

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ERNESTO BERNAL ALIAS “LOLOY BERNAL”; ARTEMIO
BERNAL, NICOL JIMENEZ AND ROSENDO EMOC (AT LARGE)
DEFENDANTS-APPELLANTS.**

G.R. No. L-30483. July 31, 1984

Ponente: RELOVA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/8ab042e18a72/>

RELOVA, J.:

The charge against appellants Ernesto Bernal, alias Loloy, Artemio Bernal, Rosendo Emoc and Nicol Jimenez is serious illegal detention with multiple rape. After due trial, the court a quo found them guilty of the separate crimes of serious illegal detention and rape in its decision, the dispositive portion of which reads:

"WHEREFORE, with respect to the charge of Serious Illegal Detention, the Court finds the defendants Ernesto Bernal, Nicol Jimenez and Rosendo Emoc guilty beyond reasonable doubt of the crime of Serious Illegal Detention aggravated by the use of motor launch and superior strength but refraining from imposing the Death penalty which is inevitable under the circumstances hereby sentences the defendants only to LIFE IMPRISONMENT.

"With respect to the Rape committed on April 10, 1966, the Court finds the defendants Ernesto Bernal, Rosendo Emoc and Nicol Jimenez of the crime of Rape qualified with the use of a weapon and its commission by two or more persons and aggravated by nocturnity which should inevitably result to the imposition of the Death penalty but the Court, refraining from imposing the capital punishment, hereby sentences each of the defendants to LIFE IMPRISONMENT and to indemnify the offended party in the amount of P10,000.00.

"With respect to the Rape committed on April 12, 1966, the Court finds the defendants Ernesto Bernal, Artemio Bernal, Rosendo Emoc and Nicol Jimenez guilty beyond reasonable doubt of the crime of Rape qualified by the use of a deadly weapon and its commission by two or more persons aggravated by nocturnity which inevitably would result to Death penalty but the Court, refraining from imposing the capital punishment, hereby sentences each of the defendants to the penalty of RECLUSION PERPETUA and to indemnify the offended party in the amount of P10,000.00.

"It is understood that in the service of the sentence Ernesto Bernal, Rosendo Emoc and Nicol Jimenez shall not serve a penalty of imprisonment of over forty (40) years. (Article 70, Revised Penal Code)." (pp. 157-158, Records)

Prosecution evidence shows that about eight o'clock in the morning of April 10, 1966 Isidra Sendon, who was then only 16 years old and working as a maid in the house of Engineer Jose Castaño, boarded a launch called "Juanita III" at Tabina, Zamboanga del Sur, bound for Pagadian. She was accompanied by her sister, Angelina Sendon. The launch arrived at Pagadian, Zamboanga del Sur at twelve o'clock noon of the same day. Upon its arrival, the passengers alighted, except Isidra who was prevented by appellants Ernesto Bernal, Nicol Jimenez, Rosendo Emoc and one Andot who is still at large, from getting down, alleging that she has not paid her fare.

Isidra asked permission to go to the house of her master, Eng. Castaño, to get money for her fare in the amount of P2.00 because she was able to bring with her only P1.00. Her plea fell on deaf ears. Appellants then removed the gang plank and moved the launch 5 to 6 meters away from the wharf. When she tried to peep through the windows, they pulled her inside.

About seven o'clock that evening, she noticed the launch leaving the wharf and she asked where they were going. Appellants answered that the launch is going to Tabina. However, the launch instead went to a place called "Isla", an isolated island about 3 to 4 kilometers from the wharf.

Appellants offered Isidra food but she could not eat because she was worried about her situation. Thereafter, appellants Ernesto Bernal, Nicol Jimenez, Rosendo Emoc and Andot pulled her but Isidra clung to a post. Ernesto Bernal pulled her away from the post and pinned her down the floor face upward. With a pistol pointed at her, Ernesto succeeded in having sexual intercourse with Isidra, while Nicol Jimenez, Rosendo Emoc and Andot were holding her. After Ernesto had satisfied his beastly desire, Andot took his turn while the three companions held her. Nicol Jimenez and Rosendo Emoc then followed in satisfying their sexual lust.

