PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RENIEL SANAHON, JENNIFER MACAPAGAL AND MICHAEL AGNO, ACCUSED,

G.R. No. 132724. November 19, 2001

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

This is an appeal from the decision of the Regional Trial Court of Pasig City, Branch 70, in Criminal Case No. 95905 finding accused-appellant Reniel Sanahon guilty beyond reasonable doubt of the complex crime of forcible abduction with rape, sentencing him to the penalty of reclusion perpetua and ordering him to indemnify complainant Michelle R. Monsalud in the amount of one hundred thousand (P100,000.00) pesos by way of moral and exemplary damages.[1]

Accused-appellant Reniel Sanahon, together with Jennifer Macapagal and Michael Agno, were charged with the complex crime of forcible abduction with rape in a Complaint filed on December 15, 1992, which reads:

> That on or about the 23rd day of June, 1992, in the Municipality of Pasig, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court the abovenamed accused, conspiring and confederating together and mutually helping and aiding one another, with lewd designs, by means of force and intimidation, did then and there, willfully, unlawfully and feloniously take and carry away to Calawang, Laguna the herein complainant, Michelle R. Monsalud and while there succeeded in having sexual intercourse with the said offended party against her will and consent.
>
> CONTRARY TO LAW.[2]

Accused-appellant was arrested on January 14, 1993. However, the authorities failed to arrest the other two accused who have remained at large up to the present. Upon arraignment on February 2, 1993, accused-appellant pleaded "Not Guilty" to the offense charged and trial ensued.

The evidence for the prosecution consisted of the testimonies of private complainant Michelle Monsalud, her mother Elena Monsalud, Reynaldo Celo, Antonio Celo, and Dr. Jesusa Nieva. Their testimonies may be summarized as follows:

Complainant Michelle R. Monsalud testified that around 6 o'clock in the morning of June 23, 1992, her mother, Elena Monsalud, advised her to come home together with her friend and neighbor, Criselda Espedido, after her classes in Rizal High School in Pasig as she could not be fetched by her service tricycle which was undergoing repair.[3] It was raining when her classes ended at around 1:20 in the afternoon so she was not able to find her neighbor Criselda.[4] Accused Jennifer Macapagal, who was also a student in the same school, then arrived and told her that she would accompany her (Michelle) home.[5] Complainant was reluctant to go with Jennifer but since it appeared that nobody was going to fetch her, she agreed.[6] When they were walking towards the Rotonda, she noticed her neighbors Michael Agno and accused-appellant following them, but she ignored the two.[7] Complainant and Jennifer boarded a jeepney and alighted at Manuela Crossing with the two males tagging along.[8] As they continued to walk towards a bus terminal, complainant asked Jennifer to take her home because

her mother might already be looking for her.[9] Jennifer, however, proceeded to board a bus with the two males still following them.[10] As she did not know her way home, complainant was forced to go with Jennifer. While on the bus, she noticed that they were going towards a different direction.[11] Complainant started to get scared and begged Jennifer to take her home. The latter, however, told her that they were already on their way home.[12]

The four of them (complainant, Jennifer, Michael Agno, and accused-appellant) arrived around four o'clock in the afternoon in the house of Agno's cousin, which she later learned to be in Calauan, Laguna.[13] Afterwards, Jennifer asked complainant to go with her upstairs. Fearful of being alone, complainant went with Jennifer.[14] Sensing that the others were up to something, complainant started crying.[15] Accused-appellant and Agno also went upstairs. After a while, Agno's cousin also came up and asked them to go down for dinner.[16] Complainant acceded but was hardly able to eat during dinner.[17]

After eating, complainant left the three of them (Jennifer, Michael and accused-appellant) and went back upstairs by herself.[18] She again started crying until she fell asleep.[19] Complainant awoke when she felt the bed moving and saw that it was accused-appellant.[20] Accused-appellant held both her arms and started kissing her.[21] Complainant tried to resist by screaming and boxing him.[22] She implored Jennifer to help her, but the latter failed to come to her rescue.[23] Complainant's resistance proved futile. Accused-appellant succeeded in having carnal knowledge with her.[24] After satisfying his lust on her, accused-appellant told her that he was ready to answer for his acts, then lay ("pananagutan niya daw ako") beside her and slept.[25]

The following morning, June 24, 1992, accused-appellant came down to play basketball.[26] Agno's relative invited complainant to have breakfast but she refused.[27] Thereafter, complainant's cousin Claro Padilla and their neighbor Amboy Celo arrived. They took complainant home to her parents in Pasig.[28] Accused-appellant went with them.[29] Upon arriving home, complainant saw her mother and cried.[30] She then went to sleep and upon waking up in the afternoon, complainant told her mother what accused-appellant did to her.[31] Complainant, together with her parents, reported the incident to the Pasig Police in the same afternoon. They also went to Camp Crame where complainant was medically examined.[32]

