

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. GRACIANO GENEVEZA Y EVANGELISTA, ACCUSED-APPELLANT.

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

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-74047/>

PADILLA, J.:

This is an appeal from the decision* of the Regional Trial Court of Malabon, Metro Manila, Branch CLXIX (169) in Criminal Case No. 069-MN, convicting the accused-appellant Graciano Geneveza of the crime of Rape and sentencing him to suffer the penalty of reclusion perpetua.

Upon arraignment, accused pleaded not guilty to the crime charged.

The People's version of the facts, as summarized by the Solicitor General, is as follows:

"Nenita Obogne is a resident of Bagong Barrio, Caloocan City since July 27, 1982 (p. 4, tsn, Sept. 28, 1983). Prior thereto, she resided in Riverside, Potrero, Malabon for a period of twenty (20) years. She lived with her mother in a house located at the back side of the Cosmos Bottling Company (pp. 4 & 5, *ibid*).

On March 18, 1982, at around 8:00 p.m., Nenita was walking along Dona Juana road in Malabon. She had just come from the house of Dr. Erlinda de la Cruz after paying some obligations. While walking along said Dona Juana road, appel-lant Graciano Geneveza poked a knife wrapped in a newspaper at her side and brought her to a house located at the back of Cosmos Bottling Company. The house belongs to Melanio Antipuesto (pp. 6-9, *ibid*).

After she was brought to the house, Graciano Geneveza ordered her to take off her clothings but she refused because she was afraid of him. Because of Nenita's refusal, Graciano personally took off her clothes and after undressing Nenita, placed himself on top and had carnal knowledge of her. Graciano succeeded in having sexual intercourse with Nenita twice (pp. 9-12, tsn, *ibid*).

After the intercourse, Graciano told her to dress up and they went out of the house at around 6:00 o'clock in the morning. However, before going out of the house, Graciano did not say any-thing to Nenita. Nenita also declared that that was the first time she knew and saw Graciano Geneveza (p. 13, *ibid*).

She reported the incident only on August 5, 1982 to the Malabon Police Department and she was examined by the PC Crime Laboratory on August 6, 1982 (pp. 15 & 18, *ibid*).

xxx xxx xxx

As a result of the sex act, Nenita became pregnant and she had herself examined by a doctor at the San Lazaro Hospital who confirmed her pregnancy (p. 16, tsn, Sept. 28, 1983). She eventually gave birth to Mark Anthony and Mark Angelo – twins (p. 18, tsn, Jan. 18, 1984)." [1]

On the other hand, the testimony of the appellant Graciano Geneveza as summarized by the trial court, goes thus:

"x x x accused Graciano Geneveza, Jr., 36 years old, married, forklift operator and resi-ding at 837 Vicente G. Cruz, Sampaloc, Manila, testified that he is married since 1976 with five (5) children; that he is presently

employed with the Cosmos Bottling Company as a forklift operator since April 2, 1975; that he knows Nenita Obogne because she was tending a store near the company where he was working and used to eat at her store from 1978 up to 1980; that he saw Nenita Obogne on May 12, 1972; that they were together on March 18, 1982 at 8:00 o'clock in the evening; that he denied having forced and had carnal knowledge of Nenita Obogne on March 18, 1982; that on the said date she was in her carinderia cooking food where he greeted her and he invited her for a walk and she agreed; that while they were walking, he held her hand and invited her to a merienda and she consented also; that after taking their snacks he invited her to take a walk until they reached the place of Melanio Antipuesto at Dona Juana Road, Potrero, Malabon, Metro Manila; that he knocked at the door of the house of Melanio Antipuesto and the door was opened; that he asked for a privacy in the house and Melanio Antipuesto obliged and he told them 'Bahala na kayo diyan' after which he left them; that after Melanio Antipuesto left them in the house they had some kind of a romance and she voluntarily agreed as they love each other; she voluntarily went with him and she gave him what he really likes 'pag-amor', caressing and kissing; that the next morning at 5:30 o'clock they parted ways and gave her P50.00 for her transportation while he reported for work at 6:00 o'clock in the morning at Cosmos Factory." [2]

