

****Title: People of the Philippines v. Rodolfo S. Pepito****

****Facts:****

Rodolfo S. Pepito was found guilty of three counts of rape against his daughter, Jelyn Pepito. The series of events began when Jelyn was 14 years old, although molestation by her father started when she was 8. Living with their parents, three brothers, and three sisters in Barangay Balani, Sultan Kudarat, Jelyn suffered regular abuse under threats of violence with a gun. Specific instances of rape occurred on 26 July 1995, 9 June 1996, and 30 August 1997. Jelyn was molested and raped while sleeping beside her siblings, unable to resist due to threats and physical force by her father.

Jelyn confided in her mother, who out of fear remained silent. Her father's assaults continued until she became pregnant, which led to her uncle, Joseph Francisco, discovering the abuses. Jelyn was eventually taken in by the Department of Social Welfare and Development (DSWD).

After Jelyn gave birth and their child died after a day, the case was reported to the authorities and Rodolfo Pepito was arrested. During the trial, multiple information pieces were filed against Pepito, with the prosecution presenting witnesses, including Jelyn, a medical officer, a social worker, her uncle, and her aunt. The defense relied on Rodolfo's denial and alibi, claiming he was away during the incidents.

****Procedural Posture:****

The trial court found Rodolfo S. Pepito guilty of three counts of rape and sentenced him to death. This automatic review before the Supreme Court of the Philippines followed under the law due to the death penalty imposed.

****Issues:****

1. Whether the trial court erred in convicting Rodolfo Pepito for three counts of rape despite alleged consent by the victim.
2. Whether the imposition of the death penalty was correct under the circumstances.

****Court's Decision:****

The Supreme Court upheld the trial court's decision, finding Rodolfo Pepito guilty beyond reasonable doubt of three counts of qualified rape.

1. ****Alleged Consent****:

- The Court found no merit in the claim that the lack of intense resistance or shouting

during the assaults suggested consent. Given the father's moral ascendancy and the threats of violence, Jelyn's failure to resist does not equate to consent. The Supreme Court emphasized that intimidation, particularly by a parent, can render physical resistance unnecessary. The Court cited the inherent power dynamic in parental relationships, where mental influence could override physical resistance.

2. **Death Penalty**:

- The imposition of the death penalty was ruled appropriate, as both qualifying circumstances—Jelyn being under 18 and Rodolfo being her parent—were alleged in the informations and substantively proven. These findings were predicated on admissions during pre-trial and uncontested facts proving Jelyn's minority and Rodolfo's paternity.

Doctrine:

- **Resistance in Rape**: Physical resistance isn't a necessary element for proving rape when intimidation and moral ascendancy are evident.
- **Proving Minority and Relationship**: For the qualifying circumstance of minority and relationship in rape cases, verified documents like a birth certificate aren't necessary if the facts are admitted during trial and not contested.

Class Notes:

- **Elements of Qualified Rape**:
- **Age and Relationship**: Victim must be under 18, and the offender must be a parent or have a similar significant relationship.
- **Intimidation**: Fear, threats, or force applied can nullify the necessity for victim's physical resistance.
- **Admissions during Pre-trial**: Admissions made during pre-trial expedite trial and are binding, reducing the need for repeated proof.

Historical Background:

- The case highlights the systemic issue of parental abuse and the cultural silence surrounding it in marginalized sectors. The Supreme Court's reaffirmation of stringent punishments for such heinous crimes underscores a judicial stance to deter similar offenses and ensure protective justice measures for minors.