

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MAXIMO RONDINA ALIAS SIMOY AND RODOLFO COLIANO ALIAS DOLFO, ACCUSED-APPELLANTS.*G.R. No. L-47895. April 08, 1987*

Ponente: CRUZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/2b3642eb0835/>**CRUZ, J.:**

The rather considerable number of rape cases brought before this Court might suggest to the foreigner reading our decisions that we are a violent and lascivious people given to forcing our lust on weak and defenseless women. That is not true, of course; rape is not epidemic in this country nor is it even among our major or common crimes. If at all, these cases should only demonstrate the severity with which we deal with this offense, which in other societies is usually swept under the rug to conceal the shame and stigma of the victim. The regrettable consequence, albeit not intended, is the condonation of the offender, who is thus undeservedly spared to rape another day.

While modest and kind-hearted by nature, our womenfolk have a deep sense of justice that will not permit them to forgive this unforgivable assault upon their chastity and by their inaction allow it to be perpetrated again against others. Shunning exposure to avoid dishonor is to them a squeamish inhibition. Convinced, and rightly so, that the guilty must be punished and deterred from repeating his offense and others similarly inclined may be discouraged and threatened with like penalties, the injured woman will not stifle her humiliation in silence. Instead, the victim is willing to publicly admit the violation of her body, to submit to the embarrassing curiosity of the morbid, and to endure the covert censure, not to say disdain, of the bigoted, that the wrongdoer may be flushed out to face the consequences of his wickedness.

This quiet courage enhances rather than diminishes the high regard of our people for the "dalagang Pilipina" immortalized in song and legend and idealized by Rizal in the demure and beautiful Maria Clara, the lost love of Crisostomo Ibarra. She herself, to recall this tragic figure, was the "ill-starred" victim of carnal greed, and of the celibate at that.

The victim in the present case was no paragon of beauty or wit and was in fact even described by the trial judge as "mentally retarded." [1] Nevertheless, she deserves commendation for her spirit in denouncing her oppressors and is entitled to no less than the full vindication of her rights as any other member of her sex whose honor is bloodied with lust without love in the ultimate outrage of womanhood.

As she relates her terrible ordeal in that early evening of January 7, 1977, she was walking alone to her barrio in Libertad, Bohol, having come from Tubigon thirteen kilometers away, when three men unceremoniously joined her and declared they would accompany her. One of them took her basket and over her objection insisted on carrying it for her. Along the way, when they came to a secluded spot, the three men abruptly dragged her to the bushes and there they ruthlessly ravished her. They covered her mouth to prevent her from screaming for help; they hit her thighs with karate chops; each of them took turns in forcing himself on and into her as the other two

restrained her legs as if she were an animal.[2] Afterwards, their lust satisfied, they left her in the bushes like a broken and discarded toy, her chastity irretrievably ruptured and with an indelible stain upon her honor.

On January 14, 1977, Catalina Cordilla — for that is the name of this unfortunate woman — finally decided to submit to a medical examination by Dr. Adoracion Torregosa, who found that the victim's hymen had been completely lacerated and that there was "bruising and reddening of the inferior portion of the vulva" plus a fresh scar on her thigh. All these injuries, the doctor testified later, were caused during the past week or so.[3]

The rape was later brought to the attention of the police sub-station commander, Sgt. Virgilio V. Dizon, who *motu proprio* conducted an investigation, inviting for questioning the victim herself and two persons pointed to by the police informant as her assailants.[4] Catalina readily identified Maximo Rondina and Rodolfo Coliano as the persons who had raped her; but she unhesitatingly cleared a third person also brought before her, whom she said she did not know and had not seen before.[5] Sworn statements were taken of Catalina and the two accused-appellants.[6] A complaint was filed by the police against the two men in the municipal court, which, after investigation, referred the matter to the provincial fiscal of Bohol.[7] Thereafter, the victim submitted to him her sworn complaint against Rondina and Coliano,[8] on the basis of which, following reinvestigation of the case, an information for rape was filed against them.[9] Their companion was never apprehended and has not been tried to date.

After trial, both Rondina and Coliano were each sentenced to reclusion perpetua and were jointly and severally required to pay the sum of P6,000.00 to the complainant, and the costs.[10] They are now before us to challenge their conviction, invoking two grounds, viz., lack of jurisdiction of the trial court and insufficiency of the evidence against them.

On the first ground, the argument of the defense — raised as early as during the trial of this case —[11] is that the trial court had no jurisdiction to try them because the complaint of the alleged victim was not introduced in evidence consonant with the rule that a prosecution for rape must be initiated on complaint of the offended party. The charge was made in an information filed by the fiscal. The sworn complaint filed by Catalina Cordilla with the fiscal's office was neither marked nor presented as an exhibit or otherwise submitted by the fiscal at the trial. Hence, it is contended, such omission rendered all the proceedings null and void *ab initio* for lack of jurisdiction of the trial court.

It is true that rape being a private crime, it must be commenced on complaint of the offended party pursuant to Article 344, paragraph 3, of the Revised Penal Code and Rule 110, Section 4, of the Rules of Court. The question in this case is whether or not it was necessary to introduce such complaint in evidence as the basis of the information filed by the fiscal.

To begin with, it should be noted that the information was filed by the fiscal not on his own volition but as a consequence and on the basis of the sworn complaint submitted to him by the complainant herself. Commenting on this same point in a case involving another private offense, this Court said in *U.S. v. Manzano*: [12]

"In the case at bar the aggrieved husband, Francisco Ramos, on March 3, 1915, filed a complaint, subscribed and sworn to by him in the justice of the peace court of Candon, in which he accused his wife Dorica Manzano and the other defendant, Venancio Capistrano, of committing adultery, to which they both pleaded guilty in the same justice of the peace court. The record of the preliminary proceedings therein was therefore forwarded to the Court of First Instance and the accused were consequently placed under its jurisdiction. In the Court of First Instance the proper complaint was filed by the provincial fiscal, whereby the present proceedings were instituted. So that it cannot be said that the prosecution for adultery was not instituted by the person aggrieved by said crime. The complaint filed by the latter in the justice of the peace court is that which gave rise to the criminal action prosecuted in this cause, and which conferred upon the Court of First Instance jurisdiction over

the persons of the accused and the subject matter of the action. It is unquestionable that this cause was prosecuted and decided by virtue of said complaint and that said complaint gave rise to the filing of the proper complaint by the fiscal." (Italics supplied).

Under the rule prevailing at the time this case was commenced and tried in 1977, the complaint was considered part of the record of the preliminary investigation and had to be transmitted to the trial court upon the filing of the corresponding charge. Such complaint was as in fact transmitted as required and could therefore be judicially noticed by the trial judge without the necessity of its formal introduction as evidence of the prosecution. This conclusion is in keeping with the doctrine embodied in *People v. Perido*, [13] decided by the Court of Appeals through Justice Montemayor (later a member of this Court), who declared in part as follows:

"The complaint in the case at bar was duly signed by the mother of the offended party, but the prosecuting attorney during the trial, failed to introduce said complaint as part of the evidence of the prosecution. Subsequently, however, said complaint, which is part of the record of the justice of the peace court before whom the case was filed, was sent up to form part of the record in the appeal. This cured the deficiency in the evidence. Although not introduced in evidence, the complaint may be regarded as part of the record in the appellate court which can and does take judicial notice thereof. (Moran's Law of Evidence, p. 343 and Francisco's Evidence, p. 46, both citing the case of *People vs. Bautista*, G.R. No. 40621 [unpublished])." (Italics supplied).

We note further that apart from the fact that the offended party's sworn complaint was among the papers elevated to the Court of First Instance that subsequently tried and decided the case, the information itself expressly stated that it was being filed "upon a sworn complaint signed and filed by the offended woman."

Parenthetically, it is worth observing that the original Rule 112, Section 12, of the Rules of Court, provided that "upon the conclusion of the preliminary investigation the judge or corresponding officer shall transmit without delay to the clerk of the Court of First Instance having jurisdiction of the offense the records of the case" By contrast, it is now provided in Section 8 of the same rule, as revised in 1985, that "the record of the preliminary investigation whether conducted by a judge or a fiscal shall not form part of the record of the case in the Regional Trial Court."

On the alleged insufficiency of the evidence against the accused-appellants, we hold that the objection is not well-taken as it is plain that the guilt of the defendants has been established beyond reasonable doubt. The constitutional presumption of their innocence has been refuted by the overwhelming evidence of the prosecution as evaluated and appreciated by the trial court.

The trial judge[*] having had the opportunity to observe the deportment of the witnesses and to test their credibility, his findings on this matter should be respected and accepted unless it is shown they were reached arbitrarily or without basis.[14] There is no such showing here.

The medical evidence of the complainant's rape has not, nor could it have, been disputed. Even the defense has conceded the commission of the rapes; what is denied is that the accused-appellants committed the offense.

The testimony of the offended party herself was especially telling and credible despite the fact that she was somewhat mentally deficient, as the trial court noticed.[15] Although she was really of limited intelligence, the complainant nevertheless did not forget the harrowing experience she suffered during that frightful night in the bushes when the three men seared her memory with the lust they forced upon her. The tale she narrated in court was not woven out of sheer imagination but born in anguish and remembered with pain and as plain and unembellished as the simple life she led. If she spoke in forthright language at the trial, it was because she was speaking the truth of that horrible ravishment she could not push out of her mind.[16]

As this Court has repeatedly observed, a virtuous woman will not as a rule admit in public that she has been raped, thus marring her honor and her future, unless she is telling the uncomfortable truth.[17] There was no reason either for her to point to the accused-appellants as her attackers if they were not really the ones who raped her, as she had not known them earlier and held no grudge against them. In the absence of a sinister or malicious motive, which is not shown in this case, the embarrassing announcement she made of her violation, coming from a maiden whose life was limited to the uncomplicated tasks of a house-helper and who could not even write her own name,[18] deserves the credence and sympathy of the Court.

By contrast, the defense offered by the accused-appellants is inherently weak and palpably wily and can only provoke disbelief if not disapprobation and even disgust. Their defense of alibi and mistaken identity must be rejected as obviously false and perjured, no more than feeble efforts to deceive the Court and thwart the stern demands of justice.

Rondina claims that at the time of the incident in question, he was in the house of one Miling Balisbis and helping out, with fifteen other persons, in preparing food for a "padasal" to be held that night for the owner's deceased spouse.[19] By this defendant's own testimony, however, the place where the rape was committed was only a kilometer away,[20] which means it was not physically impossible for him to go to that place to commit the rape and thereafter return to the house without being missed. This is on the assumption that he was really working in the house at the time, which has not even been sufficiently established to the satisfaction of this Court.

As for Coliano, his alibi is that he was confined in the clinic of Dr. Macario Falcon from January 7 to 8, 1977, arriving there at eight o'clock in the morning and leaving the same hour the following morning.[21] Curiously, he also declared under oath that he left the clinic at noon of January 7 to get money from his house, after which he returned to the clinic and stayed there until his discharge on January 8.[22]

This testimony clashes with that of his own witness, Dr. Falcon, who swore that Coliano never left his clinic from the time of his admission until he was discharged the next morning. Interestingly, the clinic owned by this 80-year old witness was a maternity clinic although he said patients with other ailments could also be admitted.[23] Coliano, according to the medical certificate issued by the doctor, "was sick with acute Tonsillitis accompanied with high Fever" during the period of his confinement.[24]

Assuming his indisposition was reason enough for a farmer with modest means to seek medical care, it is not believable that Coliano would choose to go to a private clinic instead of a free government hospital where he could have saved on medical expenses. It is also strange that, having decided to pay for his treatment, he nevertheless did not bring any money with him and so had to go back home to get it, and at noon of the very same morning he was admitted to the clinic. His wife accompanied him to the clinic, he said, but it was not she who went home for the money but Coliano himself, fever and all, traveling thirteen kilometers and back,[25] and, at that, without the knowledge of the attending physician.[26]

Against this transparent mosaic of lies, there is the positive identification made by the complainant of both Rondina and Coliano whose faces must have burned her brain like a branding iron. It is significant that she pointed to them as her attackers no less than four times, to wit, first at the police station of Tubigon; second, during the preliminary investigation conducted by the municipal judge of Tubigon; third, during the reinvestigation conducted by the provincial fiscal of Bohol; and fourth, at the trial itself, while clearing a third person she was also asked to identify.[27] In addition, another prosecution witness, Genaro Naragan, testified that on that fateful evening of January 7, 1977, he passed by Catalina Cordilla with three men on the way to Tubigon and that he recognized two of them as Rondina and Coliano.[28] As this person hardly knew the two and had no reason except the truth to testify against them, we do not see why he should be disbelieved as against the

defendants' weak denials.

The defense, in an almost laughable attempt to divert the blame from Rondina and Coliano, introduced a witness who allegedly received in Mindanao the tearful confession of another person stricken by remorse for having raped Catalina Cordilla.[29] The testimony is not only hearsay but preposterous. It would be comical if it did not, border on the contemptuous, for imposing on the credibility of this Court. To be sure, if it has accomplished anything at all, it has served only to strengthen our conviction that the accused-appellants are grasping at straws to escape the condign punishment the law inflicts on perverted predators like them.

We find with the trial court that the accused-appellants, together with a third person who is still unidentified and at large, in conspiracy with and helping each other, took turns in raping complainant Catalina Cordilla. However, it was erroneous for it to sentence Rondina and Coliano to only one term of life imprisonment each as all three of them were acting in concert when one by one they violated their common victim. In view of the established conspiracy among the three, each one of them is guilty of three rapes, for the one he actually committed and for the two he helped his companions to commit.[30] Where there is conspiracy, the act of one conspirator is the act of all.[31]

The penalty for rape when committed by two or more persons is reclusion perpetua to death.[32] The offense in this case having been committed with the aggravating circumstance of superiority[33] and without any mitigating circumstance, the proper punishment should be three death sentences for each of the accused-appellants. However, as the death penalty has been abolished in Article III, Section 19, of the new Constitution, the same is now reduced to life imprisonment, also imposed thrice on both Rondina and Coliano.

