

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. HENRY DE GUZMAN Y PASCUAL, ACCUSED-APPELLANT.

G.R. No. 124368. June 08, 2000

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

Time and again, this Court has condemned in no unequivocal terms the bestial acts of rape perpetrated against women. Though our laws have imposed stiffer penalties, the influx of rape cases has not waned. The case before us now is no different.

This is an appeal from the decision[1] of the Regional Trial Court of Cavite City, Branch 88, finding the accused-appellant guilty beyond reasonable doubt of the crime of Rape in violation of Art. 335 of the Revised Penal Code.[2]

On January 17, 1995, accused-appellant HENRY DE GUZMAN y PASCUAL was charged of the crime of Rape. The information reads as follows:

That on or about the 30th day of October 1994, at Barangay Salcedo I, Municipality of Noveleta, Province of Cavite, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, by means of force, violence and intimidation and taking advantage of his superior strength over the person of Rosario Lian who was then thirteen (13) years old, did, then and there, willfully, unlawfully and feloniously, have carnal knowledge of said Rosario Lian, against her will and consent, to the damage and prejudice of said victim.[3]

Upon arraignment, accused-appellant pleaded not guilty. Thereafter, trial on the merits ensued.

The facts of the case are summarized by the trial court on the basis of the testimony of the complainant:

At around eight o'clock in the evening of October 30, 1994, complainant Rosario Lian, then 13 years old and a resident of Ligdong, Rosario, Cavite,[4] passed by the house of her friend and neighbor, Mary Ann Paredes (Mary Ann), as previously agreed upon. Both then proceeded to the "Kamalig" at the Cuevas Subdivision in Noveleta, Cavite.[5] The "Kamalig" is a rundown and abandoned house,[6] to where Rosario usually went to sit and talk with her friends. They were going there that evening because Jay Bangsangan, who is a resident of that subdivision, invited them.[7] As she had not seen Grace, (Jay's sister) for quite some time, she decided to accept the invitation.[8]

They reached the "Kamalig" at about eight-thirty that evening, expecting to see Jay and Grace there, but they were not around. Complainant and Mary Ann waited for about thirty minutes, but Jay and Grace as well as their other friends failed to arrive.[9]

Soon accused-appellant, Henry de Guzman (Henry), appeared at the scene, approached the two and asked Rosario Lian whether he could talk with her for a while. She agreed and the two of them proceeded to the yard outside Henry's hut just five meters away from the "Kamalig." [10] Henry asked her who her boyfriend was. She told him

that the name of her boyfriend is Marjon Pejeña.[11] Later, she asked the accused-appellant for a glass of water. He told her to just go inside his hut a few meters away and get the water herself. She went inside his house and got water, but was not able to drink it because Henry suddenly closed the door and started kissing her. She tried to shout, but nobody responded. She struggled, but was overcome with fear when Henry got a bolo and pointed it at her neck and told her that if she resisted he would kill her. Henry then tied her hands behind her back with a piece of rag. Henry pulled her shirt up and removed her pants and panty. He also removed his clothing and made her lie on the floor. He kissed her and inserted his penis into her private parts. She felt pain. Henry was on top of her and doing push and pull movement.[12]

After raping her, Henry untied her hands and told her to dress up. He threatened to kill her if she would tell anybody about the incident.

At this juncture, Henry called Marjon to join them in the hut. Marjon asked her why she was crying, but she did not answer.[13] Henry asked her whether she and Marjon loved each other, but she just kept quiet. Henry then ordered Marjon and Rosario to have sexual intercourse, threatening to kill them if they did not obey.[14] Despite the threat, the couple refused. Henry then asked both of them to sleep in the hut. The three lay on the floor, with Marjon between Rosario and Henry. She could not sleep. Henry allowed them to go home at about five o'clock the following morning.[15]

When she arrived home, her mother asked her where she had gone, to which she replied that she attended a wake.[16] Later, she told her grandmother what happened to her. Her grandmother advised her to file a case against the accused-appellant. On November 11, 1994, she was physically examined at the Dra. Salamanca Hospital, after which she, assisted by her grandmother, filed a case of rape against the accused-appellant.[17]

The other prosecution witness, Dr. Remigio Camerino, testified that he is a resident physician of the Dra. Olivia Salamanca Memorial Hospital, Cavite City, since May 1991. On November 11, 1994, he examined private complainant Rosario Lian as she was complaining that she had been raped. He found that the victim's hymen had a healing laceration at the 5 o'clock position. This hymenal laceration could have been caused by the introduction into the vaginal canal of any hard object, instrument or an erect penis. On the basis of his findings, Dr. Camerino stated that it is possible that the victim had sexual intercourse on October 30, 1994. He further testified that there was no total penetration of the vagina, but there was penile penetration up to the superficial part of the vagina.[18]

On the other hand, the defense presented Arnel Luna and the accused-appellant himself.

Arnel Luna testified that he is a resident of Salcedo St., Cuevas Subdivision, Noveleta, Cavite. He is a carpenter and also a caretaker of a fishpond located inside the Cuevas Subdivision. He knows the complainant Rosario Lian and her boyfriend Marjon because he often sees the couple near the fishpond, Marjon being his neighbor on Salcedo Street. He has known accused-appellant since their childhood days because he resides near the fishpond where he (Arnel) stays. On October 30, 1994, between five o'clock in the afternoon and ten o'clock in the evening, he and his friends Bernardo Lopez and Boy Marmol had a drinking spree in front of his house near the fishpond. He did not see Rosario and Marjon nor accused-appellant Henry de Guzman that day. His (Arnel's) house is about 4 houses away from the hut of Henry.[19]

Accused-appellant declared that he is a laborer, and resides with his aunt, Loida Gatdula at Salcedo St., Noveleta, Cavite.[20] At about seven o'clock in the evening of October 30, 1994, he slept in the house of his auntie. At around eleven that evening, he decided to go to his aunt's hut near the fishpond which they used as a resthouse.[21] Upon reaching the hut, he noticed that the door's hook was not in its proper place. He pushed the door and entered the hut. When he lighted his lamp, he saw his neighbor Marjon Pejeña on top of a girl.[22] He got mad, and as soon as the couple got dressed, he drove them away. After they left, he slept inside the hut.[23] At

about four o'clock in the afternoon of November 11, 1994, he was arrested by the police in his hut and brought to the police station. There, he was shown the statement of the complainant accusing him of raping her on October 30, 1994.[24] He did not tell the police that it was on that day that he saw his neighbor Marjon having sexual intercourse with the complaining witness.[25] Rosario Lian was, likewise, present at the police headquarters and pointed to him as the person who raped her.[26]

After trial, the regional trial court found the accused-appellant guilty of the crime of rape and sentenced him as follows:

WHEREFORE, in view of all the foregoing, this Court hereby finds the accused HENRY DE GUZMAN y PASCUAL GUILTY beyond reasonable doubt of the crime of rape as charged in the Information, without any modifying circumstance and accordingly hereby sentences him to a penalty of reclusion perpetua with the accessory penalties provided for by law; to indemnify ROSARIO LIAN the amount of P50,000.00 by way of moral damages; and to pay the costs.

SO ORDERED.[27]

Accused-appellant now seeks the reversal of his conviction, raising the following errors:

ASSIGNMENT OF ERRORS

I. THAT THE HONORABLE TRIAL COURT ERRED IN FINDING THE APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE OFFENSE CHARGED, CONSIDERING THAT THE PIECES OF EVIDENCE (DOCUMENTARY AND TESTIMONIAL) ADDUCED BY THE PROSECUTION IN THE HEARING OF THIS CASE ARE REPLETE OF IRRECONCILABLE INCONSISTENCIES AND CONTRADICTIONS; CONTRARY TO NORMAL HUMAN BEHAVIOR, CONDUCT AND EXPERIENCE.

II. THAT THE HONORABLE TRIAL COURT ERRED IN CONVICTING THE ACCUSED MAINLY ON THE UNCORROBORATED SOLE TESTIMONY OF THE COMPLAINANT, DESPITE THE FACT THAT SHE NAMED NAMES WHO WERE PRESENT AND OUGHT TO BE PRESENT AT THE PLACE WHERE THE ALLEGED RAPE TOOK PLACE. A CASE OF SUPPRESSION OF EVIDENCE.

