

CERTIFIED TRUE COPY  
*Wilfredo V. Lapitan*  
WILFREDO V. LAPITAN  
Division Clerk of Court  
Third Division  
NOV 21 2018



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff-Appellee,

G.R. No. 233199

Present:

- versus -

PERALTA, J., Chairperson,  
LEONEN,  
GISMUNDO,\*  
REYES, J.C., JR.,\* and  
HERNANDO, JJ.

ARIEL MANABAT CADENAS and  
GAUDIOSO MARTIJE,  
Accused-Appellants.

Promulgated:

November 5, 2018

X-----*Wilfredo V. Lapitan*-----X

DECISION

PERALTA, J.:

Assailed in this appeal is the June 22, 2017 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01525-MIN, which affirmed with modifications the March 3, 2016 Decision<sup>2</sup> of the Regional Trial Court, Branch 32, Lupon, Davao Oriental (RTC) in Criminal Case No. 1389-12, finding accused-appellants Ariel Manabat Cadenas (*Cadenas*) and Gaudioso Martije (*Martije*) guilty beyond reasonable doubt of the crime of Rape with Homicide.

The antecedent facts are as follow:

Cadenas and Martije were indicted for Rape with Homicide in an Information<sup>3</sup> dated February 14, 2012, the accusatory portion of which reads:

\* On wellness leave.

<sup>1</sup> Penned by Associate Justice Louis P. Acosta with Associate Justice Edgardo T. Lloren and Associate Justice Ronaldo B. Martin, concurring; *rollo* pp. 3-17.

<sup>2</sup> Penned by Judge Emilio G. Dayanghirang III; *CA rollo*, pp. 21-35.

<sup>3</sup> Records, p. 2.

That, on February 12, 2012, in the Municipality of [REDACTED], Province of [REDACTED] and within the jurisdiction of this Honorable Court, the above-named accused, in conspiracy with each other, with lewd design, by means of force, threat and intimidation, did then and there, willfully, unlawfully and feloniously have carnal knowledge with one [AAA] against her will and, thereafter, the accused killed [AAA], to the damage and prejudice of her legal heirs.

CONTRARY TO LAW.

When arraigned, Cadenas and Martije pleaded not guilty to the charge.<sup>4</sup> After pre-trial was terminated, trial on the merits followed.

### *Version of the Prosecution*

As summarized by the Office of the Solicitor General, the People's factual version is as follows:


Castillo testified that [AAA], the victim, was his live-in partner. On February 12, 2012, from 7 a.m. to 6 p.m., he was at the copra drier together with Dindo Escribano (Escribano). [AAA] was also with them at the copra dryer but she left at 8 a.m. to prepare food in their house. At 9 p.m., Castillo asked Escribano to get the food, which [AAA] prepared, at their house. But Escribano returned to the copra drier and informed Castillo that he saw accused-appellants Cadenas and Martije going out of their house running away. Castillo and Escribano then went back to the house and upon arrival thereat, they saw [AAA] already dead. [AAA] was lying on her back naked. Her jogging pants were pulled down to her knees, and her vagina and breasts were exposed. Her nipple and cheek have wounds and her head was broken.

Escribano corroborated Castillo's testimony.

Dr. Guiritan, the Municipal Health Officer of [REDACTED], Davao Oriental, testified, as an expert witness, that he examined the cadaver of [AAA] to determine the cause of her death. He found that the immediate cause of [AAA]'s death was brain hemorrhage due to skull fracture secondary to traumatic injury of the head. The weapon used was a hard blunt object. It was probable that [AAA] was bitten as shown by the multiple abraded wounds at the *mons pubis*, an area outside the vagina, and at the left nipple area.

