



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 219243
Plaintiff-Appellee,

Present:

-versus-

LEONEN, J., *Chairperson*,
HERNANDO,
INTING,
DELOS SANTOS, and
ROSARIO, JJ.

ANTONIO PINGOL @ ANTON,
Accused-Appellant.

Promulgated:
November 4, 2020

Mis-Proc-Batt

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DECISION

LEONEN, J.:

An accused's bare invocation of the sweetheart defense can never suffice without proof establishing the purported romantic relationship with the victim.

This Court resolves an appeal¹ assailing the Decision² of the Court of Appeals, which affirmed with modifications the Regional Trial Court Judgment³ ruling that Antonio Pingol @ "Anton" (Pingol) was guilty beyond reasonable doubt of forcible abduction with rape.

¹ *Rollo*, pp. 21-23, Notice of Appeal.

² *Id.* at pp. 2-20, The July 25, 2014 Decision in CA-G.R. CR-HC No. 05130 was penned by Associate Justice Pedro B. Corales and concurred in by Associate Justices Sesonando Villon and Florito S. Macalino of the Fifteenth Division of the Court of Appeals, Manila.

³ *CA rollo*, pp. 15-82. The January 27, 2011 Judgment in Criminal Case No. 10733-B was penned by Presiding Judge Marino E. Rubia of the Regional Trial Court of Biñan, Laguna, Branch 24.

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Private complainant AAA⁴ and Pingol were co-workers at ██████,⁵ a service provider for the ██████⁶ in Laguna.⁷

On August 23, 1999, an Information for forcible abduction with rape pursuant to Article 48 in relation to Articles 335⁸ (now Art. 266-A) and 342 of the Revised Penal Code was filed against Pingol, the accusatory portion of which reads:

That on or about January 29, 1999 in the Municipality of ██████, Province of Laguna, Philippines and within the jurisdiction of this Honorable Court, accused Antonio Pingol alias “Anton” with intent to satisfy his lust by means of force, violence and intimidation, and with the use of a White Nissan Sentra bearing Plate No. PNB-897 and registered in the name of Carlo Guanzon, did then and there willfully, unlawfully and feloniously abduct, take and carry away [AAA] from her home at Brgy. ██████, Laguna by means of deceit, and pretense of bringing her to Canlubang, Laguna where she is working succeeded in forcibly bringing her in a motel somewhere in Pampanga, did then and there feloniously, willfully and unlawfully and by means of force, violence and intimidation have sexual intercourse with her against her will and consent, to her damage and prejudice.

CONTRARY TO LAW.⁹

Pingol was apprehended on September 17, 1999.¹⁰ On arraignment, Pingol pleaded not guilty plea to the crime charged. Pursuant to his urgent motion for bail, trial on the merits immediately followed.¹¹

The prosecution presented the following witnesses: AAA;¹² her mother BBB;¹³ Dr. Soledad Rosanna C. Cunanan (Dr. Cunanan), the municipal health

⁴ In view of Supreme Court Amended Administrative Circular No. 83-15 (2017), the real names of victims and other information that would establish their identity was either withheld or replaced with fictitious names.

⁵ In the Brief submitted by accused-appellant (CA rollo, p. 107), it was mentioned that he was a steel-man at ██████, a construction company which has a “wastewater facility installation project at the ██████ at Canlubang, Laguna.” However, in the Brief submitted by appellee (CA rollo, p. 178), it was stated that SDIC is an agency which provides medical services to companies.

⁶ Rollo, p. 3, CA Decision.

⁷ CA rollo, p. 17, RTC Decision.

⁸ See Republic Act No. 7659 (1993), sec. 11, Death Penalty Law.

ARTICLE 335. *When and how rape is committed.* — Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

1. By using force or intimidation;
2. When the woman is deprived of reason or otherwise unconscious; and
3. When the woman is under twelve years of age or is demented.

The crime of rape shall be punished by *reclusion perpetua*. . . (Emphasis supplied)

⁹ CA rollo, pp.15–16.

¹⁰ Rollo, p. 5.

¹¹ Id. at 16.

¹² Id.

¹³ Id. at 75.

officer;¹⁴ Barangay Captain Adriano Camalit¹⁵ (Barangay Captain Camalit);¹⁶ and AAA's uncles, CCC¹⁷ and Atty. DDD.¹⁸

Their statements corroborated the following account of events:

AAA testified that Pingol, at about 4:00 p.m. on January 29, 1999, called to say that he would fetch her¹⁹ at her house.²⁰ She declined, but Pingol insisted and explained that their supervisor, Engineer Mañalac, assented to the use of the company car.²¹

Pingol arrived at around 7:45 p.m.²² AAA thought that, under the direction of Engineer Mañalac, she would be brought to their workplace.²³ They left the house at about 8:30 p.m.²⁴

While on their way, AAA asked why they were taking a different route. Pingol responded that Engineer Mañalac allegedly needed to use the car. While nearing South Luzon Expressway, however, he suddenly detoured to Manila on the pretense that he would be meeting someone.²⁵ AAA then asked Pingol to just drop her off along the way, or to instead bring her back home. Her words fell on deaf ears as he merely continued driving. She cried and pleaded, but he only laughed it off and told her that they would be going to Pampanga since he loved her so.²⁶

At some point, Pingol dropped by his sister's house, leaving AAA in the car. She did not try to escape because he told her that they would be heading back to Laguna. Yet, as they moved along, he continued driving until AAA saw the "Welcome Pampanga" signage at around 2:00 a.m. the following day.²⁷

Soon they reached an enclosed compound with multiple apartments. Pingol parked the car in one of the garages. When the gate automatically closed, he forced AAA to get out of the car, but she refused. He then reclined her seat, mounted her, and kissed her. She could only move her head since his weight was pressing on her body. He then pulled down her pants, lifted her

¹⁴ CA rollo, p. 30.

¹⁵ He is the Barangay Captain of the place where AAA and her family are residing.

¹⁶ CA rollo, p. 37. In the RTC and CA Decisions, he was also referred to as Barangay Captain Adriano Camalig.

¹⁷ Id. at 41. His wife is the sister of BBB.

¹⁸ Id. at 53-54. He is BBB's brother.

¹⁹ Rollo, p. 5.

²⁰ CA rollo, p. 16.

²¹ Rollo, p. 5.

²² Id.

²³ CA rollo, p. 17.

²⁴ Rollo, p. 5.

²⁵ Id.

²⁶ CA rollo, p. 18.

²⁷ Rollo, pp. 5-6.

shirt and bra, caressed her breasts, and kissed her nipples. AAA pleaded for him to stop, but instead he held her left arm down while he removed his pants. With AAA fending him off, Pingol took time to insert his penis into her vagina, but as AAA soon became exhausted to fight, he finally succeeded. After that, he wiped her face with his shirt and drove out of the gate.²⁸

Pingol proceeded to the house of his siblings. Despite wanting to escape, AAA stayed inside the car as she was too weak to move, and because she was not familiar with the place.²⁹ AAA then remembered being in the house of Pingol's grandfather³⁰ at Barangay Pulong Masle in Guagua, Pampanga.³¹ When his relatives saw her crying, they invited her for breakfast, but she declined.³² When asked if she and Pingol were a couple, she said no. When Pingol's aunt asked her to sign a barangay blotter stating that she acquiesced to what had happened, she refused and told her that she would only do so if accompanied by a relative.³³

While in their house, Pingol's aunt received a call from Engineer Mañalac. The aunt passed the phone to AAA, who told Engineer Mañalac that she was merely brought there by Pingol and that she did not wish to be there. To this, Engineer Mañalac merely responded, "[P]ag-usapan na lang ninyo ang nangyari."³⁴ Later, a barangay official arrived with a handwritten paper captioned as barangay blotter.³⁵ Against her will and due to the insistence of Pingol's relatives, AAA acceded to sign it.³⁶

According to BBB, Pingol's mother called at around 9:00 a.m. on January 30, 1999 to say that AAA was in Pampanga with her son.³⁷ BBB asked if she could talk to her daughter, but Pingol's mother merely assured her that everything was fine and that they would bring AAA back home.³⁸ Worried, BBB asked help from her brother Atty. DDD³⁹ and her brother-in-law, DDD.⁴⁰

DDD testified that they went to the office of their barangay captain to report the incident and have it recorded in the blotter.⁴¹ Atty. DDD added that together with other relatives, they also went to AAA's workplace and were able to procure a sketch of her location from their supervisor.⁴² As BBB was

²⁸ Id. at 6.

