

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. VINSON BRIONES Y ABANICA, APPELLANT.

G.R. No. 140640. October 15, 2002

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-140640/>

PER CURIAM:

For automatic review by this Court is the judgment[1] of the Regional Trial Court of San Pedro, Laguna (Branch 31), dated September 22, 1999, finding Vinson Briones y Abanica guilty beyond reasonable doubt of raping his minor daughter. The decretal portion of the decision reads as follows:

“WHEREFORE, the Court hereby renders judgment sentencing accused Vinson Briones y Abanica to suffer the penalty of death, to pay the private complainant AAA the sums of P100,000 as civil indemnity and P50,000 as moral damages and to pay the costs of suit.

“SO ORDERED.”[2]

The Solicitor General summarizes the evidence for the prosecution thusly:

“Private complainant AAA is the daughter of accused-appellant Vinzon Briones y Abanica. Her mother is Divina Sullestre. She last saw her mother when she was 12 years old and was in Grade VI. Her father (accused-appellant) is a living-out-prisoner at the New Bilibid Prison in Muntinlupa City and has a live-in partner by the name of Jenny Ordoña.

“AAA was living with accused-appellant at Brgy. Riverside, San Pedro, Laguna. However, since her father (accused-appellant) seldom went home to Brgy. Riverside because of the latter’s nature of work, AAA stayed with her stepmother at Balimbing Drive, NBP Reservation, Muntinlupa City.

“On September 5, 1998, AAA went to her stepmother’s house in Muntinlupa. She saw her stepmother and accused-appellant quarrelling. Then on that same day she was fetched by accused-appellant from her stepmother’s house, and brought to the latter’s one-room house at Brgy. Riverside at San Pedro, Laguna where they slept.

“Around 4:00 o’clock in the morning of the following day, September 6, 1998 while AAA was sleeping beside accused-appellant, she was awakened when the latter embraced and kissed her on her cheek. He also touched and mashed her entire body. Then afterwards she was undressed by accused-appellant. After her shorts and panty were removed, he started kissing and touching her body. She was crying, struggling and kicked him. But accused-appellant held her thighs and arms and kissed her private parts.

“While lying down face up, accused-appellant placed himself on top of her, removed his brief, and made a push and pull motion while mashing her body and breast; then he sat and shook his private organ. He then put a pillow on her buttocks and again placed himself on top of her and made a push and pull movement. While struggling and crying, she begged for pity but she was even choked and threatened by accused-appellant instead. Accused-appellant continued with his push and pull movements, and she felt weak and her body ached. She also felt pain in her private part everytime he forced his private organ into her private parts.

“It was already dawn on the following day when appellant stopped abusing her and slept. In the morning of

September 6, 1998, he left her. While putting on her panty, she noticed contusion on her thighs and private parts caused by accused-appellant during the struggle. Complainant went to her stepmother in Muntinlupa City.

“She did not immediately tell anybody what happened to her. It was a week after the incident that she decided to tell it to Jennifer, the daughter of her stepmother. Jennifer, accompanied her to their neighbor to complain. On October 5, 1998, she was brought to the National Bureau of Investigation for examination and before the police investigator she filed a complaint against accused-appellant.”[3] (Citations omitted)

On the other hand, appellant raises the defense of denial. He avers that “on September 5, 1998 at around 5:00 p.m., he was engaged in a drinking spree with his landlord in Muntinlupa City. At 11:00 p.m., he went to his house at Brgy. Riverside, San Pedro, Laguna and slept there. He woke up at 6:00 o’clock the following morning. He learned that he was charged for having raped his minor daughter AAA only on October 5, 1998 when he was detained at the municipal jail after his arrest. He did not react upon learning about the charge x x x because he was too drunk and cannot remember what happened on September 6, 1998.”[4]

The information against the appellant was filed on April 23, 1999. It reads as follows:

“That on or about September 6, 1998, in the Municipality of San Pedro, Province of Laguna, Philippines and within the jurisdiction of this Honorable Court, said accused did then and there wilfully, unlawfully and feloniously, have carnal knowledge with his own 16-year-old daughter AAA, by means of force and intimidation and against her will, to the latter damage and prejudice.”[5]

When arraigned on May 13, 1999, the appellant, assisted by Atty. Jerry Bañares, pleaded “not guilty.”[6]

The trial court found that the prosecution had duly established the rape of the minor AAA by her own father. It ruled that the findings of the medico-legal officer had not negated the commission of rape. It gave full faith and credit to AAA’s simple and straightforward testimony.