III. THAT THE HONORABLE TRIAL COURT ERRED IN NOT FINDING THAT THE APPELLANT WAS ILLEGALLY ARRESTED BY THE ELEMENTS OF THE PNP OF NOVELETA, CAVITE, ON NOVEMBER 11, 1994 WITHOUT A WARRANT OF ARREST, IN VIOLATION OF THE APPELLANT'S CONSTITUTIONAL RIGHT.

IV. THAT THE HONORABLE TRIAL COURT ERRED IN TOTALLY DISREGARDING THE TESTIMONY OF THE APPELLANT AND HIS WITNESS GIVEN IN DIRECT, STRAIGHTFORWARD MANNER DEVOID OF CONTRADICTIONS AND INCONSISTENCIES.

V. THAT THE HONORABLE TRIAL COURT ERRED IN AWARDING MORAL DAMAGES TO THE COMPLAINANT, CONSIDERING THAT IT HAS NO BASIS IN FACT, LAW AND EVIDENCE ADDUCED IN THIS CASE.[28]

The accused-appellant points to the following pieces of evidence of the prosecution which he claims as "highly improbable and contrary to human conduct and behavior:"

1. That at the time and place the complainant was allegedly raped, her companion, Mary Ann Paredes, was only five (5) meters away from the alleged place of rape--at a hearing and seeing distance, where complainant claimed also that said companion could see them (complainant and appellant) in the same way that they could also be seen or heard by the said Mary Ann Paredes (t.s.n., 59, 3/13/95). In effect, complainant claimed that

she was raped in the presence of another person, her friend Mary Ann Paredes.

2. That the complainant after she was allegedly raped by the appellant, which according to her lasted for about thirty (30) minutes the appellant told her to fix herself and dress up; then the appellant allegedly went out of the "Kubo" where she was left alone. Later, the appellant allegedly called for Marjon (her boyfriend) whose house was far from that of Henry (appellant); then and there the appellant allegedly told them (complainant and Marjon) to have sex relationship, otherwise they would be killed. But when asked whether the appellant made good his threat, the complainant just said "I do not know, your Honor." (t.sn., pp. 15, 16, 32, 33, 34, 36, 37 and 38, 4/26/95). That after the appellant called for the boyfriend of the complainant, the appellant allegedly asked them (complainant and her boyfriend Marjon) to sleep in the house of the appellant from the late evening of October 30, 1994 up to 5:00 A.M. the following day. (t.s.n., pp. 38, 39, 4/26/95).[29]

At the onset, the issue of the illegal arrest has become moot and academic because of the arrest pursuant to a valid warrant of arrest and, hence, will not anymore be dealt with. Hence, in essence, the only issue before us is whether or not the trial court erred in finding the evidence sufficient to prove the guilt of the accused-appellant beyond reasonable doubt.

The theory of the prosecution, which rests mainly on the testimony of the offended party, is that the accused committed the alleged crime when Rosario went into the house of the accused to get a drink of water. On the other hand, the accused's defense is one of denial. He instead claims that on the alleged night of the crime, he was the one who caught the complainant and her boyfriend making love at the supposed scene of the crime.

The appeal is without merit.

Our courts have been traditionally guided by three settled principles in the prosecution of the crime of rape: (1) an accusation for rape is easy to make, difficult to prove and even more difficult to disprove; (2) in view of the intrinsic nature of the crime, the testimony of the complainant must be scrutinized with utmost caution; and (3) the evidence of the prosecution must stand on its own merits and cannot draw strength from the weakness of the evidence of the defense.[30]

Indisputably, rape is a reprehensible crime and all those who are guilty must be severely punished. More often than not, the woman is a victim twice: first, of the sexual assault, and, second, of the social stigma that attaches to the victim, though undeserved. Nonetheless, the records of the case must be examined with due care and caution, the exacting standard of proof beyond reasonable doubt acquires more relevance in rape charges which are easy to make but harder to prove and harder still to defend by the party accused-appellant who may be innocent.[31]

Credible witness and credible testimony are the two essential elements for the determination of the weight of a particular testimony. One without the other will seriously impair the credibility of any testimony. This principle could not ring any truer in this case where the case for the prosecution hinges mainly on the testimony of the complainant as corroborated by medico-legal findings of a physician.

