

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROBERTO PIDO, ACCUSED-APPELLANT.*G.R. No. 92427. August 02, 1991*

Ponente: DAVIDE, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-92427/>**DAVIDE, JR., J.:**

Rape is universally condemned as a most detestable crime.[1] He who commits it mocks and scorns, with demented outrage, a union which Nature designs as a function of reproduction for the perpetuation of humankind to be accomplished by a man and a woman through full consent and mutual affection. Indeed, consent is the common origin of acts between man and woman, hence rape is not presumed.[2] However, once established, it must be severely and impartially punished.[3] This is specially true in our country where religion, tradition and culture assign a special role to and impart high respect for the Filipina. When a Filipina publicly comes out with a denunciation that she has been raped, she evokes admiration for her courage and sympathy for her harrowing experience, anguish and humiliation. To her charge there is at once an aura of truth for, unless her accusation were true, she would not lay bare her honor and reputation to the suspicion, skepticism and malicious gossip that so often greet public revelation of the loss of that which she holds most dear.[4]

Upon the other hand, the alleged rapist is forthwith condemned.[5] However, under our democratic system of Government, a mere accusation is not synonymous with guilt.[6]. Every accused is presumed innocent until the contrary is proved; that presumption is solemnly guaranteed by the Bill of Rights.[7] The contrary requires proof beyond reasonable doubt, or that degree of proof which produces conviction in an unprejudiced mind.[8] Short of this, it is not only the right of the accused to be freed; it is, even more, the constitutional duty of the court to acquit him.[9]

Since in rape cases third party corroboration is seldom available and the victim and the assailant are the only ones who could give a first-hand or an eye-witness account of the questioned act,[10] the culpability of the offender almost invariably hinges on the story of the complainant. In the light of the presumption of innocence that the accused enjoys, the complainant's testimony must perforce be carefully scrutinized and examined to satisfy the judicial conscience that the accused did in fact commit the crime.[11] Her testimony should not be received with precipitate credulity, especially 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.[12] Such testimony must be impeccable and ring true throughout,[13] or credible and positive.[14] Clearly, therefore, as in other criminal cases, the evidence for the prosecution in rape cases must stand or fall on its own merits; it cannot be allowed to draw strength from the weakness of the evidence for the defense.[15] Thus, it has been said that a rape charge is easy to make, hard to prove and harder to defend by the party accused, though innocent.[16]

These are the principles which shall guide Us in the consideration of this appeal from a judgment of conviction in a rape case.

On 22 May 1981, after a preliminary investigation, a complaint for rape,[17] subscribed and sworn to on the 7th

day of said month by complainant Teresita Patinio y Gam, and containing the appropriate certification by Assistant Fiscal Eudoxia T. Gualberto, the body of which reads:

"The undersigned complainant accuses ROBERTO R. PIDO of the crime of rape, committed as follows:

That on or about the 15th day of April 1980, in the City of Manila, Philippines, the said accused did then and there wilfully, unlawfully and feloniously, by means of force and intimidation, to wit: by holding the neck of the complainant simultaneously poking a deadly bladed instrument against her, threatening to kill her should she shout for help and ordering her to remove her entire clothings, have sexual intercourse with the undersigned complainant, against her will.

Contrary to Law."

was filed with the then Court of First Instance (now Regional Trial Court) of Manila. It was docketed therein as Criminal Case No. 61752 and was assigned to Branch 35 thereof.

The accused entered a plea of not guilty when arraigned on 13 July 1981.

Trial was thereafter had. After resting its case, the prosecution filed on 23 June 1988 a motion to amend the Information (should be complaint) by correcting the date of the commission of the offense from 15 April to 16 April 1980 to conform to the evidence,[18] which was granted by the trial court in its Order of 6 July 1988. The amended complaint was eventually filed on 18 July 1988. Earlier, however, on 27 June 1988, accused filed a Motion to Dismiss By Way of Demurrer to Evidence, which was denied in the Order of 20 December 1988. A Motion for its reconsideration, filed on 21 January 1989, was likewise denied in the Order of 1 February 1989.[19]

The accused terminated the presentation of his evidence on 16 August 1989 and since the prosecuting fiscal manifested that the People had no rebuttal evidence to offer, the trial court considered the case submitted for decision.[20]

On 3 January 1990, the trial court promulgated its decision,[21] dated 5 December 1989, convicting the accused of the crime of rape and sentencing him as follows:

"WHEREFORE, judgment is rendered pronouncing accused ROBERTO R. PIDO guilty beyond reasonable doubt as principal of the crime of RAPE, and sentencing him to reclusion perpetua.

