



Republic of the Philippines
Supreme Court
 Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff-appellee,

G.R. No. 208013

Present:

CARPIO, J.,*
 PERALTA,** *Acting Chairperson,*
 MENDOZA,
 LEONEN, and
 MARTIRES, JJ.

-versus-

**EDGAR ALLAN CORPUZ Y
 FLORES,**
 Accused-appellant.

Promulgated:

03 JUL 2017

X-----X

DECISION

LEONEN, J.:

An intellectually disabled person is not, solely by this reason, ineligible from testifying in court.¹ “He or she can be a witness, depending on his or her ability to relate what he or she knows.”² If an intellectually disabled victim’s testimony is coherent, it is admissible in court.³

This Court resolves this appeal⁴ filed by Edgar Allan Corpuz y Flores (Allan)⁵ from the November 9, 2012 Decision⁶ of the Court of Appeals in

* On official leave.

** Designated Acting Chairperson per S.O. No. 2445 dated June 16, 2017.

¹ *People v. Padilla*, 361 Phil. 216, 222 (1999) [Per Justice Mendoza, En Banc].

² Id.

³ Id.

⁴ CA rollo, pp. 181–183.

⁵ See CA rollo, p.147, wherein the victim’s mother testified that Allan is her brother-in-law. Hence, the victim’s uncle. See, CA rollo, p. 88, where the victim, however, testified that Allan is her cousin.

CA-G.R. CR HC No. 04977.

The assailed Decision affirmed the Regional Trial Court's ruling that Allan was guilty beyond reasonable doubt of four (4) counts of Simple Rape of AAA⁷, a mental retardate (intellectually disabled) with a mental age of five (5) years and eight (8) months.⁸

Allan was charged with four (4) counts of rape in Branch 50, Regional Trial Court, Villasis, Pangasinan.⁹ The charging portions of the Informations read:

Criminal Case No. V-1123

That sometime in November, 2002 at Brgy. Puelay, Villasis, Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with AAA, 14 years old, with a mental age of a 5[-]year[-]old [child], against her will and without her consent, to her damage and prejudice.

CONTRARY to Art. 266-A, par. 1, in rel. to Art. 266-B, 6th par., as amended by R.A. 8353.

Criminal Case No. V-1134

That sometime in October, 2002 at Brgy. Puelay, Villasis, Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with AAA, 14 years old, with a mental age of a 5[-]year[-]old [child], against her will and without her consent, to her damage and prejudice.

CONTRARY to Art. 266-A, par. 1, in rel. to Art. 266-B, 6th par., as amended by R.A. 8353.

Criminal Case No. V-1135

That sometime before November 1, 2002 at Brgy. Puelay, Villasis, Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with AAA, 14 years old, with a mental age of a 5[-]year[-]old [child], against

⁶ Id. at 142–159. The Decision was penned by Associate Justice Marlene Gonzales-Sison of the Sixth Division of the Court of Appeals, Manila and concurred in by Associate Justices Hakim S. Abdulwahid and Edwin D. Sorongon of the 6th Division, Court of Appeals, Manila.

⁷ Pursuant to Supreme Court Adm. Circular No. 83-15, or the Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names, the names of the victims and her relatives were replaced with fictitious names.

⁸ Id. at 80–91. The Joint Decision was penned by Judge Manuel F. Pastor, Jr. of Branch 50, Regional Trial Court, Villasis, Pangasinan.

⁹ Id. at 143.

her will and without her consent, to her damage and prejudice.

CONTRARY to Art. 266-A, par. 1, in rel. to Art. 266-B, 6th par., as amended by R.A. 8353.

Criminal Case No. V-1136

That sometime in December, 2002 at Brgy. Puelay, Villasis, Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with AAA, 14 years old, with a mental age of a 5[-]year[-]old [child], against her will and without her consent, to her damage and prejudice.

CONTRARY to Art. 266-A, par. 1, in rel. to Art. 266-B, 6th paragraph, as amended by R.A. 8353.¹⁰ (Emphasis in the original, citation omitted)

Upon arraignment, Allan pleaded not guilty to the charges.¹¹

Joint trial on the merits ensued.¹² The prosecution presented the following as witnesses: AAA's mother, BBB; AAA's older sister, CCC; AAA's uncle, GGG; AAA's aunt by affinity, EEE; Dr. Gloria Araos-Liberato (Dr. Araos-Liberato); Brenda Tablizo (Tablizo); SPO1 Diosdado Macaraeg (SPO1 Macaraeg); Dr. Rachel Acosta (Dr. Acosta); and AAA.

BBB testified that her sister-in law, DDD, told her on March 2, 2003 that AAA was raped.¹³ BBB found out from a psychiatrist that it was Allan who raped her daughter.¹⁴ She revealed that Allan had also raped CCC.¹⁵ However, that case was settled since Allan was her brother-in-law.¹⁶

CCC affirmed that sometime in 2002, AAA allegedly informed her that she was not having her period. She advised AAA to "drink something bitter" and to ask their aunt EEE about her condition. At that time, CCC found out that AAA was pregnant.¹⁷

EEE¹⁸ who lived near AAA's house,¹⁹ averred that in the morning of February 14, 2003, AAA entered her house while drinking from a cup.²⁰ EEE asked what AAA was consuming.²¹ AAA responded that it "was

¹⁰ Id. at 143-144.

¹¹ Id. at 144.

¹² Id.

¹³ Id. at 147.

¹⁴ Id.

¹⁵ Id.

¹⁶ Id.

¹⁷ Id.

¹⁸ Id. at 145.

¹⁹ Id.

²⁰ Id.

²¹ Id.

