

PEOPLE OF THE PHILIPPINES PLAINTIFF-APPELLEE, VS. ANTONIO C. DUROHOM, ACCUSED-APPELLANT.

G.R. No. 146276. November 21, 2002

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-146276/>

MENDOZA, J.:

This is an appeal from the decision,[1] dated September 28, 2000, of the Regional Trial Court, Branch 18, Misamis Oriental, Cagayan de Oro City, finding accused-appellant Antonio C. Durohom guilty of rape under Art. 266-A of the Revised Penal Code, as amended by Republic Act No. 8353, and sentencing him to suffer the penalty of reclusion perpetua and its accessory penalty and to indemnify complainant Liezel Villaceran in the amount of P50,000.00 as compensatory damages, P50,000.00 as moral damages and P40,000.00 as exemplary damages.

The information alleged —

That on or about the 28th day of July, 1999 at about 6:30 in the evening, more or less, at a grassy vacant lot of Chavez Subdivision, Poblacion, Villanueva, Misamis Oriental, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, threat and intimidation, did then and there, willfully, unlawfully and feloniously ha[ve] carnal knowledge with the offended party, Liezel Villaceran, against her will and consent.

CONTRARY TO and in violation of Republic Act No. 8353.[2]

Upon arraignment, accused-appellant pleaded not guilty to the crime charged, whereupon trial on the merits ensued.

The prosecution presented five witnesses: complainant Liezel Villaceran, Flores Villaceran, PO3 Eduardo Pagaling, Dr. Diana Marie L. Casiño and Marciana Tan Galon. Their testimonies are to the following effect:

At about 6:30 o'clock in the evening of July 28, 1999, complainant Liezel Villaceran, then 19 years of age, was sent by her aunt, Flores Villaceran, to buy bread at the Ticos Bakery located near the plaza in the municipality of Villanueva, Misamis Oriental. After coming from the bakery, she hailed a trisikad across the street, but, before she could board the vehicle, accused-appellant Antonio Durohom, driving another trisikad, came along and offered to take her home. As it was raining hard, Liezel accepted his offer. She was the only passenger on the trisikad.

Liezel asked to be taken in front of the Mindanao Oriental Builders, Inc. (MOBI) building. Accused-appellant drove his vehicle fast and then stopped to get a screwdriver. When he resumed driving, accused-appellant, instead of going towards MOBI building, went to the opposite direction downhill. He held the screwdriver to Liezel's neck and covered her mouth with his right hand. The trisikad coasted along until it stopped in a grassy area. Accused-appellant then dragged Liezel towards the grassy area and raped her. Liezel shouted for help, but nobody could hear her because of the rain and the distance of the neighboring houses, which were 100 to 200 meters away

from the grassy area. Then, her hands and feet were bound and her mouth gagged. She was later able to free herself and to run home.

Narrating her ordeal, Liezel testified:

Q Liezel, can you recall where you were on July 28, 1999 at about 6:30 o'clock in the evening?

A I was requested by my aunt to buy bread.

Q And what is the name of your aunt?

A Flores Villaceran.

....

Q Where [were] you residing on July 28, 1999?

A I was residing at my aunt.

Q Why were you not living with your parents?

A My aunt is single and besides she is very sick and I live with her.

Q How long were you living [with] your aunt from July 28, 1999?

A More than one year.

....

Q You said that you were sent by your aunt to buy bread, where did you buy bread?

A Ticos bakery.

Q What municipality?

A Villanueva, Misamis Oriental.

Q What time was that when you b[ought] bread?

A 6:30 o'clock more or less in the evening.

Q Were you able to buy bread?

A Yes, sir.

Q What happened after you bought bread, what did you do if any?

A I was waiting for a tri-sikad for me to go home.

Q This tri-sikad, only the legs used or motor?

A Motorized.

....

Q Were you able to get a ride on a tri-sikad?

A I called a tri-sikad which is across the street but this driver (pointing to the accused) forced me to ride on his tri-sikad.

