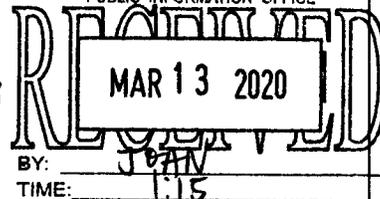




Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated January 22, 2020, which reads as follows:

“G.R. No. 225058 (PEOPLE OF THE PHILIPPINES, *plaintiff-appellee* v. RAMON MAZA y ALCAIN, *accused-appellant*). — This Court resolves the Appeal¹ filed by accused-appellant, Ramon Maza y Alcain (Maza), questioning his conviction for raping² AAA,³ a cognitively disabled 17-year-old girl.

Together with “other persons whose true names and whereabouts have not as yet been ascertained[.]”⁴ Maza was charged under the following Information, the accusatory portion of which provides:

[CRIMINAL CASE No. Q-03-114346]

That on or about the month of June 2002, in Quezon City, Philippines, the said accused, conspiring together and confederating with other persons whose true names and whereabouts have not as yet been ascertained and mutually helping one another, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with one [AAA], a mental retardate, a minor, 17 years of age, against her will and without her consent, to the damage and prejudice of the said offended party.

CONTRARY TO LAW.⁵

¹ CA *rollo*, pp. 106–108.

² REV. PEN. CODE, art. 266-A, par. 1 provides:

Article 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; and

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[.]

³ The complete names and personal circumstances of the victim's family members or relatives, who may be mentioned in the court's decision or resolution have been replaced with fictitious initials in conformity with Administrative Circular No. 83-2015 (Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances).

⁴ *Rollo*, p. 3, CA Decision.

⁵ *Id.*

During arraignment, Maza pleaded not guilty to the charge.⁶ Trial then ensued.

Private complainant, AAA, her mother, BBB, and Nimia Hemilla C. De Guzman (De Guzman), Psychologist II at the National Center for Mental Health, testified for the prosecution. Taken together, their testimonies tended to prove the following version of the facts:

AAA knew Maza as his house was near theirs. Maza also has an artesian well, or *poso*, from where his neighbors, including AAA, fetched water.⁷

Sometime in June 2002, AAA was fetching water from Maza's artesian well. Thereafter, Maza called her and asked AAA to fetch water for him for a fee. When AAA approached Maza, he brought her inside his bathroom where he asked AAA to stand and lean against the bathroom wall. He then kissed her and removed her clothes as well as his own.⁸

Maza then inserted his penis into AAA's vagina. He also asked AAA to kiss his private part. Eventually, Maza ejaculated. After satisfying his lust, he threatened AAA not to shout, or else, he would kill her.⁹

It was also in June 2002 when AAA's mother, BBB, noticed that her daughter had frequent epileptic attacks. BBB also noticed that AAA had stopped menstruating. AAA's breasts also sagged, and her stomach eventually started to bulge. These led BBB to ask AAA whether or not she had been raped.¹⁰

Initially, AAA did not want to answer because she was afraid of Maza making good on his threat of killing her if she told anyone what he had done to her. However, AAA eventually told her mother that she was raped by their neighbor, Maza. After learning of her child's ordeal, BBB accompanied AAA to the Department of Social Welfare and Development and to Camp Karingal where AAA and BBB gave their statements.¹¹

As a result, AAA turned out to be pregnant, and on March 3, 2003, gave birth to a baby girl whom she gave away for adoption.¹²

⁶ Id.

⁷ Id. at 4.

⁸ Id.

⁹ Id.

¹⁰ Id.

¹¹ Id. at 4-5.

¹² Id. at 5.

During trial, the prosecution presented De Guzman as witness. She testified that even before the incident transpired, she had diagnosed AAA of mild mental retardation with the mental age of an 11-year old, and whose facility for communication is similar to that of a six-year old.¹³

For the defense, Maza denied the allegations against him, claiming that AAA and BBB filed the case to get back at him for cutting their electricity at home. The following is his version of the facts:

Maza confirmed that he and AAA are neighbors. Their houses, which they rent, are separated by a one-meter-wide pathway, and the electricity line in AAA's house is connected to his.¹⁴

He first learned of AAA's rape complaint against him sometime in November 2002. According to his wife, BBB, got angry at Maza when he had their electricity cut-off. BBB thus persuaded AAA to file the complaint to get back at him. His wife allegedly convinced him to restore the electricity at AAA's house so that AAA would drop the charge against him. He, however, refused to reconnect the line and ignored the complaint.¹⁵

On January 6, 2003, Maza went to the barangay office to attend what he was told was an election of a *purok* leader. However, when he arrived at the barangay office, AAA, BBB, AAA's father and siblings, along with two (2) police officers from Camp Karingal were present. AAA then pointed at Maza as the man who impregnated her. Thereafter, he was brought to Camp Karingal where he was subjected to inquest proceedings. He was later detained at the Quezon City Jail.¹⁶

Maza maintained that AAA filed the complaint to exact revenge on him. Furthermore, when he was still a barangay tanod, Maza apprehended CCC, AAA's brother, who had stabbed their barangay unit commander. On cross-examination, however, Maza declared that he became a barangay tanod in 2002, while CCC was apprehended in 2000. He also could not remember when exactly he had the electricity at AAA's house cut off.¹⁷

The Regional Trial Court, Branch 94, Quezon City, found Maza guilty beyond reasonable doubt of rape under Article 226-A, paragraph 1 of the Revised Penal Code. The trial court observed that AAA, in giving her testimony, was "clear, straightforward[,] and unequivocal."¹⁸ Furthermore, in the trial court's opinion, the deep laceration found on AAA's hymen

¹³ Id. at 5-6.

¹⁴ Id. at 6.

¹⁵ Id.

¹⁶ Id. at 6-7.

¹⁷ Id. at 7.

¹⁸ CA rollo, p. 15.

bolstered the finding of rape.¹⁹ As to Maza's account of revenge, the trial court found it "too flimsy as to warrant the filing of a very serious charge [such] as rape."²⁰

The dispositive portion of the December 5, 2011 Decision²¹ of the trial court read:

WHEREFORE, premises considered, the Court finds accused RAMON MAZA Y ALCAIN GUILTY beyond reasonable doubt of the crime of Rape under Article 266-A paragraph 1 of the Revised Penal Code as amended by R.A. 8353 and hereby sentences him to a penalty of *Reclusion Perpetua* without eligibility for parole and to pay the cost.

Accused is further ordered to pay private complainant [AAA] civil indemnity of P50,000.00 and moral damages of P50,000.00.

SO ORDERED.²² (Emphasis in the original)

Agreeing with the trial court, the Court of Appeals affirmed its findings and denied Maza's appeal. The Court of Appeals likewise found that the prosecution duly proved the elements of rape. It affirmed the trial court's finding that the testimonies of the prosecution witnesses clearly and unequivocally established the fact of rape, and that the supposed inconsistencies in AAA's testimony were "trivial and non-consequential[.]"²³

In addition, the Court of Appeals agreed with the trial court that "[Maza's] defense of denial is flimsy as it is baseless[.]"²⁴ reiterating that "[m]ere denial, without any strong evidence to support it, can scarcely overcome the positive declaration by the child-victim of the identity of the appellant and his involvement in the crime attributed to him."²⁵

The dispositive portion of the Court of Appeals' May 25, 2015 Decision²⁶ read:

WHEREFORE, the appealed December 5, 2011 *Decision* of the Regional Trial Court, *Branch 94* of Quezon City in *Criminal Case No. Q-*

¹⁹ Id.

²⁰ Id. at 16.

²¹ Id. at 10–17. The Decision was penned by Presiding Judge Roslyn M. Rabara-Tria of the Regional Trial Court of Quezon City, Branch 94.

²² Id. at 16–17.

²³ *Rollo*, p. 11.

²⁴ Id. at 14.

²⁵ Id. at 14–15.

²⁶ Id. at 2–16. The Decision was penned by Associate Justice Noel G. Tijam (Chair and former Member of this Court), and was concurred in by Associate Justices Mario V. Lopez (now a Member of this Court), and Myra V. Garcia-Fernandez of the Fifth Division of the Court of Appeals, Manila.

03-114346 convicting Ramon Maza y Alcain of the crime of Rape under *Article 266-A paragraph 1* of the *Revised Penal Code* and sentencing him to suffer the penalty of *Reclusion Perpetua* without eligibility for parole and to pay the costs of the suit is hereby **AFFIRMED** with the following **MODIFICATIONS**: Accused-Appellant is ordered (1) to pay exemplary damages in the amount of P30,000.00; and (2) to pay the victim interest of six percent (6%) per annum from the finality of this judgment until the amount of damages thus awarded is fully paid.

SO ORDERED.²⁷ (Emphasis in the original, citations omitted)

The Notice of Appeal²⁸ filed by Maza was given due course by the Court of Appeals in its August 7, 2015 Resolution.²⁹ This Court, in turn, acknowledged receipt of the records forwarded by the Court of Appeals in its August 1, 2016 Resolution.³⁰ The parties were then ordered to file their supplemental briefs, if they desired, within 30 days from notice.³¹

Both accused-appellant,³² and the People of the Philippines,³³ through the Office of the Solicitor General, manifested that they would no longer file supplemental briefs.

The issues for this Court's resolution are the following:

First, whether or not the prosecution established Ramon Alcain Maza's guilt beyond reasonable doubt, considering that AAA is cognitively disabled and whose testimony, according to Maza, is "highly unreliable."³⁴

Second, whether or not the prosecution established Maza as guilty, considering that there were other unidentified persons who allegedly sexually abused AAA, allegedly casting doubt on whether he indeed committed the crime charged.

Accused-appellant maintains that he should be acquitted. He argues that, for one, AAA's mental condition renders her testimony highly unreliable, as De Guzman said that AAA "can hardly communicate her perception accurately."³⁵ Moreover, considering that he was charged together with other unidentified persons who allegedly sexually abused AAA, this "alone creates doubt"³⁶ on whether he indeed raped AAA. Even

²⁷ Id. at 15-16.

²⁸ CA rollo, pp. 106-108.

²⁹ Id. at 113.

³⁰ Rollo, p. 22-23.

³¹ Id.

³² Id. at 29-33, Manifestation (In Lieu of Supplemental Brief).

³³ Id. at 24-28, Manifestation and Motion.

³⁴ CA rollo, p. 45, Brief for the Accused-Appellant.

³⁵ Id.

³⁶ Id.

AAA testified that Maza only made her kiss his penis, with no mention of him inserting it in her vagina.³⁷ This not only “leaves a big question on the issue of paternity[,]”³⁸ but also casts doubt on the credibility of AAA and BBB.³⁹

On the other hand, the People of the Philippines maintains that the prosecution has proven Maza’s guilt beyond reasonable doubt. While AAA suffers from mild mental retardation, this, in itself, does not render her incapable of testifying in court. So long as the testimony is coherent, it is admissible in evidence.⁴⁰

The Appeal is denied.

Article 266-A paragraph 1 of the Revised Penal Code provides:

Article 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[.]
(Emphasis in the original)

“For the charge of rape to prosper, the prosecution must prove that (1) the offender had carnal knowledge of a woman, and (2) he accomplished such act through force or intimidation, or when she was deprived of reason or otherwise unconscious, or when she was under 12 years of age or was demented.”⁴¹ For mental retardate victims in particular, “[p]roof of force or intimidation is not necessary, as a mental retardate is not capable of giving consent to a sexual act.”⁴² “What needs to be proven are the facts of sexual

³⁷ Id. at 46–47.

³⁸ Id. at 46.

³⁹ Id.

⁴⁰ Id. at 70–71, Brief for the Plaintiff-Appellee.

⁴¹ *People v. Dalan*, 736 Phil. 298, 300 (2014) [Per J. Brion, Second Division], citing *People v. Delen*, 733 Phil. 321 (2014) [Per J. Leonardo-De Castro, First Division].

⁴² Id. at 300–301.

congress between the accused and the victim, and the mental retardation of the latter.”⁴³

That accused-appellant raped AAA was established beyond reasonable doubt by the prosecution. The following testimony describes the unconsented sexual congress between accused-appellant and AAA, which, to our mind, is indeed “clear, straightforward[,] and unequivocal.”⁴⁴

Q: You said Ramon Maza raped you. What did he do when he raped you? Can you please describe?

A: He kissed me, he removed my dress and he also removed his clothes that he raped me.

Q: Do you know what you call your private part? Do you know what is vagina?

A: Yes, ma’am.

Q: What about the penis. Do you know what is penis?

A: It’s like a hotdog.

Q: Do you have a vagina?

A: Yes.

Q: How about Ramon? Does he have a penis or what you call like a hotdog?

A: Yes, mam [sic].

Q: While you were inside the bathroom and when Ramon Maza kissed you and removed your dress, did Ramon Maza inserted (sic) his penis to your vagina?

A: Yes Ma’am [sic] and he told me to kiss his penis. ‘*Bastos siya*’ After some time, something like white fluid comes out.⁴⁵

This was corroborated by De Guzman, the National Center for Mental Health psychologist who examined AAA. De Guzman said during trial:

Q: You said, madam, that the witness mentioned about “ginalaw ako?”

A: Yes, Your Honor.

Q: Did you ask her to elaborate on what she means by “ginalaw ako”?

A: Usually, the cases I have handled, Your Honor, when I asked “What do you mean by “ginalaw ako”, they would just say it literally and then point to their organ.

Q: How about, I am talking with this particular person?

A: Yes, Your Honor.

⁴³ Id. at 301 citing *People v. Dela Paz*, 569 Phil. 684 (2008) [Per J. Chico-Nazario, Third Division].

⁴⁴ CA rollo, p. 56.

⁴⁵ Rollo, p. 12.

Q: Did you ask her?

A: Yes. She said, when I asked her, “May iba pa bang dahilan ng pagpunta mo dito?” [AAA] said, “Hinubaran ako ni Ramon Maza kinuha panty ko wala naman noon asawa niya nagtitinda.”

Q: That’s what she said?

A: Yes, Your Honor. Then, I asked her “Anong ibig mong sabihin? Hinawakan ka? Ginalaw Ka?” [“]Hindi inano ako dito.” pointing to her vagina.

Q: Pointing to her private organ?

A: Yes, Your Honor.

Q: When she mentioned that “Hindi inano ako dito” at the same time pointing to her vagina?

A: Yes, Your Honor.⁴⁶

Specifically on AAA’s mental capacity, De Guzman found that AAA has mild mental retardation with a mental capacity similar to that of an 11-year old and facility of communication of a six-year old.⁴⁷ This means that, apart from her minority, AAA’s mental capacity absolutely rendered her incapable of giving consent to the sexual congress. *People v. Quintos*⁴⁸ expounds on this:

We are aware that the terms, “mental retardation” or “intellectual disability,” had been classified under “deprived of reason.” The terms, “deprived of reason” and “demented”, however, should be differentiated from the term, “mentally retarded” or “intellectually disabled.” An intellectually disabled person is not necessarily deprived of reason or demented. This court had even ruled that they may be credible witnesses. However, his or her maturity is not there despite the physical age. He or she is deficient in general mental abilities and has an impaired conceptual, social, and practical functioning relative to his or her age, gender, and peers. Because of such impairment, he or she does not meet the “socio-cultural standards of personal independence and social responsibility.”

Thus, a person with a chronological age of 7 years and a normal mental age is as capable of making decisions and giving consent as a person with a chronological age of 35 and a mental age of 7. Both are considered incapable of giving rational consent because both are not yet considered to have reached the level of maturity that gives them the capability to make rational decisions, especially on matters involving sexuality. Decision-making is a function of the mind. Hence, a person’s capacity to decide whether to give consent or to express resistance to an adult activity is determined not by his or her chronological age but by his or her mental age. Therefore, in determining whether a person is “twelve (12) years of age” under Article 266-A (1) (d), the interpretation should be in accordance with either the chronological age of the child if he or she is

⁴⁶ CA rollo, pp. 75–76.

⁴⁷ Rollo, p. 6.

⁴⁸ 746 Phil. 809 (2014) [Per J. Leonen, Second Division].

not suffering from intellectual disability, or the mental age if intellectual disability is established.

