PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. AMORSOLO TORRES Y GANIBO, ACCUSED-APPELLANT.

G.R. Nos. 135522-23. October 02, 2001

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-nos-135522-23/

PER CURIAM:

Before this Court on automatic review is the joint judgment of conviction rendered by the Regional Trial Court of Santa Cruz, Laguna, Branch 28, dated August 14, 1998, finding accused-appellant Amorsolo Torres guilty beyond reasonable doubt of the crimes of rape and acts of lasciviousness, and sentencing him to suffer the penalty of death for the rape and the penalty of imprisonment of six months of arresto mayor as minimum to six years of prision correccional as maximum for the acts of lasciviousness.[1]

The Information for Rape alleged:

> "That on or about September 1, 1997 at Brgy. Ibabang Atingay, Municipality of Magdalena, Province of Laguna and within the jurisdiction of this Honorable Court, the above-named accused, being the father of the herein complainant, with lewd design and with intent to satisfy his lust and by means of force, violence and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge with his daughter, GLORILYN TORRES y BUSTILLO, a fourteen-year old girl, against her will and consent, to her damage and prejudice."[2]

The Information for violation of RA 7610 (Child Abuse) reads as follows:

> "That on or about July 26, 1997 at Bgy. Ibabang Atingay, Magdalena, Province of Laguna and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, did then and there wilfully, unlawfully and feloniously commit lascivious acts with his own daughter, GLORILYN B. TORRES, by touching her private parts, against her will."[3]

Upon separate arraignments, accused-appellant pleaded not guilty to both charges, after which both cases were tried jointly.

The evidence for the prosecution is summarized as follows:

Complainant Glorilyn Torres, then 14 years old at the time of the incidents, lived with her father, herein accused-appellant, and her brothers and sisters, at Bgy. Ibabang Atingay, Magdalena, Laguna. Her mother Gloria Torres, who has been separated from accused-appellant since 1994, was living and working in Marikina.

At around 2:00 a.m. of July 26, 1997, complainant was sleeping in their house when she was suddenly awakened by her father who was mashing and sucking her breasts. She asked him to stop but he slapped her and told her to keep quiet because her brothers and sisters might awake. Complainant cried and pleaded with her father to stop. Accused-appellant touched her vagina and told her "Pasensya ka na, kasalanan ito ng nanay mo, dahil wala siya." Complainant tried to fight back but accused-appellant, who was holding both her arms, continued to suck her breasts and at the same time was asking for forgiveness. Afterwards, accused-appellant told her to go back to sleep and left. Complainant did not report the incident to anyone because the accused-appellant threatened to maul

and leave them.

On September 1, 1997, at around 2:00 a.m., complainant was again awakened by accused-appellant lying beside her. Her sister Morilyn was also inside the room. At first, accused-appellant was mashing and sucking her breasts. Then he ordered her to take off her panty and when she refused, he forcibly took it off. She tried to struggle with the accused-appellant but then he held both her arms, placed his knees between her thighs and succeeded in satisfying his lust on her. Complainant felt excruciating pain in her vagina. After a while, accused-appellant stopped and said he did not want to continue anymore because she might get pregnant. He put on her panty and left. The following morning, complainant saw a spot of blood on her panty. As in the previous incident, accused threatened to leave complainant and her brothers and sisters, and that he will maul and kill her mother, brothers and sisters if she told anybody about what happened. After this incident, complainant never talked to accused-appellant.

It was only on October 5, 1997 when complainant was able to report the two incidents to their barangay chairwoman, Aurora Cube. It appears that on said date, Mercy Torres, a sister-in-law of accused-appellant, saw Roberto Montemor, a suitor of the complainant, holding complainant by the shoulder, inside the house of accused-appellant. According to complainant, Roberto was apologizing to her for asking her to elope with him. Mercy Torres reported the matter to Aurora Cube who went to the house of accused-appellant to confront complainant. When Aurora told complainant that accused-appellant might scold her, complainant got frightened and held on to the arm of Aurora. In between tears, complainant narrated to Aurora how accused-appellant molested and raped her. The barangay chairwoman gave complainant P200.00 and asked a granddaughter to accompany complainant to see the latter's mother in Marikina.

