THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROLLY PARANZO, @ LORENZO PARANI, ACCUSED-APPELLANT.

G.R. No. 107800. October 26, 1999

Ponente: GONZAGA-REYES, J.

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GONZAGA-REYES, J.:

This is an appeal from the decision dated September 3, 1992 of the Regional Trial Court, Fourth Judicial Region, Branch 76, San Mateo, Rizal in Criminal Case No. 1667 finding accused Rolly Paranzo alias Lorenzo Parani guilty of the crime of rape committed against complainant Anna Liza Jacobe and sentencing him to suffer the penalty of reclusion perpetua, to indemnify her in the amount of P30,000.00 and to pay the costs.

In a criminal complaint filed by Anna Liza Jacobe, with the assistance of her mother Gloria Jacobe, Rolly Paranzo alias Lorenzo Parani was accused of the crime of rape committed as follows:

> "That in or about 1:00 a.m., on November 13, 1991, in the Municipality of Rodriguez, Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of threats, force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge of the undersigned complainant Anna Liza Jacobe against her will and consent.
>
> Contrary to law."[1]

Upon arraignment, the accused pleaded not guilty. At the ensuing trial, the prosecution presented three witnesses, namely: Anna Liza Jacobe, her grandmother Rafaela Jacobe and Dr. Jesusa Nieves of the PNP Crime Laboratory Service, Camp Crame, Quezon City, who conducted the medical examination of complainant after the alleged incident of rape. The defense, on the other hand, presented Anna Liza Jacobe as hostile witness and the accused himself.

The trial court summarized the testimonies of the witnesses, as follows:

> "Complainant's version of the subject incident is as follows: On November 13, 1991, at around 1:00 a.m., accused Paranzo raped her inside the house of one Teresa Rivera located at Yagit, San Rafael, Montalban. While she was sleeping, accused lied on top of her. She was awakened and she noticed blood on her shorts, the blood coming from her private part. She felt pain in her genital. She tried to stop him but he continued doing what he was doing. She did not shout because accused was intimidating her, pointing a knife at her neck.
>
> Annaliza further alleged that that was not the first time that accused sexually abused her. Accused first raped her in 1990 near the calamansi plantation in San Jose, Montalban. She reported it to her mother but the latter did not do anything. The second time accused raped her was in the house of accused's brother located at the other side of the river. She did not do anything because accused was intimidating her. She was then living with her father at Ibayo, Maly but accused brought her to his brother's house and there raped her. The third time accused raped her (November 13, 1991), accused and her (complainant's) mother, who had been living together, were already separated.
>
> Complainant's grandmother, Rafaela Jacobe, testified that complainant is the daughter of her (Rafaela's) son;

that in November 1991, complainant was not living with her. Complainant started living with her only after the incident when she (complainant) was raped in the calamansian in San Jose, Montalban; that at the time complainant was raped, she was still eleven (11) years old; that she has no personal knowledge of the incident; that after the rape incident, complainant's mother gave complainant to her (Rafaela) because allegedly complainant is hardheaded; that she does not have a grudge against her daughter-in-law, complainant's mother, because she is a good woman and it is her son who was negligent; that complainant's mother and accused are not living together anymore because complainant's mother has another husband again, a different one.

Dr. Jesusa Nieves of the PNP Crime Laboratory Service, Camp Crame, Quezon City, conducted the medical examination of complainant after the alleged incident of rape. She testified that at the time of the examination which she conducted on November 15, 1991, at around 11:30 a.m., subject (complainant) was in a non-virgin state physically but there was no external sign of recent application of any form of violence; that there was no sign of infection, neither spermatozoa in the vagina and the area surrounding the passage of urine; that based on the healed laceration she saw during the examination, it is possible that the victim had sexual intercourse seven (7) days or more; It could be months or years based on the healed laceration, but based on the findings, which is abrasion on the labia menora, it is possible that there was recent trauma at the genitalia of the victim, meaning that the abrasion could have been caused by a rub or friction of a hard blunt object at the area of the genitalia, more or less within five (5) days prior to the examination on November 15, 1991; that the loss of victim's virginity was caused by sexual intercourse.

Subsequently in a surprise turn of events, complainant Annaliza testified for the Defense and stated that what she wants is "palabasin na po namin siya dahil wala naman pong nangyari sa amin" (TSN, p. 3, August 26, 1992 hearing). In connection with the said statement, complainant executed an affidavit of desistance. (Exh. 1). Complainant further testified that she lied when she testified before in Court and she lied when she executed her affidavit complaint in connection with this case; that when she testified, she agreed to tell the truth but when she testified before the Court, she was not telling the truth; that she is not aware that by giving false testimony, she can be held liable; that she executed the affidavit of desistance because of the promise of monetary settlement but she had not yet been paid; that were it not for the monetary settlement, she would not execute the affidavit of desistance.

Upon the other hand, accused Rolly Paranzo pleaded "NOT GUILTY" to the charge when arraigned with the assistance of Atty. Regino Garillo, counsel de oficio, on January 23, 1992. He denied the charge against him and claimed that on the date and time of the alleged rape, he was working in a slaughterhouse in San Jose, Montalban. He reports for work at 4:00 p.m. and leaves work at 7:00 a.m. the following day. He works at nighttime.

Accused gave a reason for the filing of this case against him. Thus: the child's mother was borrowing P200.00 from him and since he did not lend her that amount, she threatened him by saying: "If you will not lend me that amount, you will regret afterwards". Subsequently, he was arrested by the police but he was not told the reason why he was arrested.

Accused further alleged that he was arrested on November 12, 1991, brought to Fiscal Nañola on November 13, 1991 and then to the Fiscal's Office in Pasig on November 14, 1991; that he signed the waiver of detention not knowing that it was a waiver since he was told by the police that it was regarding the food; that the slaughterhouse where he works is far from his place of residence. From Sitio Yagit going to San Jose, he would have to take a jeep since it cannot be reached by walking."[2]

The trial court found that the accused-appellant raped Anna Liza as charged, and held that although there was no sign of violence on her body, rape was committed because she was under twelve years of age.

The dispositive portion of the decision states:

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> "WHEREFORE, premises considered, the Court finds accused Rolly Paranzo alias Lorenzo Parani guilty beyond reasonable doubt of the crime of Rape as defined and penalized under Art. 335 of the Revised Penal Code and hereby sentences him to suffer the penalty of reclusion perpetua, to indemnify complainant Anna Liza Jacobe in the amount P30,000.00, and to pay the costs."[3]

The accused-appellant appeals to this Court on the following assignment of errors:

> "THE LOWER COURT ERRED IN CONVICTING THE ACCUSED NOTWITHSTANDING THE FACT THAT THE TESTIMONY OF THE COMPLAINANT WAS NOT CORROBORATED AND TAINTED WITH DOUBT.
>
> THE LOWER COURT ERRED IN NOT GIVING FULL CREDIT AND CONSIDERATION ON (SIC) THE AFFIDAVIT OF DESISTANCE AND TESTIMONY OF THE COMPLAINANT WHO OPENLY TESTIFIED THAT SHE LIED BEFORE THE LOWER COURT.
>
> THAT THE LOWER COURT ERRED IN MAINTAINING THAT COMPLAINANT WAS A MINOR ALTHOUGH NO PROOF OF BIRTH HAS BEEN PRESENTED."[4]

The appellant avers that a conviction for the crime of rape must be based on clear and convincing proof of guilt and not merely on the uncorroborated testimony of complainant Anna Liza Jacobe which is not clear and free from any contradiction. He points out that complainant's allegation that the rape on November 13, 1991 was committed in the house of a certain Teresa Rivera is not supported by any showing that she indeed slept at the said house on the night of November 12, 1991 and stayed there up to November 13, 1991, and that the complainant, sometime in the course of her testimony, retracted and testified that what she earlier told the lower court was a pure lie, thereby casting doubt on her credibility.

