

PEOPLE OF THE PHILIPPINES, RESPONDENT-APPELLEE, VS. JOHNNY SINATAO, ACCUSED-APPELLANT.*G.R. Nos. 110815-16. October 25, 1995*

Ponente: FRANCISCO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-110815-16/>**FRANCISCO, J.:**

Rape is truly an abominable crime, nevertheless, there must be moral certainty of its having been, in fact, committed to warrant a conviction therefor.[1] And to determine this, the Court is guided by three (3) settled principles in reviewing the evidence, to wit: (1) an accusation for rape can be made with facility; it is difficult to prove, but more difficult for the person accused, though innocent, to disprove; (2) in view of the intrinsic nature of the crime where only two persons are usually involved, the testimony of the complainant must be scrutinized with great caution; and (3) 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 of the defense.[2]

Tested against these exacting standards, we now proceed to determine whether accused-appellant's culpability has been proven beyond reasonable doubt.

Appellant Johnny Sinatao was charged with serious illegal detention[3] and rape[4] before the Regional Trial Court, Branch 24 of Cagayan de Oro City. To both charges, appellant pleaded not guilty. Thereafter, a joint trial ensued. The trial court exonerated appellant from the charge of serious illegal detention, but convicted him of five counts of rape.[5] Appellant is now before us seeking the reversal of his conviction basically on these grounds: (1) the conviction was based on an improbable and inconsistent testimony of the complainant; (2) the ocular inspection of the crime scene was not correctly appreciated; and (3) conviction of five counts of rape was improper.[6]

Culled from the testimony of the principal prosecution witness are the following facts: To conceal her pregnancy from her parents, complainant Helen Camillion, 22 years old, single, a second year Commerce student and a resident of Pagadian, Zamboanga del Sur, left for Cagayan de Oro sometime in February 4, 1992. There she worked for one Dr. Borja as a house helper. She quit her employment on July 19, 1992, and moved into a rented a room in the house of Mrs. Flora Sinatao, a "hilot" and the mother of herein appellant, at Yacapin Extension, Cagayan de Oro City. Two weeks after, on August 01, 1992, Helen gave birth with the assistance of Mrs. Sinatao, in the said room. On August 05, 1992, she brought her baby to a certain Mr. Antonio Chan with whom she has previously arranged the adoption of her child. About 12:00 midnight of the same day, she was awakened from her sleep, surprised to find appellant already lying beside her. Frightened by appellant's presence, she screamed for help, but appellant, brandishing a knife, ordered her to stop shouting. While she was gripped with fear, appellant removed his pants and brief. He then removed complainant's duster leaving her naked. While in bed appellant began to kiss her, then through force and intimidation, succeeded having carnal knowledge with her. The following morning, appellant padlocked the room's door, left the place, and an hour later, he returned to rape her again. Complainant claimed that she was repeatedly raped until August 16, 1992.

In the morning of August 17, 1992, complainant discovered that the padlock of her room was left unlocked whereupon she bore a hole in the wall, removed the padlock, went out of the room then proceeded to the house of Josephine, her friend, located 30 meters away from Mrs. Sinatao's house. However, at around 10:00 o'clock of the same morning, appellant arrived at Josephine's house. He mauled and forced complainant to return to her rented room where the beating continued. Hours later, appellant was arrested by the police upon the complaint of his sister-in-law for mauling her son with a piece of wood. Despite appellant's arrest and with her room left unlocked, complainant did not leave until 6:30 in the evening of the same day upon the assistance of a barangay tanod who went to fetch her. She was brought to the police station where she executed an affidavit. The next day, she was brought to the Provincial hospital for examination of her injuries.

Dr. Abrogueña, the examining physician at the hospital on August 18, 1992, found an old laceration in the complainant's private organ and multiple wounds caused by child delivery. The doctor noted some contusions on the complainant's arms and right side of the face, a black eye, a swollen lip and a laceration on her left forearm.

