



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 247976

Present:

- versus -

GESMUNDO, C.J., Chairperson,
CAGUIOA,
CARANDANG,
GAERLAN, and
ROSARIO,* JJ.

EDILBERTO MANUEL, JR. y
MANGALINDAN,
Accused-Appellant.

Promulgated:

MAY 14 2021 *mthw*

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DECISION

GESMUNDO, C.J.:

Considering that the accused herein knew at the time of the incident that the victim suffered from some form of mental retardation, yet the same did not deter him from pursuing his bestial desires, the law thus imposes upon him a higher penalty for his uncompromising carnal motivations.

The Case

This is an appeal from the Decision¹ of the Court of Appeals (CA) in CA-G.R. CR HC No. 09562, promulgated on December 17, 2018, which affirmed with modification the January 31, 2017 Decision² of the Regional

* Designated additional member per Raffle dated May 12, 2021 *vice* Associate Justice Rodil V. Zalameda.

¹ *Rollo*, pp. 3-16; penned by Associate Justice Henri Jean Paul B. Inting (now a Member of this Court) with Associate Justices Fernanda Lampas Peralta and Rodil V. Zalameda (now a Member of this Court), concurring.

² *CA rollo*, pp. 45-59; penned by Presiding Judge Glenda R. Mendoza-Ramos.

Trial Court, XXX,³ Branch 36 (RTC), finding Edilberto Manuel, Jr. y Mangalindan (*accused-appellant*) guilty beyond reasonable doubt of Rape in Criminal Case No. 21532-2013-C.

Antecedents

Accused-appellant was charged with rape under the following allegations in the information, thus –

That [sometime] in January 2013 at [XXX] and within the jurisdiction of his Honorable Court, the above-named accused, did then and there, willfully, unlawfully and feloniously had carnal knowledge of AAA,⁴ a fifteen[-]year old female minor deprived of reason, in violation of the aforementioned law.

That in the commission of the offense offender knew of the mental retardation of complainant.

ACTS CONTRARY TO LAW.⁵

Accused-appellant pleaded not guilty to the charge and the case proceeded to trial. To prove its case, the prosecution presented the testimonies of the following: (1) AAA, the minor private complainant herself; (2) BBB,⁶ AAA's aunt (the sister of AAA's mother) and the person who took custody of AAA; (3) Dr. Roy Camarillo (*Dr. Camarillo*), the physician who approved the results of the physical examination conducted upon AAA; and (4) Dr. Joel Lazaro (*Dr. Lazaro*), a Development and Behavioral Pediatrician who diagnosed AAA with mental retardation.⁷

Meanwhile, the defense presented accused-appellant's testimony and that of his live-in partner, CCC,⁸ the biological mother of AAA.⁹

³ The city where the crime was committed is withheld to protect the identity of the rape victim pursuant to Amended Administrative Circular No. 83-2015 issued on September 5, 2017.

⁴ Pursuant to the Court's ruling in *People v. Cabalquinto* (G.R. No. 167693, September 19, 2006), the real name of the private offended party and her immediate family members, including any other personal circumstance or information tending to establish or compromise the identity of said party, shall be withheld. The initials AAA shall represent the private offended party and so forth.

⁵ *Rollo*, p. 4.

⁶ The complete names and personal circumstances of the victim's family members or relatives, who may be mentioned in the court's decision or resolution have been replaced with fictitious initials in conformity with Amended Administrative Circular No. 83-2015 dated September 5, 2017 (*Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances*).

⁷ *Rollo*, p. 4.

⁸ *Supra* note 6.

⁹ *Rollo*, p. 4.



The CA summarized the testimonies of the prosecution witnesses in this manner:

AAA was born on March 11, 1997. Her biological mother is CCC and her birth certificate indicated that her father was unknown. When she was 6 years old, she was found to have a global pattern of developmental delay and had a developmental age of 3 to 3.5 years old. At 9 years old, she was diagnosed to have mental retardation with a developmental age of a 5-year old. On her follow-up visit at the age of 16 years old, she was diagnosed to have a developmental age of 5 to 5.5 years old. Initially, it was her grandparents who took care of her, but upon their death, BBB took over.

As aforesaid, accused-appellant is the live-in partner of CCC.

