Supreme Court E-Library



**FIRST DIVISION**

[G.R. No. 133003. April 9, 2003]

**PEOPLE OF THE PHILIPPINES,** *plaintiff-appellee, vs.* **LAWRENCE MACAPANPAN *y* DE GUZMAN and AIROLL ACLAN *y* MENDOZA,** *accused-appellants.*

**SYNOPSIS**

Pauline Pacurib 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 accused-appellants herein. After the filing of the information the case then proceeded to trial. The defense version of the story, however, was a sordid narrative of fatal attraction and unrequited love. It painted 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. After trial, the Regional Trial Court found both accused guilty as charged and accordingly rendered judgment against them. Lawrence was sentenced to *reclusion perpetua*, while Airoll, being a minor, was sentenced to an indeterminate sentence. Both accused appealed their case.

According to the Supreme Court, in a prosecution for rape, the complainant's credibility becomes the single most important issue. In the case at bar, while there were several persons present at the time of the alleged rape, the court *a quo* relied heavily, if not entirely, on her testimony. A review, however, of the records of the case will show that the testimony of the complaining witness was flawed with serious inconsistencies, contradictions and incredulous statements. The numerous inconsistencies in the testimony of the private complainant created reasonable doubt. In view thereof, the presumption of innocence in favor of the accused-appellants was upheld considering that the evidence at hand fell short of the quantum of proof required to support a conviction. The accused-appellants were acquitted on the ground of reasonable doubt.

Supreme Court E-Library



## SYLLABUS

1. **CRIMINAL LAW; RAPE; SETTLED PRINCIPLES WHICH GUIDED THE COURT IN REVIEWING CHARGES THEREOF.**— In a litany of cases, we have held that in reviewing charges of rape, we are guided by the settled principles that: (a) an accusation for rape can be made with facility; while the commission of the crime may not be easy to prove, it becomes even more difficult for the person accused, although innocent, to disprove; (b) in view of the intrinsic nature of the crime of rape where only two persons are normally involved, the testimony of the complainant must always be scrutinized with great caution; (c) the evidence for the prosecution must stand or fall on its own merits and can not be allowed to draw strength from the weakness of the evidence of the defense. Thus, in a prosecution for rape, the complainant's credibility becomes the single most important issue.

2. **ID.; ID.; CONVICTION THEREOF MUST BE SUPPORTED BY PROOF BEYOND REASONABLE DOUBT; RATIONALE.**— A conviction in a criminal case must be supported by proof beyond reasonable doubt, which means a moral certainty that the accused is guilty. The prosecution has failed to discharge its burden of establishing with moral certainty the truthfulness of the charge. To reiterate, the testimony of the offended party in crimes against chastity should not be received with precipitate credulity for the charge can easily be concocted. Courts should be wary of giving undue credibility to a claim of rape, especially where the sole evidence comes from an alleged victim whose charge is not corroborated and whose conduct during and after the rape is open to conflicting interpretations. While judges ought to be cognizant of the anguish and the humiliation that a rape victim undergoes as she seeks justice, they should equally bear in mind that their responsibility is to render justice based on the law.

## APPEARANCES OF COUNSEL

*The Solicitor General* for plaintiff-appellee.
*Josefina Cambel-Castillo* for accused-appellant Macapanpan.

Supreme Court E-Library



## DECISION

**YNARES-SANTIAGO, *J.*:**

The peculiar nature of rape is that conviction or acquittal depends almost entirely upon the word of the private complainant[1] 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.[2] 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.[3] 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,[4] it must be received with utmost caution.[5] It is then incumbent upon the trial court to be very scrupulous in ascertaining the credibility of 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.[6]

Pauline Pacurib 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

---

[1] *People v. Alitagtag*, 309 SCRA 325 (1999).

[2] *People v. Baltazar*, 329 SCRA 378, 386 (2000), citing *People v. Sagun*, 303 SCRA 382, 392 (1999); *People v. Guzman*, 265 SCRA 228, 240 (1996) and *People v. Domingo*, 226 SCRA 156, 166 (1993).

[3] *People v. Dumaguing*, 340 SCRA 701 (2000).