The defense, on the other hand, disputed the accusation through the following witnesses:

Mrs. Flora Sinatao, mother of the appellant, 76 years old and a former midwife ("hilot"), narrated that she met the complainant for the first time on March 1992, at Yacapin. Mrs. Sinatao gave the complainant a massage, as requested, on which occasion she found a fetus in complainant's womb. Complainant wanted to have the fetus aborted but Mrs. Sinatao prevailed upon her not to do it. In April and May 1992, complainant returned for consultation. She was informed of her expected date of delivery to be around the last week of July or the first week of August. On July, complainant went back to Mrs. Sinatao and rented one of the rooms of her house to make sure that she will be attended to by a midwife during her delivery. On August 01, 1992, she gave birth with Mrs. Sinatao assisting and providing the necessary medicine. Complainant promised to give the baby to Mrs. Sinatao in exchange for the latter's assistance, albeit later she reneged on her promise and gave the baby to another. Mrs. Sinatao has observed that the complainant and her son would always meet with her son often placing his arm around complainant's shoulder. Also, she saw the two sleeping inside complainant's room days after the delivery.

Lorna Malinaon, appellant's common law wife, testified that she went to Mrs. Sinatao's house on August 11, 1992, at 11:00 o'clock in the evening to look for appellant. Inspecting the rooms in Mrs. Sinatao's house, she found complainant's room. Peeping through a hole in the door she saw the appellant and the complainant lying in bed. She waited outside for the appellant to come out which the appellant did. Moved by anger, she slapped and scratched appellant then confronted the complainant pointing her fingers at the latter while asking for an explanation. Complainant simply remarked that there was nothing bad.

Johnny Sinatao, the accused, when called to the witness stand testified that complainant was her live-in partner. He denied the charge of rape leveled against him, but admitted that he mauled the complainant on August 17, 1992, due to jealousy. He also claimed that the complainant and her parents paid him a visit in his detention cell and prodded him to get married with the complainant as it was not true that complainant was raped.

Raul Lumano, the Chief Investigator of the Lupong Tagapayapa of Zone 1, Barangay 35, Yacapin Extension, Cagayan de Oro City, testified that he investigated a complaint for physical injuries involving herein complainant whom he found to have been boxed and kicked by appellant. He recorded his investigation in the barangay record book, which the complainant signed after reading its contents.

Gina Cocon, the defense's last witness, 23 years old, married, and a housekeeper, lives in a neighboring room adjacent to complainant's room. She noticed that the complainant and the appellant were living together lovingly and solicitously for two weeks. On August 17, 1992, she saw complainant pull out her clothes to transfer to

another place on which occasion the appellant mauled her. She also averred that Merly Paharon, their neighbor who lives in a room opposite complainant's room, was always present from August 1, 1992 to August 18, 1992.

With the foregoing as a thumbnail guide, let us now examine in retrospect the extract of the essential parts of complainant's testimony on the actual execution of the overt act:

"ATTY. MALFERRARI:

Q:

Where were you at 12:00 midnight on August 5, 1992?

A:

I was inside of (sic) my rented room.

Q:

Did anything happened (sic) at that night?

A:

Yes, when I woked (sic) up and realized that Johnny Sinatao was already laying (sic) beside me.

Q:

What did Johnny Sinatao do to you, if any?

A:

He threatened me with his stainless knife.

Q:

How long was that stainless knife?

A:

About 8 inches long.

Q:

What did he say to you, if any?

A:

I shouted because I was so frightened, "Lola Toling help me!", and Johnny Sinatao told me not to shout or he will kill me.

Q:

And, what did you do?

A:

I did not shout anymore.

Q:

What did Johnny Sinatao do after you shouted for help?

A:

He removed his pants.

x x x x x x x x

Q:

What did he do next?

A:

He removed his brief.

Q:

What about his shirt?

A:

He did not removed (sic) his shirt.

Q:

What did Johnny Sinatao do, after he removed his pants and brief?

A:

He removed my duster.

Q:

When he removed your duster were you already naked?

A:

Yes, sir.

Q:

And, what did he do next?

A:

He kept on kissing me.

Q:

And, what else did he do aside from kissing you?

A:

He forced himself for sexual intercourse.

x x x x x x x x

COURT:

Q:

What did you do when he forced you to sexual intercourse?

A:

He raped me.

Q:

Was it with your consent?

A:

None sir.

ATTY. Malferrari:

Q:

At that particular moment, were you frightened on what he did to you?

ATTY. Felecia:

We object, Your Honor, leading question?

Court:

Q:

Alright, what did you feel?

A:

It was painful.

ATTY. Malferrari:

Q:

For how long did he had (sic) sexual intercourse with you at that time?

A:

It was quite a long time, because he went out when it was already morning, and he even returned.

Q:

I was asking you about that particular moment, for how long he was having sexual intercourse with you?

A:

I cannot estimate, but it was quite long.

Q:

And, all the time Johnny Sinatao was on top of you and he was executing a push and pull movement?

A:

Yes, sir.

Q:

What did you do while Johnny Sinatao was on top of you?

A:

There was nothing I can do at that time.

COURT:

Q:

Let us clarify, from 12:00 midnight, Johnny Sinatao according to you, went to your room until morning, did he only had (sic) sexual intercourse with you, once.

A:

Only once, but it was quite long that he finished.

ATTY. MALFERRARI:

Q:

What happened to your sexual organ at that time?

A:

It was painful.

Q:

Was it bleeding?

A:

Yes, sir.

(Tsn., Helen Camillion, Nov. 16, 1992 pp., 11-15)

x x x x x x x x

ATTY. MALFERRARI:

Q:

What happened on August 6, 1992, have you seen Johnny Sinatao again?

A:

Yes, he came in again on the following day.

COURT:

Q:

The whole day?

A:

Yes, sir.

x x x x x x x x

ATTY. MALFERRARI:

Q:

What happened on August 6, 1992 in your room?

A:

On August 6, 1992, I was locked inside my room with a padlocked (sic).

Q:

What happened on August 6, 1992, if any, in your room?

A:

He again raped me.

Q:

What time was that?

A:

In the morning, but I have no time piece to determine the exact time.

Q:

On August 7, where were you?

A:

In my room, and I was again raped.

x x x x x x x x

Q:

On August 8, 1992, where were you?

A:

I was inside my rented room.

x x x x x x x x

Q:

What was the condition of the door of your room.

A:

It was padlocked.

Q:

Were you free to leave your room at that time.

A:

No, I could not go out at that time.

Q:

On August 8, 1992, was there a happening that took place in your room?

A:

He again raped me, and everyday thereon he did it."

(Tsn., Helen Camillion, Nov. 16, 1992, pp. 16-18.)

x x x x x x x x

Q:

Was he able to have sexual intercourse with you?

A:

Yes, many times.

Q:

How many times?

A:

August 5, 1992 12:00 o'clock in the evening until August 16, 1992, I could no longer count.

Q:

Continuous each night?

A:

Even during day time.

(Tsn., Helen Camillion, January 15, 1993, p. 15)

Complainant asserts sexual abuse through violence and intimidation, but strangely, she did not offer any resistance when assaulted, an unlikely impulse for a woman confronted with such an affront on her honor. The manner of her supposed rape is odd for it appears that it was punctiliously made. Although appellant seemed preoccupied in undressing, complainant, given this opportunity, never lifted a finger to thwart the attempt on her honor. Complainant failed to recount where the supposed knife was pointed or placed while appellant was busy undressing or while complainant was being molested. Neither did complainant give details of how the succeeding rapes took place but simply alleged that she was repeatedly raped during the succeeding days. Such reaction is highly unnatural for a woman who went through such harrowing ordeals. Complainant, quite strangely, appeared nonchalant to the appellant's sexual advances, if she was indeed raped.

The place where the alleged rapes took place was described as follows: Complainant's rented room has no windows and has only a door for ingress and egress. It is made of slits and board of talisayan and has single board walls. It is adjacent to her co-boarder's rooms, i.e., Gina Cocon's and Rosa Taala's rooms, and located just opposite it was the room of Merly Paharon. A communal comfort room for boarders is situated outside complainant's room. Mrs. Sinatao's house, which portion constitute these rooms, is situated in a well populated area as in fact complainant could even send some neighborhood children to buy her food.[7] The veracity of complainant's testimony, arrayed with these facts, is unimpressive and doubtful, to wit:

"ATTY. FELECIA:

Q:

You said that the door was padlocked, you could not see anything?

A:

Yes, sir.

Q:

When did Johnny Sinatao come back into the room after he left?

A:

He returned on that same day.

COURT:

Q:

What time did he return?

A:

In my estimate, it was 7:00 in the morning.

Q:

How many minutes did it elapse from his departure and coming back to the room?

A:

About one hour.

ATTY. FELECIA:

Q:

You estimated that that was around 7:00 in the morning that he came back?

A:

Yes, sir.

Q:

In this one hour when Johnny Sinatao left, did you not shout and call the neighbors?

A:

I was thinking about it, but I did not see any neighbors.

(Tsn., Helen Camillion, Nov. 17, 1992, pp. 16-17).

x x x x x x x x

ATTY. FELECIA:

Q:

On August 7, 1992 on the morning thereof, again Johnny Sinatao went out of your room?

A:

Yes, sir.

Q:

Did he tell you where he was going then?

A:

No, sir.

Q:

What time did he come back?

A:

Lunch time.

Q:

Did he tell you where he was?

A:

No, sir.

Q:

What did he say everytim (sic) he arrives in your room.

A:

He just keep quite (sic).

Q:

And you are also keeping quite (sic)?

A:

Yes, sir.

(Tsn., Helen Camillion, December 3, 1992, p. 8)

Complainant, though allegedly detained, was not even completely isolated as to prevent her from seeking immediate help. The structure of complainant's room (single board walling) and its location in a populated area gave her every opportunity to cry for help. And yet, she did not exert any determined effort to attract the attention of others, i.e., either by shouting or banging the walls, especially during appellant's absence which per her own account occurred several times. As to be reasonably expected, a ravished woman would instinctively call for help or at best flee from her lecherous captor to safer grounds when opportunities present themselves. One such opportunity for her flight became available as per her testimony that she was able to leave her room:

x x x x x x x x

"ATTY. Malferrari:

Q:

When you opened the door, where did you go?

A:

I went to the house of my friend Josephine.

Q:

While you were in the house of your friend Josephine, where was Johnny Sinatao?

A:

He reported to his office at Talmar Security Agency.

Q:

Did you see Johnny Sinatao on August 17, 1992?

A:

I saw him that morning.

Q:

After you have left the room, did you see Johnny Sinatao?

A:

No more, sir.

Q:

Where was the next time that you saw Johnny Sinatao after you went to the house of Josephine?

A:

At about 10:00 in the morning of the same day, Johnny Sinatao went to the house of Josephine where I was.

Q:

What did Johnny Sinatao do on August 17, 1992, when you went to the house of Josephine, where you were also there?

A:

Johnny Sinatao mauled me.

Q:

And, what did he do in mauling you?

A:

He boxed my face and kicked me on the different parts of my body."

(Tsn., Helen Camillion, Nov. 16, 1992, pp. 20-21)

x x x x x x x x

"ATTY. FELECIA:

Q:

Going back to August 17, 1992 when you were able to leave the room and went to the house of your friend Josephine, where is this house of Josephine?

A:

In Yacapin extension, sir.

Q:

Around what distance from the house of Mrs. Sinatao?

A:

About 30 meters to the house of the mother of Johnny Sinatao.

Q:

And you said that Johnny Sinatao was able to fetch you from that house of Josephine?

A:

Yes, sir.

Q:

And he brought you back to the house of Johnny Sinatao's mother?

A:

Yes, sir."

(Tsn., Helen Camillion, December 3, 1992, pp. 12--13)

But despite the chance of permanently escaping the clutches of her tormentor and of seeking help from the proper authorities, complainant surprisingly opted to take refuge within the proximity of 30 meters (Josephine's house) from the crime scene - a place and distance easily traceable by appellant. In fact, by her own account, appellant was able to immediately track her down and forcibly bring her back to her place of detention. But still, there was no determined attempt to resist or plea for rescue by complainant at the hands of appellant. Certainly, these actuations of the complainant are indeed inconsistent with the norms of conduct that could have been displayed by a woman whose feeling has been injured and outraged and suffering the painful mortification to her modesty and honor by ravishment.

Furthermore, complainant claims that she was locked in her room from midnight of August 5, 1992, until the early morning of August 17, 1992. Her testimony, however, belied such claim. Thus:

"ATTY. MALFERRARI:

Q:

On August 7, where were you?

A:

In my room, and I was again raped.

COURT:

Q:

You have not taken a bath yet?

A:

I have taken my bath that morning."

(Tsn., Helen Camillion, Nov. 16, 1992, p. 17)

Complainant never explained how she was able to take a bath considering that the comfort room was located outside her room as she herself sketched on the witness stand.[8]

In the same manner, we find the following testimony of the complainant implausible. We quote:

"ATTY. FELECIA:

Q:

Did you take your breakfast that morning?

A:

I did not eat my breakfast, I just drank milk.

Q:

When was the last time that you took solid food?

A:

I have not eaten that day.

Q:

You said that that was only six days after you delivered the baby?

A:

Yes, sir.

x x x x x x x x

Q:

Where was that glass of milk from?

A:

Inside the room, I have already a milk.

Q:

Did not the accused have the civility to bring you the breakfast that morning?

A:

He did not invite to eat.

Q:

Did he eat then at your room?

A:

Because at that time I was pressing my stomach, because I was hungry and Johnny Sinatao asked me, "are you hungry?" and I answered, "I am not".

COURT:

Q:

Did he offer you food?

A:

No, sir.

ATTY. FELECIA:

x x x x x x x x

Q:

At lunch time did you know if he took his lunch?

A:

He went out again.

Q:

Did he not ask you if you want to take a lunch?

A:

He did not.

Q:

And, then he came in the afternoon of August 6?

A:

Yes, sir.

COURT:

Q:

What time in the afternoon did he return on August 6?

A:

After lunch, he came, and everyday he raped me.

Q:

How about in the afternoon, did he had (sic) sex with you?

A:

Yes, sir.

Q:

And, you did not plead with him to spare you of sexual abuse, because of your condition?

A:

I told him, "Have pity on me, because I have just delivered my baby", and he answered, "I will do it even if you have just delivered now."

(Tsn., Helen Camillion Nov. 17, 1992 pp. 17-20)

Complainant characterized the appellant as ruthless and inconsiderate, repeatedly raping her for eleven days and ignoring her plea that she just gave birth. Throughout her ordeal, complainant barely ate, and yet, miraculously, she survived such gruelling experience. Her account, however, fails to impress, for we find it improbable and incredible for her to have survived considering her alleged malleable condition at the time the rapes took place.

In this connection, it is noteworthy that the medical examination on the complainant failed to corroborate complainant's assertion of forceful coition. Dr. Abrogueña, the examining physician, said:

ATTY. MALFERRARI:

Q:

If the victim was a virgin, the laceration, it appears when she was supposed to have sexual intercourse for the first time?

A:

Yes, sir.

Q:

When the victim first delivered a child, you could not distinguish anymore whether there were lacerations?

A:

It is very difficult to distinguish.

x x x x x x x x

(Tsn., Dr. Gerry Abrogueña, Jan. 22, 1993, pp. 5-6)

In fact, Dr. Abrogueña, in his direct and cross-examinations and upon the queries of counsels and the trial court, categorically declared that the lacerations on complainant's private part was not caused by the penetration of a male organ, but due to childbirth.

"ATTY. MALFERRARI:

Q:

This laceration could have been caused to subject victim to several rapes?

A:

No, it was because of the delivery of the child.

COURT:

Q:

Could it had (sic) been caused by a penis?

A:

It is bigger, because the head of the baby.

Q:

Is the laceration big?

A:

Yes, sir.

ATTY. Malferrari:

Q:

Assuming that there were rapes committed, would the laceration not be shown anymore, because of the delivery of a baby or of child birth?

A:

Yes, sir.

(Tsn., Direct Examination, Dr. Gerry Abroguena, Dec. 28, 1992, pp. 7-8)

x x x x x x x x

Court:

Q:

This laceration that you saw, already how many days was it?

A:

It was already inflicted long time ago.

Q:

For how many months.

A:

Several months already.

Atty. Felecia:

Q:

But you are convince (sic) that the multiple wound, is the result of the delivery of a baby?

A:

Yes, sir.

Q:

You are convince (sic)?

A:

Yes, and the perennial laceration.

COURT:

Q:

They must have been caused not by rape but by delivery of a baby?

A:

It has been caused by delivery of the baby.

(Tsn., Cross-Examination, Dr. Gerry Abroqueña, Dec. 28, 1992, p. 12)

x x x x x x x x

ATTY. FELECIA:

Q:

If she was force (sic) to submit sexual intercourse, could it cause hemorrhage?

A:

It depends if there is laceration.

Q:

In this case?

A:

The laceration was already healed.

COURT:

Q:

The laceration was not caused by the penis but because of child delivery?

A:

Yes, of child delivery. (Emphasis Supplied)

x x x x x x x x

(Tsn., Dr. Gerry Abroqueña, Jan. 22, 1993, p. 5)

Moreover, complainant's credibility is placed in serious doubt due to her inconsistent testimonies with regard to Mrs. Flora Sinatao's character:

"Q:

And, you delivered on August 01, 1992 and it was Mrs. Sinatao who delivered your baby?

A:

Yes, sir.

Q:

She was very good in delivering a baby, and that you delivered a healthy baby?

A:

Yes, sir.

Q:

She must have been caring for you like her own child?

A:

Yes, sir.

Q:

In fact, you found Mrs. Sinatao a very likeable lady?

A:

Yes, sir."

(Tsn., Helen Camillion Nov. 17, 1992 p. 5)

When asked several months after, she testified otherwise:

"Q:

And, everyone, including this witness, have observed the sad and very populous condition of the place, you will still insist that you were raped and locked up in that God forsaken place?

A:

Yes, I still insist, because x x x on August 6, 1992 I was already locked inside and raped by Johnny Sinatao. The mother of Johnny and his brothers and sisters did not mind what happened to me, I was being treated like a dog."

(Tsn., Helen Camillion Jan. 15, 1993 p. 16)

It is evident from the foregoing that complainant's inculpatory statements were at odds with human experience, especially for an unwilling adult victim which she portrayed herself to be and wanted the Court to believe. It is a settled rule that in a criminal case, every circumstance favoring the innocence of the accused must be duly taken into account. Accusation, it must be stressed, is not synonymous with guilt.[9] The cardinal rule being that the conviction of an accused must rely on the strength of the prosecution's evidence,[10] a requirement miserably lacking in this case as the version given by the complainant is intrinsically weak and improbable.

In ruling for appellant's conviction, the trial court brushed aside appellant's defense and evidence by categorizing them to be "negative". Thus:

"Whose declaration deserves credence, that of the positive declaration of the private offended party, Helen Camillion or that of the accused who denied that he did not detain and rape the private offended party?

"The court had to choose. Guided by settled jurisprudence, it has to choose that espoused by the prosecution. It is positive. A large number of Supreme Court decisions have it that between a positive and a denial, more

weight and credit should be given to a positive assertion."^[11]

We do not agree. While it is true that denial could not stand vis-a-vis a positive testimony, this, however, presupposes that the testimony is credible in itself, an instance absent in the case at bar. For the prosecution to succeed, it is necessary to find that the complainant's story is by itself believable. Evidence to be believed, We reiterate, must not only proceed from the mouth of a credible witness, but it must be credible itself--such as the common experience and observation of mankind can approve as probable under the circumstances.^[12] This is essential to overthrow the constitutional presumption of innocence accorded to appellant. The guilt of the appellant must be shown beyond reasonable doubt. Without passing this exacting standard, appellant's conviction cannot stand. Otherwise, if all that matters in the prosecution for the crime of rape is a positive testimony, then every accusation would inevitably result to conviction even if the testimony is riddled with material inconsistencies and contradictions.

Moreover, the Court finds the evidence for the defense not only satisfactory but also exculpatory. Appellant's assertion that he did not rape the complainant is worthy of credence as it has been sufficiently established that appellant and the complainant had an amorous relationship. This was confirmed by the defense witnesses. And notwithstanding the relationship of some of these witnesses to the appellant, such circumstance does not ipso facto render their testimony biased and less worthy of full faith and credence, for the Court has consistently held that the relationship of a witness to a party does not, by itself, impair the credibility of the witness.^[13] Besides, a witness unrelated to the accused in the person of Gina Cocon, complainant's own neighbor, testified that indeed an amorous relationship existed between the complainant and appellant, albeit it was severed when appellant mauled the complainant. Absent any showing that Gina Cocon is ill motivated, her testimony has to be accorded full faith and credence.

Evidently, a meticulous review of the facts, circumstances and the testimony of the private complainant revealed that the same is wanting in force and persuasiveness that could convince us to affirm appellant's conviction. In sum, the prosecution failed to prove appellant's guilt beyond reasonable doubt.

WHEREFORE, the decision of the trial court is hereby REVERSED and SET ASIDE and appellant Johnny Sinatao is hereby ACQUITTED of the crime of rape.

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, Puno, and Mendoza, JJ., concur.

[1] *People v. Bostre*, 230 SCRA 139, 145 (1994).

[2] *People v. Batis*, 216 SCRA 673, 680 (1992).

[3] Criminal Case No. 92-1231.

[4] Criminal Case No. 92-1230.

[5] Joint Decision, rollo p. 25.

[6] Appellant's Brief, p. 1, rollo p. 75.

[7] Tsn., Helen Camillion, Jan. 15, 1993 p. 16; Nov. 17, 1992, p. 6, 12-13; Tsn., Gina Cocon, Jan. 22, 1993, p. 9; Exhibit I, Record p. 64.

[8] Exhibit I, Record, p. 64.

[9] People v. Dramayo, 42 SCRA 59, 63 (1971).

[10] People v. Sandagon, 233 SCRA 108 (1994).

[11] Joint Decision, rollo pp. 32-34.

[12] Moore on Facts, Vol. I, 134, p. 181; Tuason v. Court of Appeals, et. al., G.R. No. 116779-80, February 23, 1995; People v. Escalante, 238 SCRA 554, 563 (1994); People v. Lim, 190 SCRA 706, 713 (1990); People v. Maspil, Jr., 188 SCRA 751, 759 (1990); People v. Maribung, 149 SCRA 292, 297 (1987).

[13] People v. Morales, G.R. No. 104994, February 13, 1995.

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