

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ANTONIO PEDRES Y BUAG, ACCUSED-APPELLANT.

G.R. No. 129533. April 30, 1999

Ponente: GONZAGA-REYES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-129533/>

GONZAGA-REYES, J.:

Antonio Pedres y Buag was accused of the crime of rape under the following information:

"The undersigned Assistant Provincial Prosecutor of Albay, upon written complaint of MARIBEL PEDRES, offended party, assisted by her aunt, Julita M. Garcia, hereby accuses ANTONIO PEDRES y BUAG of the crime of RAPE, defined and penalized under Art. 335 of the Revised Penal Code in relation to Sec. 11 of Republic Act No. 7659, committed as follows:

That on or about midnight of January 5, 1996, at Barangay Macalidong, Municipality of Ligao, Province of Albay, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and in grave violation of his moral ascendancy and thru force and intimidation, did then and there wilfully, unlawfully and feloniously had sexual intercourse with his own daughter, the herein offended party, Maribel M. Pedres, against her will and consent, to her damage and prejudice.

ALL ACTS CONTRARY TO LAW."

The accused pleaded not guilty upon arraignment.

At the trial, the offended party Maribel Pedres testified for herself, together with her older sister Maricel and Dr. Maria Nimfa Joji Quiñones.

The defense presented the accused, his sister Angelita Bron and his brother-in-law Norberto Bulacan.

The prosecution's version is summarized in the appellant's brief as follows:

"Maribel testified that on the evening of January 5, 1996, while she was sleeping with her two (2) brothers, she was suddenly awakened by the sensation that somebody was on top of her and was tying her hands and feet. She identified this person as her father, accused-appellant herein. She further narrated that her father lowered her short pants up to her ankle and proceeded to rape her. When the accused had allegedly finished, he dressed up and untied Maribel.

The following day, Maribel went with her mother to Manila to work as a housekeeper. She did not tell anybody about her ordeal until June 28, 1996 when she, allegedly, decided to tell her sister about the incident. (TSN, October 2, 1996, pp. 7-15).

Maricel, for her part, testified that after she was told by Maribel of the alleged rape, she decided to send Maribel back to Ligao with their mother. After two days, she followed them and without being advised by anyone, had her sister examined by a physician. (TSN, October 3, 1996, pp. 7-10).

The physician who examined Maribel revealed the following findings:

`scanty pubic hair scattered over the mons pubis extending downward to the upper portion of the labia majora,

meaning on the upper portion of the mons there are some pubic hair up to labia majora. Labia majora, meaning the outer lip is gaping exposing the inner lip. Labia minora, meaning the inner lip is gaping at the posterior portion. Hymen, pinkish in color and whitish discharge which is a normal secretion found in the female genitalia organ. Vaginal opening is comparable to a face of a clock, so healed laceration is found at one o'clock, eleven o'clock and seven o'clock lacerations. Vaginal orifice, vaginal opening accepted one examining finger with ease, meaning without difficulty, without resistance, prominent vaginal corrugation, two (2) fingers inserted with slight resistance.'

From the aforequoted findings, it would appear that lacerations in the various sections of the vaginal orifice of the victim were present although according to the physician, the time when they were inflicted was not within her knowledge as per examination since the lacerations were already healed. She stated, however that it is possible that the lacerations were inflicted six (6) months before the examination. She further testified that the findings on the labia minora, gaping to the posterior forchette, manifests that the labia majora was opened, exposing the labia minora, was caused by the application of force or sexual intercourse. (Decision, pp. 3-4)"[1]

The accused denied the charge and claimed that he could not have committed the rape for the reason that he was not in Macalidong, Ligao, Albay on January 5, 1996 as he was in Bagsa, Oas, Albay from January 4 up to January 7, 1996. The trial court correctly summarized the testimony of the accused as follows:

"The accused himself testified that he could not have committed the offense charged for the reason that he was not in Macalidong, Ligao, Albay on January 5, 1996 as he was working on the ricefield owned by his sister Angelita Bron and her husband at Bagsa, Oas, Albay. He started working on the ricefield from January 4 and stayed up to January 7 when they finished working on the field and that was the time when he went home to Macalidong, Ligao, Albay. On January 4, after they finished working on the farm at about five o'clock in the afternoon, his brother-in-law took a bottle of gin and the three of them together with Norberto Bulacan partook of the liquor and stayed up to about ten o'clock in the evening and after which the accused slept in the house of Angelita Bron together with Norberto, Bulacan. On January 5, 1996, the accused claimed that he was at Bagsa still working on the farm and on that particular day they finished working at about five o'clock and as usual he had a drinking spree with his brother-in-law and stayed up to twelve o'clock midnight after which the accused slept in the house of his sister, Angelita Bron at Bagsa, Oas, Albay. It is impossible according to the accused for him to be in Macalidong, Ligao, Albay because of the distance and there is no regular means of transportation from Macalidong to Bagsa, Oas, Albay and vice-versa. The accused attributed the filing of this case against him by his own daughter to the fact that he is not in good terms and is being hated by his parents-in-law, especially his father-in-law, because of his allegedly having abandoned his family but the truth is that he was sending them money when he was away. But the main reason why this case was filed against him was that he had some other women aside from his wife and what hurts his father-in-law most was that two of the women were related to his father-in-law. It was for this reason that in fact his father-in-law reported him to the New People's Army (NPA) for allegedly abandoning his family and in fact he was investigated by the NPA but the NPA did not take action on the report of his father-in-law because he was actually sending them money and did not abandon them.

On December 28, 1995 at about twelve o'clock in the evening, the accused was with his wife after attending a party to celebrate the wedding of a relative and when they arrived in their house in Macalidong, Ligao, Albay, he found that a certain Topasi whom the accused claims to be the boyfriend of the private offended party was in their house sleeping. The only other persons in the house were the private offended party and another of his daughters who was in Grade 1. He did not confront Maribel about her allowing her boyfriend to sleep in their house that night as she was already asleep and he failed to confront her the following morning as Maribel left for their store in the market while he was still asleep. He was not, however, finally able to confront Maribel as Maribel left for Manila together with her mother on January 6, 1996. While his daughter was already in Manila where she worked as household help, he got an information from a certain Manay Lourdes, whom he admitted to be a certain Lourdes Miranda, that her daughter, the private offended party in this case, was sent away by

her employer in order to get rid of her for fear that she might get pregnant by a tricycle driver as according to the accused his daughter, the private offended party in this case, is a flirt. He vehemently denied having sexually molested his own daughter and in fact he was surprised when he was arrested by the policemen sometime on July 3, 1996 to know that he was being charged by his own daughter with rape."[2]

Angelita Bron, sister-in-law of the accused, corroborated the testimony of the accused that he was working in her ricefield in Bagsa, Oas, Albay from January 4 to 7 and testified that the parents in-law of the accused wanted the latter to be separated from his wife because the accused abandoned his family and there was a time that they wanted the accused to be killed by the NPA.[3]

Norberto Bulacan also corroborated the defense of alibi; he stated that the accused worked with him on the ricefield in Bagsa, Oas, Albay from January 4 to 7, 1996, and on January 5, after working, they had a drinking spree together with Avelino Bron from 7:00 o'clock until 11:00 o'clock in the evening. There was no longer any available transportation to Macalidong, Ligao, Albay as the tricycles plying the route stop at 6:00 o'clock in the afternoon.[4]

The trial court held that the prosecution sufficiently proved all the essential elements of the crime of rape and presented sufficient evidence to prove the guilt of the accused beyond reasonable doubt. It imposed the death penalty and ordered Antonio Pedres to indemnify Maribel Pedres in the amount of P50,000.00.

The case is before this court for automatic review. The following assignment of errors is submitted in accused-appellant's brief:

"I

THE TRIAL COURT ERRED IN RELYING SOLELY ON THE INCREDULOUS AND INCREDIBLE TESTIMONY OF THE COMPLAINANT AS A BASIS FOR ACCUSED-APPELLANT'S CONVICTION.

