



Republic of the Philippines  
**Supreme Court**  
Manila

**FIRST DIVISION**

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated August 31, 2022, which reads as follows:*

“**G.R. No. 241015** (*People of the Philippines v. XXX*<sup>1</sup>). — On appeal<sup>2</sup> is the January 31, 2018 Decision<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC. No. 08337, affirming the May 24, 2016 Decision<sup>4</sup> of the Regional Trial Court (RTC) of [REDACTED],<sup>5</sup> Branch 59, in Criminal Case No. 12-8452, finding accused-appellant XXX guilty beyond reasonable doubt for the crime of Rape.

**The Factual Antecedents**

The Information<sup>6</sup> charging accused-appellant with the crime of Rape alleged:

That on or about the 20<sup>th</sup> day of January 2012, at [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, with force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge [of] private

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<sup>1</sup> Initials were used to identify the accused-appellant pursuant to the Supreme Court Amended Administrative Circular No. 83-2015 dated September 5, 2017 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.”

<sup>2</sup> *Rollo*, pp. 28-30.

<sup>3</sup> *Id.* at 2-26. Penned by Associate Justice Samuel H. Gaerlan (now a Member of this Court), and concurred in by Associate Justices Mariflor P. Punzalan Castillo and Marie Christine Azcarraga-Jacob.

<sup>4</sup> *CA rollo*, pp. 50-73. Penned by Presiding Judge Maria Angelica T. Paras-Quiambao.

<sup>5</sup> Geographical location is blotted out pursuant to Supreme Court Amended Administrative Circular No. 83-2015.

<sup>6</sup> Records, p. 1.

offended party, [AAA]<sup>7</sup> [private complainant], [an] 18 year old minor, by then and there inserting his penis inside her vagina against her will and without her consent, which act of sexual abuse demeans, degrades the dignity of the said child and endangers her normal development.

CONTRARY TO LAW.<sup>8</sup> (Emphasis in the original)

During arraignment, accused-appellant entered a plea of not guilty.<sup>9</sup> Thereafter, trial on the merits ensued.

The prosecution's evidence consisted of the testimonies of the following witnesses: private complainant; Dr. Darwin G. Cruz (Dr. Cruz); BBB who is private complainant's mother; CCC; private complainant's grandmother; and Dr. Joseph Mauro B. Sayo (Dr. Sayo).<sup>10</sup> On the other hand, the defense presented accused-appellant as its witness.<sup>11</sup>

### Version of the Prosecution

Private complainant was born on September 18, 1993. Her IQ is described to be of "moderate mental retardation."<sup>12</sup> In 2012, 20-year-old private complainant was enrolled as a 4<sup>th</sup> year high school student.<sup>13</sup> Every morning, their family driver, CCC, would take private complainant and her siblings to their respective schools. After private complainant is finished with her class, CCC would then fetch and take her to her uncle and grandmother's house to wait for her other siblings to finish their classes, before driving them back home to their parents' house.<sup>14</sup>

On January 20, 2012, CCC fetched private complainant from school and brought her to her grandmother and uncle's house.<sup>15</sup> Between 5:00 to 6:00 p.m. of the same day, private complainant's grandmother was sweeping the garden in front of her house. Thereafter, she went inside to cook rice. Private complainant volunteered to continue sweeping the grounds.<sup>16</sup>

Thereafter, accused-appellant, who was the caretaker of the neighbor's

<sup>7</sup> "The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation, and for Other Purposes; Republic Act No. 9262, An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes; and Section 40 of A.M. No. 04-10-11-SC, known as the Rule on Violence against Women and their Children, effective November 15, 2004." (*People v. Dumadag*, 667 Phil. 664, 669 [2011]).

<sup>8</sup> Records, p. 1.

<sup>9</sup> *Rollo*, p. 3.

<sup>10</sup> Id.

<sup>11</sup> Id. at 8.

<sup>12</sup> Id. at 5.

<sup>13</sup> Id.

<sup>14</sup> Id.

<sup>15</sup> Id. at 5-6.

<sup>16</sup> Id. at 6.

house, invited private complainant inside the neighbor's house. Private complainant acceded.<sup>17</sup> Accused-appellant brought private complainant inside the bathroom, and removed her pants and panty. Private complainant told accused-appellant "[a]yaw ko." However, accused-appellant proceeded to insert his penis in private complainant's vagina. After about two minutes, accused-appellant stopped and dressed up. Private complainant also put on her panty and pants. When private complainant told accused-appellant that she wished to go home, the latter locked the gate so that she will not be able to go out.<sup>18</sup>

Meanwhile, private complainant's grandmother and CCC went looking for private complainant.<sup>19</sup> When they could not locate her, they sought help from the *barangay* officials. After some time, they saw private complainant inside the neighbor's house. When asked why she was inside the neighbor's house, private complainant informed her grandmother that accused-appellant called her inside. After some time, accused-appellant ransacked the padlock and allowed private complainant to get out. Two *barangay* officials then brought accused-appellant to the *barangay* hall.

On the same day, Dr. Cruz examined private complainant and noted the following in her vulva area:

VULVA AREA: Tanner Stage III

- (+) Reddish discoloration of the labia mahora extending to the labia minora.
- (+) Foul smelling odor of the vulva.
- (+) Laceration at 4 o'clock position of the hymen.<sup>20</sup>

The following day, January 21, 2012, private complainant and her mother went to the police and executed their respective sworn statements. Accused-appellant was likewise taken to the police station on the said date.<sup>21</sup>

On July 31, 2013, June 4, 18, and 24, 2013, October 17, 2013 and April 3 and 4, 2014, private complainant was examined by government psychologist, Anna Liza M. Suller (Suller).<sup>22</sup> After administering several tests, Suller arrived at the following Diagnostic Impression:

[Private complainant] scores in the four (4) indices revealed an individual with Intellectual Disability. Manifestations are reflective of the Diagnostic Statistical Manual of Mental Disorder or DSM-5TM under F71 MODERATE INTELLECTUAL DISABILITY with Traced F43.10 MODERATE POSTTRAUMATIC STRESS DISORDER.

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<sup>17</sup> Id.

<sup>18</sup> Id.

<sup>19</sup> Id.

<sup>20</sup> Id. at 7.

<sup>21</sup> Id.

<sup>22</sup> Id.

On the other hand, [private complainant] is delayed in her gross motor skills, fine motor skills and dependent in some aspects of her activities of daily living (dressing, grooming and bathing). Behavioral problems such as withdrawn behavior, poor frustration tolerance and short attention span.<sup>23</sup>

On February 7, 2015, private complainant was again examined by Psychiatrist Dr. Sayo who prepared a Psychiatric Evaluation Report<sup>24</sup> which stated, among others, that:

Upon assessment, she [private complainant] was diagnosed to have Posttraumatic Stress Disorder (PTSD) based on the Diagnostic Statistical Manual (DSM-V) criteria with underlying intellectual disability. This is a traumatic reaction to sexual abuse. This is manifested by symptoms such as insomnia, nightmares, blank stares and crying episodes experienced by the patient. Her developmental delay made her more susceptible to abuse. She was given supportive psychotherapy and was prescribed sertraline and risperidone for relief symptoms. She was advised to have follow-up consult.<sup>25</sup>

### Version of the Defense

The defense presented the accused-appellant as its lone witness. He testified that he was a caretaker of a house in [REDACTED]. He recalled that on January 20, 2012, at around 6:00 p.m., he was doing his laundry inside the house. Private complainant, on the other hand, was outside sweeping. He denied raping private complainant. He claimed that private complainant was his girlfriend. They just talked in front of the gate of the house where he was working. He was bidding farewell to private complainant as the house that they were constructing was about to be finished. He did not know of any reason why private complainant filed the instant case against him.<sup>26</sup>

### Ruling of the Regional Trial Court

In its May 24, 2016 Decision, the trial court found accused-appellant guilty of the crime of Rape, the dispositive portion of which reads:

WHEREFORE, premises considered, the court finds accused [XXX] **GUILTY BEYOND REASONABLE DOUBT** of the crime of Rape defined in paragraph 1(b) of Article 266-A of the Revised Penal Code and penalized under Article 266-B thereof, which is the crime proven during trial.

Accordingly, [XXX] is hereby **SENTENCED** to suffer the penalty of *reclusion perpetua*. Accused [XXX] is hereby ordered to **INDEMNIFY** private complainant x x x with: (a) moral damages in the amount of Fifty thousand pesos (P50,000.00); (b) civil indemnity in the amount of Fifty thousand pesos (P50,000.00); and (c) exemplary damages in the amount of Thirty thousand

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<sup>23</sup> Id. at 7-8.

<sup>24</sup> Id. at 8.

<sup>25</sup> Id.

<sup>26</sup> Id. at 8-9.

pesos (₱30,000.00).

The charge for Violation of Section 10(a) of Republic Act No. 7610 against [XXX] embodied in the Information dated January 24, 2012 is hereby DISMISSED.<sup>27</sup>

### **Ruling of the Court of Appeals**

In its January 31, 2018 Decision, the appellate court affirmed the trial court's ruling but modified the monetary awards in accordance with prevailing jurisprudence. The *fallo* of the CA's Decision reads:

**WHEREFORE**, premises considered, the instant appeal is **DENIED** for lack of merit. The 24 May 2016 Decision of the RTC x x x in Criminal Case No. 12-8452 finding the accused-appellant guilty beyond reasonable doubt of the crime of rape under paragraph 1(b) of Article 266-A of the RPC and imposing upon him the penalty of *reclusion perpetua* pursuant to Article 266-B thereof is **AFFIRMED** with **MODIFICATION** in the monetary awards therein. Accordingly, the accused-appellant is hereby ordered to pay [private complainant] the following amounts: (1) Seventy Five Thousand Pesos (75,000.00) as moral damages; (2) Seventy Five Thousand Pesos (75,000.00) as civil indemnity; and (3) Seventy Five Thousand Pesos (75,000.00) [as] exemplary damages. The monetary awards in favor of [private complainant] shall earn interest at the rate of six percent (6%) *per annum* from the date of finality of this Decision until fully paid.

**SO ORDERED.**<sup>28</sup>

Disagreeing with the appellate court's findings, accused-appellant filed the instant appeal.<sup>29</sup>

### **Issue**

The sole issue for Our resolution is whether accused-appellant is guilty beyond reasonable doubt for the crime of Rape.

### **Our Ruling**

The appeal is devoid of merit.

**Accused-appellant is guilty  
beyond reasonable doubt of the  
crime of Rape**

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<sup>27</sup> CA *rollo*, pp. 72-73.

<sup>28</sup> *Rollo*, p. 26.

<sup>29</sup> *Id.* at 28-30.

Article 266-A, paragraph 1, of the RPC, as amended by Republic Act No. (RA) 8353,<sup>30</sup> states that:

Art. 226-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 supplied)

For the charge of rape to prosper, the prosecution must prove that: (1) the offender had carnal knowledge of a woman, (2) 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.<sup>31</sup> The term “deprived of reason” has been interpreted to encompass those suffering from mental abnormality, deficiency, or retardation. Thus, under Article 266-A(1)(b), it can be construed that rape is committed the moment the offender has sexual intercourse with a person suffering from mental retardation.<sup>32</sup> Carnal knowledge of a woman who is a mental retardate is rape. “A mental condition of retardation deprives the complainant of that natural instinct to resist a bestial assault on her chastity and womanhood.”<sup>33</sup> Thus, sexual intercourse with “one who is intellectually weak to the extent that she is incapable of giving consent to the carnal act already constitutes rape,” without requiring proof that the accused used force and intimidation in committing the act. Only the facts of sexual congress between the accused and the victim and the latter’s mental retardation need to be proved beyond reasonable doubt.<sup>34</sup>

In this case, the prosecution’s evidence established beyond reasonable doubt the sexual congress between accused-appellant and private complainant and the latter’s mental retardation. Private complainant positively identified accused-appellant as her rapist. She also described the manner by which accused-appellant perpetrated the crime, *viz.* :

Pros. Sison to the witness:

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<sup>30</sup> Entitled “AN ACT EXPANDING THE DEFINITION OF THE CRIME OF RAPE, RECLASSIFYING THE SAME AS A CRIME AGAINST PERSONS, AMENDING FOR THE PURPOSE ACT NO. 9815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE AND FOR OTHER PURPOSES.” Approved on September 30, 1997.

<sup>31</sup> REVISED PENAL CODE, ART. 266-A; See also *People v. Catig*, G.R. No. 225729, March 11, 2020.

<sup>32</sup> *People v. Urmaza*, 829 Phil. 324, 333 (2018).

<sup>33</sup> *People v. Martinez*, 827 Phil. 410, 420 (2018).

<sup>34</sup> *Id.*

x x x x

Q: When [accused-appellant] brought you inside the house, what did he do?

A: He removed my jogging pants.

x x x x

Q: When [accused-appellant] removed your pants, what did he do next?

A: He inserted his penis to me.

Q: Where?

A: On the lower part.

x x x x

Q: A while ago you mentioned [accused-appellant] inserted his penis in your lower part. I will give you this doll, where did he insert his penis in that doll assuming that is you? [The anatomically correct doll is given to the witness]

A: Here. [Witness pointed to the area where the penis is].

Q: What did you feel then?

A: None.

Q: Was it painful?

A: No.

Q: But you felt that his penis went inside you?

A: Yes.

Q: After [accused-appellant] inserted his penis in your vagina, what happened?

A: My grandmother was calling.

Q: What did you do when your grandmother was calling? Did you not go outside?

A: No, sir.

Q: Why did you not go outside?

A: Because the key was left in the kitchen.

Q: You could not go out because the door was dead lock?

A: Yes.

Q: Do you know the face of this [accused-appellant]?

A: Yes.

Q: If you see him again, can you point to him?

A: Yes.

Q: Is he inside the room?

A: Yes.

Q: Where is this [accused-appellant]?

A: [Witness pointed to a man wearing a yellow t-shirt who when asked of his name, gave the name XXX].<sup>35</sup>

x x x x

Court: (to the witness)

x x x x

Q: You mentioned that during that incident you were wearing jogging pants. What was your upper clothing?

A: White.

Q: Were you wearing underwear?

A: Yes, madam.

Q: Was your underwear on when you said [accused-appellant] inserted his penis into your vagina or did he pull down your panty?

A: Yes, he pulled down my panty.

Q: What[,] if any [,] were you wearing when [accused-appellant] inserted his penis into your vagina or were you not wearing anything?

A: I was naked.<sup>36</sup>

x x x x

Court: (to the witness)

Q: You mentioned [accused-appellant] inserted his penis into your vagina. What was your position at that time? Were you lying down, seated or standing?

A: Standing.

Q: Where exactly did it happen? Did it happen inside the kitchen, bathroom, living room or bedroom?

A: Inside the bathroom.

Q: Was there anyone else in that house that time?

A: None.

Q: How about [accused-appellant], what was he wearing when he inserted his penis in your vagina?

A: Clothes.

Q: Do you remember what he was specifically wearing at that time?

A: No. I cannot remember.

Q: Was there any point you saw him without clothes on the lower part of his body?

A: None.

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<sup>35</sup> *Rollo*, pp. 18-19.

<sup>36</sup> *Id.* at 19-20.



Q: What do you mean none?

A: Iniwan niya iyong brief.

Q: Where specifically was his brief when he inserted his penis on your body?

A: [Witness pointed to the lower part of the thigh]

Q: You mean the brief of [accused-appellant] was lowered on his thighs?

A: No. The brief was left on his body.

Q: Did you see his penis?

A: Yes.<sup>37</sup>

x x x x

Q: How long did [accused-appellant] insert his penis in your vagina? Was it one to five minutes?

A: Two minutes.

Q: What specifically did he do after he inserted his penis in your vagina? Will you say it in detail within that period of two minutes?

A: None. Only that one.

Q: Will you describe what [accused-appellant] is doing while he was inserting his penis into your vagina? Was he moving?

A: Yes.

Q: How was he moving? Can you demonstrate with the use of the doll? [Witness was handed the anatomically correct dolls].

What is your position when [accused-appellant] was inserting his penis in your vagina?

A: Like this. [Witness positioned the dolls facing each other.]

Q: When [accused-appellant] inserted his penis into your vagina, show through those dolls what he did in those two minutes.

A: Like this. [Witness demonstrated by moving the male doll to a pumping motion or thrusting motion on the lower part of the body in a repeated forward and back motion].<sup>38</sup>

Furthermore, We find that the prosecution sufficiently established private complainant's mental retardation. Records show that there were three separate findings on private complainant's mental condition which were based on several tests and examinations conducted on separate dates. Moreover, the prosecution and the defense entered into stipulations regarding the preparation of the psychological reports on private complainant by government psychologists.<sup>39</sup>

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<sup>37</sup> Id. at 20-21.

<sup>38</sup> Id. at 22.

<sup>39</sup> CA rollo, p. 70.

The records clearly show that private complainant's intellectual function falls within moderate mental retardation. Her full scale score, which is derived from the combination of her verbal comprehension, perceptual reasoning, working memory and processing speed scores is classified as moderate mental retardation. Her processing speed index shows that her age range is 10 years and two months, while all her other tests showed that her age range is less than six years and two months old.<sup>40</sup>

Accused-appellant argues that, "[t]he Psychological Evaluation Report issued by Dr. Bautista and Dr. Elauria, whose testimonies were merely stipulated upon by the parties, cannot be given any probative value considering that Dr. Bautista[']s and Dr. Elauria's qualification as expert witnesses were not proven. Since the mental retardation of [private complainant] involved an opinion of one who must first be established as an expert witness, it could not be given weight or credit unless the doctor who issued it be presented in court to show his qualifications."<sup>41</sup>

The argument fails to persuade.

This Court has previously held that mental retardation can be proven by evidence other than medical or clinical examination, such as the testimony of an ordinary witness and even through observation by the trial court.<sup>42</sup>

Section 50, Rule 130 of the Rules of Court provides:

SEC. 50. *Opinion of ordinary witnesses.* — The opinion of a witness for which proper basis is given, may be received in evidence regarding —

x x x x

(c) **The mental sanity of a person with whom he is sufficiently acquainted.**

The witness may also testify on his impressions of the emotion, behavior, condition or appearance of a person. (Emphasis supplied)

As correctly pointed out by the CA, Dr. Bautista and Dr. Elauria, along with private complainant's mother, are likewise competent as ordinary witnesses to give their opinion on the mental ability of private complainant.<sup>43</sup> Private complainant's mother testified that during the rape incident, private complainant was a fourth year high school student. Although she was enrolled under the main stream program, wherein she joined her regular class for purposes of socialization only but attended one-on-one sessions with her teacher and was still under the Special Education curriculum. Private complainant graduated in March 2013 but she could not proceed to college

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<sup>40</sup> Id. at 70-71.

<sup>41</sup> Id. at 43.

<sup>42</sup> *People v. Catig*, G.R. No. 225729, March 11, 2020.

<sup>43</sup> *Rollo*, pp. 15-16.

because of her mental condition.<sup>44</sup> Similarly, Dr. Elauria and Suller observed private complainant's overall demeanor on several occasions. Suller examined private complainant on the following dates: June 14, 18 and 24, 2013; July 31, 2013; October 17, 2013; and on April 2 and 3, 2014.<sup>45</sup> Thus, as the appellate court has correctly ruled, their observations as reflected in their respective reports are likewise admissible in evidence as an ordinary witness' testimony.<sup>46</sup>

Furthermore, We have previously held that it is competent for an ordinary witness to give his opinion as to the mental ability of a person, provided the witness has had sufficient opportunity to observe the speech, manner, habits, and conduct of the person in question.<sup>47</sup> What is essential is that the witness details the factors and reasons upon which he or she bases his or her opinion and testimony. Therefore, a non-expert witness may give his or her opinion as to the mental state of another based on his or her own knowledge and observation of the latter which is rooted from conversations or dealings which he or she has had with such person, or upon the latter's appearance.<sup>48</sup>

In fact, in *People v. Castillo*,<sup>49</sup> We underscored that the mother of an offended party in a rape case, though not a psychiatrist, if she knows the physical and mental condition of the party, how she was born, what she is suffering from, and what her attainments are, is competent to testify on the matter. In the instant case, private complainant's mother testified that she noticed her daughter's limits on her mental abilities when the latter was 5 years old. Moreover, she narrated that private complainant was educated through a mainstream program for socialization purposes only and that she also had a one-on-one session with his teacher. Furthermore, she stated that private complainant's mental condition prevented her from enrolling in college.<sup>50</sup>

Thus, even though Dr. Bautista and Dr. Elauria who examined private complainant were not qualified as expert witnesses, such circumstance is not fatal to the prosecution's cause. Their observations in relation to private complainant's manner, habits and behavior are also admissible in evidence as ordinary witness' testimony. In any case, their testimonies were corroborated by Dr. Sayo who likewise examined private complainant. Dr. Sayo appeared and testified in court that based on his assessment of private complainant, she

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<sup>44</sup> Id. at 15.

<sup>45</sup> Id. at 16.

<sup>46</sup> Id.

<sup>47</sup> *People v. Bermas*, G.R. No. 234947, June 19, 2019; See also *People v. Castillo*, 641 Phil. 570, 583-584 (2010).

<sup>48</sup> *People v. Castillo*, 641 Phil. 570, 584 (2010).

<sup>49</sup> Id.

<sup>50</sup> CA rollo, p. 57.

has an underlying intellectual disability called mental retardation.<sup>51</sup> Dr. Sayo testified:

Q: And in your assessment, Mr. Witness, how long can we treat your patient, [private complainant]?

A: For [private complainant's] case because she has an underlying condition of interllectual (*sic*) disability formerly called mental retardation, so, this will be another confliction to the treatment of the trauma which will make it more difficult to treat.

x x x x

Q: And this mental disability, Mr. Witness, was already present even before the said incident?

A: Yes. The intellectual disability was already present and it made (*sic*) susceptible to trauma.

x x x x

Q: But with your interview with the patient or testifying in court it reminded her of this trauma?

A: For the testifying in court she has a limited capacity to appear in court.

Q: So you are not sure?

A: I am sure, however, what I mean to say is limited capability. The questions have to be very simplified. It will be like interviewing a child because of her current mental disability.

Atty. Tokias: (to witness)

Q: Nonetheless, she could respond?

A: Yes, she can respond to simple questions.<sup>52</sup>

In addition, the trial court itself was able to observe the demeanor of private complainant. Based on the trial court's observation on private complainant's manner of testifying, it was likewise convinced that private complainant is indeed suffering from mental limitations and confirms the fact that she is a mental retardate.

In *People v. Catig*,<sup>53</sup> We reiterated that a mental retardate, in general, exhibits a slow rate of maturation, physical and/or psychological, as well as impaired learning capacity. Further, the mental retardation of persons and the degrees thereof may be manifested by their overt acts, appearance, attitude, and behavior.<sup>54</sup> The dependency on others for protection and care and inability to achieve intelligible speech may be indicative of the degree of mental

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<sup>51</sup> Id. at 56.

<sup>52</sup> *Rollo*, pp. 16-17.

<sup>53</sup> *People v. Catig*, supra note 42..

<sup>54</sup> Id.

retardation of a person.<sup>55</sup> All these may be testified on by ordinary witnesses who come into contact with an alleged mental retardate.<sup>56</sup>

Notably, “the deprivation of reason contemplated by law need not be complete; mental abnormality or deficiency is sufficient.”<sup>57</sup> Clearly, private complainant’s impaired learning capacity and her difficulty in answering simple questions, as testified to by her mother and which the trial court had an opportunity to observe, are indicative of her mental retardation.

**Private complainant’s testimony is credible. Her mental retardation does not lessen her credibility**

The RTC and the CA aptly gave credence to private complainant’s testimony. Similarly, this Court finds that there is nothing in her testimony that would arouse suspicion. As observed by the trial court, private complainant’s “account of what happened to her was vivid. She was steadfast in her assertion that the [accused-appellant] inserted his penis into her vagina. As borne out by the records in this case, [private complainant] never wavered in her allegations of rape against the [accused-appellant].”<sup>58</sup> Taking into consideration the mental retardation of private complainant, it is highly improbable that she would fabricate her charges against accused-appellant. In fact, this Court is convinced that the instant case posed a traumatic experience on her such that she had to be transferred to another room during one of the trials in the RTC because she kept crying as soon as she saw accused-appellant.<sup>59</sup> Moreover, it is inconceivable for a mother to allow her daughter, especially a mental retardate, to be subjected to an examination of her private parts by physicians and expose herself to a public trial wherein she will be subjected to an extensive examination in court to recall a sexual assault or to publicly demonstrate how she was raped, if she was not motivated solely by the desire to apprehend the culprit and seek justice that is due to her.<sup>60</sup> Certainly, private complainant’s testimony deserves utmost credit.

The mental deficiency of private complainant does not diminish reliability of her testimony. Where the issue is one of credibility of witnesses, it is a fundamental rule that “the RTC’s findings on the credibility of witnesses and their testimonies are entitled great weight and respect and the same should not be overturned on appeal in the absence of any clear showing that the trial court overlooked, misunderstood, or misapplied some facts or circumstances which would have

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<sup>55</sup> Id.

<sup>56</sup> Id.

<sup>57</sup> *People v. Castillo*, 641 Phil. 570, 585 (2010).

<sup>58</sup> *CA rollo*, p. 68.

<sup>59</sup> *Rollo*, p. 23.

<sup>60</sup> Id.

materially affected the outcome of the case.”<sup>61</sup> The reason for this is that the trial court is in a better position to decide the credibility of witnesses having heard their testimonies and observed their deportment and manner of testifying during the trial.<sup>62</sup> More importantly, where the trial court’s findings were affirmed by the appellate court, such as the instant case, the same are generally binding and conclusive upon this Court.<sup>63</sup>

**Accused-appellant failed to  
prove his sweetheart theory**

We find that both the RTC and the appellate court properly disregarded accused-appellant’s claim that he and private complainant were sweethearts. We have consistently held that the ‘sweetheart theory’ or ‘sweetheart defense’ “must be proven by compelling evidence: *first*, that the accused and the victim were lovers; and, *second*, that she consented to the alleged sexual relations. The second is as important as the first, because this Court has held often enough that love is not a license for lust.”<sup>64</sup> However, accused-appellant herein merely asserted that he and private complainant were sweethearts but failed to substantiate his claim.

In any event, the claim is inconsequential since it is well-settled that being sweethearts does not negate the commission of rape because such fact does not *ipso facto* give an accused the license to have sexual intercourse with a complainant against her will.<sup>65</sup> Such defense will not automatically exonerate an accused from the criminal charge of rape because, certainly, being sweethearts does not necessarily prove consent to the sexual act. Thus, having failed to satisfactorily establish that private complainant voluntarily consented to engage in sexual intercourse with him, accused-appellant’s conviction for Qualified Rape stands.

**WHEREFORE**, the appeal is **DISMISSED**. The January 31, 2018 Decision of the Court of Appeals in CA-G.R. CR-HC. No. 08337 is **AFFIRMED**.

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<sup>61</sup> *Alotra v. People*, G.R. No. 221602, November 16, 2020.

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *People v. Briones*, G.R. No. 240217, June 23, 2020.

<sup>65</sup> *People v. Quinto*, G.R. No. 246460, June 8, 2020.



**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *m. g. / 15*

by:

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

**95-I**  
SEP 19 2022

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

Court of Appeals (x)  
1000 Manila  
(CA-G.R. CR-HC No. 08337)

The Hon. Presiding Judge  
Regional Trial Court, Branch 59  
Angeles City, 2009 Pampanga  
(Crim. Case No. 12-8452)

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Supreme Court

XXX  
Accused-Appellant  
c/o The Director General  
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Judgment Division (x)  
Supreme Court

The Director General  
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