

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JAIME IBAY Y DUCUSIN, ACCUSED-APPELLANT.

G.R. No. 132690. August 10, 1999

Ponente: PANGANIBAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-132690/>

PANGANIBAN, J.:

The resolution of rape cases hinges on the credibility of the victim. If her testimony does not meet the test of credibility or clearly establish the identity of the accused as the perpetrator of the crime, the acquittal of the latter is inevitable.

The Case

On December 9, 1996, Razel Cordero charged Jaime D. Ibay with rape in a sworn Complaint^[1] which reads as follows:

"That on or about the 5th day of October 1996, in the Municipality of Parañaque, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of the complainant Razel Cordero against her will."^[2]

After a prima facie case against the appellant was certified by Second Assistant Prosecutor Elizabeth Yu-Guray, and approved by Provincial Prosecutor Gregorio A. Arizola, the Complaint was treated and filed as the Information on January 7, 1997, and docketed as Criminal Case No. 97-03.

On his arraignment on January 16, 1997, appellant, assisted by Counsel Esteban T. Fadullon Jr., entered a plea of not guilty before the Regional Trial Court of Parañaque.^[3] Thereafter, trial on the merits ensued. On September 2, 1997, the court a quo promulgated its assailed Decision,^[4] the dispositive portion of which reads:

"WHEREFORE, premises considered, finding accused Jaime D. Ibay "GUILTY" beyond reasonable doubt [of] the crime of rape as defined and penalized under Art. 335 of the Revised Penal Code as amended by Sec. 11 of RA 7659, this Court hereby sentences him to the penalty of reclusion perpetua considering the presence of [the] mitigating circumstances of voluntary surrender without any aggravating circumstances, and to suffer the accessory penalties under Art. 41 of the Revised Penal Code. For civil liability under Art. 345 of the Revised Penal Code, he is hereby further condemned to indemnify Ra[z]el Cordero the amount of P50,000 in line with existing jurisprudence; P100,000 for moral damages and P100,000 for exemplary damages."^[5]

On September 16, 1997, appellant filed a Motion for Reconsideration, which was subsequently denied in the Order dated January 13, 1998.

On January 27, 1998, appellant filed his Notice of Appeal. Thereafter, on October 2, 1998, this Court received his Brief.^[6] On April 19, 1999, the case was deemed submitted for resolution when the Office of the Solicitor General filed, in lieu of the appellee's brief, a Manifestation and Motion,^[7] praying for the reversal of the trial court's Decision.

The Facts

Version of the Prosecution>

The trial court summarized the evidence for the prosecution as follows:[8]

"A. RAZEL Cordero, 22 years old, married, resident of 46 Russia St., Betterliving Subd., Parañaque, Metro Manila, 2nd year college, identified the accused and certified:

- that she was married to Rolando Cordero o[n] December 29, 1995 and they rented a room located at 149 Doña Soledad Ave., Betterliving Subd., Parañaque, Metro Manila which is owned by the accused's mother, Felicidad Ibay;

- that on the evening of October 4, 1996 while waiting for the arrival of her husband she fell asleep on the bed and left the door unlocked;

- that a man entered said room whom she thought was her husband but it was the accused who held her chin, poked a knife [at] her and threatened her not to shout otherwise she would be killed;

- that the accused started kissing her cheek, placed his knee on her stomach to force open her legs and remove her panty together with her shorts;

- that she tried to struggle and pleaded to accused not to molest her but her pleas were in vain and it took about two minutes for accused to consummate his sexual desire;

- that after she was raped, accused kissed her breast and touched her vagina and threatened her again to tell no one what happened;

- that on October 8, 1996 when her husband wanted to have sex with her, she could not do it and she was constrained to reveal to her husband that she was raped by accused;

- that they immediately left their rented room and proceeded to her aunt and they sought the help of Atty. Nonito Cordero who assisted them in filing a complaint against the accused;

- on cross-examination, witness testified that she ha[d] known the accused for about nine months before the incident, being her neighbor and [that] she [was] familiar with his voice and there was a time when accused invited her to a Bible Study and [the] accused even played jokes when she was attending to her laundry;

- that she was able to recognize that it was the accused who raped her because of his voice;

- that after she was molested, she peeped [through] the window and she clearly recognized the accused coming out [of] the room.

B . DRA. ERLINDA M. MARFIL - 64 years old, married, psychiatrist of the NBI, testified:

- that she is duly licensed to practice medicine and earned her degree in medicine in 1956 and she joined the NBI in 1977 and presently she is the Chief of Neuro-Psychiatric Services of said Bureau;

- that the nature of her work [was] to conduct psychological evaluation of cases referred to her such as drug dependents, job applicants and other medical cases;

- that Razel Cordero was referred to her by the Medico-legal Division for examination for a case of alleged rape;

- that on October 11, 1996, she conducted an interview with the victim and she found out that Razel ha[d] low average intelligence and that Razel was suffering from depression due to [a] stressful situation;

- that in her diagnosis, she concluded that subject, Razel, had past xxx traumatic [stress] reaction which may

have been caused by the alleged sexual abuse;