Appellant also contends that except for the testimony of Rafaela Jacobe, complainant's grandmother, no proof was ever presented to show the exact date of birth and age of the complainant. Furthermore, accused-appellant adverts to certain inconsistencies between the testimony of the complainant and that of Dr. Jesusa Nieves, i.e. Dr. Nieves testified that based on the healed laceration she saw during the examination, it is possible that the victim had sexual intercourse, months or years or not later than seven (7) days or more before; that the abrasion found on victim's labia menora is a recent trauma which could have been caused by a rub or friction of a hard blunt object at the area of the genitalia, more or less five (5) days prior to November 15, 1991 (TSN, pp. 5-6, July 16, 1992), whereas complainant testified that on November 13, 1991 at about 1:00 A.M., the accused-appellant raped her and as a matter of fact blood came out of her private part (TSN, p. 4, March 4, 1992; TSN, pp. 15-16, March 25, 1992). Thus, it was not possible that complainant was raped on November 13, 1991, which is only three (3) days before she was physically examined.

The Solicitor General filed brief for the appellee praying for the affirmance of the judgment of conviction of the accused-appellant and for the increase in the civil indemnity from P30,000.00 to P50,000.00 pursuant to prevailing jurisprudence. It is contended that the victim's testimony that she was raped by the accused in the early morning of November 13, 1991 at the ground floor of the house of Teresa Rivera, the then live-in partner of the accused-appellant, need not be corroborated by statements of other persons including that of Teresa Rivera who according to complainant all slept in the second floor of the said house that night and did not know that the accused and the complainant were at the ground floor. The appellee also contends that there is no inconsistency between the testimony of Dr. Jesusa Nieves and that of the complainant regarding the sexual assault committed by the accused-appellant.

As regards the alleged failure of the prosecution to establish that the complainant was below twelve years of age at the time of the rape incident, appellee argues that such contention is of no consequence because under Article

335 of the Revised Penal Code, rape is committed by having carnal knowledge of a woman by, among others, using force or intimidation and the instant case, the rape of the complainant was accomplished by using force and/or intimidation. The Solicitor General contends that on the two (2) earlier occasions that complainant Anna Liza was sexually molested, she was intimidated (TSN, pp. 3-4, March 25, 1992) and on the third time that she was ravished, a knife was pointed at her neck (TSN, p. 17, March 25, 1992). Whether or not complainant was below twelve years of age at the time she was raped is beside the point.

The appellee controverts the argument of the appellant that since Dr. Nieves' findings show that there was no external injury on the private part of Anna Liza, sexual intercourse in this case could have been consummated with her consent and that the abrasion found at the labia menora could have been caused by the complainant herself by scratching her genitalia prior to her medical examination. The appellee maintains that as explained by Dr. Nieves, based on the healed laceration, it is possible that Anna Liza had sexual intercourse seven (7) days or more prior to November 15, 1991, but the abrasion at the labia menora could have been caused by sexual intercourse within five (5) days from November 15, 1991, the day she conducted the physical examination of Anna Liza (see TSN, p. 6, July 16, 1992), meaning that the sexual assault could have happened on November 13, 1991.

Finally, as regards the defense of alibi put up by the accused-appellant, as well as his contention that the victim's mother had an axe to grind against him, these claims are unavailing in the light of clear and positive evidence of the prosecution establishing accused-appellant's guilt. Besides, it was not physically impossible for the appellant to have committed the offense of rape imputed to him in or about 1:00 A.M. of November 13, 1991 for the reason that Sitio Yagit, Barangay San Rafael, where the rape incident happened and Barangay San Jose where the slaughter house (workplace of accused-appellant) is located are separated only by Barangay Balite and that these three barangays are located in the Municipality of Montalban, (now Rodriguez), Rizal which could be traversed by jeep.

We find no merit in the appeal.

Article 335 of the Revised Penal Code,[5] states:

> "Art. 335. When and how rape is committed. Rape is committed by having carnal knowledge of a woman under any of the following circumstances:
>
> 1. By using force or intimidation;
>
> 2. When the woman is deprived of reason or otherwise unconscious; and
>
> 3. When the woman is under twelve years of age, even though neither of the circumstances mentioned in the two next preceding paragraphs shall be present."

