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SO ORDERED.

Bellosillo, Mendoza, Quisumbing, and *Austria-Martinez, JJ.,* concur.

EN BANC

[G.R. Nos. 145172-74. February 28, 2003]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **IRENEO CORRAL,** *accused-appellant.*

SYNOPSIS

Appellant was found guilty by the trial court of two counts of rape and one count of acts of lasciviousness. For each count of rape, appellant was sentenced to suffer the penalty of death. For the acts of lasciviousness, he was sentenced to suffer the indeterminate penalty of 12 years and 1 day to 18 years, 2 months, and 20 days of *reclusion temporal.* Appellant made a timely appeal to the Court of Appeals for his conviction for acts of lasciviousness. The two cases of rape were on automatic review before the Supreme Court.

The Supreme Court ruled that the determination of the outcome of every rape case hinges upon the credibility of the complainant's testimony. If the complainant testified in a categorical, straightforward, spontaneous, and consistent manner, then she is considered a credible witness and her testimony is worthy of judicial acceptance. The assessment of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct, and attitude under grueling examination. In the case at bar, the trial court found the testimony of complainant to be straightforward, sincere, candid, and very consistent.

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The Court further ruled that the relationship of complainant to the accused is a special qualifying circumstance in the crime of rape and may raise the penalty from *reclusion perpetua* to death. Hence, this circumstance must be alleged in the criminal complaint or information and proved by the same quantum of proof as the crime itself. The failure to allege the relationship between appellant and the complainant in the information barred the former's conviction of rape in its qualified form. The circumstance that appellant employed a deadly weapon in the commission of the crime must be both alleged in the information and proved during trial because it is in the nature of a qualifying circumstance which increases the range of the penalty to include death. In the case at bar, such circumstance was not alleged in the information, thus the penalty of death cannot be imposed.

Hence, the Supreme Court affirmed the conviction of appellant of two counts of rape with the modification that the death sentence imposed by the trial court in each case is reduced to the penalty of *reclusion perpetua* in each case.

SYLLABUS

1. **REMEDIAL LAW; EVIDENCE; CREDIBILITY OF WITNESSES; ASSESSMENT THEREOF IS A MATTER BEST UNDERTAKEN BY THE TRIAL COURT BECAUSE OF ITS UNIQUE OPPORTUNITY TO OBSERVE THE WITNESSES' DEMEANOR UNDER GRUELING EXAMINATION.**— Conviction or acquittal in a rape case more often than not depends almost entirely on the credibility of the complainant's testimony because, by the very nature of this crime, it is usually only the victim who can testify as to its occurrence. ... The determination of the outcome of every rape case hinges upon the credibility of the complainant's testimony. If the complainant testified in a categorical, straightforward, spontaneous, and consistent manner, then she is considered a credible witness and her testimony is worthy of judicial acceptance. The assessment of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe

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the witnesses firsthand and to note their demeanor, conduct, and attitude under grueling examination.

2. **ID.; CRIMINAL PROCEDURE; GUIDING PRINCIPLES IN REVIEWING RAPE CASES.**— In rape cases, certain well-established principles and precepts are controlling. These are (a) an accusation of rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove; (b) due to the nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution, and (c) 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.

3. **ID.; EVIDENCE; DENIAL; CANNOT PREVAIL OVER VICTIM'S DIRECT, POSITIVE AND CATEGORICAL ASSERTION.**— [A]ppellant interposed a denial as his defense. His denial, however, could not prevail over complainant's direct, positive and categorical assertion. As between a positive and categorical testimony which has the ring of truth on one hand and a bare denial on the other, the former is generally held to prevail.

4. **CRIMINAL LAW; RAPE; SPECIAL QUALIFYING CIRCUMSTANCES; RELATIONSHIP OF VICTIM TO THE ACCUSED; MUST BE ALLEGED IN THE CRIMINAL COMPLAINT OR INFORMATION AND PROVED BY THE SAME QUANTUM OF PROOF AS THE CRIME ITSELF.**— The relationship of complainant to the accused is a special qualifying circumstance in the crime of rape and may raise the penalty from *reclusion perpetua* to that of death. Hence, this circumstance must be alleged in the criminal complaint or information and proved by the same quantum of proof as the crime itself. If these special qualifying circumstances are not alleged, the crime committed would be simple rape and the penalty to be imposed should be *reclusion perpetua*.

5. **ID.; ID.; ID.; ID.; STEPFATHER-STEPDAUGHTER RELATIONSHIP PRESUPPOSES A VALID MARRIAGE BETWEEN THE MOTHER OF THE RAPE VICTIM AND ACCUSED; CASE AT BAR.**— A stepdaughter is a daughter of one's spouse by a previous marriage. A stepfather-

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stepdaughter relationship presupposes a valid marriage between the mother of complainant and appellant. The failure to allege the relationship between appellant and the complainant in the information bars the former's conviction of rape in its qualified form.

6. **ID.; ID.; ID.; USE OF DEADLY WEAPON IN THE COMMISSION OF THE CRIME; MUST BE BOTH ALLEGED AND PROVED IN ORDER TO JUSTIFY THE IMPOSITION OF THE INCREASED PENALTY.**— Under Article 335 of the Revised Penal Code, simple rape is punishable by *reclusion perpetua*: "*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.*" The said article further states: "Whenever the crime of rape is committed with the use of a deadly weapon x x x the penalty shall be *reclusion perpetua* to death." However, this circumstance must be alleged in the information because it is in the nature of a qualifying circumstance which increases the range of the penalty to include death. Neither may this circumstance be considered as a generic aggravating circumstance. The 2000 Revised Rules of Criminal Procedure now explicitly mandates that qualifying and aggravating circumstances must be stated in ordinary and concise language in the complaint or information. When the law or rules specify certain circumstances that can aggravate an offense or that would attach to such offense a greater penalty than that ordinarily prescribed, such circumstances must be both alleged and proved in order to justify the imposition of the increased penalty.

APPEARANCES OF COUNSEL

The Solicitor General for plaintiff-appellee.
Public Attorney's Office for accused-appellant.

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DECISION

AZCUNA, *J.*:

Appellant herein, Ireneo Corral *y* Paladiño, was charged in three separate informations for two counts of rape and one count of acts of lasciviousness. He was convicted on all three charges by the Regional Trial Court, Branch 86 of Quezon City. For each count of rape, appellant was sentenced to suffer the penalty of death. For the acts of lasciviousness, he was sentenced "to suffer the indeterminate penalty of 12 years and 1 day to 18 years, 2 months, and 20 days of *reclusion temporal*." He was likewise ordered to pay the complainant ₱75,000.00 as civil indemnity and ₱50,000.00 as moral damages.[1]

Appellant made a timely appeal to the Court of Appeals for his conviction for the acts of lasciviousness. The two cases of rape are therefore now on automatic review before this Court.

In Criminal Case No. Q-98-75096, the information alleged:

> That on or about and prior to November 30, 1996 in Quezon City, Philippines, the said accused by means of force and intimidation, to wit: by then and there willfully, unlawfully and feloniously ordering the undersigned minor, 12 years of age, to remove her T-shirt and then accused sucked her breast and removed her shorts and panty and forcibly opened her thighs and inserted his penis inside her vagina and thereafter have carnal knowledge with the undersigned complainant against her will and without her consent.
>
> CONTRARY TO LAW.[2]

In Criminal Case No. Q-97-73195, the information alleged:

> That on or about the 30th day of November, 1996, in Quezon City, Philippines, the said accused by means of force and intimidation, to wit: by then and there willfully, unlawfully and feloniously removing the short and panty of the undersigned, a minor, twelve years of age, [his] stepdaughter and put [himself] on top of her and thereafter [had]

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[1] RTC Decision, pp. 16–17; *rollo*, pp. 119–120.

[2] *Id.*, p. 6.

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carnal knowledge with the undersigned complainant against her will and without her consent.

CONTRARY TO LAW.[3]

Upon being arraigned, appellant pleaded not guilty, whereupon the cases were jointly tried.