C. BRENDA TABLIZO, 47 years old, married, [p]sychologist of the NBI, testified:

- that she is presently connected with the NBI and employed thereat as psychologist II since 1973;
- that the nature of her work is to give examination to patients referred to her office by the medico-legal division of the NBI and other government agencies;
- that on October 8, 1996, she gave projective and intelligence test[s] to a certain Razel Cordero in order to measure Razel's intelligence, personality and sanity;
- that she found out that Razel ha[d] low average intelligence and suffering from severe emotional disturbance as indicated by anxiety and tension in contact with reality;
- that such emotional disturbance could be due to stress caused by the alleged rape;
- on cross-examination, witness testified that a person with low average intelligence can still sustain anxiety and tension;

D. P/CHIEF INSP. MARIO DELA VEGA, 42 years old, married, a resident of Shanghai St., Betterliving Subd., Parañaque, Metro Manila, college graduate, identified the accused and testified:

- that he is presently the commander of KABABAYAN Center No. 6;
- that about 10:00 o'clock in the morning of October 8, 1996, Razel Cordero together with Atty. Nonito Cordero went to said center and asked for police assistance;
- that he instructed the desk officer to put on the record the rape incident allegedly committed on October 4, 1996;
- that he together with SPO1 Joseph Enriquez and PO3 Virgilio Hao proceeded to the residence of the accused and upon reaching the place, the husband of the victim started stoning the accused;
- that he fired his gun to pacify the commotion and invited the accused to the Center;
- that at the Center, the private complainant positively identified the accused as the perpetrator;
- that he referred the case to the SID for further investigation;
- that on cross-examination, he testified that he fired his gun to pacify the commotion and not to scare the accused;
- that he formed a team in order to insure that the accused [would] not escape;
- that he placed the accused under arrest after the victim had identified the accused as the rapist.

E. SPO2 ANGEL NIEVES, 43 years old, married, resident of Cabuyao, Laguna, police investigator, commerce graduate, testified:

- that he took down the statement of private complainant who was allegedly raped by accused;
- that he referred the case to the NBI for medical examination xxx after which, he filed a case against the accused for rape;
- that he has been with the Parañaque Police Station for 20 years and has been in SID for seven (7) years;
- that the private complainant voluntarily gave her statement before him.

F. DR. RENATO C. BAUTISTA, 45 years old, [s]enior [m]edico-legal [officer] of the NBI, Doctor of Medicine, testified:

- that he is duly licensed to practice medicine and earned his degree in 1976 and he joined the medico-legal division of the NBI in 1979;
- that the nature of his duties and function is to conduct examination on all medico-legal cases such as rape victims, victims of stabbing and shooting; that he conducts examinations, autopsies and xxx testif[ies] on his findings;
- that on October 8, 1996, he received a request letter from Detective Angel Nieves asking for medico-legal assistance and he conducted [an] examination on the person of Razel Cordero[,] an alleged rape victim;
- that he found an old healed deep laceration in the genitalia of Razel and there was no extra genital physical injuries noted;
- that it [was] positive that there [would have been] no extra genital injuries if the rape [had] happened on [a] sofa or bed[;] there would be contusion or abrasion [if] the rape was consummated [o]n a rough surface;
- on cross-examination, [the] witness clarified than an old healed deep laceration [would appear if] the laceration happened between the period of more than three to six months from examination."

Version of the Defense

In his 44-page brief, appellant presented the following version of the facts:[9]

"The petitioner[10] Jaime D. Ibay and respondent Razel G. Cordero were both residents of Barangay Better Living, Paranaque, Metro Manila, in a compound located at 149 Dona Soledad Avenue, where nine (9) other families have been residing in rooms or apartments. (TSN, January 27, 1997, p. 6; TSN, June 16, 1997, p. 2)

"The [appellant] resides in an apartment of his own, with his wife and two children at the far end of the compound. At the same time, he owns and operates a silk-screen printing shop for T-shirts which adjoins the apartment right in front. (TSN, May 14, 1997, pp. 17-18; Exhibit 14-3) His mother, Filipina D. Ibay, is the registered owner of the 324 square meter lot where the compound is located, and the main house thereon. She rents out some of the rooms in the main house. (TSN, May 14, 1997, pp. 3-6; Exhibit "12-1" & "12-2")

"Accused-appellant is a man who believes and teaches the Bible as the Word of God, a good husband and [a] devoted father to his two little girls. He was hired as a lay pastor of the Campus Crusade for Christ in the Philippines, until he got married, when he needed to have more and a stable income for his family. (TSN, April 4, 1997, pp. 89, 45, 52 & 53)

"He was peacefully engaged in raising a family, earning a living and serving the Lord Jesus Christ as a lay minister when he was all of a sudden implicated in the crime of rape. Where before, he was the man emulated in the compound and neighborhood for living a simple but fulfilling life, he was suddenly living a nightmare, thrown into jail with the criminals without any warning whatsoever. x x x He had respite from jail for 3 months, when the inquest officer recommended his release from prison, with the approval of the Provincial Prosecutor for the Province of Rizal. (Exhibit No. 23)

x x x x x x x x

"The respondent Razel G. Cordero was occupying the only room on the ground floor of the main house, with her husband, Rolando B. Cordero, as lessee of [appellant]'s mother, Mrs. Filipina Ibay. (TSN, May 14, 1997, pp. 12 & 15) They established residence in said place after their marriage on December 29, 1995 in Pinacbacdao, Western Samar. (TSN, Jan. 27, 1997, pp. 5-7).

"Rolando B. Cordero, husband of private complainant, work[ed] as an insurance inspector [o]f an insurance company, xxx who always got home drunk between midnight and 2:00 a.m., sometimes later, during the entire

nine (9) months of their marriage, according to the testimony of private complainant. (TSN, Jan. 27, 1997, pp. 7&8) On top of that, he also gambles. (TSN, June 16, 1997, pp. 39-40) Divorced from his first wife while in the United States, he came back to the Philippines and married private complainant (TSN, May 14, 1997, pp. 26 & 27). He is the son of Atty. Nonito Cordero, who acted as one of the private prosecutors in this case.

"A dominant husband who was usually heard shouting at his wife who never answered back, Rolando Cordero hardly showed any regard or respect for his wife, and once even had a male officemate sleep with them in their small single bedroom. She seemed willing to submit to his every whim and caprice, and was even scared to venture out of her room. (TSN, May 14, 1997, pp. 27-30; May 21, 1997, pp. 13,14, 25-27-29, 32,33)

"The accused-[appellant] was arrested on October 8, 1996, while attending to his printshop business, at about 11:00 a.m., for the crime of rape allegedly committed midnight of October 4, 1996. The arrest was attended [by] an unusually big force, a composite force of three (3) policemen and several barangay tanods, without a warrant of arrest. While the arresting office testified that it was not an arrest, but merely an invitation to the police-precinct for the accused-[appellant] to answer some questions, the cross-examination showed that said police officer actually wanted to insure the arrest of [appellant], even stating that failing to make the arrest would be tiresome on his part. It is odd to note that the arresting [team] comes from the Kababayan Center No. 6 of Barangay Sun Valley, although they brought the accused-appellant to the Cops-in-the Block at Barangay Better Living. Rolando B. Cordero, husband of the private complainant led the group, and upon seeing the accused, [appellant] started throwing stones at him, who was taken completely by surprise. (TSN, Feb. 10, 1997, pp. 10, 22-25; TSN, April 16, 1997, p. 23). The [appellant] suffered a head wound that required 3 stitches as a result. The commotion that ensued made the arresting officer fire a warning shot in the air. However, another shot was pointed at the men working with accused-[appellant] as they moved towards him instinctively, in an attempt to come to his aid. The [appellant] was then forcibly taken to the Cops-in-the-Block, located at 92 Dona Soledad, Betterliving Subdivision, Paranaque, Metro Manila, and was not allowed even a chance to put on a shirt or slippers (TSN, June 16, 1997, pp. 9, 14-16; Exhibit "21-1"; April 16, 1997, pp. 19-22).

"At the Cops-in-the-Block, respondent Razel G. Cordero and her father-in-law, Atty. Nonito Cordero, were already there waiting for them to arrive. Then and there, the complaining witness was asked to identify the [appellant], which she did only after much hesitation on her part. It required the prodding of her husband, Rolando B. Cordero and her father-in-law, Nonito Cordero, as well as the investigating officer before she finally identified the [appellant] as the person who raped her (TSN, June 16, 1997, pp. 17 & 18)

"Atty. Cordero tried to provide an explanation of the hesitation on the part of private complainant as resulting from fear of the [appellant], in the way of cross examination. (TSN June 16, 1997, p. 70) The actuation of the private complainant during the inquest hearing, however, after the confrontation at the Cops-in-the-Block, did not indicate such fear. On the contrary, the private complainant demonstrated the absence of any fear towards the accused-[appellant] when without any hesitation whatsoever, she squeezed herself in to sit beside the accused-[appellant] on the bench right in front of the inquest officer. The father-in-law, who represented her as counsel at the inquest, immediately sensing how this action of the private complainant raised eyebrows among those present in the hearing, brazenly and harshly pulled her out of the seat, and made her sit down beside him on the receiving chair beside the inquest officer's desk. (TSN, June 16, 1997, p. 30) x x x

"At the inquest hearing, Inquest Asst. Prosecutor Renato Garcia, definitely took note of the private complainant's actuation, and because of lack of any evidence other than her testimony, recommended the release of the accused-[appellant] from custody, pending preliminary investigation, and which recommendation was concurred in by the Provincial Prosecutor for the Province of Rizal. (Exhibits `23', `23-1' & `24')

"Aggrieved by the decision of the Inquest Officer, complaining-witness, Razel Cordero, with counsel Atty. Nonito Cordero, through an affidavit, asked the Inquest Officer to inhibit himself from conducting the

preliminary investigation. In deference to this request the Inquest Officer, Hon. Renato Garcia inhibited himself from continuing with the preliminary investigation that he set, after which, the case was reassigned to Hon. Elizabeth Yu-Guray, 2nd Assistant Prosecutor.

"The preliminary investigation was conducted with the defense using the date stated in the "Sinumpaang Salaysay" (Sworn Statement) by the private complainant, i.e. midnight of 5 October 1996. (Exhibits 1 & 1-A) Consequently, the facts and circumstances in this investigation based on said particular date and hour were completely different from the facts and circumstances obtaining on the midnight of 4 October 1996. And this was the date, subsequently clarified to be the date of the alleged rape, in the direct testimony of the private complainant, during the trial of the case. (TSN, Jan. 27, 1997, p. 9). Even the Resolution of the Investigating Prosecutor stated: 'Complainant, a 22 year old housewife, alleged tha[t] on October 5, 1996; at about midnight ...'(Resolution, 2nd paragraph) and which was the basis upon which the complaint was investigated. It is evidence that there was misapprehension of facts during the preliminary investigation, to the detriment of accused-appellant.

"With the Resolution of the Investigating Fiscal approved by the Provincial Fiscal, the complaint was then filed, on the basis of which the Warrant of Arrest was issued. A personal appeal made to the Hon. Presiding Judge of the Lower Court to defer the issuance of the warrant of arrest pending appeal of the Resolution indicting [a]ccused-[a]ppellant xxx [to the Department of Justice] proved of no avail. However, a speedy trial was promised. Soon after the warrant of arrest was signed by the respondent Hon. Presiding Judge of Branch 259, of the Regional Trial Court of Paranaque, the [a]ccused-[a]ppellant readily presented xxx himself to the Hon. Court, in accordance with a commitment made earlier."

The Trial Court's Ruling

The trial court relied heavily, in fact almost entirely, on the complainant's testimony. Contrasting this with the appellant's evidence, it held:[11]

"1. It is indeed difficult for the complainant to prove an accusation of rape particularly in the case at bar where the only evidence that she has presented was her testimony of alleged depredation. There [was] no other direct or circumstantial evidence showing that accused Jaime Ibay committed the crime of rape. There were no injuries, no mutilation, not even a torn undergarment. There was no commotion, no sign of any struggle and no deadly weapon was introduced as evidence to prove the alleged intimidation. There was only silence when the alleged incident happened in the wee hours of October 5, 1996. Complainant Razel Cordero did not scream. She did not shout for help and nobody heard her crying and sobbing while she squatted in pain on the cement floor of her small bedroom for several hours while waiting for her drunkard of a husband.

"In contrast, accused Jaime Ibay presented an array of witnesses for his defense, including his wife Astrid Payumo Ibay, his mother Filipina Ibay, his brother Danilo Ibay and a coterie of his own employees and friends belonging to their religious congregation. In sum, they portrayed accused Jaime Ibay as a good and religious man and that he and his wife attended the birthday celebration of Marita San Diego at the latter's house in Hungary Street, Betterliving Subd., which [was] about five minutes driving distance from the house of the accused in Doña Soledad, also in Betterliving. These witnesses particularly Astrid Ibay, testified that accused Jaime Ibay was in the house by 12:30 a.m. of October 5, 1996, thus implying that he could not have possibly committed the crime of rape as alleged by victim Razel Cordero."

In upholding complainant's testimony and rejecting appellant's alibi, the trial court ruled:[12]

"Throughout the trial, the Court carefully observed the demeanor and reactions of both the victim and the accused, hoping perhaps to see [from] the glimmer of the their eyes and their facial expressions any clue or sign of who could be telling the truth. In the drama that unfolded with the presentation of their respective versions of the incident, Razel cried in pain in recalling her [ordeal] at the hands of her attacker, while Jaime the accused maintained his composure, nay even chin up as if telling the whole world that he was not guilty,

that he did not do it. Occasionally, there would be some outburst of anger especially from Astrid, the wife of the accused on one hand and the subdued anguish on the part of Rolando Cordero, husband of the victim on the other hand.

"But Razel seated herself quietly but obviously tormented throughout the proceedings except when she testified on how she was ravished mercilessly by the [attacker].

"She cried and cried and it was at a certain point of the cross-examination when the court became convinced that she was speaking the truth and truly incapable of webbing any lie. In tears, Razel recalled that she squatted at the corner of her [cemented] bedroom xxx floor for several hours after she was raped. She was completely devastated and if only her drunkard husband had arrived earlier instead of coming home at about 5:00 in the morning of October 5, he would have surely seen the pathetic and spiritually exhausted Ra[zel].

"No, Ra[zel] could not have been mistaken about the identity of Jaime Ibay as her attacker. She recognized his voice. She saw him quite clearly leaving the place after she was raped. There was never any indication of doubt that Jaime Ibay was her attacker when she testified and pointed to Jaime Ibay as the culprit. Such positive identification cannot be overcome by the denial and defense of alibi interposed by accused Jaime Ibay.

"Ra[zel] testified that she was raped at about 12:00 in the morning of October 5, 1996. She did not categorically state however, the exact time when she was raped between 12:00 midnight to anywhere before 1:00 a.m. of October 5, 1996. It should also be noted that the attack happened in a short period of time as it took only about two minutes for him to satisfy his lust. Ibay therefore had the time and opportunity to commit the crime from the time that he and his wife arrived allegedly at about 12:30 a.m. of October 5, 1996 up to the time that he went to sleep with his wife Astrid.

"On the contentions of the defense that there was no rape committed because of the medical findings that there were no evident signs of extragenital physical injury noted on the body of the victim at the time of the examination and that no knife allegedly used in threatening Ra[zel] was ever produced or presented in court, it can only be said that rape victims usually cower in fear at the mere sight of dangerous weapons more so in the case at bar where the knife was immediately poked at her and naturally she became submissive and less resistant to the attack. And certainly, there will be no signs of extragenital physical injury considering that the examination was conducted several days after the rape and considering further that the victim is a housewife who had long lost her maidenhood.

"On the motive of the complainant as theorized by the defense that the claim of rape was made to cover up acts of indiscretion on her part, suffice it to say that no other motive can be ascribed to complainant in filing the rape charge except that of a desire for justice and redress for a despicable wrong inflicted and that no decent Filipina would publicly admit that she had been raped unless that is the truth.

"On the alleged violation of the [c]onstitutional rights of the accused, it should be stressed that counsel for the accused himself manifested that said accused voluntarily surrendered after the warrant of arrest was issued by the Court. Such voluntary surrender can therefore be appreciated as a mitigating circumstance under Art. 13 of the Revised Penal Code."

The Alleged Errors

Appellant ascribes the following errors to the trial court:

"1. The trial court erred in convicting the accused-appellant as [the] prosecution failed to prove the guilt of the accused beyond reasonable doubt.

"2. The lower court gravely erred in convicting the accused without taking into account the alibi which was fully supported by testimonial and documentary evidence, as against the weak evidence of the prosecution.

"3. The lower court gravely erred in denying the motion for reconsideration, citing an ocular inspection

supposedly conducted by the investigating fiscal, evidence of which was never presented during the hearing, clearly showing a bias in favor of complainant-appellee.

"4. The lower court gravely erred in convicting the accused who was prejudiced because of unreasonable bias that [was] clearly evident during the trial of the case.

"5. The lower court gravely erred in awarding moral and exemplary damages not supported by any evidence, fact or law." [13]

In essence, this case will turn on two points: (1) credibility of the witnesses and (2) sufficiency of the prosecution evidence.

The Court's Ruling

The appeal is meritorious.

First Issue:

Credibility of Witnesses

In prosecutions for rape, the testimony of the victim is generally scrutinized with great caution, for the crime is usually known only to her and the rapist. Indeed, it is well-settled that conviction always rests on the strength of the evidence of the state, never on the weakness of the defense. [14]

The foregoing rule finds application in the present case, for the prosecution relied mainly on the testimony of Complainant Razel Cordero. Its other witnesses testified on matters pertaining to what happened after the alleged rape: Dr. Erlina M. Marfil and Brenda Tablizo testified on their analysis of the alleged victim's psychological make-up; P/Chief Insp. Mario dela Vega and SPO2 Angel Nieves testified on the circumstances surrounding appellant's apprehension; and Renato C. Bautista testified on the results of Cordero's physical examination. Clearly then, this appeal rests on the credibility of complainant's testimony.

Credibility of Complainant

Cordero's Testimony

Doctrinally, the trial court is deemed to be in a better position to decide the question of credibility, because it heard the witnesses and observed their behavior and manner of testifying. Hence, its factual findings are entitled to the highest respect and will not be disturbed on appeal, [15] unless there is a clear showing that the trial court overlooked, misunderstood or misapplied some facts or circumstances of weight and substance that would affect the result of the case. [16]

In the present appeal, Cordero's testimony was used in order to establish two vital points: (1) the identity of the appellant as the rapist and (2) the commission of the rape itself.

Pertinent portions of the victim's testimony are quoted hereunder:

"Q While you were waiting for your husband, what happened to you?

A [While] I was waiting for my husband, I fell asleep on our bed.

Q Did you awake?

A

After that, sir, at about 12:00 o' clock, a man entered the room. I thought it was already my husband.

Q Then what happened next?

A He held my chin, sir.

ATTY. ROSAL:

Witness is demonstrating the chin, Your Honor, with tears on her eyes.

A He told me not to shout or else, he [would] kill me. I was so afraid at that time, sir.

Q Then what happened next?

A He kissed me [on] my cheek. I [could] not move.

Q Then what happened next?

A Inipit niya po iyong tiyan ko sa hita niya para po maibuka iyong mga binti't paa ko.

Q

What happened next?

A Pilit niyang hinawakan ng pagkasakit-sakit iyong puson ko. Pilit niyang hinubad iyong panty ko.

Q Did he succeed in removing your panties?

A

He inserted his private parts into my private parts, sir. Nagmakaawa po ako sa kanya pero hindi niya ako pinakinggan. Sabi niya, kung hindi daw ako tumigil sa kaiingay, papatayin daw niya ako. Natatakot po ako. Wala po akong magawa. Pilit po akong lumalaban pero mas malakas po siya.

Q Who is this man you are referring to?

A Siya po. (Witness, still crying, pointed to accused Jaime Ibay).[17]

xxx xxx xxx

Q Did the accused succeed in placing his private parts in your vagina?

A Yes, sir.

Q How did you come to know it?

A Dahil po nung ipinasok niya yung ari niya, naramdaman ko pong nakapasok na iyong ari niya sa ari ko.

Q Will you please tell this Honorable Court how long did it take him to do that, in terms of seconds or minutes?

A

Perhaps about two (2) minutes, sir.

Q After that incident, what did he do to you?

A He kissed my breast and he was also holding my private parts."[18]

Complainant admitted that during the rape, she did not see who the rapist was; rather, she recognized the latter through his voice, which was allegedly familiar to her.

"Q May ilaw ba sa loob ng kuwarto?

A Wala po.

Q

You mean to say, madilim sa kuwarto?

A Yes, sir, it was dark.

Q So, when the man who raped you entered your room, you thought it was your husband?

A Yes, sir.

x x x x x x x x

Q And you [could] see him because the room was dark?

A Yes, sir.

Q How did you know that the person who you accused to be the one who raped you was this accused, Jaime Ibay?

A Pag nagsasalita po siya, nabobosesan ko.

Q How did you come to determine his voice?

A

His voice is familiar to me, sir.

Q Bakit, sa nine (9) months na nandoon ka madalas ba'ng kuwentuhan ninyo?

