

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ORLANDO SONIDO, APPELLANT.

G.R. No. 148815. July 07, 2004

Ponente: CALLEJO, SR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-148815/>

CALLEJO, SR., J.:

This is an appeal from the Judgment[1] of the Regional Trial Court of Tuao, Cagayan, Branch 11, convicting the appellant Orlando Sonido of rape, sentencing him to suffer the penalty of reclusion perpetua and ordering him to pay the offended party civil indemnity and moral damages.[2]

On July 8, 1999, an Information was filed charging the appellant with rape, the accusatory portion of which reads:

That on or about July 28, 1998, in the Municipality of Tuao, Province of Cagayan, and within the jurisdiction of this Honorable Court, the said accused, Orlando Sonido alias Boyet with lewd design and by the use of force, violence, threat, and intimidation, did, then and there willfully, unlawfully, and feloniously have sexual intercourse with the offended party, Josephine M. Fontanilla against her will.

Contrary to law.[3]

Upon arraignment, the appellant, duly assisted by counsel, pleaded not guilty to the charge. Trial ensued thereafter.

The Case for the Prosecution[4]

Josephine Fontanilla lived with her young son about ten meters away from the house of her aunt in Bagumbayan, Tuao, Cagayan. Her husband was in Alaska. The appellant was her brother-in-law.

At about 8:20 a.m. on July 28, 1998, Josephine went to her aunt's house to take a bath as she used to. Her aunt was away and the house was unoccupied. The bathroom door had no lock. While Josephine was taking a bath, naked, with her back towards the bathroom door, the appellant surreptitiously entered the bathroom, clad only in his underwear. When she saw the appellant, Josephine shouted for help, and called out to her cousin-in-law, Susan Balunsat. In the meantime, the appellant started embracing and kissing her on her face and the breasts; his right hand was atop her right shoulder and his left hand was under her armpit. Josephine struggled, and bit his right hand. He then punched her on the lips, and forced her to lie down on the bathroom floor. When she shouted and continued to resist, he punched her again on the pit of her abdomen. Josephine was considerably weakened by this blow. He immediately removed his underwear and placed himself on top of her. He then parted her legs with his own and inserted his penis into her vagina and pumped repeatedly.[5] Satiated, he stood up and warned her not to report the incident, otherwise, he would kill her.

After the appellant left, Josephine took her clothes and covered her private parts with them. She ran to the house of her cousin-in-law, Susan Balunsat, about twenty meters away, and pleaded for help. Susan noticed that Josephine had scratches on the lower side of her breasts and that her hair was disheveled. Susan gave Josephine a dress with which to cover herself. Josephine then rushed to the house of Susan's uncle-in-law, Barangay

Chairman Trinidad Balunsat, and told him that the appellant had just raped her. Barangay Chairman Balunsat accompanied Josephine to the Tuao, Cagayan police station where she executed a sworn statement narrating how the appellant consummated the rape against her. Dr. Rowena Cardenas of the Tuao District Hospital examined Josephine that same day, and issued a medico-legal certificate bearing the following findings:

- Superficial abrasions, linear, left breast.
- IE findings:
 - negative (-) abrasions over perineal area.
 - Non-edematous labia.
 - Vagina admits 2 fingers with ease.
 - Hymen: positive (+) old, healed lacerations at 2, 3, 4, 6 and 10 o'clock.
 - Cervix is soft, closed.
 - Non-gravid uterus.
 - Negative (-) adnexal tenderness.
 - Positive (+) scanty, whitish, non-foul smelling vaginal discharge.[6]

The Case for the Defense

The appellant admitted that he had sexual intercourse with Josephine but alleged that she consented to it. He testified that he and Josephine became lovers as early as the first part of 1997, after her live-in partner left for abroad. Josephine gave him a necklace as proof of their love on January 18, 1998. The appellant produced the said necklace with a cross pendant in court. According to the appellant, he and Josephine indulged only in kisses and embraces at the initial stage of their relationship. They first had sexual intercourse in the house of her aunt on July 26, 1998. Josephine even asked him to massage her back after coitus. They again had sexual intercourse on July 28, 1998, at Josephine's insistence. Josephine even went to her aunt's house, knowing that he was there cleaning at that time. The appellant obliged and they had sexual intercourse in the kitchen. He told Josephine afterwards that it would be their last encounter, as he was terminating their relationship. Josephine refused, and was so infuriated that she charged him with rape.

