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on her family. The remedy, however, lies not with this Court but with the legislature. We can only call the legislature's attention to Escritor's failure "to legalize" her union with Quilapio, a failure that deserves legislative inquiry and probably remedy, even as we are bound to apply the law without fear or favor.

Accordingly, I vote to suspend respondent Soledad S. Escritor for six months and one day without pay for conduct prejudicial to the best interest of the service. However, the suspension shall be lifted immediately upon Escritor's manifestation to this Court that she has ceased cohabiting with Luciano D. Quilapio, Jr. Moreover, respondent Escritor is warned that her continued cohabitation with Quilapio, during or after her suspension and while Quilapio's marriage with his legal wife still subsists, shall merit the penalty of dismissal from the service.

FIRST DIVISION

[G.R. No. 138924. August 5, 2003]

PEOPLE OF THE PHILIPPINES, *appellee, vs.* **CRISANTO MANAHAN** *y* **DOE,** *appellant.*

SYNOPSIS

Appellant herein was charged and convicted with the crime of rape. He was sentenced to suffer the penalty of *reclusion perpetua*. The victim was only twelve years old at the time of rape and the step-granddaughter of the appellant. In general, appellant's defense was one of denial, emphasizing his incapacity to commit the rape due to his impotency. He also explained that the accusation was motivated by revenge on the part of his wife and stepson. He then sought to impeach the credibility of the victim due to inconsistencies between her testimony and the complaint-affidavit. The trial court, however, gave full

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credence to the testimony of the victim. Aggrieved by the decision, appellant file a notice of appeal with the trial court, and although erroneously addressed and transmitted to the Court of Appeals, the Supreme Court accepted the appeal.

The Supreme Court affirmed the judgment of the trial court. After reviewing the records of the case, the Court found no reversible error in the trial court's analysis. The use of force and intimidation was proven by the testimony of the victim. The alleged inconsistencies in the testimony of the victim and the statements in her complaint-affidavits did not affect her credibility as a witness. The Court agreed with the findings of the trial court that the appellant's unsubstantiated denials cannot be accorded greater evidentiary weight over the declarations of a credible witness. As for his impotency, the appellant failed to establish such defense with the aid of expert competent testimony to overturn the presumption that exists in favor of potency.

SYLLABUS

1. **REMEDIAL LAW; EVIDENCE; CREDIBILITY OF WITNESSES; MINOR INCONSISTENCIES DO NOT AFFECT THE CREDIBILITY OF A WITNESS.** — It is settled that the credibility of complainant's testimony in a rape case rests mainly on the narration of the essential fact of the rape: that is, the carnal knowledge of a woman without her consent. This was established by Janice's testimony on how she was threatened with a knife, forced to lie on the bed and raped by Crisanto. The physical fact of the rape was corroborated by the testimony of Dr. Joel Jurado. Thus, when the trial court found that Janice "testified in a straightforward, candid, sincere manner," it found that her inconsistencies did not impair her credibility. Whether such inaccuracies are found within the testimony of the complainant, or conflict with the statements in the complaint-affidavit, these are not incompatible with the credibility of the complainant as witness.

2. **ID.; ID.; ID.; DELAY IN REPORTING THE CRIME; IF SATISFACTORILY EXPLAINED, DELAY IN REPORTING THE CRIME WOULD NOT AFFECT THE CREDIBILITY OF THE WITNESS.**— The five-month delay in the reporting

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of the rape incident to the authorities was explained as having been caused by the threat against her life and the lives of her grandmother and father. That such a reason for delay in reporting a rape would not affect the complainant's credibility is based on jurisprudence long established. It is difficult to predict, in every instance, how a person, especially a child, reacts to traumatic experiences. What is within the realm of experience is that it is common for a victim of rape to hesitate, for varying periods of time, before reporting the incident. Often, it is because of a real or imagined fear for the victim's life, or the lives of others, and the natural aversion to exposing the shame that accompanies the experience.

