

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOSE MARZAN ALIAS CARLING, DEFENDANT-APPELLANT.

G.R. No. 63265. March 13, 1984

Ponente: GUTIERREZ, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-63265/>

GUTIERREZ, JR., J.:

This is an appeal from the decision of the Court of First Instance of Pangasinan, 3rd Judicial District, Branch IX, convicting Jose Marzan alias "Carling" of the crime of rape. The dispositive portion of the decision reads:

"WHEREFORE, in the light of the foregoing, the Court finds the accused, JOSE MARZAN alias CARLING, guilty beyond reasonable doubt of the crime of RAPE as charged and hereby sentences him to suffer the penalty of reclusion perpetua; to indemnify the offended party, Saturnina Esteves Vda. de Rondolos, in the sum of TWELVE THOUSAND (P12,000.00) PESOS and to pay the costs."

The information dated April 27, 1978 against the defendant-appellant reads:

"That on or about the 26th day of January, 1978, in the afternoon, at Barangay San Vicente East, municipality of Urdaneta, province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did, then, and there, by means of force and intimidation, wilfully, unlawfully and feloniously did lie, and succeed in having carnal knowledge of said complainant against her will.

"Contrary to Article 335 of the Revised Penal Code."

The facts established by the prosecution and accepted by the trial court as basis for the decision are summarized by the court as follows:

xxx xxx xxx

"From the evidence presented, it has been established that on January 26, 1978, at about 2:00 to 3:00 o'clock p.m., the accused, Jose Marzan arrived at the store of Saturnina Esteves Vda. de Rondolos, a thirty-year old widow, at barrio San Vicente East, Urdaneta, Pangasinan, and ordered a bottle of beer. While he was drinking his beer, he told Saturnina that his wife had just won the 'jueteng' and that she was going to pay their account with the store of more than P100.00. He also told Saturnina that his wife wanted her to go to their house to get the payment.

"Saturnina went to the Marzan house which was fifty (50) meters away in the same barrio. When she knocked at the door, it was opened by the accused, Jose Marzan. When she inquired for his wife, 'Manang Eling', he answered that she was in the room. She went upstairs to the room and he followed her. When she set foot in the room, he pointed a 'balisong' at the side of her neck and pressed it. She was very much frightened. He pushed her into the room and boxed her and she fell flat on her back. He looked like a 'dog' who wanted to 'eat' her up. He then hit her two thighs hard with the handle of the 'balisong' and she lost consciousness from pain and fright. When she regained consciousness, he was on top of her hurriedly having sexual intercourse with her. She could not push the accused for her body felt heavy. She could not shout for she was shocked and felt very weak. She found her panties near her foot. When he finished and she was about to get up to put on her panties,

he again pointed the 'balisong' at her neck and told her that if she reported the matter to her relatives, he would kill all of them. He left her alone. She put on her panties and went home.

"During all this time, there was nobody in the house but a mentally deranged daughter of the accused who was chained in the ground floor of the house. The wife of the accused was in the fields and she took her lunch with her and was not expected until afternoon.

When Saturnina arrived home, she went to her room and cried. She reported to her mother and her mother told her that they would wait for her brother, Marcial, who was stationed in Sangley Point, Cavite.

"When her brother, Marcial Esteves, arrived on January 30, 1978, they waited for him to finish his lunch before they reported the matter to him. He did not want the filing of the case to be delayed so he, together with brothers, Pastor and Marcos, accompanied Saturnina to the barangay captain Dolores Arangorin's house at San Vicente. Barangay Captain Arangorin, upon hearing their report, ordered Councilman Felipe de Guzman to call the accused Jose Marzan, but he could not be located. She asked the complainant to return the next morning, January 31, 1978.

"The next day, in the morning and afternoon, Arangorin sent Councilman de Guzman together with three (3) barangay tanods, Rudy Limos, Pedro Ramos and Perfecto Figuracion but again they were not able to locate the accused, Jose Marzan. Arangorin advised Saturnine and her brother to file their complaint in court.

"At the Urdaneta Police Station where they went the next day, Pat. Benjamin Madrid told them to secure a medical certificate first from a doctor. They proceeded to the Urdaneta Emergency Hospital where Saturnina was examined by Dra. Blandina Caducoy who noted the contusions on her body in her medical certificate, Exhibit 'A'. She told them to have the police pick up the medical certificate.

"Pat. Madrid called Saturnina on February 6, 1978, and he took down her statement by questions and answers and the complaint, Exhibit 'B', was filed in the municipal court.

"Saturnine claimed that her honor had been stained and she was exposed to public ridicule, thus suffering moral damages in the amount of P50,000.00. She also spent litigation expenses in the amount of P3,000.00." (Rollo, pp. 22-25).

xxx xxx xxx

On February 6, 1978, Dr. Blandina N. Caducoy, resident physician of the Urdaneta General Hospital examined Saturnina Esteves. The medico-legal certificate contained the following findings:

Diagnosis:

- Contusion old neck (L)
- Contusion old breast bilateral
- Contusion medial (old) thigh (R)

On the other hand, the defendant-appellant did not deny that he had sexual intercourse with the complainant. He claims:

"The theory of the defense is that the sexual intercourse that occurred on that day was one among the several intercourses which were done voluntarily by both of them. The first occasion was on November 22, 1977, then November 28, Monday, then December 16, Wednesday, and the last was January 26, 1978. Since they had sexual intercourse many times accused could only remember a few. He never had a quarrel with her or any misunderstanding during those days and they were very romantic. He was told by de Guzman that there was a complaint filed against him. On the date of the last inter-course, January 26, 1978 the door of the room was

opened. That Saturnina Esteves Vda. de Rondolos enjoyed her sexual intercourse. That she had never been remorseful about their relationship. That the injuries of Saturnina as reflected in the medical certificate (Exh. A) was the result of the maltreatment inflicted by Saturnina's brother Marcial upon his arrival. He was then mad and even called her prostitute. The accused-appellant disclaims that theory of the prosecution; that he never used force and intimidation during that occasion."

The defendant-appellant made the following assignments of errors in his appeal:

I

THE TRIAL COURT ERRED IN GIVING MORE CREDENCE TO THE TESTIMONIES OF THE WITNESSES FOR THE PROSECUTION, PARTICULARLY THAT OF THE OFFENDED PARTY RATHER THAN THE NATURAL, LOGICAL AND COHERENT TESTIMONIES OF THE WITNESSES FOR THE DEFENSE AND THE ACCUSED-APPELLANT HIMSELF.

II

THE TRIAL COURT ERRED IN HOLDING THAT THE INTERCOURSE HAD BETWEEN JOSE MARZAN, alias 'CARLING', ACCUSED-APPELLANT AND SATURNDINA ESTEVES VDA. DE RONDOLOS, COMPLAINANT, ON JANUARY 26, 1978 WAS OBTAINED THROUGH FORCE, VIOLENCE AND INTIMIDATION.

III

THE LOWER COURT ERRED IN DECIDING THE CASE MORE ON HUMAN CONSIDERATION RATHER THAN ON THE LOGICAL TEST OF REASON, ORDINARY EXPERIENCE, AND OBSERVATION OF MANKIND.

IV

THE LOWER COURT ERRED IN APPRECIATING THE EVIDENCE AND OVERLOOKING CERTAIN FACTS OF SUBSTANCE AND VALUE IN RENDERING THE GUILTY VERDICT.

V

THE LOWER COURT ERRED IN NOT ACQUITTING THE ACCUSED-APPELLANT UNDER THE MANDATORY RULE OF REASONABLE DOUBT.

All of the assigned errors raise the issue of credi-bility of witnesses. We have carefully reviewed the records of the case in the light of the appellant's arguments on appeal but we find no reason to depart from the established rule that appellate courts will generally not disturb the findings of the trial court, considering that it is in a better position to decide the question, having heard the witnesses themselves and observed their deportment and manner of testifying during the trial, unless the court has plainly overlooked certain facts of substance and value that, if considered, might affect the result of the case. (People v. Eddie Gamez, 124 SCRA 260 and cases cited therein.)

That there was sexual intercourse is established. While the defendant-appellant admits that he had sexual inter-course with Saturnina Esteves Vda. de Rondolos on January 26, 1978, he insists that it was by mutual desire and with the offended party's consent. Defendant-appellant submits that he and Saturnina have had amorous relationships and that the January 26 intercourse was not the first one but was only one of the several intercourses between them.

It is evident that force and intimidation were employed by the appellant in having sexual intercourse with the victim. Medical findings attest to the use of violence. Saturnina testified that she was pushed and boxed on both her thighs and that the appellant pressed the point of a "balisong" on the left side of her neck when she was about to shout and struggle. Thus, -

"Q When he told you that his wife who sent for you was in the room, what happened next after that?

"A Because he told me that his wife is inside the room, I went to the room and upon stepping my feet inside the room, he held me and pointed a balisong on the left side of my neck.

"Q Men the accused Jose Marzan held you and pointed a balisong against the left side of your neck, what else happened, if anything happened?

"A I was very much frightened and I was about to shout but he pressed the point of the balisong on my neck. I was about to struggle and shout for help but I could not.

"Q Why could you not shout for help and struggle against his hold?

"A Yes, sir, because he pressed the point of the balisong harder on my neck and if I will cry or shout I might die.

"Q At the time you attempted to shout for help and cry and struggle frail the hold of the accused, what else did he do to you, if he did anything more?

"A He pushed me inside the room.

"Q While you were pushed inside the room, what again did Jose Marzan do if he did anything?

"A He boxed me immediately, sir.

"Q Which part of your body did he immediately box?

"A Here, sir (witness pointing to her the front portion of her thighs).

"Q With what did he use in hitting your thighs?

"A The handle of the balisong, sir.

"Q And when he hit you with the handle of the balisong on both your things, what happened to you?

"A I fell down unconscious, sir.

"Q When you fell down unconscious, have you ever regained your consciousness afterwards?

"A Yes, sir. When I regained consciousness Jose Marzan was already on top of me." (TSN, June 13, 1979, pp. 41-42)

xxx xxx xxx

"FISCAL RAMIREZ

"Q When you regained consciousness and found Marzan already on top of you, what if any did you observed on yourself?

"A He had already sexual intercourse with me, sir.

" COURT

Make it appear on record that the witness is crying.

"FISCAL RAMIREZ

"Q At the time you went to the house of Marzan upon the information that his wife wants you to go there for her to pay her obligation with your store, were you using your underwear at that time?

"A Yes sir. I was wearing my panties.

"Q At the time you fell unconscious and after you gained consciousness when you were hit with the handle of the balisong by the accused on both your thighs, you said you found that Marzan had already carnal knowledge with you what happened with that panties you said you were wearing?

"A It was already removed and was placed near my feet.

"Q After having gained your consciousness and after finding that Jose Marzan, the accused, had already committed carnal knowledge with you, what did you do if you ever did anything after that?

"A When I was about to get up and put on my panties, I was again approached by the accused and pointed again his balisong on my neck.

"Q When Jose Marzan pointed his balisong against your neck once more after he had committed carnal knowledge against your will and consent, what if any did he tell you?

"A He told me that if I will report this matter to my relatives, he will kill all of us." (TSN, June 13, 1979, pp. 43-44)

Appellant claims that Saturnina was his mistress. To corroborate this defense, he presented Jesus Aduca, Ernesto Figuracion and Camilo Ecaiza who testified to the same effect.

After a careful review of the records, we find no basis to disturb the trial court's findings that the testimonies for the accused are not credible and its conclusion that the appellant's theory is incredible. The lower court ruled:

xxx xxx xxx

"Jesus Aduca, his wife's cousin mentioned that on December 27, 1977, he saw the accused and Saturnina embracing and kissing in the accused's house. He said he was gathering chicos from the tree fronting the window of the house. He also related the time when the accused was not made to pay for their drinks in the store of Saturnina.

"The testimony of Aduca is incredible coming as it does from the relatives of the accused who 'offered' to help him. Being a relative of the wife of the accused and being a neighbor, his first instinct should have been to report the matter to his cousin, Mrs. Marzan, to protect their marriage, instead of testifying in an effort to absolve the accused of an 'illicit affair'. His testimony is unbelievable.