II

THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT."

which were discussed jointly.

Accused-appellant claims that the uncorroborated testimony of the complainant should not be received with precipitate credulity, considering that her claim that her two siblings who were sleeping with her on the bed were not awakened by the movement which she and her father would have caused while the latter was raping her, and that she did not even scream or attempt to wake up her brother and sister. Moreover, Maribel testified that the accused tied her legs, already eagle-spread before removing her maong short pants up to her ankle, and the pants were not torn in the process. Also, the complainant knew that it was 12:00 o'clock when her father arrived, because she looked at her watch, when she was tied down to the bed, which act is contrary to human nature. Finally, Maribel's silence for five (5) months after the incident was unnatural and improbable considering that she was close to her mother and was admittedly "nervous" about the blood which came out of her private part. The admission of complainant that she harbored hatred towards her father because he did not perform his duties as a father rendered her credibility doubtful. Consequently, the defense of alibi assumes importance.

We are not persuaded by the submissions of the appellant. We have examined the testimony of Maribel with great care and we find nothing that would render the same incredible. She consistently stated on direct[5], on cross-examination[6] and on redirect examination[7] that on January 5, 1996, at around 12:00 midnight, while her mother was in her store in the market, she was awakened when she felt the body of someone on top of her whom she recognized as her father; her hands and feet spread apart were already tied to the bed with the diapers of the

daughter of her Ate Susan; he was then "tying" her mouth with a piece of cloth. Her father removed her maong short pants up to her ankle. She was frightened, and her father embraced her, after which he "used" her (meaning "He raped me") by placing or putting his penis inside her vagina. Her father stayed on top of her and raped her for around five minutes. Afterwards he put on his clothes, then put on her clothes, and untied her feet, hands and mouth, and then he left. She did not scream, because he threatened to kill her if she reported the incident to the police. "It was painful" and a little blood came out of her private part for two days. She was nervous because of her bleeding, but she did not tell her mother despite being close to her, because the latter had a heart ailment. The following morning after the incident, Maribel left her home to be employed as household helper in Pasay City, and she still felt the pain. She told her Ate Maricel sometime in June about the rape and her sister accompanied her on July 3 to Bicol where she submitted to a medical examination by Dr. Maria Nimfa Quiñones who issued the medical certificate marked as Exhibit "A"; containing the following findings:

"Internal Examination:

Genitalia : scanty pubic hair scattered over the mons pubis extending downward to the upper portion of the labia majora.

: labia majora gaping exposing the labia minora

: labia minora gaping at the posterior fourchette

: hymen pinkish with whitish discharge noted, healed laceration noted at 1:00 o'clock, 11:00 o'clock and at 7:00 o'clock.

: vaginal orifice one finger inserted with ease, two fingers inserted with difficulty; prominent vaginal rugae." [8]

Asked to testify, Dr. Quiñones stated that the healed lacerations on the vagina at 1:00 o'clock, 11:00 o'clock and 7:00 o'clock positions could possibly have happened six months before the examination; and that the prominent vaginal rugae ("corruption") suggests sexual intercourse or the application of trauma. [9]

We are not convinced that there are natural contradictions or inconsistencies in the testimony of Maribel that would destroy its credibility or render it unworthy of belief. She did not attempt to shout and wake up her brother and sister sleeping beside her because she was unable to speak as her mouth was covered with a piece of cloth and her father told her to keep quiet; [10] she got frightened upon seeing her father on top of her [11] and after the incident her father threatened her that if she reported the incident to the police he would kill her. [12] From the fact alone that the accused is the father, he exercised strong moral influence over Maribel and the latter's failure to offer tenacious resistance did not make voluntary her submission to the criminal act. [13] This court has observed many times before that there is no standard form of the human behavioral response to a startling or frightful experience such as and most particularly when the crime of rape is perpetuated by the victim's own loved one. [14]

