



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff-Appellee,

G.R. No. 194234

Present:

SERENO, C.J.,  
*Chairperson,*  
LEONARDO-DE CASTRO,  
BERSAMIN,  
VILLARAMA, JR., and  
REYES, JJ.

- versus -

JAYSON CRUZ y TECSON,  
Accused-Appellant.

Promulgated:

**JUN 18 2014**

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DECISION

REYES, J.:

This resolves the appeal of accused-appellant Jayson Cruz y Tecson (Cruz) from the Decision<sup>1</sup> dated March 24, 2010 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 03154, affirming with modification the Judgment<sup>2</sup> dated August 21, 2007 of the Regional Trial Court (RTC) of Quezon City, Branch 94, in Criminal Case No. Q-03-118062, convicting Cruz of the crime of Rape.

<sup>1</sup> Penned by Associate Justice Isaias P. Dicdican, with Presiding Justice Andres B. Reyes, Jr. and Associate Justice Priscilla J. Baltazar-Padilla, concurring; CA *rollo*, pp. 93-110.

<sup>2</sup> Issued by Judge Romeo F. Zamora; *id.* at 5-13.

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Cruz was accused of rape by his neighbor, AAA,<sup>3</sup> a 15-year-old minor, with the facts as recounted by the CA:

In an information filed on June 11, 2003, Cruz was charged with the crime of Rape under Article 266-A in relation to Article 266-B of the Revised Penal Code committed as follows:

“That on or about the 26<sup>th</sup> day of May, 2003 in Quezon City, Philippines, the said accused by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have sexual intercourse with AAA, a minor, 15 years of age, inside the room of said accused at No. 118 Villareal St., Brgy. Gulod, Novaliches, this City, against her will and without her consent.[¶ ]

“CONTRARY TO LAW.”

Upon his arraignment on July 30, 2003, Cruz, with the assistance of a counsel, pleaded not guilty to the offense with which he was charged.  
x x x.

During the trial, the prosecution presented the testimonies of the three witness[es], namely: the private offended party AAA, Arturo M. Reyes, a BSDO at Gulod, Novaliches, Quezon City and P/Chief Inspector Mary Ann Gajardo, the Medico Legal Officer of the PNP Crime Laboratory. The prosecution’s evidence proved the following facts:

On May 26, 2003 at around 9:00 o’clock in the evening, AAA was at her home when Cruz called her through her father’s cellphone and asked her to go over the latter’s place. Both were residing in the same street known as Villareal Street, located at Gulod, Novaliches, Quezon City. She was able to get the permission of her mother and went straight to the house of Cruz. Upon her arrival at his house, she knocked at the door and Cruz let her enter inside the sala where the latter’s friends were drinking. By that moment she entered the house, Cruz’s friends went out and she was left alone with Cruz. She talked with Cruz and later she was forced to get inside the [sic] his bedroom which was only covered by curtains. Cruz held her right arm and pulled her into the bedroom despite AAA’s struggle to get free of herself. AAA asked Cruz what he wanted to do with her but the latter did not answer and kept on pulling her until they were inside the bedroom. Once they were inside, Cruz pushed her to the bed and AAA’s head bumped on the wall which made her feel dizzy and weak. Cruz then removed his T-shirt and went on top of her. She tried to push him but Cruz remained on top of her and managed to remove her shorts and panties by pinning her legs with his knees. After that, Cruz removed his shorts and spread open AAA’s legs using his two hands. She pleaded him not to pursue with his intentions but Cruz ignored her plea and, while on top of her, he inserted his penis into AAA’s vagina and moved forward in a pumping motion. While Cruz was doing this, AAA

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<sup>3</sup> The real name of the victim, her personal circumstances and other information which tend to establish or compromise her identity, as well as those of her immediate family or household members, shall not be disclosed to protect her privacy and fictitious initials shall, instead, be used, in accordance with *People v. Cabalquinto* (533 Phil. 703 [2006]), and A.M. No. 04-11-09-SC dated September 19, 2006.

