



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-appellee,

G.R. No. 278240

Present:

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

- versus -

XXX278240,*

Accused-appellant.

Promulgated:

FEB 19 2026

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DECISION

LOPEZ, J., *J.*:

This Court resolves the Appeal¹ filed by XXX278240 a.k.a. “” (XXX278240) assailing the Decision² of the Court of Appeals (CA). The CA affirmed with modification the Joint Judgment³ of the Regional Trial Court (RTC) which found him guilty beyond reasonable doubt for two counts of rape through sexual intercourse and two counts of rape by sexual assault.

* 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 *Rollo*, pp. 3–5.

² *Id.* at 8–31. The May 30, 2024 Decision in CA-G.R. CR-11C No. 17093 was penned by Associate Justice Roberto P. Quiroz and concurred in by Presiding Justice Mariflor P. Punzalan Castillo and Associate Justice Germano Francisco D. Legaspi of the First Division, Court of Appeals, Manila City.

³ *Id.* at 34–58. The July 14, 2022 Joint Judgment in Criminal Case Nos. U-17467, U-17468, U-17469, and U-17470 was penned by Acting Presiding Judge Caridad V. Galvez of Branch , Regional Trial Court, .

In four separate Informations, XXX278240 was charged as follows:

Criminal Case No. U-17467

That on or about [9 o'clock] in the morning of October 16, 2010, at Brgy. [REDACTED] and within the jurisdiction of this Honorable Court, the above-named accused, by means of fraudulent machination, grave abuse of authority, did then and there, willfully, unlawfully[,] and feloniously have sexual intercourse with [AAA278240], 15 years old, minor, against her will and without her consent, to her damage and prejudice, which acts degrade and demean the intrinsic worth and dignity of said minor as a human being.

CONTRARY to Art. 266-A, par. 1(c), in relation to Art. 266-B, as amended by [Republic Act No.] 8353[,] in relation to [Republic Act No.] 7610.⁴

Criminal Case No. U-17468

That on or about [9 o'clock] in the morning of October 13, 2010, at Brgy. [REDACTED] and within the jurisdiction of this Honorable Court, the above-named accused, by means of fraudulent machination, grave abuse of authority, did then and there, willfully, unlawfully[,] and feloniously have sexual intercourse with [AAA278240], 15 years old, minor, against her will and without her consent, to her damage and prejudice, which acts degrade and demean the intrinsic worth and dignity of said minor as a human being.

CONTRARY to Art. 266-A, par. 1(c), in relation to Art. 266-B, as amended by [Republic Act No.] 8353[,] in relation to [Republic Act No.] 7610.⁵

Criminal Case No. U-17469

That on or about [9 o'clock] in the morning of October 13, 2010, at Brgy. [REDACTED] and within the jurisdiction of this Honorable Court, the above-named accused, by means of fraudulent machination, grave abuse of authority, did then and there, willfully, unlawfully[,] and feloniously insert his finger into the vagina of [AAA278240], 15 years old, minor, against her will and without her consent, to her damage and prejudice, which acts degrade and demean the intrinsic worth and dignity of said minor as a human being.

CONTRARY to Article 266-A, par. 2 of the Revised Penal Code[,] as amended by [Republic Act No.] 8353[,] in relation to Article 266-B and [Republic Act No.] 7610.⁶

⁴ RTC records (Criminal Case No. U-17467), p. 1.

⁵ RTC records (Criminal Case No. U-17468), p. 1.

⁶ RTC records (Criminal Case No. U-17469), p. 1.

Criminal Case No. U-17470

That on or about [9 o'clock] in the morning of October 16, 2010, at Brgy. [REDACTED] and within the jurisdiction of this Honorable Court, the above-named accused, by means of fraudulent machination, grave abuse of authority, did then and there, willfully, unlawfully[,] and feloniously insert his finger into the vagina of [AAA278240], 15 years old, minor, against her will and without her consent, to her damage and prejudice, which acts degrade and demean the intrinsic worth and dignity of said minor as a human being.

CONTRARY to Article 266-A, par. 2 of the Revised Penal Code[,] as amended by [Republic Act No.] 8353[,] in relation to Article 266-B and [Republic Act No.] 7610.⁷

CONTRARY TO LAW.

Upon arraignment, XXX278240 pleaded not guilty to the crimes charged.⁸

During the pre-trial, the prosecution and defense stipulated the existence of private complainant AAA278240's Certificate of Live Birth,⁹ which showed that she was only 15 years old at the time of the alleged incidents. They also stipulated on XXX278240's identity, on the fact that he is an *albularyo* or a quack doctor, and that he went to AAA278240's house on October 13 and 16, 2010 to treat her illness.¹⁰

After the termination of the pre-trial, trial on the merits ensued.

To establish XXX278240's guilt, the prosecution presented the testimonies of AAA278240; her uncle, BBB278240; her grandmother, CCC278240; and her aunt, DDD278240, as well as documentary evidence, including *Sinumpaang Salaysay*¹¹ from AAA278240 and CCC278240; AAA278240's Medico-Legal Certificate;¹² her Certificate of Live Birth; and the extract from Police Blotter Entry No. 10-732.¹³

AAA278240 was 15 years old when she testified. She narrated that sometime in September 2010, she told her grandmother, CCC278240, that she had *almuranas* or hernia. CCC278240 then decided to consult with XXX278240, being a well-known *albularyo* in their place.¹⁴

⁷ RTC records (Criminal Case No. U-17470), p. 1.

⁸ RTC records (Criminal Case No. U-17467), p. 31.

⁹ *Id.* at 10.

¹⁰ *Id.* at 37-38.

¹¹ *Id.* at 6-8.

¹² *Id.* at 9.

¹³ *Id.* at 5.

¹⁴ *Id.* at 6.

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At around 8:30 a.m. of October 13, 2010, XXX278240 came to AAA278240's house to treat her hernia. AAA278240 was eating with her siblings and grandmother when XXX278240 arrived, and he immediately directed AAA278240 to take a bath and go to her room for treatment, which AAA278240 complied with.¹⁵

Inside the room, XXX278240 ordered AAA278240 to remove her shorts and underwear, and made her lie down on the bed and spread her legs. Despite her reluctance, AAA278240 followed his orders. However, she was surprised when XXX278240 applied oil on her vagina and inserted the index and middle fingers of his right hand.¹⁶

XXX278240 told AAA278240 that considering her hernia was already severe, he will be pushing it with his penis. Consequently, he removed his fingers from her vagina and forcibly inserted his penis. When he finished, XXX278240 told AAA278240 to dress herself and gave her oil to apply on her genitalia. He also warned her not to tell anyone that he used his penis in treating her before leaving.¹⁷

At around 9:00 a.m. of October 16, 2010, XXX278240 returned to the house under the guise of a follow up check-up. AAA278240 agreed out of fear of dying and because she wanted to be healed. XXX278240 assured her that the treatment would be quicker because it was their last session.¹⁸

Again, XXX278240 told AAA278240 to take a bath and go to her room. She then again was made to lie down naked on the *papag* with her legs spread. XXX278240 applied oil to her vagina and inserted his two fingers. For a minute, he moved his fingers sideways inside her vagina and then told her that he will be closing her hernia.¹⁹

XXX278240 removed his fingers and blew on AAA278240's vagina. He then pulled down his shorts and inserted his penis while he mashed her breasts. AAA278240 attempted to push him away, but XXX278240 just laughed at her. After ravishing her, he declared that she was cured and hurriedly left the house.²⁰

Out of fear, AAA278240 never mentioned her ordeal. However, she drastically felt pain, and her vagina bled due to penetration. The following day, she confided the incident to her sister, who immediately told their grandmother, CCC278240.²¹

¹⁵ TSN, AAA278240, April 11, 2018, pp. 4–5.

¹⁶ *Id.* at 6–8.

¹⁷ *Id.* at 8–9.

¹⁸ *Id.* at 10–11.

¹⁹ *Id.* at 11–13.

²⁰ *Id.* at 13–14.

²¹ *Id.* at 14.

On October 28, 2010, CCC278240 accompanied AAA278240 to the police station to report the incidents. On the same day, AAA278240 was examined by Dr. Brenda Tumacder (Dr. Tumacder) of Region 1 Medical Center.²² In her medico-legal report, Dr. Tumacder found that AAA278240 was sexually abused as evidenced by her healed hymenal lacerations at the 5 o'clock, 6 o'clock, and 7 o'clock positions.²³

For the defense, XXX278240 and Joel Soriano (Joel) served as witnesses and offered their testimonies and Judicial Affidavits in evidence.

XXX278240 admitted that he is an *albularyo* in their community. He narrated that on October 13, 2010, at around 8:00 a.m., he was in his home when CCC278240 called him to treat AAA278240's stomach pain.²⁴

Consequently, XXX278240 went to AAA278240's house and treated her for about ten minutes in their nipa hut, which had no rooms. Thus, he argued that he could see that AAA278240's relatives were all present and about half a meter away from where he was treating her. Afterward, the family thanked him for his service, and he went home.²⁵

XXX278240 admitted that on October 13, 2010, he came to AAA278240's house again. However, he claimed that his visit was only to massage her stomach and that he never lifted her shirt. He also prescribed her to drink *sambong* for two days. Thus, he was blindsided when he was accused by AAA278240 of sexual abuse when she was always seated during their alleged healing sessions with her relatives in close proximity.²⁶

On October 28, 2010, a barangay kagawad invited XXX278240 to the barangay hall. However, instead of going to the barangay hall, he went to AAA278240's house, where CCC278240 told him that it was nothing.²⁷

For his part, Joel corroborated the testimony of XXX278240. He narrated that on October 13, 2010, at around 8:00 a.m., they were in another person's house for a different healing session when CCC278240 called them to treat AAA278240.²⁸ He claimed that he often acted as XXX278240's assistant.²⁹ Thus, he went with him to AAA278240's house and that he was present during the healing sessions. He described the house as a *nipa* hut with two windows, an open door, and one *papag*.³⁰

²² *Id.* at 14–15.

²³ RTC records (Criminal Case No. U-17467), p. 9.

²⁴ TSN, XXX278240, April 22, 2019, pp. 3–5.

²⁵ *Id.* at 6–8.

²⁶ *Id.* at 13–16.

²⁷ *Id.* at 8–9.

²⁸ TSN, Joel Soriano, March 16, 2021, pp. 4–5.

²⁹ *Id.* at 2–3.