Thereafter, Aurora Cube proceeded to the police station in Magdalena to report the complaint for rape. She was given permission by the police to invite accused-appellant for questioning. In the evening of October 5, 1997, Aurora ordered her barangay tanods to invite accused-appellant to the barangay hall on the pretext that he is scheduled to be on patrol duty. When accused-appellant arrived, Aurora asked him what he did to his daughter, but accused-appellant denied having done anything to complainant. That night he was detained at the barangay hall.

The following day, October 6, 1997, complainant and her mother arrived at the barangay hall. Complainant's mother, Gloria Torres, tearfully confronted accused-appellant and asked if what complainant said was true. Accused-appellant was adamant in denying the charges against him and said that he could not do that against his own daughter. Thereafter accused-appellant was turned over to the Magdalena Police Station where he was detained. Complainant and her mother executed their respective affidavit-complaints.[4]

The Medico-legal report[5]issued by the examining physician Dra. Maria Cleofe Pita, Municipal Health Officer of Magdalena, Laguna, shows that complainant suffered a healed laceration at 7 o'clock position with retraction of the edges. Dra. Pita testified that based on the lacerations, there could have been penetration more than once, and that the insertion of an object could have caused the retraction of the edges and laxity of the muscles.

Accused-appellant's defense hinges mainly on alibi and denial. As to the charge of acts of lasciviousness committed against complainant in the early morning of July 26, 1997, accused-appellant testified that the night before, i.e. on July 25, 1997, he slept in the mountain where he worked as a power saw operator and came home only at 4:00 in the afternoon of July 26, 1997. Then he left the house at around 5:00 p.m. to attend a wedding at Bgy. Burlungan, Magdalena, Laguna and was able to go home early the following day. With respect to the complaint for rape, accused-appellant testified that on September 1, 1997, he arrived home from work at around 6:00 p.m., and after eating supper, he went to sleep. Complainant, together with her brothers and sisters, was

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

watching television at a neighbor's house and he did not know what time they came home. Accused-appellant testified that the complaint for rape was filed against him because he did not allow complainant to live with her grandmother and study in Manila.

The trial court rendered judgment on August 14, 1998, the dispositive portion of which reads:

> "W H E R E F O R E:
>
> Under Criminal Case No. SC-6691, this Court finds the accused AMORSOLO TORRES y GANIBO GUILTY BEYOND REASONABLE DOUBT AS PRINCIPAL OF CONSUMMATED RAPE defined and punished under Article 335 of the Revised Penal Code, as amended by Republic Act No. 7659, otherwise known as the Death Penalty Law and hereby sentences him to suffer the SUPREME PENALTY OF DEATH and to pay the private offended party GLORILYN TORRES the following sums:
>
> P50,000.00 - as civil indemnity;
> 50,000.00 - as moral damages and
> 50,000.00 - as exemplary damages.
>
> Under Criminal Case No. SC-6692, this Court finds the accused AMORSOLO TORRES Y GANIBO GUILTY BEYOND REASONABLE DOUBT AS PRINCIPAL OF ACTS OF LASCIVIOUSNESS defined and penalized under Article 336 of the Revised Penal Code and hereby sentences him to suffer the penalty of IMPRISONMENT OF SIX (6) MONTHS of Arresto Mayor as Minimum to SIX (6) YEARS of Prision Correccional as Maximum and to pay the private offended party Glorilyn Torres the following amounts:
>
> P5,000.00 - as civil indemnity;
> 5,000.00 - as moral damages and
> 5,000.00 - as exemplary damages.
>
> The accused is further ordered to pay the costs of both the instant suits."

The joint decision is before us by virtue of the automatic appeal of the death penalty imposed in the rape case. It will be noted however that no separate appeal was filed by accused-appellant from the decision finding him guilty of acts of lasciviousness. There is thus a need to address the issue of whether or not the automatic review of accused-appellant's conviction for rape, for which the death penalty was imposed, includes the appeal of his conviction for the less serious crime of acts of lasciviousness, but not so punished.

The Judiciary Act of 1948 under Section 17, paragraph 1 thereof, provides that:

> "Sec. 17. The Supreme Court shall have exclusive jurisdiction to review, revise, reverse, modify or affirm on appeal, as the law or rules of court may provide, final judgments and decrees of inferior courts as herein provided, in -
>
> (1) All criminal cases involving offenses for which the penalty imposed is death or life imprisonment; and those involving other offenses which, although not so punished, arose out of the same occurrence or which may have been committed by the accused on the same occasion, as that giving rise to the more serious offense, regardless of whether the accused are charged as principals, accomplices or accessories whether they have been tried jointly or separately x x x."

In the case of People vs. Panganiban,[6]the Court held that an automatic review of the death penalty imposed by the trial court is deemed to include an appeal of the less serious crime, although not so punished by death, where the less serious crime arose out of the same occurrence or was committed by the accused on the same occasion as that which gave rise to the more serious offense. However, the case at bar is different as the acts of lasciviousness committed by herein accused-appellant happened on July 26, 1997 whereas the rape was committed on September

1, 1997.

What is applicable is the doctrine enunciated in the recent case of People vs. Florencio Francisco y Alejo,[7]where we ruled that the automatic review of the death penalty in the rape case did not include the conviction for acts of lasciviousness which should have been the subject of a separate appeal filed before the Court of Appeals, considering that the acts of lasciviousness case did not arise out of the same occurrence or committed by the accused on the same occasion as that of the more serious crime of rape. Thus:

> "In the instant case, however, it cannot be said that the acts of lasciviousness case "arose out of the same occurrence or committed by the accused on the same occasion" as that of the more serious crime of rape. The two (2) cases involved distinct offenses committed at an interval of two (2) months in point of time. The evidence reveals that the first crime was committed sometime in April 1997 while the second was perpetrated on 27 June 1997. In both cases, accused-appellant was animated by a separate criminal intent, although incidentally, both crimes were directed against the same victim. Moreover, the evidence presented by the prosecution in the rape case was not the same evidence they offered to prove the acts of lasciviousness case.
>
> Inescapably, the penalty of reclusion temporal meted out to accused-appellant in Crim. Case No. Q-97-73696 (now G.R. No. 135202) for acts of lasciviousness is within the exclusive appellate jurisdiction of the Court of Appeals. Upon the other hand, Crim. Case No. Q-97-73695 (now G.R. No. 135201) for rape, the penalty imposed therein being death, perforce falls within the jurisdiction of this Court on automatic review."

In dismissing the appeal from the conviction for acts of lasciviousness for lack of jurisdiction and wrong forum, the Court in People vs. Francisco ratiocinated as follows:

> "While we are not unmindful of the practical advantages of a single consolidated review of these two (2) criminal cases, we cannot array any legal justification therefor without infringing upon the jurisdictional boundaries so clearly delineated by our statutes. Hence, we have no other recourse but to recognize this as a case of split appellate jurisdiction. We cannot infuse new meaning into the provisions of our statutes apportioning appellate jurisdictions between this Court and the Court of Appeals because their mandates and terms are specific and unmistakable. Nor can we widen the scope of our appellate jurisdiction on the basis of the fact that the trial court heard two (2) distinct and separate cases simultaneously. Such procedure adopted by the trial court cannot and did not result in the merger of the two (2) offenses. In fact, a cursory reading of the assailed decision of the court a quo reveals with pristine clarity that each was separately determined by the trial judge, as each should be separately reviewed on appeal. Appellate competence is circumscribed by statute, and not flux and ferment to be settled by the exigencies of trial proceedings.
>
> In fine, it is obvious that accused-appellant's conviction for acts of lasciviousness should have been appealed to the Court of Appeals, instead of elevating the case to this Court which has no jurisdiction over it. Consequently, being with the wrong forum, the appeal in Crim. Case No. Q-97-73696 for acts of lasciviousness erroneously brought to us is dismissed and the decision therein of the court a quo stands. x x x"

We therefore dismiss the appeal in Criminal Case No. SC-6692 for acts of lasciviousness for having been filed in the wrong forum. We shall now proceed to review the conviction in the rape case, where accused-appellant avers that the court a quo gravely erred in convicting him despite insufficiency of the prosecution's evidence to prove his guilt beyond reasonable doubt.

Accused-appellant challenges the credibility of complainant's testimony. It is contended that if it were true that complainant struggled and fought with accused-appellant, and that the latter slapped and threatened her, it is surprising how complainant's sister, Morilyn, who was sleeping beside accused-appellant, was not awakened by all the commotion. Also, the failure of complainant to immediately report the incident allegedly renders doubtful her testimony, specially in light of her narration that she was compelled to disclose the matter to the barangay

chairwoman only after complainant's Aunt Mercy threatened to tell accused-appellant that complainant was flirting with her boyfriend.

It is an elementary rule that the assessment of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand and note their demeanor, conduct and attitude under grilling examination. And the findings of the trial court will not be disturbed on appeal unless some facts or circumstances of weight have been overlooked, misapprehended or misinterpreted so as to materially affect the disposition of the case.[8]

In the case at bar, complainant categorically testified that she was raped by her own father, herein accused-appellant. Her testimony jibes on all material points with her sworn statement which she executed before the municipal judge. She testified thus:

"TRIAL PROSECUTOR:

Q:

You said something happened to you on September 1, 1997?

A:

Yes, sir.

Q:

Please tell us what happened to you on said date?

A:

I was then sleeping and I was awakened and I saw my father was already beside me.

Q:

Can you recall what time you were awakened?

A:

About 2:00 o'clock in the morning, sir.

Q:

Who were sleeping with you at that time aside from your father?

A:

My youngest sister Morilyn, sir.

Q:

How about Alvin, where was he at that time?

A:

Alvin was sleeping in the outer portion of our house near the exit, sir.

Q:

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

How about Melvin?

A:

My four brothers were sleeping together on that day, sir.

Q:

What happened when you were awakened on said date at about 2:00 o'clock in the morning?

A:

My father was mashing my breast, sucking the same and he ordered me to put off my panty which I did not like so he was the one who took it off.

Q:

Was he able to remove your panty?

A:

Yes, sir.

Q:

And what did he do?

A:

He forcibly inserted his penis into my vagina while I was struggling, sir.

Q:

Do you know how he was able to insert his penis into your vagina despite the fact that you were struggling?

A:

He put both his knees on both my thighs and held both my hands upward, sir.

Q:

How was he able to insert his penis?

A:

He forcibly inserted his penis into my vagina, sir.

Q:

Was he successful in inserting his penis?

A:

Yes, sir.

Q:

How did you know?

A:

I felt pain, sir.

Q:

But you did not see actually his penis being inserted into your vagina?

A:

No, sir, it was dark and the light was dim.

Q:

How did you feel when an object was inserted inside your vagina?

A:

It was so painful, sir.

Q:

When you felt something inside your vagina can you still recall what your father was doing?

A:

He was still mashing my breast, sir.

Q:

May we know if he was kissing you?

A:

No, sir.

Q:

Do you recall if he was making some body movement?

A:

Yes, sir.

Q:

What kind of movement was he doing at that time?

A:

He was making movement on this part (witness pointing on her right pelvis).

Q:

Tell us what movement was he doing at that time?

A:

His body was making this movement (witness demonstrating by using her right hand moving it upward and downward)

Q:

What did you do if any when you felt something inserted into your vagina?

