

# FIRST DIVISION

[ G.R. No. 247976, May 14, 2021 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
EDILBERTO MANUEL, JR. Y MANGALINDAN, ACCUSED-  
APPELLANT.**

## 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 Decision<sup>[1]</sup> 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 Decision<sup>[2]</sup> of the Regional Trial Court, XXX,<sup>[3]</sup> 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,<sup>[4]</sup> 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.<sup>[5]</sup>

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,<sup>[6]</sup> 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.<sup>[7]</sup>

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

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].<sup>[10]</sup> 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].

Dr. Camarillo testified on the Medico-Legal Report and further alleged that there was no evident ana-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.<sup>[11]</sup>

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.<sup>[12]</sup>

### **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 *reclusion perpetua* and to indemnify the victim in the amount of P50,000.00 by way of civil indemnity, P50,000.00 as moral damages, and P30,000.00 as exemplary damages.

**SO ORDERED.**<sup>[13]</sup>

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.<sup>[14]</sup> 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) P75,000.00 as civil indemnity; (2) P75,000.00 as moral damages; and (3) P75,000.00 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.<sup>[15]</sup>

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 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.<sup>[16]</sup>

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.<sup>[17]</sup>

### **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(l)(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*,<sup>[18]</sup> 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.

*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.<sup>[19]</sup> (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.<sup>[20]</sup>