



Republic of the Philippines
SUPREME COURT
Manila

THIRD DIVISION

G.R. Nos. 82223-24 November 13, 1992

PEOPLE OF THE PHILIPPINES, plaintiff-appellee,

vs.

MANUEL MATRIMONIO Y PADILLA, accused-appellant.

DAVIDE, JR., J.:

Rowena Matrimonio, a girl of fourteen (14) years in December of 1985, was unlike many of the youths of her age in our country. She was the first to be born into a common-law relationship between a man and a woman who did not think of legalizing their union despite the succeeding births of four (4) more children. She was no stranger to poverty; both her father and mother were itinerant vendors — he of sweepstakes tickets and she of children's toys. As if these adverse circumstances were not enough, she underwent, at such a tender and innocent age, a most painful, terrifying and horrifying experience the memory of which will forever haunt her. She was sexually molested — not once but twice — by her own natural father, the herein appellant, in their own home in Sampaloc, Manila. The first assault occurred on 27 December 1985. As a consequence of this most unnatural and revolting act, she became pregnant. The second took place on 5 April 1986. On both occasions, she had no choice but yield her body and honor because he had threatened to kill her, her mother and her siblings. It was only after the second incident that she decided to reveal his bestial deeds.

On 25 June 1986, Rowena, accompanied by her maternal uncle, proceeded to the General Assignment Section (GAS) of the Western Police District (WPD) of Manila to report her painful ordeal. She was investigated and thereafter made to execute a sworn statement.¹ On that date, upon the advice of P/Capt. Harrison Tolosa of the GAS, she admitted to a physical and genital examination which was conducted by Dr. Marcial Ceñido, Medico-Legal Officer of the WPD Medico-Legal Section; the latter issued a written report indicating therein the following findings and opinion:

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1. Breasts are hemispherical in shape, engorged, and with dark brown prominent nipples and areolae;
2. Abdomen is enlarged, with fundus of the uterus two (2) fingers breadth above the umbilicus, fetal head at hypogastrum and positive for fetal heart beats;
3. Hymen is circular in shape, thin and with a deep old healed laceration at 6 o'clock position and gaping;
4. Introitus vagina admits two (2) examining fingers with moderate resistance;
5. External cervical os is round and normal in consistency; and
6. Last menstrual period — November 26, 1985 for one (1) week.

OPINION:

The above findings is (*sic*) consistent with uterine pregnancy on or about the 7th month of gestation.²

Also on that date, on the basis of Rowena's sworn statement and Dr. Ceñido's findings, the police arrested and booked the appellant.³

On 26 June 1986, after an *ex-parte* investigation, Rowena signed two (2) complaints for rape. Duly subscribed and sworn to by her before Assistant Fiscal Macairog L. De Vega who appropriately certified the same, the complaints were filed on that date with the Regional Trial Court (RTC) of Manila and docketed as Criminal Case No. 86-46285 and Criminal Case No. 86-46286. the first complaint reads:

The undersigned complainant accuses MANUEL MATRIMONIO y PADILLA of the crime of Rape, committed as follows:

That on or about December 27, 1985, in the City of Manila, Philippines, the said accused, being the father of the undersigned complainant, did then and there wilfully, unlawfully and feloniously, with abuse of confidence, by means of threats and intimidation, and taking advantage of undersigned's youth and weakness, have carnal knowledge of the undersigned, a minor, 14 years of age, against her will and consent.

CONTRARY TO LAW.⁴

while the second provides as follows:

The undersigned complainant accuses MANUEL MATRIMONIO y PADILLA of the crime of Rape, committed as follows:

That on or about April 5, 1986, in the City of Manila, Philippines, the said accused, being the father of the undersigned complainant, did then and there wilfully, unlawfully and feloniously, with abuse of confidence, by means of threats and intimidation, and taking advantage of undersigned's youth and weakness, have carnal knowledge of the undersigned, a minor, 14 years of age, against her will and consent.

CONTRARY TO LAW.⁵

Both cases were originally raffled off to Branches 45 and 47, respectively, of the court *a quo*.

Appellant entered a plea of not guilty at his arraignment on 17 July 1986 in Criminal Case No. 86-46286 (Branch 47).⁶ He entered the same plea at his arraignment on 4 August 1986 in Criminal Case No. 86-46285 (Branch 45).⁷ Trial in the latter commenced on 25 August 1986.⁸

Appellant moved for a consolidation of Criminal Case No. 86-46286 in Branch 47 with Criminal Case No. 86-46285 in Branch 45, which was granted, subject to the conformity of the Presiding Judge of Branch 45, in the Order of 9 September 1986.⁹ The latter did not object to the consolidation. As a result, the two (2) cases were jointly tried in Branch 45.

