



Republic of the Philippines  
**Supreme Court**  
 Manila

**THIRD DIVISION**

**PEOPLE OF THE PHILIPPINES,**      **G.R. No. 243987**  
 Plaintiff-appellee,

Present:

-versus-

LEONEN, *J.*, Chairperson,  
 GESMUNDO,  
 CARANDANG,  
 ZALAMEDA\*, and  
 GAERLAN, *JJ.*

**BBB,**  
 Accused-appellant.

Promulgated:  
 September 23, 2020

*MisDCCBott*

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**DECISION**

**LEONEN, J.:**

The clear, straightforward, and categorical testimony of a rape victim, who is a minor, prevails over the defenses of alibi and denial.

This is an appeal from the Court of Appeals' Decision,<sup>1</sup> which affirmed with modification the accused-appellant's conviction for violation of Article 266-A of the Revised Penal Code, in relation to Republic Act No. 7610, and violation of Section 5(i) of Republic Act No. 9262.

In three separate Informations, BBB was charged with the crime of

\* On wellness leave.

<sup>1</sup> *Rollo*, pp. 4-34. The October 19, 2018 Decision docketed as CA-G.R. CR-HC No. 01732-MIN dated October 19, 2018, was penned by Associate Justice Ruben Reynaldo G. Roxas and concurred in by Associate Justices Edgardo T. Lloren and Walter S. Ong of the Special Twenty-Second Division, Court of Appeals, Cagayan de Oro.

*P*

committing violence against his common-law wife DDD and raping his two minor stepdaughters AAA and CCC:<sup>2</sup>

Crim. Case No. 12493

That in the evening, on or about the 25<sup>th</sup> day of April 2004, in the municipality of [REDACTED], within the jurisdiction of this Honorable Court, the said accused did then and there wil[l]fully, unlawfully and feloniously commit violence against women and their children on one [DDD], a 34-year-old [sic] his common-law wife, by causing mental or emotional anguish, public ridicule or humiliation by accused's acts of raping her children [AAA] and [CCC], all minors, on the night of December 9, 1999 and March 30, 2004, respectively, in gross violation of Sec. 5(i) of R.A. 9262.

CONTRARY TO LAW.

Crim. Case No. 12605

That at dawn, on or about the 10<sup>th</sup> day of December, 1999, in the municipality of [REDACTED], within the jurisdiction of this Honorable Court, the said accused, by means of force and intimidation, did then and there wil[l]fully, unlawfully and feloniously succeed in having sexual intercourse with his stepdaughter [AAA], a 13[-]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 18 years of age and the offender is the step-parent of the victim.)

Crim. Case No. 12606

That at midnight, on or about the 30<sup>th</sup> day of March 2004, in the municipality of [REDACTED], within the jurisdiction of this Honorable Court, the said accused, by means of force and intimidation, did then and there wil[l]fully, unlawfully and feloniously succeed in having sexual intercourse with his stepdaughter [CCC], a 13[-]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 18 years of age and the offender is the step-parent of the victim.)<sup>3</sup>

<sup>2</sup> The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act, approved on June 17, 1992; Republic Act No. 9262, or the Anti-Violence Against Women and Their Children Act of 2004 approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the "Rule on Violence against Women and Their Children" dated November 15, 2004. See also Amended Administrative Circular No. 83-2015, entitled "Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances," dated September 5, 2017.

<sup>3</sup> CA rollo, pp. 61-62.

AAA was born on December 31, 1985, and CCC was born on October 21, 1990. Their mother, DDD, was in a live-in relationship with BBB, who was a soldier in the Philippine Army.<sup>4</sup>

According to the prosecution, in the early morning of December 10, 1999, BBB entered the room of AAA, then 13 years old, who just arrived home. BBB laid on top of AAA, undressed her, removed her panty, and then forcibly inserted his penis into her vagina while covering her mouth. BBB threatened AAA with a gun saying that if she tells anyone, he would kill her mother, brother, and sister. A week later, AAA confided to her mother about the incident but DDD did not believe her and instructed her not to tell anyone.<sup>5</sup>

In another incident on the evening of March 30, 2004, CCC, then 13 years old, was left in their house while DDD and AAA were away on a wake vigil. BBB and CCC were playing cards when BBB asked CCC if she had already experienced sex. Instead of answering, CCC went to her room. BBB followed her and attempted to punch her. He then pinned her to the bed and forced himself inside her. BBB threatened CCC to not make any noise and to not report what happened or else he will kill her.<sup>6</sup>

A month after, or on April 25, 2004, BBB told CCC that he will abuse her again, prompting CCC to confide to AAA that she was molested by their stepfather. AAA likewise revealed that a similar incident happened to her.<sup>7</sup>

On the same day, the two sisters told their mother that BBB molested them. They then all went to the office of the National Bureau of Investigation to report the crime.<sup>8</sup>

The prosecution also presented as witness a municipal health officer who, after performing medical examinations on AAA and CCC, testified that they have “old lacerations in their hymens and [are] in non-virginal states.”<sup>9</sup> The other prosecution witness was their mother DDD who testified that she fainted upon being informed that her children AAA and CCC were molested by her live-in partner BBB.<sup>10</sup>

BBB denied molesting AAA and CCC. He maintained that on December 10, 1999, he was in Jolo, Sulu serving in the Philippine Army.<sup>11</sup> He likewise claimed that he was home on March 30, 2004 for a business

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<sup>4</sup> Id. at 62–63.

<sup>5</sup> *Rollo*, pp. 7–8.

<sup>6</sup> Id. at 8–9.

<sup>7</sup> Id. at 9.

<sup>8</sup> Id.

<sup>9</sup> Id. at 10.

<sup>10</sup> Id. at 28.

<sup>11</sup> Id. at 10.

meeting with his neighbor, ██████████ (Bornia), which lasted until 2:00 am, and that neither AAA nor CCC were at home during that time.<sup>12</sup> This was corroborated by Bornia's testimony.<sup>13</sup>

In its Decision,<sup>14</sup> the Regional Trial Court found BBB guilty beyond reasonable doubt for violation of Section 5 (i)<sup>15</sup> of Republic Act No. 9262 and two (2) counts of rape under Article 266-A of the Revised Penal Code. The dispositive portion of the Decision read:

**WHEREFORE**, judgment is rendered declaring accused [BBB] guilty beyond reasonable doubt in all these three (3) cases and is penalized as follows:

1. For Criminal Case No. 12493 for Violation of Section 5(i), R.A. 9262, to suffer the indeterminate sentence of **TWO (2) years and ONE (1) day to FOUR (4) years and TWO (2) months of prison correccional**. In addition, accused shall pay a **FINE of Two Hundred Thousand (P200,000.00) Pesos** with subsidiary imprisonment in case of insolvency and he shall undergo mandatory psychological counselling or psychiatric treatment and shall report compliance to the Court. In this connection, the jail authorities is [sic] directed to make the necessary arrangement for the compliance of this directive by R.A. 9262.
2. For Criminal Case No. 12605, for Rape, to suffer the penalty of **RECLUSION PERPETUA** with all its accessory penalties and to pay the private complainant [AAA], civil indemnity of P75,000.00, moral damages of P75,000.00 and exemplary damages of P30,000.00.
3. For Criminal Case No. 12606, for Rape, to suffer the penalty of **RECLUSION PERPETUA** with all its accessory penalties and to pay the private complainant [CCC], civil indemnity of P75,000.00, moral damages of P75,000.00 and exemplary damages of P30,000.00.

The detention of the accused since May 4, 2004 shall be credited to all his sentence.<sup>16</sup> (Emphasis in the original)

BBB appealed to the Court of Appeals, arguing that DDD reported the crime to get rid of him so she could go to another man.<sup>17</sup> He asserted that Bornia's testimony should have been given more weight since Bornia was

<sup>12</sup> Id. at 11.

<sup>13</sup> Id. at 10.

<sup>14</sup> CA *rollo*, pp. 61–68. The December 1, 2016 Decision docketed as Criminal Case Nos. 12493, 12605, and 12606 dated December 1, 2016 was penned by Judge Jose Rene G. Dondoyano of Branch 7, Regional Trial Court, Dipolog City.

<sup>15</sup> Republic Act No. 9262 (2004), sec. 5 provides:

SECTION 5. Acts of Violence against Women and Their Children. — The crime of violence against women and their children is committed through any of the following acts:

....

(i) Causing mental or emotional anguish, public ridicule or humiliation to the woman or her child, including, but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of minor children or denial of access to the woman's child/children.

<sup>16</sup> CA *rollo*, p. 68.

<sup>17</sup> Id. at 56.

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able to testify that accused-appellant was not in Zamboanga del Norte on December 10, 1999 and that they had a business meeting on the night of March 30, 2004.<sup>18</sup>

In its assailed Decision,<sup>19</sup> the Court of Appeals affirmed the Decision of the Regional Trial Court with modification. It found that the testimonies of the victims were credible and convincing.<sup>20</sup> It gave no merit to BBB's defense that he was serving in the Army in Sulu on December 10, 1999 as he failed to produce any evidence to prove this. It likewise found that his mere denial that that he did not rape CCC was weak when weighed with the clear and convincing testimony of the victim.<sup>21</sup>

The Court of Appeals, however, modified the penalty for violation of Republic Act No. 9262, in view of *Quimvel v. People*,<sup>22</sup> as well as the amount of damages awarded, in view of *People v. Jugueta*.<sup>23</sup> The dispositive portion the Court of Appeals' Decision read:

**WHEREFORE**, foregoing premises considered this ordinary appeal is **DENIED** for lack of merit. The 01 December 2016 Judgment rendered by the Regional Trial Court, Branch 7, Dipolog City, in Criminal Case Nos. 12493, 12605 and 12606 is **AFFIRMED** with **MODIFICATION**. Appellant [redacted] is found **GUILTY beyond reasonable doubt of two (2) Counts of Qualified Rape under Article 266-A (1) of the Revised Penal Code, as amended by R.A. No. 8353, in relation to R.A. No. 7160.**

Accordingly, said appellant is **SENTENCED** to suffer the penalty of *reclusion perpetua* for each case, in lieu of the abolition of death penalty under Article 266-B of the Revised Penal Code as amended by R.A. No. 8353, in relation to R.A. No. 7160. Moreover, appellant is hereby **ORDERED** to pay both [redacted] and [redacted] the amount of One Hundred Thousand Pesos (Php100,000) as civil indemnity; One Hundred Thousand Pesos (Php100,000) as moral damages; and One Hundred Thousand Pesos (Php100,000) as exemplary damages for each case.

All damages awarded shall earn interest at the rate 6% per annum from date of finality of judgment until fully paid.

As to Criminal Case No. 12493, appellant [redacted] is also found **GUILTY beyond REASONABLE DOUBT for Violation of Section 5(i), R.A. 9262 also known as *The Anti-Violence Against Women and Their Children Act 2004.***

Said appellant is **SENTENCED** suffer the penalty of imprisonment for an **INDETERMINATE PERIOD** of six (6) years of

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<sup>18</sup> Id. at 57.

<sup>19</sup> Id. at 4-34.

<sup>20</sup> Id. at 24-25.

<sup>21</sup> Id. at 30.

<sup>22</sup> 808 Phil. 889 (2017) [Per J. Velasco, Jr., En Banc].

<sup>23</sup> 783 Phil. 806 (2016) [Per J. Peralta, En Banc].

