



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated May 14, 2021 which reads as follows:*

**“G.R. No. 251916” – PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus LEOPOLDO RAZON, JR. y YUMOL, accused-appellant.**

After a careful review of the records of the case and the issues submitted by the parties, the Court finds that the Court of Appeals, Special Sixth Division (CA), in CA-G.R. CR-HC No. 11500, did not err in promulgating the Decision<sup>1</sup> dated September 12, 2019 (Decision). The facts, as borne out by the records, sufficiently support the conclusion that accused-appellant Leopoldo Razon, Jr. y Yumol (accused-appellant Razon) is indeed guilty of statutory rape under Article 266-A, paragraph 1(d) of the Revised Penal Code (RPC). The issues and matters raised before the Court, the same ones already raised in the CA, there being no supplemental briefs filed, were sufficiently addressed and correctly ruled upon by the CA.

It is well-settled that in the absence of facts or circumstances of weight and substance that would affect the result of the case, appellate courts will not overturn the factual findings of the trial court.<sup>2</sup> Thus, when the case pivots on the issue of the credibility of the victim, the findings of the trial courts necessarily carry great weight and respect as they are afforded the unique opportunity to ascertain the demeanor and sincerity of witnesses during trial.<sup>3</sup>

- over – five (5) pages ...

**208-B**

---

\* No unmodified version since the real name of the victim cannot be found in the records.

<sup>1</sup> *Rollo*, pp. 3-16. Penned by Associate Justice Eduardo B. Peralta, Jr. and concurred in by Associate Justices Samuel H. Gaerlan (now a Member of the Court) and Ruben Reynaldo G. Roxas.

<sup>2</sup> *People v. Gerola*, G.R. No. 217973, July 19, 2017, 831 SCRA 469, 478.

<sup>3</sup> *People v. Aguilar*, G.R. No. 177749, December 17, 2007, 540 SCRA 509, 522-523.

After a judicious examination of the records of the instant case, the Court finds no cogent reason to vacate the Decision<sup>4</sup> dated June 27, 2018 of the Regional Trial Court of Mandaluyong City, Branch 278 (RTC) in Criminal Case No. R-MND-17-00237-CR, which was affirmed *in toto* by the CA.

It is settled that “[c]hildren, either in chronological or mental age, are incapable of giving consent to a sexual act.”<sup>5</sup> Thus, in *People v. Castillo*,<sup>6</sup> the Court held that “[w]hen the victim is a mental retardate whose mental age is that of a person below 12 years old, the rape should be classified as statutory rape under Article 266-A, paragraph 1(d) of the RPC, as amended.”<sup>7</sup> “Proof of force or intimidation is not necessary, as a mental retardate is not capable of giving consent to a sexual act. What needs to be proven are the facts of sexual congress between the accused and the victim, and the mental retardation of the latter.”<sup>8</sup>

The prosecution proved both elements beyond reasonable doubt.

*First*, the Court agrees with the lower courts that the prosecution established the mental condition of AAA,<sup>9</sup> through the testimony of Dr. Nedy L. Tayag (Dr. Tayag) of the National Center for Mental Health. Dr. Tayag clearly testified that she examined AAA and concluded that her mental age, social maturity, and emotional condition was that of a 10 years and six months old person or below and that AAA was suffering from moderate mental retardation.<sup>10</sup> This

- over -

**208-B**

<sup>4</sup> *Rollo*, pp. 52-67. Penned by Presiding Judge Jaime Fortunato A. Caringal.

<sup>5</sup> *People v. Quintos*, G.R. No. 199402, November 12, 2014, 740 SCRA 179, 183.

<sup>6</sup> G.R. No. 242276, February 18, 2020, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66332>>.

<sup>7</sup> *Id.* Underscoring omitted.

<sup>8</sup> *People v. Bangsoy*, G.R. No. 204047, January 13, 2016, 780 SCRA 564, 569. Underscoring supplied.

<sup>9</sup> The identity of the victims or any information which could establish or compromise their identities, as well as those of their immediate family or household members, shall be withheld pursuant to Republic Act No. (RA) 7610, entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES,” approved on June 17, 1992; RA 9262, entitled “AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES,” approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the “Rule on Violence against Women and Their Children” (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014], citing *People v. Lomaque*, 710 Phil. 338, 342 [2013]. See also Amended Administrative Circular No. 83-2015, entitled “PROTOCOLS AND PROCEDURES IN THE PROMULGATION, PUBLICATION, AND POSTING ON THE WEBSITES OF DECISIONS, FINAL RESOLUTIONS, AND FINAL ORDERS USING FICTITIOUS NAMES/PERSONAL CIRCUMSTANCES,” dated September 5, 2017; and *People v. XXX and YYY*, G.R. No. 235652, July 9, 2018.)

<sup>10</sup> CA *rollo*, pp. 57-58.

was corroborated by AAA's mother who testified that she discovered AAA's condition when the latter was only six years old after visiting a mental hospital. In any event, accused-appellant Razon does not dispute that AAA was indeed suffering from mental retardation.

*Second*, the Court likewise agrees with the conclusions of the lower courts that the prosecution successfully established that accused-appellant Razon had carnal knowledge of AAA. AAA unequivocally testified that accused-appellant Razon pushed her into the bathroom, threatened to kill her, removed her clothes, fondled and sucked her breast, then inserted his penis in her vagina.<sup>11</sup> At said time, they were alone in the house.

As regards the purported inconsistencies in AAA's testimony (*e.g.*, whether she was pushed (*tinulak*) or pulled (*hinila*)<sup>12</sup> or whether accused-appellant Razon held one hand or both hands),<sup>13</sup> the Court agrees with the lower courts that the same relate only to minor and irrelevant matters that do not prejudice AAA's credibility.<sup>14</sup> It bears emphasis that errorless statements and testimonies cannot be expected, especially when a rape victim is a mental retardate recounting details of a harrowing experience.<sup>15</sup> In fact, minor inconsistencies are more consistent with human nature and experience and serve to strengthen rather than destroy a victim's credibility.<sup>16</sup>

As regards the claim that AAA was coached or that her claims were fabricated, the Court agrees with the lower courts that accused-appellant Razon failed to substantiate the same. Notably, there was no showing whatsoever that AAA or her mother was impelled by any improper motive to falsely testify against accused-appellant Razon.<sup>17</sup> Further, the RTC categorically stated that "given the victim's mental condition, it is highly improbable that she had simply concocted or fabricated the rape charge against [accused-appellant Razon]. It is also unlikely that she was merely coached into testifying against [accused-appellant Razon], precisely considering her limited intellect. In her mental state, only a very startling event would leave a lasting impression on her so that she would be able to recall it later when asked."<sup>18</sup> This conclusion was supported by Dr. Tayag's finding that

- over -

208-B

---

<sup>11</sup> Id. at 59-60.

<sup>12</sup> Id. at 60-62.

<sup>13</sup> Id. at 61.

<sup>14</sup> *Rollo*, p. 13.

<sup>15</sup> *People v. Lagramada*, G.R. Nos. 146357 & 148170, August 29, 2002, 388 SCRA 173, 185.

<sup>16</sup> Id.

<sup>17</sup> *Rollo*, p. 14.

<sup>18</sup> *CA rollo*, pp. 62-63.

AAA does not have the capacity to fabricate the story because her capacity to explain things is limited. As such, she can only consistently relate things that she witnessed or experienced.<sup>19</sup>

In view of the foregoing, the Court is convinced that the prosecution proved accused-appellant Razon's guilt beyond reasonable doubt. In this regard, the Court holds that the RTC properly imposed the penalty of *reclusion perpetua* as the prosecution failed to allege and prove any of the qualifying circumstances under Article 266-B of the RPC. The Court likewise affirms the damages imposed by the RTC as the same are in accordance with *People v. Jugueta*.<sup>20</sup>

**WHEREFORE**, premises considered, the appeal is **DISMISSED** for lack of merit. The Court hereby **ADOPTS** the findings of fact and conclusions of law in the Decision dated September 12, 2019 of the Court of Appeals, Special Sixth Division, in CA-G.R. CR-HC No. 11500. The Decision finding accused-appellant **Leopoldo Razon Jr. y Yumol GUILTY** beyond reasonable doubt of statutory rape, defined and punished under Article 266-A, paragraph 1(d) of the Revised Penal Code, as amended, and awarding damages is hereby **AFFIRMED**.

**SO ORDERED.**” *Gaerlan, J., no part; Perlas-Bernabe, J., designated as Additional Member per Raffle dated March 15, 2021.*

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *m-1/c*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
**208-B**

- over -

---

<sup>19</sup> Id. at 63.

<sup>20</sup> 783 Phil. 806 (2016).



The Solicitor General  
134 Amorsolo Street, Legaspi Village  
1229 Makati City

Court of Appeals (x)  
Manila  
(CA-G.R. CR HC No. 11500)

The Hon. Presiding Judge  
Regional Trial Court, Branch 278  
1550 Mandaluyong City  
(Crim. Case No. R-MND-17-00237  
-CR)

PUBLIC ATTORNEY'S OFFICE  
Special and Appealed Cases Service  
Counsel for Accused-Appellant  
DOJ Agencies Building  
Diliman, 1101 Quezon City

Mr. Leopoldo Y. Razon, Jr.  
Accused-Appellant  
c/o The Director General  
Bureau of Corrections  
1770 Muntinlupa City

The Director General  
Bureau of Corrections  
1770 Muntinlupa City

Public Information Office (x)  
Library Services (x)  
Supreme Court  
(For uploading pursuant to A.M.  
No. 12-7-1-SC)

Philippine Judicial Academy (x)  
Supreme Court

Judgment Division (x)  
Supreme Court



**208-B**

UR