Complainant's mother, Elena Monsalud, testified that in the morning of June 23, 1992, her thirteen-year old daughter Michelle Monsalud went to her classes in Rizal High School in Pasig. When Michelle failed to come home at about four o'clock p.m., Elena became apprehensive and went to the house of Michelle's friend, Criselda Espedido to inquire about Michelle.[33] Criselda told Elena that she saw Michelle together with Jennifer, Michael Agno, and accused-appellant walking outside the school's gate.[34] Elena immediately went to Agno's residence and looked for him. Agno's mother told her that her son Michael went to Malabon with accused-appellant.[35] Acting on that information, she proceeded to the house of accused-appellant where she was informed by his parents that he had asked their permission to go to Malabon.[36] Elena next proceeded to the house of Jennifer Macapagal. When she inquired about Jennifer's whereabouts, Jennifer's mother told her (Elena) that her daughter Jennifer had gone to school.[37] Elena went back home and informed her husband upon his arrival at around 8:30 in the evening that their daughter was missing. They decided to report the matter to the police station in San Joaquin, Pasig.[38] Elena then went back to the house of Jennifer whose mother informed her that Jennifer had friends in Taytay, Rizal.[39] Elena, her husband and Jennifer's mother proceeded to look for Michelle in the said place to no avail.[40] When they arrived home at about 12 o'clock midnight, the friends of accused-appellant, Roderick Sanchez and Reynaldo Roselo, told them that they heard accused-appellant and Agno talking to each other about bringing somebody to Laguna.[41] Acting on this information, two search groups were formed. One group, composed of Claro Padilla[42] and Amboy Celo, was assigned to look for Michelle and company in Calauan, Laguna while the other group, consisting of Michelle's father, Rufo Temones and the father of accused-appellant, went to Bataan.[43]

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In the morning of the following day, June 24, the group that went to Calauan, Laguna arrived back in Pasig with complainant who looked like she was in a state of shock.[44] Elena tried talking to her but her daughter appeared so tired, so she allowed her to rest first.[45] When complainant woke up at about four o'clock in the afternoon, she willingly went with Elena to the police station to report the incident.[46] At the Pasig Police Station, they were told by the police investigator that the matter was not within their jurisdiction and should be referred to the Laguna police.[47] Thereafter, Elena and her husband brought their daughter to Camp Crame for medico-legal examination.[48]

Reynaldo Celo,[49] also testifying for the prosecution, narrated that at around ten o'clock in the evening of June 22, 1992, he was in his parents' house in Kalawaan, Pasig with Michael Agno and Roderick Sanchez when accused-appellant, who was their neighbor, arrived.[50] Reynaldo Celo overheard accused-appellant telling Agno that he would abduct complainant and bring her to Laguna. Agno agreed.[51] Accused-appellant told Agno that they would pick up complainant in school with the help of Jennifer Macapagal.[52] According to witness Ceno, accused-appellant's exact words were, "Bukas samahan mo ako tatangayin natin si Michelle at dadalhin sa Laguna."[53]

In the afternoon of the next day, June 23, 1992, Celo found out that complainant was missing and that her parents were looking for her in Taytay (Rizal).[54] When they returned home without complainant, he, together with Roderick Sanchez, told complainant's parents what they had heard and suggested that they look for her and the three others (Agno, Jennifer and accused-appellant) in Laguna.[55] Acting upon such information, complainant's parents went to the house of Agno and asked his parents for the specific place in Laguna where their relatives were residing.[56]

Antonio Celo, the father of witness Reynaldo Celo, corroborated his son's testimony and testified that around eight o'clock in the evening of June 23, 1992, he was outside their house in Kalawaan, Pasig when his neighbors, the spouses Zacarias and Lily Monsalud, came looking for their daughter (complainant Michelle).[57] He went with them to Taytay, Rizal to look for complainant upon learning from the mother of complainant's friend, Jennifer, that the latter might be in the said place.[58] Failing to find Jennifer and complainant, they went back to Pasig and reported the matter to the barangay and the police.[59] Later on, his son Reginaldo Celo[60] and his friend Roderick Sanchez approached them and told him "Tay, tinutoo na ho ni Ogie Sanahon at Michael Agno na tatangayin nila si Michelle Monsalud."[61] Together with complainant's parents, they went to the house of accused-appellant and asked his parents whether they have relatives in Laguna.[62] Accused-appellant's father told them that they have relatives in Bataan and Pateros.[63] When they made some inquiry at the house of Agno, they were informed that he has a relative in Lamot Uno, Calauan, Laguna by the name of Mr. Francisco.[64] Thereafter, they divided themselves into two groups - one group composed of Rufo Timones, Zacarias Monsalud and the father of accused-appellant went to look for complainant in Bataan, while the other group consisting of Claro Padilla (complainant's cousin) and witness himself went to search for complainant in Calauan, Laguna.[65]

With the help of the barangay captain, they were able to locate the house of Agno's relatives in Laguna.[66] When they arrived at the house of a certain Mr. Francisco, they saw complainant, Jennifer and Agno having breakfast.[67] Accused-appellant, however, was in the other house looking after complainant's things.[68] He (witness) tried talking to complainant but she looked like she was in a state of shock ("tulala") so he spoke instead with Mr. Francisco. Antonio Celo told the latter that they would take complainant with them as she was still a minor.[69] Accused-appellant, however, told Antonio Celo, "Hindi ko po papayagan iuwi ninyo iyan dahil may nangyari na."[70] After some negotiation, accused-appellant was finally persuaded to allow complainant to go back to Pasig with him.[71] While on their way to Pasig, accused-appellant asked witness to help him talk to complainant's parents and dissuade them to file a case against him as he was ready to marry complainant.[72]

When they arrived in Pasig, complainant and her mother embraced each other and cried. While the two were crying, accused-appellant stood by the doorway for about two minutes and then left.[73]

Finally, Dr. Jesusa Nieva, medico-legal officer at the Philippine National Police Crime Laboratory in Camp Crame, testified that on June 26, 1992, she examined complainant who was allegedly a rape victim.[74] The examination revealed "an evaded lavia (sic) minora or inner lip, a lacerated posterior porsche (sic) and a deep healing laceration" which laceration appeared to be three days old.[75] This led the medico-legal officer to conclude that complainant was no longer a virgin and the possible cause of such loss of virginity was the forceful entry of a hard blunt object.[76]

Testifying on his own behalf, accused-appellant claimed that he and complainant had an on-going intimate relationship at the time the incident transpired. Accused-appellant maintained that he and complainant eloped upon the latter's plea because her parents were angry with her upon learning of her relationship with him. Accused-appellant narrated his version of the facts in his Brief as follows:

> Reniel Sanahon, the accused-appellant in this case, testified that on June 23, 1992 at about 2:00 in the afternoon, he was at the gate of Rizal High School at Caniogan talking with Michelle Monsalud and Michael Agno. Michelle Monsalud told them about her problems with her parents when they learned that he (Reniel Sanahon) is her boyfriend and that they are sweethearts. Michelle asked him to elope. He consented because she (Michelle Monsalud) is his sweetheart whom he loved and he did not went (sic) to abandon her. He has one love letter written by Michelle to him which proved the fact that Michelle was in love with him (Exhibit I). He knows the penmanship of Michelle and that letter (Exh. 1) was in her penmanship. The letter was given to him by Michelle thru her friend Jennifer Macapagal before they went to Calauan, Laguna, on June 23, 1992.
>
> As Michael Agno and Jennifer Macapagal were also eloping, the four of them rode a tricycle and went to the Rotonda. Upon reaching Rotonda Pasig, they saw their friend Amasio Valderama who advised them not to push through with their plan of eloping for their own good. When she heard this advise, Michelle Monsalud frowned ("Sumimangot"). They then rode a jeep where he (this witness) told Michelle Monsalud that she can still back out of their plan and go home because her mother might sue him. Michelle told him her decision was final and she will go with him as he is her first love. They proceeded to the Crossing Mandaluyong, EDSA. Upon reaching the Crossing, the four of them (Reniel Sanahon, Michelle Monsalud, Michael Agno and Jennifer Macapagal) rode a Metrobus going to the BLTB station. There, they rode a BLTB bus and went to Barangay Lamut I, Calauan, Laguna.
>
> They arrived at Bgy. Lamut at around 4:30 in the afternoon of June 23, 1992 and they proceeded to the house of Ricky Francisco. Francisco told them "You are still young, why did you do that?" He replied that he and Michelle Monsalud honestly love each other. When he said those words, Michelle Monsalud was happy. She pinched him and she was smiling. Then, Michelle Monsalud went up to the room upstairs of the house while, Michael Agno and Jennifer Macapagal remained downstairs and ate dinner.
>
> At around 8:00 p.m., Michelle Monsalud went upstairs while he watched T.V. up to 11:00 p.m. After watching T.V. he went up to the room given to them by Ricky Francisco and he found Michelle lying in bed. Michelle noticed him enter the room. He laid down on the floor but Michelle Monsalud asked him to sleep beside her. Then, the two of them made love. Michelle Monsalud voluntarily agreed to their sexual intercourse and embraced him while they were having sexual intercourse. After that, they slept. They woke up at 3:00 a.m. and again had sexual intercourse. They then slept again with Michelle sleeping beside him.
>
> He awoke at 6:00 in the morning of June 24, 1992. Ricky Francisco invited him to play basketball to which request he acceded. He finished playing basketball at 8:00 a.m. and went home to the house of Ricky Francisco. He saw upon his arrival at the said house Michelle Monsalud with two new comers namely, Amboy Celo, their former neighbor in Calawaan and Carlos Padilla, cousin of Michelle. These two men told him that they will take Michelle Monsalud home but the latter (Michelle Monsalud) told him not to give her to Amboy

> Celo who told him that they can go home because the mother of Michelle Monsalud is in the process of preparing their wedding. He respected the decision of Amboy Celo that they will go with them so he talked to Michelle and told her that they will go with Amboy Celo to Manila.
>
> On that very day of June 24, 1992, he and Michelle Monsalud together with Michael Agno and Jennifer Macapagal went with Amboy Celo and Carlos Padilla to Manila and they proceeded to the house of Michelle Monsalud's mother at 92 Cuevas St., Calawaan, Pasig, arriving thereat at around 10:00 a.m. When they arrived, Mrs. Magdalena Monsalud, Michelle's mother, saw him and she took the baseball cap from his head and slapped him with it. Thereafter, his mother arrived and she talked to the mother of Michelle. They discussed how the two of them could get married. (TSN, January 9, 1996, pp. 6-32; TSN, February 5, 1996, pp. 2-9).[77]

Accused-appellant's testimony was corroborated by the testimonies of his mother Magdalena Sanahon, Jose Francisco, and Ricky Francisco.

Accused-appellant's mother Magdalena Sanahon testified that between nine o'clock and ten o'clock in the morning of June 23, 1992, she noticed her son, herein accused-appellant whose nickname was "Ogie," packing his clothes including a dress of her daughter (accused-appellant's sister).[78] When she inquired as to where he was going, accused-appellant told her that he was going to Malabon with Michael Agno to work.[79] In the afternoon of the same day, the mother of complainant came to their house asking for her son. When she informed Mrs. Monsalud that her (witness) son was in Malabon, the latter left.[80] Later in the evening, Mr. Monsalud came accompanied by Rufo Timones and Amboy Celo and asked if they had relatives in Laguna. Her husband told the group that they have relatives in Bataan but not in Laguna.[81]

At around ten o'clock in the morning of the following day, June 24, upon information by a neighbor that her son was seen with complainant getting off a tricycle and going to the house of Mrs. Monsalud, Magdalena immediately proceeded thereto.[82] Upon arriving there, she saw Mrs. Monsalud scolding her (witness) son for eloping with complainant.[83] She tried talking with Mrs. Monsalud to settle the matter regarding their children but the latter refused arguing that her daughter was too young and that she would continue her studies. However, Mrs. Monsalud promised her that her son (accused-appellant) was free to visit complainant.[84] She came back the following day but Mrs. Monsalud told her that Mr. Monsalud was troubled and could not talk to her (witness). Days after the said incident, her (witness') son appeared confused and cried a lot.[85]

Jose Francisco, uncle of Michael Agno, recounted that at around 4:30 in the afternoon of June 23, 1992, his nephew Michael Agno together with accused-appellant, Jennifer Macapagal and complainant arrived at the house of his son Ricky Francisco.[86] When he asked them why they came, Agno told him that the four of them eloped.[87] He (witness) then told the four that he would bring them to the barangay captain the following day.[88] That night, complainant and accused-appellant slept at his son's house while Michael and Jennifer slept at the second floor of his (witness') house.[89]

While all of them were having breakfast at around 8:30 a.m. of the following day, a certain Amboy arrived from Pasig accompanied by two other persons to fetch complainant.[90] At first, complainant did not want to go with them but she was finally persuaded to, and together with accused-appellant went back with said Mang Amboy to Pasig.[91]

Ricky Francisco corroborated the testimony of his father Jose Francisco narrating that in the afternoon of June 23, 1992, his cousin Michael Agno together with accused-appellant, Jennifer and complainant arrived and told him that the four of them eloped.[92] He allegedly told them, "ang babata pa ninyo. Bakit ginawa niyo iyan. Alam ba ng mga magulang ninyo?" but the four of them did not react.[93] He noticed that they all appeared happy. While having dinner, accused-appellant and complainant even spoonfed each other ("nagsusubuan").[94] After dinner, Agno and Jennifer proceeded to the house of his father where they were supposed to sleep while the other couple,

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accused-appellant and complainant, went up to the second floor of his house.[95] That night, he heard the two of them talking and telling stories to each other.[96] He left the house to work at six o'clock in the morning of the following day and when he returned at around eight o'clock, two persons named Claro Padilla and Amboy Celo, respectively, arrived looking for complainant.[97] Complainant did not want to go back to Pasig with them but she was prevailed upon when she was told that she had to finish her studies first before she would be allowed to get married.[98]

After hearing the evidence for both parties, on February 18, 1998, the Regional Trial Court rendered a decision[99] convicting accused-appellant of the crime charged, the dispositive portion of which reads:

> WHEREFORE, premises considered, judgment is hereby rendered finding the accused, RENIEL SANAHON, GUILTY beyond reasonable doubt of the complex crime of Forcible Abduction with Rape and is hereby sentenced to RECLUSION PERPETUA. Said accused is further ordered to pay the victim MICHELLE MONSALUD, the amount of ONE HUNDRED THOUSAND (P100,000.00) PESOS by way of exemplary and moral damages.
>
> As for accused JENNIFER MACAPAGAL and MICHAEL AGNO, let this case be sent to the archives, until they shall have been arrested and brought to Court to face the charges against them.
>
> Let the records of this case be elevated to the Supreme Court for automatic review.
>
> Cost against the accused Reniel Sanahon.

Not satisfied with the trial court's decision, accused-appellant now appeals to this Court alleging that:

> THE TRIAL COURT ERRED IN GIVING CREDENCE TO THE TESTIMONIES OF THE PROSECUTION WITNESSES INSPITE OF THEIR GROSS INCONSISTENCY AND IMPROBABILITY AND IN DISREGARDING THE TESTIMONIES FOR THE DEFENSE.
>
> THE TRIAL COURT ERRED IN CONVICTING ACCUSED-APPELLANT RENIEL SANAHON OF THE COMPLEX CRIMES CHARGED IN THIS CASE DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.
>
> ASSUMING ARGUENDO THAT ACCUSED-APPELLANT RENIEL SANAHON IS GUILTY, THE TRIAL COURT ERRED IN NOT APPRECIATING THE PRIVILEGE MITIGATING CIRCUMSTANCE OF MINORITY.
>
> THE TRIAL COURT ERRED IN ORDERING ACCUSED-APPELLANT RENIEL SANAHON TO PAY PRIVATE COMPLAINANT MICHELLE MONSALUD THE AMOUNT OF P100,000.00 PESOS AS EXEMPLARY AND MORAL DAMAGES.[100]

The rule is well-established that findings of fact of the trial court are accorded the highest degree of respect and will not be disturbed on appeal absent any clear showing that the trial court had overlooked, misunderstood or misapplied some facts or circumstances of weight and significance which, if considered, would alter the result of the case.[101] The reason for the rule is the trial court's distinct advantage of having heard the witnesses themselves and observed their deportment and manner of testifying or their conduct and behavior during trial.[102]

Accused-appellant, at the outset, excuses himself from the application of this well-settled principle by capitalizing on the fact that the judge who heard most of the witnesses testify was different from the judge who penned the assailed decision. It is claimed that in this instance, the ponente was in no better position than the appellate courts to make a determination of the credibility of the witnesses, not having heard the testimonies himself; hence, the finding of guilt is flawed.

The Court does not agree. The circumstance that the judge who wrote the decision had not heard the testimonies of the prosecution witnesses does not automatically taint his decision. After all, he had all the records of the case at his disposal including the transcript of stenographic notes taken during the hearings of the case. The validity of a decision is not necessarily impaired by the fact that its ponente only took over from a colleague who had earlier presided at the trial. This circumstance alone cannot be the basis of the reversal of the trial court's decision unless there is a clear showing of grave abuse of discretion in the appreciation or a misapprehension of the facts.[103]

This brings us to the core of the accused-appellant's appeal which is primarily anchored on the trial court's appreciation of the facts especially on the credibility of the testimonies of the witnesses. Accused-appellant particularly harps on the credibility of the testimony of complainant. He points out specific portions in her testimony which are alleged to be inherently improbable and against ordinary credulity. Accused-appellant maintains that complainant's allegation that she was forced to go with Jennifer as she did not know her way home is highly incredulous considering that she was already thirteen years old, born in Pasig as evidenced by her birth certificate, and took the same route to and from school everyday. Moreover, the vicinity of the school was a populous district and there were many passenger vehicles parked and passing in the area, any one of which she could easily board and instruct the driver to bring her to her address. It is also hardly believable that complainant did not know where they were going inasmuch as she knows how to read and could not have missed the signboards in the bus and along the way.

Accused-appellant also discredits complainant's testimony that she was taken by the three accused to Laguna against her will. He argues that if, indeed, complainant was taken against her will, it is baffling why she did not put up any resistance or make an outcry or seek the help of a co-passenger or anyone near enough to come to her rescue considering that she herself admitted that at a certain point, she realized that they were not on their way home. Accused-appellant also questions the fact that complainant did not tell the owners of the house where she was taken of her predicament considering that she had every opportunity to do so.

As to the charge of rape, accused-appellant maintains that such allegation is also dubious because complainant 1) voluntarily went up the second floor of the house where she knew she would be all alone; 2) admitted that accused-appellant was not armed with any weapon and did not inflict any violence on her, which fact was borne by the medico-legal report; 3) did not make any commotion to catch the attention of the owners of the house who were staying in a room right below them; and 4) did not attempt to escape or to go down the room to report the matter to anyone while accused-appellant was sleeping. The fact that her parents did not immediately file a complaint but waited for two weeks before filing the same and that accused-appellant voluntarily went with complainant to their house the day after the alleged incident also detract from the veracity of the charge, accused-appellant avers.

After a careful examination of complainant's testimony during her direct, cross and re-direct examination, as well as the testimonies of the other witnesses, the Court finds that, indeed, the trial court made an erroneous appreciation of the facts.

Forcible abduction is defined under Article 342 of the Revised Penal Code as the abduction of any woman against her will and with lewd designs. The elements of this crime are: (1) the person abducted is any woman, regardless of her age, civil status, or reputation; (2) the abduction is against her will; and (3) the abduction is with lewd designs.

We find it difficult to believe complainant's charge that she was forcibly taken against her will by the three accused to Laguna.

First. It is improbable that complainant could not find her way home alone and had to be accompanied by

someone. She was already thirteen years old at the time of the incident.[104] She had taken the same route coming to and from school everyday,[105] and did not have to tag along with Jennifer to go home. As pointed out by the defense, there were many passenger vehicles to ride on plying between the school and her house. She could have easily hailed a tricycle to bring her home.

Second. Complainant maintains that she voluntarily went with Jennifer because the latter deceived her into believing that they were going home together and when she realized at a certain point that they were not taking the usual route, but were going somewhere, she pleaded to Jennifer to take her home.[106] If this was so, why did she continue to walk with Jennifer towards the terminal where they boarded a bus? Upon boarding the bus, she could have aroused the attention of the other passengers of the jeepney. The place where they boarded the bus at the Manuela Crossing, which is very near EDSA[107] is a busy intersection where, most likely, there were policemen and traffic aides in the vicinity at the time, not to mention the throng of commuters and pedestrians milling around. It should be noted that from that point when complainant realized that Jennifer was not taking her home, that is, upon alighting from the jeepney at Manuela Crossing, and after they had boarded two more buses, complainant did not do anything to try to free herself from her alleged abductors who had not exerted any force or intimidation on her.

In People vs. Montez[108] where the complainant therein also charged accused of forcible abduction with rape, we ruled that the lack of outcry for help on the part of complainant during the long ride from the place of abduction to the place of destination militates against the charge that there was forcible abduction:

> Appellant and complainant went to Biñan, Laguna taking a jeep ride from Pasay City. This trip could not have taken place if complainant did not voluntarily go along with appellant. The willingness thus shown does not square with her claim of having been forcibly brought to the motel and there raped. The means of travel taken, with so many co-passengers in the jeep used, coupled with the long distance negotiated, afforded complainant easy way of shaking herself off from appellant, or to make known her plight as a captive and get instant rescue therefrom. That complainant did not make use of the clear opportunity to escape from appellant showed her complete willingness to go along with the latter, a feeling utterly incompatible with her claim of having been forcibly brought to the motel where she was allegedly ravished.[109]

Likewise in People vs. Sison[110] where accused was acquitted of the crime of forcible abduction with rape, the Court took into account the fact that all throughout the long trip, the complainant neither screamed for help nor created a commotion to alert the jeepney driver and passengers, considering also that there were numerous people along the way.

Third. When complainant and the three accused reached the house in Calauan, Laguna where she was supposedly taken and kept against her will, complainant did not as much as intimate to the owners of the house that she was being forcibly brought there against her will, notwithstanding that she had every opportunity to do so. Complainant was taken to the house of accused Agno's cousin where among those present were Agno's cousin, his wife and their son.[111] The behavior of the complainant was not consistent with her claim that she was an unwilling victim. In one case, the Court held that the failure of the offended party to mention or to insinuate to the persons she talked to after the moment the alleged abductor brought her to a house and when she was brought home that she was raped renders the prosecution's case doubtful.[112]

Complainant admitted having voluntarily gone up the second floor of the house after dinner. As accused-appellant never threatened or forced her, she could have chosen to remain downstairs where the owners of the house were staying if it is true as she alleges that she was fearful of the three accused's "evil designs."

Fourth. Complainant's claim that she put up a resistance to accused-appellant's alleged sexual advances by kicking and boxing him and by shouting for help appears to be belied by the fact that no commotion was noticed in the

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relatively small house where Ricky Francisco and his family at that time were sleeping at the sala which was right below the room where complainant was claimed to have been raped.[113] "It is unbelievable that no one heard complainant's outcries if she indeed shouted for help."[114]

Fifth. Accused-appellant was not in possession of any weapon at that time. Neither did he inflict or threaten to inflict bodily harm or violence on the person of the complainant, a fact incompatible with the charge of sexual intercourse with an unwilling victim. Complainant herself admitted in her testimony:

COURT:

xxx

Q: Sinaktan ka ba niya?

A: Hindi po.[115]

This circumstance is corroborated by the medico-legal examination of complainant which showed the absence of any injury on her body.[116] While the Court has consistently ruled that absence of injury does not negate the charge of rape, it is also true that "total absence thereof is fatal to complainant's claim considering her testimony that she tried to push and kick the accused and that she struggled to resist the accused."[117]

Sixth. It is highly improbable that while accused-appellant was allegedly raping her, complainant's primary concern and worry was not about her virtue but her parents who would have been already worried by her absence:

Q:

While he was having carnal knowledge with you, what did you do, if any?

A:

I was crying, sir.

xxx

Atty. Campanilla:

Q:

What was the reason why you were crying?

A:

Dahil po iniisip ko na nag-aalala na po ang magulang ko.[118]

Seventh. We also take note of complainant's behavior after the alleged rape incident. Complainant testified that after accused-appellant succeeded in sexually abusing her, he slept beside her.[119] This notwithstanding, she did not attempt to flee or to immediately go down the house to report the matter to any one in the house while accused-appellant was sleeping.