The prosecution presented as its witnesses the victim, Rowena Matrimonio, policeman Cresencio S. Martin and Medico-Legal Officer Dr. Marcial Ceñido for its evidence in chief, and recalled Rowena and Yolanda Infante, her mother, as its witnesses on rebuttal. The defense presented the accused as its sole witness.

In a Decision dated 5 October 1987¹⁰ but promulgated on 28 October 1987, the trial court found the accused guilty beyond reasonable doubt of the crime of Rape under Article 335 of the Revised Penal Code in both criminal cases, and sentenced him:

. . . to suffer the penalty of *RECLUSION PERPETUA* for the first rape on December 27, 1985 and the same penalty of *RECLUSION PERPETUA* for the second rape on April 5, 1986.¹¹

A day after the promulgation, accused-appellant filed a Notice of Appeal wherein he manifested his intention to appeal the decision to the Court of Appeals.¹² Nevertheless, in view of the penalty imposed, the trial court forwarded to this Court the records of both cases. This Court accepted the appeal in the Resolution of 13 April 1987.

¹³

The version of the prosecution, as developed by its evidence and upon which the judgment of convictions based, is as follows:

Rowena, the eldest in a brood of five (5) siblings — four (4) brothers and a sister — born out of the common-law relationship between the appellant and Yolanda Infante, lived with her family in the second storey of a house in

Gerardo St., Balic-balic, Sampaloc, Manila on and prior to 27 December 1985. In that month, she was a mere fourteen (14) year old first year high school student.

At 11:00 o'clock in the evening of that date, while sleeping beside her brother Eduardo and their "ampon" Marites Garcia in their sala, she suddenly noticed her father, the appellant herein, sitting beside her. When she asked him why he was there, he told her not to shout or else he would kill her.¹⁴ She believed this because ". . . *kung gumulpi po siya sa nakababata kong kapatid ay parang papatayin niya.*"¹⁵ He then held her left arm, pressed his knee on her right arm and covered her mouth with his left hand; thereupon, he removed her panty. At that time, he was only wearing his briefs. He then positioned himself on top of her. She attempted to resist but "*tinatakot po niya ako na papatayin niya ang apat (4) kong kapatid at aking nanay kung hindi ko ibibigay.*" So, "[P]inagbigyan ko na po dahil sa maliliit pa po ang aking mga kapatid at ang nanay ko rin po na siyang naghahanapbuhay sa amin."¹⁶ He then forced his private organ into her private organ. He succeeded in raping her — "*Ginahasa po ako ng tatay ko.*" Asked to explain what that means, she answered: "*Hinalay po niya ako.*"¹⁷ Notwithstanding the fact that she suffered pain in her private organ until the following morning, she did not reveal her ordeal to anyone because the appellant warned her not to; he said that if she did, he would kill her four (4) brothers, her sister and her mother.¹⁸ It was this assault which caused her pregnancy.¹⁹

On 5 April 1986, at about 8:00 o'clock in the morning, while alone in the sala of their house after having served breakfast to her two (2) brothers and a sister at the kitchen located in the ground floor, Rowena was sexually assaulted again by the appellant. As in the first assault, she gave in because of fear; he told her that if she would say anything to anybody, he would kill her brothers, sister and mother. He placed himself on top of her, inserted his private organ into hers, kissed her and fondled her breast. At that time, her mother had already left to sell her wares. Eduardo had gone to school while the brothers and sister she had fed were playing downstairs.²⁰ Afraid that the appellant would sexually molest her again, she left on 6 April 1986 for her grandfather's residence in Sapang Palay, Bulacan where she stayed until 1 June 1986.²¹ On 2 June 1986, the appellant, Rowena and her mother, Yolanda, met at a restaurant in Quiapo, Manila. The appellant then suggested, and Yolanda agreed, that Rowena be taken to the house of a friend in Dasmariñas, Cavite to "hide" her there because she was already seven (7) months into her pregnancy.²² On their way to Dasmariñas, Cavite, she confided everything to her mother. The latter then told her brother, Manuel Infante, and Rowena's uncle about what happened. Both convinced Rowena to file the case against the appellant. Consequently, on 25 June 1986, Rowena, accompanied by her uncle Manuela, went to the General Assignment Section (GAS) of the Western Police District of Manila to report the sexual assaults.²³

