

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DANNY GODOY, ACCUSED-APPELLANT.*G.R. Nos. 115908-09. December 06, 1995*

Ponente: REGALADO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-115908-09/>**REGALADO, J.:**

Often glossed over in the emotional arguments against capital punishment is the amplitude of legal protection accorded to the offender. Ignored by the polemicist are the safeguards designed to minimally reduce, if not altogether eliminate, the grain of human fault. Indeed, there is no critique on the plethora of rights enjoyed by the accused regardless of how ruthlessly he committed the crime. Any margin of judicial error is further addressed by the grace of executive clemency. But, even before that, all convictions imposing the penalty of death are automatically reviewed by this Court. The cases at bar, involving two death sentences, apostrophize for the condemned the role of this ultimate judicial intervention.

Accused-appellant Danny Godoy was charged in two separate informations filed before the Regional Trial Court, for Palawan and Puerto Princesa City, Branch 47, with rape and kidnapping with serious illegal detention, respectively punished under Articles 335 and 267 of the Revised Penal Code, to wit:

In Criminal Case No. 11640 for Rape:

"That on or about the evening of the 21st day of January, 1994, at Barangay Pulot Center, Municipality of Brooke's Point, Province of Palawan, Philippines, and within the jurisdiction of this Honorable Court, the said accused by means of force, threat and intimidation, by using a knife and by means of deceit, did then and there wilfully, unlawfully and feloniously have carnal knowledge with one Mia Taha to her damage and prejudice." [1]

In Criminal Case No. 11641 for Kidnapping with Serious Illegal Detention:

"That on or about the 22nd day of January, 1994, at Barangay Ipilan, Municipality of Brooke's Point, Province of Palawan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, a private individual, and being a teacher of the victim, Mia Taha, and by means of deceit did then and there wilfully, unlawfully and feloniously kidnap or detained (sic) said Mia Taha, a girl of 17 years old (sic), for a period of five (5) days thus thereby depriving said Mia Taha of her liberty against her will and consent and without legal justification, to the damage and prejudice of said Mia Taha." [2]

During the arraignment on both indictments, appellant pleaded not guilty to said charges and, after the pre-trial was terminated, a joint trial of the two cases was conducted by the trial court. [3]

According to complainant Mia Taha, at around 7:00 P.M. of January 21, 1994, she went to the boarding house of her cousin, Merlylyn Casantos, at Pulot Center, Brooke's Point which is near the Palawan National School (PNS), Pulot Branch, where she was studying. When she saw that the house was dark, she decided to pass through the kitchen door at the back because she knew that there was nobody inside. As soon as she opened the door, somebody suddenly grabbed her, poked a knife on her neck, dragged her by the hand and told her not to shout.

She was then forced to lie down on the floor. Although it was dark, complainant was able to recognize her assailant, by the light coming from the moon and through his voice, as accused-appellant Danny Godoy who was her Physics teacher at PNS.

When she was already on the floor, appellant removed her panty with one hand while holding the knife with the other hand, opened the zipper of his pants, and then inserted his private organ inside her private parts against her will. She felt pain because it was her first experience and she cried. Throughout her ordeal, she could not utter a word. She was very frightened because a knife was continually pointed at her. She also could not fight back nor plead with appellant not to rape her because he was her teacher and she was afraid of him. She was threatened not to report the incident to anyone or else she and her family would be killed.

Thereafter, while she was putting on her panty, she noticed that her skirt was stained with blood. Appellant walked with her to the gate of the house and she then proceeded alone to the boarding house where she lived. She did not see where appellant went after she left him at the gate. When she arrived at her boarding house, she saw her landlady but she did not mention anything about the incident.

The following morning, January 22, 1994, complainant went home to her parents' house at Ipilan, Brooke's Point. She likewise did not tell her parents about the incident for fear that appellant might make good his threat. At around 3:00 P.M. of that same day, appellant arrived at the house of her parents and asked permission from the latter if complainant could accompany him to solicit funds because she was a candidate for "Miss PNS Pulot." When her parents agreed, she was constrained to go with appellant because she did not want her parents to get into trouble.

Appellant and complainant then left the house and they walked in silence, with Mia following behind appellant, towards the highway where appellant hailed a passenger jeep which was empty except for the driver and the conductor. She was forced to ride the jeep because appellant threatened to kill her if she would not board the vehicle. The jeep proceeded to the Sunset Garden at the poblacion, Brooke's Point where they alighted.

At the Sunset Garden, appellant checked in and brought her to a room where they stayed for three days. During the entire duration of their stay at the Sunset Garden, complainant was not allowed to leave the room which was always kept locked. She was continuously guarded and constantly raped by appellant. She was, however, never drunk or unconscious. Nonetheless, she was forced to have sex with appellant because the latter was always carrying a knife with him.

In the early morning of January 25, 1994, appellant brought her to the house of his friend at Edward's Subdivision where she was raped by him three times. She was likewise detained and locked inside the room and tightly guarded by appellant. After two days, or on January 27, 1994, they left the place because appellant came to know that complainant had been reported and indicated as a missing person in the police blotter. They went to see a certain Naem** from whom appellant sought help. On that same day, she was released but only after her parents agreed to settle the case with appellant.

Immediately thereafter, Mia's parents brought her to the District Hospital at Brooke's Point where she was examined by Dr. Rogelio Divinagracia who made the following medical findings:

"GENERAL: Well developed, nourished, cooperative, walking, conscious, coherent Filipina.

BREAST: Slightly globular with brown colored areola and nipple.

EXTERNAL EXAM.: Numerous pubic hair, fairly developed labia majora and minora, hymenal opening stellate in shape, presence of laceration superficial, longitudinal at the fossa navicularis, approximately 1/2 cm. length.

INTERNAL EXAM.: Hymenal opening, stellate in shape, laceration noted, hymenal opening admits 2 fingers with slight resistance, prominent vaginal rugae, cervix closed.

CONCLUSION: Hymenal opening admits easily 2 fingers with slight resistance, presence of laceration, longitudinal at the fossa navicularis approximately 1/2 cm. length. Hymenal opening can admit an average size penis in erection with laceration."^[4]

Dr. Divinagracia further testified that the hymenal opening was in stellate shape and that there was a laceration, which shows that complainant had participated in sexual intercourse. On the basis of the inflicted laceration which was downward at 6 o'clock position, he could not say that there was force applied because there were no scratches or bruises, but only a week-old laceration. He also examined the patient bodily but found no sign of bruises or injuries. The patient told him that she was raped.

During the cross-examination, complainant denied that she wrote the letters marked as Exhibits "1" and "2"; that she never loved appellant but, on the contrary, she hated him because of what he did to her; and that she did not notice if there were people near the boarding house of her cousin. She narrated that when appellant started to remove her panty, she was already lying down, and that even as appellant was doing this she could not shout because she was afraid. She could not remember with which hand appellant held the knife. She was completely silent from the time she was made to lie down, while her panty was being removed, and even until appellant was able to rape her.

When appellant went to their house the following day, she did not know if he was armed but there was no threat made on her or her parents. On the contrary, appellant even courteously asked permission from them in her behalf and so they left the house with appellant walking ahead of her. When she was brought to the Sunset Garden, she could not refuse because she was afraid. However, she admitted that at that time, appellant was not pointing a knife at her. She only saw the cashier of the Sunset Garden but she did not notice if there were other people inside. She likewise did not ask the appellant why he brought her there.

Complainant described the lock in their room as an ordinary doorknob, similar to that on the door of the courtroom which, even if locked, could still be opened from the inside, and she added that there was a sliding lock inside the room. According to her, they stayed at Sunset Garden for three days and three nights but she never noticed if appellant ever slept because everytime she woke up, appellant was always beside her. She never saw him close his eyes.

Helen Taha, the mother of complainant, testified that when the latter arrived at their house in the morning of January 22, 1994, she noticed that Mia appeared weak and her eyes were swollen. When she asked her daughter if there was anything wrong, the latter merely kept silent. That afternoon, she allowed Mia to go with appellant because she knew he was her teacher. However, when Mia and appellant failed to come home at the expected time, she and her husband, Adjeril, went to look for them at Ipilán. When they could not find them there, she went to the house of appellant because she was already suspecting that something was wrong, but appellant's wife told her that he did not come home.

Early the next morning, she and her husband went to the Philippine National Police (PNP) station at Pulot, Brooke's Point and had the incident recorded in the police blotter. The following day, they went to the office of the National Bureau of Investigation (NBI) at Puerto Princesa City, then to the police station near the NBI, and finally to the radio station airing the Radyo ng Bayan program where she made an appeal to appellant to return her daughter. When she returned home, a certain Naem was waiting there and he informed her that Mia was at Brooke's Point. He further conveyed appellant's willingness to become a Muslim so he could marry Mia and thus settle the case. Helen Taha readily acceded because she wanted to see her daughter.

In the morning of January 27, 1994, she went to the house of Naem who sent somebody to fetch complainant. She testified that when Mia arrived, she was crying as she reported that she was raped by appellant, and that the latter threatened to kill her if she did not return within an hour. Because of this, she immediately brought Mia to the hospital where the latter was examined and then they proceeded to the municipal hall to file a complaint for rape and kidnapping. Both Mia and Helen Taha executed separate sworn statements before the PNP at Brooke's Point.

Later, Fruit Godoy, the wife of appellant, went to their house and offered P50,000.00 for the settlement of the case. On their part, her husband insisted that they just settle, hence all three of them, Adjiril, Helen and Mia Taha, went to the Office of the Provincial Prosecutor where they met with the mother of appellant who gave them P30,000.00. Adjiril and Helen Taha subsequently executed an affidavit of desistance in Criminal Case No. 7687 for kidnapping pending in the prosecutor's office, which was sworn to before Prosecutor II Chito S. Meregillano. Helen Taha testified that she agreed to the settlement because that was what her husband wanted. Mia Taha was dropped from the school and was not allowed to graduate. Her father died two months later, supposedly because of what happened.

The defense presented a different version of what actually transpired.

According to appellant, he first met Mia Taha sometime in August, 1993 at the Palawan National School (PNS). Although he did not court her, he fell in love with her because she often told him "Sir, I love you." What started as a joke later developed into a serious relationship which was kept a secret from everybody else. It was on December 20, 1993 when they first had sexual intercourse as lovers. Appellant was then assigned at the Narra Pilot Elementary School at the poblacion because he was the coach of the Palawan delegation for chess. At around 5:00 P.M. of that day, complainant arrived at his quarters allegedly because she missed him, and she then decided to spend the night there with him.

