



*[Signature]*  
RUFAR D. PASION  
Deputy Division Clerk of Court  
Third Division

MAY 04 2021

Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

PEOPLE OF THE G.R. No. 225781  
PHILIPPINES,

*Plaintiff-Appellee,*

Present:

- versus -

LEONEN, J.,  
Chairperson,  
HERNANDO,  
INTING,  
DELOS SANTOS, and  
GAERLAN,\* JJ.

XXX,<sup>1</sup>

*Accused-Appellant.*

Promulgated:

November 16, 2020

Mis-APCB-11

X-----X

DECISION

**HERNANDO, J.:**

Challenged in this appeal is the September 24, 2015 Decision<sup>2</sup> of the Court of Appeals (CA) in CA-GR CR HC No. 06715 affirming *in toto* the January 21, 2014 Joint Decision<sup>3</sup> of the Regional Trial Court (RTC), Branch 38 of San Jose City, Nueva Ecija in Criminal Case No. 692-06-P which found XXX (accused-appellant) guilty beyond reasonable doubt of the crime of Rape.

\* Designated as additional member per raffle dated November 11, 2020 vice J. Rosario who recused due to prior action in the Court of Appeals.

<sup>1</sup> Initials were used to identify accused-appellant pursuant to Amended Administrative Circular No. 83-15 dated September 5, 2017 Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders using Fictitious Names/Personal Circumstances issued on September 5, 2017.

<sup>2</sup> *Rollo*, pp. 2-11; penned by Associate Justice Leoncia Real-Dimagiba and concurred in by Associate Justices Danton Q. Bueser and Carmelita Saiandanan-Manahan.

<sup>3</sup> *CA rollo*, pp. 22-33; penned by Presiding Judge Loreto S. Alog, Jr.

### The Antecedents

Accused-appellant was charged in two separate Informations with the crimes of Rape and Attempted Rape under Article 266-A of the Revised Penal Code (RPC) in relation to Republic Act No. (RA) 7610, otherwise known as the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act, as amended, allegedly committed as follows:

#### **Criminal Case No. 692-06-P:**

That on or about the 25<sup>th</sup> day of December 2005, at about 8:00 o'clock in the evening, at [REDACTED],<sup>4</sup> Province of Nueva Ecija, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused armed with a bladed weapon, by means of force and intimidation did then and there wilfully, unlawfully and feloniously have carnal knowledge of one AAA<sup>5</sup> a minor, 14 years old, against her will, to her damage and prejudice.

All contrary to law with the aggravating circumstances of nighttime, abuse of confidence with the act done in the house of complainant.

CONTRARY TO LAW.<sup>6</sup>

#### **Criminal Case No. 691-06-P:**

That on or about the 5<sup>th</sup> day of January 2006, at about 11:00 in the morning, at [REDACTED], Province of Nueva Ecija, Republic of the Philippines and within the jurisdiction of this Honorable Court, said accused armed with a kitchen knife, suddenly pulled the arm and ordered [AAA], a minor, 14 years old, to climb to a wooden bed and forcibly removed her panty and shorts and lied on top of her thereby commencing the commission of Rape in relation to R.A. 7610, which should have produced the crime of Rape in relation to R.A. 7610 but was not able to consummate Rape by reason of accident other than his own spontaneous desistance, that is, the arrival of [BBB],<sup>7</sup> the mother of [AAA] who beat [XXX] with a piece of wood.

Contrary to law with aggravating circumstance of abuse of confidence.

CONTRARY TO LAW.<sup>8</sup>

Upon arraignment, accused-appellant pleaded not guilty to crimes charged against him.<sup>9</sup>

<sup>4</sup> Geographical location was blotted out per Supreme Court Amended Administrative Circular No. 83-2015 or *Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders using Fictitious Names/Personal Circumstances* issued on September 5, 2017/

<sup>5</sup> Initials were used for the name of minor victim per Supreme Court Amended Administrative Circular No. 83-2015, *id.*

<sup>6</sup> *Records*, Volume 1, p. 2.

<sup>7</sup> Initials were used for the name of minor victim's mother per Supreme Court Amended Administrative Circular No. 83-2015, *supra* note 3.

