PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOEL NIETES QUIATCHON, ACCUSED-APPELLANT.

Ponente: LAGURA-YAP, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/04bddc637410/

LAGURA-YAP, J.:

Accused-appellant, Joel Nietes Quiatchon (appellant), appeals the Decision[1] dated November 17, 2011, rendered by the Regional Trial Court (RTC), Branch 10, San Jose in Crim. Case No. 05-10-7297 finding him guilty beyond reasonable doubt of the crime of Rape and sentencing him to suffer the penalty of Reclusion Perpetua.

Factual Antecedents

In an Information[2] dated October 14, 2005, the appellant together with Victor Omallao (Victor) were charged for the crime of Rape, the accusatory portion whereof reads:

> "That on or about the 3[rd] day of June, 2005, in the Municipality of San Jose, Province of Antique, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating, and mutually helping one another, did then and there, willfully, unlawfully and feloniously, with lewd design, by means of force and intimidation, did then and there, willfully, unlawfully and feloniously have carnal knowledge of AAA[3] a minor three (3) years of age against her will.
>
> Contrary to the provision of Article 266-A in relation to paragraph (d) of the Revised Penal Code, as amended."

On November 29, 2005, both Victor and the appellant were arraigned in the dialect known and understood by them. They both pleaded "Not guilty" to the offense charged.[4]

During pre-trial conference, the following facts were admitted:

> "xxx.
>
> - Name of the Victim in this case AAA;
>
> - That the person listed in the information are same persons who are now in custody, namely Joel Nietes Quiatchon and Victor Omallo;
>
> - The medical certificate attached to the records of this case as to the findings of the medical specialist who conducted the medical examination of the victim of this case.[5]"

Thereafter, trial on the merits ensued.

On August 6, 2008, Victor died[6] of Pneumonia. Hence, the case against him was dismissed by the RTC in its Order[7] dated September 16, 2008.

Version of the Prosecution

The prosecution's version of the facts as synthesized by the RTC and adopted by the Office of the Solicitor

General (OSG) in its brief are as follows:

> "[The victim], a four[-]year old complainant in this case identified the two accused, Joel Quiatchon and Victor Omallao alias "Unge" in open Court. While watching bats in the house of Joel, the latter took off her panty and pricked her vagina with his penis in the bedroom. Victor likewise pricked her vagina with his penis but both accused failed to penetrate her. After that they gave her one peso to buy "bandi". She went home and told her mother of the incident but her mother just slept and did not get angry.
>
> Their house is quiet (sic) near from the house of Joel and she went there by herself. She did not play with anyone but just stayed there to watch the bats. Joel has male companions in their house but she does not know them. She was scared because Joel pricked her in her vagina six times. He was with alias "Unge" that same afternoon. Upon telling her mama of the incident she just put her to sleep in their house. Her papa spanked her when told of the incident.
>
> Dr. Menchu V. Diana, testified that she specialized in obstetrics and gynecology. She is a fellow in obstetrics and a gynecologist. On June 14, 2005 she recalled having treated [the victim]. She was referred to her for having purulent vaginal discharges for five days, meaning that the patient has vaginal discharges which are pus-like in nature. The color is like that of pus which is yellowish. It is her findings that the patient has vaginal infection which may be caused by viral or bacterial infection. The same could be acquired by contact of private organs and not in any other way. The urethral smear done in the Municipal Health Office showed the presence of numerous pus cells, gram negative, and diploccoci (sic). In layman's language there is an indication of the presence of gonorrhea. The patient was first checked at the Municipal Health Office and was referred to her for further management. Urethral smear is different from urinalysis. In the former it is done by getting a sample from urethral discharges by getting fluid from the urine passage. It is an abnormal discharge if the color is pus-like or yellowish and the medical technologist do a gram staining of the discharge. The procedure is to get a cotton swab and get a sample from the urethra. The urethra is the opening where urine passes and the medtech puts it on a slide and places it under a microscope to identify whatever organism is present. Since the findings is purulent vaginal discharges she did a repeat smear to confirm the presence of gram negative diplococci and the same was positive. Since the patient is only three years old, she was referred to Dr. Tanchuan, so that the management may be done by a pediatrician.
>
> It is possible for an adult to commit sexual intercourse with a three-year-old but only [there was] erythematous introitus, meaning at the area of the opening of the vaginal canal since it was reddened during the examination. This could be due to the inflammation which can be caused by infection. Because of the smallness of the vaginal canal, there was no laceration, so it is possible that there was no penile penetration. However, infection can be introduced only at the opening of the vagina. The sexual organ of a male adult cannot go beyond the opening of the vaginal canal because of the discrepancy of the size of the sexual organs.
>
> She had physical examination with patient only on June 14, 2005. Witness communicated with the patient but his (sic) companion answered for her as she was only three years old. It is stated in the referral from the Municipal Health Office that there were purulent discharges and the specimen was sent to the laboratory for examination, after which she concluded that there was infection. In her record there was no allegation of sexual contact. But it is unusual for a child of that age to have discharges and she suspected there was a physical abuse.
>
> Witness said there was a positive finding and there was infection because upon examination there was erythematous introitus or reddening at the introitus. Introitus is between the labia majora and the labia minora. The cause of the infection could be either bacterial or viral infection. In a bacterial infection, the manifestation is more of discharges and in viral infection one can see blisters. That of the patient is more of bacterial infection. The referral of the Municipal Health Office stated that there was a gram stained result and there was a clear positive gram negative tissue or that gonorrhea has set in. In the Medical Certificate there was no finding as to sexual contact and she could not conclude if there was.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> Because of the gram stain it is possible that there was sexual contact. The infection could have been transferred by sexual contact alone.
>
> Marian Deliqunia is the aunt and neighbor of the victim x x x. Her house is a few arms length from their house. Joel Quiatchon is known to her by being an operator of a beerhouse nearby. Alias "Unge" is also known to her by being a worker of Mr. Quiatchon. On June 3, 2005 at around 10:00 o'clock in the morning, she saw the victim playing on the ground wearing an underwear. Then came Joel Quiatchon who bought a bubble gum and invited the victim to watch TV. The victim followed him at the beerhouse and stayed there for quite a long period of time. When she came out of the beerhouse, she was no longer wearing a panty and when asked where her panty was, she replied that it is with her Lolo Joel. She did not mind since the child comes and goes to the house of the accused. She did not entertain any doubts in her mind at that time until June 10, 2005 when the mother of the victim complained after seeing a doctor that the child is suffering from something that would result to AIDS. That was the time she told the mother of the June 3, 2005 incident.
>
> She [Marian] is close to [the victim] and the latter even addressed the accused as Lolo Joel. She saw the victim enter the house of Joel Quiatchon at 10:00 o'clock in the morning but did not see what actually happened to them inside. She again saw the victim after lunch. She was able to talk to the mother of the victim on June 10, 2005 about the child. The mother as well as the child told her that she was molested by Joel Quiatchon. The mother confided to her that the child has sexually transmitted disease and told her that the same was caused by Joel Quiatchon. That was when she told the mother of the June 3, 2005 incident.[8] (Citations omitted)

Version of the Appellant

In his defense, the appellant denied all the charges against him. He testified that it is improbable that he committed the incident since it is inherently impossible to have been committed in broad daylight, where he was busy attending to his business, like going to the market, cooking food and serving his customers. Also, he denied that the incident happened in the premises of his day and night club because it has no television set where the victim could have allegedly viewed it.[9]

The appellant's denial and the impossibility of its commission was corroborated in every material point by his wife Wenifreda Quiatchon, and his employer, Gilson Capistrano.[10]

After trial, the RTC rendered the assailed Decision[11] against the appellant, the fallo whereof is hereunder quoted:

> "WHEREFORE, in view of all the foregoing, judgment is hereby rendered the accused Joel Nietes Quiatchon GUILTY beyond reasonable doubt of the crime of Rape, and imposing upon him a prison term of RECLUSION PERPETUA. He is further ordered to pay the victim AAA, P75,000.00 as civil indemnity, P75,000.00 as moral damages and P30,000.00 as exemplary damages, and to pay the costs.
>
> SO ORDERED." (Bold letters in the original)

Hence, this appeal.

Assignment of Errors

The appellant proffered the following:

> "I.
>
> THE LOWER COURT, ERRED IN ABSOLUTELY GIVING DUE COURSE TO THE SPECULATIVE AND UNTRUTHFUL ASSERTIONS OF THE PROSECUTION WITNESSES AGAINST ACCUSED.
>
> II.

> THAT THE LOWER COURT GRAVELY ERRED IN CONVICTING THE ACCUSED TO BE THE PERPETRATOR OF THE ALLEGED ACT AGAINST THE VICTIM, VIS-A-VIS THE FINDINGS OF THE DOCTOR.[12]"

The Ruling of this Court

In this jurisdiction, the testimony of the private complainant in rape cases is scrutinized with utmost caution. The constitutional presumption of innocence requires no less than moral certainty beyond any scintilla of doubt. This applies with more vigor in rape cases where the evidence for the prosecution must stand or fall on its own merits and is not allowed to draw strength from the weakness of the evidence of the defense. As an inevitable consequence, it is the rape victim herself that is actually put on trial.[13] The case at bar is no exception.

Anent the first assignment of error, the appellant asserted that the trial court committed reversible error in convicting him of the crime of Rape. He argued that there are material inconsistencies in the prosecution's narration of facts which proved that they were lying. In his brief, the appellant pointed out the following:

- As early as June 3, 2005, AAA and her mother talked about the incident and no complaint ever existed on that day. During the cross examination, AAA categorically stated that it happened in the afternoon. However, in a sudden twist of facts, prosecution witness, Marian Deliquinia (Marian), the aunt of AAA, alleged that the incident took place at 10:00 A.M.

- Marian testified that it was on June 10, 2005, that the mother of AAA complained that her child might be suffering of AIDS after seeing the doctor. That was also the time that she told the mother of the victim about the incident. Again, this a complete lie because as early as June 3, 2005, the mother was already aware of the incident per allegation of the victim herself. Also, there was no doctor's assistance that took place on June 10, 2005 because it is a matter of record that the treatment was done by Dr. Menchu Diana on June 14, 2005.

The factual issues raised by the appellant would not exculpate him.

It is a time-tested rule that the evaluation of the credibility of witnesses and their testimonies is best undertaken by the trial court, because it had the opportunity to observe them firsthand and to note their demeanor and conduct on the witness stand. For this reason, its findings on such matters, absent any arbitrariness or oversight of facts or circumstances of weight and substance, are final and conclusive upon this Court.[14]

In this case, contrary to appellant's assertion, We find that the inconsistencies raised by him merely refer to minor details and collateral matters which does not affect the credibility of the minor victim.

The rule is well-settled that inconsistencies in the testimonies of witnesses when referring only to minor details and collateral matters do not affect either the substance of their declarations, their veracity, or the weight of their testimonies. Although there may be inconsistencies on minor details, the same do not impair the credibility of the witnesses where there is consistency in relating the principal occurrence and positive identification of the accused. Such minor inconsistencies even enhance their veracity as the variances erase any suspicion of a rehearsed testimony.[15] An adroit cross-examiner may trap a witness into making statements contradicting his testimony on direct examination. Intensive cross-examination on points not anticipated by a witness and his lawyer may make a witness blurt out statements which do not dovetail even with his own testimony. Yet, if it appears that the same witness has not willfully perverted the truth, as may be gleaned from the tenor of his testimony and the conclusion of the trial judge regarding his demeanor and behavior on the witness stand, his testimony on material points may be accepted.[16]

In this case, the alleged discrepancy as to the exact time of the commission of the rape is not enough to conclude that the minor victim is merely inventing the rape incident. It is even absurd to think and contrary to the natural

order of things that a four-year old girl is capable of fabricating a clear story of rape. In People v. Nazareno[17] the Supreme Court citing People v. Gianan[18], stressed that the time of the commission of rape is not an element of the said crime.

Marian's testimony that it was on June 10, 2005 that she talked with AAA's mother and that the latter complained that the child is suffering from something that would result to AIDS19 does not indicate that the rape incident was merely fabricated. Although Dr. Menchu testified that she examined AAA only on June 14, 2005, she also clarified that AAA was merely referred to her for further management and that the minor victim was first examined in the Municipal Health Office[20]. Notably, it is clear from her testimony that she was not the only physician who examined AAA. Besides, during cross-examination, Marian testified that she could not ascertain if it was on June 10, 2005, that AAA was brought to the doctor for treatment[21].

Moreover, We have judiciously scrutinized the testimony of the four-year old minor, AAA and We find that her narration of the horrific incident leaves no room for uncertainty regarding the rape incident. During trial she clearly identified the appellant as the same person who pricked her vagina with his penis. She could not have been mistaken since they are neighbors and she even know the appellant by his first name “Joel”. Her testimony in this regard appears to be candid, clear and straightforward, her testimony is most telling, thus:

> “xxx.
>
> Q
>
> And was there occasion when you were in Madrangca that you met Joel Quiatchon?
>
> A
>
> Yes.
>
> Q
>
> What did Joel Quiatchon do to you?
>
> A
>
> He pricked me with a stick.
>
> Q
>
> Where did he prick you with a stick?
>
> COURT INTERPRETER
>
> Witness pointing at her vagina which she call “pipi”.
>
> PROS. ABIERA:
>
> Q
>
> This stick that you mentioned, what is it?
>
> A

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

His pennis (sic).

Q

Before he prick you with a stick and you said it was his pennis (sic), what did he do with your underwear?

A

He took off my panty.

Q

Where did he prick a stick in your private parts, in your house or in his house?

A

In the house of Joel Quiatchon.

Q

In what particular place in the house?

A

The room of the ladies.

COURT:

Proceed.

PROS. ABIERA:

Q

How about Onge did he do something bad to you?

A

No Sir.

Q

What did Onge do to you?

A

Just laughed.

Q

After laughing while Joel was doing this thing to you touching your pipi with a stick, after that what did Onge do?

A

He also pricked me.

Q

Prick you with what?

A

Pennis (sic).

Q

You were no longer wearing your panty that time?

A

No panty that time Sir.

Q

What about Joel Quiatchon, when he pricked your vagina with stick was the stick able to penetrate?

A

No.

Q

Up to what point only?

A

Witness pointing at her vagina.

Q

How about Alias Onge you mentioned who prick his stick to you, was he able to enter your vagina?

A

No.

Q

After, the two accused had pointed a stick at your vagina what did they do?

A

They gave me money Sir.

Q

How much?

A

One peso. Xxx[22].”

Anent the second assignment of error interposed by the appellant, he argued that the findings of the doctor who examined AAA showed that it is incredible to inculpate him as the perpetrator of the act. The appellant pointed out that the gonorrhea suffered by the child started five days before June 14, 2005. It does not jibe nor synchronize with the commission of the alleged act on June 3, 2005 since sickness like gonorrhea occur usually a

day or two after the infection by way of a sexual contact. In this case, since the discharges started on June 9, 2005, the most logical date of infection by way of sexual intercourse should have been on the dates of February 7 or 8, 2005[23].

The Court is not persuaded.

The appellants argument is based only on speculation and conjecture and not supported with any substantial evidence. The appellant failed to support his theory with any proof to support it. Verily, in the absence of any evidence that would prove that is physically impossible for the appellant to commit the act, We find no reason to discredit the testimony of the four-year old victim regarding the incident.

The elements of rape under paragraph 1 of Article 266-A are: (1) the offender is a man who had carnal knowledge of a woman; and (2) he accomplished such act through force or intimidation upon her; or she is deprived of reason or otherwise unconscious; or she is under 12 years of age or is demented. The gravamen of rape is carnal knowledge or sexual intercourse with a woman against her will or without her consent.[24]

In this case, the identity of the appellant was clearly established by the testimony of AAA. Likewise, the age of the victim was never disputed and it is sufficiently established by her Certificate of Live Birth[25] which showed that she was born on July 18, 2002. Considering that the rape transpired on June 3, 2005, she was only three years old at the time the appellant ravished her innocence.

The element of carnal knowledge was also sufficiently established by the prosecution. The assessment of the RTC regarding this issue is hereunder quoted with Our imprimatur:

> "As earlier adverted to in the testimony of the gynecologist who examined the victim, there was erythematous introitus which is located between the labia majora or labia minora. In other words, the sexual organ of the accused necessarily has to touch the labias before piercing the introitus or vaginal opening. Because of the reddening of the introitus, there is no doubt that there was penetration. As testified to by the gynecologist, the introitus is located between the labia majora and labia minora, hence there was penetration as to warrant the findings of a consummated rape. These findings were reinforced by the fact the victim was infected with gonorrhea which could have been transferred, according to the doctor, by sexual contact alone, giving rise to the conclusion that the penis actually touched the introitus having penetrated through the labia majora and labia minora, although there was no actual penetration of the vagina due to its smallness in size vis-a-vis the male sexual organ.[26]"

Moreover, the minor victim in this case was infected with gonorrhea as testified[27] by Dr. Menchu. The presence of gonorrhea is conclusive evidence of sexual abuse. Even if it was not disclosed by the child, this finding proved that sexual contact has occurred.[28]

Penalty

Pursuant to Article 266-B, the penalty of Death is supposed to be imposed when the victim is a child below seven (7) years old. However, the sentence of death can no longer be applied in view of Republic Act No. 9346, entitled "An Act Prohibiting the Imposition of Death Penalty in the Philippines." The said law mandates that in lieu of the death penalty, the penalty of reclusion perpetua shall be imposed.

Thus, the RTC correctly imposed the penalty of reclusion perpetua. The said penalty must, however, be qualified to be without eligibility for parole.[29]

Damages

As to damages, We affirm the award of P75,000.00 as civil indemnity and the award of P30,000.00 as exemplary

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

damages. However, the award of P75,000.00 as moral damages should be reduced to P50,000.00 in accordance with recent jurisprudence.[30]

Finally, all the damages awarded shall earn interest at the rate of 6% per annum from the date of finality of this judgment until fully paid.[31]

WHEREFORE, the Decision dated November 17, 2011, rendered by the Regional Trial Court, Branch 10, San Jose in Crim. Case No. 05-10-7297 is AFFIRMED with the MODIFICATIONS that appellant, Joel Nietes Quiatchon, is sentenced to reclusion perpetua without eligibility for parole. The moral damages awarded is reduced to P50,000.00. The award of P75,000.00 as civil indemnity and P30,000.00 as exemplary damages are retained. All damages awarded shall earn interest at 6% per annum from the date of finality of this judgment until fully paid.

SO ORDERED.

Delos Santos, J., Chairperson and Lopez, JJ., concur.

---

[1] Rollo, pp. 34-50, penned by Presiding Judge Sylvia G. Jurao.

[2] Records, p. 1.

[3] Pursuant to Republic Act No. 9262, otherwise known as the Anti-Violence Against Women and Their Children Act of 2004, and its implementing rules, the real names of the victims, as well as those of their immediate family or household members, are withheld and fictitious initials instead are used to represent them, to protect their privacy. See People v. Cabalquinto, G.R. No. 167693, 19 September 2006.

[4] See Order dated November 29, 2005, Records, p. 34.

[5] Pre-Trial Order, Records, pp. 43-49 (at p. 43)

[6] See Death Certificate, Records, p. 114.

[7] Records, p. 115.

[8] Quoted from the Brief for the Appellee, Rollo, pp. 56-74 (at pp. 59-61).

[9] Culled from the Brief for the Accused-Appellant, Rollo, pp. 22-33 (at p. 26).

[10] Id.

[11] Supra note 1.

[12] Quoted from the Brief for the Accused-Appellant, Rollo, pp. 22-33 (at p. 27).

[13] People v. Jalosjos, G.R. No. 132875-76, November 16, 2001.

[14] People of the Philippines v. Arevalo, G.R. Nos. 150542-87, February 3, 2004.

[15] People v. Khor, G.R. No. 126391, May 19, 1999.

[16] People v. Mercado, G.R. No. 116239, November 29, 2000.

[17] G.R. No. 167756, April 9, 2008.

[18] G.R. Nos. 135288-93, September 15, 2000, 340 SCRA 477.

[19] See TSN, Marian Deliquinia, August 29, 2006, p. 19

[20] See TSN, Dr. Menchu Diana, August 29, 2006, p. 7

[21] See TSN, Marian Deliquinia, August 29, 2006, p. 22

[22] TSN, AAA, August 15, 2006, pp. 5-6

[23] The dates February 8 or 7 was culled from the arguments of in the Brief for the Accused -Appellant, Rollo, pp. 22-33 (at p. 30)

[24] People v. Bejic, G.R. No. 174060, June 25, 2007.

[25] Records, p. 12

[26] Quoted from the Decision of the RTC, supra note 1 (at p. 46)

[27] TSN, Dr. Menchu Diana, August 29, 2006, p. 6

[28] The Interpretation and Limits of Medical Evidence in Child Abuse Cases by Dr. Bernadette Madrid, head PGH Child Protection Unit, p. 9

[29] Pursuant to Section 3 of Republic Act No. 9346 (An Act Prohibiting the Imposition of Death Penalty in the Philippines) which states that persons convicted of offenses punished with reclusion perpetua, or whose sentence will be reduced by reclusion perpetua by reason of [the] Act, shall not be eligible for parole under Act No. 4180, otherwise known as the Indeterminate Sentence Law, as amended, See also People v. Sato, G.R. No. 190863, November 19, 2014.

[30] See People v. Sato, G.R. No. 190863, November 19, 2014.

[31] People v. Sato, id. citing People v. Frias, G.R. No. 203068, September 18, 2013, 706 SCRA 158, 168.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.