



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **July 26, 2023** which reads as follows:*

“G.R. No. 266693 (ARLET MAGNO *y* SALOMON alias “KUYA PED”, Petitioner, v. PEOPLE OF THE PHILIPPINES, Respondent). — This Court **GRANTS the Motion for Extension to File Petition for Review on *Certiorari* dated April 30, 2023.¹**

“Each and every charge of rape is a separate and distinct crime so that each of them should be proven beyond reasonable doubt.”² That an accused was acquitted in some of the charges in a multiple rape case will not automatically assure the latter of an acquittal with the rest of the charges for the sole reason that the allegations in the informations were similarly worded.

Before the Court is a Petition for Review on *Certiorari*³ filed by Arlet Magno *y* Salomon alias “Kuya Ped” (Magno) assailing the Decision⁴ of the Court of Appeals in CA-G.R. CR-HC No. 13985 which modified the Judgment of the Regional Trial Court dated November 27, 2019, finding herein petitioner guilty beyond reasonable doubt for two counts of statutory rape. The Regional Trial Court initially found petitioner guilty for six counts of statutory rape.

Magno was charged with six counts of statutory rape docketed as Criminal Case Nos. 5779 to 5784 before Branch 43, Regional Trial Court, [REDACTED], Catanduanes.⁵ The Informations read as follows:

¹ *Rollo*, pp. 3–4.

² *People v. Tubio*, 568 Phil. 144 (2008) [Per J. Tinga, Second Division].

³ *Rollo*, pp. 9–17.

⁴ *Id.* at 26–49. The June 28, 2022 Decision in CA-G.R. CR-HC No. 13985 was penned by Associate Justice Pedro B. Corales, and concurred in by Associate Justices Carlito B. Calpatura and Roberto P. Quiroz of the Sixteenth Division, Court of Appeals, Manila.

⁵ *Id.* at 27.

Criminal Case Nos. 5779 to 5783

That sometime in the afternoon of November 2015 at [REDACTED], [REDACTED], province of Catanduanes, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, exert influence and pressure, with lewd designs, have sexual intercourse of (sic) AAA a 9-year-old child, by making her lie down on the floor then said accused remove[d] her short and panty, removed his lower garments and went on top of her then inserted his penis into her vagina and raped her causing her pain, which said acts debased, degraded and demeaned the intrinsic worth and dignity of said child victim AAA to her damage and prejudice and the general public.

CONTRARY TO LAW. NO BAIL RECOMMENDED.⁶

Criminal Case Nos. 5784

That on or about the 27th day of November 2015 at around 3:00 o'clock in the afternoon, at [REDACTED], [REDACTED], province of Catanduanes, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, exert influence and pressure, with lewd designs, have sexual intercourse of (sic) AAA a 9-year-old child, by making her lie down on the floor then said accused remove[d] her short and panty, he removed his lower garments and went on top of her then inserted his penis into her vagina and raped her causing her pain, which said acts debased, degraded and demeaned the intrinsic worth and dignity of said child victim AAA to her damage and prejudice and the general public.

CONTRARY TO LAW. NO BAIL RECOMMENDED.⁷

During arraignment, Magno pleaded not guilty to all the charges.⁸

Trial proceeded where the prosecution presented four witnesses: (1) AAA, the private complainant; (2) BBB, her mother; (3) CCC, her grandmother; and (4) Dr. Marianne A. Lianko (Dr. Lianko), AAA's medico-legal officer.⁹

By joint agreement, the prosecution and the defense dispensed with the testimony of Police Officer III Ma. Sheila Magallanes (PO3 Magallanes) and stipulated that she was the police officer at the Women and Children's Desk when AAA reported the incident on November 28, 2015. PO3 Magallanes duly executed the Certification of Police Blotter Entry. She also has no personal knowledge surrounding the crimes for which Magno was charged.¹⁰

⁶ *Id.*

⁷ *Id.* at 27-28.

⁸ *Id.* at 28.

