



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,  
*Plaintiff-Appellee.*

G.R. No. 189822

- versus -

Present:

CARPIO, *Chairperson*,  
BRION,  
DEL CASTILLO,  
PEREZ, *and*  
PERLAS-BERNABE, *JJ.*

JOJIE SUANSING,  
*Accused-Appellant.*

Promulgated:  
SEP 02 2013

X ----- X

DECISION

DEL CASTILLO, *J.*:

Carnal knowledge of a woman suffering from mental retardation is rape since she is incapable of giving consent to a sexual act. Under these circumstances, all that needs to be proved for a successful prosecution are the facts of sexual congress between the rapist and his victim, and the latter's mental retardation.<sup>1</sup>

*Factual Antecedents*

For review is the July 17, 2009 Decision<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 00439-MIN that affirmed with modification the April 14, 2004 Decision<sup>3</sup> of the Regional Trial Court (RTC), Branch 33, Davao City, in Criminal Case No. 49,196-2002, finding appellant Jojie Suansing (appellant)

<sup>1</sup> *People v. Dela Paz*, G.R. No. 177294, February 19, 2008, 546 SCRA 363, 376.

<sup>2</sup> *CA rollo*, pp. 110-128; penned by Associate Justice Ruben C. Ayson and concurred in by Associate Justices Edgardo A. Camello and Michael P. Elbinias.

<sup>3</sup> Records, pp. 212-224; penned by Judge Wenceslao E. Ibabao.

guilty beyond reasonable doubt of the crime of rape against “AAA,”<sup>4</sup> as described in the Amended Information,<sup>5</sup> the relevant portions of which read as follows:

That sometime in the first week of April 2001, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, willfully, unlawfully and feloniously had carnal knowledge of one “AAA”, attended by the qualifying circumstance that the victim has a mental disability. The accused knew of such mental disability at the time of the commission of the crime. The sexual assault done by the accused was against the will of “AAA”.

Contrary to law.<sup>6</sup>

Appellant pleaded not guilty. After the pre-trial conference, trial ensued.

### ***Version of the Prosecution***

The prosecution presented as its witnesses “AAA;” her aunt and guardian, “EEE;” her friend, “FFF;” doctor of gynecology, Mary Grace Solano, M.D. (Dr. Solano); doctor of psychiatry, Sally Jane Kwong-Garcia, M.D. (Dr. Kwong-Garcia); and psychologist Evangeline Castro (Castro). The RTC allowed “AAA” to testify after evaluating her ability to comprehend and answer questions. The RTC also permitted the prosecution and the defense to propound leading questions to her.<sup>7</sup> Based on their testimonies,<sup>8</sup> the following facts emerged:

“AAA” was born on July 6, 1975. She used to live in Tangub City with her grandparents because her mother suffered from and later died of tuberculosis. When “AAA” was 15 years old, she became a mother to a baby boy who was born on September 29, 1990. Nobody admitted responsibility for her pregnancy. To receive better guidance and supervision, “AAA” was transferred to the residence of “EEE” who raised her as a daughter.

Sometime before April 8, 2001, “GGG” requested “FFF” to get from appellant’s boarding house an electric fan and a transformer. “FFF” together with

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<sup>4</sup> “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, 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 5, 2004.” *People v. Dumadag*, G.R. No.176740, June 22, 2011, 652 SCRA 535, 538-539.

<sup>5</sup> Records, p. 25.

<sup>6</sup> Id. Underscoring in the original.

<sup>7</sup> TSN, August 18, 2003, pp. 145-151.

<sup>8</sup> TSN, February 10, 2003, pp. 1-17; TSN, July 24, 2003, pp. 1-47; TSN, August 6, 2003, pp. 1-25; TSN, August 7, 2003, pp. 1-24; TSN, August 18, 2003, pp. 1-68; TSN, September 24, 2003, pp. 1-35.

her brother and “AAA” went to the boarding house of appellant. After giving the requested items, appellant ordered “FFF” and her brother to leave “AAA” behind.

“FFF” brought the items to “GGG” who, upon learning that “AAA” was still with appellant, requested “FFF” to return to appellant’s boarding house to fetch “AAA.” Upon arriving at the boarding house, “FFF” noticed that the door was closed. She called out to “AAA” to go home to avoid being scolded by “EEE.” “AAA” opened the door and came out fixing her short pants. “FFF” then asked “AAA” if anything happened. “AAA” replied that after “FFF” and her brother left the boarding house, appellant pulled her inside the room, removed her shoes and panty, told her to lie down on the floor, and inserted his penis into her vagina without her consent. “AAA” requested “FFF” not to tell anyone that she was raped by appellant.

On August 3, 2001, “EEE” learned about the rape and confronted “AAA.” “EEE” then reported the incident to police authorities.

The genital examination of “AAA” on August 6, 2001 revealed old hymenal lacerations. Her psychiatric evaluation also disclosed that she was suffering from mild retardation with the mental age of a 9 to 12-year old child. Although with impaired adaptive skills, the RTC found “AAA” qualified to testify. The psychological examination of “AAA” established her mental retardation to be in a mild form and her intelligence quotient (IQ) of 53 though below the average IQ score of 71 was “within the defective level of a Normal Intelligence Scale.”

### *Version of the Defense*

In his testimony,<sup>9</sup> appellant denied raping “AAA.” He claimed that he used to live with “AAA” and her relatives and was considered a member of their family. He treated “AAA” as his niece and knew about her mental retardation. He later rented a room near the residence of “AAA.” He admitted that sometime in the first week of April 2001, his sister “GGG,” who was living nearby, asked “AAA,” “FFF,” the latter’s brother and another girl to go to his boarding house to get an electric fan, a bread toaster, and a wall décor. “AAA,” “FFF” and the other girl went inside his room while “FFF’s” brother waited outside. After getting the items, “FFF” and the other girl left while “AAA” stayed behind. After a few minutes, “FFF” and the other girl returned to fetch “AAA.” He belied the statement of “FFF” that “AAA” was fixing her short pants when she came out of his room.

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<sup>9</sup> TSN, November 28, 2003, pp. 1-48.

Appellant claimed that the relatives of “AAA” filed the instant case against him because his sister, “GGG”, no longer gives them financial support.

### ***Ruling of the Regional Trial Court***

In its April 14, 2004 Decision, the RTC found convincing evidence that “AAA” is a mental retardate; that in spite of her mental inadequacy, her testimony was credible as shown from her “intelligent and coherent answers to questions propounded to her by the prosecution, the defense and the Court;”<sup>10</sup> that appellant was aware that “AAA” is a mental retardate; that appellant raped “AAA;” that “AAA” or “FFF” was not ill-motivated to falsely accuse appellant of such crime; and, that proof of force or intimidation was unnecessary as a mental retardate is not capable of giving consent to a sexual act.

However, the RTC also ruled that since “AAA’s” mental retardation was not specifically alleged in the Amended Information, it cannot be considered as a qualifying circumstance that would warrant the imposition of the death penalty. The RTC stated that the “mental disability” of “AAA” at the time of the rape relates to a broad description of several mental ailments and that the Amended Information failed to specify what constitutes “mental disability.” Thus, the RTC disposed as follows:

WHEREFORE, the prosecution having established the guilt of the accused beyond reasonable doubt of the crime of simple rape, the accused JOJIE SUANSING is hereby sentenced to suffer the penalty of *reclusion perpetua*, with all the accessory penalties provided by law, to indemnify the offended party in the sum of Php50,000.00 as moral damages.

He shall be committed forthwith to the national penitentiary.

Costs de officio.

SO ORDERED.<sup>11</sup>

### ***Ruling of the Court of Appeals***

Appellant filed a Notice of Appeal<sup>12</sup> with this Court. However, pursuant to our ruling in *People v. Mateo*,<sup>13</sup> the case was remanded to the CA for appropriate action and disposition.<sup>14</sup>

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<sup>10</sup> Records, p. 219.

<sup>11</sup> Id. at 223. Emphasis in the original.

<sup>12</sup> Id. at 225.

<sup>13</sup> G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640.

<sup>14</sup> CA rollo, pp. 46-47.

In his brief, appellant imputed upon the court *a quo* the lone error that it –

X X X GRAVELY ERRED IN CONVICTING HEREIN ACCUSED-APPELLANT DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.<sup>15</sup>

Appellant argued that the prosecution failed to discharge its burden of proving his guilt beyond reasonable doubt; that the medical findings do not substantiate the allegation that “AAA” was raped; that the elements of force, violence and intimidation were not proved; that he was falsely accused of the crime charged; that “AAA’s” aunt, “EEE”, was angry at him even before they reported the alleged rape to police officers; that even if nobody raped her, “AAA” would say the opposite just to please “EEE.”

The People, through the Office of the Solicitor General (OSG), asserted in its brief<sup>16</sup> that the RTC’s Decision should be affirmed in all respects since the arguments of appellant failed to persuade; that a medical examination is not an indispensable element in the prosecution of rape and an accused may be convicted even on the sole basis of the victim’s credible testimony; that force and intimidation do not have to be proved since “AAA” suffers from mental retardation; and that appellant’s denial cannot prevail over the positive identification of “AAA.” It thus invoked the well-established rule that the findings of the RTC on the issue of credibility of witnesses and their testimonies are entitled to great respect and are given the highest consideration on appeal.

In its Decision, the CA affirmed the findings of the RTC with respect to the assessment of the testimony of “AAA.” It also affirmed the RTC’s ruling not to consider the mental retardation of “AAA” as a qualifying circumstance that would result in the imposition of the death penalty since it was not specifically alleged in the Amended Information. However, the CA modified the awards for civil indemnity and moral damages to conform to prevailing jurisprudence. Thus, the dispositive portion of the CA’s Decision reads as follows:

**WHEREFORE**, the Decision of the Regional Trial Court, Branch 33, Davao City, dated April 22, 2004 in Criminal Case No. 49,196-2002 is **AFFIRMED with MODIFICATION**. Accused-appellant **JOJIE SUANSING** is ordered to pay the private complainant the sums of Php50,000.00 as civil indemnity and Php50,000.00 as moral damages plus costs.

**SO ORDERED.**<sup>17</sup>

Appellant filed a Notice of Appeal<sup>18</sup> praying for his exoneration.

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<sup>15</sup> Id. at 53.

<sup>16</sup> Id. at 86-107.

<sup>17</sup> Id. at 127. Emphases in the original.

<sup>18</sup> Id. at 129-131.

On February 3, 2010, the parties were directed to file their supplemental briefs<sup>19</sup> but both the OSG and appellant opted to adopt their respective briefs submitted before the CA as their appeal briefs.

### **Our Ruling**

The appeal is unmeritorious.

Article 266-A, paragraph 1 of the Revised Penal Code (RPC), as amended by Republic Act (RA) No. 8353, states that:

Art. 226-A. *Rape, When and How Committed.* – Rape is committed –

1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

a) Through force, threat or intimidation;

b) When the offended party is deprived of reason or is otherwise unconscious,

c) By means of fraudulent machination or grave abuse of authority;

d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

“[F]or the charge of rape to prosper, the prosecution must prove that (1) the offender had carnal knowledge of a woman, (2) through force or intimidation, or when she was deprived of reason or otherwise unconscious, or when she was under 12 years of age or was demented.”<sup>20</sup> From these requisites, it can thus be deduced that rape is committed the moment the offender has sexual intercourse with a person suffering from mental retardation. “[C]arnal knowledge of a woman who is a mental retardate is rape. A mental condition of retardation deprives the complainant of that natural instinct to resist a bestial assault on her chastity and womanhood. For this reason, sexual intercourse with one who is intellectually weak to the extent that she is incapable of giving consent to the carnal act already constitutes rape[,] without requiring proof that the accused used force and intimidation in committing the act.”<sup>21</sup> Only the facts of sexual congress between the accused and the victim and the latter’s mental retardation need to be proved.<sup>22</sup>

In this case, the evidence presented by the prosecution established beyond reasonable doubt the sexual congress between appellant and “AAA” and the

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<sup>19</sup> *Rollo*, p. 31.

<sup>20</sup> *People v. Tablang*, G.R. No. 174859, October 30, 2009, 604 SCRA 757, 766.

<sup>21</sup> *People v. Paler*, G.R. No. 186411, July 5, 2010, 623 SCRA 469, 476.

