



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 243583

Present:

PERALTA, C.J., Chairperson,
CAGUIOA,
REYES, J., JR.,
LAZARO-JAVIER, and
LOPEZ, JJ.

- versus -

DDD @ Adong,¹

Accused-Appellant.

Promulgated:

SEP 03 2020

X-----

DECISION

PERALTA, C.J.:

This is an appeal from the Decision² of the Court of Appeals dated September 28, 2018, in CA G.R. CR-HC No. 01657-MIN, which affirmed with modification the Judgment,³ dated July 7, 2016, of the Regional Trial Court (RTC), Branch 7, Ninth Judicial Region, Dipolog City, in Criminal Case Nos. 13369 to 13382, finding accused-appellant DDD guilty beyond reasonable doubt of fourteen (14) counts of rape as defined and penalized under Article 266-A and Article 266-B of the Revised Penal Code.

The facts are as follows:

¹ The real name of the accused-appellant is withheld pursuant to Amended Administrative Circular No. 83-15 dated September 5, 2017.

² *Rollo*, pp. 3-29. Penned by Associate Justice Walter S. Ong, and concurred in by Associate Justices Edgardo A. Camello and Perpetua T. Atal-Paño.

³ *CA rollo*, pp. 38-53.

In separate Informations, accused-appellant was charged with 14 counts of rape, as defined and penalized under Article 266-A of the Revised Penal Code, in relation to Republic Act (R.A.) No. 7610, comprising of six (6) cases of rape committed against his minor daughter AAA⁴ and eight (8) cases of rape committed against his other minor daughter BBB, viz.:

Criminal Case No. 13369:

That in the evening, on or about the 19th day of May, 2001, in the Municipality of [REDACTED], Zamboanga del Norte, within the jurisdiction of this Honorable Court, the said accused, moved by lewd and unchaste desire by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously succeed in having sexual intercourse with his own daughter [AAA], a 14-year-old minor, against her will and without her consent.

CONTRARY TO LAW[.] (Viol. of Art. 266-A of the Revised Penal Code, in relation to R.A. 7610, with the aggravating/qualifying circumstances: that the victim is under eighteen (18) years of age and the offender is the parent of the victim)⁵

Criminal Case No. 13370:


That in the evening, on or about the 27th day of July, 2001, in the Municipality of [REDACTED], Zamboanga del Norte, within the jurisdiction of this Honorable Court, the said accused, moved by lewd and unchaste desire by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously succeed in having sexual intercourse with his own daughter [AAA], a 14-year-old minor, against her will and without her consent.

CONTRARY TO LAW[.] (Viol. of Art. 266-A of the Revised Penal Code, in relation to R.A. 7610, with the aggravating/qualifying circumstances: that the victim is under eighteen (18) years of age and the offender is the parent of the victim)⁶

⁴ The identity of the victim or any information to 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"; Section 40 of A.M. No. 04-10-11-SC, known as the "Rule on Violence Against Women and Their Children," effective November 5, 2004; *People v. Cabalquinto*, 533 Phil. 703, 709 (2006); and Amended Administrative Circular No. 83-2015 dated September 5, 2017, Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances.

⁵ Records of Criminal Case No. 13369, p. 1.

⁶ Records of Criminal Case No. 13370, p. 1.



Criminal Case No. 13371:

That in the evening, on or about the 8th day of September, 2001, in the Municipality of [REDACTED], Zamboanga del Norte, within the jurisdiction of this Honorable Court, the said accused, moved by lewd and unchaste desire by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously succeed in having sexual intercourse with his own daughter [AAA], a 14-year-old minor, against her will and without her consent.

CONTRARY TO LAW[.] (Viol. of Art. 266-A of the Revised Penal Code, in relation to R.A. 7610, with the aggravating/qualifying circumstances: that the victim is under eighteen (18) years of age and the offender is the parent of the victim)⁷

Criminal Case No. 13372:

That in the evening, on or about the 29th day of December, 2001, in the Municipality of [REDACTED], Zamboanga del Norte, within the jurisdiction of this Honorable Court, the said accused, moved by lewd and unchaste desire by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously succeed in having sexual intercourse with his own daughter [AAA], a 14-year-old minor, against her will and without her consent.

CONTRARY TO LAW[.] (Viol. of Art. 266-A of the Revised Penal Code, in relation to R.A. 7610, with the aggravating/qualifying circumstances: that the victim is under eighteen (18) years of age and the offender is the parent of the victim)⁸

Criminal Case No. 13373:

That in the evening, on or about the 5th day of July, 2002, in the Municipality of [REDACTED], Zamboanga del Norte, within the jurisdiction of this Honorable Court, the said accused, moved by lewd and unchaste desire by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously succeed in having sexual intercourse with his own daughter [AAA], a 14-year-old minor, against her will and without her consent.

CONTRARY TO LAW[.] (Viol. of Art. 266-A of the Revised Penal Code, in relation to R.A. 7610, with the aggravating/qualifying circumstances: that the victim is under eighteen (18) years of age and the offender is the parent of the victim)⁹

⁷ Records of Criminal Case No. 13371, p. 1.
⁸ Records of Criminal Case No. 13372, p. 1.
⁹ Records of Criminal Case No. 13373, p. 1.

Criminal Case No. 13374:

That in the evening, on or about the 15th day of July, 2002, in the Municipality of [REDACTED], Zamboanga del Norte, within the jurisdiction of this Honorable Court, the said accused, moved by lewd and unchaste desire by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously succeed in having sexual intercourse with his own daughter [AAA], a 14-year-old minor, against her will and without her consent.

CONTRARY TO LAW[.] (Viol. of Art. 266-A of the Revised Penal Code, in relation to R.A. 7610, with the aggravating/qualifying circumstances: that the victim is under eighteen (18) years of age and the offender is the parent of the victim)¹⁰

Criminal Case No. 13375:


That in the evening, on or about the 17th day of July, 2002, in the Municipality of [REDACTED], Zamboanga del Norte, within the jurisdiction of this Honorable Court, the said accused, moved by lewd and unchaste desire by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously succeed in having sexual intercourse with his own daughter [BBB], a 12-year-old minor, against her will and without her consent.

CONTRARY TO LAW[.] (Viol. of Art. 266-A of the Revised Penal Code, in relation to R.A. 7610, with the aggravating/qualifying circumstances: that the victim is under eighteen (18) years of age and the offender is the parent of the victim)¹¹

Criminal Case No. 13376:

That in the evening, on or about the 4th day of September, 2004, in the Municipality of [REDACTED], Zamboanga del Norte, within the jurisdiction of this Honorable Court, the said accused, moved by lewd and unchaste desire by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously succeed in having sexual intercourse with his own daughter [BBB], a 12-year-old minor, against her will and without her consent.

CONTRARY TO LAW[.] (Viol. of Art. 266-A of the Revised Penal Code, in relation to R.A. 7610, with the aggravating/qualifying circumstances: that the victim is under eighteen (18) years of age and the offender is the parent of the victim)¹²



¹⁰ Records of Criminal Case No. 13374, p. 1.

¹¹ Records of Criminal Case No. 13375, p. 1.

¹² Records of Criminal Case No. 13376, p. 1.

Criminal Case No. 13377:

That in the evening, on or about the 8th day of September, 2004, in the Municipality of ████████, Zamboanga del Norte, within the jurisdiction of this Honorable Court, the said accused, moved by lewd and unchaste desire by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously succeed in having sexual intercourse with his own daughter [BBB], a 12-year-old minor, against her will and without her consent.

CONTRARY TO LAW[.] (Viol. of Art. 266-A of the Revised Penal Code, in relation to R.A. 7610, with the aggravating/qualifying circumstances: that the victim is under eighteen (18) years of age and the offender is the parent of the victim)¹³

Criminal Case No. 13378:


That in the evening, on or about the 25th day of December, 2004, in the Municipality of ████████, Zamboanga del Norte, within the jurisdiction of this Honorable Court, the said accused, moved by lewd and unchaste desire by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously succeed in having sexual intercourse with his own daughter [BBB], a 12-year-old minor, against her will and without her consent.

CONTRARY TO LAW[.] (Viol. of Art. 266-A of the Revised Penal Code, in relation to R.A. 7610, with the aggravating/qualifying circumstances: that the victim is under eighteen (18) years of age and the offender is the parent of the victim)¹⁴

Criminal Case No. 13379:

That in the evening, on or about the 29th day of December, 2004, in the Municipality of ████████, Zamboanga del Norte, within the jurisdiction of this Honorable Court, the said accused, moved by lewd and unchaste desire by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously succeed in having sexual intercourse with his own daughter [BBB], a 12-year-old minor, against her will and without her consent.

CONTRARY TO LAW[.] (Viol. of Art. 266-A of the Revised Penal Code, in relation to R.A. 7610, with the aggravating/qualifying circumstances: that the victim is under eighteen (18) years of age and the offender is the parent of the victim)¹⁵



¹³ Records of Criminal Case No. 13377, p. 1.

¹⁴ Records of Criminal Case No. 13378, p. 1.

¹⁵ Records of Criminal Case No. 13379, p. 1.

Criminal Case No. 13380:

That in the evening, on or about the 13th day of February, 2005, in the Municipality of [REDACTED], Zamboanga del Norte, within the jurisdiction of this Honorable Court, the said accused, moved by lewd and unchaste desire by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously succeed in having sexual intercourse with his own daughter [BBB], a 12-year-old minor, against her will and without her consent.

CONTRARY TO LAW[.] (Viol. of Art. 266-A of the Revised Penal Code, in relation to R.A. 7610, with the aggravating/qualifying circumstances: that the victim is under eighteen (18) years of age and the offender is the parent of the victim)¹⁶

Criminal Case No. 13381:

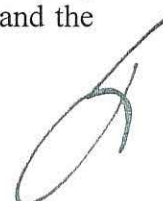
That in the evening, on or about the 4th day of April, 2005, in the Municipality of [REDACTED], Zamboanga del Norte, within the jurisdiction of this Honorable Court, the said accused, moved by lewd and unchaste desire by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously succeed in having sexual intercourse with his own daughter [BBB], a 12-year-old minor, against her will and without her consent.

CONTRARY TO LAW[.] (Viol. of Art. 266-A of the Revised Penal Code, in relation to R.A. 7610, with the aggravating/qualifying circumstances: that the victim is under eighteen (18) years of age and the offender is the parent of the victim)¹⁷

Criminal Case No. 13382:

That in the evening, on or about the 23rd day of April, 2005, in the Municipality of [REDACTED], Zamboanga del Norte, within the jurisdiction of this Honorable Court, the said accused, moved by lewd and unchaste desire by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously succeed in having sexual intercourse with his own daughter [BBB], a 12-year-old minor, against her will and without her consent.

CONTRARY TO LAW[.] (Viol. of Art. 266-A of the Revised Penal Code, in relation to R.A. 7610, with the aggravating/qualifying circumstances: that the victim is under eighteen (18) years of age and the offender is the parent of the victim)¹⁸



¹⁶ Records of Criminal Case No. 13380, p. 1.
¹⁷ Records of Criminal Case No. 13381, p. 1.
¹⁸ Records of Criminal Case No. 13382, p. 1.

When arraigned on September 12, 2005, accused-appellant pleaded not guilty to all 14 counts of the crime charged.¹⁹

During trial, the prosecution presented, as witnesses, private complainants AAA and BBB, as well as Dr. Peter Stephen Samonte, a Municipal Health Officer of Zamboanga del Norte.²⁰

The version of the prosecution is summarized in the Judgment of the RTC, thus:

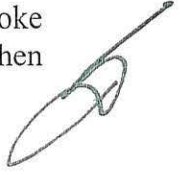
The private complainant [AAA] said that she was born on December 29, 1986 at [REDACTED], Cotabato. Her parents are [CCC] and [DDD]. She has four (4) brothers and three (3) sisters. Her mother died on February 28, 200[0] at [REDACTED], Cotabato. In April, 2001, their family transferred to [REDACTED], Zamboanga del Norte in the house of the sibling of their father [DDD], but only the girls were first transferred and their father worked in a farm owned by [EEE]. The boys were left in Cotabato and their father [DDD] used to go there. While staying in [REDACTED], her father [DDD] had raped her many times and as far as she can remember, her father would usually rape her when he arrives from Cotabato, that is about three (3) to four (4) times a week. [AAA] said that as far as she can remember, her father [DDD] raped her on May 19, 2001, July 27, 2001, September 8, 2001, December 29, 2001, July 5, 2002 and July 15, 2002. These are the only dates that she could remember. On the night of May 19, 2001, [AAA], as she used to, was sleeping in between her sisters. At around 11:00 o'clock in the evening, h[er] father [DDD,] who was drunk because it was his birthday[,] woke her up. Her father transferred her sister and he lay down beside her. When [AAA] moved to the side of her sister, h[er] father [DDD] held her and brought out a bolo. Even if there was no light, she could tell that it was her father because he was the only grown up man in the house. Her father [DDD] removed all her clothes and raped her. When [DDD] removed her clothing, she knew what he was planning because he had been doing it before to her. She could not resist because [DDD] brought a bolo and threatened that he would kill her and her siblings. [AAA] said that her father [DDD] had raped her before when they were still staying in North Cotabato. After her father raped her on May 19, 2001, her father [DDD] just went to sleep. She was fifteen (15) years old at that time while her sister [BBB] was about nine (9) or ten (10) while [FFF] was about three (3) or four (4). On the following day[,] on May 20, 2001, she just did her usual chores because that was what her father told her[,] to act normally because he doesn't want to be imprisoned. On July 27, 2001, because [AAA] did not go home immediately from school, she was fetched by her father [DDD] from the house of her cousin. H[er] father [DDD] was angry and even spanked her. When they arrived home, her father told her to cook. Later in the evening when her sisters were already asleep, her father [DDD] again raped her. She tried to resist but her father forced her. On September 8, 2001, it was a fiesta and [AAA] participated in a dance and when they went home, they went directly to the house of her cousin and also

¹⁹ Records of Criminal Case No. 13369, p. 16.

²⁰ Rollo, p. 11.

her niece and they slept together with her father in the house of [GGG], the brother of her father [DDD]. While they were sleeping, her father, who was drunk, pulled her, removed her clothing then raped her. Her father just told her not to make noise so the others would not know about it. On December 29, 2001, they were at their house and it was her birthday. They did not prepare anything for her birthday but she was suspecting that her father would rape her again. [AAA] went to sleep at around 7:00 o'clock in the evening and her father [DDD] told her that since he just arrived from Cotabato, he wanted to do the thing he used to do to her. Her father again raped her for more or less one (1) hour just like with the other nights. On July 5, 2002, her male siblings were already living with them in [REDACTED]. They were just inside their house because her father would not allow them to go out since he started raping her for fear that she might tell others about it. At about 6:00 to 7:00 o'clock in the evening[,] her father wanted them to sleep already. When they were already asleep, her father slowly moved her other siblings to the other side of the bed and then raped her again. She could not resist because [every time] her father [DDD] would rape her, a bolo is always with him. Her father is an expert in moving without creating a noise even if their floor is made up of bamboo splits. Again, it took more or less one (1) hour for her father to rape her. On July 15, 2002, she and her father had a fight before her father could molest her because she strongly resisted. Her father spanked and brought her downstairs and threatened her to be hacked with the bolo including her other siblings. She just cried and thought that if ever she would have a chance, she would escape from her father. Her father brought her upstairs and told her to lie down and he removed her clothing. He mounted on her and raped her even if her brothers and sisters were already sleeping. On July 16, 2002, [AAA] pretended to go to school and boarded a bus for Butuan City. From [REDACTED], she went to Dipolog City Terminal then took the bus for Cagayan de Oro City[,] then to Butuan City where she worked as a househelper. She stayed in Butuan City for two (2) years[,] then on April 23, 2003 she went to Cotabato to her grandmother to seek help and file a case against her father [DDD]. They filed eight (8) cases against her father in Cotabato. While in Cotabato, her aunt [HHH] of [REDACTED] called her to file the case here because [DDD] is in Zamboanga del Norte. On April 20, 2005, [AAA] initiated these cases against her father. She said that because of what her father did to her, she felt ashamed and worried that she might not have a good future and could not face other people. She said that even death could not compensate what her father did to her and he does not deserve her respect. If it is possible, the accused should be executed immediately and even if he would shed blood, she would not forgive him because he destroyed her honor.

On the other hand[,] complainant [BBB] testified that accused [DDD] is her father. Her mother [CCC] died when she was six (6) years old and at present[,] she resides in [REDACTED], Zamboanga del Norte. She has siblings, namely, [III], [AAA], [JJJ], [KKK], [LLL] and [FFF]. She was born on September 4, 1992 and her mother died in 2002 (*sic*) and their father [DDD] did not remarry. In 2002, they resided in [REDACTED], with her father and siblings. Their house had no room so they had to sleep in one area in the sala. [BBB] was only twelve (12) years old by then in 2002. [BBB] said that in the evening of July 17, 2002[,] while she was sleeping, she was raped by her father [DDD]. At that time[,] her elder brother [III] and elder sister [AAA] were not there. Her father [DDD] woke her up and put a knife on her neck, undressed her and molested her. Then



he put himself on top of her while already naked and molested her. His penis was able to enter her vagina and that was her first time to experience sexual intercourse. She was not able to defend herself nor resist because she was afraid that her father would kill her. She felt pain and was afraid while the penis of her father was inside her vagina. After that incident on July 17, 2002, her father again raped her on September 4 and 8, 2004. Again, her father woke her up and poked a knife on her. She was threatened to be killed if she would make some noise and movement. H[er] father kissed her repeatedly then made a push and pull movement of his buttock. He ejaculated and there was a wet substance coming from his penis. The rape happened again on December 25 and 29, 2004, February 13, April 4 and 23, 2005. As far as she can recall, she was raped by her father seven (7) times and her father would rape her every week. Aside from her, her father also raped her sister [AAA]. She learned about this when her father was arrested because he raped her sister [AAA]. [BBB] said that she confided what happened to her to her aunt [HHH] when the latter asked her why she was always out of her mind and she was no longer acting normally. Her aunt [HHH] brought her to the doctor and had her examined. They went to the Police Station and the DSWD.²¹

Private complainants AAA and BBB were examined on September 23, 2005 and May 3, 2005, respectively, by Dr. Samonte. Thereafter, Dr. Samonte issued two medico-legal certificates²² containing his findings that AAA had healed hymenal lacerations at 3 o'clock, 6 o'clock, 9 o'clock and 12 o'clock positions, while BBB had healed hymenal lacerations at 6 o'clock, 9 o'clock and 12 o'clock positions.

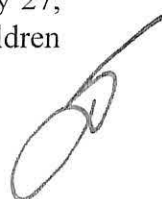
The defense presented accused-appellant as its lone witness. The version of the defense is summarized in the Judgment of the RTC, thus:

The defense presented the accused [DDD] as [the] only witness. He first testified thru his Judicial Affidavit for Crim. Cases No. 13369-13374 filed by [AAA].

