

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF, VS. CONRADO PAJARO ALIAS “DADI”, DEFENDANT.

G.R. Nos. 93026-27. December 17, 1996

Ponente: TORRES, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-93026-27/>

TORRES, JR., J.:

Accused-appellant Conrado Pajaro alias "Dadi", was found guilty for raping thirteen (13) year old Agnes Gorrion y Dojeno, and he now comes to this Court alleging inter alia that the prosecution failed to prove his guilt beyond reasonable doubt.

It appears on record that on July 10, 1981, two informations both for the crime of rape was filed against Conrado Pajaro alias “Dadi”. The aforesaid informations read as follows:

Criminal Case No. 4542

"That on or about the 7th day of February, 1981, in the Municipality of Hinigaran, Province of Negros Occidental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with knife, by means of force and intimidation, did then and there, wilfully, unlawfully and feloniously have carnal knowledge of one AGNES GORRION y DOJENO, against the will of the latter.

CONTRARY TO LAW."[1]

Criminal Case No. 4556

"That on or about the 11th day of February, 1981, in the Municipality of Hinigaran, Province of Negros Occidental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with knife, by means of force and intimidation, did then and there, wilfully, unlawfully and feloniously have carnal knowledge of one AGNES GORRION y DOJENO, against the will of the latter.

ACT CONTRARY TO LAW."[2]

The cases were assigned to the Regional Trial Court, Branch 42, Bacolod City. At arraignment, accused Pajaro pleaded not guilty to the crime charged. Joint trial on the merits ensued and thereafter, the trial court rendered its decision dated November 14, 1989, as follows:

"WHEREFORE, the foregoing premises considered, the Court finds the accused CONRADO PAJARO alias "Dadi", guilty beyond reasonable doubt of having committed the crime of rape defined and penalized by Article 335 of the Revised Penal Code on two (2) separate occasions charged in the above-entitled Informations, and hereby sentences said accused-

(1) in Criminal Case No. 4542, to suffer a penalty of RECLUSION PERPETUA and to indemnify the offended party AGNES D. GORRION the sum of P20,000; and likewise,

(2) in Criminal Case No. 4556, to suffer a penalty of RECLUSION PERPETUA and to indemnify the same offended party AGNES D. GORRION the sum of P20,000.

The Court finds it unnecessary to make pronouncement with respect to the acknowledgment of a possible offspring taking into account that no evidence was adduced by the prosecution to show that pregnancy occurred to Agnes D. Gorrión between the time she was sexually abused on February 7 and 11, 1981, and the trial of these cases.

With costs in both cases.

SO ORDERED."[3]

The antecedent facts:

On February 7, 1981, at about 7:00 o'clock in the evening in Barrio Patiqui, Hinigaran, Negros Occidental, thirteen (13) year old Agnes Gorrión left their house to fetch her mother in the barangay market. On her way to the market, she met the accused Conrado Pajaro (naked) at the passage along the sugarcane plantation. Pajaro grabbed Agnes and dragged her into the sugarcane field owned by Linda Carrachico. Agnes struggled to free herself from the clutches of Pajaro but the latter pointed a knife at her. He pushed the girl and forced her to lie down. Pajaro succeeded in undressing Agnes while still pointing a knife at the latter's neck. Agnes cried and tried to fight but her efforts remained futile. Pajaro was able to place himself on top of Agnes and forced himself into her, thereby satisfying his lust. Agnes described her horrifying experience as follows:

"Q.

How about the accused, what did he do?

A

He placed himself on top of me and held my two hands and pointed the knife against my neck.

Q

After the accused did this, what did he do?

A

He warned me not to inform my parents about the incident.

Q

While the accused was on top of you, did he do something else?

A

He held my both hands and pointed a knife against me.

Q

And then?

A

He placed his palm on my mouth and he did not want me to utter a word.

Q

Then what else?

A

I was crying because I was in pain.

Q

Why were you in pain?

A

Because he placed himself on top of me.

Q

What else did the accused do besides placing himself on top of you?

A

He held both of my hands.

Q

What else?

A

He pointed a knife against my neck.

Q

Now, you testified that you felt pain. In what part of the body did you feel pain?

A

In my private parts.

Q

Why?

A

Because he inserted something on my private parts.

Q

What is it that he placed in your private parts?

A

His penis.

Q

Was the accused able to penetrate your vagina?

A

He was able to penetrate his penis inside my vagina.

Q

While his penis was inside your vagina, what did you do?

A

I was crying.

Q

What else did you do?

A

I wanted to free myself but I was unable to.

Q

Why?

A

Because he was holding both my hands.

Q

And what else?

A

The same thing, he was pointing his knife against my neck.

Q

After the accused had sexual intercourse with you, what did you do?

