

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FRANCISCO BERNAT ALIAS BOY, ACCUSED-APPELLANT.

G.R. No. L-45946. July 05, 1983

Ponente: ESCOLIN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/2460853d5a91/>

ESCOLIN, J.:

Invoking the constitutional presumption of innocence, appellant Francisco Bernat seeks to set aside the judgment of the Court of First Instance of Bohol finding him guilty of the crime of rape and sentencing him to suffer the penalty of reclusion perpetua, to indemnify the offended party in the amount of P10,000.00 as moral damages, and to pay the costs.

Appellant admits having carnal relations with complainant Leonila Ampo on May 29, 1975. He contends, however, that he and Leonila were sweethearts and that their carnal intimacies were consummated with consent and out of mutual love.

The appellant's version of the incident in question is as follows: He and Leonila became sweethearts during the barrio fiesta of Bo. Danao, Duero, Bohol, on May 20, 1975. When she accepted his love, he proposed marriage. But Leonila answered that their engagement was still too short and they should wait a little longer. Before parting that day, they agreed to meet again at the fiesta of Bo. Guinsularan, Duero, Bohol, to be celebrated nine days later. As he had expected, Leonila attended said fiesta. She went to Guinsularan with Pisyang Ampo and Paz Ampo. In the afternoon of that day, while they were watching a basketball game, a sudden, heavy downpour fell. After the rain, Leonila told him that she wanted to spend the night in the house of her aunt in Bo. Danao. He offered to accompany her to Danao and she readily accepted. On the way, they talked about their love for each other.

At about 6:00 in the evening, they came upon an uninhabited hut located in an isolated place. After having travelled a distance of about six kilometers, they decided to take a rest at the step-ladder thereof. There they embraced and kissed. He asked her to perform the sexual act. At first, she was reluctant to give in to his desire; but appellant persisted in his pleas and assured her again and again of his desire to marry her. Finally, "she was swept in a wave of passion." Thus, they consummated their first sexual intercourse.

When they resumed their trek, Leonila told him that she had no more desire to go home for she wanted to live with him forever. Soon after, they reached another hut owned by the appellant's cousin, Juan Galia. In that hut, they performed their second sexual act and then went to sleep side by side. At 3:00 in the morning, he mounted on her again. After that third intercourse, they proceeded to the appellant's house where they slept.

That morning, appellant's father Zoilo Bernat asked him, "what kind of a woman is Leonila?" Appellant answered that she hailed from Pilar and that she was the girl he intended to marry.

Later appellant escorted Leonila to the road where she boarded a bus for home. Before her departure, she reminded him of his commitment to marry her.

Two weeks later, i.e., sometime in June 1975, appellant sent his father to the house of Leonila's father to ask for

her hand in marriage. Her father, however, turned down the proposal, alleging that marriage was out of the question as the honor of his daughter had already been violated.

The trial court brushed aside the above testimony of the appellant and gave full credence to the following version of the complainant, to wit:

On May 29, 1975, she, together with Pisyang Ampo and Paz Ampo, attended the fiesta of Bo. Guinsularan. In the afternoon, the basketball game they were watching was interrupted by a heavy rain. As the spectators scampered for shelter, complainant was separated from her two companions. After the rain, she looked for them, but having failed to find them, she decided to proceed to her aunt's house in Bo. Danao, about 7 kilometers distant from Guinsularan. Appellant, who was a complete stranger to her, approached her and introduced himself. He then joined her and they conversed as they walked towards Bo. Danao.

At about 6:00 that evening, after having travelled on foot for about 6 kilometers, they saw an unoccupied hut. Appellant suddenly drew out a hunting knife (korta) and pointed it at her breast. At the same time he held her with his left hand, saying: "If you shout I will kill you; do not shout." Appellant removed his pants, exposing his sexual organ. He ordered her to go up the hut and when she refused, he dragged her on the ground towards the hut. Once inside, he threw her to the floor with great force. He removed her pants and panty, placed himself on top of her and inserted his sexual organ into hers. After satisfying his lust, he returned her clothes which she put on. They left the hut and proceeded to another hut about half a kilometer away. Again, accused pulled out his knife and dragged her to the hut. Inside the hut, he pushed her to the floor and ravished her for the second time. Then they went to sleep. At about 3:00 in the morning she was awakened by appellant. He went on top of her and assaulted her for the third time.

