



Republic of the Philippines
 Supreme Court
 Baguio City

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee,

G.R. No. 208648

Present:

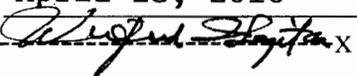
VELASCO, JR., J.,
Chairperson,
 PERALTA,*
 DEL CASTILLO,**
 PEREZ, and
 REYES, JJ.

-versus-

REYNALDO UMANITO
 Accused-Appellant.

Promulgated:

April 13, 2016

x-----


RESOLUTION

PEREZ, J.:

This s an appeal from the Decision¹ dated 30 May 2013 of the Court of Appeals, Cagayan deo Oro City in CA-G.R. CR-H.C. No. 00739-MIN affirming the Judgment² 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,

* On official leave.

** Additional member per Raffle dated 24 February 2016.

¹ *Rollo*, pp. 3-12; Penned by Associate Justice Renato C. Francisco with Associate Justices Romulo V. Borja and Oscar V. Badelles concurring.

² *Records*, pp. 229-254; Presided by Judge Milanio M. Guerrero.

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 certificate⁵ 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 ₱50,000.00 as civil indemnity and ₱50,000.00 as moral damages, to support his child with AAA and to pay the costs.⁶

³ The real name of the victim and her immediate family members are withheld to protect her identity and privacy pursuant to Section 29 of Republic Act No. 71610, Section 44 of Republic Act No. 9262 and Section 40 of A.M. No. 04-10-11-SC. See *People v. Cabalquinto*, 533 Phil. 703 (2006).

⁴ Records, p. 1.

⁵ Id. at 15.

⁶ Id. at 253-254.

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

Appellant filed a Notice of Appeal.⁷ In a Resolution⁸ 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 Brief¹⁰ 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 Brief¹¹ 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

⁷ *Rollo*, p. 13-14.

⁸ *Id.* at 18-19.

⁹ *Id.* at 20-22.

¹⁰ *Id.* at 27-30.

¹¹ *CA rollo*, pp. 6-23.

¹² 461 Phil. 543 (2003).

¹³ *People v. Gahi*, G.R. No. 202976, 19 February 2014, 717 SCRA 209, 227.

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?

¹⁴ *People v. Bitangcor*, 441 Phil. 758, 768 (2002).

¹⁵ *People v. Rosales*, G.R. No. 197537, 24 July 2013, 702 SCRA 297, 307.

¹⁶ G.R. No. 189822, 2 September 2013, 704 SCRA 515, 529.

¹⁷ *People v. Quintos*, G.R. No. 199402, 12 November 2014.

- 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 certain Jovelyn Toquero Laza which the Court directs that the record of the case and be marked as Exh. "X", Your Honor.
- Q You said that this Reynaldo Umanito did like this, how did Reynaldo Umanito did that to you?
- COURT Fiscal, she demonstrated by tapping her fingers to her left thigh.

INTERPRETER Only once, the witness raised her finger, which means only once.

PROSECUTOR

Q Before he did this to you, what first did he do?

INTERPRETER Witness making again a sign on her left thigh with her fingers indicating that Reynaldo Umanito has sexual intercourse with her.

PROSECUTOR

Q Did Reynaldo Umanito box you?

INTERPRETER Witness shaking her head.

PROSECUTOR

Q Did this Reynaldo Umanito slap you?

INTERPRETER Witness nodding her head which means, yes.

PROSECUTOR

Q Where did he hit you when he slapped you?

INTERPRETER On her left face, witness touching her left face.

PROSECUTOR

Q How many times Dong slapped you on the left face?

A Witness making a sign of one.

COURT

Q After Dong slapped you once on your face, what did he do?

INTERPRETER Witness making a sign by making a circular motion meaning pregnant.

PROSECUTOR

Q Why did you become pregnant?

INTERPRETER Witness pointing to the door with her mouth (sic) where the accused went out a while ago.

PROSECUTOR

Q You said Dong is in Court, will you point to him if he is in Court?

INTERPRETER Witness is pointing towards the direction of the door.

COURT Guard, will you call the accused to get inside the courtroom.

INTERPRETER The accused is getting inside the courtroom with the sheriff.

COURT

Q Who is Dong between the two getting inside the courtroom?

INTERPRETER The witness pointing to the accused who is wearing orange t-shirt when asked his name [he] answered Reynaldo Umanito.

COURT

Q Are you also know as Dong?

INTERPRETER Witness nodding her head.

PROSECUTOR

Q Could you tell us again what this Dong did to you?

INTERPRETER The witness making a sign which means she was sexually abused.

PROSECUTOR That is all, Your Honor.¹⁸

Carnal knowledge of a woman who is a mental retardate is rape under Article 266-A, paragraph 1(b) of the Revised Penal Code, as amended. This is because a mentally deficient person is automatically considered incapable of giving consent to a sexual act. Thus, what needs to be proven are the facts of sexual intercourse between the accused and the victim, and the victim's mental retardation.¹⁹

The prosecution has sufficiently established that AAA is a mental retardate. Through AAA and corroborated by her mother BBB, the element

¹⁸ TSN, 18 October 2006, pp. 6-9.

¹⁹ *People v. Caoile*, G.R. No. 203041, 5 June 2013, 697 SCRA 638, 654.

of carnal knowledge was proven. In fact, there was no denying that AAA became pregnant and she pointed to no other than appellant as the culprit.

Perpetrator's knowledge of the victim's mental disability, at the time he committed the rape, qualifies the crime and makes it punishable by death under Article 266-B, paragraph 10, to wit:

X X X X

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

X X X X

10) When the offender knew of the mental disability, emotional disorder and/or physical handicap of the offended party at the time of the commission of the crime.

However, an allegation in the information of such knowledge of the offender is necessary as a crime can only be qualified by circumstances pleaded in the indictment.²⁰ In this case, there was none. Moreover, the lower courts did not make any specific finding on the said qualifying circumstance.

This Court finds the award of civil indemnity and moral damages as modified by the Court of Appeals proper. But prevailing jurisprudence on simple rape likewise awards exemplary damages in order to set a public example and to protect hapless individuals from sexual molestation.²¹ Finally, all damages awarded shall earn interest at the rate of six percent (6%) *per annum* from the date of finality of this judgment until fully paid.²²

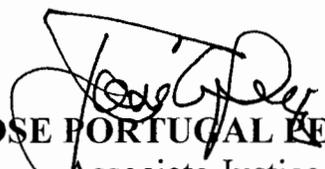
WHEREFORE, the 30 May 2013 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 00739-MIN finding appellant Reynaldo Umanito guilty beyond reasonable doubt of the crime of simple rape and sentencing him to suffer the penalty of *reclusion perpetua* is **AFFIRMED** with **MODIFICATION** in that appellant is further ordered to pay AAA the amount of ₱30,000.00 as exemplary damages and interest at the legal rate of six percent (6%) *per annum* on all the amounts of damages awarded, commencing from the date of finality of this Resolution until fully paid.

²⁰ *People v. Dela Paz*, 569 Phil. 684, 705 (2008).

²¹ *People v. Delfin*, G.R. No. 190349, 10 December 2014

²² *People v. Suarez*, G.R. No. 201151, 14 January 2015.

SO ORDERED.



JOSE PORTUGAL PEREZ
Associate Justice

WE CONCUR:



PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

(on official leave)
DIOSDADO M. PERALTA
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



BIENVENIDO L. REYES
Associate Justice

ATTESTATION

I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, it is hereby certified that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice