



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 218087

Present:

GESMUNDO, C.J.,
Chairperson,
CAGUIOA,
CARANDANG,
ZALAMEDA, *and*
GAERLAN, JJ.

- versus -

XXX,

Accused-Appellant.

Promulgated:
JUL 06 2021

x-----

DECISION

GAERLAN, J.

This is an ordinary appeal under Rule 122 of the Rules of Court, as amended, seeking to reverse and set aside the Decision¹ dated September 17, 2014 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06244. The said issuance affirmed with modification the October 23, 2012 Joint Decision² issued by Branch 40 of the Regional Trial Court (RTC) of the City of Calapan, Oriental Mindoro in Criminal Case Nos. C-6436 and C-03-7382 which, in turn, found accused-appellant XXX³ guilty beyond reasonable doubt of two (2) counts of rape.

¹ *Rollo*, pp. 2-11; penned by Associate Justice Agnes Reyes-Carpio with Associate Justices Noel G. Tijam and Priscilla J. Baltazar-Padilla concurring.

² *CA rollo*, pp. 48-64; rendered by Judge Tomas C. Leynes.

³ 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 pursuant to Republic Act No. 7610, entitled "AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, PROVIDING PENALTIES FOR ITS VIOLATION, AND FOR OTHER PURPOSES," approved on June 17, 1992; R.A. No. 9262, entitled "AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES," approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the "Rule on Violence against Women and Their Children" (November 15, 2004). See also Amended Administrative Circular No. 83-2015, entitled "PROTOCOLS AND PROCEDURES IN THE PROMULGATION, PUBLICATION, AND POSTING ON THE WEBSITES OF DECISIONS, FINAL RESOLUTIONS, AND FINAL

The Antecedents

XXX was indicted of the crimes charged by virtue of two separate Informations dated June 6, 2001 and August 1, 2003, respectively, the accusatory portions of which read as follows:

Criminal Case No. C-6436

That on the 1st week of November, 2000, at 12:00 o'clock midnight, in Barangay LLL, City of MMM, 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 one AAA, her [sic] niece and living in the same house, against her will and without her consent, to the damage and prejudice of the latter.⁴

Criminal Case No. C-03-7382

That on or about the 14th day of November 2000, at around 1:00 o'clock in the morning in Barangay LLL, City of MMM, Province of Oriental Mindoro, 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 one AAA, daughter of his wife's sister, against her will and without her consent, to the damage and prejudice of the latter.⁵

Upon arraignment, XXX, assisted by counsel, pleaded not guilty to the offenses charged.⁶ Thereafter, pre-trial ensued, followed by trial on the merits.

Version of the prosecution

AAA is the daughter of BBB while XXX is the husband of CCC. Since BBB and CCC are sisters, AAA is a niece of XXX by affinity. AAA and XXX lived in the same compound in Barangay LLL, City of MMM. As such, their houses were more or less seven to eight meters apart. AAA was 18 years old at the time of the alleged incidents of rape, having been born on February 24, 1982.⁷

AAA testified that on a night during the first week of November 2000, at around midnight, she was sleeping alone in her room which was located on

ORDERS USING FICTITIOUS NAMES/PERSONAL CIRCUMSTANCES," dated September 5, 2017.

⁴ Records (Criminal Case No. C-6436), p. 1.

⁵ Records (Criminal Case No. C-03-7382), p. 1.

⁶ Records (Criminal Case No. C-6436), p. 34; Records (Criminal Case No. C-03-7382), p. 12.

⁷ TSN, July 30, 2003, pp. 7-12.

J

the ground floor of her parents' house. Unbeknownst to her, XXX entered their house through the door of the kitchen which, according to AAA, was merely locked by a nail which could easily be moved or picked by a knife. On the other hand, AAA's room did not have a door.⁸

AAA was awakened from her slumber by XXX because the latter was holding her feet.⁹ Thereafter, XXX began undressing her. AAA was wearing a t-shirt and garterized shorts at that time. AAA struggled but XXX punched her in the abdomen. After successfully undressing AAA, XXX mashed her breasts.¹⁰ XXX then lay on top of AAA and had carnal knowledge of the latter by forcibly inserting his penis into her vagina, causing AAA to feel pain¹¹ and cry out of fear.¹² XXX likewise gagged her mouth with a piece of cloth.¹³ After he was done with his deed, XXX threatened AAA that he would kill her if she reported the incident to anyone. XXX then left the house through the kitchen door. AAA then went to the bathroom and took a bath to cleanse herself.¹⁴

AAA's parents, as well as her younger siblings DDD and EEE, were all sleeping in one room at the second floor of the house at the time of the first rape incident.¹⁵

A second incident occurred inside AAA's house on November 14, 2000 at around 1:00 in the morning. XXX again surreptitiously entered the house through the kitchen door. He then went inside AAA's room which – it appears this time – had a door that was locked by a piece of wood which could be moved up and down.¹⁶

Upon entering the room, XXX poked AAA with a knife and began touching her legs. XXX then warned AAA not to make any noise, removed her underwear, and had carnal knowledge of her.¹⁷ Afterwards, XXX again threatened AAA not to tell anybody about what transpired or he would kill her entire family, then left via the kitchen door. At around 2:00 in the morning, AAA took a bath to remove all the dirt that she experienced.¹⁸

⁸ Id. at 12-18.

⁹ TSN, December 8, 2003, p. 4.

¹⁰ TSN, July 30, 2003, pp. 18-25.

¹¹ TSN, December 8, 2003, pp. 6-9.

¹² TSN, April 1, 2004, p. 6.

¹³ TSN, December 8, 2003, p. 15.

¹⁴ TSN, April 1, 2004, pp. 11-14.

¹⁵ TSN, July 30, 2003, p. 16.

¹⁶ TSN, July 5, 2004, p. 6.

¹⁷ Id. at 12-13.

¹⁸ TSN, September 22, 2004, pp. 4-8.

During this second rape incident, AAA's brother, DDD, was sleeping upstairs with their parents. Her other brother, EEE, was sleeping over at their grandmother's house next door.¹⁹

A few months later, AAA felt sick²⁰ and secretly took paracetamol to relieve her headaches. It appears that even before the rape incidents, AAA had been suffering from headaches and usually took an unidentified medicine which her mother, BBB, gave her.²¹

At one time, AAA dropped a piece of paracetamol in front of BBB. When she was asked by BBB about the said medicine, AAA answered that it was only for a headache. However, BBB did not believe her. This led to AAA telling her mother about the rape incidents. Thereafter, BBB brought AAA to the City Health and Sanitation Department of MMM City for a medical examination.²² Per letter-certification dated April 16, 2001, Rural Health Physician Ma. Teresita N. Bolor, M.D. (Dr. Bolor) found that AAA was pregnant by 20 weeks and six days to 21 weeks and one day,²³ or a period of five months.²⁴ Dr. Bolor explained that it was possible that AAA had sexual intercourse sometime on November 1, 2000 and November 14, 2000.²⁵ AAA eventually gave birth to a baby who was fathered by XXX.²⁶

Version of the defense

XXX admitted that he had carnal knowledge of AAA. However, he insisted that it was consensual because they were lovers, and that the charges against him were instigated by BBB.

A house painter by profession, XXX affirmed that he was not related to AAA by blood, the latter being his wife's niece. XXX claimed that during the time when he had no job, AAA frequented his house to watch movies. Their relationship eventually became intimate. Every time they were alone, they would rub noses together, with AAA calling him by the nickname Alano. Nevertheless, whenever someone was with them, AAA would refer to him as "Kua." XXX claimed that they started having sexual relations in November

¹⁹ Id. at 8-9. AAA's parents and her grandmother lived in a duplex. Thus, their respective houses were attached to each other.

²⁰ Id. at 16.

²¹ TSN, April 1, 2009, pp. 26-28.

²² Id. at 24-30.

²³ Records (Criminal Case No. C-6436), p. 10.

²⁴ TSN, September 18, 2006, p. 10.

²⁵ Id. at 24.

²⁶ TSN, October 26, 2009, p. 11.

2000, which was repeated at least twice a month. He never forced AAA to have sex with him.²⁷

On April 12, 2001, XXX was awakened by his wife, CCC, to tell him that AAA was raped. XXX immediately went to AAA's house and saw the latter being slapped by BBB. XXX heard BBB asking AAA about the identity of the father of the child that she was carrying. AAA then told her mother that it was XXX. For his part, XXX appeared surprised because he practiced the withdrawal method whenever he was intimate with AAA. FFF, AAA's father, then threatened XXX with death.²⁸

XXX eventually left the province and lived in Manila for two years. He only returned to MMM City when he heard of the rape charges against him, and voluntarily surrendered before the police on February 24, 2003. He had been deprived of his liberty ever since.²⁹

Emelinda D. Maunat (Maunat), a neighbor of both AAA and XXX, corroborated the claim that they were in a secret relationship. Sometime in March 2001, CCC met Maunat in the public market. CCC asked her if she could bring home some grocery items to CCC's house, which Maunat did. Because Maunat was accustomed to entering CCC and XXX's house, she just went inside and found nobody on the ground floor. Then, she went upstairs and saw XXX and AAA having sexual intercourse with each other. AAA's legs were clinging around XXX's body and her arms were embracing the latter. This incident allegedly happened between 11:00 in the morning and 12:00 noon. Maunat also recalls witnessing XXX and AAA rubbing the tips of their noses together sometime around February 2001.³⁰

Epifanio Acedera (Acedera), a close friend of XXX for around 30 years, declared that he witnessed AAA frequently going to XXX's house with AAA's youngest sibling.³¹ AAA continued to visit XXX even after November 1, 2000.³² XXX also confessed to Acedera that he had sexual intercourse with AAA.³³

Tessie delos Angeles (Delos Angeles), a laundrywoman and nanny of AAA's youngest sibling for five years, asserted that she did not believe that AAA was raped because she never showed any sign or indication of fear. Delos Angeles observed that AAA was always with XXX. On April 12, 2001,

²⁷ TSN, November 16, 2011, pp. 5-11.

²⁸ Id. at 11-14.

²⁹ Id. at 14-15.

³⁰ TSN, January 8, 2007, pp. 9-15.

³¹ TSN, September 8, 2010, pp. 6-9.

³² Id. at 14-15.

³³ Id. at 39-40.

4

or one day before BBB found out that AAA was pregnant, Delos Angeles even saw AAA and XXX engaged in a happy conversation, joking with each other, and planning to go out of town for a vacation together.³⁴

The RTC's Ruling

On October 23, 2012, the RTC rendered its Joint Decision finding XXX guilty beyond reasonable doubt. Relying on the strength of AAA's testimony *vis-à-vis* XXX's sweetheart defense, the trial court disposed as follows:

ACCORDINGLY, finding herein accused [XXX] guilty beyond reasonable doubt of two (2) counts of Rape in the instant cases, said accused is hereby sentenced to suffer the penalty of Two (2) Reclusion Perpetua in both cases with all the accessory penalties as provided for by law.

Said accused is hereby directed to indemnify the private complainant [AAA] the amount of P75,000.00 as civil indemnity, moral damages in the amount of P50,000.00 and exemplary damages in the amount of P50,000.00.

SO ORDERED.³⁵

Aggrieved, XXX elevated the case to the CA.

Excoriating the findings and conclusions of the RTC, XXX asserted that AAA was very inconsistent in her testimony as to how XXX allegedly entered her house, without any sign that the doors and locks were tampered with; that AAA was also erratic in her narration of the facts and circumstances surrounding XXX's acts of rape; and that the trial court summarily disregarded his sweetheart defense without considering AAA's failure to distance herself from XXX after the supposed acts of rape.

The Office of the Solicitor General (OSG), on behalf of the People, countered that the prosecution was able to prove all of the elements of the crime of rape; and that XXX's sweetheart theory was not supported by any evidence on record.

The CA's Ruling

On September 17, 2014, the CA issued the herein assailed Decision affirming with modification the judgment of the trial court. The appellate

³⁴ TSN, February 29, 2012, pp. 9-20.

³⁵ CA *rollo*, p. 64.

4

court found no credence in the postures and arguments raised by XXX. Instead, it placed much importance on the categorical statements made by AAA in the course of her testimony. Thus:

WHEREFORE, in the light of all the foregoing, the Joint Decision dated October 23, 2012 of the Regional Trial Court, Branch 40, Calapan City, Oriental Mindoro, in Criminal Case Nos. C-6436 and C-03-7382 is AFFIRMED with MODIFICATION in that accused- appellant is directed to indemnify AAA in the amounts of Fifty Thousand (P50,000.00) Pesos as civil indemnity, Fifty Thousand (P50,000.00) Pesos as moral damages and Thirty Thousand (P30,000.00) Pesos as exemplary damages, for each count.

Accused-appellant is further directed to pay legal interest on all damages awarded in this case at the rate of six percent (6%) per annum from the date of finality of this Decision until fully paid.

SO ORDERED.³⁶

Hence, the present recourse.

On November 14, 2014, the CA issued a Minute Resolution³⁷ giving due course to the Notice of Appeal³⁸ filed by appellant, thereby ordering the elevation of the records of the instant case to this Court.

In a Resolution³⁹ dated July 20, 2015, this Court noted the records of the case forwarded by the CA. The parties were then ordered to file their respective supplemental briefs, should they so desire, within 30 days from notice.

On November 13, 2015, XXX, through the Public Attorney's Office, filed a Manifestation (In Lieu of Supplemental Brief)⁴⁰ stating that he would no longer file a supplemental brief because all of his contentions have been exhaustively ventilated in the Appellant's Brief⁴¹ that he submitted to the CA. On November 16, 2015, the OSG filed a similar Manifestation and Motion⁴² on behalf of the People.

The Court now resolves the instant case.

³⁶ *Rollo*, p. 10.

³⁷ *Id.* at 15.

³⁸ *Id.* at 12.

³⁹ *Id.* at 17-18.

⁴⁰ *Id.* at 19-23.

⁴¹ *CA rollo*, pp. 29-47.

⁴² *Rollo*, pp. 24-27.

The Issue

Whether or not the CA erred in upholding appellant's conviction for two counts of rape.

The Ruling of the Court

Throughout our recorded history, rape has been invariably regarded with unmitigated odium, and meted the highest penalties allowed in our statute books.⁴³ Under paragraph 1(a) of Article 266-A of the Revised Penal Code, the elements of rape are: (1) that the offender had carnal knowledge of a woman; and (2) that such act was accomplished through force, threat, or intimidation.⁴⁴ The gravamen of rape is sexual intercourse with a woman against her will.⁴⁵

By their very nature, crimes against chastity, as well as the crime of rape, usually involve only two persons: the victim-complainant and the alleged offender.⁴⁶ Rape is essentially an offense of secrecy involving only two persons and not generally attempted save in secluded places far from prying eyes.⁴⁷ Thus, a conviction for rape may be made even on the testimony of the victim herself, as long as such testimony is credible,⁴⁸ convincing, and consistent with human nature and the normal course of things.⁴⁹ In fact, the victim's testimony is the most important factor to prove that the felony has been committed.⁵⁰ And in an appeal from a judgment of conviction in rape cases, the issue boils down, almost invariably, to the credibility and story of the victim and eyewitnesses.⁵¹

In reviewing rape cases, the Court is guided by the following principles: (a) an accusation of rape can be made with facility, and while the accusation is difficult to prove, it is even more difficult for the person accused, although innocent, to disprove; (b) considering the intrinsic nature of the crime, only two persons being usually involved, the testimony of the complainant should be scrutinized with great caution; and (c) the evidence for the prosecution must stand or fall on its own merit, and cannot be allowed to draw strength from the weakness of the evidence for the defense.⁵² Verily, a successful prosecution of a criminal action for rape largely depends on proof of two

⁴³ *People v. Rondina*, 737 Phil. 410, 418 (2014).

⁴⁴ *People v. Bentayo*, 810 Phil. 263, 269 (2017).

⁴⁵ *People v. Ejercito*, 834 Phil. 837 (2018.)

⁴⁶ *People v. Librias*, 795 Phil. 334, 341 (2016).

⁴⁷ *People v. Llanas, Jr.*, 636 Phil. 611, 621 (2010).

⁴⁸ *People v. Ilagan*, 455 Phil. 891, 899 (2003).

⁴⁹ *People v. Empuesto*, 823 Phil. 1125, 1140 (2018).

⁵⁰ *People v. Rapisora*, 474 Phil. 271, 284 (2004).

⁵¹ *People v. Amarela*, 823 Phil. 1188, 1200 (2018).

⁵² *People v. Agalot*, 826 Phil. 541, 550-551 (2018).

things: the identification of the author of the crime and his actual commission of the same.⁵³

Following a thorough and judicious review of the records of this case, as well as the parties' respective postures as amplified in their pleadings, We find that XXX's guilt was not proven beyond reasonable doubt.

*The discrepancies in AAA's testimony
impair her credibility as a witness*

Jurisprudence holds that inconsistencies in the victim's testimony do not impair her credibility.⁵⁴ However, for said inconsistencies to be dismissed so as to give full credence to the alleged victim, they must be minor, trivial and as far as practicable, few and far between.⁵⁵ Here, this Court finds the discrepancies in AAA's testimony to be too substantial to be ignored, thereby impairing her credibility as a witness.

First, AAA repeatedly contradicted herself as to how XXX could have gained access to her house as well as her room. On the security of the doors in the kitchen and in her room, AAA declared on direct testimony:

PROS. SEÑOREN:

x x x x

Q: Miss witness you said that at around 12:00 o'clock [midnight], on the night of the incident subject matter of the instant case you were sexually abused by the accused. Please tell us how were you sexually abused by the accused?

A: First the accused was able to enter the house because the door of the kitchen of the house was just locked by a nail that could easily be moved.

Q: How could that nail which served as the lock of the door of the kitchen be removed in such a way that the door will be opened?

A: The nail locking the door of the kitchen of the house could be picked by a knife.

x x x x

Q: Miss witness, by the way, does your room [have] a door?

A: It had none, sir.⁵⁶

⁵³ *People v. Ansano*, G.R. No. 232455, December 2, 2020.

⁵⁴ *People v. Ocdol*, 741 Phil. 701, 714 (2014).

⁵⁵ *People v. Buenaflor*, 412 Phil. 399, 409 (2001).

⁵⁶ TSN, July 30, 2003, pp. 17-19.

Q: Now, you said that you were raped for the second time on November 14, 2000. Now, what time of the day were you raped by the accused on November 14, 2000?

A: At one o'clock in the early morning, sir.

x x x x

Q: Now, you said that you were raped in your room in your house in NNN, MMM City by the accused for the second time. Now, how was the accused able to enter your house at that time considering that it was one o'clock in the morning?

A: The door of our kitchen at that time was locked by just a nail and it could be removed and XXX himself removed the same on that date.

Q: Now, you said that you were raped inside the room where you were then occupying at that time in your house. Now, how was he able to enter your room?

A: The door of my room at that time was closed and locked by just a piece of wood which can be moved up and down.⁵⁷

On cross examination, AAA then stated:

ATTY. MENDOZA:

Q: Madam witness, the house where you were residing at that time was a duplex house?

A: Yes, sir.

Q: There is a door in the common wall of the two houses which leads to the other portion of the house occupied by your grandmother, is that correct?

A: Yes, sir.

Q: The jam of the door exactly fits the opening?

A: Yes, sir.

Q: That door is the door which connects your kitchen to the portion of the house which is occupied by your grandmother, is that correct?

A: Yes, sir.

Q: There are only two doors in the portion of the house which is occupied by you and your parents, I am referring to the main door leading outside the house?

A: There were two doors: one in the sala and one in the kitchen, sir.

Q: The door in the sala has a door lock, is that correct?

A: Yes, sir.

⁵⁷ TSN, July 5, 2004, pp. 5-6.

Q: It has two locks: one has a vault type and the other is just like the door of the court?

A: Yes, sir.

Q: And that door at the main door exactly fits the jam?

A: Yes, sir.

Q: Would it be correct to say that the wall of the portion of your house leads upon to the roof such that no person can enter that portion of the house from above?

A: Yes, sir.

Q: Would it be correct to say that no one can enter the windows of your house during the time of the night because they were closed?

A: Yes, sir.

Q: Would it be also correct to say that one has to pass to the portion of the house of your grandmother in order to enter the portion of the house occupied by your family while peeping through the door near your kitchen?

A: Yes, sir.

Q: In these two occasions of rape, the portion of the house occupied by your grandmother was actually occupied by your grandmother and your uncle whose name is JJJ?

A: Yes, sir.

Q: JJJ was about twenty-four years old at that time?

A: I do not know, sir.

Q: How old was your grandmother sometime in the year 2000?

A: I do not know, sir.

Q: But that time she was very physically healthy and mobile?

A: Yes, sir.

Q: Madam Witness, would it be correct to say that there was no portion in the house which had the appearance that it was destroyed immediately at that time after the first alleged rape incident?

A: There was none, sir.

Q: During the direct examination, you stated that you were suddenly awakened by the accused, now, would it be correct to say that before you slept you checked whether there were intruders inside the house?

A: Yes, sir.

Q: After checking, you locked all the doors?

A: Yes, sir.

Q: So, at that time, you were one hundred percent sure that the accused was not inside the house before you slept?

A: Yes, sir.

J

- Q: If he actually was inside the house in that first week of November, how was he able to enter that house?
- A: The lock of the door of the kitchen was just fixed and can just be closed by a nail which could be opened using a knife, sir.
- Q: By the way, the lock of the door near the kitchen was by means of the hole and the nail could be placed?
- A: Yes, sir.
- Q: And the nail which was used at that time was de kuwatro?
- A: The nail has a length of this, sir.
(witness demonstrates the length of more or less three inches)
- Q: Despite the fact that the door exactly fits the jam, you did not see any appearance at that time that the portion of the door was destroyed?
- A: There was none, sir.
- Q: Did you actually try to see whether you could remove the nail?
- A: My brother had once tried, sir.
- Q: Would it be correct to say that if a knife is to be inserted, you could hardly move the knife?
- A: There was a space between the door and the jam, sir.
- Q: How big was the space between the door and the jam?
- A: (shows a very small distance between her thumb and her forefinger)

COURT:

- Q: Do you know how did the accused enter your room on said date?
- A: I do not know, Your Honor.⁵⁸

Prescinding from the foregoing statements, XXX entered AAA's house through the kitchen door, which was locked only by a nail. However, this kitchen door could only be breached by XXX if he gains access to AAA's grandmother's house as they were living in a duplex house. AAA also said that the jam of the kitchen door exactly fits its opening. Yet, when XXX used a knife to unlock it through the small gap between the door and the jam, there were no indications of damage. Likewise, AAA claimed that during the first week of November 2000 when the first alleged rape incident happened, her room had no door. Then, on the alleged November 14, 2000 second rape incident, her room suddenly had one. Considering XXX's defense that AAA is his lover, the gravity of these inconsistencies cannot be understated.

Second, assuming *arguendo* that XXX was able to access AAA's house, the latter's flip-flopping testimony as to the actual acts of rape has made said

⁵⁸ TSN, April 27, 2005, pp. 2-8.

testimony suspicious and dubitable. In describing her alleged ordeal, AAA testified that appellant completely undressed her:

PROS. SEÑOREN:

x x x x

Q: Which of your clothes did the accused first removed [sic]?

A: My t-shirt, sir.

Q: And were you wearing your bra at that time?

A: Yes, sir.

Q: Now after removing your t-shirt, what did he do if any?

A: He thereafter removed my short[s], sir.

x x x x

COURT:

Q: What else?

A: My panty, Your Honor.⁵⁹

Later on, however, AAA claimed that she was not actually undressed:

COURT:

Q: Were you wearing clothes at the time the accused left your house?

A: My t-shirts [sic] and bra were just lifted by the accused and I was the one who lowered them.

When the accused left the house, my panty was lowered dow[n] to my knees and I was also the one who lifted it.

Q: It was clear now that when the accused was raping you, for the first time in the first week of November 2000, the accused was wearing his shorts and lowered the same down to his knees and while you were wearing your panty also down up to your knees?

A: Yes, Your Honor.⁶⁰

And third, the Court finds it odd that upon seeing AAA taking paracetamol, her mother BBB immediately jumped to the suspicion that she was pregnant. AAA stated that she had been suffering from headaches for years. To alleviate the same, her mother BBB gave her an unidentified brand of medicine:

⁵⁹ TSN, July 30, 2003, pp. 22-23.

⁶⁰ TSN, April 1, 2004, pp. 13-14.

COURT:

x x x x

Q: Even before the rape incidents you already suffered from headache[s]?

A: I suffered headache[s] prior to these incidents, Your Honor.

Q: Do you mean to say, from childhood up to the time before the incidents, you suffered headache?

A: I suffered headache also but I did not take the same medicine, Your Honor.

Q: What medicines were you taking before?

A: I do not know because it was my mother who gave me that head pain medicine, Your Honor.⁶¹

Yet, when BBB found out that AAA had been taking paracetamol, she did not believe her. Rather, she immediately brought AAA to a nearby health center for an examination:

ATTY. MENDOZA:

Q: Miss Witness, you hid that medicine from your mother because you know that this is not an ordinary headache medicine?

A: Yes, sir.

Q: When your mother found that medicine, she immediately brought you to the City Health and Sanitation Department of MMM City?

A: Yes, sir.⁶²

Indeed, considering XXX's claim that BBB instigated the charges against him, the above statements of AAA arouses a level of intimation that XXX's defenses might be true.

All told, AAA has not met the standard required of a credible witness, *i.e.*, that a credible witness must be able to narrate a convincing and logical story.⁶³

AAA's conduct before and after the incidents in question further engenders doubts that she was raped by XXX

The Court is not unmindful of the principle that the sweetheart theory, raised by XXX, must be substantiated by some documentary or other evidence

⁶¹ TSN, April 1, 2009, p. 28.

⁶² *Id.* at 29-30.

⁶³ *People v. Rapiz*, G.R. No. 240662, September 16, 2020.

of relationship such as notes, gifts, pictures, mementos and the like.⁶⁴ Nevertheless, there is such corroboration in this case.

The evidence on record points to the likelihood that AAA and XXX were in a secret, scandalous affair, and this continued even in the months following the alleged rape incidents. Maunat, a neighbor of both AAA and XXX who frequently visited the house of XXX and his wife CCC, declared:

ATTY. MENDOZA:

x x x x

Q: After you went inside his house, what happened next?

A: I went upstairs of his house because nobody was downstairs.

Q: When you were upstairs, what happened?

A: I saw upstairs the accused XXX with his shorts down and on top of AAA.

Q: What was he doing?

A: He was "*umaayud*".

Q: What was that?

A: "*Naggagamitan*".

Q: What was the position of AAA while XXX was on top of her?

A: AAA's legs were clinging around XXX's body and with her arms embracing XXX.⁶⁵

x x x x

Q: You stated in your affidavit that sometime in February 2001, you chanced upon AAA and XXX rubbing the tips of their noses together, do you affirm that?

A: That is true, sir.

Q: Under what circumstances did you see them doing that?

A: I chanced upon them when I was about to go to XXX's neighbor particularly in his sister KKK's house. I saw them inside XXX's house with the tips of their noses in contact while AAA's sibling at that time was with her.

Q: How young was her sibling whom you are referring to at that time?

A: Two (2) years old more or less, sir.⁶⁶

⁶⁴ *People v. Quinto*, G.R. No. 246460, June 8, 2020.

⁶⁵ TSN, January 8, 2007, pp. 11-12.

⁶⁶ Id. at 14-16.

Moreover, as testified to by Delos Angeles, the nanny of AAA's youngest sibling:

ATTY. CARINGAL:

Q: Upon arrival in AAA's house, what happened?

A: There were some sort of commotion wherein I came to know that AAA was allegedly raped. I thought initially that she could have been raped in the evening of April 12.

Q: What did you find out? When was the alleged rape?

A: They said that it was allegedly in the month of November 2000 which I was unaware of.

Q: Whom were you told of the alleged rapist?

A: They were pointing at XXX.

Q: What did you say?

A: I got surprised and I do not know, I can't believe that it was XXX, and that was the only time that I came to know that the rape incidents happened a long time in the past.

Q: How were they able to say that AAA was raped?

A: I do not know with these persons who told me about the rape during that time that I was in the house of AAA and I was surprised because XXX and the private complainant AAA were still together a day before.

Q: You said that XXX, the accused in these cases, and the private complainant were together a day before April 13, 2001. What were they doing during that time?

A: They were in a store in the Public Market, MMM City, because they had a store there.

Q: What were they doing in their store?

A: They were in a happy conversation at that time, they were joking, they were closing the store, because that was [a] holiday and they had a plan to go on outing.⁶⁷

The conduct of the victim immediately following the alleged sexual assault is of utmost importance in establishing the truth or falsity of the charge of rape.⁶⁸ The value of a witness's testimony – AAA in this case – should be compatible with human knowledge, observation, and common experience, such that whatever is repugnant to these standards becomes incredible and must lie outside judicial cognizance.⁶⁹ In the instant case, the conduct of AAA

⁶⁷ TSN, February 29, 2012, pp. 14-16.

⁶⁸ *People v. Ganaba*, 829 Phil. 306, 317 (2018).

⁶⁹ *People v. Rubillar, Jr.*, 817 Phil. 222, 240 (2017).

appears contrary to the natural reaction of an outraged woman robbed of her honor.⁷⁰

At this juncture, it bears reiterating that AAA accused XXX not only of raping her twice, but also threatening the lives of the members of her family. We find it unusual and contrary to human experience for AAA to continue hanging out, joyfully conversing, and laughing with her alleged tormentor. If anything, AAA's behavior supports XXX's assertion that their sexual relations were consensual.

Too, it is hard to believe AAA's claim that before she was medically examined, she did not know that she was pregnant. It bears repeating that at the time of the alleged rape incidents, AAA was an 18-year-old college student. Three years later, she graduated with a degree in computer science.⁷¹ Suffice it to state, in this regard, that she is an educated person. In the absence of any medical finding as to her mental state at that time, it is difficult to conceive a situation where AAA was not aware of her pregnancy. It is more likely that she was knowingly taking paracetamol in the hopes of impairing said pregnancy, considering her scandalous affair with her aunt's husband.

XXX must, perforce, be acquitted of both charges of rape

The presumption of innocence provides the fulcrum from where the scales of justice can be balanced and allowed to take its course.⁷² Well-settled, to the point of being elementary, is the doctrine that when inculpatory facts are susceptible of two or more interpretations, one of which is consistent with the innocence of the accused, the evidence does not fulfill or hurdle the test of moral certainty required for conviction.⁷³ To this end, courts should be wary of giving undue credibility to a claim of rape, especially where the sole evidence comes from an alleged victim whose charge is not corroborated and whose conduct during and after the rape is open to conflicting interpretations.⁷⁴ While judges ought to be cognizant of the anguish and the humiliation that a rape victim undergoes as she seeks justice, they should equally bear in mind that their responsibility is to render justice based on the law.⁷⁵

In criminal litigation, the evidence of the prosecution must stand or fall on its own merits and cannot draw strength from the weakness of the

⁷⁰ *People v. Castillon*, 291 Phil. 75, 86 (1993).

⁷¹ TSN, July 30, 2003, p. 7.

⁷² *People v. Lagmay*, 365 Phil. 606, 610 (1999).

⁷³ *Marcos v. Sandiganbayan*, 357 Phil. 762, 783 (1998).

⁷⁴ *People v. Patentes*, 726 Phil. 590, 606 (2014).

⁷⁵ *People v. Villaflores*, 422 Phil. 776, 792 (2001).

defense.⁷⁶ Here, AAA's testimony was riddled with inconsistencies, thereby creating reasonable doubt that XXX committed the crimes charged. This, in turn, led to the prosecution failing to discharge its burden of evidence. Accordingly, the Court cannot in good conscience affirm his conviction. He must, perforce, be acquitted. Indeed, a society that values the good name and personal freedom of every individual should not easily condemn a man for the commission of a crime when there is reasonable doubt about his guilt.⁷⁷


WHEREFORE, the appeal is **GRANTED**. The Decision dated September 17, 2014 of the Court of Appeals in CA-G.R. CR-HC No. 06244 is hereby **REVERSED** and **SET ASIDE**.

For failure on the part of the prosecution to prove his guilt beyond reasonable doubt, accused-appellant XXX is **ACQUITTED** of the crimes charged in Criminal Case Nos. C-6436 and C-03-7382. He is ordered immediately **RELEASED** from detention unless he is being detained for some other lawful cause.

Let a copy of this Decision be furnished the Director General of the Bureau of Corrections for immediate implementation. He is **DIRECTED** to report the action he has taken to this Court within five (5) days from receipt of this Decision.

Let entry of judgment be issued immediately.

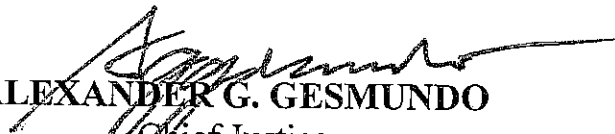
SO ORDERED.

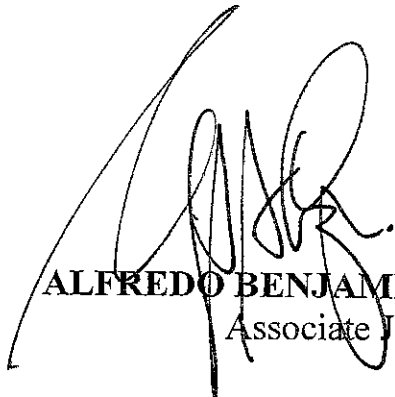

SAMUEL H. GAERLAN
Associate Justice


⁷⁶ *People v. Tionloc*, 805 Phil. 907, 920 (2017).

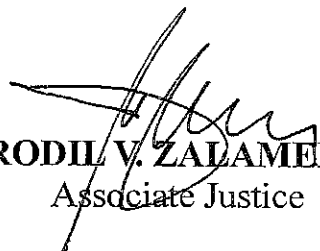
⁷⁷ *People v. Palada*, G.R. No. 225640, July 30, 2019.

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice
Chairperson


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


ROSLARI D. CARANDANG
Associate Justice


RODIL V. ZALAMEDA
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.


ALEXANDER G. GESMUNDO
Chief Justice

