

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LOUIE C. VILLENA @ ISIT, ACCUSED-APPELLANT.

G.R. No. 236305. March 17, 2021

Ponente: LEONEN, J.

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LEONEN, J.:

Rape of an intellectually disabled person whose mental age is below 12 years old is statutory rape punishable under Article 266-A, Paragraph 1(d) of the Revised Penal Code, as amended.[1]

Before this Court is an appeal[2] filed by Louie C. Villena alias "Isit" (Villena) from the Court of Appeals Decision[3] which affirmed the Regional Trial Court's[4] finding of his guilt under Article 266-A, Paragraph 1(b) of the Revised Penal Code, as amended, but modified the designation of the crime committed from qualified rape to simple rape.

On March 18, 2011, Villena was charged with rape of an intellectually disabled girl before the Regional Trial Court Branch 32 of Agoo, La Union.[5] The accusatory portion of the Information reads:

That on or about March 17, 2011, in the Municipality of Sto. Tomas, Province of La Union, Philippines, and within the jurisdiction of this Honorable Court, the accused, of legal age, with lewd designed, and by means of force, violation [sic] and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with AAA with a mentally retarded disorder (sic), to her damage and prejudice.[6]

Upon arraignment on April 4, 2011, Villena pleaded not guilty to the charge.[7] Trial on the merits ensued.

The prosecution presented the following witnesses: private complainant AAA;[8] her mother, BBB; her brother, CCC; her grandmother, DDD;[9] duty investigator PO2 Glendora B. Peralta (PO2 Peralta) of the Philippine National Police Sto. Tomas, La Union;[10] and psychiatrist, Dr. Jovy Anne J. Tangalin (Dr. Tangalin) of Baguio General Hospital and Medical Center.

The testimony of Dr. Aloha Marcia Kalaw (Dr. Kalaw),[11] who physically examined AAA,[12] was dispensed with after the parties stipulated that she issued a medico-legal certificate finding evident proof of "blunt force or penetrating trauma"[13] in AAA's vagina.

The witnesses for the prosecution corroborated the following account of events:

In the afternoon of March 17, 2011, AAA was lying alone in her room when Villena, who was then drunk, suddenly came in. He "strangled her neck with his left hand and removed her clothes[.]"[14] He then fondled her breast, inserted his penis inside her "for a long time"[15] and threatened to kill her.[16] Thereafter, AAA fled towards her grandmother, DDD, who was seated outside the house at that time.

According to DDD, she saw Villena come over to wake up her son, AAA's father. When Villena failed to rouse the latter, she saw him advance "to the path going to the east of the house"[17] but did not see him enter. Approximately three minutes later, AAA went outside crying and told her about the incident. DDD noticed that

there were red marks on AAA's neck.[18]

One of AAA's brother, CCC, testified that when he arrived home in the late afternoon of that same day, he saw AAA "crying at the door with red marks on her neck[.]"[19] AAA told him that Villena strangled her. When CCC came to know from his grandfather that AAA was also raped, he reported this to his older brother, who, in turn, told their mother, BBB.[20]

BBB was a caregiver in Baguio City. She testified that on March 17, 2011, one of her sons suddenly called saying that AAA was raped. When she arrived home the next day, she saw her daughter crying and noticed the discoloration in her neck. After knowing what happened, they proceeded to Sto. Tomas Police Station to report the incident.[21]

PO2 Peralta, who was then stationed at the Women and Children Protection Desk, testified that she interviewed AAA and her family on March 18, 2011. They then proceeded to La Union Medical Center thereafter for AAA's physical examination. When the medical findings confirmed that AAA was molested, they apprehended Villena.[22]

Dr. Tangalin testified that she conducted AAA's psychiatric evaluation which yielded the following findings:

[T]here was difficulty in communicating with private complainant because that latter would answer slowly but private complainant could give a good answer when she was asked simple and leading questions; that private complainant was diagnosed to have a mild mental retardation and she has a mental level of a 9-12 [-] year [-] old, meaning private complainant can understand questions that a child between 9-12 years old can understand.[23] (Emphasis supplied)

Villena appeared as sole witness for the defense. He denied the accusations against him[24] and claimed that at around 11:00 a.m. of March 17, 2011, he was drinking at the house of a certain Boy Abordo.[25] After three hours of drinking, he felt dizzy and decided to go home. While on his way home,[26] he was asked by AAA's uncle to drink outside AAA's house.[27] He accepted the invitation and finally went home an hour later.[28]

On January 29, 2013, the Regional Trial Court[29] found Villena guilty of qualified rape[30] in relation to Section 266-A, Paragraph 1 of the Revised Penal Code, as amended. It explained that carnal knowledge of an intellectually disabled person "is in the same class as a woman deprived of reason or otherwise unconscious." [31] Since the victim is incapable of giving consent, it underscored that force and intimidation need not be proven.[32] What should be established instead is the fact of sexual congress and the victim's mental condition.[33]

In evaluating whether AAA was a competent witness, the trial court considered Dr. Tangalin's testimony and psychiatric evaluation.[34] While the latter's testimony reveals that AAA was unable to give apt responses on complex queries, the trial court underscored that she could nevertheless narrate the incident with the aid of "simple and leading questions[.]"[35] Hence, despite AAA's intellectual disability, she "qualifies as a competent witness because she can perceive and, perceiving, can make known her perception to others." [36]

