

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FLORENCIO TELIO, ACCUSED-APPELLANT.

G.R. Nos. 72786-88. June 22, 1992

Ponente: CRUZ, J.

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CRUZ, J.:

It was revolting enough that the accused-appellant forced his animal lust upon a girl who was only thirteen years old. What made his acts especially nauseating was that the victim of his lasciviousness was his own daughter.

And there was not only one attack. There were three. They became the subject of separate informations, which were tried jointly in the Regional Trial Court of Cavite. The cases resulted in the conviction of the accused-appellant, who was sentenced to reclusion perpetua for each of the three rapes and required to pay P50,000.00 moral damages to his victim.[1]

As established by the testimony of Jenny Telio, the first rape was committed on May 12, 1984, at about 2 o'clock in the afternoon at their house. She was alone with her father. While she was washing dishes in the kitchen, he pulled her to the bedroom, forced her to remove her clothes and then deflowered her. She felt extreme pain. However, she told no one about the attack because her father threatened to kill her mother if she complained.[2]

The second rape was committed on June 4, 1984, under practically the same circumstances as the first. Jenny again made no outcry or resistance because she was afraid of her father. Neither did she complain to her mother because her father had repeated his earlier threat.[3]

On June 11, 1984, the accused-appellant raped her again except that now he boxed her in the thigh when she refused to submit to him. He pointed a knife at her when he again threatened to kill her mother.

But this time the threat did not work because she could no longer contain her outrage. While her father slept, she went to their neighbor, Erlinda Morales, and revealed that her father had abused her. Erlinda advised her to tell her mother everything despite her father's threats.[4]

Jenny returned to her house only after her brother fetched her. Erlinda Telio arrived home at about five o'clock in the afternoon and found her daughter crying. Upon being questioned, Jenny told her how the accused-appellant had raped her three times. The accused-appellant was in the bedroom while they were talking in the kitchen. The mother then took her daughter to Erlinda Morales's house, where Jenny gave further details of the three times she was violated.

That same evening, Jenny, accompanied by her mother and Erlinda Morales, reported the incidents to the police and made a sworn statement of her charges against her father. The accused-appellant was picked up from his house for investigation and subsequently signed a sworn confession. Jenny was subjected to a medical examination two days later at the PC Crime Laboratory and was found to be in a "non-virgin state." [5]

Erlinda Telio and Erlinda Morales also testified for the prosecution as corroboration witnesses.

For his part, the accused-appellant challenged his alleged confession as coerced and pleaded the defense of alibi. He claimed that he was working on a fence in Marikina from 7 o'clock in the morning to 5 o'clock in the afternoon of May 12, 1984. On June 4, 1984, he was at the same hours painting a roof, also in Marikina. On June 11, 1984, he conceded he was in their house but added that only his son Jimmy was there with him. He admitted he was drunk when the police arrested him that night.[6]

Judge Andres E. Matias was correct in finding the accused-appellant guilty as charged.

The alleged sworn confession should be disregarded because it was obtained in violation of the accused-appellant's right to counsel. But the telling testimonial evidence against him, coupled with the weakness of his own defense, was sufficient to overcome the constitutional presumption of innocence in his favor.

This Court has repeatedly stressed its reliance on the trial court in assessing the credibility of the witnesses whom it has the opportunity to observe at close hand to ascertain from the manner they testify whether they are telling the truth or falsifying it. There being no showing that the findings of the trial court in the case at bar were reached arbitrarily, they are here affirmed. We particularly note with approval the following observations of Judge Matias on the testimony of Jenny Telio and her mother:

The manner in which they answered the questions propounded to them on their direct examination and cross examination, their obvious sincerity and readiness to disclose the facts inquired of them, of course characterized by noticeable timidity and hesitancy as to the delicate matters intimately linked to deflowering of the young child, Jenny Telio, their naturalness and candor - singly and collectively - impressed the Court with the truthfulness of their testimonies.

Alibi is an inherently weak defense, and it is not at all persuasive in the instant case. For one thing, the accused-appellant did not present any witness to corroborate him. For another, he has not shown the impossibility of his committing the rapes although he was allegedly working in Marikina at the time, given the distance of that place from his own house in Imus. No less importantly, the trial judge was also unimpressed by his manner on the stand which did not suggest that he was telling the truth.

His other submission, to wit, that the charges were concocted by his wife because he had a paramour, is ridiculous. It is not natural for a mother to punish a husband's infidelity by dishonoring her own daughter, or for the daughter to voluntarily expose herself to shame simply to gratify her mother's desire for vengeance.

The choice here was between the sincere and straightforward testimony of the victim as she related how she was repeatedly ravished by her own father and the lame excuses of her father who had the temerity to suggest that it was not credible that a father would rape her own daughter. The choice was obvious, and the trial court did not err in making it.

In one case, Justice Vicente Abad Santos remarked that there should be "a special place in hell for child molesters." [7] The accused-appellant deserves a deeper pit because the child he molested was his own daughter. More than any one else, it was he to whom the child would have looked up for the protection of her chastity. He cynically betrayed that faith with his unnatural lechery.

It is fitting to conclude this opinion with the following words of the Court in *People v. Ramos*: [8]

Rape is a nauseating crime that deserves the condemnation of all decent persons who recognize that a woman's cherished chastity is hers alone to surrender of her own free will. Whoever violates that will descends to the level of the odious beast. The act becomes doubly repulsive where the outrage is perpetrated on one's own flesh and blood for the culprit is reduced to lower than the lowly animal. The latter yields only to biological impulses and is unfettered by social inhibitions when it mates with its own kin, but 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.

WHEREFORE, the appealed decision is **AFFIRMED** in toto and the appeal **DISMISSED**, with costs against the accused-appellant. It is so ordered.

Griño-Aquino, Medialdea, and Bellosillo, JJ., concur.

[1] Through Judge Andres E. Matias; Rollo, p. 16.

[2] TSN, May 14, 1985, pp. 9-12, 15.

[3] Ibid., pp. 13-15.

[4] Id., May 21, 1985, p. 17; July 15, 1985, p. 6.

[5] Records, Criminal Case 191-85, p. 4.

[6] TSN, August 5, 1985, p. 9.

[7] *People vs. Malate*, 116 SCRA 487; cited in *People vs. Baao*, 142 SCRA 476.

[8] 165 SCRA 400.

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