PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MANOLITO FELIZAR Y CAPULI, ACCUSED-APPELLANT.

G.R. No. 128876. September 21, 2001

Ponente: PARDO, J.

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PARDO, J.:

The case is an appeal from the decision[1] of the Regional Trial Court, Branch 114, Pasay City, finding accused Manolito Felizar y Capuli[2] guilty beyond reasonable doubt of rape and sentencing him to reclusion perpetua and to indemnify the complainant Gina Teoxon[3] in the amount of P150,000.00 and to pay a fine of P20,000.00, and the costs.

On December 4, 1995, asst. city prosecutor of Pasay City Leopoldo C. Lluz filed with the Regional Trial Court, Pasay City, an information[4] charging accused Manolito Felizar y Capuli with rape, reading as follows:

> "That on or about the 26[th] day of November 1995, in Pasay City, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, Manolito Felizar y Capuli, by means of force and intimidation employed upon the person of Gina Tiozon y Fernandez, did then and there wilfully, unlawfully and feloniously have carnal knowledge of the said complainant Gina Tiozon y Fernandez against her will and consent.
>
> "Contrary to law."

On December 14, 1995, the trial court arraigned the accused. He pleaded not guilty.[5] Trial ensued.

Complainant Gina F. Teoxon hails from Panuto, Pandan, Catanduanes. She came to Manila on October 30, 1995, to enroll in college, but she was late for the second semester. She lived with her maternal aunt Divina Custodio in Bacoor, Cavite.[6]

Divina has a canteen in the Paliparan Bus Terminal, in Tambo, Parañaque, and a dry goods stall in Baclaran. Gina, while waiting to enroll for the next semester, helped in the household chores, acted as cashier and saleslady in the canteen and in the stall of her aunt Divina.[7]

On November 3, 1995, Gina started working in the canteen. She noticed accused Manolito Felizar (or Chito), a jeepney driver who used to eat in the canteen of her aunt Divina everyday. Initially, she said that she did not know him, but she later retracted and stated that she knew accused Felizar.[8]

On November 26, 1995, at around 6:45 in the evening, Gina was waiting for a ride going to her aunt Divina's store in Baclaran. Accused Felizar passed by in front of her and told her that he was also on his way to Baclaran. Gina, therefore, boarded his jeepney. She sat in the front seat. There were no other passengers.[9]

Accused Felizar did not stop the jeepney in front of Divina's store at Baclaran. Gina became frightened. She could not shout for help because accused Felizar was driving fast and there were not many people around.[10]

Accused Felizar brought Gina to the Blue Marlin Hotel,[11] a motel in Pasay City. Accused Felizar asked her to

alight from the jeepney, and when she refused to do so, he poked a knife ("balisong") at her side and threatened her. A room boy led them to a room upstairs.[12]

When the room boy left, accused Felizar turned off the lights and started to caress Gina. Gina tried to ward him off by slapping him, but he overpowered her and she got frightened because he was still holding the "balisong." Accused Felizar succeeded in having coitus with her three times.[13]

In his defense, accused Felizar claimed that the intercourse was consensual and voluntary. Gina became his sweetheart about two weeks prior to the incident on November 26, 1995. He never intended to sleep with her, but Gina, after they heard the evening mass, asked him to prove his love for her. He asked her if she was willing to go with him. She answered that she would go with him anywhere. Taking that as a cue, he brought her to a motel.[14]

Accused Felizar likewise denied having threatened Gina with a "balisong" from the moment she alighted from the jeepney until the consummation of the sexual act.[15] To support his claim, he presented the Administrative Assistant of Blue Marlin Hotel, Mr. Jose Lim. Mr. Lim testified that it is part of the Standard Operating Procedure of the hotel not to let hesitant guests in, thus:

> Q:
>
> What is your SOP?
>
> A:
>
> Our SOP is, we will establish if the guests or customers who enter our premises, if there is a sign of resistance from the guests, automatically, the guests will not be allowed to enter the room.
>
> Q:
>
> Aside from that [what] else?
>
> A:
>
> If there is also a harassment or take advantage to the other customers, the same SOP will follow, sir.
>
> Q:
>
> Under this circumstances you do not permit any guest/s to enter your motel?
>
> A:
>
> Yes, sir.
>
> xxx xxx xxx
>
> Q:
>
> When a guest arrived and check-in your motel, what do you usually do, if any?
>
> A:
>
> We assist them to go to the room, sir.
>
> Q:
>
> Who assist the guest?
>
> A:

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Our room boys, sir.

