

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
GORGONIO CAPILITAN, ACCUSED-APPELLANT.***G.R. No. 73382. February 15, 1990*

Ponente: CRUZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-73382/>**CRUZ, J.:**

On the one hand is the constitutional presumption of innocence to which every person accused of a criminal offense, including the appellant in this case, is entitled. On the other hand is the positive identification by the complaining witness of the appellant as the man who raped her, together with the medical evidence of her violation.

The trial court opted in favor of the latter consideration and convicted the accused, sentencing him to life imprisonment.[1] The appellant now asks us to reverse his conviction, contending that it is not supported by the evidence of record.

The offense allegedly occurred on June 30, 1981, at about ten o'clock in the evening, at Barangay Laray, Javier, in the province of Leyte. The complaining witness is Emma Segales, at that time fourteen years old and living with her aunt Grace Navarete and her husband Rogelio. Emma was then with the couple's two children, who were asleep. Grace had left the day before for Tacloban City and Rogelio was drinking with a neighbor in the latter's house. According to Emma, appellant Gorgonio Capilitan entered their room and turned off the fluorescent lights. Then she felt his weight on her and a knife at her throat with which Gorgonio threatened her. He pulled off her panty and his own shorts and then forcibly mounted her. She felt pain and blood in her vagina as he penetrated her. She could not resist or cry out because of the weapon he was holding. After ejaculating, Gorgonio touched her breast and kissed her. Then he crawled away even as she reached for her flashlight and beamed it on him.[2]

As soon as he had escaped, Emma says she sounded an alarm and shouted for help, saying she had been raped by Gorgonio. There were four persons who awakened at her call whom she identified by name at the trial. Rogelio Navarete arrived about midnight, but she did not report the rape to him because he was drunk. At about two o'clock in the afternoon of the following day, she went to the police.[3] Grace arrived after an hour or so and upon being informed of the rape took her niece to the Leyte Provincial Hospital. Emma had earlier been examined by Dr. Lydia Perez of the Abuyog General Hospital, where she was taken by her uncle Rogelio. Explaining her medical certificate,[4] Dr. Perez later testified that she found semen and blood in Emma's vagina. The presence of semen led her to conclude that the girl was no longer a virgin although there was no laceration but only a distension of her hymen.[5] Grace Navarete testified that it was she who accompanied Emma when she filed her formal complaint with the police. Her testimony about the details of the rape as related to her by Emma was validly objected to as hearsay and should not have been allowed at all by the trial court.[6]

For his defense, Gorgonio invoked alibi and sore eyes. He testified that at the time of the alleged rape, he was in his house with his family and never went out that night because his eyes were swollen.[7] One of his witnesses, Iluminado Sabalsa, was presented for corroboration. This witness declared that he visited the appellant at about

nine o'clock of that night and advised Gorgonio to apply his own urine on his eyes to cure them.[8] Sgt. Ignacio Rellen also testified that Gorgonio had swollen eyes when he was arrested on July 1, 1981.[9]

The defense seems to be suggesting that because he had sore eyes Gorgonio could not have committed the rape imputed to him. That is a non sequitur. Sabalsa's testimony does not help at all because he said he visited Gorgonio at nine o'clock in the evening of June 30, 1981, one hour before the rape was committed. The distance between Gorgonio's house and the house where Emma was allegedly raped was only about two to three hundred meters[10] and could have been easily negotiated in less than that time.

Yet, for all the feebleness of this defense, the Court is not persuaded that it should affirm the appellant's conviction. The reason is that he can rely on the constitutional rule that the accused shall be presumed innocent until the contrary is proved. We have repeatedly stressed that in this jurisdiction accusation is not synonymous with guilt[11] and that this has still to be proved beyond reasonable doubt. That strict standard is not deemed satisfied simply because the accused has submitted an implausible defense.