Q By the way, you were pointing to this person as the driver, why are you very angry at him?

A Because he was the one who raped me (the witness is crying and angry towards the accused).

. . . .

Q And what exactly did he tell you why he forced you?

A He kept on saying “come on, come on, ride on my tri-sikad.”

Q And the weather at that time, was it raining?

A It was only slight rain.

Q Later the rain become strong?

A Yes, sir, when the rain became ... heavy ... that is why I was forced to ride [o]n his tri-sikad.

Q By the way, did you know this accused before July 28, 1999?

A No, sir, that was the only time that I recognized or [saw] his face.

Q When for the first time did you know his [name]?

A At the police [station].

Q Where?

A At Villanueva.

Q What is the name?

A Antonio Durohom.

Q So you boarded the motorized [vehicle] of the accused?

A He asked me where I was living and I told him that I was going in front of the MOBI, Mindanao Oriental Builders, Inc.

Q You were going to alight in front of the MOBI?

A Yes, sir.

COURT: (to the witness)

Q Were you alone at the motorela or there was another person when you boarded the motorized sikad?

A Only myself.

PROS. B. APEPE: (continuing)

Q You said that when you boarded the tri-sikad you told him that you are going to the MOBI and after that he sped very fast, was that what you said?

A Yes, sir, that is true.

Q What else happened?

A He sped fast and he stopped in front of the Releta Machine Shop.

Q What did he do when he stopped?

A He got a screw driver, then he started the engine and ran fast.

Q What about the screw driver, where was it when he started to run fast?

A He was holding [it] in his hand.

Q So after that what happened next? Where did the motorela go?

A He proceeded to a downhill portion.

Q Was that towards the direction of MOBI?

A No, sir.

Q So what happened after that when you said that you were going downhill in an area that is very dark?

A He told me that is not the destination that I am going to go but he was pointing a screw driver on my neck and covered my mouth.

Q By the way, where did you sit down?

A At the front seat.

Q Side of the driver?

A Yes, sir.

Q So at the time that he held you by the neck and the other hand pointing the screw driver the tri-sikad was still running?

A The tri-sikad was free wheeling because of the downward hill.

Q What about the rain, was it still raining?

A Raining hard.

Q You said it was very dark?

A Yes, sir.

Q No light whatsoever?

A None.

Q At the time that you boarded the tri-sikad of the accused in front of the bakery, were there lights?

A Yes, sir, very lighted, it was near the plaza.

Q Was there light in the plaza?

A Yes, sir.

Q At the time, you could recognize the accused at the time that you boarded the motorized tri-sikad in front of the bakery?

A I can still recall his face because he kept on forcing me to ride in his motorela and I was forced because the motorela that I am supposed to ride on the other side was blocked by the traffic aide and so I have to look at his face again because he kept on telling me to ride and I was constrained to take his [tri-sikad] because it was already raining very hard.

Q Again you said you stopped at Releta Machine Shop, was there a light?

A There was.

Q What kind of light?

A I am not sure.

Q Again it was very bright?

A Yes, sir.

Q What happened after you said that he held you by your neck and was also pointing the screw driver, what happened after that?

A He dragged me towards a dark portion where there are many sunflowers.

Q The rain was very hard?

A Yes, sir.

Q What happened when you were dragged to the sunflowers?

A I want to free myself but he choked me and pushed me to the ground.

Q And because he pushed you to the ground you fell to the ground, what happened after you were forced to the ground?

A I fell to the wet ground.

Q Were you facing up or facing down to the ground?

A Facing up.

Q What happened after you fell to the ground face up?

A He rode on my stomach, choked my neck and he removed all my clothing.

Q What were you wearing that time?

A Blouse maroon and short pants, he removed my blouse and bra.

Q Next what did he remove?

A My shorts and panty.

Q What was his position when he was removing all your clothing?

A He mounted me, kissed my lips and sucked my nipple.

COURT:

Place on record that the witness is crying.

Q He kissed your lips, sucked your nipple at this time you [we]re completely naked?

A I was naked.

Q What happened after that, what else did he do?

A He made a push and pull motion.

Q When you said that he made a push and pull motion, what do you mean exactly by that?

A He forced his penis [into] my vagina.

Q Did he succeed in penetrating your vagina?

A I fe[lt] pain, I do not know, I just fe[lt] pain inside my vagina.

Q Did it take him sometime to make that push and pull movement, the duration of this act of making a push and pull movement?

A I cannot estimate because I was so afraid.

Q So after that, what else happened?

A He moved me to a dry area and again he kissed my lips and sucked my breast.

Q And by kissing your lips and sucking your breast, what else did he do?

A He again made a push and pull motion.

Q Then what did you feel?

A The same I felt pain.

Q During all these times that this accused forced you, you did not shout?

A I shouted for help but I cannot be heard because it was raining and the neighbors are very far.

Q By the way, are there houses nearby?

A Atty. Musni.

Q How far is that house of Atty. Musni from where you are sitting now?

A Approximately 100 meters.

Q That is the nearest house?

A Yes, sir.

Q Would you know [whether] the house of Atty. Musni was occupied?

A Most of the time that house is unoccupied.

Q Is that the only house near the place where you were raped?

A There is another house but already abandoned.

Q Again how far is that house to the place where you were raped?

A Around 200 meters.

Q Again he raped you for the second time, which was longer the first or the second intercourse?

A The first.

Q And after that what else happened?

A While he was still mounting me and doing push and pull [movements], I tried to lean my shoulder and that was the time I pushed him and I was able to run away but he was able to catch me and choked me again and he said "so you will escape, I am going to kill you."

Q When he was able to catch you, what else happened?

A He transferred me to the place where there w[ere] sunflowers and he was looking for the bread which was placed inside the plastic bag. He threw the bread and tied my mouth [with] the plastic bag.

Q What else happened after that?

A After he tied my mouth with the use of the plastic bag, he got all my clothing and then my blo[use] and my underwear. He used my blouse to tie my hands.

Q Your hands were at your front or back?

A At the back.

Q And after that, what else did he do?

A He tied my feet with the use of my panty and bra.

Q At the time that he was tying your hands and feet, what was your position?

A I was sitting down in the water.

Q Rain water?

A Yes, sir.

Q So after tying your hands and your feet and also tying your mouth, what else did he do?

A He got my short pants and placed [it] on my head and tie[d] it and he again kissed my lips and sucked my nipple.

Q You mean your short pants was placed on your face and tied it?

A Yes, sir.

Q What about you breathing when your short pants was already around your face, what did you feel about your breathing?

A I still had a normal breathing.

Q After that what happened?

A He left me and he rode on his tri-sikad and left me behind.

Q After he left, what did you do?

A I tried to remove all the things that were tied and I was able to untie myself and I decided to go to the municipal hall but I saw him near the school at the highway so I went home.

COURT: (to the witness)

Q Since you saw him near the school, how far is that from the municipal hall?

A Quite far.

PROS. B. APEPE: (continuing)

Q You said you proceeded to your auntie's house, when you ran to your auntie's house, what were you wearing?

A I was wearing my clothing without the panty.

Q You used the same dress that you used without any panty and bra?

A Yes, sir.

Q And when you arrived at your auntie's house, what happened?

A I opened our door and pushed the door and I tried to rest on the door and that was the time my auntie saw me and I told her I was raped.[3]

Liesel was going to report the incident that same day, but she was prevented from doing so because she saw accused-appellant on her way to the municipal hall. She arrived at her aunt's home at around 8 o'clock in the evening, wet, dirty and with her clothes turned inside out. After being told of the whole incident, her aunt wanted to report the matter to the police, but Liesel begged her not to do so. She was afraid her father would scold her if he learned of the incident. She was also afraid of being the subject of gossip among the townspeople.[4]

The following day, July 29, 1999, was the town fiesta. As Liesel watched the parade pass by her aunt's house, she saw trisikads in it, one of which was the one accused-appellant had driven when he raped her. The vehicle was being driven by another person.[5]

