

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. OSCAR ARANGO Y ALEGRE, ACCUSED-APPELLANT.

G.R. NO. 168442 (Formerly G.R. No. 156676). August 30, 2006

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Assailed before Us are the decision[1] dated 30 November 2004 of the Court of Appeals in CA-G.R. CR No. 00010 which affirmed the decision[2] of the Regional Trial Court (RTC) of Camarines Sur, Branch 63, convicting accused-appellant Oscar A. Arango of the crime of Statutory Rape, and its resolution[3] dated 1 March 2005 denying accused-appellant's motion for reconsideration.

An Information dated 27 August 2001 was filed in court charging accused-appellant with raping Ginalyn B. Valdez. The crime was alleged to have been committed as follows:

That on or about 10:00 A.M. of December 25, 2000, in Brgy. Antipolo, Tinambac, Camarines Sur, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and by means of force and intimidation, did then and there willfully, unlawfully and feloniously succeed in having carnal knowledge with the victim, Ginalyn B. Valdez who is ,a nine (9) year old girl, against her. will and without her consent, to her damage and prejudice in such an amount as shall be proven in Court.[4]

When arraigned on 16 November 2001, accused-appellant, assisted by counsel de oficio, pleaded not guilty to the crime charged.[5]

During the pre-trial, accused-appellant admitted he is the godfather of the victim/private complainant only by affinity because the true godmother was his wife, and that the victim addresses him as Ninong.[6]

The defense admitted during the trial (1) the existence of the medical certificate[7] and the date (26 December 2000) when the victim was physically examined by Dr. Catherine O. Buban; and (2) the existence of the victim's birth certificate.[8] With said admissions, the testimonies of Dr. Buban and the victim's mother were dispensed with.[9]

The version of the prosecution, as summarized by the Office of the Solicitor General, is quoted by the Court of Appeals:

Around 10:00 a.m. on Christmas Day of 2000, Ginalyn - then only ten (10) years old - was sent by her mother on an errand to borrow rice from her Lola Isid. Enroute to her Lola Isid's house, Ginalyn would have to pass by the houses of Hermine Cada, a certain May Liliesa and that of the appellant's whom Ginalyn refers to as her "ninong."

As it was raining that day, Ginalyn first dropped by Hermie Cada's (Hermie) house to borrow an umbrella.

Ginalyn then proceeded to her Lola Isid's house as instructed. While trudging along, Ginalyn passed the house of appellant, who called her supposedly to ask for a favor, i.e. to buy rice for him.

As Ginalyn unsuspectingly obliged, appellant suddenly dragged her into his house. In an instant, appellant forcibly pushed her towards the bed and proceeded to undress her. He first removed Ginalyn's shorts and undergarment and successfully slipped them down to her ankles.

Appellant, thereafter, pushed Ginalyn to lie on the bed. He in turn, unzipped his pants, pulled down his brief and lay on top of Ginalyn as he proceeded to insert his penis into her vagina. Ginalyn lay helpless even as appellant further threatened her with bodily harm unless she remained silent.

Moments later, Hermie Cada called out to appellant from outside. Alarmed, appellant dismounted from his victim and stood up, which gave Ginalyn the chance to pull up her shorts and rush out of the house. Ginalyn's ordeal lasted for approximately three (3) minutes.

Ginalyn met Hermie outside. As Ginalyn was crying, Hermie repeatedly asked her what was wrong. In response, Ginalyn narrated her ordeal at the hands of her "ninong." Outraged, Hermie took Ginalyn home to her mother.

Upon reaching their house, Ginalyn told her mother about her harrowing experience. Wasting no time, her mother immediately brought her to a doctor in Naga City for a medical examination after which they proceeded to the Tinambac Police to report the incident.

Hermie Cada took the witness stand on March 1, 2002. She testified that she was a resident of Barangay Antipolo, Tinambac, Camariner Sur, in December of 2000. She knew that appellant was likewise a resident of said place during that time and that the latter was her "compadre."

Around 10:00 o'clock in the morning of December 25, 2000, Hermie was at her house. She was about to leave when her niece, Ginalyn, dropped by to borrow an umbrella as it was raining. Apparently, Ginalyn was sent on an errand by her mother to borrow rice from her grandmother.

