

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. LEONITO AMATORIO, APPELLANT.

G.R. No. 175837. August 08, 2010

Ponente: PERALTA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-175837/>

PERALTA, J.:

This is an appeal from the August 29, 2006 Decision[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 00964, which held appellant Leonito Amatorio (Amatorio) guilty of five counts of rape. The CA Decision affirmed with modification the January 28, 2005 Decision[2] of the Regional Trial Court (RTC) of Calauag, Quezon, Branch 63, in Criminal Cases Nos. 2840-C up to 2844-C.

The accusatory portions of the separate Informations filed against Amatorio read:

Criminal Case No. 2840-C

That on or about the 27[th] day of July 1991, at Barangay XXX, in the Municipality of Guinayangan, Province of Quezon, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a knife, with lewd design, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of one AAA[3], a minor, 9 years of age, against her will.

Contrary to law.[4]

Criminal Case No. 2841-C

That on or about the 30[th] day of July 1991, at Barangay XXX, in the Municipality of Guinayangan, Province of Quezon, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of one AAA, a minor, 9 years of age, against her will.

Contrary to law.[5]

Criminal Case No. 2842-C

That on or about the month of June 1992, at Barangay XXX, in the Municipality of Guinayangan, Province of Quezon, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a knife, with lewd design, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of one AAA, a minor, 10 years of age, against her will.

Contrary to law.[6]

Criminal Case No. 2843-C

That on or about the 15[th] day of November 1993, at Barangay XXX, in the Municipality of Guinayangan, Province of Quezon, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a knife, with lewd design, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of one AAA, a minor, 11 years of age, against her

will.

Contrary to law.[7]

Criminal Case No. 2844-C

That on or about the 29[th] day of September 1994, at Barangay XXX, in the Municipality of Guinayangan, Province of Quezon, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a knife, with lewd design, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of one AAA, a minor, 12 years of age, against her will.

Contrary to law.[8]

When arraigned on May 27, 1997, appellant pleaded not guilty.[9] Thereafter, upon agreement of both parties during pre-trial, all five cases were heard jointly.

The prosecution offered three witnesses, namely: private complainant AAA, who was a nine-year-old girl at the time of the commission of the first act of rape; BBB,[10] the victim's mother; Dr. Florencia Agno-Vergara, Municipal Health Officer of Guinayangan, Quezon.

The prosecution first presented BBB, the mother of AAA.

Under oath, BBB testified that Amatorio is her common-law husband. She narrated that she received a letter from AAA when the latter was working in Lipa City. Through the said letter, BBB came to know that AAA had hard feelings towards Amatorio. BBB said that she spoke to Amatorio about it, but that the latter got mad at her and said that AAA was hard-headed. BBB then went to Lipa City to talk to her daughter. It was on that occasion that AAA told BBB that she was raped by Amatorio five times. The first was on July 27, 1991, which was incidentally the birthday of AAA; the second time was on July 30, 1991, the third time was in June 1992, the fourth time was on November 15, 1993, and the last time was on September 29, 1994. After learning what Amatorio had done to her daughter, BBB went to the municipal building in Guinayangan, Quezon, where she executed an Affidavit[11] and filed a complaint against Amatorio. BBB testified that AAA was only nine years old when the first act of rape was committed. BBB also presented the birth certificate[12] of AAA to prove such fact.

On cross-examination, BBB testified that Amatorio was living in her house at Guinayangan, Quezon, along with her daughter AAA.

The next witness presented by the prosecution was the victim, AAA, who testified that she knew Amatorio one month before she was raped by him and that he was the common-law husband of BBB. At around 7:00 p.m. and 8:00 p.m. on July 27, 1991, AAA testified that Amatorio called her in their backyard telling her that he would give her a gift. AAA said that she was celebrating her 9[th] birthday on the said day. Once there, Amatorio held AAA in her arms and pressed a knife at the side of her body and dragged her to the grassy portion of the backyard. Amatorio removed the shorts and panty of AAA and pulled out the button of her shirt. Amatorio then removed his shorts and brief. During this time, Amatorio was still holding the knife and had it poked at the side of AAA. Amatorio then placed himself on top of AAA and opened her thighs placing himself at the center. AAA testified that her private part became painful and bloodied, because the penis of Amatorio entered her vagina. AAA said that she fought back, but she was not able to stop Amatorio since he was very strong. Amatorio then boxed the thigh of AAA which caused her to feel weak. After Amatorio had ravaged her, AAA testified that Amatorio told her "na ingatan kong makahalata ang Nanay ko" or else he will kill them.