On 11 September 1986, Rowena gave birth to a male child at the Jose Fabella Hospital; this child was given by Rowena's mother, Yolanda, to a person who brought him to Canada.²⁴

Upon the other hand, appellant admitted having sexual intercourse with Rowena but denied that he forced or coerced her into giving in to his advances for the truth of the matter is that without Yolanda's knowledge, he and Rowena lived as husband and wife for about one (1) year and fifteen (15) days. The relationship started in 27 December 1985 when he and Yolanda quarreled, because the latter came home drunk, and Rowena offered herself to him. Yolanda discovered the relationship when Rowena was in the seventh month of her pregnancy; both parents thus agreed to take Rowena to Cavite to hide such pregnancy. However, Rowena first stayed in Sapang Palay for about four (4) months during which time she and the appellant allegedly met every Saturday in Pateros Street in Quiapo to watch movies. The appellant claims that he continued having sexual intercourse with Rowena after the 27 December 1985 incident. These alleged trysts would usually take place in a motel at the corner of Avenida and Bangbang streets in Manila; there were times that they would sleep over in the said motel.²⁵

On cross-examination, appellant admitted that Yolanda is only his common-law wife and revealed for the first time that he is legally married to a certain Leticia Soriano who is still alive. He thus considers Yolanda as "my second wife." He also claimed for the first time that the complainant, Rowena, is not his really his daughter because when he started living with Yolanda, the latter was already seven (7) months pregnant with Rowena.²⁶

On rebuttal, Rowena vigorously denied the appellant's assertions and declared that she had never lived as the latter's wife; he is her father; she did not offer herself to him because of such fact; she yielded to him only because of the threats he employed; she did not meet him on Saturdays; and she has not gone to any motel and does not even know how one looks like.²⁷

Yolanda also took the witness stand to refute the claim of the appellant that Rowena is not his daughter.²⁸

Confronted with the foregoing diametrically opposed versions, the trial court found no difficulty in giving full faith and credit to the story of Rowena and in discrediting that of the appellant. The following is its exposition:

The evidence of the prosecution proved beyond a reasonable doubt that the accused raped his own daughter, Rowena, on December 27, 1985 and April 5, 1986, intimidating her in both instances to submit to his evil desire — the circumstances of the second rape, being almost identical to those of the first rape.

Rowena was fourteen (14) years old and a first year high school student when she was deflowered on December 27, 1985 She was (*sic*) the eldest of the five (5) children of the accused and Yolanda Infante

. . . . When she saw her father seated beside her at about "11:00 o'clock in the evening" of December 27, 1985 . . . she "did not think about anything bad" but when he threatened to kill her if she will shout, she believed that he will do what he threatened , "kasi kung gumulpi po siya sa nakababata kong kapatid ay parang papatayin niya" . . . Rowena's awareness of his cruelty shocked her more when he told her that he will kill her mother and her brothers and sisters (*sic*) kung hindi ko ibibigay . . .

It is thus, without hesitation that the Court finds that there was intimidation sufficient to overcome the will of Rowena to resist the assault upon her honor. Assuredly, the force and intimidation employed should be appreciated in relation to her youth and her fear of her assailant, her own father. So it has been held that "the force or violence necessary in rape is unnaturally a relative term, depending on the age, size and strength of the parties and their relation to each other.

Manuel Matrimonio is her own father — and since birth had exercised strong moral and physical influence and control over her. A young daughter's regard for her father naturally intervened in such a revolting and dastardly occurrence.

In the words of the Supreme Court in *PEOPLE vs. OYDOC*, 125 SCRA 250, 156:

One should not expect a fourteen-year old girl to act like an adult or mature and experience woman who would know what to do under such difficult circumstances and who would have courage and intelligence to disregard a threat on her life and the members of her family and complain immediately that she had been forcibly deflowered. It is not uncommon for young girls to conceal for sometime the assaults on their virtue because of the rapists' threat on their lives, more so when the rapist is the child's own stepfather, living with her.

The Court is, therefore, persuaded to view Rowena's failure to promptly disclose to her mother "the details of her defoliation" (*sic*) in the "light of the mental shock and trauma that must have overwhelmed her" as stressed by the Supreme Court in *PEOPLE vs. SANTOS*, 94 SCRA 277, cited in *People vs. Oydoc, supra.*, p. 257.