In all the above circumstances, rape is ensured because the victim lacks the awareness or presence of mind to resist a sexual abuse. The unconscious, the manipulated, the reason-deprived, the demented, and the young cannot be expected to offer resistance to sexual abuse for the simple reason that their mental statuses render them incapable of doing so. They are incapable of rational consent. Thus, sexual intercourse with them is rape. No evidence of force, intimidation, or resistance is necessary.⁴⁹ (Citations omitted)

Contrary to Maza's argument, AAA's mental retardation does not render her testimony "highly unreliable."⁵⁰ We have ruled in *People v. Monticalvo*⁵¹ that:

[C]ompetence and credibility of mentally deficient rape victims as witnesses have been upheld by this Court where it is shown that they can communicate their ordeal capably and consistently. Rather than undermine the gravity of the complainant's accusations, it even lends greater credence to her testimony, that, someone as feeble-minded and guileless could speak so tenaciously and explicitly on the details of the rape if she has not in fact suffered such crime at the hands of the accused.⁵²

Here, De Guzman testified that persons suffering from mental retardation have limited memory spans, such that "whatever is dictated to [them] will not be retained"⁵³ unless they are their actual experiences.⁵⁴ This, counterintuitively, bolters the truthfulness of AAA's testimony. She could not have retained then recount her experience with Maza had it not actually happened.

Still, accused-appellant argues that he should be acquitted on the ground of reasonable doubt. He highlights how there are other unidentified persons who allegedly sexually abused AAA, and it could very well be that one of these persons, not him, raped AAA. However, accused-appellant was positively identified by AAA as the man who dragged her to the bathroom, undressed her, and then, after he himself had undressed, inserted his penis into her vagina. This positive identification defeats whatever reasonable doubt accused-appellant claims in his favor.

All told, this Court affirms accused-appellant's conviction for the crime of rape defined in Article 266-A paragraph 1, and punished under

⁴⁹ Id. at 830-831

⁵⁰ CA *rollo*, p. 45.

⁵¹ 702 Phil. 643 (2013) [Per J. Perez, Second Division].

⁵² Id. at 662.

⁵³ *Rollo*, p. 13.

⁵⁴ Id.

Article 266-B of the Revised Penal Code. Considering that an allegation of AAA's intellectual disability was sufficiently alleged in the Information, the impossible penalty is death.⁵⁵ However, in lieu of death, the penalty of *reclusion perpetua* is instead imposed pursuant to Republic Act No. 9346.⁵⁶ Further, per *People v. Jugueta*,⁵⁷ the damages payable by Maza are increased to the following amounts: (1) civil indemnity, ₱100,000.00; (2) moral damages, ₱100,000.00; and (3) exemplary damages, ₱100,000.00, all to earn interest at the rate of six percent (6%) per annum from the finality of this judgment until full payment.⁵⁸

WHEREFORE, this Court **ADOPTS** the findings of fact and conclusions of law of the Court of Appeals in its Decision dated May 25, 2015 in CA-G.R. CR-H.C. No. 05372. Accused-appellant Ramon Maza y Alcain is found **GUILTY** beyond reasonable doubt of **RAPE** under Article 266-A of the Revised Penal Code and is sentenced to suffer the penalty of *reclusion perpetua* without possibility for parole in accordance with Republic Act No. 9346. The assailed Decision is **AFFIRMED with MODIFICATION** in that private complainant, AAA, is deemed entitled to ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages, all to earn interest at the rate of six percent (6%) per annum from the date of finality of the judgment until full payment.

SO ORDERED.”

Very truly yours,

Mis-ADC Batt
MISAEAL DOMINGO C. BATTUNG III
Division Clerk of Court

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⁵⁵ REV. PEN. CODE, art. 266-B partly provides:
Article 266-B. *Penalty.* —

....

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

....

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.

See People v. Quintos, 746 Phil. 809, 834 (2014) [Per J. Leonen, Second Division].

⁵⁶ Republic Act No. 9346 (2006), sec. 3 provides:

SECTION 3. Persons convicted of offenses punished with *reclusion perpetua*, or whose sentences will be reduced to *reclusion perpetua*, by reason of this Act, shall not be eligible for parole under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended.

⁵⁷ 783 Phil. 806, 847 (2016) [Per J. Peralta, En Banc].

⁵⁸ *Nacar v. Gallery Frames*, 716 Phil. 267, 283 (2013) [Per J. Peralta, En Banc].