



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **June 14, 2023**, which reads as follows:*

“G.R. No. 265051 (PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus RUGGIE MAESTRE y FELICIANO, accused-appellant). – The Court resolves to **DISMISS** the appeal and **AFFIRM WITH MODIFICATION** the Decision,¹ dated June 10, 2022, of the Court of Appeals (CA) in CA-G.R. CR-HC No. 14042. The CA affirmed the Judgment,² dated November 4, 2019, of the Regional Trial Court, First Judicial Region, Branch 4, ██████ City (RTC), in Criminal Case No. 42291-R, finding accused-appellant Ruggie Maestre y Feliciano (**Maestre**) guilty beyond reasonable doubt of Statutory Rape.

Article 266-A, paragraph 1(d) of the Revised Penal Code (RPC), as amended by Republic Act No. 8353,³ reads:

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:

x x x x

(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.

Further, Article 266-B, paragraph 10 of the RPC, as amended, provides that rape becomes qualified when the offender knew of the mental disability of the offended party at the time of the commission of the crime:

¹ *Rollo*, pp. 7-30. Penned by Associate Justice Zenaida T. Galapate-Laguilles and concurred in by Associate Justices Alfredo D. Ampuan and Emily L. San Gaspar-Gito.

² *Id.* at 32-51.

³ Entitled “THE ANTI-RAPE LAW OF 1997,” approved on September 30, 1997.

Article 266-B. Penalty. - Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

X X X X

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

X X X X

10) **When the offender knew of the mental disability**, emotional disorder and/or physical handicap **of the offended party at the time of the commission of the crime.** (Emphasis supplied)

Statutory Rape is committed when a man has carnal knowledge of a woman below 12 years old, regardless of whether there was force, threat, or intimidation, whether the victim was deprived of reason or consciousness, or whether it was done through fraud or grave abuse of authority.⁴ What the law punishes in Statutory Rape is carnal knowledge of a woman below 12 years old. Thus, force, intimidation, and physical evidence of injury are not relevant considerations; the only pertinent concern is the age of the woman and whether carnal knowledge indeed took place.⁵

As regards rape of an intellectually disabled person, it is settled that when the victim is an intellectually disabled person whose mental age is that of a person below 12 years old, the rape should be classified as Statutory Rape under Article 266-A, paragraph 1(d) of the RPC, as amended.⁶ What must only be proven in such cases is the sexual congress between the accused and the victim, and the latter's intellectual disability.⁷ Moreover, the crime is qualified when the offender knew of the victim's intellectual disability at the time of the commission of the crime. As explained by the Court in *People v. Quintos*⁸ (*Quintos*):

The term, "deprived of reason," is associated with insanity or madness. A person deprived of reason has mental abnormalities that affect his or her reasoning and perception of reality and, therefore, his or her capacity to resist, make decisions, and give consent.

The term "demented," refers to a person who suffers from a mental condition called dementia. Dementia refers to the deterioration or loss of mental functions such as memory, learning, speaking, and social condition, which impairs one's independence in everyday activities.

We are aware that the terms, "mental retardation" or "intellectual disability," had been classified under "deprived of reason." The terms,

⁴ *People v. Castillo*, G.R. No. 242276, February 18, 2020, 932 SCRA 487, 497.

⁵ *Id.*, citing *People v. Manson*, 801 Phil. 130, 137 (2016).

⁶ *People v. Quintos*, 746 Phil. 809, 829-831 (2014).

⁷ *People v. Dela Paz*, 569 Phil. 684, 699 (2008).

⁸ *Supra*.

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

Thus, a person with a chronological age of 7 years and a normal mental age is as capable of making decisions and giving consent as a person with a chronological age of 35 and a mental age of 7. Both are considered incapable of giving rational consent because both are not yet considered to have reached the level of maturity that gives them the capability to make rational decisions, especially on matters involving sexuality. Decision-making is a function of the mind. **Hence, a person’s capacity to decide whether to give consent or to express resistance to an adult activity is determined not by his or her chronological age but by his or her mental age. Therefore, in determining whether a person is “twelve (12) years of age” under Article 266-A (1) (d), the interpretation should be in accordance with either the chronological age of the child if he or she is not suffering from intellectual disability, or the mental age if intellectual disability is established.**⁹ (Emphasis supplied)

In the present case, the prosecution satisfactorily established the victim’s, AAA,^{*} mental age through the testimonies of the psychologists, Dr. Rizza Alma Manao (**Dr. Manao**) and Dr. Normita Cruz (**Dr. Cruz**), who conducted separate psychological evaluations on her. Dr. Manao and Dr. Cruz both diagnosed AAA to be suffering from mild intellectual delay, which is a form of intellectual disability, that translates to having a mental age of a child aged 6 years and 10 months to 7 years and 2 months. AAA’s father, BBB, also confirmed that AAA was suffering from a mental disability for which she was undergoing treatment.

The RTC expressly stated that it has observed the demeanor in open court and has perceived AAA’s mild intellectual delay. Thus, the RTC was convinced of AAA’s intellectual disability. The pertinent part of the RTC’s Judgment stated:

This Family Court has seen and directly observed the behavior, demeanor, and manner of AAA in open court and is convinced that AAA is suffering from mild delay/retardation that makes her unable to fully discharge cognitive functions such as decision-making so much so that

⁹ Id. at 829-831.

^{*} In line with Amended Administrative Circular No. 83-2015, as mandated by 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, the names of the private offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.”

AAA is vulnerable to abuse. As testified to by the psychologists, AAA's father, and shown by AAA herself, there is no doubt to the mind of this Family Court that AAA has delayed development in terms of intellectual, emotional and social function that it is in the level of a six or seven year old child. She certainly is unable to comprehend complex intellectual concepts and the nuances of a mature relationships (sic) including sexual intimacies like that between a man and a woman. Undoubtedly, AAA sees reality in the eyes of an innocent child.¹⁰

The Court adheres to the principle that the trial court's factual findings, especially its "evaluation of the credibility of the witnesses is entitled to the highest respect absent a showing that it overlooked, misunderstood or misapplied some facts or circumstances of weight and substance that would affect the result of the case."¹¹ The Court recognizes that trial courts have been granted the opportunity to personally examine and observe the demeanor, manner, and body language of witnesses during trial.¹² In prosecutions for rape, the testimony of the victim is generally scrutinized with great caution, for the crime is usually known only to her and the rapist.¹³ Indeed, it is well-settled that conviction always rests on the strength of the evidence of the state, never on the weakness of the defense.¹⁴ This observation of the RTC regarding the mental state of AAA is critical because it proves that even an average layman like the Judge and Maestre can perceive that AAA was suffering from an intellectual disability. The defense of Maestre therefore that he was unaware of AAA's mental condition is unavailing.

Maestre's knowledge of AAA's mental disability at the time of the commission of the crime of statutory rape was properly alleged in the Information against him. The Information states:

That on January 31, 2019, this city, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, by taking advantage of the mental state and vulnerability of AAA, a fifteen year old minor with the mental age of six years and ten months, did then and there have sexual intercourse with her, to the latter's prejudice.

CONTRARY TO Article 266-A of the Revised Penal Code.¹⁵

AAA was able to narrate, in a clear, categorical, and straightforward manner, the details of how Maestre succeeded in having carnal knowledge of her. When Maestre confessed his feelings for AAA, she invited him to the boys' comfort room so nobody could hear her response. Upon entering the comfort room, however, Maestre locked the door, kissed AAA and proceeded

¹⁰ *Rollo*, p. 47, RTC Judgment.

¹¹ See *People v. Ogarte*, 664 Phil. 642, 659-660 (2011), citing *People v. Ibay*, 371 Phil. 81, 96 (1999).