<sup>8</sup> *CA rollo*, pp. 22-23.

<sup>9</sup> *Rollo*, p. 3.

In the course of the trial, the prosecution presented the victim AAA, her mother, BBB, and physician Dr. Ma. Eilyn F. Basco (Dr. Basco), as its witnesses. On the other hand, the defense presented accused-appellant as its witness. However, the victim executed a *Sinumpaang Salaysay ng Pag-uurong ng Habla*<sup>10</sup> dated November 26, 2013, wherein she made the following declarations:

2. Na, ako ay hindi na interesado pang ipagpatuloy ang pag-uusig kay [XXX] dahil ang mga pangyayari ay bunga lamang ng di namin pagkakaunawaan, tampo at galit ko sa naturang akusado kaya ako ay nakagawa ng maling paratang laban sa kanya;

3. Na, naayos na namin ang hidwaang namagitan sa amin at hindi kaya ng aking konsensiya na ipakulong ang taong wala naman talagang kasalanan sa akin[.]<sup>11</sup>

As a result thereof, she also testified for the accused-appellant.

### **Version of the Prosecution:**

On December 25, 2005, at around 8 o'clock in the evening, BBB was out having a drink with her neighbors, while AAA and her siblings were left in their house. Around the same time, AAA's siblings were already sleeping in a room, while the victim was sleeping on a bench outside the said room. Meanwhile, accused-appellant, the live-in partner of BBB, who earlier declared that he would be going to his ducks or "itikan", returned to their house. He then chanced upon the victim and proceeded to remove her clothes, leaving her totally naked. After undressing himself, accused-appellant went on top of the victim and held her hands. She resisted but he poked a bladed weapon at her neck and told her not to tell anybody or else he would kill her and her family. Thereafter, he inserted his penis into the victim's vagina, and kissed her lips and neck. Being then a virgin, she experienced vaginal pain and bleeding. After feeling something hot spew from accused-appellant's private part, AAA recalled that he removed his penis from her vagina, dressed himself and left. She remained at their house and cried.<sup>12</sup>

On January 5, 2006, AAA and her sister went to the hut erected on the place where accused-appellant was raising ducks to get drinking water from an artesian well. Upon seeing her, he held her hands and brought her inside the hut. He then instructed her to lie down on a wooden bed. When she refused to abide by his instruction, he poked a pointed knife at her neck.<sup>13</sup>

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<sup>10</sup> Records, Volume 1, p. 213.

<sup>11</sup> Id.

<sup>12</sup> CA rollo, p. 45.

<sup>13</sup> Id.

Accused-appellant then went on top of the victim. When he was about to remove his pants, BBB arrived. Upon seeing her live-in partner on top of her daughter who was wriggling her feet, BBB hit him with a piece of wood. Thereafter, BBB tried to wrest the knife from his waist, but failed to do so because he held BBB who suffered an injury on her hands as a result thereof.<sup>14</sup>

The victim then left and proceeded to the house of her friend. BBB followed her and asked her how many times had accused-appellant molested her. She then revealed to her that he also sexually molested her the previous month.<sup>15</sup>

Together, AAA and BBB reported the sexual molestations to the barangay authorities. On January 8, 2006, AAA underwent a medical examination, wherein Dr. Basco made the following findings:

Contusion with Laceration, 0.5 cms at 5 o'clock, Left Lower Vaginal Orifice.

Contusion, Left upper Anterior Vaginal Wall.<sup>16</sup>

#### **Version of the Defense:**

Accused-appellant vehemently denied the accusation against him. He claimed that at about 8 o'clock in the evening of December 25, 2005, he was alone in his farm which is about a kilometer away from their house. He had no occasion to leave the place.<sup>17</sup>

He also pointed to the victim's affidavit of desistance dated November 26, 2013, and the fact that she also testified for him on November 28, 2013 where she confirmed executing the affidavit of retraction, denied that accused-appellant raped her, and claimed that she filed the cases merely at the behest of her mother, BBB.<sup>18</sup>

#### **Ruling of the Regional Trial Court:**

In a January 21, 2014 Joint Decision,<sup>19</sup> the RTC of San Jose City, Nueva Ecija acquitted accused-appellant of the charge of Attempted Rape but convicted him of one count of Rape.<sup>20</sup> The dispositive portion of the Joint Decision reads:

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<sup>14</sup> Id. at 45-46.

