

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROGELIO ANTIPONA Y LEGASPI, ACCUSED-APPELLANT.

G.R. No. 119071. June 19, 1997

Ponente: PUNO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-119071/>

PUNO, J.:

The biblical cities of Sodom and Gomorrah were destroyed by the Lord with burning sulphur principally due to the sexual perversities of their people. But even the worst account of their sexual perversities did not include incestuous rapes. The case at bar involves the rape of a 12-year old daughter by her own father. At the rate this heinous crime is being perpetrated in our country, we can become the new Sodom and Gomorrah of the world.

In an Information filed on February 28, 1994, Rogelio Antipona y Legaspi was charged before the Regional Trial Court of Valenzuela, in Criminal Case No. 3993-V-94, with the crime of raping his own daughter, Clariza Antipona, allegedly committed as follows:

"That on or about the 24th day of January 1993, in Valenzuela, Metro Manila, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation employed upon the person of CLARIZA ANTIPONA Y LEGASPI, 12 years old, did then and there wilfully, unlawfully and feloniously lie with and have sexual intercourse with her against her will and without her consent.

Contrary to law."

Rogelio Antipona was arrested on February 25, 1994. At his arraignment on April 27, 1994, he pleaded not guilty.

At the trial, the prosecution presented Clariza Antipona, the rape victim, who testified as follows:

On the night of January 24, 1993, Clariza, her younger sisters May and Clizza, her younger brother Ramil and their father, appellant Rogelio Antipona, were at their residence in Libis, Canumay, Valenzuela, Metro Manila. Their mother, Clarita Antipona, was in Pampanga.[1] At about 10 o'clock in the evening, Clariza and her sisters and brother were sleeping in their bedroom measuring 4 meters in width by 3 meters in length. Ramil slept on the left side of a single uncushioned plywood bed measuring about 1 1/2 meters in width by 2 1/2 meters in length. Beside him lay May and Clizza. Clariza, on the other hand, lay on the extreme right side of the bed.[2] During that time, appellant was watching the television in the living room.[3]

Although sleeping, Clariza felt that her shorts and panty were being removed.[4] Awakened by the movement, she sat on the bed and saw appellant in front of her sitting on their bed, naked. Clariza wept upon seeing him. She failed to wake up her sisters and brother because appellant was then forcing her to lie down.[5] She could not shout for help as appellant warned her to be silent. Despite Clariza's struggle, appellant succeeded in laying her down and removing her shorts and panty. He then kissed her organ and inserted his tongue therein. Subsequently, appellant forcibly inserted his organ into her private part, causing her to bleed and suffer intense pain. Because of the pain and bleeding, appellant stopped his penetration and just masturbated himself. Clariza stood up crying. She was again threatened by appellant if she were to inform anyone of the incident. The following night, appellant

used his finger on her private part.[6]

Clariza kept mum about her ordeal even after her mother returned from Pampanga a week after the incident. She could not tell her defloration to her mother because she was afraid appellant might hurt her mother. Neither did she inform her other relatives because they were all residing in Pampanga.[7]

A year passed and on February 14, 1994, Clariza's mother died after suffering from systematic lupus erythromatosis.[8] Clariza and her younger sisters and brother continued to stay in their residence at Canumay, Valenzuela, under the care of Josephine Meyasan, appellant's paramour. Appellant, on the other hand, lived somewhere else following up the death benefits of their mother. Nonetheless, he visited them regularly.[9]

On February 23, 1994, Lucita Nelmida, a close friend of Clariza's late mother, visited their home. She informed Clariza of her projected trip to Kuwait. Clariza also found out that Meyasan was leaving for Bicol. Fearful that she would be left alone with appellant who would have the opportunity to sexually assault her again, or worse, her younger sisters, Clariza confided to Nelmida of her rape by appellant on the night of January 23, 1993. The next day, Nelmida informed Bonifacio Casimiro, barangay captain of Canumay, Valenzuela, of Clariza's rape by appellant. Casimiro, in turn, reported the incident to the police.[10]

On February 25, 1994, appellant was apprehended by the police, and Clariza executed her sworn statement (Exhibit "A"). The next day, Clariza was physically examined by Dr. Roberto Garcia, Medico-Legal Officer of the National Bureau of Investigations (NBI), Manila. He issued a medico-legal report (Exhibit "D") which shows the following:

"FINDINGS

GENERAL PHYSICAL EXAMINATION:

Height: 149.0 cm.

Weight: 71.0 lbs.

Fairly nourished, conscious, ambulatory, cooperative subject.

Breast, developing, conical, firm. Areola, light brown 2.8 cm. in diameter. Nipples, light brown, protruding, 0.4 cm. in diameter.

No extragenital physical injury noted.

