Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES, *Plaintiff-Appellee,*	**G.R. No. 202863**
	Present:
- versus -	VELASCO, JR., *J., Chairperson* BERSAMIN, LEONEN, MARTIRES, and GESMUNDO, *JJ.*
ISIDRO RAGASA y STA. ANA Alias "NONOY," *Accused-Appellant.*	Promulgated: February 21, 2018

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DECISION

MARTIRES, J.:

This resolves the appeal of accused-appellant Isidro Ragasa *y* Sta. Ana alias "Nonoy" from the 8 September 2011 Decision[1] of the Court of Appeals *(CA)*, Nineteenth Division, in CA-G.R. CR HC No. 00463 affirming with modification his non-eligibility for parole and the amount of damages to be awarded to the victim; and from the 12 January 2006 Judgment[2] of the Regional Trial Court, Branch 63, Bayawan City, Negros Oriental *(RTC)*, convicting him of Rape under Articles *(Art.)* 266-A and 266-B of the Revised Penal Code.

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1 *Rollo*, pp. 2-15.
2 Records, pp. 106-112.

THE FACTS

Accused-appellant was charged with rape in an Information[3] docketed as Criminal Case No. 16131, the accusatory portion of which reads:

> That at about 9:00 o'clock in the morning of March 10, 2000, in Barangay Caranoche, Sta. Catalina, Negros Oriental, within the jurisdiction of this Honorable Court, while the 13 year-old minor AAA, born on September 12, 1986 was inside her house, the accused threatened said minor with a hunting knife, covered her mouth with a cloth and tied her hands with some kind of a cord and then forcibly had sexual intercourse with her against her will, to her great damage and prejudice.
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> CONTRARY TO LAW.

With the assistance of his counsel, accused-appellant pleaded not guilty when arraigned;[4] hence, trial on the merits ensued.

To prove its case, the prosecution placed on the witness stand AAA, her brother BBB, and Dr. Rosita Muñoz *(Dr. Muñoz)*, the municipal health officer of Sta. Catalina Health Unit, Sta. Catalina, Negros Oriental.

Accused-appellant and Vicente Montoya *(Montoya)* testified for the defense.

The Version of the Prosecution

On 10 March 2000, at about 8:00 a.m., AAA's grandmother and mother left the house to sell banana cue. AAA, who was then thirteen years old, was left alone sleeping in the house as she was not feeling well. At about 9:00 a.m., AAA heard somebody trying to open the door to her room. As she was about to go to the door, it opened and she saw accused-appellant holding a knife. AAA was about to shout but the accused-appellant immediately covered her mouth with a cloth and tied her hands back with a rubber strip. The accused-appellant, known by AAA as Nonoy, told her not to tell anybody about it; otherwise, he would kill her.[5]

The accused-appellant pulled up her t-shirt to her breasts, removed her shorts and underwear and then took off his t-shirt and shorts, and mounted her and had sexual intercourse four times. His lust satisfied, the accused-appellant untied her, pulled down her t-shirt, put her underwear and shorts

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3 Id. at 1.
4 Id. at 37.
5 TSN, 7 May 2004, pp. 3-6, and 8-9; TSN, 25 June 2004, pp. 4-6, 9-10, and 13.

back on her, and tied her hands again. Then he dressed himself and left through the window.[6]

About noon of the same day, as BBB was on his way home after selling banana cue, his friend Dongking told him that Nonoy came out of their house through the window. BBB knew Nonoy because they became friends when Nonoy arrived from Manila.[7]

When BBB got home, he found AAA alone with her hands tied. He untied her but she didn't say anything. Three days after the incident, AAA told her father and BBB at the municipal hall that Nonoy was the person responsible for what happened to her.[8]

On 13 March 2000, AAA and her grandmother reported the incident to the police. On the same day, AAA was examined by Dr. Muñoz who thereafter issued a medical certificate on her findings.[9] Although AAA was already in grade III when the incident happened, she didn't go back to school for several years as she was ashamed.[10]

The Version of the Defense

Accused-appellant testified that on 10 March 2000 from 7:00 a.m. to 12:00 noon, he worked alone at the plantation of Eking Moleño[11] *(Moleño)* cutting down sugarcane, then rested the whole afternoon. He and his father had been staying at the house of a certain Inting in Caranoche, Sta. Catalina, Negros Oriental, for almost two weeks. He admitted that his nickname was Nonoy and that he stayed in Manila prior to his stay in Caranoche. He said he did not know AAA, BBB or Dongking. He was arrested on 11 March 2000.[12]

Montoya, nicknamed Inting, who stayed in a hut standing on a lot owned by Moleño at Caranoche, testified that on 10 March 2000, he stayed home because his knees were swollen. From the porch of his house, he saw accused-appellant cutting sugarcane on the lot of Moleño from 7:00 a.m. until 12:00 noon, and from 1:00 p.m. to 5:00 p.m. He claimed that the accused-appellant was staying at his house because he had nowhere else to go. He did not know AAA, BBB or Dongking.[13]

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6 Id. at 7-8.
7 TSN, 1 October 2004, pp. 4-6.
8 Id. at 6-9.
9 Records, p. 9, Exh. "A."
10 TSN, 7 May 2004, pp. 10-11; TSN, 28 January 2005, p. 6.
11 Sometimes spelled as Moleña.
12 TSN, 4 July 2005, pp. 3-6, and 9.
13 TSN, 12 September 2005, pp. 3-6, and 8-10.

The Ruling of the RTC

The RTC ruled that the accused-appellant's act of holding a knife to ensure carnal knowledge of AAA constitutes rape. It found AAA's testimony categorical, positive, straightforward, deserving of full faith and credit, and consistent with Dr. Muñoz's medical findings. On the other hand, the accused-appellant's alibi was uncorroborated and which cannot prevail over AAA's declarations that she was raped four times by the accused-appellant.[14]

The RTC noted that the accused-appellant was charged with only one count of rape although AAA claimed that she was raped four times on 10 March 2000. The RTC deferred to the jurisprudence that there can only be one conviction for rape if the information charges only one offense, even if the evidence shows that more than one was in fact committed. Moreover, albeit AAA was alleged as a minor in the information, this fact, however, was never established. The RTC observed that attached to the records was a certificate of live birth[15] bearing the name of AAA but which the prosecution failed to present during the hearing.[16]

In view of its findings, the RTC resolved the charge against the accused-appellant as follows:

> **WHEREFORE,** the prosecution having proved the guilt of the accused beyond reasonable doubt of the crime of **Rape,** defined and penalized under Articles 266-A and 266-B of the Revised Penal Code of the Philippines, respectively, accused Isidro Ragasa y Sta. Ana is **CONVICTED**, sentenced to imprisonment of **Reclusion Perpetua** and ordered to indemnify the victim AAA, the sum of **Fifty Thousand** (₱50,000.00) pesos as **civil indemnity** and **Fifty Thousand** (₱50,000.00) pesos, as **moral damages**.
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> SO ORDERED.

Asserting that the RTC erred in finding him guilty of rape, the accused-appellant appealed before the CA.

The Ruling of the CA

The CA held that the arguments raised by the accused-appellant in his brief failed to persuade. The CA accorded weight to the findings of the RTC as it had the unique opportunity to observe the demeanor of the witnesses,

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[14] Records, p. 111.
[15] Id. at 8.
[16] Id. at 111-112.

and was in the best position to discern whether they were telling the truth. It found the alleged inconsistencies in the testimony of AAA as trivial and do not relate to the elements of the crime. On the issues raised by the accused-appellant as to the medical findings of Dr. Muñoz, the CA ruled that the medical examination and the medical certificate were not indispensable elements for a conviction in a rape case as long as the victim's testimony was credible. Additionally, the bare denial of the accused-appellant failed to prevail over the positive identification and testimony of AAA.[17]

The CA, however, found the need to modify the decision of the RTC since the use of a deadly weapon was alleged in the information; thus, the penalty to be imposed upon the accused-appellant should be *reclusion perpetua* without eligibility for parole. Likewise, it ruled that there was need to increase the civil indemnity and award of moral damages from ₱50,000.00 to ₱75,000.00.[18]

The CA decided accused-appellant's appeal as follows:

> **WHEREFORE,** premises considered, the appeal is **DENIED**. The Judgment dated January 12, 2006, of the Regional Trial Court, Branch 63, Bayawan, Negros Oriental, in Criminal Case No. 070, is **AFFIRMED with MODIFICATION,** that accused-appellant Isidro Ragasa y Sta. Ana alias "Nonoy," is found **GUILTY** beyond reasonable doubt of the crime of rape committed against AAA, and is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole, and to pay AAA the amount of Seventy Five Thousand pesos (₱75,000.00) as civil indemnity, and Seventy Five Thousand Pesos (₱75,000.00) as moral damages.
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> **SO ORDERED.**[19]

ISSUE

THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME OF RAPE DESPITE THE FACT THAT HIS GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.

OUR RULING

The appeal is without merit.

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[17] *Rollo*, pp. 6-8, 12.
[18] Id. at 14.
[19] Id.

The general rule that the findings of the trial court are binding upon the Court, finds application to the present case.

The assessment of the credibility of witnesses is a task most properly within the domain of trial courts.[20] The general rule adopted by the Court as to the questions on the credibility of the witnesses have been to defer to the findings of the trial court especially if these had been affirmed by the appellate court, *viz*:

> Time and again, this Court has held that questions on the credibility of witnesses should best be addressed to the trial court because of its unique position to observe the elusive and incommunicable evidence of witnesses' deportment on the stand while testifying which is denied to the appellate courts. Hence, the trial judge's assessment of the witnesses' testimonies and findings of fact are accorded great respect on appeal. In the absence of substantial reason to justify the reversal of the trial court's assessment and conclusion, as when no significant facts and circumstances are shown to have been overlooked or disregarded, the reviewing court is generally bound by the former's findings. The rule is even more strictly applied if the appellate court has concurred with the trial court as in this case.[21]

It is well-settled that in criminal cases, an examination of the entire records of a case may be explored for the purpose of arriving at a correct conclusion, as an appeal in criminal cases throws the whole case open for review, it being the duty of the appellate court to correct such error as may be found in the judgment appealed from, whether they are made the subject of the assignment of errors or not.[22] In observance of this ruling, the Court has meticulously reviewed the records of this case but found nothing that would sustain a conclusion that the trial court and the appellate court have overlooked a material fact that, otherwise, would change the outcome of the case; or have misunderstood a circumstance of consequence in their evaluation of the credibility of the witnesses.[23] For sure, the established guiding principles in reviewing rape cases, *viz*: (*a*) an accusation of rape can be made with facility; and while the accusation is difficult to prove, it is even more difficult for the person accused, although innocent, to disprove; (*b*) considering the intrinsic nature of the crime, only two persons being usually involved, the testimony of the complainant should be scrutinized with great caution; and (*c*) the evidence for the prosecution must stand or fall on its own merit and cannot be allowed to draw strength from the weakness of the evidence for the defense;[24] and which had been carefully observed by

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20 *People v. Gerola*, G.R. No. 217973, 19 July 2017.
21 *People v. Labraque*, G.R. No. 225065, 13 September 2017.
22 *People v. Aycardo*, G.R. No. 218114, 5 June 2017.
23 *People v. Amar*, G.R. No. 223513, 5 July 2017.
24 *People v. Rubilar, Jr.*, G.R. No. 224631, 23 August 2017.

the Court in this case, yet, it found no cogent reason to disturb the findings of fact of the trial court.

The guilt of the accused-appellant was established beyond reasonable doubt.

Jurisprudence dictates that in criminal cases, "proof beyond reasonable doubt" does not mean such degree of proof, excluding possibility of error, that produces absolute certainty; only "moral certainty" is required, or that degree of proof which produces conviction in an unprejudiced mind.[25] Bearing in mind this teaching, it must be equally stressed that for a charge of rape under Article 266-A(1)[26] of R.A. No. 8353[27] to prosper, it must be proven that: (1) the offender had carnal knowledge of a woman, and (2) he accomplished such act through force or intimidation, or when she was deprived of reason or otherwise unconscious, or when she was under 12 years of age or was demented.[28] The gravamen of rape under Article 266-A (1) is carnal knowledge of "a woman against her will or without her consent."[29] "In rape cases alleged to have been committed by force, threat or intimidation, it is imperative for the prosecution to establish that the element of voluntariness on the part of the victim be absolutely lacking. The prosecution must prove that force or intimidation was actually employed by accused upon his victim to achieve his end. Failure to do so is fatal to its cause."[30]

Records will confirm that the prosecution was able to establish beyond reasonable doubt that the accused-appellant had carnal knowledge of AAA against her will through threat and intimidation. Armed with a knife, the accused-appellant threatened AAA not to tell anyone, otherwise, he would kill her. To avoid any resistance on the part of AAA and to ensure that he would be able to successfully carry out his bestial acts, the accused-appellant even tied her hands at the back. AAA's credible and straightforward testimony follows:

> Q. What was that unusual incident that happened on March 10, 2000 at about 9:00 o'clock in the morning?

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25 *People v. Gerola*, supra note 20.

26 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.

27 Entitled "An Act Expanding the Definition of the Crime of Rape, Reclassifying the same as a Crime Against Persons, Amending for the Purpose Act Np. 3815, as Amended, otherwise known as the Revised Penal Code, and for Other Purposes" and dated 30 September 1997.

28 *People v. Francia*, G.R. No. 208625, 6 September 2017.

29 *People v. Corpuz*, G.R. No. 208013, 3 July 2017.

30 *People v. Tionloc*, G.R. No. 212193, 15 February 2017.

A. Somebody was trying to open the door.

Q. Are you telling us AAA that you heard or you saw that the door was about to be opened?

A. I heard.

Q. You did not see that it is being opened?

A. I did not see.

Q. Where were you in that particular house when the door was being opened?

A. At the room.

x x x x

Q. So, what happened next when the door was being opened while you are in that situation?

A. When the door was opened, I saw Nonoy Ragasa.

Q. And what happened next?

A. I was supposed to get out from that particular place to find out who was trying to open the door and I saw Nonoy Ragasa holding a knife?

Q. Are you telling us AAA that while you were in that particular situation, meaning hearing the door open, you did not approach the door x x x and you discovered suddenly that Nonoy Ragasa was inside your room?

A. Yes.

x x x x

Q. What was your reaction when you saw that person inside the bedroom?

A. I was about to shout but he immediately covered my mouth and tied me.

Q. What was he holding when he was tying you?

A. A knife.

Q. What happened next while [he was] holding a knife and covering your mouth?

A. He tied both of my hands and told me not to tell anybody because he said that if I do so, he is going to kill me.

Q. What happened next when you were already tied there threatening you not to tell anyone?

A. He undressed me.

Q. Including your underwear?

A. Yes.

Q. When you were already without your underwear and clothes, what did the person named Nonoy do to you?

A. He positioned himself on top of me and have intercourse with me.

Q. Of course, he was also undressed when he committed that intercourse with you?

A. Yes.

Q. What did you feel when he committed that sexual intercourse with you?

A. I felt pain.

x x x x

Q. How many times did he abuse you on that particular morning?

A. Four times.

Q. After that, there was no other intercourse committed?

A. Yes.

Q. What happened next when he was already able to satisfy his lust?

A. He returned and put on my panty and went out of the house.[31]

To justify his appeal, the accused-appellant averred that there were inconsistencies in the testimony of AAA which were highly improbable and ran counter to the normal course of human behavior, *viz*: (a) during the direct examination, she stated that he entered the house through the door but when cross-examined she narrated that he entered through the window; (b) that she admitted that, as of 10 March 2000, she did not know him but when confronted during the cross-examination, she testified that she knew him through her brother; (c) his alleged act of getting her dressed when he should have scurried to leave the place; (d) that he allegedly gained entrance through the door but that he left through the window where he would be visible to the neighbors; (e) the laceration on her hymen could not have healed quickly; and (f) the sexual intercourse could not have been consummated with her hands tied behind her and with him lying on top of her.[32]

The alleged inconsistencies and improbabilities in the testimony of AAA refer to trivial and collateral matters which, not being elements of the crime, do not diminish the credibility of AAA's declarations[33] as long as these are coherent and intrinsically believable on the whole.[34] Indeed, there is even more reason to uphold the finding that AAA's testimony was credible since jurisprudence teaches that testimonies of child victims are normally given full weight and credit. When a girl, particularly if she is a minor, says that she has been raped, she says in effect all that is necessary to show that rape has in fact been committed.[35] Evidently, no woman, least of all a child, would concoct a story of defloration, allow examination of her

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31 TSN, 7 May 2004, pp. 5-8.

32 *Rollo*, pp. 22-24.

33 *People v. Divinagracia*, G.R. No. 207765, 26 July 2017

34 *People v. Bentayo*, G.R. No. 216938, 5 June 2017.

35 *People v. Dizon*, G.R. No. 217982, 10 July 2017.

private parts and subject herself to public trial or ridicule if she has not, in truth, been a victim of rape and impelled to seek justice for the wrong done to her being.[36] Youth and immaturity are generally badges of truth.[37]

The allegation of the accused-appellant that AAA's hymen could not have healed quickly deserves no merit. It must be stressed that proof of hymenal laceration is not even an element of rape[38] and healed lacerations do not negate rape.[39] The level of healing of AAA's hymen does not cast any doubt on the conclusion that she was raped.[40] The mere penetration of the penis from entry through the labia, even without rupture or laceration of the hymen, is enough to justify conviction for rape.[41] Accordingly, what is crucial is that AAA's testimony meets the test of credibility which serves as the basis for accused-appellant's conviction.[42]

The accused-appellant's claim that the rape could not have been consummated since her hands were tied at the back fails to convince. The truth that the hands of the victim were tied does not contradict her claim that she was raped. In fact, such statement is an indication that her testimony was truthful and unrehearsed.[43] It is highly improbable that a girl of tender years, one not yet exposed to the ways of the world, would impute to any man a crime so serious as rape if what she claims is not true.[44] In the same manner, the fact that the accused-appellant was able to consummate his hideous acts on AAA while her hands were tied at the back, brings to light the severe agony she endured on that fateful day.

Significantly, AAA's testimony that she was raped was corroborated by the medical findings of Dr. Muñoz, *viz:* healed laceration of the hymen at 8 o'clock; and the irritation around the labia minora.[45] Such medico-legal findings bolster the prosecution's testimonial evidence. The healed laceration is physical evidence of the highest order. It speaks more eloquently than a hundred witnesses.[46] Together, these pieces of evidence produce a moral certainty that accused-appellant had indeed raped the victim.[47]

The defense of denial and alibi raised by the accused-appellant were inherently weak.

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36 *People v. Tubillo*, G.R. No. 220718, 21 June 2017.
37 *People v. Ronquillo*, G.R. No. 214762, 20 September 2017.
38 *People v. Aycardo*, supra note 22.
39 *People v. Amistoso*, 701 Phil. 345, 360 (2013).
40 *People v. Bisora*, G.R. No. 218942, 5 June 2017.
41 *People v. Gaa*, G.R. No. 212934, 7 June 2017.
42 *People v. Belen*, G.R. No. 215331, 23 January 2017.
43 *People v. Batoon*, 375 Phil. 998, 1009 (1999).
44 *People v. Ronquillo*, supra note 37.
45 Records, p. 4, Exh. "A."
46 *People v. Divinagracia*, supra note 33.
47 *People v. Deniega*, G.R. No. 212201, 28 June 2017.

The defense of denial and alibi proffered by the accused-appellant deserve scant consideration. Accused-appellant testified that he was at the plantation of Moleno cutting down sugarcane on 10 March 2000 from 7:00 a.m. until 12:00 noon and then he rested the whole afternoon. Montoya, on the one hand, who was supposed to fortify accused-appellant's alibi, claimed that the accused-appellant worked the whole day at the plantation. Palpably, Montoya's testimony fatally collided with that of the accused-appellant. Hence, the time-honored principle in jurisprudence that positive identification prevails over alibi since the latter can easily be fabricated and is inherently unreliable[48] finds its significance in this case.

It is noteworthy that Moleno's plantation was in Caranoche where AAA's house was likewise located. Thus, granting for the sake of argument that the accused-appellant was cutting sugarcane at the plantation on 10 March 2000, it was not implausible for him to have had carnal knowledge of AAA. It must be emphasized that for the defense of alibi to prosper, the accused must prove that he was somewhere else when the offense was committed and that he was so far away that it was not possible for him to have been physically present at the place of the crime or at its immediate vicinity at the time of its commission.[49]

Moreover, the record is bereft of any showing that AAA had ill motive in imputing to the accused-appellant the grievous crime of rape; thus, the accused-appellant's denial which was not substantiated by clear and convincing evidence, is negative and self-serving evidence undeserving of weight in law. It cannot be given a greater evidentiary value over the testimony of credible witnesses who testify on affirmative matters.[50]

The Court agrees with the finding of the CA that the prosecution was not able to establish that AAA was a minor since her certificate of live birth, albeit attached to the records, was not presented by the prosecution during the hearing.

Pursuant to Art. 266-B of R.A. No. 8353,[51] the penalty that should be imposed upon the accused-appellant is *reclusion perpetua* to death since the rape was committed with the use of a deadly weapon. Article 63(2) of the Revised Penal Code states that when there are neither mitigating nor aggravating circumstances in the commission of the deed, the lesser penalty shall be applied.[52] Hence, the penalty of *reclusion perpetua* was properly

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48 *People v. Palanay*, G.R. No. 224583, 1 February 2017.

49 Id.

50 *Quimvel v. People*, G.R. No. 214497, 18 April 2017.

51 Article 266-B. *Penalty*. - 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."

52 *People v. Belen*, supra note 42.

imposed, and such penalty pursuant to R.A. No. 9346[53] does not qualify him for parole under the Indeterminate Sentence Law.[54]

Following the jurisprudence in *People v. Jugueta*,[55] the accused-appellant shall be liable for civil indemnity, moral damages, and exemplary damages in the amount of ₱75,000.00 each. In addition, interest at the rate of six percent (6%) per annum shall be imposed on all monetary awards from the date of finality of this decision until fully paid.[56]

Finally, the Court takes this opportunity to remind members of the prosecution service to be consistently punctilious in the performance of their duties.

The Court takes note of the fact that AAA was consistent in her claim that the accused-appellant had carnal knowledge of her four times, *viz*: in her affidavit executed three days after the rape incident;[57] in her sworn statement during the preliminary investigation of the case;[58] and when she was put to the witness stand.[59] These facts should have forthwith prompted the prosecution to ascertain the truth of AAA's claim and to act accordingly on the results of its findings. Unfortunately, nothing from the records would confirm that the prosecution had undertaken an investigation pertinent to this claim as in fact there was only one count of rape filed against the accused-appellant.

Granting that there was truth to the claim of AAA that she had been raped several times by the accused-appellant on 10 March 2000, the logical conclusion is that she was not given the opportunity to prove her claim against him since he was charged with only one count of rape. If there was truth to AAA's claim, then the act of the agents of the State in depriving her of her right in securing the justice she truly deserves would be equally as grave as the act of the accused-appellant in robbing her of her virginity and innocence.

Lastly, the non-appreciation of the victim's minority in the case at bar appears to be caused by the failure of the prosecution, for no apparent reason, to present in open court the victim's certificate of live birth which was attached to the records. Thus, we take this opportunity to remind the prosecution to be more circumspect in the performance of their duties.

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53 Entitled "An Act Prohibiting the Imposition of Death Penalty in the Philippines."
54 Act No. 4180.
55 G.R. No. 202124, 5 April 2016, 788 SCRA 331-391.
56 *Nacar v. Gallery Frames and/or Felipe Bordey, Jr.*, 716 Phil. 267, 281 (2013).
57 Records, p. 7.
58 Id. at 12-13.
59 TSN, 7 May 2004, p. 8.

WHEREFORE, the appeal is **DISMISSED**. The 8 September 2011 Decision of the Court of Appeals finding the accused-appellant Isidro Ragasa y Sta. Ana alias "Nonoy" **GUILTY** beyond reasonable doubt of Rape as defined under Art. 266-A of the Revised Penal Code, as amended, and sentencing him to suffer the penalty of *reclusion perpetua* without eligibility for parole is **AFFIRMED** with **MODIFICATON** that he is ordered to pay AAA the amount of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages. The interest at the rate of six percent (6%) per annum shall be imposed on all monetary awards from date of finality of this decision until fully paid.

SO ORDERED.

SAMUEL R. MARTIRES
Associate Justice

WE CONCUR:

PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

LUCAS P. BERSAMIN
Associate Justice

MARVIC M.V.F. LEONEN
Associate Justice

ALEXANDER G. GESMUNDO
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.

PRESBITERO J. VELASCO, JR.
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.

ANTONIO T. CARPIO
Acting Chief Justice

CERTIFIED TRUE COPY

WILFREDO V. LAPITAN
Division Clerk of Court
Third Division

MAR 23 2018