<sup>15</sup> Id. at 46.

<sup>16</sup> Folder of Exhibits, Exh. D.

<sup>17</sup> *Rollo*, p. 5.

<sup>18</sup> Id.

<sup>19</sup> Id. at 22-34.

<sup>20</sup> Id.

WHEREFORE, his guilt for the offense charged in Criminal Case No. 691-06-P not having been established beyond reasonable doubt, the accused [XXX] is ACQUITTED.

Said accused, however, is hereby found guilty of rape defined and penalized under Art. 266-A in relation to Art. 266-B of the Revised Penal Code in Criminal Case No. 692-06-P and is accordingly sentenced to suffer the penalty of *reclusion perpetua*, and such accessory penalties provided by law.

The accused is likewise found liable to pay [AAA] civil indemnity and moral damages, each in the amount of ₱50,000.00 both of which must earn interest at the rate of 6% per *annum* from finality of this judgment until fully paid.

SO ORDERED.<sup>21</sup>

### **Ruling of the Court of Appeals:**

In its September 24, 2015 Decision, the CA dismissed accused-appellant's appeal, and upheld the findings of the RTC. It pointed out that recantations of testimonies are frowned upon by the courts as they are generally unreliable in character.<sup>22</sup> The dispositive portion of the appellate court's Decision reads:

**WHEREFORE**, the foregoing considered, the appeal is hereby **DENIED** and the judgment of the Trial Court rendered on January 21, 2014, being in accord with the facts and the law, convicting [XXX] for Rape under Criminal Case No. 692-06-P with the penalty of *reclusion perpetua* and all its accessory penalties, civil indemnity of P50,000.00 and moral damages of P50,000.00, with 6% interest per *annum* for each award from the date of finality of the judgment until fully paid, is hereby **AFFIRMED** in all aspects.

SO ORDERED.<sup>23</sup> (Emphasis in the original)

Dissatisfied, accused-appellant filed the instant appeal.<sup>24</sup>

### **Issue**

Whether or not the prosecution has proven the guilt of accused-appellant beyond reasonable doubt for the crime of Rape.

### **Our Ruling**

We affirm accused-appellant's conviction.

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<sup>21</sup> Id. at 34.

<sup>22</sup> *Rollo*, p. 7.

<sup>23</sup> Id. at 10.

<sup>24</sup> Id. at 12.

***Accused-appellant is guilty beyond reasonable doubt of the crime of Rape.***

The gravamen of the crime of Rape is carnal knowledge of a woman against her will.<sup>25</sup> The following elements must be proven beyond reasonable doubt for the conviction of the accused in the crime of Rape: (i) that the accused had carnal knowledge of the victim; and (ii) the act was accomplished (a) through the use of force or intimidation; or (b) when the victim is deprived of reason or otherwise unconscious; or (c) when the victim is 12 years of age, or is demented.<sup>26</sup>

In the instant case, the foregoing elements are all present. The victim testified that accused-appellant had sexual intercourse with her, against her will, while pointing a bladed weapon at her neck.<sup>27</sup> She clearly recalled her horrendous experience at the hands of accused-appellant, as can be seen in her testimony below:

[FISCAL LEDDA]:	In the evening of the same day December 25, 2005, where were you?
[VICTIM]:	I was also in our house, sir.
Q:	Did you have any companion?
A:	I have, sir.
Q:	Who was your companion?
A:	Also my siblings, sir.
Q:	Where were your stepfather [XXX] at that time?
A:	He told us that he will be going to his ducks or "itikan", sir.
Q:	Did he go there?
A:	But he did not go there instead.
Q:	Instead, where did he go?
A:	He returned to us, sir.
Q:	When your stepfather returned to you[,] what happened if there was any?
A:	And then he raped me, sir.
Q:	Where did your stepfather rape you?
A:	Also in our house, sir.
Q:	Inside a room?

<sup>25</sup> *People v. Buca*, 770 Phil 318, 330 (2015).

<sup>26</sup> REVISED PENAL CODE, Article 266-A; see also *People v. Court of Appeals*, 755 Phil. 80, 103 (2015).

<sup>27</sup> TSN, July 24, 2008, pp. 6-7.

A: In our bench because I used to sleep in our bench, sir.

X X X X

Q: Where are the other siblings when you were sleeping?

A: They were inside the room, sir.

Q: Before your stepfather raped you, what did he do first?

A: He removed my clothes, sir.

Q: What were you wearing at that time?

A: Only a short, sir.

Q: Were you also wearing a panty?

A: I have a panty, sir.

Q: How about the upper portion of your body, what were you wearing?

A: A t-shirt, sir.

Q: Are you also wearing a bra?

A: I was also wearing a bra, sir.

Q: What clothes were removed by the accused?

A: My panty, sir.

Q: What else?

A: My bra, sir.

Q: What about your short pants?

A: Yes, sir.

Q: How about your shirt?

A: Yes, sir.

Q: So in other words you are telling this Court that you are totally naked?

A: Yes, sir.

Q: So he removed all your clothes including your panty and bra. What did [XXX] do, if there was any?

A: And then he raped me, sir.

Q: How did he commence the rape?

A: At first he placed his body above me, sir.

Q: What was he wearing at that time?

A: He was wearing a t-shirt and a maong short, (sic) sir.

Q: What did he do with his manong (sic) short when he went on top of you?

- A: He removed his maong short, sir.
- Q: Was he wearing brief (sic)?
- A: There was, sir.
- Q: What did he do with his brief (sic)?
- A: He also removed his brief (sic), sir.
- Q: How about his short, did he remove it?
- A: Yes, sir.
- Q: He was totally naked when he went on top of you?
- A: Yes, sir.
- Q: So when he went on top of you where you were totally naked and so he was also totally naked, what else did you do?
- A: He held my hands, sir.
- Q: And what did he do when he held your hands?
- A: I was resisting but he poked a bladed weapon [at] my neck.
- Q: Describe that bladed weapon. How long it was (sic)?
- A: About one hand breadth in length.
- Q: When he poked that [at] your neck, did he say something?
- A: Yes, sir.
- Q: What did he say?
- A: And he told me not to tell to anybody or else he would kill us all, sir.
- Q: Upon saying that, what else did he do?
- A: And then he inserted his penis into my genital, sir.
- Q: Was he able to insert his penis?
- A: Yes, sir.
- Q: What did you feel when he inserted his penis into your vagina?
- A: I felt pain, sir.
- Q: Why did you feel pain?
- A: Because I was bleeding.
- Q: Did you have any sexual experience before you were allegedly raped by your stepfather [XXX]?

- A: None, sir.
- Q: In other words, you were then virgin?  
A: Yes, sir.
- Q: For how long was your stepfather [XXX] on top of you and his penis inserted [into] your vagina?  
A: About two (2) minutes, sir.
- Q: Why did you not resist?  
A: I was also resisting but he was holding my hands, sir.
- Q: After two minutes that he was on top of you and having inserted his penis inside of yours, what happened if there was any?  
A: Then he started kissing me, sir.
- Q: What part of your body was kissed by him?  
A: My lips and my neck, sir.
- Q: For how long did he kiss you?  
A: Only for a while, sir.
- Q: Did he ejaculate?  
A: Yes, sir.
- Q: Why do you know?  
A: I felt it inside, sir.
- Q: Why did you feel it inside when you said he ejaculated?  
A: I felt something hot sir.
- Q: After he allegedly inserted his penis [into] your genital and after you said he ejaculated, what happened next?  
A: Then he removed his penis [from] my genital, sir.<sup>28</sup>

The victim's detailed and straightforward testimony was likewise corroborated by the medical findings of Dr. Basco. On January 8, 2006, she examined the victim and found contusions and lacerations on her sexual organ.<sup>29</sup> Settled is the rule that "[w]hile a medical examination of the victim is not indispensable in the prosecution of a rape case, and no law requires a medical examination for the successful prosecution of the case, the medical examination conducted and the medical certificate issued are veritable corroborative pieces of evidence, which strongly bolster the victim's testimony."<sup>30</sup>

<sup>28</sup> Id. at 4-8.

