

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ROBERTO OLIQUINO ALIAS "BERTO";
DEFENDANT-APPELLANT.**

G.R. No. 94703. May 31, 1993

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-94703/>

PADILLA, J.:

Defendant-appellant Roberto Oliquino alias "Berto" was convicted of the crime of rape by the RTC of Calauag, Quezon, Branch 63 and sentenced to suffer the penalty of reclusion perpetua and to indemnify the complainant in the amount of P30,000.00. Now seeking a reversal of the decision* of the trial court, appellant claims that the prosecution failed to prove his guilt beyond reasonable doubt because his conviction was based merely on presumptions and that the testimony of the complainant is not credible because the same was made after the complainant had the opportunity to think and reflect, the alleged rape being reported to the authorities three (3) months after it supposedly occurred.[1]

Complainant Eden Argudo was at the time of the incident a twenty (20) year old second year college student of the Polytechnic University of the Philippines in Lopez, Quezon. She was living with her parents in Barangay Inalusan, Lopez, Quezon.

Appellant Oliquino was the "compadre" of the complainant's mother, Tarciana Argudo. Appellant's ability as an "herbolario" or faith healer was well known in their place and he had previously treated Eden for various ailments when she was younger.

In May 1988, Eden complained of intense stomach pain. She was brought by her mother, Tarciana Argudo, to appellant Oliquino for treatment at the latter's house situated near a mountain at Barangay Rosario in Lopez, Quezon. Appellant gave Eden a prescription for her stomach pain and instructed her to return for regular treatment every Tuesday and Friday. Accompanied by her mother, Eden returned to appellant's place for treatment regularly as instructed until 5 August 1988.

On 5 August 1988 at about 12:30 o'clock in the afternoon, Eden and her mother arrived at appellant's house. He and his young children were the only persons inside the house. Appellant had no other patients when Eden and her mother arrived at his residence; neither were there other patients during the time Eden was being treated.

Before proceeding with Eden's treatment, appellant informed Tarciana that he would treat Eden at the foot of the mountain at the back of his house. He instructed Tarciana to stay inside the house to pray and to continue doing so until they were back. Tarciana complied with appellant's instruction and started to pray.[2] Taking a candle and his medals with him, appellant took Eden to the foot of the mountain at the back of his house. The grass and coconut trees concealed them from the view of those who were inside the house.

Appellant then ordered Eden to sit under one of the coconut trees. When she was seated, appellant started touching Eden's breasts and embraced her. Eden tried to resist but appellant poked a knife or "itak-itakan" at her

neck, told her not to try to escape and to follow what she was instructed to do. Then, appellant ordered Eden to stand up. Stricken with fear, Eden complied with her eyes closed and resigned herself to her fate. With the knife still pointed at Eden's neck, the latter was not able to stop appellant from removing her "maong" pants and panty. Overwhelming fear caused by the threat on her life outweighed Eden's instinctive desire to struggle and resist appellant's lustful intentions. Thus appellant succeeded in separating Eden's legs, placed himself on top of her and had carnal knowledge of her against her will.

After satisfying his lust, appellant ordered Eden to dress up and threatened her not to report the incident to anyone, otherwise, he would kill her and her parents by putting a curse or "kulam" upon them.[3]

When appellant and Eden returned to the house after being out for about an hour, Tarciana noticed that her daughter was crying. When she asked Eden why she was crying, appellant admonished Tarciana not to ask questions and to refrain from doing so even after they have reached their house.

