

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ALEJANDRO MANDAP, ACCUSED-APPELLANT.***G.R. Nos. 106385-88. May 29, 1995*

Ponente: BELLOSILLO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-106385-88/>**BELLOSILLO, J.:**

At eighteen, Marian Mandap was already a mother of two - three-year old Fernand and five-month old Minerva. The father of Fernand is April Dimaliwat whom Marian could not marry because of her father's objection. But Minerva's father happens to be the father also of Marian. With a common father, Marian and Minerva are sisters. There hangs this sordid tale of perversity, let alone fiendish bestiality.

A few weeks after giving birth to Minerva, Marian charged her own father, Alejandro Mandap, with four (4) counts of rape committed on 15 January, 21 January, 2 February, and in July 1991, before the Regional Trial Court of San Fernando, Pampanga.[1] The trial court finding the prosecution witnesses credible convicted him as charged aggravated by relationship. He was sentenced accordingly to reclusion perpetua in each case and to indemnify the victim P100,000.00 as damages.[2]

Marian thus narrates her woes: On 15 January 1991 she was alone in the room. Their house was at Trinidad Village, Bacolor, Pampanga. Her father, brothers, sisters, and Fernand were in another room. Her mother was cooking in a neighbor's house. Later, her father told her brothers and sisters to watch television in a neighbor's house. After they left, her father closed the door, went to the comfort room, called her and told her to enter another room. Believing that he wanted her to lull and sway her two-year-old sister, she entered the room. There he told her to lie down on the mat. When she protested, he grabbed her and forced her to lie down. He ordered her to remove her panties but she refused so he did it himself. He punched her on the right thigh when she refused to spread her legs. He forced his way and placed himself on top of her. He threatened to hurt her should she resist. He held her hands with one hand at her back pinned against the mat as he sexually abused her. She felt pain. She wept.

After the rape, which took about thirty (30) minutes, he stood up. She told him he was wicked. He did not respond. She went to the other room and cried again. Afterwards, he told her to call her brothers and sisters. But she did not tell anyone about the incident because she was afraid he would kill her. She knew he was capable of doing so as he had been hurting her and her brothers and sisters since childhood.

On 21 January 1991 at about eleven o'clock in the morning she was washing clothes. Her mother was in Concepcion, Tarlac, because of the coming fiesta. Her father told her again to enter the room and lie down on the mat. When she refused, he held her hands and forced her to lie down. He pulled down her panties and told her to spread her legs. She refused. She turned to her side but he threatened her with harm if she did not lie down straight. She told him that what he was doing was wrong but he replied that he made her for him. He pushed her legs apart and told her to follow whatever he said. Then he placed himself on top of her and sexually abused her. She cried and cried. She felt as if her father was a devil incarnate. He told her that as long as he was alive she

would not be able to marry.

Thereafter, he ordered her to finish washing clothes. She locked herself in another room. Again, she did not report the matter to anyone because she was afraid he would kill her. She was aware all the while that as a soldier her father had already killed a man. Once he hit her forehead with the butt of an armalite rifle. He would box her and hit her with plates. But she marked on the calendar the dates when he raped her because she had planned to report the matter later.

On 2 February 1991 at around ten-thirty in the morning she was rocking her infant sister in the room. Her brothers and sisters were also inside. Her mother was then washing clothes in a neighbor's house. Then her father came in and told her brothers and sisters to go to the other room. When they left he locked the door. He grabbed her hands and forced her once again to lie down on the mat. He threatened to stab her with the blade of the scissors pointed at her thigh. She lay down and when she refused to spread her legs he boxed her thigh which caused it to stiffen, thus enabling him to part her legs and rape her. She could do nothing but grieve over her misfortune. Her fear of her father was deeply embedded in her heart. As a result she became pregnant. Her mother asked her who the father of the child was but she told her that she would only confess after giving birth. She also marked this third rape incident in her calendar.

