PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ARNEL MANJARES, ACCUSED-APPELLANT.

G.R. No. 185844. November 23, 2011

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

This is an appeal from the Decision[1] dated December 21, 2007 of the Court of Appeals in CA-G.R. CR.-H.C. No. 02368, entitled People of the Philippines v. Arnel Manjares, which affirmed with modification the Decision[2] dated April 6, 2006 of the Regional Trial Court (RTC) of Labo, Camarines Norte, Branch 64, in Criminal Case Nos. 00-0488 to 0495, 00-0497 to 0512, 0571, 0590 and 0653. The trial court found appellant Arnel Manjares guilty beyond reasonable doubt of twenty-seven (27) counts of the crime of rape as defined and penalized under Article 335 of the Revised Penal Code, in relation to Republic Act No. 7610 or the "Special Protection of Children Against Abuse, Exploitation, and Discrimination Act." The incidents of rape involved in this case were committed before the repeal of Article 335 of the Revised Penal Code by Republic Act No. 8353 or the "Anti-Rape Law of 1997" that introduced new provisions in the Revised Penal Code on rape which are now found in Articles 266-A to 266-D under Crimes Against Persons and which came into effect only on October 22, 1997.

The facts of this case, as narrated in the assailed December 21, 2007 Decision of the Court of Appeals, are as follows[3]:

> On September 23, 1998, private complainant [AAA][4] filed with the National Bureau of Investigation (NBI) a sworn complaint accusing her father, accused-appellant MANJARES, of having raped her on one hundred sixty[-]four (164) occasions, from the period of April 1992 until September 1995, while she was then still a minor. After preliminary investigation, the Department of Justice (DOJ) recommended the filing of one hundred sixty[-]four separate Informations for rape against accused-appellant MANJARES. Accordingly, State Prosecutor Merba A. Waga filed with the Regional Trial Court of Labo, Camarines Norte, Branch 64, one hundred sixty[-]four (164) Informations charging accused-appellant MANJARES with rape, which Informations were similarly worded except for the dates of commission of the rape, as follows:
>
> x x x x
>
> "That sometime during [date] in Sta. Elena, Camarines Norte, Philippines and within the jurisdiction of this Honorable Court, the said accused and father of the victim [AAA], and with moral ascendancy over his daughter, then a 14[-]year[-]old minor,[5] did then and there, with force and intimidation, willfully, unlawfully and feloniously did lie and succeeded in having carnal knowledge with the victim."

When arraigned, accused-appellant MANJARES, with the assistance of his counsel, pleaded not guilty to the charges.

During the pre-trial conference, the parties agreed to conduct a joint pre-trial conference for the one hundred sixty[-]four (164) Informations filed.

On November 11, 2002, the trial court rendered judgment: acquitting accused-appellant MANJARES in Criminal Case Nos. 00-0472 to 00-0484 (a total of thirteen (13) counts for rape), for failure of the prosecution to prove the guilt of the accused-appellant beyond reasonable doubt.

On August 6, 2003, the trial court issued an Order vacating the plea of "not guilty" of accused-appellant MANJARES in three (3) cases, namely, Criminal Case Nos. 00-0571, 00-0590 and 00-0653, and changed those pleas into "guilty" pleas after accused-appellant asked the trial court if he, accused-appellant, could change his plea to "guilty", and after accused-appellant had been re-arraigned x x x.[6]

On June 9, 2004, in view of the Manifestation of the prosecution that it had already presented evidence for twenty[-]seven (27) counts for rape, these twenty[-]seven (27) cases, which were docketed as Criminal Case Nos. 00-0488 to 0495, 00-0497 to 0512, 0571, 0590 and 0653, and which were the subject of this automatic review, were ordered separated from the other cases and tried as a group.

The prosecution presented the testimonies of private complainant and [BBB, AAA's uncle].

