

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

G.R. Nos. 136003-04. October 17, 2000

Ponente: GONZAGA-REYES, J.

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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 Ablang to Pablito Adajio y Adaya to whom you pointed a while ago as Manong Ablang?

A:

His name is Pablito, sir.

Q:

So that Pablito and Manong Ablang 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 your sex organ?

A:

I saw blood flowing and I feel (sic) pain on (sic) my body, sir.

Q:

And what did you do after his penis was inserted?

A:

I was struggling "nagpipilwag", sir.

Q:

Aside from nagpipilwag or struggling what else did you do?

A:

I was fighting back, sir.

Q:

Can you tell the Honorable Court of (sic) how you fought back?

A:

By punching him on his body, sir.

Q:

What else if any?

A:

I was pinching him, sir.

Q:

Now after that insertion of his penis on your sex organ and after the words you said you are "napaaray", what happened next?

A:

He stood up, sir.

Q:

And what happened next?

A:

I stood up and I went into one corner, sir.

Q:

And what did you do when you go (sic) to the corner?

A:

I dress (sic) up myself, sir.

Q:

And what did Pablito Adajio y Adaya do if any?

A:

He also dress (sic) up, sir.

Q:

And what happened next if any?

A:

He told me to go home and "huwag magpapahalata" and not (sic) to refrain from telling this matter to anybody, he will kill me or else something bad will happen, sir.

ATTY. AMURAO:

If your Honor please, inasmuch as that (sic) there are two cases, we are going to another case, Your Honor.

COURT:

We are still on Criminal Case No. 10-95 and it took place on May 4, 1994. You have to finish first Criminal Case No. 10-95.

ATTY. AMURAO:

Q:

You said that you were told to go home, did you follow his instructions?

A:

Yes, sir.

Q:

Did you tell this to anybody?

A:

No, sir because he threatened me that something bad will happen to me and my family."[8]

As for the details of the rape alleged in Criminal Case No. 11-95, MELANIE gave a faithful account, viz:

"Q:

Now Miss Witness could you recall where were you on June 19, 1994 past noon, that is 2:00 o'clock in the afternoon?

A:

I was inside our house, sir.

Q:

And where was your house on June 19, 1994?

A:

At Cuta East, Sta. Teresita, Batangas, sir.

Q:

And the house of yours on said date and place were also the same house as on May 4, 1994?

A:

Yes, sir.

Q:

Could you recall what were you (sic) doing if any on June 19, 1994 between 1:00 o'clock and 2:00 o'clock in the afternoon?

A:

I was in front of our house and I was sweeping our yard, sir.

Q:

And while you were sweeping your yard was there anything unusual that happened?

A:

Yes, sir.

Q:

Will you please tell this Honorable Court that unusual incident that happened on that said date and time?

A:

Manong Abling approached me, sir.

Q:

And upon approaching you what followed next, if any?

A:

He told me to follow him to the piggery, sir.

Q:

Is that Manong Abling, is he the same uncle of yours Pablito Adajio y Adaya?

A:

Yes, sir.

Q:

And did you notice anything in the person of Pablito Adajio y Adaja alias Abling when he asked you to follow him towards the piggery?

A:

He was carrying a bolo (kawit), sir.

Q:

And what was your reaction to the instruction of the said accused to follow him to the piggery?

A:

I followed him, sir.

Q:

And why did you follow him?

ATTY. MARQUEZ:

Argumentative, Your Honor.

COURT:

Let the witness answer.

A:

Because I was afraid and he was threatening me and I have no alternative but to heed him, sir.

Q:

Did you reach the piggery which (sic) you said the accused told you to follow him?

A:

Yes, sir.

Q:

And what happened when you reach (sic) the piggery?

A:

When I reach (sic) the piggery Manong Ablang was already there, sir.

Q:

Were there hogs and/or pigs in the piggery?

A:

There was none, sir.

Q:

Why did you say that that is a piggery?

A:

Formerly it was piggery farm but the owner suffered losses that is why there was no hogs there, sir.

Q:

How far is your house from the piggery on June 19, 1994. how many meters I withdraw that.

Q:

Can you demonstrate the distance of that piggery by pointing inside or outside the Courtroom from the place (sic) you said is your house?

INTERPRETER:

Witness pointing to the door of the Secretary to the Mayor, estimated to me more or less twenty to twenty-five (20 to 25) meters.

Q:

You said you reach (sic) the said piggery and your uncle Pablito Adajio y Adaya was already there, what happened?