⁹ *Id.*

¹⁰ *Id.*

The prosecution and defense also dispensed with the testimony of Jean Triumfante, the officer from the Municipal Social Welfare and Development Office, and jointly admitted the existence and due execution of the Case Study Report she administered.¹¹

Subsequently, the defense proposed to enter into a plea-bargaining agreement for a lesser offense which the trial court denied, as the supposed penalty was only for imprisonment of six years. The trial court also denied Magno's Demurrer to Evidence with Leave of Court.¹²

The defense later informed the trial court that Magno's mother and CCC "executed an agreement before the [REDACTED], [REDACTED], Catanduanes that [Magno] will pay P70,000.00 and leave the province provided that the imposable penalty would be three (3) years of imprisonment only."¹³

Both the prosecution and the trial court found the agreement unsatisfactory and instead, proposed that Magno be sentenced to one count of statutory rape and to pay civil liability in the amount of PHP 70,000.00. However, Magno made a new counter-proposal, which the trial court still found unreasonable.¹⁴

Magno also manifested before the trial court that CCC executed an Affidavit of Desistance. When asked to be recalled to the witness stand, both BBB and CCC failed to appear in court to testify on the alleged recantation in the said affidavit.¹⁵

The prosecution's version of events is as follows:

One afternoon on November 2015, AAA, who was only nine years old at that time, went to the house of Magno, her neighbor, to watch a television show. While watching, Magno sat beside her, told her to lie down, and removed her shorts and undergarments.¹⁶ Magno then "went on top of her . . . inserted his penis into her vagina and made an up and down movement."¹⁷

¹¹ *Id.*

¹² *Id.* at 28-29.

¹³ *Id.* at 29.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

AAA felt discomfort and pain. Afterwards, Magno stopped, stood up, and dressed himself. He told AAA to keep quiet about what happened between them.¹⁸

AAA claims that Magno raped her on six different dates during the month of November 2015. She said that during the incident, she was too scared that she could not escape and get out of Magno's house.¹⁹

On November 27, 2015, at around 3:00 p.m., AAA returned to Magno's house to watch television. There, she was again made to lie on the floor, and was undressed and raped by Magno. After satisfying his lust, Magno dressed himself and sat on a chair while AAA was left lying naked on the floor.²⁰

Meanwhile, BBB came looking for AAA. She went to Magno's house only to see, through the door, that her daughter was lying on the floor without any undergarments while Magno was casually sitting on a chair. BBB, who was deaf, angrily signaled for AAA's attention. When she saw her mother, AAA quickly dressed herself and went home.²¹

On the same day, CCC went home and found her daughter, BBB, crying. The latter, using sign language, told CCC that Magno raped AAA. AAA told her grandmother what happened. CCC then went to Magno's house and confronted him, but the latter denied the rape accusations.²²

At home, CCC "checked AAA's private part and noticed that it was swollen (*namumulaklak*)."²³

The next day, November 28, 2015, AAA, together with BBB and CCC, went to the police station to report the crime. AAA was then brought to the hospital for a medical examination where Dr. Lianko "found no bruises or swelling on AAA's vagina, but the latter's hymen was no longer intact and had stellate shape healed lacerations."²⁴ Dr. Lianko prepared the Medico-Legal Certificate.

Magno, the accused, was the sole witness for the defense. According to him, AAA, BBB, and CCC are his neighbors. On November 27, 2015, he was doing his chores at home. After finishing, he proceeded to the living

¹⁸ *Id.* at 29–30.

¹⁹ *Id.* at 30.

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

room area to get some rest. AAA arrived at his house to watch television. He then took a nap.²⁵

Afterwards, he woke up to AAA and BBB fighting over the remote control. He got irritated and asked both of them to leave.²⁶

On November 27, 2019, the Regional Trial Court rendered a Judgment convicting Magno of six counts of statutory rape.²⁷ The Court of Appeals summarized the trial court's ruling, thus:

It gave more credence to AAA's testimony that [Magno] had sexual intercourse with her even though she cannot recall the exact dates when the other five (5) incidents of sexual abuse occurred. It stressed that neither the date nor time of the commission of rape is a material element of the crime. The absence of any bruises or swelling on AAA's genitalia is likewise immaterial considering that she did not resist or make any movement during the sexual intercourse. The redness in AAA's vagina or the "*parang namumulaklak*" observed by CCC on November 27, 2015 may have already disappeared when she was examined the following day. Moreover, Dr. [Lianko] testified it is possible that the previous sexual abuses committed by [Magno] enlarged AAA's vaginal opening or made it more elastic and less prone to bruising. The court *a quo* further held that [Magno's] offer to settle the case is an implied evidence of his guilt. On the other hand, the Affidavit of Desistance cannot be given credence as it refers only to the civil aspect of the case and not to the crimes committed by [Magno] against AAA.²⁸

