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THIRD DIVISION

[G.R. No. 141631. April 4, 2003]

PEOPLE OF THE PHILIPPINES, *appellee, vs.* **FERDINAND FRANCISCO,** *appellant.*

SYNOPSIS

Rose Ollero Francisco, 27-year old mother of four, accused Ferdinand Francisco of raping her on May 7, 1994. Accused denied the charge against him claiming that he and the complainant were lovers. He also questioned the delay in reporting the incident, contending that the complainant did not give a satisfactory explanation for allowing six months to elapse before filing the criminal complaint. The Regional Trial Court of Agoo, La Union found the prosecution's version more credible and convicted the accused and sentenced him to *reclusion perpetua* and ordered to indemnify the victim.

Hence, this appeal.

Adopting the trial court's findings of fact and assessment of the victim's credibility, the Supreme Court affirmed the judgment of conviction. It held that the appellant's claim that the victim could have taken advantage of countless opportunities to report the rape incident to her family, the police or *barangay* officials (but did not) does not, by itself, negate the presence of fear. According to the Court, complainant's fears were real and justified. She explained in detail the fear, which compelled her to keep quiet about the crime for six months. She was afraid that appellant would harm not only her, but also her husband, her mother and siblings. Thus, she was worried about the possible confrontation between her husband and appellant who both went to work everyday in the same place. Likewise, she feared that appellant might harm her mother, considering that the field where her mother worked was located in the same *barrio* where appellant resided.

Anent appellant's "sweetheart defense", the Court found that appellant failed to prove the same. No independent evidence such as love letters, mementos or pictures was ever presented to prove his alleged relationship with the complainant. The Court

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held that the affirmative defense of love affair needs to be supported by substantial evidence other than the bare assertions of appellant.

SYLLABUS

1. **REMEDIAL LAW; EVIDENCE; CREDIBILITY OF WITNESSES; NOT AFFECTED BY DELAY IN MAKING CRIMINAL ACCUSATION IF SUCH DELAY IS SATISFACTORILY EXPLAINED.**— Appellant capitalizes on the fact that private complainant allowed six months from May 7, 1994 (the date of the rape) to elapse before she filed the complaint. We have ruled that delay in making a criminal accusation does not impair the credibility of a witness if such delay is satisfactorily explained.

2. **ID.; ID.; ID.; FACTUAL FINDINGS OF THE TRIAL COURT WITH RESPECT THERETO ACCORDED GREAT WEIGHT AND RESPECT AND WILL NOT BE DISTURBED ON APPEAL.**— Well-entrenched is the rule that the factual findings of the trial court, especially on the credibility of witnesses, are accorded great weight and respect and will not be disturbed on appeal. This is so because the trial court had the advantage of observing the witnesses through the different indicators of truthfulness or falsehood, such as the angry flush of an insisted assertion, the sudden pallor of a discovered lie, the tremulous mutter of a reluctant answer, the forthright tone of a ready reply; of the furtive glance, the blush of conscious shame, the hesitation, the yawn, the sigh, the candor or lack of it, the scant or full realization of the solemnity of an oath, the carriage and mien.

3. **ID.; ID.; ID.; NO STANDARD FORM OF BEHAVIOR THAT CAN BE EXPECTED OF RAPE VICTIMS.**— Furthermore, Rose, is illiterate. People of ordinary intelligence can normally act rationally and not let their emotions interfere with their perception of the best course of action in a particular situation. However, in the case at bar, private complainant's intellectual shortcomings and fear deprived her of the better judgment of reporting the incident to the proper authorities or her own family. Private complainant took appellant's threats very seriously and found it better to momentarily sacrifice the vindication of her honor than risk harm and reprisal against her and her loved

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ones. Indeed, there is no standard form of behavior that can be expected of rape victims after they have been defiled because people react differently to emotional stress. This experience is relative and may be dealt with in many ways by the victim depending on the circumstances, but her credibility should not be tainted with any modicum of doubt.

4. **ID.; ID.; ID.; DISCREPANCY AS TO MINOR MATTER WHICH DID NOT DELVE INTO THE RAPE INCIDENT ITSELF WILL NOT WEAKEN RAPE VICTIM'S TESTIMONY.**— Appellant points out the inconsistency between the victim's earlier testimony that, after the rape incident, she was always accompanied by her husband, and her subsequent testimony that she used to go *alone* to Pablito's house to fetch her son or bring food to him. We view this discrepancy as a minor matter that did not weaken private complainant's testimony. It did not delve into the rape incident itself. It also did not disprove fear during the time that private complainant remained silent. It hardly mattered whether or not private complainant went to Pablito's house after the rape for the reason that said house was not the appellant's. In fact, appellant lived in the mountain, far from his father's house. Private complainant was afraid of appellant, not Pablito.

5. **CRIMINAL LAW; RAPE; ELEMENT OF INTIMIDATION; FAILURE OF VICTIM TO TAKE ADVANTAGE OF COUNTLESS OPPORTUNITIES TO REPORT THE RAPE INCIDENT DOES NOT, BY ITSELF, NEGATE THE PRESENCE OF FEAR; CASE AT BAR.**— We adopt the trial court's findings of fact and assessment of Rose's credibility. Appellant's claim that the victim could have taken advantage of countless opportunities to report the rape incident to her family, the police or *barangay* officials (but did not) does not, by itself, negate the presence of fear. Intimidation must be viewed in the light of the victim's perception and judgment at the time of the commission of the crime and not by any hard and fast rule. It is sufficient that the victim is intimidated by the fear that, if she does not yield to the bestial demands of the appellant, something will happen to her at that moment, or even after, as when she is threatened with death if she reports the incident. In the instant case, Rose explained in detail the fear which compelled her to keep quiet about the crime for six months. She was afraid

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that appellant would harm not only her, but also her husband, her mother and siblings.

6. **ID.; ID.; "SWEETHEART DEFENSE"; AFFIRMATIVE DEFENSE OF LOVE AFFAIR NEEDS TO BE SUPPORTED BY SUBSTANTIAL EVIDENCE OTHER THAN THE BARE ASSERTIONS OF ACCUSED.**— Aside from failing to cast doubt on private complainant's credibility, appellant could not prove his "sweetheart defense." No one corroborated this self-serving assertion. No independent evidence such as love letters, mementos or pictures was ever presented to prove his alleged relationship with private complainant. As we have consistently ruled, the affirmative defense of *love affair* needs to be supported by substantial evidence other than the bare assertions of appellant.

7. **ID.; ID.; IMPOSABLE PENALTY.**— Since it was duly proven that appellant committed the crime of rape by means of force against Rose, we affirm the imposition of the penalty of *reclusion perpetua* on him pursuant to Article 335 of the Revised Penal Code, as amended by RA 7659.

8. **CIVIL LAW; DAMAGES; MORAL DAMAGES; AUTOMATICALLY GRANTED IN RAPE CASES WITHOUT NEED OF PROOF.**— In addition to the trial court's award of ₱50,000 as civil indemnity *ex delicto* and attorney's fees amounting to ₱10,000, we award to the victim the amount of ₱50,000 as moral damages. Moral damages in the amount of ₱50,000 are automatically granted in rape cases without need of proof for it is assumed that the victim suffered moral injury entitling her to such an award.

APPEARANCES OF COUNSEL

The Solicitor General for plaintiff-appellee.
Jose M. Rodrigo for accused-appellant.

DECISION

CORONA, *J.*:

This is an appeal from the decision[1] dated May 7, 1999 of the Regional Trial Court of Agoo, La Union, Branch 31, finding

[1] Penned by Judge Clifton U. Ganay; *Rollo*, pp. 356-372.

