

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMEO MIRANDA Y MICHAEL, ACCUSED-APPELLANT.

Ponente: LAMPAS PERALTA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/cc84c74ea139/>

LAMPAS PERALTA, J.:

This is an appeal from the Decision dated February 13, 2004 in Criminal Case No. 118507-H of Branch 261, Regional Trial Court (RTC), Pasig City which convicted appellant Romeo Miranda of rape and sentenced him to suffer the penalty of death.

The Antecedents

This is a case of incestuous rape committed by a father against his seventeen-year old minor daughter, Ruby Miranda. The facts, as summarized in the People's brief, are as follows:

On June 24, 2000, seventeen-year old Ruby Miranda was staying with her father, appellant, at No. 1908 Morales Street, Pateros, Metro Manila to assist him in taking care of her half-brother and half-sister. Around 10:30 in the evening, Ruby, who was not feeling well, retired early and laid down to rest in her room. She then asked for Vicks vaporub from appellant. Appellant handed her the vaporub and volunteered to apply it on her head. Appellant entered the mosquito net (kulambo) she was in and started to massage her head. Uncomfortable that appellant's right elbow was touching her breast, Ruby tried to remove appellant's elbows from her. Appellant persisted and uttered that he intends to suck her breasts. Ruby threatened appellant that she would report him to her mother. Appellant stopped touching her breast and started to massage her hands instead. Thereafter, appellant started to kiss Ruby's neck. Appellant then lifted Ruby's shirt and sucked her breast. All this time, Ruby was pleading for appellant to stop. Appellant then slowly pulled down her pajama, shorts and underwear. He then gripped her arms and licked her vagina. Ruby tried to kick the wall to make appellant stop, but he did not. Ruby tried to push appellant away but he was too strong for her. Appellant then undressed himself, forced Ruby to face him and laid himself on top of her. He then uttered "I won't explode inside you so that you won't get pregnant." Appellant then prevailed upon her and inserted her penis inside her vagina. Afterward, Ruby felt something warm flow on her vagina.

Around midnight, after appellant fell asleep, Ruby immediately got dressed, clambered up the fence and proceeded to her uncle who accompanied her to the barangay hall. Afterward, Ruby went to the Pateros Police Station to report the sexual abuse. Thereafter, Ruby underwent medical check-up in Camp Crame.

On June 25, 2000, at 12:53 in the morning, Ruby Miranda submitted herself to a gynecological examination. Upon general and extra-genital examination upon the minor, medico-legal officer P/Insp. Ruby Grace Sabino found deep fresh laceration on Ruby's hymen at 6 o'clock position which was possibly caused by penetration of an erect penis. P/Insp. Sabino also found abrasion and congestion on the posterior fourchette. Ruby Miranda likewise tested positive in the acid phosphate test, which indicates the presence of seminal fluid in Ruby's vagina.[2]

In an information dated June 28, 2000, appellant was charged with rape, to wit:

On or about June 24, 2000 in Pateros, Metro Manila, and within the jurisdiction of this Honorable Court, the

accused, with lewd designs and by means of force and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with his daughter Ruby Miranda y Soriano, a minor, seventeen (17) years of age, against her will and consent.

CONTRARY TO LAW.[3]

When arraigned, appellant pleaded “not guilty” to the charge.[4] During the pre-trial, the parties stipulated on the following:

- a) fact of identity of the accused;
- b) the case is within the jurisdiction of this Court;
- c) the date of the commission of the crime;
- d) fact of the minority of the offended party;
- e) the relationship of the accused and the complainant as father and daughter;
- f) existence of the medico-legal report.[5]

Thereafter, trial ensued wherein the parties presented their respective evidence.

In a Decision dated February 13, 2004, the trial court convicted appellant, the decretal portion of which reads:

WHEREFORE, in light of the foregoing, the Prosecution having proved the guilt of the accused, ROMEO MIRANDA y MICHAEL, beyond reasonable doubt, he is hereby meted out the capital punishment of DEATH.

He is likewise hereby ordered to pay the offended party, Ruby Miranda, the amount of Seventy Five Thousand (Php 75,000.00) as civil indemnity and Fifty Thousand Pesos (Php 50,000.00) as moral damages, without the necessity of proving the same. An award of Twenty Five Thousand Pesos (Php 25,000.00) to complainant as exemplary damages is also in order, to deter fathers with perverse behavior from sexually abusing their daughters.

The Warden of the Pateros Municipal Jail, Pateros, Metro Manila is hereby directed to immediately transfer the accused to the Bureau of Corrections, New Bilibid Prisons, Muntinlupa City.

SO ORDERED.[6]

Hence, the case was elevated to the Supreme Court on automatic review, docketed as G.R. No. 163306. In a Resolution dated January 24, 2006,[7] the case was transferred to this Court for appropriate action and disposition, pursuant to the ruling in *People vs. Efren Mateo*.[8]

In his brief, appellant raised the following lone assignment of error:[9]

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED.

The Issue

Whether the trial court erred in giving weight and credence to the testimony of private complainant and in brushing aside appellant’s defense of denial.

The Court’s Ruling

It bears stressing at the outset that the minority of private complainant and her relationship with appellant were duly alleged in the information and stipulated upon by the parties during the pre-trial.[10] Apart from this, the birth certificate of private complainant was presented in evidence[11] and appellant himself admitted that private complainant was his own daughter.[12]

Appellant, however argues that the prosecution evidence failed to establish his guilt beyond reasonable doubt because private complainant's testimony lacked credibility. Allegedly, private complainant's failure to struggle or even make an outcry during the incident was contrary to human experience.[13]

The argument is puerile.

Jurisprudence teaches that in incestuous rape, proof of violence, threat or intimidation is unnecessary as the victim is at a great disadvantage because the assailant, by his overpowering and overbearing moral influence, can easily consummate his bestial lust with impunity. Thus:

Granted that the prosecution failed to prove that appellant employed force and intimidation upon his daughter, appellant's conviction by the trial court for the crime of rape is nevertheless affirmable. We have to bear in mind that, in incest rape, the minor victim is at a great disadvantage because the assailant, by his overpowering and overbearing moral influence, can easily consummate his bestial lust with impunity. As a consequence, proof of force and violence is unnecessary unlike where the accused is not an ascendant or blood relative of the victim. Thus, the failure of the victim to explicitly verbalize, as in this case, the use of force, threat, or intimidation by the accused should not adversely affect the case of the prosecution as long as there is adequate proof that sexual intercourse did take place. Here lies the wisdom of the principle first articulated in *People vs. Erardo*,[*] and affirmed in *People vs. Miranda*[**] where this Court emphatically held that:

Indeed, in cases of incestuous rape, the accused-appellant's moral ascendancy over the victim takes the place of the force and intimidation in rape. The force and intimidation is subjective and should be viewed in the context of the victim's perception and judgment at that time of the commission of the offense. Teresita testified that she submitted herself to the father because she was afraid that he might hurt her. She noticed that her father was drunk, knowing that he had a drinking spree in their house at that time. No words of threat were necessary because her father's presence and moral ascendancy was intimidating enough for Teresita not to resist his advances. The fact that Teresita failed to put up a strong resistance or shout for help cannot be considered consent. x x x In Philippine society, the father is considered the head of the family, and the children are taught not to defy the father's authority even when this is abused. They are taught to respect the sanctity of marriage and to value the family above everything else. Hence, when the abuse begins, the victim sees no reason or need to question the righteousness of the father whom she has trusted right from the start. The value of respect and obedience to parents instilled among Filipino children is transferred into the very same value that exposes them to risks of exploitation by their own parents. The sexual relationship could begin so subtly that the child does not realize that it is abnormal. Physical force then becomes unnecessary. The perpetrator takes full advantage of this blood relationship. Most daughters cooperate and this is one reason why they suffer tremendous guilt later on. It is almost impossible for a daughter to reject her father's advances, for children seldom question what grown-ups tell them to do.

The above pronouncement was also lucidly explained in the leading case of *People vs. Pagdayawon*:[*]

In a rape committed by a father against his own daughter, the former's moral ascendancy and influence over the latter substitute for violence and intimidation. 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. Abuse of both by a father can subjugate his daughter's will, thereby forcing her to do whatever he wants.

Indeed, as between a father and his daughter in incestuous sexual assault, this Court has unqualifiedly upheld the view that the former's moral ascendancy and influence over the latter sufficiently substitute for force and intimidation. Appellant's moral ascendancy over the victim satisfies the elements of force and intimidation. Evidence of force and intimidation is therefore not even necessary to secure conviction of the appellant for the crime of rape. (Underscoring supplied)[14]

Contrary to appellant's claim, private complainant, who was weak at the time of the incident due to illness, tried to resist the sexual advances of appellant as she removed appellant's elbows from her breasts, kicked and pushed appellant and kicked the wall of the room. But even assuming that private complainant failed to shout or put up a vigorous struggle while appellant was sexually abusing her, it cannot be denied that appellant exercised moral ascendancy and influence over her. It cannot also be denied that right after the incident, when appellant fell asleep, private complainant immediately went to the house of her uncle and they reported the matter to the barangay and police authorities.

Private complainant's testimony on the material details of the despicable incident is candid and straightforward. It goes:

Q Madam witness, where were you on June 24, 2000, on the evening of June 24, 2000?

A I was at their house, ma'am.

Q. Who is "Nila"?

A My father's house ma'am.

Q Where is his house situated?

A In Pateros, ma'am.

Q Do you remember the exact address or the exact place?

A No. 1908 Morales St., Pateros, ma'am.

Q What were you doing in that house?

A He told me to stay there to watch and take care of my brothers and sisters, so that he can leave for work, ma'am.

Q You mean to say you are staying with your mother in Buting, Pasig? And yet you have two brothers and sister in Pateros? Can you explain to us the circumstances?

A. Yes, ma'am, my friend came informing me that my father's live-in-partner was dead, so I went to Pateros, ma'am.

xxx xxx xxx

COURT: You mean to say your father and mother were separated?

A. Yes, ma'am.

COURT: Since when?

A. 14 years already, when my youngest brother was only 8 months old, ma'am.

xxx xxx xxx

Q Then what happened next?

A Sabi po niya na hindi ako gagaling sa ginagawa ko.

Q What happened next.

A He volunteered to massage my head.

Q Did you allow him to massage your head?

A No, ma'am.

Q What did he do?

A He entered inside the mosquito net, ma'am.

COURT: Who?

A My father, ma'am.

Q What happened after that?

A He started to massage my head and then after that, I felt that both of his elbows was touching both my breast.

Q. What did you do?

A I was trying to remove it and I said I will be the one to do but he refused . . .

Q After his elbow was touching your breast, what did you do?

A "Sabi po niya na dededehin niya po ang dede ko."

Q What was your reply?

A I told him that I will tell it to my mother.

Q Did he stop touching your breast with his elbow?

A "Tumigil po at pagkatapos ay hinilot niya ang mga kamay ko."

Q What happened next? (witness is crying)

A "Hinalikhalikan niya po ang leeg ko at unti-unti niyang itinataas iyong T-shirt ko."

Q What did you wear at that time?

A "Pajama po".

Q So after trying to undress you or to lift your t-shirt, what happened next?

A "Dinede po niya ang suso ko at itinulak ko siya ng malakas.

Q What was the position of your father when he was sucking your breast?

A He was beside the "Papag", nakatagilid at dinedede ang suso ko.

Q When he was sucking your breast, what did you do?

A Itinulak ko po siya at sabi kong huwag niyang gawin sa akin.

xxx xxx xxx

Q During that time that your father was sucking your breast, where was the two children?

A They were sleeping in the living room, ma'am.

Q Where were you sleeping then?

A In the room which has no door, ma'am.

Q So you were in that room?

A Yes, ma'am.

Q After you said your father was trying to undress you and stopped in sucking your breast, what happened next?

A "Unti-unti po niyang ibinababa sa kanyang kaliwang kamay ang pajama ko."

Q Do you have any other underwear aside from that pajama?

A Yes, ma'am.

Q What was that?

A Short short po.

Q And was it only the pajama that your father was trying to pull down in your bottock?

ATTY. PONCE: That would be misleading, your Honor.

FISCAL REYES: She is a minor, your Honor.

COURT: Let her answer.

A He pulled out all may underwear.

Q Anu-ano iyong hinila niya?

A Pajama, short at panty, ma'am.

Q Did he successfully pulled out all of these three underwear?

A The first he pulled down was my pajama then my short and my panty.

Q He pulled down all of these three?

A Yes, ma'am.

Q What happened next after he successfully pulled down all of these three underwear?

A He held both my arms and his head went down . . .

Q And would you please narrate to us what happened next?

A He held my arms and leached my vagina.

Q What happened, did you not offer any resistance?

A Tumututol po.

Q What action did you make if any?

A "Iyon pong dingding ay ginaganoon ko po.

Q Why did you not try to make noise?

A None, ma'am.

Q You said you tried to kick the wall, what was your purpose in trying to kick the wall?

