



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-appellee,

G.R. No. 258694

Present:

LEONEN, J., *Chairperson*,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., and
KHO, JR., JJ.

- versus -

YYY258694* and XXX258694,*
Accused-appellants.

Promulgated:

AUG 09 2023

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DECISION

LOPEZ, J., J.

This Court resolves the Appeal¹ assailing the Decision² of the Court of Appeals (CA) in CA-G.R. CR HC No. 12283, which affirmed with modification the Decision³ of the Regional Trial Court in Criminal Case No. R-MKT-18-00711-CR, finding YYY258694 and XXX258694 guilty of rape under paragraph 1 of Article 266-A, in relation to Article 266-B, of the Revised Penal Code.

* In line with Amended Administrative Circular No. 83-2015, as mandated by the Revised Penal Code, Article 266-A, 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.

¹ *Rolla*, pp. 3-4.

² *Id.* at 9-24. The March 18, 2021 Decision in CA-G.R. CR HC No. 12283 was penned by Associate Justice Ronaldo Roberto B. Martin, and concurred in by Associate Justices Elihu A. Ybañez and Alfredo D. Ampuan, of the Ninth Division, Court of Appeals, Manila.

³ *Id.* at 27-43. The September 13, 2018 Decision in Criminal Case No. R-MKT-18-00711-CR was penned by Presiding Judge Liza Marie R. Picardal-Tecson, Branch 144, Regional Trial Court, ████████ City.

YYY258694 and XXX258694 were charged with sexual abuse under Section 5(b), Article III of Republic Act No. 7610, or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act in an Information⁴ the pertinent portions of which read:

On the 20th day of August 2016, in the [C]ity of [REDACTED], the Philippines, accused [YYY258694], conspiring and confederating with his common-law wife [XXX258694], the latter taking advantage of her moral authority and ascendancy being the older sister of [AAA258694], a minor, 15 years of age, and by means of coercion, persuasion, and with intent to abuse, did, then and there willfully, unlawfully and knowingly commit sexual abuse against [AAA258694] by having sexual intercourse with [AAA258694] against her will and consent.

That [XXX258694] is accused as a co-principal by indispensable cooperation in the commission of the crime of sexual abuse by then and there asking [AAA258694] to enter their bedroom and ordering the latter to lie on bed and while [YYY258694] was having sex with [AAA258694], [XXX258694] was watching and lighting the sexual act.

CONTRARY TO LAW.⁵ (Emphasis in the original)

YYY258694 and XXX258694 pleaded not guilty when arraigned.⁶ During the pre-trial of the case, the parties stipulated as to the jurisdiction of the court and the identities of YYY258694 and XXX258694 as the accused in the case.⁷ Thereafter, trial on the merits ensued.⁸

The prosecution alleged that on August 20, 2016 at around 12:00 a.m., AAA258694, who was then 15 years old,⁹ was studying in the living room when her older sister XXX258694 asked her to come inside the room she shared with YYY258694, her common-law partner.¹⁰ When AAA258694 got inside the room, XXX258694, who was heavily pregnant, told her, "*paganon ka muna kay Kuya [YYY258694] mo ksi baka daw matamaan yung ulo ng bata.*"¹¹ AAA258694 refused to have sex with YYY258694 and said, "*bakit ako po yung aanuhin eh hindi naman po ako yung asawa nya.*"¹² XXX258694 paid no attention to what AAA258694 said and simply replied, "*sus, kunwari ka pa.*"¹³

Thereafter, XXX258694 laid AAA258694 on the bed and held her hands. YYY258694, who was also inside the room, removed her shorts, went on top of her, inserted his penis into her vagina, and started making pumping

⁴ Records, p. 1.

⁵ *Id.*

⁶ *Id.* at 33–34.

⁷ *Id.* at 47–48.

⁸ *Id.* at 48, 51.

⁹ *Id.* at 50.

¹⁰ *Id.* at 12–13; TSN, May 3, 2018, pp. 8–12, 36.

¹¹ TSN, May 3, 2018, pp. 12, 40.

¹² *Id.* at 13.

¹³ *Id.*

motions. AAA258694 begged for mercy, but they continued doing their dastardly acts. While YYY258694 was doing said acts, XXX258694 was holding a flashlight aimed at AAA258694's genitalia. AAA258694 was crying while she was being abused. She could not shout for help because YYY258694 was covering her mouth. Even if she did, her mother could not have possibly heard her cries as she had passed out, drunk. AAA258694 also did not run since the door was closed. When YYY258694 was done with her, he and XXX258694 lay on the bed. XXX258694 then ordered AAA258694 to wash her genitals in the bathroom. AAA258694 went back to XXX258694's room after 30 minutes and told her that she could not urinate. Thus, she was advised by XXX258694 to drink more water.¹⁴ When AAA258694 told her that she still could not urinate after heeding her advice, XXX258694 scolded her and told her, "*bahala ka na sa buhay mo.*"¹⁵

For some reason, when XXX258694 and AAA258694 saw each other the following day, the former was mad at the latter. Thus, AAA258694 told her that she will reveal everything that happened to their mother. XXX258694 quickly composed herself and said, "*men, sorry na di ko naman sinasadya eh, alam ko kapatid kita.*"¹⁶ AAA258694 retaliated and countered, "*alam mo palang kapatid mo ako eh, bat mo nagawa ito sa akin.*"¹⁷ Two days after she was abused, XXX258694 went to AAA258694's room and angrily told her, "*sana di na kita pinagalaw kay [YYY258694], baka agawin mo pa asawa ko,*" and then kicked her in the head.¹⁸ Stunned, AAA258694 replied, "*hindi ko naman po ginusto yun eh.*"¹⁹ Distraught because she could not confide in her mother and siblings about what she went through since they all live in the same house with XXX258694 and YYY258694, AAA258694 ran away from home in March 2017.²⁰

After staying at different places for two months, AAA258694 reached out to her sister, BBB258694, in June 2017. The former sent the latter a message that she wanted to return home. AAA258694 also revealed to her the abuse she went through, which resulted in a confrontation among the parties involved. XXX258694 denied the allegations and called AAA258694 a liar. Subsequently, BBB258694 took AAA258694 to the doctor and had her examined. Soon thereafter, a case was filed against XXX258694 and YYY258694.²¹

BBB258694 recounted that on June 11, 2017, AAA258694 sent her a message asking how she was. Since BBB258694 was aware that AAA258694 ran away from home, she encouraged her to go back. AAA258694 told her

¹⁴ *Id.* at 14–19, 43, 46–47, 50, 65.

¹⁵ *Id.* at 19.

¹⁶ Records, p. 13.

¹⁷ *Id.*; TSN, May 3, 2018, p. 20.

¹⁸ *Id.*; *Id.* at 21.

¹⁹ TSN, May 3, 2018, p. 22.

²⁰ *Id.* at 22–24.

²¹ *Id.* at 24–28.

that she wanted to go home, but she does not want to stay in her mother's house. Thus, BBB258694 told AAA258694 that she can stay with her. When AAA258694 was already with her that evening, BBB258694 asked her the reason why she refused to stay at their mother's house. AAA258694 told BBB258694 that she was raped by YYY258694 with the aid of XXX258694. According to BBB258694, AAA258694 told her that at around 12:00 a.m. of August 20, 2016, XXX258694 called her and told her, "*sya daw muna kasi daw kapag si [XXX258694] daw yung gaganunin baka daw madumihan yung ulo ng bata.*"²² When AAA258694 was already inside the room, as instructed, XXX258694 held the former's hand, and YYY258694 proceeded to take off her shorts and then abused her, while XXX258694 trained a flashlight at them.²³ It was also at this time that AAA258694 disclosed to BBB258694 that she was also raped by their brother, CCC258694. The following day, BBB258694, together with AAA258694 and their mother, confronted XXX258694 and YYY258694 about what happened. XXX258694 and YYY258694 simply denied the allegations.²⁴ Because the news that AAA258694 had been raped spread like wildfire in their compound, AAA258694's mother decided to take her to [REDACTED] until things have quieted down. Thus, it was not until August 15, 2017 when BBB258694 was able to bring AAA258694 to the doctor for an examination. On November 20, 2017, the case against XXX258694 and YYY258694 was filed.²⁵ Not long after, in January 2018, BBB258694 admitted executing an affidavit of desistance out of pity for her sister, XXX258694, who had just given birth to her second child. She was also left without any choice but to execute the said affidavit after AAA258694 threatened her that she will run away again from home if BBB258694 does not help XXX258694.²⁶

Dr. Geraldine V. Alcantara (*Dr. Alcantara*) of the Women and Children Protection Unit of the Ospital ng [REDACTED] testified that AAA258694 was brought to the hospital on August 15, 2017 by her relatives for examination for signs of sexual abuse. As stated in the provisional medico-legal certificate²⁷ and medico-legal certificate, the anogenital examination performed on AAA258694 revealed that there were indications of blunt force or penetrating trauma since there were healed lacerations in the victim's hymenal area. According to the doctor, the blunt object that penetrated the private part of AAA258694 could be an outstretched or extended finger, an erect penis or a weapon.²⁸

XXX258694 denied the charge against her and YYY258694. She averred that on the date of the questioned incident, she was at home while YYY258694, her common-law partner, went to his place of work at Racks, Mall of Asia branch, to join a dishwashing competition. YYY258694 left the

²² TSN, May 10, 2018, pp. 10–15.

²³ *Id.* at 19.

²⁴ *Id.* at 20, 33–34.

²⁵ *Id.* at 30–31, 38.

²⁶ *Id.* at 38–41.

²⁷ Records, p. 68.

²⁸ TSN, May 31, 2018, pp. 5–6, 9–14.