The accused is ordered to indemnify the offended party, Teresita Patinio, of the sum of P25,000.00 as moral damages. However, payment of the required docket and other legal fees shall constitute a lien in the execution of this ward.

With costs against the accused.

SO ORDERED."

On the same date, the accused filed his Notice of Appeal.[22]

The evidence for the prosecution upon which the conviction is based is summarized by the trial court as follows:

x x x

"From the evidence of the prosecution, the Court gathers that Teresita and her family were residing in the second floor of the house at No. 1917-B Dagupan Extension, Tondo, Manila. The upper storey of that house had a 'sala' and two rooms. One room was occupied by Lourdes Diaz, the owner of the house, while the other room was occupied by Lydia Sulit. Teresita and her family were using the 'sala' of the house as their sleeping

quarter.

On April 15, 1980, the deaf-mute mother and the three children of Teresita Sulit went to sleep at around 9:00 o'clock in the evening. Her husband was then in his place of work, having been assigned in the night shift. Teresita herself retired at about 11:00 o'clock in the same evening, because she took a bath earlier and had to dry her hair. They slept under one mosquito net, with her mother and her two year old child on the right side of Teresita and her twin children, who were four years old, on her left.

Sometime between 1:00 and 2:00 o'clock in the same evening, Teresita was awakened by an intruder, whom she identified to be the accused, kneeling on her left side and strangling her on the neck with his left hand while his right hand was holding a sharp bladed instrument. The accused threatened to kill Teresita if she would shout. Afraid and intimidated by his threat, Teresita kept quiet. Afterwards the accused told her to remove her panty, which she did but from her right foot only; her underwear remained on her left foot. The accused placed himself on top of her, and with his left hand inserted his penis into her genital organ. Shortly afterwards, Teresita felt that the accused reached his orgasm. Then, he told her he would come back, went out of the mosquito net, put on his underwear, and left through the window of the house, leaving Teresita crying.

Meanwhile, Lydia Sulit came out of her room to answer the call of nature. She saw the accused standing in front of the window, holding something. She saw him passed (sic) out of the house through the window. When Lydia switched on the light in the 'sala' of their house, she saw Teresita inside the mosquito net, sitting and leaning on an aparador, shaking and crying. After drinking a glass of water given her by Lydia and after regaining her composure, Teresita told Lydia that she was raped by the accused.[23]

x x x

On the other hand, although not an actual eyewitness of the sexual assault committed by the accused against the victim, Lydia Sulit, a housemate of the offended party, testified that when she came out of their room between 1:00 and 2:00 o'clock in the morning of April 16, 1980, to answer the call of nature, she saw Teresita Patinio sitting inside their mosquito net, leaning on an aparador, crying, pale and shaking, and her panty removed from one of her legs. When Lydia inquired, what happened, Teresita answered, she was raped by the accused, who warned her that he would return. x x x"[24]

x x x

The trial court characterized the testimony of complainant that accused raped her as "positive and categorical," and "clear, positive and convincing;" concluded that the credibility of the declaration of complainant and her witness Lydia Sulit "have not been shaken (sic) much less destroyed by the searching questions of the cross-examiner;" and opined that the spontaneous statement of complainant to Lydia Sulit that accused raped her is "part of the res gestae and consequently trustworthy because it was made under the external circumstances of physical and mental shock, and under a stress of nervous excitement which stilled the reflective faculties of the victim."

Its own summary of the evidence for the accused is as follows:

"The accused, however, denied the charge. While admitting that he has (sic) sexual intercourse with Teresita, said accused claims that their tryst was with her consent. He declared that Teresita was his former girl friend; that she was then only 16 years old; that after just over a year he broke off with their relation because when she worked in a club somewhere in Pasay City, she started going out with different men; that while working in said club she became a prostitute; that on April 15, 1980, between 9:00 and 10:00 in the evening, he attended the despedida party of Ruben Paparo, the common-law husband of Lydia Sulit, held at their backyard; that he stayed in the party until 12:00 o'clock midnight; that he could no longer recall how many bottles of beer he had drank, but he had drank a lot; that in the course of their drinking spree, he saw Teresita looking out at the window and waving her hand to him, asking him to come up to her and to pass in front of the house; that

up-stairs, Teresita asked him to enter their mosquito net and even moved her youngest child to give them more space; that they simultaneously took off their clothes and made love; that while they were in the act, Lydia Sulit came out of her room and saw them; that she watched them before she proceeded; that both he and Teresita were embarrassed; that because of embarrassment she cried; that he dressed up and returned to the party, passing also through the front door; that he told Genio Santiago that they were caught by Lydia Sulit; that Lydia threatened Teresita that she will report to her (Teresita's) common-law husband what she (Lydia) saw the accused and Teresita had done; that on account of such threat, Teresita filed her present complaint.”[25]

and was considered only as "his denial of the charge and his claim that then sexual liaison was with the consent of the complainant."

In his Brief, accused urges Us to reverse the challenged decision and to acquit him because:

"1. THE LOWER COURT ERRED IN HOLDING THAT THE SPONTANEOUS STATEMENT OF THE VICTIM MADE TO LYDIA SULIT THAT THE ACCUSED RAPED HER IS PART OF RES GESTAE.

2. THE LOWER COURT ERRED IN HOLDING THAT DESPITE THE LENGTHY, RIGID AND SEARCHING CROSS-EXAMINATION BY THE ACCUSED-APPELLANT'S COUNSEL, THE ALLEGED VICTIM TERESITA PATINIO AND HER WITNESS LYDIA SULIT - THE CREDIBILITY OF THEIR DECLARATIONS HAVE NOT BEEN SHAKEN MUCH LESS DESTROYED.

3. THE LOWER COURT ERRED IN CONCLUDING THAT THE ACCUSED OFFERED ONLY HIS DENIAL OF THE CHARGE AND HIS BARE CLAIM THAT THE SEXUAL LIAISON WAS WITH THE CONSENT OF THE COMPLAINANT – SINCE THE ACCUSED REINFORCED HIS ASSERTIONS WHEN SUBJECTED TO RIGID CROSS EXAMINATION BY THE PROSECUTION COUNSEL.

4. CONSEQUENTLY, THE LOWER COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THAT THE RULE IS THAT CONVICTION MUST REST NOT ON THE WEAKNESS OF THE DEFENSE BUT ON THE STRENGTH OF THE PROSECUTION.

5. THE LOWER COURT ERRED IN ORDERING ACCUSED-APPELLANT TO INDEMNIFY THE OFFENDED PARTY THE SUM OF P25,000.00 AS MORAL DAMAGES.”[26]

Accused summarizes his arguments in support of the assigned errors in this wise:

1. "Res gestae was improperly applied by the lower court considering the reputation for prior sex with other men by the complainant who could not have been startled by a sexual tryst with accused. Her testimony that the sexual intercourse with the accused amounted to rape is highly improbable and untrustworthy.

2. The cross-examination precisely exposed the deliberate falsehood and inherent improbability in the accounts of both victim and witness.

3. The fiscal having rigidly cross-examined the accused -- his testimony vividly reinforced his stand that the complainant had sex with him with full consent and cooperation.

4. While the rule is that conviction must rest not on the weakness of the defense but on the strength of the prosecution's evidence, the lower court still convicted the accused. A charge for rape must be supported with convincing evidence that will definitely prove the alleged guilt of the rapist.

5. The purported victim in this case is not a young girl with traditional modesty -- but a wizened (sic) mature woman with extensive experience in sex with other men. Moral damages are unjustly awarded by the lower court.”[27]

In Appellee's Brief, the Solicitor General maintains that the decision appealed from is correct and prays that it be

affirmed with the modification that the indemnity for moral damages be increased from P25,000.00 to P30,000.00. Appellee argues that on the basis of the evidence for the prosecution, it was established that accused succeeded in having carnal knowledge with complainant through force and intimidation; he strangled and threatened to kill her with a knife. The physical force employed by accused and his threat to kill her and her children were more than enough to force her to submission to his bestial desire. Force need not be overpowering or absolutely irresistible; it must only be sufficient to enable the offender to consummate the purpose which he had in mind.[28] As regards the statement of complainant to Lydia Sulit that she was raped by the accused, the same is part of the *res gestae* because it was made under the influence of a startling event witnessed by the person who made the declaration; forcible sexual intercourse with a stranger is so revolting as to constitute a startling event for a woman.