was crying because of the pain but still she was ignored by him. After a while, Cruz removed his penis and put it on her right leg and he ejaculated there. Thereafter, he handed AAA her shorts and panties. Cruz went outside the house and left the main door locked so she was not able to open the door and get out of the house. What she did was to shout for help but nobody answered her. She just remained inside the bedroom where she fell asleep and, when she woke up the next day, Cruz was beside her. She was told that her sister was looking for her and, despite her plea to go home, she was still ignored and locked up inside the house. She could see persons outside the house but her call for help was still ignored by them. She stayed there for the entire day and waited until she had the chance to get out of the house. It happened when Cruz went to the comfort room and the door was left open so AAA was able to escape and run outside. She went directly to her house where she was met by her mother. AAA did not immediately reveal to her mother what had happened to her and, instead, asked her mother to stay with her elder sister. After she divulged to her sister what had happened, they returned to their house and the whole incident was confessed to their mother. They sought the help of the BSDO in their barangay and immediately reported to the Police Station-4 for investigation as well as to file a complaint against Cruz. AAA was examined by P/Chief Inspector Mary Ann Gajardo, who made the findings that there was a deep-healed laceration at 4:00 and 9:00 o'clock positions. She concluded that the subject of the examination was in a non-virgin state physically.

Cruz, to exculpate himself from criminal liability, interposed the defense of alibi and denial. Cruz's version of the facts can be summed up as follows:

AAA was his girlfriend since August 10, 2002 who used to send him letters dated April 8, 2003 and October 10, 2002. About 9:00 o'clock in the evening of March 26, 2003, he was having a conversation with his friends when he heard a knock on his door. When he opened it, he saw AAA and the latter asked him to elope with him. When he disagreed with what she wanted, AAA told him that she would tell her mother that he raped her. Cruz replied that she could say that to her mother but there was no truth about it. Thereafter, AAA left his house at around 10:00 o'clock. Cruz was then invited to the barangay hall where he was informed that he was charged with rape.

Rodrigo Francisco testified that, during the night of March 26, 2003, he was outside the house of Cruz and was chatting with a friend. He recalled that AAA arrived and knocked at the door of Cruz's house. It was Cruz who opened the door and talked to AAA. Rodrigo overheard that AAA was asking Cruz to elope with her but the latter did not agree. He noticed that AAA got angry and threatened that she would report to her parents.

Another witness for the defense, Christopher Ray Idago, testified that he remembered AAA arrived at the house of Cruz at about 9:00 o'clock in the evening of March 26, 2003. He was able to hear the conversation of Cruz and AAA which was about the latter's protest against Cruz's departure to work. AAA did not allow Cruz to leave her but he insisted otherwise. Christopher also overheard that AAA wanted to elope with Cruz. After the conversation was done, Cruz returned to his

friends and without anything else that happened, AAA left the house.<sup>4</sup>  
(Citations omitted)

### **Ruling of the RTC**

On August 21, 2007, after trial on the merits, the RTC rendered its Judgment,<sup>5</sup> finding Cruz guilty of the crime of rape. The dispositive portion of its ruling is as follows:

WHEREFORE, premises considered, judgment is hereby rendered finding the accused Jayson Cruz Y Tecson GUILTY beyond reasonable doubt of the crime charged and is hereby sentenced to suffer the penalty of RECLUSION PERPETUA and to indemnify the offended party [AAA] the sum of [□]50,000.[00], to pay moral damages in the sum of [□]20,000.00 and to pay the cost.

The accused, if qualified, shall be credited the full time period of his detention in accordance with law.

SO ORDERED.<sup>6</sup>

### **Ruling of the CA**

In his appeal before the CA, Cruz reiterated his denial and contended that the RTC erred in lending credence to AAA's testimony as her credibility was shattered when she testified that the alleged rape was her first sexual experience but her medicolegal report revealed the presence of deep healed lacerations.<sup>7</sup> According to Cruz, the lacerations or wounds should be 'fresh' if it was in fact the victim's first time to have any sexual contact, as she testified.<sup>8</sup>

The CA rendered its assailed decision,<sup>9</sup> affirming the conviction of Cruz and disposing of the case as follows:

**WHEREFORE**, in view of the foregoing premises, the assailed decision rendered on August 21, 2007 by the Regional Trial Court, Branch 94, in Quezon City, finding Jayson Cruz guilty of the crime of rape is hereby **AFFIRMED** by us with the **MODIFICATION** that the amount of moral damages be increased to [□]50,000.00.

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<sup>4</sup> CA rollo, pp. 94-97.

<sup>5</sup> Id. at 5-13.

<sup>6</sup> Id. at 12-13.

<sup>7</sup> Id. at 34.

<sup>8</sup> Id. at 35.

<sup>9</sup> Id. at 93-110.

**SO ORDERED.**<sup>10</sup>

Impervious to the CA decision, Cruz filed a Notice of Appeal<sup>11</sup> before the Court.

**Ruling of the Court**

The Court reverses the RTC and the CA ruling due to the presence of lingering doubts, inconsistent with the requirement of guilt beyond reasonable doubt as quantum of evidence to convict an accused in a criminal case.

“The Court has exhorted courts to keep in mind settled principles in the decision-making process, *i.e.*, (1) that an accusation for rape can be made with facility; (2) that it is difficult to prove but more difficult for the person accused, although innocent, to disprove; (3) that, in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with great caution; and (4) that the evidence for the prosecution must stand or fall in its own merits, and it cannot be allowed to draw strength from the weakness of the evidence for the defense.”<sup>12</sup>

The Court is not unmindful of the general rule that the findings of the trial court regarding the credibility of witnesses are generally accorded great respect and even finality on appeal. However, this principle does not preclude a reevaluation of the evidence to determine whether material facts or circumstances have been overlooked or misinterpreted by the trial court. In the past, the Court has not hesitated to reverse judgments of conviction, where there were strong indications pointing to the possibility that the rape charge was false.<sup>13</sup>

The CA sustained the conviction of Cruz on the basis of AAA’s testimony. According to the CA, “[t]he trial court drew its conclusions from the direct, positive and categorical statements made by AAA on the witness stand on the material circumstances regarding the commission of the crime committed against her person. AAA did not waver during her testimony when asked by the judge, the public prosecutor and the defense counsel to narrate the specific instances when Cruz raped her.”<sup>14</sup> The CA decision has also for its basis the jurisprudential doctrines that “when a woman says that

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<sup>10</sup> Id. at 109-110.

<sup>11</sup> Id. at 111-112.

<sup>12</sup> *People v. Painitan*, 402 Phil. 297, 312 (2001).

<sup>13</sup> *People v. Divina*, 440 Phil. 72, 78-79 (2002).

<sup>14</sup> CA rollo, p. 99.

she had been raped, she says, in effect, all that is necessary to show that the rape had been committed and that, if her testimony meets the test of credibility, the accused may be convicted on the basis thereof. No one would wish to be exposed to public ridicule, shame and dishonor or allow her private parts to be examined if the accusation of rape were not true. No one would want to go through the trouble and humiliation of a trial unless she was really raped and her motive was solely to seek justice.”<sup>15</sup>

While the Court maintains that the aforementioned doctrines still hold true, these principles must be applied in a case to case basis and cannot pertain to all cases where a woman claims to have been a victim of rape.

As the records bear, AAA did testify in a straightforward and candid manner but some circumstances are present in the instant case which made the Court pause and reconsider the rulings of the RTC and the CA.

*First*, AAA claimed that Cruz called her father’s cellular phone and asked her to come over his house that fateful night. Interestingly, AAA’s father is a policeman. It is puzzling then why Cruz, who would have had bestial intentions at that time, would call AAA through the cellular phone of her father. The records are bare of details why it was AAA who answered the phone call despite the fact that it was her father who owned the phone. What if it was AAA’s father who answered it? What if Cruz’s call was recorded in the said cellular phone? AAA’s father could certainly track the calls his daughter made or took just before she had gone missing, unless AAA deleted the record of Cruz’s call or Cruz used a different cellphone number. Assuming that AAA’s version is true, Cruz must have thrown so much caution in the air, knowing that he could be identified by AAA’s father as the last person who called AAA before she was detained in the house of Cruz.

*Second*, if Cruz had indeed raped and detained AAA in his house, why would Cruz be so certain that AAA’s family did not know her whereabouts that night? AAA testified that she merely lied to her mother about buying something so she can get out and go to Cruz’s house.<sup>16</sup> Yet, unanswered questions remain: What if AAA told her mother that she was going to Cruz’s house? Did Cruz know that AAA did not divulge her actual destination to her parents? Were this crucial piece of information known to AAA’s parents, they would have gone searching for AAA in Cruz’s house because human experience dictates that the initial action of any parent with a missing child is to check the last place where the child has gone to. AAA’s lie to her mother has proven to be immensely and coincidentally convenient to Cruz’s

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<sup>15</sup> Id. at 108.

<sup>16</sup> TSN, August 4, 2003, p. 7.

schemes. If Cruz raped AAA, Cruz must have known beforehand that AAA lied to her mother about her exact location. Otherwise, Cruz again took a gigantic leap and risked that AAA's parents do not know where she is and would not be able to locate her in his house.

