

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NOLY SIA, DEFENDANT-APPELLANT.*G.R. No. L-28884. July 25, 1969*

Ponente: CONCEPCION, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/22d817a5c7dd/>**CONCEPCION, C.J.:**

Appeal by defendant Noly Sia from a decision of the Court of First Instance of Masbate, convicting him of the crime of rape and sentencing him to life imprisonment, to acknowledge the child born to complainant Rubina Aguirre, in consequence of the criminal act committed by him on March 27, 1967 and to support said child, as well as to indemnify the aforementioned complainant in the sum of P6,000, without subsidiary imprisonment in case of insolvency, and to pay the costs.

Complainant Rubina Aguirre is a first grade public school teacher in the Buracan Elementary School, Municipality of Dimasalang, Province of Masbate. Defendant, Noly Sia, a fourth grade teacher in the same school, was, admittedly, her sweetheart since November 21, 1966. According to Miss Aguirre, on March 27, 1967, at about 8 p.m., appellant visited her in the house of Cayetano Yancos, in Buracan, where she was boarding. Upon learning that she then had a headache, appellant gave her two (2) tablets stating that they were good therefor. Accordingly, at about 9 p.m., she took the tablets, with a glass of water, but, soon thereafter, she felt dizzy. She, therefore, bade appellant to go home and, entering her own room, she slept therein. Sometime later, she was awakened by the weight of a man having carnal knowledge of her. Feeling helpless, because she was very weak, she wanted to scream, but her lips were numb. Although her eyes could hardly be opened, she recognized appellant as the satyr. Thereafter, he stood up, buttoned his clothes, and sitting beside her, begged her to tell nobody about it, as well as promised to marry her. She could only answer with tears in her eyes, being too weak to speak. Presently, appellant left and she fell asleep once more, despite the pains in her vagina. About a month later, she began to feel the signs of pregnancy. This notwithstanding, she did not report the matter to the authorities, expecting, as she did, that appellant would keep his promise. However, early in August, 1967, he married Leonor Antonio, in view of which, on August 21, complainant initiated the present action by filing the corresponding complaint. On the same date, complainant submitted herself to medical examination, which confirmed the fact that she was in the family way. It is not disputed that, sometime in December 1967, she was delivered of the baby boy begotten by her to appellant herein.

The latter testified that he had carnal knowledge of the complainant with her consent. He would have us believe that they had been intimate many times, in several places, including her classroom. The lower court, however, gave no credence to his testimony and a reading of the transcript thereof has not impressed us, except in one respect: that he is mischievous and morally unsound. Thus, for instance, he revealed, mainly on cross-examination by His Honor, the trial Judge, that when he went to Masbate, he was engaged to be married to his present wife, Leonor Antonio; that he remembered his promise to marry her, when he courted complainant herein; and that, this notwithstanding, he promised to marry the latter. Then, again, the manner in which he made this revelation indicates that he had no qualms of conscience about what he had done.

Appellant introduced, also, the testimony of one Domiciano Banaag, who said that, on December 15, 1966, between 2 and 3 a.m., he saw appellant and the complainant, lying side by side with each other, inside her classroom; but, the lower court did not believe Banaag, and, we think, correctly, for he was a farmer living some distance away from the school building and he has not explained satisfactorily why he happened to be in the school building that late and to peep through an opening in the window of said classroom, or how he could distinguish what allegedly took place inside the room, which was closed and had no light.

Just the same, this case hinges on complainant's testimony — uncorroborated, insofar as the deceit imputed to appellant herein— vis-a-vis the latter's testimony, coupled with the fact that the complaint herein was not filed until almost five (5) months after the alleged rape and immediately after appellant had married another woman. Considering our human fallibility and the gravity of the offense charged, the Court feels it cannot legally declare that appellant's guilt has been established beyond reasonable doubt. This does not imply that complainant's version is false or that we doubt her probity or morals. It simply means that the quantum of evidence required by law to justify conviction for said crime has not been clearly met.

This notwithstanding, since the commission of the carnal act is admitted and the paternity of the child resulting therefrom has not been denied, the obligation to acknowledge and support said child, as well as the indemnity to the complainant, as directed in the decision appealed from, are still in order.

WHEREFORE, except insofar as appellant's conviction for rape, which is hereby reversed, and the penalty of life imprisonment imposed therefor, which is, accordingly, eliminated, said decision is affirmed, in all other respects, with the costs of this instance de oficio. Considering, however, that the sum due to the child by way of support is not determined in the aforementioned decision, let the record of this case be remanded to the lower court for the fixing of the sum he may thus recover from his father, appellant herein.

IT IS SO ORDERED.

Reyes, J.B.L., Dizon, Makalintal, Sanchez, Ruiz Castro, Fernando, Capistrano, Teehankee and Barredo, JJ., concur.

Zaldivar, J., did not take part.

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.