

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. PRUDENCIO VILLAFLORES Y VIRGINIA, APPELLANT.

G.R. Nos. 135063-64. December 05, 2001

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

Convictions or acquittals in prosecutions for rape almost always depend on the credibility of the victim and her testimony. For this reason, the testimonies of alleged rape victims must be scrutinized by the trial court to ascertain the veracity of the charges and to determine whether the guilt of the accused has been established beyond reasonable doubt. While judges ought to be cognizant of the anguish and the humiliation that a rape victim undergoes as she seeks justice, they should equally bear in mind that their responsibility is to render justice based on the law.

The Case

Elevated to this Court on automatic review is the May 6, 1998 Decision[1] of the Regional Trial Court of Daet, Camarines Norte (Branch 38) in Criminal Cases Nos. 8394 and 8395, convicting herein appellant of two (2) counts of qualified rape and sentencing him to the extreme penalty of death. The decretal portion of the RTC Decision reads as follows:

"WHEREFORE, finding the accused PRUDENCIO VILLAFLORES GUILTY beyond reasonable doubt of the crime of rape as defined under Art. 335 of the Revised Penal Code, as amended by Republic Act 7659, [this Court hereby sentences him] to suffer the extreme penalty of death in both Criminal Cases Nos. 8394 and 8395.

"Further, he is ordered to indemnify the offended party [in] the amount of P100,000.00 as indemnity for both cases."[2]

In two (2) separate Informations both dated December 28, 1994,[3] 1st Assistant Provincial Prosecutor Oscar J. Villafuerte charged appellant as follows:

Criminal Case No. 8394

"That on or about the 23rd day of March, 1994, at Sitio Itlogan, Barangay Batobalani, [M]unicipality of Paracale, [P]rovince of Camarines Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused armed with a fan knife, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the complainant Marilyn Millares Y Villaflores, against her will.

"The offense was committed with the following aggravating circumstances, to wit: (a) committed in the dwelling of the offended party; (b) with the use of a deadly weapon; and (c) the victim is under 18 years of age and the offender is the uncle of the victim."[4]

Criminal Case No. 8395

"That on or about the 27th day of July, 1994, at Sitio Itlogan, Barangay Batobalani, [M]unicipality of Paracale, [P]rovince of Camarines Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the complainant Marilyn Millares Y Villaflores, against her will.

"The offense was committed with the following aggravating circumstances, to wit: (a) committed in the dwelling of the offended party; and (b) the victim is under 18 years of age and the offender is the uncle of the victim." [5]

Appellant, assisted by Counsel de Oficio Pio Villaluz, pleaded not guilty during his arraignment on July 3, 1995. [6] After trial, the court a quo rendered its Decision.

Hence, this automatic review before us. [7]

The Facts

Version of the Prosecution

The Office of the Solicitor General presents the prosecution's version of the factual incidents of the case in this manner: [8]

"On March 23, 1994 at about 2:00 o'clock in the afternoon, Marilyn Millares (then 16 years of age) was babysitting her one (1) month old younger sister, Rose Ann, inside a room in their mother's house at Sitio Itlogan, Batobalani, Paracale, Camarines Norte. Marilyn was alone since her mother went to wash clothes in the river.

"Appellant (Marilyn's uncle being the brother of her mother) who was in short pants entered the room and poked a 'veinte nueve' knife at her neck while Marilyn was lying. Appellant removed Marilyn's short pants and panty. Appellant likewise undressed himself by removing his short pants and underwear. Appellant placed himself on top of Marilyn and inserted his penis into Marilyn's vagina. Marilyn felt pain as appellant made push and pull movements with his buttocks. When appellant stopped, he threatened Marilyn that he [would] kill her if she report[ed] the incident. Marilyn noticed blood at the outer part of her vagina and wiped it. Marilyn dressed up. Appellant likewise dressed up and then went home.

"Scared, Marilyn did not report the incident to her mother who arrived in their house at dark. Marilyn, likewise did not tell her father about the incident for fear that he [would] quarrel with appellant.

"Thereafter, on July 27, 1994 at about 2:00 o'clock in the afternoon, Marilyn was alone babysitting her younger sister, Rose Ann inside their mother's house located at Sitio Itlogan, Batobalani, Paracale, Camarines Norte.

"Again, appellant entered the room where Marilyn was babysitting and held Marilyn's hands. Appellant poked a 'veinte nueve' knife at her and made Marilyn lie in bed. Appellant removed Marilyn's short pants and panty. Appellant licked Marilyn's vagina. Appellant undressed himself and placed his body on top of Marilyn. He inserted his penis into her vagina and made push and pull movements. Marilyn felt pain and saw blood in her vagina. Appellant dressed up and went home.

"Lydia Dañas, the older married sister of Marilyn witnessed what happened to the latter on July 27, 1994. On that day, she proceeded to the nearby house of her mother to return some plates. Arriving thereat, she saw her uncle Prudencio (herein appellant who is the younger brother of their mother Aurora Villaflores Millares) holding an unlighted candle in one of the rooms. She also saw inside the same room, her younger sisters Marilyn and Rose Ann, the latter being then only eight (8) months old. After leaving the plates in the kitchen, she went home and immediately proceeded to the nearby house of their 'lola.' She then told her 'lola' to 'go to the house of my mother because Tio Prudencio was in the house.' Her 'lola' went, as suggested, but she came back telling her that appellant was no longer around as in fact, the house was already locked.

"Lydia secretly returned to her mother's house. At the back of the house, she peeped through a hole in the bamboo wall. She saw inside the room her younger sister Marilyn lying in bed, with the lower part of her body naked. She likewise saw her uncle Prudencio licking ('binubrutsa') the private organ of Marilyn. She immediately reported the incident to their 'lola' who, upon hearing it, got mad. Her 'lola' went to the house, knocked on the door and asked Marilyn to come out but Marilyn answered 'I dont like.' Appellant opened the door but Lydia and their 'lola' did not confront him. Instead, they waited for Marilyn's mother. At 7:00 o'clock in the evening, their mother arrived. Lydia and their 'lola' reported the incident to her. Infuriated about the incident, their mother immediately proceeded to the barangay officials. Upon their mother's return at 9:00 o'clock p.m., she was already in the company of policemen.

"The medical examination conducted on Marilyn revealed that she has 'healed hymenal lacerations' and about two (2) months pregnant." (Citations omitted)

Version of the Defense

Appellant, on the other hand, narrates in his Brief his version of the facts as follows:[9]

"Basically, the accused-appellant denied the charges of rape and asseverated that the victim consented to engage in sexual intercourse with him. With regard to the first rape incident of March 23, 1994, he elucidated that the same could not have happened as he was at the gold panning site at that time. As to the second rape incident of July 27, 1994, while he admitted to kissing the organ of the victim, he pointed out that he only did so because she consented. Anent to this, he asserted that he and the victim had an affair for more or less ten months.

"According to him, the victim always made the first move whenever they would make love, which was, more or less, twenty (20) times all in all. He maintained that whenever the victim would go to the river, she would invite him to accompany her, even during the times he was working at the ricefield. Moreover, every time he went to the coconut plantation to answer the call of nature, the victim would follow him there and kiss him. Further x x x, he admitted that the victim was under eighteen (18) years old at the time he had an affair with her, and that he was her uncle, being the brother of her mother.

"In connection with the child delivered by the victim, he explained that he cannot really say that the baby is his since, by his recollection, he always withdrew his organ from her's whenever he had to ejaculate. He recounted that their affair began in October 1993 when the victim kissed him and let down his short pants.

