

## FIRST DIVISION

[ G.R. No. 113689, July 31, 1997 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FELIPE SANGIL, SR., ACCUSED-APPELLANT.**

### D E C I S I O N

**BELLOSILLO, J.:**

This is incestuous rape - the father perpetuating his lecherous passion on his four (4) guileless daughters and impregnating one of them - the most perverted form of sexual felony a man can commit; thereby reducing himself into a creature lower than the lowliest beast.

Lourdes Sangil, then sixteen, is the sixth of ten unmarried siblings - five girls and five boys - of Felipe Sangil Sr. and Bienvenida Villanueva of Balungao, Calumpit, Bulacan. They lived in a one-storey structure with one bedroom and a living room measuring approximately 3-1/2 x 6 meters with a wooden floor elevated about 1-1/4 meters from the ground. Their cramped sala served as their living and dining room as well as kitchen during the day, and as sleeping quarters at night for the entire household.

On 5 April 1987, at around 7:30 in the evening, the family, as usual, retired for the night. Except for Alicia who occupied the bedroom, all the rest of the family slept in the sala lying side by side on two mats spread on the floor under one mosquito net. To the right of Lourdes were her older sisters Amelita and Araceli; to her left were another older sister Joselin, her brothers Felipe Jr., Willy and William, followed by their mother and father, in that order.

In the hush of night, Lourdes was jolted from her sleep when she felt someone straddling her and trying to remove her panty. Lourdes readily recognized her father. He threatened to kill her if she would not succumb to his lust. Despite the threat Lourdes held on to her panty but did not succeed because her father pushed her downwards with his elbows and pressed his thighs against hers. She could not move because his larger frame pinned her down. She could neither reach out to her brothers and sisters as his hands were pressed against her arms. Overpowered and realizing perhaps the futility of any resistance Lourdes finally gave in to the sexual advances of her father. In no time, he was able to remove her underwear, positioned himself on top of her, forced his penis into her vagina, and made the usual pelvic thrusts.<sup>[1]</sup> She had to endure the sexual ordeal for 10 to 15 minutes.

After spewing his wild oats into his own flesh, Felipe Sangil Sr, casually returned to his place and went back to sleep. Lourdes could only cry in silence. She was fearful of more physical harm because her father was wont to maltreat them with fistblows, slaps on the face and kicks on various parts of their bodies.

The next morning, while still feeling the pain of penile penetration, she saw her panty smeared with blood. But she did not report her horrifying experience to anyone because she was afraid her father might kill her as well as her mother, brothers and sisters. This persistent threat to their lives constrained her to conceal her defloration for almost two (2) years while the emotional scars of sexual abuse constantly reappeared in her nightmares.

But the fiendish character of the father could not be contained in secrecy forever. On 27 January 1989, visibly irked by Alicia's enlarging belly, Bienvenida confronted her daughter why she was pregnant. To her utter dismay, Alicia divulged to her that it was her father who impregnated her. This revelation emboldened the rest of the sisters - Araceli, Joselin and Lourdes - to narrate their similar individual experiences in the hands of their father. Bienvenida could only cry in rage as she cursed her husband Felipe Sangil Sr.

Confronted by the whole family, the accused did not deny the charges hurled against him by his daughters. Instead, he tried to indulge in emotional blackmail by telling them, "[i]f you want, you can send me to jail."<sup>[2]</sup> Nevertheless, Bienvenida and her daughters were undeterred in exposing their father's devilish acts. They went to the police station to lodge their complaints for rape against him. Shortly after, he was apprehended.

Dr. Fe P. Mesina, Municipal Health Officer of Calumpit, Bulacan, examined the sisters and revealed substantially common findings among them.<sup>[3]</sup> In particular, Dr. Mesina reported the following findings for Lourdes: "hymen, thick, wide; labiae with complete old healed lacerations at 9 and 3 o'clock positions, edges of which were rounded, retracted and non-coaptible x x x hymenal orifice, admits two fingers without any resistance." She concluded that the physical virginity of Lourdes had been lost long before the date and time of examination and sexual intercourses with a man were possible on the alleged date of sexual commission.<sup>[4]</sup>

Accordingly, on 7 April 1989 the Office of the Provincial Prosecutor of Malolos, Bulacan, filed an information for rape alleging that "on or about the 5th of April 1987 x x x the above-named accused (Felipe Sangil Sr. y Velisario) by means of force, violence and intimidation x x x wilfully, unlawfully and feloniously have carnal knowledge with his own daughter Lourdes Sangil y Villanueva, a minor of sixteen years of age, against her will and by means of force."<sup>[5]</sup>

The defense is sheer denial. The accused contended that with their crowded sleeping arrangement that night of the alleged incident it would have been impossible to have committed the rape, if true, without being detected by the other members of his household. He argued that before he could reach Lourdes, he would have to step over the other sleeping immediately beside her.<sup>[6]</sup> He asserted that since the floor of their tiny shack was only made of plywood and they were sleeping under a common mosquito net, a slight commotion would have easily disturbed and alerted anyone around. He capitalized on the testimony of Bienvenida that she was a "light sleeper" who could be awakened by any sound and yet she slept "like a log" the whole night when the alleged incident happened.<sup>[7]</sup>

To buttress his defense, the accused imputed ill motives against his parents-in-law and family members for concocting the rape charge. He claimed that the charge was

induced by a deep-seated quarrel between him and his in-laws when he inquired about the money he sent to his wife while working abroad. He also maintained that the accusation for rape could have been instigated by his father-in-law to exact vengeance for his having illicit relations with his sister-in-law. [8] He intimated to the court that his daughters agreed to file the charges because they too harbored deep resentment against him for being a very strict and disciplinarian father.

Lucia Baltazar, mother of the accused, testified that the complaint for rape against her son was trumped up by the relatives of his wife. She insisted that there was no truth to the charges since her granddaughters did not mention to her that they were raped by their father when they never failed to confide their problems to her in the past. [9] She questioned the two-year delay in reporting the alleged rape. [10] She denied knowing any physical abuse inflicted by her son on her grandchildren. [11]

On 13 August 1993 the trial court found the accused guilty as charged and sentenced him to reclusion perpetua and to indemnify his daughter Lourdes the amount of P50,000.00 as moral damages. [12]

Accused-appellant now comes to us insisting on his innocence. He faults the lower court for adopting the version of the prosecution despite the almost impossibility of committing the crime under the circumstances. [13] He reiterates his contention that it strains credulity for him to have raped his daughter in a room where several persons were sleeping like packed sardines. Such an act, he argues, would be contrary to human nature and could only invite disbelief.

Sangil fails to persuade us. We agree with the trial court that the commission of rape was concededly "improbable but not impossible." [14] As Justice Frank said, "[t]he improbable - by definition being not impossible - sometimes does occur." [15] The trial court thus explained -

The hypothesis that the act of sexual intercourse itself, given its usual grunts and movements attracts prompt attention from anyone close by, however soundly asleep, holds true only if the unwilling victim makes a sufficiently audible outcry or offers as relentless a resistance as ordinarily expected of her; when it does not obtain as in this case when the victim opted, albeit grudgingly, to succumb to her sexual violation as can be deduced from a more profound assessment of the attendant circumstances and the actual occurrence itself (emphasis supplied). [16]

In *People v. Ignacio*, [17] we took judicial notice of the interesting fact that among poor couples with big families living in small quarters, copulation does not seem to be a problem despite the presence of other persons around them. Considering the cramped space and meager room for privacy, couples perhaps have gotten used to quick and less disturbing modes of sexual congresses which elude the attention of family members; otherwise, under the circumstances, it would be almost impossible to copulate with them around even when asleep. It is also not impossible nor incredible for the family members to be in deep slumber and not be awakened while the sexual assault is being committed. [18] One may also suppose that growing children sleep more soundly than grown-ups and are not easily awakened by adult

exertions and suspirations in the night.<sup>[19]</sup> There is no merit in appellant's contention that there can be no rape in a room where other people are present. There is no rule that rape can be committed only in seclusion.<sup>[20]</sup> We have repeatedly declared that "lust is no respecter of time and place,"<sup>[21]</sup> and rape can be committed in even the unlikeliest of places.<sup>[22]</sup>

Even granting that any of the children was indeed roused from slumber, we can suppose that they would pretend to be asleep because the accused effectively wielded overwhelming power over his spouse and children who were not only beholden to him for their subsistence but also terrorized into virtual bondage with his "quick and heavy hand."<sup>[23]</sup> One cannot expect any of Lourdes' siblings to put up a forbidding opposition to what was happening to their poor sister considering the temper of their father. They were practically silenced and cowed into submission as any dissension would certainly provoke physical punishment.

As to why Beinvenida who is concededly a "light sleeper" was not awakened by the supposed disturbance can be easily explained in various ways. She could have been too tired; she could have been in deep sleep or have grown accustomed to her husband's getting out of the mosquito net in the middle of the night. But her inability to discover the sexual assault of her husband on their daughters, particularly on Lourdes, does not necessarily negate the possibility of rape. Lourdes positively identified her father as her rapist. While it is often difficult to articulate this experience, Lourdes poignantly recounted the horrors of the rape, the pain of the violation and the confusion which surrounded the act of aggression. The very implausibility of the commission of the rape is itself a strong evidence of its truthfulness.<sup>[24]</sup> Had the charge been merely concocted as the defense suggests, the complainant would have made it more acceptable by inventing more believable circumstances not encumbered by the presence of all the members of the family in the room when the rape was committed.<sup>[25]</sup> The fact that she did not choose to do so suggests that she related the events as they really happened, without omission or embellishment, even if they might appear to be improbable.<sup>[26]</sup> Verily, it is always possible that something improbable can happen.<sup>[27]</sup>

We therefore find no cogent reason to disturb the findings of the lower court. We accord due deference to the trial court's views on who should be given credence since the latter had the opportunity to observe the demeanor of the witnesses at the stand.<sup>[28]</sup> Such findings may only be disturbed on appeal if there is any showing that the trial court overlooked some material or substantial fact which if given consideration will alter the assailed decision.<sup>[29]</sup> In this case, no such substantial facts exist.

Appellant finally alleges that the complaint for rape was merely fabricated in retaliation for his illicit relationship with his sister-in-law and cruel treatment of the family. Such contrived defense is not new.

We have repeatedly held that it is unbelievable for a daughter to charge her own father with rape, exposing herself to the ordeal and embarrassment of a public trial and subjecting her private parts to examination if such heinous crime was not in fact committed.<sup>[30]</sup> No person, much less a woman, could attain such height of cruelty