*prision correccional*, as minimum, to ten (10) years and one (1) day of *prision nayar*, as maximum. In addition, appellant is also ordered to pay a fine in the amount of Two Hundred Thousand (P200,000.00) pesos, to undergo a mandatory psychological counselling or psychiatric treatment and report compliance to the Regional Trial Court (RTC), Branch 7, Dipolog City.

**SO ORDERED.**<sup>24</sup> (Emphasis in the original)

Accused-appellant filed his Notice of Appeal.<sup>25</sup> In a March 20, 2019 Resolution,<sup>26</sup> this Court noted the records forwarded by the Court of Appeals and informed the parties that they may file their Supplemental Briefs.

On July 16, 2019, the Office of the Solicitor General filed a Manifestation,<sup>27</sup> on behalf of the People of the Philippines, stating that it would no longer file a Supplemental Brief considering that the counter-arguments raised in its Brief filed before the Court of Appeals are exhaustive enough to refute the arguments of the accused-appellant.

On June 28, 2019, the accused-appellant filed a Manifestation<sup>28</sup> indicating that he, too, would no longer file a Supplemental Brief since he had already thoroughly discussed his defenses in the Appellant's Brief he filed before the Court of Appeals.

For this Court's resolution is the sole issue of whether or not the Court of Appeals erred in affirming the accused-appellant's conviction.

Rape is defined under Article 266-A of the Revised Penal Code as follows:

ARTICLE 266-A. Rape; *When and How Committed*. — Rape is committed —

1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

- a) Through force, threat, or intimidation;
- b) When the offended party is deprived of reason or is otherwise unconscious;
- c) By means of fraudulent machination or grave abuse of authority; and
- d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

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

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<sup>24</sup> *Rollo*, pp. 32–33.

<sup>25</sup> *Id.* at 35–37.

<sup>26</sup> *Id.* at 42–43.

<sup>27</sup> *Id.* at 49–51.

<sup>28</sup> *Id.* at 44–45.

penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

Rape is qualified when the circumstances of the victim's minority and her relationship to the perpetrator concur and are alleged in the information.<sup>29</sup>

Here, both the Regional Trial Court and Court of Appeals found that the prosecution proved beyond reasonable doubt all the elements of qualified rape. The Regional Trial Court ruled that the allegations of AAA and CCC are credible:

They were raped by the accused at the time that they were still at their tender age. Complainant [AAA] was only 14 years old while complainant [CCC] was also 14 years old. The tenderness of their age made them susceptible to fear and intimidation employed by the accused. The accused was even armed with his gun when he raped [AAA]. Both complainants testified consistently, candidly[,] and in direct manner even during cross-examination. A candid and straightforward narration by the victim of how she [had] been raped bears the earmarks of credibility. Both the complainants were able to clearly show to the court the clear picture of how they were molested by the accused.<sup>30</sup>

The Court of Appeals similarly ruled that the testimonies of AAA and CCC during the direct examination showed that they candidly recalled how accused-appellant committed the crime. The pertinent portion of AAA's testimony is as follows:

Q: When he entered the room what did he say to you?

A: He asked me if I felt cold and I said yes and then he embraced me and lay on top of me.

Q: And then what did he do?

A: He undressed me.

Q: You were naked?

A: Only at the lower portion.

Q: Including your panty?

A: Yes, sir.

Q: After taking your panty and your clothes what did he do?

A: He inserted his pines (sic) into my vagina.

Q: Did you shout?

A: No because he covered my mouth and told me if I will report the matter he will kill my mother[,] my sister[,] and my brother.

<sup>29</sup> *People v. Armodia*, 810 Phil. 822, 832–833 (2017) [Per J. Leonen, Third Division], citing *People v. Malana*, 646 Phil. 290, 310 (2010) [Per J. Perez, First Division].

<sup>30</sup> *CA rollo*, pp. 66–67.

Q: Why did he bring any weapon?

A: Yes a gun.

Q: What did you feel at that time?

A: I felt sad.<sup>31</sup>

CCC's testimony also frankly narrated the series of events in a straightforward manner:

Q: When you were already lying down and already naked after removing his shortpants, what did he do to you?

A: He raped me.

Q: What did he say if there was any?

A: He told me not to shout.

....

Q: Did he cover your mouth[?]

A: He just threatened me.

Q: How did he threaten you?

A: He threatened that he will kill me.<sup>32</sup>

The Court of Appeals found the testimonies of AAA and CCC sufficient to convict accused-appellant for two (2) counts of qualified rape, as they were able to establish that accused-appellant was the live-in partner of their mother.<sup>33</sup>

A careful examination of the records shows nothing that would warrant a reversal of the decisions of the Regional Trial Court and of the Court of Appeals. "It is settled that factual findings of the trial court and its evaluation of the credibility of witnesses and their testimonies are entitled to great respect and will not be disturbed on appeal, unless the trial court is shown to have overlooked, misapprehended or misapplied any fact or circumstance of weight and substance."<sup>34</sup> This Court accords respect to the trial court's findings because "it has the opportunity to observe the witnesses and their demeanor during the trial."<sup>35</sup>

Accused-appellant is likewise charged with violation of Section 5 (i) of Republic Act No. 9262:

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<sup>31</sup> *Rollo*, p. 14.

<sup>32</sup> *Id.* at 20.

<sup>33</sup> *Id.* at 24.

<sup>34</sup> *People v. Pusing*, 789 Phil. 541, 556 (2016) [Per J. Leonen, Third Division] citing *People v. De Jesus*, 695 Phil. 114, 122 (2012) [Per J. Brion, Second Division].

<sup>35</sup> *People v. Quintos*, 746 Phil. 809, 820 (2014) [Per J. Leonen, Third Division], citing *People v. Montinola*, 567 Phil. 387, 404 (2008) [Per J. Carpio, Second Division], citing *People v. Fernandez*, 561 Phil. 287 (2007) [Per J. Carpio, Second Division]; *People v. Abulon*, 557 Phil. 428 (2007) [Per J. Tinga, En Banc]; *People v. Bejic*, 552 Phil. 555 (2007) [Per J. Chico-Nazario, En Banc].



SECTION 5. *Acts of Violence against Women and Their Children.* — The crime of violence against women and their children is committed through any of the following acts:

....

(i) Causing mental or emotional anguish, public ridicule or humiliation to the woman or her child, including, but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of minor children or denial of access to the woman's child/children.

*AAA v. People*<sup>36</sup> reiterated the elements that must be proven by the prosecution:

- (1) The offended party is a woman *and/or* her child or children;
- (2) The woman is either the wife or former wife of the offender, or is a woman with whom the offender has or had a sexual or dating relationship, or is a woman with whom such offender has a common child. As for the woman's child or children, they may be legitimate or illegitimate, or living within or without the family abode;
- (3) The offender causes on the woman and/or child mental or emotional anguish; and
- (4) The anguish is caused through acts of public ridicule or humiliation, repeated verbal and emotional abuse, denial of financial support or custody of minor children or access to the children or similar such acts or omissions.<sup>37</sup>

Psychological violence is the “means employed by the perpetrator, while mental or emotional anguish is the effect caused upon or the damage sustained by the offended party.”<sup>38</sup> Proof must be shown of any of the acts enumerated in Section 5 (i) to establish psychological violence as an element. The victim's testimony must then be presented to establish mental or emotional anguish, “as these experiences are personal to the party.”<sup>39</sup>

The Court of Appeals correctly ruled that this element is present as supported by DDD's testimony:

Q: Why are you filing a case of Violation of Section 5(i) of Republic Act 9262 against your live-in partner [redacted]?

A: Because I cannot bear of what he did to my children.

Q: Why, what did he do to your children?

<sup>36</sup> G.R. No. 229762, November 28, 2018, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64826>> [Per J. Gesmundo, Third Division].

<sup>37</sup> Id.

<sup>38</sup> Id. citing *Dinamling v. People*, 761 Phil. 356, 376 (2015) [Per J. Peralta, Third Division].

<sup>39</sup> Id.

A: Because my children confided to me that they were molested by him.

Q: What do you mean they were molested by him?

A: (Witness is crying) They were molested by him, [redacted] [redacted].<sup>40</sup>

The Regional Trial Court found that the evidence presented sufficiently established that DDD, being the biological mother of the victims, AAA and CCC, “had suffered mentally and psychologically”<sup>41</sup> considering the crime committed by accused-appellant against her two daughters. Hence, the conviction for violation of Section 5(i) of Republic Act No. 9262 is proper.

Accused-appellant insists that the “prosecution failed to overcome the constitutional presumption of innocence afforded to the accused.”<sup>42</sup> He insists on the improbability of raping AAA on December 10, 1999 as he claims that he was assigned in Jolo, Sulu at that time,<sup>43</sup> and of raping CCC on March 30, 2004 as he claims that he discussed business plans with Bornia until 2:00 a.m. at his house where neither AAA nor CCC were staying at that time.<sup>44</sup>

This Court consistently held that when the coherent and candid testimony of a rape victim is corroborated by medical findings, there is adequate basis to justify a conclusion that the essential requisites of carnal knowledge have been established.<sup>45</sup> By this standard, the testimonies of the victims AAA and CCC which positively, categorically, and unqualifiedly recalled how accused-appellant forced himself upon them on two separate occasions are adequate basis for holding accused-appellant liable. In addition, the findings of the physician showed that both AAA and CCC have old lacerations in their hymens.

Accused-appellant’s mere assertion that he was serving in the Philippine army in Jolo, Sulu on December 10, 1999 does not negate the commission of rape against AAA for his failure to present any proof that he was indeed at Jolo, Sulu during that time. In *Perez v. People*,<sup>46</sup> this Court ruled that “petitioner’s unsubstantiated defense must fail following the doctrine that positive identification prevails over denial and alibi.”<sup>47</sup>

Likewise, accused-appellant’s testimony that AAA and CCC were not home on March 20, 2004 when he and Bornia discussed business plans until

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<sup>40</sup> *Rollo*, pp. 27–28.

<sup>41</sup> *CA rollo*, p. 67.

<sup>42</sup> *Rollo*, p. 11.

<sup>43</sup> *Id.* at 10.

<sup>44</sup> *Id.* at 11.

<sup>45</sup> *People v. Ausa*, 792 Phil 437, 447 (2016) [Per J. Perez, Third Division].

<sup>46</sup> 830 Phil. 162 (2018) [Per J. Leonen, Third Division].

<sup>47</sup> *Id.* at 178.

2:00 a.m. is not fatal to the prosecution's case. Accused-appellant's bare denial that he did not rape CCC cannot prevail over CCC's consistent and straightforward testimony, especially since he was present at the place of the crime. While it is true that accused-appellant presented Bornia to corroborate his version of events, it still remains that accused-appellant was at the house where CCC claims to have been raped. *People v. Francica*<sup>48</sup> reiterated that the "self-serving defense of denial falters against the positive identification by, and straightforward narration of the victim."<sup>49</sup>

Accused-appellant's assertion that DDD only reported the crimes so she could go to another man defies reality. As noted by the Court of Appeals, "there is nothing more tormenting than for a mother to know that her very own flesh and blood had been sexually abused by the man whom she trusted with her own heart."<sup>50</sup> A mother would not be so cruel as to subject her daughters to the emotional trauma of a rape trial merely for her own benefit.

There was likewise no error in the Court of Appeals' modification of the award of damages in Criminal Case Nos. 12605 and 12606 for the crime of qualified rape. Applying *People v. Jugueta*,<sup>51</sup> the award of damages should be ₱100,000.00 each as civil indemnity, moral damages, and exemplary damages.

Finally, there was also no error in adjusting the penalty for violation of Republic Act No. 9262, Section 5 (i). Section 6(f)<sup>52</sup> of the law states that the impossible penalty is *prision mayor*. Applying the Indeterminate Sentence Law, the minimum of the penalty shall be within the period prescribed for *prision correccional*, while the maximum shall be within the period prescribed for *prision mayor*. There is, thus, no error in the Court of Appeals' imposition of the penalty of imprisonment for an indeterminate period of six (6) years of *prision correccional* as minimum to ten (10) years and one (1) day of *prision mayor* as maximum.

**WHEREFORE**, this appeal is **DISMISSED** for failure to show any reversible error in the assailed Decision. The October 19, 2018 Decision of the Court of Appeals in CA-G.R. CR-HC No. 01732-MIN is **AFFIRMED**.

<sup>48</sup> 817 Phil. 972 (2017) [Per J. Leonen, Third Division].

<sup>49</sup> Id. at 990 citing *Imbo v. People*, 758 Phil. 430, 437 (2015), [Per J. Perez, First Division].

<sup>50</sup> *Rollo*, p. 28.

<sup>51</sup> 783 Phil. 806 (2016) [Per J. Peralta, En Banc].

<sup>52</sup> Republic Act No. 9262, sec. 6 provides:

SECTION 6. Penalties. - The crime of violence against women and their children, under Section 5 hereof shall be punished according to the following rules:

....

(f) Acts falling under Section 5(h) and Section 5(i) shall be punished by *prision mayor*.

....


In addition to imprisonment, the perpetrator shall (a) pay a fine in the amount of not less than One hundred thousand pesos (P100,000.00) but not more than three hundred thousand pesos (300,000.00); (b) undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the court.

Accused-appellant BBB is found **GUILTY** beyond reasonable doubt of two (2) Counts of Qualified Rape under Article 266-A (1) of the Revised Penal Code, in relation to Republic Act No. 7160. He is sentenced to suffer the penalty of *reclusion perpetua* for each case. He is also **ORDERED** to pay both AAA and CCC the amount of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages for each case.

Accused-appellant BBB is likewise found **GUILTY** beyond reasonable doubt of Violation of Section 5 (i), Republic Act No. 9262, also known as the Anti-Violence Against Women and their Children Act 2004. He is sentenced to suffer the penalty of imprisonment for an indeterminate sentence of six (6) years of *prision correccional*, as minimum, to ten (10) years and one (1) day of *prision mayor*, as maximum. Accused-appellant is also **ORDERED** to pay a fine in the amount of ₱200,000.00, to undergo a mandatory psychological counselling or psychiatric treatment, and to report compliance to the Regional Trial Court of Dipolog City, Branch 7.

All damages awarded shall earn interest at the rate 6% per annum from date of finality of judgment until fully paid.<sup>53</sup>

**SO ORDERED.**



MARVIC M.V.F. LEONEN  
Associate Justice

WE CONCUR:




ALEXANDER G. GESMUNDO  
Associate Justice



ROSMARI D. CARANDANG  
Associate Justice

On wellness leave  
RODIL V. ZALAMEDA  
Associate Justice


<sup>53</sup> *Nacar v. Gallery Frames*, 716 Phil. 806 (2016) [Per J. Peralta, En Banc].



**SAMUEL H. GAERLAN**  
Associate Justice

**ATTESTATION**

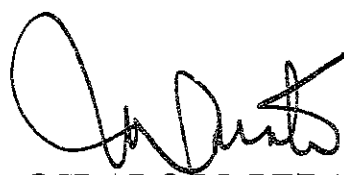
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARYIC M.V.F. LEONEN**  
Associate Justice  
Chairperson

**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.



**DIOSDADO M. PERALTA**  
Chief Justice