The trial court also ruled that AAA's deficient mental condition was proven by the prosecution, and that the defense failed to "dispute the same through concrete evidence[.]"[37] It gave full credence to AAA's testimony and emphasized that it would be highly improbable for a mentally incapacitated person to fabricate a charge or to be coached into testifying against the accused. The trial court noted that while AAA had difficulty in giving her statements, she nonetheless described the rape incident in detail.[38] It frowned upon Villena's denial and disposed the case in this wise:

WHEREFORE, finding accused Louie C. Villena a.k.a. Isit GUILTY beyond reasonable doubt of the crime of qualified rape, he is sentenced to suffer the penalty of reclusion perpetua, without eligibility for parole. He is

further ordered to pay [AAA] the amounts of P75,000.00 as civil indemnity ex delicto, P75,000.00 as moral damages; and P30,000.00 as exemplary damages.

SO ORDERED.[39] (Emphasis in the original)

On appeal, Villena assailed the trial court's finding of guilt, claiming that the prosecution failed to establish AAA's intellectual disability.[40] Assuming AAA was mentally deficient, then the trial court erred in ruling she was a competent witness.[41] He insisted that there was a lack of proof showing that AAA was raped, let alone that he was the perpetrator.[42]

On August 10, 2017, the Court of Appeals[43] dismissed Villena's appeal for lack of merit. It ruled that AAA's intellectual disability was proven by Dr. Tangalin's statements and psychiatric evaluation report, as found by the trial court.[44] It discounted Villena's claim that AAA's mental deficiency makes her statements incredible, and underscored that the trial court's evaluation of witness' credibility is given utmost consideration on appeal.[45]

It agreed that the prosecution established Villena's guilt for rape under Article 266-A, Paragraph 1(b). Considering that AAA narrated the incident and positively identified her perpetrator, it found no reason to deviate from the findings of the trial court. It ruled that as against AAA's candid testimony, affirmative identification of her offender, and lack of ill-motive to falsely testify, Villena's denial necessarily fails.[46]

While agreeing with its finding of guilt, the Court of Appeals nevertheless clarified that the trial court erred in denominating the crime as qualified rape.[47] It held that Villena should instead be guilty of simple rape, since the Information failed to provide that he was aware of AAA's mental condition at the time he committed the offense.[48] It sustained the amount of moral damages and civil indemnity awarded by the trial court, but increased the exemplary damages from P30,000.00 to P75,000.00:

WHEREFORE, the appeal is DISMISSED. The judgment issued by the Regional Trial Court of Agoo, La Union Br. 32 (RTC) dated January 29, 2013 in Criminal Case No. A-5963 is MODIFIED as follows:

Accused-appellant Louie C. Villena is found guilty beyond reasonable doubt of simple rape. He is ordered to pay the victim [AAA] moral damages in the amount of P75,000.00, exemplary damages in the amount of P75,000.00 and civil indemnity in the amount of P75,000.00. Damages awarded shall earn interest at the rate of 6% per annum from date of finality of this judgment until fully paid.

SO ORDERED.[49] (Emphasis supplied)

Hence, Villena filed this appeal.

On October 20, 2017,[50] the Court of Appeals forwarded the case records to this Court pursuant to its September 29, 2017 Resolution[51] which gave due course to accused-appellant's Notice of Appeal.

This Court, in a February 19, 2018 Resolution,[52] noted the records forwarded by the Court of Appeals and notified the parties to file their supplemental briefs. However, both parties manifested that they no longer intended to file Supplemental Briefs.[53]

Accused-appellant[54] argues that the prosecution fell short in establishing the elements of rape under Section 266-A, Paragraph 1(b) as AAA's mental condition was not proven through scientific or testimonial evidence.[55] He asserts that Dr. Tangalin's Psychiatric Evaluation Report was inadequate to conclude that AAA was mentally deficient considering she was able to "sufficiently and intelligently execute a sworn statement" alone.[56] He also contends that AAA's inability to write due to lack of education does not necessarily equate to intellectual disability.[57]

Accused-appellant further contends that if AAA's mental deficiency were to be presumed, then the trial court

erred in declaring her as a competent witness since Dr. Tangalin's assessment showed that she has a mental age of 9-12 years old and was "incompetent to stand trial." [58] He also insists that the rape charge was unsubstantiated because other witnesses for the prosecution did not even confirm such allegation. [59] Allegedly, in the absence of other proof, the medico-legal report finding that AAA has an "erythematous, annular, with notch at 9 o'clock position" [60] merely suggests that AAA had previous sexual involvement. He also assails the non-presentation of Dr. Kalaw as a witness and insists his defense of denial should be given weight. [61]

Plaintiff-appellee, [62] through the Office of the Solicitor General, counters that all the elements of qualified rape were sufficiently established. First, AAA clearly recounted the details of the sexual congress which, in turn, were duly substantiated by medical findings. Second, there could be no doubt as to AAA's intellectual disability as it was confirmed not only by testimonies of other witnesses, but also corroborated by an expert. [63]

Contrary to accused-appellant's claim, AAA's mental condition does not disqualify her as a competent witness as the trial court found her to be credible [64] and adds that "when a rape victim says that she has been raped, she says, in effect, all that is necessary to show that she has indeed been raped." [65] It refutes accused-appellant's alibi "[s]ince [his] house was just about twenty (20) meters from the house of AAA, [and thus,] there [was] no physical impossibility for him to be at the place of the commission of the crime." [66]

For this Court's resolution is the issue of whether or not accused-appellant Louie C. Villena's guilt was proven beyond reasonable doubt.

We rule against accused-appellant.

An appeal in criminal cases subjects the whole case for review. Hence, the reviewing body can rectify even unassigned errors in the assailed ruling, or overturn the trial court's judgment on bases other than those assigned by the litigants as errors. The appeal gives full jurisdiction to the appellate court to "examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law." [67]

In this case, we modify accused-appellant's conviction under Article 266-A, Paragraph 1(b) of the Revised Penal Code, as amended.

I

Under Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353, [68] rape is committed:

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

a)

Through force, threat, or intimidation;

b)

When the offended party is deprived of reason or otherwise unconscious;

c)

By means of fraudulent machination or grave abuse of authority; and

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.

2) By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of

sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person. (Emphasis supplied)

For a plausible conviction of rape, it must be established that a man had sexual congress with a woman, or sexually assaulted another, under any of the following conditions:

- a) Through force, threat or intimidation;
- b) The victim is deprived of reason;
- c) The victim is unconscious;
- d) By means of fraudulent machination;
- e) By means of grave abuse of authority;
- f) When the victim is under 12 years of age; or
- g) When the victim is demented.[69] (Emphasis supplied)

On account of AAA's mental deficiency, both lower courts adjudged accused-appellant guilty of rape under Article 266-A, Paragraph 1(b) of the Revised Penal Code, as amended. However, this Court already clarified in *People v. Castillo*[70] that carnal knowledge with an intellectually disabled person whose mental age is below 12 years old is considered statutory rape punishable under Article 266-A, Paragraph 1(d):

The question now is under which paragraph does rape of a female retardate with mental age below 12 years old fall?

In the 2016 case of *People v. Rodriguez*, the Court held that carnal knowledge of a female mental retardate with the mental age below 12 years of age is rape of a woman deprived of reason. Thus, the accused's rape fell under paragraph 1(b), Article 266-A of the RPC.

Citing *People v. Montivalco*, the Court, in *Rodriguez*, declared that:

Paragraph 1, Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353, provides for two (2) circumstances when carnal knowledge of a woman with mental disability is considered rape. Subparagraph (b) thereof refers to rape of a person "deprived of reason" while subparagraph (d) refers to rape of a "demented person." The term "deprived of reason" has been construed to encompass those suffering from mental abnormality, deficiency or retardation. The term "demented," on the other hand, means having dementia, which Webster defines as mental deterioration; also madness, insanity. Dementia has also been defined in Black's Law Dictionary as a "form of mental disorder in which cognitive and intellectual functions of the mind are prominently affected; x x x total recovery not possible since cerebral disease is involved." Thus, a mental retardate can be classified as a person "deprived of reason," not one who is "demented" and carnal knowledge of a mental retardate is considered rape under subparagraph (b), not subparagraph (d) of Article 266-A (1) of the Revised Penal Code, as amended.

In the 2017 cases of *People v. Deniega* and *People v. Niebres*, however, the Court held that sexual intercourse with a mental retardate whose mental age is below 12 years old constitutes statutory rape. These cases cite *People v. Quintos*, which provided for the distinctions between "deprived of reason," "demented" and "mental retardation." To quote:

The term, "deprived of reason," is associated with insanity or madness. A person deprived of reason has mental abnormalities that affect his or her reasoning and perception of reality and, therefore, his or her capacity to resist, make decisions, and give consent.

The term "demented," refers to a person who suffers from a mental condition called dementia. Dementia refers to the deterioration or loss of mental functions such as memory, learning, speaking, and social condition, which impairs one's independence in everyday activities.

We are aware that the terms, "mental retardation" or "intellectual disability," had been classified under

"deprived of reason." The terms, "deprived of reason" and "demented," however, should be differentiated from the term, "mentally retarded" or "intellectually disabled." An intellectually disabled person is not necessarily deprived of reason or demented. This court had even ruled that they may be credible witnesses. However, his or her maturity is not there despite the physical age. He or she is deficient in general mental abilities and has an impaired conceptual, social, and practical functioning relative to his or her age, gender, and peers. Because of such impairment, he or she does not meet the "socio-cultural standards of personal independence and social responsibility."

Thus, a person with a chronological age of 7 years and a normal mental age is as capable of making decisions and giving consent as a person with a chronological age of 35 and a mental age of 7. Both are considered incapable of giving rational consent because both are not yet considered to have reached the level of maturity that gives them the capability to make rational decisions, especially on matters involving sexuality. Decision-making is a function of the mind. Hence, a person's capacity to decide whether to give consent or to express resistance to an adult activity is determined not by his or her chronological age but by his or her mental age. Therefore, in determining whether a person is "twelve (12) years of age" under Article 266-A(1)(d), the interpretation should be in accordance with either the chronological age of the child if he or she is not suffering from intellectual disability, or the mental age if intellectual disability is established.

Following these developments, it is clear that as regards rape of a mental retardate, the Court now holds that, following *People v. Quintos*, when the victim is a mental retardate whose mental age is that of a person below 12 years old, the rape should be classified as statutory rape under Article 266-A, paragraph 1 (d) of the RPC, as amended.

Statutory rape is committed when (1) the offended party is under twelve (12) years of age, and (2) the accused had carnal knowledge of her, regardless of whether there was force, threat or intimidation, whether the victim was deprived of reason or consciousness, or whether it was done through fraud or grave abuse of authority. What the law punishes in statutory rape is carnal knowledge of a woman below twelve (12) years old. Thus, force, intimidation and physical evidence of injury are not relevant considerations; the only pertinent concern is the age of the woman and whether carnal knowledge indeed took place.[71] (Emphasis supplied, citations omitted)

It then follows that apart from the fact of sexual congress between the accused and the victim, the latter's deficient mental condition, corresponding to a mental age of less than 12 years old, should similarly be proven to secure a conviction for statutory rape under Article 266-A, Paragraph 1(d). Here, this Court is convinced that these elements were sufficiently established.

I (A)

The prosecution sufficiently established AAA's mental deficiency and her mental age of less than 12 years old.

AAA was 25 years old[72] when the incident happened.[73] After a series of assessments,[74] it was revealed in Dr. Tangalin's psychological report that AAA has a mild mental retardation with a mental age comparable to that of a person aged 9 to 12.[75] As such, Dr. Tangalin explained that AAA has difficulty responding to complex queries, but was nonetheless capable of answering simple and leading questions:

Pros. Valdez, Jr.:

Q: In the conduct of your psychiatric evaluation with patient [AAA], how did you try to communicate with her?

A: There was difficulty in communicating with the patient because she answers my questions very slowly and you need to be really patient with how she answer[s] the questions.

Q: How about Madam Witness if [AAA] [were to be] ask[ed] of simple and leading questions, could you say that [AAA] could give a good answer?

A: Yes, sir.

Q: And in fact, with these simple questions that you asked to [AAA], you could get a reliable answer [from] her?

A: Yes sir.

Q: And, [was] that exactly what you did in your psychiatric evaluation of [AAA]?

A: Yes, sir.

....

Pros. Valdez, Jr.:

Q: Madam Witness, with your testimony on cross, could you say that simple question[s] could be answered by [AAA] accurately, but complex questions that there could be a problem concerning getting the answer? [sic]

A: Yes, sir.

Q: So we could still rely on [the] testimony of [AAA] as long as [it's] simple and direct?

A: Yes, sir.

....

Court:

....

Q: Ok[a]y. Madam Witness, the private complainant in this case is suffering from mental retardation?

A: Yes, your Honor.

Q: Is it slight or serious mental retardation?

A: Mild, your Honor.

Q: And, you equate her mind to a child who is 9-12 years old?

A: Yes, Your Honor.

Q: Do I understand it correct from you that the question should be phrased to a child who is 9-12 years old?

A: Yes, your Honor.

Q: If the kind of question you will ask the private complainant is simple, that a 9[-]year[-]old can understand, a 9[-]year[-]old who is normal can understand then definitely, the private complainant can also understand that such kind of question, is that what you are saying?

A: Yes, your Honor.

....

Pros. Valdez, Jr.:

Q: Now, you mentioned that the mental age of the witness or rather be [sic] the patient [AAA] is equal to a person who is 9-12?

A: Yes, sir.

Q: With simple questions, could the patient with that mental age narrate to her what happened?

A: Yes, sir.

Q: And it could also be possible that she could narrate vividly what happened to her the incident [sic] subject matter of this case?

A: Yes, sir.[76] (Emphasis supplied)

It was explained in *People v. Dalandas*[77] that one's mental deficiency, as well as its degrees, may manifest in their appearance or conduct. Thus, the same may be attested to by those whom he or she had contact with:

The mental retardation of persons and the degrees thereof may be manifested by their overt acts, appearance, attitude and behavior. The diction, manner of walking, ability to feed oneself or attend to personal hygiene, capacity to develop resistance or immunity to infection, dependency on others for protection and care and

inability to achieve intelligible speech may be indicative of the degree of mental retardation of a person. Those suffering from severe mental retardation are usually undersized and exhibit some form of facial or body deformity such as mongolism, or gargolism. The size and shape of the head is indicative of microphaly. The profoundly retarded may be unable to dress himself, or wash or attend to bowel and bladder functions so that his appearance may be very unclean and untidy unless they receive a great deal of nursing care. There may be marked disturbance of gait and involuntary movements. Attempts to converse with a mental retardate may be limited to a few unintelligible sounds, either spontaneous or in response to attempts that are made by the examiner to converse, or may be limited to a few simple words or phrases. All the foregoing may be testified on by ordinary witnesses who come in contact with an alleged mental retardate.[78] (Emphasis supplied)

Hence, aside from clinical evidence[79] or psychiatric report,[80] intellectual disability can also be established by means of other proof such as testimonies of other witnesses,[81] and the trial judge's personal observation.[82]

Accused-appellant argues that AAA's deficient mental condition was not amply proven "through either clinical or testimonial evidence[.]"[83] He insists on the purported insufficiency of Dr. Tangalin's Psychiatric Report as basis to conclude the same holding that AAA was allegedly capable of intelligently executing a sworn statement alone and that lack of education is not tantamount to mental depravity.[84]

We do not agree.

