

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMENALDO MURALLON, ACCUSED-APPELLANT.

G.R. No. 85734. September 13, 1990

Ponente: REGALADO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-85734/>

REGALADO, J.:

In a complaint dated December 10, 1981, accused-appellant was charged in the former Court of First Instance of Lanao del Norte with the crime of rape by the complaining witness, Carmencita Montes, allegedly committed by means of force, violence and intimidation on September 6, 1981 in Barangay Balili, Kapatagan, Lanao del Norte.[1]

Upon arraignment, appellant pleaded not guilty. The trial court,[2] however, after an evaluation of the evidence on record, convicted appellant as charged and sentenced him to suffer the penalty of reclusion perpetua, "with a strong recommendation for executive clemency." Appellant was further ordered to pay P10,000.00 to complainant Carmencita Montes as moral damages.[3]

The evidence for the prosecution is hereinunder summarized, as gathered by the court a quo from the testimonies of the witnesses and verified by us from the transcribed notes of the proceedings.[4]

Sometime before 9:00 o'clock in the evening of September 6, 1981, complainant Carmencita Montes, then fifteen (15) years old, was alone in their house near the national highway at Barangay Balili, Kapatagan, Lanao del Norte, feeding pigs while her parents were at their farmhouse about two (2) kilometers away. After performing her chores, she decided to join her parents at said farmhouse.

On her way along a "human trail," complainant noticed a man walking very fast towards her. This prompted her to walk faster. Before long, however, the man who turned out to be the appellant overtook her, blocked her way and immediately held her right shoulder. As complainant struggled to free herself and continue walking, appellant tripped her causing her to fall to the ground. Thereupon, appellant placed himself on top of her, threatened her with a hunting knife and ordered her not to shout or else he would kill her. He then grabbed her short pants and tore the portion covering her private parts. Thereafter, he ripped her panties also at the "bilahan," the portion covering her private parts. Appellant then inserted his penis into her organ through the openings in her short pants and panties. All this time, complainant struggled to prevent the sexual assault but she became too weak to sufficiently resist appellant.

After the consummation of the dastardly deed, appellant told complainant to go home, which she did. Upon reaching their farmhouse, and on her mother's inquiry why she was late in coming home, complainant forthwith told her mother about her unfortunate experience. Taking off her clothes, complainant noticed that there were blood stains on the portion of her panties covering her private parts and that her dress was soiled with mud at the back portion, which items of apparel were presented and admitted as evidence in court.

Complainant's mother asked a nephew to contact the barrio captain, one Marcelino Ponce. The latter, upon being

told of what happened, then went to the place where appellant was staying and told appellant that he was to be delivered and surrendered, as appellant was in fact surrendered to the municipal hall for safekeeping. The next day, complainant was investigated in writing by police authorities and was subjected to medical examination.

The medical certificate issued by Dr. Gavina V. Galbines, who conducted the medical examination on complainant on September 7, 1981, contained the following findings:

“Pelvic examination: speculum examination:

Introitus - admits one finger easily, admits two fingers with less resistance, presence of fresh hymenal laceration.

Cervix - closed, no cervicitis noted, bloody discharges peering from the cervical os.

Uterus - not enlarged

Adnexa - negative

Discharges - bloody, non-odorous

N. B. : Patient is menstrating." (sic)[5]

On the other hand, appellant espouses a different version.[6] He admits having had sexual intercourse with the complainant but claims that the coitus was mutually agreed upon by them, they being sweethearts. Appellant moreover claims that the copulation occurred in their house and not on the muddy trail as alleged by the complainant. As proof of their relationship, appellant presented as evidence a ring and a letter allegedly given to him by the complainant. Hence, appellant faults the trial court in finding him guilty of the crime of rape by using force or intimidation.[7]

In amplification of his plaint, appellant assails the prosecution's version as incredible and cites the fact that complainant did not suffer any injury as proof that she never resisted. The lack of an outcry from the complainant, appellant insists, also negates complainant's story.

