

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CHRISTOPHER GREGORIO Y FRANCISCO @ JAYSON,
ACCUSED-APPELLANT.**

G.R. No. 278205, April 07, 2026

Ponente: KHO, JR., J.

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KHO, JR., J.:

Assailed in this ordinary appeal[1] is the Decision[2] dated July 17, 2024 of the Court of Appeals (CA) in CA-G.R. CRHC No. 16513, which upheld the Joint Decision[3] dated December 15, 2021 of Branch XX, Regional Trial Court, XXXX (RTC) in Criminal Case No. L-12639. The courts a quo uniformly found accused-appellant Christopher Gregorio y Francisco @ Jayson (Gregorio) guilty beyond reasonable doubt of rape, as defined and penalized under Article 266-A(1)(a) in relation to Article 266-B of the Revised Penal Code (RPC), as amended.

The Facts

This case stemmed from three informations[4] charging Gregorio of raping AAA278205,[*] the accusatory portions of the said Informations read:

Criminal Case No. L-12637

That sometime in the evening of December 25, 2017, in the covered court in Barangay XXXX, and within the jurisdiction of this Honorable Court, the above-named accused, by use of threat did then and there willfully, unlawfully, and feloniously caress the breasts, and with his fingers, fondle the vagina, before inserting his fingers and his penis inside the vagina of private complainant AAA278205, [12] year old minor (DOB XXXX), against her will and consent which act, degrade, debase and demean the intrinsic worth and dignity of the complainant to her damage and prejudice.

Contrary to law.[5]

Criminal Case No. L-12638

That sometime in the evening of September 2018, in the covered court in Barangay XXXX, and within the jurisdiction of this Honorable Court, the above-named accused, by use of threat did then and there willfully, unlawfully, and feloniously caress the breasts, and with his fingers, fondle the vagina, before inserting his fingers and his penis inside the vagina of private complainant AAA278205, 13 year old minor (DOB XXXX), against her will and consent which act, degrade, debase and demean the intrinsic worth and dignity of the complainant to her damage and prejudice.

Contrary to law.[6]

Criminal Case No. L-12639

That sometime in the evening [of] November 1, 2018 until the wee hours of the morning of November 2, 2018,

at the Baywalk, XXXX, and within the jurisdiction of this Honorable Court, the above-named accused, by use of threat did then and there willfully, unlawfully, and feloniously caress the breasts, and with his fingers, fondle the vagina, before inserting his fingers and his penis inside the vagina of private complainant AAA278205, 13 year old minor (DOB XXXX), against her will and consent which act, degrade, debase and demean the intrinsic worth and dignity of the complainant to her damage and prejudice.

Contrary to law.[7]

Upon arraignment, Gregorio entered a plea of not guilty for all charges. During pre-trial, only the identity of the accused as the same person charged and arraigned was stipulated upon. Thereafter, joint trial ensued.[8]

The prosecution presented AAA278205, who declared that she and Gregorio had a romantic relationship for 11 months, or from December 25, 2017 to November 1, 2018, but claimed that during the entirety of the relationship, Gregorio sexually abused her in three separate instances.[9]

First, on December 25, 2017, she agreed to meet with Gregorio at the covered basketball court in XXXX. Upon arriving thereat, AAA278205 noticed that only Gregorio was there with her. According to AAA278205, Gregorio suddenly dragged her to the back portion of the covered basketball court, kissed her, mashed her breasts, touched and fondled her vagina, and thereafter, inserted his fingers and penis into her vagina. AAA278205 claimed that Gregorio covered her mouth to prevent her from shouting and held her tight so that she couldn't wriggle herself free. On this score, AAA278205 maintained that while Gregorio was already her boyfriend at that time, she still didn't want him doing those things to her. Notably, during cross-examination and clarificatory questioning, AAA278205 admitted that: (a) she was sitting on Gregorio's lap with her hands free while Gregorio had his fingers inserted inside her vagina; and (b) when Gregorio had his penis inside her vagina, he kissed her and she kissed him back. Furthermore, AAA278205 narrated that after the incident, she continued chatting online with Gregorio via Facebook Messenger and even gave him her Facebook login credentials and sent the latter her nude photos.[10] (subject of Criminal Case No. L-12637)