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house around 2:00 a.m. of August 20, 2016, and she was already asleep between 7:00 p.m. and 8:00 p.m.²⁹ She insisted that it was not YYY258694 but CCC258694, her and AAA258694's brother, who raped the latter. According to XXX258694, prior to the August 20, 2016 incident, AAA258694 asked for her help to get away from the house since she was being raped by CCC258694, and mauled by their two other sisters, DDD258694 and BBB258694.³⁰

XXX258694 denied that she begged AAA258694 and BBB258694 to withdraw the case against her and YYY258694. On the contrary, she claimed that AAA258694 and BBB258694 executed the affidavit of desistance of their own volition and even signed the same in front of the fiscal. Without prodding from her, they were also the ones who asked the fiscal if the charge can still be dropped.³¹ XXX258694 also revealed that after AAA258694 signed the said affidavit on January 12, 2018, she left for [REDACTED] and stayed with the parents of YYY258694. When XXX258694 went to Isabela in February 2018 and had a talk with AAA258694, the latter told her, "*ate huwag ka na matakot kasi hindi ko na itutuloy yong kaso namin sa iyo dahil nandito na ako.*" XXX258694 also revealed the reason why the case was filed against her and YYY258694 was because BBB258694 and DDD258694 wanted to take custody of their eldest child because they believed that YYY258694 was not capable of supporting the child.³²

Like XXX258694, YYY258694 also denied the charge against him. YYY258694 stated that he and XXX258694 transferred to [REDACTED] on July 26, 2016 from [REDACTED], and stayed at the house of XXX258694's mother where AAA258694 and BBB258694 were also staying, to avail of free birth care at the Ospital ng [REDACTED].³³ He claimed that on the date of the alleged incident, he was working at Racks, Mall of Asia branch as a dishwasher. His shift was supposed to start at 8:00 a.m. and end at 5:00 p.m., but on said date, his shift started at 9:00 p.m. of August 19, 2016 and ended at 6:00 a.m. of August 20, 2016 as he had to fill in for a workmate who could not report for work.³⁴

YYY258694 contended that there is no truth that AAA258694 always obeyed XXX258694 because the former was afraid of the latter. On the contrary, he claimed that it was XXX258694 who was afraid of AAA258694 since the latter will curse at the former whenever they fight. XXX258694 would end up crying and will just distance herself from AAA258694.³⁵

YYY258694 also claimed that when they transferred to [REDACTED] in July 2016, XXX258694 disclosed to him that AAA258694 had been raped by

²⁹ TSN, June 7, 2018, pp. 3–5, 11.

³⁰ *Id.* at 6, 8–9.

³¹ *Id.* at 15–16.

³² *Id.* at 17–22, 36.

³³ TSN, June 21, 2018, pp. 10–13.

³⁴ *Id.* at 5–7, 45, 51, 58–60.

³⁵ *Id.* at 7–8, 14.

CCC258694, but the incident was not reported to the authorities because AAA258694 did not want anybody to know about it.³⁶ He also averred that the reason AAA258694 left home in March 2017 was because she was beaten up by EEE258694 when the latter caught her drunk. When XXX258694 noticed that evening that AAA258694, including her things, were missing, she quickly informed him about it and both of them started searching for AAA258694, but to no avail. AAA258694 came back in July 2017, but stayed at BBB258694's place.³⁷ YYY258694 contended that the reason why the criminal complaint was filed against him and XXX258694 was because BBB258694 wanted to get the custody of their eldest child.³⁸ He also denied pleading with AAA258694 and BBB258694 to execute the January 12, 2018 Affidavit of Desistance. He averred that in January 2018, AAA258694 went to Isabela to tell him and XXX258694 that she is going to withdraw the case against them. In the presence of YYY258694's parents, AAA258694 said, "*Kuya, wag kang mag-alala kasi iniipit ka lang nila Ate para-gusto kayong ipakulong para magtagumpay sila sa plano nilang pagkuha sa anak ninyo.*" AAA258694 continued, "*Hindi po totoo yun Kuya na pinagalaw ka sa akin ni Ate, gawa-gawa lang po nila yun para gusto nilang makuha yung bata talaga.*" YYY258694 claimed that AAA258694 stayed at his parents' house from January 2018 until the first week of March 2018.³⁹

The testimonies of Jean P. Galut and Merly A. Flores were dispensed with after the parties entered into the following:

In lieu of the testimony of Jean P. Galut, the parties entered into the following stipulations:

1. That after the case was filed in November 2017, the witness met with [AAA258694] in [REDACTED] in January 2018 and became friends with her;
2. That the first time that they talked, [AAA258694] intimated to her that she was in [REDACTED] to escape from her brother who was raping her since she was 12 years old until January of 2018;
3. That the second time that they talked, [AAA258694] asked the witness where [YYY258694] was because she wanted [YYY258694] to carry the bunch of bananas that she bought to be brought to the house; [and]
4. That the third time that they talked, [AAA258694], [YYY258694] and [XXX258694] and the children went to her place to visit her.

In lieu of the testimony of Merly A. Flores, the parties entered into the following stipulations:

³⁶ *Id.* at 22–23.

³⁷ *Id.* at 16, 18–21.

³⁸ *Id.* at 23–26.

³⁹ *Id.* at 35–39.

