

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FEDERICO MENDOZA, ACCUSED-APPELLANT.

G.R. No. 74653. July 26, 1988

Ponente: MELENCIO-HERRERA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-74653/>

MELENCIO-HERRERA, J.:

Originally charged with Forcible Abduction with Rape, the accused-appellant, Federico Mendoza, was convicted by the Regional Trial Court in Puerto Princesa, Palawan* of Rape and sentenced to suffer the penalty of reclusion perpetua with all the accessory penalties provided by law, and to pay the complainant, Catalina de Jesus, moral damages in the amount of P5,000.00, and actual damages in the sum of P2,000.00.

Catalina's narrative, given credence by the Trial Court, is to the following effect:

"x x x Catalina de Jesus testified that during the unfateful (sic) evening of February 8, 1983, at around quarter to seven, approximately one and a half hour after class was dismissed at Francis Javier School where she was a third year Junior student, while walking home, she met four men in the road one of them she recognized as Federico Mendoza who is an old acquaintance of her family. Witness testified that upon seeing them 30 meters away, the three companions parted ways and left the accused Federico Mendoza alone in the road; that the latter, upon seeing her, approached her and inquired whether she has taken marijuana; that she answered the query by saying that it was none of his business whatever she was doing or have done. Witness further narrated that Federico Mendoza suddenly held her forcefully, embraced her and pushed her towards the Panacan River near the bamboo groves; that she struggled to be free but despite putting up a resistance, she was overpowered physically and eventually lost her consciousness. After recovering consciousness she felt pain in her private parts, felt constant backache, her skirt was raised up and her underwear was already down her feet, her blouse was also raised up and her bra totally removed. Similarly, she observed that the accused was already gone. Witness recounted that because of fear she went to the house of her friend, Lita Laong, where she borrowed and changed into the latter's clothes. That two hours after, her brother and sister-in-law who were then searching for her, came to Lita's house, having received information that she was temporarily staying with said person. Witness stated that her brother's name is Bienvenido de Jesus and her sister-in-law's name is Ma. Corazon de Jesus; that when confronted by her brother as to what happened, she did not tell her story to him but instead narrated the incident only to her sister-in-law alone. That after telling her sister-in-law that she was raped by Federico Mendoza she was immediately brought by the couple to the clinic of Dr. Hubo for physical examination." (Decision, p. 2)

The examination conducted by Municipal Health Officer yielded the following results:

"Preliminary Findings

17 years old female, body is well develop and on examination she is uneasy with a breathing smell like a burn dried banana leaves, probably newly smoke some prohibited drugs. The breast not fully develop reddish brown areola surrounding the nipple. Mons veneris triangular in shape with scanty fine pubic hair. Labia majora and minora are well coaptated with sticky vicious fluid coming from the vaginal orifice.

Internal Findings

Vagina admit one finger with slight resistance. Vaginal rugosities intact. Fresh hymenal laceration at 12:00, 3:00 and 6:00 o'clock basing upon the face of the watch. Moderate amount of sticky white fluid at the posterior fornix of the cervix which on microscopic examination presence of spermatozoa.

Conclusion

Physical virginity recently lost. (Exhibit 'A')"

For his part, appellant denied having committed the offense and, corroborated by the testimonies of his co-employees at the National Irrigation Administration, insisted that:

"On the alleged date and time of the incident, Appellant was inside the compound of NIA together with his co-employees as he was working and employed at the time at NIA on the date when the alleged incident took place. Appellant was compelled to stay in NIA Office in Narra, Palawan because some visitors from Manila arrived whom they entertained, where they butchered goat and chicken of their visitor's delight. Appellant was one of the personnel and employees at NIA who prepared and served the dish to their visitors.

"At around 8:00 P.M. on that day, Appellant together with Engr. Dominador Corpuz, Rey Ortillano and Abraham Revivez left NIA Compound and went to a dancing party passing the security guardhouse where the security guard on duty, Esteban Baduyen jotted down their names at the logbook of NIA.

"From 5:00 P.M. up to 8:00 P.M., Appellant had never left the NIA Compound nor have gone outside it as he was too busy in entertaining the visitors from Manila and has never seen the complainant witness on the time of the alleged incident nor has committed the act complained of against her." (Appellant's Brief, p. 3)

The Trial Court rejected the defense version and, as heretofore stated, pronounced the appellant guilty of Rape.

In this appeal, appellant contends that the Trial Court erred in: (1) finding him guilty; and (2) giving more credence to Catalina's testimony rather than to the declarations of defense witnesses.

We find that the elements of the crime of Rape have been established, namely, having carnal knowledge of a woman (1) by force or intimidation and (2) when the woman is deprived of reason or otherwise unconscious.

That carnal knowledge took place is established by the medico-legal report, which concluded that "physical virginity (was) recently lost." The Municipal Health Officer who examined Catalina in the evening of February 8, 1983 at around 10:00 P.M., or about three (3) hours after the incident, testified that he found fresh hymenal lacerations and the presence of sticky mucus in the vaginal orifice which, under microscopic examination was found to be spermatozoa (t.s.n., April 5, 1984, pp. 39-40).

Force was initially employed by appellant on Catalina by dragging, embracing, and pushing her into the bamboo groves. She struggled to be free but despite her resistance, she was overpowered physically until she lost consciousness, which facilitated the commission of the offense. After recovering consciousness, she felt pain in her private parts, felt a backache, found her blouse and skirt raised, her bra removed, and her underwear already down her feet. Appellant had thus succeeded in satisfying his passion.

The force or violence required in rape cases is a relative one (People vs. Alamo, L-38401, June 25, 1984, 130 SCRA 46). It need not be too overpowering. What is essential is that the force used by the guilty party be sufficient to consummate the purpose which appellant had in mind (People vs. Franco, L-40183, June 29, 1982, 114 SCRA 737; People vs. Sarile, No. L-37148, June 30, 1976, 71 SCRA 593).

While it may be that Catalina could not testify on the actual act of sexual intercourse because of her unconscious state, it is precisely having carnal knowledge of a woman when she is unconscious that the act constitutes the

statutory crime of Rape. Specially so, as here, where there is indubitable evidence to prove that Catalina's loss of consciousness was the result of appellant's act of violence.

The absence of external signs of physical injuries on Catalina does not negate the commission of the crime (People vs. Monteverde, L-60962, July 11, 1986, 142 SCRA 668; People vs. Malabad, L-63219, November 28, 1984, 133 SCRA 392, and other cases). Fresh lacerations on the hymen taken with other circumstances sufficiently confirm the use of force and violence (People vs. Alcantara, L-49693-94, December 29, 1983, 126 SCRA 425; People vs. Peralta, L-61870, November 5, 1982, 118 SCRA 203).

Appellant's alibi that he was at his place of work at the time of the commission of the offense is undeserving of credence. It is true that two of his co-employees testified that appellant was with them in the NIA Compound from 5:00 to 8:00 p.m. entertaining guests and that they left the compound together. The fact remains, however, that they also separated ways (t.s.n., March 15, 1985, pp. 9 & 10). Thus it is that their combined testimonies even tally with Catalina's declaration that appellant was with three companions and that he separated from them and approached her (t.s.n., April 5, 1984, pp. 8 & 10). While the NIA security guard also testified that when appellant and his companions left the compound at 8:00 P.M., he jotted their names down in the company logbook, when asked to produce the same, however, he could not do so on the lame pretext that it was in the possession of their Manila Manager who did not return the same to the province.

Moreover, appellant himself acknowledged that his place of work was only about one (1) kilometer away from whence complainant came that night or two (2) kilometers away from her house (t.s.n., March 15, 1985, pp. 12 & 13). Considering the proximity of the place where appellant claimed to have been and the well-settled rule that for the defense of alibi to succeed, an accused must show that it was impossible for him to have been at the scene of the crime at the time of its commission, plus the fact that Catalina had positively identified him, appellant's defense of alibi must fail.

Like the Trial Court, we find no reason to doubt the truthfulness of Catalina's testimony. Her identification of appellant is credible as she knew him for quite some time, his house being near her own and her brother used to bring him to their house (t.s.n., April 5, 1984, pp. 5 & 27; July 26, 1984, p. 11). Further, at the time of the incident the road was lighted due to a "PALECO post". Although Catalina may have taken some marijuana, it does not necessarily follow, in the accused' own words that "napagtripan niya ako".

For, lending additional credence to Catalina's charge of defloration is her immediate identification of appellant as the culprit. She lost no time in confiding his dastardly act to Lita Laong, her best friend, in whose house she sought refuge immediately after (t.s.n., April 5, 1984, pp. 15 & 18). A little later, she also revealed the disgrace she suffered at appellant's hands to her sister-in-law. With the latter and her own brother, they reported the matter to the police (t.s.n., June 18, 1984, p. 13). Catalina neither hesitated to submit herself to medical examination (t.s.n., April 5, 1984, p. 42). All these point to the conclusion that her criminal complaint is not a concocted one.

There is no evidence, and nothing that could even remotely indicate, that Catalina was actuated by improper motives. As has often been held in our jurisprudence on rape cases, it is unthinkable that an unmarried provincial teenager would endure the embarrassment and humiliation of a public disclosure that she had been ravished, allow an examination of her private parts, and undergo the ordeal and expense of a Court proceeding, if such, indeed, were not the truth and nothing but the truth.

WHEREFORE, the appealed judgment is hereby affirmed with the modification that the civil indemnity is hereby increased to P20,000.00. Costs against accused-appellant Federico Mendoza.

SO ORDERED.

Paras, Padilla, and Sarmiento, JJ., concur.

[*] Presided by Emmanuel M. Abaya.

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.