

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RENATO DELA CRUZ Y FRANCISCO, ACCUSED-APPELLANT.

Ponente: PAREDES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/74765fb20043/>

PAREDES, J.:

THE CASE

THIS APPEAL, filed by appellant Renato dela Cruz y Francisco (appellant), seeks to reverse and set aside the Consolidated Decision[1] dated July 23, 2012, of the Regional Trial Court of Malolos City, Bulacan, Branch 84 in Criminal Case Nos. 3155-M-2009 and 3156-M-2009, the dispositive portion of which reads:

WHEREFORE, finding accused RENATO DELA CRUZ Y FRANCISCO guilty beyond reasonable doubt of the crime of RAPE, he is hereby sentenced to suffer the penalty of Reclusion Perpetua and to indemnify AAA[2] the amounts of Php50,000.00 as civil indemnity and Php50,000.00 as moral damages.

Meantime, for insufficiency of evidence, the accused is acquitted of the crime of attempted rape.

SO ORDERED.[3]

THE ANTECEDENTS

In Crim. Case No. 3155-M-2009, appellant was charged with Rape penalized under Article 266-B of the Revised Penal Code, committed as follows:

That on or about the 25[th] day of September, 2009, in the municipality of Marilao, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused did then and there willfully, unlawfully and feloniously, by means of force, threat and intimidation and with lewd designs, have carnal knowledge of one, AAA, against her will and without her consent.

Contrary to law.[4]

While in Crim. Case No. 3156-M-2009, appellant was charged with Attempted Rape penalized under Article 51 of the Revised Penal Code, committed as follows:

That on or about the 25[th] day of September, 2009, in the municipality of Marilao, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously commence the commission of rape directly by overt acts, to wit: the said accused, not having been satisfied with having carnal knowledge of the complainant, AAA, earlier in the day, against the latter's will and without her consent, tried to have sexual intercourse with the complainant for the second time by pushing her against the sink as she was trying to escape and attempted to insert his penis into the complainant's vagina but the complainant managed to shout for help prompting the accused to ran (sic) away and flee.[5]

On November 16, 2009, appellant was arraigned and pleaded "Not Guilty." [6]

On December 9, 2009, pre-trial stipulations were entered by the prosecution and the defense, thus:

1. the identity of accused Renato Dela Cruz as the same person charged in the information;
2. the jurisdiction of the Honorable Court over the case;
3. the existence of the carbon copy of the Medico Legal Report.[7]

Thereafter, trial on the merits ensued.

Evidence for the PROSECUTION

The prosecution presented the following witnesses, namely: AAA[8], Whay M. Gagap (Gagap)[9], and Dr. Jericho Angelito Q. Cordero (Dr. Cordero)[10]. Through their testimonies, the version of the prosecution is, that:

AAA is a house helper hired by Gagap to work at the house of her sister, Mary Grace Sinaksi, who is based abroad. AAA's wards were Randel and Reggie Sinaksi. Also living with them in the house were Omie and Mai Margarito and their children.

On September 25, 2009, AAA was inside the house taking care of Reggie. Appellant, who was also known as "Kuya Boy", was also inside the house watching television, smoking and drinking beer. Appellant, a friend of Omie, frequents the house and is familiar to AAA.

At noon time, as AAA was putting Reggie to sleep, she requested appellant to go out. Appellant went out of the house but stayed in the yard. At around 2:00 p.m., appellant entered the house again. Surprised, AAA asked him to leave. Instead of leaving, appellant approached AAA and touched her thigh. He also pulled her right foot causing her to fall and hit her head on a wooden chair. As AAA lay on the floor, appellant tried to remove her panty but she resisted and kicked him. Appellant pushed AAA and managed to get on top of her. Appellant pinned AAA down by placing his arm on her neck and at the same time forcibly kissed her. Appellant shifted into a stooping position and managed to move AAA's panty down to her lower pelvic area. Appellant unzipped his shorts and inserted his penis into AAA's vagina. Thereafter, he took AAA's panty and wiped something on her thigh.

Dazed, AAA got up and went to the kitchen. Appellant followed her, pushed her towards the sink, grabbed her and again attempted to force himself on her. AAA shouted and appellant left the house.

AAA took her cell phone and called Gagap, but all she could say, in between sobs, was "Ate Whay, Ate Whay, Ate Whay". Gagap sent her maid to check on AAA. Anxious, Gagap went to her sister's house and saw AAA's disheveled state and the living room in disarray.