Appellee further maintains that the character of the offended party in rape committed by force is immaterial;[29] the fact that the offended party may have been of an unchaste character constitutes no defense in a charge of rape.[30] Even prostitutes may be raped.[31]

In respect to credibility, appellee asserts that the conclusion of the trial court on the credibility of witnesses in rape cases carries great weight because it observed their behavior and deportment.[32] Also, accused's offer of compromise is a factor indicating the truth of complainant's charge.

Finally, appellee argues that the assertion of the accused that the sexual liaison was with the consent of complainant because she was his former sweetheart is without foundation for he offered no evidence to corroborate such claim; besides, assuming this to be so, the relationship does not preclude rape. Moral damages in rape is proper. In the instant case, it should be increased to P30,000.00 in accordance with present jurisprudence.

The basic issue which these conflicting theories raise is whether or not the guilt of the accused-appellant has been established beyond reasonable doubt.

We have carefully and meticulously reviewed and analyzed the evidence for the prosecution in this case and, guided by the jurisprudential principles and considerations adverted to in the exordium of this decision, We find that the prosecution failed to discharge its duty to establish the guilt of the accused beyond reasonable doubt. Reversal of the decision appealed from is inevitable.

The prosecution can only rely on the testimonies of the complainant, Teresita Patinio y Gam, and her witness, Lydia Sulit. The trial court gave it full weight and credit as easily suggested by the abundance of quotations, in the challenged decision, of their testimonies on direct examination. Although it makes reference to "lengthy, rigid and searching cross-examination by an able and competent counsel, such that any deliberate falsehood in their testimonies could have been easily detected and exposed," nothing at all is mentioned as regards the implausibilities, improbabilities and inconsistencies on substantial matters which the cross-examination revealed and exposed. The trial court merely hurried itself to the sweeping conclusion that "the credibility of their declarations have not been shaken much less destroyed by the searching questions of the cross-examiner." As hereinafter shown, this is not supported by the facts unfurled during the cross-examination. On the whole, the challenged decision leaves much to be desired. We find no serious effort at all to dispassionately or impartially consider the totality of the evidence for the prosecution in the light of the teaching in various rulings that in rape cases, the testimony of the offended party must not be accepted with precipitate credulity. Common sense and logic, and above all the duty to render impartial justice, which is expected from judges, demand that the testimonies of witnesses must be viewed in their totality. This of course means that due attention must be given to the cross-examination. It is the province of the latter to test the credibility of the witnesses, expose falsehood or half-truth, uncover the truth which rehearsed direct-examination testimonies may successfully suppress, and

demonstrate inconsistencies on substantial matters which create reasonable doubt. In short, cross-examination is an indispensable instrument of criminal justice to give substance and meaning to the constitutional right of the accused to confront the witnesses against him and to show that the presumption of innocence has remained steadfast and firm.

This case then provides one more occasion for this Court to take exception to the rule that appellate courts will generally not disturb the factual findings of the trial court considering that it is in a better position to decide the question, having heard the witnesses themselves and observed their deportment and manner of testifying.[33] Two special considerations in this case justify such departure. Firstly, it was another judge (Judge Alfredo Lazaro) who heard and received the whole testimony on direct examination of the complainant and the major portion of her testimony on cross-examination. Judge Makasiar, who decided the case, did not then have sufficient basis to form an opinion as to the complainant's deportment and manner of testifying. Secondly, the trial court had ignored or overlooked substantial facts and circumstances, as hereafter shown, which would affect the result of the case.

The following circumstances cast serious doubts on the theory of the prosecution that accused had carnal knowledge with complainant through force and intimidation:

A

There is uncertainty as to the weapon allegedly used to intimidate complainant. The sworn complaint describes it as a "deadly bladed instrument"; on direct examination, complainant describes it as a "knife" (patalim).[34] Yet, on cross-examination, she only said that a pointed instrument which she "does not know" was pointed on her neck, thus:

"Q But an intruder strangled you with his both (sic) hands on your neck?

A Only his lefthand sir, but his righthand is (sic) holding a pointed instrument.

x x x

Q Neither he fondled (sic) you in your breast?

