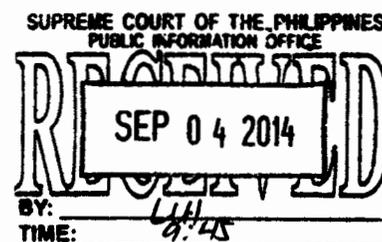




Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated July 14, 2014, which reads as follows:*

“G.R. No. 199903 (*People of the Philippines v. Abner S. Valles*). – Before us for review is the Court of Appeals decision<sup>1</sup> promulgated on April 28, 2010. The decision affirmed the trial court’s conviction of accused-appellant for six (6) counts of rape.

Six informations<sup>2</sup> dated November 8, 2001, charging accused-appellant Abner Valles with rape under Article 266-A, paragraph 1(a) in relation to Article 266-B, paragraph 5(1 and 5) of Republic Act No. 8353 in relation to Republic Act No. 7610, were filed as follows:

Criminal Case No. 01-01234<sup>3</sup>

That on or about the 12<sup>th</sup> day of June 1996, in the City of Parañaque, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is the complainant’s uncle, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of the victim [AAA], 5 years of age, against her will and consent and thereby accused committing sexual abuse against a minor, which is detrimental to her worth and dignity.

Criminal Case No. 01-01235<sup>4</sup>

That on or about the 7<sup>th</sup> day of August 1996, in the City of Parañaque, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is the complainant’s uncle, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of the victim [AAA], 5 years of age, against her will and consent and thereby accused committing sexual abuse against

<sup>1</sup> Rollo, pp. 2–11.

<sup>2</sup> CA rollo, p. 17–22.

<sup>3</sup> Id. at 17.

<sup>4</sup> Id. at 18.

July 14, 2014

a minor, which is detrimental to her worth and dignity.

Criminal Case No. 01-01236<sup>5</sup>

That on or about the 2<sup>nd</sup> day of September 1996, in the City of Parañaque, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is the complainant's uncle, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of the victim [AAA], 5 years of age, against her will and consent and thereby accused committing sexual abuse against a minor, which is detrimental to her worth and dignity.

Criminal Case No. 01-01237<sup>6</sup>

That on or about the 7<sup>th</sup> day of January 1997, in the City of Parañaque, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is the complainant's uncle, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of the victim [AAA], 5 years of age, against her will and consent and thereby accused committing sexual abuse against a minor, which is detrimental to her worth and dignity.

Criminal Case No. 01-01238<sup>7</sup>

That on or about the 13<sup>th</sup> day of February 1997, in the City of Parañaque, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is the complainant's uncle, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of the victim [AAA], 5 years of age, against her will and consent and thereby accused committing sexual abuse against a minor, which is detrimental to her worth and dignity.

Criminal Case No. 01-01239<sup>8</sup>

That on or about the 5<sup>th</sup> day of June 1996, in the City of Parañaque, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is the complainant's uncle, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of the victim [AAA], 5 years of age, against her will and consent and thereby accused committing sexual abuse against a minor, which is detrimental to her worth and dignity.

Upon arraignment, accused-appellant pleaded not guilty.<sup>9</sup>

<sup>5</sup> Id. at 19.

<sup>6</sup> Id. at 20.

<sup>7</sup> Id. at 21.

<sup>8</sup> Id. at 22.

<sup>9</sup> Id. at 25.

July 14, 2014

AAA, Dr. Irene Baluyot, PO3 Maria Bautista, and SPO1 Moises Bernal testified for the prosecution.<sup>10</sup> The appellant testified for the defense.<sup>11</sup>

Private complainant testified that she was born on March 22, 1991.<sup>12</sup> On June 5, 1996, she was at their house in Parañaque City, along with appellant who was residing at the same house.<sup>13</sup>

On that day, appellant allegedly removed his and private complainant's clothes.<sup>14</sup> After which, appellant allegedly inserted his penis into private complainant's vagina.<sup>15</sup>

According to private complainant, appellant threatened to kill her if she told anyone what happened.<sup>16</sup> Appellant also showed her his *balisong*, which scared her.<sup>17</sup> Private complainant testified that because of appellant's threats, she did not inform anyone what happened.<sup>18</sup>

Similar incidents allegedly occurred on June 12, 1996; August 7, 1996; September 2, 1996; January 7, 1997; and February 13, 1997.<sup>19</sup> According to private complainant, she recorded these dates on a notebook.<sup>20</sup>

When private complainant was already in fifth grade and appellant was no longer staying at private complainant's house, she told her classmate about what appellant did to her.<sup>21</sup> This was reported to the school authorities who later summoned private complainant's parents.<sup>22</sup> The appellant was later "apprehended and charged accordingly."<sup>23</sup>

Dr. Irene Baluyot testified that she examined private complainant on October 16, 2001.<sup>24</sup> She found that there was "clear evidence of a blunt force or penetrating trauma"<sup>25</sup> in private complainant's genitals.<sup>26</sup> She stated that "there was a healed laceration of the hymen at 7 o'clock position, which indicates that there was a prior penetration of blunt force . . . which could be a fully erected penis."<sup>27</sup>

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<sup>10</sup> Id.

<sup>11</sup> Id. at 26.

<sup>12</sup> Id.

<sup>13</sup> Id.

<sup>14</sup> CA rollo, p. 26.

<sup>15</sup> Id. at 26 and 29.

<sup>16</sup> Rollo, p. 3; CA rollo, p. 27.

<sup>17</sup> Id.

<sup>18</sup> CA rollo, p. 27.

<sup>19</sup> Rollo, p. 4; CA rollo, pp. 28-29.

<sup>20</sup> Rollo, p. 4; CA rollo, p. 29.

<sup>21</sup> Rollo, p. 4; CA rollo, p. 28.

<sup>22</sup> Id.

<sup>23</sup> CA rollo, p. 28.

<sup>24</sup> Id.

<sup>25</sup> Id.

<sup>26</sup> Id.

<sup>27</sup> Id.

July 14, 2014

PO3 Maria Bautista and SPO1 Moises Bernal testified on the appellant's arrest. The prosecution and the defense stipulated on their testimonies on January 24, 2006 and August 8, 2006.<sup>28</sup>

For the defense, appellant testified that private complainant was his niece.<sup>29</sup> According to him, he was in Samar on the alleged dates of the incidents.<sup>30</sup> He was brought to the Parañaque Police Headquarters for the alleged rape of private complainant only when he came back in October 2001.<sup>31</sup> He cited as possible reason for his apprehension a quarrel between him and private complainant's father.<sup>32</sup> He claimed that he declined private complainant's father's order to kill an officer of the tricycle drivers and operators' association in their place.<sup>33</sup>

In a decision<sup>34</sup> dated April 11, 2007, the trial court found appellant guilty beyond reasonable doubt of six (6) counts of rape under Article 266-A, paragraph 1(a) in relation to Article 266-B, paragraph 5(1-5) of Republic Act No. 8353 in relation to Republic Act No. 7610.<sup>35</sup> He was sentenced to suffer the penalty of *reclusion perpetua* for each count of rape and was ordered to pay private complainant the amount of ₱50,000.00 as moral damages and ₱50,000.00 as indemnity for each count.<sup>36</sup>

Appellant appealed the trial court's decision to the Court of Appeals.<sup>37</sup>

On April 28, 2010, the Court of Appeals affirmed the decision of the trial court.<sup>38</sup> It ruled that the positive identification of appellant as the perpetrator prevailed over his defenses of denial and alibi, which, apart from being weak, were uncorroborated.<sup>39</sup> The Court of Appeals also ruled that private complainant's failure to immediately report the crime did not necessarily mean that private complainant merely fabricated the charges against accused-appellant.<sup>40</sup> The dispositive portion of the Court of Appeals' decision reads:

**WHEREFORE**, the Appeal is **DENIED**. The Judgment of the lower court in Criminal Cases Nos. 01-1234 to 01-1239 convicting accused-appellant Abner Valles for six (6) counts of Rape is

<sup>28</sup> Id.

<sup>29</sup> Id. at 29.

<sup>30</sup> *Rollo*, p. 5; *CA rollo*, p. 29.

<sup>31</sup> Id.

<sup>32</sup> *CA rollo*, p. 29.

<sup>33</sup> *Rollo*, p. 5; *CA rollo*, p. 54.

<sup>34</sup> *CA rollo*, pp. 23-31.

<sup>35</sup> Id. at 31.

<sup>36</sup> Id.

<sup>37</sup> Id. at 32.

<sup>38</sup> *Rollo*, pp. 2-10.

<sup>39</sup> Id. at 6.

<sup>40</sup> Id.

