PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ANTONIO MIRANDA Y DOE, APPELLANT.

G.R. NO. 176064 (FORMERLY G.R. NO. 166585). August 07, 2007

Ponente: TINGA, J.

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TINGA, J.:

This treats of the appeal from the Decision[1] dated 25 September 2006 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 01311 affirming the Decision[2] dated 3 October 2003 of the Regional Trial Court (RTC) of Naga City, Branch 20 in Criminal Case No. RTC 2001-0544 where appellant Antonio Miranda y Doe was found guilty of simple rape and sentenced to suffer the penalty of reclusion perpetua, and ordered to pay private complainant P50,000.00 as civil indemnity plus P50,000.00 as moral damages.

In an Information[3] dated 16 May 2001, appellant was charged of rape, as follows:

> That on or about 1:00 o'clock in the afternoon of March 16, 2001 at Barangay Sta. Teresita, Municipality of Canaman, Province of Camarines Sur, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, did, then and there willfully, unlawfully and feloniously succeed in having carnal knowledge with [AAA][,][4] a 13-year old minor and mentally incapacitated, against the latter's will and consent, to her damage and prejudice in such amount as maybe determined by the Honorable Court.
>
> ACTS CONTRARY TO LAW.[5]

Appellant pleaded not guilty on arraignment. Forthwith, trial ensued which culminated in the guilty verdict. The case was thereafter elevated to this Court on automatic review, but later referred to the Court of Appeals per People v. Mateo.[6] The Court of Appeals affirmed the judgment of the trial court. The case is again before us for our final disposition.

The prosecution presented as witnesses Lourdes Pante, AAA's mother BBB,[7] and Dr. Imelda Escuadra of the Bicol Medical Center. The oral testimony of Dr. Marofe M. Bajar, the physician who examined AAA and issued a medical certificate[8] as to her findings, was dispensed with after the defense admitted the facts stated therein. AAA herself was not presented.

The prosecution first presented BBB. She testified that her daughter, AAA, born on 23 April 1987,[9] was only 13 years old at the time of the alleged rape, and was mentally retarded.[10] Appellant was their neighbor in Brgy. Sta. Teresita, Canaman, Camarines Sur. According to BBB, on 17 March 2001, Lourdes Pante informed her that she caught appellant on top of AAA.[11] Thereafter, her husband CCC[12] and Lourdes, with AAA in tow, reported the matter to the police. AAA underwent physical and psychological examinations after the rape incident.

Lourdes Pante testified next. She is appellant's sister-in-law, appellant's wife, Anita, being her sister. She is also a neighbor of AAA's family.

Lourdes Pante testified that at around one o'clock in the afternoon of 16 March 2001, she went to appellant's

house looking for her sister. Through the bedroom window, she saw appellant lying on top of AAA. Both were naked and appeared to be having sexual intercourse.[13] Upon seeing her, appellant pushed AAA aside and both of them immediately dressed up. Lourdes was shocked with what she saw and upon regaining her composure asked appellant where her sister Anita was. After he answered that she was in the bodega across the street, Lourdes proceeded to the bodega where she related to Anita what she had witnessed. The following day, Lourdes received a call from Anita's daughter, Luisa. According to Luisa, Anita wanted Lourdes to report the matter to the police as she was fearful that if she would do the reporting herself, her husband, appellant, might take her hostage.[14] Lourdes did as requested. Upon arriving at the police station, she was informed however that being merely a witness, she was not the proper party to report the incident. Lourdes then went to AAA's parents. Thus, she accompanied AAA and CCC to the municipal hall. The incident was blottered and their sworn statements were taken. AAA was then taken to the Bicol Medical Center for physical examination.

As per the medical certificate issued by Dr. Marofe M. Bajar, AAA was found to have sustained hymenal lacerations and was still experiencing moderate vaginal bleeding at the time she was examined.

AAA was likewise submitted to a psychiatric evaluation. She was subjected to several kinds of psychological tests and interviews.[15] Her psychiatrist, Dr. Imelda Escuadra, testified that AAA's Intelligence Quotient (IQ) was only forty (40) compared to that of a normal person which is ninety (90) and above. She thus categorized AAA as suffering from a moderate mental retardation - a mental age from four to six years old.[16] Dr. Escuadra further testified that AAA is also afflicted with a delusional disorder.[17]

As the lone witness for his defense, appellant denied the charges against him. He testified that it was his wife Anita and not AAA that he was having sexual intercourse with when Lourdes suddenly opened their bedroom window.[18] He theorized that this case was fabricated by Lourdes out of a grudge as he once berated her for borrowing their kitchen utensils without permission and then failing to return them. He also testified that he does not know the whereabouts of his wife.[19]

In finding appellant guilty, the RTC made the following findings, thus:

> The accused insists that it was his wife whom he had sex [sic] in the afternoon of March 16, 2001. But why did his wife Anita not come to his defense and corroborate his testimony? And why did Anita left [sic] the conjugal home and her whereabouts to the present is unknown (TSN, March 5, 2003, p. 6. Cabanos). The accused did not explain the absence of his wife and why she was not presented as witness to corroborate his testimony. To the mind of the Court, the wife of the accused did not like to testify falsely and add her [sic] frustration. Moreover, the unbiased testimony of Lourdes Pante positively identifying [AAA] as the woman she saw naked with the naked accused on top of her performing sex stand [sic] unrefuted, given in a straightforward manner and in a normal manner, appears credible and rings with truth. Lourdes Pante testified that she immediately proceeded to the other side of the road where her sister Anita was as told to her by the accused. She found thereat her sister [A]nita and there and then she narrated to her what she saw of her husband. She further testified that the next day March 13 [sic], 2001, a daughter of the accused named Luisa was sent by her mother requesting her to call a police to apprehend her husband. These declarations stand unrefuted. With the foregoing evidence, the Court is of the opinion that the victim herein [AAA] was the woman accused had carnal knowledge [sic] in the afternoon of March 16, 2001 in the house of the accused at Barangay Sta. Teresita, Canaman, Camarines Sur.
>
> Moreover, the recent examination made by Dr. Marofe Bajar (Exhibit) showing the presence of moderate bleeding of the vagina and admits one (1) finger with ease bolster the prosecution's theory of the rape incident on [AAA] on March 16, 2001.
>
> x x x The complainant [AAA] was born on 23 April 1987, hence, at the time of the incident on March 16, 2001, she was 13 years, 10 months and 23 days [sic]. Based on the diagnosis conducted by psychiatrist Dr.

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> Imelda Escuadra of the Bicol Medical Center, [AAA] suffers moderate mental retardation, with a mentality of a 4-6 years [sic] old, (Exh. C and D). Conformably, the crime committed falls under paragraph 1 (d), Article 266-A of the Revised Penal Code, which carries the penalty of Reclusion Perpetua with a duration of twenty years and one day to forty years.[20]

Like the lower court, the appellate court gave full faith and credence to Lourdes's positive and straightforward testimony. It stressed that although AAA did not testify, the same is not fatal to the prosecution's cause since the repulsive crime was witnessed by another person who is considerably more capable than AAA to narrate the incident given the latter's mental condition. It rejected the defense's imputation of ill-motive on the part of Lourdes as too trivial to accept as true. The appellate court further ruled that the fact of appellant's sexual act with a mentally retarded person by itself constitutes rape pursuant to Art. 266-A of the Revised Penal Code (RPC), as amended by Republic Act No. 8353 also known as "The Anti-Rape Law of 1997."

In his brief,[21] appellant alleges that the trial court erred in (1) not finding that the prosecution's principal witness mistook the woman with whom appellant was having sexual intercourse as AAA when she was actually appellant's own wife; (2) in not considering the patent ulterior motive behind the indictment; and (3) in convicting him of the crime of rape despite failure of the prosecution to prove his guilt beyond reasonable doubt.[22]

Appellant insists that it was his wife and not AAA that he was having coitus with that fateful afternoon. He challenges the truthfulness of Lourdes's testimony given that the latter had an axe to grind against him. He claims that the rape charge against him is unfounded as AAA was never presented in court to corroborate Lourdes's testimony. Assuming arguendo that it was indeed AAA that Lourdes saw, appellant argues that there was no direct evidence presented to prove they had carnal knowledge as Lourdes testified that she only saw appellant on top of AAA. He further maintains that it was not at all proven that he forced AAA into sexual congress.

In its brief,[23] the Office of the Solicitor General maintains that appellant's guilt has been proven beyond reasonable doubt by the positive identification of a credible witness, Lourdes. It stresses that her testimony was sufficiently corroborated by the physical findings resulting from AAA's medical examination. It avers that since AAA was found to be mentally retarded, sexual intercourse with her is already considered rape.

A careful examination of the records as well as the transcripts of stenographic notes of the instant case leads us to affirm appellant's conviction.

At the core of almost all rape cases is the issue of credibility of witnesses, and the trial court is in the best position to resolve the question, having heard the witnesses and observed their demeanor during trial.[24] Thus, appellate courts will not disturb the credence accorded by the trial court to the testimonies of witnesses unless it is shown that the latter has overlooked or disregarded arbitrarily facts- and circumstances of significance to the case.[25] None of the exceptions apply to the case at bar.

We find no cogent reason to doubt the veracity of Lourdes's testimony. That she held a grudge against appellant over kitchen utensils is hardly believable. He is her brother-in-law and to falsely accuse him of committing so grave a crime as rape would be equivalent to depriving her own sister and her sister's children of a breadwinner.

It is of no moment that the prosecution failed to present AAA to testify. The appellate court correctly held that the testimony of the offended party is of utmost importance in a rape case because the victim and the accused are the only participants who can testify as to its occurrence.[26] In the instant case, the incident was witnessed by Lourdes and her positive testimony carries much greater weight than appellant's mere denial especially since said denial is unsubstantiated.[27] Lourdes categorically testified, thus:

> Q Can you please tell us what was that unusual incident that happened?

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A On March 16, 2001, at 1:00 in the afternoon, I was looking for my sister Anita and since I was afraid to open the door because of the dogs, I just opened the window and I saw Antonio Miranda and [AAA] both naked.

Q When you said that you opened the window, whose window is that, Mrs. Witness?
A The window of the room of Antonio and Anita Miranda.

PROS. MANRIQUE:

Q Upon seeing Antonio Miranda and [AAA], what happened next?
A Since I was shocked upon seeing the two naked, I was not able to move and I waited until [AAA] was able to put on her underwear; and I also saw Antonio Miranda pushed [AAA] on the side.

COURT:

Just a minute. Let us clarify this.

Q When you saw for the first time the accused and [AAA], who, according to you, were both naked, where were they in relation to the room of the house of your sister?
A They were on the bed.

Q On that bed where was [AAA] situated, and where was also the accused situated?
A [AAA] was lying down on the bed and the accused was on top of her.

Q What were they doing when you saw them naked?

ATTY. TIBLE:

Your Honor, I think, this witness is incompetent.

COURT:

She saw. She is an eye witness. According to her, she saw the two on the bed both naked. In fact, the woman [AAA] was lying on the bed and on top of her was the accused So the Court would like to know what they were doing while on the bed both naked.

A She was being raped.

x x x x

PROS. MANRIQUE:

Q What was Antonio Miranda doing to the private complainant? What exactly did you see?
A He was on top of the victim.

ATTY. TIBLE:

He was on top.

COURT:

The accused placed himself on top of [AAA].

Q Is that all that you saw?
A Yes, sir, I did not see any other.

COURT:

Next question.

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PROS. MIRANDA:

When you say "piglalaob-laoban," what do you mean by that?

A She is being raped.

x x x x

Q So when you say you saw Antonio Miranda raping the victim, what do you mean by raping?

ATTY. TIBLE:

Your Honor, we will object because the question is calling for the opinion and conclusion of the victim.

COURT:

Sustained.

The Court will ask.

Q Do you understand the meaning of rape?
A Yes, sir.

Q What do you mean by that?
A They are having sex.

Q So when you earlier told the Court that you saw the accused raping the victim, you want to tell the Court that the accused was performing sex?
A Yes, sir.

COURT:

Next question.

PROS. MANRIQUE:

Q So after you saw Antonio Miranda having sex with the complainant, what happened next?

ATTY. TIBLE:

Your Honor, we will object to that question because it has no basis. There is no showing that Antonio Miranda and complainant were having sex.

COURT:

There was. When she was asked what she understands by the word rape, she said that they were having sex.

ATTY. TIBLE:

I submit.

COURT:

May answer.

A Antonio Miranda pushed [AAA], who wore panty and short.

PROS. MANRIQUE:

Q How about Antonio Miranda, what was he doing at that time?

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A He also put on his brief and short.

Q After putting on her short, what happened next?
A I asked Antonio Miranda where Anita was?

Q And what did he tell you?
A He answered that she was on the other side.

Q After asking him, what did you do next?
A After that, I went to the other side and I informed Anita about what I saw.[28]

Lourdes's testimony as an eyewitness sufficiently established the commission of the crime and the identity of the perpetrator. She was also positive that it was AAA and not Anita whom appellant had sex with. It can be fairly believed that she could not have confused Anita, hew own sister, with AAA, who has been her neighbor years before the incident. More importantly, Anita was not even presented to refute Lourdes's testimony and to corroborate appellant's.

Moreover, Lourdes's testimony is corroborated by the physical evidence on record showing that AAA sustained hymenal lacerations at the 6 o'clock and 9 o'clock positions and her vagina was still

bleeding when she was examined. This is definitive proof that penetration did, in fact, occur. It is well-settled that lacerations, whether fresh or healed, are the best physical evidence of forcible defloration.[29]

At this juncture, it is no longer necessary for the prosecution to prove that appellant forced AAA into sexual intercourse for it to be considered rape. Article 266-A of the RPC, as amended, provides, to wit:

Section 266-A. Rape; When and How Committed. - Rape is committed -

1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

x x x

d. When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present. [Emphasis and underscoring ours.]

It was established that AAA has moderate mental retardation with the mentality of a four- to six-year old given her IQ of only 40. In People v. Dalandas,[30] we held:

The traditional but now obsolescent terms applied to those degrees of mental retardation were (a) idiot, having an IQ of 0 to 19, and a maximum intellectual factor in adult life equivalent to that of the average two-year old child; (b) imbecile by an IQ of 20 to 49 and a maximum intellectual function in adult life equivalent to that of the average seven-year old child; (c) moron or feebleminded, having an IQ of 50 to 69 and a maximum intellectual function in adult life equivalent to that of the average twelve-year old child. Psychiatrists and psychologists apply the term "borderline" intelligence to those with IQ between 70 to 89.[31]

We have previously ruled that a person is guilty of rape when he had sexual intercourse with a female who was suffering from a "borderline mental deficiency."[32] AAA's condition is far worse. The medical evidence on record more than amply shows that AAA is mentally retarded. She is equivalent to an imbecile in traditional parlance. She is likewise delusional. Her condition was obvious to her family and neighbors. Even appellant admitted that he knew AAA was mentally retarded.[33] We are mindful that a conviction of rape based on the mental retardation of private complainant must be anchored on proof beyond reasonable doubt of her mental retardation. The prosecution successfully discharged such burden.

We find the award of damages to AAA to be in accord with law and jurisprudence.

WHEREFORE, premises considered, the appealed decision is hereby AFFIRMED.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, Carpio-Morales, and Velasco, Jr., JJ., concur.

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[1] Rollo, pp. 3-17; Penned by Associate Justice Martin S. Villarama, Jr. and concurred in by Associate Justices Lucas P. Bersamin and Monina Arevalo-Zenarosa.

[2] CA rollo, pp. 16-20; Penned by Judge Marino O. Bodiao, Sr.

[3] Id. at 8.

[4] The victim's real name is withheld; See People v. Cabalquinto, G.R. No. 167693, 19 September 2006, 502 SCRA 419.

[5] Supra note 3.

[6] G.R. Nos. 147678-87, 7 July 2004, 433 SCRA 640; Per Resolution of the Supreme Court dated 11 July 2005; CA rollo, p. 23.

[7] The real name of the victim's mother is withheld per People v. Cabalquinto, supra note 4.

[8] Records, p. 4.

[9] Per AAA's Certificate of Live Birth; id. at 100.

[10] Id. at 5.

[11] TSN, 28 September 2001, p. 6.

[12] The real name of the victim's father is withheld per People v. Cabalquinto, supra note 4.

[13] TSN, 9 October 2001, p. 8.

[14] Id. at 11.

[15] TSN, 30 May 2002, pp. 10-13; 22 August 2002, pp. 2-7, 12-13.

[16] TSN, 30 May 2002, p. 9.

[17] Id. at 9-10.

[18] TSN, 5 March 2003, p. 6.

[19] Id.

[20] CA rollo, pp. 19-20.

[21] Id. at 31-42.

[22] Id. at 33.

[23] Id. at 54-74.

[24] Perez v. People, G.R. No. 150443, 20 January 2006, 479 SCRA 209, 219-220, citing Sim, Jr. v. Court of Appeals, G.R. No. 159280, 18 May 2004, 428 SCRA 459; Magno v. People, G.R. No. 133896, 27 January 2006,

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480 SCRA 276, 286, citing People v. Escote, G.R. No. 151834, 431 SCRA 345, 350-351; People v. Manahan, 374 Phil. 77, 82 (1999).

[25] People v. Manahan, 374 Phil. 77 (1999).

[26] Rollo, p. 12.

[27] People v. Taneo, 348 Phil. 277 (1998); People v. Bergante, 350 Phil. 275 (1998); People v. De Guzman, G.R. No. 95685, 4 March 1991, 194 SCRA 618 and People v. Alerta, Jr., G.R. No. 85250, 1 July 1991, 198 SCRA 656.

[28] TSN, 9 October 2001, pp. 4-9.

[29] People v. Tolentino, G.R. No. 139351, 23 February 2004, 423 SCRA 448, 465; People v. Malones, G.R. Nos. 124388-90, 11 March 2004, 425 SCRA 318, 335.

[30] 442 Phil. 688 (2002).

[31] Id. at 696, citing Gregory, Fundamentals of Psychiatry, 2nd ed. (1968).

[32] People v. Palma, 228 Phil. 235, 244 (1986).

[33] TSN, 12 May 2003, p. 2.

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