

## **PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RONILO ALBURO, ZALDY RODRIGUEZ, AND JOHN DOE, ACCUSED, RONILO ALBURO, ACCUSED-APPELLANT.**

*G.R. No. 85822. April 26, 1990*

Ponente: MELENCIO-HERRERA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-85822/>

---

### **MELENCIO-HERRERA, J.:**

We affirm the judgment of the Regional Trial Court of Cebu City, Branch XIX,[1] finding Ronilo Alburo guilty beyond reasonable doubt of the crime of Forcible Abduction with Rape and sentencing him to suffer the penalty of reclusion perpetua with all the accessories of the law; to indemnify Evelyn Cantina in the sum of P10,000.00 as moral damages, without subsidiary imprisonment in case of insolvency; and to pay the costs.

On 3 February 1986, Evelyn Cantina filed a complaint for Forcible Abduction with Rape against Ronilo Alburo, Zaldy Rodriguez and John Doe. The complaint reads:

"That on or about the 27th day of January, 1986 at about 6:00 P.M., in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, accused Ronilo Alburo, who was armed with a butcher's knife, conniving and confederating together with Zaldy Rodriguez and John Doe and mutually helping one another, with deliberate intent, by the accused, Zaldy Rodriguez and John Doe holding one Evelyn Cantina and preventing the latter from disembarking from the Jeep driven by accused Ronilo Alburo took her to Beverly Hills against her will and once there, said accused Ronilo Alburo, by means of force and intimidation, did then and there have carnal knowledge of said Evelyn Cantina without the consent and against the will of the latter." (p. 1, Original Record)

Accused John Doe was subsequently identified as Dionisio Sumalinog.

Upon being arraigned, the accused individually entered pleas of not guilty. Towards the end of the presentation of the prosecution evidence, the prosecution moved for the dismissal of the complaint against Zaldy Rodriguez and Dionisio Sumalinog. The motion was granted and trial proceeded only against Ronilo Alburo.

The prosecution evidence upon which the Trial Court based its finding of guilt beyond reasonable doubt is summarized in the People's Brief as follows:

"At or about 5:00 o'clock in the afternoon of January 27, 1986, Evelyn Cantina was already dismissed from her classes at the Abellana National High School, located at Jones Avenue, Cebu City. From there, her classmates, Priscilla Atillo and Aniceta Bringuila, accompanied her in walking towards Colon Street, Cebu City, to buy some medicine. Not long after, a passenger jeepney plying the Guadalupe-Carbon market route stopped by the side of the road. The driver, Ronilo Alburo, invited the three girls to board his jeepney. As Colon Street is very near, Evelyn Cantina declined the invitation at first. Alburo was however, insistent in giving the three girls a lift. Finally, the latter accepted the invitation by taking the front seat, with Evelyn sitting right beside the driver. At that time however, Zaldy Rodriguez and Dionisio Sumalinog were already seated at the passengers' area at the back (t.s.n., pp. 18-21, April 24, 1986, Priscilla Atillo).

"Upon reaching the corner of Jones Avenue and Colon Street, the jeepney driven by Alburo stopped at the red traffic light. At this juncture, Bringuila and Atillo disembarked. Evelyn was also about to alight but she was prevented by Alburo who threatened to raise her skirt if she insists on alighting and following her two companions Bringuila and Atillo tried to help Evelyn by pulling her out but meanwhile, the green light turned on and the jeepney sped off towards Juan Luna Street (t.s.n., pp. 17-26, April 24, 1986, Priscilla Atillo).

"Reaching Juan Luna, the jeepney then made a U-turn on its return trip to Guadalupe. Mean-while, Zaldy Rodriguez transferred to the front seat beside Evelyn (t.s.n., p. 20, August 6, 1986, Evelyn Cantina).

"Anticipating that the jeepney driven by Alburo would make a return trip to Guadalupe, Atillo and Bringuila posted themselves beside the corner of Colon and Juan Luna Streets near the Cebu City Savings Bank, where vehicles would stop at the red light signal (t.s.n., p. 34, April 24, 1986, Priscilla Atillo).

"Indeed, on its way to Guadalupe, the jeepney driven by Alburo stopped at the corner of Colon and Juan Luna Streets when the red light signaled. Evelyn attempted to go down from the jeepney but, she was prevented by Zaldy Rodriguez who placed his leg as barricade. Realizing that Evelyn was being prevented from disembarking, Atillo and Bringuila who stood by the roadside, close to the jeepney, attempted to pull Evelyn from the vehicle. However, they did not succeed. Then the jeepney again sped off and headed towards Jones Avenue when the green light turned on (t.s.n., p. 22, August 6, 1986, Evelyn Cantina).

"On the way to the Capitol and upon reaching the Fuente Osmeña Police Station, the jeepney turned left along B. Rodriguez Street. When it was already near the Southern Medical Center, Zaldy Rodriguez and Dionisio Sumalinog got off from the jeepney, leaving only Alburo and Evelyn on board. Alburo then drove off, turning right at V. Rama Avenue, passing thru Englis, the place where Evelyn resides. The latter then begged Alburo that she be allowed to disembark. Alburo did not heed Evelyn's plea. Instead, he pulled a knife and threatened to slash her side if she would disembark. The jeepney then proceeded to Beverly Hills (t.s.n., pp. 27-30, August 16, 1986, Evelyn Cantina).

"Thinking that Evelyn might have been dropped by Alburo at her residence in Englis, Atillo and Bringuila boarded another jeep. They were hoping that Evelyn was already home and that they could get the notebook which one of them left with her. However, only Evelyn's mother was there. They then realized that Evelyn was really in trouble and so they related to her mother what happened. Alarmed by such information, the latter sought the help of Ester Dakay, a neighbor and close friend (t.s.n., pp. 5-10, May 13, 1986, Priscilla Atillo).

"The husband of Ester Dakay, a jeepney driver who fully knew Ronilo Alburo and the latter's route from Guadalupe to downtown, Cebu City, called up by phone Evelyn's father, who came home not long after (t.s.n., p. 26, May 13, 1986, Ester Dakay). Together, they then formed search teams to look for Evelyn. Lourdes Cantina and Ester Dakay went as search team No. 1. Riding on a taxi, they searched the reclamation area and made inquiries from the motels. On the other hand, Evelyn's father as well as her uncle, rode on two separate motortcycles, making up search teams 2 and 3, and scoured the streets of the city. However, the search proved futile (t.s.n., pp. 29-32, May 13, 1986, Ester Dakay).

"In an isolated area at barangay OPPRA (Capitol Hills), Alburo stopped the jeepney. Holding the knife, he went down from the jeepney and threateningly came close to Evelyn. He then pointed the knife at her and told her that something would happen to her if she would shout. Then he pushed Evelyn's head against the steering wheel which rendered the latter unconscious.

"When Evelyn regained her senses she found herself without her panty anymore. Blood was on her vagina and she felt pain on her stomach. She saw Ronilo Alburo with his face close to hers, getting up from her then raising his pants. She cried and asked Alburo what he had done to her. He did not answer her inquiries. Instead, he made her walk for a while, outside of the jeepney, accordingly to ease the pain she felt. Then he made her sit back on the front seat with him, still under threat of death (t.s.n., pp. 11-19, August 15, 1986, Evelyn Cantina).

"It was already dark when Alburo drove back to the City. Still under threat of death, Evelyn remained seated beside him. To make it appear that nothing really happened, Alburo even picked up some passengers along the way (t.s.n., p. 33, August 15, 1986, Evelyn Cantina).

"At about seven o'clock in the evening, while Lourdes and Ester were standing near Power Foods Restaurant at Jones Avenue, Ester spotted the jeepney coming from the Capitol heading towards downtown. Ester signaled the jeepney to stop. As the jeepney slowed down she saw Evelyn seated between Alburo and a male passenger (t.s.n., pp. 40-41, May 13, 1986, Ester Dakay).

"Evelyn who appeared very weak and who was in tears, alighted from the vehicle upon order from her mother Lourdes Cantina. As she was embraced by Ester, she whispered to Ester that Alburo should not be allowed to abscond because he had raped her (t.s.n., pp. 42-43, May 13, 1986, Ester Dakay). A commotion followed as an altercation between Lourdes and Alburo started. The passengers at the back area disembarked. Ester and Evelyn then sat down at the passenger's area with a certain Boyet Junio, a Barangay Tanod (t.s.n., p. 48, May 13, 1986, Ester Dakay).

"During the confrontation, Lourdes demanded that Alburo should bring Evelyn and Ester to the Fuente Osmeña Police Station. At first, Alburo refused claiming that nothing wrong had happened between him and Evelyn. When Ester told him he had nothing to be afraid of if he was telling the truth he however, relented and drove the jeepney towards Fuente Osmeña (t.s.n., pp. 43-45, August 15, 1986, Evelyn Cantina).

"Lourdes did not board the jeepney as she decided to look for her husband in order to inform him that they had already found Evelyn. While the jeepney was proceeding towards Fuente Osmeña, Alburo changed his mind. He made a left turn at Visitacion Street on the pretext that he would pick up a friend who could accompany him to the police station. At Visitacion Street, Alburo parked the jeepney. He took out the engine key and the cash collections, then left the vehicle. As Alburo had gone, Evelyn narrated to Ester how she was raped by Alburo. She even gave to Ester the knife which was left in the jeepney by Alburo (t.s.n., pp. 54-57, May 13, 1986, Ester Dakay).

"After about 15 minutes, Ester realized that Alburo would not return anymore. She then called by phone the jeepney owner who came later and drove them to Fuente Osmeña Police Station (t.s.n., p. 60, p. 65, May 13, 1986, Ester Dakay).

"When Ester and Evelyn arrived at the Fuente Osmeña Police Station, Lourdes was already there. The two women then reported to the police the abduction of Evelyn by Rodriguez, Sumalinog and Alburo. Ester also submitted the knife (Exhibit 'A') to the police. Thereafter, Lourdes and Ester accompanied Evelyn to the Southern Islands Medical Center for the latter's medical examination. As they could not be accommodated there immediately, they went to the Cebu City Medical Center (t.s.n., pp. 52-53, August 15, 1986, Evelyn Cantina). At the Cebu City Medical Center where Evelyn was examined by Dra. Juliet Lastimosa and was found to have fresh lacerations on her vagina with positive presence of spermatozoa (t.s.n., pp. 52-53, August 15, 1986, Evelyn Cantina). The medical certification (Exhibit 'B') was issued by Dra. Lastimosa on the following morning.

"On that same evening, Ester, Lourdes and Evelyn made a second appearance at the police station and the complaint for abduction with rape was formally lodged by Evelyn. Her affidavit was initially taken by the Investigator. The knife (Exhibit 'A') which was submitted earlier that night remained in the possession of the police. As the panty (Exhibit 'E') and the skirt (Exhibit 'D') were still worn by Evelyn, they were submitted only the following day. The skirt was torn on the right side (Exhibit 'D-2') and had some blood stains (Exhibit 'D-1'). The panty also had some blood stains (Exhibit 'E-1')." (pp. 3-11, Brief for the Appelle)

Appellant, on the other hand, presented five (5) witnesses and offered several documentary exhibits in his defense. His theory runs thus:

"Accused Alburo's theory or main line of defense is that he and Evelyn Cantina were sweethearts, thus, if ever there was sexual intercourse between Ronilo and Evelyn on 27 January 1986, it was with the free and voluntary consent of complainant Evelyn Cantina. The defense witnesses testified to the fact that on several occasions they saw Evelyn riding the jeepney driven by Ronilo and the former was seating beside the accused at the front seat of the motor vehicle. One of the witnesses even testified to the effect, that she saw Evelyn visiting Ronilo at the latter's rented room for a number of times. In short, the accused tried to convey before the trial court that it is of public knowledge in the neighborhood of Ronilo that the accused and Evelyn were lovers." (pp. 5-6, Brief for the Accused-Appellant)

The Trial Court gave no credence to the defense version and, as heretofore stated, sentenced Appellant to reclusion perpetua.

Before us now, Appellant maintains:

"I. The lower court erred in giving credit to the claim of the prosecution that the alleged offended victim Evelyn Cantina was forcibly raped by the accused-appellant Ronilo Alburo.

