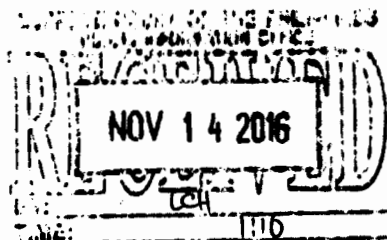




Republic of the Philippines
Supreme Court
Manila

CERTIFIED TRUE COPY
Wilfredo V. Lapitan
WILFREDO V. LAPITAN
Division Clerk of Court
Third Division

NOV 11 2016



THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 208410

Present:

-versus-

VELASCO, JR., J.,
Chairperson,
PERALTA,
BERSAMIN,*
PEREZ, and
REYES, JJ

MARY JOY CILOT y MARIANO
and **ORLANDO BRIGOLE y APON,**
Accused-Appellants.

Promulgated:

October 19, 2016

Wilfredo V. Lapitan

X-----X

DECISION

PEREZ, J.:

For review is the Decision¹ dated 26 September 2012 of the Court of Appeals in CA-G.R. CR-HC No. 04249 affirming the judgment of conviction of appellants Mary Joy Cilot y Mariano (Mary Joy) and Orlando Brigole y Apon (Orlando) by the Regional Trial Court (RTC) of Pasig City, Branch 69 for the special complex crime of kidnapping with rape.

Appellants were charged under four separate Informations which read:

Criminal Case No. 134484-H

That on or about the 8th day of January 2007, in the City of [PPP], Philippines, and within the jurisdiction of this Honorable Court, the above-

* Additional Member per Raffle dated 15 August 2016.
¹ Rollo, pp. 2-18; Penned by Associate Justice Aurora C. Lantion with Associate Justices Vicente S.E. Veloso and Eduardo B. Peralta, Jr. concurring.

named accused, in conspiracy with one another, with the use of a gun, a deadly weapon and with lewd design, by means of force, threat and intimidation, Orlando Brigole, did, then and there wilfully, unlawfully and feloniously have sexual intercourse with one [AAA],² seventeen years old (17), a minor, against her will and without her consent.³

Criminal Case No. 134485-H

That on or about the 8th day of January 2007, in the City of [PPP], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, in conspiracy with one another, with the use of a gun, a deadly weapon and with lewd design, by means of force, threat and intimidation, May Joy M. Cilot, did, then and there wilfully, unlawfully and feloniously insert her finger into the genital or [vagina] of one [AAA], seventeen years old (17), a minor, against her will and without her consent.⁴

Criminal Case No. 134486-H

That on or about the 28th day of December 2006, in the City of (PPP), Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, in conspiracy with one another, being then a private individual and without authority of law or justifiable reason, did, then and there wilfully, unlawfully and feloniously kidnap one [AAA], seventeen years old (17), a minor, attended by the qualifying circumstance of extorting ransom from BBB, minor, against their will and prejudice.⁵

Criminal Case No. 134487-H

That on or about the 9th day of January, 2007, in the City of [PPP], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did, then and there wilfully, unlawfully and feloniously have in his possession, direct custody and control one (1) grenade ("Granada") which is an explosive, without first securing the necessary license or permit from the proper authorities.⁶

The facts are as follows:

AAA, then seventeen (17) years old, was employed as a sales lady at a drug store in PPP City. She first met Mary Joy when the latter went to the drug store on 7 December 2006 and introduced herself as a relative of AAA. Mary Joy promised AAA an overseas work for a fee. Thus, AAA gave Mary Joy a total of ₱1,500.00. On 28 December 2006 at around 6:00 a.m., AAA

² The real name of the victim shall not be disclosed to protect her privacy and a fictitious initial shall, instead, be used, in accordance with *People v. Cabalquinto*, 533 Phil. 703, 705 (2006).

³ Records, p. 1.

⁴ Id. at 15.

⁵ Id. at 17.

