

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
REYNALDO DE LA CRUZ Y BERIA, ALIAS BOY DE LA CRUZ,
ACCUSED-APPELLANT.**

G.R. No. L-39919. October 19, 1982

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

Upon complaint filed by Milagros P. Areola, the Provincial Fiscal of Cagayan charged Reynaldo de la Cruz y Beria, alias Boy, before the Court of First Instance of Cagayan of the crime of rape in an information which reads as follows:

"That on or about June 27 and 28, 1973, in the municipality of Ballesteros, province of Cagayan, and within the jurisdiction of the Honorable Court, the said accused, Reynaldo B. de la Cruz, alias Boy, with lewd design and by means of force and intimidation and having deprived of reason or otherwise rendering unconscious the offended party, did then and there wilfully, unlawfully and feloniously have sexual intercourse with one Milagros P. Areola, against her will and consent."

When arraigned on November 20, 1973, the accused, assisted by a counsel de oficio, pleaded not guilty. However, judgment was rendered on July 24, 1974, convicting him of the crime charged; sentencing him to suffer the penalty of reclusion perpetua; and ordering him to pay the costs of suit.

Hence, this appeal.

The prosecution's version of the facts, as stated in the People's brief, is as follows:

"Milagros Areola, the complainant herein, had her first assignment as a public school teacher at Barrio San Juan, Ballesteros, Cagayan (p. 25, t.s.n., Jan. 7, 1974, morning session). Being her first time to go to barrio San Juan, she, accompanied by her mother and Mr. Anso, Mr. Vilorio and Maria Alonzo, went to the said barrio on June 20, 1973 before assuming her position to orient herself of the place and to look for a suitable boarding house (id.). The nearest house to the barrio school where she was to teach was the house of Mrs. Miling Bermudez about 100 meters away (p. 26, id.). There were only two houses near the school, the other one being the house of the accused, Reynaldo de la Cruz, which was about 40 meters away from the house of Mrs. Bermudez (id.). Of these two houses, the group chose the house of Mrs. Bermudez, aunt of Reynaldo, as the boarding house of Milagros Areola (pp. 26-27, id.).

"Milagros reported to school for the first time on June 21, 1973 (p. 27, id.). On that same day, Mrs. Bermudez introduced to her the accused (her nephew) and his parents and sisters (pp. 27-28, id.).

"In the afternoon of June 22, 1973, Milagros, accompanied by Herminia de la Cruz (Reynaldo's younger sister), went back to the Centro of Ballesteros to get her school supplies, to submit her report of enrollment, and to procure her basic needs (p. 28, id.).

"On June 24, 1973, Milagros and Herminia went to market and while they were there, Herminia saw her brother Reynaldo and asked him to go with her and Milagros (pp. 29-30, id.). In keeping with Filipino courtesy

and hospitality, Milagros requested Herminia to invite Reynaldo to take his lunch at her (Milagros) parent's house in Centro, Ballesteros (p. 18, 30, id.). Although Reynaldo obliged by going to the house of Milagros, he, however, did not eat his lunch there because he left while Milagros was preparing lunch (id.).

"After lunch, Milagros and Herminia went to the market to wait for a ride to Nararagan on their way to San Juan. While waiting for a ride, Milagros saw Virgie, her boardmate, and the mother of Reynaldo (id.). They told her that they had not eaten their lunch yet (id.). Milagros invited them to her house but they declined (id.). Milagros then invited them for snack in the market and there they ate halo-halo and cake (p. 31, id.). After taking half of her halo-halo, Milagros went to pay the refreshment parlor owner about five meters away. Upon her return to the table, her companions told her to eat her halo-halo, otherwise, they will not also eat theirs. Milagros obliged and finished her halo-halo, saying, 'I have to eat it, because I have paid for it.' (p. 32, id.).

"Thereafter, the group, unable to wait for the Herminia Transit, hired two tricycles to bring them to Nararagan (pp. 32-33, id.). They arrived in Barrio San Juan between 4:00 and 5:00 o'clock in the afternoon (p. 33, id.).

"Although she had headache and felt dizzy since the night of June 24 after coming from Centro, Milagros reported for school on June 25, 1973 (pp. 33-34, id.). During recess, Reynaldo went to give her coffee. She was surprised because it was the daughter of her land-lady who used to serve her coffee at recess time. (id.). After drinking her coffee, her condition became worse. (p. 35, id.).

"On June 26, 1973, despite her worsening condition, Milagros continued to go to school. During recess, Reynaldo was again the one who brought her coffee. Noticing bubbles in her coffee, Milagros became suspicious and asked Reynaldo why there were bubbles. The latter explained that the water was boiling when he poured it on the coffee (id.). After drinking the coffee, she felt her body becoming heavier (id.).

"On June 27, 1973, Milagros again went to school, this time, with much difficulty. Like the previous days, Reynaldo again brought her coffee during recess (pp. 35-36, id.). Unable to endure her condition any longer, Milagros went home at 11:00 o'clock in the morning before the regular dis-missal time (p. 36, id.).

"Upon arrival at her boarding house, Milagros changed her clothes, ate a light lunch and, after telling Virgie, Delia and Myrna, her companions in the house, not to make any noise because she wanted to rest, she went to bed (pp. 36-37, id.). While resting, she noticed someone entered her room. Thinking that it was one of her housemates, she paid no heed. Then she heard someone asked her if she had already eaten her lunch. Noticing that the person who made the inquiry was Reynaldo, Milagros requested him to go out of the room because she was sickly and she wanted to rest (p. 37, id.). When she was about to catch her sleep, Reynaldo, without a shirt on, suddenly went on top of her. She struggled against and wrestled with Reynaldo, pleading to him to desist from doing what he intended to do. She shouted for help but nobody went to her succor. With her state of health - -feeling very weak and dizzy -- Milagros was easily overpowered by Reynaldo who succeeded in having sexual intercourse with her (pp. 37-39, id.).

"In the afternoon, Reynaldo threatened and forced Milagros to go with him to his house. Her will overpowered by the intake of drugs administered to her by the accused, Milagros, acting like a robot, followed the wishes and orders of Reynaldo (Q & A, No. 16, Exh. B). Her helplessness became greater when, upon reporting the incident to her landlord, she received the following advice, 'If I were you, Ma'am, I would follow him because something wrong might happen (sic) to you if you do not follow him and his wishes.' Still deprived of reason, coupled with the threats and intimidation of Reynaldo and her helplessness, Milagros went with the accused. Reynaldo, through the use of force, succeeded in having other sexual intercourses with Milagros who was still weak and deprived of her mental faculties because of the drugs previously administered to her (pp. 41-42, id.).

"In the evening of June 28, 1973, Milagros saw the barrio captain and told him that Reynaldo forced her to follow him under threats and intimidation, to which the barrio captain answered, 'Do not think of that anymore my daughter, what you should think is how you would settle down.' (p. 42, id.).

"On June 29, 1973, Mr. Anso and a policeman fetched Milagros from the house of Reynaldo and brought her to the District Supervisor's Office where her mother and the Supervisor were waiting. She related to her mother and to the Supervisor her harrowing experience. She told them that she was ravished by the accused. (pp. 43-46, id.).

"On June 30, 1973, Milagros and her mother went to the Ballesteros Emergency Hospital but the doctor, a Sabatist, was not there, hence, they had to go back the following day, July 1, 1973. Dra. Ester Arafiles, a Resident Physician of said hospital, examined Milagros and found her to be weak and disoriented, probably drugged with the use of barbituates, opium and seconal. She also found the hymen of Milagros lacerated at 3:00, 6:00 and 9:00 o'clock positions. (pp. 11, 47, id.; pp. 6-14, t.s.n., Jan. 24, 1974; Exh. D).

"Having been ravished by the accused against her will and consent, Milagros filed a complaint for rape before the Municipal Court of Ballesteros, Ca-gayan (Exh. A, p. 1, rec.).

"During the pendency of the present case the appellant was indicted and convicted for kissing and fondling the breast of a married woman who is the wife of his friend (pp. 3-5, 50-51, t.s.n., July 24, 1974). (Brief for the Appellee, pp. 3-9.)

