

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MANUEL CUI, JR. Y CABALLES, DEFENDANT-APPELLANT.

G.R. No. L-48084. June 20, 1988

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/5dfaae928f77/>

PADILLA, J.:

Before the Court, on appeal, is the decision[*] of the Court of First Instance of Davao City, 16th Judicial District, Branch I, dated 3 August 1977 in Criminal Case No. 2100, convicting the accused Manuel Cui, Jr. y Caballes of the crime of rape, and sentencing him to suffer the penalty of reclusion perpetua, to indemnify the victim, Merlita Jasa, in the amount of P50,000.00 as moral damages, to pay her P5,000.00 as attorney's fees, and to pay the costs.[1]

Accused Cui was tried upon a plea of not guilty to the crime charged in the complaint filed by Merlita A Jasa, which reads:[2]

"The undersigned MERLITA A. JASA after having been duly sworn to according to law, accuses MANUEL CUI, JR. y CABALLES of the crime of RAPE, under Art. 335, Par. 1 of the Revised Penal Code, committed as follows:

"That on or about November 3, 1975, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the abovementioned accused by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge with the undersigned complainant, who is 18 years of age, against her will.

"Contrary to law."

The facts of the case are as follows:

The complainant, Merlita A. Jasa or Merle for short, who is a resident of Gempesaw St., Davao City, came to know the accused in May 1974, when she took the boat M/V Don Alberto in going to Manila, for a vacation in Batangas. The accused was then working as an apprentice mate in said boat. During the boat's eleven (11) day cruise to Manila, the accused and the complainant became friends. When the latter was back in Davao City, the accused would visit her at her residence everytime the boat he worked in was docked in said city. Thereafter, the accused became quite close to the complainant and the members of her family. All these visits paid by the accused were reciprocated by the complainant when she, together with her friends, visited the accused once in his boat, M/V Don Lorenzo.[3]

On 1 November 1975, the accused, who was already a Third Mate of the boat M/V Don Camilo, visited the complainant again at her residence. The latter entertained the accused and invited him to the birthday party of her mother held the next day, but which the accused did not attend.[4]

On 3 November 1975, at around 2:00 p.m., the complainant and the accused met in the house of Anita Quiao Tacang, (Nita, or Anita, for short), the complainant's dressmaker. They stayed in Nita's house and engaged in

conversation, which lasted until around 7:15 in the evening, when they left the house together and rode a jeepney bound for Magsaysay Boulevard, where they both alighted. Then the complainant walked with the accused to the boat and went inside the latter's cabin.[5] It was inside the cabin that the accused had carnal knowledge of the complainant, which the latter alleges was committed by means of force and intimidation, and without her consent, but, which the accused claims, in his defense, was consummated with mutual consent.

According to the prosecution, the accused started to court the complainant when they first met in the boat Don Alberto and this continued in Davao City, but she did not accept his love.[6] The accused was just a friend of the complainant, according to the prosecution.

As to their meeting in the afternoon of 3 November 1975 in the house of Nita, the prosecution alleges that it was accidental. The complainant was on her way that day to Rizal Memorial Colleges, and because the jeep had to pass Ponciano Reyes Street where Nita's house is located, she decided to drop by. She did not know that the accused knew Nita nor did she know that, on that same day, the accused would be in the house of Nita. The complainant testified that her purpose in going to Nita's house was "Just to visit Nita, because Anita, the way she talks, I feel that she is okay in giving stories. I love to listen to her." [7] The complainant dropped at the house of Anita at 3:00 p.m. and stayed there for about four (4) hours.

