

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ERNESTO YMANA Y MANGAOANG ALIAS “ERNING”; ACCUSED-APPELLANT.

G.R. Nos. 54161-62. March 09, 1989

Ponente: SARMIENTO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-54161-62/>

SARMIENTO, J.:

Two criminal complaints,[1] duly subscribed and sworn to by the complainant Florita Ymana, twenty-eight years of age, were filed against the appellant, Ernesto Ymana, thirty-seven years, with the Municipal Circuit Court of Sison-Pozorrubio, Pangasinan, which, after preliminary investigation, found a prima facie case in both complaints and consequently forwarded the records to the then Court of First Instance of Pangasinan, Branch V, at Villasis, for trial on the merits. These criminal cases, involving two separate and distinct felonies, were separately docketed as Criminal Case No. U-1430 for Rape and Criminal Case No. U-1430-A for Acts of Lasciviousness. These cases, however, were jointly heard by the trial court on the ground that "the complainant and the accused in both cases are the same and the facts involved are intimately related." [2]

Upon arraignment in both cases, the accused-appellant entered pleas of not guilty.

After trial the court a quo rendered a joint decision[3] on January 15, 1980, the dispositive portion of which reads as follows:

WHEREFORE, the prosecution having established the guilt of the accused beyond reasonable doubt in both cases, the accused is hereby sentenced as follows:

In Criminal Case No. U-1430 for Rape:

There being no aggravating or mitigating circumstances attending the commission of the offense, the accused is hereby sentenced to suffer the penalty of reclusion perpetua and to pay the costs.

In Criminal Case No. U-1430-A for Acts of Lasciviousness:

There being no mitigating or aggra-vating circumstances attending the commission of the offense, the accused is hereby sentenced to suffer the penalty of TWO (2) MONTHS AND ONE (1) DAY of arresto mayor as minimum to TWO (2) YEARS FOUR (4) MONTHS AND ONE (1) DAY of prision correccional as maximum and to pay the costs.

SO ORDERED ."[4]

The complainant and the accused-appellant are neighbors in the barrio of Amagbagan in Sison, Pangasinan. As a matter of fact, they are second cousins and bear the same surname. The accused-appellant is married with five children.

The facts as found by the trial court are as follows:

On June 28, 1978, at about 4:00 o'clock in the afternoon, a girl by the name of Marites called the complainant, telling her that Erning (the accused) wanted her to pick his lice in the house of one Romeo Reyes, one of their neighbors. Answering to this call, the complainant went to the house where she found the accused lying on a sofa and Maria Juralbal, aunt of the accused, who was then washing the dishes.

The accused told the complainant to pick his lice and the latter obliged. After Maring finished washing the dishes, she left the house telling the complainant, "You stay there, Baby," because she was going to the east. Soon after Maring left, the accused, against the will of the complainant, pushed her inside the room, closed the door and in spite of the struggles of the complainant, he succeeded in pushing her down to the floor. After spreading a red blanket, he removed her panty and after removing his pants, went on top of her and had sexual intercourse with her. He had sexual intercourse with the complainant twice.

On the following day, June 29, 1978, the complainant went for a visit to the house of a neighbor Elena "Eling" Flores. Eling Flores and her two children were there. Not long after, the accused arrived allegedly to ask for some ornamental plants. Then he told Eling Flores to go out of the house as he wanted to talk to the complainant. Eling went to the street and the accused soon thereafter pushed the complainant to the kitchen. In spite of the refusal of the complainant, the accused succeeded in pushing her to the kitchen and once inside the kitchen, he raised the dress of the complainant, stayed behind her and did the push and pull movement as if he was having sexual intercourse with her. However, he did not succeed in inserting his penis inside her private parts. He brought out his penis, however, and told the complainant to play with it. She refused but the accused forced her to hold his penis. After this, the accused left and the complainant went home.

In the afternoon of the same date, the complainant reported what the accused did to her on June 28 and 29 to the wife of the barrio captain because the barrio captain was not in his house at the time. She did not tell what happened to her to her mother, Rosita Ymana, because the latter was not in the house having gone earlier to the fields to pull palay seedlings. Her father was in Manila where he was working,

It was the wife of the barrio cap-tain who told the mother of the com-plainant what happened to her daughter and when she confronted her daughter, the latter told everything to her. After knowing what happened to her daughter, Rosita Ymana went to Manila to inform her husband who, upon learning what happened, came home with his wife. They brought their daughter to Dr. Simeon Ferraro, Jr., Municipal Health Officer of Sison, Pangasinan, for examination and said doctor issued the following medical certificate:

x x x x x x x x

FINDINGS

EXTERNAL EXAMINATION:

Fairly developed, fairly nourished, female, adult, Filipino. The breast are fully developed, conical in shape, slightly soft in consistency. The nipples are prominent.

She is conscious, coherent, answers questions clearly and spontaneously.

There are no other external findings noted.

INTERNAL FINDINGS:

Pubic hair fully grown but scanty. Labia majora and minora are coaptated. Hymenal opening originally linear in shape and showing healed incomplete lacerations at 1:00 and 6:00 o'clock positions in the face of the watch. Hymenal orifice admits gloved forefinger and vaginal speculum without pain. Vaginal orifice slightly congested and slight abrasions at the labia minora. Vaginal rugosities slightly obliterated.

CONCLUSIONS: Physical virginity lost.

x x x x x x x x

The accused, Ernesto Ymana y Mangaoang, 37 years old, married, BSEED graduate and at present employed as Senior Cash Clerk in the Kennon Toll Gate, testified and made a sweeping denial of the charges against him in connection with this case. He admitted that he went to the house of Maria Juralbal to deliver chewing tobacco to his Aunt Anecita Apostol, sister of Maria Juralbal, on June 28, 1978 but he declared that he never saw his second cousin, Florita Ymana, while he was in said house. He likewise denied that Florita picked his lice. He alleged that he never noticed her presence. He also emphatically denied that he raped her in the house in the manner testified to by Florita Ymana.

The accused likewise declared that at 10:00 o'clock A.M. of June 29, 1978, he went to the house of Elena Flores to ask for some ornamental plants. He stayed there only for ten to fifteen minutes and saw Florita Ymana, the complainant, in the house but he vehemently denied that he pulled her to the kitchen and committed lascivious acts of her person. He said that he has known Florita since birth. He also denied that he went to the house of the complainant to beg for forgiveness from her mother crying. He said that he never talked to her.*

In this appeal, the accused-appellant interposed fifteen assignments of errors[5] which we reduce to two principal issues:

1. Did the trial court err in giving credence to the uncorroborated testimony of the complainant and in rejecting the evidence for the defense?
2. Was the guilt of the accused-appellant proven beyond reasonable doubt?

And these two issues boil down to the heart of the appeal: Did the prosecution present the quantum of proof necessary to overcome the presumption of innocence and establish the guilt of the accused-appellant beyond reasonable doubt?

The evidence for the prosecution rests chiefly on the uncorroborated testimony of the complainant. While it is true that this Court had affirmed judgments of conviction in the past based on the uncorroborated testimony of complainants, it had likewise held that in crimes against chastity, the testimony of the injured woman should not be received with haste when the conviction of the accused would depend at any vital point on her (victim's) uncorroborated testimony; in other words, her testimony should not be accepted unless her sincerity and candor are free from suspicion. Some insight into human nature is of paramount value in judging matters of this kind, it has been added.[6]

It is extremely difficult here to discern from the testimony of the complainant, which now is nothing but mere cold words in the record, her truthfulness and credibility. But even then those cold words in the record, taken in their entirety, can not make our minds rest easy that she was sexually abused or that she was the victim of acts of lasciviousness. True it is that the trial court judge was in a better position to observe the complainant on whether or not she testified truthfully. But the determination of truth, the ferreting out of what really happened is elusive. And so it is in this case.

The testimony of the complainant can not be given credence, not only because it was uncorroborated, but, more importantly, because the two women she mentioned in her account of the alleged rape and acts of lasciviousness as present immediately before their commission and at the scenes of the two disparate incidents and who would, in the ordinary course, corroborate her testimony, testified to the contrary.

The complainant, for instance, testified that when she arrived in the house of Reyes, the place where the alleged rape was committed, in the afternoon of June 28, 1978, the day of the alleged rape the appellant and Maring Juralba, who was then washing dishes, were present. Thereafter, Maring allegedly left the house and the appellant

forcibly had sexual intercourse with her, to wit:

COURT:

After Maring closed the door behind her and you were already inside the house and she told you "you stay there Baby" what did you do?

A. When Maring left us and closed the door she told me that I stay there because she is going to the east and then after that we were left, the two of us, Ernesto Ymana and I.

Q. When Maring left what happened to you and Ernesto Ymana were the only ones left in that house?

A. This is what happened, sir. Ernesto Ymana took off my dress and inserted his penis inside my vagina and as a result blood came out.[7]

x x x x x x x x

On the other hand, Maria "Maring" Juralba testified thus:

Q. While Ernesto Ymana was in the house of your sister, did you see Florita Ymana?

A. She was not yet there at that time.

Q. You mean to say that she came to the house later?

A. Yes, sir.

Q. When Florita came to the house of your sister, what else happened?

A. None, sir.[8]

x x x x x x x x

Q. Now, when Florita Ymana testified on the witness stand, she stated that you left your house while she was there. What do you say to that?

A. No, sir. I never left the house.[9]

x x x x x x x x

The trial court warned that Maria Juralba's testimony should be handled with extreme caution since the accused was her nephew.[10] The mere fact, however, that the said witness, who was presented by the defense, is related to the accused does not prove that she is biased or unreliable. Her relationship with the complainant neither disqualifies her from testifying nor renders her testimony utterly devoid of "believability," considering the lack of showing of any improper motive compelling her to testify falsely in favor of the accused.[11] Moreover, this witness and the complainant are neighbors, and, in fact, close friends.[12]

Another witness presented by the defense is Elena "Eling" Flores. The complainant testified that the appellant committed acts of lasciviousness against her in the house of this witness, who is also her neighbor and close friend. The complainant declared on the witness stand:

Q. How did you happen to see the accused Ernesto Ymana in the house of Eling Flores on June 29, 1978?

A. Ernesto Ymana was asking for some ornamental plants from Eling Flores and at that time we, Eling Flores and I, were also talking. The accused told Eling, "Eling, you go away because I wanted to tell something to Baby."

x x x

COURT:

Did Eling Flores go away?

A. Yes, sir. Eling Flores went away.[13]

When Eling Flores allegedly left the complainant testified that the appellant then performed the acts of lasciviousness complained of against her will.

But, as in the case of Maria Juralba, Eling Flores testified to the contrary:

Q. While you were in your house on June 29, 1978, at about ten o'clock in the morning, do you remember if you have seen one Florita Ymana?

A. Yes, sir.

Q. Where did you see her?

A. In our house, sir.

x x x

Q. What was Florita's purpose in coming to your house, if any?

A. She came to our house because we are close friends and we had a conversation.

Q. While Florita Ymana was in your house talking with you on June 29, 1978, at about ten o'clock in the morning, have you ever seen the accused Ernesto Ymana?

A. Yes, sir.

Q. What did he do, if any?

A. He came to ask for some ornamental plants.

Q. Was he able to get ornamental plants?

A. Yes, sir.

Q. Now, after taking ornamental plants from you, as you said, what else happened?

A. No more happened because after having taken the ornamental plants, he went home.[14]

x x x

Q. When Florita Ymana testified on the witness stand, she said that while she was in your house you left your house and went to the road at Amagbagan, Sison, Pangasi-nan. What is your say to that?

A. No, sir. I did not leave the house.[15]

x x x

We again find no reason for Eling Flores to testify falsely against the complainant because they are (as in the case of Maring Juralba) close friends and neighbors. Proof of this friendship is that it was the complainant herself who visited the witness in the latter's house for some friendly conversation.

It is clear that the testimony of the complainant and the version of these witnesses completely contradict each other and cannot be reconciled. In the absence of clear, satisfactory, and convincing testimony in support of the charges, a judgment of conviction cannot be sustained in the face of the apparent improbability of the commission

of the crimes charged.

We agree with the oft-repeated-reminder that an ordinary Filipina would not go through the shame and humiliation of testifying in open court as a victim of sexual abuse if it were not true. Such a degrading ordeal would forever be left in her memory and would most probably haunt her for the rest of her life. Nevertheless, while rape is truly a detestable crime, the probability looms large that it may be resorted to as a contrivance to malign the accused who would be hard pressed to prove his innocence^[16] and would thereby place his life, liberty, or fortune, or all of them together, hanging in the balance. A charge of rape based upon the sole testimony of the complainant should, or must, therefore be regarded with utmost caution, and the accused should not be convicted unless the complainant's testimony is impeccable and rings true consistently throughout.^[17]

We are not unaware of the many instances of false charges of rape and similar offenses in which the courts have rendered judgments of conviction without having looked into the possibility that the complainant may have been impelled by some sinister motive to trump up the charges.^[18] It becomes our duty, therefore, to exercise the most painstaking care in scrutinizing the uncorroborated testimony of the complainant. After having done so in this instant case, we cannot accept the complainant's testimony hook, line, and sinker. Whatever motive she may have had in bringing the charges against the appellant, whether it be the animosity between the complainant's family, together with her aunt, and the appellant, as the latter testified,^[19] the unsubstantiated allegations of the complainant simply cannot stand against the denial by the appellant as materially supported by the testimony of other defense witnesses.

And then there is the medical certificate, earlier copied, issued by Dr. Simeon Ferraro, the Municipal Health Officer of Sison, Pangasinan who conducted the physical examination of the complainant. We hold that the medical certificate does not satisfactorily and convincingly establish the fact of sexual intercourse during the time and date of the alleged rape. Dr. Ferraro declared on the witness stand:

x x x

Q. Doctor, according to your findings the hymenal lacerations were already healed completely, is that right?

A. Yes, sir.

Q. Now, and you do not know when those lacerations were completely healed?

A. Yes, sir.

Q. That means, the lacerations could have been healed before June 28, 1978, am I right?

A. Yes, sir.^[20]

x x x

Admittedly, the medical certificate showed that the complainant's physical virginity had been lost, but it does not follow that such loss is attributable to rape. Certainly, the possibility that she had sexual intercourse before June 28, 1978 cannot be ruled out. Neither can the voluntariness of the sexual act. And his sexual partner might have been anybody, not excluding the accused-appellant. In addition, the medical certificate issued by Dr. Ferraro is not consistent with the use of force on Florita. It is a mute but eloquent denial of any external injury suffered by the complainant. Nary a scratch or a bruise on her body is recorded in the medical certificate. Evidence is therefore wanting to corroborate the complainant's testimony on the use of force by the appellant to consummate the carnal act and the resistance thereto by the complainant.

In every case of rape by the use of force, where the complainant had the possession of her mental faculties and

physical powers at the time of the alleged rape, neither overcame by terror nor threatened with some deadly weapon, a showing of resistance to the sexual assault becomes imperative. Of course, she need not resist to the point of being beaten to insensibility, but there must be on her part the utmost reluctance and resistance to the best of her ability and strength to establish the two elements of rape by use of force -- carnal knowledge by force by one of the parties and non-consent thereto by the other. From the complainant's testimony, her lack of resistance to the alleged sexual assault against her by the appellant is apparent:

x x x

Q When Maring left what happened and you and Ernesto Ymana were the only ones left in that house?

A This is what happened, sir. Ernesto Ymana took off my dress and inserted his penis inside my vagina and as a result blood came out.

Q What did you yourself do when Ernesto Ymana

COURT

Now, before he did that did he say anything to you? Before Ernesto raised your dress and put his penis inside your vagina, as you said, did he say anything to you?

A None, sir.

Atty. Pangasinan

Q You yourself what did you do when he inserted his penis?

COURT

When he raised your dress? Did you do anything?

A No, sir, because Ernesto Ymana pushed me inside the room of the house and there he did what he liked to do and he held my two hands at my back that is why I was not able to struggle against him.

Q But did you not tell him, why are you doing this to me? Did you not say that to him?

A No, sir.

Q Now, let us see, did you consent to the act that he did to you?

A No, sir. I did not consent.

Q Then why did you not kick him or resist?

A I struggled but he closed the door of the room that is why I can not go out of the room.

Q Now, what did you do by way of struggling or resisting his advances?