*something to induce menstruation.*²²

AAA then asked EEE to massage her aching stomach.²³ When EEE was about to do so, she observed that it was noticeably bulging.²⁴ AAA began to cry, confessing that she thought she was pregnant.²⁵

At that time, AAA's parents were in Baguio City, so EEE called AAA's uncle GGG instead.²⁶ When GGG arrived, AAA was still crying²⁷ when she told them, "*Inkastanak ni Allan,*" pertaining to Allan.²⁸

GGG brought AAA to Asingan Community Hospital²⁹ and to the police station to enter the incident in the police blotter.³⁰

GGG attested that his sister-in-law EEE called him on February 14, 2003.³¹ When he arrived at EEE's house, he saw AAA crying.³² He found out that AAA was pregnant.³³

When he confirmed AAA's pregnancy through a medical examination, EEE told him that AAA was raped by Allan.³⁴

After entering the incident in the police blotter, he also reported it to the National Bureau of Investigation, Dagupan City.³⁵

Dr. Araos-Liberato, the Medical Officer III of Medicare Community Hospital in Asingan, Pangasinan issued the Medico Legal Certificate, which stated that AAA was 14 years old on February 14, 2003 when she was examined. Her findings provided:

1. Healed hymenal lacerations at 11:00, 5:00 and 2:00 o'clock position. (*sic*)
2. Hymenal orifice admits two (2) fingertips.
3. Pregnancy test (+) corresponds to three (3) to four (4) months [a]ge of gestation.³⁶

²² Id.
²³ Id.
²⁴ Id.
²⁵ Id.
²⁶ Id.
²⁷ Id.
²⁸ Id.
²⁹ Id.
³⁰ Id.
³¹ Id.
³² Id.
³³ Id.
³⁴ Id.
³⁵ Id. at 146.
³⁶ Id.

Since the defense stipulated to admit her purported statements and the existence of the Medico Legal Certificate, her testimony was dispensed with.³⁷

Brenda Tablizo, a Psychologist II of the National Bureau of Investigation, Manila, testified that she conducted AAA's neuropsychiatric examination and evaluation on February 26, 2003 upon the request of Agent Gerald Geralde (Agent Geralde) of the National Bureau of Investigation, Dagupan City.³⁸

Tablizo identified the March 6, 2003 Report that she had sent to Agent Geralde,³⁹ which stated that:

AAA had a mental age of five (5) years and eight (8) months and an IQ of 42. Her intelligence level was equivalent to Moderate Mental Retardation.

She also found AAA to be an egocentric and self-centered individual and had difficulty in her interpersonal relations. Poor impulse control was likewise evident in her.⁴⁰

Tablizo testified that AAA told her that Allan "inserted his penis into her organ" (*inserrek na dadiay boto na kaniak*)⁴¹ during an interview.

SPO1 Diosdado Macaraeg was a policeman in Villasis, Pangasinan, who presented an excerpt from the police blotter.⁴²

AAA underwent another neuropsychiatric examination before taking the witness stand.⁴³

Dr. Rachel Acosta testified that she had examined AAA's mental status including her "mental, behavioral and emotional conditions and her manner of communicati[on]." She found that AAA had a "mild degree of mental retardation" and an Intelligence Quotient of 70.⁴⁴

Although AAA was already 19 years old at the time of examination, her mental age was that of a child aged five (5) to seven (7) years.⁴⁵ She

³⁷ Id.
³⁸ Id.
³⁹ Id.
⁴⁰ Id.
⁴¹ Id.
⁴² Id. at 147.
⁴³ Id.
⁴⁴ Id.
⁴⁵ Id.



observed that:

AAA's "manner of speech is quite incomprehensible in some words only but most of the simple words are well spoken but some words that are being spoken with slur and slang manner and defective phonation. It seems that there is an air coming out from the nose when she talks."

[She] concluded that AAA was *fit to testify as a witness* depending on her emotional condition when she testifies although she was "not oriented to time, date and place." Her degree of honesty was great because, with mental age of 5 to 7 years old, she does not know what is right or wrong.⁴⁶ (Emphasis supplied)

AAA was already 20 years old on May 21, 2008 when she testified.⁴⁷ She confirmed that XXX was her four (4)-year-old child.⁴⁸

She identified Allan as XXX's father. She also confirmed that Allan was the man she was referring to when the prosecutor pointed at Allan.⁴⁹

AAA was asked how Allan became XXX's father. She responded, "*Iniyot nak, sir.*" (*He had sex with me, sir.*) She attested that when she was 13 years old, Allan had sex with her on four (4) occasions, each of which he gave her money.⁵⁰

On the other hand, Allan and his daughter, Almeda Corpuz-Generosa (Almeda), testified for the defense.⁵¹ The testimony of Almeda was dispensed with after the prosecution agreed to accept her proposed testimony.⁵² She testified that when she asked AAA about her pregnancy, AAA failed to disclose who impregnated her.⁵³

Allan denied the accusations and insisted that all the charges against him were merely fabricated by AAA's father, FFF.⁵⁴ He allegedly sacked FFF as a truck driver in his sand and gravel business in 2001 for allowing his son to drive the truck that led to an accident.⁵⁵

FFF allegedly also reported to the police that Allan had illegal drugs in his place,⁵⁶ which caused his incarceration for illegal possession of

⁴⁶ Id. at 148.

⁴⁷ Id.

⁴⁸ Id..

⁴⁹ Id.

⁵⁰ Id. Allan gave her "[P]100.00, [P]150.00, sometimes [P]250.000."

⁵¹ Id. at 149.

⁵² Id.

⁵³ Id.

⁵⁴ Id. at 148.

⁵⁵ Id.