Edivina Sonido, the appellant's wife and Josephine's younger sister, testified that in the morning of July 28, 1998, she asked her sister Josephine to help her clean the corn plants located about three hundred (300) meters from their aunt's house. Josephine refused, saying that she was going to wash clothes. Edivina then left her sister and her husband in her aunt's house. When she returned, the appellant was not at home and had gone to Alcala, Cagayan. Susan told her that her husband had raped Josephine. Edivina also testified that Josephine envied her, because it was she who was favored by their aunt. She described Josephine as a wanton woman, who habitually took a bath outside the house with only her panties, exposing herself to public view.

After the appellant rested his case, the prosecution presented Josephine anew as rebuttal witness. She denied having any sexual liaison with the appellant and giving him a gold necklace with a cross pendant. She also denied taking a bath outside the house, and claimed that she usually bathed in her aunt's house because there was no bathroom in her own. She further denied having sexual intercourse with the accused on July 26, 1998, and insisted that it was only on July 28, 1998, when the accused raped her, that they had any sexual contact.

On March 15, 2001, the trial court rendered a decision, the decretal portion of which reads:

WHEREFORE, in view of all the foregoing, the Court finds the accused ORLANDO SONIDO y Valiente guilty beyond reasonable doubt of the crime of RAPE, defined and penalized under Article 266-A, No. 1 (a), in relation to Article 266-B, both of the Revised Penal Code, as amended by Republic Act No. 8353, and hereby sentences him to suffer the penalty of reclusion perpetua.

The Court further sentences the accused ORLANDO SONIDO y Valiente to pay the offended party Josephine Fontanila (sic) the amount of Fifty Thousand (P50,000.00) pesos as civil indemnity, and Fifty Thousand (P50,000.00) Pesos as moral damages.

SO ORDERED.[7]

The Present Appeal

The appellant now appeals the decision, contending as follows:

I

THE COURT A QUO ERRED IN GIVING WEIGHT AND CREDENCE TO THE TESTIMONIES OF THE PROSECUTION WITNESSES AND IN DISREGARDING THE EVIDENCE PRESENTED BY THE ACCUSED-APPELLANT.

II

THE COURT A QUO ERRED IN FINDING THAT THE GUILT OF THE ACCUSED-APPELLANT FOR THE CRIME CHARGED HAS BEEN PROVEN BEYOND REASONABLE DOUBT.[8]

The appellant avers that it was highly improbable for him to have raped Josephine inside the bathroom of their aunt's house because the said bathroom measured only two (2) meters by two (2) meters, with a toilet bowl on the northern side. He asserts that the physical circumstances surrounding the alleged rape made the same improbable. He also avers that considering the short distance between the house of Josephine's aunt and those of her neighbors, the latter would have heard Josephine's shouts, which she alleged she did upon seeing the appellant enter the bathroom. The fact that the neighbors did not hear her greatly casts doubt on the rape that the appellant allegedly committed. Finally, the appellant contends that Josephine's claim that she resisted the sexual assault on her by the appellant is negated by the medical certificate issued by Dr. Rowena Cardenas, which does not show any injury on her upper lips.

The Ruling of the Court

The contentions of the appellant hold no water.

We reiterate the following standard in reviewing an appeal from a conviction of rape:

In reviewing rape cases, this Court is guided by three principles: (1) an accusation of rape can be made with facility and while the accusation is difficult to prove, it is even more difficult for the person accused, although innocent, to disprove; (2) considering the intrinsic nature of the crime, only two persons being usually involved, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence for the prosecution must stand or fall on its own merit, and cannot be allowed to draw strength from the weakness of the evidence for the defense.[9]

Josephine's testimony was direct, candid, and replete with details of the rape. She was consistent and straightforward in her answers during the direct-examination and cross-examination. She did not waver in her testimony as to how the accused entered the bathroom, embraced and kissed her, and how she shouted and boxed the appellant, in her effort to resist his sexual advances. She clearly described how the appellant forcibly made her lie down on the floor, laid on top of her, and parted her legs with his own to finally consummate his lustful

designs.

