



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 207774

Plaintiff-Appellee,

Present:

SERENO, C.J.,

*Chairperson,*

LEONARDO-DE CASTRO,

BERSAMIN,

VILLARAMA, JR., and

REYES, JJ.

- versus -

CARLOS ALHAMBRA y  
MASING,

Accused-Appellant.

Promulgated:

JUN 30 2014

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RESOLUTION

REYES, J.:

The Court resolves in this Resolution the appeal from the Decision<sup>1</sup> dated November 28, 2012 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 04949. The CA affirmed the Decision<sup>2</sup> dated February 2, 2011 of the Regional Trial Court (RTC) of Cavite City, Branch 17, in Criminal Cases Nos. 219-05, 220-05 and 347-04, finding Carlos Alhambra y Masing (Alhambra) guilty beyond reasonable doubt of: (1) rape, as defined in Article 266-A of the Revised Penal Code (RPC), as amended; and (2) sexual abuse under Section 5(b), Article III of Republic Act (R.A.) No. 7610, otherwise known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

<sup>1</sup> Penned by Associate Justice Francisco P. Acosta, with Associate Justices Fernanda Lampas Peralta and Angelita A. Gacutan, concurring; *rollo*, pp. 2-18.

<sup>2</sup> Issued by Judge Melchor Q.C. Sadang; *CA rollo*, pp. 45-63.

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### **Antecedent Facts**

In Criminal Case No. 220-05, Alhambra was charged for the crime of rape, in an Information, which reads:

That on or about October 6, 2004, in the City of Cavite, Republic of the Philippines and within the jurisdiction of the Honorable Court, the above-named accused, by means of force and intimidation, did, then and there, willfully, unlawfully and feloniously have carnal knowledge with his own daughter [AAA],<sup>3</sup> a minor, 17 years old, against her will and without her consent.

CONTRARY TO LAW.<sup>4</sup>

The Information<sup>5</sup> in Criminal Case No. 219-05, which likewise charged Alhambra with the crime of rape, is similarly worded except as to the date of the commission of the crime, which is during the summer of 1999, and the age of AAA, who was then only 12 years old.

In Criminal Case No. 347-04, Alhambra was charged with the crime of acts of lasciviousness under Section 10(a), Article VI of R.A. No. 7610, in a Complaint, which reads:

That on or about October 21, 2004, in the City of Cavite, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, by means of force and intimidation and being the father of the undersigned complainant, [AAA], a minor 17 years old, did, then and there, wilfully, unlawfully and feloniously kiss her lips, neck, breast, private parts and lay on top of the said complainant against the will and without the consent of the latter.

CONTRARY TO LAW.<sup>6</sup>

Upon arraignment, Alhambra entered a plea of not guilty to the charges against him. After pre-trial conference, a joint trial on the merits ensued.

AAA is the daughter of accused-appellant Alhambra. AAA testified that, on October 6, 2004, while she was changing her clothes inside her room, Alhambra suddenly entered her room, pushed her, removed her undergarments, and kissed her on the neck, breasts, and vagina. At that

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<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. 32.

<sup>5</sup> Id. at 31.

<sup>6</sup> Id. at 33.

time, AAA's mother was not around as she was then working. AAA tried to resist her father's advances, but the latter overpowered her. AAA did not dare make any noise as she was afraid that her father would harm her siblings, who at that time were just in the living room. Alhambra then inserted his penis into AAA's vagina, while kissing her on the breast and undressing her. AAA alleged that something sticky came out of his father's penis and spilled on her mouth. Thereafter, Alhambra put on his clothes and left AAA crying. Initially, AAA did not divulge to anyone what her father did to her.

In the afternoon of October 21, 2004, AAA, still in her undergarments with a towel wrapped around her body, after having taken a bath, entered her bedroom to put on clothes. To her surprise, her father immediately followed her to her bedroom. Alhambra then removed the towel covering AAA's body and her bra. He then started to kiss AAA on the neck. AAA cried and tried to push her father away; she pleaded her father to stop, but her father ignored her plea. Thereupon, her father removed her underwear, pushed her onto the bed, and kissed her on other parts of her body. Her father's lascivious design was interrupted when AAA's siblings suddenly returned to their house. Alhambra then instructed AAA to get dressed, and immediately went out of the room.

AAA then got dressed and asked permission from her father to visit a nearby friend. As she got out of their house, AAA chanced upon Senior Police Officer 2 Jesus Ubaldo (SPO2 Ubaldo) who, together with SPO1 Roland Costales (SPO1 Costales) and two civilian agents, was in the area to conduct a buy-bust operation. AAA then reported to them that her father was molesting her. Thereupon, SPO2 Ubaldo and SPO1 Costales went to AAA's house and, after having informed him of his constitutional rights, arrested Alhambra. They then went to the place of work of AAA's mother to inform her of Alhambra's arrest.

Consequently, AAA told her mother what her father had done to her. AAA told her that her father raped her when she was 12 years old; that it happened again on October 6, 2004. That on October 21, 2004, her father sexually abused her. AAA's mother then asked her why she did not immediately divulge her ordeal. AAA replied that she was afraid that her father would harm her and her siblings.

Upon medical examination, AAA's hymen showed deep healed lacerations, which evinces the conclusion that "an erect penis, a finger, or a blunt instrument" had caused the lacerations, "although it cannot be determined how many times the vagina was penetrated."

For his part, Alhambra denied the allegations against him, claiming that AAA only fabricated the allegations against him since he wanted her to be separated from her boyfriend. He denied having molested AAA in the summer of 1999; he claimed that he was then working at a poultry store and, after work, he was home all of the time with his wife and children. He likewise denied having raped AAA on October 6, 2004, claiming that he was then at home taking care of AAA's siblings. That AAA arrived at their house on said date at around 10:00 a.m. and immediately left an hour later.

Alhambra also denied having sexually abused AAA on October 21, 2004. He claimed that he was then resting in their house as he was sick. That he was surprised when police officers arrested him for having molested AAA.

### **The RTC Ruling**

On February 2, 2011, the RTC rendered a Decision,<sup>7</sup> the decretal portion of which reads:

**WHEREFORE**, premises considered, judgment is hereby rendered:

1. Finding accused Carlos Alhambra guilty beyond reasonable doubt in Crim. Case No. 220-05 of the crime of Rape, defined and penalized under paragraph (1), Article 266-A in relation to sub-paragraph (1) of Article 266-B of the Revised Penal Code, as amended by RA 8353, and hereby sentences him to suffer the penalty of *reclusion perpetua*, without eligibility for parole pursuant to R.A. 9346; further, he shall indemnify private complainant, [AAA], in the amount of [□]75,000.00 as civil indemnity, [□]75,000.00 as moral damages, and [□]25,000.00 as exemplary damages.

2. Finding accused Carlos Alhambra guilty beyond reasonable doubt in Crim. Case No. 347-04 of the crime of sexual abuse, defined and penalized under Sec. 5 (b), R.A. 7610 and hereby sentences him to suffer the indeterminate penalty of thirteen (13) years, nine (9) months, and eleven (11) days of *reclusion temporal*, as minimum, to sixteen [16] years, five (5) months, and ten (10) days of *reclusion temporal*, as maximum and to pay a fine of [□]15,000.00 and to indemnify private complainant [AAA] in the amount of [□]20,000.00 as civil indemnity, [□]15,000.00 as moral damages, and [□]15,000.00 as exemplary damages.

3. Acquitting accused Carlos Alhambra in Crim. Case No. 219-05 considering that his guilt was not proven beyond reasonable doubt.

**SO ORDERED.**<sup>8</sup>

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<sup>7</sup> Id. at 45-63.

<sup>8</sup> Id. at 62-63.

The RTC acquitted Alhambra of the charge in Criminal Case No. 219-05 since the evidence presented by the prosecution therein was insufficient to establish that he indeed raped her daughter, AAA, during the summer of 1999. The RTC pointed out that “[a]n examination of the statement of [AAA] before the police and her testimony in court shows that there was just a passing mention of the incident complained of.”<sup>9</sup>

In convicting Alhambra of the crime of rape in Criminal Case No. 220-05 and of sexual abuse under Section 5(b), Article III of R.A. No. 7610 in Criminal Case No. 347-04, the RTC gave more credence to the testimony of AAA, finding the same to be simple, direct and spontaneous. It appears that the RTC convicted Alhambra of sexual abuse under Section 5(b), Article III of R.A. No. 7610 in Criminal Case No. 347-04 notwithstanding that the designation of the crime in the Information therein was for acts of lasciviousness under Section 10(a), Article VI of R.A. No. 7610, considering that the allegations therein makes out a case for sexual abuse under Section 5(b).