1. That she is the mother of accused [YYY258694];
2. That after the case was filed in November 2017, [AAA258694] came to [REDACTED] and stayed at her place;
3. That it was the first time she met [AAA258694] who she was told was the sister of [XXX258694] and allowed her to stay at her house;
4. That she did not know of a case filed by [AAA258694] against her son [YYY258694] and his partner [XXX258694];
5. That [AAA258694] and [XXX258694] stayed at her house; and,
6. That she brought [AAA258694] to the barangay to sign a document wherein she promised not to disturb or make problems with the family.⁴⁰

In its Decision,⁴¹ the RTC found YYY258694 and XXX258694 guilty beyond reasonable doubt of violation of Article III, Section 5(b) of Republic Act No. 7610. In rendering its decision, the RTC no longer discussed the elements of sexual abuse. It reasoned that under Republic Act No. 7610, the prosecution of YYY258694 and XXX258694 should be under Article 266-A of the Revised Penal Code. In finding them guilty as charged, the RTC gave credence to the testimony of AAA258694 who positively identified her assailants and unwaveringly declared even under rigid cross examination how her own sister XXX258694 held her down and shone a flashlight at her genitals while YYY258694 ravished her, over their defenses of denial and alibi. Her claim of being sexually violated was also corroborated by the medico-legal findings that she had hymenal lacerations which could have been caused by an erect penis. The RTC did not give any weight to the affidavit of desistance executed by AAA258694 and BBB258694 in favor of XXX258694 and YYY258694, since it was shown that it was signed out of pity for their sister XXX258694. The RTC also did not discount the fact that the affidavit was executed under undue influence and duress given that AAA258694 was left alone in the province with XXX258694 and YYY258694, hence, susceptible to their influence. BBB258694, on the other hand, was forced to sign the same out of fear that AAA258694 will run away again if she did not agree to desist from filing the said charge. It also did not equate to XXX258694 and YYY258694's innocence the fact that AAA258694 stayed in Isabela with them after the complaint was filed considering that AAA258694 went to the province upon the orders of her mother, and not of her own volition.⁴² The dispositive portion of the RTC Decision reads:

⁴⁰ Included in the body of the Order dated July 12, 2018; Records, pp. 89–90.

⁴¹ *Rollo*, pp. 27–43.

⁴² *Id.* at 37–41.

WHEREFORE, in light of the foregoing, the Court finds accused [YYY258694] and "[XXX258694]" **GUILTY** of violation of Republic Act No. 7610, Article III[,] Section 5(b) as amended. Accused [YYY258694] and "[XXX258694]" are sentenced to suffer the penalty of *reclusion perpetua*.

Both accused, jointly and solidarily, are liable to pay private complainant the amount of **FIFTY THOUSAND PESOS** (P50,000.00) as civil indemnity, **FIFTY THOUSAND PESOS** (P50,000.00) as moral damages[,] and **THIRTY THOUSAND PESOS** (P30,000.00) as exemplary damages.

SO ORDERED.⁴³ (Emphasis in the original)

On appeal, XXX258694 and YYY258694 contended that the RTC erred in convicting them of rape.

In its Decision,⁴⁴ the CA held that the conviction of YYY258694 and XXX258694 for violation of Section 5(b) of Republic Act No. 7610 cannot be sustained as the second element of the said crime had not been satisfied since AAA258694 cannot be deemed to be a child exploited in prostitution and other sexual abuse. Nevertheless, the prosecution was able to successfully prove all the elements of rape through sexual intercourse under Article 266-A of the Revised Penal Code. Like the RTC, the CA found the straightforward testimony of AAA258694 of how her sister, XXX258694, persuaded her to go to the bedroom, and how YYY258694 forced himself on her while XXX258694 focused a flashlight on her genitals worthy of belief. The fact that AAA258694 did not run, shout for help, or kick YYY258694 did not negate rape and did not imply that she consented to the sexual act. YYY258694 and XXX258694's defense of denial also failed to persuade the CA in light of their positive identification by AAA258694 as the perpetrators of the crime. YYY258694's defense of alibi was likewise found by the CA to be unavailing for his failure to prove the physical impossibility for him to be at the house at the time the crime of rape was committed. It also gave scant consideration to the affidavit of desistance executed by AAA258694 and BBB258694 since the same was executed out of pity for XXX258694 and her children, and not because YYY258694 and XXX258694 were innocent of the crime of rape.⁴⁵

As for XXX258694, the CA held that she could not be considered as an accomplice in the commission of the crime of rape but a principal by indispensable cooperation inasmuch as XXX258694 took advantage of her relationship with AAA258694 by calling her to their room so YYY258694 could commit the crime of rape. Moreover, XXX258694 was the one who pulled AAA258694 to bed, forced her to lie down and held her hands while

⁴³ *Id.* at 42-43.

⁴⁴ *Id.* at 9-24.

⁴⁵ *Id.* at 18-21.

YYY258694 was doing the dastardly deed to her sister.⁴⁶ The CA disposed as follows:

WHEREFORE, the instant Appeal is **DENIED**. The 13 September 2018 Decision of the Regional Trial Court, █████ City, Branch 144 in Criminal Case No. R-MKT-18-00711-CR is **AFFIRMED with MODIFICATIONS** in that: (a) appellants [YYY258694] and [XXX258694] are found guilty beyond reasonable doubt of rape under paragraph 1 of Article 266-A in relation to Article 266-B of the Revised Penal Code; (b) both are ordered to jointly and severally pay AAA civil indemnity, moral damages and exemplary damages in the amount of [PHP] 75,000.00 each; and (c) both are further ordered to pay six percent interest per annum on all damages awarded to be reckoned from the date of the finality of this judgment until fully paid.

SO ORDERED.⁴⁷ (Emphasis in the original)

YYY258694 and XXX258694 are now before this Court praying for their acquittal.

The sole issue for this Court's resolution is whether the CA erred in finding YYY258694 and XXX258694 guilty beyond reasonable doubt of rape under paragraph 1 of Article 266-A, in relation to Article 266-B, of the Revised Penal Code.

This Court's Ruling

The appeal is without merit.

At the outset, this Court must first address the statute under which YYY258694 and XXX258694 must be properly prosecuted. We note that the RTC convicted YYY258694 and XXX258694 for violation of Article III, Section 5(b) of Republic Act No. 7610. While the CA agrees with the RTC that they must be held liable for the sexual violence committed against AAA258694, the CA ruled that they must be convicted for rape under paragraph 1 of Article 266-A, in relation to Article 266-B, of the Revised Penal Code.

A careful reading of the Information would show that the charge against YYY258694 and XXX258694 centers on sexual intercourse committed against a minor. *People v. Ejercito*⁴⁸ instructs:

After much deliberation, the Court herein observes that **RA 8353 amending the RPC should now be uniformly applied in cases involving**

⁴⁶ *Id.* at 22-23.

⁴⁷ *Id.* at 23-24.

⁴⁸ 834 Phil. 837 (2018) [Per J. Perlas-Bernabe, Second Division].

sexual intercourse committed against minors, and not Section 5(b) of RA 7610. Indeed, while RA 7610 has been considered as a special law that covers the sexual abuse of minors, RA 8353 has expanded the reach of our already existing rape laws. These existing rape laws should not only pertain to the old Article 335 of the RPC but also to the provision on sexual intercourse under Section 5(b) of RA 7610 which, applying *Quimvel's* characterization of a child "exploited in prostitution or subjected to other abuse," virtually punishes the rape of a minor.

....

Significant to this case, the above-highlighted provisions of RA 8353 already accounted for the circumstance of minority under certain peculiar instances. The consequence therefore is a clear overlap with minority as an element of the crime of sexual intercourse against a minor under Section 5 (b) of RA 7610. However, as it was earlier intimated, RA 8353 is not only the more recent statutory enactment but more importantly, the more comprehensive law on rape; therefore, **the Court herein clarifies that in cases where a minor is raped through sexual intercourse, the provisions of RA 8353 amending the RPC ought to prevail over Section 5 (b) of RA 7610 although the latter also penalizes the act of sexual intercourse against a minor.**⁴⁹ (Emphasis supplied, citations omitted)

As the charge against XXX258694 and YYY258694 alleged sexual intercourse, the CA was correct when it ruled that YYY258694 and XXX258694 should be prosecuted for rape and not for violation of Section 5(b) of Republic Act No. 7610.

Article 266-A of the Revised Penal Code defines when and how rape is committed. It provides:

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 be present.

For a charge of rape by sexual intercourse under Article 266-A(1) of the Revised Penal Code to prosper, the following essential elements must be established: (a) the offender had carnal knowledge of a woman; and (b) he accomplished this act through force, threat or intimidation, when the victim

⁴⁹ *Id.* at 849–853.

was deprived of reason or otherwise unconscious, by means of fraudulent machination or grave abuse of authority, or when the victim is under 12 years of age or is demented.⁵⁰

In reviewing rape cases, this Court has been guided by the following established principles:

(1) to accuse a man of rape is easy, but to disprove the accusation is difficult, though the accused may be innocent; (2) inasmuch as only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence for the prosecution must stand or fall on its own merit and should not be allowed to draw strength from the weakness of the evidence for the defense.⁵¹ (Citation omitted)

Here, both the RTC and CA found that AAA258694's testimony clearly established how YYY258694 forced himself on her, and XXX258694's agreement in bringing the bestial act to fruition. This Court finds no cogent reason to depart from the findings of the RTC and the CA.

The recognized rule in this jurisdiction is that the findings of fact of the trial court, especially when affirmed by the Court of Appeals, are binding upon this Court. On the question whether to believe the version of the prosecution or that of the defense, the trial court's choice, as a general rule, is usually viewed as correct and entitled to the highest respect because of its competence to conclude so, considering that it had the opportunity to observe the witnesses' demeanor and deportment as they give their testimonies on the witness stand.⁵² The jurisprudential pronouncement that great weight is given to the factual findings of the trial court in terms of ascertaining the credibility of witnesses can only be cast aside when it appears in the record that the trial court overlooked, ignored, or disregarded some fact or circumstance of weight or significance which if considered would have changed the result.⁵³

As correctly observed by the RTC, and affirmed by the CA, AAA258694 staunchly and categorically declared how her sister, XXX258694, persuaded her to go to the bedroom, held her down and shone a flashlight at her genitals while YYY258694 ravished her against her will. AAA258694's credible testimony shows beyond reasonable doubt the elements of rape through the employment of force and intimidation. A scrupulous review of the records of this case likewise would reveal that there is nothing in the record that would validly support a conclusion that the trial and appellate courts had overlooked, misapprehended, or misapplied any fact or circumstance of weight and substance that would justify this Court not to

⁵⁰ *People v. Bagamano*, 793 Phil. 602, 608 (2016) [Per J. Perlas-Bernabe, First Division].