The accused does not deny having had sexual intercourse with the complainant on June 27 and 28, 1973. He however insists that the same were consummated not only with the consent of the complainant but upon her own initiative. His version of the facts is as follows:

The accused and the complainant came to know of each other when he went to the school where the complainant was teaching and helped the latter sweep the classroom. He did not know the date as he was illiterate. After they had swept the floor and arranged the chairs, the complainant sat beside him and asked him of his real name. He gave his name as "Reynaldo de la Cruz" and in turn asked the complainant of her name. The complainant answered: "I am called Mila at home, and I am called Milagros Areola here in school." After that short conversation, he went home.

At noontime of the same day, Reynaldo saw Milagros at her boarding house which was near his house. He was then sitting beside the stairs when Milagros also saw him and waved her hands at him. He then went to her boarding house where she offered him a cup of coffee. At first he refused to drink the coffee but he drank it nevertheless because Milagros said: "Since this is my first time to offer you, why do you displease me."

The next time Reynaldo saw Milagros was when the former was walking in their yard while the latter was peeling a pineapple in the kitchen of her boarding house. When Milagros saw Reynaldo, she again waved her hands at him. Milagros then invited Reynaldo to share the pineapple. Shortly after they had eaten the pineapple, the landlady of Milagros prepared the table. Milagros refused to eat if she could not invite Reynaldo to eat with her. Milagros then poured soup on a plate of rice and mixed it. She said to Reynaldo: "Let us see if you can eat this mixed rice and soup I prepared." She then took a spoonful of the mixture and fed it to Reynaldo. Not to be outdone, Reynaldo got the spoon, filled it with the mixed rice and soup and fed it to Milagros, saying: "If you really care for me, then try also eating the same kind of food that you gave me." The owners of the boarding house who were in front of them commented that they were like a newlywedded couple. And to such comment Milagros responded: "Would there be anything wrong, brother and sister, if I can be pitted against Boy?"

The following day, Milagros again called for Reynaldo to ask for the latter's permission for his younger sister, Herminia, to accompany her to Ballesteros. Reynaldo replied that while he was the eldest in the family, they still had their parents so it would be better for Milagros to get the permission from their parents. Milagros agreed to get the permission from the parents of Reynaldo. She then requested Reynaldo to accompany them to Nararagan where they could get a ride for Ballesteros. On their way to Nararagan Milagros asked Reynaldo: "Why, Boy, are

you not still going to marry?" Reynaldo replied: "I am very eager Ma'am, but nobody would like me because I am so wardly and I am difficult in life." Milagros said: "It is only because you do not want it." Reynaldo then commented: "If I could only be pitted against you, then it would be very good." Milagros then told Reynaldo to go to Ballesteros the coming Sunday. And Reynaldo replied: "I will come, Ma'am."

It was still dark when Reynaldo started from their house in going to Ballesteros. Upon reaching Ballesteros, he stayed in front of the plaza where Milagros and his sister, Herminia, saw him. Milagros invited them to eat their lunch in her house. He agreed but not before Milagros assured him that she had no sisters in the house.

Milagros' mother and grandparents were in their house when they arrived. Milagros told Reynaldo to wait in the sala while she cooked their lunch. But when Milagros was about to finish cooking, her sisters arrived. Since Reynaldo felt uncomfortable, he begged to be excused. Milagros allowed him to leave when he promised that he would return for lunch. But Reynaldo did not return; instead he went to a restaurant where he was invited by some male teachers for a drinking spree.

Sometime thereafter, Reynaldo's sister, Herminia, arrived and told him: "Come now, Manong, said Manang Mila. She did not even take her lunch because you were not there." Reynaldo answered: "Just go ahead. I could not now come along with you because I am already drunk." Herminia then left and went to the tricycle where Milagros was waiting.

Shortly thereafter, Reynaldo's mother arrived and told him: "You come at all costs, because she would not like to come and teach if you do not come with me now." Reynaldo replied: "You go ahead and I will follow." A barrio councilman then pushed Reynaldo so the latter was forced to follow his mother. They went to the parking place for trucks and there they met Milagros who invited them to a place where she ordered "halo-halo".

After they had eaten their "halo-halo", Milagros hired a tricycle where she, Reynaldo and Herminia rode in going to Nararagan. Upon reaching Nararagan, Reynaldo unloaded the school supplies and placed them on the sled of his younger brother who met them. The three of them then walked home.

Upon reaching a muddy portion of the path leading to their houses, Milagros taunted Reynaldo by saying: "Will you carry me if you could really carry me." Reynaldo however refused to carry Milagros saying that he was ashamed because Milagros' uncle, Alejandro Areola, was then south of them bulldozing. Milagros just said: "Oh, yes, it is really shameful." And they continued walking.

When they arrived at the boarding house of Milagros, Reynaldo asked her to let him see her pictures. Milagros then gave Reynaldo her album. But when Reynaldo was scanning the album, Milagros grabbed it and entered the room saying: "If you want to see my pictures, come into the room." Reynaldo entered the room and sat on a divan. Milagros then gave him the album. While Reynaldo was looking at the pictures, Milagros changed her clothes and sat near Reynaldo. She then told him: "Let us see if you can carry me." Reynaldo accepted the challenge and carried Milagros. He then kissed her on the face. Milagros then said: "You go and see those things that you placed on the sled and find out if they are wet or not. You will be responsible for them if they are wet." Reynaldo ran to meet his younger brother who was pulling the sled and saw that the articles were not wet. But he ran back to Milagros and told her: "Mila, your belongings are wet." Milagros hurriedly went down to see her things and when she saw that they were not wet, she slapped Reynaldo on the waist and said: "Liar, they are not wet." Reynaldo then carried the things upstairs and bade Milagros goodbye. Milagros allowed him to go but shortly, thereafter, she overtook him and gave him her picture with the following inscription at the back:

"6-26-73

To Boy,

Let me know how much you may remember me.

Sisterly,

Mila"

Reynaldo next saw Milagros when he was fetching water and she was taking a bath. That same day, Milagros, thru Danny Bermudez (the son of her landlord), summoned Reynaldo to her boarding house and once there requested him to wash her clothes and to press her pant suit.

Then came the fateful noon of Wednesday. Reynaldo was sitting on the stairs of his house when Milagros waved at him from the window of her boarding house. Responding to the call, Reynaldo went to her. Milagros was already crying when she said: "Tsk, your smoking is even more precious than I am." Reynaldo replied: "You have to excuse me. It is not easy for me to remove my vice." He then promised to stop smoking but when Milagros did not seem to believe him, he said: "So that I will be able to prove to you, I will throw away this pack of Marlboro cigarettes in my pocket." Milagros then invited him to go inside her room. And after they entered the room, Milagros spread a mat, lay down and said: "Will you fan me?" Reynaldo was fanning Milagros when the latter's landlady (an aunt of Reynaldo) entered and left the room. Milagros then said to Reynaldo: "Come, let us sleep." Milagros kissed Reynaldo when the latter lay down beside her. Aroused and emboldened by Milagros' aggressiveness, Reynaldo likewise kissed her and suggested that they had sexual intercourse. Milagros asked Reynaldo: "Will you not forsake me?" Reynaldo answered: "At any time, I am ready to marry you." Milagros then said: "Before we do these things, I am going to tell you one thing. There was another man ahead of you and I am telling you so that you will know." Reynaldo replied: "It is better that you tell me frankly, rather than concealing the same for after all I will be able to detect it." Reynaldo then asked Milagros to pull down her panty. He then went on top of her. After consummating the act, Reynaldo said: "Let us get up and eat." And they ate at the kitchen of the boarding house.

After eating, Milagros said: "I do not want to go and teach anymore. It is not easy to be walking there like a duck." But Reynaldo dissuaded her from missing her class so she dressed and went to school while he proceeded home.

In the evening of that day, Reynaldo went to the boarding house of Milagros to ask Milagros' permission to go to Olongapo. Milagros did not want him to go despite his assurance that he would stay in Olongapo only for a short while. She even got a scissor and tried to stab herself. Reynaldo grabbed the scissor and pacified Milagros. He then told her to wait for a while as he was just going to urinate. But Milagros grabbed him by the tail of his shirt and did not let him go. She then got her things and went with Reynaldo to the latter's house.

Upon arrival at the house, Reynaldo's mother asked Milagros: "Why did you come, my daughter, we may be blamed for this." Milagros answered: "No, mother, I will be responsible for this, perhaps we are destined for each other."

Shortly thereafter, the barrio captain (an uncle of Reynaldo), along with some members of the council, arrived. The barrio captain told Milagros about the consequences of her decision to live with Reynaldo. But Milagros said: "Never mind, that might have been already my destiny. Even my aunties, all of them got married. One of them was married to a farmer, and the other is married to a drunkard, how much more with Boy." For his part, Reynaldo said: "I did not yet want to settle down, Mr. Captain, but because she was going to kill herself, I could not do anything. I have to bring her home already." The barrio captain then told Milagros: "You should know better, ma'am." The visitors then left and Reynaldo and Milagros then slept together.

The following morning, Milagros told Reynaldo: "Let us have a secret marriage." Reynaldo asked: "Where?" He

then suggested Aparri but Milagros said: "I am afraid in Aparri because I have an uncle there." They then agreed to have their secret marriage in Laoag.

They were about to leave for Laoag when Reynaldo's parents told Milagros: "Even if that was the way things have gone, give us the opportunity to talk with your parents so that they will not blame us." On that same morning, Reynaldo's parents went to Ballesteros to talk to Milagros' parents about the matter. Reynaldo and Milagros put off their plan to go to Laoag. Instead, Reynaldo brought Milagros, first, to the house of his uncle, Jose Beria, and then to the house of younger brother, Rogelio. When the parents of Reynaldo arrived from Ballesteros they said they would return to Ballesteros the following Saturday and wait for Mila's father before they get married.

The plan to go to Ballesteros the following Saturday did not materialize because Mr. Anzo (a co-teacher of Milagros), along with Mr. Rebanal (a policeman), arrived to fetch Milagros. "We learned that you have already married, my daughter", Mr. Anzo said. "Yes, sir, this could be the place where I am destined to meet my fate", Milagros replied. Mr. Anzo then said: "You had a seminar last Thursday and you did not come, that is why we came here to get you." Milagros agreed to go with Mr. Anzo who then said: "Get all your clothings." Milagros got some of her clothes but left her other things. Mr. Anzo then said to the sister of Reynaldo: "Herminia, you lend us a bag and I will place the clothings which could not be contained in the suit case and I will carry them." But Milagros said: "No more, sir, I was able to get all of it."

Shortly thereafter, the parents of Reynaldo arrived. Milagros went to the kitchen and said: "Mother, father, you better come along with us because it seems that they are taking me away. I do not care if Boy and I would be punished for, after all, we did what we wanted." Reynaldo then said: "Yes, but how could I come along when I have no money. My younger brother got the money I have to buy merchandize." Milagros then gave Reynaldo P25.00 saying: "Get this and use it in paying the fare of those whom you will bring along to talk with my parents."

Reynaldo told Mr. Anzo that they should eat first before leaving but the latter refused and left with Milagros and the policeman. Reynaldo ran following them and was able to overtake them -- as they were then trying to wait for him — at the road going to barrio Cabayu. Milagros then told Reynaldo to buy some biscuits and soft drinks as she was already hungry. Reynaldo bought some biscuits and a bottle of Royal Tru Orange and offered them to Milagros. But Mr. Anzo started his motorcycle and Milagros boarded it. When Reynaldo tried to give the bottle of Royal Tru Orange to Milagros, Mr. Anzo said: "No more, never mind the royal." And Milagros was able to get only the biscuits.

The evidence for the defense is not clear as to what transpired thereafter except that it shows that Reynaldo, accompanied by his father and uncle (the barrio captain), followed Milagros, Mr. Anzo and the policeman, and that, subsequently, Reynaldo received a letter (Exh. "2") from Milagros which was written in Ilocano. It reads:

"Ballesteros, Cagayan

July 5, 1973

Dear Boy,

Naawatko daguiti inpaw-itmo agraman ti Uniform ko. Ngam ti manla pagsakitan ti nakemko ket ti awan a panagtalekmo kaniak. Ta dimo man la inkankano daguiti imbilinko ken ni Nanangmo. Ken nadamagko pay nga planom kano manen ti pumanaw. Idinto nga nagnunumuanyo kano kadaguiti nagannak kaniak nga urayen tayo ti sangpet ni Mayor.

Ket pangngaasim kuma ta dika pumanaw ken dika kuma agbutbuteng iti ania man a madamdagmo ta awan ti kinagpaysuanna. Ad-adda kadi payla ti pammatim iti damdamag ngem iti siak. Ket no adda met laeng pa-nangipategm kaniak itedmo kuma tay relok ken tay tul-bekko ta dika kadla maasin aya nga

nakapimpimannak nga awan ti ar waten nan. Ket dika kad pumanpanaw. A! ipagpagapum kadi kaniak. Pangngaasim ta paipanmo kenni Nang ta relo ken tay tulbek. Ken agsingsingpetka kuma unay Boy.

