

THIRD DIVISION

[G.R. No. 199894, April 05, 2017]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CARLITO CLARO Y MAHINAY, ACCUSED-APPELLANT.**

DECISION

BERSAMIN, J.:

In every criminal case where the accused enjoys the presumption of innocence, he is entitled to acquittal unless his guilt is shown beyond reasonable doubt.

The Case

The accused seeks to undo the decision promulgated on March 24, 2011 in CA-G.R. CR-H.C. No. 03702,^[1] whereby the Court of Appeals (CA) affirmed the judgment rendered on November 17, 2008 by the Regional Trial Court (RTC), Branch 21, in Manila convicting him of rape.^[2]

Antecedents

The accused was charged with rape under the following information, to wit:

That on or about March 14, 2006, in the City of Manila, Philippines, the said accused did then and there willfully, unlawfully and feloniously, with lewd designs and by means of force, violence and intimidation, and fraudulent machination, have carnal knowledge with said AAA,^[3] by then and there texting the latter to see each other at the corner of Augusto Francisco Street, inviting her for a stroll at Rizal Avenue, ordering food from Jollibee, bringing her at Aroma Motel under the pretext that they will just talk and eat their food thereat, entering a room at said motel and locking the door, pulling her on the bed and kissing her, undressing (sic) her and thereafter inserting his penis into her vagina then succeeded in having carnal knowledge of her, against her will and consent.

Contrary to law.^[4]

Evidence of the Prosecution

At around 9:00 o'clock in the morning of March 14, 2006, AAA, a housemaid, received a text message from the accused asking if they could meet. He was then working as a security guard near AAA's place of work. AAA accepted his invitation and met with him on Augusto San Francisco Street, Sta. Ana, Manila, where they boarded a passenger jeepney bound for Rizal Avenue in Sta. Cruz, Manila. Arriving in Sta. Cruz, they entered a Jollibee restaurant on Rizal Avenue and ordered food.

They later on went to a nearby house, later identified as the Aroma Motel. She refused to go up the stairs of the motel, which impelled him to hold her by the hand and pull her upstairs, insisting that they would only talk and eat. He then talked to a male attendant who ushered them into a room.

Upon entering the room, AAA tried to leave, but the accused closed the door and pushed her towards the bed. She still attempted to leave but the door was locked. He pulled her back to the bed, telling her that he loved her. Instead of responding to him, she said that she needed to go to the toilet. Once inside the toilet, she called her cousin, Alberto German (German), a police officer, but she was unable to give him her exact location after her phone ran out of charge. It was then when the accused barged inside the toilet and again pulled her back to the bed. He forcefully undressed her completely, went on top of her, and forcibly inserted his penis inside her vagina. She kept on punching to try to stop him, but to no avail. After he was done, she immediately put on her clothes and left the room. But she was compelled to ride with him in the same passenger jeepney because she did not know her way back.

Upon arriving home, she promptly reported the incident to German, who instructed her to contact the accused and agree to meet with him again so that they could apprehend him. She did as instructed. Just as they agreed, the accused went to the meeting place, where German quickly approached him and introduced himself as a police officer. The accused tried to run away, but German seized him and brought him to the National Bureau of Investigation (NBI) for investigation.

Dr. Wilfredo E. Tierra, the NBI medico-legal officer, conducted the medico-genital examination of AAA. He found the presence of fresh deep hymenal laceration at 5 o'clock position with edges bleeding; abrasion measuring 1.3 cm. on the left breast; and contusion measuring 1.5 cm. on the right hand of AAA.^[5]

Evidence of the Defense

The accused denied the accusation.

The accused claimed that he and AAA had first met on January 6, 2006, and became friends; that their friendship had blossomed into romance, with them becoming lovers after two months; that they had gone out once on a date on March 6, 2006, and had agreed to go out on a date again on March 14, 2006; that on the latter date, they had met at Augusto San Francisco Street, Sta. Ana Manila, and had proceeded on board a passenger jeepney to the Jollibee restaurant on Rizal Avenue; that at the Jollibee restaurant, he ordered food and asked her whether they would push through with their plan to go to a motel; that after she assented, they walked together to the motel, where a room boy led them to their designated room, which had a doorknob that could be locked from the inside; that once they entered the room, she went to the restroom and later came out wearing only a towel; that she told him that she loved him, and they started kissing each other; that she took off the towel, while he undressed; that she did not resist when he went on top of her and inserted his penis in her vagina, but he stopped when she told him that she was not yet ready; that they then got dressed, left the motel together, and boarded a passenger jeepney; that after parting ways, she called him through his cellphone and asked if they could see each other again; and that once he arrived at the meeting place, a police officer later identified as German arrested and handcuffed

him.

Also testifying for the Defense was the mother of the accused. She asserted that AAA was already her son's girlfriend prior to the incident; that when she went to the police headquarters upon learning of her son's arrest, she saw AAA but the latter asked her to talk to German instead; that German told her: *Wala nang madami pang usapan, basta mangako ka sa akin na magbibigay ka ng P200,000.00*; and that she asked AAA about what had really happened, but the latter refused to answer her query.^[6]

Ruling of the RTC

As stated, the RTC found the accused guilty beyond reasonable doubt of rape, decreeing:

WHEREFORE, premises considered, the Court finds accused **CARLITO CLARO Y MAHINAY GUILTY** beyond reasonable doubt of the crime charged and is hereby sentenced to suffer the penalty of reclusion perpetua and ordered to pay the victim, AAA the total amount of P50,000.00 as civil indemnity, and P50,000.00 as moral damages. With costs.

It appearing that accused is detained, the period of his detention shall be credited in the service of his sentence.

SO ORDERED.^[7]

Decision of the CA

On appeal, the CA affirmed the conviction, disposing:

WHEREFORE, in view of the foregoing, the instant APPEAL is **DENIED**. Accordingly, the Decision dated November 17, 2008 rendered by the Regional Trial Court of Manila, in Criminal Case No. 06-242729 convicting accused-appellant of the crime of rape is hereby **AFFIRMED**.

SO ORDERED.^[8]

The CA regarded AAA's testimony as credible; and ruled that the presence of bruises and abrasions on the body of AAA proved that she had been subjected to bodily harm before he accomplished his lustful desires. It observed that the fact that the parties had gone home together after the incident was sufficiently explained by AAA's statement that she had no choice but to go with him because she did not know her way back.

Issue

Did the RTC and the CA correctly find and pronounce the accused guilty of rape beyond reasonable doubt?

Ruling of the Court

The Court acquits the accused on the ground of reasonable doubt.

It is noticeable that the versions of AAA and the accused ultimately contradicted each other on whether rape or consensual sex had transpired between them. Their contradictions notwithstanding, the circumstances - whether based on her recollection or on his — indicated that she had willingly met with him on March 14, 2006 in order to go on a lovers' date. Their meeting on Augusto San Francisco Street in Sta. Ana, Manila, and their going together by jeepney to Rizal Avenue, where they entered the Jollibee restaurant to share the meal were undoubtedly by their prior agreement. It was while they were in the restaurant when they discussed checking in at the Aroma Motel, but once she assented to their checking in the Aroma motel, they walked together towards the motel, and entered together.

The sweetheart defense is not usually regarded with favor in the absence of strong corroboration.^[9] This is because the mere fact that the accused and the victim were lovers should not exculpate him from criminal liability for rape. In *People v. Orquina*,^[10] the Court observed that an allegation of a "love relationship" between the parties, even if found to be true, did not eliminate the use of force to consummate the crime because the gravamen of rape is the carnal knowledge of a woman *against her will and without her consent*. As declared in *People v. Gecomio*:^[11]

It should be borne in mind that love is not a license for carnal intercourse through force or intimidation. Even granting that appellant and complainant were really sweethearts, that fact alone would not negate the commission of rape. A sweetheart cannot be forced to have sex against her will. From a mere fiancée, definitely a man cannot demand sexual submission and, worse, employ violence upon her on a mere justification of love. A man can even be convicted for the rape of his common-law wife.

It is a time-honored tenet that the appreciation and assessment by the trial judge of the credibility of witnesses are accorded respect primarily because the trial judge personally observed the conduct and demeanor of the witnesses as to enable him or her to determine whether they were telling the truth or merely fabricating it.^[12] Another tenet of long standing is that the factual findings of the CA affirming those of the trial judge are generally binding upon the Court, which is not a trier of facts.^[13] Based on these tenets, it would be easy to simply affirm the conviction of the accused herein especially considering that both the RTC and the CA regarded AAA as a credible witness whose testimony was worthy of belief.

Yet, it is not fair and just to quickly reject the defense of consensual sexual intercourse interposed by the accused. To be noted first and foremost is that he and AAA were adults capable of consenting to the sexual intercourse. The established circumstances - their having agreed to go on a lovers' date; their travelling together a long way from their meeting place on board the jeepney; their alighting on Rizal Avenue to take a meal together; their walking together to the motel, and checking in together at the motel without the complainant manifesting resistance; and their entering the designated room without protest from her - indicated beyond all doubt that they had consented to culminate their lovers' date in bed inside the motel. Although she claimed that he had held her by the hand and pulled her upstairs,

there is no evidence showing that she resisted in that whole time, or exhibited a reluctance to enter the motel with him. Instead, she appeared to have walked with him towards the motel, and to have entered it without hesitation. What she did not do was eloquent proof of her consent.

Noting the medico-legal findings of bruises and abrasions on AAA, the CA concluded that she had been subjected to some "bodily harm" by the accused to force himself on her, to wit:

x x x In the case before Us, We are convinced that the element of force was present. This is shown by the fact that the accused-appellant held private complainant's hands to the point of dragging her up the stairs of the motel, and by the fact that he pushed private complainant to the bed when the latter tried to escape. Moreover, as We have mentioned above, the presence of bruises and abrasions on private complainant's body evince the fact that latter was subjected to bodily harm before accused-appellant succeeded in having carnal knowledge with her.^[14]

That the medico-legal examination of March 14, 2006 turned up with the findings of abrasions on AAA's left breast and contusions on her right hand did not necessarily mean that the accused had applied force in the context of forcing her to have sex with him. The conclusion of the CA was, therefore, too sweeping, for it inexplicably ignored the probability of consensuality between the parties. Such findings did not justify the full rejection of the demonstrable consensuality of their sexual intercourse. Moreover, the mere presence of abrasions and contusions on her did not preclude the giving of her consent to the sexual intercourse, for abrasions and contusions *could also be suffered* during voluntary submission of the partners to each other's lust. Such possibility calls for us to open our minds to the conclusion that the sexual intercourse resulted from consensuality between them.

In every criminal case, the accused is entitled to acquittal unless his guilt is shown beyond reasonable doubt. Proof beyond reasonable doubt does not mean such a degree of proof as, excluding possibility of error, produces absolute certainty. Only moral certainty is required, or that degree of proof which produces conviction in an unprejudiced mind.^[15]

In the face of all the foregoing, we have reasonable doubt of the guilt of the accused for rape. Reasonable doubt -

x x x is not mere possible doubt; because everything relating to human affairs, and depending on moral evidence, is open to some possible or imaginary doubt. **It is that state of the case which, after the entire comparison and consideration of all the evidence, leaves the minds of jurors in such a condition that they cannot say they feel an abiding conviction, to a moral certainty, of the truth of the charge.** The burden of proof is upon the prosecutor. All the presumptions of law independent of evidence are in favor of innocence; and every person is presumed to be innocent until he is proved guilty. **If upon such proof there is reasonable doubt remaining, the accused is entitled to the benefit of it by an acquittal. For it is not sufficient to establish a probability, though a strong one arising from the doctrine of chances, that the fact charged is more likely to be true**