The rule in rape cases is that the testimony of the complainant is credible where no strong ulterior motive for falsely testifying against the accused is shown.[10] In prosecutions for rape, conviction or acquittal virtually depends entirely on the credibility of the victim's testimony because of the fact that only the participants can testify to its occurrence.[11] The victim's testimony alone, if credible, is sufficient to convict the accused of the crime. Josephine's testimony is such kind of testimony.

It was not physically impossible for the appellant to have raped Josephine in a bathroom, two (2) meters by two (2) meters in size, with a toilet bowl on the northern side thereof. A rape can be consummated in the confines of a small bathroom. In this case, the bathroom door had no lock, and the appellant was able to open the door easily. It was not then physically impossible for Josephine to have been forced to lie down inside the bathroom so that the appellant could consummate his bestial desire, with her feet protruding from the bathroom's entrance.

The appellant's insistence that the prosecution failed to prove that Josephine struggled and resisted is belied by her testimony, viz:

Q Madam Witness, when the accused entered the bathroom, you did not utter anything, is it not?

A I did not say anything but I shouted.

Court

Q Where did you shout?

A Inside the bathroom, Sir.

Q What did you say when you shouted?

A I was calling for help shouting the name of Susan Balunsat.

Q How many times did you shout?

A Many times, Sir.

COURT

Proceed.

ATTY. LIGAS

Q When did you shout, Madam Witness, when the accused embraced you or when you noticed that the accused entered the bathroom?

A When I saw the accused entered (sic) the bathroom that's the time I shouted by (sic) the name of Susan.

Q At the time the accused entered the bathroom, you are (sic) still holding the water bucket, is it not?

A Yes, Sir.

Q But you did not smash the face of the accused, is it not?

A The tabu felt (sic) when he embraced me, Sir.

Q But you did not also scratch his face, is it not?

A I just boxed the accused, Sir.

Q How many times did you box the accused?

A Many times because I was struggling, Sir.

Q Was he able to hold your body against himself when you struggled?

A Yes, Sir.

Q Where did he place his right arm?

A The right hand was placed on my left shoulder, Sir.

Q When you struggled, Madam Witness, is (sic) there not a chance when you were about to extricate yourself from the accused?

A No chance, Sir.

COURT

Q But did you try to extricate yourself?

A Yes, Sir.

COURT

Proceed.

ATTY. LIGAS

Q But you did not suffer any injury on your shoulder at the time you grappled with him, is it not?

A It was only my upper lip, Sir.

COURT

Q Why did you have that injury on your upper lip?

A I suffered the injury when I bit his wrist and he hit it against my mouth.

Q You said awhile (sic) ago during the direct examination that you bit the accused on his right hand, is it not?

A Yes, Sir, the right wrist.

COURT

Proceed.

ATTY. LIGAS

Q You said a while ago that he kissed you, is it not?

A Yes, Sir.

Q What part of your body did the accused kiss?

A My face and my breast, Sir.

Q What particular part of your face (sic) the accused kiss?

A All over my face, Sir.

PROS. BACULI

Already answered.

ATTY. LIGAS

Q But you did not attempt to bite the mouth or the tongue of the accused, is it not?

A No, Sir, but I kept on struggling.

Q Approximately, Madam Witness, how many seconds or minutes did the struggling between you and the accused take place?

A Eight (8) minutes, Sir.

Q You did not try to kick the balls of the accused while you were struggling?

A No, Sir.

COURT

Q Did you think of kicking or boxing the accused while you were struggling?

A I did not think of that, Sir.

COURT

Proceed.

ATTY. LIGAS

Q What was the color of the brief of the accused?

A White, Sir.

Q Madam witness, when did the accused remove his brief, at the time that you were struggling with each other or when you were laid on the floor?

PROS. BACULI

Already answered. The accused already removed his brief when he was on top and he boxed the stomach of the witness.

ATTY. LIGAS

Q Madam witness, on (sic) what part of the bathroom where (sic) you laid by the accused?

A My head is in the south direction.

Q How did (sic) the accused able to lay you on the floor of the bathroom?

A He forcibly pushed me down, Sir.

COURT

Q Was he still hodling (sic) your both hands when he forced you to lay down?

A Yes, Sir.

ATTY. LIGAS

Q What part of your body was (sic) first hit the floor when the accused lay (sic) you down on the floor of the bathroom?

A My head, Sir.

COURT

Q Did you feel him ejaculate inside your genital?

A Yes, Sir.

COURT

Proceed.

ATTY. LIGAS

Q Madam Witness, when your head hit the floor, it is (sic) done with force, is it not?

A Yes, Sir.

Q What happened after you were laid by the accused on (sic) that manner?

A He boxed my stomach, Sir.

Q Which came first, Madam Witness, the fact that you were laid by the accused or . . . may I withdraw the question.

Now, when you were laid by the accused on the floor of the bathroom, what did you do?

A I felt weak but still continue (sic) to struggle, Sir.

Q Will you describe to us the way you struggled when you were on the floor?

A I kept on boxing with both hands, Sir.

Q You did not kick him?

A No, Sir.

COURT

Q Why did the accused to have (sic) forcibly part your legs?

A Because I did not like to open my legs, Sir.

COURT

Proceed.

ATTY. LIGAS

Q But is it not true that he did not also box your legs?

A No, Sir.

Q So you can (sic) still use two (2) legs from preventing his desire?

PROS. BACULI

Already answered.

COURT

Witness may answer.

A I did not think of that anymore, Sir.

I have (sic) my two (2) legs together.[12]

Josephine's tenacious struggle and resistance were corroborated by Susan Balunsat who testified that she saw Josephine running and crying for help, totally naked and with small scratches on her breasts and with her hair disheveled. Her testimony reads:

COURT:

Q When the private complainant ran towards your house, you were unaware of anything (sic) happened?

A I did not know yet but she told me that she was raped by Boyet Sonido, Sir.

Q How far is your house from the house of Josephine Fontanilla?

A Around 9 to 10 meters, Sir.

Q So Josephine Fontanilla came from her house?

FISCAL BACULI:

Objection, no basis, Your Honor.

COURT:

Witness may answer.

A I don't know from (sic) where she came from, she just ran to our house, Sir.

Q What direction is the house of the private complainant in relation to your house?

A Our house is east from the house of Josephine Fontanilla, Sir.

Q You mentioned while (sic) ago that you noticed small scratches from (sic) the private complainant, where are these scratches located?

A Here, Sir (The witness pointing below the right breast to the left)

Q What is (sic) the appearance of the small scratches?

A It looked like scratches from the finger nails (sic), Sir.

Q How long have you talked (sic) with the private complainant when she came to ask for help?

A Around 20 to 30 minutes because I gave her clothes to use, Sir.[13]

...

ATTY. LIGAS:

Q You stated in your prior testimony that the private complainant asked for your help?

A Yes, Sir.

Q What was the first word she uttered?

A She said, Susan Ading, help me.

COURT:

Q How are you related to the Barangay Captain?

A He is my uncle-in-law, Sir.

COURT:

Proceed.

ATTY. LIGAS:

Q When the private complainant uttered those words she did not mention the caused (sic)?

A She told me that she was raped by Boyet, Sir.

Q What is (sic) your reaction when she told you that she was raped?

A I cried because I saw her appearance, Sir.

Q When she uttered those words to you, will you describe the manner she uttered those words?

A She said, “Ading ko, Ading ko, help me” and she was crying and trembling, Sir.

Q In what particular place in your house were you washing your clothes when the private complainant ran to your house?

A Beside our kitchen near the pump well, Sir.

Q On that date, July 28, 1998, being (sic) neighbor of the accused, do you have (sic) any occasion that you have seen him on that day?

A None, Sir.

Q How about the wife of the accused, have you seen her on that day?

FISCAL BACULI:

Objection, incompetent.

COURT:

Witness may answer.

A No, Sir.

Q Did you stay in your house in the entire duration of that day?

A Yes, Sir.[14]

Besides, proof of external injuries inflicted on the complainant is not indispensable in a prosecution for rape committed with force or violence. Proof of injury is not an element of rape.[15] The resistance on the part of the victim need not be carried to the point of inviting death or sustaining physical injuries at the hand of the rapist. It suffices that the coitus takes place against her will, or that she yields because of genuine apprehension of great harm.[16]

The allegation that Josephine's neighbor heard no shouts has no leg to stand on either. Josephine's violation happened in an enclosed bathroom, which muffled the sounds of her struggle. Moreover, the appellant punched her twice in the abdomen to prevent her from calling for help. We find it natural and in accord with ordinary human experience for a woman to weaken after suffering a blow on the pit of her stomach, thus, disabled from either continuing her struggle or shouting for help.

We are also not persuaded by the appellant's allegation that Josephine is a scorned woman, who falsely filed this case against the appellant because of his refusal to continue with their illicit relations. The spontaneity of all her acts after the rape, namely, running for help to the house of Susan Balunsat without any clothes; rushing to the barangay chairman to report her ordeal; reporting the incident to the police authorities; and subjecting herself to a medico-legal examination preparatory to, and in support of, her charging the appellant with rape, completely negates the appellant's scorned woman theory foisted on the Court.[17] We do not believe that Josephine would contrive a charge of rape against the appellant and undergo the embarrassment and tribulations of a public trial merely because the appellant had decided to sever their amorous relationship.[18]

The appellant is burdened to prove with clear and convincing evidence the affirmative defense of consent to a sexual intercourse by Josephine.[19] The appellant, to prove his defense, relied solely on his testimony. He failed to corroborate his testimony on the necklace, which Josephine denied giving to the appellant. Such defense needs a strong corroboration, which the appellant failed to produce in evidence. No love letter, memento, or pictures were presented by the appellant to prove that such a romantic relationship existed. The sweetheart theory proffered by the appellant hardly deserves attention.[20] Indeed, we have constantly ruled that a love affair does not justify rape, for the beloved cannot be sexually violated against her will.[21] A sweetheart cannot be forced to have sex against her will – love is not a license for lust.[22]

We affirm the appellant's conviction for simple rape under Article 335 of the Revised Penal Code, as amended by Republic Act No. 7659, and the penalty of reclusion perpetua by the trial court on the appellant.

As to damages, the trial court correctly awarded civil indemnity in the amount of fifty thousand pesos (P50,000) upon the finding of the fact of rape, and fifty thousand pesos (P50,000)[23] as moral damages without the need for pleading or proof of the basis thereof.

IN LIGHT OF ALL THE FOREGOING, the appealed Decision of the Regional Trial Court of Tuao, Cagayan,

Branch 11, is AFFIRMED in toto. Costs against the appellant.

SO ORDERED.

Puno, (Chairman), Quisumbing, Austria-Martinez, and Tinga, JJ., concur.

[1] Penned by Judge Orlando D. Beltran

[2] Docketed as Criminal Case No. 755-T.

[3] Rollo, p. 6.

[4] The prosecution presented two witnesses: Josephine Fontanilla and Susan Balunsat.

[5] TSN, 11 March 11, 1999, p. 7.

[6] Exhibit "B," Records, p. 3.

[7] Rollo, pp. 20-21.

[8] Id. at 39.

[9] People v. Sambrano, 398 SCRA 106 (2003).

[10] People v. Martinez, 350 SCRA 537 (2001).

[11] People v. Ching, 240 SCRA 267 (1995).

[12] TSN, 14 March 2000, pp. 18-24.

[13] TSN, 8 May 2000, pp. 6-7.

[14] Id. at 10-11.

[15] People v. Gonzaga, 364 SCRA 689 (2001).

[16] People v. Sagaysay, 308 SCRA 455 (1999).

[17] People v. Cepeda, 324 SCRA 290 (2000); People v. Perez, 296 SCRA 17 (1998).

[18] People v. Taneo, 284 SCRA 251 (1998).

[19] People v. Cepeda, *supra*.

[20] People v. Venerable, 290 SCRA 15 (1998).

[21] People v. Akhtar, 308 SCRA 725 (1999).

[22] People v. Loyola, 351 SCRA 263 (2001).

[23] People v. Lizada, 396 SCRA 62 (2003).

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.