

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JUN AQUINO [JOHN AQUINO],[] ACCUSED-APPELLANT.

G.R. No. 83214. May 28, 1991

Ponente: FELICIANO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-83214/>

FELICIANO, J.:

Accused Aquino appeals from a decision rendered by the Regional Trial Court of Dagupan City, Branch 41, which sentenced him to suffer reclusion perpetua for having raped complainant Myrna Cendaña and to indemnify the latter in the sum of P20,000.00.

The criminal complaint[1] which initiated this case was signed by Myrna Cendaña on 29 October 1985 before Judge Lilia Español of the Municipal Trial Court of Santa Barbara, Pangasinan. On the basis thereof, Assistant Provincial Fiscal Pedro Y. Fernandez of Dagupan City filed the following information:[2]

"That on or about October 21, 1985, in the municipality of Sta. Barbara, province of Pangasinan, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and by means of force and intimidation, did then and there, wilfully, unlawfully and feloniously succeed in having carnal knowledge with one Myrna Cendaña y Quiray against her will and consent and to her damage and prejudice.

Contrary to Article 335 of the Revised Penal Code."

Appellant entered a plea of not guilty on arraignment.[3] Trial of the case then proceeded and the decision, was rendered in due time. The dispositive portion of the decision[4] of Judge Eloy R. Bello, Jr. read as follows:

"WHEREFORE, this court finds the accused guilty beyond reasonable doubt of the crime of Rape defined and penalized under par. 1 of Art. 335, of the Revised Penal Code and there being no aggravating or mitigating circumstances, this court hereby imposes the penalty of Reclusion Perpetua and for the accused to indemnify the offended party the sum of P20,000.00 and to pay the cost.

SO ORDERED."

Appellant made the following assignment of errors in his brief:

"1.

The trial court erred in not finding that the testimony of private complainant was wanting in that proof to demonstrate that the crime of rape as charged was committed through force and intimidation.

2.

The trial court erred in not taking into account certain circumstances which, if properly appraised, could have reinforced the conclusion that the judgment should be one of acquittal."

The prosecution's view of the facts was summarized by the trial court in its decision in the following terms:

"... Myrna Cendaña, the complainant, is a married woman; that in the afternoon of Oct. 21, 1985, at about 6:00 p.m., said complainant went to Barangay Sapang, Sta. Barbara, Pangasinan, to collect the price of bread sold by her husband in the morning of that day from one Jun Cabanlong. In the house of the latter, she had conversation with him for sometime. During their conversation she noticed that the wife was getting jealous. Hence, she prepared to leave. It was already about 7:00 p.m.

When she was about to leave, Jun Aquino arrived. Cabanlong introduced him as his compadre and a tanod of Barangay Sapang. Aquino then volunteered himself to accompany her. She consented because he is a tanod.

They took a shortcut by walking thru the fields. While they were walking thru the fields, Jun Aquino poked a knife against the right side of Cendaña and embraced her. He pushed her and laid her down. She struggled but he strangled her. He poked the knife against her and lowered her panty. He undressed himself and inserted his penis into her vagina. After he ejaculated and sensing that he became weak, she kicked him and ran. She ran towards a house. She climbed the stairs of the house but while doing so she fell because she was weak due to fear and her struggle against Aquino. Tony Lopez, the owner of the house helped her go up the house. After going up the house she told Lopez to hide because Jun Aquino was running after her and he might kill her.

Jun Cabanlong went to the house of Lopez that evening. So with other people. According to the complainant, they may have heard her cries.

After regaining her strength she left for home accompanied by Jun Cabanlong up to the road.

While in the house of Lopez she did not tell him that she was raped. Neither did she tell Cabanlong that she was raped. She explained her failure to tell as due to her fear.

Upon reaching home, she related what happened to her husband. They then proceeded to their barangay captain, Juanito de la Cruz but the latter was out.

The following morning, she and her husband went back to their Barangay Captain and informed him of the incident. With the latter, they proceeded to Barangay Sapang, to the Barangay Captain of said place, Arturo Cruz to talk to him. They were able to see him. Barangay Captain Arturo Cruz fetched Aquino and the latter was brought in the house of the Barangay Captain.

In the confrontation, Aquino supposedly said: 'I was drunk, captain,' 'I don't know because I was drunk.' After having said this, Aquino was boxed by the husband of Myrna Cendaña. However, Arturo Cruz intervened.

From the house of Arturo Cruz, they proceeded to the police station to have the incident entered in the police blotter.

She was investigated by Pat. Roberto Lambat. In the course of her investigation she was directed to have an examination at the Pangasinan Provincial Hospital. So, she proceeded to said hospital without having signed her statement.

She was examined in said hospital by Dra. Betha Fe. M. Castillo, a senior resident physician of said hospital. The doctor issued a medical certificate in connection with her examination of the complainant Cendaña, the same having been marked as Exhibit 'D'. As per said exhibit, the findings are as follows:

LMP - October 4-7, 1985

PMP- September 6-10, 1985 Conscious, coherent, ambulatory

Pelvic exam - parous introitus vaginal introitus admits 2 fingers with ease.

Cervix close firm, uterus small, adnexae (-)

Vaginal smear for detection of spermatozoa.

Vaginal smear - negative for spermatozoa."

Appellant first claims that the testimony of complainant was inadequate because it failed to furnish the details by which the truthfulness of the rape charge may be tested. Appellant in effect urges that the prosecution which rested its case principally on the testimony of complainant, had not sufficiently established his culpability. Myrna Cendaña testified in part:

"Fiscal:

Now, as you were walking through the rice field coming from the house of the Cabanlong with the accused Jun Aquino, what happened, if any?

A.

While walking, he suddenly poked a knife against me and embraced me, sir.

Q.

What part of your body did he poke that knife?

A.

On my right side, sir.

Q.

When you said he also embraced you, what did you do if you did anything?

A.

When he embraced me and I resisted, he pushed me, sir.

Q.

What happened after he pushed you?

A.

He laid me down, sir.

Q.

Was he able to lay you down?

A.

Yes, sir.

Q.

What happened after you were already lying down?

A.

I struggled but he strangled me, sir.

Q.

After that, what happened next?

A.

He poked the knife against me and removed my panty, sir.

Q.

Incidentally, what was your wearing apparel at that time aside from you panty?

A.

A dress, sir.

Q.

Was he able to remove your panty?

A.

He was able to lower it down, sir.

Q.

Up to what part of your body was your panty lowered?

A.

Up to my knees, sir.

Q.

After your panty was lowered by the accused, what if any did the accused do next?

A.

He undressed himself and inserted his penis.

Q.

Into what did he insert his penis?

A.

My private part, sir.

Q.

Was he able to insert it?

A.

Yes, sir.

Q.

What happened when he inserted his penis into your vagina?

A.

He did everything what he wanted, sir.

Q.

What do you mean by 'he did everything he wanted'? Has he inserted his penis inside your vagina?

A.

He had sexually intercoursed (sic) with me, sir.

Q.

After he had sexually intercoursed (sic) with you, what happened next if any?

A.

When I noticed that he was already weak, I kicked him, sir.

Q.

Do you know why he became weak?

A.

Because he has already ejaculated, sir.

Q.

What happened after you kicked him?

A.

I ran away, sir.

Q.

And where did you proceed immediately upon coming from that place?

A.

I went towards a certain house but when I reached the stairs, I fell down, sir.

Q.

Why did you fall down?

A.

Because of fear and also when I struggled with him, sir."[5]

The Court does not find any cogent reason to reverse the conclusion reached by the trial court. The rule is settled that in a prosecution for rape, the accused may be convicted even on the complainant's testimony alone, provided that testimony is credible and convincing.[6] Far from being deficient, the testimony of complainant established

the presence of the essential ingredients of the offense charged. The forced coitus, complainant explained, occurred while she was on her way home. The Court can only speculate what other details appellant wanted Myrna Cendaña to reveal regarding the commission of the offense.

The effort exerted by the trial court in examining and rejecting the arguments of appellant did not mean that the evidence for the prosecution was weak. The trial court had accepted the narration of basic facts by complainant as true and credible and it remained for the trial court to consider the defenses put up by appellant.

