

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. PRIMITIVO ESQUILONA, BERNABE ESQUILONA, AND JOSE ESQUILONA, DEFENDANTS AND APPELLANTS.

G.R. No. 37378. July 29, 1933

Ponente: ABAD SANTOS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-37378/>

ABAD SANTOS, J.:

That appellants, Primitivo Esquilona, Bernabe Esquilona, and Jose Esquilona were tried by the Court of First Instance of Masbate for the crime of rape. Bernabe Esquilona and Jose Esquilona were found guilty and each sentenced to fourteen years, eight months and one day of reclusion temporal, with the accessories of the law, and to pay his share of the costs. Primitivo Esquilona was ordered confined in the Philippine Training School for boys until he reaches the age of 18 years.

The alleged offended party, Marcela Villar, testified that at about 6 o'clock in the afternoon of October 11, 1931, in the barrio of Lajong, municipality of Aroroy, Province of Masbate, while she was on her way to the house of her elder brother Felipe, the three appellants met her on the read. Upon seeing her, they immediately drew out their bolos and, by threat and intimidation, forced her to go to the house of Antifas Esquilona, where again, by threat and intimidation, she was forced to submit to the embrace of Primitivo Esquilona. The testimony of Marcela Villar is in a way corroborated by the testimony of the other witnesses for the prosecution, Victorino Villar and Bernardo de la Cruz.

The defense presented evidence to the effect that Marcela Villar, the offended party, and Primitivo Esquilona, one of the accused, were sweethearts; that Marcela, of her own accord, went to the house of Juana Maglinti, mother of the appellants, because her father wanted her to marry Angeles Montero, whom she did not want to marry.

Eight witnesses testified for the defense as against three for the prosecution. While the number of witnesses should not, in and of itself, determine the weight of evidence, yet incase of conflicting testimony, the numerical factor may be given certain weight. Three of the defense witnesses appear to be disinterested. After a careful consideration of the evidence of record, we entertain serious doubt as to the guilt of the appellants. The appellants, are youngmen; the oldest of them was only 24 years at the time of the trial. We are not disposed to send these three youngmen to prison for over 14 years upon the evidence presented in this case.

The judgment appealed from is reserved and the appellants acquitted, with costs de oficio. So ordered.

Street, Malcolm, Vickers, and Imperial, 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.