

SECOND DIVISION

[G.R. No. 226394, March 07, 2018]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. RAUL MARTINEZ AND LITO GRANADA, ACCUSED-APPELLANTS.

DECISION

REYES, JR., J:

Carnal knowledge with a woman who suffers from mental retardation is a deplorable act that deserves the strictest condemnation under the law. Notably, sexual congress with, a mental retardate is rape. In this regard, purported romantic relations between the accused and the victim, as well as the accused's lack of awareness of the victim's mental condition, shall not exonerate the accused from the charge.

This treats of the appeal^[1] filed by Raul Martinez (Martinez) and Lito Granada (Granada) (collectively, the accused-appellants), seeking the reversal of the Decision^[2] dated April 26, 2016 rendered by the Court of Appeals (CA) in CA-G.R. CEB-CR-H.C. No. 01664, which, affirmed the trial court's ruling convicting the accused-appellants of the crime of Rape under Article 266-A, paragraph 1 (d) of the Revised Penal Code (RPC), as amended.

The Antecedents

On September 26, 2001, an Information for Rape was filed against the accused-appellants, the accusatory portion of which reads:

That on or about the 13th day of September 2000 at the Municipality of Tudela, Province of Cebu, Philippines, and within the jurisdiction of this Honorable court, the above-named accused, with deliberate intent, by means of violence and intimidation, conspiring, confederating, and mutually helping with one another, did then and there willfully, unlawfully, and feloniously took turns one after the other in having carnal knowledge and intercourse with [AAA],^[3] a mentally defective lady, against her will and consent.

CONTRARY TO LAW.^[4]

Upon arraignment, the accused-appellants pleaded not guilty. Trial ensued thereafter.

Evidence for the Prosecution

The victim AAA narrated that on September 13, 2000, while she was cooking at her home, accused-appellant Martinez barged in and dragged her outside of her house. Martinez instructed AAA's son, BBB, not to follow, and threatened to hurt him should he defy him. Thereafter, Martinez dragged AAA to a bushy area, where co-accused-

appellant Granada was waiting. Both men forced AAA to lie down, undressed her, and thereafter, took turns in having sexual intercourse with her. The accused-appellants ordered AAA to keep quiet, and threatened to kill her, if she made any noise. After which, the accused-appellants left AAA.^[5]

AAA's son, BBB, who was 7 years old at the time of the incident, confirmed that on September 13, 2000, he saw Martinez grab AAA's hand and drag her outside their house. BBB likewise related that Martinez threatened to hurt him, if he followed them outside.^[6]

As a result of the rape, AAA became pregnant. She reported the incident to her mother, CCC. She related that Granada was the father of her child.^[7]

Thereafter, sometime in February 2001, Martinez's mother, Linda Martinez (Linda), went to CCC's house to make arrangements regarding AAA's pregnancy. Linda admitted that it was Martinez who fathered the child, and stated that he was willing to offer support. However, the discussion turned into a quarrel.^[8]

During the trial, Yolita Gallo (Gallo), a social worker at the Municipality of Tudela, and Anna Clara Alvez (Alvez), a psychologist at the Don Vicente Sotto Memorial Medical Center in Cebu City both testified on the mental condition of AAA. Gallo related that the test results of her study on AAA revealed that the latter did not act in accordance with her age. Gallo also observed that AAA needed assistance in taking care of her son BBB. Similarly, Alvez, noted that although AAA was 35 years old at the time of the rape incident, she possessed a mental ability of a 7 year old child. In fact, AAA obtained an IQ GDC score of 60, which revealed that she suffers from a Mild Mental Retardation.^[9]

Evidence for the Defense

On the other hand, the accused-appellants vehemently denied the charge of rape. The accused-appellants claimed that the charge was concocted out of anger and was a scheme to extort money from them.

Martinez narrated that at around 12:00 midnight on September 13, 2000, AAA arrived at his home in Barangay General, Tudela, Cebu. While at his house, he and AAA engaged in sexual intercourse, as they were sweethearts. As a result thereof, AAA became pregnant.^[10]

Martinez further related that on November 13, 2000, CCC summoned him and asked him to marry AAA. He did not agree to the marriage, but undertook to support the child. Apparently, this angered CCC, who pulled out a bladed weapon and started chasing him.^[11]

Co-accused-appellant Granada likewise denied having raped AAA. He related that AAA and Martinez were lovers. He saw AAA and Martinez being intimate on the night of September 13, 2000. He claimed that CCC merely implicated him in the charge, because she was angry that he restrained her (CCC) when she pointed a bladed weapon at Martinez.^[12]

Ruling of the Trial Court

On May 28, 2012, the Regional Trial Court (RTC) rendered a Decision^[13] holding that the prosecution established the guilt of the accused-appellants for the crime of rape beyond, reasonable doubt. Likewise, the RTC refused to give credence to the sweetheart defense raised by Martinez. According to the RTC, such a defense failed against AAA's testimony that the accused-appellants defiled her. Also, the RTC interpreted Martinez's offer to support AAA's child, as a compromise which may be viewed as an implied admission of guilt.^[14] The dispositive portion of the RTC decision reads:

WHEREFORE, for all the foregoing considerations, this Court finds [accused-appellants] GUILTY beyond reasonable doubt of the crime of rape and hereby sentences each of them, to suffer the penalty of reclusion perpetua.

