THIRD DIVISION

[G.R. No. 219243, November 04, 2020]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ANTONIO PINGOL @ ANTON, ACCUSED-APPELLANT.

D E C I S I O N

LEONEN, J.:

An accused's bare invocation of the sweetheart defense can never suffice without proof establishing the purported romantic relationship with the victim.

This Court resolves an appeal[1] assailing the Decision[2] of the Court of Appeals, which affirmed with modifications the Regional Trial Court Judgment[3] ruling that Antonio Pingol @ "Anton" (Pingol) was guilty beyond reasonable doubt of forcible abduction with rape.

Private complainant AAA[4] and Pingol were co-workers at [redacted],[5] a service provider for the [redacted][6] in Laguna.[7]

On August 23, 1999, an Information for forcible abduction with rape pursuant to Article 48 in relation to Articles 335[8] (now Art. 266-A) and 342 of the Revised Penal Code was filed against Pingol, the accusatory portion of which reads:

> That on or about January 29, 1999 in the Municipality of [redacted], Province of Laguna, Philippines and within the jurisdiction of this Honorable Court, accused Antonio Pingol alias "Anton" with intent to satisfy his lust by means of force, violence and intimidation, and with the use of a White Nissan Sentra bearing Plate No. PNB-897 and registered in the name of Carlo Guanzon, did then and there willfully, unlawfully and feloniously abduct, take and carry away [AAA] from her home at Brgy. [redacted], Laguna by means of deceit, and pretense of bringing her to Canlubang, Laguna where she is working succeeded in forcibly bringing her in a motel somewhere in Pampanga, did then and there feloniously, willfully and unlawfully and by means of force, violence and intimidation have sexual intercourse with her against her will and consent, to her damage and prejudice.
>
> CONTRARY TO LAW.[9]

Pingol was apprehended on September 17, 1999.[10] On arraignment, Pingol pleaded not guilty plea to the crime charged. Pursuant to his urgent motion for bail, trial on the merits immediately followed.[11]

The prosecution presented the following witnesses: AAA;[12] her mother BBB;[13] Dr. Soledad Rosanna C. Cunanan (Dr. Cunanan), the municipal health officer; [14]

Barangay Captain Adriano Camalit[15] (Barangay Captain Camalit);[16] and AAA's uncles, CCC[17] and Atty. DDD.[18]

Their statements corroborated the following account of events:

AAA testified that Pingol, at about 4:00 p.m. on January 29, 1999, called to say that he would fetch her[19] at her house.[20] She declined, but Pingol insisted and explained that their supervisor, Engineer Mañalac, assented to the use of the company car.[21]

Pingol arrived at around 7:45 p.m.[22] AAA thought that, under the direction of Engineer Mañalac, she would be brought to their workplace.[23] They left the house at about 8:30 p.m.[24]

While on their way, AAA asked why they were taking a different route. Pingol responded that Engineer Mañalac allegedly needed to use the car. While nearing South Luzon Expressway, however, he suddenly detoured to Manila on the pretense that he would be meeting someone.[25] AAA then asked Pingol to just drop her off along the way, or to instead bring her back home. Her words fell on deaf ears as he merely continued driving. She cried and pleaded, but he only laughed it off and told her that they would be going to Pampanga since he loved her so.[26]

At some point, Pingol dropped by his sister's house, leaving AAA in the car. She did not try to escape because he told her that they would be heading back to Laguna. Yet, as they moved along, he continued driving until AAA saw the "Welcome Pampanga" signage at around 2:00 a.m. the following day.[27]

Soon they reached an enclosed compound with multiple apartments. Pingol parked the car in one of the garages. When the gate automatically closed, he forced AAA to get out of the car, but she refused. He then reclined her seat, mounted her, and kissed her. She could only move her head since his weight was pressing on her body. He then pulled down her pants, lifted her shirt and bra, caressed her breasts, and kissed her nipples. AAA pleaded for him to stop, but instead he held her left arm down while he removed his pants. With AAA fending him off, Pingol took time to insert his penis into her vagina, but as AAA soon became exhausted to fight, he finally succeeded. After that, he wiped her face with his shirt and drove out of the gate.[28]

Pingol proceeded to the house of his siblings. Despite wanting to escape, AAA stayed inside the car as she was too weak to move, and because she was not familiar with the place.[29] AAA then remembered being in the house of Pingol's grandfather[30] at Barangay Pulong Masle in Guagua, Pampanga.[31] When his relatives saw her crying, they invited her for breakfast, but she declined.[32] When asked if she and Pingol were a couple, she said no. When Pingol's aunt asked her to sign a barangay blotter stating that she acquiesced to what had happened, she refused and told her that she would only do so if accompanied by a relative.[33]

While in their house, Pingol's aunt received a call from Engineer Mañalac. The aunt passed the phone to AAA, who told Engineer Mañalac that she was merely brought there by Pingol and that she did not wish to be there. To this, Engineer Mañalac merely responded, "*[P]ag-usapan na lang ninyo ang nangyari*."[34] Later, a

barangay official arrived with a handwritten paper captioned as barangay blotter.[35] Against her will and due to the insistence of Pingol's relatives, AAA acceded to sign it.[36]

According to BBB, Pingol's mother called at around 9:00 a.m. on January 30, 1999 to say that AAA was in Pampanga with her son.[37] BBB asked if she could talk to her daughter, but Pingol's mother merely assured her that everything was fine and that they would bring AAA back home.[38] Worried, BBB asked help from her brother Atty. DDD[39] and her brother-inlaw, DDD.[40]

DDD testified that they went to the office of their barangay captain to report the incident and have it recorded in the blotter.[41] Atty. DDD added that together with other relatives, they also went to AAA's workplace and were able to procure a sketch of her location from their supervisor.[42] As BBB was being hysterical,[43] only DDD, Atty. DDD, Barangay Captain Camalit, and other barangay officials proceeded to Pulong Masle on board the patrol car.[44]

Barangay Captain Camalit testified that they asked help from the barangay captain of Pulong Masle. It took them a while before they found AAA, who was crying and appeared terrified.[45] Initially, Pingol's relatives refused to let AAA go as they feared what would happen,[46] and insisted that she should just go back with them to Laguna the following day.[47]

Dr. Cunanan[48] conducted AAA's examination.[49] Based on her findings, AAA's "hymen had a deep-healing laceration at 7'o clock position and an erythematous abrasion of the posterior fourchette, the posterior vulvar area."[50] In her opinion, the laceration was caused by a force in the genital organ which might have happened within 24 to 48 hours.[51] She also remembered executing another medical report on AAA's physical injuries where she noted some abrasions on her extremities.[52]

AAA denied having a relationship with Pingol and clarified that they have only known each other for a month. Nevertheless, she admitted on cross-examination that before the incident, she ate with him at least twice after her shift. There was also a time when the company car broke down on their way to work, which prompted Pingol to park at a gas station close to Calesa Cafe.[53] She recalled staying with him inside the car until 5:00 a.m. the next day and going home just to change her clothes, then going back with Pingol to explain to Engineer Mañalac that the car's engine was damaged.[54]

AAA also clarified that all throughout the ride on the day of the incident, she remained mum despite stopping at toll stations since, allegedly, no one was manning the booths. She added that no one was in the motel Pingol brought her to.[55]

According to BBB, it was Engineer Mañalac who would usually bring her daughter to work. She only saw Pingol once on January 29, 1999 when he fetched AAA at their house, and denied that there had been courtship between the two.[56] When asked about AAA and Pingol spending the night in the car a few days before the incident, BBB claimed that AAA never brought up the matter to her.[57]

On ocular inspection, the prosecutor perceived that the inside of the company car cannot be seen from the outside and the car's broken lock cannot be opened easily. When AAA was asked to show how the rape happened, she "sat at the right seat and moved it back to create space."[58]

In the course of the proceedings, the trial court denied Pingol's petition for bail. Hence, the presentation of evidence-in-chief continued.[59]

The defense, on the other hand, presented the following witnesses: Pingol; his sister Mary Luz Evangelista (Luz);[60] Barangay Pulong Masle Lupong Tagapamayapa member PO2 Serafin Dizon (Dizon);[61] and Pingol's mother, Edelwina Pingol (Edelwina).[62]

Pingol banked on the sweetheart theory, insisting that AAA was his girlfriend and that they intended to elope.[63] He courted her after they had been introduced on December 5, 1998[64] by a certain "Dina,"[65] AAA's co-nurse at SIDC.[66] He would allegedly pass by the company clinic before and after work. Pingol also recalled fetching her at home for around 15 to 20 times using the company car and having met BBB four times during his visits there. They eventually became a couple, but BBB was against it since she was "choosy."[67]

Two to three days after December 25, 1998, he allegedly went with AAA to Calesa Café to discuss their relationship. They were not able to go home since the car engine would not start, so they spent the night in the car where they kissed and talked about intending to stay in Guagua, Pampanga.[68] Pingol added that they could not simply get married despite being of legal age[69] since BBB was against their relationship.[70]

As planned, Pingol fetched AAA at home on January 29, 1999. While en route to Pampanga, they dropped by the houses of his sisters Luz and Carol in Novaliches and Ebus, Guagua to tell them about the elopement.[71] Luz verified that the two went there at around midnight. She allegedly asked them to stay for the night, but AAA declined the offer since she wanted to go straight to Pampanga.[72]

Pingol further narrated that when they reached Pampanga at around 7:00 a.m. on January 30, 2009, his mother advised them to inform AAA's parents about the elopement. Since they could not reach AAA's family over the phone, they called Engineer Mañalac instead and notified him of their location. Pingol said that they slept for a few hours, but nothing happened. It was later that day, between 1:00 p.m. and 4:00 p.m., when they allegedly engaged in the "usual activity" that a couple does.[73]

According to Pingol, AAA even confirmed to the barangay officers of Pulong Masle that she freely went with him. The barangay officers, who similarly stood as their witnesses, prepared the blotter they duly signed. At about 4:00 p.m. that same day, his relatives[74] went to AAA's residence in Laguna. However, even before they reached their destination, they were told that AAA's relatives were already in Pampanga. On the pretense that AAA would be blamed in case something bad happens to her ailing mother and grandmother, AAA's relatives succeeded in bringing her home.[75]

On cross-examination, Pingol posited that he did not know why AAA filed the case. He insisted that despite the barangay officials' advice, she allegedly signed the blotter even without her relatives. It was also revealed on cross-examination that the barangay captain is a distant relative of Pingol while Engineer Mañalac is his cousin.[76]

Dizon testified that he prepared the blotter signed by Pingol and AAA. On cross-examination, he stated that no complaint was filed in his office, and that the incident was merely recorded in the barangay blotter per the request of Pingol's mother, Edelwina.[77]

For her part, Edelwina testified that she went to the barangay for advice and invited them[78] in her house to discuss the matter with her son and AAA. She corroborated AAA's declaration before the barangay officials that she freely went with Pingol. As advised by the barangay, she called AAA's mother and informed her about the situation. Edelwina left Pampanga for Laguna past 6:00 p.m., but turned back after being informed that AAA was already with her relatives. Edelwina went to AAA's place the following day, but she did not meet AAA's parents.[79]

When Edelwina was asked to identify AAA in court, she responded that AAA was not present there. However, the prosecution was able to establish AAA's presence in the courtroom.[80]

On January 27, 2011, the Regional Trial Court convicted[81] Pingol after finding that all the elements of forcible abduction with rape[82] were established. It explained that there was "constructive force" when AAA was made to believe that she would be brought to work for her 9:00 p.m. shift. Thus, the element of lewd design became manifest when Pingol began disregarding her pleas and when he later forced her to have sexual intercourse with him.[83]

The trial court gave full faith and credence to AAA's testimony because apart from it being straightforward, the trial court found no improper motive for her to falsely testify against Pingol. It frowned upon Pingol's claim of elopement, noting that AAA would not have undergone the examination of her private part and the difficulties of trial if her contentions were untrue and "if she was not solely motivated by the desire to have the person responsible for he[r] defloration apprehended and punished."[84]

The trial court considered the barangay blotter as proof of guilt on the part of Pingol and his relatives. It explained that if AAA indeed freely consented, there was no need to report the matter to the barangay. Besides, both of them were of legal age and in case they really did wish to marry, they could do so even without their parents' consent.[85]

Finally, in the absence of compelling evidence, the trial court was not persuaded of Pingol's sweetheart theory. It held that such defense "does not rule out rape."[86] Even if the theory were true, the trial court ruled that "the relationship does not, by itself, establish consent for love is not a license for lust."[87] The dispositive portion of its Decision reads:

> Wherefore, in the light of the foregoing, and pursuant to Art. 48 in relation to Articles 342 and 355 (now 266-A) of the Revised Penal Code,