



Republic of the Philippines  
Supreme Court  
Baguio City

CERTIFIED TRUE COPY  
*Wilfredo V. Lapid*  
WILFREDO V. LAPIDAN  
Division Clerk of Court  
Third Division  
MAY 26 2016

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff-Appellee,

G.R. No. 216010

Present:

VELASCO, JR., J.,  
*Chairperson,*

- versus -

BRION,\*  
PERALTA,  
PEREZ, and  
REYES, JJ.

JIMMY ULANDAY @ "SAROY",  
Accused-Appellant.

Promulgated:

April 20, 2016

*Wilfredo V. Lapid*

X ----- X

DECISION

PEREZ, J.:

For review is the May 23, 2014 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05692 which affirmed with modifications the June 28, 2012 Judgment<sup>2</sup> of the Regional Trial Court (RTC), Branch 69, in Lingayen, Pangasinan, finding appellant Jimmy Ulanday guilty beyond reasonable doubt of the crime of rape.

*The Antecedents*

\* Additional Member per Raffle dated March 21, 2016.

<sup>1</sup> CA *rollo*, pp. 77-90; penned by CA Associate Justice Rebecca De Guia-Salvador and concurred in by Associate Justices Ramon R. Garcia and Edwin D. Sorongon.

<sup>2</sup> Records pp. 81-95; penned by Judge Caridad V. Galvez.

The appellant was charged in an Information<sup>3</sup> dated June 13, 2011, whose accusatory portion reads as follows:

“That sometime in the evening of March 11, 2011 in Brgy. Tampac, Aguilar, Pangasinan[,] and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, armed with a knife, with force and intimidation, did, then and there willfully, unlawfully and feloniously drag [XYZ]<sup>4</sup> to a dark portion at the back portion of their house and thereafter removed her short pants and panty and have sexual intercourse with her, against her will and consent, to her damage and prejudice.

Contrary to Article 266-A, par. [1] (a) of the Revised Penal Code.”

A warrant was issued by the Executive Judge and the appellant was arrested on August 17, 2011.<sup>5</sup> When arraigned, the appellant pleaded not guilty to the crime charged. During the pre-trial conference, the prosecution and the defense stipulated on the identity of the parties; the existence of the medico-legal certificate of XYZ dated May 16, 2011 issued by Dr. Maria Gwendolyn Luna (Dr. Luna); and the existence of the certification of the entry in the police blotter of Philippine National Police (PNP), Aguilar Police Station, Pangasinan regarding the rape incident.<sup>6</sup>

Thereafter, trial ensued with the prosecution presenting the following witnesses: XYZ, the victim herself; BBB, half-sister of XYZ; and Dr. Luna, the attending physician at Region I Medical Center, Dagupan City who examined XYZ. On the other hand, only the appellant testified for the defense.

The facts of the case, as summarized by the Office of the Solicitor General (OSG) and adopted by the appellate court, are as follows:

“On the night of 11 March 2011, [XYZ], twenty-four (24) years old, sat beside the living room window near the main door of her family's house. She looked out the window and watched the dance party which was going on outside their house.

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<sup>3</sup> Id. at 1.

<sup>4</sup> Pursuant to the Court's ruling in *People v. Cabalquinto*, G.R. No. 167693, September 19, 2006, 502 SCRA 419, the real name of the rape victim will not be disclosed. Similarly, the personal circumstances of the victim or any other information tending to establish or compromise the victim's identity, as well as those of her immediate family or household members will be withheld. In this connection, fictitious initials are used to represent them. Here, the rape victim is referred to as XYZ; her half-sister, BBB; her neighbour, AAA; and her uncles, CCC and DDD.

<sup>5</sup> Records, p. 29.

<sup>6</sup> Id. at 47.



Out of nowhere, [appellant], armed with a knife, entered [XYZ's] house, pulled her out and dragged her towards the house of [her] neighbor, [AAA].

Although she does not know [appellant], [XYZ] was able to identify him because she has seen him before playing *tong-its* in the gambling area near [her] house.

[Appellant] brought [XYZ] at the back of [AAA's] house. No one was inside [AAA's] house and it was dark.

Once inside [AAA's] house, [appellant] immediately overpowered [XYZ]. He leaned [XYZ] against the wall and removed her pants and underwear. Thereafter, [appellant] pulled down his zipper. [Appellant] then covered [XYZ's] mouth using his left hand and pointed a knife against her face using his right hand. After, despite their standing position, [appellant] spread [XYZ's] legs, inserted his penis into her vagina and proceeded to rape [her]. During the entire assault, [appellant] poked his knife against [XYZ's] face.

After committing his dastardly act, [appellant] returned [XYZ's] pants and underwear. [XYZ] then went back home and slept.

A few months later, in May, [XYZ] got the courage to tell her mother what happened. After, [XYZ], accompanied by her mother, reported the crime committed against her to the police.”<sup>7</sup>

BBB testified that on May 10, 2011, she and XYZ were summoned by CCC, their uncle, to his house. There, and in the presence of several persons namely: XYZ, BBB, CCC and appellant's nephew, Marvin Ulanday (Marvin), the appellant openly admitted that he had sexual intercourse with XYZ.<sup>8</sup> After his confession, the appellant was mauled by the males then present.<sup>9</sup> Thereafter, the appellant went into hiding.<sup>10</sup>

According to BBB, XYZ did not disclose the rape incident to anyone because of fear, having been threatened by the appellant that he will kill her if she did. During BBB's direct examination, the parties agreed to stipulate that XYZ was suffering from a physical disability particularly a limp due to polio.

When called to the witness stand, Dr. Luna attested that she conducted an anogenital examination of XYZ on May 16, 2011. She found XYZ to have had old, healed, deep lacerations in her hymen at 4, 6 and 7 o' clock

<sup>7</sup> CA rollo, pp. 60-61.

<sup>8</sup> TSN, December 6, 2011, testimony of BBB, pp. 4-6.

<sup>9</sup> Id. at 8.

<sup>10</sup> Id.

positions.<sup>11</sup> Dr. Luna explained that the lacerations could have been caused by the insertion of an object into the vagina, possibly a finger or an erect penis.<sup>12</sup> Dr. Luna then reiterated the impression stated in her medico-legal report that her findings cannot totally rule out the possibility of sexual abuse.<sup>13</sup>

The defense offered a different version of the incident, as summarized by the Public Attorney's Office (PAO) in its Brief, to wit:

On March 11, 2011, [appellant] was in Brgy. Kuako, Pangasinan, watching a wedding dance party when he first met [XYZ] who was [then] seated inside their house also watching the dance party through their window. [XYZ] then called [appellant's] attention and when he approached her, they had a conversation over the window. During their conversation, [appellant] noticed that [XYZ] was not alone in the house as there are about five (5) other persons living with her. Their conversation lasted for about an hour until he was called by his cousin Eddie Ulanday to go home. He immediately slept upon arriving thereat.

A week after the dance party, Jimmy was accosted by [CCC] and [DDD], uncle[s] of [XYZ], while he was on his way to Poblacion riding his motorcycle. He was being accused by them of raping [XYZ], and when he denied having done the same, they mauled him.

Appellant vehemently denie[d] having made an admission of raping [XYZ] in the house of the latter's uncle, [CCC].<sup>14</sup>

After trial, the RTC convicted the appellant of rape in its judgment of June 28, 2012. The dispositive portion of its judgment reads:

WHEREFORE, in view of the foregoing, the Court finds the accused **Jimmy Ulanday GUILTY** beyond reasonable doubt of the crime of **Rape** and is hereby sentenced to suffer the penalty of *reclusion perpetua* and to pay [XYZ] the amount of ₱50,000.00 as civil indemnity and another ₱50,000.00 as moral damages.

SO ORDERED.<sup>15</sup>

The appellant appealed to the CA on a sole assigned error that the trial court erred in finding that his guilt for the crime charged has been proven beyond reasonable doubt.

<sup>11</sup> Records p. 19; May 16, 2011 Medico-Legal Report issued by Dr. Luna.

<sup>12</sup> TSN, October 25, 2011, testimony of Dr. Luna, p. 5.

<sup>13</sup> Id. at 6.

<sup>14</sup> CA *rollo*, pp. 24-25; Appellant's Brief dated April 16, 2013.

<sup>15</sup> Records, p. 95.

The CA affirmed the judgment of the RTC with the following modifications: (a) declared the appellant ineligible for parole; (b) ordered the appellant to pay XYZ exemplary damages in the amount of ₱30,000.00; and (c) imposed six percent (6%) interest *per annum* on all awarded damages reckoned from the date of finality of this decision until fully paid.<sup>16</sup>

Undeterred, the appellant filed a Notice of Appeal<sup>17</sup> and the records of the case were elevated to the Court. In the resolution of February 23, 2015, the Court required the parties to submit their respective supplemental briefs, if they so desire, within thirty (30) days from notice. Both parties opted not to file one as they had already exhaustively and extensively discussed all the matters and issues of this case in the briefs earlier submitted with the CA. Hence, in this appeal, the Court will rule on the lone assignment of error made by the appellant in his brief before the CA, to wit:

THE COURT *A QUO* GRAVELY ERRED IN FINDING THAT THE GUILT OF THE ACCUSED-APPELLANT HAS BEEN PROVEN BEYOND REASONABLE DOUBT.<sup>18</sup>

### *The Court's Ruling*

After a circumspect review of the records, the Court affirms the conviction of the appellant.

To be convicted of rape under Article 266-A paragraph 1 of the Revised Penal Code, the requisite elements are: (1) that the offender had carnal knowledge of a woman; and (2) that he accomplished this act through force, threat, or intimidation; when she was deprived of reason or otherwise unconscious; by means of fraudulent machination or grave abuse of authority; or when she was under twelve (12) years of age or was demented.

The Court finds that the prosecution sufficiently established the presence of these elements in the instant case.

With certainty, XYZ positively identified the appellant as the person who forced himself on her in the evening of March 11, 2011. She never wavered in her identification and was straightforward in recounting of how the appellant used force, threat and intimidation to satisfy his lust. This

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<sup>16</sup> CA rollo, p. 89.

<sup>17</sup> Id. at 91.

<sup>18</sup> CA rollo, pp. 22 & 25.

much can be gathered from her testimony in court, to wit:

x x x x

Q: When [appellant] entered the house, was that your first time to see him?

A: No, your Honor.

Q: So where have you met him before?

A: In the gambling, your Honor.

Q: So you mean, in your place near your house there's a gambling then?

A: Yes, your Honor.

Q: And it is usually at night time?

A: Yes, your Honor.

Q: What kind of game?

A: Tong-its, your Honor.

Q: You said you saw the [appellant] before, was he one of the participants in that tong-its game?

A: Yes, your Honor.

Q: How many times have you seen him before the date of the incident, many times or whatever, many times?

A: Yes, your Honor.

x x x x

Q: What made you say that it was the accused who enter[ed] your house and eventually rape[d] you?

A: It was really he, your Honor.

Q: What made you say that [it] was him when it was dark at that time?

A: Because he first entered our house, your Honor.

Q: When he entered your house, was there a light in your house?

A: Yes, your Honor.

Q: Did you see his face?

A: Yes, your Honor.

x x x x

PROS. CATUNGAL:

Your Honor, I just like to manifest that during the course of trial every time that the name of the accused is being mentioned the

witness points to a person seated at the accused bench.

COURT:

And when asked his name.

INTERPRETER:

And when asked his name he responded Jimmy Ulanday.

COURT:

Alright.

x x x x

Q: What did [appellant do] when he entered your house on March 11 [2011] in the evening while you were watching this dance party?

A: [Appellant] entered [our house] armed with a knife and pulled me, sir.

Q: [Where] did [appellant] pull you?

A: In [an unlighted area at the back of]<sup>19</sup> the house of our neighbor, sir.

x x x x

Q: What did [appellant] do when he was able to pull you out?

A: [Appellant] removed my pants, he removed my panty and then he covered my mouth and he poked a knife, sir.

Q: When [appellant] was pulling and removing your panty and your pants, did you not shout for help?

A: No, because he covered my mouth and I can hardly breath, sir.

Q: By the way Madam witness, you said [appellant] was holding a knife, what did he do with the knife?

A: [Appellant] poked [the knife] towards my face, sir.

x x x x

Q: Were he able to remove your panty and your pants?

A: Yes, sir.

Q: Did you not make any struggle against his act?