Private complainant [AAA] testified that she was born on August 19, 1977; that she was the eldest of seven children of accused-appellant MANJARES, who was a fisherman, and [CCC], a fish vendor; that when the crimes were committed, their family still lived in San Lorenzo, Sta. Elena, Camarines Norte. Private complainant [AAA] further testified, as follows:

In Criminal Case No. 00-0488,
Sometime in the first week of July 1992, while private complainant [AAA], then fourteen (14) years old and in second year high school, was asleep inside their bedroom with two of her siblings namely, [DDD], eleven (11) years old, and [EEE], ten (10) years old, she was awakened when she felt hands touching her breasts and vagina. She instantly recognized her violator to be her father.

She struggled from her father's clutches, but as her father was stronger, she was easily overpowered. Accused-appellant MANJARES undressed her and, after removing her undergarments, accused-appellant laid on top of her. She felt pain as her father inserted his penis into her vagina. At that time, her mother was not at home.[7]

In Criminal Case No. 00-0489,

On the second week of July 1992, around midnight, private complainant [AAA] was asleep inside the bedroom with her four (4) siblings, namely, [FFF], [GGG], [DDD] and [EEE], when accused-appellant MANJARES entered the bedroom and touched her breasts and vagina. Accused-appellant MANJARES took off her clothes and forced her to have sex with him. At that time, her mother was in Barangay Bulala.[8]

In Criminal Case No. 00-0490,

The same thing happened on the third week of July 1992. Accused-appellant MANJARES inserted again his penis into her vagina. She felt much pain and she pitied herself because "Binababoy po ako ng sarili kong ama."[9]

In Criminal Case No. 00-0491,

Sometime on the fourth week of July 1992, accused-appellant MANJARES pulled her out of the bedroom and brought her to the living room. Accused-appellant MANJARES touched her private parts and undressed her. Accused-appellant MANJARES, who was not wearing any briefs then, removed his shorts and t-shirt and inserted his penis into her vagina.[10]

In Criminal Case No. 00-0492,

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She was sexually molested again on the first week of August 1992. She was at home when accused-appellant MANJARES arrived after fishing at sea and he summoned her to get him a cup of coffee, which she dutifully did. While preparing her father's coffee, she was embraced, kissed at the neck and touched at her private parts by accused-appellant MANJARES. Accused-appellant MANJARES inserted his finger into her vagina and after taking out his finger, he then inserted his penis. She attempted to fight back but she was no match for her father's strength.[11]

In Criminal Case Nos. 00-0493 and 00-0494,

The same incident was repeated on the second and third weeks of August 1992. On both instances, accused-appellant MANJARES mashed her private parts, inserted his finger into her vagina and thereafter replaced his finger with his penis.[12]

In Criminal Case No. 00-0495,

On August 29, 1992, she asked her mother if she could come with her and help in selling fish, but accused-appellant MANJARES objected and told her to remain at home.

At around midnight, after arriving from the sea, accused-appellant MANJARES entered the bedroom and pulled private complainant [AAA] out. Accused-appellant MANJARES touched her private parts and forced her to submit to [his] prurient desires.

She entered this incident in her diary, which reads:

> "Augusto 29, 1992 Sabado hating gabi umuwi galling sa dagat nag usap sila ni mama na may tinda si mama ng isda don sa Bulala sa kapatid ni mama kinaumagahan nag sabi ako kay mama na sasama ako sa kanya tutulungan ko syang magtinda. Hindi sya pumayag sabi nya walang magbabantay sa mga kapatid mo yon pala gagahasain na naman ako."[13]

In Criminal Case No. 00-0497,
The rape was repeated sometime during the first week of September 1992. While she was asleep inside the bedroom, accused-appellant MANJARES suddenly entered, poked a knife at her neck and told her not to make any noise that might awaken her siblings. Accused-appellant MANJARES held her by her legs and pulled her out of the room. Once outside, accused-appellant MANJARES forced her to lie on the ground face down, laid himself atop her back and inserted his penis into her vagina. She struggled to free herself, but accused-appellant MANJARES subdued her by placing her hands behind her back.[14]

