



Republic of the Philippines  
**Supreme Court**  
Baguio City

**THIRD DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
Plaintiff-Appellee,

**G.R. No. 199894**

Present:

- versus -

\*CARPIO,  
VELASCO, JR., Chairperson,  
BERSAMIN,  
REYES, and  
TIJAM, JJ.

Promulgated:

**CARLITO CLARO y MAHINAY,**  
Accused-Appellant.

April 5, 2017

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*[Signature]*  
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**DECISION**

**BERSAMIN, J.:**

In every criminal case where the accused enjoys the presumption of innocence, he is entitled to acquittal unless his guilt is shown beyond reasonable doubt.

**The Case**

The accused seeks to undo the decision promulgated on March 24, 2011 in CA-G.R. CR-H.C. No. 03702,<sup>1</sup> whereby the Court of Appeals (CA) affirmed the judgment rendered on November 17, 2008 by the Regional Trial Court (RTC), Branch 21, in Manila convicting him of rape.<sup>2</sup>

**Antecedents**

The accused was charged with rape under the following information, to wit:

\* Vice Associate Justice Francis H. Jardeleza per Raffle dated February 13, 2017.

<sup>1</sup> *Rollo*, p. 2-21; penned by Associate Justice Mariflor P. Punzalan Castillo, with Associate Justice Josefina Guevara-Salonga and Associate Justice Franchito N. Diamante concurring.

<sup>2</sup> *CA rollo*, pp. 68-75; penned by Judge Amor A. Reyes.

That on or about March 14, 2006, in the City of Manila, Philippines, the said accused did then and there willfully, unlawfully and feloniously, with lewd designs and by means of force, violence and intimidation, and fraudulent machination, have carnal knowledge with said AAA,<sup>3</sup> by then and there texting the latter to see each other at the corner of Augusto Francisco Street, inviting her for a stroll at Rizal Avenue, ordering food from Jollibee, bringing her at Aroma Motel under the pretext that they will just talk and eat their food thereat, entering a room at said motel and locking the door, pulling her on the bed and kissing her, undressing (sic) her and thereafter inserting his penis into her vagina then succeeded in having carnal knowledge of her, against her will and consent.

Contrary to law.<sup>4</sup>

### **Evidence of the Prosecution**

At around 9:00 o'clock in the morning of March 14, 2006, AAA, a housemaid, received a text message from the accused asking if they could meet. He was then working as a security guard near AAA's place of work. AAA accepted his invitation and met with him on Augusto San Francisco Street, Sta. Ana, Manila, where they boarded a passenger jeepney bound for Rizal Avenue in Sta. Cruz, Manila. Arriving in Sta. Cruz, they entered a Jollibee restaurant on Rizal Avenue and ordered food. They later on went to a nearby house, later identified as the Aroma Motel. She refused to go up the stairs of the motel, which impelled him to hold her by the hand and pull her upstairs, insisting that they would only talk and eat. He then talked to a male attendant who ushered them into a room.

Upon entering the room, AAA tried to leave, but the accused closed the door and pushed her towards the bed. She still attempted to leave but the door was locked. He pulled her back to the bed, telling her that he loved her. Instead of responding to him, she said that she needed to go to the toilet. Once inside the toilet, she called her cousin, Alberto German (German), a police officer, but she was unable to give him her exact location after her phone ran out of charge. It was then when the accused barged inside the toilet and again pulled her back to the bed. He forcefully undressed her completely, went on top of her, and forcibly inserted his penis inside her vagina. She kept on punching to try to stop him, but to no avail. After he was done, she immediately put on her clothes and left the room. But she was compelled to ride with him in the same passenger jeepney because she did not know her way back.

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<sup>3</sup> The real names of the victim and the members of her immediate family are withheld pursuant to Republic Act No. 9262 (*Anti-Violence Against Women and Their Children Act of 2004*). Fictitious names shall be used to designate them. See *People vs. Cabalquinto*, G.R. No. 167693, September 19, 2006, 502 SCRA 419.

<sup>4</sup> *CA rollo*, p. 9.

Upon arriving home, she promptly reported the incident to German, who instructed her to contact the accused and agree to meet with him again so that they could apprehend him. She did as instructed. Just as they agreed, the accused went to the meeting place, where German quickly approached him and introduced himself as a police officer. The accused tried to run away, but German seized him and brought him to the National Bureau of Investigation (NBI) for investigation.

Dr. Wilfredo E. Tierra, the NBI medico-legal officer, conducted the medico-genital examination of AAA. He found the presence of fresh deep hymenal laceration at 5 o'clock position with edges bleeding; abrasion measuring 1.3 cm. on the left breast; and contusion measuring 1.5 cm. on the right hand of AAA.<sup>5</sup>

### **Evidence of the Defense**

The accused denied the accusation.

The accused claimed that he and AAA had first met on January 6, 2006, and became friends; that their friendship had blossomed into romance, with them becoming lovers after two months; that they had gone out once on a date on March 6, 2006, and had agreed to go out on a date again on March 14, 2006; that on the latter date, they had met at Augusto San Francisco Street, Sta. Ana Manila, and had proceeded on board a passenger jeepney to the Jollibee restaurant on Rizal Avenue; that at the Jollibee restaurant, he ordered food and asked her whether they would push through with their plan to go to a motel; that after she assented, they walked together to the motel, where a room boy led them to their designated room, which had a doorknob that could be locked from the inside; that once they entered the room, she went to the restroom and later came out wearing only a towel; that she told him that she loved him, and they started kissing each other; that she took off the towel, while he undressed; that she did not resist when he went on top of her and inserted his penis in her vagina, but he stopped when she told him that she was not yet ready; that they then got dressed, left the motel together, and boarded a passenger jeepney; that after parting ways, she called him through his cellphone and asked if they could see each other again; and that once he arrived at the meeting place, a police officer later identified as German arrested and handcuffed him.

Also testifying for the Defense was the mother of the accused. She asserted that AAA was already her son's girlfriend prior to the incident; that when she went to the police headquarters upon learning of her son's arrest, she saw AAA but the latter asked her to talk to German instead; that German told her: *Wala nang madami pang usapan, basta mangako ka sa akin na*

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<sup>5</sup> Id. at 70.

*magbibigay ka ng ₱200,000.00*; and that she asked AAA about what had really happened, but the latter refused to answer her query.<sup>6</sup>

### **Ruling of the RTC**

As stated, the RTC found the accused guilty beyond reasonable doubt of rape, decreeing:

**WHEREFORE**, premises considered, the Court finds accused **CARLITO CLARO Y MAHINAY GUILTY** beyond reasonable doubt of the crime charged and is hereby sentenced to suffer the penalty of reclusion perpetua and ordered to pay the victim, AAA the total amount of ₱50,000.00 as civil indemnity, and ₱50,000.00 as moral damages. With costs.

It appearing that accused is detained, the period of his detention shall be credited in the service of his sentence.

SO ORDERED.<sup>7</sup>

### **Decision of the CA**

On appeal, the CA affirmed the conviction, disposing:

**WHEREFORE**, in view of the foregoing, the instant APPEAL is **DENIED**. Accordingly, the Decision dated November 17, 2008 rendered by the Regional Trial Court of Manila, in Criminal Case No. 06-242729 convicting accused-appellant of the crime of rape is hereby **AFFIRMED**.

SO ORDERED.<sup>8</sup>

The CA regarded AAA's testimony as credible; and ruled that the presence of bruises and abrasions on the body of AAA proved that she had been subjected to bodily harm before he accomplished his lustful desires. It observed that the fact that the parties had gone home together after the incident was sufficiently explained by AAA's statement that she had no choice but to go with him because she did not know her way back.

### **Issue**

Did the RTC and the CA correctly find and pronounce the accused guilty of rape beyond reasonable doubt?

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<sup>6</sup> *Rollo*, p. 11.

<sup>7</sup> *CA rollo*, p. 74.

<sup>8</sup> *Rollo*, p. 20.

### Ruling of the Court

The Court acquits the accused on the ground of reasonable doubt.

