

Title:

People of the Philippines v. Rolando Magabo y Magarte (1999) - Supreme Court of the Philippines: A Case of Rape Involving a Mental Retardate

Facts:

Rolando Magabo y Magarte was charged with rape on July 2, 1998, in Quezon City, Philippines. The Information described the incident occurring on June 23, 1998, where Magabo, by means of force and intimidation, sexually assaulted Noemi Dacanay, a mental retardate, against her will. Initially assigned to Branch 103 of the Regional Trial Court (RTC) of Quezon City, presided over by Judge Jaime Salazar, the case was re-raffled to Branch 95 due to Judge Salazar's voluntary inhibition. On October 1, 1998, Magabo pleaded not guilty.

The prosecution presented that Dacanay was selling fried bananas at Frisco Market when Magabo invited her to his house, sexually assaulted her, and was later examined by Dr. Ma. Christina Freyra, who confirmed the assault through physical examination. In contrast, Magabo claimed he was elsewhere at the time of the incident and knew the complainant from seeing her and her mother at Munoz market.

After trial, on May 14, 1999, the RTC found Magabo guilty beyond reasonable doubt, sentencing him to reclusion perpetua and ordering compensatory, moral, and exemplary damages. Magabo appealed, arguing the prosecution failed to prove Dacanay's mental retardation as an essential element of the crime.

Issues:

1. Whether the prosecution proved beyond reasonable doubt that Noemi Dacanay is a mental retardate and that rape was committed under the circumstance of the fourth paragraph of Article 266-A.
2. Whether the mental condition of Noemi Dacanay was sufficiently established in the absence of explicit objection from the defense during the trial.
3. Whether knowledge of the victim's mental retardation by the accused at the time of the crime qualifies the crime, affecting the penalty imposed.
4. The appropriateness of awarding exemplary damages in the case.

Court's Decision:

1. The Supreme Court affirmed the RTC's judgment with modification. It was held that carnal knowledge of a mental retardate is considered rape under Article 266-A, paragraph 1

of the Revised Penal Code, and proof of force or intimidation is unnecessary because a mental retardate cannot give consent. The facts of sexual congress were established through the victim's and the medico-legal officer's testimonies, while the victim's mental retardation was evident from her behavior, testimony, and confirmation by the medico-legal officer.

2. The mental condition of the victim, Noemi Dacanay, was duly proven during the trial, with her and other's testimonies indicating her mental incapacity, and there was no objection from the defense regarding this assertion.

3. It was clarified that knowledge of the victim's mental disability by the offender qualifies the crime, making it punishable by death under certain conditions. However, since the Information did not allege that the accused knew of the victim's mental disability at the time of the crime, the accused could only be held liable for simple rape.

4. The Court modified the award by deleting the grant of exemplary damages, as knowledge of the accused of the victim's mental retardation does not fit into the enumerated aggravating circumstances in Article 14 of the Revised Penal Code.

Doctrine:

- Rape of a mental retardate is considered under the circumstance where consent cannot be given due to mental incapacity, as per Article 266-A, paragraph 1 of the Revised Penal Code as amended by R.A. 8353. The proof lies in the act of sexual congress and evidence of the victim's mental condition.

- Knowledge of the victim's mental retardation by the accused at the time of the commission of rape, without being pleaded in the Information, cannot qualify the crime but is integral in understanding the perpetrator's culpability and the nature of the crime committed.

Class Notes:

- **Legal Elements of Rape involving a Mental Retardate**:

1. **Carnal Knowledge**: Sexual intercourse between the accused and the victim.

2. **Victim's Mental Condition**: Mental retardation of the victim rendering her incapable of giving consent.

- **Article 266-A, paragraph 1 of the Revised Penal Code**: Clearly specifies circumstances under which rape is committed, including cases involving victims who are "deprived of reason" or mentally incapacitated.

Historical Background:

This case reflects the Philippines' judiciary system's handling of sensitive cases involving victims with mental incapacitation, emphasizing the importance of understanding and

recognizing mental conditions in the context of consent and the establishment of criminal liability. It underscores the protective legal framework for vulnerable victims and clarifies the implications of the accused's awareness of the victim's condition on the severity of the penalties imposed.