In July 1991 at about eleven o'clock in the morning she was lying down on the mat while her sister was sleeping in her cradle. Her father entered the room and told her to lie down straight. She refused. He punched her on the right waist. He then removed her panties, lowered his briefs to his knees, laid on top of her, and sexually abused her. Her younger brother Marvin arrived and witnessed the startling occurrence. But her father approached him and threatened to kill both of them if he revealed what he saw. If he squealed on him. She had to advise Marvin to keep quiet about the incident or their father would hurt him.

On 1 October 1991 she gave birth to Minerva. At that time her father was in Capas, Tarlac, thus giving her the opportunity to report the matter to the National Bureau of Investigation.

Marvin Mandap corroborated substantially Marian's account of the fourth rape and the fact of their father's "reign of terror." Marvin narrated that one weekday in July 1991 he went home from school to eat his lunch. He was a Grade III pupil at the Telebastagan Elementary School. He looked for his sister Marian who always prepared his meal. He found her and their father inside the room. His father was in a kneeling position with his briefs lowered to his knees trying to spread the legs of Marian who was lying down on the floor. She had no undergarments. She was only wearing a duster that was raised up to her chest. His father was on top of her in sexual congress. She was crying. He fled when his father noticed him. He was afraid as his father used to beat them up even with a hammer or anything he could lay his hands on. In fact his father ran after him and threatened to kill him if he reported the incident to his mother. So Marvin went back to school without taking his lunch. He did not tell his mother what he saw.

The defense is alibi. According to the accused, on 15 January 1991 he was in Patling, Capas, Tarlac, with Francisco Estrella, Francisco Flores and Bernie Balintang buying wood and bananas. They stayed there for a while. They proceeded to Bacolor. The following day he returned to Patling. He went to the mountains to buy puso ng saging. On 21 January 1991, he was again in Patling with the same three companions. Returning to Bacolor on 1 February 1991. But he immediately left for Patling when he was informed by a sister-in-law that his family was in San Juan, Cauayan, Tarlac. On 2 February 1991 he was still in Patling where he stayed for another three (3) days before he returned to Bacolor.

In July 1991 he was home in Bacolor with some evacuees from Patling but went back to Patling and stayed there for a month because the roads were rough. He disputed the testimony of Marvin that sometime in July 1991

Marvin saw him on top of Marian. He claimed he could not do that to his own daughter. However Marian filed the rape cases against him because he had scolded her and her mother when she (Marian) again gave birth without a husband. He is a Catholic who hears mass every Sunday with a prayer book since 1970 when he attended the cursillo. He denied ever maltreating his children particularly Marian and Marvin.

After upholding the credibility of the prosecution witnesses the trial court convicted the accused. It rationalized that -

[t]he testimony of Marian Mandap was direct and straightforward. Her narration of the sordid details of the four (4) occasions that her father raped her was clear and without a hint of fabrication or contrivance. This is punctuated by the testimony of her younger brother, Marvin, who with exemplary courage, exposed the despicable and perverted act of their father in raping Marian.

x x x x

Granting that Marian is not a woman of impeccable virtue, having sired a son without a husband, the Court, nevertheless, cannot believe that she would spin a tale of defloration by her own father, risking public trial, embarrassment and humiliation, unless it was the truth. How about Marvin? What evil motive has he to lie about the rape unless it was true? Are these two children so evil that they would like to send their own father to jail for the rest of his life? For a lie, can they risk public scandal, family shame, humiliation and gossip? In fact, their lack of motive to testify falsely is the best test for the veracity of the rape especially against their own father. While human experience has shown that unfounded charges of rape have frequently been filed, yet in the cases at bar, it could not be so in the absence of ulterior motive.[3]

As regards the defenses of accused, the trial court found it too weak to be believed -

x x x He said he cared for them, yet he maltreated them with a hammer, scissors, assault rifle, knife, plates and other objects he could hold on. He stated that he is (sic) a Catholic and God fearing, yet they said that he was a devil incarnate. He claimed that he suffered in silence the unfaithfulness of his wife, yet they said that he raped his own daughter in full view of his son. He testified that he earned money for them, yet they said that he was a good-for-nothing. He said he loved them, yet they said that he threatened to kill them.

