

SECOND DIVISION

[G.R. No. 208067, September 14, 2016]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RONNIE R. LIBRIAS, APPELLANT.

DECISION

BRION, J.:

We resolve the appeal of accused-appellant Ronnie R. Librias (*Librias*) assailing the May 22, 2013 decision^[1] of the Court of Appeals (CA) in CA-G.R. CEB-CR-H.C. No. 01130. The assailed decision affirmed the ruling of the Regional Trial Court (RTC), Branch 28, Mandaue City, Cebu, finding Librias guilty beyond reasonable doubt of the crime of forcible abduction with rape.

THE FACTUAL ANTECEDENTS

Librias was charged with Forcible Abduction with Rape in relation to R.A. No. 7610 in an information that reads:

That sometime on the 14th day of September 2003, in Mandaue City, Philippines, and within the jurisdiction of this Honorable Court, above-named accused did then and there willfully, unlawfully and feloniously with lewd designs, abduct one, AAA,^[2] who is a 17-yr. old minor, against her will, taking and carrying her to a place somewhere in Colon Street, Cebu City, and away from her residence, and by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of her against her will.

CONTRARY TO LAW.^[3]

He pleaded not guilty to the charge during his arraignment.^[4]

When AAA was presented by the prosecution, she testified that on September 14, 2003, at around 9:00 P.M., she was at the Mandaue Plaza while waiting for her cousin, who did not show up.^[5] While waiting, AAA was approached by Librias who threatened to kill her if she would not go with him.^[6] Librias and AAA thereafter left the plaza and boarded a taxi.^[7]

While they were inside the taxi, Librias instructed the driver to bring them to Colon Street in Cebu City.^[8] AAA, on the other hand, was trying to open the door of the taxi but Librias held her hands down.^[9]

Upon reaching Colon Street, Librias and AAA walked towards a house where they were given their own private room with its own bed.^[10] When they were already

inside, Librias slowly started taking off AAA's clothes.^[11] AAA struggled but was overpowered as Librias held her hands and pinned her down with his legs.^[12] After taking off his pants, Librias inserted his penis into AAA's vagina while on top of her.^[13] Although AAA was not able to see how Librias was able to insert his penis, she said that it went into her vagina because she felt pain inside and outside her private parts.^[14]

Shortly after his sexual advances, Librias fell asleep which gave AAA an opportunity to get dressed and to escape.^[15] AAA then flagged down a taxi and proceeded to the Barangay Hall of Ibabao and reported the matter to the barangay officials.^[16] Noticing that Librias had followed her and was sitting at a bar nearby, AAA requested the barangay tanods to arrest him.^[17] Librias was thereafter brought to the nearest police station.^[18]

In his defense, Librias insisted that he did not force or threaten AAA to have sexual intercourse with him; much less did he hold her against her will when he brought her to the Hidden Lounge in Cebu City.

Librias testified that after lighting a candle at the nearby church, he proceeded to Mandaue Plaza anticipating his ex-girlfriend to arrive and hoping that they would talk.^[19] While he was seated in the park, Librias noticed a woman - who was also seated alone right across him - smiling at him.^[20] After a while, Librias stood up and decided to leave, passing by the woman who smiled at him again.^[21] This time, Librias smiled back and asked her why she was smiling at him.^[22] The woman replied and said that he looked familiar, and so Librias asked for her name;^[23] the woman was AAA.

After introducing themselves to one another, Librias and AAA started flirting and strolled around the plaza for a good hour and a half. AAA thereafter invited Librias if he wanted to join her in meeting her friend at a disco.^[24] At first, Librias declined as he had to work that night, but he eventually decided not to go to work and invited AAA to go with him to a videoke bar instead.^[25] AAA acceded; so they boarded a taxi and proceeded to Colon Street in Cebu City.^[26]

When they alighted from the taxi, Librias took AAA to his cousin's store.^[27] However, since his cousin was not there, Librias offered to take AAA home and said that he would just sleep somewhere nearby.^[28] AAA refused and insisted that she would just stay with him.^[29] Thus, the two walked to Hidden Lounge where they checked in for two (2) hours.^[30]

After getting settled the room, AAA approached Librias who said, *"Whatever will happen to us now, don't worry because I will be responsible for it."*^[31] In response, AAA embraced Librias.^[32]

Librias, then, narrated that they indulged in foreplay before having sexual intercourse.^[33] He alleged that he did not force himself upon AAA, much less threaten to kill her to have sex with him.^[34]

After their intimate act, Librias and AAA fell asleep, but were shortly woken up by the roomboy.^[35] They left the room together and went downstairs. To Librias' surprise, AAA asked him for money so that she could go home.^[36] Librias told her to wait as he had to go to the comfort room and that he was going to bring her home.^[37]

When Librias came out of the comfort room, he saw AAA leave the motel and board a taxi.^[38] Recalling where AAA said she lived, he proceeded to her residence.^[39] While waiting for AAA to possibly come outside of her house, Librias waited in a nearby bar.^[40] Minutes later, AAA came out and instructed the barangay tanods to arrest Librias.^[41]

In its September 25, 2009 judgment,^[42] after careful consideration of the evidence of both parties, the RTC found that Librias, with the use of force and intimidation, had taken away AAA from Mandaue Plaza to a house on Colon Street, Cebu City, where they had sexual intercourse. The trial court did not give much credence to his denial in the light of AAA's positive declaration that Librias had held her against her will and raped her. Accordingly, applying Article 48 of the Revised Penal Code, the RTC imposed the more serious penalty for rape, which is *reclusion perpetua*, and ordered him to pay AAA P50,000.00 for civil indemnity and P15,000.00 for moral damages.

On appeal, the CA affirmed Librias' conviction *in toto* after finding no compelling reason to depart from the factual findings of the trial court. Simply, it held that AAA's version of what transpired was more credible and believable. The appellate court was likewise not persuaded by Librias' assertion that AAA could have easily shouted for help because her reaction to the force and intimidation could have varied and that she could have been paralyzed with fear. Like the trial court, the CA found Librias' denial unacceptable considering that denial is an inherently weak defense, and that it was not buttressed by strong evidence of non-culpability.

OUR RULING

We hold that the accused should be acquitted.

By their very nature, crimes against chastity, as well as the crime of rape, usually involve only two persons: the victim-complainant and the alleged offender. As a consequence, the conviction or acquittal of the accused depends almost entirely on the credibility of the complainant's testimony as seldom is there an eyewitness, other than those involved, to the commission of the offense. It is for this reason that we should examine with greatest care the complainant's story and subject it to a thorough scrutiny to determine its veracity *in the light of human nature and experience*.^[43]

In *People v. Aballe*^[44] we said:

It is the peculiarity of rape cases that conviction or acquittal of the accused depends almost entirely on the credibility of the complaining witness. It may well then be that the testimony of the victim, to bear

upon its face the brand of moral certainty demanded by the due process clause, **must involve a narrative that is plausible under the circumstances as recounted before the court.** The mere fact that there are contradictions and inconsistencies in her testimony will not in itself acquit an accused as long as the story of the complaining witness is not inherently impossible or suspect of prejudice and ill motive. Still and all, credence should only be given to trustworthy testimonies capable of supporting a guilty verdict.^[45] [emphasis and underscoring ours]

We likewise emphasized in *People v. Fabito*^[46] that in reviewing rape cases on appeal, we consider the reality that rape is a very serious accusation and, at the same time, a charge is not that hard to lay against another, to wit:

The review of a criminal case opens up the case in its entirety. The totality of the evidence presented by both the prosecution and the defense are weighed, thus, avoiding general conclusions based on isolated pieces of evidence. *In the case of rape, a review begins with the reality that rape is a very serious accusation that is painful to make; at the same time, it is a charge that is not hard to lay against another by one with malice in her mind.* Because of the private nature of the crime that justifies the acceptance of the lone testimony of a credible victim to convict, it is not easy for the accused, although innocent, to disprove his guilt. These realities compel us to approach with great caution and to scrutinize the statements of a victim on whose sole testimony conviction or acquittal depends.^[47] [citations omitted; italics ours]

Contrary to the findings of the lower courts, we find AAA's testimony - which the prosecution heavily relied on - that raise serious doubts in the truthfulness of her statements.

We are reminded that the quantum of proof required in criminal cases is proof beyond reasonable doubt in order to convict the accused.^[48] Because of the constitutional presumption of innocence, the burden, therefore, lies with the prosecution to meet this quantum of proof.^[49] In the case at bar, the prosecution failed to discharge this burden since AAA's testimony was not credible enough to establish with moral certainty that Librias abducted AAA and raped her.

First, AAA's narration that Librias forcibly took her from Mandaue Plaza to a house on Colon Street, Cebu City, is very unlikely considering that AAA could have easily escaped or, at least, have called for help. After reviewing the records of the case, we discovered that Librias did not have a weapon nor did he threaten to use one should AAA not accede to his demands. Without a weapon of any sort, AAA could have broken free and run away - without any risk to her life - as the plaza was an open space where she could have run in any direction.

Admittedly, the plaza was not completely deserted as AAA testified that there were a few people around, thus:

- Q. You said that on September 14, 2003, you went to the plaza here in Mandaue City?
A. Yes.
Q. What time was that?

A. 8:00 [P.M.]

x x x x

Q. So, what were you doing when you arrived at the Mandaue Plaza?

A. I was roaming around.

Q. You were alone?

A. Yes.

Q. You would agree with me that there were many others who were also doing the same thing as you were walking around the plaza at that time?

A. There were only few.

Q. When you arrived at around 8:00 [P.M.] there were still many people at that time?

A. Yes.

Q. Where exactly at the plaza did you go?

A. Near city hall.

Q. You walked around for about how many minutes?

A. **Around two hours.**^[50] [emphases ours]

From her testimony, we gather that AAA could have called for help and anyone around the vicinity would have noticed. In fact, any person at the plaza could have easily noticed that she was in some kind of danger had she tried to struggle to break free. Hence, the foregoing statements would suggest that AAA was not really held against her will.

The lower courts' conclusion that AAA could think of a way to escape because she was afraid is a *mere conjecture* that cannot support a conviction. As a general rule, we are bound by the trial court's findings of fact and evaluation of the credibility of witnesses, especially when affirmed by the appellate court. However, this time-honored doctrine admits exceptions, such as when the trial court overlooked, misunderstood, or misapplied facts or circumstances of weight and substance that would affect the result of the case.

Faced with two conflicting versions, we are guided by the equipoise rule: *where the evidence in a criminal case is evenly balanced, the constitutional presumption of innocence tilts the scale in favor of the accused.*^[51] Thus, where the inculpatory facts and circumstances are capable of two or more explanations, one of which is consistent with the innocence of the accused and the other consistent with his guilt, then the evidence does not fulfill the test of moral certainty and is not sufficient to support a conviction.^[52] Applying this rule in the present case would properly lead us to conclude that AAA did not try to escape or call for help because **she wanted to go** to wherever Librias was planning to bring her.

Second, AAA gave different statements as to how she was held back by Librias during the taxi ride going to Colon Street, Cebu City. In her direct testimony, she said that Librias was holding her hands the whole time while he was flagging down a taxi cab and when he pushed her inside it, viz:

Q. In the last hearing you testified that while you were at the Mandaue City plaza somebody held your hand and said, "kuyog ka nako."^[53]

Was this correct?

A. Yes.