Republic of the Philippines
Supreme Court
Baguio City

FIRST DIVISION

PEOPLE OF THE PHILIPPINES, Plaintiff-appellee,	**G.R. No. 208066**
	Present:
- *versus* -	SERENO, *CJ.*, Chairperson, LEONARDO-DE CASTRO, BERSAMIN, PERLAS-BERNABE, and CAGUIOA, *JJ.*
JOHN GLEN WILE, EFREN BUENAFE, JR., MARK ROBERT LARIOSA and JAYPEE PINEDA, Accused-appellants.	Promulgated: APR 12 2016

x- -x

DECISION

LEONARDO-DE CASTRO, *J.*:

Before Us on appeal is the Decision[1] dated February 25, 2013 of the Court of Appeals in CA-G.R. CR.-H.C. No. 00912, which affirmed with modification the Decision[2] dated January 24, 2007 of the Regional Trial Court (RTC) of Silay City, Branch 69 in Criminal Case Nos. 5931-69 to 5938-69, finding accused-appellants John Glen Wile (John),[3] Mark Robert Lariosa (Mark),[4] Jaypee Pineda (Jaypee), and Efren Buenafe, Jr. (Efren)[5] guilty beyond reasonable doubt of several counts of rape as defined in Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353, otherwise known as the Anti-Rape Law of 1997.

---

1 CA *rollo* pp. 123-152; penned by Associate Justice Carmelita Salandanan-Manahan with Associate Justices Ramon Paul L. Hernando and Maria Elisa Sempio Diy concurring.
2 CA *rollo* pp. 55-73.
3 Accused-appellant John Glen Wile's first two names were also sometimes spelled as "Jhon Glen" and "John Glenn."
4 Accused-appellant Mark Robert Lariosa's first name was also sometimes spelled as "Marc" and "Mart."
5 Accused-appellant Efren Buenafe, Jr. was also referred to as "Jay-R."

In eight (8) Informations, all dated December 2, 2005, accused-appellants were charged before the RTC with the rapes of minors AAA and BBB,[6] as follows:

1) CRIMINAL CASE NO. 5931-69

That on July 26, 2005, in Silay City, Philippines, and within the Jurisdiction of this Honorable Court, the accused JOHN GLENN WILE y VILLALOBOS, in conspiracy and with the help of EFREN BUENAFE, JR. y AQUINO, MARK ROBERT LARIOSA y JUEN and JAYPEE PINEDA y WILE with force and intimidation did then and there willfully, unlawfully and feloniously have carnal knowledge with [AAA], a fifteen-year-old minor against her will.[7]

2) CRIMINAL CASE NO. 5932-69

That on July 26, 2005, in Silay City, Philippines, and within the Jurisdiction of this Honorable Court, the accused EFREN BUENAFE, JR. y AQUINO, in conspiracy and with the help of MARK ROBERT LARIOSA y JUEN, JAYPEE PINEDA y WILE and JOHN GLENN WILE y VILLALOBOS with force and intimidation did then and there willfully, unlawfully and feloniously have carnal knowledge with [AAA], a 15-year-old minor against the latter's will.[8]

3) CRIMINAL CASE NO. 5933-69

That on July 26, 2005, in Silay City, Philippines, and within the Jurisdiction of this Honorable Court. the accused JAYPEE PINEDA y WILE, in conspiracy and with the help of JOHN GLENN WILE y VILLALOBOS, EFREN BUENAFE, JR. y AQUINO and MARK ROBERT LARIOSA y JUEN with force and intimidation did then and there willfully, unlawfully and feloniously have carnal knowledge with [AAA], a fifteen-year-old minor against her will.[9]

4) CRIMINAL CASE NO. 5934-69

That on July 26, 2005, in Silay City, Philippines, and within the Jurisdiction of this Honorable Court, the accused MARK ROBERT LARIOSA y JUEN, in conspiracy and with the help of JAYPEE PINEDA y WILE, JOHN GLENN WILE y VILLALOBOS and EFREN BUENAFE, JR. y AQUINO with force and intimidation did then and there willfully, unlawfully and feloniously have carnal knowledge with [AAA], a fifteen-year-old minor against her will.[10]

---

6 The victims' real names are withheld pursuant to *People v. Cabalquinto* (533 Phil. 703 [2006]).
7 Records (Crim. Case No. 5931-69), p. 1.
8 Records (Crim. Case No. 5932-69), p. 1.
9 Records (Crim. Case No. 5933-69), p. 1.
10 Records (Crim. Case No. 5934-69), p. 1.

5) CRIMINAL CASE NO. 5935-69

That on September 12, 2005, in Silay City, Philippines, and within the Jurisdiction of this Honorable Court, the accused JOHN GLENN WILE y VILLALOBOS, in conspiracy with MARK ROBERT LARIOSA y JUEN with force and intimidation did then and there willfully, unlawfully and feloniously have carnal knowledge with [AAA], a fifteen-year-old minor against her will.[11]

6) CRIMINAL CASE NO. 5936-69

That on September 12, 2005, in Silay City, Philippines, and within the Jurisdiction of this Honorable Court, the accused MARK ROBERT LARIOSA y JUEN, in conspiracy with JOHN GLENN WILE y VILLALOBOS with force and intimidation did then and there willfully, unlawfully and feloniously have carnal knowledge with [AAA], a fifteen-year-old minor against her will.[12]

7) CRIMINAL CASE NO. 5937-69

That on July 26, 2005, in Silay City, Philippines, and within the Jurisdiction of this Honorable Court, the accused EFREN BUENAFE, JR. y AQUINO, in conspiracy and with the help of MARK ROBERT LARIOSA y JUEN, JAYPEE PINEDA y WILE and JOHN GLENN WILE y VILLALOBOS with force and intimidation did then and there willfully, unlawfully and feloniously have carnal knowledge with [BBB], a fifteen-year-old minor against her will.[13]

8) CRIMINAL CASE NO. 5938-69

That on July 26, 2005, in Silay City, Philippines, and within the Jurisdiction of this Honorable Court, the accused MARK ROBERT LARIOSA y JUEN, in conspiracy and with the help of EFREN BUENAFE, JR. y AQUINO, JAYPEE PINEDA y WILE and JOHN GLENN WILE y VILLALOBOS with force and intimidation did then and there willfully, unlawfully and feloniously have carnal knowledge with [BBB], a fifteen-year-old minor against her will.[14]

During their arraignment held on January 5, 2006, accused-appellants pleaded not guilty to the crimes charged.[15]

At pre-trial, the prosecution and the defense jointly admitted the following facts:

1. This Court has jurisdiction to take cognizance of the instant criminal actions;

---

11 Records (Crim. Case No. 5935-69), p. 1.
12 Records (Crim. Case No. 5936-69), p. 1.
13 Records (Crim. Case No. 5937-69), p. 1.
14 Records (Crim. Case No. 5938-69), p. 1.
15 Id. at 30.

2. The [accused-appellants] in this case are John Glenn Wile, Efren Buenafe[, Jr.], Mark Robert Lariosa, and Jaypee Pineda;

3. Private complainants, [AAA] and [BBB], are all minors;

4. Private complainants were all students of x x x Memorial High School[16] on the date of the submitted incidents giving rise to the present criminal actions;

5. Private complainants, [AAA] and [BBB], know the [accused-appellants] named;

6. [Accused-appellants] belong to a fraternity known as "Sana Wala Akong Kaaway" or "SWAK;" and

7. [Accused-appellants] John Glenn Wile, Jaypee Pineda, and Mark Robert Lariosa, were all minors at the time of the incidents giving rise to the present criminal actions.[17]

Thereafter, trial ensued.

The prosecution presented as witnesses AAA and BBB, the private complainants themselves; Doctor Annabelle Ortiz *y* Monroy (Dr. Ortiz); Police Officer (PO) 2 Nanette Laurilla (Laurilla); CCC,[18] AAA's aunt; and DDD,[19] BBB's mother.