*Third*, it is also perplexing that after AAA managed to escape from the clutches of Cruz after almost three days of being held captive, Cruz did not flee from his home, which incidentally, is also the scene of the crime. As AAA's father is a policeman, AAA could at anytime pinpoint Cruz as the one who raped and detained her to cause his arrest. It is also worthy to note that AAA's family and Cruz lived on the same street, an actuality that would have impelled Cruz to move out as he is sure to encounter AAA or any member of her family in the vicinity. Thus, it is not too far-fetched to presume that Cruz, allegedly only 18 years old at that time, would have fled at the first opportunity he is presented with to avoid the implications of their wrath, if he is guilty.

"Jurisprudence has repeatedly declared that flight is an indication of guilt. The flight of an accused, in the absence of a credible explanation, would be a circumstance from which an inference of guilt may be established 'for a truly innocent person would normally grasp the first available opportunity to defend himself and to assert his innocence.'"<sup>17</sup>

*Lastly*, Cruz is charged of a single count of rape. However, AAA testified that Cruz subjected her to repeated sexual abuse during the days of her ordeal in his hands.<sup>18</sup> AAA neither testified as to the number of times she was raped nor as regards the particulars of the other instances of rape, all of which occurred in less than three days. Although these are immaterial to the single count of rape which is the subject of the present case, it could not be helped that the Court finds it a bit mystifying as to how AAA could not have sustained other physical injuries, no matter how slight, if she was raped again and again in a short period of time.

The Court is very much aware that "[t]he essence of rape is carnal knowledge of a female either *against her will* (through force or intimidation) or *without her consent* (where the female is deprived of reason or otherwise unconscious, or is under 12 years of age, or is demented). It is relevant to know that carnal knowledge is simply the act of a man having sexual bodily connections with a woman."<sup>19</sup> Thus, even if there are no lacerations or the lacerations are old and healed, the fact of rape can still be proven by other evidence. Nonetheless, the Court is wary of applying these principles, in light of the unique factors attendant to this case.

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<sup>17</sup> *People v. Del Mundo*, 418 Phil. 740, 753 (2001).

<sup>18</sup> TSN, August 4, 2003, p. 21.

<sup>19</sup> *People v. Taguilid*, G.R. No. 181544, April 11, 2012, 669 SCRA 341, 350-351.

The physical examination which AAA underwent on June 8, 2003, which is 10 days after her escape from Cruz's house, disclosed lack of external signs of physical trauma. An examination of AAA's Initial Medico-Legal Report<sup>20</sup> reveals the following:

FINDINGS:

**PHYSICAL INJURIES: No external signs of application of any form of physical trauma**

**GENITALIA: HYMEN: Presence of deep healed lacerations at 4 and 9 o'clock position**

CONCLUSION:

The subject is in non-virgin state physically.

There are no external signs of application of any form of physical trauma.<sup>21</sup> (Emphasis ours)

The Court cannot deny the existence of deep healed lacerations in AAA's genitalia. However, there is a cloud of doubt if Cruz is undeniably the author thereof. Furthermore, there is also uncertainty as to the approximate time when the lacerations were inflicted. The medicolegal officer testified that she herself cannot denote the exact date when the lacerations were inflicted, *viz*:

Q: And when you examined the subject and found this presence of deep healed lacerations, that was on June 8?

A: Yes sir.

Q: And these deep healed lacerations you found must have been about ninety days or one hundred days old?

A: **Well, I cannot totally denote the exact time of infliction, sir.**

Q: But will you tell the Honorable Court if it was one day old?

A: We will see actually if it is a one day old laceration if it is fresh laceration produced, if it is one day old.

x x x x

Q: **Now these deep healed lacerations that you found on the subject, will you kindly tell the Honorable Court whether it is possible that it had been there for at least ninety days?**

x x x x

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<sup>20</sup> Records, p. 10.

<sup>21</sup> Id.