The Court patiently observed the accused during the trial. He was shifty eyed. All the more when he was exposed for his lying. Claiming that he always kept a prayer book given during a Cursillo in 1970, the prayer book was however printed in 1988 - after 18 years! This only shows that the accused has no scruples. He raped his own daughter and he tries to evade justice by blasphemy. As one jurist said, there should be a special place in hell for parents such as the accused.[4]

Accused-appellant assails the testimonies of the prosecution witnesses as replete with material inconsistencies sufficient to destroy their credibility.

At the outset accused-appellant concedes that his denial is feeble, even contrived. Nevertheless, he asserts that the proofs of the prosecution are no better. He bewails the trial court's blind acceptance of the victim's recital of the manner by which she was sexually abused and the marked inconsistencies between her testimony in court and her narration of the incidents in the Complaint Sheet and Sinumpaang Salaysay.

It cannot be denied that the principal basis of the court a quo in convicting accused-appellant was the direct testimony of the complaining witness that her father raped her on four (4) occasions. This was corroborated by the victim's brother who testified having witnessed one occasion when he saw his father on top of her and sexually assaulting her.

As pointed out by the Solicitor General, whether Marian and her brother Marvin were possessed with enough credibility to testify against their father was a question of motive. Being the children of accused-appellant, what possible motive strong enough could compel them to implicate their own flesh and blood other than the equally forceful compulsion to seek justice for the beleaguered daughter?

As for the alleged inconsistencies, a careful scrutiny of both the Complaint Sheet and the testimony of the victim shows that the claimed inconsistencies are at most imaginary which demonstrate accused-appellant's desperate attempt to extricate himself from a damning situation. It would seem that he expects the hapless object of his lechery to have the memory of an elephant and the cold precision of a mathematician. This simply cannot be. We have often said enough that total recall of an incident is not expected of a witness, especially if it is the victim herself who is on the witness stand. The traumatic effect of the successive rapes in the instant case evidently caused the victim to become disoriented, preventing her from remembering every single detail of her harrowing experience.[5] Thus, it is understandable, even anticipated, that there would be minor lapses and inaccuracies when Marian was made to recount, detail by painful detail, her defilement in the hands of her father.[6] Moreover, it should be noted that the victim testified more than one (1) year after her first experience with her own father on 21 January 1991.

Accused-appellant likewise calls attention to the victim's delay of nine (9) months in reporting the alleged sexual assaults to her mother, brothers, sisters or the authorities. The delay was satisfactorily explained by Marian -

Q.

What are you afraid of?

A.

He told me if I reported the matter to anybody, he will (sic) kill me, sir.

Q.

Do you believe that?

A.

Yes, sir.

Q.

Why?

A.

Because whenever he said something, he will (sic) do that, sir.

Q.

Was there any past experience when he said something, he will (sic) do that?

A.

Yes, sir.

Q.

What incident is (sic) that?

A.

Before, he shot somebody, sir.

x x x x

Q.

Did that person die?

A.

Yes, sir.

x x x x

Q.

Did you personally see your father to make you believe that he is (sic) capable of hurting you?

A.

Yes, sir.

Q.

What did he do?

A.

Before, he hit me with his gun, sir.

Fiscal Aquino:

Make of record, Your Honor, that the witness is weeping.

Q.

What x x x part of the gun hit you?

A.

The butt of the armalite, sir.

Q.

And what part of your body was hit by that?

A.

On my forehead, sir.

x x x x

Q.

And how many times did he do that to you?

A.

Only once, sir, because of the force, I was thrown away x x x x Sometimes he hit me with a plate or sometimes he boxed me, sir.[7]

Marian also testified during the cross-examination throughout that nine-month period from the first rape incident

she could not leave their house because she was afraid of accused-appellant.[8] It was only in October 1991 when he went to Capas, Tarlac, that she was able to report the matter to the NBI.[9]

As a whole, accused-appellant had to grope for arguments, although vainly, which is usually the case when the totality of the evidence against an accused is strong. There is thus no cogent reason to overturn the finding of the trial court on the credibility of the prosecution witnesses.

One of the vital obligations of parents is to protect their children from any harm. Parents even go to the extent of sacrificing their own lives, and justifiably so, in order to save their children. But, ill-suited to be a parent, accused-appellant terrorized his children by inflicting on them brute punishment that they saw the devil in him. Worse, he treated his daughter as a "sexual object" and claimed "he made her for him." He even had the temerity to forewarn her that "she cannot marry while he is alive." Since he has moral ascendancy over her she was an easy prey to his brutish assaults. She could only ask herself why he would do that to her when she was his daughter.

Man is endued with qualities that place him on the highest level among all living creatures. In his relationship with humans he is guided by a sense of morality. He knows that it is highly immoral for persons so closely related by marriage or by blood to indulge in sexual intercourse. Incestuous relations are abhorrent to the nature of man, not only to civilized men but also to semi-civilized and barbarous people. Also, they tend to confuse rights incident to family relations. Most important of all, science and experience have established beyond cavil that they very often result in deficient and degenerate offsprings, seriously deteriorating the race.[10] In contrast, lower forms of animals yield only to biological impulses and are unfettered by social inhibitions when they mate with their own kin. When man perpetuates his lascivious designs on his own direct blood relative, he descends to a level lower than beasts. Incestuous rapes are extremely disgusting because -

x x x the man who rapes his own daughter violates not only her purity and her trust but also the mores of his society which he has scornfully defied. By inflicting his animal greed on her in a disgusting coercion of incestuous lust, he forfeits all respect as a human being and is justly spurned by all, not least of all, by the fruit of his own loins whose progeny he has forever stained with his shameful and shameless lechery.[11]

The crime in the instant case is so monstrous that no punishment which this Court or any other human tribunal can decree, could possibly provide sufficient expiation for the offense.[12]

WHEREFORE, the decision of the court a quo finding the accused-appellant ALEJANDRO MANDAP guilty of rape on four (4) counts and sentencing him to reclusion perpetua in each case is AFFIRMED, with the modification that the indemnity is fixed at P50,000.00 for each case or a total of P200,000.00.

Costs against accused-appellant.

SO ORDERED.

Padilla, (Chairman), Davide, Jr., and Kapunan, JJ., concur.
Quiason, J., on official leave.

[1] Rollo, pp. 10-17.

[2] Decision penned by Judge Benedicto Ulep, RTC, San Fernando, Pampanga, Br. 42, p. 9; Rollo, p. 34.

[3] Decision of the trial court, pp. 7-8; Rollo, pp. 32-34.

[4] Id., p. 33.

[5] People v. Perez, G.R. No. 95893, 6 July 1993, 224 SCRA 529.

[6] See People v. Adlawan, Jr., G.R. Nos. 100917-18, 25 January 1993, 217 SCRA 489.

[7] TSN, 12 March 1992, pp. 25-29.

[8] Id., 17 March 1992, p. 29.

[9] Id., 12 March 1992, p. 67; 17 March 1992, p. 14.

[10] Reasons for prohibiting incestuous marriages, 35 Am Jur 256, 266, cited in Civil Code of the Philippines Annotated by Justice Edgardo Paras, 1984 Ed., pp. 315-316.

[11] People v. Ramos, Nos. L-48728-29, 19 September 1988, 165 SCRA 400.

[12] People v. Porras, 58 Phil. 578, 579 [1933].

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.