For all the apparent harshness of these penalties, it is still the innocent victim herself who, tragically, will suffer most for the violation of her virtue. Forever, denied that tender moment of a deflowering with love, she is also condemned to remember all her life that brutal night in the bushes when she was cruelly and disdainfully defiled in an act of animal lust. From the prison of these ugly memories, there is, unhappily for her, no release.

WHEREFORE, the judgment appealed from, as above-modified, is hereby **AFFIRMED**, with costs against the accused-appellants.

SO ORDERED.

Yap, (Chairman), Narvasa, Melencio-Herrera, Feliciano, Gancayco, and Sarmiento, JJ., concur.

[1] TSN, p. 30, September 6, 1977.

[2] Ibid., pp. 10-11.

[3] Id., p. 44; Exh. "A".

[4] TSN, pp. 174-175, September 7, 1977.

[5] Ibid., pp. 175-176.

[6] Exhs. B, B-1, B-2, B-3, C, C-1; TSN, p. 63, September 6, 1977; pp. 177-178, Sept. 7, 1977.

[7] Orig. Rec., p. 21.

[8] Ibid., p. 18.

[9] Id., p. 19.

[10] Decision, pp. 6-7; Rollo, pp. 11-12.

[11] TSN, pp. 126-127, Nov. 28, 1977.

[12] 32 Phil. 338, 340.

[13] 44 O.G. 2764.

[*] Judge Valeriano C. Yancha, Court of First Instance of Bohol, Br. I.

[14] People v. Ancheta, G.R. No. 70222, Feb. 27, 1987; People v. Delavin, G.R. Nos. 73762-63, Feb. 27, 1987; People v. Roxas, G.R. No. 46960-62, Jan. 8, 1987; People v. Valentino, 141 SCRA 397; People v. Patola, 141 SCRA 401; Guita v. Court of Appeals, 139 SCRA 576; People v. Cabanit, 139 SCRA 94; People v. Canamo, 139 SCRA 141; People v. Jones, 139 SCRA 203; People v. Millarpe, 134 SCRA 84; People v. de Leon, 128 SCRA 121; People v. Olalia, Jr. 128 SCRA 139; People v. Palon, 127 SCRA 529; People v. Villeza, 127 SCRA 349.

[15] Decision, p. 4; Rollo, p. 9.

[16] TSN, pp. 2-25, Sept. 6, 1977.

[17] People v. Angsioko, 131 SCRA 486; People vs. Sambangan, 125 SCRA 726; People vs. Balane, 123 SCRA 614; People vs. Senon, Jr., 121 SCRA 141; People vs. Manzano, 118 SCRA 705; People vs. Ganado, 116 SCRA 362; People vs. Olmedillo, 116 SCRA 193; People vs. Felipe, 115 SCRA 88.

[18] Orig. Rec., pp. 18, 3.

[19] TSN, pp. 84-85, Nov. 29, 1977.

[20] Ibid., p. 90.

[21] Id., pp. 70-72, 74-75.

[22] id., p. 80.

[23] TSN, pp. 99-100, Nov. 29, 1977.

[24] Exh. 1.

[25] TSN, pp. 73, 78, Nov. 29, 1977.

[26] Ibid., p. 101.

[27] Decision, pp. 4-5; Rollo, pp. 9-10.

[28] TSN, pp. 149-150, Sept. 7, 1977.

[29] TSN, pp. 103, 110, Nov. 29, 1977.

[30] People v. Veloso, G.R. No. 38551-53, Feb. 27, 1987; People v. Campesino, 131 SCRA 56 citing People vs. Eglos, 118 SCRA 344, People vs. Vizcarra, 115 SCRA 743, People vs. Bohos, 98 SCRA 353, People vs. Babasa, 97 SCRA 673, and People vs. Jose, 37 SCRA 450; People vs. Mesisas, 127 SCRA 793; People vs. Villa, et al., 81 Phil. 193.

[31] People vs. Veloso, supra; People vs. Ancheta, supra, citing People vs. Villason, 115 SCRA 716, People vs. Loreno, 130 SCRA 311, People vs. Padilla, 132 SCRA 682, People vs. Manalo, 133 SCRA 626, Pring vs. CA, 138 SCRA 185, and People vs. Beltran, 138 SCRA 521; People vs. Roxas, G.R. No. L-46960-62, Jan. 8, 1987 and

the cases cited therein; *People vs. Abrina*, 102 Phil. 695; *People vs. Bersamin*, 88 Phil. 292; *People vs. Danan*, 83 Phil. 252; *People vs. Patricio*, 79 Phil. 227.

[32] Par. 3, Art. 335, Revised Penal Code.

[33] *Ibid.*, par. 15, Art. 14; *People vs. Mesias*, *supra*.

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.