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Deputy Division Clerk of Court
Third Division

Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

OCT 31 2019
SUPREME COURT OF THE PHILIPPINES
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THE PEOPLE OF THE
PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 213831

Present:

versus

PERALTA, * J.,
Chairperson,
PERLAS-BERNABE, **
LEONEN, ***
REYES, A. JR., **** and
HERNANDO, JJ.

ADONIS CABALES,
Accused-Appellant.

Promulgated:

September 25, 2019

Mis D C Batt

X ----- X

DECISION

HERNANDO, J.:

This is an appeal from the February 28, 2014 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR. HC. No. 01036-MIN affirming the March 27, 2012 Decision² of the Regional Trial Court, Branch 34 of Panabo City (RTC) in Criminal Case No. 97-2005. The said Decision of the RTC found accused-appellant Adonis Cabales (Cabales) guilty beyond reasonable doubt of the crime of rape and sentenced him to suffer the penalty of *reclusion perpetua*.

* On official business.

** Per Raffle dated September 23, 2019 *vice* Associate Justice Henri Jean Paul B. Inting, who inhibited due to prior participation in the CA proceedings.

*** Acting Chairperson per Special Order No. 2707 dated September 18, 2019.

**** On wellness leave.

¹ *Rollo*, pp. 3-15; Penned by Associate Justice Jhosep Y. Lopez and concurred in by Associate Justices Edgardo A. Camello and Henri Jean Paul B. Inting (now a Member of this Court).

² Records, pp. 81-87; Penned by Judge Dax Gonzaga Xenos.

The Antecedents

On March 22, 2005, Cabales was charged with the crime of rape in an Information³ which alleged:

That on or about January 16, 2005, in [Davao, Philippines],⁴ and within the jurisdiction of this Honorable Court, the above-named accused, armed with a knife, employing force, threats and intimidation, wil[1]fully, unlawfully and feloniously had sexual intercourse with [AAA],⁵ a 13 year old minor, without her consent.

CONTRARY TO LAW.

When arraigned, Cabales pleaded not guilty. Trial ensued thereafter. The prosecution presented, aside from a number of documentary evidence,⁶ two (2) witnesses: AAA and her mother, BBB. The defense also presented two (2) witnesses: accused Cabales and one Tessie Cañones (Cañones).

Version of the Prosecution

On January 16, 2005, at around 3 o'clock in the afternoon, 13-year-old AAA was sleeping in a bedroom inside their house when she was woken up by Cabales' kiss on her face. Cabales is AAA's uncle, being the husband of BBB's sister. AAA bolted upright and tried to push Cabales away. Cabales, however, held her hand and pointed a fan knife at her neck, and warned her not to shout or move. He proceeded to remove AAA's jogging pants and panty, undressed himself, and inserted his penis into her vagina. Cabales ignored AAA's pleas for him to stop and instead made push-and-pull movements inside her for ten (10) minutes. After he was done, Cabales threatened AAA not to tell anybody, and left. Immediately thereafter, one Noel Maguib (Maguib),⁷ the husband of BBB's cousin who at that time was tending their eggplant garden, knocked at their door and asked for water. When AAA opened the door, Maguib asked AAA what she and Cabales were doing. She initially denied but Maguib told her that he saw the sexual act and advised her to tell her parents about it. With Maguib's assistance, AAA's family learned about the incident. AAA stated that she would never have reported it to her parents were it not for Maguib witnessing her and Cabales having sexual intercourse. On January 17, 2005, AAA submitted herself to a medical examination by Dr. Elvie T. Prieto-Jabines (Dr. Prieto-Jabines) which yielded

³ *Id.* at 1.

⁴ Geographical location blotted out per Supreme Court Amended Administrative Circular No. 83-2015 or *Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders using Fictitious Names/Personal Circumstances* issued on September 5, 2017.

⁵ *Id.*; Name of minor victim blotted out per Supreme Court Amended Administrative Circular No. 83-2015.

⁶ Records, p. 68; Per RTC *Order* dated April 26, 2011.

⁷ Also spelled as Manguib in some parts of the record.

the following conclusion: “disclosure of sexual abuse[,] medical evaluation is suggestive of chronic penetrating injury with acute component.”⁸ AAA further disclosed that this was the second time that she had sexual intercourse with Cabales. The first time happened in November 2004, but AAA did not tell anyone because Cabales had threatened to kill her family.

AAA’s mother, BBB, supported AAA’s statements. BBB was at Cabales’ house on January 16, 2005 from 12 noon to 4 o’clock in the afternoon helping Cabales’ wife who had just given birth. BBB testified that she saw Cabales in his house but left at around 2 o’clock in the afternoon and came back at around 4 o’clock carrying a water container. They were looking for him since he was supposed to tend to their store but he was not around. BBB also stated that her house was about sixty (60) meters away from Cabales’ house. When BBB got back to her house, AAA did not tell her anything until Maguib came to their house at around 8 o’clock in the evening and told BBB that he saw Cabales raping AAA.

Version of the Defense

Cabales interposed the defenses of alibi and denial. He claimed that on January 16, 2005, he never left their house. He attended to his wife Melinda who had just given birth, prepared food, and tended to their store. BBB and one Mercy Aliman (Aliman), his sister-in-law, arrived and joined them for lunch. After the meal, Cabales slept with Melinda in their bedroom. BBB and Aliman left at 2 o’clock in the afternoon. Cañones, who was Melinda’s midwife, corroborated his narrative. She allegedly stayed outside Cabales and Melinda’s bedroom while they slept because she asked Melinda’s sister to pluck out her gray hair. Cañones said that she saw Cabales wake up at around 2:30 or 3 o’clock in the afternoon and go to their store but never saw Cabales leave the house until she herself left at around 5 o’clock in the afternoon.

Ruling of the RTC

The RTC accorded full faith and credence to AAA’s testimony. It held Cabales’ defense of denial and alibi to be inherently weak, and convicted Cabales after trial. The dispositive portion of the RTC Decision dated March 27, 2012 reads as follows:

IN VIEW OF THE FOREGOING, judgment is hereby rendered finding accused *Adonis Cabales* guilty beyond reasonable doubt of rape defined under Art. 266-A and penalized under Art. 266-B of the Revised Penal Code as amended.

⁸ Folder 2, Index of Exhibits, p. 1; Per *Medical Certificate* dated January 17, 2005.

Accordingly, he is sentenced to suffer the penalty of *reclusion perpetua* together with the accessory penalties attached thereto. In addition, he is ordered to pay complainant, [AAA], civil indemnity in the amount of Php 75,000.00 and moral damages in the amount of Php 75,000.00 without subsidiary imprisonment in case of insolvency.

In the service of his sentence, accused is entitled to the full time he has undergone preventive imprisonment, if any, pursuant to Article 29 of the Revised Penal Code.

Accused shall serve his sentence at the Davao Farm and Penal Colony, B.E. Dujali, Davao del Norte.

SO ORDERED.⁹ (Emphasis in the original)

Aggrieved, Cabales appealed to the CA.

Ruling of the CA

The CA found no reason to reverse the Decision of the RTC convicting Cabales for AAA's rape. It sustained the existence of the elements of rape, declaring that AAA's testimony was a vivid account of how Cabales, her uncle, obtained carnal knowledge of her through force and intimidation.¹⁰ The CA also noted that AAA's statements were corroborated by the findings of Dr. Prieto-Jabines, the *medico-legal* officer who examined AAA.¹¹ Affording great respect and finality to the assessments made by the trial court on the witnesses¹² and rejecting Cabales' defenses of alibi and denial,¹³ the CA affirmed the credibility of the prosecution's testimonial evidence. The CA, however, reduced the civil indemnity and moral damages awarded to AAA to PHP 50,000.00 each, following the case of *People v. Segovia*.¹⁴ In its February 28, 2014 Decision, the CA upheld the findings of the RTC with modifications as to the damages awarded and disposed Cabales' appeal in the following manner:

WHEREFORE, the Decision dated x x x March 27, 2012 of the Regional Trial Court, Branch 34, Panabo City finding Adonis Cabales guilty beyond reasonable doubt of the crime of rape and sentencing him to suffer the penalty of *reclusion perpetua*, is AFFIRMED WITH MODIFICATION that appellant is ordered to pay the victim, AAA, the following: (a) Php50,000.00 as civil indemnity; and (b) Php50,000.00 as moral damages.

SO ORDERED.¹⁵

Now, this appeal by Cabales before Us.

⁹ Records, p. 86.

¹⁰ *Rollo*, pp. 8-11.

¹¹ *Id.* at 11-12.

¹² *Id.* at 12-13.

¹³ *Id.* at 13.

¹⁴ 438 Phil. 156, 168 (2002); per assailed CA Decision, *rollo*, p. 14.

¹⁵ *Rollo*, p. 14.

The Assignment of Error

Cabales elevates his case before this Court and seeks a reversal of the CA Decision affirming the RTC Decision on the ground that the prosecution failed to prove his guilt beyond reasonable doubt.¹⁶

The Court's Ruling

The appeal has no merit.

Finding AAA's testimony to be incredible, Cabales now questions the circumstances of the alleged rape. He notes that AAA utterly failed to thwart his advances despite her claim that it was not the first time he violated her. AAA also never tried to push him away or escape. Manguib was not even presented as a witness despite the prosecution's allegation that Manguib saw the incident. AAA even denied the incident when inquired upon by Maguib. Cabales asserts that no rape can be concluded even from the medical findings of Dr. Prieto-Jabines, as her medical certificate did not state that AAA suffered any physical injury resulting from his alleged use of force. From these observations, Cabales theorizes that the sexual encounter between him and AAA was unforced and consensual; thus, rape therefrom is inconceivable.

Cabales fails to convince this Court.

There is no standard behavior expected by law from a rape victim. She may attempt to resist her attacker, scream for help, make a run for it, or even freeze up, and allow herself to be violated.¹⁷ By whatever manner she reacts, the same is immaterial because it is not an element of rape.¹⁸ Neither should a rape victim's reflex be interpreted on its lonesome. Absent any other adequate proof that the victim clearly assented to the sexual act perpetrated by the accused, a victim shall not be condemned solely on the basis of her reactions against the same.

This principle applies here. Without clear evidence of consent, AAA's apparently passive conduct will not negate the rape committed by Cabales against her person. Her statements that she had been threatened into silence by Cabales were unwavering. We also note that AAA readily yielded to police assistance and medical examination when her family found out about the incident. Jurisprudence has steadily held that "no woman, least of all a child, would concoct a story of defloration, allow examination of her private parts and subject herself to public trial or ridicule if she has not, in truth, been a victim of rape and impelled to seek justice for the wrong done to her being."¹⁹

¹⁶ Per Notice of Appeal, *id.* at 16-18.

¹⁷ *People v. Palanay*, 805 Phil. 116, 126-127 (2017).

¹⁸ *People v. Bugna*, G.R. No. 218255, April 11, 2018, citing *People v. Joson*, 751 Phil. 450 (2015).

¹⁹ *People v. Tubillo*, 811 Phil. 525, 533 (2017); citing *People v. Pareja*, 724 Phil. 759 (2014). See also *People v. Primavera*, G.R. No. 223138, July 5, 2017.

Moreover, while a medical certificate attesting to the victim's physical trauma from the rape has corroborative purposes, it is wholly unnecessary for conviction, if not a mere superfluity. If anything, Cabales only confirmed in his appeal that he indeed obtained carnal knowledge of AAA. This is a complete turnaround from his initial denial of the incident before the trial court, where he claimed that he stayed in his house the entire day of January 16, 2005 attending to his wife who had just given birth. Given Cabales' contradicting stance, this Court receives his defense with utmost caution.

These arguments notwithstanding, Cabales' guilt has already been established beyond reasonable doubt. There is great premium accorded to a victim of rape, as it is usually the victim alone who can testify on the forced sexual intercourse.²⁰ If the victim's testimony meets the test of credibility, the accused can justifiably be convicted on the basis of her lone testimony.²¹ Here, AAA categorically pointed to Cabales as the perpetrator of her rape and laid out her accusations with overt clarity. The inconsistencies alleged are deemed minor details that can be overlooked. We accord due respect to the factual findings and appreciation thereof by the trial court as it had the opportunity to observe the witnesses' demeanor and hear their testimonies at the first instance, much more as the CA affirmed the trial court's judgment of conviction in all its substantial respects.

Thus, after a careful review of the records of the case, the Court finds that the CA correctly affirmed the RTC Decision finding Cabales guilty beyond reasonable doubt of the crime of rape and accordingly sentenced him the penalty of *reclusion perpetua*. In line with recent jurisprudence, however, the civil indemnity and moral damages awarded to AAA must be increased from PhP 50,000.00 to PhP 75,000.00 each.²² Exemplary damages of PhP 75,000.00 are likewise granted to AAA following *People v. Ramos*.²³ Furthermore, all amounts due shall earn legal interest of six percent (6%) per *annum* from the date of the finality of this Decision until full payment.²⁴

WHEREFORE, the appeal is **DISMISSED**. The February 28, 2014 Decision of the Court of Appeals in CA-G.R. CR. HC. No. 01036-MIN is **AFFIRMED with MODIFICATION**. Accused-appellant Adonis Cabales is held guilty of rape and is hereby sentenced to *reclusion perpetua* and is ordered to pay the victim AAA the following amounts: (i) PhP 75,000.00 as civil indemnity; (ii) PhP 75,000.00 as moral damages; and (iii) PhP 75,000.00 as exemplary damages. All amounts due shall earn legal interest of six percent (6%) per *annum* from the date of the finality of this Decision until full payment.

²⁰ *People v. Gabriel*, 807 Phil. 516, 528 (2017).

²¹ *Id.*

²² *People v. Jugueta*, 783 Phil. 806, 848 (2016).

²³ G.R. No. 210435, August 15, 2018.


²⁴ *Id.*


SO ORDERED.


RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:

On official business
DIOSDADO M. PERALTA
Associate Justice
Chairperson



ESTELA M. PERLAS-BERNABE
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice
Acting Chairperson

On wellness leave
ANDRES B. REYES, JR.
Associate Justice

ATTESTATION

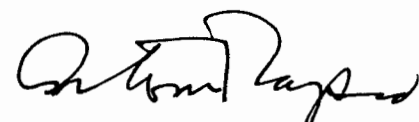
I attest that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M.V.F. LEONEN
Associate Justice
Acting Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting Chairperson's Attestation, I certify that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ANTONIO T. CARPIO
*Acting Chief Justice**

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Mis DCBH
MISAELO DOMINGO C. BATTUNG III
Deputy Division Clerk of Court
Third Division

OCT 31 2019.

* Per Special Order No. 2703 dated September 10, 2019.