

SECOND DIVISION

[G.R. No. 205413, December 02, 2013]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ROGELIO MANICAT
Y DE GUZMAN, APPELLANT.**

DECISION

BRION, J.:

We resolve the appeal, filed by Rogelio Manicat y de Guzman (*appellant*), from the decision^[1] of the Court of Appeals (CA), dated May 4, 2012 in CA-G.R. CR-HC No. 03930. The decision affirmed with modification the January 14, 2009 decision^[2] of the Regional Trial Court (RTC), Branch 169, Malabon City, in Crim. Case No. 24550-MN, finding the appellant guilty beyond reasonable doubt of the crime of rape, and sentencing him to suffer the penalty of *reclusion perpetua*, without eligibility for parole.

The RTC Ruling

In its January 14, 2009 decision, the RTC found the appellant guilty beyond reasonable doubt of simple rape. It gave credence to the testimony of AAA, the 13-year old victim, that while she was on her way to buy coffee and sugar, the appellant pulled her inside his house, undressed her, and then forced her to lie down on her back. The appellant afterwards inserted his penis inside her vagina. AAA explained that she felt pain but she did not cry because the appellant threatened to kill her if she made any noise. According to the RTC, the fact that AAA is afflicted with mild mental retardation with a mental age of 7-8 years old does not make her an incompetent witness, as she testified in a clear and straightforward manner. Thus, the RTC sentenced the appellant to suffer the penalty of *reclusion perpetua*, without eligibility for parole, and ordered him to pay the victim the sum of P50,000.00 as civil indemnity, P50,000.00 as moral damages, and P25,000.00 as exemplary damages.

The CA Decision

On appeal, the CA affirmed the RTC judgment with the modification that the award of exemplary damages in the amount of P25,000.00 be deleted. The CA held that AAA testified in a "straightforward, candid and convincing manner."^[3] Her testimony was corroborated by Medico Legal Report No. M-257-01 dated April 29, 2001 stating that the victim is in a non-virgin physical state. The CA noted that the Clinical Abstract issued by the National Center for Mental Health does not indicate whether AAA's condition impairs her capacity as a witness. It also explained that AAA's credibility cannot be impaired by her behavior as a rape victim because rape victims do not all react in the same way. The CA rejected the appellant's defense of denial and alibi for failure to substantiate these defenses. Lastly, the CA found that the penalty of "*reclusion perpetua*, without eligibility for parole" was proper because

under Resolution No. 24-4-10,^[4] those convicted of offenses punished with *reclusion perpetua* are disqualified from the benefit of parole.

Our Ruling

We **deny** the appeal, but modify the awarded indemnities.

For the charge of rape (under Article 266-A of the Revised Penal Code [RPC], as amended) to prosper, the prosecution must prove that: (1) the offender had carnal knowledge of a woman; and (2) he accomplished this act through force, threat or intimidation, when she was deprived of reason or otherwise unconscious, or when she was under 12 years of age or was demented.

In the present case, the prosecution established the elements of rape required under Article 266-A of the RPC. **First**, the appellant had carnal knowledge of the victim. AAA was straightforward when she testified that the appellant inserted his penis into her vagina. Her testimony was supported by Medico Legal Report No. M-257-01 dated April 29, 2001, reflecting the victim's non-virgin physical state. We have held that when the testimony of a rape victim is consistent with the medical findings, there is sufficient basis to conclude that there has been carnal knowledge.

^[5]

Second, the appellant employed threat, force and intimidation to satisfy his lust. AAA categorically testified that she resisted when the appellant pulled her inside his house. She also recalled that she cried when the appellant inserted his penis into her vagina. Nonetheless, she was helpless and afraid to make further noise because the appellant threatened to kill her. These facts sufficiently indicate that the appellant's acts were *against AAA's will*.

Being afflicted with mild mental retardation does not mean that AAA's testimony was merely imagined. We agree with the RTC and the CA's conclusion that the testimony of a mental retardate depends on the quality of her perceptions and the manner she can make these known to the court.^[6] In the present case, the questions asked were couched in terms that AAA could easily understand, as recommended by Ma. Cristina P. Morelos, M.D., Medical Officer III.^[7] Hence, we are convinced that AAA understood the questions propounded to her, which she answered in a clear and straightforward manner.

Contrary to the appellant's argument, the behavior of the victim does not establish the truth or falsity of her accusation. "As a matter of settled jurisprudence, rape is subjective and not all victims react in the same way; there is no typical form of behavior for a woman when facing a traumatic experience such as a sexual assault."

^[8]

In addition, the appellant's denial cannot overturn his conviction in light of AAA's positive testimony. We have consistently held that positive identification of the accused, when categorical and consistent and without any showing of ill motive of the part of the eyewitness testifying, should prevail over the mere denial of the appellant whose testimony is not substantiated by clear and convincing evidence.^[9]

We reject the appellant's argument that the phrase "without eligibility for parole" is