A few days later, Liesel and her aunt saw a hilot, Marciana Galon, who found healed abrasions on Liesel's back. Liesel was also running a fever. When the hilot asked if she had been punished by her parents for something she did, Liesel broke down and told her what had happened to her.[6]

Liesel's reluctance in reporting the incident to the authorities gradually gave way to anger and outrage as she kept seeing accused-appellant in the town plaza and even in church. He was brazenly showing himself to her. On September 13, 1999, Liesel attended mass with a friend and the latter's mother. After the mass, accused-appellant walked in front of her and made her look as if she liked what he did to her. Unable to contain her anger, Liesel shouted at him, "You devil, you keep on following me." Urged by friends who by then had learned of her misfortune, she finally agreed to report the matter to the police. At the municipal hall, she pointed to accused-appellant, who had been taken there by members of the Civilian Volunteer Organization, as her assailant.[7] PO3 Eduardo Pagaling took Liesel's sworn statement (Exh. B) and entered the incident in the police blotter (Exh. C).[8] The next day, September 14, 1999, Liesel was taken to the Villanueva Municipal Health Office where she was examined by Dr. Diana Marie L. Casiño. Dr. Casiño issued the following report (Exh. A) on Liesel:

Findings:

General Appearance; Fairly developed, fairly nourished female, coherent, conscious, in no distress, ambulatory

Genital Examination;

- No healed physical injuries in genital area
- Healed hymenal lacerations at 3 & 9 o'clock position
- Admits finger with no resistance

Remarks; Subject is in a non-virg[i]n state[9]

On the basis of the foregoing evidence, the prosecution rested its case. The defense then presented as its witnesses accused-appellant Antonio Durohom and his friend Genesis Mejares.

Accused-appellant denied the allegations against him. He admitted that he had been a driver of a trisikad owned by Dennis Gonzales from 1998 until his arrest. He said that on July 28, 1999, the eve of the town fiesta, he stopped and parked the trisikad near the Petron gas station because of heavy rain. He and his friends, Tata Mejares, Junior Abejaron and Dodong Salbino, had drinks in a nearby store, consuming eight bottles of “Red Horse” beer. Accused-appellant himself consumed two bottles. From 5:45 o’clock in the afternoon until 7:45 o’clock in the evening, accused-appellant claimed, he was with his friends at the parking area, going home afterwards with Mejares. The following day, July 29, 1999, he said he drove his trisikad until late in the evening. Accused-appellant maintained that he had simply been mistaken for someone else.[10]

Accused-appellant’s testimony was corroborated by his friend, Tata Mejares, who is also a fellow member of the Philippine Benevolence Christian Movement.[11]

On September 28, 2000, the trial court rendered a decision[12] finding accused-appellant guilty and sentencing him to reclusion perpetua. The dispositive portion of the decision reads:

WHEREFORE, finding accused ANTONIO DUROHOM y CATIIL GUILTY beyond reasonable doubt of the crime of rape punishable under the Revised Penal Code, Article 266-A, as amended by Republic Act 8353, there being two generic aggravating circumstances and without a mitigating circumstance, he is hereby sentenced to RECLUSION PERPETUA, together with its accessory penalty. He is further directed to pay the victim the sum of P50,000.00 as compensatory damages, P50,000.00 as moral damages, and P40,000.00 as exemplary damages.

SO ORDERED.[13]

Hence, this appeal. Accused-appellant assails the judgment of conviction. He contends that the trial court gravely erred in finding him guilty beyond reasonable doubt of the crime of rape.[14]

We find the appeal to be without merit. In deciding rape cases, this Court has been guided by three principles, to wit: (1) an accusation for rape can be made with facility; it is difficult to prove, but more difficult for the person accused, though innocent, to disprove; (2) in view of the intrinsic nature of the crime in which only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and (3) the evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence for the defense.[15] An accused in a rape case may be convicted on the basis of the victim’s testimony alone, but such testimony must be credible, natural, convincing and consistent with human nature and the normal course of things.[16]

In this case, we find the testimony of complainant to be credible.