A:

When we were already in the piggery he told me to do as he did on May 4, 1994, sir.

Q:

Can you tell this Honorable Court what specific thing that you said was done on May 4, 1994?

A:

He told me to take off my clothes, sir.

Q:

Then after that?

A:

He told me to lay (sic) down, sir.

Q:

In what particular place did the accused tell you to lay (sic) down?

A:

At the cemented portion of the piggery, sir.

Q:

Did you follow the order of the accused to lay (sic) down?

A:

Yes, sir.

Q:

Why?

A:

Because I was afraid, sir.

Q:

Why were you afraid to (sic) him?

A:

He threatened to kill me and (sic) something bad will happen, sir.

Q:

After lying down what happened next if any?

A:

He placed himself on top of me, sir.

Q:

What happened next?

A:

He kisses (sic) me, sir.

Q:

And what were he doing while he was kissing you?

A:

He held my hand, sir.

ATTY. AMURAO:

May I manifest to (sic) the record Your Honor that when the witness make (sic) her answer to the question she is crying and she wipe (sic) her tears with her handkerchief.

Q:

Which part of your body was being kissed by the accused?

A:

My neck and my face, sir.

Q:

What else were done if any by the accused when he placed himself on top of you?

A:

He inserted his penis inside my sex organ, sir.

Q:

Did he inserted (sic) inside (sic) his penis to your sex organ?

A:

Yes, sir.

Q:

While the accused (sic) trying to insert his penis to your sex organ what did you do if any?

A:

I was struggling and fighting back, sir.

COURT:

Q:

Despite fighting back did the accused succeed in completing his desire?

A:

Yes, sir.

COURT:

Go on counsel.

ATTY. AMURAO:

Q:

After that what happened?

A:

He stood up, sir.

Q:

And after standing up what happened?

A:

He told me not to reveal it to anybody and just the same of what he threatened me (sic).

Q:

What was the threat?

A:

He told me that if I tell this to anybody he will kill me (sic) including my family, sir.

Q:

Now Miss Witness in connection with the incident on May 4, 1994 did you submit yourself to any physician?

A:

Yes, sir.

Q:

When did you submit yourself to a medical examination to the best of your recollection?

A:

On September 26, 1994, sir.

Q:

And before whom did you submit yourself for medical examination on September 26, 1994?

A:

To Dr. Mayuga, sir.

Q:

Where was the clinic of that doctor?

A:

At the Provincial Hospital, Lemery, Batangas, sir.

Q:

Were you issued a medical certificate?

A:

Yes, sir.

Q:

Did you submit to another doctor for medical examination?

A:

Yes, sir.

Q:

And where did you try or before whom did you try to submit yourself to a medical examination?

A:

At Batangas Regional Hospital but they refused to examine me because they might be subpoena (sic) in connection with the filing (sic) a case in Court, sir."[9]

In judging rape cases, the following principles serve as guidelines to the Court: (a) an accusation of rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove; (b) in view of the nature of the crime in which only two persons are involved, the testimony of the complainant must be scrutinized with extreme caution; and (c) the evidence for the prosecution must stand or fall on its own merits, and cannot be allowed to draw strength from the weakness of the evidence for the defense.[10]

The lone credible testimony of MELANIE is sufficient to convict PABLITO for the crimes charged. Jurisprudence has established the doctrine that if the testimony of the victim meets the test of credibility, the accused can be justifiably convicted on the basis thereof; otherwise, he should be acquitted of the crime.[11] What is striking about Criminal Case No. 10-95 is the fact that MELANIE was not the bare witness to the first rape committed against her by PABLITO since her brother, Richard, also witnessed PABLITO's sordid deed.

Richard testified that on May 4, 1994 between 12 o'clock and 2 o'clock in the afternoon, he was in their house while MELANIE was washing the dishes. He overheard PABLITO ask MELANIE to go with him to gather ripe bananas. Richard secretly followed MELANIE and PABLITO. Richard then saw PABLITO pull MELANIE into the sugarcane field with a bolo poked on MELANIE. He then witnessed how PABLITO raped his sister. When PABLITO looked around, he saw Richard who then proceeded to go home. It was in front of the house of Richard and MELANIE that PABLITO confronted Richard and threatened him not to tell anyone of what he saw or he would be killed.

The testimonies of MELANIE and Richard yield the conclusion that PABLITO had carnal knowledge with MELANIE in the sugarcane field through force. MELANIE and Richard unequivocally stated that PABLITO had a bolo with him that he poked at MELANIE to cow her into submission. The honest resistance of MELANIE, she punched and pinched PABLITO, was however not enough to repel her attacker. For good measure, PABLITO threatened MELANIE and Richard not to tell anyone of his reprehensible acts or he would kill them and their family.

PABLITO's claim that he did not force MELANIE to have sex with him rests on his defense that he and MELANIE were lovers and that the supposed resistance of MELANIE "may be best considered a natural reaction to a lover's passionate fondling"[12]. To prove his point, PABLITO capitalizes on instances that allegedly indicate

the voluntary submission of MELANIE to him. MELANIE allegedly readily obliged when she was asked by him to remove her shirt and pants when their first sexual congress took place in the sugarcane field. PABLITO also harps on the testimony of MELANIE that he had kissed her for "about half (1/2) an hour" while he was already on top of her. PABLITO contends that this "kissing spree" signified voluntariness on the part of MELANIE. PABLITO cites some supposed badges of the consensual nature of their sexual congress such as the failure of MELANIE to shout for help; the absence of proof that MELANIE's legs were forced apart; and the fact that MELANIE readily followed him to the piggery.

We are not persuaded. MELANIE declared, without vacillation, that she was forced and threatened by PABLITO during the first and second rapes. Richard corroborates the fact that PABLITO employed force in raping MELANIE in the sugarcane field. MELANIE on direct examination testified that PABLITO removed her T-shirt, shorts and panty,[13] but upon cross examination she corrected this by stating that it was she who removed her T-shirt upon the command of PABLITO while he had to forcibly remove her shorts and panty.[14] However, this minor inconsistency does not taint the credibility of MELANIE, whose entire testimony the trial court found credible.

Fear of bodily harm and fear for the safety of her family prevented MELANIE from shouting for help, caused her to spread her legs upon the order of PABLITO and compelled her to follow PABLITO to the piggery where the second charge of rape occurred. As mentioned earlier, the 13-year-old victim did manifestly struggle against her 53-year-old attacker during the rapes. At any rate, 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.[15]

As to the "kissing spree" allegedly testified to by MELANIE, a perusal of the transcript reveals that this testimony is taken out of context. While MELANIE did testify that she was kissed by PABLITO for "about half (1/2) an hour", MELANIE declared that it was PABLITO who kissed her and that his kisses merely hit her neck because she was repeatedly avoiding them.[16]

All told, the credible testimonies of the prosecution witnesses that PABLITO forced and threatened MELANIE to have sexual intercourse with him outweigh the defense of consensual sex. Hence, even assuming that PABLITO and MELANIE were lovers, this fact alone is not exculpatory.[17] A sweetheart cannot be forced to have sex against her will.[18]

PABLITO then harps on the alleged failure of the medico legal certificate to prove that there was forceful coition. The Medico Legal Certificate dated September 26, 1994 prepared by Doctor Teodoro Mayuga of the Provincial Hospital at Lemery, Batangas showed the following:

"Physical Examination

Breast

- Conical in shape with nipple and areola pinkish-brown in color

- It is moderately hard in consistency

Vulva

- There were no signs of swelling, tenderness, contusion nor abrasion

Pubic hair

- there were no pubic hair

Perineor-Fourchette

- there were no signs of abrasions nor tears

Hymen

- Old laceration at 2, 5, & 11 o'clock no congestion, no erythema, contusion noted at the vaginal area

- Admits one finger with ease."[19]

It bears stress that rape is not negated simply because the medico legal certificate failed to show that there was forceful coition. In fact, settled is the rule that a medical report is not even necessary in a prosecution for rape, as long as the evidence on hand convinces the court that conviction is proper,[20] as in this case.

PABLITO also questions the failure of the prosecution to present the blood-stained shirt and/or panty of MELANIE. Though PABLITO concedes that these objects are not essential in proving rape, he invokes the case of *People vs. Godoy*[21] which he insists is applicable to this case. In *People vs. Godoy*, the deliberate non-presentation of the blood-stained skirt was ruled to have weakened the cause of the prosecution.

