

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MELCHOR MALATE, DEFENDANT-APPELLANT.

G.R. No. L-49307. September 30, 1982

Ponente: PLANA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/ba8ec5db2bd3/>

PLANA, J.:

The Circuit Criminal Court at Legaspi City has found the appellant guilty of the crime of rape on the basis of the following findings:

"Milagros Llovit, 25 years old, married, and with a child of tender age was alone in her hut by the ricefields on the night of December 24, 1977 as her husband was in the Centro of barrio Alcala, Daraga, Albay, when at about 10:00 P.M., Melchor Malate asked to light a cigarette, Milagros gave him a match thru an opening of the wall of coconut leaves but instead of lighting his cigarette, Melchor held her hand tightly, causing Milagros to withdraw abruptly. Melchor got mad and thrust his bolo thru the wall and afterwards forcibly pushed open the door to the hut and embraced and grappled with Milagros. She was able to escape out of the hut with Melchor pursuing her as she run thru the ricefield newly planted to palay. Milagros fell face downwards across a ditch and Melchor turned her up as he forcibly laid down on top of her. Melchor pulled down her panty and short pants. A bolo was placed over her throat, threatening to kill her if she does not submit to his carnal desire. Milagros used both her hands to prevent the blade from injuring her throat as she felt Melchor trying to let his penis penetrate her female organ. Although she said Melchor was unable to go through as the penis was not hard for he was drunk. She pleaded to him not to go on. Melchor left her moments afterwards with a threat and a warning to her not to tell anyone what happened. After Melchor was gone, Milagros immediately proceeded to the house of Agapito Aydalla and called to him, narrating that she was abused by Melchor. They went to the house of barrio councilman that evening and she also told Jose Aydalla what happened to her. Jose Aydalla fetched Teotimo Madrona another barrio official, who also investigated Milagros.

"Agapito Aydalla corroborated the testimony of Milagros Llovit about her immediate report made to him right after the incident. Agapito saw Milagros crying and trembling as she recounted the experience. Jose Aydalla also said that Agapito Aydalla and Hermel Lovit, husband of Milagros, went to him to inform him (Jose Aydalla) of the incident and he proceeded to the house of Agapito Aydalla where Jose found Milagros and Virginia Murillo, wife of Agapito. Jose Aydalla investigated Milagros who informed him of what happened to her that same evening. Jose Aydalla went to call for Teotimo Madrona, a barrio official and also passed by Alejandro Llovit, father-in-law of Milagros, whom he advised not to do anything untoward as he was sporting a bolo and cried upon learning what happened to Milagros. The rape was reported to the local police. Early the following morning, Aydalla with a policeman went to the ricefield where Milagros ran to escape and to the place by the ditch where she fell and the alleged rape took place. They saw footprints thru the ricefield then planted to palay and signs of struggle at the ditch. The policeman even commented that if only they had a camera, picture of the footprints could have been taken. The clothings worn by Milagros were brought to the police as at 8:30 A.M. on December 25, 1977, Milagros and her husband Hermel went to town to file the complaint with the police. Milagros Llovit went to the Albay Provincial Hospital at about 9:00 A.M. on December 25, 1977 for corresponding medical examination. (Exh. "B") (CCC decision, original record- pp. 133-135.)

In this appeal, the appellant thru his learned counsel has assigned three errors that boil down to the question of whether the crime charged has been proved beyond reasonable doubt.

Numerous circumstances generate serious doubt on the guilt of the appellant:

1. Appellant knew the complainant to be married. There was no indication that appellant knew that complainant's husband was away at the time of the incident, but according to the evidence for the Prosecution, he brazenly barged into the house of complainant after 10:00 o'clock on the night of December 24, 1977, when he could not have possibly known if complainant had adult companions therein, and tried to assault her. This is not easy to believe.
2. According to complainant, she grappled with the appellant inside her house and ran outside after having succeeded in extricating herself from the clutches of appellant, up to about fifteen meters away, when she tripped and fell before the appellant laid on top of her. Surprisingly, however, while she was able to offer staunch resistance to appellant, at no instance did she shout for help or make an outcry although her neighbor, Agapito Aydalla, together with his wife and several children, were just nearby.
3. When complainant ran out of her house to escape from her assailant, she allegedly did not run towards the house of her neighbor, Agapito Aydalla, whose help she later sought after the incident, but away from said house.
4. According to complainant, while she was running away from the appellant in the vicinity of the ricefield, she tripped and fell, whereupon the appellant pulled her dress down to her waist, instead of raising the same. As pointed out by the de officio counsel, if the intention of appellant was to rape the complainant, pulling down her dress to the level of her umbilicus would merely be an obstacle to the accomplishment of such objective.
5. Complainant claimed that she tripped and fell beside the ricefield near a place planted with vegetables where the ground was wet, and that was the situs where the appellant allegedly laid on top of her. Yet there is no indication at all that complainant had mud in her body nor in any of the three articles of clothing she was wearing at the time.
6. When appellant was in the process of ravishing the complainant, he was allegedly holding a bolo across the neck of complainant, while the latter was blocking the bolo with her two hands over her throat with open palms. Yet, although she was blocking the cutting side of the bolo, there is no indication that she suffered any wound.
7. Complainant said that the organ of appellant was "soft" probably because he was drunk; yet she at the same time claimed that there was penetration.
8. According to complainant, after appellant had gained entry, perhaps partial penetration at best because his organ was limp, the latter - upon the entreaty of complainant - abruptly stopped and left in a huff, when his victim was supposedly already at his mercy and there was no one to give her aid.
9. Finally, according to complainant, while appellant was raping her, his right hand was holding a bolo across the neck of complainant, even as he held his organ with his left hand and forced it to be inserted. The complainant testified as follows:

"Q - Was he able to penetrate his penis into your vagina?

"A - It was able to enter because he was holding it and he was forcing it to be inserted.

x x x

"COURT:

"Q - Now, according to you the organ of the man who went - the man who committed this alleged offense on

you was soft. Could you say that it was soft because you held it!

"A - I did not hold it but I could feel that it was soft.

"Q - In other words, because it was soft it was not able to penetrate?

"A - It entered because he was helping it with his hand.

"Q - With his left or right hand?

"A - His left hand." (TSN - April 18, 1978, p. 6; April 25, 1978, p. 2.)

It is rather unnatural that one who was being assaulted, as complainant allegedly was, would note with precision the foregoing details.

The trial court has made some errors in its exposition of the facts. Contrary to the finding of the trial court, it is not true that after appellant had left the alleged situs of the incident, the complainant immediately went to the house of Agapito Aydalla and reported the assault. According to the complainant, she went home first before going to the house of Agapito; and when she spoke with the latter, she did not mention the assault. She merely asked Agapito to fetch her husband. Moreover, there is no evidence on record that before leaving the complainant, appellant made "a threat and a warning to her not to tell anyone what happened."

All considered, we cannot rest easy in the conviction that appellant indeed committed the heinous crime of which he is charged.

WHEREFORE, the appellant is hereby acquitted on the ground of reasonable doubt and his immediate release, if he is still confined, is ordered, unless he is held for some other cause.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Relova, and Gutierrez, JJ., concur.

Melencio-Herrera, J., see attached dissent.

Vasquez, J., no part.

DISSENTING OPINION

MELENCIO-HERRERA, J.:

I vote to affirm the judgment of conviction.

1. Complainant lost no time in denouncing the offense soon after its commission. She went to the house of Agapito Aydalla and sought his help to look for her husband. This was a most natural reaction considering the ordeal and the harrowing experience that she had just gone through. She wanted her husband to be the first to know. But even upon arrival at the house of Agapito she already told him "I wanted to ask help from you because Melchor Malate forced me" (t.s.n., April 25, 1975, p. 2).

After Agapito had located her husband, both of them went to Barrio Councilman Jose Aydalla. When they returned, Complainant narrated to the latter what had happened. Upon learning of it, Jose Aydalla fetched another Barrio Councilman, Teotimo Madrona. That same evening, the latter and complainant's father-in-law reported the assault to the local authorities.

The day after, on December 25, 1977, complainant submitted to a medical examination and filed the complaint for Rape against the accused.

Surely, this succession of immediate steps taken, not only by the complainant herself but also by the local authorities to whom she had reported the incident, sufficiently demonstrate spontaneity and attest to the credibility and veracity of complainant's charge.

2. The day after the incident, the local police went to the scene of the incident as indicated by complainant and found "signs of struggle" and footprints.

The absence of any showing that complainant's clothes and body were muddy does not necessarily destroy her credibility notwithstanding her testimony that the ground was wet, considering that the area was planted to vegetable plants and other crops, which may have protected her from becoming muddied.

3. Although there may be no evidence on record that before the accused left complainant, he had made "a threat and a warning to her not to tell anyone what happened", that is not an indispensable factor for conviction. But complainant did testify positively that the accused threatened her that if she did not submit to his carnal desire he would cut off her head (t.s.n., April 19, 1978 , p. 2).

4. That force and violence were employed on complainant is shown by the abrasions she sustained on the left and right portions anterior side of the neck, and on the left cheek (t.s.n., April 19, 1978 , p. 2; April 25, 1978 , p. 6).

Without more, I believe that the culpability of the accused for the crime charged has been established.

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.