



Mis-ADC Batt  
MISAELO DOMINGO C. BATTUNG III  
Division Clerk of Court  
Third Division

MAR 0 1 2021

Republic of the Philippines  
Supreme Court  
Manila  
THIRD DIVISION

SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE

RECEIVED  
MAR 0 4 2021  
BY: LCH  
TIME: 1:27

PEOPLE OF THE PHILIPPINES,  
Petitioner,

G.R. No. 248204

Present:

LEONEN, J.,

Chairperson,

GESMUNDO,

CARANDANG,

ZALAMEDA, and

GAERLAN, JJ.

- versus -

JONATHAN JUARIZO  
EVARDONE,

Promulgated:

Respondent.

August 24, 2020

Mis-ADC Batt

X-----X

DECISION

CARANDANG, J.:

Jonathan Juarizo Evardone (accused-appellant) appealed the Decision<sup>1</sup> dated April 3, 2019 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08988 affirming with modification the Decision<sup>2</sup> dated November 17, 2016 of the Regional Trial Court (RTC) of Antipolo City, Branch 100 in Criminal Case Nos. 11-43069 to 11-43071 finding accused-appellant guilty of the crimes Robbery with Rape as provided for under Article 294, paragraph 1 of the Revised Penal Code (RPC).

Accused-appellant was charged with Robbery with Rape under Article 294, paragraph 1, of the Revised Penal Code (RPC) and two counts of Rape under Article 266-A of the RPC in the following separate Information, to wit:

Criminal Case No. 11-43069

That on or about the 12<sup>th</sup> day of August 2011, in the City of Antipolo, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with a male person whose true name, identity and present whereabouts is still unknown, and both

<sup>1</sup> Penned by Associate Justice Marie Christine Azcarraga-Jacob with the concurrence of Associate Justices Remedios A. Salazar-Fernando and Henri Jean Paul B. Inting (now a member of this Court); *rollo*, pp. 3-20.

<sup>2</sup> Penned by Presiding Judge Gengos-Ignalaga; CA *rollo*, pp. 43-55.

of them mutually helping and aiding one another, with intent to gain and by means of force, violence and intimidation, did then and there, willfully, unlawfully and feloniously take, rob, and divest [AAA]<sup>3</sup>, her cellular phone, money and jewelry, against her will and consent, with lewd design and by means of force, threat and intimidation, did then and there, willfully, unlawfully, and feloniously have sexual intercourse with said [AAA], against her will and consent.

CONTRARY TO LAW.<sup>4</sup>

Criminal Case No. 11-43070

That on or about the 12<sup>th</sup> day of August 2011, in the City of Antipolo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with a male person whose true name, identity and present whereabouts is still unknown, and both of them mutually helping and aiding one another, with lewd design, and by means of force, threat, and intimidation, with the use of a knife did then and there willfully, unlawfully, and feloniously have sexual intercourse with one AAA, while on a sitting position against her will and consent.

CONTRARY TO LAW.<sup>5</sup>

Criminal Case No. 11-43071

That on or about the 12<sup>th</sup> day of August 2011, in the City of Antipolo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with a male person whose true name, identity and present whereabouts is still unknown, and both of them mutually helping and aiding one another, with lewd design, and by means of force, threat and intimidation, with the use of a knife, did, then and there willfully, unlawfully, and feloniously have sexual intercourse with one AAA, who was ordered to bend over against her will and consent.

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

The prosecution established that on August 12, 2011 around 4:30 p.m., AAA was walking along NHA Avenue towards the jeepney terminal to go to work, when suddenly two persons, one of whom was later identified as

---

<sup>3</sup> The real name of the victim and of the members of her immediate family are withheld pursuant to Republic Act No. 7610 otherwise known as the "*Special Protection of Children against Abuse, Exploitation and Discrimination Act*" and A.M. No. 12-7-15-SC entitled "*Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions and Final Orders Using Fictitious Names*".

<sup>4</sup> CA rollo, p. 44.

<sup>5</sup> Id.

<sup>6</sup> Id.

accused-appellant while the other person was never identified, approached AAA and poked a knife at her and declared a hold-up.<sup>7</sup>

Accused-appellant and the other person grabbed AAA's cellphone worth ₱500.00. When a tricycle passed by, AAA shouted for help but the tricycle driver did not stop.<sup>8</sup>

AAA was able to run but accused-appellant caught up with her. Accused-appellant then grabbed AAA's collar and he asked her if she was a woman. Accused-appellant then pulled her to the side of a red car, then he put his hands under AAA's shirt and mashed her breast. Accused-appellant then said "*babae ka pala, sige na, humiga ka na.*" He pointed the knife against her left neck and forced her to lie down in the canal. There, accused-appellant, inserted his penis inside AAA's vagina.<sup>9</sup>

While accused-appellant was ravishing her, he said to AAA, "*diba tiga-Sitio Broadway ka? May girlfriend ka? Dalhin mo dito, titirahin ko din.*" Since accused-appellant and AAA cannot fit in the canal, the former ordered AAA to go back up the canal and to the side of the car. There, he ordered AAA to bend over and inserted his penis into AAA's vagina for the second time. Accused-appellant tried to stab AAA but the latter was able to parry the stab and was wounded on her right thumb. Thereafter, accused-appellant told her "*Pasensiya ka na, hindi naman ako masamang tao, natalo lang sa sugal at nakabatak lang.*"<sup>10</sup>

Accused-appellant's companion said "*Pare, tama na yan kasi magliliwanag na.*" Accused-appellant replied "*sandali na lang to, isa na lang.*" Thereafter, accused-appellant ordered AAA to go down the canal again, where for the third time, he inserted his penis inside AAA's vagina.<sup>11</sup> When the criminal act was done, accused-appellant threatened AAA not to report him to the police and that if AAA would get pregnant, she should look for him.<sup>12</sup>

When accused-appellant and his male companion left, AAA put on her shorts and hurriedly went home. AAA left her panty and her boxer shorts in the crime scene.<sup>13</sup>

When AAA arrived home, she told her ordeal to her brothers, sister and mother. Her brothers went to the crime scene to investigate, while AAA and her sister went to the police station to report the incident.<sup>14</sup>

AAA was examined and her Medico-Legal examination states:

---

<sup>7</sup> Id. at 45.

<sup>8</sup> Id.

<sup>9</sup> Id.; TSN dated March 11, 2014, pp. 6-7.

<sup>10</sup> Id.

<sup>11</sup> Id.

<sup>12</sup> *Rollo*, p. 6.

<sup>13</sup> *CA rollo*, p. 45.

<sup>14</sup> Id.

9

## Findings:

Hymen: presence of deep healing laceration of 6 and 9 o'clock positions with erythema and laceration at the fossa navicularis about 0.5 cms. Erythematous labia minor is noted.

External physical injuries: 1. Incised wound, right thumb, measuring 2x0.2 cms, 1 cm medial to its ant. Midline. 2. Incised wound, right middle finger, measuring 1x0.1 cms. 1 cm medial to its ant. Midline.

x x x x

## Conclusion:

Medical evaluation shows recent evidence of blunt penetrating trauma to the hymen, Barring unforeseen complications, above external physical injuries will heal in less than 9 days.<sup>15</sup>

AAA, together with her sister, went to their aunt who lived in a house where a wake was being held at the time of the incident. There, AAA relayed the physical description of accused-appellant. AAA claimed that accused-appellant was wearing black shirt and shorts pants and that his chin was long or "*patulis na baba*."<sup>16</sup>

The gay neighbor of AAA's aunt, gave four names, one of which is herein accused-appellant. On August 14, 2011, those four persons, including accused-appellant, were called in the barangay. At the barangay hall, AAA identified herein accused-appellant as the one who raped her.<sup>17</sup>

BBB, AAA's sister, testified that on August 12, 2011, around 5:00 a.m., AAA went home crying and informed them that she was robbed and raped. BBB described that AAA was wet and dirty.<sup>18</sup>

Accused-appellant testified that on August 12, 2011, he was at the wake of a certain Lydia Flores in Sampaguita Street, Brgy. Dela Paz, Antipolo City from 7 p.m. of August 11, 2011 until 5:00 a.m. of August 12, 2011. Accused-appellant was with his friends, namely, Randolph Felicedario, Jericho Lepata, Jomar Caranto, and Cyrus Ramirez. After they left the wake, they decided to eat *lugaw* in Sitio Broadway and stayed there for more than half hour and then they went home.<sup>19</sup>

On August 14, 2011, he and his friends were invited in the Barangay Hall. They were asked to stand up and a woman who was crying pointed at

---

<sup>15</sup> Id. at 51.

<sup>16</sup> Id. at 45.

<sup>17</sup> Id. at 46.

<sup>18</sup> Id. at 45.

<sup>19</sup> Id. at 46.

9

him. He did not say anything and they were allowed to go home. After two years, or on 2013, he was arrested.<sup>20</sup>

Jomar Caranto testified that they were at the wake of Lydia Flores from 6:30 p.m. of August 11, 2011 until 5:00 a.m. of August 12, 2011. After they left the wake, they rested for a few minutes in the corner of Banico Street. Thereafter, they proceeded in Sitio Broadway to eat lugaw. Around 6:30 a.m., they went home.<sup>21</sup>

Jomar testified that they met Nick, who they later found out was AAA's brother, asking them if they saw any suspicious man in the area. In Jomar's cross-examination, he admitted that in order to reach Sitio Broadway, they had to pass NHA Avenue and Lukban Street.<sup>22</sup>

On November 17, 2016, the RTC convicted accused-appellant of all the crimes he was charged, thus:

WHEREFORE, on the basis of the foregoing, judgment is hereby rendered finding accused Jonathan Juarizo Evardone guilty of the [crime] Robbery with Rape under Article 294 par. 1 of the Revised Penal Code as amended by R.A. 7659 and he is hereby sentenced to suffer the penalty of Reclusion Perpetua for Criminal Case No. 11-43069.

For Criminal Cases No. 11-43070 and 11-43071, judgment is hereby rendered finding accused Jonathan Juarizo Evardone guilty of the TWO COUNTS of Rape under Article 266-A No. 2, in relation to Article 266-B, 2<sup>nd</sup> paragraph of the Revised Penal Code, as amended by R.A. 8353, and he is hereby sentenced to suffer the penalty of reclusion perpetua for each count.

Accused is ordered to pay private complainant AAA the amount of P75,000.00 as civil indemnity and P75,000.00 as moral damages.

The preventive imprisonment of accused Jonathan Juarizo Evardone is credited in his favor.

SO ORDERED.<sup>23</sup>

On April 3, 2019, the CA affirmed with modification the conviction of the accused-appellant, to wit:

WHEREFORE, all premises considered, the instant appeal is PARTLY GRANTED.

Accordingly, the Decision dated 17 November 2016

---

<sup>20</sup> Id.  
<sup>21</sup> Id.  
<sup>22</sup> Id.  
<sup>23</sup> Id. at 55.

of the Regional Trial Court, Branch 100, Antipolo City is hereby MODIFIED as follows:

(1) Insofar as Criminal Case Nos. 11-43070 and 11-43071 are concerned, appellant is ACQUITTED of the charge of two (2) counts of simple rape under Article 266-A of the Revised Penal Code.

(2) With respect to Criminal Case No. 11-43069 convicting appellant of robbery with rape under Article 294, paragraph 1 of the Revised Penal Code, the same is AFFIRMED. However, the penalty imposed is reclusion perpetua without eligibility for parole.

(3) Appellant is ORDERED to pay exemplary damages in the amount of P100,000.00, in addition to the awards of moral damages and civil indemnity which are increased to P100,000.00.

(4) Finally, pursuant to the pronouncement in *Nacar v. Gallery Frames and Felipe Bordey, Jr.*, appellant is further ORDERED to pay legal interest on all awarded damages at 6% per annum from the filing of the Information on 18 October 2011 until the finality of this Decision, and another 6% per annum from such finality until full paument.

SO ORDERED. <sup>24</sup> (Emphasis and italics in the original)

The CA acquitted the accused-appellant on the two counts of rape since Article 294 of the RPC is not limited to a single victim or one instance of rape. In *People v. Seguis*,<sup>25</sup> the crime of Robbery with Rape covers multiple rapes accompanying the robbery and all the rapes shall be merged in a single crime of robbery with rape.

Accused-appellant argues that the testimony of AAA is incredible and grossly inconsistent with human experience to be believable. The prosecution failed to prove the robbery beyond reasonable doubt. AAA's testimony is marred with inconsistencies. In AAA's affidavit, she claimed that her phone, money and jewelry were taken before the alleged rape happened.<sup>26</sup> During AAA's testimony, she claimed that only her cellphone was taken. Then, in her re-direct testimony, she claimed that her jewelry was also taken. The prosecution was not able to prove the stolen articles, it failed to present any receipt, photographic evidence or corroborating testimony of the existence of the cellphone and jewelry. Further, the prosecution failed to prove the incidents of rape.<sup>27</sup> AAA in her affidavit stated that the first rape

<sup>24</sup> *Rollo*, p. 19.

<sup>25</sup> 402 Phil. 584 (2001).

<sup>26</sup> *CA rollo*, p. 27.

<sup>27</sup> *Id.* at 28-29.

happened beside the car, the second is down the canal and third was beside the car again. Also, during the third incident of rape, accused-appellant attempted to stab AAA but the latter was able to deflect the attack and was only wounded in her right thumb.<sup>28</sup> However, during AAA's testimony, she relayed that the first incident happened at the canal, then the second was beside the car, and the third incident was at the canal. Likewise, AAA testified that the attempt to stab her happened during the second incident of rape.<sup>29</sup>

Accused-appellant also questions AAA's lack of resistance or instinct to escape even though there were moments that she could escape without danger to herself. Also, despite the fact that the place of incident was well-lit, AAA failed to identify the male companion of accused-appellant.<sup>30</sup> Further, accused-appellant argues that it is possible that AAA mistook the identity of the accused-appellant as her assailant. It could not be dismissed that the assailant has the same features and clothes as accused-appellant.<sup>31</sup>

### Issue

The issues to be resolved in this petition is whether accused-appellant is guilty of the crime of Robbery with Rape.

### Ruling of the Court

The conviction is affirmed with modification as to penalty.

Central in accused-appellant's arguments in reversing his conviction is the credibility of the victim AAA in relating the crime. Accused-appellant argues that AAA's affidavit stating that her phone, money and jewelry were taken before the alleged rape happened. During AAA's testimony, she claimed that only her cellphone was taken. Then, in her re-direct testimony, she claimed that her jewelry was also taken. Also, AAA in her affidavit stated that the first rape happened beside the car, the second is down the canal and third was beside the car again. Also, during the third incident of rape, accused-appellant attempted to stab AAA but the latter was able to deflect the attack and was only wounded in her right thumb. However, during AAA's testimony, she relayed that the first incident happened at the canal, then the second was beside the car, and the third incident was at the canal. Likewise, AAA testified that the attempt to stab her happened during the incident of rape.

Time and again, this Court has reiterated that the credibility of witnesses is a question best addressed by the trial court because of its opportunity to observe their demeanor while testifying on the stand, an opportunity denied to the appellate courts. In this case, accused-appellant

---

<sup>28</sup> Id. at 30.

<sup>29</sup> Id. at 30-31.

<sup>30</sup> Id. at 35.

<sup>31</sup> Id. at 37.

was not able to show Us any good reason from deviating with the findings of the RTC and the CA that the testimony of AAA is credible, natural, convincing, consistent and supported by the evidence on the record.

Under Article 294, paragraph 1 of the RPC, as amended by Republic Act No. (R.A.) 7659, prescribes the penalty of *reclusion perpetua* to death when by reason of, or on the occasion of the robbery, the same was accompanied by rape. Thus, to be convicted of the special complex crime of Robbery with Rape, the original intent of the accused was to take, with intent to gain, the personal property of the victim, and rape was just committed on the occasion thereof. In this case, the prosecution was able to prove that accused-appellant's original intent was to rob AAA as evidenced by the fact that when accused-appellant approached AAA, he suddenly poked a knife at AAA's neck, declared a hold-up and took her cellphone. The fact that the prosecution was not able to show any receipt of the cellphone does not negate the fact that AAA was robbed.<sup>32</sup>

The prosecution was also able to prove that on the occasion of the robbery, AAA was raped by accused-appellant. The testimony of AAA that she was raped was supported by the Medico-Legal Report. The arguments of the accused-appellant that AAA's testimony was marred with inconsistencies especially as to where the three incidents of rape happened cannot be considered to reverse accused-appellant's conviction. It is well-settled that minor inconsistencies in the testimony of the victim does not automatically discredit the credibility of the witness.<sup>33</sup> It should be borne in mind that minor inconsistencies are to be expected when a victim recalls her harrowing and traumatic experience which are commonly too painful and agonizing to recount, especially in a courtroom setting. Further, inconsistencies on inconsequential matters that has nothing to do on the elements of the crime cannot result to the acquittal of the accused-appellant. Whether the first rape happened down the canal or beside the car, or where the succeeding rapes happened, the same fact still rings through, that accused-appellant indeed committed the atrocious act on AAA. The place where the rape was committed is not an essential element of the crime. AAA was consistent that accused-appellant raped her three times on the morning of August 12, 2011.<sup>34</sup>

Likewise, the lack of resistance of AAA cannot be taken as evidence that rape was not committed. Physical resistance to a rape need not be established where it is shown that the rape victim was threatened or intimidated into submission by the assailant. Here, AAA was consistent in her testimony that accused-appellant was armed with a knife when he committed the atrocious act. We cannot ascribe to AAA a uniform reaction to a rape incident. Some may offer strong resistance while others may be too intimidated to offer any resistance at all. After all, resistance is not an

---

<sup>32</sup> *People v. Belmonte*, 813 Phil. 240, 246 (2017), citing *People v. Tamayo*, 434 Phil. 642 (2002).

<sup>33</sup> *See People v. Cabralan*, 682 Phil. 164 (2012).

<sup>34</sup> *People v. Alipio*, 618 Phil. 38, 48 (2009).



element of rape and its absence does not negate AAA's claim that the accused-appellant consummated his bestial act.<sup>35</sup>

Accused-appellant's argument that he was mistaken as the assailant because AAA might have confused his appearance with that of the real assailant is incredulous. Be it noted that AAA testified that accused-appellant's face was familiar to her but she does not know his name. Also, AAA testified that when accused-appellant was raping her, she was looking at his face. The natural reaction of victims of a crime is to strive to know the identity of their assailants by looking at their appearance, features, and movements and observing the manner the crime was perpetrated to create a lasting impression that could not be erased easily in their memory. In this case, aside from the fact that AAA pointed at accused-appellant among the four persons presented in the barangay hall, she was consistent during trial in pointing the accused-appellant as the person who robbed and raped her.

Since the prosecution was able to prove beyond reasonable doubt that accused-appellant committed the crime, the latter's denial and alibi cannot be considered by this Court, especially in light of the positive identification of AAA. Accused-appellant claimed that he was at the wake of a certain Lydia Flores from 7:00 p.m. of August 11, 2011 until 5:00 a.m. of August 12, 2011. After they left the wake they went in Sitio Broadway to eat *lugaw*. However, based on the testimony of accused-appellant and his friend, Jomar, the place of the incident, the place of the wake and the place where they ate *lugaw* are all in the same barangay. Accused-appellant was not able to show that it is physically impossible for him to be at the place of the incident on the time of the incident. Thus, his alibi cannot be considered by this Court. Be it noted that denial and alibi are inherently weak defenses which can easily be concocted and fabricated.

Nevertheless, the penalty prescribed by the CA and the damages awarded need to be modified in keeping with the recent jurisprudence and the rules.

Under Article 294, paragraph 1 of the RPC, states that the penalty of *reclusion perpetua* to death is to be imposed when on the occasion of the robbery, a rape was committed. Article 63 of the RPC provides that when the penalty is composed of two indivisible penalties and there is neither aggravating nor mitigating circumstance is present, the lesser penalty is to be imposed. In this case, since no mitigating or aggravating circumstance is present, the penalty of *reclusion perpetua* should be imposed.

While it is true that the CA, correctly imposed the penalty of *reclusion perpetua*, the inclusion of the phrase "without the eligibility for parole" is erroneous. As such, said phrase should be deleted. Under A.M. No. 15-08-02-SC, the phrase "without the eligibility for parole" is used to emphasize that the accused-appellant should have been sentenced to suffer the penalty

<sup>35</sup> *People v. Arnaiz*, 538 Phil. 479, 517 (2006).

of death had it not been for R.A. 9346. In this case, however, accused-appellant is only sentenced to suffer the penalty of reclusion perpetua since there is no aggravating circumstance that is alleged in the Information and proven during the trial in order to impose the supreme penalty of death.

Corollarily, the award of ₱100,000.00 as moral damages, ₱100,000.00 as civil indemnity and ₱100,000.00 as exemplary damages should be reduced to ₱75,000.00. As provided for in *People v. Jugueta*,<sup>36</sup> in special complex crimes such as Robbery with Rape and the penalty is only reclusion perpetua the civil indemnity, moral damages and exemplary damages is ₱75,000.00.

As to the other two counts of rape that was committed by the accused-appellant, the CA acquitted accused-appellant of the said crimes not because of reasonable doubt or lack of evidence but because accused-appellant cannot be convicted separately of the two counts of rape committed by reason of or on the occasion of the robbery. The two counts of rape committed on the occasion of the robbery are absorbed by one composite crime of Robbery with Rape.

While the two counts of rape cannot be treated as an aggravating circumstance for increasing the penalty, they can however be considered for the entitlement of the victim for additional damages. As held in the case of *Jugueta*, it is provided that:

IV. For Special Complex Crimes like Robbery with Homicide, Robbery with Rape, Robbery with Intentional Mutilation, Robbery with Arson, Rape with Homicide, Kidnapping with Murder, Carnapping with Homicide or Carnapping with Rape, Highway Robbery with Homicide, Qualified Piracy, Arson with Homicide, Hazing with Death, Rape, Sodomy or Mutilation and other crimes with death, injuries, and sexual abuse as the composite crimes, where the penalty consists of indivisible penalties:

1.1 Where the penalty imposed is Death but reduced to *reclusion perpetua* because of RA 9346:

- a. Civil indemnity – ₱100,000.00
- b. Moral damages – ₱100,000.00
- c. Exemplary damages – ₱100,000.00

x x x x

2.1 Where the penalty imposed is *reclusion perpetua*, other than the above-mentioned:

- a. Civil indemnity – ₱75,000.00
- b. Moral damages – ₱75,000.00
- c. Exemplary damages – ₱75,000.00

x x x x

<sup>36</sup> 783 Phil. 806 (2016).

**Where the component crime is rape, the above Rules shall likewise apply, and that for every additional rape committed, whether against the same victim or other victims, the victims shall be entitled to the same damages unless the other crimes of rape are treated as separate crimes, in which case, the damages awarded to simple rape/qualified rape shall apply.<sup>37</sup> (Emphasis supplied)**

Further, awarding AAA ₱75,000.00 civil indemnity, ₱75,000.00 moral damages and ₱75,000.00 exemplary damages each for the other two incidents of rape is consistent with the ruling of this Court in *People v. Candelario*<sup>38</sup> The accused in this case was charged with the crime of Robbery with Multiple Rape since the accused rape the victim multiple times. This Court convicted the accused with a single crime of Robbery with Rape but the victim was awarded additional damages to the victim for each count of the rape committed on the victim. Also in the case of *People v. Antonio Ortiz*,<sup>39</sup> the accused was also charged with Robbery with Multiple Rape where the four accused took turns in raping the victim. This Court convicted the accused with a single crime of Robbery with Rape but also awarded the victim damages for each incident of rape committed upon her by the four accused.

Accordingly, AAA should be awarded for additional ₱75,000.00 civil indemnity, ₱75,000.00 moral damages and ₱75,000.00 exemplary damages for the other two incidents of rape.

**WHEREFORE**, premises considered, the instant appeal is **DISMISSED**. The Decision dated April 3, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 08988 is hereby **AFFIRMED with MODIFICATION**.

Accordingly, in Criminal Case No. 11-43069, accused-appellant Jonathan Juarizo Evardone is found **GUILTY** beyond reasonable doubt of the crime of Robbery with Rape under Article 294, paragraph 1 of the Revised Penal Code and is hereby sentenced to suffer the penalty of *reclusion perpetua*.

Accused-appellant Jonathan Juarizo Evardone is **ORDERED** to pay AAA the amount of ₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages and ₱75,000.00 as civil indemnity for each count of the three (3) incidents of rape committed. He is likewise **ORDERED** to pay a legal interest of six percent (6%) on the total amount of damages computed from the finality of this judgment until full payment thereof.

**SO ORDERED.**


---

<sup>37</sup> Id. at 850-852 (2016)

<sup>38</sup> 370 Phil. 506 (1999).

<sup>39</sup> 614 Phil. 625 (2009).





**ROSMARI D. CARANDANG**  
*Associate Justice*

**WE CONCUR:**

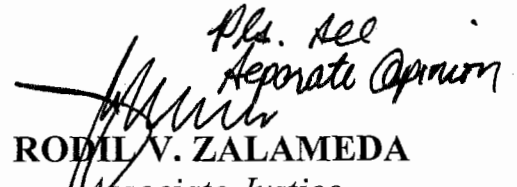


**MARVIC MARIO VICTOR F. LEONEN**  
*Associate Justice*




**ALEXANDER G. GESMUNDO**  
*Associate Justice*

*Pls. See  
Separate Opinion*




**RODIL V. ZALAMEDA**  
*Associate Justice*



**SAMUEL H. GAERLAN**  
*Associate Justice*

**ATTESTATION**

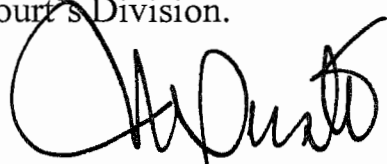
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARVIC MARIO VICTOR F. LEONEN**  
*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.



**DIOSDADO M. PERALTA**  
*Chief Justice*

CERTIFIED TRUE COPY

*Misael DC Batt*  
**MISAELO DOMINGO C. BATTUNG III**  
Division Clerk of Court  
Third Division  
MAR 01 2021