

THIRD DIVISION

[G.R. No. 208648, April 13, 2016]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
REYNALDO UMANITO, ACCUSED-APPELLANT.**

R E S O L U T I O N

PEREZ, J.:

This is an appeal from the Decision^[1] dated 30 May 2013 of the Court of Appeals, Cagayan de Oro City in CA-G.R. CR-H.C. No. 00739-MIN affirming the Judgment^[2] of the Regional Trial Court (RTC) of Tacurong City, Branch 20, finding appellant Reynaldo Umanito guilty of rape and sentencing him to suffer the penalty of *reclusion perpetua*.

Appellant was charged with rape in an Information, the accusatory portion of which reads as follows:

That sometime on March, 2005 or prior thereto at Purok Rosas, Barangay San Jose, Municipality of President Quirino, Province of Sultan Kudarat, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with lewd designs and by means of force and intimidation, did then and there, willfully, unlawfully and feloniously, lie and succeeded in having carnal knowledge of one [AAA],^[3] a mute and mentally retarded nineteen (19) year old girl against her will and consent.^[4]

Appellant pleaded not guilty on arraignment. Trial on the merits ensued. AAA, assisted by an interpreter, testified using a sign language. She pointed to appellant as the one who raped and impregnated her. When asked what appellant did to her, AAA responded by tapping her thigh with her two fingers, which was interpreted as sexual intercourse. BBB, AAA's mother, testified that sometime in August 2005, she noticed that AAA's belly was growing. She called a *hilot* (midwife) who confirmed that AAA has been pregnant for seven (7) months. AAA gave birth to a baby boy on 10 December 2005. When BBB asked AAA who impregnated her, AAA took BBB's hand and brought her to the house of appellant which was located some 50 meters away from their house. Upon learning the identity of the culprit, BBB immediately sought help from the *barangay*. AAA was made to undergo a medical examination. Dr. Jocelyn Tadena issued a medical certificate^[5] confirming that AAA is mute and suffering from mental retardation. AAA was also diagnosed to be pregnant.

Appellant testified in his own behalf and denied that he had raped AAA. Appellant alleged that he only came to know that he was being accused of rape when he was summoned by the *barangay* captain. Upon arriving at the *barangay* captain's residence, he was confronted by AAA's accusation. Appellant denied the charge. Thereafter, he was detained at the police station.

Appellant admitted in court that AAA is a mental retardate and that AAA delivered a baby boy.

On 30 April 2007, the RTC rendered judgment finding appellant guilty and imposing the penalty of *reclusion perpetua*. The RTC also ordered appellant to pay P50,000.00 as civil indemnity and P50,000.00 as moral damages, to support his child with AAA and to pay the costs.^[6]

The Court of Appeals affirmed *in toto* the decision of the trial court.

Appellant filed a Notice of Appeal.^[7] In a Resolution^[8] dated 11 November 2013, the parties were required to simultaneously submit their respective supplemental briefs if they so desired. The Office of the Solicitor-General (OSG) manifested that it is adopting its brief filed before the appellate court.^[9]

On the other hand, appellant filed a Supplemental Brief^[10] reiterating his innocence. Appellant contends that AAA's testimony is vague to warrant his conviction. He elaborates that proof of carnal knowledge, an essential element of rape, could not be deduced from AAA's gesture of tapping her two fingers. Appellant argues that carnal knowledge is present only upon showing of penile penetration or contact with vagina which the prosecution failed to prove. In his Brief^[11] filed before the Court of Appeals, appellant invokes the case of *People v. Guillermo*^[12] where the Supreme Court acquitted the accused because the private complainant, who is a mental retardate, merely testified in gestures. Appellant also claims that he was singled out as the perpetrator when AAA pointed to the direction of his house. Moreover, appellant asserts that the fact that AAA knew him does not prove that he was the one who had sexual intercourse with her. Appellant reasons that AAA never conveyed any categorical sign language, to prove that he had sexual intercourse with her.

The OSG maintains that AAA's testimony clearly identified appellant as the rapist. The OSG argues that the case of *People v. Guillermo* is not in all fours because in said case, the testimony of the accused was corroborated by three other witnesses while in the instant case, the testimony of the accused is uncorroborated. The OSG also points out that in *Guillermo*, the victim testified only that she knew the accused while in this case, AAA consistently pointed to appellant as the one who impregnated her.

When a woman says that she has been raped, she says in effect all that is necessary to show that rape has in fact been committed.^[13] Thus, the lone testimony of the victim in a prosecution for rape, if credible, is sufficient to sustain a verdict of conviction. The rationale is that, owing to the nature of the offense, the only evidence that can be adduced to establish the guilt of the accused is usually only the offended party's testimony.^[14]

In the case of mentally-deficient rape victims, mental retardation per se does not affect credibility. A mental retardate may be a credible witness. The acceptance of her testimony depends on the quality of her perceptions and the manner she can make them known to the court.^[15]

In fact, in *People v. Suansing*,^[16] the Court held that it is highly improbable that a mental retardate 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 a lasting impression on her so that she would be able to recall it when asked.

This Court will not contradict the RTC's assessment of AAA's credibility, which was affirmed by the Court of Appeals. The observance of the witnesses' demeanor during an oral direct examination, cross-examination, and during the entire period that he or she is present during trial is indispensable especially in rape cases because it helps establish the moral conviction that an accused is guilty beyond reasonable doubt of the crime charged. Trial provides judges with the opportunity to detect, consciously or unconsciously, observable cues and micro expressions that could, more than the words said and taken as a whole, suggest sincerity or betray lies and ill will. These important aspects can never be reflected or reproduced in documents and objects used as evidence.^[17]

We find no cogent reason to overturn the findings of the lower courts.

As observed by the trial court, AAA was consistent in identifying appellant as the one who had carnal knowledge of her and consequently impregnated her, thus:

PROSECUTOR

Q Do you know the accused Reynaldo Umanito also known as Dong?

INTERPRETER Witness bowing her head.

PROSECUTOR

Q Will you please tell us what this Reynaldo Umanito did, if there was any?

INTERPRETER Witness making a sign with her left finger and her left thigh by tapping her thigh using her two (2) fingers.

COURT Anyway, we all know what the accused communicated (to sign language which) means sexual intercourse.

PROSECUTOR

Q Will you please tell us what happened especially on your belly after this Reynaldo Umanito or after Reynaldo Umanito sexually abused you or what this Dong did to you like this, indicating the tapping on your left thigh like this, making a semi-circle motion to indicate that her belly became enlarged. Are you telling us that you became pregnant?

INTERPRETER Witness bowing her head.

PROSECUTOR

Q Is your baby a girl or a boy?

INTERPRETER Witness said "baye" but not so audible.

PROSECUTOR

Q Anyway, Your Honor, the mother handed to the court a machine copy of the birth certificate of a certain Dennis Jake Laza.

COURT Attach the birth certificate to the record.

PROSECUTOR In this birth certificate appears that his mother is a