

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF – APPELLEE, VS. RODRIGO CAWILI, DEFENDANT AND APPELLANT.*G.R. No. L-30543. July 15, 1975*

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e65ec8d79268/>**FERNANDO, J.:**

The difficulty that faces appellant Rodrigo Cawili, prosecuted and convicted for the crime of rape in the lower court, arises from the coherent and straightforward story narrated by the offended party, a thirteen-year old girl, who, while asleep in her house was taken by surprise by the accused and thus fell victim to his carnal desires. Nonetheless, there is in the brief submitted by counsel a sustained effort to seek a reversal predicated on the ground that an appraisal of the testimony offered by the prosecution would reveal that the constitutional presumption of innocence had not been overcome.[1] A careful study of the records, however, discloses that the lower court did consider carefully and meticulously the evidence of both the complainant and the accused. It was his conclusion that there was enough proof to satisfy the requirement that guilt be shown beyond reasonable doubt. We are not justified in viewing the matter differently. We affirm.

The victim of rape in this case is Elizabeth de Jesus, who, at the time of the commission of the offense, was thirteen years of age. She was in the sixth grade. She began by stating that she was asleep in her house at Barrio Almacen, Hermosa, Bataan, at about 10:00 in the evening of February 11, 1968. Then she continued: "I was awakened by a certain weight upon my body and when I was awakened, accused Rodrigo Cawili was on top of me and [I] felt pain in my private parts." [2] She then pushed and kicked him and shouted at the top of her voice "Inang" (Mother). [3] Asked why she had felt such pain, she answered that his genital organ was inserted in hers. [4] Obviously alarmed by her shout, Rodrigo Cawili released her and ran downstairs; her mother, awakened by the shout, went to the kitchen and came back with a bolo to chase Cawili but she did not catch up with him. [5] On cross-examination, Elizabeth de Jesus admitted that when she went to bed she had her panties on, but that when she woke up, she noticed that not only was appellant on top of her but also that she was divested of such garment. [6] The trial court itself did not merely accept her story. It pursued the matter further. [7] She explained that the previous night, a Saturday, she had attended a party in Barrio Pulo, Hermosa, Bataan, one that lasted until almost morning. All day the next day, she pressed clothes. Thus it was that on the night of February 11, 1968, she went to bed tired and drowsy. She slept soundly. It was not unexpected then for appellant to be able to remove such garment and for him to place himself on top of her without her immediately noticing it. [8] When the incident happened, on February 11, 1968, the young girl's father was not at home. When he came back from work from Subic, Zambales, on February 17, 1968, his daughter was so ashamed of what had happened to her that she did not even tell him specifically that appellant had succeeded in having carnal knowledge of her. It was only after she was brought to a doctor on February 19, 1968, and it was discovered that she had a swollen vulva, a swollen urethral orifice and a ruptured hymen with two healed lacerations, [9] that she admitted to her father that appellant succeeded in his designs. Rodrigo Cawili, a neighbor and a "compadre" of the young victim's mother, was readily recognized by Elizabeth de Jesus because "the house was bright inside, it being lighted by a lamp, second, there was a light on the post just opposite our house, and third, it was a moonlit night." [10] The facts narrated above

gave rise to the charge of rape against Rodrigo Cawili.

After trial duly had, he was convicted and sentenced to suffer the penalty of reclusion perpetua, to indemnify the offended party and to recognize and support the offspring, if any. The case is before us now on appeal. As noted at the outset, the principal ground relied upon as the basis for reversal is that the constitutional presumption of innocence had not been overcome by proof beyond reasonable doubt. While there is a recognition that the appraisal of the lower court of the evidence offered is accorded deference and respect, it is submitted that such finding cannot prevail in the absence of a showing that suffices to overturn what is so clearly expressed in the fundamental law that guilt is not to be presumed.[11] As a statement of juridical norm, that is correct. This Court has repeatedly stressed that accusation cannot be considered as synonymous with culpability, and the evidence offered by the prosecution must meet the required standard. Only then is a conviction warranted.[12] It is on that basis that in several recent decisions, a person accused of and sentenced for rape succeeded in obtaining a reversal.[13] This is not, however, as already mentioned, one such case.