**WITNESS:** Well, your honor, when we say deep healed laceration, it can be inflicted weeks, months or even years prior to the examination.

x x x x

**COUNSEL:** x x x In your study of wounds, you have the fresh wound, the healed wound and the too healed, very healed wound?

x x x x

**COUNSEL:** In what category will this fall?

**WITNESS:** Well, as noted in my report, it is a deep healed laceration meaning...

**Q:** This is more than a month old?

**A:** Actually, I cannot note if it is a month old.<sup>22</sup> (Emphasis ours)

None of the members of AAA's family testified for the prosecution. While admittedly, none of them were present during the occurrence of the alleged rape, their testimonies would have helped the prosecution in establishing the surrounding circumstances of this case; what they did during the time AAA vanished until she got home; whether she was reported as missing to the *barangay* officials or police; whether they looked for her or if any of their neighbors reported anything to them; how AAA looked or behaved when she finally got home from her narrow escape. Their testimonies on these matters are crucial to support AAA's allegations that she was truly confined in the house of Cruz for almost three days.

The other witnesses for the prosecution failed to corroborate AAA's testimony as well. Arturo Reyes, a *Barangay* Security Development Officer at Gulod, Novaliches merely testified to prove that he was one of those who took into custody the person of Cruz and turned him over to the authorities.<sup>23</sup> The medicolegal officer, Dr. Mary Ann Gajardo testified to prove that she was the one who conducted a medicolegal examination on the person of AAA, prepared a report on her findings and identified the medical certificate she issued.<sup>24</sup> Hence, the Court is constrained to rely on the sole testimony of AAA regarding her tribulation in the house of Cruz, which the Court finds lacking to establish Cruz's guilt beyond reasonable doubt.

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<sup>22</sup> TSN, June 21, 2004, pp. 8-9.

<sup>23</sup> TSN, May 4, 2004, p. 3.

<sup>24</sup> TSN, June 21, 2004, p. 2.

This is not to say that Cruz is absolutely innocent – only that, the prosecution failed to establish his guilt beyond reasonable doubt. While, love letters<sup>25</sup> allegedly written by AAA to Cruz were marked by the defense as exhibits, these were never offered as evidence. Section 34, Rule 132 of the Rules of Court explicitly provides: “The court shall consider no evidence which has not been formally offered. The purpose for which the evidence is offered must be specified.” The Court is also not unmindful of the inconsistencies in Cruz’s answers during his cross-examination. He expressed that AAA was his girlfriend, but had a hard time recalling the exact date when they got together. He also testified that sometimes, he courted AAA in the latter’s house, but when asked again, he said that he never visited in AAA’s house.

FISCAL:       **Can you tell us Mr. Witness when did [AAA] become your girlfriend?**

WITNESS:      **November 10, 2003, ma’am.**

x x x x

FISCAL:       How did you court her? **Did you go to their house?**

WITNESS:      **Sometimes**, ma’am, [sic] when we see each other outside.

x x x x

FISCAL:       Do you know a letter dated October 10, 2002, Mr. Witness, which was marked as Exhibit “2” for the defense?

WITNESS:      Yes, ma’am.

x x x x

FISCAL:       **Were you already girlfriend and boyfriend were [sic] [AAA] when you received this letter marked as Exhibit “2”?**

WITNESS:      **Yes, ma’am.**

FISCAL:       **Is it not, Mr. Witness, that you said awhile ago, you testified a few minutes ago that you became girlfriend and boyfriend with [AAA] on November 10, 2002?**

WITNESS:      **Yes, ma’am.**

FISCAL:       **The said letter, Exhibit “2”, Mr. Witness, is dated October 10, 2002, and you said [AAA] was your girlfriend at the time?**

WITNESS:      **Yes, ma’am.**

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<sup>25</sup>

*Rollo*, pp. 62-63.

**FISCAL:** And so, which is which now, Mr. Witness? I am confused. You are giving us two dates, October 10, 2002 or November 10, 2002?

**WITNESS:** “Isipin ko muna, nakalimutan ko rin po sobrang tagal ko na sa kulungan.” August, 2002, ma’am.

**FISCAL:** And you are giving us another date, Mr. Witness?

**WITNESS:** Yes, ma’am, “medyo nakalimutan ko na rin po sobrang tagal ko sa kulunga[n].”

**FISCAL:** So, there are three (3) dates, August 10, October 10 and November 10, Mr. Witness?

**WITNESS:** August, ma’am.

x x x x

**FISCAL:** When you [are] courting [AAA], Mr. Witness, **did you visit her at home?**

**WITNESS:** I could not go to their house.

**COURT:** But I heard him say sometimes, he said a while ago. Even when you were courting her, you went to her house sometimes?

