

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. SONNY BAUTISTA Y LACANILAO, APPELLANT.

G.R. No. 140278. June 03, 2004

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

In rape, the “sweetheart” defense must be proven by compelling evidence: first, that the accused and the victim were lovers; and, second, that she consented to the alleged sexual relations. The second is as important as the first, because this Court has held often enough that love is not a license for lust.

The Case

Sonny Bautista y Lacanilao appeals the September 13, 1999 Decision^[1] of the Regional Trial Court (RTC) of Manila (Branch 26) in Criminal Case No. 96-148248, finding him guilty of rape. The dispositive part of the Decision reads as follows:

“WHEREFORE, PREMISES CONSIDERED, this Court finds accused SONNY BAUTISTA y LACANILAO GUILTY beyond reasonable doubt [of] the crime of Rape under Article 335 of the Revised [P]enal Code of the Philippines, as charged in the information. He is hereby sentenced to suffer the penalty of Reclusion Perpetua with all the accessory penalties provided by law; to indemnify the private complainant Mischel Amparo the sum of Fifty Thousand (P50,000.00) Pesos by way of moral damages; and to pay the costs of this suit.”^[2]

The Information^[3] dated March 14, 1996, charged appellant in these words:

“That on or about March 8, 1996, in the City of Manila, Philippines, the said accused, with lewd designs, did then and there willfully, unlawfully and feloniously by means of force, violence and intimidation, to wit: by then and there forcibly carrying her and lying her in bed, placing himself on top of her and kissing and embracing her tightly, and when said complainant is resisting and pushing him away from her, said accused punched her thighs, remov[ed] her clothes and panty and succeeded in having carnal knowledge of her against her will and consent.”^[4]

Upon his arraignment on April 16, 1996,^[5] appellant, assisted by his counsel de oficio,^[6] pleaded not guilty. After trial in due course, the court a quo rendered the assailed Decision.

The FactsVersion of the Prosecution

In its Brief, the Office of the Solicitor General (OSG) presents the prosecution’s version of the facts in the following manner:

“On March 8, 1996, appellant Sonny Bautista went to the house of Mischel Amparo at Bagong Silang, Quezon City. Mischel, who was fifteen [15] years old and in her third year in high school, knew appellant very well. He is the godchild by marriage of her parents and had previously rented a room in their house for a year. Appellant’s wife Analisa Sagot and Mischel’s mother, Crispina Amparo, were the best of friends and both worked as janitresses at Paz Manpower Agency. Thus, Crispina had readily agreed to Analisa’s request for the newly-wed couple to stay at their house.

“The bond between the two (2) women had drawn appellant and the Amparo family closer. Appellant, who worked as a taxi driver, was like a son to them. Mischel and her siblings addressed him as ‘Kuya Sonny.’

“Appellant pleaded [with] Mischel to skip her classes and to go with him and his wife to a supposed field trip in Cavite. Having complete trust [i]n him as a family friend and remembering the couple’s acts of kindness such as giving food to her family, Mischel agreed to go with him although she still had a class at 12:00 noon.

“Appellant told Mischel that they would fetch his wife in Sta. Mesa before going to Cavite. They boarded a bus going to Cubao. From Cubao, they took a jeep bound for Sta. Mesa. When they arrived in Sta. Mesa, Mischel asked appellant regarding her ‘Ate Ana.’ Appellant replied that since she had yet to arrive with her co-employees, they should just pass time at the SM Centerpoint. When they arrived at the mall at 2:00 p.m., appellant invited her to see a movie. Without thinking that he just might be deceiving her, Mischel went along.

“While watching the film, appellant muttered to Mischel that his wife was domineering. She would get quarrelsome over small matters and would be very angry if he could not give her seven hundred pesos (P700.00) a week. He likewise told her that his sister had been behaving strangely. She once took a bath while exposed to appellant and had once taken off her clothes in front of him. Appellant then remarked that Mischel should do the same. Mischel advised him to understand his wife and then inquired if they could go to ‘Ate Ana.’ He replied that his wife would arrive at 4:30 p.m.

“Before the film was finished, appellant and Mischel went out of the mall. She asked him again if they could go to her ‘Ate Ana.’ Appellant answered that they were going to fetch her. He hailed a taxi and invited her to board it. Thinking that they were indeed going to meet appellant’s wife, Mischel boarded the taxi although she had no specific idea where they were heading.

“When the taxi had reached Town and Country Motel, appellant told the young girl that they were going to wait for her ‘Ate Ana’ in a room in the motel. She had no idea that the place they were in was a motel.

“Inside the room, appellant told Mischel that he had to take a bath since Cavite was quite far. Mischel believed him. However, she was surprised when appellant told her that she should take a bath as well. She refused. Whereupon, appellant threatened to leave her. He then urged Mischel to take a bath since there was no water in the place they were going.

“A male attendant went to the room and handed two (2) shampoo sachets to appellant. He took a bath. Not knowing what to do, Mischel meanwhile sat on a chair.

“Appellant went out of the bathroom and again told Mischel to take a bath. Again, she refused. This enraged appellant. His display of wrath unnerved Mischel. He held her hand and pushed her inside the bathroom, forcing her into taking a short bath.

“A few minutes later, she emerged from the bathroom. Appellant suddenly carried her to the bed and poured kisses on her neck. He removed the towel covering his waist, leaving him completely naked.

“Mischel resisted appellant fiercely. She slapped him on the face four (4) times. But appellant, who is bigger and taller, returned each slap with fist blows on the young girl’s left thigh. She felt her strength drain away.

“Although she tried to push appellant away and free herself, appellant nevertheless proceeded to undress Mischel methodically. First, he took off her T-shirt and her skirt. Next, he stripped off[f] her bra and then finally removed her panty.

“The young girl was now lying naked with her back on the bed. Appellant, equally bare, knelt on the bed. He forced Mischel to part her legs. Appellant went away quickly to wet his fingers. When he returned, he drove his wet finger into Mischel’s vagina. She felt pain.

“After a while, appellant mounted Mischel. He spread her legs open and tried to insert his penis into her

vagina. Mischel continued to struggle with her remaining strength so that appellant failed to penetrate her sexually.

“Appellant decided to change Mischel’s position. By kicking the young girl, he let her know that he wanted her to assume a prone position (‘pinatuwad’) in the bed. In that position, appellant parted Mischel’s legs and then plunged his penis into her vagina. This time, the penetration was successful. The pain felt by Mischel weakened her further. Fear gripped her as her genitals bled.

“After abusing Mischel in such position for fifteen minutes, appellant stood up and took a piece of cloth. He tied up her hands and legs. Mischel sat on the bed. Appellant then told her that he would kill her and her family. In sheer terror, Mischel pleaded to him, ‘huwag mo akong papatayin, hindi ako magsusumbong kahit kanino.’

“Appellant untied Mischel. He told her that they were going home. Appellant left the room and paid the bill. Mischel put back her clothes and went out of the room after thirty (30) minutes. She saw appellant waiting at the gate of the motel. They boarded a jeep going to Cubao. Upon arrival, appellant left her. She went home.

“When Mischel arrived at their home around 11:30 p.m., Crispina noticed her tears. She asked her what happened. Unable to contain herself, she blurted out that she was raped by appellant. Crispina cried and looked at the panty of her daughter. She saw blood. Mother and daughter went to the barangay hall for assistance. With the help of the Quezon City Police, appellant was apprehended in his house in Sta. Ana on the same night.

“Mischel was examined by Dr. Maximo Reyes, a medical-legal officer of the NBI, on March 9, 1996. He found a kiss mark on the neck of the victim and contusions on her left thigh. He opined that the bruises could be caused by a bare hand which forcefully hit the victim. He also concluded that the laceration on the hymen of Mischel was caused by a fully-erect penis. The medical report he issued reads:

‘March 11, 1996

PRELIMINARY REPORT

To Whom It May Concern:

This is to certify that Dr. Maximo L. Reyes, NBI Medico-Legal Officer, conducted a medico-genital examination on Mischel Amparo y Amparado, 15 yrs. old, single, of Gen. De Dios Ext., Purok 4 Bgy. Bagong Silang, Q.C. on March 9, 1996 with the hereunder findings:

- Extragenital physical injuries present
- Healing complete hymenal laceration, present.”[7]

Version of the Defense

Appellant does not deny that he had sexual intercourse with the victim who, he claims, had consented to it; hence, no rape was committed. His version of the incident is as follows:

“x x x [T]he accused fetched the victim from her house on March 8, 1996 at around 11:00 or 12:00 [noon] in order to watch a movie. The victim’s parent[s] disapproved but [she still] went with him. They went to the SM Centerpoint in Sta. Mesa, Manila and they arrived thereat at around 2:00 p.m. Inside the movie house, the accused placed his arm around the shoulder of the victim, and he kissed her twice on the lips and cheeks. She got mad, since she was concentrating in watching the movie and he was disturbing her. The accused kept quiet and also focused his attention on the movie. They left the movie house at around 4:00 or 4:30 P.M. They boarded a taxi and proceeded to Anito Lounge, but they were not admitted since the victim looked very young, hence, they proceeded to Town and Country located at V. Mapa. Upon arriving thereat, they paid the fare and the accused called the room boy. [T]he accused went up first and the victim followed. They entered Room No.