The Court finds the testimony of the accused that "Rowena offered herself" to him when he and Rowena's mother quarreled on December 27, 1985, a blatant lie and the irrefutable proof of the beast in him, of his shameless lust for the human flesh, be it of his own flesh and blood.

Rowena belied the same in this wise: "that is not true, sir. Why should I offer myself to him when I know that he is my father? (*August 7, 1987, t.s.n., p. 3*).

In those few and simple words, Rowena proved her regard for her father — and her contempt of (*sic*) what he did to her.

Rowena appeared to the Court as one who has not overcome the trauma of her misfortune — and would rather keep to herself the ignominy of her sad experience. In fact the records will show that she (*sic*) first took the witness stand, the Court had to reset the reception of her testimony as she was too reluctant to talk and that, when she decided to testify, she cried in open Court — obviously "still possessed of the traditional and proverbial modesty of the Filipina" who would not have filed this complaint against her own father and "suffered the torment, if not ignominy, of having to testify in a court of justice about the wrong done to her" by her own father, if in truth she was not really raped.

Rowena gave her story to the Court and "she gave it under the solemnity of an oath under the gaze of a public trial." She submitted her private organ to medical examination. She unraveled the sordid details of her own perdition. Certainly, nothing could be more humiliating and painful to a young girl as Rowena. "It was the truth of her story that gave her the courage and boldness fearlessly to face interrogation, and medical examination, both effective means of verifying the truth of her serious accusation" (*People vs. Clarin, 108 SCRA, 680, 692*).²⁹

In his Appellant's Brief filed on 23 August 1988, appellant contends that in convicting him, the court *a quo* erred:

I

. . . . IN GIVING CREDENCE TO THE TESTIMONIES OF THE PROSECUTION WITNESSES AND DISREGARDING THE EVIDENCE FOR THE DEFENSE.

II

. . . IN CONVICTING THE ACCUSED OF THE CRIME CHARGED UNDER CRIM. CASE NO. 86-46225 (*sic*) AND CRIM. CASE NO. 86-46486 (*sic*), DESPITE THE APPARENT CONSENT GIVEN BY THE COMPLAINANT IN BOTH INSTANCES.

III

. . . IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.³⁰

In support thereof, appellant insists that the sexual intercourse that occurred on 27 December 1985 was with the consent of Rowena who was rather passive, if not submissive to his sexual advances. Considering that she shared the same room with her brother, adopted sister and mother who were all asleep, it was highly improbable that her brother and sister, who were lying beside her, were not awakened by her supposed struggle when the accused stayed on top of her for thirty (30) minutes. Moreover, her permissiveness provided the appellant with enough confidence to consummate the act despite the fact that the room was well-lit; what he was doing could have been easily seen by the other occupants therein had any one of them awakened.

He also alleges that if there was any threat employed him, the same was not sufficient to prevent the complaint from resisting since he was unarmed. He contends that based on the complainant's own testimony regarding her attitude towards her father immediately after the 27 December 1985 incident, the threat, if any, had already ceased to exist. When she left home on 10 April 1986 to stay with her grandparents in Sapang Palay, she had all the chances to reveal the matter to them but she opted to remain silent. That it took the complainant five (5) months from the 27th of December before lodging the complainants against the appellant casts much doubt on the veracity of her story.

Appellant further claims that the testimony of the complainant as to when the alleged rapes were revealed to her mother is inconsistent with the testimony given by the mother herself. He faults the victim's mother for not taking any steps to protect her daughter despite knowledge of the victim's pregnancy three (3) weeks before 5 April 1986.

As to the second rape committed on 5 April 1986, appellant claims that there was no sufficient resistance put up by the complainant. He maintains that "there must be physical struggle taking her power to the utmost."³¹ Hence, he claims that the prosecution miserably failed to establish the element of force and intimidation.

In the Appellee's Brief, the Office of the Solicitor General rejects all the contentions of the appellant and prays for the affirmance *in toto* of the appealed decision. It maintains that the decisive fact in this case is the appellant's admission of having had sexual intercourse with Rowena, and considers his story in support thereof as "seemingly ridiculous, comical and humorous."³² It avers that at the time of the commission of the offense, the appellant, being the complainant's father, still had moral ascendancy and influence over her; hence, it was not necessary for her to have put up a determined resistance against his molestations. A teenage unmarried lass would not ordinarily file a rape complaint against anybody, *much less her own father*, if it were not true. Besides, the records are bereft of any evil motive which would have moved Rowena to charge her father with rape.

