

THIRD DIVISION

[G.R. No. 185285, October 05, 2009]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PAUL ALIPIO, ACCUSED-APPELLANT.

D E C I S I O N

VELASCO JR., J.:

The Case

On appeal is the June 10, 2008 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 02354 that affirmed the April 21, 2006 Decision^[2] in Criminal Case No. 01-427 of the Regional Trial Court (RTC), Branch 65 in Sorsogon City. The RTC found accused-appellant Paul Alipio guilty of rape and imposed upon him the penalty of *reclusion perpetua*.

The Facts

An Information filed with the RTC charged Paul with one count of rape allegedly committed as follows:

That sometime in the month of June, 2000 at Sitio Liman, Barangay San Francisco, Municipality of Bulan, Province of Sorsogon, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, threats and intimidation, did then and there willfully, unlawfully and feloniously, have sexual intercourse with one [AAA],^[3] a mentally retarded woman against her will and without her consent, to her damage and prejudice.

Contrary to law.^[4]

Arraigned on May 13, 2002 with the assistance of his counsel *de officio*, Paul entered a plea of "not guilty."

During the pre-trial conference, the defense admitted Paul's identity and of his being a resident of *Sitio* Liman, San Francisco, Bulan, Sorsogon sometime in 2000.

In the ensuing trial, the prosecution offered in evidence the oral testimonies of the private complainant, AAA, BBB, her mother, and Dr. Imelda Escuadra, among others.

For its part, the defense presented in evidence the testimonies of Norma de Leon, Dr. Chona C. Belmonte, Saul Alipio, and Jose Genagaling.

The Prosecution's Version of Facts

AAA is a 41-year old mentally retarded woman whom Marilou Gipit Alipio often hired to watch over her children whenever the latter is out of her house. AAA stopped schooling after finishing Grade VI in a local public school. Marilou is Paul's sister.

Sometime in June 2000, Marilou sent AAA to *Sitio* Liman, San Francisco, Bulan, Sorsogon to borrow money from Marilou's father, Saul. At the copra kiln in *Sitio* Laman near his house, Saul told AAA that he would give the necessary amount to Marilou directly.

While about to head for home, AAA heard Paul calling her from his house. Suddenly, Paul held her hand, pushed her inside and, while covering AAA's mouth, brought her to his bedroom. He then removed her shorts and panty and likewise, undressed himself. Paul then went on top of her, kissed her, and fondled her breasts. Eventually, he entered her, first using his finger, then his penis. Before finally letting the crying AAA go, however, Paul threatened her with death should she disclose to anybody what had just happened between them.

Several months later, BBB, AAA's mother, noticed that the latter had missed her monthly period. With some coaxing, AAA told her mother what Paul had done to her. Thereupon, AAA's mother went to see Marilou and her father to apprise them about AAA's pregnancy. The Alipios promised financial help, albeit Paul would later disown responsibility for AAA's condition. When brought to a doctor for medical examination, AAA was found to be seven (7) months pregnant. AAA eventually gave birth to a baby girl.

Psychiatric evaluation done by Dr. Escuadra revealed that AAA, although 42 years old at that time, had the mental capacity and disposition of a nine or 10 year-old child. Her intelligence quotient (I.Q.) of 60 was way below the average I.Q. of 90, clearly indicating a mental retardation case. When cross-examined, Dr. Escuadra described AAA as possessing a certain level of comprehension of incidents based on experience which she is capable of relaying and relating to. To the doctor, AAA was very well qualified to be a witness provided the questions are asked in a simple manner.^[5]

Version of the Defense

The testimonies of the four (4) witnesses the defense presented were intended to establish Paul's innocence of the crime charged and that he himself was a psychiatric case.

Norma de Leon, a laundrywoman employed by Marilou and who acknowledged seeing AAA often in Marilou's house, testified being in Liman to get bamboos at the time the alleged rape incident happened. At around 12 noon of that day, while she and Paul were eating lunch at the kiosk, AAA arrived. After they had finished eating, she saw AAA trying to drag Paul inside his house, but the latter pushed AAA towards the wooden portion of the kiosk. Paul then left for Polot, leaving AAA behind.

Dr. Chona C. Belmonte, a psychiatrist at the Bicol Medical Center, conducted a psychiatric examination on Paul. Her diagnosis: Paul was suffering from schizoaffective disorder, a temporary and reversible psychiatric condition affecting

basically an individual's thinking, perception, and emotion. In Paul's case, this psychiatric disorder manifested itself after his brother's death in 1987, and was aggravated when a sister committed suicide in 1990.

When recalled to the witness stand after conducting a follow-up examination, Dr. Belmonte stated that Paul was in a much better condition and was fit to stand trial, being free from any perceptual disturbances and acute psychotic signs and symptoms. To Dr. Belmonte, Paul could give positive answers and was aware of the consequences, if found guilty.

Saul Alipio, Paul's father, expressed the belief that Paul could not have committed the crime of which he was accused. At the time the alleged molestation transpired, Paul was, according to Saul, at the farm gathering coconuts.

Jose Genagaling, a coconut farmer and Saul's *compadre*, testified that sometime in June 2000, or on the day the rape incident occurred, he was processing copra at the copra kiln of Saul. With him at the copra kiln at that time was Paul. Nothing unusual happened in Saul's house and copra kiln on that day.