[4] *People v. Gallo*, 284 SCRA 590 (1998), citing *People v. Rivera*, 242 SCRA 26 (1995).

[5] *People v. Babera*, 332 SCRA 257, 265 (2000).

[6] *People v. Alvario*, 275 SCRA 529 (1997), citing *People v. Godoy*, 250 SCRA 676 (1995).

Supreme Court E-Library



Macapanpan *y* De Guzman and Airoll Aclan *y* Mendoza in an Information[7] 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 Pauline A. Pacurib 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.[8] 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 Pauline Pacurib, as moral damages the sum of ₱50,000.00 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

---

[7] Record, p. 103.

[8] *Ibid.*, p. 112.

Supreme Court E-Library



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 PAULINE PACURIB;

II

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

III

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

IV

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

V

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

VI

THE TRIAL COURT ERRED WHEN IT FAILED TO HOLD THAT COMPLAINANT PAULINE PACURIB'S MOTHER EXERTED PRESSURE ON HER (PAULINE PACURIB) 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 PAULINE PACURIB;

Supreme Court E-Library



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 PAULINE PACURIB;

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 Pauline Pacurib 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

Supreme Court E-Library



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. Pauline 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

Supreme Court E-Library



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. SPOI 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.[9]

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

---

[9] *Rollo*, pp. 73-75.

Supreme Court E-Library



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, Pauline Pacurib went to the store of Katrina "Jingle" Kaharian and informed her that she was promoted. Pauline 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.

As promised, Pauline arrived at Jingle's house at 7:00 p.m. of February 9, 1996, ate supper, left money to buy two small bottles of gin and proceeded to the hut with Jingle and accused-appellant Airoll Aclan. At the hut, they found Arvin Mapagdalita, Benny Liza "Ise" Aclan, Necy Adarlo, Desiderio "Jay" Salem, Dante Pendon, Eman Macapanpan and Robert "Bobet" Entienza. Accused-appellant Lawrence "Oyen" Macapanpan and Jojo Martinez arrived later.

The group sang, conversed and drank gin. Accused-appellant Macapanpan joined in the singing but did not drink. Arvin Mapagdalita sang a song with Ise Aclan. Before they could finish their song, Pauline suddenly blurted out, "*Makakarma rin kayo, makakarma ka Arvin.*" It appeared that she liked Arvin and was jealous because his attention was drawn to Ise.[10] She got hysterical, so Airoll Aclan and Jay Salem restrained her. Jingle asked her to stop struggling and, when she refused, she slapped her on the face once or twice. Jay Salem asked her to sit on the bed. To avoid any further incident, Arvin and Ise went outside the hut.

Accused-appellant Lawrence Macapanpan was near the door when the commotion occurred. Pauline smiled at him,

---

[10] Locally described as "*nagwawala.*"

Supreme Court E-Library



approached him and kissed him on the right cheek. Lawrence distanced himself from Pauline and went to the sink to wash his face. Pauline reeked of liquor. Lawrence then sat on the long bench near the door. Pauline sat beside him and told him that all the members of the Jingle's group, called the *Restback*, were all rude while he was kind. She asked him if he is a member of the *Restback*, that if he and Arvin are cousins and whether he can bring her closer to Arvin. Lawrence replied that if Arvin does not love her, he can not do anything Complainant returned to bed and slept together with Jingle and Nesy. Lawrence reclined on the bench and slept for around thirty minutes. When he woke up, he saw Airoll Aclan, Jay Salem, Jingle Kaharian and Necy Adarlo lying in bed talking to each other.

Bobet Entienza and Eman Macapanpan left at around 10:00 p.m., while Ise Aclan, Arvin Mapagdalita, Dante Pendon and Jojo Martinez left at 1:00 a.m. Jay Salem, Necy Adarlo, Jingle Kaharian, accused-appellant Lawrence Macapanpan and complainant Pauline Pacurib were left behind. At around 5:00 a.m., Pauline and Necy left the hut while Jay Salem and Lawrence Macapanpan stayed behind.

Pauline Pacurib went to the house of Jingle Kaharian and slept beside her. Later she talked to the sister of Jingle. She told her that the members of the *Restbacks* were all rude and only accused-appellant Lawrence Macapanpan was kind. She denounced her love for Arvin Mapagdalita and tore up his picture. She wrote a letter to Jingle apologizing for her behavior the night before, and handed it to her when she woke up. Pauline then left Jingle's house at 7:30 a.m. together with Jingle's sister, Shana, and went home to Paete.

At around 10:00 a.m. of February 11, 1996, while accused-appellant Lawrence Macapanpan was at Burgos Street, Pakil, Laguna, talking with Bobet Entienza and Arvin Mapagdalita, Pauline called him. She asked him where she got the hematoma on her neck. He told her that he did not know how she got it. After the conversation, they parted.

Supreme Court E-Library



In the afternoon of February 11, 1996, Lawrence Macapanpan celebrated his birthday at his house in Burgos Street, Pakil, Laguna. The *Restback* group was there, together with Pauline. During the party, they learned that Necy Adarlo was investigated by the police in connection with a case Pauline was intending to file against all those who were present at the hut on February 9, 1996. Pauline confirmed this and said the complaint was not yet finished. She told them that she was filing the case upon instructions of her mother, however, she was having second thoughts about filing the same. Later, she was fetched by her mother and aunt.

The following morning, Lawrence and his friends went to the municipal building to find out if the case was filed by Pauline against them. However, they were unable to talk to the police investigator. The group then went home. On February 13, 1996, the two accused were served with a warrant for their arrest and were incarcerated.

In a litany of cases,[11] we have held that in reviewing charges of rape, we are guided by the settled principles that: (a) an accusation for rape can be made with facility; while the commission of the crime may not be easy to prove, it becomes even more difficult for the person accused, although innocent, to disprove; (b) in view of the intrinsic nature of the crime of rape where only two persons are normally involved, the testimony of the complainant must always be scrutinized with great caution;[12] (c) the evidence for the prosecution must stand or

---

[11] *People v. Caiñgat*, G.R. No. 137963, 6 February 2002; *People v. Pajarillo*, G.R. Nos. 143755-58, 20 February 2002, citing *People v. Florendo*, 230 SCRA 599 (1994); *People v. Wilfredo Matugas*, G.R. Nos. 139698-726, 20 February 2002, citing *People v. Panique*, 316 SCRA 757 (1999); *People v. Mahinay*, 302 SCRA 455 (1999); *People v. Manansala*, 273 SCRA 512 (1997); *People v. Godoy*, 250 SCRA 676 (1995); *People v. Sanchez*, 250 SCRA 14 (1995); *People v. Teves*, 246 SCRA 236 (1995); *People v. Tacipit*, *infra*; *People v. Bryan Ferdinand Dy, et al.*, G.R. Nos. 115236-37, 29 January 2002, citing *People v. Belga*, 349 SCRA 378 [2001]; *People v. Albior*, 352 SCRA 35, 41-42 [2001]; *People v. Painitan*, 349 SCRA 266, 279 [2001].

[12] *People v. Mijano*, 311 SCRA 81 [1999].

Supreme Court E-Library



fall on its own merits and can not be allowed to draw strength from the weakness of the evidence of the defense.[13] Thus, in a prosecution for rape, the complainant's credibility becomes the single most important issue.[14]

In the case at bar, while there were several persons present at the time of the alleged rape, the court *a quo* relied heavily, if not entirely, on her testimony. A review, however, of the records of the case will show that the testimony of the complaining witness is flawed with serious inconsistencies, contradictions and incredulous statements.

*First*, the narration of the manner in which accused-appellant Macapanpan allegedly ravished complainant strains credulity. She was allegedly raped in a standing position by Macapanpan while she was being held from behind by Airoll Aclan. She declared that at the time of the alleged rape she was very dizzy[15] from the gin she drank,[16] and continuously sagged to the ground. It must be noted in this regard that private complainant, Lawrence Macapanpan and Airoll Aclan are almost the same height,[17] and on account of her alleged intoxication she presented a dead weight to Airoll Aclan who was merely a stripling of sixteen years at the time.[18]

Attempting penile penetration, much less consummating the sexual act under such circumstances, would be next to impossible considering complainant's drunken state as a result of which she kept falling to the ground and had to be held up. Indeed, the paucity of complainant's claim that accused-appellant

---

[13] *People v. Mariano*, 345 SCRA 1 (2000); *People v. Tacipit*, 242 SCRA 241 (1995).