A No, sir. But sometimes, he [would invite] me to attend a bible study.

Q You also attended the bible study?

A One time only sir.

Q [Doon] sa bible study nabosesan mo siya?

A Yes, sir.

Q Hindi kayo nagkausap-usap?

A No, sir.

x x x x x x x x

Q Pero nabosesan mo siya kahit iyon lang ang panahon na nagkausap kayo?

A Minsan din ho binibiro niya ako pag naglalaba ako sa labas.

Q

Saan [doon] sa labas ka naglalaba?

A Sa malapit sa printing press.[19]

She likewise maintained that after the rapist had left, she looked through her window and was able to see the appellant's face.

"A I saw him, sir, pagkalabas niya sa kuwarte namin. Sinilip ko ho siya.

Q So, hindi mo tiningnan hanggang dumating sa bahay?[20]

x x x x x x x x

Q Pero pagkaalis nung sinabi mong nang-rape sa iyo, hindi ka nagpunas man lang?

A Hindi po.

Q Anong ginawa mo, sumilip ka lang sa bintana, umupo ka dun sa sahig?

A

Umiyak na lang po ako ng umiyak.

Q Pagkatapos mong sumilip sa bintana, umiyak ka ng umiyak. Doon ba sa bintana, nakita mo siya noong sumilip ka?

A

Yes, sir. Kasi pagkagising ko ho bukas na iyong dalawang bintana namin.

Q Bakit bukas yong dalawang bintana ninyo?

A Kasi, paggabi po kasi, mainit dun sa kuwarta namin, binubuksan namin ng konti yong bintana namin, sa kabila lang.

Q

Paano ninyo binubuksan, anong klaseng bintana iyon, jealousy?

A Salamin siya tapos nandito sa gitna yong locker niya.

Q Is it a steel window, steel frame?

A Yes, sir.

Q So hindi ninyo ibinuka nang todo?

A

No, sir.

Q Par[tia]l lang?

A Yes, sir.

Q Pero, pag silip mo sa kanya, ibinuka mo ng todo?

A No, sir. Kitang-kita naman ho, eh.

Q Maski maliit lang, kita mo?

A Opo.

Q

And anong nakikita mo paglabas niya, harap niya o likod niya?

A Naka-side view ho siya. Tapos, tumingin po siya sa may gate. Pagtingin niya sa gate, nailawan po yong mukha niya sa reflect[ion] ng ilaw, nakita ko po yong mukha niya.

x x x x x x x x

Q Saan ang ilaw?

x x x x x x x x

Q Sa likod niya?

A Medyo sa harapan po. Tapos doon ho iyong ilaw, doon mismo sa tapat ho ng kuwarto namin.

Q Anyway, sideview ang nakikita ninyo?

A Yes, sir."[21]

Improbabilities in the Identification of Appellant

Cordero claims she was able to identify appellant allegedly because, during the rape, she recognized his voice; and subsequently, she saw him through her window after he had left the room.

According to complainant, she did not see the culprit before or during the rape. She admitted that the room was dark and she was asleep when he entered the room; in fact, in her stupor she thought that he was her husband. She allegedly realized that something was amiss, only when the rapist forced himself on her with the use of a knife which she likewise did not see, but which she felt pressed to her chin.

The assertion of complainant that she recognized appellant's voice during the rape could not be given full faith and credence. The evidence on record shows that her room was adjacent to her neighbor's; hence, the culprit must have spoken in a hushed, menacing tone -- one not used in normal, everyday conversation -- for to have done otherwise would have attracted unwanted attention. She and appellant had maintained their distance from each other; indeed, Cordero even testified that she kept to herself most of the time, opting to stay inside the rented room she shared with her husband, rather than mingle with her neighbors.[22] Thus, it cannot be said that they were familiar with the nuances of each other's voice.

Likewise, Cordero's claim of having seen the appellant through her window after the rape is belied by the evidence on hand. The sketch[23] of complainant's room presented in court shows that the bed and the window

were located on opposite sides, and that a long wooden table and a washing machine were placed against the wall where the window was located. Moreover, the lower part of the curtained window was wrapped in aluminum foil,[24] and it would have been difficult for Cordero to look through such window. In other words, given these circumstances she could not have seen her rapist clearly, at least not clearly enough to recognize him.

Considering the foregoing and the fact that the room of the Cordero spouses was beside the passageway of the compound, we cannot find any logical explanation why appellant, whose room was just a few feet away from Cordero's,[25] would linger in the corridor and risk being seen.

[Dubious Narration of Rape]

Cordero's dubious account of how the rape occurred likewise detracts from her credibility. She narrated the events thus:

"Q

While you were being raped, di ba pumasok sa isip mo iyong sabi mong nag-rape sa iyo, hinawakan ka sa panga, tapos, tinutukan ka ng kutsilyo. Sinabi mong nakatulog ka noon. Nakahiga ka ba?

A Nakahiga po.

Q Pero ang sabi mo dito, "pinahiga pagkatapos, hinalikan ka sa pisngi." Could you please read that aloud?

x x x x x x x x

A Pinahiga niya ako sa kama at ipinatong niya ang kanyang paa sa aking tiyan.

ATTY. ROSAL

Counsel, your honor, is referring to Exh. "A", the sworn statement of the witness given to the police.

Q What do you mean by "paa"?

A Kasi po, nakaganito siya. (Witness is referring to her `tuhod')

Q So its the knee, not the feet.

A Yes, sir.

Q

Ipinatong niya at inalis niya iyong panty, according to your testimony here given by you to the police. Paano niya inalis ang iyong panty. Kaliwa o kanang kamay?

A Kaliwa, sir.

Q Meaning to say, binitawan niya iyong kutsilyo at pati iyong mukha mo. Then, inaalís niya ang panty mo?

A

Inaapakan niya ang sikmura ko.

Q So, inapakan niya ang sikmura mo sa tuhod at ginamit niya ang kaliwang kamay sa pag-alis ng panty?

A Hinatak niya ho.

x x x x x x x x

Q Ang sabi mo pa sa statement mo sa pulis, pilit niyang ibinuka ang aking hita, anong ginamit niya sa pagbuka ng hita mo?

A His left hand, sir.

x x x x x x x x

Q At habang nakapasok ang kanyang ari sa iyong ari, ang sabi mo dito, hawak-hawak niya ang iyong suso? Anong ginamit na panghawak?

A Kanan ho.

Q Ibig sabihin iyong kanan, saan nandun nakatutok na iyong kutsilyo, sa panga pa rin?

A

Hindi ho, basta hawak-hawak lang.

Q So hindi niya itinutok, hawak-hawak lang?

x x x x x x x x

Q

Ibig sabihin, hawak-hawak niya sa kanan yong kutsilyo at hinawakan niya ang dudo mo at sabi mo dito, sinipsip ang iyong suso, hawak-hawak ang patalim. Bakit hindi ka sumigaw noon? Nakalayo na ang kutsilyo, ang bibig hindi na natakpan, ba't hindi ka sumigaw?

A Kasi po, sabi niya, huwag daw [akong] sisigaw kasi po papatayin daw niya ako.

Q Tinatakot ka na papatayin. Maski malayo na ang kutsilyo, basta pinagbigyan mo na lang siya para hindi ka patayin?

A Hindi po.

Q Hindi, ano'ng ginawa mo?

A Umiiwas din po ako sa kanya.

Q Paano ka umiwas?

A Inano ko po iyong ganito niya sa akin para maalís iyong nakapatong po sa dito ko. Sinisipa ko.

Q Anong nakapatong, yong hito, yung knee, sinisipa mo?

A Opo.

Q Anong nangyari?

A Nung nakapasok na po yong ari niya sa ari ko, nakapatong din po siya sa akin.

Q So, anong ginawa mo?

A Hinawakan niya rin po yong kamay ko.

Q Aling kamay ang hinawakan niya, kaliwa o kanan?

A Kaliwa at saka kanan.

Q Paano niya hinawakan ang iyong dalawang kamay?

A Nakaganyan po ako, hinahawakan niya po ako. After that, binitiwán niya ang kanan ko.

Q So, anong ginawa niya. Kinuha yong dalawa mong kamay sa isang kamay lang niya?

x x x x x x x x

A Sa kanan po.

Q So, anong nangyari sa patalim, binitawan niya?

A Nandodoon pa rin po yong patalim nararamdaman ko nasagi sa kamay ko.

Q So, hinawakhawakan niya ang kamay mo kasama ang patalim, yong dalawang kamay mo?

A Yes, sir.[26]

From complainant's narration, appellant, during the two minutes that it took him to consummate his lust, was able to do the following: subdue her by pressing a long-bladed knife to her chin; force her to spread her legs by kneeling on her abdomen; remove her shorts and panties; insert his penis into her vagina; suck her breasts and mash them with his left hand; and when she tried to resist, hold her flailing hands with his right hand.

It must be stressed that the alleged rape occurred in the dark. Cordero's account, although seemingly detailed and cohesive, is implausible. The supposed simultaneous actions of appellant are hard to believe; worse, she maintained that he was also holding a knife all the while. Complainant's account also reveals that she had several opportunities to shout for help and, if she did, someone could have come to her rescue considering the location of her room; according to her, however, she never cried out.

Questionable Behavior of Complainant

The Court also finds it odd that even after complainant had supposedly sobbed and sulked for four hours after the rape, her husband did not notice any telltale signs of anguish. Stranger still is the fact that for three days, she acted as if nothing had happened. She said that on the morning of October 5, 1996, she woke up at 12:00 noon, cooked lunch, ate with her husband, and stayed in their room the whole day watching television until she arose to cook dinner. The following day, neighbors even saw her washing dirty clothes in the laundry area located near appellant's print shop.[27] True, she should not be expected to act in a particular manner, for after all, people react differently to a given situation; still, we cannot help but be bewildered that she would embrace normalcy so quickly after a supposedly harrowing incident.

Cordero alleges that she had to tell her husband about the rape to explain her refusal to have intercourse with him on the night of October 8, 1996.[28] However, the records show that she filed her Complaint in the afternoon of the same day. While this discrepancy may be viewed as insignificant, it fits the pattern of inconsistency and improbability in her accusation of rape against the appellant.

