

ROSALINDA D. MORALES, COMPLAINANT, VS. RENATO LOTUACO AND AGUSTIN A. ALONZO, DEPUTY PROVINCIAL SHERIFFS OF THE CFI, NUEVA ECIJA AT CABANATUAN CITY, RESPONDENTS.

Adm. Matter No. P-2357. June 19, 1982

Ponente: ABAD SANTOS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b4c181fc8355/>

ABAD SANTOS, J.:

Renato Lotuaco and Agustin A. Alonzo, Deputy Provincial Sheriffs of the Court of First Instance of Nueva Ecija at Cabanatuan City were accused of grave misconduct by Rosalinda D. Morales who alleged in her verified complaint that respondent Lotuaco, in conspiracy with Agustin Alonzo and one Marianita Batac, succeeded in having sexual intercourse with her against her will. She claimed that at about 11:30 in the morning of January 2, 1979, she was forced to get into a car in front of the CFI building in Cabanatuan City with the aid of Alonzo and Marianita Batac, and was brought to the O'Patso Restaurant where Lotuaco, through force and intimidation, succeeded in having sexual intercourse with her. Five days thereafter, at about 10:00 o'clock in the morning, Lotuaco, in connivance with Marianita Batac, forced her to ride in Lotuaco's car and brought her to the Sawali Restaurant in Cabanatuan City. Complainant alleged that Lotuaco, through force and intimidation, again succeeded in having sexual intercourse with her against her will in one of the rooms of said restaurant.

Respondents Lotuaco and Alonzo, in their respective comments dated February 19 and 20, 1979, denied the charges in the complaint. The respondents stated that a criminal complaint for rape committed under the same facts and circumstances, was filed against them and Marianita Batac in the Office of the City Fiscal of Cabanatuan City (CFO Case No. 2033-79) but was dismissed for lack of prima facie evidence on December 20, 1979.

Agustin Alonzo died on May 16, 1981, hence the only remaining respondent is Renato Lotuaco.

The Honorable Bienvenido C. Vera Cruz, Executive Judge of the CFI of Nueva Ecija, conducted a formal investigation and he reported the following:

"The evidence for the complainant is to the effect that Rosalinda Morales, a fairly attractive girl of seventeen, was in her house at Zulueta Street, Cabanatuan City in the morning of January 2, 1979, when a friend and former classmate, Marianita Batac, came by. The latter asked Rosalinda to accompany her to the CFI building to see Renato Lotuaco who had offered her a job as a manicurist and beautician in a cosmetology class at Liwag Colleges. Being jobless at the time, Rosalinda's curiosity was aroused. She there-fore acceded to her friend's request.

"Arriving at the CFI building at about 10:00 o'clock in the morning of that same day, they met Renato who invited them to the Yasmin Canteen located just across the CFI building. Renato and Marianita seated themselves in one table while Rosalinda sat nearby but in another table. Agustin Alonzo whom Marianita likewise introduced to Rosalinda in that occasion stood by the counter. The conversation between Marianita and Renato commenced but beyond hearing distance of Rosalinda.

"A few minutes thereafter, when Renato and Marianita were through conversing with each other, Rosalinda told them she wanted to go home. Being still early, Renato invited Rosalinda to join them for lunch. Rosalinda obliged but not without first being practically dragged by her friend Marianita into a car belonging to Renato.

"When everyone was already on board the car, Renato on the wheels and Agustin seated in front beside him, the two girls occupying the rear seat, the car sped away towards the direction of the road leading to Palayan City.

"Along the highway some few kilometers from Cabanatuan City was the O'patso restaurant which, because of the numerous private rooms alongside each other, each with an individual garage, was plainly and simply a 'motel'. On reaching the place, the four entered a room located at the end. Once inside, they ordered food and soft drinks. As Rosalinda had no appetite at the time, having attended a wake the night before, she merely took a bottle of soft drinks.

"The lunch over, Agustin left the room, followed by Marianita, thus leaving only Renato and Rosalinda inside. Rosalinda made an attempt to leave the room but Renato pulled her. Rosalinda cried but Renato gave her a fist blow in her abdomen as a result of which, Rosalinda felt weak.

