

## PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. OSCAR TADEO @ OSCAR, ACCUSED-APPELLANT.

*G.R. Nos. 128884-85. December 03, 2001*

Ponente: YNARES-SANTIAGO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-128884-85/>

---

### YNARES-SANTIAGO, J.:

Accused-appellant was charged before the Regional Trial Court of Bangued, Abra, Branch 2, with two counts of rape committed against the 13-year old daughter of his live-in partner. The Informations allege:

#### CRIMINAL CASE NO. 798

That on or about the 25[th] of February, 1990, at around 7:30 in the evening, at Barangay Poblacion, Municipality of Peñarrubia, Province of Abra, Philippines and within the jurisdiction of this Honorable Court, the above-named accused with lewd design and armed with a bolo and by means of force and intimidation, did then and there wilfully, unlawfully and feloniously mash the breasts of JOY MAGALIM and thereafter succeeded in having carnal knowledge of said Joy Magalim, against the latter's consent and will.

CONTRARY TO LAW.[1]

#### CRIMINAL CASE NO. 1042

That on or about the 28[th] day of February 1990, at around 8:00 o'clock in the evening, at Barangay Poblacion, Municipality of Peñarrubia, Province of Abra, Philippines and within the jurisdiction of this Honorable court, the above-named accused, with lewd design and by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge with JOY MAGALIM, against her will and consent.

CONTRARY TO LAW, with the aggravating circumstances of: (1) dwelling of the offended party; and (2) abuse of confidence.[2]

After trial, judgment was rendered convicting accused-appellant of two counts of rape and sentencing him to suffer the penalty of reclusion perpetua for each case. The dispositive portion of the decision reads:

WHEREFORE, the court finds the accused guilty beyond reasonable doubt of the crime of rape on both counts, defined and penalized under Article 335 of the Revised Penal Code, charged in two separate informations as Criminal Cases Nos. 978 and 1042 with no aggravating nor mitigating circumstances and sentences him to reclusion perpetua for each count; to indemnify the victim in the amount of P100,000.00 by way of moral and exemplary damages.[3]

The facts, as gathered from the records, show that Joy Magalim's mother, Pacita Magalim, and accused-appellant Oscar Tadeo, were live-in partners. In the evening of February 25, 1990, Joy, then thirteen years old, cooked dinner for accused-appellant and her elder brother, Victor Magalim. After supper, Joy went to her room to work on her school assignment. Accused-appellant entered the room and asked Joy the whereabouts of Victor, to which Joy answered that he went out to listen to a radio program. Accused-appellant left her room and, shortly

thereafter, he returned holding a bolo. He started to undress Joy against her will, then carried her and laid her on the bed. He took off his short pants and briefs, and he mashed Joy's breasts, which made her cry. Accused-appellant then went on top of her. Joy could not resist the advances made on her because accused-appellant threatened to kill her with the bolo. She felt pain while accused-appellant inserted his penis into her vagina. After fulfilling his lecherous act, accused-appellant warned Joy not to tell anyone what happened or else he will kill everyone in the family. Accused-appellant left the room, while Joy cried.

Three nights later, on February 28, 1990, Victor again left the house to listen to a radio program. Their mother, Pacita, was in Manila. Accused-appellant entered Joy's room, abruptly carried her and laid her down on the bed. Then, after taking off her clothes, accused-appellant placed himself on top of Joy and raped her a second time. This time, he was holding a foot-long knife. Again, accused-appellant warned Joy that he will kill her as well as her mother, brother, and two sisters if she tells anyone what he did to her. She could not do anything but cry.

Each day after the incident, accused-appellant would approach Joy and repeat his threats to kill all of them if she tells anyone about the rape incidents. Fearing for her and her family's life, Joy faithfully heeded accused-appellant's warning. In fact, she would have kept the incidents to herself were it not for another unfortunate event that led to their timely discovery.

On October 17, 1990, Joy was raped by three young men in their town. Criminal charges were filed against the rapists. During the medico-legal examination on October 18, 1990, the doctor found old lacerations and told Pacita about them. Pacita interrogated Joy until the latter finally admitted that accused-appellant had raped her twice on February 25 and 28, 1990.

Accused-appellant denied the charges and alleged that Joy concocted the story of rape because Pacita was mad at him for selling her carabao.

The prosecution sufficiently established the commission of the crime of rape on two occasions through the testimony of complainant,[4] which the trial court found to be both credible and convincing. It is settled that the determination of competence and credibility of a child as a witness rests primarily with the trial judge. The testimony of a child witness, if credible by itself, shall be sufficient to support a finding of fact, conclusion or judgment subject to standard proof.[5]

In the case at bar, Joy's testimony is corroborated by the medical findings of her genital examination, which showed old lacerations on her hymen. Though a medical examination and report is not indispensable to a conviction for rape,[6] the findings therein of injuries or circumstances supportive of sexual assault strengthen the claim that Joy was raped.

Anent accused-appellant's contention that the charges were merely concocted, suffice it to state that a mother would not easily expose her young daughter to the humiliation and embarrassment which a charge of rape entails were it not true and were not her sole motive the vindication of the wrong done to her innocent and helpless child. Because of accused-appellant's threats that he will kill Joy and the rest of her family, Joy kept silent about the horrible experience she suffered. At her young age, she chose to suffer the ignominy in silence rather than go through with the scandal and humiliation of a public trial. Were it not for the discovery of the old lacerations on her hymen after she was again raped by three other men, the bestial acts committed against her by accused-appellant would have gone unpunished.

