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Third Division

NOV 25 2020

Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

SUPREME COURT OF THE PHILIPPINES
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PEOPLE OF THE PHILIPPINES, G.R. No. 231984
Plaintiff-appellee,

Present:

LEONEN, J., Chairperson,
GESMUNDO*,
CARANDANG,
ZALAMEDA, and
GAERLAN, JJ.

-versus-

LEO IBAÑEZ y MORALES,
Accused-appellant.

Promulgated:
July 6, 2020
Misa DCBatt

X-----X

DECISION

LEONEN, J.:

A man who forces sexual congress on a person is a rapist. Survivors of such cruelty must not be blamed for any action, or lack thereof, that they take when suddenly forced to respond to a threat. Rapist are rapists, and their acts must never be attributed to the victims.

For this Court's resolution is an appeal of the Decision¹ of the Court of Appeals, which affirmed the Regional Trial Court's Joint Decision² convicting Leo Ibañez y Morales (Ibañez) of four counts of qualified rape.

* On wellness leave.

¹ Id. at 4-11. The December 21, 2016 Decision in CA-G.R. CEB-CR HC No. 02169 was penned by Associate Justice Germano Francisco D. Legaspi and concurred in by Associate Justices Gabriel T. Ingles and Marilyn B. Lagura-Yap of the Eighteenth Division, Court of Appeals, Cebu City.

In four separate pieces of Information, Ibañez was charged with four counts of qualified rape committed on AAA, penalized under Article 248 of the Revised Penal Code. The first Information reads:

That on or about the 25th day of April, 2003, in the Municipality of ██████, Negros Occidental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with the use of a knife, a deadly weapon, through force, threat and intimidation, taking advantage of his moral ascendancy and with the attendant special qualifying circumstance of relationship and minority, the accused being the uncle, thus, a relative by affinity within the third civil degree of herein victim who was under eighteen (18) years of age, did then and there willfully, unlawfully and feloniously have carnal knowledge of one [AAA], a minor, 17 years old, against her will, in her own dwelling, to her damage and prejudice.

CONTRARY TO LAW.³

The other pieces of Information were similarly worded except for the varying dates for each of the crimes charged.⁴

When arraigned, Ibañez pleaded not guilty to the crimes charged. Thus, trial ensued.⁵

The prosecution, through witnesses AAA, Dr. Jocelyn Gayares (Dr. Gayares), and Dr. Raymund Antonio Maguad (Dr. Maguad),⁶ narrated the following:

One afternoon in March 2003, while AAA was in her house in ██████, Negros Occidental, Ibañez came in and asked her where her father was. When AAA told him that her father was not home, Ibañez grabbed her and pointed a knife at her. He then kissed her, groped her breasts, and shoved her into a bedroom. He undressed himself, inserted his penis into AAA's vagina, and made a "push-and-pull movement."⁷ After satisfying his savage desires at AAA's expense, Ibañez threatened to kill her if she told her parents of what had transpired.⁸

² CA *rollo*, pp. 54–69. The August 27, 2015 Joint Decision in Crim. Case Nos. 04-26058/59/60/61 was penned by Presiding Judge Raymond Joseph G. Javier of Branch 52, Regional Trial Court, Bacolod City.

³ Id. at 54.

⁴ Id. at 55–56.

⁵ Id. at 56.

⁶ Id.

⁷ Id. at 57.

⁸ Id.

Similarly, at around 5:00 p.m. on April 12, 2003, Ibañez came again and asked where AAA's parents were. When he found out that she was alone, he pointed a knife at her, brought her into her bedroom, and forcefully inserted his penis into her vagina. The same thing happened again at around 5:00 p.m. on April 25, 2003.⁹

The fourth alleged incident happened on May 11, 2003. At 7:00 p.m., Ibañez entered AAA's house when she was alone and began kissing her, only to pause when AAA's friend came into the house. While AAA and her friend watched a television show, Ibañez slept on the sofa, but not before making sure that AAA would not tell on him. By 9:00 p.m., despite AAA's pleas, her friend left. AAA woke Ibañez up and told him to go home, but upon waking up, Ibañez started kissing her again. AAA attempted to flee, but she slipped and fell. Ibañez then went on top of her and sexually abused her for the fourth time.¹⁰

