

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. REYNALDO BARES Y LONGASA, ACCUSED-APPELLANT.

G.R. Nos. 137762-65. March 27, 2001

Ponente: MENDOZA, J.

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MENDOZA, J.:

These cases are here on automatic review from the decision,[1] dated January 28, 1999, of the Regional Trial Court, Branch 64, Labo, Camarines Norte, finding accused-appellant Reynaldo Bares y Longasa guilty of four counts of rape against his daughter Maribel Bares and sentencing him to death and ordering him to pay the complainant for each count of rape the amount of P50,000.00 as moral damages and P30,000.00 as exemplary damages and to pay the costs.

In Criminal Case No. 96-0079, the information alleged:

That on or about 1:00 o'clock in the early morning of September 8, 1995 at Barangay Dalas, municipality of Labo, province of Camarines Norte, and within the jurisdiction of this Honorable Court, the above-named accused motivated by bestial lust and by means of force and intimidation, did then and there, wilfully, unlawfully, and feloniously have carnal knowledge [of] one Maribel D. Bares, a minor fifteen years of age who is his own daughter and that thereafter, the said dastardly act was repeated two more times on the same early morning, to the damage and prejudice of the offended party.

CONTRARY TO LAW.[2]

In Criminal Case No. 96-0080, the information stated:

That on or about 1:00 o'clock in the early morning of October 21, 1995 at Barangay Dalas, municipality of Labo, province of Camarines Norte, and within the jurisdiction of this Honorable Court, the above-named accused, motivated by bestial lust and by means of force and intimidation, did then and there, wilfully, unlawfully, and feloniously have carnal knowledge [of] one Maribel D. Bares, a minor fifteen years of age who is his own daughter, to the damage and prejudice of the offended party.

CONTRARY TO LAW.[3]

In Criminal Case No. 96-0081, the information averred:

That on or about 3:00 o'clock in the early morning of October 22, 1995, at Barangay Dalas, municipality of Labo, province of Camarines Norte, and within the jurisdiction of this Honorable Court, the above-named accused, motivated by bestial lust and by means of force and intimidation, did then and there, wilfully, unlawfully, and feloniously have carnal knowledge [of] one Maribel D. Bares, a minor fifteen years of age who is his own daughter, to the damage and prejudice of the offended party.

CONTRARY TO LAW.[4]

In Criminal Case No. 96-0082, the information asserted:

That on or about 2:00 o'clock in the early morning of October 20, 1995 at Barangay Dalas, municipality of Labo, province of Camarines Norte and within the jurisdiction of this Honorable Court, the above-named accused urged by his bestial lust, unlawfully, feloniously, and criminally, did then and there, commit sexual intercourse with his own daughter, Maribel Bares, a girl 15 years [of age] and while on [the] family way with seven (7) months pregnancy against the will of said Maribel Bares to her damage and prejudice.

CONTRARY TO LAW.[5]

When arraigned on June 3, 1996, accused-appellant pleaded not guilty to the charges against him,[6] and the cases were then jointly tried.

Three witnesses, namely, complainant Maribel Bares, her aunt Nenita Bares,[7] and Dr. Marcelito Abas, medico-legal officer of the Camarines Norte Provincial Hospital, testified for the prosecution. Their testimonies established the following facts:

Complainant is the daughter of accused-appellant Reynaldo Bares and his wife, Predisminda Dasco. She finished only the fourth grade of elementary school. When she was studying, her family lived in her grandmother's house in Sta. Elena. Later on, after her mother left for Manila, complainant and her brother lived with accused-appellant in Barangay Dalas, Labo, Camarines Norte.[8]

Prior to September 8, 1995, complainant ran away with her boyfriend, Artemio Bola, and went to Mabilo I, Labo, Camarines Norte. She stayed there until she became pregnant by him. On September 8, 1995, accused-appellant went to Artemio Bola's house and fetched complainant so she could go back with him to Barangay Dalas, Labo, Camarines Norte. By that time, complainant was already eight months pregnant.[9]