It is true that in rape cases the court usually has to rely on the testimony alone of the complaining witness; indeed, corroboration by supposed eyewitnesses might even make the charge less believable. Furthermore, it is presumed that a woman would not, unless she was really telling the truth, voluntarily visit the stigma of rape upon her and thereby ostracize herself from a society that considers chastity a prized possession and a precondition for a lasting marriage.

Still, for all this, it should not follow that a mere charge of rape should automatically result in the conviction of the accused. The accusation must be supported with convincing evidence that will definitely prove the alleged rapist's guilt.

The Court has studied the briefs for the appellant and the appellee and find both of them to be inadequate. It seems to us that the counsel for both parties were merely making the motions, so to speak, instead of arguing vigorously for their respective clients. We have therefore seen fit to consult the record of the trial to ascertain what exactly happened in this case, focusing especially on the testimony of the complaining witness.

We realize that at the time of her testimony, Emma Segales was only fifteen years old and had never before appeared in a court proceeding. This might explain certain minor inaccuracies that we may dismiss outright as not impairing the essential credibility of her narration. At the same time, however, we must bear in mind that she was testifying on a traumatic and unusual experience that she is not likely to forget easily. Hence, we must also be on guard against those inconsistencies that may reasonably suggest that the narration is fabricated or untrue.

What are some of these contradictions?

At one point in her testimony, Emma said she was sleepy when Gorgonio entered the house and turned off the lights.[12] In another part of the transcript, we find her saying she was asleep at the time the appellant came into the house and it was only when he was already on top of her that she awakened.[13] Elsewhere in her narration, she said that she saw Gorgonio peep into the room and that he was apparently looking for her. [14] Yet when he turned off the lights, she did not reach for the flashlight which she said she had beside her and made no move whatsoever until he raped her.[15] She also testified that she was lying under the bed when Gorgonio approached and ravished her,[16] but given the standard height of a bed, one can only wonder how the rape could have been committed underneath in such a cramped space. Emma also said he pointed a knife at her throat and could even describe the weapon by name (pisao) and length (about 8 inches)[17] although it was pitch dark under the bed, with the lights turned off. According to her, she suffered profuse bleeding as a result of the rape and her panty was also bloodied,[18] (although she said this had been removed earlier).[19] Yet, after the rape, she wore her panty

again, blood and all.[20] Incidentally, that panty was never presented in evidence to bolster her testimony, and neither for that matter was any of the four persons to whom she allegedly reported the rape after Gorgonio's escape. Finally, the Court is also intrigued by Emma's statement on cross-examination that she had a "premonition that somebody would come up"[21] and that "I was feeling afraid and I was then thinking what would happen, but I did not expect I would be raped." [22] This appears to be a fertile imagination at work that could reflect on the rest of her testimony.

In *People v. Quintal*, [23] this Court declared through Justice Guerrero:

There are three (3) well-known principles that guide an appellate court in reviewing the evidence presented in a prosecution for the crime of rape and these are: (1) that an accusation for rape can be made with facility; it is difficult to prove it but more difficult for the person accused, though innocent, to disprove it; (2) that 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) that 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.

And earlier, we stressed in several cases [24] the evidentiary rule that —

x x x in crimes against chastity, the testimony of the injured woman should not be received with precipitate credulity; and when the conviction depends at any vital point upon her uncorroborated testimony, it should not be accepted unless her sincerity and candor are free from suspicion.

No less significant is the circumstance that, as in the case of *People v. Villapaña*, [25] the trial was conducted by a judge other than the one who subsequently replaced him and rendered the decision. In the case at bar, it was Judge Auxencio C. Dacuycuy who presided at the trial and it was Judge Sergio D. Mabunay who ultimately convicted the accused-appellant on the basis of the records before him. Judge Mabunay did not have the opportunity of observing the witnesses on the stand and so could not directly gauge their credibility by their demeanor when they were testifying.

