

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. TEODORO DIVINA Y DURO, ACCUSED-APPELLANT.*G.R. No. 146423. November 12, 2002*

Ponente: YNARES-SANTIAGO, J.

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This is an appeal from the decision[1] of the Regional Trial Court of Marikina City, Branch 272, in Criminal Case No. 2000-3147-MK, convicting accused-appellant Teodoro Divina y Duro of the crime of rape; sentencing him to suffer the penalty of reclusion perpetua; and ordering him to pay the private complainant Rosalie Divina the amount of P50,000.00 as actual or compensatory damages and P30,000.00 as moral damages.

The prosecution sought to establish that on the night of January 11, 2000, twenty-two year old Rosalie Divina was left alone in her house because her husband was working overtime and her children were with her in-laws in Montalban. At 9:00 p.m., while Rosalie was in her bedroom fixing her things, accused-appellant, her husband's cousin, suddenly entered. He appeared drunk and under the influence of drugs, and was carrying a fan knife. He quickly approached Rosalie and kissed her on the neck. She could not shout because accused-appellant pointed the knife at her.[2]

Accused-appellant began to slowly undress complainant, but she fought back by repeatedly slapping him. He threatened to kill her, so she kept silent. Accused-appellant removed her underwear and ordered her to lie down on the floor. He then inserted his two fingers into her vagina. After that, he inserted his penis into her vagina, causing her pain. She begged him to stop and told him that her husband might see them in a situation that neither of them can explain. This caused accused-appellant to stop and leave the room. [3]

When complainant's husband arrived, she immediately told him to call a tricycle because his cousin was running after them. Thereafter, they proceeded to Montalban. Later, she told her husband everything that transpired and he was furious upon hearing her story. His instant reaction was to suspect that she was having an affair with accused-appellant. However, complainant assured him that there was nothing between them.

Complainant went to the Marikina Police Station with her husband and father-in-law in the afternoon of January 12, 2000 to report the incident to SPO4 Nenita Abanes of the Women's and Children's Concern Unit.[4] Accused-appellant was invited to the police station for questioning regarding the report of complainant. He was temporarily detained at the CIS detention cell.[5]

On the other hand, accused-appellant denied the accusations against him and claimed that complainant Rosalie Divina was his mistress since September 1999. He alleged that on the night of January 11, 2000, while he was at home, his wife informed him that complainant told her about her affair with him.[6] Upon learning this, accused-appellant went to see complainant to confront her. Several people saw him shouting at complainant in front of her house, "Walanghiya ka, inamin mo kahit hindi tinatanong sa iyo at sinabi mo kahit anong mangyari, walang aamin!"[7]

One of the defense witnesses, Crystalline Arcilla, testified that she often saw accused-appellant and complainant in the house of another neighbor named Madonna. Complainant told her that she and accused-appellant were lovers. Since then, complainant would always ask her to accompany them on their dates at the River Park and at the Quezon City Memorial Circle. On these occasions, Crystalline witnessed the intimacy between accused-appellant and complainant, as they frequently embraced each other.

Crystalline also corroborated accused-appellant's claim that he confronted complainant on the night of January 11, 2000 at around 8:30 p.m. She testified that she saw him shouting in front of complainant's house. According to her, complainant was not alone in her room on the night of the incident because she saw her with her mother-in-law, her two children and a cousin.[8]

When arraigned, accused-appellant pleaded not guilty. Trial thereafter ensued, and on September 11, 2000, the trial court rendered judgment as follows:

WHEREFORE, premises considered, the court finds the accused TEODORO DIVINA y DURO GUILTY beyond reasonable doubt of the crime of RAPE penalized under Article 266-A par. (1) of the Revised Penal Code as charged against him and is sentenced to suffer the penalty of RECLUSION PERPETUA there being no aggravating/qualifying circumstances in the commission thereof. The accused is further ordered to pay the private complainant Rosalie Divina the amount of FIFTY THOUSAND (P50,000.00) PESOS as actual or compensatory damages and the amount of THIRTY THOUSAND (P30,000.00) PESOS as moral damages.

SO ORDERED.[9]

Hence, the instant appeal based on the following assignment of errors:

I

THE TRIAL COURT ERRED IN GIVING CREDENCE TO THE INCREDIBLE AND INCONSISTENT STATEMENTS OF THE PROSECUTION WITNESSES.

II

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT FOR THE CRIME OF RAPE WHEN HIS GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.[10]

We are again confronted with two conflicting but equally plausible versions of the same event. Complainant alleges that accused-appellant, her husband's cousin, raped her while she was alone in her bedroom. Accused-appellant denies this. He instead avers that he and complainant were lovers.

As in most rape cases, complainant's testimony in this case is uncorroborated. It is true that the lone testimony of the rape victim is sufficient to sustain a conviction;[11] and that evidence is weighed, not counted.[12] In each case, however, we must carefully evaluate the probative value of the victim's testimony and measure it against the evidence for the defense.

In the case at bar, accused-appellant's defense is corroborated by the testimony of an apparently disinterested witness, Crystalline Arcilla. She testified that she accompanied accused-appellant and complainant on their dates. She also narrated how accused-appellant confronted complainant when the latter told his wife about their illicit affair.