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herein appellant, Ferdinand Francisco, guilty beyond reasonable doubt of the crime of rape and sentencing him to suffer the penalty of *reclusion perpetua* and to pay a fine of ₱50,000 and attorney's fees in the amount of ₱10,000.

Based on a criminal complaint filed by private complainant Rose Francisco (Rose, for brevity), appellant was charged on May 11, 1995 with the crime of rape in an information that read:

> The undersigned Assistant Provincial Prosecutor, on the basis of the sworn criminal complaint filed before the Office of the Provincial Prosecutor, Agoo Branch, Agoo, La Union, by the offended party Rose Ollero-Francisco assisted by Laureano Francisco which criminal complaint is hereby made as an integral part hereof, accuses FERDINAND FRANCISCO of the crime of RAPE, committed as follows:
>
> That on or about the month of May 1994, in the Municipality of Pugo, Province of La Union, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, did then and there, by means of force and intimidation and against the will and consent of the aforenamed offended woman ROSE OLLERO-FRANCISCO, willfully, unlawfully and feloniously have (sic) carnal knowledge of the latter, to her damage and prejudice.
>
> Contrary to law.[2]

During appellant's arraignment on July 17, 1995, he pleaded not guilty.

Appellant filed a petition for bail on the ground that the evidence against him was not strong. After conducting a hearing, the trial court issued a resolution[3] dated January 21, 1998 denying the petition for bail.

The evidence of the prosecution shows that, at the time of the rape, Rose was a 27-year-old mother of four. Inasmuch as

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[2] *Id.*, p. 4.

[3] *Id.*, pp. 202-203.

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she did not even finish Grade 1, she does not know how to read and write.[4]

In the morning of May 7, 1994, Rose was gathering *baguio* beans in her garden in the mountain of Cagaling, Palina, La Union, together with her 7-year-old son whom she left to sleep in a bamboo bed. She claimed that appellant came from behind, suddenly grabbed her with his left hand and punched her in the abdomen with his right hand rendering her unconscious.[5] Upon regaining consciousness, she noticed that she was no longer wearing her pants and panty. The appellant was seated beside her. She felt pain in her buttocks and thighs, and noticed that her vagina was wet and slippery due to the white substance oozing from her buttocks. Appellant threatened to kill her and her entire family if she revealed the incident to her husband.[6] The appellant then left. When she and her son were on their way home, she noticed that blood was flowing down her thighs. She realized that she was suffering a miscarriage since she was then pregnant.

Rose told Laureano Francisco, her husband, only about the miscarriage but not about the rape because of the threats made by appellant.

In the early morning of November 2, 1994, Rose was awakened from her sleep by someone outside the house trying to open the door. Laureano saw and recognized the intruder as herein appellant. When Laureano shouted at appellant, the latter hurriedly left. Rose cried and asked for help while Laureano started shouting outside. When Laureano saw Rose crying, she narrated to him the rape that occurred on May 7, 1994. Her husband cried after hearing her story.[7]

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[4] TSN, June 3, 1996, p. 6; TSN, November 13, 1995, p. 13.

[5] TSN, August 21, 1995, pp. 1-4, 20-21.

[6] *Id.*, pp. 4-5, 12, 22-23, 30.

[7] *Id.*, pp. 9-11; TSN, March 15, 1999, pp. 7-9.

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That same day, Rose and Laureano went to the National Bureau of Investigation (NBI, for brevity) to report the crime.[8] She executed a sworn statement and, the next day, subjected herself to a medical examination conducted by Dr. Arturo Llavore.[9] During her medical examination, Dr. Llavore asked her why she reported the rape incident only after six months from its commission. She replied that she was afraid of the death threats made by appellant.[10]

Rose testified that she suffered mental anguish due to this incident.

For his defense, appellant denied the charges, invoked that he and Rose were lovers and tried to discredit her testimony by pointing out the delay in, and her ill-motives for, filing the case.

Appellant testified that Rose is his cousin-in-law, Laureano being his first cousin. He denied raping her on May 7, 1994.[11] Instead, he claimed that he began a secret love affair with her sometime in April, 1994 when she went to his house to ask him to testify in a criminal case involving the murder of her father. In exchange for this favor, Rose offered to have sexual intercourse with appellant. Appellant refused but, just the same, she still desired to make love to him. Appellant acceded and they had sexual intercourse in his house.[12] They again had sexual intercourse at the Pugo Cemetery at about 11:00 a.m. also in April, 1994.[13]

During the *barangay* elections on May 9, 1994, or two days after the alleged rape incident, Rose and Laureano went to appellant's house to invite the latter to be an official watcher

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[8] TSN, August 21, 1995, pp. 6-7.

[9] *Id.*, pp. 9-11.

[10] TSN, March 15, 1999, p. 27.

[11] TSN, February 14, 1997, p. 4.

[12] *Id.*, pp. 5-10.

[13] *Id.*, pp. 17-18.

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of Laureano who was then campaigning for the position of *barangay kagawad*. Appellant agreed. In the morning of election day, appellant went to Precinct 16, Barrio Palina, Pugo, La Union, and acted as the official watcher of Laureano. Rose even brought him food for lunch.[14] To support his claim, appellant presented the minutes of the voting and counting of votes which showed his handwritten name and his designation as the watcher of Laureano. Although Araceli Suyat (Acting Election Registrar) and Yolanda Queral (Chairman of Precinct 16, Barrio Palina, Pugo, La Union) testified on the authenticity of the document, they told the court that they did not know appellant personally.[15]

Lorna Francisco, the appellant's wife, corroborated her husband's testimony. She also went to the polling place, voted and gave appellant his lunch.[16]

Pablito Francisco, the father of appellant, testified that, after the election, Rose and Laureano went to the house he (Pablito) was renting. They asked Pablito to let their son live with him considering that his house was near Pugo Catholic School, the school where their son was studying. Her son stayed with appellant's father from June up to November, 1994. During that short period of time, Rose visited her son and brought him food once a week. During her visits, Pablito did not notice anything unusual in her. In one instance even, Rose, appellant and Lorna Francisco (appellant's wife) met by chance at his house where they cooked and ate together.[17] Lorna Francisco corroborated Pablito's testimony and added that, prior to the filing of the case, their relationship with private complainant went along fine.[18]

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[14] TSN, February 12, 1999, pp. 3-8.

[15] TSN, October 28, 1998, pp. 4-7; TSN, November 16, 1998, pp. 1-5, 7, 10.

[16] TSN, January 25, 1999, pp. 1-12.

[17] TSN, January 15, 1999, pp. 2-11.

[18] TSN, January 25, 1999, p. 12.

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In response to the allegation that he attempted to surreptitiously enter Rose's house, appellant testified that, on November 1, 1994, Rose told him to go to her house the next morning as Laureano would not be around. At about 7:00 or 8:00 a.m. on November 2, 1994, appellant went to Rose's house but when he saw Laureano at the gate, he went away.[19] It was only on November 2, 1994 that the charge of rape was filed because it was only on that day that Laureano found out about their extra-marital affair. According to appellant, Rose herself revealed their illicit relationship to her husband.[20]

After the defense offered its evidence, the prosecution again presented Rose to rebut the testimonies of the defense witnesses. She denied all the details of appellant's testimony, specially his claim that they were maintaining an illicit love affair. She denied engaging in consensual sexual relations with appellant. She denied ever going to appellant's house to convince him to testify in the criminal case involving her father's murder by offering sexual intercourse in return. Crying, she explained that she would not stoop so low as to sacrifice her and her family's honor despite their poverty.[21]

Rose belied the testimonies of the defense witnesses that she went with her husband to convince appellant to be her husband's election watcher. She further testified that she never brought appellant food on election day considering that she was at home still bleeding as a result of the miscarriage; that she never went to Pablito's residence to bring food to her son; and that she never cooked and ate lunch with Lorna Francisco and appellant in Pablito's residence. She clarified that it was her younger brother and her husband who brought food to her son in Pablito's house every Sunday afternoon. She never went there because she was afraid of appellant.[22]

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[19] TSN, February 14, 1997, p. 14.

[20] *Id.*, pp. 12-13.

[21] TSN, March 12, 1999, pp. 3-7.

[22] *Id.*, pp. 7-14.

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On May 7, 1999, the trial court rendered a decision convicting appellant of the crime of rape. The dispositive portion of the decision read:

WHEREFORE, this Court finds accused FERDINAND FRANCISCO guilty beyond reasonable doubt of the crime of Rape and is hereby sentenced to *RECLUSION PERPETUA*. He is also ordered to pay damages in the amount of FIFTY THOUSAND PESOS (₱50,000.00) to Rose Ollero Francisco as indemnity and to pay the attorney's fees of the Private Prosecutor in the amount of TEN THOUSAND PESOS. (₱10,000.00).

SO ORDERED.[23]

In finding appellant guilty of the crime of rape, the trial court relied heavily on the credibility of Rose's testimony and held that:

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The Judge of this Court believed her. Her answers to questions were straightforward. In sum, her story was unswerving and plain. The Judge of this Court was looking for something in her that would give her away if she was just acting her part but there was none. When she cried and wiped away the tears, the Defense Counsel derided the tears as crocodile's tears. The Court does not agree. They were real tears. They could only well in someone's eyes by a chemistry that is hard to explain but all the same they came out because of genuine emotions, a finding and a conclusion that can only be made by someone who had been in the battlefield called courtroom for 20 years.

The other points raised by the Defense that the rape charge was a concoction what with the asseverations by the Defense that accused was a watcher of private complainant's husband on May 9, 1994 when said husband ran for *punong barangay*, that private complainant's son, Raul, was lodged at accused's father's place when said son was studying in the town, that private complainant brought food for the watchers which included accused during the election day for *punong barangay* on May 1, 1994 *et cetera* are considered by this Court as

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[23] *Rollo*, pp. 16-17.

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peripheral defenses that do not necessarily rule out the commission of rape precisely because of fear.

If this rape was untrue, Rose Ollero Francisco could have easily hid this incident for anyway the accused is a relative of her husband. This incident could have been easily patched up by the elders so as to eschew public embarrassment but still she chose to pursue this case and consequently, as the Supreme Court said in the case of *People v. Borce*, G.R. No. 124131, April 22, 1998, opened "herself and her family to public scrutiny and embarrassment, let alone send an innocent man possibly to the gallows for no strong reason at all."

Also, the theory of the accused that this rape case was filed or initiated sometime in *November 1994* because the accused did not want to be a witness for the prosecution in the case of *People v. Nalica, et al.* has no foundation because by that time in November 1994, two persons emerged to be witnesses for the prosecution, who in fact executed their Sworn Statements on May 10, 1994. They were Hipolito Saoyao and Marcelino Viloria. This Court was the court that tried the case of murder wherein private complainant's father was murdered in 1984, but which case was filed only in 1994 when two persons, after (10) years, emerged to testify.

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Hence, this appeal on the following assignment of errors:

I

THE COURT *A QUO* ERRED IN FINDING THAT THE COMPLAINANT FEARED FOR HER LIFE, HUSBAND (SIC) AND OTHER MEMBERS OF HER FAMILY (SIC) IN REPORTING THE INCIDENT TO ANY MEMBERS OF HER FAMILY, *BARANGAY* OFFICERS AND OTHER POLICE AUTHORITIES FOR A PERIOD OF SIX MONTHS (FROM MAY 7, 1994 TO NOVEMBER 2, 1994).

II

THE LOWER COURT ERRED IN CONVICTING THE ACCUSED.[24]

We affirm appellant's conviction.

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[24] *Id.*, pp. 79-80.

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Appellant's defense is anchored to impugning the credibility of private complainant by invoking "the sweetheart theory." It is supported by a general denial of the accusation that he raped Rose on May 7, 1994.

Appellant capitalizes on the fact that private complainant allowed six months from May 7, 1994 (the date of the rape) to elapse before she filed the complaint. We have ruled that delay in making a criminal accusation does not impair the credibility of a witness if such delay is satisfactorily explained.[25] Appellant maintains that Rose did not give a satisfactory explanation for the delay in the filing of the criminal complaint.

According to Rose, she did not immediately file the case because she was afraid of appellant's threats. Appellant, however, questioned the existence of fear by pointing out the following circumstances: (1) although appellant lived 3 kilometers away from Rose's house, she did not report the crime to the police authorities or to the *barangay* officials; (2) she also failed to disclose the rape incident to her mother and siblings despite the fact that they were neighbors and they often conversed with each other; and (3) she frequently visited her son who resided in the house of appellant's father and, at one time, even dined with appellant and his wife.

The issue raised in the first assignment of error questions the credibility of Rose and the appreciation of facts by the trial court. Well-entrenched is the rule that the factual findings of the trial court, especially on the credibility of witnesses, are accorded great weight and respect and will not be disturbed on appeal. This is so because the trial court had the advantage of observing the witnesses through the different indicators of truthfulness or falsehood, such as the angry flush of an insisted assertion, the sudden pallor of a discovered lie, the tremulous mutter of a reluctant answer, the forthright tone of a ready reply; of the furtive glance, the blush of conscious shame, the hesitation, the yawn, the sigh, the candor or lack of it, the scant

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[25] *People vs. Tanail*, 323 SCRA 667, 675 [2000]; *People vs. Narido*, 316 SCRA 131 [1999].

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or full realization of the solemnity of an oath, the carriage and mien.[26]

In the case at bar, the trial court ruled that private complainant sufficiently proved fear to explain the delay in the filing of the complaint for rape. The trial court found her answers to the questions as straightforward, unswerving and plain without any indication that she was fabricating a story. Also, the trial court took note of the fact that the victim cried. In refuting appellant's claim that her tears were feigned, the trial court held that "they (complainant's tears) could only well in someone's eyes by a chemistry that is hard to explain but all the same they came out because of genuine emotions, a finding and a conclusion that can only be made by someone who had been in the battlefield called courtroom for 20 years."[27]

We adopt the trial court's findings of fact and assessment of Rose's credibility. Appellant's claim that the victim could have taken advantage of countless opportunities to report the rape incident to her family, the police or *barangay* officials (but did not) does not, by itself, negate the presence of fear.

Intimidation must be viewed in the light of the victim's perception and judgment at the time of the commission of the crime and not by any hard and fast rule. It is sufficient that the victim is intimidated by the fear that, if she does not yield to the bestial demands of the appellant, something will happen to her at that moment, or even after, as when she is threatened with death if she reports the incident.[28] In the instant case, Rose explained in detail the fear which compelled her to keep quiet about the crime for six months. She was afraid that appellant would harm not only her, but also her husband, her mother and siblings. To quote from the records, she testified as follows:

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[26] *People vs. Bertulfo*, G.R. No. 143790, May 7, 2002; *People vs. Abella,* 339 SCRA 129, 144-145 [2000].

[27] *Rollo*, p. 37.

[28] *People vs. de los Santos*, G.R. No. 137968, November 6, 2001; *People vs. Geromo*, 321 SCRA 355, 364 [1999].

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RE-DIRECT

ATTY. RIVERA:

Q. You said that you did not narrate the alleged rape that was made against yourself by the accused in this case, (sic) you said that you were afraid, why are (sic) you afraid?
A. The reasons why I'm afraid to tell to anyone, sir, because, first, about my miscarriage and the second is that he threated (sic) me to kill us (sic) including my family, sir.

Q. Who treated (sic) you?
A. Ferdinand Francisco, sir.

Q. If Ferdinand Francisco is here, will you kindly point at him?
A. (The witness is going down from the witness stand and point [sic] to the accused Ferdinand Francisco).

ATTY. RIVERA:

That would be all for the witness.

COURT:

Re-cross.

ATTY. RODRIGO:

Yes, Your Honor.

RE-CROSS

ATTY. RODRIGO:

Q. You testified a while ago that the accused (sic) residence in relation to your house is approximately 3 kilometers, (sic) my point is, now, while you were in conversation with any of your relative (sic) you still fear (sic) Ferdinand Francisco who was not present within the premises while you were talking with your brother?
A. *I'm afraid to tell that anybody (sic) because every morning my husband is (sic) always going to the field and maybe he might met (sic) this Ferdinand Francisco that's why he might do something to him.*

Q. What about your mother, does she also go to the field everyday that is why you were afraid to narrate what happened. (sic)

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ATTY. RIVERA:

We will object to that, Your Honor.

COURT:

OVERRULED. WITNESS MAY ANSWER.

A. Also in another field, sir.

ATTY. RODRIGO:

Q. Where is that field or *bangkag* located?
A. At the same *barrio*, sir.

Q. Will you tell us on point of kilometer or meters how far is that *bangkag* to the house of the accused?
A. Around 3 kilometers because he just (sic) the neighbor where she is working, sir.

Q. What about your sister, were you afraid for her life also that is why you did not narrate what happened to you on May 7, 1994?
A. Yes, sir.

Q. The same is through (sic) with your brother you were afraid for the life of your brother, is that correct?
A. Yes, sir.

Q. If you are afraid to (sic) the accused why did you immediately remove your son from the house of the parents of . . .

ATTY. RIVERA:

That is already not . . .

COURT:

Alright, that is not allowed anymore.[29]

(Emphasis supplied)

Thus, Rose was worried about the possible confrontation between her husband and appellant who both went to work everyday in the same place. Likewise, she feared that appellant might harm her mother, considering that the field where her

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[29] TSN, January 8, 1999, pp. 11-14.

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mother worked was located in the same *barrio* where appellant resided. Her fears were real and justified.

Furthermore, Rose, is illiterate.[30] People of ordinary intelligence can normally act rationally and not let their emotions interfere with their perception of the best course of action in a particular situation. However, in the case at bar, private complainant's intellectual shortcomings and fear deprived her of the better judgment of reporting the incident to the proper authorities or her own family. Private complainant took appellant's threats very seriously and found it better to momentarily sacrifice the vindication of her honor than risk harm and reprisal against her and her loved ones. Indeed, there is no standard form of behavior that can be expected of rape victims after they have been defiled because people react differently to emotional stress. This experience is relative and may be dealt with in many ways by the victim depending on the circumstances, but her credibility should not be tainted with any modicum of doubt.[31]

Appellant points out the inconsistency between the victim's earlier testimony that, after the rape incident, she was always accompanied by her husband, and her subsequent testimony that she used to go *alone* to Pablito's house to fetch her son or bring food to him. We view this discrepancy as a minor matter that did not weaken private complainant's testimony. It did not delve into the rape incident itself. It also did not disprove fear during the time that private complainant remained silent. It hardly mattered whether or not private complainant went to Pablito's house after the rape for the reason that said house was not the appellant's. In fact, appellant lived in the mountain, far from his father's house. Private complainant was afraid of appellant, not Pablito.

Appellant also tried to impugn the credibility of private complainant by presenting the election officers who purportedly

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[30] TSN, November 13, 1995, pp. 12-13.

