

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ROGELIO DE JESUS Y QUIZON, ALIAS “ELIONG”;
ACCUSED-APPELLANT.**

G.R. No. L-39087. April 27, 1984

Ponente: CONCEPCION, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/254f67cc4ee2/>

CONCEPCION, JR., J.:

The accused, Rogelio de Jesus y Quizon appeals from the decision of the Circuit Criminal Court, First Judicial District in its Criminal Case No. CCC-1-80, Isabela (II-329) finding him guilty beyond reasonable doubt, of the crime of rape as defined and penalized under Article 335, paragraph 2 of the Revised Penal Code and sentencing him, after appreciating in his favor the mitigating circumstance of voluntary surrender, to suffer the penalty of reclusion perpetua, to indemnify the offended party Clara Mina y Simon in the amount of P10,000.00 plus another P5,000.00 as moral and exemplary damages, without subsidiary imprisonment in case of insolvency, and to pay the costs.

The facts are as follows:

"Clara Mina, an unmarried woman of 28, lived with her parents in barrio Amistad, Alicia, Isabela (p. 7, tsn., March 21, 1974).

Clara Mina, however, is feeble-minded. She is unable to comb her hair, bathe herself and wash her clothes (pp. 21, 31, 32, tsn., March 21, 1974). Because of her mental condition, she just stayed in the house, doing no household chores (p. 31, tsn., Id.).

The accused, Rogelio de Jesus, a 19-year old farmer, who lived in the house of his sister some 15 meters away from the victim's house, knew of Clara's mental infirmity, and has often seen her left alone in the house (p. 20, tsn., March 21, 1974; pp. 38, 47, 49, tsn., April 25, 1974).

At about 2:00 o'clock in the afternoon of Jan. 3, 1974, Pastora Simon went out to the field in order to plant palay, leaving her daughter Clara Mina alone in the house. Her husband (Clara's father), had gone to a place called Soliven four days before, while the other members of the household had also left for the field (pp. 17, 18, 19, tsn., March 21, 1974).

That afternoon, Clara Mina was seated on top of a trunk when Rogelio de Jesus suddenly entered the house, carried her in his arms and laid her on the floor (pp. 8, 13, tsn., March 21, 1974). Objecting to what was being done to her, Clara gave an outcry 'Madi! Madi!' (which translated means 'I don't like! I don't like!') Rogelio, ignoring her cries, removed her panties as well as his own trousers. He lay on top of her, inserted his penis into her vagina and performed the sexual act (pp. 7, 8, 9, 13, 14, 15, tsn., Id.).

Meanwhile, Pastora Simon, who had already walked some 150 meters away from their house, when sensing it was about to rain, hurried back to the house to get cellophane with which to shield her from the rain (p. 17, tsn., March 21, 1974). Upon her return to the house, she found Rogelio de Jesus naked lying on top of Clara Mina whose legs were spread apart (p. 19, tsn., Id.). Seeing them in that position, she rushed to the kitchen to

get a club but Rogelio spotted her and ran away. (p. 20, tsn., Id.).

The barrio captain, Glicerio Guzman, to whom Pastora Simon had immediately reported the incident, looked for Rogelio but failed to locate him (p. 20, tsn., March 21, 1974; pp. 10, 20, tsn., March 22, 1974).

Returning from the barrio captain's house, Pastora Simon investigated Clara, who revealed to her that she was carried away from the trunk where she was seated, then forcibly laid on the floor to have sexual intercourse with Rogelio (pp. 20, 21, tsn., March 21, 1974).

The next day - January 4, 1974 - Clara Mina, accompanied by her parents, denounced Rogelio de Jesus to the police authorities (p. 20, tsn., March 22, 1974). Clara Mina was examined by Fernando Babaran, Municipal Health Officer of Echague, Isabela at the Southern Isabela Emergency Hospital, the municipal health officer of Alicia being then on leave (p. 6, tsn., March 22, 1974). The medical certificate, Exhibit "C", issued by Dr. Babaran, shows the following findings:

- '(1) hymenal lacerations at 3 o'clock 8 o'clock and 11 o'clock
- (2) vagina admits one finger with ease. Two fingers with difficulty.
- (3) fresh perineal abrasion.
- (4) smear, not done due to lack of microscope.
- (5) contusion - left temporal area. Lesions to heal within one week.' (p. 3, Record).

According to Dr. Babaran, the abrasions were possibly inflicted the day prior to the examination and that the contusion on the left temporal area of the girl's head could have been caused when her head was pushed against a hard object (pp. 11, 12, tsn., March 22, 1974).

Subsequently, Rogelio de Jesus was surrendered by his brother-in-law, a councilor, to the Alicia Police Department. He executed an affidavit, Exhibit "D" subscribed before Alicia Municipal Judge Flor Egipto on January 5, 1974, admitting that he has sexual intercourse once with Clara Mina, but denying that he raped her (p. 7, record)."

The accused denied that he had forced the complainant to have sexual intercourse with him and that he only inserted his forefinger inside the complainant's private parts. He testified that he admitted having sexual intercourse once with complainant in his affidavit^[1] because of maltreatment employed upon him by the jail guards.

While the affidavit executed by the accused is not admissible in evidence for lack of evidence showing that the accused during the custodial investigation was apprised of his constitutional rights under Art. IV, Sec. 20, of the New Constitution,^[2] still there is sufficient evidence on record that the accused had performed the sexual act, to wit:

1. The accused testified that he merely inserted his forefinger into the complainant's vagina to cure her of her mental malady. The records, however show, from the testimony of both the prosecution and the defense, that the accused laid on top of complainant. If appellant's purpose was merely to insert his forefinger into the complainant's vagina, then there is no necessity of lying on top of complainant.
2. Complainant testified, contrary to the testimony of the accused, that the latter brought out his penis and inserted it into her vagina which pained her a lot.
3. The hymenal lacerations and the fresh perineal abrasions in complainant's vagina corroborated her testimony that the accused had sexual intercourse with her.

The accused assailed the competence of the complainant as a witness on the ground that being feeble-minded she is not a competent witness in contemplation of the rules and therefore her testimony should have been rejected by the lower court. That the complainant was feeble-minded and had displayed difficulty in comprehending the questions propounded on her is an undisputed fact. However, there is no showing that she could not convey her ideas by words or signs. It appears in the records that complainant gave sufficiently intelligent answers to the questions propounded by the court and the counsels. The court is satisfied that the complainant can perceive and transmit in her own way her own perceptions to others. She is a competent witness.

Having sexual intercourse with a feeble-minded woman is rape. The offense is described under paragraph 2 of Article 335 of the Revised Penal Code, that is, the offender having carnal knowledge of a woman deprived of reason. The Court, in the case of *People vs. Daing*,^[3] said:

"The offense committed by appellant is rape described under paragraph 2 of Article 335 of the Revised Penal Code, that is, the offender having carnal knowledge of a woman deprived of reason. The deprivation of reason contemplated by law does not need to be complete. Mental abnormality or deficiency is enough. So it was held by the Supreme Court of Spain that a man having carnal knowledge of a woman whose mental faculties are not normally developed or who is suffering from hemiplegia and mentally backward or who is an idiot commits the crime of rape. x x x"

Being feeble-minded, complainant is incapable of thinking and reasoning like any normal human being, and not being able to think and reason from birth as aforesaid, and undoubtedly devoid or deficient in those instincts and other mental faculties that characterize the average and normal mortal, she really has no will that is free and voluntary of her own; hers is a defective will, which is incapable of freely and voluntarily giving such consent so necessary and essential in lifting coitus from the place of criminality.^[4] In this connection, the Solicitor General properly stated:

"That complainant possesses such a low mental capacity, to the extent of being incapable of giving consent, could be gleaned from the fact, as testified to by her mother, that she is unable to do the simple tasks of combing her hair and bathing herself. Thus, even granting it to be true, as counsel has insinuated, that complainant had submitted to the sexual act without resistance (p. 9, Appellant's Brief) such cannot be construed as consent on her part, so as to preclude it from being rape. Incapable of giving consent, she could not thus consent intelligently."^[5]

WHEREFORE, the appealed decision is AFFIRMED in toto.

Makasiar, (Chairman), Aquino, Guerrero, Abad Santos, De Castro, and Escolin, JJ., concur.

[1] Exh. "D", p. 7, Original Records.

[2] *Morales Jr. vs. Ponce Enrile*, G.R. No. 61016, April 26, 1983.

[3] 49 OG 2331.

[4] *People vs. Daing*, supra.

[5] p. 12, Appellee's Brief.

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.