

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JONATHAN BAAY Y FALCO, ACCUSED-APPELLANT.

Ponente: INGLES, G. T., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/94ea61907eb4/>

INGLES, G. T., J.:

Before us is an appeal[1] seeking to annul and reverse the Decision[2] dated January 4, 2013 of the Regional Trial Court, 6th Judicial Region, Branch 21, Mambusao, Capiz in Criminal Case No. 09-0886-05 for Statutory Rape which sentenced the accused-appellant as follows:

“WHEREFORE, the Court finds the accused JONATHAN BAAY Y FALCO alias “Jun-Jun” GUILTY beyond reasonable doubt of the crime of Rape which is defined and punished under Article 266-A, paragraph 1(d) in relation to Article 266-B, paragraph 1 of the Revised Penal Code. He is sentenced to suffer the penalty of Reclusion Perpetua. He is ordered to pay private complainant P50,000.00 as civil indemnity plus P50,000.00 as moral damages.

If qualified under Article 29 of the Revised Penal Code as amended by R.A. 6127 and E.O. No. 214, the accused, if he has agreed in writing to abide by the same disciplinary rule imposed upon convicted prisoners, shall be credited with the full duration of his preventive imprisonment, otherwise, he shall only be credited with 4/5 of the same.

SO ORDERED.”

An Information[3] was filed charging appellant with the crime of statutory rape. The Information reads:

“That sometime in the month of July 2005 in Brgy. XXX, Municipality of XXX,[4] Capiz, Philippines and within the jurisdiction of this Honorable Court, the said accused, with lewd design willfully, unlawfully and feloniously did lie and have carnal knowledge of one AAA,[5] a mentally retardate, against the will of the latter.

That the commission of the crime is aggravated by the fact that the private offended party is mentally retardate who was then 22 years old at the time of the incident yet, considered and has mental faculties as that of a minor child.

Contrary to law.”

Upon arraignment on April 14, 2010, appellant pleaded not guilty to the crime charged.[6]

Pre-trial was thereafter conducted and a Pre-Trial Order[7] was issued dated May 5, 2010.

Trial on the merits ensued with the prosecution presenting the following witnesses, namely: AAA,[8] Dr. Hector Flores,[9] Dr. Leah Florence Adricula Sicad,[10] and BBB.[11]

The evidence of the prosecution, as summarized by the RTC in its assailed Decision, are as follows:

“As per the testimony of Dr. Leah Florence Adricula-Sicad, the mental faculties of the victim is severe in areas where the executive functioning judgment and other areas of intellect are concerned. The victim's age is

comparable to a child of around 4-5 years old as a result of mental retardation which is congenital in nature (Exh. F, p. 67). It being congenital in nature, the victim could not have consented or would be in any position to give consent as to the consequences of a certain act. (TSN, July 21, 2010, p. 8).

BBB, mother of the victim, testified only to the fact that she came to know that her daughter was pregnant when she brought her to Dr. Hector Flores for medical check up. Her daughter told her she was brought by the accused in a forested area and was raped. She also brought her to Dra. Leah Florence Ad(r)ricula-Sicad to check whether she had mental retardation and later on to the police authorities for the purpose of filing the present case. On April 21, 2006, her daughter delivered her second child whom they named CCC (Exh. G). The first child of her daughter was fathered by a certain DDD.

On direct testimony, complainant AAA testified that on July 2005, she was drying palay when the accused invited her to go to the forest. The accused then undressed her by pulling down her shorts and panty. The accused inserted his penis into her vagina and started a pumping motion. She did not like what the accused did to her and it was painful. After the pumping motion, a white liquid came out from the penis of the accused. It lasted quite long and after which, she went home. After the incident, she got pregnant and delivered a child who was named CCC (Exh. G).

On cross-examination, she testified that she practiced and was coached by her mother of what she has to say in court and to point to the accused as the one who had sex with her but in fact the accused did not really have sex with her.

As the examination of the witness continued on re-direct and re-cross including the questions propounded by the court, the witness/complainant made conflicting answers to the same question which prompted the court to reset the hearing to another date to give the witness time to rest. Defense objected to the resetting for it would give the prosecution the opportunity to teach the complainant.

