



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated June 23, 2021, which reads as follows:

“**G.R. No. 234948** (*People of the Philippines v. XXX*¹). - On appeal is the July 20, 2017 Decision² of the Court of Appeals (CA) in CA-G.R. CR HC No. 08009 which partly granted with modifications the August 3, 2015 Decision³ of the Regional Trial Court (RTC), Branch 257 of Parañaque City in Criminal Case Nos. 12-1045 to 1052 convicting accused-appellant XXX of one count of Attempted Rape and seven counts of Rape and sentencing him to suffer the penalty of four (4) years, two (2) months and one (1) day of *prision correccional*, as minimum, to eight (8) years and one (1) day of *prision mayor*, as maximum, for the crime of Attempted Rape, and *reclusion perpetua* for each of the seven (7) counts of Rape.

The Antecedents:

Accused-appellant was charged before the RTC of Parañaque City, Branch 257, with Attempted Rape and seven counts of Rape in eight separate Informations which read:

Criminal Case No. 12-1045 (For: Attempted Rape)

That sometime in the second week of July 2011, in the [REDACTED],⁴ Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the common-law spouse of complainant's mother, by means of force, threats and intimidation, did then and there willfully, unlawfully and

¹ Initials were used to identify the accused-appellant pursuant to Amended Administrative Circular No. 83-15 dated September 5, 2017 Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders using Fictitious Names/Personal Circumstances.

² *Rollo*, pp. 2-72; penned by Associate Justice Amy C. Lazaro-Javier (now a member of this Court) and concurred in by Associate Justices Celia C. Librea-Lealogo and Pedro B. Corales.

³ *CA rollo*, pp. 50-64; penned by Judge Rolando G. How.

⁴ Geographical location is blotted out pursuant to Supreme Court Amended Circular No. 83-215, *supra* note 1.

feloniously try to have carnal knowledge with the complainant AAA⁵ by then and there trying to insert his penis into complainant's vagina, thus commencing the commission of the crime of Rape, directly by overt acts but did not perform all the acts of execution which should produce the said felony by reason of some cause or accident other than his own spontaneous desistance, that is due to the resistance of the said complainant.

CONTRARY TO LAW.⁶

Criminal Case No. 12-1046 (For: Rape)

That on or about the 22nd of July 2011, in the [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the common-law spouse of complainant's mother, by means of force, threats and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge [of] the complainant AAA, against her will and without her consent.

CONTRARY TO LAW.⁷

Criminal Case No. 12-1047 (For: Rape)

That on or about the 24th of July 2011, in the [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the common-law spouse of complainant's mother, by means of force, threats and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge [of] the complainant AAA, against her will and without her consent.

CONTRARY TO LAW.⁸

Criminal Case No. 12-1048 (For: Rape)

That on or about the 8th of August 2011, in the [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the common-law spouse of complainant's mother, by means of force, threats and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge [of] the complainant AAA, against her will and without her consent.

CONTRARY TO LAW.⁹

⁵ "The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation, and for Other Purposes; Republic Act No. 9262, An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes; and Section 40 of A.M. No. 04-10-11-SC, known as the Rule on violence against Women and their Children, effective November 15, 20014." (*People v. Dumadag*, 667 Phil. 664, 669 [2011]).

⁶ Records, p. 1.

⁷ Id. at 37.

⁸ Id. at 40.

⁹ Id. at 43.

Criminal Case No. 12-1049 (For: Rape)

That on or about the 8th of August 2011, in the [REDACTED] Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the common-law spouse of complainant's mother, by means of force, threats and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge [of] the complainant AAA, against her will and without her consent.

CONTRARY TO LAW.¹⁰

Criminal Case No. 12-1050 (For: Rape)

That on or about the 8th of August 2011, in the [REDACTED] Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the common-law spouse of complainant's mother, by means of force, threats and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge [of] the complainant AAA, against her will and without her consent.

CONTRARY TO LAW.¹¹

Criminal Case No. 12-1051 (For: Rape)

That sometime in August 2011, in the [REDACTED] Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the common-law spouse of complainant's mother, by means of force, threats and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge [of] the complainant AAA, against her will and without her consent.

CONTRARY TO LAW.¹²

Criminal Case No. 12-1052 (For: Rape)

That on or about the 1st of January 2012, in the [REDACTED] Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being the common-law spouse of complainant's mother, by means of force, threats and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge [of] the complainant AAA, against her will and without her consent.

CONTRARY TO LAW.¹³

Upon arraignment, accused-appellant pleaded not guilty to all offenses charged against him.¹⁴ Thereafter, the cases were consolidated and tried jointly. The prosecution presented as witnesses the following, namely: (1) AAA; (2) Dr.

¹⁰ Id. at 46.

¹¹ Id. at 49.

¹² Id. at 51.

¹³ Id. at 55.

¹⁴ Id. at 94.

Roberto Rey San Diego (Dr. San Diego); and (3) Dr. Oliva Inuturan (Dr. Inuturan). On the other hand, the defense presented accused-appellant himself.

Version of the Prosecution:

The prosecution's version of the incidents is synthesized in the CA Decision, *viz.*:

Complainant x x x, 22 years old, a resident of x x x, testified:

a. Appellant was the live-in partner of her adoptive mother, x x x. They had been living together for 10 years. The first incident (attempted rape) happened in the second week of July 2011 inside their house at x x x.

b. She was sleeping inside her room in the morning of that day, when appellant suddenly came. She was alone and her mother was not around. x x x He wanted her to go with him to the servant's quarters. They did not have anyone working for them at that time. When she refused, appellant dragged her into the servant's quarters around two steps away from her room.

c. In the servant's quarters, there was a mattress on the floor. Appellant instructed her to lie down, but she refused. He took off his clothes, including his underwear. She just stood there. He also took off her clothes, panty, and bra. Appellant went on top of her and put his mouth on her breasts. After a few minutes, he went down to her vagina and licked it for a few minutes more. Appellant tried to put his penis into her vagina but she objected – "punalag". Appellant stopped x x x what he was doing. She stood up, went back to her room, locked the door, and got dressed. She was 20 years old when the first incident happened.

d. Her mother got back from work around 10 to 11 o'clock in the evening. She did not tell her mother what happened. Appellant said that if her mother ever found out what they were doing, her mother might have a heart attack. Appellant also warned that he would hurt them and he was capable of killing a whole family.

e. She was reviewing for the nursing board examinations at that time x x x. She confided what happened to her friends x x x and her professor x x x. They advised her to file a complaint with the NBI.

f. The second incident (rape) happened on July 22, 2011, at the same place, around 7 or 8 o'clock in the morning. Appellant entered her room, using his own key. She was lying on the bed. He crawled up to her and grasped her left thigh. Appellant pulled her hand toward the door and into the servant's quarters, appellant took off his sando first, followed by his shorts and underwear. He also took off her shirt, bra, shorts and pant[y]. Appellant went on top of her while she lay on the mattress. He put both her breasts into his mouth, one after the other. He kept doing it for a few minutes. He then went down to her vagina and put his mouth on it, also for a few minutes.

g. He inserted his penis inside her vagina but pulled it out abruptly when he saw there was a lot of blood on the mattress. She felt pain because she was a virgin. She took her clothes, went back to her room, and locked the door. Appellant knocked on her door many times. When she opened the door, he expressed his surprise over the fact that in the past, she already bled, and now,

she bled again. He opined that perhaps she had a disease. She curtly replied that she was a virgin. He then stopped asking questions and she went to school. She did not tell anyone what happened because of his threat that he would harm her and her mother.

h. The third incident (rape) happened on July 24, 2011, around the same time and place. Appellant, once again, entered her room, using his own key, and brought her to the servant's quarters. He took off his sando, shorts, and underwear. He also took off her shirt, shorts, and underwear. She was lying down and he went on top of her. He put his penis into her vagina x x x. He pulled it out and ejaculated x x x. The incident lasted about ten minutes. Afterwards, she went back to her room.

i. The fourth incident (rape) happened on August 8, 2011, around 4 to 5 o'clock in the afternoon, in the same house. She was on her way to a birthday party when she received a text message from appellant, telling her to come home. She obeyed out of fear that he would make good his threat to harm her and her mother.