In evaluating the evidence in cases of rape this Court has consistently adhered to the following principles: a) an accusation of rape can be made with facility; it is difficult to prove, but more difficult for the person accused, though innocent, to disprove; b) in view of the intrinsic nature of the crime of rape where only two (2) persons are usually involved, the testimony of the complaint must be scrutinized with extreme caution; and c) the evidence for the prosecution must stand or fall on its own merits, and cannot be allowed to draw strength from the weakness of the evidence for the defense.³³

This adherence is consistent with the constitutional guaranty enjoyed by an accused that he is presumed innocent until proven guilty.³⁴ A finding of guilt must be proven beyond reasonable doubt, or that degree of proof which produces conviction in an unprejudiced mind;³⁵ it should not be based on a mere accusation for an accusation is not, according to the fundamental law, synonymous with guilt.³⁶

In most rape cases, however, the culpability of the offender invariably hinges on the story of the complainant³⁷ since the crime of rape is not normally committed in the presence of witnesses. This Court is therefore duty bound to carefully scrutinize and closely examine the complainant's testimony that the accused indeed committed the crime. Corollarily, conviction of the accused should not be made to rest on the uncorroborated testimony of the complainant unless the latter's story is impeccable and rings true throughout, or bears the stamp of absolute truth and candor.³⁸

Conclusions as to the credibility of witnesses in rape cases lie heavily on the sound judgment of the trial court.³⁹ Accordingly, in the appreciation of the evidence, the appellate court accords due deference to the trial court's views on who should be given credence⁴⁰ since the latter is in a better position to decide the question of the credibility of witnesses, having seen and heard these witnesses and observed their deportment and manner of testifying during trial.⁴¹ The trial court's findings concerning the credibility of witnesses carry great weight and respect⁴² and will be

sustained by the appellate court unless certain facts of substance and value have been overlooked which, if considered, might affect the result.⁴³

After carefully examining the records and sifting through the evidence, We find no compelling reason to disturb the findings of the trial court.

The assigned errors present only one crucial issue: whether appellant committed the crime of rape in Criminal Case No. 86-46285 and in Criminal Case No. 86-46286. He contends that he did not because Rowena consented to the sexual acts alleged therein. The trial court found otherwise and ruled that the latter yielded because of intimidation. It further declared that the acts were committed against her will.

The pertinent portion of Article 335 of the Revised Penal Code reads as follows:

Art. 335. *When and how rape is committed.* — Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

1. By using force or intimidation.

x x x x x x x x x

We sustain the trial court for the prosecution's evidence proved beyond reasonable doubt that the appellant intimidated Rowena into consummating the sexual acts with him on 27 December 1985 and 5 April 1986. He conveniently availed of two (2) forms of intimidation: threats and his overpowering moral influence. With respect to the first incident, he craftily threatened her during the initial stage by telling her not to shout or else she would be killed; he also threatened the lives of her mother, sister and brothers to force her to yield her honor and privacy when he was already on top of her. To an innocent girl who was then barely fourteen (14) years old, the threat engendered in her a well-grounded fear that if she dared resist or frustrate the bestial desires of the appellant, she, her siblings and her mother would be killed. Intimidation is addressed to the mind of the victim and is, therefore, subjective. It must be viewed in the light of the victim's perception and judgment at the time of the commission of the crime and not by any hard and fast rule. We have said before that the workings of the human mind when placed under emotional stress are unpredictable and people react differently. In such a given situation, some may shout; some may faint; and some may be shocked into insensibility; while others may openly welcome the intrusion.⁴⁴ The test for its sufficiency under Article 335 of the Revised Penal Code is whether it produces a reasonable fear in the victim that if she resists or does not yield to the bestial demands of the accused, that which the latter threatened to do would happen to her, or those dear to her — in this case, her mother, sister and brothers. Where such degree of intimidation exists, and the victim in cowed into submission as a result thereof, thereby rendering resistance futile, it would be extremely unreasonable to expect the victim to resist with all her might and strength. And even if some degree of resistance would nevertheless be futile, offering none at all cannot amount to consent to the sexual assault. For rape to exist, it is not necessary that the force or intimidation employed in accomplishing it be so great or of such character as could not be resisted; it is only necessary that the force or intimidation be sufficient to consummate the purpose which the accused had in mind.⁴⁵ This is especially true in the case of a young, innocent and immature girl like Rowena, who could not have been expected to act with equanimity of disposition and with nerves of steel;⁴⁶ or to act like an adult or mature and experienced woman who would know what to do under the circumstances; or to have the courage and intelligence to disregard the threat.⁴⁷