Three days later, AAA went to the municipal health office to be examined by Dr. Augustus Ceasar J. Tan. However, the physician died shortly after, and Dr. Maguad testified on his report. Dr. Maguad reported that AAA "had old hymenal lacerations on her external genitalia at the three and nine o'clock position" which may have been caused by a blunt object like a penis.¹¹

Solely testifying for his defense, Ibañez denied raping AAA, whom he admitted to be his niece through marriage. He claimed that he was working as a carpenter and a welder at ██████████ Resort in ██████████, about 10 kilometers from his house, when the alleged incidents happened.¹²

Ibañez insisted that he was being framed, and the rape charges were filed on account of his land dispute with AAA's father. He contended that he had not been to AAA's house since 2001 when the land dispute arose.¹³

In its August 27, 2015 Joint Decision,¹⁴ the Regional Trial Court convicted Ibañez of four counts of qualified rape. It held that Ibañez's bare denial could not prevail over AAA's "direct, positive and categorical" testimony,¹⁵ which was corroborated by the results of the medical examination.¹⁶ The dispositive portion of the ruling read in part:

⁹ Id.

¹⁰ *Rollo*, p. 6.

¹¹ Id.

¹² *CA rollo*, p. 58.

¹³ Id.

¹⁴ Id. at 54-69.

¹⁵ Id. at 66.

¹⁶ Id. at 65.

ℓ

WHEREFORE, premises considered, judgment is hereby rendered as follows:

(a) In Criminal Case No. 04-26058, finding accused-defendant LEO IBÁÑEZ y MORALES “**GUILTY**” beyond reasonable doubt of the felony of Qualified Rape punishable under Article 266-A in relation to 266-B of the Revised Penal Code. He is therefore convicted of the Information dated January 6, 2004. Accused-defendant LEO IBÁÑEZ y MORALES is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility of parole with all of its accessory penalties. He is also ordered to **PAY** the victim [AAA] the amount of seventy five thousand pesos (₱75,000.00) as civil indemnity, seventy five thousand pesos (₱75,000.00) as moral damages and thirty thousand pesos (₱30,000.00) as exemplary damages;

(b) In Criminal Case No. 04-26059, finding accused-defendant LEO IBÁÑEZ y MORALES “**GUILTY**” beyond reasonable doubt of the felony of Qualified Rape punishable under Article 266-A in relation to 266-B of the Revised Penal Code. He is therefore convicted of the Information dated January 6, 2004. Accused-defendant LEO IBÁÑEZ y MORALES is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility of parole with all of its accessory penalties. He is also ordered to **PAY** the victim [AAA] the amount of seventy five thousand pesos (₱75,000.00) as civil indemnity, seventy five thousand pesos (₱75,000.00) as moral damages and thirty thousand pesos (₱30,000.00) as exemplary damages;

(c) In Criminal Case No. 04-26060, finding accused-defendant LEO IBÁÑEZ y MORALES “**GUILTY**” beyond reasonable doubt of the felony of Qualified Rape punishable under Article 266-A in relation to 266-B of the Revised Penal Code. He is therefore convicted of the Information dated January 6, 2004. Accused-defendant LEO IBÁÑEZ y MORALES is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility of parole with all of its accessory penalties. He is also ordered to **PAY** the victim [AAA] the amount of seventy five thousand pesos (₱75,000.00) as civil indemnity, seventy five thousand pesos (₱75,000.00) as moral damages and thirty thousand pesos (₱30,000.00) as exemplary damages;

(d) In Criminal Case No. 04-26061, finding accused-defendant LEO IBÁÑEZ y MORALES “**GUILTY**” beyond reasonable doubt of the felony of Qualified Rape punishable under Article 266-A in relation to 266-B of the Revised Penal Code. He is therefore convicted of the Information dated January 6, 2004. Accused-defendant LEO IBÁÑEZ y MORALES is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility of parole with all of its accessory penalties. He is also ordered to **PAY** the victim [AAA] the amount of seventy five thousand pesos (₱75,000.00) as civil indemnity, seventy five thousand pesos (₱75,000.00) as moral damages and thirty thousand pesos (₱30,000.00) as exemplary damages;

....

SO ORDERED.¹⁷ (Emphasis in the original)

¹⁷ Id. at 67–69.

