

## **PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ELLESOR T. SALAZAR, RAMIL T. SALAZAR (AT LARGE), ACCUSED.**

*G.R. No. 122479. December 04, 2000*

Ponente: PARDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-122479/>

---

### **PARDO, J.:**

Accused Ellesor T. Salazar appeals from the decision[1] of the Regional Trial Court, Puerto Princesa City, Branch 48 finding him guilty beyond reasonable doubt of rape committed against Ofelia Cordeta, and sentencing him to reclusion perpetua and to indemnify the victim in the amount of P50,000.00 and to pay the costs.

Upon the sworn complaint of Ofelia Cordeta, on March 12, 1992, Puerto Princesa City Prosecutor Albert R. Trinidad filed with the Regional Trial Court, Puerto Princesa City, Branch 48 an information charging Ellesor T. Salazar and Ramil T. Salazar with rape, committed as follows:

"That on or about the 18th day of February, 1992, in the evening, at New Buncag, Barangay Mandaragat, Puerto Princesa City, Philippines, and within the jurisdiction of this Honorable Court, the said accused conspiring and confederating together and mutually helping one another, with the use of force, violence and intimidation and while armed with a knife, did then and there wilfully [sic], unlawfully and feloniously have sexual intercourse with Ofelia Cordeta, without the consent and against the will of the latter.

CONTRARY TO LAW."[2]

The accused Ellesor T. Salazar was detained; the prosecution recommended no bail for his temporary release. Accused Ramil T. Salazar remained at large.

Upon arraignment on March 27, 1992, accused Ellesor T. Salazar entered a plea of not guilty.[3] Trial on the merits ensued.

Seventeen (17) year old complainant Ofelia Cordeta testified that at about 4:00 in the afternoon of February 18, 1992, while she was entertaining her boyfriend Rolando Arcena at her house in New Buncag, Puerto Princesa City, accused Ellesor T. Salazar arrived and invited them to a party. It was Ramil's birthday and a party was being held at Ellesor's house, about two hundred (200) meters[4] away from complainant's house. Rolando and Ofelia were initially hesitant to go, but Ellesor prevailed upon them.

At the party, Ellesor entertained Ofelia and Rolando in the sala, where he served them food and juice. After eating, they transferred to the kitchen and had beer. Ofelia estimated that she consumed seven glasses of beer, which made her dizzy. The same thing happened to Rolando, who because of his drunkenness was not able to go home. He slept in one of the rooms at the second floor of the house of accused Ellesor.

Ofelia told Ellesor that she would like to go home. Instead of taking her home, Ellesor brought her inside one of the rooms in the second floor of the house, a room different from where Rolando slept. There were four (4) rooms in the second floor.[5]

When they were inside, Ellesor pushed Ofelia to the bed and she fell face up. He removed his pants, approached Ofelia and undressed her. Ofelia struggled and resisted the advances of accused Ellesor, but her efforts proved futile due to her drunkenness. She felt very dizzy and her head was throbbing. She was weak and she could barely shout. The sound she made was drowned by the loud music of the party downstairs.

When Ellesor inserted his penis into her vagina,[6] Ofelia felt pain that affected her entire being. He was on top of her for about fifteen (15) minutes.[7] Afterwards, he left the room and went downstairs.

Ramil entered the room after Ellesor left. Armed with a single-bladed knife, Ramil threatened Ofelia that she would not be able to go home if she made any sound. Out of fear, she passed out before accused Ramil could lay his hands on her. She was not sure whether Ramil had sexually abused her. The only thing she remembered was that she was naked when Ramil entered the room.

Ofelia regained consciousness the following day at about 8:30 in the morning. When she woke up, she was already in her house. Her boyfriend, Rolando Arcena, brought her home. That day, she told her mother that accused Ellesor had sexually abused her. She did not mention anything about accused Ramil.[8]

When asked about the kind of relationship complainant had with accused Ellesor, Ofelia replied that their relationship was cordial. In fact, she treated him as her best friend. She denied that accused Ellesor courted her.[9]

Rolando Arcena, Ofelia's boyfriend, corroborated her story. He said that in the afternoon of February 18, 1992, accused Ellesor T. Salazar invited him and Ofelia to a birthday party being held at the latter's house. Rolando had known accused Ellesor for about a year prior to February 18, 1992, and considered him a friend.

