

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CELSO MORFI, ACCUSED-APPELLANT.

G.R. Nos. 145449-50. August 01, 2002

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-145449-50/>

PER CURIAM:

Before this Court on automatic review is the consolidated decision rendered by the Regional Trial Court of Batangas City, Branch 4, in Criminal Cases Nos. 9739 and 9916, finding accused-appellant Celso Morfi guilty beyond reasonable doubt of two counts of rape, and imposing upon him the penalty of death for each count and ordering him to indemnify complainant, Merry Jane Morfi, the amount of P150,000.00 as moral and exemplary damages.[1]

In Criminal Case No. 9739, the Information charged the appellant with the crime of rape as defined and penalized under Article 266-A of the Revised Penal Code, as amended by R.A. No. 8353, as follows:

“That on or about May,, 1998, in the evening, at Barangay Banay-Banay 1st, Municipality of San Jose, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by force and intimidation, did then and there wilfully, unlawfully and feloniously lay with and have carnal knowledge with the said Merry Jane R. Morfi, daughter of the accused and a seventeen (17) year old minor, against her will and consent.”[2]

The Information in Criminal Case No. 9916 is similarly worded except that it alleged that the crime was committed during the wee hours in the morning of September 22, 1998.[3]

During the arraignment, appellant pleaded not guilty and hence, trial ensued.

The prosecution’s version of the facts are succinctly stated in the Brief filed by the Office of the Solicitor General, to wit:

“In March 1998, private complainant, aged seventeen (17), came from her mother’s residence in Cavite and arrived at Barangay Banay-Banay 1st, San Jose, Batangas, to live with her maternal uncle (TSN, June 22, 1999, pp. 1, 3 and 10). Her father is the appellant, who is estranged from her mother, and who lives in the same barangay (TSN, June 14, 1999, pp. 3 and 6-7). Private complainant missed her biological father and elder brother Manny (Id., pp. 6-7). On May 2, 1998, she started living with them at the family home at Barangay Banay-Banay 1st (TSN, June 22, 1999, p. 3).

Sometime in the first week of May 1998, around midnight, when private complainant and appellant were the only occupants of the house, the latter lay down beside the former in her bedroom (TSN, June 14, 1999, pp. 4 and 6-7; TSN, June 22, 1999, p. 2). Appellant frankly told her, ‘Gusto (kong) magpakaligaya.’ Private complainant refused, telling her father that she was her (sic) daughter; that he could get another wife for the purpose, as he was after all separated from her mother. Appellant got angry and told his daughter not to teach him what he should and should not do. He also threatened to kill her mother in Cavite if she (private complainant) did not submit to his desire (TSN, June 14, 1999, pp. 4-5).

Appellant then pulled down private complainant’s jogging pants and panty, undressed himself, mounted her

and copulated with her (sic) crying daughter until he ejaculated (Id., pp. 5-6). Appellant then told her to keep quiet and not mind what happened, as it would be the last time he would abuse her, and that their relationship would not change (Id., pp. 6-8; TSN, June 22, 1999, p. 6). Thereafter, private complainant kept the incident to herself for fear of appellant's threat against her mother. Private complainant knew her father had a history of violence (TSN, June 22, 1999, pp. 4-5).

In the early morning of September 22, 1998, appellant again abused his daughter while they were alone in the family home. He again copulated with her until he ejaculated, despite his daughter's plea for mercy. He then inserted his finger into her vagina (TSN, June 14, 1999, pp. 8-9).

Private complainant could no longer stand the sexual abuse. That same morning, before going to school, private complainant asked her brother to accompany her to Lipa City. In the church thereat, she told him what their father had been doing to her (Id., pp. 9-10). They resolved to go to Cavite, but due to lack of fare money, they had to return home (Id., p. 10; TSN, June 22, 1999, pp. 6-7).

Around 11:00 a.m., the private complainant saw her father engaged in a drinking spree. The latter brought her into the family home, slapped, boxed, kicked and hit her with a piece of wood (TSN, June 14, 1999, pp. 10-11). Appellant then got a bolo and threatened to hack private complainant with it. Appellant then slammed private complainant's head against a wall of the family home. The latter almost lost consciousness (Id., pp. 10-11).

But appellant's attempt to intimidate her (sic) daughter into silence was in vain. The next day (September 23, 1998), private complainant had her hematomas and injuries sustained from the beatings examined. She filed a formal complaint against her father for rape and physical injuries. San Jose Municipality policemen arrested appellant on September 24, 1998 and placed him under detention (Id., pp. 11-14; TSN, November 15, 1999, p. 11; TSN, February 7, 2000, p. 8).

Batangas Regional Hospital resident obstetrician-gynecologist Dra. Aida Dinulos examined the private complainant for a second time on September 28, 1998. She noted hematomas on various parts of her body as well as a healed hymenal laceration that was possibly caused by a penis (TSN, August 24, 1999, pp. 6-12)."[4]

The defense presented a different version. Appellant testified that one early morning in the first week of September 1998, he felt the call of nature and when he stood up, he heard somebody moaning from the other room. When he peeped inside the room, he saw his son Manny on top of complainant having sexual intercourse with her. He slowly went upstairs, pushed the door and shouted at them. Appellant ordered them to go down and he talked to them. The children explained they forgot themselves and asked his forgiveness.

On September 22, 1998, appellant was informed that Merry Jane and Manny were seen boarding a jeep. He became apprehensive that they might continue their relationship. When complainant returned that afternoon, she informed appellant that they went to Lipa. Appellant asked why they went there and complainant brusquely retorted that it was none of his business. Appellant slapped complainant who fought back. Complainant got a bolo from the kitchen and they struggled for its possession. During the struggle, appellant was hit by the bolo on the nose and on the left breast. Complainant embraced appellant and asked for forgiveness.

Appellant further testified that he revealed to his parents and siblings about the affair of the complainant and her brother Manny. His parents discussed the matter with complainant. Appellant believes this revelation impelled complainant to file the charges against him.

Complainant and her brother Manny were presented by the prosecution as rebuttal witnesses. Both denied that they have a sexual relationship and that they were caught by appellant in the act of sexual intercourse.

After trial, the trial court convicted the appellant, thus:

"WHEREFORE, accused Celso Morfi y Morados in Criminal Case No. 9739 and in Criminal Case No. 9916 is

hereby sentenced to suffer the penalty of Death for each case to be meted out by lethal injection as provided for by law. He is further directed to indemnify his daughter, Merry Jane R. Morfi, the private complainant in these cases, the amount of One Hundred Fifty Thousand Pesos (P150,000.00) as moral and exemplary damages.

Finally, the entire records of these cases are hereby directed transmitted to the Supreme Court for automatic review as these cases involved the imposition of the capital punishment.

SO ORDERED.”

As his lone assignment of error, appellant contends that the trial court erred in finding him guilty. With regard to the first rape, appellant avers that there was a considerable delay of five months before complainant reported the incident to the authorities. The delay cannot be justified by his alleged threat to kill her mother as appellant has been separated from his wife and she is living in another province.

As to the second rape, appellant avers that the testimony of complainant lacks essential details and failed to prove rape. He relies on the ruling in the case of *People vs. Edmundo de Leon*.^[5]

We affirm appellant’s conviction.

After a careful scrutiny of the testimony of the complainant, we hold that the guilt of the appellant was proved beyond reasonable doubt. Complainant testified in a straightforward, direct and categorical manner that she was raped by appellant. Thus:

“Q: Now, during the first week of that month May 1998, do you remember any unusual incident that happened?

A: Yes, sir.

Q: What was that?

A: I was raped by my father, sir.

Q: More or less what time were you raped by your father?

A: Midnight, sir.

Q: The rape was committed where?

A: Inside the bedroom of our house.

Q: Madam witness, will you please tell this Honorable Court how your father raped you on that night of May 1998?

A: My father lay down beside me and told me that he wants to be happy. (Gusto niyang magpakaligaya).

Q: When your father asked you that he wants to be happy what was your answer?

A: (witness crying). I told my father not to do it because I am his daughter and that he gets himself another wife because my mother is being (sic) separated from him.

Q: After that answer of yours, what did you do?

A: My father became angry telling me not to teach me (sic) what to do.

Q: After your father uttered those words, what else happened if anything happened?

A: He threatened me, sir.

Q: You were threatened of what?