As gathered from the collective testimonies of the prosecution witnesses, on July 26, 2005, Juvelyn,[20] a common friend, invited AAA and BBB to join a fraternity called *Sana Wala Akong Kaaway* or SWAK. Accompanied by Juvelyn, AAA and BBB went to a hut in *Sitio x x x* where they spoke with accused-appellant Efren. By touting that SWAK was a good group promoting brotherhood and camaraderie, accused-appellant Efren was able to convince AAA and BBB to join said fraternity. Accused-appellants Efren and Mark blindfolded AAA and BBB, respectively, with handkerchiefs. Thus blindfolded, AAA and BBB were guided to a nearby canefield and instructed to sit on a towel.

---

16 Section 44 of Republic Act No. 9262, otherwise known as the Anti-Violence Against Women and Their Children Act of 2004, requires the confidentiality of all records pertaining to cases of violence against women and their children. Per said section, all public officers and employees are prohibited from publishing or causing to be published in any format the name and other identifying information of a victim or an immediate family member. The penalty of one (1) year imprisonment and a fine of not more than Five Hundred Thousand pesos (₱500,000.00) shall be imposed upon those who violate the provision. Pursuant thereto, in the courts' promulgation of decisions, final resolutions and/or final orders, the names of women and children victims shall be replaced by fictitious initials, and their personal circumstances or any information, which tend to identify them, shall likewise not be disclosed. (Resolution in *BBB v. AAA*, G.R. No. 193225, February 9, 2015)

17 Records (Crim. Case No. 5938-69), p. 36

18 *BBB v. AAA,* supra note 16.

19 Id.

20 Variously referred to in the TSN as "Juvelyn Bellega" (TSN, March 13, 2006, p. 7), "Gebelyn Gelbaliega" (TSN, May 8, 2006, p. 6), and "Jevielyn Gilbalega" (TSN, August 14, 2006, p. 11).

Accused-appellant Efren, whose voice BBB recognized, instructed BBB to separate herself from AAA. After BBB sat away from AAA, BBB's blindfold was removed so she saw accused-appellants take turns in raping AAA just a few meters away. AAA, still blindfolded, was seated, at first, but accused-appellant Efren ordered her to lie down. Accused-appellant Jaypee watched over BBB. With accused-appellants John and Mark restraining AAA's hands and legs, respectively, accused-appellant Efren kissed AAA's lips, opened her blouse, removed her bra, lifted her skirt, removed her underwear, and inserted his penis into her vagina. After accused-appellant Efren had satisfied his lust, accused-appellant John followed in having coitus with AAA as accused-appellant Efren held AAA's hands and accused-appellant Mark gripped AAA's legs. When accused-appellant John was done, he substituted accused-appellant Jaypee in guarding BBB so that accused-appellant Jaypee could take his turn in copulating with AAA while accused-appellants Efren and Mark continued to hold AAA down. Once he was finished, accused-appellant Jaypee went back to guarding BBB. Accused-appellant John pinned down AAA's legs and accused-appellant Efren kept his hold on AAA's hands, as accused-appellant Mark lastly had sexual intercourse with AAA. All the while, AAA was crying and pleading for accused-appellants to stop but accused-appellants threatened to hit her with a bamboo pole. After all of the accused-appellants had their turns with AAA, they removed AAA's blindfold, so AAA was able to see accused-appellants' faces. When AAA was putting on her clothes, she noticed blood stains on her shirt. Accused-appellants helped AAA to stand up and instructed her to proceed to where BBB was.[21]

Accused-appellant Efren then directed accused-appellant Mark to bring BBB to him. It was now the turn of AAA, who was just a few meters away, to witness BBB's rape by accused-appellants Efren and Mark. Accused-appellant Efren blindfolded BBB and ordered her to lie down. Accused-appellant Efren kissed BBB's lips and breasts, lifted her bra and skirt, and removed her underwear. After accused-appellant Efren finished having sexual intercourse with BBB, BBB was already trying to stand up but accused-appellant Mark also lied on top of her and copulated with her. Meanwhile, AAA was being guarded by accused-appellants John and Jaypee. AAA tried to fight back and escape, but she was already weak. After raping BBB, accused-appellants Efren and Mark removed BBB's blindfold, giving BBB the chance to see their faces.

The whole group thereafter left the canefield. Accused-appellants brought AAA and BBB to the house of accused-appellant John's cousin. There, the right pinky fingers of AAA and BBB were burned, a ritual to

---

[21] TSN, March 13, 2006, pp. 10-12.

welcome AAA and BBB to the fraternity. AAA and BBB went home afterwards.

Because AAA's parents were both in Manila, AAA had been in the care of her aunt, CCC. AAA would be home from school either by 4:00 p.m. or 5:30 p.m., but on July 26, 2005, AAA came home late. When CCC asked AAA why she was late, AAA did not answer and went straight to her room. AAA told her older sister that she had a severe headache. AAA's whole body was shaking and she could not get up from the bed. CCC and AAA's sister changed AAA's clothes and they noticed blood and mud stains on AAA's skirt. The following morning, AAA still would not get up from bed nor eat, and would just sleep.

BBB was usually home from school by 5:00 p.m., and was sometimes late by just 15 minutes. On July 26, 2005 though, BBB got home when it was already dim. DDD, BBB's mother, twice asked why BBB got home late but BBB did not answer. BBB headed straight to her room and did not join her family for supper. Since then, DDD brought and fetched BBB from school as BBB seemed to be afraid of something.

In the second week of August 2005, AAA attempted suicide. AAA was already holding a knife. AAA and CCC's husband grappled for the knife and in the end, AAA was wounded in her left hand. CCC asked AAA if she had any problems but AAA stayed silent. CCC inquired at AAA's school and found out that AAA had not been attending her classes. CCC even brought AAA for a session with the Guidance Counselor. The Guidance Counselor related to CCC that AAA missed her parents.

AAA was again raped by accused-appellants John and Mark on September 12, 2005. When classes were canceled due to a transport strike, AAA went to a friend's house to cook *arroz caldo*. As AAA was outside her friend's house looking for a stone she could use for a makeshift stove, she saw accused-appellant John approaching. AAA tried to run away but accused-appellant John grabbed her arm and dragged her to accused-appellant Mark's hut. Accused-appellant John ordered AAA to sit beside the bed as he stood by the door of the hut. Moments later, accused-appellant Mark entered the hut. AAA tried to escape but accused-appellant Mark pulled her back inside the hut and embraced her. AAA kicked accused-appellant Mark in the leg. Angered, accused-appellant Mark punched AAA in the stomach, causing her to gasp for air and to fall seated on the bed. Accused-appellant Mark forced AAA to lie down, covered her mouth, and removed her clothes. While accused-appellant Mark was undressing himself, accused-appellant John was the one who covered AAA's mouth. Then, accused-appellant Mark lied on top of AAA, spread her legs, and inserted his penis into her vagina. When accused-appellant Mark was done, he took

over covering AAA's mouth as accused-appellant John also had sexual intercourse with AAA. Afterwards, accused-appellants John and Mark allowed AAA to get dressed and warned her not to tell anybody about what happened. Accused-appellants John and Mark next brought AAA to accused-appellant John's hut where AAA was able to rest. While at accused-appellant John's hut, AAA saw an unnamed friend approaching them and she ran towards her friend. AAA wanted to tell her friend what happened to her but she could not because accused-appellant John was following them. AAA went home and despite finding her aunt and an older sibling there, she did not tell them what happened.

Meanwhile, BBB likewise exhibited a change in behavior. BBB would come home, go straight to her room, and cry. She also expressed her desire to commit suicide, going as far as draping a rope on a tree to hang herself. On September 26, 2005, BBB's father, EEE, told DDD that something had happened to BBB.

AAA and BBB subjected themselves to separate medical examinations by Dr. Ortiz on September 26 and 27, 2005, which revealed that both girls had healed hymenal lacerations. According to Dr. Ortiz, hymenal lacerations could be caused by an object inserted into the vagina, most commonly a penis.[22] On September 27, 2005, AAA and BBB went to the Women's Desk of the Silay City Police Station and disclosed the rape incidents to PO2 Laurilla.

EEE came by BBB's house on September 27, 2005 and invited CCC to go with him for a conference at the Women's Desk at the police station. It was only there that CCC learned about the gang rape of her niece, AAA.

The defense called all four accused-appellants, as well as Mary Jane Biton (Biton) and Jake Vagalleon (Vagalleon), as witnesses, who depicted a different version of events.

Accused-appellants and BBB were members of a fraternity called SWAK. A person who wished to join SWAK had to undergo an initiation, choosing between "*hirap*" or "*sarap*." In "*hirap*," the applicant was hit with a paddle and/or punched on the shoulders, abdomen, and thighs; and in "*sarap*," the applicant would pick a SWAK member to have sexual intercourse with.

At around 12:00 noon on July 26, 2005, accused-appellants were in a hut in Villa Hergon together with around 20 other fraternity members when AAA, BBB, and Juvelyn arrived. AAA expressed her intention to join SWAK. Accused-appellant Mark, as SWAK adviser, informed AAA about

---

22 TSN, February 13, 2006, pp. 4-9.

the initiation process and gave AAA the choice between "*hirap*" or "*sarap.*" AAA chose "*sarap*" and picked accused-appellant Efren as her initiator. AAA, BBB, and Juvelyn went up a nearby hill, followed by accused-appellants John, Mark, and Jaypee. BBB blindfolded AAA. Accused-appellant Efren arrived a few moments later, and he and AAA were ushered to a nearby canefield where the two were left alone. BBB, Juvelyn, and accused-appellants John, Mark, and Jaypee went back to the hut.

When alone, accused-appellant Efren and AAA talked. AAA maintained her willingness to undergo the initiation process, saying that she had done the same thing when she joined another group called *Katorse Hudas*. AAA already took her panties off, but accused-appellant Efren ordered her to put it back on. Accused-appellant Efren claimed that he lived in the same place as AAA and knew AAA's family so he could not go through with the initiation. Accused-appellant Efren and AAA just continued talking. About 15 minutes later, accused-appellant Efren and AAA rejoined the others at the hut. After taking their snacks, accused-appellants escorted AAA, BBB, and Juvelyn to Bangga Rizal, from where the three girls went on their way home. Accused-appellants returned to the hut where they continued to talk, going home at about 4:00 p.m.[23]

Biton and Vagalleon were long-time neighbors of accused-appellants John and Mark, respectively. Biton and Vagalleon recalled that AAA and BBB were frequently at the makeshift hut in Villa Hergon, which was near accused-appellant John's house, or at accused-appellant Mark's house, and occasionally at accused appellant Jaypee's house, conversing with the people present, cooking, and watching television.

Biton recounted, in particular, an incident on August 19, 2005 when she went to the house of accused-appellant Jaypee for the birthday celebration of the latter's older sibling. AAA was there and she took off her school shoes and borrowed Biton's slippers. CCC, AAA's aunt, arrived but AAA asked accused-appellant Jaypee to hide her because she was being abused by CCC. In her hurry to hide herself, AAA was unable to put her school shoes back on. However, CCC found AAA, grabbed AAA by the hair, and dragged her home. CCC and AAA's sister merely returned the slippers to Biton the next day.

On September 12, 2005, accused-appellant Mark was sleeping at his house when he was awakened because accused-appellant John, AAA, and BBB were there to invite him to go to the makeshift hut in Villa Hergon. Vagalleon, accused-appellant Mark's neighbor, followed the group all the way to the hut. Accused-appellant Mark gave Vagalleon ₱40.00 and requested him to buy bread for their snacks. When Vagalleon returned from

---

[23] TSN, September 11, 2006, pp. 10-14.

his errand, there were about 20 people at the hut, sitting around and talking to one another. The SWAK members present ate the bread Vagalleon bought and discussed whether or not they should renovate the hut. Subsequently, the group dispersed and each went home.

Accused-appellant Mark denied ever having sexual intercourse with AAA and brought up a letter,[24] purportedly from AAA, advising him to flee because EEE, BBB's father, already knew about the initiation, filed a case against him, and wanted to put him in jail. AAA's letter, translated from the Ilonggo dialect to English, reads:

> Mart, I am writing you this I have something important to tell you. I can no longer go out of our house. Mart, you have to flee now because the father of [BBB] wanted you in jail. He already knew about the initiation. I wanted you to flee because when we meet in court, what will come out would be all lies. They would not tell the truth in Court, that is why, I want to help you now because if you would be apprehended, I can no longer do anything because the father of [BBB] is putting pressure on me. Please flee now because I can no longer leave the house. Last Monday, we filed a case against you. After you read this, please tear this. You must leave and go to other places outside Negros.[25]

The letter was not fully signed but only bore the first letter of AAA's name. Accused-appellant Mark did not heed AAA's advice to flee, asserting that he did nothing wrong.[26]

After receiving all of the evidence, the RTC promulgated its Decision on January 24, 2007 ruling that accused-appellants' guilt was established beyond reasonable doubt and sentencing them as follows:

> WHEREFORE, PREMISES CONSIDERED, in Criminal Case No. 5931-69, this Court finds [accused-appellants] John Glen Wile *y* Villalobos, Efren Buenafe, Jr. *y* Aquino, Mark Robert Lariosa *y* Juen and Jaypee Pineda *y* Wile, Guilty of the crime of Rape as defined in Article 266-A of the Revised Penal Code of the Philippines, as amended by Republic Act No. 8353, as the prosecution had established their guilts (sic) beyond any reasonable doubt.
>
> Accordingly, taking into consideration the privilege mitigating circumstance of Minority, and in application of the pertinent provisions of the Indeterminate Sentence Law, this Court sentences [accused-appellants] John Glen Wile *y* Villalobos, Mark Robert Lariosa *y* Juen and Jaypee Pineda y Wile to each suffer the penalty of imprisonment for a period of from TEN (10) YEARS of *Prision Mayor* as minimum to FOURTEEN

---

24 AAA asked a certain Richelle, a SWAK member, to hand the letter to accused-appellant Lariosa. (TSN, August 14, 2006, pp. 20-21.)

25 TSN, August 7, 2006, pp. 29-30.

26 Id.

(14) YEARS of *Reclusion Temporal* as maximum, the same to be served by them at the National Penitentiary, Muntinlupa City, Province of Rizal.

[Accused-appellant] Efren Buenafe, Jr. *y* Aquino is sentenced by this Court to suffer the penalty of *Reclusion Perpetua*, the same to be served by him at the National Penitentiary, Muntinlupa City, Province of Rizal.

[Accused-appellants] are, further, ordered by this Court to jointly and severally pay private complainant, [AAA], the sums of [₱]50,000.00, as civil indemnity, and [₱]50,000.00 as moral damages, all in Philippine currency.

In Criminal Case No. 5932-69, this Court finds [accused-appellants] John Glen Wile *y* Villalobos, Efren Buenafe, Jr. *y* Aquino, Mark Robert Lariosa *y* Juen and Jaypee Pineda y Wile, Guilty of the crime of Rape as defined in Article 266-A of the Revised Penal Code of the Philippines, as amended by Republic Act No. 8353, as the prosecution had established their guilts (sic) beyond any reasonable doubt.

Accordingly, taking into consideration the privilege mitigating circumstance of Minority, and in application of the pertinent provisions of the Indeterminate Sentence Law, this Court sentences [accused-appellants] John Glen Wile *y* Villalobos, Mark Robert Lariosa *y* Juen and Jaypee Pineda *y* Wile to each suffer the penalty of imprisonment for a period of from TEN (10) YEARS of *Prision Mayor* as minimum to FOURTEEN (14) YEARS of *Reclusion Temporal* as maximum, the same to be served by them at the National Penitentiary, Muntinlupa City, Province of Rizal.

[Accused-appellant] Efren Buenafe, Jr. *y* Aquino is sentenced by this Court to suffer the penalty of *Reclusion Perpetua*, the same to be served by him at the National Penitentiary, Muntinlupa City, Province of Rizal.

[Accused-appellants] are, further, ordered by this Court to jointly and severally pay private complainant, [AAA], the sums of [₱]50,000.00 as civil indemnity, and [₱]50,000.00 as moral damages, all in Philippine currency.

In Criminal Case No. 5933-69, this Court finds [accused-appellants] John Glen Wile *y* Villalobos, Efren Buenafe, Jr. *y* Aquino, Mark Robert Lariosa *y* Juen and Jaypee Pineda y Wile, Guilty of the Crime of Rape as defined in Article 266-A of the Revised Penal Code of the Philippines, as amended by Republic Act No. 8353, as the prosecution had established their guilts (sic) beyond any reasonable doubt.

