

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ANTONIO QUIAZON ALIAS TONY, DEFENDANT-APPELLANT.***G.R. No. L-44299. August 31, 1977*

Ponente: FERNANDO, Acting C.J.

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FERNANDO, Acting C.J.:

The law condemns with severity, and rightly so, an offense against chastity. That is to manifest the high respect our country accords to its female population. Any departure from such a norm would be a betrayal of a deep-seated national tradition. At the same time, it cannot be lost sight of that an offense of this character, while "most detestable," according to Blackstone," and * * * ought severely and impartially to be punished * * *; [still]) * * * is an accusation easy to be made, hard to be proved, but harder to be defended by the party accused, though innocent." [1] When, therefore, the Acting Solicitor General Vicente V. Mendoza, [2] instead of filing a brief for appellee, submitted a Manifestation recommending "that the judgment of the lower court" finding appellant Antonio Quiazon guilty of abduction with rape and sentencing him to the penalty of reclusion perpetua "be reversed" and another be entered acquitting him, [3] the need for a thorough study of the record became evident. A careful scrutiny thereof leads us to the conclusion that the guilt of appellant had not been shown beyond reasonable doubt. The appealed decision cannot be sustained.

In the Manifestation of Acting Solicitor General Vicente V. Mendoza, he narrated the facts which in his view were entitled to credence. It started with the statement that it was in a chance encounter between complainant, Virginia Salazar de la Cruz, and appellant while they were passengers in a Baliuag Transit bus, both of them being residents thereof and bound for San Jose City, Nueva Ecija, that led to the train of events culminating in the accusation against him. She was quite friendly; as a matter of fact she "was leaning on him." [4] Thus encouraged, he asked her whether "he could visit her in her house." She answered in the negative, but quickly added that they could "just see each other in the public market of San Jose City." [5] After two days, they did meet in such a place, with the appellant losing no time to invite her to his house, after noticing that she was quite receptive to his advances. [6] They proceeded on a tricycle to his house, and on arrival, appellant "introduced [her] to his parents and told them that she will be their daughter-in-law. She kissed the hands of his parents. She stayed in his house the whole day. After taking their lunch, the accused lay with the complainant, and they had sexual intercourse. At five o'clock in the afternoon she left his house and went home." [7] After that day, it was not unexpected for such intimacies to be repeated, with complainant not only visiting appellant but also bringing "coffee, native cakes and rice whenever she went to his house. Each time she came they had sexual intercourse." [8]

The Manifestation continues the narrative thus: "One day, in May, 1973, the accused was eating in the public market with his friend Rogelio Vigilia and the complainant Virginia. Suddenly Virginia stood up and left them because she saw her husband. The following morning, when Rogelio went to visit his brother-in-law, who is a neighbor of the complainant in Barrio Abar 1st, he saw Virginia with contusions and a swollen face. He asked his brother-in-law what had happened, and was told that complainant's husband had beaten her. Hence, in the month of May, 1973, the complainant and the accused seldom saw each other. The complainant told the accused that she

could not see him often because her husband arrived. She also told him that if she wanted to meet him, she would just write him. The complainant in fact wrote the accused two letters, both of which she sent through Rogelio Vigilia. She signed the letters with the numbers 8 and 7. The figure 8 referred to the name Virginia, which has 8 letters and 7 referred to the name Salazar, which has 7 letters. She wrote the letters in the house of Rogelio Vigilia and Rogelio saw her write these letters. On the same occasion, the complainant informed Rogelio that she was being restricted in their house by her husband and she was afraid the accused Antonio might get angry with her."[9]

Further, according to the Manifestation: "The complainant had earlier introduced herself to the accused as a widow. Antonio did not know that Virginia was in fact married, until sometime during the first week of May, 1973 when they were eating at the restaurant. When he learned that she was married, he told her to avoid him, but she answered that she could not, because she loved him. Antonio did not also try to avoid her because he loved her, even if he already knew that she was married. Antonio's parents also learned about the fact that the complainant was married and they strongly objected to their relationship. Antonio's mother actually confronted Virginia about this, and Virginia answered that she will rise from where she fell.' She explained that she is separated from her husband and that he already has another wife in Cauayan."[10]