**WITNESS:** No, your honor.

**FISCAL:** You testified awhile ago...

**COURT:** When you started courting, how did you court her and then, you were asked, did you go to her house? He said sometimes. All right, continue. I will take note of that.<sup>26</sup>  
(Emphasis ours)

Moreover, Cruz had conflicting statements on some details when he testified that it was AAA who went to his house and asked him to elope with her:

**FISCAL:** And how many minutes did you talk with [AAA]?

**WITNESS:** Around five (5) minutes, ma’am.

**FISCAL:** Five (5) minutes that you talked with [AAA] and you said in your direct testimony, Mr. Witness, that [AAA] left at 10:00 o’clock in the evening?

**WITNESS:** Yes, ma’am.

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<sup>26</sup>

TSN, September 7, 2004, pp. 3-10.

X X X X

FISCAL: So what is your basis now in telling us that [AAA] left at 10:00 o'clock in the evening when you only talked to her for about five (5) minutes?

WITNESS: Because we quarreled and she told me to elope with her.

X X X X

FISCAL: And is [sic] that subject matter only lasted for about five (5) minutes, Mr. Witness?

WITNESS: No, ma'am, it went on.

**FISCAL: For how long was the discussion?**

**WITNESS: Until up to 10:00 o'clock in the evening, ma'am.<sup>27</sup>**  
(Emphasis ours)

The discrepancies in Cruz's narration nevertheless, should not be taken against him. In *Patula v. People*,<sup>28</sup> the Court held that:

[I]n 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>29</sup> (Citations omitted)

"The overriding consideration is not whether the court doubts the innocence of the accused but whether it entertains a reasonable doubt as to his guilt. If there exist even one iota of doubt, this Court is 'under a long standing legal injunction to resolve the doubt in

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<sup>27</sup> Id. at 21-22 .

<sup>28</sup> G.R. No. 164457, April 11, 2012, 669 SCRA 135.

<sup>29</sup> Id. at 150-151.

favor of herein accused-petitioner.”<sup>30</sup> “Any doubt shall be resolved in favor of the accused.”<sup>31</sup>

Possibilities on what actually transpired from the evening of May 26, 2003 to May 28, 2003 abound, and the Court is distressed to state that it is not set to contribute to or to exclude any angle; only AAA and Cruz could supply the missing links in their respective narrations on this confounding chapter in their young lives.

If indeed Cruz is guilty, let the Ultimate Judge make that righteous judgment. Courts of men, hardly infallible, can only rely upon the evidence before them. Verily, it may be necessary to reiterate the basic rule that requires a party to prove his affirmative allegations even as it underscores the delicate and pivotal role of the prosecution, particularly during the direct and cross-examination, on the imperativeness of probing questions in order to elicit fine points from witnesses that pertain to no less than the vital elements of the crime.<sup>32</sup>

**WHEREFORE**, the Decision dated August 21, 2007 of the Regional Trial Court of Quezon City, Branch 94, in Criminal Case No. Q-03-118062, as well as the Decision dated March 24, 2010 of the Court of Appeals in CA-G.R. CR-H.C. No. 03154 are hereby **REVERSED** and **SET ASIDE**. Accused-appellant Jayson Cruz y Tecson is **ACQUITTED** of the charge of rape on the ground of reasonable doubt. His immediate release from custody is hereby ordered unless he is being held for other lawful causes.

**SO ORDERED.**

  
**BIENVENIDO L. REYES**  
Associate Justice

<sup>30</sup> *Yadao v. People*, 534 Phil. 619, 640 (2006).

<sup>31</sup> *Moster v. People*, 569 Phil. 616, 628 (2008).

<sup>32</sup> *Supra* note 12, at 313.

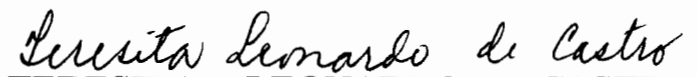
**WE CONCUR:**



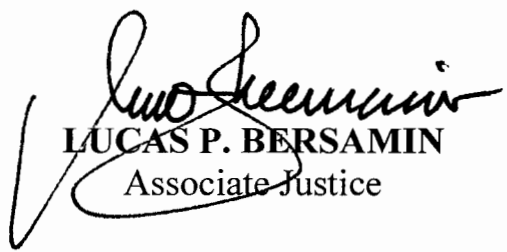
**MARIA LOURDES P. A. SERENO**

Chief Justice

Chairperson



**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice



**LUCAS P. BERSAMIN**  
Associate Justice



**MARTIN S. VILLARAMA, JR.**  
Associate Justice

### **CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, 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