A

He left and went away."^[4]

After the incident, Agnes proceeded to the market. She did not reveal to her mother or to anyone in her family what happened to her that night.

Then on February 11, 1981, at about 8:00 o'clock in the evening, Agnes was on her way to buy bananas for their supper when she was accosted again by the accused Pajaro. He pointed a knife at her and then dragged her to the sugarcane field owned by Carlos Parcon. He covered her mouth, held her hands and pressed a knife at her. Agnes resisted and fought back but accused Pajaro overpowered her. Then he pushed her to the ground and forcibly undressed her. Pajaro then laid on top of Agnes and succeeded in having sexual intercourse with her. After the bestial act, the accused ran away. Agnes, because of her fear, did not report the matter to anybody.

Two weeks after the incident, Agnes' sister, Fe, and her mother Bienvenida, noticed that Agnes was looking pale and haggard and was often seen staring blankly at the wall. She likewise refused to eat and her mother had to spoonfeed her. She complained of stomach pains and physical discomfort. Consequently, her sister Fe confronted her and coerced her to tell what was wrong with her. It took sometime before Agnes finally confessed and narrated what happened to her.

Fe Gorrion brought Agnes to the Hinigaran Municipal Clinic where she was examined by the rural health physician. Later, she was brought to Bacolod City where she was examined by Dr. Anthony Hinolan at the Corazon Locsin Montelibano Memorial Hospital. The medical examination revealed the following:

"Internal Examination:

Hymen - old laceration at 6 o'clock.

Introitus - admits two fingers easily.

Adnexa - negative
Cervix - small-close.
Uterus - small (normal size)."[5]

The medical report showed that there was possibly sexual intercourse or something had been inserted into the girl's vagina which caused laceration. At the time Agnes was examined, the laceration had already healed. There was also no spermatozoa seen.

On March 25, 1981, accused Pajaro was arrested. He was ordered to be detained and on July 6, 1981, he was transferred to the provincial jail of Bacolod City. On February 21, 1983, during the pendency of the trial, accused Pajaro escaped from jail. He was recaptured only on January 29, 1988.

Accused Conrado Pajaro alias "Dadi", single and jobless, was about 37 years old at the time of the incident. The accused did not deny having had sexual intercourse with Agnes and alleged that it was by mutual consent. For his defense, accused testified that Agnes used to ask money from him. On February 7, 1981, he was at a market stall vulcanizing bicycle tire when Agnes approached him and ask for money. He refused to give her, telling her that he would be going to Bacolod City to have a good time and be with a woman. Agnes asked him how much he usually pays the woman and he said, "P5.00". Agnes volunteered herself for only P4.00 and told him that she would meet him that afternoon at the sugarcane field near her house. So later that day, they met at the plantation and had sexual intercourse there. Thereafter, Agnes asked him to buy her a bicycle. He told her that he would have to save money but in the meantime, they would continue their tryst.

On February 11, 1981, Agnes told her mother that she was going to play. She, however, met the accused and again they had sexual intercourse in the fields that afternoon. Their last contact was on March 20, 1981.

The accused-appellant seemingly strange version of the incident is in the opinion of the court a quo, "utterly unbelievable", viz:

"It is utterly unbelievable that a young barrio girl of 13 like Agnes Gorrion, who, at that time, was still in her elementary grades and possessed with a traditional and proverbial modesty of a Filipino would, lure a much older man of 38 years to have sex with her not even for the sake of love, but for a fee, when there is no iota of proof that Agnes Gorrion was already a harlot at such a tender age. Such a claim exposes the accused' mental perversity.

Such kind of a story proposed by the accused to gain absolution must be totally rejected because it is a well-defined doctrine in law, that "evidence to be believed must not only proceed from the mouth of a credible witness, but it must be credible in itself such as the common experience and observation of mankind can approve as probable under the circumstances." (People vs. Dayag, L-3619, March 29, 1974; People vs. Valdez, L-51034, May 29, 1987)

Accused Pajaro also denied escaping from jail. He alleged that he was assigned in the janitorial services when he got drunk and slept at the plaza that evening. When he woke up the following morning, he was in doubt whether to go back to jail or to go home; he decided to go home. He later went to Taclaron Bago and helped in harvesting palay. He went back to Patiqui, Hinigaran three days after. He was only recaptured in January 1988 after the mother of Agnes Gorrion reported to the police that she was threatened with a knife by him on the eve of the wedding of the sister of one Norbing.

The trial court found the testimony of Agnes Gorrion credible and gave weight to the evidence of the prosecution. Accused Pajaro was sentenced to the penalty of Reclusion Perpetua both in Criminal Case Nos. 4542 and 4556.

Hence, this appeal with this sole assignment of error:

The trial court erred in finding the accused guilty beyond reasonable doubt of the crime of rape on two (2) counts.

Accused-appellant Conrado Pajaro contends that there was no rape because: 1) neither the dress nor the panty of Agnes was torn so there was no struggle; 2) Agnes did not report the incidents immediately after they happened; 3) although the medical report showed that there was sexual intercourse, the doctor was not certain whether there was rape; 4) when accused-appellant escaped from jail, the complainant, for almost five years, did not exert effort to have him recaptured.

The appeal must fail.

Agnes Gorrión positively identified her rapist as the accused-appellant Conrado "Dadi" Pajaro. Although it was already dark, the first time she was defiled, Agnes nevertheless, recognized the voice of accused-appellant and his quaint smell (like a dog). There was a smell of dog in his fingernails. The second time Agnes was raped, accused-appellant identified himself to Agnes.[6]

The fact that the dress and panty of Agnes were not torn cannot disprove that she was raped. The force or violence necessary in rape is a relative term, depending on the size, age and strength of the parties and their relation to each other.[7] Agnes was only thirteen years old at the time she was raped by the accused-appellant who was then already in his late thirties. Her resistance was inadequate to repulse the assaults of the accused-appellant. There is rape when force or intimidation was exerted on a woman and there was carnal knowledge against her will. Even the absence of external injuries does not negate her accusation of rape. Proof of injury or damage is not an essential element of the crime.

Agnes was threatened by the accused-appellant with a knife sticking at her neck. Seized by fear and helpless, Pajaro achieved his lewd desires. It was also because of fear that she did not immediately report the incident to her mother or to the authorities. It should be observed that Agnes was a young girl who grew up in the barrio. It was understandable that she did not disclose the incident because it was shameful and terrifying. At her young age, she did not possibly know what to do after the tragic incident and how to cope up with it. This was manifested by the sudden deterioration of her health and attitude.

This is a good time as any to stress the fact that-

"x x x Behavioral psychology teaches us that different people react to similar situations dissimilarly. Most women would resist a sexual assault with a wild struggle. Others become virtually catatonic because of the mental shock they experience. Yet, it can never be successfully argued that the latter are any less sexual victims than the former. As we held in an earlier case:

" x x x A young girl, unlike a mature woman, cannot be expected to have the courage and intelligence to immediately report a sexual assault committed against her especially when a death threat hangs over her head. To her simple, unsophisticated mind, appellant's threat was not an idle one x x x." (People vs. Ibay, 233 SCRA 15)

The testimony of the victim was credible and convincing.

There was no evidence showing improper motive on the part of Agnes and the other prosecution witnesses to impute the crime against the accused-appellant. It is settled that in the absence of evidence to show why the prosecution witness would have testified falsely, the logical conclusion is that no such improper motive existed and that, therefore, the testimony is worthy of full faith and credit.[8]

It should be noted that accused-appellant escaped from jail during the pendency of the trial. His action was not that of an innocent man but one who wanted to evade punishment. Necessarily, his defense of innocence is not

worthy of belief. Over the years, this Court has time and again sustained the rule that "flight indicates a consciousness of guilt on the part of the accused." [9]

In synthesis, accused-appellant posits issues the bottom-line of which is one of credibility. We have, however, adhered to the time-honored postulate that "the findings of fact of a trial court are not to be disturbed on appeal unless the trial court has overlooked, ignored, or disregarded some fact or circumstance of weight or significance which if considered would have altered the case (People vs. Martinez, 205 SCRA 666), for verily, the trial court is in a better position to observe the demeanor of the witnesses while testifying (Collado vs. IAC, 206 SCRA 206). Thus, we find no fact or circumstance which would otherwise justify the reversal of the assailed decision. Considering, however, that the "crime committed against the innocent 13-year old lass, the damages awarded for the two cases are separately increased to thirty thousand pesos (P30,000.00) pursuant to prevailing case law. [10]

IN VIEW OF THE FOREGOING PREMISES, the decision appealed from dated November 14, 1989, is hereby AFFIRMED with the modification as to the indemnity for damages as abovestated.

SO ORDERED.

Regalado, (Chairman), Romero, Puno, and Mendoza, JJ., concur.

[1] Information, Record of G.R. 4542, p. 1.

[2] Information, Record of G.R. 4556, p. 1.

[3] Decision, Records, p. 201.

[4] TSN, Agnes Gorrion, March 19, 1982, pp. 10-12.

[5] Exhibit "C", Records, p. 21.

[6] TSN, Agnes Gorrion, May 3, 1982, pp. 82-83.

[7] People vs. Natan, G.R. No. 86640, January 25, 1991.

[8] People vs. Odicla, G.R. No. 93708, May 15, 1991.

[9] People vs. Sibayan, 31 SCRA 246.

[10] People vs. Soberano, 244 SCRA 467.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.