



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE
PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 225729

- versus -

VALENTINO CATIG y
GENTERONI,
Accused-Appellant.

Present:

PERLAS-BERNABE, J.,
Chairperson,
REYES, A., JR.,
HERNANDO,
INTING, and
DELOS SANTOS, JJ.

Promulgated:

11 MAR 2020

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DECISION

HERNANDO, J.:

On appeal is the July 16, 2015 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06824 which affirmed with modifications the April 8, 2014 Decision² of the Regional Trial Court (RTC), Branch 73 of Olongapo City, in Criminal Case No. 130-2008 finding appellant Valentino Catig y

¹ *Rollo*, pp. 2-23. Penned by Associate Justice Celia C. Librea-Leagogo and concurred by Associate Justices Nina G. Antonio-Valenzuela and Melchor Q.C. Sadang.

² *CA rollo*, pp. 48-54; penned by Presiding Judge Norman V. Pamintuan.

Genteroni (appellant) guilty beyond reasonable doubt of the crime of Rape and sentencing him to suffer the penalty of *reclusion perpetua*.

The Antecedent Facts

The Information³ dated July 24, 2008 charging appellant with Rape reads:

That on or about the 23rd day of July 2008, at about 9:30 in the morning, x x x Province of Zambales, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with lewd design, did then and there willfully, unlawfully and feloniously have sexual intercourse with and carnal knowledge of fifteen (15)-year old minor AAA⁴ [who is also] mentally retardate, to the damage and prejudice of said AAA.

CONTRARY TO LAW.⁵

Appellant pleaded “not guilty”.⁶ Trial on the merits thereafter ensued.

Version of the Prosecution

The prosecution presented the following as witnesses: (a) AAA; (b) BBB, AAA’s sister; (c) Dr. Earl Yap (Dr. Yap), the Municipal Health Officer who examined AAA; and, (d) Fatima Ladrangan (Ladrangan), a Social Worker Officer at the Municipal Social Welfare and Development Office (MSWDO) of x x x, Zambales.

The facts as established by the prosecution are as follows:

On July 23, 2008, at around 9:30 in the morning, BBB asked AAA to fetch water from appellant’s house. AAA complied. Upon arriving at appellant’s house, the latter instructed her to go inside. Once inside, he laid her on the bed, took off her shorts and panty, touched her vagina, and raped her. After he was done with his bestial act, appellant gave AAA money and sugarcane. AAA then went home.

When she arrived at their house, BBB noticed that AAA’s shorts were worn backwards with bloodstains on it. When BBB asked AAA what

³ Records, pp. 2-3.

⁴ The true name of the victim has been replaced with fictitious initials in conformity with Administrative Circular No. 83-2015 (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 confidentiality of the identity of the victim is mandated by Republic Act (R.A.) No. 7610 (Special Protection of Children against Abuse, Exploitation and Discrimination Act); R.A. No. 8505 (Rape Victim Assistance and Protection Act of 1998); R.A. No. 9208 (Anti-Trafficking in Persons Act of 2003); R.A. No. 9262 (Anti-Violence against Women and Their Children Act of 2004); and R.A. No. 9344 (Juvenile Justice and Welfare Act of 2006).

⁵ Records, p. 2.

⁶ Id. at 16.

happened, AAA suddenly cried and told BBB that she was raped by appellant. She further narrated that appellant gave her money and sugarcane.

After hearing the horrid story, BBB and AAA immediately sought assistance from barangay authorities and the MSWDO. AAA was brought to the Municipal Health Center for a physical examination. Dr. Yap physically found hymenal bleeding and laceration indicative of a recent penetration of the victim's vaginal canal. Subsequently, BBB and AAA went to the police to report the incident.

Version of the Defense

Appellant denied raping AAA. He alleged that on the day of the incident, he went home in the morning after plying his tricycle all night. While sleeping in the sala, he heard someone calling him. When he stood up, he saw AAA who was looking for his daughter but his daughter was not around. AAA then asked for sugarcane from appellant. During their conversation, appellant noticed bloodstains on AAA's hand and shorts. When asked about it, AAA simply ignored him. AAA then went to the water pump outside their house where she found two one-peso coins left by his daughter. AAA got the coins and went to the direction of the sugarcane field. Appellant thereafter closed the door of their house and went back to sleep.

At around 3 o'clock in the afternoon, three policemen went to their house informing him that someone is accusing him of rape. Appellant voluntarily went with the police. It was only then that he learned that AAA was his accuser.