A No sir, he released me because something was pointed to my neck which I do not know."[35]

(Emphasis supplied).

and on redirect examination, instead of clarifying what the pointed weapon was in relation to the knife, what resurfaced was not a knife but a "pointed object," thus:

"Q Let us come (sic) back to the scene where you were threatened by the accused. You stated on cross-examination that his lefthand was holding your neck while his righthand was holding a pointed object and pointed to your neck, do you remember that?

A Yes, sir.

Q When he threatened you that you should hold his penis and place it in your vagina where was the pointed object pointed to you at that time?

A (WITNESS POINTING ON THE RIGHT SIDE OF HER NECK)."[36]

The complaint was filed on 22 May 1981 after the complainant had executed an affidavit and a preliminary investigation was conducted. If indeed accused used a weapon to intimidate complainant and the latter saw it and there was no doubt at all that it was a knife, there was no reason why the complainant should only describe it as a "deadly bladed instrument" in her sworn complaint and then merely as a "pointed instrument" on

cross-examination, which the prosecution did not even try to rectify on redirect examination.

B

In her sworn complaint, complainant categorically asserted that accused ordered her "to remove her entire clothings," yet in her direct testimony, she was merely told to remove her panty, which she did not fully comply with because it was removed from the right leg only, and remained with the left leg.[37] On cross-examination, she reiterated this and even quoted the alleged instructions of the accused.

C

On direct examination, complainant testified that when she woke up because the accused strangled her, the latter was kneeling on her left side near her twins;[38] yet, on cross examination, she declared that her body was in between his legs thus:

"Q When you woke up, according to you, the accused was strangling you, what was the position of the accused?

A When I woke up he had my body in between his both (sic) legs and with the hand placed on my neck in a strangle hold and he had a knife on his right hand."[39]

D

By a direct, positive and unequivocal statement, complainant categorically asserted on direct examination that:

"When he [accused] was on top of me, he inserted his private organ to my private organ."

with the use of his left hand,[40] which she repeated in detail at one point of the cross-examination, thus:

"Q After you have removed your panty, what did the accused do?

A He removed his hand . . . left hand on my neck and moved his body a little to the back and he held his private organ and inserted it into my private organ.

Q Which hand did he use in inserting his organ to yours?

A He used his left hand."[41]

However, in another point during cross-examination, she affirmed that the accused was beside her, and she was the one who took hold of his penis and put it into her private organ:

"Q Have you felt his body when he was beside you at that night?

A Yes, sir.

Q For how many minutes have (sic) you felt his body when he was beside you?

A Just for a short while, sir.

Q Because you immediately took hold of his penis and put it into your vagina?

A Yes, sir."[42]

which she did for the following reason:

"Q And so that you can immediately finish his intercourse?

A Yes, sir.”[43]

The lame excuse for such conduct offered by her on redirect examination was because she was nervous as she was threatened by accused who told her "you insert it otherwise I will kill you including your children." [44] He resorted to this because "at first he was not able to insert it"; [45] yet, on direct examination, she categorically stated that when he was on top of her he inserted his organ, and although she did not see how, she knew that it was already inside. [46]

E

While on direct examination, she wanted to convey that she was reluctant to remove her panty, and in an earlier cross-examination, she wanted the court to believe that she spread her legs preparatory to the intercourse because she was allegedly ordered by the accused; [47] yet subsequently, she was candid enough to admit that she immediately removed her panty and raised her dress for the intercourse, thus:

"Q So, when this intruder allegedly told you to remove your panty, you immediately removed your panty?

A Yes, sir, I obeyed him because I was afraid.

Q And after that you immediately raised your dress so that this intruder can immediately have sexual intercourse?

A Yes, sir.

Q And immediately this intruder immediately (sic) penetrated his penis over (sic) your vagina?

A Yes, sir.

Q And while he was penetrating (sic) his over your vagina, he is (sic) making love with you?

A No sir, straight." [48]

However, in another portion of the cross-examination, complainant, by slip of her tongue, admitted that she in fact voluntarily removed her panty, thus:

"Q And you never even bothered to go out of the mosquito net and shout?

A I stood up, sir.

Q You stood up because you want (sic) to wear again your panty which you voluntarily removed?

A Yes, sir.

Q You never even bothered to go to the window and asked (sic) help from your neighbors?

