

## THIRD DIVISION

[ G.R. No. 213831, September 25, 2019 ]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
ADONIS CABALES, ACCUSED-APPELLANT.**

### DECISION

**HERNANDO, J.:**

This is an appeal from the February 28, 2014 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-G.R. CR. HC. No. 01036-MIN affirming the March 27, 2012 Decision<sup>[2]</sup> 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*.

#### The Antecedents

On March 22, 2005, Cabales was charged with the crime of rape in an Information<sup>[3]</sup> which alleged:

That on or about January 16, 2005, in [Davao, Philippines],<sup>[4]</sup> and within the jurisdiction of this Honorable Court, the above-named accused, armed with a knife, employing force, threats and intimidation, wil[ly]fully, unlawfully and feloniously had sexual intercourse with [AAA],<sup>[5]</sup> 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,<sup>[6]</sup> 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),<sup>[7]</sup> 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 the following conclusion: "disclosure of sexual abuse[,] medical evaluation is suggestive of chronic penetrating injury with acute component."<sup>[8]</sup> 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. Canones, 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. Canones 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.

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.<sup>[9]</sup> (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.<sup>[10]</sup> The CA also noted that AAA's statements were corroborated by the findings of Dr. Prieto-Jabines, the *medico-legal* officer who examined AAA.<sup>[11]</sup> Affording great respect and finality to the assessments made by the trial court on the witnesses<sup>[12]</sup> and rejecting Cabales' defenses of alibi and denial,<sup>[13]</sup> 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*.<sup>[14]</sup> 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.<sup>[15]</sup>

Now, this appeal by Cabales before Us.

### **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.<sup>[16]</sup>

### **The Court's Ruling**

The appeal has no merit.

Finding AAA's testimony to be incredible, Cabales now questions the circumstances