**AFFIRMED.**<sup>41</sup>

In his appellant's brief, he argued that private complainant's testimony "does not inspire credence, hence, impersuasive to support a judgment of conviction. . . . While the appellant simply denied the charge of rape, a defense which is considered as weak in law, this, however should not be taken against him as he has no other possible defense as that could really be the truth. . . . For the prosecution evidence must stand or fall on its own merits and cannot draw strength from the weakness of the defense."<sup>42</sup>

Appellant also pointed out that the delay in filing the criminal cases against him raised serious doubt on private complainant's allegations.<sup>43</sup>

Refuting appellant's arguments, appellee argued that private complainant's credibility had already been settled by the trial court.<sup>44</sup> Therefore, it "[should] be respected on appeal."<sup>45</sup> Appellant's bare denial could not stand against private complainant's positive declaration that it was the appellant who raped her.<sup>46</sup> Moreover, appellant failed to prove that private complainant had ill motive to falsely charge him with rape.<sup>47</sup>

On private complainant's failure to immediately report the incident, appellee pointed out that "it is not proper to judge the actions of children who have undergone traumatic experiences by the norms of behavior expected under the circumstances from mature persons."<sup>48</sup>

The issue in this case is whether the trial court and the Court of Appeals correctly found the appellant guilty beyond reasonable doubt of the crime charged.

Pertinent provisions of Republic Act No. 8353 or the Anti-Rape Law provide:

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;*

<sup>41</sup> Id. at 10.

<sup>42</sup> CA rollo, pp. 56–57.

<sup>43</sup> Id. at 57–58.

<sup>44</sup> Id. at 88.

<sup>45</sup> Id., citing *People v. Pagdayawon*, 404 Phil. 486, 496–497 (2001) [Per Curiam, En Banc].

<sup>46</sup> CA rollo, p. 90.

<sup>47</sup> Id. at 91.

<sup>48</sup> Id., citing *People v. Sta. Ana*, 353 Phil. 388, 409 (1998) [Per J. Panganiban, First Division].

July 14, 2014

- 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 (12) years of age or is demented, even though none of the circumstances mentioned above be present.

.....

Article 266-B. Penalty. – Rape under paragraph 1 of the next preceding article shall be punished by reclusion perpetua.

.....

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

- 1) When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, *guardian*, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim;

- .....
- 5) *When the victim is a child below seven (7) years old[.]*  
(Emphasis supplied)

The prosecution was able to show evidence that all the circumstances necessary to convict appellant under the above provisions were present in the case.

Based on the testimony of private complainant, there was carnal knowledge between her and appellant,<sup>49</sup> who was her uncle and guardian, whenever her parents were not around.<sup>50</sup> This statement was corroborated by the medical findings, which showed that there was a vaginal laceration that resulted from a “prior penetration of a blunt force.”<sup>51</sup>

Private complainant’s testimony also showed that appellant threatened to do harm to her and her family should she inform anyone of appellant’s alleged abusive behavior.<sup>52</sup>

The birth certificate presented by private complainant during the trial was evidence of her age at the time of the alleged rape incidents.<sup>53</sup>

<sup>49</sup> CA rollo, pp. 26 and 28.

<sup>50</sup> Id. at 52.

<sup>51</sup> Id. at 28.

<sup>52</sup> Id.

<sup>53</sup> CA rollo, pp. 26 and 29.

July 14, 2014

Against such evidence from the prosecution, appellant had only denial and alibi as defense.<sup>54</sup>

Appellant argued that he “should not be mentally prejudiced by the fact that the defense he put up is simply denial and alibi.”<sup>55</sup> Although it is considered in law as a weak defense, its weakness “presupposes that the testimony is credible and absolutely certain in itself, otherwise, if all that matters in the prosecution for the crime of rape is a positive testimony, then every indictment would inevitably result in conviction even if the same is perforated with doubts and unsupported by tangible proof.”<sup>56</sup>

Appellant also argued that conviction must be based not on the weakness of the defense but on the strength of the prosecution’s evidence.<sup>57</sup>

In other words, appellant claimed that the evidence of the prosecution, consisting of testimonies, is not credible or strong enough to overcome the presumption of innocence or to defeat appellant’s defenses of denial and alibi.

We are not persuaded.

Private complainant’s lone testimony is sufficient to convict the appellant as long as her testimony is clear, convincing, credible, and consistent with human nature.<sup>58</sup> It is more so when it is corroborated by medical findings.

In this case, the trial court found that private complainant’s testimony was credible. It was direct, convincing, and corroborated by Dr. Baluyot’s testimony.<sup>59</sup> The trial court also noted that private complainant remembered the dates when the alleged incidents of rape were committed.<sup>60</sup> The trial court found no reason for private complainant to fabricate charges against appellant.<sup>61</sup> The Court of Appeals subscribed to the trial court’s finding that the prosecution’s witnesses were credible.<sup>62</sup>

This court adheres to the rule that the trial court’s findings regarding the credibility of the witnesses are entitled to great weight,<sup>63</sup> especially when

<sup>54</sup> Id. at 29.

<sup>55</sup> Id. at 56, citing *People v. Abellanos*, 332 Phil. 760, 787 (1996) [Per J. Panganiban, Third Division].

<sup>56</sup> CA rollo, p. 57.

<sup>57</sup> Id. at 59, citing *People v. Leño*, 419 Phil. 241, 261 (2001) [Per J. De Leon, Jr., Second Division].

<sup>58</sup> *People v. Dion*, G.R. No. 181035, July 4, 2011, 653 SCRA 117, 133 [Per J. Leonardo-De Castro, First Division], citing *People v. Arcosiba*, 614 Phil. 691, 700 (2009) [Per J. Quisumbing, Second Division].

<sup>59</sup> CA rollo, p. 30.

<sup>60</sup> Id.

<sup>61</sup> Id. at 31.

<sup>62</sup> Rollo, pp. 6–8.

<sup>63</sup> See *People v. Mangune*, G.R. No. 186463, November 14, 2012, 685 SCRA 578, 588–589 [Per J. Leonardo-De Castro, First Division] and *People v. Dion*, G.R. No. 181035, July 4, 2011, 653 SCRA 117,

July 14, 2014

affirmed by the Court of Appeals. This is because trial courts, unlike the appellate courts, are in a more competent position to observe the witnesses' demeanor during the trial and consider them in assessing the weight of the witnesses' testimonies.<sup>64</sup> The exception to this rule is when the trial court "overlooked, misunderstood, or misapplied"<sup>65</sup> substantial facts, which if considered, might affect the outcome of the case.<sup>66</sup>

This court ruled in *People v. Bidoc*<sup>67</sup> that "denial is an intrinsically weak defense, which must be buttressed by strong evidence of non-culpability to merit credibility. A mere denial, like alibi, constitutes self-serving negative evidence, which cannot be accorded greater evidentiary weight than the declaration of credible witnesses who testified on affirmative matters."<sup>68</sup>

Further, "[w]hile denial is a legitimate defense in rape cases, bare assertions to this effect cannot overcome the categorical testimony of the victim. It is an established rule that an affirmative testimony is far stronger than a negative testimony, especially so when it comes from a credible witness."<sup>69</sup>

Moreover, "[f]or alibi to succeed as a defense, the accused must establish by clear and convincing evidence (a) his presence at another place at the time of the perpetration of the offense and (b) the physical impossibility of his presence at the scene of the crime."<sup>70</sup>

In this case, appellant failed to show any misunderstanding or misapplication of the facts by the trial court or the Court of Appeals, which could sufficiently modify or reverse their decisions. Aside from his own testimony, appellant did not present any evidence that would show that he was in another place at the time of the alleged rape incidents. His statement that he was in Samar during the time of the incidents was not corroborated by

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133 [Per J. Leonardo-De Castro, First Division].

<sup>64</sup> See *People v. Gavino*, 447 Phil. 395, 405 (2003) [Per J. Puno, En Banc]. See also *People v. Mangune*, G.R. No. 186463, November 14, 2012, 685 SCRA 578, 589-590 [Per J. Leonardo-De Castro, First Division] and *People v. Dion*, G.R. No. 181035, July 4, 2011, 653 SCRA 117, 133-134 [Per J. Leonardo-De Castro, First Division], citing *People v. Sapigao, Jr.*, 614 Phil. 589, 599 (2009) [Per J. Quisumbing, Second Division].

(In this case, the judge who made the decision made a disclaimer that he did not hear private complainant and other witnesses give their main testimonies. It was the previous judge who heard the other prosecution witnesses and private complainant's main testimony. He relied only on the transcripts. However, the court noted that the judge was still able to observe the demeanor of private complainant when she testified because it was he who heard her during her rebuttal testimony. The judge also heard the accused's testimony.)

<sup>65</sup> *People v. Capwa*, 565 Phil. 801, 809 (2007) [Per J. Velasco, Jr., En Banc].

<sup>66</sup> Id., citing *People v. Dimaano*, 506 Phil. 630, 641 (2005) [Per Curiam, En Banc]. See also *People v. Mangune*, G.R. No. 186463, November 14, 2012, 685 SCRA 578, 588-589 [Per J. Leonardo-De Castro, First Division], citing *People v. Lardizabal*, G.R. No. 89113, November 29, 1991, 204 SCRA 320, 329 [Per J. Paras, Second Division].

<sup>67</sup> *People v. Bidoc*, 536 Phil. 1178 (2006) [Per J. Chico-Nazario, En Banc].

<sup>68</sup> Id. at 1195.

<sup>69</sup> Id. at 1196.

<sup>70</sup> Id. at 1195.

July 14, 2014

anyone.<sup>71</sup> Neither did he present any document from which could elicit doubt as to his presence in Parañaque at the time of the incidents.

Appellant also failed to present evidence that private complainant had motive to falsely charge him with rape. We agree with the Court of Appeals that the allegation of the possible influence of private complainant's father on her was not an imputation of motive on her part.<sup>72</sup> It was a speculative allegation that was not sufficient to render her statements incredible.

Appellant's statements, on the other hand, were self-serving and unsupported by evidence. These were the denial and alibi that would not stand against the positive identification by the victim.

We are aware of this court's ruling in *Lejano v. People*<sup>73</sup> that "not all denials and alibis should be regarded as fabricated. Indeed, if the accused is truly innocent, he can have no other defense but denial and alibi."<sup>74</sup>

In the same case, this court pointed out that "[a] judge must keep an open mind. He must guard against slipping into hasty conclusion, often arising from a desire to quickly finish the job of deciding a case. A positive declaration from a witness that he saw the accused commit the crime should not automatically cancel out the accused's claim that he did not do it. A lying witness can make as positive an identification as a truthful witness can. The lying witness can also say as forthrightly and unequivocally, 'He did it!' without blinking an eye."<sup>75</sup>

However, this court also enumerated criteria for an acceptable positive identification: 1) It must "come from a credible witness";<sup>76</sup> and 2) His or her story "of what [he or] she personally saw must be believable, not inherently contrived."<sup>77</sup> Based on these, this court ruled that the witness' testimony in *Lejano* was not "the positive identification that jurisprudence acknowledges as sufficient to jettison a denial and an alibi"<sup>78</sup> because it was inconsistent and not inherently believable.<sup>79</sup>

The trial court and the Court of Appeals made no similar findings of inconsistency and incredibility in this case.

Moreover, the victim involved in this case was a minor. In *People v.*

<sup>71</sup> CA rollo, p. 31.

<sup>72</sup> Rollo, pp. 7-8.

<sup>73</sup> G.R. No. 176389, December 14, 2010, 638 SCRA 104 (2010) [Per J. Abad, En Banc].

<sup>74</sup> Id. at 149.

<sup>75</sup> Id. at 150.

<sup>76</sup> Id.

<sup>77</sup> Id.

<sup>78</sup> Id. at 151.

<sup>79</sup> Id.

July 14, 2014

*Bidoc*,<sup>80</sup> this court noted that “when a woman, more so if she is a minor, says she has been raped, she says, in effect, all that is necessary to prove that rape was committed and if her testimony meets the test of credibility, that is sufficient to convict the accused.”<sup>81</sup>

As in *People v. Blancaflor*,<sup>82</sup> private complainant at such a young age “would [not] willingly go through the traumatic experience of narrating the sordid details of a rape [or] . . . concoct a story . . . and ascribe such wickedness to [a relative] . . . since by thus charging him, she would also expose herself to extreme humiliation, even stigma.”<sup>83</sup>

Dr. Baluyot’s medical findings showing the existence of lacerations produced by a blunt object only strengthen private complainant’s personal account of the incidents.

The conviction was, therefore, based on the strength of the prosecution’s evidence and not on the weakness of the defense.<sup>84</sup> The testimony of private complainant, a minor, corroborated by Dr. Baluyot’s testimony on the medical findings, was enough to support appellant’s conviction.<sup>85</sup>

Private complainant’s delay in filing charges against appellant does not indicate that she fabricated those charges.

In all instances when private complainant was abused by appellant, her life was threatened. Hence, the delay might be attributed to “the pattern of fear”<sup>86</sup> instilled in private complainant by appellant.<sup>87</sup>

This court noted in *People v. Blancaflor* that “[i]t is not uncommon for young girls to conceal for some time the assault on their virtues because of the rapist’s threat on their lives, more so when the offender is someone whom she knew and who was living with her.”<sup>88</sup>

In this case, private complainant was able to report the incidents only

<sup>80</sup> 536 Phil. 1178 (2006) [Per J. Chico-Nazario, En Banc].

<sup>81</sup> *People v. Bidoc*, 536 Phil. 1178, 1194 (2006) [Per J. Chico-Nazario, En Banc], citing *People v. Ancheta*, 464 Phil. 360, 371 (2004) [Per J. Ynares-Santiago, En Banc] and *People v. Luceriano*, 467 Phil. 91, 99 (2004) [Per J. Carpio, En Banc]. See also *People v. Dion*, G.R. No. 181035, July 4, 2011, 653 SCRA 117, 133–134 [Per J. Leonardo-De Castro, First Division], citing *People v. Saban*, 377 Phil. 37, 45 (1999) [Per J. Purisima, Third Division].

<sup>82</sup> *People v. Blancaflor*, 466 Phil. 86 (2004) [Per J. Austria-Martinez, En Banc].

<sup>83</sup> Id. at 101.

<sup>84</sup> *People v. Bidoc*, 536 Phil. 1178, 1198 (2006) [Per J. Chico-Nazario, En Banc].

<sup>85</sup> Id.

<sup>86</sup> See also *People v. Gavino*, 447 Phil. 395, 404 (2003) [Per J. Puno, En Banc].

<sup>87</sup> Id.

<sup>88</sup> *People v. Blancaflor*, 466 Phil. 86, 100 (2004) [Per J. Austria-Martinez, En Banc], quoting *People v. Gutierrez*, 451 Phil. 227, 241 (2003) [Per J. Ynares-Santiago, First Division].

July 14, 2014

when appellant was no longer residing with her.

Hence, we find no reason to reverse the trial court's and the Court of Appeals' decisions finding appellant guilty of the charges against him.

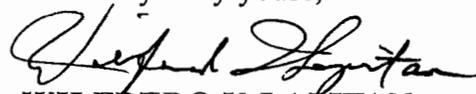
As to the penalty, appellant should be sentenced to death penalty. However, because of Republic Act No. 9346,<sup>89</sup> death penalty cannot be imposed. The Court of Appeals was, therefore, correct in affirming the penalty of *reclusion perpetua* imposed by the trial court.

**WHEREFORE**, the Court of Appeals' decision promulgated on April 28, 2010 is **AFFIRMED** with **MODIFICATION**. Accused-appellant Abner Valles is found **GUILTY** beyond reasonable doubt of six (6) counts of rape. He is sentenced to suffer the penalty of *reclusion perpetua* for each count of rape, without possibility of parole under Act No. 4103, in accordance with Section 3 of Republic Act No. 9346.

Moral damages and civil indemnity are increased from ₱50,000.00 to ₱150,000.00 each, and for each count. In addition, appellant is ordered to pay ₱100,000.00 as exemplary damages.<sup>90</sup> These amounts are imposed to conform to our recent ruling in *People v. Gamba*<sup>91</sup> wherein we increased the amounts of indemnity and damages for crimes for which death is the penalty, but which penalty is rendered unimposable by the present law. (*Mendoza, J., designated Acting Chairperson, Brion, J. and Perlas-Bernabe, J., designated Acting Members per Special Order Nos. 1721, 1718 and 1726, respectively, all dated July 10, 2014, in view of the official trip of Associate Justice Presbitero J. Velasco, Jr. and Associate Justice Diosdado M. Peralta, to New York, USA as part of the House of Representatives Electoral Tribunal delegation to the New York State Board of Elections; and Villarama Jr., J., designated Acting Member in view of the vacancy in the Third Division, per Special Order No. 1691, dated May 22, 2014.*)

**SO ORDERED."**

Very truly yours,

  
WILFREDO V. LAPITAN  
Division Clerk of Court *8/29/14*

<sup>89</sup> An Act Prohibiting the Imposition of Death Penalty in the Philippines (2006).

<sup>90</sup> Id.

<sup>91</sup> G.R. No. 172707, October 1, 2013,

<<http://sc.judiciary.gov.ph/jurisprudence/2013/october2013/172707.pdf>> [Per J. Perez, En Banc].

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The Superintendent  
New Bilibid Prison  
BUREAU OF CORRECTIONS  
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The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 260, 1700 Paranaque City  
(Crim. Case Nos. 01-01234 to 39)

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