Building on the foregoing factual and legal precepts, this Court is persuaded that the totality of the evidence for the prosecution suffices to demonstrate AAA's deficient mental condition. Records reveal that Dr. Tangalin not only interviewed her[85] but similarly conducted a series of tests to come up with the diagnosis that AAA has a mild mental retardation and that her mental age is comparable to that of a 9 to 12-year-old child.[86]

Furthermore, Dr. Tangalin's observation with regard AAA's behavior was corroborated by the trial judge who similarly adjudged private complainant's mental deficiency. Similar to Dr. Tangalin, the trial court judge also made remarks on AAA's lack of articulation and her difficulty in giving statements.[87] Taken collectively, these undoubtedly confirm AAA's mental deficiency which the defense failed to rebut with concrete evidence.[88]

I (B)

The fact of sexual congress was also amply proven.

Despite AAA's deficient mental condition, she ably recounted the details of the sordid act and firmly identified accused-appellant as her perpetrator:

Pros. Valdez, Jr.

Q:

Do you know Isit?

A:

Yes, sir. He is our neighbor.

Q:

Where?

A:

He is there at the back.

Q:

Please point at Isit if he is in court?

Court Interpreter: (The witness pointed to a male person seated inside the courtroom wearing yellow shirt and when asked, he identified himself as Louie Villena)

Q:

[AAA], where is your neck?

A:

Here sir.

Court Interpreter: (The witness pointed to her neck.)

Q:

What did Isit do to your neck?

A:

He strangled sir.

Q:

Q: Would you show us through your mother how Isit strangled your neck?

[A]:

Like this sir.

Court Interpreter: (The witness strangled the neck of her mother through his left hand.)

Q:

And what did you feel when you were strangled?

A:

It was painful sir.

Q:

Could you show us your cloth[es] [AAA]?

A:

This one sir.

Court Interpreter: (The witness pointed at her blouse.)

Pros. Valdez, Jr.:

Q:

When Isit strangled your neck, what did he do with your clothes?

A:

He removed my dress sir.

Q:

Would you point us your breast?

A:

This one sir.

Court Interpreter: (The witness pointed her breast.)

Pros. Valdez, Jr.:

Q:

When Isit removed your clothes while strangling your neck, what did Isit do with your breast?

A:

He masked [sic] my breast sir.

Q:

How about your vagina, what did Isit do to your vagina?

A:

He inserted his penis into my vagina.

Q:

Were you hurt?

A:

Yes sir.

Q:

What happened to your vagina when he inserted his penis in it?

A:

I feel painful [sic] sir.

Q:

Did you see blood?

A:

Yes sir.

Q:

Was it [a long] time when he inserted his penis inside your vagina or just a short time?

A:

It was long sir.

Q:

Was Isit sober or dr[u]nk at that time?

A:

He was dr[u]nk sir.

Q:

Why do you say that he was dr[u]nk? Were you able to smell it?

A:

Yes sir, I smell liquor from him.

Q:

In what place did his penis inside your vagina? [sic]

A:

Inside our house sir.

Q:

Were you alone at that time inside your house?

A:

Yes sir.

Q:

Did you tell your mother what Isit did to you?

A:

Yes sir.

....

Atty. Manansala:

Q:

You mentioned that Isit inserted his penis, is that correct?

A:

Yes sir.

Q:

What is your position when he inserted his penis?

A:

I was lying down sir.

Q:

How about your feet, what is the position of your feet?

A:

He did it like this sir.

Court Interpreter (The witness spread her knee.)

Court Question:

Q:

Do you mean to say [AAA], your legs were spread when Isit put his penis inside your vagina?

A:

Yes, Your Honor.

Q:

Why did you not shout?

A:

He was strangling me, Your Honor.

Q:

Did Isit tell you anything while he was raping you?

A:

No, Your Honor.

Q:

When Isit was already on top of you and his penis was inserted into your vagina, did he make any movements?

A:

Yes, Your Honor[.][89]

With AAA's candid and unwavering statements, We cannot subscribe to accused-appellant's contention that the charge was uncorroborated just because the other witnesses for the prosecution allegedly failed to prove with moral certainty that he raped AAA.[90] When the testimony of the complainant is credible and amply proves the elements of the charge, it suffices as basis for accused's conviction for rape.[91] Rape, by its nature, often presents the victim's testimony as the sole evidence to determine the guilt of the accused. Corollary, courts usually give weight to the testimony of the complainant because no one would normally "be willing to undergo the humiliation of a public trial and testify on the details of her ordeal if it be not to condemn an injustice." [92]

