THIRD DIVISION

[G.R. No. 234514, April 28, 2021]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LEOPOLDO VIÑAS Y MANIEGO AND MARICEL TORRES Y GONZALES ACCUSED-APPELLANTS. D E C I S I O N

LEONEN, J.:

A trial court's factual findings, especially on the credibility of a rape survivor, are accorded great weight and respect. A conviction for rape may be upheld based on the survivor's testimony when it is credible, natural, convincing, and consistent with human nature and the normal course of things.

This Court resolves an appeal assailing the May 31, 2017 Decision[1] of the Court of Appeals, which affirmed the Regional Trial Court Decision[2] finding Leopoldo Viñas (Viñas) and Maricel Torres (Torres) guilty beyond reasonable doubt of rape under Article 266-A[3] of the Revised Penal Code. In an August 12, 2003 Information, Viñas and Torres were charged with raping AAA, as follows:

> That on or about the 11th day of November 2002 in the municipality of San Simon, province of Pampanga, Philippines and within the jurisdiction of this Honorable Court, accused Leopoldo Viñas y Maniego with lewd design, by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with (sic) complainant AAA, 17 years old, a minor, by then and there inserting his penis in her vagina which sexual assault was successfully perpetrated by said accused with the cooperation and help of accused Maricel Torres y Gonzales, who not only urged complainant to let her husband and accused Leopoldo Viñas y Maniego to have carnal knowledge with (sic) her but also pinned down the feet and separated the legs of the complainant to enable accused Leopoldo Viñas y Maniego to consummate the sexual assault against complainant AAA, against the will and without the consent of the latter.
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> Contrary to law.[4]

Both Viñas and Torres pleaded not guilty during arraignment, and trial on the merits ensued.[5]

According to the Court of Appeals, the prosecution established this version of events:

> On November 11, 2002, AAA, a 17-year-old cousin of Maricel Torres' sister[-]in[-]law BBB, visited her at her house located at Sucad, San Simon[,] Pampanga. Later that day, AAA, Maricel and her common law spouse and co-accused Leopoldo Villas together with an unnamed male

person decided to drink liquor. They started drinking from five o'clock in the afternoon up to seven o'clock in the evening.

After the drinking session, AAA then laid down to rest beside the children of the appellants. The appellants went inside their room while the unnamed male person went home. Afterwards, Leopoldo called AAA into their room. AAA was hesitant at first but after they repeatedly called her, she stood up and went to their room. When AAA was inside, she saw the appellants naked and using shabu. She hurriedly went out of the bedroom to lie down in the living room. Leopoldo followed AAA and tried to pull her inside the room. When she resisted, Leopoldo hit her causing her to collapse. Leopoldo then carried her inside the room, dropped her into the concrete floor and attempted to remove her clothes. Since AAA was resisting and kicking him, Leopoldo asked Maricel for help. Maricel held AAA's hands and gagged her while Leopoldo removed AAA's short pants. Leopoldo told AAA to stop creating noise or else he would stab her. Then, while Maricel was sucking AAA's breasts, Leopoldo inserted his penis in AAA's vagina. Leopoldo had carnal knowledge with AAA until dawn. He threatened AAA not to tell anyone what they did to her or else he will kill her. It was only after the appellants left the house to go to work that AAA was able to leave. Immediately thereafter, AAA went to the house of her cousin BBB and recounted what happened to her. BBB accompanied AAA to the police authorities to report the rape incident. On November 13, 2002, AAA went to the Jose B. Lingad Memorial Regional Hospital, City of San Fernando, Pampanga, where she was medically examined by Dr. Luzviminda G. Guevara.[6] (Citations omitted)

In contrast, as summarized by the Court of Appeals, the defense's version of events unfolded this way:

On November 11, 2002, Leopoldo Viñas and Maricel Torres together with their two children were at their house. Leopoldo was cutting grass while Maricel was cooking.

At around 2 o'clock in the afternoon, AAA and Maricel's sister CCC went to the spouses' house. The four of them chatted until 6 o'clock in the evening. Thereafter, AAA borrowed a bicycle from Leopoldo's mother and went home.

After AAA and CCC left, Leopoldo and Maricel went to ate dinner and watched television. Thereafter, they slept and woke up at about 7 o'clock in the morning of November 12, 2002. On the same day, CCC returned the bicycle.

On November 13, 2002, Leopoldo learned that AAA charged him with the crime of rape. Three policemen brought him to the San Simon Police Station where he was detained. During his detention, AAA and CCC even brought him food. Leopoldo asked AAA why she charged him with rape. AAA replied "it is because of you". He understood that the charge of rape was a consequence of not responding to her infatuation.[7] (Citations omitted)

On December 2, 2015, the Regional Trial Court convicted Viñas and Torres of the crime of rape. The dispositive portion of the Decision[8] reads:

> WHEREFORE, this court hereby (a) finds accused Leopoldo Villas y Maniego and Maricel Torres y Gonzales guilty beyond reasonable doubt of the crime of simple rape through sexual intercourse, defined and penalized under Article 266-A of the Revised Penal Code; (b) sentences both of them to suffer the penalty of *reclusion perpetua*; and (c) orders each of them to pay AAA the sum of PhP50,000.00 as civil indemnity, PhP50,000.00 as moral damages and PhP30,000.00 as exemplary damages, pursuant to prevailing jurisprudence, corresponding to said crime, with all such amounts to earn interest of six per centum (6%) per annum from the finality of this decision until full payment.
>
> SO ORDERED.[9]

