



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 240424

Present:

PERALTA, C.J., Chairperson,
CAGUIOA,
CARANDANG,
ZALAMEDA, and
GAERLAN, JJ.

- versus -

EUGENE SEGUISABAL,
Accused-Appellant.

Promulgated:

MAR 18 2021

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DECISION

PERALTA, C.J.:

Before us is an appeal seeking the reversal of the Court of Appeals (CA) Decision¹ dated October 27, 2017 which affirmed with modification the Decision² dated December 29, 2014 of the Regional Trial Court (RTC), Cebu City, Branch 7, finding accused-appellant Eugene Seguisabal (*Eugene*) guilty of Rape. The accusatory portion of the Information³ state:

That on the 2nd day of November 2009, at 1:00 o'clock in the morning, more or less, in Barangay [REDACTED], Municipality [REDACTED], Province of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and by means of force and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with [AAA] against her will and consent.⁴

¹ Penned by Associate Justice Geraldine C. Fiel-Macaraig, with Executive Justice Gabriel T. Ingles and Associate Justice Marilyn B. Lagura-Yap, concurring; *rollo* pp. 4-19.

² Penned by Presiding Judge Simeon P. Dum Dum, Jr.; *CA rollo*, pp. 44-51.

³ Records, p. 1.

⁴ *Id.*

Upon arraignment on May 20, 2010, Eugene pleaded *not guilty*⁵ of the offense charged. Pre-trial and trial ensued.

For the Prosecution

The facts, as established by the prosecution, and as culled from the CA Decision are:⁶

Private complainant AAA, then 21 years old when the alleged crime was committed, testified that at around 11 o'clock in the evening of November 1, 2009, she and her boyfriend Nathaniel Seguisabal (*Nathaniel*) visited the cemetery for All Saints' Day. After visiting the cemetery, they decided to go to his house in [REDACTED], Cebu. While on their way, they went to a *nipa* hut, settled on a bamboo beach, and got intimate with each other. Roger Seguisabal (*Roger*) and accused-appellant Eugene Seguisabal (*Eugene*) arrived. AAA did not know that Roger and Eugene were cousins of Nathaniel. Roger and Eugene informed AAA that her parents were furiously looking for her. Nathaniel offered to bring AAA to her home, but decided otherwise because of his fear of AAA's father. Instead, Nathaniel instructed Roger to use his motorcycle and to bring AAA to her house. Roger and AAA left. On the pretext that AAA's father was chasing them, Roger drove past AAA's house and took her to *Barangay* [REDACTED], Cebu.

There, Roger told AAA that since he was able to stave her off from her father's wrath, she should return the favor by having sexual intercourse with him. When AAA refused, Roger embraced her and only released her when she promised to cooperate. When AAA was able to free herself, she ran away from Roger, and she chanced upon Eugene who was standing beside his motorcycle. AAA asked for Eugene's help. In turn, Eugene dragged her towards a nearby school building. Eugene pushed AAA to the floor, and when she was already lying down on the cemented floor, Eugene started to remove her pants and underwear. AAA struggled to tug them into place, but Eugene was able to remove them.

For a while, AAA was able to run away from Eugene, but she fell on the ground and hurt her feet, and it was at that time that Eugene caught up with her. AAA shouted for help, but Eugene covered her mouth with his hand. He also threatened to kill her if she would shout again. Eugene choked her and was able to have carnal knowledge of her.

After having carnal knowledge of AAA, the latter put on her clothes. She asked Eugene to drive her to the cemetery. Eugene agreed, but he

⁵ *Id.* at 33.

⁶ *Rollo*, pp. 6-8.

threatened to kill AAA if she would report the incident to the police, or to Nathaniel. While at the cemetery, AAA was bitten by a dog. For a while, she was unable to walk, and stayed inside a parked multicab. Later on, she went to Nathaniel's house in [REDACTED], Cebu and told Nathaniel of her ordeal. Together with Nathaniel and his mother, AAA went to the *barangay captain* and to the Police Station to report the matter. Afterwards, AAA went to the Vicente Sotto Memorial Medical Center, for examination.

PO3 Romeo Bolaño, the police officer who was on duty on November 2, 2009, testified that AAA came to their station at around 7:30 in the morning to report what had happened. At around 3:25 in the afternoon of the same day, appellant went to their station accompanied by the *barangay* captain.

Another witness for the prosecution, Dr. Renna Christina Bumatay-de Leon testified that she examined AAA on November 2, 2009 and issued a Medico-Legal Certificate. Based on her evaluation, AAA suffered from extragenital injuries consistent with blunt force inflicted by non-accidental means, but there were no injuries found in AAA's genitalia or anus.

For the Defense

On the other hand, Eugene admitted that although he and AAA had sexual intercourse, AAA consented to it.

Eugene testified that he was with Roger in [REDACTED], Cebu. While waiting for passengers to board his *habal-habal*, Nathaniel arrived with his girlfriend AAA. According to Eugene, he had previously seen AAA with Nathaniel, but did not know her name then. Eugene also claimed that AAA had a reputation for engaging in casual sex with *habal-habal* drivers.

Nathaniel introduced AAA to his cousins Eugene and Roger and told them that he and AAA will go to a *nipa* hut. He also instructed them that if anyone would look for him and AAA, they should deny having seen them. Before Nathaniel and AAA left, Nathaniel told Eugene that he could have sex with AAA, after him. At around midnight, Nathaniel returned with AAA and asked Roger to drive AAA home. After Roger and AAA left, Nathaniel instructed Eugene to follow them. Eugene drove his motorcycle and when he saw AAA and Roger standing beside the road in *Barangay* [REDACTED], Eugene parked his motorcycle nearby and greeted them.

Eugene made flirtatious remarks to AAA, to which she favorably responded. When Roger saw that Eugene and AAA were getting intimate, Roger left. Noticing that AAA returned Eugene's kisses, the latter suggested that they transfer to a secluded place. Eugene pushed his motorcycle towards



a nearby elementary school, while AAA followed him. AAA and Eugene went to an area beside a classroom, and engaged in sexual intercourse.

After the sexual intercourse, AAA asked Eugene to drive her to the cemetery, to which Eugene agreed. When Eugene dropped her off at the cemetery, AAA kissed him. After the incident, Eugene heard from the other *habal-habal* drivers that AAA was bitten by a dog.

According to Eugene, Nathaniel decided to cohabit with AAA to protect her reputation. He also claimed that AAA's family threatened Nathaniel that he will include the latter in the filing of the criminal case, if Nathaniel refuses to marry AAA.

As for Roger, he corroborated Eugene's story. He declared in court that Nathaniel requested him to bring AAA home, but while on their way home, he and AAA stopped by a mango tree. While he tried to pursue AAA, Eugene arrived and flirted with AAA. Roger decided to leave. The next day, Roger was surprised that there were police officers looking for him.

On November 13, 2009, the Investigating Prosecutor issued a Resolution⁷ recommending the filing of the Information for Rape against Eugene. With respect to the complaint for Attempted Rape against Roger, the same Resolution recommended the dismissal of it, for insufficiency of evidence. Subsequently, Eugene was formally charged in court for Simple Rape under Article 266-A of the Revised Penal Code.⁸

RTC Ruling

On December 29, 2014, the RTC rendered a Decision, the dispositive portion of which reads:

Hence, the Court finds Eugene Seguisabal GUILTY beyond reasonable doubt of the crime of RAPE and se[n]teces him to suffer the penalty of RECLUSION PERPETUA, with all the accessory penalties attached by law. Eugene Seguisabal is directed to pay [AAA] the amount of [Seventy-Five Thousand Pesos] [P75,000.00] as civil indemnity, another [Seventy-Five Thousand Pesos] P75,000.00 as moral damages, and [Thirty Thousand Pesos P30,000.00] as exemplary damages.

Eugene Seguisabal shall be credited in the service of his sentence with the full time during which he has undergone preventive imprisonment under the conditions set out in Art. 29 of the Revised Penal Code.

⁷ Records, p. 2.

⁸ *Id.* at 8-10.



SO ORDERED.⁹

The RTC convicted Eugene for Rape, giving full weight and credit to AAA's testimony. AAA was able to narrate her ordeal in a straightforward and unbending manner.

On the other hand, the RTC downplayed Eugene's claim that AAA was of loose virtue, and rejected Eugene's claim that he and AAA engaged in consensual sex. It explained that AAA's strange behavior after the incident, and when she immediately reported to the police, negate the claim that the sexual intercourse was consensual.

Eugene filed his appeal with the CA. The accused-appellant, and the plaintiff-appellee filed their respective Briefs.

CA Ruling

On October 27, 2017, the CA rendered its assailed Decision affirming accused-appellant Eugene's conviction. The dispositive portion of the Decision reads:

WHEREFORE, the appeal is DENIED. The 29 December 2014 Decision of the Regional Trial Court, 7th Judicial Region, Branch 7, Cebu City in Criminal Case No. CBU-87496, convicting accused-appellant EUGENE SEGUISABAL of Rape under paragraph 1, Article 266-A of the Revised Penal Code is AFFIRMED with MODIFICATION.

Appellant is sentenced to suffer the penalty of *reclusion perpetua*, and to pay private complainant the amounts of Seventy-Five Thousand Pesos [P75,000.00] as civil indemnity, Seventy-Five Thousand Pesos [P75,000.00] as moral damages, and Seventy-Five Thousand Pesos [P75,000.00] as exemplary damages. Further, an interest of six percent (6%) *per annum* is imposed on all the amounts awarded, reckoned from the date of finality of this Decision until fully paid.

SO ORDERED.¹⁰

The CA defers to the RTC's assessment of AAA's credibility as witness, since the RTC had the opportunity to observe her demeanor while she testified on the witness stand. According to the CA, AAA's credibility is not affected by minor inconsistencies.¹¹ There was nothing substantial on the records that will warrant a reversal of the assessment made by the RTC on AAA's narration of the incident.

⁹ CA rollo, pp. 50-51.

¹⁰ Rollo, pp. 18-19.

¹¹ *Id.* at 13.

All the elements of the crime of rape through sexual intercourse were proven beyond reasonable doubt. In a clear, candid and straightforward manner, AAA narrated to the RTC how Eugene succeeded in having carnal knowledge of her, against her will.¹²

The CA found Eugene's claim that AAA was known in their place as a woman of easy virtues, especially among the *habal-habal* drivers, as insignificant to the charge of rape.¹³ A woman of loose morals could still be the victim of rape, because the essence of rape is having carnal knowledge of a woman without her consent.¹⁴

As regards AAA's failure to flee or at least offer resistance while the crime was being committed, the CA is not persuaded that this is tantamount to AAA's consent to sexual intercourse.¹⁵ According to the CA, it is sufficient that the prosecution was able to prove beyond reasonable doubt and that there was force or threat employed by Eugene, which facilitated the sexual intercourse with AAA.¹⁶

As regards the medical findings that do not indicate hymenal lacerations or injury, the CA ruled that the lack of lacerated wounds is not always essential to establish the consummation of rape,¹⁷ For as long as the prosecution was able to establish beyond reasonable that Eugene had carnal knowledge of AAA, against her will, then the conviction of rape is proper.¹⁸

Hence, this appeal.

In his Manifestation¹⁹ before this Court, Eugene, through his counsel, manifested that he adopts *in toto* and reiterates the contents and substance of the Appellant's Brief, filed before the CA.

Issues

1. Whether the CA erred in giving due weight and credence to AAA's testimony; and
2. Whether the CA erred in convicting Eugene guilty beyond reasonable doubt for the crime of Rape under Article 266-A.

¹² *Id.* at 15-16.

¹³ *Id.* at 16.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.* at 16-17.

¹⁷ *Id.* at 17.

¹⁸ *Id.* at 18.

¹⁹ *Id.* at 34-36.

Our Ruling

After a careful review of the records of this case, the Court finds no cogent reason to reverse the rulings of the RTC and the CA, finding Eugene guilty of the crime of Rape.

AAA's testimony must be given due weight and credence.

To determine the guilt or innocence of the accused in rape cases, We are guided by these settled principles:

- (a) An accusation for rape is easy to make, difficult to prove and even more difficult to disprove;
- (b) In view of the intrinsic nature of the crime, the testimony of the complainant must be scrutinized with utmost caution; and
- (c) The evidence of the prosecution must stand on its own merits and cannot draw strength from the weakness of the evidence for the defense.²⁰

Thus, the single most important issue in rape cases is the credibility of the victim.²¹ It is a settled rule that rape may be proven by the sole and uncorroborated testimony of the offended party, provided that her testimony is clear, positive and probable.²²

In addressing the credibility of witnesses, jurisprudence has provided the following guidelines:

First, the credibility of witnesses is best addressed by the trial court, considering that it is in a unique position to directly observe the demeanor of a witness on the stand. The trial judge's evaluation of the testimonies of the witnesses, is given the highest respect, on appeal. *Second*, where there is no substantial reason to justify the reversal of the RTC's assessments and conclusions, the reviewing court is generally bound by the lower court's finding; in particular, when no significant facts and circumstances, affecting the outcome of the case are shown to have been disregarded. *Third*, the rule is more strictly applied if the CA concurred with the RTC.²³

In this case, accused-appellant Eugene faults the CA for affirming his conviction on the basis of AAA's inconsistent and credible testimony.

²⁰ *People v. Tabayan*, 736 PHIL 543, 555 (2014).

²¹ *People v. Rubio*, 683 Phil. 714, 721 (2012).

²² *People v. Nocado*, G.R. No. 240229, June 17, 2020.

²³ *Id.*

First, although AAA testified that she did not know Eugene and Roger prior to the rape incident, she willingly rode the motorcycle with Roger, and subsequently, rode the motorcycle with Eugene, so that they could accompany her home.²⁴ It was unnecessary for AAA to let herself be accompanied by strangers, because she was with her boyfriend, who could have dropped her off at her house.²⁵

Second, after escaping from Roger who allegedly attempted to have sexual intercourse with her, AAA asked help from Eugene, despite knowing that Eugene was Roger's companion before she rode off with Roger.²⁶ It was contrary to logic and human experience that AAA would have voluntarily gone with Eugene, if it was true that she had been in danger with Roger.²⁷

Third, the actuations of AAA after the alleged rape are not consistent with common human experience because she followed her alleged rapist and asked him to drop her off near the cemetery, and not at her house.²⁸ After the ordeal, she neither attempted to run to the nearby barangay hall nor to seek help from anybody.²⁹

Fourth, when Eugene immediately embraced AAA and dragged her towards the school, AAA did not escape, when she could have easily done so; the school being located in an uphill area which makes dragging or carrying a person a difficult task.³⁰ In addition, even if AAA could have shouted for help upon sensing that she was about to be violated by Eugene, she did not do so.³¹

Fifth, AAA did not present a detailed narration of how rape was committed against her.³² The generalized statement of AAA that Eugene raped her, fails to convince the truth of the charge against Eugene.³³

Sixth, AAA's testimony that Eugene pushed her to the wall and forced her to lie down is not believable because the medical certificate presented by the prosecution did not show proof that AAA sustained such injuries or bruises.³⁴

²⁴ CA rollo, p. 38.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.* at 39.

²⁹ *Id.*

³⁰ *Id.* at 38.

³¹ *Id.*

³² *Id.* at 39.

³³ *Id.*

³⁴ *Id.* at 38-39.

Seventh, both Eugene and Roger testified that AAA has a reputation of having several relationships with *habal-habal* drivers in their place.³⁵ The prosecution did not present any evidence to rebut the testimony of Eugene and Roger, to clear AAA's reputation as a promiscuous woman.³⁶

The Court finds that these inconsistencies are not material to the instant case.

For the first to fourth inconsistencies mentioned, these are trivial matters which cannot be bases of acquittal. These do not hinge on any of the essential elements of the crime of rape.³⁷

Eugene is guilty of the crime of Rape under Article 266-A(1a), of the Revised Penal Code (RPC).

For the fifth inconsistency, AAA was able to narrate how Eugene succeeded in having sexual intercourse with her through force and intimidation.

To sustain a conviction for rape through sexual intercourse under Article 266-A (1a), the prosecution must prove the following elements beyond reasonable doubt: (a) the man had carnal knowledge of a woman; and (b) he accomplished this act through force, threat or intimidation.³⁸

The fact is that, Eugene employed force and threat, for him to succeed in having carnal knowledge of AAA. During AAA's direct examination, she testified:

Q: So, what happened after you ran away from Roger Seguisabal?
A: When I was able to run a few meters away, I met Eugene Seguisabal standing by with his motorcycle.

³⁵ *Id.* at 39.

³⁶ *Id.*

³⁷ *People v. Nocido*, *supra* note 22.

³⁸ *People v. Sonny Ramos y Buenaflor*, G.R. No. 210435, August 15, 2018; Article 266-A (1a) of the Revised Penal Code.

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;

Q: So, what did you do upon seeing Eugene Seguisabal?

A: I thanked God upon seeing him because somebody could help and bring me to the highway, so I could escape from Roger Seguisabal.

x x x x

Q: What happened after you asked him to help you?

A: He just smiled.

Q: **So, while he was smiling, what happened next?**

A: **He embraced me and then dragged me.**

Q: **What did you do when he embraced and dragged you?**

A: **I tried to escape and beg him to release me.**

Q: Where did he bring you?

A: At the back of the school.

Q: **Was he able to bring you at the back of the school?**

A: **Yes, sir. He was embracing me so tight and he was also carrying me.**

Q: **What happened when you reached at the back of the school?**

A: **He pushed my body to the wall and then he pushed me to lie down [on] the floor.**

Q: Let's get this straight. The place you said at the back of the school, is this inside the room of the school or outside?

A: Outside of the school.

x x x x

Q: **Did he succeed in pushing you and letting you lie down [on] the floor?**

A: **I was forced to lie down because he pushed me to lie down.**

Q: So, while you were lying down on the floor, what happened next?

A: He removed my pedal pants.

Q: What else aside from your pedal pants?

A: My panties.

Q: **While he was removing your pedal pants and your panties, what did you do?**

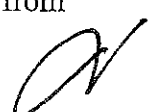
A: **When he tried to remove my pedal pants, I also tried to pull it up until such time when he succeeded in removing my pedal pants and panties. Since he only got hold of my pedal pants, I was able to run away from him.**

Q: Were you still wearing your panties when you ran?

A: No, sir.

Q: So what happened next when you were able to run away from Eugene Seguisabal?

A: Eugene Seguisabal chased me.



Q: So, what happened next after he chased you?

A: When he was chasing me, I jumped on the stairs. After that, I felt pain on my feet and I was not able to run anymore. So, he was able to catch me again.

Q: So, after Eugene Seguisabal caught you because you could no longer run according to you because you felt pain on your feet, what happened next?

A: I shouted for help but he covered my mouth with his hand.

Q: So, after your mouth was covered, what happened next?

A: He told me not to shout again because if I will shout, he would box me and he would kill me.

Q: So what happened next after he told you not to shout?

A: I did not shout and his hand was still covering my mouth.

Q: So while he was covering your mouth to prevent you from shouting, what happened next?

A: He choked me.

Q: After choking you, what happened next?

A: He then raped me.

COURT:

to witness

Q: When you said you were raped, was it Eugene Seguisabal who raped you?

A: Yes, Your Honor.

Q: So was he able to insert his penis into your vagina?

A: Yes, Your Honor.³⁹

Eugene employed force and threat in facilitating the crime of rape. He dragged and carried AAA towards the school, pushed her body to wall, and pushed her to lie down. He forcibly removed AAA's pants and underwear, while AAA tried to pull up her pants. When AAA ran away, Eugene was able to catch her. He covered her mouth and threatened to box and kill her, if she shouted. While covering her mouth, he choked her.

AAA also narrated how Eugene had carnal knowledge of her, wherein Eugene was no longer choking or covering her mouth:

Q: [Okay], during this time, after the panty was removed or pulled out subsequent to the removal of the pedal pants, this was the time that you r[a]n away? But then as you said, he was able to chase you.

A: When I ran away he then chased me.

³⁹ TSN, September 16, 2010, pp. 11-15. (Emphases ours)

Q: And in fact you will agree with me as you said that he was able to catch-up with you?

A: Yes, Sir.

Q: Ms. Witness, during this time, it was when according to you Eugene Seguisabal committed sexual intercourse with you?

A: Yes, Sir.

Q: Of course, he was not pointing a gun at you? Is it not? Am I correct?

A: He was not pointing.

Q: He was not also using a bladed weapon such as a knife for example?

A: None, Sir.

Q: You would also tell the court, that while having sexual intercourse your hands were not hog tied?

A: He was just holding my hands.

Q: And of course, your legs were not also tied? With each other?

A: Not tied.⁴⁰

AAA narrated in detail how she was forced and threatened to succumb to Eugene's lust. She stated in court that Eugene succeeded in inserting his penis into her vagina, and how at that time, Eugene was no longer choking and covering her mouth, but holding her hands.

Eugene's contention that AAA did not shout and cry for help before and during the ordeal even if she had the opportunity to do so,⁴¹ does not negate the finding that sexual intercourse with AAA was done against her will.

The Court takes judicial notice that rape victims may have different reactions to the shock and trauma of a sexual assault.⁴² There is no standard form of reaction expected from a victim in such a horrendous event.⁴³ The human mind, while under emotional stress, is unpredictable. Some may offer strong resistance, while others none at all.⁴⁴

As for the sixth inconsistency, the physician who examined AAA and prepared and executed AAA's Medico-Legal Certificate, on the incident of rape, testified that AAA suffered extragenital injuries, to wit:

PROS. BERCELES:
/to witness



⁴⁰ TSN, November 11, 2020, pp. 7-9.

⁴¹ CA rollo, p. 41.

⁴² *People v. Clemeno*, 828 Phil. 198, 207 (2018).

⁴³ *Id.*

⁴⁴ *Id.*

Q: Dra., in our examination with [AAA] could you tell us the medical evaluation which you made after you examined [AAA]?

A: My impression in this case is, medical evaluation shows the **great evidence of sexual abuse or sexual contact extragenital injuries which are consistent of blunt force inflicted by nonaccidental means** 0.5x1cm punctured wound, medial aspect middle 3rd anterior aspect left leg and 0.3x0.6cm punctured wound medial aspect posterior portion of left leg secondary to dogbite.

Q: When you said that this extragenital injuries are consistent of blunt force, inflicted by nonaccidental means. In layman's term Dra., what is the meaning of this medical evaluation of yours?

A: **Blunt force inflicted by nonaccidental means, it means that according to my physical findings, she shall *sic* had of a lot of abrasions or in visaya "pangus" which were inflicted during the incident.**

Q: And, aside from your medical evaluation of [AAA], you also mentioned that there was a medical finding. Explain to us this Forensic Evidence and Laboratory which you placed in your medical certificate, Dra.?

A: And, I placed here pictures were taken when I examined the patient. x x x. The sperm identification was positive. We do sperm identification of the patient wherein the injuries acute like it happened within 72 hours. Patient came to our institution within 72 hours from the incident. We do sperm IDF, in this case the patient had a positive sperm identification, which means there was presence of spermatozoa on her cervical and vaginal swab.⁴⁵

The findings of the physician who examined AAA show that AAA suffered from extragenital injuries, and that there was great evidence of sexual abuse. The testimony of the physician pertaining to her findings indicated in the Medico-Legal Certificate corroborates the testimony of AAA that Eugene had carnal knowledge of her against her will.

As regards Eugene and Roger's allegations that AAA had a reputation of having loose morals, this Court will not assign significance to this claim. This was a bare allegation of the accused-appellant. In addition, Eugene failed to substantiate his defense that sexual intercourse with AAA was consensual. Even if AAA was indeed a promiscuous woman, this could not prove that the sexual intercourse with Eugene was consensual. A woman of loose morals could still be a victim of rape; since the essence of rape is the carnal knowledge of a woman against her consent.⁴⁶

Based on the foregoing, AAA's testimony has positively, candidly and conclusively established the elements of the crime of rape.

⁴⁵ TSN, January 27, 2011, pp. 6-7.

⁴⁶ *People, et al. v. Court of Appeals, et al.*, 755 Phil. 80, 112 (2015).

WHEREFORE, PREMISES CONSIDERED, the appeal is **DENIED.** The Decision dated December 29, 2014 of the Regional Trial Court in Criminal Case No. CBU-87496, as affirmed and modified by the Court of Appeals Decision dated October 27, 2017 in CA-G.R.CEB-HC No. 02120, is **AFFIRMED in toto.** We find accused-appellant Eugene Seguisabal guilty beyond reasonable doubt of **Rape under Article 266-A(1) and penalized in Article 266-B of the Revised Penal Code** in Criminal case No. CBU-87496, and is sentenced to suffer the penalty of *reclusion perpetua*, and is **ORDERED to PAY AAA** the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages.

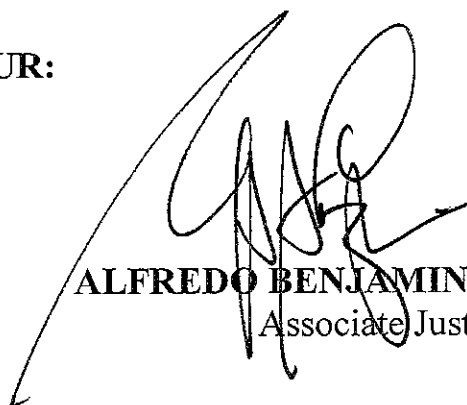
Legal interest of six percent (6%) *per annum* is imposed on all the amounts awarded, reckoned from that date of finality of this Decision until fully paid.

SO ORDERED.



DIOSDADO M. PERALTA
Chief Justice

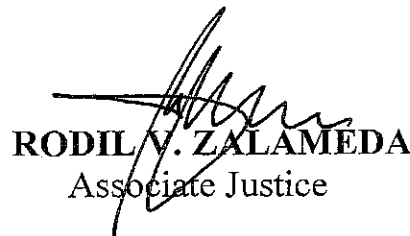
WE CONCUR:



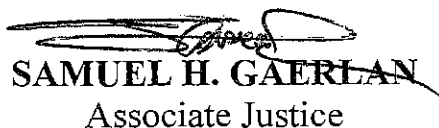
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



ROMARI D. CARANDANG
Associate Justice



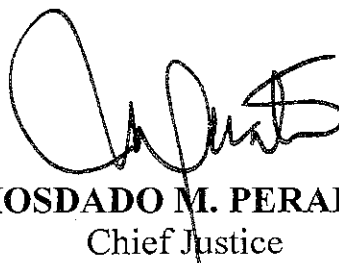
RODIL V. ZALAMEDA
Associate Justice



SAMUEL H. GAERLAN
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



DIOSDADO M. PERALTA
Chief Justice