It is noticeable that the versions of AAA and the accused ultimately contradicted each other on whether rape or consensual sex had transpired between them. Their contradictions notwithstanding, the circumstances – whether based on her recollection or on his – indicated that she had willingly met with him on March 14, 2006 in order to go on a lovers' date. Their meeting on Augusto San Francisco Street in Sta. Ana, Manila, and their going together by jeepney to Rizal Avenue, where they entered the Jollibee restaurant to share the meal were undoubtedly by their prior agreement. It was while they were in the restaurant when they discussed checking in at the Aroma Motel, but once she assented to their checking in the Aroma motel, they walked together towards the motel, and entered together.

The sweetheart defense is not usually regarded with favor in the absence of strong corroboration.<sup>9</sup> This is because the mere fact that the accused and the victim were lovers should not exculpate him from criminal liability for rape. In *People v. Orquina*,<sup>10</sup> the Court observed that an allegation of a "love relationship" between the parties, even if found to be true, did not eliminate the use of force to consummate the crime because the gravamen of rape is the carnal knowledge of a woman *against her will* and *without her consent*. As declared in *People v. Gecom*:<sup>11</sup>

It should be borne in mind that love is not a license for carnal intercourse through force or intimidation. Even granting that appellant and complainant were really sweethearts, that fact alone would not negate the commission of rape. A sweetheart cannot be forced to have sex against her will. From a mere fiancée, definitely a man cannot demand sexual submission and, worse, employ violence upon her on a mere justification of love. A man can even be convicted for the rape of his common-law wife.

It is a time-honored tenet that the appreciation and assessment by the trial judge of the credibility of witnesses are accorded respect primarily because the trial judge personally observed the conduct and demeanor of the witnesses as to enable him or her to determine whether they were telling the truth or merely fabricating it.<sup>12</sup> Another tenet of long standing is that the factual findings of the CA affirming those of the trial judge are generally binding upon the Court, which is not a trier of facts.<sup>13</sup> Based on these tenets, it would be easy to simply affirm the conviction of the accused herein

<sup>9</sup> *People v. Toriaga*, G.R. No. 177145, February 9, 2011, 642 SCRA 515, 521.

<sup>10</sup> G.R. No. 143383, October 8, 2002, 390 SCRA 510, 514.

<sup>11</sup> G.R. Nos. 115035-36, February 23, 1996, 254 SCRA 82, 110.

<sup>12</sup> *People v. Abrencillo*, G.R. No. 183100, November 28, 2012, 686 SCRA 592, 597.

<sup>13</sup> *People v. Taguilid*, G.R. No. 181544, April 11, 2012, 669 SCRA 341, 350.

especially considering that both the RTC and the CA regarded AAA as a credible witness whose testimony was worthy of belief.

Yet, it is not fair and just to quickly reject the defense of consensual sexual intercourse interposed by the accused. To be noted first and foremost is that he and AAA were adults capable of consenting to the sexual intercourse. The established circumstances – their having agreed to go on a lovers' date; their travelling together a long way from their meeting place on board the jeepney; their alighting on Rizal Avenue to take a meal together; their walking together to the motel, and checking in together at the motel without the complainant manifesting resistance; and their entering the designated room without protest from her – indicated beyond all doubt that they had consented to culminate their lovers' date in bed inside the motel. Although she claimed that he had held her by the hand and pulled her upstairs, there is no evidence showing that she resisted in that whole time, or exhibited a reluctance to enter the motel with him. Instead, she appeared to have walked with him towards the motel, and to have entered it without hesitation. What she did not do was eloquent proof of her consent.

Noting the medico-legal findings of bruises and abrasions on AAA, the CA concluded that she had been subjected to some "bodily harm" by the accused to force himself on her, to wit:

x x x In the case before Us, We are convinced that the element of force was present. This is shown by the fact that the accused-appellant held private complainant's hands to the point of dragging her up the stairs of the motel, and by the fact that he pushed private complainant to the bed when the latter tried to escape. Moreover, as We have mentioned above, the presence of bruises and abrasions on private complainant's body evince the fact that latter was subjected to bodily harm before accused-appellant succeeded in having carnal knowledge with her.<sup>14</sup>

That the medico-legal examination of March 14, 2006 turned up with the findings of abrasions on AAA's left breast and contusions on her right hand did not necessarily mean that the accused had applied force in the context of forcing her to have sex with him. The conclusion of the CA was, therefore, too sweeping, for it inexplicably ignored the probability of consensuality between the parties. Such findings did not justify the full rejection of the demonstrable consensuality of their sexual intercourse. Moreover, the mere presence of abrasions and contusions on her did not preclude the giving of her consent to the sexual intercourse, for abrasions and contusions *could also be suffered* during voluntary submission of the partners to each other's lust. Such possibility calls for us to open our minds to the conclusion that the sexual intercourse resulted from consensuality between them.