Bacus, the Chief *Barangay Tanod* of *Barangay* [REDACTED] testified that on February 12, 2012, at 5:00 a.m., while he was in his house, *Barangay Captain* Geraldo Arqueza called him. He was told that a crime happened at [REDACTED] and the suspect was Cadenas. He assisted the *barangay captain* in effecting the arrest of Cadenas at the latter's house. Cadenas

<sup>4</sup> *Id.* at 18.



voluntarily admitted to Bacus that he, together with Martije, were the ones who killed the victim. Bacus then turned over Cadenas to the police.<sup>5</sup>

### *Version of the Defense*

The defense relates accused-appellants' version of the facts in the following manner:

#### Gaudioso Martije

On February 12, 2012, at around 5:00 p.m., he went to his house at Purok [REDACTED], Barangay [REDACTED]. In going home, he passed by the beach to buy food. He met his co-accused Cadenas at the beach. After arriving, he did not leave his house. He knows the victim, [AAA]. In going to the farm, he passes by the area of the victim. He was surprised when he was accused of killing the victim. He learned of the death of the victim when he was arrested the following day. He was arrested by Barangay Captain Arquiza. A warning shot was fired during his arrest. He did not resist when he was arrested. He informed the police that he did not commit the crime. He knows prosecution witness Dindo Escribano.

#### Ariel Cadenas

On February 12, 2012, he was in his house. He was weeding under the coconut trees near his house. He started working at around 7:00 o'clock in the morning and finished at 3:00 o'clock in the afternoon. At around 3:30 o'clock in the afternoon, he went to the seashore to buy food for the pig and get his share on the place where he worked. He waited for a fisherman to buy fish. After buying fish, he went to his house and arrived at around 5:30 o'clock in the afternoon. He cooked the fish, ate it and slept. He woke up at around 5:00 o'clock in the morning the following day. He was about to plant banana seedlings when barangay tanods arrived. The barangay tanods told him to go with them. He was told he was a suspect of a crime that occurred. He was brought to the police in [REDACTED] near the seashore. The beating continued. He was brought to the police station and investigated about the killing. He knows the victim. There is a road going to the house of the victim. He knows his co-accused Martije. He denied he was responsible for the killing.<sup>6</sup>

### *The RTC Ruling*

After trial, the RTC rendered its Decision dated March 3, 2016, finding accused-appellants guilty beyond reasonable of the crime charged. The RTC disposed the case as follows:

<sup>5</sup> CA rollo, p. 48.

<sup>6</sup> Id. at 13-14.

WHEREFORE, finding accused ARIEL MANABAT CADENAS and GAUDIOSO MARTIJE guilty beyond reasonable doubt of the special complex crime of rape with homicide, they are hereby sentenced to suffer RECLUSION PERPETUA without eligibility for parole under the Indeterminate Sentence Law. They are ordered to pay individually the heirs of the victim [P]100,000 as civil indemnity, P100,000 as moral and exemplary damages, and P25,000 as temperate damages in lieu of unproven actual damages. All monetary awards for damages shall earn interest at the legal rate of 6% per annum from date of finality of this judgment until fully paid.

SO ORDERED.<sup>7</sup>

The RTC found the testimonies of the prosecution witnesses credible and sufficient. It ruled that the circumstantial evidence proffered by the prosecution have amply established the commission of the crime of rape with homicide and have pointed to Cadenas and Martije as the perpetrators of the dastardly act.

Not in conformity, Cadenas and Martije appealed their conviction before the CA.

### *The CA Ruling*

On June 22, 2017, the CA rendered its assailed Decision affirming the conviction of Cadenas and Martije with modification as to the award of damages. The *fallo* of which states:

WHEREFORE, the appeal is DENIED.

The judgment dated 3 March 2016 of the Regional Trial Court, 11<sup>th</sup> Judicial Region, Branch 32, Lupon, Davao Oriental in Criminal Case No. 1389-12 for Rape with Homicide is AFFIRMED with MODIFICATIONS.

Accused-Appellants BBB and CCC shall pay, jointly and severally, the Heirs of AAA the following:

1. civil indemnity *ex delicto* of Php100,000.00;
2. moral damages of Php100,000.00;
3. exemplary damages of Php100,000.00; and
4. temperate damages of Php50,000.00.

All monetary awards shall earn interest at the rate of six percent (6%) *per annum* from date of finality of this Decision until fully paid.