³⁰ RTC records (Criminal Case No. U-17467), pp. 132–133.

In its Joint Judgment,³¹ the RTC found that all the elements of rape through sexual intercourse and sexual assault under Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353, in relation to Section 5(b) of Republic Act No. 7610, are present in this case. The dispositive portion of the RTC Joint Judgment reads:

WHEREFORE, premises considered, in CRIM. CASE Nos. U-17469 and U-17470, this court finds accused [XXX278240] a.k.a. “██████████” GUILTY beyond reasonable doubt of the crime of Rape through sexual assault defined and penalized under Art. 266-A[,] par. 2 of the Revised Penal Code, in relation to Art. 266-B of the Revised Penal Code[,] as amended by [Republic Act No.] 8353 and [Republic Act No.] 7610, and imposes upon him the indeterminate penalty of imprisonment [six] years of *prision correccional*, as minimum, to [10] years of [*prision mayor*][,] as maximum[,] in each case. He is ordered to pay the victim [PHP] 30,000.00 as civil liability, [PHP] 30,000.00 as moral damages[,] and [PHP] 25,000.00 as exemplary damages in each case. The civil indemnity and damages so imposed are subject to interest at the rate of [6%] per annum from the date of finality of this decision until fully paid.

In CRIM. CASE Nos. U-17468 and U-17467, this court finds accused [XXX278240] a.k.a. “██████████” GUILTY beyond reasonable doubt of the crime of Rape defined and penalized under Art. 266-A[,] par. 1(c) of the Revised Penal Code[,] in relation to Art. 266-B, of the Revised Penal Code[,] as amended by [Republic Act No.] 8353 and [Republic Act No.] 7610 and imposes upon him the penalty of *reclusion perpetua* in each case. He is further ordered to pay the victim civil indemnity, moral damages[,] and exemplary damages each in the amount of [PHP] 100,000.00, pursuant to the ruling in [*People vs. Jugueta*], G.R. No. 202124, April 15, 2016. The civil indemnity and damages so imposed are subject to interest at the rate of [6%] per annum from the date of finality of this decision until fully paid.

SO ORDERED.³²

Aggrieved, XXX278240 appealed to the CA.

In his Appellant’s Brief,³³ XXX278240 contended that the prosecution failed to establish his guilt beyond reasonable doubt. First, he asserted that the testimonies of the prosecution witnesses are inherently unreliable, as their respective narratives are replete with inconsistencies and contradictions on material and substantial points. According to XXX278240, these discrepancies are not merely trivial lapses but strike at the very core of the prosecution’s version of events, thereby engendering reasonable doubt as to his alleged culpability.³⁴

³¹ *Rollo*, pp. 34–58.

³² *Id.* at 58.

³³ *CA rollo*, pp. 42–65.

³⁴ *Id.* at 54–56.

Further, XXX278240 anchored his claim of innocence on the purported absence of resistance on the part of the victim. He argued that such circumstance undermines the credibility of the charge and lends support to his assertion that no crime was committed.³⁵

Finally, XXX278240 maintained that his defenses of denial and alibi deserve greater weight than the prosecution's evidence. He insisted that, when measured against the alleged inconsistencies in the prosecution's case, his defenses appear more plausible and sufficient to overcome the presumption of guilt.³⁶

On the other hand, the Office of the Solicitor General (OSG), on behalf of the People of the Philippines, countered in its Appellee's Brief³⁷ that the prosecution successfully established XXX278240's guilt beyond reasonable doubt.³⁸

The OSG argued that XXX278240 deliberately exploited his reputation as an *albularyo* in their community to induce and deceive the victim, AAA278240, into believing that he possessed the ability to cure her illness. By capitalizing on this position of trust and influence, XXX278240 was able to place the victim in a vulnerable situation.³⁹

The OSG further asserted that there is no dispute that the victim initially submitted herself to XXX278240 under the false belief that his acts were part of a legitimate healing process. However, such submission was not the product of free and voluntary consent, but was instead the result of deceit and abuse of authority. AAA278240 failed to resist XXX278240's advances, as he persistently represented his sexual acts as necessary components of her treatment.⁴⁰

Moreover, the OSG maintained that the victim's testimony was affirmative, clear, and candid, bearing the hallmarks of truth and credibility. The alleged inconsistencies pointed out by the defense are, according to the OSG, minor and immaterial, relating only to collateral matters and not to the essential elements of the crime. As such, these purported discrepancies do not diminish the credibility of AAA278240's narration.⁴¹

³⁵ *Id.* at 57–58.

³⁶ *Id.* at 61–62.

³⁷ *Id.* at 99–127.

³⁸ *Id.* at 120.

³⁹ *Id.* at 119.

⁴⁰ *Id.*

⁴¹ *Id.*

Accordingly, the OSG submitted that the victim's testimony, which is coherent, consistent on material points, and intrinsically believable, deserves full faith and credit, as correctly found by the RTC. In contrast, XXX278240's defense of denial cannot prevail over the prosecution's positive and convincing evidence.⁴²

In its Decision,⁴³ the CA denied XXX278240's appeal and affirmed with modification the RTC's ruling. The dispositive portion of the CA Decision reads:

WHEREFORE, the foregoing considered, the appeal is DENIED. The appealed Joint Judgment dated July 14, 2022, of the Regional Trial Court, Branch [REDACTED], [REDACTED], is hereby AFFIRMED WITH MODIFICATION only insofar as Criminal Case Nos. U-17469-70 in that We find the accused-appellant [XXX278240] a.k.a. [REDACTED] GUILTY beyond reasonable doubt of rape through sexual assault under Article 266-A[,] Paragraph 2 of the Revised Penal Code, as amended by [Republic Act No.] 8353[,] in relation to [Republic Act No.] 7610, for which he is sentenced to suffer the indeterminate penalty of [14 years] and [eight] months of [reclusion temporal], as minimum, to [17] years, [four] months, and [one] day of [reclusion temporal], as maximum, in each case, and he is ordered to pay [PHP] 50,000.00 as civil liability, [PHP] 50,000.00 as moral damages, and [PHP] 50,000.00 as exemplary damages for each case; and the rest of the RTC's [D]ecision stands[,] it being in conformity with the recent laws and jurisprudence.

All monetary awards shall be earned at the rate of [6%] per annum from the finality of this Decision until full payment thereof.

SO ORDERED.⁴⁴

Hence, XXX278240 filed this Appeal.

In compliance with this Court's Resolution,⁴⁵ XXX278240 and the OSG filed separate Manifestations that they would no longer file supplemental briefs as they would be adopting the arguments in their respective Briefs filed before the CA.⁴⁶

The sole issue for this Court's resolution is whether the prosecution was able to prove beyond reasonable doubt accused-appellant XXX278240's guilt for the crimes charged.

⁴² *Id.* at 119–120.

⁴³ *Rollo*, pp. 8–31.

⁴⁴ *Id.* at 29–30.

⁴⁵ *Id.* at 59–60.

⁴⁶ *Id.* at 61–68.

This Court's Ruling

The appeal has no merit.

The elements of rape are enumerated under Article 266-A of the Revised Penal Code, as amended:

ARTICLE 266-A. *Rape: When And How Committed.*—Rape is committed:

- 1) *By a man who shall have a 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.* (Emphasis supplied)

Rape can be committed in two ways: (1) rape through sexual intercourse, otherwise known as organ rape or penile rape under Article 266-A, paragraph 1 of the Revised Penal Code; and (2) rape by sexual assault, otherwise known as instrument or object rape or gender-free rape under Article 266-A, paragraph 2 of the Revised Penal Code.⁴⁷

In reviewing rape cases, this Court is guided by three principles:

(1) an accusation of rape can be made with facility and while the accusation is difficult to prove, it is even more difficult for the person accused, though innocent, to disprove; (2) considering the intrinsic nature of the crime of rape, only two persons being usually involved, the testimony of the complainant should be scrutinized with extreme caution; and (3) the evidence for the prosecution must stand or fall on its own merits, and cannot be allowed to draw strength from the weakness of the evidence for the defense.⁴⁸

⁴⁷ *People v. Caoili*, 815 Phil. 839, 878–879 (2017) [Per J. Tijam, *En Banc*].

⁴⁸ *People v. Amper*, 908 Phil. 610, 617 (2021) [Per J. J. Lopez, Third Division].

To exculpate himself from liability, accused-appellant argues that the prosecution failed to prove his guilt beyond reasonable doubt. He vehemently denies committing the crimes imputed against him and asserts that the alleged incidents were highly improbable and not supported by adequate evidence.⁴⁹ Accused-appellant centers his defense on the contradictory and inconsistent statements of the prosecution's witnesses on seemingly material and substantial matters, which supposedly erode their credibility and create doubt as to his culpability in the crimes charged.⁵⁰

It should be emphasized that central to rape cases is the credibility of the victim. It is a well-settled rule that "primordial is the credibility of the victim's testimony because the accused may be convicted solely on said testimony provided it is credible, natural, convincing, and consistent with human nature and the normal course of things."⁵¹

On this note, this Court held that issues of credibility are best resolved by the trial court, as it is in the best position to hear, see, and observe the witnesses firsthand, thus:

The observance of the witnesses' demeanor during an oral direct examination, cross-examination, and during the entire period that he or she is present during trial is indispensable especially in rape cases because it helps establish the moral conviction that an accused is guilty beyond reasonable doubt of the crime charged. Trial provides judges with the opportunity to detect, consciously or unconsciously, observable cues and micro expressions that could, more than the words said and taken as a whole, suggest sincerity or betray lies and ill will. These important aspects can never be reflected or reproduced in documents and objects used as evidence.

Hence, "the evaluation of the witnesses' credibility is a matter best left to the trial court because it had the opportunity to observe the witnesses and their demeanor during the trial. Thus, the Court accords great respect to the trial court's findings," more so when the Court of Appeals affirmed such findings.⁵² (Citations omitted)

This Court generally defers to the findings of the trial court, which had the firsthand opportunity to hear the testimonies of witnesses and observe their demeanor, conduct, and attitude during their presentation. The factual findings of the RTC, especially when affirmed by the CA, are accorded the highest degree of respect, and are conclusive and binding on this Court.⁵³

In Criminal Case Nos. U-17468 and U-17469, AAA278240 clearly narrated the events on October 13, 2010 during her examination as a witness,

⁴⁹ CA rollo, pp. 53-64.

⁵⁰ *Id.* at 53-55.