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<sup>14</sup> *Rollo*, p. 18.

In every criminal case, the accused is entitled to acquittal unless his guilt is shown beyond reasonable doubt. Proof beyond reasonable doubt does not mean such a degree of proof as, excluding possibility of error, produces absolute certainty. Only moral certainty is required, or that degree of proof which produces conviction in an unprejudiced mind.<sup>15</sup>

In the face of all the foregoing, we have reasonable doubt of the guilt of the accused for rape. Reasonable doubt –

x x x is not mere possible doubt; because everything relating to human affairs, and depending on moral evidence, is open to some possible or imaginary doubt. **It is that state of the case which, after the entire comparison and consideration of all the evidence, leaves the minds of jurors in such a condition that they cannot say they feel an abiding conviction, to a moral certainty, of the truth of the charge.** The burden of proof is upon the prosecutor. All the presumptions of law independent of evidence are in favor of innocence; and every person is presumed to be innocent until he is proved guilty. **If upon such proof there is reasonable doubt remaining, the accused is entitled to the benefit of it by an acquittal. For it is not sufficient to establish a probability, though a strong one arising from the doctrine of chances, that the fact charged is more likely to be true than the contrary; but the evidence must establish the truth of the fact to a reasonable and moral certainty; a certainty that convinces and directs the understanding and satisfies the reason and judgment of those who are bound to act conscientiously upon it. This we take to be proof beyond reasonable doubt; because if the law, which mostly depends upon considerations of a moral nature, should go further than this, and require absolute certainty, it would exclude circumstantial evidence altogether.**<sup>16</sup>

The requirement of establishing the guilt of the accused in every criminal proceeding beyond reasonable doubt has a long history that even pre-dates our Constitutions. As summed up by jurisprudence of American origin:

**The requirement that guilt of a criminal charge be established by proof beyond a reasonable doubt dates at least from our early years as a Nation. The ‘demand for a higher degree of persuasion in criminal cases was recurrently expressed from ancient times, (though) its crystallization into the formula ‘beyond a reasonable doubt’ seems to have occurred as late as 1798. It is now accepted in common law jurisdictions as the measure of persuasion by which the prosecution must convince the trier of all the essential elements of guilt.’** C. McCormick, *Evidence* 321, pp. 681-682 (1954); see also 9 J. Wigmore, *Evidence*, 2497 (3d ed. 1940). Although virtually unanimous adherence to

<sup>15</sup> Section 2, Rule 133 of the *Rules of Court*.

<sup>16</sup> Shaw, C. J., in *Commonwealth v. Webster*, 5 Cush. (Mass.) 320, 52 Am. Dec. 711; cited in *Schmidt v. Ins. Co.*, 1 Gray (Mass.) 534; *Bethell v. Moore*, 19 N. C. 311; *State v. Goldsborough*, *Houst. Cr. Rep.* (Del.) 316 (Bold underscoring is supplied for emphasis).

the reasonable-doubt standard in common-law jurisdictions may not conclusively establish it as a requirement of due process, such adherence does 'reflect a profound judgment about the way in which law should be enforced and justice administered.' *Duncan v. Louisiana*, 391 U.S. 145, 155, 1451 (1968).

**Expressions in many opinions of this Court indicate that it has long been assumed that proof of a criminal charge beyond a reasonable doubt is constitutionally required.** See, for example, *Miles v. United States*, 103 U.S. 304, 312 (1881); *Davis v. United States*, 160 U.S. 469, 488, 358 (1895); *Holt v. United States*, 218 U.S. 245, 253, (1910); *Wilson v. United States*, 232 U.S. 563, 569-570, 349, 350 (1914); *Brinegar v. United States*, 338 U.S. 160, 174, 1310 (1949); *Leland v. Oregon*, 343 U.S. 790, 795, 1005, 1006 (1952); *Holland v. United States*, 348 U.S. 121, 138, 136, 137 (1954); *Speiser v. Randall*, 357 U.S. 513, 525-526, 1342 (1958). Cf. *Coffin v. United States*, 156 U.S. 432 (1895). **Mr. Justice Frankfurter stated that '(i)t the duty of the Government to establish ... guilt beyond a reasonable doubt. This notion-basic in our law and rightly one of the boasts of a free society-is a requirement and a safeguard of due process of law in the historic, procedural content of 'due process.'** *Leland v. Oregon*, supra, 343 U.S., at 802-803 (dissenting opinion). In a similar vein, the Court said in *Brinegar v. United States*, supra, 338 U.S., at 174, that '(g)uilt in a criminal case must be proved beyond a reasonable doubt and by evidence confined to that which long experience in the common-law tradition, to some extent embodied in the Constitution, has crystallized into rules of evidence consistent with that standard. These rules are historically grounded rights of our system, developed to safeguard men from dubious and unjust convictions, with resulting forfeitures of life, liberty and property.' *Davis v. United States*, supra, 160 U.S., at 488 stated that the requirement is implicit in 'constitutions ... (which) recognize the fundamental principles that are deemed essential for the protection of life and liberty.' In *Davis* a murder conviction was reversed because the trial judge instructed the jury that it was their duty to convict when the evidence was equally balanced regarding the sanity of the accused. This Court said: 'On the contrary, he is entitled to an acquittal of the specific crime charged, if upon all the evidence, there is reasonable doubt whether he was capable in law of committing crime. ... No man should be deprived of his life under the forms of law unless the jurors who try him are able, upon their consciences, to say that the evidence before them...is sufficient to show beyond a reasonable doubt the existence of every fact necessary to constitute the crime charged.' *Id.*, at 484, 493, 360.

**The reasonable-doubt standard plays a vital role in the American scheme of criminal procedure. It is a prime instrument for reducing the risk of convictions resting on factual error. The standard provides concrete substance for the presumption of innocence-that bedrock 'axiomatic and elementary' principle whose 'enforcement lies at the foundation of the administration of our criminal law.'** *Coffin v. United States*, supra, 156 U.S., at 453. As the dissenters in the New York Court of Appeals observed, and we agree, 'a person accused of a crime...would be at a severe disadvantage, a disadvantage amounting to a lack of fundamental fairness, if he could be adjudged guilty and imprisoned for years on the strength of the same evidence as would suffice in a civil case.' 24 N.Y.2d, at 205, 299 N.Y.S.2d, at 422, 247 N.E.2d, at 259.



The requirement of proof beyond a reasonable doubt has this vital role in our criminal procedure for cogent reasons. The accused during a criminal prosecution has at stake interest of immense importance, both because of the possibility that he may lose his liberty upon conviction and because of the certainty that he would be stigmatized by the conviction. Accordingly, a society that values the good name and freedom of every individual should not condemn a man for commission of a crime when there is reasonable doubt about his guilt. As we said in *Speiser v. Randall*, supra, 357 U.S., at 525 -526: 'There is always in litigation a margin of error, representing error in factfinding, which both parties must take into account. Where one party has at stake an interest of transcending value-as a criminal defendant his liberty-this margin of error is reduced as to him by the process of placing on the other party the burden of ... persuading the factfinder at the conclusion of the trial of his guilt beyond a reasonable doubt. **Due process commands that no man shall lose his liberty unless the Government has borne the burden of ...convincing the factfinder of his guilt.**' To this end, the reasonable-doubt standard is indispensable, for it 'impresses on the trier of fact the necessity of reaching a subjective state of certitude of the facts in issue.' Dorsen & Reznick, *In Re Gault and the Future of Juvenile Law*, 1 Family Law Quarterly, No. 4, pp. 1, 26 (1967).

Moreover, use of the reasonable-doubt standard is indispensable to command the respect and confidence of the community in applications of the criminal law. It is critical that the moral force of the criminal law not be diluted by a standard of proof that leaves people in doubt whether innocent men are being condemned. It is also important in our free society that every individual going about his ordinary affairs have confidence that his government cannot adjudge him guilty of a criminal offense without convincing a proper factfinder of his guilt with utmost certainty.

Lest there remain any doubt about the constitutional stature of the reasonable-doubt standard, we explicitly hold that the Due Process Clause protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged.<sup>17</sup>

Requiring proof of guilt beyond reasonable doubt necessarily means that mere suspicion of the guilt of the accused, *no matter how strong*, should not sway judgment against him. It further means that the courts should duly consider every evidence favoring him, and that in the process the courts should persistently insist that accusation is not synonymous with guilt; hence, every circumstance favoring his innocence should be fully taken into account.<sup>18</sup> That is what we must be do herein, for he is entitled to nothing less.

<sup>17</sup> *In Re Winship*, 397 U.S. 358, 362-365 (Bold underscoring supplied for emphasis).

<sup>18</sup> *People v. Mejia*, G.R. Nos. 118940-41 and G.R. No. 119407, July 7, 1997, 275 SCRA 127, 155.

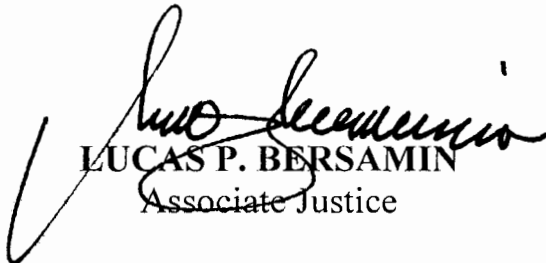
Without the proof of his guilt being beyond reasonable doubt, therefore, the presumption of innocence in favor of the accused herein was not overcome. His acquittal should follow, for, as we have emphatically reminded in *Patula v. People*:<sup>19</sup>

x x x in all criminal prosecutions, the Prosecution bears the burden to establish the guilt of the accused beyond reasonable doubt. In discharging this burden, the Prosecution's duty is to prove each and every element of the crime charged in the information to warrant a finding of guilt for that crime or for any other crime necessarily included therein. **The Prosecution must further prove the participation of the accused in the commission of the offense. In doing all these, the Prosecution must rely on the strength of its own evidence, and not anchor its success upon the weakness of the evidence of the accused. The burden of proof placed on the Prosecution arises from the presumption of innocence in favor of the accused that no less than the Constitution has guaranteed. Conversely, as to his innocence, the accused has no burden of proof, that he must then be acquitted and set free should the Prosecution not overcome the presumption of innocence in his favor. In other words, the weakness of the defense put up by the accused is inconsequential in the proceedings for as long as the Prosecution has not discharged its burden of proof in establishing the commission of the crime charged and in identifying the accused as the malefactor responsible for it.**<sup>20</sup>

**WHEREFORE**, the Court **REVERSES** and **SETS ASIDE** the decision of the Court of Appeals promulgated on March 24, 2011 affirming the conviction for rape of **CARLITO CLARO y MAHINAY** under the judgment rendered by the Regional Trial Court, Branch 21, in Manila; **ACQUITS CARLITO CLARO y MAHINAY** for failure to prove his guilt beyond reasonable doubt; **ORDERS** his immediate release from the National Penitentiary unless there are other lawful causes warranting his continuing confinement thereat; and **DIRECTS** the Director of the Bureau of Corrections to implement the release of **CARLITO CLARO y MAHINAY** in accordance with this decision, and to report on his compliance within 10 days from receipt.

No pronouncement on costs of suit.

**SO ORDERED.**

  
LUCAS P. BERSAMIN  
Associate Justice

<sup>19</sup> G.R. No. 164457, April 11, 2012, 669 SCRA 135.

<sup>20</sup> Bold underscoring supplied for emphasis.

**WE CONCUR:**



**ANTONIO T. CARPIO**  
Associate Justice

**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson



**BIENVENIDO L. REYES**  
Associate Justice



**NOEL C. TJAM**  
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.



**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson

**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.



**MARIA LOURDES P. A. SERENO**  
Chief Justice