Unperturbed, Alhambra appealed the RTC Decision dated February 2, 2011 to the CA.<sup>10</sup> In his appeal, Alhambra pointed out that the RTC erred in finding him guilty for the crime of rape in Criminal Case No. 220-05 since AAA is not a credible witness. He pointed out that his acquittal for the charge of rape in Criminal Case No. 219-05 seriously casts doubt on the allegations of AAA. Moreover, he claimed that AAA’s delay in reporting the charge of rape in Criminal Case No. 219-05, which supposedly happened during the summer of 1999, calls into question the credibility of AAA as a witness. Further, Alhambra alleged that AAA’s testimony is riddled with inconsistencies and, thus, should not have been given credence by the RTC.

As regards Criminal Case No. 347-04, Alhambra alleged that he cannot be convicted for the crime of sexual abuse under Section 5(b), Article III of R.A. No. 7610 since AAA is neither a child exploited in prostitution nor a child subjected to other sexual abuse. He claimed that a child may only be considered as subjected to other sexual abuse if “he or she indulges in lascivious conduct under the coercion or influence of any adult.”<sup>11</sup> Considering that it was only Alhambra who sexually abused AAA, assuming that the allegations against him are true, Alhambra claims that he cannot be convicted under Section 5(b), Article III of R.A. No. 7610.

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<sup>9</sup> Id. at 61.

<sup>10</sup> Id. at 84.

<sup>11</sup> Id. at 133.

### **The CA Ruling**

On November 28, 2012, the CA rendered the herein assailed Decision<sup>12</sup> which affirmed the RTC Decision dated February 2, 2011.

The CA ruled that Alhambra's acquittal in Criminal Case No. 219-05 does not negate his criminal liability for the charge in Criminal Case No. 220-05. It pointed out that the RTC merely acquitted Alhambra of the charge in Criminal Case No. 219-05 since it found AAA's testimony therein incomplete, and not because it found AAA's testimony incredible. Further, the CA opined that the failure of AAA to immediately report the charge of rape in Criminal Case No. 219-05 does not tarnish her credibility as a witness; that the threats made by Alhambra actually prevented AAA from reporting the incident. As regards Alhambra's conviction for sexual abuse in Criminal Case No. 347-04, the CA held that Alhambra's claim that AAA is neither a child exploited in prostitution nor a child subjected to other sexual abuse is untenable.

Hence, this appeal.

Both Alhambra and the Office of the Solicitor General manifested that they would no longer file with the Court supplemental briefs, and adopted instead their respective briefs with the CA.<sup>13</sup>

### **Issue**

Essentially, the issue for the Court's resolution is whether the CA erred in affirming the RTC Decision dated February 2, 2011, which found Alhambra guilty beyond reasonable doubt of the crimes of rape and of sexual abuse under Section 5(b), Article III of R.A. No. 7610.

### **The Court's Ruling**

The appeal is dismissed for lack of merit.

#### ***Criminal Case No. 220-05***

The crime of rape is defined under Article 266-A of the RPC, which states that:

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<sup>12</sup> *Rollo*, pp. 2-18.

<sup>13</sup> *Id.* at 30-33; 36-38.

Article 266-A. *Rape: When and How Committed.* – Rape is committed:

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

- a. **Through force, threat, or intimidation;**
- b. When the offended party is deprived of reason or otherwise unconscious;
- c. By means of fraudulent machination or grave abuse of authority; and
- d. When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

2. By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person. (Emphasis ours)

“The elements necessary to sustain a conviction for rape are: (1) that the accused had carnal knowledge of the victim; and (2) that said act was accomplished (a) through the use of force or intimidation, or (b) when the victim is deprived of reason or otherwise unconscious, or (c) when the victim is under 12 years of age or is demented.”<sup>14</sup>

Under Article 266-B of the RPC, the felony of rape is qualified when the victim is under 18 years of age and the offender is, *inter alia*, a parent.