COURT:

Q:

After your sexual intercourse or after the rape, did you go down to report the matter to anyone?

A:

No, ma'am.

xxx

Q:

The following day, did you report the matter to anybody in the house?

A:

No, your honor."[120]

This is not the usual conduct of a woman who had just been raped. In People vs. Sunga,[121] the Court held that the failure of a woman to run to a nearby house when she had opportunity to do so is not a normal behavior of a woman who had just been raped. In this case, there was opportunity for complainant to have reported the matter to somebody as accused-appellant was sound asleep but she did not do anything. Such conduct on the part of the complainant is highly questionable considering that there was no threat to her life. Complainant even testified that she was not all warned by accused-appellant not to tell anyone about what happened.[122]

Even when her uncle Claro Padilla and their neighbor arrived to take her home, complainant never breathed a word to them about the incident.[123] This silence continued up to complainant's arrival at their home in Pasig. She did not immediately tell her mother that she was forcibly abducted and raped by accused-appellant.[124] In fact, two weeks had passed before they actually filed a complaint directly with the fiscal. The failure of complainant to report that she was raped despite several opportunities to do so renders doubtful her rape charge.[125]

The Court is, thus, more inclined to accept accused-appellant's allegation that he and complainant were sweethearts and eloped on the day of the alleged abduction. As previously pointed out, the conduct and behavior of complainant during the entire duration of her alleged abduction is incompatible with her charge against the accused-appellant who was unarmed and did not inflict or threaten to inflict any harm on her. It may be stated that complainant and the three others were only in their teens when the incident took place.

Accused-appellant's protestation of innocence is supported by a love letter admitted by complainant to have been written by her which referred to accused-appellant as "her first crush" and "her true love."[126] Thus:

ATTY. DULDULAO:

Yes, your Honor. And I would like to read for the record the contents of this simple note: "Who is your crush? Ogie". Ogie referring to Reniel.

ATTY. CAMPANILLA:

Your Honor, there is no testimony to that effect who is this Ogie.

COURT:

All right. Who is this Ogie that you referred to, Miss Witness?

A

Siya po.

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COURT:

Q

Who?

A

Si Reniel ho.

ATTY. DULDULAO:

Q

And another: "Who is your love? Ogie. Who is your first love? - Michael. Who is your true love? Ogie. Who is your first crush? Michael. " Signed: Michelle. We would like to have...

COURT:

She already identified that. Have it marked. Mark it as exhibit.

ATTY. DULDULAO:

Exh. "1", your Honor."[127]

The probative value of a love letter cannot be any more gainsaid than in crimes against chastity.[128] Although in the case at bar, the love note was not formally offered in evidence as the same was lost during trial, nonetheless, the same was already introduced in evidence when the contents of said letter were read during trial and complainant testified and was cross-examined on the same.

Eighth. Corroborating accused-appellant's claim that he and complainant eloped were the clear and categorical testimonies of the occupants of the house where complainant was allegedly kept against her will. When the three accused and complainant arrived in his house, witness Ricky Francisco testified that he was informed by his cousin Agno that the four of them had eloped and they did appear happy.[129] And when accused-appellant and complainant went upstairs to the room he allowed them to use, he even heard them normally conversing with each other.[130] Witness Jose Francisco corroborated this and further testified that when he instructed his son Ricky to inform accused-appellant and complainant that they could occupy the second floor room of the house, complainant did not protest.[131]

Ninth. Accused-appellant's behavior was also notably incompatible with that of one who had just committed a crime. When the relatives of complainant arrived in Calauan, Laguna to take her home to Pasig, accused-appellant even volunteered to go back with them. And, upon arriving in Pasig, he proceeded to the house of complainant where he knew her parents would be anxiously waiting for her.

A cardinal rule of evidence in criminal law is that the degree of proof required to convict an accused must be proof beyond reasonable doubt and the conviction must be based on the strength of the prosecution's evidence and cannot rely on the weakness of the evidence for the defense. Any circumstance which casts doubt on one's guilt should be resolved in favor of acquittal. In the present case, the evidence of the prosecution has not established accused-appellant's guilt beyond reasonable doubt. Hence, acquittal must follow.

In view of the Court's conclusion that accused-appellant Reniel Sanahon is not guilty of the complex crime of forcible abduction with rape and should be acquitted of such charge, the second and third assignment of errors need not be discussed.

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WHEREFORE, the judgment appealed from is hereby REVERSED and accused-appellant Reniel Sanahon ACQUITTED of the crime charged. His immediate release is hereby ordered unless he is held for some other valid charges.

SO ORDERED.

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

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[1] Dispositive portion of the trial court's decision, Rollo, p. 46.

[2] Rollo, p. 14.

[3] TSN of January 10, 1994, pp.6-7.

[4] Id., at 8.

[5] Id.

[6] Id., at 9.