3. **ID.; ID.; ID.; ASSESSMENT BY THE TRIAL COURT, GIVEN GREAT WEIGHT AND RESPECT; RATIONALE.** — The great weight and respect given to the trial court's assessment of a witness' credibility, by virtue of its ability to observe the conduct and demeanor of the witnesses, would alone allow us to agree with its conclusions. We have, however, made our own careful scrutiny of the transcripts and evidence on record, and are convinced of Janice's credibility. We thus agree with the trial court that Janice was, indeed, a credible witness and its conclusion that she was raped by her step-grandfather, Crisanto, on one Saturday morning in September of 1997.

4. **ID.; ID.; DENIAL; DENIALS ARE INHERENTLY WEAK WHEN UNSUBSTANTIATED.** — The bulk of Crisanto's defense consists of his denial and the improbability of his committing the offense due to his impotence. In support of his denial, he claims that as a "church-goer," he would not watch a "bold English film," or drag his step-granddaughter to the bedroom, presumably for the purpose of raping her. Unfortunately, being a "church-goer" has long been held insufficient to establish the improbability of committing any crime, including rape. The same holds true against his claim that he did not own, or have access to, a knife because he had no enemies. These denials are self-serving and are inherently weak defenses. When unsubstantiated, denials cannot be accorded greater evidentiary weight over the declaration of a credible witness. While not fateful, it is noteworthy that he did not categorically deny raping Janice.

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5. **ID.; ID.; IMPOTENCY; IMPOTENCE SHOULD BE ESTABLISHED BY EXPERT WITNESS.** — As for Crisanto's impotency, it is a defense which is both a physical and medical question that should be satisfactorily established with the aid of an expert competent testimony in order to overturn the presumption that exists in favor of potency. In this, we hold that he, too, has failed.

6. **CRIMINAL LAW; RAPE; USE OF FORCE AND INTIMIDATION; PROVEN IN CASE AT BAR.** — That Crisanto employed force and intimidation was also proven by Janice's testimony. It is clear from her narration that Crisanto used the knife to intimidate and cow her into submitting to his evil designs. The threat or intimidation produced in the mind of Janice such fear that if she resisted or did not yield to the desire of Crisanto, the threat would be carried out.

7. **ID.; ID.; LUST IS NO RESPECTER OF TIME OR PLACE.** — It has been too often observed, so as to become sadly mundane, that rape is no respecter of time or place. There have been too many instances when rape was committed under circumstances as indiscreet and audacious as a room full of family members sleeping side by side.

8. **ID.; ID.; PENALTY; QUALIFYING CIRCUMSTANCES; MINORITY AND RELATIONSHIP; STEP-GRANDFATHER NOT AMONG THE LIST OF RELATIVES WHOSE RELATIONSHIP WOULD CONSTITUTE AS A QUALIFYING CIRCUMSTANCE.** — Absent any error in the trial court's appreciation of evidence, we uphold its judgment and declare Crisanto guilty of the crime of rape. As established, Janice was shown to be a minor over twelve years of age at the time of the rape. However, Crisanto's relationship with Janice as a step-grandfather is not included in the list of relatives whose relationship as such would qualify the commission of rape. Crisanto is guilty only of simple rape, the penalty for which is *reclusion perpetua.*

9. **ID.; ID.; DAMAGES; MORAL DAMAGES, AWARDED WITHOUT NEED OF EVIDENCE.** — The moral damages that may be awarded to the victim of a rape case is within the trial court's discretion and may be imposed without need of evidence of mental, physical, and psychological trauma. We therefore uphold the award of ₱50,000.00.

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10. ID.; ID.; ID.; CIVIL INDEMNITY, AWARDED SEPARATELY. — Civil liability, separate from the award of moral damages, is compulsory in rape cases, and jurisprudence sets its limit for simple rape at ₱50,000.00.

APPEARANCES OF COUNSEL

The Solicitor General for plaintiff-appellee.
Manuel Teoxon for accused-appellant.

D E C I S I O N

DAVIDE, JR., *C.J.*:

Before us in this case is an ordinary appeal from a judgment[1] dated 16 January 1999 by the Regional Trial Court of Naga City, Branch 28, in Criminal Case No. RTC 98-7047 convicting accused appellant, Crisanto Manahan, of the crime of rape. The dispositive portion of the judgment reads:

> WHEREFORE, in view of all the foregoing findings that the prosecution was able to prove beyond reasonable doubt the guilt of accused Crisanto Manahan of the crime of rape of which he is presently charged, judgment is hereby rendered whereby said accused is sentenced to suffer the penalty of *reclusion perpetua* and for him to pay the complainant Janice Vale the amount of FIFTY THOUSAND (₱50,000.00) PESOS for moral damages. With costs *de oficio*.