We do not agree. In *People vs. Godoy*, the testimony of the complainant was inherently weak and no other physical evidence was presented to bolster the charge of sexual abuse except for the medical report which even negated the existence of one of the essential elements of the crime.[22] Hence, the deliberate non-presentation of the complainant's blood-stained skirt was held to "vigorously militate against the prosecution's cause".[23] In the case at bar, the convincing and unwavering testimony of the victim taken together with the similarly credible corroborative testimony of her brother leave no room to doubt PABLITO's guilt for the crimes charged. Thus, the non-presentation of MELANIE's bloodied shirt and/or underwear, the existence of which was not even intimated by the prosecution, is not indispensable in proving the rape of MELANIE.

In another strained attempt to cast doubt on MELANIE's claims of rape, PABLITO calls attention to the absence of rage, revulsion and disgust on the part of MELANIE after the alleged rapes. According to PABLITO, MELANIE's behavior is inconsistent with the natural reaction of an outraged woman robbed of her honor. To impress upon this Court his innocence, PABLITO points out that he remained at his residence, just 30 meters away from that of MELANIE's after the first rape was allegedly committed on May 4, 1994.

We find PABLITO's arguments to be tenuous. We have time and again declared that there is no standard form of behavior that is expected of rape victims right after they have been defiled because people react differently to emotional stress.[24] This experience is relative and may be dealt with in many ways by the victim depending on the circumstances, but her credibility should not be tainted with any modicum of doubt.[25] MELANIE has no evil motive in levying such serious accusations against a man who happens to be her uncle. The members of MELANIE's family would not subject her, a child at that, to the stigma and embarrassment concomitant with a rape trial if they were not impelled solely by their quest for justice.

The fact that PABLITO remained in his residence just 30 meters away from MELANIE after the first rape was committed does not bolster his supposed innocence. The proximity in fact gave PABLITO the opportunity to again rape MELANIE.

Article 335 of the Revised Penal Code as amended by Section 11 of RA 7659 decrees that whenever the rape is

committed with the use of a deadly weapon, the penalty shall be reclusion perpetua to death. Considering that no mitigating or aggravating circumstances attended the commission of the two counts of rape, the lesser penalty of reclusion perpetua shall be applied to both cases.[26]

The trial court correctly ordered PABLITO to pay P50,000.00 indemnity in Criminal Case No. 10-95 and another P50,000.00 in Criminal Case No. 11-95 to MELANIE. However, in line with current rulings, moral damages in the amount of P50,000.00 must be automatically granted in rape cases, separate and distinct from the indemnity.[27] Thus, accused-appellant PABLITO must also pay P50,000.00 moral damages in Criminal Case No. 10-95 and P50,000.00 moral damages in Criminal case No. 11-95.

WHEREFORE, the appealed decision finding accused PABLITO ADAJIO y ADAYA guilty beyond reasonable doubt of two counts of rape is hereby AFFIRMED with the MODIFICATION that accused-appellant is ordered to pay Melanie M. Manalo P50,000.00 moral damages in Criminal Case No. 10-95 and P50,000.00 moral damages in Criminal Case No. 11-95 in addition to the P50,000.00 civil indemnity that the trial court ordered him to pay in both cases.

Costs against accused-appellant.

SO ORDERED.

Melo, (Chairman), Vitug, Panganiban, and Purisima, JJ., concur.

[1] Per Judge Benjamin P. Martinez.

[2] Rollo, p. 10.

[3] Records, p. 1.

[4] Rollo, p. 104.

[5] People vs. Narido, G.R. No. 132058, October 1, 1999.

[6] People vs. Bolatete, 303 SCRA 709 (1999), p. 729.

[7] People vs. Clopino, 290 SCRA 432 (1998), p. 444-445.

[8] TSN, October 3, 1995, pp. 10-16.

[9] Ibid., pp. 18-25.

[10] People vs. Barcelona, G.R. No. 125341, February 9, 2000.

[11] People vs. Deleverio, 289 SCRA 547(1998), p. 555.

[12] Rollo, p. 10.

[13] TSN, October 3, 1995, p. 13.

[14] TSN, November 17, 1995, p. 23.

[15] People vs. Baltar, G.R. No. 130341, February 10, 2000.

[16] Ibid., p. 24.

[17] Ibid.

[18] Ibid.

[19] Records, p. 9.

[20] People vs. Auxtero, 289 SCRA 75 (1998), p. 82.

[21] 250 SCRA 676 (1995).

[22] Ibid., p. 710.

[23] Ibid.

[24] People vs. Lomerio, G.R. No. 129074, February 28, 2000.

[25] Ibid.

[26] See Article 63, paragraph 2 of the Revised Penal Code.

[27] People vs. Lomerio, supra.

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