A:

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

I was pleading to him but he did not listen to my plea, he still continued what he was doing. (witness with teary eye)

Q:

Tell us the exact words you stated?

A:

I said: `Tay maawa na kayo sa akin, hindi ba promise ninyo hindi ninyo ako kakayugin, bakit po ninyo ito ginagawa sa akin?"

Q:

Was there any response from your father?

A:

Nothing, sir.

Q:

What did you do if any when your father did not respond to your plea?

A:

After a lapse of 5 minutes he removed his penis from my vagina and he said he would not continue anymore because I might get pregnant.

Q:

Are we made to understand that the penis of your father was in your vagina for about 5 minutes?

A:

Yes, sir.

Q:

What else happened after your father removed his penis from your vagina?

A:

He wiped my vagina with a cloth and put on my panty.

Q:

Do you know the reason why he wiped your vagina with a piece of cloth?

A:

No, sir.

COURT:

Q:

Did your vagina get wet?

A:

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

Yes, Your Honor.

TRIAL PROSECUTOR:

Q:

Do you know the reason why your vagina got wet?

A:

Something whitish came out of my vagina, sir.

COURT:

Q:

How were you able to tell that the color of the substance is white, when you said it is dark?

A:

My father turned on the light so I saw it, Your Honor.

TRIAL PROSECUTOR:

Q:

Do you know where did that white substance come from?

A:

Yes, sir, from my vagina.

Q:

What did you feel if any while the penis of your father was inside your vagina aside from pain?

A:

I felt pain on my body and I saw some spot of blood on my panty when I woke up the following morning.

Q:

What did you do when you noticed spot of blood coming from your vagina?

A:

I washed my panty, sir.

Q:

Did your father threaten you?

A:

Yes, sir.

Q:

Tell us how your father threatened you?

A:

He threatened that he would go away and I would lose a father and he would maul and kill my mother, brothers and sister.

Q:

After September 1, 1997, do you still respect your father?

A:

A little sir. I did not show him that I hated him so much.

Q:

Do you still love him after September 1, 1997?

A:

No more, sir.

Q:

Why?

A:

It is because I am wondering why he had done to me that thing when I am his daughter.

Q:

Did you ask your father the reason why he raped you?

A:

No, sir, I did not talk to him since then."[9]

On cross-examination, complainant described in greater detail how she struggled with accused-appellant while he forced himself on her, viz:

"ATTY. DE RAMOS:

Q:

What was the first thing that your father did on September 1, 1997?

A:

He mashed my breast, sir.

Q:

And when he was mashing your breast what did you do?

A:

I was struggling (nagpupumiglas). I was covering my breast with both hands but he removed by hands.

Q:

Were you crying while struggling?

A:

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

Yes, sir.

COURT:

Q:

Why?

A:

I was frightened, Your Honor.

Q:

You were afraid of what?

A:

I was afraid that he might again do the thing which happened on July 26, Your Honor.

ATTY. DE RAMOS:

Q:

Did you cry for help at that time?

A:

No, sir.

Q:

Why did you not cry for help or shout?

A:

Because he was already threatening me, sir.

Q:

Despite the fact that you do not want the things that happened on July 26 to happen again?

A:

He was covering my mouth, sir.

Q:

According to you when he inserted his penis into your vagina he was holding your hands, is that correct?

A;

Yes, sir.

Q:

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

Why did you not shout at the time he was holding your hands?

A:

Because he said he would maul me.

Q:

You also stated that while your father was pushing his body up and down he was holding your breast, is that correct?

A:

Yes, sir.

Q:

With both his hands?

A:

Yes, sir.

Q:

Please tell the Court how did your father hold your breast while he was pushing his body up and down?

A:

He put his elbow on this portion of my arms (witness pointing to the crook of the right elbow) and he mashed my breast with his hands.

Q:

You also stated that your father was covering your mouth at the same time?

A:

Yes, sir.

Q:

And at the same time he was mashing your breast?

