AAA's testimony is by itself highly incredible not only for being replete with material inconsistencies but also for being contrary to the common experience of man and the natural course of things.

It was not only AAA's testimony which burrowed holes on her charges against appellant, her mother BBB's testimony as well. The latter gave a markedly different version of how she was able to rescue her daughter:

XXX XXX

Q: Upon arriving at the boarding house of [AAA] on that day, the eighteenth day of October 2000, what happened, if any?

A: I knocked at the door of XXX's boarding house for more or less three times before accused opened the door, sir.

Q: After the accused opened the door for you, what did you do?

A: I asked him where my daughter [AAA] was, sir.

Q: What was the answer of XXX to your query as to the whereabouts of your daughter?

A: XXX told me that [AAA] was in the room, sir.

Q: What happened after that, Madam Witness?

A: When I opened the door, I saw my daughter in the room of XXX, sir.⁴⁶

As it was, BBB's testimony sharply contradicted AAA's testimony that she was locked inside her room and appellant freed her only when her mother came. BBB revealed she was the one who opened the door of the room where AAA claimed she was locked in. In fact, it was appellant who let BBB in, led her to the room, and freely allowed her and AAA to leave. Surely, the individual testimonies of AAA and BBB lead to these indubitable conclusion: AAA was not detained and as between AAA and her mother, only one was telling the truth, the other one was lying.

What is more baffling was, after the supposed rape incidents, appellant went to AAA's house to propose marriage to her on October 20, 2000. He was allowed to enter the house without BBB showing any sign of anger toward him. AAA's sister CCC testified, thus:

XXX XXX

Q: Since you were very near two (2) meters according to you, from your mother and XXX, you could have seen other persons if XXX had other companions?

⁴⁵ *People v. De Guzman*, 690 Phil. 701, 712-713 (2012) (citations omitted).

⁴⁶ TSN, May 13, 2002, p. 14.

A: It was the accused XXX whom I saw entered the house.

Q: In what part of the house where he talked with your mother?

A: In the sala.

COURT:

Q: The accused was able to enter your house?

A: Yes, Your Honor.

Q: Your mother was talking to XXX who was seated in the sala of your house?

A: I know that he was seated at that time.⁴⁷

CCC likewise revealed that AAA had apparently anticipated appellant's visit after AAA left his apartment. In fact, AAA even forewarned her not to believe appellant if he ever told her they were romantically involved, viz:

XXX XXX

On Direct-Examination:

PROS. SEÑOREN:

Q: You said that XXX was claiming to be the sweetheart of your sister [AAA], how did you know that?

A: When my sister [AAA] and I had a conversation, my sister told me that the accused XXX would tell that they were sweethearts.

Q: What more did your sister tell you?

A: My sister [AAA] told me or warned me not to believe XXX because my sister [AAA] was threatened by XXX.⁴⁸

XXX XXX

On Cross-Examination:

Q: You testified that while you were conversing with [AAA], she told you that XXX will tell your mother that she is his girlfriend, did I get you correct on that?

A: Yes, sir.

Q: Did she tell you when XXX has not yet arrived in your house?

A: Yes, sir.

Q: In other words, [AAA] anticipated that XXX will be coming to your house on that date October 20, 2000?

A: I did not know.

XXX XXX

Q: You thought that AAA knew that on that day, XXX would go to your house and propose marriage to your sister [AAA]?

⁴⁷ TSN, March 25, 2003, p. 23.

⁴⁸ *Id.* at 13.

- A: I do not know, sir.
- Q: But you know that your sister [AAA] has been staying in the house of the accused XXX before October 20, 2000?
- A: Yes, sir.⁴⁹

We further consider the following uncontroverted evidence, viz: 1) a 2x2 picture from AAA with her handwritten note: "*This picture is for you so keep this as a simple remembrance from me, [AAA];*"⁵⁰ 2) AAA's message written on a Jollibee table napkin: "*Pa, Napakaswerte mong lalake ikaw ang nakauna sa akin. Love, [AAA];*"⁵¹ and 3) appellant even left an engagement ring and cash with BBB to be given to AAA.⁵²

DDD, an impartial witness, testified that in many instances she witnessed on her own the sweet romantic gestures of appellant and AAA toward each other, thus:

On Direct-Examination:

- Q: So Madam Witness, where was [AAA] living at that time?
- A: We do not know where [AAA] was living at that time but I just saw her upstairs where XXX was occupying whenever I delivered food for them at that time, sir.
- Q: How many times have you seen [AAA] in the place of XXX?
- A: We used to see her in XXX's place everytime I delivered food, sir.⁵³

xxx xxx

- Q: Everytime that you were delivering food at the apartment of the accused and according to you, you used to see the private complainant, was the private complainant with companions?
- A: [AAA] had no companion at that time, I just used to see them while lying down while watching TV program, Your Honor.
- Q: Who was lying down at that time?
- A: The private complainant and the accused watched TV program, Your Honor.
- Q: In what place they were lying?
- A: They were lying in a room with the door open, Your Honor.
- Q: What was the position when you saw them lying?
- A: They were just lying down while caressing with each other, Your Honor.
- Q: They were lying beside each other?

⁴⁹ *Id.* at 14-15.

⁵⁰ "AAA" referring to AAA; See TSN, December 12, 2007, pp. 6-7; See also Formal Offer of Evidence dated June 29, 2011, Record, pp. 269-270.

⁵¹ "Pa" referring to Appellant; See TSN, December 12, 2007, p. 10; See also Formal Offer of Evidence dated June 29, 2011, Record, pp. 269-270.

⁵² TSN, December 12, 2007, p. 15.

⁵³ TSN, May 30, 2011, pp. 4-5.

A: They were happily lying down and they were laughing at the program they were watching, Your Honor.⁵⁴

xxx xxx

Q: By the way, Madam Witness, how many times have you seen the accused and XXX, inside the apartment rented by the accused?

A: Almost everyday, sir.

xxx xxx

COURT:

Q: According to you, the accused and the private complainant were sweethearts, aside from the fact that you saw them lying side by side while watching TV program, every night that you were bringing food that the accused ordered from, what else did you see wherein which you presumed that they were sweethearts?

A: There were times that I saw [AAA] hanging clothes at XXX's apartment, Your Honor.

Q: And she was hanging her own clothes?

A: [AAA] was hanging not only her clothes but also accused XXX's clothes and there were times, they resort to have their clothes washed by somebody else, Your Honor.⁵⁵

xxx xxx

Q: Aside (for) seeing them in a room, do you know of any activity done by the two together?

A: They were both doing the marketing every afternoon, sir.

Q: When they go to the market every afternoon, how did they go to the market?

A: Both of them were buying fruits and I observed that the accused's arm was placed at the shoulders of the private complainant and they were laughing at each other, sir.

xxx xxx

Q: How did you come to know that the name [AAA] is [AAA]?

A: When XXX saw me, he stood up and introduced to me [AAA] as the girl he would soon be marrying and the girl was his sweetheart, sir.⁵⁶

xxx xxx

On Cross-Examination:

COURT:

Q: Do you entertain in your mind at that time that the private complainant and the accused were sweethearts?

⁵⁴ *Id.* at 5-6.

⁵⁵ *Id.* at 8-9.

⁵⁶ *Id.* at 10.

- A: They were sweethearts, You Honor, because I had the chance to ask her.
- Q: When was the time that you asked the private complainant as to whether she and the accused were sweethearts?
- A: One time [AAA] bought from my carinderia, sir.
- Q: And you inquired from the private complainant as to whether she and the accused were sweethearts what was the reply of the private complainant?
- A: That she was courted for barely two (2) weeks and they became sweethearts, Your Honor.
- Q: And how about the accused, did you confirmed (sic) that from him?
- A: One time when she (sic) delivered food to the accused I saw him and the private complainant watching television and they were happy watching the program and that I asked the accused who was the private complainant and he told me that the private complainant will be his future wife, Your Honor.⁵⁷

Notably, the prosecution failed to refute these exculpatory pieces of evidence including the credible testimony of DDD, an impartial witness. The prosecution's deafening silence to react toward these vital pieces of evidence speaks volumes of the weakness of the charges against appellant.

Time and again, we have ruled that the existence of a romantic relationship between two (2) persons does not discount the commission of rape for it can be committed by one spouse against the other. But here, AAA's credibility is seriously being put in question vis-à-vis the testimony of her mother BBB, her sister CCC, and DDD, an impartial witness together with her two (2) handwritten messages to appellant --- plainly indicating she was not honest after all about the rape charges she initiated against appellant.

In light of the foregoing considerations, appellant's defense of consensual sexual intercourse was likely to be true than not.

A final word. When a witness is untruthful, any other statement that he or she utters becomes doubtful. For that matter, where the doubt hinges on the guilt or innocence of the accused, the Court is compelled to acquit and uphold the Constitutional presumption of innocence in favor of the accused. So must it be.


ACCORDINGLY, the appeal is **GRANTED**. The Decision dated September 27, 2016 of the Court of Appeals in CA-G.R. CR HC No. 06208 is **REVERSED** and **SET ASIDE** and a new one rendered, **ACQUITTING XXX** of two (2) counts of rape in Criminal Case Nos. C-6350 and C-6358.

The Court **ORDERS** the Director of the Bureau of Corrections, Muntinlupa City to immediately release **XXX** unless he is being detained for

⁵⁷ TSN, June 29, 2011, pp. 8-9.

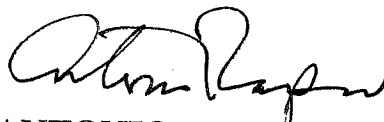
some other cause; and to submit his compliance report within five (5) days from notice. Let entry of judgment immediately issue.

SO ORDERED.

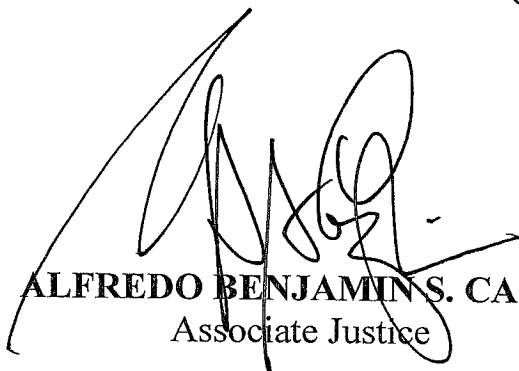


AMY C. LAZARO-JAVIER
Associate Justice

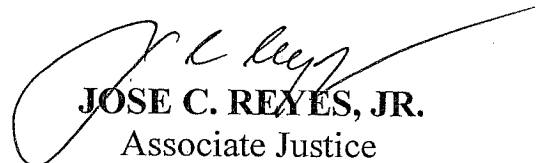
WE CONCUR:



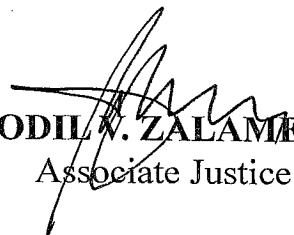
ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



ALFREDO BENJAMINS S. CAGUIOA
Associate Justice



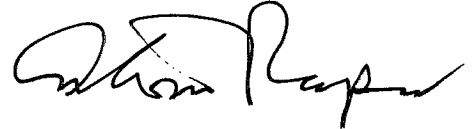
JOSE C. REXES, JR.
Associate Justice



RODIL W. ZALAMEDA
Associate Justice

ATTESTATION

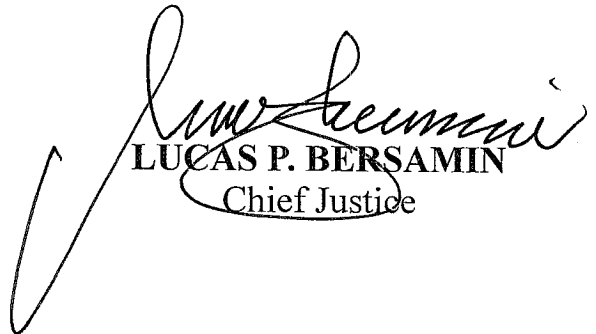
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the above Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



LUCAS P. BERSAMIN
Chief Justice

CERTIFIED TRUE COPY



ATTY. TERESITA A. TUAZON
Deputy Division Clerk of Court