Exactly a month thereafter, specifically in the evening of January 20, 1994, Erna Baradero, a teacher at the PNS, was looking inside the school building for her husband, who was a security guard of PNS, when she heard voices apparently coming from the Orchids Room. She went closer to listen and she heard a girl's voice saying "Mahal na mahal kita, Sir, iwanan mo ang iyong asawa at tatakas tayo." Upon hearing this, she immediately opened the door and was startled to see Mia Taha and Danny Godoy holding hands. She asked them what they were doing there at such an unholy hour but the two, who were obviously caught by surprise, could not answer. She then hurriedly closed the door and left. According to this witness, complainant admitted to her that she was having an affair with appellant. Desirous that such illicit relationship must be stopped, Erna Baradero informed appellant's wife about it when the latter arrived from Manila around the first week of February, 1994.

Upon the request of appellant's wife, Erna Baradero executed an affidavit in connection with the present case, but the same was not filed then because of the affidavit of desistance which was executed and submitted by the parents of complainant. In her sworn statement, later marked in evidence as Exhibit "7", Erna Baradero alleged that on January 21, 1994, she confronted Mia Taha about the latter's indiscretion and reminded her that appellant is a married man, but complainant retorted, "Ano ang pakialam mo," adding that she loves appellant very much.

Appellant testified that on January 21, 1994, at around 7:00 P.M., Mia Taha went to his office asking for help with the monologue that she would be presenting for the Miss PNS contest. He agreed to meet her at the house of her cousin, Merlylyn Casantos. However, when he reached the place, the house was dark and he saw Mia waiting for him outside. Accordingly, they just sat on a bench near the road where there was a lighted electric post and they talked about the matter she had earlier asked him about. They stayed there for fifteen minutes, after which complainant returned to her boarding house just across the street while appellant headed for home some fifteen meters away.

It appears that while complainant was then waiting for appellant, Filomena Pielago, a former teacher of Mia at PNS and who was then on her way to a nearby store, saw her sitting on a bench and asked what she was doing there at such a late hour. Complainant merely replied that she was waiting for somebody. Filomena proceeded to the store and, along the way, she saw Inday Zapanta watering the plants outside the porch of her house. When Filomena Pielago returned, she saw complainant talking with appellant and she noticed that they were quite intimate because they were holding hands. This made her suspect that the two could be having a relationship. She, therefore, told appellant that his wife had finished her aerobics class and was already waiting for him. She also advised Mia to go home.

Prior to this incident, Filomena Pielago already used to see them seated on the same bench. Filomena further testified that she had tried to talk appellant out of the relationship because his wife had a heart ailment. She also warned Mia Taha, but to no avail. She had likewise told complainant's grandmother about her activities. At the trial, she identified the handwriting of complainant appearing on the letters marked as Exhibits "1" and "2", claiming that she is familiar with the same because Mia was her former student. On cross-examination, Filomena clarified that when she saw the couple on the night of January 21, 1994, the two were talking naturally, she did not see Mia crying, nor did it appear as if appellant was pleading with her.

In the afternoon of the following day, January 22, 1994, appellant met Mia's mother on the road near their house and she invited him to come up and eat "buko," which invitation he accepted. Thirty minutes thereafter, complainant told him to ask permission from her mother for them to go and solicit funds at the poblacion, and he did so. Before they left, he noticed that Mia was carrying a plastic bag and when he asked her about it, she said that it contained her things which she was bringing to her cousin's house. Appellant and Mia went to the poblacion where they solicited funds until 6:30 P.M. and then had snacks at the Vic Tan Store.

Thereafter, complainant told appellant that it was already late and there was no more available transportation, so she suggested that they just stay at Sunset Garden. Convinced that there was nothing wrong in that because they already had intimate relations, aside from the fact that Mia had repeatedly told him she would commit suicide should he leave her, appellant was prevailed upon to stay at the hotel. Parenthetically, it was complainant who arranged their registration and subsequently paid P400.00 for their bill from the funds they had solicited. That evening, however, appellant told complainant at around 9:00 P.M. that he was going out to see a certain Bert Dalojo at the latter's residence. In truth, he borrowed a motorcycle from Fernando Rubio and went home to Pulot. He did not bring complainant along because she had refused to go home.

The following morning, January 23, 1994, appellant went to the house of complainant's parents and informed them that Mia spent the night at the Sunset Garden. Mia's parents said that they would just fetch her there, so he went back to Sunset Garden and waited for them outside the hotel until 5:00 P.M. When they did not arrive, he decided to go with one Isagani Virey, whom he saw while waiting near the road, and they had a drinking session with Virey's friends. Thereafter, Virey accompanied him back to Sunset Garden where they proceeded to Mia's room. Since the room was locked from the inside, Virey had to knock on the door until it was opened by her.

Once inside, he talked to complainant and asked her what they were doing, but she merely answered that what she was doing was of her own free will and that at that moment her father was not supposed to know about it for, otherwise, he would kill her. What complainant did not know, however, was that appellant had already reported the matter to her parents, although he opted not to tell her because he did not want to add to her apprehensions. Isagani Virey further testified that when he saw appellant and complainant on January 23 and 24, 1994, the couple looked very happy.

Appellant denied that they had sexual intercourse during their entire stay at Sunset Garden, that is, from January

22 to 24, 1994, because he did not have any idea as to what she really wanted to prove to him. Appellant knew that what they were doing was wrong but he allegedly could not avoid Mia because of her threat that she would commit suicide if he left her. Thus, according to appellant, on January 24, 1994 he asked Isagani Virey to accompany him to the house of Romy Vallan, a policeman, to report the matter.

Additionally, Virey testified that appellant and Mia went to see him at his aunt's house to ask for assistance in procuring transportation because, according to appellant, the relatives of Mia were already looking for them and so they intend to go to Puerto Princesa City. Virey accompanied them to the house of Romy Vallan, whose wife was a co-teacher of appellant's wife, but the latter refused to help because of the complicated situation appellant was in.

Nevertheless, Vallan verified from the police station whether a complaint had been filed against appellant and after finding out that there was none, he told appellant to just consult a certain Naem who is an "imam." Appellant was able to talk to Naem at Vallan's house that same day and bared everything about him and Mia. Naem suggested that appellant marry complainant in Muslim rites but appellant refused because he was already married. It was eventually agreed that Naem would just mediate in behalf of appellant and make arrangements for a settlement with Mia's parents. Later that day, Naem went to see the parents of complainant at the latter's house.

The following day, January 25, 1994, allegedly because complainant could no longer afford to pay their hotel bills, the couple were constrained to transfer to the house of appellant's friend, Fernando Rubio, at Edward's Subdivision where they stayed for two days. They just walked along the national highway from Sunset Garden to Edward's Subdivision which was only five hundred to seven hundred meters away. The owner of the house, Fernando Rubio, as well as his brother Benedicto Rubio, testified that the couple were very happy, they were intimate and sweet to each other, they always ate together, and it was very obvious that they were having a relationship.

In fact, Fernando Rubio recalled that complainant even called appellant "Papa." While they were there, she would buy food at the market, help in the cooking, wash clothes, and sometimes watch television. When Fernando Rubio once asked her why she chose to go with appellant despite the fact the he was a married man, Mia told him that she really loved appellant. She never told him, and Fernando Rubio never had the slightest suspicion, that she was supposed to have been kidnapped as it was later claimed. He also testified that several police officers lived within their neighborhood and if complainant had really been kidnapped and detained, she could have easily reported that fact to them. Mia was free to come and go as she pleased, and the room where they stayed was never locked because the lock had been destroyed.

On cross-examination, Fernando Rubio declared that appellant was merely an acquaintance of his; that it was Naem who went to the lodging house to arrange for Mia to go home; that complainant's mother never went to his house; and that it was Chief of Police Eliseo Crespo who fetched appellant from the lodging house and brought him to the municipal hall.

Shortly before noon of January 26, 1994, Naem again met with appellant at Edward's Subdivision and informed him that complainant's parents were willing to talk to him at Naem's house the next day. The following morning, or on January 27, 1994, appellant was not able to talk to complainant's parents because they merely sent a child to fetch Mia at Edward's Subdivision and to tell her that her mother, who was at Naem's house, wanted to see her. Appellant permitted complainant to go but he told her that within one hour he was be going to the police station at the municipal hall so that they could settle everything there.

After an hour, while appellant was already on his way out of Edward's Subdivision, he was met by Chief of Police Eliseo Crespo who invited him to the police station. Appellant waited at the police station the whole afternoon but

when complainant, her parents and relatives arrived at around 5:00 P.M., he was not given the chance to talk to any one of them. That afternoon of January 27, 1994, appellant was no longer allowed to leave and he was detained at the police station after Mia and her parents lodged a complaint for rape and kidnapping against him.

During his detention, Mia's cousin, Lorna Casantoson, delivered to appellant on different occasions two letters from complainant dated February 27, 1994 and March 1, 1994, respectively. As Mia's teacher, appellant is familiar with and was, therefore, able to identify the handwriting in said letters as that of Mia Taha. After a time, he came to know, through his mother, that an affidavit of desistance was reportedly executed by complainants. However, he claims that he never knew and it was never mentioned to him, not until the day he testified in court, that his mother paid P30,000.00 to Mia's father because, although he did not dissuade them, neither did he request his mother to talk to complainants in order to settle the case.

Under cross-examination, appellant denied that he poked a knife at and raped Mia Taha on January 21, 1994. However, he admitted that he had sex with Mia at the Sunset Garden but that was already on January 24, 1994. While they were at Edward's Subdivision, they never had sexual relations. Appellant was told, when complainant visited him in jail, that her father would kill her if she refused to testify against him, although by the time she testified in court, her father had already died.

Appellant further testified that complainant has had several illicit relations in the boarding house of her cousin, Merlylyn Casantoson, which was a well-known fact in Pulot. However, he decided to have a relationship with her because he wanted to change her and that was what they had agreed upon. Appellant denied that, during the time when they were staying together, Mia had allegedly asked permission to leave several times but that he refused. On the contrary, he claimed that on January 27, 1994 when she told him that her parents wanted to see her, he readily gave her permission to go.

He also identified the clothes that Mia brought with her when they left her parents' house on January 22, 1994, but which she left behind at the Rubios' lodging house after she failed to return on January 27, 1994. The bag of clothes was brought to him at the provincial jail by Benedicto Rubio.

Appellant likewise declared that he had been detained at the provincial jail since January 27, 1994 but the warrant for his arrest was issued only on January 28, 1994; and that he did not submit a counter-affidavit because according to his former counsel, Atty. Paredes, it was no longer necessary since the complainants had already executed an affidavit of desistance. He admits having signed a "Waiver of Right to Preliminary Investigation" in connection with these cases.

On rebuttal, Lorna Casantoson, the cousin of Mia Taha, denied that she delivered any letter to appellant when the latter was still detained at the provincial jail. She admitted, on cross-examination, that she was requested by Mia Taha to testify for her, although she clarified that she does not have any quarrel or misunderstanding with appellant.

Mia Taha was again presented on rebuttal and she denied the testimony of Erna Baradero regarding the incident at the Orchids Room because, according to her, the truth was that she was at the boarding house of Toto Zapanta on that date and time. She likewise negated the claim that Erna Baradero confronted her on January 21, 1994 about her alleged relationship with appellant contending that she did not see her former teacher on that day. Similarly, she disclaimed having seen and talked to Filemona Pielago on the night of January 21, 1994. She vehemently disavowed that she and appellant were lovers, much less with intimate relations, since there never was a time that they became sweethearts.

She sought to rebut, likewise through bare denials, the following testimonies of the defense witnesses: that she

told appellant "iwanan mo ang iyong asawa at tatakas tayo;" that she answered "wala kang pakialam" when Erna Baradero confronted her about her relationship with appellant; that she was the one who registered them at Sunset Garden and paid for their bill; that appellant left her at Sunset Garden to go to Ipil on January 22, 1994; that Isagani Virey came to their room and stayed there for five minutes, because the only other person who went there was the room boy who served their food; that they went to the house of Virey's aunt requesting help for transportation; and that she was free to roam around or to go out of the lodging house at Edward's Subdivision.

Mia Taha also rejected as false the testimony of appellant that she went to see him at Narra, Palawan to have sex with him and claims that the last time she went to Narra was when she was still in Grade VI; that she ever told him "I love you, sabik na sabik ako sa iyo" when she allegedly went to Narra; that she wrote to him, since the letters marked as Exhibits "1" and "2" are not hers; that she threatened to commit suicide if appellant would leave her since she never brought a blade with her; and that at Sunset Garden and at Edward's Subdivision, she was not being guarded by appellant.

However, on cross-examination, complainant identified her signature on her test paper marked as Exhibit "4" and admitted that the signature thereon is exactly the same as that appearing on Exhibits "1" and "2". Then, contradicting her previous disclaimers, she also admitted that the handwriting on Exhibits "1" and "2" all belong to her.

On sur-rebuttal, Armando Pasion, a provincial guard of the Provincial Jail, Palawan who volunteered to testify in these cases, identified Lorna Casantos as the person who visited appellant in jail on February 27, 1994 at around 4:00 P.M. Since he was on duty at that time, he asked her what she wanted and she said she would just visit appellant. Pasion then called appellant and told him he had a visitor. Lorna Casantos and appellant talked at the visiting area which is around ten meters away from his post, and then he saw her hand over to appellant a letter which the latter immediately read. This witness declared that appellant never requested him to testify.

Another sur-rebuttal witness, Desmond Selga, a jeepney driver, testified that in the afternoon of January 22, 1994, he was plying his regular route in going to Brooke's Point and, when he passed by Ipilan, he picked up appellant and Mia Taha. At that time, there were already several passengers inside his jeepney. The two got off at the poblacion market. He denied that he brought them to the Sunset Garden.

On May 20, 1994, the court a quo rendered judgment[5] finding appellant guilty beyond reasonable doubt of the crimes of rape and kidnapping with serious illegal detention, and sentencing him to the maximum penalty of death in both cases.[6] By reason of the nature of the penalty imposed, these cases were elevated to this Court on automatic review.

The records show that, on the basis of the complaints for rape[7] and kidnapping with serious illegal detention[8] filed by Mia Taha and Helen Taha, respectively, the Municipal Trial Court of Brooke's Point issued a resolution[9] on February 4, 1994 finding the existence of a prima facie case against appellant. On February 10, 1994, the spouses Adjiril Taha and Helen Taha executed an affidavit of desistance withdrawing the charge of kidnapping with serious illegal detention.[10] However, pursuant to a joint resolution[11] issued on March 11, 1994 by Prosecutor II Reynaldo R. Guayco of the Office of the Provincial Prosecutor, two separate informations for rape and for kidnapping with serious illegal detention were nevertheless filed against appellant Danny Godoy with no bail recommended in both charges.

Appellant is now before us seeking the reversal of the judgment of the court below, on the following assignment of errors:

I. The trial court erred in convicting the accused-appellant (of) the crime of rape despite the fact that the

prosecution failed to prove his guilt beyond reasonable doubt.

II. The trial court erred by failing to adhere to the doctrine/principle in reviewing the evidence adduced in a prosecution for the crime of rape as cited in its decision reiterating the case of *People vs. Calixto* (193 SCRA 303).

III. The trial court erred in concluding that the accused-appellant had consummated the crime of rape against private complainant.

IV. The trial court erred by its failure to give any credence to Exhibits "1" and "2" as evidence of the defense.

V. The trial court erred in convicting the accused-appellant of the crime of kidnapping with serious illegal detention as the prosecution failed to prove his guilt beyond reasonable doubt.

VI. The trial court erred in giving full faith and credence to the testimonies of prosecution witnesses and completely ignoring the testimonies of the defense witnesses.

VII. The trial court erred in concluding that there was implied admission of guilt on the part of the accused-appellant in view of the offer to compromise.

VIII. The trial court erred in ordering that the complainant be indemnified in the sum of one hundred thousand pesos (P100,000.00) for each of the alleged crimes committed.

IX. The trial court gravely erred by imposing the death penalty for each of the crimes charged on the accused-appellant despite the fact that the crimes were allegedly committed prior to the effectivity of Republic Act No. 7659.[12]

A. The Rape Case

A rape charge is a serious matter with pernicious consequences. It exposes both the accused and the accuser to humiliation, fear and anxieties, not to mention the stigma of shame that both have to bear for the rest of their lives.[13] By the very nature of the crime of rape, conviction or acquittal depends almost entirely on the credibility of the complainant's testimony because of the fact that usually only the participants can testify as to its occurrence.[14] This notwithstanding, the basic rule remains that in all criminal prosecutions without regard to the nature of the defense which the accused may raise, the burden of proof remains at all times upon the prosecution to establish his guilt beyond a reasonable doubt. If the accused raises a sufficient doubt as to any material element, and the prosecution is then unable to overcome this evidence, the prosecution has failed to carry its burden of proof of the guilt of the accused beyond a reasonable doubt and the accused must be acquitted.[15]

The rationale for the rule is that, confronted by the full panoply of State authority, the accused is accorded the presumption of innocence to lighten and even reverse the heavy odds against him. Mere accusation is not enough to convict him, and neither is the weakness of his defense. The evidence for the prosecution must be strong per se, strong enough to establish the guilt of the accused beyond reasonable doubt.[16] In other words, the accused may be convicted on the basis of the lone uncorroborated testimony of the offended woman, provided such testimony is clear, positive, convincing and otherwise consistent with human nature and the normal course of things.

There are three well-known principles that guide an appellate court in reviewing the evidence presented in a prosecution for the crime of rape. These are: (1) while rape is a most detestable crime, and ought to be severely and impartially punished, it must be borne in mind that it is an accusation easy to be made, hard to be proved, but harder to be defended by the party accused, though innocent;[17] (2) that in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution;[18] and (3) that the evidence for the prosecution must stand or fall on its own merits and

cannot be allowed to draw strength from the weakness of the evidence for the defense.[19]

In the case at bar, several circumstances exist which amply demonstrate and ineluctably convince this Court that there was no rape committed on the alleged date and place, and that the charge of rape was the contrivance of an afterthought, rather than a truthful plaint for redress of an actual wrong.

I. Two principal facts indispensably to be proven beyond reasonable doubt for conviction of the crime of rape under paragraph (1), Article 335 of the Revised Penal Code are, first, that the accused had carnal knowledge of the complainant; and, second, that the same was accomplished through force or intimidation.

1. The prosecution has palpably failed to prove beyond peradventure of doubt that appellant had sexual congress with complainant against her will. Complainant avers that on the night of January 21, 1994, she was sexually assaulted by appellant in the boarding house of her cousin, Merlelyn Casantos. Appellant, on the other hand, denied such a serious imputation and contends that on said date and time, he merely talked with complainant outside that house. We find appellant's version more credible and sustained by the evidence presented and of record.

According to complainant, when she entered the kitchen of the boarding house, appellant was already inside apparently waiting for her. If so, it is quite perplexing how appellant could have known that she was going there on that particular day and at that time, considering that she does not even live there, unless of course it was appellant's intention to satisfy his lustful desires on anybody who happened to come along. But then this would be stretching the imagination too far, aside from the fact that such a generic intent with an indeterminate victim was never established nor even intimated by the prosecution.

Moreover, any accord of credit to the complainant's story is precluded by the implausibility that plagues it as regards the setting of the supposed sexual assault.[20] It will be noted that the place where the alleged crime was committed is not an ordinary residence but a boarding house where several persons live and where people are expected to come and go. The prosecution did not even bother to elucidate on whether it was the semestral break or that the boarding house had remained closed for some time, in order that it could be safely assumed that nobody was expected to arrive at any given time.

Appellant, on the other hand, testified that on that fateful day, he went to the boarding house upon the invitation of complainant because the latter requested him to help her with her monologue for the Miss PNS contest. However, they were not able to go inside the house because it was locked and there was no light, so they just sat on a bench outside the house and talked. This testimony of appellant was substantially corroborated by defense witness Filomena Pielago. She affirmed that in the evening of January 21, 1994, she saw both appellant and complainant seated on a bench outside the boarding house, and that she even advised them to go home because it was already late and appellant's wife, who was the head teacher of witness Pielago, was waiting for him at the school building. On rebuttal, complainant could only deny that she saw Pielago that night. Doctrinally, where the inculpatory facts and circumstances are capable of two or more explanations one of which is consistent with the innocence of the accused and the other consistent with his guilt, then the evidence does not fulfill the test of moral certainty and is not sufficient to support a conviction.[21]

It was further alleged by complainant that after her alleged ravishment, she put on her panty and then appellant openly accompanied her all the way to the gate of the house where they eventually parted ways. This is inconceivable. It is not the natural tendency of a man to remain for long by the side of the woman he had raped,[22] and in public in a highly populated area at that. Given the stealth that accompanies it and the anxiety to end further exposure at the scene, the logical post-incident impulse of the felon is to distance himself from his victim as far and as soon as practicable, to avoid discovery and apprehension. It is to be expected that one who is

guilty of a crime would want to dissociate himself from the person of his victim, the scene of the crime, and from all other things and circumstances related to the offense which could possibly implicate him or give rise to even the slightest suspicion as to his guilt. Verily, the guilty flee where no man pursueth.

It is of common knowledge that facts which prove or tend to prove that the accused was at the scene of the crime are admissible as relevant, on the theory that such presence can be appreciated as a circumstance tending to identify the appellant.[23] Consequently, it is not in accord with human experience for appellant to have let himself be seen with the complainant immediately after he had allegedly raped her.[24] It thus behooves this Court to reject the notion that appellant would be so foolhardy as to accompany complainant up to the gate of the house, considering its strategic location vis-a-vis complainant's boarding house which is just across the street,[25] and the PNS schoolbuilding which is only around thirty meters away.[26]

Complainant mentioned in her narration that right after the incident she went directly to her boarding house where she saw her landlady. Yet, the landlady was never presented as a witness to corroborate the story of complainant, despite the fact that the former was the very first person she came in contact with from the time appellant allegedly left her at the gate of the Casantosan boarding house after her alleged traumatic ordeal. Even though they supposedly did not talk, the landlady could at least have testified on complainant's physical appearance and to attest to the theorized fact that indeed she saw complainant on said date and hour, possibly with dishevelled hair, bloody skirt and all.

We are, therefore, justifiedly inclined to believe appellant's version that it was Mia Taha who invited him to the boarding house to help her with the monologue she was preparing for the school contest. This is even consonant with her testimony that appellant fetched her the following day in order to solicit funds for her candidacy in that same school affair.

In contrast, complainant's professed reason for going to the boarding house is vague and tenuous. At first, she asserted that she was at the boarding house talking with a friend and then, later, she said it was her cousin. Subsequently, she again wavered and said that she was not able to talk to her cousin. Furthermore, she initially stated that on January 21, 1994 at around 7:00 P.M., she was at the boarding house conversing with her cousin. Then in the course of her narration, she gave another version and said that when she reached the boarding house it was dark and there was nobody inside.

The apparent ease with which she changed or adjusted her answers in order to cover up or realign the same with her prior inconsistent statements is readily apparent from her testimony even on this single episode, thus:

"Q:

Sometime on January 21, 1994, at about 7:00 o'clock in the evening, do you remember where you were?

A:

Yes, sir.

Q:

Where were you?

A:

I was in the boarding house of Merlylyn Casantosan, Sir.

x x x x x x x x

Q:

Why were you there?

A:

I was conversing with my friend there, Sir.

COURT:

Q:

Conversing with whom?

A:

With my cousin, Your Honor.

Q:

Your cousin's name?

A:

Merlylyn Casantosán, Your Honor.

x x x

PROSECUTOR GUAYCO:

Q:

You said that this Dane or Danny Godoy raped you, will you please relate to this Honorable Court how that rape happened?

A:

On Friday and it was 7:00 o'clock in the evening.

COURT:

Q:

Of what date?

A:

January 21, 1994, Your Honor.

x x x x x x x x

PROSECUTOR GUAYCO:

Q:

Then what happened?

A:

I went to the boarding house of my cousin Merlylyn Casantosán. I passed (through) the kitchen and then when I opened the door somebody grabbed me suddenly.

x x x x x x x x

Q:

During that time were there other people present in that boarding house where you said Danny Godoy raped you?

A:

None, Sir.

COURT:

Q:

So, the house was empty?

A:

Yes, Your Honor.

Q:

I thought your cousin was there and you were conversing?

A:

When I went there she was not there, Your Honor."[27]

(Corrections and italics supplied.)

2. Complainant testified that appellant raped her through the use of force and intimidation, specifically by holding a knife to her neck. However, the element of force was not sufficiently established. The physical facts adverted to by the lower court as corroborative of the prosecution's theory on the use of force are undoubtedly the medico-legal findings of Dr. Rogelio Divinagracia. Upon closer scrutiny, however, we find that said findings neither support nor confirm the charge that rape was so committed through forcible means by appellant against complainant on January 21, 1994.

The reported hymenal laceration which, according to Dr. Divinagracia, was a week old and already healed, and the conclusion therefrom that complainant had sexual intercourse with a man on the date which she alleged, do not establish the supposed rape since the same findings and conclusion are likewise consistent with appellant's admission that coitus took place with the consent of complainant at Sunset Garden on January 24, 1994.[28] Further, rather than substantiating the prosecution's aforesaid theory and the supposed date of commission of rape, the finding that there were no evident signs of extra-genital injuries tends, instead, to lend more credence to appellant's claim of voluntary coition on a later date and the absence of a struggle or the lack of employment of physical force.[29] In rape of the nature alleged in this case, we repeat, the testimony of the complainant must be corroborated by physical evidence showing use of force.[30]

Thus, on the basis of the laceration inflicted, which is superficial at 6 o'clock position, the aforesaid medico-legal expert opined that it could not be categorically stated that there was force involved. On further questioning, he gave a straightforward answer that force was not applied.[31] He also added that when he examined the patient bodily, he did not see any sign of bruises.[32] The absence of any sign of physical violence on the complainant's body is an indication of complainant's consent to the act.[33] While the absence in the medical certificate of external signs of physical injuries on the victim does not necessarily negate the commission of rape,[34] the

instant case is clearly an exception to this rule since appellant has successfully cast doubt on the veracity of that charge against him.

Even granting *ex gratia argumenti* that the medical report and the laceration corroborated complainant's assertion that there was sexual intercourse, of course the same cannot be said as to the alleged use of force. It has been held that such corroborative evidence is not considered sufficient, since proof of facts constituting one principal element of the crime is not corroborative proof of facts necessary to constitute another equally important element of the crime.[35]

Complainant testified that she struggled a little but it was not really strong because she was afraid of appellant. Again assuming that a sexual assault did take place as she claims, we nevertheless strongly believe that her supposed fear is more imaginary than real. It is evident that complainant did not use the manifest resistance expected of a woman defending her honor and chastity.[36] She failed to make any outcry when appellant allegedly grabbed her and dragged her inside the house. There is likewise no evidence on record that she put up a struggle when appellant forced her to lie on the floor, removed her panty, opened the zipper of his trousers, and inserted his organ inside her genitals. Neither did she demonstrate that appellant, in committing the heinous act, subjected her to any force of whatever nature or form.

Complainant's explanation for her failure to shout or struggle is too conveniently general and ruefully unconvincing to make this Court believe that she tenaciously resisted the alleged sexual attack on her by appellant. And, if ever she did put up any struggle or objected at all to the involuntary intercourse, such was not enough to show the kind of resistance expected of a woman defending her virtue and honor.[37] Her failure to do anything while allegedly being raped renders doubtful her charge of rape,[38] especially when we consider the actual *mise-en-scene* in the context of her asseverations.

There is a rule that the rape victim's panty and blood-stained dress are not essential, and need not be presented, as they are not indispensable evidence to prove rape.[39] We incline to the view, however, that this general rule holds true only if there exist other corroborative evidence sufficiently and convincingly proving the rape charge beyond reasonable doubt. The rule should go the other way where, as in the present case, the testimony of complainant is inherently weak and no other physical evidence has been presented to bolster the charge of sexual abuse except for the medical report which, as earlier discussed, even negated the existence of one of the essential elements of the crime. We cannot, therefore, escape the irresistible conclusion that the deliberate non-presentation of complainant's blood-stained skirt, if it did exist, should vigorously militate against the prosecution's cause.

II. The conduct of the outraged woman immediately following the alleged assault is of the utmost importance as tending to establish the truth or falsity of the charge. It may well be doubted whether a conviction for the offense of rape should even be sustained from the uncorroborated testimony of the woman unless the court is satisfied beyond doubt that her conduct at the time when the alleged rape was committed and immediately thereafter was such as might be reasonably expected from her under all the circumstances of the case.[40]

Complainant said that on the day following the supposed rape, appellant went to her parents' house and asked permission from them to allow her to go with him to solicit funds for her candidacy. Nowhere throughout her entire testimony did she aver or imply that appellant was armed and that by reason thereof she was forced to leave with him. In brief, she was neither threatened nor intimidated by appellant. Her pretense that she was afraid of the supposed threat previously made by appellant does not inspire belief since appellant was alone and unarmed on that occasion and there was no showing of any opportunity for him to make good his threat, even assuming that he had really voiced any. On the contrary, complainant even admitted that appellant respectfully asked permission from her parents for her to accompany him.

Complainant's enigmatic behavior after her alleged ravishment can only be described as paradoxical: it was so strangely normal as to be abnormal.[41] It seems odd, if not incredible, that upon seeing the person who had allegedly raped her only the day before, she did not accuse, revile or denounce him, or show rage, revulsion, and disgust.[42] Instead, she meekly went with appellant despite the presence of her parents and the proximity of neighbors which, if only for such facts, would naturally have deterred appellant from pursuing any evil design. From her deportment, it does not appear that the alleged threat made by appellant had instilled any fear in the mind of complainant. Such a nonchalant, unconcerned attitude is totally at odds with the demeanor that would naturally be expected of a person who had just suffered the ultimate invasion of her womanhood.[43]

III. Rape is a very emotional word, and the natural human reactions to it are categorical: admiration and sympathy for the courageous female publicly seeking retribution for her outrageous violation, and condemnation of the rapist. However, being interpreters of the law and dispensers of justice, judges must look at a rape charge without those proclivities, and deal with it with extreme caution and circumspection. Judges must free themselves of the natural tendency to be overprotective of every woman decrying her having been sexually abused, and demanding punishment for the abuser. While they ought to be cognizant of the anguish and humiliation the rape victim goes through as she demands justice, judges should equally bear in mind that their responsibility is to render justice based on the law.[44]

The rule, therefore, that this Court generally desists from disturbing the conclusions of the trial court on the credibility of witnesses[45] will not apply where the evidence of record fails to support or substantiate the lower court's findings of fact and conclusions; or where the lower court overlooked certain facts of substance and value that, if considered, would affect the outcome of the case; or where the disputed decision is based on a misapprehension of facts.[46]

The trial court here unfortunately relied solely on the lone testimony of complainant regarding the January 21, 1994 incident. Indeed, it is easy to allege that one was raped by a man. All that the victim had to testify to was that appellant poked a knife at her, threatened to kill her if she shouted and under these threats, undressed her and had sexual intercourse with her. The question then that confronts the trial court is whether or not complainant's testimony is credible.[47] The technique in deciphering testimony is not to solely concentrate on isolated parts of that testimony. The correct meaning of the testimony can often be ascertained only upon a perusal of the entire testimony. Everything stated by the witness has to be considered in relation to what else has been stated.[48]

In the case at bar, the challenged decision definitely leaves much to be desired. The court below made no serious effort to dispassionately or impartially consider the totality of the evidence for the prosecution in spite of the teaching in various rulings that in rape cases, the testimony of the offended party must not be accepted with precipitate credulity.[49] In finding that the crime of rape was committed, the lower court took into account only that portion of the testimony of complainant regarding the January 21, 1994 incident and conveniently deleted the rest. Taken singly, there would be reason to believe that she was indeed raped. But if we are to consider the other portions of her testimony concerning the events which transpired thereafter, which unfortunately the court a quo wittingly or unwittingly failed or declined to appreciate, the actual truth could have been readily exposed.

There are easily perceived or discernible defects in complainant's testimony which inveigh against its being accorded the full credit it was given by the trial court. Considered independently of any other, the defects might not suffice to overturn the trial court's judgment of conviction; but assessed and weighed conjointly, as logic and fairness dictate, they exert a powerful compulsion towards reversal of said judgment.[50] Thus:

1. Complainant said that she was continuously raped by herein appellant at the Sunset Garden and around three times at Edward's Subdivision. In her sworn statement she made the same allegations. If this were true, it is

inconceivable how the investigating prosecutor could have overlooked these facts with their obvious legal implications and, instead, filed an information charging appellant with only one count of rape. The incredibility of complainant's representations is further magnified by the fact that even the trial court did not believe it, as may be inferred from its failure to consider this aspect of her testimony, unless we were to uncharitably assume that it was similarly befuddled.

2. She claims that appellant always carried a knife, but it was never explained how she was threatened with the same in such a manner that she was allegedly always cowed into giving in to his innumerable sexual demands. We are not unaware that in rape cases, this claim that complainant now advances appears to be a common testimonial expedient and face-saving subterfuge.

3. According to her, they stayed at Sunset Garden for three days and three nights and that she never noticed if appellant slept because she never saw him close his eyes. Yet, when asked if she slept side by side with appellant, complainant admitted that everytime she woke up, appellant was invariably in bed beside her.[51]

4. She alleged that she could never go out of the room because it was always locked and it could not be opened from the inside. But, this was refuted, by complainant's own testimony, as follows:

"Q.

And yet, the door could be opened by you from the inside?

A.

No, Sir, it was locked.

Q.

Can you describe the lock of that room?

A.

It's like that of the door where there is a doorknob.

ATTY. EBOL:

Let it be recorded that the lock is a doorknob and may I ask that the door be locked and opened from the inside.

COURT:

Alright (sic) you go down the witness stand and find out for yourself if you can open that door from the inside.

CLERK OF COURT:

Witness holding the doorknob.

COURT:

The key is made to open if you are outside, but as you're were (sic) inside you can open it?

A:

Yes, sir.

Q:

Is there no other lock aside from that doorknob that you held?

A:

There was, Your Honor.

Q:

What is that?

A:

The one that slides, Your Honor.

Q:

And that is used when you are already inside?

A:

Yes, Your Honor."^[52] (Italic.s ours.)

5. During their entire stay at the Sunset Garden or even at Edward's Subdivision, beyond supposedly offering token or futile resistance to the latter's sexual advances, she made no outcry, no attempt to flee or attract attention to her plight.^[53] In her own declaration, complainant mentioned that when they checked in at Sunset Garden, she saw the cashier at the information counter where appellant registered. She did not do anything, despite the fact that appellant at that time was admittedly not armed. She likewise stated that a room boy usually went to their room and brought them food. If indeed she was bent on fleeing from appellant, she could have grabbed every possible opportunity to escape. Inexplicably, she did not. What likewise appears puzzling is the prosecution's failure to present these two people she mentioned and whose testimonies could have bolstered or corroborated complainant's story.

6. When appellant fetched complainant in the afternoon of January 22, 1994, they left the house together and walked in going to the highway. In her own testimony, complainant stated that appellant went ahead of her. It is highly improbable, if appellant really had evil motives, that he would be that careless. It is likewise beyond comprehension that appellant was capable of instilling such fear in complainant that she could not dare take advantage of the situation, in spite of the laxity of appellant, and run as far away from him as possible despite all the chances therefor.

7. Helen Taha, the mother of Mia, testified that as a result of the filing of the rape case, complainant was dropped from school and was not allowed to graduate. This is absurd. Rather than support and commiserate with the ill-fated victim of rape, it would appear that the school authorities were heartless people who turned their backs on her and considered her an outcast. That would be adding insult to injury. But what is more abstruse yet significant is that Mia and her parents were never heard to complain about this apparent injustice. Such complacency cannot but make one think and conclude that there must necessarily have been a valid justification for the drastic action taken by the school and the docile submission thereto by the Taha family.

On the other hand, in evaluating appellant's testimony, the trial court's decision was replete with sweeping statements and generalizations. It chose to focus on certain portions of appellant's testimony, declared them to be preposterous and abnormal, and then hastened to conclude that appellant is indeed guilty. The court in effect rendered a judgment of conviction based, not on the strength of the prosecution's evidence, but on the weakness of that of the defense, which is totally repugnant to the elementary and time-honored rule that conviction should be made on the basis of strong, clear and compelling evidence of the prosecution.^[54]

IV. The main defense proffered by appellant is that he and complainant were sweethearts. While the "sweetheart

theory" does not often gain favor with this Court, such is not always the case if the hard fact is that the accused and the supposed victim are, in truth, intimately related except that, as is usual in most cases, either the relationship is illicit or the victim's parents are against it. It is not improbable that in some instances, when the relationship is uncovered, the alleged victim or her parents for that matter would rather take the risk of instituting a criminal action in the hope that the court would take the cudgels for them than for the woman to admit to her own acts of indiscretion. And this, as the records reveal, is precisely what happened to appellant.

Appellant's claim that he and complainant were lovers is fortified by the highly credible testimonies of several witnesses for the defense, viz.:

1. Filomena Pielago testified that on the night of January 21, 1994, she saw appellant and complainant sitting on a bench in front of the house where the sexual attack allegedly took place, and the couple were talking intimately. She had warned Mia about the latter's illicit affair with appellant.
2. Fernando Rubio, an acquaintance of appellant and owner of the house at Edward's Subdivision, testified that he asked Mia why she decided to have an affair with appellant who is a married man. Mia answered that she really loves him.[55] He heard her call appellant "Papa".[56] The couple looked happy and were sweet to each other.[57]
3. Benedicto Rubio, the younger brother of Fernando, testified on redirect examination that he asked Mia if she knew what she was getting into and she answered, "Yes;" then he asked her if she really loved Sir Godoy, and she again answered in the affirmative. When he was trying to give counsel to appellant, complainant announced that if appellant left her, she would commit suicide.[58] He could see that the couple were happy together.[59]
4. Isagani Virey, who knew appellant because the Municipal Engineering Office where he worked was located within the premises of PNS, attested that he was able to talk to the couple and that when he was advising appellant that what he was doing is wrong because he is married and Mia is his student, complainant reacted by saying that no matter what happened she would not leave Godoy, and that if she went home her father would kill her.[60] He also observed that they were happy.[61]
5. Erna Baradero, a co-teacher of appellant, saw the couple the day before the alleged rape incident, inside one of the classrooms and they were holding hands, and she heard Mia tell appellant, "Mahal na mahal kita Sir, iwanan mo ang iyong asawa at tatakas tayo." [62] She tried to dissuade complainant from continuing with her relationship with appellant.[63]

The positive allegations of appellant that he was having an intimate relationship with complainant, which were substantially corroborated by several witnesses, were never successfully confuted. The rebuttal testimony of complainant merely consisted of bare, unexplained denials of the positive, definite, consistent and detailed assertions of appellant.[64] Mere denials are self-serving negative evidence. They cannot obtain evidentiary weight greater than the declarations of credible disinterested witnesses.[65]

Besides, appellant recounted certain facts that only he could have supplied. They were replete with details which could have been known only to him, thereby lending credence and reliability thereto.[66] His assertions are more logical, probable and bear the earmarks of truth. This is not to say that the testimony of appellant should be accorded full credence. His self-interest must have colored his account, even on the assumption that he could be trusted to stick to the literal truth. Nonetheless, there is much in his version that does not strain the limits of credulity. More to the point, there is enough to raise doubts that do appear to have some basis in reality.[67]

Thus, the trial court's hasty pontification that appellant's testimony is improbable, ridiculous, nonsensical and incredible is highly uncalled for. The rule of *falsus in uno, falsus in omnibus* is not mandatory. It is not a positive

rule of law and is not an inflexible one.[68] It does not apply where there is sufficient corroboration on many grounds of the testimony and the supposed inconsistencies arise merely from a desire of the witness to exculpate himself although not completely.[69]

Complainant's denial that she and appellant were lovers is belied by the evidence presented by the defense, the most telling of which are her two handwritten letters, Exhibits "1" and "2", which she sent to the latter while he was detained at the provincial jail. For analysis and emphasis, said letters are herein quoted in full:

"27 Feb. 94

Dane,

Kumusta kana? Kong ako hito hindi na makatiis sa sakit.

Sir, sumulat ako sa inyo dahil gusto kong malaman mo ang situation ko. Sir, kong mahal mo ako gagawa ka ng paraan na mailayo ako dito sa bahay. nalaman ng nanay at tatay ko na delayed ang mens ko ng one week. pinapainom nila ako ng pampalaglag pero ayaw ko. pagnalaman nila na hindi ko ininom ang gamot sinasaktan nila ako.

Sir, kong maari ay huwag ng maabutan ng Martes. dahil naabutan nila akong maglayas sana ako. kaya ngayon hindi ako makalabas ng bahay kong wala akong kasama. kong gaano sila kahigpit noon doble pa ngayon. ang mga gamit ko ngayon ay wala sa lalagyan ko. tinago nila hindi ko makita, ang narito lang ay ang bihisan kong luma. Sir kong manghiram ka kaya ng motor na gagamitin sa pagkuha sa akin. Sa lunes ng gabi manonood kami ng Veta eksakto alas 9:00 ay dapat dito ka sa lugar na may Veta. tanungin mo lang kay Lorna kong saan ang Veta nila Navoor Lozot. Mag busina ka lang ng tatlo bilang senyas na lalabas na ako at huwag kang tatapat ng bahay dahil nandoon ang kuya ko. kong ano ang disisyon mo maari bang magsulat ka at ipahatid kay Lorna.

alang-alang sa bata. Baka makainon ako ng gamot dahil baka pagkain ko hahaluan nila.

Please sir ...

(Sgd.) Mia Taha"[70]

" 3/1/94

Dane,

I'm sorry kong problem ang ipinadala o sinulat sa iyo sa halip sa kasiyahan. oo nag usap na tayo nagawa ko lang naman ang sumulat sa iyo dahil naiinis na ako sa pagmumukha ng mga magulang kong suwapang. Ang paglayas ko sana ay dahil sa narinig ko. Sir narinig ko na magreklamo si nanay kay Arquero yong superentende sa Palawan high tapos ang sabi ay magreklamo itong si Arquero sa DECS para matanggal ka sa pagtuturo yan ang dahilan kong bakit naisipan kong lumayas ng wala sa oras at wala akong tensyon na masama laban sa iyo. hindi ko sinabi sa kanila na delayed ako ay sinabi sa iyo ni Eden na sa harap niya mismo binigyan ako ng gamot samantalang noong Sabado ng gabi lang nalaman dahil gusto kong masuka. Oo aaminin ko nagkasala ako sa iyo, pinabilanggo kita dahil nagpanig ako sa mga magulang ko nadala nila ako sa sulsul nila. hindi ko naipaglaban ang dapat kong ipaglaban ngunit kong iniisip mong minahal lang kita dahil sa may kailangan lang ako sa iyo nagkakamali ka. alam ng Diyos na hindi ganon ang hangarin ko sa iyo. higit pa sa binilanggo ang kalagayan ko kong alam mo. kinukunsinsiya, nagtitiis na saktan at pagsasakripisyo ng damdamin ko na gusto kang makita at yakapin ka pero ano ang magagawa ko kong ang paglabas ko ng bahay ay hindi ako makalabas ng mag isa may guardiya pa. tanungin mo si Lorna kong ano ginagawa nilang pagbantay sa akin para akong puganti. hindi ito ayon sa kagustuhan ng mga magulang ko sarili kong plano ito. Magtitiis pa ba akong hindi makakain maghapon tubig lang ang laman ng tiyan, kong may masama akong hangarin sa iyo.

Oo, magtiis ako para maipakita kong mahal rin kita. March 2 darating ako sa bahay na sinasabi mo. hindi ko matiyak kong anong oras dahil kukuha pa ako ng tiyempo na wala rito ang tatay ko. Alam mo bang pati ang kapatid kong si Rowena ay inuutusan akong lumayas dahil naawa na siya sa situation ko. siya lang ang kakampi ko rito sa bahay malaki ang pag-asa kong makalabas ako ng bahay sa tulong niya.

Love you

(Sgd.) Mia Taha"[71]

There is absolutely nothing left to the imagination. The letters eloquently speak for themselves. It was complainant's handwriting which spilled the beans, so to speak. Aside from appellant, two other defense witnesses identified the handwriting on the letters as belonging to Mia Taha. They are Filomena Pielago and Erna Baradero who were admittedly the former teachers of complainant and highly familiar with her handwriting. The greatest blunder committed by the trial court was in ignoring the testimonies of these qualified witnesses and refusing to give any probative value to these two vital pieces of evidence, on the dubious and lame pretext that no handwriting expert was presented to analyze and evaluate the same.

Well-entrenched by now is the rule that resort to questioned document examiners, more familiarly called handwriting experts, is not mandatory. Handwriting experts, while probably useful, are not indispensable in examining or comparing handwriting.[72] This is so since under Section 22, Rule 132 of the Rules of Court, the handwriting of a person may be proved by any witness who believes it to be the handwriting of such person, because he has seen the person write, or has seen writing purporting to be his upon which the witness has acted or been charged, and has thus acquired knowledge of the handwriting of such person. The said section further provides that evidence respecting the handwriting may also be given by a comparison, made by the witness or the court, with writings admitted or treated as genuine by the party against whom the evidence is offered or proved to be genuine to the satisfaction of the judge.[73]

The defense witnesses were able to identify complainant's handwriting on the basis of the examination papers submitted to them by her in their respective subjects. This Court has likewise carefully examined and compared the handwriting on the letters with the standard writing appearing on the test papers as specimens for comparison and, contrary to the observations and conclusions of the lower court, we are convinced beyond doubt that they were written by one and the same person. More importantly, complainant herself categorically admitted that the handwriting on the questioned letters belongs to her.

It is, therefore, extremely disconcerting, to say the least, why the trial court again chose to turn a deaf ear to this conclusive portion of complainant's testimony:

"ATTY. EBOL:

Q:

Did I get you right on rebuttal that Mrs. Erna Baradero and Filomena Pielago were your teachers?

A:

Yes, sir.

Q:

And they have been your teachers for several months before this incident of January 21, 1994, am I not correct?

A:

That is true, sir.

Q:

And you have (sic) during these past months that they have been your teachers you took examinations in their classes in their particular subject(s)?

A:

Yes, sir.

Q:

And some of those test papers are in the possession of your teachers, am I correct?

A:

Yes, sir.

Q:

I will show you Exhibit "4" previously marked as Exhibit "4", it appears to be your test paper and with your signature and the alphabet appears in this exhibit appears to be that of Mia Taha, please examine this and tell the Honorable Court if that is your test paper?

A:

Yes, sir.

Q:

That signature Mia Taha I understand is also your signature?

A:

Yes, sir.

Q:

I will show you Exhibit "4-A", will you please examine this Exhibit "4-A" and tell this Honorable Court if you are familiar with that.

A:

What subject is that?

Q:

I am just asking you whether you are familiar with that.

A:

I cannot remember if I have this kind of subject, sir.

Q:

How about this signature Mia Taha, are you not familiar with that signature?

A:

That is min(e), sir.

Q:

I will show you Exhibit "4-C" which appears to be that in Math, are you familiar with that signature?

A:

Yes, sir.

Q:

That is your signature?

A:

Yes, sir.

Q:

In fact, these letters in alphabet here are in your own handwriting?

A:

Yes, sir.

x x x x x x x x

Q:

You will deny this Exhibit "1" your signature?

x x x x x x x x

Q:

You will deny that this is your handwriting?

A:

That is my handwriting, sir.

Q:

Also Exhibit "2"?

A:

Yes, sir."[74]

While rebuttal witness Lorna Casantosan insisted that she never delivered any letter of complainant to herein appellant, the witness presented by the defense on sur-rebuttal, Armando Pasion, who was the guard on duty at the provincial jail at that time, testified of his own accord because he knew that what Casantosan said was a blatant lie. Appellant never talked to Amando Pasion nor requested him to testify for the defense, as related by the witness himself. Hence, there exists no reason whatsoever to disbelieve the testimony of witness Pasion to the effect that Lorna Casantosan actually went to visit appellant in jail and in truth handed to him what turned out to be the letters marked as Exhibits "1" and "2" for the defense.

V. The prosecution insists that the offer of compromise made by appellant is deemed to be an admission of guilt. This inference does not arise in the instant case. In criminal cases, an offer of compromise is generally admissible as evidence against the party making it. It is a legal maxim, which assuredly constitutes one of the bases of the

right to penalize, that in the matter of public crimes which directly affect the public interest, no compromise whatever may be entered into as regards the penal action. It has long been held, however, that in such cases the accused is permitted to show that the offer was not made under a consciousness of guilt, but merely to avoid the inconvenience of imprisonment or for some other reason which would justify a claim by the accused that the offer to compromise was not in truth an admission of his guilt or an attempt to avoid the legal consequences which would ordinarily ensue therefrom.[75]

A primary consideration here is that the evidence for the defense overwhelmingly proves appellant's innocence of the offense charged. Further, the supposed offer of marriage did not come from appellant but was actually suggested by a certain Naem, who is an imam or Muslim leader and who likewise informed appellant that he could be converted into a Muslim so he could marry complainant. As a matter of fact, when said offer was first made to appellant, he declined because of the fact that he was already married. On top of these, appellant did not know, not until the trial proper, that his mother actually paid P30,000.00 for the settlement of these cases. Complainant's own mother, Helen Taha, testified that present during the negotiations were herself, her husband, Mia, and appellant's mother. Appellant himself was never present in any of said meetings.[76]

It has been held that where the accused was not present at the time the offer for monetary consideration was made, such offer of compromise would not save the day for the prosecution.[77] In another case, this Court ruled that no implied admission can be drawn from the efforts to arrive at a settlement outside the court, where the accused did not take part in any of the negotiations and the effort to settle the case was in accordance with the established tribal customs, that is, Muslim practices and traditions, in an effort to prevent further deterioration of the relations between the parties.[78]

VI. Generally, an affidavit of desistance by the complainant is not looked upon with favor. It may, however, create serious doubts as to the liability of appellant, especially if it corroborates appellant's explanation about the filing of criminal charges.[79]

In the cases at bar, the letters written by complainant to appellant are very revealing. Most probably written out of desperation and exasperation with the way she was being treated by her parents, complainant threw all caution to the winds when she wrote: "Oo, aaminin ko nagkasala ako sa iyo, pinabilanggo kita dahil nagpanig ako sa mga magulang ko nadala nila ako sa sulsul nila, hindi ko naipaglaban ang dapat kong ipaglaban," obviously referring to her ineptitude and impotence in helping appellant out of his predicament. It could, therefore, be safely presumed that the rape charge was merely an offshoot of the discovery by her parents of the intimate relationship between her and appellant. In order to avoid retribution from her parents, together with the moral pressure exerted upon her by her mother, she was forced to concoct her account of the alleged rape.

The Court takes judicial cognizance of the fact that in rural areas in the Philippines, young ladies are strictly required to act with circumspection and prudence. Great caution is observed so that their reputations shall remain untainted. Any breath of scandal which brings dishonor to their character humiliates their entire families.[80] It could precisely be that complainant's mother wanted to save face in the community where everybody knows everybody else, and in an effort to conceal her daughter's indiscretion and escape the wagging tongues of their small rural community, she had to weave the scenario of this rape drama.

Although the trial court did observe that a mother would not sacrifice her daughter to tell a story of defloration, that is not always the case as this Court has noted a long time ago. The books disclose too many instances of false charges of rape.[81] While this Court has, in numerous cases, affirmed the judgments of conviction rendered by trial courts in rape charges, especially where the offended parties were very young and presumptively had no ill motives to concoct a story just to secure indictments for a crime as grave as rape, the Court has likewise reversed

judgments of conviction and acquitted the accused when there are strong indications pointing to the possibility that the rape charges were merely motivated by some factors except the truth as to their commission.[82] This is a case in point. The Court, therefore, cannot abdicate its duty to declare that the prosecution has failed to meet the exacting test of moral certainty and proof of guilt of appellant beyond reasonable doubt.

This is not to say that the Court approves of the conduct of appellant. Indisputably, he took advantage of complainant's feelings for him and breached his vow of fidelity to his wife. As her teacher, he should have acted as adviser and counselor to complainant and helped her develop in manners and virtue instead of corrupting her.[83] Hence, even as he is freed from physical detention in a prison as an instrument of human justice, he remains in the spiritual confinement of his conscience as a measure of divine retribution. Additionally, these ruminations do not rule out such other legal options against him as may be available in the arsenal of statutory law.

VII. The trial court, in holding for conviction, relied on the *presumptio hominis* that a young Filipina will not charge a person with rape if it is not true. In the process, however, it totally disregarded the more paramount constitutional presumption that an accused is deemed innocent until proven otherwise.

It frequently happens that in a particular case two or more presumptions are involved. Sometimes the presumptions conflict, one tending to demonstrate the guilt of the accused and the other his innocence. In such case, it is necessary to examine the basis for each presumption and determine what logical or social basis exists for each presumption, and then determine which should be regarded as the more important and entitled to prevail over the other. It must, however, be remembered that the existence of a presumption indicating guilt does not in itself destroy the presumption against innocence unless the inculcating presumption, together with all of the evidence, or the lack of any evidence or explanation, is sufficient to overcome the presumption of innocence by proving the defendant's guilt beyond a reasonable doubt. Until the defendant's guilt is shown in this manner, the presumption of innocence continues.[84]

The rationale for the presumption of guilt in rape cases has been explained in this wise:

"In rape cases especially, much credence is accorded the testimony of the complaining witness, on the theory that she will not choose to accuse her attacker at all and subject herself to the stigma and indignities her accusation will entail unless she is telling the truth. The rape victim who decides to speak up exposes herself as a woman whose virtue has been not only violated but also irreparably sullied. In the eyes of a narrow-minded society, she becomes a cheapened woman, never mind that she did not submit to her humiliation and has in fact denounced her assailant. At the trial, she will be the object of lascivious curiosity. People will want to be titillated by the intimate details of her violation. She will squirm through her testimony as she describes how her honor was defiled, relating every embarrassing movement of the intrusion upon the most private parts of her body. Most frequently, the defense will argue that she was not forced to submit but freely conjoined in the sexual act. Her motives will be impugned. Her chastity will be challenged and maligned. Whatever the outcome of the case, she will remain a tainted woman, a pariah because her purity has been lost, albeit through no fault of hers. This is why many a rape victim chooses instead to keep quiet, suppressing her helpless indignation rather than denouncing her attacker. This is also the reason why, if a woman decides instead to come out openly and point to her assailant, courts are prone to believe that she is telling the truth regardless of its consequences. x x x." [85]

The presumption of innocence, on the other hand, is founded upon the first principles of justice, and is not a mere form but a substantial part of the law. It is not overcome by mere suspicion or conjecture; a probability that the defendant committed the crime; nor by the fact that he had the opportunity to do so.[86] Its purpose is to balance the scales in what would otherwise be an uneven contest between the lone individual pitted against the People and all the resources at their command. Its inexorable mandate is that, for all the authority and influence of the

prosecution, the accused must be acquitted and set free if his guilt cannot be proved beyond the whisper of a doubt.[87] This is in consonance with the rule that conflicts in evidence must be resolved upon the theory of innocence rather than upon a theory of guilt when it is possible to do so.[88]

On the basis of the foregoing doctrinal tenets and principles, and in conjunction with the overwhelming evidence in favor of herein appellant, we do not encounter any difficulty in concluding that the constitutional presumption on the innocence of an accused must prevail in this particular indictment.

B. The Kidnapping/Illegal Detention Case

It is basic that for kidnapping to exist, there must be indubitable proof that the actual intent of the malefactor was to deprive the offended party of her liberty.[89] In the present charge for that crime, such intent has not at all been established by the prosecution. Prescinding from the fact that the Taha spouses desisted from pursuing this charge which they themselves instituted, several grave and irreconcilable inconsistencies bedevil the prosecution's evidence thereon and cast serious doubts on the guilt of appellant, as hereunder explained:

To recall, complainant testified that appellant by himself went to fetch her at her parents' house the day after the alleged rape incident. In her own words, appellant courteously asked her parents to permit her to help him solicit contributions for her candidacy. When they left the house, appellant walked ahead of her, obviously with her parents and their neighbors witnessing their departure. It is difficult to comprehend how one could deduce from these normal and innocuous arrangement any felonious intent of appellant to deprive complainant of her liberty. One will look in vain for a case where a kidnapping was committed under such inauspicious circumstances as described by complainant.

Appellant declared that when they left the house of the Taha family, complainant was bringing with her a plastic bag which later turned out to contain her clothes. This bag was left behind by Mia at Edward's Subdivision, as hereinbefore noted, and was later delivered to appellant by Benedicto Rubio. Again, we cannot conceive of a ridiculous situation where the kidnap victim was first allowed to prepare and pack her clothes, as if she was merely leaving for a pleasant sojourn with the criminal, all these with the knowledge and consent of her parents who passively looked on without comment.

Complainant alleged that appellant always kept her locked inside the room which they occupied, whether at Sunset Garden or at Edward's Subdivision, and that she could not unlock the door from the inside. We must, however, recall that when she was asked on cross-examination about the kind of lock that was used, she pointed to the doorknob of the courtroom. The court then ordered that the door of the courtroom be locked and then asked complainant to open it from the inside. She was easily able to do so and, in fact, she admitted that the two locks in the room at Sunset Garden could also be opened from the inside in the same manner. This demonstrably undeniable fact was never assailed by the prosecution. It also failed to rebut the testimony of Fernando Rubio that the room which was occupied by the couple at Edward's Subdivision could not even be locked because the lock thereof was broken.

When the couple transferred to Edward's Subdivision, they walked along the national highway in broad daylight. Complainant, therefore, had more than ample opportunity to seek the help of other people and free herself from appellant if it were true that she was forcibly kidnapped and abused by the latter.[90] In fact, several opportunities to do so had presented themselves from the time they left complainant's home and during their extended stay in the hotel and in the lodging house.

According to appellant, he went to see the parents of complainant the day after they went to Sunset Garden to inform them that Mia spent the night in said place. This was neither denied nor impugned by Helen Taha, her

husband, or any other person. On the other hand, the allegation of Helen Taha that she made a report to the police about her missing daughter was not supported by any corroborative evidence, such as the police blotter, nor was the police officer to whom she allegedly reported the incident ever identified or presented in court.

We agree with appellant's contention that the prosecution failed to prove any motive on his part for the commission of the crime charged. In one case, this Court rejected the kidnapping charge where there was not the slightest hint of a motive for the crime.[91] It is true that, as a rule, the motive of the accused in a criminal case is immaterial and, not being an element of a crime, it does not have to be proved.[92] Where, however, the evidence is weak, without any motive being disclosed by the evidence, the guilt of the accused becomes open to a reasonable doubt and, hence, an acquittal is in order.[93] Nowhere in the testimony of either the complainant or her mother can any ill motive of a criminal nature be reasonably drawn. What actually transpired was an elopement or a lovers' tryst, immoral though it may be.

As a closing note, we are bewildered by the trial court's refusal to admit in evidence the bag of clothes belonging to complainant which was presented and duly identified by the defense, on its announced supposition that the clothes could have easily been bought from a department store. Such preposterous reasoning founded on a mere surmise or speculation, aside from the fact that on rebuttal the prosecution did not even seek to elicit an explanation or clarification from complainant about said clothes, strengthens and reinforces our impression of an apparently whimsical exercise of discretion by the court below. Matters which could have been easily verified were thus cavalierly dismissed and supplanted by a conjecture, and on such inferential basis a conclusion was then drawn by said court.

We accordingly deem it necessary to reiterate an early and highly regarded disquisition of this Court against the practice of excluding evidence in the erroneous manner adopted by the trial court:

"It has been observed that justice is most effectively and expeditiously administered where trivial objections to the admission of proof are received with least favor. The practice of excluding evidence on doubtful objections to its materiality or technical objections to the form of the questions should be avoided. In a case of any intricacy it is impossible for a judge of first instance, in the early stages of the development of the proof, to know with any certainty whether the testimony is relevant or not; and where there is no indication of bad faith on the part of the attorney offering the evidence, the court may as a rule safely accept the testimony upon the statement of the attorney that the proof offered will be connected later. Moreover, it must be remembered that in the heat of the battle over which he presides, a judge of first instance may possibly fall into error in judging the relevancy of proof where a fair and logical connection is in fact shown. When such a mistake is made and the proof is erroneously ruled out, the Supreme Court, upon appeal, often finds itself embarrassed and possibly unable to correct the effects of the error without returning the case for a new trial, a step which this court is always very loath to take. On the other hand, the admission of proof in a court of first instance, even if the question as to its form, materiality, or relevancy is doubtful, can never result in much harm to either litigant, because the trial judge is supposed to know the law and it is its duty, upon final consideration of the case, to distinguish the relevant and material from the irrelevant and immaterial. If this course is followed and the cause is prosecuted to the Supreme Court upon appeal, this court then has all the materials before it necessary to make a correct judgment." [94]

At any rate, despite that procedural lapse, we find in the records of these cases sufficient and substantial evidence which warrant and demand the acquittal of appellant. Apropos thereto, we take this opportunity to repeat this age-old observation and experience of mankind on the penological and societal effect of capital punishment: If it is justified, it serves as a deterrent; if injudiciously imposed, it generates resentment.

Finally, we are constrained to reiterate here that Republic Act No. 7659 which reimposed the death penalty on certain heinous crimes took effect on December 31, 1993, that is, fifteen days after its publication in the

December 16, 1993 issues of the Manila Bulletin, Philippine Star, Malaya and Philippine Times Journal,[95] and not on January 1, 1994 as is sometimes misinterpreted.

WHEREFORE, the judgment appealed from is hereby REVERSED and SET ASIDE, and accused-appellant Danny Godoy is hereby ACQUITTED of the crimes of rape and kidnapping with serious illegal detention charged in Criminal Cases Nos. 11640 and 11641 of the Regional Trial Court for Palawan and Puerto Princesa City, Branch 49. It is hereby ORDERED that he be released forthwith, unless he is otherwise detained for any other valid cause.

SO ORDERED.

Narvasa, C.J., Feliciano, Padilla, Davide, Jr., Romero, Bellosillo, Melo, Vitug, Kapunan, Mendoza, Francisco, Hermosisima, Jr., and Panganiban, JJ., concur.

Puno, J., took no part.

* He is also referred to as Dane Godoy in some parts of the record.

[1] Rollo, 10.

[2] Ibid., 11.

[3] In its decision, the trial court declares that it "took only eight (8) days to conduct and finish the joint trial of these cases -- on April 27, 28 and 29, 1994, and on May 10, 11, 12, 13 and 18, 1994. The promulgation of the decision in these cases is set on Monday, May 23, 1994, five (5) days after these cases are finally terminated and submitted for decision." (Rollo, 57).

** His name is spelled Naim in some portions of the record.

[4] Original Record, Vol. I, 42.

[5] Ibid., 126; per Judge Eustaquio Z. Gacott, Jr.

[6] The trial court imposed the death penalty for kidnapping with illegal detention pursuant to Art. 267 of the Revised Penal Code, as amended by Sec. 8 of R.A. 7659, which provides for the death penalty where the victim was raped. However, in the conviction for rape which was allegedly committed with the use of a deadly weapon and punished in Art. 335 of the said Code, as amended by Sec. 11 of R.A. 7659, with reclusion perpetua to death, the said court does not state what aggravating circumstance was present to warrant the death penalty by the application of Art. 63 of the same Code.

[7] Original Record, Vol. I, 40.

[8] Ibid., 41.

[9] Ibid., 7.

[10] Ibid., 115.

[11] Ibid., 44.

[12] Brief for Accused-Appellant, 1-2; Rollo, 184-185.

[13] People vs. Managbanag, G.R. No. 66550, November 27, 1987, 155 SCRA 669.

[14] People vs. Alfonso, G.R. No. 72573, August 31, 1987, 153 SCRA 487.

- [15] Wharton's Criminal Evidence, Vol. I, 12th ed., Sec. 14, pp. 41-42.
- [16] People vs. Sequerra, G.R. No. 58574, October 12, 1987, 154 SCRA 657.
- [17] People vs. Del Pilar, G.R. No. 75852, August 11, 1988, 164 SCRA 280.
- [18] People vs. Capilitan, G.R. No. 73382, February 15, 1990, 182 SCRA 313.
- [19] People vs. Bacdad, G.R. Nos. 71719-20, May 8, 1991, 196 SCRA 786.
- [20] People vs. Co, L-38052, July 14, 1988, 163 SCRA 453.
- [21] People vs. Taruc, G.R. No. 74655, January 20, 1988, 157 SCRA 178.
- [22] People vs. Herrick, G.R. No. 85137, July 12, 1990, 187 SCRA 364.
- [23] Wharton's Criminal Evidence, Vol. I, 12th ed., sec. 185, p. 367.
- [24] People vs. Sujetado, G.R. No. 103967, April 7, 1993, 221 SCRA 382.
- [25] TSN, May 10, 1994, 27.
- [26] Ibid., id., 8.
- [27] TSN, April 27, 1994, 8-18.
- [28] TSN, May 13, 1994, 68.
- [29] People vs. Baderes, et al., L-38413, August 27, 1987, 153 SCRA 253.
- [30] People vs. Ganduma, G.R. No. 64507, April 25, 1988, 160 SCRA 799.
- [31] TSN, April 28, 1994, 12.
- [32] Ibid., id., 15.
- [33] People vs. Co, supra, fn. 20.
- [34] People vs. Alfonso, supra, fn. 14.
- [35] State vs. Raymond, 124 P. 495.
- [36] People vs. Cabading, G.R. No. 74352, June 6, 1989, 174 SCRA 48.
- [37] People vs. Geneveza, G.R. No. 74047, January 13, 1989, 169 SCRA 153.
- [38] State vs. Raymond, supra, fn. 35.
- [39] People vs. Managbanag, supra, fn. 13.
- [40] People vs. Baderes, et al., supra, fn. 29.
- [41] People vs. Martinez, G.R. No. 95849, March 4, 1993, 219 SCRA 502.
- [42] People vs. Nuñez, G.R. No. 79316, April 10, 1992, 208 SCRA 34.
- [43] Ibid., id.
- [44] People vs. Herrick, supra, fn. 22.
- [45] People vs. Ola, L-47147, July 3, 1987, 152 SCRA 1.

- [46] Amarante, et al. vs. Court of Appeals, et al., G.R. No. 76386, October 26, 1987, 155 SCRA 46.
- [47] People vs. De la Cruz, G.R. Nos. 92442-43, March 23, 1992, 207 SCRA 449.
- [48] People vs. Reception, et al., G.R. No. 94127, July 1, 1991, 198 SCRA 670.
- [49] Gatmaitan vs. Court of Appeals, et al., G.R. No. 76500, August 2, 1991, 200 SCRA 37.
- [50] People vs. Nuñez, supra, fn. 42.
- [51] TSN, April 27, 1994, 74.
- [52] Ibid., id., 72-74.
- [53] See People vs. Llarena, G.R. No. 74182, December 19, 1989, 180 SCRA 289.
- [54] People vs. Austria, et al., G.R. No. 55109, April 8, 1991, 195 SCRA 700.
- [55] TSN, May 10, 1994, 39.
- [56] Ibid., id., 57.
- [57] Ibid., id., 38.
- [58] Ibid., id., 81-81.
- [59] Ibid., id., 63.
- [60] TSN, May 11, 1994, 10-11.
- [61] Ibid., id., 29.
- [62] TSN, May 12, 1994, 12.
- [63] Ibid., id., 29.
- [64] See People vs. Villarin, G.R. No. 96950, January 29, 1993, 218 SCRA 165.
- [65] See People vs. Sonico, G.R. No. 70308, December 14, 1987, 156 SCRA 419.
- [66] People vs. Damaso, et al., G.R. Nos. 41490-92, October 18, 1990, 190 SCRA 595.
- [67] People vs. Godoy, L-31177, July 15, 1976, 72 SCRA 69.
- [68] People vs. Pacis, et al., L-32957-58, July 25, 1984, 130 SCRA 540; People vs. Baao, G.R. No. 68574, July 7, 1986, 142 SCRA 476.
- [69] People vs. Ocimar, et al., G.R. No. 94555, August 17, 1992, 212 SCRA 646.
- [70] Original Record, Vol. I, 113.
- [71] Ibid., 114.
- [72] Bautista vs. Castro, etc., et al., G.R. No. 61260, February 17, 1992, 206 SCRA 305.
- [73] Court Administrator vs. Villanueva, etc., et al., A.M. No. MTJ-90-460, June 3, 1993, 223 SCRA 41.
- [74] TSN, May 18, 1994, 34-38.
- [75] U.S. vs. Maqui, 27 Phil. 97 (1914).

- [76] TSN, April 28, 1994, 38.
- [77] *People vs. Pido*, G.R. No. 92427, August 2, 1991, 200 SCRA 45.
- [78] *People vs. Macatana, et al.*, G.R. No. 57061, May 9, 1988, 161 SCRA 235.
- [79] *Alonzo vs. Intermediate Appellate Court, et al.*, G.R. No. 68624, June 30, 1987, 151 SCRA 552.
- [80] *People vs. Castillon, et al.*, G.R. No. 100586, January 15, 1993, 217 SCRA 76.
- [81] *People vs. Pascua*, G.R. No. 82303, December 21, 1989, 180 SCRA 472, and cases therein cited.
- [82] *People vs. Ganduma*, *supra*, fn. 30.
- [83] See *People vs. Padero*, G.R. No. 106274, September 28, 1993, 226 SCRA 810.
- [84] *Wharton's Criminal Evidence*, Vol. 1, 12th ed., Sec. 89, pp. 173-174.
- [85] *People vs. Andaya*, G.R. No. 86364, May 6, 1991, 196 SCRA 660.
- [86] *Wharton*, *op. cit.*, Sec. 93, p. 186.
- [87] *People vs. De Guzman*, G.R. No. 86172, March 4, 1991, 194 SCRA 601.
- [88] *Wharton*, *loc. cit.*, p. 188.
- [89] *People vs. Puno, et al.*, G.R. No. 97471, February 17, 1993, 219 SCRA 85.
- [90] *People vs. Leoparte*, G.R. No. 85328, July 4, 1990, 187 SCRA 190.
- [91] *People vs. Manliguez, et al.*, G.R. No. 91745, March 4, 1992, 206 SCRA 812.
- [92] *People vs. Tiengo, et al.*, G.R. No. 55832, November 20, 1984, 133 SCRA 290.
- [93] *People vs. Cunanan, et al.*, L-17599, April 24, 1967, 19 SCRA 769.
- [94] *Prats & Co. vs. Phoenix Insurance Co.*, 52 Phil. 807 (1929).
- [95] *People vs. Simon*, G.R. No. 93028, July 29, 1994, 234 SCRA 555. Since it was declared effective 15 days after its publication, this means that its effectivity was on the 15th day after such publication. Had it been made effective after 15 days following its publication, the effectivity would have been on the 16th day thereafter. This is an accepted mode of computing dates of effectivity and was last adopted in fixing the effectivity of the Family Code (see Art. 257, Executive Order No. 209 and Memorandum Circular No. 85, Office of the President, dated November 7, 1988).

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.