Three days after the first incident, Amatorio repeated the same bestial act on AAA on July 30, 1991 at about 4:30

a.m. AAA testified that she was sleeping when her mother left the house in order to fetch water. She was surprised when Amatorio covered her mouth and undressed her. She said that she was raped by Amatorio and that she could not do anything but cry. AAA begged for Amatorio's mercy, but he did not hear her and, instead, told her that he would do the same thing to her sister if she will tell anybody what had happened to her.

Sometime in June 1992, AAA was residing in the house of Roberto Olar. It was on that occasion that AAA was raped a third time by Amatorio. AAA testified that Amatorio ordered her to go with him fishing in a fishpond near the seashore and that she was raped on the way there. She said that she again begged for mercy, but that Amatorio did not stop. She also said that she believed Amatorio would kill her mother and sister which is why Amatorio was able to rape her again.

AAA then testified that she was raped a fourth time on November 15, 1993 at around 12:30 p.m. and a fifth time on September 29, 1994 .

AAA left their home and went to Lipa City to live with her grandmother. It was only on October 20, 1996 that AAA finally told BBB, her mother, that she had been raped. AAA said that she told her mother what had happened to her, because she heard that Amatorio was also bringing her younger sister to fish and that she was afraid that he would do the same thing he did to her to her sister. It was because of this that she wrote a letter[13] to BBB asking BBB not to allow her sister to go with Amatorio. AAA likewise, wrote another letter[14] to her sister, asking her not to go with Amatorio as he might do something wrong to her. BBB then went to Lipa City to talk to AAA about the letter. It was on this occasion that AAA finally told her mother that she was raped by Amatorio five times. AAA executed an Affidavit[15] in connection with the case.

The prosecution next presented Dr. Florencia Agno Vergara, the doctor who examined AAA. Dr. Vergara issued a Medical Certificate[16] wherein her findings were "hymen showed irregular borders" which meant that the vaginal borders were irregular and with latches.

The defense presented Amatorio who denied having raped AAA. He said that he does not know anything about the claim of AAA that he raped her on July 27, 1991. He also claimed that although he was at their house in Guinayangan, Quezon on the said date, AAA was not there because she was living with her father Jun in Manila. He then added that on the dates which according to AAA she was raped by him, AAA was not with him but in Manila with her father.

On January 28, 2005, the RTC rendered a Decision[17] finding Amatorio guilty beyond reasonable doubt of rape, the dispositive portion of which reads:

WHEREFORE, in view of all the foregoing considerations, this Court finds accused Leonito Amatorio GUILTY beyond reasonable doubt of the crime of rape in Criminal Cases Nos. 2840-C, 2841-C, 2842-C, 2843-C and 2844-C and hereby sentences him to suffer the penalty of RECLUSION PERPETUA and to pay the victim AAA the amount of Fifty Thousand Pesos (P50,000.00) as civil indemnity and Fifty Thousand Pesos (P50,000.00) as moral damages in Criminal Cases Nos. 2840-C, 2841-C, 2842-C, 2843-C; and the penalty of DEATH in Criminal Case No. 2844-C and payment of Fifty Thousand Pesos (P50,000.00) as civil indemnity and Fifty Thousand Pesos (P50,000.00) as moral damages.

The accused is to be credited of his preventive imprisonment if proper and any, pursuant to Article 29 of the Revised Penal Code as amended by R.A. 6127 and E.O. No. 214.

SO ORDERED.[18]

On appeal, the CA rendered a Decision modifying the RTC decision, the dispositive portion of which reads:

WHEREFORE, except for the penalty in Criminal Case No. 2844-C which shall be modified to reclusion

perpetua, the assailed January 28, 2005 Decision of the Regional Trial Court of Calauag, Quezon, Branch 63, is AFFIRMED in all other respects.

SO ORDERED.[19]

The CA modified the RTC Decision in view of the fact that the aggravating circumstance of relationship was not alleged in the Information and that Republic Act No. 9346[20] already abolished the penalty of death.

