

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LITO SORIANO Y SAGUCIO ALIAS "LORETO SORIANO Y SAGUCIO, ACCUSED-APPELLANT.

G.R. No. 114901. May 29, 1997

Ponente: BELLOSILLO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-114901/>

BELLOSILLO, J.:

LITO SORIANO Y SAGUCIO alias "Loreto Soriano y Sagucio" was found by the court a quo to have raped Hilda Acio. The evidence confirms his culpability; hence, we affirm.

On 22 March 1991 Hilda Acio and Lesley Oania, a neighbor and friend, attended the foundation anniversary of their school. At around eight-thirty in the evening they left the festivities and proceeded to the house of Hilda's grandmother Mercedes de la Cruz in Bgy. Lanao, Bangui, Ilocos Norte, to pass the night there. When they arrived Mercedes and Hilda's twin sisters were already asleep in the sala. Hilda had to use her own key to enter the house. Hilda and Lesley then slept with them.

At around one-thirty the following morning, Hilda was awakened when she felt somebody's legs on top of hers. She immediately switched on the light. She saw Lito Soriano y Sagucio alias "Loreto Soriano y Sagucio" sitting by her side with a long bolo on hand. He was reeking of liquor. Then Lesley Oania, the twins and the 70-year-old Mercedes also woke up. Mercedes asked Lito why he was inside their house. He answered that he was just seeking refuge as he had killed somebody. He warned them not to disclose his presence in the house or he would kill all of them.

Lito sat on the sofa and ordered Hilda to sit at his side. Gripped with fear, she obeyed; she had no recourse. Lito placed his bolo on top of her thighs and started kissing her on the lips and cheeks, at the same time massaging her breasts. She pushed his hands away. This annoyed him. He stood up and poised to strike Mercedes on the neck. He returned to the sofa and continued kissing Hilda, massaging her breasts and touching her thighs. She parried him off. This all the more angered him. He stood up and smothered Mercedes' face with a pillow. He commanded Hilda to open the main door and said that he would only leave the premises if she would kiss him.

Hilda refused; surprisingly, he did not insist. Instead, he asked Hilda to fetch him a glass of water and to open the kitchen door. Hilda offered to open the main door for him but he said he preferred to pass through the kitchen door because his NPA companions were waiting for him outside the kitchen.

When the kitchen door was opened Lito immediately pulled Hilda and pinned her against the concrete wall of the kitchen. He removed his shorts and briefs and started kissing her again. She struggled so he boxed her on the stomach. This visibly weakened her. As he dragged her she held on to her shorts in an effort to thwart his sexual assault. But all her resistance proved futile. Lito forcibly removed her panty, laid on top of her, inserted his penis into her vagina and had intercourse with her. He kissed her from the face down to her most coveted part. After slaking his lust, Lito got up and put on his clothes. Hilda seized that opportunity to escape. She immediately gathered her clothes and ran towards the kitchen. Once inside, she locked the door. He lingered outside the house

for awhile but left soon after.

Hilda lost no time in narrating her harrowing experience to Lesley. Even without being told, Mercedes sensed that Lito had offended Hilda. At around five o'clock that same morning, the incident was relayed to Victoria de la Cruz, aunt of Hilda, who in turn asked someone to report the matter to the police. Hilda was then brought to the Bangui District Hospital where she was examined by Dr. Diosdado I. Garvida. The medico-legal examination disclosed that Hilda suffered abrasions on the right side of her neck; another just below the mandible; and still another, on the level of the larynx. She also sustained a contusion on the right buccal area, and an erythema at the vaginal orifice. She was also found to have an old hymenal laceration at 3:00 o'clock and 9:00 o'clock positions.[1]

Lito Soriano was apprehended and brought to the police station for investigation. On 25 March 1991 Hilda Acio filed a complaint against Soriano with the Municipal Circuit Trial Court of Bangui-Pagudpud-Adams-Dumalneg.[2] After preliminary examination, the investigating judge found a prima facie case against the accused, and on 13 May 1991 he was formally charged with rape before the Regional Trial Court of Bangui, Ilocos Norte.[3]

Lito Soriano told a different story. At the pre-trial conference he admitted having sexual intercourse with Hilda. However his admission was later withdrawn for having purportedly been made improvidently. On the witness stand he claimed that since 15 August 1988 until the alleged rape he and Hilda were sweethearts. On 17 March 1991, or three (3) days before the incident, he saw Hilda having sexual intercourse with her boyfriend Joemer Rumbaoa. He felt bad about it. On 22 March 1991, while he was having a snack at Hilda's store, she approached him and asked if she could talk to him later at her grandmother's house. So, at around eight-thirty that evening, he went to their tryst and then and there ended their relationship. He stayed there for only thirty (30) minutes and then left for home and slept. The following morning he was picked up by the police and taken to the municipal jail.

On 16 November 1993, after trial, the Regional Trial Court found Lito Soriano y Sagucio alias "Loreto Soriano y Sagucio" guilty of rape and sentenced him to suffer the penalty of reclusion perpetua, to indemnify Hilda Acio P50,000.00, and to pay the costs.[4]

Accused-appellant imputes the following errors to the court a quo: (1) in holding that force and intimidation attended the carnal act between accused-appellant and private complainant; (2) in finding accused-appellant guilty of rape despite the incredible testimony of private complainant; and, (3) in finding accused-appellant guilty of the crime charged despite the failure of the prosecution to prove his guilt beyond reasonable doubt.[5]

It is doctrinally entrenched that factual findings of trial courts are accorded the highest respect as they are in the best situation to observe the deportment and demeanor of witnesses and to assess their credibility. Their factual findings are disturbed only if there is abuse of discretion. But we are unable to discern any committed by the trial court.

Accused-appellant contends that the testimony of Hilda Acio is incredible and unworthy of belief. We hold otherwise. Hilda had no ill motive in filing this case against appellant who himself acknowledged this fact.[6] Hilda successfully weathered not only the direct and redirect examinations but also the grueling and probing cross and re-cross questions. Not for a moment did she contradict herself. She cried on the witness stand when she recalled her horrendous ordeal in the hands of appellant. The lapse of two (2) years did not stop her tears from falling again when she took the witness stand as a rebuttal witness.

Accused-appellant theorizes that Hilda could have easily resisted the sexual assault on her person had she wanted

to. Her failure to do so could only mean that she voluntarily submitted to the sexual congress. But the evidence at hand confutes this assertion. From the very start Hilda parried off the improper advances of appellant, but every time he countered by threatening to strike her grandmother and twin sisters. He even boxed Hilda on the stomach. What is more, he had a long bolo on hand which he brandished whenever she resisted.

Then too, the defense harps on the fact that no sperm was found on Hilda thus disproving her testimony that appellant allegedly raped her. But the absence of spermatozoa does not negate rape. For in rape of this nature, it is only necessary to prove carnal knowledge by using force and intimidation, which the prosecution in this case has more than sufficiently established.

If there is any testimony that is incredible and contradictory, it is that of appellant. His denials are self-serving and do not deserve any credence at all, especially when assayed against the positive and candid testimony of Hilda. Since normally only two (2) persons are privy to the commission of rape, the evaluation of the evidence presented therein ultimately revolves around the credibility of the complaining witness. It is Hilda's account of the case that we are most inclined to accept.

Accused-appellant's persistent avowal that Hilda has been his sweetheart since 27 October 1988 appears farfetched. Hilda was born on 8 February 1975 and this makes her only thirteen (13) years old when she allegedly became romantically linked to him, who by then was already twenty-eight (28) years old. Furthermore, he was living in with a certain Evelyn Ramos. Lito also testified that he was not Hilda's first boyfriend. Thus –

Atty. Reyes: Now, you mentioned a certain Lando Aguinaldo and Joemer Rumbaoa as sweetheart(s) of Hilda Acio, do you know who was the first among (sic) these two (2) persons (to be) the sweetheart of Hilda Acio?

xxxx

A. Orlando Aguinaldo, sir.

Q. A resident of that place?

A. Yes sir, we are neighbors.

Q. Do you know why they broke the relationship?

A. Because Orlando died during the NPA and PNP encounter in Dumalneg, sir.

Q. Do you know how long the relationship went on?

x x x x

A. I do not know how many years they were staying with each other, sir.

Q. But very long?

A. Perhaps about three years, sir.

Q. And immediately after that relationship (you) became sweethearts?

A. Yes, sir.

Q. At what moment did Joemer Rumbaoa become the sweetheart of Hilda Acio?

A. On March 17, 1991, sir x x x x [7]

Assuming that Orlando "Lando" Aguinaldo was Hilda's first boyfriend and that the relationship lasted for about three years, this would make Hilda only ten (10) or eleven (11) years old at the start of the supposed relationship. This by itself begs credibility which can only lead to the conclusion that all these are only the product of the accused's distorted imagination.

Accused-appellant claims that on 17 March 1991 he saw Joemer Rumbaoa and Hilda indulging in sexual

intercourse inside the latter's store. If the accused was Hilda's boyfriend at that time, as he would have us believe, his reaction to the incident would be no less than atypical:

Atty. Reyes: At what moment did Joemer Rumbaoa become the sweetheart of Hilda Acio?

Lito Soriano: On March 17, 1991, sir, when I went to buy cigarettes at the store of Hilda Acio, I heard somebody moaning, and when I peeped through the hole on the wall, I saw Hilda and a man inside. The man was on top of Hilda. At the moment I had not yet recognized Joemer Rumbaoa. After a while I knocked on the small window of the store and Hilda Acio asked "who is that;" I simply answered, "it is me," then Hilda opened the small window and I looked inside and I saw Joemer Rumbaoa who was putting on his pants and left the place in a hurry.

x x x x

Atty. Reyes: Will you describe Hilda and Joemer at the first time you saw them at the store on March 17, 1991?

Lito Soriano: Both of them were naked, sir. Joemer was on top of Hilda Acio, and they were kissing each other.

Q. How were you able to recognize Joemer Rumbaoa and Hilda Acio in that condition?

A. When Hilda Acio opened the window I peeped through it, I saw them and there is (sic) also a small bulb which was lighted near the image of Virgin Mary sir.

Q. Where was (sic) Hilda and Joemer lying when you saw them?

A. On a folding bed, sir.

Q. What was your reaction when you saw them?

x x x x

Lito Soriano: Of course I felt bad about it, and I did not expect Hilda to do that, sir.

Atty. Reyes: Were you able to talk to Hilda immediately after you saw them in that situation?

A. I did not talk to her after she handed the cigarettes I went already, sir.

Q. Were you able to talk to Joemer Rumbaoa?

A. No, sir, we talked the following day.

Q. Where did you talk?

A. On the street when we chanced upon each other, sir.

Q. What did you converse about?

A. We talked about what happened to them. I told Joemer Rumbaoa to marry Hilda Acio otherwise I would report to the father of Hilda, but Joemer declined because he said he found out that Hilda was no longer a virgin woman, sir.

x x x x

Q. After that incident, did you have a chance to talk to Hilda Acio?

A. On March 22, 1991, sir.

Q. Where did you talk with Hilda Acio?

A. When I went to take merienda at the store at about 4:00 o'clock in the afternoon, sir.

Q. Did she call for you at the store?

A. She told me, "Would you mind to come at the house of my grandmother?" [8]

The above narration cannot inspire belief. For if indeed the accused caught his "girlfriend" in flagrante with

another man, he would not have reacted as mildly as he did. Again, appellant lost no effort in describing Hilda as a woman of loose morals. But this serves no useful purpose at all. For the character of a rape victim will not disprove rape. There is absolutely no nexus between the reputation of a rape victim and the odious deed committed against her.

But if there be any doubt still on the culpability of appellant, his letter to Hilda and her parents (Exhs. "C" and "C-1") should dispel that doubt and clinch the case for the prosecution. In the letter, appellant repeatedly admitted the wrong he committed against Hilda and begged for her forgiveness and that of her parents, brothers, sisters and grandmother. The letter which appellant admitted to have written on 19 December 1991 in the Ilocano dialect and now translated into English^[9] pertinently reads -

Dearest Uncle, Auntie and Ading ko (a younger person) Hilda,

I hope to God that your family is fine x x x x I truly repent from the grave sin I have committed against you. And I will never stop from asking forgiveness from you and from praying to the Lord God (underscoring supplied).

Uncle, Auntie and particularly to you ading ko Hilda, Leslie O., Josie, Joseph, Jacky, Merie Flor, and Merie Jane and Lola Merced, do forgive me now from that grave sin I have committed against your whole family x x x x I truly repent from having offended you, for I was heavily drunk at that time and did not know what I was doing at that day. And I promise and I swear to you that I will never commit any sin again x x x x Do forgive me now, Uncle, Auntie and especially you, ading ko Hilda. And I promise and swear to you again that I will not sin again and please give me another chance to change and atone (for) my offense against you (underscoring supplied).

Do forgive me now Uncle, Auntie and ading ko Hilda x x x x for I can no longer sleep thinking and praying to our Lord God, asking with all my heart forgiveness from you x x x x Yes, Uncle, Auntie and ading ko Hilda, I again ask your forgiveness and I promise and swear that I will never commit any sin again. Not anymore for I have come to realize the gravity of my offense against you. Yes, Uncle and Auntie, do forgive me now and if possible let us settle this case (underscoring supplied).

I know that our Lord God understands and forgives all sinners like me.

Till now, my regards to all of you and may the Lord our God grant you peace and answer your prayers.

Asking your forgiveness,

(Sgd.) LITHO SORIANO

WHEREFORE, the Decision of the court a quo finding accused-appellant LITO SORIANO Y SAGUCIO alias "Loreto Soriano y Sagucio" GUILTY of RAPE and sentencing him to suffer the penalty of reclusion perpetua with all the accessory penalties provided by law, to pay Hilda Acio moral damages in the amount of P50,000.00 and to pay the costs, is AFFIRMED.
SO ORDERED.

Vitug, Kapunan, and Hermosisima, Jr., JJ, concur.
Padilla, (Chairman), on leave.

[1] Exh. "B," Folder of Exhibits.

[2] Docketed as Crim. Case No. 4049-B.

[3] Docketed as Crim. Case No. 833-19.

[4] Decision, RTC-Br. 19, Bangui, Ilocos Norte, p. 17; Rollo, p. 42.

[5] Appellant's Brief, pp. 1-2; Rollo, 89-90.

[6] TSN., 3 March 1993, p. 83.

[7] TSN., 17 February 1993, pp. 76-77.

[8] Id., pp. 77-80.

[9] Exh. "C-2, " Records, p. 178.

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.