



**Republic of the Philippines
Supreme Court
Manila**

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 197363

Present:

SERENO, *CJ.*,
Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR., and
REYES, *JJ.*

- *versus* -

Promulgated:

ROMAN ZAFRA y SERRANO,
Accused-Appellant.

JUN 26 2013

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D E C I S I O N

LEONARDO-DE CASTRO, J.:

Accused-appellant ROMAN ZAFRA y SERRANO (Zafra) is now before Us on review after the Court of Appeals, in its June 29, 2010 Decision¹ in **CA-G.R. CR.-H.C. No. 01921**, affirmed with modification the January 20, 2006 Decision² of the Regional Trial Court (RTC) of Pasig City, Branch 159, in Criminal Case No. 122297-H, wherein he was found guilty beyond reasonable doubt of the crime of Rape under Article 266-A of the Revised Penal Code as amended by Republic Act No. 8353.³

On December 19, 2001, an Information⁴ was filed before the RTC, charging Zafra with the crime of qualified rape of his minor daughter. The accusatory portion of the Information reads:

On or about December 14, 2001, in Pasig City and within the jurisdiction of this Honorable Court, the accused, who is then a father of the complainant, did then and there willfully, unlawfully and feloniously had

¹ *Rollo*, pp. 2-18; penned by Associate Justice Jose C. Reyes, Jr. with Associate Justices Antonio L. Villamor and Elihu A. Ybañez, concurring.

² *CA rollo*, pp. 8-16.

³ Also known as The Anti-Rape Law of 1997.

⁴ Records, p. 1.

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sexual intercourse with one [AAA⁵], 17 years old, a minor, against her will and consent.

Zafra pleaded not guilty to the charge upon his arraignment on February 4, 2002.⁶ Thereafter, the parties held their pre-trial conference, wherein they stipulated on the facts that AAA was the daughter of Zafra, and that she was only 17 years old on December 14, 2001.⁷

The contradicting versions of the parties, as culled from the records of the case, are as follows:

Version of the Prosecution

AAA testified that her father, Zafra, started molesting her when she was around 13 or 14 years old. He used to insert his finger in her vagina and mash her breasts, which progressed into actual sexual intercourse when she was about 15. AAA claimed that her mother knew what her father was doing to her but did nothing to stop it. Aside from her best friend in school, AAA told no one about her ordeal for fear of her father, that her mother would not side with her, and that rumors about her would spread. Sometime in November 2001 however, she moved to her aunt's house, after she was again raped by Zafra.⁸

On December 14, 2001, her brother went to her aunt's house to tell AAA that Zafra had some chores for her. AAA followed her brother to their house, where she found Zafra, who asked her to fix the beddings and wash the dishes. When her brother left the house, Zafra instructed AAA to get his dirty clothes in his room. AAA did as she was told, but Zafra went inside the room and locked the door just as she was about to go out. At this point, AAA dropped the dirty clothes and ran towards the door but Zafra grabbed her and made her lie on the bed. AAA struggled but her protests were met with slaps and punches. Zafra then removed both their lower garments, spat on his hand, put the saliva on his penis, and then inserted his finger into AAA's vagina. Thereafter, Zafra inserted his penis in AAA's vagina and held her breast. After Zafra ejaculated, he wiped his penis with a towel. AAA in turn wiped the semen off her abdomen, and while she was dressing up, Zafra warned her against telling anybody of what happened. AAA immediately picked up the dirty clothes on the floor and went out the room.⁹

After having lunch with her mother, who arrived while she was doing the laundry, she returned to her aunt's house. At her aunt's house, her mother asked her "*inulit na naman ng tatay mo, ano?*"¹⁰ to which, she

⁵ Under Republic Act No. 9262 also known as "Anti-Violence Against Women and Their Children Act of 2004" and its implementing rules, the real name of the victim and those of her immediate family members are withheld and fictitious initials are instead used to protect the victim's privacy.

⁶ Records, p. 17.

⁷ Id. at 27-28.

⁸ TSN, June 11, 2002, pp. 5, 15-26,

⁹ Id. at 5-10.

