

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RODOLFO MUSTACISA Y BELLO, DEFENDANT-APPELLANT.

G.R. No. 51777. March 25, 1988

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-51777/>

PADILLA, J.:

This is an appeal from the decision* rendered by the Court of First Instance of Manila in Crim. Case No. 31759, dated 16 August 1978, the dispositive part of which reads as follows:

"WHEREFORE, the Court finds the accused Rodolfo Mustacisa y Bello guilty beyond reasonable doubt of the offense of rape as charged by the complainant Rosy Lacaba y Solayao and hereby sentences him to suffer the penalty of reclusion perpetua, the accessory penalties thereof, to indemnify the offended party Rosy Lacaba y Solayao in the amount of P6,000.00, without subsidiary imprisonment in case of insolvency, to acknowledge and support the offspring, should there be any resulting from the criminal act, and to pay the costs. The accused who has been detained since June 12, 1977, shall be credited in full with the time he has been in detention, in accordance with law."

The Solicitor General, in his Brief, summarized the facts of the case, as follows:

"At about 9:00 P.M. on June 11, 1977, appellant Rodolfo Mustacisa y Bello arrived at the residence of Patrolman Justo Mabulac at 2416-D Syquia Sta. Ana, Manila to pay him a debt of P100.00. Thereat, appellant joined Mabulac and three others in drinking beer (tsn., p. 2, July 5, 1978; p. 8, March 28, 1978).

"As the evening wore on, appellant pretended to be drunk. Because of his condition Patrolman Mabulac let him (appellant) sleep in the kitchen of the house (tsn., p. 2, July 5, 1978).

"At that time, Patrolman Mabulac had two (2) housemaids, viz: Rosy Lacaba, 15 years old and who is the niece of Mrs. Mabulac, and Betty Limsey, 19 years old. Rosy and Betty at the time of the incident slept in the sala about one (1) meter away from each other. Each used a mosquito net. Rosy slept between two of the Mabulac children, aged five (5) and seven (7), respectively (tsn., p. 11, October 13, 1977).

"At about 1:00 a.m. on June 12, 1977, Rosy Lacaba was awakened because appellant entered her mosquito net and lay on top of her. He poked a knife and fork (Exhibits B and C) at both sides of her neck, saying: 'Huwag sumigaw. Kung sisigaw ka ay papatayin kita.' Appellant then ordered her to remove her panty. When she refused to do that, he knelt at her feet and while poking the knife at her removed her panty himself (tsn., pp. 2-3, October 13, 1977).

"Thereafter, he lay on top of her again, pushed his organ hard against hers, kissed her and held her breast. As she did when appellant took off her panty, Rosy registered by moving her body ('nagpumiglas') but he held her at the shoulder and with the knife remaining pointed at her neck he was able to insert his organ into hers. She felt pain in her private part as he made a push-and-pull movement with his body. Finally she felt something warm inside her organ. All along she dared not make an outcry of fear of losing her life (tsn, pp. 4-6, October 13, 1977).

"Not satisfied with having thus abused her appellant held Rosy Lacaba at her right arm and pulled her to the kitchen of the house. Thereat, using the same knife (Exhibit A) to cow her into submission, appellant once more had sexual intercourse with her. He was able to do this despite her efforts in moving her body ('nagpumiglas') to repel his advances. As it was during the first time that he had forced himself upon her, she could not call for help out of fear of harm upon her person (tsn., pp. 5-6, October 13, 1977).

"Appellant then went to the bathroom where he relieved himself (tsn., p. 7, October 13, 1977).

"On her part, Rosy Lacaba went to the sleeping Betty Limsey, woke her up, and tearfully told her that she (Rosy) had been abused by appellant. Betty switched on the light in the sala and saw appellant crawling to the sala towards the direction where Rosy had slept. Betty then woke up Patrolman Mabulac who, upon coming out of his room, saw Rosy crying and trembling. When informed of what had appellant done to Rosy, Patrolman Mabulac confronted appellant. At first, he denied Rosy's accusation. Later on, however, he admitted having abused Rosy. With that admission Patrolman Mabulac handcuffed appellant and thereupon took him to the Headquarters of the Western Police District (tsn., pp. 3-4, November 22, 1977; p. 3, July 5, 1978; Exhibit C Rec. p. 83).

"At the Headquarters of the Western Police District, appellant was investigated in writing by Patrolman Geronimo Gorospe who, before taking down his (appellant's) statement, informed him of his right to be assisted by a lawyer and that his statement could be used against him in court. Appellant, however, willingly gave a statement in which he admitted having abused Rosy Lacaba (Exhibits B and B-1). He swore to his statement before Assistant Fiscal dela Rosa of Manila (Exhibit B-2).

"In the morning of June 12, 1977, Rosy Lacaba was physically examined by Dr. Marcial C. Cenido, Medico-Legal Officer of the Western Police District, who, thereafter, issued the following Report (Exhibit A, Rec., p. 81):

'Upon request of Lt. Edgar Torres of the General Assignment, Investigation Division, WPD MPF and party presenting herself for examination, subject Rosy Lacaba y Solayao, 15 years old, residing at No. 2417 Syquia St., Sta. Ana, Manila, was examined physically by the under-singed in their office on June 12, 1977 at about 10:00 a.m. with the following findings:

- '1. Breast is flat with small brownish nipples and aureola;
2. Abdomen is firm, flat and without striae of pregnancy;
3. Hymen is fimbriated, distensible and with superficial laceration at 7 o'clock position which bled upon examination;
4. Presence of reddening, erosions and abrasions at the perihymeneal tissue;
5. Introitus vagina admits one examining finger with moderate resistance;
6. Vaginal smear taken is negative for the presence of spermatozoa;

7. Absence of any visible external signs of physical violence on the rest of the body.

OPINION:

The above findings would be consistent with the possibility of sexual intercourse to have taken as alleged on Jun 12, 1977 at about 1:00 a.m.'

"Dr. Cenido testified that Rosy Lacaba was in a depressed state of mind at the time she was physically examined (tsn., pp. 4-8, August 31, 1977)."

The accused-appellant denied the accusation. He claimed that he was drunk at the time and was unaware of what had happened. His version of the incident, as summarized by the trial court in the decision appealed from, is as follows:

"The accused, single, 26 years old, denied having abused the complainant. According to him he was drunk and did not know what he was doing at that times. His version: He was invited by his friend and townmate from Catbalogan, Samar, Patrolman Justo Mabulac, to his house on June 11, 1977. At past 5:00 o'clock in the afternoon, he, Patrolman Mabulac and two other friends began drinking beer. It was he (accused) who bought the beer for which he spent P50. At about 11:00 o'clock in the evening or 12:00 o'clock midnight, after drinking six bottles of beer, he felt that he was almost drunk. While going to the toilet and as he was approaching the dining room he became dizzy, fell down and there fell asleep. He fell asleep because the beer that he drank was drugged. It was drugged because he suddenly felt sleepy. At about 1:00 o'clock next morning, he was awakened by Patrolman Mabulac who was boxing him on the ribs. Holding him by the hair to make him stand, Patrolman Mabulac rained fist blows on his back and breast, then placed his hands on the back and handcuffed them together. Asked why he had abused the complainant, he explained that he did not know it because he was asleep. Insisting that he had abused the complainant, Patrolman Mabulac continued mauling him until he rolled on the floor. Then Patrolman Mabulac took from him his wallet containing P60. Brought to the Detective Bureau, there he was boxed and beaten by Patrolman Mabulac, Patrolman Marasigan and two others he was unable to recognize. Besides that he was not fed at all. Told to admit the charge against him he just nodded his head without agreeing to what they were telling because of pain and hunger and the threat of being killed. The signature (Exhibit B-1) on the statement (Exhibit B) is his. But before he affixed it in the Fiscal's presence Patrolman Mabulac pressed his .38 caliber pistol at him and ordered him to admit his guilt. And while before the Fiscal, Patrolman Mabulac was beside him poking his gun at him as he signed the statement but the Fiscal did not see him because there were many others present asking him to sign something. While detained at the city jail he was visited by a friend whom he asked that he be examined. He told his lawyer to charge the persons who mauled him but he was advised to finish his case first after which the charge would be filed. He came to know the complainant about a week before the incident and has had no misunderstanding with her. He does not know why she testified against him in the manner that she did. Patrolman Mabulac mauled and charged him because when told to buy the half case of beer and to pay the P100 that he owed him, he (accused) could only pay him one-half of the amount plus interest because he was going to transfer to another house, which angered Patrolman Mabulac."

In support of his plea for the reversal of the judgment and his consequent acquittal from the charge of rape, the accused-appellant claims that the complainant's testimony is deficient in vital respects and is marred by grave inconsistencies and improbabilities which do not overcome, but in fact strengthen the constitutional pre-sumption of his innocence.

We do not agree. After carefully reviewing the records of the case, we are convinced that the act complained of was committed through force and intimidation and with the use of a knife, as testified to by the complainant and affirmed by the trial court. The testimony of the complainant is corroborated by other witnesses and by medical findings. We find nothing disparate or improbable in said testimony. The Court is convinced of the sincerity of the

complainant who had no reason to falsely incriminate the appellant. Considering the inbred modesty and antipathy of a Filipino woman to air in public things that affect her honor, it is hard to conceive that the complainant would assume and admit the ignominy she had undergone if this were not true[1].