At around 1 o'clock in the morning of September 9, 1995,[10] complainant Maribel Bares was sleeping in their house in Barangay Dalas, Labo, Camarines Norte when she was awakened by accused-appellant. Complainant woke up to find that her hands and feet had been tied. She noticed that she only had her panty on. Upon discovering that complainant had woken up, accused-appellant removed her panty, went on top of her, and succeeded in having sexual intercourse with her. As she was already eight months pregnant when she was raped by accused-appellant, complainant felt pain on her shoulder and pelvis. Complainant was raped by accused-appellant thrice that day.[11]

On October 20, 1995, complainant was again raped by her father in their house in Barangay Dalas. He got angry when she did not remove her panty, and he even kicked her. Nevertheless, accused-appellant succeeded in having sexual intercourse with complainant. The following day, October 21, 1995, accused-appellant once more forced complainant to have sex with him. Accused-appellant raped Maribel for the last time on October 22, 1995. She was already nine months pregnant at that time. During the occasions she was raped by accused-appellant, complainant was left alone with accused-appellant in their house because her mother and sister were staying in Manila.[12]

On October 23, 1995, complainant went to the house of Nenita Bares, sister of accused-appellant, in Masalong, Labo, Camarines Norte and told the latter about what accused-appellant had done to her. Complainant then asked her aunt to file a complaint against accused-appellant so Nenita accompanied her to the Camarines Norte Provincial Command of the Philippine National Police in Dogongan, Daet, Camarines Norte. At the police headquarters, complainant gave her statement to the investigating officer. She also submitted herself to physical examination in the Camarines Norte Provincial Hospital.[13]

On the same day, October 23, 1995, Dr. Marcelito Abas conducted a physical examination of complainant Maribel Abas which yielded the following results:

Genital Exam:

- = Multiple hymenal lacerations;
- = Admits two fingers with ease;
- = Pregnant nine (9) months;
- = Negative for Physical injuries;[14]

Dr. Abas testified that the multiple hymenal lacerations meant that complainant had had sexual intercourse several times. He explained that the opening of the vagina is closed when a woman is a virgin, but when the vagina admits two fingers with ease, as in complainant's case, this could only mean that penetration of the vagina had already occurred. As the victim was already nine months pregnant at the time of the examination, Dr. Abas confirmed that the pregnancy was not caused by the rapes that began in September 1995. However, he said that a woman would still be capable of engaging in sexual intercourse even if she was already eight months pregnant. He added that the presence of lacerations in the vagina does not preclude voluntariness on the part of the woman in engaging in sexual intercourse.[15]

The defense then presented as witnesses accused-appellant himself, his son Reynaldo Bares, Jr., and his landlady Lydia Espina.

Accused-appellant admitted that complainant Maribel Bares is his daughter but denied that he raped her. He claimed that he was working as a driver and helper at the Uniphil at the time of the alleged rapes. At around 1 o'clock in the morning of September 8, 1995, he said he and his son Reynaldo Bares, Jr., went to the warehouse of Uniphil to load copra and later proceeded to San Pedro, Panganiban. On October 20, 1995, he went to the worksite at San Pedro, Panganiban and, upon arriving there, loaded copra. He finished loading copra only at 12 noon of the same day. He went back to Labo, Camarines Norte at 3 o'clock in the afternoon. The next day, October 21, 1995, he again went to San Pedro, Panganiban and returned to the Uniphil compound in Labo, Camarines Norte at around 4 o'clock in the afternoon. At 1 o'clock in the early morning of October 22, 1995, he went to San Pedro, Panganiban to load copra and came back to Labo, Camarines Norte at around 3 o'clock in the afternoon of October 23, 1995. He testified that his wife and daughter were angry at him because he discovered that they had been fooling around with other men as a result of which both became pregnant. He claimed that because of this, he maltreated his wife and daughter. He likewise stated that his sister Nenita Bares was angry at him because she tolerated and even helped cover up his wife's and daughter's activities. Accused-appellant testified that his sister was also interested in appropriating for herself a piece of land left by their parents.[16]

Reynaldo Bares, Jr. corroborated accused-appellant's testimony that he was with the latter during the time of the alleged rapes.[17] On cross-examination, however, he admitted that he testified accordingly only because he had been asked to do so by accused-appellant.[18]

Lydia Espina likewise corroborated accused-appellant's testimony. According to her, accused-appellant was not in the house during the times of the alleged rapes as he left for work early in the morning. She also testified that Maribel Bares was not staying in their house on October 21, 1995 as the latter lived in the house of her supposed sister-in-law in front of the Camarines Norte College.[19]

On January 28, 1999, the trial court rendered a decision, the dispositive portion of which states:

WHEREFORE, IN THE LIGHT OF THE FOREGOING PREMISES, JUDGMENT is hereby rendered finding accused REYNALDO BARES, SR. Y LONGASA, GUILTY beyond reasonable doubt of the crime of four (4) counts of rape as defined and penalized under par. 3, Article 335 of the Revised Penal Code in relation to Sec. 11 of Republic Act No. 7659 (Death Penalty Law) and accordingly, sentencing him to suffer the supreme penalty of DEATH in each of the four (4) separate crimes of rape committed on September 8, 1995 and

October 21, 22 and 23, respectively, all in 1995, and to pay the victim in the amount of P50,000.00 each for four (4) separate crimes of rape with a total of P200,000.00 as moral damages pursuant to Article 2219 (3) in relation to Article 2217 of the New Civil Code and P30,000.00 each for four (4) separate crimes of rape or a total of P120,000.00 as exemplary damages; and to pay the costs.

SO ORDERED.[20]

Accused-appellant now makes the following assignment of errors:

- THE COURT A QUO ERRED IN ACCORDING WEIGHT AND CREDENCE TO THE TESTIMONIES OF THE TWO KEY PROSECUTION WITNESSES, MARIBEL BARES AND NENITA [BARES], DESPITE THERE BEING ILL MOTIVE ON THEIR PART TO IMPUTE ACCUSATORY CHARGES AGAINST THE ACCUSED-APPELLANT.
- THE COURT A QUO ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF RAPE IN SPITE OF THE FACT THAT THE MEDICAL FINDINGS DO NOT CLEARLY SUPPORT SUCH A CONCLUSION AND THE ALLEGATIONS RAISED BY THE SUPPOSED VICTIM ARE INHERENTLY FLAWED.
- THE COURT A QUO ERRED IN SENTENCING ACCUSED-APPELLANT TO DEATH, ALTHOUGH THE MINORITY OF THE ALLEGED VICTIM WAS NEVER DULY PROVEN IN ACCORDANCE WITH THE DOCTRINE LAID DOWN IN PEOPLE VS. AMADO SANDRIAS JAVIER.[21]

First. Accused-appellant questions the probative value of the testimonies of Nenita Bares and Dr. Marcelito Abas. He claims that Dr. Abas' testimony does not establish that he (accused-appellant) had raped complainant as she was already pregnant at the time Dr. Abas examined her. Nor can Nenita Bares' testimony be given evidentiary weight, accused-appellant argues, because Nenita had only been told about the rape incidents by complainant.[22]

To be sure, a medical certificate is not necessary to prove the commission of rape. Indeed, the purpose of Nenita Bares' testimony is not to corroborate complainant as to the commission of the rapes but only to prove that the latter told her aunt what had happened to her and that she and her aunt reported the matter to the authorities afterwards.

The prosecution of rape cases is anchored mainly on the credibility of the complaining witness. Generally, the nature of the offense is such that the only evidence that can prove the guilt of the accused is the testimony of the complainant herself.[23] Hence, in deciding rape cases, this Court has been guided by the following principles: (1) an accusation for rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove it; (2) in view of the intrinsic nature of the crime, where two persons are usually involved, the testimony of the complainant must be scrutinized with extreme 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.[24]

It is well settled that the accused in a rape case may be convicted solely on the testimony of the complaining witness, provided that such is credible, natural, convincing, and otherwise consistent with human nature and the normal course of things.[25] In this case, Maribel testified in a direct, unequivocal, and consistent manner with regard to the rapes committed by accused-appellant:

Q

Sometime on September 8, 1995, while you and your father were staying in Dalas, Labo, Camarines Norte, in the morning at around 1:00 o'clock, do you remember [an] unusual incident that happened to you?

A Yes, sir.

Q What happened to you?

A I was raped, sir.

Q Who raped you?

A My father, sir.

Q What is his name?

A Reynaldo Bares, sir.

Q At that time, where was your mother then?

A In Manila, sir.

Q How did the accused, Reynaldo Bares, your own father, raped you?

A I was asleep, sir.

Q Then, while you were asleep, what happened to you?

A I noticed that I was already tied, sir.

Q What part of your body was tied?

A My two hands were tied and separated and my two feet were also tied and separated, sir.

Q What were you wearing then at that time?

A I was wearing my panty, sir.

(The witness' answer to the question is punctuated by sobs and cries.)

Q After you were tied by your father, what did your father do to you?

A He immediately went on top of me, sir.

Q Were you still wearing your panty?

A No longer, sir.

Q Who removed your panty?

A My father, sir.

Q While your father was on top of you, what did you do?

A I was already raped, sir.

Q How did he rape you?

A He was already on top of me and he was so heavy, sir.

Q Did you feel pain?

A

Yes, sir.

Q What part of your body was painful?

A My shoulder and my pelvis, sir.

(At this point [in] time, the witness is already crying.)

Q How about your sexual organ, what did you feel?

A It's painful, sir.

Q Why was it painful?

A It's painful, sir.

Q What was the cause of the pain?

A My father put his penis [into] my vagina, sir.

Q How long did your father place his penis inside your vagina?

A Thrice within a night, sir.

Q How do you call your father?

A I would not call him anything, sir. ("Wala po akong itatawag d'yan.")

(The witness answered in a [sarcastic] voice.)

Q Now, while your father was on top of you and his penis penetrated your vagina, what did you tell your father?

A I told him to remove it, but he did not, sir.

Q

Now, how about on October 20, 1995, while you were in your house in Brgy. Dalas, do you remember anything out of ordinary that happened to you?

A Yes, sir.

Q What happened to you?

A I was raped, sir.

Q Who sexually abused you?

A My father, sir.

Q

What's his name?

A Reynaldo Bares, sir.

Q How did the accused, your own father, sexually abuse you?

A He was always angry with me if I do not remove my panty. He used to kick me, sir.

(At this point [in] time, the witness is again crying.)

Q Can you continue testifying?

A Yes, sir.

Q On October 20, 1995, where was your mother then at that time?

A She was in Manila together with my sister, sir.

Q When your mother left for Manila, who was left in your house at Brgy. Dalas?

A My father and I, sir.

Q

On October 21, 1995, also in the morning at around 1:00 o'clock, do you remember what happened to you in your house at Brgy. Dalas?

A Yes, sir.

Q What happened to you?

A He raped me, sir.

Q How did your father sexually abuse you?

A I was tied by my father, sir.

Q Was your father able to penetrate his penis [into] your vagina?

A Yes, sir.

Q How about on October 22, 1995 in the morning also, what happened to you in your house in Brgy. Dalas?

A I was raped by my father, sir.

Q Was your father able to penetrate his penis into your vagina?

A Yes, sir. It's big, sir.

Q At that time on October 22, 1995, where was your mother then at that time?

A She was in Manila, sir.

Q Whenever your father sexually abused you, what did you tell him, if any?

A I don't like it, sir, but he insisted.

Q When did your mother arrive from Manila?

A It was a long time already, sir.

