



Republic of the Philippines  
**Supreme Court**  
 Manila

**FIRST DIVISION**

SUPREME COURT OF THE PHILIPPINES  
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**PEOPLE OF THE PHILIPPINES,**  
*Plaintiff-Appellee,*

**G.R. No. 223681**

Present:

- versus -

PERALTA, *Acting Chairperson,\**  
 DEL CASTILLO,  
 PERLAS-BERNABE,\*\*  
 TIJAM, *and*  
 GESMUNDO,\*\*\* *JJ.*

**BENJAMIN SALAVER y LUZON,**  
*Accused-Appellant.*

Promulgated:

~~AUG 20 2018~~

*[Signature]*

X-----X

**DECISION**

**DEL CASTILLO, J.:**

On appeal is the May 19, 2014 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05478 affirming the August 24, 2011 Joint Decision<sup>2</sup> of the Regional Trial Court (RTC), Branch 40, Calapan City, Oriental Mindoro, finding Benjamin Salaver y Luzon (appellant) guilty of three counts of qualified rape.

***Factual Antecedents***

Appellant was charged with the crime of rape in three separate Informations which read:

*[Handwritten signature]*

\* Designated as Acting Chairperson per Special Order No. 2582 (Revised) dated August 8, 2018.

\*\* Designated as additional member per November 29, 2017 raffle vice J. Jardeleza who recused due to prior action as Solicitor General.

\*\*\* Designated as Acting Member per Special Order No. 2560 dated May 11, 2018.

<sup>1</sup> CA *rollo*, pp. 114-128; penned by Associate Justice Danton Q. Bueser and concurred in by Associate Justices Rodil V. Zalameda and Maria Elisa Sempio Diy.

<sup>2</sup> Records, Criminal Case No. CR-06-8596, pp. 144-153; penned by Judge Tomas C. Leynes.

In Criminal Case No. CR-06-8596:

That on or about the 19<sup>th</sup> day of July 2006, at around 5:00 o'clock in the afternoon, x x x City of Calapan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, motivated by lust and lewd desire, by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously [have] carnal knowledge of one [AAA],<sup>3</sup> his fifteen (15)<sup>4</sup> year old daughter and therefore a relative within [the] 3<sup>rd</sup> civil degree by consanguinity, and living with him in the same house, against her will and without her consent, acts which debase, degrade and demean the intrinsic worth and dignity of the said [AAA], to her damage and prejudice.

CONTRARY TO LAW.<sup>5</sup>

In Criminal Case No. CR-06-8597:

That on or about the 23<sup>rd</sup> day of August 2006, at around 5:00 o'clock in the afternoon, x x x City of Calapan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, motivated by lust and lewd desire, by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously [have] carnal knowledge of one [AAA], his fifteen (15) year old daughter and therefore a relative within [the] 3<sup>rd</sup> civil degree by consanguinity, and living with him in the same house, against her will and without her consent, acts which debase, degrade and demean the intrinsic worth and dignity of the said [AAA], to her damage and prejudice.

CONTRARY TO LAW.<sup>6</sup>

In Criminal Case No. CR-06-8598:

That on or about the 8<sup>th</sup> day of September 2006, at around 7:00 o'clock in the morning, x x x City of Calapan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, motivated by lust and lewd desire, by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously [have] carnal knowledge of one [AAA], his fifteen (15) year old daughter and therefore a relative within [the] 3<sup>rd</sup> civil degree by consanguinity, and living with him in the same house, against her will and without her consent, acts which debase, degrade and demean the intrinsic worth and dignity of the said [AAA], to her damage and prejudice.

CONTRARY TO LAW.<sup>7</sup>

<sup>3</sup> "The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, An Act Providing for Stronger Deterrence And Special Protection Against Child Abuse, Exploitation And Discrimination, And for Other Purposes; Republic Act No. 9262, An Act Defining Violence Against Women And Their Children, Providing For Protective Measures For Victims, Prescribing Penalties Therefor, And for Other Purposes; and Section 40 of A.M. No. 04-10-11-SC, known as the Rule on Violence against Women and Their Children, effective November 15, 2004." *People v. Dumadag*, 667 Phil. 664, 669 (2011).

<sup>4</sup> "AAA" is sixteen (16) years of age at the time of alleged rape incidents as she was born on May 7, 1990 as per her Certificate of Live Birth (Records, Criminal Case No. CR-06-8596, p. 28).

<sup>5</sup> Records, Criminal Case No. CR-06-8596, pp. 1-2.

<sup>6</sup> Records, Criminal Case No. CR-06-8597, pp. 1-2.

<sup>7</sup> Records, Criminal Case No. CR-06-8598, pp. 1-2.

The three cases were tried and heard jointly. During arraignment, appellant entered a plea of not guilty. Trial on the merits ensued.

The prosecution's evidence consisted of the testimonies of "AAA", Dr. Angelita C. Legaspi (Dr. Legaspi), and "AAA's" younger brother, "BBB".

The trial court summarized the narration of "AAA", as follows:

[AAA], x x x born on 07 May 1990 (Exh. F) to the spouses [appellant] Benjamin Salaver and [DDD,<sup>8</sup>] testified x x x that: at around 5:00 o'clock in the afternoon of 19 July 2006, she and [appellant] were then inside their house x x x [in] Calapan City when the latter x x x pulled her towards his bedroom; x x x then, [appellant] told her to remove her shorts but she refused; [appellant] got angry and removed her shorts and panty after which, he laid her on the bed; then, [appellant] removed his shorts enabling her to see his erect sex organ; after instructing her to spread her legs, [appellant] inserted his sex organ into her private organ causing her to feel pain; while [appellant] was holding her hands and making an up and down motion, she struggled and pleaded to him but her pleas fell on deaf ears; she was not able to shout anymore because [appellant] warned her that he would do something bad if she did; when the incident happened, her younger brother x x x [and] eldest brother [were] not in their house; on the other hand, her mother, who was a house help, was staying in the house of [her] employer; after the incident, she left their house and spent the night with her mother x x x she informed her older brother about the incident but the latter ignored her; when she informed her mother about the incident, the latter told her not to sleep in their house anymore; that at around 5:00 o'clock in the afternoon of 23 August 2006, she and [appellant] were inside their house while her younger brother was playing outside their house; [appellant] told her to go inside his room x x x once inside [appellant's] bedroom, he told her to lie down on the bed and she complied; then, [appellant] told her to remove her clothes but she refused[,] so [appellant] removed her shorts and panty; just like what he did during the first rape incident, [appellant] inserted his sex organ into her private organ and made an up and down movement of his body; she tried to resist but she was unsuccessful; when she informed her older brother about the second rape incident, her brother [was] shocked; she also informed her mother about the incident and her mother asked her why she still went back to their house; although her mother already told her not to sleep in their house anymore after the first rape incident, she still went back to their house after school because she intended to get something in their house; she did not expect that [appellant] would rape her for the second time; that at around 7:00 o'clock in the morning of 08 September 2006, she went to their house and while she was washing the dishes, [appellant] suddenly held her hand and pulled her inside his room; at the time, her younger brother was sent by [appellant] on an errand; then, [appellant] told her to remove her shorts but she refused; as [appellant] was trying to remove her panty, she tried to push him away but she was unsuccessful; then, [appellant] made her lie down on the bed and held her hands while inserting his sex organ into her private organ causing her to feel pain; once again, [appellant] made an up and down movement with his body; she struggled against [appellant] and pleaded, "*Huwag po*" but her efforts were in vain; she was not also able to shout because [appellant] threatened to kill all of them if she did; accompanied by her mother and a barangay tanod, she submitted herself to medical examination on 08

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<sup>8</sup> Mother of AAA.



September 2006; she was investigated at the PNP Provincial Headquarters in [B]arangay Suqui, Calapan City. She affirmed the truthfulness and correctness of the contents of her affidavit (Exh. A).

On cross-examination, she testified that she did not inform her mother about the first rape incident but on 12 September 2006, she informed her mother about the second rape incident that happened on 23 August 2006; her mother left their house in August 2006 because [appellant] was inflicting physical harm on her mother. She maintained that [appellant] was able to insert his sex organ into her private organ during the three rapes committed by [appellant] on her.<sup>9</sup>

Dr. Legaspi was the Rural Health Physician of the Calapan City Health and Sanitation Department. She testified that she examined “AAA” on September 8, 2006 and that she found no external injuries on the body of AAA; however, she confirmed that “AAA” sustained “old healed complete hymenal lacerations at 1, 4, 6, 9 and 11 o’clock positions, [with] no hymenal nor vaginal bleeding at the time of examination.”<sup>10</sup> Dr. Legaspi testified that these lacerations could have been caused by the insertion of a male sex organ into “AAA’s” private organ and that it was possible that “AAA” had been sexually molested about three or more times.<sup>11</sup>

“BBB”, “AAA’s” younger brother, also testified. He confirmed the truthfulness of the contents of the affidavit he voluntarily executed in relation to the incident that happened on September 8, 2006.<sup>12</sup> In this affidavit,<sup>13</sup> “BBB” narrated that at around 7:00 a.m. of September 8, 2006, appellant asked him to buy a can of sardines at a nearby store; that when he returned to their house, he saw appellant half-naked while lying on top of “AAA”. Frightened, he went to the house of “EEE”, their uncle on the maternal side, and reported the incident. “BBB” likewise testified that he was not compelled by the prosecution to testify against his father; he disclosed, however, that he went to court because he wanted to request the dismissal of the case against his father as per his agreement with “AAA”.<sup>14</sup> On cross-examination, “BBB” admitted that he was compelled to attend the case hearings by his mother’s live-in partner as he was afraid of him.<sup>15</sup>

On the other hand, the defense presented appellant as its lone witness. Appellant denied the accusations against him and claimed that they were fabricated by his brother-in-law, “EEE”, who harbored a grudge against him.<sup>16</sup> According to appellant, he was being suspected by “EEE” of having a relationship with the latter’s

<sup>9</sup> Records, Criminal Case No. CR-06-8596, pp. 146-148.

<sup>10</sup> See Dr. Legaspi’s Medical Certificate dated September 8, 2006, id. at 10.

<sup>11</sup> TSN, May 26, 2010, pp. 10-11.

<sup>12</sup> TSN, October 13, 2010, pp. 12-14.

<sup>13</sup> Records, Criminal Case No. CR-06-8596, p. 5.

<sup>14</sup> TSN, October 13, 2010, pp. 17-19.

<sup>15</sup> Id. at 25-27.

<sup>16</sup> TSN, May 23, 2011, p. 5.

wife.<sup>17</sup> When asked about the sworn statement of “BBB”, appellant countered that what “BBB” actually saw was him putting on his work clothes.<sup>18</sup>

### ***Ruling of the Regional Trial Court***

On August 24, 2011, the RTC rendered a Joint Decision<sup>19</sup> finding appellant guilty beyond reasonable doubt of three (3) counts of qualified rape. It held that appellant’s bare denial and imputation of ill motives on “EEE” were insufficient to rebut the evidence of the prosecution. It further held that “AAA’s” categorical and positive identification of appellant as her rapist prevailed over his denial.

The trial court, thus, ruled:

In sum, after a judicious evaluation of the totality of evidence adduced by both the prosecution and the defense, this Court finds nothing which would destroy the moral certainty of the accused’s guilt.

In the case at bar, the accused [was] being charged of the crime of qualified rape considering that at the time the rape incidents took place, the private complainant was only fifteen (15) years of age and x x x the daughter of the accused. Records x x x clearly [showed] that both the private complainant’s minority and her relationship with the accused as her father [were] both alleged in the informations and were proven beyond reasonable doubt by the prosecution during the trial. The prosecution was able to prove that the private complainant [AAA] was only fifteen (15) years old at the time the incidents of rape took place by presenting the private complainant’s Certificate of Live Birth (Exhibits F, F-1 to F-4), issued by the Local Civil Registrar x x x wherein x x x it [was stated] that her father [was] the accused Benjamin Salaver y Luzon (Exhibit F-3).

The RTC disposed of the case, as follows:

ACCORDINGLY, finding herein accused Benjamin Salaver y Luzon x x x guilty beyond reasonable doubt of three (3) counts of rape, said accused is hereby sentenced to suffer the THREE (3) penalties of RECLUSION PERPETUA without eligibility for parole and with all the accessory penalties as provided for by law. The accused is hereby directed to indemnify the private complainant civil indemnity ex-delicto in the amount of Seventy-Five Thousand Pesos (Php75,000.00) for each case x x x; moral damages in the amount of Seventy-Five Thousand Pesos (Php75,000.00) for each case x x x and exemplary damages of Twenty-Five Thousand Pesos (Php25,000.00) for each case x x x.

SO ORDERED.<sup>20</sup>



<sup>17</sup> Id. at 5-6.

<sup>18</sup> Id.

<sup>19</sup> Records, Criminal Case No. CR-06-8596, pp. 144-153.

<sup>20</sup> Id. at 152-153.

### ***Ruling of the Court of Appeals***

In his Brief,<sup>21</sup> appellant argued that the trial court failed to correctly appreciate “AAA’s” as well as her witnesses’ testimony. First, despite her claim of having been thrice raped, “AAA” appeared to have no apparent fear or disgust against appellant as she continued to stay at the same house with him, always obliged when invited to go inside his room, and even agreed with “BBB” to have the case dismissed. These acts, according to appellant, were contrary to human nature and experience. Second, “AAA’s” testimony suffered from inconsistency in that on direct examination, she said that she told her mother about the first rape incident, but on cross-examination, she testified that she did not immediately report the incident to anyone. Third, the medical examination showed no signs of employment of force nor any physical injuries. Fourth, “AAA’s” conduct after the alleged sexual assaults raised suspicion as to the truthfulness of the rape charges since she continued with her usual routine and did not report the matter to the authorities. Fifth, the testimonies of “AAA” and “BBB” indicated that the rape charges were filed through “EEE’s” manipulation coupled with the dislike of the mother of “AAA” towards appellant. Lastly, there was an apparent lack of resistance or struggle to the assaults.

After review, the CA denied the appeal and found “AAA’s” testimony clear, straightforward, and worthy of belief, and the alleged inconsistencies trivial. As to the other arguments raised by appellant, the CA noted that:

Appellant’s assertion that AAA – (a) continued to live with him in their house after the alleged first rape incident; (b) did not immediately report the rape to authorities; and [c] did not have any fresh hymenal lacerations and bruises on her body, give rise to doubt as to the veracity of the rape, deserves scant consideration. First, where did appellant expect AAA to go[?] She was a minor, only fifteen (15) years of age, when appellant raped her. Second, [it was] not uncommon for a rape victim to initially conceal the assault against her person for several reasons, including that of fear of threats posed by her assailant, specially when the assailant [was] her father. Third, well-settled is the rule that in rape cases, the absence of fresh lacerations in complainant’s hymen does not prove that she was not raped. A freshly broken hymen is not an essential element of rape. Healed lacerations do not negate rape. Lastly, settled is the rule that in incestuous rape, the father’s moral ascendancy and influence over his daughter substitutes for violence and intimidation. x x x<sup>22</sup>

The CA disposed of appellant’s appeal, as follows:

All told, appellant’s denial and alibi cannot prevail over the positive testimony of AAA.

WHEREFORE, the Decision dated August 24, 2011 is AFFIRMED *in toto*.



<sup>21</sup> CA *rollo*, pp. 30-56.

<sup>22</sup> Id. at 126-127.

SO ORDERED.<sup>23</sup>

Appellant, thus, filed a Notice of Appeal.<sup>24</sup> On July 11, 2016, the Court required the parties to submit their respective supplemental briefs.<sup>25</sup> However, in separate Manifestations,<sup>26</sup> both parties opted not to file the same.

### Our Ruling

After careful review of the records of the case, we find the appeal to be devoid of merit.

Article 266-A, paragraph (1) of the Revised Penal Code reads, as follows:

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;

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.<sup>27</sup>

Rape is qualified when “the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim.”<sup>28</sup> The elements of qualified rape are: “(1) sexual congress; (2) with a woman; (3) done by force and without consent; (4) the victim is under [eighteen] years of age at the time of the rape; and (5) the offender is a parent (whether legitimate, illegitimate or adopted) of the victim.”<sup>29</sup>

The prosecution satisfactorily established the elements of qualified rape. The Court, thus, finds no reason to reverse the CA in affirming the ruling of the RTC finding appellant guilty of three counts of qualified rape. “AAA’s” testimony was a

<sup>23</sup> Id. at 127.

<sup>24</sup> *Rollo*, pp. 17-19.

<sup>25</sup> Id. at 22.

<sup>26</sup> Id. at 26-31 and 32-36.

<sup>27</sup> REVISED PENAL CODE, Article 266-A, as amended by Republic Act No. 8353 (1997).

<sup>28</sup> REVISED PENAL CODE, Article 266-B, as amended by Republic Act No. 8353 (1997).

<sup>29</sup> *People v. Colentava*, 753 Phil. 361, 372-373 (2015).



candid narration of her ordeal in the hands of appellant. Moreover, it was established by the evidence on record, specifically “AAA’s” Birth Certificate, that “AAA” was a minor at the time she was raped by her father-assailant.

The Court gives great weight to the findings of the lower courts on the credibility of “AAA”. “It is settled jurisprudence that testimonies of child victims are given full weight and credit, because when a woman, more so if she is a minor, says that she has been raped, she says in effect all that is necessary to show that rape was committed. Youth and immaturity are generally badges of truth and sincerity.”<sup>30</sup> As correctly held by the CA, “AAA’s” recount of her horrific experience at the hands of her father was clear and straightforward. Appellant’s defenses of improper motive and denial, which deserves no weight in law, cannot prevail over “AAA’s” positive and categorical testimony.<sup>31</sup> The Court has ruled that “a young girl’s revelation that she had been raped, coupled with her voluntary submission to medical examination and willingness to undergo public trial where she could be compelled to give out the details of an assault on her dignity, cannot be so easily dismissed as mere concoction.”<sup>32</sup> This legal dictum especially applies in cases where the assailant was her father.<sup>33</sup>

The inconsistency alluded to in “AAA’s” testimony, with respect to whether or not she immediately reported the first rape incident to her mother, was trivial and should be liberally construed considering that it was not an essential element of the crime of rape. “What is decisive is that [appellant’s] commission of the crime charged has been sufficiently proved.”<sup>34</sup> “Such inconsistencies on minor details are in fact badges of truth, candidness, and the fact that the witness is unrehearsed.”<sup>35</sup>

Appellant points out that “AAA’s” actions after the rape incidents, such as her lack of fear and disgust towards him by continuing to stay in his house, as well as the delay in reporting the alleged rape, raised doubts as to the truth of her allegations. This assertion is unfounded. “AAA” explained that after the first rape incident, she never slept again in her father’s house as advised by her mother, but only came back to get something from the house after her classes in school.<sup>36</sup> Further, she testified that right after the rape, she immediately conveyed the incident to her brother and mother.<sup>37</sup> At any rate, it was not inconceivable that “AAA” resumed with her usual routine of going to school and returning back to the house of appellant despite the sexual molestations. “AAA’s” actions were not unusual for victims who are minors. “Behavioral psychology teaches us that, even among adults, people react to similar situations differently, and there is no standard form of human behavioral response

<sup>30</sup> *People v. Vergara*, 724 Phil. 702, 709 (2014).

<sup>31</sup> *People v. Colentava*, supra note 29 at 377.

<sup>32</sup> *People v. Dalipe*, 633 Phil. 428, 448 (2010).

<sup>33</sup> *People v. Melivo*, 323 Phil. 412, 427-428 (1996).

<sup>34</sup> *People v. Lagbo*, 780 Phil. 834, 844 (2016).

<sup>35</sup> *People v. Descartin*, G.R. No. 215195, June 7, 2017, 826 SCRA 650, 663.

<sup>36</sup> TSN, August 15, 2007, pp. 28-30.

<sup>37</sup> *Id.* at 23.



when one is confronted with a startling or frightful experience.”<sup>38</sup> Moreover, the failure or delay in the reporting of rape incidents cannot be taken against rape victims as they are oftentimes overwhelmed with fear. This Court has recognized the moral ascendancy and influence the father has over his child.<sup>39</sup> “[T]here can be no greater source of fear or intimidation than your own father, [the] one, who, generally, has exercised authority over your person since birth.”<sup>40</sup>

Appellant further maintains that Dr. Legaspi’s medical finding that there were no evident signs of external injuries lends credence to his claim that no rape incident took place as it negates evidence of physical force. The contention, however, fails to persuade. “[W]e have ruled that it is not indispensable that marks of external bodily injuries should appear on [rape victims].”<sup>41</sup> Nonetheless, the completely healed lacerations at 1, 4, 6, 9 and 11 o’clock positions on “AAA’s” hymen, as testified by Dr. Legaspi, corroborated the findings of rape. “[L]acerations, whether healed or fresh, are the best physical evidence of forcible defloration.”<sup>42</sup>

Appellant then suggests that “AAA’s” lack of strong resistance to the advances of her assailant rendered the charge of rape doubtful. Suffice it to say that this assertion does not affect the merits of the charge against him because resistance is not an element of rape.<sup>43</sup> Nevertheless, in “AAA’s” testimony before the trial court, she recalled and explained her failure to resist her father’s sexual advances, to wit:

Pros. Lalia:

Q And at the time that your father inserted his penis inside your private part, x x x [w]hat kind of movement [did] your father [make]?

A While holding my hands, my father made an up and down bodily motion, sir.

Q And at the time that your father was making the up and down bodily motion while holding x x x your hands, did you have the opportunity to at least shout or [manifest] that you did not like what he was doing?

A I struggled and begged my father not to do that to me, sir.

Q You want to tell us that it was only physical struggle that you did?

A Because he warned me that he would do something bad if ever I shout, sir.<sup>44</sup>

x x x x

Court:

Q During the third time that you were raped by your father, did you shout?

A I did not because he was threatening me, Your Honor.

<sup>38</sup> *People v. Francisco*, 406 Phil. 947, 959 (2001).

<sup>39</sup> *People v. Buclao*, 736 Phil. 325, 338 (2014).

<sup>40</sup> *Id.*

<sup>41</sup> *People v. Bayona*, 383 Phil. 943, 956 (2000).

<sup>42</sup> *People v. Galvez*, 656 Phil. 487, 500-501; citing *People v. Cuadro*, 405 Phil. 173 (2001).

<sup>43</sup> *People v. Baldo*, 599 Phil. 382, 389 (2009).

<sup>44</sup> TSN, August 15, 2007, pp. 21-22.

Q What was the threat [of] your father x x x?  
A That he would kill us, Your Honor.<sup>45</sup>

The Court has held that “[t]he failure to physically resist the attack, x x x, does not detract from the established fact that a reprehensible act was done to a child[-]woman by no less than a member of her family. In cases of qualified rape, moral ascendancy or influence supplants the element of violence or intimidation. Physical resistance need not be established when intimidation is brought to bear on the victim and the latter submits herself out of fear.”<sup>46</sup>

Appellant further attempts to discredit the testimony of “AAA” claiming that the filing of the charges was ill-motivated and was impelled by the manipulation of “AAA’s” uncle, “EEE”, coupled with dislike for him due to his treatment towards “AAA’s” mother. We are not persuaded. “[W]e have reiterated time and time again that it is most unlikely for a young girl x x x, or even her family, to impute the crime of rape to no less than relatives and to face social humiliation, if not to vindicate her honor.”<sup>47</sup>

All told, we therefore affirm the conviction of appellant for three counts of qualified rape. Under Article 266-B of the Revised Penal Code, the proper penalty for qualified rape is death, which, however, cannot be imposed in view of Republic Act No. 9346.<sup>48</sup> Hence, the Court finds proper the penalty imposed upon appellant by the trial court and affirmed by the CA, which is *reclusion perpetua* without eligibility of parole in each of the three counts of qualified rape. However, there is a need to modify the amounts of damages awarded. Pursuant to *People v. Jugueta*,<sup>49</sup> we hold that “AAA” is entitled to ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages, for each of the three counts of qualified rape. In addition, interest at the rate of 6% *per annum* is imposed on all damages awarded from the date of the finality of this Decision until fully paid.<sup>50</sup>

**WHEREFORE**, the appeal is **DISMISSED**. The assailed May 19, 2014 Decision of the Court of Appeals in CA-G.R. CR-HC No. 05478 is **AFFIRMED with MODIFICATION** that the awards of civil indemnity, moral damages, and exemplary damages are hereby increased to ₱100,000.00 each, for each of the three counts of qualified rape and all damages awarded shall earn interest at the rate of 6% *per annum* from finality of this Decision until fully paid.



<sup>45</sup> Id. at 35-36.

<sup>46</sup> *People v. Palanay*, G.R. No. 224583, February 1, 2017, 816 SCRA 493, 505.

<sup>47</sup> *People v. Mendoza*, 441 Phil. 193, 206 (2002).

<sup>48</sup> An Act Prohibiting the Imposition of the Death Penalty in the Philippines.


<sup>49</sup> 783 Phil. 806, 848 (2016).


<sup>50</sup> *Nacar v. Gallery Frames*, 716 Phil. 267, 282 (2013).

**SO ORDERED.**

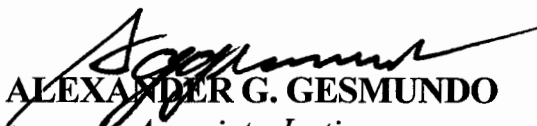
  
**MARIANO C. DEL CASTILLO**  
*Associate Justice*

WE CONCUR:

  
**DIOSDADO M. PERALTA**  
*Associate Justice*  
*Acting Chairperson*


  
**ESTELA M. PERLAS-BERNABE**  
*Associate Justice*

  
**NOEL GIMENEZ TIJAM**  
*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.

  
**DIOSDADO M. PERALTA**  
*Associate Justice*  
*Acting Chairperson*

## 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**

*Senior Associate Justice*

*(Per Section 12, Republic Act No. 296,  
The Judiciary Act of 1948, as amended)*

