# PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EMMANUEL PANIQUE, ACCUSED-APPELLANT.

*G.R. No. 125763. October 13, 1999*

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-125763/

**MENDOZA, J.:**

For automatic review before this Court is the decision of the Regional Trial Court, xxx, rendered on August 12, 1996, in Criminal Case No. 96-533, finding accused-appellant Emmanuel Panique guilty of rape.

The complainant, AAA, is the eldest child of accused-appellant by his wife BBB.[1] AAA was born in xxx, on May 13, 1981.[2] When her mother went to Hong Kong to work as a domestic helper,[3] complainant and her siblings were left to the care of accused-appellant in the Philippines in their single-bedroom house at xxx, Metro Manila.[4]

Complainant slept in the same bedroom with her sister and accused-appellant. Complainant and accused-appellant shared the lower bunk of a double-deck bed while her sister took the upper bunk.[5] At around 12:00 midnight of May 22, 1996, while complainant was asleep, accused-appellant laid himself on top of her. When she awoke, she found accused-appellant fondling her breasts even as he inserted his penis into her vagina. All she could do was cry, because she was afraid of her father whom she knew was hooked on drugs.[6]

Complainant related her ordeal the following day to her friends, CCC and DDD.[7] She knew no one else to turn to. On May 25, 1996, she attempted to kill herself by taking an overdose of drugs.[8] At the last minute, however, she sought help from her uncle, EEE, the brother of accused-appellant.[9] Her uncle took her to xxx to her maternal aunt, FFF[10] who, upon learning what had happened to complainant, sent word to complainant's mother in xxx. The latter arrived in the Philippines the following day. Complainant, accompanied by her mother and aunt, went to Camp Crame where she was examined. She, her mother BBB, and aunt FFF, gave sworn statements.[11]

On June 5, 1996, an information for rape was filed against accused-appellant alleging -

> That on or about the 22nd day of May, 1996, in xxx and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the complainant AAA against her will and consent.
>
> CONTRARY TO LAW
>
> XXX
>
> May 30, 1996.[12]

The accused-appellant was thereupon arraigned, during which he entered a plea of not guilty.[13]

During the trial, complainant recounted how she was ravished by her father, the herein accused-appellant. She testified that this was not the first occasion that he had raped her. He had been sexually abusing her since March

1993, when she was only 12 years old. [14] On cross-examination, complainant stated that she had no boyfriends nor suitors;[15] that accused-appellant had no history of violence towards them except towards her brother;[16] that although she and her sister slept in the same room, the latter did not notice anything during the incident;[17] that her academic performance in school had suffered as a result of her trauma;[18] and that she did not report the first rape to anyone because her aunt had been very ill and she knew no one else to whom she could confide.[19]

BBB and FFF also testified, affirming their sworn statements in which they narrated how they learned of the rape.

The medico-legal report shows that complainant is a "non-virgin"; that there are no external signs of any form of violence; and that complainant's vaginal and peri-urethral smears are negative of spermatozoa.[20] Also offered in evidence for the prosecution are the marriage certificate, dated May 22, 1980, between accused-appellant and complainant's mother;[21] complainant's birth certificate;[22] the sworn statements of BBB,[23] complainant,[24] and FFF;[25] and the joint affidavits of Police Inspector Romulo Reyes and PO3 Gil Ancheta.[26]

When accused-appellant testified, he admitted that complainant is his daughter[27] and that he had sexual intercourse with her on the night of May 22, 1996.[28] He testified that he had many problems and was angry at his wife[29] but denied using force or intimidation against complainant.[30] Apart from accused-appellant's testimony, no other evidence was presented by the defense.

The Regional Trial Court of xxx found accused-appellant guilty beyond reasonable doubt of the crime of rape and sentenced him as follows:

> WHEREFORE, premises considered, finding accused Emmanuel Panique GUILTY beyond reasonable doubt [of] the crime of Rape as defined and penalized under Art. 335 of the Revised Penal Code as amended by Section 11, RA 7659, this Court hereby sentences him [with] the penalty of DEATH and to suffer the accessory penalties provided by law specifically Art. 40 of the Revised Penal Code. For the civil liability, he is hereby further condemned to indemnify the victim the amount of P50,000.00 in line with existing jurisprudence; P50,000.00 as moral damages, and P50,000.00 as exemplary damages.
>
> The Clerk of Court, Atty. Clemente E. Boloy, is directed to prepare the Mittimus for the immediate transfer of accused Emmanuel Panique from the XXX Jail to the Bureau of Corrections in Muntinlupa City and finally to forward all the records of this case to the Supreme Court for automatic review in accordance with Section 9 Rule 122 of the Rules of Court and Article 47 of the Revised Penal Code as amended by Section 22 of Republic Act No. 7659.
>
> SO ORDERED.[31]

Accused-appellant's sole assignment of error in this appeal is that the prosecution failed to prove that he had used force or intimidation in having sexual intercourse with his daughter. He claims that complainant's lack of resistance is proof that he did not use force or intimidation.

Accused-appellant contends:

> The evidence clearly show that resistance was not present when accused was on top of her and inserting his penis. She did not do anything but yielded to the accused. As a matter of fact, after the sexual intercourse, accused lay beside her and place his legs on top of her thighs and was touching her breast. . . .
>
> xxx xxx xxx
>
> Indeed, "a woman's most precious asset is the purity of her womanhood. She will resist to the last ounce of her strength any attempt to defile it" (People vs. Tapao, 195 Phil. 203 (1981). It is all the more unnatural and unbelievable that a woman whose honor had just been outraged would do nothing to immediately bring the


Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

culprit to justice (People vs. Estacio, G.R. No. 54221, January 30, 1932; 111 SCRA 537). . . .

Accused-appellant's contention has no merit.

It is settled that the evaluation of testimonies of the witnesses by the trial court is binding upon the appellate court in the absence of a clear showing that it was reached arbitrarily or that the trial court plainly overlooked certain facts of substance or value which, if considered, might affect the result of the case.[32] The affirmance of accused-appellant's conviction is in accordance with standards which have guided this Court in evaluating evidence in cases of this nature, to wit: (a) an accusation of rape can be made with facility; it is difficult to prove it but more difficult for the person accused, though innocent, to disprove it; (b) in view of the nature of the crime in which only two persons are involved, the testimony of the complainant 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]

Indeed, the only question here is whether the prosecution's evidence shows the use of force or intimidation by accused-appellant in order to have carnal knowledge of his daughter since accused-appellant admits having had sexual intercourse with complainant on the night of May 22, 1996.

Complainant was not a flirt or seductress who tempted her father. What is "unnatural and unbelievable," to use accused-appellant's words, is that she would want to have sex with her own father. To the contrary, the evidence shows there was intimidation. Complainant testified -

Q: Now you claim that you know Emmanuel Panique, is he present in the courtroom?

A: Yes, sir.

Q: Will you please point to him?

A: Yes, sir.

(Witness pointed to a man who identified himself as EMMANUEL PANIQUE)

Q: Ms. Witness, you are the private complainant who caused the filing of [a] criminal case for rape against your father?

A: Yes, sir.

Q: Do you still recall Ms. Witness when was the last time your father allegedly raped you?

A: May 22, 1996, sir.

Q: Where did this alleged rape happen?

A: In our house, sir.

Q: Located where?

A: xxx, sir.

Q: Will you please tell this Honorable [Court] the specific address of your residence?

A: xxx.

COURT:

How big is that house?


Study hands-free: podcast-style lessons with read-along highlighting - batas.org

A: Small house and squatters area.

FISCAL:

How many room[s] does this house have?

A: 1 bedroom, sir.

Q: At around 12:00 midnight on May 22, 1996, where were you Ms. Witness?

A: I was sleeping.

Q: Where were you sleeping then?

A: In our bedroom, sir.

Q: Were you then [on] the floor sleeping or [on the] bed?

A: Bed, sir.

Q: When you woke up, what did you see if any?

A: I saw my father on top of me.

Q: Your father, Emmanuel Panique, the accused in this case?

A: Yes, sir.

Q: What was he then doing on top of you if any Ms. witness?

A: He was trying to insert his penis inside my organ and he was touching my breast.

Q: Why Ms. witness when you woke up, [w]hat was your appearance then?

A: I was shocked and I cried.

Q: Appearance Madam Witness?

A: My t-shirt was already raised up and my shorts were removed but my underwear is removed only from one leg.

Q: While your father the accused in this case was starting to insert his penis [into] your private organ, what did you do if any?

A: Nothing, sir. I just cr[ied] because I was so frightened.

Q: Why?

A: I was frightened because he might do something against me and I know he was using prohibited drugs.

Q: Ms. Witness, did he or did he not succeed in inserting his penis inside your private organ?

A: Yes, sir. He was able.

Q: Why do you say that he succeed[ed] in inserting his penis to your vagina?

A: Because I felt [hurt] inside my vagina, sir.

Q: Inside what?

A: Inside my vagina, sir.

Q: While your father has already inserted his penis inside your private organ, what was he doing while on top of you?

A: He was touching my breast.

Q: Aside from touching your breast?

A: He was on top of me.

Q: Did you not notice any movement on his part?

A: He was trying to push.

Q: Meaning to say, his body was undulating?

A: Yes, sir.

Q: After that, what happened next?

A He stopped and he put his legs on my thighs and he lay beside me.

Q: While your father was doing that, what were you doing if any?

A: I was praying because I was frightened.

Q: After that, what happened?

A: He stood up. Then, he went back of the room and fixed my clothes.

Q: Meaning to say, your father was the one who put back your underwear and put your shorts into [the] proper place?

A: Yes, sir.[34]

Complainant was afraid of accused-appellant. She geared she would be harmed if she resisted. She knew he was hooked on drugs. She did not have to be intimidated in so many words in order to make her submit to his sexual desires. all she could do was cry and pray.

