

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RODELIO GOZUM (GUZOM), ACCUSED-APPELLANT.

G.R. No. 66970. February 28, 1985

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-66970/>

AQUINO, J.:

Rodelio Gozum appealed from the decision of the Court of First Instance of Rizal finding him guilty of simple rape, sentencing him to reclusion perpetua and ordering him to pay an indemnity of P35,000 to the offended party, Gloria P. Buna (Criminal Case No. 15676).

The evidence of the prosecution shows that in the evening of November 11, 1974, while Gloria P. Buna, a 14-year-old house-maid, was sleeping with Gozum's child in the bedroom of his residence, located at 425 Gomezville Street, Mandaluyong, Metro Manila, his common-law wife being then out of the house, Gloria was awakened when Gozum, 36, placed himself on top of her, covered her mouth, removed her panty, and, notwithstanding her resistance, was able to ravish her. Her pink dress, Exhibit A, was torn.

Lourdes, accused's wife, who discovered him in the bedroom with Gloria, confronted him. At that juncture, Gloria ran out of the house. That same evening, she reported the rape to the Mandaluyong police (Exh. 7). The wife went to the police station and pleaded with Gloria to forgive Gozum. She refused. Later, after the complaint for rape was filed, Gozum offered her P500. She did not relent (21, 31-32, tsn Nov. 9, 1976).

Eighty-seven days after the rape or on February 6, 1975, Gloria submitted herself to a medical examination by the medico-legal officer of the National Bureau of Investigation. He found her labia majora and minora gaping. Her hymen had a healed deep laceration at the nine o'clock position. Her hymenal orifice admitted a tube two and eight-tenths centimeters in diameter. She was no longer a virgin (Exh. B).

The trial court noted that Gloria was crying uncontrollably when she testified. It observed her demeanor. It found her unsophisticated and shy. It concluded that she could not have concocted the sordid story which she recounted in court. She finished only the sixth grade.

In his defense, Gozum testified that he did nothing to Gloria. He could not have raped her because the door of his house was open and the lights were on. He merely sat beside her when she was asleep. It was his wife who tore her dress.

In this appeal, Gozum contends that the prosecution's version is incredible, that there are irreconcilable inconsistencies in its evidence and that the trial court erred in its appreciation of the evidence. The ultimate issue is whether his guilt was proven beyond reasonable doubt.

He argues that the claim of pregnancy is improbable. Of course, the fact that Gloria did not become pregnant does not militate against the commission of the rape. The doctor's conclusion that she had lost her virginity is an incontestable fact.

The improbabilities recited by appellant in his brief are mere conjectural observations. The circumstance that Gozum was alone with Gloria in the house and that she was asleep renders it probable that he was tempted to rape her. Such a situation arouses the bestiality in a man. This is not the first time a master was accused of having raped his maidservant.

The minor inconsistencies in Gloria's testimonies are to be expected. Protracted cross-examination of a sixteen-year-old girl not accustomed to a public trial would produce contradictions which, nevertheless, would not destroy her credibility (*People vs. Limbo*, 49 Phil. 94; 6 Moran, *Comments on the Rules of Court*, 1980 Ed., p. 141).

The un rebutted fact is that Gozum had sexual congress with Gloria by means of force. She immediately complained to the police. She rejected any compromise settlement.

The trial court did not err in convicting the accused of simple rape. Its judgment is affirmed. Costs de oficio.

SO ORDERED.

Makasiar, (Chairman), Concepcion, Jr., Abad Santos, Escolin, and Cuevas, 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.