The accused [DDD] testified that complainant [AAA] is his daughter. He denied to have raped [AAA] on May 19, 2001 because that day was his birthday. At 4:00 P.M., he went to the center of [REDACTED] together with [MMM] and they drank coconut wine. At 10:00 P.M., [NNN] went to the accused and told him that his elder brother [GGG] got wild and was looking for him. He went home together with [MMM] and when they arrived at the house that they were renting, [GGG] challenged him to a fight and so they fought. The accused ran to the house of [NNN] to borrow a bolo. He returned and hacked the gallon of [GGG] and he ran inside the house and blocked the door holding a bolo and a knife, that was why accused [DDD] was not able to enter the house the whole night. That night, [AAA] slept in the house of [GGG] together with her younger sisters, [BBB] and [FFF]. Accused also denied to have raped [AAA] on July 27, 2001 because on said date he was still in Cotabato and some of his children

²¹ CA rollo, pp. 44-47.

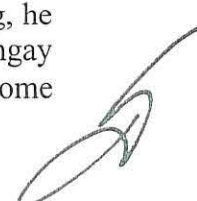
²² Records of Criminal Case No. 13369, pp. 122-123.



were still there. [AAA] stayed in the house of [OOO] in [REDACTED], Zamboanga del Norte because she was studying in [REDACTED]. [DDD] returned to [REDACTED] only in the month of August, 2001 and when he arrived, he took [AAA] from [REDACTED] and transferred her to [REDACTED] and she stayed in the house of [PPP], a cousin of [DDD's] wife because he returned to Cotabato. The accused also denied to have raped [AAA] on September 8, 2001 because on this date, he was still in Cotabato while [AAA] just stayed in the house of his elder sister [QQQ] in [REDACTED]. Accused also denied to have raped [AAA] on December 29, 2001 because that day was the birthday of [AAA]. He was not able to return to [REDACTED] because during that month, he was managing his workers who were cutters of sugarcane in the plantation of [RRR] at [REDACTED], Cotabato. He returned to [REDACTED] only on January 9, 2002 because he brought home his two (2) children, [KKK] and [BBB] and he also accompanied two (2) of his workers who were cutters of sugarcane, namely: [SSS] of [REDACTED], Dipolog City, and [TTT] of [REDACTED], Zamboanga del Norte. Accused also denied to have raped [AAA] on July 5, 2002 because he was not in [REDACTED] on that day. It is true that he already came home from Cotabato and did not return there, but on June 28, 2002, he went to [REDACTED] together with [UUU] and [VVV] to harvest the coconuts of [WWW] who is the neighbor of his younger sibling who lived there. They stayed in [REDACTED] for nine (9) days and they went home only on July 7, 2002. They were even in a hurry because the barangay and Sangguniang Kabataan elections were fast approaching. Accused also denied to have rape[d] [AAA] on July 15, 2002 because that day was the election day for barangay and Sangguniang Kabataan officials. He was in [REDACTED] at that time. That day he scolded and spanked [AAA] because she received three hundred (P300.00) pesos from [XXX] but she voted for [YYY] since she received five hundred (P500.00) pesos. He was so angry with [AAA] because this [XXX] is the nephew of [EEE] who is the owner of the land where they stayed and he had said that he would evict those who would not vote for his nephew. On July 17, 2002, [AAA] went to Cotabato without his knowledge. The accused said that they sleep together in their small house with his children.

Accused [DDD] also testified thru his judicial affidavit for criminal cases 13375-13382 filed by [BBB].

Accused denied to have raped [BBB] on July 17, 2002 because it was the day that [AAA] left their house. At 4:00 P.M., [YYY] went to their house to tell him that [AAA] left for Cebu. Accused immediately went to the house of [ZZZ], [AAA's] classmate[,] to look for her. They left her house at 3:00 A.M. and they reached their house at 4:00 A.M. Accused was not in their house where [BBB] and her brothers and sisters slept the whole night of July 17, 2002. On July 18, 2002, he went to the house of [OOO] in [REDACTED] to look for [AAA] while [BBB] went to school. Accused denied to have raped [BBB] on September 4, 2004 because that day was the birthday of [BBB]. He was at home on that day but it was his practice to sing when any of his children celebrates birthday and his children would gather around him to listen to his songs. His children would go to bed at 10:00 P.M. after studying since they would go to school the following day. Accused also denied to have raped [BBB] on September 8, 2004 because that day was the fiesta of their barangay. Early in the morning, he was no longer in their house because he went to the center of the barangay to watch the programs there. In the evening, he was not also at home



because he went to the disco and he went home only on the following day. His companion to the disco was [YZZ], the son of the owner of the land where they lived. Accused also denied to have raped [BBB] on December 25, 2004 because that day was the birthday of his wife and also Christmas day. The allegation of [BBB] is impossible to happen since all of them were in their house and their house is very small and they even sleep together side by side. Accused also denied to have raped [BBB] on December 29, 2004 and February 13, 2005 because on December 29, 2004, it was the birthday of [AAA]. The allegation of [BBB] was impossible to happen because all of them were in their house. The allegation for February 13, 2005 is also not true. The other children of the accused could testify on this because their house is so small and it has even one room only. Accused also denied to have raped [BBB] on April 4, 2005 because that day was the commencement exercises of [REDACTED] Elementary School. At twelve noon (12:00), he was no longer in their house because he went to the center of [REDACTED]. At five o'clock (5:00) in the afternoon, he went to the house of [YXY], their neighbor together with [WVW], bringing along a guitar because [YXY] butchered two pigs because his child graduated first honor in the elementary. He went home at 4:00 o'clock in the morning the following day. Accused also denied having raped [BBB] on April 23, 2005 because that day was a Saturday and he was making copra together with the son-in-law of [EEE], the owner of the coconut land from where they made copra. In the evening, they agreed to go to the river to catch fish together with the three (3) sons of [EEE], the three (3) sons of the accused and two (2) sons of their neighbor. They went home at 12:00 midnight. The accused said that the family of his wife used [AAA] and [BBB] because they were angry at him since he did not join them in their leftist activities and they wanted to silence him.