Since her last visit for treatment at appellant's house on 5 August 1988, Eden's family noticed some strange changes in her behavior. She was always depressed and crying; and as a result, she became thinner.[4] Despite her mother's insistence, Eden refused to go back to appellant's house for further treatment.[5]

Worried about her daughter's condition, in September 1988, Tarciana fetched appellant Oliquino to treat Eden at their own house, since Eden refused to go back to the appellant's place. Upon seeing appellant, Eden became hysterical and she started shouting and crying. The second time appellant was summoned to treat Eden in October 1988, Eden once more became hysterical. She began crying and shouted that she did not want appellant to come near her.[6]

In November 1988, Eden's parents became extremely worried about her condition when she started vomiting. When Eden was asked by her parents as to what was wrong with her, she revealed to them that she was raped by appellant during her last visit for treatment on 5 August 1988.[7]

On 19 November 1988, Eden was brought by her parents to the Magsaysay Memorial Hospital for medical examination. Dr. Romeo Tapales, the examining doctor, made a diagnosis that Eden's hymen was lacerated at 3:00 o'clock and the pregnancy test confirmed that she was pregnant.[8] After said examination, Eden and her parents proceeded to the police station in Lopez, Quezon to file a criminal complaint for rape against the appellant.

In an information dated 7 February 1989,[9] appellant Roberto "Berto" Oliquino was charged with the crime of rape before the RTC of Calauag, Quezon, Branch 63, docketed as Criminal Case No. 89-1577-C. The information reads as follows?

"That on or about 5th day of August 1988, at Barangay Rosario, Municipality of Lopez, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court. The above-named accused, with lewd design, armed with a knife, by means of force, violence, threats and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of said Eden V. Argudo, against her will.

Contrary to law."[10]

At the arraignment on 5 July 1989, appellant entered a plea of not guilty. For his defense, appellant denied the charge against him, alleging that it was impossible for him to have raped Eden at the back of his house because there were other houses near his house and that several patients were present when he treated Eden inside his house on 5 August 1988.[11]

Appellant presented as one of his witnesses, Rosario de los Reyes, who testified that she was a neighbor of

appellant and that the latter's house was surrounded by several houses; that there were several patients inside the house of appellant including herself and her son, when Eden was treated by petitioner.[12] Ramir Ramos likewise testified that he was one of the patients present when Eden was treated by appellant inside the latter's house.[13]

During the pendency of the case, Eden had a miscarriage.[14] After the case was heard, the trial court found appellant guilty beyond reasonable doubt of the crime of rape in its decision dated 20 June 1990, the dispositive portion of which reads as follows:

"WHEREFORE, premises considered, the Court finds the accused ROBERTO OLIQUINO alias "Berto" guilty beyond reasonable doubt of the crime of rape committed with the use of a deadly weapon and hereby sentences him to suffer the single indivisible penalty of reclusion perpetua with its accessory penalties and to indemnify the offended party EDEN V. ARGUDO in the amount of thirty thousand pesos (P30,000.00) as moral and actual damages and attorney's fees with costs.

"SO ORDERED." [15]

Hence, this appeal.

Under Art. 335 of the Revised Penal Code, the crime of rape is committed by having carnal knowledge of a woman under the following circumstances: by using force or intimidation; when the woman is deprived of reason or otherwise unconscious; or when the woman is under twelve (12) years of age, even though neither of the two (2) aforementioned circumstances are present.

In most cases, the crime of rape is committed without any witnesses other than the victim and the culprit. Because of the intrinsic nature of the crime, the conviction or acquittal of the accused depends almost entirely on the credibility of the complainant's testimony.[16] The evidence for the prosecution must stand or fall on its own merits, and cannot be allowed to draw its strength from the weakness of the evidence of the accused.[17]

The delay in filing the complaint three (3) months after the incident occurred does not automatically render Eden's testimony as incredible. Eden's fear caused by the threat made by appellant that he would kill her and her parents by putting a curse or "kulam" upon them, if she would tell anyone that she was raped by him, prevented her from immediately reporting the incident to her family and the authorities. While a threat of a curse or "kulam" may be shrugged off by some individuals who will consider the same as unbelievable or a farce, however, for a young and unsophisticated lass like Eden, it is not inconceivable that she took such threat seriously.

Eden had been treated by appellant for various ailments since she was a young girl and had known him as her mother's "compadre." Her whole family had trusted appellant. The latter's act of raping Eden caused her emotional distress, for which reason, she suffered depression and became hysterical whenever she saw the appellant.

It was also quite apparent that Eden's fear that appellant would kill her and her parents if she would report the incident to anyone and her troubled state of mind were the reasons for the delay in reporting the incident to the authorities and in the filing of the charge against appellant. There was a valid cause for the delay in filing the complaint. Delay in the filing of said complaint alone is not sufficient to destroy the veracity of the testimony of the complainant.

After carefully going over the records of the case, we find the testimony of Eden as credible, logical and consistent. There is no doubt in our mind that appellant had carnal knowledge of her against her will and with the use of force and intimidation. For, as oft-repeated, no young Filipina would publicly admit that she had been criminally ravished unless that is the truth and her natural instinct is to protect her honor.[18] As observed by the trial court, although Eden was crying and trembling while testifying on the witness stand, Eden was sincere and truthful in her narration of events that occurred on 5 August 1988. We find no reason to overthrow the trial court's

finding as to the credibility of the complainant. The trial court's decision was based on the evidence presented before it and not based merely on presumptions.

Appellant claims that Eden's ulterior motive in filing the charge for rape against him was to protect her boyfriend who, according to appellant, was the one who actually impregnated her. However, appellant not only failed to present evidence to substantiate the alleged ulterior motive on the part of the complainant, but we find his contention to be absurd. It is inconceivable for a young and promising college student to expose herself to public trial for rape just to protect her boyfriend from the responsibility of impregnating her. An admission on her part that she got pregnant by her boyfriend would be less traumatic than going through a long and embarrassing trial, wherein she had to testify as to the gory details of the crime.

We likewise find no merit in appellant's pretense that it was impossible for him to have raped Eden at the back of his house where his neighbors would have witnessed the incident, because his house near the school is surrounded by other houses. It was, however, established before the trial court that in July 1988, appellant sold his house near the school. He and his family transferred to his new residence near the mountain where they had no neighbors. On 5 August 1988, Eden and her mother went to see appellant at his new residence and not at his old house which he had already sold. Since appellant's house near the mountain was not surrounded by other houses for it was quite isolated, no neighbor of his could have witnessed the incident.

WHEREFORE, the appealed decision of the trial court finding appellant guilty beyond reasonable doubt of the crime of rape is hereby AFFIRMED. Costs against the appellant.

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, and Nocon, JJ., concur.

* Penned by Judge Enrico A. Lanzas

[1] Appellant's Brief, Rollo p. 42

[2] TSN of 7 December 1989 hearing, Testimony of Tarciana Argudo, pp. 13-14

[3] TSN of 7 December 1989 hearing, Testimony of Eden Argudo, pp. 58-68

[4] Ibid., Testimony of Tarciana Argudo, pp. 14-18

[5] Ibid., pp. 45-47

[6] TSN of 30 January 1990 hearing, Testimony of Tarciana Argudo on Rebuttal, pp. 318, 320-322

[7] TSN of 7 December 1989, hearing, Testimony of Eden Argudo, pp. 70-74

[8] Medical Certificate dated 19 November 1988, Exhibit "A", Folder of Exhibits, p. 3

[9] Signed by Provincial Fiscal Dante H. Diamante, Rollo, p. 8

[10] Rollo, p. 8

[11] Rollo, pp. 25-26

[12] TSN of 3 January 1990 hearing, p. 171

[13] Ibid., pp. 208-209

[14] TSN of 7 December 1989 hearing, Testimony of Eden Argudo, p. 97

[15] Rollo, p. 31

[16] People vs. Soliao, G.R. No. 91131, 19 February 1991, 194 SCRA 254; People vs. Aquino, G.R. No. 83214, 28 May 1991, 197 SCRA 578

[17] People vs. Bacdad, G.R. Nos. 71719-20, 8 May 1991, 196 SCRA 786

[18] People v. Pasco, G.R. NO. 68520, 22 January 1990 181 SCRA 233

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.