



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 246499
Plaintiff-Appellee,

Present:

-versus-

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

XXX,
Accused-Appellant.

Promulgated:
November 4, 2020
Mis-DC Batt

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DECISION

LEONEN, *J.*:

An uncle's moral ascendancy or influence over his minor niece supplants the element of violence or intimidation in a charge of rape. In this case, such influence, together with his reputation for violence, was why the victim did not shout or struggle while her uncle sexually abused her.

This Court resolves an appeal¹ assailing the Court of Appeals' Decision,² which upheld the Regional Trial Court's Decision³ convicting XXX of two charges of qualified rape defined and penalized under Article

¹ *Rollo*, pp. 27–29.

² *Id.* at 3–26. The January 11, 2019 Decision in CA-G.R. CR-HC No. 09091 was penned by Associate Justice Samuel H. Gaerlan (now a member of this Court), and concurred in by Associate Justices Celia C. Librea-Leagogo and Pablito A. Perez of the Fifth Division, Court of Appeals, Manila.

³ *CA rollo*, pp. 54–72. The November 11, 2016 Decision in Criminal Case Nos. 5878 and 5879 was penned by Judge Alben C. Rabe of the Regional Trial Court, Ligao City, Branch 12.

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266-A(1)(a) in relation to Article 266-B(1) of the Revised Penal Code, as amended.

In two separate Informations, XXX was charged with the crime of qualified rape of AAA, his minor niece. They read:

Criminal Case No. 5878

That on or about 10:00 o'clock in the morning of March 8, 2009, at [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd and unchaste design, through force and intimidation, and taking advantage of his moral ascendancy being the uncle and relative within the third civil degree of consanguinity of the offended party, did then and there, willfully, unlawfully and feloniously, had sexual intercourse with [AAA], a minor 14 years, born on 17 November 1994, against the latter's will and consent, to her damage and prejudice.

ACTS CONTRARY TO LAW.⁴

Criminal Case No. 5879

That on or about 7 o'clock in the evening on March 11, 2009, at [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd and unchaste design, through force and intimidation, and taking advantage of his moral ascendancy being the uncle and relative within the third civil degree of consanguinity of the offended party, did then and there, willfully, unlawfully and feloniously, had sexual intercourse with [AAA], a minor 14 years, born on 17 November 1994, against the latter's will and consent, to her damage and prejudice.

ACTS CONTRARY TO LAW.⁵

On arraignment, XXX entered a plea of not guilty to both charges. The two cases were eventually consolidated and joint trial on the merits ensued.⁶

The prosecution presented the following as its witnesses: (1) private complainant AAA; (2) her mother BBB; (3) Senior Police Officer 4 Edgar J. Tuason (SPO4 Tuason); (4) Police Officer 2 Alma C. del Valle; (5) Police Officer 2 Elton del Valle; and (6) Dr. James M. Belgira (Dr. Belgira).⁷

AAA testified that at around 10:00 a.m. on March 8, 2009, she went to a creek near her house to gather snails to cook.⁸

⁴ Id. at 54, RTC Decision.

⁵ Id. at 55.

⁶ *Rollo*, p. 5.

⁷ Id.

⁸ *CA rollo*, p. 65.

While she was looking for snails, she saw her uncle, XXX, at the upper portion of the creek. XXX went down the creek toward AAA, removed some leaves off a banana plant, and arranged them on the ground. He then grabbed AAA's hand, embraced her, and guided her to lie down on the banana leaves. AAA said that she did not question or fight off her uncle, who was then unarmed, because she was afraid that he would punch her.⁹

Once AAA lay down on the leaves, XXX held both her hands, spread her legs, and removed her shorts. She tried to resist and free her hands from his, but she failed to escape his grip.¹⁰

XXX then removed AAA's undergarments before kissing her from the neck all the way to her vagina. He placed saliva on his hand and rubbed it on her vagina. While pinning down AAA, he removed his shorts and briefs and unsuccessfully tried to insert his penis inside her vagina. He managed to penetrate AAA with his second attempt and then he proceeded to masturbate in front of her. He ejaculated on her vagina and slid his fingers inside AAA, causing her to feel pain.¹¹

After satisfying himself, XXX told AAA to dress up. She followed his order and ran home.¹² Her mother, BBB, who was then picking some pechay near their house, saw AAA running uphill toward the house while XXX stayed downhill. AAA did not tell BBB what transpired with XXX out of fear.¹³

AAA then testified that at around 7:00 p.m. on March 11, 2009,¹⁴ she was watching television with her parents and siblings when XXX appeared at their house.¹⁵ She went out of the house to use the outdoor toilet, and when she got out, there was XXX who had apparently followed her. He grabbed AAA and dragged her uphill toward a cluster of banana plants.¹⁶

AAA struggled against XXX while he dragged her but then she stopped¹⁷ because she was afraid of her uncle who had once stabbed their relative in the stomach.¹⁸

XXX removed his shirt, embraced AAA, and made her lie on the ground. He then began kissing her on the face and on her body. She tried to resist him but was pinned down by his arms. He removed her shorts and

⁹ Id. at 65–66.

¹⁰ Id. at 66.

¹¹ Id. at 66–67.

¹² Id. at 67.

¹³ Id. at 64 and 67.

¹⁴ *Rollo*, p. 7.

¹⁵ *CA rollo*, p. 67.

¹⁶ *Rollo*, p. 7.

¹⁷ Id.

¹⁸ *CA rollo*, p. 68.

panties and inserted his penis inside her vagina. AAA tried to shove him away, but XXX instead inserted his finger inside her vagina. Once he removed it, he masturbated for about a minute and ejaculated on AAA's vagina. He then stood and ordered AAA to dress up. She quickly dressed up and ran away from him.¹⁹

On her way home, AAA saw her father, who was angrily looking for her. She told her father about what XXX did to her.²⁰

That same evening, BBB and AAA reported the incident to their barangay captain, who then accompanied them to the police station to lodge a complaint against XXX.²¹

The following morning, several police officers came to arrest XXX, read him his constitutional rights, and brought him to the police station.²²

Later that same day, AAA underwent a physical and genital examination. Dr. Belgira, the forensic physician who examined AAA, testified that he observed "a deep healed laceration" in the six o'clock position of [AAA]'s genitals, which may have been caused by any blunt, hard object that was forcefully inserted into her vagina.²³

The defense presented XXX as its sole witness and he denied raping AAA on both occasions.²⁴

He claimed that from 8:30 a.m. to 11:00 a.m. on March 8, 2009, he was near his house harvesting peanuts with AAA's parents, so he could not have molested AAA at 10:00 a.m. that day.²⁵

He also denied raping AAA on the evening of March 11, 2009. He claimed that he was home that time eating dinner with his family. He added that he did not see AAA that night.²⁶

XXX asserted that the unfounded allegations of rape were due to the land dispute between him and AAA's parents.²⁷

¹⁹ *Rollo*, p. 7.

²⁰ *Id.*

²¹ *CA rollo*, p. 58.

²² *Id.* at 58–59.

²³ *Id.* at 61–62.

²⁴ *Id.* at 68.

²⁵ *Id.* at 68–69.

²⁶ *Id.* at 69.

²⁷ *Id.*

In its November 11, 2016 Decision,²⁸ the Regional Trial Court found XXX guilty beyond reasonable doubt of both charges against him. It gave full credit to the testimony of AAA, holding that XXX's alibi cannot prevail over AAA's clear and positive assertions.²⁹ It noted that "[t]hroughout the lengthy examination conducted by the prosecution [and] the equally lengthy examination conducted by the defense during which occasion [AAA] never wavered except for some minor lapses [that are] natural and normal of someone who is naïve of promiscuity."³⁰ The dispositive portion of the Decision reads:

WHEREFORE, foregoing premises considered, judgment is hereby rendered finding accused JESUS MALBAROSA guilty beyond reasonable doubt of the crime of Rape punishable under Article 266-A(1)(a) in relation to Article 266-B(1) of the Revised Penal Code, as amended.

He is hereby sentenced to suffer imprisonment of *Reclusion Perpetua*.

In consonance with existing jurisprudence, accused shall indemnify the private offended party the following:

- (a) P40,000.00 as civil indemnity;
- (b) P40,000.00 as moral damages; and
- (c) P40,000.00 as exemplary damages.