Second, AAA278205 averred that sometime in September 2018, Gregorio again invited her to the same covered basketball court to meet with him, and that she agreed because he threatened to post her nude photos online should she decline. AAA278205 then averred that upon arriving at the covered basketball court, Gregorio essentially repeated what he did to her back in December 25, 2017, particularly, that he dragged her to the back portion of the covered basketball court, kissed her, mashed her breasts, and inserted his fingers and penis into her vagina. On cross-examination, AAA278205 intimated that when Gregorio took her to the back portion of the covered basketball court, the latter started kissing her and mashing her breasts. However, and before Gregorio could fondle her vagina or insert his fingers and/or penis thereat, he covered her mouth with a handkerchief, making her lose consciousness; and that since she was already unconscious, she no longer knew if Gregorio succeeded in having carnal knowledge of her. AAA278205 then recounted that when she regained consciousness, she was already alone.[11] (subject of Criminal Case No. L-12638)

Third, AAA278205 narrated that on November 1, 2018, she reluctantly agreed to again meet with Gregorio, this time at the beach along the Baywalk, as the latter repeatedly threatened her that he would upload her nude photos online should she decline. When they met, the area was dark and there were no people around. Employing the same threats, Gregorio immediately kissed her, mashed her breasts several times, and repeatedly inserted his fingers and penis into her vagina.[12] (subject of Criminal Case No. L-12639)

Due to the foregoing, AAA278205 found the courage to break up with Gregorio. However, Gregorio retaliated by uploading AAA278205's nude photos to her own Facebook account, which was seen by AAA278205's brother. When the brother confronted AAA278205 about the uploaded photos, the latter revealed to her family the ordeal

she suffered from Gregorio, resulting in the filing of the criminal cases against the latter.[13]

In defense, Gregorio denied the accusations against him. He averred that he met AAA278205 through Facebook when the latter sent him a friend request and started chatting with him. Gregorio maintained that it was AAA278205 who asked to meet with him face-to-face for the first time on December 25, 2017, to which he agreed. Upon meeting each other, Gregorio claimed that he sat beside AAA278205, and that after talking for a while, they agreed to become a romantic couple. Gregorio maintained that they only kissed that night and that AAA278205 even smiled at him after said kiss. Gregorio added that essentially the same thing happened on that night sometime in September 2018, particularly, that they only had a consensual kiss and nothing else. Finally, with respect to the November 1, 2018 incident at the Baywalk, Gregorio again maintained that he and AAA278205 only shared a kiss. Finally, Gregorio claimed that on November 2, 2018, AAA278205 suddenly broke up with him. On cross-examination, Gregorio narrated that during the subject incidents, he was already 22 years old, and that he only came to know that AAA278205 was a minor in the evening of November 1, 2018.[14]

The RTC Ruling

In a Joint Decision[15] dated December 15, 2021, the RTC found Gregorio guilty beyond reasonable doubt of rape in Criminal Case No. L-12639, and sentenced him to suffer the penalty of reclusion perpetua; and ordered him to pay AAA278205 the amounts of PHP 75,000.00 each as civil indemnity, moral damages, and exemplary damages, all with legal interest at the rate of 6% per annum from finality of the ruling until fully paid. However, the RTC acquitted Gregorio in Criminal Case Nos. L-12637 and L-12638 on reasonable doubt.[16]

As regards Criminal Case No. L-12637, the RTC noted AAA278205's statements on cross-examination and clarificatory questioning, particularly that: (a) she was sitting on Gregorio's lap with her hands free while the latter's finger was in her vagina; (b) she kissed Gregorio back while the latter's penis was inserted in her vagina; and (c) after the incident, she continued communicating with Gregorio and even gave him her Facebook login credentials and sent him her nude photos. To the RTC, the foregoing indicate that the sexual encounter that occurred on December 25, 2017 may have been consensual, and as such, there is no moral certainty to convict Gregorio.[17]

