



Republic of the Philippines
Supreme Court
 Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee,

G.R. No. 233542

Present:

CARPIO, *J.*,
Chairperson,
 PERALTA,
 PERLAS-BERNABE,
 CAGUIOA, and
 REYES, JR., *JJ.*

- versus -

Promulgated:

FIDEL G. LAGUERTA,
 Accused-Appellant.

09 JUL 2018

Handwritten signature: H. Cabalag

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DECISION

REYES, JR., J.:

This treats of the Notice of Appeal¹ filed by herein accused-appellant Fidel G. Laguerta (Laguerta) seeking the reversal of the Decision² dated December 18, 2015, rendered by the Court of Appeals (CA) in CA-G.R. CR-HC No. 06114, which affirmed the trial court's ruling convicting him of the crime of Rape under Article 266-A, paragraph 1(a) of the Revised Penal Code (RPC), as amended.

¹ CA rollo, pp. 104.

² Penned by Associate Justice Rosmari D. Carandang, with Associate Justices Mario V. Lopez and Myra V. Garcia-Fernandez, concurring; id. at 84-91.

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The Antecedents

In an Information dated March 23, 2007, Laguerta was charged with rape in relation to Section 5 of Republic Act (R.A.) No. 7610,³ committed as follows:

That on or about the 5th day of October 2006, x x x in the Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being the uncle-in-law of the private complainant, with lewd designs, armed with a bladed weapon, through force, violence, threats and/or intimidation, did then and there, willfully, unlawfully and feloniously attack and assault sexually a certain [AAA],⁴ a minor, then seventeen (17) years of age, by having carnal knowledge with her, without her consent and against her will, which debases, degrades and/or demeans her intrinsic worth and dignity as human being.

CONTRARY TO LAW.⁵

Upon arraignment, Laguerta pleaded not guilty.⁶ Trial ensued thereafter.

Evidence for the Prosecution

At around 2:30 p.m. of October 5, 2006, AAA, then 17 years old, was at home with her two younger sisters. AAA's house was located in Quezon Province. Her parents were then in Manila. After cleaning the house, AAA allowed her sisters to watch television at a neighbor's house, which was at a distance of about 10 to 20 meters away from their home.⁷

After cleaning, AAA decided to take a nap. While she was locking the front door of the house, somebody suddenly chanced upon her and covered her mouth with a handkerchief. AAA looked behind her and saw a man whose face was covered with a black shirt. Immediately, she noticed the assailant's physical built, his fair skin ("*hindi kaputian o kapusyawan*"), and distinguishing marks on his feet ("*may butong nakabukol sa hinlalaki ng paa at yung daliri ay nakabaluktot sa isa pang daliri ng paa*"), as well as his voice. Instantly, she recognized the assailant as her Tiyo Fidel (Laguerta), who is her uncle by affinity.⁸

³ AN ACT PROVIDING FOR STRONG DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND OTHER PURPOSES. Approved on June 17, 1992.

⁴ The real name of the victim, her personal circumstances and other information which tend to establish or compromise her identity, as well as those of her immediate family, or household members, shall not be disclosed to protect her privacy, and fictitious initial shall, instead, be used, in accordance with *People v. Cabalquinto* (533 Phil. 703 [2006]) and the Amended Administrative Circular No. 83-2015 dated September 5, 2017.

⁵ CA rollo, p. 40.

⁶ Id.

⁷ Id. at 33.

⁸ Id.

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Laguerta poked a bladed weapon on her neck and ordered her not to tell her parents about the incident, or else, he would do the same dastardly act on her sisters. Suddenly, AAA felt her head and nose start to ache, and she lost consciousness thereafter.⁹

When AAA awoke, it was already dark, and she was lying half naked on the bed, with her underwear and shorts placed at the foot thereof. She felt an excruciating pain in her private organ, as well as in her thighs. She looked for her younger sisters, and found them at the neighbor's house still watching television. After which, AAA and her sisters proceeded to their grandmother's house. She did not report the matter to her parents out of fear that Laguerta will pursue his threat of harming her and her sisters.¹⁰

Sometime in February 2007, AAA suddenly felt ill. She was taken to the hospital, and there, it was discovered that she was pregnant. This prompted AAA to report the rape incident to her parents.¹¹

Due to the trauma she experienced, AAA was confined in a shelter at Project 4 in Quezon City and was placed under the care of a psychiatrist. She stayed at the shelter until she gave birth on May 23, 2007. AAA's baby was born prematurely after AAA's seventh month of pregnancy. Because of this, the baby was confined at the Quirino Memorial Medical Center.¹²

Version of the Defense

Laguerta vehemently denied the rape charge leveled against him. He claimed that on October 5, 2006, he was planting *camote* at his farm in Polillo, Quezon, from 9:00 a.m. until 4:00 p.m. His farm is approximately one and a half kilometers away from his residence. He claimed that he stayed at the farm the whole day and did not go home to have lunch. In fact, he never even left his house after returning from work.¹³

The defense likewise presented Wilma C. Pavino (Pavino), AAA's class adviser, who testified that AAA attended her class on October 5, 2006 from 7:30 a.m. until 4:30 p.m.¹⁴

Laguerta claimed that AAA's family concocted the rape charge out of spite because sometime in September 2006, his wife Isabel Laguerta (Isabel) scolded AAA's sister, for being noisy while she (Isabel) was sleeping.

⁹ Id.
¹⁰ Id. at 68-69.
¹¹ Id. at 69.
¹² Id.
¹³ Id. at 34.
¹⁴ Id.

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Laguerta further asserted that AAA's parents were envious of the Laguerta family because they could afford to send their children to school.¹⁵

Ruling of the Trial Court

On February 20, 2013, the Regional Trial Court (RTC) rendered a Decision¹⁶ convicting Laguerta of the crime of rape under Article 266-A, paragraph 1(a) of the RPC. The RTC found that the prosecution established Laguerta's guilt beyond reasonable doubt. The testimony of AAA narrating the rape incident was credible. In contrast, the RTC found that Laguerta's defenses of denial and alibi were weak. The RTC noted that Laguerta's alibi that he was at his farm at the time of the incident was tenuous, especially since it was not impossible for him to have traveled to the *situs* of the crime, which was only one and a half kilometers away from his farm. Similarly, the RTC rejected Laguerta's claim that the rape charge was concocted by AAA's family out of spite and envy. The RTC stressed that it was highly improbable for a mother to use her child as an instrument of malice and subject her to humiliation and stigma. Finally, the RTC disregarded defense witness Pavino's testimony for being biased and inconsistent. The trial court remarked that it was highly questionable how Pavino could not even remember the subject that she taught every day, but vividly remembered AAA's presence in school on October 5, 2006.¹⁷

The dispositive portion of the RTC ruling reads:

WHEREFORE, in light of the foregoing, judgment is hereby rendered against the accused finding him guilty beyond reasonable doubt of the crime of rape, defined and [sic] under par. 1 (a) of Article 266-A of the [RPC] and penalized under Article 266-B in relation to par. 1 of the same law and this court hereby imposed upon him the penalty of imprisonment of *reclusion perpetua*, for him to suffer all the accessory penalties, to pay the private complainant the amount of FIFTY THOUSAND PESOS (Php 50,000.00) as moral damages, THIRTY THOUSAND PESOS (Php 30,000.00) as exemplary damages and to pay the cost of suit.

SO ORDERED.¹⁸

Aggrieved, Laguerta appealed his conviction before the CA.

¹⁵ Id.

¹⁶ Rendered by Presiding Judge Arnelo C. Mesa; id. at 40-53.

¹⁷ Id. at 47-48.

¹⁸ Id. at 52-53.



Ruling of the CA

On December 18, 2015, the CA rendered the assailed Decision¹⁹ affirming Laguerta's conviction for the crime of rape. The CA ratiocinated that AAA positively identified Laguerta as her assailant. AAA was very much acquainted with Laguerta. She identified him based on his physical built, skin color, voice, and distinguishing marks on his feet. She also unerringly narrated the details and circumstances of how he defiled her. In this respect, her testimony was credible and trustworthy. The CA noted that it was unlikely for a girl of 17 years to expose herself to the degradation of a rape victim, if not for the desire to vindicate herself.²⁰

Moreover, the CA refused to give credence to Laguerta's denial and alibi. The CA observed that it was not impossible for Laguerta to be at the scene of the crime, which could easily be reached in less than 10 minutes by tricycle or horse, and 20 minutes by foot.²¹

Thus, the dispositive portion of the assailed CA decision reads:

WHEREFORE, premises considered, the instant appeal is DENIED for lack of merit. The assailed RTC Decision dated February 20, 2013 is hereby AFFIRMED with modification granting additional monetary awards of Php 50,000.00 as civil indemnity. All monetary awards shall earn 6% interest *per annum* until paid.

SO ORDERED.²²

The Issue

The main issue raised for the Court's resolution is whether or not the prosecution sufficiently proved beyond reasonable doubt Laguerta's guilt for the crime of rape.

In support of his appeal, Laguerta alleges that the trial court erred in convicting him despite proof showing that AAA was actually in school on the date when the alleged rape incident transpired. Laguerta anchors his defense on the testimony of Pavino, AAA's class adviser, who confirmed that AAA was in class on October 5, 2006. In relation, Laguerta bewails the trial court's rejection of Pavino's testimony. He argues that Pavino's failure to present the Certification dated March 10, 2007, which showed AAA's name in the class record was justified considering that Pavino testified four years after the date when the Certification was issued. Laguerta posits that it

¹⁹ Id. at 91.

²⁰ Id. at 90.

²¹ Id. at 89.

²² Id. at 91.



was not unlikely for the record to have been destroyed over the course of time. In the same vein, Laguerta tenaciously maintains that he was at his farm on the alleged time and date of the rape. Additionally, Laguerta questions AAA's testimony, which according to him was riddled with inconsistencies. He points out that in AAA's initial testimony she claimed that she was raped at their house, but on cross-examination stated that the rape occurred in her grandmother's house. He likewise avers that there is a significant difference in the age of gestation as indicated in the medical certificate dated February 6, 2007, which stated 1 1/7 weeks, and the one dated February 7, 2007, which indicated 20 weeks. Finally, the rape is belied by the fact that AAA gave birth seven months after the alleged rape occurred.²³

On the other hand, the People, through the Office of the Solicitor General (OSG), counters that the prosecution proved the guilt of Laguerta beyond reasonable doubt. The OSG avers that the trial court properly rejected Pavino's testimony, as the latter did not have personal knowledge of AAA's physical presence in school at the time of the incident. Pavino could not have been certain of AAA's presence as the former was not actually with the class the whole day. All that Pavino attested to was that AAA signed the attendance sheet at 1:30 p.m. It must be remembered that the rape incident took place an hour later, and that AAA's house is located at a distance of 30 meters from the school.²⁴

In addition, the OSG points out that in matters pertaining to the victim's credibility, the trial court is in the best position to assess the veracity of the victim's claims. In this case, the trial court found AAA's testimony believable. It was highly unlikely for AAA, a young lass of 17, to concoct such sordid tale of rape. Anent the allegation that the Medical Certificates were inconsistent with the gestational dates, such minor detail is of no moment, as the fact of pregnancy is merely corroborative evidence of rape. To be sure, the testimony of AAA that the rape occurred on October 5, 2006, and she gave birth prematurely on May 23, 2007, actually corroborates the fact that Laguerta indeed raped her.²⁵

Ruling of the Court

The instant appeal is bereft of merit.

AAA's Rape Was Proven by Circumstantial Evidence Through an Unbroken Chain of Established Circumstances That Lead to No

²³ Id. at 35-36.

²⁴ Id. at 71.

²⁵ Id. at 71-73.

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Other Logical Conclusion Except for Laguerta's Guilt Beyond Reasonable Doubt.

Article 266-A of the RPC, as amended by R.A. No. 8353,²⁶ defines the crime of rape as follows:

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

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

Accordingly, to sustain a conviction for rape through sexual intercourse, the prosecution must prove the following elements beyond reasonable doubt, namely, (i) that the accused had carnal knowledge of the victim; and (ii) that said act was accomplished (a) through the use of force or intimidation, or (b) when the victim is deprived of reason or otherwise unconscious, or (c) by means of fraudulent machination or grave abuse of authority, or (d) when the victim is under 12 years of age or is demented.²⁷

Parenthetically, proof of the essential elements in a conviction for rape may rest on direct as well as circumstantial evidence.²⁸ “Circumstantial evidence consists of proof of collateral facts and circumstances from which the existence of the main fact may be inferred according to reason and common experience.”²⁹ Notably, in cases where the victim cannot testify on the actual commission of the rape as she was rendered unconscious when the act was committed, the accused may be convicted based on circumstantial evidence, provided that more than one circumstance is duly proven and that the totality or the unbroken chain of the circumstances proven lead to no other logical conclusion than the appellant’s guilt of the crime charged.³⁰ To rule otherwise, and strictly rely on direct evidence to prove rape will lead to the pernicious result of obstructing the successful prosecution of a rapist who renders his victim unconscious before the consummation.³¹

²⁶ *The Anti-Rape Law of 1997*

²⁷ *People v. Esteban*, 735 Phil. 663, 670 (2014).

²⁸ *People v. Nuyok*, 759 Phil. 437, 443 (2015).

²⁹ *People v. Broniola*, 762 Phil. 186, 194 (2015), citing *People v. Pascual*, 596 Phil. 260 (2009).

³⁰ *People v. Belgar*, 742 Phil. 404, 416 (2014).

³¹ *People v. Nuyok*, supra, at 450-451.

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Thus, circumstantial evidence is sufficient for conviction if the following conditions set forth in Section 4, Rule 133 of the Rules of Court are met:

Sec. 4. Circumstantial evidence, when sufficient. – Circumstantial evidence is sufficient for conviction if:

- (a) There is more than one circumstance;
- (b) The facts from which the inferences are derived are proven; and
- (c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

In fact, in the case of *People v. Nuyok*,³² the Court upheld a conviction for rape on the basis of circumstantial evidence, upon proof of the following circumstances, namely, (i) the accused laid beside the victim while she was about to sleep; (ii) he punched her in the stomach, causing her to lose consciousness; and (iii) upon waking up, she felt pain in her vagina, and noticed that her *sando* was already raised up to her neck, and her panties had blood.³³ The Court stressed that the accused may be “declared guilty of rape even if the sole witness against him was the victim who had been rendered unconscious at the time of the consummation of carnal knowledge provided sufficient circumstantial evidence existed showing that the victim was violated, and that it was the accused and no other who had committed the violation.”³⁴

The same pronouncement was reached in the case of *People v. Belgar*,³⁵ wherein the Court upheld a conviction for rape based on circumstantial evidence. Again, the chain of events showed that (i) the victim was awakened when she felt someone touching her feet; (ii) she saw therein accused-appellant Bobby Belgar poking a knife at her neck; (iii) he injected an unknown substance into her stomach; (iv) she suddenly fell unconscious; and later, (v) when she regained consciousness, she was naked, and her vagina was aching and soaked with white and red substance. Again, the Court affirmed that “[t]he commission of the rape was competently established although AAA had been unconscious during the commission of the act.”³⁶

Finally, in *People v. Perez*,³⁷ the Court affirmed the conviction of therein accused for rape based on circumstantial evidence, despite the absence of direct proof of the sexual intercourse. Here, (i) the accused entered the victim’s room; (ii) covered her nose and mouth with a chemically-laced cloth; (iii) the victim lost consciousness, and then, (iv) the victim awoke feeling pain in her vagina, and saw blood and a white

³² 759 Phil. 437 (2015).

³³ Id. at 444-450.

³⁴ Id. at 450-451.

³⁵ 742 Phil. 404 (2014).

³⁶ Id. at 408.

³⁷ 366 Phil. 741 (1999).



substance in her vagina. Her clothes were in disarray and her underwear was in the corner of the room.

Remarkably, the Court rendered the same ruling in the cases of *People v. Lupac*,³⁸ and *People v. Polonio*.³⁹ Evidently, jurisprudence is replete with instances where the Court upheld a conviction for rape based on circumstantial evidence, where in all such cases, the accused-appellant was the only person present with the victim, and upon regaining consciousness the victims felt a sharp pain in their private organ.

Thus, it is all too apparent that the cases cited bear a factual kinship with the instant case. Particularly, the prosecution proved through AAA's testimony that: (i) Laguerta chanced upon her, poked a knife at her neck and threatened her; (ii) he covered her mouth with a handkerchief, which caused her head and nose to ache; (iii) she was rendered unconscious; and (iv) upon waking up, she found herself lying half-naked on the bed, with a sharp pain in her vagina and thighs, with her undergarment and shorts lain on the side. Added to this, AAA prematurely gave birth seven months after the rape incident. All these interwoven circumstances form an unbroken chain that unerringly point to Laguerta, and no other, as the man who had carnal knowledge against AAA.

Laguerta's Defenses of Denial and Alibi Crumble Against AAA's Positive Identification. Likewise, the RTC's Assessment of AAA's Credibility Shall Not Be Disturbed On Appeal.

Despite proof unerringly establishing his guilt for the crime of rape, Laguerta seeks exoneration by discrediting AAA's testimony, and lambasting it as unworthy of credence. In addition, Laguerta laments that the rape charge was maliciously concocted out of spite. He harps on the testimony of Pavino who related that AAA was in school at the time of the rape incident.

The Court is not convinced. Pavino's testimony, in addition to being inconsistent and biased, is highly questionable.

Pavino confirmed that AAA was present in school on October 5, 2006. Her assertion was based on a Certification dated March 10, 2007, issued by the school registrar, which stated that AAA's name appeared in the attendance sheet.⁴⁰ Unfortunately however, Pavino was unable to produce

³⁸ 695 Phil. 505 (2012).

³⁹ 786 Phil. 825 (2016).

⁴⁰ CA rollo, p. 47.

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the said Certification.⁴¹ It must also be noted that Pavino was not actually present the entire day, for her to accurately attest to AAA's presence in school at precisely 2:30 p.m. Besides, even assuming for the sake of argument that AAA indeed signed the attendance sheet at 1:30 p.m., it was not impossible for her to be home by 2:30 p.m., considering that her house can easily be reached in 30 minutes by foot.⁴²

Neither does the Court subscribe to Laguerta's contention that the rape charge was contrived out of spite. It is highly unlikely for AAA's parents to subject their child to the trauma and stigma of undergoing a grueling trial in exchange for avenging a purportedly frivolous quarrel and petty jealousy. Further, it is settled that motives, such as those attributable to revenge, family feuds and resentment cannot destroy the credibility of a minor complainant who gave an unwavering testimony in open court.⁴³

Needless to say, the trial court found AAA to be a truthful and candid witness. Her narration of the entire traumatic ordeal was clear, candid, and straightforward. The trial court even noted that she cried twice while delivering her testimony, which unmasked her pain and showed her sincerity. More so, AAA was impregnated due to the rape incident, and was even confined for months at a shelter, due to the trauma she suffered. It is highly unlikely for her to undergo such stress and trauma if the charge was a fake tale.

Further, the Court is guided by the well-entrenched rule that the trial court's assessment of the witnesses' credibility is given great weight and is even conclusive and binding,⁴⁴ for it is in the best position to observe the witnesses firsthand and to note their demeanor, conduct, and attitude under grilling examination. All of these are important in determining the truthfulness of witnesses and in unearthing the truth.⁴⁵

Finally, Laguerta's unsubstantiated denial and alibi cannot prevail against AAA's positive identification of him as her defiler. AAA was certain of Laguerta's identity, as the latter was her uncle whom she has known since she was a child.⁴⁶ Besides, for an alibi to prosper, it is imperative for the accused to establish that he was not at the *locus delicti* at the time the offense was committed, and that it was physically impossible for him to be at the scene at the time of its commission.⁴⁷ Although Laguerta claims that he was at his farm at the time of the rape, it was not physically impossible for him to travel quickly to AAA's house, since his farm is merely one and a half kilometers away from AAA's house. In fact,

⁴¹ Id.

⁴² Id. at 71.

⁴³ *People v. Itdang*, 397 Phil. 692, 700-701 (2000).

⁴⁴ *People v. Ocdol, et al.*, 741 Phil. 701, 714 (2014).

⁴⁵ *People v. Sapigao, Jr.*, 614 Phil. 589, 599 (2009).

⁴⁶ CA rollo, p. 42.

⁴⁷ *People v. Manalili*, 716 Phil. 762, 774 (2013).

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AAA's home can be reached quickly by tricycle or horse in less than 10 minutes; and easily by foot in 20 minutes.⁴⁸

The Proper Charge and Penalties

A perusal of the Information shows that Laguerta was charged with rape under Article 266-A, paragraph 1(a), in relation to R.A. No. 7610, Section 5, by "attacking and assaulting AAA, a minor, by having carnal knowledge with her without her consent and against her will, which debases, degrades and demeans her intrinsic worth and dignity as a human being."⁴⁹

In the cases of *People v. Abay*,⁵⁰ *People v. Pangilinan*,⁵¹ and *People of the Philippines v. Nicolas Tubillo y Abella*,⁵² the Court discussed the proper imposable penalty in case the accused is charged with rape by carnal knowledge in relation to Section 5 of R.A. No. 7610. In these instances, the Court scrutinized the wordings in the indictment, in addition to the facts proven by the prosecution during the trial.

Particularly, in *Abay*,⁵³ the Court explained that although the Information alleged the crime of rape, in relation to R.A. No. 7610, therein appellant must be convicted of rape considering that the prosecution's evidence only established that therein appellant forced the victim to engage in sexual intercourse through force and intimidation.⁵⁴ The Court explained that:

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

In this case, the victim was more than 12 years old when the crime was committed against her. The Information against appellant stated that AAA was 13 years old at the time of the incident. Therefore, appellant

⁴⁸ CA *rollo*, p. 89.

⁴⁹ Id. at 31-32.

⁵⁰ 599 Phil. 390 (2009).

⁵¹ 676 Phil. 16 (2011).

⁵² G.R. No. 220718, June 21, 2017.

⁵³ *Supra*.

⁵⁴ Id. at 396-397.

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may be prosecuted either for violation of Section 5(b) of RA 7610 or rape under Article 266-A (except paragraph 1[d]) of the [RPC]. **While the Information may have alleged the elements of both crimes, the prosecution's evidence only established that appellant sexually violated the person of AAA through force and intimidation by threatening her with a bladed instrument and forcing her to submit to his bestial designs. Thus, rape was established.**⁵⁵ (Citations omitted and emphasis Ours)

The same ruling and reasoning was adopted by the Court in *Pangilinan*,⁵⁶ and since the prosecution's evidence proved carnal knowledge through force and intimidation, the Court convicted therein accused-appellant of rape under Article 266-A, paragraph 1 of the RPC. Added to this, the Court noted that the evidence presented by the prosecution "did not refer to the broader scope of 'influence or coercion' under Section 5(b) of R.A. No. 7610."⁵⁷

Finally, in the more recent case of *Tubillo*,⁵⁸ the Court examined the evidence presented by the prosecution as to "whether it focused on the specific force or intimidation employed by the offender or on the broader concept of coercion or influence to have carnal knowledge with the victim." Finding that the evidence focused on the former (force or intimidation employed on the victim), the Court convicted therein accused-appellant of rape under Article 266-A, paragraph 1(a) of the RPC.⁵⁹

Guided by the foregoing, the Court notes that similar to the facts in the afore-mentioned jurisprudence, the evidence in the instant case focused on the fact that Laguerta had carnal knowledge of AAA through force and intimidation. The prosecution sufficiently established that Laguerta chanced upon AAA, poked her neck with a bladed weapon, covered her eyes and nose, and thereafter had sexual intercourse with her against her will. Accordingly, this striking similarity of facts calls for the same ruling as laid down in *Abay*, *Pangilinan*, and *Tubillo*.

Having thus resolved that Laguerta should be convicted of rape under Article 266-A, paragraph 1(a), the next question to be resolved is whether he should be convicted of simple rape or qualified rape.

Indeed, Article 266-B of the RPC provides that rape is qualified if the victim is under 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.

⁵⁵ Id. at 395-397.

⁵⁶ Supra note 51.

⁵⁷ Id. at 36.

⁵⁸ Supra note 52.

⁵⁹ Id.

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Although the Information alleged that AAA was a minor and that Laguerta was her uncle by affinity (“uncle-in-law”), the prosecution however failed to establish the precise nature of the relationship between Laguerta and AAA. Absent proof of the degree of the relationship between them, Laguerta should only be convicted of simple rape.

As for the penalties, the Court deems it necessary to modify the amount of damages awarded by the trial court and the CA in order to conform with current jurisprudence.

It must be noted that the award of civil indemnity for the commission of an offense stems from Article 100 of the RPC which states that “[e]very person criminally liable for a felony is also civilly liable.” Civil indemnity is awarded to the offended party as a kind of monetary restitution or compensation to the victim for the damage or infraction inflicted by the accused.⁶⁰ Guided by the foregoing, an award of civil indemnity in the amount of Php 75,000.00 should be granted in favor of AAA.

Likewise, the amount of exemplary damages should be increased from Php 30,000.00 to Php 75,000.00.⁶¹ The importance of awarding the proper amount of exemplary damages cannot be overemphasized, as this species of damages is awarded to punish the offender for his outrageous conduct, and to deter the commission of similar dastardly and reprehensible acts in the future.⁶²

Finally, the award of moral damages must likewise be increased to Php 75,000.00. Notably, in rape cases, once the fact of rape is duly established, moral damages are awarded to the victim without need of proof, considering that the victim suffered moral injuries from her ordeal.⁶³ This serves as a means of compensating the victim for the manifold injuries such as “physical suffering, mental anguish, serious anxiety, besmirched reputation, wounded feelings, and social humiliation” that she suffered in the hands of her defiler.⁶⁴ Sadly, AAA was even confined in a shelter due to the agony she experienced after having been sexually abused.

WHEREFORE, premises considered, the instant appeal is **DISMISSED for lack of merit**. Accordingly, the Decision dated December 18, 2015, rendered by the Court of Appeals in CA-G.R. CR-HC No. 06114, convicting accused-appellant Fidel G. Laguerta of Rape, is **AFFIRMED with modification**. Accused-appellant Fidel G. Laguerta is sentenced to *reclusion perpetua* without eligibility for parole, and is ordered to pay the victim AAA the following monetary awards: (i) Php 75,000.00 as

⁶⁰ *People v. Jugueta*, 783 Phil. 806, 826 (2016).

⁶¹ *Id.* at 852-853.

⁶² *People of the Philippines v. Rommel Ronquillo*, G.R. No. 214762, September 20, 2017.

⁶³ *Id.*, citing *People v. Delabajan*, 685 Phil. 236, 245 (2012).

⁶⁴ *People of the Philippines v. Rommel Ronquillo*, *id.*

civil indemnity; (ii) Php 75,000.00 as moral damages; (iii) Php 75,000.00 as exemplary damages; and (iv) the costs of suit. All amounts due shall earn legal interest of six percent (6%) *per annum* from the date of the finality of this Decision until the full satisfaction thereof.

SO ORDERED.

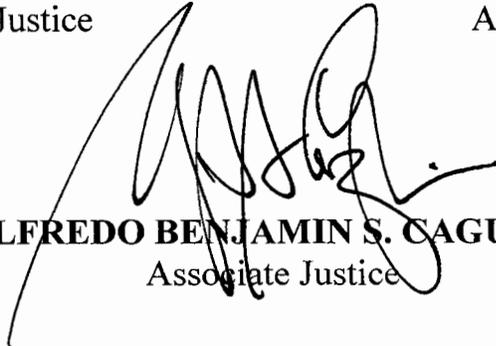

ANDRES B. REYES, JR.
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Senior Associate Justice
Chairperson


DIOSDADO M. PERALTA
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

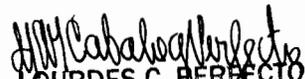
CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.



ANTONIO T. CARPIO
Senior Associate Justice
(Per Section 12, R.A. No. 296
The Judiciary Act of 1948,
as amended)

CERTIFIED TRUE COPY:



MA. LOURDES C. PERFECTO
Division Clerk of Court
Second Division

