

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ANGEL AMANTE, ACCUSED-APPELLANT.

G.R. Nos. 149414-15. November 18, 2002

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-149414-15/>

MENDOZA, J.:

This is an appeal from the decision,[1] dated April 20, 2000, of the Regional Trial Court, Branch 259, Parañaque City, finding accused-appellant Angel Amante[2] guilty beyond reasonable doubt of two counts of rape under Art. 335 of the Revised Penal Code, as amended by R.A. No. 7659, committed against Evelyn Ocinar and sentencing him in each case to suffer the penalty of reclusion perpetua and to pay P50,000.00 as moral damages and to suffer the accessory penalties provided by law.

Two informations were filed against accused-appellant Angel Amante charging him with rape, allegedly committed as follows:

Crim. Case No. 97-578

That on or about the 28th day of December 1996, in the Municipality of Parañaque, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the complainant Evelyn Ocinar against her will.

CONTRARY TO LAW.

Crim. Case No. 97-579

That on or about the 15th day of February, 1997, in the Municipality of Parañaque, Metro Manila Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the complainant Evelyn Ocinar against her will.

CONTRARY TO LAW.[3]

When arraigned on December 10, 1998,[4] accused-appellant, with the assistance of counsel, entered a plea of not guilty, whereupon he was tried.

The prosecution presented complainant Evelyn Ocinar and her maternal grandaunt Luzanta Barquin as its witnesses. The gist of their testimonies is as follows:

Complainant Evelyn Ocinar is the grandniece of Virginia Viron, the common-law wife of accused-appellant Angel Amante.[5] At the time material to these cases, Evelyn was 18 years old. She came to Manila in October 1996 to look for a job, alternately staying in the houses of her maternal grandaunts, Virginia Viron and Luzanta Barquin, who both lived on St. Paul Street, Brgy. Moonwalk, Parañaque City.[6]

Whenever Evelyn stayed in the house of Angel Amante and Virginia Viron, she would sleep alone in a room on

the second floor of the house. The door remained open as an electric fan was in the doorway. The rest of the occupants stayed in another room on the same floor. The two rooms were separated by the living room.

On December 28, 1996, the only occupants of the house were complainant, accused-appellant, four-year old Angelica, the daughter of accused-appellant by Virginia, and two-year old Irish, Virginia's grandson by her daughter Rizalita.[7] At about midnight of that day, Evelyn was awakened by someone removing her shorts and panties. She recognized the person as accused-appellant Angel Amante. Evelyn tried to resist, but accused-appellant pointed a knife at her neck. Accused-appellant forced her legs apart and then had sexual intercourse with her. When accused-appellant was through, Evelyn saw a whitish substance come out of his penis. Then, accused-appellant left, but not before he had threatened her with harm if she told anyone about the incident. In fact, accused-appellant repeatedly threatened Evelyn with harm whenever he had opportunity, warning her not to tell anybody about what he had done. Evelyn could only cry.[8]

The second rape took place at around 11 o'clock in the evening on February 15, 1997. Her Lola Virginia had earlier taken one of her grandchildren to the hospital. Evelyn was awakened when she felt someone removing her shorts. She found it was accused-appellant again. She resisted in vain as accused-appellant, threatening her with a knife poised at her neck, undressed her and had sexual intercourse with her once more. She was told not to tell anyone about the incident or else she would be killed.[9]

Evelyn had no friends to whom she could ask for help. She did not tell her Lola Virginia because she was afraid accused-appellant would make good his threats and that her Lola Virginia would stand by accused-appellant and allow him to escape. Evelyn became absent-minded and merely stared during conversations (natutulala). One time she held a sharp pointed object as if in rebellion against something.[10]

After the second incident, Evelyn left her Lola Virginia's house to live with her other relatives in Bulacan.[11] When she returned to Parañaque in June 1997, she stayed in the house of her other grandaunt, Luzanta Barquin. She was pregnant and, when pressed by Luzanta to tell the truth, Evelyn broke down and recounted how she was twice raped by accused-appellant. Luzanta reported the incidents to the barangay authorities. Later, she took Evelyn to the barangay captain.