Hence, this instant appeal.

Three principles guide the courts in resolving rape cases: (1) an accusation for rape can be made with facility; it is difficult to prove but more difficult for the accused, though innocent, to disprove; (2) in view of the intrinsic nature of the crime of rape where 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.[21]

In giving more credence to the version of the prosecution, the RTC observed that the testimony of AAA was clear, straightforward and has the ring of truth.[22] Indeed, the records disclose that AAA was categorical and straightforward when she narrated the sordid details of the first time she was ravished by Amatorio on her birthday:

Q.

Now on the said date and year July 27, 1991 at around, between 7:00 and 8:00 o'clock in the evening, do you recall any unusual incident that happened?

A.

Yes sir, there was.

Q.

What was the unusual incident that you can recall?

A.

He called me in our backyard telling me that he will give me a gift, sir.

Q.

Why, what is the special occasion on that day?

A.

It was my birthday, sir.

Q.

Your birthday, and how old are you at the time?

A.

I was 9 years old, sir.

Q.

And when your Uncle Leonito Amatorio called you at the backyard of your house, what did you do if you did anything?

A.

I went to where he was, sir.

Q.

And he gave you a gift because on that day it was your birthday?

A.

He did not, sir.

Q.

Why?

A.

Because when I came near him, he held me in my arm and he poked his knife in my side, sir.

PROS. FLORIDO:

Again we want to make it on record that the victim is crying, Your Honor.

PROS. FLORIDO:

Q.

And when the accused poked his knife to you, what part of your body did his knife poke to you?

A.

At the right side of my body, sir.

Q.

When the accused poked his knife to you, did (sic) you able to recognize the same, what kind of knife is it?

A.

Yes sir. I often see that weapon, that was 29.

Q.

And what did you do if you did anything?

A.

I fought back but I cannot do anything because he was strong, sir.

Q.

And because he was strong, what happened else if there is any?

A.

He dragged me to a grassy place that was at the backyard of our house, sir.

Q.

When he dragged you at the backyard of your house, what did the accused do if he did anything?

A.

He undressed me, sir.

Q.

Which did the accused first take off and undressed you?

A.

My short and my panty, sir.

Q.

When the accused take off and undressed your shorts and panty and according to you he pulled out your dress, what dress are you referring to?

A.

He pulled out the button of my shirt, sir.

Q.

When the accused pulled out your button in your shirt, what happened to the buttons of your dress?

A.

It was detached, sir.

Q.

And what did you do, if you did anything when the accused pulled out your button dress?

A.

He removed his shorts and brief, he was not wearing any t-shirt, sir.

Q.

While he was undressing you, where is the knife poked you (sic) at the time?

A.

He was holding and it was poked at my side, sir.

Q.

And after that, what happened next, if there is any?

A.

When he was undressed already, he pushed me in a grassy place and he placed himself on topped (sic) of me, sir.

Q.

When he placed himself on topped (sic) of you, what happened?

A.

He opened my thigh and he placed himself at the center, sir.

Q.

And when he opened your thigh and placed himself at the center, did you feel any strong or hard object?

A.

Yes, sir.

Q.

What hard object did you feel, if you feel (sic) anything?

A.

It was painful and my private part became blooded (sic), sir.

Q.

You said you felt pain because of the penis of the accused entered your vagina?

A.

Yes, sir.

PROS. FLORIDO:

We want to make it on record that the witness is crying and her tears rolling down to her face down to her chin.

Q.

And when you felt that there was something came (sic) out to your vagina which according to you was blooded (sic), what did you do if you did anything?

A.

I fought back but I cannot do anything, sir.

Q.

According to you, he was very strong, what did you do if you did anything in spite of your effort to fought (sic) back?

A.

I was fighting but he boxed my thigh, sir.

Q.

When he boxed your thigh, what happened next?

A.

I became weak, sir.

Q.

After you felt the blood in your vagina, did the accused successfully insert his penis?

A.

Yes, sir.

Q.

And that was the reason why the blood came (sic) to your vagina?

A.

Yes, sir.

Q.

After that, what did the accused do after he was able to insert his penis and successfully insert his penis to your vagina?

A.

He told me "na ingatan kong makahalata ang Nanay ko" or else will kill us, sir.

Q.

Do you believe with that threatening words uttered by your Uncle?

A.

Yes sir, because I was afraid.[23]

In the determination of guilt for the crime of rape, primordial is the credibility of complainant's testimony, because, in rape cases, the accused may be convicted solely on the testimony of the victim, provided it is credible, natural, convincing, and consistent with human nature and the normal course of things.[24] Moreover, when the offended party is a young and immature girl, as in this case, where the victim was barely 9 years old at the time the rape was committed, courts are inclined to lend credence to their version of what transpired, not only because of their relative vulnerability, but also because of the shame and embarrassment to which they would be exposed by court trial, if the matter about which they testified were not true.[25]

The truthfulness of AAA is more manifest in her comportment during the trial. As observed by the RTC, AAA broke down and cried during her narration of her sexual ordeals or abuse by Amatorio.[26]

For his part, Amatorio only offers the defense of plain denial. He denied knowledge about AAA's allegation of rape on July 27, 1991, since he claimed that AAA was in Manila during that time. He also denied having committed the other four allegations of rape, because he claims that AAA was again in Manila and not in Quezon.

Jurisprudence teaches that between categorical testimonies that ring of truth, on one hand, and a bare denial, on the other, the Court has strongly ruled that the former must prevail. Indeed, positive identification of the accused, when categorical and consistent, and without any ill motive on the part of the eyewitnesses testifying on the matter, prevails over alibi and denial.[27] As observed by the RTC, Amatorio miserably failed to adduce evidence showing that AAA or her mother was actuated by any ill-motive in charging him with five counts of rape.

All told, this Court has no reason to reverse the findings of the RTC finding the testimony of AAA and the other witnesses credible as it was in the position to hear the witnesses themselves and observe their behavior and manner of testifying. As this Court had held in previous cases, time and again, we have consistently held that when a woman, more so if a minor, states that she has been raped, she says in effect all that is necessary to show that rape was committed. For no woman, least of all a child, would weave a tale of sexual assaults to her person, open herself to examination of her private parts and later be subjected to public trial or ridicule if she was not, in truth, a victim of rape and impelled to seek justice for the wrong done to her.[28]

In *People v. Fraga*,^[29] this Court held that "although the rape of a person under eighteen (18) years of age by the common-law spouse of the victim's mother is punishable by death, this penalty cannot be imposed on accused-appellant x x x because his relationship was not what was alleged in the informations."

Contrary to the findings of the RTC, that the "qualifying circumstance of minority and relationship were clearly established by the prosecution in Criminal Case No. 2844-C and it was also properly alleged in the Information,"^[30] this Court finds that the same is bereft of basis as the relationship of Amatorio to AAA was, in fact, not alleged in all the five Informations. It is basic that the filiation or kinship with the accused must be alleged in the information as part of the constitutional right of the accused to be informed of the nature and cause of the accusation against him.^[31] The failure to accurately allege the relationship between appellant and his victim in the information bars his conviction of rape in its qualified form.^[32] Thus, since Amatorio's relationship to AAA was not alleged in the Information, he is thus auspiciously spared from being convicted of qualified rape.

Based on the foregoing, the RTC erred when it convicted Amatorio of qualified rape in Criminal Case No. 2844-C, as he can only be held liable for simple rape as correctly ruled by the CA. Articles 266-A and 266-B of the Revised Penal Code, as amended by Republic Act No. 8353, otherwise known as The Anti-Rape Law of 1997, reads:

ART. 266-A. Rape; When and How Committed. - Rape is committed.

1) By a man who have carnal knowledge of a woman under any of the following circumstances:

a) Through force, threat or intimidation;

x x x

ART. 266-B. Penalties. - Rape under paragraph 1 of the next preceding article shall be punished by reclusion perpetua.

Finally, with respect to damages, the Court affirms the RTC and the CA's awards of P50,000.00 as civil indemnity and P50,000.00 as moral damages for each count of rape committed.

Civil indemnity is automatically awarded upon proof of the commission of the crime by the offender.^[33] In accordance with prevailing jurisprudence, the civil indemnity awarded to victims of qualified rape shall not be less than P75,000.00, and P50,000.00 for simple rape.^[34]

Moral damages in the amount of P50,000.00 for each count is also automatically granted in a rape case without need of further proof other than the fact of its commission.^[35]

This Court, however, also awards exemplary damages in view of the minority of the victim. In line with prevailing jurisprudence,^[36] an award of P30,000.00 for each count of rape is thus warranted.

WHEREFORE, the challenged Decision of the Court of Appeals, dated August 29, 2006, in CA-G.R. CR-H.C No. 00964, is AFFIRMED with MODIFICATION in that appellant, LEONITO AMATORIO, is ORDERED to pay the private complainant, AAA, P30,000.00 as exemplary damages for each count of rape committed. In all other respects, the Court of Appeals Decision is AFFIRMED.

SO ORDERED.

Carpio, (Chairperson), Nachura, Del Castillo[*], and Abad, JJ., concur.

[*] Designated as an additional member in lieu of Associate Justice Jose C. Mendoza, per raffle dated July 28,

2010.

[1] Penned by Associate Justice Elvi John S. Asuncion with Associate Justices Jose Catral Mendoza (now a Member of this Court) and Sesinando E. Villon, concurring; rollo, pp. 2-9.

[2] Penned by Presiding Judge Mariano A. Morales, Jr.; CA rollo, pp. 33-42.

[3] The real name of the victim is withheld to protect her privacy; instead, fictitious initials are used to represent her, pursuant to Section 44 of Republic Act No. 9262 (the Anti-Violence against Women and Their Children Act of 2004). Likewise, the personal circumstances or any other information tending to establish or compromise her identity, as well as those of her family members shall not be disclosed.

[4] Records (Criminal Case No. 2840-C), p. 1.

[5] Records (Criminal Case No. 2841-C), p. 2.

[6] Records (Criminal Case No. 2842-C), p. 1.

[7] Records (Criminal Case No. 2843-C), p. 1.

[8] Records (Criminal Case No. 2844-C), p. 2.

[9] Records (Criminal Case No. 2840-C), p. 35.

[10] The real name of the victim's mother is withheld per Republic Act No. 7610, Republic Act No. 9262. (People v. Cabalquinto, G.R. No. 167693, September 19, 2006, 502 SCRA 419, 421.)

[11] Exhibit "A," folder of exhibits.

[12] Exhibit "C," id.

[13] Exhibit "D," id.

[14] Exhibit "E," id.

[15] Exhibit "F."

[16] Exhibit "H."

[17] CA rollo, pp. 33-42.

[18] Id. at 41-42.

[19] Rollo, p. 9.

[20] An Act Prohibiting the Imposition of Death Penalty in the Philippines, promulgated on June 24, 2006.

[21] People v. Glivano, G.R. No. 177565, January 28, 2008, 542 SCRA 656, 662, citing People v. Malones, 469 Phil. 301, 318 (2004).

[22] CA rollo, p. 38.

[23] TSN, January 28, 1998, pp. 9-16.

[24] People v. Pascua, G.R. No. 151858, November 27, 2003, 416 SCRA 548, 552.

[25] People v. Gragasin, G.R. No. 186496, August 25, 2009, 597 SCRA 214, 228.

[26] CA rollo, p. 40.

[27] *People v. Dela Paz*, G.R. No. 177294, February 19, 2008, 546 SCRA 363, 378, citing *People v. Tagana*, 468 Phil. 784, 807 (2004).

[28] *People v. Sarazan*, 443 Phil. 737, 750 (2003).

[29] 386 Phil. 884, 910 (2000).

[30] *Rollo*, p. 41.

[31] *People v. Awing*, 404 Phil. 815, 834 (2001); *People v. Dela Cuesta*, 396 Phil. 330, 343 (2000).

[32] *People v. Villaraza*, 394 Phil. 175, 196 (2000); *People v. Balleno*, 455 Phil. 979, 990 (2003).

[33] *People v. Baun*, G.R. No. 167503, August 20, 2008, 562 SCRA 584, 602.

[34] *People v. Cacayan*, G.R. No. 180499, July 9, 2008, 557 SCRA 550, 567.

[35] *People v. Codilan*, G.R. No. 177144, July 23, 2008, 559 SCRA 623, 636.

[36] *People v. Ofemiano*, G.R. No. 187155, February 1, 2010; *People vs. Layco*, G.R. No. 182191, May 8, 2009.

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.