

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DANILO TAGLE, ALIAS “DANNY TAGLE,” ACCUSED-APPELLANT.

G.R. No. 73996. August 28, 1989

Ponente: CRUZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-73996/>

CRUZ, J.:

The Court is not convinced that the guilt of the accused has been proved beyond reasonable doubt. The prosecution has failed to overcome the constitutional presumption of innocence. The prisoner must be acquitted.

The accused was a 35-year old man with a wife and four children at the time of the alleged offense. The complaining witness was 19 years old and unmarried when she claims she was raped by Danilo Tagle.

As found by the trial court[1] on the basis of the testimony of the prosecution witnesses, the crime was committed on October 29, 1982, at about ten o'clock in the evening, in a wooded area in Pagudpud, Ilocos Norte.

On October 18, 1982, Iluminada Damo went to the house of Tagle to consult him about her cough. Tagle is a herb doctor or "arbularyo." According to Iluminada, the accused asked her to come back with a maiden 18 years or older to pick the needed herbs with him.

Accordingly, she went back to Tagle's house on October 29, 1982, at about four o'clock in the afternoon, bringing Arcelie with her.

Tagle began treating his patient by pressing a glass of water on her breasts. This treatment continued for some time. Later in the evening, Tagle asked Arcelie to go with him so they could pick the herbs. He stressed that it was necessary to do this at that time as otherwise the herbs would have no healing power. The presence of Arcelie was also indispensable, for the same reason.

Arcelie said she hesitated because of the late hour. Nevertheless, she finally consented, to accommodate her ailing sister-in-law. She even donned a skirt because the accused had asked her not to wear pants. After walking for some three kilometers, she and the accused stopped at a spot near the seashore where there were many trees. There she started to pick some herbs as indicated by Tagle.

While she was doing so, Tagle suddenly grabbed her arm and warned her not to cry out. Sensing his intentions, she remonstrated and said, "Do not do this to me, Manong." He pointed a knife at her neck to stop her resistance. Not satisfied with the threat, he boxed her in the abdomen and rendered her unconscious.

When she recovered, she found she had been deflowered. She still ached from the blow to her stomach. Her exposed vagina was painful and a warm fluid was oozing from it. Tagle was standing before her, also naked from the waist down. He handed her her panty which she put on. They then started to walk back to his house.

She was crying all the way but stopped when they reached his residence because he had threatened to kill her if she said anything about her rape. She proceeded upstairs and stayed near the place where Tagle's wife and children were sleeping. She was restless the whole night.

The complainant declared that she left early the following morning, and in the afternoon of the same day, told her brother about her rape. She underwent two medical examinations, first on October 31, 1982, and the second on November 3, 1982. The report thereon, issued on November 15, 1982, reads as follows:

General Condition - Patient is about 4'10" in height with a very good built. She is shy and hardly speak.

Physical Examinations:

No visible external physical injuries, on the face, body and extremities.

Breasts - conical, firm, nipples are small.

Internal Examination:

Labia-Majora - firm and well rounded

Labia-Minora - soft, pinkish and not in close apposition with one another.

Hymen - healed laceration at 6 o'clock and 12 o'clock with rounded non-coaptible borders.

Examination of Vagina Smear (Microscopic) - negative of spermatozoa.[2]

Illuminada Damo corroborated Arcelie's testimony up to the point where she left with the accused to pick the medicinal herbs. She also testified on the girl's conduct upon her return. This witness added that the accused admitted to her in the evening of October 30, 1982, after Arcelie had left, that he had raped the complainant.

The trial court noted in its decision that after the filing of the information against the accused, his father, Fernandico Tagle, approached the complainant's family for a possible settlement out of court. But he was rebuffed by Arcelie.

Tagle's defense was that he and Arcelie were in fact lovers. Although this explanation is often enough rejected by the Court, there are some circumstances in this case that give it some credence.

Tagle testified that he met Arcelie sometime in 1979 and courted her for two years until she accepted his love on December 13, 1981, when he gave a birthday party at the beach. They exchanged rings in token of their troth. (He submitted in evidence the one he says Arcelie gave him.)[3] On October 10, 1982, when his wife and children were away, Arcelie stayed with him in his house all night. They had sex twice, once before they slept and once again at dawn.

The accused stated that he did not rape Arcelie on October 29, 1982, and that they did not even have voluntary sexual intercourse then. Arcelie wanted it, but he claimed he was ailing with influenza at the time and had gone out only because he had to pick the herbs for Illuminada. He admitted that Arcelie had come along but not because he had asked her; in fact, she had insisted on accompanying him against his will.