A No sir." [49] (Underscoring supplied)

F

On cross-examination, the cross examiner succeeded in showing that the sexual liaison was the product of mutual consent, or the complainant and the accused were "making love." The following questions and answers are enlightening:

"Q Now, you said that after less than 5 minutes making love with this alleged intruder, he left you at the sala, am I right?

A Yes sir, he went away but I could not recall if he left because I was crying.

Q Are (sic) you crying aloud?

A Not so loud, sir.

Q You are (sic) crying because of happiness, am I right?

A No, sir.

Q After making love with you, do you know if this intruder dressed-up?

A I do not know anymore sir, I was crying because of fear.

x x x

Q So, you want to impress this Honorable Court that while you were making love with the accused this Lydia Sulit passed by?

A Yes, sir.

x x x

Q While you were making love with the accused, do you remember if the party is (sic) still going on downstairs?

A Yes, sir.

Q So, there are (sic) still many people at the groundfloor of your house during that night when you were making love with the accused?

A No sir, that is not true.

Q Which is not true?

A The people were already asleep, sir.

Q After making love with the accused, do you know where the accused passed thru in going down?

A I do not know, sir.

Q Is it not true that the accused jumped over the window?

A I do not know sir, I was crying because I was afraid.”[50]

This claim that she did not then know where the accused passed through is of course inconsistent with her assurance on direct examination that the accused used the window for his exit:

“A After he put on his panty or shorts, he left through the window. This window is at the second floor of the house where he jumped.[51]

x x x

A He went out of the window where the stairs is just nearby and he stepped on it. There he already went down.

x x x

A Well, I don't know how he entered, Your Honor, but he went out through the window.”[52]

then she confirmed on such cross-examination, thus:

"Q So, you were then lying when you testified on January 18, 1982 that the accused jumped over the window?

A It was not our window that opened in front of where we are (sic) sleeping, sir.

Q But you are telling that the window is (sic) still open since you slept and making (sic) love with the accused?

A That window was really open because it is (sic) warm, sir."[53]

If the references to "making love" were without basis, or that the questions based thereon were misleading, the prosecuting fiscal should have objected. None was made, and there is no showing that the prosecuting fiscal is incompetent. After this "love-making" rendezvous, the accused promised to return to make love again.

"Q And after finishing the intercourse what did this intruder do if he did anything?

A He told me that he will return, sir.

Q To make love again with you?

A Yes, sir.

Q And you said 'yes' because you like it?

A No sir, I was crying.

Q Because you are (sic) afraid that your husband might know it?

A No sir, I was still startled because of my fear."[54]

G

This fear, however, seemed to be more imagined than real in the light of the above findings clearly demonstrating her consent to the act. As a matter of fact, there is enough evidence to show that she signaled to the accused to spend time with her and that she prepared for the tryst. For reasons only known to the prosecution, it opted not to rebut the damaging testimony of the accused that among others, complainant signaled to him to come up; she thereafter took a bath; when he came up, she ordered him to get inside the mosquito net, and to give him space beside her, she even moved her youngest child; and then they simultaneously took off their clothes and made love. While they were in the act, Lydia Sulit came out of her room and saw them. Because of embarrassment, complainant cried. He then dressed up and returned to the party.

That Lydia saw them while they were making love is admitted by complainant as indicated above. Lydia, however, has her own version. According to this version, which the trial court erroneously credited, when she woke up at dawn of 16 April 1980, she saw the accused, who was 4½ meters away facing the window with his back toward her, in the act of either buttoning or closing the zipper of his pants; then he passed through the window. She then turned on the light and saw the complainant inside the mosquito net sitting with her back against the aparador. She was crying. Lydia then got a glass of water, gave it to her, and asked her what happened. Complainant was shaking and so Lydia waited until she calmed down. After she calmed down, she told Lydia that she was raped by the accused. At that time, complainant's panty was still down on one foot.[55]

According to Lydia, she was able to recognize the accused because of the "moonlight giving the light inside the house." The fluorescent lamp was put off.[56] However, the complainant, when asked how she was able to identify the accused, did not make mention of the light of the moon but of the "light in the kitchen which was kept open at night." [57]

The version of Lydia cannot prevail over the testimonies of both the complainant and the accused that she (Lydia)

saw them "in the act."

