

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RODEL SINGSON, APPELLANT.

G.R. No. 194719. September 14, 2011

Ponente: ABAD, J.

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ABAD, J.:

In this rape case, when the victim's mother got home and found her daughter's bedroom locked, she looked for the key, opened her daughter's bedroom with it, and found her naked in bed with the accused hiding underneath it.

The Facts and the Case

The Provincial Prosecutor of Cabarroguis, Quirino, charged the accused Rodel Singson with rape before the Regional Trial Court (RTC) of that province[1] in Criminal Case 1841.

MJ[2] testified that, through text messages by mobile phones, Rodel became her boyfriend and their relation lasted from January to September 2003. But they hardly saw each other after MJ studied in Manila. They met when MJ came home to Santiago for vacation in the summer of 2003. After a few months, however, she broke up with Rodel to concentrate on her studies.

In the evening of December 22, 2003 MJ and her mother, LK, attended the *simbang gabi* from 9:00 p.m. to 10:00 p.m. After the mass, LK wanted to join some church members to go caroling. Since MJ felt sleepy, she bade her mother leave to go home at about 11:30 p.m. On reaching home, MJ prepared to go to bed but someone knocked at their door. Thinking it was her mother, she opened it and, to her surprise, saw Rodel standing at the door.

Rodel said that he wanted to talk to MJ about renewing their relation. She was at first hesitant to entertain him because he appeared drunk but she eventually let him in. After talking with Rodel at the living room for about 45 minutes, MJ asked him to leave and he did. MJ then entered her room. But, suddenly, Rodel appeared and sprayed something on her face that made her feel weak and dizzy. Her vision also became blurred. After undressing her, Rodel touched her body in various parts. Eventually, he violated her. She could only cry until she lost consciousness.

MJ woke up to the screams of her brother who was gripping Rodel by the bedroom window. As it turned out, when LK came home at 2:00 a.m., she knocked at MJ's bedroom to check if she had gotten home safely but LK got no answer. Worried, LK used a key to open the door and she saw MJ naked and unconscious on the bed. Noticing unfamiliar clothes on the floor, LK became suspicious and looked around. When she checked under the bed, she saw Rodel there in his underwear. LK shouted for help, waking up her sister who happened to be the barangay chairman of their village. Some barangay tanods came. They moved MJ to another room and arrested Rodel. It was to her aunt that MJ told her story because the incident affected her mother deeply.

Rodel, on the other hand, insisted that he and MJ freely had sexual intercourse borne of their mutual affection. He did not rape her. But, declining to give credence to his defense, on November 26, 2007 the RTC found Rodel guilty of rape, sentenced him to life imprisonment, and ordered him to pay MJ P50,000.00 as civil indemnity and

another P50,000.00 as moral damages.

On March 25, 2010 the Court of Appeals (CA) in CA-G.R. CR-H.C. 03161 affirmed the RTC decision, hence, this appeal.

The Issue Presented

The only issue presented in this case is whether or not Rodel raped MJ after spraying her with drugs that weakened her resistance and eventually rendered her unconscious.

The Ruling of the Court

One of the ways of committing rape, according to Article 335 of the Revised Penal Code, as amended by Section 11 of Republic Act 7659,[3] is by having carnal knowledge of a woman when she has been deprived of reason or otherwise rendered unconscious. The prosecution claims that this was Rodel's crime.

But the Court doubts MJ's story. She testified that Rodel sprayed something on her face, causing her to feel weak and dizzy. Rodel then brought her into her room and took off her clothes. He kissed her neck and breasts and successfully ravished her. She said that she was unable to scream for help because she suddenly became unconscious when Rodel entered her. It was only when she heard her brother scream that she woke up.[4]

But, MJ's story is at variance with what she said in her December 23, 2003 affidavit[5] which she executed only hours after the incident. MJ there said that she was fully conscious during the time Rodel was raping her. Indeed, she described Rodel's pumping motion until he discharged into her. She even felt pain afterwards in her genitals and in the other parts of her body. MJ claimed that it was only after it was over that her eyes felt heavy and she lost consciousness. When the defense counsel confronted her with this inconsistency between her testimony and her affidavit, MJ could not offer an explanation.[6]