It thus appeared that she was predisposed to continue the relationship. For three days and three nights after July 3, 1973, complainant stayed in the house of the parents of appellant. Because of their love for "each other, and [because they] were afraid that people may have already seen them together, they went to Barrio Isla in Cabanatuan City. From Barrio Isla, they went to Balivag, Bulacan and there stayed in the house of an old couple for more than a week. From Baliuag, Bulacan the accused and the complainant went to Tarlac, Tarlac and stayed in the house of a relative of the accused, Doc Quiazon, at Romulo Blvd. They stayed there for three nights and each night, the accused had sexual intercourse with her. Then the mother of Doc Quiazon took them to her house in Barrio Armenia, Tarlac, Talac, where they stayed for more than a week."[11]

Then the Manifestation proceeded to explain why notwithstanding these antecedent facts, appellant was prosecuted. Thus: "They were still in Barrio Armenia during the referendum on July 27, 1973. On that day, the relatives of the accused went to the house where the accused and the complainant were staying. They invited the complainant to go out and vote with them. She went with them to the polling place which was located near the P. C. Detachment post in Armenia. When they arrived there, a P. C. soldier, Sgt. Daton, stopped them because he noticed that they were new in the place. Sgt. Daton asked Virginia where she was from, and why she happened to be in Barrio Armenia. She answered that she was from San Jose City, Nueva Ecija, and pointed to Antonio Quiazon as her companion. The P. C. Officer asked her whether Antonio Quiazon was her husband, and she answered in the negative. Thereafter, the P. C. advised the complainant together with Antonio Quiazon and their other companions, to go to the headquarters at Camp Macabulos. When they arrived at the P. C. Headquarters, Virginia was asked who her husband was, and she answered that her husband is Sgt. Gaudencio de la Cruz, an army man. It was then when the P. C. soldiers became interested in asking her why she was in Tarlac. The complainant answered that she was brought there by the accused and that Antonio abducted and raped her. In Cabanatuan City the accused Antonio was detained in jail, by virtue of the complaint brought by Virginia against him. When he was in jail, Virginia visited him and brought him cigarettes and tupig. She apologized to him and told him that she did not want what had happened to him, but she had to do it because she was afraid of her husband."[12]

It was on the basis of a careful and thorough evaluation of the evidence, certainly much more detailed and much more analytical than the narration of less than two pages in the brief submitted for appellant, that Acting Solicitor General Vicente V. Mendoza was led to conclude that the conviction must be set aside. With that conclusion, as

set forth at the outset, we are in agreement. Appellant must be acquitted.

1. It is certainly worth stating that the Office of the Solicitor General equally took pains to scrutinize rigorously the evidence for the complainant, a lady in her early thirties, hardly an unsophisticated person in the first bloom of youth, a married woman at that. As noted in the aforesaid Manifestation: "After a careful perusal of the case, the undersigned respectfully submit that the evidence presented by the prosecution falls short of the required standard of sufficiency to hold the accused guilty of the crime charged. Several circumstances argue against the credibility of Virginia Salazar de la Cruz, as well as the probability of her story." [13] Then came this appraisal of what was testified to by the complainant regarding the alleged abduction: "The complainant alleges that on July 3, 1973 the accused, whom the complainant had never met before, suddenly grabbed her while she was in the public market of San Jose City and forced her to board a tricycle. Then he took her to the house of his parents where he ravished her. The abduction occurred in broad daylight, or at about 10:00 in the morning. The improbability of the complainant's charge is immediately visible from the time and locus where the crime was supposed to have been committed. The public market is hardly the place, for a person intending to commit abduction, to pick as the place to commit the crime. Especially so, at 10:00 in the morning, as in this case, when the market place was at its busiest and the smallest incident could easily cause a commotion. It is therefore unusual that no one noticed the complainant when she was allegedly abducted, despite her claim that she struggled and vigorously resisted the accused, and her niece, Victoria Bengaño, supposedly cried for help. The complainant claims she was then inside the market place, and the tricycle where she was boarded was parked on the road outside the market. This means that the accused must have pulled the complainant to the tricycle for some distance. It is notable that the complainant did not shout, when the accused pulled her. There was a policeman stationed near the market, but she did not call for his help. The complainant claims her mouth was covered by the accused when the accused grabbed her, so she was not able to shout. But, the complainant's niece was with her and she claims that she saw the incident. Why then did the complainant's niece not immediately report the incident to the authorities, or seek the help of the many people in the market? The complainant herself admits there were many people in the market during the incident in question. If the complainant struggled as hard as she claims she did, surely, there must have been someone who must have noticed the incident. Yet, there is no evidence of anyone at all who noticed or reported the incident to the authorities. Nor is there any claim that the accused was armed. The complainant states that she was shoved into the tricycle. If the complainant was struggling, then the tricycle driver must have seen her. Yet, he did not do anything to help her. Instead, he unquestioningly took the accused and the complainant to the house of the accused. If the complainant's version is to be believed, then the tricycle driver must also be guilty of having aided the accused to commit the crime. And, yet, the complainant does not charge that he was in conspiracy with the accused. The house of the accused in Santo Niño 1st, San Jose City was some distance away from the public market. The road leading to the house of the accused passed through a bus station, a bridge where a policeman directs traffic, and several houses. In fact the house of the accused was in a squatter's area and the complainant admits that there were many neighbors and it was a crowded place. In short, the complainant had all the opportunity to cry for help and many would have to come to her assistance if she did. But she did not ask for help. When they reached the house of the accused, the complainant met the father of the accused sitting on the stairs of the house. Again, she could have asked for his help, but she did not. Even without her shouting, the mere sight of her struggling to be free, and resisting the accused, would have been enough to lead the father of the accused to intervene and suspect that his son had done something wrong. Instead, the complainant would have this Honorable Court believe that the accused's father merely looked on them, and did not do anything under the circumstances and that he was afraid of the accused, his own son, so he allowed and tolerated him to commit a crime in his presence and in their house, without question." [14]

The Manifestation then proceeded to affirm categorically: "The incidents which followed after that according to the complainant herself, are equally incredible." [15] It explained why it could employ that tone of certainty: "The complainant contends that when they arrived at the house of the accused, the latter started boxing her for no apparent reason, so that she was rendered unconscious. And when she woke up, it was already dark. That was the

time the accused asked her to have sexual intercourse with him and they had sexual intercourse for the first time. This is incredible. Why would the accused abduct the complainant in broad daylight, render her unconscious, wait for her to regain consciousness, and then ask her permission to have sexual intercourse with her! * * * The complainant's version is clearly illogical and improbable. Several other incidents show that the complainant's claim that she was constantly in fear of the accused so she submitted to sexual intercourse with him, is without basis. The circumstances which she described as accompanying her trip to Cabanatuan City, then to Baliuag, Bulacan, then to San Vicente, Tarlac, and finally to Barrio Armenia, Tarlac, Tarlac, show that the complainant was free from restraint. There is no evidence that she was subjected to constant threats or that violence was inflicted upon her by the accused. In the bus trip to Cabanatuan City, the mother of the accused was with them. The complainant and mother of the accused was seated at the back of the bus, while the accused was near the driver. * * * The accused introduced her to his cousins and other relatives. She also met the friends of the accused to whom she was introduced by the accused as his wife, and to which the complainant did not object. She was also introduced by the accused to her parents as their future daughter-in-law. In fact, on Referendum Day, the complainant was even invited by the cousins of the accused to go out and vote with them which she accepted without any restraint from the accused. As noted in the defense brief, she did not voluntarily report the incident charged to the authorities. When she went out on Referendum Day, it was not her intention to complain to the authorities that the accused had abducted and raped her. She went to the polling place to vote. However, the authorities, noting that she was a stranger in the palace, asked her where she was from, who her husband was, and why she was in Bo. Armenia, Tarlac, Tarlac on Referendum Day. It was only then after she was questioned by the authorities that in panic she charged Antonio Quiazon of having abducted and raped her. Clearly, the circumstances show that if she had not been questioned thus by the authorities she would not have charged the accused with abduction and rape. It is notable that no medical certificate was offered in evidence to support the complainant's charge of 'force and intimidation' accompanying her sexual intercourse with the complainant. Significantly, she did not deny that she visited the accused and brought him cigarettes and tupig, when he was detained in jail in Cabanatuan City." [16]

Thus the Manifestation would reiterate the lack of persuasiveness of complainant's version: "The totality of her testimony is clearly not in accord with the natural run of events. Not only is the testimony of the complainant incredible, but she herself, is not a credible witness." [17]

2. It is precisely because of such notorious lack of any persuasive force in the testimony of complainant that the Manifestation asserted most emphatically that appellant could rely on the constitutional presumption of innocence, [18] one of the most valuable rights of an accused person. Accordingly, there was the citation therein of this relevant excerpt from *People v. Dramayo*: [19] "Only if the judge below and the appellate tribunal could arrive at a conclusion that the crime has been committed precisely by the person on trial under such an exacting test should the sentence be one of conviction. It is thus required that every circumstance favoring his innocence be duly taken into account. The proof against him must survive the test of reason; the strongest suspicion must not be permitted to sway judgment. The conscience must be satisfied that on the defendant could be laid the responsibility for the offense charged; that not only did he perpetrate the act but that it amounted to a crime. Moral certainty is required." [20] The *Dramayo* decision has been cited with approval in the following cases: *People v. Palacpac*; [21] *People v. Zamora*; [22] *People v. Alvarez*; [23] *People v. Reyes*; [24] *People v. Beltran*; [25] *People v. Roa*; [26] *People v. Padirayon*; [27] *People v. Ordonio*; [28] *People v. Ramirez*; [29] *People v. Godoy*; [30] and *People v. Berame*. [31]

3. The accusation that appellant committed abduction with rape is thus devoid of any factual foundation. The teaching of applicable decisions is definitely to the contrary. Only by a deviation from what has been so long and so consistently held by this Court can the lower court decision finding appellant guilty be sustained. There would be no justification for such a move. It would be an affront to reason. It can truly be said that words have

lost their meaning if the facts duly established can be characterized as constituting forcible abduction. The element of consent was always present. With complainant's complaisant attitude, not to say enthusiastic cooperation, coercion was definitely unnecessary. So the leading cases starting from *United States v. Santiago*,^[32] with the illustrious Justice Moreland as ponente, to *People v. Ilagan*,^[33] would clearly indicate. The quantum of proof required to justify a conviction for this particular offense has not been met.^[34] As was pointed out by Justice Concepcion in *Ilagan*: "Crimes against chastity by their very nature usually involve only two persons - the complainant and the offender. Seldom, if ever, is there an eyewitness to the commission of the offense. As a consequence, conviction or acquittal of the accused depends almost entirely on the credibility of the complainant's testimony. It is therefore for a good reason that courts examine with the greatest care the complainant's story and subject it to a thorough scrutiny to determine its veracity in the light of human nature and experience. Tested by these standards, we find valid reasons to reject Benilda Lejano's claim of having been forcibly abducted and raped."^[35]

4. As much, if not more, can be said of this case. There was no rape. It is true that carnal acts did take place but only under circumstances of mutual consent and, considering their having been repeated on several occasions, in all probability, of mutual gratification. Whatever moral disapprobation may be visited on the mode of conduct of the accused cannot justify a conviction under this indictment. The practices he did engage in could not be held subject to the liability sought to be imposed upon him. He is entitled to an acquittal. This Tribunal, in several recent decisions, has had occasions to reverse lower court decisions under an analogous state of facts.^[36]

WHEREFORE, the lower court decision of April 12, 1976, finding the accused guilty of forcible abduction with rape and sentencing him to reclusion perpetua is reversed and another judgment entered acquitting him of such offense.

Barredo, (Acting Chairman), Antonio, Concepcion, Jr., and Santos, JJ., concur.
Aquino, J., concurs in a separate opinion.

[1] *United States v. Flores*, 26 Phil. 262, 269 (1913). Justice Carson, the ponente, citing 2 Chitty's Blackstone, 165.

[2] He was assisted by Assistant Solicitor General Nathanael P. de Pano, Jr. and Trial Attorney Blesila O. Quintillan.

[3] *Manifestation*, 19.

[4] *Manifestation*, 3 citing T.s.n., Session of January 28, 1975, 2-5.

[5] *Ibid*, citing T.s.n., Session of April 8, 1975, 4-6.

[6] *Ibid*.

[7] *Ibid*, 3-4.

[8] *Ibid*, 4.

[9] *Ibid*, 4-5, citing T.s.n., Session of January 28, 1975, 11-14 and Session of November 19, 1974, 6-9.

[10] *Ibid*, 5, citing T.s.n., Session of January 28, 1975, 16-18.

[11] *Ibid*, 5-6, citing T.s.n., Session of January 28, 1975, 19-23 and Session of August 15, 1974, 10-13.

[12] *Ibid*, 6-7, citing T.s.n., Session of January 28, 1975, 22-28 and Session of August 15, 1974, 13-17.

[13] Ibid, 9.

[14] Ibid, 10-12.

[15] Ibid, 12.

[16] Ibid, 12-14.

[17] Ibid, 14.

[18] According to Article IV, Section 19 of the Constitution: "In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, * * *."

[19] L-21325, October 29, 1971, 42 SCRA 59.

[20] Manifestation, 17 citing that portion of the opinion in *People v. Dramayo*, at 42 SCRA 64.

[21] L-27822, February 28, 1973, 49 SCRA 440.

[22] L-34090, November 26, 1973, 54 SCRA 47.

[23] L-34644, January 17, 1974, 55 SCRA 81.

[24] L-36874-76, September 30, 1974, 60 SCRA 126.

[25] L-31860, November 29, 1974, 61 SCRA 246.

[26] L-35284, January 17, 1975, 62 SCRA 51.

[27] L-39207, September 25, 1975, 67 SCRA 135.

[28] L-33829, December 19, 1975, 68 SCRA. 397.

[29] L-30635-6, January 29, 1976, 69 SCRA 144.

[30] L-31177, July 15, 1976, 72 SCRA 69.

[31] L-27606, July 30, 1976, 72 SCRA 184.

[32] 29 Phil. 374. Justice Moreland cited *United States v. Rodriguez*, 1 Phil. 107 (1902); *United States v. Alvarez*, 1 Phil. 351 (1902); *United States v. Tagle*, 1 Phil. 626 (1903); *United States v. Mendoza*, 2 Phil. 429 (1903); *United States v. Ysip*, 6 Phil. 26 (1906); *United States v. Cecilio*, 8 Phil. 24 (1907); *United States v. Maneses*, 14 Phil. 151 (1909); *United States v. Reyes*, 20 Phil. 510 (1911); and *United States v. Bernabe*, 23 Phil. 154 (1912).

[33] L-36560, May 28, 1975, 64 SCRA 170.

[34] Cf. *U. S. v. Santiago* 29 Phil. 374 (1915); *U.S. v. Evangelista*, 32 Phil. 321 (1915); *U.S. v. Eugenio*, 36 Phil. 794 (1917); *U.S. v. Ramirez*, 39 Phil. 738 (1919); *People v. Columna*, 44 Phil. 134 (1922); *People v. de Loyola*, 45 Phil. 799 (1924); *People v. Crisostomo*, 46 Phil. 775 (1923); *People v. Tisbe*, 48 Phil. 1 (1925); *People v. Cosca*, 52 Phil. 361 (1928); *People v. Bustos*, 54 Phil. 887 (1930); *People v. Mañgon*, 60 Phil. 821 (1934); *People v. Oso*, 62 Phil. 271 (1935); *People v. Zenarosa*, 62 Phil. 487 (1935); *People v. Torres*, 62 Phil. 942 (1936); *People v. Castillo*, 76 Phil. 72 (1946).

[35] 64 SCRA 170, 175.

[36] Cf. *People v. Alvarez*, L-34644, Jan. 17, 1974, 55 SCRA 81; *People v. Barbo*, L-30988, March 29, 1974, 56 SCRA 459; *People v. Castro*, L-33175, Aug. 19, 1974, 58 SCRA 473; *People v. Reyes*, L-36874, Sept. 30, 1974, 60 SCRA 126; *People v. Ilagan*, L-36560, May 28, 1975, 64 SCRA 170; *People v. Ramirez*, L-30635, Jan. 29, 1976, 69 SCRA 144; *People v. Godoy*, L-31177, July 15, 1976, 72 SCRA 69; and *People v. Poblador*, L-44129, April 29, 1977.

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