The dispositive portion of the Regional Trial Court Judgment reads:

WHEREFORE, having proven the guilt of the accused beyond reasonable doubt, this Court, hereby, sentences ARLET MAGNO y SALOMON to suffer the penalty of *reclusion perpetua* for six (6) counts without eligibility to (*sic*) parole, and to pay AAA, for each count as follows:

1. SEVENTY-FIVE THOUSAND PESOS (Php75,000.00), as civil indemnity;
2. SEVENTY-FIVE THOUSAND PESOS (Php75,000.00), as moral damages; and
3. SEVENTY-FIVE THOUSAND PESOS (Php75,000.00), as exemplary damages.

which shall all earn an interest at the rate of six percent (6%) *per annum*.

SO ORDERED.²⁹ (Emphasis in the original)

²⁵ *Id.* at 31.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.* at 31-32.

²⁹ *Id.* at 32.

Dissatisfied by the Judgment, Magno appealed his conviction before the Court of Appeals.³⁰ He insists that the trial court erred: (1) when it convicted him under Informations which did not allege the exact date and time, violating his right to due process; (2) when it found that he raped AAA on November 27, 2015 in Criminal Case No. 5784 despite the allegations being exactly the same as the other five informations; (3) when it found him guilty of the crimes despite the inconsistencies between the testimony of AAA and BBB; and (4) when it found that the offer of amicable settlement were indications of his guilt.³¹

In its June 28, 2022 Decision,³² the Court of Appeals partly granted Magno's appeal and modified the Judgment of the Regional Trial Court, convicting him only for two counts of statutory rape.

On the issue of defects in the Informations, the Court of Appeals ruled that Magno was estopped from questioning the lack of date and time, and from claiming that his right to be informed of the accusations against him was violated given that he failed to avail of the proper remedies before entering his plea.³³

Further, Magno actively participated in the trial of the case by cross-examining the witnesses of the prosecution and by presenting his own evidence, among others. Thus, his constitutional right to be informed was not violated.³⁴

Moreover, the Court of Appeals pointed out that it is settled that neither the date nor the time is an essential element for the successful prosecution of rape crimes.³⁵

As to the alleged inconsistencies of AAA's testimonies, the Court of Appeals emphasized the time-honored doctrinal pronouncement that youth and immaturity are generally badges of truth and sincerity where courts are inclined to give credit to their account of what actually transpired, moreso in the absence of any ill motive.³⁶ It ruled that AAA's credible testimony prevails over Magno's bare denial, saying:

AAA unhesitatingly identified [Magno] as the person who abused her on different instances. Her woeful tale of her harrowing experience is impressively definite and convincing; there was no indication whatsoever of a concocted recital. She remained firm and steadfast in her testimony even when subjected to rigid cross-examination. Her testimony indeed

³⁰ *Id.*

³¹ *Id.* at 32–33.

³² *Id.* at 26–49.

³³ *Id.* at 36.

³⁴ *Id.* at 35.

³⁵ *Id.* at 36.

³⁶ *Id.* at 37.

bears the earmarks of truth and sincerity which contains details only a real victim could remember and reveal. These facts impress upon [u]s that her complaints against [Magno] were not at all fabricated.³⁷

With regard to the modification of Magno's conviction, the Court of Appeals explained that he can only be liable for two counts of statutory rape since "AAA failed to give a detailed or specific testimony on how the four (4) other incidents of rape that happened in the afternoon of November 2015 were committed."³⁸ Her testimony only narrated the first and the last instance when Magno violated her person. Thus, the Court of Appeals found that the prosecution failed to present proof necessary for the conviction in the other charges.³⁹

The dispositive portion of the Court of Appeals Decision reads:

WHEREFORE, the instant appeal is **PARTLY GRANTED**. The November 27, 2019 Judgment of the Regional Trial Court, Branch 43, [REDACTED], Catanduanes in Criminal Cases Nos. 5779 to 5784 is **MODIFIED** as follows:

1. In Criminal Case Nos. 5779 and 5784, accused-appellant Arlet Magno y Salomon alias "Kuya Ped" is found **GUILTY** beyond reasonable doubt of Statutory Rape and sentenced to suffer the penalty of *reclusion perpetua* for each count. He is **ORDERED** to pay AAA P75,000.00 civil indemnity, P75,000.00 moral damages, and P75,000.00 exemplary damages for each count of statutory rape, which shall earn 6% interest *per annum* from the date of finality of this Decision until fully paid.

2. In Criminal Case Nos. 5780 to 5783, accused-appellant Arlet Magno y Salomon alias "Kuya Ped" is **ACQUITTED** for failure of the prosecution to prove his guilt beyond reasonable doubt.

SO ORDERED.⁴⁰ (Emphasis in the original)

Aggrieved, Magno filed his Motion for Partial Reconsideration which was denied by the Court of Appeals in a Resolution⁴¹ dated March 23, 2023. Hence, the Petition for Review.

Petitioner argues that the Court of Appeals erred in finding him guilty in Criminal Case No. 5779 despite his acquittal in Criminal Case Nos. 5780 to 5783 when the allegations in each of the informations are identical.⁴²

³⁷ *Id.* at 36-37.

³⁸ *Id.* at 45.

³⁹ *Id.*

⁴⁰ *Id.* at 48.

⁴¹ *Id.* at 62-64.

⁴² *Id.* at 12.

The issue for this Court's resolution is whether the prosecution was able to prove beyond reasonable doubt that petitioner Arlet Magno y Salomon alias "Kuya Ped" is guilty of two counts of statutory rape.

The Petition is unmeritorious. We resolve to affirm petitioner's conviction.

This Court points out that the mode of appeal taken by petitioner is erroneous. Instead of filing a notice of appeal before the Court of Appeals pursuant to Section 3(c), Rule 122 of the Rules of Court, petitioner filed a petition for review on *certiorari* under Rule 45 of the same Rules.

In the recent case of *People v. Olpindo*,⁴³ this Court emphasized that when "the penalty of *reclusion perpetua* or life imprisonment is imposed and the accused files a petition for review on *certiorari* under Rule 45 of the Rules of Court, only questions of law may be raised."⁴⁴ Nonetheless, in the interest of substantial justice, this Court will treat this petition as an ordinary appeal to resolve the issue raised herein.⁴⁵

Paragraph 1 of Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353, provides when and how the crime of statutory rape is committed:

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.⁴⁶ (Emphasis supplied)

⁴³ G.R. No. 252861, February 15, 2022 [Per C.J. Gesmundo, *En Banc*].

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ On March 4, 2022, Republic Act No. 11648 was approved further amending Republic Act No. 8353 increasing the age of statutory rape from 12 to 16 years old:

Article 266-A. Rape; When and How Committed. — Rape is committed:

(1) By a person who shall have carnal knowledge of another person under any of the following circumstances:

...

d) When the offended party is under sixteen (16) years of age or is demented, even though none of the circumstances mentioned above be present: Provided, That there shall be no criminal liability on the

In *People v. Gutierrez*,⁴⁷ the Court discussed the elements of statutory rape:

Statutory rape is committed when (1) the offended party is under 12 years of age and (2) the accused has carnal knowledge of her, regardless of whether there was force, threat or intimidation; whether the victim was deprived of reason or consciousness; or whether it was done through fraud or grave abuse of authority. It is enough that the age of the victim is proven and that there was sexual intercourse.⁴⁸

Here, the prosecution has proven beyond reasonable doubt that petitioner is guilty of two counts of statutory rape committed against AAA.

First, the defense presented AAA's Certificate of Live Birth to prove that she was under 12 years of age at the time of the incident. AAA "was born on December 25, 2005 and was only nine (9) years old at the time [petitioner Magno] raped her sometime in the month of November 2015."⁴⁹

Second, as found by the Court of Appeals and the trial court, petitioner had carnal knowledge with AAA sometime in the afternoon of November 2015, finding him guilty in Criminal Case No. 5779. The foregoing element was duly established in her testimony:

Q: So, in November 2015, what do you remember that happen between you and Kuya Ped? May I rephrase my question. In November 2015, were there instance that you went to the house of Kuya Ped which you said is near your house?

A: Yes, sir.

Q: What time was it when you went there?

A: It was in the afternoon.

Q: For what purpose, why did you go there?

A: To watch television.

....

Q: After you lay down on the cemented floor, what did Kuya Ped do?

A: He undressed me.

