

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ANTONIO OTOS ALIAS ANTONIO OMOS, APPELLANT.

G.R. No. 189821. March 23, 2011

Ponente: BRION, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-189821/>

BRION, J.:

We resolve the appeal filed by appellant Antonio Otos[1] from the February 25, 2009 Decision of the Court of Appeals (CA) in CA-G.R. CR-HC No. 00393.[2]

THE FACTUAL ANTECEDENTS

On October 10, 2000, the appellant was charged[3] in the Regional Trial Court (RTC), Branch 2, Tagum City, Davao del Norte,[4] with multiple rape[5] committed against his five-year old stepdaughter AAA[6] on June 24, 2000. The appellant pleaded not guilty on arraignment. AAA testified on the details of the crime in the trial that followed.

The evidence shows that in the evening of June 14, 2000, the appellant brought AAA to the cornfield in their farm. He laid the victim down, took off her panty, and inserted his penis into her vagina.[7] AAA felt extreme pain. Thereafter, he went home, threatening AAA not to tell her mother about the incident or he would kill her.[8] AAA testified that after June 14, 2000, the appellant raped her "many" times. AAA suffered stomach ache and felt pain whenever she urinated. When the appellant went away to sell bananas, AAA told her mother, BBB, about the incidents.[9] BBB got mad at the appellant; she and AAA left the house thereafter. The medical examination revealed that AAA had an "inflamed labia minora with multiple abrasions" and that she suffered from a urinary tract infection.[10]

The appellant denied the accusations against him,[11] claiming that BBB fabricated the charge out of anger because he had struck her and ejected her from the house.[12]

THE RTC RULING

In its November 29, 2005 Decision,[13] the RTC found the appellant guilty of qualified rape. It gave credence to the candid testimony of AAA, who was only six years old when she testified, and rejected the appellant's argument that there was no medical evidence that his penis entered AAA's vagina. It sentenced the appellant to suffer the penalty of death. It also ordered the appellant to pay AAA P100,000.00 as civil indemnity and to pay the costs.

THE CA RULING

On intermediate appellate review, the CA affirmed the RTC's appreciation of AAA's clear, straightforward and spontaneous testimony pointing to the appellant as her rapist. In rejecting the appellant's argument that AAA was only suffering from urinary tract infection caused by poor hygiene or fingernail scratches, the appellate court

noted that the medical findings of "inflamed labia minora with multiple abrasions" were consistent with AAA's allegation of rape.

The CA found that the appellant cannot be sentenced to death because there was no independent evidence to prove that AAA was below 7 years old. It also noted that the relationship of the appellant to AAA as the latter's stepfather was incorrectly alleged in the information; both AAA and the appellant testified that the latter was merely the common-law spouse of BBB. Thus, the CA downgraded the appellant's offense to simple rape and sentenced him to suffer the penalty of reclusion perpetua. It ordered the appellant to indemnify AAA P50,000.00 as moral damages, P50,000.00 as civil indemnity, and P25,000.00 as exemplary damages in view of the minority of the victim.

From the CA, the case is now with us for our final review.

OUR RULING

We affirm the appellant's conviction.

We see no reason to disturb the findings of the RTC, as affirmed by the CA. Where the victim is a child, the absence of medical evidence of penetration does not negate the commission of rape. The presence of hymenal lacerations is not a required element in the crime of rape.[14] What is essential is evidence of penetration, however slight, of the labia minora, which circumstance was proven beyond doubt by the testimony of AAA.[15] Besides, the prime consideration in the prosecution of rape is the victim's testimony, not necessarily the medical findings; a medical examination of the victim is not indispensable in a prosecution for rape. The victim's testimony alone, if credible, is sufficient to convict.[16] AAA was categorical and straightforward in narrating the sordid details of how the appellant ravished her.

We find that the CA correctly downgraded the appellant's offense to simple rape due to the prosecution's failure to present AAA's birth certificate or other authentic document (such as a baptismal certificate), and to make a positive and unequivocal manifestation that AAA was indeed five years old at the time of the incident.[17] Accordingly, the appellant can only be sentenced to suffer the penalty of reclusion perpetua. In line with prevailing jurisprudence,[18] the award of P25,000.00 as exemplary damages must be increased to P30,000.00.

WHEREFORE, the February 25, 2009 decision of the Court of Appeals in CA-G.R. CR-HC No. 00393 is hereby **AFFIRMED** with **MODIFICATION**. Appellant Antonio Otos alias Antonio Omos is found guilty beyond reasonable doubt of Simple Rape and sentenced to suffer the penalty of reclusion perpetua. He is also ordered to pay AAA P50,000.00 as civil indemnity, P50,000.00 as moral damages, and P30,000.00 as exemplary damages.

SO ORDERED.

Carpio Morales, (Chairperson), Bersamin, Villarama, Jr., and Sereno, JJ., concur.

[1] Alias "Antonio Omos."

[2] Decision penned by Associate Justice Mario V. Lopez, and concurred in by Associate Justices Romulo V. Borja and Elihu A. Ybañez of the Twenty-First Division of the Court of Appeals; rollo, pp. 3-17.

[3] The accusatory portion of the Information reads:

That on or about June 24, 2000 and subsequently thereafter, in the Municipality of New Corella, Province of Davao del Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-name[d] accused, by

means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of [AAA], 5 years old, his [stepdaughter], for several times, against her will.

CONTRARY TO LAW. (CA rollo, p. 8.)

[4] Docketed as Criminal Case No. 12331.

[5] See REVISED PENAL CODE, Article 335, as amended by par. (2), Article 266-A and Article 266-B of Republic Act No. 8353, otherwise known as the Anti-Rape Law of 1997, which became effective on October 22, 1997.

[6] Consistent with *People v. Cabalquinto* (G.R. No. 167693, September 19, 2006, 502 SCRA 419), the real name of the rape victim is withheld and, instead, fictitious initials are used to represent her. Also, the personal circumstances of the victim or any other information tending to establish or compromise her identity, as well as those of her immediate family or household members, is not disclosed.

[7] TSN, December 11, 2001, pp. 4-5.

[8] *Id.* at 5-6.

[9] *Id.* at 6-7.

[10] TSN, February 21, 2003, p. 5.

[11] TSN, February 15, 2005, p. 10.

[12] *Id.* at 14.

[13] CA rollo, pp. 8-18.

[14] *People v. Dimanawa*, G.R. No. 184600, March 9, 2010; and *People v. Resurreccion*, G.R. No. 185389, July 7, 2009, 592 SCRA 269, 281.

[15] *People v. Gragasín*, G.R. No. 186496, August 25, 2009, 597 SCRA 214, 229; and *People v. Codilan*, G.R. No. 177144, July 23, 2008, 559 SCRA 623, 634.

[16] *People v. Cadap*, G.R. No. 190633, July 5, 2010; *People v. Llanas, Jr.*, G.R. No. 190616, June 29, 2010; *People v. Barberos*, G.R. No. 187494, December 23, 2009, 609 SCRA 381, 399; and *People v. Araojo*, G.R. No. 185203, September 17, 2009, 600 SCRA 295, 308-309.

[17] See *People v. Rullepa*, G.R. No. 131516, March 5, 2003, 398 SCRA 567; and *People v. Villarama*, G.R. No. 139211, February 12, 2003, 397 SCRA 306.

[18] *People v. Aguilar*, G.R. No. 185206, August 25, 2010; and *People v. Macapanas*, G.R. No. 187049, May 4, 2010.

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.