

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ESCOLASTICO DE LA CRUZ, DEFENDANT AND APPELLANT.*G.R. No. 3702. November 29, 1907*

Ponente: TORRES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-3702/>**TORRES, J.:**

At about 8 o'clock on the morning of June 29, 1905, Maxima Hipolito being alone at her house, situated in the pueblo of Pulilan, Bulacan, her mother having gone to attend mass, Juan Ramos called and inquired if there was anyone with her in the house; she replied that she was alone and Ramos left. Shortly thereafter at the time when said Maxima Hipolito was taking her bath, Escolastico de la Cruz suddenly appeared, but as the girl saw him approaching and indecently dressed, she leaped from the batlan or terrace where she was to the yard; the accused followed her and upon reaching her, as Maxima had not yet been able to arise from the ground after the fall, he threw himself upon her, kissed her, and tried to make her lay on her back and raise her skirt; the assaulted girl firmly resisted the efforts made by Escolastico de la Cruz, and to her loud cries Dominga Hipolito, Lucrecia Fajardo, and Estefania Garcia responded, and owing to their presence the intent of the aggressor was not carried out; other neighbors including the aforesaid Ramos, Felix de la Cruz, Victoriano Ramos, and Gregorio San Pedro, although witnessing from their respective houses what had taken place,, did not render any assistance, and the accused, when seeing that the three women responded to the cries of the injured party, desisted and started to run; the three aforesaid women then helped Maxima back to her house and aided her in cleaning herself of the mud with which she was covered in consequence of the struggle Avith the man who assaulted her.

The facts stated above are duly proven by the testimony of the injured party and that of the three witnesses who, upon hearing her cries, went to her assistance and caught the accused as he was still struggling in the attempt to ravish her, from which he desisted only when he saw them near ing the place where he intended to commit the crime. From the particulars above set forth the offense has all the characteristics of the crime of attempted rape, defined and punished by article 438 in connection with article 66 of the Penal Code, inasmuch as the accused, though he did actually begin to carry out the crime as intended, by exterior acts tending to consummate the ravishment of Maxima Hipolito, yet his failure to commit all the acts whereby such crime might have resulted was not due to his own voluntary desistance but was on account of the sudden appearance of the three aforesaid witnesses who, attracted by the cries of the injured girl, went to her assistance.

The accused pleaded not guilty, yet notwithstanding the allegations set forth in his defense supported by the testimony of the four witnesses named Felix de la Cruz, Juan Ramos, Victoriano Ramos, and Gregorio San Pedro, the case contains sufficient evidence of his culpability as the proven author duly convicted of the crime of attempted rape, since it appears that these witnesses, who were neighbors of the injured party and who from their houses saw what was taking place, without attempting to prevent the brutal attempt by Escolastico de la Cruz, were interested in favor of the latter; when they were examined by the court they denied having witnessed the affair, showing by such conduct that they were resolved to conceal the truth and favor the accused, one of them, Juan Ramos, having inquired a short time prior to the attempt, if the girl was alone in her house. Prom all of the

foregoing these facts clearly appear and the crime and the responsibility of its author are proven beyond all reasonable doubt.

In the commission of the crime herein neither an extenuating nor an aggravating circumstance is present; therefore the penalty which the law imposes on the author of an attempted rape should be applied in its medium degree, as was done by the court below in the judgment-appealed from, which judgment moreover contains no essential defect whatever; although no statement of facts is made therein, it does show the guilt of the accused as sustained by the evidence taken at the trial. As it appears in the judgment appealed from that the crime was qualified and that the evidence adduced by both parties was considered by the lower court, this court upon review finds that the same was in accordance with the law and the merits of the case. The provisions of section 133 of the Code of Civil Procedure are not applicable to decisions in criminal cases which are subject to review by the appellate court, while in civil cases when motion for a new trial is not made on the ground of the insufficiency of the evidence, this court can not examine nor review the evidence adduced in the court below, but is obliged to accept those facts which the lower court has set forth as proven in the judgment appealed from, a fact which does not occur in criminal proceedings; therefore, the said section of the Code of Civil Procedure requires that a statement of such facts as were considered proven shall appear in the decision.

As to the intervention of the fiscal in these proceedings, the necessity for his action in the prosecution and punishment of the crime of rape, in view of the nature thereof, is unquestionable, without prejudice to the rights of the injured party, in accordance with the provisions of article 448, paragraph 2, of the Penal Code.

In view of the considerations above set forth, it is our opinion that the judgment appealed from, whereby the accused is sentenced to the penalty of three years of prison correccional, and to pay the costs, should be affirmed, provided, however, that the indemnity to the injured party shall be remitted, and that the accessory penalties of article 61 of the code shall be imposed with the costs of this instance, and it is so ordered.

Arellano, C. J., Mapa, Carson, Willard, and Tracey, 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.