

### Title:

People of the Philippines vs. Francisco Forneste and Samuel Jacobo

### Facts:

In an amended information filed on June 3, 1964, Renato Marquez, Francisco Forneste, and Samuel Jacobo were charged with robbery with multiple rape before the Court of First Instance of Quezon. Renato Marquez died during the proceedings, and the case against him was dismissed on October 1, 1968.

On the evening of November 16, 1963, at around 7:30 PM, Francisca Marquez, her seven children, and their maid Rufina Martinez were in their house in Barrio Dahican, Catanauan, Quezon. Armed men, claiming to be PC soldiers searching for contraband, forced their way into the house. These men were later identified as Renato Marquez, Samuel Jacobo, and Francisco Forneste. The perpetrators demanded money and valuables, robbing Francisca Marquez of P1,320 in cash and various items. During the robbery, Samuel Jacobo raped Francisca Marquez at gunpoint while Renato Marquez ransacked their store. Francisco Forneste, overseeing two other victims upstairs, subsequently raped Rufina Martinez, while Renato Marquez raped Leticia Tan, Francisca Marquez's daughter, downstairs.

The victims reported the crime the next day, leading to an investigation by local police and the Philippine Constabulary (PC). The case proceeded to trial, where Francisca Marquez and Leticia Tan identified Jacobo and Forneste as their assailants.

### Issues:

1. **Positive Identification**: Were Francisco Forneste and Samuel Jacobo positively identified as the perpetrators beyond a reasonable doubt?
2. **Conspiracy**: Was there sufficient evidence to prove conspiracy among the accused in committing the crime of robbery with rape?
3. **Penalty and Indemnity**: What is the appropriate penalty and indemnity for the crime committed?

### Court's Decision:

**Issue 1: Positive Identification**

The Supreme Court affirmed the lower court's finding that the victims, Francisca Marquez and Leticia Tan, positively identified Forneste and Jacobo as the perpetrators. Both witnesses provided consistent and detailed testimonies despite initial reluctance and fear of retaliation. Their identification was corroborated by descriptions given immediately

following the crime and during confrontations at the police station.

**\*\*Issue 2: Conspiracy\*\***

The Court held that there was insufficient evidence to establish a conspiracy among the accused to commit multiple rapes. While the crime of robbery was committed with coordinated efforts, the rapes were committed individually and not as part of a planned conspiracy among the accused. Each act of rape was thus adjudicated separately in terms of liability for damages.

**\*\*Issue 3: Penalty and Indemnity\*\***

The lower court's penalty of life imprisonment was modified to reclusion perpetua, the appropriate technical term for the crime of robbery with rape under Article 294, paragraph 2 of the Revised Penal Code. Additionally, the Supreme Court awarded an indemnity of P12,000 to each rape victim (Francisca Marquez and Rufina Martinez), citing applicable civil law provisions and precedents.

**### Doctrine:**

- **\*\*Positive Identification\*\***: The credibility of witnesses and their positive identification of the accused are paramount in criminal cases, especially when corroborated by additional evidence.
- **\*\*Conspiracy\*\***: A conspiracy must be clearly shown and established by evidence; mere suspicion or association is not sufficient.
- **\*\*Punishment and Indemnity\*\***: Specific statutory provisions mandate the proper technical classification of penalties and accompanying indemnities in criminal cases involving severe crimes such as robbery with rape.

**### Class Notes:**

1. **\*\*Identifying Perpetrators\*\***: The positive identification of the accused by the victims and corroborative evidence plays a critical role in securing a conviction.
2. **\*\*Conspiracy\*\***: It requires clear and convincing evidence showing coordination and shared intent among the perpetrators to commit the specific criminal act.
3. **\*\*Article 294, paragraph 2, Revised Penal Code\*\***: Defines and stipulates penalties for robbery with violence or intimidation, specifically robbery with rape, mandating reclusion perpetua.
4. **\*\*Civil Code Provisions\*\***: Articles 21, 2216, 2219, 2229, and 2230 underpin awards for moral and exemplary damages in crimes involving physical injuries or offenses against chastity.

### Historical Background:

This case occurred during a period of heightened socio-political challenges in the Philippines during the early 1960s. The legal system grappled with numerous crimes involving severe violence, which necessitated clear precedent-setting decisions to maintain law and order. The legal principles and doctrines established in this case underscore the judiciary's role in delivering justice and deterring future crimes of a similar nature.