

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LEONARDO LLARENA Y LAGMAN, ACCUSED-APPELLANT.

G.R. No. 74182. December 19, 1989

Ponente: NARVASA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-74182/>

NARVASA, J.:

Appellant Leonardo Llarena y Lagman was convicted of rape committed on the person of Emelyn Jasarena by the Regional Trial Court of Pasay City and sentenced to suffer the penalty of reclusion perpetua, to indemnify the complainant in the amount of P12,000.00 and to pay the costs.¹

Llarena having manifested his intention to appeal when judgment was promulgated on December 11, 1984, the Trial Court ordered the appeal elevated to this Court on account of the capital penalty imposed.²

As is usual in cases of this kind, conviction or acquittal hinged on the relative credibility of the appellant, on the one hand, and of the complainant, on the other, as assessed by the Trial Court which in this instance lodged its credence in the version offered by the prosecution and resting chiefly on said complainant's testimony.

Briefly, the prosecution's version is as follows: At about 2:00 o'clock in the afternoon of April 24, 1978 Emelyn Jasarena was picked up by Leonardo Llarena from her place of work in the factory of Continental Chua Philippines in Cabuyao, San Pedro, Laguna. Llarena, who drove for Emelyn's uncle, Atty. Jose Alvarez, was at the wheel of her uncle's car; and he told her that Atty. Alvarez had sent for her to talk to her about certain important matters. From Cabuyao, Llarena drove with Emelyn to the Quad complex in Makati, where they had some refreshments following which he prevailed upon her to watch with him a movie then showing at one of the Quad cinema houses, telling her that it was still too early to reach her uncle at his office. After the movie, Llarena brought Emelyn to the Monaco Hotel in Pasay City and took her to an upstairs room where, overpowering all her attempts to resist his advances and threatening her with dire consequences if she did not submit to him, he repeatedly raped her over the next couple of nights and days.

After two days, Emelyn's uncle, Atty. Alvarez, showed up at their hotel room and to him she confided what Llarena had done to her, telling Alvarez that she had been forced against her will to submit to Llarena. From the hotel, Atty. Alvarez brought her, first, to the municipal hall of San Pedro, Laguna and then to the residence of the town's vice mayor where they were joined by Emelyn's mother, to whom Emelyn repeated what she had earlier told Atty. Alvarez. Later that same day, because the San Pedro police authorities claimed that they could not take cognizance of a possible charge for rape committed in another jurisdiction, she was taken to Pasay City, where she gave a written statement to Patrolman Llorando of the Southern Police District. She was then brought to the residence of Pasay City Fiscal Ernesto A. Bernabe to swear to the truth of her statement. On the following day, she underwent a general physical and genital examination at the National Bureau of Investigation which reported findings "compatible with sexual intercourse with man on or about the (sic) alleged dates of commission."¹

Concerning what transpired after the appellant and Emelyn were found by her uncle at the Monaco Hotel, Emelyn's testimony is corroborated by other witnesses. She is, however, the sole witness to what had occurred

earlier, except to the extent confirmed by the appellant as hereinafter stated.²

The appellant's version tallies with that of the prosecution in almost every particular aspect except for those supporting or detailing the crucial claims of, first, deceit and later, intimidation and force, having been practiced on the complainant in order to carry out and consummate his lewd designs. In essence, his defense is that everything that had transpired had been with the consent and willing cooperation of the complainant, who had freely yielded herself to him because they were sweethearts.¹ He suggests that the charge of rape was filed because the complainant found out that he was already married and could not therefore wed her.

The brief for the appellant² assigns four (4) errors to the appealed decision, all of which take issue with the credibility of one or another aspect of the story told by the complainant on the stand. The "Manifestation and Motion"³ submitted in lieu of a brief for the People by the Solicitor General makes virtually the same negative evaluation and seconds the appellant's plea for a reversal. And a review of the record persuasively shows that, indeed, the prosecution's evidence strikes, as it were, too many false notes to have the ring of truth rendering it plainly insufficient to establish guilt beyond a reasonable doubt. Thus:

1. For a girl already 20 at the time and a high school graduate by her own account, the complainant demonstrated an incredible naivete in taking the appellant's word that her uncle wanted to talk to her and going with him to Makati for that purpose, given the fact that she and her uncle lived in the same place (San Vicente, Laguna) and she could more easily and conveniently have reached him by simply going home, and that she also professed not knowing whether her uncle had maintained an office in Makati;⁴
2. Incredibly, too, her suspicions about appellant's sincerity and real intentions were not aroused when, they having arrived in Makati, he put off taking her to her uncle on the pretext that it was still too early, and she accepted his invitation to refreshments and later a movie which they watched for one full showing;⁵
3. After the movie, instead of insisting that she be taken to her uncle or returned to her home, she docilely permitted the appellant to drive her to a hotel in Pasay, and his true intentions finally dawned upon her only when he dragged her from the car and to an upstairs room where he was to keep her captive and ravish her at will for the next two days;⁶
4. During all the time that she and the appellant were sequestered in the hotel, beyond offering futile resistance to the latter's sexual assaults, she made no outcry, no attempt to flee or attract attention to her plight; she claims she could not escape because the appellant stripped her naked and kept her clothing, but this could hardly have deterred one bent on fleeing his clutches since she also stated that she had a blanket to cover herself;¹
5. The complainant's testimony suggests that no one disturbed their seclusion during those two days and nights, hence there was no one whose attention she could attract or whose help she could enlist; this is, however, also difficult to believe because she also claimed that while she refused food and took only water throughout her stay in the hotel, the appellant did in fact regularly order and partake of food; it, therefore, being presumable that the two were not left entirely alone but that someone must have been admitted into the room from time to time, if only to bring in and serve the food and drink ordered by the appellant;²
6. The complainant had no reason whatsoever to trust the appellant as it appeared she did, if it is true as she testified that she barely knew him and had met him for the first time only on April 14, 1978, only twelve (12) days before the incident;³
7. It is also significant that for all that the evidence shows, Atty. Alvarez took quite matter-of-factly his finding of the complainant and the appellant in a hotel room in a situation indicating that dalliance had occurred between the two; by the complainant's own account, he acted as if it was the most ordinary thing in the world for them to be at

such a place and in such circumstances; he evinced no hostility to the appellant, did not threaten him in any way, and uttered nothing beyond a mild reproof ("hindi ka naman gusto ng bata"), though she told him (Alvarez) that she had been brought there and had submitted to the appellant against her will;⁴ indeed, the appellant testified without contradiction that it was he who had called Atty. Alvarez to inform the latter that he and the complainant were at the Monaco Hotel -- an indication that he believed himself innocent of any crime;⁵ moreover, Atty. Alvarez was never called to testify for the prosecution, an omission suggesting that what he had to say would not support the story of the complainant, his own niece.

As this Court has time and again ruled, while in view of the character of the offense of rape and the circumstances usually attending its commission, it is entirely proper -- also often unavoidable -- to convict on the sole testimony of the offended party, such testimony must, however, be on the whole consistent and convincing enough to preclude all reasonable doubts, because an accusation of rape is easy to make and difficult to disprove. It is all-too-evident that that criterion is not satisfied here. The grave deficiencies just noted in the proofs of the prosecution, give an aura of total unreality to an already hardly credible story of being held captive for two days and repeatedly violated by an unarmed man -- there being no suggestion whatsoever that the appellant carried or used any weapon -- -without there having been any opportunity at all to flee or seek succour. Upon what the record shows about the state of the proof, the Court sees no just alternative to an acquittal, even without giving ear to the appellant's disclaimers and his defense that the accusation had been trumped up by the complainant to avenge herself for the shame and ignominy of having loved, not wisely but too well.

WHEREFORE, the appealed judgment is REVERSED and the appellant is ACQUITTED upon reasonable doubt, with costs de officio.

SO ORDERED.

Cruz, Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

1 In Criminal Case No. 6253-P; appealed Decision, Original Record, pp. 183--186

2 Original Record, p. 188

1 Appealed Decision, supra,; testimony of Emelyn Jasarena, Original TSN, pp. 1-36; People's Exhibit A, Original TSN, pp. 190-191

2 Original TSN, pp. 2-8, 59-66

1 Original TSN, pp. 73-154, 179-183

2 Rollo pp. 56-97

3 Rollo, pp. 111-140

4 Original TSN, pp. 10, 19, 40

5 Original TSN, pp. 14-15

6 Original TSN, pp. 16-30

1 Original TSN, p. 161

2 Original TSN, pp. 50-52

3 Original TSN, p. 162

4 Original TSN, p. 32

5 Original TSN, p. 137

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.