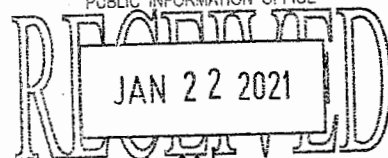




SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE



BY: JOAN  
TIME: 8:53

Republic of the Philippines  
**Supreme Court**  
Manila

**FIRST DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
Plaintiff-Appellee,

**G.R. No. 227841**

**Present:**

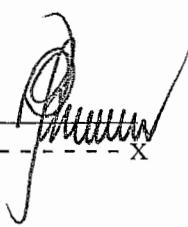
- versus -

PERALTA, C.J., Chairperson,  
CAGUIOA,  
REYES, J. JR.,  
LAZARO-JAVIER, and  
LOPEZ, JJ.

**JOSEPH MANLOLO y GANTE,**  
Accused-Appellant.

**Promulgated:**

**AUG 19 2020**

X ----- X 

**DECISION**

**REYES, J. JR., J.:**

Before us is an appeal assailing the Decision<sup>1</sup> dated May 17, 2016 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 07134, which affirmed *in toto* the Decision<sup>2</sup> dated July 21, 2014 of the Regional Trial Court (RTC) Branch 81, Romblon, Romblon, convicting appellant Joseph Manlolo y Gante (Manlolo) of the crime of rape in Criminal Case No. 2975.

**Factual Antecedents**

Manlolo was charged with the crime of rape, as penalized under Article 266-A, paragraph (par.) 1(d) of the Revised Penal Code (RPC), as

<sup>1</sup> Penned by Associate Justice Marie Christine Azcarraga-Jacob, with Associate Justices Ricardo R. Rosario and Edwin D. Sorongon, concurring; *rollo*, pp. 2-17.

<sup>2</sup> CA *rollo*, pp. 46-51.

f

amended by Republic Act (R.A.) No. 8353, in relation to the provisions of R.A. No. 7610, as follows:

Crim. Case No. 2975

That on or about the 10<sup>th</sup> day of August 2011, at around 5:30 o'clock in the afternoon at Barangay Camantaya, Municipality of San Agustin, Province of Romblon, Philippines, and within the jurisdiction of this Honorable Court, the said accused, through force, threat and intimidation and by taking advantage of the minority and lack of education of AAA,<sup>3</sup> did then and there willfully, unlawfully and feloniously had carnal knowledge of AAA, who is 6 years old minor, without her consent and against her will and that the commission of this crime of rape demeans, debases and degrades the intrinsic worth and dignity of said AAA as human being.

With additional aggravating/qualifying circumstance that the above-named accused is the father of the said victim, AAA, is attendant to this crime of rape.<sup>4</sup>

#### Version of the Prosecution

The following are the facts of the case as summarized by the CA.<sup>5</sup>

The prosecution's evidence came chiefly from the testimonies of private complainant AAA, her mother, BBB, and Dr. Deogracias Muleta (Dr. Muleta).

AAA, in her direct examination, testified that Manlolo ravished her several times when she was six years old. She recalled that Manlolo would first insert his finger into her vagina, followed by insertion of his sex organ into hers, causing her to feel so much pain. She also recounted that the rape incidents happened in their own house, always during night time, and every time her mother BBB was away "looking for food." She further contended that after every sexual assault, Manlolo warned her not to disclose the incident to her mother BBB. With regard to the rape incident in question, although AAA cannot recall the exact year and month, she was certain that it happened on a Wednesday. During cross-examination, she admitted having been coached by her mother BBB, but insisted that she was not telling a lie or making false stories.

<sup>3</sup> 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 initials shall instead be used in accordance with *People v. Cabalquinto*, 533 Phil. 703 (2006) and A.M. No. 04-11-09 SC dated September 19, 2006.

<sup>4</sup> CA rollo, p. 53.

<sup>5</sup> Rollo, pp. 3-5.