In Criminal Case No. 00-0498 and 00-0499,

On the second and third week of September 1992, accused-appellant MANJARES repeated the same acts against her person. Accused-appellant MANJARES mashed and kissed her body and inserted his penis into her vagina.[15]

In Criminal Case No. 00-0500,

The same incident took place on the fourth week of September 1992. Accused-appellant MANJARES mashed her body, removed her skirt and inserted his penis inside her vagina.[16]

In Criminal Case No. 00-0501,

Sometime in the first week of October 1992, she was again raped by accused-appellant MANJARES even though she was sick. She felt ashamed of herself ("Nandidiri ako sa sarili ko").[17]

In Criminal Case No. 00-0502,

Sometime in the second week of October 1992, she was again raped by accused-appellant MANJARES. After her body, accused-appellant MANJARES inserted his penis into her vagina.[18]

In Criminal Case No. 00-0503,

Sometime in the third week of October 1992, she was again raped by accused-appellant MANJARES even if she had her menstrual period.[19]

In Criminal Case No. 00-0504,

Sometime in the fourth week of October 1992, accused-appellant MANJARES told her to stay at home. Accused-appellant MANJARES entered the bedroom where he undressed her, took off her bra and sucked on her breasts. Accused-appellant MANJARES then removed her panty and inserted his finger into her vagina. Thereafter, accused-appellant MANJARES replaced his finger with his penis.[20]

In Criminal Case No. 00-0505 and 00-0506,

Sometime in the first and second week of November 1992, the same incident happened. Accused-appellant MANJARES mashed her breasts, removed her panty, licked her vagina and then inserted his penis into her vagina. She was so hurt because she was not treated as a daughter by her own father.[21]

In Criminal Case No. 00-0507,

Sometime in the third week of November 1992, accused-appellant MANJARES mashed her body and undressed her. Accused-appellant MANJARES then sucked on her breasts and inserted his penis into her vagina.[22]

In Criminal Case No. 00-0508,

On November 22, 1992, she suffered the same fate. She remembered having been raped on that day because she entered that event in her diary. She could no longer feel anything because her body was already numb. Her diary reads as follows:

“November 22, 1992 ng gamitin nya ako lingo bandang hapon ganon na naman ang nangyari halos manhid na ang katawan ko at wala na akong maramdaman.”[23]

In Criminal Case No. 00-0509,

Sometime during the first week of December 1992, while asleep inside the bedroom with her siblings, she was awakened by her father who told her not to make a noise, otherwise he would kill her siblings. She believed that her father was capable of carrying out his threats.

Accused-appellant MANJARES covered her mouth with a blanket and pulled her out of the bedroom. Once outside, she cried while accused-appellant MANJARES was removing her dress including her panty. Thereafter, accused-appellant MANJARES inserted his penis into her vagina.[24]

In Criminal Case No. 00-0510 to 00-0512,

The same thing happened on the second, third and fourth weeks of December 1992. On these occasions, accused-appellant MANJARES removed her dress including her panty, and then inserted his penis into her vagina.[25]

In Criminal Case No. 00-0571,

In the wee hours of December 28, 1993, accused-appellant MANJARES came home drunk. Accused-appellant MANJARES entered the bedroom, and once inside, covered her mouth, took off her clothes and sexually molested her. Not satisfied, accused-appellant MANJARES inserted his fingers into her vagina and simultaneously made push and pull movements. She almost lost her breath from the pain she felt. She tried to push accused-appellant MANJARES away but the latter punched her on the stomach. She begged for mercy but her pleas fell on deaf ears. She was warned, that accused-appellant would hurt her siblings if she told anybody about the incident. She was then 16 years old. She recorded the incident in her diary.

On December 30, [1993], unable to endure her torment, she confided her ordeal to her mother, who did not believe her and told her that her father could not possibly do such things to his own daughter.[26]

In Criminal Case No. 00-0590,

She was raped again by her father on March 3, 1994. She remembered that it was a Saturday and it was dark. She was in deep sleep inside the bedroom with her siblings when accused-appellant MANJARES suddenly covered her face with a pillow and pinned her legs down with his knees, which caused her to almost lose her breath. Accused-appellant MANJARES then inserted his four fingers inside her vagina, and, after pulling them away, inserted his penis into her vagina. Accused-appellant MANJARES repeated his threat not to tell anyone of the incident. She once again recorded the incident in her diary.[27]

In Criminal Case No. 00-0653,

On April 12, 1995, when she was then already seventeen (17) years old, after doing some laundry work, she was again raped by her father. At that time, she thought that nobody was inside the house but when she entered, she saw her father drinking liquor alone. Upon seeing her, accused-appellant MANJARES remarked that his young lady was already home. Accused-appellant MANJARES approached her, took her hands and pulled her to him. She asked accused-appellant MANJARES to stop as she could no longer bear what he was doing to her, but he ordered her not to refuse his advances. She tried to free herself but accused-appellant MANJARES punched her and caused her to lose consciousness.

When she regained consciousness, she found herself naked and she felt pain all over her body. She saw accused-appellant MANJARES seated beside her, already putting on his shoes.

She likewise recorded the incident in her diary.[28]

On September 5, 1995, private complainant [AAA] suddenly felt dizzy. Her teacher brought her to a doctor in Sta. Elena, who examined her and found out that she was pregnant. She revealed her condition to her mother and grandmother and informed them that her own father was her molester. Private complainant [AAA]'s mother and grandmother confronted accused-appellant MANJARES, but the latter denied the accusation and said that he could not do such things to private complainant [AAA].[29]

On September 9, 1995, private complainant [AAA]'s parents brought her to stay with their relative, [HHH], at Parañaque City, to hide her and spare her the humiliation since it was already obvious that she was pregnant. On December 18, 1995, she gave birth to a baby girl, which she later on gave up for adoption. x x x[30]

The other witness, [BBB], testified that private complainant [AAA] was his niece, as the latter's grandmother and his mother were sisters. He saw private complainant [AAA] in Parañaque City at the house of his sister. He observed that private complainant [AAA] was usually absentminded and was crying alone at times. Sometime in 1998, she confided to him that she was raped by her own father. [BBB] was shocked and angry by his niece's revelation. After two days, he accompanied private complainant [AAA] to the NBI and DOJ to file a complaint

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against accused-appellant MANJARES.[31]

On the other hand, the defense presented accused-appellant MANJARES himself and [his] mother, [III], as witnesses.

Accused-appellant MANJARES testified that he, together with his wife and eight (8) children, resided in Purok Puktol, Brgy. Del Pilar, Capalonga, Camarines Norte in 1975. In 1992, three (3) of his children, namely, private complainant [AAA], [DDD] and [EEE], stayed in the boarding house of Apolinario Macapagal (MACAPAGAL) in Lower, Brgy. San Lorenzo, Sta. Elena, Camarines Norte because they were already studying. It was only during the 15th and 30th of the month that he and his wife visited the three (3) children to give them their supply for their daily needs. From their house in Purok Puktol, the house of MACAPAGAL can be reached through a motorized boat for an hour travel. He vehemently denied that he ever sexually molested [his] daughter as he loved her very much. There was no occasion that he spent a night in the house of MACAPAGAL.[32]

During the first week of November 1992, his wife was summoned by MACAPAGAL to the latter's house as their daughter [DDD] suffered stomach ache. His wife spent the night there.[33]

In the second week of November 1992, he and his wife visited their children at MACAPAGAL's house, where the latter told him that private complainant [AAA] did not spend the night in the boarding house for about one week. Most of the time, private complainant [AAA] was in the company of several men, spending the night on the bridge. When he confronted his daughter about what MACAPAGAL told him, she told him that MACAPAGAL was not telling the truth. For this reason, he and his wife decided to transfer their children to another house.[34]

When his mother told him that private complainant [AAA] was pregnant, accused-appellant MANJARES asked private complainant [AAA] about it but the latter did not reply. When his wife learned of this pregnancy, she brought private complainant [AAA] to the house of his parents-in-law, who, in turn, brought private complainant [AAA] to Manila. At first, he became angry because his parents-in-law made the said decision without him knowing about it. Private complainant [AAA] stayed in Manila for so long so that he only received two letters from her. One letter said that she already delivered a baby. On March 29, 2000, he was arrested and it was only at that time that he learned of the rape cases filed against him by private complainant [AAA].[35]

[III], mother of accused-appellant MANJARES, testified that her house was just adjacent to the house of her son, so that she was privy to what was happening in the house of her son. She averred that her son's relationship with his children was fine. When she saw her granddaughter, herein private complainant [AAA], looking pale while attending school, she advised her to consult a doctor. When she again saw private complainant [AAA], the latter told her that she had a tumor. Private complainant [AAA]'s mother even accompanied private complainant [AAA] to have her treated. When she learned of the rape cases filed by private complainant [AAA] against her son, she became mad because she was not informed about it beforehand.[36]

In a Decision dated April 6, 2006 in Criminal Case Nos. 00-0488 to 0495, 00-0497 to 0512, 0571, 0590 and 0653, the trial court convicted appellant for the crime of twenty-seven (27) counts of rape and sentenced him to suffer the penalty of death for two (2) counts of rape and the penalty of reclusion perpetua for twenty-five (25) counts of rape.[37] Furthermore, the trial court also ordered appellant to pay the victim, AAA, a total of P1,400,000.00 as civil indemnity, another P1,400,000.00 as moral damages and P685,000.00 as exemplary damages. The dispositive portion of the trial court's Decision reads as follows:

> WHEREFORE, premises considered, accused ARNEL MANJARES is hereby found guilty beyond reasonable doubt of twenty[-] seven (27) counts of rape perpetrated against his own daughter.
>
> Accordingly, he is hereby sentenced, for each count of rape in Criminal Cases Nos. 00-0488 to 00-0495,

> 00-0497 to 00-0512 and 00-0571 or a total of twenty-five (25) counts, to suffer the penalty of RECLUSION PERPETUA. Accused is also ordered to pay his victim, [AAA], the amount of Php50,000.00 for each count, or a total of Php1,250,000.00 by way of civil indemnity, another Php50,000.00 for each count or a total of Php1,250,000.00 as moral damages and Php25,000.00 for each count or a total of Php625,000.00 as exemplary damages.
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> For each count of rape in Criminal Cases Nos. 00-0590 and 00-0653, accused is sentenced to suffer the supreme penalty of DEATH. Likewise, he is ordered to pay his victim, [AAA], the amount of Php75,000.00 for each count or a total of Php150,000.00 by way of civil indemnity, another Php75,000.00 for each count or a total of Php150,000.00 as moral damages and Php30,000.00 for each count or a total of Php60,000.00 as exemplary damages.
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> Considering that this is a joint trial and the pieces of evidence presented are common to all cases, let the complete records of these twenty[-]seven (27) counts of rape be immediately forwarded to the Honorable Court of Appeals for automatic review of Criminal Cases Nos. 00-0590 and 00-0653.[38]

Appellant elevated the case to the Court of Appeals but the adverse ruling was merely affirmed with modification by the appellate court in its Decision dated December 21, 2007. The appellate court disallowed the imposition of the death penalty on appellant in view of the enactment of Republic Act No. 9346 or "An Act Prohibiting the Imposition of Death Penalty in the Philippines" on June 24, 2006. Moreover, the award of exemplary damages in Criminal Case Nos. 00-0590 and 00-0563 was reduced by the appellate court to P25,000.00 pursuant to the then prevailing jurisprudence on qualified rape. The dispositive portion of the appellate court's Decision reads:

> WHEREFORE, premises considered, the assailed April 6, 2006 Decision of the Regional Trial Court of Labo, Camarines Norte, Branch 64, in Criminal Case Nos. 00-0488 to 0495, 00-0497 to 0512, 0571, 0590 and 0653, which convicted accused-appellant Manjares of twenty-seven (27) counts of incestuous rape, is hereby MODIFIED in that, in Criminal Case Nos. 00-0590 and 00-0653, the penalty imposed should be reduced from death to reclusion perpetua only, pursuant to Republic Act No. 9346, and the amount of exemplary damages should be decreased from P30,000.00 to P25,000.00 to conform with current jurisprudence. Pursuant to Section 13(c), Rule 124 of the 2000 Rules of Criminal Procedure as amended by A.M. No. 00-5-03-SC dated September 28, 2004, which became effective on October 15, 2004, this judgment of the Court of Appeals may be appealed to the Supreme Court by notice of appeal filed with the Clerk of Court of the Court of Appeals.[39]

Hence, appellant interposed this appeal before this Court and adopted his Appellant's Brief with the Court of Appeals, wherein he put forth a single assignment of error:

> THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED–APPELLANT GUILTY OF THE CRIME CHARGED DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.[40]

Appellant maintains that the trial court totally disregarded material and substantial facts, as well as several purportedly incredulous statements made by the alleged victim. He argues that not only was the testimony of the alleged victim inconsistent and uncorroborated but that it was also incredible since she claimed to have been raped by him for several years without even telling her mother and grandmother. Furthermore, it is inexplicable that she did not shout while being raped so that her siblings could have helped her, as she testified that most of the rapes were committed inside their house while her other siblings were sleeping just beside her.

In addition, appellant argues that the elements of the crime of rape under Article 335 of the Revised Penal Code were not present in the facts of the instant case.

We are not persuaded.

Given that the incidents of rape occurred prior to the enactment of Republic Act No. 8353 (Anti-Rape Law of 1997), the applicable law is Article 335 of the Revised Penal Code which provides:

> Art. 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 or is demented.

The elements of rape under the said provision of law are: (1) the offender had carnal knowledge of the victim; and (2) such act was accomplished through force or intimidation; or when the victim is deprived of reason or otherwise unconscious; or when the victim is under 12 years of age.[41]

Contrary to appellant's assertions, all the essential elements of rape are present in the case at bar. The evidence on record, particularly the victim's detailed and damning testimony, clearly proves that the appellant had carnal knowledge of his own minor daughter on multiple occasions.

In a prosecution for rape, the accused may be convicted solely on the basis of the testimony of the victim that is credible, convincing, and consistent with human nature and the normal course of things, as in this case.[42] There is a plethora of cases which tend to disfavor the accused in a rape case by holding that when a woman declares that she has been raped, she says in effect all that is necessary to show that rape has been committed and, where her testimony passes the test of credibility, the accused can be convicted on the basis thereof.[43] Furthermore, the Court has repeatedly declared that it takes a certain amount of psychological depravity for a young woman to concoct a story which would put her own father to jail for the rest of his remaining life and drag the rest of the family including herself to a lifetime of shame.[44] For this reason, courts are inclined to give credit to the straightforward and consistent testimony of a minor victim in criminal prosecutions for rape.

We note that both the trial court and the Court of Appeals have found and considered the victim's testimony as credible and worthy of belief. We have previously held that when the issue focuses on the credibility of the witnesses or the lack of it, the assessment of the trial court is controlling because of its unique opportunity to observe the witness and the latter's demeanor, conduct, and attitude especially during the cross-examination unless cogent reasons dictate otherwise.[45] Moreover, it is an established rule that findings of fact of the trial court will not be disturbed on appeal unless some facts or circumstances of weight have been overlooked, misapprehended, or misinterpreted which would otherwise materially affect the disposition of the case.[46] In the case at bar, we see no compelling reason to veer away from this rule.

In an attempt to erode the victim's credibility, appellant points to the victim's failure to immediately report the repeated incidents of rape to her mother and grandmother. Likewise, appellant underscores the implausibility of the charges since the victim could have easily shouted for help during the alleged instances of sexual assault.

However, we are not impressed by these claims as we have previously held that the delay in reporting a rape could be attributed to the victim's tender age and the appellant's threats. A rape victim's actions are oftentimes influenced by fear, rather than reason. In incestuous rape, this fear is magnified because the victim usually lives under the same roof as the perpetrator or is at any rate subject to his dominance because of their blood relationship.[47]

As his main defenses, appellant puts forward denial and alibi which the Court has consistently regarded as inherently weak defenses and must be rejected when the identity of the accused is satisfactorily and categorically established by the eyewitnesses to the offense, especially when such eyewitnesses have no ill motive to testify

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falsely.[48] In the instant case, the defense failed to show that the victim and sole eyewitness to the crimes of rape was motivated by ill will.

Moreover, it is settled jurisprudence that for the defense of alibi to prosper, the accused must prove not only that he was at some other place at the time of the commission of the crime, but also that it was physically impossible for him to be at the locus delicti or within its immediate vicinity.[49] Appellant's own categorical admission that he regularly went to the alleged boarding house of the victim and his two other children to give them their provisions for food and other expenses cast major doubt on his defense of alibi because, even if it were true, this only demonstrates that it was not physically impossible for appellant to be at the locus delicti when the victim was repeatedly raped.

In view of the foregoing, we therefore affirm the conviction of appellant in this case for all twenty-seven (27) counts of rape.

As correctly pointed out by the Court of Appeals, the proper penalty for qualified rape (as charged in Criminal Case Nos. 00-0590 and 00-0653) is reclusion perpetua without eligibility for parole pursuant to Republic Act No. 9346 which prohibited the imposition of the death penalty. In addition, consistent with prevailing jurisprudence on simple rape in order to set a public example, to serve as deterrent to elders who abuse and corrupt the youth and to protect the latter from sexual abuse,[50] we modify the trial court's Decision as regards the exemplary damages that should be granted to the victim and increase the same from Twenty-Five Thousand Pesos (P25,000.00) to Thirty Thousand Pesos (P30,000.00) for each of the twenty-five (25) counts of rape in Criminal Case Nos. 00-0488 to 0495, 00-0497 to 0512, and 0571. Furthermore, we revise the modification made by the Court of Appeals with regard to the amount of exemplary damages awarded in Criminal Case Nos. 0590 and 0653 for qualified rape by increasing the same from Twenty-Five Thousand Pesos (P25,000.00) to Thirty Thousand Pesos (P30,000.00) following established jurisprudence.[51]

WHEREFORE, premises considered, the Decision dated December 21, 2007 of the Court of Appeals in CA-G.R. CR.-H.C. No. 02368 is hereby AFFIRMED with further MODIFICATIONS that:

> (1) Appellant Arnel Manjares is GUILTY of two (2) counts of QUALIFIED RAPE in Criminal Case Nos. 00-0590 and 00-0653 and is hereby sentenced to suffer the penalty of reclusion perpetua without eligibility for parole and ordered to pay Seventy-Five Thousand Pesos (P75,000.00) as civil indemnity, Seventy-Five Thousand Pesos (P75,000.00) as moral damages, and Thirty Thousand Pesos (P30,000.00) as exemplary damages in each count;
>
> (2) The exemplary damages to be paid by appellant Arnel Manjares is increased from Twenty-Five Thousand Pesos (P25,000.00) to Thirty Thousand Pesos (P30,000.00) in each of the twenty-five (25) counts of SIMPLE RAPE; and
>
> (3) Appellant Arnel Manjares is further ordered to pay the private offended party interest on all damages awarded at the legal rate of Six Percent (6%) per annum from the date of finality of this judgment.

No pronouncement as to costs.

SO ORDERED.

Corona, C.J., (Chairperson), Bersamin, Del Castillo, and Villarama, Jr., JJ., concur.

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[1] Rollo, pp. 3-22; penned by Associate Justice Vicente Q. Roxas with Associate Justices Josefina Guevara-Salonga and Ramon R. Garcia, concurring.

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[2] CA rollo, pp. 15-44.

[3] Rollo, pp. 5-14.

[4] In line with Section 29 of Republic Act No. 7610, Section 44 of Republic Act No. 9262, and Section 40 of A.M. No. 04-10-11-SC, the identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld. For purposes of discussion, the private offended party and her immediate family members shall be referred to using initials. See People v. Cabalquinto (G.R. No. 167693, September 19, 2006, 502 SCRA 419) and People v. Guillermo (G.R. No. 173787, April 23, 2007, 521 SCRA 597).

[5] In the Informations for the rapes committed from August 19, 1992 (AAA's birthday) onwards, AAA's actual age at the time of the crime was accordingly indicated. From the Informations, the rapes allegedly began when AAA was 14 years old and continued until she was 17.

[6] However, in the Order dated October 30, 2003, the trial court ordered the reversion of accused-appellant's plea of "Guilty" in Criminal Case Nos. 00-0571, 00-0590 and 00-0653 to "Not Guilty" after the accused-appellant withdrew his "Guilty" plea through his counsel.

[7] See TSN, October 29, 2002, pp. 4-8; TSN, May 29, 203, pp. 4-5, 8.

[8] Id. at 8-9; id. at 5-11.

[9] Id. at 9.

[10] Id. at 10-11.

[11] Id. at 11-12.

[12] Id. at 12-14.

[13] Id. at 14-15; see also Exh. D-4.

[14] Id. at 15-18.

[15] Id. at 18.

[16] Id.

[17] Id. at 19.

[18] Id.

[19] Id. at 20.

[20] Id. at 20-22.

[21] Id. at 22.

[22] Id. at 23-24.

[23] Id. at 24-25; see also Exh. D-5.

[24] Id. at 25-26.

[25] Id. at 26-28.

[26] See TSN, August 7, 2003, pp. 10-17; TSN, June 8, 2004, pp. 5-13; Exh. B.

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[27] Id. at 17-22; Exh. C.

[28] Id. at 22-28; Exh. D.

[29] Id. at 28-33.

[30] Id. at 33-36.

[31] See TSN, July 3, 2003, pp. 3-9.

[32] See TSN, July 28, 2005, pp. 2-3; TSN, August 11, 2005, pp. 3-6.

[33] Id. at 27-28.

[34] Id. at 29-31.

[35] Id. at 49-51, 55.

[36] See TSN, September 27, 2005, pp. 5-6, 8-10.

[37] The trial court held that only two of the charges (in Criminal Case Nos. 00-0590 and 00-0653) constituted qualified rape and were, thus, punishable by death since these two counts of rape were clearly committed after the effectivity of Republic Act No. 7659. Said statute amended, among others, Article 335 of the Revised Penal Code by imposing the death penalty on a rape committed 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.

[38] CA rollo, pp. 43-44.

[39] Rollo, p. 21.

[40] CA rollo, p. 62.

[41] People v. Limos, 465 Phil. 66, 77 (2004).

[42] People v. Felan, G.R. No. 176631, February 2, 2011, 641 SCRA 449, 452.

[43] People v. Bongat, G.R. No. 184170, February 2, 2011, 641 SCRA 496, 505-506.

[44] People v. Javier, 370 Phil. 128, 139 (1999).

[45] People v. Lantano, G.R. No. 176734, January 28, 2008, 542 SCRA 640, 651-652.

[46] People v. Domingo, G.R. No. 184958, September 17, 2009, 600 SCRA 280, 288.

[47] People v. Fragrante, G.R. No. 182521, February 9, 2011, 642 SCRA 566, 581.

[48] People v. Manalili, G.R. No. 184598, June 23, 2009, 590 SCRA 695, 711.

[49] People v. Hernando, G.R. No. 186493, November 25, 2009, 605 SCRA 741, 752.

[50] People v. Rante, G.R. No. 184809, March 29, 2010, 617 SCRA 115, 126-127.

[51] People v. Galvez, G.R. No. 181827, February 2, 2011, 641 SCRA 472, 485.

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