¹² See *People v. Jagdon*, G.R. No. 242882, September 9, 2020, 952 SCRA 92, 103.

¹³ *People v. Ibay*, 371 Phil. 81, 95 (1999).

¹⁴ *Id.*, citing *People v. Sta. Ana*, 353 Phil. 388 (1998).

¹⁵ *Rollo*, p. 9, CA Decision.

to undress her. After pulling down his own clothes, Maestre made AAA lie on the floor, went on top of her and inserted his penis inside her vagina. This was further corroborated by the medical findings of Dr. Lara Germaine Q. Torres, contained in a Medico-Legal Certificate, which showed that the hymen had an “annular, estrogenized, superficial notch, at the 3 o’ clock position and deep notch at the 6 o’clock position” and concluded that these “[a]nogenital Findings may suggest previous trauma to the hymen.”

Further, Maestre himself admitted the fact of sexual intercourse with AAA. However, he denied having taken advantage of AAA’s mental state and maintained that he and AAA had an amorous relationship. However, use of force or intimidation is not an essential element in the crime of Statutory Rape. In *Quintos*, the Court explained that people in the same condition as AAA are incapable of rational consent. Thus, mere sexual intercourse with an intellectually disabled person is rape, regardless of the absence of force, intimidation, or resistance:

In all the above circumstances, rape is ensured because the victim lacks the awareness or presence of mind to resist a sexual abuse. The unconscious, the manipulated, the reason-deprived, the demented, and the young cannot be expected to offer resistance to sexual abuse for the simple reason that their mental statuses render them incapable of doing so. They are incapable of rational consent. Thus, sexual intercourse with them is rape. No evidence of force, intimidation, or resistance is necessary.¹⁶

The evidence sufficiently proves that AAA suffers from a form of intellectual disability, that translates to having a mental age of a child aged 6 years and 10 months to 7 years and 2 months. She is clearly incapable of giving rational consent to the sexual act, regardless of her alleged involvement in an amorous relationship or the alleged absence of force or intimidation. As mentioned earlier, the mere fact of sexual congress with an intellectually disabled person already constitutes the crime of Statutory Rape. However, Maestre’s knowledge of AAA’s mental disability at the time of the commission of the crime qualifies the same to Qualified Statutory Rape.

Based on the foregoing, the Court modifies the decision of the CA and convicts Maestre of the crime of Qualified Statutory Rape and sentences him to suffer the penalty of *reclusion perpetua* without eligibility for parole, in lieu of the imposition of death penalty.

In line with prevailing jurisprudence, the Court further directs the award of civil indemnity *ex delicto*, moral damages, and exemplary damages to AAA in the amount of ₱100,000.00 each, with legal interest at the rate of 6% per annum, from the date of finality of this Resolution until fully paid.

¹⁶ *People v. Quintos*, supra note 6, at 831.

WHEREFORE, the appeal is **DISMISSED**. The Decision of the Court of Appeals, dated June 10, 2022, in CA-G.R. CR-HC No. 14042 is **AFFIRMED WITH MODIFICATION**. Accused-Appellant **RUGGIE MAESTRE y FELICIANO** is found **GUILTY** beyond reasonable doubt of Qualified Statutory Rape under Article 266-A, paragraph 1(d), in relation to Article 266-B, paragraph 2 of the Revised Penal Code. He is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole and to pay the victim the following: (a) One Hundred Thousand Pesos (₱100,000.00) as civil indemnity *ex delicto*; (b) One Hundred Thousand Pesos (₱100,000.00) as moral damages; and (c) One Hundred Thousand Pesos (₱100,000.00) as exemplary damages. The monetary awards shall earn interest at the legal rate of six percent (6%) *per annum*, from finality of this Resolution until fully paid.

SO ORDERED.”

By authority of the Court:

MisPDCBatt
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court *CP 10/14/23*

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