

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. SEBASTIAN G. SEGURA, DEFENDANT AND APPELLANT.

G. R. No. 41669. November 20, 1934

Ponente: VICKERS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-41669/>

VICKERS, J.:

The defendant appeals from the following well-considered decision of Judge Conrado Barrios in the Court of First Instance of Iloilo:

"On the complaint first of Rose S. Segura and later of her daughter Sylvia Segura these proceedings were instituted.

"According to the prosecution, Sebastian G. Segura, married by a Roman Catholic priest in the church of Saint Francis, Portland, Oregon, U. S. A., on October 1, 1921, to Rosario Domenica Sandora (Exhibit B), had with her four children: Sylvia, who was born on July 3, 1922, in Portland (Exhibit C), Salvador, Estela, and Sebastian, jr., the last named being seven years of age. These four children have been trained to dance and sing by their father, Sebastian G. Segura; who exhibited them in theatrical productions and in public places, in order to receive as compensation from the spectators the money with which they supported themselves.

"On May 18, 1932, the spouses Segura-Sandora arrived in Manila, P. I., and there continued exhibiting their children in the same manner as they used to do in America. For the same purpose, they moved to Pasay, Rizal; and on April 7, 1933, they travelled through the municipalities of Iloilo, Jaro, Pavia, Oton, Pototan, and Lambunao, of this Province of Iloilo, and through the municipalities of Capiz and Calivo in the Province of Capiz, to return again to this Province of Iloilo, traveling through the municipalities of Maasin, Lambunao, Jaro, and Iloilo. During the last months of last year, 1933, they lived in the municipality of Lambunao in the house of Francisco Roncesvalles, godfather of the child Salvador Segura when the latter was baptized in America.

"On the night of December 9, 1933, after supper, Sebastian G. Segura, upon retiring, lay down as usual in a single bed. He called his daughter Sylvia to lie near him and scratch his back. Sylvia obeyed him. A little later, Sebastian G. Segura ordered Sylvia Segura to take off her bloomers, and afterwards had sexual intercourse with her. His wife saw him in the act of having sexual intercourse with his daughter. However, she kept silent, through fear, taking into consideration the cruelty of her husband. This was not the only incestuous act of the accused with his daughter Sylvia, inasmuch as he had done the same thing with her in the United States.

"The accused denies having committed the crime imputed to him. He tried to prove that, long before the night in question, his wife Rose S. Segura had expressed to him her insistent desire that the family return to the United States, even if they had to obtain their fare by means of public charity. The accused did not pay any attention to this suggestion of his wife because he did not have the funds to defray the expenses of the trip and was not willing to solicit another's charity for that purpose. Rose S. Segura received a letter, Exhibit 1, from one Seller, a friend of the family, who is in America, proposing to them that they return there where they would find a better field for their children's exhibitions in theaters and public places, with good financial

prospects. The accused, however, was adamant in his opposition to his wife's proposals. Whereupon, disappointed in this, she concocted the plot which culminated in imputing to her husband the alleged rape committed on the person of his own daughter, with which he Sebastian G. Segura, is now charged. Rose S. Segura was in the habit of introducing her finger into the genital organ of her daughter Sylvia Segura. On the night in question, she performed the said act while her four children Sylvia, Salvador, Estela, and Sebastian, jr., were sleeping with her in a double bed, and in the execution thereof, Rose S. Segura unconsciously touched Salvador and Sebastian, jr., who awoke and surprised their mother in the act.

"It is conclusively proved that on December 9, 1933, Sylvia Segura had not yet completed the age of eleven years; and upon being examined at the beginning of the year by Dr. Blancaflor, it was discovered that her hymen had been ruptured a long time previous thereto, which rupture might have been due to different causes, among them in the introduction of a man's penis, according to the doctor.

"The court has heard and carefully observed all the witnesses who testified during the trial; and in weighing their testimony has found that the witnesses, Rose S. Segura and Sylvia Segura, have testified in so natural and simple a manner as to leave no room for doubt with respect to their credibility and sincerity. The excuse of the accused, that this charge is the result of a scheme formed by his wife upon being thwarted in her desire to return to America, does not constitute a sufficient motive for his wife, who, according to the accused himself, is loving and resigned to the extent of having followed him to the Philippines, suffering privations in life because the said accused does not have and never did have dependable means of support, for which reason both husband and wife had to cooperate in the dancing and singing exhibitions of their children who were under age, to impute to him the commission of so horrible a crime as that of rape on the person of his own daughter, if such accusation were not justified. Neither can it be conceived that Sylvia Segura, a child less than twelve years of age, would have sufficient cause to make such a charge against her father, the herein accused, if it were not true that the latter really cohabited with her on the night in question and also prior to that occasion. The sincerity and simplicity of Sylvia Segura's testimony convinces the court that nothing but the truth of the facts came from her lips, while testifying as a witness for the prosecution.