⁶ Id. at 19.

went for a jog. When she passed by the house of Mary Joy, the latter suddenly grabbed her and forced her to enter the house. Thereat, Mary Joy took AAA's cellular phone and sent a message to AAA's female employer that she left the store because the former's husband had been abusing her. Mary Joy threatened AAA with a gun and a grenade if AAA would try to escape. AAA was detained from 26 December 2006 until 9 January 2007. On 8 January 2007 at around 11:00 p.m., AAA was awakened by Mary Joy's live-in partner, Orlando. Orlando kicked AAA and dragged her into the bed that he and Mary Joy shared. Orlando forced AAA to lie down. Mary Joy held AAA's breast, removed her bra, and inserted her finger into AAA's vagina. Thereafter, Orlando inserted his penis twice into AAA's vagina. AAA was crying and at the same time trying to resist the couple's advances but to no avail. On the following day, Mary Joy brought AAA to a mall in Bicutan to meet with AAA's relatives regarding AAA's alleged debt to Mary Joy. When they were met by AAA's aunt, uncle and sister, they took AAA from Mary Joy and brought her to a police station to report the incident. Appellants were arrested at their house.⁷

CCC, AAA's sister, testified that while AAA was missing, Mary Joy was collecting payments from her for AAA's alleged debt. It was Mary Joy who informed CCC that she could meet her sister at a mall in Bicutan.⁸

AAA was subjected to a medical examination. According to Medico-Legal Report No. R07-0079 dated 15 January 2007, AAA was found to have suffered a deep healed laceration at 4 and 9 o'clock positions and shallow healed laceration at 7 o'clock position in her hymen; and one (1) contusion on the proximal 3rd of her right thigh, measuring 2x1 cm., 11 cm. to its midlines.⁹

For the part of the defense, Mary Joy testified that Orlando is her live-in partner. She first met AAA when she went to the drug store to buy a pregnancy test kit. They eventually became friends and AAA even confided to Mary Joy that she was being molested by her male employer. On 29 December 2006, AAA went to Mary Joy's house and stayed there until 9 January 2007. On 3 January 2007, Mary Joy scolded AAA for coming home drunk. On 9 January 2007, Mary Joy sent AAA off to her aunt. At around 3:00 p.m., several policemen went to her house to conduct a search. The policemen took several of their things and placed them under arrest. Mary Joy denied that she and Orlando sexually abused AAA.¹⁰

⁷ *Rollo*, pp. 6-8.

⁸ *Records*, p. 230.

⁹ *Id.* at 184.

¹⁰ *Rollo*, p. 8.

Orlando related that he was informed by Mary Joy that AAA will be coming to their house because she was abused by her male employer. He advised AAA to report the incident to the police but the latter refused to do so. He recalled telling Mary Joy about AAA's coming home drunk. He denied raping AAA and claimed that he even treated her like a sister. He surmised that AAA filed charges against them in retaliation for scolding her.¹¹

On 3 September 2009, the trial court rendered a Decision finding appellant guilty of the crime charged, thus:

WHEREFORE, finding accused Mary Joy Cilot and Orlando Brigole guilty beyond reasonable doubt in Criminal Case No. 134486-H for a special complex crime of Kidnapping with Rape under Art. 267 of the Revised Penal Code, as amended by RA No. 7659, this Court hereby sentences each accused to suffer the penalty of Reclusion Perpetua without eligibility of parole; and to pay in solidum AAA the amount of Php 100,000.00 for moral damages; Php 100,000.00 for civil indemnity and Php 50,000.00 for exemplary damages.

In Criminal Cases Nos. 134484-H and 134485-H, accused Brigole and Cilot are Acquitted while in Criminal Case No. 134487, accused Brigole is also Acquitted.¹²

In convicting appellants for the crime of kidnapping with rape, the trial court relied heavily on the testimony of AAA who was considered by the court as having testified candidly and truthfully that she was kidnapped and raped by appellants. The trial court also found that it was not sufficiently established that the purpose of kidnapping is to extort ransom from AAA or her relatives.

Strangely, despite a finding of rape, the trial court acquitted appellants in Criminal Case Nos. 134484-H and 134485-H.

On 26 September 2012,¹³ the Court of Appeals affirmed appellants' conviction for the special complex crime of kidnapping with rape.

¹¹ Records, pp. 234-235.

¹² Id. at 240.

¹³ Id. at 238.

In a Resolution¹⁴ dated 23 September 2013, the Court required the parties to simultaneously file their respective supplemental briefs. Both parties however manifested that they are adopting their briefs filed before the Court of Appeals.¹⁵

In their Brief,¹⁶ appellants argue that AAA's testimony cannot support a judgment of conviction. First, appellants point out that while AAA testified that she was sexually abused on 8 January 2007, the medical examination conducted two (2) days later revealed that AAA had healed lacerations which indicate that the incident would have occurred four (4) to ten (10) days prior to the examination. Second, appellants asserted that it is unbelievable for both appellants to conspire in sexually abusing AAA due to alleged illegal drug use which was not proven during the trial. Third, appellants stressed that Mary Joy was four (4) months pregnant at that time of the incident, hence, incapable of dragging AAA all by herself considering her physical condition. Fourth, appellants find it strange for AAA's sister to report her disappearance only on 2 January 2007. In sum, appellants fault the trial court for misapprehending and misinterpreting the facts and circumstances of the case thus warranting their acquittal.

