

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CARLOS CUARTEROS Y PEREZ, ACCUSED-APELLANT

G.R. No. 68764. March 18, 1991

Ponente: FERNAN, C.J.

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FERNAN, C.J.:

This is an appeal interposed by the defendant Carlos Cuarteros y Perez from the judgment rendered in Criminal Case No. Q-8472 of the Regional Trial Court of Quezon City, finding him guilty of the crime of Rape and sentencing him to suffer the penalty of reclusion perpetua and to pay the victim, Leticia M. Lanoria, P50,000 as damages, and to pay the costs.

The sworn complaint filed by the offended party reads:

"That on or about the 26th day of October, 1976 in Quezon City, Philippines, the above named accused, with lewd designs and by means of force and intimidation, did, then and, there willfully, unlawfully and feloniously have sexual intercourse with the undersigned LETICIA M. LANORIA, without the consent and against the will of the latter, to her damage and prejudice in such amount as may be awarded her under the provisions of the New Civil Code." [1]

The factual findings of the trial court are as follows:

"Records show the complaining witness Leticia M. Lanoria is employed at the Veterans Memorial Medical Center, assigned to social services of the surgical ward thereat, sharing office space only with a supervisor, a Mrs. Mila Ingles during a tour of duty from 8:00 a.m. to 12 noon and from 12:30 p.m. to 4:30 p.m. Accused, on the other hand, is similarly a VMMC employee at the motor pool, with detail at social services since 1971.

"x x x x x x x x.

"As testified to by the complaining witness Leticia Lanoria, after taking her lunch on October 26, 1976, she returned to her second floor office, closed and locked the door thereto, and proceeded to take a nap at her seat therein. Her only regular companion in the office just off the surgical ward, Mrs. Ingles, invariably went home for lunch. Lanoria declared that about 10 minutes into her nap, she was awakened by accused who was kissing and embracing her; that she pushed accused and tried to box and slap him, but that the latter took hold of her hand forced her to stand up and pushed her against the wall; that when she tried to push back against, the accused, the latter boxed her; in the stomach, causing her to fall short of breath; that accused held her down on the floor with both hands and pressed his body down on her; that her efforts to free herself were of no avail because of nervousness and weakness.

"Lanoria has then continued to testify that while accused held her down with his body and right hand, he removed her panty with his left hand and thereafter his trousers; that when she tried to shout as accused inserted his sex organ into her private part, said accused covered her mouth with his hand; that after the act, accused stood up and fixed himself and before leaving the room told her that he would kill her and her family should she report the incident to anybody; that after the accused left, she; stood up and fixed herself; that she did not tell Mrs. Ingles what happened when the latter arrived, because of the threat made by the accused; that

Mrs. Ingles did not notice traces of her having been in tears.

"Prosecution evidence is that Lanoria next saw Cuarteros at the 4:30 p.m. dismissal time, while filling out the time records; that she went home alone but arrived late at her house because she failed to alight from her bus and rode on it for two (2) round trips before dropping off at Quiapo Church to pray; that on arrival home, she did not tell her husband what happened in avoidance of giving him problems while reviewing for the bar; that she had lunch with accused and other co-employees for the next two days in the hospital canteen, in order not to arouse any suspicion of what had happened; on October 29, 1976, she asked her husband to join her for lunch with the accused 'and other' officemates, after which she and her husband repaired to a place where she finally told her husband that she had been sexually abused inside the office at the surgical ward. Leticia Lanoria has further declared that her husband, enraged and furious, wanted to see the accused and ordered her to get her bag from the office; that coming from her office, she saw her husband confront accused in the hospital lobby with the words, " Ang mahal mo maningil" and that accused replied that, he did not know what her husband was talking about.

"Prosecution evidence would tend to show that Lanoria and her husband later consulted with her parents, and sought the advise of a cousin judge who urged that the matter be reported to the NBI, that on November 2, 1976, she accordingly went to the NBI and filed out a complaint sheet (Exh. "B"), having on November 12, 1976 given a statement to the NBI investigator (Exh. "C"); that an; NBI investigation report (Exh. "F") resulted in a preliminary investigation and the, eventual filing of the herein complaint (Exh. A)."[2]

After trial, the lower court rendered a judgment of conviction on September 20, 1983. On appeal, the accused argued that the court a quo erred in relying on the testimony of the complainant Leticia Lanoria and using that as basis for finding him guilty of rape beyond reasonable doubt.

On August 11, 1989, while his conviction was pending review in this Court, the accused submitted an affidavit of desistance purportedly executed by the offended party herself on August 3, 1989 whereby she sought the dismissal of the instant case. Leticia, then stricken with pancreatic cancer, indicated her desire to "relieve" the accused of any responsibility, whether criminal or civil.[3]

It must be stressed that any desistance by the rape victim, at this point, or after conviction, is decidedly futile and cannot in any way affect the final disposition of the appeal. However, in its review of the case at bar, the Court has been guided by three fundamental principles, to wit: (1) an accusation for rape can be made with ease; it is difficult to prove but more difficult for the accused, though innocent, to disprove; (2) in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and (3) the evidence for the prosecution must stand or fall on its own merits, and cannot be allowed to draw strength from the weakness of the evidence for the defense.[4]

As expected, accused-appellant Cuarteros presented a totally different picture of what transpired between him and Leticia. He maintained that he never forced Leticia to have sexual intercourse with him and that she willingly gave herself to him on two occasions inside her unit office at the Veterans Memorial Hospital.

Cuarteros, 51 years old, married, employed at the Veterans Memorial Medical Center as driver-mechanic, testified that for several months before the incident complained of, he "paid court" to Leticia. In time, Leticia, a married woman with three children reciprocated his feelings and their relationship culminated in a tryst at the Stylus Restaurant in Cubao in the afternoon of October 25, 1976. It was there that Leticia entrusted to him the duplicate of her office key so that they could meet early in her office the next day.[5]

The following morning of October 26, 1976 at about seven o'clock, Cuarteros entered Leticia's office using the fabricated key. Leticia was already there. They kissed and embraced each other. Then they met again after lunch and spent an hour or so of uninterrupted kissing and embracing. Still unsated by their lovemaking, they were

together again that same afternoon just before five o'clock. The office was deserted. They had sexual intercourse at her insistence. He later accompanied her in going home. When they parted, it was as if they were "husband and wife". In the afternoon of October 28, 1976, they made love again inside her office that was their last.[6]

We reverse on reasonable doubt. There are certain aspects of this case which have cast serious doubts on the veracity of the charge of rape and the sincerity of the offended party's declarations in court.

It does not inspire belief that Cuarteros had used force on the complainant to satisfy his bestial desires. The scene of the alleged crime was the social service ward office adjoining the surgical ward which at noontime had patients. It was a public place. Leticia could have easily made an outcry or resisted her attacker (who was unarmed) without endangering her life. Considering that the two rooms were separated by a mere wooden door, any commotion could have attracted attention and any shout for help could have been easily heard.[7]

We also find it difficult to believe that Leticia's heavy sobs after she was sexually abused would have left no telltale traces on her face. Normally, it would take a while for a rape victim to regain her composure. Surely, Leticia's agitated state would not have escaped the notice of Mrs. Ingles, her supervisor and companion in the office, if she had truly been ravished as she claimed.

Leticia endeavored to explain why it took her all of three (3) days before she revealed the sexual assault to her husband, Basilio. She said that she did not want to add to the grief of her husband who had recently lost his mother nor disturb his concentration as he was then reviewing for the November bar examinations. That is perfectly understandable. But Leticia's further allegation that she was fearful for her life is quite taxing to one's imagination. From the record, it does not appear that the alleged threat made by Cuarteros had instilled fear in the mind of the complainant. Her behavior days after the alleged assault was wholly inconsistent with the charge of rape. On October 27, 28 and 29, 1976, the supposed rape victim met her attacker and had lunch with him and behaved as if the assault on her honor never took place. Thus:

"Q. This incident happened on the 26th of October. Do you mean that on the 27th, 28th aside from the 29th, the accused took lunch with you and your group?

"A. That is right, sir, I would like to impress to my companions that nothing had happened."[8]

Indeed, the complainant seemed too casual, too nonchalant about her supposedly harrowing experience in the hands of Cuarteros. She was more concerned with keeping up appearances. On the witness stand, Leticia recounted how she informed her husband of the rape.

"Q. When you called your husband by phone on October 29, 1976, was it nearing lunch time?

"A. Yes sir.

"Q. What made you decide to call your husband to go to your place of work nearing lunchtime on October 29, 1976 to tell him what happened to you on October 26, 1976?

"A. Well, thinking that the incident was a serious one, I decided to call him up to have lunch with me, so that I could tell him about the incident with nobody around us.

"Q. Would it not be better and more prudent to tell him right in the privacy of your own home, if privacy is what you wanted?

"A. Since I was still very much confused, I could not just decide immediately to tell my husband. But because my feelings I can no longer control to keep that a secret, decided to call him up by phone.

"xxx xxx xxx.

"Q. Did he come to you when you called him by phone?

"A. Yes sir.

"Q. And he came to take his lunch with you?

"A. Yes sir.

"Court:

"Q. In what particular place at the Veterans Memorial Hospital, did you and your husband take lunch?

"A. At the canteen, sir.

"Court: Proceed.

"Atty. Bongolan:

"Q. Were you alone with your husband when you took your, lunch with him?

"A. No sir.

"Q. You were in a company?

"A. Yes sir.

"Q. Who were with you and your husband when you had lunch at the canteen on October 29, 1976?

"A. There was Miss Trinidad now Mrs. Tanog and there was formerly Miss Goona now Mrs. Marquez and also the accused and my husband.

"Court:

"Q. How did the accused happen to be with you and, your, husband at the time you took .your lunch?

"A. Because prior to, the incident, my company, the ladies and the accused was always with us during lunch time. So we are used to have lunch with him.

"Q. But is it not your purpose to take lunch with him when you wanted to confide to your husband what happened to you?

"A. Yes sir, after having lunch that was the time we are separating from the company.

"Q. How did the accused happen to be with your group who invited him to be with you and your husband and your lady companions?

"A. That has been our way. Every time we have lunch, we are together, sir."[9]

It strikes us as rather strange that Leticia would reveal the outrage to her husband at the hospital grounds when the house was the more logical place; that she could bide her time and matter-of-factly take her lunch with her husband, lady friends and the accused and wait until they had separated before making the disclosure to her husband.

According to the accused, he and Leticia had another rendezvous inside her office in the afternoon of October 28, 1976 and that they left the hospital late. This was corroborated by Medardo M. Mercado, a staff duty officer at the Veterans Memorial, who stated that he saw the couple at the hospital lobby at 6:30 p.m. on that day, or barely two (2) days after the alleged crime was committed. The two were on their way out. Mercado greeted the accused as "Pare." They both smiled in return.[10]

It is possible that there was an amorous relationship between Cuarteros and Leticia. The latter had known the accused for about five (5) years. But it was not until 1974 when Cuarteros was detailed to the out-patient, social services ward that they started to know each other quite well. Since their duties were interrelated, they found themselves discussing their work at the hospital and even their private lives.[11]

Their feelings for one another intensified during the incumbency of Mrs. Josefa Generoso the former chief of the Social Services Department. Cuarteros taught Mrs. Generoso how to drive. Since Leticia was her secretary, the former was instructed to join them. They would then go home between six and seven o'clock in the evening, first dropping Leticia off at West Avenue, near EDSA, after which Mrs. Generoso would drive home to Meycauayan, Bulacan.[12] A few months before the incident, Cuarteros would regularly bring merienda for Leticia and her supervisor, Mrs. Ingles, and would sometimes offer the food free.[13]

It is also evident from their testimonies that Cuarteros and Leticia were family friends. On various occasions, Cuarteros had been of material help to her. When her mother-in-law died, he loaned her P250.00 which she later repaid. Cuarteros also followed up her father's application for educational benefits as a veteran. In turn, the accused and his family had been the guests of Leticia's parents in their home in San Nicolas, Zambales during the Holy Week in 1975 and 1976.[14]

The special relationship existing between Cuarteros and his supposed rape victim did not escape the notice of Leticia's husband. This was disclosed by Basilio during his cross-examination.

"Court:

"Q. Do you remember whether he said anything when you asked whether he loves your wife?

"A. He probably said something to that Your Honor. Actually Cuarteros had some, what you would call as love or admiration or what to my wife because this has been said to me by some of the office-mates of my wife but I did not take that seriously because as I said Cuarteros was an acquaintance.

"Q. What exactly have you heard from the office-mates of your wife about that love or admiration on the part of the accused towards you wife?

"A. It is in the sense, Your Honor, that the accused seems to be very helpful to us, and that he sort of, well, he does whatever he can to help our family.

"Q. But you have not answered my question. So I would ask you another question. From whom did you hear that accused somewhat love or has admiration for your wife, from whom, in particular?

"A. From the office-mate of my wife, Your Honor.

"Q. From whom in particular?

"A. Mrs. Gosengquiao, Your Honor.

"Q. Her full name?

"A. I know her by Mimay Gosengquiao, Your Honor. I just do not know if Mimay is her real name.

"Q. And what is the position of Mrs. Mimay Gosengquiao?

"A. She is a social worker of the Veterans Memorial Hospital, Your Honor.

" xxx xxx xxx.

"Q. Now how did Mrs. Gosengquiao happen to tell you about the accused being sort of in love or has admiration for you wife, what prompted Mrs. Gosengquiao to tell you that?

"A. I do not know Your Honor. I do not know her basis.

"Q. What came to your mind, was she merely gossiping to you, or was she warning you, or giving a hint or advice to you?

"A. I cannot answer that Your Honor. As I said, I do not know. It is not a gossip actually. (Underscoring ours). Neither could it be a warning. Because sort of these things popped up sometimes when friends talked, Your Honor.

"Q. Did you take it as a joke?

"A. I did not consider that seriously, Your Honor, as I said because the accused is an acquaintance of our family.

"Q. But when Mrs. Gosengquiao told you that, did she tell you in a joking manner, or in a serious manner, or how did she tell you that?

"A. I just heard her, Your Honor, when she told me that, so I could not

"Q. But from the voice and from the preceding conversation between you and her, how did she tell you that, in a sort of a joke or how?

"A. In a natural way, Your honor. It is not a joke. More or less sort of informative, Your Honor.

"Q. So, she was serious when she told you that?

"A. Probably, she was, Your Honor.

"Court: Proceed

"Atty. Bongolan : That is all with the witness. Your Honor.

"Court : Redirect examination?

"Fiscal: No redirect, Your Honor."[15]

In view of the foregoing, the Court declares that the prosecution has failed, to meet the exacting test of moral certainty and proof of guilt of the accused beyond reasonable doubt. The numerous inexplicable elements of the case and the unnatural, if not incredulous, behavior of the victim notably after the rape leave us unconvinced of the truth of the charge against the accused. A verdict of acquittal is called for.

WHEREFORE, the appealed judgment of the trial court is REVERSED and SET ASIDE. The accused-appellant Carlos Cuarteros y Perez is hereby ACQUITTED on reasonable doubt.

SO ORDERED.

Gutierrez, Jr., Feliciano, Bidin and Davide Jr., JJ., concur.

[1] Record, p. 1.

[2] Record, pp. 361-363.

[3] Rollo, pp. 46-48.

[4] People vs. Aldana, G.R. No. 81817, July 27, 1989, 175 SCRA 635, 641, citing People vs. Quintala, No. L-49656, November 25, 1983, 125 SCRA 734; People vs. Antonio, G.R. No. 53984, May 5, 1988; People vs.

Geneveza, G.R. No. 74047, January 13, 1989.

[5] TSN, December 18, 1979, pp. 5 and 8.

[6] Ibid. pp. 12-17.

[7] Exh. D-1; TSN, February 13, 1979, p. 15, April 4, 1979, p. 4.

[8] TSN, February 13, 1979, pp. 11-12.

[9] TSN, February 13, 1979, pp. 9-11; Underscoring supplied.

[10] TSN, December 18, 1979, p. 18, March 2, 1983, pp. 5-6.

[11] TSN, January 10, 1979, pp. 8-10, September 4, 1979, p. 6.

[12] TSN, December 18, 1979, p. 7; December 22, 1980, pp. 22-23.

[13] TSN, January 10, 1979, p.10.

[14] TSN, April 4, 1979, p. 11; September 4, 1979, pp. 3-4; October 9, 1979, p. 27; December 18, 1979, p.6.

[15] TSN, October 9, 1979, pp. 26-30.

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