Besides, both lower courts gave full faith and credence to AAA's testimony.[93] The observance of the conduct and deportment of witnesses during the entire duration of the proceedings is essential specially in cases of rape as it aids in ascertaining the guilt of the accused. During trial, judges are given the chance to perceive, either intentionally or not, visible indications and micro expressions "that could, more than the words said and taken as a whole, suggest sincerity or betray lies and ill will." [94] These significant matters can never be mirrored or replicated in records or articles utilized as evidence.[95]

As it had the occasion to observe the behavior of witnesses during proceedings, the trial court's assessment of

their credibility as well as its findings should be given utmost respect, especially when upheld by the Court of Appeals, as in this case. Moreover, there's no reason to overturn the uniform findings of the lower courts as there appears to be no misconstrued or unheeded material facts which could affect the result of this case.[96]

II

Accused-appellant makes much of the argument that if AAA's deficient mental condition is presumed, then the trial court is mistaken in declaring her competent on the ground that what should have been considered "is the quality of the perception and the manner in which this perception is made known to the court." [97] He then emphasizes Dr. Tangalin's statement that AAA was "incompetent to stand trial" [98] on account of her mental age.

Accused-appellant's contentions fail to persuade.

This Court sustains the credibility and competence of intellectually disabled victims of rape if it is shown that they are capable and consistent in relating their ordeal. "Rather than undermine the gravity of the complainant's accusations, it even lends greater credence to her testimony, that, someone as feeble-minded and guileless could speak so tenaciously and explicitly on the details of the rape if she has not in fact suffered such crime at the hands of the accused." [99]

Furthermore, just because one is intellectually disabled does not make them ineligible to testify. "He or she can be a witness, depending on his or her ability to relate what he or she knows." [100] If his or her statement "is coherent, the same is admissible in court." [101] In AAA's case, We find the following findings of the trial court well-taken:

In sum, the [c]ourt appreciates that with complex questions, [AAA] is incompetent to give correct answers but with simple and leading questions, she could narrate what happened to her. Hence, even if AAA is [an intellectually disabled] person, she, nonetheless, qualifies as a competent witness because she can perceive and perceiving, can make known her perception to others[.]. [102]

As to the finding that AAA was "incompetent to stand trial," [103] We emphasize that Dr. Tangalin already made clear in her testimony that the conclusion was merely pertaining to AAA's lack of understanding on what accused-appellant did to her. The following excerpts are on point:

Atty. Manansala:

Q:

Madam Witness, you mentioned at [the] last paragraph of your psychiatric evaluation[,] and I quote, "furthermore, [AAA] most likely does not have a rational as well as factual understanding of the proceedings against her because of her inability to comprehend, analyze and answer questions about them and her disabilities due to mental retardation as cited earlier. She is therefore assessed to be incompetent to stand trial. Can you now explain this Honorable Court the difference of your answer during the direct examination and your impression on your psychiatric evaluation?

[A]:

The first question was, I was asked if [AAA] can answer questions [sic] simple and direct questions. So with that, I said yes, but the comprehension and understanding of what being asked of her makes her incompetent to stand trial. The understanding and comprehension, sir.

....

Court:

Q:

Doctor, you said that comprehension [sic], the private complainant cannot comprehend and understand the question that you [sic] were being ask of her?

A:

Yes, your Honor.

Q:

Alright. But if you phrase m a simple matter, the private complainant can understand?

A:

Yes, your Honor.

Q:

I am confused because when you give question, before a person can answer, he or she should understand first the question before you could give any answer?

A:

Not in the level of her case your Honor, because the victim is diagnosed to have a mental illness we call as mental retardation. And her level of her [sic] mental retardation is mild which is at the level of a 9-12 [-] year [-] old. So, if a 9-12 [-] year [-] old child can be asked to narrate what happened to her, she can but the foil understanding and comprehension, she cannot.

....

Q:

When you said that she cannot comprehend and understand the things she was answering, do I understand it from you that she cannot comprehend and understand what happened to her, is that you're telling this Court?

A:

Yes, your Honor.

Q:

Q: So, it's not the question that you were asking that the private complainant cannot understand but what happened to her on March 17, 2011 or the act of rape that happened to her, is that what you say?

A:

Yes, your Honor.

x x x

Q:

A person who is mentally retarded whom you testified a while ago cannot comprehend and understand that thing that happened to her, does it follow that she cannot relate what she underwent to other person?

A:

No, your Honor.

Q:

But she cannot understand what she was telling?

A:

Yes, your Honor.

Q:

Or what happened to her?

A:

Yes, your Honor.[104] (Emphasis supplied)

Besides, AAA's defilement was supported by the findings of Dr. Kalaw, whose testimony was dispensed with after the parties decided "to stipulate that she issued a medico-legal certificate saying that there was a clear evidence of blunt force or penetrating trauma inside private complainant's vagina." [105] There is enough basis to support the conclusion of carnal knowledge, given that AAA's narration was substantiated by physical evidence showing penetration.[106]

Equally telling is AAA's lack of ill-motive to falsely testify against accused-appellant[107] Where there exists no proof to establish "a dubious reason or improper motive why a victim would falsely implicate an accused in a crime, her testimony is worthy of full faith and credit." [108]

Finally, in light of the victim's positive testimony, accused-appellant's bare denial necessarily fails.[109] As a defense, denial is innately weak for being "negative and self-serving." [110] Consequently, "alibi is the weakest of all defenses for it is easy to contrive and difficult to prove." [111] Nevertheless, for a plausible alibi, the accused-appellant must not only establish that he was in another place when the incident happened, he must also show that it would be physically improbable for him to be at place of the crime or its surrounding vicinity at that time.[112] This, accused-appellant miserably failed to do.

It was undisputed that accused-appellant and AAA were neighbors.[113] The core of accused-appellant's alibi rests on the claim that he immediately went home after a series of drinking spree with one Boy Abordo and with AAA's uncle outside her house.[114] Aside from the fact that no other witness was presented to corroborate his story, it is evident that there exists no physical impossibility for accused-appellant to be at the place of the crime when the alleged rape happened.

III

Rape under Article 266-A, Paragraph 1 of the Revised Penal Code is punishable by reclusion perpetua.[115] Under Article 266-B, Paragraph 10, the offender's knowledge of the victim's mental deficiency at the time of rape qualifies the offense making it punishable by death:[116]

Article 266-B. Penalties. - Rape under paragraph 1 of the next preceding article shall be punished by reclusion perpetua.

....

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

....

10)

When the offender knew of the mental disability, emotional disorder and/or physical handicap of the offended party at the time of the commission of the crime. (Emphasis supplied)

While it was explicitly provided in the Information that AAA was intellectually disabled,[117] a plain invocation of the same without showing that accused-appellant knew of it does not suffice to qualify the offense.[118] As a result, accused-appellant cannot be adjudged guilty of qualified rape.

Finally, due to the depravity of accused-appellant's act, we increase the award of civil indemnity, moral damages, and exemplary damages from P75,000.00 each to P100,000.00 each.[119]

WHEREFORE, premises considered, the appeal is DENIED. The assailed August 10, 2017 Decision of the Court of Appeals in CA-G.R.CR-H.C. No. 06065 is MODIFIED. Accused-appellant Louie C. Villena @ Isit is found GUILTY beyond reasonable doubt of Statutory Rape under Article 266-A, Paragraph 1(d) of the Revised Penal Code, as amended by Republic Act No. 8353. He is sentenced to suffer the penalty of reclusion perpetua and is ordered to pay private complainant P100,000.00 as civil indemnity, P100,000.00 as moral damages, and P100,000.00 as exemplary damages.

In line with current jurisprudence, interest at the rate of six percent (6%) per annum shall be imposed on all damages awarded from the date of the finality of this judgment until its full satisfaction.[120]

SO ORDERED.

Hernando, Inting, Delos Santos, and J. Lopez, JJ., concur.

[1] People v. Castillo, G.R. No. 242276, February 18, 2020 <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66332>> [Per J. J.C. Reyes, Jr., En Banc].

[2] Rollo, pp. 12-15, Notice of Appeal.

[3] CA rollo, pp. 88-97. The August 10, 2017 Decision (Modified Version) in CA-G.R. CR-H.C. No. 06065 was penned by Associate Justice Myra V. Garcia-Fernandez and concurred in by Associate Justices Romeo F. Barza and Pablito A. Perez of the Special Sixteenth Division, Court of Appeals, Manila.

[4] Id. at 44-57. The January 29, 2013 Judgment in Criminal Case No. A-5963 ("For: Rape of Mentally Retarded Person") was rendered by Acting Presiding Judge A. Florentino R. Dumlao, Jr. of Branch 32, Regional Trial Court, Agoo, La Union.

[5] Id. at 44.

[6] Id. at 88-89.

[7] Id. at 89.

[8] Pursuant to Supreme Court Amended Administrative Circular No. 83-15 (September 5, 2017), the real name of the victim and other information that would establish her identity was either withheld or replaced with fictitious names.

[9] CA rollo, pp. 89-91. The following were the documentary evidence presented by the prosecution: "1) Affidavit of Arrest by PO2 Peralta (Exhibit "A"); 2) Sworn Statement of private complainant (Exhibit "B" with submarkings); 3) Affidavit-Complaint of Remelda M. Laranang (Exhibit "C" with submarking); 4) Sworn

Statement of Noel M. Laranang (Exhibit "D" with submarkings); 5) Medico-Legal Certificate issued by Dr. Kalaw (Exhibit "E"); 6) Psychiatric Evaluation Report prepared and signed by Dr. Tangalin (Exhibit "F"); 7) Excerpt of the Police Blotter of Sto. Tomas Police Station (Exhibit "G"); and 8) Sworn Statement of Concepcion D. Laranang (Exhibit "H" with submarking)."

[10] Id. at 45.

[11] Id. at 46.

[12] Id. at 89-90.

[13] Id. at 90.

[14] Id.

[15] Id.

[16] Id.

[17] Id.

[18] Id.

[19] Id.

[20] Id.

[21] Id. at 91.

[22] Id. at 90-91 and 45.

[23] Id. at 91-92.

[24] Id. at 92.

[25] Id. at 31.

[26] Id. at 46.

[27] Id. at 92.

[28] Id. at 46-47.

[29] Id. at 44-57.

[30] Id. at 56.

[31] Id. at 47.

[32] Id.

[33] Id. at 47-48.

[34] Id.

[35] Id. at 52.

[36] Id.

[37] Id.

[38] Id. at 52-56.

[39] Id. at 56-57.

[40] Id. at 92-93.

[41] Id. at 93.

[42] Id.

[43] Id. at 88-97.

[44] Id. at 91-93.

[45] Id. at 93-94.

[46] Id. at 95.

[47] Id. at 96.

[48] Id.

[49] Id. at 96-97.

[50] Rollo, p. 1, Transmittal.

[51] Id. at 16.

[52] Id. at 18-19.

[53] Id. at 20-24, plaintiff-appellee's Manifestation (In lieu of Supplemental Brief); and 28-32, accused-appellant's Manifestation (In lieu of Supplemental Brief).

[54] CA rollo, pp. 25-43, Brief for the accused-appellant.

[55] Id. at 33-36.

[56] Id. at 35.

[57] Id. at 36.

[58] Id.

[59] Id. at 38-39.

[60] Id. at 37.

[61] Id. at 37-40.

[62] Id. at 63-79, Brief for the plaintiff-appellee.

[63] Id. at 69-72.

[64] Id. at 73-76.

[65] Id. at 75.

[66] Id. at 76.

[67] *People v. Niebres*, 822 Phil. 68, 74 (2017) [Per J. Perlas-Bernabe, Second Division].

[68] Otherwise known as "The Anti-Rape Law of 1997" (September 30, 1997).

[69] *People v. Quintos*, 746 Phil. 809, 821-822 (2014) [Per J. Leonen, Second Division].

[70] G.R. No. 242276, February 18, 2020 <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66332>> [Per J. J.C. Reyes, Jr., En Banc].

[71] *Id.*

[72] CA rollo, pp. 29 and 67.

[73] *Id.* at 46. While AAA's chronological age was undisputed, AAA testified that she was only 12 years old when the incident happened.

[74] Draw a House-Tree-Person Test, Bender Visual Motor Gestalt Test, and Purdue Non-Language Test

[75] CA rollo, p. 52.

[76] *Id.* at 48-51.

[77] 442 Phil. 688 (2002) [Per J. Callejo, Sr., En Banc].

[78] *Id.* at 696-697.

[79] See *People v. Butiong*, 675 Phil. 621, 639 (2011) [Per J. Bersamin, First Division].

[80] See *People v. Almacin*, 363 Phil. 18, 28 (1999) [Per J. Pardo, First Division].

[81] See *People v. Nguyen Dinh Nhan*, 277 Phil. 334, 342 (1991) [Per J. Gutierrez, Jr., Third Division]; and *People v. Romua*, 339 Phil. 198, 204 (1997) [Per J. Puno, Second Division].

[82] *People v. Dumanon*, 401 Phil. 658, 670-671 (2000) [Per C.J. Davide, Jr., First Division].

[83] CA rollo, p. 33.

[84] *Id.* at 35-36.

[85] *Id.* at 48.

[86] *Id.* at 50-52.

[87] *Id.* at 56.

[88] *Id.* at 52.

[89] *Id.* at 52-56.

[90] *Id.* at 38-39.

[91] *People v. Quintos*, 746 Phil. 809 (2014) [Per J. Leonen, Second Division].

[92] *People v. Abendaño*, 312 Phil. 625, 635 (1995) [Per J. Bellosillo, First Division].

[93] CA rollo, pp. 56 and 94-95.

[94] *People v. Quintos*, 746 Phil. 809, 820 (2014) [Per J. Leonen, Second Division].

[95] *Id.*

[96] Id.

[97] CA rollo, p. 36.

[98] Id.

[99] *People v. Deniega*, 811 Phil. 712, 724-725 (2017) [Per J. Peralta, Second Division].

[100] *People v. Padilla*, 361 Phil. 216, 222 (1999) [Per J. Mendoza, En Banc].

[101] Id.

[102] CA rollo, p. 52.

[103] Id. at 48.

[104] Id. at 48-51.

[105] Id. at 90 and 46.

[106] See *People v. Jackson*, 451 Phil. 610, 629 (2003) [Per J. Austria-Martinez, Second Division].

[107] CA rollo, p. 95.

[108] *People v. Almacin*, 363 Phil. 18, 32 (1999) [Per J. Pardo, First Division].

[109] See *People v. Abendaño*, 312 Phil. 625, 635 (1995) [Per J. Bellosillo, First Division].

[110] *People v. An*, 612 Phil. 476, 491 (2009) [Per J. Peralta, Third Division].

[111] Id. at 491.

[112] Id. at 491-492.

[113] See CA rollo, pp. 52, 28, and 67. Nothing in accused-appellant's Brief showed that he disputed the prosecution's claim that he and AAA were neighbors.

[114] See Id. at 46-47 and 92.

[115] See Republic Act No. 8353 (1997), art. 266-B.

[116] *People v. Castillo*, G.R. No. 242276 (2020) [Per J. J.C. Reyes, Jr., En Banc].

[117] CA Rollo, pp. 44 and 88-89.

[118] *People v. Corpuz*, 812 Phil. 62, 94 (2017) [Per J. Leonen, Second Division].

[119] *People v. Entrampas*, 808 Phil. 258 (2017) [Per J. Leonen, Second Division].

[120] *Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta, En Banc].

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