The prosecution presented witnesses whose testimonies are as follows:

Complainant Jobell B. Galang was 13 years old when she testified. Sometime in May, 1994, at around 9:00 o'clock to 10:00 o'clock in the evening, while she was sleeping on the floor of her family's small shanty in Balintawak, Quezon City, she woke up to find the appellant beside her. Complainant tried to run away, but he poked a knife at her neck. Appellant removed his pants and then mounted the complainant, while rubbing his penis against her vagina for about three to four minutes. Nothing more happened that night.[4]

After that incident, complainant's family moved to another shanty in North Fairview, Quezon City. Sometime in November, 1996, but prior to November 30, 1996, around 11:00 o'clock in the evening, while complainant was again sleeping on the floor of their shanty, the appellant, already naked, poked a *balisong* at her and ordered her to remove her shorts and panties. He then made her lie on the floor and mounted her as he tried to spread her legs. Complainant resisted, but appellant struck her legs. With her legs already spread, appellant inserted his penis into her vagina. Appellant's dastardly act would not have ended that night had it not been for a knock on the door. Appellant then stood up and talked to the person who knocked. Complainant kept her silence since appellant threatened to kill her mother, brothers, and sisters should she tell anybody about her harrowing experience.[5]

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[3] *Id.*, p. 1.

[4] TSN, June 28, 1998, pp. 4–5.

[5] TSN, June 29, 1998, pp. 7–8.

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On November 30, 1996, at around 10:00 o'clock in the evening, while complainant was again asleep, she was roused by the appellant who was removing her shorts and panties. Again, complainant resisted but he slapped her hard three times. She lost consciousness and when she woke up, she realized that she was already naked from the waist down. Her vagina felt painful. When she urinated, she saw a smear of blood.[6] She only reported these incidents to the police on September 20, 1997, almost a year after the last incident of rape occurred.

Dr. Cristina B. Freyra, Medico Legal Officer of the Philippine National Police (PNP) Crime Laboratory, examined the complainant on September 24, 1997. The examination revealed that complainant sustained both deep and shallow healed lacerations in her vagina, which appeared to have been inflicted more than seven days prior to the examination. A hard and blunt object, such as an erect penis, may have caused these lacerations.[7] Her report reads, thus:

GENERAL AND EXTRAGENITAL:

Fairly developed, fairly nourished and coherent female subject. Breast[s] are hemispherical with dark brown areola and nipples from which no secretion could be pressed out. Abdomen is flat and soft.

GENITAL:

There is absence of pubic hair. Labia majora are full, convex and coaptated with pinkish brown labia minora presenting in between. On separating the same disclosed an elastic, fleshy-type hymen with a deep-healed laceration at 4 and shallow, healed laceration at 9 o'clock position. External vaginal orifice offers moderate resistance to the introduction of the examining index fin[g]er. Vaginal canal is narrow with prominent rugosities. Cervix is normal in size, color and consistency.

CONCLUSION

Subject is in non-virgin state physically.

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[6] TSN, February 23, 1998, pp. 7–9.

[7] TSN, May 15, 1998, pp. 2–5.

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There are no external signs of recent application of any form of trauma at the time of the examination.

REMARKS:

Vaginal and peri-urethral smears are negative for gram-negative diplococci and for spermatozoa.[8]

For its part, the defense presented three witnesses whose testimonies are, as follows:

Amalia Galang testified that she is the mother of complainant. The complainant is her daughter by a previous marriage. She has four other children, two girls and two boys, who are all residing with her. In May, 1994, when their family was still residing at Balingasa, Balintawak, Quezon City, she did not notice anything unusual with her daughter. She testified that her daughter appeared happy and was, in fact, playing most of the time. When they transferred to Fairview, Quezon City sometime around November, 1996, her daughter was already in Grade Five. Again, she did not find anything unusual with the actions of her daughter. The witness likewise testified that she was at home on November 30, 1996, when the second rape allegedly occurred since that day was a holiday. Her husband arrived home that night at around midnight. She ate supper with her husband and watched television up to 2:00 o'clock in the morning before going to sleep. She usually sleeps beside her husband. The children sleep beside her together with her husband's sister-in-law. She woke up at around 3:00 o'clock in the morning and while in bed, she did not notice anything unusual. Upon being asked the question as to why her daughter would file these charges against appellant, she answered that her uncle is using her daughter as a leverage against her husband in his quarrel with the latter.

The second witness for the defense, Jobert Manonag, a neighbor of the family in Fairview since 1996, testified that on November 30, 1996, he was watching television at the house of the appellant from 8:00 o'clock in the evening to 12:00 o'clock

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[8] Records, p. 7.

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midnight. There were around five people in the house, the four children and appellant's sister-in-law. The appellant and his wife were still at work. Appellant had not yet arrived when he left the house at around midnight.

The third witness for the defense was appellant himself. Appellant testified that he is the common-law husband of complainant's mother, Amalia Galang, with whom he has three children. Complainant is the daughter of Amalia Galang by her first husband. On the night of November 30, 1996, he was driving his tricycle until 10:00 o'clock in the evening. He arrived home at around past 11:00 o'clock that night. His common-law wife was already home as were their three children, the complainant, and his sister-in-law. After talking to his wife for a short while, he went to sleep. He usually sleeps beside his wife at the end of the room. Their house has only one room where they all sleep. This room measures about five meters wide and five meters long. The complainant sleeps on the other side of the room. He woke up the next day at 4:00 o'clock in the morning together with his wife and he went back to driving his tricycle. The children were still asleep when he went back to work. He denied ever raping the complainant or committing acts of lasciviousness upon her.

On August 7, 2000, the trial court rendered its decision, the dispositive portion of which reads:

WHEREFORE, PREMISES CONSIDERED, JUDGMENT is hereby rendered as follows:

1.) In Criminal Case No. Q-97-73195[,] the Court finds the accused Ireneo Corral *y* Paladiño guilty beyond reasonable doubt of the crime of rape committed against Jobell Galang *y* Bucalig, and hereby sentences him to suffer the penalty of death.

2.) In Criminal Case No. Q-98-75096, the Court finds the same accused guilty beyond reasonable doubt of the crime of rape committed against the same complainant; and likewise sentences him to suffer the penalty of death.

3.) In Criminal Case No. Q-98-75097, the Court finds the same accused guilty beyond reasonable doubt of the crime of acts of lasciviousness in relation to Republic Act No. 7610 committed against

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the same complainant and hereby sentences him to suffer the indeterminate penalty of 12 years and 1 day to 18 years, 2 months and 20 days of *reclusion temporal*.

The Court hereby orders the accused to indemnify the private complainant the amount of ₱75,000 as civil indemnity and ₱50,000 as moral damages.

SO ORDERED.[9]

Appellant submits the following assignments of errors for the consideration of this Court:

I.

Under the first and second informations, the trial court erred in imposing the death penalty despite the fact that the qualifying circumstance of use of deadly weapon was not alleged in the informations.

II.

Under the first and second informations, the trial court erred in imposing the death penalty despite the fact that the qualifying circumstance that "the accused is the common-law spouse of the parent of the victim" was not alleged in the informations.[10]

Conviction or acquittal in a rape case more often than not depends almost entirely on the credibility of the complainant's testimony because, by the very nature of this crime, it is usually only the victim who can testify as to its occurrence. In rape cases, certain well-established principles and precepts are controlling. These are (a) an accusation of rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove; (b) due to the nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution, and (c) 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

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[9] RTC Decision, *supra* at 1.

[10] Appellant's Brief, p. 10; *rollo*, p. 92. Original in upper case.

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defense.[11] The determination of the outcome of every rape case hinges upon the credibility of the complainant's testimony. If the complainant testified in a categorical, straightforward, spontaneous, and consistent manner, then she is considered a credible witness and her testimony is worthy of judicial acceptance.[12] The assessment of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct, and attitude under grueling examination.[13]

In the case at bar, the trial court found the testimony of complainant to be straightforward, sincere, candid, and very consistent.

In Criminal Case No. Q-97-73195, complainant testified, as follows:

Q: On November 30, 1996 at around past 10:00 o'clock in the evening, what did the accused do to you if there was any?

A: He forcibly took off my shorts and panty.

Q: What did you do when he was forcibly removing your shorts and panty?

A: I resisted but he slapped me hard 3 times.

Q: And what happened to you when he slapped you?

A: I became unconscious.

Q: And when you woke up what did you observe if any?

A: I had no more shorts and panty on.

Q: And what did you do after that?

A: I can't do anything, I just cried and just covered myself with a blanket.

Q: What did you feel when you woke up?

A: When I woke up, I urinated, I felt pain in my vagina and I saw a smear [of] blood.

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[11] *People v. Gabris*, 258 SCRA 663 (1996).

[12] *People v. Perez*, 270 SCRA 526 (1997).

[13] *People v. Pontilar*, 275 SCRA 338 (1997).

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Q: Do you know the accused in this case?
A: Yes, Sir.

Q: Kindly pinpoint.
A: (INTERPRETER) Witness eyeing a person who gave his name as Ireneo Corral, the accused in this case.

Q: Was he the one who abused you?
A: Yes, Sir.

Q: When did you report this incident?
A: On September 20, 1997.

Q: Why did it take almost a year before you reported the matter to the police?
A: Because he was threatening me not to report because he will kill my mother, and my brothers and sister.

FISCAL SEMANA: That would be all for the witness.[14]

In Criminal Case No. Q-98-75096, the complainant testified, as follows:

Q: Sometime in November 1996 but prior to November 30, 1996, do you remember where were you?

ATTY. VENTURANZA: We just like to repeat our objection, that it be noted.

COURT: The objection is duly noted by the Court.

A: I was at home.

Q: Do you remember of any unusual incident that happened?
A: Yes, sir.

Q: What was that all about?
A: It happened in our house in Fairview when my brothers and sister were the[re], including myself. We were 3 in all and my stepfather was also there and something happened.

Q: What is that unusual incident that took place?
A: What happened between me and my stepfather was, when he inserted his penis into my vagina.

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[14] TSN, February 23, 1998, pp. 7–9.

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Q: How was he able to do that?
A: He was already naked during that time, he already removed his underwear.

Q: What about you, what did he do to you if there was any?
A: He told me to remove my shorts, my panty.

Q: Did you comply with his demand?
A: Because of fear I obeyed him.

Q: Why, what frightened you?
A: Because he also pointed a knife at me, (*balisong*).

Q: When you were asked to remove your garments what did he do thereafter?
A: After he ordered me to remove my shorts and panty[,] he told me to lie down.

Q: [On] [w]hat part of the house did you lie down?
A: On the floor.

Q: And after you [lay] down on the floor, what did your stepfather do to you?
A: He went on top of me.

Q: And after he went on top of you[,] what else did he do thereafter?
A: He inserted his penis into my vagina.

Q: When he went on top of you and thereafter he inserted his private part into your private part, what did you do?
A: I resisted.

Q: And when you resisted[,] what did he do?
A: He was forcing me to spread my legs and when I refused he tried to strike me or hit me.

Q: In what part of your body?
A: On my legs.

Q: And after he hit you on the legs what did he do thereafter?
A: After he hit my legs and after my legs were spread, he inserted his penis into my vagina.

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Q: And when he was able to insert his penis into your private part[,] what did he do?

A: That is all, he just inserted his penis.

Q: If you remember, how long did his penis stay or inserted into your private part?

A: I cannot remember anymore.

Q: After having inserted his penis into your private part, what did he do thereafter?

A: Because after he used me somebody knocked [on] the door and after that he told me to dress up. So I did what he told me.

Q: And after having dressed up what else happened?

A: After I dressed up, he talked to that person who knocked at the door.[15]

During the trial, appellant interposed a denial as his defense. His denial, however, could not prevail over complainant's direct, positive and categorical assertion. As between a positive and categorical testimony which has the ring of truth on one hand and a bare denial on the other, the former is generally held to prevail.[16]

Appellant now does not challenge the findings of the court *a quo* and in fact adopts the same in his Statement of Facts.[17] He, however, argues that the two informations for rape were silent as to the relationship of complainant and appellant. Hence, he claims, the crimes committed were only simple rape, punishable by *reclusion perpetua* and not death.

The relationship of complainant to the accused is a special qualifying circumstance in the crime of rape and may raise the penalty from *reclusion perpetua* to that of death. Hence, this circumstance must be alleged in the criminal complaint or information and proved by the same quantum of proof as the

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[15] TSN, June 29, 1998, pp. 7–8.

[16] *People v. Biago*, 182 SCRA 411 (1990).

[17] Appellant's Brief, pp. 5–10; *rollo*, pp. 87–92.

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crime itself. If these special qualifying circumstances are not alleged, the crime committed would be simple rape and the penalty to be imposed should be *reclusion perpetua.*

A stepdaughter is a daughter of one's spouse by a previous marriage. A stepfather-stepdaughter relationship presupposes a valid marriage between the mother of complainant and appellant.[18] The failure to allege the relationship between appellant and the complainant in the information bars the former's conviction of rape in its qualified form.[19]

Appellant testified that he was not legally married to Amalia Galang:

Q: Can you tell us the date of your marriage with your wife Amalia Galang?

A: We are not legally married.

Q: You are telling us that you are only common-law spouses?

A: Yes, sir.[20]

The best evidence to prove the marriage between appellant and complainant's mother is a marriage contract.[21] In the case at bar, the prosecution failed to prove a legitimate marital relationship between appellant and Amalia Galang, complainant's mother.

Amalia Galang's claim during trial that appellant is her husband is inconsequential. This claim did not dispense with the burden of the prosecution to adduce in evidence the marriage contract of appellant and complainant's mother. Neither may the prosecution rely solely on the disputable presumption that when a man and a woman who live together as husband and wife are

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[18] *People v. Esteban*, G.R. No. 127904, December 5, 2002; *People v. Villaraza*, 339 SCRA 666 (2000).

[19] *People v. Poñado*, 311 SCRA 529 (1999); *People v. Tolentino*, 308 SCRA 485 (1999); *People v. Manggasin*, 306 SCRA 228 (1999); *People v. Dim*apilis, 300 SCRA 279 (1998).

[20] TSN, August 5, 1999, p. 3.

[21] *People v. Silvano*, 309 SCRA 485 (1999).

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presumed to be married. Again, relationship is a qualifying circumstance in rape. Therefore, it must not only be alleged in the information, but must also be proved beyond reasonable doubt in the same way as the crime itself.[22]

Appellant further claims that the information in Criminal Case No. Q-98-75096 did not allege that he employed a deadly weapon in forcing complainant to submit to his will. Hence, the penalty should be *reclusion perpetua* and not death.

This argument is correct. Under Article 335 of the Revised Penal Code, simple rape is punishable by *reclusion perpetua*:

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.*

The said article further states:

Whenever the crime of rape is committed with the use of a deadly weapon x x x the penalty shall be *reclusion perpetua* to death.

However, this circumstance must be alleged in the information because it is in the nature of a qualifying circumstance which increases the range of the penalty to include death.[23]

Neither may this circumstance be considered as a generic aggravating circumstance. The 2000 Revised Rules of Criminal Procedure now explicitly mandates that qualifying and aggravating circumstances must be stated in ordinary and concise language

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[22] *People v. Yonto*, G.R. No. 148917-18, March 30, 2002; *People v. Alconza*, G.R. No. 135452-53, October 5, 2001.

[23] *People v. Fraga*, 330 SCRA 669 (2000).

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in the complaint or information.[24] When the law or rules specify certain circumstances that can aggravate an offense or that would attach to such offense a greater penalty than that ordinarily prescribed, such circumstances must be both alleged and proved in order to justify the imposition of the increased penalty.[25]

With respect to the awards of ₱75,000.00 as civil indemnity and ₱50,000.00 as moral damages, in line with prevailing jurisprudence, the same should be changed to awards, for each of the two cases, of ₱50,000.00 as civil indemnity and ₱50,000.00 as moral damages.[26]

WHEREFORE, the decision of the Regional Trial Court, Branch 86, Quezon City, insofar as it finds appellant Ireneo Corral *y* Paladino guilty beyond reasonable doubt of the two counts of rape, is *AFFIRMED* with the *MODIFICATION* that the death sentence imposed by the trial court in each case is reduced to the penalty of *reclusion perpetua* in each case. In addition, appellant is ordered to pay the offended party, Jobell B. Galang, in each of the two cases, Fifty Thousand Pesos (₱50,000.00) as civil indemnity and Fifty Thousand Pesos (₱50,000.00) as moral damages. Costs *de oficio*.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Mendoza, Panganiban, Quisumbing, Sandoval-Gutierrez, Carpio, Austria-Martinez, Carpio Morales and *Callejo, Sr., JJ.*, concur.

Ynares-Santiago, and *Corona, JJ.*, on leave.

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[24] *Rule 110, Sec. 8. Designation of the offense* — The complaint or information shall state the designation of the offense given by the statute, aver the acts or omissions constituting the offense, and specify its qualifying and aggravating circumstances. If there is no designation of the offense, reference shall be made to the section or subsection of the statute punishing it.

Sec. 9. Cause of the accusation — The acts or omissions complained of as constituting the offense and the qualifying and aggravating circumstances must be stated in ordinary and concise language and not necessarily in the language used in the statute but in terms sufficient to enable a person of common understanding to know what offense is being charged as well as its qualifying and aggravating circumstances and for the court to pronounce judgment.

[25] *People v. Emperador*, G.R. No. 132669, September 25, 2002.

[26] *People v. Catubig*, G.R. No. 137842, August 23, 2001.