Upon arrival at Ellesor's house, they were served food and drinks at the sala. After eating, he, Ofelia and Ellesor transferred to the kitchen and downed three bottles of beer grande. Since he and Ofelia were not used to drinking alcoholic beverages, they became drunk quickly. He noticed that Ofelia was getting dizzy and was resting her head on top of the kitchen table.

Thereafter, Ellesor took Rolando to one (1) of the four (4) rooms upstairs, where he slept on the floor. Ofelia was left downstairs. He did not know what happened afterwards because he fell asleep. He could not remember what time he was taken to the room, but he was sure it was past 7:00 in the evening.

Rolando was awakened when Ellesor wiped his face with a hot towel. He was still in the same room and he saw Ofelia sleeping beside him. There was nothing unusual in the person of his girlfriend who was still dressed in her polo and skirt. He roused her from her sleep and told her that they would go home. Because Ofelia was so weak, Rolando assisted her on the way to her house, fifty (50) meters away from the house of Ellesor. On the way, they met Ofelia's mother, Mrs. Maria Cordeta. No conversation transpired between them. Ofelia did not tell Rolando, or her mother, that accused Ellesor and Ramil Salazar raped her that night.

Rolando denied that Ellesor courted him or that he received any love letter from accused.[10] He did not rape his girlfriend Ofelia. He could not do it because he underwent circumcision at the Palawan Provincial Hospital the week before the rape incident or on February 11, 1992.[11]

Dr. Benjamin S. Carlos, the doctor who circumcised Rolando, confirmed that under normal condition, the circumcised man could not perform the sexual act one (1) week after circumcision.[12] During such period of time, the wound would still be fresh and the enlargement of the organ might cause bleeding.

Mrs. Maria Cordeta testified that at about 4:00 in the afternoon of February 18, 1992, Rolando Arcena went to their house and fetched her daughter Ofelia. They were attending a party at the house of accused Ellesor. Ofelia had an argument with Rolando, so she went back. Rolando followed her to the house. After a few minutes, Ellesor

arrived and persuaded them to go to the party. After getting permission from Ofelia's elder sister, they went to the party.

Since it was 11:00 in the evening and her daughter had not arrived home yet, Maria went to the house of accused Ellesor and inquired about her daughter. A drunken Ellesor came out of the house and told her that Ofelia and Rolando had just left the party and would probably be home by then. When she reached her house, her daughter and her boyfriend were there. She noticed that her daughter was drunk.[13] The next day, Ofelia told her that Ellesor and Ramil raped her. Maria knew Ellesor because he often came to their house, but she did not know accused Ramil.

The next morning, February 19, 1992, Ofelia was physically examined at the Palawan Provincial Hospital. The examination conducted by Dr. Josephine Banaag, Medical Officer II, Provincial Health Office, Palawan yielded the following results:

" EXTERNAL FINDINGS:

HEENT : Pinkish palpebral conjunctiva

No contusion noted

C/L : Clear breath sounds

No contusion nor hematoma noted

Breast : Well developed breast

Brownish black nipple in erect position

Well rounded brownish areola

Heart : Normal

Abdomen: Flat soft, no contusion nor abrasions noted

INTERNAL FINDINGS:

Mons Pubis: Well distributed, scanty in amount, black hair

LABIA MEJORA: In close apposition with each other, pinkish in color

Fourchet: No lacerations noted, pinkish in color

Hymen :

(+) Fresh laceration, 11 o'clock position

(+) Fresh laceration, 7 o'clock position

- (+) Fresh laceration, 4 o'clock position
- (+) Fresh laceration, 3 o'clock position

Cervix:

- with erosion at external
- (+) minimal whitish discharge

Laboratory Findings:

Gram staining: (+) Gram negative bacilli

Wet smear: For spermatozoa- negative"[14]

Afterwards, they went to the police station and formally filed a complaint for rape against accused Ellesor and Ramil Salazar.

Accused Ellesor T. Salazar denied the charge against him. He said that he could not have raped complainant because he did not want a woman, but a man. He has "a woman's heart in thought, in words and in feelings." [15] In fact, he and complainant's boyfriend, Rolando Arcena, were having a relationship. Rolando became his classmate in June 1991, at about which time he also proposed to him. Rolando accepted his proposal in November of the same year. He knew about the relationship between Rolando and complainant Ofelia Cordeta. [16]

On February 18, 1992, Ellesor invited Rolando Arcena to a party at his house. At about 4:00 in the afternoon of that day, he fetched Rolando and Ofelia from the latter's house, one hundred (100) meters away from his house.

At the party, Ellesor served food and juice to Rolando and Ofelia. After eating, they transferred to the kitchen and had some beer. Around 8:00 in the evening Rolando became drunk and dizzy. He took Rolando upstairs and made him lie on the floor in one of the four (4) rooms upstairs. Ofelia, who had consumed around seven (7) glasses of beer also felt dizzy. She wanted to go home. Instead, Ellesor accompanied her upstairs and made her lie in the same room where Rolando was. There was no bed in the room.

After about an hour, he went back upstairs to check on the couple. He brought a hot towel to wipe Rolando's face. He felt the urge to be physically intimate with Rolando, who was his boyfriend. Though Ofelia was in the same room. She was too drunk to notice what Ellesor was doing to Rolando.

Ellesor performed oral sex on Rolando, who despite his drunkenness responded to his sexual advances by embracing him and uttering his name. [17] This lasted for one (1) hour. Afterwards, he went downstairs and helped in preparing the food.

Ellesor knew that Rolando had been circumcised the week before. When he sucked (chinupa) Rolando's penis, there was no inflammation and it was already healed. [18] He denied that his cousin Ramil raped Ofelia. At past 7:00 in the evening, Ramil left the party to go fishing with some of their neighbors whom Ellesor failed to identify. [19]

Mrs. Concepcion Garcia, a distant relative of accused Ellesor, testified that on February 18, 1992, she attended the party held at Ellesor's house. About two hundred (200) persons attended the party. Around 7:30 in the evening, she went upstairs and caught Rolando and Ofelia embracing each other and having sexual intercourse in one of the rooms. Both were naked and Rolando was on top of Ofelia, doing the push and pull movement. Rolando saw Concepcion and she quietly went down. [20]

Concepcion reported to Ellesor what she saw upstairs. Ellesor told her to leave them alone. He told her that Rolando requested if he and Ofelia could go upstairs and talk. Ofelia and Rolando had a disagreement earlier that Rolando wanted to iron out. Concepcion knew that Rolando was Ellesor's boyfriend. She testified in favor of her cousin Ellesor because she knew that he did not rape Ofelia.[21]

Mrs. Presentacion Salazar, Ellesor's mother, testified that on February 18, 1992, she arrived home from work at around 8:00 in the evening and noticed that the children were whispering. She asked them why and they told her that there were people upstairs. She went upstairs and saw Rolando and Ofelia putting on their trousers. Upon seeing them, she stomped her feet and scolded her son Ellesor for letting in strangers. Thereafter, Rolando and Ofelia went down and she did not see them again.

Three (3) days later, or on February 21, 1992, Ellesor told her that it was Rolando who asked permission that he and Ofelia be allowed to go upstairs so that they could talk. At that time, Rolando and Ofelia were not in good terms.

Presentacion admitted that her son is gay. She knew about the relationship between Rolando and her son because they were writing to each other. She was not aware whether Rolando and her son had sexual union that night. She loves her son despite his being gay. When asked what could be the reason why her son was accused of a crime he did not commit, Presentacion said that it was because they did not give the ten thousand (P10,000.00) pesos that complainant's family demanded as amicable settlement.[22]

On June 21, 1995, the trial court rendered a decision finding accused Ellesor T. Salazar guilty beyond reasonable doubt of rape, the dispositive portion of which reads:

"WHEREFORE, judgement is hereby rendered finding accused ELLESOR SALAZAR GUILTY beyond reasonable doubt as principal of the Crime of rape and is hereby sentenced to suffer the penalty of RECLUSION PERPETUA and to indemnify complainant, Ofelia Cordeta the sum of P50,000.00 without subsidiary imprisonment in case of insolvency and to pay the costs.

"It appearing that accused RAMIL SALAZAR has not been apprehended nor voluntarily surrendered, let the case against him be ARCHIVED, and let warrant be issued for his arrest.

"SO ORDERED.

"Puerto Princesa City, June 4, 1995.

(Sgd.) AMOR A. REYES

J u d g e"[23]

On June 30, 1995, accused Ellesor T. Salazar filed a notice of appeal.[24]

In his appeal, accused Ellesor T. Salazar interposes the defense of denial and alibi. He questioned the credibility of complainant's testimony, which was the basis of his conviction. He alleged that the prosecution failed to prove his guilt beyond reasonable doubt, hence, he is entitled to acquittal.