48. The accused took a bath while the victim watched T.V. After taking a bath, he asked the victim, if she wanted to take a bath and the latter replied 'yes.' Since there was no shampoo, he requested for one and the roomboy gave him the shampoo which he in turn gave to the victim. The victim took a bath. Afterwards, she went out of the bathroom wearing only a T-shirt and towel wrapped around her waist. She sat beside the accused. The accused started kissing the victim and the latter did not get angry. He removed her T-shirt and started kissing her breast, and she did not get angry. He continued kissing her on the lips and she felt tickled. He removed her panty and she did not object, but said that the mother might know about it and get angry, but he told her that if she really love[d] him, they alone [would] be responsible. He placed himself on top of her and she felt pain after which he removed himself from her. The victim told him that her mother might learn about it and the latter might kill her. He in turn replied that she should not worry, since he will take the responsibility. The victim embraced him and he kissed her on the forehead. They dressed up and the accused paid at the counter. They walked towards the corner of Sta. Mesa and boarded a jeepney going to Cubao. Upon reaching the said place, he gave the victim P50.00 for her transportation and his telephone number. He even accompanied her in boarding a bus bound for Fairview. The accused went home to Sta. Ana where he ate and slept. At around 3:00 A.M., someone knocked at the door. There were policemen who pointed a .45 caliber gun at him and handcuffed him. He was taken to police precinct No. 6 in Quezon City. His wife visited him and informed him that the victim's parents came to know about it and mauled the victim to admit where she came from and who her companion [was]. The accused denied that he forced the victim as she actually agreed.”[8]

Ruling of the Trial Court

The trial court ruled that appellant had employed deception as well as force and intimidation upon the victim, in order to consummate his libidinous desire. It was convinced that appellant -- on the pretext that he had been sent by his wife to fetch the victim for an excursion -- inveigled the girl to a motel, where he forced himself upon her. The lower court was impressed by the straightforward, positive and convincing testimony of the victim.

The court a quo likewise ruled that her credibility was enhanced by 1) the fact that she had immediately reported the incident to her mother; 2) there was no showing of any motive on the part of the girl to testify falsely against the accused; and 3) the medicolegal report indicated contusions on her body and the laceration of her hymen.

On the other hand, it discarded the sweetheart defense of appellant for its intrinsic weakness and lack of corroboration.

Hence, this appeal.[9]

Issues

In his Brief, appellant raises the following issues for our consideration:

“I.

The court a quo gravely erred in finding the accused-appellant guilty beyond reasonable doubt of the crime of rape.

“II.

The court a quo gravely erred in not giving weight and credence to the evidence for the defense.”[10]

The issues boil down to whether the prosecution evidence was sufficient to convict appellant of rape, and whether his so-called sweetheart defense was credible.

The Court's Ruling

The appeal has no merit.

First Issue: Sufficiency of Evidence

Appellant faults the trial court for relying heavily on the testimony of the victim that she was deceived and later forced to have sexual intercourse with him. He maintains that, on the contrary, her testimony revealed that she had been forewarned of danger; and that she had reasonable time and opportunity to escape if she had wanted to.

In particular, he argues that it is highly inconceivable for the victim -- a 15-year-old, third-year high school student -- not to have sensed danger. She herself testified that 1) in the movie house, he had suggested that she should take her clothes off in front of him, as his sister had done; and 2) the taxi took them to a motel instead of Cavite, where they were supposed to meet his wife.

Moreover, he pointed out that the victim had several opportunities to ask for help or to escape, but she chose not to do so. In the motel, she did not ask for help either from the attendant who had met and accompanied them up to their room, or from the other one who had given them two shampoo sachets. Appellant added that she also had the chance to flee while he was taking a bath, but she just sat on a chair. And, supposedly, during the thirty long minutes he was at the counter paying their bill, she failed to call for help or to break away from him.

He further contends that her testimony was marred by serious inconsistencies that weakened her credibility. Notably, he said that she gave conflicting accounts as to when he had tied her hands and feet. He likewise alleges that she lied when she first told the court that she was not able to talk to the room attendant, who had immediately gone down after fixing the room. It was supposedly clear from her testimony that the attendant had accompanied them to their room to provide water.

