

THIRD DIVISION

[G.R. No. 136003-04, October 17, 2000]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
PABLITO ADAJIO Y ADAYA, ACCUSED-APPELLANT.**

DECISION

GONZAGA-REYES, J.:

Accused-appellant Pablito Adajio Y Adaya (PABLITO) appeals from the Decision^[1] dated June 16, 1998 rendered by the Regional Trial Court of Taal, Batangas that found him guilty of two counts of rape committed against Melanie Manalo (MELANIE).

The victim, MELANIE, is the niece of PABLITO's wife. At the time that the rapes were allegedly perpetrated, MELANIE was 13 years old. PABLITO was charged with rape in two separate Informations that read:

Criminal Case No. 10-95

"The undersigned Second Assistant Provincial Prosecutor, upon complaint of Melanie M. Manalo, accuses Pablito Adajio y Adaya of the crime of Rape, defined and penalized under Article 335 of the Revised Penal Code, committed as follows:

That on or about the 4th day of May, 1994, at about 2:00 o'clock in the afternoon, at Barangay Cuta East, Municipality of Sta. Teresita, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a bolo, by means of violence and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of the complainant, Melanie Manalo y Mabunga, a thirteen (13) year old girl (sic), against her will and consent.

Contrary to law."^[2]

Criminal Case No. 11-95

"The undersigned OIC-Provincial Prosecution, upon complaint of Melanie M. Manalo, accuses Pablito Adajio y Adaya of the crime of Rape, defined and penalized under Article 335 of the Revised Penal Code, committed as follows:

That on or about the 19th day of June, 1994, at about 2:00 o'clock in the afternoon, at Barangay Cuta East, Municipality of Sta. Teresita, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a bolo, by means of

violence and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of the complainant, Melanie Manalo y Mabunga, a thirteen (13) year old girl (sic), against her will and consent.

Contrary to law."^[3]

On August 22, 1995, PABLITO pleaded not guilty to the charges against him and thereafter the cases were jointly tried.

During the trial, MELANIE testified that on May 4, 1994 between 1 o'clock and 2 o'clock in the afternoon, she was left alone in her house washing the dishes. PABLITO then arrived and asked her to go with him to gather ripe bananas. MELANIE acceded. PABLITO allegedly had a bolo with him, about two (2) feet long including its handle.

Upon reaching the sugarcane field, PABLITO poked his bolo at MELANIE. PABLITO forcibly removed the T-shirt and shorts of MELANIE and pushed her to the ground. At that point, PABLITO took off his shorts and brief and mounted MELANIE. PABLITO kissed MELANIE who struggled to avoid his advances. PABLITO forcibly spread MELANIE's legs sideward and then inserted his penis into her sex organ. MELANIE felt pain and shouted "aray". MELANIE saw blood in her vagina. MELANIE punched and pinched PABLITO but to no avail.

After satisfying his lust, PABLITO stood up while MELANIE put on back her clothes. PABLITO then told MELANIE to go home and not to tell anyone about the incident or he will kill her and something bad will happen. MELANIE heeded PABLITO's threat fearing that something bad will happen to her and her family.

With respect to the second charge of rape, MELANIE recounted that on June 19, 1994 around 2 o'clock in the afternoon, while she was sweeping the front yard of their house, PABLITO, again armed with a bolo, asked MELANIE to follow him to the piggery. Out of fear, MELANIE followed PABLITO to the piggery. In the piggery, PABLITO commanded MELANIE to remove her clothes and laid her down to the cemented portion of the piggery. MELANIE struggled but PABLITO succeeded again in ravishing her. The same threats were uttered by PABLITO to silence MELANIE.

As for the defense, PABLITO admitted that he had sexual intercourse with MELANIE but he insisted that he did not employ force, threat or intimidation since it was consensual sex considering that he and MELANIE were lovers. Proof of this supposed relationship is the ID picture of MELANIE that she gave PABLITO; that MELANIE visited PABLITO when he was confined in the Municipal Jail of Alitagtag, Batangas to seek his forgiveness for what she had alleged in court; and that MELANIE gave PABLITO a ten peso bill where she wrote her name and address.

The trial court, convinced of PABLITO's guilt, rendered its now assailed decision convicting PABLITO of two counts of rape, the dispositive portion of said decision reads:

"WHEREFORE, in view of all the foregoing premises, the Court finds accused Pablito Adajio y Adaya guilty beyond reasonable doubt of the crime of Rape in Criminal Case Nos. 10-95 and 11-95. Accordingly, accused is hereby sentenced as follows:

In Criminal Case No. 10-95, accused is hereby sentenced to suffer reclusion perpetua and to pay the offended party an indemnity of P50,000.00; and

In Criminal Case No. 11-95, accused is hereby sentenced to suffer reclusion perpetua and to pay the offended party an indemnity of P 50,000.00.

In the service of the sentence, unless otherwise disqualified to (sic) the provisions of Article 29 of the Revised Penal Code, as amended, accused is to be credited with all the preventive imprisonment he had undergone. Considering that he is a national prisoner, the Provincial Warden of Batangas, Batangas City, is hereby directed to deliver and transfer him to the National Penitentiary, Muntinlupa City, Metro Manila, where he should serve his sentences.

SO ORDERED."

In this appeal, PABLITO asserts his innocence and relies upon the following assignment of errors for the reversal of the judgment of conviction:

"(A)

THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME OF RAPE DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

(B)

THE COURT A QUO ERRED IN NOT ACCORDING CREDENCE TO THE "SWEETHEART THEORY" PUT UP BY THE APPELLANT AS HIS DEFENSE.

(C)

THE TRIAL COURT ERRED IN GIVING FULL FAITH AND CREDENCE TO TESTIMONIES OF PROSECUTION WITNESSES AND COMPLETELY IGNORING TESTIMONIES OF DEFENSE WITNESSES."^[4]

After a careful review of the records of this case, we find no cogent reason to reverse the conviction of PABLITO whose guilt in committing the two counts of rapes has been established with certainty.

The core issue in this appeal is factual and involves the issue of credibility. Well entrenched is the rule that when it comes to the issue of credibility, the trial court is in a better position than the appellate court to properly evaluate testimonial evidence having the full opportunity to observe directly the witnesses' deportment and manner of testifying.^[5] Hence, in the absence of a palpable error or grave abuse of discretion on the part of the trial judge, the trial court's evaluation of the credibility of witnesses will not be disturbed on appeal.^[6] Moreover, we have held that when the offended parties are young and immature girls from the ages of twelve to sixteen, courts are inclined to lend credence to their version of what

transpired, considering not only their relative vulnerability but also the shame and embarrassment to which they would be exposed by court trial if the matter about which they testified is not true.^[7]

The trial court in this case gave credence to the testimony of the prosecution witnesses, more particularly, MELANIE who was only 13 years old at the time that she was raped and 15 years old at the time that she testified. Despite her age and the harrowing details that she had to recount, MELANIE was able to give testimony that can be characterized as clear and straightforward. MELANIE positively identified PABLITO as the one who raped her and credibly narrated the details of the rape charged in Criminal Case No. 10-95 in this manner:

"ATTY. AMURAO:

Q: What relation as to (sic) that Manong Abling to Pablito Adajio y Adaya to whom you pointed a while ago as Manong Abling?

A: His name is Pablito, sir.

Q: So that Pablito and Manong Abling refers (sic) to one and the same person?

A: Yes, sir.

Q: Miss Witness upon arrival of your Manong Abling and/or Pablito Adajio y Adaya on May 4, 1994 between 1:00 o'clock and 2:00 o'clock in the afternoon and while you were washing dishes what was said or uttered by your Manong Abling, if any?

ATTY. MARQUEZ:

Objection Your Honor presupposes that what was said.

COURT:

Reform the question.

ATTY. AMURAO:

Q: What happened did Pablito Adajio say anything?

A: I was invited to go with him to get some bananas, sir.

Q: Did you ask where to get the bananas?

A: Yes, sir.

Q: And what did he tell you?

A: In the sugarcane field, sir.

Q: And what was your reply or remarks to the invitation in going to the sugarcane field?

A: I answered, yes.

Q: What happened next if any after that?

A: After washing the dishes we went to the sugarcane field, sir.

Q: At the time that your uncle invited you to go with him to get bananas, did you notice anything from him?

A: Yes, sir I noticed something.

Q: Will you please tell to this Honorable Court of (sic) what have you noticed at that time you were invited by your uncle?

A: He was carrying a bolo (kawit), sir.

Q: How long is that bolo (kawit)?

A: About two (2) feet including the handle, sir.

Q: That illustration of yours does it included (sic) the handle of the bolo?

A: Yes, sir.

Q: And upon arrival at the sugarcane field, what happened if any?

A: When we were already at the side of the sugarcane field suddenly Pablito Adajio pulled me inside the sugarcane field,

sir.

Q: And after you were pulled inside the sugarcane field what happened?

A: When we were already inside the sugarcane field he asked me to take off my clothes, sir.

Q: And what was your reaction of that demand of Pablito Adajio to undress yourself?

A: He asked me to take off my clothes while poking his bolo to (sic) me, sir.

Q: By the way Miss Witness, what kind of clothes were you wearing at that time?

A: I was wearing a white T-shirt and short pants, sir.

Q: You said a while ago you took off your clothes or undress, which clothes or apparel did you take off?

A: He took off my T-shirt, sir.

Q: And after he took off your T-shirt what happened if any?

A: And he told me to take off my short, sir.

Q: And did you follow his demand to take off your short?

A: Nor, sir.

Q: Considering the fact that you did not take off your short as demanded by the accused Pablito Adajio, what did he do to you?

A: He was (sic) forcibly took off my short, sir.

Q: What else if any (sic) done by Pablito Adajio?

A: He made me laid (sic) down on the ground and placed himself on top of me, sir.

Q: Were you wearing panty at that time?

A: No I am (sic) not wearing panty at that time, sir, because he had already took (sic) off my panty.

Q: In what point of (sic) time did the accused removed (sic) your panty?

A: When he removed my T-shirt he took off my panty, sir.

Q: According to you the accused made you laid (sic) down, how did he make that?

A: He suddenly pushed me to the ground, sir.

Q: And after that what happened if any?

A: When I (sic) already lying down that was the time he took off his short and his brief, sir.

Q: And what happened next?

A: When I was lying down he placed himself on top of me and kissed (sic). While he was kissing me I struggled and I tried to avoid the kisses which landed on my neck (sic) but I cannot do anything, sir.

Q: What else were done if any by the said accused Pablito Adajio aside from placing himself on top of you and kissed (sic) you landing on your neck?

A: He forced my leg to spread, sir. He forced to separate my legs, sir.

Q: What else did the accused do to you?

A: He was forcing his penis inside my sex organ, sir.

Q: Was he able to insert his penis to your sex organ?

A: Yes, sir.

Q: And upon the insertion what did you feel if you feel anything?

A: I shouted "aray", sir.

Q: Was there anything done to you upon insertion of his penis to