Although the defense of alibi, like a bare denial, is weak, the prosecution, however, is not released from its burden to establish the guilt of an accused beyond reasonable doubt. The prosecution must rely on the strength of its evidence and not on the weakness of the evidence adduced by the defense.[25]

A charge of rape is a serious matter with pernicious consequences for accused and complainant.[26] It is with the greatest care and caution that the Supreme Court examines the testimony of the complainant to determine its veracity in light of human nature and experience.[27]

In reviewing rape cases, the Supreme Court is guided by well-established principles,[28] such as: (1) an accusation for rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove; (2) in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; (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.[29]

In the case at bar, there are facts that augur against unquestionably accepting Ofelia's testimony as they invariably show its unreliability.

We find improbable Ofelia's testimony that Ellesor brought her to a different room when the evidence clearly showed that she slept in the same room where her boyfriend was. She said that she was made to lie on the bed,[30] when in fact there was no bed in the room where she was brought.[31] Her testimony remained uncorroborated, while complainant's own boyfriend, Rolando, has corroborated that of Ellesor. Both Ellesor and Rolando maintained that there was no bed in the room where he (Rolando) and Ofelia slept, and that they slept on the floor.[32]

Ofelia testified that Ellesor left her in the room completely naked and unclothed immediately after the rape.[33] If the rape happened as Ofelia would want to picture it did, how could she explain the fact that her boyfriend found her lying beside him on the floor, sleeping soundly and fully dressed? Rolando found nothing suspect about her appearance.[34] She was sleeping so soundly that Rolando had to wake her up and accompany her to her house. We find it incredible and contrary to human nature that accused Ellesor would go to the extent of dressing her up, fixing her appearance, and transporting her body to the room where Rolando was sleeping just to conceal a dastardly act. Because by fussing over her in this manner, accused Ellesor would most likely be caught, as the complainant would be roused from her sleep. The natural reaction of a person who has committed a wrong is to flee from the place and stay away as far as possible from the person he has wronged.

Most importantly, her conduct and appearance immediately after the rape is of critical value in gauging the truth of her accusations.[35]

If indeed she has been raped that night, it is unbelievable that complainant's boyfriend did not observe anything unusual about her that could have immediately aroused his suspicion that something bad happened to her. Complainant did not look disheveled or harassed. Neither did her mother find anything suspect about complainant when she saw her immediately after the alleged rape, other than that she appeared drunk.

Circumstances, which qualify criminal responsibility, cannot rest on mere conjecture, no matter how reasonable or probable but must be based on facts of unquestionable existence.[36]

To the contrary in the mind of the Court, the evidence presented an entirely different scenario. No rape happened; it was a consensual sexual intercourse between complainant and her boyfriend Rolando.

Mrs. Concepcion Garcia, a distant relative of accused Ellesor, testified that it was Rolando and Ofelia whom she caught having sexual intercourse at about 7:30 in the evening of February 18, 1992. Both were naked and Rolando was on top of Ofelia, doing the push and pull movement. Rolando saw Concepcion and she quietly went down.[37]

Mrs. Presentacion Salazar corroborated this fact. She said that when she arrived home from work at around 8:00 in the evening on February 18, 1992 she noticed that the children were whispering. When she asked them why, she was told that there were people upstairs. And when she proceeded upstairs, she saw Rolando and Ofelia putting on their trousers.

The prosecution neither discredited these witnesses nor attributed any ill motive against them to make them lie in their testimony. A witness' testimony cannot be stripped of full faith and credit simply on account of his relationship to the parties,[38] as in the instant case. Relationship can put the testimony of a witness in doubt, but it cannot adversely affect credibility by itself.[39] Mere relationship does not necessarily impair the credibility of a witness.[40] The testimony of these witnesses regarding what actually transpired on that fateful night remained un rebutted.

At this point, we wish to emphasize that judges must free themselves of the natural tendency to be overprotective of every woman decrying her having been sexually abused, and demanding punishment for the abuser. While they ought to be cognizant of the anguish and humiliation the rape victim goes through, as she demands justice, judges must equally bear in mind that their responsibility is to render justice based on the law and the facts.[41]

We entertain serious doubts on the culpability of the accused. Rape is a charge easy to make, hard to prove and harder to defend by the party accused, though innocent. Experience has shown that unfounded charges of rape have been proffered by women actuated by some sinister, ulterior or undisclosed motive. Convictions for such crime can not be sustained without clear and convincing proof of guilt, indeed, beyond reasonable doubt.[42] We have not hesitated to reverse the conviction when there are strong indications pointing to the possibility that the rape charges were false.[43]

Courts should thus be wary in according undue credulity to claims of rape especially where the sole evidence comes from an alleged victim whose charge is not corroborated and whose conduct during and after the rape is susceptible to different interpretations. In all prosecutions, the accused enjoys the presumption of innocence. Unless the presumption is overcome by evidence establishing the guilt of the accused beyond reasonable doubt, the accused is entitled to mandatory acquittal.[44]

After a thorough review of the evidence presented before the court a quo, we are for acquittal of accused Ellesor T. Salazar. His guilt has not been proved by the required quantum of evidence.[45]

WHEREFORE, we REVERSE the decision of the Regional Trial Court, Puerto Princesa City, Branch 48 in Criminal Case No. 10002. We ACQUIT accused-appellant ELLESOR T. SALAZAR based on reasonable doubt. We order his immediate RELEASE from confinement unless held for some other lawful cause.

Costs de oficio.

The Director, Bureau of Corrections shall inform the Court of the release of the prisoner at the bar within five (5) days from notice, or the reason for non-release.

### **SO ORDERED.**

Davide, Jr., C.J., (Chairman) Puno, Kapunan, and Ynares-Santiago JJ., concur.

---

[1] In Criminal Case No. 10002, Decision, dated June 4, 1995, Judge Amor A. Reyes, presiding, Rollo, pp. 27-37.

[2] Rollo, p. 5.

[3] RTC Record, p. 24.

[4] TSN, August 19, 1994, p. 3. The witnesses gave contradicting testimony regarding the estimated distance of the house of the victim to the house of the accused. In its decision, the trial court adopted the distance of two hundred (200) meters.

- [5] TSN, October 8, 1993, pp. 9-11.
- [6] Ibid., pp. 15-18.
- [7] Ibid., p.20.
- [8] Ibid., pp. 24-26.
- [9] Ibid., p. 30.
- [10] TSN, July 19, 1994, p. 16.
- [11] Exh. "C", RTC Record, p. 166.
- [12] TSN, July 19, 1994, p. 4.
- [13] TSN, August 19, 1994, pp. 1-4.
- [14] Exh. "A", RTC Record, p. 164.
- [15] TSN, September 30, 1994, p. 4.
- [16] Ibid., pp. 22-25.
- [17] Ibid., pp. 32-33.
- [18] Ibid., p. 37.
- [19] Ibid., pp. 30-31.
- [20] TSN, October 3, 1994, pp. 2-3.
- [21] Ibid., pp. 10-12.
- [22] TSN, October 4, 1994, pp. 5-10.
- [23] RTC Decision, Rollo, pp. 27-37, at p. 37.
- [24] Rollo, p. 39.
- [25] People vs. dela Cruz, G. R. No. 133921, June 01, 2000.
- [26] People v. Melivo, 323 Phil. 412 [1996].
- [27] People v. Obar, Jr., 323 Phil. 354 [1996].
- [28] People v. Alimon, 327 Phil. 4479 [1996].
- [29] People v. Ratunil, G. R. No. 137270, June 29, 2000; People v. Abrecinoz, 281 SCRA 59 1997]; People v. Castromero, 280 SCRA 421 [1997]; People v. People v. Antipona, 274 SCRA 328 [1997]; People v. Butron, 338 Phil. 856 [1997]; People v. San Juan, 337 Phil. 375 [1997]; People v. Echegaray, 327 Phil. 349 [1996]; People v. Subido, 323 Phil. 240 [1996].
- [30] TSN, October 8, 1993, p. 15.
- [31] TSN, July 19, 1994, p. 11.
- [32] Ibid., pp. 13-14.
- [33] TSN, October 8, 1993, p. 24.

[34] Supra, Note 31.

[35] People v. Ablaneda, 314 SCRA 334, 342 [1999], citing People v. Cartuano, 325 Phil. 718 [1996].

[36] People v. Rapanut, 331 Phil. 820 [1996].

[37] TSN, October 3, 1994, pp. 2-3.

[38] People v. Aliposa, 331 Phil. 774 [1996].

[39] People v. Magana, 328 Phil. 721 [1996].

[40] People v. Layaguin, 330 Phil. 756 [1996].

[41] People v. Alvario, 341 Phil. 526 [1997].

[42] People v. Salarza, Jr., 277 SCRA 578, 588 [1997], citing Aquino, Ramon C., The Revised Penal Code, 1966 ed., p. 1575.

[43] People v. Medel, 286 SCRA 567, 582 [1998].

[44] People v. Medel, supra.

[45] People v. Esmaquilan, 325 Phil. 576 [1996].

**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.