A:

It was when I was crying aloud, he removed his hand from mashing my breast and then he covered my mouth with his hand.

Q:

You also stated that your father when he was able to insert his penis into your vagina he placed both his knees on your thighs?

A:

Yes, sir.

Q:

And you also stated that your father was able to insert his penis into your vagina?

A:

Yes, sir.

Q:

Tell the Court how he was able to insert his penis when his knees were placed on your thighs?

A:

There were occasions when he removed his knees on my thighs and whenever my feet were moving he again placed his knees on my thighs.

Q:

You said you were struggling at that time?

A:

Yes, sir.

x x x x x x x x x

Q:

And because you felt so much pain when he entered his penis into your vagina you did not shout?

A:

It is because he was already threatening me that he would kill my mother and I was afraid, sir.

Q:

You mean to tell the Court, while your father was inserting his penis into your vagina he was threatening you that he will kill your mother?

A:

Yes, sir."[10]

Accused-appellant was convicted for the crime of rape after the trial court found that "the entire testimony of Glorilyn Torres was candid, spontaneous and consistent which has never been shaken even under rigid cross-examination." A witness who testified in a categorical, straightforward, spontaneous and frank manner and remained consistent on cross-examination is a credible witness.[11] We find no compelling reason to doubt the veracity of and deviate from the finding of the lower court. Hence, the same should be accorded great weight and deemed conclusive and binding on this Court.

The attempt of accused-appellant to impute ill-motive on complainant for fabricating the charge of rape against him cannot succeed. Not a few persons accused of rape have attributed the charges brought against them to resentment or revenge, but such alleged motives have not prevented the Court from lending full credence to the testimony of a complainant who remained steadfast throughout her direct and cross-examination.[12]Given the naiveté of complainant who was only 14 years old at the time of the incident, we are hard put to believe that she could have concocted a tale of pure fantasy, if only to get back at her father for not allowing her to live and study in Manila. Well-settled is the doctrine that no young and decent lass will publicly cry rape, particularly against her alleged father, if such were not the truth, or if justice was not her sole objective. The revelation of a young girl that she was sexually abused cannot be easily dismissed as a mere concoction, considering her willingness to

undergo a public trial and relate the details of her defilement. Normally, no woman would be willing to undergo the arduous stages and embarrassing consequences of a rape trial, if not to condemn an injustice and obtain retribution.[13]

In this case, the information alleged that accused-appellant, through the use of force and intimidation, had carnal knowledge of complainant. This Court has consistently held that rape is committed when intimidation is used on the victim, which includes moral intimidation or coercion.[14]In this case, complainant was also threatened by accused-appellant with physical harm if she dared to report the matter to anyone. It is not uncommon for a girl of tender age to be intimidated into silence by the mildest threat on her life. Thus, our consistent doctrine is that delay in reporting a rape, if sufficiently explained, does not affect the credibility of a witness.[15]

We have repeatedly adhered to the oft-repeated rule that lust is no respecter of time and place, and that rape can be committed even inside a house where there are other occupants.[16]The presence of people in a certain place is no guarantee that rape will not and cannot be committed.[17]Thus, the fact that complainant's sister was in the same room where the incident took place is not sufficient to cast doubt on the truthfulness of complainant's testimony, especially in light of her clear and convincing narration of the incident.

Finally, we are not persuaded by accused-appellant's defense of alibi. For this defense to prosper, it is necessary to prove the presence of the accused at another place at the time of the perpetration of the offense and demonstrate that it is physically impossible for him to be at the scene of the crime.[18] Accused-appellant claims that he was working in the mountain but he failed to show that it was physically impossible for him to be in their house on that fateful day. More importantly, accused-appellant's testimony was totally uncorroborated. His alibi cannot stand against the overwhelming evidence of the prosecution pointing to his culpability.

With regard to the civil liability of accused-appellant, we affirm the trial court's award of P50,000.00 for moral damages. In this jurisdiction, moral damages in rape cases may be awarded to the victim in such amount as the court deems just, without the need for pleading or proof of the basis thereof. However, there being only one incident of rape, the award of exemplary damages should be decreased from P50,000.00 to P25,000.00. Moreover, in line with recent jurisprudence, the civil indemnity should be increased from P50,000.00 to P75,000.00 since the commission of rape was qualified by circumstances under which the death penalty is imposable in accordance with R.A. 7659.[19]

The information alleged that accused-appellant had carnal knowledge with his daughter, then fourteen years old. The prosecution presented the birth certificate of complainant which shows that she was born on October 14, 1983. Complainant testified that she was 14 years old when she was raped by accused-appellant and this was confirmed by her mother, Gloria Torres. Moreover, accused-appellant admitted that complainant is his daughter, which was corroborated by the complainant. The concurrence of minority of the complainant and her relationship to the offender, having been alleged in the information and duly proved with certainty and clearness as the crime itself during trial, constrains the Court to affirm the conviction of accused-appellant of qualified rape, justifying the imposition of the death penalty on him.[20]

Four members of the Court maintain their position that Republic Act No. 7659, insofar as it prescribes the death penalty, is unconstitutional. Nevertheless, they submit to the ruling of the Court, by a majority vote, that the law is constitutional and that the death penalty should be accordingly imposed.

WHEREFORE, the Decision of the Regional Trial Court of Santa Cruz, Laguna, Branch 28 convicting accused-appellant Amorsolo Torres y Ganibo of RAPE and sentencing him to DEATH and ordering him to pay P50,000.00 in moral damages is AFFIRMED, with the MODIFICATION that exemplary damages is decreased to P25,000.00 and the civil indemnity of P50,000.00 is hereby increased to P75,000.00.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

Let the records of this case be forwarded to the Office of the President upon finality of this decision for possible exercise of executive clemency in accordance with Section 25 of Republic Act No. 7659, amending Article 83 of the Revised Penal Code.

For being in the wrong forum, the appeal to this Court in Criminal Case No. SC-6692 for acts of lasciviousness is DISMISSED and the conviction of the accused therein by the court a quo stands. Costs de oficio.
SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Pardo, Buena, Ynares-Santiago, De Leon, Jr., and Sandoval-Gutierrez, JJ., concur.

---

[1] Penned by Judge Fernando M. Paclibon, Jr.; Original Record, 67-80.

[2] Original Record, 2.

[3] Ibid., 68.

[4] Exhibits B & D; Original Record, 12 & 15.

[5] Exhibit C; Ibid., 10.

[6] 125 SCRA 595 (1983).

[7] G.R. Nos. 135201-02, March 15, 2001.

[8] People vs. Edgardo Maceda, G.R. No. 138805, February 28, 2001, citing People vs. San Juan, 270 SCRA 693 (1997).

[9] TSN, December 17, 1997, pp. 9-14.

[10] TSN, December 17, 1997, pp. 29-33.

[11] People vs. Severo Dayuha, G.R. No. 120897, October 11, 2000.

[12] People vs. Amadio Itdang, G.R. No. 136393, October 18, 2000.

[13] People vs. Rolando Tabanggay, G.R. No. 130504; June 29, 2000.

[14] People vs. Anselmo Baring, G.R. Nos. 130515 & 147090, March 14, 2001; People vs. Mosqueda, 313 SCRA 694 (1999).

[15] People vs. Severo Dayuha, G.R. No. 120897, October 11, 2000.

[16] People vs. Filomeno Serrano y Callado, G.R. No. 137480, February 28, 2001, citing People vs. Agbayani, 284 SCRA 315 (1998).

[17] People vs. Severo Dayuha, supra.

[18] People vs. Francisco Villanos, G.R. No. 126648, August 1, 2000.

[19] People vs. Blesie Velasco, G.R. Nos. 135231-33, February 28, 2001.

[20] People vs. Emelito Brondial, G.R. No. 135517, October 18, 2000.

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.