Appellant also contends that complainant's conduct during the trial belies her allegation that something as vicious and detestable as rape had been committed against her, citing the manifestation of his counsel "that the witness is smiling when answering the question." [15] The Court notes however from the transcript of her testimony on direct examination, that this remark was made after the prosecutor asked the preliminary question "while you were sleeping, do you remember of any unusual incident that happened", and the defense counsel countered "objection, your Honor, How will she know if there was an incident that happened when she was sleeping". The verbal exchange may have caused some amusement, and the court reserved its observation regarding the deportment of the witness. We do not think that the court erred in not attaching great importance to the manifestation.

The appellant's claimed impossibility for Maribel's legs to be spread, her maong short pants removed up to her

ankle without tearing her garment in the process is not established with certainty by the defense. The record does not show whether the denim pants worn by Maribel on the night of the incident was made either of light, heavy, or stretchable denim material nor was it shown by the defense whether the said garment was loosely or closely fitted as to render it absolutely impossible for the accused to remove it from Maribel's spread legs without tearing the said garment. The missing details could have been clarified by more precise questioning rather than deducing untruthfulness from her simple answers. At any rate, this minor detail cannot destroy the victim's entire testimony.

In the same vein, we do not find any indication of fabrication from the admission that Maribel looked at her watch while her father was "tying" her mouth with a piece of cloth, instead of resisting or struggling to fight her abuser. Confronted with a strange and frightful experience as heinous as the crime of rape not every victim can be expected to act conformably with the expectation of mankind.[16] Moreover, inconsistencies pertaining to minor and trivial details that do not touch on the why's and wherefore's of the crime strengthen rather than diminish credibility as they erase suspicion of a rehearsed testimony.[17] Neither did the delay in bringing up the matter to the authorities diminish Maribel's credibility. She did not report the incident to her mother because the latter had a heart ailment, and it was only when she had the opportunity to talk to her sister Maricel, who was employed in another household in Manila, that she decided to reveal that her father had abused her. This court has repeatedly observed that it is not uncommon for a young girl of tender age to be intimidated into silence and to conceal for sometime the violation of her honor even by the mildest threat against her life. The delay is also an indication of the expected hesitation any daughter would entertain in charging her own father.[18]

Finally, we find untenable appellant's claim that Maribel falsely accused her father because she harbored a deep seated hatred towards her father for not being a responsible parent and provider and an "evil person". We have scrutinized the questions and answers propounded at the cross-examination of Maribel and note that it was the defense counsel who propounded questions tending to elicit the answer that Maribel had reason to be biased against and angry at her father.[19] We are not convinced that whatever anger or grudges Maribel entertained against her father for having concubines and not properly providing for his family would have motivated her to fabricate such a reprehensible charge as rape and concoct a story of defloration, allow an examination of her private parts and then subject herself to the rigors, trouble, inconvenience, ridicule and scandal of a public trial, unless she was in fact raped. This court has ruled that no young and decent Filipina would probably admit that she was ravished unless that is the truth for it is her natural instinct to protect her honor.[20]

In fine, the issue boils down to the credibility of witnesses, and the settled rule is that the trial court's assessment thereon is accorded great respect unless it overlooked or misapplied some facts which could have affected the result of the case.[21]

In this case, the trial court was admittedly aware of the necessity to scrutinize the evidence in view of the seriousness of the charge and the fact that in the prosecution of rape cases the testimony of only two parties, the accused and the victim, could "make or unmake the case." We find no compelling basis to disturb the court's findings that there was a moral certainty that the guilt of the accused has been proven beyond reasonable doubt and that the defense of alibi "must yield to the straightforward and positive identification made by Maribel" that her own father, the accused-appellant, was the one who raped her on the fateful night of January 5, 1996 at Macalidong, Ligao, Albay.

