

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ARTURO TALARO, DEFENDANT-APPELLANT.

G.R. No. L-40436. May 25, 1984

Ponente: DE CASTRO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e7c6e3b78586/>

DE CASTRO, J.:

Sentenced to reclusion perpetua for the crime of rape by the former Court of First Instance of Ilocos Norte (Iloilo City), Arturo Talaro y Hernandez appealed the sentence of conviction.

For its accuracy, the statement of facts in the decision of the lower court was quoted as its counter-statement of facts by the Government, and which for the purpose of this decision, may as well also be quoted:

"It appears from the evidence of the prosecution that complaining witness Aida Ines, aged 16 and an honor student, was sometime in the evening of March 22, 1969, an usherette in an operetta presentation at St. Jude High School in Pagudpud, Ilocos Norte, where she was in the second year; that the program having ended at about 11:00 p.m., she went to look for her cousin Marcos Leonador who promised to accompany her home to Canait, a barrio of Pagudpud, more than a kilometer away; that unable to locate Marcos, she met accused Arturo Talaro who inquired who she was looking for and she told him her predicament; that Arturo then asked who was to accompany her, and Aida having answered no one Arturo volunteered to accompany her home which Aida accepted because he was a second degree cousin; that the two proceeded home with Salvacion Rabi, a friend of Aida and a small boy named Miguel de los Reyes but Salvacion and Miguel who lived in the poblacion and were neighbors dropped at their respective houses while Aida whose house was still one (1) kilometer away proceeded to the barrio road with Arturo; that while thus walking on the road, Arturo suddenly placed his right hand at the mouth of Aida and tried to lift her from behind with his left hand above her waist and dragged her to about six (6) meters to the eastern part of the road; that Aida cried aloud: 'My father, my mother, come and help me,' and tried to free herself by moving her body from his hold, that Arturo unsheathed his imoco (small sharp pointed bolo) and pointed it at her and wanted Aida to lie down saying: 'Vulva of your mother, if you do not like I am going to thrust you'; that then Aida fell to the ground while struggling and Arturo removed her skirt, Exh. A, which was torn when she was running on the thick thorny bushes and became soiled and dirty in the struggle; that she also had a coat on, Exh. B, which became dirty when she rolled in the struggle; that also she had a pantilet, Exh. C, which got dirty also when she struggled; also a pantie, Exh. G, which Arturo tried to remove when he removed the pantilet but he did not succeed in doing so because she pulled it back; that it was on when Arturo had sexual intercourse with her and she only removed it after the incident; she had on also a pair of shoes, Exhs. D and D-1, black and low-heeled, Exh. D being the left the right side of which is torn because of the struggle; she had also stockings which were removed, Exhs. E and E-1, flesh color, seamless with garters, 2 feet and 6 inches from toe to upper portion with a tear on the toe of Exh. E which was rubbed against the ground when she struggled; also she had a necktie on, Exh. F; that after the blouse and pantie were removed by Arturo, Aida ran away but bumped a tree on her left temple and she fell so Arturo held her again but she bit him on the shoulder and Talaro again unsheathed his bolo at which Talaro said: 'Vulva of your mother, if you don't like I will kill you,' and kissed her many times on the face, neck and nape but Aida again succeeded in running to the field and stumbled several times and Arturo was able to get hold of her again, embraced her, kissed her several times and forced her to lie down; that when Aida

was able to get hold of the imoco of Arturo which was at his back and she threw it away; that then Arturo went on top of Aida but she released herself at which Arturo boxed her at the solar plexus with his right hand and she fell to the ground and lost consciousness; that when she regained consciousness, the penis of Arturo was inside her vagina and moving his buttocks up and down for about one (1) minute after which he sat down and took hold of Aida's hand who was lying on her left side; that Aida tried to stand up but Arturo forced her down and took her ring from her left hand and said; "I will take this," at which Aida retorted: "Don't take it, you robber, you illmannered"; that Aida pleaded to Arturo to return her ring but he said he did not like; that then she appeared good to him and cried and asked him to gather her clothes and the moment he did so Aida ran away towards their house about 100 meters away and reported the matter to her parents; that she arrived home with no shoes, no blouse, no stockings, her shirt was torn and wet, her hair dishevelled and crying; that her father who was very angry wanted to look for Talaro so Jesus Ines, Aida's brother, went to the scene of the crime forthwith, gathered the garments and shoes of Aida which were scattered near the balete tree and proceeded to report the incident to the chief of police of Pagudpud at 4:00 in the morning; that upon receiving this report, the chief of police and companions, accompanied by Jesus, went to the place of the incident and there as indicated by Jesus, they found the garments and shoes of Aida arranged; that the party proceeded to the house of Aida and interviewed her at which she reported to the chief that she was raped by accused Talaro; that that same morning, Aida went to the Provincial Hospital at Laoag City where she was examined by Dr. Domingo Samonte who issued a medico-legal certificate on his findings, Exh. I, who testified to and confirmed the same, as follows:

"I. Physical Examination:

- a. Abrasions linear forearm right, lateral aspect; abdomen right side, thigh lower third, right side anterior aspect.
- b. Multiple abrasions linear, knee left, punctate abrasions, knee right; linear abrasion left anterior aspect.