[7] Id., at 9 and 11.

[8] Id.

[9] Id., at 12.

[10] Id.

[11] Id., at 13.

[12] Id.

[13] Id., at 14.

[14] Id., at 7-8.

[15] Id., at 8.

[16] Id., at 11.

[17] Id., at 12.

[18] Id., at 13.

[19] TSN of March 1, 1994, p.3.

[20] Id., at 3.

[21] Id., at 3-4.

[22] Id., at 4.

[23] Id., at 5.

[24] Id., at 4.

[25] Id., at 8.

[26] Id., at 6.

[27] Id.,at 9.

[28] Id.

[29] Id.

[30] Id., at 9-10.

[31] Id.

[32] Id.

[33] TSN of March 8, 1993, pp. 6-8.

[34] Id., at 8.

[35] Id., at 9.

[36] Id., at 10.

[37] Id.

[38] Id., at 10-11.

[39] Id., at 15.

[40] Id., at 15-16.

[41] Id., at 17.

[42] Also referred to as "Carlos" in the Transfer Stenographic Notes.

[43] Id., at 17-18.

[44] Id., at 18-19.

[45] Id.

[46] Id., at 20.

[47] Id., at 21.

[48] Id., at 23.

[49] Also referred to in the TSN as "Reginaldo."

[50] TSN of September 14, 1994, pp. 4-5.

[51] Id..

[52] Id..

[53] Id., at 6.

[54] Id., at 6-7.

[55] Id., at 7-8.

[56] Id.

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[57] TSN of November 15, 1993, pp. 3-4.

[58] Id., at 5-6.

[59] Id., at 6-7.

[60] Also referred to as "Reynaldo" in the TSN.

[61] Id., at 7.

[62] Id., at 9.

[63] Id.

[64] Id., at 9-10.

[65] Id., at 10.

[66] Id., at 11.

[67] Id.

[68] Id., at 11-12.

[69] Id., at 12.

[70] Id., at 13.

[71] Id.

[72] Id., at 14.

[73] Id., at 14-15.

[74] TSN of February 15, 1993, pp.7-8.

[75] Id.

[76] Id., at 11-12.

[77] Appellant's Brief, pp. 11-13; Rollo, pp. 78-80.

[78] TSN of April 22, 1996, p. 4.

[79] Id.

[80] Id., at 6.

[81] Id., at 7-8.

[82] Id., at 9.

[83] Id., at 10-11.

[84] Id., at 11-12.

[85] Id., at 13.

[86] TSN of June 19, 1995, pp. 3-4 .

[87] Id., at 7-8.

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[88] Id., at 8.

[89] Id.

[90] Id., at 15-17.

[91] Id.

[92] TSN of August 1, 1995, pp. 4-5.

[93] Id., at 6.

[94] Id.

[95] Id., at 7-8

[96] Id., at 10.

[97] Id., at 11-12.

[98] Id., at 12.

[99] Penned by Honorable Judge Pablito Rojas.

[100] Appellant's Brief, pp. 12-16; Rollo, pp. 82-83.

[101] People vs. Abutin, 259 SCRA 500 (1996).

[102] People vs. Balamban, 264 SCRA 619 (1996).

[103] People vs. Ulzoron, 286 SCRA 741, 748 (1998) citing People vs. Fulinara, 247 SCRA 28, 38 (1995).

[104] TSN of April 20, 1993, p. 4.

[105] TSN of May 24, 1994, pp. 5-6.

[106] Id., at 11-12.

[107] TSN of January 9, 1996, pp. 15-16.

[108] 118 SCRA 124 (1982).

[109] Id., at 131-132.

[110] 125 SCRA 369 (1983).

[111] TSN of August 22, 1994, p. 10.

[112] People vs. Camarce, 121 SCRA 174 (1983).

[113] TSN of August 1, 1995, pp. 8-9.

[114] People vs. Mejias, 168 SCRA 33 (1988); People vs. Royeros, 130 SCRA 259 (1984).

[115] TSN of March 1, 1994, p. 4.

[116] TSN of February 15, 1993, pp. 14-15; Records, p. 22.

[117] People vs. Del Pilar, 164 SCRA 280 (1988).

[118] Supra, Note 115.

[119] Id., at note 28.

[120] TSN of October 11, 1994, pp. 17-18.

[121] 123 SCRA 327 (1983).

[122] Supra, Note 115, p. 8.

[123] TSN of October 11, 1994, pp. 18-19.

[124] Id., at 20.

[125] People vs. Torio, 126 SCRA 265 (1983); People vs. Olalia, Jr., 128 SCRA 139 (1984).

[126] TSN of November 8, 1994, pp. 7-8 and TSN of January 24, 1995, pp. 5-8.

[127] Id.

[128] People vs. Domogoy, 305 SCRA 75 (1999); People vs. Agresor, 320 SCRA 302 (1999).

[129] TSN of August 1, 1995, pp. 5-6.

[130] Id., at 10.

[131] TSN of June 19, 1995, pp. 10-12.

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