

SECOND DIVISION

[G.R. No. 183097, September 12, 2012]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ANTONINO VENTURINA, APPELLANT.

D E C I S I O N

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^[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01106, which affirmed with modification the May 12, 2005 Decision^[2] 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:

On April 24, 2002, complainant, [AAA],^[3] 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

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
External Orifice:	Offers strong resistance to the examining index finger
Vaginal Canal:	Narrow with prominent rugosities Firm/close
Peri-urethal 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. ⁴

Based on the complaint of "AAA," appellant was charged with two counts of rape in the Informations,⁵ the accusatory portions of which are similarly worded as follows:

That on or about the 24th 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.^[6]

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.

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.^[7]

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 P50,000.00 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 P50,000.00 to P75,000.00, and awarding moral damages of P75,000.00 and exemplary damages of P25,000.00.

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.^[8]

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

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."^[9] Once found credible, the victim's lone testimony is sufficient to sustain a conviction.^[10] Absent therefore any substantial