

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FLORIANO AMAQUIN Y LASTIMADO, ACCUSED-APPELLANT.

G.R. No. 124975. February 20, 2002

Ponente: SANDOVAL-GUTIERREZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-124975/>

SANDOVAL-GUTIERREZ, J.:

Sweethearts theory, the much-invoked defense in rape cases, is akin to a double-edged knife, it cuts both ways. Not only does it provide the accused with an excuse in having carnal knowledge of the victim, it also imputes immoral and disgraceful conduct to the latter. Thus, it cannot be sustained unless it passed the most severe of testing.

On November 4, 1993 Jonah B. Flores commenced the prosecution for rape by filing against Floriano L. Amaquin a Criminal Complaint^[1] which reads:

“The undersigned, Jonah Flores y Burcio, who was born on June 8, 1980 and is 13 years of age, after having been duly sworn to according to law, accuses FLORIANO AMAQUIN Y LASTIMADO of Sta. Marina, Tigatto, Buhangin, Davao City, of the crime of Rape, under Article 335, Par. 1 of the Revised Penal Code, committed as follows:

That sometime in the month of October of 1993, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-mentioned accused by means of force and intimidation, willfully, unlawfully and feloniously had carnal knowledge of the undersigned complainant who is 13 years of age, against her will.

Contrary to law.”

Upon arraignment, the accused entered a plea of not guilty.^[2] Forthwith, trial on the merits ensued. The prosecution presented Jonah B. Flores, Dr. Eduardo B. Ladrido, Victoriana B. Flores, Ricardo M. Arcilla and Nestor Corilla as its witnesses. Accused Floriano L. Amaquin, Zacarias Amaquin and Eugenio Mancia took the witness stand for the defense.

The testimonies of the prosecution witnesses revealed the following:

Jonah was a 13-year old girl^[3] residing with her parents and siblings at Sta. Marina, Tigatto, Buhangin, Davao City. In going to school, she had to walk for 15 minutes on a path inside a banana plantation until she reached the highway. There she rode in a passenger jeepney or a truck bound to Buhangin High School.^[4]

Sometime in October 1993, at about 5:30 o'clock in the afternoon, while Jonah was walking towards home from school, the accused suddenly appeared and pulled her inside the banana plantation.^[5] He poked a gun at her, threatening to break her neck if she would not go with him. Thereupon, accused told Jonah to lie down on the banana leaves he had placed on the ground. He removed her clothes. Jonah resisted by kicking him - the only action she could take as she was naked and weak. Jonah was afraid that the accused might shoot her if she attempted to run away. The accused then undressed himself and pinned Jonah down by holding her hands. He

placed himself on top of her and inserted his penis inside her vagina, making a push and pull movement. Jonah felt extreme pain.[6] After his bestial acts, accused told Jonah to put on her clothes and warned her not to tell anything to her parents, otherwise he would kill her. She was so afraid, thus she kept everything to herself.[7]

On November 2, 1993, Jonah mustered enough courage to tell her parents about her ordeal. They proceeded to their Barangay Captain at Kilometer 9, Tigatto who accompanied them to the Buhangin Police Station where Jonah executed an affidavit revealing how the accused molested her. She recounted that even prior to October 1993, the accused had already been raping her.[8] Thereafter, Jonah was also brought to the Davao Medical Center for examination. The medical certificate[9] issued by Dr. Eduardo B. Ladrido, resident physician, noted that Jonah's hymen had healed laceration at 2 o'clock, 7 o'clock and 11 o'clock.[10] According to him, this could have been caused by the insertion of a penis.

The witnesses of the defense presented a different version, thus:

Accused was 34 years old, married and with three children. He resided at Sta. Marina, Tigatto, Davao City, about 300 meters away from Jonah's house. He was close to the latter's family inasmuch as Jonah's mother, Victoriana Flores, was one of the principal sponsors during his wedding. He used to drive a passenger jeep.[11]

Accused testified that he and Jonah were already intimate even prior to October 1993. In fact, they had gone out together many times. Jonah used to ride in his jeepney in going to and from school. When they walked together, he would hold her hand or place his arm over her shoulders. Jonah's parents had knowledge of their closeness but they did not object.[12] He denied having sexual intercourse with Jonah.