Q

Do you know who filed a complaint against your father by reason of the sexual ordeal that you have suffered from your own father?

A I myself, sir.

Q Who initiated in filing the complaint?

A I was accompanied by my auntie, sir.

Q Where?

A To the Provincial Command in Dogongan, sir.

Q What is the name of your auntie?

A Nenita Bares, sir.

Q

By the way, after your father have sexually abused you on different occasions, did you submit yourself for genital examination of your genital organ?

A Yes, sir.

Q To what hospital did you go?

A Camarines Norte Provincial Hospital, sir.[26]

Thus, with tears in her eyes, Maribel told of how accused-appellant, her own father, bound her hands and legs, removed her underwear, and forced himself upon her the first time he raped her. She described how accused-appellant, by employing force and instilling fear in her, succeeded in having repeated sexual intercourse with her. Lastly, Maribel narrated how she, unwilling to endure more of her father's abuse, finally told her aunt what accused-appellant had been doing to her and willingly subjected herself to medical examination.

Indeed, Maribel's tale of accused-appellant's sexual abuse bears the earmarks of truth and candor. The tears she shed during her testimony further enhance her credibility as they indicate the outrage and distress she felt over what accused-appellant had done to her.[27] This Court is hard put to dismiss the testimony of a girl who is a victim of sexual assault, particularly if it constitutes incestuous rape, as a mere concoction. For normally, no person would disclose the fact that she had been raped, subject herself to medical examination, and willingly undergo the humiliation of a public trial and testify on the details of her ordeal, especially at the hands of her father, were it not the truth.[28]

Accused-appellant, however, questions the veracity of complainant's testimony by pointing out the inconsistency in her testimony as to when she was first raped. He argues that it was physically impossible for her to have been raped early in the morning of September 8, 1995 as she stated that she was fetched by him on the same day in the house of Artemio Bola.[29]

We have time and again ruled that it is not unnatural for a rape victim, especially one who is of tender age, to make inconsistent statements. But so long as the testimony is consistent on material points, slightly conflicting statements will not undermine the witness' credibility nor the veracity of her testimony. They in fact tend to buttress, rather than impair, her credibility as they erase any suspicion of a rehearsed testimony.[30]

In this case, Maribel's testimony made it clear that she was raped by accused-appellant for the first time after the latter had fetched her from her boyfriend's house on September 8, 1995. When the rape occurred at around 1 o'clock early the following morning, it was still dark and complainant had just been awakened by accused-appellant. It is thus understandable for her to be disoriented and think, however erroneously, that the first rape occurred on the day she was fetched by accused-appellant.[31]

A witness is not expected to remember with perfect recollection every minute detail of her harrowing experience. A minor mistake as to the exact time of the commission of the rape is immaterial and cannot discredit the testimony of a witness.[32] We have repeatedly held that the exact date of the commission of the rape is not an essential element of the crime. What is decisive in a rape charge is that the commission of the rape by accused-appellant against complainant has been sufficiently proven. Inconsistencies and discrepancies as to minor matters which are irrelevant to the elements of the crime cannot be considered grounds for acquittal. Thus, accused-appellant can be validly convicted under the information in Criminal Case No. 96-0079 alleging that he

committed rape on September 8, 1995 even if it appears that the actual date is September 9, 1995.[33]

Neither can accused-appellant's attempt to cast aspersions on complainant's moral character free him from criminal liability. In rape cases, the moral character of the victim is immaterial. Rape may be committed not only against single women and children but also against those who are married, middle-aged, or pregnant. Even a prostitute may be a victim of rape.[34] Nor is it relevant to discuss the paternity of Maribel's child. The question of who fathered complainant's child has no bearing on rape cases, pregnancy not being an element of the crime.[35]

Accused-appellant likewise contends that he could not have raped complainant on October 20, 21, and 22, 1995 as the latter was already nine months pregnant at that time. He states that Dr. Marcelito Abas, the medico-legal officer who conducted the examination of the complainant, testified that a pregnant woman could engage in sexual intercourse only up to the eighth month of her pregnancy.[36]

