

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDDIE BONALOS Y ESTOESTA, ACCUSED-APPELLANT.

Ponente: CRUZ, R.A., J.

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CRUZ, R.A., J.:

THE CASE

This is an ordinary appeal under Rule 122 of the Rules of Court which seeks to reverse and set aside the Consolidated Judgment dated October 18, 2011[1] of the Regional Trial Court of Baguio City, Branch IV (RTC), in Criminal Case Nos. 25390-R to 25394-R, the dispositive portion of which reads:

WHEREFORE, in view of all the foregoing, the Accused EDDIE BONALOS y ESTOESTA is found GUILTY beyond reasonable doubt of the offense of Statutory Rape in Criminal Case No. 25934-R and Criminal Case No. 25930-R as defined under Article 266-A par. 1(d) of the Revised Penal Code as amended by RA 8353. He is also found GUILTY beyond reasonable doubt of the offense of Rape in Criminal Case No. 25931-R and Criminal Case No. 25933-R as defined under Article 266-A par. 1(a) of the Revised Penal Code. The Accused is sentenced to suffer the penalty of reclusion perpetua and all its accessory penalties in all these four cases.

However, due to reasonable doubt, the Accused EDDIE BONALOS Y ESTOESTA is ACQUITTED of the charge in Criminal Case No. 25932-R.

xxx xxx xxx

In line with prevailing jurisprudence, he is to pay AAA P75,000.00 as civil indemnity and P75,000.00 as moral damages for each of the four counts or a total of P600,000.00.

SO ORDERED.[2] (Citations omitted)

THE ANTECEDENTS

In similarly worded Informations, all dated February 16, 2006, Eddie Bonalos y Estoesta (Bonalos) was charged with two (2) counts of statutory rape and three (3) counts of rape. The Information in Criminal Case No. 25930-R,[3] charged Bonalos with the first count of statutory rape, committed as follows:

That sometime in the month of September, 2003, in the City of Baguio, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being then the stepfather of the private complainant, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the offended party AAA,[4] a[n 11-year] old minor.

The offense was attended by the aggravating circumstances of minority and relationship considering the the accused is the stepfather of the complainant and the complainant was then 11 years old at the time of the commission of the offense.[5]

The second count of statutory rape was embodied in the Information which became the basis for Criminal Case No. 25934-R.[6] This Information alleged that Bonalos committed the same acts against the same victim

sometime in April 2002, when the victim was ten (10) years old.

The three (3) counts of rape were contained in separate Informations filed for Criminal Case Nos. 25931-R,[7] 25932-R[8] and 25933-R.[9] These Informations alleged that Bonalos had carnal knowledge of the victim on three different instances, namely in October 2005 (for Criminal Case No. 25931-R), in August 2005 (for Criminal Case No. 25932-R), and in January 2006 (for Criminal Case Nos. 25933-R), when the victim was thirteen (13) years old.

At the arraignment, on April 27, 2006,[10] the Informations were read to the accused in Tagalog, a dialect which he understands. The accused, assisted by counsel, entered a plea of NOT GUILTY. A pre-trial was held and terminated. Because the five criminal cases involved the same parties, a joint trial was conducted.

The prosecution presented, as witnesses, AAA, the private complainant and Dr. Marjorie Rebujo, the physician who conducted a medical examination on the private complainant.

AAA was born on May 28, 1992.[11] She is the daughter of BBB. Accused Bonalos and BBB were common law spouses.[12]

Criminal Case No. 25934-R

AAA recounted that sometime in April 2002, when she was still ten (10) years old and in Grade 3,xiii she came home from playing and was about to take a bath. Inside the bathroom, as she was about to pour water on her body, the door of the bathroom suddenly opened and the accused entered. The accused pinned AAA against the wall and pulled her shorts and panties down. Accused Bonalos then removed his short pants and inserted his penis into AAA's vagina. AAA did not tell her mother what had happened because she was afraid.[14]

Criminal Case No. 25930-R

Private Complainant AAA also narrated that sometime in August 2003,[15] when she was still eleven (11) years old, her family transferred to a different house. She and the accused were moving their belongings from their old house to the new one, while her mother and her siblings were left behind in the old house. She and the accused entered the new house. When AAA put down the things she was carrying, the accused made her lie down on the floor. When she was lying down on the floor, the accused went on top of her and removed her pants and panties. The accused then pulled down his pants and inserted his penis into AAA's vagina.[16]

Criminal Case No. 25931-R

AAA likewise recalled that one night in their residence, when she was sleeping beside her two younger siblings, CCC and DDD, she was about to embrace the person right beside her, thinking that it was one of her siblings. To her surprise, it was Accused Bonalos who was lying down beside her. Thereafter, Accused Bonalos went on top of her, removed her short pants and panties, and pulled down his pants and briefs. AAA added that the accused then raped her for the third time.[17]

Criminal Case No. 25932-R

AAA also testified regarding a fourth incident when she was left alone in the house with the accused. At that time, she was lying down in bed, reading a book. The accused arrived, immediately lied down beside her, pulled her closer and told her, "Isa lang." The accused went on top of her, removed her pants and panties, and then his own pants and briefs. The accused then proceeded to make a push and pull motion while he lied down on top of AAA.[18]

Criminal Case No. 25933-R

The private complainant stated that the last incident happened on January 14, 2006. She said that her mother was not in the house at the time; she and her two siblings were left with the accused. AAA was sleeping beside her siblings CCC and DDD, and the accused was beside CCC. AAA woke up and was surprised to see that the accused was already beside her again. The accused then went on top of her and removed her shorts and panties. The accused also pulled down his pants and briefs and, while on top of her, made a push and pull motion. AAA tried to fight the accused, but he was very strong and AAA did not have the strength to fight him.[19]

On January 16, 2006, AAA, instead of going home, slept over at a friend's house. There, she confided in her friend what had happened to her. Eventually, her friends told BBB, AAA's mother, what Bolanos had done to AAA. BBB trusted Bolanos so much that she could not believe the revelation. Following the advice of her friends, AAA herself told BBB what Bolanos had done to her through a letter. According to AAA, BBB gave this letter to a certain Mrs. Apresto, AAA's teacher. Mrs. Apresto then asked AAA if what she found out in the letter were all true. Thereafter, Mrs. Apresto accompanied AAA to the police station to report the incidents. AAA added that she went to the police station a second time, when she gave her sworn statement. At that point, she was already accompanied by BBB, her mother.[20]

The prosecution likewise presented as witness Dr. Marjorie Rebujo, the physician who conducted a medical examination on the private complainant. Dr. Rebujo narrated that she examined AAA at the Women and Child Protection Unit of the Baguio General Hospital and Medical Center, after the latter complained that she was a victim of sexual abuse. Dr. Rebujo testified on her findings which were recorded in the medico-legal certificate of AAA. Dr. Rebujo noted a cleft at the 3 o'clock position on AAA's hymen. On the witness stand, the doctor explained that a cleft meant a tear on the hymen of AAA, which was suggestive of sexual abuse. The doctor concluded that the injury on the hymen was consistent with AAA's claim that she was sexually molested.[21]

As the lone witness for the defense, Accused Eddie Bonalos y Estoesta (Bonalos) testified. He proffered denial and alibi as his defenses.

Bolanos stated that he worked in construction and was often out of the house working for various projects.[22] He asserted that on the days when the alleged incidents of rape happened, he was not at home. Hence, it was physically impossible for him to have committed said acts.[23]

More specifically, the accused narrated that in April 2002, he was working as a steelman at a construction site for a residential building in Irisan, Baguio City. He worked from Monday to Saturday. He would leave the house at 7:00 o'clock in the morning and stay at the job site the whole day. He would arrive home, after work, between 6:00 and 7:00 o'clock in the evening. This daily schedule, Bolanos argued, made it impossible for him to be at the house at the time when he allegedly first raped AAA.[24]

Accused Bolanos also belied the claim of the private complainant that a second rape happened at the time her family was moving to a new house, sometime in August (or September) of 2003. In September 2003, contrary to AAA's allegation, Bolanos was working at his aunt's house. He confirmed that their family did transfer to a new house, but that was in January 2004. He himself demolished their old house, and built a new one, ten (10) meters away from the location of the old house. He denied raping AAA at the time they transferred their belongings to the new house, insisting that he could not have done so because he was with his wife and their other children at that time.[25]

Turning to the third instance, when the accused allegedly raped AAA while she was sleeping one night, in August 2005, in their new residence, Bolanos countered that this was not true, as AAA was not even staying in their house during that particular period in August 2005. Bolanos expounded that AAA was then staying at her cousin's house. She stayed there for a week and when she returned home, she was suffering from abdominal pain, and had

to be brought to the hospital. Bolanos added that he could not have raped AAA while she was sleeping because she always slept beside her two brothers and her mother.[26]

The accusation that Bolanos raped AAA a fourth time was met with the same denial. Bolanos maintained that there was no truth to AAA's story that while she was lying down in bed, reading a book, Bolanos arrived, immediately lied down beside her, pulled her closer and raped her. Bolanos advanced the alibi that he was, at the time, working at a construction site inside the Sto. Niño Hospital in P. Burgos. Bolanos explicated that when work at the construction site was done, he would go home in the afternoon and whenever he arrived home, her wife and all the children were there, which made it, according to Bolanos, impossible for him to rape AAA.[27]

As to the allegation that the accused last raped AAA on January 20, 2006, while she was sleeping between CCC and DDD, Bolanos branded the charge as untrue. He explained that he went ahead to sleep with one of his children, EEE, on the lower bunk of their double-deck bed, while AAA was still studying. When he woke up in the morning, he saw AAA already sleeping at the upper bunk of the double-deck bed.[28]

After the testimony of Bonalos was completed, the defense manifested that it was no longer adducing additional evidence. On the other hand, the prosecution manifested that it was not presenting rebuttal evidence. As prayed for by both parties, the cases were deemed submitted for decision as of July 26, 2011.

On October 18, 2011, the RTC promulgated the Consolidated Judgment[29] appealed from. The RTC found Bonalos guilty beyond reasonable doubt of the following charges: (a) two counts of statutory rape (Criminal Case No. 25930-R and Criminal Case No. 25934-R), and (b) two counts of rape (Criminal Case No. 25931-R and Criminal Case No. 25933-R).

He was acquitted of the charge of rape in Criminal Case No. 25932-R.

In convicting Bonalos for two counts of statutory rape, the RTC reasoned that,

xxx the gravamen of the offense of statutory rape xxx is the carnal knowledge of a woman below twelve years old. The only elements of statutory rape are: (1) that the offender had carnal knowledge of a woman; and (2) such woman is under twelve years of age.

xxx xxx xxx

The Informations for Statutory Rape state the age of AAA to be 10 years old and 11 years old. AAA testified as to her age and the Prosecution presented the Certificate of Live Birth of AAA to support the allegation that AAA was, indeed, of such ages at the time of the commission of the crime.

xxx xxx xxx

xxx the Prosecution has proven that AAA was even 9 years old during the first incident in April 2001 (Criminal Case No. 25934-R) and 11 years old [during] the second incident of rape (Criminal Case No. 25930-R).[30] (Citations omitted)

Weighing the evidence presented to support the charges of statutory rape, the RTC held that,

xxx the testimonies of the Prosecution witness, particularly that of the child-complainant establish beyond moral certainty that AAA was raped in at least two instances when she was below 12 years old by the Accused and [was] likewise forced and intimidated to have the Accused's penis inside her vagina.[31]

Then, looking at the totality of evidence adduced during the joint trial, the RTC concluded that,

Verily, the Prosecution was able to prove its case except in Criminal Case No. 25932-R where AAA's testimony [was] not clear enough, leaving reasonable doubt as to the guilt of the Accused. xxx In all of the

incidents, except for one, AAA testified in a clear, definite and direct manner as to how the Accused was able to insert his penis in her genitalia.

The candid testimony of the child-victim is further corroborated by the findings of the medico-legal examination. xxx[32] (Citations omitted)

The RTC did not give credence to the defense of denial and alibi advanced by the accused, viz:

As between the positive declaration of the prosecution witness and the negative statement of the accused, the former deserves more credence. xxx The identity of the Accused as the perpetrator was proven and the fact that the child-complainant and the Accused lived together with the former's mother and her siblings (full and half blood) negates any possibility of mistaken identity.

xxx The Accused's other defense of alibi—that he was working as a construction worker deserves scant consideration. He claims to have been working during the times whe[n] he is alleged to have raped the complainant in Irian, P. Burgos and Green Valley, which are places all accessible from his house by jeepney. This fact does not preclude the commission of rape as in fact the Accused himself admitted that he works away from home six days a week and goes home every afternoon.[33] (Citations omitted)

Accused Bonalos filed a Notice of Appeal on November 10, 2011, which was given due course by the RTC in an Order dated November 17, 2011.

THE ASSIGNED ERROR

Accused Eddie Bonalos y Estoesta (Bonalos), Our appellant, filed this appeal on a lone assignment of error, namely:

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY DESPITE THE FACT THAT HIS GUILT HAS NOT BEEN PROVEN BEYOND REASONABLE DOUBT.[34]

Bonalos emphasizes that AAA claimed that he raped her five (5) times on different dates and circumstances, yet she could not give the exact dates as to when these incidents took place. According to Bonalos, this failure to specify the date of commission of the crime is detrimental to his right to due process as, in the absence of a reasonably determined time of the alleged commission of the offense or crime, a proper defense, including a denial and alibi, would be difficult to establish. The accused-appellant also argues that AAA's testimony is riddled with inconsistencies that raise doubts as to the veracity of her allegations.[35]

Accused-Appellant Bonalos likewise submits that even the medical findings of the physician presented by the prosecution failed to support AAA's allegation.[36] Bonalos points out that the details in the medico-legal certificate do not amount to a conclusive proof that AAA was sexually abused, because the doctor herself admitted that the condition of AAA's hymen could be considered normal for children her age, and that the tear could have been caused by an injury not necessarily sexual in nature.[37]

OUR RULING

We DISMISS the appeal. We affirm the Consolidated Judgment of the RTC, but slightly modify the fallo by imposing an interest on the monetary awards of civil indemnity and moral damages.

The date of the commission
of rape is not an essential element
of the crime.

The inability of AAA to specify the dates when Eddie Bonalos y Estoesta raped her does not necessarily make the

prosecution's case crumble.

It has been repeatedly held that the precise time of the commission of the crime is not an essential element of rape and it has no bearing on its commission.[38] Such is the rule because the gravamen of the offense is carnal knowledge of a woman. Hence, the time or place of commission in rape cases need not be accurately stated.[39] Because the exact time when the rape took place is not a material ingredient of the offense, it is sufficient that the complaint or information states that the crime has been committed at any time as near as possible to the date of its actual commission.[40]

The Informations filed against the accused-appellant comply with the foregoing rule. The prosecution charged Bonalos with several counts of rape committed against AAA sometime in April 2002 and September 2003, when the victim was less than twelve (12) years old, and in August 2005, October 2005 and January 2006, when the victim was thirteen (13) years old.

Despite her failure to give the exact time and date of the rape incidents, AAA was able to recall in detail how the sexual assault was committed against her by Bonalos. As correctly observed by the People, through the Office of the Solicitor General:

xxx AAA's testimony clearly points to the fact that appellant, through the use of force and intimidation, had carnal knowledge of her on different instances, in particular: 1) when she was taking a bath; 2) when AAA's family was transferring residence, 3) twice, when she was sleeping with her siblings CCC and DDD. The foregoing events point to specific occasions when appellant raped her.[41]

The discussion of the RTC "in the matter of the discrepancy in the time as to the commission of the rape"[42] is likewise apropos. Citing *People vs Dion*,[43] the RTC said,

xxx in a prosecution for rape, the material fact or circumstance to be considered is the occurrence of the rape, not the time of its commission. The failure to specify the exact date or time when it was committed does not ipso facto make the information defective on its face.

xxx xxx xxxx

xxx We have repeatedly held that the date of the commission of rape is not an essential element of the crime. It is not necessary to state the precise time when the offense was committed except when time is a material ingredient of the offense. In statutory rape, time is not an essential element. What is important is that the information alleges that the victim was a minor under twelve years of age and that the accused had carnal knowledge of her, even if the accused did not use force or intimidation on her or deprived her of reason.[44] (Citations omitted)

Indeed, "the alleged inconsistencies in the dates of the commission of the offenses are [outweighed] by AAA's testimony that appellant had carnal knowledge of her." [45]

The alleged inconsistencies
in AAA's testimony do not damage
her credibility.

There is no merit in the accused-appellant's argument that AAA's testimony is replete with oddities and contradictions which make her allegations doubtful.

Accused-Appellant Bonalos makes much of the supposed inconsistencies in AAA's testimony, viz:

xxx First, it seems a remarkable feat of multitasking for the accused-appellant to successfully pin AAA [against] the wall, securely hold both her hands and at the same time manage to remove or pull down her shorts

and panties and then pull down his own shorts, without giving AAA the opportunity to fight [back] and slip away from his grasp. Second, AAA mentioned that she was about to take a bath and was about to pour water on herself when the accused-appellant entered the bathroom and yet the accused-appellant still had to [pull] down her shorts and pant[ies]. Third, after the accused-appellant raped her, AAA continued and commenced with her bath.

xxx Despite her previous experience in the hands of the accused-appellant, AAA somehow found herself alone with the accused-appellant while their family was transferring their things to another house in Green Valley. AAA averred that only she and the accused-appellant were moving their things, which seemed odd since such an activity should require the assistance of the rest of the family xxx.

xxx she alleged that the accused-appellant raped her on the bed she shared with her two (2) younger brothers. Again, the unlikelihood of this scenario renders AAA's testimony doubtful. xxx it still defies logic that [on] the two (2) occasions when AAA was allegedly raped by the accused-appellant while they were asleep in bed, not one of the younger children noticed or was awakened xxx.[46]

We have no reason to disbelieve the testimony of AAA. We defer to the RTC when it ascertained that “AAA testified in a clear, definite and direct manner as to how the accused [raped her].”[47] The assessment of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct, and attitude under grueling examination.[48]

Notwithstanding the respect and finality usually accorded to the findings of the trial court regarding the credibility of the witnesses who testified, We made an independent examination of the records, paying special attention to the alleged defects in the testimony of AAA. We conclude that these supposed flaws do not undermine AAA's credibility or the veracity of her testimony.

First, the argument that it was “a remarkable feat of multitasking for the accused-appellant to successfully pin AAA [against] the wall, securely hold both her hands and at the same time manage to remove or pull down her shorts and panties and then pull down his own shorts, without giving AAA the opportunity to fight [back] and slip away from his grasp” was passed upon squarely by the RTC. We quote with approval the RTC's disquisition:

The force or violence that is required in rape cases is relative; when applied, it need not be overpowering or irresistible. That it enables the offender to consummate his purpose is enough. The parties' relative age, size and strength should be taken into account in evaluating the existence of the element of force in the crime of rape. The degree of force which may not suffice when the victim is an adult may be more than enough if employed against a person of tender age. In the case at bar, [accused] employed that amount of force sufficient to consummate rape. It must be stressed that at the time of the incidents, AAA was only 9 years old [during] the first incident and 13 years old [during] the last incident. Her size and strength was no match against the accused who [was] already an adult in the prime of his life. AAA testified that she was pushed and overpowered by the accused making it difficult, if not impossible, for her, considering her buil[t], to ward off the sexual assaults of the accused.[49] (Citations omitted)

Second, the accused-appellant emphasizes that AAA's narration that the first rape happened when she was about to take a bath and was about to pour water on herself conflicts with her statement that the accused-appellant still had to [pull] down her shorts and pant[ies] when he entered the bathroom. The accused-appellant is desperately attempting to discredit the testimony of the victim. We will not succumb. The issue as to whether or not AAA was still dressed when Bolanos entered the bathroom does not negate the fact of rape. It is, at most, a minor inconsistency which does not necessarily derail the testimony of the offended party, for a rape victim cannot be expected to be precise in recounting the details of a clearly harrowing experience.[50]

Similarly desperate is Bolanos' effort at highlighting the behavior of AAA after she was raped—she proceeded to take a bath. We agree with the People that this cannot be taken against her. Not every victim of rape can be expected to act with reason or in conformity with the usual expectations of everyone. The workings of a human mind placed under emotional stress are unpredictable; people react differently. Some may shout, some may faint, while others may be shocked into insensibility. And while the conduct of the victim immediately following the alleged sexual assault is of utmost importance as it tends to establish the truth or falsity of the charge of rape, it is not accurate to say that there is a typical reaction or norm of behavior among rape victims, as not every victim can be expected to act conformably with the usual expectation of humankind and there is no standard behavioral response when one is confronted with a strange or startling experience, each situation being different and dependent on the various circumstances prevailing in each case.[51]

Next, Bolanos describes as odd AAA's narration that only she and the accused-appellant were moving the family's belongings to their new house. He adds that “such an activity should require the assistance of the rest of the family, which include[s] AAA's siblings and stepsiblings and her mother.” AAA did not state that her mother and siblings were not around during the time they were transferring to the new house. AAA testified,

Q And where were your siblings at that time?

A They were in our old house.

Q What were they doing there, if you know?

A There with my mother.

It was clearly understandable why AAA's mother and the other children were in the old house. As AAA and Bolanos were tasked with transferring their belongings to the new house, AAA's mother and the other children were in the old house, presumably tending to what was left behind.

However, Bolanos insists that because the new house was a mere ten (10) meters away from the old one, “it would be very difficult for the accused-appellant and AAA to be left alone for a period of time enough for the accused-appellant to force himself on her xxx without the rest of the family noticing them.” Bolanos employs the same tenor when he declares that it “defies logic that [on] the two (2) occasions when AAA was allegedly raped by the accused-appellant while they were asleep in bed, not one of the younger children [who shared the bed with AAA] noticed or was awakened.”

It has been pronounced, time and again, that the presence of people nearby is no guarantee that rape will not be committed, for lust is no respecter of time and place. Rape has been committed in places where people congregate, like parks or school premises and even in a house where there are other occupants. There is no rule or norm that a woman can only be raped in seclusion. It has been committed in a room adjacent to where other members of the family stay or in a room, which the victim shared with others. It has been observed, more than once, that rape could take place in the same room where other members of the family were sleeping.[52]

In this case, AAA complained that there were two instances when she was raped by Bolanos in the middle of the night. It is of judicial notice that it is at this time when children are in deep slumber and could not be easily awakened.[53]

Thus, the arguments advanced by Bolanos that it was impossible for him to have ravished AAA when the rest of the family was nearby during the transfer to their new house, and when AAA's siblings were sleeping next to her deserve scant consideration.

A medical examination
is not indispensable
in a prosecution for rape.

Accused-Appellant Bolanos also contends that the findings in the medico-legal certificate are not conclusive proof that AAA was sexually abused. This does not affect the prosecution's case because a medical examination is not essential in the prosecution of a rape case; a medical examination, as well as the medical certificate, is merely corroborative in character. Such a report is not an indispensable requirement for conviction for what matters greatly is the clear, unequivocal and credible testimony of the victim.[54]

Based on all the foregoing, the prosecution has proven, beyond reasonable doubt, the guilt of Bolanos. Hence, the RTC correctly convicted him and sentenced him to suffer the penalty of *reclusión perpetua*. The civil indemnity and the moral damages awarded by the RTC are likewise in order.

Under Article 266-B in relation to Article 266-A, rape shall be punished by *reclusión perpetua* when the offended party is under twelve (12) years of age. The RTC, therefore, correctly sentenced Bonalos to said penalty for each of the two (2) counts of statutory rape (Criminal Case No. 25934-R and Criminal Case No. 25930-R) committed against AAA. The same Article 266-B prescribes the death penalty if the crime of rape is committed when the victim is under eighteen (18) years of age and the offender is the common law spouse of the parent of the victim. However, because of the abolition of the death penalty, per Republic Act No. 9346, the RTC correctly imposed the penalty of *reclusión perpetua* for each of the other two (2) counts of rape (Criminal Case No. 25931-R and Criminal Case No. 25933-R).

As for the monetary awards, it has been held that civil indemnity, which is actually in the nature of actual or compensatory damages, is mandatory upon the finding of the fact of rape. Moral damages are also automatically awarded to a rape victim without need of proof because from the nature of the crime, it can be assumed that she has suffered moral injuries entitling her to such award. The award of moral damages is separate and distinct from civil indemnity. For each count of statutory rape punishable under Article 266-A in connection with Article 266-B of the RPC, as amended, the amounts of P75,000.00 as civil indemnity *ex delicto* and P75,000.00 as moral damages should be awarded to the victim.[55] The same amounts should also be awarded for each count of rape where circumstances surrounding the crime would justify the imposition of the death penalty were it not for the passage of RA 9346.[56] The civil indemnity and moral damages awarded to the victim in this case conform to the aforecited jurisprudence. However, in addition, and in conformity with current policy, We impose an interest on the monetary awards at the rate of six percent (6%) per annum from the date of the finality of this Decision until fully paid.[57]

WHEREFORE, premises considered, the appeal is hereby **DISMISSED** and the Consolidated Judgment promulgated on October 18, 2011 by the Regional Trial Court of Baguio City, Branch IV, in Criminal Case Nos. 25390-R to 25394-R, is **AFFIRMED WITH MODIFICATION**, in that Eddie Bonalos y Estoesta is ordered to pay legal interest on the civil indemnity and moral damages awarded to the victim at the rate of six percent (6%) per annum from the date of finality of this Decision until fully paid.

SO ORDERED.

Salazar-Fernando, R.A., Chairperson, and Gonzales-Sison, M., JJ., concur.

[1] Records, 197-209.

[2] Ibid. at 209.

[3] Records, Criminal Case No. 25930-R, 1.

[4] Real names are withheld and fictitious appellations are used instead, pursuant to Section 44, Republic Act No. 9262, Section 5, Republic Act No. 8505, Section 29, Republic Act No. 7610, Section 40, A.M. No. 04-10-11-SC, and the ruling in *People vs Cabalquinto*, G.R. No. 167693, September 19, 2006, 502 SCRA 419, 425-426, which require that the real name of the victim-survivor and her personal circumstances or any other information tending to establish or compromise her identity, as well as those of her immediate family or household members, shall not be disclosed.

[5] Supra note 3.

[6] Records, Criminal Case No. 25934-R, 1.

[7] Records, Criminal Case No. 25931-R, 1.

[8] Records, Criminal Case No. 25932-R, 1.

[9] Records, Criminal Case No. 25933-R, 1.

[10] Records, Criminal Case No. 25934-R, 16.

[11] See Exhibit “B” for the Prosecution, Records, Criminal Case No. 25934-R, 110.

[12] In his testimony (TSN dated September 21, 2010, 3-4), Accused Bonalos admitted that he and BBB, AAA's mother, were married. However, because there was no Marriage Contract between Bonalos and BBB presented during trial, the RTC ruled that the accused and BBB could not be considered as husband and wife (RTC Consolidated Judgment, supra note 1 at 204). They were live-in partners.

[13] TSN dated September 26, 2006, 4; TSN dated February 6, 2007, 3.

[14] TSN dated September 26, 2006, 4-5.

[15] TSN dated February 6, 2007, 4.

[16] Ibid. at 5-6.

[17] TSN dated November 21, 2006, 3-4.

[18] Ibid. at 5.

[19] Ibid. at 6.

[20] Ibid. at 7-10.

[21] TSN dated May 10, 2007, 3-4.

[22] TSN dated September 21, 2010, 4-5.

[23] Brief for the Accused-Appellant, Rollo, 64.

[24] TSN dated September 21, 2010, 4-6 cited in Brief for the Accused-Appellant.

[25] TSN dated January 18, 2011, 3-6 cited in Brief for the Accused-Appellant.

[26] Ibid. at 7-9.

[27] Ibid. at 9-11.

[28] Ibid. at 11.

[29] Supra note 1.

[30] Ibid. at 203-204.

[31] Ibid. at 205.

[32] Ibid. at 205-206.

[33] Ibid. at 208.

[34] Brief for the Accused-Appellant, Rollo, 57.

[35] Ibid. at 67.

[36] Ibid. at 70.

[37] Ibid. at 72.

[38] People vs Ortega, G.R. No. 186235, January 25, 2012.

[39] People vs Cinco, G.R. No. 186460, December 4, 2009.

[40] People vs Escutor, G.R. Nos. 149366-67, May 27, 2004; People vs Nazareno, G.R. No. 167756, April 9, 2008.

[41] Brief for the Plaintiff-Appellee, Rollo, 109.

[42] Supra note 1 at 206.

[43] G.R. No. 181035, July 4, 2011.

[44] Supra note 1 at 207.

[45] Supra note 40 at 110.

[46] Supra note 33 at 69.

[47] Supra note 1 at 206.

[48] People vs Ocdol et al., G.R. No. 200645, August 20, 2014 citing People vs Sapigao, Jr., G.R. No. 178485, September 4, 2009; See also People vs Corral, G.R. Nos. 145172-74, February 28, 2003.

[49] Supra note 1 at 205.

[50] People vs Rabago, G.R. No. 149893, April 2, 2003; People vs Plurad, G.R. Nos. 138361-63, December 3, 2002; People vs Aguero, Jr., G.R. No. 139410, September 20, 2001.

[51] People vs Zafra, G.R. No. 197363, June 26, 2013 citing People vs Saludo, G.R. No. 178406, April 6, 2011, 647 SCRA 374, 394.

[52] People vs Evina, G.R. Nos. 124830-31, June 27, 2003; People vs Guihama, G.R. No. 126113, June 25, 2003; People vs Besmonte and Apuyan, G.R. Nos. 137278-79, February 17, 2003; People vs Estomaca, G.R. Nos. 134288-89, January 15, 2002.

[53] People vs Besmonte and Apuyan, supra note 51; See also People vs Ponsica, G.R. Nos. 137661-63, July 4,

2002, citing *People vs Balmoria*, 344 SCRA 723, 728 (2000).

[54] *People vs Diunsay-Jalandoni*, G.R. No. 174277, February 8, 2007; *People vs Balleno*, G.R. No. 149075, August 7, 2003; *People vs Iluis*, G.R. No. 145995, March 20, 2003.

[55] *People vs Cadano*, G.R. No. 207819, March 12, 2014.

[56] *Id.*

[57] *People vs Alhambra*, G.R. No. 207774, June 30, 2014; *People vs Jastiva*, *People vs Jastiva*, G.R. No. 199268, February 12, 2014.

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