The Regional Trial Court found that AAA's testimony proved Viñas and Torres' guilt beyond reasonable doubt Her testimony was deemed convincing and free from material contradiction in accusing Viñas of inserting his penis in her vagina and Torres of holding her down and sucking her nipples.[10] The force, threat, and intimidation were found present when both accused overpowered her and Viñas threatened to stab her.[11] The trial court also accounted for AAA's minority and both accused's physical superiority over her in bolstering the possibility of the rape being consummated. It also found that contrary to the defense's claim, AAA had no improper motives in accusing Viñas and Torres of rape.[12]

To the Regional Trial Court, Torres was liable alongside Villas under the principle of conspiracy, pursuant to Article 8 of the Revised Penal Code which states:

> ARTICLE 8. Conspiracy and Proposal to Commit Felony. — Conspiracy and proposal to commit felony are punishable only in the cases in which the law specially provides a penalty therefor.
>
> A conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.
>
> There is proposal when the person who has decided to commit a felony proposes its execution to some other person or persons.

According to the Regional Trial Court:

> Here, the second paragraph of the Information alleged in general terms how Leopoldo had carnal knowledge with AAA by inserting his penis into her vagina which sexual act was successfully perpetrated by the said accused with the cooperation and help of Maricel who not only urged complainant to let her husband and accused Leopoldo Viñas y Maniego to have carnal knowledge with her but also pinned down the feet and separated the legs of the complainant to enable accused Leopoldo Viñas y Maniego to consummate the sexual assault" against AAA "against the will and without the consent of the latter". To this court's mind, and in consonance with the ruling in *People v. Quitlong, supra*, these words are sufficient to allege the conspiracy of Maricel with Leopoldo in committing the crime of rape. Indeed, the established facts and circumstances of the

> case show that at the time AAA was raped, both accused clearly had (a) the same purpose and were united in its execution; and (b) a concurrence of wills or unity of action or purpose, or common and joint purpose and design. Stated differently, there is no doubt that both accused acted in conspiracy, as seen through their concerted actions in committing rape.[13]

The Regional Trial Court identified Torres as an indispensable participant in Viñas's rape of AAA, and that she bore equal responsibility even though she did not have carnal knowledge of AAA.[14]

On appeal, the Court of Appeals affirmed with modification the Regional Trial Court Decision. The dispositive portion of its May 31, 2017 Decision reads:

> WHEREFORE, the appeal is hereby DENIED. The Decision dated December 2, 2015 of the Court *a quo* is AFFIRMED with MODIFICATIONS; the awards of civil indemnity, moral damages and exemplary damages are increased to P75,000.00 each; in addition all monetary awards shall earn interest at the rate of six percent (6%) *per annum* from date of finality of this Decision until fully paid.
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> SO ORDERED.[15]

The Court of Appeals affirmed the Regional Trial Court's finding that AAA was a credible witness, and that the alleged inconsistencies in her testimony were inconsequential to the outcome of the case. Citing *People v. Espejon*,[16] it noted that in a prosecution for rape, the material fact or circumstance to be considered is the occurrence of the rape, not the time of its commission. It added that a successful prosecution for rape can be based on the complainant's testimony if, as in this case, it is straightforward, convincing, and consistent on material matters.[17]

As to the defense's claim that the November 13, 2002 medical examination showed that the lacerations on AAA were healed, the Court of Appeals held that healed lacerations do not negate rape. It clarified that medical findings are not indispensable in a rape case.[18]

The Court of Appeals modified the award of damages per *People v. Jugueta*,[19] increasing the monetary awards to P75,000.00 each, with 6% interest per annum until fully paid.[20]

Viñas and Torres filed a Notice of Appeal.[21] This Court then noted the records forwarded by the Court of Appeals, and notified the parties that they may file their respective supplemental briefs if they so desired.[22] Both parties manifested that they would no longer do so, and would instead be adopting their Briefs before the Court of Appeals.[23]

In their Brief, accused-appellants argue that AAA's testimony had irreconcilable inconsistencies. They point out her admission that she consumed alcohol and shabu, which would have impaired her perception, and her sworn statement contradicting her claim in court that she only escaped accused-appellants' house on November 13, 2002.[24]

Accused-appellants also argue that the physical evidence belied the claim of rape. They note how the lacerations found in AAA during the November 13, 2002 medical examination were healed, and not freshly bleeding or healing, even as the rape allegedly occurred on November 11.[25]

In its Brief, the Office of the Solicitor General, for plaintiff-appellee People of the Philippines, argues that accused-appellants' denial could not prevail over AAA's narration of events and positive identification of them as her assailants. It claims that it proved that accused-appellant Villas had carnal knowledge of AAA, in which accused-appellant Torres was an indispensable participant. It also points out that this Court has upheld a rape conviction based on a complainant's testimony, despite inconclusive medical findings.[26]

The issue to be resolved here is whether or not accused-appellants Leopoldo Viñas y Maniego and Maricel Torres y Gonzales were guilty beyond reasonable doubt of rape under Article 266-A of the Revised Penal Code.

Article 266-A of the Revised Penal Code provides the elements of rape. It states:

> Article 266-A. Rape: When And How Committed. - Rape is committed:
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> 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.
>
> 2) By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

Both the Regional Trial Court and the Court of Appeals found that the prosecution was proved that accused-appellants committed the crime of rape under Article 266-A(1). In particular, the force, threat, or intimidation against AAA were shown in accused-appellant Viñas's threats of bodily harm if she resisted, and accused-appellant Torres's physical restraint of AAA.[27]

The Regional Trial Court gave credence to AAA's testimony, finding her version of events clear and convincing: