



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated July 5, 2023 which reads as follows:*

**“G.R. No. 262737 (PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee, v. ALEX VALERIO y ELIFANIO, Accused-Appellant).** – The Appeal assails the Decision<sup>1</sup> dated November 23, 2021 of the Court of Appeals in CA-G.R. CR-HC No. 12874, affirming the verdict of conviction against appellant Alex Valerio y Elifanio (appellant) for three counts of Statutory Rape.

**ANTECEDENTS**

Appellant was charged with three counts of statutory rape under three separate Informations in Criminal Case Nos. R-QZN-14-07166, R-QZN-14-07167 and R-QZN-14-07168, all identically worded, as follows:<sup>2</sup>

That on or about the 19<sup>th</sup> day of July 2014, in [REDACTED], Philippines, the said accused, by means of force, violence and intimidation, did then and there willfully, unlawfully[,] and feloniously have carnal knowledge of [AAA262737],<sup>3</sup> minor, 17 years of age, a special child, against her will and without her consent.

CONTRARY TO LAW.

<sup>1</sup> *Rollo*, pp. 8–27. Penned by Associate Justice Tita Marilyn B. Payoyo-Villordon and concurred in by Associate Justices Eduardo B. Peralta, Jr. and Bonifacio S. Pascua of the Twelfth Division, Court of Appeals, Manila.

<sup>2</sup> *Id.* at 9.

<sup>3</sup> The identity of the victim or any information to establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to R.A. No. 760, “An Act providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes;” R.A. No. 9262, “An Act Defining Violence Against Women and their Children Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes;” Section 40 of A.M. No. 04-10-11 SC known as the “Rule on Violence Against Women and their Children,” effective November 5, 2004; *People v. Cabalquinto*, 533 Phil. 703, 709 (2006); and Amended Administrative Circular No. 83-2015 dated September 5, 2017, Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances.

The three cases were all raffled to the Regional Trial Court, Branch 106, [REDACTED].<sup>4</sup> On arraignment, appellant pleaded not guilty. Joint trial ensued.<sup>5</sup>

### *The Prosecution's Version*

The prosecution presented the testimonies of AAA262737, her late grandmother BBB262737, Special Education teacher Lourdeen Jimenez (Jimenez), arresting officer Police Officer 2 Randolph Olivar (PO2 Olivar), medico-legal officer Police Chief Inspector Shanne Lore A. Dettabali (PCI Dettabali), and investigating officer Senior Police Officer 2 Loida Sta. Maria (SPO2 Sta. Maria).<sup>6</sup>

AAA262737 testified that in the afternoon of July 18, 2014, she, without the consent of her grandmother BBB262737, left their home in [REDACTED]. Around 3:00 p.m. the next day, she was called by a security guard, herein appellant who told her "*Neng, halika dito.*" She was then resting under a tree after roaming around the streets of [REDACTED].<sup>7</sup>

She ignored his calls but he approached her, telling her that he would shoot her if she would not go with him. Out of fear, she went with him inside a building where he brought her inside a comfort room. There, he undressed her. Then, using a towel, he wiped her vagina. He removed his clothes and made her lie on the floor near the door. He proceeded to lay himself on top of her and inserted his organ in her vagina, prompting her to push him away and scuffle with him. But he overpowered her. He covered her mouth and told her not to move or else she would get shot. She felt pain in her vagina.<sup>8</sup>

Thereafter, appellant pulled her further inside the same comfort room and did the same thing to her. Then he wrapped around her a thin black dress with a strap, carried her clothes, brought her to the back of the building, and for the third time, did the same thing to her. Eventually, he put his clothes back on and instructed her to get dressed.<sup>9</sup>

Jimenez testified that around 4:00 p.m. of the same day, she saw AAA262737 sitting under a tree and recognized her as the student who was reported missing by her grandmother. Upon reaching home, she called her co-teacher who instructed her to fetch AAA262737. She thus returned to the place where she initially saw her but she was already gone. On her way home though, she saw AAA262737 again, sitting under another tree.<sup>10</sup>

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<sup>4</sup> *Rollo*, p. 9.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 10.

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

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 10-11.

<sup>10</sup> *Id.* at 11.

She approached AAA262737 and introduced herself as a teacher. She then asked AAA262737 if she recognized her, to which she answered in the negative and told her to leave. Eventually, however, she was able to gain her trust and managed to convince her to come home with her. By 7:00 p.m., AAA262737 came home to her grandmother.<sup>11</sup> Four days later on July 23, 2014, AAA262737 and her grandmother went to see Jimenez and narrated what appellant did to her.<sup>12</sup>

BBB262737 testified that around 2:00 p.m. of the following day, she and AAA262737 went to the Police Station 2 in [REDACTED], where they filed a complaint against appellant. Acting thereon, several police officers proceeded to the house of appellant and brought him to the police station for proper investigation. AAA262737 was subjected to a genital and physical examination by PCI Dettabali who identified in court the two medical reports she issued, containing the following similar findings, viz.:<sup>13</sup>

HYMEN: Presence of deep healing laceration at the 4 o'clock position and a shallow healing laceration at the 9 o'clock position; and a healing abrasion between 3 to 5 o'clock position

Posterior fourchette: presence of healing laceration measuring 1x0.2 c.m.

Conclusion: Findings show evidence of blunt force and penetrating trauma.

Remarks: Advised consultation to psychologist to determine mental age.

AAA262737 was subsequently referred to a psychologist to determine her mental age. The resulting Psychological Report<sup>14</sup> showed that she has the social age equivalent to a child of six years and nine months, to wit:

Having obtained an estimated overall IQ score of 54, [AAA262737]'s **current intellectual functioning is found to be at the retarded level, mild in severity.**

XXX

**This corresponds to her CPM where she obtained a percentile score of 5, classified as mentally deficient.** As such, [AAA262737] is expected to encounter difficulty in handling complicated tasks that needs clear thinking and logical reasoning.

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<sup>11</sup> *Id.* at 33.

<sup>12</sup> *Id.* at 11.

<sup>13</sup> *Id.* at 34.

<sup>14</sup> Dated October 19, 2006. Records, pp. 220-228.

With regard to her social adaptive skills, [AAA262737] is seen to be functioning within the retarded range, mild in severity based from her obtained estimated social quotient of 65 and social age equivalent [to] 6 years and 9 months.<sup>15</sup> (Emphases supplied)

### *The Defense's Version*

The defense presented appellant as its lone witness. He testified that on July 19, 2014, he was on duty at the Metrobank Building where he saw AAA262737 sitting under a tree. After around 10 minutes, he saw her talking to a woman. She and the woman then went inside the building he was guarding but he told them to leave and to continue talking outside. They complied. After a while, the woman asked around what time he noticed the presence of AAA262737 around the area. He replied that it was less than an hour before she (the woman) arrived. The woman also asked him for directions going to the place where AAA262737 lives.<sup>16</sup>

On July 24, 2017, while watching television in his house in [REDACTED], he heard somebody call his name. When he went outside, he saw a child who then pointed to two persons in civilian clothes. Upon approaching them, they put their arms over his shoulders and handcuffed him. When he asked what the problem was, they told him that there was a warrant of arrest against him for rape. He was then boarded into a police mobile patrol car and taken to the police station. There, he was led inside a room and made to sign some document.<sup>17</sup>

### **Ruling of the Regional Trial Court**

By Judgment<sup>18</sup> dated March 21, 2019, the trial court found appellant guilty of three counts of rape, viz.:

IN VIEW WHEREOF, judgment is hereby rendered finding accused ALEX VALERIO [v] ELIFANIO as follows:

1. In Criminal Case N. R-QZN-14-07166, accused is found **GUILTY of the crime of rape** and is sentenced to suffer the penalty of *reclusion perpetua*. The accused is ordered to pay private complainant the amount of [PHP] 75,000.00 as civil indemnity, [PHP] 75,000.00 as moral damages and [PHP] 75,000.00 as exemplary damages, with interest at the rate of 6% per annum from the date of finality of this Judgment until fully paid.

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<sup>15</sup> *Id.* at 224–226.

<sup>16</sup> *Rollo*, p. 12.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 31–46. Penned by Judge Angelene Mary W. Quimpo-Sale of Branch 106, Regional Trial Court, Quezon City.

2. In Criminal Case No. R-QZN-14-07167, accused is found **GUILTY of the crime of rape** and is sentenced to suffer the penalty of *reclusion perpetua*. The accused is ordered to pay private complainant the amount of [PHP] 75,000.00 as civil indemnity, [PHP] 75,000.00 as moral damages and [PHP] 75,000.00 as exemplary damages, with interest at the rate of 6% per annum from the date of finality of this Judgment until fully paid.
3. In Criminal Case No. R-QZN-14-07168, accused is found **GUILTY of the crime of rape** and is sentenced to suffer the penalty of *reclusion perpetua*. The accused is ordered to pay private complainant the amount of [PHP] 75,000.00 as civil indemnity, [PHP] 75,000.00 as moral damages and [PHP] 75,000.00 as exemplary damages, with interest at the rate of 6% per annum from the date of finality of this Judgment until fully paid.

The period of the accused's preventive detention shall be credited in the service of his sentence.

**SO ORDERED.**<sup>19</sup> (*Emphases in the original.*)

The trial court ordained that the prosecution was able to prove the three separate instances of rape committed by appellant all on the same day. The positive and categorical testimony of AAA262737 established the fact that appellant had carnal knowledge of her after making her lie on the floor near the door of the comfort room. The second time, he pulled her inside the comfort room and again "*gahasa*" her, and for the third time, "*ginahasa ulit.*" This is corroborated by the medico-legal reports indicating the presence of deep healing lacerations in her hymen.<sup>20</sup> Appellant employed force, violence, and intimidation in committing the dastardly act when he threatened her that he would shoot her if she did not go with him and if she continued to resist him.<sup>21</sup>

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

By Decision<sup>22</sup> dated November 23, 2021, the Court of Appeals affirmed with modification, *viz.*:

**WHEREFORE**, in view of the foregoing, the present appeal is **DENIED**. Accordingly, the Judgment dated 21 March 2019 rendered by the Regional Trial Court, National Capital Judicial Region, Branch 106, [REDACTED], in Criminal Cases Nos. R-QZN-14-07166, R-QZN-14-07167 and R-QZN-14-07168 is hereby **AFFIRMED WITH MODIFICATION** that: (a) Accused-appellant Alex Valerio y Elifanio is found **GUILTY BEYOND REASONABLE DOUBT** of three (3) counts of Statutory Rape

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<sup>19</sup> *Id.* at 45–46.

<sup>20</sup> *Id.* at 43–44.

<sup>21</sup> *Id.* at 44.

<sup>22</sup> *Id.* at 8–27.

as defined in Article 266-A, paragraph 1(d) of the Revised Penal Code, as amended. The penalties imposed by the Regional Trial Court **STANDS**.

**SO ORDERED.**<sup>23</sup>

It found that all the elements of rape are present, as proven by the categorical, spontaneous, and frank testimony of AAA262737. She firmly and consistently stated that it was appellant who raped her. Her mental retardation did not affect her credibility since the competence and credibility of mentally deficient rape victims as witnesses have been upheld where they can communicate their ordeal capably and consistently, as here. At any rate, AAA262737's testimony finds corroboration in the medico-legal reports of PCI Dettabali which uniformly found the presence of a deep healing laceration in her hymen.<sup>24</sup>

The Court of Appeals, however, modified the nomenclature of the offense to statutory rape considering that it was established per the Psychological Report presented during trial that the mental age of AAA262737 was that of a six-year-old.<sup>25</sup>

**The Present Petition**

Petitioner now assails anew his conviction. In their Manifestations, both the People through the Office of the Solicitor General (OSG),<sup>26</sup> and appellant, through the Public Attorney's Office,<sup>27</sup> adopted the arguments in their respective Briefs before the Court of Appeals.

In his Brief,<sup>28</sup> appellant argues that the prosecution failed to prove his identity as the perpetrator of the offenses charged. Apart from AAA262737's out-of-court identification, she did not testify further as to the physical appearance of the culprit so as to definitively determine that it was him who raped her.<sup>29</sup> As such, his carnal knowledge of AAA262737 was not duly proven.<sup>30</sup>

On the other hand, the OSG maintains in its Brief<sup>31</sup> that the prosecution was able to prove beyond reasonable doubt all the elements of rape as well as appellant's identity as the author of the crime. There is no doubt that AAA262737 was able to identify appellant as the culprit since she had full

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<sup>23</sup> *Id.* at 26.

<sup>24</sup> *Id.* at 21.

<sup>25</sup> *Id.* at 21–23.

<sup>26</sup> *Id.* at 49–51. Represented by Associate Solicitor General Sharon E. Millan-Decano and Associate Solicitor Erica C. Daniel.

<sup>27</sup> *Id.* at 56–58. Represented by Atty. Mariluz O. Diaz-Mendoza.

<sup>28</sup> *CA rollo*, pp. 37–52.

<sup>29</sup> *Id.* at 47.

<sup>30</sup> *Id.* at 50.

<sup>31</sup> *Id.* at 80–92.

view of his face when he raped her three times. In fact, she was able to point to him as the person who raped her during trial without any hesitation. Verily, all the evidence adduced indubitably prove appellant's guilt.

### **Our Ruling**

We affirm.

In reviewing rape cases, the Court uses these three principles as guideposts: (1) an accusation of rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove; (2) in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and (3) the evidence for the prosecution must stand or fall on its own merits and cannot draw strength from the weakness of the evidence for the defense.<sup>32</sup>

As a result of these guiding principles, the credibility of the complainant becomes the single most important issue. If her testimony is credible, convincing and consistent with human nature and the normal course of things, the accused may be convicted *solely* on the basis thereof.<sup>33</sup>

Here, appellant essentially assails the credibility of AAA262737 as a mental retardate to cast doubt on the veracity of her testimony regarding the rape incident and his identification as the perpetrator. We find no cogent reason, however, to depart from the findings of the trial court and the Court of Appeals which uniformly accorded great weight to AAA262737's testimony.

#### ***AAA262737's mental retardation does not affect her credibility***

To be sure, the fact that AAA262737 is suffering from mental retardation was alleged in the Informations and is undisputed by appellant. More important, the same was duly proven by the proffered Psychological Report which indicated that AAA262737's intellectual and social functioning are impeded by her mild retardation. As result, she was found to have an overall IQ score of 54, estimated social quotient of 65, and social age equivalent to six (6) years and nine (9) months.<sup>34</sup>

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<sup>32</sup> See *People v. Elimancil*, 849 Phil. 186, 192 (2019) [Per J. Peralta, Third Division].

<sup>33</sup> *Id.* at 192-193.

<sup>34</sup> *Rollo*, p. 22.

There is thus no dispute that AAA262737 is mentally retarded. This, however, does not militate against her credibility. *People v. Martinez*<sup>35</sup> taught that the mental retardation of the offended party *alone* does not render her testimony incredible so long as she is able to straightforwardly, spontaneously, and believably narrate her experience, *viz.*:

Suffice it to say, in *People v. Quintos*, the Court, citing *People v. Monticalvo*, explained that the victim's mental condition **does not by itself make her testimony incredible as long as she can recount her experience in a straightforward, spontaneous, and believable manner**, to wit:

**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.

Moreover, **it is settled that the victim's intellectual disability does not make her testimony unbelievable, especially when corroborated by other evidence.**<sup>36</sup> (Emphases supplied)

Thus, in several cases,<sup>37</sup> the Court gave weight and credence to the straightforward and categorical testimonies of witnesses who are mental retardates, especially since the same find corroboration with other evidence adduced by the prosecution. Here, AAA262737, despite her mental retardation, was able to positively, firmly, and categorically narrate her harrowing experience and unhesitatingly point to appellant as the culprit not only once but twice.<sup>38</sup>

<sup>35</sup> 827 Phil. 410 (2018) [Per J. Reyes, Jr., Second Division].

<sup>36</sup> *Id.* at 424.

<sup>37</sup> See *People v. YYY*, G.R. No. 253366, September 13, 2021 (Notice) and *People v. XXX*, G.R. No. 252671, September 28, 2022 (Notice).

<sup>38</sup> XXX

ACP Buenaluz

Q: Miss Witness, in your affidavit you mentioned one [Alex Valerio y Elifanio]. If this [Alex Valerio y Elifanio] is in court[,], will you be able to point to him?

A: Yes sir.

Q: Can you point him, Miss Witness?

A: Yes sir.

INTERPRETER:

Witness pointing to a man who when asked answered by the name [Alex Valerio y Elifanio], sir.

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Q: Now, Miss Witness[,], you said that *tanong sagot* by (sic) of your affidavit it said that[:] *naglakad ako mula sa bahay at nalgaw ako, nakita ko yung [REDACTED], tumambay muna ako dun tapos naglakad na po ako hanggang [REDACTED] at umupo ako sa may puno. Tapos tinawag po ako ng gwa[r]diya at sabi nya "neng halika dito!" [D]i po ako lumapit sa kaniya pero maya maya ay lumapit sa akin at tinakot niya ako na pag di ako lumapit ay sumama sa kanya sa loob ng building ay babarilin niya ako, kaya sumama akosa (sic) kaniya[,]* dinala ako sa C.R. (comfort room) at tinanggal yung lahat ng damit ko at pinunasan ng towel yung pepe ko. Tinanggal niya din yung damit niya at pinahiga ako sa sahig malapit sa pinto ng C.R. tapos pinatungan niya ako at pinasok niya ang titi niya sa pepe ko[.]



Not only was AAA262737 able to identify appellant in open court and recount the three incidents, but she was also able to demonstrate how appellant sexually assaulted her. More, she was fully cognizant of the sexual nature and

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[T]inulak ko siya at nagpupumiglas ako pero tinakpan nya yung bunganga ko sa kamay nya (sic) at sabi na huwag akong magpumiglas at babariling (sic) niya ako. Naramdamun ko nalang (sic) na biglang sumakit yung pepe ko.

Totoo ito? (Now, Miss Witness, you said that in the question and answer of your affidavit, it is said that: I walked from our house and I got lost. I saw [REDACTED]. I stayed there then I walked until [REDACTED] and sat under the tree. Then I was called by the guard who said, 'neng, come here!' I did not approach him but later on, he went to me and threatened me that if I do not come with him inside the building, he will shoot me. So I went with him. He brought me to the C.R. and he removed all my clothes. He wiped my vagina with a towel. He also removed his clothes and made me lie down near the door of the C.R. then he laid himself on top of me and inserted his penis in my vagina. I pushed him away and tried to break free but he covered my mouth with his hand and he told me not to struggle or he will shoot me. Then I felt pain in my vagina.

Is this true?)

A: Yes po.

Q: If this guard who called you and did these things to you (sic), can you point to him?

A: Yes, sir.

INTERPRETER:

Witness pointing to a man who when asked answered by the name, Alex Valerio y Elifanio, sir.

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QUESTIONING BY THE COURT:

COURT: I just want to be clarified. [AAA262737], before this incident happen[ed], did you know the accused?

A: Hindi pa po. (Not yet.)

COURT: So when you saw him on July 19, that was the first time you ever saw him?

A: Opo. (Yes.)

COURT: You used here in your *salaysay*, you used there *ginahasa* (raped). What do you mean by *ginahasa* (raped)?

A: Na|-rape po.

COURT: What do you mean by *na|-rape*? What did he do to you that made you say *na ginahasa ka* (that you were raped)?

A: Sexual po.

COURT: What kind, you tell me, describe to me? (sic) We have dolls here, *iyang babae* (that's the girl).

A: Eto po[,] ako po yung babae, ginanun po ako[,] binuksan niya yung palda ko po. (Here, I am the girl, he did that to me, he opened my skirt.)

COURT: And what did the boy doll? (sic)

A: Pumatong po siya sa akin, tapos ginanun po ako. (He laid on top of me, then he did that to me.)

COURT: Pumatong siya sayo, ano yung ginanun, yugyog? (He laid on top of you, what is did that, push and pull motion?)

A: Opo. (Yes.)

COURT: Tapos nung nagyugyog siya[,] ano ang nangyari habang nagyugyog siya sayo? (Then, when he did push and pull motion, what happened to you?)

A: Bigla pong sumakit yung pepe ko. (My vagina suddenly hurt.)

COURT: Bakit sumakit yung pepe mo? (Why did your vagina hurt?)

A: Ginahasa po niya ako. (He raped me.)

COURT: Tell me, what was he doing na *ginahasa ka*? (when he raped you?) Tell me[,] this is the doll, what did he do to his body?

A: Shy po kasi ako. (I am shy.)

COURT: Huwag kang mag-shy (Do not be shy). (sic) Just tell us[,] lahat ng sasabihin mo[,] dito lang sa amin sa loob (everything you say to us will stay here). You don't want to say it?

A: Try ko po. (I will try.)

COURT: Sige. (Okay.)

A: Di ba ganyan yun. (Isn't it like this?)

COURT: Yung titi niya? (His penis?)

A: Opo. (Yes.)

COURT: Ganun yun? (It's like that?) Using her forefinger. At tsaka, tapos? (And then?)

A: Pinasok niya po sa ari ko. (He inserted it in my vagina.)

COURT: What did he put inside your ari (vagina)?

A: Yung titi niya po. (His penis.)

COURT: Okay, that is *ginahasa* (raped)?

A: Yes po. xxx (Emphases supplied). *Rollo*, pp. 16-19.

meaning of the word “*gahasa*” (rape) which she used in her *salaysay*. There is no reason for this Court to doubt AAA262737’s honesty and the truthfulness of her narration, especially when the fact of rape was duly corroborated by the two medico-legal reports<sup>39</sup> indicating that she has “deep healing laceration at the 4 o’clock position, a shallow healing laceration at the 9 o’clock position, and a healing abrasion between 3 to 5 o’clock position” in her hymen caused by blunt force and penetrating trauma.

***All the elements of  
Statutory Rape are present***

The crime of statutory rape is defined and penalized under Article 266-A(1)(d) of the Revised Penal Code, *viz.*:

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
  - d. When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above are present. (*Emphasis supplied.*)**

To render a verdict of conviction for Statutory Rape, the following elements must be proven, *viz.*: (1) the offended party is under 12 years of age; and (2) the accused had carnal knowledge of the victim, regardless of whether there was force, threat, intimidation or grave abuse of authority.<sup>40</sup>

In statutory rape, it is enough that the age of the victim is proven and that there was sexual intercourse.<sup>41</sup> For the law presumes that the victim does not and cannot have a will of her own on account of her tender years. The child’s consent is immaterial because of her presumed incapacity to discern evil from good.<sup>42</sup>

**First.** AAA262737, albeit chronologically aged 17 years when the incident happened, had a mental age under 12 years. In *People v. Quintos*,<sup>43</sup>

<sup>39</sup> *Id.* at 34.

<sup>40</sup> See *People v. Ronquillo*, 818 Phil. 641, 648 (2017) [Per J. Martires, Third Division].

<sup>41</sup> *Id.*

<sup>42</sup> See *People v. Arpon*, 678 Phil. 752, 771 (2011) [Per J. Leonardo-De Castro, First Division].

<sup>43</sup> 746 Phil. 809 (2014) [Per J. Leonen, Second Division].

the Court explained what is meant by the first element of statutory rape, i.e., the offended party is under 12 years of age, *viz.*:

xxx An intellectually disabled person is not necessarily deprived of reason or demented. **This court had even ruled that they may be credible witnesses. However, his or her maturity is not there despite the physical age.** He or she is deficient in general mental abilities and **has an impaired conceptual, social, and practical functioning relative to his or her age, gender, and peers.** Because of such impairment, he or she does not meet the “socio-cultural standards of personal independence and social responsibility.”

xxx 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.**<sup>44</sup> (Emphases supplied)

Thus, in *People v. Deniega*,<sup>45</sup> where the child had the chronological age of 16 years old but with the IQ of 43 and mental age of a six-year-old child, the Court convicted the accused of statutory rape. Similarly, here, AAA262737, at the time of the incident, had the chronological age of 17 years but the Psychological Report indicated that she has an IQ of 45 and is socially and intellectually impaired with a mental age equivalent to six years and nine months.

**Second.** Appellant had carnal knowledge of AAA262737 in three separate instances committed all on the same day: *first*, when he asked her to lie down near the door of the comfort room where he prevailed in their scuffle by covering her mouth and threatening to shoot her so he can have his way with her; *second*, when he pulled her further in the comfort room to satiate his lust again; and *third*, when he dressed her in a thin black dress, brought her to the back of the building, and repeated his dastardly act for the third time.

All told, appellant is guilty of three counts of statutory rape under Article 266-A(1)(d) of the Revised Penal Code, as amended.

## Penalty

Statutory Rape is penalized under Article 266-B with *reclusion perpetua* in the absence of any qualifying circumstances. Here, no qualifying circumstance was alleged in the Information. The trial court and the Court of Appeals thus correctly imposed the penalty of *reclusion perpetua*. We

<sup>44</sup> *Id.* at 830–831.

<sup>45</sup> 811 Phil. 712 (2017) [Per J. Peralta, Second Division].

likewise sustain the monetary awards of PHP 75,000.00 as civil indemnity, moral damages and exemplary damages, each, respectively, with 6% interest *per annum* thereon from finality of this Resolution until fully paid.<sup>46</sup>

The Court **NOTES**:

1. The Letter<sup>47</sup> dated March 14, 2023 of C/SInsp. Arlene I. Casilihan, PDL Documents and Processing Division, Bureau of Corrections, Muntinlupa City, confirming the confinement of appellant on May 3, 2019 at New Bilibid Prison, Muntinlupa City; and

2. The separate Manifestations (in lieu of supplemental briefs) of the OSG<sup>48</sup> dated March 16, 2023 and of the Public Attorney's Office<sup>49</sup> dated March 27, 2023, respectively stating that it will no longer file supplemental briefs as it had already exhaustively discussed the sufficiency of the evidence proving the appellant's culpability in the Brief for the Appellee filed on July 1, 2020, and since no new issues material to the case were discovered.

**FOR THESE REASONS**, the Appeal is **DISMISSED** for lack of merit. The Decision dated November 23, 2021 of the Court of Appeals in CA-G.R. CR-HC No. 12874 is **AFFIRMED**.

- 1) In **Criminal Case No. R-QZN-14-07166**, appellant Alex Valerio y Elifanio is found **GUILTY** of **STATUTORY RAPE** under Articles 266-A and 266-B of the Revised Penal Code and sentenced to *reclusion perpetua*. He is **ORDERED** to **PAY AAA262737 PHP 75,000.00** as civil indemnity, **PHP 75,000.00** as moral damages, and **PHP 75,000.00** as exemplary damages;
- 2) In **Criminal Case No. R-QZN-14-07167**, appellant Alex Valerio y Elifanio is found **GUILTY** of **STATUTORY RAPE** under Articles 266-A and 266-B of the Revised Penal Code and sentenced to *reclusion perpetua*. He is **ORDERED** to **PAY AAA262737 PHP 75,000.00** as civil indemnity, **PHP 75,000.00** as moral damages, and **PHP 75,000.00** as exemplary damages; and
- 3) In **Criminal Case No. R-QZN-14-07168**, appellant Alex Valerio y Elifanio is found **GUILTY** of **STATUTORY RAPE** under Articles 266-A and 266-B of the Revised Penal Code and sentenced to *reclusion perpetua*. He is **ORDERED** to **PAY AAA262737 PHP**

<sup>46</sup> See *People v. Jugueta*, 783 Phil. 806, 848 (2016) [Per J. Peralta, *En Banc*].

<sup>47</sup> *Rollo*, p. 55

<sup>48</sup> *Id.* at 49–51.

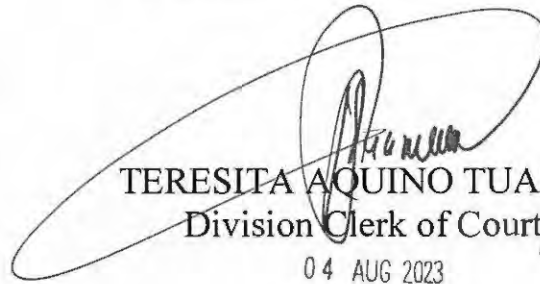
<sup>49</sup> *Id.* at 56–58.

**75,000.00** as civil indemnity, **PHP 75,000.00** as moral damages, and **PHP 75,000.00** as exemplary damages.

These amounts shall earn 6% interest per annum from finality of this Resolution until fully paid.

**SO ORDERED.”**

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Division Clerk of Court *pt/s*  
04 AUG 2023

PUBLIC ATTORNEY'S OFFICE (reg)  
Special & Appealed Cases Service  
Department of Justice  
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1104 Diliman, Quezon City

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134 Amorsolo Street  
1229 Legaspi Village  
Makati City

ALEX VALERIO y ELIFANIO (reg)  
Accused-Appellant  
c/o The Director  
Bureau of Corrections  
1770 Muntinlupa City

THE DIRECTOR (reg)  
Bureau of Corrections  
1770 Muntinlupa City

\*CSINSP. ARLENE I. CASILIHAN (reg)  
Deputy Chief, Inmate Documents and  
Processing Division  
Bureau of Corrections  
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 106  
Quezon City  
(Crim. Case Nos. R-QZN-14-07166 to 68)

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Supreme Court, Manila

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Supreme Court, Manila

COURT OF APPEALS (x)  
Ma. Orosa Street  
Ermita, 1000 Manila  
CA-G.R. CR-HC No. 12874

\*For this resolution only  
*Please notify the Court of any change in your address.*  
GR262737. 7/5/2023(409)URES(m)