

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ARNOLD RIZALDO Y GARDOSE ALIAS TOTONG, ACCUSED-APPELLANT.

G.R. No. 140638. October 14, 2002

Ponente: CORONA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-140638/>

CORONA, J.:

At bar is an appeal from the decision of the Regional Trial Court, Branch 8, City of Malaybalay, Bukidnon, finding accused-appellant Arnold “Totong” Rizaldo guilty of rape and sentencing him to suffer the penalty of reclusion perpetua and to indemnify the victim AAA the amount of P50,000 in addition to another P50,000 as moral damages.

The information against accused-appellant read:

“That on or about the 23rd day of May 1998, in the afternoon, at Purok 1-B, Camp I, Municipality of Maramag, Province of Bukidnon, Philippines and within the jurisdiction of this Honorable Court, the above-named accused prompted with lewd design and by means of force suddenly held both hands of AAA which made her fall to the ground, did then and there willfully, unlawfully and criminally removed (sic) her shortpants and panty, insert his penis to the vagina of AAA and have sexual intercourse with 15 years old AAA against her will, to the damage and prejudice of AAA in such amount as may be allowed by law.

“Contrary to and in violation of R.A. No. 7659 as amended by R.A. 8353.”[1]

The facts as culled from the records follow.

At about 5 o’clock in the evening of May 23, 1998, 15-year old AAA noticed that their goat was nowhere to be found. Thinking that her elder sister might have taken the goat, she decided to leave the house and look for it. Accused-appellant who had been following AAA asked the latter where she was going. AAA replied that she was looking for her goat which she suspected to be in the farm. Accused-appellant offered to help find it and insisted on accompanying her. AAA acceded.[2]

On their way to the farm, accused-appellant suggested that they take the way crossing a small creek. AAA agreed, unmindful of accused-appellant’s intentions and believing that accused-appellant knew where the missing goat might be. However, shortly after crossing the creek, accused-appellant suddenly sat on the ground, grabbed his victim’s arm and pulled AAA towards his lap, urging her to have sex with him. AAA’s pleading caused accused-appellant to release her, momentarily thwarting whatever lurid intentions accused-appellant had in mind. AAA then decided to go home. However, as the two began to retrace their way back to AAA’s house, accused-appellant suddenly kicked AAA’s legs causing her to trip and fall to the ground. Immediately thereafter, accused-appellant laid on top of his victim pinning her down with his legs. Accused-appellant took off the victim’s short pants and underwear. AAA struggled and tried to resist but accused-appellant overpowered her and succeeded in forcibly inserting his penis inside her vagina.

His lust satiated, accused-appellant dressed up and told his victim to go home. He himself left and immediately

disappeared.[3]

As the victim rushed towards home, she met some close friends who inquired why she appeared weak. She replied that she was raped by accused-appellant. Thereafter, AAA met her brother who had been sent by their father to look for her. She recounted her ordeal to him. Upon arriving home, AAA tearfully narrated her harrowing experience in the hands of the accused-appellant to her father who immediately filed a complaint with the police.

Immediately thereafter, the victim was subjected to a physical examination by Dr. Evangeline Colinares-Revilla of the Bukidnon Provincial Hospital, who examined the victim's private parts and made the following diagnosis:

“-Erythematous walls of the labia minora with cervical laceration at the 5:00 o'clock and 7 o'clock position

“-Cervix – admits 1 fingertip easily but with tenderness (-) abrasions nor hematoma seen in other part of the body.”

“Under REMARK, Dr. Colinares wrote: “Vaginal smear done: (+) for spermatozoa (dead) epithelial cells moderate.”[4]

On May 28, 1998, AAA executed a sworn statement which became the basis of the criminal complaint against accused-appellant. After preliminary investigation, an information was filed charging accused with the crime of rape. On arraignment, accused-appellant, assisted by counsel, entered a plea of not guilty.

On September 7, 1999, the trial court rendered its decision finding accused-appellant guilty of rape. The trial court wrote:

“WHEREFORE, this court finds accused Arnold Rizaldo guilty beyond reasonable doubt of the crime of rape in violation of R.A. 8353, and he is hereby sentenced to suffer the penalty of reclusion perpetua. He is also ordered to indemnify private complainant the sum of P50,000.00, and moral damages (which under the recent Supreme Court rulings need to (sic) further evidence) in the sum of P50,000.00

“SO ORDERED.”[5]

Hence this appeal. Accused-appellant claims that the trial court gravely erred in finding him guilty beyond reasonable doubt of the crime of rape.

The appeal is bereft of merit.

Accused-appellant interposes the “sweetheart theory” claiming that he and AAA were lovers and that what happened at dusk on May 23, 1998 was consensual.[6]

In reviewing rape cases, we are guided by the following principles: (a) an accusation of rape can be made with facility and while the accusation is difficult to prove, it is even more difficult for a person accused, although innocent, to disprove the charge; (b) considering the intrinsic nature of the crime, only two persons are usually involved in the crime of rape and the testimony of the complainant should be scrutinized with great caution, and (c) the evidence for the prosecution must stand or fall on its own merits and cannot draw strength from the weakness of the evidence for the defense.[7]

With the above principles in mind, we take a second look at the testimony of the victim as well as that of the accused-appellant.

In her testimony, the victim pointedly denied that she had any love relationship with accused-appellant:

Q:

Now AAA, Totong offered to marry you. Are you his sweetheart?

A:

No.

Q:

Did he court you?

A:

No.

Q:

Today you are already 16 years old. Do you already experienced (sic) a sweetheart?

A:

Not yet.[8]

Moreover, the victim was candid in her recollection of that traumatic and horrifying experience:

Q:

How did it happen that you were already lying down?

A:

He kicked me and that was how I came to the position of lying down.

Q:

When he took off his shirt you were already on the ground?

A:

Yes.

Continue.

PROSECUTOR DALAPO:

Q:

Now, when he took off his upper clothing was he standing or what was his position at that time?

A:

He was on top of me pinning me with his legs.

COURT: (to witness)

Q: He undressed you. What did he take off from you?

A: My short pant (sic) and my panty.

Q: He did not take off your upper clothing?

A:

No.

Continue.

PROSECUTOR DALAPO

Q:

He removed your short pant (sic) and panty all throughout of your feet (sic)?

A:

Yes.

Q:

After he removed your shortpant (sic) and panty what did he do next?

A:

He then placed himself on top of me.

Q:

And when he placed himself on top of you what did he do next?

A:

He held my two hands.

Q:

And after holding your two hands what happened next?

A:

I wanted to shout but he placed his mouth on my mouth.

Q:

So what did you do?

A:

I was unable to move.

Q:

Why?

A:

Because he exerted much strength.

Q:

And what did he do next?

A:

He then inserted his penis to my vagina.[9]

Accused-appellant's version of what transpired, as narrated during his testimony, is difficult to believe.

Q:

During that time that you requested AAA to sit on your lap did your remove your pants?

A:

Not yet.

Q:

In what particular time on that afternoon while you and AAA are in the rice paddies that you removed her pants?

A:

When we were on a grassy area as we rested.

Q:

After you removed your pants and you also removed the pants and panty of AAA, what did you do?

A:

I pitied her and so I asked her to put back her pants and her panty.

Q:

For how many minutes that you and AAA stayed there at their rice paddies?

A:

Also about half an hour.

Q:

And after the lapse of thirty-minutes what did you do as well as AAA?

A:

We went home.

Q:

And in going home you walked together side by side?

A:

Yes.[10]

At this point, we take judicial notice of the fact that it is highly improbable for a young and innocent barrio lass to concoct a tale of defloration, allow the examination of her most private parts, subject herself to a public trial and suffer the humiliation of publicly recounting the violation of her womanhood, and expose herself and her family to a lifetime of shame and gossip — unless she is motivated solely by a desire to seek justice for a wrong committed against her.[11]

The “sweetheart defense” interposed by accused-appellant has been repeatedly raised in rape cases but has rarely been upheld in the absence of convincing proof. That kind of defense should always be substantiated by some credible evidence of the relationship; this the accused-appellant failed to do because his alleged romance with the victim was just a figment of his imagination.

Moreover, even if accused-appellant and the victim had indeed been sweethearts, this would not have necessarily negated rape. The fact alone that they were sweethearts — even if true — is not per se exculpatory. A sweetheart can not be forced to have sex against her will. Love is not a license for lust.[12]

Accused-appellant also denies that there was force or intimidation employed by him on the victim because the prosecution failed to show the victim sustained physical injuries which would have been present had she resisted. This is not true. The test is whether the threat or intimidation produces a sufficient and reasonable fear in the mind of the victim that she will be harmed if she resists. And if resistance is futile, offering none does not mean consent to the sexual assault. It is not necessary for the victim to resist unto death or sustain physical injuries in the hands of the rapist. It is enough if the intercourse takes place against her will or if she yields because of a genuine fear of harm to her if she does not do what her attacker wants. Indeed, the law does not impose upon a rape victim the burden of proving resistance.[13]

In the case at bar, accused-appellant kicked his victim’s legs, causing the latter to trip and fall to the ground. He thereafter went on top of her while pinning her down with his legs. The victim tried to shout but accused-appellant muffled her screams with his mouth and proceeded to ravage her. Considering that the victim was a simple barrio

lass of 15 at the time of the assault, it is not hard to imagine how she was easily stifled into submission on encountering such a harrowing experience. There is no standard human reaction when one is faced with an experience so traumatic as what befell the victim in the case at bar.

It is of no moment that the medical report fails to show that the victim suffered any contusion or abrasion. Proof of injury is not an element of rape. It is not necessary to show proof of physical injuries sustained by reason of resistance to the sexual attacker.[14]

In sum, the guilt of accused-appellant has been proven beyond reasonable doubt. The records of the case have been thoroughly reviewed. The Court is convinced that the findings and conclusions of the trial court on the criminal liability of accused-appellant Arnold Rizaldo y Gardose alias “Totong” are completely supported by the facts and the law.

The trial court ordered accused-appellant to indemnify his victim in the amount of P50,000 and to pay her moral damages in the amount of P50,000. This is in line with prevailing jurisprudence that civil indemnification is mandatory upon the finding of rape.[15] On the other hand, moral damages in rape cases are awarded without need of showing that the victim experienced trauma or mental, physical and psychological suffering.[16]

WHEREFORE, the decision of the trial court finding accused-appellant Arnold Rizaldo y Gardose guilty beyond reasonable doubt of the crime of rape and sentencing him to suffer the penalty of reclusion perpetua and to pay the offended party, AAA, the sum of P50,000 as civil indemnity and P50,000 as moral damages, is hereby AFFIRMED.

SO ORDERED.

Puno (Chairman), Panganiban, Sandoval-Gutierrez, and Morales, JJ., concur.

[1] Rollo, p. 5.

[2] TSN, February 4, 1999, p. 10.

[3] TSN, Feb. 4, 1999, pp. 12-14.

[4] Exhibit “A”, p. 5, Original Records.

[5] Rollo, p. 15.

[6] Rollo, p. 38.

[7] People vs. Tipay, 329 SCRA 52 (2000).

[8] TSN, February 4, 1999, p. 22; Rollo, p. 64.

[9] Ibid., pp. 13-14; Rollo, pp. 65-67.

[10] TSN, June 21, 1999, pp. 13-14.

[11] People vs. Mitra, 328 SCRA 774 (2000).

[12] People vs. Baltar, 235 SCRA 319 (2000).

[13] People vs. Fraga, 330 SCRA 669 (2000).

[14] People vs. Lucban, 322 SCRA 313 (2000).

[15] People vs. Bernaldez, 322 SCRA 462 (2000).

[16] People vs. Docena, 322 SCRA 820 (2000).

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.