Accordingly, taking into consideration the privilege mitigating circumstance of Minority, and in application of the pertinent provisions of the Indeterminate Sentence Law, this Court sentences [accused-appellants] John Glen Wile *y* Villalobos, Mark Robert Lariosa *y* Juen and Jaypee Pineda *y* Wile to each suffer the penalty of imprisonment for a period of from TEN (10) YEARS of *Prision Mayor* as minimum to FOURTEEN

(14) YEARS of *Reclusion Temporal* as maximum, the same to be served by them at the National Penitentiary, Muntinlupa City, Province of Rizal.

[Accused-appellant] Efren Buenafe, Jr. *y* Aquino is sentenced by this Court to suffer the penalty of *Reclusion Perpetua*, the same to be served by him at the National Penitentiary, Muntinlupa City, Province of Rizal.

[Accused-appellants] are, further, ordered by this Court to jointly and severally pay private complainant, [AAA], the sums of [₱]50,000.00, as civil indemnity, and [₱]50,000.00 as moral damages, all in Philippine currency.

In Criminal Case No. 5934-69, this Court finds [accused-appellants] John Glen Wile *y* Villalobos, Efren Buenafe, Jr. *y* Aquino, Mark Robert Lariosa *y* Juen and Jaypee Pineda *y* Wile, Guilty of the crime of Rape as defined in Article 266-A of the Revised Penal Code of the Philippines, as amended by Republic Act No. 8353, as the prosecution had established their guilts (sic) beyond any reasonable doubt.

Accordingly, taking into consideration the privilege mitigating circumstance of Minority, and in application of the pertinent provisions of the Indeterminate Sentence Law, this Court sentences [accused-appellants] John Glen Wile *y* Villalobos, Mark Robert Lariosa *y* Juen and Jaypee Pineda *y* Wile to each suffer the penalty of imprisonment for a period of from TEN (10) YEARS of *Prision Mayor* as minimum to FOURTEEN (14) YEARS of *Reclusion Temporal* as maximum, the same to be served by them at the National Penitentiary, Muntinlupa City, Province of Rizal.

[Accused-appellant] Efren Buenafe, Jr. *y* Aquino is sentenced by this Court to suffer the penalty of *Reclusion Perpetua*, the same to be served by him at the National Penitentiary, Muntinlupa City, Province of Rizal.

[Accused-appellants] are, further, ordered by this Court to jointly and severally pay private complainant, [AAA], the sums of [₱]50,000.00 as civil indemnity, and [₱]50,000.00 as moral damages, all in Philippine currency.

In Criminal Case No. 5935-69, this Court finds [accused-appellants] John Glen Wile *y* Villalobos and Mark Robert Lariosa *y* Juen, Guilty of the Crime of Rape as defined in Article 266-A of the Revised Penal Code of the Philippines, as amended by Republic Act No. 8353, as the prosecution had established their guilts (sic) beyond any reasonable doubt.

Accordingly, taking into consideration the privilege mitigating circumstance of Minority, and in application of the pertinent provisions of the Indeterminate Sentence Law, this Court sentences [accused-appellants] John Glen Wile *y* Villalobos and Mark Robert Lariosa *y* Juen, to each suffer the penalty of imprisonment for a period of from TEN (10) YEARS of *Prision Mayor* as minimum to FOURTEEN (14) YEARS of *Reclusion*

Temporal as maximum, the same to be served by them at the National Penitentiary, Muntinlupa City, Province of Rizal.

[Accused-appellants] are, further, ordered by this Court to jointly and severally pay private complainant, [AAA], the sums of [₱]50,000.00 as civil indemnity, and [₱]50,000.00 as moral damages, all in Philippine currency.

In Criminal Case No. 5936-69, this Court finds [accused-appellants] John Glen Wile *y* Villalobos and Mark Robert Lariosa *y* Juen, Guilty of the crime of Rape as defined in Article 266-A of the Revised Penal Code of the Philippines, as amended by Republic Act No. 8353, as the prosecution had established their guilts (sic) beyond any reasonable doubt.

Accordingly, taking into consideration the privilege mitigating circumstance of Minority, and in application of the pertinent provisions of the Indeterminate Sentence Law, this Court sentences [accused-appellants] John Glen Wile *y* Villalobos and Mark Robert Lariosa *y* Juen, to each suffer the penalty of imprisonment for a period of from TEN (10) YEARS of *Prision Mayor* as minimum to FOURTEEN (14) YEARS of *Reclusion Temporal* as maximum, the same to be served by them at the National Penitentiary, Muntinlupa City, Province of Rizal.

[Accused-appellants] are, further, ordered by this Court to jointly and severally pay private complainant, [AAA], the sums of [₱]50,000.00 as civil indemnity, and [₱]50,000.00 as moral damages, all in Philippine currency.

In Criminal Case No. 5937-69, this Court finds [accused-appellants] John Glen Wile *y* Villalobos, Efren Buenafe, Jr. *y* Aquino, Mark Robert Lariosa *y* Juen and Jaypee Pineda *y* Wile, Guilty of the crime of Rape as defined in Article 266-A of the Revised Penal Code of the Philippines, as amended by Republic Act No. 8353, as the prosecution had established their guilts (sic) beyond any reasonable doubt.

Accordingly, taking into consideration the privilege mitigating circumstance of Minority, and in application of the pertinent provisions of the Indeterminate Sentence Law, this Court sentences [accused-appellants] John Glen Wile *y* Villalobos, Mark Robert Lariosa *y* Juen and Jaypee Pineda *y* Wile to each suffer the penalty of imprisonment for a period of from TEN (10) YEARS of *Prision Mayor* as minimum to FOURTEEN (14) YEARS of *Reclusion Temporal* as maximum, the same to be served by them at the National Penitentiary, Muntinlupa City, Province of Rizal.

[Accused-appellant] Efren Buenafe, Jr. *y* Aquino is sentenced by this Court to suffer the penalty of *Reclusion Perpetua*, the same to be served by him at the National Penitentiary, Muntinlupa City, Province of Rizal.

[Accused-appellants] are, further, ordered by this Court to jointly and severally pay private complainant, [BBB], the sums of [₱]50,000.00

as civil indemnity, and [₱]50,000.00 as moral damages, all in Philippine currency.

In Criminal Case No. 5938-69, this Court finds [accused-appellants] John Glen Wile *y* Villalobos, Efren Buenafe, Jr. *y* Aquino, Mark Robert Lariosa *y* Juen and Jaypee Pineda *y* Wile, Guilty of the crime of Rape as defined in Article 266-A of the Revised Penal Code of the Philippines, as amended by Republic Act No. 8353, as the prosecution had established their guilts (sic) beyond any reasonable doubt.

Accordingly, taking into consideration the privilege mitigating circumstance of Minority, and in application of the pertinent provisions of the Indeterminate Sentence Law, this Court sentences [accused-appellants] John Glen Wile *y* Villalobos, Mark Robert Lariosa *y* Juen and Jaypee Pineda *y* Wile to each suffer the penalty of imprisonment for a period of from TEN (10) YEARS of *Prision Mayor* as minimum to FOURTEEN (14) YEARS of *Reclusion Temporal* as maximum, the same to be served by them at the National Penitentiary, Muntinlupa City, Province of Rizal.

[Accused-appellant] Efren Buenafe, Jr. *y* Aquino is sentenced by this Court to suffer the penalty of *Reclusion Perpetua*, the same to be served by him at the National Penitentiary, Muntinlupa City, Province of Rizal.

[Accused-appellants] are, further, ordered by this Court to jointly and severally pay private complainant, [BBB], the sums of [₱]50,000.00 as civil indemnity, and [₱]50,000.00 as moral damages, all in Philippine currency.

In the service of the sentence imposed upon them by this Court, [accused-appellants] shall be given credit for the entire period of their detention pending trial.