The factual matters now raised by appellant have been passed upon by the RTC. As a rule, its findings deserve weight and respect.[11] The same is true as regards the evaluation of the credibility of witnesses, because it is the trial judge who hears them and observes their demeanor while testifying.[12] It is only when the trial court has overlooked or misapprehended some facts or circumstances of weight and influence[13] that these matters are re-opened for independent examination and review by appellate courts.

We have meticulously scrutinized the records of this case, while following these basic principles in reviewing rape cases: (1) although an accusation of rape can easily be made, it is difficult to prove; and it is even more difficult for the person accused -- though innocent -- to disprove; (2) since only two persons are usually involved, the testimony of the complainant should be scrutinized with great caution; and (3) the prosecution's evidence must stand or fall on its own merit and should not be allowed to draw strength from the weakness of the evidence for the defense.[14] In the present case, nothing in the records indicates that the prosecution evidence was wanting; or that the victim had any ill motive to fabricate a false accusation; or that the trial judge mistakenly believed her testimony.

Like the trial court, we believe her narration of the incident that appellant had carnal knowledge of her by force and without her consent. Her account of the harrowing experience was replete with explicit and sordid details that could not have been conjured by the imagination of an inexperienced 15-year-old girl. She recounted what had transpired at the motel, as follows:

“PROS. ICAY:

Q

When the taxi entered the compound of Town and Country Motel, what did the accused tell you?

WITNESS:

A

When we went up he told me we would wait for Ate Ana, sir.

COURT: If you could recall, is the room located on the first floor or the second floor?

A

Second floor, sir.

COURT: Before entering the room, do you know if the accused met or talked to someone?

WITNESS:

A

Yes, sir, the person carrying water.

COURT: Do you know that they talked to each other?

A

No, sir.

COURT: After that someone brought water, to whom was the water given?

A

He brought inside the room and placed it on top of the table, sir.

COURT: When the man brought inside the room the water and placed it on top of the table, where did he go if you can recall?

A

He went down, sir.

COURT: And when that someone left and went down, what happened next, if any?

A

When we were inside the room, he told me to take a bath, sir.

PROS. ICAY:

Q And what was your reaction, if any?

A I was surprised, sir.

Q Why were you surprised?

A He told me that after taking a bath, we will proceed to Cavite, sir.

Q I am asking you, why were you surprised when he told you to take a bath?

A When he said that, I refused and he forced me, sir.

COURT: How?

A He told me if I don't take a bath he will leave me, sir.

COURT: Is that all what he told you?

A He also said that I should take a bath because there is no water to where we are going, sir.

COURT: What else?

A When I refused, a male person handed over two (2) packets of shampoo, sir.

COURT: To whom the two (2) packets of shampoo was handed over?

A To Sonny Bautista, sir.

PROS. ICAY:

Q What happened next, if any, after the two (2) packets of shampoo [were] handed over to the accused?

WITNESS:

A After the two (2) packets of shampoo [were] handed over, the accused took a bath first, sir.

Q Where were you when he was taking bath?

A I was seated on a chair, sir.

Q Aside from the chair where you were seated, what other appliances you saw inside the room, if you can recall?

A Television set, table and a bed, sir.

Q What happened next, if any, after the accused went inside the bathroom?

A When he went out of the shower room, he told me to take a bath, sir.

Q What happened next, if any?

A I refused and I was rattled because he was mad at me, sir.

Q What was his attire when he told you to take a bath?

A Only [a] towel wrapped around his waist, sir.

COURT: What do you mean 'nataranta ka'?

A When he told me to take a bath, I was surprised, sir.

COURT: Why were you surprised?

A He was already pushing me and forcing me inside the bathroom, sir.

COURT: How?

A He was forcing my hand and told me to take a bath because we will fetch Ate Ana in Cavite, sir.

COURT: How did you react to the statement of the accused?

A I was forced to take a bath, sir.

COURT: Inside the bathroom, what was your attire?

A I was still wearing my clothes, sir.

PROS. ICAY:

Q What [were] your clothes at that time?

A My blouse and skirt. My uniform, sir.

COURT: What uniform?

A My high school uniform, sir.

COURT: What is the combination of that uniform?

A T-shirt colored green and skirt colored white, sir.”[15]

x x x x x x x x

”[PROS. ICAY:]

Q When you went [out] of said bathroom, what happened next, if any?

A He suddenly carried me, sir.

Q Carried you where, Madam Witness?

A To the bed and [he] kissed me, sir.

Q Where?

A He kissed me around my neck, sir.

COURT: What was the attire of the accused when he suddenly carried you to the bed?

A He removed the towel wrapped around his waist and he was naked, sir.

COURT:

After he kissed you around your neck and the accused [was] naked, after he took off the towel wrapped around his waist, what happened next, if any?

A He started to undress me, sir.

COURT: How?

A First, he took off my T-shirt and then my skirt and then my bra, sir.

COURT: After that, what else?

A He took off my panty, sir.

COURT: What was your position when the accused took off your dress?

A He was seated on the bed but I resisted his attempt to take off my dress, sir.

COURT: How did you resist?

A I pushed him, sir.

PROS. ICAY:

Q What else?

A I pushed him away from me (Witness demonstrating, trying to parry).

I tried to liberate myself from him.

Q Why do you ... What happened next when you tried to liberate yourself from the accused?

A He boxed my thigh, sir.

Q How many times?

A He boxed both thighs, sir.

Q What part of the thigh?

A Middle part of both thighs, sir.

Q How many times were you boxed by the accused?

A Five (5) times, more or less, sir.

Q And what happened to you when the accused boxed you five (5) times on your thighs, if any?

A I felt weaken[ed], sir.

Q When you felt [weak after] the accused boxed you five (5) times what happened next, if any?

A He forcibly spread open both my legs, sir.

Q What was your position then when the accused spread open your legs?

A I was lying [on] my back, sir.

Q How about the accused?

A He was [i]n a kneeling position on the bed, sir.

Q Kneeling naked, Madam Witness?

A Yes, sir.

Q What about you?

A I was lying down, sir.

Q Aside from spread[ing] open your legs and box[ing] you five (5) times, what was he doing with his hand, if any?

A He was forcibly inserting his finger into my vagina, sir.

ATTY. SEBASTIAN: We object to the use of word 'inserting,' Your Honor.

COURT: Witness may answer.

WITNESS:

A He was inserting his finger into my vagina, sir.

PROS. ICAY:

Q What else?

WITNESS:

A In fact before doing that, he wet his finger with water, sir.

Q Where did he get the water?

A

He went away for a moment from me and he went to the comfort room and got water and brought it near the

bed, sir.

Q When the accused touched you after wetting his finger with water, what happened next, if any?

A After inserting his finger into my vagina, [he then] inserted his organ into my vagina, sir.

Q What did you feel when the accused was inserting his finger into your vagina?

A I felt pain, sir.

Q In your place, what did you do, if any, when he was inserting his penis into your vagina?

A I pushed him away from me, sir.

Q For how long did he place his finger into your vagina?

A Only for a while, sir. After that, he placed himself on top of me, sir.

Q What did he do after he placed himself on top of you?

A He was inserting his penis into my vagina, sir.

Q How did he insert his penis into your vagina?

A He spread open my two (2) legs, sir.

Q After spreading your two (2) legs, how did he placed his organ into your vagina?

A While on top of me, he tried to insert his penis into my vagina but he failed to do so, sir.

Q Why did he fail to insert his organ into your vagina?

A Because I struggled, sir.

Q After failing to insert his penis into your sex organ, what did you do, if any?

A He tried to change my position, this time my face down and my back towards the ceiling, sir.

ATTY. SEBASTIAN: We object, Your Honor. With due respect, the translation, because it was the witness who turned around.

COURT: Reform the question.

PROS. ICAY:

Q You said, Madam Witness, the accused turned you around and you.....

ATTY. SEBASTIAN: We object to that, Your Honor. It was the complaining witness who turned around as suggested by the accused.

COURT: Reform the question.

PROS. ICAY: You said, Madam Witness, [that] while you [were] lying [with] your back on the bed, x x x the accused was not able to insert his penis into your vagina. [W]hat happened next, if any?

WITNESS:

A 'Pinatuwad niya ako,' sir.

Q Did he say that by action or by words?

A He did it by action, sir.

Q How?

A He turned my body, my face facing the bed and the back portion of my body facing the ceiling, sir.

Q What happened next, if any?

A He had my legs spread open, sir.

Q After the accused separated your legs, while in that position, what did the accused do next, if any?

A He inserted his penis into my vagina, sir.

Q What happened when he inserted his penis into [your] vagina?

A He succeeded in inserting his penis into my vagina, sir.

Q

When the accused succeeded in inserting his penis into your vagina in that position, what happened next, if any?

A He stood up to get a piece of cloth and tied my hands and legs, sir.

PROS. ICAY:

Q Before the accused stood up, what did you notice from the accused while doing that position?

WITNESS:

A He was wet, sir.

COURT: How long did he insert his penis into your organ?

A It lasted for a long time, for about fifteen (15) minutes, sir.

PROS. ICAY:

Q Now, you said that the accused immediately stood up, where did he go?

WITNESS:

A He went to the comfort room and dressed up, sir.

Q Where did he get the piece of cloth?

A I don't know, sir.

Q What did he do with the piece of cloth, if any?

A He tied my hands and feet, sir.

Q What else did he do to you aside from tying your hands and feet?

A After tying both hands and feet, he let me s[i]t on top of the bed and told me that he would kill me, sir.

Q What was your reaction when he told you that he will kill you?

A I felt afraid, sir.

Q Why?

A Because [he] would kill me and my family, sir.

Q What happened next, if any?

A I pleaded [with] him not to kill me, sir.

COURT: What real words you pleaded to him?

WITNESS: 'Huwag mo akong papatayin. Hindi ako magsusumbong kahit kanino.'

PROS. ICAY

Q

When you pleaded, 'Huwag mo akong papatayin. Hindi ako magsusumbong kahit kanino,' what happened next, if any?

WITNESS:

A

He took off the piece of cloth tied around my hands and legs, sir.”[16]

To appellant, it seems strange that the victim did not sense danger when he suggested early on inside the movie house that she undress before him, and when he thereafter took her to a motel. Capitalizing on her supposedly unusual reaction and behavior, he insists that what took place was consensual -- though illicit -- sexual intercourse between lovers.

We are not persuaded. It must be remembered that at the time of the incident -- when appellant and his wife were renting a room in the house of the family of the victim[17] -- the girl considered him as a close family friend, a kinakapatid,[18] and a virtual family member who gave them food.[19] Finding no reason to disbelieve him, the victim went with him to meet his wife for the purported field trip, only to realize too late what his real intentions were. Such naivete is not unheard of, especially in this case in which the girl knew and trusted him.

Moreover, it must be stressed that the human mind works unpredictably, and no standard form of behavior can be expected of people under stressful situations.[20] According to the victim, she just sat on a chair while appellant was taking a bath, because she did not suspect foul play until then. Besides, she testified that he had closely monitored her while he was taking a bath and even after he had paid the bill for the motel room. Excerpts from her testimony are reproduced below:

“[ATTY. SEBASTIAN]:

Q

While the accused is taking a bath, why did you not escape from the room of the second floor down to the ground floor?

PROS. ICAY:

No basis yet, Your Honor.

COURT:

Witness may answer.

WITNESS:

He closed the door.

ATTY. SEBASTIAN:

Q

Do you mean to tell the Hon. Court that the key to the door, there is a key to the door[,] which is in the possession of the accused?

A There are two doors and two locks.

Q But you could easily unlock the two doors if you want to, is it not?

A Yes, sir.

Q And you did not do so?

A

When he went out of the comfort room, he saw me.”[21]

x x x x x x x x

“[COURT]:

Q How did you and the accused go out from the motel, Madam Witness?

A He went out ahead of me, sir.

Q Where did he go?

A He went downstairs and paid the bill, sir.

Q After paying the bill, what did he do next, if any?

A I went down and I noticed [that] he was waiting for me, sir.

Q You said the accused went ahead of you, can you tell how long did he pay the bill?

A For thirty (30) minutes, sir.

PROS. ICAY:

Q

You said [that] when you went out from the hotel, you had seen the accused outside, where, Madam Witness?

A

He was at the gate of the motel, sir.”[22]

The gravamen of the crime of rape is carnal knowledge of a woman against her will or without her consent.[23] Both carnal knowledge and force, indicating absence of consent, were adequately established in the present case. The fact that appellant boxed the victim on her thighs when she resisted and struggled against him sufficiently indicated force. The force required in rape cases need not be overpowering or irresistible. Failure to offer tenacious resistance does not make the submission by the complainant to the criminal acts of the accused voluntary.[24] What is necessary is that the force employed against her be sufficient to consummate the purpose which he has in mind.[25]

In the present case, the medical findings corroborated the declarations of the victim that appellant had boxed her thighs a number of times when she resisted his advances. Aside from the contusions found on her left thigh, Dr. Maximo Reyes[26] likewise reported a complete hymenal laceration, a physical evidence of forcible defloration.[27] He testified as follows:

“[COURT]:

Q

In your physical findings, there is and I quote ‘contusion anterior aspect, neck; left thigh bluish in color.’ [W]hat could have caused this injury on the body of the victim, in your well-considered medical opinion?

A

The one on the neck is a ‘kiss mark’ but the one in the lower portion of the thigh, left side[,] is caused by a blunt instrument.

Q

When you say blunt, could it have been caused by struggling or boxing? Could you say [that] x x x [the] bare hands, [when used] forcefully and hitting the thigh of the victim, x x x [could be] a blunt instrument?

A

Yes, sir.

