

FIRST DIVISION

[G.R. Nos. 120916-17 & 120919, April 01, 1998]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CORNELIO VILLAMIN, ACCUSED-APPELLANT.**

D E C I S I O N

BELLOSILLO, J.:

ALMOST a foundling at two, Maritess Gamido was abandoned by her parents and left to the care of her grandmother Teodora. Maritess' mother deserted her to live with a lothario somewhere else, while her father remained in town with a second woman. Thereafter, her grandfather with whom she was staying was found guilty of a crime and ordered confined at the New Bilibid Prisons in Muntinlupa. Teodora, who opted to stay near her husband, left Maritess behind with some relatives. The Fates indeed seemed to have conspired against this unfortunate and miserable little lass.

At thirteen, Maritess never saw the walls of a classroom. None of her relations thought of sending her to school. She only learned, by sheer force of circumstances, menial household chores. For years she was hopping from one relative to another but none of them treated her more than a mere domestic help.

Sometime in September 1994 Maritess was fetched from the house of Rolando Gamido, another relative, by a certain Julita Villamin who brought her to her house in Bgy. Ariston West, Asingan, Pangasinan, again as a helper in the house tasked to take care of the grandchild of Julita Villamin.

The day she arrived at Bgy. Ariston West, Maritess' life, already miserable and unfortunate, took a turn for the worse. Narrating her ordeal, she told the court that on 19 September 1994, at 2:00 in the afternoon, while she was taking a bath, Cornelio Villamin, whom she called *Uncle Cornel*, husband of Julita, went inside the bathroom and told her to lie down. Holding a knife, he forcibly inserted his penis inside her vagina and succeeded in having sexual intercourse with her. She could not offer any resistance as she was terribly afraid of her *Uncle Cornel*. Then, she had to keep the incident to herself. She was scared to tell her aunt Julita Villamin as it might complicate matters and make things worse for her. She was now practically fending for herself; she was alone.

The following day, 20 September 1994, Cornelio Villamin again molested Maritess. He entered her room while she was sleeping. For the second time, he ravished her. Like the day before, she did not resist her *Uncle Cornel's* advances because she feared for her life. He was armed with a long knife. Worse, she had to keep her misfortune to herself.

On 21 September 1994, his lust obviously unsatiated, Cornelio once again forced himself on Maritess while she was bathing in the bathroom. This time she could no longer contain the atrocious advances of her *Uncle Cornel*. She was now determined to rebel against him. She went to the house of her aunt Anita and immediately

unburdened herself to her. With the help of her aunt, she reported the matter to *Kagawad* Laurena Ines who referred her case to Bgy. Captain David Santilla with whose assistance a criminal complaint was filed by Maritess against Cornelio Villamin. From the police station, she was brought to the hospital for medical examination. Thereafter, her relatives left her under the care of the social workers of the Department of Social Welfare and Development.

Accused-appellant Cornelio Villamin, for his part, averred that during the three (3) alleged incidents, he was at his farm together with his workers planting eggplant seedlings. His farm was one and a-half (1^{1/2}) kilometers from his house which could be traversed in thirty (30) minutes. He did not know of any reason why Maritess would file a complaint against him.

Accused-appellant failed to persuade the trial court. It found and so held that the prosecution had established beyond reasonable doubt that the accused Cornelio Villamin had sexual intercourse with Maritess Gamido on those three (3) occasions against her will through threats and intimidation. Consequently, accused-appellant was sentenced to suffer the penalty of *reclusion perpetua* for each rape committed and to indemnify Maritess a total amount of P90,000.00.^[1]

Accused-appellant now contends that the lower court erred in finding him guilty of three (3) counts of rape.

The trial court did not err. The conviction of accused-appellant Cornelio Villamin of three (3) counts of rape must stand. The alleged inconsistencies, if indeed they can be characterized as such, refer only to minor details which did not in any manner affect the candid and credible testimony of the complaining witness. That Maritess could not specifically pinpoint the exact dates and hours during which she was raped by accused-appellant is of no moment considering that she was only thirteen (13) years old. Unschooled, she did not know how to count nor tell the date and time.

This Court, needless to say, accords the highest respect, and even finality, to the factual findings of the trial court absent any showing of grave abuse of discretion or that it overlooked material facts that are relevant to the resolution of the case. We find no such abuse of discretion in the instant case; neither did the court *a quo* overlook material and relevant facts. In *People v. Esquila*,^[2] we ruled -

x x x (I)t should be remembered that the victim, Maribeth, was only 14 years old at the time she testified and, therefore, it is not unnatural should inconsistencies crop into her testimony as she is more prone to error than an adult person. In fact, minor inconsistencies may be expected of persons of such tender years.

The minor inconsistencies in Gloria's testimonies are to be expected. Protracted cross-examination of a 16-year old girl not accustomed to public trial would produce contradictions which nevertheless would not destroy her credibility (*People v. Gozum*, 135 SCRA 295 [1995]).

We will not deviate from the rule that "testimonies of rape victims who are young and immature are credible; the revelation of an innocent child whose chastity was abused demands full credence" (*citations omitted*).

Too, the inconsistent statements Maribeth made as to the date and place of the commission of the crime are collateral or minor matters