"More incredible was the story of Camilo Ellorda who allegedly knew that Marzan was the paramour of Saturnina. He could not even remember the dates, the time or number of times he had seen Saturnina in Marzan's house. Such matters, which could certainly arouse the curiosity of a neighbor-onlooker, would be remembered by a neighbor only twenty (20) meters distant if his testimony were not a fabrication.

"Ernesto Figuracion, another close relative of Marten, sought to impugn the testimony of Saturnina regarding her injuries at the time of the incident by pointing to Marcial Esteves as the person who inflicted the injuries on January 30, 1978. This is belied by the medical examination conducted on February 1, 1978, Exhibit 'A', when the contusions on Saturnina's body were found to be 'old contusions' and, as testified to by Dra. Caducoy, were four (4) to five (5) days old. His, prevarications included the day of the injuries as January 30 or Rizal Day for it was so indicated in the calendar.

"He even testified that he saw the sexual intercourse because he went up the house to ask for kamias, which

testimony is contrary to his statement that he never left his house from 2:00 p.m. to 4:00 p.m. in that day of January 30, 1978, Rizal Day.

"Camilo Ecaviza tried to corroborate the story of Figuracion about the maltreatment of Marcial Esteves on Saturnina. He said there were about ten (10) persons who saw the incident and he pointed to the thigh, the neck and the breast as the parts of the body hurt by Marcial. Still, his testimony, coming as it does from biased source, being a neighbor of the accused, fails in the same manner, as that of Figuracion. For if the injuries were inflicted on January 30, 1978, why were they found to be 'old contusions' by Dra. Caducoy (Exh. 'A'), on February 1, 1978?

"The accused testified that he had no quarrel with his 'mistress', Saturnina. That they had sexual intercourse for several times. Why would Saturnina file a complaint against him? He had sexual intercourse with her four (4) times before. These had been romantic according to his rehearsed witnesses. He had made her happy. Why would she report her lover to her family and the authorities for such a serious crime as rape? It would be natural for her to keep her glorious silence and continue her passionate and delicious liaison."

Appellant argues that the injuries sustained by the complainant (Exhibit "A") may have been inflicted by her brother Marcial out of rage and uncontrollable passion when he learned of the illicit affairs between her sister and the accused.

It should be remembered that Marcial arrived only on January 30, 1978. Considering that Saturnina was examined on February 1, 1978 by Dr. Caducoy and that the medical certificate issued by her states that the injuries were "old" or inflicted about five or six days ago, it is impossible that Marcial could have inflicted the same on his sister. Furthermore, the brother was insistent on not delaying the investigation of the crime and the filing of the case, upon his arrival and being told of the assault.

Appellant also points out certain inconsistencies in the testimonies of prosecution witnesses Marcial Esteves, Barangay Captain Dolores Arangorin, and Saturnina Esteves. Marcial testified that when he went to the house of the Barangay Captain to report the crime he went there alone whereas in the testimony of the barangay captain, she declared that the complainant was accompanied by Marcia Esteves and Pastor Esteves. On the other hand, Saturnina declared that her companions were her brothers Marcial Esteves, Pastor Esteves, Marcos Esteves and sister Rosario Esteves.

The above inconsistencies refer to minor and collateral matters that do not impair the credibility of Marcial Esteves, the Barangay Captain, and the complainant. Whether or not Marcial Esteves was alone throughout the reporting of the crime or he went ahead only to be followed by others or he went there with a group from the very start does not affect the issue of whether there was rape or voluntary sex.

We apply the rule laid down in *People v. Reyes* (69 SCRA 476) -

xxx xxx xxx

"The discrepancies signify that the two witnesses did not deliberately pervert the truth in their narrations. The discordance in their testimonies on collateral matters heightens their credibility and shows that their testimonies were not coached nor rehearsed. (*People v. Doria*, 55 SCRA 435) Far from being evidence of falsehood they could justifiably be regarded as a demonstration of their good faith. (*People v. Cabiltes*, 25 SCRA 112; and *People v. Alcantara*, L-26568, June 30, 1970)."

In assailing Saturnina's credibility, appellant contends that it is common knowledge that in the locality there was no such "jueteng", and that Saturnina could just have asked accused or his wife to come back and pay their debts and not for her to go to the house of the accused to collect the same. Appellant also argues that Saturnina had all the opportunity to call for help but did not make any outcry.