<sup>22</sup> *People v. Tablang*, *supra*.

latter's mental retardation. "AAA" positively identified appellant as her rapist.<sup>23</sup> She also described the manner by which appellant perpetrated the crime, viz:

ATTY. GASPAR:

Q: What happened when you stayed behind?

A: He removed my shorts and panty.

Q: So what happened after removing your shorts and panty?

A: [We] had a (sic) sexual intercourse.

COURT:

Q: What did he do to you?

A: (No answer)

ATTY. GASPAR:

We manifest Your Honor that the witness is crying.

ATTY. CAGATIN:

We would like to manifest for the record, your Honor that in spite of several questions of what [Suansing did] to her[,] no answer was given.

COURT:

Alright.

Q: Could you answer the question?

A: [We] had sexual intercourse.

ATTY. GASPAR:

Q: Where did that happen?

A: At the boarding house.

Q: What part of the boarding house?

A: I could not recall.

Q: What was your position, were you lying when he had sexual intercourse with you?

A: He asked me to lie down.

COURT:

Q: Did the penis enter your vagina?

A: (The witness is gesturing in the affirmative.)

ATTY. CAGATIN:

The gesture of the witness could not be made a point of reference. Nothing has been shown by the witness that it has been for the affirmative.

COURT:

Alright, you answer.

A: He entered his penis.

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<sup>23</sup> TSN, August 18, 2003, p. 48.

Q: And you enjoyed it?

A: No.

COURT:

Alright.

Q: And you consented [to] the sexual intercourse?

A: No.

Q: Why did you allow yourself to have sexual intercourse with Jojie Suansing?

A: Because he pulled me towards the room.<sup>24</sup>

Both the RTC and the CA also found that “AAA’s” mental retardation was satisfactorily established by the prosecution. Dr. Kwong-Garcia, a psychiatrist at the Davao Medical Center, testified that the results of the IQ test conducted on “AAA” revealed that she is a mental retardate with a mental age of between 9-12 years. These findings are contained in a Medical Certificate dated December 11, 2002.<sup>25</sup> These findings were corroborated by the Psychological Assessment Report<sup>26</sup> of Castro, a psychologist at the Davao Medical Center, whose examination showed that the intellectual capacity of “AAA” is between 9-12 years old. These pieces of evidence prove beyond doubt that “AAA” is a mental retardate. Notably, the defense did not even impugn “AAA’s” mental retardation. On the contrary, records show that even appellant himself conceded that “AAA” is a mental retardate. We therefore agree with the RTC’s ruling, as affirmed by the CA, that “AAA” is mentally retarded.

***A mentally retarded victim cannot fabricate her charges.***

The RTC and the CA did not err in giving credence to the testimony of “AAA.” Records show that “AAA” cried when she recalled on the witness stand her ordeal at the hands of the appellant. “[T]he crying of a victim during her testimony is evidence of the credibility of the rape charge with the verity borne out of human nature and experience.”<sup>27</sup>

There is also nothing from “AAA’s” testimony that would arouse suspicion. Considering the mental retardation of “AAA,” we find it highly improbable that she would fabricate the rape charge against appellant. It is likewise unlikely that she was instructed into accusing appellant given her limited intellect. Due to her mental condition, only a very traumatic experience would

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<sup>24</sup> Id. at 42-45.

<sup>25</sup> Records, p. 45.

<sup>26</sup> Exhibit “H,” Index of Exhibits, p. 10.

<sup>27</sup> *People v. Bayrante*, G.R. No. 188978, June 13, 2012, 672 SCRA 446, 464.



leave a lasting impression on her so that she would be able to recall it when asked.<sup>28</sup> Thus, in *People v. Balatazo*,<sup>29</sup> we held that:

Given the low IQ of the victim, it is impossible to believe that she could have fabricated her charges against appellant. She definitely lacked the gift of articulation and inventiveness. Even with intense coaching, assuming this happened as appellant insists that the victim's mother merely coached her on what to say in court, on the witness stand where she was alone, it would eventually show with her testimony falling into irretrievable pieces. But, this did not happen. During her testimony, she proceeded, though with much difficulty, to describe the sexual assault in such a detailed manner. Certainly, the victim's testimony deserves utmost credit.<sup>30</sup>

***Mental retardation does not lessen her credibility.***

The mental deficiency of "AAA" does not diminish the reliability of her testimony. It has been our consistent ruling that the RTC's assessment of the credibility of witnesses deserves great respect in the absence of any attendant grave abuse of discretion since it had the advantage of actually examining the real and testimonial evidence, including the conduct of the witnesses, and is in the best position to rule on the matter. This rule finds greater application when the RTC's findings are sustained by the CA, as in this case. Here, we do not find any reason to depart from the RTC's assessment of the testimony of "AAA."<sup>31</sup>

Further, "AAA" was able to make known her perception, communicate her ordeal, in spite of some difficulty, and identify appellant as her rapist. Even a mental retardate qualifies as a competent witness if she can perceive, and can make known her perception to others.<sup>32</sup>

***Absence of fresh lacerations does not negate sexual intercourse.***

Concededly, the physical examination conducted on "AAA" revealed old hymenal lacerations. However, "[t]he absence of fresh lacerations does not negate sexual intercourse. In fact, rupture of the hymen is not essential as the mere introduction of the male organ in the *labia majora* of the victim's genitalia consummates the crime."<sup>33</sup> In other words, "[w]hat is required for a consummated crime of rape x x x is the mere touching of the labia by the penis."<sup>34</sup> In this case,

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<sup>28</sup> *People v. Tablang*, supra note 20 at 770.

<sup>29</sup> 466 Phil. 18 (2004).

<sup>30</sup> Id. at 30-31. Citations omitted.

<sup>31</sup> *People v. Tablang*, supra note 20 at 771.

<sup>32</sup> Id.

<sup>33</sup> Id. at 772.

<sup>34</sup> Id.

“AAA” went beyond this minimum requirement as she testified that appellant’s penis entered her vagina.<sup>35</sup>

All told, we are not persuaded by appellant’s denial, which is inherently weak and cannot prevail over the positive identification by “AAA” of him as the perpetrator of the crime. “[A]ppellant’s mere denial cannot overcome the victim’s positive declaration that she had been raped and the appellant was her rapist.”<sup>36</sup>

***Knowledge of the offender of the mental disability of the victim during the rape qualifies and makes it punishable by death.***

Paragraph 10, Article 266-B of the RPC, as amended, provides:

ART. 266-B. *Penalties.* 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:

x x x x

**10. When the offender knew of the mental disability, emotional disorder and/or physical handicap of the offended party at the time of the commission of the crime.** [Emphasis supplied]

Thus, knowledge of the offender of the mental disability of the victim during the commission of the crime of rape qualifies and makes it punishable by death. However, such knowledge by the rapist should be alleged in the Information since “a crime can only be qualified by circumstances pleaded in the indictment.”<sup>37</sup>

In this case, the Amended Information specifically provides:

That sometime in the first week of April 2001, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, willfully, unlawfully and feloniously had carnal knowledge of one “AAA”, **attended by the qualifying circumstance that the victim has a mental disability. The accused knew of such mental disability at the time of the commission of the crime.** The sexual assault done by the accused was against the will of “AAA”.

Contrary to law.<sup>38</sup>

<sup>35</sup> Id. at 772-773.

<sup>36</sup> Id. at 773.

<sup>37</sup> *People v. Dela Paz*, supra note 1 at 383.

<sup>38</sup> *Records*, p. 25. Emphasis supplied.

Clearly, appellant's knowledge of the mental disability of "AAA" at the time of the commission of the crime of rape was properly alleged in the Amended Information. "Knowledge of the offender of the mental disability of the victim at the time of the commission of the crime of rape qualifies the crime and makes it punishable by death x x x."<sup>39</sup> "When rape is committed by an assailant who has knowledge of the victim's mental retardation, the penalty is increased to death."<sup>40</sup> "Mental retardation is a chronic condition present from birth or early childhood and characterized by impaired intellectual functioning measured by standardized tests."<sup>41</sup> Intellectual or mental disability "is a term synonymous with and is now preferred over the older term, mental retardation."<sup>42</sup>

As found by the RTC and affirmed by the CA, the prosecution proved beyond reasonable doubt that appellant was aware of the mental retardation of "AAA." Appellant testified that he knew "AAA" and that he even used to reside with her and her relatives. He was treated as a member of their family. In fact, he regarded "AAA" as his niece. His boarding house was also a few minutes away from the residence of "AAA." He also admitted that "AAA" was known to be mentally retarded in their community. The low intellect of "AAA" was easily noticeable to the RTC from the answers she gave to the questions propounded to her in the course of her testimony. We also stress that from the filing of this case until its appeal, appellant did not assail "AAA's" mental disability and even admitted knowledge of her intellectual inadequacy.

Thus, appellant's knowledge of "AAA's" mental disability at the time of the commission of the crime qualifies the crime of rape. Appellant is therefore guilty of the crime of qualified rape.

### ***Proper Penalty***

Paragraph 10 of Article 266-B of the RPC expressly provides that the penalty of death shall be imposed "when the offender knew of the mental disability x x x of the offended party at the time of the commission of the crime." The supreme penalty of death should have been imposed on the appellant due to the special qualifying circumstance of knowledge at the time of the rape that "AAA" was mentally disabled.

However, the enactment of RA 9346<sup>43</sup> prohibited the imposition of the death penalty. In lieu thereof, the penalty of *reclusion perpetua* is imposed in

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<sup>39</sup> *People v. Magabo*, 402 Phil. 977, 988 (2001).

<sup>40</sup> *People v. Maceda*, 405 Phil. 698, 724-725 (2001).

<sup>41</sup> *People v. Bayrante*, supra note 27 at 456, citing *People v. Dalandas*, 442 Phil. 688, 695 (2002).

<sup>42</sup> Mental disability definition, [www.UpToDate.com](http://www.UpToDate.com). Last visited August 29, 2013.

<sup>43</sup> AN ACT PROHIBITING THE IMPOSITION OF THE DEATH PENALTY. Approved June 24, 2006.

accordance with Section 2 of RA 9346. In addition, as provided under Section 3 thereof, appellant shall not be eligible for parole.

### ***Damages***

Pursuant to prevailing jurisprudence, the civil indemnity for the victim shall be ₱75,000.00 if the rape is perpetrated with any of the attending qualifying aggravating circumstances that require the imposition of the death penalty.<sup>44</sup>

Moral damages must also be awarded in rape cases without need of proof other than the fact of rape since it is assumed that the victim suffered moral injuries entitling her to such an award. However, the CA's award of ₱50,000.00 must be increased to ₱75,000.00 to conform to existing case law.<sup>45</sup> Exemplary damages are likewise called for, by way of public example and to protect the young from sexual abuse.<sup>46</sup> We therefore order appellant to pay "AAA" exemplary damages in the amount of ₱25,000.00.<sup>47</sup> In addition, we order appellant to pay interest at the rate of 6% *per annum* on all damages awarded from the date of the finality of this judgment until fully paid.<sup>48</sup>

**WHEREFORE**, the Decision of the Court of Appeals in CA-G.R. CR-HC No. 00439-MIN dated July 17, 2009 is **AFFIRMED with MODIFICATIONS**. Appellant Jojie Suansing is hereby found guilty beyond reasonable doubt of the crime of qualified rape and is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole. The amounts of civil indemnity and moral damages awarded to "AAA" are increased to ₱75,000.00 each. Appellant Jojie Suansing is also ordered to pay "AAA" exemplary damages in the amount of ₱25,000.00. All damages awarded shall earn interest at the legal rate of 6% *per annum* from the date of finality of this judgment until fully paid.

**SO ORDERED.**

  
**MARIANO C. DEL CASTILLO**  
*Associate Justice*

<sup>44</sup> *People v. Dela Paz*, supra note 1 at 385-386.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.* at 386-387.


<sup>48</sup> *People v. Caoile*, G.R. No. 203041, June 5, 2013.

WE CONCUR:

  
**ANTONIO T. CARPIO**  
*Associate Justice*  
*Chairperson*

  
**ARTURO D. BRION**  
*Associate Justice*

  
**JOSE PORTUGAL PEREZ**  
*Associate Justice*

  
**ESTELA M. PERLAS-BERNABE**  
*Associate Justice*

### ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**ANTONIO T. CARPIO**  
*Associate Justice*  
*Chairperson*

**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.

**MARIA LOURDES P. A. SERENO***Chief Justice*