



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,  
*Appellee,*

G.R. No. 183097

Present:

- versus -

CARPIO, *Chairperson,*  
PERALTA,\*  
DEL CASTILLO,  
PEREZ, *and*  
PERLAS-BERNABE, *JJ.*

ANTONINO VENTURINA,  
*Appellant.*

Promulgated:

SEP 12 2012

X ----- X

DECISION

DEL CASTILLO, *J.:*

As a last resort to gain a reversal of his conviction, Antonino Venturina (appellant) is now before this Court challenging the October 23, 2007 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01106, which affirmed with modification the May 12, 2005 Decision<sup>2</sup> of the Regional Trial Court (RTC), Branch 85, Malolos, Bulacan, finding him guilty beyond reasonable doubt of two counts of rape.

The prosecution's version of the incident as summarized by the Office of the Solicitor General (OSG) and adopted by the appellate court is as follows:

<sup>1</sup> Per raffle dated September 10, 2012.

<sup>2</sup> CA *rollo*, pp. 73-86; penned by Associate Justice Rosalinda Asuncion-Vicente and concurred in by Associate Justices Remedios A. Salazar-Fernando and Enrico A. Lanzas.

<sup>3</sup> Records, pp. 81-88; penned by Judge Ma. Belen Ringpis Liban.

On April 24, 2002, complainant, [AAA],<sup>3</sup> who is the daughter of appellant, was inside their nipa hut located in the field being cultivated by her father. At that time, she was with her younger brothers [BBB] and [CCC] who were sleeping beside her. Her other brothers, [DDD] and [EEE], were at a nearby nipa hut which is 8 to 10 meters away from where she was staying.

At around 8:00 o’clock in the evening, appellant arrived at the hut where [AAA] was staying. Her brothers who were with her at that time were already sleeping. Appellant was drunk, had difficulty breathing and was crying. [AAA] massaged his chest until he stopped crying. Unexpectedly, appellant embraced and kissed her on the cheeks. Then he removed his clothes and that of [AAA] who resisted. Afterwards, he laid on top of her, placed his private organ inside her so much so [that] she felt pain and cried. He further dragged the victim outside to the area near the chicken pen after the victim’s 4-year old brother woke up and there, continued his immoral acts by [again inserting his penis [into] her vagina and] placing the legs of the victim on his shoulders and [licking] her private organ. [At daybreak], appellant stopped ravishing [AAA] and threatened her not to tell anybody. He told her that he was going to his wife, who is the victim’s mother, to ask for money to pay the electric bill.

When appellant left, [AAA] also left and reported the incident to her sister [FFF] who was then living in the other house in [YYY]. The matter was reported to the police where she executed a Sinumpaang Salaysay.

Dr. Ivan Richard Viray (Dr. Viray) who examined the victim executed a Medico-Legal Report MR-085-2002 with the following findings:

GENERAL AND EXTRAGENITAL

Physical Built:	Light built
Mental Status:	Coherent female subject
Breast:	Conical in shape with light brown areola and nipples from which no secretions could be pressed out.
Abdomen:	Flat and soft
Physical Injuries:	No external signs of application of any form of trauma
GENITAL	
Pubic Hair:	Scanty growth
Labia Majora:	Are full convex and coaptated
Labia Minora:	In between labia majora light brown in color
Hymen:	Elastic fleshy type with presence of deep healed lacerations at 3 and 9 o’clock positions
Posterior Fourchette:	V-shape or sharp

<sup>3</sup> “The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, An Act Providing For Stronger Deterrence And Special Protection Against Child Abuse, Exploitation And Discrimination, And For Other Purposes; Republic Act No. 9262, An Act Defining Violence Against Women And Their Children, Providing For Protective Measures For Victims, Prescribing Penalties Therefor, And For Other Purposes; and Section 40 of A.M. No. 04-10-11-SC, known as the Rule On Violence Against Women And Their Children, effective November 5, 2004.” *People v. Dumadag*, G.R. No. 176740, June 22, 2011, 652 SCRA 535, 538.

External Vaginal Orifice:	Offers strong resistance to the examining index finger
Vaginal Canal:	Narrow with prominent rugosities
Cervix:	Firm/close
Peri-urethral and Peri-vaginal Smears:	Are negative for spermatozoa and for gram (-) diplococci
Conclusion:	Subject is in non-virgin state physically. There are no external signs of application of any form of trauma. <sup>4</sup>

Based on the complaint of “AAA,” appellant was charged with two counts of rape in the Informations,<sup>5</sup> the accusatory portions of which are similarly worded as follows:

That on or about the 24<sup>th</sup> day of April, 2002, in the municipality of “XXX,” province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused being the father of “AAA,” did then and there willfully, unlawfully and feloniously, by means of force and intimidation have carnal knowledge of his daughter, “AAA,” a minor 16 yrs. of age against her will and without her consent.

Contrary to law.<sup>6</sup>

In his defense, appellant denied the charges hurled against him. As summarized by the Public Attorney’s Office, his version of the incident is as follows:

[Appellant] tilled the land beside the hut where he and his family slept from 7:00 o’clock in the morning until 5:00 o’clock in the afternoon of 24 April 2002. He went home at 8:00 o’clock in the morning and took his snack. Thereafter, he returned to work. When he went home at 5:00 o’clock in the afternoon, [AAA] was not there. She left without asking his permission but later returned home.

He had forbidden the private complainant to mingle with her friends who were known to be drug users as they might influence her. He also grounded her for a week.

Due to his chest pains, the accused fell on the wooden bed as he passed by [AAA]. He only regained consciousness at 4:00 o’clock in the early morning of the following day.

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<sup>4</sup> CA *rollo*, pp. 75-76. Citations omitted.

<sup>5</sup> Records, pp. 1 and 7.

<sup>6</sup> Id.

He went to get some money from [AAA]'s mother and when [he] got home, [AAA] was not around. When the latter arrived she was with a police officer who immediately put him in handcuffs and brought him to a police station. Knowing that he was innocent, he willingly went to the police station only to be mauled and forced to admit committing the crime. He was, thereafter, detained at the Municipal Jail.<sup>7</sup>

### ***Ruling of the Regional Trial Court***

On May 12, 2005, the RTC rendered its consolidated Decision finding appellant guilty beyond reasonable doubt of two counts of rape and sentencing him to death by lethal injection in both cases. He was also ordered to pay the amount of ₱50,000.00 as indemnity for each crime.

### ***Ruling of the Court of Appeals***

On appeal, the CA affirmed with modification the RTC Decision by reducing the penalty to *reclusion perpetua* without eligibility for parole, increasing the civil indemnity from ₱50,000.00 to ₱75,000.00, and awarding moral damages of ₱75,000.00 and exemplary damages of ₱25,000.00.

Undaunted, appellant interposed the present appeal adopting the same argument he raised in his brief submitted before the CA, *viz*:

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME OF RAPE DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.<sup>8</sup>

Essentially, appellant's argument boils down to the issue of credibility.

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<sup>7</sup> CA *rollo*, pp. 31-32.

<sup>8</sup> Id. at 28.

### Our Ruling

In the appreciation of the evidence for the prosecution and the defense, the settled rule is that the assessment of the credibility of witnesses is left largely to the trial court. And in almost all rape cases, the credibility of the victim's testimony is crucial in view of the intrinsic nature of the crime where only the participants therein can testify to its occurrence. "[The victim's] testimony is most vital and must be received with the utmost caution."<sup>9</sup> Once found credible, the victim's lone testimony is sufficient to sustain a conviction.<sup>10</sup> Absent therefore any substantial reason to justify the reversal of the assessments and conclusions of the trial court especially if such findings have been affirmed by the appellate court, the evaluation of the credibility of witnesses is well-nigh conclusive to this Court.

We have thoroughly reviewed the records and found no compelling reason to deviate from the findings of fact and conclusion of law of the trial court, as affirmed by the appellate court. We find that "AAA's" detailed narration of her harrowing experience has all the earmarks of truth. "AAA" remained coherent and steadfast in recounting the material points of the criminal incidents. She vividly recounted the sexual ordeal she suffered sometime on April 24, 2002 at the hands of her own father. "AAA" consistently testified that while they were in the nipa hut with her other siblings who were then asleep, her father suddenly and unexpectedly embraced her and removed his clothes. He also removed her [AAA] clothes, brassiere and panty. Then, he placed himself on top of her body and inserted his penis into her vagina. After that, her father brought her to a nearby chicken pen where he once again inserted his penis into her vagina. He likewise placed her legs on his shoulders and licked her vagina. All throughout this time, "AAA" was crying. She was later told by her father not to tell anyone about what happened.

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<sup>9</sup> *People v. Penaso*, 383 Phil. 200, 208 (2000), citing *People v. Domogoy*, 364 Phil. 547, 558 (1999).

<sup>10</sup> *People v. Babera*, 388 Phil. 44, 53 (2000), citing *People v. Gapasan*, G.R. No. 110812, March 29, 1995, 243 SCRA 53, 59-60.

This Court, like the courts below, is convinced that “AAA” truthfully narrated her ordeal. In this regard, a restatement of a consistent ruling, that “testimonies of child victims of rape are given full weight and credit, for youth and immaturity are badges of truth,”<sup>11</sup> is in order.

Moreover, “AAA’s” testimony is corroborated by the findings of Dr. Viray. The doctor found deep healed lacerations in “AAA’s” hymen. It is settled that “when the testimony of a rape victim is consistent with the medical findings, sufficient basis exists to warrant a conclusion that the essential requisite of carnal knowledge has thereby been established.”<sup>12</sup>

Appellant proffers the defense of denial and challenges the credibility of “AAA” on three grounds: *First*, the impossibility of committing the crime considering the limited space and the presence of her siblings; *second*, the absence of any form of physical trauma on “AAA” which shows that she was not forced to engage in sexual congress; and *third*, the absence of fresh hymenal lacerations just a few days after the alleged rape, which proves that the crime of rape did not take place, and that appellant did not commit the same.

Contrary, however, to appellant’s impression that rape could not have been committed due to the confined space and the presence of “AAA’s” siblings, suffice it to state that rape is not a respecter of place and time. It has been long recognized that “rape is not impossible even if committed in the same room where the rapist’s spouse was sleeping, or in a small room where other [household] members [were also sleeping].”<sup>13</sup> In this light, rape in this case was not an impossibility even if “AAA’s” siblings were not awakened from their deep slumber.

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<sup>11</sup> *People v. Veluz*, G.R. No. 167755, November 28, 2008, 572 SCRA 500, 514.

<sup>12</sup> *People v. Tormis*, G.R. No. 183456, December 18, 2008, 574 SCRA 903, 914.

<sup>13</sup> *People v. Rebato*, 410 Phil. 470, 479 (2001).

Neither does the lack of any form of injury or fresh hymenal lacerations negate the commission of rape. “[S]ettled is the doctrine that absence of external signs or physical injuries does not negate the commission of rape.”<sup>14</sup> Physical injuries<sup>15</sup> or hymenal lacerations<sup>16</sup> are not essential elements of rape.

Lastly, at the center of appellant’s defense of denial is his assertion that the accusation against him was a mere concoction. According to him, “AAA” filed the case because she resented being disciplined by him.

We are, however, inclined to believe that it was appellant instead who concocted his defense. Not even the most ungrateful and resentful daughter would push her own father to the wall as the fall guy in any crime unless the accusation against him is true. As has been repeatedly ruled, “[n]o young girl x x x would concoct a sordid tale of so serious a crime as rape at the hands of her own father, undergo medical examination, then subject herself to the stigma and embarrassment of a public trial, if her motive were other than a fervent desire to seek justice.”<sup>17</sup> Thus, taking into consideration that the parties are close blood relatives, “AAA’s” testimony pointing to her father as the person who raped her must stand.

### ***The Imposable Penalty***

Article 266-B of the Revised Penal Code provides that the penalty of death shall be imposed upon the accused if the victim is under 18 years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree or the common-law spouse of the parent of the victim. To justify the imposition of death penalty, however, it is required that the special qualifying circumstances of minority of the victim and her relationship to

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<sup>14</sup> *People v. Dela Cruz*, G.R. No. 177572, February 26, 2008, 546 SCRA 703, 721.