Q:

Is it possible for the guest to enter the room without the assistance of a room boy?

A:

No sir.[16]

To bolster his claim that there was no rape, accused offered the testimony of Ms. Irene Pador, a vendor at the Paliparan Terminal, who happened to see him and Gina in the wee hours of November 27, 1995, just a few hours after the alleged rape. Ms. Pador testified, thus:

Q:

Sometime on November 27, 1995 at 2:00 in the morning, more or less, where were you?

A:

I was washing clothes.

Q:

While doing your laundry xxx, have you noticed any unusual incident that happened?

A:

Nothing, sir, we just saw a jeep came in.

Q:

Whose jeep did you notice entered the terminal?

A:

Chito's [Manolito Felizar's] jeep, sir.

Q:

Now when according to you a jeep entered the terminal, being driven by Chito, the accused in this case, what happened, if any?

A:

He parked the jeep in front of the store of Divina Custodio, sir.

Q:

[What] happened when he parked it in front of the store of Divina Custodio?

A:

They alighted from the jeep, sir.

Q:

Who they?

A:

Gina Teoxon and Chito, sir.

Q:

Did you see what they did in front of the store?

A:

They were holding each other's arms.

Q:

After you saw the accused and the private complainant holding each other's arms, what happened after that?

A:

Then they boarded the jeep again.

Q:

After they returned to the jeep, what happened, if any?

A:

After I saw both of them boarded the jeep again xxx, I approached the jeep and saw Gina with her head resting on the lap of Chito.

Q:

When you saw them in that position, what did you do, if any?

A:

I told Chito: "Hoy, happy go lucky kayo ngayon" and Chito only smiled at me.

Q:

When you uttered those words to Chito, where was Gina at that time?

A:

She was lying with her head still on Chito's lap.

Q:

What reaction, if any, did Gina do when you uttered those words?

A:

She only smiled at me.[17]

On February 27, 1997, the trial court rendered a decision, the dispositive portion of which reads as follows:

"WHEREFORE, the Court finds the accused MANOLITO FELIZAR y CAPULI GUILTY beyond reasonable doubt as principal for the crime of rape defined and penalized under Article 335 of the Revised Penal Code, and sentences him to suffer the penalty of reclusion perpetua and to indemnify private complainant Gina Teoxon the amount of P150,000.00 pesos and to pay a fine of P20,000.00 and the costs.

"SO ORDERED.

"GIVEN, this 29[th] day of January, 1997, Pasay City, Metro Manila, Philippines.

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"(Sgd.) VICENTE L. YAP
"Judge"[18]

Hence, this appeal.[19]

Accused-appellant claimed that the trial court erred in giving full credence to the testimony of the complainant and in not holding that the sexual accord between him and complainant was voluntary and consensual.[20]

We find the appeal meritorious.

There is sufficient evidence which belie complainant's claim that she was raped. The allegation that accused-appellant used force to satisfy his lust is unsubstantiated.

Firstly, complainant voluntarily rode in accused-appellant's jeepney. The jeepney had no passengers and it did not carry any signboard at that time to indicate that it was plying its regular route,[21] yet she boarded it and even chose to sit in front.

Secondly, it was improbable that accused-appellant poked a knife at her side from the moment she alighted from the jeepney when they were at the motel. They were assisted by a room boy until they reached the room, and it would have been readily noticed if accused-appellant was employing force on complainant. If so, they would not have been allowed to enter the motel in the first place.[22]

Thirdly, it is also incredible that accused-appellant used the balisong even during the sexual intercourse. The Medico Legal Report[23] showed that complainant had no extra-genital injuries. There was only a love bite (contusion on the antero-lateral aspect) on her neck which, according to the testimony of the expert witness Dr. Aurea Villena, could not have been caused by a blunt object.[24] The claim of accused-appellant that the sexual congress was between two consenting adults acquires credence.

The trial court relied so much on the fact that complainant came from a remote area in the province of Catanduanes, and was thus naïve on the ways of the world. However, "in this age of permissiveness, the virtuous Maria Claras who need only to shout rape to get a conviction are now rare breeds"[25] and courts must regard with utmost caution and not just accept with precipitate credulity the testimony of complainant.[26]

In rape cases, conviction hinges solely on the testimony of the complainant, and evidence for the prosecution must stand or fall on its own merit.[27] Proof beyond reasonable doubt acquires more relevance since rape charges are easy to concoct and difficult to defend.[28] When there are material improbabilities in complainant's testimony,[29] an accused's constitutional presumption of innocence is not overcome.[30]

WHEREFORE, the decision of the trial court is hereby REVERSED and SET ASIDE. Accused-appellant MANOLITO FELIZAR y CAPULI is ACQUITTED of the crime charged on reasonable doubt. The Director of Corrections is hereby directed to forthwith release accused-appellant unless he is held for another case, and to inform the Court of the action taken hereon within ten (10) days from notice.

Costs de oficio.

SO ORDERED.

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

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[1] In Criminal Case No. 96-8032. Judge Vicente L. Yap, presiding (Original Record, pp. 527-543; Rollo, pp. 29-46).

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[2] The Information bears "Apuli" as accused's middle name, but it was later on corrected to "Capuli" (TSN, January 16, 1996, p. 6).

[3] Her surname is spelled either "Tioxon", "Tiozon" or "Teoxon" in the record.

[4] Original Record, p. 2.

[5] Ibid., p. 8.

[6] TSN, January 16, 1996, pp. 4-5.

[7] Ibid., p. 5.

[8] TSN, January 24, 1996, pp. 9, 17; TSN, February 21, 1996, pp. 22-23.

[9] TSN, January 16, 1996, pp. 7-8; TSN, January 24, 1996, pp. 10-13.

[10] TSN, February 21, 1996, pp. 36-40.

[11] Ibid., p. 41.

[12] TSN, January 24, 1996, pp. 18-21.

[13] Ibid., pp. 22-30; TSN, January 30, 1996, p. 11.

[14] TSN, August 6, 1996, pp. 11, 18, 20-21, 23-24.

[15] TSN, August 21, 1996, p. 26.

[16] TSN, July 31, 1996, pp. 11-12.

[17] TSN, September 19, 1996, pp. 26-30.

[18] Original Record, p. 543, Rollo, p. 46.

[19] Original Record, p. 547, Rollo, p. 47. On October 15, 1997, we accepted the appeal (Rollo, p. 48).

[20] Appellant's Brief, pp. 1-2 (Rollo, p. 57, et seq.).

[21] TSN, January 24, 1996, p. 13.

[22] TSN, July 31, 1996, pp. 11-12.

[23] Exh. "B", Exh. "1".

[24] TSN, February 14, 1996, pp. 20-21; TSN, March 5, 1996, pp. 4-5, 15.

[25] People v. Medel, 350 Phil. 208, 226 [1998].

[26] People v. Domogoy, 364 Phil. 547, 558 [1999].

[27] People v. Mahinay, 362 Phil. 86, 101 [1999]; People v. Manggasin, 365 Phil. 683, 697 [1999]; People v. Dizon, 309 SCRA 669, 684 [1999]; People v. Mijano, 311 SCRA 81, 87 [1999].

[28] People v. Vidal, 367 Phil. 268, 286 [1999].

[29] People v. Ladrillo, 320 SCRA 61, 74 [1999].

[30] People v. Bravo, 318 SCRA 812, 825 [1999]; People v. Laguerta, G.R. No. 132783, October 30, 2000.

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