j. When she got home, there was a mattress in the dining room. He told her that before going to the birthday party, he would have sex with her first. She refused but he forced her by saying he will not stop badgering her with words until she agreed. He took off his sando, shorts, and underwear. He told her to take off her clothes, too. He laid her down on the mattress and kissed her on the lips. He also kissed her breasts, her stomach, and her vagina. He put his penis into her vagina and she felt pain. Afterwards, he ejaculated x x x. She went to the bathroom to clean up and went on her way to the birthday party.

k. Only a few days later, the fifth incident (rape) occurred inside a motel in Baclaran. She forgot whether it was in the morning or afternoon. Appellant drove her to Baclaran on board her mother's pick-up. They were looking for the house of a certain ■■■■■, with whom she had a mutual understanding. x x x Appellant had threatened to wait for ■■■■■ at the latter's school and stab him after he found out that she went to ■■■■■ house.

l. They ended up at the motel in the afternoon because she could not bear to lead him to ■■■■■ residence. Because she did not want to go to ■■■■■ house, appellant settled for a motel check-in. He told her to take off her clothes and she obeyed. He also took off his clothes. He told her to kiss him and put out her tongue. She did not do it and he got angry. He attempted to force her to do it, but to no avail. Instead, he kissed her body, fondled her breasts, and licked her vagina. He inserted his penis into her vagina and eventually pulled it out to ejaculate somewhere. It was painful. When she was about to go to the bathroom, he told her not to get dressed because they will do it again to make the most out of what they had paid for the room.

m. She refused to do it again. He told her she should learn to be good in bed while she just kept quiet. After 30 minutes, he again put his penis into her vagina. He kept it there for a few minutes until he pulled his penis out to ejaculate. It was very painful. They both left the motel together but she did not go home with him. She opted to wander around on foot.

n. A few days later, still sometime in August 2011 in the morning, the seventh incident (rape) occurred. Her mother had gone out to the market. Appellant knocked on her door and she opened it before he got angry. She saw that the mattress was in the dining area. He told her that he would take a video of

them having sex. She refused. He told her to just do it with him so that he would stop having sex with her and just watch the video. She still refused. He managed to make her take off her clothes and told her to lie on the mattress. He put a camera phone on a chair. He had removed his clothes by then and went on top of her.

o. He kissed her on the lips for a few minutes. He sucked both her breasts, also for a few minutes. He also put his mouth on her vagina for a few minutes. He went on top of her and put his penis into her vagina. He told her to get on top of him. She complied because she did not know what to do. He told her to put his penis into her vagina. He tried to make her move up and down by pulling her. When he saw that she was having difficulty, they switched positions. He wanted her to do the 69 position with him. She refused and he got angry. He shouted at her to put his penis into her mouth and she obeyed. She was disgusted. She was again made to lie down and he entered her until he ejaculated. She went back to her room.

p. The eight incident (rape) happened on January 1, 2012. She was lying down in her room when appellant told her to go to the dining room. He ordered her to take off her clothes and she obeyed out of fear that he would make good his threat to harm her and her mother. He also took off his clothes and went on top of her while she was lying on the mattress. He put her breasts into his mouth for a few minutes. He also licked her vagina. He put his penis into her vagina until he was about to ejaculate. x x x. It was painful because he forcefully entered her vagina. When they were done, she went back to her room to freshen up so that she could go to the market.

q. While she was at the market, appellant sent her messages and even called her. He wanted her to tell him where [redacted] was residing. She refused and appellant cajoled her to just give in to what he desired. She contacted her half-sister, x x x, who was in [the province]. She told [her] she had a problem in Manila and wanted to leave. She did not tell [her half-sister] the details. [Her half-sister] said that her x x x mother, x x x, would call her. [Her half-sister's mother] later called her and asked what her problem was. She said she would tell everything once she was in [the province]. [Her half-sister's mother] promised to buy her a plane ticket.

r. On January 2, 2012, she got the Airphil Express ticket from her [aunt], who was living across the street where they lived. [Her aunt] accompanied her to the airport. She arrived in [the province] in the afternoon. [Her half-sister and the latter's mother] picked her up at the x x x airport. As soon as they got home, she told them what happened. The following day, her adoptive mother, x x x contacted her. She told [her adoptive mother] everything that happened. [In turn, her adoptive mother] told her to come back to Manila and they would file a complaint against appellant.¹⁵

Dr. San Diego testified on the contents of the Medico Legal Report No. MG-12-09¹⁶ which concluded that there was a genital injury resulting to scarring and a healed wound at 7 o'clock position at the hymenal area. He concluded that the injury was caused by a blunt object.