Gagap testified that she hired AAA to take care of her sister's children. On September 25, 2009, at around 9:00 a.m., she went to her sister's house to check on AAA and the children. She saw the appellant inside the house and asked him what he was doing there. Appellant replied that he will fix something in the neighbor's house. Gagap left the house at 10:00 a.m.. At around 2:00 p.m., she received a call from AAA who was crying and repeatedly calling her name. She sent her maid to check on AAA. Thinking that something might have happened to the children, she followed her maid. There, she saw AAA sitting on the floor crying; AAA's skirt and panty were beside her and the living room was in disarray.

Later that evening, Dr. Cordero examined AAA, and found congestion and a deep healed laceration at 8 o' clock position in her vagina. After the examination, Dr. Cordero executed[11] Medico-Legal Report No. R09-1862.

Evidence for the DEFENSE

Appellant[12] was the lone witness for the defense. He testified that he is often at the house where AAA works because he is a friend of Omie and that he and AAA had become sweethearts since July 2009. He admits that he

was in the house on September 25, 2009, resting and drinking beer. Appellant stayed in the house from 9:00 a.m. to 2:00 p.m.. Before leaving, he and AAA had an argument because AAA wanted to talk about their future. Appellant ignored her and left. AAA warned him that something bad will happen if he leaves.

When appellant returned to the house, Gagap was already there. Gagap asked him what he did to AAA as she was crying. AAA replied that he did not do anything; nonetheless, he was brought to the barangay hall and municipal hall where the rape charge was entered into a blotter. He was then detained.

Appellant imputes ill-motive upon AAA, claiming that she filed the rape charge because she wanted them to live together but it was not possible as he was married with children. Appellant also testified that he and AAA had sexual intercourse four or five times prior to the incident; but, that, on September 25, 2009, they did not have sexual intercourse.

After trial, the court a quo issued the assailed Consolidated Decision finding the appellant guilty of Rape and acquitting him of Attempted Rape. Hence, this appeal.

THE ISSUE

THE COURT A QUO GRAVELY ERRED IN FINDING ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED.[13]

THE COURT'S RULING

The appeal is without merit.

Appellant assails his conviction for rape, contending: that Dr. Cordero's finding of a "deep-healed" laceration, meaning that the laceration occurred three (3) days, or seventy-two (72) hours, prior to the examination; that this medical finding confirms appellant's testimony that no sexual intercourse took place on September 25, 2009; that AAA's testimony is riddled with inconsistencies; that the trial court erred in appreciating Gagap's testimony when she did not witness the rape; that AAA is induced by ill-motive; and that he and AAA are sweethearts who had previously engaged in sexual intercourse.

The gravamen of the offense of rape is sexual intercourse with a woman against her will or without her consent[14]. Consequently, for the charge of rape to prosper, the prosecution must prove that: (1) the accused had carnal knowledge of the complainant; and, (2) that the same was accomplished through force or intimidation[15].

In cases of rape, only two (2) persons are normally privy to its occurrence, the complainant and the accused[16]. Generally, the nature of the offense is such that the only evidence that can prove the guilt of the accused is the testimony of the complainant herself[17]. Thus, the prosecution of a rape cases is anchored mainly on the credibility of the complaining witness[18].

The trial court found AAA's narration of the events surrounding the rape as credible, thus:

Q

What did Boy do inside the house?

A

I was surprised when he again went inside the house, sir.

Q

So, what happened next after you saw him already inside the house?

A

I told him to get out of the house, sir.

Q

Did your Kuya Boy oblige?

A

No, sir.

Q

What did he do inside the house?

A

He approached me and touched my thigh, sir.

Q

What were you wearing then?

A

During that time, I was wearing skirt, sir.

Q

What else did Kuya Boy do when he held you on your thigh?

A

He pulled my foot, sir.

Q

Both feet?

A

Only my right foot, sir.

Q

After that what happened?

A

When he pulled my right foot I fell down and my head hit the chair, sir.

Q

What happened next after you fell down and hit your head on the chair?

A

Of course, I got hurt and I was fighting him, sir.

Q

Why? What was Boy doing and why were you fighting him?

A

When I got hurt he still continued in touching me, sir.

Q

What was Boy touching?

A

He continued touching my thigh, sir.[19]

xxx xxx xxx

Q

What part of your head hit the chair?

A

The back of my head, sir.

Q

So, what happened next after you [sic] leg was pulled and your head hit the chair?

A

He hurriedly tried to remove my panty but I refused to give in. In fact, I even kicked him, sir.

xxx xxx xxx

Q You said a while [ago] that you kicked the accused while he was trying to remove your panty. What happened to the accused when you kicked him?

