

## FIRST DIVISION

[ G.R. No. 203041, June 05, 2013 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
MOISES CAOILE, ACCUSED-APPELLANT.**

### D E C I S I O N

**LEONARDO-DE CASTRO, J.:**

The accused-appellant challenges in this appeal the March 21, 2012 **Decision**<sup>[1]</sup> promulgated by the Court of Appeals in **CA-G.R. CR.-H.C. No. 03957**, which affirmed with modification the judgment<sup>[2]</sup> of conviction for two counts of Rape rendered against him by Branch 32 of the Agoo, La Union Regional Trial Court (RTC) in **Family Court Case Nos. A-496 and A-497**.

Accused-appellant Moises Caoile (Caoile), in two separate Amended Informations filed before the RTC on January 5, 2006, was charged with two separate counts of Rape of a Demented Person under Article 266-A, paragraph 1(d) of the Revised Penal Code, to wit:

#### FAMILY COURT CASE No. A-496

That on or about April 6, 2005, in the Municipality of Rosario, La Union, Philippines and within the jurisdiction of the Honorable Court, the above-named accused, knowing the mental disability of the victim, did the[n] and there willfully, unlawfully and feloniously have sexual intercourse with one **[AAA]**,<sup>[3]</sup> a demented person with a mental age of seven (7) years old against her will and, to her damage and prejudice.<sup>[4]</sup>

#### FAMILY COURT CASE No. A-497

That on or about May 12, 2005, in the Municipality of Rosario, La Union, Philippines and within the jurisdiction of the Honorable Court, the above-named accused, knowing the mental disability of the victim, did the[n] and there willfully, unlawfully and feloniously have sexual intercourse with one **[AAA]**, a demented person with a mental age of seven (7) years old against her will and, to her damage and prejudice.<sup>[5]</sup>

Caoile pleaded not guilty to both charges upon his arraignment<sup>[6]</sup> for both cases on March 1, 2006. After the completion of the pre-trial conference on March 8, 2006,<sup>[7]</sup> joint trial on the merits ensued.

The antecedents of this case, which were succinctly summarized by the RTC, are as

follows:

### ***Evidence for the Prosecution***

[AAA], the herein victim, was left in the care of her grandmother and auntie in Alipang, Rosario, La Union when her mother left to work abroad when she was still young. One of their neighbors was the accused whose daughter, Marivic, was the playmate of [AAA].

One day, the accused invited [AAA] to go to the bamboo trees in their place. Upon reaching thereat, the accused directed [AAA] to lie down on the ground. [AAA] followed the instruction of the accused whom she called uncle Moises. Thereafter, the accused removed [AAA]'s short pant[s] and panty and inserted his penis into her vagina. [AAA] felt pain but she did not do anything. After two minutes or so, the accused removed his penis inside [AAA]'s vagina. [AAA] stood up and wore again her short pant[s] and panty. Before the accused allowed [AAA] to go home, the former gave the latter a medicine, which she described as a red capsule with white casing, with the instruction of taking the same immediately upon reaching home. As instructed by her uncle Moises, [AAA] took the medicine as soon as she got home.

Four (4) days thereafter, and while [AAA] was at the pumping well near their house, the accused invited her to gather guavas at the mountain. [AAA] accepted her uncle Moises's invitation. At the mountain, the accused led [AAA] to lie down, and then he removed her short pant[s] and panty. Thereafter, the accused inserted his penis inside the vagina of [AAA]. After the sexual intercourse, the accused and [AAA] gathered guavas, and went home.

One day, while [AAA] was sleeping in their house, Marivic woke her up and invited her to play at their house. At the accused's house, and while [AAA] and Marivic were playing, the accused invited [AAA] to gather santol fruits. [AAA] went with the accused, and once again the accused had carnal knowledge [of] her.

Sometime in April 2005, [AAA] heard her friend, [BBB], complaining to Lucio Bafalar, a Barangay Tanod, that the accused mashed her breast. Upon hearing the story of [BBB], [AAA] blurted out that she, too, was abused by the accused.

[CCC], [AAA]'s aunt, immediately went home [to] Rosario when she learned that her niece was raped by the accused, and together with [AAA] and Barangay Captain Roming Bartolome they went to the Rosario Police Station to report the incident. After executing their respective affidavits, [AAA] was examined by [Dr.] Claire Maramat at San Fernando, La Union.

After examining [AAA] on June 21, 2005, Dr. Claire Maramat found out that [AAA]'s genitalia suffered a multiple hymenal laceration which, at the time of the examination, was already healed, thus, possibly, it was

inflicted a week or months prior to the examination. According to Dr. Maramat, a multiple hymenal laceration may be caused by several factors, such as trauma to the perineal area or penetration of a penis.

Dr. Maramat also took seminal fluid from the vagina, the cervix and the cervical canal of [AAA], and forwarded the same to Dr. Brenda Rosuman, a pathologist at the Ilocos Training and Regional Medical Center (ITRMC), for examination.

Dr. Rosuman testified that after examining the seminal fluids taken from [AAA], she found the presence of spermatozoa, which means that [AAA] had sexual intercourse, and the predominance of coccobacilli, meaning that [AAA] could be suffering from infection caused by hygiene or acquired through sexual intercourse. She further testified that, according to some books, spermatozoa can live in the vaginal tract within 17 days from sexual intercourse. She clarified, however, that in her medical experience, she rarely finds spermatozoa in a specimen beyond three (3) days.

Claire Baliaga, a psychologist of the Philippine Mental Health Association, Baguio-Benguet Chapter, testified that she conducted a psychological evaluation on [AAA] on August 10, 2007; that [AAA] obtained an overall score performance of 55, which is classified within the mental retardation range; and that [AAA] has the mental age of a seven-year, nine-month old child who is inadequate of sustaining mental processes and in solving novel problems employing adoptive strategies.