Accused-appellant was later taken to the barangay captain, to whom he allegedly admitted his guilt in the presence of both Evelyn and Virginia. Accused-appellant allegedly said Evelyn should not have complained to the barangay captain but should have talked to him instead because he would give the child to his sibling in the United States.[12]

On June 12, 1997, Evelyn executed a Sinumpaang Salaysay[13] at the police station. She was examined by a medico-legal officer whose report (Exh. B) contained the following findings:

FINDINGS:

GENITAL:

There is scanty growth of pubic hair. Labia majora are full, convex and gaping, with dark brown labia minora presenting in between. On separating the same disclosed an elastic, fleshy type hymen with shallow healed lacerations at 2, 4, 6, and 9 o'clock positions, and [a] deep healed laceration at 7 o'clock position. External vaginal orifice offers moderate resistance to the introduction of the examining index finger and the virgin-sized vaginal speculum. Vaginal canal is narrow with prominent rugosities. Cervix is normal in size, color and consistency.

CONCLUSION:

Findings are compatible with 24 to 25 weeks pregnant state. There are no external signs of recent application

of any form of violence.[14]

On September 3, 1997, Evelyn Ocinar gave birth to a girl, whom she named Phalyn Jewel. Evelyn testified she did not have any boyfriend nor any sexual experience prior to the rape incidents.[15]

The defense presented accused-appellant Angel Amante, his common-law wife Virginia Viron, and the latter's daughter Rizalita Viron as witnesses. Luzanta Barquin was presented as an adverse witness.

Angel Amante admitted that complainant Evelyn Ocinar stayed in his house for some time but he denied raping her. He claimed that at the time of the alleged rapes, he was asleep in their house with his common-law wife Virginia, her daughter Rizalita, and her niece Emerita Devino[16] and Emerita's daughter Evangeline. (He did not mention the presence of his daughter Angelica, nor that of Rizalita's son, Irish.) Accused-appellant said that as complainant Evelyn Ocinar also stayed sometimes with her Lola Luzanta in the same neighborhood, he could not recall if she slept in his house on December 28, 1996 and on February 15, 1997.[17]

Accused-appellant claimed that the rape charges against him were not true and that they were brought by Luzanta Barquin, his common-law wife's sister, because of a misunderstanding over a roof gutter. According to accused-appellant, in August 1996, Danilo Cantanero, a neighbor, removed the gutter from Amante's house and placed it on Barquin's. Amante became angry as his house was badly affected whenever it rained hard. On the other hand, he said, Virginia often scolded Evelyn for not doing household chores and had in fact asked her to leave the house.

Angel Amante said he was invited to go to the office of the barangay captain on June 3, 1997, after which he was taken to the police precinct near the Coastal Road in Parañaque City. Police Officer Dominador Nipas conducted the investigation and tried to help accused-appellant and Evelyn settle the case. Accused-appellant was released from custody after Luzanta and Evelyn had signed the following statement written on the police blotter:[18]

RE: [Illegible] for page 0411 (Alleged rape)

Complainant/victim in this particular case (Evelyn Ocinar) with the conformity of her grandmother (Luzanta Barquin) requested that their case be held in abeyance and consented [to] the release of subject, Angel Amante as [evidenced by] their signatures appearing below. Subject person was released from the custody of this office in good physical condition and likewise without complaint [against] any member of this office as well as the arresting barangay tanods.

(Sgd.)

(Sgd.)

(Sgd.)

Evelyn H. Ocinar

Luzanta Barquin

Angel S. Amante, Jr.[19]

Virginia Viron testified that she and accused-appellant Angel Amante had been living together for 16 years and that Evelyn Ocinar is the daughter of her niece Elizabeth Ocinar. She vouched for Angel Amante's innocence, claiming that she was in their house on the dates of the alleged rapes. On December 28, 1996, she said, she was in their house on St. Paul Street, with her daughters Rizalita and Angelica, her grandson Irish, and her niece Emerita Divino. On February 15, 1997, she was also in their house the whole day with accused-appellant and Rizalita. She said that the rape charges had been filed against accused-appellant because of a misunderstanding between him

and her sister Luzanta Barquin regarding a roof gutter.[20]

On cross-examination, Virginia admitted she could not remember whether Evelyn stayed in their house on December 28, 1996 and on February 15, 1997. She also admitted she habitually played tong-its on the ground floor of her house until the wee hours of the morning and, therefore, could not have known the whereabouts of accused-appellant during the entire 24-hour period. Accused-appellant himself did not gamble, but only financed her habit. Virginia stated that she did not know of any misunderstanding between accused-appellant and Luzanta Barquin.[21]

Rizalita Viron, Virginia's daughter, also testified. Contrary to her mother's testimony, Rizalita said she was with accused-appellant on the dates and times in question.[22] On December 28, 1996, she was with accused-appellant, along with her sister Angelica, her mother Virginia, her cousin Emerita and complainant Evelyn Ocinar, in their house. She went to sleep at 10 o'clock in the evening of that day. On February 15, 1997, she was in their house with accused-appellant the whole day, together with Virginia, Angelica, and Irish. She watched television until one o'clock in the morning of the following day. She also surmised that a fight over a roof gutter with her aunt Luzanta could have been the reason for the filing of these criminal cases against accused-appellant.[23]

Luzanta Barquin was presented by the defense as an adverse witness. She confirmed that there was a misunderstanding over a roof gutter, but she claimed it was between her and their neighbor Danilo Cantanero. Luzanta said that Evelyn told her the cause of her pregnancy and asked to be accompanied to the barangay captain on June 8, 1997. It was only when they sought the assistance of the barangay captain that Luzanta learned the dates of the rape incidents. Luzanta said that accused-appellant Angel Amante offered to pay her P40,000.00 to P60,000.00 to convince Evelyn to withdraw the charges. Luzanta said she told him to talk to Evelyn, but the latter was angry and refused to speak with accused-appellant.

On rebuttal, complainant Evelyn Ocinar testified that accused-appellant Angel Amante's testimony that there were several people in their house when the rapes occurred was not true because only two children were there at the time of the first rape. It was upon the suggestion of the police investigator, Nipas, that she delayed in filing a criminal complaint against accused-appellant. Because of the document[24] which Nipas convinced her to sign, accused-appellant was released from custody. However, accused-appellant's sibling, who was supposed to make a settlement with Evelyn, did not arrive. Criminal cases against accused-appellant were therefore filed.[25] A warrant of arrest was later issued on August 14, 1997,[26] but accused-appellant could not be found.[27] He was finally arrested at 2:30 o'clock in the afternoon of November 14, 1998 in Bani, Pangasinan by SPO2 Teodoro Papa, SPO1 Dominador Nipas, and SPO1 Maximo Austria.[28] He was committed at the Parañaque City Jail on November 17, 1998.[29]

On the basis of the evidence presented, the trial court rendered a decision on April 20, 2001, the dispositive portion of which reads:

WHEREFORE, PREMISES CONSIDERED, finding accused Angel Amante GUILTY beyond reasonable doubt of the crime of rape (two counts), as defined and penalized under Art. 335 by the Revised Penal Code as amended by RA 7659, he is hereby sentenced to suffer imprisonment of reclusion perpetua (two counts) in the absence of any mitigating or aggravating circumstance. He is further ordered to pay P50,000.00 for each count as moral damages and to suffer the accessory penalties provided by law specifically Art. 41 of the Revised Penal Code.

The Clerk of Court is directed to prepare the Mittimus for the immediate transfer of Angel Amante to the New Bilibid Prisons, Muntinlupa City from Parañaque City Jail.

SO ORDERED.[30]

Hence this appeal.

Accused-appellant assigns the following errors as having been allegedly committed by the trial court:

I. THE COURT A QUO GRAVELY ERRED IN FINDING THAT THE GUILT OF THE ACCUSED-APPELLANT FOR THE CRIME CHARGED HAS BEEN PROVEN BEYOND REASONABLE DOUBT.

II. THE COURT A QUO GRAVELY ERRED IN GIVING CREDENCE TO THE UNRELIABLE TESTIMONIES OF THE WITNESSES FOR THE PROSECUTION.

The question is the weight to be accorded the testimonies of witnesses, particularly those presented by the prosecution.

First. In determining the guilt or innocence of the accused in rape cases, this Court has been guided by three principles to wit: (a) an accusation of rape can be made with facility; it is difficult for the complainant to prove and even more difficult for the accused, though innocent, to disprove; (b) in view of the intrinsic nature of the crime of rape, where only two persons are involved, the testimony of the complainant must be scrutinized with utmost caution; and (c) the evidence for the prosecution must stand or fall on its own merit and cannot draw strength from the weakness of the evidence for the defense.[31]

The lone testimony of a rape victim, by itself, is sufficient to warrant a judgment of conviction if found to be credible. Because of the very nature of the offense, the sole evidence that can usually be offered to establish the accused's guilt is the complainant's testimony.[32] In these cases, Evelyn was direct, unequivocal and consistent in answering the questions propounded to her, whether by the prosecution, the defense or the trial judge. She testified:

Q Di ba nagreklamo ka ng dalawang beses na panggagahasa na diumano ginawa ng akusado na si Angel Amante. Isa noong December 28, 1996 at noong February 15, 1997?

A Opo.

Q At sinabi mo mga bandang alas-12:00 ng hatinggabi?

A Opo.

Q Noong December 28, 1996, alas-12:00 ng hatinggabi, sinu-sino ang nandun sa bahay ninyo?

A Bale apat (4) lang po kami. Iyong dalawang (2) bata, ako at saka si Angel Amante.

....

Q At paano siya nakapasok sa kuwarto, kung alam mo. Ito bang kuwarto mo ay may pintuan na sarado o walang pintuan?

A May pintuan po siya pero hindi ko na isinarado kasi iyong electric fan ho nasa may pintuan.

Q So ibig mong sabihin, nakaharang iyong electric fan sa may pintuan kaya bukas ito, ganun ba?

A Opo.

Q Bago maganap iyong insidente, ano ba ang suot mo nun, kung natatandaan mo?

A Naka-shorts po ako at t-shirt.

Q So kamo natutulog ka at nakapasok siya. Paano mo nalaman na nakapasok siya dun sa kuwarto mo?

A Nagising lang ho ako nang hinuhubad niya na ho iyong shorts ko.

Q At noong magising ka na hinuhubad niya iyong shorts mo, ano'ng ginawa mo?

A Nagpumiglas po ako kaso lang ho, may hawak siyang kutsilyo.

Q At ano'ng ginawa niya dun sa kutsilyong dala-dala niya?

A Itinutok po niya sa leeg ko.

Q Ano'ng kamay ang ginamit niya sa paghawak sa kutsilyo at pagtutok sa leeg mo?

A Kanan po.

Q Ano ba ang puwesto mo noong tututukan ka ng kutsilyo?

A Nakahiga po ako.

Q Habang tinututukan ka ng kutsilyo at hinuhubad niya kamo iyong shorts mo, ano pa ang ginagawa niya sa iyo kung meron?

A Pilit niya rin hong hinuhubad iyong panty ko.

Q At nahubad niya ba iyong shorts mo at saka panty mo?

A Opo.

Q Maliban dyan sa pagtutok ng kutsilyo at pagtanggap ng iyong shorts at panty, siya ba ay nagsasalita o hindi?

A Sabi niya po sa akin na huwag daw akong magsumbong kahit kanino.

Q So habang ginagawa niya sa iyo iyon, iyong panunutok, pagbabanta na huwag magsumbong kahit kanino, at paghuhubad ng iyong saplot pang-ibaba, ano naman ang ginawa mo?

A Wala po, umiiyak na lang po ako pero wala akong magawa.

Q At pagkatapos niyang matanggal ang pang-ibaba mo, ano'ng sumunod na ginawa ni Angel Amante?

A Ano na po, ipinapasok niya iyong ari niya.

Q Ang ibig mong sabihin, noong pagpasok niya sa kuwarto mo ay wala na siyang damit?

A Meron ho, naka shorts po siya.

Q Saang pagkakataon niya tinanggal iyong kanyang shorts bago ka niya galawin?

A Doon na po sa kuwarto.

Q Di ba kamo nakatutok iyong kutsilyo sa leeg mo at hinubad niya na iyong pang-ibaba mo, di ba?

A Opo.

Q Ang pang-itaas mo, hinubad ba niya o hindi?

A Hindi naman po.

Q So kailan niya tinanggal ang shorts niya?

A Noong nakahubad na ho ako.

Q At pagkatapos niyang tanggalin ang shorts niya, ano'ng ginawa niya sa iyo?

A Iyon nga po, pinipilit niya pong ipasok iyong ari niya sa ari ko.

Q At ang ibig mong sabihin, pumatong siya sa iyo?

A Opo.

Q Habang pumapatong siya sa iyo, ano naman ang ginagawa mo?

A Umiiyak lang po ako.

Q Nagtangka ka bang lumaban o hindi?

A Hindi po kasi iyong kutsilyo ay nasa leeg ko, nakatutok.

Q So habang siya'y nakakubabaw sa iyo, dinapaan ka, naipasok niya ba iyong ari niya sa iyo?

A Opo.

Q Paano mo nasabing siya'y nagtagumpay na ipasok iyong kanyang ari sa ari mo?

A Kasi po naramdaman ko pong masakit iyong ari ko.

Q So ibig sabihin, naipasok niya, ganun ba?

A Opo.

....

Q At habang nakapatong siya sa iyo ng kalahating oras, maliban sa sakit na naramdaman mo, ano pa ang naramdaman mo kung meron? May naramdaman ka bang lumabas sa loob na galing sa ari niya?

A Meron po.

Q Napansin mo ba kung ano iyon?

A Parang puti po siya.

....

Q Pagkatapos niyang masarapan, iyong akusado na si Angel Amante, ano na ang sumunod na nangyari?

A Umalis na po siya tapos sinabi niya sa akin na huwag daw po akong magsusumbong kahit na kanino.

Q At sa pagkakataon na iyon, bago siya umalis, ano naman ang naging pakiramdam mo?

A Umiyak na lang po ako ng umiyak.

Q At umalis din siya pagkatapos?

A Opo.

Q Nagkaroon ka ba ng pagkakataon, pagkatapos ng insidente na iyon noong December 28, 1996, na tingnan kung ano'ng nangyari sa iyo, lalung-lalo na iyong ibabang bahagi mo? May nakita ka bang dugo o ano?

A Meron po.

Q So nang bantaan ka ng ganun bago siya umalis, kinabukasan, ano'ng ginawa mo?

A Wala ho, natutulala lang po ako.

Q Nagkaroon ka ba ng pagkakataon na isumbong sa lola mo iyong ginawa sa iyo ng lola mo?

A Wala po.

Q Bakit?

A Kasi lagi niya ho akong binabantaan kapag wala ang lola ko. Lagi po siyang nagsasabi na huwag daw akong magsumbong.

Q Noong February 15, 1997, mga bandang alas-11:00 ng gabi, may nangyari din ba sa iyo?

A Opo.

Q Saan na naman naulit iyong ginawa sa iyo ni Angel Amante?

A Sa bahay din po na iyon ng lola ko.

Q Kaninong kuwarto ulit, kung alam mo?

A Doon din po sa kuwarto na tinutulugan ko.

Q Bakit, nasaan na naman iyong lola mo noong araw na iyon?

A Nagpunta ho sa hospital kasi iyong isang apo niya, dinala ho sa hospital.

Q So isinugod sa hospital iyong isang pinsan mo?

A Opo.

Q Ano'ng pangalan ng pinsan mong isinugod sa hospital noong araw na iyon?

A Si Charlie po.

Q So paano nangyari na naman iyong ginawa sa iyo ni Angel Amante noong February 15, 1997?

A Kung ano ho ang ginawa niya noong una, ganun din po noong pangalawa.

Q So paano, pinasok ka na naman sa kuwarto, ganun ba?

A Opo.

Q At may armas ba ulit siya o wala?

A Meron din po.

Q Ano'ng klaseng armas ang dala niya?

A Iyon din hong kutsilyo.

Q At ano'ng ginawa niya sa kutsilyo?

A Itinutok niya ulit sa leeg ko, sir.

Q At bago ka pasukin, natutulog ka ba nun o nakahiga ka lang?

A Natutulog po ako, sir.

Q Iyong suot mo noong February 15, 1999, ano ang suot mo, kung natatandaan mo?

A Shorts din po kasi lagi po akong nakashorts pag natutulog po ako.

Q At pinasok ka niya?

A Opo.

Q Bago niya inulit muli iyong ginawa niyang panggagahasa sa iyo, meron ba siyang sinabi noong tinututukan ka ng kutsilyo?

A Iyong pananakot niya, paulit-ulit niyang sinasabi sa akin.

Q At ano naman ang naging reaction mo?

A Natatakot po ako.

Q Iyong pangalawang pagkakataon na iyon, hindi ka ba nagmakaawa sa kanya na huwag niya nang gawin iyong ginawa niya sa iyo noong una?

A Kahit naman po magmakaawa ako sa kanya, hindi naman po siya nakikinig.

....

Q At nagtagumpay ba siya sa gusto niyang nangyari sa iyo nang halayin ka noong February 15, 1997, mga alas-onse ng gabi?

A Opo.

Q Naipasok niya iyong ari niya sa ari mo ulit ng sapilitan?

A Opo.

....

Q At meron na namang lumabas sa ari niya?

A Opo.

Q At bago siya umalis pagkatapos kang halayin, ano na naman ang sinabi niya kung meron?

A Ganun din ho, sinabihan niya akong huwag magsusumbong.

Q Nanlaban ka ba sa kanya noong unang pagkakataon?

A Hindi po.

Q Bakit hindi ka lumaban sa kanya?

A Kasi ho iyong kutsilyo, nakatutok sa leeg ko.

Q Noong pangalawang pagkakataon, nanlaban ka ba sa kanya?

A Hindi rin po.

Q Bakit?

A Kasi natatakot din po ako dahil may nakatutok sa aking kutsilyo.[33]

The foregoing testimony proves the elements of rape: Accused-appellant had carnal knowledge of complainant without her consent on December 28, 1996 and again on February 15, 1997, and he employed force and intimidation in carrying out his evil designs.

The fact that the knife which accused-appellant used to threaten complainant into submission was not presented in court does not affect her credibility, as the weapon is not essential in the prosecution of rape cases.[34] The question is whether the threat or intimidation produces in the mind of a reasonable person such fear that if she resists or does not yield to the desires of the accused, the threat will be carried out.[35]

Accused-appellant claims the charges against him were trumped up and that they are the result of a grudge that complainant's grandaunt bore against him.

This contention is without merit. As the trial court well observed:

It is the height of absurdity to believe that a young woman would be prodded by her relatives to file a non-bailable offense of rape simply because of an alleged misunderstanding over a roof gutter as what the accused and his witnesses would want the Court to believe. Certainly, she would not be willing to undergo the humiliation of a public trial and to testify on the details of her ordeal were it not to condemn an injustice.[36]

Indeed, there is no evidence to show that Evelyn had an improper motive to falsely testify against accused-appellant. On the other hand, respect for elders is deeply ingrained in our culture, and this in all probability explains why Evelyn delayed in reporting the crimes committed against her for nearly six months, not to mention the threats made by accused-appellant. Considering these circumstances, we cannot say the trial court erred in relying on the testimony of the complainant Evelyn Ocinar.[37]

In contrast to the prosecution witnesses' credible, consistent and positive testimonies, accused-appellant could only offer denial in his defense. But, like alibi, denial is a weak defense which must be supported by strong evidence of non-culpability to merit credibility.[38] It is negative self-serving evidence which cannot be given greater weight than the testimony of a credible witness who testified on affirmative matters. Between the positive declarations of a prosecution witness and the negative statements of the accused, the former deserves more credence.[39]

It is also noteworthy that accused-appellant, during cross-examination, admitted that he had indeed offered to settle the case. He said:

Fiscal Ramolete:

Kailan nag-file si Evelyn ng kaso laban sa inyo?

A Kung matatandaan ko ay June 3, 1997.

Q Kailan mo nalaman ito?

A Inimbita po ako ng barangay.

Q Barangay?

A Moonwalk po.

Q At pagkatapos noon ay dinala ka na sa Coastal ganoon ba?

A Opo.

Q At ang nag-imbestiga sa kasong ito ay si Police Officer Nipas?

A Opo.