According to AAA, sometime in January 2013, herein accused-appellant, whom the former referred to as "Kuya Boy" or "Charles" touched her vagina, inserted his penis into her vagina, and kissed her on the cheek and the lips. Thereafter, he hit her at her thighs.

Because of AAA's mental condition, which Dr. Lazaro explained in his testimony, the public prosecutor, in a sketch of a male person, made AAA identify the male body part which accused-appellant inserted in her vagina. AAA then pointed to the male genitalia and referred to it as "*itlog*." When confronted with a female sketch, she was able to properly identify the vagina, and narrated that it was there where accused-appellant placed his "*itlog*."

AAA further testified that she lived in the same house with accused-appellant for quite some time; and that the latter repeatedly touched her private part. As accused-appellant threatened her, she did not report the incident to anyone. She was only 15 years old at the time of the incident.

The second witness, BBB testified that she took care of AAA since birth. Sometime in February 2013, she obtained information from her half-sister's helper that she saw herein accused-appellant enter the room where AAA was lying on the bed and covered with a blanket; and that accused-appellant immediately locked the door thereafter. This led her to inquire from AAA about the incident, and the latter told her that accused-appellant inserted his finger into her private part and caressed it.

BBB then reported the incident to a certain Colonel Lumbres. Then BBB, together with AAA and their house helper, went to the barangay hall where they assisted by Barangay Captain [YYY].¹⁰ They were immediately referred to the officer of the Department of Social Welfare and Development. Upon request by the Police Superintendent of the [XXX] Police Station, a medical examination was conducted upon AAA at the Camp [XXX].

¹⁰ Supra note 4.

Dr. Camarillo testified on the Medico-Legal Report and further alleged that there was no evident ano-genital injury, but clarified that the result does not exclude sexual abuse and that further investigation, such as careful questioning of the child is required.¹¹

On the other hand, the CA summarized the version of the defense in this manner:

For his part, accused-appellant vehemently denied the accusations hurled against him by the prosecution and raised the defense of denial. While he admitted that he knows AAA as the daughter of his live-in partner, CCC, he denied that he touched or molested AAA; and that AAA was not living with them and he never visited the latter.

Accused-appellant narrated that, in January 2013, he was in the store that he manages with CCC, with their three store helpers. Nevertheless, he admitted that AAA would go to their house on Sundays before going to church.

To discredit AAA's testimony, accused-appellant contended that the stories were merely fabricated considering that CCC's family never approved of him and his relationship with CCC and that they even blamed him for the death of their parents.

CCC's testimony corroborated accused-appellant's version of facts. According to CCC, it was not possible for accused-appellant to have committed the crime because he was always with her in their grocery store as he was the one in-charge of the inventory and the remittance of money to the bank. She admitted that her sister adopted her daughter, AAA, because she was not able to provide for her. Although she loves her daughter, she did not regain custody over her despite the fact that she already has the means to support her. The accusations against accused-appellant are merely ill-motivated because her family disapproved of her relationship with him.¹²

Judgment of the RTC

After trial, the RTC found accused-appellant guilty of the crime charged. The dispositive portion of the decision reads:

WHEREFORE, in view of the foregoing, the Court finds accused EDILBERTO MANUEL, JR. GUILTY beyond reasonable doubt of RAPE defined and penalized under Article 266-A No. 1(a) of the Revised Penal Code, as amended by Republic Act. (R.A.) No. 8353 or the Anti-Rape Law of 1997 of the Revised Penal Code. He is ordered to suffer imprisonment of

¹¹ *Rollo*, pp. 5-6.

¹² *Id.* at 7.

reclusion perpetua and to indemnify the victim in the amount of ₱50,000.00 by way of civil indemnity, ₱50,000.00 as moral damages, and ₱30,000.00 as exemplary damages.

SO ORDERED.¹³

The RTC gave credence to the testimony of AAA who positively identified accused-appellant as her abuser. It found the same to be straightforward, convincing, and consistent despite her mental deficiency. There was no tinge of revenge or rancor in her testimony. It held that the absence of any abrasions or injury on the genitalia of AAA is of no moment because such is not indispensable for a rape conviction. It refused to give weight to accused-appellant's defense of denial and imputation of ill motive.¹⁴ Lastly, the trial court ruled that the fact of AAA's mental's deficiency was well-established by competent medical evidence. Unperturbed, accused-appellant appealed his conviction.

