

EN BANC

[G.R. No. 138365, April 16, 2002]

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SAMSON BARTOLOME Y ESPIRITU, ACCUSED-APPELLANT.

DECISION

VITUG, J.:

The Court must here again make a painstaking effort to assess the conflicting testimony of a rape victim and that of her alleged tormentor to satisfy the judicial conscience that the horrendous crime has indeed been committed and that the State can thereby lawfully forfeit the offender's right to live or to be free.

Samson Bartolome was indicted for rape before the Regional Trial Court ("RTC"), Branch 43, of Virac, Catanduanes, in an Information that read:

"That on or about 1:00 o'clock in the early morning of November 26, 1994 at sitio Nagpuroc, San Isidro, Pandan, Catanduanes, Philippines, and within the jurisdiction of this Honorable Court, the above-accused being the stepfather by means of force and intimidation did then and there willfully, unlawfully and feloniously have a sexual intercourse with one Lina Trinidad y Bagay, a minor, 12 years old and daughter of accused's common-law-wife, against the latter's consent."^[1]

At his arraignment, the accused pled "not guilty" to the charge; thence, trial proceeded.

The Case for the Prosecution –

On 24 November 1994, close to midnight, 12-year old Lina Trinidad was ready to call it a night and to join her younger siblings who by then were nestled comfortably at their house in Nagpuroc, San Isidro, Pandan, Catanduanes, when the accused, Samson Bartolome, the **common-law** husband of her mother, arrived drunk. Rosalinda Trinidad had been married to but separated from Lina's father. Lina served dinner to Bartolome because her mother was at the time in Virac, Catanduanes. After cleaning up the dinner table, Lina finally joined her siblings to bed but, first, she gathered something to read to invite sleep. Just as she was drowsing off, Bartolome jolted her awake. When she opened her eyes, she was surprised to see him lying by her side. She stood up and tried to excuse herself. Bartolome grabbed her shirt and pulled her back to bed. He embraced and began caressing Lina, removed her shirt and sucked her nipples. Lina was astounded, she cried and begged him to stop but her pleas fell on deaf ears. He warned her that if she would not keep silent, he would cut off her tongue or insert his batangas knife into her vagina. Bartolome, now drowned in his lustful desires, removed Lina's panty and mounted her. He inserted his penis into her vagina. The batangas knife remained a mute but threatening fixture by her side. Lina, although raging with

emotions, had to keep mum all throughout the ordeal.

The younger brother of Lina, Romeo Trinidad, was only an arm's length away and watched the whole scene just as it was unfolding before his eyes. Romeo corroborated the testimony of Lina. He said that in the morning that followed, he accompanied his sister to their uncle Jessie, and they later reported the incident to the police which forthwith conducted an investigation.

Lina was brought to Pandan District Hospital. Dr. Perlasita G. Buendia, who conducted the physical examination, made a report; it read:

"Physical Exam:

- Vulva - Abrasion, between inferior aspect of labia majora and labia minora, (L) and (R), about 0.5 cm. in length.
- No bleeding, no hematoma.

- Hymen - with laceration at 4, 5, and 9 o'clock.

"Internal Examination:

Admits index finger with difficulty.

"Vaginal Smear for Spermatozoa:

- (+) - Non-motile spermatozoa."^[2]

The Defense -

The accused claimed that on the night of the supposed incident, he went to the house of his aunt and had a drinking spree with a cousin. He could not have, he said, molested Lina, whom he so kindly treated as his own child after living with her mother, Rosalinda Trinidad, for a good 10 years and with whom he had three children. He blamed the siblings of Rosalinda with her lawful husband for prompting Lina to fabricate the rape charge so that he and Rosalinda would sever their relationship.

The trial court found for the prosecution and convicted the accused of the crime with which he was charged; it held:

"WHEREFORE, in view of all the foregoing, the prosecution having proved the guilt of the accused beyond reasonable doubt of the crime of Rape as defined and penalized under Article 335 of the Revised Penal Code, in relation to Republic Act No. 7659, accused Samson Bartolome is hereby sentenced to suffer the penalty of DEATH to be executed at a date to be set and in the manner provided for by law and to indemnify Lina Trinidad the amount of Fifty Thousand (P50,000.00) Pesos."^[3]

In this automatic review of his case, the death penalty having been imposed, the accused claims that -

"I

"THE TRIAL COURT HAS ERRED IN NOT ABSOLVING AND EXCULPATING ACCUSED-APPELLANT SAMSON BARTOLOME OF THE SERIOUS CRIME CHARGED CONSIDERING THE PRESENCE OF REASONABLE DOUBT IN HIS FAVOR.

"II

"THE REGIONAL TRIAL COURT HAS COMMITTED A GRAVE ERROR IN IMPOSING THE SUPREME PENALTY OF DEATH ON THE ACCUSED-APPELLANT DISREGARDING RECENT AND PERTINENT JURISPRUDENCES ON THE MATTER."^[4]

The Court, in fine, is confronted with the question of whom to believe – the word of the complainant or that of the accused. The process of ferreting the truth from the conflicting claims of witnesses becomes even more tedious than usual in crimes of rape for it is only the accused and the complainant who normally can give the decisive testimony on the case. Obviously, the task falls squarely on the trial court which must come face to face with the witnesses and observe their demeanor at the stand.^[5] It stands to reason that great reliance is placed by the appellate court on the assessment made by the trial court on the credibility of the witness. This case is no exception for, carefully going through the records, the Court finds no cogent reason to make it depart from the rule.

In a straightforward and candid manner, Lina vouched before the Court the sad saga, unbelievably she might have herself thought, that had befallen her in the hands of appellant. She testified:

"Q Specifically sometime on November 25, 1994, do you recall of an incident that happened to you in your house?

"A Yes, sir.

"Q Please tell the Court.

"A On November 25, 1994, I was in Langob, San Isidro, Pandan, Catanduanes and he (witness pointing to somebody inside the courtroom) . . .

"Q Who was the person you are referring to?

"A Samson Bartolome.

"Q What happened?

"A In the evening, he arrived in our house and he was very

very drunk.

"Q Why was Samson Bartolome in your house?

"A Because he goes home to our house.

"Q Why is he staying in your house?

"A He is the husband of my mother. He is my stepfather.

"x x x x x x x x x x

"Q When he arrived in your house, what happened next?

"A He knocked at the door, and I opened it for him. I prepared some food for him and he ate.

"Q After taking his supper, what happened next?

"A He slept by the door while I took my supper and after that, I started reading something.

"Q After reading, what happened next?

"A When I got sleepy, I went to sleep and I noticed later on that he was lying down beside me.

"Q What happened next when you noticed that he was already beside you?

"A I was about to transfer to another place because we were only under one mosquito net but I was not allowed to leave.

"Q In your estimate, what time was it?

"A About 11:00 o'clock in the evening.

"Q What happened when he prevented you from transferring to another place?

"A Then he kept on embracing me and at the same time undressing me and sucking my nipples.

"Q What did you do when he was at the act of sucking your nipples?