Q At nandoon din yung nagrereklamo na si Evelyn Osinar na kasama ang lola niya na si Lusanta Barquin?

A Opo.

Q At nagkaroon kayo ng pagkakataon na mag-usap doon sa nasabing stasyon ng pulisya?

A Opo.

Q Dahil sa ginawa mong pakikipag-usap na makipag-ayos ka kina Evelyn ay hindi ka tinuluyang kasuhan noon

ding buwan na iyon o June 1997, tama?

A Opo.

Q Pero hindi ka tumupad sa usapan, tama?

A Opo.

Q Sa madali't sabi nakahanda ka noon na panagutan ang ginawa mo kay Evelyn Osinar?

A Hindi po.

Q Bakit ka pinalaya ng pulis kung hindi ka nangako sa kanya at kay Evelyn na pananagutan mo ang ginawa mo sa kanya?

A Sa dahilan pong pumirma na ho sila.[40]

Thereafter, accused-appellant fled and could not immediately be found. His attempt to reach a settlement of the case and his later flight from the authorities are indicia of the guilt of accused-appellant.

Nor are the other defense witnesses credible. Virginia Viron is the common-law wife of accused-appellant, while Rizalita Viron is Virginia's daughter. They are, therefore, biased in favor of accused-appellant. What is more, Virginia admitted that she was addicted to gambling, playing tong-its until the wee hours of the morning. She could not, therefore, have seen if accused-appellant did not commit the crimes in question even if she gambled right in their house. Indeed, Rizalita was presented by the defense after it was shown that Virginia could not have known the whereabouts of her common-law husband at the time of the rape incidents. For her part, Rizalita testified that she could remember who were in their house when the incidents occurred, but she could not recall when the fight between accused-appellant Angel Amante and Luzanta Barquin took place.

Indeed, as the issues raised by accused-appellant are factual, the trial court's determination carries weight because of its opportunity to observe the behavior and demeanor of the witnesses while on the stand.[41] Unless there are facts or circumstances of weight and influence which might have been overlooked, the findings and conclusions of the trial court on the credibility of witnesses are not to be disturbed on appeal.[42]

As already stated, complainant gave birth to a child on September 3, 1997. On June 12, 1997, when she was examined, she was found 24 to 25 weeks pregnant. It would therefore seem accused-appellant is the father of the child, contrary to the trial court's ruling that there is no conclusive showing to this effect.

Second. Complainant was twice raped by accused-appellant, on December 28, 1996 and on February 15, 1997. On June 12, 1997, when she was examined, she was found to be 24 to 25 weeks pregnant.[43] She gave birth to a child on September 3, 1997. The presumption is thus the child was begotten as a result of her having been raped, contrary to the trial court's ruling that there is no conclusive showing to this effect. Moreover, it is not disputed that complainant gave birth within a period of 9.3 months (the average period of pregnancy) from the date complainant was first raped on December 28, 1996.[44] Accused-appellant can overcome the presumption that complainant's child was thus begotten only if he can show either that it was physically impossible for him to have sexual intercourse because of impotence or serious illness which absolutely prevents him from having sexual intercourse or that complainant had sexual intercourse with another man. Accused-appellant has not been able to do this.[45] Accordingly, he should be made to pay support, the amount and terms of which must be determined by the trial court after notice and hearing.[46]

However, accused-appellant cannot be compelled to acknowledge the child considering his allegation that he is married and there is no evidence to the contrary.[47] When he was asked to state his personal circumstances,

accused-appellant said, among other things, that he is married. The personal data attached to the warrant of arrest issued against him also described him as married.[48] These have not been controverted by the prosecution.

Third. The award of P50,000.00 as moral damages for each count of rape is in accord with our rulings. Moral damages are awarded in rape cases without need of proof other than the fact of the rape itself because it is assumed that the victim has suffered moral injuries entitling her to such an award. In addition, complainant must be paid P50,000.00 as civil indemnity in each case, the same being mandatory upon finding of the fact of rape.[49]

WHEREFORE, the decision of the Regional Trial Court, Branch 259, Parañaque City, finding accused-appellant Angel Amante guilty of two counts of rape and sentencing him in each case to suffer the penalty of reclusion perpetua, to pay complainant Evelyn Ocinar in each case P50,000.00 as moral damages and to suffer the accessory penalties provided by law, is hereby AFFIRMED, with the modification that he is also ordered to pay in each case civil indemnity in the amount of P50,000.00.

SO ORDERED.

Bellosillo, (Chairman), Quisumbing, and Callejo, Sr., JJ., concur.
Austria-Martinez, J., on leave.

[1] Per Judge Zosimo V. Escaño.

[2] Also referred to as “Angel Amante, Jr.”

[3] Records, pp. 1, 4; Rollo, pp. 6-7.

[4] Records, p. 14.

[5] Also referred to as “Virginia Beron.”

[6] TSN (Angel Amante), p. 23, May 30, 2000; TSN (Evelyn Ocinar), p. 22, Dec. 4, 2000.

[7] Also referred to as “Riza” or “Rizalita Beron.”

[8] TSN (Evelyn Ocinar), pp. 6-15, 30-33, Oct. 27, 1999.

[9] Id., pp. 16-19, 33-35.

[10] Id., pp. 22-24, 35-38; TSN (Luzanta Barquin), p. 17, Feb. 15, 2000.

[11] TSN (Evelyn Ocinar), p. 22, Dec. 4, 2000.

[12] TSN (Luzanta Barquin), pp. 5-7, 10, 13, 16-17, Feb. 15, 2000.

[13] Records, p. 2.

[14] Id., p. 3.

[15] TSN (Evelyn Ocinar), p. 29, Oct. 27, 1999; TSN (Evelyn Ocinar), p. 9, Dec. 4, 2000.

[16] Also referred to as “Emerita Divino.”

[17] TSN (Angel Amante) pp. 3-7, May 30, 2000.

[18] Exhs. D and 1; Records, p. 81.

- [19] Records, p. 81.
- [20] TSN (Virginia Viron), pp. 5-17, June 19, 2000.
- [21] Id., pp. 19-28.
- [22] TSN (Rizalita Viron), p. 4, July 6, 2000; TSN (Virginia Viron), pp. 3, 7-11, June 19, 2000.
- [23] TSN (Rizalita Viron), pp. 5-12, July 6, 2000.
- [24] Exhs. D and 1; Records, p. 81.
- [25] TSN (Evelyn Ocinar), pp. 6-8, 11-16, Dec. 4, 2000.
- [26] Records, p. 5.
- [27] Id., pp. 6-7.
- [28] Id., p. 9.
- [29] Id., p. 8.
- [30] Decision, p. 6; Records, p. 21; Rollo, p. 97.
- [31] *People v. Quintal*, 125 SCRA 734 (1983).
- [32] *People v. Rivera*, G.R. No. 139180, July 31, 2001.
- [33] TSN (Evelyn Ocinar), pp. 7-21, Oct. 27, 1999.
- [34] *People v. Vitancur*, 345 SCRA 414 (2000).
- [35] *People v. Maglente*, 306 SCRA 546 (1999).
- [36] Decision, p. 5; Records, p. 20; Rollo, p. 96.
- [37] *People v. David*, 177 SCRA 551 (1989).
- [38] *People v. Martinez*, 325 SCRA 601 (2000).
- [39] *People v. Fraga*, 330 SCRA 699 (2000).
- [40] TSN (Angel Amante), pp. 12-14, May 30, 2000.
- [41] *People v. Castillo*, 335 SCRA 100 (2000).
- [42] *People v. Aloro*, 340 SCRA 346 (2000).
- [43] Records, p. 3.
- [44] *People v. Gonzales*, G.R. Nos. 139445-6, June 20, 2001; *People v. Dichoson*, 352 SCRA 56 (2001); *People v. Malapo*, 294 SCRA 579 (1998); *People v. Bayani*, 262 SCRA 660 (1996).
- [45] *People v. Malapo*, *supra*; The Family Code, Art. 166.
- [46] The Family Code, Art. 201.
- [47] *People v. Adora*, 275 SCRA 441 (1997); *People v. Javier*, 311 SCRA 122 (1999).
- [48] TSN (Angel Amante) p. 3, May 30, 2000, Records, p. 11.

[49] People v. Catubig, G.R. No. 137842, Aug. 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.