The defense formally rested its case without any documents to offer.²³

In its Judgment dated July 7, 2016, the RTC found accused-appellant guilty beyond reasonable doubt of 14 counts of rape as defined and penalized under Article 266-A of the Revised Penal Code, in relation to R.A. No. 7610. The *fallo* of the Judgment reads:

WHEREFORE, judgment is rendered declaring accused [DDD] guilty beyond reasonable doubt in all these fourteen (14) cases of RAPE and is penalized as follows:

1. For Criminal Cases Nos. 13369 to 13374, to suffer six (6) counts of the penalty of RECLUSION PERPETUA with all its accessory penalties and to pay complainant [AAA] civil indemnity of P75,000.00 in each case; moral damages of P75,000.00 in each case and exemplary damages of P25,000.00 in each case or the total sum of P1,050,000.00 in all six (6) cases.

2. For Criminal Cases Nos. 13375 to 13382, to suffer eight (8) counts of the penalty of RECLUSION PERPETUA with all its accessory penalties and to pay complainant [BBB] civil indemnity of P75,000.00 in

each case; moral damages of P75,000.00 in each case and exemplary damages of P25,000.00 in each case or the total sum of P1,400,000.00 in all eight (8) cases.

The detention of the accused since May 3, 2005 shall be credited to his sentence.

SO ORDERED.²⁴

The RTC gave credence to the testimonies of private complainants AAA and BBB. It found that accused-appellant indeed raped his minor daughter AAA repeatedly on May 19, 2001,²⁵ July 27, 2001,²⁶ September 8, 2001,²⁷ December 29, 2001,²⁸ July 5, 2002,²⁹ and July 15, 2002.³⁰ During those times, AAA was still a minor, as evidenced by her birth certificate³¹ issued by the Office of the Municipal Civil Registrar of President Roxas, Cotabato.

Moreover, the RTC found that accused-appellant also repeatedly raped his other minor daughter BBB after AAA left their house. These rape incidents happened on July 17, 2002,³² September 4, 2004,³³ September 8, 2004,³⁴ December 25, 2004,³⁵ December 29, 2004,³⁶ February 13, 2005,³⁷ April 4, 2005,³⁸ and April 23, 2005.³⁹ During those incidents, BBB was still a minor, as evidenced by her birth certificate⁴⁰ issued by the National Statistics Office.

The RTC was convinced that accused-appellant threatened his daughters AAA and BBB during the times he raped them. The trial court stated that the tenderness of their mind and age made them very much susceptible to fear of the accused-appellant who is their own father. In a rape committed by a father against his own children, the father's moral ascendancy

²⁴ *Id.* at 52-53.

²⁵ Criminal Case No. 13369.

²⁶ Criminal Case No. 13370.

²⁷ Criminal Case No. 13371.

²⁸ Criminal Case No. 13372.

²⁹ Criminal Case No. 13373.

³⁰ Criminal Case No. 13374.

³¹ Records of Criminal Case No. 13369, p. 119. The Certification shows that AAA was born on December 29, 1986. Hence, during the rape incidents that took place on May 19, 2001, July 27, 2001, and September 8, 2001, AAA was still 14 years old; while during the rape incidents of December 29, 2001, July 5, 2002, and July 15, 2002, AAA was 15 years old.

³² Criminal Case No. 13375.

³³ Criminal Case No. 13376.

³⁴ Criminal Case No. 13377.

³⁵ Criminal Case No. 13378.

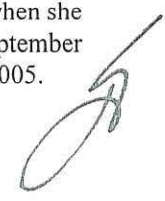
³⁶ Criminal Case No. 13379.

³⁷ Criminal Case No. 13380.

³⁸ Criminal Case No. 13381.

³⁹ Criminal Case No. 13382.

⁴⁰ Records of Criminal Case No. 13369, p. 120. Based on the Certificate of Live Birth issued by the National Statistics Office, BBB was born on September 4, 1992. Hence, BBB was only 9 years old when she was raped on July 17, 2002; while she was 12 years old when she was raped on September 4, 2004, September 8, 2004, December 25, 2004, December 29, 2004, February 13, 2005, April 4, 2005, and April 23, 2005.



and influence over his children substitute for violence and intimidation. However, in the instant cases, the rape is worse because accused-appellant even used intimidation and threat to inflict harm with the use of a *bolo*.

In addition, the RTC said that the fact that these rape incidents were perpetrated by the accused-appellant on his own daughters even in the presence of his other children who were asleep will not help his defense. It has been ruled that rape can be committed even in places where other people congregate, in parks, along the roadside, within school premises, inside a house or where there are other occupants, and even in the same room where there are other members of the family who are sleeping.


The RTC did not believe the accused-appellant's defense of denial as the victims are his daughters, his own flesh and blood. It found no reason for private complainants AAA and BBB to falsely testify against their father. The RTC ruled that the accused-appellant's defense of denial cannot overcome the positive testimonies of private complainants. When a woman or a girl-child says that she has been raped, she says in effect all that is necessary to show that rape has indeed been committed.

Accused-appellant appealed the RTC's Judgment to the Court of Appeals and assigned this lone error:

THE COURT *A QUO* GRAVELY ERRED IN CONVICTING ACCUSED-APPELLANT DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.⁴¹

In its Decision dated September 28, 2018, the Court of Appeals affirmed the Judgment of the RTC with modification in the amount of damages awarded to private complainants by increasing the civil indemnity, and moral and exemplary damages to ₱100,000.00, in accordance with *People v. Jugueta*.⁴²

The Court of Appeals stated that the Appellant's Brief showed that the appeal relied entirely on the following contentions: (1) the testimonies of private complainants are devoid of any details and are, thus, mere conclusions and not factual testimonies; (2) the testimonies of private complainants are incredible, unbelievable and improbable, and appear to be fabricated and rehearsed; and (3) private complainants had the opportunity to immediately report the alleged rape, but they did not do so.



⁴¹ CA rollo, p. 22.

⁴² 783 Phil. 806 (2016).

The Court of Appeals was not convinced by accused-appellant's arguments and addressed the same by citing the discussion of similar arguments in *People v. Pareja*.⁴³ It found nothing unbelievable and improbable in the testimonies of private complainants and stated that the supposed lack of details and failure to report the crime immediately do not detract from the credibility of the testimonies of private complainants, considering the nature of the crime and their relationship to accused-appellant.