Q

x x x [F]or purposes of identification[,] may we request that the findings be bracketed and marked as Exhibit I-4 (physical findings)?

COURT:

Mark it.

Q

[N]ow, going to this genital findings, which I quote: ‘pubic hair fully grown, abundant, labia majora; hymen moderate, 6:00 o’clock laceration, 2 cm. diameter, prominent.’ [W]ill you kindly explain this. [I]n your well-learned medical opinion, what could have caused the laceration?

A

Laceration of the hymen per se is caused by a fully erect penile organ.”[28]

x x x x x x x x

"Q

Again, in your findings, is it possible that the 6:00 o’clock laceration could have been caused by riding [a] bicycle or horse riding?

A

[A]ctually, those are possibilities that could be seen in the books of legal medicine, but the possibility is quite remote when it comes to sexual crimes, when it comes to hymenal laceration, more so, if the hymenal laceration is a complete type.”[29]

The attempt of appellant to malign the testimony of the victim for alleged inconsistencies on some points must also fail for being minor. They serve to strengthen rather than weaken the prosecution's cause, as they signify that she was neither coached nor prevaricating on the witness stand.[30] Whether she had time to talk with the room attendant and whether she was bound by appellant before or after sexually abusing her are minor details that do not detract from her testimony that she was raped.

It would be unfair to expect a flawless recollection from one who is forced to relive the gruesome details of a painful and humiliating experience such as rape.[31] No woman in her right mind would openly acknowledge the violation of her person and allow the examination of her private parts if she has not been raped. The Court has ruled that when the testimony of a rape victim meets the test of credibility, she is deemed to have said all that it necessary to show that she has been violated.[32]

Further, we find in this case that no ill motive to testify falsely against the accused has been attributed to the rape victim.[33] Thus, it is much more likely that she came out in the open for no other reason than to obtain justice.

Finally, the fact that she promptly reported her ravishment to her parents and the authorities supports the finding that she had indeed been defiled by appellant. Such conduct further bolstered her credibility.[34]

Second Issue: "Sweetheart" Defense

Contending that he and the victim were lovers, appellant claims that what transpired was consensual, though illicit, sexual intercourse.

His sweetheart defense must be rejected for lack of corroboration. As an affirmative defense, it must be established with convincing evidence[35] -- by some documentary and/or other evidence like mementos, love letters, notes, pictures and the like.[36] In this case, the only thing he proffered to prove that he and the victim were lovers was his self-serving statement, which she and her mother categorically denied.[37]

Besides, even if he and the victim were really sweethearts, such a fact would not necessarily establish consent.[38] It has been consistently ruled that "a love affair does not justify rape, for the beloved cannot be sexually violated against her will." [39] The fact that a woman voluntarily goes out on a date with her lover does not give him unbridled license to have sex with her against her will. This truism was reiterated in *People v. Dreu*, from which we quote:

"A sweetheart cannot be forced to have sex against her will. Definitely, a man cannot demand sexual gratification from a fiancée and, worse, employ violence upon her on the pretext of love. Love is not a license for lust." [40]

Also noteworthy is the fact that it was the wife of appellant who (1) accompanied the victim and her mother to police authorities to report the incident and (2) informed them of his whereabouts.[41] Such reaction was obviously inconsistent with that of a wife whose trust was betrayed by her husband -- as the situation would have been, if he and the victim were indeed lovers.

For the foregoing reasons, the conviction of appellant is inevitable. But in addition to moral damages, civil indemnity must also be awarded to the rape victim, in conformity with prevailing jurisprudence. This indemnity -- which is automatically given upon proof of the commission of the crime and the offender's responsibility for it[42] -- is presently fixed at P50,000 when the penalty of reclusion perpetua is imposed, as in this case.

WHEREFORE, the appeal is DENIED. The Decision of the Regional Trial Court of Manila (Branch 26) in Criminal Case No. 96-148248 is AFFIRMED, with the modification that appellant is hereby ordered to pay the victim P50,000 as civil indemnity, in addition to the P50,000 in moral damages granted by the trial court. Costs

against appellant.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Ynares-Santiago, Carpio, and Azcuna, JJ., concur.

[1] Written by Judge Guillermo L. Loja Sr.

[2] RTC Decision, p. 10; rollo, p. 31.

[3] Signed by Assistant City Prosecutor Alicia A. Risos-Vidal.

[4] Records, p. 1; rollo, p. 7.

[5] See Order dated April 16, 1996; records, p. 19. See also Certificate of Arraignment; records, p. 17.

[6] Atty. Virginia Fabe.