⁵¹ *People v. Marmol*, 800 Phil. 813, 825 (2016) [Per J. Perez, Third Division]. (Citations omitted)

⁵² *People v. ZZZ*, 854 Phil. 481, 495-496 (2019) [Per J. Leonen, Third Division]

⁵³ *People v. Bermas*, 854 Phil. 556, 564-565 (2019) [Per J. Caguioa, Second Division].

which illustrate the credibility of her testimony. The pertinent parts of her examination read:

(Direct Examination of AAA278240)

Prosecutor Dulay:

Q Madam Witness, on October 13, 2010[,] at around 8:30 in the morning, do you recall where you were?

A Yes, [Ma'am].

Q Where were you on that time and date?

A I was inside my house, [Ma'am].

....

Q While you and the accused [were] inside the bedroom, what happened next Madam Witness?

A He told me to [lie] down.

....

Q Did you abide[,] Madam Witness[,] with the order of the accused for you to [lie] down?

A Yes, [Ma'am].

Q And where did you [lie] down?

A In our bamboo bed, [Ma'am].

Q What happened next after you [laid] down on the bamboo bed?

A He told me to remove my [short pants], [Ma'am].

....

Q And after that[,] what did he do?

A He got an oil and then he applied it in my vagina.

Q And after applying oil on your vagina[,] Madam Witness[,] what did he do next?

A And then he inserted his fingers.

Q And how many fingers did he [insert in] your vagina, Madam Witness?

A [Two] fingers, [Ma'am].

Q And which fingers did he [insert in] your vagina, Madam Witness?

A [Two] fingers, the [pointer] and middle finger of his right hand, [Ma'am].

Q And what did you feel when he inserted his two fingers[,] Madam Witness?

A It was painful, [Ma'am].

Q Aside from inserting his two fingers into your vagina[,] Madam Witness, what else did the accused do?

A After inserting his finger[,] he removed his fingers and inserted his penis inside my vagina, [Ma'am].

Q And after he had inserted his penis [in] your vagina, Madam Witness, what else did the accused do?

A He told me that he will just push up my *loslos*.

Q Madam Witness, before the accused inserted his penis into your vagina, do you recall of any utterance from him?

A He told me that, "I will treat your illness because it is already [acute], otherwise, you will die."

....

Q And what was your reaction[,] Madam Witness[,] when the accused inserted his penis into your vagina?

A It was painful and I was afraid. I felt fear.

....

Q After [six] minutes Madam Witness [t]hat the penis of the accused was inside your vagina, what happened next, Madam Witness?

A He removed his penis from my vagina, and then something came out from his penis.

....

Q And after that, Madam Witness, what else did the accused do?

A And then he told me to wear my [short pants], and then he gave me oil.

Q And what was that oil for, Madam Witness?

A [I] will use that in applying it to my vagina after taking a bath.

Q And after giving you that oil, Madam Witness, in which you will apply after taking a bath, where did the accused go?

A He went out from our house, and he was rushing, [Ma'am].

Q And how about you Madam Witness, what did you do after he left?

A I went to the toilet and washed myself.

Q And what happened when you were washing yourself, Madam Witness?

A I felt pain in my vagina and blood came out from my vagina, [Ma'am].⁵⁴

For Criminal Case Nos. U-17467 and U-17470, AAA278240 was also able to clearly narrate the act committed by accused-appellant against her on October 16, 2010, *viz.*:

Q Madam Witness, on October 16, 2010 [at around 9 o'clock in the morning], do you recall where you were at that time?

A I was inside our house [eating] my breakfast, [Ma'am].

....

⁵⁴ TSN, AAA278240, April 11, 2018, pp. 4-10.

Q What transpired after you and the accused were inside the bedroom, Madam Witness?

A He said that [I] should not be afraid because that would be the last treatment, [Ma'am].

....

Q Aside from telling you to [lie] down, Madam Witness, was there any other utterance that he made?

A He asked me again to remove my [short pants and] that he is going to check my vagina.

....

Q And what did he do after you remove[d] your short pants and your panty while [lying] down on the bed?

A He applied [oil again on] the surface of my vagina and then he inserted his finger.

Q When he inserted [his] finger into your vagina, Madam Witness, what did you feel?

A It was painful, [Ma'am].

....

Q And while his fingers were inserted into your vagina and stayed there for about [one] minute, moving it sideways[,] and you said that you felt pain, what did the accused do after you felt pain?

A He said that, "I will just do it for a short time."

Q And aside from saying that Madam Witness, what else did he do?

A He removed his fingers from my vagina, and then he inserted his penis into my vagina, [Ma'am].

....

Q And aside from inserting his penis into your vagina, what else did the accused do?

A And then he also mashed my breast. And then he was trying to parry my hands, and [I] was trying to push him[,] but he just laugh[ed] at me[,] and then after that[,] he removed his penis from my vagina.

Q What else happened, Madam Witness, after he removed his penis from your vagina?