Although Arcelie denies this, Tagle said that the two of them were together at a benefit dance on October 30, 1982, the night following the alleged rape. He even bought then her "social box" for P100.00 for the privilege of dancing with her. It was while they were dancing that Arcelie slapped him and accused him of lying to her about his wife and children. Tagle said that Arcelie warned him then that she would file a case against him.

Fernando Pia testified for his "barkada," as he described Tagle. He confirmed the story of Tagle's birthday party at the beach. He particularly remembered the night of October 10, 1982, when he visited Tagle in his house to borrow money and came upon his friend in bed with Arcelie. He also said that in the evening of October 29, 1982, he was in Tagle's house and saw Arcelie follow the accused when he went out to get the herbs. Upon her return, Arcelie joined them in singing and appeared to be in good spirits. The following morning, he and Arcelie went out

to pick some orchids and later had breakfast in Tagle's house.

What the Court finds especially intriguing - and revealing - is the testimony of Dr. Rogelio Balbag, who conducted the medical examination of Arcelie and rendered the report thereon. We find the following disturbing exchange in the transcript of his testimony:

COURT:

Q Doctor, in your medico-legal certificate marked Exhibit C, there is an entry here which says "laceration at six o'clock and twelve o'clock with rounded coaptible border," could you tell us what this means?

A May I see it your Honor. As I read x x x I compared x x x I noticed there are some erasures that I found at the part of the hymen healed laceration. The word "healed" was erased on that, your Honor.

Q Do you have the duplicate copy?

A Yes, your Honor.

Q So, now you would want to say there is a word "healed"?

A I wish to inform the court that excited me; that could be tampered.

Q I will show you again Exhibit C, will you find out if there is the erasure?

A There is something applied in this part, your Honor.

Q You did not erase that before you signed it, Doctor?

A No, your Honor. There is the duplicate of the one I issued.

Q So, you want to impress the court that regarding Exhibit C it should be healed laceration?

A It should be healed laceration, your Honor.[4]

As for the length of the healing period, the doctor testified as follows:

COURT:

Q When did you examine the patient?

A October 31, 1982, your Honor.

Q What was the nature of the wound, the laceration wound at six o'clock and twelve o'clock according to you at the time you examined the patient?

A It is healed laceration, your Honor.

Q Freshly healed?

A Newly healed.

Q In your opinion, when were those lacerations inflicted?

A It can be one or two weeks before. I can't say, your Honor, one or two weeks before.

COURT:

Any more questions, Fiscal.

FISCAL ALEJANDRO:

Q You said, Doctor, that the laceration of the hymen was newly healed. Could it be two days before when you examined that woman?

A That would be very hard because two days that would be fresh laceration.

COURT:

Q Normally, the laceration of the hymen, what is the healing period?

A Five days. It depends from the environment of the wound, your Honor.

Q Now, after five days the laceration is healed?

A That is my opinion, your Honor.

Q And you say as newly healed?

A Yes, your Honor, but the wound could not heal within two days. It cannot completely heal within two days. That would be very hard because if it is inflicted within two days, it would be mere fresh laceration.

COURT:

Continue.

FISCAL ALEJANDRO:

Q You said, Doctor, that the healing period of the laceration of the hymen may differ on some factors?

A Yes, sir.

Q Would it be possible by the natural power of the victim could cause the healing of the wound inflicted?

A What do you mean by "natural power"?

Q On your own human capacity, would the healing be possible cause immediate healing of the wound?

A In my opinion, a wound inflicted two days will not heal immediately.

Q At any rate, Doctor, is it not a fact that you also requested the victim to come to your office x x x I withdraw the question. That is all, your Honor.[5]

It is significant that although Arcelie said she was examined twice, Dr. Balbag said the second one was more of a mental examination.[6] The medical examination itself was concluded on October 31, 1982.

The trial judge dismissed the matter of the ruptured hymen and noted that virginity is not an essential element of the crime of rape. Citing jurisprudence, he said even prostitutes could be raped. That is true enough. But what he failed to consider is that the physical evidence of the healed laceration reflected on Arcelie's credibility, especially in her narration of her claimed violation.

Asked if she had had any previous sexual experience, she said none.[7] That would mean she was deflowered on October 29, 1982. This was only two days before her medical examination, which revealed that the laceration of her hymen had already healed. Her recuperation was truly amazing if wonders are to be believed.

In the light of this undeniable physical evidence of the miraculously healed maidenhead, the Court is more inclined to accept Tagle's testimony that he and Arcelie were lovers and had sex twice on October 10, 1982. Her hymen must have been ruptured then, or perhaps later, but not as late as October 29, 1982, when she claims Tagle forced himself upon her.