In his Brief, the appellant argues that “THE TRIAL COURT ERRED IN NOT FINDING ACCUSED-APPELLANT JUST GUILTY OF ATTEMPTED RAPE.”[7]

The appellant says that the testimony of AAA is not credible. He contends that complete penetration of her vagina by an adult male organ was negated by the absence of hymenal laceration and by the fact that her hymen, which was not elastic or extendible, was still intact.

Time and again, the Court has held that appellate courts will not disturb the evaluation of the credibility of witnesses by the trial court. Having observed their deportment and manner of testifying, the court a quo was in a better position to weigh conflicting testimonies. This rule stands, unless the trial judge overlooked certain facts of substance and value which, if considered, might affect the result of the case.[8] In the present case, we find no cogent reason to disturb the finding of the trial court regarding the credibility of the complainant AAA.

In many cases the Court has found the existence of the crime of rape even in the absence of complete or total penetration. The slightest penetration of the vagina is enough to consummate the crime of rape. In the present case, AAA testified on the fact of penetration as follows:

“PROSECUTOR LOMARDA:

Q

What time was it on September 5, 1998 when your father brought you to his house at Bgy. Riverside?

A 11:00 in the evening, sir.

Q

This house at Brgy. Riverside is owned by your father as you said, Madam Witness, do you know if he has any companion thereat?

A None, sir. We were the only one[s] there.

Q

Madam Witness, at 4:00 in the morning of the following day, September 6, 1998, would you still recall of any unusual incident?

A Yes, sir.

Q

What was that unusual occurrence?

A I was sleeping beside my father, sir.

Q

What happened while you were sleeping beside your father?

A He embraced me and kissed me, sir.

Q

Where did he kiss you?

A He kissed me on my cheek and then he touched my whole body and he undressed me (hinubaran niya ako), sir.

Q

When you said 'hinubaran niya ako', what did he undress?

A My shorts, sir.

Q

Were you wearing any panty underneath you shorts?

A

Yes, sir, he also removed my panty.

xxx xxx xxx

COURT:

Q What did you do when your father started kissing you and touching your body if any?

A I was crying, ma'am.

Q Is that all that you did?

A I was struggling, ma'am.

Q Aside from crying and struggling, what else if any did you do?

A I was kicking him but he held both my thighs and my arms, ma'am.

“PROSECUTOR LOMARDA:

Q What else did your father do [a]side from holding your thighs and arms?

A He kissed my private part and then ‘dinaganan niya ako.’

COURT:

Q What do you mean by ‘dinaganan’?

A He placed himself on top of me while I was lying down, ma'am.

PROSECUTOR LAMARDA

May I make of record that at this point in time the witness is crying [and] placing a handkerchief over her eyes.

PROSECUTOR LOMARDA:

Q

Madam Witness, could you still remember what your father was wearing that night or early morning of September 6, 1998 before he went on top of you from the waist down.

A He was wearing a brief and white polo with long sleeves, sir, and slightly thick.

Q Before he placed himself on top of you what did he do if any with his brief.

xxx xxx xxx

A He removed his brief and he held his private organ and was doing like this ma'am (witness demonstrating with the use of her left hand as if shaking up and down.).

PROSECUTOR LOMARDA:

Q

When your father was already on top of you, what did he do if he did anything?

A He was doing a push and pull motion, sir.

Q

What else did he do if he did anything aside from that push and pull motion?

A He mashed my body and my breast, and he placed a pillow on my buttocks, sir.

Q

After placing a pillow on your buttocks, what did he do if he did anything?

A No more, sir, except that he was pushing and pulling and when I struggle[d], he held my thighs, sir.

Q

What else happened while he was doing that push and pull motion?

A I was struggling and crying but he continued with his push and pull motion and I was telling him to have pity on me, sir.

COURT:

Q

What was your position when accused placed himself on top of you?

A

I was lying down with face up and there is a pillow Underneath my buttocks, ma'am.

Q

And when did accused remove your panty, was it before, during or after the push and pull motion?

A

Before the push and pull motion, ma'am.

Q

So you were not wearing your panty anymore when that push and pull motion was done by the accused, is that correct?

A

No more, ma'am.

Q

How about accused, at what instance did he remove his brief, was it before, during or after the push and pull motion?

A

While he was already on top of me, he removed his brief, ma'am.

Q

When you said your father was shaking his private organ, at what instance did he shake his private organ?

A

At the time that he was doing the push and pull motion, he would sit and then shake his private organ while I was crying, ma'am.

Q

How many times did the accused shake his private organ?

A

I cannot remember, ma'am, because I was crying.

Q

But everytime that he shook his private part, he used to sit down, is that correct?

A

Yes, ma'am.

Q

How did you know that he was holding or shaking his private organ?

A

I saw him everytime he [shook] his private part because he was seated, ma'am.

Q

After shaking his private organ, what did he do if any?

A He would place himself on top of me, ma'am.

Q After he was already on top of you, what happened, if any?

A As if he was doing the push-up motion, ma'am.

xxx xxx xxx

PROSECUTOR LOMARDA:

Q

Madam Witness, what did you feel while your father was pushing up?

A

My body ached and I felt weak, sir.

Q

Why did you feel weak?

A

My private part was hurting when he placed himself on top of me, sir. (Witness is again crying.)

Q

Madam Witness, why did you feel pain in your private part?

xxx xxx xxx

A 'Kasi po, pilit niyang ipinapasok and ari niya sa ari ko.'

COURT:

Q Did his private part enter your private part?

A 'Hindi pa buong naipasok dahil hindi katulad sa dinudugo.'

Q Was that the first time that your father did that thing to you?

A Yes, ma'am.

Q Was that your first time to have that kind of experience?

A Yes, ma'am.

xxx xxx xxx

Q You said that 'hindi naipasok ng buo,' which portion of the private organ of your father enter[ed] your private organ?

A His 'titi', ma'am.

Q The whole?

A About half of it, ma'am.

xxx xxx xxx

PROSECUTOR LOMARDA:

Q

Now, when you felt pain in your private part because your father half-inserted his penis into your private part, how many times did he do that to you?

A

I cannot remember how many times, sir.

Q

Madam Witness, while your father was on top of you, did you not try to complain?

A I was begging to him not to do it, sir, but he even tried to choke me and he threatened me not to tell my stepmother, sir.”[9]

The foregoing positive and categorical testimony of the complainant bears the earmarks of truth. It sufficiently establishes the force employed on her by the appellant as well as the partial penetration of her vagina by his penis and, hence, the consummation of the crime of rape.

Furthermore, a daughter would not accuse her own father of a serious offense like rape, had she really not been aggrieved.[10] Her testimony against him is entitled to greater weight, since reverence and respect for elders is too deeply ingrained in Filipino children and is even recognized by law.[11] The rule is that when the victim says that she has been raped, she says in effect all that is necessary to show that rape has been committed. If her testimony meets the test of credibility, the accused may be convicted on the basis thereof. This principle is all the more true where the complainant is the daughter of the accused. That she would accuse her own father of this heinous crime had she not been aggrieved would be absurd.[12]

We have consistently stressed that the absence of hymenal lacerations does not negate rape; conversely their presence is not an element of it.[13] Thus, a conviction for rape may be sustained even in their absence.[14]

In the alternative, the appellant also argues that he should be found guilty only of attempted rape, not consummated rape, since there was no complete penetration by his sex organ.

The contention has no merit. The evidence shows that part of the appellant’s penis entered the complainant’s vagina. The entry of the penis even just into the aperture of the female organ, thereby touching the labia of the pudendum, already consummates the crime of rape.[15]

We now go to defense of denial resorted to by the appellant. In the absence of corroborative evidence, the Court cannot accept his lame denial over AAA’s straightforward and positive declaration. Between the positive and categorical testimony of a rape victim on one hand and the accused’s bare denial on the other, the former generally prevails.[16] Universally accepted is the rule that denial is a self-serving negative evidence that cannot be given greater weight than the declaration of a credible witness who testifies on affirmative matters.[17]

The circumstances of father-daughter relationship between the appellant and the complainant and the minority of the latter were duly alleged in the information and proven beyond reasonable doubt by the presentation of the complainant’s birth certificate.[18] Hence, the court a quo correctly found him guilty of qualified rape. Its imposition of the death penalty[19] on him must be affirmed.

Further, the court a quo correctly awarded to the complainant moral damages of P50,000. However, its award of P100,000 as civil indemnity is reduced to P75,000, consistent with prevailing jurisprudence.[20] In addition, exemplary damages in the amount of P25,000 should also awarded to her in view of her proven relationship to the appellant.[21]

In sum, we affirm the Decision of the RTC finding the appellant guilty beyond reasonable doubt of qualified rape and imposing the death penalty on him.[22] Indubitably, when the victim is under 18 years of age and the offender is a parent, the court has no option but to apply the penalty of death.[23]

WHEREFORE, the decision of the Regional Trial Court of San Pedro, Laguna, Branch 31, in Criminal Case No. 1093-SPL, finding Vinzon Briones y Abanica guilty of qualified rape and sentencing him to suffer the supreme penalty of death is **AFFIRMED** with the **MODIFICATION** that the appellant shall pay the victim, AAA, the amount of P75,000 as civil indemnity ex delicto and P25,000 as exemplary damages, in addition to the P50,000 moral damages awarded by the trial court. Costs against appellant.

In accordance with Article 83 of the Revised Penal Code, as amended by Section 25 of Republic Act No. 7659, upon finality of this Decision, let the records of these cases be forwarded to the Office of the President for possible exercise of executive clemency.

SO ORDERED.

Davide, Jr., C.J., Puno, Vitug, Panganiban, Sandoval-Gutierrez, Corona, Carpio-Morales, and Callejo, Sr., JJ., concur.

Bellosillo, Mendoza, Quisumbing, Ynares-Santiago, Carpio, and Austria-Martinez, JJ., on official leave.

-
- [1] The Decision was penned by Presiding Judge Stella Cabuco Andres.
- [2] Decision, p. 4; rollo, p. 19; records, p. 107.
- [3] The appellee's brief, pp. 2-5; rollo, pp. 55-58.
- [4] The appellant's brief, pp. 4-5; rollo, pp. 37-38.
- [5] Rollo, p. 9; records, p. 1.
- [6] Order dated May 13, 1999; records, p. 32.
- [7] The appellant's brief, p. 1; rollo, p. 34.
- [8] People vs. Bataller, GR Nos. 134540-41, July 18, 2001; People vs. Baybado, 335 SCRA 712 (2000); People vs. Diasanta, 335 SCRA 218 (2000).
- [9] TSN, July 16, 1999, pp. 6-11.
- [10] People vs. Bernaldez, 322 SCRA 462 (2000).
- [11] People vs. Docena, 322 SCRA 820 (2000).
- [12] People vs. Llamo, 323 SCRA 791 (2000).
- [13] People vs. Marcelo, 305 SCRA 105 (1999); People vs. Tirona, 300 SCRA 431 (1998); People vs. Llamo, supra; People vs. Taño, 331 SCRA 449 (2000).
- [14] People vs. Balas, GR No. 138838, December 11, 2001; People vs. Tabarangao, 303 SCRA 623 (1999).
- [15] People vs. Barredo, 329 SCRA 120 (2000); People vs. Balgos, 323 SCRA 372 (2000); People vs. Rafales, 323 SCRA 13 (2000).
- [16] People vs. Cambi, 333 SCRA 305 (2000).
- [17] People vs. Barredo, supra.
- [18] Exhibit B; records, p. 74.
- [19] Art. 266-B, Revised Penal Code, as amended by RA 8353.
- [20] People vs. Alpe, GR No. 132133, November 29, 2001.
- [21] People vs. Catubig, GR No. 137842, August 23, 2001.
- [22] Three members of the Court maintain their position that RA 7659, insofar as it prescribes the death penalty,

is unconstitutional; however, they submit to the ruling of the Court, by majority vote, that the law is constitutional and that the death penalty should be imposed accordingly.

[23] *People vs. Silvano*, 309 SCRA 362 [1999].

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.