Counsel for the accused-appellant points to circumstances in the record which, according to him, preclude a finding of rape, the first of which is the absence of external signs of violence, such as bruises, skin discolorations or hematoma, while the genital organ merely showed a "superficial laceration at 7:00 o'clock".

The absence of bruises, contusions and abrasions on the body of the complainant is not inconsistent with her claim that she was sexually abused by the accused-appellant against her will and without her consent. She declared that she merely moved her body ("nagpumiglas") when the accused-appellant tried to remove her underwear[2]. She was not beaten or otherwise injured. Under the circumstances, there would be an absence of external injury[3]. Incidentally, the accused-appellant failed to state that the "superficial laceration at 7:00 o'clock" in the hymen of the complainant "bled upon examination" and that the Medico-Legal Officer had stated that his findings are consistent with the possibility of sexual intercourse to have taken place, as alleged, on June 12, 1977 at about 1:00 a.m.[4].

Counsel for the accused-appellant point to the absence of marks in the complainant's neck despite her claim that the accused-appellant had poked a knife and fork at her neck.

The absence of bruises, contusions and abrasions in the body of the complainant, as we have said, is not inconsistent with her claim that she was ravished by the accused-appellant in the manner she described. If there were no tell-tale marks on the complainant's neck, it may be due to the fact that the knife and fork were not pressed hard enough as to leave indelible imprints. At any rate, this circumstance is de minimis. What is decisive complainant's positive identification of the accused-appellant as the male-factor[5].

Counsel for the accused-appellant claims, as unnatural, the failure of the children of Pat. Mabulac, who were sleeping on both sides of the complainant, and Betty Linsey, who was sleeping about an arm's length away from the complainant, to wake up when the complainant was criminally assaulted. Counsel argues -

"2. Complainant was sleeping inside one mosquito net, in the middle of Mabulac's two children (aged seven and five), and only an arm's length from Betty Limsey (TSN, October 12, 1977, pp. 11-12). Inasmuch as complainant was allegedly resisting appellant's amorous thrusts, it certainly strains one's credulity imagining how it was possible without either of the children nor Betty Limsey being awakened. There would have been a substantial amount of noise, consisting of rustling, grunting, moaning and whispering all throughout the act. Unless the complainant fully cooperated"[6].

The failure of the two (2) children and Betty Limsey to wake up during the commission of the criminal assault is probably due to the fact that they are sound sleepers. It is not unusual for children of tender age to be moved from their sleeping mats and transferred to another bed without eliciting any protest from them, much less, awakening them. As for Betty Limsey, she could not have noticed the disturbance created because she was sleeping under another mosquito net [7].

Also pointed out as unnatural and contrary to ordinary and common human experience is the failure of the complainant to call for help or make an outcry, despite the opportunity she had, especially after the first carnal act, when the accused-appellant went to the kitchen, leaving the complainant in the sala for a minute, during which time, she allegedly laid down for a while, but then soon followed the appellant to the kitchen where the accused-appellant had sexual intercourse with her for the second time.

The failure to scream, however, was fully and satisfactorily explained. The complainant declared that she did not

shout because of the threat on her life. Considering that the complainant was then very young - she was only fifteen (15) years old when she was ravished - a lowly domestic helper, practically unlettered, having finished only the third grade, and had just arrived in the city from a barrio in a town in far away Samar, still uninitiated in sex, and that she was threatened with death if she should shout, it is not improbable that she would refrain from shouting out of fear of what the accused might do to her. It may seem unnatural, but, as the Court had said in one case[8], "the workings of a human mind when placed under emotional stress, are unpredictable and people react differently. In the given situation, some may shout: some may faint: and some may be shocked into sensibility: while some may openly welcome the intrusion".

We find no reason, therefore, to depart from the trial court's judgment of conviction. The weight of evidence to prove the guilt of the accused beyond reasonable doubt has been clearly established by the prosecution.

WHEREFORE, the judgment appealed from should be, as it is, hereby **AFFIRMED**, with the modification that the indemnity to the offended party is increased to P20,000.00. Costs against the accused-appellant. **SO ORDERED.**

Yap, (Chairman), Melencio-Herrera, Paras, and Sarmiento, JJ., concur.

[1] People vs. Angsiako, G.R. No. L-44223, Aug. 30, 1984, 131 SCRA 482

[2] tsn, Oct. 13, 1977, p. 7

[3] People vs. Daing, G.R. No. L-40574, Nov. 29, 1984, 133 SCRA 448

[4] See Exhibit A; also tsn of Aug. 31, 1977, pp. 5-6

[5] People vs. Ramilo, G.R. No. 52230, Dec. 15, 1986, 146 SCRA 258

[6] Appellant's Brief, pp. 10-11

[7] t.s.n., Nov. 22, 1977, p. 7

[8] People vs. Cabradilla, G.R. No. L-33788, Nov. 29, 1984, 133 SCRA 413, 418-419

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.