[Accused-appellants] John Glen Wile *y* Villalobos, Efren Buenafe, Jr. *y* Aquino, Mark Robert Lariosa *y* Juen and Jaypee Pineda *y* Wile, are remanded to the custody of the Jail Warden of the Bureau of Jail Management and Penology of Silay City, Negros Occidental, pending their commitment to the National Penitentiary, Muntinlupa City, Rizal, where they shall served (sic) the penalties of imprisonment imposed on them by this Court.[27]

Accused-appellants filed their Notice of Appeal of the foregoing RTC judgment on February 5, 2007.[28]

Accused-appellants John, Mark, and Jaypee, being minors at the time of commission of the purported crimes,[29] eventually filed on February 13,

---

27 CA *rollo*, pp. 68-73.

28 Accused-appellants John, Mark, and Jaypee filed a Notice of Appeal on February 5, 2007 while accused-appellant Efren filed his Notice of Appeal on February 13, 2007. (Records [Crim. Case No. 5938-69], pp. 152-153.)

29 Based on their Certificates of Live Birth, accused-appellants John, Mark, and Jaypee were born on May 24, 1988, March 29, 1988, and December 9, 1988, respectively. Thus, John and Mark were

2007 a motion for probation[30] under Section 42 of Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006," which provides:

> Sec. 42. *Probation as an Alternative to Imprisonment.* – The court may, after it shall have convicted and sentenced a child in conflict with the law, and upon application at any time, place the child on probation in lieu of service of his/her sentence taking into account the best interest of the child. For this purpose, Section 4 of Presidential Decree No. 968, otherwise known as the "Probation Law of 1976," is hereby amended accordingly.

The three accused-appellants filed the next day, on February 14, 2007, a motion to withdraw their appeal.[31]

In an Order dated March 5, 2007,[32] the RTC denied both motions of accused-appellants John, Mark, and Jaypee, rationalizing that:

> The provisions of the Juvenile Justice and Welfare Act of 2006 (Republic Act No. 9344) are not applicable to [accused-appellants] named. The penalty imposed by this Court on them was imprisonment for a period of Ten (10) Years of *Prision Mayor* to Fourteen (14) Years of *Reclusion Temporal.* Under the provisions of Presidential Decree No. 968, otherwise known as the Probation Law of 1976, as amended, offenders sentenced to serve a maximum term of imprisonment of more than six (6) years are disqualified from availing of the benefits of the Law. The amendment made by Republic Act No. 9344, Section 42, refers only to the filing of the application for probation even beyond the period for filing an appeal.
>
> Minor [accused-appellants] named, likewise, cannot avail of suspended sentence under the Juvenile Justice and Welfare Act of 2006 (Republic Act No. 9344). The imposable penalty for the crime of Rape committed by two or more persons (Art. 266-A in relation to Art. 266-B, Revised Penal Code of the Philippines, as amended) is *Reclusion Perpetua* to Death. Republic Act No. 9344 merely amended Article 192 of P.D. No. 603, as amended by A.M. No. 02-1-18-SC, in that the suspension of sentence shall be enjoyed by the juvenile even if he is already 18 years of age or more at the time of the pronouncement of his/her guilt. The other disqualifications in Article 192 of P.D. No. 603, as amended, and Section 32 of A.M. No. 02-1-18-SC have not been deleted from Section 38 of Rep. Act No. 9344. Evidently, the intention of Congress was to maintain the other disqualifications as provided in Article 192 of P.D. No. 603, as amended, and Section 32 of A.M. No. 02-1-18-SC. Hence, juveniles who have been convicted of a crime the imposable penalty for which is *reclusion perpetua*, life imprisonment or *reclusion perpetua* to death or

---

both seventeen (17) years old and Jaypee was sixteen (16) years old when they committed the crimes. (Id. at 123-125.)

30 Records (Crim. Case No. 5938-69), pp. 158-159.

31 Id. at 154-155.

32 Id. at 160-161.

death, are disqualified from having their sentences suspended (*Declarador vs. Gubaton*, G.R. No. 159208, August 18, 2006).

On March 6, 2007, the RTC directed the Branch Clerk of Court to forward the case records to the Court of Appeals.[33]

On February 25, 2013, the Court of Appeals rendered its Decision affirming accused-appellants' conviction for all counts of rape but modifying the penal and civil liabilities imposed upon them, thus:

> **WHEREFORE**, premises considered, the appeal is **DENIED**. The 24 January 2007 decision of the Regional Trial Court of Silay City convicting accused-appellants for the crime of rape as defined in Article 266-A of the Revised Penal Code, as amended by RA 8353, is hereby **AFFIRMED with MODIFICATION**.
>
> **JOHN GLEN WILE and MARK ROBERT LARIOSA** are sentenced to a penalty of six (6) years and one (1) day of *Prision mayor*, as minimum to fourteen (14) years, eight (8) months and one (1) day of *Reclusion temporal*, as maximum for each of the six (6) counts of rape committed against AAA and for each of the two (2) counts of rape against BBB.
>
> **JAYPEE PINEDA** is sentenced to a penalty of six (6) years and one (1) day of *Prision mayor*, as minimum to fourteen (14) years, eight (8) months and one (1) day of *Reclusion temporal*, as maximum for each of the four (4) counts of rape against AAA and for each of the two (2) counts of rape against BBB.
>
> **EFREN BUENAFE, JR.** is sentenced to a penalty of RECLUSION PERPETUA for each of the four (4) counts of rape against AAA and for each of the two (2) counts of rape against BBB.
>
> Accused-appellants are **ORDERED** to pay ₱75,000.00 as civil indemnity and ₱75,000.00 as moral damages for each count of rape where each is convicted.
>
> Upon finality of this Decision, the accused-appellants John Glen Wile, Mark Robert Lariosa and Jaypee Pineda shall be confined pursuant to Section 51 of Republic Act 9344.[34]

Hence, accused-appellants come before us via an appeal under Rule 124, Section 13(c)[35] of the Revised Rules of Court.

---

33 Id. at 162.

34 CA *rollo*, pp. 151-152.

35 Sec. 13. *Certification or appeal of case to the Supreme Court.* – x x x

x x x x

(c) In cases where the Court of Appeals imposes *reclusion perpetua*, life imprisonment or a lesser penalty, it shall render and enter judgment imposing such penalty. The judgment may be appealed to the Supreme Court by notice of appeal filed with the Court of Appeals.

In a Resolution[36] dated August 28, 2013, the Court directed both parties to submit their supplemental briefs. However, plaintiff-appellee and accused-appellants filed their respective Manifestations[37] stating that they would no longer file a supplemental brief and that they were adopting the contents and arguments in their appellate briefs.

In their appeal brief,[38] accused-appellants make a lone assignment of error on the part of the RTC, *viz.*:

> THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANTS FOR THE [CRIMES] CHARGED DESPITE THE FACT THAT THE PROSECUTION FAILED TO PROVE [THEIR] GUILT BEYOND REASONABLE DOUBT.[39]

Accused-appellants argue that the prosecution failed to present evidence to overcome the presumption of their innocence and establish their guilt beyond reasonable doubt. Accused-appellants contend that the supposed rapes of AAA and BBB were highly improbable for the following reasons: *First*, all members of the fraternity were present during the alleged rapes. It was unbelievable that only the four accused-appellants would rape AAA and BBB while the rest of the fraternity members would just watch and do nothing. *Second*, the hut where AAA and BBB were purportedly raped by accused-appellants had no walls, was adjacent to a pathway, and near neighboring houses. Passers-by would have had a clear view of the hut making it impossible for said accused-appellants to commit the crime. *Third*, if AAA and BBB were blindfolded, they could not have positively identified accused-appellants as the persons who had sexual intercourse with them. Although BBB testified that her blindfold was removed so she was able to see how accused-appellants took turns in raping AAA, accused-appellants insist that it was highly improbable for them to have allowed BBB to witness her friend AAA being raped. The same thing could be said for AAA's assertion that her blindfold was removed as BBB was being raped. *Fourth*, Juvelyn, a friend of AAA and BBB who was said to be present on July 26, 2005, would have been a vital witness for the prosecution, but she was not presented in court. Also inconceivable was AAA's allegation that she was at her friend's house on September 12, 2005 and accused-appellants John and Mark could not have just grabbed AAA and raped her in the presence of her friend and other persons inside the house. And *fifth*, AAA and BBB did not mention that force or threat was employed by accused-appellants in their rapes. AAA and BBB merely claimed that they tried to resist but they failed to describe the manner of

---

36 *Rollo*, p. 37

37 Plaintiff-appellee's Manifestation (In Lieu of Supplemental Brief) (*Rollo*, pp. 38-40); Accused-appellants' Manifestation In Lieu of Supplemental Brief (*Rollo*, pp. 45-47).

38 CA *rollo*, pp. 31-54.

39 Id. at 33.

their resistance and the kind of force that was employed on them by accused-appellants. In addition, accused-appellants dispute the finding of the RTC that there was conspiracy among them despite the absence of proof of the same.

Accused-appellants' appeal is bereft of merit.

Article 266-A(1) of the Revised Penal Code, as amended, describes how the crime of rape can be committed:

> 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 circumstances:
>
> a) Through force, threat or intimidation;
>
> b) When the offended party is deprived of reason or is otherwise unconscious;
>
> c) By means of fraudulent machination or grave abuse of authority;
>
> 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.

The elements of rape committed under Article 266-A(1)(a) of the Revised Penal Code, as amended, are: (a) that the offender, who must be a man, had carnal knowledge of a woman, and (b) that such act is accomplished by using force or intimidation.[40]

Both the RTC and the Court of Appeals found that the prosecution was able to establish all the foregoing elements of rape in the case at bar, substantially giving weight and credence to the testimonies of the victims AAA and BBB.

This Court bears in mind that due to its intimate nature, rape is usually a crime bereft of witnesses, and, more often than not, the victim is left to testify for herself. Thus, in the resolution of rape cases, the victim's credibility becomes the primordial consideration. When the victim's testimony is straightforward, convincing, and consistent with human nature and the normal course of things, unflawed by any material or significant inconsistency, it passes the test of credibility, and the accused may be convicted solely on the basis thereof.[41] The credibility of herein victims

---

40 *People v. Aaron*, 438 Phil. 296, 309 (2002).

41 *People v. Balino*, G.R. No. 194833, July 2, 2014, 729 SCRA 52, 62.

AAA and BBB is further bolstered by the unique circumstance that AAA and BBB had witnessed the rape of each other on July 26, 2005, and the testimonies they gave in court were consistent with and corroborative of each other.

The RTC, in its evaluation of the testimonies of AAA and BBB, observed that:

> When a woman, moreso if she is a minor, as [AAA] and [BBB] are, says that she had been raped she, in effect, says all that is necessary to show that rape was, in fact, committed on her. Normally, their testimonies must be given full weight and credit. Youth and immaturity are generally badges of truth and sincerity. No woman, lest a minor, would concoct a story of defloration, allow an examination of her private parts and subject herself to public trial and ridicule if she has not, in truth, been a victim of rape and impelled to seek justice for the wrong done to her (*People vs. Guambor*, G.R. No. 152183, 22 January 2004). The private complainants were minors, fifteen (15) years of ages and were third year high school students of the x x x Memorial High School, Silay City, Negros Occidental at that time of the submitted incidents of sexual molestations on their persons. The declarations they gave of the acts done on them by the [accused-appellants] had been consistent, logical, straightforward, thorough, detailed, candid and to this Court's appreciation, taken in sum, credible. Their narrative accounts of the details of acts done on them by each of the [accused-appellants] stood unshaken in the face of rigid cross-examinations and unflawed by inconsistencies or contradictions in their material points as their declarations were, likewise, devoid of omissions/lapses in basic facts. They positively identified the four (4) [accused-appellants], Efren Buenafe, Jr., Mark Robert Lariosa, John Glen Wile, and Jaypee Pineda, as the very persons who perpetrated the sexual molestations on them on the dates and places given. They detailed what each of the [accused-appellants] had done and their collective participations in the referred molestations.[42]

On appeal, the Court of Appeals upheld the credibility of the testimonies of AAA and BBB. The supposed loopholes and improbable facts in said testimonies of AAA and BBB pointed out by accused-appellants were already thoroughly considered and addressed by the Court of Appeals, as shown in the following excerpts from its judgment:

> We uphold the conviction of the accused-appellants.
>
> x x x x
>
> A careful reading and evaluation of the evidence on record [reveal] that the foregoing elements are sufficiently established by the prosecution. The records, supported by the medical results of the examination conducted on the victims, would show that the four (4) accused-appellants

---

42 CA *rollo*, pp. 64-65.

committed carnal knowledge of AAA and BBB with the use of force and intimidation.

When AAA was called to the witness stand, she gave a thorough, detailed and straightforward narration of the incidents that happened on July 26, 2005 and September 12, 2005. She recalled how each of the four (4) accused-appellants successively abused her while the others were holding her legs and hands. She positively identified the four (4) accused-appellants to be the same perpetrators who had carnal knowledge and took advantage of her against her will. The same thing happened with BBB. She categorically recounted each and every detail of the abuses committed against her by the perpetrators.

Thus, contrary to the posturing of the accused-appellants, the corroborative testimonies of the prosecution witnesses established beyond reasonable doubt the commission of the crimes charged herein.

Accused-appellants' insistence that it is highly improbable for the victims to be raped in the presence of all the members of the group and within the premises of the hut which is described to be open, located along the highway and had neighboring houses nearby are misplaced. Records are very clear and it was even admitted by the accused-appellants that they conducted the initiation not inside the hut in the presence of all the members of the fraternity, but in the cane field on top of a hill with the presence of the four (4) accused-appellants and the two (2) victims. The pertinent portion of the testimony of Efren Buenafe states:

Q: And after that, what happened?
A: Mart told us to stand.

Q: And what else happened after that?
A: AAA was made to choose from among us.

Q: And what was the purpose of choosing the one of you?
A: We were instructed to stand, the she chose made (sic) that one should be the one to conduct the initiation on her.

Q: After that, what happened, Mr. Witness?
A: They ascended to near the top of the hill.

Q: Who went to the upper portion of the hill?
A: The five of them.

Q: Who were they?
A: BBB, AAA, friend, Mark Robert, and John Glen.

Q: How about you, when these individuals you mentioned went to the upper portion, where were you at the time?
A: I was in the hut.

Q: And then, what did you do after these five persons you mentioned went to the hilly portion?
A: Mark called me.

Q: And what did you do after you were summoned by Mark?
A: They went after us to the cane field.

Q: When you said they, who was with you when they conducted you inside this sugarcane field?
A: The five of them.

The foregoing testimony indubitably showed that indeed the four (4) accused-appellants and two (2) victims went on top of the hill. While accused-appellants' version of the story would show that it was only [accused-appellant Efren] and AAA who were left in the cane field while the others immediately went back to the hut, still it was not physically impossible for the four (4) accused-appellants to be at the scene of the crime and commit the same against the two (2) victims.

x x x x

The testimonies of AAA and BBB were consistent and positive that the commission of the rape unto each of them was consecutive, not simultaneous. Records showed that AAA, who was blindfolded, was raped first while BBB was seated at a distance of about two (2) meters without any blindfolds. Hence, BBB can clearly see the felonious and obscene acts of the four (4) accused-appellants as they took turns in consummating carnal knowledge of AAA. On the other hand, when BBB was raped by the two (2) [accused-appellants], AAA was also present at the scene of the crime and was not blindfolded. Thus, she can clearly see the vulgar and lewd acts committed unto her friend.

x x x x

The presentation of [Juvelyn] is not vital for the case of the prosecution. The Supreme Court has ruled that due to its intimate nature, rape is usually a crime bereft of witnesses, and, more often than not, the victim is left to testify for herself. Thus, in the resolution of rape cases, the victim's credibility becomes the primordial consideration. It is settled that when the victim's testimony is straightforward, convincing and consistent with human nature and the normal course of things, unflawed by any material or significant inconsistency, it passes the test of credibility, and the accused may be convicted solely on the basis thereof.

The Supreme Court has likewise ruled that when the offended parties are young and immature girls, as in this case, Courts are inclined to lend credence to their version of what transpired, considering not only their relative vulnerability, but also the shame and embarrassment to which they would be exposed if the matter about which they testified were not true. A young girl would not usually concoct a tale of defloration; publicly admit having been ravished and her honor tainted; allow the examination of her private parts; and undergo all the trouble and

inconvenience, not to mention the trauma and scandal of a public trial, had she not in fact been raped and been truly moved to protect and preserve her honor, and motivated by the desire to obtain justice for the wicked acts committed against her.

Hence, the Court is convinced to give the badge of belief and approval to the categorical, consistent and straightforward testimonies of the two (2) victims.

Accused-appellants' allegation that case record made no mention of any force or intimidation upon the victims during the commission of the crime is also unacceptable. AAA and BBB were consistent and candid in their declarations that they were threatened to be struck with a bamboo pole if they resist the lewd intentions of the four (4) perpetrators. AAA's testimony states:

> Q: While these things were happened to you, what did you do?
>
> A: I was also crying, I was pleading not to do these things to me but they did not [heed] me and they threatened that they would [strike] me with the bamboo pole.

Added to that and as discussed earlier, the prosecution clearly showed that during the incident, both hands and legs of both victims were held by the other accused-appellants while the other one consummates the sexual act. This manifested the element of force and intimidation which attended the rape committed unto AAA and BBB.

x x x x

The trial court found the presence of conspiracy between the perpetrators and We concur to such findings. The trial court ruled in this wise:

> "[Accused-appellants] named did perform specific individual acts with such closeness and coordination as to indicate a common purpose or design to force the private complainants into sexual intercourse with each of them. They decided on the mode, method and manner on how they intended the sexual molestation of named private complainants was to be done and/or perpetrated as may be inferred from the acts they committed, which unmistakably show a joint purpose and design, concerted action and community of interest. Each of them did their parts so that their acts were, in fact, connected and cooperative, indicating a closeness of personal association and concurrence of sentiments that cannot lead to any conclusion but a conspiracy to commit the offense."

x x x x

> In this case, records revealed a common design to commit the crime. The four (4) accused-appellants mutually helped each other so that each of them can consummate the crime against the victims. There was indeed a community of purpose as manifested by the holding of the hands and legs of the victims while the other commits the illicit act. Verily, conspiracy is implied when the accused persons had a common purpose and were united in its execution. Spontaneous agreements or active cooperation by all perpetrators at the moment of the commission of the crime is sufficient to create joint criminal responsibility. Such acts are extant in the case at bench.
>
> In sum, this Court hereby finds no reversible error on the part of the RTC, in finding accused-appellants Efren Buenafe Jr., Jaypee Pineda, John Glen Wile and Mark Robert Pineda guilty beyond reasonable doubt for the commission of rape against victims AAA and BBB. For the rape committed on July 26, 2005 and September 12, 2005, conspiracy among the four (4) accused-appellants was established. The act of any one was the act of all and each of them is equally guilty of all the crimes committed. Thus, each accused-appellant shall be guilty of rape for each sexual act they each committed against the victims.[43] (Citations omitted.)

The well-entrenched rule is that the findings of fact of the trial court in the ascertainment of the credibility of witnesses and the probative weight of the evidence on record, affirmed on appeal by the appellate court, are accorded high respect, if not conclusive effect, by the Court, in the absence of any justifiable reason to deviate from the said findings.[44] The Court further elaborated in *People v. Regaspi*[45] that:

> When it comes to credibility, the trial court's assessment deserves great weight, and is even conclusive and binding, unless the same is tainted with arbitrariness or oversight of some fact or circumstance of weight and influence. Since it had the full opportunity to observe directly the deportment and the manner of testifying of the witnesses before it, the trial court is in a better position than the appellate court to properly evaluate testimonial evidence. The rule finds an even more stringent application where the CA sustained said findings, as in this case. (Citations omitted.)

The aforementioned general rule applies to this case wherein accused-appellants failed to persuade us of any cogent reason to disturb the findings of fact of the RTC, as affirmed by the Court of Appeals, on the actual commission of the rapes at the times and places and manner described by AAA and BBB, the identities of accused-appellants as the perpetrators, and the existence of conspiracy among accused-appellants.

In contrast, accused-appellants proffer the defenses of alibi and denial. For alibi to prosper, it must be proved that the accused was at another place

---

43 CA *rollo*, pp. 140-147.

44 *People v. Flora*, 585 Phil. 626, 644-645 (2008).

45 G.R. No. 198309, September 7, 2015.

when the crime was committed and that it was physically impossible for him to have been at the scene of the crime. To determine physical impossibility, we take into consideration the distance between the place where the accused was when the crime transpired and the place where the crime was committed, as well as the facility of access between these two places.[46] In the present case, accused-appellants admit being present at the hut in Villa Hergon, as well as the nearby canefield, with AAA and BBB on July 26, 2005, for the conduct of the initiation of their fraternity. Accused-appellants John and Mark likewise conceded being with AAA at the hut in Villa Hergon on September 12, 2005. Accused-appellants were either at the very place or within the immediate vicinity of the place where AAA and BBB were raped on July 26, 2005 and September 12, 2005 at around the same time as when said rapes were committed, so accused-appellants' defense of alibi is completely unavailing.

That leaves accused-appellants with the defense of denial, which is refuted by the positive identification made by AAA and BBB. As we declared in *People v. Rabago*,[47] "[a] plain denial, which is a negative self-serving evidence, cannot stand against the positive identification and categorical testimony of a rape victim." We also expounded in *People v. Monticalvo*[48] that:

> Denial is an inherently weak defense and has always been viewed upon with disfavor by the courts due to the ease with which it can be concocted. Denial as a defense crumbles in the light of positive identification of the accused, as in this case. The defense of denial assumes significance only when the prosecution's evidence is such that it does not prove guilt beyond reasonable doubt. Verily, mere denial, unsubstantiated by clear and convincing evidence, is negative self-serving evidence which cannot be given greater evidentiary weight than the testimony of the complaining witness who testified on affirmative matters. (Citation omitted.)

Given that accused-appellants' guilt for the rapes of AAA and BBB on July 26, 2005 and September 12, 2005 was established beyond reasonable doubt, we proceed to determining whether the proper penalties were imposed upon them.

The finding of conspiracy among accused-appellants in the rapes of AAA and BBB on July 26, 2005 and between accused-appellants John and Mark in the rapes of AAA on September 12, 2005 makes them responsible not only for their own unlawful acts, but also for those of the other accused-appellants, for in conspiracy, the act of one is the act of the other.[49]

---

46 *People v. Ancajas*, G.R. No. 199270, October 21, 2015.
47 448 Phil. 539, 550-551 (2003).
48 702 Phil. 643, 664 (2013).
49 *People v. Juarez and Sabal*, 394 Phil. 345, 363 (2000).

Under paragraph 2 of Article 266-B of the Revised Penal Code, as amended, whenever the rape is committed by two or more persons, the penalty shall be *reclusion perpetua* to death. There being no mitigating or aggravating circumstance in the commission of the crimes in the case at bar, the lesser penalty of *reclusion perpetua* is imposed upon accused-appellant Efren for each of the four (4) counts of rape of AAA and two (2) counts of rape of BBB on July 26, 2005.

As for accused-appellants John, Mark, and Jaypee, the Court takes into account Republic Act No. 9344. Accused-appellants John and Mark were seventeen (17) years old and accused-appellant Jaypee was sixteen (16) years old at the time of commission of the rapes. Section 6 of Republic Act No. 9344 exempts a child above fifteen (15) years but below eighteen (18) years of age from criminal liability, unless he/she had acted with discernment, in which case, such child shall be subjected to the appropriate proceedings in accordance with said Act. In *People v. Jacinto*,[50] we determined "discernment" in this wise:

> Discernment is that mental capacity of a minor to fully appreciate the consequences of his unlawful act. Such capacity may be known and should be determined by taking into consideration all the facts and circumstances afforded by the records in each case.
>
> x x x The surrounding circumstances must demonstrate that the minor knew what he was doing and that it was wrong. Such circumstance includes the gruesome nature of the crime and the minor's cunning and shrewdness.

It is the finding of the RTC, subsequently affirmed by the Court of Appeals, that accused-appellants John, Mark, and Jaypee had acted with discernment. According to the Court of Appeals, such discernment was satisfactorily established by the credible testimonies of the victims and "as obviously shown in the ghastly and dastardly acts they committed to the victims, they were fully knowledgeable of the consequences of their acts." The Court additionally highlights that the three minor accused-appellants were members of the SWAK fraternity in which female applicants were given a choice during initiation between "*hirap*" or "*sarap*," the latter entailing sexual intercourse with a fraternity member. Such initiation process was established by accused-appellants as founding members of SWAK. Said three accused-appellants also willingly and actively participated in the rapes of AAA and BBB on July 26, 2005, helping each other in consummating the rapes by taking turns in holding the victims' hands and legs and guarding one girl while the other was being raped. Accused-appellants John and

---

[50] 661 Phil. 224, 249-250 (2011).

Mark further exhibited their depravity by conspiring with each other to rape AAA once more on September 12, 2005.

Since accused-appellants John, Mark, and Jaypee are found to have acted with discernment and are convicted as charged, we shall render the appropriate sentences against them, keeping in mind the privileged mitigating circumstance of minority. Pursuant to Article 68(2)[51] of the Revised Penal Code, as amended, the penalty to be imposed upon a person under eighteen (18) but above fifteen (15) years of age for a crime shall be the penalty next lower than that prescribed by law. We previously determined herein that the imposable penalty for rape committed by two or more persons, without any mitigating or aggravating circumstance, is *reclusion perpetua*. Therefore, the imposable penalty on the three accused-appellants, who were either seventeen (17) or sixteen (16) years old at the time of the rapes, is reduced by one degree from *reclusion perpetua*, which is *reclusion temporal*, for every count. Being a divisible penalty, the Indeterminate Sentence Law is applicable. There being no modifying circumstance attendant to each crime, the maximum of the indeterminate penalty, *i.e.*, *reclusion temporal*, is imposed in its medium period, which ranges from fourteen (14) years, eight (8) months, and one (1) day to seventeen (17) years and four (4) months. To set the minimum of the indeterminate penalty, *reclusion temporal* is reduced by one degree to *prision mayor*, which ranges from six (6) years and one (1) day to twelve (12) years. The minimum of the indeterminate penalty is taken from the full range of *prision mayor*.[52] In the present case, the penalty imposed by the Court of Appeals on accused-appellants John, Mark, and Jaypee for each count of rape is imprisonment of six (6) years and one (1) day of *prision mayor*, as minimum, to fourteen (14) years, eight (8) months, and one (1) day of *reclusion temporal*, as maximum. Being within the proper range of indeterminate sentence as provided by law, we have no reason to disturb the same.

Accused-appellants John, Mark, and Jaypee may no longer have their sentences suspended under Section 40 of Republic Act No. 9344.[53]

---

51 Art. 68. *Penalty to be imposed upon a person under eighteen years of age.* — When the offender is a minor under eighteen years and his case is one coming under the provisions of the paragraph next to the last of article 80 of this Code, the following rules shall be observed:

x x x x

2. Upon a person over fifteen and under eighteen years of age the penalty next lower than that prescribed by the law shall be imposed, but always in the proper period.

52 *See People v. Ancajas*, supra note 46.

53 Sec. 40. *Return of the Child in Conflict with the Law to Court.* – If the court finds that the objective of the disposition measures imposed upon the child in conflict with the law have not been fulfilled, or if the child in conflict with the law has willfully failed to comply with the conditions of his/her disposition or rehabilitation program, the child in conflict with the law shall be brought before the court for execution of judgment.

If said child in conflict with the law has reached eighteen (18) years of age while under suspended sentence, the court shall determine whether to discharge the child in accordance with

Although suspension of sentence still applies even when the child in conflict with the law is already eighteen (18) years of age or more at the time the judgment of conviction was rendered, such suspension is only until the minor reaches the maximum age of twenty-one (21).[54] By now, accused-appellants John and Mark are twenty-seven (27) years old, while accused-appellant Jaypee is twenty-six (26) years old.

Nevertheless, accused-appellants John, Mark, and Jaypee are still entitled to the benefit of Section 51 of Republic Act No. 9344[55] even when they are already beyond twenty-one (21) years of age. Upon order of the court, accused-appellants may serve their sentences at an agricultural camp or any other training facility, controlled by the Bureau of Correction, in coordination with the Department of Social Welfare and Development, in lieu of a regular penal institution.[56]

Finally, the civil indemnity and moral damages awarded by the Court of Appeals in favor of AAA and BBB, each in the amount of ₱75,000.00, are affirmed, in accordance with recent jurisprudence.[57] In addition, exemplary damages in the amount of ₱75,000.00[58] is also awarded to set a public example and to protect hapless individuals from sexual molestation. All monetary awards herein shall earn legal interest at the rate of six percent (6%) per *annum* to be reckoned from the date of finality of this judgment until fully paid.[59]

WHEREFORE, premises considered, the Decision dated February 25, 2013 of the Court of Appeals in CA-G.R. CR.-H.C. No. 00912 is **AFFIRMED with MODIFICATION**, to read as follows:

Accused-appellants John Glen Wile and Mark Robert Lariosa are sentenced to suffer the penalty of imprisonment of six (6) years and one (1) day of *prision mayor*, as minimum, to fourteen (14) years, eight (8) months, and one (1) day of *reclusion temporal*, as maximum, for each of the six (6) counts of rape of AAA and for each of the two (2) counts of rape of BBB.

---

this Act, to order execution of sentence, or to extend the suspended sentence for a certain specified period or until the child reaches the maximum age of twenty-one (21) years.

54 *People v. Ancajas*, supra note 46, citing *People v. Jacinto*, supra note 50. See also *People v. Sarcia*, 615 Phil. 97, 129-130 (2009).

55 Sec. 51. *Confinement of Convicted Children in Agricultural Camps and Other Training Facilities.* – A child in conflict with the law may, after conviction and upon order of the court, be made to serve his/her sentence, in lieu of confinement in a regular penal institution, in an agricultural camp and other training facilities that may be established, maintained, supervised and controlled by the [Bureau of Corrections], in coordination with the [Department of Social Welfare and Development].

56 *People v. Ancajas*, supra note 46, citing *People v. Jacinto*, supra note 50. See also *People v. Sarcia*, supra note 54.

57 *People v. Jugueta*, G.R. No. 202124, April 5, 2016.

58 The amount of exemplary damages for simple rape is now set at ₱75,000.00 (*People v. Jugueta*, id.).

59 *People v. Ancajas*, supra note 46.

Accused-appellant Jaypee Pineda is sentenced to suffer the penalty of imprisonment of six (6) years and one (1) day of *prision mayor*, as minimum, to fourteen (14) years, eight (8) months, and one (1) day of *reclusion temporal*, as maximum, for each of the four (4) counts of rape of AAA and for each of the two (2) counts of rape of BBB.

On account of the minority of accused-appellants John Glen Wile, Mark Robert Lariosa, and Jaypee Pineda when they came in conflict with the law, they shall serve their sentences in an agricultural camp or training facility in accordance with Section 51 of Republic Act No. 9344. For this purpose, the case is remanded to the Regional Trial Court of Silay City, Branch 69 for the appropriate disposition.

Accused-appellant Efren Buenafe, Jr. is sentenced to suffer the penalty of *reclusion perpetua* for each of the four (4) counts of rape of AAA and two (2) counts of rape of BBB.

Accused-appellants are directed to jointly and severally pay AAA and BBB the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages for each of the four (4) counts of rape of AAA and for each of the two (2) counts of rape of BBB committed on July 26, 2005.

Accused-appellants John Glen Wile and Mark Robert Lariosa are directed to jointly and severally pay AAA the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages, for each of the two (2) counts of rape of AAA committed on September 12, 2005.

All monetary awards herein are subject to six percent (6%) interest per *annum* from the finality of this judgment until they are fully paid.

SO ORDERED.

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Associate Justice

WE CONCUR:

MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson

LUCAS P. BERSAMIN
Associate Justice

ESTELA M. PERLAS-BERNABE
Associate Justice

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

CERTIFICATION

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

MARIA LOURDES P. A. SERENO
Chief Justice