At 5:00 that morning, appellant accompanied her to the road and gave her P5.00 for bus fare to go home to Estaca, Pilar, Bohol.

On June 2, 1975, i.e. four days after the incident, Leonila was examined by Dr. Soledad Liao. The doctor's findings are as follows:

"Patient conscious, coherent and oriented as to time and place.

"Physical examination revealed no external signs of force or physical injury.

"Examination of the genitalia:

"Presence of menstrual blood. Hymen edges distinct and regular. Admits index finger on internal examination.

Vagina showed no sign of laceration.

The doctor further declared that the patient did not complain of any injury on any part of her body;^[1] and that she did not show any sign of depressed attitude or unusual agitation or disturbance.^[2]

The crime of rape, by its very nature, usually involves only two persons, the offended party and the accused. As a consequence, the court in rendering judgment must rely almost entirely on the credibility of the complainant's allegations. While the uncorroborated testimony of the complainant may be sufficient under certain circumstances to warrant a conviction, nevertheless, for this rule to obtain such testimony must be convincing and free from any contradiction. It should not be accepted unless her sincerity and candor are free from suspicion.^[3]

In the case at bar, the evidence adduced by the prosecution falls short of the quantum of proof required to overcome the presumption of innocence. Accordingly, reversal of the judgment of conviction is justified.

Complainant alleged that on two occasions appellant had dragged her on the ground to a hut and that inside the

hut, he threw her to the floor with great force. Considered in the light of the testimony of Dr. Soledad Liao, who examined complainant four days after the incident, the aforesaid claim appears inherently improbable. It bears emphasis that Dr. Liao did not find any abrasion, contusion, laceration or any other external or internal injury on the body of the complainant. Neither did the doctor find any injury in the latter's genitalia. Tested against such findings, We reject the complainant's claim that she had been subjected to physical violence, the same being contrary to the admitted physical facts of the case. Indeed, it is inconceivable that she had managed to remain unscathed after having been dragged on the ground and forcibly thrown on the floor.

Equally significant is Dr. Liao's testimony that during her examination of complainant, she did not observe any depressed attitude or unusual agitation or disturbance on the part of the patient. That complainant was able to maintain a serene posture after undergoing the most harrowing and humiliating experience of her life is, to say the least, most unnatural and grossly at variance with the ordinary pattern of human behavior.

The trial court readily accepted complainant's allegation that appellant was never her boy friend and that the latter was in fact a total stranger to her at the time of the incident. It rationalized its posture thus: "She appears to be a typical country girl reared under a conservative and moral atmosphere of the rural areas. Hence, it is hardly believable, as asserted by the accused, that she would accept the proposal of love so quickly or instantly. Instant lovers are rare in rural communities. The ordinary country girl in our barrios does not easily consent to carnal solicitations."

The conduct displayed by the complainant does not justify the trial court's conclusion. It is interesting to note that when she went to Bo. Guinsularan she was accompanied by her relatives, Pisyang Ampo and Paz Ampo. Yet it appears that she left Guinsularan without them. In fact she allowed herself to be escorted by the appellant in going to Danao. Of course, she stated that she looked for Pisyang and Paz in Guinsularan and that it was only after she failed to find them that she decided to set out for Bo. Danao. But the pretext has a hollow ring. Guinsularan is such a small barrio and it would not have been difficult for her to find them had she been diligent and determined in her search. But did she really want to keep their company? Note that complainant knew that Danao was seven kilometers distant from Guinsularan. She also knew that she would be benighted on the way. These circumstances notwithstanding, this "typical country girl" inexplicably ventured out for her destination in the solitary company of the appellant. Certainly, such conduct lends plausibility to the complainant's contention that she was in love and wanted to be alone with her sweetheart.

WHEREFORE, the judgment of conviction is hereby set aside and appellant is acquitted of the crime charged, with costs de oficio. His immediate release from custody is ordered, unless he is otherwise detained for some other legal cause.

SO ORDERED.

Makasiar (Chairman), Aquino, Concepcion Jr., Guerrero and Abad Santos, JJ., concur.
De Castro, J., on leave.

[1] TSN, p. 52, June 16, 1976.

[2] TSN, p. 53, Ibid.

[3] People vs. Fausto, 51 Phil. 852; U.S. vs. Flores, 26 Phil. 262.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.