Circumstances 1, 2 and 3 are alternative circumstances. When the rape is committed by using force or intimidation, the victim does not have to be less than twelve (12) years of age. It is only required that the proper complaint and information for rape must clearly describe the specific circumstance which would make the carnal knowledge of a woman qualify as rape under Article 335.

Otherwise stated, the complaint and information must concretely describe the crime of rape in any of the specified forms prescribed in the said Article 335 so as to duly inform the accused of the nature of the accusation against him.[6]

The complaint in the case at bar alleges that the rape was committed by the accused-appellant against complainant's will and consent "by means of threats, force and intimidation."

A careful review of the evidence for the prosecution convinces us that the accused had carnal knowledge of the offended party through the use of force and intimidation in the early morning of November 13, 1991.

Complainant's testimony is clear and positive on this point:

"Q: Now, in the early morning of November 13, 1991, where were you?

A: In the house where he is residing, mam. (Pointing to the accused)

Q: And where is this house?

A: There in Yagit, mam.

Q: What municipality?

A: Bo. San Rafael, Montalban, mam.

Q: Now, why were you at the house where Rolly Paranzo was staying?

A: Because my mother left me there, mam.

Q: Why?

A: Because he said that we sleep there, mam. (Pointing again to the accused)

Q: When you said we, what do you mean?

A: Myself and my mother, mam.

Q: And did your mother and you sleep in that place?

A: It is only me who slept there, mam. My mother left me.

Q: Why did your mother leave you, do you know?

A: Yes mam.

Q: Why, what is the reason?

A: Because my mother does not want to sleep there, mam.

Q: How about you, why did you sleep there?

A: Because my mother left me there, mam.

Q: Now, while you were thus in the house of the accused, was there anything unusual that happened?

A: Yes mam.

Q: Will you state before the Honorable Court what was that incident?

A: He (laid) on top of me, mam.

Q: What do you mean when you said he lied on top of me?

A: I did not know that because I was sleeping, mam.

Q: And you said that you were sleeping. How were you able to know that he laid on top of you?

A: Because I felt it, mam.

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Q: And when you felt that he laid on top of you, do I get it right from you that you were roused from your sleep?

A: Yes mam.

Q: Now, what did you notice when you were roused from sleep and you said that he laid on top of you?

A: That I have blood, mam.

Q: Where?

A: In my shorts, mam.

Q: And did you notice where the blood came from?

A: Yes mam.

Q: Where?

A: In my private part, mam. (Witness pointing to her private part)

Q: And when you woke up, what did the accused do?

A: He left, mam.

Q: Now, you said that you noticed that blood was on your shorts. At the time that you were roused from your sleep, did you notice where your shorts was?

A: Yes mam.

Q: Where was your shorts then?

A: My shorts was near my feet, mam.

Q: Do I get it right from you that at the time this incident happened, you were then wearing shorts when you slept?

A: Yes mam.

Q: Now, upon finding out that the accused laid on top of you and you were roused, what then did you do?

A: I told my mother about it, mam.[7]

x x x

Q: What time, more or less, was that when you noticed that the accused was already sleeping beside you?

A: About 11:00 o'clock ,sir.

Q: And after you noticed that the accused was sleeping beside you, according to you, you asked him to go away?

A: Yes sir.

Q: But nonetheless, the accused did not leave?

A: No sir.

Q: And as a matter of fact , he slept beside you?

A: Yes sir.

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Court:

Q: Did anything happen when both of you were sleeping beside each other?

A: There was, sir.

Q: What happened?

A: He stayed on top of me, sir.

Q: What did you feel when he stayed on top of you?

A: I felt pain on my genital, sir.

Q: Did you try to stop him?

A: Yes sir.

Q: Did he stop?

A: No sir, he did not stop.

Q: What did he do?

A: None, sir, he just continued what he was doing.

Q: How long did he stay on top of you?

A: For a short time only, sir.

Q: Were you scared?

A: Yes sir.

Q: Did you do anything?

A: Yes sir.

Q: What did you do?

A: I stood up, sir.

Atty. Garillo:

Q: When did you stood up?

A: That night, sir.

Q: Was that before or after the accused raped you?

A: After the accused was on top of me, sir.

Q: When you go to sleep, you were fully dressed. Am I correct?

A: Yes sir.

Q: Were you wearing a dress like a girl?

A: Yes sir.

Q: How did the accused able to succeed in raping you when according to you, you were dressed?

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A: Because he undressed me, sir.

Q: And when the accused undressed you, what did you do?

A: None, sir, just cried.

Q: Did you not shout for help while the accused was undressing you?

Fiscal:

May we know, your Honor, if this is also on November 13?

Atty. Garillo:

Yes, your Honor, the incident of November 13, in the house of Teresa Rivera.

Fiscal:

Well, your Honor please, the question is now misleading considering the tender age of the child now being under cross-examination because the statement of the child was that she was awakened when she felt that the accused was on top of her, kissing her and she noticed that she no longer has her panty and that she tried to shout but the accused pointed a sharp instrument at her neck at the time that the witness felt that the accused was on top of her that she was awakened and she no longer has a panty, your Honor please.

Atty. Garillo:

Well, your Honor, I am just following up the answer of the witness, your Honor, and I am on cross-examination.

Court:

Alright, I would allow the witness to answer.

A: I did ask help, sir.

Atty. Garillo:

Q: How did you ask help when the accused was undressing you?

A: I told him not to continue, sir.

Q: To whom are you addressing that?

A: He, sir.

Q: My question is, did you shout?

A: No, sir.

Q: Why did you not shout?

A: Because he was intimidating me, sir.

Q: How did he intimidate you?

A: He told me that if ever I tell the matter, he will kill me and my mother, sir.

Q: Was that all that he did insofar as threatening you or intimidating you, as you said?

A: Yes sir.

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Q: Was he armed at the time when he threatened you?

A: He has, sir.

Q: What was his weapon?

A: A small knife, sir.

Q: How big is the knife?

A: Small only, sir, just this.

(Approximately about 8 inches)

Q: Accused was holding the knife?

A: Yes sir.

Q: While he was on top of you, accused was also holding the knife?

A: Yes sir.

Q: Where was it pointed to?

A: It was pointed on my neck, sir.

Q: Which part of your neck?

A: Here, sir. (Witness pointing to the right side of her neck).

Q: Which hand of the accused was holding the knife?

A: The right hand, sir.

Q: And after the accused had successfully raped you on that night of November 13, 1991, where did he stay?

A: In the house of his brother, sir.

Q: On that night, where did he continue to sleep?

A: In that same place, sir.

Q: Where? Beside you or upstairs?

A: In the place where we slept, sir.

Q: So, you are telling the Court now that you slept together from almost 11:00 o'clock in the evening when you noticed the accused beside you up to the morning of November 13?

A: Yes sir.

Q: And the accused, after having succeeded in raping you on November 13 in the morning, at 1:00 o'clock in the morning, he slept there beside you?

A: Yes sir.

Q: And you stayed with him on that morning?

A: Yes sir."[8]

Contrary to the claim of the appellant, the trial court based its judgment of conviction not solely on complainant's testimony. The testimony of complainant Anna Liza Jacobe was corroborated by the Medico-Legal Report (No. M-1652-91) on the examination conducted by prosecution witness, Dr. Jesusa Nieves, (Exh. E) to the effect that the complainant, when medically examined by her, was found to be "in non-virgin state physically; there are no external signs of recent application of any form of violence." Dr. Nieves however, also testified that Anna Liza's hymen was already lacerated since she (Dr. Nieves) was able to insert the speculum during the examination; that the laceration of Anna Liza's hymen may be due to sexual intercourse or as a result of its penetration by a hard object, like a penis, among others, (Tsn, pp. 5-6, July 16, 1992). Dr. Nieves explained that based on the healed laceration, it is possible that Anna Liza had sexual intercourse seven (7) days or more prior to November 13, 1991 but the abrasion at her labia menora could have been caused by sexual intercourse within five (5) days from November 15, 1991, when she examined her. Dr. Nieves testified thus:

> "Q. At the time you conducted examination upon the person of this Annaliza Jacobe, will you state before this Court the possible time that she (ha(d) lost her virginity?
>
> A. Basing on the healed laceration which I saw during the examination it is possible that the victim had sexual intercourse seven (7) days or more, sir. It could be months or years based on the healed laceration but based (on) the findings which is abrasion at the labia menora, it is possible that there was a recent trauma at the genitalia of the victim, sir.
>
> Q. And when you tell that there is a recent trauma at the genitalia of the victim, what do you mean by that?
>
> A. As I have said earlier there was an abrasion at the inner lip so that abrasion could have been caused by a rub or friction of a hard blunt object at the area of the genitalia, sir.
>
> Q. This could be how many days, more or less prior to the examination that you conducted on November 15, 1991?
>
> A. Within five (5) days, sir."[9]

In other words, as clearly declared by the complainant and confirmed by Dr. Nieves, it was very possible that sexual intercourse between the accused-appellant and the complainant took place on November 13, 1991.

We find that the appellant was able to have carnal knowledge of the complainant in the early dawn of November 13, 1991 by using force and intimidation, i.e., by the use of a knife pointed at complainant's neck in the third rape incident which is the subject of the present indictment.[10]

The Court has repeatedly held that rape is committed when intimidation was used on the victim and the latter submitted against her will because of fear for her life or personal safety.[11] It is not necessary that the force or intimidation employed be so great or of such character as could not be resisted because all that is required is that it be sufficient to consummate the purpose that the accused had in mind. And in the case at bar, there is no need for the prosecution to show or prove that the complainant-victim was a minor below twelve years of age, as erroneously claimed by the appellant in the third assigned error.

The appellant argues in his second assigned error that the lower court erred in not giving full credit and consideration to the affidavit of desistance and the testimony of the complainant that she lied when she first testified before the lower court. This particular assigned error was not discussed by the appellant in his memorandum, which simply stated that when complainant Anna Liza Jacobe testified that she lied when she executed her affidavit of desistance (Exh. 1) and also when she first testified before the lower court (TSN, p. 3, August 26, 1992), doubt is cast on her credibility.

Well settled is the rule that the trial court's assessment of the credibility of witnesses is accorded great respect

and will not be disturbed on appeal unless a material or substantial fact has been overlooked or misappreciated which if properly taken into account may alter the outcome of the case."[12] The credibility given by the trial court to a rape victim is an important aspect of evidence.[13] Generally, the courts lend credence to the testimonies of young girls especially where the facts point to their having been victims of sexual assault. What is important is that the trial court which had observed the demeanor of the witnesses during their testimonies, found the testimony of the complainant credible.[14] In fact, the rape victim's testimony, standing alone, can be made the basis of the accused's prosecution and conviction, if such testimony meets the test of credibility.[15] A victim who says she has been raped almost always says all there is to be said[16] and it is an accepted rule that the credibility of a rape victim is not impaired by some inconsistencies in her testimony.[17]

Furthermore, the testimony of the complainant as to who abused her is credible where no motive on her part to incriminate and falsely testify against the accused has been shown.[18] In rape cases, the accused may be convicted solely on the testimony of the complaining witness provided such testimony is credible, natural, convincing and otherwise consistent with human nature and the course of things.[19] In the case at bar, the trial court concluded that:

> "[T]he earlier declarations in Court by complainant about the sexual abuse she suffered in the hands of the accused cannot be doubted, straight forward and detailed as they were and given without any sign of influence having been exerted on her."

The trial court stated that only the subsequent declarations made by complainant regarding the sexual abuse she suffered in the hands of the accused are "dubious, and obviously improperly motivated". The trial court correctly disregarded the said declarations because of the complainant's admission in open court that she executed the Sinumpaang Salaysay sa Pag-uurong ng Demanda or Affidavit of Desistance (Exh. 1) because of the promise of monetary settlement; that were it not for the monetary settlement, she would not execute the affidavit of desistance and that the accused-appellant reneged in his promise to pay or make a monetary settlement of the case with the complainant. Moreover, complainant was not aware that she could be held liable if she lied and/or gave false testimony in court (TSN, pp. 5 and 6, August 26, 1992 Hearing). As stated earlier, the assessment of the credibility of the complainant in a rape case falls primarily with the trial court.[20] Discrepancies between statements in an affidavit and those made on the witness stand would seldom discredit the declarant.[21] Moreover, ample margin of error and understanding should be accorded to young witnesses, like the complainant who, much more than adults, would be gripped with tension due to the novelty of the experience of testifying before a Court.[22]

Finally, we agree with the trial court that the defense of alibi put up by accused-appellant cannot be sustained. The clear and positive identification of the accused made by the complainant cannot be overcome by the accused's naked defense of alibi, especially so that the accused-appellant herein failed to present as witnesses the two other persons whom he claimed were with him working at the slaughter-house in Barrio San Jose, Montalban, in the afternoon of November 12, 1991 up to six o'clock in the morning of November 13, 1991 (TSN, pp. 5-7, September 3, 1992). In other words, the physical impossibility of the presence of the accused-appellant at the scene of the crime at Sitio Yagit, Barangay San Rafael, Municipality of Montalban in or about 1:00 A.M., of November 13, 1991, has not been corroborated and credibly established.[23]

Accordingly, we affirm the judgment of conviction rendered by Branch 76, Regional Trial Court, Fourth Judicial Region, San Mateo, Rizal in Criminal Case No. 1667. Pursuant to prevailing jurisprudence, the civil indemnity granted by the trial court to the complainant in the amount of P30,000.00 is modified and is hereby increased to P50,000.00. Furthermore, in light of recent jurisprudence, the victim shall be indemnified in the amount of P50,000.00 as moral damages notwithstanding the absence of proof of its award.[24]

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WHEREFORE, the decision of the trial court finding the appellant guilty of the crime of rape and sentencing him to suffer the penalty of reclusion perpetua and to pay the costs is AFFIRMED with modification that the civil indemnity is increased to P50,000.00 and appellant shall indemnify Anna Liza Jacobe an additional amount of P50,000.00 as moral damages. Costs against appellant.

SO ORDERED.

Melo, (Chairman), Vitug, Panganiban, and Purisima, JJ., concur.

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[1] Exhibit “B”, Records, p. 1.

[2] RTC Decision, pp. 1-4; Records, pp. 121-124.

[3] RTC Decision, p. 5; Records, p. 125.

[4] Rollo, p. 41.

[5] The law in force and effect on November 13, 1991.

[6] People vs. Race, Jr., 212 SCRA 90; People vs. Manlapaz, 88 SCRA 704.

[7] TSN, pp. 3-5, March 4, 1992.

[8] TSN, pp. 15-19, March 25, 1992.

[9] TSN, p. 6, July 16, 1992.

[10] TSN, p. 17, March 25, 1992.

[11] People vs. Sabellina, 238 SCRA 492 (1994); People vs. Angeles, 222 SCRA 451 (1993); People vs. Muralon, 189 SCRA 488 (1990).

[12] People vs. Villaza, 127 SCRA 349; People vs. Ramos, 240 SCRA 191; People vs. Nicolas, 241 SCRA 67; People vs. Mariñas, 248 SCRA 165; People vs. Ramirez, 266 SCRA 135; People vs. Teodoro, 280 SCRA 384; People vs. Jose G. Perez, G.R. No. 124366-67, May 19, 1999.

[13] People vs. Mabunga, 215 SCRA 694.

[14] People vs. Abuyan, Jr., 211 SCRA 662; People vs. Devilleres, 269 SCRA 716.

[15] People vs. Corea, 269 SCRA 76.

[16] People vs. Borja, 267 SCRA 370.

[17] People vs. Sagaral, 267 SCRA 671.

[18] People vs. Montealto, 269 SCRA 755; People vs. Dabon, 216 SCRA 656.

[19] People vs. Alvarez, 213 SCRA 722.

[20] People vs. Sagucio, 277 SCRA 183.

[21] People vs. Travero, 276 SCRA 301.

[22] People vs. De la Cruz, 276 SCRA 352.

[23] People vs. Orquila, Jr. 203 SCRA 736; People vs. Dinglasan, 267 SCRA 26; People vs. Henson, 270 SCRA

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634; People vs. Sumbillo, 271 SCRA 428.

[24] People vs. Prades, 293 SCRA 411.

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