"It is his adamant stance that he never removed the victim's panties or had sex with her during the two rape incidents alleged. Although he had consistently opposed the victim's lewd advances, he was black mailed by her. She said that if he will not acquiesce to her designs, she will report him to their relatives. His efforts to absolutely avoid her, however, were futile for despite the fact that he transferred from Sitio Itlogan to Sitio Iyawan, he still frequented Sitio Itlogan for he had a house there. He intimated that he did not prepare any affidavit in support of his defense, and neither did he confide his problems regarding the victim to anyone." (Citations omitted)

The Trial Court's Ruling

The trial court gave more credence to the prosecution evidence and ruled that appellant took advantage of his 16-year-old niece, with whom he had sex twenty times. It rejected appellant's defense and explained its ruling as follows:

"Marilyn Millares was only sixteen (16) years of age at the time the incident happened, a Grade VI pupil, and the niece of the accused Prudencio Villaflares, who was 38 years old. The accused[s] claim that Marilyn was the one who made sexual advances to him is a blatant lie and incredulous, without basis and is not proven by evidence. Evidence to be worthy of credit, must not only proceed from a reliable source, but it must in

addition, be credible [in] itself. Stated otherwise, it must be natural, reasonable and probable as to make it easy to believe. The accused who is the uncle of the victim and 18 [sic] years older than her knew it was bad to have sexual intercourse with [one who was of] the same blood, yet he never attempted to prevent or refuse the sexual advances being made, as x x x claimed by the victim herself. And he even admitted he had sex with his niece for 20 times. One need not have great knowledge of psychology to conclude that the statements of accused Prudencio Villaflores [were] a litany of lies.

x x x x x x x x

"x x x [T]he incredible defense put up by the accused that he was seduced by his niece Marilyn is unworthy of credence. We cannot assume, in the absence of any credible and competent evidence, that complainant is a sexually perverted woman, or one with extremely loose morals. On the contrary, we found in complainant, who testified with candor and sincerity, the artlessness, simplicity and innocence of a young Filipina. We find in the light of these facts the testimony of the accused manifestly against reason and common sense, and to be incompatible with every reasonable probability that is unworthy of belief."[10]

The Issue

In his Brief, appellant submits for our consideration a lone assignment of error:

"The court a quo committed reversible error when it convicted the accused-appellant of two (2) counts of rape notwithstanding the fact that the prosecution failed to prove his guilt beyond reasonable doubt considering that the testimony of the victim, Marilyn Millares, upon which the prosecution built its case, is pregnant with flaws and inconsistencies."[11]

The Court's Ruling

We find merit in the appeal.

Main Issue:

Sufficiency of Evidence

In our criminal justice system, the overriding consideration is not whether the court disbelieves the innocence of the accused, but whether it entertains a reasonable doubt as to their guilt.[12] Even as the court may not say that they are innocent, they are entitled to acquittal if their guilt is not proven beyond reasonable doubt.[13] Every circumstance favoring their innocence must be taken into account, and the proof against them must survive the test of reason.[14]

At the outset, we may well emphasize the settled guidelines in evaluating rape cases: (a) that an accusation for rape can be made with facility; while it may be difficult for the prosecution to prove, it may even be more difficult for the accused, although innocent, to disprove; (b) that in view of the intrinsic nature of the crime of rape, where generally only two persons are involved, the testimony of the complainant must be scrutinized with extreme caution; and (c) that just like any other ordinary criminal case, 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 defense.[15]

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 directly testify as to its occurrence.[16] Since normally only two persons are privy to the commission of rape, the evaluation of the evidence thereof ultimately revolves around the credibility of the complaining witness.[17]

In the case before us, the trial court relied heavily, if not entirely, on the testimony of complainant that she had in fact been raped. By lending utmost credence to her testimony and totally disregarding appellant's claim of innocence, the trial court ultimately arrived at a judgment of conviction. However, a review of the records of the

case will show that the testimony of the complaining witness is flawed with serious inconsistencies, contradictions and incredulous statements. Moreover, the testimonies of the other prosecution witnesses only serve to highlight the contrived character of the victim's words. Verily, a perusal of these testimonies does not produce moral certainty in an unprejudiced mind that the crime of rape was indeed committed.

