

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. RUPERTO ASI, ET AL., DEFENDANTS. FORTUNATO ARO, DEFENDANT AND APPELLANT.*G. R. No. L-17410. June 29, 1962*

Ponente: DIZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b58790f7bdcd/>**DIZON, J.:**

Ruperto Asi and Fortunato Aro were charged with robbery in band, with rape, in the Court of First Instance of Oriental Mindoro. At first Asi pleaded not guilty, but later, with leave of court, he withdrew such plea and substituted it with one of guilty, and he was correspondingly sentenced.

After trial upon a plea of not guilty, Aro was convicted of the crime charged, with the aggravating circumstances of night time and in band, without any mitigating circumstance to offset them, and he was sentenced to reclusion perpetua, to indemnify Esmenia Querubin, mother of the rape victim, in the sum of P1,000.00, and to pay the costs. From this decision he appealed to Us.

Counsel de oficio, after discussing the prosecution evidence and the merits of the defense of alibi interposed by appellant, recommends confirmation of the decision appealed from. This notwithstanding, in view of the gravity of the offense, we have made a careful review of the record, and have found the following facts to have been established beyond reasonable doubt:

At about midnight on December 19, 1955, Ruperto Asi, armed with a bolo, appellant, armed with a .45 pistol, Crescenciano Duenas, with a shotgun, and Mariano Bacay with a Garand rifle, entered the house of Santos Claveria, in sitio San Juan, Bongabpn, Oriental Mindorp. Upon noticing their presence, Esmenia Querubin-Claveria's wife—woke him up, and when the latter did, the malefactors ordered them all to lie face down. Suddenly Claveria jumped out of the window and escaped. One of the malefactors fired at him but missed. After trying, unsuccessfully, to overtake him, the four malefactors returned to the house where appellant threatened Esmenia with the gun and demanded money. Because of fear, she gave him a sack containing around P1,000.000.

Meanwhile, Araceli, a 17-year-old daughter of the Claverias, had been awakened by the shots fired at her father. Upon the return of the malefactors, appellant pulled her by the hands out of the mosquito net, and, as she struggled to free herself, appellant took her in his arms and kissed her. He and his companions then took Araceli outside the house and to a place covered with tall grass where she was raped, first by Duenas, with the help of the other malefactors—appellant one of them—and later was successively abused by appellant, Bacay and Asi, in that order. After having committed the robbery and rape the malefactors left.

Araceli and her parents reported the matter to the Philippine Constabulary headquarters the following day and Araceli was submitted to a physical examination by Dr. Rodriguez, the result of which is stated in the medical certificate Exhibit A. After the Christmas holidays the corresponding criminal complaint was filed against Asi and appellant only, because the other two malefactors could not be located and arrested.

Appellant's only defense is an alibi. He claims that he left his home in Bongabon, Mindoro, in December 11, 1955 to purchase a residence certificate at Calapan; that on December 19, 1955 he was in Taysan, Batangas, where he requested someone to, prepare a deed of sale of a parcel of land in favor of one Florentino Gonzales, which deed was later ratified before Atty, Onofre Quizon at Rosario, Batangas; that he returned to Bongabon only on December 21, 1955.

Appellant's testimony upon the facts mentioned above, besides being by itself self-serving and biased, is not corroborated by any credible or indubitable evidence. His inability to produce his residence certificate allegedly purchased on December 11; his failure to present as witness the vendee in the alleged sale and the notary before whom the deed was supposedly acknowledged; all these facts point to the conclusion that his testimony deserves no credit at all.

Furthermore, both Esmenia Querubin and her daughter Araceli Claveria testified that they knew appellant well long before the commission of the offense, because he used to buy things from their store, and both positively and clearly identified him as one of the malefactors who committed the acts mentioned heretofore. These parties have absolutely no improper motive to incriminate appellant and his companions against whom complaint was filed almost immediately (Dec. 27, 1955) after the commission of the offense-which circumstance greatly strengthens their respective testimony.

The offense committed being robbery with multiple rape, with at least two aggravating circumstances attending its commission, without any mitigating circumstance to offset them, the penalty imposed by the lower court is correct; but, besides the indemnity of P1,000.00, appellant should also be, as he is hereby, sentenced to pay P4,000.00 as damages to Araceli Claveria, the rape victim (People vs. Feliciano, 77 Phil., 526, Article 345 of the Revised Penal

Modified as above indicated, the decision appealed from is affirmed, with costs.

Bengzon, C. J., Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, Regala, and Makalintal, 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.