

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SOLOMON VILLANUEVA Y ODE, ACCUSED-APPELLANT.*G.R. Nos. 112164-65. February 28, 1996*

Ponente: BELLOSILLO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-112164-65/>**BELLOSILLO, J.:**

Lea Villanueva, 14, cried of repetitive incestuous rape. For two years she had been continuously, countlessly abused by her own father who with unmitigated perversity indoctrinated her into eroticism and libidinal gratifications. "Pinagpaparausan niya ako," she bewailed.[1] She suffered in anguish and isolation. Her revelations were horrid if not sickening. She turned to her mother who in her timidity and utter helplessness could only mutter, "Ipinaubaya (ko) na sa Diyos." [2] But deliverance must finally come and it did.

Barely three (3) days after her last incestuous encounter with her father her mother died. Lea seized the opportunity for relief. She ran to her maternal grandmother for solace. It was when she was under the care of her lola that the latter finally found out that Lea was repeatedly abused by her father. She was brought to a physician who examined her and found the lacerations on her private parts. They were too revealing to be ignored. Accordingly her father was charged, at least with two (2) counts of rape. Confronted with the charges Solomon Villanueva at first denied. He claimed that at the particular hours mentioned by Lea he was not home. But his alibi was totally rejected by the trial court which convicted him instead as charged.

He is now before us with a different pretension. As if exculpating, he now says his daughter Lea consented to their fornications. We are appalled.

Lea's maiden defloration was in their house along Dagupan Street, Tondo, Manila, around nine o'clock in the evening of 19 September 1990 when her father roused her from her sleep and brought her to his room. She was only 12 years and 4 months then. She was at once forewarned by her father not to tell anybody whatever he would do with her otherwise he would kill her as well as her mother and only brother. Then he removed her clothes after which he also took his off. Fear haunted her. He asked her to lie down on her back and placed himself on top of her. He inserted his organ into hers; she bled. After he was through he told her to go back to sleep.

Her sexual initiation was not meant to be her last. It became routine for almost two (2) years with her father, happening about four (4) times a week, each varying to maximize sexual euphoria. A pall of death loomed over every act.

On 14 June 1992 at around nine o'clock in the evening Lea was again ravished. From the living room where she together with her mother and brother was sleeping she was dragged by her father to his room. "Gagalawin daw niya ako," she narrated. He removed her T-shirt and short pants; he stripped, asked her to lie down, placed himself on top of her, inserted his penis into her vagina, and pumped for about thirty (30) minutes. He told her that what he was doing was for her own "good." After his "success," he threatened her again and ordered her to go back to sleep.

Three (3) days later, or on 17 June 1992, Lea's mother died. On 2 July 1992 she ran off to her grandmother. "Hindi ko na matiis ang ginagawa niya sa akin." [3] That same day she was accompanied by her granduncle to the National Bureau of Investigation where she was examined by Dr. Ruperto Sombillon, Jr., who found her "hymen, originally thick, wide, with superficial old-healed laceration at 6:30 o'clock position x x x edges of which (were) rounded and non-cooptable x x x vagina walls, moderately lax x x x rugosities shallow." [4]

Accordingly, Solomon Villanueva was charged with two (2) separate crimes of rape, one which occurred "sometime" in September 1990," while the other, for the attack "on or about June 14, 1992." The two (2) cases were consolidated and tried jointly.

The accused denied the charges leveled against him and claimed they were trumped up by the relatives of his deceased wife to avenge the cruelty and neglect she supposedly suffered from him when she was still alive. He narrated that as a delivery truck driver then, he would normally leave their house at ten o'clock in the morning and return home past eleven o'clock in the evening. He rarely saw their daughter Lea as he came home from work late at night, dead-tired and sleepy. On 19 September 1990 and 14 June 1992 he got home already past eleven o'clock in the evening.

On 22 January 1993 the Regional Trial Court of Manila, [5] disregarded the alibi of Solomon Villanueva, found him guilty of rape on two (2) counts, sentenced him in each to reclusion perpetua, and ordered him to indemnify his daughter Lea in the amount of P50,000.00 as moral damages in both cases.

Accused-appellant is now before us insisting on his innocence. First, he harps on Lea's failure to offer resistance considering that he was not armed with any weapon nor did he employ physical violence. He would thus doubt the allegation of Lea that she reported the incident to her grandparents because she could no longer take what he was doing to her. For, if this were true, he said, she should not have waited for two (2) years, and if she did not like what he was doing to her she should have immediately gone to her grandparents after the first or even the second incident. Second, accused-appellant quibbles over the testimony of Lea. He claims that her story that he was on top of her and having sex with her for 20 to 30 minutes is difficult to believe since [t]his is too much for a 12-year old girl to bear." [6] He likewise submits that her testimony that her mother knew what he was supposedly doing to her and yet did not do anything is "incredible and against human nature and not in accord with common knowledge and experience of mankind." [7]

The arguments are disgusting at the very least. The trial court found the testimony of Lea "categorical, positive and convincing." [8] Hence we accord full faith and credence to her narration that she was ravished by her own father. We are convinced that the acts complained of indeed occurred and were perpetrated by accused-appellant as testified to by the victim and confirmed by the court a quo. Factual findings of the trial court are accorded the highest respect unless it is shown that certain facts of value have been plainly overlooked which if considered could affect the result of the case. [9] But accused-appellant in the case at bench has not presented any substantial evidence to disturb the conclusions of the court a quo.

For sure Lea would not have publicly disclosed that she had been raped by her own father and then undergo trial where she had to bare her traumatic and harrowing experience and be subjected to harassment, embarrassment and humiliation, if not public ridicule, unless she was really raped and her motive was solely to seek justice. [10] She was barely 12, innocent, inexperienced, naive, guileless when first abused. It would be highly improbable for her against whom no proof of sexual perversity or loose morality had been shown to fabricate charges, much more against her own father. Her testimony alone, which is credible, is sufficient to sustain the conviction of her ravisher. [11] In fact it is entitled to greater weight since her accusing words are directed against a close relative. [12]

That Lea consented to the sexual congress, repeatedly at that, as she did not offer resistance despite the fact that he was not armed nor did he use physical violence, can only be conceived by a diseased mind - a sex deviant who deserves no place in civilized society. His threats and intimidation that gripped Lea in fear must be viewed in the light of her perception and judgment at the time of the rape and not by any hard and fast rule.[13] Physical resistance need not be established in rape when threats and intimidation are employed and the victim submits herself to the embrace of her rapist because of fear.[14] What is more, accused-appellant is her own father with whom she stayed in the same house and who certainly exercised moral ascendancy not only over her but likewise over her mother and brother.

Thus Lea's failure to immediately report her repeated debauchment did not by itself diminish her credibility. It is not uncommon for young girls to conceal for sometime assaults on their virtue not only because of shame but largely because of the threats on their lives.[15]

It has been often said that different people react differently to a given situation or type of situation, and there is no standard form of human behavioral response when one is confronted with a strange, startling or frightful experience.[16] It is not unlikely that Lea could be intimidated into silence by the slightest threat to her life. A young girl like Lea cannot be expected to have the courage and intelligence to immediately report the countless sexual attacks committed against her especially when equally countless death threats hang over her head. To Lea's simple unsophisticated mind, accused-appellant was not merely fribbling threats.[17]

Accused-appellant belittles his daughter's claim that he was on top of her for 20 to 30 minutes. This, according to him, is difficult to believe since "[t]his is too much for a 12-year old girl to bear." We do not see his difficulty nor are we moved by his sudden "concern" for his daughter. What we find easy to believe, on the contrary, is that a sexual psychopath like him who is capable of unleashing his biological urges on his own flesh will do everything to satisfy his venereal delight.

That Lea's mother knew that accused-appellant was repeatedly ravishing Lea and yet did not do anything, is not at all incredible. For one, Lea's mother appeared to be equally fearful of him who wielded unabashed dominance over his household. Any opposition or resistance would seem futile. And while mothers may have the natural impulse to protect their young, not all may have sufficient fortitude to follow their instincts.

In fine, we find accused-appellant guilty beyond reasonable doubt of rape on two (2) counts.

Turning to the penalties, the trial court sentenced accused-appellant to reclusion perpetua in each of the two (2) counts and ordered him to indemnify his victim in both cases P50,000.00 for moral damages. Interestingly, the Solicitor General invokes *People v. Lucas*[18] and submits that the penalty should be modified, i.e., accused-appellant should be sentenced to thirty-four (34) years, four (4) months and one (1) day of reclusion perpetua in each of the two (2) cases, and argues that since accused-appellant was found guilty of rape on two (2) counts he should be ordered to pay complainant P50,000.00 as moral damages and P25,000.00 as exemplary damages in each of the two (2) cases or a grand total of P150,000.00.

Suffice it to say that on 9 January 1995 the Court en banc reconsidered *People v. Lucas*[19] and modified the decision of 25 May 1994 by "DELETING therefrom the disquisitions on whether reclusion perpetua is a divisible penalty and SETTING ASIDE its division into three periods." In view thereof we revert to the ruling that since reclusion perpetua is an indivisible penalty it has no minimum, medium or maximum period. It is imposed in its entirety regardless of any mitigating or aggravating circumstances that may have attended the commission of the crime. Anent the civil indemnity, we find the argument of the Solicitor General to be impressed with merit. Accordingly the indemnity should be P50,000.00 in each of the two (2) cases or a total of P100,000.00.[20] An award of P25,000.00 in each case as exemplary damages to deter other sex perverts or two-legged beasts from

sexually assaulting or molesting hapless and innocent girls, especially their own kins, is likewise appropriate.[21]

WHEREFORE, the appealed decision finding accused-appellant SOLOMON VILLANUEVA y ODE guilty of rape on two (2) counts and sentencing him to reclusion perpetua in each count is AFFIRMED. In addition, he is ordered to pay Lea Villanueva P50,000.00 as indemnity and P25,000.00 as exemplary damages for each count of rape or a total of P150,000.00. Costs against accused-appellant.

SO ORDERED.

Padilla (Chairman), Vitug, Kapunan, and Hermosisima, Jr., JJ., concur.

[1] TSN, 14 September 1992, p. 24.

[2] Id., p. 30.

[3] Id., p. 10.

[4] Exhibit "B," Original Records, p. 8.

[5] Presided by Judge Ramon P. Makasiar, RTC-Br. 33, Manila.

[6] Brief for Accused-Appellant, p. 10; Rollo, p. 69.

[7] Ibid.

[8] Decision, p. 3; Rollo, p. 11.

[9] People v. Lazaro, G.R. No. 99263, 12 October 1995.

[10] People v. Ramos, G.R. No. 115656, 27 June 1995.

[11] People v. Lao, G.R. No. 117092, 6 October 1995.

[12] Ibid.

[13] See Note 9.

[14] People v. Padre-e, G.R. Nos. 112969-70, 24 October 1995.

[15] People v. Quinones, G.R. No. 102719, 16 June 1995.

[16] See Note 10.

[17] See Note 13.

[18] G.R. Nos. 108172-73, 25 May 1994, 232 SCRA 537.

[19] Id., 9 January 1995, 240 SCRA 66.

[20] People v. Sta. Agata, G.R. No. 101309, 1 June 1995.

[21] People v. Padilla, G.R. Nos. 111956 and 111958-61, 23 March 1995.

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.