

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDUARDO TIAD, ACCUSED-APPELLANT.

G.R. No. 91013. November 21, 1991

Ponente: GRINO-AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-91013/>

GRINO-AQUINO, J.:

Eduardo Tiad was accused of having raped the complainant, Morita Paciente, on her way home at three o'clock in the morning of October 31, 1984, at Sitio Tubog, Barangay Ned, Municipality of Lake Sebu, Province of South Cotabato, Philippines.

Upon arraignment, he pleaded not guilty.

The following facts were established at the trial:

At about 3:00 o'clock in the early morning of October 31, 1984, the complainant, Morita Paciente, 43 years old, who had just attended a coronation ceremony in the elementary school of Tubog as part of the fiesta celebration of Sitio Tubog, Lake Sebu, South Cotabato, was on her way home with her six-year old son, Edgar, and barriomates Igmedio Puyong and his wife, Dolores. Her house was one (1) kilometer away from the school house. Since it had rained, the road was slippery.

When the group reached the house of Julito Palanog, they stopped to light their lamps. Igmedio Puyong lighted his petromax lamp, while complainant lighted an oil wick lamp (consisting of a bottle of kerosene whose wick was submerged). At that time, the accused, Eduardo Tiad, was following them on the same trail. When they paused to light their lamps, he was able to overtake and pass them by. At an intersection, the Puyong spouses went another way to their own house, while the complainant and her son headed for theirs. Complainant testified that she did not notice that the Puyong spouses had separated from her and her son. She continued walking in the same direction which the accused had taken (pp. 5-8, t.s.n., December 10, 1985). ("Segue la kami sunod sa iya.") Later on, she noticed that they were passing a different route (pp. 2-9, Ibid.).

When the complainant came near the accused, the latter allegedly snatched the kerosene lamp that she was holding and struck her on the head with it (pp. 6-9, Ibid.). Complainant exclaimed "Ano adto man?" (What is it?) And before she could do anything, the accused removed his handkerchief from his head and used it to gag her mouth. He boxed her, pushed her to the ground and strangled her neck with his left hand while unbuttoning his pants with his right hand and removed it (pp. 9-10, Ibid.). The accused rode astride her, removed her panty, placed it on the ground, masturbated to achieve an erection, and then forcibly had sexual intercourse with her (pp. 10-13, Ibid.). The complainant did not get up nor shout nor resist for fear that she might be killed (pp. 10-11, Ibid.). She pleaded: "Doy, please have mercy, don't do this on (sic) me because heaven might curse you." However, the accused simply replied: "Never mind" (p. 12, Ibid.).

Complainant attempted to repel the sexual assault by firmly closing her thighs together and holding on to her dress but she was allegedly too weak and afraid to put up a strong resistance. The accused was able to separate her legs and forced himself upon her (pp. 12-13, t.s.n., December 10, 1985).

Earlier, when complainant's son, Edgar, saw the accused astride his mother, he called out "Tatay!" When his

mother shouted: "Gar, you run away," he ran toward their house (p. 15, *Ibid.*). As soon as Edgar reached their house, he woke up his father and told him what had happened. Together they rushed to the place where his wife was waylaid (pp. 5-7, t.s.n., March 4, 1986).

Meanwhile, having satisfied his lust, and alerted by the barking of dogs, the accused hurriedly took his pants, placed them on his shoulder, and headed for home. Before leaving, he warned the complainant not to tell anyone about the incident, otherwise he would have the rebels pick her up. She promised: "I will not report." (t.s.n., pp. 15-18, December 10, 1985).

The complainant walked toward her home. On the way, she met her husband and son, and one Jose Solomon. She immediately told her husband what had happened. Later that day, the couple reported the incident to the chief of police who was then in a house at Tubog. The chief of police advised her to go to the police station at Lake Sebu to give her statement on the incident. But she was able to go to the police station only five (5) days later on November 3, 1984 because of the continuous rain and lack of money for their transportation. She did not submit herself to a medical examination, despite the advice of the Station Commander and the Police Investigator, for lack of funds and ignorance (pp. 15-22, t.s.n., December 10, 1985).

The sworn statement she gave to the police was marked as Exhibits A to A-3 of the prosecution (pp. 15-22, *Ibid.*).

On the other hand, the accused's version of the incident was as follows:

"That he was at Sitio Tubog at 4:00 o'clock in the afternoon of October 30, 1984 since there was a fiesta; that he saw the complainant, Morita Paciente at a store near the plaza; that the complainant was then drinking beer and chewing nuts and that was the time the accused-appellant asked her when she will pay her P1,000.00 indebtedness; that the complainant merely said: 'If you are in a hurry, then file the case because anyway, we have no papers' (p. 55, TSN, Nov. 27, 1987). The accused-appellant merely left her and saw her again at around 3:30 in the early morning of October 31, 1984 apparently coming from the coronation rites of the town fiesta. The accused-appellant was then with the Spouses Igmedio and Dolores Puyong and many others whom he only knew by their faces; that the accused-appellant once again reminded the complainant of her debt but she repeated what she told the accused-appellant earlier before which infuriated him. He then slapped and boxed her in the right shoulder; that the complainant was able to parry the slap of the accused-appellant and both of them fell to the ground and while they were both on the ground, the accused-appellant held her neck and said: 'I will kill because you used to refuse to pay my money for so long' and the complainant shouted, 'Help, help, Dodoy will kill me,' and 'Release me Doy, release me; I will pay you this coming harvest' (p. 56, TSN, Nov. 27, 1987). After that, the accused-appellant released the complainant and he went home." (pp. 7-8, Appellant's Brief.)

After the trial, the lower court rendered judgment on April 22, 1988, finding the accused guilty of the crime charged and sentenced him to suffer the penalty of reclusion perpetua; to indemnify the complainant, Morita Paciente, for moral damages in the amount of P25,000; and to pay the costs.

The accused has appealed the decision to this Court, alleging that the trial court erred:

1. in giving credence to the testimonies of the prosecution witnesses;
2. in holding that there was force and threats employed by the accused to consummate his sexual desire on the complainant despite the absence of a deadly weapon;
3. in holding that the silence of the accused on the incident is equivalent to an admission of the crime of rape;
4. in awarding moral damages to the complainant despite the absence of evidence to support it; and
5. in not acquitting the accused of the crime of rape.

As pointed out by the Solicitor General in his brief for the People, the crucial issue in this case is the credibility of witnesses, particularly, the complainant and the appellant (People vs. Barranco, 177 SCRA 103).

The complainant positively identified the appellant as the person who sexually assaulted her against her will. The appellant admitted that he manhandled her and failed to deny or refute her charge that he raped her. Thus observed the lower court:

"x x. The testimony of complainant appears credible, in fact, all of the facts revealed by her were expressly admitted by accused in his own testimony. The exceptions are the facts leading to and concerning with (sic) the sexual intercourse forced by him on her, for accused had just kept silent since he was served a copy of Exhibits A to A-3, the sworn statement of complainant until his case was rested." (p. 99, Rollo.)

The Court does not believe that the complainant concocted the rape charge. She is a respectable member of the community where she lives and no credible evidence exists to show that she is a woman of ill-repute. That she drinks beer does not prove that she is a drunkard or was drunk at the time she was raped. That she has sagging breasts (she has suckled six children) does not prove that she is a woman of loose morals. She would not herself have urged her little boy to run home and summon his father, nor would she have immediately reported the outrage to her husband and to the authorities if the attack upon her by the appellant had been perpetrated with her consent. We note the finding of the trial court that:

"x x x. There could be no reason why complainant confessed to her husband and gave her statement to the police and before the court if she was not sexually ravished by the accused against her will and by force and/or threats. She subjected herself to an untold humiliation, in fact, even courting the rage of her husband. If it were with her consent she could have just concealed the true incident from her husband and thus the ordeal undergone by her could have been prevented. But such was not the case for truly raped she was by the accused who had not denied it." (pp. 100-101, Rollo.)

The appellant's being unarmed at the time of the assault did not negate his use of force, violence and intimidation against the complainant, for he in fact admitted that he slapped and boxed her, hit her with her kerosene lamp on the head, and wrestled her to the ground. Since he is a man of powerful physique, the use of his fists against his small pregnant victim constituted sufficient force and violence to intimidate the latter.

There is no taint of untruth and unnaturalness in statement of the complainant that the accused lowered his pants to have sexual intercourse with her, but he removed them and slung them over his shoulder when he fled upon hearing the barking of dogs indicating that help was near. In his hurry to flee, it was probably easier for the accused to wiggle out of his pants which he had already pulled down, than to pull them up, button them, and run.

The complainant and the accused appear to have been good neighbors previously, as evidenced by the fact that sometime in the past, Morita was able to borrow, and the accused gladly loaned her, P1,000. That was probably the reason why she had no apprehension of evil when she and her son followed him on the way home at three o'clock that rainy morning, after the Puyong spouses had separated from them.

Finding no reason to disturb the trial court's factual observations which are supported by the evidence, we affirm the conviction of the accused for the crime charged.

WHEREFORE, the appeal is dismissed. The judgment of the trial court is affirmed but with modification of the award of moral damages to the complainant, Morita Paciente, which we hereby increase to P30,000 in accordance with recent rulings of this Court. Costs de oficio.

SO ORDERED.

Narvasa, (Chairman), Cruz, Feliciano, and Medialdea, 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.