<sup>29</sup> Folder of Exhibits, Exh. D.

<sup>30</sup> *People v. Palanay*, 805 Phil. 116, 124 (2017).

***Accused-appellant is guilty of the crime charged despite the recantation of the victim.***

As a rule, courts view unfavorably affidavits of desistance or a recantation of a victim's testimony, especially in rape cases, since "they can be easily obtained for monetary consideration or through intimidation."<sup>31</sup> We maintain the same unflattering attitude towards the victim's affidavit of retraction in this case.

*Firstly*, the victim testified against accused-appellant on July 24, 2008, September 25, 2008 and December 11, 2008 while she executed her affidavit of desistance on November 26, 2013 and testified for him on November 28, 2013, wherein she confirmed having executed said Affidavit, denied that accused-appellant had raped her, and claimed that she filed the cases merely at the behest of her mother.<sup>32</sup> Thus, five years had passed from the time she testified against him to the time she recanted her testimony. This long passage of time renders suspect her execution of the affidavit.

This Court notes that if indeed the crime did not happen, the victim would have executed the affidavit of desistance at the earliest time possible. However, it took her almost eight years from the crime's commission on December 25, 2005 to recant her own testimony. Moreover, she allowed herself to be subjected to a medical examination by Dr. Basco and to grueling hours of direct and cross examination in the trial court. All these undermine her claim in the affidavit of desistance that the crime did not happen.

In addition, We find that her recollection and testimony as to how accused-appellant had raped her were detailed and consistent. This Court finds no sufficient evidence that she was forced or pressured to testify against accused-appellant at the start. This Court's ruling in *People v. Bensurto*<sup>33</sup> is instructive:

As to the retraction of AAA, this Court has ruled that when a rape victim's testimony is straightforward and marked with consistency despite grueling examination, it deserves full faith and confidence and cannot be discarded. If such testimony is clear, consistent and credible to establish the crime beyond reasonable doubt, a conviction may be based on it, notwithstanding its subsequent retraction. Mere retraction by a prosecution witness does not necessarily vitiate her original testimony. As a rule, recantation is viewed with disfavor firstly because the recantation of her testimony by a vital witness of the State like AAA is exceedingly unreliable, and secondly, because there is always the possibility that such recantation may later be repudiated. Indeed, to disregard

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<sup>31</sup> *People v. ZZZ*, G.R. No. 229862, June 19, 2019.

<sup>32</sup> *Rollo*, p. 5.

<sup>33</sup> 802 Phil. 766-779 (2016).

testimony solemnly given in court simply because the witness recants it ignores the possibility that intimidation or monetary considerations may have caused the recantation. Court proceedings, in which testimony upon oath or affirmation is required to be truthful under all circumstances, are trivialized by the recantation. The trial in which the recanted testimony was given is made a mockery, and the investigation is placed at the mercy of an unscrupulous witness. Before allowing the recantation, therefore, the court must not be too willing to accept it, but must test its value in a public trial with sufficient opportunity given to the party adversely affected to cross-examine the recanting witness both upon the substance of the recantation and the motivations for it. The recantation, like any other testimony, is subject to the test of credibility based on the relevant circumstances, including the demeanor of the recanting witness on the stand. In that respect, the finding of the trial court on the credibility of witnesses is entitled to great weight on appeal unless cogent reasons necessitate its re-examination, the reason being that the trial court is in a better position to hear first-hand and observe the deportment, conduct and attitude of the witnesses. x x x<sup>34</sup>

We hold, in sum, that the prosecution has proven beyond reasonable doubt, that indeed, accused-appellant is guilty of the crime of Rape. An affirmation of his judgment of conviction as to the crime charged is therefore in order.

The designation of the crime committed by accused-appellant, however, must be corrected.

Accused-appellant faces conviction for one count of Rape committed against the victim when she was 14 years old. Article 266-A, Paragraph 1(a) of the RPC applies to this charge, herein reiterated:

Art. 266-A. *Rape, When and How Committed.* - Rape is committed –

1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

a) **Through force, threat or intimidation;**

x x x x (Emphasis supplied.)

Article 266-B of the RPC prescribes the appropriate penalty for the commission of Rape under Paragraph 1, Article 266-A of the same law, viz.:

ART. 266-B. *Penalties.* - Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

The courts below found accused-appellant guilty of one count of Rape committed against the minor victim as defined under **Article 266-A, Paragraph 1(a) of the RPC in relation to RA 7610**. The Court fixes this error in the nomenclature of accused-appellant's crime. As it should stand, accused-appellant should be held criminally liable for one count of Rape defined under

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<sup>34</sup> Id. at 774-775.

**Article 266-A, Paragraph 1(a), penalized under Article 266-B of the RPC.<sup>35</sup> The correlation to RA 7610 is deleted.** *People v. Tulagan*<sup>36</sup> explains the *ratio* for a correct designation of offenses under Article 266-A, Paragraph 1(a) and Article 266-B of the RPC and not under RA 7610:

Assuming that the elements of both violations of Section 5(b) of R.A. No. 7610 and of Article 266-A, paragraph 1(a) of the RPC are mistakenly alleged in the same Information – e.g., carnal knowledge or sexual intercourse was due to "force or intimidation" with the added phrase of "due to coercion or influence," one of the elements of Section 5(b) of R.A. No. 7610; or in many instances wrongfully designate the crime in the Information as violation of "Article 266-A, paragraph 1 (a) in relation to Section 5(b) of R.A. No. 7610," although this may be a ground for quashal of the Information under Section 3(f) of Rule 117 of the Rules of Court – and proven during the trial in a case where the victim who is 12 years old or under 18 did not consent to the sexual intercourse, the accused should still be prosecuted pursuant to the RPC, as amended by R.A. No. 8353, which is the more recent and special penal legislation that is not only consistent, but also strengthens the policies of R.A. No. 7610. Indeed, **while R.A. No. 7610 is a special law specifically enacted to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination and other conditions prejudicial to their development, We hold that it is contrary to the legislative intent of the same law if the lesser penalty (*reclusion temporal medium to reclusion perpetua*) under Section 5(b) thereof would be imposed against the perpetrator of sexual intercourse with a child 12 years of age or below 18.**

**Article 266-A, paragraph 1(a) in relation to Article 266-B of the RPC, as amended by R.A. No. 8353, is not only the more recent law, but also deals more particularly with all rape cases, hence, its short title "*The Anti-Rape Law of 1997*." R.A. No. 8353 upholds the policies and principles of R.A. No. 7610, and provides a "stronger deterrence and special protection against child abuse," as it imposes a more severe penalty of *reclusion perpetua* under Article 266-B of the RPC x x x<sup>37</sup>(Emphasis supplied.)**

Withal, the rectification of accused-appellant's conviction for one count of Rape under a single criminal law provision is in order. Accused-appellant is liable for one count of Rape under Article 266, Paragraph 1(a) of the RPC in Criminal Case No. 692-06-P.

The penalty of *reclusion perpetua* as imposed by the courts below is however unaffected and thus retained. Article 266-B of the RPC provides that "whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* to death". In view of accused-appellant's use of a bladed weapon in the commission of the crime, he should suffer the penalty of *reclusion perpetua* under Article 266-B of the RPC since such use of the bladed weapon was alleged in the Information and sufficiently proven during trial.<sup>38</sup>

<sup>35</sup> *People v. Tulagan*, G.R. No. 227363, March 12, 2019.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *CA rollo*, p. 47; *See also* TSN, July 24, 2008, pp. 6-7.

The CA and the trial court correctly disregarded the qualifying circumstance<sup>39</sup> of accused-appellant's relationship to the victim as her mother's live-in partner since this circumstance was not alleged in the Information,<sup>40</sup> although it was proven during trial.<sup>41</sup> The rule is that "in order for an accused to be convicted of qualified rape, the Information must allege that the victim is under eighteen (18) years of age at the time of rape and the accused is the victim's parent, ascendant, step-parent, guardian, or relative by consanguinity or affinity within the third civil degree, or common-law spouse of the victim's parent. These are special qualifying circumstances which alter the nature of the crime of rape and warrant the increase of the imposable penalty."<sup>42</sup>

In line with recent jurisprudence, however, the civil indemnity and moral damages that must be awarded to the victim should be increased from ₱50,000.00 to ₱75,000.00 each.<sup>43</sup> Exemplary damages of ₱75,000.00 are likewise granted to the victim following our ruling in *People v. Ramos*.<sup>44</sup> Furthermore, all amounts due shall earn legal interest of six percent (6%) per *annum* from the date of the finality of this Decision until full payment.<sup>45</sup>

**WHEREFORE**, the appeal is **DISMISSED**. The September 24, 2015 Decision of the Court of Appeals in CA-G.R. CR-HC No. 06715 is hereby **AFFIRMED with MODIFICATION**. Accused-appellant is held **GUILTY** of Rape under Article 266-A, Paragraph 1(a) in relation to Article 266-B of the Revised Penal Code. He is hereby **SENTENCED** to *reclusion perpetua*. The correlation to Republic Act No. 7610 is **DELETED**. He is **ORDERED** to pay the victim AAA the following amounts: (i) ₱75,000.00 as civil indemnity; (ii) ₱75,000.00 as moral damages; and (iii) ₱75,000.00 as exemplary damages. All amounts due shall earn legal interest of six percent (6%) per *annum* from the date of the finality of this Decision until full payment.

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<sup>39</sup> REVISED PENAL CODE, Article 266-B. *Penalties*. - Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

x x x x

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

- 1) When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, stepparent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim.

x x x x

<sup>40</sup> *Records*, Volume 1, p. 2.

<sup>41</sup> TSN, September 24, 2013, p. 65.

<sup>42</sup> *People v. [REDACTED]*, G.R. No. 229836, July 17, 2019.

<sup>43</sup> *People v. Jugueta*, 783 Phil. 806, 848 (2016).

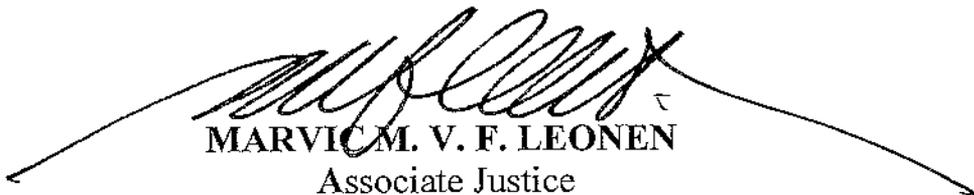
<sup>44</sup> G.R. No. 210435, August 15, 2018.

<sup>45</sup> *Id.*

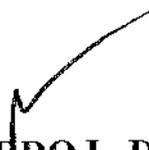
**SO ORDERED.**

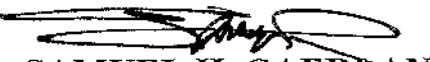
  
**RAMON PAUL L. HERNANDO**  
Associate Justice

WE CONCUR:

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

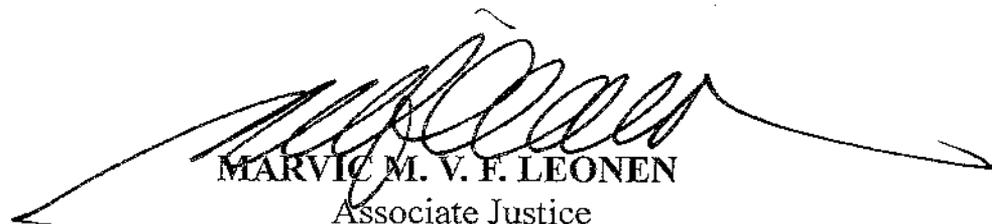
  
**HENRI JEAN PAUL B. INTING**  
Associate Justice

  
**EDGARDO L. DELOS SANTOS**  
Associate Justice

  
**SAMUEL H. GAERLAN**  
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.



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

**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.



**DIOSDADO M. PERALTA**  
Chief Justice

**CERTIFIED TRUE COPY**



**RUMAR D. PASION**  
Deputy Division Clerk of Court  
Third Division

MAY 04 2021