⁵⁶ Id.

dangerous drugs on January 2, 2002.⁵⁷ He was later acquitted of the charge.⁵⁸

Upon motion before the trial court, the defense applied for Deoxyribonucleic Acid (DNA) paternity test, which was granted on April 20, 2009.⁵⁹

Forensic Biologist III Demelen dela Cruz (Dela Cruz) and Forensic Chemist I Gemma Shiela Orbeta of the National Bureau of Investigation, Manila, took biological samples such as buccal swab and blood from Allan, AAA, and XXX in open court. This was done in the presence of Assistant Provincial Prosecutor Rodelle T. Beltran and defense counsel Atty. Cecile S. Tomboc on May 19, 2009. Frederick Panlilio of the National Bureau of Investigation Photo Laboratory took photos of the whole proceedings.⁶⁰

On March 3, 2010, the defense presented Dela Cruz as an expert witness. She testified that part of her duties as a forensic biologist was to conduct DNA paternity tests.⁶¹

Dela Cruz detailed every procedure that she followed beginning with DNA extraction and analysis using “a fully automated genetic analyzer (ABI 310 genetic analyzer)” until the printing of the resulting electropherogram, which had the DNA profiles of Allan, AAA, and XXX. She affirmed that the comparison of their DNA profiles revealed a “100% proof that the accused is the biological father of XXX.”⁶²

Forensic Chemist Mary Ann Aranas conducted a confirmatory test, which affirmed the test result of the DNA paternity test.⁶³

Through a Joint Decision,⁶⁴ the Regional Trial Court convicted Allan of four (4) counts of Simple Rape on March 29, 2011.

The trial court ruled that AAA’s testimony was “categorical, straight forward and credible.”⁶⁵ Since it was already established that the victim was intellectually disabled,⁶⁶ it would be unlikely for her to fabricate the accusations against Allan.⁶⁷

⁵⁷ Id.

⁵⁸ Id.

⁵⁹ Id. at 149.

⁶⁰ Id.

⁶¹ Id.

⁶² Id.

⁶³ Id.

⁶⁴ Id. at 80–91.

⁶⁵ Id. at 89.

⁶⁶ Id. at 86.

⁶⁷ Id. at 89.

As confirmed by Dr. Acosta, AAA's degree of honesty was great. Considering her mental age, she did not know how to decipher right from wrong. Thus, her simple recount of events showed her "honesty and naivet[é]." ⁶⁸

The trial court also ruled that AAA's healed hymenal lacerations, pregnancy, and delivery of a child adequately substantiated carnal knowledge. Similarly, AAA's categorical identification of Allan as the offender was corroborated by the testimonies of EEE, GGG, and Tablizo. ⁶⁹

Furthermore, the DNA paternity test result "sealed the case for the prosecution." ⁷⁰ The dispositive portion of the decision read:

WHEREFORE, premises considered, judgment is hereby rendered finding accused Edgar Allan Corpuz GUILTY beyond reasonable doubt of the four (4) counts of simple rape charged, committed against [AAA], a mental retardate with a mental age equivalent to a five (5)[-]year[-]and[-] eight (8)[-]month[-]old child, and is hereby sentenced to suffer the penalty of reclusion perpetua for each count and to pay the offended party P50,000.00 as civil indemnity and P50,000.00 as moral damages in each case.

SO ORDERED. ⁷¹

In his appeal, Allan insisted that his guilt was not proven beyond reasonable doubt because the records were bereft of any credible proof indicating that he raped AAA four (4) times. AAA failed to testify when and where she was raped as she was not oriented with place, date, and time. ⁷²

In its November 9, 2012 Decision, the Court of Appeals affirmed Allan's conviction. ⁷³ The Court of Appeals held that carnal knowledge of an intellectually disabled person is rape under paragraph 1 of Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353. ⁷⁴ Evidence of force or intimidation is not important since the victim is incapable of giving her consent. ⁷⁵

It affirmed the trial court's ruling that AAA's testimony was credible. Her positive identification of the accused and the narration of the sordid acts

⁶⁸ Id.
⁶⁹ Id.
⁷⁰ Id.
⁷¹ Id. at 91.
⁷² Id. at 150.
⁷³ Id. at 142–159.
⁷⁴ Id. at 155.
⁷⁵ Id.

committed against her sufficed.⁷⁶

Additionally, the testimonies of the prosecution witnesses adequately supported Allan's conviction. Even without the results of the DNA paternity test, "the degree of proof to convict [him] beyond reasonable doubt was sufficiently established by the prosecution."⁷⁷ Thus,

WHEREFORE, the Decision of the Regional Trial Court of Villasis, Pangasinan, Branch 50 in Criminal Cases Nos. V-1123, V-1134, V-1135 & V-1136 is hereby **AFFIRMED *in toto***.

Costs de officio.

SO ORDERED.⁷⁸ (Emphasis in the original)

Hence, an appeal before this Court was filed.

On July 1, 2013,⁷⁹ the Court of Appeals elevated to this Court the records of this case pursuant to its Resolution⁸⁰ dated January 2, 2013, which gave due course to the Notice of Appeal⁸¹ filed by Allan.

In the Resolution⁸² dated September 4, 2013, this Court noted the records of the case forwarded by the Court of Appeals. The parties were then ordered to file their supplemental briefs, should they so desired, within 30 days from notice.

On November 5, 2013, the Office of the Solicitor General filed a Manifestation on behalf of the People of the Philippines stating that it would no longer file a supplemental brief.⁸³ A similar Manifestation⁸⁴ was filed by the Public Attorney's Office on behalf of Allan.

The sole issue for resolution is whether Allan's guilt was proven beyond reasonable doubt.

Allan insists that he could not have impregnated AAA because, as she has testified, she was raped when she was 13 years old but her first menstrual period was when she was 14 years old.⁸⁵ Allegedly, AAA was

⁷⁶ Id. at 157.

⁷⁷ Id.

⁷⁸ Id. at 158.

⁷⁹ *Rollo*, p. 1.

⁸⁰ *CA rollo*, p.184.

⁸¹ Id. at 181–183.

⁸² *Rollo*, p. 25.

⁸³ Id. at 35–36.

⁸⁴ Id. at 26–28.

⁸⁵ Id. at 74.

inconsistent in her testimony because when she was interviewed, she did not know who raped her.⁸⁶ Despite this, however, the trial court still relied on AAA's testimony.⁸⁷

He argues that the DNA paternity test result's confirmation that he is the father of AAA's child is insufficient on its own for his conviction.⁸⁸ He then assails the accuracy of the DNA test result claiming that:

The record shows that Forensic Biologist, Delemen Dela Cruz did not state that she personally collected the biological specimens and neither did she mention that she put tamper tape on the collected specimens. She merely stated that they used mask and gloves when they collected the specimens; placed the same in a tube; put it inside a white envelope; and thereafter sealed it to [e]nsure that the specimens will not be contaminated. There was no showing that she thoroughly inspected the samples for tampering nor was there explanation as to what she did with the specimens while these were in their custody.

Forensic chemist Gemma Madera, who collected biological samples from their subjects and examined the same was not presented by the prosecution. There is, thus, uncertainty in the DNA evidence and the probability of contamination and error is great.⁸⁹ (Citations omitted)

He concludes that since his guilt was not established with moral certainty, he should be presumed innocent.⁹⁰

On the other hand, the Office of the Solicitor General contends that the prosecution was able to prove Allan's guilt beyond reasonable doubt.⁹¹ Dr. Acosta's testimony on AAA's healed lacerations, as well as AAA's pregnancy and consequent delivery, conclusively confirmed that Allan had carnal knowledge of AAA.⁹² This is substantiated by AAA's "clear, straightforward and categorical testimony," and her positive identification of the offender.⁹³

AAA's mental state was also undisputed.⁹⁴ Hence, it is unlikely that AAA would fabricate the charges against Allan.⁹⁵ Thus,

A young girl would not usually concoct a tale of defloration; publicly admit having been ravished and her honor tainted; allow the

⁸⁶ Id.

⁸⁷ Id. at 75.

⁸⁸ Id. at 76.

⁸⁹ Id.

⁹⁰ Id. at 77.

⁹¹ Id. at 121, Brief for the Appellee.

⁹² Id. at 116–117, Brief for the Appellee.

⁹³ Id. at 117, Brief for the Appellee.

⁹⁴ Id. at 116, Brief for the Appellee.

⁹⁵ Id. at 122, Brief for the Appellee.

examination of her private parts; and undergo all the trouble and inconvenience, not to mention the trauma and the scandal of a public trial, had she not in fact been raped and been truly moved to protect and preserve her honor, and motivated by the desire to obtain justice for the wicked acts committed against her. Moreover, the court has repeatedly held that the lone testimony of the victim in a rape case, if credible, is enough to sustain a conviction.⁹⁶ (Citation omitted)

The Office of the Solicitor General underscores that Allan's denial of the charges cannot subdue the prosecution's positive and direct testimonies.⁹⁷ His allegation that AAA's father fabricated the charges against him is "merely self-serving and absurd."⁹⁸ As found by the trial court, there were no apparent indications that AAA's father had ill-feelings against Allan since AAA's father was able to buy a truck for his own business.⁹⁹ Even assuming that AAA's father had ill motives against Allan, it is still unbelievable for him to make a story "that will expose his own daughter to public ridicule just to exact vengeance."¹⁰⁰

Furthermore, the defense cannot question the results of the DNA paternity test.¹⁰¹ Its failure to question the dependability of the DNA testing's methodology is deemed a waiver on its part.¹⁰²

The appeal lacks merit.

I

Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353,¹⁰³ 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 otherwise unconscious;
 - c) By means of fraudulent machination or grave abuse of authority; and

⁹⁶ Id. at 123–124, Brief for the Appellee.

⁹⁷ Id. at 125, Brief for the Appellee.

⁹⁸ Id. at 126, Brief for the Appellee.

⁹⁹ Id. at 127, Brief for the Appellee.

¹⁰⁰ Id.

¹⁰¹ Id. at 120, Brief for the Appellee.

¹⁰² Id. at 119, Brief for the Appellee.

¹⁰³ The Anti-Rape Law of 1997.

- 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.
- 2) By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

To warrant a rape conviction under Article 266-A, it should be shown that "a man had carnal knowledge with a woman, or a person sexually assaulted another, under any of the following circumstances:"¹⁰⁴

- a) Through force, threat or intimidation;
 b) The victim is deprived of reason;
 c) The victim is unconscious;
 d) By means of fraudulent machination;
 e) By means of grave abuse of authority;
 f) When the victim is under 12 years of age; or
 g) When the victim is demented.¹⁰⁵

In this case, the sexual congresses between Allan and AAA were clearly established by the victim's testimony. Apart from identifying her offender, AAA was also able to recount the sordid acts committed against her.

- Q At the present time how old are you?
 A I'm 20 years old[,] sir.
 Q Do you have a child?
 A Yes, sir.
 Q What is the name of your child?
 A [XXX],¹⁰⁶ sir.
 Q By the way, is your child a male or a female?
 A Female[,] sir.
 Q And how old is she now?
 A She is now four (4) years old[,] sir.
 Q Who is the father of [XXX]?
 A Allan[,] sir.
 Q When you say Allan, are you referring to Allan Corpuz the accused in these cases?
 A Yes, sir.
 Q And the Allan whom you are referring to is he? (the government prosecutor pointing to accused Allan Corpuz).
 A Yes, sir.
 Q You said last time that Allan is your cousin?
 A Yes, sir.
 Q ***Now, what did Allan do to you that made (him) the father of your daughter?***

¹⁰⁴ *People v. Quintos y Badilla*, 749 Phil. 809, 821 (2014) [Per J. Leonen, Second Division].

¹⁰⁵ *Id.* at 821-822.

¹⁰⁶ Child's true name is concealed.

- A** *“Iniyot nak[,] sir” (he had sex with me).*
- Q** *How many times did Allan ha[ve] sex with you?*
- A** *Four (4) times, sir.*
- Q** How old were you then when Allan had sex with you?
- A** I was 13 years old, sir.
- Q** *And he had sex with you according to you for four (4) times?*
- A** *Yes, sir.*
- Q** *And because Allan had sex with you 4 times that is the reason why you gave birth to your daughter [XXX]?*
- A** *Yes, sir, for 3 months.*
- Q** Your daughter [XXX] has resemblance with Allan?
- A** Yes, sir.
- Q** Where is [XXX] now?
- A** At home[,] sir.
- Q** How old is [XXX] now?
- A** She is 4 years old[,] sir.
- Q** *You said a while ago that Allan had sex with you. My question is, did you consent to have sex with Allan?*
- A** *Yes, sir.*
- Q** *You consented because he gave you money then?*
- A** *Yes, sir.*
- Q** *And do you recall how much he gave you when he had sex with you?*
- A** *[P]100.00, [P]150.00[,] sometimes [P]250.00[,] sir.¹⁰⁷ (Emphasis provided)*

Moreover, the sexual congresses between Allan and AAA was corroborated by the Medico Legal Certificate issued by Dr. Araos-Liberato which showed the presence of healed hymenal lacerations at 11:00, 5:00, and 2:00 positions.¹⁰⁸ Healed or fresh hymenal lacerations “are the best physical evidence of forcible defloration.”¹⁰⁹

The gravamen of rape under Article 266-A (1) is carnal knowledge of “a woman against her will or without her consent.”¹¹⁰ Undoubtedly, sexual intercourse with an intellectually disabled person is rape since proof of force or intimidation becomes needless as the victim is incapable of giving consent to the act.¹¹¹

AAA’s intellectual disability was undisputed and well substantiated by the testimonies of Tablizo and Dr. Acosta.¹¹² The defense did not even contest her condition.¹¹³

¹⁰⁷ CA rollo, pp. 87–89.

¹⁰⁸ Id. at 146.

¹⁰⁹ *People v. Rodriguez y Grajo*, G.R. No. 208406, February 29, 2016 <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/february2016/208406.pdf>> 6 [Per J. Peralta, Third Division].

¹¹⁰ *People v Monticalvo y Magno*, 702 Phil. 643, 659–660 (2013) [Per J. Perez, Second Division].

¹¹¹ Id. at 660.

¹¹² CA rollo, p. 86.

¹¹³ Id at 87.

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AAA was 14 years old when she had her neuropsychiatric examination with Tablizo. The examination revealed that at the time of examination, AAA's Intelligence Quotient was 42 and her level of intelligence was equal to Moderate Mental Retardation.¹¹⁴ Also, she had a mental age of a five (5)-year-and-eight (8)-month-old child.¹¹⁵

AAA underwent another mental status examination with Dr. Acosta before being presented as a witness. The examination revealed that she had a "mild degree of mental retardation."¹¹⁶ AAA "belonged to sub-average intellectual with an IQ of 70."¹¹⁷ Although AAA was already 19 years old at that time, her mental age was that of a child aged five (5) to seven (7) years.¹¹⁸

For this reason, Allan's acts amounted to rape under Article 266-A 1(d) of the Revised Penal Code, as amended.¹¹⁹

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:

....

- 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 provided)

In *People v. Quintos y Badilla*,¹²⁰ this Court emphasized that the conditions under Article 266-A should be construed in the light of one's capacity to give consent.¹²¹ Similarly, this Court clarified that an intellectually disabled person is not automatically deprived of reason.¹²² Thus,

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***

¹¹⁴ Id. at 86.

¹¹⁵ Id.

¹¹⁶ Id. at 87.

¹¹⁷ Id.

¹¹⁸ Id.

¹¹⁹ Rep. Act No. 8353 (1997).

¹²⁰ 749 Phil. 809 (2014) [Per Justice Leonen, Second Division].

¹²¹ Id. at 828–829.

¹²² Id. at 829–830.

*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.”*¹²³ (Emphasis provided, citations omitted)

In *Quintos*, this Court also clarified that one’s capacity to give consent depends upon his or her mental age and not on his or her chronological age.¹²⁴

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 not suffering from intellectual disability, or the mental age if intellectual disability is established.¹²⁵ (Emphasis provided)

If a woman above 12 years old has a mental age of a child below 12, the accused remains liable for rape even if the victim acceded to the sordid acts.¹²⁶ The reason behind the rule “is simply that if sexual intercourse with a victim under twelve years of age is rape, it must thereby follow that carnal knowledge of a woman whose mental age is that of a child below twelve years should likewise be constitutive of rape.”¹²⁷

II

To qualify as a witness, the basic test is “whether he [or she] can perceive and, perceiving, can make known his [or her] perception to others.”¹²⁸ Rule 130 of the Rules of Court provides:

Section 20. *Witnesses; their qualifications.* — Except as provided in the next succeeding section, all persons who **can perceive, and perceiving, can make known their perception to others, may be witnesses.**

....

¹²³ *Id.* at 830.

¹²⁴ *Id.* at 830–831.

¹²⁵ *Id.*

¹²⁶ *People v. Bulaybulay*, 318 Phil. 714, 715 (1995) [Per J. Vitug, Third Division].

¹²⁷ *Id.*

¹²⁸ *People v. Padilla*, 361 Phil. 216, 221 (1999) [Per J. Mendoza, En Banc].

Section 21. *Disqualification by reason of mental incapacity or immaturity.* — The following persons cannot be witnesses:

- (a) Those whose mental condition, at the time of their production for examination, is such that they are incapable of intelligently making known their perception to others;
- (b) Children whose mental maturity is such as to render them incapable of perceiving the facts respecting which they are examined and of relating them truthfully. (Emphasis provided)

Therefore, an intellectually disabled person is not, solely by this reason, ineligible from testifying in court.¹²⁹ “He or she can be a witness, depending on his or her ability to relate what he or she knows.”¹³⁰ If an intellectually disabled victim’s testimony is coherent, it is admissible in court.¹³¹

Notwithstanding AAA’s intellectual disability, she is qualified to take the witness stand. A person with low Intelligence Quotient may still perceive and is capable of making known his or her perception to others.

Given that AAA’s qualification as a witness is already settled, AAA’s mental state also does not prevent her from being a credible witness.¹³²

The credibility as a witness of an intellectually disabled person is upheld provided that she is capable and consistent in narrating her experience. In *People v. Monticalvo y Magno*:¹³³

Emphasis must be given to the fact that the competence 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.¹³⁴ (Emphasis provided)

Furthermore, Dr. Acosta explicitly stated that “[AAA’s] degree of honesty is great” despite her condition.

[AAA’s] degree of honesty is “great” because, with her mental age, she

¹²⁹ Id. at 222.

¹³⁰ Id.

¹³¹ Id.

¹³² *People v. Alipio*, 618 Phil. 38, 50 (2009) [Per J. Velasco, Jr., Third Division].

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

¹³⁴ Id. at 662.

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does not know what is right or wrong. Indeed, in light of her mental state, [AAA's] simple narration of what happened to her is indicative of her honesty and naivet[é].¹³⁵ (Citation omitted)

Moreover, it would be unlikely for AAA to fabricate charges against Allan.¹³⁶ When there is no proof showing that the witness was moved by any improper motive, his or her identification of the offender as the perpetrator of the crime shall be upheld.¹³⁷

In affirming the finding of the accused's guilt, this Court is aware that "when a woman says that she has been raped, she says, in effect, all that is necessary to show that she had indeed been raped."¹³⁸ If her testimony withstands the test of credibility, like in this case, "the rapist may be adjudged guilty solely on that basis."¹³⁹

Therefore, Allan cannot exculpate himself, claiming that his guilt was not proven beyond reasonable doubt since AAA was allegedly not oriented to date, time, and place. AAA's failure to offer any testimony as to when and where she was raped¹⁴⁰ does not matter. This Court underscores that the date, place, and time of the incidents need not be accurately established since these are not elements of rape.

III

In sustaining a conviction for rape, "the victim's testimony must be clear and free from contradictions."¹⁴¹ This is indispensable because in this kind of offenses, "conviction or acquittal virtually depends entirely on the credibility of the complainant's narration since usually, only the participants can testify as to its occurrence."¹⁴²

Generally, the issue in rape cases involves credibility.¹⁴³ As "regards the credibility of witnesses, th[is] Court usually defers to the findings of the trial court, absent a strong and cogent reason to disregard [them]."¹⁴⁴

Examination of the witnesses' demeanor during trial is essential "especially in rape cases because it helps establish the moral conviction that

¹³⁵ CA rollo, p. 89.

¹³⁶ Id.

¹³⁷ *People v. Pascua y Teope*, 462 Phil. 245, 255 (2003) [Per J. Ynares- Santiago, First Division].

¹³⁸ *People v. Arlee*, 380 Phil. 164, 176 (2000) [Per J. Purisima, Third Division].

¹³⁹ Id.

¹⁴⁰ CA rollo, p. 74.

¹⁴¹ *People v. Arlee*, 380 Phil. 164, 175 (2000) [Per J. Purisima, Third Division].

¹⁴² Id.

¹⁴³ Id.

¹⁴⁴ Id.

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an accused is guilty beyond reasonable doubt of the crime charged.”¹⁴⁵ In trial, judges are given the opportunity “to detect, consciously or unconsciously, observable cues and microexpressions that could, more than the words said and taken as a whole, suggest sincerity or betray lies and ill will.”¹⁴⁶ These indispensable matters can never be mirrored in documents, as well as in objects used as proof.¹⁴⁷

In this case, the trial court found AAA’s testimony as “categorical, straightforward and credible.”¹⁴⁸ Similarly, the Court of Appeals emphasized that it was already enough that AAA was able to identify her offender, as well as the sordid acts committed against her.¹⁴⁹ Thus, this Court has no reason to disturb these findings. The evaluation of the credibility of a witness is “best left to the trial court because it has the opportunity to observe the witnesses and their demeanor during the trial.”¹⁵⁰ This Court gives great respect to the findings of trial courts, and more so when they are affirmed by the Court of Appeals.¹⁵¹

IV

The discrepancies pertaining to “minor details and not in actuality touching upon the central fact of the crime” do not prejudice AAA’s credibility.¹⁵² Thus, “[i]nstead of weakening [her] testimonies, such inconsistencies tend to strengthen [her] credibility because they discount the possibility of their being rehearsed.”¹⁵³

Admittedly, based on Dr. Acosta’s findings, AAA was “not oriented to time, date and place.”¹⁵⁴ For this reason, it is expected that there might be slight contradictions in her testimony as a result of her intellectual disability.

A perusal of the alleged contradictions in AAA’s testimony shows that they merely pertain to trivial details. Hence, whether Allan impregnated AAA does not matter since the elements of rape were already proven. Assailing AAA’s pregnancy does not disprove that he had carnal knowledge of her.

¹⁴⁵ *People v. Quintos y Badilla*, 749 Phil. 809, 819–820 (2014) [Per J. Leonen, Second Division].

¹⁴⁶ *Id.* at 820.

¹⁴⁷ *Id.*

¹⁴⁸ *CA rollo*, p. 89.

¹⁴⁹ *Id.* at 157.

¹⁵⁰ *People v. Quintos y Badilla*, 749 Phil. 809, 820 (2014) [Per J. Leonen, Second Division].

¹⁵¹ *Id.*

¹⁵² *People v. Pascua y Teope*, 462 Phil. 245, 254 (2003) [Per J. Ynares- Santiago, First Division].

¹⁵³ *Id.*

¹⁵⁴ *CA rollo*, p. 84, Brief for the Accused-Appellant.