H

The conduct of the complainant after the alleged rape is inconsistent with that of one who had been subjected to a harrowing experience under the bestial act of a rapist. Contrary to the alleged initial interest of the complainant and Lydia Sulit to seek immediate redress and vindication as evidenced by Lydia's immediate advice:

"Q After Teresita Patinio informed you that she was raped by Pido and after having observed her condition, what did you do next?

A Because it was still dark and everybody was still asleep, I told her to go to (sic) precinct but it is not proper because we have to go first to the Barangay Chairman, sir." [58]

yet, it was only on 30 May 1980 that the sworn statement of the complainant was prepared. [59] The delay has not been explained.

Complainant did not report the incident to her common-law husband, Nicasio Gam, when he arrived in the morning of the day it happened, 16 April 1980. As to when she did so, she gave conflicting versions. In her direct testimony, she declared that it was only on the following day that she "revealed to him the truth." [60] Yet, on cross-examination, she declared that she reported it to him several days after:

"Q And you are (sic) afraid that your cousin [referring to Lydia Sulit] might tell your husband that she saw you making love with the accused?

A No sir, I reported it to my husband.

Q And that is (sic) several days when your cousin saw you?

A Yes, sir." [61]

Lydia Sulit, however, claims that it was she who told complainant's husband:

"Q How did the husband of Teresita Patinio come to know about the incident?

A I was the one who told the matter to the husband of Teresita Patinio, sir." [62]

If she is to be believed, after the act, she just stood up to "wear again her panty"; however, Lydia testified that complainant was sitting inside the mosquito net with her back on the aparador and her panty down on one foot only and although she was crying, it was not loud enough, it would be heard only if one would come near her. All that complainant told Lydia was that she was raped by the accused, who threatened her and promised to "return back." [63] When asked to describe the facial expression of complainant, the best that Lydia could say was that she "looked pale."

There was nothing in the complainant's behavior to show a natural reaction to a heinous offense.

What then seems to be clear to Us is that Lydia did not arrive after the act, but as testified by the accused and corroborated by complainant herself, she saw both inside the mosquito net. The complainant was so embarrassed that she had to concoct the story of rape.

I

Complainant's protestation that she was strangled or choked by the accused is belied by the medical certificate prepared by Dr. Maximo Reyes, senior medico-legal officer of the National Bureau of Investigation, and his

testimony.

The medical certificate states:

"1. No evident sign of extragenital physical injury noted on the body of the subject at the time of examination."

On cross-examination, said medico-legal officer testified:

"Q After examining the alleged victim, did you find any injury which caused by a (sic) violent acts on her body?

A I did not find any injury, sir.

Q So that, when she presented herself to you for examination she was at her usual, ordinary health and person?

A Yes, sir.

COURT:

Q In other words, when you made your physical examination of the subject you did not find any bruises on her body from which we may conclude that she was a victim of physical violence?

A Nothing, your Honor."[64]

With the foregoing, the judicial mind cannot securely rest on a verdict of conviction. The evidence for the prosecution fails to convince Us with moral certainty that the crime of rape was committed and that the accused is guilty thereof.

The so-called offer of compromise would not save the day for the prosecution. The evidence on this matter is amorphous. Moreover, as admitted by the complainant, there was only a request by Leonardo Pido, brother of appellant, that she should not go through with the filing of the complaint; he did not offer any monetary consideration; and that accused appellant was not even present during that time.[65]

WHEREFORE, for failure of the prosecution to establish the guilt of the accused for the crime of rape as charged beyond reasonable doubt, the decision of the trial court in Criminal Case No. 61752 is hereby REVERSED and another is hereby entered ACQUITTING the accused Roberto R. Pido, with costs de officio.

SO ORDERED.

Fernan, C.J., Gutierrez, Jr., Feliciano, and Bidin, JJ., concur.

[1] U.S. vs. Flores, 26 Phil. 262, citing 2 Chitty's Blackstone, 165, 269.

[2] U.S. vs. De Dios, 8 Phil. 279, citing Pacheco.

[3] U.S. vs. Flores, supra.; People vs. Quintal, 125 SCRA 734; People vs. Leoparte, 187 SCRA 190.

[4] People vs. Tarlac, 188 SCRA 607.

[5] People vs. Herrick, 187 SCRA 364.

[6] People vs. Dramayo, 42 SCRA 60.

[7] Sec. 14(2), Article III, 1987 Constitution.

[8] Section 2, Rule 133, Rules of Court.

- [9] People vs. Maisug, 27 SCRA 742.
- [10] People vs. Manzano, 118 SCRA 705; People vs. Alfonso, 153 SCRA 487; People vs. Egot, 130 SCRA 134; People vs. Alcid, 135 SCRA 280; People vs. Mejias, 168 SCRA 33; People vs. Abonada, 169 SCRA 530.
- [11] People vs. Tarlac, supra.; People vs. Leoparte, supra.
- [12] People vs. Fausto, 51 Phil. 852; People vs. Francisco, 192 Phil. 752; People vs. Estacio, 111 SCRA 537; People vs. Cui, 162 SCRA 220; People vs. Alfonso, 153 SCRA 487; People vs. Aldana, 175 SCRA 635; People vs. Marapao, 188 SCRA 243.
- [13] People vs. Balderes, 153 SCRA 253.
- [14] People vs. Alcid, supra.
- [15] People vs. Quintal, supra.
- [16] People vs. Aldana, supra.; People vs. Quintal, supra.
- [17] Original records, 1.
- [18] Original records, 230-233.
- [19] Id., 235, 238-239, 215-229, 267-276, 279-280.
- [20] TSN-Macalincag, 16 August 1989, 21-22.
- [21] Per Judge Ramon P. Makasiar; Op. cit., 316-326.
- [22] Original records, 330.
- [23] Original records, 316-317.
- [24] Id., 321-322.
- [25] Original records, 317-318.
- [26] Brief for Appellant, 19, 24, 34, 39, and 45; Rollo, 38, et. seq.
- [27] Subject Index of Brief for Appellant, elaborated on 19-46.
- [28] Citing People vs. Memo, 56 Phil. 86; People vs. Mendoza, 163 SCRA 568; and People vs. Villaflores, 174 SCRA 70.
- [29] Citing People vs. Ramos, 153 SCRA 276.
- [30] Citing People vs. Lamberto, 142 SCRA 685.
- [31] Citing People vs. Tagle, 176 SCRA 809.
- [32] Citing People vs. Sarda, 172 SCRA 651.
- [33] People vs. Pemelo. 105 SCRA 226; People vs. Cruz, 151 SCRA 609; Cortes, et al. vs. Court of Appeals, et. al., 163 SCRA 139; People vs. Tan, 187 SCRA 385; and People vs. Timbang, 189 SCRA 279.
- [34] TSN-Lim, 18 January 1982, 26-28.
- [35] TSN-Genova, 1 February 1988, 70-72.

- [36] Ibid., 22 February 1988, 4.
- [37] TSN-Lim, 18 January 1982, 30-31.
- [38] Ibid., 28.
- [39] TSN-Bonilla, 18 August 1983, 5.
- [40] TSN-Lim, 18 January 1982, 32-35.
- [41] TSN-Bonilla, 18 August 1983, 9.
- [42] TSN-Genova, 1 February 1988, 76.
- [43] Ibid., 73.
- [44] Ibid., 22 February 1988, 3.
- [45] Ibid., 8.
- [46] TSN-Lim, 18 January 1982, 33.
- [47] TSN-Bonilla, 18 August 1983, 7.
- [48] TSN-Genova, 1 February 1988, 71.
- [49] TSN-Genova, 1 February 1988, 79.
- [50] TSN-Genova, 1 February 1988, 75-77.
- [51] TSN-Lim, 18 January 1982, 37.
- [52] Ibid., 39.
- [53] TSN-Genova, 1 February 1988, 77.
- [54] Ibid., 73-74.
- [55] TSN-Genova, 23 March 1988, 20-26.
- [56] Ibid., 22.
- [57] TSN-Lim, 18 January 1982, 39-40.
- [58] TSN-Genova, 23 March 1988, 26.
- [59] Testimony of Police Sgt. Manolo Martinez; Ibid., 4-9; Exhs. “B” and “D”.
- [60] TSN-Lim, 18 January 1982, 45.
- [61] TSN-Genova, 1 February 1988, 80.
- [62] TSN-Genova, 23 March 1988, 29.
- [63] Ibid., 25.
- [64] TSN-Genova, 1 February 1988, 19.
- [65] TSN-Lim, 18 January 1982, 54-57.

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.