1. In appellant's brief, the principal authority cited in support of the plea that the constitutional presumption of innocence had not been overcome is an excerpt from Justice Laurel's opinion in *People vs. Manoji*. [14] What was conveniently left out was the opening phrase of the citation which certainly casts a different light on the matter. Accuracy demands that this particular sentence relied upon be quoted in full: "In the light of the facts and circumstances of record, we feel that it is better to acquit a man on reasonable doubt, even though he may in reality be guilty, than to confine in the penitentiary for the rest of his natural life a person who may be innocent. . ."[15] As a matter of fact, the opening sentence of that particular paragraph starts with this phrase: "Upon the other hand, there are certain facts which if taken together are sufficient to raise in the mind of the court a grave doubt as to the guilt of the defendant-appellant, . . ."[16] In this case, on the contrary, the testimony of the offended party, so firm and so categorical, does not give rise to any such misgivings. When put on the stand by her counsel, she was able to narrate clearly and concisely the untoward event that befell her in the evening on question. Afterwards, she was cross-examined intensively and exhaustively for two days.[17] Questions searching in character but unavoidable considering the nature of the offense, quite embarrassing for a young girl of tender years, came not only from the defense but also from the judge, desirous of ascertaining the truth and conscious of the dire penalty that goes with conviction for this heinous crime. At one stage, her counsel had to ask the court for a recess of five minutes as she was evidently under strain and she was feeling dizzy.[18] The court granted a suspension of the session not for five minutes sought but for ten minutes. Moreover, right afterwards, it was adjourned.[19] The grueling ordeal to which she was subjected continued all throughout the next day when the hearing was resumed. Her version of what transpired came under the most rigorous scrutiny, again from both the defense and the court itself. No contradiction was elicited although it was quite obvious that she would rather not remember the details of that unfortunate incident. Twice the session had to be suspended because she was in tears.[20] The second time, the court itself was moved to declare: "The witness is still crying. Let us have a recess." [21]

2. This notwithstanding, counsel for appellant would have the temerity to assert that the testimony of complainant was "evasive". [22] He would seek to impress on us that there was not enough evidence to warrant conviction for the offense of rape and would imply that perhaps only trespass to dwelling was committed. Such a contention is devoid of merit. As was stressed in *People v. Baylon*: [23] "The other point raised in the brief for appellant that the crime of rape was not shown to have been committed defies rationality, let alone common sense. Time and time again, this Court had correctly observed that no woman, especially one of tender age, would willingly expose herself to the embarrassment of a public trial wherein she would have not only to admit but also to narrate the violation of her person, if such indeed were not the case. Far better, it is in not a few cases to spare herself the humiliation if there be some other way of bringing the offender to justice. Here, there was such a testimony

coming from the offended party, firm, categorical, straightforward. . . . It is quite a strain on one's credulity to believe that under such circumstances, the young girl's honor remained unsullied, the nefarious design, unfulfilled. To repeat, appellant had not made out a case for a reversal." [24] The succeeding paragraph in the opinion therein rendered likewise deserves mention: "Nor is this all. As was noted in a recent case, *People vs. Molina*, it is manifest in the decisions of this Court that where the offended parties are young and immature girls like the victim in this case, there is a marked receptivity on its part to lend credence to their version of what transpired. It is not to be wondered at. The state, as *parens patriae*, is under the obligation to minimize the risk of harm to those, who, because of their minority, are as yet unable to take care of themselves fully. Those of tender years deserve its utmost protection. Moreover, the injury in cases of rape is not inflicted on the unfortunate victim alone. The consternation it causes her family must also be taken into account. It may reflect a failure to abide by the announced concern in the fundamental law for such institution. There is all the more reason then for the rigorous application of the penal law with its severe penalty for this offense, whenever warranted." [25]

3. There is one other matter equally deserving of attention. Counsel for appellant did not even mention the defense offered by his client. It is understandable why. In the statement of the accused taken before Corporal Cipriano Vistan [26] and subscribed before the Municipal Judge Bernabe T. Penaflor of Hermosa, Bataan, he admitted having entered the house of complainant with the explanation that he made a mistake due to his being in a state of intoxication, but denied having done anything reprehensible. At the trial, he had another version. He would rely on alibi. This is how the lower court disposed of the matter: "The defense interposed by the accused is alibi. His testimony is to the effect that starting from 9:00 o'clock in the evening of February 11, 1968, he was in his house at Almacen, Hermosa, Bataan, asleep with his wife and child. He asserts that the filing of the instant criminal charge against him was ill-motivated, because his wife and the spouses Dominador de Jesus and Rufina Santos had a misunderstanding; that the spouses used to buy goods on credit from their store and failed to pay their account; that prior to February 11, 1968, the spouses tried to get some more goods on credit which he refused, because the old debt was not paid; that because of the incident, the spouses went to the extent of approaching Nicanor Sioson, the owner of the lot where his store is erected for the purpose of having him ejected from Sioson's lot. The accused further testified that he was forced to give his statement, Exhibit C, and had to sign it because he was mauled. He showed a scar on the upper left eyebrow; and [said] that he signed his statement not before the subscribing officer, Municipal Judge Penaflor, but in jail. The defense deserves no serious consideration. The accused could not produce any one of the persons he mentioned . . . to corroborate his testimony. His claim that his sworn statement, Exhibit C, was forcibly taken out of him as evidenced by his swollen left eyebrow, was belied both by Pat. Conrado Alvaro of the Hermosa Police Force, who fetched the accused from his house to the Municipal Building for investigation, and by P.C. Sgt. Cipriano Vistan. Pat. Alvaro testified that when he made a preliminary inquiry, the accused admitted to him having entered the house of Dominador de Jesus on the night in question because he was drunk. Pat. Alvaro denied having mauled the accused. Likewise Sgt. Vistan declared that in the course of his investigation, the accused revealed to him that he (accused) was boxed by Dominador de Jesus, father' of the complainant, [thus explaining] the swollen face and cut on the upper left eyebrow." [27] What had been stated earlier as to the ordeal undergone by the offended party when she was placed on the stand to give her credible and competent testimony with a clear identification of the accused would serve to bolster further the characterization of his defense as undeserving of serious consideration. Moreover, there is this excerpt from the recent decision of *People vs. Cudalina*: [28] "It suffices to state that this Court when confronted with the defense of alibi in rape cases has invariably found it unconvincing and unsatisfactory." [29]

WHEREFORE, the appealed decision of March 31, 1969 by the then Judge Tito V. Tizon of the Court of First Instance of Bataan is affirmed. Costs against appellant.

Barredo, Antonio, Aquino, and Concepcion, Jr., JJ., concur.

[1] According to Article IV, Section 19 of the Constitution: "In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved.

[2] T.s.n., Session of August 1, 1968, 1.

[3] Ibid, 2.

[4] Ibid, 3.

[5] Ibid.

[6] Ibid, 6.

[7] T.s.n., Session of August 2, 1968, 14.

[8] Ibid.

[9] Exhibit A, Folder of Exhibits, 5.

[10] T.s.n., Session of August 2, 1968, 2.

[11] Cf. People vs. Alto, L-18660, November 29, 1968, 26 SCRA 342; People vs. Pagkaliwagan, L-29948, November 26, 1970, 36 SCRA 113; People vs. Macaraeg, L-32806, October 23, 1973, 53 SCRA 285.

[12] Cf. People vs. Dramayo, L-21325, Oct. 29, 1971, 42 SCRA 59; People vs. Macaraeg, L-32806, Oct. 23, 1973, 53 SCRA 285; People vs. Molina, L-30191, Oct. 27, 1973, 53 SCRA 495; People vs. Zamora, L-34090, Nov. 26, 1973, 54 SCRA 47; People vs. Alvarez, L-34644, Jan. 17, 1974, 55 SCRA 81; People vs. Barbo, L-30988, March 29, 1974, 56 SCRA 459; People vs. Reyes, L-36874, Sept. 30, 1974, 60 SCRA 126; People vs. Roa, L-35284, Jan. 17, 1975, 62 SCRA 51.

[13] Cf. People Alvarez, L-34644, Jan. 17, 1974, 55 SCRA 81; People vs. Dayag, L--30619, March 29, 1974, 56 SCRA 439; People vs. Barbo, L-30988, March 29, 1974, 56 SCRA 459; People vs. Castro, L-33175, Aug. 19, 1974, 58 SCRA 473; People vs. Reyes, L-32806, Sept. 30, 1974, 60 SCRA 126.

[14] 68 Phil. 471 (1939). The attention of counsel for the appellant is invited to his inaccuracy as to the page on which this case is reported in 68 Phil. It is 471 and not 147. Lawyers are well advised to be more careful in their citations.

[15] Ibid, 475. People vs. Asinas, 53 Phil. 59 (1929), was cited.

[16] Ibid.

[17] T.s.n., Session of August 1, 1968 and T.s.n., Session of August 2, 1968.

[18] T.s.n., Session of August 1, 1968, 10.

[19] Ibid, 11.

[20] T.s.n., Session of August 2, 1968, 14 and 17.

[21] Ibid, 17.

[22] Brief for Appellant, 11.

[23] L-35785, May 29, 1974, 57 SCRA 114.

[24] Ibid, 120.

[25] Ibid, 120-121.

[26] Exhibit C.

[27] Decision, Annex A of Appellant's Brief, 3-4.

[28] L-34969, April 29, 1975.

[29] The following cases were cited: *People vs. Sardoma*, 79 Phil. 607 (1947); *People vs. Canastre*, 82 Phil. 480 (1948); *People vs. Maniego*, 83 Phil. 916 (1949) *People vs. Napili*, 85 Phil. 521 (1950); *People vs. Caisip*, 105 Phil. 1180 (1959); *People vs. Linde*, 110 Phil. 637, (1961); *People vs. Selfaison*, L-14732, Jan. 28, 1961, 1 SCRA 235; *People vs. Orteza*, L-16033, Sept. 29, 1962, 6 SCRA 109; *People vs. Modelo*, L-29144, Oct. 30, 1970, 35 SCRA 639; *People vs. Amit*, L-30102, Feb. 27, 1971, 37 SCRA 793; *People vs. Olden*, L-27570, Sept. 20, 1972, 47 SCRA 45; *People vs. Carandang*, L-31012, Aug. 15, 1973, 52 SCRA 259; *People vs. De la Cruz*, L-28810, March 27, 1974, 56 SCRA 84; *People vs. Dayag*, L-30619, March 29, 1974, 56 SCRA 439; *People vs. Baylon*, L-35785, May 29, 1974, 57 SCRA 114.

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.