Defense witness, Buenaventura Santos, Jr., corroborating the appellant's testimony, testified, also as summarized by the Trial Court –

"x x x that on March 18, 1982, he was working at the Cosmos Bottling Company from 6:00 o'clock in the morning up to 3:00 o'clock in afternoon; that on the same date he made a 'bale' and spent the amount in a drinking spree with Graciano Geneveza and Nemesio Cabilan at Madis place which was 150 to 200 meters away from the Cosmos Bottling Company and they reached the place by walking; that their drinking was finished at 7:00 o'clock in the evening in the said place; that as Graciano Geneveza would want to continue drinking they decided to go to the Antipuesto's place where they could drink much cheaper; that on the way they met Nenita Obogne and greeted her; that Graciano Geneveza invited Nenita Obogne to a merienda but she did not agree; that Graciano Geneveza informed her that they were going to Antipuesto's place and asked her again to go and finally she consented to be with them; that before they went to Antipuesto's house they bought drinks and pulutan; that he noticed Graciano Geneveza and Nenita Obogne as if they were lovers but did not mind them; that they continued walking to the place of Antipuesto and upon arrival, Graciano Geneveza knocked at the door and it was opened; that while at the house they continued drinking and at 9:30 o'clock in the evening, he left ahead leaving Nenita Obogne and Graciano Geneveza at Antipuesto's place and that he proceeded home." [3]

On 13 December 1985, the trial court, finding more credible the prosecution's evidence, convicted and sentenced the accused as follows:

"WHEREFORE, the Court finds the accused guilty beyond reasonable doubt of the crime of Rape and hereby sentences him to suffer the penalty of Reclusion Perpetua with all the accessory penalties provided for by law and to pay the costs." [4]

On 17 April 1986, accused-appellant filed with this Court a Motion to Fix Bail Pending Appeal. Subsequently, appellant, with leave of court, amended said motion. There being no objection interposed thereto by the Solicitor General, the Court resolved to admit appellant to bail, but increased his bail bond from P20,000.00 (amount initially fixed by the trial court) to P30,000.00.

In this appeal, the appellant raises the following assignment of errors:

"I

THE LOWER COURT ERRED IN GIVING CREDENCE TO THE LONE AND SHAKY TESTIMONY OF COMPLAINING WITNESS NENITA OBOGNE THAT SHE WAS RAPED BY ACCUSED ON MARCH 18, 1982, DISREGARDING THE REPEATED MATERIAL INCONSISTENCIES OF NENITA OBOGNE.

II

THE LOWER COURT ERRED IN BRUSHING ASIDE THE CREDIBLE TESTIMONY OF ACCUSED THAT NENITA OBOGNE VOLUNTARILY SUBMITTED HERSELF TO THE FORMER AT THE HOUSE OF MELANIO ANTIPUESTO.

III

LIKEWISE, THE LOWER COURT ERRED IN NOT HOLDING THAT THE TESTIMONY OF BUENAVENTURA SANTOS, WITNESS OF ACCUSED, CORROBORATES THE FACT OF VOLUNTARYNESS [sic] AS OBOGNE AND GENEVEZA WERE ON A ROMANTIC MOOD IN PROCEEDING TO THE HOUSE OF MELANIO ANTIPUESTO.

IV

THE LOWER COURT ERRED IN NOT FINDING THAT THE DELAYED REPORTING TO THE POLICE ON 5 AUGUST 1982 EXHIBIT "A", AS WELL AS THE DELAYED SUBMISSION TO A MEDICO LEGAL EXAMINATION ON AUGUST 6, 1985 [sic] EXHIBIT "E" GREATLY AFFECTED OBOGNE'S CREDIBILITY.

V

FINALLY, THE LOWER COURT ERRED IN NOT ACQUITTING THE ACCUSED ON THE GROUND OF REASONABLE DOUBT." (Rollo, p. 73)

As the Court sees it, the issue boils down to the credibility of the complaining witness herself. We find merit in the appeal.