Moreover, the assailant was her father who had considerable moral ascendancy and influence over her. As we have said in another case:

> 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. 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.[35]

Accused-appellant's moral ascendancy over complainant was reinforced by the fact that since his wife had gone to Hong Kong to work there, accused-appellant alone exercised parental authority over his children. The overpowering moral influence of accused-appellant as a father took the place of violence and made his carnal knowledge of his daughter rape.[36]

The fact that complainant was below 18 years of age at the time of the commission of the crime and that accused-appellant is her ascendant would have called for the imposition of the death penalty on accused-appellant. However, complainant's minority and relationship to the offender were not alleged in the information. The minority of the victim and her relationship to the offender constitute a special qualifying circumstance which


*Bar review courses, mock exams and a study planner that keeps you on pace - batas.org*

should be alleged in the information and proved to warrant the imposition of the death penalty.[37] For this reason, the death penalty imposed on him should be reduced to reclusion perpetua.

The trial court correctly awarded an indemnity of P50,000.00 in favor of complainant in line with existing jurisprudence.[38] In addition, however, complainant should be paid P50,000.00 as moral damages.[39] On the other hand, the award of exemplary damages should be deleted for lack of basis.[40]

WHEREFORE, the decision of the Regional Trial Court of xxx, in Criminal Case No. 96-533 is hereby AFFIRMED with the MODIFICATION THAT accused-appellant's sentence is reduced to RECLUSION PERPETUA, but he is ordered to pay complainant P50,000.00 as moral damages, in addition to the P50,000.00 he was ordered to pay as indemnity. The award of exemplary damages is deleted.

**SO ORDERED.**

Melo, Puno, Vitug, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes and Ynares-Santiago, JJ., concur.

Davide, Jr., C.J., Bellosillo and Kapunan, JJ. - on leave.

---

[1] TSN, pp. 5-6, July 10, 1996; Records, pp. 41-42.

[2] Exh. “B”; Records, p. 89.

[3] TSN, p. 14, July 10, 1996; Records p. 50; Exh. “C”; Records, p. 90.

[4] TSN, pp. 7-9, July 10, 1996; Records, pp. 43-45.

[5] TSN, pp. 17-18, July 10, 1996; Records, pp. 53-54; TSN, pp. 35-37, July 10, 1996; Records, pp. 71-73..

[6] TSN, pp. 7-10, July 10, 1996; Records, pp. 43-46.

[7] TSN, p. 15, July 10, 1996; Records, p. 51.

[8] TSN, p. 22, July 10, 1996; Records, p.58.

[9] TSN, p. 23, July 10, 1996; Records, 59.

[10] TSN, pp. 25-26, July 10, 1996; Records, p. 61-62.

[11] Exhs. “C,” “D,” and “E”; Records, pp. 90-92.

[12] Records, p. 1.

[13] Records, p. 12.

[14] TSN, pp. 18-19, 33-35, July 10, 1996; Records, pp. 54-55, 69-71.

[15] TSN, p. 39, July 10; Records, p. 75.

[16] TSN, pp. 39-40, July 10, 1996; Records, pp. 75-76.

[17] TSN, p. 42, July 10, 1996; Records, p. 78.

[18] TSN, pp. 37-38; July 10, 1996; Records, pp. 73-74.

[19] TSN, p. 32, July 10, 1996; Records, p. 68.


*Study hands-free: podcast-style lessons with read-along highlighting - batas.org*

[20] Exh. “G,” Records, p. 94.

[21] Exh. “A,” Records, p. 88.

[22] Exh. “B,” Records, p. 89.

[23] Exh. “C,” Records, p. 90.

[24] Exh. “D,” Records, p. 91.

[25] Exh. “E”; Records, p. 92.

[26] Exh. “F”; Records, p. 93.

[27] TSN, p. 3, July 23, 1996; Records, p. 99.

[28] TSN, p. 4, July 23, 1996; Records, p. 100.

[29] TSN, pp. 4-5, July 23, 1996; Records, pp. 100-101.

[30] TSN, p. 4, July 23, 1996; Records, p. 100.

[31] Decision, p. 8; Rollo, p. 111.

[32] People v. Manggasin, G.R. Nos. 130599-600, April 21, 1999; People v. Mengote, G.R. No. 130491, March 25, 1999; People v. Excija, 258 SCRA 424 (1996); People v. Ruptus, 198 SCRA 425 (1991).

[33] People v. Manggasin, supra; People v. Ramirez, 266 SCRA 335 (1997); People v. Echegaray, 257 SCRA 561 (1996); People v. Matrimonio, 215 SCRA 613 (1992).

[34] TSN, pp. 6-12, July 10, 1996; Records, pp. 42-48.

[35] People v. Matrimonio, 215 SCRA 613, 631 (1992).

[36] People v. Mabunga, 215 SCRA 694 (1992).

[37] People v. Gallo, G.R. No. 124736, September 29, 1999; People v. Acala, G.R. Nos. 127023-25, May 19, 1999; People v. Maglente, G.R. Nos. 124559-66, April 30, 1999; People v. Manggasin, supra.

[38] People v. Maglente, supra.

[39] Ibid.

[40] People v. Acala, supra.


*Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org*

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.