Despite rigorous cross-examination, complainant Liezel Villaceran remained steadfast in her claim that accused-appellant raped her. Several times during her testimony, she broke down and cried as she recounted what she had gone through in the hands of accused-appellant, indicating that she was telling the truth.[17] Liezel would not have remained consistent throughout her entire testimony in the face of intense and lengthy interrogation had she merely made up her story.[18]

Her claim that she was raped is corroborated by the medical findings of the presence of hymenal lacerations.[19] The medical report, which showed that Liezel had healed hymenal lacerations at the 3 and 9 o’clock positions, proves that, at least one month prior to her examination, she had been raped.

Against the prosecution evidence, the flimsy defense of accused-appellant Antonio Durohom cannot be given credit. It is settled that denial cannot prevail over the positive identification of the accused.[20] In the case at bar, complainant Liezel pointed to accused-appellant as the person who had raped her. She may not have known

accused-appellant, but she had seen his face. Complainant first saw accused-appellant when the latter came along offering her a ride in the evening of July 28, 1999. She watched him alight from his vehicle when he stopped to get a screwdriver. Finally, accused-appellant did not bother to hide his face from Liezel when he raped her. After the rape, she saw accused-appellant in town as he brazenly went about his way as if to brag that she had liked what he had done to her. There can be no doubt that complainant had every opportunity to view and remember the physical features of accused-appellant. It is thus not surprising that complainant had no difficulty in identifying accused-appellant at the municipal hall after the latter had been taken into custody.

Moreover, it has not been shown that complainant had any motive to fabricate a serious charge against accused-appellant. He and complainant did not know each other prior to the incident. Time and time again we have held that the testimony of a rape victim as to who had abused her is credible where she has no motive to falsely testify against the accused.[21]

On the other hand, we have also held that alibi cannot prevail over the positive identification by the complainant of the accused as the person who had raped her. To justify an acquittal based on alibi, the accused must establish by clear and convincing evidence that he was in another place at the time of the commission of the offense, and that it was physically impossible for him to be at the scene when the crime was committed.[22] This, accused-appellant failed to do.

Accused-appellant also points out a discrepancy between an entry in the police blotter and the testimony of the complainant. He makes much of the fact that PO3 Pagaling entered in the police blotter September 14, 1999, instead of September 13, 1999, as the date when the sworn statement of complainant Liezel was taken.

His contention deserves scant consideration. A few discrepancies and inconsistencies in the testimonies of witnesses referring to minor details which do not touch upon the central fact of the crime do not impair their credibility.[23] It must also be remembered that entries in a police blotter, though regularly done in the course of the performance of official duty, are not conclusive proof of the truth of such entries for they are often incomplete and inaccurate. They, therefore, should not be given undue significance or probative value as to the facts stated therein. Blotter entries are merely prima facie proofs of the facts stated therein.[24]

Simple rape is punished under Article 266-A of the Revised Penal Code by the single indivisible penalty of reclusion perpetua. Although aggravating circumstances, consisting of the use of a weapon (screwdriver) and of a motor vehicle (trisikad), were proven, the trial court correctly disregarded them because Art. 63 of the Revised Penal Code provides that in all cases in which the penalty imposed is a single indivisible penalty, that penalty shall be applied regardless of the presence of mitigating or aggravating circumstances in the commission of the crime. Moreover, these aggravating circumstances cannot be considered in fixing the penalty, although they were proven, because they were not alleged in the information. By virtue of its amendment effective December 1, 2000, Rule 110, §§8 and 9 of the Revised Rules on Criminal Procedure now provide that aggravating as well as qualifying circumstances must be alleged in the information, otherwise they cannot be considered against the accused even if they were proven during the trial. Being favorable to accused-appellant, this rule, as amended, should be applied retroactively to this case.