The testimony of LK, MJ's mother, is just as dubious. She said that on entering her daughter's room, she saw MJ naked in bed. Seeing a man's pants on the floor, LK looked under the bed and saw Rodel hiding there. LK tried to rouse her daughter but she would not wake up, prompting LK to cry for help. When the barangay chairman and the tanods arrived, they pulled Rodel from under the bed. It was only then that MJ came around and told her mother that she had been raped.[7]

On cross-examination, however, LK's story of what happened followed a different sequence. Rather than try to wake her daughter up, she immediately screamed for help on seeing Rodel under the bed.[8] His son came, wrapped a blanket around MJ, and brought her still unconscious into another room.[9] And LK claimed that MJ woke up only after Rodel and the others had left.[10] LK also said that when she started screaming for help, MJ asked her, "What happen now to you?"[11] This shows that MJ regained consciousness at about the time her mother saw Rodel under the bed. Only afterwards did they move MJ out of the room.

LK's revised version somehow corroborates Rodel's story of what really happened. Rodel testified:

Q:

And what did you do when [MJ] instructed you to hide under her bed?

A:

I went under the bed, sir.[12]

x x x x

A:

Her brother peeped under the bed and he saw me so he pulled me and punched me, sir.[13]

x x x x

A:

After that, they took [MJ] out of her room and brought her to another room, sir.

Q:

Who took [MJ] to another room?

A:

Her mother, sir.[14]

x x x x

Q:

How about you, what did they do to you, if any?

A:

I was locked inside the room of [MJ], sir.

Q:

What happened next?

A:

I heard her mother talking to [MJ] whether she wants to continue her studies or she wants to get marry already.

Q:

So, what happened after that?

A:

No more, sir.[15]

Consider also that, although MJ claimed that Rodel sprayed her face with something that made her dizzy and weak, the prosecution never produced the spray can or bottle he used, which the barangay chairman or her tanods would have seized and kept as evidence if it existed. MJ's mother did not mention seeing it. Surely, Rodel who only had his underwear on when they arrested him could not have taken or concealed it. It seems doubtful, therefore, that there had been a spraying of some immobilizing drugs that morning.

Testimonial evidence, to be believed, must not only come from credible lips but must be credible in substance. A story that defies reason and logic and above all runs against the grain of common experience cannot persuade.[16] Here, the prosecution's account failed to pass these tests.

In her Affidavit, MJ said that Rodel sought to walk her home because he wanted to talk to her about fixing their relationship.[17] In her testimony, however, MJ insisted that she had no conversation with Rodel prior to his showing up at her house near midnight of December 23, 2003. Thus:

Q:

When was the first time you saw Rodel?

A:

At the start of the caroling, sir.

Q:

Did you talk to each other when you saw him?

A:

No, sir.

Q:

You just saw him?

A:

Yes, sir.

Q:

So, that was the first and last time you have seen him while caroling?

A:

Yes, sir.

Q:

You are very sure about that?

A:

Yes, sir.[18] (Emphasis supplied)

.

When confronted by her contradictory statements, MJ had to admit that Rodel indeed talked to her about walking her home during the caroling. Thus:

A:

Only that part- he volunteered to accompany me, when we were in the terrace he said he wanted to talk to me, sir.[19]

MJ also testified that she and Rodel never really had a deep relationship because they seldom saw each other and communicated only through text messages on their mobile phones.[20] Indeed, she broke up with him three months before December 2003. Yet, when Rodel came by their house at around midnight of December 23, she let him in when Rodel was visibly drunk. Then she let him stay for nearly an hour before asking him to leave.

