

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.  
PAULINO ILAGAN, EUGENIO BASCUGUIN, ROMULO DE LEON &#038;  
EDDIE NUEVE, ACCUSED AND APPELLANTS.**

*G.R. No. L-36560. May 28, 1975*

Ponente: CONCEPCION JR., J.

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**CONCEPCION JR., J.:**

It was an eighteenth century playwright and avid student of human nature who made this observation:

Heaven has no rage like love to hatred turned,  
Nor hell a fury like a woman scorned.[1]

The case before us gives ample proof of this.

Believing the charge of complainant Benilda Lejano that appellant Paulino Ilagan had forcibly abducted her and afterwards raped her in conspiracy with the three other appellants, the court a quo found them guilty of the offense charged and sentenced each of them to reclusion perpetua.

But what are the facts? Benilda Lejano and Paulino Ilagan come from the same town — Lian, Batangas. They were neighbors and knew each other from childhood. The other appellants also come from the same town and were also childhood friends. Sometime in 1965, Benilda and Paulino became sweethearts. She was then residing in Caloocan City and he in his hometown. The sweethearts corresponded by letters[2] wherein they expressed their deep love and affection for each other. Appellant Eugenio Bascuguin was a close friend of the two sweethearts and on several occasions delivered the letters of Benilda to Paulino.

On March 25, 1967 complainant arrived in Lian, Batangas to attend the wedding of their friend, Berting Lejano. As expected, the sweethearts met at the wedding. Benilda invited Paulino for some refreshment at a nearby parlor but the latter declined the invitation because he had no money at the time and he did not wish to accept Benilda's offer to pay. Instead they agreed to meet the next day at six o'clock in the afternoon at the refreshment parlor of Eneng Jonson. They met as agreed. On this occasion, Paulino confirmed from Benilda that the latter was going to attend the "santuhan" at Catalino Ilagan's house the following day. Whereupon, he asked her if she would go with him to his house after the "santuhan", at 2:00 a.m., his house being located about 150 meters from that of Catalino Ilagan. To this invitation, Benilda gave her conformity.

From the town proper to the house of Catalino Ilagan at barrio Talaan, Lian, Batangas, Benilda and her two lady friends, Ita de los Reyes and Abing Lapitan, rode in the cart of Paulino together with several others among them being appellants Eugenio Bascuguin, Romulo de Leon, and Eddie Nueve. They left the town proper at six o'clock in the afternoon and arrived at the house of Catalino Ilagan in the barrio after an hour. Paulino unharnessed his carabao and the riders went up the house to join the other guests at the "santuhan" among them being two municipal policemen from Lian, Batangas by the names of Manuel Jonson and Meynardo Gonzales.

At about two o'clock in the morning of the next day, as the party was about to end, Paulino requested his friend

Eugenio Bascuguin to remind Benilda of the agreement to go with Paulino to the latter's house. Bascuguin did as he was told. Whereupon, Benilda went to the host Catalino Ilagan and informed him that she desired to sleep in the house of Pedro Sanchez which was about fifteen meters away for the reason that there was no longer any space in the house of the host. The latter agreed. Benilda, escorted by Paulino and a certain Pastor Ilagan, proceeded to the house of Pedro Sanchez. Paulino and Benilda went up the house and as soon as Pastor Ilagan had gone away, the lovers went out by the back door and proceeded on foot to the house of Paulino Ilagan. There Paulino and Benilda kissed and caressed each other. His passion aroused, Paulino told Benilda to undress. She complied and removed her panty and her half-slip, but not her dress. Then Paulino had carnal knowledge of her. After the intercourse, Benilda informed Paulino that her menstruation had arrived and that her dress was wet with blood. She was right. So Paulino went to a nearby well and fetched some water. While he was washing the stained part of the dress that Benilda was wearing, the latter was pouring water on it, after which he gave her his towel to use as sanitary napkin[3] and his handkerchief[4] with which to wipe away the blood from her thighs. The lovers then returned to the house of Pedro Sanchez. Pursuant to Benilda's request Paulino borrowed a dress[5] from the wife of Pedro Sanchez, explaining that Benilda's dress was soaked with blood from her menstruation. A little later Paulino again borrowed another dress,[6] this time from the wife of Catalino Ilagan.