Second Issue:

Sufficiency of Prosecution Evidence

It is a legal truism that in criminal prosecutions, the State has the burden of proving the guilt of the accused beyond reasonable doubt. It has to prove the identity of the accused as the malefactor, as well as the fact of the commission of the crime for which he is alleged to be responsible. The importance of this doctrine was underscored in *People v. Galera*,[29] in which we held:

"A significant, if not perhaps the primordial concern in the criminal prosecution of an accused is the correct identification of the author of the crime and the other, of course, would be the actuality of the commission of the offense in which he is shown to be responsible or has participated. The guilt of the accused must be proved by the State beyond reasonable doubt, on the strength of its evidence and without solace from the weakness of the defense. Thus, even if certain inculpatory facts appear imputable to the offender, the same are inconsequential if, in the first place, the prosecution fails to discharge the onus on his identity and culpability.

The constitutional presumption of innocence dictates that it is for the prosecution to demonstrate the guilt, and not for the indicttee to establish innocence.

"xxx to be sure, an accused may be convicted even on the basis of the testimony of one witness; the rule, however, is subject to the *conditio precedens* that such testimony is credible, natural and convincing, and otherwise consistent with human nature and the course of things. In order to suffice for conviction, her testimony must be free of serious contradiction, and ring true throughout. In the assessment of the testimonial credit of the wronged woman, evidence of her conduct immediately after the alleged assault is of critical value."

Because the prosecution was not able to prove its case sufficiently, appellant's alibi assumes importance. Thus, even though the witnesses he presented were related to him, it cannot be denied that their testimonies were consistent, cohesive and, more important, believable.

That Cordero did not seem to have any ill motive in accusing appellant of rape does not negate the fact that her testimony did not prove his guilt beyond reasonable doubt. Even granting that she was indeed raped, the identity of her rapist was not sufficiently established. Consequently, appellant must be acquitted.

WHEREFORE, the Decision of the Regional Trial Court of Parañaque is hereby REVERSED and SET ASIDE. On reasonable doubt, Appellant Jaime D. Ibay is hereby ACQUITTED. The director of the Bureau of Corrections is hereby directed to cause the immediate release of appellant, unless the latter is being lawfully held for another cause; and to inform the Court of the date of his release, or the reasons for his continued confinement, within ten days from notice. No costs.

SO ORDERED.

Melo, (Chairman), Vitug, Purisima, and Gonzaga-Reyes, JJ., concur.

[1] RTC Records, p. 1.

[2] Ibid.

[3] Ibid., p. 15.

[4] Dated September 1, 1997 and written by Judge Zosimo V. Escano.

[5] RTC Decision, p. 23; rollo, p. 45.

[6] The appellant's Brief was captioned "Petition" and signed by Atty. Estaban T. Fadullon.

[7] This was signed by Sol. Gen. Ricardo P. Galvez, Asst. Sol. Gen. Amy C. Lazaro-Javier and Sol. Marissa B. Dela Cruz-Galandines.

[8] Decision, pp. 1-7; rollo, pp. 23-29.

[9] Petition, pp. 2-9; rollo, pp. 56-63.

[10] The present case is an appeal under Rule 122, not a petition for review under Rule 45. Thus, Ibay is an appellant, not a petitioner.

[11] RTC Decision, pp. 18-20; rollo, pp. 40-42.

[12] Ibid., pp. 20-22; rollo, pp. 42-44.

[13] Petition, pp. 10-11; rollo, pp. 64-65.

[14] *People v. Sta. Ana*, 291 SCRA 188, June 26, 1998; *People v. Ramirez*, 266 SCRA 335, January 20, 1997; *People v. Sinatao*, 249 SCRA 554, Oct. 25, 1995; *People v. Teves*, 246 SCRA 236, July 14, 1995; *People v. Guamos*, 241 SCRA 528, February 21, 1995; *People v. Morre*, 217 SCRA 219, January 18, 1993; *People v. Casinillo*, 213 SCRA 777, September 11, 1992; *People v. dela Cruz*, 207 SCRA 449, March 23, 1992.

[15] *People v. Cabebe*, 290 SCRA 542, May 21, 1998; *People v. dela Cruz*, 276 SCRA 191, July 24, 1997; *People v. Corea*, 269 SCRA 76, March 3, 1997; *People v. Frago*, 232 SCRA 653, May 31, 1994.

[16] *People v. Padero*, 226 SCRA 811, September 28, 1993; *People v. Miñano*, 220 SCRA 681, March 31, 1993; *People v. Nuñez*, 208 SCRA 341, April 10, 1992

[17] TSN, January 27, 1997, pp. 11-13.

[18] *Ibid.*, pp. 15-16.

[19] *Ibid.* pp. 67-69

[20] *Ibid.* p. 72.

[21] *Ibid.*, pp. 81-84.

[22] TSN, January 27, 1997, pp. 36-37.

[23] Evidence for the defense, Exh. 15, RTC Records, p.144.

[24] TSN, May 14, 1997, p. 35.

[25] RTC Records, p. 38.

[26] TSN, January 27, 1996, pp. 73-80.

[27] TSN, January 27, 1997, pp. 41-42, 62-64.

[28] *Ibid.*, pp. 18-19.

"Q

Will you please narrate to this Honorable Court the circumstance why did you finally reveal this incident to your husband?

A

Hindi ko na po matiis, kasi po, gusto niya pong makipag-contact sa akin nung gabing yun. Ang sabi ko sa kanya, ayaw ko.

Q Did you tell the reason why you did not want to have sex with your husband as you have said on October 8, 1996?

A Yes, sir.

Q

What did you tell him?

A Sinabi ko sa kanya ang nangyari na na-rape ako."

[29] 280 SCRA 492, October 10, 1997, per Vitug, J.

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.