The defense, on the other hand, presented the following witnesses, namely: Vicente Monajan, Jr.,¹² Remegia Llorico,^[13] accused Jonathan Baay^[14] and Teresita Baay.^[15]

The evidence of the defense, as summarized by the RTC in its assailed Decision, are as follows:

“On the other hand, defense witness Vicente Monajan and Remedios^[16] Llorico testified on the whereabouts of the accused during the month of July 2005. They know the complainant AAA who is a resident of Brgy. XXX, Municipality of XXX, Capiz while the accused is their nephew. During the month of July 2005, the accused was staying with Vicente Monajan. He works in the farm and operates farm implements together with Vicente Monajan. The farm is about 200 meters away from the house of the complainant. During all these times in July 2005, the accused has never gone home to their own house which is only about 600 meters away.

The accused Jonathan Baay testified that the house of the complainant is about 500 meters away from their house and that the complainant is mentally retarded. It is not true that he invited the complainant to the forested area near their house and raped her in the month of July 2005, because from May 15 to August 30, he was operating farm machineries and working in the farm of Motet Monajan in Sitio XXX, Brgy. XXX, Municipality of XXX, Capiz which is about one (1) kilometer away from the forested area as alleged in the complaint. While he was working in said farm, he stays in a hut beside the farm and buys his needs at a store near the place. He was accused of rape because he planted Gemelina beside the pigpen owned by the family of the complainant. He was not able to file counter affidavit because he has no money at that time. Since the filing of the present case, he never left their place until he was arrested in 2010.

Teresita Baay, mother of the accused, testified that from May 15 to August 30, 2005, she was working in the farm of Motet Monajan Faeldonea together with her son and other farm workers in Sitio XXX, Brgy. XXX. They would start working at 7 o'clock in the morning up to 5 o'clock in the afternoon. Her son was the operator of mechanized farm implements owned by Mrs. Faeldonea. During the month of July 2005, her son was living

together with his live-in partner in Sitio XXX in the middle of the farm. The conflict with the family of AAA started in September 2005 when her family discovered she was pregnant and they were ashamed the child to be born has no father. The family of the complainant got angry with the accused because they are being charged of claiming the trees that were planted by the family of the accused.”

Thereafter, the RTC rendered the assailed decision.

Hence, the instant appeal with the following lone assignment of error:

THE TRIAL COURT ERRED IN CONVICTING ACCUSED-APPELLANT DESPITE THE FACT THAT HIS GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.

The appeal is bereft of merit.

Appellant contends that the RTC erred in convicting him for statutory rape considering that on cross-examination and in answering clarificatory questions propounded by the court, private complainant has repeatedly said that appellant did not have sex with her. She likewise declared that she said she was raped by appellant because her mother instructed her to say so and in fact, they practiced what she had to say before she testified in court.

We do not agree with appellant.

As correctly pointed out by the RTC, the private complainant was a proven mental retardate. Such fact was even admitted by appellant himself. Private complainant had the tendency to simply agree with the leading questions propounded to her because of her poor orientation regarding time and place. But her orientation with persons is good, this means that she could identify the people that she knows. Hence, she may be inconsistent as to whether or not appellant had sexual intercourse with her but she was always consistent on her identification of appellant as the one who raped or had sex with her. The ratiocination of the RTC is hereunder quoted with approval, to wit:

“In her testimony in open court, Dr. Sicad said that while the complainant may have poor orientation regarding time and place, she was oriented by person, meaning, she could identify the people that she knows. (TSN, July 21, 2010, p. 10)

In the case study[17] conducted by Mrs. Veronica D. Martinez, Municipal Social Welfare and Development Officer of XXX, Capiz, dated January 4, 2006, complainant was consistent in pointing to Jonathan Baay as the person who abused her.

Meanwhile, during her testimony which was held in chamber, the Court has noted that when the complainant was asked leading questions, she has the tendency to agree with the leading questions asked. What was significant however, notwithstanding some discrepancies in her testimony, was the consistent and positive identification of the accused as the person who raped her or had sex with her.”

The Supreme Court, in the case of *People of the Philippines vs. Ninoy Rosales y Esto*, [18] has affirmed the conviction of an accused who was likewise charged for raping a woman suffering from mental retardation on the strength of the latter's consistent assertion that it was the accused thereat who raped her. Her actuation on other matters may be wanting but she never wavered in her assertion that she was raped by the said person. The Supreme Court further ruled that:

“...(I)t is not fair to judge a mentally-retarded person, one who does not have a good grasp of information and who lacks the capacity to make a mental calculation of the events unfolding before her eyes, according to what is natural or unnatural for normal persons.[19]

In this case where the victim was proven to be a mental retardate, it could certainly not be expected that AAA would have behaved or acted in accordance with what appellant perceived to be as normal.

The fact of AAA's mental retardation did not impair the credibility of her testimony. Mental retardation per se does not affect credibility. A one mentally retarded may be a credible witness. The acceptance of her testimony depends on the quality of her perceptions and the manner she can make them known to the court.[20]"

Moreover, the allegation of the implausibility of the testimony of herein private complainant is tantamount to questioning the credibility of the latter. Well-settled the rule that the assessment of the credibility of witnesses and their testimonies is best undertaken by a trial court, whose findings are binding and conclusive on appellate courts. Matters affecting credibility are best left to the trial court because of its unique opportunity to observe the elusive and incommunicable evidence of that witness' deportment on the stand while testifying, an opportunity denied to the appellate courts which usually rely on the cold pages of the silent records of the case.[21] More so in the instant case where the witness/private complainant is a mental retardate whose deportment may not be the same as that of an ordinary witness.

Appellant also wants us to believe that the charge of rape against him was merely concocted by the mother of the private complainant who got angry with him because he planted trees near her pigpen. To our mind, this is plain conjecture and a vain attempt to avoid liability. The Supreme Court in the case of PEOPLE OF THE PHILIPPINES VS. CHARLIE GLORIA,[22] has ruled that:

"The Court does not subscribe to appellant's claim that the filing of the rape charges was part of ABC's effort to gain custody of her children, especially since the accused failed to prove the same. This is mere conjecture and obviously, a vain attempt to escape liability from his dastardly acts. It will take a sick and sinister parent to conjure up such a ploy and use an offspring as an engine of malice. It is also unthinkable for a mother to allow an examination of her daughter's private parts and subject her through the rigors and humiliation of a public trial if the accusations were not true, or if she was not motivated solely by the desire to have the person responsible for the defloration of her daughter apprehended and punished."[23]

Appellant likewise contends that the RTC erred in not giving credence to his defense of denial and alibi. We do not agree with appellant. It is established jurisprudence that denial and alibi cannot prevail over the witness' positive identification of the accused-appellant.[24] Instructive is the ruling of the Supreme Court in the case of PEOPLE OF THE PHILIPPINES vs. JOSEPH DELA PAZ,[25] to wit:

"As it is settled that the victim in the present case is a mental retardate, the only thing that must be established is the fact of sexual congress between the appellant and the victim.

In the case at bar, the appellant denied having raped the victim. He even argues that the trial court deprived him of his right to be presumed innocent when it disregarded his defense of denial. This contention is specious.

Jurisprudence holds that denial, like alibi, is inherently weak and crumbles in the light of positive declarations of truthful witnesses who testified on affirmative matters that appellant was at the scene of the crime and was the victim's assailant. To merit credibility, it must be buttressed by strong evidence of non-culpability. Also, being a negative defense, denial must be substantiated by clear and convincing evidence; otherwise, it would merit no weight in law and cannot be given greater evidentiary value than the testimony of credible witnesses who testified on affirmative matters.

As between categorical testimonies that ring of truth on one hand and a bare denial on the other, this Court has strongly ruled that the former must prevail. Indeed, positive identification of the appellant, when categorical and consistent and without any ill motive on the part of the eyewitnesses testifying on the matter, prevails over alibi and denial.

In this case, AAA positively identified the appellant as the person who had raped her."

