

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALBERTO RAMOS, DEFENDANT-APPELLANT.*G.R. Nos. L-48728-29. September 19, 1988*

Ponente: CRUZ, J.

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The accused-appellant is a former convict imprisoned for killing his wife's brother over a rooster. Upon his release, he rejoined his family, whom he apparently terrorized with his cruelty and severity. He was also a loafer according to his wife, who claimed she did most of the work to earn their livelihood. In 1975, one of his daughters, Laura, then fourteen years old and unmarried, became pregnant. Later, Rosita, another single daughter then sixteen years old, also became pregnant. Eventually, both of them pointed to their father as the cause of their conditions. Worse, they both said he had raped them. He was apprehended and detained but escaped a few days later and remained in hiding for about ten months. Finally, he was recaptured and two informations for rape were filed against him. He was convicted after trial and sentenced to two terms of life imprisonment plus payment of civil indemnity in the amount of P15,000.00 to each of his victims.[1]

He now asks us to reverse his conviction, claiming he is the victim of injustice. There is something that must be first understood about Alberto's family before the testimony of the several witnesses presented in this case can be properly considered and appraised. He is not the only weird protagonist in the curious cast of characters of this sordid drama. Laura testified at the trial that her mother was insane and so was Rosita, although Laura retracted later about Rosita.[2] Laura herself is not exactly normal. Insane or not, all three of them are of low mentality as a reading of their testimony will readily reveal. None of them passed Grade 1 although Laura tried for all of four years.[3] Neither Rosita nor Laura can count or write except their names. They do not know the days of the week or the months of the year,[4] which their mother Rosalinda does even if she also failed Grade 1.[5] Rosalinda was forbidden by Alberto to go near the river because she nearly drowned there once; she is scolded by her husband every time this order is disobeyed.[6] This mother's remark when told that Rosita had been raped by her father was: "What kind of a father, he has no manners." [7]

According to Laura, she was first raped by her father sometime in March 1975 when he asked her to accompany him to gather coconuts. The deed was done near the creek, where he pushed her down to the ground, hit her thigh, tried to choke her, grappled with her and finally had her. That was in the afternoon, at twilight. Later that evening, he took her three more times in the banana plantation (or under their house), but she said nothing to her mother when they returned home because she was afraid of her father. Her father raped her many more times afterwards, in their house, under the house, by the vegetable patch and elsewhere. When she had the opportunity, she was finally able to move to her aunt's house in New Aklan, but she was already pregnant at the time. She gave birth to a baby girl on February 6, 1976.[8]

For her part, Rosita said she was first raped in their house by her father sometime in November 1975 when the family was asleep. It is a rather incredible tale she tells because she says they were all sleeping in one room and on one mat when her father mounted her after forcibly removing her panty while intimidating her with a bolo and

covering her mouth. None of the children woke up, but her mother beside her did although she said nothing because she was also afraid of her husband. After that night, Alberto raped her many more times in various places but she dared not resist for fear of him as he had often maltreated her and the other children. She finally became pregnant also and delivered her child, who was also her father's, the following year.[9]

The Court does not intend to be flippant when it mentions this significant and relevant sidelight: When asked about the size of Alberto's erect penis, Laura motioned the dimensions, which measured fourteen inches in length and two inches in diameter.[10] Rosita was more conservative and said it was seven inches long and one-and-a-half inches around.[11] For verification, the defense requested a medical examination which revealed, according to the female physician who did the measurement, that it was only 11 centimeters, or about four-and-one-fourth inches in length when erect.[12] In short, it was not really that long.

Rosalinda's testimony was mainly a corroboration of the daughter's claim that they had been raped by their father. Her answers consisted mostly of "yes, sir" in English which led the trial court to ask her no less than four times what she meant by it.[13] She narrated how Alberto reacted when he learned of Rosita's pregnancy, saying that he kicked and slapped her.[14] Earlier, angered also over Laura's pregnancy, he had also kicked her.[15] She confirmed Alberto's cruelty, saying she herself had often been the victim of his maltreatment and that the whole family was afraid of him.[16] Interrogation by the court showed she knew days and months and years, unlike her daughters.[17] Interestingly, she was presented not by the prosecution but as a hostile witness for the defense after the fiscal decided not to call her because he said she was "mentally deranged." [18]

The accused-appellant's defense focused on denial. He said the persons responsible for her daughter's pregnancies were Romeo Velasco and one Pedro, as revealed to him by Laura and Rosita respectively. However, he did not know and had never seen these persons and had made no effort to locate them nor had he filed a complaint against them with the police.[19] He claimed he was prosecuted at the prodding of his wife and her relatives because they hated him for killing his brother-in-law; in fact, he had escaped so he could kill Coroy, the husband of his wife's sister, who had plotted with the others to send him to jail.[20] He admitted his cruelty towards his children which he said was another reason why they had brought this accusation against him.[21]

In its brief, the defense makes an exhaustive discussion of the inconsistencies of the complainants and their mother, pointing to parts of the transcript where they said one thing at one time and then contradicted themselves later. The complainants' estimate of the size of their father's erect penis is especially questionable and definitely proves that they are lying. It also ridicules Rosita's narration of her first rape, arguing it was impossible for the rest of the family, or at least some of them, not to awaken while she was struggling to resist her father's advances. After all, they were all sleeping side by side in one small room and on one mat, and there were ten of them, including Rosita's mother, who was in fact lying beside her at the time of the alleged rape. The defense also wonders why, although the first rape (of Laura) was allegedly committed in March 1975 and that of Rosita occurred in November of the same year, they complained only in July 1976, when Rosita was already pregnant and Laura had already given birth.[22]

Ordinarily, these should be telling points. The discrepancies are really noticeable and would suggest that the complainants and their mother were not telling the truth when they took the stand to accuse Alberto. The version of Rosita's first rape is really difficult to accept. The allegation of the successive rapes by both complainants, extending over a period of months and in diverse places, is also rather hazy. The mere fact that the accusations are not only of rapes but of incestuous rapes — committed by a father on his own daughters — should alert the court against ready acceptance of the charges, which should instead be assessed with the utmost care and the most thorough deliberation.

True enough. But to repeat, we are not dealing with an ordinary family in this curious tale; the *dramatis personae* is not composed of average individuals leading normal lives. Far from this. On the contrary, this is a family living in fear of the father, a convicted killer of his own wife's brother, who now terrorizes her and the children with a quick and heavy hand. The wife is suspected of mental imbalance. At age 36, she has borne eight children whom she supports almost alone as her husband prefers to stay at home rather than work in the farm and increase the family income. She is illiterate like Rosita and Laura, who are both rather obtuse and have had practically no formal education. Rosalinda's aberrant answers are easily spotted in the transcript. As for Rosita and Laura, there were many times when they merely agreed with the interrogator, readily accepting what was suggested, perhaps to avoid controversy they could not manage. Their answers are rambling and confused and sometimes also unresponsive, suggestive of bewildered minds that must be painstakingly probed, so to speak, if the truth is to be discovered from the hodgepodge of fact and fancy. It is manifest in the record that the opposing counsel and the judge himself had to exert extra efforts in questioning these two witnesses. Significantly, they do not seem to have any sense of outrage or hurt at all and appear to have accepted their father's acts as nothing really unusual or offensive.

Given this abnormal situation, we cannot apply the normal rules of evidence and proof in assessing the merits of this extraordinary case. The trial court was correct in going to the core of the matter, as it were, disregarding the disparities in detail that merely obscured but did not falsify the evaded fact, which was, that Alberto had really raped his two daughters and gotten each of them with child. While it is true that their declarations are rather confused, it has not been demonstrated that they were lying about this basic fact. The pregnancies cannot be denied. It has been shown that Rosita and Laura had not known any other men and that their supposed seducers, the nebulous Romeo and the hazy Pedro, are mere figments conjured — not even too cleverly — to rally to the defense. They have not materialized. That leaves only Alberto Ramos, whom his own daughters have accused of their incestuous rapes and their resultant pregnancies.

Apart from the natural reluctance of a woman to proclaim to the world that she has been raped, there is in these cases the also natural hesitation of a daughter to expose her own father to the odium of the public and the punishment of the law as the beast who violated her. Yet, both Rosita and Laura, although they delayed the act, finally decided to denounce their own parent for the unspeakable wrong he had committed against them. The trial court, which had the opportunity to observe the deportment of the witnesses and test their credibility, chose to believe this denunciation rather than the denials, of the accused-appellant. Despite the defects in the prosecution, the late Judge Pedro Samson C. Animas, taking into account the peculiar circumstance of this case, determined that the guilt of the accused-appellant in raping his own daughters had been proved beyond reasonable doubt. We do not find that the trial court has erred.

Alberto's rapes of Rosita and Laura are, it might be said, in character. As absolute ruler of his family, whom he tyrannized with brutish punishment, he was used to having his way and did not care what others thought or said about him. Earlier, he had hacked his brother-in-law with a bolo and stabbed him to death with a spear when they quarreled over a gamecock.[23] He himself said that his purpose in escaping after his first arrest was to look for Coroy and kill him. Instead of helping his wife earn a living, he often stayed at home, where he had the opportunity to abuse his daughters. In light of this arrogant and disdainful attitude, even Rosita's story that he had raped her on the mat where the rest of the family was sleeping becomes believable.

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.

Alberto Ramos is less than justly punished for his loathsome acts, but the two life terms imposed upon him are all that the law authorizes. While we can, and do, increase the civil indemnity to P30,000.00 each for his two victims, this is itself a meaningless sanction as he cannot even work to earn his own keep, let alone that of his children and of his children by his children.

WHEREFORE, the appealed sentence is AFFIRMED as modified, with costs against the accused-appellant. It is so ordered.

Narvasa, (Chairman), Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] Rollo, p. 61

[2] TSN, Sept. 20, 1977, pp. 23-25.

[3] Ibid., pp. 4, 48.

[4] Id., pp. 18-19.

[5] TSN, Sept. 22, 1977, p. 110.

[6] Ibid., pp. 111-112.

[7] TSN, Sept. 20, 1977, p. 53.

[8] Ibid., pp. 5-10; Exhibit 1, Original Records, Criminal Case No. 1298.

[9] Id., pp. 48-52; Exhibit 3 & 3-A. Original Records, Criminal Case No. 1299.

[10] Id., p. 44.

[11] Id., p. 71.

[12] Exhibit 4, Original Records, Criminal Case No. 1299.

[13] TSN, Sept. 22, 1977, pp. 111, 113, 114.

[14] Ibid., pp. 122-123.

[15] Id., p. 135.

[16] Id., pp. 140-141.

[17] Id., pp. 119-122.

[18] Id., pp. 95-96.

[19] TSN, Sept. 23, 1977, pp. 176-180.

[20]c Ibid., p. 183.

[21] Id., p. 154.

[22] Appellant's Brief, pp. 35-36.

[23] TSN, Sept. 23, 1977, pp. 185-186; Exhibit "F," p. 3.

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