At about 7:00 o'clock in the morning of the same day, the guests left for their respective homes. Benilda and her two lady friends including other guests again rode on a cart to go back to town. Paulino and his friend Eugenio Bascuguin walked behind until they reached the house of Mrs. Florencia Aquino, sister of Benilda. There they left the latter.

As Benilda continued to bleed, she was brought to the puericulture center by Porferio Ilagan, brother of Paulino, Catalino Ilagan, Florencia Aquino, and Potenciana Ginez. She was treated by Dr. Florencia L. Nueve who found the following injuries: "Laceration of the cervic posterior portion and laceration of the vaginal canal posterior portion." The doctor also confirmed that the patient was menstruating at the time.

Paulino never talked to Benilda about marriage — neither before nor after March 28, 1967, the day he had carnal knowledge of her. He never did because his mother had manifested her objections to Benilda for a daughter-in-law on the ground that the latter had already had many sweethearts. When on one occasion Benilda expressed a desire to see Paulino's mother to talk about their marriage, the mother refused.

On March 30, 1967 or precisely two days after the incident, Benilda denounced Paulino and the other three appellants before the Chief of Police of Lian, Batangas, charging them with forcible abduction with rape.

Complainant admits that she and Paulino were sweethearts but claims that on the night of March 27, 1967 when she observed the rude manners of Paulino at the house of Catalino Ilagan she considered their relationship terminated. According to her, when Eugenio Bascuguin approached her and told her that Paulino wanted to talk to her she refused. But Bascuguin told her that if she would not consent to Paulino's request, they would create a scandal. She decided to go with Bascuguin because she became scared. After walking a short distance, Paulino emerged from behind a tree, and was joined immediately by Romulo de Leon and Eddie Nueve. Paulino ordered her to go with them, which she refused to obey. At this juncture, Paulino poked a gun at her back while de Leon and Nueve held her arms. Bascuguin then started to push her. She shouted but no sound came out of her throat. De Leon and Nueve dragged her to the house of Paulino about half a kilometer away. When they reached the said house, Paulino came in and closed the door behind him. The other three accused pulled the door from the outside to prevent complainant from opening it. Paulino then started to kiss her, touch her breasts and private part. She resisted all those advances. She was then boxed on her thighs and her stomach so that she weakened and fell down. As she was already exhausted, Paulino succeeded in removing her panty and he was able to have coitus with her. She felt a terrible pain in her abdomen which rendered her unconscious. When she regained

consciousness she was very weak and her private part was bleeding. She became confused and as she happened to get hold of a towel on a "papag" she used it to stop the oozing of the blood. She also used a handkerchief to prevent the flow. After she composed herself she returned to the house of Pedro Sanchez and sat again by the window. She then borrowed a dress because the dress she was wearing was covered with blood. However, she could no longer remember who had lent it to her. After she had changed, her companions brought her to the house of her sister in Lian, Batangas. Thereafter she was taken to the puericulture center where she was treated by Dr. Nueve. On March 30, 1967 she gave her written statement to the Chief of Police of Lian, Batangas wherein she denounced appellants and charged them with forcible abduction with rape.

Crimes against chastity by their very nature usually involve only two persons — the complainant and the offender. Seldom, if ever, is there an eye-witness to the commission of the offense. As a consequence, conviction or acquittal of the accused depends almost entirely on the credibility of the complainant's testimony. It is therefore for a good reason that courts examine with the greatest care the complainant's story and subject it to a thorough scrutiny to determine its veracity in the light of human nature and experience. Tested by these standards, we find valid reasons to reject Benilda Lejano's claim of having been forcibly abducted and raped.

Complainant claims to have gone to the "santuhan" upon the invitation of her lady friends, Ita delos Reyes and Abing Lapitan, and not pursuant to an agreement with her sweethearts Paulino Ilagan, and yet upon arrival thereat she found an excuse to sleep apart from her friends in the house of Pedro Sanchez, a total stranger. She claims to have been abducted from the house where the "santuhan" was being held, dragged and pushed by the appellants, without anyone having noticed the incident, and yet the said place is only about fifteen meters from the house of Pedro Sanchez well within the sight and hearing of several guests staying therein, including two municipal policemen. She claims that while Paulino had a gun poked at her back, his three male companions pushed and dragged her a distance of half a kilometer over uneven ground, and that all the time she resisted and fought off the appellants, and yet she managed to keep intact the pair of step-ins she was wearing.

According to her, upon arrival in Paulino's house, she successfully resisted all the advances that he made and that it was only after he boxed her on the thighs and stomach that she weakened and fell down, thereby enabling him to consummate his desires. However, Dr. Florencia L. Nueve, a witness for the prosecution, who attended to the complainant at the puericulture center, did — not find any contusions, bruises, abrasions, or mark on her body as a result of such blows. Moreover, on cross-examination by counsel for the accused, she testified as follows:

"xxx xxx xxx

"Q. And as a matter of fact when the patient was admitted she was a walking patient?

A. She was a walking patient.

Q. She could talk intelligently and coherently at the time she was admitted?

A. Yes, sir.

Q. And as a matter of fact, you were able to intelligently ask her what happened and she was able to give you the answer?

A. Yes, sir.

Q.

And she did not complain to you that she was abused by Paulino Ilagan?

A. They have contact intercourse.

Q. And when she told you that they have contact or they have sexual intercourse, she told you that they were engaged with each other?

A. Yes, sir.

Q. And by reason of that information you even suggested to her that she should marry Paulino Ilagan?

A. Yes, sir.[7]

"xxx xxx xxx

We have also noted that her clothes, particularly the dress that complainant was wearing on the occasion she claims to have been raped, were not even torn. This would not be so had she really resisted vigorously Paulino's alleged attempt to lie forcibly with her.

Furthermore, if the complainant had really been raped in the early morning of March 28, 1967, she would have shown that same morning manifestations of the outrage perpetrated against her. It is strange that she showed no signs of agitation or disturbance. She remained calm and silent. She did not complain to the two municipal policemen who were present thereat. She did not even confide to her close lady friends and companions her trouble or predicament. This is not the normal behavior of a woman who had just been violated if indeed she had.

It is well-settled that —

"Evidence to be believed must not only proceed from the mouth of a credible witness, but it must be credible in itself — such as the common experience and observation of mankind can approve as probable under the circumstances." [8]

In the instant case, complainant's testimony is not satisfactory and convincing. Appellants are therefore entitled to an acquittal.

WHEREFORE, the judgment appealed from is hereby reversed and appellants Paulino Ilagan, Eugenio

Bascuguin, Romulo de Leon and Eddie Nueve are ACQUITTED of the crime charged.

The immediate release from custody of Eugenio Bascuguin, Romulo de Leon and Eddie Nueve is hereby ordered, unless held for some other lawful cause.

The bond filed by Paulino Ilagan for his provisional liberty is hereby cancelled.

Cost de officio.

So ordered.

Fernando, (Chairman), Barredo, Antonio, and Aquino, JJ., concur.

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[1] William Congreve: The Mourning Bride, Act III, Sc. 8.

[2] Exhs. 1, 2, and 3

[3] Exh. D

[4] Exh. C

[5] Exh. F

[6] Exhs. G and H

[7] T.s.n. February 24, 1969, pp. 14-15.

[8] People vs. Macatangay, et al. 107 Phil. 188

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