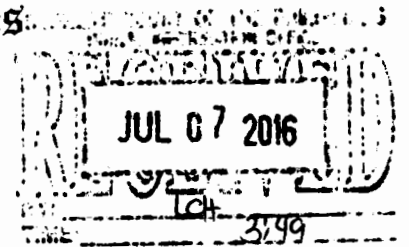




Republic of the Philippines
 Supreme Court
 Manila



FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee,

G.R. No. 211604

Present:

SERENO, * *CJ.*,
 LEONARDO-DE CASTRO, ** *J.*,
 Acting Chairperson,
 BERSAMIN,
 PERLAS-BERNABE, and
 CAGUIOA, *JJ.*

- versus -

DARYL POLONIO y
 TUANGCAY,
 Accused-Appellant.

Promulgated:

JUN 08 2016

X-----X

DECISION

LEONARDO-DE CASTRO, *J.*:

Before this Court is an appeal from the October 30, 2013 Decision¹ of the Court of Appeals in CA-G.R. CR.-H.C. No. 04594, which affirmed the March 5, 2010 Decision² of the Regional Trial Court (RTC), Branch 25, Tagudin, Ilocos Sur, in Criminal Case No. 870-T, finding accused-appellant Daryl Polonio y Tuangcay guilty beyond reasonable doubt of the crime of rape, sentencing him to the penalty of *reclusion perpetua*, and ordering him to pay the victim AAA³ Seventy-Five Thousand Pesos (₱75,000.00) as civil indemnity and Fifty Thousand Pesos (₱50,000.00) as moral damages.

The Information dated August 23, 2005 reads as follows:

The undersigned Provincial Prosecutor accuses DARYL POLONIO y TUANGCAY of the crime of Rape, defined under Article

* On leave.

** Per Special Order No. 2354 dated June 2, 2016.

¹ *Rollo*, pp. 2-9; penned by Associate Justice Manuel M. Barrios with Associate Justices Remedios A. Salazar-Fernando and Normandie B. Pizarro concurring.

² *CA rollo*, pp. 29-50; penned by Presiding Judge Sixto D. Diompoc.

³ The real names of the private complainant and those of her immediate family members are withheld in consonance with *People v. Cabalquinto*, 533 Phil. 703 (2006), Republic Act No. 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act), Republic Act No. 9262 (Anti-Violence Against Women and Their Children Act of 2004), and A.M. No. 04-10-11-SC (Rule on Violence Against Women and Their Children).

m/w

266-A and penalized under Article 266-B of the Revised Penal Code, as amended by Republic Act No. 8353, committed as follows:

That on or about the 10th day of February 2005, in the municipality of Cervantes, province of Ilocos Sur, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully, and feloniously have carnal knowledge of [AAA], a sixteen (16)-year-old girl, by means of force and intimidation and against the latter's will and consent.⁴

Upon arraignment, accused pleaded not guilty of the crime charged in the complaint.⁵ After the prosecution presented witnesses and formally offered documentary exhibits, the accused filed a demurrer to evidence⁶ on the ground that the evidence adduced by the prosecution is insufficient to overcome the presumption of innocence. The accused then moved for the dismissal of the case and the RTC submitted the matter for resolution. The RTC denied the motion and scheduled the reception of evidence for the defense.⁷

We have summarized the findings of fact from the RTC decision, which was affirmed by the Court of Appeals, below.

CCC, 58 years old, married, a maintenance employee of Bessang Pass Memorial Hospital, testified on July 5, 2006 that he is the uncle of AAA whose mother is his first cousin. AAA is staying with him and his wife BBB in their house because the school where she is studying is far from the *barangay* where her immediate family resides. CCC testified that AAA was 16 years old when the alleged rape happened as evidenced by her birth certificate showing that she was born on October 14, 1988. CCC further testified that on February 10, 2005, he arrived in their house between 4:00 and 5:00 p.m. and was told by their neighbor Joel Caud that somebody was at their backyard garden. Caud allegedly told CCC that he saw a person on top of another person and the one on top was boxing the person lying on the ground. CCC immediately proceeded to the backyard garden and saw a person about 10 meters away in a squatting position with his two hands raised, carrying his niece AAA who was naked below the waist. He also noticed that while the person was carrying AAA, she appeared to be unconscious because she was not moving. When the person noticed CCC's presence, he ran away towards the west, still carrying AAA, but upon reaching a fence, he threw AAA over it. CCC ran after the man but was unable to catch him. He instead rescued AAA, gathered her panties and shorts, and put them back on her body while she was still unconscious.⁸

⁴ CA *rollo*, p. 13.

⁵ Records, p. 26.

⁶ Id. at 167-170.

⁷ Id. at 176.

⁸ CA *rollo*, p. 30.

CCC asked Caud to run after the man but Caud was not able to catch him either. CCC called Placido Pasuli, another student staying with them, to call CCC's son for them to bring AAA to the Bessang Pass Memorial Hospital, together with his wife BBB. CCC came to know later on, through his own investigation on February 11, 2005, that the person he saw carrying AAA was the accused. He positively identified the accused in open court as one and the same person whom he saw on that afternoon carrying the unconscious AAA without her underwear and who threw AAA over the fence.⁹

CCC stated that AAA was hospitalized and showed medical certificates dated February 16 and 18, 2005, which he identified in court. He noticed that while AAA was confined in the hospital and still unconscious, she had a lump on her head and her mouth was bloodied. CCC also identified during his testimony the panties and shorts worn by AAA at the time of the alleged crime.¹⁰

Police Officer (PO) 1 Milagros Patil-ao, a Philippine National Police (PNP) member of Quirino Police Station, testified for the prosecution on September 18, 2006 and stated that on February 10, 2005, the police station received information from BBB that her niece AAA was found bloodied at their backyard. Together with PO3 Cabansay, PO1 Patil-ao proceeded immediately to the alleged crime scene, which was the backyard garden of BBB. There PO1 Patil-ao saw AAA whose hair was disheveled and whose eyeballs seemed to be rolling. She was carried by CCC on his back. They brought her to Bessang Pass Memorial Hospital, about 200 meters away, for medical treatment. A doctor and a nurse attended AAA and told the witness that AAA had been raped. PO1 Patil-ao, together with her fellow police officers, took the panties and short pants to be used as evidence. She noticed that the panties had blood stains. She presented the panties and shorts during her testimony.¹¹ When identified in court, the underwear still had blood stains while the shorts were full of dirt. The witness also recovered a pair of red slippers and a piece of wood from the alleged crime scene, which became part of the evidence for the prosecution.

AAA was already 18 years old and under the custody of the Department of Social Welfare and Development (DSWD) at the time of her testimony on January 29, 2007. She testified that when the alleged rape happened in February 2005, she was 16 years old and studying in high school. While she was watering the plants in her aunt's garden in the afternoon of the day the alleged crime took place, a male person whom she did not know approached her. When asked during direct examination if said male person was inside the courtroom, AAA positively identified the accused. She said that the accused clubbed her on the head three times with

⁹ Id. at 31.

¹⁰ Id.

¹¹ Id. at 32.



a piece of wood. He also boxed her. Before she lost consciousness, to protect herself, she bit the assailant's finger that was stuck inside her mouth. When she regained consciousness, she was already at the Bessang Pass Memorial Hospital with her aunt, Dr. Allan Licyayo, and her uncle. The doctor told her that she was raped. Police officers took her statements and reduced them into writing, which she then signed.¹²

AAA positively identified the pink shorts and panties that she was wearing when the alleged rape happened. She said she felt ashamed, hurt, and very angry considering that she had suffered so many injuries inflicted upon her by accused, including the lacerations in her vagina.¹³

The defense presented the accused on February 17, 2009. He alleged that on February 10, 2005, at around 10:00 in the morning, he was drinking gin and brandy with his cousins Oliver Gascao and George Laus at a store in Poblacion, Cervantes, Ilocos Sur. They went outside the store and continued drinking up to 2:00 in the afternoon. While outside, two unidentified men approached and boxed him and Gascao for no apparent reason. He was hit on the mouth and this made him dizzy. They ran away and he took the shortcut path leading to their place. While he was running, he allegedly met someone at the curve and instinctively boxed that person, thinking that it was the same person who had boxed him earlier. The person fell down. He sat on his stomach and boxed the person again. He allegedly did not know the gender of the person he had boxed until he later learned that she is female. The woman pleaded with accused not to box her anymore and then he ran away to hide at the nearby mango and bamboo clusters for about 10 to 15 minutes. He then proceeded to his uncle's house in Barangay Rosario, Cervantes, Ilocos Sur. He later on came to know the identity of the person he had boxed as AAA, and he also received news that AAA had been raped. He admitted that AAA had bitten his finger and that he had it medically examined. He denied CCC's allegations that he was on his way westward towards a fence carrying AAA without her panties and shorts. He also denied running away leaving his slippers. He avouched that he did not rape AAA but he admitted that he boxed her for the reason stated above.¹⁴

On cross-examination, the accused stated that Senior Police Officer (SPO) 1 Casela and PO Pascua brought him to Bessang Pass Memorial Hospital to have a personal confrontation with AAA. He admitted that Dr. Licyayo physically examined his already infected middle finger, which was bitten by AAA on February 10, 2005, for which he was issued a medical certificate.¹⁵

¹² Id. at 33.

¹³ Id. at 34.

¹⁴ Id. at 35-36.

¹⁵ Id. at 36.

The prosecution recalled AAA to the witness stand on August 3, 2009 to rebut the testimony of the accused. She denied that she was the one whom the accused met at a curve, as she was at the garden watering the plants at the back of her aunt's house, where the accused clubbed her three times with a piece of wood.¹⁶

The RTC considered this as a case where the private offended party could not testify on the actual commission of the rape because she was rendered unconscious at the time the alleged crime was perpetrated. Thus, the court ruled based on circumstantial evidence under Section 4, Rule 133 of the Revised Rules on Evidence.¹⁷ The RTC also based its decision on the Supreme Court ruling that it is the totality or the unbroken chain of the circumstances proved that leads to no other conclusion than the guilt of the accused.

The RTC found that the prosecution adequately established that the accused was within the vicinity where the incident happened; that the accused knocked AAA out by clubbing her thrice with a piece of wood and punching different parts of her body; and that when she regained consciousness, she was already at the hospital and the doctor who attended to her issued a medical certificate showing that she sustained several injuries and the medical findings are consistent with the fact that the panties used by the victim had blood stains. Taken together, the circumstances established beyond moral certainty that AAA was ravished while she was deprived of consciousness and the accused was the one culpable for defiling her. The pieces of evidence adduced by the prosecution constitute an unbroken chain of events which clearly points to the accused as the guilty person.¹⁸

The RTC held that the defenses of alibi and denial used by the accused are self-serving and deserve scant consideration. The accused offered explanations during his testimony that were too flimsy to be given consideration. He did not even present his alleged two companions to corroborate his claim that they were approached by two other men who boxed him without provocation.¹⁹

The dispositive portion of the RTC Decision reads as follows:

WHEREFORE, in view of all the foregoing considerations this Court finds the accused DARYL POLONIO Y TUNGDAY guilty beyond

¹⁶ Id.

¹⁷ SECTION 4. *Circumstantial evidence, when sufficient.* — Circumstantial evidence is sufficient for conviction if:

(a) There is more than one circumstance;

(b) The facts from which the inferences are derived are proven; and

(c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

¹⁸ CA *rollo*, pp. 37-48.

¹⁹ Id. at 49.

reasonable doubt of rape and is hereby sentenced to suffer the penalty of RECLUSION PERPETUA and further order the accused to pay the victim [AAA] Seventy-Five Thousand pesos (₱75,000.00) as civil indemnity and Fifty Thousand pesos (₱50,000.00) as moral damages.²⁰

The accused questioned the RTC Decision before the Court of Appeals, assigning the following errors:

I.

THE COURT *A QUO* GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

II.

ASSUMING, WITHOUT CONCEDED, THAT THE ACCUSED-APPELLANT INDEED SEXUALLY MOLESTED THE PRIVATE COMPLAINANT, THE COURT *A QUO* GRAVELY ERRED IN CONVICTING HIM DESPITE THE FAILURE OF THE INFORMATION TO PROPERLY APPRISE HIM OF HIS OFFENSE.²¹

The Court of Appeals found that the appeal has no merit. We quote below the pertinent portions of the Court of Appeals decision:

Article 266-A, paragraph 1 of the Revised Penal Code, as amended by Republic Act No. 8353, defines Rape as an act committed by a man who has 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 is 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.

In this instance, accused-appellant admitted that he used force and violence against the victim AAA. He testified that he boxed AAA and when she fell, accused-appellant sat on her stomach and boxed her again. It has also been established that when CCC saw accused-appellant carrying AAA, the latter was unconscious and in a state of undress. It was CCC who put back AAA's shorts and underwear on her after accused-appellant threw her on the ground before he jumped over the fence to escape. Notably, AAA's underwear had bloodstains, and this was seen by PO1 Milagros Patil-ao at the hospital. While conducting the investigation, AAA likewise complained to PO1 Patil-ao about the pain she felt in her private part. The Medical Certificate executed by Dr. Licayayo also noted that AAA actually sustained a laceration in her vagina at 6 o'clock position.

The categorical narration by AAA of her encounter with accused-appellant and the physical evidence that clearly proved sexual intercourse support the conclusion that accused-appellant did,

²⁰ Id. at 50.

²¹ Id. at 60.

in fact, commit rape against AAA through force or intimidation. Force as an element of rape is that which is needed to overpower the resistance of the offended party and to consummate the offense. In this case, the three (3) blows to the head with a stick and several blows using his fist that caused AAA's unconsciousness definitely enabled accused-appellant to carry out his evil deed without any defense on the part of AAA.

It is of no moment that there was no witness who actually saw accused-appellant in the act of having carnal knowledge with AAA, nor that AAA was then in a state of unconsciousness. For one thing, jurisprudence abound that the crime of rape, more often than not, happens only between the assailant and the victim. Hence, a conviction may be based on circumstantial evidence which is indirect or presumptive evidence that refers to a set of facts from which the existence of the allegation sought to be proved may be inferred. The only requirements are: (a) there is more than one circumstance; (b) the facts from which the inferences are derived are proven; and, (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt. These circumstances also need to be consistent with each other and with the theory that the accused is guilty.

In this case, it is undenied (*sic*) that accused-appellant committed violence against AAA by striking and boxing her several times even as the latter was already prostrate on the ground. It was also established that accused-appellant mounted AAA and that the latter was without her shorts and underwear. Accused-appellant tried to escape while carrying the half-naked AAA but eventually dropped her on the ground in his escape. It was CCC who put back her underwear and shorts. There was blood on her underwear. AAA complained to PO1 Patil-ao of pain in her vagina. Upon examination, Dr. Ronaldo Licayao confirmed that AAA suffered a laceration at 6 o'clock position which is indicative of vaginal penetration. It is also worth stressing that after the incident, accused-appellant fled and became a fugitive until his arrest fifteen (15) days later. All these point to a conclusion of guilt on the part of accused-appellant.

Accused-appellant's denial that he merely boxed, but did not rape AAA [does] not deserve belief. Denial, much like alibi, is one of the weakest defenses as it is easy to fabricate. Pitted against the certificate issued by Dr. Licayao, affirmative testimony given by AAA, CCC, and PO1 Patil-ao, the defense of denial put up by accused-appellant cannot stand.

WHEREFORE, in view of the foregoing, the Decision dated 05 March 2010 of the Regional Trial Court, Branch 25, Tagudin, Ilocos Sur is AFFIRMED.²² (Citations omitted, emphases supplied.)

Accused-appellant adopted his arguments in his brief before the Court of Appeals as his arguments in the present petition. He mainly questions the conclusion reached by the RTC, as affirmed by the Court of Appeals, finding him guilty based on circumstantial evidence. He avers that the pieces

²²

Rollo, pp. 6-8.

of evidence presented by the prosecution are not enough to prove his guilt beyond reasonable doubt.²³

The appeal is without merit.

To emphasize, “[c]ircumstantial evidence, if sufficient and competent, may warrant the conviction of the accused of rape.”²⁴ In *People v. Lupac*,²⁵ the Court considered circumstantial evidence as the victim was unconscious at the time of the alleged rape. The Court said:

Lastly, Lupac assails the absence of credible direct evidence about his having carnal knowledge of AAA because she herself, being then asleep and unconscious, could not reliably attest to his supposed deed. Consequently, he argues that the evidence against him did not amount to proof beyond reasonable doubt.

Lupac’s argument hews closely to what the Court has stated in *People v. Campuhan* to the effect that there must be proof beyond reasonable doubt of at least the introduction of the male organ into the *labia* of the *pudendum* of the female genital organ, which required some degree of penetration beyond the vulva in order to touch the *labia majora* or the *labia minora*.

The position of Lupac is bereft of merit, however, because his conviction should still stand even if direct evidence to prove penile penetration of AAA was not adduced. **Direct evidence was not the only means of proving rape beyond reasonable doubt. Circumstantial evidence would also be the reliable means to do so, provided that (a) there was more than one circumstance; (b) the facts from which the inferences were derived were proved; and (c) the combination of all the circumstances was such as to produce a conviction beyond reasonable doubt. What was essential was that the unbroken chain of the established circumstances led to no other logical conclusion except the appellant’s guilt.**

The following circumstances combined to establish that Lupac consummated the rape of AAA, namely: (a) when AAA went to take her afternoon nap, the only person inside the house with her was Lupac; (b) about an hour into her sleep, she woke up to find herself already stripped naked as to expose her private parts; (c) she immediately felt her body aching and her vaginal region hurting upon her regaining consciousness; (d) all doors and windows were locked from within the house, with only her and the brief-clad Lupac inside the house; (e) he exhibited a remorseful demeanor in unilaterally seeking her forgiveness (*Pasensiya ka na AAA*), even spontaneously explaining that he did not really intend to do “that” to her, showing his realization of the gravity of the crime he had just committed against her; (f) her spontaneous, unhesitating and immediate denunciation of the rape to Tita Terry and her mother (*hindot* being the term she used); and (g) the medico-legal findings about her congested vestibule within the *labia minora*, deep fresh bleeding

²³ CA rollo, pp. 57-71.

²⁴ *People v. Belgar*, G.R. No. 182794, September 8, 2014, 734 SCRA 347, 348.

²⁵ 695 Phil. 505, 514-516 (2012).

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laceration at 9 o'clock position in the hymen, and abraded and U-shaped posterior fourchette proved the recency of infliction of her vaginal injuries.

The fact that all her injuries x x x were confined to the posterior region area of her genitals signified the forceful penetration of her with a blunt instrument, like an erect penis. (Citations omitted, emphasis supplied.)

The Anti-Rape Law of 1997, Republic Act No. 8353, defines when and how rape is committed:

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 is otherwise unconscious[.]

The elements of the crime charged in this case are: (1) that the offender had carnal knowledge of a female, and (2) that the same was committed by using force, threat or intimidation.²⁶

As can be readily seen above, both the RTC and the Court of Appeals declared AAA's testimony and those of CCC and PO1 Patil-ao to be credible and convincing. We thus find it unnecessary to disturb the findings and conclusions of the RTC and the Court of Appeals. This Court has repeatedly maintained the sanctity of the factual findings of the trial courts, especially when affirmed by the Court of Appeals. As we held in *People v. Quintos*²⁷:

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.

²⁶ *People v. Belgar*, supra note 24 at 353.

²⁷ G.R. No. 199402, November 12, 2014, 740 SCRA 179, 190-191.

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. (Citations omitted.)

In *People v. Belgar*,²⁸ the Court also affirmed the RTC and the Court of Appeals in finding the accused guilty of rape based on circumstantial evidence, as follows:

Like the RTC and the CA, we find AAA’s narration of her ordeal as credible and truthful. The assessment by the RTC on the credibility of AAA should be respected because the trial court had personally observed her demeanor while testifying. This appreciation held true because the CA affirmed the factual findings of the RTC.

We likewise note that AAA did not hesitate or waver in her narration even during her rigorous cross examination. As such, her sole but credible testimony as the rape victim sufficed to convict the accused of his crime. It is remarkable, indeed, that there was neither allegation nor proof of any ill motive on her part or on the part of her family in accusing him of raping her.

Belgar’s alibi was rightly rejected. Alibi, to prosper, must be substantiated with clear and convincing evidence. He must demonstrate not only that he was somewhere else when the crime occurred, but also that it was physically impossible for him to be at the crime scene when the crime was committed. But he failed to adequately support his alibi. Although he attested that on January 20, 2000, he slept in his house situated in Barangay San Miguel, Tigaon, Camarines Sur continuously from 8:00 p.m. until getting up at 5:00 a.m. of the next day, he did not dispute that his house was but two kilometers away from where the rape was committed. Both *barangays* were actually within the Municipality of Tigaon, rendering it not physically impossible for him to leave his house during the period that he allegedly was home in order to reach AAA’s house by midnight to commit the crime.

The commission of the rape was competently established although AAA had been unconscious during the commission of the act. Proof of the commission of the crime need not always be by direct evidence, for circumstantial evidence could also sufficiently and competently establish the crime beyond reasonable doubt. Indeed, the Court affirmed convictions for rape based on circumstantial evidence. In this connection, circumstantial evidence is sufficient for conviction if the conditions set forth in Section 4, Rule 133 of the *Rules of Court* are shown to exist, to wit:

Section 4. *Circumstantial evidence, when sufficient.* —
Circumstantial evidence is sufficient for conviction if:

- (a) There is more than one circumstance;
- (b) The facts from which the inferences are derived are proven; and

²⁸

Supra note 24 at 357-360.

(c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

In *People v. Perez*, we affirmed the conviction of the accused for rape based on circumstantial evidence, there being no direct proof of the sexual intercourse. The accused was charged with having carnal knowledge of the 16-year old victim through force, intimidation and against her will. The Prosecution established that he had entered the victim's room and had covered her nose and mouth with a chemically-laced cloth, causing her to lose consciousness. Upon waking up, she felt pain in her vagina, and she then saw blood and a white substance in her vagina. Her clothes were in disarray and her underwear was in the corner of the room. He was no longer around. Nonetheless, the Court held:

Conviction for rape may be based on circumstantial evidence when the victim cannot testify on the actual commission of the rape as she was rendered unconscious when the act was committed, provided that more than one circumstance is duly proved and that the totality or the unbroken chain of the circumstances proven lead to no other logical conclusion than the appellant's guilt of the crime charged. Cristina's positive identification of the appellant as the person who came to the room where she slept one early morning towards the end of May 1994, and that he covered her nose and mouth with a foul smelling handkerchief until she lost consciousness, the blood and white substance she found on her vagina which ached the following morning, her torn shorts and her panty removed, all lead to one inescapable conclusion that the appellant raped her while she was unconscious. (Citations omitted, emphases ours.)

Thus, we deny the petition and affirm the judgment of conviction. However, we hereby modify the penalties awarded in keeping with recent jurisprudence. We hold that accused is also liable for **exemplary damages** even if no aggravating circumstances attended the commission of the crime, because of the inherent bestiality of the act of rape. The Court discussed this recently in *People v. Jugueta*²⁹:

Finally, the Civil Code of the Philippines provides, in respect to exemplary damages, thus:

ART. 2229. Exemplary or corrective damages are imposed, by way of example or correction for the public good, in addition to the moral, temperate, liquidated or compensatory damages.

²⁹

G.R. No. 202124, April 5, 2016.

ART. 2230. In criminal offenses, exemplary damages as a part of the civil liability may be imposed when the crime was committed with one or more aggravating circumstances. Such damages are separate and distinct from fines and shall be paid to the offended party.

Also known as “punitive” or “vindictive” damages, exemplary or corrective damages are intended to serve as a deterrent to serious wrong doings, and as a vindication of undue sufferings and wanton invasion of the rights of an injured or a punishment for those guilty of outrageous conduct. These terms are generally, but not always, used interchangeably. In common law, there is preference in the use of exemplary damages when the award is to account for injury to feelings and for the sense of indignity and humiliation suffered by a person as a result of an injury that has been maliciously and wantonly inflicted, the theory being that there should be compensation for the hurt caused by the highly reprehensible conduct of the defendant — associated with such circumstances as willfulness, wantonness, malice, gross negligence or recklessness, oppression, insult or fraud or gross fraud — that intensifies the injury. The terms punitive or vindictive damages are often used to refer to those species of damages that may be awarded against a person to punish him for his outrageous conduct. In either case, these damages are intended in good measure to deter the wrongdoer and others like him from similar conduct in the future.

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Being corrective in nature, exemplary damages, therefore, can be awarded, not only due to the presence of an aggravating circumstance, but also where the circumstances of the case show the highly reprehensible or outrageous conduct of the offender. In much the same way as Article 2230 prescribes an instance when exemplary damages may be awarded, Article 2229, the main provision, lays down the very basis of the award. x x x. (Citations omitted.)

Likewise, for simple rape with the penalty of *reclusion perpetua*, *People v. Juguetta* has increased the amount of moral damages to Seventy-Five Thousand Pesos (₱75,000.00), thus we modify the award accordingly. Furthermore, the Court imposes legal interest of 6% *per annum* on each of the civil liabilities, reckoned from the finality of this judgment until full payment.

WHEREFORE, the **Decision** of the Court of Appeals in CA-G.R. CR.-H.C. No. 04594, which affirmed the March 5, 2010 **Decision** of the Regional Trial Court, Branch 25, Tagudin, Ilocos Sur, in Criminal Case No. 870-T, is **AFFIRMED WITH MODIFICATION**. Accused-appellant **DARYL POLONIO y TUANGCAY** is found **GUILTY** beyond reasonable doubt of the crime of rape and is hereby sentenced to the penalty of *reclusion perpetua* and ordered to pay AAA the following: civil indemnity of Seventy-Five Thousand Pesos (₱75,000.00), moral damages of Seventy-Five Thousand Pesos (₱75,000.00), and exemplary damages of Seventy-Five Thousand Pesos (₱75,000.00). All monetary awards for damages shall earn

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interest at the legal rate of 6% per annum from date of finality of this Decision until fully paid.

Costs against accused-appellant.

SO ORDERED.

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Acting Chairperson, First Division

WE CONCUR:

On leave
MARIA LOURDES P. A. SERENO
Chief Justice


Lucas P. Bersamin
LUCAS P. BERSAMIN
Associate Justice

Estela M. Perlas-Bernabe
ESTELA M. PERLAS-BERNABE
Associate Justice

Alfredo Benjamin S. Caguioa
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

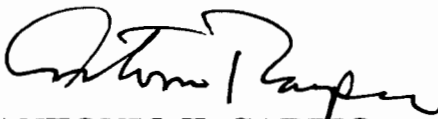
ATTESTATION

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.


TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Acting Chairperson, First Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting 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.


ANTONIO T. CARPIO
Acting Chief Justice