"The children Salvador Segura and Sebastian Segura, jr., who testified in favor of their father, do not merit entire credit from this court, because it was noted that they related the facts under a certain extraneous influence which showed that they were not telling the truth. It was noted that these children testified with the idea impressed on their minds that they should state that they did not like their mother because she used to teach them bad things and that, on the contrary, they were fond of their father because he was good to them; and it was for this reason, that from time to time in the course of their testimony and without being asked about it, they repeated the same expression that they did not like their mother and that they were fond of their father for the reasons above stated.

"Wherefore, the court finds that it is conclusively proved that the accused Sebastian G. Segura is guilty of the crime of rape, and applying the provisions of Act No. 4103, hereby sentences him to suffer the penalty of eight years and one day of prision mayor to fourteen years, eight months and one day of reclusion temporal, with the corresponding accessory penalties, to indemnify the offended party in the sum of five hundred pesos, and to pay the costs. So ordered."

In support of their assignments of error that the lower court erred in finding the defendant guilty of the crime of rape beyond a reasonable doubt and in condemning him, appellant's attorneys alleged: (1) That the evidence for the prosecution concerning the supposed rape is unnatural and unworthy of belief; (2) that this case is very suspicious; (3) that the complaining mother had a grudge against the accused; (4) that the evidence introduced to prove sexual intercourse was essentially based on mere conclusions and suspicions; (5) that the declarations of the two sons of the accused were not given due credit by the lower court.

We admit the apparent reasonableness of the first contention of the appellant. Under ordinary conditions it would

be unnatural for a mother not to make an outcry on discovering her husband in carnal intercourse with his own daughter, but in the present case the conduct of the mother of the offended girl is to be judge in the light of her situation. She was far from her home and friends in the United States. She had no one to appeal to. At the time of the incident in question she and her husband and children were staying in the house of one of his friends. The husband had no employment. The family had to subsist upon the children's meager and uncertain earnings from vaudeville performances as they wandered from place to place. The accused was cruel and domineering and easily angered. He had beat his wife in the United States and again in Jaro shortly before the incident in question. The unfortunate woman was helpless. When asked to explain why she did not intervene when she saw what the accused was doing to his daughter, she testified that she was overcome by fear; that she felt a throbbing in her heart and could not utter a word, but beat her breast (Yo tenia tanto miedo; yo recibí una sacudida en el corazón y no puedo decir ni una palabra. Me golpeaba el pecho.) These circumstances satisfactorily account for her apparently unnatural conduct.

In the second place the attorneys for the appellant contend that this case is very suspicious. Great stress is laid upon the fact that although the offense was committed on December 9, 1933, the complaint was not filed until January 5, 1934, or nearly a month later. The evidence shows, however, that the crime was committed, not in the provincial capital, but in the municipality of Lambunao; that three days later, after pondering on what she should do, defendant's wife wrote to Bishop McCloskey in Iloilo about the matter. On January 3, 1934, when the family had returned to Jaro, the wife of the defendant, taking advantage of the fact that he had gone to Iloilo with the three younger children, went to see Bishop McCloskey, who told her that he had sent her letter to Fiscal Blanco, and advised her to see the fiscal immediately. She followed the advice of the bishop. After the fiscal had investigated the facts of the case, the first complaint was sworn to by defendant's wife before Judge Paredes and filed on January 4, 1934. The amended complaint signed by the offended girl, was filed on January 12th. The letter written by the defendant's wife to Bishop McCloskey was not produced at the trial, but we cannot agree with the argument of appellant's attorneys that since it was not produced it did not exist. Defendant's attorneys did not ask for it during the trial.

The next contention of the appellant is that his wife had a grudge against him because he would not accede to her wish to return to the United States. This is a mere surmise wholly unjustified by the evidence. It is stated in appellant's brief that for inexplicable reasons defendant's wife desires to go back to the United States to join one Seller, an impresario, from whom she had received a letter in the early part of December, 1933; that she wishes to remove the children from the custody and influence of the accused father in order that she may take them back to the United States to be educated there; that she wants to leave the Philippine Islands even at the cost of her husband's liberty and imprisonment. There is nothing in the record to sustain these statements. It is true that defendant's wife received a letter from Seller, who appears to be a friend of the family, suggesting that they return to the United States where they would have better prospects of gain in their vaudeville performances. It is contended that the charges against the defendant are false; that they are merely the culmination of a plot of Rose S. Segura to get rid of her husband; that the offended girl was merely the tool of her mother's avarice. Such contentions rest upon the uncorroborated testimony of the accused, and were rightly rejected by the trial judge.

The fourth argument advanced by the attorneys for the appellant is that the evidence introduced to prove the alleged sexual intercourse was essentially based on mere conclusions and suspicions. This contention, like the preceding ones, is not sustained by the record. Both the offended girl and her mother described in detail the commission of the act complained of. Their testimony was carefully weighed by the trial judge, and no good reason has been adduced for disturbing his findings.

Sylvia Segura, the offended girl, was examined by Dr. Cornelio T. Blancaflor on January 9, 1934. He found that

her hymen had been ruptured long prior thereto, and that the vaginal opening when dilated would admit an object an inch in diameter. He could not state with certainty the cause of the rupture. The attorneys for the appellant state in their brief that they can only surmise the cause, but the defendant attempted to prove that his wife was accustomed to jab her finger at night into her daughter's vagina. In our opinion such a contention is not only false, but is evidence of the depravity of the accused.

The attorneys for the appellant emphasize in capital letters the fact that according to the record Rose S. Segura in referring to her conversation with the accused on December 27th stated that she indicated to him her suspicions. It is argued therefrom that she did not see any act of carnal intercourse, and merely suspected that the accused had committed the offense imputed to him. In the first place we doubt if the idea of the witness is accurately expressed by the word "sospechas". It is apparent from the context that in her conversation with her husband on that date she gave him to understand that she knew what had taken place on the night of December 9th. This construction of what she intended to say is made clear by her testimony appearing on page 46 of the record where she said that her husband beat her when she accused him on having had carnal intercourse with Sylvia. Her testimony is as follows:

"P.

Desde que ustedes llegaron a Iloilo, ¿ha sido usted alguna vez maltratada por su marido?

—

R.

Si, por un par de veces y en los Estados Unidos tambien.

"P.

¿Y donde fue la primera vez?

—

R.

Aqui mientras viviamos alii en la casa de su primo en Jaro.

"P.

¿Y la segunda vez?

—

R.

Alia por el diciembre de 1927 cuando yo le acuse que habia tenido acceso carnal con Sylvia.

"P.

¿Se puso el furioso y despue's le pegd a usted?

—

R.

Si, senor.

"P.

¿Eso despues de haber usted presentado la querella?

—

R.

Si, senor, despues de acusarle yo personalmente a el."

As to the last contention urged by the attorneys for the appellant the trial judge's reasons for not crediting the testimony of the defendant's two small boys are fully stated in the decision, and a review of the evidence in our opinion sustains his findings.

In the case at bar the offended girl is a daughter of the accused, and because of the nature of the crime, this relationship is an aggravating circumstance in accordance with article 15 of the Revised Penal Code.

The lower court sentenced the defendant to suffer an indeterminate sentence from eight years and one day of prision mayor to fourteen years, eight months, and one day of reclusion temporal. The Solicitor-General recommends an indeterminate sentence from twelve years of prision mayor to twenty years of reclusion temporal. We agree with the Solicitor-General as to the minimum penalty to be imposed, and taking into consideration the aggravating circumstance of relationship, condemn the defendant to suffer an indeterminate sentence of not less than twelve years of prision mayor and not more than seventeen years, four months, and one day of reclusion temporal As thus modified, the decision appealed from is affirmed, with the costs against the appellant.

Street, Malcolm, Villa-Real, Hull, and Butte, JJ., concur.

DISSENTING

DIAZ, J.,

I respectfully dissent from the majority opinion. Rose S. Segura's testimony, upon which the said opinion is mainly based, is so improbable that it seems to be absolutely unacceptable. The said witness, giving her version of what she claims to have seen, testified as follows:

"At about nine o'clock in the evening, we had gone to bed, I with my three youngest children and Sylvia with her father, scratching his back. * * * I tried to sleep and after about fifteen minutes or so, I opened my eyes and happened to look in the direction of my husband's bed and noticed that he had his back turned to me, that is, he was lying with his back towards me and that Sylvia was likewise lying on her side facing him. I then knew that he was having sexual intercourse with his daughter Sylvia. I kept quiet and said nothing then, knowing how cruel my husband is. I chose to remain silent because had I accused him of such act, I do not know what he might have done to me. After the sexual intercourse, he took his handkerchief and let the substance from his organ flow into it. He then got up on his knees, reached for the urinal with one hand, urinated into it, returned it to its place, and then took a bottle of alcohol and wet Sylvia's hand with it. Afterwards he placed Sylvia on the side of the bed where she was to sleep."

Rose S. Segura admitted having done nothing upon witnessing the act which she imputes to the accused, not so

much as rebuking him for it, or even letting him know that she was awake, for the purpose of making him desist from consummating the said act, either by getting up in order to take a glass of water, or feign to respond to the call of nature, or by making any other noise or movement that might have the same result.

According to the said witness, the act imputed to the accused was committed at about nine o'clock on the evening of December 9, 1933. It is strange that she did nothing until after so many days had elapsed. It is unbelievable that a wife, much less a mother, could remain so passive in the face of so heinous an act as that which Rose S. Segura imputes to her husband, and which was committed scarcely two feet from her. Her own instinct of a wife and a mother would have suggested to her some of the above stated means of frustrating the act complained of. Her failure to frustrate it implies that the accused did not really commit it; and she herself certainly made it understood by her testimony when she declared that it was after nineteen days had already elapsed that she expressed her suspicions to the accused, in the manner stated in the following portion of her testimony, to wit:

"The day before our departure for Maasin, that is, on December 27th, I made known my suspicions to my husband and he called his two sons and asked them something. He likewise called aside our two daughters and later told me that I was prone to thinking foolish things and attempted to catch me by the neck with his two hands."

Furthermore, taking into consideration the relative position of the accused and the girl Sylvia with respect to her, it was not possible for the said witness to see what she claims to have seen; and she did not file her complaint nor reveal her suspicions to other persons until about a month or so after the commission of the act. All these are unnatural inasmuch as under the circumstances, a wife, more so a mother, becomes furious and strikes instantly in defense of her child and never hesitates, because the situation affords no time for hesitancy, it being unbelievable that Rose S. Segura was continuously under the influence of fear of the accused, because she would have found protection everywhere, if not with the authorities, at least among her neighbors and the kind people of whom there are a great many.

All of these facts and circumstances, in addition to Rose S. Segura's earnest desire to return to the States with her children at the invitation of a friend named Seller, show, in my opinion, that her entire testimony against the accused is but a much exaggerated statement of her suspicions.

Neither does Sylvia's testimony, whether taken independently or in connection with that of her mother Rose S. Segura, satisfactorily prove the guilt of the accused. Comparing the daughter's testimony with that of the mother, it is very obvious that one is practically a repetition of the other, thus rendering such evidence still more suspicious. Evidently the mother exercises a greater influence over the daughter than does the father, and it is not strange that she should testify in the manner her mother wanted her to testify.

I am of the opinion that the accused is entitled to the benefit of a reasonable doubt and for this reason I vote for his acquittal.

AVANCENIA, C. J.:

I concur.

ABAD SANTOS, J.:

I concur in the dissenting opinion of Justice Diaz.

DISSENTING**IMPERIAL, J.,**

I concur in the dissenting opinion of Justice Diaz, but I believe, further, that the defendant is entitled to acquittal for lack of sufficient, convincing and reliable evidence. The judgment of conviction is mainly, not to say exclusively, based upon the incredible, unnatural and biased testimony of defendant's wife. The defense pointed out that the motive of her elaborate testimony was a previous family misunderstanding between her and the defendant and the latter's opposition to the proposed return trip of said witness to her home for lack of the necessary funds.

The defendant should be acquitted for insufficiency of the evidence for the prosecution, with costs de oficio.

GODDARD, J.:

I concur in the dissenting opinion of Justice Imperial.

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.