The following day, April 11, 1966, at about six o'clock in the morning, the launch "Juanita III" returned to the wharf of Pagadian. Isidra tried to disembark but was prevented by Ernesto Bernal and Andot. About eight o'clock, the launch left Pagadian for Tabina and arrived there at twelve o'clock noon. She wanted again to get down at the wharf of Tabina but Bernal stopped her.

On April 12, 1966 at 8:00 A.M. the launch returned to Pagadian but she could not leave because she was prevented by appellants from getting out of the launch. At about seven o'clock in the evening, appellants again brought Isidra to Isla for the purpose of satisfying their beastly desires. She fought back but her efforts were no match to the strength of the appellants. Bernal pointed his pistol at her and again succeeded in his sexual assault upon her. He was followed by Artemio Bernal, Andot, Nicol Jimenez and Rosendo Emoc.

In the morning of April 13, 1966, the launch left the Isla for the Pagadian wharf and this time when Isidra tried to leave the launch, appellants did not stop her. She went to a Chinaman's store near the wharf to rest until ten o'clock in the morning. She then went to the house of her employer, Eng. Castaño. When her sister Susan Sendon arrived on April 17, 1966, she related the sordid incident which befell her. Susan in turn related to Engineer and Mrs. Castaño what had happened to Isidra.

They brought her to Dr. Jovencio Cabahug for medical and physical examination. Said doctor made the following findings:

- "1. Vagina admits two (2) fingers easily
2. Healed recent tear of vaginal hymen at three, four, nine and ten o'clock positions." (Exhibit "A", p. 5, Records)

Thereafter, they went to the municipal building of Pagadian where they filed a complaint with the Chief of Police against the appellants.

In his defense, Ernesto Bernal testified that at the time he was the assistant pilot of the launch "Juanita III". Complainant Isidra Sendon was one of the passengers that morning of April 10, 1966. They arrived noontime at Pagadian where she disembarked. At 6:30 in the evening, the launch went to Isla. He asked Isidra why she was inside the boat and she replied that she did not like to go to her master and would like to return to Tabina because she forgot her things. That night of April 10, 1966 he and Rosendo Emoc slept at one end of the launch while Nicol Jimenez and complainant Isidra Sendon slept at the other end.

He denied the truth of the charge that he had sexual intercourse with Isidra, much less, was he armed with a pistol that night.

The following morning of April 11, 1966, the launch returned to the wharf from Isla. Isidra went down the wharf but when the launch left she boarded again. Upon arrival at Tabina the passengers disembarked including complainant. The following day, April 12, 1966, the launch returned to Pagadian and one of the passengers was Isidra. That evening, the launch sailed for Isla again with the following on board: Ernesto Bernal, Nicol Jimenez, Rosendo Emoc, Francisco Manayon and Isidra Sendon. At Isla, complainant and Nicol Jimenez slept together on one end of the launch; the rest, at the other end. He denied having sexual intercourse with her that night.

Appellant Rosendo Emoc, the cook of the launch, declared that he hardly knew the complainant; that he had no participation whatsoever in the alleged detention of Isidra inside "Juanita III" near Isla, much less had carnal knowledge with her at any time.

Appellant Nicol Jimenez, a mechanic of "Juanita III", admitted having met Isidra on April 10, 1966. She was one of the passengers of the launch. After introducing himself, he made love to her and when the launch arrived at Pagadian she was already his sweetheart. That evening of the same day, they slept together and she gave herself completely to him. He denied the truth of the accusation that he and his companions raped her at the point of a gun and/or that she was prevented from leaving the boat from April 10 to 12, 1966.

Appellant Artemio Bernal testified that he came to know Isidra Sendon when the complaint was filed against them; that while it is true that on April 12, 1966 he was inside "Juanita III" he and his co-accused did not rape complainant at Isla; that somebody approached his father asking for P2,000.00 and when his father refused he was included in the complaint.

The trial court, after hearing the evidence of the prosecution and the defense made the following observations:

"[T]he Court accepts the version of the offended party Isidra Sendon, a woman who is only 16 years old. The version of the defendants, particularly Nicol Jimenez that he succeeded in courting Isidra Sendon in the presence of 20 passengers in the brief space of five hours on April 10, 1966 and that by the evening of that same date they had already a rendezvous at Isla and had sexual intercourse with her in the presence of other men is highly incredible, besides adding insult to injury. The Court cannot believe that the defendant Nicol Jimenez, who, in the opinion of the Court, does not have the physical charm or qualities that can win a woman's heart in a whirlwind courtship particularly that of a sixteen-year old girl, can succeed in winning the love of a sixteen-year old girl within the brief space of five hours and on that same day have carnal knowledge with her. If he was really the sweetheart, why did the offended party file a complaint charging his (sic) alleged sweetheart for a capital offense on April 28, 1966? The reason given by the defendant Nicol Jimenez that it was due to the fact that he could not marry her yet on account of poverty is too absurd an explanation to be accepted by the Court. And if that is her reason for filing a complaint, why does she accuse other defendants?

"Ernesto Bernal is another witness whose testimony cannot be believed by this Court. He declares that they brought the launch to Isla on the night of April 10, 1966 and April 12, 1966 to avoid thieves. Why should Ernesto Bernal be afraid of thieves when he admits that there was no more cargo inside the boat when all the passengers disembarked, and instead of staying at the wharf where there is a better accommodation provided with police protection they went to an isolated island where they may be exposed to piratical attacks which he admits abound in this place of Mindanao. The reason that prompted the defendant to bring the launch to Isla, in the considered opinion of the Court, is to give them ample freedom and liberty without detection from proper authorities, to consummate their beastly act against the minor offended party." (pp. 123-124, Rollo)

The issue in this review of the aforesaid judgment of the court below revolves around the credibility of the witnesses, i.e., whether or not the trial court was correct in giving more weight to the testimony of the

complainant and in finding appellants guilty of the offense charged.

The rule in this jurisdiction on the matter of credibility of witnesses is by now settled. "Unless there is a showing that the trial court had overlooked, misunderstood or misapplied some fact or circumstance of weight and substance that would have affected the result of the case, the appellate court will not disturb the factual findings of the lower court. For, having had the opportunity of observing the demeanor and behavior of the witnesses while testifying, the trial court, more than the reviewing tribunal, is in a better position to gauge their credibility and properly appreciate the relative weight of the often conflicting evidence for both parties (People vs. Ablaza, 30 SCRA 173, 176)."

In the case at bar, there is no reason for Us to overrule the judgment of the trial judge who gave credence to the declaration of the complainant. The records of the case are convincing enough that Isidra's declaration on the facts of her detention and assault on her chastity rang of truth. In the first place, no motive has been adduced why complainant, then only 16 years old and, therefore, would have wanted least public exposure of her harrowing experience, would come out and undergo legal scrutiny of her unfortunate encounter with the appellants, other than the desire to tell the truth. Second, her testimony appears to be veracious. "When a woman testifies that she has been raped, she says in effect all that is necessary to show that rape has been committed. If the testimony is not improbable, the defendant may be convicted on the basis of such uncorroborated testimony (People vs. Royeras, 56 SCRA 666, 672)." Third, the allegation that Artemio Bernal was included in the charge because his father refused to pay P2,000.00 cannot be taken seriously considering that the identity of the person who tried to extort said amount was not shown, nor was Artemio's father even presented as a witness.

We agree with the trial court that appellants are guilty of the separate crimes of illegal detention and of multiple rape committed on April 10 and 12, 1966. As correctly observed by the Solicitor General, no complex crime was committed by the appellants because complainant could have been raped even if the latter was not illegally detained. In other words, the illegal detention was not a necessary means to the commission of the crime of rape.

WHEREFORE, the judgment appealed from is AFFIRMED with modification that the indemnity is increased from P10,000.00 to P15,000.00.

SO ORDERED.

Teehankee, (Chairman), Melencio-Herrera, Plana, Gutierrez, Jr., and De La Fuente, JJ., concur.

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.