A And then he said that would be the last treatment[,] and then he blew [on] my vagina.⁵⁵

To reiterate, the elements of the crime of rape through sexual intercourse are the following: (1) the accused had carnal knowledge of the victim; and (2) said act was accompanied (a) with the use of force, threat, or intimidation, or (b) when the victim is deprived of reason or otherwise

⁵⁵ *Id.* at 10-14.

unconscious, or (c) by means of fraudulent machination or grave abuse of authority, or (d) when the victim is under 12 years of age or is demented.⁵⁶

Meanwhile, the elements of rape by sexual assault are as follows: (1) the offender commits an act of sexual assault (a) by inserting his penis into another person's mouth or anal orifice, or (b) by inserting any instrument or object into the genital or anal orifice of another person; (2) the act of sexual assault is accomplished (a) by using force and intimidation; (b) when the woman is deprived of reason or otherwise unconscious; or (c) by means of fraudulent machination or grave abuse of authority; or (d) when the woman is under 12 years of age or demented.⁵⁷

In *People v. Agao*,⁵⁸ this Court held that there is consummated rape when the penis penetrates the cleft of the *labia majora*, also known as the vulval or pudendal cleft, or the fleshy outer lip of the vagina, even in the slightest degree. As such, We reiterate the jurisprudential guideposts enumerated in *Agao* in establishing the necessary genital contact:

[T]he Court further reiterates the jurisprudential guideposts which provide that when the necessary genital contact is not explicitly described through the testimony of the victim, whether minor or otherwise, courts can anchor their findings and appreciation of the genital contact on other aspects that would similarly depict the occurrence and circumstance of penile penetration. These guideposts which are appreciable in all rape cases may reasonably find sharper import with respect to cases of rape involving minor victims, especially in view of the inherent limitations of the testimony of child witnesses. The courts are, therefore, enjoined to exercise circumspection in their appreciation, with the use of these surrounding or attendant circumstances which can aid the courts in their appreciation of penile penetration: (i) when the victim testifies that she felt pain in her genitals; (ii) when there is bleeding in the same; (iii) when the *labia minora* was observed to be gaping or has redness or otherwise discolored; (iv) when the hymenal tags are no longer visible; or (v) when the sex organ of the victim has sustained any other type of injury.⁵⁹ (Citations omitted)

On the other hand, as ruled in *Lutap v. People*,⁶⁰ for a charge of rape by sexual assault with the use of one's fingers as the assaulting object to prosper, "there should be evidence of at least the slightest penetration of the sexual organ and not merely a brush or graze of its surface."⁶¹

In this case, the jurisprudential guideposts to establish rape through sexual intercourse and rape by sexual assault exist. AAA278240 categorically testified that accused-appellant inserted his fingers and penis into her vagina

⁵⁶ *People v. Arraz*, 925 Phil. 462, 484 (2022) [Per J. M. Lopez, Second Division].

⁵⁷ *People v. ABC260708*, 950 Phil. 199, 237 (2024) [Per J. M. Lopez, *En Banc*].

⁵⁸ 930 Phil. 559 (2022) [Per J. Caguioa, *En Banc*].

⁵⁹ *Id.* at 595–596.

⁶⁰ 825 Phil. 10 (2018) [Per J. Tijam, First Division].

⁶¹ *Id.* at 23. (Citation omitted)

in two separate instances. This allegation was corroborated on material points by the medico-legal report which indicated that “medical evaluation showed evidence of sexual abuse” as she was found to have “healed lacerations at [the 5 o’clock, 6 o’clock], and 7 o’clock positions on her hymen.”

Accused-appellant hinges his innocence on the fact that the medico-legal report has very little probative value and it was not conclusive proof that he was the perpetrator of the crimes charged.⁶² However, it is well established that a medical examination is corroborative in nature.⁶³ The prime consideration in the prosecution of rape is the victim’s testimony and not necessarily the medical findings. Here, AAA278240’s testimony alone is sufficient to sustain accused-appellant’s conviction.

To further bolster his defense, accused-appellant insists that AAA278240’s testimony should not have been accorded full faith and credence. He avers that AAA278240 never claimed that she resisted, shouted for help, or even attempted to escape during the alleged incidents. Too, accused-appellant asserts that the records are bereft of any evidence that would show that he threatened AAA278240 into submitting to his alleged evil desire, or that he was armed with a weapon when he allegedly molested her.⁶⁴

Accused-appellant’s arguments hold no credence as Article 266-A of the Revised Penal Code does not limit rape to acts involving force, threat, or intimidation. Article 266-A of the Revised Penal Code identifies several other situations in which rape may be committed, such as in this case, when it is accomplished through fraudulent schemes. Thus, Article 266-A recognizes that rape may occur even in the absence of force, threat, or intimidation, and even in the absence of resistance on the part of the victim.⁶⁵

Contrary to accused-appellant’s claim, resistance is not necessary to establish rape, especially when the victim is manipulated. Here, AAA278240 was induced to submit to accused-appellant due to the false pretense that it would cure her illness. In *People v. Quintos*,⁶⁶ this Court ruled that when a person becomes a victim of fraudulent machination or manipulation, she does not have full control over her decisions. Her actions are grounded on incomplete or deceptive information regarding the circumstances. Consequently, any consent she appears to give is invalid or not truly her own, and her lack of resistance cannot be construed as voluntary participation. In other words, consent obtained through deceit or misrepresentation vitiates voluntariness and cannot serve as a defense.⁶⁷

⁶² CA rollo, pp. 62–63.

⁶³ *People v. Manaligod*, 831 Phil. 204, 213 (2018) [Per J. Martires, Third Division].

⁶⁴ CA rollo, pp. 58–60.