Ala ket kastan kumusta da amin dita. Nangruna unay kenka.

Toy Nagsurat,

Mila”

Translated into English, the letter reads as follows:

"Ballesteros, Cagayan

July 5, 1973

Dear Boy,

I received the things that you sent including my uniform. But what hurts me is your lack of concern for me. For you did not even bother about my messages through your mother. And I also learned that you are planning again to leave. You have agreed before with my parents that we will wait for the arrival of Mayor. I beg you to please do not leave and I hope that you will not be afraid of anything that you hear because they are not true. Do you have more faith in what you hear than in me? And if you still care for me, please give me my watch and my key for have you no mercy on me who is so pitiful without anything to wear. And please do not leave, for my sake. I beg you to send through Mother my watch and the key. And please be very good, Boy.

So long and regards to all of your there. Most especially to you.

The writer,

Mila”

Of the two conflicting versions, the trial court found that of the complainant to be more credible. It reasoned out as follows:

"First, Milagros Areola is a public school teacher. By reason of her education, she is expected to be possessed of that character that would set as an example to be emulated by the people she comes in contact with. Her character were things that have not been destroyed by the defense. The presumption stands that she is a reputable woman and possessed of virtuous character. Such being the case, it is not expected that she would accuse falsely a man like the accused to have abused her honor. She would not stand public trial, come to Court and expose herself to embarrassment, public ridicule and probably censure. Among all these, if the act complained of was not committed, it would not be easy to think of a provinciana taking the value of her honor lightly and telling publicly that she has been abused several times by a man whom she did not love. The frankness and candor under which she testified in Court are indicative of her intention and purpose in filing this case, prosecuting the accused and testifying publicly as to what happened to her. By so doing, she has exposed herself to the indignation of members of the fairer sex. If she would have done so on fabricated charges for after all she had everything to lose and nothing to gain by running after a man like the accused. As aptly observed and rated by the highest magistracy of the land that notwithstanding the modern and western culture, the amiability of the Filipino womanhood has still been retained. There may have been a modification of the early Maria Clara but most of the virtues have remained. By reason hereof, the testimony of the offended party must be viewed in the light of their purpose in bringing before the bar of justice the man who destroyed her honor.

"On second analysis, the Court would now venture on the defense of the accused. As stated at the threshold of this decision, it was the accused alone, who testified in his own behalf. He presented a version which tried to establish that he was a very shy man. His shyness springs from the fact that he is an unlettered individual. He

had the highest respect for the complainant, being a public school teacher in their barrio. As proof thereof, he was only too willing to help the complainant whenever she would ask him to do so or he found a need for it. Because of his respect, whenever the complainant would wave at him and beckon to him to go near her, he would readily run to her. As a matter of fact, it was for this respect for the complainant that he rejected the original plan for her to board in their house to avoid any possible repercussion of him and her living together under the same roof. Were it not for the complainant's daring attitude, the encouragement given to him and the attention that were showered upon him, the affairs between them could have been avoided.

"This version of the accused makes the Court feel its unique character. It was a story, too good to be true. Unless of course the Court has to stretch human credulity to change human behavior by making a woman after a man but whatever it was, the fact remains that the accused never had any intention or any desire to court the love of the complainant. He was only too willing to say that he is ready to marry her. Such a statement made clearer the ambition of the accused. If the accused's condition were to be equated with the position of the woman, his looks equated with her personality, then it would not be surprising why the incident actually happened. Any man with such inordinate ambition would be willing to assume any risk and gamble everything, after all he offers himself to be ready to answer for what he does by marching to the aisles and bring her to the altar. The incident complained of was not a remote possibility." (Decision, pp. 21-24; rollo, pp. 23-26.)

It then proceeded to rule that the crime of rape was committed by the accused. This, despite its factual findings that "(t)here was no force or intimidation used" and that "(t)here was no physical resistance on the part of the complainant" (Decision, p. 25; rollo, p. 27). Its rationalization runs as follows:

"x x x (T)he lack of physical resistance has been explained by the victim by saying that even if she wanted to resist, she could not do so be-cause there was that unexplained influence which overpowered her will. She was therefore subjected to some kind of control which she could not explain. She could not express resistance and refusal to submit thereto.

"The sexual intercourse was therefore committed in the state of unconsciousness or subconscious mind which adversely affect the will of the offended party. Consequently, the Court feels and finds that the crime of rape on the per-son of the complainant Milagros Areola has actually been committed." (Decision, p. 26; rollo, p. 28.)

The legal conclusion reached by the trial court was that the accused was guilty of rape when he had sexual intercourse with the complainant while the latter was deprived of reason. Such legal conclusion was premised upon its factual finding that the complainant was then under the influence of drug which the accused placed in the coffee which the complainant took on the 25th, 26th and 27th of June, 1973. Thus, the main issue to be resolved in this appeal is whether or not the trial court erred in making such factual finding.

We have reviewed carefully the evidence on record and found that the prosecution failed to prove beyond reasonable doubt that at the time the accused had sexual intercourse with the complainant, the latter was under the influence of drug which the accused placed in the coffee taken by the complainant on the 25th, 26th and 27th of June, 1973. The only bases of the trial court in concluding that the accused placed some drug in the coffee of the complainant are: (1) the bubbles allegedly noticed by the complainant on the coffee served to her by the accused on June 26, 1973; and (2) the headache and dizziness allegedly felt by the complainant on June 25, 26 and 27, 1973.

Even assuming that the complainant had indeed noticed some bubbles in the coffee served to her by the accused on June 26, 1973, the same has been sufficiently explained by the com-plainant herself when she testified as follows:

"q - And because of that, what did you do?

a - I asked him why, and he told me the water was boiling when he poured the coffee and it looked like that."

(t.s.n., Areola, January 7, 1974, p. 35.)

The Solicitor General's contention that "the bubbles created by the boiling water could have been blown to nothingness by the time the appellant arrived in school" has no factual basis. By the prosecution's own account, the complainant's boarding house was only 100 meters away from her school. And it can easily be observed that the time necessary to negotiate such distance is much shorter than what it takes for the bubbles in a cup of coffee with boiling water to completely disappear.

With respect to the headache and dizziness allegedly felt by the complainant on the 25th, 26th and 27th of June, 1973, to attribute the same to the coffee taken by her on said dates would be unreasonable, to say the least. The complainant herself admitted that her headache and dizziness started even before June 25, 1973 -- the day when the accused started to serve her coffee. Thus, she testified as follows:

"ATTY. COLLADO:

q - Were you served coffee on previous days prior to June 25, 1973?

a - Yes, sir.

q - Who served you?

a - The daughter of Miling Bermudez, sir.

x x x x x x x x

q - What is your state of health on the 24th of June, 1973?

a - I had headache, sir, and I felt dizzy."

(t.s.n., Areola, January 7, 1974, p. 34.)

Upon questioning by the trial court, the complainant also declared as follows:

"COURT:

q - 20, 21, 22 who was serving you coffee?

a - The daughter of my landlady, sir.

q - On the 25th, 26th and 27th, according to you, it was Reynaldo de la Cruz who was already serving you coffee?

a - Yes, sir.

q - On the 25th, you already felt that you have some kind of trouble in your health?

a - Yes, sir.

q - That feeling started to be entertained by you before Reynaldo de la Cruz gave you coffee at recess time, is it not?

a - I told that it began on the 24th in the evening, sir.

x x x x x x x x

q - What were the things that you felt on the 24th?

a - I had headache and dizziness, sir."

(t.s.n., Areola, January 7, 1974, pp. 33-35.)

Since the headache and dizziness of the complainant started on the 24th while the accused began serving her coffee only on the 25th, to attribute said headache and dizziness to the coffee served by the accused would be to postulate the existence of the effect ahead of the cause.

The trial court's finding that the condition of the complainant became worse everytime she took the coffee served by the accused cannot be sustained. For, why would the complainant continue taking the coffee if indeed her condition worsened everytime she took the same? Besides, the claim that complainant's headache became worse on the 25th and her health poorer on the 26th and 27th is belied by her own testimony that while she took Medicol on the 24th, on the succeeding days, she stopped taking the same or any medicine for the relief of headache and dizziness. Furthermore, she likewise testified that she continued going to school.