SO ORDERED.³¹

The prosecution moved to clarify whether the conviction and imposition of civil liability should be applied to both Criminal Case No. 5878 and Criminal Case No. 5879.³²

In its January 9, 2017 Order, the Regional Trial Court modified its Decision as follows:

Acting upon the Motion for Clarification and Modification filed by Associate Prosecution Attorney II Ma. Czarina S. Lanuzo seeking to clarify anent the Court's Judgment dated November 11, 2016 which found accused [XXX] guilty beyond reasonable doubt [of] the crime of Rape punishable under Art 266-A(1)(a) in relation to Article 266-B(1) of the Revised Penal Code as amended wherein the Court pronounced sentencing him to suffer imprisonment of *reclusion perpetua*, which pronouncement should be for the accused to suffer imprisonment of *reclusion perpetua* in each of the Criminal Case Nos. 5878 and 5879.

²⁸ Id. at 54-72.

²⁹ Id. at 70-71.

³⁰ Id. at 71.

³¹ Id. at 72.

³² *Rollo*, pp. 10-11.

In consonance therewith and in line with existing jurisprudence, accused shall indemnify the private offended party the following: a) Forty Thousand Pesos (P40,000.00) as civil indemnity in each of the two (2) counts; b) Forty Thousand Pesos (P40,000.00) as moral damages in each of the two (2) counts and c) Forty Thousand Pesos (P40,000.00) as exemplary damages in each of the criminal case[s].

WHEREFORE, considering the foregoing amendment, the court's Decision dated November 11, 2016 is hereby modified as such.

SO ORDERED.³³

On the other hand, XXX filed a Notice of Appeal,³⁴ which the Regional Trial Court gave due course to in its January 19, 2017 Order.³⁵

In its January 11, 2019 Decision,³⁶ the Court of Appeals affirmed XXX's conviction. It deferred to the Regional Trial Court's assessment of credibility of witnesses, pointing out that the trial court is best situated to determine the probative value of testimonies.³⁷ On XXX's claim that the rape charges were motivated by the existing land dispute between their families, it held that in the absence of proof to the contrary, witnesses cannot be presumed to be motivated by any ill will or bias.³⁸

The Court of Appeals likewise pointed out that XXX's defense of alibi was unconvincing as he admitted that his house was merely 40 meters away from the creek and 30 meters away from AAA's house. He thus failed to prove that it was physically impossible for him to have been at the crime scene when the alleged rape incidents happened.³⁹

The Court of Appeals, however, modified⁴⁰ the award of damages in view of this Court's ruling in *People v. Jugueta*.⁴¹ The dispositive portion of the Court of Appeals Decision reads:

WHEREFORE, premises considered, the instant appeal is **DENIED**. Accordingly, the Decision of the Regional Trial Court of Ligao City, Branch 12, in Criminal Case Nos. 5878 and 5879 finding accused-appellant [XXX] guilty beyond reasonable doubt of two (2) counts of rape is hereby **AFFIRMED** with the following **MODIFICATIONS**:

- (1) The accused-appellant is sentenced to suffer the penalty of *reclusion perpetua* without eligibility of parole for each count of qualified rape;

³³ Id. at 11.

³⁴ CA rollo, p. 17.

³⁵ Id. at 18. The Order was penned by Judge Annielyn B. Medes-Cabelis.

³⁶ Rollo, pp. 3–26.

³⁷ Id. at 15.

³⁸ Id. at 16–17.

³⁹ Id. at 19.

⁴⁰ Id. at 25.

⁴¹ *People v. Jugueta*, 783 Phil. 806 (2016) [Per J. Peralta, En Banc].

- (2) The accused-appellant is ordered to pay the private complainant One Hundred Thousand Pesos (Php 100,000.00) as civil indemnity; One Hundred Thousand Pesos (Php100,000.00) as moral damages; and One Hundred Thousand Pesos (Php 100,000.00) as exemplary damages for each count of qualified rape; and
- (3) The civil indemnity, moral damages, and exemplary damages awarded herein shall be subject to six percent interest (6%) per annum from the finality of this Decision until full payment thereof.

SO ORDERED.⁴² (Emphasis in the original, citation omitted)

XXX filed a Notice of Appeal,⁴³ to which the Court of Appeals gave due course.⁴⁴

On June 3, 2019, this Court issued a Resolution⁴⁵ notifying the parties that they may file their respective supplemental briefs. Both plaintiff-appellee People of the Philippines⁴⁶ and accused-appellant⁴⁷ manifested that they would no longer file supplemental briefs and would instead be adopting their briefs filed before the Court of Appeals.

In his Brief,⁴⁸ accused-appellant claims that AAA's testimonies on the two rape incidents were almost identical, engendering suspicion that she was coached or that her testimony was rehearsed or contrived.⁴⁹ He also points out that AAA seemed to be unbothered with his presence days after the alleged first rape incident, thus belying her accusations of assault and abuse.⁵⁰ He contends that "the sight [of a man masturbating] would necessarily frighten a woman" and, because AAA did not appear so, he says the chances that he "never sexually abused AAA cannot be discounted."⁵¹

To support his claim that the rape did not happen, he underscores that the medical findings revealed a deep healed laceration even though AAA was subjected to physical and genital examination only one day after the alleged second rape incident.⁵²

On the other hand, in its Appellee's Brief,⁵³ plaintiff-appellee stresses that the trial court found AAA's testimony to be credible and

⁴² *Rollo*, pp. 25–26.

⁴³ *Id.* at 27–30.

⁴⁴ *Id.* at 31.

⁴⁵ *Id.* at 33–34.

⁴⁶ *Id.* at 43–47.

⁴⁷ *Id.* at 38–42.

⁴⁸ *CA rollo*, pp. 38–52.

⁴⁹ *Id.* at 47.

⁵⁰ *Id.* at 47–48.

⁵¹ *Id.* at 48.

⁵² *Id.*

⁵³ *Id.* at 94–113.

straightforward.⁵⁴ It further claims that rape victims suffer trauma, which affects not only their recollection of the circumstances attending their sexual abuse, but also their human reaction to it.⁵⁵ Finally, it asserts that accused-appellant's defense of alibi fails in view of his testimony that he was merely 30 meters away from AAA's house, negating physical impossibility.⁵⁶

For this Court's resolution is the lone issue of whether or not the prosecution was able to prove beyond reasonable doubt accused-appellant XXX's guilt for the two counts of qualified rape.

We affirm the conviction of accused-appellant.

Article 266-A, paragraph 1 of the Revised Penal Code, as amended, lists the elements for the crime of rape through carnal knowledge of a woman:

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.⁵⁷

*People v. Arlee*⁵⁸ states that conviction in rape cases “virtually depends entirely on the credibility of the complainant's narration since usually, only the participants can testify as to its occurrence.”⁵⁹

Here, the Regional Trial Court believed AAA's candid and straightforward testimony. It stressed that she remained consistent and

⁵⁴ Id. at 105.

⁵⁵ Id. at 106.

⁵⁶ Id. at 110.

⁵⁷ REV. PEN. CODE, art. 266-A, as amended by Republic Act No. 8353 (1997).

⁵⁸ 380 Phil. 164 (2000) [Per J. Purisima, Third Division].

⁵⁹ Id. at 175 citing *People v. Castillon*, 291 Phil. 75 (1993) [Per J. Regalado, Second Division].

steadfast during cross-examination and redirect examination.⁶⁰ The Regional Trial Court stated:

Corollarily, as between the positive and affirmative assertions of [AAA] and accused[’s] negative denials, the former is entitled to full faith and credit tha[n] that of the latter. [AAA] in her young and tender age was able to recount in [a] straightforward and candid manner how she surmount[ed] the sexual assault [done] to her. Throughout the lengthy direct examination conducted by the prosecution was the equally lengthy cross-examination conducted by the defense during which occasion [AAA] never wavered except for some minor lapses [that are] natural and normal of one who is naïve of promiscuity. By and large, she surpassed the test of being a credible witness, which provides that in order for one’s testimony to be credible, it must not only prove from the mouth of a credible witness, but it must also be credible in itself.⁶¹

The trial court’s findings were affirmed by the Court of Appeals, which also appreciated AAA’s clear and positive assertions.⁶²

This Court finds no reason to depart from the findings of the Regional Trial Court, as upheld by the Court of Appeals. It is settled “that factual findings of the trial court and its evaluation of the credibility of witnesses and their testimonies are entitled to great respect and will not be disturbed on appeal, unless the trial court is shown to have overlooked, misapprehended, or misapplied any fact or circumstance of weight and substance.”⁶³

Accused-appellant’s contention that AAA’s testimonies on both rape incidents were “almost identical” and appeared to be “coached, rehearsed, or contrived”⁶⁴ cannot trump the findings of the trial court, which was best situated to determine the veracity of AAA’s assertions.

Accused-appellant likewise points to AAA’s silent reaction when she saw him three days after the first rape incident. He implies that AAA’s lack of apprehension toward him negates the possibility of rape by force and intimidation.⁶⁵

We are not convinced.

In *People v. Entrampas*,⁶⁶ this Court held that “the silence of the rape victim does not negate her sexual molestation or make her charge baseless, untrue, or fabricated.”⁶⁷ Further:

⁶⁰ CA rollo, p. 71.

⁶¹ Id.

⁶² Rollo, p. 16.

⁶³ *People v. De Jesus*, 695 Phil. 114, 122 (2012) [Per J. Brion, Second Division].

⁶⁴ CA rollo, p. 47.

⁶⁵ Id. at 48.

⁶⁶ 808 Phil. 258 (2017). [Per J. Leonen, Second Division].



Force and intimidation must be appreciated in light of the victim's perception and judgment when the assailant committed the crime. *In rape perpetrated by close kin, such as the common-law spouse of the child's mother, actual force or intimidation need not be employed.*

"While [accused-appellant] was not the biological father of AAA . . . [she] considered him as her father since she was a child." *Moral influence or ascendancy added to the intimidation of AAA. It enhanced the fear that cowed the victim into silence. Accused-appellant's physical superiority and moral influence depleted AAA's resolve to stand up against her foster father. . . . As accused-appellant sexually assaulted AAA, she cried and pleaded him to stop. Her failure to shout or tenaciously repel accused-appellant does not mean that she voluntarily submitted to his dastardly act.*⁶⁸ (Emphasis supplied, citation omitted)

Here, as in *Entrampas*, accused-appellant was of close kin to the victim, his niece. Worse, during the rape incidents, the victim knew that her uncle had once beat up one of their relatives. Certainly, his influence, coupled with his reputation for violence, attended the crime that accused-appellant committed against AAA.

In any case, "no standard form of behavior can be anticipated of a rape victim following her defilement, particularly a child who could not be expected to fully comprehend the ways of an adult. People react differently to emotional stress, and rape victims are no different from them."⁶⁹

As to accused-appellant's claim that the presence of deep healed hymenal lacerations one day after the second rape incident negates sexual abuse, we reiterate our ruling in *People v. Araojo*⁷⁰ that the state of the hymen is not an element of rape:

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. [However,] *the foremost consideration in the prosecution of rape is the victim's testimony and not the findings of the medico-legal officer.*⁷¹ (Emphasis supplied, citations omitted)

*People v. Evangelio*⁷² is likewise illuminating:

⁶⁷ Id. at 269 citing *People v. Lor*, 413 Phil. 725, 736 (2001) [Per J. Ynares-Santiago, En Banc].

⁶⁸ Id. at 269–270.

⁶⁹ *People v. Crespo*, 586 Phil. 542, 566 (2008) [Per J. Chico-Nazario, Third Division] citing *People v. Iluis*, 447 Phil. 517 (2003) [Per J. Vitug, En Banc].

⁷⁰ 616 Phil. 275 (2009) [Per J. Velasco, Third Division].

⁷¹ *People v. Araojo*, 616 Phil. 275, 288 (2009) [Per J. Velasco, Third Division] citing *People v. Boromeo*, 474 Phil. 605 (2004) [Per Curiam, En Banc]; and *People v. Espino, Jr.*, 577 Phil. 546, 566 (2008) [Per J. Chico-Nazario, Third Division].

⁷² 672 Phil. 229 (2011) [Per J. Peralta, Third Division].

Although Dr. Cordero's report stated that AAA's lacerations were deep healing and healed lacerations, this finding does not negate the commission of rape on October 3, 2001. The Court held that the absence of fresh lacerations does not prove that the victim was not raped. *A freshly broken hymen is not an essential element of rape and healed lacerations do not negate rape. Hence, the presence of healed hymenal lacerations the day after the victim was raped does not negate the commission of rape by the appellant when the crime was proven by the combination of highly convincing pieces of circumstantial evidence. In addition, a medical examination and a medical certificate are merely corroborative and are not indispensable to the prosecution of a rape case.*⁷³ (Emphasis supplied, citations omitted)

Further, the lack of fresh wounds may be attributed to accused-appellant's failure to fully penetrate the vagina of his minor victim. Lack of full penetration, however, does not negate the finding of rape.⁷⁴ Rape is consummated upon "the entrance of the male organ into the labia of the pudendum of the female organ. Penetration of the penis by entry into the lips of the vagina, even without rupture or laceration of the hymen, is enough to justify a conviction for rape."⁷⁵

AAA's testimony of her sexual abuse clearly and positively demonstrates consummated rape. On the first rape incident, AAA testified:

Q: Before we go to that part, did his penis touch your vagina?

A: Yes, sir.

Q: In which part of your vagina?

A: My vagina.

....

Q: This is my question, did his penis touch the outer lip of your vagina?

A: Yes, sir.

Q: Did this (sic) penis touch the clitoris or the tongue-like of the vagina?

A: Yes, sir.

Q: Was his penis able to at least touch the smaller one?

A: Yes, sir.⁷⁶ (Citation omitted)

As to the second rape incident, AAA testified:

Q: What else did he do, if any?

A: He placed his penis to my vagina.

⁷³ Id. at 245.

⁷⁴ *People v. Ortoa*, 599 Phil. 232 (2009) [Per J. Austria-Martinez, En Banc].

⁷⁵ Id. at 247.

⁷⁶ *Rollo*, pp. 20–21.

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Q: Showing you again the same sketch, you said he placed his penis to your vagina, did his penis touch your vagina referring to the labia majora?
A: Yes, sir.

.....

Q: Did you see his erect penis?
A: Yes, Your Honor.

Q: And were you able to see in what part of your vagina was the denting of his penis?
A: I felt it, Your Honor.

Q: Did you not try to kick his penis to avoid from denting your vagina?
A: I cannot kick because my legs were clipped.⁷⁷

To controvert AAA's positive assertions, accused-appellant only interposed the defenses of denial and alibi, which are inherently weak defenses for being self-serving.⁷⁸ It is likewise settled that in rape cases, the bare denial of the accused "falters against the 'positive identification by, and straightforward narration of the victim.'"⁷⁹

Finally, rape is qualified when the victim is a minor and the accused is related to the victim by affinity or consanguinity within the third civil degree.⁸⁰ It is not disputed that accused-appellant is the brother of AAA's father, making him AAA's uncle—a relative by consanguinity within the third civil degree. The prosecution likewise established that AAA was a minor when she was raped by accused-appellant.⁸¹

In view of these qualifying circumstances, the Court of Appeals correctly imposed the penalty of *reclusion perpetua* without eligibility of parole for each count of qualified rape in lieu of the imposition of death penalty.⁸² This Court likewise affirms its modifications on the award of damages in light of our ruling in *People v. Jugueta*.⁸³

WHEREFORE, the January 11, 2019 Decision of the Court of Appeals in CA-G.R. CR-HC No. 09091, finding accused-appellant XXX guilty beyond reasonable doubt of two counts of qualified rape, is **AFFIRMED**. Accused-appellant is sentenced to suffer the penalty of two counts of *reclusion perpetua* to be served successively, without eligibility for parole. He is also ordered to pay the victim, for each count of rape, the

⁷⁷ Id. at 21–22.

⁷⁸ *People v. Remudo*, 416 Phil. 422 (2001) [Per Curiam, En Banc].

⁷⁹ *People v. Divinagracia, Sr.* 814 Phil. 730, 753 (2017) [Per J. Leonen, Second Division] citing *Imbo v. People*, 758 Phil. 430 (2015) [Per J. Perez, First Division].

⁸⁰ REV. PEN. CODE, art. 266-B, as amended by Republic Act No. 8353 (1997).

⁸¹ *Rollo*, p. 5.

⁸² *People v. Lumaho*, 744 Phil. 233, 246 (2014) [Per J. Perez, First Division].

⁸³ 783 Phil. 806 (2016). [Per J. Peralta, En Banc].

amounts of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages.

All damages awarded shall be subject to interest at the rate of 6% per annum from the finality of this Decision until their full satisfaction.⁸⁴

SO ORDERED.




MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:



RAMON PAUL L. HERNANDO
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



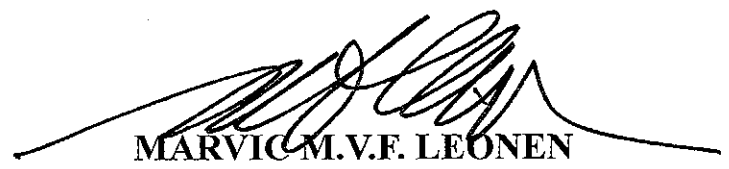
EDGARDO L. DELOS SANTOS
Associate Justice



RICARDO R. ROSARIO
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

⁸⁴ *Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta, En Banc].

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