¹⁰ Id. at 10.

replied yes. Her mother told her that they would file a complaint, then went back to their house, got the linen in her father's room, then soaked it in water. Just as AAA was about to leave her aunt's house, her mother arrived and asked her where she was headed. AAA said she was going to file a complaint against her father. AAA's mother accompanied her but was prodding her not to file any complaint. AAA however proceeded to file the complaint, and was subjected to a medical examination on the same day.¹¹

After examining AAA, Dr. Voltaire P. Nulud in his Medico-Legal Report No. M-3278-01¹² concluded as follows:

Subject is in non-virgin state physically.

There are no external signs of application of any form of physical trauma.

Version of the Defense

Zafra denied the charge against him and claimed that it was filed as an act of retaliation by his wife. Zafra said that he and his wife fought about one of the rooms he was renting out because he would not acquiesce to renting it out to his sister-in-law and parents-in-law free of charge. In the meantime, Zafra learned that AAA was not attending school. This prompted him to scold her, but because his parents-in-law protected her, Zafra went to the extent of driving AAA and his parents-in-law out of the house. When this happened, Zafra's wife threatened to send him to jail. In fact, she had him arrested twice on drug charges but he was released for lack of evidence for the first charge, and on bail for the second charge. A few days later, he was again arrested, this time, on a rape charge against his daughter.¹³

As proof of his defense, Zafra presented letters from AAA wherein she admitted to fabricating the charge against her father because he and her mother fought, and because he drove all of them out of his house. She also admitted therein to having worked at a beer house and prostituting herself.¹⁴

Ruling of the RTC

On January 20, 2006, the RTC rendered its Decision, giving credence to the prosecution's version, found Zafra guilty of qualified rape of his minor daughter, and sentenced him to death, in this manner:

WHEREFORE, in view of the foregoing, this Court finds the accused **ROMAN ZAFRA Y SERRANO GUILTY** beyond reasonable doubt of the crime of rape Under Art. 266-A of the Revised Penal Code as Amended by [Republic Act No.] 8353 and hereby sentences the said accused to suffer the supreme penalty of **DEATH and** to indemnify the victim the amount[s] of ₱75,000.00 as civil indemnity, ₱50,000.00 as

¹¹ Id. at 10-11.

¹² Records, p. 73.

¹³ TSN, October 12, 2004, pp. 3-6.

¹⁴ Records, pp. 147-149.

moral damages and ₱25,000.00 as exemplary damages.¹⁵

Zafra appealed¹⁶ to the Court of Appeals, imputing error on the part of the RTC for relying on AAA's inconsistent testimony and thereafter convicting him despite the prosecution's failure to rebut the presumption that he is innocent.

Ruling of the Court of Appeals

On June 29, 2010, the Court of Appeals affirmed the RTC's Decision, modifying the amount of moral damages awarded and the impossible penalty, to wit:

WHEREFORE, the appeal is **DENIED** for lack of merit. The Decision dated January 20, 2006 of the Regional Trial Court of Pasig City, Branch 159 in Criminal Case No. 122297-H which found Roman Zafra y Serrano guilty of raping his own minor daughter is hereby **AFFIRMED** with the **MODIFICATION** that the penalty of death is reduced to **RECLUSION PERPETUA WITHOUT ELIGIBILITY FOR PAROLE**, in accordance with Sections 2 and 3 of Republic Act No. 9346. The award of **MORAL DAMAGES** is also **INCREASED** from ₱50,000.00 to ₱75,000.00.¹⁷

Issues

Undaunted, Zafra is now before this Court,¹⁸ with the same¹⁹ assignment of errors he presented before the Court of Appeals, *viz*:

I

THE COURT A QUO GRAVELY ERRED IN GIVING CREDENCE TO THE PRIVATE COMPLAINANT'S HIGHLY INCONSISTENT AND UNREALISTIC TESTIMONY.

II

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE FAILURE OF THE PROSECUTION TO OVERTHROW THE CONSTITUTIONAL PRESUMPTION OF INNOCENCE IN HIS FAVOR.

III

ASSUMING THAT THE ACCUSED-APPELLANT IS GUILTY AS CHARGED, THE TRIAL COURT ERRED IN IMPOSING THE SUPREME PENALTY OF DEATH UNDER THE CIRCUMSTANCES.²⁰

¹⁵ CA rollo, p. 16.

¹⁶ Id. at 24-44.

¹⁷ Rollo, p. 17.

¹⁸ Id. at 19-21.

¹⁹ Id. at 49-51.

