

## FIRST DIVISION

[ G.R. No. 128149, July 24, 2000 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JIMMY ANTONIO AND MICHAEL AREDIDON Y MONTEJO, ACCUSED-APPELLANTS.**

### D E C I S I O N

**PARDO, J.:**

The case before this Court is an appeal from the decision<sup>[1]</sup> of the Regional Trial Court, Cavite City, Branch 17, finding accused Jimmy Antonio (hereinafter referred to as "Antonio") guilty of three counts of rape, imposing on him the penalty of *reclusion perpetua* for each count, ordering him to indemnify the victim, Adelina S. Guillang (hereinafter referred to as "Adelina") in the amount of P50,000.00 and to pay one-half of the costs of suit and finding accused Michael Aredidon (hereinafter referred to as "Aredidon") guilty as an accomplice in each of the three acts of rape, sentencing him to an indeterminate penalty of nine (9) years, four (4) months and one (1) day of *prision mayor*, as minimum, to thirteen (13) years, nine (9) months and eleven (11) days of *reclusion temporal*, as maximum, for each count of rape, ordering him to pay the victim indemnity in the amount of P30,000.00 and one-half of the costs of suit.<sup>[2]</sup>

We state the relevant facts.<sup>[3]</sup>

On September 3, 1989, at nine o'clock in the evening Aredidon fetched Adelina from her house. After asking permission from her mother, she left with Aredidon. They went to the house of Aredidon's friend, known only as "Gov." Adelina and Aredidon stayed in "Gov's" house for a while. Adelina was offered softdrinks. After drinking, she fell asleep.<sup>[4]</sup>

On the same day, September 3, 1989, Adelina woke up in a hotel room, naked, her whole body aching and her vagina bleeding. She was about to stand when Aredidon entered the room. Aredidon told her that should she attempt to escape, he would kill her with the knife he was holding.

Shortly thereafter, Antonio arrived. Antonio told Adelina that he "used her". He "again used" her. Antonio pointed a gun at her and threatened to kill her should she attempt to escape.

On September 4, 1989, Antonio raped Adelina for the second time.

On September 5, 1989, Antonio hit Adelina on the stomach and pointed a gun at her. He succeeded in sexually violating her for the third time. At that time, Adelina was only fourteen (14) years old.

During her three-day stay in the hotel, Adelina did not eat. She narrated that during that time, Antonio and Aredidon would take *shabu*.

The room was on the first floor of the hotel.<sup>[5]</sup> It had no windows. No hotel personnel ever entered the room. Adelina explained that although she was "anxious to get out of the hotel," she could not escape because Antonio and Aredidon did not sleep on account of the *shabu* they took.

On September 5, 1989, Adelina escaped, wearing Aredidon's clothes, taking his bag and money. Afraid of Aredidon and Antonio's threats, Adelina proceeded to a friend's house in Pandacan, Manila. She stayed there for a week and then went home. Upon reaching home, she told her mother about everything that happened to her.<sup>[6]</sup>

On September 26, 1989, Adelina executed a sworn statement before the police in Camp General Pantaleon Garcia in Imus, Cavite accusing Antonio and Aredidon of rape.<sup>[7]</sup>

On September 27, 1989, Dr. Prospero A. Cabanayan of the National Bureau of Investigation (NBI) examined Adelina. The medical report revealed that Adelina's hymen had "a recently healed deep laceration at 8:00 o'clock position."<sup>[8]</sup>

On March 28, 1990, Adelina filed three separate complaints<sup>[9]</sup> against accused Aredidon and Antonio, to wit:<sup>[10]</sup>

In Criminal Case No. 114-90 --

"That on or about September 5, 1989, in the City of Cavite, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating together and mutually helping one another, by means of , force and intimidation, did, then and there, willfully, unlawfully and feloniously have carnal knowledge of the undersigned complainant against her will.

Contrary to law."

The complaints in Criminal Cases Nos. 115-90<sup>[11]</sup> and 116-90<sup>[12]</sup> alleged the same facts except for the dates of commission of the crime, which were September 4, 1989 and September 3, 1989, respectively.

On March 28, 1990, the trial court issued the corresponding warrants of arrest.<sup>[13]</sup>

On June 29, 1990, since both accused were at large, the trial court ordered that Criminal Case Nos. 114-90 and 115-90 be archived.<sup>[14]</sup>

On October 31, 1991, Criminal Case No. 116-90 was likewise archived.<sup>[15]</sup>

On October 13, 1995, Antonio was apprehended in Dalahican, Cavite City.<sup>[16]</sup>

On October 23, 1995, Antonio was arraigned. He entered a plea of "not guilty" to the three charges of rape.<sup>[17]</sup>

On November 15, 1995, the three criminal cases were consolidated and tried jointly.<sup>[18]</sup>

On May 12, 1996, accused Aredidon voluntarily surrendered to the police at Cavite City.<sup>[19]</sup>

On May 13, 1996, upon arraignment, accused Aredidon entered a plea of "not guilty" to all charges.<sup>[20]</sup>

Accused interposed the defense of denial.

Essentially, Aredidon and Antonio testified that Adelina was a prostitute who voluntarily went to the hotel with them. Adelina stated that she could no longer live with her mother who would beat her.<sup>[21]</sup> Antonio testified that he and Adelina frequently met, and sometimes the meetings would "end up with sex"<sup>[22]</sup> and he would give her P500 or P600 "depending on her needs."<sup>[23]</sup>

On November 20, 1996, after trial, the lower court found accused guilty and sentenced them as follows:<sup>[24]</sup>

"WHEREFORE, in view of the foregoing, the Court finds the accused Jimmy Antonio guilty beyond reasonable doubt of RAPE in the above-entitled cases and he is hereby sentenced to RECLUSION PERPETUA in each case, to indemnify the offended party Adelina Guillang in the amount of P50,000.00 and to pay one-half (1/2) of the costs.

"Likewise, Michael Aredidon is also found guilty beyond reasonable doubt of RAPE as an accomplice in the above-entitled cases and he is sentenced to undergo imprisonment of from nine (9) years, four (4) months and one (1) day of prison mayor as minimum, to thirteen (13) years, nine (9) months and eleven (11) days of reclusion temporal as maximum in each case, to indemnify the offended party Adelina Guillang in the amount of P30,000.00 and to pay one-half (1/2) of the costs.

"SO ORDERED."

Hence, this appeal.<sup>[25]</sup>

Accused-appellants make issue of the trial court's reliance on Adelina's testimony. We have consistently held that the credible, natural and convincing testimony of the victim is sufficient basis to convict. Rape is committed in private. Eyewitnesses are very seldom available.<sup>[26]</sup>

Accused-appellants point out that Adelina contradicted herself several times regarding the question of when she first met Antonio. At one time, she testified that she met Antonio for the first time at the hotel.<sup>[27]</sup> Then another time, she stated that the first time she met Antonio was in "Gov's" house.<sup>[28]</sup>

We are not persuaded.

The inconsistencies cited by accused-appellants cannot overthrow the trial court's conviction. The substance of Adelina's testimony was that Antonio raped her. On this matter, she did not waiver. Whether she met Antonio at "Gov's" house or at the hotel is not relevant. To disregard Adelina's testimony on this basis will result in injustice. *Hae nugae seria ducent in mala*. Consideration of these trifles will lead to serious mischief.<sup>[29]</sup> For a discrepancy in testimony to acquit, such must refer to