



Republic of the Philippines
Supreme Court
 Manila

CERTIFIED TRUE COPY
Wynne L. Lizaola
 NOTARY PUBLIC
 DIVISION OF NOTARIAL PUBLICS
 Third Division

FEB 05 2018

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. NO. 218245

-versus -

Present:
 VELASCO, Jr., *J. Chairperson*
 BERSAMIN,
 LEONEN,
 MARTIRES, and
 GISMUNDO, *JJ.*

JESUS EMPUESTO y SOCATRE,
Accused-Appellant

Promulgated:

January 17, 2018

Wynne L. Lizaola

X-----X

DECISION

MARTIRES, J.:

This resolves the appeal of accused-appellant Jesus Empuesto y Socatre (*Empuesto*) seeking the reversal and setting aside of the 5 September 2014 Decision¹ of the Court of Appeals (*CA*) in CA-G.R. CEB CR HC No. 01680 which affirmed, with modification as to the award of damages, the 23 July 2012 Decision² of the Regional Trial Court (*RTC*), Branch 52, Talibon, Bohol, finding him guilty of Rape under Art. 266-A 1(a) of the Revised Penal Code (*RPC*), as amended.

THE FACTS

In an Information³ docketed as Crim. Case No. 06-1679, accused-appellant was charged with rape, the accusatory portion of which reads as follows:

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¹ CA rollo, pp. 76-87; penned by Associate Justice and Chairperson Edgardo L. Santos and concurred in by Associate Justices Marilyn B. Lagura-Yap and Jhosep Y. Lopez.
² Records, pp. 156-170; penned by Acting Presiding Judge Marivic Trabajo Daray.
³ Id. at 46.

That on or about the 3rd day of July 2005 in the Municipality of Danao, Province of Bohol, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused with criminal intent, that is, carnal lecherous desire, with force, threat, and intimidation, did then and there willfully, unlawfully, and feloniously have carnal knowledge with victim AAA by inserting his penis into the vagina of the said victim against her will and consent, to her damage and prejudice in the amount to be proved during the trial.

Acts committed contrary to law, that is, Art. 266-A 1(a) of the Revised Penal Code, as amended.

When arraigned, accused-appellant pleaded not guilty,⁴ hence, trial proceeded.

Version of the Prosecution

The prosecution tried to prove its case through the testimony of private complainant AAA,⁵ BBB, Rebecca Bantilan (*Rebecca*), and Danao Municipal Health Officer Dr. Jaime Gregorio L. Salarda (*Dr. Salarda*).

On 1 July 2005, accused-appellant went to Rebecca's house to invite her husband to attend the Parents-Teachers Association (*PTA*) meeting. Rebecca's husband is the brother of AAA's husband. Because Rebecca's husband was plowing the field at that time, he asked Rebecca to come with accused-appellant instead. At about 2:30 p.m. of that day, when Rebecca and accused-appellant were already in front of AAA's house on their way to the school to attend the PTA meeting, accused-appellant peeped through the window of AAA's house and called out to ask AAA, "Marehan, is padrehan still in Cebu?" AAA answered that her husband was still in Cebu. Accused-appellant calls AAA "marehan" because AAA's husband is the godfather of his eldest child.⁶

On 3 July 2005, at about 1:00 a.m., accused-appellant stealthily entered AAA's house through a hole on the floor. AAA's house had GI roofing but the floor was made of bamboo slats and elevated from the ground. While she and her four children were sleeping inside the mosquito net, AAA heard a noise coming through the floor. To AAA's right was her youngest child and BBB, her eight-year old daughter; while to her left were

⁴ Id. at 56.

⁵ The true name of the victim had been replaced with fictitious initials in conformity to Administrative Circular No. 83-2015 (Subject: *Protocols And Procedures In the Promulgation, Publication, And Posting On The Websites Of Decisions, Final Resolutions, And Final Resolutions, And Final Orders Using Fictitious Names*). The confidentiality of the identity of the victim is mandated by Republic Act (R.A.) No. 7610 ("*Special Protection of Children Against Abuse, Exploitation and Discrimination Act*"); R.A. No. 8508 ("*Rape Victim Assistance And Protection Act of 1998*"); R.A. No. 9208 ("*Anti-Trafficking In Persons Act Of 2003*"); R.A. No. 9262 ("*Anti-Violence Against Women And Their Children Act Of 2004*"); and R.A. No. 9344 ("*Juvenile Justice And Welfare Act Of 2006*").