SO ORDERED.<sup>8</sup>

The CA ruled that the prosecution had duly established all the elements of the special complex crime of Rape with Homicide. According to the CA, the horrid state of the lifeless body of AAA when she was found - her body was found in the supine position with her pants and underwear pulled down to her knees, exposing her vagina, and her shirt pulled up, exposing her breasts – clearly showed that she was raped. Further, the appellate court held that the prosecution presented credible and sufficient pieces of circumstantial evidence that, when analyzed and taken together, would lead to the inescapable and reasonable conclusion that Cadenas and Martije were the authors of the crime. It debunked appellants' respective denials and alibis declaring that the same were not adequately proven by strong and competent evidence, and not at all persuasive when pitted against the positive and convincing identification of them by prosecution witness Dindo Escribano (*Escribano*).

Insisting on their innocence of the crime charged, Cadenas and Martije filed the present appeal and posited the same issues they previously raised before the CA, to wit:

I

Whether the guilt of the accused-appellants were established beyond reasonable doubt?

II

Whether circumstantial evidence is sufficient to convict the accused-appellants?

III

Whether there was basis for the award of damages?<sup>9</sup>

In its Resolution<sup>10</sup> dated October 2, 2017, the Court directed both parties to submit their supplemental briefs, if they so desired. On December 6, 2017, the Office of the Solicitor General filed its Manifestation and Motion (Re: Supplemental Brief)<sup>11</sup> praying that it be excused from filing a supplemental brief as its Appellee's Brief had sufficiently discussed all the issues raised by the accused-appellants. On December 18, 2017, the accused-appellants filed a Manifestation In lieu of a Supplemental Brief<sup>12</sup> averring that they would adopt all their arguments in their Appellants' Brief filed before the CA where they had already ventilated all matters pertinent to their defense.

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<sup>8</sup> *Rollo*, pp. 16-17.

<sup>9</sup> *CA rollo*, p. 14.

<sup>10</sup> *Rollo*, pp. 23-24.

<sup>11</sup> *Id.* at 34-36.

<sup>12</sup> *Id.* at 40-41.

Encapsulated, the issue herein focuses on the sufficiency of the prosecution evidence to prove the commission of Rape with Homicide and the identity of the culprits thereof.

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

After a careful scrutiny of the records and evaluation of the evidence adduced by the parties, the Court is not convinced with moral certainty that Cadenas and Martije committed the crime charged. Reasonable doubt burdens the conscience. Our minds cannot rest easy on the certainty of appellants' guilt. This appeal is impressed with merit.

Every criminal conviction requires the prosecution to prove two things: (1) the fact of the crime, *i.e.*, the presence of all the elements of the crime for which the accused stands charged, and (2) the fact that the accused is the perpetrator of the crime.<sup>13</sup> When a crime is committed, it is the duty of the prosecution to prove the identity of the perpetrator of the crime beyond reasonable doubt for there can be no conviction even if the commission of the crime is established.<sup>14</sup> Apart from showing the existence and commission of a crime, the State has the burden to correctly identify the author of such crime. Both facts must be proved by the State beyond cavil of a doubt on the strength of its evidence and without solace from the weakness of the defense.<sup>15</sup>

Our legal culture demands the presentation of proof beyond reasonable doubt before any person may be convicted of any crime and deprived of his life, liberty or even property. As every crime must be established beyond reasonable doubt, it is also paramount to prove, with the same quantum of evidence, the identity of the culprit. It is basic and elementary that there can be no conviction until and unless an accused has been positively identified. The hypothesis of his guilt must flow naturally from the facts proved and must be consistent with all of them.

In the case at bench, there is no direct evidence that could link appellants to the commission of the crime. As observed by the RTC, "nobody witnessed the actual rape and killing of the victim."<sup>16</sup> The RTC was, thus, compelled to resort solely on circumstantial evidence. The trial court enumerated the pieces of circumstantial evidence that justified its finding of guilt, *viz.*:

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<sup>13</sup> *People v. Ayola*, 416 Phil. 861, 871 (2001).

<sup>14</sup> *People v. Sinco*, 408 Phil. 1, 12 (2001).

<sup>15</sup> *People v. Limpangog*, 444 Phil 691, 709 (2003).

<sup>16</sup> Records, p. 135.

x x x First; Cadenas and Martije were seen leaving the house of the victim; Second: Cadenas and Martije left the house in in (sic) a hasty manner, they ran away; Third: when Castillo and Escrebano went to the house, they discovered the victim already dead; Fourth, the victim's pants and panty were pulled down up to her knee level, her t-shirt was pulled up, her breast and vagina were exposed and she was lying on her back, indicating she was sexually assaulted; Fifth, the victim has a wound on her cheek and her head was broken; and Sixth, the post-mortem examination conducted by Dr. Guiritan confirmed that the the (sic) immediate cause of death (of the) victim is brain haemorrhage due to skull fracture secondary to traumatic injury of the head. The probable weapon used was a hard blunt object. The victim was probably bitten causing multiple abraded wounds at the mons pubis, an area outside the vagina, and also multiple abraded wounds at the left nipple area.<sup>17</sup>

Inasmuch as the case for the prosecution is largely based on circumstantial evidence, a short discussion on the sufficiency of circumstantial evidence to convict an accused is in order.

True, conviction is not always based on direct evidence for it may likewise rest on purely circumstantial evidence. A rule of ancient respectability now sculpted into tradition is that conviction may be warranted on the basis of circumstantial evidence only if the following requisites concur: *first*, there is more than one circumstance; *second*, the facts from which the inferences are derived are proved; and *third*, the combination of all the circumstances is such as to produce conviction beyond reasonable doubt.<sup>18</sup> Jurisprudence teaches us that for circumstantial evidence to be sufficient to support a conviction, all circumstances must be consistent with each other, consistent with the hypothesis that the accused is guilty, and at the same time inconsistent with the hypothesis that he is innocent.<sup>19</sup> The circumstances proven should constitute an unbroken chain which leads to one fair and reasonable conclusion that points to the accused, to the exclusion of others, as the guilty person.<sup>20</sup>

We do not subscribe, however, with the RTC and the CA that the foregoing circumstantial evidence inexorably lead to the conclusion that Cadenas and Martije raped and killed AAA. The circumstantial evidence invoked by the RTC, particularly as to the identification of the perpetrators, raises doubt rather than moral certainty as to the guilt of the appellants for the special complex crime of Rape with Homicide. To the mind of the Court, these circumstances, harnessed to establish the criminal liability of Cadenas and Martije, are miserably inadequate in weight and anemic in value to affirm their conviction.

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<sup>17</sup>*Id.*<sup>18</sup>*Zabala v. People*, 752 Phil. 59, 65 (2015).<sup>19</sup>*People v. Lopez*, 371 Phil. 852, 860 (1999).<sup>20</sup>*Espineli v. People*, 735 Phil. 530, 533 (2014).

To begin with, the RTC gave much weight on the testimony of prosecution witness Escribano that he had seen Cadenas and Martije running away from the house of Michael Castillo (*Castillo*) and AAA where the latter's lifeless body was found, and ergo, the suspicion that they were the authors of the crime of Rape with Homicide. Escribano testified in this wise:

Direct Examination – Prosecutor Neil C. Pudpud

Q: So, what happened when AAA went home?

A: I was asked by Michael Castillo to go to their house.

Q: To follow AAA in their house?

A: Yes, sir to get the food for dinner at about 9:00 o'clock in the evening.

Q: Were you able to reach the house of Michael Castillo?

A: Yes, sir.

Q: What happened, if any, when you arrived at the house of Michael Castillo?

A: I saw this Gaudioso Martije and Ariel Cadenas.

Q: You saw Gaudioso and Ariel?

A: Yes, sir.

Q: Where?

A: In the house.

Q: Whose house?

A: Of Michael Castillo.

Q: What were they doing when you saw them?

A: I saw them going out of the house.

Q: Where did they proceed from the house of Michael Castillo?

A: They ran away.

Q: Running away from the house?

A: Yes, sir.

Q: What did you do when you saw them?

A: I returned back to Michael Castillo to the copra-dryer.

Q: And what did you tell Michael Castillo, if any?

A: I told him, uncle there is somebody in your house.

Q: And what happened after informing Michael Castillo there were persons in his house?

A: He asked me what is the name of the persons and I answered Dondon Cadenas and Martije.

Q: What is the real name of Dondon?

A: Ariel.





Q: What happened after you informed Michael Castillo that Ariel Cadenas and Martije was in their house?

A: We went to their house.

Q: And when you arrived in their house, what did you discover, if any?

A: When we reached the house of Michael Castillo, we saw that his wife is already dead.<sup>21</sup>

The RTC, as well as the CA, immediately rushed to the conclusion that the presence of the appellants at the crime scene (they were seen running away from the house of Castillo and AAA) as sufficient to incriminate them to the commission of the crime charged. Admittedly, this circumstance may raise a speculation, as, in fact, inevitably made Cadenas and Martije the prime suspects, but it is far too inadequate to support a conviction. It is a mere conjecture that can be refuted by other equally conceivable and rational inferences. The testimony of Escribano does not conclusively connect Cadenas and Martije to the rape-slay of AAA, but merely arouse suspicion against them. The Court has consistently stressed that mere suspicions and speculations can never be the bases of conviction in a criminal case. In *People v. Lugod*,<sup>22</sup> the Court wrote:

In the present case, much emphasis was placed by the trial court on the discovery of the pair of rubber slippers at the victim's house and the black T-shirt hanging on a guava twig near the cadaver of Nairube which were allegedly worn by accused-appellant the day before Nairube's disappearance. The trial court also relied on the fact that there was an eyewitness who saw accused-appellant leaving Villa Anastacia, the place where the body of the victim was found, in the morning after the disappearance of the victim. However, the combination of the above-mentioned circumstances does not lead to the irrefutably logical conclusion that accused-appellant raped and murdered Nairube. At most, these circumstances, taken with the testimonies of the other prosecution witnesses, merely establish the accused-appellant's whereabouts on that fateful evening and places accused-appellant at the scene of the crime and nothing more. The evidence of the prosecution does not provide a link which would enable this Court to conclude that he in fact killed and raped Nairube. It must be stressed that although not decisive for the determination of the guilt of the accused-appellant, the prosecution did not present any evidence to establish that he was at any time seen with the victim at or about the time of the incident. Neither was there any other evidence which could single him out to the exclusion of any other as being responsible for the crime.<sup>23</sup>

The alleged presence of Cadenas and Martije at the *locus criminis* does not necessarily mean that they authored the crime. At best, such presence at the crime scene merely debunks appellants' alibi that they were in their respective houses at around 9 o'clock in the evening on February 12, 2012. Moreover, the prosecution has not completely ruled out the probability that

<sup>21</sup> TSN, January 21, 2014, pp. 7-9.

<sup>22</sup> 405 Phil. 125 (2001).

<sup>23</sup> *Id.* at 149. (Underscoring ours.)

another person/s may have committed the crime. Indeed, it was not established that the appellants were with the victim inside the subject house at the time the crime was committed, if at all. The proof against Cadenas and Martije must pass the crucible of reasonable doubt; suspicion alone, no matter how strong it may be, is inadequate to sustain a conviction. Truly, the sea of suspicion has no shore, and the court that embarks upon it is without rudder or compass.<sup>24</sup>

For sure, we can only speculate at this stage on who perpetrated the crime as there is nothing on the records to provide us with any better clue than what has heretofore been surmised. However, the Court is not called upon to speculate on who committed the crime and how it was committed. Our task is confined in resolving whether the prosecution has adduced sufficient evidence to prove that the crime alleged in the Information was committed and that the accused-appellants are the culprits thereof. Unfortunately, the prosecution failed to discharge the onus of proving the identity of the malefactors.

Further, the Court finds Escribano's identification of the appellants as the persons whom he allegedly saw running away from the house of Castillo and AAA to be inconclusive and untrustworthy. Consider the following testimony of Escribano on this score:

Cross Examination – Atty. Apple Cherrie Amolata-Javier

Q: Can you describe to us the place going to the house of AAA?

A: There are big trees around.

Q: And you will agree with me that the house of AAA is located at the mountainous area?

A: Yes, ma'am.

Q: And you will agree with me also that there are no electricity in the house of AAA?

A: Yes, ma'am.

Q: And along the way going to the house of AAA there were no electric light?

A: None, ma'am.

Q: You earlier testified that you allegedly saw the accused run from the house of AAA. Where were you when you saw them?

A: I was already under the house of AAA.

Q: You were already under the house when you saw them run away?

A: Yes, ma'am, because the house is a two-storey house.

Q: Exactly where were you when you first saw them?

A: On the terrace.

<sup>24</sup>

*People v. Asis*, 439 Phil. 707, 728 (2002).

Q: That was the first time you saw them?

A: Yes, ma'am.

Q: And the two were running from the house when you saw them?

A: Yes, ma'am.

Q: And then you said you immediately informed Michael Castillo that there were persons in his house. It goes to say upon seeing these two accused you immediately went back to Michael Castillo without entering the house?

A: Yes, ma'am, I did not enter the house.<sup>25</sup>

A nexus of related circumstances, however, rendered the above testimony of Escribano as highly suspect. Somehow, the Court cannot help but doubt the reliability of the identification made by the said witness. It was as if it was merely contrived to pin criminal culpability upon Cadenas and Martije.

*First*, the condition of visibility at the time Escribano allegedly saw Cadenas and Martije running away from the house, did not favor said witness, a factor that failed to lend credence to his testimony. The incident happened at 9 o'clock in the evening outside the house of AAA, in a remote *barangay* located at a mountainous area covered with big trees, and there is no electric lighting from the surroundings and even in the said house. No shred of evidence is on record that could show the existence of a source of light then which may have provided Escribano with enough illumination that enabled him to recognize who the two persons were. The distance between Escribano and the said two persons was not disclosed either. Even granting that the area was sufficiently lighted, the prosecution still failed to explain how Escribano was able to get a glimpse of the faces of the two persons because if the latter were running away from the house, it is safe to assume that their backs were turned against said witness. Also, the incident was so swift for ample observation. Under these circumstances, the positive identification of appellants by Escribano as the two persons running away from the house of AAA is elusive and hazy.

*Secondly*, Escribano's story, that after seeing the two persons run away, he did not enter the house (although he was already at the terrace thereof) but instead, he opted to take a long walk back to Castillo at the copra dryer just to tell the latter of what he saw, simply does not make sense. It appears strange that Escribano should return back to Castillo when natural instinct and reason would dictate that he should have entered the house to see if anything bad happened to his friend's live-in partner or at least called for AAA's name from outside the house just to check her condition. His reaction was unnatural and contrary to ordinary human experience. The failure of Escribano to lend a

touch of realism to his tale leads to the conclusion that he was either withholding an incriminating information or was not telling the truth.

*Thirdly*, the Court finds it disturbing how Barangay Captain Gerald Arquiza (*Arquiza*) of *Barangay* ██████████, was able to identify Cadenas and Martije as the sexual ravishers and killers of AAA. Nowhere in the prosecution evidence does it show that Castillo and/or Escribano reported the incident and identified (or at least described), the perpetrator/s to Arquiza at any time after the discovery of the body of the victim. Yet, at around 5 o'clock in the morning of the following day (February 13, 2012), Arquiza informed Joel Bacus, a *barangay* tanod member of *Barangay* ██████████, that he (Arquiza) had already arrested Martije, and requested the latter (Bacus) to apprehend Cadenas, who is allegedly another suspect to the rape and killing of AAA.<sup>26</sup> Curiously, Arquiza was not called to the witness stand to shed light on this gray area in the case of the prosecution.

*Finally*, there is a paucity of evidence to show that appellants have motive to rape or kill the victim. The gruesome attack on AAA, who sustained a traumatic injury to the head which fractured her skull causing brain hemorrhage, clearly manifested the intention of the perpetrator/s to bring death upon the victim. There was no evidence, however, that Cadenas and Martije carried a grudge or had an axe to grind against the victim or her live-in partner, Castillo. Cadenas categorically declared that he knew AAA to be 30 years of age, but did not find her attractive.<sup>27</sup>

We are aware that the motive of the accused in a criminal case is generally held to be immaterial, not being an element of the offense. However, motive assumes importance when, as in this case, the evidence on the commission of the crime and the identity of the perpetrator is purely circumstantial. As held in *Crisostomo v. Sandiganbayan*:<sup>28</sup>

Motive is generally held to be immaterial because it is not an element of the crime. However, motive becomes important when the evidence on the commission of the crime is purely circumstantial or inconclusive. Motive is, thus, vital in this case.

In the face of the deficiency in the proof submitted by the prosecution anent the identity of the offenders, the respective alibis of Cadenas and Martije assume credence and importance. While the defense of alibi is by nature a weak one, it assumes commensurate significance and strength where the evidence for the prosecution is also intrinsically weak.<sup>29</sup> At any rate, even if the defense of the appellants may be weak, the same is inconsequential if, in the first place, the prosecution failed to discharge the onus of their identity

<sup>26</sup> TSN, November 19, 2013; Joint Affidavit, records, p. 8.

<sup>27</sup> TSN, April 21, 2015, p. 5.

<sup>28</sup> 495 Phil. 718, 745 (2005).

<sup>29</sup> *People v. Canlas*, 423 Phil. 665, 678 (2001).

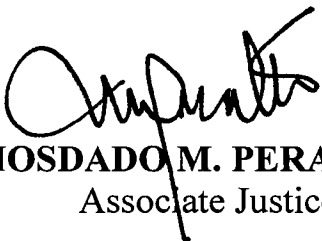
and culpability.<sup>30</sup> Let it be underscored that conviction must be based on the strength of the prosecution evidence and not on the weakness of the evidence for the defense, it is incumbent upon the prosecution to prove the guilt of the accused and not the accused to prove his innocence.<sup>31</sup>

The Court denounces the senseless and gruesome crime committed against AAA and sincerely commiserates with the emotional sufferings of her bereaved family. However, the pieces of circumstantial evidence of the prosecution fails to prove indubitably the appellants' authorship of the crime of Rape with Homicide. The conviction of the appellants cannot stand on the basis of sketchy and doubtful circumstantial evidence. Accordingly, the Court must uphold the primacy of the presumption of innocence in favor of Cadenas and Martije.

**WHEREFORE**, the appeal is **GRANTED**. The June 22, 2017 Decision of the Court of Appeals in CA-G.R. CR-HC No. 01525-MIN is **REVERSED** and **SET ASIDE**. Accused-appellants Ariel Manabat Cadenas and Gaudioso Martije are **ACQUITTED** of the crime of Rape with Homicide on the ground of reasonable doubt.

The Director of the Bureau of Corrections is **DIRECTED** to cause the **IMMEDIATE RELEASE** of the accused-appellants unless lawfully held for another cause, and to **INFORM** this Court of the date of their release, or the ground for their continued confinement, within ten (10) days from receipt hereof.

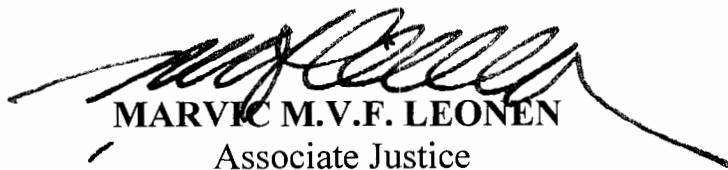
**SO ORDERED.**

  
**DIOSDADO M. PERALTA**  
Associate Justice

<sup>30</sup> *People v. Sinco*, supra note 14, at 19.

<sup>31</sup> *People v. Mamalias*, 385 Phil. 499, 514 (2000).


**WE CONCUR:**



**MARVIC M.V.F. LEONEN**  
Associate Justice

On wellness leave  
**ALEXANDER G. GESMUNDO**  
Associate Justice

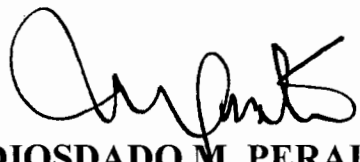
On wellness leave  
**JOSE C. REYES, JR.**  
Associate Justice



**RAMON PAUL L. HERNANDO**  
Associate Justice

**ATTESTATION**


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



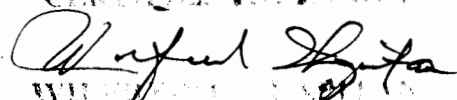
**DIOSDADO M. PERALTA**  
Associate Justice  
Chairperson, Third Division

**CERTIFICATION**

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



**ANTONIO T. CARPIO**  
Senior Associate Justice  
(Per Section 12, Republic Act  
No. 296, The Judiciary Act of  
1948, as amended)

CERTIFIED TRUE COPY  
  
WILSON P. SANTIAGO  
Division Clerk of Court  
Third Division  
NOV 14 2018