GENITAL EXAMINATION:

Pubic hairs, scanty. Labia majora and minora, gaping. Fourchette, tense. Vestibular mucose, pinkish, smooth. Hymen, originally crescentic, tall and thick, with old healed, superficial lacerations at 4:00 and 6:00 o'clock positions, edges of these are rounded and non-coaptable. Hymenal orifice, measuring 1.5 cm. in diameter.

CONCLUSIONS:

- 1) No evident sign of any extragenital physical injury noted on the body of the subject at the time of examination.
- 2) Old healed hymenal lacerations, present, consistent with sexual intercourse on or about January 24, 1993 and thereafter.

x x x"

In defense, appellant claimed that the charge against him was a fabrication by Clariza upon the inducement of

Lucita Nelmda. He testified that Clariza, at an early age, had been involved in several love affairs. He discovered from the letters (Exhibits "2-a" to "2-j") he found in their residence that she had four (4) boyfriends. Allegedly, his late wife caught her kissing a man in the basketball court in Libis, Canumay, sometime in January 1994. They had a heated confrontation where he hit her several times with a piece of wood.[11] This angered Clariza. Since then, his relationship with Clariza became strained.[12] Clariza even objected to his relationship with Josephine Meyasan.[13] This was corroborated by Meyasan who testified that when Clariza discovered their relationship, she got mad and started going home late at night.[14]

To establish Nelmda's inducement, appellant testified that Nelmda borrowed money from his deceased wife, and when he tried to collect from her after his wife's death, she refused to pay and even got mad at him.[15]

In deciding the case, the trial court accorded full faith and credence to the testimony of Clariza on how she was sexually molested by her own father. It found her testimony clear, positive and convincing, and dismissed appellant's claim that the charge against him was only a fabrication upon the inducement of Lucita Nelmda. Thus, the trial court[16] convicted appellant of the crime of rape and sentenced him to suffer the penalty of reclusion perpetua and to indemnify the victim the sum of P20,000.00.

Hence, appellant appeals to this forum where he contends:

"I. THE COURT A QUO ERRED IN GIVING WEIGHT AND CREDENCE TO THE TESTIMONIES OF THE PROSECUTION WITNESSES AND IN DISREGARDING THE THEORY OF THE DEFENSE.

"II. THE COURT A QUO ERRED IN FINDING ACCUSED-APPELLANT GUILTY OF THE CRIME OF RAPE DESPITE OF THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT."

The appeal has no merit.

Appellate courts have been guided by three settled principles in deciding crimes of rape: 1) an accusation for rape is easy to make, difficult to prove and even more difficult to disprove by the accused, though innocent; 2) in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with utmost caution; and 3) the evidence for the prosecution must stand or fall on its own merits and cannot draw strength from the weakness of the evidence for the defense.[17]

In the case at bar, we find that the prosecution evidence has established the guilt of the appellant beyond reasonable doubt. The efforts to belittle the testimony of the victim Clariza cannot succeed. The alleged improper motive of Clariza for filing the case against appellant is insufficient to spur Clariza's act of suing him in court. It is highly inconceivable that Clariza would cry rape just because she was upset with appellant's relationship with Meyasan. It is likewise incredible that Clariza invented the charge to get even with appellant for castigating her on her love life. Such an evil mind cannot come from a twelve-year old school girl.[18] A young girl's revelation that she has been raped, coupled with her voluntary submission to medical examination and her willingness to undergo public trial where she could be compelled to give out the details of an assault on her dignity by, as in this case, her own father, cannot be so easily dismissed as a mere concoction.[19] We have ruled that no woman, especially one of tender age, would contrive a rape complaint, allow a gynecologic examination and permit herself to be subjected to a public trial if she is not motivated solely by a desire to have the culprit apprehended and punished.[20]

Appellant also failed to prove that Lucita Nelmda induced Clariza in filing the case against him. Allegedly, the reason is because of Nelmda's alleged outstanding debt to his deceased wife which she refused to pay and resulted to their misunderstanding. The records show that Nelmda vehemently denied the allegation and claimed

that she had paid her debt.[21] Even if the alleged misunderstanding over the debt is true, again we cannot believe that it will move Nelmda to induce Clariza to fabricate a charge of rape against her own father. Since the evidence is insufficient that the prosecution witnesses were actuated by improper motive, their testimonies are entitled to full faith and credit.[22]

In like manner, appellant failed to prove that Clariza lost her virginity to a lover and not through his sexual assault. The letters of Clariza's boyfriends do not by any stretch of imagination prove they had any joyful intercourse. Proof cannot be substituted by speculations.