⁶ TSN, 13 July 2010, pp. 4-9.

her two sons. Because the light was on, AAA saw that it was accused-appellant who entered the house. Armed with a bolo, accused-appellant switched off the light and entered the mosquito net. He poked his bolo at AAA and told her not to make any noise, otherwise, he would kill her and her children. He told her that he needed only her. He told AAA to remove her panty but she could not move because of fear. BBB woke up but she likewise did not move because she heard the threat made by accused-appellant to her mother. BBB also heard accused-appellant tell her mother “matagal na kitang gusto.”⁷

Because AAA’s youngest child was crying, accused-appellant told AAA to breastfeed her child. It was while AAA was breastfeeding that accused-appellant removed her panty, placed himself on top of her, and forcefully inserted his penis into her vagina. After his carnal knowledge of AAA, accused-appellant left while AAA just cried out of fear. Thereafter, AAA and BBB found that accused-appellant was able to enter the house through a hole on the floor. She saw a black female panty on the floor which she believed belonged to accused-appellant because whenever she washed clothes at the river she would usually see him there taking a bath and wearing a black panty. She found out that the bolo he used to threaten her with actually belonged to them; she had placed it that night on the floor near where she and her children lay.⁸

That same morning, AAA went to the house of her parents-in-law and narrated to them what happened to her. On that same day, she went to the police as advised by her parents-in-law and submitted herself to a medical examination by Dr. Salarda. A medico-legal examination report⁹ was issued to her after she paid P100.00.¹⁰ Due to the filing of this case against accused-appellant, she incurred around P20,000.00 going to the Municipal Circuit Trial Court in Dagohoy. Her husband, who was earning P5,000.00 weekly while working at a furniture company in Banilad, Cebu, also lost his job as a result of the filing of this case.¹¹

Version of the Defense

In his defense, accused-appellant, his brother Basilio, and Sanie¹² Bautista (*Sanie*) testified.

On 2 July 2005, accused-appellant, a barangay tanod, and Basilio went to the house of Kagawad Dioscoro Lofranco (*Lofranco*) to ask for

⁷ TSN, 16 July 2009, pp. 5-7 and 15; TSN, 10 November 2009, p. 6.

⁸ Id. at pp. 8-9, 17.

⁹ Records, p. 8; Exh. “B.”

¹⁰ Id. at 7; Exh. “C.”

¹¹ TSN, 16 July 2009, pp. 10-13; TSN, 13 July 2010, p. 14.

¹² Also referred to as “Sonnies” in the TSN.

instructions on what to do for the conduct of a vigil before proceeding to the house of the deceased barangay captain, Pedro Bautista (*Bautista*). Lofranco told accused-appellant to stay at the plaza near the house of Bautista. Accused-appellant and Basilio proceeded to the plaza to await Bautista's body. Basilio stayed with accused-appellant all the time during the vigil.¹³

Sanie arrived at the house of Bautista, his cousin, at around 7:00 p.m. He saw accused-appellant sitting on a bench at the plaza. He also stayed with accused-appellant from 10:00 p.m. until 7:00 a.m. the following day.¹⁴

Because Bautista's body had not arrived, accused-appellant and Basilio went home at around 6:00 a.m. the following day. At around 8:00 a.m., while on his way back to the vigil, accused-appellant was arrested by the police officers and brought to the Danao Philippine National Police (*PNP*) station where he was investigated about the rape case filed by AAA. There he saw AAA and Rebecca.¹⁵

The Ruling of the RTC

The RTC found that the testimony of AAA was straightforward and believable because it was not shown that there was a reason for her to falsely charge accused-appellant with rape if this was not true. The RTC noted that, although BBB did not know how accused-appellant came to their house on 3 July 2005 and threatened her mother, this however did not weaken the case of the prosecution since AAA's testimony was sufficient to prove that she was raped, which was further confirmed by the testimony of Dr. Salarda. Moreover, Rebecca's testimony revealed a circumstantial fact that showed accused-appellant made sure that AAA's husband was not around.¹⁶

The RTC found the alibi of accused-appellant very weak viewed against the positive testimony of AAA. The RTC held that it was not physically impossible for accused-appellant to be at the house of AAA since Bautista's house was just within the neighborhood.¹⁷ Hence, the RTC resolved the charge of AAA against accused-appellant as follows:

WHEREFORE, considering the foregoing, the court hereby finds accused Jesus Empuesto y Socatre GUILTY beyond reasonable doubt for the crime of Rape. In accordance with the penalty set forth under Article 266-A of the Revised Penal Code, this court hereby sentences him to



¹³ TSN, 7 October, 2010, pp. 5-6; TSN, 9 November 2010, pp. 2-5; TSN, 9 December 2010, pp. 3-4; TSN, 9 August 2011, pp. 4-6.

¹⁴ TSN, 9 August 2011, pp. 4-6, 8.

¹⁵ TSN, 9 November 2010, pp. 6-9.

¹⁶ CA rollo, pp. 166-168.

¹⁷ Id. at pp. 168-169.

suffer the penalty of RECLUSION PERPETUA. He is likewise sentenced to pay civil indemnity to the victim AAA in the amount of FIFTY THOUSAND PESOS (₱50,000.00), Philippine Currency.

As it appears on record that the accused is under detention at the Talibon District Jail, said accused shall be credited with the full period of his detention subject to an assessment by the Jail Warden on his demeanor while in said detention center.

SO ORDERED.

The Ruling of the CA

The CA, Nineteenth Division ruled that AAA's positive and categorical testimony sufficiently established the commission of rape upon her by accused-appellant. The CA found that accused-appellant's contention on the inconsistency of AAA's testimony as to when she realized he had entered her house cannot overthrow the veracity of her testimony. Moreover, AAA's failure to shout or seek for help cannot destroy her credibility or negate the commission of rape. The CA further held that AAA's credibility was fortified by her acts right after the incident, i.e., seeking help from her parents-in-law and, acting upon their advice, reporting the incident to the police and submitting herself to medical examination.¹⁸

While it affirmed the RTC decision, the CA found the need to award to AAA moral damages and exemplary damages in the amount of ₱50,000.00 and ₱30,000.00, respectively, with interest at the rate of six percent (6%) per annum on all the damages awarded from the date of finality of judgment until fully paid.

The dispositive portion of the CA's decision reads:

WHEREFORE, the decision of the Regional Trial Court, Branch 52, Talibon, Bohol, dated July 23, 2012, finding accused-appellant Jesus Empuesto y Socatre guilty beyond reasonable doubt of the crime of Rape is hereby AFFIRMED with the following MODIFICATIONS –

- (1) Moral damages is awarded in the amount of Fifty Thousand Pesos (₱50,000.00);
- (2) Exemplary damages is likewise awarded in the amount of ₱30,000.00; and
- (3) Interest at the rate of 6% per annum shall be imposed on all damages awarded from the date of the finality of this judgment until fully paid.



¹⁸ Id. at pp. 83-85.

ISSUE

THE COURT A QUO ERRED IN PRONOUNCING THE GUILT OF JESUS EMPUESTO DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

OUR RULING

The appeal lacks merit.

The findings of fact of the trial court are accorded respect by the Court.

Jurisprudence instructs that the assessment of the credibility of witnesses is a task most properly within the domain of trial courts.¹⁹ Trial judges enjoy the advantage of observing the witness' deportment and manner of testifying: her "furtive glance, blush of conscious shame, hesitation, flippant or sneering tone, calmness, sigh, or the scant or full realization of an oath"; all of which are useful aids for an accurate determination of a witness' honesty and sincerity.²⁰ Thus, in a catena of cases, the Court has consistently ruled as follows:

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

The Court had meticulously examined the records of this case but found no reason to depart from the findings of the trial court, which were affirmed by the CA. Accused-appellant failed to show that both tribunals overlooked a material fact that otherwise would change the outcome of the case or misunderstood a circumstance of consequence in their evaluation of

¹⁹ *People v. Gerola*, G.R. No. 217973, 19 July 2017.

²⁰ *Id.* citing *People v. Gahi*, 727 Phil. 642, 658 (2014); *People v. Amistoso*, 701 Phil. 345, 356-357 (2013); *People v. Aguilar*, 565 Phil. 233, 247 (2007).

²¹ *People v. Labraque*, G.R. No. 225065, 13 September 2017; citing *People v. Alberca*, G.R. No. 217459, 7 June 2017.



the credibility of the witnesses.²² Conjunctively, the Court had scrupulously applied in this case the three principles that had consistently guided it 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 defense²³; and arrived at the unyielding conclusion that the prosecution was able to efficaciously discharge its burden of proving the guilt of accused-appellant beyond reasonable doubt.

The elements of rape were proven.