Anent Criminal Case No. L-12638, the RTC pointed out that AAA278205 clarified during cross-examination that before Gregorio could start fondling her vagina or inserting his fingers and/or penis thereat, he covered her mouth which caused her to lose consciousness, and that when she woke up, she was already alone. Given the foregoing, the RTC concluded there is doubt whether Gregorio succeeded in having carnal knowledge of her; hence, it was constrained to acquit Gregorio.[18]

However, with respect to Criminal Case No. L-12639, the RTC was convinced that AAA278205's testimony had established beyond reasonable doubt that Gregorio had carnal knowledge of her against her will. The RTC explained that Gregorio's repeated threats that he would upload AAA278205's nude photos online was effective enough to cower the latter into submitting to the former's sexual desires. The RTC added that the fact that they were in a romantic relationship at that time was inconsequential as being sweethearts does not negate the commission of rape.[19]

Aggrieved, Gregorio appealed his conviction in Criminal Case No. L-12639 to the CA.

The CA Ruling

In a Decision[20] dated July 17, 2024, the CA affirmed Gregorio's conviction in toto.[21]

Essentially upholding the RTC's findings, the CA held that the prosecution had established beyond reasonable

doubt that Gregorio employed threats to be able to successfully have carnal knowledge of AAA278205 against her will. On the other hand, the CA gave no weight to Gregorio's denials, which it found to be self-serving and insufficient to overcome AAA278205's direct, positive, and categorical assertions against him.[22]

Hence, this appeal.[23]

The Issue Before the Court

The issue for the Court's resolution is whether Gregorio is guilty beyond reasonable doubt of rape in Criminal Case No. L-12639.

The Court's Ruling

The appeal is without merit.

Article 266-A(1), in relation to Article 266-B of the RPC respectively read:

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 following circumstances:

a) Through force, threat or intimidation;

....

Article 266-B. Penalty. — Rape under paragraph 1 of the next preceding article shall be punished by reclusion perpetua.

Thus, the elements of rape are: (a) the offender had carnal knowledge of the victim; and (b) such act was accomplished through force, threat, or intimidation; or when the victim is deprived of reason or otherwise unconscious; or by means of fraudulent machination or grave abuse of authority; or when the victim is under 12 years of age, or is demented.[24] Insofar as force, threat, or intimidation is concerned, case law instructs that the same "need not be irresistible, but just enough to bring about the desired result." [25]

It bears stressing that rape cases are, more often than not, solely decided based on the credibility of the testimony of the private complainant. Thus, in evaluating the credibility of witnesses, the Court should abide by the following guidelines: (a) the Court gives the highest respect to the RTC's evaluation of the testimony of the witnesses, considering its unique position in directly observing the demeanor of a witness on the stand. From its vantage point, the trial court is in the best position to determine the truthfulness of witnesses; (b) absent any substantial reason which would justify the reversal of the RTC's assessments and conclusions, the reviewing court is generally bound by the lower court's findings, particularly when no significant facts and circumstances, affecting the outcome of the case, are shown to have been overlooked or disregarded; and (c) the rule is even more stringently applied if the CA concurred with the RTC.[26]

Here, the Court agrees with the uniform findings of the lower courts that AAA278205's testimony had adequately established that Gregorio employed threats—particularly, that he would upload AAA278205's nude photos that she earlier sent him—should she decline to rendezvous with him; and that he used this threat as a springboard for him to be able to successfully have carnal knowledge of her. In this regard, pertinent portions of AAA278205's testimony read:

Q:

You mentioned of this photograph which he threatened you that he would be posting should you not obey him [...], what are these photographs all about?

A:

I was wearing a bra and there are some pictures that I was naked, sir.

Q:

Where are these photographs, if you have?

A:

It is in his possession, sir.

Q:

Now, how was he able to take these photographs of yours?

A:

He ordered me to take pictures of myself, sir.

Q:

When in that situation, you were only wearing a bra and that you were naked down?

A:

Yes, sir.

