

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LORETO H. TORRES, ACCUSED-APPELLANT.

G.R. No. 61705. November 20, 1984

Ponente: RELOVA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-61705/>

RELOVA, J.:

Loreto H. Torres appeals from the decision of the then Court of First Instance of Misamis Occidental in Criminal Case No. 510, convicting him of rape and sentencing him "to suffer the penalty of RECLUSION PERPETUA, to indemnify Consorcía Villanueva Agbon in the amount of P12,000.00, to acknowledge and support the offspring, if there be any, with the accessories of the law, and to pay the costs." (p. 10, Rollo)

Prosecution evidence shows that complainant Consorcía V. Agbon, a housewife with seven children, has her residence in Naga, Jimenez, Misamis Occidental. Her husband, Vicente Agbon, works in Iligan City and comes home on weekends only. Early morning of September 21, 1975, about three o'clock, Consorcía heard a man's voice outside her house, calling out her name. She tried to identify the caller but she could not recognize him. When she failed to answer, the man outside identified himself as a peace officer who was looking for a fugitive who he believed was hiding in her house. Consorcía kept her silence but the man insisted, became angry and said that the house was already surrounded by his men. Whereupon, Consorcía opened the door and the man gained entrance. She saw the man, herein accused appellant, who immediately grabbed her and, pointing a dagger to her, ordered her to change her dress because they were going to the municipal building for investigation, as she allegedly had kept a fugitive. However, before she could do his bidding, the accused changed his mind and, instead, pulled her out of the house towards the direction of the river. After walking about half kilometer away they stopped at a banana plantation. Accused-appellant ordered complainant to take off her dress. When she refused he grabbed the neckline of her dress thus loosening its garter. He then told her to take off her short pants. Again, she did not obey. Appellant kicked her right thigh and she fell on the ground. He then lay on top of her. She fought back but due to threats of bodily harm with a knife appellant succeeded in having sexual intercourse with her.

Thereafter, accused told her to go with him for three days and then he would bring her home. However, complainant succeeded in convincing him to bring her back home and she would even introduce him as her cousin from Surigao. They arrived home at five o'clock in the morning. Few minutes after, a security guard of the factory of MATCO which was located nearby arrived and accused ordered complainant to tell the guard that he was her cousin from Surigao. She did as instructed but, immediately thereafter, she grabbed the watch of appellant and ran towards the municipal building, shouting for help. On the way, she thought of passing the house of Teodora Ligue to whom she narrated everything that happened to her since early that morning.

Teodora Ligue accompanied Consorcía to the municipal building and the latter reported to the station commander and the police chief what accused-appellant had done to her.

She was examined by Dr. Roy Abejo of the Community Hospital of Jimenez and his findings are reflected in

Exhibit "A," thus:

- "1. Multiple linear abrasions both left and right legs;
2. Multiple linear redness at her back; and
3. Vaginal smear shows positive for spermatozoa."

On the other hand, appellant Loreto H. Torres testified that he went to Jimenez, Misamis Occidental, looking for his common-law wife. While he was in the public market someone informed him that the woman he was looking for was in the house of Consorcia Agbon, a woman he had known long ago and with whom his relationship had gone beyond friendship. He went to the house of complainant and tried to awake her. It took a long time for Consorcia to respond to his call but even then, she refused him entrance because her children were there and her husband was away. Torres pleaded until Consorcia allowed him to enter and they talked until he reminded her of their past. Feeling that she, Consorcia, was willing to resume their relationship they went to the banana grove out in the field to satisfy each other's desire. They returned to the house and she even introduced him to the security guard of the factory. Suddenly and surprisingly, Consorcia snatched his wrist watch and ran out of the house, shouting for help. Few minutes later, a policeman came, arrested and charged him with rape.

In this appeal, the accused would have us reverse the trial court's decision insisting on the defense thus raised, which, on its face, lacked persuasiveness and which cannot offset the probative value inherent in the testimony of the offended party. Defense counsel raised the following questions:

- "1. Why did the complainant Consorcia Agbon grab and take the watch of the accused?
2. Why did the accused go back to the house with the complainant?
3. Why did the accused give the complainant's children the clothes he had earlier stolen from another place?
4. Why did the accused not molest the 16-year old daughter of the complainant?"

To begin with, the theory of the prosecution has been fully borne out by the conduct of the complainant subsequent to the occurrence. As observed by the trial court:

"This Court cannot give weight and credence to the evidence presented by the accused in support of his defense that the sexual intercourse was consummated with the consent of the offended woman. Not only is his testimony bare in corroboration; it is also wanting in sincerity, truthfulness, and simple common sense. To bear his out, the Court points out the following:

"The private offended party is a married woman whose husband was out of the conjugal home when the crime was committed. She has been brought up in the barrio, where she has always lived and adhered to that beautiful tradition of a virtuous Filipino woman, shy and modest. If the victim, a typical barrio woman, had really consented to the immoral incident, as the accused claims, it is only common sense that her natural reaction would be to conceal or to keep silent about anything that would bring disgrace to her honor and reputation as well as to her family and husband. This would be especially true in this case where nobody in that small barrio had ever detected or suspected the alleged affair. But the victim did not choose to keep her silence. She instead publicly and vociferously proclaimed the wrong that she had suffered, such an action indicative of her clear conscience. On the witness stand, the demeanor and conduct of the private offended party clearly showed her intense pain, grief and shame inflicted on her by the accused. All in all, the Court found the victim truthful and sincere while narrating the details of the harrowing experience she had undergone at the malevolent hands of the accused." (p. 9, Rollo)

Appellant's allegation that the act of complainant in suddenly grabbing his wrist watch shows that they had a

previous relationship and/or that the intention was to frame him up in case the security guard would inform her husband that he saw them together that early morning, is not convincing. For, if it were true that their relationship before had gone beyond friendship, she need not snatch his time piece; she would just ask for it. Her only purpose then in grabbing it was to create a scene and cause his arrest for having raped her; and, the fact that complainant immediately reported the matter to the authorities is persuasive enough that there was no such relationship between the two.

The fact that the security guard was not presented by the prosecution did not affect its case. The defense could have presented him if his testimony were material and necessary.

Anent the argument of appellant that their previous relationship is shown when, after the act, complainant invited him to return to her home and that this bolsters the contention that their sexual intercourse was voluntarily, suffice it to say that after the rape it was still dark and complainant was afraid that appellant might take advantage of her again. The best way out was for her to convince him to bring her back home.

Finally, the question as to why appellant did not molest the 16-year old daughter of the complainant is not for her to answer. Why a man would prefer that woman for another is beyond her.

All told, We are satisfied that the lower court did not err in finding that appellant's guilt has been established beyond reasonable doubt.

WHEREFORE, the decision appealed from is AFFIRMED, with the modification that the indemnity is increased from P12,000.00 to P20,000.00. With costs.

SO ORDERED.

Teehankee (Chairman), Melencio-Herrera, Plana, Gutierrez, Jr., and de la Fuente, JJ., concur.

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.