On October 7, 1993, during the birthday celebration of his son, the accused went to Jonah's house to court her. Thereupon, Jonah accepted his courtship but she asked for an allowance of P50.00 a week. He gave her P50.00 the following day and everyday thereafter for two weeks. He was able to give her a total of P650.00. Then Jonah began to evade him.[13]

On November 1, 1993, at about 7:00 o'clock p.m., accused went to Jonah's house. Jonah refused to talk to him and so he said to her, "You are only good if I give you money. You are only after money and it runs in your family." Jonah replied, saying she would file a case against him for his accusation that she was only after his money. When he left the house, he heard Jonah crying.[14] The following day, he was arrested without warrant and jailed at the police station for 13 days.[15]

On December 7, 1995, the trial court promulgated its Decision,[16] the decretal portion of which reads:

WHEREFORE, the prosecution having proven the guilt of the accused beyond reasonable doubt, FLORIANO AMAQUIN Y LASTIMADO is hereby sentenced to reclusion perpetua and to indemnify Jonah Flores forty thousand (P40,000.00) pesos.

The accused who had undergone preventive imprisonment shall be credited in the service of his sentence if he voluntarily agrees in writing to abide by the same disciplinary rule imposed upon a convicted prisoner as provided for by Article 29 of the Revised Penal Code.

SO ORDERED."

Unable to accept the verdict, accused appealed to the Court of Appeals on both questions of fact and law.[17] However, considering that the penalty imposed by the trial court was reclusion perpetua, the appellate court forwarded the records of the case to this Court.[18] In a Resolution dated March 10, 1997 this Court resolved to accept the appeal.[19]

Accused, now appellant, ascribes the following errors to the trial court:

"I

THE TRIAL COURT ERRED IN NOT FINDING THAT THE EVIDENCE OF THE PROSECUTION IS INCREDIBLE BECAUSE IT IS INCONSISTENT ON MATERIAL POINTS, PHYSICALLY IMPOSSIBLE, VERY UNNATURAL AND CONTRARY TO COMMON HUMAN EXPERIENCE.

II

THE TRIAL COURT ERRED IN NOT FINDING THAT THE EVIDENCE OF THE PROSECUTION DOES NOT MEASURE TO THE QUANTUM OF EVIDENCE REQUIRED BY THE CONSTITUTION TO CONVICT THE ACCUSED WHICH IS EVIDENCE BEYOND REASONABLE DOUBT.

III

THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT FLORIANO AMAQUIN INSTEAD OF ACQUITTING AND ABSOLVING HIM FROM ANY CRIMINAL AND CIVIL LIABILITY."[20]

Appellant denies having raped Jonah. He contends that her testimony is uncorroborated, inconsistent on material points and contrary to human experience. Appellant argues on the inconsistencies: First, while Jonah alleged that he raped her five times, from June to October 1993, a) she reported the matter to her parents only on November 2, 1993; b) she never stopped riding his jeepney; and c) she remained in good terms with him, conversing with him every time he went to her parents' store. Second, Jonah's testimony that appellant was holding both her hands while inserting his penis in her vagina is physically impossible; and Third, Jonah's testimony that she was intimidated by appellant, then armed with a gun, is inconsistent with her statement that she initially resisted and kicked him, but when he mounted on her, she did not resist him.

The appeal is bereft of merit.

Ultimately, the resolution of this case hinges on the issue of credibility. Did the trial court err in giving credence to the testimony of the prosecution witnesses? Is the evidence of the prosecution sufficient to convict appellant on proof beyond reasonable doubt?

It has long been decreed that assigning values and weight to the testimonies of witnesses is at best the province of the trial court. The reason for this is that the trial judge enjoys the peculiar advantage of observing directly and at first-hand the witnesses' deportment and manner of testifying and is, therefore, in a better position to form accurate impressions and conclusions on the basis thereof.[21]

Appellant denies having committed the crime of rape against Jonah. Unfortunately, it is a bare denial not established by clear and convincing evidence, thus undeserving of weight in law. It cannot prevail over the positive declarations of Jonah who in a simple and straightforward manner, convincingly identified appellant as the defiler of her chastity[22] and categorically testified that he violated her. She told her story in court:

"ATTY. OLAGUER:

Q:

Is Floriano Amaquin present in Court right now?

A:

Yes sir.

Q:

Could you please point him out Jonah?

A:

Witness pointed to a person seated in the bench wearing a maong chaleco and when asked he said his name is Floriano Amaquin.

Q:

Okay. You said, could you please tell us if you can still recall the time or the house when this person waited for you in that particular place?

A:

5:30 P.M.

Q:

Where were you going at that particular instance?

A:

Going home.

Q:

You were from what place?

A:

From school.

Q:

Now, when you said that your neighbor whom you identified as Floriano Amaquin waited for you at that particular instance what if anything happened next on that particular date, October of 1993?

A:

When I alighted from the vehicle and was walking home, he suddenly appeared.

COURT

Q:

What do you mean “he”?

INTERPRETER:

No name mentioned, Sir.

ATTY. OLAGUER:

Q:

Now, when you said he suddenly appeared to whom are you referring to?

A:

Floriano Amaquin.

Q:

And what if anything happened next?

A:

He held my hand and pulled me towards the banana plantation.

Q:

What happened afterwards?

A:

He said that if I will not go with him he will break my neck.

Q:

And so what did you do next since he said that he will break your head if you will not go with him?

A:

I followed him because he pointed a gun at me.

INTERPRETER:

The witness is already crying.

ATTY. OLAGUER:

Q:

Now, on that particular date and time on October of 1993 you said that he poked a gun on you. What if anything did you do?

A:

I followed him.

Q:

What happened next?

A:

He immediately brought me in the middle of the banana plantation and he told me to lie down.

B:

And what transpired next after telling you to lie down?

A:

He undressed me.

Q:

What if any did you do after he undressed you?

A:

I kicked him several times but I could not do anything because I cannot do anything.

COURT:

Strike out the last portion because if we will add such which the witness did not say and the accused is convicted, you can be sure that if the accused appeals this would be one of those reversible errors, that the testimony of the accused is not recorded properly. So, will you repeat the answer, Mrs. Labit?

A:

I kicked him several times but I could not do anything.

ATTY. OLAGUER:

Q:

What happened next?

A:

He also undressed himself and mounted on me and inserted his penis inside my vagina.

Q:

In that particular incident, what were you wearing Jonah?

A:

Complete uniform.

Q:

What was your complete uniform? Could you describe to this Honorable Court?

A:

White blouse and green skirt.

Q:

Aside from your white blouse and green skirt, were you wearing anything?

A:

Shorts.

Q:

And what about the accused, what was he wearing if you can still remember Jonah?

A:

He was wearing shorts.

Q:

How about on his upper part, if he was wearing anything?

A:

T-shirt.

Q:

Now, you said that he mounted on you and inserted his penis inside your vagina. What happened next?

A:

While he was on top of me he made a push and pull motion many times and after that he ordered me to wear my panty and shorts.

Q:

What were you doing if any when he was on top of you?

A:

I tried to avoid but was not able to do it because he is strong.

Q:

When he inserted his penis inside your vagina, what did you feel?

A:

Pain.

Q:

How painful was it if you can describe. Please describe it in court.

A:

Very painful.

Q:

Now, you mentioned that afterwards he told you to put on your panty and your pants. What happened next?

A:

Before he allowed me to go home he warned me that if I will tell my parents he will break my head.

Q:

And what did you feel upon hearing these words from the accused?

A:

I was afraid.” [23]

This Court has ruled that when a woman cries rape, more so if she is a minor, she is saying in effect all that is necessary to show that rape was actually committed. In *People v. Santos Lor*[24] we further held that this rule

applies with more vigor in cases where complainant could not help but cry during the direct and cross-examinations. Such actuation of the victim during her testimony is an eloquent testimony of her ordeal in the hands of appellant.

It bears stressing that at the time Jonah testified in court, she was only 13 years old. Yet, she was able to narrate the details of her defloration: that appellant mounted on her, inserted his penis in her vagina and made a push and pull movement. It is highly improbable for a girl of such age to give a complete scenario of sexual intercourse unless she experienced it herself. As can be gleaned from the transcript of stenographic notes, Jonah recounted the events with sincerity and truthfulness, though sometimes interrupted with emotional breakdowns. To our mind, her categorical, spontaneous, candid and straightforward testimonies have sufficiently established her credibility. Courts oftentimes lend credence to testimonies of young girls that they are victims of sexual assault. This is with reason. Youth and immaturity are generally badges of truth and sincerity.[25]

Reviewing the supposed inconsistencies pointed out by appellant, particularly, the physical impossibility of committing rape in the position narrated by Jonah, we are persuaded that these are not vital or significant but are only minor and inconsequential lapses which cannot affect her credibility. Of course, she could not be expected to respond with perfect accuracy to queries regarding the hideous incident, especially since she was still in her tender years at that time. As we have consistently held in many other cases, such minor errors tend to buttress rather than weaken the victim's credibility.