T

BBB, AAA's mother and wife of Manlolo, meanwhile, testified that upon arriving at their house on August 10, 2011, she noticed AAA silently sulking in the corner in a moody condition. When asked about her grumpiness, AAA answered by moving her head from left to right. When BBB asked AAA the second time, the latter retorted that her vagina was "*tusok* by her papa." Even though shocked by AAA's answer, BBB still managed to control herself and thought of an alibi of going to town to join a singing competition. Three days later, on August 13, 2011, BBB, together with Manlolo and AAA and the other children, went to the house of her mother, to whom she, unbeknownst to Manlolo, discreetly confided what had befallen AAA. After having been advised by her mother, BBB went with AAA to the police station to blotter the rape incident. From the police station, BBB, AAA and a Social Worker Officer, went to the Municipal Health Office for the medical examination of AAA.

Dr. Muleta, the Municipal Health Officer who conducted medical examination on AAA, testified as to the existence of lacerations in AAA's hymen at 12:00 o'clock and 6:00 o'clock positions. She also declared that the ano-genital examination of AAA revealed that "there was clear evidence of blunt force or penetrating trauma like that of a male organ."

#### Version of the Defense

Manlolo denied sexually assaulting AAA. Narrating a different story which was corroborated by his sister, Joan [Manlolo], Manlolo, averred that on August 10, 2011, he was in the house of his mother-in-law collecting payment of debts starting from around 8:00 o'clock in the morning until 1:00 o'clock in the afternoon. From there, he went to AAA's school to fetch her. At 3:30 in the afternoon, Manlolo, by himself and without AAA, proceeded towards home, where, upon arriving thereat, he saw BBB and his three other children. Later, at around 5:00 o'clock in the afternoon, Manlolo and his mother had a talk while BBB left the house to buy their "needs." At about 6:00 o'clock in the afternoon, Manlolo went out of the house to gather *tuba*, leaving the children with his sister, Joan. When he came back, BBB was already at the house with their children, including AAA.

Manlolo also claimed that on August 13, 2011, at 8:00 o'clock in the morning, he went to the house of his mother-in-law, along with BBB and their children. About 4:30 in the afternoon, BBB, accompanied by AAA, left for town to join a singing competition. When BBB and AAA did not return that night, Manlolo went around town to look for them. Failing in his search, Manlolo decided to go home when he met two policemen who invited him to the police station. At the police station, Manlolo was investigated and was later detained for the charge of raping his daughter AAA.

K

### The Ruling of the Trial Court

The RTC rendered its Decision dated July 21, 2014, finding Manlolo guilty beyond reasonable doubt of the crime of rape, the dispositive portion reads:

**WHEREFORE**, in view of the foregoing, this [c]ourt hereby finds accused **JOSEPH GANTE MANLOLO, GUILTY** beyond reasonable doubt of the crime of **RAPE in relation to R.A. 7610** and is sentence[d] to suffer the penalty of **RECLUSION PERPETUA**. He is also ordered to pay [AAA] the amount of P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P25,000.00 as exemplary damages plus costs.

x x x x

**SO ORDERED.**<sup>6</sup>

Dissatisfied, Manlolo interposed an appeal alleging that the RTC erred: (i) in disregarding the version of the defense; and (ii) in giving weight and credence to the prosecution witnesses' improbable testimonies.

As summarized by the CA, the *crux* of Manlolo's defense was that the testimonies of private complainant AAA and her witnesses were so incredible in that they cannot in any way justify a conviction. Manlolo specifically assailed the testimony of private complainant AAA that she was raped at around 5:30 to 6:00 p.m. of that fateful day of [August 10, 2011]. He pointed out that he could not have raped AAA on the said date and time as his sister, Joan Manlolo, was inside their house watching over his three other children. Manlolo also claimed that AAA's testimony contained serious inconsistencies and contradictions as to how she was coached and rehearsed before she testified in court. Manlolo likewise argued that AAA even failed to give a detailed account on how she was sexually abused as she merely stated that he, allegedly, inserted his penis and finger inside her vagina. Manlolo further contended that AAA's declaration that she was raped was belied by the testimony of Dr. Muleta that no spermatozoa was found in the slides taken from AAA, which slides were brought to the hospital for examination. Lastly, Manlolo asserted that his wife BBB just used their daughter AAA to indict him of a crime of rape, which he did not commit, because she (BBB) has been harboring ill-feelings against him for their frequent quarrels and misunderstandings.

The CA in its Decision dated May 17, 2016, denied the appeal and affirmed *in toto* the decision of the RTC, to wit:

**WHEREFORE**, all premises considered, the instant appeal is hereby **DENIED**.

---

<sup>6</sup> CA *rollo*, p. 51.

Y

Accordingly, the *Decision dated [July 21, 2014]* of the Regional Trial Court, Branch 81, Romblon, Romblon, in Criminal Case No. 2975, finding accused-appellant Joseph Manlolo y Gante guilty beyond reasonable doubt of the crime of rape is hereby **AFFIRMED in toto**.

**SO ORDERED.**<sup>7</sup>

Dissatisfied, Manlolo then appealed to this Court. Both parties adopted their respective Briefs filed with the CA as their Supplemental Briefs.<sup>8</sup>

### The Court's Ruling

We find the appeal unmeritorious.

The crime of rape is defined and penalized under Article 266-A of the RPC, *viz.*:

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 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.

x x x x

For purposes of imposing the death penalty in cases of qualified rape, Article 266-B of the RPC provides:

ART. 266-B. *Penalty.* — x x x

x x x x

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

---

<sup>7</sup> *Rollo*, p. 16.

<sup>8</sup> *Id.* at 26, 30.

Y

- 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.

X X X X

“The elements of qualified rape are: (1) sexual congress; (2) with a woman; (3) done by force and without consent; (4) the victim is under 18 years of age at the time of the rape; (5) 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.”<sup>9</sup>

We find that all the elements of qualified rape are present and sufficiently proved by the prosecution.

In this case, the age of AAA and her relationship to Manlolo have been properly alleged in the Information, established by evidence and undisputed. Since AAA is a 6-year old minor, proof of force, intimidation or consent is unnecessary. For the absence of free consent is conclusively presumed when the victim is below the age of 12.<sup>10</sup> Further, when the offender is the victim’s father, as in this case, there need not be actual force, threat or intimidation because when a father commits the odious crime of rape against his own daughter, who was also a minor at the time of the commission of the offense, his moral ascendancy or influence over the latter substitutes for violence and intimidation.<sup>11</sup>

The RTC and the CA gave weight to the testimony of private complainant AAA. The CA noted that it was candid, clear, and sincere that no one could justifiably doubt that it sprang from an honest mind and flowed out of innocent lips, thus:

PROSECTOR BUFFE:

- Q. Miss Witness, please tell us the reason why you are testifying before us today?
- A. Yes, ma’am.
- Q. Please tell us.
- A. In order to send, imprison my father to jail.
- Q. Why would you like your father to be sent to jail or imprisoned?
- A. Because he is raping [*sic*] me and he is [*sic*] hurting me.

<sup>9</sup> *People v. ZZZ*, G.R. No. 224584, September 4, 2019.

<sup>10</sup> *People v. XXX*, G.R. No. 229836, July 17, 2019.

<sup>11</sup> *People v. CCC*, G.R. No. 231925, November 19, 2018.

- Q. Do you know the name of your *papa* or father?  
A. Yes, ma'am.
- Q. Tell us the name of your *papa*.  
A. Joseph Gante Manlolo.
- Q. Is your *papa* inside the courtroom?  
A. Yes, sir.
- Q. Can you point [him] to us?  
A. Yes, ma'am.
- Q. How did your *papa* rape you or how did your *papa* do in raping you?  
A. He pointed...

x x x x

- A. He "*tuslok ang akon puki*."
- Q. How did your *papa* "*tuslok ang imo puki*"? What did your *papa* use in "*pagtuslok sa imo puki*"?  
A. His hand.
- Q. What else did he use[?] [Y]ou mentioned that he [first] used his first [*sic*] hand in "*pagtuslok*" your vagina[.] [U]sing your hands[,] what particular fingers of your hands did your *papa* use?  
A. This one (witness is pointing to her forefinger).
- Q. What else did your *papa* use "*sa pagtuslok ng imo kiki*"?  
A. His penis.
- Q. What did you feel or how did you feel when he inserted or pointed his finger and his penis to your vagina.