In *Villapaña*, the Court declared:

Additionally, we have to take note that in this case, the judge who heard the evidence for the prosecution is not the same judge who decided the case. It was Judge Serafin Salvador who heard the testimonies of complainant and her witness before his retirement. Whereas, it was Judge Romulo Quimbo who decided the case relying solely on the transcripts of stenographic notes in appreciating Macaranas' and her witness' testimonies. Even as this Court has consistently been guided by the precept that findings of trial courts on credibility of witnesses are accorded great weight and must not be disturbed as it was the trial judge who had the opportunity to observe the demeanor of the witnesses while they were testifying, this case should be an exception in view of the fact that the judge who decided the case is NOT the same judge who heard the evidence (See *People v. Escalante, et al.*, G.R. No. L-37147, August 22, 1984, 131 SCRA 237.) Thus, the Court should all the more exercise utmost care in evaluating the evidence presented in the instant case so as to render justice not only to the accused, but also to the complainant and the State as well.

It is possible that the accused-appellant really raped the complaining witness, but the Court is not persuaded to the point of moral certainty, which is the high standard of proof required for conviction. The defense may be weak, but the prosecution is even weaker; and the rule is that conviction must rest not on the weakness of the defense but on the strength of the prosecution. So often has it been said that it is better for one hundred criminals to go free than for one innocent man to be convicted. That is the reason why we require the constitutional presumption of innocence to be offset only by the most persuasive of proofs that will establish the guilt of the accused beyond the whisper of a doubt.

WHEREFORE, the appealed decision is REVERSED and the accused-appellant ACQUITTED, without costs. It is so ordered.

Gancayco, and Medialdea, JJ., concur.

Griño-Aquino, J., please see dissent.

Narvasa, J., (Chairman), joins Mme. Justice Aquino in her dissent.

[1] Decision dated September 10, 1985 written by Judge Sergio D. Mabunay of the Regional Trial Court, Branch X, Abuyog, Leyte.

[2] TSN, April 15, 1982, pp. 14-15.

[3] Ibid., p. 16.

[4] Exhibit "A".

[5] TSN, November 12, 1981, pp. 9-10.

[6] TSN, August 30, 1982, pp. 6-9.

[7] TSN, October 5, 1982, p. 23.

[8] TSN, November 18, 1982, p. 3.

[9] Ibid., pp. 7-8.

[10] TSN, October 5, 1982, pp. 24-25; Appellee's Brief, p. 14.

[11] People vs. Dramayo, 42 SCRA 59.

[12] TSN, April 15, 1982, pp. 26-27.

[13] TSN, May 18, 1982, p. 17.

[14] TSN, April 15, 1982, p. 27; TSN, May 18, 1982, p. 13.

[15] TSN, May 18, 1982, pp. 9-10, 13-15.

[16] Ibid., p. 13.

[17] TSN, April 15, 1982, p. 12.

[18] Ibid., p. 19.

[19] Id., p. 13.

[20] Id., pp. 19-20.

[21] TSN, May 18, 1982, p. 5.

[22] Ibid., pp. 5-6.

[23] 125 SCRA 734.

[24] People vs. Cui, 162 SCRA 220; People vs. Villapaña, 161 SCRA 72; People vs. Estacio, 111 SCRA 537; People vs. Francisco, 105 SCRA 516.

[25] Supra.

DISSENTING OPINION

GRINO-AQUINO, J.:

I am constrained to dissent from the ponencia as I find no reason to disbelieve the 15-year old complainant. The fact is she was raped and she identified the rapist as a neighbor she had known for six years and who lived only 80 meters away. No motive has been shown why a young girl like her would falsely incriminate the accused. Her statement that she was raped "under the bed" could have been a result of faulty translation from the vernacular. She disclosed that she and the two children, aged 2 years and 1 year old slept on the floor near the bed. "Under the bed" probably meant not on the bed or on the floor beside the bed.

I am inclined to go along with the decision of the judge in the place as local judges usually know about these cases.

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.