



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 256301

Present:

-versus-

LEONEN, J., *Chairperson*,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., and
KHO, JR., *JJ.*

JOEL GABISAY, JR. y ELPA and
RONNIE DONINIA,
Accused-Appellants.

Promulgated:

MAR 01 2023

X-----X

DECISION

LOPEZ, J., J.:

This Court resolves an appeal¹ from the Decision² of the Court of Appeals (CA), finding Joel Gabisay, Jr. (*Gabisay*) and Ronnie Doninia (*Doninia*) guilty of forcible abduction with rape.

¹ *Rollo*, p. 3.

² *Id.* at 8–34. The July 2, 2020 Decision in CA-G.R. CR-HC No. 11789 was penned by Associate Justice Louis P. Acosta, and concurred in by Associate Justices Japar B. Dimaampao (now a Member of this Court) and Eduardo B. Peralta, Jr. of the Third Division, Court of Appeals, Manila.

The Antecedents

The instant case stemmed from an Information charging Gabisay and Doninia with the crime of forcible abduction with rape, the accusatory portion of which states:

That on or about the 3rd day of May, 2007, in the [REDACTED],³ Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a gun while on board a motorized tricycle and motivated by lewd designs, conspiring, confederating and mutually helping one another, did then and there willfully, unlawfully[,] and feloniously, by means of force, threat[,] and intimidation, take, abduct[,] and carry away the complaining witness [AAA256301],⁴ a minor of 17 years of age against her will and without her consent, to a secluded place where the said accused Joel Gabisay Jr. y Elpa and Ronnie Doninia pursuant to their lewd designs and by using force and intimidation, had carnal knowledge of the said [AAA256301] against her will and without her consent.

Contrary to law.⁵

Upon arraignment, Gabisay and Doninia pleaded not guilty to the charge filed against them. After pre-trial was conducted, trial on the merits ensued.

According to AAA256301, at around 9:30 p.m. on May 3, 2007, she was at a waiting shed in [REDACTED] with her boyfriend when two individuals on board a motorcycle stopped in front of them.⁶ The passenger, later on identified as Doninia, alighted from the motorcycle and poked a gun on AAA256301 and her boyfriend. The driver, later on identified as Gabisay, sat between them and declared a hold-up. Doninia asked them to give their bags and money but AAA256301 refused. Doninia then pulled AAA256301's left arm and forced her to board the motorcycle with Gabisay. AAA256301's boyfriend was left behind.⁷

³ Geographical location is blotted out pursuant to Supreme Court Amended Circular No. 83-2015, dated September 5, 2017 entitled Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders using Fictitious Names/Personal Circumstances.

⁴ The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation, and for Other Purposes; Republic Act No. 9262, An Act Defining Violence Against Women and their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes; and Section 40 of A.M. No. 04-10-11-SC., known as the "Rule on Violence against Women and their Children, effective November 15, 2002." (*People v. Dumadag*, 667 Phil.664, 669 (2011) [Per J. Del Castillo, First Division]).

⁵ Records, p. 2.

⁶ TSN, March 31, 2008. p. 4.

⁷ *Id.* at 5-6.

While on board the motorcycle, Doninia, Gabisay, and AAA256301 proceeded to a vacant lot far from other houses and with tall grasses in an undeveloped subdivision at Kamandalaan Street, Barangay Muzon, San Jose del Monte. Upon reaching the place, Doninia allegedly alighted from the vehicle, blindfolded the victim, and led her to a place about five meters away from where the motorcycle was parked.⁸

AAA256301 claimed that Doninia told her that they were working upon the instruction of the mayor and that they were police officers from Pampanga. She was told to undress but she refused. AAA256301 was warned not to shout and was ordered to touch the end of the gun. While Doninia was attempting to kiss her, her blindfold allegedly loosened, allowing her to see her assailants. Doninia then went on top of AAA256301, caressed her breasts, and fondled them. Out of fear, AAA256301 spread her thighs. Doninia knelt in between her thighs and lowered his pants and underwear. He kissed AAA256301's vagina and licked it. Doninia then forcibly inserted his penis into her vagina and made a push-and-pull movement for about five minutes.⁹

AAA256301 claimed that after Doninia was done molesting her, he called Gabisay and said "*Sarge, ikaw naman.*" At this point, Gabisay lowered his pants and underwear and placed himself in between AAA256301's thighs. He grabbed the victim's hand and told her to make his penis hard. Out of fear, AAA256301 complied. Thereafter, Gabisay inserted his penis into her vagina and made a push-and-pull movement for about three minutes.¹⁰

