

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. JUAN DE GUZMAN, EUGENIO DE LA CRUZ AND EDUARDO MOJICA, DEFENDANTS AND APPELLANTS.

G.R. No. 27633, December 02, 1927

Ponente: VILLA-REAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-27633/>

VILLA-REAL, J.:

The present appeal was taken by Juan de Guzman, Eugenio de la Cruz and Eduardo Mojica from a judgment of the Court of First Instance of Bulacan, convicting them of the crime of abduction, denned and penalized in article 445 of the Penal Code, and sentencing Juan de Guzman and Eduardo Mojica each to seventeen years, four months and one day reclusion temporal, with the accessories of law, and Eugenio de la Cruz, who was less than 18 years of age at the time of the commission of the crime, to twelve years presidio mayor, with the accessories, and to pay their proportional share of the costs, taking into account the aggravating circumstance of the crime having been committed in an uninhabited place, without being offset by any extenuating circumstance, except with regard to Eugenio de la Cruz.

The following facts were proved beyond a reasonable doubt at the trial:

In the evening of November 20, 1925, Rosa Salvador, a 14-year-old girl, and her sister, Casimira Salvador, 15 years of age, left the farm of the accused Eugenio de la Cruz where they had been threshing rice and were returning to their home in the barrio of Bignay, municipality of Polo, Province of Bulacan. The accused Juan de Guzman, Eugenio de la Cruz and Eduardo Mojica, followed them. Upon reaching a lonely spot, the first two took hold of Rosa Salvador and led her by force to a nearby forest, while the accused Eduardo Mojica held Casimira Salvador, to prevent her from joining her sister, threatening her with a penknife. Casimira, however, succeeded in disengaging herself; but seeing the impossibility of saving her sister alone, she thought it better to continue on her way to her home and seek her brother's help, which she did. After his victim had escaped, Eduardo Mojica joined his coaccused, helping them to take Rosa Salvador by force towards the forest, which they succeeded in doing, notwithstanding the resistance and shouts for help of the offended party. When they arrived at the forest Eugenio de la Cruz and Eduardo Mojica went away, leaving Juan de Guzman alone with the offended party. Without losing any time, Juan de Guzman tried to throw down Rosa Salvador on her back, but could not do so, by reason of the stubborn resistance offered by the young girl. Seeing that he was unable to accomplish his purpose, Juan de Guzman called to his two companions for assistance. Between the three of them, they succeeded in throwing her on the ground, Eduardo Mojica holding her by the hands and Eugenio de la Cruz by the feet. After thus subduing her, the accused Juan de Guzman mounted her and had carnal knowledge of her. After this bestial act, and as darkness had already appeared, the accused took the young girl by brute force, in spite of her resistance and her cries, towards the barrio of Novaliches, passing by farms and forests. She came out of the struggle with a torn dress and her feet wounded by the thorns on the ground over which they had passed. Before coming to the barrio of Novaliches, the accused and their victim stopped at the house of one Jose Delosmo (alias Uni), where they took their supper. Rosa was weeping bitterly the while. When Jose Delosmo saw her, he told her to stop crying, and to

take supper with the accused, and not to go with anyone who tried to take her. The aggrieved party refused to eat. From, there they took her to Juan de Guzman's house at Novaliches, the latter threatening her if she made any outcry. Juan de Guzman's mother several times tried to convince Rosa to be resigned and to consent to marry her son, but all in vain. At about midnight, the accused took the offended party by force to the house of a Protestant minister. After Juan de Guzman had spoken to the clergyman, a document was presented to the young woman for her signature. As she refused to sign it, Juan de Guzman took hold of her hand and forced her to put her thumb mark on the paper. Rosa continued to weep and the parson took her aside to a corner of the house and spoke privately with her. When the young woman told him that she did not love Juan de Guzman and that he had abducted her, the minister took the document and tore it up, and told her to remain in his house. Juan de Guzman threatened to kill her if she did not go with him, and between him and his coaccused, again took her to the house of said Juan de Guzman. While the offended party sat weeping on a bench in the former's house, her mother arrived, accompanied by her sister and brother, Crispulo Salvador. On seeing her mother, the offended party flew to her arms, weeping, and begged her not to leave her. At daybreak on the following day, the offended party, her mother, brother, and sister, left the house of Juan de Guzman, and took their breakfast in a store. When they were about to go home, they met the barrio lieutenant, Andres de Jesus, who took the mother of the offended party, together with the latter's brother and sister, to his house, leaving said offended party in the store. The barrio lieutenant spoke to the mother of the offended party, who was the godmother of his child, and suggested that the latter consent to her daughter marrying the accused Juan de Guzman, or at least not to file a complaint. The mother replied that her daughter Rosa was the one to be consulted. When the latter was questioned in this regard, she answered that under no circumstances would she consent to live with the accused Juan de Guzman.