Dr. Roderico V. Ramos, a psychiatrist of the ITRMC, testified that he evaluated the mental condition of [AAA], that after psychiatric evaluation, [AAA] was given a diagnosis of moderate mental retardation; that a person who is mentally retardate do not function the way his age required him to be; that [AAA] was eighteen (18) years old at the time he examined her, but the mental functioning of her brain is around five (5) to six (6) years old; and that [AAA] can only do what a five or six-year old child could do.

Dr. Ramos further testified that generally a mentally retardate cannot finish primary education. He, however, explained that parents of mentally retardates begged the teachers to give passing marks to their sons/daughters, and out of pity, they would be able to finish primary education.<sup>[8]</sup>

### ***Evidence for the Defense***

Accused Moises Caoile knew [AAA] because they were neighbors. [AAA] was, in fact, a playmate of his children and a frequent visitor in their house. When accused and [AAA] became familiar with one another, the latter would go to the former's house even when the children were not there, and they would [talk] and [tease] each other.

In the year 2005, the wife of the accused worked at the town proper of Rosario, La Union. The wife would leave early in the morning, and

returned home late at night. More often than not, the accused was left alone in the house since all his children were attending school. It was during his so called alone moments that the accused courted [AAA]. He gave her money, chocolates or candies. Time came when [AAA] would stay at the accused'[s] house, from Monday to Sunday, with or without the children. Soon thereafter, accused and [AAA] found themselves falling in love with one other. As lovers, they had their intimate moments, and their first sexual intercourse happened on April 6, 2005 on the mountain. From then on, the accused and [AAA] repeatedly had sexual intercourse, and most of which were initiated by [AAA], especially their sexual intimacies in Agri Motel, Pangasinan.

During their relationship, [AAA] suggested that they [live] together as husband and wife. The accused refused because he cannot leave his family.

The accused did not know that [AAA] was a demented person since she acted like a normal individual. In fact, she went to a regular school and she finished her elementary education.

The accused did not force himself [on] [AAA]. [AAA] knew that he is a married man, but she, nonetheless, loved him without reservation.

The defense moved that it be allowed to have [AAA] be evaluated by a psychiatrist of its own choice. As prayed for the defense, [AAA] was evaluated by Dr. Lowell A. Rebutal of the Department of Psychiatry, Baguio General Hospital and Medical Center. In his Psychiatric Evaluation Report, Dr. Rebutal concluded that [AAA] is suffering from Mild Mental Retardation.<sup>[9]</sup>

### **Ruling of the RTC**

On May 6, 2009, after weighing the respective evidence of the parties, the RTC rendered its Joint Decision finding Caoile guilty beyond reasonable doubt of two counts of rape:

WHEREFORE, judgment is hereby rendered as follows, to wit:

1. In FC Case No. A-496, accused Moises Caoile is hereby found **guilty** beyond reasonable doubt of the crime of rape defined and penalized under Article 266-A, paragraph 1(d) and Article 266-B of Republic Act No. 8353, and is sentenced to suffer the penalty of **reclusion perpetua**.
2. In FC Case No. A-497, accused Moises Caoile is hereby found **guilty** beyond reasonable doubt of the crime of rape defined and penalized under Article 266-A, paragraph 1(d) and Article 266-B of Republic Act No. 8353, and is sentenced to suffer the penalty of **reclusion perpetua**.

3. The accused is further ordered to indemnify the private complainant the amounts of P50,000.00 for each count of rape as compensatory damages and P50,000.00 for each count of rape as moral damages.

[10]

Caoile elevated the RTC ruling to the Court of Appeals, claiming that his guilt was not proven beyond reasonable doubt by attacking the credibility of AAA and the methods used to determine her mental state.

### ***Ruling of the Court of Appeals***

In its **Decision** dated March 21, 2012, in CA-G.R. CR.-H.C. No. 03957, the Court of Appeals affirmed with modification the RTC decision. The dispositive portion of the Court of Appeals Decision reads:

**WHEREFORE**, premises considered, the *Joint Decision* dated May 6, 2009 of the Regional Trial Court ("RTC"), First Judicial Region, Branch 32, Agoo, La Union, in Family Court Case Nos. A-496 and A-497, entitled "People of the Philippines, Plaintiff, versus Moises Caoile, Accused," finding appellant Moises Caoile guilty beyond reasonable doubt of two (2) counts of rape is **AFFIRMED with modification** in that aside from civil indemnity and moral damages, appellant Moises Caoile is **ORDERED** to indemnify [AAA] exemplary damages amounting to P30,000.00 for each count of rape.<sup>[11]</sup> (Citation omitted.)

### ***Issue***

Caoile is now before this Court, on appeal,<sup>[12]</sup> with the same lone assignment of error he posited before the Court of Appeals,<sup>[13]</sup> to wit:

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF TWO COUNTS OF RAPE.<sup>[14]</sup>

In essence, Caoile is attacking the credibility of AAA, and claims that she might not be a mental retardate at all, having been able to give categorical and straightforward answers during her testimony. Moreover, Caoile avers that it has not been shown that AAA underwent the proper clinical, laboratory, and psychometric tests to arrive at the conclusion that she fell within the range of mental retardation. Caoile argues that while it is true that his denial and sweetheart defenses are generally deemed weak and unavailing, his conviction should nevertheless be founded on the strength of the prosecution's evidence and not on the flaws of his defenses.<sup>[15]</sup>

### ***This Court's Ruling***

Caoile was tried and convicted of rape under Article 266-A, paragraph 1(d) in