

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. FELIX CASAS PEREZ, APPELLANT.

G.R. No. 189303. October 13, 2009

Ponente: CORONA, J.

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CORONA, J.:

In a decision dated October 25, 1999,[1] the Regional Trial Court (RTC) of Danao City, Branch 25 found accused-appellant Felix Casas Perez guilty of two counts of qualified rape for sexually abusing his 15-year-old daughter, AAA.[2] He was sentenced to death for each count of qualified rape and to pay P100,000 as damages.

On intermediate appellate review,[3] the Court of Appeals (CA) modified the decision of the RTC.[4] Because the Information did not state the age of AAA at the time of the commission of the offense, the CA downgraded accused-appellant's offenses to simple rape and consequently lowered the penalty to reclusion perpetua for each count thereof. It likewise ordered accused-appellant to pay P50,000 moral damages and P25,000 exemplary damages.

The RTC and the CA found that accused-appellant forced his daughter AAA to have sexual intercourse with him on December 20 and 25, 1995. In both instances, he was armed with a knife and a pinuti (or a long bolo) and threatened to kill her if she told anyone about the incident.

We find no reason to disturb the findings of the RTC as affirmed by the CA. The records are replete with evidence establishing accused-appellant's guilt beyond reasonable doubt. However, to conform with existing jurisprudence, P50,000 civil indemnity ex delicto,[5] P50,000 moral damages[6] and P30,000 exemplary damages for each count of rape must be awarded to the offended party.[7]

WHEREFORE, the appeal is hereby DISMISSED. The March 26, 2009 decision of the Court of Appeals in CA-G.R. CR-HC No. 00653 finding accused-appellant Felix Casas Perez guilty of two counts of simple rape is AFFIRMED with MODIFICATION. Accused-appellant is sentenced to reclusion perpetua and to pay AAA P50,000 civil indemnity ex delicto, P50,000 moral damages and P30,000 exemplary damages for each count of rape.

Costs against accused-appellant.

SO ORDERED.

Velasco, Jr.[**], Nachura[***], Leonard-De Castro, and Bersamin, JJ., concur.

[*] Per Special Order No. 724 dated October 5, 2009.

[**] Per Special Order No. 719 dated October 5, 2009.

[***] Per Special Order No. 725 dated October 5, 2009.

[1] Penned by Judge Esperidion Rivera. CA rollo, pp. 24-32.

[2] Criminal Case Nos. DNO-1620 and DNO-1621. The information against the accused-appellant uniformly stated:

That on or about December 20 (and 25), 1995, in the evening, in Ibo, Danao City, Philippines and within the jurisdiction of this Honorable Court, [accused-appellant] who is the father of the offended party, [AAA], by means of force and intimidation willfully, unlawfully and feloniously did lie and [succeed] in having carnal knowledge [of his daughter, AAA].

Contrary to law.

[3] CA-G.R. CR-HC No. 00653.

[4] Decision dated March 26, 2009 penned by Associate Justice Priscilla J. Baltazar-Padilla and concurred in by Associate Justices Franchito N. Diamante and Edgardo L. de los Santos of the Nineteenth Division of the Court of Appeals. Rollo, pp. 2-17.

[5] *People v. Mallari*, G.R. No. 179051, 28 March 2008, 550 SCRA 477, 478-479.

[6] *Id.*

[7] *People v. Abellera*, G.R. No. 166617, 3 July 2007, 526 SCRA 329, 343.

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