

THIRD DIVISION

[G.R. No. 134368, February 08, 2001]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
PACIFICO RONDILLA, ACCUSED-APPELLANT.**

DECISION

VITUG, J.:

A sexual assault in whatever form is deplorable, and it indeed deserves the severe condemnation of society. Worse, this time once again, a father is charged with ravishing his own daughter even while his wife is enslaving herself in a foreign land just so the family could live somewhat comfortably.

Pacifico Rondilla was indicted for rape committed against complainant Roda G. Rondilla in an Information that read:

"At the instance of the complainant Roda G. Rondilla in a complaint filed before the Municipal Trial Court of Santa Cruz, Laguna, the undersigned 2nd Asst. Provincial Prosecutor of Laguna, hereby accuses PACIFICO RONDILLA y ZAIDE *alias* 'PICO,' 'Junior' of Brgy. San Antonio, Luisiana, Laguna, of the crime of 'RAPE' committed as follows:

"That sometime in the month of February, 1994 and thereafter, in the Municipality of Luisiana, Province of Laguna, and within the jurisdiction of this Honorable Court, being the father of the victim with lewd design and by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge with said RODA G. RONDILLA, against her will and consent, to her damage and prejudice."^[1]

The accused pled "not guilty" to the accusation.

Roda testified that in February of 1994 while she was inside her room at the family residence in Fabricante Street, Luisiana, Laguna, her father, Pacifico, to her astonishment, went close to her, kissed her cheek and lips, removed her underwear, laid on top of her and succeeded in inserting his penis inside her vagina. While there was no light inside the room, she still could recognize her liquor-smelling father by the beam of light coming from an electric post outside the house. She also could distinctly behold the voice of her father when he threatened to kill her if she were to tell anyone about the incident. After Pacifico had left the room, Roda proceeded to the bathroom where she noticed blood and some sticky substance on her. Roda continued to feel the pain in her vagina. She was 15 years and 3 months old at the time. Her brothers Rodel, Reden and Rexon were sleeping in another room of the house. Rosalia, their mother, was in Singapore working as a domestic helper. The incident was repeated on 19 March 1994 and almost twice a week thereafter until Pacifico ultimately impregnated Roda. On 12 August 1995, she gave birth to Rona

Rose Rondilla. Roda continued to suffer in silence until her mother returned to the country in September 1997 when Roda, who by then had gathered enough courage, decided to confess her ordeal.

There was, on the part of the defense, virtual silence at the witness stand about the incident. The accused himself, using the words of the trial judge, just feigned ignorance of everything that was said at the trial except for his being married to Rosalia Grespor.^[2] The entire testimony of Pacifico, herein reproduced, was barely to the following effect; viz:

"DIRECT EXAMINATION BY ATTY. DE RAMOS:

"Q Pacifico Rondilla, are you the same Pacifico Rondilla, the accused in this case?

"A Yes, sir.

"Q Being the accused in this case, you have the right to present evidence in this case to defend yourself, do you know that?

"A No, sir.

"Q I'm now informing you that being the accused, you have the right to testify in your behalf to defend yourself and you also have the right to waive that right?

"A No, sir.

"ATTY. DE RAMOS:

Your Honor please, considering the reluctance of the accused to answer clearly the questions propounded to him, may we request this Court to ask him as to whether or not he will testify in his behalf or not?

"COURT:

"Q You said you were married, who is your wife?

"A Rosalia Grespor, Your Honor.

"Q You were charged before this Court with having raped your own daughter Roda Rondilla, are you aware of that?

"A No, Your Honor.

"Q Last December 2, 1997, the Information was read to you and you entered a plea of not guilty, is that not correct?

"A No, Your Honor.

"Q What no?

"Note: No answer.

"Q Do you understand what the Court is asking you?

"A No, Your Honor.

"Q The Court will repeat. It is your right to present evidence and it is also your right to waive the presentation of evidence in your behalf, what do you want?

"A Nothing, Your Honor.

"Q Alright, did you or did you not rape your own

daughter as charged in the Information?

"A No, Your Honor.

"Q So, what is your defense against the charge of rape filed against you by your own daughter?

"A I cannot tell anything, Your Honor.

"Q Do you still recall when your daughter Roda Rondilla testified in open Court?

"A No, Your Honor.

"Q Do you remember that your daughter Roda Rondilla narrated in Court how you raped her?

"A No, Your Honor.

"Q This Court wants to tell you that your daughter clearly stated in open Court that you raped her, is it true or not?

"A No, Your Honor.

"Q And what is the truth if that is not true?

"Note: Witness bowed his head, reluctant to answer.

"COURT:

Alright, any question from the Public Prosecutor?

"PROSECUTOR:

No cross, Your Honor.

"COURT:

"Q The Court wants to tell you that if ever you will be found guilty, you may be punished with death, do you know that?

"A No, Your Honor.

"Q Do you want to be punished with death thru lethal injection?

"A No, Your Honor.

"Q If you don't want to be punished with death, why don't you interpose any defense?

"Note: Witness reluctant to answer.

"COURT:

Alright, witness excused.

"ATTY. DE RAMOS:

We have no other witness to present aside from the accused who is very reluctant to answer, Your Honor. In that case, we will submit the case for judgment."^[3]

Following the trial, the court *a quo* found the accused guilty of the offense charged and meted a death sentence.

"WHEREFORE, IN THE LIGHT OF ALL THE FOREGOING CONSIDERATIONS, this Court finds the accused PACIFICO RONDILLA guilty beyond reasonable doubt as PRINCIPAL of CONSUMMATED RAPE defined and punished under Article 335 of the Revised Penal Code as amended by R.A. No. 7659, otherwise known as the DEATH PENALTY

LAW and hereby sentences him to suffer the SUPREME PENALTY of DEATH and to pay the private offended party RODA G. RONDILLA the following sums:

P50,000 — as civil
indemnity;
P50,000 — as moral
damages;
as
P50,000 — exemplary
damages.

"The accused is further ordered to pay the costs of the instant suit."^[4]

With the imposition of the death penalty by the trial court, the case has been elevated to this Court for automatic review.

The Court has closely gone over the records, and it finds the testimony of the victim to be straightforward and unwavering and simply too overwhelming to ignore. In her own words:

"TP. ARCIGAL, JR.:

"Q Roda Rondilla, would you please tell us the date when you were born?

"A I was born on November 11, 1978, sir.

"COURT:

"Q By the way, there is only one charge of rape in this case?

"TP. ARCIGAL, JR.:

Yes, Your Honor.

"COURT:

Go ahead.

"TP. ARCIGAL, JR.:

"Q Now, please tell us the name of your parents.

"A My father's name is Pacifico Rondilla and my mother's name is Rosalia Rondilla, sir.

"Q Now, do you have a birth certificate to prove that you were born on November 11, 1978?

"A Yes, sir.

"Q I am showing to you a birth certificate appearing on page 3.

"A (Witness going over page 3 which is Certificate of Birth of one Roda Rondilla)

Yes, sir. This is my birth certificate.

"TP. ARCIGAL, JR.:

We request that the birth certificate of the complaining witness be marked as Exh. 'B.'

"COURT:

Mark it.

"TP. ARCIGAL, JR.:

"Q Are you still studying?

"A No more, sir.

"Q What grade or year did you finish?

"A I finish third year high school, sir.

"Q Why did you stop studying?

"A Because I was molested by my father.

"COURT:

"Q And what of it?

"TP. ARCIGAL, JR.:

"Q What happened to you when you were molested?

"A I got pregnant, sir.

"INTERPRETER:

(Witness crying while answering the question)

"TP. ARCIGAL, JR.:

"Q Now, you said, you were raped by your father, what is the name of your father?

"A Pacifico Rondilla, Jr., sir.

"Q Now, can you still recall when you were first raped by your father?

"A It was sometime in February, 1994, sir.

"Q Now, would you please tell us how you were raped by your father sometime in February, 1994?

"A He suddenly kissed me on my cheek and lips, sir.

"Q Where were you when your father suddenly kissed you on your lips and cheek?

"A I was inside the room of our house, sir.

"Q And where is your house located?

"A It is at Fabricante Street, Luisiana, Laguna, sir.

"Q Now, can you still recall what time of the day, was it daytime or nighttime when your father kissed you?

"A It was nighttime, which exact hour, I can no longer recall, sir.

"COURT:

"Q And who were inside the house at that time?

"A My brothers and sisters, Your Honor.

"Q How old are they?

"A My eldest brother by the name of Rodel Rondilla who is 18 years old, Your Honor. My other brother Reden Rondilla who is 14 years old, Your Honor and Rexon Rondilla, another brother, who is 11 years old, Your Honor.

"TP. ARCIGAL, JR.:

"Q Now, when you said, one of your brothers is 18 years old, is he 18 years old now or in the year 1994?

"A He was 18 years old in 1994, sir.

"Q As well as the other two (2) brothers?

"A Yes, sir.

"Q And how about your mother, where was she at that time?

"A She was then in Singapore, sir.