

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. REYNALDO MANCILLA, ACCUSED-APPELLANT.*G.R. No. L-47628. May 15, 1989*

Ponente: CRUZ, J.

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It is not unusual in rape cases for the accused to claim that he and the complainant are sweethearts and that their carnal conversation was not a violent intrusion but a consensual act of love. Such a defense was pleaded in the case at bar. There is, however, a rather intriguing variation of this defense in this case that makes the herein accused-appellant, if he is to be believed, a distinctive lover, indeed. We shall come to that later.

The accused-appellant was at the time of the alleged offense a 26-year old widower who was working as a driver for the bishop of the Philippine Independent Church, of which the complainant was a member. Susan Sabuero was then seventeen years old and a third year high school student in Misamis Oriental, where the rape was supposedly committed.[1]

This incident happened, according to the prosecution, on November 28, 1974, at about six o'clock in the evening, at Sitio Mencape, in Sugbongcogon, of the said province. Reynaldo Mancilla had earlier fetched Rosita Sabuero to see one Mother Roning Llegis, a superior of the church, and Susan had come along in the belief that she too was needed. Mancilla was driving the bishop's jeep. Upon arriving at their destination, Rosita alighted. Susan could not follow, however, because Mancilla abruptly closed the door of the jeep and sped away with her.[2]

As recounted by Susan, Mancilla told her they had to get something from the convent but when she saw they were going the wrong way she shouted for help and tried to jump off the vehicle. Mancilla pulled her down, tearing the back of her dress. He then drove to a secluded bushy place where he started forcing his attentions on her. She said she resisted at first and slapped him when he began kissing her but became frightened when he threatened her life with a dagger. She felt its cold steel on her arm. In the end, although she tried her best to foil his attempts, he succeeded in violating her. She recovered from a fainting spell to find her maidenhood bleeding and painful and still bared after the just-accomplished penetration. She sat up and started crying and Mancilla comforted her, assuring her he would marry her. But he warned her not to tell anybody about the incident or he would kill her. They thereafter drove back and on the way met Rosita and two of Mancilla's friends, who all rode in the back of the jeep.[3]

Susan said nothing as they drove to the convent, where they alighted. She walked fast to her house nearby with her panty clutched in her hand and immediately reported the assault upon her to her family. Her mother and Rosita forthwith brought her to her uncle, Lorenzo Gailaman, a municipal councilor, who accompanied them to the police chief, Dionisio Borres. On his advice, she submitted to a medical examination, which was performed the same night by Dr. Leon Llanto, Jr., who found fresh lacerations in the girl's hymen and semen in her vagina. After the examination, Susan returned to the office of Borres, who took down her statement, which she completed and signed the following day.[4]

On the basis of her complaint and after preliminary investigation had been formally waived by the accused, an information for rape was filed against Reynaldo Mancilla on January 3, 1976. Following the trial, Judge Eulalio D. Rosete of the Court of First Instance of Misamis Oriental rendered a decision dated July 29, 1976, finding the accused guilty and sentencing him to reclusion perpetua, plus civil indemnity in the sum of P25,000.00 and the costs.[5] It is this decision we are now asked to reverse on the ground that it is not conformable to the established evidence and the constitutional presumption of innocence.

As earlier suggested, the crux of Mancilla's defense is that he and Susan were sweethearts and had mutually consented to their embrace of love. According to him, he had driven her toward the sitio and started kissing her on the way but she had stopped him because she said there was a house nearby and they might be seen. That is why, he said, he drove to the secluded spot, which was more agreeable to her. There she willingly gave herself to him despite the discomfiture of their contortions on the front seat of the jeep.[6]

Susan denied they were lovers and did so consistently. No evidence of such relationship was ever presented by the defense except Mancilla's own self-serving testimony of how he had wooed and won the girl. Both parties agreed that they had met each other for the first time only the day before, that is, November 27, 1974. Mancilla insisted that Susan had gone on a swimming picnic on that date with a group that included himself,[7] but Susan's teacher, Lucita Santillan, testified that on the day and time Susan was supposed to be enjoying the outing, she was actually taking a test in school.[8] At any rate, Mancilla declared that it was on that first day that he announced his love for Susan and that he reiterated this sentiment to her in the afternoon of the following day. That was when the girl finally accepted him.[9] Hence, they were already affianced when they drove in the jeep to the secluded place where they consummated their love.

To hear Mancilla speak, one would suppose he is a homegrown Casanova with perhaps even a more impressive track record than the notorious original. He would be what is known as a fast worker with a special appeal that will make the ladies fall in line for the privilege of swooning over him. In the case of Susan, he said, it took him about forty minutes to win her although, concededly, he had proposed her the day before. There was a girl, he recalled, a Miss Cartagena, who accepted his love after less than fifteen minutes of courtship. His wife took a little longer; three days elapsed before she confessed that she was also smitten by him. Thus he declared modestly:

Q - These four (4) women accepted your love before your wife, you easily got them. Your love here was easily accepted before your wife?

A - Yes. They liked me so much. They accepted me.

Q - It did not even take you a day to convince them who accepted your love each one of them?

A - Yes. I even courted one and she accepted me less than fifteen (15) minutes. She is Miss Cartagena.

Q - Among those women you courted including your wife, you find Susan too difficult to win your love and it almost took you forty (40) minutes to win her love?

A - My wife, I had also a hard time courting my wife. She accepted in three (3) days courting.