Each of the accused is hereby ordered to indemnify the victim in the amount of Php 75,000.00 as moral damages and Php 25,000.00 as exemplary damages.

No costs.

SO ORDERED.^[15]

Aggrieved, the accused-appellants filed an appeal before the CA.

Ruling of the CA

On April 26, 2016, the CA rendered the assailed Decision^[16] finding the accused-appellants guilty beyond, reasonable doubt of rape. The CA refused to give credence to the sweetheart defense offered, by the accused-appellants. According to the CA, Martinez failed to corroborate his claim that he and AAA were sweethearts. Likewise, echoing the finding of the RTC, the CA deemed Martinez's offer to support the child as an implied admission of guilt. Finally, the CA held that carnal knowledge of a mental retardate amounts to rape, considering that a. mental retardate is unable to give her consent to the sexual act. Thus, the CA held the accused-appellants guilty of rape under Article 266-A, paragraph 1(d) of the RPC.

The dispositive portion of the assailed CA decision reads:

WHEREFORE, this Appeal is hereby **DENIED**. The Decision of the [RTC], Branch 25, Danao City in Criminal Case No. DNO-2618 is hereby **AFFIRMED**.

SO ORDERED.^[17]

Dissatisfied with the ruling, the accused-appellants filed with this Court a Notice of Appeal^[18] under Section 13 of Rule 124 of the 2000 Rules of Criminal Procedure.

The Issue

The essential issue for the Court's resolution is whether or not the accused-appellants' conviction should, be upheld.

In seeking the reversal of the assailed CA decision, Martinez points out that he and AAA were sweethearts. As lovers, their sexual congress was consensual and was an

expression of their love for each other.^[19] Likewise, Martinez claims that he was not aware of AAA's mental condition. In fact, he relates that AAA's condition was unknown, to the community, since it appeared that AAA was able to take care of herself and raise her child. Martinez thus argues that the sexual intercourse with AAA, being consensual, coupled, with his ignorance of her mental retardation, negate any criminal intent to rape her.^[20]

Moreover, both the accused-appellants insist that the lone testimony of AAA was not sufficient to prove the charge of rape. They claim that her testimony was not credible, and was riddled with inconsistencies. They point out that in AAA's direct testimony she claimed that she was raped four times, while on cross-examination, she said it was 10 times. Further, they allege that since AAA was a mental retardate, her testimony was susceptible of coercion, and she could have been persuaded into accusing them of rape.^[21]

On the other hand, the People, through the Office of the Solicitor General (OSG) maintains that the evidence presented by the prosecution proved beyond reasonable doubt that the accused-appellants had successive sexual intercourse with AAA, a mental retardate, with a mental age of 7. As such, AAA was incapable of giving intelligent consent to the sexual act. Anent the accused-appellants' allegation that AAA's testimony was inconsistent, the OSG counters that such minor variance may be expected taking into account AAA's mental capacity. What matters is that AAA clearly narrated the circumstances of how she was raped, and positively identified the accused-appellants as the assailants who had carnal knowledge with her.

Ruling of the Court

The instant petition is bereft of merit.

The prosecution established beyond reasonable doubt that the accused-appellants are guilty of rape

Article 266-A of the RPC, as amended, by Republic Act No. 8353,^[22] defines the crime of rape as follows:

Art. 266-A. Rape, When and How Committed. - 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;

Accordingly, to sustain a conviction for rape through sexual intercourse, the prosecution must prove the following elements beyond reasonable doubt, namely: (i) that the accused, had carnal knowledge of the victim; and (ii) that said act was accomplished (a) through the use of force or intimidation, or (b) when the victim is

deprived of reason or otherwise unconscious, or (c) by means of fraudulent machination or grave abuse of authority, or (d) when the victim is under 12 years of age or is demented.^[23]

Parenthetically, jurisprudence holds that "[c]arnal knowledge with a woman who is a mental retardate is rape."^[24] This stems from the fact that "a mental condition of retardation deprives the complainant of that natural instinct to resist a bestial assault on her chastity and womanhood."^[25] Consequently, sexual intercourse with one who is intellectually weak to the extent that she is incapable of giving consent to the carnal act already constitutes rape.^[26] This is true regardless of the presence or absence of resistance.^[27] Only the fact of sexual congress between the accused and the victim, as well, as the latter's mental retardation must be proven.^[28]

In the case at bar, the prosecution sufficiently established beyond reasonable doubt that the accused-appellants successively had carnal knowledge with AAA on September 13, 2000, by taking turns in inserting their penis into her vagina, against her will and without her consent. In fact, AAA narrated the harrowing details of her defilement, as follows:

PROS. MACIAS:

Q: Can you still remember where you were on September 13, 2000?

A: I was at home.

Q: Do you remember if you saw the accused in this case on September 13, 2000?

A: Yes, ma'am.

Q: Can you tell the Honorable Court what happened on this date?

A: They help each other in having sexual intercourse with me.

Q: Can you remember who was the first one who had sexual intercourse with you?

A: Lito.

Q: You said that Lito had sexual intercourse with you. What exactly did he do to you?

A: They took turns on me.

Q: They took turns on you on what?

A: They dragged me.

Q: Where did they dragged, [sic] you?

A: In the bushes.

Q: Did anyone of the accused undress you?

Atty. Serbise: Leading your Honor.