Aggrieved, Ibañez appealed before the Court of Appeals.¹⁸

In his Brief,¹⁹ Ibañez contended that AAA's testimony was "tainted with inconsistencies and improbabilities which necessarily destroy her credibility."²⁰ He pointed out that he could not have held both her hands, mashed her body parts, pulled her underwear, and held a knife all at the same time.²¹ If the previous harrowing experiences really did happen, he averred that it was strange for AAA to not run away or shout for help, but instead keep naively telling him that her parents were not home and letting him in.²² He highlighted how, on the fourth time, "[i]nstead of running away, AAA woke [him up], thereby exposing herself again to the possibility [of] another episode of sexual encounter."²³ He faulted her for having the "audacity" to wake him up, which ran counter to what a woman spoiled of her honor would do. He pointed out that a victim's actions immediately after the incident "is of utmost importance in establishing" rape, which AAA's testimony failed to prove.²⁴

Ibañez also argued that the absence of any physical injury after the alleged rape incidents was "highly suggestive of her lack of resistance to the sexual act, granting *arguendo* that sexual intercourse indeed transpired."²⁵ He asserted that AAA seemed to have let him do as he pleased even if she was unrestrained,²⁶ and did not put up the slightest resistance.²⁷

In its December 21, 2016 Decision,²⁸ the Court of Appeals affirmed the Regional Trial Court's Joint Decision with modifications.

The Court of Appeals ruled that minor inconsistencies in AAA's testimony did not affect her direct and positive assertions.²⁹ It held that the absence of physical injuries on AAA did not negate rape, as the presence of physical injuries was not an element of the crime.³⁰

In modifying the ruling, the Court of Appeals raised the award of damages. The dispositive portion of its Decision read:

¹⁸ *Rollo*, p. 7.

¹⁹ *CA rollo*, pp. 29–53.

²⁰ *Id.* at 41.

²¹ *Id.* at 43.

²² *Id.* at 44.

²³ *Id.* at 45.

²⁴ *Id.* at 46.

²⁵ *Id.* at 47.

²⁶ *Id.*

²⁷ *Id.* at 46.

²⁸ *Rollo*, pp. 4–11.

²⁹ *Id.* at 8.

³⁰ *Id.* at 10.

ℓ

WHEREFORE, in view of the foregoing, the appeal is **DENIED**. The Decision dated 27 August 2015 of the Regional Trial Court of Bacolod City, Branch 52 finding Leo Ibañez y Morales guilty beyond reasonable doubt of Qualified Rape in Criminal Case Nos. 04-26058/59/60/61 is **AFFIRMED** with **MODIFICATION**. Leo Ibañez y Morales is **ORDERED** to pay AAA the amount of [P]100,000.00 as civil indemnity, P100,000.00 as moral damages and P100,000.00 as exemplary damages for each crime, plus legal interest on all damages awarded at the legal rate of 6% from the date of finality of this Decision.

SO ORDERED.³¹ (Emphasis in the original)

Thus, Ibañez filed a Notice of Appeal.³² Accordingly, the Court of Appeals gave due course to the appeal and elevated the case records to this Court.³³

In its July 31, 2017 Resolution,³⁴ this Court noted the case records and directed the parties to file their respective supplemental briefs.

Both accused-appellant³⁵ and plaintiff-appellee People of the Philippines, through the Office of the Solicitor General,³⁶ manifested that they would no longer file supplemental briefs. These were noted by this Court in its December 4, 2017 Resolution.³⁷

The sole issue for this Court's resolution is whether or not the Court of Appeals erred in convicting accused-appellant Leo Ibañez y Morales for four counts of qualified rape.

This Court affirms accused-appellant's conviction.

Both the Regional Trial Court and the Court of Appeals held that the prosecution had discharged its burden to prove accused-appellant's guilt beyond reasonable doubt. It is settled that "factual findings of the trial court and its evaluation of the credibility of witnesses and their testimonies are entitled to great respect and will not be disturbed on appeal, unless the trial court is shown to have overlooked, misapprehended, or misapplied any fact or circumstance of weight and substance."³⁸ In *People v. Lita*:³⁹

³¹ Id. at 11.

³² Id. at 12–14.

³³ Id. at 1 and 15.

³⁴ Id. at 17–18.

³⁵ Id. at 22–24.

³⁶ Id. at 26–29.

³⁷ Id. at 30–31.

³⁸ *People v. Pusing*, 789 Phil. 541, 556 (2016) [Per J. Leonen, Third Division] citing *People v. De Jesus*, 695 Phil. 114, 122 (2012) [Per J. Brion, Second Division].

³⁹ G.R. No. 227755, August 14, 2019, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65609>> [Per J. Leonen, Third Division].

*The Regional Trial Court had the opportunity to personally observe the witnesses during their testimonies. Thus, its assignment of probative value to testimonial evidence will not be disturbed except when significant matters were overlooked. A reversal of its findings becomes even less likely when affirmed by the Court of Appeals.*⁴⁰ (Emphasis supplied)

A scrutiny of the records here shows no reason to disturb the Regional Trial Court's factual findings, as affirmed by the Court of Appeals. As their appreciation of the facts and the law reveal no glaring error, this Court will not depart from their uniform rulings.

The Regional Trial Court convicted accused-appellant of four counts of qualified rape. Article 266-A(1) of the Revised Penal Code, as amended, enumerates the elements of rape by sexual intercourse:

Article 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 otherwise unconscious;
 - c) By means of fraudulent machination or grave abuse of authority; and
 - 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.
- 2) By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.⁴¹

Article 266-B of the Revised Penal Code, as amended, states that rape is qualified when the victim is under 18 years old, "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[.]"⁴² The victim's minority and relationship with the perpetrator must both be alleged in the Information,⁴³ as in this case.

The prosecution established all the elements of qualified rape.

⁴⁰ Id. citing *People v. Dimapilit*, 816 Phil. 523, 540–541 (2017) [Per J. Leonen, Second Division].

⁴¹ REV. PEN. CODE, art. 266-A, as amended by Republic Act No. 8353 (1997).

⁴² REV. PEN. CODE, art. 266-B, as amended by Republic Act No. 8353 (1997).

⁴³ *People v. Armodia*, 810 Phil. 822, 833 (2017). [Per J. Leonen, Third Division] citing *People v. Malana*, 646 Phil. 290, 310 (2010) [Per J. Perez, First Division].

It is undisputed that accused-appellant and AAA are relatives by affinity within the third civil degree, accused-appellant being the husband of AAA's aunt. Likewise undisputed is AAA's minority at the time of the alleged rape incidents.

AAA testified on how she was sexually abused by her own uncle through force, threat, and intimidation:

Q: . . . [W]ill you kindly narrate to us from the very beginning how [the rape] transpired?

A: On that afternoon, Leo Ibañez went to our house and inquired where my Papa and Mama was [sic]. I answered "I don't know", they left" [sic] and then he came near me and pulled me and pointed a knife at me.

....

Q: After he pulled you and pointed a knife at your side, what happened next?

A: He pointed a knife at my side pulling me towards the house. He kissed my lips and his hands mashed different parts of my body going towards the bed. He held tightly both my hands and his left hand while his right hand pulling [sic] my pants and panty.

Q: What happened next?

A: Then he pushed me to the bed and he placed himself on top of me.

....

Q: What else happened?

A: He was wearing blue shorts and he also removed his shorts while on top of me.

Q: After he removed his shorts, what did he do?

A: Then he inserted his penis into my vagina and done [sic] the push-and-pull motion.

....

Q: Was he able to enter your vagina?

A: Yes, it penetrated me and I felt pain.

Q: After doing the push-and-pull inside your vagina, what happened next?

A: When he penetrated me I shouted "agoy".

....

Q: What were you doing at that time on April 12, 2003 at about 5:00 to 5:30 o'clock in the afternoon?

A: I was arranging my clothes inside our house when the accused called up and asked the whereabouts of my parents. . . .

. . . .

Q: While he was kissing and continued mashing [sic] the different parts of your body, what else happened?

A: He told me to go to the bed and he continued kissing me . . . and then he undressed himself and he let me lie down and he placed himself on top of me and continued mashing the different parts of my body and pointing to me the knife.

. . . .

Q: After licking your vagina with his tongue, what else happened?

A: He kissed my lips and he inserted his penis into my vagina, Sir.

. . . .

Q: Can you recall when the third one happened? The second was on April 12, 2003, when was the third one?

A: April 25, 2003.

. . . .

Q: What happened in your house when your parents were no longer there?

A: I placed the water in our kitchen and Leo Ibañez was already there sitting in our bamboo set, then he warned me not to tell my parents about the things he had been doing to me, Sir.

. . . .

Q: What else happened?

A: He was on top of me, undressing me and he also undressed himself, Sir.

Q: After he had undressed himself, what did you do while on top of you? [sic]

A: He inserted his left middle finger inside my vagina, Sir.

Q: What else did he do?

A: He let his left mid[d]le finger roam around inside my vagina, Sir.

. . . .

Q: What else happened?

A: [A]nd later on, he inserted his penis into my vagina and made a push-and-pull movement, Sir.

Q: For how long did he do the push-and-pull motion?

A: Until such time that he ejaculated, Sir.

. . . .

Q: So when Sammy went home, what happened next?

A: And [sic] I tried to wake up Leo so that he will be able to go home but suddenly he switched the TV off and he then pulled me and tried to kiss me.

Q: What else transpired?

A: I tried to get away from Leo and my feet even slipped from the floor and I fell down on the floor, Sir.

Q: So when you fell down on the floor, what did you do, if any?

A: When I was on the floor, I tried to get away from him but he placed himself on top of me and kept kissing me, undressed me, he again inserted his fingers inside my vagina. He licked my vagina and he inserted his penis inside my vagina and did the push-and-pull movement, Sir.⁴⁴ (Citations omitted)

As the trial court found, AAA's consistent and categorical testimony suffices to convict accused-appellant. In rape cases, conviction or acquittal may solely depend on the private complainants' credibility, as only they can testify on its occurrence.⁴⁵

AAA's testimony was also bolstered by the medical finding of hymenal lacerations, which corroborated her narration.⁴⁶ In *People v. Quintos*,⁴⁷ this Court has held:

The presence of lacerations is not an element of the crime of rape. This court previously characterized the presence or absence of lacerations as a "trivial or inconsequential [matter] that does not alter the essential fact of the commission of rape." The presence of lacerations is, therefore, not necessary to sustain a conviction. An accused may be found guilty of rape regardless of the existence or inexistence of lacerations. The absence of lacerations is not a sufficient defense.

However, the presence of lacerations may be used to sustain conviction of an accused by corroborating testimonies of abuse and documents showing trauma upon the victim's genitals.⁴⁸ (Citation omitted)

Against AAA's detailed and categorical testimony, accused-appellant interposed the defenses of denial and frame-up, which are inherently weak defenses. These are "self-serving negative evidence which cannot be accorded greater evidentiary weight than the declaration of credible witnesses who testify on affirmative matters."⁴⁹

⁴⁴ CA rollo, pp. 59–64.

⁴⁵ *People v. Arlee*, 380 Phil. 175 (2000) [Per J. Purisima, Third Division].

⁴⁶ CA rollo, p. 65.

⁴⁷ 746 Phil. 809 (2014) [Per J. Leonen, Second Division].

⁴⁸ Id. at 825–826.

⁴⁹ *People v. Buclao*, 736 Phil. 325, 339 (2014) [Per J. Leonen, Third Division] citing *People v. Alvero*, 386 Phil. 181, 200 (2000) [Per Curiam, En Banc] and *People v. Piosang*, 710 Phil. 519 (2013) [Per J. Leonardo-De Castro, First Division].

Moreover, accused-appellant alleged inconsistencies in AAA's testimony that only point to collateral and trivial matters. These neither taint AAA's credibility nor dispute the commission of rape. In *People v. Corpuz*:⁵⁰

The discrepancies pertaining to "minor details and not in actuality touching upon the central fact of the crime" do not prejudice AAA's credibility. Thus, "[i]nstead of weakening [her] testimonies, such inconsistencies tend to strengthen [her] credibility because they discount the possibility of their being rehearsed."⁵¹ (Citations omitted)

Finally, AAA's alleged lack of resistance cannot in any way negate accused-appellant's commission of rape. This Court has previously clarified in *Quintos*:

[R]esistance is not an element of the crime of rape. It need not be shown by the prosecution. Neither is it necessary to convict an accused. The main element of rape is "lack of consent."

"Consent," "resistance," and "absence of resistance" are different things. Consent implies agreement and voluntariness. It implies willfulness. Similarly, resistance is an act of will. However, it implies the opposite of consent. It implies disagreement.