II. Vaginal Examination:

- the presence of enormous pubic hair especially at the symphysis pubes.
- labia majora and minora are well coaplated.
- presence of hymenal laceration at five o'clock corresponding to the point of the clock, with moderate amount of bleeding from the laceration.
- Vagina admits one finger easily.

III. Breast show them to be conical in shape, well formed, nipples cuboid shape and the areola is not prominent.

IV. Examination for Spermatozoa - positive (four pluses).

V. Conclusion: Presence of hymenal laceration fresh in nature show indication of penetration. The presence of spermatozoa in enormous amount (four pluses) show consummation of act." (pp. 182-187, Rec.).[1]

The sexual intercourse is not disputed by appellant, but he denies having raped complainant whom he alleged to be his sweetheart and therefore consented to the sexual act. To prove the relationship, he presented her ring[2] which he alleged was given to him by complainant as a token; in return for which, he gave her a dagger. He also alleged previous acts of intercourse, on February 1969 in his house, which was repeated around 12:00 midnight after a Valentine's dance under the balete tree about 6 meters away from complainant's house, when they came the Poblacion. The sexual intercourse in question was performed in the same balete tree, that is, on March 22, 1969 after an affair in the night held at St. Jude High School which he attended upon complainant's invitation. They walked home together. While on the way, they agreed to have intercourse under the balete tree which they did.

Because after the act, somebody flashed his flashlight towards where they were, each of them ran towards his or her respective home. Appellant thus denies having used force or intimidation in any of the sexual intercourse he had had with complainant.

Appellant presented Adriano Tangco as the person who flashed a flashlight in the place where the trysting lovers had carnal relations for he was then looking for his lost carabao.

Complainant denied appellant's claim of being his sweetheart, or having invited him to the St. Jude affair. If appellant was to escort her home, she would not have left the school premises looking for her cousin, Marcos Leonador, who was really the one to escort her home. She would have just waited for appellant inside the school premises if he was invited and was to escort her home as was supposedly the understanding.

Appellant also argues that if he was not complainant's sweetheart, the latter should not have consented to take the longer route to her home, or would have slept with her friend Salvacion Rabi considering having to pass through thick bushes. The garments and other belongings of complainant were well arranged under the balete tree would tend to show that the injuries sustained by her were not inflicted by him but were caused by the thick bushes she ran through when she sensed the presence of someone around. Appellant further contended that complainant ran towards home without her garments and shoes to avoid the hatred of her parents and brothers.

Complainant did not spend the night with her friend Salvacion Rabi because she assured her parents she was going home that night. They would be worried if she did not go home, so she braved the darkness of the night and went with appellant whom she considered as a relative. She also preferred to take the longer way to avoid the thick bushes and trees, it already being late and dark, and that at any rate, she thought she had a gentleman for a companion. Her brother was sick then.

The garments and other belongings of complainant were well-arranged because complainant's brother Jesus Ines had arranged them when he went to the balete tree before going to the police to report the incident.

The established facts negate a consented carnal relation that night of record. Complainant upon reaching home, and leaving behind some of her clothing items at the place of her harrowing experience told her parents what appellant did to her. Before going home, she would have dressed herself up as she was in a smart usherette uniform to avoid any suspicion that she was the victim of a forced copulation. Instead, the matter was reported to the police, and she subjected herself to a physical and medical examination the result of which was positive not only for copulation but with marks of violence. It is naive for appellant to say that he let Aida run away in the darkness of the night through the bushes and in the rice paddies to avoid the possibility that they would be found copulating. As the lower court said, the discovery would be more likely than if the two just stayed together silently, as that is what appellant would have done to stay by his sweetheart and walk together as if nothing happened, if the tryst was previously agreed upon. It becomes evident that if complainant ran away, it was to free herself from her attacker and get away from him, instead of to avoid being suspected having committed an indiscretion. For in her condition, on being seen by her parents, the latter would not only suspect indiscretion on her part, but be convinced of it. For what else would be suggested by the fact that she arrived home not only breathless because she ran all the way and in extreme fear, but without shoes and stockings, blouse, pantilet and tie also missing, and her other garments wet and dirty, her hair dishevelled?

When a barrio girl told her parents a story of forced copulation, her very first in her youthfulness, allow herself to be examined in her private parts just after the harrowing experience, and later to be the object of curiosity and cynosure of all eyes in a public trial, she is motivated in doing all these acts to bring the culprit to justice, which she never would do to a sweetheart to whom she has given her ring as a token of her love, and for which she was given in exchange a dagger, a very unique symbol of love, as is the incredible story of appellant in his defense.[3]

WHEREFORE, the judgment appealed from being in accordance with law and the evidence, except the amount of moral damages which should be raised from P10,000 to P20,000 is hereby affirmed with costs. SO ORDERED.

Makasiar, (Chairman), Aquino, Guerrero, Abad Santos, and Escolin, JJ., concur.

Concepcion, Jr., J., on leave.

[1] pp. 2-5, Appellee's Brief, p. 34, Rollo.

[2] Exh. 2, p. 6, Decision.

[3] People vs. Federico Beso Jr., 117 SCRA 299, 308 citing People vs. Gan, 46 SCRA 667, People vs. Francisquite, 56 SCRA 764, and People vs. Baylon, 57 SCRA 114.

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.