

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JUAN CRISOLA, DEFENDANT-APPELLANT.*G.R. No. L-32422. March 02, 1984*

Ponente: FERNANDO, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b804944cb794/>**FERNANDO, C.J.:**

Rape is a crime that certainly aroused a feeling of abhorrence. This so even with due recognition of what MacIver referred to as the "imperative of sex," characterizing it as "so powerful an appetite" permeated by the "recklessness and caprice of desire." [1] Such a feeling is intensified when the victim is a child of tender years. Again on the assumption of the guilt being shown by proof beyond reasonable doubt, it becomes even more condemnable if the offender were a man in his seventies or close to it. There could be an element of pity involved if there were nothing in his past life that could explain how he came to act the way he did. Could it be some 'mental or psychological quirk in his character that could have led him to such a senseless act of cruelty and sadism. Same such reflection is induced by this appeal from a judgment of conviction for the crime of rape of a seven-year old girl, the accused Juan Crisola, being sixty-nine years old at the time of the offense. He was sentenced to reclusion perpetua and to indemnify Purisima Machica the amounts of P5,000.00 and her mother Rosita Machica moral damages in the amount of P5,000.00.

An inquiry into the merits of this appeal is not strictly necessary. On September 17, 1978, the President of the Philippines, upon the recommendation of the Board of Pardons and Parole on July 21, 1978, granted the commutation of sentence to the accused to an indeterminate prison term of 14 years, as minimum, to 19 years, as maximum, and to pay an indemnity of P5,000.00, as moral damages. So it was certified by Deputy Minister of Justice, Jesus N. Borromeo, en-closing a memorandum from Executive Director of the Board of Pardons and Parole, Crispina L. Ang.

The commutation of the penalty is impressed with legal significance. That is an exercise of executive clemency embraced in the pardoning power. According to the Constitution: "The President may, except in cases of impeachment, grant reprieves, commutations and pardons, remit fines and forfeitures and, with the concurrence of the Batasang Pambansa, grant amnesty." [2] Once granted, it is binding and effective. It serves to put an end to this appeal. In the same memorandum of the Executive Director Ang, it appears that appellant is now on parole, having served his minimum sentence. Due to his, advanced age and without any living relatives, he has, since September, 1980, been staying at the home for the aged of the Boys' Town.

Inasmuch, however, as the briefs for both parties had been submitted, no less than for the peace of mind of appellant who, if his conviction were not in accordance with law, is entitled to be informed, a brief discussion of the evidence and the records of the case will be made.

In the appealed decision, the evidence for the prosecution presented the offended party, a girl of seven years who narrated how appellant sexually abused her. She was brought to a house near the De Dios Transit Station located at Quezon City. Once inside, he made her lie down on the floor. She then narrated how, after first placing his right

forefinger in her sexual organ, he had sexual intercourse with her. It was a painful experience, and she wanted to shout but could not do so because she believed appellant would be angry if she did. For a child of seven to think thus would not be unusual. She likewise testified that there was a substance which appeared like pus inside her organ. During such intercourse, there was a neighbor, a certain Puling who peeped through the window and saw what happened. Upon arriving home, she did not disclose what was done to her to her mother Rosita. It was Puling who did so. Such testimony was confirmed by her mother. She admitted that she was advised by him to ask her daughter what happened that afternoon of November 1, 1968. The latter narrated the fact of sexual intercourse with appellant. The mother then examined her private parts and found signs of swelling. She confronted appellant who was occupying the same house where they resided, and he asked for forgiveness. He promised to pay for her treatment in the hospital. The girl was then taken to the Quirino Labor Hospital. Appellant soon thereafter disappeared until the date of his arrest in 1969.

The only witness for the defense was appellant. His direct testimony was taken down into two and one-half pages. There was no direct denial of the fact of rape. All he said when he was reminded of the evidence for the prosecution was "I did not do that to her. I do not have my erection anymore."^[3] He further stated that he was somewhere else, in Basa, quite far from the house where the rape was committed. This alibi he repeated with the simple declaration that he "was not there."^[4] He did not even deny that he asked for forgiveness. It can be said, there-fore, that the lower court is not in error when it appraised the evidence thus: "After weighing the evidence of the prosecution and the defense, the Court gives more credit to the testimony of the witnesses for the prosecution. Although the offended party, Purisima Machica, was only 7 years at the time she testified, she testified in a straightforward manner and she showed enough discernment and intelligence to understand the facts she was testifying to. The week denials of the defendant cannot prevail over the clear, positive and straightforward testimony of the minor offended girl, Purisima Machica, whose testimony was corroborated by her mother Rosita Machica. These two witnesses have no motive to testify falsely and impute to the defendant so serious an offense like rape. As a matter of fact, the defendant admits that the relationship between the witnesses and himself has always been good and that he is not aware of any motive of the prosecution witnesses to accuse him falsely of the crime of rape."^[5] Hence the judgment of conviction.

There is no justification therefore for a reversal. The presumption of innocence had been overcome. The guilt of appellant was shown beyond reasonable doubt.^[6]

WHEREFORE, the appeal is dismissed. No costs.

Makasiar, Guerrero, Abad Santos, De Castro and Escolin, JJ., concur.

Aquino and Concepcion, Jr., JJ., no part.

[1] MacIver, the Web of Government 21 (1947).

[2] Article VII, Section 11 of the Constitution.

[3] T.s.n., session of November 3, 1969, 2.

[4] Ibid, 3.

[5] Decision of lower court, 3.

[6] Cf. People v. Eriña, 50 Phil. 998 (1927).

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.