After molesting AAA256301, Doninia helped her stand up, get dressed, and asked for her cellphone number. He told AAA256301 that he wanted her to be his girlfriend. When she refused, Doninia threatened to kill her and her family if she will tell anyone about what happened. They all boarded the motorcycle and AAA256301 was dropped off at the corner of a street. She was instructed to board a jeepney headed for [REDACTED]. As AAA256301 was the only passenger in the jeepney, the driver asked her to transfer to a tricycle.¹¹ She reached her home at around 11:00 p.m. AAA256301 told her parents about her ordeal but instructed them to just keep it to themselves as she was embarrassed.¹²

BBB256301, AAA256301's cousin, accused Gabisay of committing acts of lasciviousness in an unrelated incident. Thus, on June 1, 2007, BBB256301 told AAA256301 to go to the barangay hall to see the person BBB256301 was complaining of for acts of lasciviousness and determine whether he was also one of the assailants of AAA256301.¹³ Upon reaching the

⁸ *Id.* at 6-7.

⁹ *Id.* at 7-12.

¹⁰ *Id.* at 12-15.

¹¹ *Id.* at 15-17.

¹² *Id.* at 17-18.

¹³ *Id.* at 19.

barangay hall with her mother, AAA256301 peeped through a glass window and confirmed that Gabisay was one of the two individuals who abducted and raped her.¹⁴ As such, a Complaint was instituted against Gabisay on the acts he committed against AAA256301.

During the course of the investigation, Gabisay mentioned the name of Doninia. The police officers searched for information on Doninia through the records of the Commission on Elections (*COMELEC*) and found his photograph and residence. After AAA256301 confirmed his identity through a photograph, a Complaint was instituted against Doninia.¹⁵

On June 1, 2007, Dr. Jesille C. Baluyot (*Dr. Baluyot*) examined AAA256301. Medico-legal report no. R07-1075¹⁶ indicated the following findings:

HYMEN: presence of deep healed lacerations at 4, 6[,] and 8 o'clock positions

....

CONCLUSION: Findings are diagnostic of previous blunt force or penetrating trauma. There are no external (physical) signs of complication of any penetrating trauma[.]¹⁷ (Emphasis in the original)

Gabisay and Doninia denied the accusations against them. Gabisay maintained that he was at work in a slaughterhouse in [REDACTED] at the time of the alleged forcible abduction with rape.¹⁸ For Doninia's part, he insisted that he was at home with his pregnant wife at the time of the incident.¹⁹ He added that he was only implicated in the crime because Gabisay was forced to mention his name after he was mauled by the police officers.²⁰

Then, the Regional Trial Court (*RTC*) rendered its Decision,²¹ the dispositive portion of which states:

WHEREFORE, finding accused Joel E. Gabisay, Jr. and Ronnie Doninia guilty beyond reasonable doubt in the charge filed against them, this Court hereby sentences them to suffer the penalty of *Reclusion Perpetua* without eligibility for parole; and each to pay victim [AAA256301] the amount of [PHP] 75,000.00 as civil indemnity; [PHP]

¹⁴ TSN, August 31, 2011, p. 5.

¹⁵ TSN, March 31, 2008, p. 26.

¹⁶ Records, p. 125.

¹⁷ *Id.*

¹⁸ TSN, March 10, 2014, p. 6.

¹⁹ TSN, June 10, 2015, pp 3 & 5.

²⁰ *Id.* at 5.

²¹ *Rollo*, pp. 37–50. The May 2, 2018 Decision in Criminal Case No. 1726-M-2007 was penned by Presiding Judge Victoria C. Fernandez-Bernardo of Branch 18, Regional Trial Court, Malolos City, Bulacan.

75,000.00 for moral damages[;] and [PHP] 50,000.00 for exemplary damages with interest at the rate of six percent (6%) per annum from the time of the finality of this Decision until fully paid.

SO ORDERED.²²

In convicting Gabisay and Doninia, the RTC gave credence to the testimony of AAA256301 where she positively and categorically identified them as the perpetrators of the crime.²³ It also ruled that they cannot claim physical impossibility as a defense as the place of the incident in question could be reached immediately with the use of a motorcycle from where they allegedly were.²⁴

Considering that the charge against Gabisay and Doninia is the special complex crime of forcible abduction with rape, the RTC imposed the penalty for the more serious crime at its maximum. Since the penalty for rape, the more serious crime, is *reclusion perpetua* to death, and the death penalty has been prohibited by Republic Act No. 9346, the penalty imposed by the RTC was *reclusion perpetua* without eligibility for parole.²⁵

On appeal,²⁶ Gabisay and Doninia impugned the findings of the RTC and insisted that it gravely erred in: (a) disregarding AAA256301's flawed identification of the culprits of the crime;²⁷ (b) convicting them despite the inconsistent and incredulous testimony of AAA256301;²⁸ and (c) disregarding the physical evidence proving their innocence.²⁹

The CA issued a Decision,³⁰ the dispositive portion of which reads:

ACCORDINGLY, the appeal is hereby DENIED.

The Decision dated May 02, 2018 of the Regional Trial Court, Branch 18, Malolos City, Bulacan in Criminal Case No. 1726-M-2007 is AFFIRMED with MODIFICATIONS.

The accused-appellants Joel E. Gabisay, Jr. and Ronnie Doninia are ordered to pay the victim the following amounts: [PHP] 100,000.00 as civil indemnity, [PHP] 100,000.00 as moral damages[,] and [PHP] 100,000.00 as exemplary damages. They are further ordered to pay interest on all monetary damages awarded at the rate of 6% *per annum* from finality of this decision until fully paid.

²² *Id.* at 50.
²³ *Id.* at 47.
²⁴ *Id.*
²⁵ *Id.* at 48-49.
²⁶ CA rollo, pp. 35-52.
²⁷ *Id.* at 40-50.
²⁸ *Id.*
²⁹ *Id.* at 50-52.
³⁰ Rollo, pp. 8-34. Dated July 2, 2020

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SO ORDERED.³¹

In affirming the conviction of Gabisay and Doninia, the CA took into consideration the positive identification of AAA256301's assailants and the specific details of her ordeal in her testimony.³² It added that there is no standard form of behavior that may be expected from a rape victim.³³ AAA256301's failure to immediately report the sexual abuse does not negate the claim of rape.³⁴ It was also ruled that the findings derived from the medical examination of AAA256301 were consistent with her testimony that she was raped.³⁵

Hence, this appeal.

Issue

The central issue to be resolved in this case is whether Joel Gabisay, Jr. y Elpa and Ronnie Doninia were proven guilty beyond reasonable doubt of forcible abduction with rape.

This Court's Ruling

The appeal is bereft of merit.

Article 342 of the Revised Penal Code provides:

Article 342. *Forcible abduction.* — The abduction of any woman against her will and with lewd designs shall be punished by *reclusion temporal*.

The same penalty shall be imposed in every case, if the female abducted be under twelve years of age. (Emphasis in the original)

The prosecution carries the burden of proving the elements of the crime of forcible abduction under Article 342 of the Revised Penal Code, which includes the following: (1) the taking of a woman against her will; and (2) with lewd designs. The crime of forcible abduction with rape is a complex crime that occurs when the abductor has carnal knowledge of the abducted woman under the following circumstances: (a) by using force or intimidation; (b) when the woman is deprived of reason or otherwise unconscious; and (c) when the woman is under 12 years of age or is demented.³⁶

³¹ *Id.* at 33-34.

³² *Id.* at 31.

³³ *Id.*

³⁴ *Id.* at 33.

³⁵ *Id.* at 32.

³⁶ *People v. Domingo*, 810 Phil. 1040, 1047-1048 (2017) (Per J. Bersamin, Third Division).

In the present case, all the enumerated elements of the offense charged against Gabisay and Doninia were proven beyond reasonable doubt. AAA256301 was able to narrate in detail her traumatic experience in their hands. While they initially approached her and her boyfriend to rob them, their real criminal intent and lewd designs became apparent when they coerced her to ride their motorcycle with them and brought her to a secluded place where they each succeeded in having sexual intercourse with her.

The straightforward, consistent, and reliable testimony of AAA256301 belies the claim of Gabisay and Doninia that they were merely framed-up and that it was physically impossible for them to be at the place of the alleged crime. As aptly determined by the CA, they cannot claim physical impossibility as a defense as the place of the incident in question could be reached immediately with the use of a motorcycle from where they allegedly were.³⁷

Further, AAA256301 positively identified Gabisay and Doninia as the perpetrators of the crime. The concept of out-of-court identification and the factors to be considered in assessing its admissibility, reliability, and integrity were first applied in the case of *People v. Teehankee, Jr. (Teehankee, Jr.)*.³⁸ Citing cases decided by the Supreme Court of the United States, *Neil v. Biggers*,³⁹ and *Manson v. Braithwaite*,⁴⁰ the “totality of circumstances” test was introduced in this jurisdiction. This Court explained that:

[O]ut of court identification is conducted by the police in various ways. It is done thru **show-ups** where the suspect alone is brought face to face with the witness for identification. It is done thru **mug shots** where photographs are shown to the witness to identify the suspect. It is also done thru **line-ups** where a witness identifies the suspect from a group of persons lined up for the purpose. Since corruption of **out-of-court** identification contaminates the integrity of **in-court** identification during the trial of the case, courts have fashioned out rules to assure its fairness and its compliance with the requirements of constitutional due process. In resolving the admissibility of and relying on out-of-court identification of suspects, courts have adopted the **totality of circumstances test** where they consider the following factors, viz[.]: (1) the witness’ opportunity to view the criminal at the time of the crime; (2) the witness’ degree of attention at that time; (3) the accuracy of any prior description given by the witness; (4) the level of certainty demonstrated by the witness at the identification; (5) the length of time between the crime and the identification; and, (6) the suggestiveness of the identification procedure.⁴¹ (Emphasis in the original; citation omitted)

In the present case, the out-of-court identification made by AAA256301 is consistent with the factors enumerated in *Teehankee, Jr.* AAA256301 had a good opportunity to view her assailants as she was only blindfolded

³⁷ *Rollo*, p. 47.

³⁸ 319 Phil. 128, 179 (1995) [Per J. Puno, Second Division].

³⁹ 409 U.S. 188 (1972).

⁴⁰ 432 U.S. 98 (1977).

⁴¹ *Supra* 38, at 180.

temporarily and the place where she was allegedly brought by her abductors was illuminated by the moonlight.⁴² She was also capable of having a high degree of attention since there were no other people at the crime scene.⁴³

Even if it took approximately a month for AAA256301 to report the incident and identify her assailants, it must be noted that the victim had an opportunity to clearly view the faces of the perpetrators of the crime. Before AAA256301 was abducted, she clearly saw the faces of her assailants when they approached her and her boyfriend at the waiting shed because their faces were not covered by any object that would conceal their identity. More, even if she was blindfolded temporarily upon arriving at the secluded place, the blindfold was eventually removed while she was being raped. After Gabisay and Doninia finished their bestial acts, they interacted with the victim and Doninia even asked her to be his girlfriend before instructing her to ride a jeepney back to her house. Thus, the arguments of Gabisay and Doninia fail to rebut the evidence of the prosecution.

Nevertheless, a careful examination of the Information reveals that more than one offense was charged in the Information. These offenses are forcible abduction with rape and another count of rape.

Appealing a criminal case opens the entire case for review, and it is the duty of the reviewing tribunal to correct, cite, and appreciate errors in the appealed judgment whether they are assigned or unassigned.⁴⁴ This Court has settled that “[t]he appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.”⁴⁵ Guided by the foregoing principle, this Court shall now determine the proper penalty to be imposed upon Gabisay and Doninia.

To recall, the Information against Gabisay and Doninia states:

That on or about the 3rd day of May, 2007, in the [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a gun while on board a motorized tricycle and motivated by lewd designs, conspiring, confederating and mutually helping one another, did then and there willfully, unlawfully[,] and feloniously, by means of force, threat[,] and intimidation, take, abduct[,] and carry away the complaining witness [AAA256301], a minor of 17 years of age against her will and without her consent, to a secluded place where the said accused Joel Gabisay Jr. y Elpa and Ronnie Doninia pursuant to their lewd designs and by using force and

⁴² TSN, March 31, 2008, p. 11.

⁴³ *Id.* at 6.

⁴⁴ *Tacolod v. People*, G.R. No. 250671, October 7, 2020 [Per J. Perlas-Bernabe, Second Division] at 4. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website. (Citation omitted)

⁴⁵ *People v. Comboy*, 782 Phil. 187, 196 (2016) [Per J. Perlas-Bernabe, First Division]. (Emphasis supplied; citation omitted)

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intimidation, had carnal knowledge of the said [AAA256301] against her will and without her consent.

Contrary to law.⁴⁶

As a rule, a complaint or information must charge only one offense. Nevertheless, this rule has an exception—when the law prescribes a single punishment for various offenses.⁴⁷ An objection must be timely interposed before trial, through a motion to quash, when there is duplicity of offenses charged in a single information and the failure to do so constitutes a waiver.⁴⁸ Section 3, Rule 120 of the Rules of Court states:

Section 3. *Judgment for two or more offenses.* — When two or more offenses are charged in a single complaint or information but the accused fails to object to it before trial, **the court may convict him of as many offenses as are charged and proved, and impose on him the penalty for each offense, setting out separately the findings of fact and law in each offense.** (Emphasis supplied)

The provision was explained in *People v. XXX*⁴⁹ as follows:

The prohibition of filing an information with multiple offenses is predicated in the protection of the constitutional right of the accused to be properly informed of the nature and cause of the accusation. If two or more offenses are alleged in the information, the remedy of the accused is to file a motion to quash as provided in Section 3(f), Rule 117 of the 2000 Rules on Criminal Procedure. The failure to object to the information before the arraignment would result in a waiver to challenge the procedural infirmity[.]

Further, the accused-appellant could also file a motion for bill of particulars, if he felt that the allegations in the information are vague, to enable him to properly plead for trial. Unfortunately, the accused-appellant did not avail of these procedural remedies. On the contrary, he actively participated in the trial. Hence, he is estopped to challenge the defective information.⁵⁰

In the present case, the CA committed error in convicting Gabisay and Doninia of only one complex crime of forcible abduction with rape. The crime of forcible abduction was only necessary for the first rape, the one committed by Doninia. The second act of rape should be treated independently of the forcible abduction with rape charge. In *People v. Fortich*,⁵¹ this Court explained that:

⁴⁶ Records, p. 2.

⁴⁷ RULES OF COURT, Rule 110, sec. 13.

⁴⁸ *People v. Tabio*, 568 Phil. 144, 150 (2008) [Per J. Tinga, Second Division] (citations omitted); *People v. Chingh*, 661 Phil. 208, 220 (2011) [Per J. Peralta, Second Division].

⁴⁹ G.R. No. 240750, June 21, 2021 [Per J. Lopez, J., Third Division].

⁵⁰ *Id.* at 7. This pinpoint citation refers to the copy of this Resolution uploaded to the Supreme Court website.

⁵¹ 346 Phil. 596 (1997) [Per. J. Romero, Third Division].

[W]hen the first act of rape was committed by appellant, the complex crime of forcible abduction with rape was then consummated. Any subsequent acts of intercourse would be only separate acts of rape and can no longer be considered separate complex crimes of forcible abduction with rape. Accordingly, a modification of trial court's decision is in order.⁵²

Similarly, in *People v. Garcia (Garcia)*,⁵³ this Court convicted the accused of one count of forcible abduction with rape, and three counts of rape, in conspiracy with three cohorts whose identities and whereabouts are unknown. In *Garcia*, the victim was dragged into a van while crossing the road and was brought to a room where four men took turns in raping the victim. In ruling as such, this Court held that:

[T]here can only be one complex crime of forcible abduction with rape. The crime of forcible abduction was only necessary for the first rape. Thus, the subsequent acts of rape can no longer be considered as separate complex crimes of forcible abduction with rape. They should be detached from and considered independently of the forcible abduction. Therefore, accused-appellant should be convicted of one complex crime of forcible abduction with rape and three separate acts of rape.⁵⁴ (Citation omitted)

Here, the second act of rape, this time committed by Gabisay, is separate from the first crime of forcible abduction with rape, albeit still in conspiracy with Doninia. Since both acts were alleged in the Information and proven beyond reasonable doubt during trial, this Court must rectify the penalties to be imposed on Gabisay and Doninia.

The penalty for complex crimes is the penalty for the most serious crime which shall be imposed in its maximum period.⁵⁵ Here, rape is the more serious of the two crimes and, when committed by more than two persons, is punishable with *reclusion perpetua* to death under Article 266-B of the Revised Penal Code, the relevant portion of which states:

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

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.

Considering that Republic Act No. 9346⁵⁶ proscribes imposing the death penalty, in lieu thereof, this Court imposes the penalty of *reclusion perpetua* without eligibility for parole under Act No. 4180.⁵⁷ The phrase

⁵² *Id.* at 619, citing *People v. Julian*, 337 Phil. 411, 519 (1997) [Per J. Panganiban, Third Division].