Q:

And then you sent those photographs to him?

A:

Yes, sir, I sent through [Facebook] Messenger.

Q:

To him?

A:

Yes, sir.

Q:

Why did you send those photographs to him?

A:

Upon his order that I am going to take pictures of myself in such a situation wearing a bra, naked, and he said that if I would not do such, he would just ignore me, sir.

. . . .

Q:

What time did that incident happened on November 1, 2018?

A:

I could no longer recall, sir, but it was in the evening.

Q:

Where did that happen?

A:

At the beach, along Baywalk, sir.

Q:

Why did you go there?

A:

He again chatted me, sir.

Q:

What was his chat?

A:

For us to see each other thereat, sir.

Q:

You abide, and why did you obey to his invitation?

A:

There was a threat of his that he would post all those pictures of mine, sir.

Q:

And so, when you met each other along Baywalk, what happened?

A:

The same acts that he did on December 25, 2017, sir.

Q:

Where did that transpire? What particular place along the Baywalk?

A:

At a place where there is a boat and at the back of that boat, sir.

Q:

So it happened on the seashore, is that what you mean?

A:

Yes, sir.

Q:

It was dark at that time and there were no people around at that time?

A:

Yes, sir.

Q:

And again, will you please tell us what did he do to you there?

A:

He kissed me, mashed my breast several times, and he inserted his penis into my vagina, sir.[27]

It bears stressing that "[t]he test of sufficiency of force or intimidation in the crime of rape is whether it produces a reasonable fear in the victim in that if she resists or does not yield to the demands of the accused, his threat would be carried out." [28] Here, the only reason why AAA278205 agreed to meet with Gregorio was due to his threats to upload her nude photos. Furthermore, the lower courts aptly observed that Gregorio essentially used the same threats to make AAA278205 submit to his lustful desires.

Moreover, the Court has consistently held that "mere denial cannot prevail over the positive testimony of a witness. The defense of denial is treated as a self-serving negative evidence which cannot be accorded greater evidentiary weight than the declaration of credible witnesses who testify on affirmative matters." [29] Here, AAA278205's positive, direct, and categorical declaration that Gregorio had carnal knowledge of her against her will and through his employment of threats ought to prevail over Gregorio's self-serving denials.

On this score, case law instructs that "the testimonies of child victims are given full weight and credit, for when a woman or a girl-child says that she has been raped, she says in effect all that is necessary to show that rape was

indeed committed." [30] Thus, in *People v. ZZZ*, [31] the Court held:

When the offended party is of tender age and immature, courts are inclined to give credit to her account of what transpired, considering not only her relative vulnerability but also the shame to which she would be exposed if the matter to which she testified is not true. Youth and immaturity are generally badges of truth and sincerity. Errorless recollection of a harrowing incident cannot be expected of a witness, especially when she is recounting details of an experience so humiliating and so painful as rape. What is important is that the victim's declarations are consistent on basic matters constituting the elements of rape and her positive identification of the person who did it to her. [32] (Citations omitted)

Given the foregoing, the Court finds no reason to deviate from the findings of the RTC, as affirmed by the CA, as there is no indication that it overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case. In fact, the RTC was in the best position to assess and determine the credibility of the witnesses presented by both parties, and hence, due deference should be accorded to the same. [33] As such, Gregorio's conviction for rape in Criminal Case No. L-12639 must be sustained.

Finally, as regards Gregorio's criminal penalty and civil liability *ex delicto*, suffice it to say that the lower courts correctly sentenced him to suffer the penalty of reclusion perpetua; and ordered him to pay AAA278205 the amounts of PHP 75,000.00 each as civil indemnity, moral damages, and exemplary damages, all with legal interest at the rate of 6% per annum from finality of the ruling until full payment, as the same is in accord with prevailing jurisprudence. [34]

ACCORDINGLY, the instant appeal is DISMISSED. The Decision dated July 17, 2024 of the Court of Appeals in CA-G.R. CR HC No. 16513 is AFFIRMED in toto. Accused-appellant Christopher Gregorio y Francisco @ Jayson is found GUILTY beyond reasonable doubt of rape, as defined and penalized under Article 266-A(1)(a) in relation to Article 266-B of the Revised Penal Code, as amended. He is sentenced to suffer the penalty of reclusion perpetua; and is ORDERED to PAY AAA278205 PHP 75,000.00 as civil indemnity, PHP 75,000.00 as moral damages, and PHP 75,000.00 as exemplary damages, all with legal interest at the rate of 6% per annum from finality of this Decision until full payment.

Finally, Branch XX, Regional Trial Court, XX, is DIRECTED to refer AAA278205 to the Department of Social Welfare and Development for therapy and counselling to be extended to her and her family pursuant to Republic Act No. 8505 or the Rape Victim Assistance and Protection Act of 1998. It is further directed to submit its compliance within ten (10) days from notice of finality of this Decision.

SO ORDERED.

Leonen, SAJ. (Chairperson), Lazaro-Javier, Lopez, and Villanueva, JJ., concur.

[1] Rollo, pp. 3-5.

[2] Id. at 10-31. The Decision dated July 17, 2024 was penned by Associate Justice Wilhelmina B. Jorge-Wagan and concurred in by Associate Justices Pedro B. Corales and Angelene Mary W. Quimpo-Sale of the Twelfth Division, Court of Appeals, Manila.

[3] Id. at 34-54. Penned by Assisting Judge Avelina J. Villegas-Rosario.

[4] RTC records L-12637, p. 1, RTC records L-12638, p. 1, RTC records L-12639, p. 1.

[*] In line with Amended Administrative Circular No. 83-2015, as mandated by the Revised Penal Code, Article 266-A, the names of 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.

[5] RTC records L-12637, p. 1.

[6] RTC records L-12638, p. 1.

[7] RTC records L-12639, p. 1.

[8] Rollo, p. 35.

[9] *Id.* at 35-36.

[10] *Id.* at 36-42.

[11] *Id.*

[12] *Id.*

[13] *Id.* at 38.

[14] *Id.* at 44-47.

[15] *Id.* at 34-54.

[16] *Id.* at 54.

[17] *Id.* at 48-49.

[18] *Id.* at 50-51.

[19] *Id.* at 51-53.

[20] *Id.* at 10-31.

[21] *Id.* at 30.

[22] *Id.* at 19-30.

[23] *Id.* at 3-5.

[24] *People v. Mendoza*, 874 Phil. 924, 932 (2020) [Per J. Perlas-Bernabe, Second Division].

[25] *People v. XXX*, 932 Phil. 617, 625 (2022) [Per J. M. Lopez, Second Division], citing *People v. Hilarion*, 722 Phil. 52, 55 (2013) [Per J. Brion, Second Division].

[26] *People v. Amarela*, 823 Phil. 1188, 1200-1201 (2018) [Per J. Martires, Third Division].

[27] Rollo, pp. 20-21, 23-25.

[28] *People v. Atadero*, 648 Phil. 538, 552-553 (2010) [Per J. Mendoza, Second Division], citing *People v. De Guzman*, 644 Phil. 229, 247 (2010) [Per J. Mendoza, Second Division].

[29] *People v. Camarino*, 892 Phil. 198, 204 (2020) [Per J. Hernando, Third Division], citing *People v. Ulanday*, 785 Phil. 663, 680 (2016) [Per J. Perez, Third Division].

[30] *People v. Manlolo*, 879 Phil. 190, 201 (2020) [Per J. J. Reyes, Jr., First Division], citing *People v. ABC*, 867 Phil. 996, 1009-1010 (2019) [Per J. A. Reyes, Jr., Second Division].

[31] 861 Phil. 907 (2019) [Per J. Lazaro-Javier, Second Division].

[32] Id. at 920.

[33] *Peralta v. People*, 817 Phil. 554, 563 (2017) [Per J. Perlas-Bernabe, Second Division].

[34] *People v. Tulagan*, 849 Phil. 197, 292 (2019) [Per J. Peralta, En Banc].

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