Appellant apparently argues that Myrna Cendaña should have put up a furious and violent resistance against the force and intimidation he exerted on her person. Appellant describes her resistance as less than tenacious suggesting, in effect, that Myrna had consented to his sexual embrace. Myrna Cendaña, however, testified that appellant had employed force by strangling her and thereafter by poking a knife at her to forestall any resistance on her part that might prevent the consummation of the act. Force and intimidation, it has been held, constitute a relative concept;^[7] Myrna Cendaña found it impossible or futile to put up a violent resistance. The law does not require the victim of rape to resist unto death.^[8]

It is also the contention of appellant that complainant did not suffer physical injuries, contrary to her (complainant's) allegation that appellant employed both force and intimidation to achieve the end desired. Appellant's contention is contradicted by the evidence of record. Upon the advice of the police investigator who had noticed a visible mark on the neck of complainant, the latter submitted to another physical examination. The examining physician issued a certification stating that there was an abrasion with contusion on complainant's neck, inflicted some 38 hours prior to the examination, an abrasion compatible with complainant's testimony that she was strangled or held tightly by the neck by appellant.

Although the first medical report did not indicate the presence of spermatozoa in the vaginal canal, appellant may still be convicted of rape. The Court has held often enough that the slightest penetration of the female organ is sufficient to consummate the crime of rape.^[9] Proof of presence of spermatozoa is not a prerequisite for conviction for rape.^[10]

Appellant also sought to throw doubt upon Myrna Cendaña's testimony by emphasizing that Myrna had not told Tony Lopez - in whose house she had sought refuge after escaping from appellant - that she had been sexually outraged by appellant, but rather simply that appellant was trying to kill her. We do not believe that such failure in any way affected the credibility and weight of complainant's testimony. For when she arrived home, she immediately reported the outrage upon her to her husband, the last thing that she would have done if no rape had been perpetrated on her.^[11] Appellant also in apparent desperation claimed that he had had sex with Myrna for money, again suggesting that Myrna was no more than a public woman who would be likely to agree to have casual sex with him. As the trial court, however, noted, this contention of appellant clashed with his own testimony that Myrna had followed him (a married man) to his own house to press him to elope with her, to get even with her own husband for the latter's carrying on an affair with another woman. All in all, appellant's contentions appeared contrived and implausible indeed and were correctly rejected by the trial court.

WHEREFORE, the Decision of the trial court is hereby AFFIRMED, except that the indemnity which accused shall pay to offended party is hereby INCREASED to P30,000.00, in line with recent case law of this Court.^[12] SO ORDERED.

Fernan, C.J., (Chairman), Gutierrez, Jr., Bidin, and Davide, Jr., JJ., concur.

[*] The records of this case forwarded by the trial court show the name of the accused as "Jun Aquino". The

information filed by the Provincial Fiscal, the transcripts of stenographic notes and the decision of the trial court all refer to the accused as "Jun Aquino". It appears, however, that the correct name of the accused is "John Aquino". Notices to the accused have been signed or acknowledged under the name "John Aquino" (Records, pp. 18, 77, 87 and 108). Because "Aquino" is a very common surname, and "Jun" an equally favored nickname, the combination may well give rise to problems of identification of the accused-appellant in the future, unless his correct name is now entered into the records.

The Court is unable to conceal its disappointment over the casual and relaxed standard of care and diligence exhibited in this case by the trial court, the prosecution and defense in respect of this matter.

[1] Records, p. 1.

[2] Id., p. 16.

[3] Id., p. 36.

[4] Id., pp. 148-157.

[5] TSN, 25 March 1987, pp. 4-5.

[6] People vs. Sarda, 172 SCRA 651 (1989); People v. Monteverde, 142 SCRA 668 (1986).

[7] People v. Mendoza, 163 SCRA 658 (1988); People v. Viray, 164 SCRA 135 (1988).

[8] People vs. Belon, G.R. No. 87759, 26 February 1991.

[9] People v. Cruz, 180 SCRA 765 (1989); People v. Paton-og, 155 SCRA 675 (1987); People v. Alvarez, 163 SCRA 745 (1988).

[10] People v. Somera, 170 SCRA 428 (1989); People v. Budol, 143 SCRA 241 (1986).

[11] TSN, 25 March 1987, p. 6.

[12] People v. Dalinog, 183 SCRA 88 (1990); People v. Dinola, 183 SCRA 493 (1990).

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.