⁵³ 428 Phil. 312 (2002) [*Per Curiam, En Banc*].

⁵⁴ *Id.* at 329.

⁵⁵ REVISED PENAL CODE, art. 48.

⁵⁶ Anti-Death Penalty Law.

⁵⁷ Indeterminate Sentence Law

“without eligibility for parole” should be included in the conviction of Gabisay and Doninia in accordance with Administrative Matter No. 15-08-02-SC.⁵⁸

Accordingly, for the special complex crime of forcible abduction with rape charge, Gabisay and Doninia are each meted the penalty of *reclusion perpetua* without eligibility for parole. For the additional act of rape committed under paragraph 1, Article 266-A in relation to Article 266-B of the Revised Penal Code, Gabisay and Doninia are each meted the penalty of *reclusion perpetua* without eligibility for parole.

To conform with the ruling in *People v. Jugueta*,⁵⁹ this Court modifies the CA’s monetary award. For the special complex crime of forcible abduction with rape charge, Gabisay and Doninia are each ordered to pay AAA256301 PHP 100,000.00 as civil indemnity, PHP 100,000.00 as moral damages, and PHP 100,000.00 by way of exemplary damages. For the charge of rape under paragraph 1, Article 266-A in relation to Article 266-B of the Revised Penal Code, they are each ordered to pay AAA256301 PHP 100,000.00 as civil indemnity, PHP 100,000.00 as moral damages, and PHP 100,000.00 by way of exemplary damages.

Further, in line with this Court’s ruling in *Nacar v. Gallery Frames*,⁶⁰ an interest at the rate of six percent (6%) per annum shall be imposed on all damages awarded from the date of finality of this Decision until fully paid.

ACCORDINGLY, this Court **SETS ASIDE** the July 2, 2020 Decision of the Court of Appeals in CA-G.R. CR-HC No. 11789. Joel Gabisay, Jr. y Elpa and Ronnie Doninia are held **GUILTY** of one (1) count of forcible abduction with rape and one (1) count of rape under paragraph 1, Article 266-A in relation to Article 266-B of the Revised Penal Code.

For the special complex crime of forcible abduction with rape charge, Joel Gabisay, Jr. y Elpa and Ronnie Doninia are each meted the penalty of *reclusion perpetua* without eligibility for parole. They are each **ORDERED** to jointly and severally **PAY** AAA256301 PHP 100,000.00 as civil indemnity, PHP 100,000.00 as moral damages, and PHP 100,000.00 by way of exemplary damages.

For the charge of rape under paragraph 1, Article 266-A in relation to Article 266-B of the Revised Penal Code, Joel Gabisay, Jr. y Elpa and Ronnie Doninia are each meted the penalty of *reclusion perpetua* without eligibility

⁵⁸ Guidelines for the Proper Use of the Phrase “Without Eligibility for Parole” in Indivisible Penalties, August 4, 2015 [*En Banc*].

⁵⁹ 783 Phil. 806, 855 (2016).

⁶⁰ 716 Phil. 267, 283 (2013).

for parole. They are each **ORDERED** to jointly and severally **PAY** AAA256301 PHP 100,000.00 as civil indemnity, PHP 100,000.00 as moral damages, and PHP 100,000.00 by way of exemplary damages.

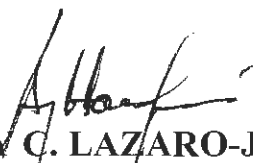
Further, the entire monetary award adjudged herein shall earn interest at the rate of six percent (6%) per annum from the finality of this Decision until fully paid.

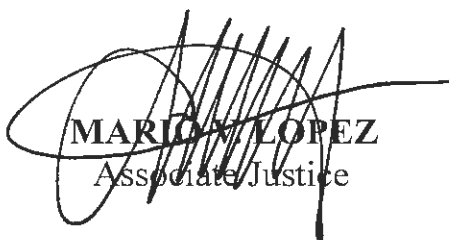
SO ORDERED.


JHOSEP R. LOPEZ
Associate Justice

WE CONCUR:


MARVIC M.V.F. LEONEN
Senior Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice


MARION LOPEZ
Associate Justice


ANTONIO T. KHO, JR.
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
Senior Associate Justice
Chairperson, Second 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.


ALEXANDER G. GESMUNDO
Chief Justice