²⁹ Id.

³⁰ CA rollo, p. 19.

³¹ Id. at 38.

³² Id. at 19.

³³ Id. at 21-22.

³⁴ Id. at 22.

³⁵ Rollo, p. 6.

³⁶ CA rollo, p. 22.

³⁷ Id. at 75.

³⁸ Id. at 78.

³⁹ Rollo, p. 6.

⁴⁰ CA rollo, p. 41.

⁴¹ Id.

⁴² Id. at 54-55.

being hysterical,⁴³ only DDD, Atty. DDD, Barangay Captain Camalit, and other barangay officials proceeded to Pulong Masle on board the patrol car.⁴⁴

Barangay Captain Camalit testified that they asked help from the barangay captain of Pulong Masle. It took them a while before they found AAA, who was crying and appeared terrified.⁴⁵ Initially, Pingol's relatives refused to let AAA go as they feared what would happen,⁴⁶ and insisted that she should just go back with them to Laguna the following day.⁴⁷

Dr. Cunanan⁴⁸ conducted AAA's examination.⁴⁹ Based on her findings, AAA's "hymen had a deep-healing laceration at 7'o clock position and an erythematous abrasion of the posterior fourchette, the posterior vulvar area."⁵⁰ In her opinion, the laceration was caused by a force in the genital organ which might have happened within 24 to 48 hours.⁵¹ She also remembered executing another medical report on AAA's physical injuries where she noted some abrasions on her extremities.⁵²

AAA denied having a relationship with Pingol and clarified that they have only known each other for a month. Nevertheless, she admitted on cross-examination that before the incident, she ate with him at least twice after her shift. There was also a time when the company car broke down on their way to work, which prompted Pingol to park at a gas station close to Calesa Café.⁵³ She recalled staying with him inside the car until 5:00 a.m. the next day and going home just to change her clothes, then going back with Pingol to explain to Engineer Mañalac that the car's engine was damaged.⁵⁴

AAA also clarified that all throughout the ride on the day of the incident, she remained mum despite stopping at toll stations since, allegedly, no one was manning the booths. She added that no one was in the motel Pingol brought her to.⁵⁵

According to BBB, it was Engineer Mañalac who would usually bring her daughter to work. She only saw Pingol once on January 29, 1999 when he fetched AAA at their house, and denied that there had been courtship

⁴³ Id. at 77.

⁴⁴ Id. at 43-48. In his testimony, DDD specified that when they went to Pampanga, they were accompanied by their Barangay Captain and his driver, as well as two unnamed barangay tanods and a civilian who was allegedly neither connected to him nor the barangay.

⁴⁵ Id. at 38-39.

⁴⁶ Id. at 39.

⁴⁷ Id. at 56.

⁴⁸ *Rollo*, p. 4. Dr. Cunanan examined AAA on February 1, 1999

⁴⁹ *CA rollo*, p. 30.

⁵⁰ *Rollo*, pp. 8 and 32.

⁵¹ Id. at 8. *See also* pp. 32-33.

⁵² *CA rollo*, p. 34.

⁵³ In the RTC Decision (*CA rollo*, p. 61), this is also referred to as "Kalesa Café."

⁵⁴ *Rollo*, p. 7.

⁵⁵ *Rollo*, p. 7.

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between the two.⁵⁶ When asked about AAA and Pingol spending the night in the car a few days before the incident, BBB claimed that AAA never brought up the matter to her.⁵⁷

On ocular inspection, the prosecutor perceived that the inside of the company car cannot be seen from the outside and the car's broken lock cannot be opened easily. When AAA was asked to show how the rape happened, she "sat at the right seat and moved it back to create space."⁵⁸

In the course of the proceedings, the trial court denied Pingol's petition for bail. Hence, the presentation of evidence-in-chief continued.⁵⁹

The defense, on the other hand, presented the following witnesses: Pingol; his sister Mary Luz Evangelista (Luz);⁶⁰ Barangay Pulong Masle Lupong Tagapamayapa member PO2 Serafin Dizon (Dizon);⁶¹ and Pingol's mother, Edelwina Pingol (Edelwina).⁶²

Pingol banked on the sweetheart theory, insisting that AAA was his girlfriend and that they intended to elope.⁶³ He courted her after they had been introduced on December 5, 1998⁶⁴ by a certain "Dina,"⁶⁵ AAA's co-nurse at SIDC.⁶⁶ He would allegedly pass by the company clinic before and after work. Pingol also recalled fetching her at home for around 15 to 20 times using the company car and having met BBB four times during his visits there. They eventually became a couple, but BBB was against it since she was "choosy."⁶⁷

Two to three days after December 25, 1998, he allegedly went with AAA to Calesa Café to discuss their relationship. They were not able to go home since the car engine would not start, so they spent the night in the car where they kissed and talked about intending to stay in Guagua, Pampanga.⁶⁸ Pingol added that they could not simply get married despite being of legal age⁶⁹ since BBB was against their relationship.⁷⁰

As planned, Pingol fetched AAA at home on January 29, 1999. While

⁵⁶ CA rollo, p. 75.

⁵⁷ Rollo, p. 7.

⁵⁸ Id. at 8.

⁵⁹ CA rollo, p. 52.

⁶⁰ Rollo, pp. 89.

⁶¹ CA rollo, p. 73.

⁶² Rollo, p. 9. In the RTC Decision (CA rollo, p. 73), she was also referred to as "Wilma Pingol."

⁶³ Id. at 8.

⁶⁴ Id.

⁶⁵ CA rollo, p. 58.

⁶⁶ Rollo, p. 8.

⁶⁷ Id.

⁶⁸ Id. at 9.

⁶⁹ In the RTC Decision (CA rollo, p. 63), Pingol claimed that he was then 23 while AAA was turning 23.

⁷⁰ Rollo, p. 9.

en route to Pampanga, they dropped by the houses of his sisters Luz and Carol in Novaliches and Ebus, Guagua to tell them about the elopement.⁷¹ Luz verified that the two went there at around midnight. She allegedly asked them to stay for the night, but AAA declined the offer since she wanted to go straight to Pampanga.⁷²

Pingol further narrated that when they reached Pampanga at around 7:00 a.m. on January 30, 2009, his mother advised them to inform AAA's parents about the elopement. Since they could not reach AAA's family over the phone, they called Engineer Mañalac instead and notified him of their location. Pingol said that they slept for a few hours, but nothing happened. It was later that day, between 1:00 p.m. and 4:00 p.m., when they allegedly engaged in the "usual activity" that a couple does.⁷³

According to Pingol, AAA even confirmed to the barangay officers of Pulong Masle that she freely went with him. The barangay officers, who similarly stood as their witnesses, prepared the blotter they duly signed. At about 4:00 p.m. that same day, his relatives⁷⁴ went to AAA's residence in Laguna. However, even before they reached their destination, they were told that AAA's relatives were already in Pampanga. On the pretense that AAA would be blamed in case something bad happens to her ailing mother and grandmother, AAA's relatives succeeded in bringing her home.⁷⁵

On cross-examination, Pingol posited that he did not know why AAA filed the case. He insisted that despite the barangay officials' advice, she allegedly signed the blotter even without her relatives. It was also revealed on cross-examination that the barangay captain is a distant relative of Pingol while Engineer Mañalac is his cousin.⁷⁶

Dizon testified that he prepared the blotter signed by Pingol and AAA. On cross-examination, he stated that no complaint was filed in his office, and that the incident was merely recorded in the barangay blotter per the request of Pingol's mother, Edelwina.⁷⁷

For her part, Edelwina testified that she went to the barangay for advice and invited them⁷⁸ in her house to discuss the matter with her son and AAA. She corroborated AAA's declaration before the barangay officials that she freely went with Pingol. As advised by the barangay, she called AAA's

⁷¹ Id.

