

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ISMAEL RELORCASA Y NAPILI, DEFENDANT-APPELLANT.

G.R. No. 102725. August 03, 1993

Ponente: QUIASON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-102725/>

QUIASON, J.:

This is an appeal from the decision of the Regional Trial Court, Branch 22, Naga City in Criminal Case No. RTC '89-2613, finding "Ismael Relorcasa y Napili guilty beyond reasonable doubt of rape and sentencing him to suffer the penalty of reclusion perpetua, to pay the amount of P20,000.00 as moral and consequential damages and to acknowledge the child of the victim as his natural child" (Decision p. 10; Rollo, p. 29).

The complaint filed against appellant in Criminal Case No. RTC '89-2613 reads as follows:

"That on or about the 2nd day of August, 1988, in the City of Naga, Philippines, and within the jurisdiction of this Honorable Court, said accused ISMAEL RELORCASA y NAPILI, armed with a knife, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of the undersigned complainant against her will and in her rented room in the boarding house at No. 12 San Jose Street, Peñafrancia Avenue, Naga City.

All contrary to law and with aggravating circumstances that the said offense was committed in the dwelling of the offended party, the latter not having given provocation for the offense and with abuse of confidence and at nighttime" (Decision, p. 1; Rollo, p. 20).

Accused pleaded not guilty upon his arraignment. After trial, the trial court rendered judgment convicting the accused of the crime charged.

The facts and evidence most favorable to the People of the Philippines, as found by the trial court, are summarized in its decision as follows:

"The victim Charlene Relorcasa is a niece of the accused Ismael, who is the youngest brother of her father Manuel Relorcasa, Sr.

Charlene, a comely virgin of 16 years, third year high school student at the Camarines Sur National High School here in Naga City, lives in a rented room, ground floor, owned by a certain Leonila Tapia, in San Jose Street, Peñafrancia Avenue, Naga City. She shared the room with her younger brother, Manuel, Jr., also a high school student and a cousin, Marites Alegre.

The room is furnished with a bed where Charlene and her cousin sleep. Manuel Jr. sleeps on the floor. For ventilation, the room had a wooden jalousie window on a wall fronting San Jose Street. Along this wall where the window is located, is the bed. The door of the room lie just below the stairs leading to the second floor of the building. Adjoining the room, groundfloor, is the large kitchen used by the owner and boarders/bedspacers (Exhs. A and B, Tsn, February 13, 1990, pp. 6-17).

On August 2, 1988, Charlene was alone in the room. Her younger brother Manuel Jr. went home to their

parents in Baliwag Nuevo, Minalabac, Camarines Sur, because Manuel Jr. had no classes then. So was her cousin Marites, who as mid-wifery student was "on duty" (Tsn, February 13, 1990, pp. 20-21).

That night of August 2, 1988 Charlene slept early, 8:00 (sic). Before going to bed she bolted the door - a barrel bolt was in place between the door and the door jamb - to secure a closed door (Tsn, February 13, 1990, pp. 43-44).

At about 11:00 that night, a "stranger" whom she later recognized as her Uncle Ismael, was inside her room, sitting on her bed, pointing a sharp object on her throat, left, (sic) just below her jaw, and his left hand placed on Charlene's shoulder (Tsn, February 13, 1990, pp. 22-24, 27; Exh. B, with an "X" mark), then allegedly said ?

"He told me that if I would shout he would kill me" (Tsn, February 13, 1990, p. 24).

Recognizing later that the "stranger" was her very own uncle, she cried, and remonstrated ?

"x x x Pay Maeng, why are you doing this to me" (Tsn, February 22, 1990, p. 31).

with his left hand, the accused removed his pants and briefs, the pointed object was then held by his right hand pointed at her neck (Tsn, supra, pp. 32-33), then removed her panty, while her duster was on (Tsn, supra, p. 36), laid on top of her, proceeded with the sexual intercourse.

"Witness by her hand, demonstrating what the accused did while he (accused) was on top of her by an act of her hand, up and down" (Tsn, February 13, 1990, p. 37).

In five minutes the act of coition was through. The accused tarried, after putting on his briefs and pants, then allegedly threatened to kill her

"x x x If I tell anybody of what happened, he will kill me whenever he sees me (sic)" (Tsn, supra, p. 38).

then left.

Meanwhile, all the while during the sexual assault, Charlene pushed her assaulter away (tolod) with all her strength and force, but weakened (Tsn, February 15, 1990, p. 37; Tsn, February 19, 1990, p. 9).

Charlene kept this incident secretly to herself alone. This secret however came out when she gave birth to a baby boy (sic) Nico on May 3, 1989 at her parents' house in Baliwag Nuevo, Minalabac, Camarines Sur. On June 9, 1989 she revealed the identity of the sexual assaulter - her Uncle Ismael, to her half-sister Nerlita Capua, daughter of her mother in a first marriage" (Rollo, pp. 20--22).

On appeal to us, appellant denies the accusation and interposes the defense of alibi. He claims that on the date and time of the incident, he was at home in Barangay Baliwag Nuevo, Minalabac, Camarines Sur. On that date, he did not know yet that the complainant was studying in Naga City. He came to know that fact only when complainant went to his home to borrow money from him. He saw complainant the second time in November 1988, when she paid the loan in the Office of the Barangay Captain of Baliwag Nuevo.

Appellant also submits that the trial court erred in giving credence to the testimony of the complainant and in convicting him on the basis thereof. He cites the following circumstances to bolster his argument, to wit:

- (1) The failure of the prosecution to establish how he entered the room of the complainant;
- (2) The failure of the prosecution to present the two roommates of complainant to corroborate her testimony; and
- (3) The delay of complainant in reporting the incident to her parents or to the authorities within a reasonable period of time (Appellant's Brief, pp. 9-10).

There are three settled principles to guide the courts in reviewing the evidence in rape cases. These are: (1) an accusation for rape can be made with facility; it is difficult to prove, but more difficult for the accused, though innocent, to disprove it; (2) in view of the intrinsic nature of rape, the testimony of the complainant must be scrutinized with extreme caution; and (3) the evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence for the defense (*People v. De los Reyes*, 203 SCRA 707 [1991]).

Furthermore, it is constitutionally mandated that the accused be accorded the presumption of innocence. The burden of proof rests on the State to establish every circumstance which proves his guilt. Where the evidence gives rise to two possibilities, one consistent with the accused's innocence and the other indicative of his guilt, that which favors the accused should be properly considered.

In this case, the long delay of complainant in reporting the incident created a doubt in our minds that she was raped by appellant.

As testified by complainant herself, she did not divulge the incident to anybody, not even to her parents, until ten months after the incident. The reason she gave for this unusual behavior was that appellant had threatened to kill her if she did. The evidence does not show that the complainant was always under the watchful eye of appellant as to prevent her from reporting the crime. The two lived several kilometers apart. She was staying in Naga City at her boarding house while appellant was living in Minalabac, Camarines Sur. The fact that she just saw him two blocks away from her boarding house three or four times after the incident, cannot be considered a surveillance by appellant and to sufficiently arouse in her a sense of overpowering fear. She had all the opportunities to inform her parents, particularly her mother, who had visited her four times after the incident. Another opportunity for her to report the incident to the authorities was during the confrontation at the Office of the Barangay Captain regarding her unpaid debt to appellant. Significantly, complainant obtained this loan from appellant several months after the incident.

Failure of the complainant to report that she was raped despite several opportunities to do so, renders doubtful her rape charge (*People v. Terio*, 126 SCRA 265 [1983]; *People v. Lao*, 137 SCRA 523 [1985]).

It was only a month after giving birth, or ten months after the incident that she finally revealed the identity of the man who had impregnated her. As held by this Court, silence of the alleged rape victim for eight and one half-months rendered doubtful her charge of rape (*People v. Florca*, 125 SCRA 244 [1983]).

Her allegations, that she was unaware of her pregnancy and thought that she was merely gaining weight, are incredulous. As pointed out by the appellant in his brief, a sixteen-year old girl today is no longer as naive or innocent regarding sex as the prosecution wants to portray (Appellant's Brief, p 11). Besides, when she failed to have her monthly menstrual period, she could have easily consulted her roommate, Marites Alegre, who was a midwifery student. In crimes against chastity, the narration of the victim should not be accepted unless it is free from suspicion (*People v. Herrick*, 187 SCRA 364 [1990]).

The doubt engendered by the unexplained delay in reporting the incident also placed under a cloud the credibility of the complainant.

There is no evidence on record that appellant knew before August 2, 1990 the house, much less the particular room in that house, where the complainant slept. How was appellant able to pinpoint the room where complainant was sleeping that night of the incident?

Complainant testified that on the night of August 2, 1988, she locked the door with the barrel bolt before going to sleep. As found by the trial court, "a barrel bolt was in place between the door and the door jamb – to secure a

closed door" (TSN, February 13, 1990, pp. 43--44). The record is bereft of evidence that the door was forcibly opened. Was the door opened voluntarily from the inside of the bedroom?

Complainant claimed that after appellant left her room, she just cried her heart out. But why did she stop crying when Marites Alegre returned from duty, so much so that the latter did not have any notion of what happened to complainant?

According to complainant, appellant was holding with his right hand a sharp object pointed to her neck while he was removing his briefs and pants with his left hand. Thereafter, appellant transferred the sharp object to his left hand and used his right hand to remove the panty of complainant. During all this time, appellant was sitting on the bed beside complainant. These acts, while not impossible to accomplish certainly require some dexterity on the part of the performer.

In the preliminary investigation, complainant testified that appellant removed her panty before he removed his pants. In court, complainant testified that appellant removed his pants first before removing her panty.

The complainant said the act of coition was through within five minutes and appellant "tarried" after he put on his briefs and pants. Does a rapist have the luxury of time unless there is an active cooperation on the part of the victim?

If the complainant really tried to push appellant away with all her strength during the sexual assault, was that not an indication that she was no longer afraid of the rapist?

While the complainant had two roommates – her cousin, Maritess Alegre and her brother, Manuel Relorcasa, the two did not sleep with her that night. So the question arises: did the person who visited her have foreknowledge that she would be alone that night?

In view of these nagging questions that remained unanswered, we find that the prosecution failed to meet the crucial test of moral certainty and to adduce proof of guilt of the appellant beyond reasonable doubt.

WHEREFORE, the decision of the trial court is REVERSED and SET ASIDE. The appellant is hereby ACQUITTED of the crime charged.

SO ORDERED.

Cruz, (Chairman), Griño-Aquino, Davide, Jr., and Bellosillo, JJ., concur.

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.