Although the aggravating circumstances in question cannot be appreciated for the purpose of fixing a heavier penalty in this case, they can, however, be considered as bases for an award of exemplary damages. Evidence proving these circumstances forms part of the actual commission of the crime and justifies an award of exemplary damages under Art. 2230[25] of the Civil Code of the Philippines even when the said aggravating circumstances were not alleged in the information.[26] The trial court therefore correctly awarded exemplary damages in favor of complainant. However, the amount should be reduced to the current level of P20,000.00 as fixed in recent case

law.[27] With respect to the other awards for damages, we hold that the trial court correctly ordered accused-appellant to pay complainant P50,000.00 as civil indemnity and another P50,000.00 as moral damages.[28]

WHEREFORE, the decision of the Regional Trial Court, Branch 18, Misamis Oriental, Cagayan de Oro City, finding accused-appellant Antonio C. Durohom guilty of the crime of rape punishable under Art. 266-A of the Revised Penal Code, as amended by Republic Act No. 8353, is AFFIRMED with the MODIFICATION that the award for exemplary damages is reduced to P20,000.00.

SO ORDERED.

Bellosillo, (Chairman), Quisumbing, and Callejo, Sr., JJ., concur.
Austria-Martinez, J., on leave.

[1] Per Judge Edgardo T. Lloren.

[2] Rollo, p. 7; Records, p. 2.

[3] TSN (Liezal Villaceran), pp. 13-27, June 9, 2000.

[4] Id., pp. 26-27; TSN (Flores Villaceran), pp. 5-7, June 16, 2000.

[5] TSN (Liezal Villaceran), pp. 27-28, June 9, 2000.

[6] TSN (Marciana Tan Galon), pp. 34-37, July 14, 2000.

[7] TSN (Liezal Villaceran), pp. 30-33, June 9, 2000.

[8] TSN (PO3 Eduardo Pagaling), pp. 19-20, June 16, 2000.

[9] Records, pp. 10, 78.

[10] TSN (Antonio Durohom), pp. 4-13, July 21, 2000.

[11] TSN (Genesis Mejares), pp. 51-56, Sept. 8, 2000.

[12] Decision, pp. 1-15; Rollo, pp. 15-29; Records, pp. 166-179.

[13] Id., p. 15; id., p. 29; id., p. 179.

[14] Brief for the Accused-Appellant, p. 6; Rollo, p. 59.

[15] People v. Padilla, G.R. No. 145460, July 3, 2002 citing People v. Barela, G.R. Nos. 145163-65, June 5, 2002.

[16] People v. Padilla, supra citing People v. Barela, supra; People v. Bayona, 327 SCRA 190 (2000).

[17] See People v. Matugas, G.R. Nos. 139698-726, February 20, 2002.

[18] People v. Sancha, 324 SCRA 663 (2000); People v. Perez, 296 SCRA 17 (1998).

[19] People v. Escaño, G.R. Nos. 140218-23, Feb. 13, 2002.

[20] E.g., People v. De la Torre, 272 SCRA 615 (1997); People v. Guamos, 241 SCRA 528 (1995).

[21] See People v. Dela Torre, 272 SCRA 615 (1997).

[22] People v. Diopita, 346 SCRA 794 (2000).

[23] *People v. Barera*, 262 SCRA 63 (1996).

[24] *People v. Ulgasan*, 335 SCRA 441 (2000) citing *People v. Paragua*, 257 SCRA 118 (1996); *People v. Igdanes*, 272 SCRA 113 (1997).

[25] Art. 2230 of the Civil Code provides that “In criminal offenses, exemplary damages as a part of the civil liability may be imposed when the crime was committed with one or more aggravating circumstances. Such damages are separate and distinct from fines and shall be paid to the offended party.”

[26] *People v. Mitra*, 328 SCRA 774 (2000).

[27] *People v. Mendi*, 352 SCRA 23 (2001); *People v. Liban*, 345 SCRA 453 (2000).

[28] *People v. Nubla*, 358 SCRA 735 (2001).

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.