For a charge of rape under Article 266-A(1)²⁴ of Republic Act 8353²⁵ to prosper, it must be proved 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.²⁶ The gravamen of rape under Article 266-A (1) is carnal knowledge of a woman against her will or without her consent.²⁷ Moreover, what is decisive in a charge of rape is the complainant's positive identification of the accused as the malefactor.²⁸

Records will confirm that AAA was able to positively identify accused-appellant as the person who surreptitiously entered her house. She knew accused-appellant because they were neighbors. Her husband was the godfather of accused-appellant's eldest son, thus, he called her "marehan." On the early dawn of 3 July 2005, AAA was roused from her sleep when she heard a noise coming through the bamboo slats floor of her house. Because the room where AAA and her children were sleeping was lighted, she was able to distinctly see accused-appellant armed with a bolo and standing beside the mosquito net. She saw accused-appellant turn off the light and get inside the mosquito net.



²² *People v. Amar*, G.R. No. 223513, 5 July 2017.

²³ *People v. Rubillar*, G.R. No. 224631, 23 August 2017.

²⁴ "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.

²⁵ Entitled "*An Act Expanding The Definition Of The Crime Of Rape, Reclassifying The Same As a Crime Against Persons, Amending For The Purpose Act No. 3815, As Amended, Otherwise Known As The Revised Penal Code, And For Other Purposes*" dated 30 September 1997.

²⁶ *People v. Francica*, G.R. No. 208625, 6 September 2017.

²⁷ *People v. Corpuz*, G.R. No. 208013, 3 July 2017.

²⁸ *People v. Udtohan*, G.R. No. 228887, 2 August 2017.

Indeed, even if accused-appellant turned off the light, she was sure that it was he who got inside the mosquito net because she clearly recognized his voice, viz: when he threatened her not to make any noise, otherwise, he would kill her and her children; when he told her that he needed only her; when he ordered her to remove her panty; and when he instructed her to breastfeed her youngest child who was then crying.

AAA testified that because she was immobilized by fear, accused-appellant was the one who removed her panty. Accused-appellant then positioned himself on top of her and inserted his penis into her vagina; these he did while she was breastfeeding her child. Undeniably, all the elements of rape had been clearly and effectively proven by the prosecution and convinced the Court to sustain the findings of the trial court.

The testimony of AAA was credible and straightforward.

Accused-appellant's position that there was inconsistency on AAA's testimony as to when he entered her house. He claimed that AAA testified during the direct examination that somebody was making his way inside her house before he (accused-appellant) had come in; but during cross-examination she claimed that she noticed somebody was inside the house only upon seeing him standing beside the mosquito net.²⁹

It must be remembered that "(I)n rape cases, the credibility of the victim is almost always the single most important issue. If the testimony of the victim passes the test of credibility, which means it is credible, natural, convincing and consistent with human nature and the normal course of things, the accused may be convicted solely on that basis."³⁰ The Court notes that the testimony of AAA was credible and straightforward and replete with details which can only be known to her because these were the truth.

Contrary to the claim of accused-appellant, there was actually no inconsistency in AAA's testimony. AAA stated during direct examination that she noticed that somebody had entered her house when she heard sounds coming through the bamboo slats floor; that thereafter she saw the accused-appellant with the bolo; and that accused-appellant then turned off the light and entered the mosquito net.³¹ During cross-examination, AAA merely reiterated her earlier testimony.³²



²⁹ CA rollo, pp. 22-23.

³⁰ *People v. Descartin*, G.R. No. 215195, 7 June 2017.

³¹ TSN, 16 July 2009, p. 6.

³² *Id.* at 16.

Granting for the sake of argument that there was inconsistency in AAA's testimony as to when she noticed that accused-appellant had come into her house, it must be stressed that the settled rule in our jurisprudence is that **inconsistencies in the testimony of witnesses with respect to minor details and collateral matters do not affect either the substance of their declaration, their veracity, or the weight of their testimony.**³³ These supposed discrepancies, not being elements of the crime, do not diminish the credibility of AAA's declarations.³⁴ The Court even underscores its unfailing pronouncement that "(I)naccuracies and inconsistencies are expected in a rape victim's testimony. Rape is a painful experience which is oftentimes not remembered in detail. It causes deep psychological wounds that scar the victim for life and which her conscious and subconscious mind would opt to forget."³⁵ Moreover, "minor inconsistencies strengthen the credibility of the witness and the testimony, because of a showing that such charges are not fabricated. What is decisive in a charge of rape is the complainant's positive identification of the accused as the malefactor."³⁶

Accused-appellant tried to dent AAA's credibility by raising an issue as to her testimony that BBB knew that it was he who entered the house because BBB recognized his voice. Accused-appellant claimed that when BBB testified, she claimed that she came to know who the intruder was only after the incident.³⁷

The Court does not see any reason not to find AAA's testimony credible on the basis of BBB's admission that she was not able to recognize who entered their house on that fateful dawn of 3 July 2005. AAA, to stress, was able to positively identify the person who raped her. AAA's disclosure that the accused-appellant raped her is the most important proof of the commission of the crime.³⁸ Significantly, jurisprudence declares that in prosecuting a crime of rape, the accused may be convicted solely on the basis of the testimony of the victim that is credible, convincing, and consistent with human nature and the normal course of things,³⁹ as is true in this case. Likewise, it is settled in this jurisdiction that as long as the testimony of the witness, herein AAA, is coherent and intrinsically believable as a whole, discrepancies in minor details and collateral matters do not affect the veracity or detract from the essential credibility of the witness' declarations.⁴⁰

AAA's credibility was further reinforced by her prompt report of the incident to her parents-in-law and her submission to an investigation by the

³³ *People v. Gerola*, supra note 19.

³⁴ *People v. Divinagracia, Jr.*, G.R. No. 207765, 26 July 2017.

³⁵ *People v. Tuballas*, G.R. No. 218572, 19 June 2017.

³⁶ *People v. Udtohan*, Supra note 28.

³⁷ CA rollo, p. 24.

³⁸ *People v. Agudo*, G.R. No. 219615, 7 June 2017.

³⁹ *People v. Carillo*, G.R. No. 212814, 12 July 2017.

⁴⁰ Id.

police authorities and medical examination by a health officer. These facts confirm that she did not have the luxury of time to fabricate a rape story.⁴¹ Also, the claim of AAA that she was raped was confirmed by Dr. Salarda's findings, viz: 0.5 cm. fresh laceration at the labia minora at 3 o'clock position and 0.3 cm. ulceration of labia minora at 6 o'clock position.

Noteworthy, the record is bereft of any showing that AAA had ill motive against accused-appellant sufficient to encourage her to fabricate falsehood that would expose her to shame and humiliation. Thus, there is no reason to depart from the well-ensconced doctrine that where there is no evidence to show any dubious or improper motive why a prosecution witness should bear false witness against the accused or falsely implicate him in a heinous crime, the testimony is worthy of full faith and credit.⁴²

In his futile attempt to discredit AAA, accused-appellant averred that her failure to avail of assistance was inconsistent with her claim of forced or non-consensual sexual intercourse.⁴³

Accused-appellant had threatened AAA that he would kill her and her children if she made noise. In rape cases, the perpetrator hopes to build a climate of extreme and psychological terror, which would numb his victim into silence and submissiveness,⁴⁴ as what had happened in this case. Undeniably, AAA, who was helpless, had no reason not to believe that accused-appellant would make good on his threat since he was armed with a bolo at that time, and that definitely he had the ease to accomplish his threat considering that her children, all minors, were beside her. Additionally, it is important to state the enlightened teaching that the workings of the human mind placed under emotional stress are unpredictable, and people react differently – some may shout, others may faint, and still others may be shocked into insensibility even if there may be a few who may openly welcome the intrusion.⁴⁵ For AAA, she would rather be defiled than see her children harmed.

The defense proffered by accused-appellant was inherently weak.

The defense of denial and alibi offered by accused-appellant in order to extricate himself from any liability was inherently weak. His assertions that he was attending a wake on 2 July 2005 from 7:00 p.m. until 7:00 a.m. the following day, and that he was with Basilio and Sanie all that time, fail to convince.

⁴¹ *People v. Gunsay*, G.R. No. 223678, 5 July 2017.

⁴² *People v. Fabro*, G.R. No. 208441, 17 July 2017.

⁴³ CA rollo, pp. 24-25.

⁴⁴ *People v. Descartin*, supra note 30.

⁴⁵ *People v. Amar*, supra Note 22.

In his testimony, accused-appellant claimed that he went home at about 6:00 a.m. on 3 July 2005; and that at home were his children and Annie, the wife of his older brother.⁴⁶ On the one hand, to prove that they were together even after coming from the vigil, Basilio stated that he and accused-appellant went home at 7:00 a.m. and even had breakfast at their father's house.⁴⁷ Indeed, this testimony of Basilio fatally weakened his claim that he was with the accused-appellant the whole time on the night of 2 July 2005 until 7:00 a.m. the following day, considering that by the accused-appellant's account he was already home by 6:00 a.m. and did not have his breakfast at his father's house. The inconsistency in Basilio's statement with that of the accused-appellant will only prove that Basilio would logically do anything to see his brother acquitted of the charge against him.

Sanie testified that he was inside Bautista's house at 8:00 p.m. on 2 July 2005 while accused-appellant was by the plaza waiting for Bautista's body.⁴⁸ Similar to Basilio, Sanie's testimony rendered ineffectual his claim that he was with the accused-appellant the whole night of 2 July 2005 until 7:00 a.m. the following day, taking into account his (Sanie's) admission that he served coffee and played cards during the vigil.⁴⁹

“Denial, if unsubstantiated by clear and convincing evidence, is a self-serving assertion that deserves no weight in law, as in this case. Likewise, *alibi* is one of the weakest defenses not only because it is inherently frail and unreliable, but also because it is easy to fabricate and difficult to check or rebut.”⁵⁰ To merit approbation, accused-appellant must adduce clear and convincing evidence that he was in a place other than the *situs criminis* at the time when the crime was committed, such that it was physically impossible for him to have been at the scene of the crime when it was committed.⁵¹

Accused-appellant admits that the house of AAA was only 400 meters away from the house of Bautista;⁵² thus, it was not physically improbable for him to have been at the scene of the crime when it was committed. Coupled with the fact that neither Basilio's nor Sanie's testimony fortified the accused-appellant's defense that he was at the vigil the whole night of 2 July 2005 until 7:00 a.m. the following day, there is evidently enough basis to readily strike down his defense of denial and alibi as without merit.



⁴⁶ TSN, 9 November 2010, p. 6.

⁴⁷ TSN, 9 December 2010, pp. 5-6.

⁴⁸ TSN, 9 August 2011, p. 5.

⁴⁹ *Id.* at pp. 6-7

⁵⁰ *People v. Amar*, supra note 45.


⁵¹ *People v. Primavera*, G.R. No. 223138, 5 July 2017.

⁵² TSN, 9 November 2010, p. 17.


Following the ruling in *People v. Jugueta*,⁵³ the damages awarded to AAA must be modified as follows: civil indemnity of ₱75,000.00; moral damages of ₱75,000.00; and exemplary damages of ₱75,000.00. Accused-appellant shall further pay interest of 6% per annum on the civil indemnity and moral and exemplary damages reckoned from the finality of this decision until full payment.

WHEREFORE, the appeal is **DENIED**. Jesus Empuesto y Socatre is hereby found guilty beyond reasonable doubt of Rape under Art. 266-A 1(a) of the Revised Penal Code, as amended, and is sentenced to suffer the penalty of *reclusion perpetua*. He is further ordered to pay AAA ₱75,000.00 as civil indemnity; ₱75,000.00 as moral damages; and ₱75,000.00 as exemplary damages. The civil indemnity and moral and exemplary damages shall earn interest at the rate of six percent (6%) *per annum* from the date of finality of this judgment until fully paid.


SO ORDERED.


SAMUEL R. MARTIRES
 Associate Justice

WE CONCUR:


PRESBITERO J. VELASCO, JR.
 Associate Justice
 Chairperson


LUCAS P. BERSAMIN
 Associate Justice

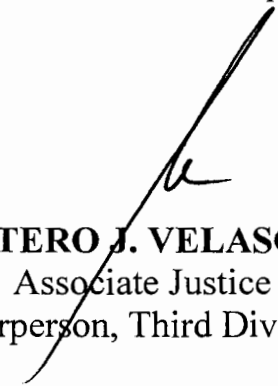

MARVIC M. V. F. LEONEN
 Associate Justice

⁵³ *People v. Jugueta*, G.R. No. 202124, 5 April 2016, 788 SCRA 331, 372-373.


ALEXANDER G. GESMUNDO
 Associate Justice


ATTESTATION

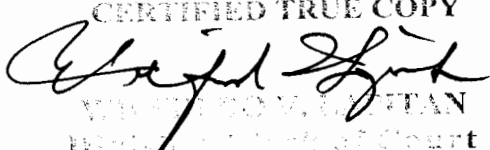
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


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.


MARIA LOURDES P. A. SERENO
 Chief Justice

CERTIFIED TRUE COPY

 VINCENT M. CARAT
 Director, Office of Court Administration
 FEB 05 2018