



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE
PHILIPPINES,

Plaintiff-Appellee,

- versus -

XXX,¹

Accused-Appellant.

G.R. No. 231386

Present:

CAGUIOA, *J.*, Chairperson,
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH, *JJ.*

Promulgated:

July 13, 2022

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DECISION

CAGUIOA, J.:

Before the Court is an ordinary appeal² filed by accused-appellant XXX (accused-appellant) assailing the Decision³ dated November 28, 2016 of the Court of Appeals (CA) in CA-G.R. CR HC No. 07786, which affirmed the Decision⁴ dated February 23, 2015 of Branch 55, Regional Trial Court of

¹ The identity of the victim or any information which could establish or compromise his/her identity as well as those of his/her immediate family or household members, shall be withheld pursuant to R.A. No. 7610, titled "AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, PROVIDING PENALTIES FOR ITS VIOLATION AND FOR OTHER PURPOSES," approved on June 17, 1992; R.A. No. 9262, titled "AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES," 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" (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014], citing *People v. Lomaque*, 710 Phil. 338, 342 [2013]. See also Amended Administrative Circular No. 83-2015, titled "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.)

² See Notice of Appeal dated December 27, 2016, *rollo*, p. 22.

³ *Rollo*, pp. 2-21. Penned by Associate Justice Jane Aurora C. Lantion, with Associate Justices Fernanda Lampas Peralta and Nina G. Antonio-Valenzuela concurring.

⁴ CA *rollo*, pp. 107-134. Penned by Judge Ma. Josephine M. Rosario-Mercado.

Macabebe, Pampanga (RTC) in Criminal Case Nos. 00-2601(M), 00-2602(M), and 00-2603(M), finding accused-appellant guilty beyond reasonable doubt of two (2) counts of Qualified Rape and one (1) count of Simple Rape.

The Facts

Three (3) separate Informations were filed against accused-appellant for the rape of his daughter AAA,⁵ which read:

Criminal Case No. 00-2601(M)

That in or about and within the month of June, 1995, in the barangay of [DDD],⁶ municipality of Apalit, province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, [XXX], with lewd design and by means of force, threat and intimidation, did then and there willfully, unlawfully, and feloniously have carnal knowledge with his daughter, AAA, 13 years old, against her will and without her consent.

Contrary to law x x x.

Criminal Case No. 00-2602(M)

That in or about and within the month of October, 1999, in the barangay of [DDD], municipality of Apalit, province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, [XXX], with lewd design and by means of force, threat and intimidation, did then and there willfully, unlawfully, and feloniously have carnal knowledge with his daughter, AAA, 17 years old, against her will and without her consent.

Contrary to law x x x.

Criminal Case No. 00-2603(M)

That in or about and between the period of June 1995 and October 1999, in the barangay of [DDD], municipality of Apalit, province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, [XXX], with lewd design and by means of force, threat and intimidation, did then and there willfully, unlawfully, and feloniously have carnal knowledge with his daughter, AAA, a minor, against her will and without her consent.

Contrary to law x x x.⁷

Upon arraignment, accused-appellant pleaded not guilty.

The version of the prosecution, as summarized by the CA, is as follows:

⁵ Supra note 1.

⁶ Id.

⁷ CA rollo, pp. 107-108.

The victim was a minor and daughter of accused-appellant. Her date of birth is [EEE],⁸ 1981 and she lives with accused-appellant, her mother, and two (2) siblings in their house at [DDD], Apalit, Pampanga. The family uses a big room as their sleeping area where they all sleep together.

Sometime in June 1995, at around 10:00 p.m., the victim, who was then thirteen (13) years of age, was sleeping in their house with accused-appellant and her mother, when she was suddenly carried by accused-appellant and placed her beside him. Afterwards, accused-appellant undressed the victim and himself, started kissing the victim, and inserted his penis inside the victim's vagina. The victim couldn't resist accused-appellant's sexual assault because the latter punched and slapped her. As the victim was being sexually assaulted, accused-appellant ordered the victim not to tell anybody of what happened and threatened to kill the latter's mother. After the incident, the victim returned to her former place where she slept while accused-appellant remained in his spot.

Two days thereafter, the same incident happened. At around 10:00 p.m., the victim was sleeping with her mother when accused-appellant carried the victim from her sleeping area and placed her beside him. Accused-Appellant removed the victim's panty and inserted his penis inside the latter's vagina. The victim tried to resist and pushed accused-appellant away but the latter punched her in the left arm and shoulder, and threatened to kill her mother if she resisted. After the incident, accused-appellant ordered the victim to wear her underwear.

The victim claimed that the same incident happened after three (3) days, and again, four (4) days later.

The last incident happened in October 1999, at around 10:00 p.m., the victim was about to sleep when accused-appellant removed the victim's underwear and laid on top of the latter. Accused-Appellant inserted his penis inside the victim's vagina while threatening her that he will kill the latter's mother if she resisted.

In December 1999, the victim found out that she was two (2) months pregnant, causing the victim to tell her mother about the incidents that happened with accused-appellant.

Thereafter, the victim and her mother went to the police station to report the matter to the police.

On 14 January 2000, the victim underwent an examination with Dra. Cabugawan who issued a Medical Certificate stating that the victim is no longer a virgin and her "uterus is enlarged two to three (3) months size" and concluding that the victim is "2-3 months pregnant."

A month later, the victim suffered a miscarriage.⁹

On the other hand, accused-appellant relied on denial to establish his innocence. Accused-appellant testified as follows:

⁸ Supra note 1.

⁹ *Rollo*, pp. 4-6.



Q: Did you try to carry AAA sometime in June 1995?

A: No, sir.

Q: What can you say about her testimony that sometime in June 1995, while she was sleeping, you carried her?

A: I do not know that, sir.

Q: That she said that you carried her from the place where she was sleeping to the place where you were staying, what can you say about that?

A: It is not true, sir.

Q: Then, what is the truth?

A: x x x

Interpreter: (The witness is taking time to answer the question.)

Court: Noted. Answer the question, Mr. Witness.

A: I do not know, sir.

Q: What can you say about her allegations, Mr. Witness that sometime in June 1995, you kissed AAA, removed her pants and put your penis in her vagina, what can you say about that?

A: It is not true, sir.”¹⁰

Maintaining his innocence, accused-appellant pointed to a misunderstanding between him and his daughter regarding the latter’s 18th birthday as the reason why she would falsely accuse him of the crimes. Accused-appellant testified as follows:

Q: And what is that misunderstanding all about?

A: For her 18th birthday, she wanted to have a cotillion, a party for her debut but I cannot possibly give her that because I was just poor, sir.

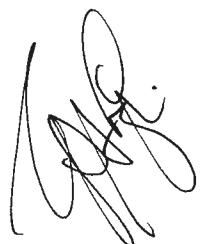
Q: And when was that supposed 18th birthday of AAA, if you know?

A: [EEE], 1999, sir.

Q: And aside from that when you said that you cannot afford to give her a cotillion or debut party, what was her reaction?

¹⁰ Id. at 6-7.

- A: She cried, sir.
- Q: When she cried, what did you do?
- A: Nothing sir. I just talked to her and told her that we do not have money.
- Q: Aside from that misunderstanding, was there any other deeper misunderstanding with AAA or with your wife prior to the filing of the instant cases that we are hearing right now?
- A: Yes, sir.
- Q: And what was that deeper misunderstanding that you are referring to, Mr. Witness?
- A: It was the fact that I was not able to give her the birthday party that she wanted and that led her to harbor a (*sic*) negative feelings towards me and also after that, she started to go out with a male friend, a man, sir.
- Q: Do you know the name of this person, the man that you are referring to?
- A: I only know him by the name of Fernando, sir.
- Q: Do you know, if any, the relationship between AAA, your daughter, and this certain Fernando?
- A: What I know is that he was courting my daughter AAA, sir.
- Q: Can you tell us when does [*sic*] this Fernando court your daughter, AAA?
- A: I don't know, sir.
- Q: Can you still recall, at least the year, when this Fernando courted your daughter AAA?
- A: I only know that since AAA, my daughter, started to work at her cousin's place in October 1998 up to the year 1999 when she has been working for two (2) months only, that was the time when he started to court AAA, sir.
- Q: Did it come to your knowledge, Mr. Witness, if this Fernando and AAA had an intimate relation with each other?
- A: Yes, sir.
- Q: Was there any chance that you had carnal knowledge with your daughter sometime in October 1999?



A: None, sir.¹¹

Ruling of the RTC

After trial on the merits, in its Decision¹² dated February 23, 2015, the RTC convicted accused-appellant of the crimes charged. The dispositive portion of the said Decision reads:

WHEREFORE, this court hereby rules as follows:

In Criminal Case No. 00-2601(M), this court (a) finds accused [XXX] guilty beyond reasonable doubt of the crime of qualified rape through sexual intercourse; (b) sentences him to suffer the penalty of *reclusion perpetua* without eligibility for parole; and (c) orders him to pay private offended party AAA seventy-five thousand pesos (PhP75,000.00) civil indemnity, seventy-five thousand pesos (PhP75,000.00) moral damages, and thirty thousand pesos (PhP30,000.00) exemplary damages.

In Criminal Case No. 00-2602(M), this court (a) finds accused [XXX] guilty beyond reasonable doubt of the crime of qualified rape through sexual intercourse; (b) sentences him to suffer the penalty of *reclusion perpetua* without eligibility for parole; and (c) orders him to pay private offended party AAA seventy-five thousand pesos (PhP75,000.00) civil indemnity, seventy-five thousand pesos (PhP75,000.00) moral damages, and thirty thousand pesos (PhP30,000.00) exemplary damages.

In Criminal Case No. 00-2603(M), this court (a) finds accused [XXX] guilty beyond reasonable doubt of the crime of simple rape through sexual intercourse; (b) sentences him to suffer the penalty of *reclusion perpetua*; and (c) orders him to pay private offended party AAA fifty thousand pesos (PhP50,000.00) civil indemnity, fifty thousand pesos (PhP50,000.00) moral damages, and twenty-five thousand pesos (PhP25,000.00) exemplary damages.

SO ORDERED.¹³

The RTC found AAA to have given a testimony that was clear, convincing, and free from material contradiction.¹⁴ The RTC found AAA's account to be consistent from her sworn affidavit to her testimony in court, and it found no reason for her to subject herself to medical examination and the public nature of a cross-examination if the story of abuse were not true. The RTC also held that accused-appellant could not find refuge in AAA's testimony that the rape happened in the same room where AAA's mother and siblings were sleeping. It held that rape may be committed even in the unlikeliest of places.¹⁵ It held, however, that accused-appellant could only be convicted of Simple Rape in Criminal Case No. 00-2603 as the Information only alleged that the victim was "a minor" and did not specify that she was between the ages of 12 to 17 at the time of the incident. The RTC thus

¹¹ Id. at 7-8.

¹² Supra note 4.

¹³ CA *rollo*, pp. 133-134.

¹⁴ Id. at 111.

¹⁵ Id. at 125.

convicted accused-appellant for two (2) counts of Qualified Rape and one (1) count of Simple Rape.

Aggrieved, accused-appellant appealed to the CA.

Ruling of the CA

In the questioned Decision¹⁶ dated November 28, 2016, the CA affirmed the RTC's conviction of accused-appellant, and held that the prosecution was able to sufficiently prove the elements of the crimes charged.

The CA held that AAA's testimony established that there was carnal knowledge between her and accused-appellant, and that this was accomplished through force and intimidation. It added that, based on jurisprudence, in rapes "committed by a father against his own daughter, proof of force and violence is not even essential, because the moral and physical ascendancy of the father over his daughter is sufficient to cow her into submission to his bestial desires."¹⁷

The CA, however, modified the award of damages by increasing the same to ₱100,000.00 each for civil indemnity, moral damages, and exemplary damages for each count of rape, in accordance with prevailing jurisprudence at the time.

Hence, the instant appeal.

Issue

For resolution of the Court is the issue of whether the RTC and the CA erred in convicting accused-appellant.

The Court's Ruling

The appeal is unmeritorious. The Court affirms accused-appellant's conviction for two (2) counts of Qualified Rape and one (1) count of Simple Rape.

The prosecution was able to prove the elements of the crimes charged

The Court affirms accused-appellant's convictions. The two elements of rape by sexual intercourse, viz., (1) that the offender had carnal knowledge of the girl, and (2) that such act was accomplished through the use of force or

¹⁶ Supra note 3.

¹⁷ Rollo, p. 16.



intimidation¹⁸ — are both present as duly proven by the prosecution in this case. AAA testified in detail how accused-appellant committed the sexual abuses, and this testimony was given weight and credence by both the RTC and the CA. In rape cases, the accused may be convicted on the basis of the lone, uncorroborated testimony of the rape victim, provided that the latter's testimony is clear, convincing, and otherwise consistent with human nature. This is a matter best assigned to the trial court which had the first-hand opportunity to hear the testimonies of the witnesses and observe their demeanor, conduct, and attitude during cross-examination. Such matters cannot be gathered from a mere reading of the transcripts of stenographic notes. Hence, the trial court's findings carry great weight and substance.¹⁹ In this connection, the Court quotes with approval the following observations of the CA:

We cannot overemphasize that the court *a quo* found the victim's statements as credible. The Court *a quo* even observed that the victim had emotional difficulties while narrating in court her father's monstrous acts. It is a well-entrenched principle that the findings of facts and assessment of credibility of witnesses are matters best left to the trial court because of its unique position of having observed that elusive and incommunicable evidence of the witnesses' deportment on the stand while testifying, which opportunity is denied to the appellate courts, subject to certain exceptions. Absent any showing that the trial judge overlooked or misapplied some facts or circumstances of weight which would affect the result of the case, or that the judge acted arbitrarily, the trial judge's assessment of credibility deserves the appellate court's highest respect.

It must be noted that accused-appellant is not a mere stranger to the victim. He is her biological father. Settled is the rule that a rape victim's testimony against her parent is entitled to great weight since, customarily, Filipino children revere and respect their elders. These values are so deeply ingrained in Filipino families that it is unthinkable for a daughter to concoct brazenly a story of rape against her father, if such were not true. Indeed, courts usually give greater weight to the testimony of a girl who fell victim to sexual assault, especially a minor, particularly in incestuous rape as in this case, because no woman would be willing to undergo a public trial and bear the concomitant shame, humiliation, and dishonor of exposing her own degradation were it not for the purpose of condemning injustice and ensuring that the offender is punished.²⁰

Here, the testimony of AAA established that accused-appellant had carnal knowledge of her, and that the latter employed force and intimidation in accomplishing the said act. For the first incident in 1995, AAA testified that accused-appellant punched her on her left shoulder and arm during the act, and that he threatened to kill her mother if she were to continue to resist.²¹ The incidents of sexual intercourse coupled with violence and intimidation were repeated numerous times subsequently, beginning just a few days after the

¹⁸ *People v. Soronio*, 281 Phil. 820, 824 (1991).

¹⁹ *People v. Alemania*, 440 Phil. 297, 305 (2002).

²⁰ *Rollo*, pp. 16-17.

²¹ *Id.* at 14-15; *CA rollo*, pp. 112-124.

first incident.²² Meanwhile, AAA's testimony for the 1999 incident was similar, in that accused-appellant punched her in the arm and on her stomach and threatened to kill her mother in order to consummate the act.²³

In a last-ditch effort to cast doubt on his guilt, accused-appellant offers denial to prove that he did not rape AAA. As earlier quoted in this Decision, accused-appellant simply denied AAA's allegations and claimed that these were not true. He alleged that AAA concocted the rape allegations because he was not able to give her the birthday party she was requesting for her 18th birthday.

The Court has oft pronounced, however, that denial is an inherently weak defense which cannot prevail over the positive and credible testimony of the prosecution witness that the accused committed the crime. Thus, as between a categorical testimony which has a ring of truth on one hand, and a mere denial and alibi on the other, the former is generally held to prevail.²⁴

The Court simply cannot fathom how a minor would go to great lengths — be subjected to an invasive medical examination, execute a sworn affidavit, and go through the rigors of testifying in court — *against her own father* just to exact revenge over the absence of a birthday party. Not to mention, as well, that the supposed concoctions were at least three separate incidents of abuse, the last of which resulted in the victim's impregnation, which appears disproportionate if the allegations were truly just about a birthday party.

Court's reminder to prosecutors

Despite affirming accused-appellant's convictions, the Court takes the opportunity to remind prosecutors of their duty to state with particularity the offense/s charged in the Informations they file in court. The Court's reminder stems from the Information filed against accused-appellant in Criminal Case No. 00-2603(M), which is quoted once again for ease of reference:

That in or about and between the period of **June 1995 and October 1999**, in the barangay of [DDD], municipality of Apalit, province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, [XXX], with lewd design and by means of force, threat and intimidation, did then and there willfully, unlawfully, and feloniously have carnal knowledge with his daughter, AAA, a minor, against her will and without her consent.

Contrary to law x x x.²⁵ (Emphasis supplied)

While it is true that, in rape cases, the failure to specify the exact date or time when the rape was committed does not *ipso facto* render the

²² CA rollo, pp. 112-124

²³ Rollo, p. 16; id.

²⁴ *People v. Piosang*, 710 Phil. 519, 527 (2013).

²⁵ CA rollo, p. 108.

Information defective, as neither the date nor the time of the commission of rape is a material ingredient of the crime,²⁶ this does not mean that prosecutors should not endeavor to indicate as precise as possible the alleged date and time of the commission of the offense.

It is well to emphasize that an Information serves to comply with a constitutional right, that is, the right of an accused to be informed of the nature and cause of the accusation against him/her.²⁷ While the Rules of Criminal Procedure only requires the *approximate* date of the commission of the crime for the Information to be sufficient,²⁸ having an Information that approximates the date and time of the commission of the offense within the span of multiple years does *not* fulfill the purpose of an Information. As has been previously held by the Court, “the statement of the time of the commission of the offense which is so general as to span a number of years, *i.e.*, ‘between October, 1910 to August, 1912,’ has been held to be fatally defective because it deprives the accused an opportunity to prepare his [or her] defense.”²⁹ In a case involving an Information that approximated the commission of the crime between 1977 to 1983, the Court said that the Information is “seriously defective” as it placed upon the accused “the unfair and unreasonable burden of having to recall their activities over a span of more than 2,500 days. It is a burden nobody should be made to bear.”³⁰

In this case, the Information in Criminal Case No. 00-2603(M) approximated the commission of the crime between June 1995 to October 1999, which therefore asked accused-appellant to account for his activities for around 1,600 days, especially since his defense hinged on denial. Truly, it cannot be said that Informations such as the one filed in Criminal Case No. 00-2603(M) could properly inform the accused of the nature and cause of the accusation against them. Verily, the Information in Criminal Case No. 00-2603(M) would have been an instance where the RTC could have ordered an amendment of the Information should a motion to quash or a motion for bill of particulars were filed by accused-appellant prior to the arraignment. In other words, the Information filed in this case was egregiously defective, saved only by accused-appellant’s implied waiver to raise the defect. This does not, however, deter the Court from recognizing that the prosecution could have done a much better job of satisfying accused-appellant’s constitutional rights.

In this connection, the Court also reminds trial courts of their duty and power to be more vigilant of the accused’s rights. While the defense has the remedy of filing a motion for bill of particulars in cases like this one, courts also have the power, on their own, to *motu proprio* order the amendment of an Information should it appear to be defective. Section 19, Rule 119 of the Rules of Criminal Procedure provides:

²⁶ *People v. Nuyok*, 759 Phil. 437, 448 (2015).

²⁷ CONSTITUTION, Art. III, Sec. 14(2).

²⁸ RULES OF CRIMINAL PROCEDURE, Rule 110, Sec. 6.

²⁹ *Rocaberte v. People*, 271 Phil. 154, 159 (1991).

³⁰ *Id.* at 160.

SECTION 19. *When Mistake Has Been Made in Charging the Proper Offense.* — When it becomes manifest at any time before judgment that a mistake has been made in charging the proper offense and the accused cannot be convicted of the offense charged or any other offense necessarily included therein, the accused shall not be discharged if there appears good cause to detain him. In such case, the court shall commit the accused to answer for the proper offense and dismiss the original case upon the filing of the proper information.

The Court has previously held that the provision gives trial courts the power to “*motu proprio* order the dismissal of the case and direct the filing of the appropriate information.”³¹ Indeed, while the courts sit as impartial tribunals, it is equally true that the primary role of the courts is to be vanguards of constitutional guarantees.³² Courts and their judges, therefore, should not sit idly even as threats to constitutional rights readily reveal themselves before them.

Conclusion

All told, the Court upholds accused-appellant’s convictions for two (2) counts of Qualified Rape and one (1) count of Simple Rape.

With regard to the amount of damages, the Court deems it proper to adjust the award of damages in consonance with *People v. Jugueta*.³³ Thus, accused-appellant is hereby ordered to pay AAA, the amount of Seventy-Five Thousand Pesos (₱75,000.00) as civil indemnity, Seventy-Five Thousand Pesos (₱75,000.00) as moral damages, and Seventy-Five Thousand Pesos (₱75,000.00) as exemplary damages for his conviction in Criminal Case No. 00-2603(M). Meanwhile, he is hereby ordered to pay AAA, the amount of One Hundred Thousand Pesos (₱100,000.00) as civil indemnity, One Hundred Thousand Pesos (₱100,000.00) as moral damages, and One Hundred Thousand Pesos (₱100,000.00) as exemplary damages each for his two convictions of Qualified Rape in Criminal Case Nos. 00-2601(M) and 00-2602(M). Interest at the rate of 6% *per annum* on the monetary awards reckoned from the finality of this Decision is likewise imposed to complete the quest for justice and vindication on the part of AAA.³⁴

WHEREFORE, in view of the foregoing, the appeal is hereby **DISMISSED**. The Decision dated November 28, 2016 of the Court of Appeals in CA-G.R. CR HC No. 07786 is hereby **AFFIRMED WITH MODIFICATION** as follows:

- A) In Criminal Case No. 00-2601(M), this Court (a) finds accused-appellant XXX guilty beyond reasonable doubt of the crime of Qualified Rape through sexual intercourse; (b)

³¹ *Galvez v. Court of Appeals*, 307 Phil. 708, 722 (1994).

³² See *Central Bank Employees Association, Inc. v. Bangko Sentral ng Pilipinas*, 487 Phil. 531, 597 (2004).

³³ 783 Phil. 806 (2016).

³⁴ *People v. Arcilla*, 692 Phil. 40 (2012).

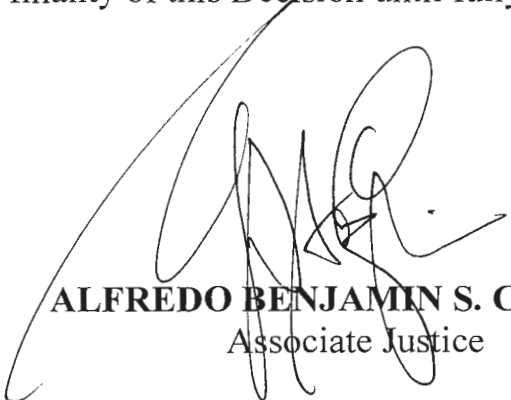
sentences him to suffer the penalty of *reclusion perpetua* without eligibility for parole; and (c) orders him to pay private offended party AAA One Hundred Thousand Pesos (₱100,000.00) as civil indemnity, One Hundred Thousand Pesos (₱100,000.00) as moral damages, and One Hundred Thousand Pesos (₱100,000.00) as exemplary damages;

B) In Criminal Case No. 00-2602(M), this Court (a) finds accused-appellant XXX guilty beyond reasonable doubt of the crime of Qualified Rape through sexual intercourse; (b) sentences him to suffer the penalty of *reclusion perpetua* without eligibility for parole; and (c) orders him to pay private offended party AAA One Hundred Thousand Pesos (₱100,000.00) as civil indemnity, One Hundred Thousand Pesos (₱100,000.00) as moral damages, and One Hundred Thousand Pesos (₱100,000.00) as exemplary damages.

C) In Criminal Case No. 00-2603(M), this Court (a) finds accused XXX guilty beyond reasonable doubt of the crime of Simple Rape through sexual intercourse; (b) sentences him to suffer the penalty of *reclusion perpetua*; and (c) orders him to pay private offended party AAA Seventy-Five Thousand Pesos (₱75,000.00) as civil indemnity, Seventy-Five Thousand Pesos (₱75,000.00) as moral damages, and Seventy-Five Thousand Pesos (₱75,000.00) as exemplary damages.

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


SO ORDERED.





ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



WE CONCUR:


HENRI JEAN PAUL B. INTING
Associate Justice

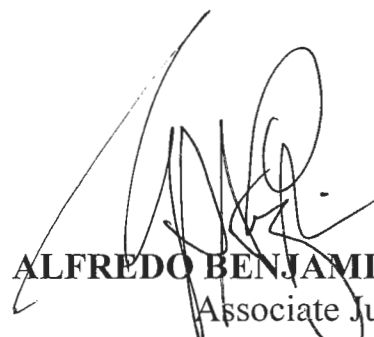

SAMUEL H. GAERLAN
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice

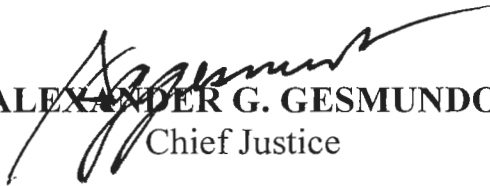
ATTESTATION

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.


ALFREDO BENJAMIN S. CAGUIOA
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.


ALEXANDER G. GESMUNDO
Chief Justice

