

## FIRST DIVISION

[ G.R. No. 130949, April 04, 2001 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
AUGUSTO BUENVIAJE Y REYES, ACCUSED-APPELLANT.**

### D E C I S I O N

**PARDO, J.:**

It is a truism that "the workings of the human mind when placed under emotional stress are unpredictable, and the people react differently. In such a given situation, some may shout; some may faint; and some may be shocked into insensibility; while others may openly welcome the intrusion."<sup>[1]</sup>

Such is the case before us. The Regional Trial Court, San Pablo City, Branch 32, found accused Augusto Buenviaje y Reyes guilty of rape and sentenced him to *reclusion perpetua* and to indemnify the private complainant Jenneth Bachao moral damages in the sum of P300,000.00, and to pay the costs.<sup>[2]</sup>

On the strength of a "salaysay" dated February 02, 1996, executed by Jenneth Bachao, on February 9, 1996, Assistant City Prosecutor Guillermo E. Sunega of San Pablo City, Laguna filed with the Regional Trial Court a Criminal Complaint, thus:

"CRIMINAL COMPLAINT

"The undersigned Complainant and Assistant City Prosecutor accuse AUGUSTO BUENVIAJE @ TITO of the crime of RAPE, defined and penalized under Article 335 of the Revised Penal Code, committed as follows:

"That on or about January 31, 1996, in the City of San Pablo, Republic of the Philippine and within the jurisdiction of this Honorable Court, the accused abovenamed with lewd design, by means of force and intimidation, did then and there willfully, unlawfully and feloniously rape and have sexual relations with undersigned complainant JENNETH BACHAO, who was then deprived of reason.

"CONTRARY TO LAW.

"City of San Pablo, February 9, 1996.

**"JENNETH BACHAO**  
"Complainant

**GUILLERMO E. SUNEGA**  
Assistant City Prosecutor"

Upon arraignment on February 26, 1996, accused pleaded not guilty to the information. Accused waived the pre-trial and the trial court set the case for trial on

the merits.<sup>[3]</sup>

The facts of the case, as narrated by Jenneth Bachao, are as follows:

On January 11, 1996, Jenneth Bachao was at home listening to the radio when she heard that Loyola Life Plan was in need of personnel. She immediately prepared her transcript of records and application letter and went to the office of Loyola Life Plan at Tacloban City, Leyte. When she reached the office, she met the Regional Director, Michael Grandeza, who advised her to return on January 15, 1996, for an interview.<sup>[4]</sup>

On January 15, 1996, accused-appellant Augusto Buenviaje interviewed her. He told the accused that she was at the priority list but that she would have to undergo training in Manila for three to five days. Accused enticed her about the job saying that during the training period, she would receive allowances and that after the training she would go back to Tacloban and receive a good salary, and all the expenses for the trip to Manila would be shouldered by the company. When she asked why the training would be in Manila, not in Tacloban, the accused retorted that she should not be making such inquiry, as she was just an applicant. Because the offer was good, Jenneth accepted but told accused that she needed to ask permission from her parents.<sup>[5]</sup>

Accused asked Jenneth to meet him at 12:00 noon, January 15, 1996, at Encore Corporation, and that he would accompany her home to tell her parents about the job offer. Her parents agreed to the conditions of the job. Before accused left, he told Jenneth that they would meet each other at Philtranco at 3:30 in the afternoon on that same day.<sup>[6]</sup>

They boarded a bus bound for Manila at 4:00 in the afternoon. They arrived in Naga City the following day January 16, 1996, at around 4:00 in the afternoon. She then asked the accused why they were alighting in Naga when the seminar was in Manila. Accused responded that he needed to collect some payment for encyclopedias he sold in Naga City.<sup>[7]</sup>

In Naga City, Jenneth did not see the accused collect any payment from customers. Accused called for a tricycle and suddenly pulled her inside the tricycle. While inside the tricycle, accused pulled out a balisong from his attache case and poked the balisong at her and told her not to move or escape or else she would be killed. Accused brought her to a lodging house in Naga. She could not move or ask for help as the balisong was pointed at her. While inside the room of the lodging house, the accused closed the door and immediately embraced her, kissed her several times and touched her private parts. She fought back but the accused was too strong. Accused succeeded in having sexual intercourse with her.

During all the time at the Naga lodging house, when accused would leave the room, he would locked the door from outside. Accused gave her a plastic urinal for her to use when she felt like answering the call of nature and she was not allowed to go out of the room.<sup>[8]</sup>

After the unfortunate incident in the Naga lodging house where they stayed for 3 to 4 days, accused brought Jenneth to Daet under the same threatening situation.

Accused even gave her a tablet that she was forced to take. While in Daet, accused would ask her to take a bath before every sexual contact.<sup>[9]</sup>

It was also during their stay in Daet that accused prepared a draft letter for her to copy to be sent out to her parents. The letter was to the effect that she and accused had fallen in love and that she understood the state of life of accused and was truly in love with him. In Daet, they were accompanied by an old woman that accused introduced as his mother. They all slept in the same room with accused and her on one side and the old woman on the other side of the room. The accused would have sexual contact with her even in the presence of the old woman, and the old woman would not even make any move to help her even if she pleaded for help.<sup>[10]</sup>

From Daet, accused brought her to San Pablo City. They stayed in a lodge called the Cruz lodge. During the time they were in San Pablo, she was sick and was running a high fever. When they were already inside a room, accused asked her to take off her clothes and when she was undressed, accused also undressed. Accused placed both her hands under her head, then leveled her legs on his shoulder and one by one accused placed his fingers inside her vagina and then rotated all four fingers inside her vagina, after which accused inserted his penis inside her vagina and had sexual intercourse with her. The sexual assault happened many times that she could no longer remember how often it was.<sup>[11]</sup>

On February 1, 1996, they left Cruz lodge and accused brought her to a house owned by one Elsa Arnisto. During their stay at the house of Elsa, she gathered enough courage to tell accused that if he would rape her again, she would scream and ask help from the neighbors adjacent to the room she and the accused were staying.<sup>[12]</sup>

On February 2, 1996, she was able to talk to Elsa Arnisto and asked for help so she could talk to her sister in Tacloban City. She learned from her sister that her parents and sister did not receive the letter that accused forced her to write. She revealed to Elsa that accused was not her husband and that she was being raped by the accused. Elsa then instructed her to go to another house in Sampalok Lake belonging to Elsa's cousin so she could be away from the accused. Elsa and her cousin then accompanied Jenneth to the police headquarters for investigation. There, she gave her "*salaysay*."<sup>[13]</sup>

On May 5, 1997, the trial court after a thorough study and weighing of the evidence both of the prosecution and the defense, rendered a decision, the dispositive portion of which reads:

**"WHEREFORE,** the prosecution evidence having established the guilt of the above named accused **AUGUSTO BUENVIAJE y REYES ALIAS "TITO"** beyond reasonable doubt, he is hereby sentenced to suffer the penalty of RECLUSION PERPETUA, to indemnify the private complainant Jenneth Bachao moral damages in the sum of P300,000.00 and accused is further ordered to pay costs."<sup>[14]</sup>

On May 8, 1997, accused filed a notice of appeal.<sup>[15]</sup>