V

“DNA is the fundamental building block of a person’s entire genetic make-up. [It] is found in all human cells and is the same in every cell of the same person. Genetic identity is [however] unique. Hence, a person’s DNA profile can determine his identity.”¹⁵⁵

In resolving a crime, an evidence sample is “collected from the scene of the crime or from the victim’s body for the suspect’s DNA.”¹⁵⁶ This sample is “then matched with the reference sample taken from the suspect and the victim.”¹⁵⁷ DNA testing is made to “ascertain whether an association exists between the evidence sample and the reference sample.”¹⁵⁸ Hence, the collected samples “are subjected to various chemical processes to establish their profile” which may provide any of these three (3) possible results:¹⁵⁹

- 1) The samples are different and therefore must have originated from different sources (exclusion). This conclusion is absolute and requires no further analysis or discussion;
- 2) It is not possible to be sure, based on the results of the test, whether the samples have similar DNA types (inconclusive). This might occur for a variety of reasons including degradation, contamination, or failure of some aspect of the protocol. Various parts of the analysis might then be repeated with the same or a different sample, to obtain a more conclusive result; or
- 3) The samples are similar, and could have originated from the same source (inclusion). In such a case, the samples are found to be similar, the analyst proceeds to determine the statistical significance of the similarity.¹⁶⁰

The nature of a DNA analysis in determining paternity is explained in *Herrera v. Alba*:¹⁶¹

How is DNA typing performed? From a DNA sample obtained or extracted, a molecular biologist may proceed to analyze it in several ways. There are five (5) techniques to conduct DNA typing. They are: the *RFLP* (*restriction fragment length polymorphism*); “*reverse dot blot*” or HLA DQ a/Pm loci which was used in 287 cases that were admitted as evidence by 37 courts in the U.S. as of November 1994; mtDNA process; VNTR (variable number tandem repeats); and the most recent which is known as the PCR-([polymerase] chain reaction) based

¹⁵⁵ *Herrera v Alba*, 499 Phil. 185, 196 (2005) [Per J. Carpio, First Division].

¹⁵⁶ *People v. Vallejo y Samartino*, 431 Phil. 798, 816 (2002) [Per Curiam, En Banc].

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ 499 Phil. 185 (2005) [Per J. Carpio, First Division].

STR (short tandem repeats) method which, as of 1996, was availed of by most forensic laboratories in the world. PCR is the process of replicating or copying DNA in an evidence sample a million times through repeated cycling of a reaction involving the so-called DNA polymerase enzyme. STR, on the other hand, takes measurements in 13 separate places and can match two (2) samples with a reported theoretical error rate of less than one (1) in a trillion.

Just like in fingerprint analysis, in DNA typing, “*matches*” are determined. To illustrate, when DNA or fingerprint tests are done to identify a suspect in a criminal case, the evidence collected from the crime scene is compared with the “*known*” print. If a substantial amount of the identifying features are the same, the DNA or fingerprint is deemed to be a match. But then, even if only one feature of the DNA or fingerprint is different, it is deemed not to have come from the suspect.

As earlier stated, certain regions of human DNA show variations between people. In each of these regions, a person possesses two genetic types called “*allele*”, one inherited from each parent. *In [a] paternity test, the forensic scientist looks at a number of these variable regions in an individual to produce a DNA profile. Comparing next the DNA profiles of the mother and child, it is possible to determine which half of the child’s DNA was inherited from the mother. The other half must have been inherited from the biological father. The alleged father’s profile is then examined to ascertain whether he has the DNA types in his profile, which match the paternal types in the child.* If the man’s DNA types do not match that of the child, the man is **excluded** as the father. If the DNA types match, then he is **not excluded** as the father.¹⁶² (Emphasis provided, citations omitted)

Based on the result of the DNA test conducted in this case, Allan is disputably presumed to be the child’s father.

The DNA testing result shows that “[t]here is a **COMPLETE MATCH** in all of the fifteen (15) loci tested using the Powerflex 16 System between the alleles of Edgar Allan F. Corpuz and [XXX].” Based on the findings, “there is a **99.9999%** Probability of Paternity that Edgar Allan F. Corpuz is the biological father of [XXX].¹⁶³ (Emphasis provided, citation omitted)

This is in conformity with Section 9 of the Rule on DNA Evidence which reads:

Section 9. *Evaluation of DNA Testing Results.* — In evaluating the results of DNA testing, the court shall consider the following:

- (a) The evaluation of the weight of matching DNA evidence or the relevance of mismatching DNA evidence;

¹⁶² Id. at 197.

¹⁶³ CA *rollo*, p. 89.

- (b) The results of the DNA testing in the light of the totality of the other evidence presented in the case; and that
- (c) DNA results that exclude the putative parent from paternity shall be conclusive proof of non-paternity. If the value of the Probability of Paternity is less than 99.9%, the results of the DNA testing shall be considered as corroborative evidence. ***If the value of the Probability of Paternity is 99.9% or higher, there shall be a disputable presumption of paternity.*** (Emphasis provided)

However, the court should still assess the probative value of the DNA evidence considering, among others, the following:

[H]ow the samples were collected, how they were handled, the possibility of contamination of the samples, the procedure followed in analyzing the samples, whether the proper standards and procedures were followed in conducting the tests, and the qualification of the analyst who conducted the tests.¹⁶⁴

Hence, Sections 7 and 8 of the Rule on DNA Evidence¹⁶⁵ specifically provide for the considerations in assessing the probative value of DNA evidence:

Section 7. Assessment of Probative Value of DNA Evidence. — In assessing the probative value of the DNA evidence presented, the court shall consider the following:

- (a) The chain of custody, including how the biological samples were collected, how they were handled, and the possibility of contamination of the samples;
- (b) The DNA testing methodology, including the procedure followed in analyzing the samples, the advantages and disadvantages of the procedure, and compliance with the scientifically valid standards in conducting the tests;
- (c) The forensic DNA laboratory, including accreditation by any reputable standards-setting institution and the qualification of the analyst who conducted the tests. If the laboratory is not accredited, the relevant experience of the laboratory in forensic casework and credibility shall be properly established; and
- (d) The reliability of the testing result, as hereinafter provided.

The provisions of the Rules of Court concerning the appreciation of evidence shall apply suppletorily.

¹⁶⁴ *People v. Vallejo y Samartino*, 431 Phil. 798, 817 (2002) [Per Curiam, En Banc].

¹⁶⁵ Adm. Matter No. 06-11-5-SC (2007).

Section 8. *Reliability of DNA Testing Methodology.* — In evaluating whether the DNA testing methodology is reliable, the court shall consider the following:

- (a) The falsifiability of the principles or methods used, that is, whether the theory or technique can be and has been tested;
- (b) The subjection to peer review and publication of the principles or methods;
- (c) The general acceptance of the principles or methods by the relevant scientific community;
- (d) The existence and maintenance of standards and controls to ensure the correctness of data generated;
- (e) The existence of an appropriate reference population database; and
- (f) The general degree of confidence attributed to mathematical calculations used in comparing DNA profiles and the significance and limitation of statistical calculations used in comparing DNA profiles.

To emphasize, it is the defense that moved for a DNA testing.¹⁶⁶ It failed to assail the result and the dependability of the procedure before the trial court.¹⁶⁷ It is only now that it is questioning the test's accuracy given that the results are not favorable to it. For this reason, this Court agrees with the Court of Appeals that the defense is already "estopped from questioning, much less, objecting the reliability of the DNA testing methodology conducted on the specimens submitted."¹⁶⁸

The testimonies of the victim and other prosecution witnesses have sufficiently established Allan's guilt. Even without the favorable results of the DNA test, which simply corroborated the fact that Allan had carnal knowledge of the victim, there was enough proof to convict Allan of the charges.¹⁶⁹

Furthermore, Allan's defense of denial cannot overcome AAA's positive identification of the accused.¹⁷⁰ A denial is "inherently weak and crumbles in the light of positive declarations of truthful witnesses who testified on affirmative matters that appellant was at the scene of the crime and was the victim's assailant."¹⁷¹

¹⁶⁶ *CA rollo*, p. 157.

¹⁶⁷ *Id.* at 90.

¹⁶⁸ *Id.* at 157.

¹⁶⁹ *Id.*

¹⁷⁰ *People v. Andaya y Flores*, 365 Phil. 654, 668 (1999)[Per J. Gonzaga-Reyes, En Banc].

¹⁷¹ *People v. Dela Paz*, 569 Phil. 684, 700 (2008) [Per J. Chico-Nazario, Third Division].

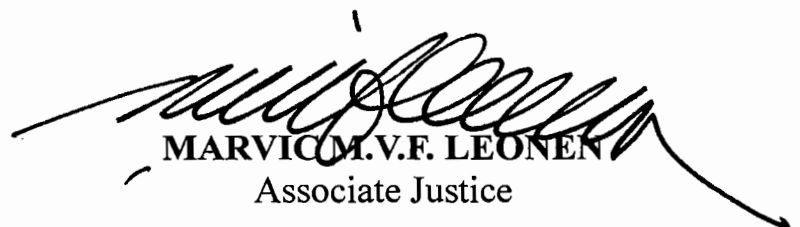
Rape is punishable by *reclusion perpetua*.¹⁷² Under Article 266(10) of the Revised Penal Code, rape is qualified “when the offender *knew* of the mental disability, emotional disorder and/or physical handicap of the offended party at the time of the commission of the crime.”¹⁷³ This qualifying circumstance should be particularly alleged in the Information.¹⁷⁴ A mere assertion of the victim’s mental deficiency is not enough.¹⁷⁵ For this reason, Allan can only be convicted of four (4) counts of rape under Article 266-A 1(d) of the Revised Penal Code, as amended.¹⁷⁶

In accordance with *People v. Jugueta*,¹⁷⁷ where this Court clarified that “when the circumstances of the crime call for the imposition of *reclusion perpetua* only, the civil indemnity and moral damages should be ₱75,000.00 each, as well as exemplary damages in the amount of ₱75,000.00.”¹⁷⁸ Hence, the award of civil indemnity, moral damages, and exemplary damages are each increased to ₱75,000.00 for each count of rape.

WHEREFORE, Edgar Allan Corpuz y Flores is found **GUILTY** beyond reasonable doubt of four (4) counts of rape under Article 266-A 1(d) of the Revised Penal Code, as amended. He is sentenced to suffer the penalty of *reclusion perpetua* for each count of rape. He is ordered to pay AAA the awards of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages for each count of rape.

Interest at the rate of six percent (6%) per annum shall be imposed on all damages awarded from the date of the finality of this judgment until fully paid.¹⁷⁹

SO ORDERED.


MARVIC M. V. LEONEN
Associate Justice

¹⁷² *People v. Pascua y Teope*, 462 Phil. 245, 255 (2003) [Per J. Ynares- Santiago, First Division].

¹⁷³ *Id.*

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*


¹⁷⁷ G.R. No. 202124, April 12, 2016 <
sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/april2016/202124.pdf> [Per J.
Peralta, En Banc].

¹⁷⁸ *Id.* at 27.

¹⁷⁹ *See Nacar v. Gallery Frames*, G.R. No. 189871, August 13, 2013, 703 SCRA 439, 458 [Per J. Peralta, En Banc].

WE CONCUR:

On official leave
ANTONIO T. CARPIO
Associate Justice
Chairperson

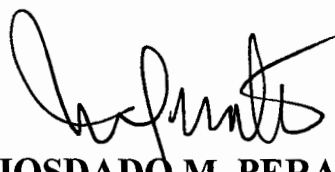

DIOSDADO M. PERALTA
Associate Justice
Acting Chairperson


JOSE CANRAL MENDOZA
Associate Justice


SAMUEL R. MARTIRES
Associate Justice

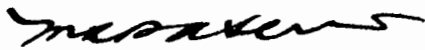
ATTESTATION

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


DIOSDADO M. PERALTA
Associate Justice
Acting Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting Chairperson's Attestation, I certify that the conclusions in the above Decision 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