"Taking advantage of the situation, Renato started to undress Rosalinda. As Rosalinda was then wearing a dress with a zipper at the back, Renato first unzipped her dress. Thereafter, and after removing Rosalinda's clothes, Renato then removed her bra by unhooking it at the front and lastly, her panty. Renato then started to undress himself as he stood in front of Rosalinda who was then lying in bed. Thereafter, Renato placed himself on top of Rosalinda and commenced the act of sexual intercourse. As she was then feeling weak because of a sleepless night during the wake the night before, aggravated by the stomach blow she suffered a while ago, and notwithstanding her resistance and her shouting, Renato succeeded in consummating his sexual desire.

"Rosalinda could do nothing but cry and Renato could only say that it was useless for her to do so. He told her to dress up. She did so by going inside the comfort room. At this juncture, Renato called for Agustin and Marianita who were just outside the room. After paying their bill, they boarded the same car and proceeded towards Cabanatuan City where, in front of the East Central School along the Cagayan Valley road, the two girls alighted and waited for a passing tricycle. Before they parted ways, Rosalinda confronted her friend Marianita, asking her why she did that to her. There was only a resounding silence from Marianita.

"Rosalinda went home on her own but a few days thereafter, her friend Marianita was back in her house to tell her that Renato wanted to talk to her. It was then about 7:30 o'clock in the morning. When Rosalinda bluntly told Marianita that she refused to talk to Renato, Marianita left but returned half an hour later. This time Marianita told her that she would not leave and would keep coming back unless she acceded. Rosalinda stood firm. Marianita left again but not without coming back some fifteen minutes later. This time, Marianita's invitation was more threatening in the sense that Rosalinda would not be allowed to rest and that they would kill her parents. Because of this, Rosalinda had to accede.

" Renato was already waiting in his car beside the CFI building when Rosalinda and Marianita arrived. Marianita told Rosalinda to get inside the car. Off they left, the three of them, this time to a place called Sawali restaurant located along the Cagayan Valley road some five kilometers north of Cabanatuan. On reaching the place, the three entered a cottage although Renato had to force her to get down while Marianita had to push her inside. Only Renato and Rosalinda went inside the cottage while Marianita remained outside. Rosalinda was crying, saying that she thought Renato merely wanted to talk with her. Renato remarked that this would be the last time he would disturb her. Thus-another sexual intercourse was consummated. Renato ordered food thereafter but ate alone as Rosalinda kept on crying. After paying his bill, Renato and the two girls boarded the car and left.

"As in the first encounter, Renato exerted not much effort in undressing Rosalinda. Before Rosalinda's very eyes, Renato undressed himself, completely naked. Rosalinda's dress was such that the buttons were merely

snapped at the front side. It was therefore with ease that Renato was able to undress Rosalinda who was then seated in a sofa. After removing Rosalinda's dress, Renato then removed her bra. Rosalinda was by now standing and despite her struggle, Renato succeeded in removing her bra. Renato thereafter pushed Rosalinda in bed and subsequently removed her panty. Renato then placed himself on top of Rosalinda and the sexual intercourse commenced to Renato's satisfaction.

"After the intercourse, Renato and Rosalinda dressed up. They boarded a car and with Marianita, headed for the city proper where, in the vicinity of the Catholic church, Rosalinda and Marianita alighted. Marianita took her home this time.

"Several months passed and in August 1979, Rosalinda felt pain in her stomach. She was brought by her mother to the Provincial Hospital of Cabanatuan City where, after an x-ray examination, it was discovered that she was already pregnant and on the family way. On that same day, Rosalinda gave birth to a child who died three days thereafter. It was during this occasion when Rosalinda had to divulge to her mother that her pregnancy was caused by Renato in conspiracy with her friend Marianita and one Agustin Alonzo. It was also on this day when Rosalinda denounced Renato and his alleged accomplices before the Philippine Constabulary at Cabanatuan City.

"Admitting that he did engage Rosalinda in sexual intercourse on two different occasions, Renato stoutly denied that he employed force or intimidation on these two occasions. It was not in January 1979 but sometime in September or October 1978, so Renato declared, during lunch time at noon but not earlier, when he committed the sexual intercourse - but all these for a fee of P250.00 on each occasion. He insisted that Rosalinda was a 'call girl' or a woman who sold her flesh for a fee. The sexual intercourse therefore, so Renato concluded, was committed with her consent.

"The guilt or innocence of respondent Renato Lotuaco evidently rests on Rosalinda's credibility and the weight to be given, if at all, to her testimony.

"Several factors militate against complainant's credibility in the light of the following observations:

" Renato was candid enough to admit that he did commit sexual intercourse upon Rosalinda but claimed that no force or intimidation was ever employed by him. On the contrary, they were committed with her consent and for a fee of P250.00 during each intercourse.

"Indeed, the testimony of Rosalinda with respect to force and intimidation leaves much to be desired. At the outset, she claimed that Renato and company forced her to board his car which was then in front of the Yasmin restaurant across the CFI building. Next, she stated that she boarded the car because she was assured she would be brought home. Finally, she declared that because her companion Marianita was also joining them, she too decided to accede to Renato's request that they had lunch together.

"While Rosalinda claimed that she was dragged into the car by Marianita, giving the impression at first blush that she was forced to board Renato's car, she later on explained that she was merely persuaded by Marianita 'because it has been our way as friends that whenever we are going somewhere else, there are occasions when we persuaded each other.' (tsu, Feb. 9, 1982, p. 21)

"With Renato at the wheels, Alonzo seated beside him in front, and the two girls at the back seat, all four sped away from the vicinity of the CFI building. Instead, however, of turning right upon reaching the Cagayan Valley road towards the direction of Zulueta street where Rosalinda's residence was located along which abound several eating places, the car turned left at the highway and thereafter turned right towards the direction of Palayan City where no eating place was known to exist. Rosalinda could have then sensed that they were bound for an isolated place, opposite the direction leading to their residence. She did nothing nor say anything. Neither did she call the attention of her companions, Marianita in particular. Upon arriving at the O'Patso restaurant which as complainant described abound with adjacent rooms, complainant never showed any

concern either. To be sure, they did not enter a dining hall. On the contrary, they entered a private room at the end which had its own private bath and a bed. At this point, Rosalinda should have realized that this was not an eating place; she never showed any sign of fear or apprehension. She even drank a bottle of soft drinks when food was served inside the room. Not long thereafter, Marianita and Agustin Alonzo left the room leaving only her and Renato behind. At this point again, all that she allegedly did was to attempt to open the door from inside the room but claimed she could not, again giving the impression that the door could not be opened from the inside. At this juncture, she claimed that Renato boxed her in her abdomen and pulled her towards the bed. She knew that Alonzo and Marianita were just in the garage adjacent to their room. She claimed that she shouted. The airconditioner was not functioning at the time and if it was true she did shout, the roomboys would have been alarmed and a scandal created.

"Neither was there any imminent danger to her life, for admittedly, Renato was not armed at the time. He had neither a knife nor a gun. He never displayed any weapon to cow her into submission.

"It was with ease that Renato was able to undress her completely. First it was her dress that Renato removed; then her bra which Renato unhooked in front. She was then lying in bed allegedly feeling weak. Before her very eyes, Renato in turn undressed himself. He stood beside her completely naked. Thereafter, the intercourse commenced without any serious protestation nor any serious act of resistance.

"Not long thereafter, and when the intercourse had already been consummated, Marianita and Alonzo who were then outside the room came in. But who opened the door for them? It was Renato. It was he who unlocked the door from inside the room, the very same door which Rosalinda could not unlock and open prior to the intercourse.

"There was no argument at all when all four were once again inside the room. As a matter of fact, all four boarded Renato's car which sped towards the city of Cabanatuan. Somewhere in the East Central School along the Cagayan Valley road, Rosalinda and Marianita alighted from the car and parted ways by boarding different tricycles. Rosalinda could only ask Marianita why she could do that to her but appeared re-signed when Marianita did not say anything.

"Rosalinda never reported the matter to the authorities, neither to her parents nor to any of her relatives not until after another sexual intercourse between her and Renato at the Sawali restaurant along the Cagayan Valley road leading to Talavera, Nueva Ecija, some five kilometers north of Cabanatuan, four or five days after the first intercourse at the O'Patso restaurant - not until after several months when she could no longer hide her pregnancy.

"It was only on August 21, 1979, some seven months after January 1979 when Rosa-linda decided to reveal everything. She was then undoubtedly pregnant. As a matter of fact, she did give birth that very day when, because of stomach pain, she was forced to submit herself to a medical examination in the company of her mother at the provincial hospital in Cabanatuan City. Despite the non-arrival of her menstrual period for the past seven months, she claimed that it was only on the date of her medical examination when she learned that she was actually pregnant. Because of the doctor's assurance that there was nothing to fear, she revealed and disclosed the name of Renato as the one responsible for her pregnancy. A complaint for rape was lodged by her at the PC headquarters which was subsequently forwarded to the city fiscal's office for investigation. The complaint was dismissed and it is significant to note that said dismissal was affirmed on review by the Ministry of Justice in a resolution dated February 19, 1981, 'on the ground that the testimony of the complainant cannot be given credence.'

"Rosalinda's testimony on the second alleged sexual assault at the Sawali restaurant is likewise open to serious doubt. Suffice it to state that Rosalinda's claim all the more weakens, instead of bolsters, the charge. It is indeed absurd that Rosalinda, over whom Renato exercised no influence at all, and whose threats, assuming they were true, were merely coursed through her friend Marianita, would again be subjected to another sexual assault, in broad daylight, notwithstanding her opportunity to shout, or resist, or escape.

"Significantly, Rosalinda claimed that the alleged sexual assaults were committed in January, 1979 while Renato insisted that the same were committed sometime in October, 1978. This is not difficult to explain. Had complainant conformed to respondent's theory, her giving birth in August, 1979 would have been beyond the nine-month period or normal gestation. To be sure, it would not appear convincing that a pregnancy of nine months could escape unnoticed. Be this as it may, it is certainly the height of absurdity how a pregnancy of even a period of only seven months could not have been noticeable, especially so when complainant herself admitted that she did miss her menstrual period for the past several months.

"By and large, complainant's allegation of force and intimidation do not meet the standards required to hold liable respondent Renato Lotuaco in particular. To be sure, such fear as that claimed by Rosalinda never existed at all. No weapon was ever used for the purpose of threatening her, if at all. She had every opportunity to escape or to shout, the two incidents having allegedly occurred in broad daylight. No serious resistance or vocal protestation against the alleged sexual assault was offered at all by Rosalinda before, during and after the incident. There was absence of any torn apparel of complainant during the two occasions. There was failure to complain immediately after the alleged incident. Her testimony appears exaggerated, if not fabricated as to essentials. Such circumstances render the charge doubtful and cannot support a finding of guilt."

Judge Vera Cruz recommends that the complaint against Lotuaco be dismissed for failure of the complainant to substantiate her claim by credible and convincing evidence and that against Alonzo for having become moot and academic.

We agree with the investigator, for the reasons he has adduced in his report, that the complainant has failed to substantiate her claim. It would be the height of naivete to believe her fantastic story which is profusely sprinkled with improbabilities.

The case against Agustin A. Alonzo has to be dismissed not only because of his death but also because it has been shown that he had no participation in the alleged rape. Although he has crossed the bar, he deserves to be exonerated, not on the basis of a technicality, but because he was in fact blameless.

As to Renato Lotuaco he has admitted the fornication with the complainant which has no relation to the discharge of his functions as a deputy sheriff nor did it cause any public scandal. However, since fornication is frowned upon both morally and socially, a measure of condemnation is deservedly forthcoming.

WHEREFORE, Agustin A. Alonzo is exonerated from the complaint while Renato Lotuaco is hereby reprimanded for his indiscretion.

SO ORDERED.

Barredo, (Chairman), Aquino, Guerrero, De Castro, and Escolin, JJ., concur.
Concepcion, Jr., J., is on leave.

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.