And when Rodel left, MJ did not see him off at the door to lock it as he went out. Her excuse in not locking the door was that her mother was still out.[21] But, notably, when Rodel supposedly came and knocked at the door after she got home at 11:30 p.m., she had to let him in because it was already locked.[22]

MJ also said that she was no longer naked when she woke up and heard her brother screaming by the bedroom window, with Rodel in a tight grip.[23] If this were true, somebody must have slipped her clothes back on while she was out cold. This contradicts LK's testimony that her son had to wrap MJ in a blanket before taking her out

of the room.

In insisting that she already had her dress on when she woke up, MJ was apparently steering clear of the fact that her mother had caught her naked, with Rodel in his underwear beneath the bed. MJ simply wanted to save her dignity at Rodel's expense. Apparently, what bothered MJ more was not the supposed rape but how she would explain the compromising situation in which her mother found her. Thus MJ testified:

Q:

So, when you recovered consciousness, what did you do?

A:

I cried and cried, sir.

Q:

Why did you cry?

x x x x

A:

Because I could not accept what happened because my mother was asking me what happened, sir.[24]

x x x x

Q:

What did you tell your mother after you regained consciousness?

A:

I cried, sir.

Q:

What else did you tell your mother after you regained your consciousness?

A:

I was just crying, sir.

Q:

Did you not tell her that Rodel Singson sprayed something to your face?

A:

I told her, sir.

Q:

Immediately after you regained your consciousness, is that what you mean?

A:

No, sir it took sometime.

Q:

Why did you not tell immediately?

A:

(No answer of the witness).

Court:

What is the span of time did you tell to your mother?

A:

I do not know because I was crying and crying, sir.[25] (Emphasis supplied)

MJ's above testimony also contradicts her mother's original claim that when her daughter woke up she immediately said that Rodel raped her.[26] Of course, LK had to remedy this contradiction by subsequently saying that MJ mentioned the supposed rape only when the barangay authorities showed up. Thus, LK said:

Q:

Now, what did your daughter tell you?

A:

Actually my daughter narrated the incident to the barangay captain not to me because during that time I can not speak and I was shocked, sir.

Q:

So when did your daughter tell to the barangay captain what happened to her?

A:

I can no longer remember because that whole afternoon I was very weak and my body can not go through it, sir.

Q:

So it was the barangay captain who told you that your daughter was raped because your daughter told to her about that?

A:

Yes, sir. [27]

x x x x

Q:

So you did not know that morning that your daughter was raped?

A:

I don't know, sir.

Q:

When did you talk first with your daughter after that incident?

A:

Maybe two days after the incident because she herself was also crying. She was always in tears and we can not talk to her, sir.[28] (Emphasis supplied)

The barangay chairman, MJ's aunt and LK's sister, testified that on her arrival the first thing she heard was that a man entered the house and that her sister found MJ naked. No one told the barangay chairman at that point that MJ had been raped. No wonder, the first thing the barangay chairman did was to go into the room and ask MJ if Rodel had taken her virginity from her. Thus:

Q:

Who told you that her daughter was raped?

A:

My elder sister told me that a man entered their house but I was not yet informed that [MJ] was raped.

Q:

So, how did the mother of [MJ] tell you that her daughter [MJ] was raped?

A:

She was the first one who saw [MJ] naked.

Q:

That was told to you by her, is that correct?

A:

Yes, sir.

x x x x

Q:

When did you ask [MJ] about that Madam Witness?

A:

After my elder sister told me that she saw [MJ] naked so I went to [MJ] to verify if her womanhood was taken.[29]

x x x x

Q:

Do you remember if [MJ] told you about what the accused did first that he sprayed something in the face of [MJ]?

A:

No sir because the only thing I asked is that if he had taken her womanhood.[30] (Emphasis supplied)

It is uncanny that even after so much time had passed, still no one told the barangay chairman right off when she arrived that MJ had been raped. It was MJ's nakedness in her room and Rodel's presence under the bed that preoccupied the barangay chairman and made her ask if MJ's virginity had been taken from her, which fact in itself did not amount to rape. How Rodel succeeded in taking that virginity--supposedly by spraying MJ with

something that made her dizzy--apparently did not have relevance to the barangay chairman's line of inquiry.