A “The witness is demonstrating what the accused did to her.” The accused again pushed me and he went on top of me. And I shouted, sir.

Q What happened when the accused pushed you and went on top of you and you shouted?

A As I stated, sir, the accused was on top of me and he forcibly kissed my lips and he used his hand. “The witness is demonstrating how the accused used his arm to pin her down.”

Q Where did the accused place his arm in pinning you down?

A On my neck, sir.

FISCAL MALAPIT:

Q

So what happened next when you were already, and the accused putting his arm on your neck?

A

I'm already weak on (sic) that point, sir, because I'm already exhausted. He is already on top of me and his arm is on my neck and trying to kiss my lips, sir.

Q

So, what happened next after the accused was already on top of you, his arm on your neck and kissing you on your lips?

A

While he was on top of me and I was kicking him, he attempted to stand up.

xxx xxx xxx

FISCAL MALAPIT:

Q

Madam Witness, you said that the accused was already on top of you. A while ago, you also said he was trying to remove your panty. What happened to your panty?

A

The accused was not able to totally remove my panty because I did not allow him to do so, sir.

Q

So when you said that the accused was totally able to remove your panty, up to what part of your body was he able to pull down your panty?

A

Up to my thigh, sir.

ATTY. MALLARI:

At the lower pelvic area, your Honor.

FISCAL MALAPIT:

Q So what happened next after your panty already pulled down up to the lower pelvic area?

A As I stated earlier, sir, I was resisting him. I was kicking him. And also as I said earlier, he attempted to stand and it was at that point that he succeeded in removing my panty.

Q After your panty was already off and out, what else happened?

A He unzipped his short and he attempted to rape me and he succeeded, sir.

xxx xxx xxx

FISCAL MALAPIT:

Q

So, what happened when you said the accused unzipped his pants and raped you? What did the accused actually do?

A

He pushed me again while my panty was removed. And he inserted his sex organ to mine, sir.

Q

What else did he do aside [from] inserting his sex organ into yours?

A

I can no longer take it, sir.

Q

What were you doing while he was inserting his penis into your vagina?

A

I was not able to do anything because I was already exhausted at that time. I cannot even raise my hand, sir.

xxx xxx xxx

Q Now, going back to that incident, what happened next after the accused succeeded in inserting his organ into yours?

A After that, sir, he took my panty and I think he wiped something in (sic) my thigh.

Q What else happened?

A After that, he stood up but he still stayed inside the house, sir.

FISCAL MALAPIT:

Q

And what did you do after he kept himself inside the house?

A

I was cursing him at that time, sir. “Ang nasabi ko lang, bwisit ka, bwisit ka. Iyon na lang po.” Even though I am very exhausted, I tried to stand up, I went to the kitchen so that I can get out of the house.

Q

And were you able to step out of the house?

A

He followed me, sir.

Q

And when you said he followed you, in what particular place was he able to follow you?

A

Somewhere in the kitchen, sir.

Q

And what happened when the two of you were already in the kitchen?

A

I was shouting at that point and telling him to stop and saying “bwisit ka”, sir.

Q

And why did you tell him to stop? What was he doing?

A

He followed me and pushed me towards the kitchen sink, sir. At that point, I was still not wearing my panty but my skirt was still on me and he again tried to do what he did before.

FISCAL MALAPIT:

Q

What do you mean when you said he was again trying to do what he did before?

A

He again pushed me towards the kitchen sink and grabbed me again, sir.

Q

And what happened next when he grabbed you?

A

He again tried to force himself on me again, sir.

Q

In what part of your body was he forcing himself again to you?

A

I saw him holding his organ. He tried to approach me while holding his penis and he again tried to force it on

me, sir.

xxx xxx xxx

FISCAL MALAPIT:

Q And was he able to place his penis into yours?

A No, sir. I screamed very loud, on top of my voice.

xxx xxx xxx

FISCAL MALAPIT:

Q What happened next after you shouted?

A He stopped what he was doing and immediately went out of the house, sir.[20]

Appellant tries to impugn the credibility of AAA by pointing out alleged inconsistencies in her narration, that although she felt fear at the time of the incident, she did not lock the door when appellant went outside, she did not change her loose skirt, and she let her ward sleep in the living room instead of any room in the second floor; that no injuries were found on her body; and, that she failed to run away from appellant[21]. Additionally, appellant contends that the court a quo erred in appreciating Gagap's testimony when she did not witness the rape.

We are not persuaded.