In sum, We find the assigned error in this appeal to be devoid of any merit. The conviction of appellant beyond

reasonable doubt for statutory rape is very well supported by the prosecution's evidence.

With regard the award of damages, the same must be modified. The trial court ordered appellant to pay private complainant P50,000.00 as civil indemnity and P50,000.00 as moral damages.

The award of moral damages must be increased from P50,000.00 to P75,000.00, in line with existing jurisprudence.[26] As to the amount of the civil indemnity, the same is increased to P75,000.00. Private complainant is likewise entitled to an award of exemplary damages amounting to P30,000.00.

These are all in accordance with existing jurisprudence, among which is the case of the People of the Philippines vs. Felipe Mirandilla, Jr.[27], where the Supreme Court ruled that: "As to the award of damages, we have the following rulings.

This Court has consistently held that upon the finding of the fact of rape, the award of civil damages ex delicto is mandatory. As we elucidated in *People v. Prades*,[28] the award authorized by the criminal law as civil indemnity ex delicto for the offended party, aside from other proven actual damages, is itself equivalent to actual or compensatory damages in civil law. Thus, we held that the civil liability ex delicto provided by the Revised Penal Code, that is, restitution, reparation, and indemnification, all correspond to actual or compensatory damages in the Civil Code.

In the 1998 landmark case of *People v. Victor*,[29] the Court enunciated that if, in the crime of rape, the death penalty is imposed, the indemnity ex delicto for the victim shall be in the increased amount of NOT less than P75,000.00. To reiterate the words of the Court: "this is not only a reaction to the apathetic societal perception of the penal law and the financial fluctuation over time, but also an expression of the displeasure of the Court over the incidence of heinous crimes..."

After the enactment R.A. 9346, prohibiting the imposition of death penalty, questions arose as to the continued applicability of the Victor ruling. Thus, in *People v. Quiachon*,[30] the Court pronounced that even if the penalty of death is not to be imposed because of R.A. No. 9346, the civil indemnity ex delicto of P75,000.00 still applies because this indemnity is not dependent on the actual imposition of death, but on the fact that qualifying circumstances warranting the penalty of death attended the commission of the offense. As explained in *People v. Salome*,[31] while R.A. No. 9346 prohibits the imposition of the death penalty, the fact remains that the penalty provided for by the law for a heinous offense is still death, and the offense is still heinous.

In addition, AAA is entitled to moral damages pursuant to Art. 2219 of the Civil Code, without the necessity of additional pleadings or proof other than the fact of rape. This move of dispensing evidence to prove moral damage in rape cases, traces its origin in *People v. Prades*,[32] where we held that:

"The Court has also resolved that in crimes of rape, such as that under consideration, moral damages may additionally be awarded to the victim in the criminal proceeding, in such amount as the Court deems just, without the need for pleading or proof of the basis thereof as has heretofore been the practice. Indeed, the conventional requirement of *allegata et probata* in civil procedure and for essentially civil cases should be dispensed with in criminal prosecutions for rape with the civil aspect included therein, since no appropriate pleadings are filed wherein such allegations can be made.

Corollarily, the fact that complainant has suffered the trauma of mental, physical and psychological sufferings which constitute the bases for moral damages are too obvious to still require the recital thereof at the trial by the victim, since the Court itself even assumes and acknowledges such agony on her part as a gauge of her credibility. What exists by necessary implication as being ineludibly present in the case need not go through superfluity of still being proven through a testimonial charade."

AAA is also entitled to exemplary damages of P30,000.00, pursuant to the present jurisprudence."

In addition, appellant is further liable to pay interest of 6% per annum on all the items of civil damages, to be

reckoned from the finality of this decision until full payment.[33]

WHEREFORE, the appeal is DENIED. The Decision dated January 4, 2013 of the Regional Trial Court, 6[th] Judicial Region, Branch 21, Mambusao, Capiz in Criminal Case No. 09-0886-05 for Statutory Rape, is hereby AFFIRMED with MODIFICATION. Accused Jonathan Baay is found GUILTY of the crime of statutory rape as defined and punished under Article 266-A, paragraph 1(d) in relation to Article 266-B, paragraph 1 of the Revised Penal Code and is sentenced to suffer the penalty of reclusion perpetua, without eligibility for parole, and to pay the offended party AAA, the sum of P75,000.00 as civil indemnity, P75,000.00 as moral damages and P30,000.00 as exemplary damages. The civil indemnity and damages shall earn interest at 6% per annum from the finality of this decision until fully paid.

SO ORDERED.

Lagura-Yap, M.B., and Lopez, J.Y., JJ., concur.

[1] Notice of Appeal, Records at pp. 307-308.

[2] Records at pp. 299-304.

[3] Records at pp.3-4.

[4] As noted in the case of People of the Philippines vs. JOSEPH DELA PAZ, G.R. No. 177294, February 19, 2008 - This is pursuant to the ruling of this Court in People of the Philippines v. Cabalquinto (G.R. No. 167693, 19 September 2006, 502 SCRA 419), wherein this Court has resolved to withhold the real name of the victim-survivor and to use fictitious initials instead to represent her in its decisions. Likewise, the personal circumstances of the victims-survivors or any other information tending to establish or compromise their identities, as well as those of their immediate family or household members, shall not be disclosed. The names of such victims, and of their immediate family members other than the accused, shall appear as “AAA,” “BBB,” “CCC,” and so on. Addresses shall appear as “xxx” as in “No. xxx Street, xxx District, City of xxx.”

The Supreme Court took note of the legal mandate on the utmost confidentiality of proceedings involving violence against women and children set forth in Sec. 29 of Republic Act No. 7610, otherwise known as “Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act”; Sec. 44 of Republic Act No. 9262, otherwise known as “Anti-Violence Against Women and Their Children Act of 2004”; and Sec. 40 of A.M. No. 04-10-11-SC, known as “Rule on Violence Against Women and Their Children” effective November 15, 2004.

[5] Id.

[6] Records at p. 38.

[7] Records at p. 42-43.

[8] Transcript of Stenographic Notes dated November 24, 2010, December 14, 2010 January 12, 2011

[9] Transcript of Stenographic Notes dated

[10] Transcript of Stenographic Notes dated July 21, 2010.

[11] Transcript of Stenographic Notes dated November 3, 2010.

[12] Transcript of Stenographic Notes dated September 8, 2011.

- [13] Transcript of Stenographic Notes dated October 27, 2011.
- [14] Transcript of Stenographic Notes dated March 15, 2012.
- [15] Transcript of Stenographic Notes dated June 28, 2012.
- [16] Should be Remegia per TSN dated October 27, 2011.
- [17] Records at pp. 56-59.
- [18] G.R. No. 197537, July 24, 2013.
- [19] People v. Alipio, G.R. No. 185285, 5 October 2009, 603 SCRA 40.
- [20] People v. Tamano, G.R. No. 188855, 8 December 2010, 637 SCRA 672, 685 citing People v. Macapal, Jr., 501 Phil. 675, 684 (2005).
- [21] People vs. Dahilig, supra.
- [22] G.R. No. 168476, September 27, 2006.
- [23] People v. Alimon, 327 Phil. 447, 463 (1996).
- [24] Lumanog v. People, G.R. Nos. 182555, 185123 & 187745, September 7, 2010, 630 SCRA 42, 130 cited in PEOPLE OF THE PHILIPPINES vs. FRANCISCA TALARO ET AL., G.R. No. 175781, March 20, 2012.
- [25] G.R. 177294, February 19, 2008.
- [26] People of the Philippines vs. Ben Rubio y Acosta, G.R. No. 195239, March 7, 2012 citing People vs. Iroy, G.R. No. 187743, March 3, 2010.
- [27] G.R. No. 186417, July 27, 2011.
- [28] G.R. No. 127569, 30 July 1998.
- [29] G.R. No. 127903, 9 July 1998.
- [30] G.R. No. 170236, 31 August 2006.
- [31] G.R. No. 169077, 31 August 2006.
- [32] G.R. 127569, July 30, 1998.
- [33] People of the Philippines vs. Edgardo Lupac y Flores, G.R. 182230, September 19, 2012.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.