

FIRST DIVISION

[G.R. No. 189303, October 13, 2009]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. FELIX CASAS PEREZ, APPELLANT.

R E S O L U T I O N

CORONA, J.:

In a decision dated October 25, 1999,^[1] the Regional Trial Court (RTC) of Danao City, Branch 25 found accused-appellant Felix Casas Perez guilty of two counts of qualified rape for sexually abusing his 15-year-old daughter, AAA.^[2] He was sentenced to death for each count of qualified rape and to pay P100,000 as damages.

On intermediate appellate review,^[3] the Court of Appeals (CA) modified the decision of the RTC.^[4] Because the Information did not state the age of AAA at the time of the commission of the offense, the CA downgraded accused-appellant's offenses to simple rape and consequently lowered the penalty to *reclusion perpetua* for each count thereof. It likewise ordered accused-appellant to pay P50,000 moral damages and P25,000 exemplary damages.

The RTC and the CA found that accused-appellant forced his daughter AAA to have sexual intercourse with him on December 20 and 25, 1995. In both instances, he was armed with a knife and a *pinuti* (or a long bolo) and threatened to kill her if she told anyone about the incident.

We find no reason to disturb the findings of the RTC as affirmed by the CA. The records are replete with evidence establishing accused-appellant's guilt beyond reasonable doubt. However, to conform with existing jurisprudence, P50,000 civil indemnity *ex delicto*,^[5] P50,000 moral damages^[6] and P30,000 exemplary damages for each count of rape must be awarded to the offended party.^[7]

WHEREFORE, the appeal is hereby **DISMISSED**. The March 26, 2009 decision of the Court of Appeals in CA-G.R. CR-HC No. 00653 finding accused-appellant Felix Casas Perez guilty of two counts of simple rape is **AFFIRMED** with **MODIFICATION**. Accused-appellant is sentenced to *reclusion perpetua* and to pay AAA P50,000 civil indemnity *ex delicto*, P50,000 moral damages and P30,000 exemplary damages for each count of rape.

Costs against accused-appellant.

SO ORDERED.

Velasco, Jr. **, *Nachura* ***, *Leonard-De Castro*, and *Bersamin, JJ.*, concur.