

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RIZALINA TUNGALA, DEFENDANT-APPELLANT.*G.R. No. L-7443. September 27, 1957*

Ponente: BENGZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/ec0f1989cc2b/>**BENGZON, J.:**

In the court of first instance or Rizal, Rizalina Tungala and three other unknown individuals were accused of having forcibly taken Lucina Quijano away from Quezon City, and of having kept her in Manila against her will for more than one day, until she managed to escape.

Duly arraigned and tried before the Hon. Hermogenes Caluag Judge, Rizalina was found guilty and sentenced to life imprisonment and to pay costs. She appealed in due time. In her brief she assigned several errors mainly discussing the factual question whether she had participated in the alleged kidnaping.

According to the evidence of record, Lucina Quijano was a 12-year old student of the Kamuning Elementary School in Kamuning Districts Quezon City, who lived with her mother Maria de los Santos in the house of Atty, Inocencio Gonzales in the same district.

Shortly after noontime in August 29, 1952 she entered school as usual. Then she was ordered by a teacher to get some paper from Titan's Store nearby. On her way to that store she was suddenly grabbed by appellant and dragged into a parked taxicab, wherein a man (still unknown) was seated beside the driver. The car immediately moved and sped along Sampaloc Avenue, Quezon City towards Quiapo, Thence, it proceeded thru other Manila streets until it stopped near a house where Lucina was delivered by her captors to the custody of a fat man, who was keeping watch over three other girls, about Lucina's age. Such man allowed no talking among his prisoners. The latter were served supper that evening, and breakfast and lunch the next day. After lunch, Lucina asked, and was given permission to go outside for a few moments to answer a call of nature. Passing thru the kitchen door she seized the opportunity to escape, and hurrying over some adobe stones, half-buried in muddy soil, she reached the street and then boarded a passing jeepney, which fortunately for her was bound for Plaza Sta, Cruz where she alighted only to take another bus for Kamuning District, arriving at her home that Saturday night. On the next Monday the matter was reported to the police authorities with the help of Attorney Gonzales.

Unnecessary to set here in detail the efforts of the police officers, with the cooperation of Lucina, to discover the house where she had been detained. It was finally located in San Nicolas District, near the San Miguel Glass Factory, and turned out to be the home of Catalina Pador, mother of herein accused Rizalina Tungala. On the wall was spotted a group picture of this accused with others (Exhibit "C"). Pointing to Rizalina's face, Lucina told the officers she was the person who had dragged her into the taxi-cab and had threatened her to be quiet while the car was in motion. Upon being asked, Catalina Pador said Rizalina had left for New Washington, Capiz, in the course of her work as recruiter of servant maids. Thither proceeded the policemen (detectives) with Lucina; and the arrest of the herein appellant quickly followed upon the filing of the corresponding information, after confrontation of Lucina with Rizalina in the residence of the Mayor of said town.

The above abridged account is based upon the testimony of Lucina, her mother Maria de los Santos, detectives Albano, Javier and Villanueva and of other corroborating witnesses. The trial court's decision makes a complete statement of the facts, which we find to be substantially correct.

The defendant denied having seen Lucina in Quezon City or having snatched her therefrom. She insists Lucina's testimony was incredible and that her identification as the kidnaper was far from satisfactory. The point is stressed that during the trip to Capiz the detectives had repeatedly shown appellant's picture to Lucina, enjoining the latter always to remember the defendant's features.

We have read the record with the transcript of the notes taken during the trial; and we are satisfied Lucina and the officers had no reason falsely to impute this serious crime to herein appellant. We are convinced the girl made no mistake as to the identity of her kidnaper. Indeed, there is no showing that when she saw the picture Exhibit C in the house, she was prompted or taught by the police officers to point to herein defendant as the guilty party. And the fact that Rizalina Tungala was actually engaged in the recruitment of maids for domestic service heightens the probability that in her desire for gain she scrupled not to take Lucina away from her folks, -even thru force and intimidation- to deliver her into servitude in some far-away municipality where she could never be found or from where she could never return to her family in Quezon City, Alas for the poor little girls who stumble into the clutches of such inhuman traffic. This being not an isolated instance if we are to believe appellants own exhibit, attached to her petition for new trial, wherein another woman Zenaida Flores admitted having engaged in the forcible abduction of young girls for domestic service.

By the way, such petition for new trial may not be granted for the reason, among others, that the admission by Zenaida of having kidnaped Lucina is not under oath.

The offense is kidnapping punished with reclusion temporal in its maximum period to death (Art. 267 Revised Penal Code as amended by Republic Act No. 18). The use of a motor vehicle aggravated the commission of the crime. But as there are not enough votes, life imprisonment becomes the imposable penalty. Wherefore, the appealed judgment must be, and is hereby affirmed with costs against appellant. So ordered.

Paras, C.J., Montemayor, Reyes A., Bautista Angelo, Concepcion, Reyes, J.B.L. Endencia, and Felix, JJ., concur. Padilla, and Labrador, JJ., no part.

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.