After a thorough perusal of the records of this case, the Court finds that the prosecution was able to establish beyond reasonable doubt all the elements of rape under Article 266-A of the RPC. AAA testified that Alhambra succeeded in having carnal knowledge with her on October 16, 2004, and, thus, being AAA's father, is presumed to have employed force and/or intimidation.<sup>15</sup> Both the lower courts found AAA's testimony in this matter straightforward and worthy of credence.

It is well-settled that, in a criminal case, factual findings of the trial court are generally accorded great weight and respect on appeal, especially when such findings are supported by substantial evidence on record. It is only in exceptional circumstances, such as when the trial court overlooked material and relevant matters, that this Court will re-calibrate and evaluate the factual findings of the court below.<sup>16</sup> The Court sees no reason to depart from the foregoing rule.

<sup>14</sup> *People v. Perez*, G.R. No. 191265, September 14, 2011, 657 SCRA 734, 739.

<sup>15</sup> *See People v. Amistoso*, G.R. No. 201447, January 9, 2013, 688 SCRA 376.

<sup>16</sup> *See Seguritan v. People*, G.R. No. 172896, April 19, 2010, 618 SCRA 406.

Alhambra's claim that his acquittal for the charge of rape in Criminal Case No. 219-05 casts serious doubt on AAA's credibility deserves scant consideration. The charge in Criminal Case No. 219-05 is separate and distinct from the charge in Criminal Case No. 220-05. AAA may have given an incomplete account of the attendant circumstances in Criminal Case No. 219-05, which resulted in Alhambra's acquittal from the charge therein, but her testimony as regards the attendant circumstances in Criminal Case No. 220-05 is clear. There is, thus, no reason for the Court to acquit Alhambra in Criminal Case No. 220-05 merely on the mundane reason that he was acquitted of the charge in Criminal Case No. 219-05.

Furthermore, contrary to Alhambra's insinuation, AAA's delay in filing a complaint against him, for the alleged rape incident, which happened during the summer of 1999, cannot be taken against AAA's claim. "[D]elay in reporting an incident of rape does not create any doubt over the credibility of the complainant nor can it be taken against her."<sup>17</sup> That it took several years before AAA was able to divulge what Alhambra did to her during the summer of 1999 does not tarnish her credibility and the veracity of her allegations. The threat made by Alhambra against her is sufficient reason to cow AAA into silence, especially considering that she was just 12 years old then.

Moreover, the "[d]elay in revealing the commission of a crime such as rape does not necessarily render such charge unworthy of belief. This is because the victim may choose to keep quiet rather than expose her defilement to the harsh glare of public scrutiny. Only when the delay is unreasonable or unexplained may it work to discredit the complainant."<sup>18</sup> In any case, it should be stressed that the delay in the filing of the complaint is only with respect to the charge in Criminal Case No. 219-05, where Alhambra was acquitted by the RTC. There was no considerable delay in the filing of the complaint against Alhambra in Criminal Case No. 220-05.

Anent the supposed inconsistencies in the testimony of AAA, suffice it to say that "[d]iscrepancies referring only to minor details and collateral matters—not to the central fact of the crime—do not affect the veracity or detract from the essential credibility of witnesses' declarations, as long as these are coherent and intrinsically believable on the whole. For a discrepancy or inconsistency in the testimony of a witness to serve as a basis for acquittal, it must establish beyond doubt the innocence of the appellant for the crime charged. It cannot be overemphasized that the credibility of a rape victim is not diminished, let alone impaired, by minor inconsistencies in her testimony."<sup>19</sup>

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<sup>17</sup> *People v. Montefalcon*, 364 Phil. 646, 656 (1999).

<sup>18</sup> *People v. Navarette, Jr.*, G.R. No. 191365, February 22, 2012, 666 SCRA 689, 704.

<sup>19</sup> *People v. Laog*, G.R. No. 178321, October 5, 2011, 658 SCRA 654, 671.



Likewise, it is highly unlikely that AAA, then only 17 years old, would feign a traumatizing experience merely out of spite towards her father, who supposedly wanted to separate her from her boyfriend. No sane girl would concoct a story of defloration, allow an 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 impelled to seek justice for the wrong done to her. Youth and immaturity are generally badges of truth and sincerity. The weight of such testimony may be countered by physical evidence to the contrary or indubitable proof that the accused could not have committed the rape, but in the absence of such countervailing proof, the testimony shall be accorded utmost value.<sup>20</sup>

Against AAA's testimony, Alhambra was only able to proffer the defense of denial and *alibi*. The Court has time and time again ruled that denial and *alibi* are inherently weak defenses as these are self-serving.

### ***Criminal Case No. 347-04***

Section 5(b), Article III of R.A. No. 7610 provides that:

Section 5. *Child Prostitution and Other Sexual Abuse*. – Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty of *reclusion temporal* in its medium period to *reclusion perpetua* shall be imposed upon the following:

x x x x

(b) Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subject to other sexual abuse; Provided, That when the victim is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3 for rape and Article 336 of Act No. 3815, as amended, the Revised Penal Code, for rape or lascivious conduct, as the case may be; Provided, That the penalty for lascivious conduct when the victim is under twelve (12) years of age shall be *reclusion temporal* in its medium period; and

x x x x

Sexual abuse under Section 5(b), Article III of R.A. No. 7610 has three elements: (1) the accused commits an act of sexual intercourse or **lascivious conduct**; (2) the said act is performed with a child exploited in

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*See People v. Bon*, 536 Phil. 897, 915 (2006).

prostitution or **subjected to other sexual abuse**; and (3) the child is below 18 years old.<sup>21</sup>

The prosecution was able to establish Alhambra's criminal liability under Section 5(b), Article III of R.A. No. 7610. *First*, AAA testified that on October 21, 2004, whilst clad only in towel after having taken a bath, her father forcibly removed her towel covering her body, kissed her on the neck, removed her undergarments, and kissed her on the other parts of her body. *Second*, Alhambra used his moral ascendancy and influence over his daughter AAA to consummate his lascivious design. *Third*, AAA was only 17 years old when the said incident happened.

Alhambra's assertion that he is not liable for sexual abuse under Section 5(b), Article III of R.A. No. 7610 since AAA is not a child engaged in prostitution or subjected to other sexual abuse is plainly without merit. The law covers not only a situation in which a child is abused for profit but also one in which a child, through coercion or intimidation, engages in any lascivious conduct. A child is deemed subjected to "other sexual abuse" when he or she indulges in lascivious conduct under the coercion or influence of any adult.<sup>22</sup> As established by the prosecution, Alhambra was only able to consummate his lascivious design towards AAA through coercion and with the use of his influence over the latter as her father.

### ***Imposable Penalties***

As regards Criminal Case No. 220-05, the Court finds the same to be consistent with Article 266-B of the RPC, which pertinently provides that the death penalty shall be imposed "[w]hen the victim is under eighteen (18) years of age and the offender is a parent x x x." In view of the foregoing, the lower courts correctly imposed upon Alhambra the penalty of *reclusion perpetua* without the eligibility of parole, in lieu of the death penalty, pursuant to R.A. No. 9346.<sup>23</sup>

In conformity with prevailing jurisprudence,<sup>24</sup> the Court affirms the award of ₱75,000.00 as moral damages and ₱75,000.00 as civil indemnity. Further, the presence of the aggravating circumstance of relationship entitles the offended party to exemplary damages. Thus, the Court also affirms the award for exemplary damages, but, pursuant to established jurisprudence,<sup>25</sup>

<sup>21</sup> See *Navarrete v. People*, 542 Phil. 496, 510 (2007).

<sup>22</sup> Id. at 511; *Olivarez v. Court of Appeals*, 503 Phil. 421, 432 (2005); *People v. Optana*, 404 Phil. 316 (2001); *People v. Larin*, 357 Phil. 987 (1998).

<sup>23</sup> AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES

<sup>24</sup> *People v. Amistoso*, supra note 15; *People v. Vitero*, G.R. No. 175327, April 3, 2013, 695 SCRA 54; *People v. Rubio*, G.R. No. 195239, March 7, 2012, 667 SCRA 753.

<sup>25</sup> *People v. Vitero*, id.; *People v. Masagca, Jr.*, G.R. No. 184922, February 23, 2011, 644 SCRA 278.

in the amount of ₱30,000.00 up from the ₱25,000.00 fixed by the RTC and affirmed by the CA.

Likewise, the Court deems it proper to modify the penalty imposed upon Alhambra in Criminal Case No. 347-04. Under Section 5(b), Article III, of R.A. No. 7610, the penalty for sexual abuse performed on a child under 18 years old but over 12 years old under Section 5(b) of R.A. No. 7610 is *reclusion temporal* in its medium period to *reclusion perpetua*. The lower courts failed to consider the alternative circumstance of relationship against Alhambra as an aggravating circumstance; that Alhambra is the father of AAA was sufficiently established. Since there is an aggravating circumstance and no mitigating circumstance, the penalty shall be applied in its maximum period, *i.e.*, *reclusion perpetua*. Alhambra shall likewise not be eligible for parole.<sup>26</sup> Besides, Section 31 of R.A. No. 7610 expressly provides that the penalty shall be imposed in its maximum period when the perpetrator is, *inter alia*, the parent of the victim.<sup>27</sup>

The Court finds no error in the accessory penalties imposed by the CA upon Alhambra in Criminal Case No. 347-04. In line with prevailing jurisprudence,<sup>28</sup> Alhambra is liable to pay AAA the amounts of ₱15,000.00 as fine, ₱20,000.00 as civil indemnity, and ₱15,000.00 as moral damages. In view of the presence of the aggravating circumstance of relationship, the amount of ₱15,000.00 as exemplary damages is also appropriate.<sup>29</sup>

In addition, and in conformity with current policy, the Court imposes interest on all monetary awards for damages at the rate of six percent (6%) *per annum* from the date of finality of this Resolution until fully paid.<sup>30</sup>

**WHEREFORE**, in consideration of the foregoing disquisitions, the appeal is **DISMISSED**. The Decision dated November 28, 2012 of the Court of Appeals in CA-G.R. CR-HC No. 04949 is hereby **AFFIRMED with MODIFICATION**. In Criminal Case No. 220-05, the award of exemplary damages in the amount of ₱25,000.00 is increased to ₱30,000.00. In Criminal Case No. 347-04, accused-appellant Carlos Alhambra y Masing is hereby sentenced to suffer the penalty of *reclusion perpetua*, without eligibility for parole. Accused-appellant Carlos Alhambra y Masing is likewise ordered to pay interest on all monetary awards for damages at the

<sup>26</sup> Section 3 of R.A. No. 9346 provides that:

Sec. 3. Persons convicted of offenses punished with *reclusion perpetua*, or whose sentences will be reduced to *reclusion perpetua*, by reason of this Act, shall not be eligible for parole under Act No. 4103, otherwise known as the "Indeterminate Sentence Law," as amended.

<sup>27</sup> See *People v. Rayon, Sr.*, G.R. No. 194236, January 30, 2013, 689 SCRA 745.

<sup>28</sup> See *People v. Lomaque*, G.R. No. 189297, June 5, 2013, 697 SCRA 383; *People v. Rayon, Sr.*, *id.*; *Garingarao v. People*, G.R. No. 192760, July 20, 2011, 654 SCRA 243; *People v. Fragante*, G.R. No. 182521, February 9, 2011, 642 SCRA 566.

<sup>29</sup> See *People v. Bonaagua*, G.R. No. 188897, June 6, 2011, 650 SCRA 620.


<sup>30</sup> *People v. Veloso*, G.R. No. 188849, February 13, 2013, 690 SCRA 586.

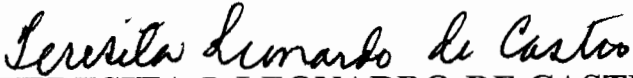
rate of six percent (6%) *per annum* from the date of finality of this Resolution until fully satisfied.

**SO ORDERED.**

  
**BIENVENIDO L. REYES**  
Associate Justice

**WE CONCUR:**

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


  
**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice

  
**LUCAS P. BERSAMIN**  
Associate Justice

  
**MARTIN S. VILLARAMA, JR.**  
Associate Justice

### **CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution 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