As if these threats were not enough, appellant took full advantage of his moral ascendancy and influence over his daughter who loves and respects him as a father. Even after being belatedly disowned by him during his last few minutes at the witness box on cross-examination, Rowena remained steadfast in her claim that he is her father. That sudden, surprising and shocking disclaimer — which was also vehemently denied by Rowena's mother, Yolanda — reflected either the heaviness of his conscience now troubled by the evil he had done to his daughter and which he perhaps felt could be lessened by a rejection of the father-daughter relationship, or the total degeneration of an aberrant mind.

In a rape committed by a father against his own daughter, the former's moral ascendancy and influence over the latter substitutes for violence or intimidation.⁴⁸ That ascendancy or influence necessarily flows from the father's parental authority, which the Constitution and the laws recognize, support and enhance, as well as from the children's duty to obey and observe reverence and respect towards their parents. Such reverence and respect are deeply ingrained in the minds of Filipino children and are recognized by law.⁴⁹ Abuse of both by a father can subjugate his daughter's will, thereby forcing her to do whatever he wants.

We have applied the foregoing principle in the case of a sexual assault of a stepdaughter by her stepfather,⁵⁰ and of a goddaughter by a godfather in the sacrament of confirmation.⁵¹

Then, too, as early as 1901, in *United States vs. Ramos*,⁵² this Court already ruled that "[w]hen a woman testifies that she has been raped she say, in effect, that all that is necessary to constitute the commission of this crime has been committed." If this rule, already deeply embedded in our jurisprudence, applied to any man committing the crime of rape, then a victim's testimony would be entitled to greater weight when the accusing words are said

against a close relative, as in the case of a father by a daughter,⁵³ son-in-law by a mother-in-law⁵⁴ or an uncle by a niece.⁵⁵ In the instant case, We could hardly believe that Rowena would fabricate a story of defloration and charge her father with two (2) counts of rape unless these were true. At her tender age, she needed the company, care and support of a father and mother. She certainly realized that by her accusations, her father would be deprived of his liberty and thrown into prison to serve a long sentence. She was also aware that by testifying, she made public a painful and humiliating secret which others would have simply kept to themselves forever, jeopardized her chances of marriage or foreclosed the possibility of a blissful married life⁵⁶ as her husband may not fully understand the excruciatingly painful experience which would haunt her. She further realized too well that her denunciations against her own father would only bring down on her and her family shame and humiliation.⁵⁷ These considerations are enough to strengthen Our conviction that Rowena was telling the truth and was not inspired by any other motive than to obtain justice⁵⁸ for the grievous wrong committed against her, to have the same punished, to have the full force of the law take its course against her father and, hopefully, even if it would seem impossible, to reform the latter. It was not vindictiveness which moved her to file the cases against the appellant. Then again, it is equally settled that no young Filipina of decent repute would publicly admit that she had been ravished and abused unless it is the truth.⁵⁹ Appellant has not shown that Rowena, notwithstanding her illegitimate status, for which she is entirely blameless as she did not choose who her parents should be, and the social and economic environment in which she was reared, has lost the innate decency and modesty of a Filipina.

That she reported the sexual assaults six (6) months after the first intercourse does not weaken her case. Delay in reporting a rape case committed by a father against his daughter due to threats is justified.⁶⁰

The version of the appellant that he and his daughter Rowena were living together as husband and wife since 27 December 1985, in their own house with her mother, that Rowena freely gave her consent to the sexual assaults and that they even had Saturday sessions in a Manila motel to consummate their mutual passions, is simply incredible and improbable. It is an affront to Filipino values and an assault on the intelligence; it offends sensibilities. The story could only be concocted by a morally corrupt and mentally depraved sex maniac. Such is the appellant who committed the most dastardly, if not diabolical, act any man could commit: the rape of his own daughter — his own flesh and blood. What this Court said, through Mr. Justice Isagani A. Cruz, in *People vs. Ramos*,⁶¹ is worth repeating:

Rape is a nauseating crime that deserves the condemnation of all decent persons who recognize that a woman's cherished chastity is hers alone to surrender of her own free will. Whoever violates that will descends to the level of the odious beast. The act becomes doubly repulsive where the outrage is perpetrated on one's own flesh and blood for the culprit is reduced to lower than the lowly animal. The latter yields only to biological impulses and is unfettered by social inhibitions when it mates with its own kin, but the man who rapes his own daughter violates not only her purity and her trust but also the mores of his society which he has scornfully defied. By inflicting his animal greed on her in a disgusting coercion of incestuous lust, he forfeits all respect as a human being and is justly spurned by all, not least of all by the fruit of his own loins whose progeny he has forever stained with his shameful and shameless lechery.

