



**Republic of the Philippines  
Supreme Court  
Manila**

**FIRST DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
Plaintiff-Appellee,

**G.R. No. 203041**

Present:

- versus -

SERENO, *CJ.*,  
Chairperson,  
LEONARDO-DE CASTRO,  
BERSAMIN,  
VILLARAMA, JR., and  
REYES, *JJ.*

Promulgated:

**MOISES CAOILE,**  
Accused-Appellant.

**JUN 05 2013**

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**DECISION**

**LEONARDO-DE CASTRO, J.:**

The accused-appellant challenges in this appeal the March 21, 2012 **Decision**<sup>1</sup> promulgated by the Court of Appeals in **CA-G.R. CR.-H.C. No. 03957**, which affirmed with modification the judgment<sup>2</sup> of conviction for two counts of Rape rendered against him by Branch 32 of the Agoo, La Union Regional Trial Court (RTC) in **Family Court Case Nos. A-496 and A-497**.

Accused-appellant Moises Caoile (Caoile), in two separate Amended Informations filed before the RTC on January 5, 2006, was charged with two separate counts of Rape of a Demented Person under Article 266-A, paragraph 1(d) of the Revised Penal Code, to wit:

FAMILY COURT CASE No. A-496

That on or about April 6, 2005, in the Municipality of Rosario, La Union, Philippines and within the jurisdiction of the Honorable Court, the

<sup>1</sup> *Rollo*, pp. 2-20; penned by Associate Justice Socorro B. Inting with Associate Justices Fernanda Lampas Peralta and Mario V. Lopez, concurring.

<sup>2</sup> *CA rollo*, pp. 14-19; penned by Presiding Judge Jennifer A. Pilar.

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above-named accused, knowing the mental disability of the victim, did the[n] and there willfully, unlawfully and feloniously have sexual intercourse with one [AAA],<sup>3</sup> a demented person with a mental age of seven (7) years old against her will and, to her damage and prejudice.<sup>4</sup>

#### FAMILY COURT CASE No. A-497

That on or about May 12, 2005, in the Municipality of Rosario, La Union, Philippines and within the jurisdiction of the Honorable Court, the above-named accused, knowing the mental disability of the victim, did the[n] and there willfully, unlawfully and feloniously have sexual intercourse with one [AAA], a demented person with a mental age of seven (7) years old against her will and, to her damage and prejudice.<sup>5</sup>

Caoile pleaded not guilty to both charges upon his arraignment<sup>6</sup> for both cases on March 1, 2006. After the completion of the pre-trial conference on March 8, 2006,<sup>7</sup> joint trial on the merits ensued.

The antecedents of this case, which were succinctly summarized by the RTC, are as follows:

#### *Evidence for the Prosecution*

[AAA], the herein victim, was left in the care of her grandmother and auntie in Alipang, Rosario, La Union when her mother left to work abroad when she was still young. One of their neighbors was the accused whose daughter, Marivic, was the playmate of [AAA].

One day, the accused invited [AAA] to go to the bamboo trees in their place. Upon reaching thereat, the accused directed [AAA] to lie down on the ground. [AAA] followed the instruction of the accused whom she called uncle Moises. Thereafter, the accused removed [AAA]'s short pant[s] and panty and inserted his penis into her vagina. [AAA] felt pain but she did not do anything. After two minutes or so, the accused removed his penis inside [AAA]'s vagina. [AAA] stood up and wore again her short pant[s] and panty. Before the accused allowed [AAA] to go home, the former gave the latter a medicine, which she described as a red capsule with white casing, with the instruction of taking the same immediately upon reaching home. As instructed by her uncle Moises, [AAA] took the medicine as soon as she got home.

Four (4) days thereafter, and while [AAA] was at the pumping well near their house, the accused invited her to gather guavas at the mountain.

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<sup>3</sup> Under Republic Act No. 9262 also known as "Anti-Violence Against Women and Their Children Act of 2004" and its implementing rules, the real name of the victim and those of her immediate family members are withheld and fictitious initials are instead used to protect the victim's privacy.

<sup>4</sup> Records, FC Case No. A-496, p. 61.

<sup>5</sup> Records, FC Case No. A-497, p. 54.

<sup>6</sup> Records, FC Case No. A-496, p. 63.

<sup>7</sup> Id. at 67-68.

[AAA] accepted her uncle Moises's invitation. At the mountain, the accused led [AAA] to lie down, and then he removed her short pant[s] and panty. Thereafter, the accused inserted his penis inside the vagina of [AAA]. After the sexual intercourse, the accused and [AAA] gathered guavas, and went home.

One day, while [AAA] was sleeping in their house, Marivic woke her up and invited her to play at their house. At the accused's house, and while [AAA] and Marivic were playing, the accused invited [AAA] to gather santol fruits. [AAA] went with the accused, and once again the accused had carnal knowledge [of] her.

Sometime in April 2005, [AAA] heard her friend, [BBB], complaining to Lucio Bafalar, a Barangay Tanod, that the accused mashed her breast. Upon hearing the story of [BBB], [AAA] blurted out that she, too, was abused by the accused.

[CCC], [AAA]'s aunt, immediately went home [to] Rosario when she learned that her niece was raped by the accused, and together with [AAA] and Barangay Captain Roming Bartolome they went to the Rosario Police Station to report the incident. After executing their respective affidavits, [AAA] was examined by [Dr.] Claire Maramat at San Fernando, La Union.

After examining [AAA] on June 21, 2005, Dr. Claire Maramat found out that [AAA]'s genitalia suffered a multiple hymenal laceration which, at the time of the examination, was already healed, thus, possibly, it was inflicted a week or months prior to the examination. According to Dr. Maramat, a multiple hymenal laceration may be caused by several factors, such as trauma to the perineal area or penetration of a penis.

Dr. Maramat also took seminal fluid from the vagina, the cervix and the cervical canal of [AAA], and forwarded the same to Dr. Brenda Rosuman, a pathologist at the Ilocos Training and Regional Medical Center (ITRMC), for examination.

Dr. Rosuman testified that after examining the seminal fluids taken from [AAA], she found the presence of spermatozoa, which means that [AAA] had sexual intercourse, and the predominance of coccobacilli, meaning that [AAA] could be suffering from infection caused by hygiene or acquired through sexual intercourse. She further testified that, according to some books, spermatozoa can live in the vaginal tract within 17 days from sexual intercourse. She clarified, however, that in her medical experience, she rarely finds spermatozoa in a specimen beyond three (3) days.

Claire Baliaga, a psychologist of the Philippine Mental Health Association, Baguio-Benguet Chapter, testified that she conducted a psychological evaluation on [AAA] on August 10, 2007; that [AAA] obtained an overall score performance of 55, which is classified within the mental retardation range; and that [AAA] has the mental age of a seven-

year, nine-month old child who is inadequate of sustaining mental processes and in solving novel problems employing adoptive strategies.

Dr. Roderico V. Ramos, a psychiatrist of the ITRMC, testified that he evaluated the mental condition of [AAA], that after psychiatric evaluation, [AAA] was given a diagnosis of moderate mental retardation; that a person who is mentally retarded do not function the way his age required him to be; that [AAA] was eighteen (18) years old at the time he examined her, but the mental functioning of her brain is around five (5) to six (6) years old; and that [AAA] can only do what a five or six-year old child could do.

Dr. Ramos further testified that generally a mentally retarded cannot finish primary education. He, however, explained that parents of mentally retarded begg the teachers to give passing marks to their sons/daughters, and out of pity, they would be able to finish primary education.<sup>8</sup>

### *Evidence for the Defense*

Accused Moises Caoile knew [AAA] because they were neighbors. [AAA] was, in fact, a playmate of his children and a frequent visitor in their house. When accused and [AAA] became familiar with one another, the latter would go to the former's house even when the children were not there, and they would [talk] and [tease] each other.

In the year 2005, the wife of the accused worked at the town proper of Rosario, La Union. The wife would leave early in the morning, and returned home late at night. More often than not, the accused was left alone in the house since all his children were attending school. It was during his so called alone moments that the accused courted [AAA]. He gave her money, chocolates or candies. Time came when [AAA] would stay at the accused's house, from Monday to Sunday, with or without the children. Soon thereafter, accused and [AAA] found themselves falling in love with one other. As lovers, they had their intimate moments, and their first sexual intercourse happened on April 6, 2005 on the mountain. From then on, the accused and [AAA] repeatedly had sexual intercourse, and most of which were initiated by [AAA], especially their sexual intimacies in Agri Motel, Pangasinan.

During their relationship, [AAA] suggested that they [live] together as husband and wife. The accused refused because he cannot leave his family.

The accused did not know that [AAA] was a demented person since she acted like a normal individual. In fact, she went to a regular school and she finished her elementary education.

The accused did not force himself [on] [AAA]. [AAA] knew that he is a married man, but she, nonetheless, loved him without reservation.

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<sup>8</sup> CA rollo, pp. 15-16.

The defense moved that it be allowed to have [AAA] be evaluated by a psychiatrist of its own choice. As prayed for the defense, [AAA] was evaluated by Dr. Lowell A. Rebucal of the Department of Psychiatry, Baguio General Hospital and Medical Center. In his Psychiatric Evaluation Report, Dr. Rebucal concluded that [AAA] is suffering from Mild Mental Retardation.<sup>9</sup>

### ***Ruling of the RTC***

On May 6, 2009, after weighing the respective evidence of the parties, the RTC rendered its Joint Decision finding Caoile guilty beyond reasonable doubt of two counts of rape:

WHEREFORE, judgment is hereby rendered as follows, to wit:

1. In FC Case No. A-496, accused Moises Caoile is hereby found **guilty** beyond reasonable doubt of the crime of rape defined and penalized under Article 266-A, paragraph 1(d) and Article 266-B of Republic Act No. 8353, and is sentenced to suffer the penalty of ***reclusion perpetua***.
2. In FC Case No. A-497, accused Moises Caoile is hereby found **guilty** beyond reasonable doubt of the crime of rape defined and penalized under Article 266-A, paragraph 1(d) and Article 266-B of Republic Act No. 8353, and is sentenced to suffer the penalty of ***reclusion perpetua***.
3. The accused is further ordered to indemnify the private complainant the amounts of ₱50,000.00 for each count of rape as compensatory damages and ₱50,000.00 for each count of rape as moral damages.<sup>10</sup>

Caoile elevated the RTC ruling to the Court of Appeals, claiming that his guilt was not proven beyond reasonable doubt by attacking the credibility of AAA and the methods used to determine her mental state.

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

In its **Decision** dated March 21, 2012, in CA-G.R. CR.-H.C. No. 03957, the Court of Appeals affirmed with modification the RTC decision. The dispositive portion of the Court of Appeals Decision reads:

**WHEREFORE**, premises considered, the *Joint Decision* dated May 6, 2009 of the Regional Trial Court (“RTC”), First Judicial Region, Branch 32, Agoo, La Union, in Family Court Case Nos. A-496 and A-497, entitled “People of the Philippines, Plaintiff, versus Moises Caoile, Accused,” finding appellant Moises Caoile guilty beyond reasonable

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<sup>9</sup> Id. at 17.

<sup>10</sup> Id. at 18-19.

doubt of two (2) counts of rape is **AFFIRMED with modification** in that aside from civil indemnity and moral damages, appellant Moises Caoile is **ORDERED** to indemnify [AAA] exemplary damages amounting to ₱30,000.00 for each count of rape.<sup>11</sup> (Citation omitted.)

### *Issue*

Caoile is now before this Court, on appeal,<sup>12</sup> with the same lone assignment of error he posited before the Court of Appeals,<sup>13</sup> to wit:

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF TWO COUNTS OF RAPE.<sup>14</sup>

In essence, Caoile is attacking the credibility of AAA, and claims that she might not be a mental retardate at all, having been able to give categorical and straightforward answers during her testimony. Moreover, Caoile avers that it has not been shown that AAA underwent the proper clinical, laboratory, and psychometric tests to arrive at the conclusion that she fell within the range of mental retardation. Caoile argues that while it is true that his denial and sweetheart defenses are generally deemed weak and unavailing, his conviction should nevertheless be founded on the strength of the prosecution's evidence and not on the flaws of his defenses.<sup>15</sup>

### *This Court's Ruling*

Caoile was tried and convicted of rape under Article 266-A, paragraph 1(d) in relation to Article 266-B, paragraph 1, of the Revised Penal Code, as amended by Republic Act No. 8353. Said provisions read:

**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

b) When the offended party is deprived of reason or is otherwise unconscious;

x x x x

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<sup>11</sup> *Rollo*, p. 19.

<sup>12</sup> *Id.* at 21-23.

<sup>13</sup> *Id.* at 39-42.

<sup>14</sup> *CA rollo*, p. 43.

<sup>15</sup> *Id.* at 54-57.

- 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.)

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

**Validity of the Amended Informations**

Taking a cue from the Court of Appeals, this Court would like, at the outset, to address the validity of the Amended Informations *vis-à-vis* the crime Caoile was actually convicted of.

Article 266-A, paragraph 1 of the Revised Penal Code, as amended, provides for two circumstances when having carnal knowledge of a woman with a mental disability is considered rape:

1. Paragraph 1(b): when the offended party is **deprived of reason** x x x; and
2. Paragraph 1(d): when the offended party is x x x **demented**.<sup>16</sup>

Caoile was charged in the Amended Informations with rape of a demented person under paragraph 1(d). The term *demented*<sup>17</sup> refers to a person who has dementia, which is a condition of deteriorated mentality, characterized by marked decline from the individual's former intellectual level and often by emotional apathy, madness, or insanity.<sup>18</sup> On the other hand, the phrase *deprived of reason* under paragraph 1(b) has been interpreted to include those suffering from mental abnormality, deficiency, or retardation.<sup>19</sup> Thus, AAA, who was clinically diagnosed to be a mental retardate, can be properly classified as a person who is "deprived of reason," and not one who is "demented."

The mistake, however, will not exonerate Caoile. In the first place, he did not even raise this as an objection. More importantly, none of his rights, particularly that of to be informed of the nature and cause of the accusation against him,<sup>20</sup> was violated. Although the Amended Informations stated that he was being charged with the crime of *rape of a demented person* under *paragraph 1(d)*, it also stated that his victim was "a person with a mental age

<sup>16</sup> *People v. Monticalvo*, G.R. No. 193507, January 30, 2013.

<sup>17</sup> Webster's Third New International Dictionary (1993).

<sup>18</sup> *People v. Burgos*, 201 Phil. 353, 360 (1982).

<sup>19</sup> *People v. Monticalvo*, supra note 16.

<sup>20</sup> CONSTITUTION, Article III, Section 14(2).

of seven (7) years old.” Elucidating on the foregoing, this Court, in *People v. Valdez*,<sup>21</sup> held:

For [a] complaint or information to be sufficient, it must state the name of the accused; the designation of the offense given by the statute; the acts or omissions complained of as constituting the offense; the name of the offended party; the approximate time of the commission of the offense, and the place wherein the offense was committed. What is controlling is not the title of the complaint, nor the designation of the offense charged or the particular law or part thereof allegedly violated, these being mere conclusions of law made by the prosecutor, but the description of the crime charged and the particular facts therein recited. The acts or omissions complained of must be alleged in such form as is sufficient to enable a person of common understanding to know what offense is intended to be charged, and enable the court to pronounce proper judgment. No information for a crime will be sufficient if it does not accurately and clearly allege the elements of the crime charged. **Every element of the offense must be stated in the information. What facts and circumstances are necessary to be included therein must be determined by reference to the definitions and essentials of the specified crimes. The requirement of alleging the elements of a crime in the information is to inform the accused of the nature of the accusation against him so as to enable him to suitably prepare his defense. The presumption is that the accused has no independent knowledge of the facts that constitute the offense.**

Thus, the erroneous reference to paragraph 1(d) in the Amended Informations, did not cause material and substantial harm to Caoile. Firstly, he simply ignored the error. Secondly, particular facts stated in the Amended Informations were averments sufficient to inform Caoile of the nature of the charges against him.

### **Mental Condition of AAA**

Caoile’s insistence, to escape liability, that AAA is not a mental retardate, cannot be accepted by this Court.

The fact that AAA was able to answer in a straightforward manner during her testimony cannot be used against her. The capacity of a mental retardate to stand as a witness in court has already been settled by this Court. In *People v. Castillo*,<sup>22</sup> we said:

It bears emphasis that the competence and credibility of mentally deficient rape victims as witnesses have been upheld by this Court where it is shown that they can communicate their ordeal capably and

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<sup>21</sup> G.R. No. 175602, January 18, 2012, 663 SCRA 272, 287, citing *People v. Dimaano*, 506 Phil. 630, 649-650 (2005).

<sup>22</sup> G.R. No. 186533, August 9, 2010, 627 SCRA 452, 471.

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 when a woman says she has been raped, she says in effect all that is necessary to show that she has been raped and her testimony alone is sufficient if it satisfies the exacting standard of credibility needed to convict the accused. (Citations omitted.)