The victim is Janice Vale (Janice), who was only twelve years old at the time of the rape. On 24 February 1998, Janice reported to her teacher at the Concepcion Grande Elementary School in Naga City that she had been raped by her step-grandfather, Crisanto Manahan (Crisanto). With the assistance of the teacher, her complaint was brought to the attention of Nancy Vargas, a personnel of the Department of Social Welfare and Development. She advised Janice to have a medical examination should she wish to file a case against Crisanto. When Janice agreed, Nancy Vargas accompanied her to the

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[1] Original Record (OR), 85–95; *Rollo*, 77–87. Per Judge Antonio N. Gerona.

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Naga City Hospital where Dr. Joel Jurado, City Health Officer of Naga City, examined her and found healed hymenal lacerations at the nine and three o'clock positions, her vagina admitting one finger with difficulty.[2] The conclusion of Dr. Jurado, expressed during his testimony,[3] was that the healed lacerations could have been caused by any hard object, like an erect penis or a finger inserted into the private part of a woman, or by jumping or riding a bicycle.

With Dr. Jurado's medical certificate accompanying Janice's complaint-affidavit,[4] the Assistant Prosecutor of Naga City filed an information accusing Crisanto as follows:

> That undersigned Assistant Prosecutor of Naga City upon complaint of JANICE VALE *Y* AGOT, under oath, accuses CRISANTO MANAHAN *Y* DOE, her paternal step-grandfather of the crime of RAPE, under Article 335 of the Revised Penal Code, committed as follows:
>
> That on or about the morning of Saturday, September 1997, in the City of Naga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused with lewd design and with the use of a deadly weapon, namely, a small knife, did then and there wil[l]fully, unlawfully and feloniously have carnal knowledge of JANICE VALE *Y* AGOT, a minor under 12 years of age, against her will and without her consent, to her damage and prejudice. This is the first of two (2) acts of rape committed by accused against herein private complainant.[5]

Several warrants for the arrest of Crisanto were issued on 14 May 1998.[6] He was finally arrested in Pasay City on 05 November 1998.[7]

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[2] OR, 5.

[3] TSN, 17 December 1998, 22–24.

[4] OR, 4.

[5] *Id.*, 1.

[6] OR, 10–17.

[7] *Id.*, 18.

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Crisanto pleaded not guilty upon arraignment on 25 November 1998.[8] During the pre-trial that shortly followed, the parties agreed, by way of a stipulation of facts, on the following: (1) the identity of the parties; (2) the existence of the medical certificate issued by Dr. Joel Jurado on 24 February 1998; and (3) the existence of the marriage between Crisanto and Soledad Vale-Manahan, Janice's paternal grandmother.[9]

At the trial on the merits, the prosecution presented the following factual antecedents:

Janice was born on 22 December 1984.[10] Her grandmother, Soledad Vale-Manahan was a widow with nine children before she married Crisanto on 15 October 1986. Since her parents were separated and her father was living abroad, Janice lived with her grandmother and step-grandfather in Villa Grande Homes Subdivision in Naga City.[11]

One Saturday morning in September of 1997, when Janice was in the fifth grade,[12] Crisanto asked her to watch pornography (an English bold film)[13] with him on video. She refused and proceeded to play outside with the other children on the street. After watching the film, Crisanto called her into the house. Janice obeyed. Inside, he pulled out a small knife and, pointing it at her, made her walk into the master's bedroom with him, pushed her beside the bed, lifted her onto it, and then, still holding the knife, proceeded to undress her and himself.[14] The following is Janice's narration of the rape and what transpired after:

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[8] *Id.*, 43.

[9] *Id.*, 45.

[10] Exhibit "B." Birth Certificate of Janice Vale issued by the Local Civil Registrar of Carigara, Leyte on 7 December 1998, signed by Ma. Lilibeth D. Escobeja, Asst. Registration Officer (Exhibit "B-1").

[11] OR, 4.

[12] TSN, 17 December 1998, 5.

[13] *Id.*, 7.

[14] TSN, 17 December 1998, 7–15, 34–37.

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ATTY. SARCILLA:

What did you see from him when he undressed his brief?

JANICE VALE:

His penis was erect.

Q After Crisanto Manahan undressed his brief and his penis was erect, what else did he do?

A He lie [*sic*] on top of me, sir.

Q Where was the knife while Crisanto Manahan lie on top of you?

A It was on his side, sir.

Q What else did Crisanto Manahan [*sic*] when he was already on top of you?

A He raped me already, sir.

Q How did he rape you?

A He placed his penis into my vagina.

Q How did he place his penis into your vagina?

A He made an up and down movement.

Q Was he able to enter your vagina?

A Yes, sir.

Q How were you able to say that it was able to penetrate your vagina?

A Because it was painful.

PROS. SARCILLA:

At this juncture Your Honor the complainant is crying.

ATTY. TEOXON:

Shedding tears only, Your Honor.

x x x x x x x x x

PROS. SARCILLA:

Q What was the position of your legs?

A He spread it, sir.

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Q And how did Crisanto Manahan do in spreading [*sic*] your legs?

A He used his left hand sir in spreading [*sic*] my legs.

Q You said that when the penis of Crisanto Manahan was already inside your vagina he made a push and pull movement, for how long was he that on push and pull movement on top of you?

A I do not know, sir.

Q What happened after that?

A He left me already, sir.

Q And what did you observe from Crisanto Manahan when he left the bed?

A There was blood, sir.

Q Blood where?

A In [*sic*] his penis, sir.

Q And what did he do with the blood in [*sic*] his penis?

A He wiped it, sir.

Q What did he use in wiping the blood in his penis?

A His brief, sir.

Q How about you what did you observe when Crisanto Manahan left?

A There was blood also, sir.

Q What did he do with the blood in your vagina?

A He wiped it, sir.

Q What did he use in wiping your vagina?

A The *sando*.

Q Do you know whose *sando* was that?

A The *sando* of my cousin.

Q After Crisanto Manahan wiped the blood on your vagina with the *sando*, what did he do?

A He told me not to report the incident, sir.

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Q Not to report to whom?

A To my father and to my grandfather [*sic*].

Q What else did Crisanto Manahan tell you aside from telling you not to report that incident to your father and to your grandmother?

A He said if I report he would kill them.

Q Where was the knife at the time Crisanto Manahan threatened you not to report the incident to your father and to your grandmother or else he will kill them?

A The knife was on [*sic*] his right hand.

Q After threatening you, what else did Crisanto Manahan do?

A No more, sir.

Q How about you, what did you do?

A I dressed up and went inside the comfort room.

Q Why did you went [*sic*] inside the comfort room?

A I took a bath, sir.

Q Why did you take a bath?

A Because I feel I was dirty, sir.

Q Dirty of what?

A Dirty of what he did to me, sir.

Q And what else did happen after that?

A No more, sir.

x x x x x x x x x

Q What did you feel when you said you were raped by accused Crisanto Manahan?

A I felt pain.

Q Aside from pain what else did you feel?

A I want to make a revenge, sir.

Q What kind of revenge?

A He should die also, sir.

Q Why do you have that thinking?

A Because he destroyed my life, sir.

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In general, Crisanto's defense was one of denial, emphasizing his incapacity to commit the rape due to his impotency. He also explained that the accusations against him was motivated by revenge on the part of his wife and stepson. He then sought to impeach the credibility of Janice by pointing out inconsistencies between her testimony and the complaint-affidavit.

The trial court gave full credence to the testimony of Janice and, as stated earlier, it found Crisanto guilty of rape and sentenced him to suffer the penalty of *reclusion perpetua* and to pay Janice ₱50,000 as moral damages.

Aggrieved by the decision, Crisanto filed a notice of appeal with the trial court.[15] Although erroneously addressed and transmitted to the Court of Appeals,[16] we accepted the appeal by a resolution dated 15 December 1999, and ordered the parties to file their briefs.[17]

In his Appellant's Brief[18] Crisanto submits that the trial court erred:

I

. . . IN CONVICTING THE ACCUSED-APPELLANT BASED ON THE INCONSISTENT AND HIGHLY INCREDIBLE STORIES OF THE PRIVATE COMPLAINANT.

II

. . . IN NOT GIVING WEIGHT TO THE TESTIMONY OF THE ACCUSED AND THE DOCTOR WITNESS FOR THE ACCUSED.

III

. . . IN SENTENCING THE ACCUSED-APPELLANT TO PAY MORAL DAMAGES OF ₱50,000.00.

After reviewing the records of the case and evaluating the evidence adduced by the parties, we find and do hold that this appeal is unmeritorious.

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[15] OR. 102.

[16] *Id.*, 103.

[17] *Rollo*. 30.

[18] *Rollo*. 66. 69.

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In the first and second assigned errors, Crisanto faults the lower court for failing to consider the inconsistencies in the prosecution's evidence which the defense raised during trial. We find the contrary to be true. Aside from thoroughly discussing the evidence of both sides, the trial court's ruling gave explicit reasons for giving weight to the evidence of the prosecution, thus:

> The accused cited some inconsistencies between what the complainant stated in her affidavit and what she testified. In her affidavit the complainant stated that the accused was armed with a small knife while in her testimony she declared that the accused was armed with a *balisong*. In her affidavit she stated that she was dragged inside the bedroom while in her testimony she declared that the accused told her to walk. In her affidavit she stated that her arm was twisted while in her testimony she did not declare that her arm was twisted by the accused.
>
> The aforecited inconsistencies are only minor details and collateral matters that did not affect either the substance of the complainant's declaration, her veracity or the weight of her testimony. It was held that "Contradictions in the testimony of the complainant on minor details even tend to strengthen rather than weaken her credibility by erasing any suspicion of a rehearsed testimony." (*People vs. Rivera*, 242 SCRA 26) It was also held that "Inconsistencies and contradictions referring to minor details do not destroy the credibility of the witness (*People vs. Bacbong*, 164 SCRA 441).
>
> With respect to the affidavit the complainant executed, it has been repeatedly held that "the courts has long taken judicial notice of the fact that since affidavits are usually taken *ex-parte*, they are always incomplete and inaccurate, but they do not really detract from the credibility of the witness (*People vs. Fulinasa*, 247 SCRA 28).[19]

There is, therefore, no basis for Crisanto's assertions, nor do we find reversible error in the trial court's analysis. It is settled that the credibility of complainant's testimony in a rape case rests mainly on the narration of the essential fact of the rape: that is, the carnal knowledge of a woman without her consent.[20] This was established by Janice's testimony on how

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[19] *Rollo*, 24–25.

[20] *People v. Docena*, 379 Phil. 903 (2000).

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she was threatened with a knife, forced to lie on the bed and raped by Crisanto. The physical fact of the rape was corroborated by the testimony of Dr. Joel Jurado.[21]

Thus, when the trial court found that Janice "testified in a straightforward, candid, sincere manner," it found that her inconsistencies did not impair her credibility. Whether such inaccuracies are found within the testimony of the complainant, or conflict with the statements in the complaint-affidavit, these are not incompatible with the credibility of the complainant as witness.[22]

That Crisanto employed force and intimidation was also proven by Janice's testimony. It is clear from her narration that Crisanto used the knife to intimidate and cow her into submitting to his evil designs. The threat or intimidation produced in the mind of Janice such fear that if she resisted or did not yield to the desire of Crisanto, the threat would be carried out.[23]

The five-month delay in the reporting of the rape incident to the authorities was explained as having been caused by the threat against her life and the lives of her grandmother and father.[24] That such a reason for delay in reporting a rape would not affect the complainant's credibility is based on jurisprudence long established.[25] It is difficult to predict, in every instance, how a person, especially a child, reacts to traumatic experiences.

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[21] *Rollo*, 23.

[22] *People v. Tamsi*, G.R. No. 142928-29, 11 September 2002, citing *People v. Mangat*, 369 Phil. 872 (1999); *People v. Gozum*, 219 Phil. 807 (1985).

[23] *People v. Amante*, G.R. No. 149414-15, 18 November 2002, citing *People v. Maglente*, 366 Phil. 221 (1999); see also *People v. Gastador*, 365 Phil. 209 (1999); *People v. Baltazar*, G.R. No. 115990, 31 March 2000, 329 SCRA 378; *People v. Austria*, G.R. No. 123539, 27 June 2000, 334 SCRA 398.

[24] TSN, 17 December 1998, 14.

[25] *People v. Perez*, 366 Phil. 741 (1999); *People v. Alliviano*, G.R. No. 133985, 10 July 2000, 335 SCRA 371; *People v. Saladino*, G.R. Nos. 137481 and 138455, 7 March 2001, 353 SCRA 819; *People v. Leonar*, G.R. No. 130628, 22 November 2001, 370 SCRA 230.

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What is within the realm of experience is that it is common for a victim of rape to hesitate, for varying periods of time, before reporting the incident. Often, it is because of a real or imagined fear for the victim's life, or the lives of others, and the natural aversion to exposing the shame that accompanies the experience.

The great weight and respect given to the trial court's assessment of a witness' credibility, by virtue of its ability to observe the conduct and demeanor of the witnesses, would alone allow us to agree with its conclusions.[26] We have, however, made our own careful scrutiny of the transcripts and evidence on record, and are convinced of Janice's credibility. We thus agree with the trial court that Janice was, indeed, a credible witness and its conclusion that she was raped by her step-grandfather, Crisanto, on one Saturday morning in September of 1997.

The bulk of Crisanto's defense consists of his denial and the improbability of his committing the offense due to his impotence.

In support of his denial, he claims that as a "church-goer," he would not watch a "bold English film," or drag his step-granddaughter to the bedroom, presumably for the purpose of raping her. Unfortunately, being a "church-goer" has long been held insufficient to establish the improbability of committing any crime, including rape. The same holds true against his claim that he did not own, or have access to, a knife because he had no enemies. These denials are self-serving and are inherently weak defenses. When unsubstantiated, denials cannot be accorded greater evidentiary weight over the declaration of a credible witness.[27] While not fateful, it is noteworthy that he did not categorically deny raping Janice.

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[26] *People v. Gutierrez*, G.R. No. 132772, 20 October 2000, 239 SCRA 452; *People v. Bertulfo*, G.R. No. 143790, 7 May 2002; *People v. Ortega*, G.R. No. 137824, 17 September 2002.

[27] *People v. Francisco*, G.R. No. 136252, 20 October 2000, 344 SCRA 110; *People v. Ugang*, G.R. No. 144036, 7 May 2002; *People v. Baloloy*, G.R. No. 140740, 12 April 2002.

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Next, Crisanto focused on proving the strained relations he had with his wife and stepson to show their vengeful motive for allowing Janice to file the complaint. He tried to present evidence of his wife's ill feelings towards him because he refused to support her and her family after he discovered her marital infidelity. He offered in evidence a letter written by Soledad to his son, asking for money. This letter was in turn sent to the son's wife in Manila who delivered it, with missing pages, to Crisanto while he was in prison.[28]

As for his stepson, Crisanto alleged that Joel Vale, Janice's father, was angry with him because he did not allow the latter to return abroad for work. He was the object of Joel's abuse, sometimes being kicked or punched while he was asleep. Unfortunately for Crisanto again, he admitted that this occurred only after the discovery of the rape.

In all, Crisanto has not shown any motive or circumstance that would impel a father or a grandmother to assert moral ascendancy to influence a twelve-year-old girl so as to subject her to the humiliation and indignity of a vaginal examination, and testifying to her rape in a public trial,[29] as a tool of malice for exacting revenge.

To establish the incredibility of Janice's story, Crisanto relies on two facts: (1) that the mother of Soledad Vale-Manahan (Janice's great-grandmother) was in the next room while the alleged rape occurred; and (2) that his hypertension medicine made him impotent.

As for the first, it has been too often observed, so as to become sadly mundane, that rape is no respecter of time or place.[30] There have been too many instances when rape was

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[28] Exhibit "7-B."