"II. The trial court erred in giving credit to the testimony of the offended party which lacks candor or credibility and probability, and in not considering that her testimony was due to fear of her parents that they would castigate and punish her if found that she and Ronilo were lovers.

"III. The trial court erred in not considering that the facts and circumstances presented as evidence by the prosecution militates against a finding of rape.

"IV. The trial court erred in not believing that the accused-appellant Ronilo Alburo and Evelyn Cantina were sweethearts and lovers, and that the carnal act done by them on 27 January 1986 was motivated by mutual passion and love and therefore voluntary.

"V. The trial court erred in not believing the testimonies of the appellant Ronilo Alburo and of Dina Lopez, Placido Alegado, Manuel Rama and Corazon Gabato, defense witnesses, who declared that on several occasions they saw Evelyn riding the jeepney.

"VI. The trial court erred in not acquitting the accused-appellant at least on the ground of reasonable doubt." (pp. 7-8, *ibid.*)

After evaluation of the evidence in its totality, we are not persuaded by the theory that Appellant and Evelyn were sweethearts. If they were, surely, Evelyn would not have jeopardized their relationship by accusing him of having deflowered her and, on top of it all, filing a criminal charge against him. Evelyn's picture, allegedly given to Appellant as a remembrance of their romantic relationship, was actually given to Ruel Sipi, her former boyfriend. She emphatically denies having given Appellant any such token. Neither was Appellant able to present any convincing evidence to substantiate his claim like love letters, notes and other symbols of affection.

Moreover, if, in fact, they had been lovers, Evelyn would have boarded Appellant's jeep voluntarily and alone unaccompanied by her two classmates. If the latter had any inkling that Evelyn did want to go with Appellant, they would not have shown so much concern for her welfare and safety like following the passenger jeepney driven by Appellant to the traffic lights, trying to pull Evelyn down from the jeepney, failing in which, they eventually reported the incident to Evelyn's mother.

Appellant's argument that Evelyn charged him with the crime out of fear of her parents who did not approve of their relationships is unconvincing because, if it had been so, Evelyn could have easily told her mother after the latter had successfully traced their whereabouts that nothing untoward had happened between her and Appellant. Her normal reaction would have been to cover-up for the man she loved and had had a clandestine affair with. But, on the contrary, Evelyn lost no time in denouncing Appellant and exposing to her family and the authorities

the disgrace that had befallen her.

Appellant's other assigned errors focus on the issue of credibility of witnesses in respect of which it is well settled that Appellate Courts will not generally disturb the factual findings of Trial Courts which are in a better position to weigh the conflicting testimonies, having heard the witnesses themselves and observed their deportment and manner of testifying during the trial unless it is found that the Trial Courts have plainly overlooked certain facts of substance and value that, if considered, might affect the result of the case (*People vs. Cruz, Sr.*, G.R. No. L-71462, June 30, 1987, 151 SCRA 609, citing other cases).

In reviewing the evidence adduced by the prosecution for this crime of Rape, we have likewise been guided by three well-known principles, namely, (1) that an accusation of rape can be made with facility, is difficult to prove, but more difficult for the person accused, though innocent, to disprove; (2) that in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and (3) that the evidence for the prosecution must stand or fall on its own merits, and cannot be allowed to draw strength from the weaknesses of the evidence for the defense (*Reyes*, Revised Penal code, Book II, 1981 ed., p. 850).

The factual milieu of this criminal charge before us gives us no reason to depart from these established rules. On the contrary, we find that Appellant had taken Evelyn away against her will, with lewd designs, subsequently forced her to submit to his lust and rendering her unconscious in the process, thereby justifying his conviction for the complex crime of Forcible Abduction with Rape under Article 48 in relation to Articles 335 and 342 of the Revised Penal Code, with which he has herein been charged.

WHEREFORE, the judgment appealed from is hereby **AFFIRMED**, with the modification of the amount of indemnity to be paid the offended party, which is hereby increased to P20,000.00, in line with decisional jurisprudence.

Costs against accused-appellant Ronilo Alburo.

**SO ORDERED.**

Paras, Padilla, Sarmiento, and Regalado, JJ., concur.

---

[1] Penned by Leoncio P. Abarquez.

**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.