⁶⁵ *People v. Quintos*, 746 Phil. 809, 828–829 (2014) [Per J. Leonen, Second Division].

⁶⁶ 746 Phil. 809 (2014) [Per J. Leonen, Second Division].

⁶⁷ *Id.* at 829.

Accused-appellant further asserts that it would have been impossible for him to commit the alleged sexual abuses at AAA278240's house because her relatives were just outside the bedroom. He insisted that the high probability of being caught and reported to the authorities would have deterred him from executing the alleged crimes.⁶⁸

However, it is a repeated rule that rape does not only occur in seclusion as lust is no respecter of time and place.⁶⁹ Thus, neither the presence of other people nor the high risk of being caught has been held sufficient and effective obstacle to deter the commission of rape.⁷⁰ The presence of people nearby, as argued by accused-appellant, is no guarantee that rape will not be committed and deserves scant consideration.

Accused-appellant further contends that his denial and alibi are more plausible in comparison to the prosecution's evidence.⁷¹ However, denial and alibi are inherently weak defenses, which cannot prevail over the victim's positive and credible testimony that the accused committed the crime. This Court held in *People v. Moreno*:⁷²

Denial is inherently a weak defense which cannot outweigh positive testimony. A categorical statement that has the earmarks of truth prevails over a bare denial which can easily be fabricated and is inherently unreliable. For the defense of alibi to prosper, the accused must prove that he was at some other place at the time of the commission of the crime and it was physically impossible for him to be at the *locus delicti* or within its immediate vicinity. These requirements of time and place must be strictly met.⁷³ (Citations omitted)

To reiterate, the prime consideration in the prosecution of rape is the victim's testimony. In this case, AAA278240's testimony was clear and unequivocal. She positively identified accused-appellant as the man who raped her and her recollection of the material details of her harrowing experience was consistent. Thus, AAA278240's direct, positive, and straightforward narration of the incidents is sufficient to sustain accused-appellant's conviction and prevails over accused-appellant's bare denial.

Considering the foregoing, this Court affirms accused-appellant's guilt for two counts of rape by sexual assault and two counts of rape through sexual intercourse.

⁶⁸ CA rollo, p. 60.

⁶⁹ *People v. Regalado*, 793 Phil. 493, 503 (2016) [Per J. Perez, Third Division].

⁷⁰ *People v. Panes*, 817 Phil. 1096, 1103 (2017) [Per J. Del Castillo, First Division].

⁷¹ CA rollo, pp. 64–65.

⁷² 872 Phil. 17 (2020) [Per J. Hernando, Second Division].

⁷³ *Id.* at 28.

However, this Court finds that the CA's application of Republic Act No. 7610, or the Special Protection of Children Against Abuse, Exploitation, and Discrimination Act, does not conform with recent jurisprudence. In *People v. Gramatica*,⁷⁴ this Court clarified the proper scope of Section 5(b) of Republic Act No. 7610 and ruled that the said provision applies only when the child actively participates or indulges in sexual intercourse or lascivious conduct due to money, profit, any other consideration, or the coercion or influence of an adult.⁷⁵

The Court emphasized that the statutory term "indulges" necessarily connotes participation, awareness, and a degree of volition on the part of the minor, albeit one that is legally defective due to the child's age and the surrounding circumstances of exploitation. Republic Act No. 7610 was, thus, intended to penalize acts of sexual exploitation where the child, though a minor, is induced to engage in sexual activity as a consequence of consideration or undue influence, and not instances where the child is entirely passive, unconscious, asleep, or otherwise unaware of the sexual act at the time of its commission.

Here, We find that AAA278240 yielded to accused-appellant's acts under the mistaken belief that they formed part of a legitimate healing procedure. Such submission, however, cannot be equated with legally defective consent, as it was procured through fraudulent machination and deceit. Accused-appellant consciously took advantage of his standing in the community as an *albularyo* when he persistently portrayed his sexual acts as indispensable to her treatment and misled AAA278240 into believing that he had the capacity to cure her illness.

Accordingly, where the evidence shows that AAA278240 did not actively participate in, consent to, or indulge in the sexual act, the application of Section 5(b) of Republic Act No. 7610 was improper in this case. The crime, as well as the corresponding penalty and civil liabilities, must be determined under the appropriate provisions of the Revised Penal Code. Hence, the imposition of penalties and damages pursuant to Republic Act No. 7610, absent a finding of the child's participation or indulgence as contemplated by law and jurisprudence, cannot be sustained.

All told, this Court finds that in Criminal Case Nos. U-17469 and U-17470, accused-appellant is guilty of rape by sexual assault under Article 266-A(2) of the Revised Penal Code.

Absent any modifying circumstance, the maximum term of the indeterminate sentence must be within the medium period of the prescribed penalty, which is *prision mayor*, or eight years and one day to ten years. The

⁷⁴ G.R. No. 260233, August 12, 2025 [Per J. Inting, *En Banc*].

⁷⁵ *Id.* at 4. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.



minimum term of the indeterminate sentence must be within the penalty next lower in degree than that prescribed, or *prision correccional*, which ranges from six months and one day to six years. Thus, the proper penalty for each count of rape by sexual assault is four years of *prision correccional*, as minimum, to nine years of *prision mayor*, as maximum.

As for the award of damages, in conformity with *Tulagan*, accused-appellant is liable to pay AAA278240 the amounts of PHP 30,000.00 as civil indemnity, PHP 30,000.00 as moral damages, and PHP 30,000.00 as exemplary damages for each count.⁷⁶

In Criminal Case Nos. U-17467 and U-17468, this Court affirms accused-appellant's conviction for rape under Article 266-A(1), in relation to Article 266-B, of the Revised Penal Code, and the imposition of the penalty of *reclusion perpetua* for both counts.⁷⁷ In line with *People v. Jugueta*,⁷⁸ this Court also affirms the award of damages in the amounts of PHP 75,000.00 as civil indemnity, PHP 75,000.00 as moral damages, and PHP 75,000.00 as exemplary damages for each count.

All monetary awards shall earn 6% per annum legal interest, to be reckoned from the date of finality of this Decision until fully paid.⁷⁹

ACCORDINGLY, the Appeal is **DENIED**. The May 30, 2024 Decision of the Court of Appeals in CA-G.R. CR-HC No. 17093 is **AFFIRMED with MODIFICATION**.

1. In Criminal Case No. U-17467, accused-appellant XXX278240 a.k.a. "██████████" is **GUILTY** beyond reasonable doubt of rape under Article 266-A(1), in relation to Article 266-B of the Revised Penal Code, for which he is sentenced to suffer the penalty of *reclusion perpetua*. He is **ORDERED to PAY** the victim, AAA278240, the amounts of PHP 75,000.00 as civil indemnity, PHP 75,000.00 as moral damages, and PHP 75,000.00 as exemplary damages.

2. In Criminal Case No. U-17468, accused-appellant XXX278240 a.k.a. "██████████" is **GUILTY** beyond reasonable doubt of rape under Article 266-A(1), in relation to Article 266-B, of the Revised Penal Code, for which he is sentenced to suffer the penalty of *reclusion perpetua*. He is **ORDERED to PAY** the victim, AAA278240, the amounts of PHP 75,000.00

⁷⁶ *People v. Tulagan*, 849 Phil. 197, 287-288 (2019) [Per J. Peralta, *En Banc*].

⁷⁷ *Id.* at 238.

⁷⁸ 783 Phil. 806, 848-849 (2003) [Per J. Peralta, *En Banc*].

⁷⁹ *Lara's Gifts & Decors, Inc. v. Midtown Industrial Sales, Inc.*, 929 Phil. 754, 784 (2022) [Per ACJ. Leonen, *En Banc*] and *Nacar v. Gallery Frames, Inc.*, 716 Phil. 267, 282-283 (2013) [Per J. Peralta, *En Banc*].

as civil indemnity, PHP 75,000.00 as moral damages, and PHP 75,000.00 as exemplary damages.

3. In Criminal Case No. U-17469, accused-appellant XXX278240 a.k.a. "[REDACTED]" is **GUILTY** beyond reasonable doubt of rape under Article 266-A(2), in relation to Article 266-B of the Revised Penal Code, for which is sentenced to an indeterminate penalty of four years of *prision correccional*, as minimum, to nine years of *prision mayor*, as maximum. He is **ORDERED to PAY** the victim, AAA278240, the amounts of PHP 30,000.00 as civil indemnity, PHP 30,000.00 as moral damages, and PHP 30,000.00 as exemplary damages.

4. In Criminal Case No. U-17470, accused-appellant XXX278240 a.k.a. "[REDACTED]" is **GUILTY** beyond reasonable doubt of rape under Article 266-A(2), in relation to Article 266-B of the Revised Penal Code, for which is sentenced to an indeterminate penalty of four years of *prision correccional*, as minimum, to nine years of *prision mayor*, as maximum. He is **ORDERED to PAY** the victim, AAA278240, the amounts of PHP 30,000.00 as civil indemnity, PHP 30,000.00 as moral damages, and PHP 30,000.00 as exemplary damages.

The civil liabilities awarded shall earn interest at the rate of 6% per annum from the finality of this Decision until fully paid.

Branch [REDACTED], Regional Trial Court, [REDACTED], shall **INFORM** the Department of Social Welfare and Development (DSWD) of a decision rendered involving a sexual abuse case. It is the duty of the DSWD to **REFER** the private complainant AAA278240 to the appropriate rape crisis center for the necessary assistance to be rendered to her and her family, in line with Republic Act No. 8505, otherwise known as the Rape Victim Assistance and Protection Act of 1998. It is further **DIRECTED to REPORT** compliance within 10 days from notice of finality of this Decision.


SO ORDERED.


JHOSEP V. LOPEZ
Associate Justice

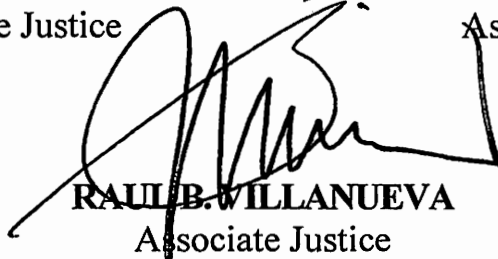
WE CONCUR:


MARVIC M. V. LEONEN
Senior Associate Justice
Chairperson, Second Division

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AMY C. LAZARO-JAVIER
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


RAUL B. VILLANUEVA
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.


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