First, We emphasize that the findings of fact of the trial court, its assessment of the credibility of witnesses and their testimonies, and the probative weight thereof, as well as its conclusions based on the said findings, will not be disturbed on appeal unless it appears that the trial court overlooked or misconstrued cogent facts and circumstances which, if considered, would alter the outcome of the case[22].

The alleged inconsistencies cited by the appellant refer to inconsequential matters that do not bear upon the elements of the crime of rape. The decisive factor in the prosecution for rape is whether the commission of the crime has been sufficiently proven. For a discrepancy or inconsistency in the testimony of a witness to serve as a basis for acquittal, it must refer to the significant facts indispensable to the guilt or innocence of the appellant for the crime charged. As the inconsistencies alleged by the appellant had nothing to do with the elements of the crime of rape, they cannot be used as grounds for his acquittal[23].

Furthermore, not every victim of rape can be expected to act with reason or in conformity with the usual expectations of everyone. The workings of a human mind placed under emotional stress are unpredictable; people react differently. Some may shout, some may faint, while others may be shocked into insensibility[24]. And, although the conduct of the victim immediately following the alleged sexual assault is of utmost importance as it tends to establish the truth or falsity of the charge of rape, it is not accurate to say that there is a typical reaction or

norm of behavior among rape victims, as not every victim can be expected to act conformably with the usual expectation of mankind and there is no standard behavioral response when one is confronted with a strange or startling experience, each situation being different and dependent on the various circumstances prevailing in each case[25].

Besides, contrary to appellant's contentions, AAA and Gagap's testimonies reveal that AAA immediately called Gagap after the rape incident. In fact, AAA was examined medically the very evening of the incident. Appellant also testified that he was brought to the barangay hall and municipal hall and was incarcerated on the same day. Clearly, AAA lost no time in asking for help and in reporting the rape.

As for Gagap's testimony, it serves to corroborate AAA's testimony that appellant was in the house at the time of the incident and that AAA was in a disheveled state after the incident. At any rate, the trial court's decision was based mainly on AAA's testimony who clearly identified appellant as her molester. It is settled that the testimony of a single yet credible and trustworthy witness suffices to support a conviction[26].

Next, appellant harps on the medical finding of a "deep-healed" laceration on AAA's genitalia instead of a "fresh" laceration, as well as the absence of physical injuries in the Medico-Legal Report. It has been held that a medical report is only corroborative of the finding of rape. The absence of external signs or physical injuries, such as freshly broken hymen, or laceration, on the complainant's body, does not necessarily negate the commission of rape[27]. This is because complete or full penetration of the victim's private parts is not required to consummate the crime of rape. Neither is hymenal laceration or like vaginal injury an element of the crime of rape[28], albeit a healed or fresh laceration is a compelling proof of defloration[29]. What is more, the foremost consideration in the prosecution of rape is the victim's testimony and not the findings of the medico-legal officer. In fact, a medical examination of the victim is not indispensable in a prosecution for rape; the victim's testimony alone, if credible, is sufficient to convict[30].

Appellant's imputation of ill motive of AAA deserves scant consideration. Motives such as family feuds, resentment, hatred or revenge have never swayed the courts from giving full credence to the testimony of a rape victim[31]. Also, ill motives become inconsequential if there is an affirmative and credible declaration from the rape victim, which clearly establishes the liability of the accused[32]. In this case, AAA categorically identified appellant as the one who raped her, being familiar to her as he is constantly in the house where she works as a helper.

Finally, We reject appellant's submission of the sweetheart defense. As a rule, bare invocation of the sweetheart theory cannot stand alone. To be credible, it must be corroborated by documentary, testimonial, or other evidence. Usually, these are letters, notes, photos, mementos, or credible testimonies of those who know the lovers[33]. Here, appellant failed to present any evidence to substantiate his claim that he and AAA are indeed sweethearts. Even if it were true that they were sweethearts, a love affair does not justify rape. A man does not have the unbridled license to subject his beloved to his carnal desires[34].

As to the award of damages, We modify.

An award of P30,000.00 as exemplary damages is in order to deter similar conduct and to serve as an example for public good[35]. Pursuant to recent jurisprudence and current policy, We also impose a 6% interest on all the monetary awards for damages to be reckoned from the date of finality of this decision until fully paid[36].

WHEREFORE, premises considered, the assailed July 23, 2012 Consolidated Decision is AFFIRMED with MODIFICATION that appellant Renato Dela Cruz y Francisco is ordered to pay AAA P30,000.00 as exemplary damages and, all monetary awards for damages are to earn interest at six percent (6%) per annum from the date of

finality of this Decision until fully paid.

SO ORDERED.

Dicdican, I. P., Chairperson, and Ybañez, E. A., JJ., concur.