The issue for resolution is whether appellants have been proven guilty beyond reasonable doubt of the special complex crime of kidnapping with rape.

At the outset, we note that there are errors pertaining not only to the *fallo* of the trial court's decision but on the designation of the offense committed well.

There are a total of four (4) Informations filed against appellants:

1. Criminal Case No. 134484-H for rape against Orland;
2. Criminal Case No. 134485-H for rape through sexual assault against Mary Joy;
3. Criminal Case No. 134486-H for kidnapping against appellants;
and

¹⁴ *Rollo*, pp. 25-26.

¹⁵ *Id.* at 28-29 and 35-36.

¹⁶ *CA rollo*, pp. 61-72.

4. Criminal Case No. 134487-H for illegal possession of an explosive against Orlando.

Based on the evidence adduced during trial, appellants were indeed guilty of kidnapping and rape.

The evidence of the prosecution, particularly the testimony of AAA and the medical report overwhelmingly establish appellants' guilt beyond reasonable doubt.

AAA clearly pointed to appellants as the perpetrators, who conspired to commit the crime of kidnapping, to wit:

Q: Now do you remember where were you on December 28, 2006 at around 6:30 in the morning?

A: I was in front of the house where I was staying because I will go on jogging, Sir.

Q: Where is your 'tinutuluyan' located?

A: Upper Bicutan, Taguig City, sir.

x x x x

Q: While you were having an exercise at that particular time do you remember any unusual incident that happened?

A: While I was jogging, I passed by their house then she grabbed me.

Q: Where is their house located?

A: Also at Upper Bicutan, sir.

x x x x

Q: Now whom are you referring to when you said she grabbed you?

A: Ate joy, sir.

Q: How did she grab you?

A: She forced me to go inside her house.

Q: Who were with you during that time?

A: None, sir.

Q: What happened next when she grabbed you and forced you inside her house?

A: She forced me to go inside her house then she locked the door. 'Inagaw po niya sa akin ang cellphone ko, tapos pinagtext po niya ang amo ko na kaya daw po ako umalis dun kasi binaboy daw po ako ng amo kong lalaki tapos ginamit po niya pangalan ko.'

- Q: Now after she locked the door what happened next if any.
A: Then she showed me a gun and a grenade and threatened me not to try to go outside or try to escape because they will shoot me, sir.
- Q: 'Nila' you are referring to they, who is the companion of Mary Joy Cilot?
A: Kuya Lando, Sir.
- Q: Are you referring to Orlando Brigole y Apor, one of the accused in this case.
A: Yes, sir.
- Q: Now how long have you been in the house of Mary Joy and Orlando?
A: More or less two (2) weeks, sir.

x x x x

ATTY. LACANILAO

- Q: What is the house made of?
A: Concrete, it looks like an apartment, ma'am.
- Q: Was there a time when you were left alone by the accused during the day?
A: The girl sometimes leave[s] in the morning or in the afternoon but they padlock the house, ma'am.

COURT (TO THE WITNESS) – Did you attempt to leave the place?

WITNESS – I did not because they were always threatening me with the gun, Your Honor.

x x x x

- Q: Have you attempted to ask for help when you were left alone?
A: No ma'am because I was afraid and even if I shot, it cannot be heard outside. They were always pointing the gun at me.
- Q: When you have (sic) the opportunity to go to the CR alone, why did you not shout?
A: Kuya Lando was threatening me and he was always pointing the gun at me, ma'am.¹⁷

The elements of kidnapping under Article 267 of the Revised Penal Code are: (1) the offender is a private individual; (2) he kidnaps or detains another or in any other manner deprives the latter of his liberty; (3) the act of detention or kidnapping must be illegal; and (4) in the commission of the

¹⁷

Rollo, pp. 11-13.

offense, any of the following circumstances is present: (a) the kidnapping or detention lasts for more than 3 days; or (b) it is committed by simulating public authority; or (c) any serious physical injuries are inflicted upon the person kidnapped or detained or threats to kill him are made; or (d) the person kidnapped or detained is a minor, female, or a public officer.¹⁸

The crime of kidnapping was proven by the prosecution. Appellants are private individuals. The primary element of the crime of kidnapping is the actual confinement or restraint of the victim, or the deprivation of his liberty. It is not necessary for the victim to be locked up or placed in an enclosure; it is sufficient for him to be detained or deprived of his liberty in any manner. AAA was forcibly taken and detained at the house of appellants where she was deprived of her liberty for 12 days or from 28 December 2006 until 9 January 2007. AAA was consistently threatened by the couple. Whenever the couple would leave the house, they would padlock the door to prevent AAA from escaping. AAA is a female and was a minor at the time that she was kidnapped.