A None, sir.

x x x

Atty. Pangasinan

Q. At the time that Ernesto Ymana was raising your dress did you ever shout? At the time that he inserted his penis inside your vagina did you ever shout?

A No, sir.

Q Why did you not shout?

A I did not shout because I know there were no persons around.

Q Did he place anything on your mouth to prevent you from shouting?

A There was, sir.

Q What was that he placed in your mouth?

A He placed a part of the red blanket which he used in wrapping me on my mouth that is why I was not able to shout.

Q When he placed his penis inside your vagina what did you feel?

A It was painful, sir.

Q What was painful?

A My vagina was painful, sir. He inserted his penis inside my vagina and my vagina was painful.

Q When he was placing his penis inside your vagina did you ever attempt to push him away?

A No, sir.

COURT

Q Why, why?

A He said, "keep still baby so I can place it inside." [21]

(Emphasis supplied.)

The aforequoted testimony of the complainant evidently does not divulge any use or force by the appellant except that the latter only allegedly pushed her inside the room and held her hands. As a matter of fact, at the risk of being repetitious, the Medical Certificate (Exhibit "A") issued by Dr. Simeon C. Ferraro, who examined the complainant on July 3, 1978, quoted in full earlier, does not state any incriminatory external finding or anything indicative of sexual assault. There is no showing of any external or physical sign of the employment of force (there is no proof of threat either), which lack, to the mind of the Court, at least creates a reasonable doubt on the guilt of the accused, or for that matter, on the perpetration of the crime of rape.

If there is lack of resistance, there is also lack of occasion to use force. When there is no indication of violence, no evidence of yielding through fear, no evidence of injury to the assailant and the woman, nor tearing or disarray of her clothing, it cannot be said that the woman resisted the alleged sexual assault. Failure to oppose or resist the carnal act indicates consent and, therefore, precludes rape.

Moreover, granting *arguendo* that the complainant was raped on June 28, 1978 by the appellant, it is incomprehensible to the Court why did she not flee, why did she not cry out in protest, in anger, or in apprehension, or even only in fear, when the appellant, only a day after the alleged rape, allegedly entered the house of Eling Flores and ordered her (Eling) to leave the house so he and the complainant would be left alone. The complainant's conduct is uncharacteristic of a victim of recent sexual abuse. Yes, indeed, if the alleged rape the day before happened as the complainant now claims, why would she allow an opportunity for its repetition on the following day under practically the same circumstances without raising hell? That, certainly, would be contrary to human nature.

WHEREFORE, the joint decision appealed from is REVERSED and the appellant, Ernesto Ymana y Mangaoang

is hereby ACQUITTED of the crimes of Rape and Acts of Lasciviousness on the ground of reasonable doubt. No costs.

SO ORDERED.

Melencio-Herrera, (Chairman), Paras, Padilla, and Regalado, JJ., concur.

- [1] Rollo, 3-4.
- [2] Decision, 1; Rollo, 5.
- [3] Rollo, 5; rendered by Judge Rosalio C. Segundo.
- [4] Decision, 17-18; Rollo, 21-22.
- * Decision, 3-8; Rollo, 7-12.
- [5] Brief for Appellant, 1-6; Rollo, 79.
- [6] People vs. Fausto, 51 Phil 852 (1928).
- [7] T.s.n., June 13, 1979, 7-8.
- [8] Id., 21.
- [9] Tsn., August 9, 1979, 23.
- [10] Decision, 15; Rollo, 19.
- [11] People vs. Masangkay, No. L-73461, October 27, 1987, 155 SCRA 113.
- [12] T.s.n., August 9, 1979, 23.
- [13] T.s.n., June 13, 1979, 15-16.
- [14] T.s.n., August 9, 1979, 3.
- [15] Id., 7.
- [16] People vs. Barbo, L-3098, March 29, 1974, 56 SCRA 459; People vs. Quintal, No. L-49656, November 25, 1983, 125 SCRA 734.
- [17] People vs. Tapao, No. L-41704, October 23, 1981, 108 SCRA 351.
- [18] U.S. vs. Ramos, 35 Phil 67 (1916).
- [19] T.s.n., October 2, 1979, 12-18.
- [20] T.s.n., April 23, 1979. 16.
- [21] T.s.n., June 13, 1979, 8-11.

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.