In a bid to destroy the veracity of Jonah's testimony, appellant concocts a motive for her charging him with rape. He claims that Jonah filed the complaint because he ceased to give her a daily allowance of P50.00, and that he told her that she was only after his money.

The Court is not convinced.

Other than his self-serving testimony, appellant did not present any other evidence that would substantiate his claim of ill-motive on the part of Jonah. Indeed, it is highly inconceivable that a young girl would fabricate a serious charge of rape, submit to a medical examination of her private parts, and undergo the trauma and ordeal of a public trial during which she had to narrate in detail her tragic experience, unless she was in fact raped and motivated by a strong desire to seek justice for the wrong committed on her.[26] We thus conclude that no such improper motive exists and that her testimony is worthy of full faith and credit.[27]

Finally, in a last-ditch attempt to exculpate himself from criminal liability, appellant claims that he and Jonah are sweethearts.[28] This being an affirmative defense, it needs convincing proof. It behooves appellant to prove the love angle by substantial evidence.

In substantiating his claim, appellant calls the attention of the Court to three circumstances allegedly admitted by Jonah, to wit: (1) she did not report the rape to her parents and to the authorities; (2) within the period from June to October 1993, she continued to ride in his jeepney; and (3) almost every night, appellant was in her house watching television with her and her family.

We are not at all persuaded that these three circumstances prove the existence of a love relationship between appellant and Jonah. In *People v. Cortes*[29] this Court ruled:

“The Court has consistently held that delay in reporting rape incidents in the face of threats of physical violence, cannot be taken against the victim. A rape victim’s action is oftentimes overwhelmed by fear rather than by reason. It is this fear, springing from the initial rape, that the perpetrator hopes to build up a climate of extreme psychological terror, which would, he hopes, numb his victim into silence and submissiveness.”

Surely, since appellant was thrice Jonah's age and threatened to kill her if she would report the incident to her

parents, she had no recourse but to obey him out of fear. We are convinced that the little girl just did not know what to do.

Anent the second admission, Jonah does not deny that even after the rape incident she still rode in appellant's jeepney. However, she asserted that in those instances she was with her father. The latter wanted her to ride with him in the same vehicle.[30]

Jonah does not also deny the fact that appellant usually went to her parents' house in the evening. We find nothing significant in this, considering that they run a store in their house where a television was set up for the convenient viewing of their customers.[31] As a matter of fact, when appellant would visit her, she would go to sleep early; and during the times that she could not avoid him, he would usually forbid her from telling her parents that he had raped her. Otherwise, he would bash her head and kill her.

On his allegation that Jonah was his sweetheart, appellant was not able to prove the same by any documentary evidence, such as love notes, tokens, photographs or any piece of memento.[32] All that he was able to offer was the testimony of Zacarias Amaquin, which, to our mind, does not deserve credence, they being brothers. In *People v. Ching*,[33] we ruled that, "it is but natural, although morally unfair, for a close relative to give weight to blood ties and close relationship in times of dire needs especially when a criminal case is involved."

Indeed, appellant failed to substantiate his sweetheart theory.

It is ironic that appellant finds Jonah's testimony highly improbable, but fails to see the frailty of his own story. It is not in accord with human experience for a girl barely a teen-ager to enter into a love relationship with a married man thrice her age. This Court has held that there is no test of the truth of human testimony, except its conformity to our experience, knowledge and observation.[34] Evidence to be believed, must not only proceed from the mouth of a credible witness, but must be credible in itself. — such as the common experience of mankind can approve as probable under the circumstances.

All told, we are convinced that appellant's guilt for the crime of rape has been proved by evidence beyond reasonable doubt. Proof beyond reasonable doubt does not mean such a degree of proof as excluding a possibility of error or which produces absolute certainty. Moral certainty is required, or that degree of proof which produces conviction in an unprejudiced mind.[35]

Article 335 of the Revised Penal Code, then prevailing, reads:

“ART. 335. When and how rape is committed. – Rape is committed by having carnal knowledge of a woman under any of the following circumstances.

1. By using force or intimidation;”

The prosecution's evidence sufficiently proved the presence of the following elements: first, that the offender had carnal knowledge of a woman; and second, that such act was accomplished by using force or intimidation. The medical certificate which states that Jonah had healed laceration at 2 o'clock, 7 o'clock and 11 o'clock clearly established the fact that appellant had sexual intercourse with her. On the other hand, the use of force and intimidation by appellant was testified to by Jonah herself. All the elements of the crime being present, we are constrained to affirm appellant's conviction.