First, the testimony of the victim was inconsistent and, in many respects, may even be contradictory to the testimonies of the other prosecution witnesses. When queried during the direct examination on her initial sexual experience, she stated that prior to the dates of the alleged rape, she never had sex with anyone. We quote from her testimony:

"Q

Prior to March 27, 1994 and July 27, 1994, did you have sex experience with [any] other male person other than the accused Prudencio Villaflores?

A

None, yet.

Q

Do you mean to say that it was the first time that you ha[d] sex [or] carnal experience with your uncle Prudencio Villaflores on March 27, 1994 and July 27, 1994, x x x?

A

Yes, Sir."[18]

However, on cross-examination, she admitted having had sex with the accused even before the above-said dates even as early as 1993. She testified as follows:

"Q

Is it not a fact that prior to March 24, 1994 you already had sexual encounter with the accused?

A

Yes, Sir.

Q

Is it not a fact that the first time that you had sexual intercourse with the accused was sometime in 1993?

A

Yes, Sir."[19]

A further perusal of the testimony of the prosecution witnesses stresses even more the inconsistencies in the testimony of the victim. While she claims to have resisted the alleged unwanted sexual advances of appellant and insists that he poked a knife at her neck while licking her vagina, the testimony of Lydia Dañas reveals otherwise:

"Q

When you saw your younger sister Marilyn lying down on a bed when she was no longer wearing her skirt, what else did you see inside that room?

A

Tio Prudencio

Q

And what was your Tio Prudencio doing when you saw him inside the room where your sister was lying on a bed half naked?

A

I saw my uncle Tio Prudencio with his head resting on the private organ of my sister who was lying down with her legs spread apart.

Q

When you saw your uncle Prudencio whose face was rested on the private organ of your sister was your sister still wearing her underwear?

A

No longer.

Q

And what was your uncle doing while his face was resting on the private organ of your sister while the legs of your sister [were] spread apart?

A

What I know of what he [was] doing is x x x what we call 'binubrutsa'.

Q

Why do you say that your uncle was doing that 'binubrutsa' [to] the private organ of your sister?

A

Because his face was rested on the private organ of my sister.

Q

When you saw you uncle licking the private organ of your sister was your uncle still wearing his clothes and pants?

A

He was wearing shortpants and towel hanging on his neck."^[20]

Certainly, if it were true that appellant was pointing a knife at the neck of the victim while she was pushing him away, Lydia Dañas would not have failed to narrate it in her testimony. If she could recall the missing underwear of her sister and the towel hanging from the neck of the accused while the binubrutsa incident was happening, how could she have possibly overlooked a more prominent and conspicuous veinte nueve knife allegedly poked at the neck of her sister at the time?

Second, the victim claims that while appellant was licking her vagina, he was also pinning her neck with the knife and all that time she was trying to resist by pushing him on his breast. By no stretch of imagination can we visualize how this incident transpired, which complainant narrated as follows:

"ATTY. BARANDON:

Q

You want to impress [upon] this Honorable Court that when the accused was licking your vagina he was holding his `balisong' and poking it at your neck, x x x?

A

Yes, Sir.

Q

And what was your left hand doing while that thing was happening?

A

I was trying to remove his hand.

Q

Which hand?

A

His right hand.

Q

The hand with the `balisong'?

A

Yes, Sir.

Q

And how about your right hand what was it doing then?

A

I was trying to push him.

Q

What part of his body were you pushing?

A

His breast.

Q

Can you show us how you pushed the breast of the accused while he was licking your vagina?

A

(No answer.)

x x x x x x x x

COURT:

Let the witness demonstrate. You let the witness lie down on the table. Suppose the Interpreter is the accused. Where is the head of the accused during that time that he was licking your vagina?

WITNESS:

A

The accused was situated here at the side of my feet.

COURT:

Q

[In] the act of the licking, where [was] he kissing you?

A

[In front] of my private part.

Q

You mean his head was [in front] of your private part?

A

Yes, Your Honor.

Q

How [were] you pushing him?

A

I pushed him like this.

(Witness demonstrates how she pushed the head of the accused while the accused was [in the act of] licking her vagina.)

COURT:

The victim was pushing the head of the accused while the accused was [i]n the act of licking the private part of the victim.

Proceed.

ATTY. BARANDON:

Q

So it is not correct that you were pushing the breast of the accused while he was licking your private part?

A

That is true, Sir."[21] (Emphasis supplied)

Well-entrenched is the rule that evidence should first be believable and logical before it can be accorded weight.[22] To be given any credence, it must not only proceed from the mouth of a credible witness; it must be

credible in itself as a common experience and observation that mankind can deem probable under the circumstances.[23]

In *People v. Ladrillo*,^[24] the Court acquitted the accused and rejected the 8-year-old complainant's version of how she had been raped: that while she was being raped, he was holding her hand, covering her mouth and gripping his penis all at the same time. Similarly, the account given by herein complainant must be regarded as untruthful, considering that it defies the ordinary experience or even the imagination of man.

True, a conviction for rape may be based on the lone testimony of the complainant but the testimony must be clear, positive, convincing and consistent with human nature and the normal course of things.^[25] Although the lone testimony of the supposed victim is enough to sustain a conviction, such testimony must first meet the test of credibility.^[26]

Third, we are perplexed by the victim's reluctance and utter refusal to open the door of the room where the rape was supposedly taking place despite knocks and calls made by her grandmother. We cannot understand why, instead of seizing the opportunity to escape the clutches of her uncle who was allegedly raping her or licking her vagina at that time, the victim chose to deny entrance to her grandmother who was coming to her rescue. The testimony of the victim's sister, Lydia Dañas, provides an insight on the incident as follows:

"Q

After your grandmother went for the second time to the house of your mother specifically to the room where the accused was and Marilyn was also[,] she knocked at the door[;] was it not that you testified that when she called for Marilyn to come out Marilyn answered `ayaw ko'?

A

Yes, Sir.

Q

That word `ayaw ko' was loud enough to be heard by you because you were [also] near x x x the door?

A

Yes, Sir.

Q

How far were you from the door when you heard that statement?

A

About two (2) inches.

Q

That word or statement or answer by Marilyn to your Lola `ayaw ko' [--] what was your interpretation of that?

A

As far as I am concerned she did not like to open the door.

Q

And when she said `ayaw ko', in your interpretation `ayaw niyang magbukas', do you mean to impress [on] the Honorable Court that at that time the accused was inside the room?

A

Yes, Sir.

Q

That happened later but before Marilyn said 'ayaw kong magbukas' to your Lola[,] you peeped [through] the hole of the door and you saw Marilyn with her legs spread and her private parts exposed and you said that the accused was 'binubrutsa si Marilyn', is that correct?

A

When she answered 'ayaw ko', that was later, Sir.

Q

When she answered your Lola 'ayaw ko', the 'brutsa' incident happened how many minutes before?

A

About five (5) minutes."[27]

In a rape case, it is necessary to show clearly and convincingly that the element of voluntariness on the part of the victim was not at all present.[28] Verily, the prosecution must rule out any indication of consent to the sexual act.[29] Well-settled is the rule that in a crime of rape allegedly committed by force, the prosecution must establish that the element of voluntariness on the part of the victim was absolutely lacking.[30] Where discrepancies pervade the testimonies of prosecution witnesses, such that the totality of the prosecution evidence fails to constitute a truthful, rational and coherent account, the conviction of the accused cannot be justified.[31]

To repeat, the testimony of the offended party in crimes against chastity should not be received with precipitate credulity, for the charge can easily be concocted. Courts should be wary of giving undue credibility to a claim of rape, especially where the sole evidence comes from an alleged victim whose charge is not corroborated, and whose conduct during and after the rape is open to conflicting interpretations.[32] While judges ought to be cognizant of the anguish and the humiliation that a rape victim undergoes as she seeks justice, they should equally bear in mind that their responsibility is to render justice based on the law.[33]

The contradictions and the inconsistencies in the testimonies of the prosecution witnesses, especially in the testimony of complainant in the present case, have created reasonable doubts in our minds.[34] Thus, the Court must uphold the primacy of the presumption of innocence in favor of the accused, because the evidence on hand falls short of the quantum required to support a conviction.[35]

