

# **FIRST DIVISION**

**[ G.R. No. 229204, September 05, 2018 ]**

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
PACIFICO SANGCAJO, JR., ACCUSED-APPELLANT.**

## **D E C I S I O N**

**BERSAMIN, J.:**

The presumption of innocence in favor of an accused in a criminal case is a basic constitutional guarantee. It demands that the State must establish his guilt beyond reasonable doubt. To do so, the Prosecution must rely on the strength of its evidence, not on the weakness of his defense. Every reasonable doubt of his guilt entitles him to an acquittal.

### **The Case**

Accused-appellant Pacifico Sangcajo, Jr. (Pacifico) seeks the review and reversal of the decision promulgated on March 31, 2016,<sup>[1]</sup> whereby the Court of Appeals (CA) affirmed with modifications the judgment rendered in Criminal Case No. Q-09-160890 on August 13, 2014 by the Regional Trial Court (RTC), Branch 80, in Quezon City convicting him of rape.<sup>[2]</sup>

### **Antecedents**

The Office of the City Prosecutor of Quezon City filed in the RTC the following information charging Pacifico with rape, alleging thusly:

That on or about the 30<sup>th</sup> day of January 2009 in Quezon City, Philippines, the said accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously commit an act of sexual intercourse upon the person of one AAA,<sup>[3]</sup> the latter and the accused after having a drinking spree said complainant felt dizzy and asleep, after which said accused had a carnal knowledge of her, by then and there inserting his penis inside said complainant's vagina against her will and without her consent, to the damage and prejudice of the said offended party.

CONTRARY TO LAW.<sup>[4]</sup>

As summarized by the CA, the factual antecedents are as follows:

Accused-appellant is the cousin of AAA's mother. On January 30, 2009, around 10:00 P.M., then 24 year-old AAA was at accused-appellant's house located at XXX, Quezon City, where she was temporarily residing while waiting for her oath taking as new employee of the Bureau of Jail

Management and Penology (BJMP). Accused-appellant and AAA were drinking beer because it was AAA's birthday. After consuming two large bottles of Red Horse beer together, AAA felt dizzy and sleepy. Accused-appellant allowed AAA to lie down on his "papag" (wooden bed), where AAA fell asleep. However, AAA was awakened when she felt someone on top of her, who turned out to be accused-appellant. AAA struggled to get up from the "papag" and from the hold of accused-appellant, but the latter held her hands and pinned down her feet with his thighs. AAA could not shout as she was so weak. Accused-appellant then pulled down AAA's shorts and panty, and spread her legs. Thereupon, accused-appellant inserted his penis into AAA's vagina, which caused her pain. Then, AAA passed out. When AAA woke up the following day, she saw the naked accused-appellant lying beside her. AAA was trembling and felt that her private part was swollen. AAA took a bath, got her things, went to her grandmother's office and told her the incident. AAA's grandmother asked a jail officer to accompany AAA to the police station.

On February 1, 2009, AAA submitted herself to medical examination by a medico legal officer at Camp Crame, Quezon City, who issued an "Initial Medico-Legal Report" dated February 1, 2009 showing the following remarks: "fresh healing deep laceration of the hymen at eight o'clock position", "bleaded posterior position" and "findings are compatible with recent vaginal penetration".

Accused-appellant, however, denied the charges and alleged that what happened between him and AAA was a consensual sexual intercourse.

Details of the respective versions of the parties were summarized by the trial court in its Decision dated August 13, 2014 as follows:

The prosecution evidence shows that at the time of the alleged rape incident, [AAA] was living at the house of the accused located at [XXX], Quezon City as she was waiting for her oath-taking for new job with the Bureau of Jail Management and Penology (BJMP). The BJMP office is just near the house of the accused. Accused is a cousin of [AAA's] mother and she fondly calls him "Tito Cadong".

At around 10:00 p.m. of January 30, 2009, while [AAA] and the accused were at home, accused invited [AAA] to have a drink as it was [AAA's] birthday. [AAA] gave in to the invitation and they consumed two (2) large bottles of Red Horse beer. Thereafter, [AAA] felt sleepy and dizzy. She told the accused that she would go ahead and sleep. [She] asked permission from the accused to lie down on the "papag" of the accused. The accused agreed. [AAA] fell asleep. She was awoken because she felt some weight on top of her. When she opened her eyes, she saw the accused on top of her. [AAA] struggled to get up from the "papag" and from the hold of the accused but the accused held her hands. Accused pinned down the two (2) feet of [AAA] with his thigh, pulled down her panty and shorts and started kissing her. Accused opened her

legs and forced his penis inside her vagina. [AAA] felt pain. [AAA] wanted to shout but she could not do so as she felt very weak. Accused put in and out his penis from her vagina for about three (3) minutes. [AAA] passed out. She woke up the following morning with the accused lying beside her and he was naked. Her body was shaking and she felt her vagina and it was swelling. She went to the bathroom, still shaking. She washed her body thoroughly and she felt as if she was floating. She took her things and called her grandmother. Her grandmother told her to go to her office. When she arrived at her grandmother's office, she asked a jail officer to accompany [AAA] to the police station. The following day, she submitted herself for medical examination at Camp Crame, Quezon City.

Medico-Legal Report No. R09-240 submitted by Dr. Del Rosario contains the following conclusion: "Findings are compatible with recent vaginal penetration".

The defense presented the accused who denied the charge and testified that [AAA] used to live in his house. On 30 January [2009], he arrived at the house at around 10:00 p.m. His wife at that time was in San Juan. [AAA] was already there preparing food. They ate at around 10:45 p.m. Thereafter, [AAA] asked him to fix her hair as according to her, her hair is not good to look at. Accused obliged and fixed [AAA's] haircut for about thirty (30) minutes. [AAA] then took a bath in the bathroom near their room. When she went out of the bathroom, she was wearing shorts, white sando without bra as he could see that her nipples were protruding from her sando. [AAA] asked him to drink with her as it was her birthday. He then learned that [AAA] had earlier bought three (3) bottles of Red Horse beer and they were already inside the refrigerator. [AAA] and the accused had a drink for one (1) hour and had consumed two (2) bottles of Red Horse Grande. When [AAA] was already tipsy, she became dizzy and asked his permission to lie on his bed as she was too lazy to arrange her own bed. Accused agreed. [AAA] lied down on his bed while accused cleared the table and washed the glasses that they used. Thereafter, he lied down next to [AAA] and he knew that [AAA] was still awake as when he lied down beside her, she lied down on her back and their hands came into contact. Accused turned off the light, returned to the bed and embraced [AAA] who did not resist. They had sexual intercourse. Thereafter, he kissed her lips, her breast and down to her legs. [AAA] held his head and was moaning. Then, they fell asleep. When he woke up at about 4:00 a.m. the next day, the light was already turned on and [AAA] was having coffee. He said sorry to [AAA] for what happened to them, as he was having a guilty conscience. [AAA] did not reply. Accused went back to sleep and when he woke up at 8:30 a.m., [AAA] was gone.<sup>[5]</sup>

During the trial, the Prosecution presented AAA, the complainant; and Dr. Rodney G. Rosario, a Medico-Legal Officer from the PNP Crime Laboratory in Camp Crame, Quezon City; while the Defense presented Pacifico himself and his neighbor, Jelleve Loreja.<sup>[6]</sup>

### **Judgment of the RTC**

As stated, the RTC convicted Pacifico of rape as charged. It found AAA credible and trustworthy, noting that she had even cried while recounting the details of the crime; that, accordingly, the Prosecution had established the elements of the crime by showing his having had carnal knowledge of her by force; and that his defense of her having consented to the sexual act could not be accepted considering that she would not have willingly subjected herself to the shame and scandal of testifying on her defilement unless the charge were true.

The RTC disposed:

WHEREFORE, premises considered, the court finds accused PACIFICO SANGCAJO, JR., guilty beyond reasonable doubt of the crime of RAPE and is hereby sentenced to suffer the penalty of RECLUSION PERPETUA and to indemnify private complainant [AAA] the amount of Fifty Thousand Pesos.

SO ORDERED.<sup>[7]</sup>

### **Decision of the CA**

On appeal, the CA affirmed the conviction, and declared that AAA had been unconscious at the time Pacifico started to ravish her. It observed that there was nothing in her testimony during the trial that would have triggered suspicion of fabrication on her part; and that the sexual intercourse could not be considered as consensual in the absence of independent evidence to establish a romantic relationship between the parties, like love notes or mementos.

The *fallo* reads:

**WHEREFORE**, the trial court's Decision dated August 13, 2014 is **AFFIRMED**, subject to modification that accused-appellant is further ordered to pay AAA moral damages of P50,000.00 and exemplary damages of P30,000.00. In addition, to the civil indemnity of P50,000.00 awarded by the trial court, and to pay interest at the rate of six per cent (6%) per annum on all the damages awarded, to be computed from date of finality of this judgment until full payment.

**SO ORDERED.**<sup>[8]</sup>

### **Issue**

Hence, Pacifico appeals.

The Office of the Solicitor General<sup>[9]</sup> and the Public Attorney's Office<sup>[10]</sup> have manifested that neither of them is filing a supplemental brief, and that they were