¹⁵ Supra Note 1, at 6-14.

¹⁶ Id. at 18.

Moreover, Dr. Inuturan, the psychiatrist who examined the victim, testified that the latter suffered psychological trauma resulting from the rape incidents.¹⁷

Evidence for the Defense:

Accused-appellant narrated a different account on the incidents and insisted that he and complainant were in a relationship and that the latter consented to have sexual intercourse with him. He vehemently denied having raped the victim. He narrated that complainant is an adopted child of his live-in partner.¹⁸ On July 8, 2011, they started their sexual relations when they went to a hotel.¹⁹ Thereafter, he learned that the victim was bringing a certain male acquaintance inside her room. This prompted accused-appellant to confront complainant on whether they had sexual intercourse while they were in the room. The victim responded that they were just talking but later on admitted that something did happen between them.²⁰ Accused-appellant likewise narrated that complainant confessed to him that she had an infection and that having sexual intercourse was not an option since he might also get infected. He suggested for the victim to see a doctor but complainant refused and repeatedly claimed that she was still a virgin.²¹ Thereafter, they went to a hotel where they tried to have sexual intercourse²² but accused-appellant claimed that no penetration happened because he had an erectile dysfunction.²³

Ruling of the Regional Trial Court:

In its Decision²⁴ dated August 3, 2015, the RTC found accused-appellant guilty as charged. The dispositive portion of the RTC Decision reads:

WHEREFORE, accused [REDACTED] is found guilty beyond reasonable doubt of the crimes of Attempted rape (1 count) and Rape (7 counts). For the attempted Rape (1) count, he is hereby penalized with imprisonment of 4 years, 2 months and 1 day of *prision correccional* as minimum to 8 years and 1 day of *prision mayor* as maximum. For the crimes of rape (7 counts), he is hereby sentenced to suffer the penalty of *reclusion perpetua* for each count with simultaneous service of sentence for all counts. He is ordered to pay AAA, his victim, the amount of ₱100,000.00 for moral damages.

IT IS SO ORDERED.²⁵

The RTC relied heavily on the testimony of AAA and ruled that the latter's testimony which was corroborated by the results of her medical

¹⁷ TSN, March 11, 2014, p. 11.

¹⁸ TSN, August 7, 2014, p. 7.

¹⁹ Id. at 11-12.

²⁰ Id. at 16-18.

²¹ Id. at 20-21.

²² Id. at 21-25.

²³ Id. at 26-29.

²⁴ CA *rollo*, pp. 50-63.

²⁵ Id. At 63.

examination should be given greater probative weight than accused-appellant's defense of denial.

Aggrieved, accused-appellant appealed his conviction before the CA.

Ruling of the Court of Appeals:

The CA, in its Decision²⁶ dated July 20, 2017, partly granted with modifications the Decision of the trial court.

With regard to Criminal Case No. 12-1045, the CA affirmed the conviction of the accused-appellant for the crime of Attempted Rape.

In Criminal Case No. 12-1046, the appellate court likewise affirmed the conviction of the accused-appellant for the crime of Rape.

However, with respect to Criminal Case Nos. 12-1047 to 12-1052, the CA ruled that XXX should be acquitted of the charges of rape filed against him. It held that the incidents were devoid of any reference to force, intimidation, or resistance. Moreover, as aptly noted by the CA, there was no indication that moral ascendancy contributed to AAA's submissive attitude toward XXX's sexual desires.

The dispositive portion of the CA Decision reads:

ACCORDINGLY, the appeal is partly **GRANTED**, and the Decision dated August 3, 2015, **MODIFIED**, as follows:

1. In Criminal Case no. 12-1045, the conviction of **XXX** for attempted rape is **AFFIRMED** and he is ordered to pay ₱25,000.00 as civil indemnity, ₱25,000.00 as moral damages, and ₱25,000.00 as exemplary damages;

2. In Criminal Case No. 12-1046, the conviction of **XXX** for attempted rape is **AFFIRMED** and he is ordered to pay ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages; and

3. In Criminal Case Nos. 12-1047 to 12-1052, the verdict of conviction against **XXX** is **REVERSED**. He is **ACQUITTED** of the charges of rape in Criminal Case Nos. 12-1047, 12-1048, 12-1049, 12-1050, 12-1051, and 12-1052.

SO ORDERED.²⁷ (Emphasis supplied)

Hence, the instant appeal.

Both the accused-appellant and the Office of the Solicitor General manifested that they would no longer file a Supplemental Brief as they have exhaustively discussed the assigned errors in their Appellant's Brief before the CA.

²⁶ *Rollo*, pp. 2-72.

²⁷ *Id.* At 71-72.

Issue

Whether the accused-appellant's guilt for the charges of Attempted Rape and Rape against him was proven beyond reasonable doubt.

Our Ruling

The Court finds the appeal bereft of merit.

At the outset, it must be stated that what is in issue is accused-appellant's conviction for the crimes of Attempted Rape and Rape in Criminal Case Nos. 12-1045 and 12-1046.

Article 266-A of the Revised Penal Code, as amended, provides the elements for the crime of rape, to wit:

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;** (Emphasis supplied)

x x x x

Accused-appellant claims that AAA's testimony should not be given any credence for being inconsistent and improbable.

We are not persuaded.

We have declared in *People v. Menaling*²⁸ that:

Rape is a crime that is almost always committed in isolation or in secret, usually leaving only the victim to testify about the commission of the crime. Thus, the accused may be convicted of rape on the basis of the victim's sole testimony provided such testimony is logical, credible, consistent and convincing. Moreover, the testimony of a young rape victim is given full weight and credence considering that her denunciation against him for rape would necessarily expose herself and her family to shame and perhaps ridicule.²⁹

Well-settled is the rule that the trial court's evaluation of a witness is generally accorded great weight and respect as they are in a better position to determine the latter's conduct and demeanor and to determine whether indeed they are telling the truth. In this case, the trial court found the testimonies of AAA more convincing as they were corroborated by medical findings of the examining physician.

²⁸ 784 Phil. 592 (2016).

²⁹ Id. at 604-605.

Accused-appellant's claim that there was lack of resistance from the victim before and during the incidents and that she failed to immediately report the rape incidents to anyone cannot be taken in his favor. The Court has held that tenacious resistance against rape is not required; neither is a determined or a persistent physical struggle on the part of the victim necessary. Moreover, failure to cry for help or attempt to escape during the rape is not fatal to the charge of rape; it does not make voluntary the victim's submission to appellant's lust.³⁰

Moreover, the sweetheart defense proffered by the accused-appellant deserves no consideration for being uncorroborated and self-serving. Besides, such a relationship does not grant a license for the accused-appellant to engage in sexual intercourse with the victim without her consent. *People v. Bongbonga*³¹ reiterated that even if the accused and the victim were really sweethearts, such a fact would not necessarily establish consent. It has been consistently ruled that "a love affair does not justify rape, for the beloved cannot be sexually violated against her will".³² The fact that a woman voluntarily goes out on a date with her lover does not give him unbridled license to have sex with her against her will.

Thus, this Court finds no reason to reverse the accused-appellant's conviction for the crime of rape in Criminal Case No. 12-1046. It is indubitable that the foregoing elements of the crime of rape were duly established by the prosecution. AAA succinctly narrated the incident that transpired on July 22, 2011 where the accused-appellant had carnal knowledge of her against her will, viz.:

Fiscal Rodriguez: How did the accused allegedly rape you on that date, time, and place?

Witness: Pumasok po sya sa kuwarto ko.

Fiscal Rodriguez: And how did the accused enter your room?

Witness: May susi po siya.

x x x x

Fiscal Rodriguez: And when you were lying down, what happened next?

Witness: Ginapang niya po ako doon sa kama.

x x x x

Fiscal Rodriguez: And after he held your left leg, what happened next?

Witness: Pinapasama niya po ako doon sa kuwarto po ng katulong.

x x x x

Fiscal Rodriguez: And what happened next after he was pulling your hand going to the maid's room?

³⁰ *People v. Ballacillo*, 792 Phil. 404, 418 (2016).

³¹ 816 Phil. 596 (2017).

³² *Id.* at 609.

Witness: May mattress po doon sa kuwarto po.

x x x x

Fiscal Rodriguez: And when you arrived at the maid's room what happened next?

Witness: Naghubad po siya.

x x x x

Fiscal Rodriguez: And after he undressed his self, what happened next?

Witness: Hinubaran niya din po ako.

x x x x

Fiscal Rodriguez: And after you were also undressed, what happened next?

Witness: Pumatong po siya sa akin.

x x x x

Fiscal Rodriguez: And after he "sumubo" your vagina what happened next?

Witness: Pinasok niya po 'yung ari niya po sa ari ko po.

x x x x

Fiscal Rodriguez: And how did you know that he inserted his penis inside your vagina?

Witness: Naramdaman ko po.

Fiscal Rodriguez: And what did you feel?

Witness: Masakit po.

x x x x

Fiscal Rodriguez: You did not tell anybody about that incident?

Witness: Hindi po.

Fiscal Rodriguez: Why?

Witness: Natatakot po ako.

Fiscal Rodriguez: What did he threaten you?

Witness: Sabi niya po sasaktan niya daw po kami.

Fiscal Rodriguez: Who is this "kami"?

Witness: Kami po ng mommy ko.³³

With regard to Criminal Case No. 12-1045, We likewise affirm the conviction of the accused-appellant for the crime of Attempted Rape. As correctly pointed out by the CA, the accused-appellant attempted to have carnal knowledge of AAA but he did not succeed because AAA resisted. Thus, the non-performance of the crime was due to a cause other than accused-appellant's spontaneous desistance.

³³ TSN, May 21, 2013, pp. 3-15.

Anent the impossible penalty for the Attempted Rape committed by accused-appellant, the RTC and CA are correct in sentencing the accused-appellant with imprisonment of four (4) years, two (2) months and one (1) day of *prision correccional*, as minimum, to eight (8) years and one (1) day of *prision mayor*, as maximum.

For the crime of Rape in Criminal Case No. 12-1046, the Court finds that the trial court and the appellate court also correctly imposed upon the accused-appellant the indivisible penalty of *reclusion perpetua*.

As regards the amount of damages in Criminal Case No. 12-1045 and Criminal Case No. 12-1046, we find that the awards were pursuant to our ruling in *People v. Jugueta*.³⁴ In addition, all the monetary awards shall earn interest at the rate of six percent (6%) per *annum* from the date of finality of the judgment until fully paid.

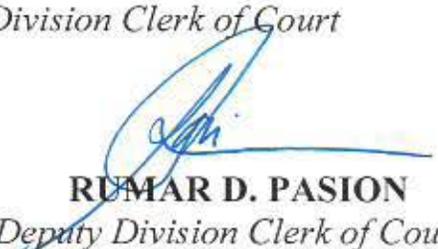
WHEREFORE, the instant appeal is **DISMISSED** for lack of merit. The Decision dated July 20, 2017 of the Court of Appeals in CA-G.R. CR HC No. 08009 is hereby **AFFIRMED** with **MODIFICATION** in that the monetary awards shall bear interest at the rate of six percent (6%) per *annum* from date of finality of this Resolution until fully paid.

SO ORDERED.”

By authority of the Court:

MISAEAL DOMINGO C. BATTUNG III
Division Clerk of Court

By:


RUMAR D. PASION
Deputy Division Clerk of Court

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³⁴ 783 Phil. 807, 849 (2016).

The Presiding Judge
REGIONAL TRIAL COURT
Branch 257, 1700 Paranaque City
(Crim. Case Nos. 12-1045-1052)

The Superintendent
New Bilibid Prison
BUREAU OF CORRECTIONS
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Mr. Joselito Pestilos y Cunanan
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