Appellant also questions the credibility of Clariza's testimony. First, appellant contends that she did not report immediately the rape incident to her mother or to her other relatives. She reported the crime after more than one year from the time of its commission. The contention deserves scant attention. We have declared in the past and we again rule that the failure of the complainant to immediately report the rape to the immediate members of her family or to the police authorities does not detract from her credibility, her hesitation being attributable to her age, the moral ascendancy of the appellant and his threats against the former.[23] In this case, Clariza was less than twelve years old at the time of the rape[24] and the rapist happened to be her own father. The moral ascendancy of her father and his threats are enough reasons to silence Clariza for more than a year. Second, appellant argues that the rape could not have been committed on the bed where Clariza and her younger sisters and brother were sleeping without the latter noticing the same. We also reject this argument. As correctly pointed out by the Solicitor General, Clariza was sleeping on the outermost right portion of the bed where she could be reached easily by the appellant and the bed they slept on was an uncushioned wooden bed covered with a carpet. Hence, any movement would have been negligible and insufficient to rouse the others from their sleep especially since appellant immediately withdrew his organ when Clariza felt pain and bled.[25] In *People v. Manuel*, 236 SCRA 577 [1994], we held that:

"The crime of rape may be committed even when the rapist and the victim are not alone. Rape may take only a short time to consummate, given the anxiety of its discovery, especially when committed near sleeping persons. Oblivious to the goings on, thus, the court has held that rape is not impossible even if committed in the same room while the rapist's spouse was sleeping (*People v. Ignacio*, June 7, 1994) or in a small room where other family members also slept. (*People v. Cervantes*, 222 SCRA 365)."

Time and again, we have ruled that the trial court's calibration of the credibility of witnesses must be given great weight and respect on appeal, unless certain facts of substance and value have been overlooked which, if considered, might affect the result of the case.[26] No such circumstance exists in this case. Hence, we uphold the trial court's findings on the credibility of Clariza.

We now review the award of P20,000.00 as indemnity to Clariza. In *People v. Ramirez*, G.R. No. 97920, January 20, 1997, we awarded P50,000.00 as indemnity to the rape victim apart from moral and exemplary damages. Consonant with said decision, we increase the indemnity to Clariza to P50,000.00. In addition, an award of moral damages for rape is justified under Article 2219(3) of the Civil Code. Thus, we award P10,000.00 as moral damages. Lastly, of all so-called heinous crimes, none perhaps more deeply provokes feelings of outrage, detestation and disgust than incestuous rape.[27] When a man perpetrates his lascivious designs on his own direct blood relative, he descends to a level lower than beasts.[28] Such is herein appellant. Thus, we award exemplary damages in the amount of P30,000.00 to Clariza in order to deter other fathers with perverse tendencies or aberrant sexual behavior from sexually abusing their own daughters.

IN VIEW WHEREOF, the judgment appealed from is hereby **AFFIRMED** with the **MODIFICATION** that the award of civil indemnity in favor of the victim is increased to P50,000.00. The amounts of P10,000.00 and P30,000.00 are also awarded to the victim as moral damages and exemplary damages, respectively. Costs against

appellant.

SO ORDERED.

Regalado, (Chairman), Romero, Mendoza, and Torres, Jr., JJ, concur.

- [1] TSN, Clariza Antipona, May 2, 1994, pp. 4-5.
- [2] Id., pp. 16-17, 30, 37.
- [3] TSN, May, 13, 1994, pp. 38-39.
- [4] Supra note 1.
- [5] Supra note 3, pp. 33-34, 37-38.
- [6] Supra note 1, pp. 5-7, 18.
- [7] Id., pp. 18-19, 31-32, 38; Supra note 3, pp. 66-68; Rollo, p. 102.
- [8] Supra note 1, pp. 14-16; TSN, Rogelio Antipona, October 28, 1994, p. 4.
- [9] Id., pp. 26-28; Rogelio Antipona, p. 14.
- [10] Supra note 1, pp. 7-9; June 3, 1994, pp. 3-4; June 24, 1994, pp. 6-12.
- [11] Supra note 8, Rogelio Antipona, pp. 8-13.
- [12] Rollo, p. 62.
- [13] Supra note 8, Rogelio Antipona, p. 16.
- [14] TSN, Josephine Meyasan, December 2, 1994, pp. 4-5.
- [15] TSN, Rogelio Antipona, November 16, 1994, p. 9.
- [16] Presided by Hon. Judge Adriano R. Osorio.
- [17] People v. Abad, G.R. No. 114144, February 13, 1997.
- [18] People v. Sagaral, G.R. No. 112714-15, February 7, 1997.
- [19] People v. Cabillan, G.R. No. 117684, January 30, 1997.
- [20] Supra note 17.
- [21] TSN, Lucita R. Nelmda, June 24, 1994, p. 25.
- [22] People v. Alimon, 257 SCRA 658 [1996]; People v. Malunes, 247 SCRA 317 (1995).
- [23] Supra note 17.
- [24] Supra note 1, p. 12 indicating that Clariza was born on April 14, 1981.
- [25] Rollo, pp. 112-113.
- [26] People v. Vallador, 257 SCRA 515 (1996).
- [27] People v. Baculi, 246 SCRA 756 (1995).

[28] People v. Mandap, 244 SCRA 457 (1995).

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.