Judgment of the CA

As stated, the CA affirmed the RTC decision with modifications. It affirmed the conviction against accused-appellant for rape and the corresponding penalty but modified the amounts awarded and imposed legal interest. The *fallo* reads:

WHEREFORE, the instant appeal is DENIED.

The January 31, 2017, Decision rendered by Branch 36 of the Regional Trial Court [XXX], Laguna, in Criminal Case No. 21532-2013-C is hereby AFFIRMED with MODIFICATION. Accused-appellant Edilberto Manuel, Jr. is sentenced to *reclusion perpetua* without eligibility of parole, and ordered to pay AAA: (1) ₱75,000.00 as civil indemnity; (2) ₱75,000.00 as moral damages; and (3) ₱75,000.00 as exemplary damages. All amounts due shall earn legal interest of six percent (6%) *per annum* from the date of this Decision until full payment.

SO ORDERED.¹⁵

The appellate court declared that it was not persuaded by accused-appellant's argument that the physical evidence does not support the charge of rape. It noted that there was no definitive statement in the medico-legal report that AAA could not have been subjected to sexual abuse. It held that

¹³ CA *rollo*, p. 59.

¹⁴ Id. at 51-59.

¹⁵ *Rollo*, p. 15.

the credible disclosure of AAA that accused-appellant raped her is the most important proof of the commission of the crime. It found that there is no evidence that AAA was moved by any improper motive. It likewise rejected accused-appellant's defense of denial.¹⁶

Hence, this appeal.

Accused-appellant argues that the courts *a quo* gravely erred: (1) in giving credence to private complainant's testimony despite its failure to correspond with documentary evidence presented; and (2) in not considering his defense of denial. He asseverated that AAA was not able to detail how he had allegedly sexually abused her. All she did was to describe in general terms that he had inserted his penis into her vagina without narrating the circumstances leading to the incident. He highlights the fact no hymenal laceration or evident injury to AAA's private organ was noted in her medical examination. He stresses that with AAA's testimony discredited and the hatred that their family holds against him, his defense of denial and alibi should be considered.¹⁷

Issue

Inevitably, the issue here is whether the lower courts erred in convicting accused-appellant of the crime charged.

Ruling of the Court

The appeal fails to persuade.

At the onset, it must be noted that the information charged accused-appellant not only with rape, as punished by Article 266-A(1)(b), but also with the allegation that the accused-appellant knew of the mental retardation of complainant at the time of the commission of the offense. This, coupled with a review of the records and the Court's decision in *People v. Castillo*,¹⁸ compels the Court to convict accused-appellant with qualified statutory rape, despite the *sub-silencio* treatment of both trial and appellate courts on the qualifying circumstance alleged in the information.

¹⁶ Id. at 9-15.

¹⁷ CA *rollo*, pp. 39-42.

¹⁸ G.R. No. 242276, February 18, 2020.

Accused-appellant's guilt for the generic crime of rape was proven beyond reasonable doubt.

Art. 266-A of the Revised Penal Code (*RPC*) provides that 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 is otherwise unconscious;
 - c) By means of fraudulent machination or grave abuse of authority;
 - 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.¹⁹ (emphasis supplied)

The elements of rape under Art. 266-A of the *RPC* are: (1) the offender had carnal knowledge of the victim; and (2) such act was accomplished through force or intimidation; or when the victim is deprived of reason or otherwise unconscious; or when the victim is under twelve years of age.²⁰

In *People v. Castillo*,²¹ the Court expressly held that “sexual intercourse with a mental retardate whose mental age is below 12 years old constitutes statutory rape,”²² viz.:

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

¹⁹ REVISED PENAL CODE, Article 266-A.

²⁰ *People v. Tubillo*, 811 Phil. 525, 532 (2017).

²¹ G.R. No. 242276, February 18, 2020.

²² *Id.*

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.** (emphases supplied and citations omitted)

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.²³

²³ Id.

