

SECOND DIVISION

[G.R. No. 111708, February 20, 1996]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
FLORENCIO DEL PRADO, DEFENDANT-APPELLANT.**

D E C I S I O N

ROMERO, J.:

A bicycle is generally regarded as a safe means of conveyance but to 17-year old Leonora L. Patillas, her brother's bike proved to be an instrument of disaster insofar as her virtue was concerned.

On the night of November 16, 1989, at around 7:30, Leonora went out on her brother Armando's bicycle for a fun ride at a nearby parking lot (which also served as a makeshift basketball court) at Dagat-Dagatan, Navotas, Metro Manila. On her way home, she rested for a while at Lapu-lapu Martiniko Street. Suddenly, she felt someone ride behind her. Looking back, she saw it was one of their neighbors, accused-appellant Florencio del Prado. The man poked a fan knife at her waist and told her to continue biking. Leonora fearfully pedalled away with del Prado standing behind her on "a protruding center belt at the rear of the bicycle,"^[1] holding on to her while jabbing the knife at her side.

Upon reaching Dagat-Dagatan Avenue at around 8:00 o'clock, del Prado dragged Leonora to a dark, cogon grass-covered vacant lot beside the Chinese Temple in Kalookan City. The nearest houses were about ten to twenty meters away. He ordered her to undress, which she refused even though her very life was in peril. This defiance prompted del Prado to hit her stomach and thighs, thus, immobilizing her. With Leonora weakened, Del Prado was able to remove her shirt, pull off her bra, kiss her neck, and push her to the grassy ground. Her efforts to fend him off proved inadequate, and he continued to kiss her and even managed to pull down her shorts and panty.

Thereafter, Del Prado himself stripped, then mounted the naked girl and inserted his manhood into her genitals, all the time threatening her not to resist. A soft whimper was all she could utter amidst this assault on her virtue. After three minutes, and his lust satisfied, del Prado stood up and reminded Leonora to keep the incident to herself; otherwise, he might be forced to kill her and the members of her family. When del Prado had left, Leonora stayed immobilized in the same spot for about twenty minutes due to body pains. Consumed by a feeling of general weakness, she had no strength to ride and had to tow the bicycle home.

In December of that year, Leonora confided to her visiting sister Maritess about the incident of November 16. Maritess was already married and no longer living with them at the time. It was only on March 12, 1990, however, that their mother Beatriz, who was asthmatic and had a heart ailment, learned of her younger

daughter's fate. Beatriz immediately reported the matter to the Kalookan Police and brought Leonora to the National Bureau of Investigation for examination.

After examining Leonora on March 13, 1990, NBI Medico-Legal Officer Alberto Reyes found that she had healed hymenal lacerations in her genitals. He also said that it was possible for her to have been raped in November 1989.

Thus, Del Prado was charged with rape in a complaint dated July 25, 1990. When arraigned on August 6, 1991, he entered a plea of not guilty. He denied all the accusations against him and claimed that Leonora was his sweetheart whom he met sometime in September 1989 at a public plaza affair. He claimed that he courted her and made her his girlfriend that very day.

On the date and time in question, he was watching television at home when invited by Leonora for a bicycle ride. Riding in tandem, del Prado drove the bicycle towards a tricycle parking lot where they spent some time. When they returned home at around 8:00 o'clock p.m., Beatriz was already waiting for them. Apparently angered by her daughter's leaving without her permission, Beatriz slapped and pulled Leonora inside their house.

The following day, November 17, 1989, Leonora again went to the del Prado residence, a mere three houses away, to set a date for a movie. At 1:00 o'clock in the afternoon of November 19, they met at Letre, then proceeded to the Gotesco Theater where they watched a local film entitled, "Masikip ang Langit sa Lupa." After the movie, they proceeded to the Abonce Hotel in Doroteo Jose where they checked in to satisfy their sexual desires. For a "short time" of two hours, he paid P20.00 to the hotelkeeper.

He continued his narration to say that Leonora spent New Year's Eve with their family and, together, they went to a neighbor's house where they stayed until 2:00 o'clock in the morning of the first day of 1990. Although they had informally broken up by December 1989, Leonora would still drop by their house and, on February 19, 1990, greeted him on his birthday. That was their last meeting.

He added that the case against him was filed upon the instance of Leonora's brother-in-law, Renato. On a lot owned by Beatriz, Renato had built a house which he wanted to sell but this was objected to by his mother-in-law. Renato asked Beatriz to reimburse his expenses in the amount of P30,000.00 which, unfortunately, she did not have. The complaint for rape was contrived for the sole purpose of extorting money from the del Prados, so that Renato may be paid and thus put an end to their family squabble.

Del Prado presented several witnesses - his mother, some family friends, and an itinerant fish vendor to corroborate his tale about seeing a movie with Leonora on November 19, 1989 and being together at a neighbor's house on New Year's eve. Several of the said witnesses also testified that Leonora was often seen at the del Prado residence. In other words, he sought to bolster his claim that Leonora was his sweetheart whom he, therefore, did not have to coerce into sexual submission.

In rebuttal, Beatriz testified that del Prado's mother Pacencia sought the dropping of the complaint sometime in April 1990 by offering marriage^[2] and money, both of which were refused by her and Leonora.