Ruling of the Trial Court

After trial, the RTC convicted Paul of rape penalized under paragraph 1(a) and (d), Article 266-A of the Revised Penal Code (RPC).^[6] The dispositive portion of the decision reads:

WHEREFORE, premises considered, accused PAUL ALIPIO's GUILT having been established beyond reasonable doubt, he is hereby sentenced to suffer the indivisible penalty of RECLUSION PERPETUA, to indemnify the victim AAA in the amount of P50,000.00 as civil indemnity and another [P50,000.00] as moral damages, and to pay the costs.

The preventive imprisonment already served by the accused shall be credited in the service of his sentence pursuant to Article 29 of the Revised Penal Code, as amended.

SO ORDERED.^[7]

Paul filed a notice of appeal and the records of the case were transmitted to the CA.

Ruling of the Appellate Court

By decision of June 10, 2008, the CA denied Paul's appeal and affirmed the RTC's judgment.

Hence, we have this appeal.

In response to the Court's Resolution for the submission of supplemental briefs, both accused-appellant and plaintiff-appellee manifested that they are no longer filing their respective supplemental briefs considering that such briefs would only contain arguments also raised in their respective appeal briefs filed before the CA.

It is accused-appellant's submission that the RTC and CA gravely erred:

1. x x x in giving credence to the apparently incredible testimonies of the prosecution witnesses; and
2. x x x in rendering a verdict of conviction despite the fact that the guilt of the accused-appellant was not proven beyond reasonable doubt.^[8]

In fine, accused-appellant assails the credibility of the prosecution witnesses, particularly that of AAA and the adequacy of its evidence.

The Court's Ruling

The appeal is denied for lack of merit.

Testimony of the Victim Is Credible

Accused-appellant maintains that the trial court erred in giving full credence to and reliance on AAA's inculpatory statements in the witness box, it being his contention that her account of what purportedly happened reeks of inconsistencies and does not jibe with the normal flow of things. As asserted, it is quite unnatural for a woman finding herself in a sexually-charged situation not make an outcry or use her hands to ward off the advances of a sex fiend. According to him, it is contrary to human experience too that a person with lustful desire would run after the intended victim in a place that is obviously not secluded.

Accused-appellant draws attention to the fact that when she testified in court, AAA stated that accused-appellant ran after her but did not call out to her. Yet, in her statement before the police, she made it appear that he called out to her.

The Court is not persuaded.

First of all, the Court cannot understand how accused-appellant can talk of and expect, as a matter of course, a "natural" reaction from AAA who is unquestionably mentally retarded, one who does not have a good grasp of information, and who lacks the capacity to make a mental calculation of events unfolding before her eyes. AAA can hardly be described as a normal person with fully developed mental faculties. Hence, it is not fair to judge her according to what is natural or unnatural for normal persons.

As to accused-appellant's assertion that it is contrary to human experience that a person with lustful design would run after his prey in a place less than private, suffice it to say that lust does not respect either time or place;^[9] that sexual abuse is committed in the most unlikely places. The evil in man has no conscience--the beast in him bears no respect for time and place, driving him to commit rape anywhere, even in places where people congregate such as in parks, along the roadside, within school premises, and inside a house where there are other occupants.^[10]

To be sure, AAA's testimony is not without discrepancies and inconsistencies, given of course her mental state. It cannot be over-emphasized, however, that the inconsistencies pointed out by accused-appellant strike this Court as trivial. Rape is a harrowing experience, the exact details of which are usually not remembered. Inconsistencies, even if they do exist, tend to bolster, rather than weaken, the credibility of the witness, for they show that the testimony was not contrived or rehearsed.^[11] Trivial inconsistencies, like the matter of whether or not accused-appellant called out on AAA before he forcibly grabbed her hands, do not, to borrow from *People v. Cristobal*, rock the pedestal upon which the credibility of the witness rests, but enhances credibility as they manifest spontaneity and lack of scheming.^[12]

Minor inconsistencies in testimonies should be disregarded. This rule becomes all the more applicable when the witness is mentally ill. The Court said as much in *People v. Atuel*:

Complainant was mentally ill at the time of the incident, and consequently could not be expected to remember in precise detail all that actually happened to her. Her severe traumatic experience was too much for her unstable mental faculties... Her testimony as to what had happened certainly cannot constitute gospel truth... We have said that a rape victim is not and cannot be expected to keep an accurate account of her traumatic experience. And the credibility of a rape victim is not destroyed by some inconsistencies in her testimony. On the contrary, it is a recognized axiom in rape cases that inconsistencies in the victim's testimony do not detract from the vital fact that, in truth, she had been abused. Testimonial discrepancies could have been caused by the natural fickleness of the memory, which variances tend to strengthen rather than weaken credibility as they erase any suspicion of rehearsed testimony.^[13]

Verily, accused-appellant cannot exculpate himself by riding on the alleged inconsistencies in AAA's testimonies. Errorless accounts of what had transpired cannot be expected especially when a witness is recounting specifics of an agonizing experience. To be sure, the trial court had not made much, as it should not have, of what accused-appellant considered inconsistencies in AAA's account of what happened immediately before and during her ordeal.

The unyielding rule has been that the trial court's evaluation of the credibility of witnesses and their testimonies is deserving of the highest respect because of its unique opportunity to observe the witnesses firsthand and note their demeanor, conduct, and attitude under grilling examination.^[14] Such assessment binds the Court except when the assessment was reached arbitrarily or when the trial court overlooked, misunderstood, or misapplied some facts or circumstances of weight and substance which could have affected the results of the case.^[15] None of these exceptions exists in this case.

In fact, the trial court found AAA's testimony clear, convincing, and credible. The trial court wrote: