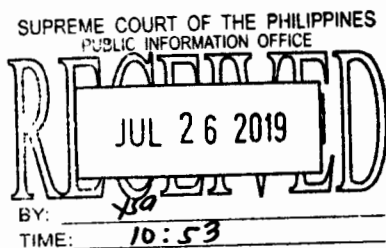


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Wilfredo V. Kapitan
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Division Clerk of Court
Third Division



JUL 24 2019



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 229862
Plaintiff-Appellee,

Present:

-versus-

PERALTA,* J.,
LEONEN, *Acting Chairperson*,
REYES, A., JR.,
HERNANDO,** and
INTING, JJ.

ZZZ,
Accused-Appellant.

Promulgated:
June 19, 2019

X-----*Wilfredo V. Kapitan*-----X

DECISION

LEONEN, J.:

Recantations are viewed unfavorably especially in rape cases. Circumstances in which the recantation was made are thoroughly examined before the evidence of retraction can be given any weight.

Before this Court is a criminal case for rape committed by the common-law spouse of the victim's mother. Accused-appellant ZZZ assails the September 30, 2016 Decision¹ of the Court of Appeals in CA-G.R. CR-HC No. 01769, which affirmed his conviction in the June 25, 2013 Judgment² of the Regional Trial Court.

* On official leave.

** On official leave.

¹ *Rollo*, pp. 4-13. The Decision was penned by Associate Justice Edward B. Contreras, and concurred in by Associate Justices Edgardo L. Delos Santos and Geraldine C. Fiel-Macaraig of the Nineteenth Division, Court of Appeals, Cebu City.

² *CA rollo*, pp. 40-47. The Judgment, in Crim. Case No. 529, was penned by Executive/Presiding Judge Ananson E. Jayme of Branch 63, Regional Trial Court, Bayawan City, Negros Oriental.

l

On May 23, 2006, an Information³ was filed against ZZZ charging him with the crime of rape:

That on or about 11:00 o'clock (*sic*) on the morning of the 12th day of April, 2006, in the City of ██████, Philippines and within the jurisdiction of this Honorable Court, the said accused, the live-in partner of the mother of the victim, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the victim [AAA], a minor fourteen (14) years old, against her will.

Contrary to Article 266-A, in relation to 266-B of the Revised Penal Code.⁴

ZZZ pleaded not guilty to the crime charged during his arraignment on July 19, 2006. Pre-trial was held on October 25, 2006. Trial on the merits then ensued.⁵

The prosecution presented AAA⁶ and Dr. Edalin Dacula (Dr. Dacula) as its witnesses.⁷

AAA narrated that in the afternoon of April 12, 2006, she had fallen asleep after doing laundry, while her stepfather, ZZZ, was doing carpentry works. Suddenly, she woke up and found ZZZ on top of her, his lower body naked. He then sat on the floor with his penis showing and removed her short pants and underwear, after which he went back on top of her and masturbated. He took AAA's hands and put them on his penis,⁸ telling her that if she became pregnant, "he [would] be happy."⁹ ZZZ then inserted his penis into her vagina "and sat, kissed her face, touched her vagina[,] and kissed her breast."¹⁰

AAA later reiterated on cross-examination that ZZZ put his penis into her vagina. She failed to see the act, but felt it. She also felt pain on her vagina's side, caused by the penis' insertion.¹¹

³ Id. at 39.

⁴ Id.

⁵ *Rollo*, p. 5.

⁶ In *People v. Cabalquinto*, 533 Phil. 703 (2006) [Per J. Tinga, En Banc], this Court discussed the need to withhold the victim's real name and other information that would compromise the victim's identity, applying the confidentiality provisions of: (1) Republic Act No. 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act) and its Implementing Rules and Regulations; (2) Republic Act No. 9262 (Anti-Violence Against Women and their Children Act of 2004) and its Implementing Rules and Regulations; and (3) this Court's October 19, 2004 Resolution in A.M. No. 04-10-11-SC (Rule on Violence Against Women and their Children).

⁷ *CA rollo*, p. 41.

⁸ Id.

⁹ Id.

¹⁰ Id.

¹¹ Id.

Dr. Dacula, who conducted the medical examination on AAA, testified that she had found redness and abrasion on the right side of the victim's labia minora, "caused by a smooth, soft object"¹² as indicated in the Medico-Legal Report.¹³

Meanwhile, the defense presented as witnesses: (1) AAA's mother BBB; (2) ZZZ; and (3) AAA, on her affidavit of recantation.¹⁴

BBB testified that ZZZ had been her common-law spouse for four (4) years. At 10:00 a.m. on April 12, 2006, she and her stepdaughter, CCC, went for a 30-minute walk to the barangay hall to request a toilet bowl, as instructed by ZZZ. They went back home after being told that the toilet bowl was not yet available.¹⁵

When she arrived at their house, BBB was surprised to see that the door and window were shut. Upon opening the door, she saw AAA sitting and ZZZ standing, both silent. BBB got mad and whipped ZZZ with a plastic hose, but he remained silent.¹⁶

Thinking that her daughter was raped, BBB brought AAA to the barangay hall. Then, with the assistance of the Department of Social Welfare and Development and the police, they went to ██████████ City for AAA's physical examination.¹⁷

On cross-examination, BBB stated that she brought AAA to the barangay hall "because her vision at that time was blurred as if she cannot notice a person[.]"¹⁸ Maintaining that their house was closed when she first arrived from the barangay hall, she reiterated seeing ZZZ and AAA inside when she opened the door and thinking that her daughter was raped.¹⁹

ZZZ testified that he was BBB's common-law spouse. He took AAA as his stepdaughter, supporting her since childhood. He narrated that at 6:00 a.m. on April 12, 2006, he was working on the kitchen in their house while AAA and DDD did the laundry. Meanwhile, BBB proceeded to the barangay hall to check if the toilet bowl they requested was already available.

¹² Id.

¹³ Id.

¹⁴ Id. at 42-43.

¹⁵ Id. at 42.

¹⁶ Id.

¹⁷ Id.

¹⁸ Id.

¹⁹ Id.

ℓ

ZZZ further narrated that at around 10:00 a.m. on April 12, 2006, DDD and AAA were eating breakfast after they had finished washing clothes. AAA then went up the second floor of their house and slept, while he was then installing an electric bulb in the kitchen. When BBB arrived, she opened the door at once.²⁰ AAA “was surprised because [BBB] was shouting as if she was dreaming.”²¹ BBB asked ZZZ if he raped AAA, which he denied. He was around 12 meters away from AAA, holding a hammer on the window. BBB then went to AAA and pinched her “bulog[.]”²² Afterwards, BBB grabbed a hose and whipped ZZZ, who was able to parry the strike. BBB then went out with AAA only to return the following morning.²³

ZZZ claimed that BBB was influenced by her cousins to accuse him.²⁴ The cousins were allegedly mad at him and wanted BBB and him to separate since he was “not a useful person.”²⁵

On cross-examination, ZZZ stated that the house’s window and door were always shut because the house was still unfinished. He restated that when BBB arrived, she saw him standing by the window and AAA sitting at a corner of their house. He reiterated that BBB whipped him with a hose.²⁶ He added that when he saw AAA crying, he thought that she would not pinpoint him as her rapist “because her conscience [was] bothered.”²⁷

On August 8, 2008, AAA executed her Affidavit of Recantation and Desistance,²⁸ praying that the rape case be dismissed. She claimed that her declarations during the direct and cross-examinations “were done under duress and that she was afraid of the authorities at that time[.]”²⁹ Maintaining that ZZZ did not rape her, she claimed that she was forced by a certain EEE to file the rape case.

On cross-examination, AAA testified that she was not compelled by the prosecutor to testify. Contrary to her Affidavit, she also admitted that she was not under duress when she was presented as a witness. She recalled crying during the direct examination and pointing to ZZZ as her rapist when she was asked. EEE, she added, was their neighbor.³⁰

²⁰ Id. at 43.

²¹ Id.

²² Id.

²³ Id.

²⁴ Id.

²⁵ Id.

²⁶ Id.

²⁷ Id.

²⁸ Id. at 43 and *rollo*, p. 6.

²⁹ Id. at 43.

³⁰ Id.

In its June 25, 2013 Judgment,³¹ the Regional Trial Court found ZZZ guilty beyond reasonable doubt of simple statutory rape.³²

The trial court found that the prosecution failed to establish AAA's minority. It did not present documentary evidence, such as her birth certificate, or even testimonial evidence to prove that AAA was a minor when the crime was committed.³³

The trial court further gave weight to AAA's declaration that she was raped. It noted her sincerity during trial and her candid and straightforward manner in giving her testimony. It held that her allegations were corroborated by Dr. Dacula's findings and BBB's subsequent acts in bringing AAA to the barangay officials, the Department of Social Welfare and Development, and the police.³⁴

The trial court did not give merit to ZZZ's denial for being unsubstantiated. It further held that instead of discrediting the prosecution's evidence, AAA's Affidavit of Recantation and Desistance bolstered her earlier statements by reaffirming that: (1) ZZZ sexually molested her; (2) the prosecutor did not force her to testify; and (3) she was not put under duress.³⁵

The dispositive portion of the Regional Trial Court Judgment read:

WHEREFORE, based on the prevailing facts, evidences, law and jurisprudence applicable, the court finds accused [ZZZ] GUILTY BEYOND REASONABLE DOUBT of the crime of simple statutory rape and hereby sentenced him to suffer the penalty of imprisonment of *reclusion perpetua*. He is hereby ordered to pay to the victim civil indemnity in the amount of P50,000.00 and moral damages in the amount of P50,000.00 without proof of its basis.

SO ORDERED.³⁶

ZZZ appealed³⁷ before the Court of Appeals. In turn, the People of the Philippines, represented by the Office of the Solicitor General, filed its Brief.³⁸

³¹ Id. at 40-47.

³² Id. at 47.

³³ Id. at 44.

³⁴ Id. at 44-46.

³⁵ Id. at 45.

³⁶ Id. at 47.

³⁷ Id. at 18-37.

³⁸ Id. at 67-81.

In its September 30, 2016 Decision,³⁹ the Court of Appeals denied the appeal and affirmed the trial court Judgment with modification.⁴⁰ It declared that the trial court erroneously used the word “statutory” since it was not established that AAA was below 12 years old when the crime was committed. Nonetheless, the error was harmless because the penalty meted and the monetary awards granted were for the crime of simple rape.⁴¹ It sustained ZZZ’s conviction based on AAA’s “vivid recollection”⁴² of how rape was committed against her.⁴³

The Court of Appeals did not give merit to ZZZ’s argument that the prosecution failed to prove the presence of force, intimidation, threat, fraud, or grave abuse of authority.⁴⁴ Citing *People v. Arpon*,⁴⁵ it held that the moral influence or ascendancy of the common-law spouse of the victim’s mother replaced the elements of violence and intimidation.⁴⁶

Likewise, the Court of Appeals gave no merit to either AAA’s recantation or the argument that her lack of hymenal laceration negated the crime of rape.⁴⁷

The dispositive portion of the Court of Appeals Decision read:

WHEREFORE, the appeal is DENIED. The Judgment dated June 25, 2013, of the Regional Trial Court, Branch 63, Bayawan City, in Criminal Case No. 529 is hereby AFFIRMED, but with modification only in that the word “statutory” in the dispositive portion thereof is DELETED.

SO ORDERED.⁴⁸

Hence, ZZZ appealed his case before this Court.⁴⁹

On April 5, 2017, this Court issued a Resolution⁵⁰ requiring the parties to file their supplemental briefs. The parties filed their respective Manifestations,⁵¹ stating that they would no longer file their supplemental

³⁹ *Rollo*, pp. 4–13.

⁴⁰ *Id.* at 13.

⁴¹ *Id.* at 8–10.

⁴² *Id.* at 10.

⁴³ *Id.* at 8–10.

⁴⁴ *Id.* at 10.

⁴⁵ 678 Phil. 752 (2011) [Per J. Leonardo-De Castro, First Division].

⁴⁶ *Rollo*, p. 10.

⁴⁷ *Id.* at 10–12.

⁴⁸ *Id.* at 13.

⁴⁹ *Id.* at 14–16.

⁵⁰ *Id.* at 20–21.

⁵¹ *Id.* at 22–25, Manifestation for plaintiff-appellee, and 27–28, Manifestation for accused-appellant.

briefs as they had sufficiently exhausted their arguments in their Briefs before the Court of Appeals.⁵²

Accused-appellant argues that the crime of statutory rape was not proven because the prosecution failed to sufficiently establish AAA's minority, which the trial court also noted.⁵³

Assuming that the prosecution established her age, accused-appellant contends that he was still wrongly convicted of statutory rape. Pointing out that AAA's alleged age in the Information was 14 years old, he argues that under the law and jurisprudence, the victim must be below 12 years old for the crime to be statutory rape.⁵⁴

Accused-appellant avers that since the case does not involve statutory rape, the presence of force, intimidation, threat, fraud, or grave abuse of authority must be established in the alleged crime's commission. He contends that the prosecution failed to show these circumstances.⁵⁵

Moreover, accused-appellant alleges that AAA's "[i]nconsistent and improbable statements[,]"⁵⁶ particularly on direct examination and on her Affidavit of Recantation and Desistance, raised doubts on the credibility of her allegations.⁵⁷

Accused-appellant also points out that Dr. Dacula only found redness and abrasion, and not hymenal laceration, which should have been present had there been sexual intercourse.⁵⁸ These manifestations "could have been easily caused by pinching, scratching, or wearing very tight underwear."⁵⁹

Lastly, accused-appellant argues that the prosecution should not draw its strength on the alleged weakness of the defense.⁶⁰ He maintains that he should be acquitted considering that his guilt was not proven beyond reasonable doubt.⁶¹

Plaintiff-appellee counters that accused-appellant was actually convicted not of statutory rape, but of simple rape, and was meted with the penalty of simple rape. Hence, even if the trial court erroneously included

⁵² Id. at 22 and 27.

⁵³ *CA rollo*, p. 26.

⁵⁴ Id.

⁵⁵ Id. at 27.

⁵⁶ Id.

⁵⁷ Id. at 27-34.

⁵⁸ Id. at 34.

⁵⁹ Id.

⁶⁰ Id. at 35.

⁶¹ Id. at 34.

the word “statutory” in describing the crime, there was no effect in the imposed penalty.⁶²

Plaintiff-appellee insists that accused-appellant’s guilt was proven beyond reasonable doubt.⁶³ It was able to establish the following elements:

First. [AAA] was then 14-year old when appellant had sexual intercourse with her.

Second. Appellant who is the common-law husband of [AAA’s] mother exercises moral ascendancy and authority over her.

Third. [AAA] testified that appellant had carnal knowledge of her on April 12, 2006 at about 11:00 o’clock (*sic*) in the morning while her mother went to the Barangay Hall to do an errand for appellant.⁶⁴ (Emphasis in the original)

Plaintiff-appellee maintains that AAA’s narration of the incident proves that accused-appellant raped her.⁶⁵ It adds that recantations are usually viewed unfavorably since it can be secured by intimidating the witness or in exchange of monetary consideration.⁶⁶ It alleges that AAA’s recantation was doubtful because BBB and accused-appellant continued their common-law relationship and AAA’s new claim “was a mere legal conclusion, bereft of any details or other indicia of credibility, much less truth.”⁶⁷

Finally, plaintiff-appellee contends that AAA’s intact hymen is not fatal to its cause. In the crime of rape to be consummated, it is sufficient that the penis touched the pudendum or the labia.⁶⁸

The sole issue for this Court’s resolution is whether or not accused-appellant ZZZ’s guilt for the crime of rape has been proven beyond reasonable doubt.

In arguing for his innocence, accused-appellant maintains that the element of force, intimidation, threat, fraud, or grave abuse of authority in the crime of rape was not established, and that the element of the victim’s minority in the crime of statutory rape was not proven. Moreover, AAA’s recantation and her intact hymen both negate the allegation of rape.

⁶² Id. at 72–76.

⁶³ Id. at 70–72.

⁶⁴ Id. at 72.

⁶⁵ Id.

⁶⁶ Id. at 76–78.

⁶⁷ Id. at 77.

⁶⁸ Id. at 78–79.

Accused-appellant's contentions have no merit.

I

Article 266-A of the Revised Penal Code defines rape as:

Article 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;
 - b) When the offended party is deprived of reason or otherwise unconscious;
 - c) By means of fraudulent machination or grave abuse of authority; and
 - d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.
- 2) By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

After a careful examination of the case records, this Court holds that the prosecution has established beyond reasonable doubt that accused-appellant is guilty of raping AAA. The trial court also found AAA's testimony credible and supported by evidence:

The candid, straightforward and unrehearsed testimony of victim [AAA] who declared against the bestial acts of the accused on her person and maintained that she was required to hold his penis and thereafter, again, rode on top of her placing his penis on her vagina is corroborated by the unrefuted findings of Dr. Edalin L. Dacula who found that the abrasion and redness in color on the right side of the labia minora is caused by a smooth, soft object. A smooth, soft object is a penis and that the abrasion and redness in color on the right side of the labia minora is caused probably by the friction of the hardened and erected penis of the accused. That was why the victim complained that she felt pain on her vagina.⁶⁹

The Court of Appeals, likewise, found that AAA's testimony during the direct examination showed that she clearly remembered how accused-appellant committed the crime:

⁶⁹ Id. at 46.

PROS. BALBUENA ON DIRECT EXAMINATION:

(COURT INTERRUPTED)

COURT . . . Which come (*sic*) first, the raping or the masturbating?

WITNESS The raping.

Q How did he rape --- How did the accused rape you?

....

A First, he positioned himself on top of me and then he undressed me, and then he sat on the floor and masturbated. He let me hold his penis, kissed me. On top of me, he kissed me, and he undressed me, sat on the floor and masturbated, and then he let me hold his penis, and then he again positioned himself on top of me.

Q Court. Tell in straight words; answer 'yes' or 'no'. Did he place his penis inside your vagina?

A Yes.

....

[ON CROSS EXAMINATION]

(COURT INTERRUPTED)

Q Did you feel?

A Yes.

Q And what was your feeling?

A Pain

Q What was painful?

A At the side

Q Of what?

A The side of my vagina.

Q Why?

A Because his penis [was] in my vagina.⁷⁰ (Emphasis in the original)

⁷⁰ Rollo, pp. 9–10.

This Court finds no reason to disturb the findings of the trial court and the Court of Appeals. In *People v. Quintos*:⁷¹

The observance of the witnesses' demeanor during an oral direct examination, cross-examination, and during the entire period that he or she is present during trial is indispensable especially in rape cases because it helps establish the moral conviction that an accused is guilty beyond reasonable doubt of the crime charged. Trial provides judges with the opportunity to detect, consciously or unconsciously, observable cues and microexpressions that could, more than the words said and taken as a whole, suggest sincerity or betray lies and ill will. These important aspects can never be reflected or reproduced in documents and objects used as evidence.

Hence, "[t]he evaluation of the witnesses' credibility is a matter best left to the trial court because it has the opportunity to observe the witnesses and their demeanor during the trial. Thus, the Court accords great respect to the trial court's findings," more so when the Court of Appeals affirmed such findings.⁷² (Citations omitted)

There is also no merit in accused-appellant's argument that force, intimidation, threat, fraud, or grave abuse of authority was not present. In *People v. Gacusan*,⁷³ this Court reiterated that "[t]he abuse of moral influence is the intimidation required in rape committed by the common-law father of a minor."⁷⁴

As to the inclusion of the word "statutory" in the dispositive portion of the trial court Judgment, this Court holds that it was erroneously added by the trial court judge.

In *People v. Dalan*:⁷⁵

The gravamen of the offense of statutory rape, as provided for in Article 266-A, paragraph 1 (d) of the Revised Penal Code, as amended, is the carnal knowledge of a woman below 12 years old. To convict an accused of the crime of statutory rape, the prosecution must prove: first, the age of the complainant; second, the identity of the accused; and last but not the least, the carnal knowledge between the accused and the complainant.⁷⁶ (Citation omitted)

Here, the Information against accused-appellant did not allege AAA to be below 12 years old, but 14 years old, when the crime was committed upon her. The trial court even held that without documentary or testimonial

⁷¹ 746 Phil. 809 (2014) [Per J. Leonen, Second Division].

⁷² Id. at 819–820.

⁷³ 809 Phil. 773 (2017) [Per J. Leonen, Second Division].

⁷⁴ Id. at 774.

⁷⁵ 736 Phil. 298 (2014) [Per J. Brion, Second Division].

⁷⁶ Id. at 303.

evidence, the prosecution failed to substantiate the qualifying circumstance of minority. Despite this, it still found him guilty of simple statutory rape and imposed the penalty of *reclusion perpetua*.

Nonetheless, this Court finds that the penalty imposed on accused-appellant is correct as it is the penalty for offenders who were found guilty beyond reasonable doubt of simple rape under Article 266-B⁷⁷ of the Revised Penal Code.⁷⁸

II

As a rule, affidavits of desistance are viewed with skepticism and reservation because they can be “easily obtained for monetary consideration or through intimidation.”⁷⁹

Based on the circumstances here, this Court cannot give any weight to AAA’s Affidavit of Recantation and Desistance.

If the crime did not really happen, AAA would have made the Affidavit at the earliest instance—but she did not. Instead, she executed it more than two (2) years after the crime had been committed. If the crime did not really happen, she would not have submitted herself to physical examination or hours of questioning—but she did.

Moreover, her recollection on how accused-appellant committed the crime was detailed; her testimony, consistent. There was no evidence that AAA was forced or pressured by the prosecutor to take the witness stand, as manifested by her answer during the cross-examination:

PROS. BALBUENA ON CROSS EXAMINATION:

Q: Now, Mrs. (*sic*) Witness, can you recall having testified in this case?

A: Yes.

Q: In fact, it was I who presented you as our witness, Mrs. (*sic*) Witness?

A: Yes.

⁷⁷ REV. PEN. CODE, art. 266-B provides:

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

⁷⁸ See *People v. Gacusan*, 809 Phil. 773, 789 (2017) [Per J. Leonen, Second Division] and *People v. Corpuz*, G.R. No. 208013, July 3, 2017, 828 SCRA 565, 600 [Per J. Leonen, Second Division].

⁷⁹ *People v. Bertulfo*, 431 Phil. 535, 550 (2002) [Per C.J. Davide, Jr., First Division].

Q: And when you testified Mrs. (*sic*) Witness, of course, **this Fiscal did not force you to testify, is that not right?**

A: **I was not forced.**

Q: So, in your testimony when you were presented by the prose[cu]tion as our witness[,] **you were not under duress then, Mrs. (*sic*) Witness?**

ATTY. CABUSAO: Objection Your honor. What has be[e]n testified by the witness, Your Honor, it is not the Prosecutor who forced her, Your Honor.

PROS. BALBUENA: I am on cross examination, Your Honor and the credibility of this witness is questioned, Your Honor.

COURT: Okay, let her answer.

....

WITNESS:

A: **I was not forced by the Fiscal.**⁸⁰ (Emphasis in the original, citation omitted)

Likewise, the absence of hymenal laceration fails to exonerate accused-appellant. As explained in *People v. Osing*:⁸¹

[M]ere touching, no matter how slight of the labia or lips of the female organ by the male genital, even without rupture or laceration of the hymen, is sufficient to consummate rape. The absence of fresh hymenal laceration does not disprove sexual abuse, especially when the victim is a young girl[.]⁸² (Citation omitted)

This Court has consistently held that an intact hymen does not negate the commission of rape.⁸³ The element of rape does not even include hymenal laceration:

The absence of external signs or physical injuries on the complainant's body does not necessarily negate the commission of rape, hymenal laceration not being, to repeat, an element of the crime of rape. A healed or fresh laceration would of course be a compelling proof of defloration. What is more, the foremost consideration in the prosecution of rape is the victim's testimony and not the findings of the medico-legal officer. In fact, a medical examination of the victim is not indispensable in a

⁸⁰ *Rollo*, p. 11.

⁸¹ 402 Phil. 343 (2001) [Per J. Melo, Third Division].

⁸² *Id.* at 354.

⁸³ *People v. Francica*, G.R. No. 208625, September 6, 2017, 839 SCRA 113, 135 [Per J. Leonen, Third Division]; *People v. Austria*, G.R. No. 210568, November 8, 2017, 844 SCRA 523, 543-544 [Per J. Leonen, Third Division]; and *People v. Opong*, 577 Phil. 571, 592-593 (2008) [Per J. Chico-Nazario, Third Division].

prosecution for rape; the victim's testimony alone, if credible, is sufficient to convict.⁸⁴ (Citations omitted)

The guilt of accused-appellant having been proven beyond reasonable doubt for the crime of rape, the penalty of *reclusion perpetua* was correctly imposed. However, in line with prevailing jurisprudence,⁸⁵ this Court increases the amount of civil indemnity to ₱75,000.00 and moral damages to ₱75,000.00. Exemplary damages of ₱75,000.00 shall also be awarded to AAA.⁸⁶

Finally, a six percent (6%) per annum legal interest shall be imposed on all the damages awarded to AAA from the date of finality of the judgment until fully paid.⁸⁷

WHEREFORE, the Court of Appeals' September 30, 2016 Decision in CA-G.R. CR-HC No. 01769 is **AFFIRMED**. Accused-appellant ZZZ is found **GUILTY** beyond reasonable doubt of rape, as punished under Article 266-B of the Revised Penal Code. He is sentenced to suffer the penalty of *reclusion perpetua*.

Accused-appellant is further **DIRECTED** to pay AAA: (1) Seventy-Five Thousand Pesos (₱75,000.00) as moral damages; (2) Seventy-Five Thousand Pesos (₱75,000.00) as civil indemnity; and (3) Seventy-Five Thousand Pesos (₱75,000.00) as exemplary damages.

All damages awarded shall be subject to interest at the rate of six percent (6%) per annum from the finality of this Decision until its full satisfaction.

SO ORDERED.


MARVIC M. V. F. LEONEN
Associate Justice

⁸⁴ *People v. Araojo*, 616 Phil. 275, 288 (2009) [Per J. Velasco, Jr., Third Division].

⁸⁵ *People v. Jugueta*, 783 Phil. 806, 851 (2016) [Per J. Peralta, En Banc].

⁸⁶ *Id.*

⁸⁷ *Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta, En Banc].

WE CONCUR:

On official leave
DIOSDADO M. PERALTA
Associate Justice
Chairperson

Reyes
ANDRES B. REYES, JR.
Associate Justice

On official leave
RAMON PAUL L. HERNANDO
Associate Justice

[Signature]
HENRI JEAN PAUL B. INTING
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.

[Signature]
MARVIC M.V.F. LEONEN
Associate Justice
Acting 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.

CERTIFIED TRUE COPY
[Signature]
WILFREDO V. LAPITAN
Division Clerk of Court
Third Division

[Signature]
LUCAS P. BERSAMIN
Chief Justice

JUL 24 2019