⁵¹ *People v. Patentes*, 726 Phil. 590, 599–600 (2014) [Per J. Perez, Second Division].

⁵² *People v. Lolos*, 641 Phil. 624, 632–633 (2010) [Per J. Mendoza, Second Division].

⁵³ *People v. Eling*, 576 Phil. 665, 675 (2008) [Per J. Chico-Nazario, Third Division].

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accord weight and respect to these courts' factual findings.⁵⁴ AAA258694's testimony is on point:

Direct Examination:

Q So, when [your] Ate [XXX258694] called you, what was your response?

A Lumapit po ako sa kanya.

Q And when you approached her, what did your Ate [XXX258694] tell you?

A Paganon daw po ako kau Kuya [YYY258694] po. Paganon daw po, pasex daw po ako.

Q That's exactly what your Ate [XXX258694] told you?

A Opo.

....

Q And when you are already inside the room, what did your Ate [XXX258694] tell you?

A Paganon ka muna kay Kuya [YYY258694] mo ksi baka daw matamaan yung ulo ng bata.

....

Pros. Odronia:

And what did you understand by what your Ate [XXX258694] told you?

A Magpapasex daw po ako kay Kuya [YYY258694].

Q And where was your Kuya [YYY258694] then?

A Nandoon po sa kwarto, nakaupo.

....

Q And what was your response when your Ate [XXX258694] told you that?

A Bakit ako po yung aanuhin eh hindi naman po ako yung asawa niya.

Q And what did your Ate [XXX258694] respond to that?

A Sus, kunwari ka pa.

....

Q So when you no longer responded to the statement of your Ate [XXX258694] to wit, *sus kunwari ka pa*, what happened next?

A Inihiga po ako ni Ate [XXX258694] tapos hinawakan niya po yung kamay ko.

Q You mentioned that your Ate [XXX258694] made in a vernacular *inihiga ka*, where did your Ate [XXX258694] in the vernacular *inihiga ka*?

A Sa kama po.

⁵⁴ *People v. Agalot*, 826 Phil. 541, 551 (2018) [Per J. Martires, Third Division].

Q And after your Ate [XXX258694] did that, what next happened?
A Tinanggal po ni Kuya [YYY258694] yung short ko tapos ipinasok niya po yung ari niya sa ari ko.

Q Okay. And when [YYY258694] removed your short and you mentioned that he inserted his *ari* to your *ari*, is that correct?

....

Q And when [YYY258694] was on top of you, what did [YYY258694] do?

A Pinapump niya po.

Q And while [YYY258694] was doing all of these to you, what was your Ate [XXX258694] doing?

A Pinaflashlight-an niya po yung ari ko po.

Q And what was your reaction when your Kuya [YYY258694] went on top of you, inserted his penis inside your vagina and was making pumping motion while your Ate [XXX258694] pointing a flashlight on your vagina, what was your reaction?

A Umiiyak po.

....

Q And what were they telling you?

A Sabi po ni kuya [YYY258694] mahal na mahal daw po niya ako.

....

Q And [you did not] shout for help?

A May takip po ang bibig ko.

Q: You mentioned *nakatakip ang bibig*, in the vernacular, *sino nagtakip ng bibig mo*?

A Si Kuya [YYY258694] po.⁵⁵ (Emphasis supplied)

Cross Examination

....

Q So, you mentioned [XXX258694] called you, how did she call you?

A [AAA258694] halika. May sasabihin ako sa'yo.

....

Q So, what did you ask Ate [XXX258694] when you approached her?

A Sabi ko po bakit po.

Q What was the response of Ate [XXX258694]?

A [AAA258694] paganun ka muna daw kay kuya [YYY258694] mo kasi matatamaan yung ulo ng bata.

⁵⁵ TSN, May 3, 2018, pp. 11-17.

....

Q So you did not agree with Ate [XXX258694]?

A Hindi po.

Q **Why did you not run from Ate [XXX258694] when she told you that?**

A **Hawak po ni Ate [XXX258694] and kamay ko.**

Q Which hand, what do you mean, where were you holding exactly, where was she holding you?*

A Witness pointing to her right arm.

....

Q So, when she was holding your hand and you mentioned bakit ako magpapaganun hindi naman ako ang asawa niya, what happened next?

A Ihiniga na niya po ako.

Q **She made you lie-down or she forced you to lie-down?**

A **Pinilit niya po akong humiga.**

Q So what did you do?

A Wala na po ako nagawa.

Q Why?

A Natatakot na po ako.

....

Q Is it not a fact when you and [XXX258694] quarrel you really fight with her?

A Opo.

Q Why did you not fight her this time?

A Nauna po yung takot ko.

....

Q And so you went to the bed?

A Opo.

Q **You went there by yourself?**

A **Hindi po. Hinila niya po ako sa loob tapos sabi nya, sus kunyari ka pa.**

....

Q You did not shout? *

A Hindi po.

Q Why not?

A Nakainom po si mama. Kapag sumigaw po ako wala pong makakarinig.

....

Q You did not ask for mercy from [XXX258694] and [YYY258694] not to do that to you?

A Nagmakaawa po. Sabi ko po sa kanya, maawa ka naman sa akin.

Q To whom did you say that?

A Kay Kuya [YYY258694]

....

Q When [YYY258694] was on top of you, why did you not shout?

A Natakot po ako.⁵⁶ (Emphasis supplied)

A scrutiny of AAA258694's narration of the ordeal she had to endure at the hands of the two accused would show not the slightest trace of fabrication. Her narration of the harrowing experience she went through is replete with details which only a person truly violated could describe. She also never wavered in declaring that XXX258694 and YYY258694 are the ones responsible for the rape.

Significantly, the medico-legal report issued by the examining physician, that AAA258694's anogenital examination shows that she has healed lacerations in the hymenal area which could have been caused by a blunt object that penetrated her private part, supports her testimony that she was raped.

It is settled that a rape victim's sole account of the incident is sufficient to support a conviction for the crime of rape if it is straightforward and candid, and corroborated by the medical findings of the examining physician, as in this case.⁵⁷ This Court's pronouncement in *People v. Rupal*⁵⁸ is instructive:

It is emphasized that when a rape victim's allegation is corroborated by a physician's finding of penetration, "there is sufficient foundation to conclude the existence of the essential requisite of carnal knowledge." Such medico-legal findings bolster the prosecution's testimonial evidence. Together, these pieces of evidence produce a moral certainty that the accused-appellant indeed raped the victim. The "[p]hysical evidence is evidence of the highest order. It speaks more eloquently than a hundred witnesses." Moreover, a young girl's revelation that she had been raped, coupled with her voluntary submission to medical examination and willingness to undergo public trial where she could be compelled to give out the details of an assault on her dignity, cannot be so easily dismissed as mere concoction.⁵⁹ (Citations omitted)

⁵⁶ TSN, May 3, 2018, pp. 39–47, 50–51, 53.

⁵⁷ *People v. Licaros*, 891 Phil. 676, 685 (2020 [Per J. Inting, Third Division]). (Citations omitted); *People v. Lumaho*, 744 Phil. 233, 243 (2014) [Per J. Perez, First Division]. (Citation omitted)

⁵⁸ 834 Phil. 594 (2018) [Per J. Martires, Third Division].

⁵⁹ *Id.* at 611–612.

The fact that AAA258694 could have easily escaped the clutches of the heavily pregnant XXX258694, ran away from the room, and ask for help when she was able to leave the room and never come back, but did not, will not discredit her. Neither will the fact that she still spent time with her abusers nor maintained a cordial relationship with them contradict her claim of being raped.

In *People v. Dalaguet*,⁶⁰ this Court pronounced:

This Court has repeatedly declared that the failure to shout or offer tenacious resistance does not make voluntary the rape survivor's submission to the perpetrator's lust. In addition, physical resistance is not an element of rape. More often than not, a rape survivor is driven by fear, rather than reason.

....

Further, the fact that AAA did not immediately disclose to her parents her sexual molestation in the hands of accused-appellant does not establish that she consented to accused-appellant's sexual advances. This Court stresses that there is no standard form of behavior of a victim of sexual molestation before, during and after the incident; more so for a minor such as AAA who was only 15 years old when accused-appellant sexually molested her.⁶¹ (Citations omitted)

*People v. Lolos*⁶² also teaches:

The behavior and reaction of every person cannot be predicted with accuracy. It is an accepted maxim that different people react differently to a given situation or type of situation, and there is no standard form of behavioral response when one is confronted with a strange or startling experience. Not every rape victim can be expected to act conformably to the usual expectations of everyone. Some may shout; some may faint; and some be shocked into insensibility, while others may openly welcome the intrusion. Behavioral psychology teaches us that people react to similar situations dissimilarly. There is no standard form of behavior when one is confronted by a shocking incident. The workings of the human mind when placed under emotional stress are unpredictable. This is true specially in this case where the victim is a child of tender age under the moral ascendancy of the perpetrator of the crime.⁶³ (Citation omitted)

To free themselves of liability, XXX258694 and YYY258694 proffer the defenses of denial and alibi. XXX258694 claims that she is innocent of the charge given that while she was at home, she was already fast asleep at the time AAA258694 claimed she was raped. For his part, YYY258694 contends

⁶⁰ G.R. No. 249414, July 27, 2022 [Per J. J. Lopez, Second Division].

⁶¹ *Id.*

⁶² 641 Phil. 624 (2010) [Per J. Mendoza, Second Division].

⁶³ *Id.* at 634.

that he has nothing to do with the rape of AAA258694 since he was at his place of work in Pasay.

