

## THIRD DIVISION

[ G.R. No. 137659, September 19, 2000 ]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
AMADEO TRELLES, ACCUSED-APPELLANT.**

### DECISION

**VITUG, J.:**

The outrage done to Nobelita Trelles, a 22-year old retardate, would have remained hidden were it not for the mute testimony of her steadily growing stomach. By December of 1996, its growth had undeniably reached such noticeable proportions that her mother, Azucena Trelles, suspecting the obvious, finally took her daughter to Dr. Mario Banal for medical examination. The good doctor confirmed that, indeed, Nobelita was with child and, on 09 March 1997, she eventually delivered a baby boy. Azucena pressed her daughter for the identity of the man who impregnated her. As it so sadly turned out, Azucena later recounted in open court, Nobelita had resolutely pointed to her own father, Amadeo Trelles, as having been responsible for it. Indignant at the injustice committed against her daughter, Azucena filed a case for rape against Amadeo Trelles.

The information, later charging Amadeo Trelles with rape, instituted by the Assistant Provincial Prosecutor of Camarines Sur, read:

#### "INFORMATION

"The undersigned Assistant Provincial Prosecutor of Camarines Sur upon a complaint under oath by the offended party accuses AMADEO TRELLES, a resident of Bgy. Luluasan, Balatan, Camarines Sur and presently detained at the Municipal Jail of Balatan, Camarines Sur, for the crime of RAPE defined and penalized under Art. 335 of the Revised Penal Code, as amended by RA 7659, committed as follows:

"That sometime in the month of June, 1996 or thereabouts, at Bgy. Luluasan, Balatan, Camarines Sur, Philippines and within the jurisdiction of this Honorable Court, the abovenamed accused, with lewd designs and by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge with his full-blood 18 year old feeble-minded legitimate daughter Nobelita Trelles y Silvano against her will, as a result of which said victim was impregnated and subsequently delivered an incestuous child, to the damage and prejudice of the same offended party.

"ACT CONTRARY TO LAW."<sup>[1]</sup>

Nobelita Trelles, one of the six children of Azucena and her common-law husband Amadeo Trelles, was born on 15 February 1974. A retardate or feeble-minded, Nobelita never went to school and would often be left alone in the house with her father while her other siblings attended their classes and her mother, a fish peddler, traveled from place to place failing, a few times, to spend the night with her family. It was on one of those occasions when Amadeo Trelles vented his lust upon his imbecile daughter.

Amadeo Trelles testified that he was not legally married to Azucena. At the time of the incident in question, he already had a new mistress who was living with him. Nevertheless, he did not completely abandon his family with Azucena, and he somehow managed to divide his time between Azucena in Barangay Luluasan, Balatan, Camarines Sur, and the other woman at Laganac of the same municipality. The *two barangays* were to him a two-hour walk or about five kilometers from each other. Amadeo asseverated that Azucena also had a paramour, a certain Marcial, who was the former common-law husband of his sister. The affair which started in 1994, however, abruptly ended in 1995. Amadeo insisted that he could not have impregnated Nobelita because as early as January 1996, Azucena, together with Nobelita and Amelia, a younger daughter, had left their house and returned only in August that year, which was when he first noticed the protruding stomach of Nobelita. When he asked his wife about it, Azucena answered that Nobelita's condition was merely caused by too much "*kaliputan*" (cold). In December, Nobelita started to vomit blood, prompting him to tell his wife to stop from further ministering herbal concoctions and to instead bring her daughter to a physician. The medical examination on Nobelita by the doctor confirmed her pregnancy. When interrogated what could have motivated Azucena to accuse him of rape, Amadeo replied that his wife had always blamed him for everything that went wrong.

Evaluating the evidence proffered by both parties, the trial court, giving full credence to the testimony of Nobelita, saw the case for the prosecution; it concluded:

"WHEREFORE, in view of all the foregoing premises, judgment is hereby rendered finding the herein accused AMADEO TRELLES, guilty beyond reasonable doubt of the offense of RAPE defined and penalized by Article 335 of the Revised Penal Code as amended by Republic Act No. 7659, hereby imposing upon him the penalty of imprisonment of RECLUSION PERPETUA with all the accessory penalties provided therefor and to pay the costs hereof.

"The said accused is further ordered to pay the amount of FIFTY THOUSAND (P50,000.00) Philippine Currency to Nobelita S. Trelles as civil liability without however subsidiary imprisonment in case of insolvency and finally he is declared to be the father of the child born to Nobelita Trelles on March 9, 1997 and therefore fully liable for all the obligations inherent thereto.

"SO ORDERED."<sup>[2]</sup>

The tale of infidelity raises no doubt about the fact that there has been mutual animosity between Azucena and Amadeo that effectively leaves us with the lone testimony of private complainant which, although consisting of monosyllables and

vacillations between lucidity and ambiguity, nonetheless, is positive in pointing to and implicating Amadeo Trelles as the person who has so pitilessly abused her innocence.

The young Nobelita Trelles recounted in her testimony before the trial court the unfortunate incident that had befallen her.

" Q. In June 1996, what happened to you?

"A. ` *Babaw* ' (On top).

"ATTY. SE:

Your honor, ` *babaw* ' means shallow.

"COURT:

The court understands the Bicol dialect. ` *Babaw* ' means two things. It means `shallow' and the other meaning is `on top.' Continue.

"PROSECUTOR BORROMEO:

"Q. What do you mean by the word `babaw'?

"A. ` *Babaw, mabata.* ' (which means on top, bad smell)

"Q. Who has bad smell?

"A. Papa

"Q. Why do you say that your father is `mabata' or has a bad smell?

"A. ` *Amo-an* ' (In English, `that is the one.')

"x x x

x x x

x x x

"Q. Your mother was holding a baby. Whose baby is that?

"A. Mine, sir.

"Q. You are single, is that correct?

"A. None, sir.

"Q. How did you come to have a baby?

"A. None.

"Q. That baby which your mother was holding, belongs to you, is that correct?

"A. Yes, sir.

"Q. How did you come to have a baby?

"A. I fell. (*nahulog*).

"Q. Do you know the father of your baby?

"A. Amadeo Trelles.

"Q. Who is this Amadeo Trelles?