She instructed Ginalyn to return the umbrella immediately as Hermie was going to attend a death anniversary. Noting that it took quite a while for Ginalyn to return, Hermie decided to follow her. She passed by appellant's house and saw that her umbrella was at the latter's porch. Because of this, she called out appellant's name but nobody answered.

Curious, Hermie opened the window of appellant's house. The window was covered by a sack. She saw appellant stand up and face Hermie. Almost simultaneously, Ginalyn ran out of appellant's house crying.

Hermie asked her niece what happened, after which, she decided to bring Ginalyn to her mother's house. Upon arriving at her niece's house, Ginalyn told her mother the circumstances surrounding her ordeal.

Realizing what had just happened, Hermie sought the assistance of Barangay Chairman Eleuterio Soltes to have appellant arrested.[10]

Accused-appellant denies raping the victim claiming he was sleeping in his house when the crime was allegedly committed.[11] To bolster this claim, the defense presented Rowena Arango Valdez, Annabelle Arango Barbecho, Virgilina Arango and Jesus Quilingan. Rowena Valdez testified that on 25 December 2000, she was at her father's house at Barangay Antipolo, Tinambac, Camarines Sur. She recounted that after preparing the food to be cooked, she watched over her little nephews and nieces, and her little sister who were playing on the porch. She said the victim arrived at around 9:00 a.m. and played with the children. At around 10:00 a.m., she said Hermie Cada, an aunt of the victim,[12] arrived and called the latter. After being pinched by her aunt, the victim went home. At the time the victim left, she claims her father, the accused-appellant, was still sleeping.[13]

Annabelle Arango Barbecho and Virgilina Arango testified that at around 10:00 a.m. of 25 December 2000, accused-appellant was sleeping in his house.[14]

Jesus Quilinggan testified that at around 10:00 a.m. of 25 December 2000, he was at the house of one Mensing Imperial located beside the house of accused-appellant. He narrated that he saw the victim playing with other children at the porch of accused-appellant's house when Hermie Cada called on her. He said that after Cada scolded the victim, the latter went home.

After trial, the RTC rendered its decision convicting accused-appellant of the crime of statutory rape, the dispositive portion of which reads:

WHEREFORE, in view of the foregoing, the prosecution having proven the guilt of the accused beyond reasonable doubt, accused Oscar Arango y Alegre is hereby convicted of statutory rape as charged. He is sentenced to suffer the penalty of Reclusion Perpetua, to pay Ginalyn Valdez the amount of P50,000.00 as civil indemnity and P20,000.00 for moral damages, and to pay the cost.[15]

Pursuant to Section 3(c) of Rule 122 of The Revised Rules of Criminal Procedure,[16] accused-appellant appealed his conviction to the Supreme Court via a notice of appeal.[17]

On 18 August 2003, this Court accepted the appeal and docketed the same as G.R. No. 156676.

On 6 September 2004, conformably with Our decision promulgated on 7 July 2004 in G.R. Nos. 147678-87 entitled, "The People of the Philippines v. Efren Mateo y Garcia, " modifying the pertinent provisions of the Revised Rules on Criminal Procedure, more particularly Section 3 and Section 10 of Rule 122, Section 13 of Rule 124, Section 3 of Rule 125 and any other rule insofar as they provide for direct appeals from the Regional Trial Courts to the Supreme Court in cases where the penalty imposed is death, reclusion perpetua or life imprisonment, as well as the resolution of the Supreme Court en banc, dated 19 September 1995, in "Internal Rules of the Supreme Court" in cases similarly involving the death penalty, pursuant to the Court's power to promulgate rules of procedure in all courts under Article VIII, Section 5, of the Constitution, and allowing an intermediate review by the Court of Appeals before such cases are elevated to this Court, the Court Resolved to transfer this case to the Court of Appeals for appropriate action and disposition.[18]

In its decision promulgated 30 November 2004, the Court of Appeals upheld the conviction of accused-appellant. The decretal portion of the decision reads:

WHEREFORE, judgment is hereby rendered AFFIRMING the decision of the Regional Trial Court of Camarines Sur, Branch 63, finding accused-appellant Oscar Arango y Alegre guilty beyond reasonable doubt of the crime of statutory rape as defined and penalized under Article 335 (3) of the Revised Penal Code and imposing upon him the penalty of RECLUSION PERPETUA with the modification however that the award of moral damages is increased to P50,000.00.[19]

On 28 December 2004, accused-appellant filed a motion for reconsideration[20] which the Court of Appeals denied in a Resolution[21] dated 1 March 2005.

