

People v. Cabalquinto:
Protection for Crime Victims

The Facts

On November 18, 1998, ABC executed a *Sinumpaang-Salaysay* and filed a Complaint with the police. She charged her husband, Melchor Cabalquinto, with the rape of AAA, their 8-year old minor daughter. On arraignment, Cabalquinto pleaded not guilty. Trial on the merits ensued, resulting in the conviction of the accused and the imposition upon him of the penalty of death. The records of the case were thereafter forwarded to this Court on automatic review. Pursuant to the case *People v. Efren Mateo*, however, the Court issued a Resolution on September 14, 2004, transferring the case to the Court of Appeals for appropriate action. The appellate court affirmed the Decision of the trial court and added an award of P50,000 as moral damages and P25,000 as exemplary damages.

The Court's Ruling

To respect the dignity and protect the privacy of women and child victims, the Court resolved to withhold their names and instead use fictitious initials in its Decisions. Likewise, the personal circumstances of the victim-survivors or any other

information tending to establish or compromise their identities, as well as those of their immediate families or household members, could no longer be disclosed.

The Court said that its ruling effectuated the provisions of 7610, the “Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act” and its implementing rules; Republic Act 9262 or the Anti-Violence Against Women and their Children Act of 2004 and its implementing rules; and the Court’s own Rule on Violence Against Women and Their Children. These enactments, the Court pointed out, unequivocally expressed the intention to maintain the confidentiality of information in cases involving violence against women and children. It also took into account separate comments from the Office of the Solicitor General, the Integrated Bar of the Philippines, the National Press Club, the Philippine Press Institute, the Kapisanan ng mga Brodkaster sa Pilipinas, and the Department of Social Welfare and Development.

On the issue of the veracity of the rape charge, the Court gave full credence to the contemporaneous and subsequent conduct of the mother and child. It held that persons who witnessed an event could have perceived it from different points of reference; hence, they might have different accounts of how the incident had taken place. What was important was that, on the essential facts, their testimonies reinforced, corroborated, and substantially coincided with one another to make a

consistent and coherent whole.

Carnal knowledge of a woman under 12 years of age is rape, as defined under Art. 335 of the Revised Penal Code, and is qualified when the offender is a parent of the victim. In this case, then, the death penalty shall be imposed as provided under the Death Penalty Law. However, in view of Republic Act 9346, which prohibits the imposition of the death penalty, *reclusion perpetua* without eligibility for parole should instead be imposed. As regards the civil liability of Cabalquinto, we affirmed the award to AAA of P75,000 as civil indemnity for each count; an additional P75,000 as moral damages; and P25,000 as exemplary damages for each count, consistent with current jurisprudence.

Moral damages, separate and distinct from the civil indemnity, are automatically granted in rape cases. Exemplary damages, on the other hand, are imposed to deter fathers with aberrant sexual behaviors from sexually abusing their daughters. The Decisions of the Regional Trial Court and of the Court of Appeals were therefore affirmed with modification.