

## FIRST DIVISION

[ G.R. No. 133003, April 09, 2003 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
LAWRENCE MACAPANPAN Y DE GUZMAN AND AIROLL ACLAN Y  
MENDOZA, ACCUSED-APPELLANTS.**

### D E C I S I O N

**YNARES-SANTIAGO, J.:**

The peculiar nature of rape is that conviction or acquittal depends almost entirely upon the word of the private complainant<sup>[1]</sup> because it is essentially committed in relative isolation or even secrecy and it is usually only the victim who can testify with regard to the act of forced coitus.<sup>[2]</sup> Thus, the long standing rule is that when an alleged victim of rape says she was violated, she says in effect all that is necessary to show that rape has indeed been committed.<sup>[3]</sup> Since the participants are usually the only witnesses in crimes of this nature and the accused's conviction or acquittal virtually depends on the complainant's testimony,<sup>[4]</sup> it must be received with utmost caution.<sup>[5]</sup> It is then incumbent upon the trial court to be very scrupulous in ascertaining the credibility the victim's testimony. Judges must free themselves of the natural tendency to be overprotective of every woman claiming to have been sexually abused and demanding punishment for the abuser. While they ought to be cognizant of the anguish and humiliation the rape victim goes through as she demands justice, judges should equally bear in mind that their responsibility is to render justice according to law.<sup>[6]</sup>

AAA was allegedly molested and raped during a blow-out she hosted for having been promoted in her job at the local rural bank. Indicted for the felony were Lawrence Macapanpan y De Guzman and Airoll Aclan y Mendoza in an Information<sup>[7]</sup> which alleges –

That sometime between 11:00 and 12:00 o'clock in the evening of February 9, 1996 at Barangay Burgos, Municipality of Pakil, Province of Laguna, and within the jurisdiction of this Honorable Court the above named accused with lewd design and by the use of force, conspiring, confederating and mutually helping one another did then and there wilfully, unlawfully and feloniously have sexual intercourse with one AAA against her will and consent and to her damage and prejudice.

CONTRARY TO LAW.

The information was docketed as Criminal Case No. S-1943. Upon arraignment, the two accused, assisted by counsel, pleaded not guilty.<sup>[8]</sup> The case then proceeded to trial.

After trial, the Regional Trial Court of Siniloan, Laguna, Branch 33, found both accused guilty as charged and accordingly rendered judgment against them, the dispositive portion of which reads:

WHEREFORE, premises considered, judgment is hereby rendered, finding both accused LAWRENCE MACAPANPAN y DE GUZMAN and AIROLL ACLAN y MENDOZA guilty beyond reasonable doubt of the crime of "RAPE." Lawrence Macapanpan y de Guzman is hereby sentenced to undergo imprisonment of **reclusion perpetua**.

Airoll Aclan y Mendoza, being a minor is hereby sentenced to an indeterminate sentence ranging from ten (10) years of **prision mayor** as minimum, to seventeen (17) years and four (4) months of **reclusion temporal** as maximum.

Accused are hereby ordered to pay private complainant AAA, as moral damages the sum of P50,000.00 and to pay the costs.

Accused Lawrence Macapanpan y de Guzman being a detained prisoner, it is hereby ordered that he be credited with the full length of his preventive imprisonment if he agrees voluntarily in writing to abide by the same disciplinary rules imposed upon convicted prisoner[s], otherwise, he shall be credited with 4/5 of the period he had undergone preventive imprisonment in accordance with Art. 29 of the Revised Penal Code, as amended.

SO ORDERED.

Both accused appealed. In his Brief, accused-appellant Macapanpan raised the following errors:

I

THE LOWER COURT ERRED WHEN IT HASTILY ACCEPTED AS PROOF THE UNCORROBORATED TESTIMONY OF THE COMPLAINANT AAA;

II

THE LOWER COURT ERRED WHEN IT RULED THAT COMPLAINANT AAA'S TESTIMONY IS IMPECCABLE AND RINGS TRUE THROUGHOUT HER TESTIMONY;

III

THE LOWER COURT ERRED WHEN IT FAILED TO HOLD THAT COMPLAINANT AAA'S TESTIMONY LACKED SINCERITY AND CANDOR;

IV

THE LOWER COURT ERRED WHEN IT FAILED TO TAKE NOTICE OF THE SERIOUS CONTRADICTIONS IN COMPLAINANT AAA'S TESTIMONY;

V

THE LOWER COURT ERRED IN FAILING TO HOLD THAT THERE WAS AN ABSENCE OF RESISTANCE ON THE PART OF THE COMPLAINANT AAA;

VI

THE TRIAL COURT ERRED WHEN IT FAILED TO HOLD THAT COMPLAINANT AAA'S MOTHER EXERTED PRESSURE ON HER (AAA) TO FILE THE CRIMINAL COMPLAINT SUBJECT OF THIS APPEAL;

VII

THE TRIAL COURT ERRED WHEN IT FAILED TO PROPERLY ASSESS THE RESULT OF THE PHYSICAL EXAMINATION OF COMPLAINANT AAA;

VIII

THE TRIAL COURT ERRED WHEN IT FAILED TO CORRECTLY APPRECIATE THE SIGNIFICANCE OF THE TESTIMONY OF DRA. CARIDAD RALLOS IN OPEN COURT;

IX

THE LOWER COURT ERRED WHEN IT FAILED TO HOLD THAT THERE WAS THE APPARENT IMPROBABILITY OF THE COMMISSION OF THE CRIME CHARGED;

X

THE LOWER COURT ERRED WHEN IT FAILED TO TAKE INTO ACCOUNT EVERY CIRCUMSTANCE OR DOUBT FAVORING THE INNOCENCE OF THE ACCUSED WHEN IT SUMMARILY DISREGARDED THE TESTIMONIES OF THE DEFENSE WITNESSES JUST BECAUSE THEY ARE RELATED AND/OR ARE FRIENDS OF THE ACCUSED;

XI

THE LOWER COURT ERRED WHEN IT HELD THAT THERE WAS ONE (1) CONSPIRACY BETWEEN THE ACCUSED AIROLL ACLAN AND APPELLANT LAWRENCE MACAPANPAN, AND (2) THAT THERE WAS USE OF FORCE AND INTIMIDATION AGAINST COMPLAINANT AAA;

XII

THE LOWER COURT ERRED IN NOT HOLDING THAT THE ACTIONS/REACTIONS/RESPONSES OF COMPLAINANT IS NOT NATURAL IN THE ORDINARY COURSE OF THINGS.

The prosecution's evidence sought to establish that complainant was molested and ravished while she was drunk during a blow-out she hosted at the hangout of her friends. Her story, as summed up in the People's Brief, narrates that:

1. After coming from work in the afternoon of February 9, 1996 complainant AAA of Paete, Laguna proceeded to the house of Katrina "Jingle" Kaharian in Pakil, Laguna. She was there to fulfill a promise she made the day before to give a blow-out for their friends.
2. Complainant was having dinner with Jingle when accused Airoll Aclan arrived. He informed them that their friends were already waiting in a hut located in Burgos St., Pakil, Laguna. The hut is owned by one Arvin Mapagdalita.
3. Before leaving the house of Jingle, Dante Pendon arrived and got two bottles of gin from Jingle's store. The bottles of gin were paid for by complainant. They then proceeded to the hut.
4. Upon arriving at the hut, they saw Robert Entienza, Arvin Mapagdalita, Ise Aclan, Necy Adarlo, Jay Salem. By that time, these men who call themselves *Restback Boys* had already consumed two bottles of gin. Minutes later, appellant arrived.
5. Complainant was given a shot of gin to drink. She obliged. After a while, she was given another shot. She felt dizzy and weak after finishing the second shot. She was given noodles to eat but she only ate two spoonfuls and then fell asleep.
6. She remembered that she was awakened when Dante Pendon held her thigh and left breast. She was hurt. She got wild and shouted, "*Walanghiya ka,*" referring to Dante Pendon. Without knowing why she was furious, Jingle slapped her and separated them. AAA cried helplessly then Jay Salem placed her on the bench beside the bed. There, she fell down. She was very weak and dizzy.
7. The next thing she remembered was Airoll Aclan touching the different parts of her body.
8. From where she was seated she was pulled by Airoll and brought to appellant. Airoll held her hands and with appellant's help, they were able to remove her pants and panty. Appellant then opened the zipper of his pants and inserted his penis inside her vagina.
9. She felt pain. She tried to struggle, fight back, and shout, but she was not able to do so. She was very weak and dizzy.
10. During the act, Airoll told her not to be "*magulo*" and covered her mouth. Airoll also told her, that if she was still be "*magulo*" she will be boxed, and indeed, was boxed by Lawrence at her stomach. Thereafter, she lost consciousness and regained it at around 5:00 o'clock in the early morning of February 10, 1996.
11. While all these were happening, Jingle was fast asleep while another lady friend Nesy Adarlo was heavily drunk. All other people

were out of the *nipa* hut.

12. She immediately stood up when she regained consciousness at around five in the morning of February 10, 1996. She had no pants on when she woke up. She hurriedly left the place with Nesy. She passed by Jingle's place and get her belonging and went straight home.
13. When she arrived home that day, she locked herself inside her room. Late that night, her mother inquired about her whereabouts the previous night. She narrated her harrowing experience to her mother. The next day, she went to her friend Mercy Magsalansan who accompanied her to their Barangay Captain. Upon learning from their Barangay Captain that the case does not fall within his jurisdiction, they proceeded to the police authorities of Pakil, Laguna. SPO1 Romeo Criste took her statement. After her statements were taken by the authorities, she went to General Cailles Memorial Hospital for examination.
14. The prosecution likewise presented Dra. Caridad Rallos, who identified the medical certificate containing the results of the medical examination she conducted on the complainant on February 11, 1996. She found bluish discolorations in the upper left arm and lower right arm of the complainant. She also found small superficial lacerations with fresh blood, multiple abrasions in the complainant's vagina.<sup>[9]</sup>

The defense's version, on the other hand, is a sordid narrative of fatal attraction and unrequited love. It paints a picture of a licentious woman obsessed, scorned and spurned, whose unreciprocated affection turned into vindictive hate which spurred her to file the instant case out of spite.

At the outset the defense points out that while rape is usually committed in relative isolation and involves only the victim and her abuser, this case is exceptional because there were twelve persons in the hut of Arvin Mapagdalita, including the complainant, on the evening of February 9, 1996 when the alleged rape was perpetrated. Out of the persons who were there, nine, including accused-appellant Macapanpan, categorically testified that the latter *did not* rape the victim and that *no one* was raped that night. Prosecution witness Necy Adarlo, who was also present, testified similarly. The implausibility of the commission of the felony is further underscored by the fact that the hut has a dimension of only 4.97 by 3.14 square meters and the room where the crime was allegedly committed measures around 3.14 by 3.14 square meters. This small space housed *all* twelve persons at that time.

Accused-appellant Macapanpan claims he did not know the victim personally prior to February 8, 1996. While he used to see complainant in church, he has never talked to her. On February 8, 1996, AAA went to the store of Katrina "Jingle" Kaharian and informed her that she was promoted. AAA promised to give a blow-out the following day, February 9, 1996, at Arvin Mapagdalita's hut located on Burgos Street, Pakil, Laguna, which was the favorite hang-out of Jingle's group.