

PEOPLE OF THE PHILIPPINES, PLAINTIFF/APPELLEE, VS. JOHN LLOYD SAROL Y SAGANDOY, ACCUSED/ APPELLANT.

G.R. No. 75506. June 19, 1991

Ponente: FELICIANO, J.

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FELICIANO, J.:

On 30 June 1983, pursuant to a sworn complaint filed by Judith Reyes and her father Marcelino A. Reyes, the Provincial Fiscal of Kalinga-Apayao filed an information charging John (or "Johnny") Lloyd Sarol of the crime of rape. The information read as follows:

"That on or about 9:00 in the evening of April 18, 1983 along the road at Poblacion, Tabuk, Kalinga-Apayao and within the jurisdiction of this Honorable Court, the above-named accused armed with a knife, with force and intimidation, while walking with the victim on the road and at a dark portion, he immediately took hold of the victim and pulled her to the bushes where he threatened her with a knife and did then willfully, unlawfully and feloniously have sexual intercourse with said victim, JUDITH REYES, against her will.

The crime is attended with aggravating circumstances of uninhabited place, night time and accused was around (sic.)

All contrary to law."^[1]

At arraignment, appellant pleaded not guilty.

After trial, the trial court found appellant guilty of the crime of rape and sentenced him to suffer the penalty of reclusion perpetua. The dispositive portion of the decision reads:

"WHEREFORE, the Court finds the accused Johnny Lloyd Sarol guilty of the crime of rape, and hereby sentences him to suffer the penalty of Reclusion Perpetua with the accessory penalty of the law and to indemnify the victim Judith Reyes the sum of TWENTY THOUSAND PESOS (P20,000.00) for moral damages plus the sum of THREE THOUSAND PESOS (P3,000.00) for attorney's fees and to pay cost.

SO ORDERED.^[2]

In this appeal, appellant John Lloyd Sarol raises the following assignments of error:

1. Respondent trial court gravely erred in convicting the accused-appellant of the crime of rape despite the many inconsistencies in the testimony of the complainant;
2. Respondent trial court gravely erred in not acquitting the accused-appellant on ground of reasonable doubt, the presumption of innocence not having been rebutted;
3. Respondent trial court gravely erred in not applying the "equipoise rule" in favor of the accused-appellant; and
4. Respondent trial court gravely erred in convicting the accused-appellant since it had not acquired jurisdiction over the crime charged, the same not having been based on a valid complaint.

The first issue we address is that of jurisdiction. Under Article 344 of the Revised Penal Code, the offense of rape shall not be prosecuted except upon a complaint filed by the offended party or by her parents, grandparents or guardian. Appellant asserts, however, that the document styled as "complaint" in this case is not the complaint contemplated under the Rules of Court as interpreted in *People v. Santos*,^[3] and that accordingly, the trial court did not acquire jurisdiction over the person of appellant. Appellant further contends that an information alone is inadequate to confer upon the trial court jurisdiction in a prosecution for rape.^[4]

The Court is not persuaded. In respect of the sufficiency of the complaint, the Court held in *People v. Ilarde*^[5] that a complaint is sufficient if "it states the names of the accused, the designation of the offense by a statute, the acts or omission complained of as constituting the offense; the name of the offended party, the approximate time of the commission of the offense, and the place wherein the offense was committed."^[6]

In the case at bar, the complaint dated 29 April 1981 which was subscribed and sworn to by Judith Reyes and her father Marcelino A. Reyes, reads as follows:

"The undersigned complainant, JUDITH REYES, 13 years old, and Marcelino A. Reyes, of legal age and father of the victim and a resident of Bulanao, Tabuk, Kalinga-Apayao, accuses JOHNNY LLOYD SAROL Y SAGANDOY of the crime of RAPE, committed as follows:

Please see attached complaint Sworn State-ment."^[7]

The "Sworn Statement" dated 29 April 1983 executed by Judith Reyes before Special Prosecutor Rommel W. Diasen, Office of the Provincial Fiscal, Bulanao, Tabuk, Kalinga-Apayao, in turn states:

"x x x x x x x x

QUESTION: Do you swear to tell the truth and nothing but the whole truth in this investigation?

ANSWER: Yes, sir.

Q: Are you willing to give your statement voluntarily without force or intimidation?

A: Yes, sir.

Q: Therefore, state your name, age and other personal circumstances?

A: Judith Reyes, 13 years old, single and a resident of Bulanao, Tabuk, Kalinga-Apayao.

Q: What prompted you to appear in this office?

A: I came here to file my complaint against JOHNNY LLOYD SAROL Y SAGANDOY a resident of Poblacion, Tabuk, Kalinga-Apayao, for having abused/raped me last April 18, 1983 at around 9:00 o'clock in the evening along the road at Poblacion, Tabuk, Kalinga-Apayao.

Q: Will you explain in brief the surrounding circumstances of this incident?

A: At around 2:00 o'clock in the afternoon of April 18, 1983 I went to Dagupan, Tabuk, to visit my cousin thereat, and when I was in the house, my cousin Rebecca Babalan wherein this Bonnie Sarol was also there, and in course of our conversation, we decided to go to the show particularly at Dagupan Theater but when we're there, these two Miss Babalan and Mr. Sarol went ahead inside the theater, because I am looking some of my friends outside and maybe after 30 minutes I finally decided to enter the theater, and when Miss Babalan and Mr. Sarol had finished the show, they went out wherein I told them to wait because I have to finish also the show, but they just went out. And after I also finished the show, I went home alone, because these two was no longer be seen outside, and while walking home alone, particularly along the road near the house of Mr. Lozano, I saw Johnny Lloyd Sarol walking toward to where I am also proceeding and when he saw me, he

asked me where I came from and I told him that I came from the show, which he walked together with me going home because their house is a neighbor of my auntie Zenaida Babalan where I supposed to go, but when we were at dark portion of the road he (Johnny Lloyd Sarol) immediately grabbed my both hands and at the same time, he pulled me to the dark and tall grasses away from the road and when I shouted for help he covered his hand to my mouth and planted a knife at my throat, threatening me to kill if I should shout and then he forced me to lay down by holding my blouse which was torn and when laying down, he still pointing his knife to me telling me to have a sexual intercourse which I tried to fight back but he is so strong and furthermore he was threatening me to kill with his knife and when I was already weak, he forcibly removed all my clothes and my panty and then had satisfied himself, while on the act of making love, I noticed that people coming and then Johnny Lloyd Sarol immediately rose up and run away, in which also stand up wherein I saw Rebecca Babalan and Bonnie Sarol were coming, in which they asked me what had happened, and I told them that Johnny Lloyd Sarol had abused me, then we went home to the house of my auntie Mrs. Babalan, which I reported the incident and the following day April 19, 1983, Mr. Vicente Babalan came to Bulanao and reported the incident to my father, which my parent came to see me, and the evening of that day my parents and some of our relatives went to the house of Johnny Lloyd Sarol.

Q: Prior to this incident, did Johnny Lloyd Sarol, had courted you?

A: He did not, sir, in fact we are related by affinity.

Q: Do you know personally Johnny Lloyd Sarol?

A: Yes, sir.

Q: Did you submit yourself for medical examination after this incident?

A: Yes, sir (Affiant submitted a medical certificate dated April 20, 1983).

Q: What do you want to state further in this investigation:

A: No more, sir.

Q: Are you willing to sign your statement voluntarily?

A: Yes, sir."[8]

We believe that the sworn complaint which incorporated by reference the sworn statement made by the victim Judith Reyes before the Office of the Provincial Fiscal, substantially complied with the requirements of the complaint contemplated in Article 344 of the Revised Penal Code. All the required details are there set out; indeed, there is a surfeit of details which the Provincial Fiscal might have found the energy to compress into more conventional form. In any case, the complaint of the offended party or her parents referred to in Article 344 is not jurisdictional in nature; it is rather in the nature of a condition precedent to the prosecution by the People of the accused parties. In *People v. Valdepeñas*,^[9] the Court explained:

"The provision (Article 344, Revised Penal Code) does not determine, however, the jurisdiction of our courts over the offenses therein enumerated. It could not affect said jurisdiction, because the same is governed by the Judiciary Act of 1948, not by the Revised Penal Code, which deals primarily with the definition of crimes and the factors pertinent to the punishment of the culprit. The complaint required in said Article is merely a condition precedent to the exercise by the proper authorities of the power to prosecute the guilty parties. And such condition has been imposed out of consideration for the offended woman and her family who might prefer to suffer the outrage in silence rather than go through, with the scandal of a public trial."^[10] (Underscoring supplied)

And in, e.g., *People v. Bugtong*,^[11] the Court held that the trial court could validly take jurisdiction over a rape

case where the criminal information was filed in court pursuant to a sworn complaint filed with the fiscal's office. In the case at bar, the information itself stated that the prosecution was initiated upon complaint of the offended party and her father:

"The undersigned, Provincial Fiscal, upon sworn complaint originally filed by the offended party, accuses JOHNNY LLOYD SAROL of the crime of RAPE, x x x." [12] (Underscoring supplied)

We turn to the merits of the case.

The prosecution presented only three (3) witnesses: Judith Reyes, the victim; Marcelino A. Reyes, the victim's father; and Dra. Flora Dulay. "The prosecution's version of the events may be summed up as follows:

In the evening of 18 April 1983, at around 6:00 o'clock, the victim went to Dagupan Cinema to watch a movie with Bonnie Sarol and Rebecca Babalan. [13] The movie ended at around 9:00 o'clock p.m. Because Bonnie Sarol and Rebecca Sarol had gone home ahead, Judith Reyes started on her way home alone to the house of her aunt Zenaida Babalan. [14] On her way home, she met appellant John Lloyd Sarol and she asked him to walk her home since he was a neighbor of her aunt. When they passed an unlighted portion of the way home, appellant grabbed her hands and dragged her to an empty lot where tall grasses grew. [15] Appellant forced her to the ground, mounted her, raised her blouse to her armpits, tore her bra, raised her skirt and halfslip and pulled down her underwear, [16] all the while pointing a knife at her neck, and proceeded to copulate with her. She cried because of the pain, but did not shout for fear that appellant would stab her. [17] While appellant was raping her, they heard people approaching the place where appellant had forcibly lain with her. Appellant stood up and ran away. [18] The victim also stood up and she saw that the persons approaching were Rebecca Babalan and Bonnie Sarol. She told the latter what had happened to her. [19] When they reached the house of Judith's aunt, Judith related to Vicente Babalan what had happened to her. Vicente Babalan, the next day, went to the house of Marcelino Reyes in Bulanao and informed the latter that his daughter Judith had been raped. [20] On that same day, Marcelino Reyes accompanied by his younger brother went to the house of appellant's parents to confront the latter. They were, however, informed by appellant's mother, Elizabeth Sarol, that her husband was not home and told them to come back some other time. [21] Three days later, Marcelino Reyes and his younger brother returned and in the presence of representatives from the families of Judith Reyes and John Lloyd Sarol, appellant's parents discussed the possibility of marriage between Judith and John. Appellant's parents, however, attached a condition to the marriage, i.e., that John and Judith would not live together after the marriage as they were both still young and had not finished their studies; no marriage materialized. [22]

On 29 April 1983, Judith and her father executed sworn statements before the Fiscal's office about the rape incident. [23]

The prosecution also presented Dra. Flora Dulay, the examining physician, who testified that at the time she examined the victim, she found lacerations on her hymen which were about two (2) days old. The medical certificate, dated 20 April 1983, set forth the following findings:

"Examination of vulva -- showed presence of laceration of vaginal hymen at 8:00 and five (5) o'clock position; posterior fourchette. Vaginal opening admits two (2) fingers with slight hardship. Negative of spermatozoa." [24]

Dra. Dulay also testified that when she asked Judith who had raped her, Judith gave the name of John Lloyd Sarol. [25]

Appellant claims that inconsistencies in the testimony of Judith should have resulted in his acquittal. Appellant, however, has failed to indicate what parts of Judith's testimony conflicted with each other. Instead, appellant

pointed to inconsistencies between the testimony of Judith and that given by Bonnie Sarol, a defense witness. This is not, of course, the kind of inconsistency that would affect the credibility and the weight of the testimony given by the offended party. It is natural that witnesses for the defense would present testimony different from that given by the witnesses for the prosecution. The trial court found no internal inconsistencies in Judith's testimony. We have gone over the records of this case and we too found none. She consistently testified that she had been sexually assaulted by appellant in a secluded place and that the resistance she offered had been in vain because of his strength.[26] The trial court found no reason to doubt the veracity of her declaration that she had been raped. The trial court noted that her answers to the questions put to her "were direct, to the point and given in a straightforward manner." [27]

Appellant's principal defense was that he and the victim were sweethearts and that, accordingly, he did not have to force or threaten Judith in order to enjoy her favors. Appellant contended that Judith had consented to sexual intercourse with him not only on the evening in question, but also on two (2) other previous occasions.[28] At the same time, appellant insinuated that the rape charge had been levelled against him because the victim was embarrassed at having been discovered in a compromising situation with him by Bonnie Sarol and Rebecca Babalan.[29]

The trial court did not accord this standard and predictable defense much credence and we find no basis for overturning this conclusion of the trial court. The trial court noted that if in fact complainant and appellant were sweethearts, it was very strange indeed that appellant knew just about nothing about Judith save her name. He had no knowledge of her birthdate, her place of birth, and whether or not she was studying in school.[30] The trial court found equally strange that the two (2) had not exchanged any lovenotes, not even a christmas card or a valentine card (important items in contemporary popular culture), nor given each other any gift or memento. It may be recalled too that in her statement given before the Fiscal's office, complainant had expressly stated that John Lloyd Sarol had not courted her as "in fact [they] are related by affinity." [31]

Moreover, if complainant and appellant had been lovers before hand, complainant would not have immediately reported that same night the sexual assault upon her to her own kin -- cousin Rebecca Babalan and uncle Vicente Babalan -- her parent's home being seven (7) kilometers away in Bulanao, another town. Further, complainant would not have so readily submitted to a physical examination by Dra. Flora Dulay, a government doctor, who found lacerations on her hymen which were about two (2) days old, nor so readily revealed the identity of her attacker when questioned by the examining doctor. Finally, if indeed complainant and appellant were previous lovers, and there was consent on the part of Judith to the sexual act that evening of 18 April 1983, no plausible explanation appears for the filing of the rape charge by Judith against appellant. The supposed embarrassment at being found by her friends in an alleged compromising situation with appellant, appears entirely inadequate, when measured against the public humiliation and shame that inevitably followed when the charge of rape became public, the indignity of examination of her genitalia, and the exposure to all and sundry while recounting in open court the details of the copulation she was subjected to.

It is true that defense witnesses Bonnie Sarol and Nellie Sarol offered corroboration of appellant's theory that he and complainant were sweethearts. A principal difficulty with the testimonies of the defense witnesses was that such testimonies were in too perfect and detailed harmony with each other and with appellant's defense. For instance, both stated that Judith on the evening of the assault wore not a skirt, but rather blue denim pants with a pink blouse,[32] while Bonnie added that he later saw Judith and her mother tearing the bra and other items of clothing eventually submitted by the prosecution in evidence.[33] Bonnie also claimed that appellant had no knife on him that evening, that he had placed his arms around appellant's waist and felt no knife tucked in. In the words of this Court in *People v. Agudo*, [34] "complete uniformity in details is a badge of untruthfulness." A second

difficulty was that Bonnie Sarol and Nellie Sarol, though distantly related to complainant, were also related to appellant. Bonnie Sarol was John Lloyd Sarol's first cousin, while Nellie Sarol was a cousin-in-law of appellant. Moreover, the testimony offered by Bonnie and Nellie Sarol that complainant had happily related to them and to Rebecca Babalan the supposed details of her sexual encounter with John Lloyd Sarol, including the heroic proportions of his male member, appears to us to be too contrived and extravagant to be believed when one remembers that Judith was a 13-year old provinciana.[35] There was no credible evidence at all that she was a girl of loose morals and even if she had been shown to be such, no necessary implication arises that therefore she would agree to casual sex at any time.[36]

Lastly, appellant claims that the "equipoise rule" requires that he be acquitted. It is true, of course, that the accused should be acquitted when the evidence of the prosecution is compatible both with his guilt and his innocence. However, this is only to say that evidence in equipoise does not constitute the quantum of evidence required for conviction of a crime, i.e., evidence of guilt beyond reasonable doubt. In the case at bar, the evidence of record was not in equipoise but rather showed appellant's guilt beyond reasonable doubt. It has been the repeated holding of this Court that, in rape cases, the prosecution need not present testimony of other people provided that the testimony of the offended party herself is clear and convincing.[37] In the case at bar, as already noted, the trial court found that Judith "appeared candid and honest and sounded sincere" and that "the description of the ordeal she suffered at the hands of the accused [was] clear and convincing." [38] Appellant has not adduced any evidence that would warrant reversing the trial court on this score.

WHEREFORE, for all the foregoing, the decision of the trial court dated 4 September 1985 is hereby **AFFIRMED**, with the modification that appellant shall indemnify the victim Judith Reyes in the amount of P30,000.00 as moral damages plus P3,000.00, as attorney's fees and to pay the cost.

SO ORDERED.

Fernan, C.J., (Chairman), Gutierrez, Jr., Bidin, and Davide, Jr., JJ., concur.

[1] Rollo, p. 4.

[2] Trial Court Decision, Rollo, p. 53.

[3] 101 Phil. 798 (1957).

[4] Rollo, p. 127.

[5] 125 SCRA 11 (1983).

[6] 125 SCRA at 19; also: Rule 110, Section 6 Revised Rules of Court.

[7] Original Record with Exhibits, p. 7.

[8] Id., p. 5.

[9] 16 SCRA 871 (1966).

[10] 16 SCRA at 876.

[11] 169 SCRA 797 (1989).

- [12] Original Record with Exhibits, p. 1.
- [13] TSN, 31 August 1983, p. 3.
- [14] Id., p. 4.
- [15] Id., p. 5.
- [16] Id., p. 6.
- [17] Id., pp. 22, 24 and 25.
- [18] Id., p. 7.
- [19] Id., p. 8.
- [20] Id., p. 37.
- [21] Id., p. 38.
- [22] Id., p. 39.
- [23] Original Record with Exhibits. pp. 5-6.
- [24] Id., p. 5.
- [25] TSN, 31 August 1983, p. 40.
- [26] TSN, 31 August 1983, pp. 5, 6, 7, 19, 21, 22, 23 and 31.
- [27] Rollo, p. 51.
- [28] Id., p. 115.
- [29] Id., p. 121.
- [30] TSN, 12 September 1984. p. 92.
- [31] Original Record with Exhibits, p. 5.
- [32] TSN, 5 October 1983, pp. 12, 14 and 40.
- [33] Id., p. 15.

[34] 137 SCRA 516 (1985).

- [35] TSN, 5 October 1983, pp. 13, 41 and 48.
- [36] *People v. Taduyo*, 154 SCRA 349 (1987).
- [37] E.g., *People v. Robles*, 170 SCRA 557 (1989).
- [38] Rollo, p. 51.

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