[14] *People v. Babera*, 332 SCRA 257, 265 (2000), citing *People v. Dacoba*, 289 SCRA 265 [1998] and *People v. Gagto*, 253 SCRA 455 (1996).

[15] TSN, 20 March 1996, p. 24.

[16] *Ibid.*, p. 17.

[17] TSN, 15 May 1996, pp. 12-14.

[18] *Ibid.*, p. 12.

Supreme Court E-Library



Macapanpan had carnal knowledge of her is best demonstrated by no less than her own narrative, where she declared that both accused-appellants had difficulty in perpetrating the act because Aclan had a hard time spreading her thighs in that position:[19]

Atty. Gambel:
Q You want to impress the Court that Airoll was pushing your legs apart?

Interpreter:
Witness stand up and place herself in front of the Interpreter and demonstrated how things happened. Witness stated that Airoll was pushing forward her buttock[s] and with Airoll Aclan's legs leg trying to separate her legs.

Atty. Gambel:
Q On that point and time, where was your pants?
A It fell down.

Q By itself?
A Yes, because the pants I was wearing was soft.

Q How about the panty, it fell down by itself despite the garter?
A I don't remember but I am sure it fell down.

Q And both your legs were being spread out by Airoll Aclan while behind pushing you?
A *Actually, he was not able to do that very well because on that moment I was very weak and I was "**napapababa**".*

Q It was your leg and not your thigh that Airoll was trying to allegedly open up?
A Yes, here.

Interpreter:
Witness pointing to her thigh about 2 to 3 inches above the knee.

Atty. Gambel:
Q How wide upon (*sic*) was your thigh opened?
A I did not notice mam because my attention was to retaliate but I could not do so.

---

[19] *Id.*, p. 17-21.

Supreme Court E-Library



Q How did you retaliate or fight back?
A When I was being held by Airoll Aclan, I tried to struggle. (emphasis ours)[20]

*Second*, complainant alleges that she got the "kiss mark" or hematoma on her neck from Airoll Aclan who supposedly held her from behind. This claim is, however, belied by prosecution witness Necy Adarlo who owned up to inflicting the hematoma because she was "*nanggigil*" at complainant:

Atty. Castillo:
Q During the last hearing, you stated that you did not see Lawrence Macapanpan raped the complainant Pauline Pacurib, now, complainant Pauline Pacurib when she testified before this Court likewise stated that Lawrence Macapanpan kissed her or gave her [a] kiss mark on the left side of her neck, can you tell the court if at any time you saw Lawrence Macapanpan kissed Pauline Pacurib on the neck?
A ***No, ma'am.***

Q ***Now, do you know who made the kiss mark on the neck of Pauline Pacurib?***
A ***Yes, ma'am.***

Q ***Who made the kiss mark on the neck of Pauline Pacurib?***
A ***I, ma'am.***

Q *Can you tell the Court the circumstance that led to your putting the kiss mark to Pauline Pacurib?*
A ***We were just joking, I was not aware that she was being called as "Aswang" and considering that at that time I was "bungi" she called me "Bampira."***

*Q* What happened?
*A* *"Pinanggigilan ko po siya."*

*Q* And when you said *"pinaggigilan ko po siya,"* what did you do to Pauline Pacurib?
*A* ***I whispered to her and I do not know what transpired next, I just placed my lips on her neck.***

---

[20] *Id.*, pp. 16-18.

Supreme Court E-Library



Q Did Pauline Pacurib object to your kissing of your lips to her neck?
A She was surprised, ma'am.

Q How long did you place your lips to Pauline's neck?
A For just a while, ma'am.

Q And at that time you do not have front teeth and you were "*bungi*"?