A: I tried, sir.

Q: But he was able to over power you?

A: Yes, sir.

<sup>19</sup>

TSN, November 3, 2011, testimony of XYZ, pp. 15 & 19.

x x x x

Q: And after [removing] your panty and your pants, what did he do?

x x x x

A: [Appellant] inserted his penis, sir.

Q: How did [appellant] insert[ed] his penis Madam witness?

A: By spreading my legs part ways, sir.

Q: Then? What was your position at [the] time the [appellant] inserted his penis in your vagina?

A: Still on [the] standing position leaning on something, your Honor.

Q: How about the [appellant] what was his position?

A: [Appellant] was in front of me, your Honor.

Q: And what did he do with his clothing?

A: [Appellant] was wearing short pants, your Honor.

Q: How did he insert then his penis when he was wearing a short pant?

A: With a zipper, your Honor, he pulled down the zipper, your Honor.

x x x x

Q: So you mean he just opened the zipper and put out the penis?

A: Yes, your Honor.

Q: Were you able to see the penis?

A: No, your Honor[,] because it was very dark then.

Q: Did you feel it?

A: Yes, your Honor.

Q: How did you feel when the penis was inserted to your vagina?

A: Painful, I felt pain, sir.

Q: Was that the first time that a penis was inserted into your vagina?

A: Yes, your Honor.

Q: How long was the penis inserted to your vagina?

A: Just a few minutes, your Honor.

x x x x

Q: Did you not tell any of your relative of what happened to you?

A: No, because of fear, I'm afraid of [appellant], sir.

Q: Why are you afraid of him Madam witness?

A: [Appellant] was armed with a knife, sir.



Q: Did he utter any statement to you?

A: Yes, your Honor.

Q: What did he say?

A: That he is going to kill me, your Honor.

Q: How many times did [appellant] say that?

A: Once only, your Honor.

Q: Was that after [appellant] raped you or before raping you?

A: After he rape[d] me, your Honor.

x x x x<sup>20</sup>

Both the trial and appellate courts upheld the credibility of XYZ and accorded credence to her testimony. As recognized in a long line of cases, a rape victim would not charge her attacker at all and thereafter exposed herself to the inevitable stigma and indignities her accusation will entail unless what she asserts is the truth for it is her natural instinct to protect her honor.<sup>21</sup> There is no showing that XYZ was impelled by improper motives to impute to the appellant such a grave and scandalous offense.

Further, well-settled is the rule that factual findings of the trial courts are generally given full weight, credit and utmost respect on appeal especially when such findings are supported by substantial evidence on record.<sup>22</sup> Here, XYZ's claim of sexual abuse was corroborated by the medical finding of healed hymenal lacerations. Considering that the trial court did not overlook any material or relevant matter that could have altered the outcome of the case, the Court sees no compelling reason to deviate from the factual findings and conclusions drawn by the courts below.

In a final attempt to exonerate himself, the appellant tried to discredit the testimonies of prosecution witnesses by pointing out certain alleged inconsistencies and loopholes in their statements.

First, the defense raised XYZ's confusion as to the location of the door through which the appellant dragged her out of the house. Her difficulty in giving the precise location of said door, whether it is located in the living room or kitchen, is a trivial matter and not enough to negate the fact that forced coitus did happen. Victim of rape is not expected to have an

<sup>20</sup> Id. at 5-6, 29-30, 27, 7, 9-12, 18-19.

<sup>21</sup> *People v. Cabel*, 347 Phil. 82, 92 (1997).

<sup>22</sup> G.R. No. 200920, *People v. Esteban*, June 9, 2014, 725 SCRA 517, 524.

accurate or errorless recollection of the traumatic experience that was so humiliating and painful, that she might, in fact, be trying to obliterate it from her memory.<sup>23</sup> For that reason, minor lapses or inconsistencies in the rape victim's testimony cannot be a ground to destroy her credibility or more so, serve as basis for appellant's acquittal.<sup>24</sup>

Second, the defense argued that XYZ's claim that she was threatened with a knife was doubtful because of the latter's admission that during the rape, she did not actually see the knife nor did she sustain any injury therefrom. A review of XYZ's testimony shows that she clearly saw the appellant with the knife when he stormed into her well-lighted house. At knife point, the appellant dragged XYZ out of her house and brought to her neighbor's. XYZ categorically stated that she felt the very same knife, which was then positioned near her face, the entire time the appellant was having sexual intercourse with her.

With respect to the argument that XYZ did not suffer any injury resulting from the use of a deadly weapon, the Court in *People of the Philippines v. Esperas*<sup>25</sup> had this to say: "the presence of injuries is not vital to establishing the guilt of the appellant. The alleged absence of external injuries on the victim does not detract from the fact that rape was committed. Even, assuming *arguendo* that there were no signs of other bodily injuries, the occurrence of rape is still not negated, since their absence is not an essential element of the crime."

Third, the defense also questioned XYZ's conduct after the alleged rape incident. In particular, the defense highlighted that XYZ merely went home, slept and failed to immediately report her ordeal to family and the authorities, and contended that such behavior seemed very unnatural for someone who just went through a harrowing experience. Victims respond differently to trauma and there is no standard form of behavioral response when persons suffer from one.<sup>26</sup> The Court in *People of the Philippines v. Saludo*<sup>27</sup> made this ratiocination, viz: "[n]ot every victim of rape can be expected to act with reason or in conformity with the usual expectations of everyone. The workings of a human mind placed under emotional stress are unpredictable; people react differently. Some may shout, some may faint, while others may be shocked into insensibility. And although the conduct of the victim immediately following the alleged sexual assault is of utmost

<sup>23</sup> *People v. Masapol*, 463 Phil. 25, 33 (2003).

<sup>24</sup> *People v. Perez*, 673 Phil. 373, 382 (2011).

<sup>25</sup> *People v. Esperas*, 461 Phil. 700, 712 (2003).

<sup>26</sup> *People v. Buates*, 455 Phil. 688, 698 (2003).

<sup>27</sup> *People v. Saludo*, 662 Phil. 738, 758-759 (2011).



importance as it tends to establish the truth or falsity of the charge of rape, it is not accurate to say that there is a typical reaction or norm of behavior among rape victims, as not every victim can be expected to act conformably with the usual expectation of mankind and there is no standard behavioral response when one is confronted with a strange or startling experience, each situation being different and dependent on the various circumstances prevailing in each case.” It also bears stressing that XYZ received a death threat from the appellant which instilled fear in her mind and logically explained why she did not immediately disclose her misfortune to her family and the authorities.

Fourth, the defense insisted that Dr. Luna's findings that the lacerations in XYZ's hymen were just five (5) days old belied the charge of rape which allegedly happened two (2) months before her examination. It reasoned that at most, the only thing Dr. Luna's testimony has proven was that XYZ had sexual intercourse and that it was not necessarily with the appellant.

In this regard, the Court quotes the relevant portion of Dr. Luna's testimony, which states:

x x x x

Q: Doctor you examined the victim when?

A: May 16, 2011, your Honor.

Q: When was she allegedly abused?

A: March 11, 2011[,] your Honor.

Q: So after more or less how many days?

A: Two (2) months, your Honor.<sup>28</sup>

x x x x

Q: xxx [W]hat were your findings over the person of the said [XYZ]?

A: My findings w[ere] centered on the an[o]genital examination and xxx on the genital area[,] they were old, healed, deep hym[e]nal laceration[s] at 4, 6 and 7 o'clock [positions], sir.

Q: Relative to that word you said healed, was it freshly healed or old healed?

A: It was an old laceration, sir.

Q: And it ha[s] been how many months or days?

<sup>28</sup>

TSN, October 25, 2011, testimony of Dr. Luna, pp. 7-8.

A: Five (5) days or more, sir.<sup>29</sup>

x x x x

Q: What does it signif[y] having an old healed lacerations?

A: That the lacerations [could] have occurred about five (5) days or more before the examination, sir.

Q: You mentioned that you were able to examine the victim after two (2) months?

A: Yes, your Honor.

Q: Could it be possible that she had contact before your examination?

A: It is still possible, your Honor.

Q: And it could still result to healed lacerations?

A: Yes, your Honor.<sup>30</sup>

It would appear from the foregoing that the reasoning advanced by the defense was misplaced. The defense focused on Dr. Luna's estimate of five days old laceration completely disregarding the latter portion of her answer wherein she added “**or more**”, in reply to the question propounded to her. The OSG was quick to point out in its brief that Dr. Luna's testimony simply means that the old lacerations were committed five (5) days or more prior to XYZ's examination.<sup>31</sup> As such, the examining physician's declaration was actually consistent and supported XYZ's testimony that she was sexually assaulted on March 11, 2011.<sup>32</sup>

In any case, expert testimony like an examining physician is merely corroborative in character and not essential to conviction.<sup>33</sup> In rape cases, the accused may be convicted on the basis of the sole uncorroborated testimony of the victim as long as said testimony is clear, positive and convincing.<sup>34</sup> Here, XYZ's testimony passed the test of credibility and by itself, was sufficient to sustain the appellant's conviction.

The Court has ruled, time and again, that mere denial cannot prevail over the positive testimony of a witness.<sup>35</sup> The defense of denial is treated as a self-serving negative evidence which cannot be accorded greater evidentiary weight than the declaration of credible witnesses who testify on

<sup>29</sup> Id. at 4-5.

<sup>30</sup> Supra note 27 at 8.

<sup>31</sup> CA *rollo*, p. 73; Appellee's Brief filed by the OSG dated August 22, 2013.

<sup>32</sup> Id.

<sup>33</sup> *People v. Balonzo*, 560 Phil. 244, 259-260 (2007).

<sup>34</sup> Id. at 260.

<sup>35</sup> *People v. Hashim and Pansacala*, 687 Phil. 516, 526 (2012).

affirmative matters.<sup>36</sup> For it to prosper, denial must be supported by strong and convincing evidence<sup>37</sup> and this, the appellant failed to do in the instant case.

Whenever the crime of rape is committed with the use of a deadly weapon, the penalty shall be *reclusion perpetua* to death as provided under Article 266-B of the Revised Penal Code. The prosecution was able to sufficiently allege in the information and establish during trial that a knife was used in the commission of rape. Considering that no aggravating or mitigating circumstance attended the commission of the crime, the lesser penalty of *reclusion perpetua* was correctly imposed by the lower courts on the appellant. However, the CA, in its decision, added the qualification that the appellant shall be ineligible for parole pursuant to Section 3 of Republic Act No. 9346.<sup>38</sup> In light of the attendant circumstances in the case at bar, there is no more need to append the phrase “without eligibility for parole” to appellant's prison term in line with the instructions given by the Court in A.M. No. 15-08-02-SC.<sup>39</sup> Therefore, the dispositive portion of this decision should simply state that appellant is sentenced to suffer the penalty of *reclusion perpetua* without any qualification.

Coming now to the pecuniary liabilities, an award of civil indemnity is mandatory upon a finding that rape took place,<sup>40</sup> while moral damages are awarded to rape victims under the assumption that they suffered moral

<sup>36</sup> *People v. Villacorta*, 672 Phil. 712, 721 (2011).

<sup>37</sup> G.R. No. 196228, *People v. Besmonte*, June 4, 2014, 725 SCRA 37, 56.

<sup>38</sup> Section 3 of Republic Act No. 9346 states that “[p]erson[s] convicted of offenses punished with *reclusion perpetua*, or whose sentences will be reduced to *reclusion perpetua*, by reason of this Act, shall not be eligible for parole under Act No. 4180, otherwise known as the Indeterminate Sentence Law, as amended.”

<sup>39</sup> Section II of A.M. No. 15-08-02-SC (Guidelines for the Proper Use of the Phrase “Without Eligibility for Parole” in Indivisible Penalties) states:

x x x x

II.

In these lights, the following guidelines shall be observed in the imposition of penalties and in the use of the phrase “*without eligibility for parole*”:

(1) In cases where the death penalty is not warranted, there is no need to use the phrase “*without eligibility for parole*” to qualify the penalty of *reclusion perpetua*; it is understood that convicted persons penalized with an indivisible penalty are not eligible for parole; and

(2) When circumstances are present warranting the imposition of the death penalty, but this penalty is not imposed because of R.A. 9346, the qualification of “*without eligibility for parole*” shall be used to qualify *reclusion perpetua* in order to emphasize that the accused should have been sentenced to suffer the death penalty had it not been for R.A. No. 9346.

<sup>40</sup> G.R. No. 203068, *People v. Frias*, September 18, 2013, 706 SCRA 156, 168.

injuries from the ordeal they experienced in the hands of their assailants.<sup>41</sup> The award of exemplary damages is justified under Article 2229 of the Civil Code to set a public example or correction for the public good.<sup>42</sup> The recent case of *People v. Juguet*<sup>43</sup> increased the amounts of civil indemnity, moral damages and exemplary damages to ₱75,000.00, ₱75,000.00 and ₱75,000.00, respectively. As such, the Court modifies the award of civil indemnity, moral damages and exemplary damages in the aforesaid amounts.

Lastly, the Court upholds the specification that all monetary awards shall bear an interest of six percent (6%) per annum from the date of finality of decision until full payment thereof. Courts are given discretionary authority to levy interest as part of the damages for it is considered to be a natural and probable consequence of the acts of the accused complained of.<sup>44</sup>

**WHEREFORE**, the Court **AFFIRMS** with **MODIFICATION** the May 23, 2014 Court of Appeals Decision in CA-G.R. CR-HC No. 05692. Appellant JIMMY ULANDAY @ “SAROY” is found **GUILTY** beyond reasonable doubt of the crime of Rape, and sentenced to suffer the penalty of *reclusion perpetua*. He is ordered to pay the victim XYZ the following: (a) ₱75,000.00 as civil indemnity; (b) ₱75,000.00 as moral damages; (c) ₱75,000.00 as exemplary damages; and (d) interest of six percent (6%) *per annum* on all damages awarded from the date of finality of this judgment until fully paid.

**SO ORDERED.**

  
**JOSE PORTUGAL PEREZ**  
 Associate Justice

WE CONCUR:

  
**PRESBITERO J. VELASCO, JR.**  
 Associate Justice  
 Chairperson

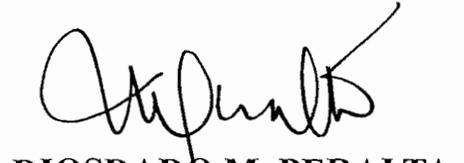
<sup>41</sup> *People v. Lascano and Delabajan*, 685 Phil. 236, 245 (2012).

<sup>42</sup> *Supra* note 40.

<sup>43</sup> G.R. No. 202124, 5 April 2016.

<sup>44</sup> *People v. Taguibuya*, 674 Phil. 476, 483 (2011).

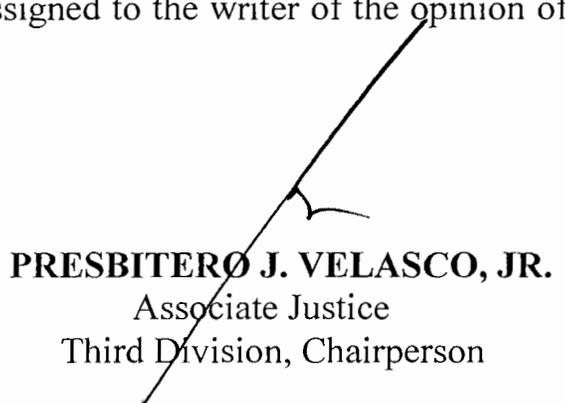
  
**ARTURO D. BRION**  
 Associate Justice

  
**DIOSDADO M. PERALTA**  
 Associate Justice

  
**BIENVENIDO L. REYES**  
 Associate Justice

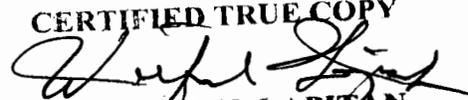
**ATTESTATION**

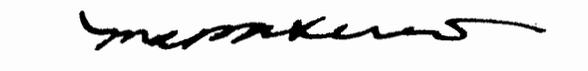
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**PRESBITERO J. VELASCO, JR.**  
 Associate Justice  
 Third Division, Chairperson

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

**CERTIFIED TRUE COPY**  
  
**WILFREDO V. LAPITAN**  
 Division Clerk of Court  
 Third Division

  
**MARIA LOURDES P. A. SERENO**  
 Chief Justice

**MAY 26 2016**