To this end, for a successful prosecution of the crime of rape as punished under Art. 266-A, paragraph(1)(d), the following essential elements must be alleged and proven: the fact of sexual congress between the rapist and his victim, and the latter's mental age is that of a person below 12 years old.²⁴ Both facts were proven by the prosecution beyond reasonable doubt.

Here, it was undisputedly proven that AAA, at the age of 16 years old, was diagnosed to have a developmental age of 5 to 5.5 years old. This was testified to by her doctor as well as her family members.

Further, her testimony on her experience under the hands of accused-appellant, whom she called "Kuya Boy" or "Charles," convinces this Court that accused-appellant successfully had carnal knowledge of AAA. During her direct examination, the public prosecutor presented AAA with a sketch of a male person. AAA pointed to the male genitalia and referred to it as "*itlog*." When confronted with the sketch of a female person, she properly identified the vagina and narrated that it was there where accused-appellant placed his "*itlog*."²⁵

The testimony of AAA is clear. Accused-appellant succeeded in having carnal knowledge of AAA when he inserted his "*itlog*" inside her vagina. The fact that AAA was not able to detail the circumstances leading to the incident is of no moment, for the element of rape that must be proven by her testimony is the fact of carnal knowledge. She testified on this score definitively, upon which the trial court convicted accused-appellant and the CA affirmed said conviction.

In an attempt to denigrate AAA's testimony, accused-appellant argues that her testimony was not supported by the medico-legal report which provided that there was no hymenal laceration or evident injury in AAA's private organ, internal or external.²⁶ Suffice it to say that this Court has repeatedly held "xxx that the absence of physical injuries or fresh lacerations does not negate rape, and although medical results may not indicate physical abuse or hymenal lacerations, rape can still be established since medical findings or proof of injuries are not among the essential elements in the prosecution for rape."²⁷ Besides, the medico-legal report itself expressly stated that its results do not exclude sexual abuse.²⁸

²⁴ Id.

²⁵ *Rollo*, p. 5.

²⁶ *CA rollo*, p. 41.

²⁷ *People v. Nical*, 754 Phil. 357, 364 (2015).

²⁸ *Rollo*, p. 10.

Moreover, it is a general principle of law that factual findings of the trial court, including its assessment as to the credibility of the witnesses, are not disturbed on appeal unless the trial court is perceived to have overlooked, misunderstood or misinterpreted certain facts or circumstances of weight which, if properly considered, would have materially affected the outcome of the case.²⁹ This Court finds that there is no compelling reason to disturb the factual findings as well as their assessment of the credibility of the prosecution witnesses, as the same came from the straightforward testimony of AAA.

In the face of AAA's testimony, accused-appellant's defense of denial and alibi fails. There is no showing that she was impelled by any improper motive. As the Court previously held, "considering the mental retardation of AAA, [W]e find it highly improbable that she would fabricate the rape charge against appellant. It is likewise unlikely that she was instructed into accusing appellant given her limited intellect. Due to her mental condition, only a very traumatic experience would leave lasting impression on her so that she would be able to recall it when asked."³⁰

The Court inevitably concludes that, indeed, accused-appellant had carnal knowledge with AAA.

The prosecution was also successful in proving the qualifying circumstance that transforms the offense into qualified statutory rape.

As regards the qualifying circumstances stated in the information, a review of the records compels the Court to conclude that the prosecution was able to prove the qualifying circumstance that would change the nature of the offense to qualified statutory rape.

Art. 266-B of the RPC provides that the death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

²⁹ *People v. Concepcion*, 691 Phil. 542, 548 (2012).

³⁰ *People v. Suansing*, 717 Phil. 100, 112 (2013).

x x x x

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

Here, it was established that accused-appellant is the live-in partner of the biological mother of AAA. Further, while accused-appellant denied that he was living in the same house as AAA, he admitted, nevertheless, that AAA visited their house every Sunday before going to church. To the mind of the Court, his relationship with AAA's biological mother, as well as the frequency of AAA's visits and meetings with accused-appellant every Sunday, is sufficient to clothe him of awareness, if not knowledge, of the condition of AAA.

In *People v. Dela Paz*,³¹ the Court imputed knowledge of the victim's mental condition to the accused therein considering that accused frequented the house of the victim and was the drinking buddy of the victim's brother. There, the Court was satisfied that their interactions during those encounters would have informed therein accused of the mental status of the victim.

