

## PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ANTON MADEO, APPELLANT.

*G.R. No. 176070. October 02, 2009*

Ponente: DEL CASTILLO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-176070/>

---

### DEL CASTILLO, J.:

Rape is nothing more or less than a conscious process of intimidation by which a man keeps a woman in a state of fear and humiliation. Thus, it is not even impossible for a victim of rape not to make an outcry against an unarmed assailant.[1] Physical resistance is immaterial in a rape case when the victim is sufficiently intimidated by her assailant and she submits against her will because of fear for her personal safety.[2]

Assailed before us is the 16 October 2006 Decision[3] of the Court of Appeals in CA-G.R. CR-H.C. No. 01551 which affirmed the Decision[4] of the Regional Trial Court of Urdaneta City, Branch 46 in Criminal Case No. U-10600 finding appellant Anton Madeo guilty beyond reasonable doubt of the crime of rape and sentencing him to suffer the penalty of reclusion perpetua and to pay the victim the sum of P50,000.00 as moral damages and P20,000.00 as exemplary damages, with modification that appellant is further ordered to pay the sum of P50,000.00 as civil indemnity.

On 4 April 2000, an Amended Information was filed charging appellant Anton Madeo with the crime of Rape committed as follows:

That on or about December 7, 1999, in the afternoon, at Labit West, Urdaneta City and within the jurisdiction of this Honorable Court, the above-named accused, knowing fully well of the mental disability, emotional disorder and/or physical handicap of the offended party, "AAA"[5] at the time of the commission of the rape, and by means of force and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with said "AAA," against her will and without her consent, to her damage and prejudice.

Contrary to Art. 266-A, par. 1(a), Revised Penal Code, as amended by Rep. Acts 7659 and 8353.[6]

During arraignment, appellant entered a plea of "not guilty." [7] Trial on the merits thereafter ensued.

The prosecution presented Dr. Noel U. Obedoza who testified that he examined AAA on 5 January 2000. According to Dr. Obedoza, the victim was conscious and coherent during the interview.[8] However, the physical examination results indicated that she had a ruptured hymen and healed hymenal lacerations[9] about three weeks old.[10] On the other hand, Dr. Bernadette M. Quitariano testified that she conducted psychological and mental examinations on the person of AAA whom she found to have a mental age of a 5 ½ year old.[11]

AAA's mother also testified that on 5 January 2000, she noticed that her daughter was pale and trembling; that when asked if she has any problem, AAA answered "none;"[12] that when further asked if somebody touched her private parts, AAA cried and told her that appellant touched her private parts and warned her not to tell anyone or he would kill her family;[13] that she and her husband immediately brought AAA to a hospital for examination and to the NBI to report the crime.[14]

Complaining witness, AAA, also took the witness stand. She testified that on 7 December 1999 at about 3 o'clock in the afternoon, she was on her way to her grandmother's house when her classmate, Jovelyn Fortuna (Jovelyn), invited her to the house of her uncle, herein appellant Madeo;[15] that soon thereafter Jovelyn left AAA alone with appellant[16] who summoned AAA to his room; that when she did not comply, appellant forcibly pulled her inside the room,[17] undressed her and thereafter touched her private parts;[18] that appellant likewise undressed, ordered AAA to lie down, went on top of her and proceeded to have carnal knowledge of her;[19] that she felt pain in her private parts;[20] that thereafter, appellant warned AAA not to reveal to anyone what happened or he would kill her and her family; that after the sexual assault, appellant put on his pants; that AAA also put on her shorts and was told to go home;[21] that after some time she narrated the incident to her mother who brought her to the hospital for medical examination and to the NBI to report the incident.[22]

The defense presented Jovelyn as its first witness. She testified that she was staying at her grandmother's house at Labit West, Urdaneta City, Pangasinan;[23] that her uncle, appellant herein, also stays in the said house;[24] that on 7 December 1999 she was sick[25] and did not see her uncle or AAA.[26]

Melanie Andrada also testified for the defense. She claimed that Jovelyn is her niece while appellant is her cousin;[27] that on 7 December 1999, she visited Jovelyn who was sick;[28] and that during her visit, she did not see AAA or appellant.[29]

The defense also presented Olimpia Yesa who testified that on 7 December 1999, from 3 to 7 p.m., she was at the house of Epifania Madeo, appellant's mother, as she was treating Jovelyn who was sick.[30]

To establish the whereabouts of appellant, the defense presented Virgilio Jacob who testified that on 7 December 1999, he and appellant were working in a mobile rice mill owned by Roger Madolid at Labit West, Urdaneta City.[31]

Finally, the defense presented appellant who denied the charges against him. He claimed that on 7 December 1999, he was working at the rolling rice mill together with Berting Jacob, Etong, Rommel, Roger Madolid who owned the rice mill and another person whose name he forgot;[32] that from 6 o'clock in the morning up to 6 o'clock in the afternoon, they traveled to several barangays in Urdaneta City to mill rice; and that he did not see the victim on said date.[33] On cross-examination, appellant averred that he did not have any quarrel with the victim and that he could not understand why the latter would file the charges against him.[34]

On rebuttal, the prosecution presented Roger Madolid who denied hiring Virgilio Jacob and appellant as workers in his rolling rice mill. He testified that on 7 December 1999, his rolling rice mill was under repair at the Andrada Repair Shop in Nancamaliran, Urdaneta City.[35]

On 24 August 2000, the Regional Trial Court of Urdaneta City, Branch 46, rendered its Decision, the dispositive portion of which reads:

WHEREFORE, JUDGMENT is hereby rendered, CONVICTING ANTON MADEO beyond reasonable doubt of the crime of SIMPLE RAPE and the Court sentences him to suffer the penalty of Reclusion Perpetua; Anton Madeo is hereby ordered to indemnify "AAA" the sum of P50,000.00 as moral damages and P20,000.00 as exemplary damages.

The Branch Clerk of Court of this Court is hereby ordered to prepare the mitimus immediately.

The Jail Warden, Bureau of Jail Management and Penology (BJMP) Urdaneta District Jail, Urdaneta City, is hereby ordered to deliver the living person of Anton Madeo to the National Bilibid Prisons, Muntinlupa City, immediately upon receipt of this Decision.

SO ORDERED.[36]

The trial court held that although Dr. Quitoriano testified that AAA has a mental age of 5 ½ years old, the latter is only simple-minded as she was able to finish grade school and has a mental age of more than seven years old. The court below found the testimony of the victim credible and straightforward and corroborated by the medical findings. Likewise, the age of the healed hymenal lacerations coincided with the date of the commission of the crime. On the other hand, the court below disregarded appellant's alibi for being self-serving.

Appellant filed an appeal before the Court of Appeals. In his Brief,[37] he alleged that the trial court erred in finding that he employed force and intimidation in consummating the rape.[38] He also argued that the victim's actuations did not show the kind of resistance expected of a woman defending her virtue. In particular, appellant asserted that AAA voluntarily accepted the invitation to enter appellant's room; that she did not make any outcry or sought the help of the neighbors despite the lack of danger to her life; that she was not rendered unconscious during the intercourse; that she only used her hands but not her feet in warding off appellant's advances; and that the medical report did not indicate that AAA suffered any physical injury.[39]

Appellant likewise argued that the trial court erred in finding that the victim was mentally deficient.[40] He alleged that when AAA was presented on the witness stand, she was 22 years old and was in 2<sup>nd</sup> year high school.[41] Finally, appellant alleged that the victim may have been coerced by her mother to testify falsely against him in order to have the sole management of the land which she jointly tills with the appellant.[42]

In the Appellee's Brief,[43] the Office of the Solicitor General countered that appellant's argument of consensual congress should be dismissed because it was clearly established that appellant employed force, threats and intimidation. It was also shown that AAA was deceived to join Jovelyn inside the house of appellant; that the victim's failure to shout could not yield the inference that no rape was committed; and that the mental retardation of AAA was proven beyond reasonable doubt.

On 16 October 2006, the Court of Appeals rendered its Decision affirming with modification the Decision of the Regional Trial Court, the dispositive portion of which reads:

WHEREFORE, premises considered, the instant appeal is hereby DISMISSED, and the Decision appealed from rendered by the Regional Trial Court of Urdaneta City, Branch 46, dated August 24, 2000, in Criminal Case No. U-10600 is hereby AFFIRMED with the MODIFICATION that accused-appellant is hereby ORDERED to pay private complainant an additional Fifty Thousand Pesos (P50,000.00) as and by way of civil indemnity.

SO ORDERED.[44]

The appellate court noted that the issues raised by appellant deal with the victim's credibility and appreciation of facts, both of which lie in the province of the trial court. At any rate, the Court of Appeals found that the trial court did not overlook or mis-appreciate any material fact that warrants a reversal of its findings.[45]

The appellate court likewise found that the victim testified in a spontaneous and straightforward manner; that there was nothing in her testimony that detracts from her claim that she was indeed raped; that her failure to make an outcry did not mean that she was not raped; that the fact that she did not shout could be attributed to the warning she received from the appellant; that it is not true that the victim did not resist the advances of the appellant; and that AAA's failure to offer tenacious resistance does not make her submission to the criminal acts of the appellant voluntary.[46]

Anent the award of damages, the Court of Appeals held that AAA is entitled to an additional amount of P50,000.00 by way of indemnity ex delicto.[47]

On 7 March 2007, the Court resolved to notify the parties to file, if they so desire, their respective supplemental

briefs.[48] Both parties manifested that they were no longer submitting their supplemental briefs since they have already extensively discussed their arguments in their respective briefs.[49]

Article 266-A of the Revised Penal Code provides:

ART. 266-A. Rape, When and How Committed. - Rape is committed -

- By a man who shall have carnal knowledge of a woman under any of the following circumstances:
- Through force, threat or intimidation;
- When the offended party is deprived of reason or is otherwise unconscious;
- By means of fraudulent machination or grave abuse of authority;
- When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above is present;

x x x x.

Thus, in the instant case, the prosecution must prove beyond reasonable doubt that appellant had carnal knowledge of AAA through the use of force, threats or intimidation.

We have carefully examined the records of the case and we find that both the trial court and the Court of Appeals correctly held that appellant is guilty of the crime of simple rape. The testimony of the victim clearly established that appellant had sexual intercourse with her without her consent and against her will by employing force, threats and intimidation. Her narration of her harrowing experience is enlightening, thus:

Q

On December 7, 1999 at 3:00 0'clock in the afternoon, do you remember where you were?

A

Yes, sir.

Q

Where were you?

A

I was walking going to the house of my grandmother, sir.

Q

Were you able to reach the house of your grandmother on that date and time?

A

No, sir.

Q

Why were you not able to reach the house of your grandmother?

A

That was the time when Anton Madeo raped me, sir.

Q

Will you kindly tell this Honorable Court how this incident happened and started?

A

I was walking going to the house of my grandmother, Jovelyn called me, sir.

Q

What is the family name of this Jovelyn?

A

I only know her to be Jovelyn, sir.

COURT Is he a man or a woman?

A

A woman, sir.

ATTY. BONGOLAN Do you know if this Jovelyn who called you has any relationship with Anton Madeo?

A

Yes, sir.

Q

How are they related?

A

Jovelyn is the niece of Anton Madeo, sir.

Q

Where was Jovelyn when she called you?

A

She was in the yard of Madeo, sir.

COURT So, you were walking and called by Jovelyn in the yard of Madeo?

A

Yes, sir.

ATTY. BONGOLAN What did she say when she called you?

A

Jovelyn told me, "come AAA I have something to tell you".

COURT Is that your nickname AAA?

A

Yes, sir.

ATTY BOLONGAN What did you do?

A

I responded to the call of Jovelyn, sir.

Q

What happened when you got near Jovelyn?

A

We greeted each other, sir.

Q

What else?

A

She invited me to get inside the house, sir.

Q

Do you know where Anton Madeo was at the time?

A

Yes, sir.

Q

Where was he?

A

Inside their house, sir.

Q

Did you go inside the house as invited by Jovelyn?

A

Yes, sir.

Q

When you got inside the house did you notice any other person aside from the three of you?

A

No more, sir.

COURT

By the way, the place where you were walking is it a pathway, barrio road or municipal road?

A

It is a road, sir.

Q

The place where Jovelyn was at the time, was it divided by a wall or barb wire or nothing was placed in between the road?

A

None, sir.

Q

When you were already inside the house of Anton Madeo and Jovelyn, what did Jovelyn do?

A

She went out laughing, sir.

Q

After she left what happened?

A

(No answer yet, a question was raised by the Court).

COURT Did you find out why she was laughing?

A

Yes, sir.

Q

What was the reason why she went out laughing?

A

Because she told, "come AAA inside the house".

Q

Do you know the reason why she went out x x x and why she went out laughing?

A

Because Anton Madeo pulled me inside his room, sir.

Q

Did you comply?

A

No, sir, I did not?

Q

What is your understanding when Jovelyn went out laughing?

A

She was laughing, sir.

Q

Is it because you were left alone with Anton Madeo and she went out laughing?

A

Yes, sir.

ATTY BOLONGAN Before Anton Madeo pulled you to his room, what did he do then?

A

He warned me and he said: "if you shout I will kill you".

COURT Where did he pull you?

A

In his room, sir.

Q

Otherwise what?

A

He will kill me, sir.

ATTY BOLONGAN After he pulled you to his room and warned if you will scream or shout what did he do next if any?

A

He suddenly undressed me, sir.

Q

Will you tell us how he undressed you?

A

He held my two hands and then he undressed me, sir.

Q

What part of your dress was removed first?

A

My shorts, sir.

Q

While he was removing your shorts what did you do if you did anything?

A

I was pushing him but he was heavy I cannot push him away, sir.

Q

After that what did he do if any?

A

And then he removed my panty, sir.

Q

What did he do to you when your panty was being removed?

A

He touched my vagina, sir.

COURT The touching of your vagina, is it actual touching or inserting his penis or some other way?

A

After touching my vagina he undressed himself, sir.

ATTY. BOLONGAN After undressing himself what did he do next if any?

A

I was made to lie down and then he went on top of me, sir.

Q

When he went on top of you what did you do?

A

I was struggling but I cannot push him because he was heavy, sir.

Q

When he was on top of you and you were trying to free yourself struggling what happened next?

A

He forced his organ to insert in my vagina, sir.

COURT When you said, "he forced his organ in my vagina" what do you mean by his organ?

A

His penis, sir.

COURT She is not a retarded.

ATTY BOLONGAN That is according to the findings of the Doctor, Your Honor.

Q

When he forcibly inserted his penis into your private parts what did you feel?

A

My vagina is painful, sir.

Q

How long was he on top of you after inserting his penis in your vagina?

A

A little bit long, sir.

Q

Can you estimate how long he was on top of you?

COURT If I were you I will not ask that question that is dangerous.

ATTY BOLONGAN I will withdraw the question, Your Honor.

ATTY BOLONGAN After that what happened?

A

He said, "if you will not give what I want, I will kill you together with your father and mother".

Q

I am asking what he did if any after he was already on top of you and after he inserted his penis into your organ?

A

The penis was inserted in my vagina, sir.

Q

After that what did he do?

A

After that he warned me and he said, "if you shout I will kill you and your parents".

Q

Did he finally get off from you?

A

Yes, sir.

Q

What did he do after he got off from you?

A

He put on his pants, sir.

Q

How about you?

A

I also put on my shorts and stood up, sir.

Q

When you stood up, did you notice something in your person?

A

Yes, sir.

Q

What was that?

A

My vagina was bleeding, sir.

Q

Before that incident were you already touched by a man?

A

None except him, sir.

Q

Did he tell you anything as you put on your dress?

A

Yes, sir.

Q

What did he tell you?

A

I was sent home, sir.

Q

Did he not tell you anything more?

A

If you report I will kill you and your father and mother.

Q

But inspite of that threat did you report this matter to anyone?

A

Yes, sir.

Q

To whom did you report?

A

My mother, sir.

Q

What did your mother do when you reported to her?

A

My mother reported the same to my father, sir.

Q

What did your parents do if they did anything?

A

I was examined at the Center, sir.

Q

You are referring to the Rural Health Unit of Urdaneta City?

A

Yes, sir.

Q

Were you brought to any hospital for further examination?

A

Yes, sir.

Q

Where were you brought, what hospital?

A

At the Center, sir.

Q

Aside from the Center where were you brought?

A

Emergency hospital, sir.

Q

Are you referring to Don Amadeo Perez Memorial General Hospital?

A

Yes, sir.

Q

Who was with you when you were brought there?

A

My mother, sir.

Q

What happened first in the hospital?

A

We were asked questions, sir.

Q

When you said "we" who were your companions?

A

My mother, sir.

Q

Do you know who interviewed you at the hospital?

A

I forgot the name, sir.

Q

After you were interviewed what happened next?

A

I was submitted for examination to determine pregnancy test, sir.

Q

Do you remember having been examined by a Doctor?

A

Yes, sir.

Q

Do you know the Doctor who examined you in the hospital?

A

I forgot the name, sir.

Q

After you were examined in the hospital do you know if this matter was brought to the authorities?

A

Yes, sir.

Q

Where, what Police station or authorities?

A

At the NBI, sir.

Q

Where is that office of the NBI where you were brought?

A

Urdaneta City, sir.

Q

What happened at the NBI Office?

A

We were asked questions, sir.[50]

We find no merit in appellant's contention that the victim's actuations did not show the kind of resistance expected of a woman defending her virtue. Time and again, we have held that "the behavior and reaction of every person cannot be predicted with accuracy. It is a time-honored precept that different people react differently to a given situation or type of situation and there is no standard form of behavioral response when one is confronted with a strange or startling or frightful experience. Not every rape victim can be expected to act conformably to the usual expectations of everyone. Some may shout; some may faint; and some may be shocked into insensibility; while other may openly welcome the intrusion."[51]

Besides, AAA's failure to cry for help during the incident in question, did not make her testimony improbable inasmuch as it is not uncommon for a woman to be easily intimidated into silence and conceal for sometime the violation of her honor, even by the mildest threat to her life.[52] In her testimony, AAA explained that she did not shout because she was intimidated by the appellant, who repeatedly warned that she and her family would be killed if she would refuse to give in to his demands, thus:

Q

Why did you not tell your mother immediately on that date, December 7, 1999, when you arrived home from the place where you were allegedly raped?

A

I did not report immediately because I was afraid because Anton threatened me.[53]

x x x x

Q

Since you did not like to be alone with Madeo, why did you allow Jovelyn to leave without you?

A

She just left.

Q

Why did you not follow her since you were alone in a house with another man?

A

Because Madeo threatened me if I shout he will kill my father and mother.

Q

That is correct when Jovelyn left, but before Jovelyn left, why did you not follow her immediately?

A

I was scared that is why I was not able to follow.

x x x x

Q

Since you were already scared and afraid, why did you not leave the house when Jovelyn was still there?

A

I was threatened, sir.[54]

x x x x

Q

On questions of this Honorable Court, you testified that your mouth was not covered, you were conscious all through out that process did you shout or scream for help?

A

No, sir.

Q

Why not?

A

Because I was threatened.[55]

Our ruling in *People v. Silvano*[56] is instructive, to wit:

For his defense, appellant claims among others, that the victim offered only a token resistance when the alleged sexual acts were being done. Be that as it may, the failure to shout or offer tenacious resistance cannot be construed as a voluntary submission to appellant's desires. It is enough if the prosecution had proven that force or intimidation concurred in the commission of the crime, as in this case. The law does not impose upon a rape victim the burden of proving resistance. Moreover, physical resistance need not be established in rape when intimidation is exercised upon the victim and she submits herself against her will to the rapist's lust because of fear for her life or personal safety. The force, violence, or intimidation in rape is a relative term, depending

not only on the age, size, and strength of the parties but also on their relationship with each other.

The imputation that AAA was coerced by her mother to file the charges against appellant in order to have exclusive rights to the land they presently jointly cultivate, is unbelievable. It is outrageous even to suggest that a mother would subject her daughter to a public trial, ridicule and embarrassment and to all the rigors that go with it, just for the purpose of increasing one's harvest. Besides, this imputation is totally lacking in any factual basis. From AAA's and her mother's testimony, we could only discern an honest and sincere desire "to solely seek justice and obtain redress for the unforgivable and wicked acts committed upon her."

Anent AAA's state of mind, we find that we cannot subscribe to the findings that AAA's mental age is that of a 5

½ years old, or even a seven year-old. The basic postulate in criminal prosecution anchored on the constitution is that the prosecution is burdened to prove the guilt of the accused for the crime charged beyond cavil of doubt. The prosecution is burdened to prove conclusively and indubitably not only that appellant had carnal knowledge of AAA but also that she was a mental retardate.[57] The conviction of an accused of rape based on the mental retardation of AAA must be anchored on proof beyond reasonable doubt of her mental retardation.[58] We examined closely the testimony of AAA and we find the same to be coherent and categorical. In assessing her level of intelligence and capacity to comprehend, the trial court propounded several questions which were all satisfactorily answered by AAA, thus:

Q

Do you recognize the people around the bench, do you know them?

A

Not yet, sir.

Q

You don't know their names, can you tell us their occupation or calling are they Doctors, Police or what?

A

Lawyers, sir.

Q

Who are your parents?

A

BBB and CCC, sir.

Q

What does your father do for a living?

A

He is a farmer, sir.

Q

About your mother?

A

Housekeeper, sir

Q

Do you wear bra?

A

No, sir.

Q

Do you understand bra?

A

Yes, sir.

Q

You don't have any bra?

A

I have, sir.

Q

Do you have panty?

A

Yes, sir.

Q

Do you go to school?

A

Yes, sir.

Q

What grade?

A

Second year high school, sir.

Q

What school?

A

Catablan, sir.

Q

What municipality is Catablan?

A

Urdaneta, sir.

Q

What are your subjects in second year high school?

A

English, Pilipino, Hekasi, sir.

Q

What is your favorite subject aside from recess?

A

Pilipino, sir.

Q

Do you know who is your teacher in Pilipino?

A

Mercedita, sir.

Q

You comb your hair personally or with the assistance of your mother?

A

Me, sir.

Q

Do you take a bath alone?

A

Yes, sir.

Q

Without the assistance of your mother?

A

Yes, sir.

Q

Do you dress up alone?

A

Yes, sir.

Q

Do you put your bra alone?

A

Yes, sir.

Q

Do you put your panty alone?

A

Yes, sir.

Q

About your shoes?

A

Yes, sir.

Q

Do you use shampoo in your hair?

A

Yes, sir.

Q

Do you use soap?

A

Yes, sir.

Q

What kind of soap?

A

Safeguard, sir.[59]

Based on the testimony of AAA, we are convinced that she is not a mental retardate.[60]

In addition, we find that although it was specifically alleged in the Information that appellant knew of AAA's "mental disability, emotional disorder and/or physical handicap," still, no proof was presented that appellant indeed knew AAA's alleged mental deficiency. In *People v. Limio*,[61] we held that:

By itself, the fact that the offended party in a rape case is a mental retardate does not call for an imposition of the death penalty, unless knowledge by the offender of such mental disability is specifically alleged and adequately proved by the prosecution.

For the Anti-Rape Law of 1997, now embodied in Article 266-B of the Revised Penal Code (RPC), expressly provides that the death penalty shall also be imposed if the crime of rape is committed with the qualifying circumstance of "(10) when the offender knew of the mental disability, emotional disorder and/or physical handicap of the offended party at the time of the commission of the crime." Said knowledge, in our view, qualifies rape as a heinous offense. Absent said circumstance, which must be proved by the prosecution beyond reasonable doubt, the conviction of appellant for qualified rape under Art. 266-B (10), RPC, could not be sustained, although the offender may be held liable for simple rape and sentenced to reclusion perpetua.

Both the trial court and the Court of Appeals correctly disregarded appellant's denial and alibi. These two defenses are inherently the weakest as they are negative defenses. Mere denials of involvement in a crime cannot take precedence over the positive testimony of the offended party. For alibi to prosper, it is not enough for the defendant to prove that he was somewhere else when the crime was committed; he must likewise demonstrate that it is physically impossible for him to be at the scene of the crime at the time.[62]

In the instant case, AAA positively identified appellant as the author of the crime. It should be noted that affirmative testimony, like that of the victim's, is stronger than appellant's bare denial, which is a negative assertion. As regards appellant's alibi, we find that he failed to prove that it was physically impossible for him to be at the scene of the crime at the time it was committed.

In view of the foregoing, we find that appellant was correctly found guilty of the crime of simple rape; i.e., by having carnal knowledge of a woman committed through the use of force, threats or intimidation. Under Article 266-B of the Revised Penal Code, the penalty therefor is reclusion perpetua.

Anent the award of damages, we find that the award of P50,000.00 as civil indemnity and another P50,000.00 as moral damages is proper and in line with prevailing jurisprudence.[63] Civil indemnity is mandatory upon a finding of the fact of rape. As to moral damages, the same is automatically granted without need of further proof, it being assumed that a rape victim has actually suffered moral damages entitling her to such award. However, the award of exemplary damages must be deleted. Article 2230 of the Civil Code provides that "in criminal offenses, exemplary damages as a part of civil liability may be imposed when the crime was committed with one or more aggravating circumstances." There being no aggravating circumstance in the instant case, the award of exemplary damages therefore has no basis. In *People v. Marcos*,[64] we held that the award of exemplary damages is in order when the crime was committed with an aggravating circumstance pursuant to Article 2230 of the Civil Code.

WHEREFORE, the 16 October 2006 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 01551 finding appellant Anton Madeo guilty beyond reasonable doubt of the crime of rape and sentencing him to suffer the penalty of reclusion perpetua and to pay the victim the sum of P50,000.00 as moral damages, and P50,00

**ABOUT BATAS.ORG**

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

**The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

**Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

**Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

**The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

**Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

**A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.