The prosecution contends that the accused had carnal knowledge of the complainant, by force. The defense claims that Nenita, the complainant, voluntarily submitted herself to the accused. The question, therefore, is was there really rape?

Due to the nature of the crime of rape, we have been compelled to carefully examine the records of this case to unearth the truth behind the charge. As held in *People vs. Quintal*: [5]

"There is no question that rape is a most detestable crime and should, therefore, be severely and impartially punished. But a rape charge is easy to make, hard to prove and harder to defend by the party accused, though innocent. (Cornelio Flores, 26 Phil. 262, 268; Ignacio Landicho, 8 ACR 580; Rafael Lacson, CA 53 O.G. 1823; Francisco Salvador, CA 52 O.G. 7290; Lago, CA 45 O.G.1356; Barbo, 56 SCRA 459). Experience has shown that unfounded charges of rape have frequently been preferred by women actuated by some sinister, ulterior or undisclosed motive. Convictions for such crime should not be sustained without clear and convincing proof of guilt. (Bay, 27 Phil. 495; Pantaleon Ramos, 35 Phil. 671; Brocal, CA 36 O.G. 857; Topacio, CA 36 O.G. 1358). On more than one occasion it has been pointed out that in crimes against chastity, the testimony of the injured woman should not be received with precipitate credulity. When the conviction depends on any vital point upon her uncorroborated testimony, it should not be accepted unless her sincerity and candor are free from suspicion. A little insight into human nature is of utmost value in judging matters of this kind (Fernando Fausto, 51 Phil. 852) (See The Revised Penal Code, Vol. III, 1977 Edition, pp. 1679-1680, by Justice Ramon Aquino).

"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."

With these three (3) guiding principles in mind, and after a close examination of the records, we hold that the People failed to prove beyond reasonable doubt that rape was committed in the case at bar.

As defined in Article 335 of Revised Penal Code –

"Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

1. By using force or intimidation;
2. When the woman is deprived of reason or otherwise unconscious; and
3. When the woman is under twelve years of age, even though neither of the circumstances mentioned in the two next preceding paragraphs shall be present. x x x"

In the instant case, the prosecution did not show with convincing proof that Nenita demonstrated substantial resistance to the rape allegedly committed by the accused on her. Nenita, when asked about the fact that the accused dragged and undressed her, and later placed himself on top of her, would consistently answer that she did not shout or struggle; neither was it shown that the accused himself used any force, threat or intimidation upon her. The testimony of Nenita reads:

"Fiscal Manalaysay (on direct)

Q. From the time the accused poked a knife at your side up to the time the accused dragged you to the house did the accused tell you anything?

A. None, Sir.[6]

xxx xxx xxx

Q. And then after the accused succeeded in undressing you what did the accused do to you?

A. He placed himself on top of me.

Q. Did you not resist when the accused placed [sic] on top of you?

A. No more Sir because I was very much afraid.[7]

xxx xxx xxx

Q. Did you remember how many times did Graciano Geneveza succeed in having sexual intercourse with you?

A. Twice Sir.

Q. After this intercourse what did Graciano Geneveza do to you?

A. He told me to dress up.

Q. After telling [sic] you to dress up, what did you do?

A. Both of us went out of the house already.

xxx xxx xxx

Q. Before you came out of the house do you remember if Graciano Geneveza told you any-thing?

A. None, Sir. (Underscoring supplied)[8]

xxx xxx xxx

Atty. Untalan (on cross)

Q. Now, you said when the accused poked a knife against you he dragged you to a certain house at the back of the Cosmos Building, is that right?

A. Yes, Sir.

Q. Did you not attempt to shout nor struggle?

A. No, Sir I was afraid.[9]

xxx xxx xxx

Q. While he was undressing you did you attempt to shout to protect yourself?

A. No, Sir because I am afraid he might kill me just incase [sic] I shout."[10]

Clearly, therefore, Nenita failed to make an outcry before, during and even after the alleged rape. She said that the reason why she did not shout or struggle is because she was afraid the accused, claimed to be armed with a knife, might kill her. Yet, the records of the case do not show that throughout the alleged rape, the accused had consistently threatened or forced complainant at knife-point, except at that time when she was allegedly dragged to the house by the accused with a knife poked at her side.

