

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. ENRIQUE GALVEZ, ACCUSED-APPELLANT.

Ponente: ELBINIAS, J.

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ELBINIAS, J.:

For intermediate review[1] is the Decision[2] of the Regional Trial Court, Branch 74 of Olongapo City in Criminal Case Nos. 228-95 to 231-95, 247-95 to 250-95.

In line with the Supreme Court's Decision in the case of People of the Philippines vs. Melchor Cabalquinto,[3] the real name, information and personal circumstances of the rape victim tending to establish or compromise her identity in this case are withheld.[4]

The Decision which convicted accused-appellant Enrique Galvez (“Galvez”, or “accused-appellant” for brevity) stemmed from four (4) sets of Information[5] which charged accused-appellant for the crime of Rape under the Revised Penal Code, and from four (4) sets of Information which charged accused-appellant for violation of Sec. 5 (b), Art. III, Republic Act No. 7610 (“R.A. No. 7610” for brevity), otherwise known as “Special Protection of Children Against Abuse, Exploitation and Discrimination Act”.[6]

Except for the dates of commission of the crime, all the Informations[7], which were all dated June 27, 1995 — were worded similarly as in the Information in Criminal Case No. 228-95[8] as follows:

“That on or about the 14[th] day of May, 1995 at Sitio Cabitaogan, Brgy. Cawag, in the municipality of Subic, Province of Zambales, Philippines, and within the jurisdiction of this Honorable Court, the said accused, being the uncle of minor [AAA], by means of force, intimidation and threats, did then and there willfully, unlawfully and feloniously have carnal knowledge of said [AAA], a girl of 13 years old, against her will and consent, to the damage and prejudice of the latter.

CONTRARY TO LAW.”

The prosecution presented private complainant [AAA], Dra. Joan Marie Echaluse (“Dra. Echaluse” for brevity), Angustia Clavecilla (“Clavecilla” for brevity), and SPO3 Lilia Guerrero (“SPO3 Guerrero” for brevity), in order to prove the following:

At the time of the incidents complained of, private complainant AAA, the niece of accused-appellant Galvez, was thirteen (13) years old.

On several occasions during the summer vacation of 1995, complainant AAA stayed at the house of her father's brother, accused-appellant Galvez, at Sitio Cabitaogan, Barangay Cawag, Subic, Zambales, to keep company accused-appellant's wife.[9]

On several days, such as on May 14, 15, 16 and 18, 1995, when accused-appellant's wife was not in the house, accused-appellant Galvez removed AAA's clothes and underwear, went on top of AAA, forced himself on AAA, and had sexual intercourse with her.[10] Private complainant could not do anything.[11]

Afterwards, AAA was able to leave accused-appellant's house and go to her house. There, AAA told her father what had happened to her. AAA's father brought her to the Subic Police Station,[12] where she gave a Sworn Statement.[13] Afterwards, AAA's father brought her to the San Marcelino District Hospital,[14] where AAA was examined by Dra. Echaluse.[15]

The Medico-legal Certificate[16] issued by Dra. Echaluse revealed the following:

“DIAGNOSIS/FINDINGS:

- Old Hymenal tears on the 3:00, 6:00, 9:00 o'clock position.
- (-) Negative smear for spermatozoa.
- Cervix- Pink, firm with whitish discharge.
- No hematoma, echymosis, abrasion.
- No menarche.”[17] (Emphasis supplied)

On the other hand, the defense presented the lone testimony of accused-appellant Galvez, in order to establish the following:

Upon his brother's request, accused-appellant Galvez allowed his thirteen (13) year old niece, private complainant AAA, to stay in his house.[18] According to accused-appellant, no unusual incidents occurred from May 14 to 16 and May 18, 1995 while AAA was at his house.[19] Accused-appellant Galvez denied AAA's accusation that he had sexual intercourse with her.[20] According to accused-appellant, it was his brother, the father of AAA, who molested AAA.[21] Accused-appellant Galvez added that, on May 18, 1995, he went to his brother's house. There, accused-appellant Galvez saw AAA's mother, who was mute, standing at the door of her house. Private complainant AAA's mother, using her two (2) index fingers, demonstrated the acts of embracing and kissing.[22] Accused-appellant Galvez then confronted his brother about the gestures made by AAA's mother. However, accused-appellant's brother ran away. Accused-appellant Galvez ran after his brother and told him, “Baboy[,] pati anak mo inaasawa mo”.[23]

Afterwards, when accused-appellant Galvez was unable to catch his brother, accused-appellant went back and told the incident to accused-appellant's mother-in-law.[24]

Accused-appellant Galvez only came to know of the charges of Rape and violation of Sec. 5 (b), Art. III, R.A. 7610 against him when he was arrested by the barangay officials.[25]

Subsequently, four (4) sets of Information for the crime of Rape under the Revised Penal Code, and another four (4) sets of Information for violation of Sec. 5 (b), Art. III, R.A. No. 7610, otherwise known as “Special Protection of Children Against Abuse, Exploitation and Discrimination Act” were filed against accused-appellant Galvez.

Accused-appellant pleaded “NOT GUILTY” to all charges.[26]

Eventually, accused-appellant Galvez was found guilty by the trial court in its Decision[27] of May 2, 2007. The dispositive portion of the Decision read:

“WHEREFORE, in the light of the foregoing, accused is hereby found GUILTY for four (4) counts of sexual abuse under RA 7610 and sentenced to suffer the penalty of reclusion temporal medium to reclusion perpetua for each act; and four (4) counts of rape under the Revised Penal Code and sentenced to suffer the penalty of reclusion perpetua for each act.

SO DECIDED.”[28] (Emphasis and Italics were made in the original)

On Appeal at bench, accused-appellant Galvez prayed for the reversal of the trial court's Decision and for his acquittal.[29]

Accused-appellant Galvez raised this sole assignment of error:

“THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF THE CRIME CHARGED DESPITE THE PROSECUTION'S FAILURE TO ESTABLISH HIS GUILT BEYOND REASONABLE DOUBT.”[30]

To begin with, private complainant AAA, had positively identified accused-appellant Galvez, her uncle, as the one who had sexually forced himself on her on four (4) occasions. These were on May 14, 15, 16, and 18, 1995[31]. She testified as follows:

“Q

Now do you know a person by the name of Enrique Galvez whose nickname is Idring?

A

Yes, sir.

Q

Why do you know this Idring whole complete name is Enrique Galvez?

A

Because he is my uncle, sir.

xxxx

Q

When you said your uncle, he is the brother of your father?

A

Yes, sir.

Q

If Idring or Enrique Galvez is inside the courtroom, will you please point him out to the Court.

A

(Witness is pointing to a man seated at the bench who gave his name as Enrique Galvez).

xxx

Q

Would you please tell this Honorable Court what was that unusual incident that happened between you and Idring on May 14, 1995 while you stayed with him?

A

He removed my clothes and then my underwear then he went on top of me.

xxx

A

He had sexual intercourse with me, sir.

xxx

Q

What time did it happen?

A

Afternoon, ma'am.

xxx

Q

Could you tell us what was that unusual incident that happened between you and the accused on May 15, 1995[?]

A

He did the same thing to me sir, he again undressed me, I was naked.

COURT:

Q

And after you were undressed?

A

He again went on top of me ma'am.

Q

And?

A

None, your Honor. He again had a (sic) sexual intercourse with me.

xxx

Q

How about on May 16, 1995 were you still in the house of Idring?

A

Yes, sir.

Q

And do you recall of any unusual incident that took place between you and Idring on the same date?

A

Yes, sir.

Q

What was that unusual incident that happened between you and Idring?

A

The same thing, sir.[32]

Q

While in the house of the accused on May 18, 1995, do you recall of any unusual incident that happened to you?

A

Yes, sir.

Q

What was that unusual incident that happened to you inside the house of the accused on May 18, 1995 at around 12:00 noon?

A

My uncle Endring undressed me and thereafter he had sexual intercourse with me.”[33] (Emphasis supplied)

Private complainant AAA's testimony that she was raped was corroborated by the findings of Dra. Echaluse, who conducted the physical examination of AAA and issued a Medico-Legal Certificate[34], which she testified to in court. Dra. Echaluse testified as follows:

"q

And you said that you conducted physical examination from the patient after you have gathered the information from [AAA]?

a

Yes sir.

q

What did you find out after examining [AAA]?

a

Upon physical examination of the patient, it was noted that the patient – there is no sign of physical injuries like hematoma[a], echymosis, abrasion on the body of the patient and upon examining her sexual organ, I noticed old hymenal tear on the 3:00, 6:00, 9:00 o'clock position. The cervix is pink, firm with whitish discharge. The test of spermatozoa was negative.

xxx

q

Would you say that this old hymanal 3:00 o'clock, 6:00 o'clock and 9:00 o'clock position could be cause[d by] sexual intercourse?

a

It could be sir.

q

Could it be cause[d] by repeated sexual intercourse by [AAA]?

a

It could be sir.”[35]

Accused-appellant could not also properly assail the credibility of private complainant AAA. This, he sought to do by arguing that AAA’s testimony was uniform in context and in manner regarding the supposed sexual abuses committed, such that her testimony was unbelievable and rehearsed. Accused-appellant also argued that in any case, AAA did not provide the details on such abuses. Accused-appellant Galvez argued on these matters as follows:

“In *People v. Baro*, the Supreme Court did not find the complainant’s testimony on the rapes to be credible because her description of the several rapes she endured were uniform, to wit:

‘Each rape always started with appellant entering the room and complainant asking what he wanted from her. It always began with appellant covering her mouth with a handkerchief and pulling down her underwear. There was no difference at all in the way the rapes were committed. The manner in which she described them engenders the suspicion that her testimony had been coached, rehearsed or contrived.’

The same happened in the present case. There were practically no differences in the way the acts of sexual abuse were committed. Even the circumstances surrounding them were the same. It is incredible that the alleged rapes occurred at the same place, almost at the same time of the day, and in the exact same manner as testified to by [AAA]. These similarities do not strengthen the credibility of her version. On the contrary, it weakens the prosecution’s case and casts grave doubts on the guilt of the accused as her testimony, while appearing consistent, is suspected to have been ‘coached, rehearsed or contrived.’

Furthermore, the prosecution failed to prove the act of rape itself. [AAA] did not provide much detail on the alleged abuses. An examination of her testimony shows that all she said was that she was undressed and then the accused engaged in intercourse with her. She did not mention any pushing or pulling; there was no mention of the accused inserting his penis in her vagina; there was no mention of other details which would paint a doubtless image of sexual intercourse having been committed. Instead, all she said was that she was undressed and the accused had sex with her. Such oversimplification or generalization of what should be a traumatic event tends to put doubts whether the incidents actually happened.”[36] (Emphasis supplied)

Trumping accused-appellant’s arguments however, is that the records revealed AAA’s testimony to have been straightforward, honest and consistent on all material points.[37] Besides, no woman would fabricate a story of

rape, sully her reputation, and bring disgrace to herself and her family unless she was motivated by a desire to seek justice.[38] This, especially considering that whom she was accusing was her own uncle.

Moreover, no ill-motive was shown to have existed on the part of the prosecution witnesses in testifying against accused-appellant Galvez.

All of the prosecution witnesses' testimonies, which were shown to be credible, certainly prevail over accused-appellant's uncorroborated and weak defense of denial, in that he was not the one who raped private complainant AAA but that it was his brother, AAA's own father who did so. Such a defense is negative and self-serving evidence undeserving of weight in law.[39]

In addition, the lone testimony of accused-appellant is inherently weak and self-serving, considering that it is unsubstantiated by clear and convincing evidence.[40]

What is more is that the trial court's appreciation of facts and its evaluation of the testimonies and credibility of the witnesses, as is the deeply entrenched rule, deserves much weight and respect, and should not be disturbed.[41] This is because the trial court had the distinct opportunity, not available to the reviewing courts, to hear the testimonies of the witnesses and to observe their conduct and demeanor on the stand.[42]

Thus, no cogent or compelling reason was shown so as to justify deviation from the following findings of the trial court, which findings were based on the facts and the law:

“After a careful review of the evidence proffered by both the prosecution and defense, the court holds that the guilt of the accused was established beyond reasonable doubt.

In crimes of sexual abuse especially rape, the testimony of the complainant, if established to be credible, is enough to convict the accused even in the presence of vigorous denial by the latter. Time and again the Supreme Court has reiterated this established doctrine and its applicability in the instant case is not expected. As such, based on the court's perusal and appreciation of the testimony of the child and her witnesses vis-a-vis the rigorous cross examination that she had to endure, it is convinced that the victim was telling the truth when she narrated what happened to her. In fact, her testimony was straightforward, honest and consistent on all material points that would indubitably prove all the elements of a crime charged. While there may have been inconsistencies or lapses in her testimony, the same referred to minor points which however, are badges of honesty, good faith and more important, the truth. On her testimony alone therefore, the prosecution succeeded in proving all the elements of crime. In addition, the corpus delicti showed the presence of lacerations in complainant's sexual organ which is physical evidence of the highest order, proving beyond doubt the fact of sexual abuse. Finally, complainant's minority buttressed the credibility of her testimony simply because in the ordinary course of things, children will not lie in a matter so serious such as her sexual abuse. Also, there was no showing at all that her testimony was fabricated and completely rehearsed.

Anent the defense of denial, the same will not stand up as against the credible testimony of a credible witness. Denial is the weakest form of defense because it is highly susceptible to fabrication and any person confronted with such a grave charge would naturally lie. More damning to the theory of defense is the testimony of the accused pointing to his brother as the author of the sexual abuse. This lame and shallow explanation of what happened to the minor, is an obvious and futile attempt to create reasonable doubt which this court cannot consider since it was the father of the complainant who immediately complained to the authorities when he learned about the ordeal of his daughter. Such spontaneity and law abiding attitude of complainant's father utterly destroys the claim of the accused that it was his brother and not him who was the real perpetrator. Lastly in the course of his testimony, the court observed the demeanor of the accused and noticed his uneasiness, hesitancy, stuttering, discomfort and shifty eyes when he testified. He was clearly not telling the truth when he defended himself and even had the gall to implicate his own brother, the father of the minor he had molested.”[43] (Emphasis supplied)

Considering that when the crimes were committed against private complainant AAA, she was more than twelve (12) years old as was already initially revealed in the four (4) sets of Information[44] against accused-appellant Galvez which stated that AAA was thirteen (13) years old, then accused-appellant could be prosecuted either for the crime of Rape under the Revised Penal Code or for violation of Section 5 (b), Article III of R.A. No. 7610.

However, accused-appellant could not be convicted of both the crime of Rape under Article 335 of the Revised Penal Code and for violation of Section 5 (b), Article III of R.A. No. 7610, otherwise known as “Special Protection of Children Against Abuse, Exploitation and Discrimination Act” for the same acts. To do so would violate accused-appellant's rights against double jeopardy. That accused-appellant's prosecution should only be for one of those charges and not for both was as similarly declared by the Supreme Court in *People of the Philippines vs. Bernabe Pangilinan y Crisostomo*, G.R. No. 183090, November 14, 2011, to wit:

“In *People v. Dahilig*, wherein the question posed was whether the crime committed was rape (Violation of Article 266-A, par. 1, in relation to Article 266-B, 1st paragraph of the Revised Penal Code, as amended by RA No. 8353), or is it Child Abuse, defined and penalized by Section 5, (b), RA No. 7610, we said:

As elucidated by the RTC and the CA in their respective decisions, all the elements of both crimes are present in this case. The case of *People v. Abay*, however, is enlightening and instructional on this issue. It was stated in that case that if the victim is 12 years or older, the offender should be charged with either sexual abuse under Section 5 (b) of R.A. No. 7610 or rape under Article 266-A (except paragraph 1 [d] of the Revised Penal Code. However, the offender cannot be accused of both crimes for the same act because his right against double jeopardy will be prejudiced. A person cannot be subjected twice to criminal liability for a single criminal act. Specifically, *Abay* reads:

Under Section 5 (b), Article III of RA 7610 in relation to RA 8353, if the victim of sexual abuse is below 12 years of age, the offender should not be prosecuted for sexual abuse but for statutory rape under Article 266-A (1)(d) of the Revised Penal Code and penalized with reclusion perpetua. On the other hand, if the victim is 12 years or older, the offender should be charged with either sexual abuse under Section 5 (b) of RA 7610 or rape under Article 266-A (except paragraph 1[d]) of the Revised Penal Code. However, the offender cannot be accused of both crimes for the same act because his right against double jeopardy will be prejudiced. A person cannot be subjected twice to criminal liability for a single criminal act. Likewise, rape cannot be complexed with a violation of Section 5 (b) of RA 7610. Under Section 48 of the Revised Penal Code (on complex crimes), a felony under the Revised Penal Code (such as rape) cannot be complexed with an offense penalized by a special law.

In this case, the victim was more than 12 years old when the crime was committed against her. The Information against appellant stated that AAA was 13 years old at the time of the incident. Therefore, appellant may be prosecuted either for violation of Section 5 (b) of RA 7610 or rape under Article 266-A (except paragraph 1 [d]) of the Revised Penal Code. While the Information may have alleged the elements of both crimes, the prosecution's evidence only established that appellant sexually violated the person of AAA through force and intimidation by threatening her with a bladed instrument and forcing her to submit to his bestial designs. Thus, rape was established.” (Emphasis supplied)

Following this Supreme Court case which charged the accused-appellant therefore for Rape, then accused-appellant Galvez should similarly be prosecuted for the crime of Qualified Rape under the Revised Penal Code. This is so, also given that all the elements of Qualified Rape, were properly alleged in the Information for Rape under the Revised Penal Code, which provides:

“Article 335. When and how rape is committed. - Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

1. By using force or intimidation;

2. When the woman is deprived of reason or otherwise unconscious; and
3. When the woman is under twelve years of age, even though neither of the circumstances mentioned in the two next preceding paragraphs shall be present.

xxx

The death penalty shall also be imposed if the crime of rape is committed with any of the following attendant circumstances:

1. when the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim.” (Emphasis supplied).

Moreover, the prosecution had established the guilt of accused-appellant Galvez beyond reasonable doubt for four (4) counts of Qualified Rape.

The prosecution established that AAA was thirteen (13) years old when accused-appellant Galvez had carnal knowledge with her. The prosecution also established that accused-appellant Galvez was AAA's uncle, a blood relative of the victim within the third civil degree.[45] Since accused-appellant was the brother of private complainant AAA's father, then accused-appellant exercised moral ascendancy over AAA. Accused-appellant Galvez's moral ascendancy over AAA was further shown by the fact that AAA had lived with accused-appellant and his wife during the time the acts of rape occurred.

That an uncle, such as accused-appellant Galvez, exercises moral ascendancy over his niece, especially one of a minor age, such as the victim here so as for such accused to be able, by his acts, to be considered to have committed acts of Rape, is pursuant to *People of the Philippines vs. Nelson Arraz*[46], to wit:

“xxx, AAA’s failure to shout for help during the rape is not fatal to the charge of rape. Considering that at the time of the rape AAA was only 14 years old and that appellant is AAA’s uncle, appellant undeniably exercised moral ascendancy over AAA and intimidated AAA into submission. Failure to shout or offer tenacious resistance did not make voluntary AAA’s submission to appellant’s lust. Besides, physical resistance is not an essential element of rape.” (Emphasis supplied)

Consequently, although actual force or intimidation may not have been proven to have been employed by accused-appellant on private complainant AAA, accused-appellant Galvez's moral ascendancy over AAA took the place of violence and intimidation. This is pursuant to the following declaration made by the Supreme Court in *People of the Philippines vs. Sixto Padua y Felomina*, G.R. No. 192821, March 21, 2011:

“xxx The appellate court properly appreciated force and intimidation. In rape committed by a close kin, such as the victim's father, stepfather, uncle, or the common-law spouse of her mother, it is not necessary that actual force or intimidation be employed; moral influence or ascendancy takes the place of violence or intimidation.” (Emphasis supplied)

Taking into consideration the special qualifying circumstance of relationship of the accused-appellant Galvez with private complainant, and the special qualifying circumstance of the minority of private complainant AAA, all of which were alleged in the four (4) sets of Information[47] charging accused-appellant of the crime of Rape and which were proven during trial, the imposition, would have been proper, of the Death Penalty on accused-appellant Galvez pursuant to Article 335, paragraph 3 of the Revised Penal Code, as amended by Republic Act No. 7659.

But with the enactment of Republic Act No. 9346[48] on June 24, 2006, which prohibited the imposition of Death Penalty, the trial court correctly meted out to accused-appellant Galvez therefore, the penalty of Reclusion

Perpetua for each count of Qualified Rape.

However, the trial court should have ordered accused-appellant Galvez to also pay private complainant AAA Moral Damages in the amount of Php 75,000.00, which payment is pursuant to the Supreme Court's pronouncement in *People of the Philippines vs. Gilberto Castro y Aguilar*[49], as follows:

"We also find proper the CA's ruling increasing the award of moral damages from P50,000.00 to P75,000.00. Moral damages are awarded without need of proof for mental, physical and psychological suffering undeniably sustained by a rape victim because it is assumed that a rape victim has actually suffered moral injuries entitling her to such award." (Emphasis supplied)

The trial court should have also ordered accused-appellant Galvez to pay private complainant AAA Exemplary Damages in the amount of Php 30,000.00, as is pursuant to *People of the Philippines vs. Porferio Masagca, Jr. y Padilla*[50], which declared that:

"The award of exemplary damages is justified under Article 2229 of the Civil Code to set a public example and serve as deterrent against elders who abuse and corrupt the youth. Following jurisprudence on the award of exemplary damages in qualified rape cases, the award of P25,000.00 as exemplary damages should be increased to P30,000.00." (Emphasis Supplied)

The trial court should have further ordered accused-appellant Galvez to pay private complainant AAA Civil Indemnity in the amount of Php 75,000.00, in accordance with the same cited case of *People of the Philippines vs. Gilberto Castro y Aguilar*[51], which pronounced the following:

"xxx We sustain the amount of P75,000.00 as civil indemnity despite the reduction of the penalty imposed on appellant from death to reclusion perpetua. As explained by this Court in *People v. Victor*, the said award does not depend upon the imposition of the death penalty; rather, it is awarded based on the fact that qualifying circumstances warranting the imposition of the death penalty attended the commission of the offense." (Emphasis supplied)

The awards of such Moral Damages, Exemplary Damages, and Civil Indemnity for each count of Qualified Rape are in line with the following declaration made by the Supreme Court in *People of the Philippines vs. Patricio Taguibuya*, G.R. No. 180497, October 5, 2011:

"Being the victim of two counts of qualified rape, AAA, a minor and the daughter of the accused, was entitled to recover for each count of rape the amounts of P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P30,000.00 as exemplary damages (due to the attendance of the qualifying circumstances of minority of AAA and the relationship between her and the accused). The quantifications accord with jurisprudence."

Meting out a proper increase in accused-appellant's penalty is in accord with the pronouncement of the Supreme Court in *Aurelio Sumalpong vs. Court of appeals*, and *People of the Philippines*[52], to wit:

"The petitioner belabors the increase in the amount of moral damages to P10,000.00 and the award of nominal damages in an equivalent amount when the complainant did not appeal the decision of the trial court to the Court of Appeals. This contention deserves scant consideration. An appeal in a criminal case opens the whole case for review and this includes the review of the penalty, indemnity and damages. Squarely applicable to the instant case is this Court's pronouncement in *Quemel vs. Court of Appeals*, that,

[a]lthough the authority to assess damages or indemnity in criminal cases is vested in trial courts, it is so only in the first instance. On appeal, such authority passes to the appellate court. Thus, this Court has, in many cases, increased the damages awarded by the trial court, although the offended party had not appealed from said award, and the only party who sought a review of the decision of said court was the accused." (Emphasis supplied)

After careful consideration of all the facts, arguments, and issues appearing on the records, as well as of the pertinent laws and jurisprudence, and, in accordance with what is best determined to be proper under the circumstances, the following disposition is therefore made on these matters.

WHEREFORE, the Decision of the trial court is AFFIRMED, with the following MODIFICATIONS:

- a.) Accused-appellant is CONVICTED of four (4) counts of Qualified Rape under the Revised Penal Code in Criminal Case Nos. 228-95, 229-95, 230-95, and 231-95;
- b.) Accused-appellant is to suffer the penalty of Reclusion Perpetua, for each count of Qualified Rape;
- c.) Accused-appellant is to pay private complainant AAA the amount of Php 75,000.00 as Moral Damages, for each count of Qualified Rape;
- d.) Accused-appellant is to pay private complainant AAA the amount of Php 30,000.00 as Exemplary Damages, for each count of Qualified Rape; and,
- e.) Accused-appellant is to pay private complainant AAA the amount of Php 75,000.00 as Civil Indemnity, for each count of Qualified Rape.

SO ORDERED.

Dicdican (Chairperson) and Paredes, JJ., concur.

[1] Pursuant to the pronouncement of the Supreme Court in *People of the Philippines vs. Efren Mateo, G.R. Nos. 147678-87*, July 7, 2004, 433 SCRA 640

[2] Records, pp. 466-468

[3] G.R. No. 167693, September 19, 2006

[4] Pursuant to Republic Act No. 9262, otherwise known as the “Anti-Violence Against Women and Their Children Act of 2004” and its implementing rules, the personal circumstances of the rape victim or any other information tending to establish or compromise her identity, are withheld and fictitious initials instead are used to represent her, to protect her privacy.

[5] Records, pp. 1-2

[6] An Act Providing For Stronger Deterrence And Special Protection Against Child Abuse, Exploitation And Discrimination, And For Other Purposes, June 17, 1992

[7] Records, p. 2, p. 10, p. 19, p. 35, p.57, p. 65, p. 73, p. 81

[8] Records, p. 57

[9] TSN, December 13, 1995, p. 14

[10] TSN, December 13, 1995, pp. 13-20; TSN, April 27, 1998, pp. 6-7

[11] TSN, April 27, 1998, p. 7

[12] TSN, April 27, 1998, pp. 10-12

[13] TSN, April 27, 1998, p. 11; Records, pp. 5-6; pp. 13-14; pp. 22-23; pp. 60-61; pp. 68-69; pp. 76-77; pp. 84-85

- [14] TSN, December 13, 1995, p. 23
- [15] TSN, April 14, 1997, pp. 2-12
- [16] Records, p. 235
- [17] Records, p. 235
- [18] TSN, September 8, 2005, p. 4
- [19] TSN, September 8, 2005, pp. 4-5
- [20] TSN, September 8, 2005, p. 5
- [21] TSN, September 8, 2005, p. 6
- [22] TSN, September 8, 2005, pp. 5 – 6; TSN, September 14, 2006, pp. 3 - 4
- [23] TSN, September 8, 2005, pp. 6 - 7
- [24] TSN, September 8, 2005, p. 7
- [25] TSN, September 8, 2005, pp. 7-9
- [26] Rollo, p. 94; Records, p. 106
- [27] Records, pp. 466-468
- [28] Records, p. 468
- [29] Rollo, p. 100
- [30] Rollo, p. 93
- [31] TSN, December 13, 1995, p. 4
- [32] TSN, December 13, 1995, pp. 13-19
- [33] TSN, April 27, 1998, pp. 6-7
- [34] Records, p. 87
- [35] TSN, April 14, 1997, pp. 10-11
- [36] Rollo, pp. 98-99
- [37] Records, p. 467
- [38] People of the philippines vs. cipriano radam, jr., g.r. nos. 138395-99, July 18, 2002
- [39] People of the Philippines vs. Yoon Chang Wook, G.R. No. 178199, October 5, 2009
- [40] People of the Philippines vs. Renandang Mamanuncas, et. al. G.R. No. 179497, January 25, 2012
- [41] People of the Philippines vs. Reynaldo Albalate, Jr., G.R. No. 174480, December 18, 2009
- [42] People of the Philippines vs. Sammy Ramos, G.R. No. 172470, April 8, 2008
- [43] Records, pp. 467-468
- [44] Records, p. 2, p. 10, p. 19, p. 35, p.57, p. 65, p. 73, p. 81

[45] TSN, September 8, 2005, p. 4

[46] G.R. No. 183696, October 24, 2008

[47] Records, pp. 1-2

[48] An Act Prohibiting the Imposition of Death Penalty in the Philippines

[49] G.R. No. 188901, December 15, 2010

[50] G.R. No. 184922, February 23, 2011

[51] G.R. No. 188901, December 15, 2010

[52] G.R. No. 123404 February 26, 1997

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