[7] Appellee's Brief, pp. 3-12; rollo, pp. 126-135; citations omitted. Signed by Assistant Solicitors General Carlos N. Ortega and Renan E. Ramos and Associate Solicitor Jonathan L. de la Vega.

[8] Appellant's Brief, pp. 6-7; rollo, pp. 71-72; citations omitted. Signed by Attys. Amelia C. Garchitorena and Marvin R. Osias of the Public Attorney's Office (PAO).

[9] This case was deemed submitted for decision on December 1, 2003, upon receipt by this Court of appellant's "Manifestation in Lieu of a Reply Brief." Appellee's Brief was received by this Court on September 3, 2003, while appellant's Brief was filed on March 4, 2003.

[10] Appellant's Brief, pp. 7-8; rollo, pp. 72-73. Original in upper case.

[11] *People v. De la Cruz*, 398 SCRA 415, 422, February 28, 2003; *People v. Ansowas*, 394 SCRA 227, 236, December 18, 2002; *People v. Flores*, 379 Phil. 857, 864, January 20, 2000.

[12] *People v. Alcodia*, 398 SCRA 673, 679, March 6, 2003; *People v. Villanueva Jr.*, 394 SCRA 93, 99, December 16, 2002; *People v. Bayona*, 383 Phil. 943, 954, March 2, 2000.

[13] *People v. Nogar*, 341 SCRA 206, 214, September 27, 2000; *People v. Bayona*, *supra*; *People v. Valla*, 380 Phil. 31, 40, January 24, 2000.

[14] *People v. Barcelona*, 382 Phil. 46, 53, February 9, 2000; *People v. Gozano*, 379 Phil. 967, 973, January 21, 2000.

[15] TSN, June 11, 1996, pp. 7-10.

[16] *Id.*, pp. 11-17.

[17] *Ibid.*

[18] The victim's mother stood as principal sponsor in appellant's wedding. TSN, June 11, 1996, p. 3; TSN, February 12, 1997, p. 8.

[19] *Id.*, p. 5.

[20] *People v. Flores*, 423 Phil. 687, 700-701, December 14, 2001; *People v. Manahan*, 374 Phil. 77, 87, September 29, 1999; *People v. Lapinoso*, 363 Phil. 288, 298, February 25, 1999.

- [21] TSN, August 21, 1996, p. 12.
- [22] TSN, June 11, 1996, pp. 17-18.
- [23] *People v. Docena*, 379 Phil. 903, 913, January 20, 2000.
- [24] *People v. Corea*, 269 SCRA 76, March 3, 1997.
- [25] *People v. Corea*, supra; citing *People v. Antonio*, 233 SCRA 283, June 17, 1994.
- [26] Dr. Reyes was the NBI medicolegal officer who conducted the genital examination on the victim on March 9, 1996, the day after the incident.
- [27] *People v. Bayona*, supra, p. 956.
- [28] TSN, March 12, 1997, pp. 4-5.
- [29] *Id.*, p. 6.
- [30] *People v. Navarro*, 351 SCRA 462, 477, February 12, 2001; *People v. Flores*, supra, p. 703; *People v. Pailanco*, 379 Phil. 869, 883, January 20, 2000.
- [31] *People v. Flores*, supra; *People v. Bayona*, supra.
- [32] *People v. Sampior*, 383 Phil. 775, 783, March 1, 2000; *People v. Docena*, supra; *People v. Garces Jr.*, 379 Phil. 919, 927-928, January 20, 2000.
- [33] *People v. Arofo*, 380 SCRA 663, 670, April 11, 2002; *People v. Sampior*, supra, p. 783.
- [34] *People v. Cepeda*, 381 Phil. 300, 313, February 1, 2000.
- [35] *People v. Barcelona*, supra, p. 56.
- [36] *People v. Garces Jr.*, supra, p. 937.
- [37] TSN, February 12, 1997, p. 9.
- [38] *People v. Cepeda*, supra, p. 310.
- [39] *People v. Shareff Ali El Akhtar*, 368 Phil. 206, 219, June 21, 1999; citing *People v. Jimenez*, 302 SCRA 607, 609, February 4, 1999, per Panganiban, J.
- [40] *People v. Dreu*, 389 Phil. 429, 435, June 20, 2000, per Mendoza, J.; citing *People v. Barcelona*, supra, p. 58; and *People v. Manahan*, supra, p. 84.
- [41] TSN, July 16, 1997, p. 4; Sinumpaang Salaysay of SPO2 Wilfredo L. Cara, Exhibit “J”; records, p. 137.
- [42] *People v. Pagsanjan*, 394 SCRA 414, 432, December 27, 2002.

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