Following the prosecution's version, when the complainant was ready to go home at around 7:15 p.m., Nita told her to just go with the accused as they were going on the same direction. And because she had long been acquainted with the accused, she went with him. They took a jeep bound for Magsaysay Park, with Gempesaw Street as their destination. But while they were nearing Gempesaw Street, the accused kept on requesting her to go with him to the boat because he had something to give her, and that he cannot give it to her on another day because the boat was leaving. He also told her, according to the complainant, that he wanted her to see him at work because he was on duty that night.[8]

Complainant testified that she went with the accused to the boat and stayed outside his cabin while he went inside. After a while, the accused, who was wearing his ship uniform already, went out of the cabin and said, "Ne, you better come inside because it is ugly to look at when you are outside." [9] At first, complainant said she did not like to get inside the cabin but she felt that it was not also good for her to be seen standing outside, so she entered his cabin.[10]

When the complainant was already inside the cabin, the accused, according to the complainant, immediately closed the door. She became suspicious and ran towards the window, but the accused also closed the window, so she ran towards the door to get out, but the accused held and embraced her. After embracing her, the accused pushed her towards the bed, which caused her right thigh to hit the side of the bed. He immediately got hold of her two (2) hands, and he placed his knees towards her right thigh, so that she could not get up anymore. The complainant said she tried to resist but because the accused held her hands and pressed his knees towards her thighs, she could not do anything. She wanted to shout but he immediately kissed her on her mouth, so that her false teeth got dislocated and she was not able to shout.[11]

The accused then lifted her blouse and got hold of her nipples. Then he placed his hands under her pants; so, she tried to push him, but he was able to hold her hand that pushed him. Thereafter, he released his right hand which was holding her. He opened his zipper and put out his organ which he wanted her to hold. But she did not, because according to her, "I did not like to hold his private organ." [12]

Thereafter, the accused tried to remove her pants. Because of her resistance, she was able to loosen her hands, and to push the accused, so that the latter was able to remove her pants only up to above her knees. And because of the suddenness of the grabbing, her underwear was included with the pants. The complainant further recounted that,

"I tried to free myself, but I was frightened and nervous and I could not do anything, so I only noticed that he inserted his private organ into my vagina."[13] And tLwhen I felt the pain, I tried my best to struggle and I used the last strength that I had in order to push him."[14]

She succeeded, according to complainant, in pushing the accused, so that he was separated from her and his semen splashed on her thighs. After that, she realized that she had lost her virginity, so she kept on crying. The accused told her to dress up so that she could go out. He threatened her not to tell anything to anybody so that nothing would happen to her. Nevertheless, she told her sister-in-law about what happened, and because she felt aggrieved that she had lost her honor and virtue, she filed the present case against the accused.[15]

On the other hand, the defense alleges that the accused and the complainant were sweethearts until 1 November 1975 when they quarreled and broke off. Accused presented as proofs of such relationship two (2) photographs of the complainant,[16] with a dedication at the back addressed to him and signed with the name Merle, and two (2) letters and a card addressed also to him, which came from the complainant.[17]

According to the accused, his meeting with the complainant at Nita's house on 3 November 1975 was not by chance, but was arranged by the complainant herself. He testified that, after his lunch in the boat, a boy from Gempesaw Street brought him a letter (dated 3 November 1975),[18] which was signed with the name of Nita who is also his friend. The purpose of the letter was to invite him to Nita's house at 2:00 o'clock in the afternoon of 3 November 1975. He noticed that the way the letter "M" in "Manuel" was written in the letter, was similar to the letter "M" in "Manuel" in the colored picture given to him by the complainant, as well as the letter "D" in "Don Camilo" in the letter which was similar to the letter "D" in "Dear" in the busto picture, also given to him by the complainant. Because of these details, plus the fact that the boy who delivered the letter said he was from the same street where complainant lived, as well as the fact that their misunderstanding had just taken place on 1 November 1975, the accused suspected that it was the complainant wKo sent him the letter.[19]