The court a quo describes the testimony of the private complainant as frank and straightforward,[13] hence, sufficient to convict accused-appellant of rape. We believe otherwise for the following reasons: (a) the prosecution failed to refute the allegation of accused-appellant that he and private complainant were lovers; (b) no witness was presented to rebut the testimony of Crystalline Arcilla, who stated that she saw accused-appellant

shouting in front of private complainant's house on the night of the incident; (c) neither was the prosecution able to debunk accused-appellant's claim that it was common knowledge in their community that he might be the father of one of private complainant's children.[14] Moreover, the initial reaction of private complainant's husband upon learning about the alleged rape is contrary to ordinary human experience. A man whose wife's chastity has just been violated is not expected to cast doubt on his wife's story and accuse her of having an affair with the assailant. Rather, the natural reaction of such a man is to feel outrage for the tragedy that befell his wife and extreme anger at his wife's rapist. Apparently, his reaction in this case was such because he had been harboring suspicion of an ongoing affair between his wife and accused-appellant, considering that the two have been the object of gossip and rumor in their place.[15]

We are not unmindful of the general rule that the findings of the trial court regarding the credibility of witnesses are generally accorded great respect and even finality on appeal.[16] However, this principle does not preclude a reevaluation of the evidence to determine whether material facts or circumstances have been overlooked or misinterpreted by the trial court.[17] In the past we have not hesitated to reverse judgments of conviction, where there were strong indications pointing to the possibility that the rape charge was false.[18]

All told, we are not morally convinced that accused-appellant raped private complainant. The prosecution was not able to establish accused-appellant's guilt by proof beyond reasonable doubt, or that quantum of proof sufficient to produce a moral certainty that would convince and satisfy the conscience of those who are to act in judgment.[19] To be sure, it is the primordial duty of the prosecution to present its side with clarity and persuasion, so that conviction becomes the only logical and inevitable conclusion. What is required of it is to justify the conviction of the accused with moral certainty.[20]

Upon the prosecution's failure to meet this test, acquittal becomes the constitutional duty of the Court, lest its mind be tortured with the thought that it has imprisoned an innocent man for the rest of his life.[21]

In our criminal justice system, the overriding consideration is not whether the court doubts the innocence of the accused but whether it entertains a reasonable doubt as to his guilt. Where there is reasonable doubt as to the guilt of the accused, he must be acquitted even though his innocence may be doubted since the constitutional right to be presumed innocent until proven guilty can only be overthrown by proof beyond reasonable doubt.[22]

This is not to say that accused-appellant was completely innocent. There is serious doubt as to whether or not his sexual relation with private complainant amounted to rape. In acquitting accused-appellant, we are guided by the principle that it is better to free a guilty man than to unjustly keep in prison one whose guilt has not been proved by the required quantum of evidence. It is only when the conscience is satisfied that the crime has been committed by the person on trial that the judgment must be for conviction.[23]

WHEREFORE, in view of the foregoing, the decision of the Regional Trial Court of Marikina City, Branch 272, in Criminal Case No. 2000-3147-MK, finding accused-appellant Teodoro Divina y Duro guilty beyond reasonable doubt of the crime of rape is REVERSED and SET ASIDE. Accused-appellant is ACQUITTED of the charge of rape based on reasonable doubt. He is ordered RELEASED unless he is being detained for some other lawful cause.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Vitug, Carpio, and Azcuna, JJ., concur.

[1] Penned by Judge Reuben P. Dela Cruz.

- [2] TSN, March 8, 2000, pp. 11-17.
- [3] Ibid., pp. 18-28.
- [4] Id., pp. 29-33, 39-43.
- [5] Record, pp. 21-22.
- [6] TSN, April 17, 2000, p. 26.
- [7] TSN, May 22, 2000, pp. 3-6.
- [8] TSN, April 10, 2000, pp. 3-12.
- [9] Rollo, pp. 14-38, at 38.
- [10] Ibid., p. 62.
- [11] People v. Daramay, G.R. Nos. 140235 & 142748, May 9, 2002.
- [12] People v. Ayupan, et al., G.R. No. 140550, February 13, 2002.
- [13] Record, p.36.
- [14] Record, p.26.
- [15] Ibid.
- [16] People v. Plana, G.R. No. 128285, November 27, 2001; People v. Villanos, 337 SCRA 78 [2000] ; People v. De Guzman, 333 SCRA 269 [2000] ; People v. Palma, 308 SCRA 466 [1999] .
- [17] People v. De la Cruz, G.R. No. 137967, April 19, 2001; People v. Domogoy, 305 SCRA 75 [1999] .
- [18] Ibid., People v. Medel, 286 SCRA 567 [1998] .
- [19] People v. Villanueva, G.R. No. 131773, February 13, 2002.
- [20] Section 2, Rule 133 of the Rules of Court.
- [21] People v. Aballe, G.R. No. 133997, May 17, 2001.
- [22] People v. Baulite, G.R. No. 137599, October 8, 2001.
- [23] People v. Ramos, G.R. Nos. 135068-72, September 20, 2001.

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