Q: When you said you were undress[ed] by Kuya Ped, what do you mean by that, AAA?

part of a person having carnal knowledge of another person under sixteen (16) years of age when the age difference between the parties is not more than three (3) years, and the sexual act in question is proven to be consensual, non-abusive, and non-exploitative: Provided, further, That if the victim is under thirteen (13) years of age, this exception shall not apply.

⁴⁷ 731 Phil. 352 (2014) [Per J. Leonen, Third Division].

⁴⁸ *Id.* at 357.

⁴⁹ *Rollo*, p. 39.

- A: My shorts and my panty were removed.
- Q: You mean to say, your short pants and panty were removed totally from your body by Kuya Ped?
- A: Yes, sir.
-
- Q: When Kuya Ped was already on top of you while you were no longer wearing you[r] panty and shorts, what did Kuya Ped do? *Did he place his penis to your vagina?*
- A: *Yes, sir.*
- Q: You were lying on the floor when Kuya Ped placed his penis to your vagina, correct?
- A: Yes, sir.
- Q: And that was after Kuya Ped placed himself on top of you, is that correct?
- A: Yes, sir.
-
- Q: After Kuya Ped placed his penis to your vagina while you were both lying on the floor, did he move up and down?
- A: Yes, sir.
- Q: For how long did Kuya Ped move up and down?
- A: It did not take long.
- Q: So, what did you feel when Kuya Ped insert[ed] his penis to your vagina during that time?
- A: It was painful, sir.
- Q: What did you say to your Kuya Ped during that time you felt pain?
- A: I did not say anything.
- Q: Now, after that, what did Kuya Ped do after he inserted his penis to your vagina and moved up and down?
- A: He put back his shorts and brief.⁵⁰ (Emphasis supplied)

As to Criminal Case No. 5784, we note that petitioner does not challenge his conviction on this particular charge before this Court. Despite this, we agree with the Court of Appeals when it found that the prosecution duly proved petitioner's guilt for the second count as well.⁵¹

The detailed narration of the rape incident, which occurred on November 27, 2015, was demonstrated in AAA's *Sinumpaang Salaysay*, and was corroborated by BBB's testimony.⁵² The summary of AAA's

⁵⁰ *Id.* at 39-42.

⁵¹ *Id.* at 43.

⁵² *Id.* at 30.

Sinumpaang Salaysay, as quoted by the Court of Appeals in its Decision, provides:

- T: Maa[a]ri mo bang isalaysay kung ano ang natatandaan mo na pangyayari saiyo noong Nobyembre 27, 2015 mga bandang alas 3:00 ng hapon?
- S: Habang ako ay nasa bahay nila “Kuya Ped” nanood ng TV at nakauupo sa kanilang sala, ako ay nilapitan ni “Kuya Ped” at pinahiga po ako sa sahig, at hinubaran nya po ako ng short at panty.
- T: *Ano ang ginawa ni Arlet Magno (“Kuya Ped”) matapos ka niyang hubaran?*
- S: *Pagkatapos na hubaran niya po ako ng short at panty ay naghubad naman po siya (“Kuya Ped”) ng short at brief po niya. Pagkatapos po ay pumatong po siya sa akin at pinasok niya ang ari niya sa ari ko.*
- T: Ano ang naramdaman mo ng ipasok ni Arlet Magno ang kanyang ari sa ari mo?
- S: Nasaktan po ako.
- T: Nanlaban ka ba habang may ginagawa saiyo si Arlet Magno?
- S: Hindi po dahil natatakot ako kay Kuya Ped dahil sinabihan ako na huwag maingay.
- T: Ano ang sumunod na nangyari?
- S: Pakatapos po ng ginawa sa akin ni Kuya Ped ay tumayo na siya at namamadaling isinuot ang short at brief nya at naupo na siya sa upuan sa sala, samantalang ako ay nakahiga pa sa sahig.⁵³ (Emphasis supplied)

Petitioner, in an attempt to elude his conviction in Criminal Case No. 5779, argues that since he was already acquitted in Criminal Case Nos. 5780 to 5783 by the Court of Appeals for failure of the prosecution to prove his guilt beyond reasonable doubt, his acquittal for the former case should follow.⁵⁴ He anchors his claim on the sole basis that the Informations in Criminal Case Nos. 5779 to 5783 are “general, exact and uniform” duplicates of each other.⁵⁵

We find petitioner’s argument untenable.

It is settled that “each and every charge of rape is a separate and distinct crime so that each of them should be proven beyond reasonable doubt.”⁵⁶ Thus, it is incumbent upon the prosecution to prove *each* count with the required quantum of evidence to sustain a conviction.

⁵³ *Id.* at 43.

⁵⁴ *Id.* at 14.

⁵⁵ *Id.*

⁵⁶ *People v. Tabio*, 568 Phil. 144 (2008) [Per J. Tinga, Second Division].

In the case of *People v. Villafuerte*,⁵⁷ the accused therein was charged with 42 separate informations for statutory rape, all of which contained uniform allegations except for the dates. The Court, in affirming his conviction for only two counts and acquitting him of the rest, gave credence to the victim's narration as to the details surrounding the two separate instances when she was raped which happened just three days apart.⁵⁸

In *People v. YYY*,⁵⁹ the accused was charged with a total of five informations for statutory rape committed against two minors. Yet, apart from the dates, the names, and the age of the victims, the allegations in the informations were similarly worded.⁶⁰ The Court proceeded to affirm his conviction for four counts and acquitted him in the other, finding that the private complainants meticulously testified as to when and how the accused raped them.⁶¹

In the above-mentioned cases, it is worthy to note that both accused were acquitted in some of the charges for failure of the prosecution to prove their guilt beyond reasonable doubt. However, notwithstanding their acquittal, the Court still affirmed the convictions of the accused for as many counts as were duly proven by the prosecution despite the uniform allegations contained in the informations.

In other words, that an accused was acquitted in some of the charges in a multiple rape case will not automatically assure the latter of an acquittal with the rest of the charges just because the allegations in the informations were similarly worded. This alone will not hinder the courts to convict an accused for as many counts there are, so long as each and every charge of rape is duly proven.

Similarly, in the present case, petitioner's acquittal in Criminal Case Nos. 5780 to 5783 will not result in his automatic acquittal in Criminal Case No. 5779 for the sole reason that the informations were "exact and uniform duplication[s]"⁶² of one another. His guilt for two counts of statutory rape was duly proven by the prosecution beyond reasonable doubt.

Accordingly, this Court affirms the conviction of petitioner Magno for two counts of statutory rape under Article 266-A, paragraph 1 of the Revised Penal Code, as amended, and the imposition of the penalty of *reclusion perpetua* for each count. As to his civil liabilities, this Court likewise affirms the award of damages: PHP 75,000.00 as civil indemnity; PHP

⁵⁷ G.R. No. 229836, July 17, 2019 [Per J. Lazaro-Javier, Second Division].

⁵⁸ *Id.*

⁵⁹ G.R. No. 252865, August 4, 2021 [Per J. Inting, Second Division].

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Rollo*, p. 14.

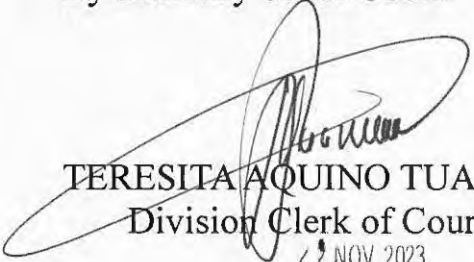
75,000.00 as moral damages; and PHP 75,000.00 as exemplary damages, for each count, in accordance with *People v. Jugueta*.⁶³

FOR THESE REASONS, the guilt of petitioner **ARLET MAGNO y SALOMON alias “KUYA PED”** having been proved beyond reasonable doubt, his conviction for two counts of statutory rape in CA-G.R. CR-HC No. 13985 is **AFFIRMED**.

Petitioner is hereby sentenced to suffer the penalty of *reclusion perpetua* for each count. Likewise, he is ordered to pay AAA the amounts of PHP 75,000.00 as civil indemnity, PHP 75,000.00 as moral damages, and PHP 75,000.00 as exemplary damages for each count, all of which shall earn interest at the rate of 6% per annum from the date of finality of this Resolution.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
 Division Clerk of Court ^{mm} 11/22
 22 NOV 2023

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HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 43
 Virac, Catanduanes
 (Crim. Case Nos. 5779 to 5784)

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⁶³ 783 Phil. 806 (2016) [Per J. Peralta, *En Banc*].