The defense of alibi raised by the accused-appellant, which was sought to be corroborated by the testimony of his sister and his brother in law, was rejected by the trial court and we find no cogent justification to reject such finding. Alibi by its nature, is the weakest of all defenses as it is easy to fabricate and difficult to disprove, and it is practically worthless in the face of positive identification.[22] It has been settled that alibi becomes less plausible as a defense when it is sought to be established by the accused himself and his immediate relatives.[23]

Rape is defined and penalized under Article 335 of the Revised Penal Code, as amended by Republic Act No. 7659[24] as:

"Art. 335. When and how rape is committed.- Rape is committed by having carnal knowledge of a woman under any of the following circumstances.

- By using force and intimidation;
- When the woman is deprived of reason or otherwise unconscious; and
- When the woman is under twelve years of age or is demented"

The crime is qualified as incestuous rape and the death penalty is imposed when it is attended by any of the following circumstances:

"1) When the victim is under 18 years of age and the offender is a parent, ascendant, step-father, guardian, relative by consanguinity or affinity within the third civil degree or the common law spouse of the parent of the victim."

xxx xxx xxx

Maribel was fourteen years old when she was raped[25] by her father. However, her age at the time of the commission of the offense was not alleged in the Information and this circumstance may not be considered by the court to change the legal character of the offense to incestuous rape.[26] The death penalty may not be imposed. We are accordingly constrained to modify the penalty imposed by the trial court from death to reclusion perpetua.

Relative to the monetary liability of the accused we find the award of P50,000.00 by way of indemnity ex delicto and another P50,000.00 as moral damages to be in order.

WHEREFORE, the judgment finding Antonio Pedres y Buag guilty beyond reasonable doubt of the crime of rape is **AFFIRMED** with the modification that the penalty imposed is reclusion perpetua. The appellant is ordered to pay the victim the amount of P50,000.00 as civil indemnity and P50,000.00 as moral damages.

SO ORDERED.

Davide, Jr., C.J., Romero, Bellosillo, Romero, Bellosillo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, and Ynares-Santiago, JJ., concur.

[1] Rollo, pp. 41-43.

[2] Rollo, pp. 20- 22.

[3] Tsn, December 12, 1996, pp. 16-24.

[4] Tsn, January 10, 1997, pp. 10-16.

[5] Tsn, October 2, 1996, pp. 7-14.

[6] Tsn, October 2, 1996, at pp. 23-29.

[7] Tsn, October 2, 1996, at pp. 37-39.

[8]Exhibit A.

[9] Tsn, October 11, 1996, p. 8-9.

- [10] Tsn, October 2, 1996, pp. 38-39.
- [11] Tsn, October 2, 1996 at p. 9.
- [12] Tsn, October 2, 1996, at p. 14.
- [13] People vs. Obejas, 229 SCRA 549.
- [14] People vs. Miranda, 262 SCRA 351; People vs. Norberto Solema Lopez, G. R. No. 129397, prom. February 8, 1999.
- [15] Tsn, October 2, 1996, at p. 8.
- [16] People vs. Dupali 230 SCRA 62.
- [17] People vs. Tan, Jr. , 264 SCRA 425.
- [18] People vs. Norberto Solema Lopez, supra.
- [19] Tsn, October 2, 1996, pp. 18-20.
- [20] People vs. Espinoza, 247 SCRA 66; People vs. Sanchez, 250 SCRA 14; People vs. Godoy, 250 SCRA 676; People vs. Gan, 48 SCRA 667.
- [21] People vs. Codillo, 224 SCRA 104; People vs. Matrimonio, 215 SCRA 613.
- [22] People vs. Avillano, 269 SCRA 553; People vs. Garma, 27 SCRA 517.
- [23] People vs. Sancholes, 271 SCRA 527; People vs. Castillo, 273 SCRA 22; Naval vs. Panday, 275 SCRA 654.
- [24] R. A. 8353 "The Anti-Rape Law of 1997" was not yet in force when the crime was committed.
- [25] Tsn, October 2, 1996, p. 16.
- [26] Aquino, Revised Penal Code, Vol. 1, 1997 ed., p. 38; People vs. Ballabare, 264 SCRA 350.

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.