Considering the moral ascendancy of accused-appellant over Joy, who looked up to him as her real father, she would have been easily intimidated into submitting herself to his evil desires.[7] Threat is relatively adjudged according to the circumstances of the victim and her relation to her assailant. In any case, it has been adequately

established that in each act of rape, accused-appellant threatened to kill the victim with a bladed weapon. The threat to her life cowed the young victim into submission and silence for several months.

The victim's silence does not imply that her accusations made months later were false. There is no standard form of behavioral response when one is confronted with startling or frightful experience.[8] Fear has rendered some people immobile if not useless in some life-and-death situations.[9] Besides, when a woman, more so if she is a minor, says that she has been raped, she says, in effect, all that is necessary to prove that rape was committed.[10] No woman would be willing to undergo a public trial, along with the shame, humiliation and dishonor of exposing her own degradation, were it not to condemn an injustice and to have the offender apprehended and punished.[11] The embarrassment and stigma of allowing an examination of her private parts and testifying at a public trial on the painfully intimate details of her violation effectively rule out the possibility of a false accusation of rape.[12]

Accused-appellant's bare denial is a negative declaration and deserves no consideration. It cannot prevail over the affirmative testimony of the victim which is corroborated by other evidence.[13] Affirmative testimony is far stronger than a negative one, especially when it comes from the mouth of a credible witness.[14] In contrast, denial is inherently weak, can easily be fabricated and must be proved by clear and convincing evidence, to warrant acquittal. Accused-appellant failed to discharge this duty.

Ultimately, in the review of rape cases, the real issue is credibility of witness, particularly the victim. In the case at bar, we find no convincing reason to depart from the findings of the trial court on this score. As aptly observed by the lower court:

The court cannot find nor even discern any ill-motive on the part of the victim and her mother to file trumped-up charges imputing the crime of rape against the accused. The young girl, victim in these cases, was unwavering in her testimony. In simple, straightforward and honest manner and demeanor she identified her molestation and recited with tears in her eyes the details of how the accused deflowered her on February 25, 1990 and again on February 28, 1990.[15]

The two acts of rape in the case at bar, committed in 1990, are governed by the old provisions of Article 335 of the Revised Penal Code, under which rape with the use of a deadly weapon was penalized with reclusion perpetua to death. In view of the suspension of the death penalty under the 1987 Constitution and prior to the passage of Republic Act No. 7659 which re-imposed the same, the penalty to be imposed on accused-appellant is reclusion perpetua.[16] However, the trial court's award of the total amount of P100,000.00 as "moral and exemplary damages"[17] needs correction. In rape cases, moral damages are awarded in the amount of P50,000.00 for each count. In addition, civil indemnity in the amount of P50,000.00 is awarded for each act of rape. Moral damages are separate and distinct from the civil indemnity.[18] On the other hand, the award of exemplary damages is not warranted, there being no aggravating circumstance.[19]

WHEREFORE, the decision of the Regional Trial Court of Bangued, Abra, Branch 2, in Criminal Cases Nos. 978 and 1042, finding accused-appellant guilty beyond reasonable doubt of two counts of rape and sentencing him to suffer the penalty of reclusion perpetua for each count, is **AFFIRMED** with the **MODIFICATION** that accused-appellant is ordered to pay the victim P50,000.00 as civil indemnity and P50,000.00 as moral damages for each count of rape.

### **SO ORDERED.**

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Pardo, JJ., concur.

---

[1] Rollo, p. 5.

- [2] Ibid., p. 7.
- [3] Ibid., p. 26; penned by Judge Benjamin Boñgolan.
- [4] TSN, March 4, 1991, pp. 7-13.
- [5] People v. Rama, G. R. No. 136304, January 25, 2001.
- [6] People v. Docena, 322 SCRA 820 [2000]; People v. Auxtero, 289 SCRA 75 [1998].
- [7] People v. Ardon, G.R. Nos. 137753-56, March 6, 2001; People v. Velasco, G.R. Nos. 135231-33, February 28, 2001.
- [8] People v. Dones, 254 SCRA 696 [1996]; People v. Gomez, 251 SCRA 455 [1995].
- [9] People v. Galas, 262 SCRA 381 [1996] cited in People v. Alarcon, 335 SCRA 457 [2000].
- [10] People v. Correa, 269 SCRA 76 [1997]; People v. Malabago, 271 SCRA 464 [1997].
- [11] People v. Lagrosa, Jr., 230 SCRA 298 [1994]; People v. Domingo, 226 SCRA 156 [1993]; People v. Adora, 275 SCRA 441 [1997].
- [12] People v. Pontilar, Jr., 275 SCRA 338 [1997]; People v. Sanchez, 250 SCRA 14 [1995].
- [13] People v. Ramirez, 266 SCRA 335 [1997]; People v. Francisco, 258 SCRA 558 [1996]; People v. Atop, 286 SCRA 157 [1998].
- [14] People v. Digno, Jr., 250 SCRA 237 [1995].
- [15] RTC Decision, pp. 4-5.
- [16] People v. Martinez, G.R. No. 124892, January 30, 2001.
- [17] RTC Decision, p. 5.
- [18] People v. Garigadi, 317 SCRA 399 [1999].
- [19] People v. Magabo, G.R. No. 139471, January 23, 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.