A Yes, ma'am. (emphasis ours)[21]

*Third*, most damning of all to complainant's claims of alleged rape was Adarlo's assertion that Macapanpan and Airoll Aclan never sexually assaulted complainant on that fateful night:

Q ***Did you see at any time during that occasion, did you see Lawrence Macapanpan sexually assaulting this Pauline Pacurib?***
A ***No, ma'am.***

Q ***Did you ever see the two of them doing the sexual act standing up?***
A ***No, ma'am.***

Q ***Did you see Pauline Pacurib at anytime during that period with her pants down?***
A ***No, ma'am.***

Q ***Did you see Lawrence Macapanpan at anytime with his pants down?***
A ***No, Ma'am.***

Q ***During that evening of February 9, 1996 until the early morning of February 10, 1996 did you see any sexual assault by Lawrence Macapanpan with the help of Airoll Aclan against this Pauline Pacurib?***
A ***No, ma'am. (emphasis ours)***[22]

---

[21] TSN, 14 November 1996, pp. 3-4.

[22] TSN, 19 September 1996, pp. 24-25.

Supreme Court E-Library



*Fourth*, while it has been held that lust is no respecter of time and place and rape can be committed in the unlikeliest of places,[23] this rule finds no application in this case where the alleged rape occurred in a closely-confined room measuring 3.14 by 3.14 square meters occupied by *twelve* (12) persons, most of whom were awake. Thus, any of these persons would have noticed anything untoward from the time private complainant arrived up to the time she left the next day. While these occupants differ as to small details in their narration of what transpired on February 9, 1996, their testimonies agree on the material point that *no* such event happened other than that incident where private complainant got hysterical after a couple of shots of gin and had to be slapped by Jingle Kaharian to pacify her.[24]

*Fifth*, it has been shown that unfounded charges of rape have frequently been proffered by women actuated by sinister, ulterior or undisclosed motives.[25] In the case at bar, it appears that private complainant's failure to satisfactorily explain to her parents the presence of the hematoma on her neck incurred the ire of her mother.[26] Hence, although she intended to withdraw the complaint she had filed,[27] she could not do so because "*napasubo na sila.*"[28] Particularly revealing in this regard is the testimony of Francisco "Kokoy" Vito:

Atty. Fortuno:
Q Mr. Witness, last February 5, where were you?
A I was in the library of the Eastern Laguna Colleges.

Q What were you doing there?
A I was talking with Pauline Pacurib.

---

[23] *People v. Alcartado*, 337 SCRA 701 [2000].

[24] TSN, 4 December 1996, pp. 14-17; 16 December 1996, pp. 9-11; 29 January 1997, pp. 27–32; 6 March 1997, pp. 5-8; 10 April 1997, p. 8; 21 May 1997, pp. 4-6, 10-12; 28 May 1997, pp. 10-12.

[25] *U.S. v. Ramos*, 35 Phil. 671, 677 [1916].

[26] TSN, 22 January 1997, pp. 7-8.

[27] *Ibid.*, p. 9.

[28] *Id.*, p. 10.

Supreme Court E-Library



Q What was the topic of your conversation?

Asst. Prov. Prosecutor Zayenis:
At this juncture, your Honor, may we know the materiality of the question?

Court
May answer.

A We were talking on what she wants regarding the case of Lawrence Macapanpan.

Q What did she say?
A ***She admitted to that somebody else "gumalaw sa kanya" but it was not Lawrence Macapanpan.***

Q *So if it was not Lawrence Macapanpan who used her or "gumalaw sa kanya," why did she file the crime of rape against Lawrence Macapanpan?*
A ***She told me the reason why she filed a complaint against Lawrence Macapanpan is because when she woke up in the morning, it was only Lawrence Macapanpan which (sic) she saw.***

Q So it means that when you say morning, morning of that date?
A February 10, 1996.

Q So you are referring to the incident?
A Yes, Sir.