Counsel for the defense tried to prove that the accused Juan de Guzman and the offended party, Rosa Salvador, were sweethearts; that Rosa Salvador and her sister, Casimira Salvador returned from the farm together with the accused on the afternoon of the day of the crime; that as Rosa Salvador loitered behind conversing with the accused Juan de Guzman, Casimira became displeased with her and hurried on to her house in the barrio of Bignay; that, finding herself alone, Rosa Salvador begged Eduardo Mojica and Eugenio de la Cruz not to leave her because she feared she would be pursued on the suspicion that she was running away with Juan de Guzman; that Rosa Salvador and the accused arrived at Jose Delosmo's house at about 8 p. m. and stopped there for supper; that although Jose Delosmo is Rosa's uncle, he did not speak to her, nor did it occur to him to ask why she was with said accused, for he was sick abed; that Rosa did not weep or complain against her companions; that after supper at Jose Delosmo's house, they continued on their way to the house of the accused Juan de Guzman, in the barrio of Novaliches; that upon arriving there, Rosa and said accused told the latter's mother, Barbara de los Santos, that they wished to marry; that Juan de Guzman's mother offered Rosa one of her own dresses and made her change; that when she was dressed, they went to the house of the minister Nicomedes de Guzman at about 10 that night; that after the Protestant minister had ascertained if they were of legal age to contract marriage, he performed the marriage ceremony, delivering a copy of the certificate to the offended party; that, after the ceremony the accused and the offended party returned to the former's house where they went to bed together as husband and wife, and thrice had carnal relations; that while they were still in bed, and at about 1 o'clock in the morning, the Constabulary soldiers, Leonardo Villegas and Juan Julog, to whom Rosa's mother, her sister Casimira and her brother Crispulo had reported the incident arrived and found Rosa and Juan sleeping together, covered with a single blanket; that on waking up, Rosa told the Constabulary men that she had not been abducted, and that she had married Juan de Guzman of her own free will; that afterwards, the brother and sister of the offended party arrived and one of them asked Rosa why she had run away with the accused, to which Rosa replied that she had not run away but that she had agreed to get married; that at about 4 o'clock in the morning Corporal Feralta also arrived at the house, accompanied by the mother and sister (Casimira) of the offended party; that when the latter was asked why she was in that house, she replied that it was the house of her husband, Juan de

Guzman, with whom she had eloped; that Rosa's mother urged her to leave her husband and she agreed; that Corporal Peralta then asked the offended party's mother what action she wished to take, and she said that she wished to wait a while, as she was inclined not to file a complaint, if the marriage could be annulled; that later on, while Rosa, her sister Casimira and her mother were with said Constabulary men, the barrio lieutenant, Andres de Jesus, whom the accused's mother had urged to intervene in the case, invited them to his house where, with the consent of the minister, they agreed to tear up the marriage certificate, and instead execute another to be drawn up by the same minister, stating that Juan de Guzman and Rosa Salvador had eloped, but had been overtaken by their pursuers before they could get married, and that the interested parties were willing to separate without incurring any liability.

In counterproof, the offended party's mother denied having had a part in the making of the alleged document of compromise. She likewise denied having urged her daughter Rosa to abandon the accused Juan de Guzman, because if Rosa had consented to marry said accused, she would not have objected. She also denied being in the company of the Constabulary men when she went to the accused's house on the night of the crime.

It will be seen that the respective versions of the prosecution and of the defense are diametrically contrary and the determination of the guilt or innocence of the accused depends on the credibility of the witnesses of the one side or the other.

An examination of the evidence in the record inclines us to the belief that the offended party's testimony, by its consistency and simplicity, reveals a sincerity indicating truth. Considering the extreme modesty and timidity of the Filipino woman, we cannot believe that the herein offended party, a young girl 14 years of age, whose chastity has not been questioned, could have fabricated, or wished to fabricate facts which would so seriously dishonor her, and much less discuss them at a public trial, thus giving rise to gossip and slander, without a powerful motive that would paralyze all her sense of modesty and shame. If it were true, as the defense alleges, that she agreed to elope with the accused Juan de Guzman and marry him, that she willingly signed the marriage certificate, slept with her alleged husband and three times had carnal relations with him, it is inconceivable that the mere appearance of her mother and sister and brother, who went in search of her, should have changed her from a loving sweetheart and wife to one who detested her husband and lover, and later accuse him of such a beastly and shameful crime. There is no indication that in denouncing the accused Juan de Guzman and his coaccused, she acted under the influence of acts or circumstances which were against her will. On the contrary, the evidence shows that when the lieutenant of barrio of Novaliches, making use of his influence as the father of the child whose godmother is the offended party's mother, begged her to permit her daughter to live with the accused, Juan de Guzman, she said that she had no objection if her daughter consented, but the offended party would not submit to such infamy saying that she did not love the said accused.