A: He threatened me that if I did not give his (sic) desire, he will kill my mother in Cavite.

Q: And after your father threatened you, what did he do next if he did anything?

A: He pulled down my jogging pants and my panty.

Q: And when your father pulled down your jogging pants and panty, what did he do next?

A: He undressed himself, sir.

Q: And after undressed (sic) himself what did he do next?

A: He put himself on top of me.

Q: And after your father put himself on top of you, what did he do next if he did anything?

A: He is pushing up and down on top of me.

Q: While your father was on top of you pumping up and down, what did you feel if you feel (sic) anything?

A: I felt pain and my vagina bleeds (sic).

Q: Why did you felt (sic) pain and your vagina bleeds (sic)?

A: I really felt pain because the penis of my father is penetrated (sic) my vagina.

Q: For how long was your father was (sic) on top of you making pumping up and down?

A: It was quite long until he ejaculated.

Q: During that time that your father was on top of you doing pumping up and down and inserting his penis into your vagina what were you doing then?

A: I was crying and begging for mercy but he did not mind me.

Q: What actual words did you utter when you were begging for mercy to your father?

A: I told him "Huwag po" but he insisted he wants to be satisfied.

Q: Madam witness, aside from inserting his penis into your vagina, what other things did he do to you while he was on top of you?

A: After he had ejaculated, he told me that he will change our relationship and for me not to mind what happened.

Q: On that night, madam witness, do you have any companion in your house?

A: None, sir.

Q: It was only you and your father at that time?

A: Yes, sir.

X X X X X X X X X

Q: And after your father was thru (sic) at that time, what did he do next if any?

A: He told me not to mind everything that happened.

Q: Did you tell your brother about that incident that happened on that night?

A: No, sir.

Q: Why not?

A: Because my father told me not to tell to anyone.

Q: Were you threatened by your father not to tell anyone?

A: Yes, sir. I was threatened by my father if I would tell to anybody he would go to Cavite and kill my mother.

Q: On September 22, 1998, do you remember where you were on the early morning of that date?

A: Yes, sir.

Q: Whereat?

A: I was inside our house.

X X X X X X X X X

Q: At that time do you remember any unusual incident that happened inside your house?

A: Yes, sir.

Q: What was that?

A: In the early morning of Sept. 22, 1998 my father again raped me.

Q: How did your father rape you?

A: The same, sir. He put himself on top of me and told me that he wants to be happy.

Q: For how long was your father on top of you?

A: After the time that he ejaculated.

Q: Was (sic) your father inserted (sic) his penis into your vagina on that early morning of Sept. 22, 1998?

A: Yes, sir.

Q: What did you feel when your father inserted his penis into your vagina?

A: I felt pain, sir. I asked for mercy but he did not mind me.

Q: Did you notice any blood coming out of your vagina?

A: None, sir.

Q: When your father was on top of you inserting his penis into your vagina, what other things did he do to you?

A: He inserted his finger on (sic) my vagina.

Q: Madam witness, which came first? The insertion of the finger of your father or the insertion of the penis of your father?

A: He inserted his penis first before his finger.

Q: And while your father was on top of you what were you doing then?

A: I was crying, sir.”[6]

The unbroken line of jurisprudence is that the trial court judge is in a better position to determine the issues of credibility because he has observed the demeanor and deportment of the witnesses. As a rule, appellate courts will not disturb their findings on credibility, unless it is clearly shown that they have overlooked or disregarded certain facts and circumstances of critical significance.[7]

In the cases at bar, the trial court, for good reasons, gave more credence to the testimony of complainant that she was sexually abused by appellant. It aptly observed:

“In these two (2) criminal cases, complainant Merry Jane R. Morfi related her harrowing ordeal with the accused, who is her father, in tears and exhibited her outrage with courage and untempered rage. The record shows that when she first testified on June 14, 1999, she broke up (sic) in tears and also during the hearing of June 22, 1999 when she admitted being a daughter of the accused. Able to summon her inner strength, she continued her narration of the sordid deeds done on her by her own father enduring the shame she must have felt not only for the heinous acts but also for the filial relationship that exists between them. Neither did she fold nor falter as she boldly declared her full awareness of the gravity of her charges for which the capital punishment is imposable on the accused who is her own father.

