Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee,	**G.R. No. 201147**
	Present:
- versus -	CAGUIOA, Chairperson, INTING, DIMAAMPAO, GAERLAN, and SINGH, *JJ.*
FREDDIE SERNADILLA, Accused-Appellant.	Promulgated: September 21, 2022

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DECISION

GAERLAN, *J.*:

This resolves the appeal pursuant to Section 13(c), Rule 124 of the Rules of Court as amended, from the Decision[1] dated June 17, 2011 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 31721. The CA affirmed the Decision[2] dated March 28, 2008 of the Regional Trial Court (RTC) of [redacted], Branch 96, finding the accused-appellant Freddie Sernadilla (accused-appellant), guilty beyond reasonable doubt of one (1) count of Rape under Article 266-A(1) of the Revised Penal Code (RPC) and two (2) counts of Child Abuse under Republic Act (R.A.) No. 7610.

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1 *Rollo*, pp. 2-11. Penned by Associate Justice Manuel M. Barrios, with Associate Justices Mario L. Guariña III, and Apolinario D. Bruselas, Jr., concurring.

2 CA *rollo*, pp. 17-37. Penned by Presiding Judge Corazon D. Soluren.

The Antecedent Facts

The accused-appellant was charged with the crime of Rape in relation to R.A. No. 7610 by virtue of three (3) Informations, the accusatory portions of which read:

Criminal Case No. 3596

That on February 9, 2006 at [redacted] and within the jurisdiction of the Honorable Court, the said accused, did then and there willfully, unlawfully, and feloniously, had carnal knowledge with one AAA,[3] who was then a sixteen (16) year old barrio lass against her will and consent thereby effectively prejudicing her development as a child.

CONTRARY TO LAW.[4]

Criminal Case No. 3599

That on October 28, 2005 at [redacted] and within the jurisdiction of this Honorable Court, the said accused did then and there willfully, unlawfully, and feloniously had carnal knowledge with one AAA, who was then a fifteen (15) year old barrio lass against her will and consent thereby effectively prejudicing her development as a child.

CONTRARY TO LAW.[5]

Criminal Case No. 3600

That sometime in October 2004, at [redacted] and within the jurisdiction of this Honorable Court and inside the premises of the Wenceslao Christian Fellowship, the said accused who was then the Pastor of the said church, did then and there willfully, unlawfully, and feloniously, had carnal knowledge with one AAA, who was then a fourteen (14) year old lass and a member of said church, against the latter's will and consent and thereby effectively prejudicing her development as a child.

CONTRARY TO LAW.[6]

The accused-appellant was arraigned on June 15, 2006 and assisted by counsel, entered a plea of not guilty to all the charges.[7] After pre-trial, trial on the merits ensued.[8]

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3 Pursuant to Supreme Court Amended Administrative Circular No. 83-2015, the personal circumstances and other information which tend to establish or compromise the identity of the victim, including the names of her family members or relatives, and the *barangay* and town where the incidents occurred, are withheld. The names of the victim and her family members or relatives are replaced with fictitious initials. Likewise, the real name of the accused-appellant is replaced with fictitious initials by reason of his relationship to the minor victim.

4 Records, pp. 1-2.

5 CA *rollo*, pp. 13-14.

6 Id. at 15-16.

The prosecution presented as witnesses- the victim AAA, her mother BBB, Adena San Jose, Dr. Roman Balangue (Dr. Balangue), and Dr. Rodolfo Eligio (Dr. Eligio).[9]

Their testimonies tend to establish that at the time the alleged crime was committed, AAA was a minor having been born January 11, 1990. The accused-appellant, on the other hand, was a married man in his mid-thirties and a Pastor of Wenceslao Christian Fellowship, a religious organization of which AAA and her family are members.[10] The accused-appellant was also a distant relative of AAA, as BBB's mother-in law and the accused-appellant's father were second cousins.[11]

At around 10:00 in the evening of October 2004, AAA was in the kitchen of the pastoral house which also served as the accused-appellant's residence when the latter suddenly turned the lights off and started embracing her. The accused-appellant warned AAA not to shout or he would kill her. He then ordered AAA to lie down on a wooden bench, removed her shorts and underwear; and lowered his pants. Despite AAA's resistance, the accused-appellant succeeded in having carnal knowledge of AAA. The accused-appellant threatened AAA that he would harm her if she told anyone about what happened. AAA went home crying.[12]

The accused-appellant sexually ravished AAA for the second time on October 28, 2005. At around 3:00 in the afternoon, AAA was at a waiting shed in Barangay (Brgy.) [redacted] when the accused-appellant came by and offered to bring her home on his tricycle. AAA agreed. However, the accused-appellant brought her in his hut located in a citrus plantation at [redacted]. There, the accused-appellant had sexual intercourse with AAA and again told her not to tell anyone about what happened or else he would kill her.[13]

Still, months later, or on February 9, 2006, another incident happened. AAA and her classmates were ordered by their teacher to get cartons from the accused-appellant's father. While in the house, the accused-appellant's father insisted that AAA and her companions stay for a while as he would cook "*kakanin*" for them. At some point thereafter, the accused-appellant arrived. While waiting, AAA felt the need to urinate and went to the comfort room. There, the accused-appellant followed her and again sexually abused

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7 Records, pp. 62-63.
8 CA *rollo*, p. 18.
9 Id. at 18-21.
10 *Rollo*, p. 4, CA *rollo*, p. 19.
11 CA *rollo*, p. 19.
12 *Rollo*, p. 4, Records p. 69.
13 Id.

her by inserting his penis in her vagina. During the attack, the accused-appellant prevented AAA from shouting for help. It was after this incident that AAA revealed to her mother BBB that the accused-appellant raped her. BBB scolded AAA. Thereafter, they reported the incident to the police. AAA was then brought to a hospital in [redacted].[14]

Dr. Eligio, Medical Officer III of Aurora Memorial Hospital examined AAA on February 9, 2006. In the medicolegal certificate[15] he issued, he found "healed laceration at the 7 o'clock position" and sperm cells in AAA's vagina, which he concluded are "definitive evidence of sexual contact."[16]

AAA was again interviewed and seen by Dr. Balangue, Municipal Health Officer of [redacted] on November 29, 2006. Dr. Balangue issued the corresponding medical certificate stating that he found "healed hymenal laceration" on AAA's vagina, which indicated that she had sexual intercourse in the past.[17]

The defense, for its part, presented the testimonies of the accused-appellant; Maydyn Gaspar, classmate and friend of AAA; CCC, DDD, nephew of the accused-appellant; and EEE, cousin of the accused-appellant.[18]

Succinctly, the defense rests upon the sweetheart theory. The testimonies of the defense witnesses tend to establish that AAA is the girlfriend of the accused-appellant and as such, any sexual act which may have occurred is consensual.[19]

The RTC Ruling

On March 28, 2008, the RTC rendered its *Joint Decision*,[20] ruling as follows:

> WHEREFORE, premises considered, the Court renders judgment as follows:
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> 1. Finding [accused-appellant] [Freddie Sernadilla], GUILTY beyond reasonable doubt of the crime of Rape in Criminal Case No. 3600 and hereby sentences him to suffer the penalty of reclusion perpetua and to pay AAA the civil indemnity of Fifty Thousand Pesos (P50,000.00), moral

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14 *Rollo*, p. 5, CA *rollo*, p. 20.
15 Records, p. 71.
16 CA *rollo*, p. 20.
17 Id.
18 Id. at 21-23.
19 Id. at 24-25.
20 Id. at 17-37.

damages of Fifty Thousand Pesos (P50,000.00) and exemplary damages of Twenty Five Thousand Pesos (P25,000.00); and

2. Finding [accused-appellant] [Freddie Sernadilla] GUILTY beyond reasonable doubt of Child Abuse defined and penalized under Section 5(b), Article III of Republic Act No. 7610 in Criminal Case Nos. 3596 and 3599 and hereby sentences him, for each case, to suffer the indeterminate penalty of fifteen (15) years of reclusion temporal medium, as minimum, to seventeen (17) years, four (4) months and one (1) day to twenty (20) years of reclusion temporal maximum, as maximum; to pay AAA the civil indemnity of Fifty Thousand Pesos (P50,000.00), moral damages of Fifty Thousand Pesos (P50,000.00) and exemplary damages of Twenty Five Thousand Pesos (P25,000.00); and to pay a fine in the amount of Fifty Thousand Pesos (P50,000) for all the charges to be administered as a cash fund by the Department of Social Welfare and Development of [redacted] Province, to be disbursed for the rehabilitation of victim AAA.

SO ORDERED. [21]

The RTC held that rape was committed by the accused-appellant in his first sexual intercourse with AAA but has established "his sweetheart relationship with her in his subsequent sexual congresses with her."[22]

On the element of force and intimidation, the RTC ruled that failure to allege the same in the Information is of no moment it having been proven in view of the great disparity in age and position of the accused-appellant that he wields ascendancy and influence over AAA.[23]

With respect to the remaining charges, the RTC held that the presence of consent is immaterial. In view of the accused-appellant's admission that he had numerous sexual encounters with AAA, a minor, the RTC adjudged him guilty of Child Abuse under Section 5 of R.A. No. 7610.[24]

The CA Ruling

The accused-appellant filed an appeal before the CA which rendered the herein assailed decision[25] dated June 17, 2011, affirming the RTC, the dispositive portion of which reads:

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21 Id. at 36-37.
22 Id. at 27.
23 Id. at 29.
24 Id. at 33-35.
25 *Rollo*, pp. 2-11.

> **WHEREFORE,** premises considered, the appeal is **DENIED,** and the Joint Decision dated 28 March 2008 of the Regional Trial Court, Branch 96, [redacted], in Criminal Case Nos. 3600, 3596 and 3599 is hereby **AFFIRMED.**
>
> **SO ORDERED.**[26]

In his appeal before the CA, the accused-appellant reiterated his arguments before the RTC that there is insufficiency of evidence to sustain the charges against him and that the Information in Criminal Case No. 3600 failed to allege the mode by which Rape was committed.[27]

In resolving the case, the CA held that there is no violation of the accused-appellant's constitutional right to information as the element of "force and intimidation" is supplied with the employment of the phrase "against the latter's will."[28]

Finally, the CA sustained the accused-appellant's conviction rationalizing that –

> the trial court correctly found that forcible rape was committed by [accused-appellant] with respect to the first instance of sexual intercourse subject of Criminal Case No. 3600. However, force and intimidation were not proven with respect to the subsequent sexual encounters. We, therefore, cannot conclude that Rape was committed. Be that as it may, considering that complainant here was a minor of 14, 15, and 16 years at the time material, such sexual adventures with the latter constitute sexual assault punishable under R.A. No. 7610.[29]

In fine, the CA ruled that consent is "irrelevant and immaterial" in Child Abuse under R.A. No. 7610, as the mere act of sexual intercourse with a child constitutes the offense.[30]

In this appeal, the plaintiff-appellee manifested that it will no longer submit a supplemental brief considering that it had already exhaustively discussed the issues in its brief before the CA.[31]

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26 Id. at 10.
27 Id. at 6-7.
28 Id. at 8.
29 Id. at 9.
30 Id. at 10.
31 Id. at 18-19.

The accused-appellant filed a *Motion/Manifestation*[32] dated March 8, 2013 and a *Supplemental Brief*[33] dated June 13, 2013. Therein, the accused-appellant reiterated his position that no crime has been committed as he and the victim are in a relationship and the sexual intercourse that happened between them are consensual;[34] "that the numerous sexual intercourse between [AAA] and the [accused-appellant] negates rape";[35] and that AAA merely filed the instant criminal cases as she was jealous of the accused-appellant's other girlfriends.[36]

Ruling of the Court

The appeal is ***not*** **meritorious.**

Appeal in criminal cases throws the entire case open for review on any question or error though unassigned by the parties. The appellate tribunal can correct the appealed judgment or reverse altogether the decision of the trial court on any ground. The appeal confers the reviewing tribunal full jurisdiction over the criminal case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.[37]

The subject Informations charge the accused-appellant of "Rape in relation to R.A. No. 7610," the RTC and the CA nonetheless convicted the accused-appellant of one (1) count of Rape and two (2) counts of Child Abuse under Section 5 of R.A. 7610.

At the time the crime was committed, the crime of rape is defined under Article 266-A and relative to the subject indictments is committed:

> Article 266-A. Rape: When And How Committed. - Rape is committed:
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> 1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:
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> a) Through force, threat, or intimidation;
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> x x x x

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32 Id. at 31-33.
33 Id. at 38-45.
34 Id. at 40.
35 Id. at 43.
36 Id. at 41.
37 *Ramos, et al. v. People*, 803 Phil. 775, 783 (2017).

The first element is undisputed as the accused-appellant himself admitted that he had carnal knowledge of AAA. The second element is particularly contentious.

In order to establish the element of force and intimidation, the prosecution must prove: a) a complete absence of voluntariness on the part of the victim; and b) that the accused actually employed force and intimidation upon the victim to achieve his end.[38] In rape, force and intimidation must be viewed in the light of the victim's perception and judgment at the time of the commission of the crime. Proof of resistance is not necessary; the victim has no burden to prove that she did all within her power to resist the force and intimidation employed upon her.[39] It being enough that it is of such nature as to wield the victim to submit to the accused's desires.[40]

Intimidation includes the moral kind such as the fear caused when threatened with a knife or pistol, or when words employed are of such nature as would incite anxiety or distress leaving the victim without any choice but to surrender.[41] As this Court held in *Nacario v. People*,[42] "[i]ntimidation is a state of mind, which cannot, with absolutely certainty, be discerned. Whether a person has been intimidated can only be inferred from the simultaneous or subsequent acts of the person subjected thereto." It involves largely an appreciation of the state of mind of the victim at the time of the commission of the crime. Hence, rather than the appellate courts which relies only on the cold and mute pages of the records which do not graphically convey emotion, the assessment of the trial court must be given binding finality in this respect.

> The Court ordinarily puts great weight on the factual findings of the judge who conducted the trial of the case and heard the testimonies of the witnesses themselves. This is especially true in rape cases where the crime is usually committed in the presence of no other person but the victim and the accused. Compared to appellate magistrates who are merely faced with the cold and inanimate pages of the transcript of records brought before them, the trial judge comes face to face with the rape victim herself on the witness stand. He personally observes her conduct and demeanor while responding to the questions propounded by the prosecutor on direct examination as well as those from the defense counsel on cross examination. Moreover, it is also the trial judge who has the chance to pose clarificatory questions to said victim. Thus, when the trial

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38 *People v. Tionloc*, 805 Phil. 907, 915 (2017).
39 *People v. Bisora*, 810 Phil. 339, 344 (2017).
40 *People v. Tionloc*, supra.
41 Id.
42 G.R. No. 222387, June 8, 2020.

> judge makes his findings as to the issue of her credibility, such findings bear great weight upon the appellate court.[43]

Settled is the rule 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."[44] In this case, none of these compelling reasons exists. Thus, We affirm the conclusion of the trial court, which was adopted by the CA, that the accused-appellant employed intimidation in order to have carnal knowledge of AAA in Criminal Case No. 3600; and that the same element is absent in Criminal Case Nos. 3596 and 3599.

While the term "force and intimidation" was not specifically mentioned in the Information, We find that its presence has been sufficiently alleged with the statement that the accused-appellant is a Pastor of the church to which AAA is a member,[45] as this depicts the ascendancy which the former wields over the latter. The test in determining whether the information validly charges the offense is whether material facts alleged in the complaint or information will establish the essential elements of the offense charged as defined in the law. As the objective is to enable the accused to adequately prepare for his defense. Thus, it is more important to aver the ultimate facts rather than employ the technical term employed by the law alone.[46]

In October 2004, AAA was merely 14 years old while the accused-appellant was about 34 years old.[47] In addition, the accused-appellant is a pastor of the religious organization of which AAA and her family are members and as such exerts moral ascendancy over the victim, which then satisfies the element of force and intimidation.[48] To be sure, jurisprudence instructs that even the victim's failure to tenaciously resist the accused-appellant does not *ipso facto* indicate voluntariness. In rape, intimidation is viewed in the light of the victim's perception and judgment at the time of the commission of the crime.[49] As in the circumstances of the case at bar, the difference in age– the accused-appellant being more than double the age of AAA, taken together with his position by virtue of which he wields moral

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43 *People v. Rayles*, 555 Phil. 377, 384-385 (2007).
44 *People v. De Jesus*, 695 Phil. 114, 122 (2012).
45 CA *rollo*, pp. 15-16.
46 *People v. Solar*, G.R. No. 225595, August 6, 2019.
47 Records, p. 87, CA *rollo*, p. 23.
48 *People v. Amoc*, 810 Phil. 253, 260 (2017), citing *People v. Ofemiano*, 625 Phil. 92, 108 (2010), and *People v. Corpuz*, 597 Phil. 459, 464-465 (2009).
49 *People v. Bisora*, supra note 39 at 344.

ascendancy and influence over AAA, it is an inevitable conclusion that the element of intimidation is present.

The accused-appellant's defense anchored on the "sweetheart theory" deserves scant consideration. Jurisprudence instructs that "sweetheart theory" in rape is not credible when it is based on the bare testimony of the accused as the same is self-serving. The theory needs strong corroboration in that even the testimony of a relative will not suffice.[50] A sweetheart defense, to be credible, should be substantiated by evidence of the romantic relationship such as love letters, memento or pictures.[51] This is glaringly lacking here despite the accused-appellant's submission that he and AAA have been in a relationship for at least two (2) years.[52] The testimonies offered by the defense to prove such romantic relationship are insufficient, inasmuch as they do not directly attest to its existence but only relate to the interaction of AAA and accused-appellant. What they narrated to have witnessed are equivocal acts not necessarily indicative of a romantic relationship. The same holds true with the photographs submitted.

At any rate, even lacking the same propositions and assuming further as true the accused-appellant's submission that he and AAA are sweethearts, the existence of such relationship is not tantamount to consent. Proof of romantic relationship does not necessarily indicate consent nor negate the absence of consent to the sexual encounter. As the Court previously ruled, "a love affair does not justify rape, for the beloved cannot be sexually violated against her will. Love is not a license for lust."[53]

In all three (3) charges, the accused-appellant admitted having sexual intercourse with AAA. In the first event which happened in October 2004, the RTC and the CA correctly found the presence of force and intimidation based on the testimony of AAA, that she tried to resist but was threatened by the accused-appellant that he would kill her. Thus, the accused-appellant prevailed in satisfying his lust.[54] To be sure, the degree of force and resistance is relative, depending on the circumstances of each case and on the physical capabilities of each party. As aforestated, force and violence need not be overpowering or irresistible. It suffices that it brings about the desired result.[55] Insofar as Criminal Case No. 3600 therefore, the accused-appellant should be convicted of rape under paragraph 1(a), Article 266-A of the RPC, as amended by R.A. No. 8353 and meted with the penalty of

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50 *People v. Nogpo, Jr.*, 603 Phil. 722, 742 (2009), citing *People v. Casao*, 292-A Phil. 482, 484 (1993).

51 Id. at 742-743.

52 CA *rollo*, p. 24.

53 *People v. Bisora*, supra note 39 at 345, citing *People v. Lagangga*, 775 Phil. 335, 342-343 (2015).

54 *Rollo*, p. 4, Records p. 6, Transcript of Stenographic Notes (TSN) of hearing dated September 29, 2006, pp. 10-11.

55 *People v. Nogpo, Jr.*, supra note 50 at 744.

reclusion perpetua. In accordance with jurisprudence, the accused-appellant must also pay AAA civil indemnity, moral damages, and exemplary damages, set at ₱75,000 each, and subject to interest at the rate of six percent (6%) *per annum* from finality of this decision until fully paid.[56]

With respect to Criminal Case Nos. 3596 and 3599, the RTC and the CA both concluded that there is dearth of evidence to prove "that the carnal knowledge was done against the will and consent of complainant."[57] In these two (2) instances, AAA was led to have sexual intercourse with the accused-appellant who gave her monetary allowances and other material support.[58] Proceeding from these, the RTC and the CA concluded that in the absence of element of force and intimidation, sexual intercourse with a minor even if done with consent is still punishable as Child Abuse under R.A. No. 7610.[59]

As in the earlier case, the Court sees no reason to deviate from the factual finding of the lower court that evidence is insufficient to establish that sexual congress between the accused-appellant and AAA on October 28, 2005 and on February 9, 2006 were attended by force and intimidation. In both of these instances nonetheless, AAA was still a minor, she was 15 years old during the second incident, and 16 in the later occurrence.

Before an accused can be held criminally liable under Section 5(b) of R.A. No. 7610, the following requisites must be present: 1) offender is a man; 2) he indulges in sexual intercourse with a female exploited in prostitution or other sexual abuse, who is 12 years old or below 18 or above 18 under special circumstances; and 3) coercion or influence of any adult, syndicate or group is employed against the child.[60]

In the landmark case of *People v. Tulagan*,[61] the Court explained that in rape involving a minor who is under 12 years old or is demented consent is immaterial as the law presumes the victim's incapacity to discern good and evil;

> [c]onsent of the child is material and may even be a defense in criminal cases involving violation of Section 5, Article III of R.A. No. 7610 when the offended party is 12 years old or below 18, or above 18 under special circumstances. Such consent may be implied from the failure to prove that the said victim engaged in sexual intercourse **either** "due to money, profit

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56 *People v. Ejercito*, 834 Phil. 837 (2018); *People v. Jugueta*, 783 Phil. 806 (2016).
57 *Rollo*, p. 9.
58 Id. at 8, CA r*ollo*, pp. 32-35.
59 *Rollo*, pp. 9-10, CA *rollo*, p 35.
60 *People v. Tulagan*, G.R. No. 227363, March 12, 2019.
61 Id.

> or any other consideration **or** due to the coercion or influence of any adult, syndicate or group.[62] (Emphasis in the original)

Simply, sexual intercourse with a victim who is under 12 years of age or is demented is always statutory rape and the accused-appellant will be prosecuted under paragraph 19(d), Article 266-A of the RPC, as amended by R.A. No. 8353. Meanwhile, if the victim is 12 years old or less than 18 and is deemed to be a child "exploited to prostitution and other sexual abuse" because she agreed to the sexual intercourse "for money, profit or any other consideration or due to coercion or influence of any adult, syndicate or group," the crime could not be Rape under RPC as there is consent. Rather, the offender should be penalized under Section 5(b), R.A. No. 7610. However, when the victim consented to the sexual intercourse, and ***no*** consideration, coercion or influence is involved, **no crime** is committed; ***except*** where "force, threat, or intimidation" as an element of rape is substituted by "moral ascendancy or moral authority" and in instances which fall as qualified seduction under Article 337 or simple seduction under Article 338 of the RPC.[63]

In this case, the remaining charges against the accused-appellant merely stated that the accused-appellant had carnal knowledge of AAA against the latter's will and consent. It was proven during trial that AAA submitted to the carnal desires of the accused-appellant on account of his inducement, enticement, or coercion, in the form of monetary support; thus establishing the offense of Sexual Abuse under Section 5(b) of R.A. No. 7610. We note however that the element of "inducement, enticement, or coercion" was not alleged in the Information, thus violating the accused-appellant's constitutional right to be informed of the nature and cause of accusation against him. It follows therefore that acquittal must ensue in Criminal Case Nos. 3596 and 3599.

In *Villarba v. CA*,[64] the Court reiterated and explained the rule requiring that an Information must state all the material elements of the offense in relation to the constitutional right of the accused to be informed of the nature and cause of accusation against him– an Information must state the acts or omissions that constitute the offense, which must be "described in intelligible terms with such particularity as to apprise the accused, with reasonable certainty, of the offense charged." Factual allegations constitutive of the offense are substantial matters and an accused's right to question a conviction based on facts not alleged in the Information cannot be waived. Therefore, even if the prosecution satisfies the burden of proof, but

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62 Id.

63 Id., See *Bangayan v. People*, G.R. No. 235610, September 16, 2020.

64 G.R. No. 227777, June 15, 2020.

if the offense is not charged or necessarily included in the information, conviction cannot ensue.[65]

In this case, while the elements of the offense of Sexual Abuse under Section 5(b) of R.A. No. 7610 were proven during trial, it cannot be said nonetheless that the accused-appellant was given sufficient opportunity to defend himself in this respect as the Information failed to state the elements of such offense in the Informations for Criminal Case Nos. 3596 and 3599. Accordingly, he must be acquitted of these charges.

WHEREFORE, in view of the foregoing, the appeal is hereby **PARTLY GRANTED**. Judgment is hereby rendered as follows:

a. In Criminal Case Nos. 3596 and 3599, Accused-appellant Freddie Sernadilla is **ACQUITTED**. The Decision dated June 17, 2011 of the Court of Appeals in CA-G.R. CR-HC No. 31721 which affirmed the Regional Trial Court of [redacted], Branch 96, is hereby **REVERSED and SET ASIDE**.

b. In Criminal Case No. 3600, the Decision dated June 17, 2011 of the Court of Appeals in CA-G.R. CR-HC No. 31721 is **AFFIRMED with MODIFICATION**. Accused-appellant Freddie Sernadilla is found **GUILTY** beyond reasonable doubt of the crime of Rape under Article 266-A(1) in relation to Article 266-B of the Revised Penal Code, for which he is sentenced to suffer the penalty of *reclusion perpetua*. Accused-appellant is also **ORDERED to pay** the victim, AAA, ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages. Legal interest at the rate of six percent (6%) *per annum* is imposed on the monetary awards from the finality of this Decision until fully paid.

SO ORDERED.

SAMUEL H. GAERLAN
Associate Justice

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65 Id.

WE CONCUR:

See Concurring Opinion

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

HENRI JEAN PAUL B. INTING
Associate Justice

JAPAR B. DIMAAMPAO
Associate Justice

Ph. see Concurring Opinion

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.

MARVIC M.V.F. LEONEN
Acting Chief Justice