Appellant claimed that he was being accused of the crime because he refused to lend BBB his bicycle and to give her his dog which she previously asked from him.

Ruling of the Regional Trial Court

In its April 8, 2014 Decision,⁷ the RTC, Branch 73 of Olongapo City, found appellant guilty as charged. It gave credence to AAA's testimony on how she was allegedly raped by appellant. The RTC observed that despite the victim's mental handicap, she properly conveyed her ideas and intelligently answered the questions propounded to her during the trial. Her testimony which was corroborated by the results of her medical examination was given greater probative weight than appellant's defense of denial.

The *fallo*⁸ of the RTC Decision reads in this wise:

⁷ Supra note 2.

⁸ Id. at 54.

WHEREFORE, judgment is hereby rendered, finding accused Valentino Catig y Genteroni GUILTY beyond reasonable doubt of the crime of Rape under Art. 266-A, paragraph 1(d) of the Revised Penal Code in relation to Republic Act No. 7610 and is sentenced to suffer the penalty of *Reclusion Perpetua*. He is also ordered to pay the private complainant ₱50,000.00 as civil indemnity and ₱50,000.00 as moral damages.

SO ORDERED.

Ruling of the Court of Appeals

The CA, in its July 16, 2015 Decision,⁹ affirmed the findings of the trial court but found appellant criminally liable of the crime of Simple Rape under Article 266-A, par. 1(b), and not under Article 266-A, par. 1(d) of the Revised Penal Code (RPC). The CA reasoned that Article 266-A, par. 1(d) refers to a person who is suffering from dementia which is a condition of deteriorated mentality characterized by marked decline in the individual's intellectual level and often emotional apathy, madness, or insanity. On the other hand, the phrase "deprived of reason" under Article 266-A, par. 1(b), has been interpreted to include those suffering from mental abnormality, deficiency, or retardation.

AAA, as ruled by the appellate court, is mentally deficient. Thus, she should be considered a person "deprived of reason" which falls under Article 266-A, par. 1(b), and not one who is "demented".

The dispositive portion of the CA Decision reads:

WHEREFORE, premises considered, the appeal is DENIED. The Decision dated 08 April 2014 of the Regional Trial Court of Olongapo City, Branch 73 in *Crim. Case No. 130-2008* finding accused-appellant Valentino Catig y Genteroni guilty beyond reasonable doubt of the crime of rape, sentencing him to suffer the penalty of *reclusion perpetua*, and ordering him to pay private complainant ₱50,000.00 as civil indemnity and ₱50,000.00 as moral damages, is AFFIRMED with MODIFICATIONS in that accused-appellant is:

- (a) found guilty of simple rape under Article 266-A (1)(b) of the Revised Penal Code, as amended;
- (b) not eligible for parole;
- (c) further ordered to pay private complainant AAA ₱30,000.00 as exemplary damages; and
- (d) ordered to pay interest at the rate of 6% *per annum* on the award of civil indemnity, moral damages, and exemplary damages from finality of this judgment until fully paid.

SO ORDERED.¹⁰

⁹ Supra note 1.

¹⁰ Id. at 20.

Hence, the instant appeal.

Both parties did not file supplemental briefs as they had already exhaustively argued their issues in their respective briefs filed before the CA.¹¹

Issue

The sole issue in this case is whether the prosecution sufficiently established appellant's guilt beyond reasonable doubt for the crime charged.

The Court's Ruling

The Court finds the appeal bereft of merit.

The elements of the crime of rape under Article 266-A of the RPC are as follows: (1) the accused had carnal knowledge of the victim; and (2) the said act was accomplished (a) through the use of force or intimidation, or (b) when the victim is deprived of reason or otherwise unconscious, or (c) when the victim is under 12 years of age or is demented.

In this case, appellant avers that the prosecution failed to duly prove how the alleged rape was committed. AAA merely made a general reference to rape during her testimony. She did not mention that appellant's penis penetrated her vagina. Neither did she state in her testimony if appellant kissed or touched her. Further, appellant insists that the presence of laceration of general reference to rape which was repeatedly stated by AAA does not prove defloration which can be caused by several factors other than sexual abuse.

The Court disagrees.

The arguments presented by appellant attack the credibility of AAA as a witness. The trial court has the best opportunity to observe the demeanor of the witness so as to determine if there is indeed truth to his or her testimony in the witness stand.¹² Hence, the Court gives high respect to its evaluation of the testimony of a witness.

The rationale on why it is the duty of the trial court to determine a witness' credibility was elucidated by the Court in *People v. Abat*,¹³ citing *People v. Banzuela*,¹⁴ in this wise:

¹¹ Id. at 32-36; 39, unpaginated.

¹² *People v. Banzuela*, 723 Phil. 797,814 (2013).

¹³ 731 Phil. 304, 312 (2014).

¹⁴ *Supra* at 815, citing *People v. Sapigao, Jr.*, 614 Phil. 589, 599 (2009).

It is well settled that the evaluation of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct, and attitude under grilling examination. These are important in determining the truthfulness of witnesses and in unearthing the truth, especially in the face of conflicting testimonies. For, indeed, the emphasis, gesture, and inflection of the voice are potent aids in ascertaining the witness' credibility, and the trial court has the opportunity and can take advantage of these aids. These cannot be incorporated in the record so that all that the appellate court can see are the cold words of the witness contained in transcript of testimonies with the risk that some of what the witness actually said may have been lost in the process of transcribing. As correctly stated by an American court, "[t]here is an inherent impossibility of determining with any degree of accuracy what credit is justly due to a witness from merely reading the words spoken by him, even if there were no doubt as to the identity of the words. However artful a corrupt witness may be, there is generally, under the pressure of a skillful cross-examination, something in his manner or bearing on the stand that betrays him, and thereby destroys the force of his testimony. Many of the real tests of truth by which the artful witness is exposed in the very nature of things cannot be transcribed upon the record, and hence they can never be considered by the appellate court.

The Court is therefore generally bound by the findings of the trial court, especially when affirmed by the appellate court, in the absence of any misapprehension of facts that would warrant the reversal of the lower court's decision.¹⁵

We see no reason to depart from the trial court's finding that AAA is a credible witness. She narrated in a clear, categorical and straightforward manner how she was subjected to the bestial act by appellant. She likewise identified appellant with certainty as her perpetrator before the court. We quote the pertinent portions of her testimony, to wit:¹⁶

Q: Do you remember anything bad done to you when you went to the house of Catig?

A: Yes madam.

Q: What is that xxx happened? Do you know what it is? Did he do anything to you?

A: I was raped there.

Q: What is the meaning to you now, if you can imitate also or tell us?

A: "Iniyot nya ako."

Q: Were you wearing anything when he did that to you "iniyot ka niya"?

A: Yes, I was wearing my clothes madam.

Q: When he did that to you, did you see his penis?

A: Yes madam.

¹⁵ *Planteras, Jr. v. People*, G.R. No. 238889, October 3, 2018.

¹⁶ TSN, April 16, 2010, pp. 4-6, 9-10.

x x x x

Q: Did he kiss you, do you remember?

A: No.

x x x x

Q: Do you remember when he committed "iyot" to you where were you? Were you inside the house or outside the house?

A: Inside the house.

x x x x

Q: Whose house was it if you know?

A: It is the house of Catig our neighbor.

Q: Why were you there at that time at the house of Catig?

A: I fetched water madam.

Q: Who told you to fetch water?

A: I was asked by my sister to fetch water madam.

x x x x

Q: Were you able to fetch water?

A: Yes madam.

Q: What happened first? You got the water or Catig committed "iyot" upon you?

A: He raped me.

Q: After he raped you and you got the water, did he say, do or give anything?

A: There was.

Q: And what was this?

A: Tubo and peso.

Q: Do you know why he gave you tubo and peso?

A: He also gave me fish.

x x x x

Q: So xxx, where in this case, because this is just outside, where did he commit iyot upon you, inside or outside or where?

A: Outside.

Q: You did not go inside the house anymore? You only stayed here outside?

A: He raped me inside.

Q: So, you were able to go inside.

A: Yes in his house.

Q: So in his house, you saw a bed?

A: Yes madam.

Q: It was there at the bed that he committed iyot upon you?

A: Yes and he made me lie down.

Q: Were you crying at that time when he was making iyot upon you?

A: Yes madam.

Q: Did it hurt or not? Masakit ba?

A: Yes.

Q: Where, what part of your body were you hurt?

COURT INTERPRETER –

Witness pointing to her vagina.

FISCAL BAYONA

Q: It was painful because of your menstruation or because of what he was doing?

A: Yes.

Q: Do you remember if he touched you in any part of your body?

A: Yes madam.

Q: At what part do you remember or parts of your body did he touch you [AAA]?

A: My vagina.

Q: Did he remove your clothes at any part during that time?

A: He took off my panty.

Much leeway should be given to AAA's testimony considering her age and mental capacity. Thus, although AAA did not describe the incident of rape in more detail, it is apparent from her testimony that appellant was successful in having carnal knowledge of her. To stress, We cannot expect AAA to provide a detailed account of what transpired because of her mental handicap. In any case, her simple narration was indicative of her honesty and innocence.¹⁷ Interestingly, AAA attested without any inkling of hesitation that she felt pain in her vagina when she was being raped by appellant.¹⁸ "Moreover, in cases where penetration was not fully established, the Court had consistently enunciated that rape was nevertheless consummated on the victim's testimony that *she felt pain*. The pain could be nothing but the result of penile penetration, sufficient to constitute rape."¹⁹

The presence of a hymenal laceration at 3 o'clock position due to penetration further strengthens AAA's testimony that she was raped. It is worthy to note that the results of AAA's physical examination which was **conducted on the very same day that the rape incident happened**

¹⁷ *People v. Antolin*, 386 Phil. 870, 882 (2000).

¹⁸ *People v. Veluz*, 593 Phil. 145, 161 (2008).

¹⁹ *Id.*

corroborates her testimony that she was sexually molested by the appellant.²⁰ Dr. Yap even categorically stated that AAA's vagina was still bleeding when she was brought to him for personal examination, thus proving that the act of rape was consummated.

On the other hand, the defense miserably failed to impeach AAA's credibility during cross-examination. If indeed AAA fabricated her story, it would have been easy for the defense to destroy her credibility, "for the ability to sustain such fiction would require a quick and insidious mind, and her mental condition certainly precluded such possibility."²¹

We therefore sustain AAA's competency and give full weight and credence to her testimony. Her credibility as a witness coupled with her positive identification that it was appellant who raped her has greater weight than appellant's mere defenses of denial and alibi. In fact, the Court frowns upon these weak defenses as these are easily fabricated and highly unreliable.²²

Moreover, appellant failed to present evidence showing that AAA and her family harbored any ill motive to falsely accuse him of a heinous crime. Her testimony is therefore more believable in the absence any reason or improper motive on why she would falsely implicate him of committing a heinous crime.²³

Studies show that children, particularly very young children, make "perfect victims" of rape. Certainly, children have more problems providing accounts of events because they do not understand everything they experience. Moreover, children have very limited vocabulary. Although AAA was 13 years old, she had the mental capacity of a 4-5-year old child. The lower courts, and this Court as well, could therefore not expect AAA to narrate and describe the exact details of how she was raped the way a 13-year old child could do.²⁴

Mental retardation and its various levels are extensively discussed in *People v. Dalandas*,²⁵ viz.:

Mental retardation is a chronic condition present from birth or early childhood and characterized by impaired intellectual functioning measured by standardized tests. It manifests itself in impaired adaptation to the daily demands of the individual's own social environment. Commonly, a mental retardate exhibits a slow rate of maturation, physical and/or psychological, as well as impaired learning capacity.

Although "mental retardation" is often used interchangeably with "mental deficiency," the latter term is usually reserved for those without

²⁰ *People v. Ulgasan*, 390 Phil. 763, 775 (2000).

²¹ *People v. Antolin*, supra note 17.

²² *People v. Gani*, 710 Phil. 466, 474 (2013).

²³ *People v. Campit*, G.R. No. 225794, December 6, 2017, citing *People v. Ferrer*, 356 Phil. 497, 508 (1998).

²⁴ *People v. Veluz*, supra note 18.

²⁵ 442 Phil. 688, 695 (2002).

recognizable brain pathology. The degrees of mental retardation according to their level of intellectual function are illustrated, thus:

Mental Retardation		
LEVEL QUOTIENT	DESCRIPTION TERM	INTELLIGENCE (IQ RANGE)
I	Profound	Below 20
II	Severe	20-35
III	Moderate	36-52
IV	Mild	53-68

A normal mind is one which in strength and capacity ranks reasonably well with the average of the great body of men and women who make up organized human society in general, and are by common consent recognized as sane and competent to perform the ordinary duties and assume the ordinary responsibilities of life.

x x x x

The mental retardation of persons and the degrees thereof may be manifested by their overt acts, appearance, attitude and behavior. The dentition, manner of walking, ability to feed oneself or attend to personal hygiene, capacity to develop resistance or immunity to infection, dependency on others for protection and care and inability to achieve intelligible speech may be indicative of the degree of mental retardation of a person. Those suffering from severe mental retardation are usually undersized and exhibit some form of facial or body deformity such as mongolism, or gargolism. The size and shape of the head is indicative of microphaly. The profoundly retarded may be unable to dress himself or wash or attend to bowel and bladder functions so that his appearance may be very unclean and untidy unless they receive a great deal of nursing care. There may be marked disturbance of gait and involuntary movements. Attempts to converse with a mental retardate may be limited to a few unintelligible sounds, either spontaneous or in response to attempts that are made by the examiner to converse or may be limited to a few simple words or phrases. All the foregoing may be testified on by ordinary witnesses who come in contact with an alleged mental retardate.²⁶

It is not required for a rape victim to undergo a comprehensive medical examination so as to prove that he/she is a mental retardate. We have repeatedly pronounced that mental retardation can be proven by evidence other than medical/clinical evidence, such as the testimony of witnesses and even the observation by the trial court.²⁷ However, the conviction of an accused of rape based on the mental retardation of the victim must be anchored on proof beyond reasonable doubt of the same.²⁸

²⁶ Id. at 697.

²⁷ *People v. Ventura*, 729 Phil. 567, 574 (2014), citing *People v. Monticalvo*, 702 Phil. 643, 660-661 (2013).

²⁸ *People v. Bermas*, G.R. No. 234947, June 19, 2019.

There is no doubt that AAA is a mental retardate. Ladringan, the social worker who conducted the case study,²⁹ testified that AAA suffered from typhoid fever for almost a month when she was three years old. She had convulsion episode and was confined at the hospital for treatment. Due to her severe illness, AAA's mental development was affected. AAA is likewise illiterate, unable to read and write, and only reached Grade 1 level due to difficulty in comprehension.

Notably, appellant even admitted that he knew of AAA's mental state.³⁰ Dr. Yap also declared that AAA's physical built clearly manifested that she is indeed mentally retardate.³¹ Further, the trial court judge duly observed that she was suffering from mental impairment based on her demeanor and manner of answering the questions propounded to her during her examination while in the witness stand. Such observation was even reflected in April 8, 2014 Decision of the RTC.³²

However, although it was proven and admitted during trial that appellant knew of AAA's mental retardation, the same cannot be appreciated as a qualifying circumstance for it was not specifically alleged in the Information that he was aware of AAA's mental retardation.³³ All told, the Court finds that the appellate court correctly found that appellant is indeed guilty beyond reasonable doubt of the crime of Simple Rape under Article 266-A, paragraph 1(b) of the RPC, as amended by Republic Act (R.A.) No. 8353.

The appellate court also correctly meted the penalty of *reclusion perpetua* on appellant pursuant to Article 266-B of the RPC.

Nonetheless, in light with the recent jurisprudence,³⁴ the Court deems it wise to increase the awards of moral damages, civil indemnity, and exemplary damages to ₱75,000.00 each. Finally, the CA correctly imposed interest on the damages awarded at the rate of 6% per *annum* from the date of this judgment until its full satisfaction.³⁵

WHEREFORE, the appeal is **DISMISSED**. The Decision of the Court of Appeals in CA-G.R. CR-HC No. 06824 finding appellant Valentino Catig y Genteroni guilty beyond reasonable doubt of the crime of Simple Rape and sentencing him to suffer the penalty of *reclusion perpetua* is **AFFRIMED** with **MODIFICATION** and that the appellant is ordered to pay AAA: (a) ₱75,000.00 as civil indemnity; (b) ₱75,000.00 as moral damages; and (c) ₱75,000.00 as exemplary damages.

²⁹ Records, pp. 156-159.

³⁰ TSN dated April 11, 2013, p. 5.

³¹ TSN dated December 1, 2011, p. 3.

³² *Supra* note 2 at 53.

³³ See *People v. Baay*, 810 Phil. 943, 955 (2017).

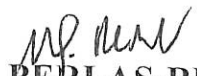
³⁴ *People v. Jugueta*, 783 Phil. 806, 849 (2016).

³⁵ *People v. Sabal*, 734 Phil. 742, 747 (2014); *Nissan Gallery-Ortigas v. Felipe*, 720 Phil. 828, 840 (2013), citing *Nacar v. Gallery Frames and/or Felipe Barley, Jr.*, 716 Phil. 267, 281-283 (2013) citing BSP-MB Circular No. 799 dated May 16, 2013.

SO ORDERED.


RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson



ANDRES B. REYES, JR.
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice


EDGARDO L. DELOS SANTOS
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.


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division 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.


DIOSDADO M. PERALTA
Chief Justice