

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. LUISITO LALICAN Y ARCE, APPELLANT.

G.R. No. 191389. March 07, 2011

Ponente: ABAD, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-191389/>

ABAD, J.:

The public prosecutor charged the accused Luisito Lalican y Arce with rape before the Regional Trial Court (RTC) of Manila^[1] in Criminal Case 05-238386. The prosecution presented the testimonies of SHINE,^[2] the private complainant; SPO2 Manuel Castro III, the arresting officer; and Dr. Anabelle L. Soliman, the medico-legal officer.

SHINE worked as guest relations officer in a club in Tondo, Manila. She had been renting a room in accused Lalican's two-storey house in Tayuman for the past seven months. SHINE stayed at the ground floor while Lalican and his family occupied the second floor.

SHINE testified that at around 9:00 to 10:00 a.m. on July 10, 2005 she heard Lalican knock on her door. Hesitant at first, she eventually opened the door to find Lalican imploring her help because he and his wife supposedly had gotten into a fight. SHINE declined to intervene, however, afraid of the wife's ire. She started to close the door on him but Lalican resisted and forced it open. He closed the door and pulled a knife, pointing it at SHINE's neck. Shocked, she was unable to scream for help. Lalican grabbed and undressed her, using his right hand. He then put down the knife and removed his clothes. He pushed SHINE down on the floor and successfully had his way with her, keeping his hand on the knife that lay on the floor.

After ravishing SHINE, Lalican stood up but remained in the room. Although Lalican would not let her go to the bathroom at first, he eventually let her. She hid there and later left the house for a nearby store and bought prepaid credits for her mobile phone so she could call her brother-in-law, a policeman, for help. When she could not contact him, she went to the police station to report the matter. Some policemen went with her to Lalican's house but SHINE declined to enter it. After arresting Lalican, they all went back to the police station.

SPO2 Castro testified that at around 10:00 a.m. on July 10, 2005, SHINE arrived at the Police Station 7 in Tayuman and complained that Lalican had raped her. SPO2 Castro and three other officers went with SHINE to Lalican's house. Upon entering it, SHINE pointed to Lalican as the man who raped her. The officers then invited Lalican to come to the police station for investigation.

Dr. Soliman testified having examined SHINE. She noted (1) no extragenital physical injuries on her body; (2) that the hymen was reduced to carunculae myrtiformis; and (3) that succeeding sexual intercourse may not produce any new hymenal injury.

Lalican denied raping SHINE. He recounted that on the previous day, July 9, 2005, he attended the wake of a friend's mother. He returned to his house at around 6:00 a.m. on the following day. After cooking food, he went to the bathroom. Before he could fully shut the door close, the door of SHINE's room opened. Her boyfriend,

Francis, walked out and left the house. After taking a bath, Lalican went upstairs to sleep but because it was humid hot, he went down and slept on a make-shift bed near the door of SHINE's room. At around 10:00 a.m., some policemen woke him up and invited him to go to the police station.

Genie Suarez corroborated Lalican's testimony. Suarez said that he was with the accused at a wake on the previous day. Suarez accompanied Lalican home and left him to sleep on a make-shift bed on the ground floor of the house. Suarez then went to a nearby store. At 7:00 a.m. he saw Francis go out of the house and around 10:00 a.m. he saw SHINE leave the house and later return in the company of policemen.

The RTC found Lalican guilty of raping SHINE and sentenced him to suffer the penalty of reclusion perpetua with the accessory penalties provided by law.[3] The RTC ordered him to pay P50,000.00 as indemnity to SHINE without subsidiary imprisonment in case of insolvency and to pay the cost.

On October 28, 2009 the Court of Appeals (CA) rendered judgment in the case,[4] affirming the decision of the RTC with modifications. The CA affirmed the finding of guilt of the RTC but included the payment of an additional P50,000.00 as moral damages. Lalican appealed to this Court.

The Issue Presented

The sole issue in this case is whether or not the CA erred in finding accused Lalican guilty beyond reasonable doubt of raping SHINE.

The Court's Ruling

Courts have to be cautious in assessing the evidence of rape. By the nature of rape, it is hardly committed before the eyes of witnesses. In true cases of rape, witnesses are shut out either because the offender has put enough terror and fear of death in his victim such that, psychologically, she has lost the will to resist or, the place of commission being far remote from people who can hear and rescue his victim, the offender uses brute force to overcome her resistance. In false cases of rape, prompted by some ill motive, the supposed victim claims rape when it did not happen or when she cooperated with the offender in the supposed rape. Whether it is true rape or false rape, the victim usually testifies alone. Consequently, care is taken in examining what she says.[5]

Here, SHINE testified on direct that when Lalican forced her door open and entered, he poked a knife on her neck, grabbed her, undressed her, took his own clothes off, pushed her down the floor, and violated her.[6] Lalican points out that SHINE cannot be believed since this version is inconsistent with her testimony on cross that he made her lie down first before he undressed her.[7] Lalican also assailed the inconsistencies in her statements concerning where he placed the knife that he threatened her with during the time he was abusing her.

But must the victim's testimony dovetail in every respect regarding the precise movement of the offender from beginning to end such as which foot he used in stepping into the victim's room or what hand he used for undressing her and himself? Violent crimes usually fill their victims with dread and terrible fear for their lives. Rarely would they mentally record details of the startling events as they happen with the expectation that they would get some subpoena in some future time to testify in some future court. Reality is not like that.

What is important is that the core of SHINE's testimony that Lalican, her lessor, barged into her room, threatened to butcher her with a knife if she resisted, and forced himself into her, had remained unchanged. Perfect testimonies, repeated with precision in the same language, in the course of cross-examination usually indicate coaching and rehearsals. It is here that the trial judge's face-to-face appreciation of the complainant's testimony makes a lot of difference. He can see the movement of the eyes, the tremor of the lips, or the turn of the head that only the sum total of human experience brought to bear can interpret. The Court is robbed of that opportunity.

Consequently, except where the trial judge's error is so obvious, the Court will, as in this case, defer to his appreciation of the credibility of the witness.

It does not help the case of Lalican that he has not shown proof that SHINE was prompted by some sinister motive in accusing him of rape. She had been his tenant the last seven months. Admittedly, he had been observing her since he even spoke of seeing SHINE's boyfriend come out of her rented room that morning. And Lalican admittedly chose to sleep on a make-shift bed near her door. An opportunity for lechery clearly presented itself.

What is more, it was quite unlikely that SHINE would spontaneously walk to the police station shortly after to voice her outrage and convince the policemen to come with her to investigate the matter if she had no genuine cause to gripe about.

WHEREFORE, the Court AFFIRMS in its entirety the decision of the Court of Appeals in CA-G.R. CR-HC 03382 dated October 28, 2009 which affirmed with modification the trial court's conviction of the accused Luisito Lalican y Arce of the crime of rape.

SO ORDERED.

Carpio, (Chairperson), Peralta, Perez,[*] and Mendoza, JJ., concur.

[*] Designated as additional member in lieu of Associate Justice Antonio Eduardo B. Nachura, per Special Order 967 dated February 28, 2011.

[1] Branch 21.

[2] Pursuant to Republic Act 9262, otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004" and its implementing rules, the real name of the victim, together with the real names of her immediate family members, is withheld and fictitious initials instead are used to represent her, both to protect her privacy (People v. Cabalquinto, G.R. No. 167693, 502 SCRA 419, 421-426 [2006]).

[3] Decision dated March 10, 2008, records, pp. 256-261.

[4] Docketed as CA-G.R. CR-HC 03382.

[5] People v. Bidoc, G.R. No. 169430, October 31, 2006, 506 SCRA 481, 495.

[6] TSN, September 14, 2005, pp. 6-7.

[7] TSN, September 28, 2005, p. 9.

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.