

****Title:**** People of the Philippines vs. Jay Cordial Y Brez, et al.

****Facts:****

On March 12, 2012, around 8:00 p.m., the victims BBB, CCC, AAA, and DDD were in their home when the househelp, Gina, left the gate open while taking out the garbage. This allowed four men – Jay Cordial (Cordial), Jimmy Irinco (Irinco), Victor Eva (Eva), and Marvin Apilyedo (Apilyedo) – to enter. The men tied up BBB and CCC, took valuable items, and went upstairs. Up there, Eva sexually assaulted AAA by inserting his fingers in her vagina while Cordial sexually molested her by mashing her breasts. The barangay tanods responded to the scene around 9:00 p.m., leading to the arrest of the men and the recovery of the stolen items.

Eva died during the trial, but Cordial, Irinco, and Apilyedo faced charges. The Regional Trial Court (RTC) convicted Cordial of robbery with rape under Article 294 of the Revised Penal Code.

****Procedural Posture:****

- ****RTC Decision (March 17, 2017):**** Found Cordial and Eva guilty of robbery with rape, and Irinco and Apilyedo guilty of robbery.
- ****Court of Appeals Decision (May 27, 2019):**** Affirmed RTC’s decision with modifications, adjusting damages owed by Cordial.

****Issues:****

1. Whether the testimonies of prosecution witnesses could be deemed credible despite inconsistencies.
2. Whether Cordial could be held liable for robbery with rape despite not committing the act of rape himself.
3. Whether the charge constitutes a special complex crime of robbery with rape or separate offenses of robbery, sexual assault, and acts of lasciviousness.

****Court’s Decision:****

1. ****Credibility of Witness Testimonies:****

- The Supreme Court held that minor inconsistencies in the testimonies do not necessarily impair the credibility of witnesses as they can be attributed to memory lapse due to the traumatic nature of the incident. The inconsistencies pointed out by Cordial were deemed

inconsequential and did not touch upon the elements of the crime.

2. **Liability for Robbery with Rape:**

- The Court affirmed that conspiracy was present because Cordial, by refusing to prevent and in fact aiding Eva in the sexual assault, shared responsibility for the crime. The failure of Cordial to intervene or stop Eva, along with his own molestation of AAA, implicated him in the conspiracy and sexual crime.

3. **Nature of the crime:**

- The Court concluded that Cordial should be held liable for three separate offenses: robbery, sexual assault, and acts of lasciviousness, not robbery with rape as a special complex crime. The legislative intent under Article 294 covers only rape by carnal knowledge and not sexual assault by other means, thus leading to the application of separate charges and penalties for each offense.

Doctrine:

1. **Minor Inconsistencies:**

- Minor inconsistencies in testimonies of crime witnesses do not discredit their credibility if they do not pertain to elements of the crime.

2. **Conspiracy and Liability:**

- When a conspiracy is present, all conspirators are equally liable for crimes committed in furtherance of the conspiracy unless proven otherwise.

3. **Robbery with Rape (Article 294):**

- Under Article 294 of the Revised Penal Code, rape refers to traditional carnal knowledge and does not extend to sexual assault by other means.

4. **Separate Charges:**

- Separate and distinct offenses (robbery, sexual assault, and acts of lasciviousness) should be charged individually when the elements for each offense are met.

Class Notes:

- **Robbery:** Requires intent to gain, unlawful taking of property, ownership by another, and violence or intimidation.

- **Sexual Assault (Article 266-A, 2nd paragraph):** Any lascivious act other than carnal knowledge using force or intimidation.

- **Acts of Lasciviousness (Article 336):** Any lewd act, force or intimidation required.

- **Conspiracy:** The presence of conspiracy makes all conspirators liable for acts

committed by any of them in furtherance of the crime.

- ****Indeterminate Sentence Law:**** Minimum sentence determined from the range of penalties lower than prescribed by law.

****Historical Background:****

The case underscores the application of expanded definitions under RA No. 8353, which broadened the scope of what constitutes rape and introduced the term “sexual assault” to Philippine penal law. The legislative context prioritized the delineation between traditional rape (by carnal knowledge) and other forms of sexual assaults to establish proportionate categorization and punishments for sex crimes.