This contention must fail. That complainant was already pregnant before the commission of the first rape does not belie her testimony that accused-appellant raped her.[37] Indeed, while married couples may abstain from contact after the eighth month of pregnancy of the wife, no such rule applies to rape which may still be committed despite the fact that the victim is already eight months pregnant.[38]

Furthermore, contrary to accused-appellant's representation, Dr. Marcelito Abas testified:

Q

Doctor, if a woman is on the family way at around eight (8) months, is the woman still susceptible to have a sexual intercourse?

A Yes, sir.[39]

Accused-appellant claims, however, that complainant bore a grudge against him because he left her mother and often maltreated her. He contends that complainant, with hatred in her heart, fabricated lies against him and implicated him for crimes he did not commit.[40]

Accused-appellant's contention is without merit. It strains credulity for accused-appellant to say that his maltreatment of his daughter and separation from his wife propelled complainant to accuse him of crimes that could possibly cost him his life. Moreover, no woman, especially one who is of tender age, would concoct a story of defloration, allow an examination of her private parts, and thereafter make herself subject to a public trial if she was not motivated solely by the desire to have the guilty brought to justice.[41] Furthermore, a rape victim's testimony against her father is entitled to greater weight because it is deeply ingrained in our culture to revere and respect our elders. Hence, absent any evidence to show that complainant had an improper motive to falsely testify against accused-appellant, her testimony is deemed credible and trustworthy.[42]

In contrast to complainant's credible and consistent testimony, accused-appellant could only offer the defenses of denial and alibi. Denial is an intrinsically weak defense which must be supported by strong evidence of non-culpability to merit credibility.[43] It is negative self-serving evidence which cannot be given greater weight than the testimony of a credible witness who testified on affirmative matters. Between the positive declarations of a prosecution witness and the negative statements of the accused, the former deserve more credence.[44]

With respect to accused-appellant's alibi, we hold that such defense cannot prevail over complainant's positive identification of accused-appellant as her rapist.[45]

It is noteworthy that the witnesses who corroborated accused-appellant's alibi are his son and landlady, who are evidently biased witnesses. A witness is considered biased when his relation to the cause or to the parties is such

that he has an incentive to exaggerate or give false color to his statements, to suppress or to pervert the truth, or to state what is false.[46] In this case, Reynaldo Bares, Jr. admitted that accused-appellant had instructed him to testify in these cases and that he did so out of filial obedience.[47] On the other hand, Lydia Espina testified that she usually went to sleep between 9 to 10 o'clock in the evening and woke up at around 4 o'clock in the morning.[48] Hence, she could not have known if accused-appellant did not arrive home in the early morning on the days the rapes were committed. Moreover, Espina's testimony, full of gaps and uncertainties, cannot be deemed worthy of belief.

In sum, what accused-appellant raises are issues of credibility, which are best left for determination by the trial court which had the opportunity of observing the behavior and demeanor of the witnesses while testifying.[49] Unless there are facts or circumstances of weight and influence which were misconstrued or overlooked by the trial court, its findings and conclusions concerning the credibility of witnesses must be accorded respect and should not be disturbed on appeal.[50]

Second. But although accused-appellant is guilty of four counts of rape, we agree with him that he cannot be sentenced to death because the minority of the victim, which is a special qualifying circumstance, was not established by the prosecution.[51] Art. 335 of the Revised Penal Code, as amended by R. A. No. 7659, provides:

The death penalty shall also be imposed if the crime of rape is committed with any of the following attendant circumstances:

- When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim.

To justify the imposition of the death penalty, therefore, the circumstances of the minority of the victim and her relationship with the offender must both be alleged in the information and proved in court.[52] The minority of the victim must be proved with equal certainty as the commission of the crime itself.[53]

While the relationship of complainant to accused-appellant has been alleged and proved, no proof was presented by the prosecution to establish the minority of complainant at the time of the commission of the crime. Neither complainant nor her aunt testified as to the former's age. The birth certificate of complainant was not offered in evidence to prove her age. Accordingly, the death penalty cannot be imposed on accused-appellant.

In addition, the trial court erred in convicting accused-appellant only of four counts of rape, corresponding to the number of informations filed against him. It must be noted that in Criminal Case No. 96-0079, the information against accused-appellant alleged that "the above-named accused motivated by bestial lust and by means of force and intimidation, did then and there, wilfully, unlawfully, and feloniously have carnal knowledge on one Maribel D. Bares, a minor fifteen years of age who is his own daughter and that thereafter, the said dastardly act was repeated two more times on the same early morning, to the damage and prejudice of the offended party." [54] The wording of the information is thus clear. Accused-appellant raped complainant not once but thrice.

Under Rule 110, §13 of the Revised Rules of Criminal Procedure, "[a] complaint or information must charge only one offense, except when the law prescribes a single punishment for various offenses." While this may be so, accused-appellant failed to timely question the defect in the information in Criminal Case No. 96-0079, and he may be deemed to have waived his objection to the multiplicity of charges.[55] Accused-appellant may thus be convicted of as many offenses as are charged and proven, and the appropriate penalty may be imposed on him for each and every one of them.[56]

Complainant testified that she was raped by her father three times one early September morning.[57] There being

no question as to complainant's credibility, sufficient evidence exists to prove beyond reasonable doubt that accused-appellant is guilty of three counts of rape, not merely one, under Criminal Case No. 96-0079.

Anent the damages awarded to complainant, we find the award of P50,000.00 as moral damages for each count of rape to be in accord with our rulings.[58] Moral damages are awarded in rape cases without need of proof other than the fact of rape itself because it is assumed that the victim has suffered moral injuries entitling her to such an award.[59] An additional award of P50,000.00 as indemnity for each count of rape should, however, be given complainant in consonance with current jurisprudence.[60] The award of exemplary damages in the amount of P30,000.00 should also be sustained considering that the generic aggravating circumstance of relationship has been established.[61]

WHEREFORE, the decision of the Regional Trial Court, Branch 64, Labo, Camarines Norte, is hereby AFFIRMED with the MODIFICATIONS that accused-appellant is found guilty of six (6) counts of rape against his daughter Maribel Bares and for each count is hereby sentenced to suffer the penalty of reclusion perpetua and to pay complainant P50,000.00 as civil indemnity in addition to the awards of moral damages in the amount of P50,000.00 and exemplary damages in the amount of P30,000.00 for each count of rape.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Vitug, Kapunan, Panganiban, Quisumbing, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, De Leon, Jr., and Sandoval-Gutierrez, JJ., concur.
Puno, J., on official business.

[1] Per Judge Amaro M. Meteoro.

[2] Records, p. 2.

[3] Id., p. 16.

[4] Id., p. 22.

[5] Id., p. 31.

[6] Certificate of Arraignment; id., p. 58.

[7] Also referred to as Nenita Asis.

[8] TSN (Maribel Bares), pp. 2-4, July 30, 1996.

[9] Id., pp. 12-13, 15-17.

[10] Complainant testified that she was raped in the early morning of September 8, 1995. Her narration, however, tends to show that she was raped the morning after she was fetched by her father on September 8, 1995, i.e., on September 9, 1995.

[11] TSN (Maribel Bares), pp. 4-7, 12, July 30, 1996.

[12] Id., pp. 8-10, 12.

[13] TSN (Maribel Bares), pp. 10-11, July 30, 1996; TSN (Nenita Bares), pp. 5-8, Sept. 12, 1996.

[14] Exh. A; Records, p. 8.

[15] TSN (Dr. Marcelito Abas), pp. 6-11, July 29, 1996.

- [16] TSN (Reynaldo Bares), pp. 4-11, 15-17, 20, March 11, 1997.
- [17] TSN (Reynaldo Bares, Jr.), pp. 4-9, Dec. 19, 1996.
- [18] *Id.*, pp. 15-16.
- [19] TSN (Lydia Espina), pp. 4-8, Oct. 7, 1997.
- [20] Decision, p. 15; Records, p. 279.
- [21] Brief for the Accused-Appellant, pp. 1-2; Rollo, pp. 55-56.
- [22] *Id.*, p. 11; *id.*, p. 65.
- [23] *People v. Adora*, 275 SCRA 441 (1997).
- [24] *People v. Aloro*, G.R. No. 129208, Sept. 14, 2000.
- [25] *People v. De Guzman*, G.R. No. 124368, June 8, 2000; *People v. Ulgasan*, G.R. Nos. 131824-26, July 11, 2000; *People v. Docena*, 322 SCRA 20 (2000).
- [26] TSN (Maribel Bares), pp. 4-11, July 30, 1996.
- [27] See *People v. Penaso*, G.R. No. 121980, Feb. 23, 2000.
- [28] *People v. Gabiana*, G.R. No. 123543, Aug. 23, 2000; *People v. Quilatan*, G.R. No. 132725, Sept. 28, 2000.
- [29] Brief for the Accused-Appellant, pp. 12-13; Rollo, pp. 66-67.
- [30] *People v. Campaner*, G.R. Nos. 130500 and 143834, July 26, 2000; *People v. Licanda*, G.R. No. 134084, May 4, 2000.
- [31] See *People v. Lomibao*, G.R. No. 135855, Aug. 3, 2000.
- [32] *People v. Quilatan*, *supra*.
- [33] *People v. Sancha*, G.R. Nos. 131818-19, Feb. 3, 2000; *People v. Lim*, 312 SCRA 550 (1999).
- [34] *People v. Docena*, *supra*.
- [35] *People v. Penaso*, *supra*.
- [36] Brief for the Accused-Appellant, p. 13; Rollo, p. 67.
- [37] *People v. Adora*, *supra*.
- [38] *People v. Perez*, 307 SCRA 276 (1999). See also *People v. Mostrales*, 294 SCRA 701 (1998).
- [39] TSN, p. 11, July 29, 1996.
- [40] Brief for the Accused-Appellant, pp. 11-12; Rollo, pp. 65-66.
- [41] *People v. Cajara*, G.R. No. 122498, Sept. 27, 2000.
- [42] *People v. Aloro*, *supra*; *People v. Perez*, *supra*.
- [43] *People v. Martinez*, G.R. No. 130606, Feb. 15, 2000.
- [44] *People v. Fraga*, G.R. Nos. 134130-33, April 12, 2000.

- [45] People v. Gabiana, G.R. No. 123543, Aug. 23, 2000.
- [46] People v. Ulgasan, *supra*.
- [47] TSN, pp. 15-16, Dec. 19, 1996.
- [48] TSN, p. 15, Oct. 7, 1997.
- [49] People v. Castillo, G.R. Nos 130205, July 5, 2000.
- [50] People v. Aloro, *supra*.
- [51] Brief for the Accused-Appellant, p. 14; Rollo, p. 68.
- [52] People v. Mendez, G.R. No. 132546, July 5, 2000.
- [53] People v. Tundag, G.R. Nos. 135695-96, Oct. 12, 2000.
- [54] Records, p. 2
- [55] People v. Ramon, 320 SCRA 775 (1999).
- [56] People v. Villamor, 297 SCRA 262 (1998).
- [57] TSN, p. 7, July 30, 1996.
- [58] People v. Lapid, G. R. No. 129239, Sept. 5, 2000; People v. Aloro, *supra*; People v. Mendez, *supra*.
- [59] People v. Ulgasan, *supra*.
- [60] People v. Lomibao, *supra*; People v. Fraga, *supra*.
- [61] People v. Freta, G.R. Nos. 134451-52, March 14, 2001; People v. Tundag, *supra*.

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