We now go to the civil liability.

Pursuant to prevailing case law, civil indemnity is mandatory upon the finding of the fact of rape. The grant of an indemnity of P50,000.00 to the rape victim needs no proof other than the conviction of the accused for the rape proved.[36] In the same vein, moral damages are additionally awarded without need of pleading or proof of the

basis thereof. This is because it is recognized that the victim's injury is concomitant with and necessarily resulting from the odiousness of the crime to warrant per se the award of moral damages.[37] The Court has awarded moral damages of P50,000.00 in rape of young girls with ages ranging from 13 to 19 years, rape of a mental retardate, forcible abduction with rape and statutory rape.[38]

WHEREFORE, the Decision of the Regional Trial Court is hereby AFFIRMED, with the modification that appellant Floriano L. Amaquin is ordered to pay Jonah B. Flores the amount of Fifty Thousand (P50,000.00) pesos as civil indemnity and an additional amount of Fifty Thousand (P50,000.00) pesos as moral damages.

SO ORDERED.

Melo, (Chairman), Vitug, Panganiban, and Carpio, JJ., concur.

[1] Rollo, p. 6.

[2] Records, p. 13.

[3] Certificate of Live Birth, Records, p. 37.

[4] TSN, January 12, 1994, pp. 4-6.

[5] Ibid., p. 8.

[6] Ibid., pp. 9-11.

[7] Ibid., pp. 6-12, 17, 29-37, 42.

[8] Records, p. 3.

[9] Records, p. 6.

[10] TSN, March 3, 1994, p.49.

[11] TSN, February 7, 1995, pp. 89, 94; December 7, 1994, pp. 85, 106.

[12] Ibid., pp. 89-97.

[13] Ibid., pp. 97-99.

[14] Ibid, pp. 112-113.

[15] Ibid., pp. 90-105.

[16] Penned by Judge Jesus v. Quitain, Rollo, pp. 15-23.

[17] Records, p. 80.

[18] Rollo, p. 2.

[19] Rollo, p. 32.

[20] Rollo, p. 48.

[21] People v. Apilo, 263 SCRA 582 (1996).

[22] People v. Lovedor, G.R. No. 139340, January 17, 2001; People v. Mationg, G.R. No. 137989, March 27, 2001; People v. Managan, G.R. Nos. 142741-43, October 25, 2001.

[23] TSN, January 12, 1994, pp. 7-11

[24] G.R. No. 133190, July 19, 2001.

[25] *People v. Apilo*, *supra*.

[26] *People v. Dominador de la Cruz*, G.R. No. 128362, January 16, 2001; *People v. Burlat*, G.R. No. 129238, February 22, 2001; *People v. Geraban*, G.R. No. 137048, May 24, 2001.

[27] *Mendoza v. People*, G.R. No. 141512, April 16, 2001.

[28] Brief for the Accused-Appellant, p. 17 in *Rollo*, p. 64.

[29] 323 SCRA 131 (2000), citing *People v. Melivo*, 253 SCRA 347, 356 (1996); *People v. Ibay*, 233 SCRA 15 (1994); *People v. Lucas*, 181 SCRA 316 (1990); *People v. Valdez*, 150 SCRA 405 (1987).

[30] TSN, January 12, 1994, pp. 24, 40.

[31] TSN, *ibid.*, pp. 24-25.

[32] *People v. Jimenez*, *supra*, pp. 617-618; *People v. Abalde*, 329 SCRA 418 (2000); *People v. Turco, Jr.*, 337 SCRA 714 (2000).

[33] 240 SCRA 267 (1995).

[34] *People v. Obzunar*; 265 SCRA 547 (1996).

[35] Section 2, Rule 133, Revised Rules of Court.

[36] *People v. Virrey*, G.R. No. 133910, November 14, 2001; *People v. Elpedes*, G.R. Nos. 137106-07, January 31, 2001.

[37] *People v. Elpedes*, *ibid.*; *People v. Mercado*, G.R. No. 139904, October 12, 2001.

[38] *People v. Tejada*, G.R. No. 126166, July 10, 2001; *People v. Sagun*, 303 SCRA 382 (1999); *People v. Joya*, 227 SCRA 9, 27 (1993).

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.