[29] *People v. Ardon*, G.R. Nos. 137753-56, 16 March 2001, 354 SCRA 609; *People v. Geraban*, G.R. No. 137048, 24 May 2001, 358 SCRA 213; *People v. de los Santos*, G.R. No. 136978, 6 November 2001, 368 SCRA 475.

[30] *People v. Antonio*, G.R. No. 122473, 8 June 2000, 333 SCRA 201; *People v. Arteche*, G.R. No. 122473, 8 June 2000.

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committed under circumstances as indiscreet and audacious as a room full of family members sleeping side by side.[31]

As for Crisanto's impotency, it is a defense which is both a physical and medical question that should be satisfactorily established with the aid of an expert competent testimony [32] in order to overturn the presumption that exists in favor of potency. In this, we hold that he, too, has failed.

Testimonial and documentary evidence show that Crisanto was twice diagnosed as being hypertensive. Prescribed for his condition were hypertensive and anti-cholesterol medicines, such as norvase, vascase, lescole and aspilet, which, according to Dr. Efren Nerva could affect "the potency of the erection of the patient"[33] when taken continuously. However, Dr. Efren Nerva, both as an expert witness and the doctor who diagnosed Crisanto's hypertension, could not testify as to the effects of the medication on him. No impotency tests were conducted on Crisanto that could have shown the state of Crisanto's virility.[34] Further, Dr. Nerva testified on these effects hypothetically because having seen Crisanto only once in May 1996 when he was diagnosed, and briefly when he was confined in 1997, Dr. Nerva could not say whether Crisanto took the medicine regularly. In fact, the medicines were offered as prescription samples, and nothing more. In light of the rule that denies the claim of impotency even when tests had been successfully conducted and offered in evidence,[35] Crisanto's defense of impotency must fail.

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[31] *People v. Alitagtag*, 368 Phil. (1999); *People v. Alcartado*, G.R. Nos. 132379-82, 29 June 2000, 334 SCRA 701; *People v. Villanueva*, G.R. No. 1353, 31 August 2000, 339 SCRA 482; *People v. Lomerio*, 383 Phil. 434 (2000).

[32] *People v. Bahuyan*, G.R. No. 105842, 24 November 1994, 238 SCRA 330; *People v. Austria*, G.R. No. 123539, 27 June 2000, 334 SCRA 398; *People v. Leonar*, G.R. No. 130628, 22 November 2001, 370 SCRA 230.

[33] TSN, 12 January 1999, 10.

[34] *Id.*, 18.

[35] *People v. Ablog*, 368 Phil. 526 (1999), citing *People v. Old English*, 201 Phil. 661 (1982).

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Absent then any error in the trial court's appreciation of evidence, we uphold its judgment and declare Crisanto guilty of the crime of rape. As established, Janice was shown to be a minor over twelve years of age at the time of the rape. However, Crisanto's relationship with Janice as a step-grandfather is not included in the list of relatives whose relationship as such would qualify the commission of rape. Crisanto is guilty only of simple rape, the penalty for which is *reclusion perpetua.*

Finally, as to the award of damages. The lower court committed a reversible error, but not for the reasons claimed by Crisanto. The moral damages that may be awarded to the victim of a rape case is within the trial court's discretion and may be imposed without need of evidence of mental, physical, and psychological trauma.[36] We therefore uphold the award of ₱50,000. However, civil liability, separate from the award of moral damages, is compulsory in rape cases, and jurisprudence sets its limit for simple rape at ₱50,000.[37]

IN VIEW OF THE FOREGOING, judgment is hereby rendered *AFFIRMING* the judgment of Regional Trial Court of Naga City, Branch 28, in Criminal Case No. RTC 98-7047 finding appellant CRISANTO MANAHAN *y* DOE, GUILTY beyond reasonable doubt as principal of the crime of simple rape, and sentencing him to suffer the penalty of *reclusion perpetua* and to pay Janice Vale ₱50,000 as moral damages, with the modification that he is further ordered to pay ₱50,000 as civil indemnity *ex delicto*.

Cost *de oficio*.

SO ORDERED.

Vitug, Ynares-Santiago, Carpio and *Azcuna, JJ.*, concur.

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[36] *People v. Arofo*. G.R. No. 139433. 11 April 2002.

[37] *People v. Perez*, 357 Phil. 1046 (1998).