COURT:

Finger first.

- A. My vagina was very painful.

PROSECUTOR BUFFE:

- Q. How about when the penis was pointed or was put in your vagina[,] how did you feel?  
A. My vagina is [*sic*] very painful.
- Q. Was there blood in your "*pipi*"?  
A. Yes, ma'am.
- Q. Can you still remember when your father did that to you?  
A. Yes, ma'am.
- Q. Tell us when was it?

T

- A. That was Wednesday, ma'am.
- Q. How about the year?  
A. No, ma'am.
- Q. How about the time?  
A. Night time.
- Q. Where was *mama* that time?  
A. She was looking for food for us.
- Q. What did your *papa* do after he poked, inserted or pointed his finger to your vagina?  
A. I did not do anything after that but he warned me that I should not tell because if I will report this matter he will whip me.
- Q. What did you do? Did you answer him?  
A. No, ma'am.
- Q. How about when he pointed or inserted his penis to outraging? Did you do anything?  
A. I cried.
- Q. After he inserted his penis in your vagina[,] what else did he do?  
A. No more[,] ma'am.
- Q. Did he say something to you after he inserted or pointed his penis to your vagina?  
A. Yes, ma'am.
- Q. What did he say?  
A. That I should not tell.
- Q. Can you still remember how many times did your *papa* rape you?  
A. Yes, sir.
- Q. How many times?  
A. Many times.
- Q. Always night time[,] Baby?  
A. Yes, ma'am.
- Q. Did you finally report or tell your *mama*?  
A. Yes, ma'am.
- Q. Why did you finally report or tell your *mama* about it?  
A. So that he will be imprisoned.
- Q. Do you have brothers and sisters[,] Baby?  
A. There is, ma'am.
- Q. Do you miss your father?  
A. No, ma'am.

f



- Q. Where did your father rape you[?] [I]n your house?  
A. Yes, ma'am.
- Q. Every time your *papa* did that to you every time [*sic*] your *mama* is not around?  
A. Yes, ma'am.<sup>12</sup>

Based on the foregoing, there is no doubt that the crime of qualified rape was indeed committed. After careful review of the records, we found no irregularities which would warrant the reversal of the findings of the trial court, which was affirmed by the CA. We have no reason to doubt the veracity of the testimony of AAA, which was also corroborated by the testimonies of her mother, BBB, and Dr. Muleta.

It is already well-settled in our jurisdiction that factual findings and conclusions of the trial courts are entitled to great weight, especially when affirmed by the CA. As discussed in the case of *People v. Navasero, Sr.*:<sup>13</sup>

In rape cases, the credibility of the victim is almost always the single most important issue. If the testimony of the victim passes the test of credibility, which means it is credible, natural, convincing and consistent with human nature and the normal course of things, the accused may be convicted solely on that basis. The rule is settled that when the decision hinges on the credibility of witnesses and their respective testimonies, the trial court's observations and conclusions deserve great respect and are accorded finality, unless the records show facts or circumstances of material weight and substance that the lower court overlooked, misunderstood or misappreciated, and which, if properly considered, would alter the result of the case. This is so because trial courts are in the best position to ascertain and measure the sincerity and spontaneity of witnesses through their actual observation of the witnesses' manner of testifying, their demeanor and their behavior in court. Trial judges, therefore, can better determine if such witnesses are telling the truth, being in the ideal position to weigh conflicting testimonies. The rule finds an even more stringent application where the said findings are sustained by the CA.<sup>14</sup>

"Based on jurisprudence, the testimonies of child victims are given full weight and credit, for when a woman or a girl-child says that she has been raped, she says in effect all that is necessary to show that Rape was indeed committed."<sup>15</sup>

Moreover, no woman, least of all a child, would concoct a story of defloration, allow examination of her private parts and subject herself to public trial or ridicule if she has not, in truth, been a victim of rape and

<sup>12</sup> *Rollo*, pp. 7-10.

<sup>13</sup> G.R. No. 234240, February 6, 2019.

<sup>14</sup> *People v. Navasero, Sr.*, *id.*

<sup>15</sup> *People v. ABC*, G.R. No. 244835, December 11, 2019 (citations omitted).

impelled to seek justice for the wrong done to her being. "When the offended party is of tender age and immature, courts are inclined to give credit to her account of what transpired, considering not only her relative vulnerability but also the shame to which she would be exposed if the matter to which she testified is not true."<sup>16</sup>

In the case of *People v. ZZZ*,<sup>17</sup> the Court ruled:

When the offended party is of tender age and immature, courts are inclined to give credit to her account of what transpired, considering not only her relative vulnerability but also the shame to which she would be exposed if the matter to which she testified is not true. Youth and immaturity are generally badges of truth and sincerity. Errorless recollection of a harrowing incident cannot be expected of a witness, especially when she is recounting details of an experience so humiliating and so painful as rape. What is important is that the victim's declarations are consistent on basic matters constituting the elements of rape and her positive identification of the person who did it to her.

x x x x

Where there is no evidence and nothing to indicate that the principal witness for the prosecution was actuated by improper motive, the presumption is that she was not so actuated and her testimony is entitled to full faith and credit. Further, a daughter would not accuse her own father of a serious offense like rape, had she really not been aggrieved. Her testimony against him is entitled to greater weight, since reverence and respect for elders is too deeply ingrained in Filipino children and is even recognized by law.<sup>18</sup>

No child would charge the father she naturally revered and respected with such heinous crime as rape had it not been true.<sup>19</sup>

Also, in *People v. Bernabe*,<sup>20</sup> we ruled:

Indeed, no young girl would concoct a sordid tale of so serious a crime as sexual molestation at the hands of her own father, undergo gynecological examination, subject herself to the stigma and embarrassment of a public trial, if her motive were other than a fervent desire to seek justice.<sup>21</sup>

Manlolo points out that he could not have raped AAA as his sister Joan Manlolo was inside their house watching over his three other children. The Court is not convinced. Jurisprudence instructs us that lust is no

<sup>16</sup> Id.

<sup>17</sup> Supra note 8.

<sup>18</sup> *People v. ZZZ*, id. (citations omitted).

<sup>19</sup> *People v. XXX*, G.R. No. 222492, June 3, 2019.

<sup>20</sup> 421 Phil. 805 (2001).

<sup>21</sup> Id. at 811.

respector of time or place; rape defies constraint of time and space. Rapists are not deterred from committing the odious act of sexual abuse by mere inconvenience or awkwardness of the situation or even by the presence of people or family members nearby. Rape is committed not exclusively in seclusion.<sup>22</sup>

The Court affirms the CA in not giving credence to Manlolo's defense of denial, to wit:

By and large, [w]e hold that the trial court correctly rejected the defense of denial proffered by appellant which is not only inherently weak and feeble, but which became more dubious when it was sought to be established by appellant himself with the aid of his sister, and not by disinterested, unbiased person who would, in the natural order of things, be best situated to support the denial.<sup>23</sup>

Denial is inherently a weak defense which cannot outweigh positive testimony. A categorical statement that has the earmarks of truth prevails over a bare denial which can easily be fabricated and is inherently unreliable. For the defense of alibi to prosper, the accused must prove that he was at some other place at the time of the commission of the crime and it was physically impossible for him to be at the *locus delicti* or within its immediate vicinity. These requirements of time and place must be strictly met.<sup>24</sup>

In addition, disinterested witnesses must corroborate the defense of alibi, otherwise, it is fatal to the accused. Relatives can hardly be categorized as disinterested witnesses. The defense of alibi may not prosper if it is established mainly by the appellant himself and his relatives, and not by credible persons.<sup>25</sup>