⁷² CA rollo, p. 72.

⁷³ Rollo, p. 9.

⁷⁴ In the RTC Decision (CA rollo, p. 71), Pingol specified that his mother, his aunt Raquel, his aunt Viring and his uncle Domingo were the ones who went to AAA's house in Laguna.

⁷⁵ Rollo, pp. 9-10.

⁷⁶ Id. at 10.

⁷⁷ CA rollo, pp. 73-74.

⁷⁸ In Edelwina's testimony (CA rollo, p. 74), said barangay officers were Mr. Santos and Barangay Tanod Manalac.

mother and informed her about the situation. Edelwina left Pampanga for Laguna past 6:00 p.m., but turned back after being informed that AAA was already with her relatives. Edelwina went to AAA's place the following day, but she did not meet AAA's parents.⁷⁹

When Edelwina was asked to identify AAA in court, she responded that AAA was not present there. However, the prosecution was able to establish AAA's presence in the courtroom.⁸⁰

On January 27, 2011, the Regional Trial Court convicted⁸¹ Pingol after finding that all the elements of forcible abduction with rape⁸² were established. It explained that there was "constructive force" when AAA was made to believe that she would be brought to work for her 9:00 p.m. shift. Thus, the element of lewd design became manifest when Pingol began disregarding her pleas and when he later forced her to have sexual intercourse with him.⁸³

The trial court gave full faith and credence to AAA's testimony because apart from it being straightforward, the trial court found no improper motive for her to falsely testify against Pingol. It frowned upon Pingol's claim of elopement, noting that AAA would not have undergone the examination of her private part and the difficulties of trial if her contentions were untrue and "if she was not solely motivated by the desire to have the person responsible for he[r] defloration apprehended and punished."⁸⁴

The trial court considered the barangay blotter as proof of guilt on the part of Pingol and his relatives. It explained that if AAA indeed freely consented, there was no need to report the matter to the barangay. Besides, both of them were of legal age and in case they really did wish to marry, they could do so even without their parents' consent.⁸⁵

Finally, in the absence of compelling evidence, the trial court was not persuaded of Pingol's sweetheart theory. It held that such defense "does not rule out rape."⁸⁶ Even if the theory were true, the trial court ruled that "the relationship does not, by itself, establish consent for love is not a license for lust."⁸⁷ The dispositive portion of its Decision reads:

Wherefore, in the light of the foregoing, and pursuant to Art. 48 in

⁷⁹ CA *rollo*, pp. 74-75.

⁸⁰ Id. at 74.

⁸¹ Id. at 15-82. Based on the trial court's decision, the case was inherited from two previous presiding judges and the case was already raffled to their branch as early as September 3, 1999.

⁸² Id. at 81.

⁸³ Id. at 79-80.

⁸⁴ Id. at 81.

⁸⁵ Id.

⁸⁶ Id.

⁸⁷ Id.

relation to Articles 342 and 355 (now 266-A) of the Revised Penal Code, the herein accused i[s] found **GUILTY** of the crime of Forcible Abduction With Rape and he is hereby sentenced to suffer the penalty of *Reclusion Perpetua* and its accessory penalties.

Accused is likewise ordered to pay the victim the amount of Seventy-Five Thousand Pesos (P75,000.00) by way of compensatory damages, the amount of Two Hundred Thousand Pesos (P 200,000.00) by way of moral damages, and, the cost of suit.⁸⁸ (Emphasis in the original)

On appeal, Pingol assailed AAA's credibility and asserted that her version of the story was beyond ordinary human experience. He insisted on his sweetheart defense and maintained that she freely went with him. He also belabored AAA's passive actuations during their long trip to Pampanga and asserted lack of proof that there was force, threat, or intimidation.⁸⁹

On July 25, 2014, the Court of Appeals upheld⁹⁰ Pingol's conviction. It rejected his uncorroborated assertion of the sweetheart theory, pointing out that no co-employee, not even Engineer Mañalac, was presented to testify that he and AAA were indeed introduced by AAA's fellow nurse and that he was a frequent visitor in the company clinic.⁹¹ It also found that AAA's admission that he dined with Pingol twice before the incident did not amply establish their alleged romantic relationship, since even friends go out together. Besides, to the Court of Appeals, AAA's immediate filing of the complaint belied the claim that they were a couple.⁹²

As to the elements of the charge, the Court of Appeals ruled that Pingol's "deception suffices to constitute forcible abduction"⁹³ and the element of lewd design was made evident through the act of rape.⁹⁴ It held that the sweetheart defense essentially "admits carnal knowledge, the first element of rape"⁹⁵ while the pairing element of force and intimidation was proven with moral certainty by AAA's firm testimony, as corroborated by the medical findings.⁹⁶

The Court of Appeals also upheld the trial court's assessment of the witnesses' credibility⁹⁷ and found that AAA's statements were candid and corroborated in its material points. It emphasized that her seeming passive actuations during the incident did not, on its own, discredit her as there is "no standard human reaction when one is faced with an experience that is so

⁸⁸ Id. at 82.

⁸⁹ Id.

⁹⁰ *Rollo*, pp. 2–19. In the Court of Appeals Decision, fictitious initials were used to represent the victim and other pertinent information which might establish her identity and her immediate family.

⁹¹ Id. at 12.

⁹² Id. at 13.

⁹³ Id. at 14.

⁹⁴ Id.

⁹⁵ Id.

⁹⁶ Id. at 14–17.

⁹⁷ Id. at 17–18.

traumatic[.]”⁹⁸ Contrary to Pingol’s claim, the Court of Appeals found no proof that AAA had all the opportunity to escape, and pointed out that she might have been scared when she was in Pingol’s place where his relatives “would naturally defend him[.]”⁹⁹

With certain modifications on the damages awarded, the Court of Appeals disposed the case in this wise:

WHEREFORE, the appeal is **DENIED**. The January 27, 2011 Judgment of the Regional Trial Court, Branch 24, Biñan, Laguna in Criminal Case No. 10733-B is **AFFIRMED** with the **MODIFICATIONS** that the accused-appellant is further ordered to pay AAA ₱50,000.00 civil indemnity and ₱30,000.00 exemplary damages. The award for compensatory damages is **DELETED** for want of supporting evidence while the award for moral damages is reduced to ₱50,000.00.

SO ORDERED.¹⁰⁰ (Emphasis in the original)

Hence, Pingol filed a Notice of Appeal.¹⁰¹

The case records were forwarded to this Court¹⁰² pursuant to the Court of Appeals’ September 16, 2014 Resolution¹⁰³ giving due course to Pingol’s Notice of Appeal.

On September 7, 2015, this Court noted the case records and required the parties to file their supplemental briefs.¹⁰⁴

Plaintiff-appellee People, through the Office of the Solicitor General, manifested that it would no longer file a supplemental brief.¹⁰⁵ On the other hand, Pingol filed his Supplemental Brief¹⁰⁶ dated March 6, 2017.¹⁰⁷

Upon being required by this Court,¹⁰⁸ the Superintendent of the New

⁹⁸ Id. at 18.