Here, it is impossible for the accused-appellant to not have known the mental state and condition of AAA. His intimate relationship with her biological mother, as well as AAA's frequent and scheduled visits every Sunday to his home, are sufficient proof to establish his culpability for the crime of qualified rape. Truly, accused-appellant cannot feign ignorance of the mental condition of AAA.

The Proper Penalty

Under Art. 266-B of the RPC, qualified statutory rape shall be punished by *death*. However, due to the passage of Republic Act No. 9346, *The Act Prohibiting the Imposition of Death Penalty in the Philippines*, the penalty is automatically reduced to *reclusion perpetua*. Furthermore, the penalty of

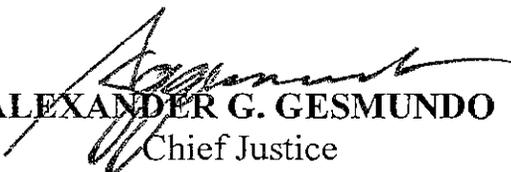
³¹ 569 Phil. 684 (2008).

reclusion perpetua should be qualified by the phrase “without eligibility for parole” pursuant to the Court’s guidelines³² in A.M. No. 15-08-02-SC.³³

Lastly, following the Court’s ruling in *People v. Jugueta*,³⁴ the Court orders accused-appellant to pay the following amounts: ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, ₱100,000.00 as exemplary damages; and interest imposed on the said amounts at the rate of six percent (6%) *per annum* from the date of finality of this decision until fully paid.

WHEREFORE, the Court **DISMISSES** the appeal; **FINDS** accused-appellant Edilberto Manuel, Jr. *y* Mangalindan **GUILTY** of Qualified Statutory Rape, as defined and punished under Article 266-A(1)(d), in relation to Article 266-B of the Revised Penal Code; **IMPOSES** the penalty of *reclusion perpetua* without eligibility for parole; and **ORDERS** accused-appellant to **PAY** the following amounts: ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, ₱100,000.00 as exemplary damages and to **PAY** interest on the said amounts at the rate of six percent (6%) *per annum* from the date of finality of this Decision until fully paid.

SO ORDERED.


ALEXANDER G. GESMUNDO
Chief Justice

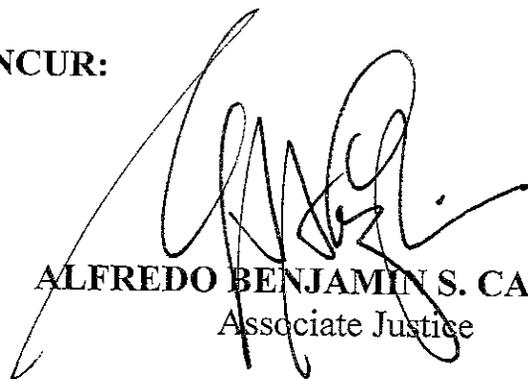
³² In these lights, the following guidelines shall be observed in the imposition of penalties and in the use of the phrase “without eligibility for parole”:

- (1) In cases where the death penalty is not warranted, there is no need to use the phrase “without eligibility for parole” to qualify the penalty of *reclusion perpetua*; it is understood that convicted persons penalized with an indivisible penalty are not eligible for parole; and
- (2) When circumstances are present warranting the imposition of the death penalty, but this penalty is not imposed because of R.A. [No.] 9346, the qualification of “without eligibility for parole” shall be used to qualify *reclusion perpetua* in order to emphasize that the accused should have been sentenced to suffer the death penalty had it not been for R.A. No. 9346.

³³ Guidelines for the Proper Use of the Phrase “Without Eligibility for Parole” in Indivisible Penalties, August 4, 2015.

³⁴ 783 Phil. 806 (2018).

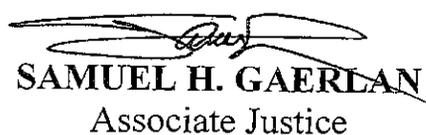
WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



ROSMARID D. CARANDANG
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



RICARDO R. ROSARIO
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALEXANDER G. GESMUNDO
Chief Justice