Q - You also found Susan difficult?

A - Not so difficult. Not so hard because she accepted me not for a long time.[10]

His romance with Susan, if true, must have been as brief as their courtship for she was already charging him with rape only a few hours after he claimed she accepted him. If it is true, as he averred, that she was afraid he would not marry her after their sexual encounter, one may wonder why his subsequent offers of marriage - made several times through his intermediaries - were repeatedly rejected by his supposed betrothed.[11] His tale of Susan

attending the picnic has already been established as false by the evidence of her teacher's attendance report.[12] As for his vaunted record with the girls, the trial judge, who had the opportunity of observing him, was presumably not impressed by his looks or style as to accept his testimony at face value.

And there is still another part of his testimony that is hard to accept, to wit, his assertion that Susan was wearing shorts at the time of the incident and nothing underneath.[13] It is inconceivable that a girl wearing shorts - and a provinciana at that - will not wear a panty underneath unless she is a complete wanton. Ever sophisticated city girls are not that reckless (not that this Court pretends to be an authority on this delicate subject). In any event, Susan's torn panty was offered as an exhibit[14] to belie Mancilla's improbable declaration that when he pulled down Susan's shorts there was immediately exposed to him her lascivious invitation.

The defense put the complainant through a very rigorous cross-examination in an attempt to enmesh her in contradictions about how the rape was committed, suggesting it could not have been perpetrated if she had offered enough resistance - or at least prevention - considering the cramped space where she and Mancilla were supposedly grappling. There were indeed some inconsistencies in her declaration. These are understandable, however, if it is considered that one cannot expect a rape victim to remember every ugly detail of her traumatic experience, especially so since she might in fact be trying not to remember them. The mere circumstance that she was testifying in the presence of strangers on an intimate matter not usually even mentioned in public might have caused her not a little embarrassment and confusion that rendered her narration less than perfect.

In the view of the Court, the weakest evidence presented by the prosecution was the testimony of Rosita Sabuero, whose conduct after Mancilla sped away in the jeep with Susan is hardly understandable. Mancilla was practically a stranger to Susan, having been introduced to her only the day before, yet Rosita did not seem disturbed when he just rode away with her niece that night without any explanation. Rosita did not chase them or at least demand where they were going. She said she was alarmed but she nevertheless went up Roning's house without mentioning the incident to her and even accepted the latter's offer of peanuts which she ate.[15] The municipal building was only a block away from Roning's house, but it never occurred to Rosita to seek the help of the police in looking for the apparently abducted Susan.[16] And later, when Mancilla and Susan reappeared, Rosita said nothing although she noticed that her niece was unusually quiet.[17]

But Rosita's conduct, as inexplicable as it might be, should not detract from the truthfulness of Susan's own direct account of how she was violated by the accused-appellant. If Rosita was irrational, that did not make Susan equally so; the former's reactions were hers alone and did not reflect on the latter. Significantly, Mancilla's own declarations are hardly credible either, less so indeed than Rosita's.

What the accused-appellant has not succeeded in refuting are the physical fact of Susan's defilement and her sworn statement that it was he who had forced himself on her, threatening her with a dagger all the while. This should also explain the lack of bruises or other marks of violence on her body. His prowess as a Don Juan, even if true, nevertheless did not work on Susan, making it necessary to intimidate her with the weapon to gratify his lust. It was lust, indeed, not love, that pierced the hymeneal shield and bled it, leaving the girl in tears of pain and revulsion.

The Court also notes the meaningful circumstance that almost immediately after the sexual encounter, Susan reported it to her family and thereafter lost no time in complaining to the authorities and submitting to an embarrassing medical examination to prove her charge against Mancilla. This is hardly the conduct of a young woman who has just been transported with ecstasy in the discovery of the pain and the sweetness and the promise of a portal that is opened to a tremblingly anticipated guest. There is no doubt that the girl was ravished. Susan deflowered was a girl desecrated, not a virgin fulfilled.

The Court is convinced that the accused-appellant did commit the rape upon the complainant under the circumstances narrated by the prosecution. For his outrage of the maiden's virtue, he deserves the penalty imposed on him by law and the deep disgust of all decent persons who value the chastity of women and the purity of love.

WHEREFORE, the appealed judgment is AFFIRMED in toto with costs against the accused-appellant. It is so ordered.

Narvasa, (Chairman), Griño-Aquino, and Medialdea, JJ., concur.
Gancayco, J., on leave.

[1] TSN, April 22, 1976, p. 190; June 23, 1976, p. 332.

[2] Rollo, p. 10.

[3] Ibid., pp. 10-12.

[4] Id., pp. 12-14; Exhibits "A," "H-2," "G-3," Original Records, pp. 5, 9-10, 17-19.

[5] Id., p. 27.

[6] Id., pp. 17-19.

[7] Id., pp. 15-16.

[8] TSN, June 14, 1978, pp. 483-485.

[9] Rollo, pp. 14-16.

[10] TSN, July 13, 1976, pp. 447-448.

[11] Rollo, p. 22.

[12] Exhibit "N," Original Records, p. 417.

[13] TSN, June 24, 1976, p. 370.

[14] Exhibit "K;" TSN, May 31, 1976, p. 318.

[15] TSN, April 20, 1976, pp. 177-179.

[16] Ibid., pp. 180-181.

[17] Id., pp. 183-186.

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