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FIRST DIVISION

[G.R. No. 219830, August 03, 2016]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROBERTO O. BATUHAN AND ASHLEY PLANAS LACTURAN, ACCUSED-APPELLANTS.

D E C I S I O N

SERENO, C.J.:

Before this Court is a Notice of Appeal[1] filed by accused-appellants Roberto O. Batuhan and Ashley Planas Lacturan from the Decision[2] of the Court of Appeals (CA) in CA-G.R. CEB-CR-HC No. 01366.

The CA affirmed the Regional Trial Court (RTC) Decision [3] convicting Batuhan of robbery with rape and imposing upon him the penalty of *reclusion perpetual.* [4] It also affirmed the conviction of Lacturan, but modified his sentence to an indeterminate term of four (4) years and two (2) months, of *prision correccional* as minimum, to eight (8) years of *prision mayor* as maximum.[5] The appellate court, however, imposed individual civil liabilities upon each of the accused-appellants, instead of the joint civil liability meted out by the RTC. Hence, Batuhan was ordered to pay private complainant AAA[6] P2,130 as civil indemnity and P50,000 as moral damages. Lacturan, on the other hand, was ordered to pay the other private complainant, Melito Gabutero Bacumo, P2,500 as civil indemnity and P20,000 as moral damages.

FACTS

On 5 August 2008, Batuhan was charged with robbery with rape under the following Information:

> That on or about the 3rd day of August 2008, at about 1:30 o'clock A.M., in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with deliberate intent, and by means of violence or intimidation upon person, to wit: by poking a hunting knife at one [AAA] and at the same time declared a hold-up and ordered her to give her personal belongings, at Archbishop Reyes Ave., Brgy. Camputhaw, Cebu City, and without the consent of the latter, did then and there take, steal and carry away the following:
>
> a) one (1) bag containing wallet with cash
> b) silver bracelet worth
> c) one (1) pair silver earrings worth
> d) one (1) silver ring worth

> valued in all at P2,130.00, belonging to said [AAA], to the damage and prejudice of the latter, in the total amount aforestated and in connection therewith or on the occasion thereof, with deliberate intent, said accused, by means of threats and intimidation, did then and there sexually abuse said [AAA] by kissing her ears, touching her breast, and at the same time inserting his finger into her vagina without her consent and against her will.[7]

On the same date, Lacturan was indicted under a separate Information for the crime of robbery:

> That on or about the 3rd day of August 2008, at about 1:30 A.M., in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with deliberate intent, and by means of violence and intimidation upon person, to wit: by poking a hunting knife at one Melito Gabutero Bacumo and at the same time declared a hold-up and ordered him to give his personal belongings and without the consent of said Melito Gabutero and with intent to gain, did then and there take, steal, carry away one (1) Seiko wristwatch worth Php 2,500.00 to the damage and prejudice of said Melito Gabutero Bacumo, the owner thereof, in the amount aforestated.[8]

When arraigned, both accused-appellants pleaded "not guilty" to the charges of robbery with rape, and robbery, respectively.[9] Since the two cases arose from the same incident, they were jointly tried by the RTC.[10]

Version of the Prosecution

During trial, the Prosecution primarily relied on the testimonies of private complainants AAA and Bacumo, *Barangay Tanod* Mitchell Lawas (B/T Lawas), Dr. Madeline Amadora (Dr. Amadora), and Vicente Ragde (Ragde). From the combined testimonies of these witnesses, We gathered the following narration of facts:

On 3 August 2008, about 1:30 A.M., private complainants were waiting for a jeepney at the Ayala waiting shed on Archbishop Reyes Avenue, Cebu City." A few minutes later, they were each held at knifepoint by two individuals (thereafter identified as the two accused-appellants).

Lacturan proceeded to threaten and rob Bacumo.[12] Upon finding out that Bacumo did not have a cellphone, Lacturan took the former's wristwatch, bracelet, and bag. The bag contained a pair of sunglasses, as well as the victim's ID, and uniform.[13]

Meanwhile, Batuhan dragged AAA 100 meters away from Bacumo and Lacturan. He then covered her mouth with his right hand, while poking the left side of her torso with a knife in his left hand. He kissed her neck and touched her breasts for about five (5) minutes. He also demanded that she allow him to insert his finger into her vagina, or he would stab her if she refused. This threat forced the victim to give in to his demand.[14]

Batuhan then tried to escape with the bag of AAA containing her bracelet, earrings, ring, and wallet, but she was able to seek the assistance of B/T Lawas and Ragde,

who were on patrol at the area at the time. The two pursued Batuhan and were subsequently able to apprehend him and Lacturan.[15]

Version of the Defense

In his defense, Batuhan averred that around the time of the alleged criminal incident, he was walking near Ayala. There he was confronted by an angry mob of locals who were shouting, "Hold-up, hold-up!" He was allegedly attacked by the crowd and knocked unconscious. When he recovered, he found himself in a police station, where he was interrogated about a robbery that happened that same morning near the area where he was assaulted.

Batuhan denied that he had knowledge of, much less involvement in, the robbery incident. Although he confirmed that he was acquainted with his co-accused, Batuhan reasoned that this was only because the two of them were fellow painters in Cebu. However, he maintained that he had never met the private complainants. During the commotion, AAA allegedly mistook him for the perpetrator of the crime. [16]

Lacturan on the other hand, manifested that he was approached by two members of the *barangay tanod* while he was at his sister's house on 3 August 2008. He acceded to their request to accompany them, but was surprised when he was handcuffed along the way and taken to the police station. He was then detained with Batuhan and interrogated by police officers. He also alleged that he was hit in the abdomen by one police officer when he denied any participation in the commission of the crime.[17]

THE RTC RULING

After receiving and evaluating the evidence, the RTC declared Batuhan guilty beyond reasonable doubt of the crime of robbery with rape, which was punishable under Article 294(2) [18] of the Revised Penal Code (RPC). It also declared Lacturan guilty beyond reasonable doubt of robbery, which was punishable under Article 293[19] in relation to Article 294 of the RPC.

In its Decision, the RTC explained that it had found the testimonies of the prosecution witnesses to be straightforward, spontaneous, direct, and devoid of any inconsistency.[21] In establishing the legal weight of these testimonies, it cited *People v. De Guia,*[22] and declared that "a detailed ^testimony, if given in a simple and straightforward manner, indicates sincerity in the narration of facts, and may not in the least be considered as concocted."

The trial court also ruled that the positive identifications made by private complainants and their co-witnesses must prevail over mere denials by the accused-appellants, considering the inherent self-serving character of the latter's defenses. It further noted that in the absence of any ill motive on the part of private complainants and the other witnesses, the presumption was that they would not prevaricate.

As to Batuhan, the RTC likewise appreciated the medical findings of Dr. Amadora in concluding that the crime of rape accompanied the robbery. In her report and

testimony in open court, she stated that there was a "healed transection"[24] in the vagina of AAA when the latter was examined. The doctor explained to the court that this finding was indicative of a prior forced insertion of a finger in the victim's vagina.[25]

THE CA RULING

Before the CA, the accused-appellants argued that the prosecution failed to establish their guilt beyond reasonable doubt. In particular, they cited (a) private complainants' inability to identify them as the perpetrators of the offenses because of the poor lighting conditions at the time of the incident; and (b) the doubts created by the admission of AAA that she had intercourse with Bacumo prior to undergoing the medical examination by Dr. Amadora. The accused-appellants argued that there was therefore no legal basis for the RTC to order them to jointly indemnify complainants.

In a Decision[26] dated 17 March 2015, the CA sustained the convictions of both accused-appellants. It agreed with the trial court's assessment that the testimonies of private complainants were credible and convincing,[27] particularly with respect to their positive identification of Batuhan and Lacturan as the perpetrators of the crime.[28] Like the RTC, the appellate court accorded little weight to the denials offered by Batuhan and Lacturan. It likewise gave credence to the testimonies of private complainants that the Ayala area on Reyes Avenue was sufficiently illuminated by street lights,[29] which enabled them to identify the perpetrators of the crime without difficulty.

While the CA affirmed the conviction of the accused-appellants, it modified the penalty imposed by the RTC on Lacturan under the Indeterminate Sentence Law. The appellate court agreed with the minimum penalty provided, i.e., a sentence of 4 years and 2 months of *prision correccional;* but it declared that the maximum penalty should be 8 years of *prision mayor,* rather than the 7 years imposed by the RTC.

The CA also disagreed with the RTC's finding that there should be joint civil liability on the part of the two accused-appellants. It held that the declaration of joint liability had no basis, because Batuhan and Lacturan were not charged as co-principals or co-conspirators, and the case was only jointly tried. Hence, any civil liability must be imposed individually based on the Information instituted against each of the accused-appellants. It likewise deleted the award of exemplary damages because of the absence of an aggravating circumstance.[30]

On 22 April 2015, Batuhan and Lacturan filed a Notice of Appeal[31] with the CA. The appeal was given due course in a Resolution dated 26 June 2015.[32]

On 19 October 2015, the Court issued a Resolution requiring the parties to submit supplemental briefs, if they so desired, within 30 days from notice. Instead, the accused-appellants and the People of the Philippines filed separate Manifestations[33] informing the Court of their decision to adopt the Briefs[34] they had filed with the CA.

ISSUES

The issues resolved by the CA are the same ones submitted to this Court:

(a) Whether the trial court erred in finding that the prosecution has proven the guilt of the accused-appellants beyond reasonable doubt

(b) Whether the trial court erred in holding accused-appellants jointly liable to pay damages

OUR RULING

We **DENY** the appeal.

After reviewing the records of this case, the Court resolves to affirm the conviction of Batuhan for robbery with rape and of Lacturan for robbery. We also agree with the CA's modification of the RTC Decision with respect to the imposition of individual civil liability on each of the accused-appellants. However, we resolve to modify the appellate court's application of the Indeterminate Sentence Law to Lacturan.

The CA correctly ruled that the positive and coherent testimonies of the prosecution witnesses must prevail over the defenses of alibi and denial presented by the accused-appellants.

At the outset, We emphasize the general rule that this Court is bound by the concurrent findings of fact made by the RTC and the CA.[35] In this case, both lower courts found the testimonies of the prosecution witnesses credible and trustworthy. We find no reason to deviate from their findings.

The straightforward and coherent narration[36] provided by private complainants and B/T Lawas adequately established the events that transpired on the morning of 3 August 2008 at Reyes Avenue, Cebu City; in particular, the commission of the offense and the apprehension of the accused-appellants. The RTC and the CA also justifiably relied on the testimonies of private complainants, who positively identified Batuhan and Lacturan as the perpetrators of the crimes. Applying the criteria laid down by this Court in *Lejano v. People,*[37] We find that the identifications in this case were made by credible witnesses whose stories were inherently believable and not contrived. Here it has been established that private complainants clearly saw the two accused-appellants during the incident. Moreover, the former's testimonies were straightforward and devoid of any inconsistencies.

In their Brief,[38] Batuhan and Lacturan attempted to discredit the accuracy of the positive identification. They alleged that because it was dark when the incident transpired, it would not have been possible for complainants to sufficiently make out the faces of their attackers, let alone identify them in court. We are not convinced. The CA correctly cited the previous rulings of this Court on the sufficiency of artificial sources of light in cases in which identification is an issue.[39] We declared therein