The crime of rape was established through AAA's further narration, thus:

Q: Now, on January 8, 2007 at around eleven o'clock in the evening, do you remember where were you on that particular date and time?

A: I was sleeping in my 'higaan' sir.

Q: Where is that 'higaan' located?

A: In their house, sir.

Q: You are referring to the house of Mary Joy and Orlando?

A: Yes sir.

Q: What were you doing at that particular time?

A: 'Natutulog po ako tapos tinadyakan po akong bigla ni Kuya Lando tapos hinila po at dinala niya ako sa higaan nila' sir.

Q: Who pulled you?

A: Kuya Lando, sir.

Q: Now what happen(ed) when you were brought to their room?

A: They forced me to lie down. They (sic) Ate Joy held my breast and removed my bra.

Q: What else happened?

¹⁸ *People v. Anticamara*, 666 Phil. 484, 510-511 (2011) citing *People v. Nuguid*, 465 Phil. 495, 510 (2004).

- A: Pagkatapos po noon, si Kuya Lando naman po, tapos piningger pa po ako ni Ate Joy.
- Q: What do you mean by 'piningger'?
- A: Ate Joy inserted her finger inside my private part, sir.
- Q: What do you mean by 'piningger'?"
- A: 'Pinasok po niya ang finger niya sa ari ko.'
- Q: Who?
- A: Ate Joy.
- Q: Now aside from that what happened next if any?
- A: 'Pagkatapos po nun pinasok naman po ni Kuya Lando iyung ari niya sa ari ko, two (2) times po' sir.
- Q: What was your reaction when Orlando inserted his penis to your private part?
- A: Hindi po niya naano gaano kasi tinutulak-tulak ko po sila habang umiiyak po ako kasi pinipilit po nila, kasi pinapakitaan po nila ako ng baril pag hindi daw po ako pumayag, sir.
- Q: What was Mary Joy doing when Orlando inserted his private organ to your private part?
- A: She was just watching us, sir.¹⁹

The crime of rape was also established through the testimony of AAA that first, Mary Joy committed an act of sexual assault by inserting her finger into AAA's vagina followed by Orlando who had carnal knowledge of AAA by inserting his penis into AAA's vagina. Orlando succeeded in having carnal knowledge of AAA through the use of threat and intimidation.

Appellants question the findings of the medico-legal as inconsistent with the claim that AAA was raped just three days before she underwent a physical examination. We agree with the Court of Appeals that healed lacerations do not negate rape, thus:

The absence of fresh lacerations in AAA's hymen does not negate sexual intercourse and 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. In fact, rupture of the hymen is not essential. In rape, complete or full penetration of the complainant's private part is not necessary. Neither is the rupture of the hymen essential. What is fundamental is that the entrance, or at least the introduction of the male organ into the labia of the pudendum, is proved, as in the case at bar. Verily, the mere introduction of the male organ into the labia majora at the

¹⁹ Rollo, pp. 13-15.

victim's genitalia, and not the full penetration of the complainant's private part, consummates the crime. Hence, the "touching" or "entry" of the penis into the labia majora or the labia minora of the pudendum of the victim's genitalia constitutes consummated rape. In other words, the successful penetration by the rapist of the female's genital organ is not indispensable. Penile invasion necessarily entails contact with the labia and even the briefest of contacts without laceration of the hymen is deemed to be rape.²⁰

With respect to the perceived incredulities in the statement of AAA, we defer to the finding of the trial court which upheld AAA's version as believable. It is well-settled that where the issue is one of credibility of witnesses, and in this case their testimonies as well, the findings of the trial court are not to be disturbed unless the consideration of certain facts of substance and value, which have been plainly overlooked, might affect the result of the case.²¹

Instead of convicting appellants of the separate offenses of kidnapping and rape as charged in three separate Informations, the trial court found appellants guilty of the special complex crime of kidnapping with rape. The trial court clearly relied on the last paragraph of Article 267 of the Revised Penal Code, as amended, which provides that if the victim is killed or dies as a consequence of the detention, or is raped or subjected to torture or dehumanizing acts, the maximum penalty shall be imposed. This provision gives rise to a special complex crime, where the law provides a single penalty for two or more component offenses.²²

The trial court would have been correct had there been an Information specifically filed for the crime of kidnapping with rape.

Section 6, Rule 110 of the Revised Rules on Criminal Procedure provides that a complaint or information is sufficient if it states the name of the accused; the designation of the offense given by the statute; the acts or omissions complained of as constituting the offense; the name of the offended party; the approximate date of the commission of the offense; and the place where the offense was committed.

²⁰ Id. at 16-17.

²¹ *People v. Mangune*, 698 Phil. 759, 769 (2012).

²² *People v. Mirandilla, Jr.*, 670 Phil. 397, 417 (2011) citing *People v. Larrañaga*, 466 Phil. 324 (2004).

Basic is the rule that every element constituting the offense must be alleged in the information. The rationale of this rule has been explained in the case of *Andaya v. People*,²³ to wit:

xxx. The main purpose of requiring the various elements of a crime to be set out in the information is to enable the accused to suitably prepare his defense because he is presumed to have no independent knowledge of the facts that constitute the offense. The allegations of facts constituting the offense charged are substantial matters and an accused's right to question his conviction based on facts not alleged in the information cannot be waived. No matter how conclusive and convincing the evidence of guilt may be, an accused cannot be convicted of any offense unless it is charged in the information on which he is tried or is necessarily included therein. To convict him of a ground not alleged while he is concentrating his defense against the ground alleged would plainly be unfair and underhanded. The rule is that a variance between the allegation in the information and proof adduced during trial shall be fatal to the criminal case if it is material and prejudicial to the accused so much so that it affects his substantial rights.²⁴ (Citations omitted)

We stressed in the case of *Dela Chica v. Sandiganbayan*²⁵ that the test in determining whether the information validly charges an offense is whether the material facts alleged in the complaint or information will establish the essential elements of the offense charged as defined in the law. In this examination, matters *aliunde* are not considered. The law essentially requires this to enable the accused suitably to prepare his defense, as he is presumed to have no independent knowledge of the facts that constitute the offense.

More pertinently, in charging the commission of a complex offense, the information must allege each element of the component offenses with the same precision that would be necessary if they were made the subject of a separate prosecution.²⁶

Criminal Case No. 134484-H charged Orlando only with rape. Criminal Case No. 134485-H charged Mary Joy with rape through sexual assault, while Criminal Case No. 134486-H accused appellants of kidnapping. An information charging a special complex crime of kidnapping with rape, as in this case, should include that which alleges the

²³ 526 Phil. 480 (2006).

²⁴ *Id.* at 497.

²⁵ 462 Phil. 712, 719 (2003) citing *Torres v. Garchitorena*, G.R. No. 153666, 27 December 2002, *Ingco v. Sandiganbayan*, 338 Phil. 1061 (1997) and *Estrada v. Sandiganbayan*, 427 Phil. 820 (2002).

²⁶ *People v. Guneda*, 261 Phil. 41, 52 (1990) citing *US v. Lahoylahoy and Madanlog*, 38 Phil. 330, 334 (1918).

commission of kidnapping qualified by extortion of ransom and that which alleges rape on the same occasion. Considering that the existing Informations do not contain the essential and material ingredients for the commission of kidnapping with rape, appellants cannot be convicted for that special complex crime. Appellants can only be convicted of the separate offenses of kidnapping and rape, both of which were duly proven.

Confident that the information in Criminal Case No. 134486-H covered the crime of kidnapping with rape, the trial court acquitted appellants in three other Informations.