The dispositive portion of the Court of Appeals' Decision reads:

WHEREFORE, the instant appeal is DENIED for lack of merit. The assailed *Judgment* dated 07 July 2016, rendered by Branch 7 of the Regional Trial Court, Ninth Judicial Region, [Dipolog City] in Crim. Cases No. 13369 to No. 13382 is hereby AFFIRMED, with the MODIFICATION that the *fallo* of the said *Judgment* shall read, as follows:

WHEREFORE, judgment is rendered declaring accused [DDD] guilty beyond reasonable doubt in all these fourteen (14) cases of RAPE and is penalized as follows:

1. For Criminal Cases Nos. 13369 to 13374, to suffer six (6) counts of the penalty of RECLUSION PERPETUA with all its accessory penalties and to pay complainant [AAA] civil indemnity of P100,000.00 in each case, moral damages of P100,000.00 in each case and exemplary damages of P100,000.00 in each case, or the total sum of P1,800,000.00 in all six (6) cases.

2. For Criminal Cases Nos. 13375 to 13382, to suffer eight (8) counts of the penalty of RECLUSION PERPETUA with all its accessory penalties and to pay complainant [BBB] civil indemnity of P100,000.00 in each case, moral damages of P100,000.00 in each case and exemplary damages of P100,000.00 in each case, or the total sum of P2,400,000.00 in all eight (8) cases.

The detention of the accused since May 3, 2005 shall be credited to his sentence.

SO ORDERED.⁴⁴

Thereafter, the case was elevated to this Court. Accused-appellant, by counsel, filed a Manifestation with Motion⁴⁵ dated July 2, 2019, seeking to be excused from filing a supplemental brief and praying that the arguments in the Appellant's Brief filed before the Court of Appeals be considered by this Court. In its Manifestation and Motion⁴⁶ dated July 17, 2019, the People

⁴³ 724 Phil. 759 (2014).

⁴⁴ *Rollo*, pp. 27-28; italics in the original.

⁴⁵ *Id.* at 46-47.

⁴⁶ *Id.* at 38-40.

likewise prayed to be excused from filing a supplemental brief as it had extensively discussed the issues raised in the Appellee's Brief.

The main issue is whether or not the Court of Appeals correctly upheld the Judgment of the RTC that accused-appellant is guilty beyond reasonable doubt of the crime of rape in these 14 cases.

Article 266-A of the Revised Penal Code provides the elements of rape, thus:

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.

2) By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

In addition, Article 266-B⁴⁷ of the Revised Penal Code provides for the penalties of rape and states that the death penalty shall be imposed if the crime of rape is committed with the aggravating/qualifying circumstance that the victim is under eighteen (18) years of age and the offender is a parent,

⁴⁷ Article 266-B. Penalties. — 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.

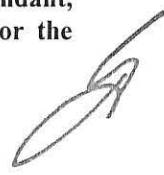
When by reason or on the occasion of the rape, the victim has become insane, the penalty shall be *reclusion perpetua* to death.

When the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be *reclusion perpetua* to death.

When by reason or on the occasion of the rape, homicide is committed, the penalty shall be death.

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

1) 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[.] (Emphasis supplied)



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.

Thus, in this particular case, for a conviction of qualified rape or incestuous rape under Article 266-A, paragraph 1(a), in relation to Article 266-B of the Revised Penal Code, the prosecution must allege and prove the following elements: (1) accused-appellant had carnal knowledge of a woman; (2) such act was accomplished through force, threat or intimidation; (3) the victim is under 18 years of age at the time of the rape; and (4) the offender is a parent of the victim.

The Court holds that all the aforementioned elements of qualified rape were established by the prosecution. Anent the first element, the testimonies of private complainants AAA and BBB showed that accused-appellant had carnal knowledge of AAA six (6) times, and eight (8) times in the case of BBB. The RTC and the Court of Appeals gave credence to their positive testimonies and we sustain their findings.

In regard to the second element of rape aforementioned, when the offender is the victim's father, as in this case, there need not be actual force, threat or intimidation because when a father commits the crime of rape against his own daughter, who was also a minor at the time of the commission of the offenses, his moral ascendancy or influence over the latter substitutes for violence and intimidation.⁴⁸ Nevertheless, as found by the RTC in this case, accused-appellant also used intimidation or threat to inflict harm on private complainants with the use of a *bolo* if they would resist his sexual advances.

Anent the third element of minority, the birth certificates of private complainants AAA and BBB proved that they were under 18 years old during the rape incidents. The birth certificate⁴⁹ of AAA showed that she was born on December 29, 1986. Hence, during the rape incidents that took place on May 19, 2001, July 27, 2001, and September 8, 2001, AAA was only 14 years old; while during the rape incidents of December 29, 2001, July 5, 2002, and July 15, 2002, she was 15 years old. In regard to BBB, her birth certificate⁵⁰ showed that she was born on September 4, 1992. Thus, she was only 9 years old when she was raped on July 17, 2002; while she was 12 years old when she was raped on September 4, 2004, September 8, 2004, December 25, 2004, December 29, 2004, February 13, 2005, April 4, 2005, and April 23, 2005. The said birth certificates also proved that the offender, DDD, is the father/parent of private complainants. In addition, accused-appellant admitted that he is the father of private complainants. Hence, the fourth and last element was established.

⁴⁸ *People v. Bentayo*, 810 Phil. 263, 269 (2017); citation omitted.

⁴⁹ Records of Criminal Case No. 13369, p. 119.

⁵⁰ *Id.* at 120.

In his Appellant's Brief, accused-appellant contended that the RTC erred in convicting him despite the prosecution's failure to prove his guilt beyond reasonable doubt based on the unbelievable testimonies of private complainants. He claimed that the testimonies of private complainants as to the rape incidents were devoid of any details. They simply testified that they were raped on such and such dates, which were mere conclusions and not factual testimonies.

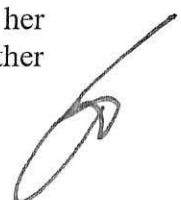
Accused-appellant's contention is unmeritorious. Settled is the rule that the trial court's conclusions on the credibility of witnesses in rape cases are generally accorded great weight and respect and, at times, even finality, unless there appears certain facts or circumstances of weight and value which the lower court overlooked or misappreciated and which, if properly considered, would alter the result of the case.⁵¹ The assessment of the credibility of witnesses is a domain best left to the trial court judge because of his unique opportunity to observe their deportment and demeanor on the witness stand, a vantage point denied appellate courts; and when his findings have been affirmed by the Court of Appeals, these are generally binding and conclusive upon this Court.⁵² In this case, the Court does not find any cogent reason to overturn the conviction of accused-appellant in the 14 rape cases based on the testimonies of private complainants which the trial court and the Court of Appeals found to be credible.

A review of the testimonies of private complainants in the transcript of stenographic notes shows that accused-appellant indeed raped his own daughters or had carnal knowledge of them during the indicated rape incidents. AAA testified that she filed six (6) cases of rape against her father as those were the dates she could remember, although she was raped three to four times a week; while BBB said that she was raped every week and filed eight (8) cases that she could remember, thus implying that accused-appellant raped them more than the number of rape cases they filed with the court. That rape was indeed committed by accused-appellant against his minor daughter BBB eight times was narrated by the trial court concisely based on the testimony of BBB, thus:

[BBB] said that in the evening of July 17, 2002[,] while she was sleeping, she was raped by her father [DDD]. At that time[,] her elder brother [III] and elder sister [AAA] were not there. Her father [DDD] woke her up and put a knife on her neck, undressed her and molested her. Then he put himself on top of her while already naked and molested her. His penis was able to enter her vagina and that was her first time to experience sexual intercourse. She was not able to defend herself nor resist because she was afraid that her father would kill her. She felt pain and was afraid while the penis of her father was inside her vagina. After that incident on July 17, 2002, her father

⁵¹ *People v. Villamor*, 780 Phil. 817, 829 (2016).

⁵² *People v. Pareja*, 724 Phil. 759, 773 (2014); citation omitted.



again raped her on September 4 and 8, 2004. Again, her father woke her up and poked a knife on her. She was threatened to be killed if she would make some noise and movement. H[er] father kissed her repeatedly then made a push and pull movement of his buttock. He ejaculated and there was a wet substance coming from his penis. The rape happened again on December 25 and 29, 2004; February 13, April 4 and 23, 2005.⁵³

Private complainant AAA also testified that during the rape incident of May 19, 2001, when her father DDD undressed her, she already knew what he was planning because he had raped her before: he poked a *bolo* at her, told her to lie down and split her legs, and told her that if she would resist, he would kill her.⁵⁴ She felt pain after she was raped.⁵⁵ Thereafter, she testified that she was raped after her father removed her clothes and mounted on her during the subsequent rape incidents. Accused-appellant's counsel clarified the rape incident of September 8, 2001, thus:

Q - Now, at that time his penis was erect?

A - Yes, ma'am.

Q - And he was able to ejaculate?

A - Yes, ma'am.

Q - In that span of time, how many times?

A - I just felt that there was a fluid coming out.⁵⁶

The trial court placed on record in the transcript of stenographic notes that private complainant AAA was crying when she testified that her father DDD usually raped her when he arrived from Cotabato, and that he raped her three to four times a week.⁵⁷ The Court has ruled that when a woman, more so if she is a minor, says she has been raped, she says, in effect, all that is necessary to prove that rape was committed.⁵⁸ A rape victim's testimony against her parent is entitled to great weight since Filipino children have a natural reverence and respect for their elders. These values are so deeply ingrained in Filipino families and it is unthinkable for a daughter to brazenly concoct a story of rape against her father, if such were not true.⁵⁹

Moreover, accused-appellant argued that the rape incidents were conveniently timed during a significant date, occasion and holiday which is far too contrived to be believable.

⁵³ CA *rollo*, p. 46.

⁵⁴ Records of Criminal Case No. 13369, pp. 225-228.

⁵⁵ *Id.* at 228.

⁵⁶ *Id.* at 270.

⁵⁷ *Id.* at 224.

⁵⁸ *People v. Rosario*, 455 Phil. 876, 886 (2003); citation omitted.

⁵⁹ *Id.*

The argument fails to convince. Accused-appellant insinuates that because some rape incidents coincided with a memorable date or occasion, the rape incidents were contrived and unbelievable. It is in accordance with human experience that people can easily remember the date of an incident when it coincides with or is near the date of a memorable day or occasion. Thus, it is of no moment that some rape incidents happened on the birthday of private complainants, on Christmas day, or the day of the *barangay fiesta*, and if the said occasions aided private complainants in remembering the dates when they were raped, since these do not affect the veracity of private complainants' testimonies. The date of commission of the rape is not an essential element of the crime.⁶⁰ The date and time of commission of the crime of rape become important only when they create serious doubt as to the commission of the rape itself or the sufficiency of the evidence for purposes of conviction. In other words, the date of commission of the rape becomes relevant only when the accuracy and truthfulness of the complainant's narration practically hinge on the date of commission of the crime.⁶¹ In this case, as found by the trial court, the positive testimonies of private complainants that they were raped by accused-appellant are credible and prevail over accused-appellant's weak defenses of denial and unsubstantiated alibi.

Further, accused-appellant questions the credibility of the testimonies of private complainants as they alleged that they were raped while other family members were sleeping near them in the same room.

It is almost a matter of judicial notice that crimes against chastity have been committed in many different places which may be considered as unlikely or inappropriate and that the scene of the rape is not always or necessarily isolated or secluded for lust is no respecter of time or place.⁶² Thus, rape can be and has been committed in places where people congregate, *e.g.*, inside a house where there are occupants, a five-meter room with five people inside or even in the same room which the victim is sharing with the sister of the accused.⁶³ Hence, it is not unbelievable that accused-appellant raped his own daughters while other children were sleeping in the same room.

Lastly, accused-appellant questions the credibility of private complainants who had the opportunity to immediately report the alleged rape, but they did not do so.



⁶⁰ *People v. Bentayo*, 810 Phil. 263, 273 (2017).

⁶¹ *Id.*

⁶² *People v. Sandico*, 366 Phil. 663, 674-675 (1999).

⁶³ *Id.* at 675.

The Court has consistently held that delay in reporting the offense, particularly in incestuous rape, is not indicative of a fabricated charge.⁶⁴ Delay in reporting a rape incident neither diminishes complainant's credibility nor undermines the charges of rape where the delay can be attributed to the pattern of fear instilled by the threats of bodily harm, specially by one who exercised moral ascendancy over the victims.⁶⁵ In incestuous rape, this fear is magnified because the victim usually lives under the same roof as the perpetrator or is at any rate subject to his dominance because of their blood relationship.⁶⁶

In this case, private complainants were of tender age and their mother had died when they were raped by their father. AAA testified that her father always had a *bolo* with him when he raped her, and he threatened to kill her and her siblings if she would resist.⁶⁷ On July 16, 2002, AAA ran away from home and worked as a house helper in Butuan City, where the amount of money she had could transport her. Then, she went to her maternal grandmother in Cotabato in August 2003 to ask for help; they filed eight rape cases against her father in Cotabato. Her aunt, however, told her to file the cases in Zamboanga del Norte where her father was. Hence, AAA filed the cases in the RTC of Dipolog City on April 20, 2005. In regard to BBB, after AAA ran away from home, accused-appellant started to rape BBB who was also threatened with a knife when she was raped. BBB confided to her aunt that her father raped her when her aunt asked her why she was always out of her mind and was no longer acting normally. Her aunt brought her to the doctor for medical examination, then they went to the police station. Accused-appellant was charged with 14 counts of rape in separate Informations, all dated June 10, 2005. Evidently, private complainants' tender age, absence of maternal refuge, and fear of their father who had moral ascendancy and influence over them, and who threatened to kill them with his *bolo* on hand if they would resist his sexual advances, are the understandable reasons for private complainants' delay in reporting the rape incidents.

Accused-appellant's defenses of denial and alibi are inherently weak and easily fabricated. For alibi to prosper, it must be demonstrated that it was physically impossible for accused-appellant to be present at the place where the crime was committed at the time of commission.⁶⁸ The defense did not present any evidence or witness aside from accused-appellant to support his testimony of innocence. In the rape incidents where accused-appellant put up the defense of alibi, he failed to substantiate his alleged presence in another place at the time of the commission of the crime of rape and the physical impossibility for him to be at the scene of the crime. Hence, accused-appellant's bare denial and unsubstantiated alibi cannot prevail over private

⁶⁴ *People v. Marcellana*, 426 Phil. 739, 746 (2002); citation omitted.

⁶⁵ *Id.*; citation omitted.

⁶⁶ *People v. Alfaro*, 458 Phil. 942, 961 (2003); citation omitted.

⁶⁷ TSN, November 10, 2005, pp. 11 and 17-18.

⁶⁸ *People v. Bentayo*, 810 Phil. 263, 274 (2017).

complainants' positive and categorical testimonies that accused-appellant raped them.⁶⁹

Based on the foregoing, the Court upholds the Decision of the Court of Appeals that accused-appellant is guilty beyond reasonable doubt of 14 counts of rape.

In regard to the penalty imposed, the Court of Appeals correctly held:

Under Article 266-B of the Revised Penal Code, as amended by R.A. No. 8353, rape committed through force, threat, or intimidation is punishable by death when the victim is a minor and the offender is a parent. Under R.A. No. 9346, however, the penalty of *reclusion perpetua* is to be imposed in lieu of death. Thus, the penalty imposed by the RTC is correct. However, in conformity with the guidelines established by the Supreme Court in the case of *People of the Philippines v. Jugueta*, the damages awarded by the RTC must be modified, as follows: (i) civil indemnity shall be increased from Php75,000.00 to Php100,000.00 for each count of rape; (ii) moral damages shall be increased from Php75,000.00 to Php100,000.00 for each count of rape; and ([iii]) exemplary damages shall be increased from Php25,000.00 to Php100,000.00 for each count of rape.⁷⁰

In addition, six percent (6%) interest per annum must be imposed on all the damages awarded from the date of finality of this Decision until fully paid.⁷¹ It should also be emphasized that the penalty of *reclusion perpetua* disqualifies accused-appellant from eligibility for parole in accordance with Section 3⁷² of R.A. No. 9346.⁷³

WHEREFORE, the appeal is **DISMISSED**. The Decision dated September 28, 2018 of the Court of Appeals in CA G.R. CR-HC No. 01657-MIN, finding accused-appellant DDD guilty beyond reasonable doubt of the crime of rape in these fourteen (14) rape cases, is **AFFIRMED** with **MODIFICATION** that the award of damages shall earn interest at the rate of six percent (6%) per annum from the date of finality of this Decision until fully paid and that accused-appellant is not eligible for parole. Thus, accused-appellant is penalized as follows:

1. For Criminal Case Nos. 13369 to 13374, accused-appellant is sentenced to suffer six (6) counts of the penalty of **RECLUSION PERPETUA** with all its accessory penalties, and without eligibility for parole, and to pay

⁶⁹ *Id.*

⁷⁰ *Rollo*, p. 27; italics in the original, citation omitted.

⁷¹ *People v. Bandril*, 763 Phil. 150, 162 (2015); citation omitted.

⁷² Section 3. Persons convicted of offenses punished with *reclusion perpetua*, or whose sentences will be reduced to *reclusion perpetua*, by reason of this Act, shall not be eligible for parole under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended.

⁷³ An Act Prohibiting the Imposition of Death Penalty in the Philippines.


complainant AAA civil indemnity of One Hundred Thousand Pesos (₱100,000.00) in each case, moral damages of One Hundred Thousand Pesos (₱100,000.00) in each case, and exemplary damages of One Hundred Thousand Pesos (₱100,000.00) in each case, or the total sum of One Million Eight Hundred Thousand Pesos (₱1,800,000.00) in all six (6) cases.

2. For Criminal Case Nos. 13375 to 13382, accused-appellant is penalized to suffer eight (8) counts of the penalty of **RECLUSION PERPETUA** with all its accessory penalties, and without eligibility for parole, and to pay complainant BBB civil indemnity of One Hundred Thousand Pesos (₱100,000.00) in each case, moral damages of One Hundred Thousand Pesos (₱100,000.00) in each case, and exemplary damages of One Hundred Thousand Pesos (₱100,000.00) in each case, or the total sum of Two Million Four Hundred Thousand Pesos (₱2,400,000.00) in all eight (8) cases.

Interest at the rate of six percent (6%) per annum shall be imposed on all damages awarded from the finality of this Decision until fully paid.

The detention of the accused-appellant since May 3, 2005 shall be credited to his sentence.

SO ORDERED.



DIOSDADO M. PERALTA
Chief Justice

WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



JOSE C. REYES, JR.
Associate Justice



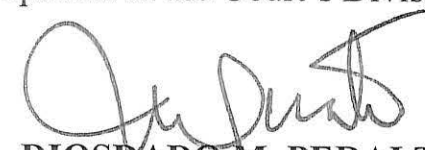
AMY C. LAZARO-JAVIER
Associate Justice



MARIO V. LOPEZ
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