The sequence of events that the prosecution tried to establish did not also make sense. The story is that MJ got home at about 11:30 p.m.[31] Rodel came around midnight and they talked for about 30 to 45 minutes. This means that Rodel left at 12:45 a.m. at the latest. Since he came right back into the house, this means that, if the prosecution evidence were to be believed, he raped MJ at about 12:45 a.m. Thus, at least one hour would have passed before MJ's mother, LK, came home at 2:00 a.m.[32] So what reason would Rodel have for staying around in his underwear after raping MJ? And, although the bedroom had a window through which Rodel could easily have escaped, he chose to dive under the bed. These circumstances indicate that Rodel did not believe he committed a crime. He hid simply to avoid exposing MJ to her mother's wrath.

It seems, considering all the testimonies that what happened is that, since they were alone in the house, Rodel and MJ lost control and made love. When MJ's mother suddenly showed up and opened her daughter's room with a key, Rodel hid under the bed. But the suspicious mother, finding her daughter naked, looked for him under the bed. LK summoned her sister, the barangay chairman, her son and her brother-in-law, both tanods and seized Rodel. Asked if she preferred getting married to continuing her studies, MJ must have chosen the latter. And, to save face, her relatives who had political power made it look like Rodel raped her.

Although the weight of jurisprudence is that the Court must respect the factual findings of the trial court and the CA, this case presents an exception. On close examination, the prosecution's evidence left much to be desired. With so many inconsistencies and incompatibilities with common experience, the Court is unable to see the unfiltered truth. To conclude, the evidence failed to overcome the constitutional presumption of innocence of the accused.

WHEREFORE, the Court GRANTS the appeal, SETS ASIDE the decision of the Court of Appeals dated March 25, 2010 in CA-G.R. CR-HC 03161 as well as the decision of the Regional Trial Court of Cabarroguis, Quirino, Branch 31 in Criminal Case 1841, and ACQUITS the accused-appellant Rodel Singson of the crime charged on ground of reasonable doubt.

The Court orders his immediate RELEASE from custody unless he is being held for some other lawful cause and ORDERS the Director of the Bureau of Corrections to immediately implement this Decision and to inform the Court within five days from its receipt of the date appellant was actually released from confinement. Costs de oficio.

SO ORDERED.

Velasco, Jr., (Chairperson), Peralta, Mendoza, and Perlas-Bernabe, JJ., concur.

[1] Branch 31.

[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 are used to represent her, both to protect her privacy (People v. Cabalquinto, G.R. No. 167693, September 19, 2006, 502 SCRA 419, 421-426).

[3] Entitled an act to impose the death penalty on certain heinous crimes, amending for that purpose the revised penal laws, and for other purposes.

[4] TSN, January 3, 2005, p. 5.

- [5] Records, p. 2, Exhibit "C".
- [6] Supra note 4, at 19.
- [7] TSN, October 11, 2004, pp. 6-8.
- [8] Id. at 15.
- [9] Id. at 20.
- [10] Id. at 21.
- [11] Id. at 18.
- [12] TSN, November 9, 2005, p. 16.
- [13] Id. at 17.
- [14] Id.
- [15] Id. at 18.
- [16] *People v. Abino*, 423 Phil. 263, 276 (2001).
- [17] Supra note 5.
- [18] Supra note 4, at 15.
- [19] Id. at 17-18.
- [20] Id. at 9.
- [21] Id. at 23.
- [22] Id. at 20-21.
- [23] Id. at 6.
- [24] Id. at 26-27.
- [25] Id. at 29.
- [26] Supra note 7, at 8.
- [27] Id. at 21-22.
- [28] Id. at 23.
- [29] TSN, January 17, 2005, pp. 14-15.
- [30] Id. at 17.
- [31] Supra note 4, at 13.
- [32] Supra note 7, at 6.

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