In fact, it is not even certain that she had sexual intercourse that night, as there was no showing of this in the medical report. No trace of spermatozoa was found in her vagina. The panty and skirt she wore, both of which she said she used for wiping the red and white fluid oozing from her groin,[8] were not presented at the trial.

It is true that there are flaws in the evidence of the defense that invite disbelief. Tagle clearly proclaimed himself a liar when he confessed his deception in concealing from Arcelie the fact that he had a wife and children. Also, there is no corroboration of his testimony that he and Arcelie were together at a benefit dance the night after the alleged rape. The slapping incident he narrated could surely have been witnessed by many persons who were at that social gathering, but none of them came forward at the trial.

As for Pia, the impression of the Court is that he was testifying more out of loyalty for his friend than in the interest of truth. It is not easy to accept, for example, that although he said he had gone several times to Tagle's house to borrow money, the only date he could remember having done so, conveniently enough, was October 10, 1982. The other dates are a blur. And, interestingly, although he claimed the accused was a close friend of his and lived only twenty meters away from his own house, this witness did not know that Tagle was married and had four children.[9]

But in a criminal action, the conviction of the accused depends not on the weakness of the defense but on the strength of the prosecution.[10] Even if it be supposed that the defense in the case at bar is weak, the prosecution, as it happens, is even weaker. The Office of the Solicitor General seems to think so too, if the half-hearted appellee's brief it submitted is any indication.

The Court finds it hard to accept that a young maiden like Arcelie would go out late at night with a man she had met only six hours before to a wooded and secluded place where her only possible protection against his temptation would be his own forbearance. Unsophisticated girls may be naive to a certain degree but they cannot be that trusting.

Arcelie says she hesitated when Tagle asked her to come with him. However, she changed her mind later for the benefit of her sister-in-law. Iluminada seems also to have completely trusted Tagle even if she herself had met him only once before, on October 18, 1982. And it is also curious that she did not even inquire why, as she said she noticed, Arcelie was silent and apparently under stress when she returned from her nocturnal trip. This witness was apparently not much interested either when Arcelie left her early the next morning without any explanation, Iluminada did not bother to ask.

The strangest piece in this puzzle is Tagle's nameless wife and children who were either conveniently absent or unobtrusive even when present. Tagle says they were in Nueva Ecija when he gave his birthday party at the beach and won Arcelie and on October 10, 1982, when Arcelie slept with him in his house. But October 29, 1982, was different. The wife was there but did not object when Tagle and Arcelie went out into the night together. She was not heard to say anything either when the two returned hours later from whatever they might have been doing in the dark. She accepted Arcelie back into her house and even slept in the same place with her, presumably with complete peace of mind. There was not one ounce of jealousy in her.

But that is another story.

In the case before us, we feel that the prosecution has failed to establish the necessary quantum of evidence to justify the conviction of the accused-appellant. To repeat, the Court regards as especially significant the physical evidence of the healed hymen, which suggests that Arcelie was not telling the truth about her alleged violation on the night in question. Her innocence was ruptured, but not on that night of October 29, 1982.

It looks to us that Arcelie has acted out of spite over her discovery that she had been deceived by her married

lover and she is now using this case to wreak her vengeance. Our finding is that Arcelie was not a violated virgin but a betrayed and resentful sweetheart bent on the revenge of a woman scorned.

Let it not be supposed from this decision that the constitutional presumption of innocence commands the exoneration of the guilty. The presumption is certainly not conclusive and may yield to positive proof that the crime has been committed by the prisoner on the dock as charged. But that proof, if it is to prevail, must be strong enough to dispel all doubt and sustain the defendant's conviction. It is absolutely indispensable that it be convincing enough to warrant his punishment, not the least of which, along with the loss of his liberty or property, is the stain upon his honor.

WHEREFORE, the appealed decision is REVERSED and the accused-appellant is ACQUITTED. It is so ordered.

Narvasa, (Chairman), Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] Decision penned by Judge Manuel D. Victorio, Regional Trial Court, Branch XIX, Bangui, Ilocos Norte.

[2] Exhibit "2."

[3] Exhibit "1;" TSN, July 10, 1985, p. 5.

[4] TSN, February 25, 1985, p. 12.

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

[6] Id., pp. 10-11.

[7] Decision, p. 14.

[8] TSN, October 25, 1984, pp. 62-64.

[9] TSN, June 10, 1985, pp. 12 and 29.

[10] *People v. Go Bio, Jr.*, 142 SCRA 238; *People v. Co.*, G.R. No. 38052, July 14, 1988; *People v. Nazareno*, 80 SCRA 484; *People v. Royeras*, 130 SCRA 259.

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.