

FIRST DIVISION

[G.R. No. 125910, May 21, 1998]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EFREN CABEBE, ACCUSED-APPELLANT.

DECISION

PANGANIBAN, J.:

An assessment by a trial court of the credibility of witnesses and their testimonies deserves the highest respect, absent any showing that it has overlooked, misunderstood or misapplied some fact or circumstance of substance, or that it has committed some error in weighing and assigning values to the evidence presented. Moreover, the credible testimony of a rape victim may suffice to establish the guilt of an accused.

The Case

The Court reiterates these well-settled rules in resolving this appeal from the Decision^[1] of the Regional Trial Court (RTC) of Puerto Princesa City, Branch 52, finding Efren Cabebe guilty of rape and sentencing him to *reclusion perpetua*.

Ednalyn Daboc filed a criminal complaint^[2] for rape against appellant before the Municipal Circuit Trial Court (MCTC) of Coron-Busuanga, Palawan. Acting on the recommendation of the MCTC, Prosecutor Reynaldo R. Guayco filed an Information dated November 12, 1993 before the RTC of Palawan, charging Cabebe as follows:

"That sometime in the month of May, 1993, at Brgy. Guadalupe, Municipality of Coron, Province of Palawan, Philippines, and within the jurisdiction of this Honorable Court, the said accused with lewd design and by means of force, threat and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge with one EDNALYN DABOC, a girl of [sic] 13 years old, against her will and consent to the damage and prejudice of the said Ednalyn Daboc."^[3]

On December 26, 1995, the RTC rendered its Decision, the dispositive portion of which reads

"WHEREFORE, premises considered, judgment is hereby rendered finding the accused Efren Cabebe guilty beyond reasonable doubt as principal of the crime of rape, and there being no modifying circumstances appreciated and not being entitled to the benefits of the Indeterminate Sentence Law, he is hereby sentenced to *reclusion perpetua*, with the acces[s]ory penalties of civil interdiction for life, and of perpetual absolute disqualification; to pay the offended party, Ednalyn Daboc, civil indemnity in the amount of P50,000.00, and to pay the costs."^[4]

Hence, this appeal.^[5]

Statement of Facts
Version of the Prosecution

The prosecution presented as its witnesses Ednalyn Daboc, the victim; Victoria Daboc, her maternal grandmother; and Dr. Rodolph Baladad, Sr., who testified on the medical certificate issued by Dr. Edgar Flores. The facts as viewed by the prosecution are as follows:

"Appellant Efren Cabebe is a carpenter, and common law husband of Rosalinda Garrido, with whom he has five children. They reside in Barangay Guadalupe, Coron, Palawan. The victim, Ednalyn Daboc, is the daughter of Rosalinda by another man. At the time of the incident complained of, she was thirteen years old and a third grade elementary student. Ednalyn stays with her grandmother Victoria Villoga Daboc, a midwife (hilot), who took care of Ednalyn since she was four months old. They live in another house within the same barangay.

Sometime in May, 1993, Ednalyn's grandmother, Victoria, went to Barangay San Nicolas also in Coron, Palawan and stayed there for about a month to assist in several deliveries. While she was away, Ednalyn stayed temporarily with her mother, Rosalinda and her common law family.

Sometime in May, 1993, Ednalyn was left in the house together with appellant. At that time, Rosalinda was in the town proper of Coron, Palawan, to attend to some business while her children were washing clothes in a public faucet situated about forty meters away from their house. In the afternoon of that day, appellant called Ednalyn to the bedroom and asked her to pick lice from his head. He lied [sic] on the floor while Ednalyn sat close to his head. While in this position, appellant began undressing Ednalyn. After taking off her short pants and panty, he held her hands and forcibly pulled her to a lying position beside him. Immediately thereafter, he removed his clothes, laid himself on top of Ednalyn and forced his penis into her vagina. Appellant then moved his buttocks in a push and pull motion. While this was going on, Ednalyn cried in pain. She could not shout for help because she was afraid appellant might kill her. She also felt blood coming out of her organ. After about an hour, appellant let go of Ednalyn. He threatened to kill her if she told anyone about what happened. Intimidated, Ednalyn did not immediately disclose her ordeal to anyone. Later however, she revealed the same to her Aunt Ria. (**TSN, February 22, 1994, pp. 2-24, 31**) When she learned that her grandmother Victoria was back in Barangay Guadalupe, Ednalyn returned home to her. (**TSN, March 8, 1994, p. 10**)

A couple of months later, Rogelia, Rosalinda's sister, related to Victoria what appellant did to Ednalyn. Thereupon, Victoria confronted Ednalyn about it and she related the rape perpetrated by appellant.

Victoria immediately sought help from the [b]arangay [c]aptain of Barangay Guadalupe, who advised her to report the incident to the [c]hief of [p]olice of Coron, Palawan. (**TSN, March 8, 1994, pp. 4-17**) After the police conducted an investigation, a complaint for rape against appellant, signed by Ednalyn Daboc, was filed with the Municipal Circuit Trial Court of Coron-Busuanga. (**Exhibit "A"**) Ednalyn was examined by Dr. Edgar Flores, who issued a medical certificate dated July 6, 1993, with the following findings, to wit:

- (1) Hymenal tags intact

- (2) Abrasion, confluent, 7:00 o'clock (intero lateral aspect) vaginal orifice.
- (3) No bleeding noted
- (4) Admits smallest finger with pain. (Exhibit "A-2") x x x."^[6]

Version of the Defense

The trial court summarized the facts culled from the defense evidence, as follows:^[7]

"Consistent with his denial of culpability, in his turn to present evidence he took the witness stand and, as his only witness for the defense, sought to prove that it was improbable for him to commit the offense charged. Among others, he declared that on the date and at the time the offense was said to have been committed, he was not home but in his place of work, some distance away.

He purportedly leaves home at about 6:00 o'clock in the morning of every day in May, 1993, and go to his place of work in [S]itio Tulawa, also of [B]arangay Guadalupe, but about 2 1/2 kilometers away. Because of the distance of his place of work from his residence he refrains from going home for lunch at noon time. Lunch is provided by his employer, Gilberto Macmac. He works until 5:00 o'clock in the afternoon and thereafter set[s] out on foot to go home to his residence. He usually gets home in about 30 minutes or shortly before 6:00 o'clock in the evening. Moreover, he does not usually stay home even after getting home from work. After being off from carpentry work, he goes fishing with Gilberto Macmac.

The accused admits that he has not had any quarrel with his supposed mother-in-law, Victoria Villoga Daboc, and he does not know the reason why she should help her granddaughter, Ednalyn, initiate the criminal action against him. He inferentially insinuates, however, that Ednalyn and her grandmother may have been instigated by the latter's other daughter, Rogelia Garrido. That may have come about because at one time, when the accused was giving counsel to his step-daughter, Racquel de Leon about something, Rogelia Garrido took side with Racquel. That incident fueled animosity between the two of them.

The accused props with alibi his denial of [the] commission of the offense and of his culpability. The accused maintains that at the supposed hour of the purported commission of the felonious act he was not in the place where it was committed nor in the immediate vicinity thereof."

The Trial Court's Ruling

In convicting the appellant, the trial court gave credence to the testimony of the victim, holding that "she gave a clear and coherent account of how the accused sexually abused her x x x [and] the Court has not perceived any fact or circumstance from which inference may be drawn that in pursuing the prosecution of the accused she may have been actuated by motives other than for purposes of retribution."^[8]

The trial court disbelieved the defense of alibi. Rather, it considered as evidence of the culpability of appellant his letter^[9] to Victoria, the victim's mother, in which he

asked for forgiveness and promised to render services and financial support to her and her grandchildren.

Assignment of Errors

Appellant ascribes the following errors to the lower court: .

- "1. The lower court erred in not finding that accused-appellant is not guilty of the crime charged.
2. The lower court erred in not acquitting the accused-appellant."^[10]

Simply put, the issue raised in this appeal pertains to the credibility of the prosecution witnesses.

This Court's Ruling

The appeal has no merit.

Credibility of Witnesses

Basic is the rule that when a woman cries rape, she says all that is needed to signify that the crime has been committed.^[11] In this case, Ednilyn Daboc testified that Appellant Efren Cabebe raped her in May 1993. Her testimony was straightforward and candid:

"FISCAL Did you remember that there was a day when your mother went to Coron, and that you were asked by Efren Cabebe to remove his lice on his hair?

A Yes, Sir.

Q And when you were asked to remove lice from his hair, what did you do?

A I picked lice from his hair.

x x x x x x x

Q What was Efren Cabebe doing while you were picking lice on his hair?

A He undress[ed] me.

Q Why, what was his position while you were picking lice on his hair?

A He was lying down. Lying down on the floor[.]

Q How about you, what was your position while picking lice on his hair?

A I was sitting down near his head.

x x x x x x x x x x

Q What clothes were you wearing when he undress[ed] you?

A Short pants.

Q What else if any did Efren Cabebe do?

A He remove[d] my panty, Sir.
When he remove[d] your short

Q pants and panty, what did you do?

A He made me lay [sic] down.

Q How did you happen to lay [sic] down?

A Efren Cabebe made me lay [sic] down.

Q [In w]hat manner did Efren Cabebe ma[k]e you lay [sic] down?

A He pulled me to a lying position.

Q And what did you feel when your short pants and panty were removed by Efren Cabebe and you [we]re pulled to a lying position?

A I felt pain.

Q You remember that you cried?

A Yes, sir.

Q Now, when you were made to lay [sic] down after removing your short pants and panty, what did Efren Cabebe do?

A He put himself atop of me.

Q You remember if Efren Cabebe still ha[d] his clothes on when he put himself atop of you?

A He was already naked.

COURT: (to witness) While you were still picking lice on his hair, was he already naked?