Neither did Nenita successfully demonstrate that the accused in raping her used upon her any force of whatever nature or form. Her explanation for failure to shout or struggle is too general and unconvincing to make this Court believe that she showed tenacious resistance to the alleged sexual advances made on her by the accused. And if ever she put up any struggle or objected at all to the complained intercourse, such was not enough to show the kind of resistance expected of a woman defending her virtue and honor.

Well settled is the rule that in the crime of rape, alleged to have been committed by force, it is essential that the element of voluntariness on the part of the victim be absolutely lacking.[11] In the instant case, Nenita's resistance or struggle is not sufficiently shown to prove that the intercourse complained of was not completely voluntary.

Moreover, it is unusual that, after the alleged rape, Nenita who was already of legal age at the time, would not tell her mother about it, and would subject herself to physical examination only after four (4) months had lapsed from the time the incident happened. Nenita testified as follows:

"Atty. Untalan (on cross)

Q. This witness [sic] happened on March 18, 1982, you did not submit yourself for medical examination, is that right?

A. Yes, Sir.

Q. And that was some time on August 6, 1982?

A. Yes, Sir.

Q. In other words there was [sic] four months that lapsed after [sic] you consulted to a doctor?

A. Yes, Sir.

Q. Why did it take you four months before you decided to consult to [sic] a Doctor?

A. Because I was afraid in fact I did not tell the incident to my mother as I was afraid she might kill me.

Q. Going back to the time when you left the house where the alleged incident happened of course you went back to your residence did your mother or anybody from the house ask you as to why you were late?

A. Yes, Sir.

Q. What did she ask?

A. She asked me where I came from and I told her I do not know where I came from and I do not know where I slept that night.

xxx xxx xxx

Q. Did your mother insist on asking you as to where you were that previous night?

A. No, Sir.

Q. By the way before you went to the Dr. for examination did you finally inform your mother or anybody from your house as to what had happened to you?

A. No, Sir.

Q. And what was your basis in going to the Dr. if you did not inform your mother or anybody in the house as to what had happened to you?

A. It was there when I was there at the Doctor I was informed that something happened to me.

Court: (to witness)

xxx xxx xxx

Q. Who brought you to the Doctor?

A. My mother.

Q. When you were brought to the Doctor you told your mother as to what had happened to you?

A. Not yet your Honor, it was only when we arrived at the hospital when the doctor who examined me told me that I am pregnant.

xxx xxx xxx

Q. At whose extent that you will be brought to the Doctor [sic]?

A. It was through my own initiative as I do not have any nerve to tell my mother as as [sic] to what had happened to me so I told her to accompany me to a Doctor because I was afraid that she might kill me.

Q. But you were not afraid when you asked your mother to accompany you to the Doctor?

A. No, Sir.[12] (underscoring supplied)

Hence, it was only after four (4) months had lapsed from the alleged commission of the rape, or only on 6 August 1982, when complainant subjected herself to a physical examination, and was informed by the attending doctor that she was three and half-to-four months pregnant.[13] The conduct of the complainant in concealing from her own mother the alleged rape committed against her, and the delay in reporting the same to the proper authorities have caused ripples in complainant's credibility, in the light of what is expected normally of a Filipino woman whose honor and body have been tarnished and ravished.

In a line of cases, this Court has ruled that unexplained delay in acting on charges of rape gives rise to a reasonable doubt as to the truth of the charges. Thus –

“Indeed, the silence of the alleged rape victim for eight and a half months rendered doubtful the truth of her charge.” (People vs. Flores, 125 SCRA 244); “It was only on April 19, or 15 days after the incident, that complainant returned to Tacloban to file her complaint before Assistant Provincial Fiscal Matol. Such

unexplained delay in denouncing the appellant seriously impairs her sincerity and credibility." (People vs. Jervoso, 124 SCRA 765); "And, finally, the delay in giving her written statement to the police (Exhibit "7"), and the filing of the case in the municipal court of San Simon, Pampanga (Exhibit "10"), both on March 17, 1965 are circumstances which create reasonable doubt that the crime of rape was committed on December 7, 1964." (People vs. Simbulan, 124 SCRA 927).

In the case at bar, nothing in the records sufficiently explains complainant's four (4) months of delay in disclosing to her mother and in reporting to the police the rape she claimed to have been committed against her. She reasoned out that she did not tell her mother about the rape, as she might be killed by her (mother). Contrary to complainant's given reason, human experience tells one that no mother in her right mind would aggravate an already ravished physical and psychological condition of a raped daughter, by condemning her (and even killing her) for something that she (the daughter) herself deprecates the most – the forcible loss of virtue and honor. In fact, a mother whose daughter's honor has been tainted would be the very first person to protest the heinous act done on her daughter, and would be most eager to see that justice be immediately done to her. Thus, the unreasonable and unexplained delay by the complainant in reporting the rape to her own mother and the authorities, casts serious doubt as to her charge of rape. As held in one case,[14] it is probable that had complainant not become pregnant she would not have disclosed the incident at all to anyone.

Further, in warranting conviction in rape charges, it has been ruled that the testimony of the victim must be clear and free from serious contradictions, and her sincerity and candor, free from suspicion.[15]

In this appeal, it is to be noted that the complaining witness, in her uncorroborated testimony, committed a clear inconsistency, when she first testified that the first time she saw the accused was only on 18 March 1982;[16] and that when the accused placed himself on top of her, she lost consciousness which disabled her to escape from the accused's hands.[17] Later, Nenita testified that the accused was one of her customers when she was still a vendor of viands near the Cosmos Bottling Company where the accused was a worker, hence, contrary to her original claim that she did not know the accused.[18] She also testified that, after the sexual intercourse, she was awake, not unconscious, the whole night of 18 March 1982 while the accused was sleeping,[19] contrary to her earlier testimony that she had lost consciousness.

These contradictions and flaws in complainant's testimony cast shadows of additional uncertainty on the sincerity and candor of her testimony, and create even greater doubt as to the entire truth of her rape charge against the appellant.

All told, the Court holds that the prosecution failed to establish with moral certainty that there was rape by the use of force committed by the appellant against the complainant on that night of 18 March 1982. As aptly observed by the Solicitor General, the guilt of Graciano Geneveza has not been proved beyond reasonable doubt. [20]

WHEREFORE, the judgment of the trial court is REVERSED and SET ASIDE. Appellant Graciano Geneveza is hereby ACQUITTED of the crime charged, based on reasonable doubt.

SO ORDERED.

Melencio-Herrera, (Chairman), Paras, Sarmiento, and Regalado, JJ., concur.

[*] Penned by Judge Eufrocinio S. Dela Merced.

[1] Manifestation and Motion in Lieu of Appellee's Brief, Rollo, pp. 103-106

[2] Original Records, RTC Decision, pp. 150-155

- [3] Ibid, p. 153
- [4] Ibid, p. 155
- [5] G.R. No. L-49656, 25 November 1983, 125 SCRA 734
- [6] TSN, September 28, 1983, p. 9
- [7] Ibid, p. 11
- [8] Ibid, pp. 12-13
- [9] Ibid, January 18, 1984, p. 33
- [10] Ibid, p. 35
- [11] People v. Jervoso, L-36530, September 29, 1983, 124 SCRA 765
- [12] TSN, January 18, 1984, pp. 43-46
- [13] TSN, July 16, 1984, p. 60
- [14] People vs. Flores, L-60665, October 26, 1983, 125 SCRA 244
- [15] People vs. Olalia, Jr., L-50669, March 12, 1984, 128 SCRA 139
- [16] TSN, September 28, 1983, p. 13
- [17] TSN, January 18, 1984, p. 35
- [18] TSN, January 18, 1984, p. 38
- [19] Ibid, p. 41
- [20] Rollo, p. 117

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.