Nothing is more settled in criminal law jurisprudence than that alibi and denial cannot prevail over the positive and categorical testimony and identification of the complainant. Denial is an intrinsically weak defense which must be buttressed with strong evidence of nonculpability to merit credibility.⁶⁴ Corollarily, alibi is the weakest of all defenses for it is easy to contrive and difficult to prove. For alibi to proper, the accused must not only prove that he was somewhere else when the crime was committed, but also that it was physically impossible for him to be present at the crime scene or its immediate vicinity at the time of its commission.⁶⁵

XXX258694's and YYY258694's bare denial cannot prevail over AAA258694's direct, positive and categorical assertion and identification that rings with truth.⁶⁶ In the same vein, this Court is not convinced of YYY258694's alibi for his failure to present a certification from his employer that he was at work at the time of the subject incident which would substantiate his claim of physical impossibility to be at the crime scene.

XXX258694's contention that she could not be held liable as a principal by indispensable cooperation because her acts of holding the victim's hand and pointing a flashlight at her genitals, even if true, are not indispensable to the commission of the crime of rape while may be true, does not free her from liability as her acts clearly show that she conspired with YYY258694 in the commission of the crime of rape.

Article 8 of the Revised Penal Code provides that conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. Conspiracy may be deduced from the mode or manner in which the crime was perpetrated, or from the acts of the accused evincing a joint or common purpose and design, concerted action and community of interest. Thus, the act of one is the act of all.⁶⁷ In this case, it is clearly shown how XXX258694 lured AAA258694 to the bedroom where YYY258694 was waiting, and when both XXX258694 and AAA258694 were already inside, XXX258694 ordered AAA258694 to lie down, held her down, and shown a flashlight at her genitals while YYY258694 was raping her. Viewed in its totality, the individual participation of each perpetrator points to a joint purpose and criminal design,⁶⁸ making them liable as co-conspirators.

⁶⁴ *People v. Ganaba*, 829 Phil. 306, 321 (2018) [Per J. Martires, Third Division].

⁶⁵ *People v. Masubay*, 881 Phil. 562, 574 (2020) [Per J. J. Reyes, Jr., First Division]. (Citation omitted)

⁶⁶ *People v. Gabriel*, 807 Phil. 516, 527 (2017) [Per J. Del Castillo, First Division].

⁶⁷ *People v. De Guzman*, G.R. No. 241248, June 23, 2021 [Per J. Delos Santos, Third Division].

⁶⁸ *People v. Diega*, G.R. No. 255389, September 14, 2021 [Per J. M. Lopez, First Division]. (Citation omitted)

As the crime committed by YYY258694 and XXX258694 is rape, they shall suffer the penalty of *reclusion perpetua*.

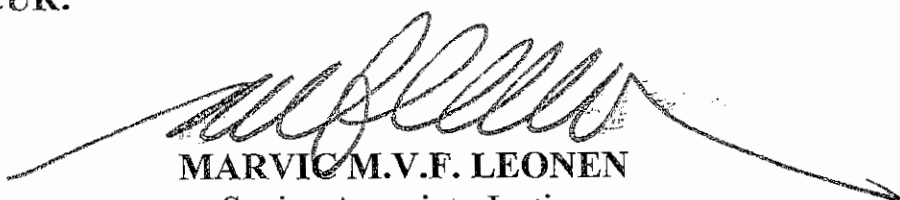
Consistent with *People v. Jugueta*,⁶⁹ XXX258694 and YYY258694 were correctly ordered to jointly and severally pay AAA258694 civil indemnity, moral damages, and exemplary damages in the amount of PHP 75,000.00 each, plus legal interest of six percent *per annum* on all damages awarded from the date of finality of this Decision until fully paid.


ACCORDINGLY, the Appeal is **DISMISSED**. The assailed Decision dated March 18, 2021 of the Court of Appeals in CA-G.R. CR HC No. 12283 is **AFFIRMED**. YYY258694 and XXX258694 are hereby found **GUILTY** beyond reasonable doubt of the crime of rape as defined under paragraph 1, Article 266-A, in relation to Article 266-B, of the Revised Penal Code. YYY258694 and XXX258694 are sentenced to suffer the penalty of *reclusion perpetua*. They are also **ORDERED** to jointly and severally **PAY** AAA258694 civil indemnity, moral damages, and exemplary damages in the amount of PHP 75,000.00 each, plus six percent (6%) interest per annum from the date of finality of this Decision until fully paid.

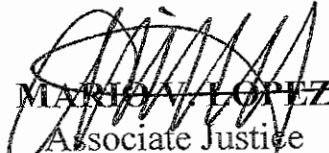
SO ORDERED.



JHOSEPH LOPEZ
Associate Justice

WE CONCUR:


MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson


AMY C. LAZARO-JAVIER
Associate Justice


MARIA V. LOPEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice

⁶⁹ 783 Phil. 806 (2016) (Per J. Peralta, *En Banc*).

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.


MARVIC M.V.F. LEONEN

Senior Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Article VIII, Section 13 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.


ALEXANDER G. GESMUNDO

Chief Justice