X X X X X X X X

The credibility of the private complainant as a qualified witness has not been tarnished and her testimony withstood the cross-examination vigorously made by the defense. The Court is therefore left without any alternative but to give full weight and credence to the prosecution’s evidence.”[8]

In contrast, appellant's simple denial of the crimes charged is inherently weak. It cannot prevail over the testimonies of credible witnesses who testified against him. Between the positive declarations of the prosecution witnesses and the negative statements of the accused, the former deserve more credence. Denials must be buttressed by strong evidence of non-culpability and there is none in the cases at bar.[9]

Appellant also contends that the alleged threat he made on the life of complainant's mother could not have deterred complainant from immediately reporting the rape since appellant is separated from and living apart from complainant's mother. We are not persuaded.

We have ruled that failure of the victim to immediately report the rape is not necessarily an indication of a fabricated charge.[10] In a plethora of cases, we have found that it is not uncommon for young girls to conceal the assaults on their honor because of the rapists' threat on their lives. In many instances, rape victims simply suffer in silence for months or even years. With more reasons, a girl ravished by her own father keeps still about her tragic fate.[11]

In the cases at bar, the silence of the complainant is not without reason.[12] Complainant testified that appellant slapped, boxed and kicked her, then hit her with a piece of wood, threatened to hack her with a bolo and slammed her head on the wall on the day she came back from Lipa City where she told her brother about the rape incidents. The injuries sustained by complainant are corroborated by the medical certificate issued by Dra. Aida Dinulos. Considering her history of physical maltreatment, complainant's fear that appellant would kill her and her mother is well grounded and compelled her for a time to be silent as a sphinx.

More untenable is the argument of the appellant that the charges filed against him were fabricated because complainant got angry when he told his parents that he caught complainant and her brother, Manny, in sexual congress.

In the first place, complainant and her brother vehemently denied and refuted, on rebuttal, the preposterous testimony of appellant. Secondly, it is unthinkable for complainant to falsely accuse her father by reason of resentment alone. It is hard to believe that a young girl, like complainant, who is inexperienced in the ways of the world, would make up a story of defloration, allow the examination of her private parts, subject herself to public trial, and tarnish her family's honor and reputation unless her motive is really to seek justice for the wrong committed against her.[13] In her direct examination, complainant was asked if she understood the seriousness of her charges against appellant and she answered that she was aware that appellant could be sentenced to death. She added that the death penalty is not even enough to pay for what he did to her. Thirdly, if it were true that appellant caught complainant and her brother in a very compromising situation, it is highly improbable that he would merely talk to and casually reprimand his children for such perversion. In contrast, appellant slapped complainant, threatened her with a bolo, and slammed her head on the wall when he came to know that complainant did not go to school but merely went to Lipa City with her brother, Manny. Obviously, the incestuous relationship theory of appellant is a figment of his imagination intended to exculpate himself from criminal liability. It was never corroborated.

Finally, appellant asserts that he should be acquitted because the testimony of complainant lacked essential details as to prove rape. In the case of *People vs. Edmundo de Leon*[14] cited by appellant, the Court acquitted the accused after finding that the victim's testimony was overly generalized and lacked specific details on how each of the alleged sixteen rapes was committed. The cases at bar involve only two incidents of rape and the testimony of the complainant proved that she was violated by the appellant thru force and intimidation. She shed tears narrating the details on how she lost her virginity.

In 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, as well as from the children's duty to obey and observe respect towards their parents. Such reverence and respect are deeply ingrained in the minds of Filipino children. Abuse of both by a father can subjugate his daughter's will, thereby forcing her to do whatever he wants.[15] It should be stressed that under R.A. No. 8353 or the Anti-Rape Law of 1997, any physical overt act manifesting resistance against the act of rape in any degree from the offended party, or where the offended party is so situated as to render her incapable of giving valid consent, is admissible as evidence.[16] Also, the violent defloration of the complainant is supported by the medical evidence.

We now come to the correctness of the death penalty imposed by the trial court. Articles 266-A and 266-B of the Revised Penal Code, as amended by Republic Act No. 8353, provide:

“Article 266-A. Rape; When and How Committed. - Rape is committed:

1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

a) Through force, threat, or intimidation;

x x x x x x x x

“Article 266-B. Penalties. - x x x

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

1) When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, stepparent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim;

x x x x x x x x

To justify the imposition of the death penalty in cases of incestuous rape,

the special qualifying circumstance of minority of the victim and her relationship to the offender must be alleged in the Information and proved without reasonable doubt. We have stressed that the constitutional right of the accused to be properly informed of the nature and cause of the accusation against him assumes the greatest importance when the only imposable penalty in case of conviction is death.[17]

In the cases at bar, the Informations specifically alleged that the complainant is the daughter of the appellant and that she is a seventeen-year old minor. The birth certificate[18] of complainant presented by the prosecution shows that she was born on February 23, 1981 and that appellant is her father. Appellant likewise admitted in his testimony that complainant is his daughter with his estranged wife. Considering that the special qualifying circumstance of age and relationship has been alleged and proved, the trial court did not err in imposing the death penalty against the appellant on both counts.

On the civil liability, we note that the trial court awarded complainant P150,000.00 as moral and exemplary damages. Based on prevailing jurisprudence in incestuous rape, the award of moral damages should be in the amount of P50,000.00[19] while the award of exemplary damages should be in the amount of P25,000.00.[20] The trial court failed to award civil indemnity. Again, in the crime of rape, where the death penalty is imposed, the indemnity ex delicto for the victim is fixed in the amount of P75,000.00.[21]

WHEREFORE, the consolidated decision of the Regional Trial Court of Batangas City, Branch 4, in Criminal Case Nos. 9739 and 9916, finding accused-appellant Celso Morfi guilty beyond reasonable doubt of the crime of

rape and sentencing him to death on both counts, is AFFIRMED,[22] subject to the MODIFICATION that accused-appellant is ordered to pay complainant Merry Jane Morfi, for each count, P75,000.00 (or a total of P150,000.00) as civil indemnity, P50,000.00 (or a total of P100,000.00) as moral damages, and P25,000.00 (or a total of P50,000.00) as exemplary damages.

In accordance with Article 83 of the Revised Penal Code, as amended by Section 25 of Republic Act No. 7659, upon finality of this decision, let the records of these cases be forwarded to the Office of the President for possible exercise of executive clemency.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, and Corona, JJ., concur.

[1] Penned by Judge Conrado R. Antona; Original Record, Criminal Case No. 9739, pp. 148-154.

[2] Ibid., p. 9.

[3] Original Record, Criminal Case No. 9916, p. 3.

[4] Brief for the Plaintiff-Appellee, pp. 2-7; Rollo, pp. 81-86.

[5] 319 SCRA 743 (1999).

[6] TSN, June 14, 1999, pp. 3-9.

[7] People vs. Doroteo Abaño, G.R. No. 142728, January 23, 2002.

[8] Original Record, Criminal Case No. 9739, pp. 152-153.

[9] People vs. Nelson Parcia, G.R. No. 141136, January 28, 2002.

[10] People vs. Melchor Estomaca y Garque, G.R. Nos. 134288-89, January 15, 2002.

[11] People vs. Guiwan, 331 SCRA 70 (2000).

[12] People vs. Pedres, 306 SCRA 579 (1999).

[13] People vs. Wilfredo D. Matugas, G.R. Nos. 139698-726, February 20, 2002.

[14] Supra, note 5.

[15] People vs. Bayona, 327 SCRA 190 (2000); People vs. Panique, 316 SCRA 757 (1999).

[16] People vs. Villanueva, 339 SCRA 482 (2000).

[17] People vs. Armando Tagud, Sr., G.R. No. 140733, January 30, 2002.

[18] Exhibit A, Folder of Exhibits, p. 1.

[19] People vs. Nelson Parcia, supra, note 9.

[20] People vs. Iñigo Las Piñas, Jr., G.R. No. 133444, February 20, 2002.

[21] People vs. Doroteo Abaño, G.R. No. 142728, January 23, 2002.

[22] Three members of the Court maintain their position that Republic Act No. 7659, insofar as it prescribes the death penalty, is unconstitutional. Nevertheless, they submit to the ruling of the Court, by majority vote, that the law is constitutional and the death penalty should be accordingly imposed.

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.