

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. SERVANDO MANIEGO AND LEOPOLDO VILLAMAYOR, DEFENDANTS AND APPELLANTS.

G.R. No. L-2253. May 31, 1949

Ponente: BENGZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/91cd702418cd/>

BENGZON, J.:

Servando Maniego and Leopoldo Villamayor were prosecuted, tried and convicted for robbery with rape in the Court of First Instance of Nueva Ecija, and were sentenced to an indeterminate term of imprisonment, to indemnify the offended parties and to other accessories.

There is no question about the following facts:

In the evening of November 1, 1946, between 7 and 8 o'clock three armed men broke into the house of the spouses Tereso Magno and Maria Eser in the barrio of Boliran, municipality of San Antonio, Province of Nueva Ecija. The intruders ordered all the residents to lie face downward and then extinguished the light. The house was not plunged into darkness because the moon was shining bright. Immediately thereafter they proceeded to tie the hands of the inmates bringing Tereso to the bataan, where he was securely tied to a beam. Looting of the house was next. The robbers got money and other articles amounting to P455.82. But they were not satisfied; they had to add insult to injury. By means of force and intimidation the three took turns in having sexual intercourse with Milagros the sixteen-year-old daughter of the unfortunate couple.

On November 8, 1946, the chief of police of San Antonio filed in the justice of the peace court of that town a complaint charging these appellants and five other unknown persons with the crime of robbery in band with rape. (The intruders had other companions who waited downstairs and even held up some passers-by.) The case was, after investigation, forwarded to the Court of First

Instance, where appellants were convicted as two of the malefactors who had looted the house and ravished the girl. On appeal the Court of Appeals examined the record, was inclined to agree to the verdict of guilt, but believing that the penalty properly to be imposed should be life imprisonment, forwarded the expediente to this court pursuant to specific legal provisions.

The crucial question at the trial and in this appeal is whether these appellants were the perpetrators of the offense, i. e. identification. Tereso Magno swore that these appellants were two of the brigands that ransacked their belongings, that he knew them as civilian guards of the adjoining barrio who had often visited him before. Maria Eser also identified Leopoldo Villamayor who was known to her before the occurrence. The young lady Milagros frankly admitted her inability to identify the rapists.

The defense was: (a) insufficient identification, (b) alibi. The presiding judge expressly stating that he heard the testimonies of the complaining witnesses and observed their demeanor, declared that he was "fully convinced of the truthfulness of the facts" described by them in the course of "their simple, coherent and natural narration of the

facts." This point is the subject of appellant's first assignment of error wherein their attorney diligently attempted to indicate alleged inconsistencies, contradictions, evasions and other circumstances showing that Maria Eser and Tereso Magno were totally undeserving of that credence which the lower court gave them. Even Milagros Magno's declarations were analyzed, although she did not identify these appellants, her testimony being confined to the robbery and the rape that unquestionably happened that night. It must be admitted that there are apparent minor flaws in the statements of Maria Eser. She was not a perfect witness. But truthful eye-witnesses do not sometimes make perfect witnesses. Their degree of education, their mental condition the solemnity of court proceedings often account for many defective answers. But judges are trained to make allowances. They pay more attention to the sincerity of the witness, and her willingness to tell the whole story.

Without distinguishing between the act they saw and the fact they know from information, witnesses sometimes describe both as of their own knowledge. This is illustrated by the assertions of Maria Eser. She said she saw the malefactors raping her daughter; yet she admitted having asked Milagros, after the robbers had left, what happened. Obviously she only saw her daughter being dragged by the men and struggling against them; but because her daughter informed her later that the penetration was completed, Maria made the statement that seems, at first blush, inconsistent with her conduct at the time.

In this connection, we may advert to appellant's criticism of the judge who made it of record that Maria Eser and Milagros Magno were in tears while on the witness-stand. There is nothing improper in the action; on the contrary it was the correct thing to do, so appellate courts may behold, upon review, as good a picture as is possible of the incidents at the trial. The defense should not object; it is thereby afforded an opportunity to counteract whatever prejudicial effects the constancia, might produce. It might for instance show, if it can, that the weeping was a little trick or was due to extraneous causes.

Contending that the inmates of the house did not recognize the robbers, the defense points out that immediately after the occurrence Bienvenido Eser, barrio lieutenant, conducted an investigation and both spouses told him they didn't know the assailants, statement which they repeated to the municipal mayor three days later in the presence of the municipal secretary and the justice of the peace. The spouses gave a plausible explanation; they were afraid that upon revealing the identity of the felons they would be hurt in revenge or ambushed on the way home; however, after they transferred their residence to Cabiao they felt free to denounce. In fact they declared they had informed the mayor that if the civilian guards were assembled they could indicate the guilty ones, expecting that upon identification the culprits would immediately be arrested and the danger to their persons avoided. In corroboration of this explanation we note that, immediately after the crime, the victims took steps to evacuate and after their evacuation to Cabiao proceedings against these appellants started. In further corroboration we also note that appellants are civilian guards, whereas Tereso Magno is a PKM or Huk partisan, and the two organizations are known to hate each other. Magno's fear of reprisal was not entirely unfounded.

On the other hand the justice of the peace must have regarded this explanation as entirely satisfactory, because although he attended the mayor's investigation and heard the spouses' inability to identify the brigands, he nevertheless gave due course, afterwards, to the information, and issued the order of arrest, registering the opinion "that the said accused had committed the crime."

As to the defense of alibi we find it inconclusive. Both appellants were that night in places about three or four kilometers distant and it was not impossible for them to be at the scene of the felony even if their witnesses had not deliberately lied, considering that a difference of one hour is not uncommon among people who had no particular interest to be accurate. Anyway our experience and our rulings hold that such defense is easy to manufacture and is necessarily weak in the face of positive adverse testimony of the complaining witnesses.

The verdict of guilt should consequently be upheld. But the penalty must, under the law, be increased, in view of the aggravating circumstances of nocturnity and dwelling which make it imperative that the appellants be given life imprisonment, the crime being robbery with rape (Art. 294 par. 2) penalized with reclusion temporal in its medium to reclusion perpetua. The appellants should furthermore be ordered to indemnify Milagros Magno in the sum of one thousand pesos.

Modified as herein indicated, the appealed decision is affirmed in all other respects. So ordered.

Ozaeta, Paras, Feria, Pablo, Tuason, and Reyes, JJ., concur.

BENGZON, J.:

I hereby certify that the Chief Justice voted to modify the decision as above indicated.

PERFECTO, J.:

We concur in the above decision, although subject to our opinion that the indemnity should be increased to P3,000.

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.