He has forsaken that which is the highest and noblest in his human nature and thus deserves no place in society. It is hoped that others who had suffered the same fate as Rowena would be inspired by her courage to expose the evil deeds unworthy fathers may have committed. This world would surely be different without these beasts.

The affirmance of the appellant's convictions in the two (2) cases subject of this appeal is inevitable. He should, however, be condemned to pay moral and exemplary damages which the trial court failed to impose. Of course, since the appellant was only a vendor of sweepstakes tickets and has been in prison since 25 June 1986, it would be impossible for him to satisfy any award for damages. Nevertheless, it must be imposed for the circumstances in these cases warrant the award of moral damages under Article 2219(3) in relation to Article 2217 of the Civil Code. We hereby fix the award at P50,000.00 in each of the two (2) appealed cases. As for exemplary damages, provided for under Article 2229 of the same Code. We hereby set the same at P25,000.00 in each of the said cases. Exemplary damages are herein imposed to deter other fathers with perverse tendencies or aberrant sexual behavior from sexually abusing their own daughters.

Also, We find that the trial court should have appreciated against the appellant the alternative circumstances of *relationship* provided for in Article 15 of the Revised Penal Code considering that the offended party is a descendant of the appellant. Even if not alleged in the informations, it was duly proven without objection on the part of the appellant. In crimes against chastity, such as rape, relationship is aggravating.⁶² However, it would not affect the penalty in each of the two (2) cases herein involved — *reclusion perpetua* — because it is an indivisible penalty must, under Article 63 of the Revised Penal Code, be applied regardless of any mitigating or aggravating circumstances that may have attended the commission of the crime.

WHEREFORE, the appealed Decision of Branch 45 of the Regional Trial Court of Manila in Criminal Case No. 86-46285 and Criminal Case No. 86-46286 is hereby AFFIRMED subject to the modification above indicated. As

modified, moral and exemplary damages, in the amounts of P50,000.00 and P25,000.00, respectively, are awarded to the offended party, ROWENA I. MATRIMONIO, in each of the said cases.

Costs against the appellant.

SO ORDERED.

Gutierrez, Jr., Bidin, Romero and Melo, JJ., concur.

Footnotes

1 Exhibit "A", Original Records, Criminal Case No. 86-46285, 62.

2 Exhibit "F", Original Records, Criminal Case No. 86-46285, 65.

3 Exhibit "C", *Id.*, 64.

4 *Id.*, 1.

5 Original Records, Criminal Case No. 86-46286, 1.

6 *Id.*, 9.

7 *Id.*, Criminal Case No. 86-46285, 3.

8 *Id.*, 11.

9 *Id.*, Criminal Case No. 86-46286, *op. cit.*, 26.

10 Original Records, Criminal Case No. 86-46286, 87-94; *Rollo*, 14-21; per judge Andres E. Matias.

11 *Id.*, 93; *Id.*, 20.

12 *Id.*, 98; *Id.*, 22.

13 *Id.*, 25.

14 TSN, 5 January 1987, 2-4.

15 TSN, 2 March 1987, 9.

16 TSN, 23 February 1987, 3-4.

17 TSN, 5 January 1987, 3.

18 TSN, 23 February 1987, 6.

19 *Id.*, 8.

20 *Id.*, 7-8.

21 *Id.*, 10.

22 TSN, 7 August 1987, 15-16; TSN, 2 March 1987, 18.

23 *Id.*, 7 August 1987, 11; TSN, 23 February 1989, 11-12; 21-22.

24 *Id.*, 23 February 1987, 8-9.

25 TSN, 29 July 1987, 2-5.

26 *Id.*, 6.

27 TSN, 7 August 1987, 3-5.

28 TSN, 7 August 1987, 88.

29 *Rollo*, 18-20.

30 *Rollo*, 40.

31 *Rollo*, 59.

32 *Id.*, 81.

33 *People vs. Aldana*, 175 SCRA 635 [1989]; *People vs. Capilitan*, 182 SCRA 313 [1990]; *People vs. Alburo*, 184 SCRA 655 [1990]; *People vs. Leoparte*, 187 SCRA 190 [1990]; *People vs. Saldivia*, 203 SCRA 461 [1991]; *People vs. Tismo*, 204 SCRA 535 [1991].

34 Section 14 (2), Article III, 1987 Constitution.

35 Section 2, Rule 133, Rules of Court.

36 *People vs. Dramayo*, 42 SCRA 59 [1971]; *People vs. Zamora*, 54 SCRA 47 [1973].

37 *People vs. Pido*, 200 SCRA 45 [1991].

38 *People vs. Nebres*, 58 Phil. 903 [1933]; *People vs. Ariarte*, 60 Phil. 326 [1934]; *People vs. Delfinado*, 61 Phil. 694 [1935]; *People vs. Royeras*, 130 SCRA 259 [1984]; *People vs. Permison*, 199 SCRA 635 [1991].

39 *People vs. Malate*, 116 SCRA 487 [1982]; *People vs. Veloso*, 148 SCRA 60 [1987]; *People vs. Partulan*, 156 SCRA 489 [1987]; *People vs. Sarda*, 172 SCRA 651 [1989]; *People vs. Tablizo*, 182 SCRA 739 [1990]; *People vs. Albarillo*, 188 SCRA 113 [1990].

40 *People vs. Ordonio*, 68 SCRA 397 [1975].

41 *People vs. Bantac*, 167 SCRA 109 [1988]; *People vs. De la Cruz*, 184 SCRA 416 [1990]; *People vs. Beringuel*, 192 SCRA 561 [1990].

42 *People vs. De la Victoria*, 64 SCRA 400 [1975]; *People vs. Moises*, 66 SCRA 151 [1975]; *People vs. Advincula*, 96 SCRA 875 [1980]; *People vs. Aguel*, 97 SCRA 795 [1980]; *People vs. Canamo*, 138 SCRA 141 [1985]; *People vs. Salvilla*, 184 SCRA 971 [1990].

43 *People vs. Pascual*, 80 SCRA 1 [1977]; *People vs. Arciaga*, 98 SCRA 1 [1980]; *People vs. Marzan*, 128 SCRA 203 [1984]; *People vs. Alcid*, 135 SCRA 280 [1985].

44 *People vs. Cabradilla*, 133 SCRA 413 [1984].

45 *People vs. Savellano*, 57 SCRA 320 [1974].

46 *People vs. Viray*, 164 SCRA 135 [1988]; *People vs. Fernandez*, 165 SCRA 302 [1984]; *People vs. Cariño*, 167 SCRA 285 [1988]; *People vs. Sarra*, 183 SCRA 34 [1990].

47 *People vs. Jimenez*, 200 SCRA 539 [1991].

48 *People vs. Erardo*, 127 SCRA 250 [1984]; *People vs. Lucas*, 181 SCRA 316 [1990]; *People vs. Caballes*, 199 SCRA 152 [1991].

49 Article 311, Civil Code; Article 211, The Family Code of the Philippines.

50 *People vs. Robles*, 170 SCRA 557 [1989].

51 *People vs. Alcid*, *supra*.

52 1 Phil. 81, 82 [1901].

53 *People vs. Cariño*, *supra*.

54 *People vs. Alvis*, 117 SCRA 362 [1982].

55 *People vs. Soterol*, 140 SCRA 400 [1985].

56 *People vs. Vinas*, 202 SCRA 720 [1991].

57 *People vs. Daniel*, 86 SCRA 511 [1978].

58 *People vs. Ignacio*, 60 SCRA 11 [1974]; *People vs. Rio*, 201 SCRA 702 [1991]; *People vs. Vinas*, *supra*.

59 *People vs. Taño*, 109 Phil. 912 [1960]; *People vs. Bulosan*, 160 SCRA 492 [1988]; *People vs. Fernandez*, 165 SCRA 302 [1988]; *People vs. Pasco*, 181 SCRA 233 [1990]; *People vs. Santiago*, 197 SCRA 556 [1991].

60 *People vs. Rosario*, 159 SCRA 192 [1988]; *People vs. Cariño*, *supra.*; *People vs. Lucas*, *supra.*; *People vs. Aquino*, 186 SCRA 208 [1990]; *People vs. Vinas*, *supra*.

61 165 SCRA 400, 408 [1988].

62 *People vs. Porras*, 58 Phil. 578 [1933]; *People vs. Lucas*, *supra.*, at 327.