

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MODESTO BELON, ACCUSED-APPELLANT.

G.R. No. 87759. February 26, 1991

Ponente: FELICIANO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-87759/>

FELICIANO, J.:

Appellant Modesto Belon was charged with the crime of robbery with rape before the Regional Trial Court of Aparri, Cagayan in an information[1] which read as follows:

"That on or about November 25, 1987, in the municipality of Gonzaga, province of Cagayan, and within the jurisdiction of this Honorable Court, the said accused, Modesto Belon, together with three (3) John Does who were not identified, armed with a gun, conspiring together and helping one another, with intent to gain, forcibly entered into the house of the spouses Villamor Villanueva and Vidalyn Magbual-Villanueva, and once inside, by means of violence against and intimidation of persons did then and there wilfully, unlawfully and feloniously take, rob and carry away against the will of the owners, the following personal belongings, to wit:

1. Cash money in the amount of

P4,300.00

2. One (1) wrist watch (seiko 5), valued at

700.00

3. One (1) bolo, valued at

60.00

T O T A L

P5,060.00

with the total amount of, P5,060.00 and belonging to the spouses Villamor Villanueva and Vidalyn Magbual-Villanueva, to the damage and prejudice of the said spouses Villamor Villanueva and Vidalyn Magbual-Villanueva in the total amount of FIVE THOUSAND SIXTY (P5,060.00) PESOS, Philippine Currency; and, that on the same occasion of the said robbery, the accused Modesto Belon, with lewd, design, by means of force, violence and intimidation by using his gun, did then and there wilfully, unlawfully and feloniously have

sexual intercourse with the said Vidalyn Magbual-Villanueva against her will and consent.

Contrary to law."

After trial and in due time, the trial court rendered a decision dated 8 February 1989 convicting appellant, which decision in its dispositive portion stated:

"WHEREFORE,, premises considered, the Court finds and so holds that the accused MODESTO BELON is GUILTY beyond reasonable doubt of the crime of Robbery with Rape as charged in the information and in the absence of any mitigating or aggra-vating circumstance, hereby sentences Modesto Belon to suffer imprisonment of Reclusion Perpetua and to pay the costs. The accused is ordered to pay the offended party Vidalyn Villanueva damages in the sum of TEN THOUSAND PESOS (P10,000.00) and to restitute the sum of P5,060.00 Philippine Currency to the spouses Villamor and Vidalyn Villanueva, the total value of the cash money, and one wrist watch Seiko 5 and one bolo robbed and carried away against the will of the said owners.

SO ORDERED."[2]

Before this Court, appellant made the following assignment of errors:

"I

The lower court erred in giving credence to the testimonies of the prosecution witnesses despite their incredibility and unworthiness.

II

The lower court erred in not finding that the defense of alibi by the accused-appellant is meritorious considering the weakness of the evidence for the prosecution.

III

The lower court erred in not acquitting the accused-appellant on reasonable doubt.[3]

The relevant facts, as recited by the offended party Vidalyn Villanueva in her testimony and summarized by the trial court in its decision, are the following:

"Vidalyn Villanueva, complainant, declared that she knows the accused Modesto Belon because the latter is a resident of Cabiraoan, Gonzaga, Cagayan. She identified in open court the accused to be the person who raped her. She likewise knows Villamor Villanueva he being her husband, and Artel Soliva, the latter being a nephew of her husband.

That on November 25, 1987, at around 10:00 o'clock in the evening, she was inside their house at Cabiraoan, Gonzaga, Cagayan, with her three (3) children, her husband Villamor Villanueva and Artel Soliva. She was then at the southern part inside their house with her husband and three (3) children while Artel Soliva was at the northern part of their house sleeping, when suddenly the roof of their house was stoned twice. They were awakened by the stoning of their house the roof being made up of galvanize (sic) iron. Witness heard utterances 'kadua-kadua', meaning companion, outside their house, thereafter, their door at the kitchen which is found at the southern part of their house was kicked and clubbed. She heard again a voice ordering them to open the door and if they will not open, their house will be burned. She was so afraid of what she heard, so she requested Artel Soliva to open the door while she stood up to light the lamp at the top of their cabinet above where they are sleeping. She was able to light the lamp and noticed that Modesto Belon armed with a small gun had already reached the porch of their house and said to her 'Vulva of your mother, put off the light'. She then put off the light because she was so afraid, then, Modesto Belon proceeded directly to her and held her two arms. She asked the accused what he likes and the latter answered that he needs money, 'pera ang kailangan namin'. Her husband Villamor Villanueva replied that if he needs money, they have a little. Villamor

then stood up and took his short pants to get the money amounting to P4,300.00 and handed it to the accused.

After getting the money, accused Modesto Belon ordered her with an angry and loud voice to lie down. Belon then pushed her down while she struggled with force but the accused poke (sic) the gun to her abdomen, so she laid down and Belon went on top of her held and locked her with his left hand by putting his left arm on her shoulder, holding her tightly, while his right hand was holding the gun. Then, the accused lowered her panty down to her knees and kick (sic) it downward. The accused after removing her panty immediately inserted his penis into her vagina, and succeeded. She asked for help but the husband could not do anything because Belon ordered him not to move if he doesn't like to die. Belon who was then holding a gun for quite a time placed the gun at her side and then held it again and poke (sic) it to her knees while holding her tightly.

(It was made on [sic] record that the witness testified even in the presence of people around the courtroom.)

That when the accused succeeded in inserting his penis she uttered. 'God help me, where are you, will you please come down and help me' then she said to her husband, 'please help me, save me from disgrace' but the accused ordered her husband not to move if he doesn't like to die. Because of the threat, her husband kept still.

After the accused was through abusing her, the former stood up and held her wrist and took her seiko watch, which she bought for P700.00. After taking the watch, accused again took the bolo.

After the accused has taken the bolo, he asked in a loud and angry voice, 'What is the use of this bolo? Is it purposely intended for us?' then she answered in a law voice, 'no it is not intended for you'. Thereafter, the accused shouted at the witness 'you woman accompany me to the door'. Witness accompanied the accused because she was so afraid and she opened the door.

She did not see anybody outside when she opened the door but heard some utterances on the western part of their house near their well. She returned inside the house and cried while her husband comforted her saying that they can not do anything because the accused was armed. Artel Soliva at that time was still near the well as he was held by two persons.

x x x x x x x x."[4]

The efforts of defense counsel were focused on three (3) matters: firstly, appellant assailed his identification as the robber and rapist by the prosecution witnesses; secondly, appellant's principal defense was alibi; and thirdly, appellant sought to discredit the testimony of the offended party and that of the members of her household. We consider these aspects in that order.

Turning to the first item, appellant contends that the complainant and her household members could not have identified him as the intruder in their house because that intruder, according to the testimony of Vidalyn's husband Villamor Villanueva himself, had not previously known Vidalyn. Upon the other hand, he (appellant) had been living in Cabiraoan, in the same locality as complainant and her family, for almost two (2) years. The portion of Villamor Villanueva's testimony on direct examination, pointed to by appellant in this connection, was the following:

"Q:

When Modesto Belon was holding your wife, do you remember of any utterances made by Modesto Belon?

A:

There was, sir.

Q:

What was it?

A:

He said, sir, 'Is this your wife?'

Q:

And what was your answer?

A:

I said, sir, 'Yes.'

Q:

What did he say next if any?

A:

He asked, sir, 'your wife is beautiful', and I said, sir, 'yes.' "[5] (Emphases supplied)

Additionally, according to Villamor Villanueva, the intruder answered in Tagalog when he (Villamor) asked the intruder what they (intruder and his unknown companions below in the yard of the Villanueva house) wanted, while appellant spoke only Ilokano or Ibanag. Appellant also claimed that the offended party and her husband could not have recognized him as the robber-rapist since, according to their own testimony, the interior of the house was in total darkness.

We do not find appellant's arguments here persuasive. The intruder's own statement ("Is this your wife?") is hardly adequate to show that the intruder indeed had not previously known complainant Vidalyn, since that statement may precisely have been made the effort to disguise his identity.

The trial court found that appellant was positively identified as the intruder, rapist and robber not only by Vidalyn, but also by her husband Villamor and by their helper Artel Soliva. How they were able to recognize appellant in the darkness of the night was explained by, Vidalyn on direct examination:

“Q:

And after Artel Soliva went to open the door, what did you do next?

A:

When Artel Soliva went to open the door I stood up to light the lamp on top of my cabinet, sir.

Q:

Where was that cabinet upon which you lighted the lamp?

A:

It is just above our head, sir.

Q:

Now, were you able to light that lamp?

A:

Yes, sir.

Q:

And what, happened next when after you lighted that lamp?

A:

After lighting the lamp that's the time when I noticed that person already reached our porch and said, 'Vulva of your mother put off the light', sir.

Q:

And did you put off the light?

A:

Yes, sir, I put of the light because I was so afraid.

Q:

And when you heard the word ordering you to put off the light, what happened next?

A:

He went up and proceeded to me immediately, sir.

Q:

By the way, do you recognize that man who proceeded to you directly?

A:

Yes, sir.

Q:

What is the name?

A:

Modesto Belon, sir.

Q:

Now, when you said after he proceeded to you directly, what did you do next?

A:

He held my two (2) arms, sir."[6] (Emphases supplied)

The evidence showed that appellant and the Villanueva spouses knew each other very well. They lived in the same barrio and had been on good terms since appellant and his wife first moved into Cabiraoan. The prosecution witnesses could therefore hardly be mistaken in pointing to appellant as the malefactor. Appellant has shown no evil or improper motive on the part of the offended party and her spouse and their helper that would have led them falsely to denounce appellant to the police authorities as a robber and rapist.

In respect of the second item, since appellant had been positively and clearly identified, his defense of alibi must accordingly fail.[7] Moreover, appellant had failed to establish the physical impossibility of his having committed the crime charged.[8] Appellant's house, where he was allegedly at home on the night of the robbery with rape sleeping together with his wife and two (2) children, and that of the Villanueva spouses, were only about one hundred (100) meters apart. It was, therefore, quite possible, indeed, very easy, for appellant to have committed the robbery with rape in the specified place and return home immediately thereafter within a few minutes.

In respect of the third item, appellant's counsel sought to weaken the testimony of the offended party and that of her husband and their helper by contending that Vidalyn had merely offered token resistance to his sexual demand. The testimony of Vidalyn, however, showed quite clearly that coercion was exercised upon Vidalyn, her husband and their helper as well:

"Q.

Was Modesto Belon armed?

A.

Yes, sir.

Q.

And what kind of that armed (sic) did Belon have?

A.

I don't know the name but I am sure that it is a small gun, sir.

Q.

Now, after your husband delivered the money to Modesto Belon, what happened next?

A.

After taking the money that's the time when Modesto Belon ordered me to lay down, sir.

INTERPRETER:

And witness uttering the tenor of how Modesto Belon told those words in an angry voice.

Q.

And what happened to you when you were pushed by Modesto Belon?

A.

I struggled by force, sir.

Q.

Then what happened next?

A.

When I was still struggling, he poke (sic) the gun to (sic) my abdomen and that's the time when I lay (sic) down, sir.

INTERPRETER:

The witness continue (sic) crying as she testified.

Q.

Now, after you were being poke (sic) by a gun and forced by Modesto Belon which caused you to lay down, what did you do next?

A.

When I was lying down that's the time when he went on top of me and held me and locked me with his left hand, sir.

Q.

And where was the gun at that time?

A.

He was holding with his right hand, sir.

Q.

You said that he locked you with his left arm, what is your position then when he locked you with his left arm?

A.

I was lying down while he was on top of me holding me by putting his left arm on my left shoulder sir.

Q.

Do you mean to say he held you tightly?

A.

Yes, sir.

Q.

Then after locking in that position, what happened next?

A.

He lowered my panty and when my panty reached my knees he immediately removed it by kicking it down, sir.

COURT:

Q.

And was that panty removed?

A.

Yes, your honor.

INTERPRETER:

The witness is continuing (sic) crying as she testified.

Q.

And was he succeeded (sic) in inserting his penis?

A.

Yes, sir. x x x x x x x x"[9] (Emphases supplied)

The law does not require the victim of rape to resist unto death. The crime of rape does not require the employment of irresistible force but only such coercion as results in the consummation of the rape.[10] Appellant was armed with a gun and in the darkness of their house, the husband Villamor could not be expected to know whether appellant was brandishing his pistol at all times or whether he might have placed it down for sometime, and if so, exactly where. Villamor proved unable to try to rush and assault appellant in an effort to forestall the violation of his wife. But the law does not absolve the rapist where the husband proves to be less than a roaring lion in defense of his wife's chastity.

Appellant's counsel also seeks to make much of the circumstance that the Villanueva spouses gave their formal statements to the police authorities only on 5 January 1988, that is, more than a month after the occurrence of the robbery with rape, and of the circumstance that the complainant had not been subjected to physical or medical

examination. We do not believe that the failure to report to the police authorities the occurrence of the robbery with rape immediately upon the occurrence thereof, necessarily destroys the credibility of the testimony given by Vidalyn and her husband Villamor. The reluctance of people out in the rural areas to report the occurrence of crime or other unusual events to the public authorities is well known, especially in areas where armed men who may be guerilla insurgents or pretended insurgents are publicly known to be roaming about, almost at will. Moreover, as pointed by the Solicitor General,[11] appellant's counsel had not attempted to raise this point during the trial before the court a quo, and so the offended spouses had no opportunity to explain the lapse of time before formally initiating charges.

All in all, we find no reason to disturb the conclusion of the trial court that the appellant's guilt had been proven beyond reasonable doubt.

WHEREFORE the Decision dated 8 February 1989 is hereby AFFIRMED, except that the indemnity due to the offended party Vidalyn Villanueva shall be increased to the amount of P30,000.00 in accordance with recent case law, and in addition to the restitution of P5,060.00 the total value of which the offended spouses were forcibly deprived.

SO ORDERED.

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

[1] Records, p. 26.

[2] Id., pp. 94-103.

[3] Rollo, p. 32.

[4] Regional Trial Court Decision, pp. 5-6.

[5] TSN, 19 October 1988, pp. 11-12; Rollo, p. 41.

[6] TSN, 19 October 1988, pp. 8-9.

[7] People vs. Inot, 150 SCRA 322 (1987); People vs. Dava, 149 SCRA 582 (1987); People vs. Bautista, 147 SCRA 500 (1987); People vs. Pilapil, 147 SCRA 528 (1987).

[8] People vs. Atencio, 156 SCRA 242 (1987); People vs. Alfonso, 153 SCRA 487 (1987); People vs. Ferrera, 151 SCRA 113 (1987).

[9] TSN, 19 October 1988, pp. 11-13.

[10] People v. Bruca, 179 SCRA 64 (1989); People v. Javellano, 157 SCRA 320 (1987).

[11] Appellee's Brief, p. 12.

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.