Q *Did she mention the name of the person who used her?*
A *No, according to her she does not know that man.*

Q Other than that previous conversation, were there any other else (*sic*) that she discussed with you?
A *I inquired from her what she really wants with the case and* ***she admitted to me that it was not Lawrence Macapanpan*** *and I pitied very much Lawrence Macapanpan.*

Q *Did she say anything to that question of yours since according to you the complainant told you that Lawrence Macapanpan did not commit the crime of rape, did the complainant answer your question?*
A ***She told me they were planning to withdraw the case but they overheard from somebody that a case will also be filed against them if the charge filed by them will be dismissed.***

Supreme Court E-Library



Q *Other than that were there other else (sic) as told to you by the complainant?*

A ***She told me her conscience was bothering her.*** **(emphasis ours)**[29]

Furthermore, it appears that that complainant harbored an unrequited love for Arvin Mapagdalita,[30] cousin of accused-appellant Macapanpan. She admitted as much to Necy Adarlo.[31] She even requested Macapanpan to act as "bridge" for her to get Mapagdalita's attention.[32] In fact, complainant dropped not so subtle hints about her feelings to Mapagdalita in several letters and cards [33] she sent to the latter. The most revealing of these was a Christmas Card[34] dated December 25, 1995 where, aside from an enclosed typewritten Christmas greeting,[35] was a handwritten note[36] which reads:

Arvin,

I'm still here for you! Forget all the bad things but always remember all the nice things the will happened (*sic*) to us . . . !

Remember this

It seems like we almost never
Have the chance to get together
But when we finally do
I really "enjoy" it so much.

I guess that's what makes you such a special person.

---

[29] TSN, 20 March 1997, pp. 5-7.

[30] TSN, 29 January 1997, p. 8.

[31] TSN, 12 September 1996, p. 28.

[32] TSN, 6 June 1997, p. 12, 28–29; 9 June 1997, pp. 28-29.

[33] Exhibits 1, 2, 3 and 4.

[34] Exhibit 1.

[35] Exhibit 1-B.

[36] Exhibit 1-C.

Supreme Court E-Library



You understand it's not the quantity but the quality of time we spend together . . .

(sgd.) Pauline

Most telling of all was the unmistakable declaration[37] she scrawled at the back of the first page of the greeting card itself:

Arvin,

I LOVE YOU

ENILUAP

However, as shown by the records, Mapagdalita had eyes only for Benny Liza "*Ise*" Aclan, sister of Airoll Aclan. Complainant apparently sought the cooperation of Mapagdalita's group, the *Restbacks*, to convince him to like her. She also tried to ingratiate[38] herself to the group by hanging out with them, to no avail. Matters came to a head on that fateful night when, upon seeing Ise Aclan and Arvin Mapagdalita singing together, she blurted out in a fit of jealous pique "*Makakarma din kayo*!"[39] Thereafter, she went into hysterics and had to be pacified.

*Sixth*, the conduct of the victim immediately following the alleged sexual assault is of utmost importance in establishing the truth or falsity if the charge of rape.[40] In the case at bar, the actuations of complainant after the alleged rape is totally uncharacteristic of one who has been raped. It is contrary to normal human behavior for complainant to willingly go with Necy Adarlo, Jingle Kaharian and Ise Aclan to the birthday party of one of her supposed abusers two days after the alleged sexual assault.[41]

---

[37] Exhibit 1-A.

[38] TSN, 29 January 1997, p. 19.

[39] TSN, 16 December 1996, p. 10; 29 January 1997, pp. 27-29.

[40] *People v. Sapinoso*, 328 SCRA 649, 667 [2000]; *People v. Moreno*, 321 SCRA 334 [1999].

[41] TSN, 22 January 1997, pp. 8-10.

Supreme Court E-Library



It is also worth noting that upon awakening from her supposed drunken stupor the next morning and finding her alleged rapist still there with her and her two other friends, there was no reaction from her at all. There was neither anger nor hysterics of the kind she displayed the night before; nor was there any recrimination for the alleged sexual attack committed on her. Curiously, she also tarried at the *locus criminis* instead of hastily leaving the scene of her supposedly harrowing experience, although she woke up earlier than accused-appellant Macapanpan.[42] Indeed, it goes against the grain of human experience for a woman who has been robbed of her honor and chastity not to seize an opportunity to escape from the clutches of her malefactors.[43] Moreover, it is unusual that when she left the hut, she did not immediately seek the assistance of her friend and *kumadre*, Mercy "*Diday*" Manalansan, a Barangay Secretary who lived in Barangay Burgos. This circumstance only raises even more doubts on her claim of rape more so considering that there has been no showing that she was threatened by the group not to disclose the alleged incident.

*Seventh*, by the same token, it also is out of the ordinary for accused-appellant Macapanpan to remain in the hut up to the next day instead of immediately leaving to avoid reprisal for the rape he allegedly committed. As held in *People v. Licayan*,[44] the unexplained flight of the accused may as a general rule be taken as evidence of his guilt. The case at bar involves the converse situation. Instead of fleeing, accused-appellant was the last person to leave the hut with Jay Salem,[45] thirty minutes after complainant and Necy Adarlo left at 5:00 a.m.[46]

A conviction in a criminal case must be supported by proof beyond reasonable doubt, which means a moral certainty that

---

[42] TSN, 17 June 1997, p. 12.

[43] *People v. Malog*, 342 SCRA 620 [2000].

[44] G.R. No. 144422, 28 February 2002.

[45] *Ibid.*

[46] TSN, 9 June 1997, p. 15.

Supreme Court E-Library



the accused is guilty.[47] The prosecution has failed to discharge its burden of establishing with moral certainty the truthfulness of the charge.[48]

To reiterate, the testimony of the offended party in crimes against chastity should not be received with precipitate credulity for the charge can easily be concocted. Courts should be wary of giving undue credibility to a claim of rape, especially where the sole evidence comes from an alleged victim whose charge is not corroborated and whose conduct during and after the rape is open to conflicting interpretations.[49] While judges ought to be cognizant of the anguish and the humiliation that a rape victim undergoes as she seeks justice, they should equally bear in mind that their responsibility is to render justice based on the law.[50]

The numerous inconsistencies in the testimony of the private complainant have created reasonable doubt in our minds[51] In view of the foregoing considerations, the presumption of innocence in favor of accused-appellants must be upheld considering that the evidence at hand falls short of the quantum of proof to support a conviction.[52]

**WHEREFORE**, in view of the foregoing, the decision of the Regional Trial Court of Siniloan, Laguna, Branch 33, in Criminal Case No. S-1943, finding accused-appellants Lawrence Macapanpan *y* de Guzman and Airoll Aclan *y* Mendoza guilty beyond reasonable doubt of rape, is *REVERSED* and *SET ASIDE*. Lawrence Macapanpan *y* de Guzman and Airoll Aclan *y* Mendoza

---

[47] Section 2, Rule 133, Revised Rules on Evidence; *People v. Gil*, 284 SCRA 363 [1998].

[48] *People v. Bautista*, G.R. No. 123557, 4 February 2002.

[49] *People v. Medel*, 286 SCRA 567 [1998].

[50] *People v. Alvario*, 275 SCRA 529 [1997].

[51] *People v. Vidal*, 308 SCRA 1 [1999].

[52] *People v. Villaflores*, G.R. Nos. 135063-64, 5 December 2001, citing *People v. Bravo*, 318 SCRA 812 [1999].

Supreme Court E-Library



are *ACQUITTED* on the ground of reasonable doubt. Their immediate release from confinement is hereby ordered unless they are being detained for some other charge.

**SO ORDERED.**

*Davide, Jr., C.J. (Chairman), Vitug, Carpio,* and *Azcuna, JJ .,* concur.

---

**THIRD DIVISION**

[G.R. No. 141258. April 9, 2003]

**TOMASA SARMIENTO,** *petitioner, vs.* **SPS. LUIS & ROSE SUN-CABRIDO and MARIA LOURDES SUN,** *respondents.*

**SYNOPSIS**

The controversy herein arose when a piece of diamond was broken by Zenon Santos, an employee at the jewelry shop, in the process of dismounting it from an original setting. The diamond was claimed to be .33 carat and almost perfect in cut and clarity. As a result of the incident, the petitioner herein was forced to replace the broken diamond to its owner in the amount of ₱30,000.00. The petitioner filed a complaint for damages with the Metropolitan Trial Court in Cities (MTCC) and claimed that the dismounting of the diamond from its original setting was part of the obligation assumed by the respondents under the contract of service, the respondent spouses being the owner of the jewelry shop and the other respondent their employee. Thus, they should be held liable for the damages arising from its breakage. The MTCC decided in favor of the petitioner herein. But on appeal, the Regional Trial Court (RTC) reversed the decision; thus absolving the respondents of any responsibility arising from breach of contract. The Court of