A "Para po tumigil siya at magising iyong mga kapatid ko."

Q Did he stop?

A No, ma'am

Q After [licking] your vagina, your private parts, what happened next?

A "Hinubad po iyong short niya na may garter.

Q Then what did you do after that?

A Tumagilid po ako sa kanya, at pagkahubad ay niyakap niya akong muli.

Q Did he completely pulled down his short?

A Yes, ma'am.

Q At that time, what was he wearing aside from the short?

A There is a brief, ma'am.

Q How about the brief?

A He removed it also ma'am.

Q When he was already naked, what did you do?

A Iniharap po niya ako sa kanya at pumatong po sa akin.

Q Was that the only . . . at that time?

A Pinatungan po niya ako at pinasok ang ari niya sa ari ko.

Q When you say that ipinasok ang ari niya sa ari mo, what do you mean by that?

A Naramdaman ko pong may pumasok.

Q What happened next?

A Masakit po iyong pumasok, sa akin.

Q After that, did he tell you anything, or after he inserted his penis on your vagina, did he tell you anything?

A None, ma'am.

Q Then what happened? Next?

A Tinanggal iyong ari niya at may naramdaman akong mainit na dumaloy sa aking harap.

Q What did you feel after that?

A Masakit po iyong balakang ko.

COURT: Saan dumaloy?

A Sa ari ko po.

FISCAL REYES: Madam witness, after this, which you call rape or forcible insertion, did you remain or stay in the house?

A No, ma'am.

Q So what did you do after that?

A I waited for him to sleep, then I fixed myself and got the black dress of my mother and t-shirt.

Q Then what happened?

A Umakyat po ako sa bakod at doon ako dumaan.

Q Where did you go?

A Pumunta po ako sa uncle ko, and we went to the Barangay Hall of Buting with my uncle.

Q What did they advise you?

A Sabi po nila sa akin sasampahan ko daw sa Police Station.

Q Did you tell the Barangay Officers from Buting Pasig City, that you were raped?

A Yes, sir.

Q After you tell them what happened, where else did you go?

A We boarded a van and we went to the Pateros Police station.

Q When you reached the Pateros Police Station, what did you do?

A I filed a complaint.

(tsn dated March 9, 2001, pp. 5,6-8, 11-22, underscoring supplied)

Private complainant's testimony of her defloration by appellant was further bolstered by the results of the medical examination showing that her hymen had "deep fresh laceration at 6 o'clock position" and the "physical findings of the genitalia [are] definitive evidence of penetration." [15] It is settled that when a rape victim's testimony is corroborated by the physical findings of penetration, there is sufficient basis for concluding that sexual intercourse did take place. As held in *People vs. Wilson Suarez, et al.*, 456 SCRA 333 (2005):

The fact that Dr. Maunahan found deep, healed hymenal lacerations about 5-11 days old when he examined the victim on September 26, 2001. When a rape victim's account is straightforward and candid, and is corroborated by the medical findings of the examining physician, the same is sufficient to support a conviction for rape. Where a rape victim's testimony is corroborated by the physical findings of penetration, there is sufficient basis for concluding that sexual intercourse did take place.

Pertinently, we held in *People v. Pacheco*, that:

. . .private complainant's testimony of her defilement is corroborated by physical evidence of penile invasion as shown by hymenal lacerations she suffered. While we are not unmindful of this Court's pronouncement that a victim's hymenal lacerations need not necessarily prove carnal knowledge, nonetheless, Dr. Aletha Silang's findings of "positive hymenal laceration, complete with raw edges at, 10 o'clock, 3 o'clock, 6 o'clock, and 8 o'clock positions" carries convincing weight as corroborative evidence in the light of the private complainant's accusation that she was sexually abused.

Appellant, on the other hand, failed to proffer a credible defense, as he lamely denied the commission of the crime. Well-entrenched is the doctrine that denial is essentially the weakest defense and it can never overcome an affirmative testimony of a credible witness. A young lady such as private complainant would not react inordinately, to the extent of concocting a story of defloration against her father and at her own expense, for nothing. It is hard to believe that private complainant would sacrifice herself, allow the examination of her private parts, and thereafter undergo public trial if she was not motivated by an honest desire to seek justice for the vindication of her honor.[16] In the absence of a clear evidence to show that private complainant was moved by any improper motive, ill-will, or that her accounts were merely fabricated or concocted, her positive and direct testimony is entitled to full faith and credit.[17] As the trial court noted:

The testimony of the offended party, Ruby Miranda was straightforward, categorical and spontaneous in positively identifying her father as the same person who, not only sucked her breasts, licked her vagina but also entered his penis into her vagina on that fateful night of June 24, 2000. It has been consistently ruled that when a woman, more so if a minor, states that she has been raped, she says in effect all that is necessary to show that rape was committed. Hence, when the testimony of the accused is pitted against the positive testimony of the a rape victim who testified in an explicit and unequivocal manner, and who remains consistent, the rape victim is regarded as a credible witness, as Ruby in this case. When asked to recount her harrowing experience in the hands of her own father, Ruby testified in between sobs. Such actuation of the complainant all the more strengthens the credibility of the rape charge as human nature and experience would dictate. The embarrassment and trauma she suffered in allowing an examination of her private part and testifying in open court on the intimate details of her defloration effectively ruled out the possibility of a false accusation of rape. Her account of her ordeals evinces sincerity and truthfulness. The fact that she immediately went to her mother to report the incident and then to the authorities which led to the filing of the complaint bolsters the instant charge.[18]

However, anent the penalty imposed by the trial court, suffice it to state that with the enactment of Republic Act No. 9346 on June 24, 2006, the death penalty is now prohibited and in lieu thereof, the penalty of reclusion perpetua must be imposed. Sections 1 and 2, RA No. 9346 read:

SECTION 1. The imposition of the penalty of death is hereby prohibited. Accordingly, Republic Act No. Eight Thousand One Hundred Seventy-Seven (R.A. No. 8177), otherwise known as the Act Designating Death by Legal Injection, is hereby repealed. Republic Act No. Seven Thousand Six Hundred Fifty-Nine (R.A. No. 7659), otherwise known as the Death Penalty Law, and all other laws, executive orders and decrees, insofar as they impose the death penalty are hereby repealed or amended accordingly.

SEC. 2 In lieu of the death penalty, the following shall be imposed:

(a) the penalty of reclusion perpetua when the law violated makes use of the nomenclature of the penalties of the Revised Penal Code; or

xxx xxx xxx

The civil indemnity, moral damages and exemplary damages awarded by the trial court to private complainant are

affirmed, but the amount of moral damages is increased to P75,000.00 in line with prevailing jurisprudence which teaches that:

The civil indemnity for the victim shall be P75,000.00 since the rape was committed with the attending qualifying circumstances of minority and affinity xxx.

Again, moral damages are awarded without need of proof other than the fact of rape because it is assumed that the victim has suffered moral injuries entitling her to such an award, which is P75,000.00 pursuant to current jurisprudence on qualified rape. Lastly, exemplary damages in the amount of P25,000.00 is also called for by way of public example and to protect the young from sexual abuse. (Underlining supplied)[19]

WHEREFORE, the trial court's Decision dated February 13, 2004 is affirmed, subject to the modification that in lieu of the death penalty, appellant is sentenced to suffer the penalty of reclusion perpetua and the amount of moral damages is increased from P50,000.00 to P75,000.00.

SO ORDERED.

FERNANDA LAMPAS PERALTA

Associate Justice

WE CONCUR:

BIENVENIDO L. REYES

Associate Justice

MYRNA DIMARANAN-VIDAL

Associate Justice

[1] The case was transferred by the Supreme Court to the Court of Appeals, per Resolution dated September 14, 2004 in G.R. No. 139577.

[2] pp. 103-105, Rollo

[3] p. 1, Record

[4] p. 19, *ibid.*

[5] p. 23, *ibid.*

[6] pp. 23-24, Rollo

[7] p. 69, Rollo

[8] Decision dated July 7, 2004, G.R. Nos. 147678-87

[9] p. 76, Rollo

[10] p. 23, Record

[11] Exh. "C", p. 232, Record

[12] *tsn* dated September 5, 2003, pp. 7,9

[13] p. 80, Rollo

[*] 127 SCRA 250

[**] 387 SCRA 102

[*] 351 SCRA 643

[14] *People vs. Serrano*, 406 SCRA 508 (2003)

[15] Exh. "E", p. 234, Record

[16] *People vs. Erardo*, 127 SCRA 250 (1984); *People vs. Canoy*, 413 SCRA 490 (2003)

[17] *People vs. Lachica*, 382 SCRA 162

[18] p. 303, Record

[19] People vs. Mendoza, 414 SCRA 461 (2003)

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.