The defendant-appellant's contentions do not deserve serious consideration. Whether or not the "jueteng" where the appellant's wife won a bet was in their locality or elsewhere is immaterial because Saturnina was made to believe that the appellant and his wife were ready to pay their debts from jueteng winnings and that she went to their house to collect the same. The records further show that Saturnina did not have any opportunity to shout or to cry for help because of fright when the appellant pressed the point of the balisong on her neck.

Appellant next questions complainant's delay in lodging her complaint. Appellant submits that the incident happened on January 26, 1978 yet it took her five (5) days or on January 30, 1978 before she finally reported the matter to the barangay captain. The information was filed on April 27, 1978.

Complainant was able to satisfactorily explain this delay. She testified:

"FISCAL RAMIREZ

"Q When you made a report of what Jose Marzan did to you, what did your mother say, if she ever said anything?

"A He told me that we will wait for my brother Marcial.

"Q Where as your brother Marcial at the time you made the report of what Jose Marzan did to you?

"A He was in Cavite, sir.

"Q What was he doing there in Cavite?

"A He is a soldier, sir.

"Q Were you able to wait for your brother Marcial to come home?

"A We were able to wait for him on the 30th of June." (TSN, June 13, 1979, p. 45)

We agree with the Solicitor-General that the close family ties among Filipinos, particularly the provincial folks, require that a family consensus be arrived at first before a family dishonor can be made public by reporting to the authorities. (*People v. Jore, et al.*, 93 Phil. 1017, 1021).

Relative to the third assignment of error, defendant-appellant contends that the lower court decided the case more on human consideration rather than on the logical test of reason, ordinary experience, and observation of mankind. The appellant submits that complainant could not fall under the category of unsuspecting provinciana because aside from having illicit affairs with the appellant, she had already travelled abroad and was already thirty (30) years old at the time of the incident.

That Saturnina travelled abroad and that she was already thirty (30) years old do not alter the fact that she was craftily lured by appellant to go to his house and once there, was raped by him.

The following findings of the trial court are sustained by the evidence in the records:

xxx xxx xxx

"x x x Two (2) neighbor-relatives of the wife of the accused and another neighbor came forward only during the trial to reveal the tale of lust when their first reaction should have been to protect the family of their relative by reporting the infidelity and dishonor in her own house to their relative, the wife of the accused. They fingered Marcial Esteves as the person responsible for the injuries of his sister on January 30, 1978, when he allegedly found out about the affair and called her a prostitute. This is incredible. Saturnina is a widow. She is 30 years old. There was no need to castigate her brutally for the affair, if it were true. It would be merely an act of an emancipated and consenting adult. As shown by the testimonies of her witnesses, her family stood by her

in her disgrace. Her mother and her brothers helped her file the case against the accused. She is not a young girl who would be maltreated by Marcial, who, throughout the hearing, despite his being situated at Sangley Point, Cavite, showed a genuine brotherly concern. The acts attributed to him, the infliction of physical injuries on his sister, are not in keeping with his character as a disciplined member of the air force. The fabricated story of the defense was woven so loosely that it disintegrated miserably and fell into tatters under cross-examination.

"Saturnina Esteves Vda. de Rondolos related her ordeal in the manner expected from a woman who has been sexual outraged. She was still young. It stands to reason that as a trusting and unsuspecting 'provinciana' she was lured to the house of the accused on the promise of the payment of their indebtedness. Her straightforward story is clear and convincing. Lured, duped and violated, the defense of the accused heaped further insults on her outraged honor and dignity."

xxx xxx xxx

The other matters raised by the defendant-appellant in his brief revolve around the same issue of credibility of witnesses. As regards them, appellant has failed to show that the lower court overlooked or mistakenly interpreted facts of substance and value, which if considered would affect the result of the case.

WHEREFORE, the decision appealed from is hereby **AFFIRMED**.

SO ORDERED.

Melencio-Herrera, (Acting Chairman), Plana, Relova and De La Fuente, JJ., concur.

Teehankee, J., (Chairman), on leave.

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.