

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. DALMACIO MATFFCON ET AL., DEFENDANTS AND APPELLANTS.

G. R. No. 41430. November 01, 1934

Ponente: HULL, J.

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HULL, J.:

Appellants were convicted in the Court of First Instance of Nueva Ecija of the crime of forcible abduction and rape. The offended party is an unmarried woman twenty-six years of age and the keeper of a stall in the public market of Cabanatuan, Nueva Ecija.

The theory of the prosecution is to the effect that on the evening of August 6, 1932, as the offended party was returning from the market to her home, she was seized by the accused under the leadership of Dalmacio Mangon, placed in an automobile by force, and ultimately taken to Bustos, Bulacan, where they arrived about three and a half hours later.

At the time that she was seized and placed in the automobile she was in the company of her sister and others, and almost at once the sister went to the constabulary and asked for help in the pursuit of her sister. The constabulary and the sister arrived at the house in Bustos just a few minutes after the first party arrived there. The offended party claimed that she was carried out of the house and into a corn-field nearby while the constabulary men were looking for her. Not finding her, her younger sister and the constabulary returned to Cabanatuan. While she was in the corn-field, she claims that Dalmacio Mangon tried to rape her but was unsuccessful on account of her resistance. Notwithstanding that the corn-field was wet, her clothes did not show any injury from such alleged assault.

A few minutes after her return to the house, which was the home of the stepmother of Dalmacio Mangon, the old lady, accompanied by several of the accused, went to the residence of the municipal president of Bustos and asked him to return to the house to conduct an investigation of the occurrence. The offended party claimed that during this time she was left alone in the house with Dalmacio Mangon and that the latter by force and threats at that time committed rape upon her person. She made no outcry although the driver of the automobile who had brought them to Bustos was in front of the shack and could have heard her if she had screamed.

The president at once went to the house, interviewed the offended party and Dalmacio Mangon, and being informed that it was an elopement with the desire of getting married, he went to his office and prepared Exhibit 1, which the offended party signed and swore to. The offended party, however, claims that this exhibit was prepared and brought to her by the municipal president and that she signed it at his insistence and on account of the fact that Dalmacio Mangon had sworn to kill her in case she did not sign it. Even according to the prosecuting witness, she made no complaint to the municipal president at that time. Exhibit 1 reads:

"Know all men by these presents:

"That I, Marcosa Clemente, of Cabanatuan, Province of Nueva Ecija, of age, after being duly sworn, depose and say:

"That on this August 6, 1932, I voluntarily went with Dalmacio Manjjon, because of Our mutual affection and because of my love and confidence in him.

"That this statement is made before the authorities in order to avoid casting any suspicion upon the man to whom I have entrusted my love and honor.

"In witness whereof, I hereunto sign my name at Buatos, Bulacan, on this 6th day of August, 1932.

(Sgd.) "MARCOSA CLEMENTE

"Subscribed and sworn to before me this 6 day of August 1932 at Bustos, Bulacan.

"C. S. DE LEON"

Municipal President"

The next day her mother went from Cabanatuan to Malolos and asked for the help of the constabulary. They declined to act believing it was a simple elopement. She then went to the office of the municipal president at Bustos and asked him to accompany her while she interviewed her daughter. This the municipal president did.

The mother claims that the daughter at that interview told her that she was acting under threats of her life and that not only would she be killed but all who would help her, should she return home before the marriage ceremony. In any event she refused to return home with her mother at that time. The offended party claims that at the time she was abducted she had approximately P500 in cash on her person and that during the automobile ride this was forcibly taken away from her by Dalmacio Mangon. The next day the mother asked about this money and, according to her testimony, she was told of the robbery but made no comment about it to the persons present as she thought it would be useless. On the other hand the municipal president testified that when she asked about the money, it was given to her by the daughter.

The mother asked the municipal president to take the daughter under his custody and let her live at his house until the matter could be straightened out. This the municipal president did, and when the daughter had been placed in his house, the mother returned home.

That afternoon the village priest came and took the declarations of Marcosa Clemente and Dalmacio Mangon with a view to their marriage, both signing the necessary documents. The offended party made no statement to the parish priest except to the effect that it was her voluntary act and that she was in love with the accused.

The next day the mother returned, stating that the father was ill, that they were agreeable to the marriage, and that it could take place at their home as soon as the legal period of notice had been given. With everybody's consent, the mother and daughter then returned to Cabanatuan, Dalmacio Mangon to return in a few days to Cabanatuan where the marriage would take place. The two women testified that this was merely a ruse to escape with their lives.

The testimony of Marcosa Clemente, her sister Paz, and her mother, does not ring true. It is full of many contradictions and inconsistencies. There are no details given of important matters and the constant reiteration of

the statement "I was afraid because he had threatened to kill me" creates the impression that it is a device to cover the nakedness of a poorly constructed and not well learned tale.

The defense is that it was an elopement and that everything that took place was with the consent and concurrence of Marcosa Clemente.

There is no question that Marcosa and Dalmacio had amorous relations prior to the alleged abduction. Two of her letters which were presented as evidence and admitted by her to be in her own hand-writing, translated read:

"EXHIBIT 2

"TO YOU ONLY MACOING::

"Thanks to God that I was able to answer you. If I had not promised that I would answer your letter on Monday, I would not have written yet. You may say I am a liar, so I wrote to you, Maciong. You told me that I may repent. No, even if I repent I cannot do anything, because you already have my honor. You have the fault. If you did not wrong me, you would not have had my conformity. I never thought you would wrong me.

"Maciong, you tell me that, inasmuch as father is strict, you will let your friend to deliver your letter to me. As far as I am concerned, I don't like that it should come from others. It is different if you deliver it yourself.

"Maciong, I request you to keep what was agreed upon by us a secret. I want you to work hard and be thrifty. Conditions now are poor. Maciong, don't require me to answer your letters often, as you know I have much work to do. I request you not to let anybody know our agreement.

"Regards.

(Sgd.)

"COSANG"

"Exhibit 3

"TO YOU ONLY MACOING:

"Maciong, why did you tell me that, if I would fool you, you will embrace me. Why, were you fooled. You seem to require me to answer your letter promptly. You are like a parent. You want me to obey at once. I cannot, I am not yet in your hands. You want to control me, but you cannot do so, as long as I do not do anything wrong. What can I do, my parents do not like you, because you don't have money or house. So my parents almost wanted to commit suicide. Do you know that they even wanted to sell the store and stop me from selling. So, Maciong, please pardon me. And if you cannot pardon me, wait for what I told you.

"Please don't embrace me before many people.

(Sgd.)

"COSANG"

Her illuminating explanation of these letters was to the effect that she had written them so that he would desist from bothering her, an obviously untrue statement.

Not only do we have the unsatisfactory and improbable account given by Marcosa Clemente, but on the other hand, we have testimony that is clear and convincing, for example, the testimony of the municipal president and

the parish priest of Bustos and the testimony of Mrs. De Leon, the wife of the municipal president. This witness is an educated and cultured woman and her testimony is given in a natural manner, which convinces us of its truth.

The municipal president of San Isidro, Nueva Ecija, who apparently is a witness free from bias, directly contradicts the evidence of the prosecution as to the participation of Nemesio Austria, one of the defendants, while Alfonsa Pacson, who was with Marcosa Clemente at the time of the alleged forcible abduction, testifies that she got into the automobile voluntarily and without any force being used.

On this state of the record no other opinion can be expressed but that the accused are innocent and that the judgment must be reversed.

During the trial a most remarkable occurrence took place. The official stenographer entered a note which translated reads:

"I make it of record that in the course of the declaration of the witness Pacson, the court addressed the audience asking if there was any truth in this case, that is, if it was true that Marcosa Clemente had been abducted by means of force by the accused. The audience arose in confusion and some said that it was not true that the offended party had been abducted by means of force but of her own will, but as no one had taken an oath in this incident, the undersigned stenographer did not take any notes of the dialogue which took place between the court and those in the audience."

Such an incident cannot be allowed to pass unnoticed. The administration of criminal justice is in the hands of the court, and local passions and prejudices have no place in the court-room. They must be sternly kept out, not invited in.

The judgment appealed from is reversed and appellants acquitted. Costs de oficio. So ordered.

Avancena, C. J., Abad Santos, Vickers, and Diaz, JJ., concur.

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