The version of the accused is that he arrived in the house of Nita at 1:45 p.m. of 3 November 1975 and shortly thereafter, the complainant arrived. The complainant asked him for a reconciliation, referring to the quarrel they had in the afternoon of 1 November 1975. She even gave him a card,[20] declaring her love for him, which he accepted, and which led to their reconciliation. The accused further testified that at around 3:00 o'clock, the complainant went back to her house to get some fruit salad. After thirty (30) minutes, she was back at Nita's house bringing with her the fruit salad which they (accused and complainant) ate together. Thereafter, the accused peeled a pineapple which they also ate. And while the accused was peeling the pineapple, the complainant grabbed the key to the door of his cabin which was visible at his back pocket, and the complainant held this key until they reached the boat.[21]

According to the accused, they left the house of Nita together at around 7:15 in the evening of the same day (3 November 1975) and when they arrived at his cabin, the complainant opened the door. The accused entered and washed his face and put on his uniform, while the complainant just stayed at the door of the cabin. Afterwards, according to the accused, he saw the complainant already sitting on his bed. So he closed the door and the window. The accused testified that, "I sat beside her and made romances with her, and made her lie on bed side by side with me." [22] The accused further testified that, "As a long time sweetheart and just have (sic) reconciled, I kissed her and she responded (to) my kisses." [23] He raised her blouse and held her nipples. Then he opened the zipper of her pants and inserted his hand inside her panty. And when he thought that she was already aroused, he inserted his penis into her vagina and started the "push and pull" movement. But it was only for a short time because the complainant pushed him, so that he was separated from her and his semen splashed on her thighs.[24]

Then, continued the accused, they changed back to their clothes and he accompanied the complainant in going

out. Outside the cabin the complainant met a girlfriend who invited her to the upper deck to visit a person she was seeing off to Manila. In the upper deck, they engaged in conversation and later they went down the gangplank and walked to the corner of Magsaysay Park. There the complainant and her friend took a jeep for Gempesaw St., while he went back to the boat to resume his duty.[25]

The following day, at 4:00 o'clock in the afternoon, the accused was at Magsaysay Park sitting in one of the benches and eating banana cue when Merlita (the complainant) came, with her friend Sylvia. She (complainant) asked him about the incident of the previous night. He told her not to worry because she will not get pregnant since his semen splashed on her thighs.[26]

Thereafter, according to the accused, Merlita's two (2) brothers, her sister, her cousin and a friend came to the boat and brought him to the house of complainant to ask him if he was willing to marry her. And when they thought he had acceded, they brought him to the police station so that his promise to marry her would be blotted. But in the police station, he told the investigating policeman that he cannot marry Merlita Jasa because he is already married. The complainant's brother, Atty. Jasa, wanted to file a case against him for seduction, but he did not push through with it because Merle was no longer below eighteen (18) years of age. Instead, a case of abduction was planned to be filed against him, but the requisite elements were not also present, hence, it did not push through. But because Atty. Jasa really wanted the license of the accused as a ship officer revoked, the case for rape was filed.[27]

After a scrutiny of the records of the case and the transcript of stenographic notes, the Court is of the considered opinion, and so holds, that the guilt of the accused has not been proved beyond reasonable doubt.

It is elementary that, in a criminal prosecution, every circumstance favoring the innocence of the accused must be duly taken into account. The proofs adduced against the accused must convince the Court with moral certainty that on him can be laid the responsibility for the offense charged, that is, that not only did he perpetrate the act, but that the act amounted to a crime.

In the case at bar, there is an aura of improbability in the prosecution's version of the circumstances surrounding the alleged rape. Also, the testimony of the complainant herself appears to be unsatisfactory and unconvincing.

The circumstances surrounding the meeting of the complainant and the accused in the house of Nita are full of coincidences which cast doubt on the veracity of the complainant's story. The Court is more inclined to believe that the meeting of complainant and accused in Nita's house in the afternoon of 3 November 1975, was arranged by Merlita herself, because of her desire to see the accused. According to the testimony of the complainant, she herself gave the letter[28] to the boy for delivery to the accused, without knowing its contents. She came into possession of the letter when she dropped by, accidentally also, in the house of Nita in the afternoon of 2 November 1975. Nita asked her to deliver the letter to the accused because her house is near Sta. Ana Wharf, where the boat of the accused was docked at that time.[29] And because it was already late in the afternoon and she had to go some place else, and she thought the letter was important, she asked the boy to deliver the letter to the accused.[30] But this testimony of the complainant, when pieced together with the testimony of Anita Quiao Tacang (Nita), renders the story of the defense more credible.

According to Nita, the complainant came to her house at 9:00 o'clock in the morning of 3 November 1975, asking for advice because she broke off with Manuel (the accused). Nita advised her to go to the boat, so that she can talk with the accused, but she refused because she was ashamed. So Nita advised the complainant to write the accused a letter inviting him to go to Nita's house. She (Nita) also suggested to the complainant to use a different stroke from her usual handwriting, and to sign it with Nita's name, so that the complainant's penmanship would not be recognized by the accused.[31] The fact that the letter was dated 3 November 1975, and not 2 November 1975,

the date when Nita supposedly gave the letter to the complainant, heightens the improbability in the version of the prosecution.

Granting, however, for the sake of argument, that the meeting of the complainant and the accused in the house of Nita on 3 November 1975 was accidental, the fact remains that the complainant engaged the accused in animated conversation in the house of Nita for about four (4) to five (5) hours, so that she even absented herself from her class for that day; that she left the house of Nita that night together with the accused on her own free will; that she walked voluntarily with the accused from Magsaysay Park, to the wharf which is about 100 meters away from said Park; and that she followed the accused in going up the gangplank to the boat. The complainant's excuse for going with the accused to the boat, which is to get or receive a gift from him does not instill belief, considering that their meeting in the house of Nita was supposedly just "accidental." And even if this excuse were true, it still creates numerous ripples of suspicion that there must have been something special in the relationship between the two, for the complainant to be willing to accept a gift from the accused, and for the accused to be offering a gift to the complainant when, supposedly, they were just ordinary friends who met accidentally in the house of Nita on 3 November 1975.

Before the complainant entered the cabin of the accused, there were no signs at all that the accused had the intent to rape her, nor did the complainant testify that she sensed any ill-motive on the part of the accused. In crimes against chastity, as held in *People vs. Francisco*,^[32] "The testimony of the injured woman should not be received with precipitate credulity. When the conviction depends at any vital point upon her uncorroborated testimony, it should not be accepted unless her sincerity and candor are free from suspicion, For rape is an accusation easy to be made, hard to be proved, but harder to be defended by the party accused, though innocent."

In the case at bar, there are other facts of substance and value that militate against an affirmation of the finding of guilt against the accused. Although the complainant alleges that she was forced to submit to sexual intercourse, nowhere in the medical findings or in the complainant's testimony can it be found that there were marks of physical violence on her body, face or hands, like a wound, bruise or scratch, except for a contusion "2x3 cm. light-bluish in color, located in the thigh, lateral aspect, middle third."^[33] According to complainant's own testimony, the contusion was caused by the accidental bumping of her thigh on the side of the bed, when the accused pushed her towards the side of the bed. But, to our mind, this is not the kind of force that will compel an unwilling woman to yield or submit to sexual intercourse with an unwelcomed lover.

The allegations of the complainant that force was exerted upon her to submit to sexual intercourse were all general statements. The complainant never specified as to how this force was applied on her. In rape cases, where the offense is alleged to be committed with the use of force, there must be "a showing of compulsion being resorted to, and coercion being employed."^[34] As cited in the early case of *United States v. De Dios*,^[35] "The crime of rape is not to be presumed; consent and not physical force is the common origin of acts between man and woman. Strong evidence and indications of great weight will alone support such a presumption."

Nowhere in the complainant's testimony can it be found that she offered tenacious resistance to the alleged sexual assault. The only resistance which the complainant offered, as the Court sees it, was to push the accused. But had she really struggled hard to free herself from the hold of the accused, she would have sustained injuries or even scratches, and her pants and underwear might have been torn, especially because they, according to the complainant herself, were down up to above the knees only. As the Court sees it, it was even more difficult for the accused to insert his penis into the complainant's vagina under this circumstance, if only to the complainant was indeed struggling to resist. For the penis to penetrate into the vagina where the thighs are "locked together" by reason of the presence of pants and underwear, force would be necessarily employed to such an extent as would most likely cause the pants and underwear to be shattered or at least torn.

Neither did the complainant shout for help, which would have been heard considering that the cabin where the "assault" was on-going, was near the gangplank and the boat's engine was not running at the time. According to her, she wanted to shout, but she could not because her false teeth were dislocated. Again, this does not instill belief. The most natural reaction of a person who is in real panic and in need of help, will most likely be to shout despite any discomfort, and even if incoherence were to result. All these signs of physical struggle, like marks on the victim's body, torn garments, and a call for help would have been important indicators of the use of force in the commission of the alleged rape. They are not present in the case at bar.

Another indicator that the sexual intercourse was probably voluntary or with mutual consent, is the testimony of the complainant that, earlier or before coitus, the accused told her to hold his penis, but she did not, because according to her, "I did not like to hold his private organ." [36] If force was really employed in the alleged rape, then the likes, or for that matter, the dislikes of the complainant would not have mattered. Still more revealing is complainant's testimony during cross-examination: "[37]

"Q

For how long did the penis stay inside your vagina?

A When I felt the pain, I suddenly pushed him with my last strength that I have.

Q So, what you would like us to understand is that, when the penis just entered your vagina, immediately it was pulled out because you pushed the accused. Is that what you mean?

A When I felt the pain, that was the time that I pushed him.

Q So there was no some sort of a push and pull movement imposed by the accused, correct?

A No, sir. There was, but for a short time only, sir, because when he inserted his penis into my vagina and I felt the pain, I pushed him.

Q It was because of the pain that you pushed him away from you correct?

A There was a push and pull movement but it was too short because I pushed him when I felt the pain.

Q My question is: Was it because of the pain that you pushed him away from you?

A Yes, sir."

There are other circumstances in this case which, to the Court, lend credence to the theory of the defense. To

illustrate, after the intercourse, the complainant met a girl friend in the boat, and then she and the accused went with the girl to the upper deck and engaged in conversation. This fact was corroborated by Zenon Bueno, the quartermaster and checker of Don Camilo. He testified that "a woman accompanied a passenger who was riding in (a) boat, and when the complainant saw this woman, they talked to each other, and when they went down accompanied by the third mate, they went down together." [38] Another incident was that, on the day following the alleged rape, the complainant, accompanied by a friend named Sylvia, saw the accused in the Magsaysay Park near the wharf and talked to him about the incident the night before.

Given the foregoing circumstances, the lingering doubt that the sexual intercourse between the complainant and the accused was not accomplished thru force, is further heightened. It is hardly credible for a young Filipina maiden, allegedly sexually assaulted, to regain her composure a few minutes after the "rape" as to be conversing with a friend in the boat's upper deck, as if nothing had happened to her virginity or chastity, [39] and then, the day after the alleged sexual assault, to talk to the same man who supposedly ravished her, on no less than the subject of her "dishonor." Such conduct, to say the least, appears contrary to the expected natural reaction of an outraged woman, robbed of her honor. A woman who indeed was sexually assaulted would have shown a little more indignation, (if not fury) that what the complainant did show here.

The testimony of the complainant is said to be corroborated by Patrolman Manampan, the Desk Officer who investigated the case. He told the court that the accused admitted to him that he used force in having sexual intercourse with the complainant. But the prosecution cannot avail of such entry in the police record. The alleged statement of the accused given during police investigation does not help the prosecution any in view of the rule that a statement taken from the accused without first informing him of his rights under the Constitution, and without the assistance of counsel, is inadmissible. [40] According to Patrolman Manampan himself, [41] the only persons present when the accused was investigated were Patrolman Manampan, the complainant, Patrolman de Guzman and Atty. Jasa, the brother of the complainant. So the accused was without any assistance from counsel at the time he made in writing the alleged extrajudicial confession; neither was there any evidence adduced to prove that the accused waived his right to be assisted by counsel.

As repeatedly enunciated by the Court, the weakness of the defense will not be allowed to strengthen the evidence for the prosecution, and that the prosecution must rely on the strength of its own evidence and not on the weakness of that of the defense. [42]

The accused is presumed innocent until proved otherwise, and it is only by proof beyond reasonable doubt, which requires moral certainty, that this presumption of innocence can be overcome. Therefore, it is the duty of the prosecution to prove the guilt of the accused beyond reasonable doubt. In the case at bar, the prosecution fell short of this duty. Hence, the constitutional presumption of innocence calls for a reversal of the judgment of the trial court.

WHEREFORE, the decision appealed from is REVERSED and SET ASIDE. The accused is ACQUITTED on the ground of reasonable doubt.

SO ORDERED.

Yap, C. J. (Chairman) , Melencio-Herrera, Paras, and Sarmiento, JJ., concur.

[*] Penned by Judge Vicente N. Cusi, Jr.

[1] Decision of the Court of First Instance, p. 32.

- [2] Decision of the Court of First Instance, p. 1.
- [3] TSN, Aug. 4, 1976, p. 97.
- [4] TSN. Aug. 4, 1976, pp. 105-106.
- [5] TSN, Aug. 4, 1976, pp. 114,68.
- [6] TSN. Aug. 4. 1976, p. 150.
- [7] TSN, Aug. 4, 1976. p. 61.
- [8] TSN. Aug. 4. 1976, p. 64.
- [9] TSN. Aug. 4. 1976. p. 67.
- [10] TSN. Aug. 4, 1976. p. 68.
- [11] TSN. Aug. 4. 1976. pp 68-70.
- [12] TSN. Aug. 4. 1976. p. 74.
- [13] TSN. Aug. 4. 1976. pp. 75-76.
- [14] TSN, Aug. 4. 1976. p. 76.
- [15] TSN, Aug. 4. 1976. pp. 78. 80.
- [16] Exhibit "1"& "2".
- [17] Exhibit "3". "5" & "6".
- [18] Exhibit "3"
- [19] TSN, Sept. 28, 1976. pp. 352-356.
- [20] Exhibit "6".
- [21] TSN. Sept. 28. 1976, pp. 361-365.,
- [22] TSN, Sept. 28. 1976, p. 370.
- [23] TSN, Sept. 28, [1976. p. 371.
- [24] TSN, Sept."28, 1976. pp. 372-373.
- [25] TS.N, Scpl. 28, 1976. pp. 373-376.
- [26] TSN. Sept. 28. 1976. p. 377.
- [27] TSN, Sept. 28. 1976, pp. 378-387.
- [28] Exhibir-3".
- [29] 29TSN, Aug. 4, 1976, pp. 167-171.
- [30] TSN, Aug. 4, 1976. pp. 176-177.
- [31] TSN, Sept. 27, 1976, pp. 220-225.
- [32] G.R. No. L-43789, July 15, 1981, 105 SCRA 516.

[33] Exhibit "A".

[34] *People v. Joven*, L-36022, 22 May 1975, 64 SCRA 126; *People vs. De Castro*, 84 Phil. 118 [1949].

[35] 8 Phil. 279.

[36] TSN, Aug. 4. 1976. p. 74.

[37] TSN, Aug. 4. 1976. pp. 146-147.

[38] TSN, Sept. 27. 1976. p. 310.

[39] *People vs. Romero, Jr.*, No. L-43805, Oct. 23. 1982, 177 SCRA 897.

[40] Sec. 12[1] in relation to Sec. 12[3], Article [II, 1987 Constitution. Sec. 20, Art. (V, 1973 Constitution.

[41] TSN, Aug. 3, 1976, p. 53.

[42] *People vs. Ramirez*. No. L-39007, Aug. 21. 1982, I 16 SCR A

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.