There are other facts and circumstances of weight and substance which the trial court overlooked and which make the version of the accused appear more credible than that of the complainant.

1. The complainant testified that the accused did not immediately leave her boarding house but had fanned her for sometime after he had allegedly forced her to their first sexual intercourse at noontime of June 27, 1973. Such testimony evokes the following questions: Is it the natural tendency of a guilty person to stay by the side of his victim for sometime after sexually assaulting her? Or was the complainant merely giving a ready excuse or explanation why it happened that the accused had fanned her for sometime without her objection? Was she afraid that the defense would expose her scheme of seduction by presenting a person who saw the accused fanning her inside her room without her objection? She knew very well that there were other persons in the boarding house at that time, and, according to the accused on cross-examination, the complainant's landlady even entered the room while the accused was fanning the complainant.

2. While complainant's self-serving testimony that she was merely forced to go with the accused to their house was not corroborated by any single piece of evidence, the accused's version that the complainant voluntarily went with him because she did not want him to leave for Olongapo finds some corroboration in the letter (Exh. "2") which the complainant admittedly wrote and gave to the accused. For, as heretofore quoted, the letter states, among others, that the complainant learned that the accused was "planning again to leave."

3. The contents of the letter itself reveal that there was indeed a relationship of intimacy existing between the complainant and the accused, as the latter claimed. For despite the fact that the letter was written by the complainant in the presence of her mother and, consequently, she had to conceal whatever intimate relationship she had with the complainant, nonetheless, words of endearment abound in said letter. She even addressed the accused's mother as "Nang" or "Mother".

4. The testimony of the complainant herself reveals the special attention she gave to the accused on the days prior to their sexual interlude despite the fact that they had known each other only for less than a week. Milagros testified that she was introduced to Reynaldo on the 21st of June, 1973; that she invited him to her own house for lunch on the 24th; and that she gave him her picture on the 26th.

5. The circumstances under which the complainant first claimed that she was raped by the accused were such that to have acted otherwise would have been more prejudicial to her reputation as a teacher and her honor as a single woman. For, it must be noted that by the prosecution's own account, the first time that the complainant claimed that she was merely forced by the accused was when she was confronted by her mother in the presence of her District Supervisor, a co-teacher, and a policeman. In such a situation, to admit that the complainant voluntarily

went with the accused to the latter's house where they lived together as husband and wife without first getting married was much more damaging to her honor than to claim that she was raped and was merely compelled by the accused to live with him in his house. The trial court's observation that "if the act complained of was not committed, it would not be easy to think of a provinciana taking the value of her honor lightly and telling publicly that she has been abused several times by a man whom she did not love" would have been valid had it been possible for the complainant to keep away from public knowledge the fact that she had already slept with the accused in the latter's house. But such was not the case. For it was already of public knowledge that the complainant and the accused had already been living in the latter's house as husband and wife without the benefit of marriage; and the complainant was apparently left with no alternative but to claim that she was merely forced by the accused.

Finally, that the complainant was merely using the criminal complaint as leverage to compel the accused to marry her is not a remote possibility. For while the accused had verbally declared his willingness to marry the complainant, his actions revealed his hesitation to do so. On the very day that the accused and the complainant had their first sexual intercourse (June 27, 1973), the accused had already attempted to leave their place. And as the letter of the complainant reveals, the accused was again planning to leave at the time said letter was written (July 5, 1973) and the complainant was thus pleading for him not to leave.

The foregoing facts and circumstances do not only show the innocence of the accused; they show without doubt in Our mind that he was the victim of a scheming seductress who tried to destroy him rather than let him go. Indeed, life imitates fiction for "Play Misty for Me" with Clint Eastwood recently shown on Channel 7 has a scenario similar to the case at bar.

WHEREFORE, the decision of the Court of First Instance of Cagayan, dated July 24, 1974, is hereby REVERSED and Reynaldo de la Cruz y Beria is hereby acquitted of the crime of rape. Costs de oficio.

SO ORDERED.

Makasiar, (Chairman), Concepcion, Jr., Guerrero, De Castro, and Escolin, JJ., concur.
Aquino, J., in the result.

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