While we find nothing wrong with rape convictions obtained mainly on the basis of the complainant's testimony, the testimony should be clear and consistent and supported by the physical evidence. That determination is made by the court which has the opportunity to observe the demeanor of the complainant and the witnesses first hand and this Court will not, in the absence of a palpable misperception or misapprehension of facts, interfere with such court's original findings.[32] Generally, when it comes to the issue of credibility, the trial court's assessment is entitled to great weight, even conclusive and binding, if not tainted with arbitrariness or oversight of some fact or circumstance of weight and influence. The reason is obvious. The trial court is in a better position than the appellate court to properly evaluate testimonial evidence having the full opportunity to observe directly the witnesses' deportment and manner of testifying.[33] Accused-appellant has not given us, and we do not find any

reason to depart from or give exception to this principle

If a complainant's testimony meets the test of credibility, the accused may be convicted on the sole basis thereof.[34] In a prosecution for rape, the complainant's candor is the single most important issue.[35] We have thoroughly examined the records and find nothing that would cast doubt as to the credibility of the complainant's testimony.

The accused-appellant asserts in his uncorroborated testimony that he caught Rosario and her boyfriend engaged in sexual intercourse and to avoid embarrassment, this case was filed against him. However, we are inclined to agree with the trial court, that Rosario Lian had no motive strong enough to prod her into concocting a rape charge that would lead to the examination of her private parts and undergo public trial. On this aspect, the findings of the trial court bear paramount significance, thus:

The testimony of the accused (appellant herein) consists merely of denials without any other evidence to sustain his claim and defense. The Supreme Court has consistently ruled that denials if unsubstantiated by clear and convincing evidence are negative, self-serving evidence which deserve no weight in law and can not be given greater evidentiary weight over the testimony of credible witnesses who testify on affirmative matters. As between the positive declarations of the prosecution witnesses and negative statements of the accused-appellant, the former deserves more credence (People vs. Song, et al., 204 SCRA 135 [1991]).

Contrarily, the testimony of complainant and her comportment while testifying in Court negate any doubt that she was telling the absolute truth. It would be highly improbable for a barrio girl of tender age and definitely inexperienced in sexual matters to fabricate charges, for no reason at all, that will put herself and her family in a very compromising situation which could even invite reprisal (People vs. Guibao, 217 SCRA 64 [1993]).

ROSARIO, being a very young and unmarried Filipina, would not publicly admit that she had been raped by a man voluntarily allow herself to be medically probed, and endure humiliating and quite delicate questions in the course of a full blown trial with her tormentor glowering at her just across the courtroom, if her accusations were merely malicious concoctions (People vs. Santiago, 197 SCRA 556 [1991]).

Thus, the Court is fully convinced that the evidence adduced by the prosecution has completely overturned and overcome the presumption of innocence accorded by the Constitution upon the accused-appellant and has established his guilt beyond reasonable doubt.[36]

The testimony of Rosario appears firm, sincere and straight-forward, thus:

Q: (PROS. NESTOR BAUTISTA)

Miss Witness, do you know the accused in this case?

A: (ROSARIO LIAN)

Yes, sir.[37]

x x x

Q: Please point.

A: That is Henry de Guzman who raped me, sir. (Witness pointing to a man who stood up and identified himself as Henry de Guzman).

Q: For how long have you known him?

A: Since June, sir.[38]

x x x

Q: Under what circumstances did you come to know him?

A: He was introduced to me by my friends, Sir.[39]

x x x

Q: Do you remember where were you on October 30, 1994?

A: Yes, sir.

Q: Where were you?

A: I was at Cuevas Subd., Noveleta, Cavite, Sir.

Q: At what time?

A: 8:30 p.m., Sir.

Q: What were you doing there?

A: My friends and I agreed to meet in that place, Sir.

Q: Who are those friends you are referring to?

A: Mary Ann Paredes, Sir.

Q: Who else?

A: Jay also, Sir.

Q: Who else?

A: And a lot more, Sir.

Q: Did you meet them in that place?

A: No, Sir.

Q: But whom did you meet?

A: We still waited for them in that place, Sir.

Q: With whom were you when you waited for them?

A: Mary Ann Paredes, Sir.

Q: Did they arrive?

A: No, Sir.

Q: When they failed to arrive, what, if anything did you do?

A: Mary Ann and myself were talking when Henry de Guzman suddenly approached me, Sir.

Q: After Henry de Guzman approached the two of you, what happened?

A: He requested if he could talk to me even for a while, Sir.

Q: Was he able to talk to you?

A: Yes, Sir.

Q: What if anything did you talk about?

A: He asked me who my boyfriend is, Sir.

Q: What was your answer?

A: I told him it (sic) is Marjon Pijenia, Sir.

Q: After telling him that you have a boyfriend, what did you do, if any?

A: .None, Sir, he was just there and stood by pietly (sic).

Q: Did he not leave you?

A: No, Sir.

Q: After that, what happened if any?

A: I asked for water to drink, Sir, from him and he told me to just enter inside.[40]

x x x

Q: What was his answer?

A: He asked me to enter inside and get water, Sir.

Q: Inside where?

A: Inside his house, Sir.

Q: How far is his house from the place where you were talking?

A: From this distance, Sir. (Witness pointed to a distance of, from the witness stand up to the wall of the Courtroom, which is approximately 5 meters away.

Q: Did you enter his house?

A: Yes, sir.

Q: Was there anybody in the house?

A: None, Sir.

Q: After having entered his house, were you able to get water?

A: No, Sir.

Q: Were you able to drink?

A: No, Sir.

Q: Why?

A: I was just surprised when he suddenly closed the door, Sir, and started kissing me.

Q: Who closed the door?

A: Henry de Guzman, Sir.

Q: When he started kissing you, what did you do?

A: I tried to struggle free, Sir.

Q: Were you able to get free from him?

A: Yes, Sir.

Q: What did you do after you were able to free yourself?

A: I started to shout, Sir.

Q: Was there anybody who responded to your shout?

A: None, Sir.

Q: After that, what happened?

A: He got a bolo and pointed it at my neck, Sir.

Q: Who pointed the bolo?

A: Henry de Guzman, Sir.

Q: After he pointed the bolo at your neck, what happened?

A: He said after if I am going to shout again, he is going to pierce my neck with the bolo, Sir.

Q: After he threatened you with that statement, what happened next?

A: I just cried, Sir.

Q: When you cried, what did you do?

A: He took both my hands and tied them at my back, Sir.

Q: With what?

A: Rugs (sic), Sir.[41]

x x x

Q: After your hands were tied, what else happened?

A: He started to pull down my pants and panty and removed my clothes, Sir.[42]

x x x

Q: With your hands tied, he removed your shirt?

A: No, Sir, he just pulled (sic) my shirt.

Q: Was he able to remove your panty and pants?

A: Yes, Sir.

Q: What did the accused do?

A: He removed his clothings, Sir.

Q: After he removed, what happened?

A: He made me lie down on the floor, Sir.

Q: Did you not resist?

A: I was (sic), Sir.

Q: Then, what did he do?

A: He approached me and then kissed me, Sir.

Q: After kissing you, what else did you do?

A: He made his penis enter my vagina, Sir.

Q: Did you feel the same entering your vagina?

A: Yes, Sir.

Q: What did you feel?

A: It was painful, Sir.

Q: How long did he do it?

A: About half an hour, Sir.

Q: Then after that, what happened?

A: After he raped me, Sir, he asked me to fix myself, to get up and then he called for Marjon.

Q: But your hands were tied?

A: He removed it, Sir.

Q: Who is this Marjon?

A: He is my boyfriend, Sir.

Q: Did Marjon arrive?

A: Yes, sir.

Q: When Marjon arrived, did you tell Marjon what happened?

A: No, Sir.

Q: Why not?

A: I was frightened, Sir.

Q: After that, what happened?

A: Henry threatened me that should I tell anyone about what happened, he is going to kill me, Sir.

Q: What did you answer?

A: I did not say anything, Sir, I was just quiet.

Q: When you failed to answer the accused, what did he do?

A: If Marjon and I will not make love, he is going to kill both of us, Sir.

Q: Did you follow his order?

A: No, Sir.

Q: After that incident, what happened?

A: He asked me to go home, Sir.

Q: At what time did you arrive in your house?

A: 5:00 in the morning, Sir.

Q: Of the following day?

A: Yes, Sir.

Q: When you arrived in your house, were you not asked by your mother where did you come from?

A: I was asked, Sir.

Q: What was your answer?

A: I told them (sic) that I attended a wake, Sir.

Q: Did you not tell your mother or anybody about the incident?

A: No, Sir.

Q: Until today?

A: After a while, I told somebody already, Sir.

Q: With whom did you discuss this case?

A: My grandmother, Sir.

Q: After you have told your grandmother, what happened?

A: She said that we will file a case, Sir.

Q: Did you go to any physician to have yourself examined?

A: Yes, Sir.

Q: When was then?

A: November 10, 1994, Sir.

Q: Were you examined?

A: Yes, Sir.[43]

Accused-appellant argues that there are inconsistencies in the prosecution evidence. However, the inconsistencies pointed out by the accused-appellant refer to inconsequential matters. For instance, the accused-appellant makes much of the fact that during cross-examination, private complainant answered "I do not know" to the question whether accused-appellant made good his threat if she and her boyfriend would not make love in the presence of the culprit. The question was nonsensical, in the first place, as the answer to it was obvious. Accused-appellant did not make good his threat as nothing happened to them.

The credibility of a rape victim is not destroyed by the few minor inconsistencies in her testimony. Paradoxically, they may be badges of spontaneity, as they indicate that the witness was unrehearsed.[44] Hence, complainant's description of the rape incident was clear and convincing and worthy of this Court's full faith and credit.

The complainant asserts that in the evening of October 30, 1994 while she was inside the hut of the accused-appellant to get herself a glass of drinking water, the accused-appellant thereafter closed the door of the hut, and with the use of a bolo threatened to kill her and succeeded in having sexual intercourse with her against her will.

The accused-appellant, however, denies having deflowered complainant. He claims that at about eleven o'clock that evening of October 30, 1994, when he went to his hut located near a fishpond inside Cuevas Subdivision, Noveleta, Cavite, he caught the complainant and her boyfriend Marjon Pejeña in the act of sexual intercourse. He berated them for what they did.

It is not disputed that Rosario suffered no physical injuries. Yet, the absence of external signs of injury does not necessarily negate the commission of rape, especially when the victim, as in this case, was intimidated by the offender into submission.[45] Intimidation in this case was proven when the accused-appellant threatened to plunge the bolo he was holding into the neck of complainant by piercing her neck with said bolo, if she would resist his advances.

The complainant's testimony that she was raped by accused-appellant was corroborated by the physician who examined her showing that she sustained hymenal laceration, which could have been caused by the introduction into her vagina of an erect penis.

The failure of the complainant to immediately report the rape to her family or to the police authorities does not detract from her credibility or an indication of a fabricated charge.[46] Her seeming hesitation was attributable to her age, who was then only thirteen years, the moral ascendancy of the accused-appellant and his threats against her.[47] It is not uncommon for young girls to conceal for some time the assault on their virtue because of the rapists' threats on their lives.[48]

The accused-appellant also argues that the non-presentation of the witnesses who could corroborate the testimony of the private complainant is evidence that her testimony is fabricated. This is without merit. It is significant that the non-presentation of the alleged boyfriend, Marjon Pejeña was sufficiently explained. The boyfriend was not accessible after the incident. According to the complainant, Marjon was nowhere to be found after the incident. She was informed that his parents were hiding him.[49]

In any case, the non-presentation of other witnesses to corroborate the testimony of the private offended party does not give rise to any negative presumption especially so when the trial court has found her testimony to be credible. Non-presentation of other witnesses is not crucial to the sufficiency of the evidence for the prosecution where the testimony would focus only on the circumstances subsequent to the rape.[50] Well-settled is the rule that the prosecution is not bound to present other witnesses other than the victim herself, as an accused may be convicted solely on the testimony of the complaining witnesses, provided such testimony is credible, natural, convincing and otherwise consistent with human nature and the course of things.[51]

Lastly, as to accused-appellant's contention that the lower court erred in awarding moral damages, both the arguments interposed and the case[52] cited in support thereof, are based on the premise that the accused is innocent. Inasmuch as Henry is found guilty beyond reasonable doubt of the crime of rape, Rosario is entitled to indemnity which current jurisprudence fixes at P50,000.00 by way of moral damages. Moral damages are imposed in rape cases involving young girls between thirteen and nineteen years of age, taking into account the immeasurable havoc wrought on their youthful feminine psyche.[53] It may be awarded without need of showing that the victim suffered mental anguish, fright, serious anxiety, and the like.[54] The regional trial court did not, therefore, commit any error in awarding the moral damages.

In sum, the guilt of the accused-appellant is proven beyond reasonable doubt. The records of the case have been thoroughly reviewed. We are convinced that the findings and conclusions of the court on the criminal liability of Henry de Guzman are completely supported by the facts and the law.

WHEREFORE, the decision of the Regional Trial Court, Branch 88, Cavite City, in Criminal Case No. 19-95 finding accused-appellant HENRY DE GUZMAN guilty beyond reasonable doubt of the crime of rape and sentencing him to suffer the penalty of reclusion perpetua and to pay the offended party, Rosario Lian, the sum of P50,000.00 as moral damages, plus the costs, is AFFIRMED.

SO ORDERED.

Puno, Pardo, and Ynares-Santiago, JJ., concur.

Davide, Jr., C.J., (Chairman), on official leave abroad.

[1] Penned by Hon. Christopher O. Lock.

[2] Article 335 of the Revised Penal Code, as amended by Section 11 of Republic Act No. 7659, which defines and penalizes the crime of rape, providing thus:

"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 or is demented.

....The crime of rape shall be punished by reclusion perpetua.

Whenever the crime of rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be reclusion perpetua to death.

[3] Rollo, p. 10.

[4] TSN, March 13, 1995, p.4.

[5] Id., at 32-34.

[6] Id., at 54-55.

[7] Id., at 24-25.

[8] Id., at 47-48.

[9] Id., at 8-9, 26.

[10] Id., at 56-57.

[11] Id., at 9-10.

[12] Id., at 11-15.

[13] TSN, April 26, 1995, pp. 34, 37.

[14] TSN, March 13, 1995, pp.16-17.

[15] TSN, April 26, 1995, pp. 37-39.

[16] Id., at 17.

[17] Rollo, pp. 20-22.

[18] TSN, May 29, 1995, pp. 3-13.

[19] TSN, June 14, 1995, pp. 3 - 12.

[20] TSN, July 18, 1995, p. 3.

[21] Id., at 7.

[22] Id., at 11.

[23] Id., at 13-14.

[24] Id., at 25-26.

[25] Id., at 27.

[26] Id., at 28.

[27] RTC Decision, p. 8; Rollo, p. 26.

[28] Appellant's Brief, p. 1.

[29] Id., at 17.

[30] People vs. Abad, 268 SCRA 246, (1997)

[31] People vs. Bacdad, 196 SCRA 768 (1991)

[32] Ibid.

[33] People vs. Narido, G.R. No. 132058. October 1, 1999.

[34] People vs. Erese, 281 SCRA 316 (1997)

[35] People vs. Wilson Batoon, G.R. No. 134194, October 26, 1999 citing People vs. Gagto, 253 SCRA 455, 456 (1996)

[36] Rollo, p. 25-26.

[37] TSN, March 13, 1995, p. 6.

[38] Id., at 6-7.

[39] Id., at 7.

[40] Id., at 8-10.

[41] Id., at 10-13.

[42] Id., at 13-14.

[43] Id., at 14-18.

[44] *People vs. Abad*, 298 SCRA 246, 255 (1997)

[45] *People vs. Arenes*, 198 SCRA 172 (1991); *People vs. Pasco*, 181 SCRA 233 (1990)

[46] *People vs. Perez*, 270 SCRA 526 (1997); *People vs. Tadulan*, 271 SCRA 189 (1997)

[47] *Ibid.*

[48] *People vs. Devilleres*, 269 SCRA 716 (1996); *People vs. Roncal*, 272 SRA 242 (1997)

[49] TSN, August 8, 1995, pp. 15-16.

[50] *People vs. Corea*, 269 SCRA 76 (1996)

[51] *People vs. Gabayron*, 278 SCRA 78 (1997)

[52] Accused-appellant cites *People v. Manoji*, 68 Phil. 471 (1939). However, the case is not in point since: firstly, it involved Robbery with homicide and not rape; secondly, unlike in the case at bar, there is a finding of reasonable doubt as to the guilt of the accused in that case. For the latter reason, moral damages was not awarded. But in this case the accused-appellant is found guilty beyond reasonable doubt of the crime of rape. Hence, award of moral damages may be properly awarded.

[53] *People vs. Erese*, 281 SCRA 316, 329 (1997)

[54] *People vs. Prades*, G.R.No. 127569, 30 July 1999.

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