

SECOND DIVISION

[G.R. No. 208013, July 03, 2017]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDGAR ALLAN CORPUZ Y FLORES, ACCUSED-APPELLANT.

D E C I S I O N

LEONEN, J.:

An intellectually disabled person is not, solely by this reason, ineligible from testifying in court.^[1] "He or she can be a witness, depending on his or her ability to relate what he or she knows."^[2] If an intellectually disabled victim's testimony is coherent, it is admissible in court.^[3]

This Court resolves this appeal^[4] filed by Edgar Allan Corpuz y Flores (Allan)^[5] from the November 9, 2012 Decision^[6] of the Court of Appeals in CA-G.R. CR HC No. 04977.

The assailed Decision affirmed the Regional Trial Court's ruling that Allan was guilty beyond reasonable doubt of four (4) counts of Simple Rape of AAA^[7], a mental retardate (intellectually disabled) with a mental age of five (5) years and eight (8) months.^[8]

Allan was charged with four (4) counts of rape in Branch 50, Regional Trial Court, Villasis, Pangasinan.^[9] The charging portions of the Informations read:

Criminal Case No. V-1123

That sometime in November, 2002 at Brgy. Puelay, Villasis, Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with AAA, 14 years old, with a mental age of a 5[-]year[-]old [child], against her will and without her consent, to her damage and prejudice.

CONTRARY to Art. 266-A, par. 1, in rel. to Art. 266-B, 6th par., as amended by R.A. 8353.

Criminal Case No. V-1134

That sometime in October, 2002 at Brgy. Puelay, Villasis, Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with AAA, 14 years

old, with a mental age of a 5[-]year[-]old [child], against her will and without her consent, to her damage and prejudice.

CONTRARY to Art. 266-A, par. 1, in rel. to Art. 266-B, 6th par., as amended by R.A. 8353.

Criminal Case No. V-1135

That sometime before November 1, 2002 at Brgy. Puelay, Villasis, Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with AAA, 14 years old, with a mental age of a 5[-]year[-]old [child], against her will and without her consent, to her damage and prejudice.

CONTRARY to Art. 266-A, par. 1, in rel. to Art. 266-B, 6th par., as amended by R.A. 8353.

Criminal Case No. V-1136

That sometime in December, 2002 at Brgy. Puelay, Villasis, Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with AAA, 14 years old, with a mental age of a 5[-]year[-]old [child], against her will and without her consent, to her damage and prejudice.

CONTRARY to Art. 266-A, par. 1, in rel. to Art. 266-B, 6th paragraph, as amended by R.A. 8353.^[10] (Emphasis in the original, citation omitted)

Upon arraignment, Allan pleaded not guilty to the charges.^[11]

Joint trial on the merits ensued.^[12] The prosecution presented the following as witnesses: AAA's mother, BBB; AAA's older sister, CCC; AAA's uncle, GGG; AAA's aunt by affinity, EEE; Dr. Gloria Araos-Liberato (Dr. Araos-Liberato); Brenda Tablizo (Tablizo); SPO1 Diosdado Macaraeg (SPO1 Macaraeg); Dr. Rachel Acosta (Dr. Acosta); and AAA.

BBB testified that her sister-in law, DDD, told her on March 2, 2003 that AAA was raped.^[13] BBB found out from a psychiatrist that it was Allan who raped her daughter.^[14] She revealed that Allan had also raped CCC.^[15] However, that case was settled since Allan was her brother-in-law.^[16]

CCC affirmed that sometime in 2002, AAA allegedly informed her that she was not having her period. She advised AAA to "drink something bitter" and to ask their aunt EEE about her condition. At that time, CCC found out that AAA was pregnant.^[17]

EEE^[18] who lived near AAA's house,^[19] averred that in the morning of February 14, 2003, AAA entered her house while drinking from a cup.^[20] EEE asked what AAA was consuming.^[21] AAA responded that it *"was something to induce menstruation."*^[22]

AAA then asked EEE to massage her aching stomach.^[23] When EEE was about to do so, she observed that it was noticeably bulging.^[24] AAA began to cry, confessing that she thought she was pregnant.^[25]

At that time, AAA's parents were in Baguio City, so EEE called AAA's uncle GGG instead.^[26] When GGG arrived, AAA was still crying^[27] when she told them, *"Inkastanak ni Allan,"* pertaining to Allan.^[28]

GGG brought AAA to Asingan Community Hospital^[29] and to the police station to enter the incident in the police blotter.^[30]

GGG attested that his sister-in-law EEE called him on February 14, 2003.^[31] When he arrived at EEE's house, he saw AAA crying.^[32] He found out that AAA was pregnant.^[33]

When he confirmed AAA's pregnancy through a medical examination, EEE told him that AAA was raped by Allan.^[34]

After entering the incident in the police blotter, he also reported it to the National Bureau of Investigation, Dagupan City.^[35]

Dr. Araos-Liberato, the Medical Officer III of Medicare Community Hospital in Asingan, Pangasinan issued the Medico Legal Certificate, which stated that AAA was 14 years old on February 14, 2003 when she was examined. Her findings provided:

1. Healed hymenal lacerations at 11:00, 5:00 and 2:00 o'clock position. (*sic*)
2. Hymenal orifice admits two (2) fingertips.
3. Pregnancy test (+) corresponds to three (3) to four (4) months [a]ge of gestation.^[36]

Since the defense stipulated to admit her purported statements and the existence of the Medico Legal Certificate, her testimony was dispensed with.^[37]

Brenda Tablizo, a Psychologist II of the National Bureau of Investigation, Manila, testified that she conducted AAA's neuropsychiatric examination and evaluation on February 26, 2003 upon the request of Agent Gerald Geralde (Agent Geralde) of the National Bureau of Investigation, Dagupan City.^[38]

Tablizo identified the March 6, 2003 Report that she had sent to Agent Geralde,^[39] which stated that:

AAA had a mental age of five (5) years and eight (8) months and an IQ of 42. Her intelligence level was equivalent to Moderate Mental Retardation.

She also found AAA to be an egocentric and self-centered individual and had difficulty in her interpersonal relations. Poor impulse control was likewise evident in her.^[40]

Tablizo testified that AAA told her that Allan "inserted his penis into her organ" (*inserrek na dadiay boto na kaniak*)^[41] during an interview.

SPO1 Diosdado Macaraeg was a policeman in Villasis, Pangasinan, who presented an excerpt from the police blotter.^[42]

AAA underwent another neuropsychiatric examination before taking the witness stand.^[43]

Dr. Rachel Acosta testified that she had examined AAA's mental status including her "mental, behavioral and emotional conditions and her manner of communication]." She found that AAA had a "mild degree of mental retardation" and an Intelligence Quotient of 70.^[44]

Although AAA was already 19 years old at the time of examination, her mental age was that of a child aged five (5) to seven (7) years.^[45] She observed that:

AAA's "manner of speech is quite incomprehensible in some words only but most of the simple words are well spoken but some words that are being spoken with slur and slang manner and defective phonation. It seems that there is an air coming out from the nose when she talks."

[She] concluded that AAA was ***fit to testify as a witness*** depending on her emotional condition when she testifies although she was "not oriented to time, date and place." Her degree of honesty was great because, with mental age of 5 to 7 years old, she does not know what is right or wrong.^[46] (Emphasis supplied)

AAA was already 20 years old on May 21, 2008 when she testified.^[47] She confirmed that XXX was her four (4)-year-old child.^[48]

She identified Allan as XXX's father. She also confirmed that Allan was the man she was referring to when the prosecutor pointed at Allan.^[49]

AAA was asked how Allan became XXX's father. She responded, "*Iniyot nak, sir. " (He had sex with me, sir.)* She attested that when she was 13 years old, Allan had sex with her on four (4) occasions, each of which he gave her money.^[50]

On the other hand, Allan and his daughter, Almeda Corpuz-Generosa (Almeda), testified for the defense.^[51] The testimony of Almeda was dispensed with after the prosecution agreed to accept her proposed testimony.^[52] She testified that when she asked AAA about her pregnancy, AAA failed to disclose who impregnated her.^[53]

Allan denied the accusations and insisted that all the charges against him were merely fabricated by AAA's father, FFF.^[54] He allegedly sacked FFF as a truck driver in his sand and gravel business in 2001 for allowing his son to drive the truck that led to an accident.^[55]

FFF allegedly also reported to the police that Allan had illegal drugs in his place,^[56] which caused his incarceration for illegal possession of dangerous drugs on January 2, 2002.^[57] He was later acquitted of the charge.^[58]

Upon motion before the trial court, the defense applied for Deoxyribonucleic Acid (DNA) paternity test, which was granted on April 20, 2009.^[59]

Forensic Biologist III Demelen dela Cruz (Dela Cruz) and Forensic Chemist I Gemma Shiela Orbeta of the National Bureau of Investigation, Manila, took biological samples such as buccal swab and blood from Allan, AAA, and XXX in open court. This was done in the presence of Assistant Provincial Prosecutor Rodelle T. Beltran and defense counsel Atty. Cecile S. Tomboc on May 19, 2009. Frederick Panlilio of the National Bureau of Investigation Photo Laboratory took photos of the whole proceedings.^[60]

On March 3, 2010, the defense presented Dela Cruz as an expert witness. She testified that part of her duties as a forensic biologist was to conduct DNA paternity tests.^[61]

Dela Cruz detailed every procedure that she followed beginning with DNA extraction and analysis using "a fully automated genetic analyzer (ABI 310 genetic analyzer)" until the printing of the resulting electropherogram, which had the DNA profiles of Allan, AAA, and XXX. She affirmed that the comparison of their DNA profiles revealed a "100% proof that the accused is the biological father of XXX."^[62]

Forensic Chemist Mary Ann Aranas conducted a confirmatory test, which affirmed the test result of the DNA paternity test.^[63]

Through a Joint Decision,^[64] the Regional Trial Court convicted Allan of four (4) counts of Simple Rape on March 29, 2011.

The trial court ruled that AAA's testimony was "categorical, straight forward and credible."^[65] Since it was already established that the victim was intellectually disabled,^[66] it would be unlikely for her to fabricate the accusations against Allan.^[67]

As confirmed by Dr. Acosta, AAA's degree of honesty was great. Considering her mental age, she did not know how to decipher right from wrong. Thus, her simple