[1] Records, vol. I, pp. 106-114.

[2] Name of victim changed consistent with the ruling in *People vs. Cabalquinto*, G.R. No. 167693, September 19, 2006, 502 SCRA 419.

[3] Records, vol. I, p. 114.

[4] *Id.*, p. 2.

[5] *Id.*, p. 106.

[6] *Id.*, p. 7.

[7] *Id.*, p. 16.

[8] TSN, January 13, 2010, January 27, 2010, February 10, 2010, April 7, 2010, July 21, 2010 and September 3, 2010.

[9] TSN, November 12, 2010.

[10] TSN, April 8, 2011.

[11] Records, vol. I, p. 84.

[12] TSN, September 9, 2011, September 23, 2011 and December 9, 2011.

[13] Rollo, p. 25.

[14] *People vs. Coja*, G.R. No. 179277, June 18, 2008, citing *People v. Agsaoay, Jr.*, G.R. Nos. 132125-26, 3 June 2004, 430 SCRA 450, 459; *People v. Dagami*, 461 Phil. 139 (2003).

[15] *Id.*, citing *People v. Layugan*, G.R. Nos. 130493-98, 28 April 2004, 428 SCRA 98, 105.

[16] *Id.*, citing *People v. Buenviaje*, 408 Phil. 342, 351 (2001).

[17] *Id.*, citing *People v. Bares*, 407 Phil. 747, 759 (2001).

[18] *Id.*.

[19] TSN, January 27, 2010, pp. 8-9.

[20] TSN, February 10, 2010, pp. 3-13.

[21] Rollo, pp. 43-44.

[22] *Cabildo vs. People*, G.R. No. 189971, August 23, 2010, citing *People v. Amazan, et al.*, 402 Phil. 247-271 (2001), citing *People v. Perez*, 372 Phil. 425 (1999); *People v. Tan*, 373 Phil. 990, 991 (1999); *People v. Accion*, 371 Phil. 176, 177 (1999); *People v. Pulusan*, 352 Phil. 953, 954 (1998).

[23] See *People vs. Gaduyon*, G.R. No. 181473, November 11, 2013, citing *People v. Escoton*, G.R. No. 183577, February 1, 2010, 611 SCRA 233, 246.

[24] See *People vs. Saludo*, G.R. No. 178406, April 6, 2011, citing *People v. Suarez*, 496 Phil. 231, 244 (2005).

[25] *Id.*, citing *People v. Atadero*, G.R. No. 183455, October 20, 2010.

[26] *Supra*, note 22, citing *Ureta, et al. v. People*, 436 Phil. 148, 163 (2002), citing *People v. Hinaut*, 427 Phil. 486, 498 (2002); *People v. Toyco, Sr.*, G.R. No. 138609, January 17, 2001, 349 SCRA 385; *People v. Pascual*, 387 Phil. 266, 268 (2000); *People v. Pirame*, 384 Phil. 286, 289 (2000).

[27] See *People vs. Cadap*, G.R. No. 190633, July 5, 2010, citing *People v. Espino, Jr.*, G.R. No. 176742, June 17, 2008, 554 SCRA 682; citing *People v. Boromeo*, G.R. No. 150501, June 3, 2004, 430 SCRA 533, 546.

[28] *Id.*, citing *People v. Espino, Jr.*, *supra*; citing *People v. Esteves*, 438 Phil. 687, 699 (2002).

[29] *Id.*, citing *People v. Sambrano*, G.R. No. 143708, February 24, 2003, 398 SCRA 106.

[30] *Id.*, citing *People v. Espino, Jr.*, *supra*; citing *People v. Logmao*, 414 Phil. 378, 387 (2001).

[31] See *Dizon vs. People*, G.R. No. 170342, September 18, 2009, citing *People v. Audine*, G.R. No. 168649, 6 December 2006, 510 SCRA 531, 549.

[32] *Id.*, citing *People v. Santos*, G.R. No. 172322, 8 September 2006, 501 SCRA 325, 343.

[33] *People vs. Bacatan*, G.R. No. 203315, September 18, 2013, citing *People v. Mirandilla, Jr.*, G.R. No. 186417, July 27, 2011, 654 SCRA 761, 771-772.

[34] *Id.*, citing *People v. Baldo*, G.R. No. 175238, February 24, 2009, 580 SCRA 225, 232.

[35] *Id.*, citing *People v. Combate*, G.R. No. 189301, December 15, 2010, 638 SCRA 797, 823.

[36] *People vs. Hilarion*, G.R. No. 201105, November 25, 2013.

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.