²⁰ CA rollo, pp. 26-27.

As stipulated by the parties during the pre-trial, Zafra does not contest the facts that AAA is his biological daughter and was only 17 years old on December 14, 2001, the time the last rape occurred. What Zafra challenges is his conviction in light of the evidence the prosecution submitted during his trial.

Zafra attacks the credibility of AAA for being inconsistent. He claims that during AAA's testimony, she was so confused that she contradicted her own statements. Zafra also emphasizes the fact that prior to December 14, 2001, AAA acted as if nothing had happened at all. Zafra claims that the fact that she did not stay away from him despite the alleged incidents of rape belie her claim of sexual abuse. In support of his argument, Zafra points out the fact that AAA did not sustain any external physical marks, as shown by the medico-legal findings, despite her testimony that on December 14, 2001, Zafra punched her thighs whenever she resisted him.²¹

Ruling and Discussion

The present appeal is devoid of merit.

Zafra was charged with Rape under Article 266-A, paragraph 1, in relation to Article 266-B, paragraph 1, of the Revised Penal Code, as amended by Republic Act No. 8353. Said provisions read:

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 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.

ART. 266-B. *Penalties.* - Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

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²¹ Id. at 33-37.

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

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

Credibility of AAA

Zafra is trying to discredit AAA by enumerating several points against her, to wit:

1. Zafra claims that AAA's inconsistent and contradictory testimony is a clear indication that she merely concocted her story of rape.²²

This Court has ruled that since human memory is fickle and prone to the stresses of emotions, accuracy in a testimonial account has never been used as a standard in testing the credibility of a witness.²³ The inconsistencies Zafra are referring to are frivolous matters, which merely confused AAA when she was being questioned. Those matters are inconsequential and do not even pertain to AAA's ordeal. Thus, such trivial and insignificant discrepancies, which in this case were immediately clarified upon further questioning, will warrant neither the rejection of her testimony nor the reversal of the judgment.²⁴

2. Zafra insists that AAA's actions, of not immediately reporting that she was raped and returning to their house, belie her claim of sexual abuse.²⁵

It is not uncommon for a rape victim to initially conceal the assault against her person for several reasons, including that of fear of threats posed by her assailant. A rape charge only becomes doubtful when the victim's inaction or delay in reporting the crime is unreasonable or unexplained.²⁶ In the case at bar, AAA testified that she did not immediately report the crime because she was afraid of her father, that her mother would not side with her even though she was aware of what Zafra was doing to her, and the rumors that might spread once word of what her father had been doing to her comes out. It must be noted that AAA was only a young girl when Zafra started molesting her. It is but natural that she factor in her decisions how her father and mother would react. Furthermore, it is settled jurisprudence that delay in filing a complaint for rape is not an indication of falsehood, *viz*:

The failure of complainant to disclose her defilement without loss of time to persons close to her or to report the matter to the authorities

²² Id. at 35.

²³ *People v. Cabungan*, G.R. No. 189355, January 23, 2013.

²⁴ Id.

²⁵ CA *rollo*, pp. 35-36.

²⁶ *People v. Cabungan*, *supra* note 23.

does not perforce warrant the conclusion that she was not sexually molested and that her charges against the accused are all baseless, untrue and fabricated. Delay in prosecuting the offense is not an indication of a fabricated charge. Many victims of rape never complain or file criminal charges against the rapists. They prefer to bear the ignominy and pain, rather than reveal their shame to the world or risk the offenders' making good their threats to kill or hurt their victims.²⁷ (Citations omitted.)

Anent AAA's behavior after the rapes, suffice it to say that there is no one standard reaction that can be expected from a victim of a crime such as rape. Elucidating on this point, this Court, in *People v. Saludo*,²⁸ held:

Not every victim of rape can be expected to act with reason or in conformity with the usual expectations of everyone. The workings of a human mind placed under emotional stress are unpredictable; people react differently. Some may shout, some may faint, while others may be shocked into insensibility. And although the conduct of the victim immediately following the alleged sexual assault is of utmost importance as it tends to establish the truth or falsity of the charge of rape, it is not accurate to say that there is a typical reaction or norm of behavior among rape victims, as not every victim can be expected to act conformably with the usual expectation of mankind and there is no standard behavioral response when one is confronted with a strange or startling experience, each situation being different and dependent on the various circumstances prevailing in each case. (Citations omitted.)