The offended party's testimony regarding her abduction is corroborated by the testimony of her sister, Casimira Salvador, who was forcibly separated from her and had to go to her barrio for help.

The offended party's testimony to the effect that she refused to sign the marriage certificate, that she was forced to put her thumb mark on it and that the Protestant minister later tore up said certificate on learning from her that she had been abducted, is corroborated by the testimony of one of the witnesses of the defense itself, named Serapio de la Cruz, in whose house lived the Protestant minister who drew said certificate.

The fact that neither the injured party nor her mother called any physician to examine her, although she felt pains in her genital organs, is explained not only by their ignorance, but also because, not believing it to be due to an illness, they did not think of calling one.

After duly weighing the probatory weight of the evidence adduced by both sides, and after considering all the

circumstances of the case, both physical and psychological, we are convinced beyond the slightest shadow of a doubt that each of the accused acted in the way and manner testified to by the offended party, in committing the complex crime of which she was the victim.

The above facts alleged in the information and proved at the trial, as committed by common agreement of the accused constitute the crimes of abduction with violence and rape, defined and penalized in articles 445 and 438 of the Penal Code, respectively; but the first was a necessary means to commit the second, because to carry out the ravishment they had to separate the offended party from her sister, with whom she was, and to take her to a forest, where the accused Juan de Guzman, with the help of the other accused, satisfied his bestial desire. The penalty provided for both crimes is reclusion temporal to its full extent. As the crime was consummated by the accused Juan de Guzman in conspiracy with his coaccused, Eugenio de la Cruz and Eduardo Mojica, and with the help of the same, the aggravating circumstance of abuse of superior strength was present; and as the place chosen for the commission of the crime was a distant forest, the aggravating circumstance of an uninhabited place should be taken into account.

As to the presence of any circumstance mitigating criminal liability, there is a special one applicable only to the accused Eugenio de la Cruz, namely, that he was more than 15 but less than 18 years of age at the time of the commission of the crime in question.

As to the liability of the accused, as they had all aimed to attain but one end, and as they acted by a common agreement, although only one of them consummated the rape, all are equally liable for the two crimes, and we might say that the act of one was the act of all.

As the accused are guilty of the complex crime of abduction through violence with rape, the penalty for the graver crime, in its maximum degree should be imposed, in accordance with the provision of article 89 of the Penal Code, which, in this case, is reclusion temporal which is common to both crimes.

For the regulation of this penalty, with respect to the accused Juan de Guzman and Eduardo Mojica, there must be taken into consideration the aggravating circumstances of abuse of superior strength and uninhabited place, without being offset by any extenuating circumstance, wherefore the penalty of reclusion temporal in its maximum degree, that is, seventeen years, four months and one day to twenty years; should be imposed in its maximum duration, or twenty years reclusion temporal.

As to Eugenio de la Cruz, being more than 15 and less than 18 years of age, the penalty next below that of reclusion temporal, that is, prision mayor should be applied, in accordance with paragraph 2 of article 85 of the Penal Code, its duration being from six years, and one day to twelve years. For the graduation of this penalty, the same circumstances of abuse of superior strength and uninhabited place, without being offset by any extenuating circumstance, should be taken into account, whence, said penalty should be imposed in its maximum degree, that is, twelve years.

The accused Juan de Guzman should be further sentenced to acknowledge and support the offspring, if any, and the three accused are hereby sentenced to endow the offended party jointly and severally with the sum of P500, with the accessories of law.

Wherefore, the judgment appealed from is modified and the accused Juan de Guzman is sentenced to twenty years reclusion temporal, and to acknowledge and support the offspring if any with the accessories of law; Eduardo Mojica, to twenty years reclusion temporal, with the accessories of law; and Eugenio de la Cruz, to twelve years prision mayor; and the three shall indemnify the offended party Rosa Salvador jointly and severally in the sum of P500, each one to pay his proportional part of the costs. So ordered.

Avanceña, C. J., Johnson, Street, Malcolm, Villamor, Ostrand, and Johns, 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.