Meanwhile, absence of resistance only implies passivity. It may be a product of one's will. It may imply consent. *However, it may also be the product of force, intimidation, manipulation, and other external forces.*

Thus, when a person resists another's sexual advances, it would not be presumptuous to say that that person does not consent to any sexual activity with the other. That resistance may establish lack of consent. Sexual congress with a person who expressed her resistance by words or deeds constitutes force either physically or psychologically through threat or intimidation. It is rape.

Lack of resistance may sometimes imply consent. However, that is not always the case. While it may imply consent, there are circumstances that may render a person unable to express her resistance to another's sexual advances. Thus, when a person has carnal knowledge with another person who does not show any resistance, it does not always mean that that person consented to such act. Lack of resistance does not negate rape.⁵² (Emphasis supplied)

That accused-appellant is AAA's uncle presupposes that he exercises moral ascendancy or influence over her. Further, he repeatedly pointed a

⁵⁰ 812 Phil. 62 (2017) [Per J. Leonen, Second Division].

⁵¹ Id. at 88.

⁵² *People v. Quintos*, 746 Phil. 809, 828 (2014) [Per J. Leonen, Second Division].

knife at her and threatened to kill her if she told anybody of his dastardly acts. Such influence and use of force naturally rendered AAA unable to resist.

In any case, survivors of such cruelty in the hands of their relatives—or any person for that matter—must not be blamed for any action, or lack thereof, that they take when suddenly forced to respond to a threat. People differ in how they address danger. There is no blueprint on how a victim should act when violated. There is no certainty as to how one would react. What is certain, however, is that a person who forces sexual congress on another is a rapist. Rapists' acts must never be attributed to their victims.

Contrary to accused-appellant's attempt at exculpation, it does not matter whether AAA attempted to flee or take every chance to escape whenever he found her alone. A victim's failure to resist another person's vigorous advances does not equate to consenting to sexual abuse. What is truly contrary to human experience is how a victim would "[expose] himself/herself again"⁵³ to violence and invite a rapist to his/her house, as he insisted—which, as the facts bear out, AAA certainly did not.

For all these, accused-appellant's guilt for the four counts of qualified rape has been proven beyond reasonable doubt. In view of Republic Act No. 9346, the penalty of *reclusion perpetua* without eligibility for parole was correctly imposed by the Regional Trial Court for each count. The Court of Appeals likewise rightfully increased the civil indemnity, moral damages, and exemplary damages in each count to ₱100,000.00 each, in line with current jurisprudence.⁵⁴

WHEREFORE, the appeal is **DISMISSED**. The Court of Appeals' December 21, 2016 Decision in CA-G.R. CEB-CR HC No. 02169 is **AFFIRMED**.

Accused-appellant Leo Ibañez y Morales is found **GUILTY** beyond reasonable doubt of four counts of qualified rape, punished under Article 266-B of the Revised Penal Code. He is sentenced to suffer the penalty of *reclusion perpetua*, without eligibility for parole, for each count. He is also **DIRECTED** to pay the victim, for each count, moral damages, civil indemnity, and exemplary damages worth ₱100,000.00 each. ℓ

⁵³ CA rollo, p. 45.

⁵⁴ See *People v. Jugueta*, 783 Phil. 806 (2016) [Per J. Peralta, En Banc].

All damages awarded shall be subject to interest at the rate of six percent (6%) per annum from the finality of this Decision until their full satisfaction.⁵⁵

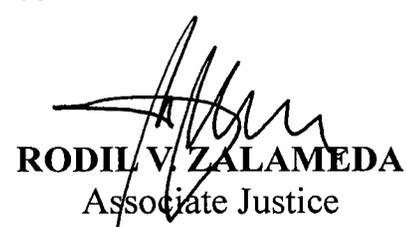
SO ORDERED.


MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:

On wellness leave
ALEXANDER G. GESMUNDO
Associate Justice


ROSMARI D. CARANDANG
Associate Justice


RODIL V. ZALAMEDA
Associate Justice


SAMUEL H. GAERLAN
Associate Justice

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.

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MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court
Third Division


DIOSDADO M. PERALTA
Chief Justice

NOV 25 2020

⁵⁵ See *Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta, En Banc].