On 29 March 2005, accused-appellant filed a Notice of Appeal making known his intention to appeal his conviction before the Supreme Court.[22]

With the elevation of the records of the case to the Supreme Court, the parties were required to submit supplemental briefs, if they so desire, within thirty (30) days from notice.[23] The parties opted not to file supplemental brief on the ground that they have fully argued their positions in their respective briefs.[24]

Accused-appellant makes a lone assignment of error:

THE COURT A QUO ERRED IN FINDING THAT THE GUILT OF ACCUSED-APPELLANT FOR THE CRIME OF STATUTORY RAPE HAS BEEN PROVEN BEYOND REASONABLE DOUBT.

To determine the innocence or guilt of the accused in rape cases, the courts are guided by three well-entrenched principles: (1) an accusation of rape can be made with facility and while the accusation is difficult to prove, it is even more difficult for the accused, though innocent, to disprove; (2) considering that in the nature of things, only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence for the defense.[25]

To exonerate himself, accused appellant faults the RTC for giving credence to the testimony of the victim. To strengthen his case, he presented several "independent witnesses" to belie the victim's claim that she was sexually abused on 25 December 2000.

After reviewing the testimony of the victim, who was 10 years old when the rape occurred in the year 2000, we find no reason to reverse the findings of the trial court, as affirmed by the Court of Appeals. In a clear and straightforward manner that is worthy of belief, the victim narrated her ordeal as follows:

PROS. CU:

Q Do you recall Ginalyn where were you on December 25, 2000 at about 10:00 A.M.?

A I was at Antipolo.

Q While you were there, do you recall any unusual incident that happened?

A Yes, sir.

Q Tell us what happened?

A I was told by my mother to go to my Lola Isid to borrow rice.

Q So what happened when you were told to borrow that rice from your Lola?

A I was on my way to my Lola Isid's house when my Ninong called me and asked me also to buy rice for him.

PROS. CU:

For the record your Honor, the witness is pointing to the accused whom she refers to be the one who sent her for an errand.

Q How far is the house of your Ninong to your house?

A Quite far sir.

Q Why do you have to pass by the house of your Ninong?

A That is where the way to my Lola's house sir.

Q So when you were called by your Ninong, what if anything happened?

A He dragged me sir inside the house and he pushed me towards the bed and he undress[ed] me.

Q Is this customary for your Ninong to send you for an errand?

A Yes, sir.

Q Is this customary for your Ninong to send you for an errand?

A Yes, sir.

Q So when he called you and sent you for an errand, what if anything did you think?

ATTY. NACIONAL:

That would be without basis your Honor. He was called.

COURT:

Reform.

PROS. CU:

Q You said that you went inside the residence of your Ninong and you said he pushed you and undress[ed] you, how if at all did he undress you?

A Like this sir.

INTERPRETER:

Witness is demonstrating how she was undressed by the accused by gesturing by extending her arms in front of her and moving her hands downwards, which signifies that the accused was pulling her dress down.

PROS. CU:

Q When you were pushed by him what if anything did you feel?

A Strong sir.

Q That is why I am asking you what did you feel?

A When he strongly pushed me sir towards the bed I slump[ed] on the bed.

Q So what did you feel when you were pushed?

A He undressed me sir.

Q When he was undressing you what did you feel?

A Bad sir.

Q Bad what?

A That he was making a sin.

Q Who was committing a sin?

A Oscar Arango.

Q Which of your clothing was removed first?

A Shorts and panty sir.

PROS. CU:

Q So when he was about to remove your shorts, what if anything did you do?

A Nothing sir.

Q So what did you feel when your shorts and panty were removed already?

A I was feeling nervous.

Q Why did you feel nervous?

A Because he will do something wrong to me sir.

Q Up to what extent did he remove your shorts and panty? A Up to my ankle sir, both left and right ankle.

Q After he has slipped down your short pants and panty, up to the level of your ankle, what if anything happened next?

A . He made me lie down sir

Q How did he do it?

INTERPRETER:

The witness is demonstrating how she was made to lie down by the accused using her 2 hands and making the gesture as if pushing downwards.

Q Where were his hands when he pushed you that way?

A On my shoulders.

Q So when you were pushed that way, what if anything next happened?

A While he was holding me sir and witness is using his left hand his other hand was opening his pants.

Q Was he able to unzip his pants?

A Yes, sir.

PROS. CU:

Q When he unzipped his pants, what if anything did he do next?

A He pulled down his brief and he exposed his private part.

Q So what did you feel when he did that thing?

A He laid on top of me.

Q So when he lay on top of you ...

ATTY. NACIONAL:

It is not responsive, your Honor.

COURT:

Sustained. It is not responsive.

PROS. CU:

Q What did you feel when he exposed his penis to you?

ATTY. NACIONAL:

There was no mention about exposing.

COURT:

There was. He exposed.

Pros. Cu, I will allow you to ask leading questions. She is a minor.

PROS. CU:

Q. Were you afraid when he exposed his private part to you?

A Yes, sir.

Q Why did you feel frightened?

A Because he exposed his private part.

PROS. CU:

Q Was it good or bad for a person to expose his private part?

ATTY. NACIONAL:

Immaterial. She was already clarified on that.

COURT:

Sustained. He was already clarified on that matter.

PROS. CU:

Q. What happened after he exposed his penis to you?

A He lay on top of me sir.

Q When he lay on top of you what if anything happened next?

A He was inserting his penis into my vagina.

Q And up to what extent did he insert his penis into your vagina?

A Just a little bit.

Q Why, what did you do?

A Because sir May Hermie was calling him out loud and he dismounted from me.

COURT:

Clarify. The first statement was I was shouting and May Hermie ..

A Because May Hermie was calling out loud by saying Pading Oscar.

ATTY. NACIONAL:

That is what I heard, that during the first response to the question -that I was shouting and May Hermie was calling loud. That is it.

PROS. CU:

Q Did you say a while ago that you were shouting at that time when your Manay Herminia came calling the name of your Ninong Oscar?

A No, sir.

PROS. CU:

Q And who was shouting?

A May Hermie sir.

COURT:

Q While the accused was inserting his penis into your vagina were you shouting?

A No your Honor, because he was threatening me not to shout.

PROS. CU:

Q In what portion of your narration that your Ninong Oscar threatened you if you shout?

A Inside the house sir while he was on top of me and May Hermie was calling out loud.

Q And what did he threaten you?

A By raising his fist sir and saying to me not to shout.

INTERPRETER:

The witness is demonstrating how the accused had threatened her by closed fist and raising it up.

PROS. CU:

Q Were you frightened when he threatened you that way?

A Yes, sir.

Q So when you heard your Manay Herminia calling up the name of your Ninong Oscar, what did he do?

A He dismounted from me sir.

Q So, when your Ninong Oscar dismounted from you, what happened next?

A I pulled up my shorts and went out. x x x x

x x x x

Q Ginalyn, you said that your Ninong partially inserted his penis into your vagina, did you feel anything when he did that?

A I felt sir that he was inserting his penis into my vagina[26] (Emphases supplied.)

When it comes to credibility, the trial court's assessment deserves great weight, and is even more conclusive and binding, if not tainted with arbitrariness or oversight of some fact or circumstance of weight and influence. The reason is obvious. Having the full opportunity to observe directly the witnesses' deportment and manner of testifying, the trial court is in a better position than the appellate court to evaluate properly testimonial evidence.[27] In the case at bar, accused-appellant has not persuaded us to depart from this principle and to apply the exception.

This Court has held time and again that testimonies of rape victims who are young and immature deserve full credence, considering that no young woman, especially of tender age, would concoct a story of defloration, allow an examination of her private parts, and thereafter pervert herself by being subject to a public trial, if she was not motivated solely by the desire to obtain justice for the wrong committed against her.[28] It is highly improbable that a girl of tender years, one not yet exposed to the ways of the world, would impute to any man a crime so serious as rape if what she claims is not true.[29] In this case, considering that the victim was of tender age, have

undergone a harrowing experience, and have exposed herself to the rigors of public trial, we find it improbable that she would impute so grave a crime to accused-appellant, a man she considered her "ninong."

It is to be noted that after her ordeal, the victim immediately informed her aunt and mother of the incident. Thereafter, Hermie Cada reported the same to Barangay Captain Eleuterio Soltes which led to the apprehension of accused-appellant in his home. By reporting right away what has happened, the credibility of the victim has further been reinforced. A complainant's act of immediately reporting the commission of rape has been deemed by this Court as a factor strengthening her credibility.[30] Spontaneous revelation of the assault on her and her unrelenting determination to have the appellant arrested and prosecuted of rape are indicia of the verisimilitude of her claim that she was indeed raped by the appellant.[31]

Accused-appellant raises the defense of denial claiming he could not have raped the victim for he was sleeping when the rape happened. Mere denial, if unsubstantiated by clear and convincing evidence, has no weight in law and cannot be given greater evidentiary value than the positive testimony of a rape victim.[32] Denial is intrinsically weak, being a negative and self-serving assertion.[33]

To buttress his defense, accused-appellant presented several "independent witnesses." Jesus Quilingan and Rowena Valdez testified that at the time of the rape, the victim was playing at the porch of accused-appellant. Rowena Valdez even claimed that Hermie Cada, the victim's aunt, arrived and got mad at the victim who was then playing with other children. Two other witnesses presented - Annabel Barbecho and Virgilina Arango - averred that accused was indeed sleeping when the incident happened. The defense even pointed out that because Hermie Cada scolded and pinched the victim for playing at the porch instead of heeding her parents' order to borrow rice from her grandmother, it is not unlikely that the victim merely concocted the alleged rape to save her from further punishment due to her disobedience.

The Court finds these so-called "independent witnesses" not to be so independent considering that Rowena Valdez and Annabel Barbecho are accused-appellant's daughters, while Virgilina Arango is his wife. On the other hand, Jesus Quilingan is a friend of accused-appellant. The testimonies of close relatives and friends are necessarily suspect and cannot prevail over the unequivocal declaration of the complaining witness.[34]

We find the trial court was correct in not giving weight on appellant's denial, as well as the testimonies of his witnesses. The trial court ratiocinated:

In the instant case, as explained earlier, it was observed by the Court that when Ginalyn Valdez positively identified the herein accused as the person who sexually abused her, she testified in a straightforward and convincing manner. She positively identified the accused to be the person who sexually abused her on December 25, 2000 at 10:00 o'clock in the morning. She could not be mistaken of the identity of the accused because she knew the accused very well being the husband of her godmother. She even called him Ninong. She practically grew up in the same barangay where the accused was also a resident. Furthermore, the alleged incident happened in a broad daylight. The denial of the accused that he did not commit the sexual abuse against Ginalyn Valdez cannot then overcome the positive identification of the herein private complainant that indeed the accused had committed the alleged rape against her. The Court was even impressed with the manner the private complainant recounted the tragic ordeal that she had experienced in the hands of the herein accused. Despite her minority, she testified in a straight, clear and forward manner.

The accused as well as his witnesses, his daughters, Rowena and Annabel had admitted that at the time of the alleged incident, accused was at their residence. However, according to them, he was sleeping during that time. One of his witnesses, a certain Jesus Quilingan, a friend of the accused, testified that he had seen Ginalyn Valdez playing at the porch of the house of the accused. He further testified that on December 25, 2000, at about 8:00 o'clock in the morning, he was at the house of his auntie whose residence is near the residence of

the accused. During that time, private complainant and her auntie Hermilina Cada as well as the witnesses of the accused had admitted that on that date of the incident, it was raining heavily. It is hard for the Court to believe that Jesus Quilingan had stayed for 2 hours beside the door of the house of his auntie and did not enter such residence. The fact that it was raining hard and that Ginalyn Valdez was allegedly playing with the nephews and nieces of Rowena on that particular date can hardly be believed by the Court. It was admitted by both witnesses of the accused who are his daughters that the portion of the porch has no roof. Granting that there was a roof, but the porch has no wall and both witnesses, the daughters of the accused admitted that at that time there was a heavy rain and it was windy, could it be possible for the children to play on the porch of the residence of the accused considering the weather at that time? How could Jesus Quilingan be able to see clearly the children playing at the time when it was raining hard and windy too? It could not be possible for him to be beside the door within a period of two hours without entering the residence considering that during that time it was raining heavily. The Court doubted their testimonies. The Court therefore, believed the positive identification of the private complainant of the herein accused as the person who had sexually abused her. As a matter of fact, both the daughters of the accused admitted that their father at the time of the alleged incident was at their residence. "Mere denials of involvement in a crime cannot take precedence over the positive testimony of the offended party." [35]

In a last-ditch effort to relieve him of liability, accused-appellant argues that even assuming *arguendo* that the victim's testimony were true, he cannot be convicted of statutory rape as there was no proof that penetration took place. He claims that the victim averred that the attempt to insert the penis was averted by the calls made by Hermie Cada because he desisted and immediately stood up. He adds that it is not clear whether the alleged insertion penetrated the labia majora since the medical examination conducted on the victim did not show any laceration or bleeding on her vagina.

We agree with the trial court that the crime of rape has been consummated. The victim categorically testified that she felt her *ninong* insert his penis just a little bit in her vagina. The fact that the medical examination conducted by Dr. Catherine O. Buban on the victim revealed no laceration or bleeding on the victim's genitalia does not necessarily mean that the rape was not consummated. It is a settled rule that for rape to be consummated, the hymen of the private complainant need not be penetrated or ruptured. It is enough that the penis reaches the pudendum, or at the very least, the labia. The briefest of contacts under circumstances of force, intimidation or unconsciousness, even without laceration of the hymen, is deemed to be rape in our jurisprudence. The mere introduction of the penis into the aperture of the female organ, thereby touching the labia of the pudendum, already consummates the crime of rape. [36]

In *People v. Bohol*, [37] this Court explained the treatment of medical evidence as non-vital in proving the cases of rape as follows:

There is no gainsaying that medical evidence is merely corroborative, and is even dispensable, in proving the crime of rape. In child sexual abuse cases particularly, normal physical findings are common due to several factors, such as delay in seeking medical examination, the rapid healing of injuries, washing, urinating or defecating after the sexual assault, the elasticity of the hymen, changes in the hymenal tissue due to estrogen effect when the victim is at the pubertal stage, or the type of sexual molestation involved, such as fondling, oral sodomy, or cunnilingus, which leaves no physical marks. The child's disclosure is the most important evidence of the sexual abuse she has gone through.

A medical certificate is not necessary to prove the commission of rape and a medical examination of the victim is not indispensable in a prosecution for rape. [38] Medical evidence is not indispensable; an accused can still be convicted of rape on the basis of the sole testimony of the private complainant. [39] In the instant case, the prosecution, through the testimony of the victim, has shown to this court that rape has been consummated. We find her testimony to be worthy of credence, which by itself, is sufficient to convict accused-appellant.

The gravamen of the offense of rape is sexual congress with a woman by force and without consent. If the woman is under 12 years of age, proof of force is not an element of statutory rape, but the absence of a free consent is presumed. Conviction will therefore lie, provided sexual intercourse is proven. But if the woman is 12 years of age or over at the time she was violated, sexual intercourse must be proven and also that it was done through force, violence, intimidation or threat.[40]

As provided for in the Revised Penal Code,[41] sexual intercourse with a girl below 12 years old is statutory rape. The two elements of statutory rape are: (1) that the accused had carnal knowledge of a woman; and (2) that the woman is below 12 years of age. Sexual congress with a girl under 12 years old is always rape.[42]

In the present case, accused-appellant was charged with statutory rape. The first element was proved by the testimony of the victim herself, while the second element was substantiated by the presentation of a certification issued by the Municipal Civil Registrar of Tinambac, Camarines Sur, that the victim was born on 18 April 1990. At the time of the commission of the crime, the victim was 10 years old. Thus, the lower court was correct in sentencing accused-appellant to a penalty of Reclusion Perpetua.[43]

As to accused-appellant's civil liability, the victim is entitled to civil indemnity in the amount of P50,000.00 as correctly ordered by the trial court. Civil indemnity is automatically imposed upon the accused without need of proof other than the fact of the commission of rape.[44] As regards the award of moral damages, the Court of Appeals correctly increased the same to P50,000.00 in line with current jurisprudence. The award of moral damages is automatically granted in rape cases without need of further proof other than the commission of the crime because it is assumed that a rape victim has actually suffered moral injuries entitling her to such award.[45]

WHEREFORE, all the foregoing considered, the appeal is DENIED. The decision of the Court of Appeals dated 30 November 2004 is AFFIRMED. Accused-appellant OSCAR ARANGO y ALEGRE is hereby found guilty beyond reasonable doubt of statutory rape and is sentenced to suffer the penalty of reclusion perpetua, and is ordered to pay the victim the amounts of P50,000.00 as civil indemnity and P50,000.00 as moral damages. Costs against accused-appellant.

SO ORDERED.

Panganiban, C.J., (Chairperson), Ynares-Santiago, Austria-Martinez, and Callejo, Sr., concur.

[1] Penned by Associate Justice Mariano C. Del Castillo with Associate Justices Romeo A. Brawner and Magdangal M. de Leon, concurring; CA/SC rollo, pp. 141-151.

[2] Records, pp. 103-119.

[3] CA/SC rollo, p. 170.

[4] Records, p. 1.

[5] Id. at 34-35.

[6] Id. at 38-39.

[7] Exh. "A"/"1;" records, p. 9.

[8] Exh. B; Id. at 55.

[9] Id. at 52.

[10] CA/SC rollo, pp. 143-145.

[11] TSN, May 28 2002, p. 4.

[12] Also referred to as Hermilina Cada.

[13] TSN, April 23 2002, pp. 3-5.

[14] TSN, April 24 2002, p. 4; 22 May 2002, p. 3.

[15] Records, p. 119.

[16] (c) The appeal to the Supreme Court in cases where the penalty imposed by the Regional Trial Court is reclusion perpetua or life imprisonment, or where a lesser penalty is imposed but for offenses committed on the same occasion or which arose out of the same occurrence that gave rise to the more serious offense for which the penalty of death, reclusion perpetua, or life imprisonment is imposed, shall be by filing a notice of appeal in accordance with paragraph (a) of this section.

[17] Records, p. 120.

[18] CA/SC rollo, p. 138.

[19] Id. at 149-150.

[20] Id. at 155-160.

[21] Id. at 170.

[22] Id. at 171.

[23] Id. at 175.

[24] Id. at 176.

[25] *People v. Bascugin*, G.R. No. 144195, 25 May 2004, 429 SCRA 140, 146.

[26] TSN, February 26 2002, pp. 6-11, 13.

[27] *People v. Escultor*, G.R. Nos. 149366-67, 27 May 2004, 429 SCRA 651, 661.

[28] *People v. Villafuerte*, G.R. No. 146854, 28 April 2004, 428 SCRA 427, 433.

[29] *People v. Andales*, G.R. Nos. 152624-25, 5 February 2004, 422 SCRA 253, 265.

[30] *People v. Balbarona*, G.R. No. 146854, 28 April 2004, 428 SCRA 127, 137.

[31] *People v. Torres*, G.R. No. 134766, 16 January 2004, 420 SCRA 61, 74.

[32] *People v. Esperas*, G.R. No. 128109, 19 November 2003, 416 SCRA 216, 225-226.

[33] *People v. Agsaoay, Jr.*, G.R. Nos. 132125-26, 3 June 2004, 430 SCRA 450.

[34] *People v. Opeña*, G.R. No. 142751, 30 September 2003, 412 SCRA 343, 354.

[35] CA/SC rollo, pp. 90-92.

[36] *People v. Bascugin*, *supra* note 25 at 150.

[37] 415 Phil. 749, 760-761 (2001).

[38] People v. Balbarona, supra note 30 at 143.

[39] People v. Cabalse, G.R. No. 146274, 436 SCRA 629, 635.

[40] People v. Dimaano, G.R. No. 168168, 14 September 2005, 469 SCRA 647, 665.

[41] Art. 266-A. Rape; When and How Committed. - Rape is committed:

xx x x

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.

[42] People v. Jusayan, G.R. No. 149785, 28 April 2004, 428 SCRA 228, 234-235.

[43] Art. 266-B. Penalties. – Rape under paragraph 1 of the next preceding article shall be punished by reclusion perpetua.

[44] People v. Dimacuha, G.R. Nos. 152592-93, 13 February 2004, 422 SCRA 688, 696-697.

[45] People v. Dimaano, supra note 40 at 670.

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