3. Zafra avers that AAA's allegation that he punched her several times on her thighs is contradictory to the medico-legal findings, which showed no external physical marks of trauma on AAA.²⁹

"Not all blows leave marks."³⁰ The worst blow was that inflicted on AAA's psyche and dignity, which may have left an indelible though invisible mark. Thus, the fact that Dr. Nulud found no external physical signs of injury on AAA's thighs, contrary to her statement that she was hit there by Zafra, does not invalidate her claim that Zafra raped her that day and that he punched her thighs whenever she resisted. Expounding on a similar argument, this Court, in *People v. Rabanes*,³¹ held:

While the victim testified that she was slapped many times by the accused-appellant, which caused her to become unconscious, the doctor found no trace or injury on her face. **The absence of any injury or hematoma on the face of the victim does not negate her claim that she was slapped.** Dr. Lao also testified that if the force was not strong enough or if the patient's skin is normal, as compared to other patients where even a slight rubbing of their skin would cause a blood mark, no hematoma will result. But, even granting that there were no extra-genital injuries on the victim, **it had been held that the absence of external signs or physical injuries does not negate the commission of the crime of rape.** The

²⁷ *People v. Gecomo*, 324 Phil. 297, 314-315 (1996).

²⁸ G.R. No. 178406, April 6, 2011, 647 SCRA 374, 394.

²⁹ CA *rollo*, pp. 36-37.

³⁰ *People v. Paringit*, G.R. No. 83947, September 13, 1990, 189 SCRA 478, 487.

³¹ G.R. No. 93709, May 8, 1992, 208 SCRA 768, 776-777.

same rule applies even though no medical certificate is presented in evidence. **Proof of injuries is not necessary because this is not an essential element of the crime.** (Citations omitted, emphases added.)

It has been ruled, in a long line of cases,³² that “absence of external signs of physical injuries does not negate rape.”³³ The doctrine is thus well-entrenched in our jurisprudence, and the Court of Appeals correctly applied it.³⁴

This Court has been regular in its declaration that “[i]nconsistencies in a rape victim’s testimony do not impair her credibility, especially if the inconsistencies refer to trivial matters that do not alter the essential fact of the commission of rape.”³⁵ Thus, Zafra’s attempt to discredit AAA’s testimony that he raped her on December 14, 2001 must ultimately fail for his failure to show solid grounds on which to impeach it. Besides, the task of evaluating the credibility of the witnesses and their testimonies is best left to the RTC, which had the opportunity to scrutinize the witnesses directly during the trial, *viz*:

It is well settled that the evaluation of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct, and attitude under grilling examination. These are important in determining the truthfulness of witnesses and in unearthing the truth, especially in the face of conflicting testimonies. For, indeed, the emphasis, gesture, and inflection of the voice are potent aids in ascertaining the witness’ credibility, and the trial court has the opportunity and can take advantage of these aids. These cannot be incorporated in the record so that all that the appellate court can see are the cold words of the witness contained in transcript of testimonies with the risk that some of what the witness actually said may have been lost in the process of transcribing. As correctly stated by an American court, “There is an inherent impossibility of determining with any degree of accuracy what credit is justly due to a witness from merely reading the words spoken by him, even if there were no doubt as to the identity of the words. However artful a corrupt witness may be, there is generally, under the pressure of a skillful cross-examination, something in his manner or bearing on the stand that betrays him, and thereby destroys the force of his testimony. Many of the real tests of truth by which the artful witness is exposed in the very nature of things cannot be transcribed upon the record, and hence they can never be considered by the appellate court.”³⁶ (Citations omitted.)

³² *People v. Casipit*, G.R. No. 88229, May 31, 1994, 232 SCRA 638, 642; *People v. Barcelona*, G.R. No. 82589, October 31, 1990, 191 SCRA 100, 105; *People v. Alfonso*, 237 Phil. 467, 479 (1987); *People v. Juntilla*, 373 Phil. 351, 365 (1999); *People v. Davatos*, G.R. No. 93322, February 4, 1994, 229 SCRA 647, 652; *People v. Managaytay*, 364 Phil. 800, 807 (1999).

³³ *People v. Arnan*, G.R. No. 72608, June 30, 1993, 224 SCRA 37, 43.

³⁴ *Rollo*, p. 15.

³⁵ *People v. Boromeo*, G.R. No. 150501, June 3, 2004, 430 SCRA 533, 547.

³⁶ *People v. Sapigao, Jr.*, G.R. No. 178485, September 4, 2009, 598 SCRA 416, 425-426.

Defenses of Improper Motive And Denial

Zafra's denial is coupled with the attribution of ill motive against AAA. He claims that AAA filed this case because he scolded her and because of his quarrel with his wife and in-laws.

AAA's credibility cannot be diminished or tainted by such imputation of ill motives. It is highly unthinkable for the victim to falsely accuse her father solely by reason of ill motives or grudge.³⁷ In the case, for instance, of *People v. Melivo*,³⁸ wherein the accused claimed that the complainant, his 16-year old daughter, together with her mother, concocted the charge of rape in retaliation against his maintaining a mistress, and because his daughter bore a grudge against him,³⁹ this Court therein held:

These allegations, we stated earlier, are not enough to overcome the fact that the consequences of filing a case of rape are so serious that an ordinary woman would have second thoughts about filing charges against her assailant. It takes much more for a sixteen year old lass to fabricate a story of rape, have her private parts examined, subject herself to the indignity of a public trial and endure a lifetime of ridicule. Even when consumed with revenge, it takes a certain amount of psychological depravity for a young woman to concoct a story which would put her own father for the most of his remaining life to jail and drag herself and the rest of her family to a lifetime of shame. (Citation omitted.)

Moreover, Zafra's claim that his wife wanted him in jail is contrary to AAA's testimony that her own mother, Zafra's wife, tried to dissuade her from filing this case against him.

Zafra's defense of denial must necessarily fail. It is a well-settled doctrine that such defense will only prosper upon the presentation of clear and convincing evidence substantiating it. Otherwise, it is a self-serving assertion that deserves no weight in law, and which cannot prevail over the positive, candid, and categorical testimony of the complainant.⁴⁰

Defense of Retraction

Courts look upon retractions with considerable disfavor because they are generally unreliable. To explain the rationale for rejecting recantations, this Court, in *People v. Alejo*,⁴¹ quoting Chief Justice Reynato S. Puno, held:

Mere retraction by a witness or by complainant of his or her testimony does not necessarily vitiate the original testimony or statement, if credible. The general rule is that courts look with disfavor upon retractions of testimonies previously given in court. x x x. The reason is

³⁷ *People v. Acala*, 366 Phil. 797, 814 (1999).

³⁸ 323 Phil. 412 (1996).

³⁹ Id. at 427-428.

⁴⁰ *People v. Dion*, G.R. No. 181035, July 4, 2011, 653 SCRA 117, 135.

⁴¹ 458 Phil. 461, 474 (2003).

because affidavits of retraction can easily be secured from poor and ignorant witnesses, usually through intimidation or for monetary consideration. Moreover, there is always the probability that they will later be repudiated and there would never be an end to criminal litigation. It would also be a dangerous rule for courts to reject testimonies solemnly taken before courts of justice simply because the witnesses who had given them later on changed their minds for one reason or another. This would make solemn trials a mockery and place the investigation of the truth at the mercy of unscrupulous witnesses.

Further propounding on retractions, usually contained in affidavits of desistance, we said in *People v. Alcazar*⁴²:

We have said in so many cases that **retractions are generally unreliable** and are looked upon with disfavor by the courts. The unreliable character of this document is shown by the fact that it is quite incredible that after going through the process of having the [appellant] arrested by the police, positively identifying him as the person who raped her, enduring the humiliation of a physical examination of her private parts, and then repeating her accusations in open court by recounting her anguish, [the rape victim] would suddenly turn around and declare that [a]fter a careful deliberation over the case, (she) find(s) that the same does not merit or warrant criminal prosecution.

Thus, we have declared that at most the **retraction is an afterthought which should not be given probative value**. It would be a dangerous rule to reject the testimony taken before the court of justice simply because the witness who gave it later on changed his mind for one reason or another. Such a rule would make a solemn trial a mockery and place the investigation at the mercy of unscrupulous witnesses. Because **affidavits of retraction can easily be secured from poor and ignorant witnesses, usually for monetary consideration, the Court has invariably regarded such affidavits as exceedingly unreliable**. (Citation omitted.)

In the case at bar, AAA's retractions were not even in an Affidavit of Desistance. They were written on mere scraps of paper, and in different handwritings. This Court agrees with both lower courts that if the notes were genuine, they should have been authenticated according to the rules on evidence. If it were true that AAA wanted to withdraw the case against her father, she should have approached the prosecutor and expressed her desire to do so. Moreover, she should have taken the witness stand once more to attest to her alleged letters. It is worthy to note that in her alleged recantations, AAA enumerated, as reasons for her filing this complaint, the same exact defenses Zafra presented before the court.

Proper Penalty

Zafra, in his last assigned error, avers that assuming he was guilty, the penalty imposed upon him was wrong as the prosecution failed to prove the qualifying circumstance of his relationship to AAA. He claims that aside

⁴² G.R. No. 186494, September 15, 2010, 630 SCRA 622, 635-636.

from AAA's testimony that Zafra is her father, the RTC had no other basis in appreciating the qualifying circumstance of relationship.⁴³

First of all, Zafra must be reminded that one of the facts he stipulated on during the pre-trial was his relationship with AAA, *i.e.*, he admitted that AAA is his daughter.⁴⁴ Second, the birth certificate, which was submitted to the court was not only proof of AAA's minority, but was also proof of her filiation. Lastly, this objection was never brought up during the trial of the case. In fact, Zafra constantly referred to AAA as his daughter during his testimony.⁴⁵

As the rape was qualified by the circumstances of AAA's minority and Zafra's paternity, the RTC was correct in imposing the penalty of death under Article 266-B(1) of the Revised Penal Code. However, as the Court of Appeals stated, Republic Act No. 9346,⁴⁶ which took effect on June 24, 2006, prohibits the imposition of the death penalty. Under this Act, the proper penalty to be imposed upon Zafra in lieu of the death penalty is *reclusion perpetua*,⁴⁷ without eligibility for parole.⁴⁸

While the Court affirms the award of civil indemnity and moral damages, each in the amount of ₱75,000.00, the Court increases the award of exemplary damages from ₱25,000.00 to ₱30,000.00,⁴⁹ and further subjects the indemnity and damages awarded to interest at the rate of six percent per annum from the date of finality of this judgment⁵⁰ until fully paid, in line with prevailing jurisprudence.

WHEREFORE, premises considered, the decision of the Court of Appeals in **CA-G.R. CR.-H.C. No. 01921**, is hereby **AFFIRMED with MODIFICATION**. Accused-appellant ROMAN ZAFRA y SERRANO is found **GUILTY** beyond reasonable doubt of the crime of qualified rape, and sentenced to *reclusion perpetua*, in lieu of death, without eligibility for parole. He is ordered to pay the victim AAA Seventy-Five Thousand Pesos (₱75,000.00) as civil indemnity, Seventy-Five Thousand Pesos (₱75,000.00) as moral damages, and Thirty Thousand Pesos (₱30,000.00) as exemplary damages, with interest at the rate of 6% per annum from the date of finality of this judgment. No costs.

⁴³ CA *rollo*, pp. 40-42.

⁴⁴ Records, p. 27.

⁴⁵ TSN, January 18, 2005.

⁴⁶ An Act Prohibiting the Imposition of Death Penalty in the Philippines, June 24, 2006.

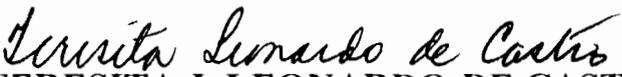
⁴⁷ Republic Act No. 9346, Section 2.

⁴⁸ *Id.*, Section 3.

⁴⁹ *People v. Miranda*, G.R. No. 176634, April 5, 2010, 617 SCRA 298, 316-317.

⁵⁰ *Sison v. People*, G.R. No. 187229, February 22, 2012, 666 SCRA 645, 667.

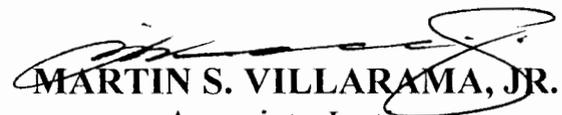
SO ORDERED.


TERESITA J. LEONARDO-DE CASTRO
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson


LUCAS P. BERSAMIN
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice


BIENVENIDO L. REYES
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.


MARIA LOURDES P. A. SERENO
Chief Justice