[31] *People vs. Lomerio*, 326 SCRA 530, 549-550 [2000]; *People vs. Tahop*, 315 SCRA 465, 473 [1999].

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attested to his presence in the precinct during the *barangay* elections of May 9, 1994, contrary to her claim that appellant was not a watcher of her husband. We disagree. First, Rose never denied appellant's presence as a watcher in the polling place. In fact, she was not competent to testify on the matter because she did not go to the polling place on election day to see for herself who were the persons who acted as watchers for her husband. When asked whether she was aware of the fact that appellant served as a watcher, private complainant replied that she only knew of two persons who acted as watchers — her husband's sister and sister-in-law. But she also testified that when her husband arrived after the elections, he told her that appellant also worked as his watcher.[32] Second, the election officers did not personally know appellant and therefore could not have categorically confirmed his presence in the polling place.

Aside from failing to cast doubt on private complainant's credibility, appellant could not prove his "sweetheart defense." No one corroborated this self-serving assertion. No independent evidence such as love letters, mementos or pictures was ever presented to prove his alleged relationship with private complainant. As we have consistently ruled, the affirmative defense of *love affair* needs to be supported by substantial evidence other than the bare assertions of appellant.[33] In *People vs. Cepeda*,[34] where the private complainant and the appellant were also both married, this Court held that:

> If accused-appellant were really the paramour of private complainant, she would not have gone to the extent of bringing this criminal action which inevitably exposed her to humiliation of recounting in public the violation of her womanhood. Moreover, she would not have implicated a person, who is allegedly her lover, as the perpetrator of an abominable crime and thereby lay open their illicit relationship to public shame and ridicule not to mention the ire of a cuckolded husband and the withering contempt of her children were it not the truth.

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[32] TSN dated March 15, 1999, p. 27.

[33] *People vs. Cepeda*, 324 SCRA 290, 297-298 [2000].

[34] *Ibid.*

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Evidence to be believed must not only come from a credible source but must also be credible in itself such as one that the common experience and observation of mankind can approve as probable under the circumstances. The Court has taken judicial cognizance of the fact that in rural areas in this country, women by custom and tradition act with circumspection and prudence, and that great caution is observed so that their reputation remains untainted.

Since it was duly proven that appellant committed the crime of rape by means of force against Rose, we affirm the imposition of the penalty of *reclusion perpetua* on him pursuant to Article 335[35] of the Revised Penal Code, as amended by RA 7659.

In addition to the trial court's award of ₱50,000 as civil indemnity *ex delicto* and attorney's fees amounting to ₱10,000, we award to the victim the amount of ₱50,000 as moral damages. Moral damages in the amount of ₱50,000 are automatically granted in rape cases without need of proof for it is assumed that the victim suffered moral injury entitling her to such an award.[36]

WHEREFORE, the decision of the Regional Trial Court of Agoo, La Union, Branch 31, finding appellant Ferdinand Francisco *GUILTY* of the crime of rape and sentencing him to suffer the penalty of *reclusion perpetua* and to pay a fine of ₱50,000 as civil indemnity *ex delicto* and attorney's fees in the amount of ₱10,000, is hereby *AFFIRMED*, with the *MODIFICATION* that moral damages of ₱50,000 shall also be awarded to the victim, Rose Ollero-Francisco.

SO ORDERED.

Puno (Chairman), Panganiban, Sandoval-Gutierrez, and *Carpio Morales, JJ.*, concur.

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[35] Art. 335. *When and how rape is committed.* — Rape is committed by having carnal knowledge of a woman under any of the following circumstances: (1) By using force or intimidation; (2) When the woman is deprived of reason or otherwise unconscious; and (3) When the woman is under twelve years of age or is demented. The crime of rape shall be punished by *reclusion perpetua.*

[36] *People vs. Supnad*, G.R. Nos. 133791-94, August 8, 2001; *People vs. Alba*, 302 SCRA 811 [1999].