We sustain appellant's conviction.

Owing to the peculiar nature of the crime of rape, the very act itself is oftentimes, as in this case, witnessed by only two people, the complainant and the accused. As a consequence, extreme care and caution is required in weighing and appraising their conflicting testimonies to ensure that justice is meted out.[8]

Proceeding from this premise, we have carefully perused complainant's testimony and we find that the same was related with all sincerity and candor expected of a girl truthfully recounting the terrible experience which had befallen her. Her straightforward account of the events which occurred before, during and after the rape was consistent and unwavering even during the cross-examination, obvious proof of the veracity of her declarations.

The issue raised on the absence of any other injury on the victim is of no moment. That the complainant did not sustain any additional injury does not negate the fact of rape. Appellant found no need to employ such force as would have battered complainant because she had already submitted out of fear and exhaustion as she continued to free herself from the clutches of the appellant who poked a hunting knife on her and threatened to kill her unless she kept quiet.[9]

Firmly settled is the rule that rape may be committed even if the force employed was not so great nor of such character as could not be resisted; intimidation is sufficient, and this includes the moral kind such as the fear caused by threatening a victim with a pistol or knife,[10] as in the case at bar.

The lack of an outcry on the part of the complainant likewise does not render improbable the commission of rape against her. Human reactions vary and are unpredictable. A person at one moment may cry her heart out over her misfortune but may be dry-eyed the next time she recalls her tragic fate.[11] Besides, as earlier stated, the complainant was cowed into silence by the menacing demeanor of appellant.

Moreover, complainant's behavior immediately after the incident adequately supports the credibility of her claim that she was raped by appellant. Complainant lost no time in reporting the outrage on her honor to her parents and, later to the police, after which she submitted herself to physical examination. These actuations are certainly inconsistent with appellant's allegation that he had a romantic relationship with the complainant. If, in fact, complainant was in love with him, she could have easily forgiven him; she would not have submitted herself to physical examination of her private parts; she would not have gone to the extent of filing this charge; nor would she have allowed herself to undergo the ordeal and embarrassment of a public trial.[12]

Even granting *ex gratia argumenti* that complainant and accused were lovers, the latter nevertheless committed rape when he compelled her to yield to his sex drive, physically overcame her spirited resistance and sexually took her against her will. Love is not a license for lust, at least upon a sweetheart only who, unlike the wife, has a right to resist the passionate advances of her partner.[13]

In any event, the circumstances of force and intimidation attending the present case are manifested clearly not only by complainant's testimony but also by the physical evidence presented during the trial consisting of the torn pants and underwear of the complainant and the medico-legal report. Such evidence indeed are more eloquent than a hundred witnesses.[14]

It is also evident that the version of appellant that he and the victim were lovers is not only improbable but is also full of contradictions, inconsistencies and equivocations. As categorically found and aptly observed by the trial court regarding appellant's allegation that the copulation took place in his aunt's house where he was staying -

"The Court is not unmindful of the testimony of the accused in refutation of the testimony of the complainant to the effect that the sexual attack took place on the 'human trail' on her way to their farmhouse, when he said in effect that the sexual intercourse was in a room in his house, but this becomes incredulous (*sic*) when he further said (*Ibid.*, pp. 22-23) that the house has only one room and there were four persons inside the house at the time (his aunt Magdalena Pacion and her 3 children), albeit his cousins were outside (the room). Even married couples would hesitate to copulate under such environment! Furthermore, the testimony of the accused is belied by the testimony of his own aunt and witness, Magdalena Pacion, when she said in effect that at the time of the incident she was not there (at home) - *t. s. n.*, Salido, p. 12., test. of Pacion."[15]

More telling are the perceptive findings of said court on the ring and the letter presented by the defense as proof that appellant and complainant were sweethearts, to wit:

"On the other hand, the thrust of the defense of the accused is to the effect that the sexual intercourse he had with complainant was between sweethearts and not a punishable crime (*t.s.n.*, test. of Murallon, p. 4; test. of Pacion, p. 7, Salido). As proof of this accused Murallon said that complainant Montes gave him a ring, Exhibit '2' (*Ibid.*, p. 5) and in turn he gave her a ring similar to Exhibit '2', with the difference that the ring he gave has a reddish pearl on top of it (*Ibid.*, pp. 6-7); and in jail she visited him and gave him a letter, Exhibit '1'. And his aunt Pacion testified that 'I believe they (Murallon and Montes) are sweethearts because there is even a letter (Exh. '1' of Carmencita to Romy (Murallon) '... shown to me by Romy.' (*Ibid.*, p. 7). Exhibit '2' appears to be an ordinary iron or aluminum ring, which is seldom peddled even by sidewalk vendors because it is almost worthless, or at most, to the thinking of the Court, nobody would ordinarily buy for more than a few pesos. To the thinking of the Court also, no sweetheart, even how poor, would give such kind of a present to a loved one. When complainant Montes was confronted with the ring in cross-examination, she said that she had not seen it before and did not have a ring like it (*t.s.n.*, pp. 7-8, Anacleto). The letter, Exhibit '1', is in

Cebuano-Visayan, done on a notebook sheet, the translation of which was not made by the defense despite its reservation to do so (Ibid., p. 3). It appears to be written by one Carmencita to Romey (sic) under date of September 9, 1981, but on cross-examination (Ibid., p. 28) the complainant said the letter is not hers and she has no idea who wrote it. In the cross-examination of the accused Murallon, he said that Exhibit '1' was given to him by Carmencita on September 5, 1984 (81?) - t.s.n., p. 12, Salido - which puts the cart before the carabao, so to say, because the letter would have been delivered before it was written. x x x"[16]

The above-quoted observations of the court a quo are findings of facts which we are inclined to accord great respect, under the circumstances and evidence on record, bearing in mind the trial court's advantage of directly and at first hand observing and examining the testimonial and other proofs as they are presented at the trial and forming its impressions and conclusions on the basis thereof.[17]

All told, we find the records to be amply supportive of the factual findings of the trial court and its assessment of the credibility of the witnesses.

WHEREFORE, finding that appellant's guilt has been proved beyond reasonable doubt, the decision of the trial court is hereby AFFIRMED, except as to the amount of the indemnity which is hereby increased to P30,000.00 conformably with current jurisprudence. The recommendation of the court below for executive clemency "if only to reduce the penalty" is a matter properly addressed to the judgmental policy of the legislature and more directly to the discretion of the Chief Executive.

SO ORDERED.

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

[1] Exhibit "A"; Rollo, 5.

[2] Presided over by Judge Tago M. Bantuas.

[3] Rollo, 15-24.

[4] Rollo, 16-18.

[5] Exhibit "F"; Original Records, 3.

[6] Rollo, 19.

[7] Appellant's Brief, 47.

[8] People vs. Albarillo, G. R. No. 84729, July 30, 1990; People vs. Villapaña, 161 SCRA 72 (1988).

[9] See People vs. Corrales, G.R. No. 76922, February 21, 1990; People vs. Poculan, 167 SCRA 176 (1988).

[10] People vs. Hortillano, G.R. No. 71116, September 19, 1989; People vs. Copro, 126 SCRA 403 (1983).

[11] Id.; Id.

[12] People vs. Arengo, etc., G.R. No. 85251, January 22, 1990.

[13] People vs. Mercado, 161 SCRA 601 (1988).

[14] People vs. Estrebella, 164 SCRA 114 (1988).

[15] Rollo, 20-21.

[16] *Ibid.*, 21-22.

[17] *People vs. Alvarez, etc.*, 163 SCRA 745 (1988).

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.