More importantly, AAA's medical condition was verified not only by one expert, but three witnesses – a psychologist and two psychiatrists, one of whom was even chosen by the defense and testified for the defense. All three experts confirmed that AAA suffered from mental retardation. Caoile cannot, at this point, properly impeach his own witness without violating established rules of evidence.

This Court further disagrees with Caoile's claim that the experts "merely impressed that they conducted a psychological evaluation on [AAA] in which she obtained a performance classified within the mental retardation range."<sup>23</sup> The experts' findings on AAA's mental condition were based on several tests and examinations, including the Stanford-Binet Test,<sup>24</sup> which Caoile, relying on this Court's ruling in *People v. Cartuano, Jr.*,<sup>25</sup> considered as one of the more reliable standardized tests.<sup>26</sup> Besides, this Court has already qualified the applicability of *Cartuano* in cases involving mentally deficient rape victims, to wit:

*People v. Cartuano* applies only to cases where there is a dearth of medical records to sustain a finding of mental retardation. Indeed, the Court has clarified so in *People v. Delos Santos*, declaring that the records in *People v. Cartuano* were wanting in clinical, laboratory, and psychometric support to sustain a finding that the victim had been suffering from mental retardation. It is noted that in *People v. Delos Santos*, the Court upheld the finding that the victim had been mentally retarded by an examining psychiatrist who had been able to identify the tests administered to the victim and to sufficiently explain the results of the tests to the trial court.<sup>27</sup> (Citations omitted.)

Borrowing our words in *People v. Butiong*,<sup>28</sup> "[i]n direct contrast to *People v. Cartuano*, this case did not lack clinical findings on the mentality of the victim." Here, the psychiatric evaluation report of Caoile's own expert witness is the final nail on the coffin of Caoile's argument.

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<sup>23</sup> CA rollo, p. 57.

<sup>24</sup> Records, FC Case No. A-496, pp. 220, 225.

<sup>25</sup> 325 Phil. 718 (1996).

<sup>26</sup> CA rollo, p. 55.

<sup>27</sup> *People v. Butiong*, G.R. No. 168932, October 19, 2011, 659 SCRA 557, 575.

<sup>28</sup> Id.

In addition, this Court will not contradict the RTC's findings, which were affirmed by the Court of Appeals, absent any valid reason. The trial court's assessment of the witnesses' credibility is given great weight and is even conclusive and binding upon this Court.<sup>29</sup> In *People v. Sapigao, Jr.*,<sup>30</sup> we explained in detail the rationale for this practice:

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, "There 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."

**Carnal Knowledge of a  
Mental retardate amounts to Rape**

Carnal knowledge of a woman who is a mental retardate is rape under Article 266-A, paragraph 1(b) of the Revised Penal Code, as amended. This is because a mentally deficient person is automatically considered incapable of giving consent to a sexual act. Thus, what needs to be proven are the facts of sexual intercourse between the accused and the victim, and the victim's mental retardation.<sup>31</sup>

Verily, the prosecution was able to sufficiently establish that AAA is a mental retardate. Anent the fact of sexual congress, it is worthy to note that aside from the prosecution's own testimonial and documentary evidence, Caoile never denied being physically intimate with AAA. In fact, he has confirmed such fact, and even claimed that he and AAA often had sex, they being *sweethearts*.

<sup>29</sup> *People v. Escultor*, 473 Phil. 717, 730 (2004).

<sup>30</sup> G.R. No. 178485, September 4, 2009, 598 SCRA 416, 425-426.

<sup>31</sup> *People v. Magabo*, 402 Phil. 977, 983-984 (2001).

### **Sweetheart Defense**

Unfortunately, such defense will not exculpate him from liability. Carnal knowledge of a female, even when done without force or intimidation, is rape nonetheless, if it was done without her consent. To expound on such concept, this Court, in *People v. Butiong*,<sup>32</sup> said:

In rape committed by means of duress, the victim's will is nullified or destroyed. Hence, the necessity of proving real and constant resistance on the part of the woman to establish that the act was committed against her will. On the other hand, in the rape of a woman deprived of reason or unconscious, the victim has no will. **The absence of will determines the existence of the rape. Such lack of will may exist not only when the victim is unconscious or totally deprived of reason, but also when she is suffering some mental deficiency impairing her reason or free will. In that case, it is not necessary that she should offer real opposition or constant resistance to the sexual intercourse. Carnal knowledge of a woman so weak in intellect as to be incapable of legal consent constitutes rape. Where the offended woman was feeble-minded, sickly and almost an idiot, sexual intercourse with her is rape. Her failure to offer resistance to the act did not mean consent for she was incapable of giving any rational consent.**

**The deprivation of reason need not be complete. Mental abnormality or deficiency is enough. Cohabitation with a feebleminded, idiotic woman is rape. Sexual intercourse with an insane woman was considered rape. But a deafmute is not necessarily deprived of reason. This circumstances must be proven. Intercourse with a deafmute is not rape of a woman deprived of reason, in the absence of proof that she is an imbecile. Viada says that the rape under par. 2 may be committed when the offended woman is deprived of reason due to any cause such as when she is asleep, or due to lethargy produced by sickness or narcotics administered to her by the accused. x x x.**

Consequently, the mere fact that Caoile had sexual intercourse with AAA, a mental retardate, makes him liable for rape under the Revised Penal Code, as amended.

### **Defense of Lack of knowledge of AAA's mental condition**

Similarly, Caoile's allegation that he did not know that AAA was mentally retarded will not suffice to overturn his conviction.

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<sup>32</sup> Supra note 27 at 569; citing III Ramon Aquino, *The Revised Penal Code* (1997 Ed.), pp. 410-411.

The Revised Penal Code, as amended, punishes the rape of a mentally disabled person regardless of the perpetrator's awareness of his victim's mental condition. However, the perpetrator's knowledge of the victim's mental disability, at the time he committed the rape, qualifies the crime and makes it punishable by death<sup>33</sup> under Article 266-B, paragraph 10, to wit:

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.

There is no sufficient evidence to establish the qualifying circumstance of knowledge by Caoile of AAA's mental disability. The trial court and the Court of Appeals which did not make any finding on the said qualifying circumstance correctly convicted said accused of simple rape only.

This Court finds the award of damages as modified by the Court of Appeals in order. Pursuant to prevailing jurisprudence,<sup>34</sup> however, interest at the rate of six percent (6%) per annum shall be imposed on all damages awarded from the date of finality of this judgment until fully paid.

**WHEREFORE**, premises considered, the decision of the Court of Appeals in **CA-G.R. CR.-H.C. No. 03957** is hereby **AFFIRMED with MODIFICATION**. Accused-appellant **MOISES CAOILE** is found **GUILTY** beyond reasonable doubt of the crime of simple rape in Family Court Case Nos. A-496 and A-497 under subparagraph (b) of Article 266-A of the Revised Penal Code, as amended, and is sentenced to *reclusion perpetua* for each count of rape. The award of civil indemnity and moral damages, both in the amount of Fifty Thousand Pesos (₱50,000.00), and exemplary damages in the amount of Thirty Thousand Pesos (₱30,000.00), all for each count of rape, are maintained, subject to interest at the rate of 6% *per annum* from the date of finality of this judgment. No costs.

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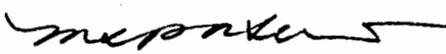
<sup>33</sup> Although under Republic Act No. 7659 (The Death Penalty Law), the crime of qualified rape is punishable by death, Republic Act No. 9346 (An Act Prohibiting the Imposition of the Death Penalty in the Philippines), which took effect on June 24, 2006, prohibits the imposition of the death penalty. Under this Act, the proper penalty to be imposed in lieu of the death penalty is *reclusion perpetua* (Section 2) without eligibility for parole (Section 3).

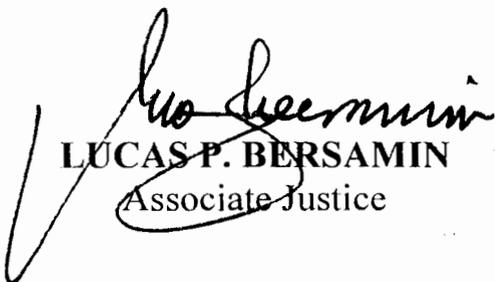
<sup>34</sup> *Sison v. People*, G.R No. 187229, February 22, 2012, 666 SCRA 645, 667.

**SO ORDERED.**

  
**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice

WE CONCUR:

  
**MARIA LOURDES P. A. SERENO**  
Chief Justice  
Chairperson

  
**LUCAS P. BERSAMIN**  
Associate Justice

  
**MARTIN S. VILLARAMA, JR.**  
Associate Justice

  
**BIENVENIDO L. REYES**  
Associate Justice

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARIA LOURDES P. A. SERENO**  
Chief Justice