<sup>15</sup> *People v. Veluz*, supra note 11 at 519-520.

<sup>16</sup> *People v. Boromeo*, G.R. No. 150501, June 3, 2004, 430 SCRA 533, 542.

<sup>17</sup> *People v. Metin*, 451 Phil. 133, 142 (2003).

the appellant be properly alleged in the information and duly proved during the trial. All these requirements were duly established in these cases. In the two Informations, it was alleged that “AAA” was 16 years old when the incidents happened. Her minority was buttressed not only by her testimony during trial but likewise by her Certificate of Live Birth<sup>18</sup> showing that she was born on August 3, 1985. With respect to her relationship to appellant, it was likewise specifically alleged in the Informations that appellant is “AAA’s” father. During trial, appellant categorically admitted that “AAA” is his daughter. The trial court was thus correct in imposing the penalty of death on appellant. However, since the death penalty for heinous crimes has been abolished by Republic Act No. 9346<sup>19</sup> the appellate court correctly modified the trial court’s imposition of the death penalty by reducing it to *reclusion perpetua* without eligibility for parole.

### ***Civil Indemnity***

We sustain the award of civil indemnity made by the appellate court in the increased amount of ₱75,000.00 and likewise of the amount of ₱75,000.00 as moral damages in each case following existing jurisprudence.<sup>20</sup> We also affirm the grant of exemplary damages but in the increased amount of ₱30,000.00 for each case also consistent with relevant jurisprudence.<sup>21</sup> Likewise, interest at the rate of 6% per annum shall be imposed on all the damages awarded from the date of finality of this judgment until fully paid.<sup>22</sup>

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<sup>18</sup> Exhibit “A,” Records, p. 58.

<sup>19</sup> REPUBLIC ACT NO. 9346 - An Act Prohibiting the Imposition of Death Penalty in the Philippines

x x x x

Sec. 2. In lieu of the death penalty, the following shall be imposed.

(a) the penalty of *reclusion perpetua*, when the law violated makes use of the nomenclature of the penalties of the Revised Penal Code. x x x

x x xx

Sec. 3. Person convicted of offenses punished with *reclusion perpetua*, or whose sentences will be reduced to *reclusion perpetua*, by reason of this Act, shall not be eligible for parole under Act No. 4180, otherwise known as the Indeterminate Sentence Law, as amended.

<sup>20</sup> *People v. Tormis*, supra note 12 at 919.


<sup>21</sup> *People v. Rocabo*, G.R. No. 193482, March 2, 2011, 644 SCRA 508, 514-515.

<sup>22</sup> *People v. Alverio*, G.R. No. 194259, March 16, 2011, 645 SCRA 658, 670.




**WHEREFORE**, the October 23, 2007 Decision of the Court of Appeals in CA-G.R. CR-HC No. 01106 finding appellant Antonino Venturina guilty beyond reasonable doubt of two counts of rape is **AFFIRMED with further modifications** that the amount of exemplary damages is increased to ₱30,000.00 for each case and that interest at the rate of 6% per annum is imposed on all the damages awarded from date of finality of this judgment until fully paid.


**SO ORDERED.**


  
MARIANO C. DEL CASTILLO  
*Associate Justice*

WE CONCUR:

  
ANTONIO T. CARPIO  
*Associate Justice*  
*Chairperson*

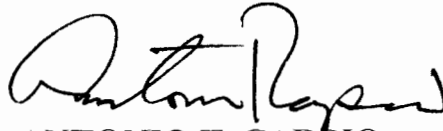
  
DIOSDADO M. PERALTA  
*Associate Justice*

  
JOSE PORTUGAL PEREZ  
*Associate Justice*

  
ESTELA M. PERLAS-BERNABE  
*Associate Justice*

**ATTESTATION**

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

**ANTONIO T. CARPIO***Associate Justice**Chairperson***CERTIFICATION**

I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

**MARIA LOURDES P. A. SERENO***Chief Justice*