⁹⁹ Id.

¹⁰⁰ Id. at 19.

¹⁰¹ Id. at 21–23.

¹⁰² Id. at 1.

¹⁰³ Id. at 24.

¹⁰⁴ Id. at 26–27.

¹⁰⁵ Id. at 28–31.

¹⁰⁶ The Supplemental Brief submitted before this Court is a mere reiteration of the arguments in the Appellant’s Brief (CA *rollo*, pp. 104–182).

¹⁰⁷ *Rollo*, pp. 45–98. Accused-appellant’s counsel was required to show cause on September 19, 2016 (*Rollo*, p. 34) why he should not be disciplinary dealt with for failing to comply with the Court’s September 7, 2015 Resolution. On January 30, 2017 (*rollo*, pp. 35–36), a fine was then imposed against him for failure to comply with the Court’s Show Cause Resolution. On July 3, 2017 (*rollo*, pp. 100–101), this Court noted the counsel’s payment of fine and change of address, as well as accused-appellant’s Supplemental Brief.

¹⁰⁸ Id. at 103.

Bilibid Prison confirmed¹⁰⁹ Pingol's confinement there.

Accused-appellant calls this Court to examine AAA's statement with utmost caution, given that only two persons are usually involved in rape.¹¹⁰ He points out several matters that, to him, taints AAA's credibility and makes her version of the story contrary to human experience.¹¹¹

First, there was allegedly not even the slightest hint of force, intimidation, or threat when he fetched AAA on the night of the incident. Her and her mother's statements reveal that she voluntarily went with him to elope, says accused-appellant.¹¹² He adds that there was no proof showing that he employed the same when he brought her to Pampanga or when the sexual intercourse happened. This is allegedly fatal to the prosecution's case, as it must prove that the victim was taken "against her will." Besides, "[e]ven if the taking away of the woman was accomplished by means of deceit at the beginning, still, it is necessary to prove that the taking was by means of violence and intimidation later."¹¹³

Second, accused-appellant posits that apart from being well manned, toll gates have bars which prompts cars to make full stops whenever they pass through. Thus, he asserts that AAA could have easily escaped or gained sympathetic attention, more so as he was "unarmed and had not threatened her with bodily harm nor had shown any tendency to do violence."¹¹⁴ He also underscores that if AAA were really abducted, she could have escaped when he left her inside the car or had informed his sisters about eloping.¹¹⁵

Accused-appellant adds that AAA's motel story was merely fabricated. He says that it would be improbable for her to say that she was raped in their house "since there were a number of individuals who were present during the time that [she] was there and who therefore would have contradicted any claim of rape being committed there."¹¹⁶ He claims that if her assertions were true, she could have asked Engineer Mañalac to report the matter instead of just asking him to inform her parents about the elopement.¹¹⁷ Besides, her voluntariness was allegedly made clear when she signed the blotter before barangay officials.¹¹⁸ Accused-appellant insists that Dizon's uncontradicted testimony deserves credit as it was given "by an agent of a person in authority in connection with the performance of his duty and as directed by the Punong

¹⁰⁹ Id. at 107 (Noted by this Court on February 28, 2018 at p. 109), 111 (pursuant to this Court's December 13, 2017 Resolution *at rollo*, p. 105 and noted by this Court on June 4, 2018).

¹¹⁰ CA *rollo*, p. 117, Appellant's Brief.

¹¹¹ Id. at 120.

¹¹² Id. at 120–121.

¹¹³ Id. at 124–125.

¹¹⁴ Id. at 128.

¹¹⁵ Id. at 129–138.

¹¹⁶ Id. at 138–139.

¹¹⁷ Id. at 143.

¹¹⁸ Id. at 144.

Barangay[.]”¹¹⁹ He claims that AAA’s failure to report the incident to the barangay makes her assertion all the more doubtful.¹²⁰

Furthermore, accused-appellant alleges that apart from the laceration in AAA’s genitalia, the medico-legal report showed no other physical injuries. He assails as dubious Dr. Cunanan’s purported second medical-legal report, as it was neither presented in court nor raised by any of the parties.¹²¹

Finally, accused-appellant finds it strange that AAA did not inform Atty. DDD about her alleged abduction and rape. In the words of her uncle, AAA was silent, and appeared ashamed of what she has done. In fact, accused-appellant insists, AAA was merely constrained to go with her relatives when they told her that she would be blamed for anything bad that might happen to her mother and grandmother.¹²²

Accused-appellant insists that even if their purported relationship was not proven through photographs or letters, there were allegedly more than enough proof to corroborate it.¹²³

Plaintiff-appellee,¹²⁴ on the other hand, maintains that individuals respond differently to varied situations “and there is no standard form of behavioral response when one is confronted with a strange or startling experience.”¹²⁵ It says that apart from fear, AAA would surely have no strength to escape because she was brought to unfamiliar places and before people she hardly knew.¹²⁶

As to the alleged lack of force and intimidation, plaintiff-appellee asserts that it should be seen “in light of the victim’s perception and judgment at the time of the commission of the crime.”¹²⁷ It “need not even be irresistible, it being enough that it is present and it brings about the desired result.”¹²⁸ In this case, AAA’s testimony that she was forced by Pingol was corroborated by Dr. Cunanan when she found “abrasions on her extremities as well as lacerations on her vagina.”¹²⁹

On the premise that only two individuals are involved in rape cases,¹³⁰ plaintiff-appellee asserts that “the sole testimony of the offended party is

¹¹⁹ Id. at 155.

¹²⁰ Id.

¹²¹ Id. at 156.

¹²² Id. at 170.

¹²³ Id. at 178.

¹²⁴ Id. at 173-191, Appellee’s Brief.

¹²⁵ Id. at 183.

¹²⁶ Id.

¹²⁷ Id. at 183-184.

¹²⁸ Id. at 184.

¹²⁹ Id.

¹³⁰ Id. at 185.

sufficient to sustain the accused's conviction if it rings the truth or is otherwise credible."¹³¹ It maintains that AAA's testimony should be given full credence as it was candid, spontaneous, and corroborated in its material points. Besides, it points out that no woman would make a story of rape, permit an examination of her private parts, and allow to be perverted in trial if she was not solely driven by the urge to have the offender jailed or punished.¹³²

Moreover, plaintiff-appellee underscores that all the elements of forcible abduction with rape were established. Based on the records, it was evident that AAA was taken against her will. Equally telling is the fact that she cried when Engineer Mañalac called, informing him that she did not wish to be with Pingol or to be in Pampanga. AAA's resistance also became apparent when abrasions were found on her extremities. As to the element of lewd design, it was manifested when Pingol committed rape.¹³³

Lastly, plaintiff-appellee concludes that accused-appellant's true intent was not only to rape the victim, but also to make her his wife. By taking AAA against her will and eventually raping her, it follows that he would later convince her to stay. Plaintiff-appellee points out that forcing AAA to sign the documents was a defensive move on the part of Pingol's relatives to protect him, "a natural reaction from family members."¹³⁴ However, when they left Laguna without AAA, their purported intention to show good faith became highly suspect.¹³⁵

The sole issue here is whether or not the guilt of accused-appellant Antonio Pingol has been proven beyond reasonable doubt.

We rule against accused-appellant. His conviction is upheld.

I

Since "an appeal in a criminal case opens the entire case for review[,] the Court can correct errors *unassigned* in the appeal."¹³⁶ Hence, we modify the characterization of the crime committed by accused-appellant, as well as the amounts of damages awarded in favor of the victim.

Article 342 of the Revised Penal Code partly provides:

¹³¹ Id. at 183.

¹³² Id. at 185–186.

¹³³ Id. at 186–188.

¹³⁴ Id. at 189.

¹³⁵ Id.

¹³⁶ *People v. Talan*, 591 Phil. 812, 818 (2008) [Per J. Carpio, First Division].

ℓ

ARTICLE 342. *Forcible Abduction.* — The abduction of any woman against her will and with lewd designs shall be punished by *reclusion temporal*.

To constitute forcible abduction requires the concurrence of the following elements: “(1) the victim is a woman, regardless of age, civil status, or reputation, (2) she is taken against her will, and (3) the abduction was done with lewd designs.”¹³⁷

Pertinently, under Article 266-A(1)¹³⁸ of the Revised Penal Code, as amended by Republic Act No. 8353, rape is committed:

- 1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:
 - a) Through force, threat, or intimidation;
 - b) When the offended party is deprived of reason or otherwise unconscious;
 - c) By means of fraudulent machination or grave abuse of authority; and
 - d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

Forcible abduction is deemed complexed by rape when the culprit has carnal knowledge of the woman “and there is (1) force or intimidation; (2) the woman is deprived of reason or otherwise unconscious; or (3) she is under 12 years of age or demented.”¹³⁹ However, forcible abduction is *absorbed* by rape when the primordial intent is to have carnal knowledge of the victim.¹⁴⁰ “There is no complex crime of forcible abduction with rape if the primary objective of the accused is to commit rape.”¹⁴¹

Here, it was through the pretense that she would be brought to work that AAA was induced to board the company car with accused-appellant.¹⁴² Indubitably, there was no valid consent on her part, as the deceit became the constructive force that amply constituted the crime of forcible abduction.¹⁴³

Nevertheless, accused-appellant can only be convicted of rape. From the trial court’s findings, it can be reasonably deduced that his main objective for the taking was to have carnal knowledge of AAA:

¹³⁷ *People v. Villanueva*, G.R. No. 230723, February 13, 2019 [Per J. Del Castillo, First Division].

¹³⁸ Otherwise known as The Anti-Rape Law of 1997.

¹³⁹ *People v. Villanueva*, G.R. No. 230723, February 13, 2019 [Per J. Del Castillo, First Division].

¹⁴⁰ *People v. Domingo*, 810 Phil. 1040 (2017) [Per J. Bersamin, Third Division].

¹⁴¹ *Id.* at 1041.

¹⁴² *CA rollo*, p. 80, RTC Decision.

¹⁴³ *People v. Caraang*, 463 Phil. 715 (2003) [Per J. Panganiban, First Division].

In the case at bench, when complainant [AAA] was fetched at her residence at Barangay ██████████, Laguna by accused Antonio Pingol at about 8:30 in the evening of January 29, 1999, it was former's understanding that she will be brought by the accused to her workplace in Canlubang in time for her [9] o'clock evening duty and not to Pampanga. *As a matter of fact, when [AAA] noticed that, they were heading towards Manila (and not to Canlubang) and later to North Express Way (sic), she repeatedly questioned the accused where they were going and when accused simply ignored her continuing queries, she beg[ged] that she should be brought to her workplace or if not drop her somewhere so that she will just commute to her workplace in Canlubang. Notwithstanding her pleas, accused persisted to bring her to Pampanga and while there, accused brought her to a motel where she was being forced to alight from the car and when she resisted, accused succeeded in raping her inside the car[.]*¹⁴⁴ (Emphasis supplied)

Accused-appellant, for his part, attacks AAA's credibility by listing circumstances that allegedly show the improbability of her narrations. He claims that these incidents were ignored by the trial court when it wholly adopted AAA's version of the story.¹⁴⁵

In cases involving rape, "the credibility of the victim's testimony is almost always the single most important factor."¹⁴⁶ When their statements are credible, it can be the "sole basis for accused's conviction."¹⁴⁷

The assessment of witnesses' credibility is best left to the trial court, as it had the chance to perceive their conduct during proceedings.¹⁴⁸ Save in cases where the findings were attained arbitrarily or where significant incidents were overlooked which, if duly considered, would affect the result of the case, the trial court's evaluation is usually afforded utmost weight and even finality, especially when upheld by the Court of Appeals.¹⁴⁹

In this case, both the trial¹⁵⁰ and appellate¹⁵¹ courts gave credence to AAA's testimony. Hence, it became imperative on accused-appellant to offer clear and convincing reasons for this Court to decide the appeal in his favor and set aside the lower court's unanimous determination.¹⁵² Yet, he miserably failed to do so. We find no cogent reason to overturn the consistent findings that AAA's statements were "straightforward, candid, unflawed by inconsistencies or contradictions in its material points[.]"¹⁵³ Besides, accused-appellant's manner of committing the act of rape is clearly established by the victim's testimony:

¹⁴⁴ *CA rollo*, pp. 79–80, RTC Decision.

¹⁴⁵ *Id.* at 120, Appellant's Brief.

¹⁴⁶ *People v. Talan*, 591 Phil. 812, 819 (2008) [Per J. Carpio, First Division].

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ *People v. Domingo*, 810 Phil. 1040 (2017) [Per J. Bersamin, Third Division].

¹⁵⁰ *CA rollo*, pp. 80–81, RTC Decision.

¹⁵¹ *Rollo*, pp. 17–18, CA Decision.

¹⁵² *People v. Domingo*, 810 Phil. 1040 (2017) [Per J. Bersamin, Third Division].

¹⁵³ *Rollo*, p. 18, CA Decision. *See also CA rollo*, p. 81, RTC Decision.

- 03: T: Bakit nais mong id[e]manda si Antonio Pingol?
S: Dahil gusto ko pong magkaroon ng katarungan ang ginawa niya sa akin.
- 04: T: Ano ang ginawa niya sa iyo?
S: Pinilit po niya ako madala sa Pampanga at pagkatapos ay pinagsamantalahan niya ako.
- 05: T: Kailan at saan naganap ang pangyayaring ito?
S: Kinuha po niya ako sa bahay noong ika-29 ng Enero, 1999 humigit kumulang sa alas 8:30 ng gabi doon sa Barangay [REDACTED], Laguna at pinagsamantalahan niya ako noong ika-30 ng Enero 1999, sa pagitan ng alas 3:00 hanggang alas 4:00 ng madaling araw sa loob ng kotse sa Pampanga.
-
14. T: Papaano mo nalaman na Pampanga ang pinagdalan sa iyo?
S: Nakita ko po ang Welcome to Pampanga.
15. T: Pagdating ninyo sa Pampanga, ano and sumunod na nangyari?
S: Dire-diretso pa rin ang sasakyan at ng dumating sa mga bahay na parang apartment at may malaking gate ay ipinasok niya ang kotse doon at sumarado po ang gate at ng nandoon na kami sa loob [ng] isang garahe na husto lamang ang kotse ay pinilit niya ako na bumaba sa kotse at hindi ako bumaba hanggang sa pinilit niya ako na bumaba at ng ayaw kong bumaba ay ibinaba niya ang sandalan ng upuan at dinaganan niya ako iniwasan ko siya pero hindi ako makagalaw dahil ulo na lamang ang aking naigagalaw hanggang sa hinahalikan na niya ako at patuloy pa rin ako sa pagmamakaawa hanggang sa ibaba na niya ang aking pantalon at panty hanggang sa tuhod at itaas niya ang aking t-shirt at bra hanggang sa may leeg na nakaipit pa rin ang aking katawan dahil nakadagan siya sa akin at dahil sa malaki syang lalaki ay hindi ako makakilos at ng mahubaran niya ako ay hinihimas niya ang aking dibdib at hinahalikan niya ang aking nipple at ibinaba niya ng isang kamay ang kaniyang pantalon at ang isang kamay ay nakahawak sa akin at ng makapaghubad na siya ay ipinasok ang ari niya sa akin umiiyak po ako pero ayaw niyang tigilan at natagalan po siya bago niya maipasok ang kaniyang ari dahil sa iyak po ako ng iyak at hindi ko po matagalan ang sakit at ng matapos siya ay hindi na po ako makagalaw dahil hinang-hina na ako at umalis siya sa pagkakadagan sa akin at ng hinubad niya ang kaniyang t-shirt at pinunasan ang pawis ko at hindi na siya nagbihis ng t-shirt at ini-start na niya ang sasakyan at tuloy-tuloy ng umalis hanggang sa hindi ko na rin alam ang nangyayari.¹⁵⁴

Moreover, Dr. Cunanan's findings showing deep laceration in AAA's genitals and abrasions on her extremities buttress AAA's assertion that accused-appellant forced himself upon her:

¹⁵⁴ CA rollo, pp. 16-19, RTC Decision.

Q: Do you remember, Dra., if you use[d] some instrument for the determination of physical signs of sexual abuse?

A: Usually, sir, I use gloves and cotton tip applicator.

....

Q: After using that kind of instrument, what have you found in the genital organ of the said patient?

A: *Based on my examination, sir, as far as I can recall from my written report, there is laceration of the hymen.*

Q: And what was the condition of the laceration of the hymen?

A: *There was a deep-healing laceration at 7 o'clock position and there was also an erythematous or abrasion on the posterior fourchette or the posterior of the vulvar area of the reproductive system, sir.*

....

Q: In your medical opinion, Dr., is the kind of laceration that you have found in the genital organ of the victim may be considered (sic) an ordinary laceration once there is a sexual intercourse between a woman and a man?

A: *Considering that during the time of my examination, the patient is single and not married and the laceration is deep and I did not state here that there is healing or is healed already. So, the actual laceration is just new, sir.*

....

Q: You stated that you have found a deep laceration [at the] 7 o'clock position. What instrument may have caused that particular laceration?

A: Any object that has penetrated in the hymenal area, sir.

Q: Would it be possible that it could have been caused by a male organ?

A: Yes, sir. It is possible.

....

Q: Do you remember if you have noticed another sign of physical injury that was sustained on the body of the patient?

A: *As far as I remember, I have another Medical Report on physical injuries on the said patient and I stated that there [were] also signs of abrasion on the extremities of the patient.*

....

Q: Dra., what may have caused those bruises or injuries that were sustained in the body of the said patient?

A: It is possible, sir, that the victim fought somebody and she was pushed and then fell hitting a hard object or a hard floor, thus the patient sustained those bruises or lacerations.¹⁵⁵ (Emphasis supplied)

These testimonies reveal that, contrary to accused-appellant's claim,

¹⁵⁵ Id. at 31-34.

AAA's motel story was not merely fabricated.¹⁵⁶ As the trial court aptly found, the defense has not shown any improper motive on AAA's part to falsely testify against accused-appellant.¹⁵⁷ No woman would falsely convey a tale of defloration, undergo examination of her private parts, and expose herself to "public trial or ridicule if she has not, in truth, been a victim of rape and impelled to seek justice for the wrong done to her."¹⁵⁸

II

The totality of accused-appellant's arguments revolves around his sweetheart defense. Allegedly, on the night of the incident, AAA freely went with him to Pampanga pursuant to elope as planned, and hence, the sexual act was consensual.¹⁵⁹ He adds that while their relationship is not evinced by notes and photographs, his frequent visits to the clinic, his repeated act of bringing her home, the late dines, and them sleeping together in the car several days before the incident were more than adequate to substantiate it.¹⁶⁰

Accused-appellant's bare assertions do not suffice.

For a plausible defense of sweetheart theory, the relationship must be proven by other evidence like love letters, documents, photographs, "or any concrete proof of a romantic nature."¹⁶¹ None of them are present here. As this is accused-appellant's foremost defense, he should have at least sufficiently reinforced it with testimonies of witnesses who knew about their purported relationship, but even this he did not bother doing. As the Court of Appeals aptly found:

Notably, despite Antonio's allegation that a fellow nurse in SIDC introduced him to AAA and he had frequented the clinic to see her, their co-employees never testified to lend credence to his claim that they had been sweethearts. Even Engr. Mañalac who authorized the use of the company car failed to corroborate Antonio's testimony. Clearly, the sweetheart theory is a self-serving defense and mere fabrication of accused-appellant to exculpate himself from the charges filed against him. It also bears stressing that during her testimony before the trial court, AAA vehemently denied that she and Antonio were sweethearts.

Further, AAA's admission that she had dined with Antonio for two occasion[s] does not suffice to prove romantic relationship. Based on human experience, even friends go out together. Besides, if there was indeed romantic relationship between Antonio and AAA, the latter's normal reaction would have been to cover up for the man she supposedly loved. On the contrary, AAA lost no time in filing a complaint against Antonio, right

¹⁵⁶ See CA rollo, pp. 138–139.

¹⁵⁷ CA rollo, pp. 81.

¹⁵⁸ *People v. Bontuan*, 437 Phil. 233, 241 (2002) [Per J. Ynares-Santiago, First Division].

¹⁵⁹ CA rollo, pp. 116–125.

¹⁶⁰ Id. at 178.

¹⁶¹ *People v. Sabredo*, 387 Phil. 682, 690 (2000) [Per J. Quisumbing, En Banc].

after she was rescued by her relatives.¹⁶² (Emphasis supplied, citations omitted)

Moreover, from his actuations, accused-appellant's claim that there was a pre-arranged elopement spurs disbelief. Since he was claiming that AAA's mother BBB was against the relationship, it is incredulous that, instead of being discreet, he even opted to fetch AAA at home where BBB would surely be present. This makes his claim even more doubtful.

In any case, even if accused-appellant and the victim were lovers, the law does not excuse the use of force and intimidation to satisfy carnal urges and desires.¹⁶³ Being sweethearts does not determine consent, since "a love affair does not justify rape, for the beloved cannot be sexually violated against her will."¹⁶⁴ "Even *married* couples, upon whom the law imposes the duty to cohabitate, are protected from forced sexual congress."¹⁶⁵

As explained in *People v. Jumawan*,¹⁶⁶ husbands have no property rights over the bodies of their wives. Hence, a non-consensual sexual act—even within the confines of marriage—constitutes rape.¹⁶⁷ In convicting the accused of the rape charges committed against his wife, this Court in *Jumawan* dismissed the accused's claim that "consent to copulation is presumed between cohabiting husband and wife unless the contrary is proved."¹⁶⁸ This Court stressed that such archaic view has been overtaken by the present global values on equality of rights and regard for human dignity:

The ancient customs and ideologies from which the irrevocable implied consent theory evolved have already been superseded by modern global principles on the equality of rights between men and women and respect for human dignity established in various international conventions, such as the CEDAW. The Philippines, as State Party to the CEDAW, recognized that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between them. Accordingly, the country vowed to take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices, customs and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. One of such measures is R.A. No. 8353 insofar as it eradicated the archaic notion that marital rape cannot exist because a husband has absolute proprietary rights over his wife's body and thus her consent to every act of sexual intimacy with him is always obligatory or at least, presumed.

Another important international instrument on gender equality is the UN Declaration on the Elimination of Violence Against Women, which was

¹⁶² *Rollo*, pp. 12–13, CA Decision.

¹⁶³ *People v. Domingo*, 810 Phil. 1040 (2017) [Per J. Bersamin, Third Division].

¹⁶⁴ *People v. Bautista*, 474 Phil. 531, 556 (2004) [Per J. Panganiban, First Division].

¹⁶⁵ *People v. Quintos*, 746 Phil. 809, 826 (2014) [Per J. Leonen, Second Division].

¹⁶⁶ 733 Phil 102 (2014) [Per J. Reyes, First Division].

¹⁶⁷ *Id.*

¹⁶⁸ *Id.* at 139.

promulgated by the UN General Assembly subsequent to the CEDAW. The Declaration, in enumerating the forms of gender-based violence that constitute acts of discrimination against women, identified 'marital rape' as a species of sexual violence[.]

....

Clearly, it is now acknowledged that rape, as a form of sexual violence, exists within marriage. A man who penetrates her wife without her consent or against her will commits sexual violence upon her, and the Philippines, as a State Party to the CEDAW and its accompanying Declaration, defines and penalizes the act as rape under R.A. No. 8353.

A woman is no longer the chattel-antiquated practices labeled her to be. A husband who has sexual intercourse with his wife is not merely using a property, he is fulfilling a marital consortium with a fellow human being with dignity equal to that he accords himself. He cannot be permitted to violate this dignity by coercing her to engage in a sexual act without her full and free consent. Surely, the Philippines cannot renege on its international commitments and accommodate conservative yet irrational notions on marital activities that have lost their relevance in a progressive society.

It is true that the Family Code, obligates the spouses to love one another but this rule sanctions affection and sexual intimacy, as expressions of love, that are both spontaneous and mutual and not the kind which is unilaterally exacted by force or coercion.

Further, the delicate and reverent nature of sexual intimacy between a husband and wife excludes cruelty and coercion. Sexual intimacy brings spouses wholeness and oneness. It is a gift and a participation in the mystery of creation. It is a deep sense of spiritual communion. It is a function which enlivens the hope of procreation and ensures the continuation of family relations. It is an expressive interest in each other's feelings at a time it is needed by the other and it can go a long way in deepening marital relationship. When it is egoistically utilized to despoil marital union in order to advance a felonious urge for coitus by force, violence or intimidation, the Court will step in to protect its lofty purpose, vindicate justice and protect our laws and State policies. Besides, a husband who feels aggrieved by his indifferent or uninterested wife's absolute refusal to engage in sexual intimacy may legally seek the court's intervention to declare her psychologically incapacitated to fulfill an essential marital obligation. But he cannot and should not demand sexual intimacy from her coercively or violently.¹⁶⁹ (Emphasis supplied, citations omitted)

We emphasize that rape under Article 266-A merely entails that sexual intercourse be enforced by a man on another individual, *regardless* of their relationship.¹⁷⁰ Like so, Republic Act No. 9262 considers rape as violence against women which may be committed by a person against his wife, former wife, or whom one has or had an intimate relationship:

¹⁶⁹ Id. at 139–142.

¹⁷⁰ *People v. Quintos*, 746 Phil. 809 (2014) [Per J. Leonen, Second Division].

SECTION 3. *Definition of Terms* — As used in this Act, (a) “Violence against women and their children” refers to any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but is not limited to, the following acts:

- A. “Physical violence” refers to acts that include bodily or physical harm;
- B. “Sexual violence” refers to an act which is sexual in nature, committed against a woman or her child. It includes, but is not limited to:
 - a) *rape*, sexual harassment, acts of lasciviousness[.]¹⁷¹
(Emphasis supplied)

In light of advanced views on patriarchy, the exculpatory value of the sweetheart defense, except in proving motive, has already been diminished in our jurisprudence to the point of being negligible.

Accused-appellant also makes much of the claim that while on their way to Pampanga, AAA “did not make an outcry, attempt to flee, or act to attract sympathetic attention . . . despite ample opportunity to do so[.]”¹⁷² He says that if she were really abducted, she would have easily alighted from the car in times of full stop on toll gates¹⁷³ or when she was left alone inside when they stopped by his sisters’ separate houses. As support, he cites¹⁷⁴ *People v. Sison*¹⁷⁵ and *People v. Suñga*.¹⁷⁶

Time and again, this Court has emphasized “that behavioral psychology would indicate that most people, confronted by unusual events, react dissimilarly to like situations.”¹⁷⁷ Here, from the beginning, AAA was already begging accused-appellant to let her go, but he turned deaf to her protests all throughout the ordeal. It can thus reasonably be deduced that her seemingly passive conduct was a manifestation of desperation:

- 12. T: Maari mo bang isalaysay sa akin ang buo at tunay na pangyayari na naganap?
S: Mga alas 4:00 po ng hapon, ika-29 ng Enero 1999, ay tumawag

¹⁷¹ Republic Act No. 9262 (2004), sec. 3. Anti-Violence Against Women and their Children Act of 2004

¹⁷² CA rollo, p. 125.

¹⁷³ Id. at 128.

¹⁷⁴ Id. at 129–138.

¹⁷⁵ 210 Phil. 305 (1983) [Per J. Makasiar, En Banc].

¹⁷⁶ 208 Phil. 288 (1983) [Per J. Relova, Second Division].

¹⁷⁷ *People v. Rapisora*, 403 Phil. 194, 204 (2001) [Per J. Vitug, En Banc].

sa bahay si Antonio at susunduin raw niya ako ng gabi at tinanong ko po sa kaniya kung alam ni Sir Alfred at sinabi niya na “Oo, alam ni Sir” at nakapagapaalam na raw siya at sinabi ko na kung gagamitin ni Sir ang kotse ay huwag na akong sunduin sa bahay dahil kaya kong magcommute at sinabi ko na kung talagang walang lakad ay sunduin na lamang ako ng alas 9:00 ng gabi pero maagang dumating si Antonio sa bahay mga alas 7:45 ng gabi at ako ay nagmadaling magbihis dahil hindi pa ako nakakabihis ng dumating ang sasakyan at noong umalis kami sa bahay ay alas 8:30 na ng gabi at ng umalis kami ay dumaan kami sa San Lorenzo South Subdivision ang dahilan niya any mageexpressway kami para makarating kaagad sa planta dahil kailangan ang sasakyan at ng dumating kami sa exit papuntang Maynila ay iniliko niya doon ang kotse at sinabi niya na may dadaanan daw siya sandali. *Nagtalo kami dahil hindi doon ang daan papuntang Canlubang at sinabi ko sa kaniya na ibaba na lamang ako o kaya ay ibalik na lamang ako pero hindi siya nakikinig at natakot na ako sa kaniya dahil parang hindi niya ako naririnig at dumire-diretso na siyang papuntang Maynila at patuloy na ako sa pagmamaka-awa pero hindi niya ako pinakikinggan.*

13. T: Ano pa ang sumunod na pangyayari na iyong natatandaan?
S: Sinabi po niya sa akin na dadalhin niya ako sa Pampanga, ayaw kong pumayag at niyuyugyog ko siya at sinabi niya na kaya daw po ginagawa niya sa akin ang bagay na iyon ay dahil mahal daw po niya ako at nagmamaka-awa pa rin ako sa kanya pero ayaw po niyang makinig at sinabi niya na ayaw na niya akong mapahiwalay sa kaniya. *Umiiyak na po ako habang nagmamaka-awa ay ayaw pa rin niya akong pakinggan at tinatawanan lamang po niya ako at niloko-loko pa niya na iyon daw po ang daan papuntang Canlubang.*
-
23. T: Mahaba ang biyahe[,] hindi ka ba nagkaroon ng pagkakataon na humingi ng tulong sa mga dinadaan ng sasakyan?
S: *Wala po akong makitang makakatulong sa akin dahil tinted ang sasakyan at gabi na po.*
24. T: Bakit hindi ka sumigaw para makahingi ka ng tulong?
S: *Dahil alam ko pong walang makakarinig sa akin dahil kulong ang sasakyan at dinadaan ko siya sa pakiusap pero ayaw niyang makinig.¹⁷⁸ (Emphasis supplied)*

Moreover, contrary to accused-appellant’s assertion, there was no occasion for AAA to escape. As the Court of Appeals aptly found:

Further, Antonio’s postulate that AAA failed to make an attempt to flee despite ample opportunity to do so was belied by the evidence on record. There is no indication that she had the chance to escape from her abductor. Although AAA was left alone in the car, it was not shown that the same was unlocked. As a matter of fact, it was established during the ocular inspection that the door of the car would not easily open because it was damaged. In addition, fear might have engulfed AAA considering that the

¹⁷⁸ CA rollo, pp. 17–21.

*places they stopped belong to Antonio's relatives who would naturally defend him[.]*¹⁷⁹ (Emphasis supplied)

Notably, the cases accused-appellant cites are not on all fours here. Although this Court did acquit the accused in *People v. Sison*¹⁸⁰ because the victim failed to scream, escape, or create a commotion on their long trip from Quezon City to Novaliches, the facts there show that the ordeal commenced on a Sunday afternoon where the accused and the victim boarded a tricycle and had two jeepney rides in the course of the trip. This Court was also convinced that the victim voluntarily went with the accused because both her mother and employer neither looked for her during the six days she went missing, nor reported the matter to the authorities. Clearly, the events in *Sison* are not similar to what happened here.

As to *People v. Suñga*,¹⁸¹ the accused was acquitted of rape because of the witnesses who saw him in the act of having carnal knowledge of a woman. This Court deduced that “as the flashlight was focused on the appellant and the woman, the latter must have been aware that there were people around from whom she could ask for help but which she did not.”¹⁸² Besides, while the victim in *Suñga* insisted that she was given fist blows on the chest, the examining doctor did not see any contusions on her body other than a mere abrasion on the upper chest, which was only about the size of a one-peso coin. Undoubtedly, like *Sison*, the events in *Suñga* are unlike the circumstances of this present case.

III

All told, we also cannot subscribe to accused-appellant's claim that AAA's act of signing the barangay blotter indicated her voluntariness to the elopement.¹⁸³ As she was confined in a place where accused-appellant and his relatives reside, we agree with the Court of Appeals that *fear* might have been overwhelming and that her consent could not have been freely given since “she was in a place and situation where she had no choice but to affix her signature.”¹⁸⁴ This finds support in AAA's testimony, which reads:

Q: What happened after that?

¹⁷⁹ *Rollo*, p. 18.

¹⁸⁰ 210 Phil. 305 (1983) [Per J. Makasiar, En Banc].

In *Sison*, the alleged abduction happened on a Sunday afternoon somewhere in Quezon City. The accused, purportedly with the use of a knife, forced the victim to board his tricycle and then brought her to España Rotonda. From there, they boarded a passenger jeepney going to his aunt's house in Balintawak where he introduced her as his girlfriend. Afterwards, they proceeded to the house of accused's aunt in Novaliches where the incidents of rape allegedly happened. After six days, together with his relatives, accused brought back the victim to her mother.

¹⁸¹ 208 Phil. 288 (1983) [Per J. Relova, Second Division].

¹⁸² *Id.* at 295. One of the witnesses was residing approximately fifteen (15) meters away from where the incident occurred.

¹⁸³ *See CA rollo*, p. 144.

¹⁸⁴ *Rollo*, p. 18.

A: That a certain person came and according to the relatives it was the barangay officer and I have to sign the blotter and they explained to me that it must appear that I voluntarily went with the accused so that nobody would be held liable.

Q: After that what happened next?

A: *Because of their insistence and because I was alone at that time, I was forced by the relatives of the accused to sign the blotter, sir. I signed it against my will.*¹⁸⁵ (Emphasis supplied, citation omitted)

Similarly, accused-appellant's claim that AAA's silence before Atty. DDD was "a most strange reaction of a person who was purportedly abducted and raped"¹⁸⁶ does not hold water. "The workings of a human mind are unpredictable; people react *differently* and there is no standard form of behavior when one is confronted by a shocking incident."¹⁸⁷

Nevertheless, AAA's actuations after the incident bolstered her case against accused-appellant. The victim's demeanor immediately following a purported sexual assault is important in ascertaining the truthfulness of their claims. "For instance, the victim's instant willingness, as well as courage, to face interrogation and medical examination could be a mute but eloquent proof of the truth of her claim."¹⁸⁸ Here, when AAA was brought home to Laguna, she immediately underwent a medical examination and consequently filed a complaint against accused-appellant.¹⁸⁹

Lastly, Article 266-B of the Revised Penal Code, as amended by Republic Act No. 8353, provides that rape under Article 266-A(1) is punishable by *reclusion perpetua*. In consonance with *People v. Jugueta*,¹⁹⁰ we modify the Court of Appeals' award of civil indemnity, moral damages, and exemplary damages to ₱75,000.00 each.

WHEREFORE, the appeal is **DISMISSED**. The assailed July 25, 2014 Decision of the Court of Appeals in CA-G.R. CR-HC No. 05130 is **MODIFIED** in that accused-appellant Antonio Pingol @ "Anton" is found **GUILTY** beyond reasonable doubt of rape under Article 266-A(1) of the Revised Penal Code, as amended by Republic Act No. 8353. He is sentenced to suffer the penalty of *reclusion perpetua* and is directed to pay the private complainant ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages, and the costs of suit.

All damages awarded shall be subject to interest at the rate of 6% per

¹⁸⁵ CA rollo, p. 22.

¹⁸⁶ See CA rollo, p. 170.

¹⁸⁷ *People v. Magallones*, 530 Phil. 310, 317 (2006) [Per J. Ynares-Santiago, First Division].

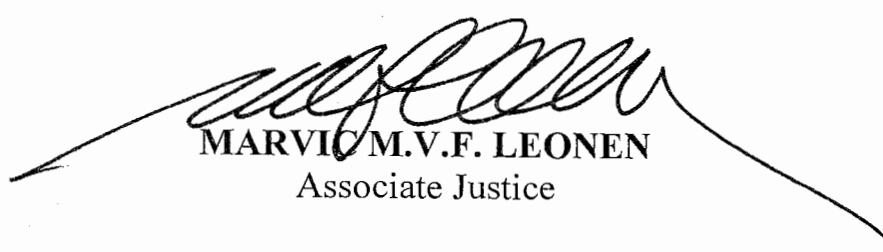
¹⁸⁸ *People v. Rapisora*, 403 Phil. 194, 206 (2001) [Per J. Vitug, En Banc].

¹⁸⁹ Rollo, pp. 3-4.

¹⁹⁰ *People v. Jugueta*, 783 Phil. 806 (2016) [Per J. Peralta, En Banc].

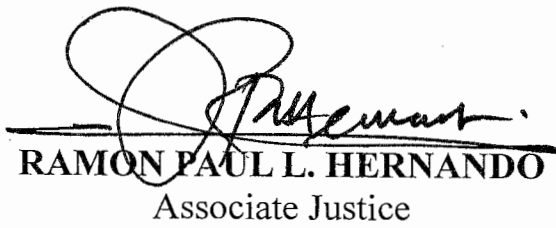
annum from the finality of this Decision until their full satisfaction.¹⁹¹

SO ORDERED.



MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:



RAMON PAUL L. HERNANDO
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



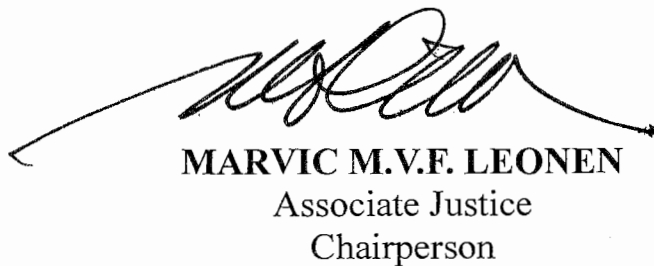
EDGARDO L. DELOS SANTOS
Associate Justice



RICARDO R. ROSARIO
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.




MARVIC M.V.F. LEONEN
Associate Justice
Chairperson

¹⁹¹ *Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta, En Banc].

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



DIOSDADO M. PERALTA
Chief Justice