WHEREFORE, the Decision in Criminal Case Nos. 8394 and 8395 is hereby REVERSED. Appellant Prudencio Villaflores y Virginia is ACQUITTED on reasonable doubt. His immediate release from confinement is hereby ORDERED, unless he is otherwise being detained on some other charge. The director of the Bureau of Corrections is DIRECTED to report to this Court within ten days from receipt of this Decision whether appellant has in fact been released; and if not, to indicate the legal reason therefor. No costs.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Quisumbing, Pardo, Ynares-Santiago, De Leon, Jr., Sandoval-Gutierrez, and Carpio, JJ., concur.

Buena, J., abroad on official business.

- [1] Rollo, pp. 15-25; penned by Judge Sancho Dames II.
- [2] Decision, p. 11; rollo, p. 25; records, p. 126.
- [3] Rollo, pp. 6-7.
- [4] Rollo, p. 6; records, p. 1.
- [5] Rollo, p. 7; supplemental records, p. 1.
- [6] Order dated July 3, 1995; records, p. 17.
- [7] This case was deemed submitted for resolution on May 4, 2000, upon receipt of Appellant's Reply Brief by the Office of the Clerk of this Court.
- [8] Appellee's Brief, pp. 2-6; rollo, pp. 89-93. The Brief was signed by Solicitor General Ricardo P. Galvez, Assistant Solicitor General Roman G. del Rosario and Solicitor Primo G. Sio Jr.
- [9] Appellant's Brief, pp. 7-8; rollo, pp. 58-59. This was signed by Attys. Arceli A. Rubin, Teresita S. de Guzman and Ramon E. A. Gatchalian of the Public Attorney's Office.
- [10] Decision, pp. 9-11; rollo, pp. 23-25; records, pp. 124-126.
- [11] Appellant's Brief, p. 1; rollo, p. 53; original in upper case.
- [12] *People v. Villagonzalo*, 238 SCRA 215, November 18, 1994.
- [13] *People v. Jorge*, 231 SCRA 693, April 22, 1994.
- [14] *People v. Frago*, 232 SCRA 653, May 31, 1994.
- [15] *People v. Barrientos*, 285 SCRA 221, January 28, 1998; *People v. Mahinay*, 302 SCRA 455, February 1, 1999; *People v. Manggasin*, 306 SCRA 228, April 21, 1999.
- [16] *People v. Abuan*, 284 SCRA 46, January 7, 1998; *People v. Fortich*, 281 SCRA 600, November 13, 1997.
- [17] *People v. Soriano*, 272 SCRA 760, May 29, 1997.
- [18] TSN, March 12, 1997, at p. 26.
- [19] TSN, March 17, 1997, at p. 10.
- [20] TSN June 5, 1996, at pp. 11-13.
- [21] TSN, March 17, 1997, at pp. 7-9.
- [22] *People v. Amar*, 232 SCRA 682, June 1, 1994.
- [23] *People v. Eslaban*, 218 SCRA 534, February 8, 1993.
- [24] 320 SCRA 61, December 8, 1999.
- [25] *People v. Estrera*, 285 SCRA 372, January 29, 1998.
- [26] *People v. Torion*, 307 SCRA 169, May 18, 1999.
- [27] TSN, June 5, 1996, at pp. 25-26.

- [28] People v. Lamarroza, 299 SCRA 116, November 24, 1998.
- [29] People v. Pagpaguitan, 315 SCRA 226, September 27, 1999.
- [30] People v. Moreno, 321 SCRA 334, December 21, 1999.
- [31] People v. Diaz, 308 SCRA 744, June 21, 1999.
- [32] People v. Medel, 286 SCRA 567, February 26, 1998.
- [33] People v. Alvario, 275 SCRA 529, July 16, 1997.
- [34] People v. Vidal, 308 SCRA 1, June 1, 1999.
- [35] People v. Bravo, 318 SCRA 812, November 22, 1999.

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