It was clearly stated in the body of the trial court's decision that the prosecution had proven beyond reasonable doubt that respondents raped AAA, thus:

During the period AAA was deprived of her liberty, it was proved that [Orlando] and [Mary Joy] had a concerted action in furtherance of the crime of rape.

x x x x

That AAA lodged a heinous crime against [Orlando] and [Mary Joy] because the latter reprimanded her for coming home late and drunk is simply incredible. Their denial is a negative defense and crumbles in the light of the positive assertion of AAA who testified in a candid and truthful manner. Further, the victim's account of molestation is corroborated by the medical findings of the medico-legal officer.²⁷

However, we defer to the general rule that where there is a conflict between the *fallo*, or the dispositive part, and the body of the decision or order, the *fallo* prevails on the theory that the *fallo* is the final order and becomes the subject of execution, while the body of the decision merely contains the reasons or conclusions of the court ordering nothing.²⁸ We are aware of an exception to the aforestated rule, *i.e.*, where one can clearly and unquestionably conclude from the body of the decision that there was a mistake in the dispositive portion, the body of the decision will prevail.²⁹ The mistake contemplated in the exception refers to a clerical error. In *Spouses Rebuldea v. Intermediate Appellate Court*,³⁰ the Court held that the trial court did not gravely abuse its discretion when it corrected the dispositive portion of its decision to make it conform to the body of the decision, and to rectify the clerical errors which interchanged the mortgagors

²⁷ Records, pp. 236-238.

²⁸ *Cobarrubias v. People*, 612 Phil. 984, 996 (2009).

²⁹ *Metropolitan Cebu Water District v. Mactan Rock Industries*, 690 Phil. 163, 190 (2012).

³⁰ 239 Phil. 487, 494 (1987).

and the mortgagee. In *People v. Lachayan*,³¹ the mistake in the dispositive portion of the decision pertains to the omission of actual damages and a wrong amount attached to moral damages when it was clear from the body of the decision that the trial court did in fact award the heirs of the victim ₱30,069.00 as actual damages and ₱100,000.00 as moral damages.

The mistake committed by the trial court is far from being clerical or inadvertent. It acquitted appellants based on its flawed reliance to an information which it thought was sufficient to charge and convict appellants of the crime of kidnapping with rape. The judgment of acquittal in favor of an accused necessarily ends the case in which he is prosecuted and the same cannot be appealed nor reopened because of the doctrine that nobody may be put twice in jeopardy for the same offense. Appellants have been erroneously but formally acquitted by the trial court. That judgment of acquittal is a final verdict. Errors or irregularities, which do not render the proceedings a nullity, will not defeat a plea of *autrefois acquit*.³² Said error unfortunately downgrades the crime to kidnapping and completely takes rape out of the picture albeit proven during trial.

The prescribed penalty for kidnapping under Article 267 of the Revised Penal Code, as amended, is *reclusion perpetua* to death. Absent any mitigating or aggravating circumstances which attended the commission of the crime, we impose the penalty of *reclusion perpetua*.

A modification on the award of damages is in order. In line with recent jurisprudence,³³ we decrease the award in civil indemnity and moral damages to ₱75,000.00 each and we increase the exemplary damages to ₱75,000.00.

WHEREFORE, the 26 September 2012 Decision of the Court of Appeals in CA-G.R. CR-HC No. 04249 finding appellants Mary Joy Cilot y Mariano and Orlando Brigole y Apon guilty of the complex crime of kidnapping with rape is **REVERSED and SET ASIDE**. Appellants are instead found guilty of kidnapping. We sentence them to suffer the penalty of *reclusion perpetua* and to pay AAA the following amounts:

1. ₱75,000.00 as civil indemnity;
2. ₱75,000.00 as moral damages; and
3. ₱75,000.00 as exemplary damages.

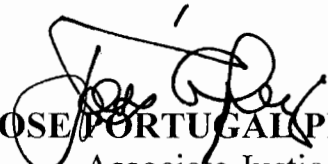
³¹ 393 Phil. 800, 809 (2000).

³² *People v. Hon. Hernando, etc., et al.*, 195 Phil. 21, 32 (1981).

³³ *People v. Bandoquillo*, G.R. No. 221466, 20 June 2016.

All damages awarded shall earn interest at the rate of six percent (6%) *per annum* from the date of finality of this Decision until fully paid.

SO ORDERED.

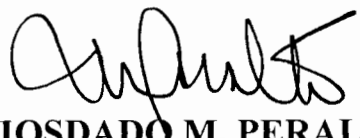


JOSE PORTUGAL PEREZ
Associate Justice

WE CONCUR:



PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson



DIOSDADO M. PERALTA
Associate Justice




LUCAS P. BERSAMIN
Associate Justice



BIENVENIDO L. REYES
Associate Justice


ATTESTATION

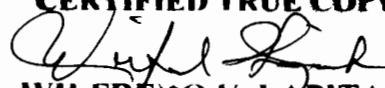
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


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, it is hereby certified 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

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WILFREDO V. LAPITAN
Division Clerk of Court
Third Division

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