This Court has consistently assigned less probative weight to a defense of alibi when it is corroborated by relatives. For corroboration to be credible, the same must be offered preferably by disinterested witnesses. Testimonies of relatives are rendered suspect because of their relationship to the appellant which makes it likely that they would freely perjure themselves for the latter's sake.<sup>26</sup>

In this case, Manlolo's denial pales in comparison to AAA's positive testimony. Manlolo also miserably failed to prove that it was physically impossible for him to be at the scene of the crime. Moreover, Manlolo's testimony was merely corroborated by his sister, Joan Manlolo, who cannot

<sup>22</sup> *People v. XXX*, G.R. No. 225793, August 14, 2019.

<sup>23</sup> *Rollo*, p. 12.

<sup>24</sup> *People v. Moreno*, G.R. No. 191759, March 2, 2020 (citations omitted).

<sup>25</sup> *People v. Maceda*, 405 Phil. 698, 711 (2001).

<sup>26</sup> *People v. Moreno*, supra note 23 (citations omitted).

be considered as a disinterested witness and her testimony cannot be accorded with credibility.

Manlolo also argues that AAA failed to give a detailed account of how she was abused and that AAA merely stated that he inserted his finger and penis inside AAA's vagina, no more, no less. Manlolo also maintains that AAA's testimony contains serious inconsistencies as to lead one to believe that she was coached and rehearsed before she testified and that AAA even admitted as to being coached by her mother.

The Court is not persuaded. Failure to give a detailed account on how AAA was abused does not militate against her credibility. Further, a detailed narration is not needed in order to sustain a conviction for rape. What is required is proof that all the elements of rape are present, which the prosecution has satisfactorily proven. As previously discussed, the credibility of witnesses are best left to the province of the trial courts and this Court is bound by such determination, absent a clear showing of arbitrariness and capriciousness.

Regarding Manlolo's claim that AAA was merely coached and her testimony rehearsed, we also find the same deserves scant consideration. While AAA admitted that her mother BBB indeed coached her, the Court is convinced that such admission only bolters her credibility and this speaks volumes on AAA's innocence as a child of tender age and her natural propensity to tell the truth. As pointed out by the CA, AAA knew all along what was right from wrong and she even insisted that her imputations against her father, Manlolo, are not false or lies, thus:

Q. Do you know what is wrong?

A. Yes, sir.

Q. If you are lying, is that right or wrong?

A. It is wrong, sir.

Q. Now, do you know what is right?

A. Yes, sir.

Q. What is right[?] Is telling a lie right?

A. It is wrong.

Q. Is telling a lie right?

A. No, sir.

Q. Do you know that if you will tell a lie you will [go] to hell?

A. Yes, sir.

Q. Who sent [*sic*] you to hell?

A. Papa Jesus.

T

x x x x

Q. Are you telling a lie[,] Miss Witness?

A. No[,] ma'am.

Q. So when you said and what you testified before us that your father raped you, that is the truth?

A. Yes, ma'am.

Q. Because you are afraid to tell a lie?

A. Yes, ma'am.<sup>27</sup>

The Court is also not swayed by Manlolo's argument that the absence of spermatozoa renders AAA's claim doubtful. We have consistently ruled that the absence of semen in AAA's vaginal area does not rule out a finding of rape. The presence or absence of spermatozoa is immaterial because the presence of spermatozoa is not an element of rape,<sup>28</sup> since it is penetration, not ejaculation, which constitutes the crime of rape. Besides, the absence of the seminal fluid from the vagina could be due to a number of factors, such as the vertical drainage of the semen from the vagina, the acidity of the vagina, or simply the washing of the vagina after the sexual intercourse.<sup>29</sup>

Manlolo also claims that the reason why he was charged in the instant case is because he and BBB always quarrel. He further avers that the motive behind this case is very clear that the family of BBB used AAA to indict him of a crime which he did not commit.

We are not convinced. The CA aptly ruled that ill-feelings and improper motives become inconsequential where there are affirmative and categorical declarations establishing appellant's accountability and culpability for the felony.

Motives such as extortion, resentment, or revenge never have swayed this Court from giving full credence to the testimony of a minor rape victim.<sup>30</sup> More so, when such imputation is unsubstantiated as in the case at bar. To reiterate, there is no evidence that the witnesses were actuated by improper motive, the presumption is that they were not so actuated.

Alleged motive of family feud, resentment, or revenge is not an uncommon defense, the same has never swayed the Court from lending full credence to the testimony of a complainant who remained steadfast throughout her direct and cross-examinations.<sup>31</sup>

<sup>27</sup> *Rollo*, p. 13.

<sup>28</sup> *People v. Agalot*, G.R. No. 220884, February 21, 2018.

<sup>29</sup> *People v. Alberca*, 810 Phil. 896, 907-908 (2017) (citations omitted).

<sup>30</sup> *People v. XXX*, G.R. No. 244047, December 10, 2019.

<sup>31</sup> *People v. XXX*, *supra* note 9.

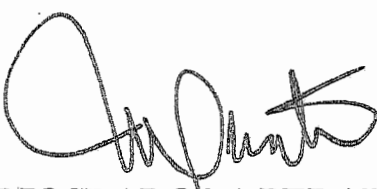
All told, the Court agrees with the CA in affirming the ruling of the RTC finding Manlolo guilty beyond reasonable doubt of the crime of qualified rape under Criminal Case No. 2975. We do, however, find that the award of damages must be modified pursuant to *People v. Jugueta*,<sup>32</sup> which provides that in case of qualified rape and the penalty imposed is death but reduced to *reclusion perpetua* because of R.A. No. 9346, the award for civil indemnity, moral damages and exemplary damages is ₱100,000.00 each.

**WHEREFORE**, the appeal is **DENIED**. The Decision dated May 17, 2016 of the Court of Appeals in CA-G.R. CR-HC No. 07134 is **AFFIRMED** with **MODIFICATION**. Appellant Joseph Manlolo y Gante is found **GUILTY** beyond reasonable doubt of the crime of qualified rape, and is hereby **SENTENCED** to suffer the penalty of *reclusion perpetua* without eligibility for parole and **ORDERS** him to **PAY** AAA ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages, all subject to 6% interest from the finality of the Decision until fully paid.

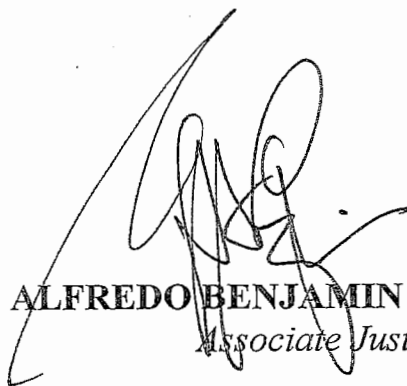
**SO ORDERED.**

  
**JOSE C. REYES, JR.**  
*Associate Justice*

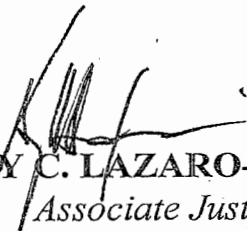
**WE CONCUR:**

  
**DIOSDADO M. PERALTA**  
*Chief Justice*  
*Chairperson*

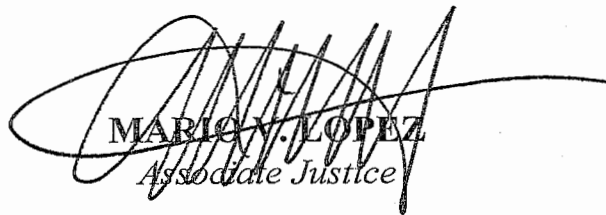
<sup>32</sup> 783 Phil. 806 (2016).



**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*



**AMY C. LAZARO-JAVIER**  
*Associate Justice*



**MARIO V. LOPEZ**  
*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.



**DIOSDADO M. PERALTA**  
*Chief Justice*

T