



CERTIFIED TRUE COPY
Wilfredo Lapitan
WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division

Republic of the Philippines JUL 25 2017
Supreme Court
 Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 216987

Present:

- versus -

VELASCO, JR., J.,
Chairperson,
 DE CASTRO,*
 BERSAMIN,
 REYES, and
 TIJAM, JJ.

WILFREDO PACAYRA y
MABUTOL,
Accused-Appellant,

Promulgated:

June 5, 2017
Wilfredo Lapitan

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DECISION

TIJAM, J.:

Accused-appellant Wilfredo Pacayra y Mabutol challenges in this appeal the September 30, 2014 Decision¹ promulgated by the Court of Appeals (CA), Special Eighteenth Division in CA-G.R. CR H.C. No. 01534, which affirmed the judgment of conviction for four counts of Rape rendered against the accused-appellant on August 24, 2012² by the Regional Trial Court (RTC), Branch 33 of Calbiga, Samar in Criminal Case Nos. CC-2006-1609, CC-2006-1610, CC-2006-1611, and CC-2006-1612.

The accused-appellant was charged with four counts of Rape under separate Informations, the accusatory portions of which read:

* Designated as an additional member as per Raffle dated February 22, 2017.

¹ Penned by Associate Justice Renato C. Francisco, and concurred in by Associate Justices Gabriel T. Ingles and Josep V. Lopez, *rollo*, pp. 4-18.

² CA *rollo*, pp. 30-48.

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Criminal Case No. CC-2006-1609

That sometime in 2004 at Barangay XXX³, Province of Samar, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and lustful intent and exercising moral ascendancy and influence over the victim, his daughter, did then and there, willfully, unlawfully and feloniously had carnal knowledge with one AAA⁴, a 12 year old minor, without her consent and against her will.

Criminal Case No. CC-2006-1610

That on or the 18th day of December 2005, at about 2:00 o'clock in the afternoon, more or less, at Barangay YYY, Province of Samar, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and lustful intent and exercising moral ascendancy and influence over the victim, his daughter, did then and there, willfully, unlawfully and feloniously had carnal knowledge with one AAA, a 13 year old minor, without her consent and against her will.

Criminal Case No. CC-2006-1611

That sometime in 1999 at Barangay XXX, Province of Samar, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and lustful intent and exercising moral ascendancy and influence over the victim, his daughter, did then and there, willfully, unlawfully and feloniously had carnal knowledge with one AAA, then 7 year old minor, without her consent and against her will.

Criminal Case No. CC-2006-1612

That sometime in 2000 at Barangay XXX, Province of Samar, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and lustful intent and exercising moral ascendancy and influence over the victim, his daughter, did then and there, willfully, unlawfully and feloniously had carnal knowledge with one AAA, then 8 year old minor, without her consent and against her will.⁵

During arraignment, accused-appellant pleaded not guilty.⁶ Thereafter, trial ensued.


The pertinent facts of the case, as summarized by the CA, are as follows:

³ The specific barangay where the crime was committed is omitted pursuant to A.M. No. 12-7-15-SC entitled "*Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions and Final Orders Using Fictitious Names.*"

⁴ The real name of the victim and of the members of her immediate family are withheld pursuant to Republic Act No. 7610 otherwise known as the "*Special Protection of Children against Abuse, Exploitation and Discrimination Act*" and A.M. No. 12-7-15-SC entitled "*Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions and Final Orders Using Fictitious Names*".

⁵ *Rollo*, pp. 5-6.

⁶ *CA rollo*, p. 32.



The Version of the Prosecution

Private complainant AAA was born on February 28, 1993 to parents BBB and herein appellant Wilfredo Pacayra.

When AAA was in the first grade and was about seven (7) years old, BBB gave birth to a child named CCC. The family was then living in Bagacay, Hinabangan, Samar. Appellant told AAA to stop going to school so that she can attend to her household chores including taking care of CCC. AAA's siblings (sic) still went to school so that she was often left alone at home taking care of CCC.

One day, AAA was about to change CCC's clothes when appellant suddenly arrived at home, took her hand, placed himself on top of her, and used his weight to immobilize her. BBB called her downstairs and asked her what she and her father were doing upstairs. AAA replied that she was merely changing CCC's diaper and that her father was not doing anything. Appellant then took off AAA's shorts and panties. While on top of her, he also took off his pants, took out his penis and inserted it into her vagina. AAA felt immense pain and kept crying during the entire ordeal. AAA did not tell her mother about appellant's bestial acts for fear that they would quarrel.

The following day, AAA left their house and went to her friend's house. She did not go home until around five o'clock in the afternoon. When she arrived, appellant scolded her and asked her where she went and why she was roaming around when she had to take care of her sibling. Appellant took out a broom and hit her. BBB was not at home at the time since she was out gambling.

Appellant raped AAA a second time less than a year after the first incident and while they were still living in XXX, Samar.

Thereafter, due to the financial difficulties they were facing, appellant decided to bring his family to his mother's house in YYY, Samar.

One evening, while in Calbiga, BBB went out to see a benefit dance. Appellant asked for BBB's whereabouts and upon learning that she was at a benefit dance, ordered AAA to fetch her. When BBB arrived at the house, she and appellant quarrelled after which she went back to the dance and left appellant alone at the house with their children – AAA, DDD and CCC. Once DDD and CCC fell asleep, appellant removed AAA's shorts and panties. Appellant's actions awakened DDD and CCC but he simply kicked DDD and pushed CCC away. Appellant then placed himself on top of AAA and inserted his penis into her vagina. AAA could not bear the pain but she was unable to do anything but cry. AAA did not tell her grandmother about the incident because she was afraid that the latter would quarrel with appellant.

Thereafter, appellant and his family moved to appellant's brother's house which was also in YYY, Samar. At one point during their stay there, appellant was left alone at the house with AAA, DDD and CCC because BBB went to XXX, Samar to attend the town fiesta. Appellant and his three children slept in the same room. That night, appellant told AAA to sleep beside him because it was cold. As AAA was about to go to sleep,



appellant suddenly placed himself on top of her, removed her short pants, and inserted his penis into her vagina. Appellant held AAA and used his weight to render her immobile. Afraid that her parents would fight because of her, AAA did not tell her mother about her father's most recent dastardly deeds but she did relate the incidents to her older sister, EEE. However, the latter did not do anything to help her.

AAA eventually told her mother BBB, about the sexual abuse that she suffered at the hands of appellant. However, BBB refused to believe her. She got angry, scolded AAA, and accused her of lying. BBB turned her back on her child and chose to side with appellant.

Sometime in January 2006, AAA went to Gloria Tacad, their neighbor in XXX, Samar, to ask for help. AAA told Tacad that she was being sexually molested by her father. Tacad asked her why she did not immediately report the abuse and AAA replied that it was because she was afraid that appellant would kill her. Tacad brought AAA to the Barangay Captain of XXX, Samar to file a complaint. Afterwards, Tacad took AAA to the office of the Department of Social Welfare and Development (DSWD) in Hinabangan, Samar.

On February 7, 2006, AAA was brought to the Eastern Visayas Regional Center in Tacloban City where she was examined. The medical examination revealed that AAA had incomplete, old hymenal lacerations at 3 and 9 o'clock positions. The attending physician prepared a Medico-Legal Report which states that the physical injuries found on AAA's body were compatible with the alleged date of infliction, i.e., within the last five years.

The Version of the Defense

On the other hand, the appellant interposed the defense of denial.

The defense presented Wilfredo Pacayra (appellant) and Evangelina Alcoy dela Cruz to establish appellant's denial.

Appellant testified that AAA is his daughter and is the fourth child out of his six children. He denied all the charges of rape against him and asserted that it was all made-up by AAA. He claimed that BBB, his wife, directed AAA to file these fabricated cases against him to prevent him from filing a case against BBB who abandoned him. He alleged that BBB left him for another man in 2002. He also insisted that Gloria Tacad lied when she testified that she assisted AAA because Gloria Tacad does not even let her own nephew and niece to come to her house how much more AAA.

Evangelina Alcoy dela Cruz testified that she knew the appellant's family being neighbors in Barangay XXX, Hinabangan, Samar for thirty years. She claimed that she was present when the appellant was arrested by the police authorities who were accompanied by AAA and Mrs. Tacad. During cross examination she testified that she was requested by appellant's wife, BBB, to testify for her husband in his defense.

On August 24, 2012, the RTC convicted accused-appellant of four counts of rape, to wit:



WHEREFORE, premises considered, the Court finds accused **WILFREDO PACAYRA Y MABUTOL GUILTY** beyond reasonable doubt of four (4) counts of Rape defined and penalized under Article 266-A in relation to Article 266-B of the Revised Penal Code.

Accordingly, he is sentenced to suffer the penalty of *reclusion perpetua* for each count.

Accused is likewise ordered to indemnify AAA the following:

- a. P75,000.00 as civil indemnity for each count or a total of P300,000.00;
- b. P50,000.00 as moral damages for each count or a total of P200,000.00; and
- c. P25,000.00 as exemplary damages for each count or a total of P100,000.00.

SO ORDERED.⁷

On appeal, the CA affirmed with modifications the decision of the RTC, to wit:

WHEREFORE, the appeal is **DENIED**. The Decision dated August 24, 2012 of the Regional Trial Court, Branch 33, Calbiga, Samar in Crim. Case Nos. CC-2006-1609, CC-2006-1610, CC-2006-1611, and CC-2006-1612 is hereby **AFFIRMED**, finding accused-appellant **WILFREDO PACAYRA Y MABUTOL, GUILTY** beyond reasonable doubt of four (4) counts of rape under Article 266-A in relation to Article 266-B of the Revised Penal Code, with **MODIFICATIONS** in that:

a. In Criminal Case No. CC-2006-1609, **WILFREDO PACAYRA Y MABUTOL** is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole and ordered to pay AAA the amounts of P75,000.00 as civil indemnity, P75,000.00 as moral damages, P30,000.00 as exemplary damages.

b. In Criminal Case No. CC-2006-1610, **WILFREDO PACAYRA Y MABUTOL** is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole and ordered to pay AAA the amounts of P75,000.00 as civil indemnity, P75,000.00 as moral damages, P30,000.00 as exemplary damages.

c. In Criminal Case No. CC-2006-1611, **WILFREDO PACAYRA Y MABUTOL** is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole and ordered to pay AAA the amounts of P75,000.00 as civil indemnity, P75,000.00 as moral damages, P30,000.00 as exemplary damages.

d. In Criminal Case No. CC-2006-1612, **WILFREDO PACAYRA Y MABUTOL** is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole and ordered to pay AAA the amounts of P75,000.00 as civil indemnity, P75,000.00 as moral damages, P30,000.00

⁷ Id. at. 47-48.

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as exemplary damages.

He is further ordered to pay the victims interest on all damages awarded at the legal rate of six percent (6%) per annum from the date of finality of this judgment until fully paid.

SO ORDERED.⁸

Hence, this appeal, with accused-appellant raising this lone assignment of error:

THE TRIAL COURT ERRED IN CONVICTING ACCUSED-APPELLANT OF RAPE DESPITE THE FACT THAT HIS GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.⁹

Accused-appellant alleges that AAA's testimony failed to give specific details as to the alleged rape. AAA only testified that she had been raped four times without providing specific details. Accused-appellant claims that AAA's testimony was vague, indefinite and uncertain as to the dates that she was allegedly raped. Accused-appellant further claims that AAA's failure to confide to her mother or any other person at an earlier time is unnatural and contrary to human experience. As such, it raises doubt as to her motive for filing the cases against her father. Accused-appellant further imputes ill-motive on the part of AAA since the latter may have harbored grudges against the accused-appellant since he imposed strict disciplinary sanctions against AAA, such as making the latter kneel on the floor with salt and striking AAA with a belt.

The appeal lacks merit.

Central in accused-appellant's arguments in reversing the judgment of conviction is the credibility of AAA's testimony. We find no reason to doubt AAA's testimony. Time and again, We have held that when it comes to the issue of credibility of the victim or the prosecution witnesses, the findings of the trial courts carry great weight and respect and, generally, the appellate courts will not overturn the said findings unless the trial court overlooked, misunderstood or misapplied some facts or circumstances of weight and substance, which will alter the assailed decision or affect the result of the case. This is so because trial courts are in the best position to ascertain and measure the sincerity and spontaneity of witnesses through their actual observation of the witnesses' manner of testifying, their demeanor and behavior in court. Trial judges enjoy the advantage of observing the witness' deportment and manner of testifying, her "furtive glance, blush of conscious shame, hesitation, flippant or sneering tone, calmness, sigh, or the scant or full realization of an oath" — all of which are useful aids for an accurate determination of a witness' honesty and sincerity. Trial judges, therefore, can better determine if such witnesses are telling the truth, being in the ideal

⁸ *Rollo*, pp. 17-18.

⁹ *CA rollo*, p. 21.

position to weigh conflicting testimonies. Again, unless certain facts of substance and value were overlooked which, if considered, might affect the result of the case, its assessment must be respected, for it had the opportunity to observe the conduct and demeanor of the witnesses while testifying and detect if they were lying. The rule finds an even more stringent application where the said findings are sustained by the CA.¹⁰

In the present case, both the RTC and the CA found that AAA's testimony was candid, spontaneous, clear, positive and straightforward. We see no cogent reason to depart from the foregoing rule since the accused-appellant failed to demonstrate that the RTC and the CA overlooked, misunderstood or misapplied some facts of weight and substance that would alter the assailed Decision or would affect the result of the case.

Article 266-A of the Revised Penal Code (RPC) provides that 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;
 - 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.

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Whereas, Article 266-B of the RPC provides the penalties for the crime of rape:

ART. 266-B. Penalties. – Rape under paragraph 1 of the next preceding article shall be punished by reclusion perpetua.

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The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

- 1) When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, stepparent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim.

In the instant case, We hold the accused-appellant liable for four counts of Qualified Rape.

¹⁰ *People of the Philippines v. Anastacio Amistoso y Broca*, G.R. No. 201447, January 9, 2013, citing *People v. Aguilar*, G.R. No. 177749, December 17, 2007.

The elements of rape under Article 266-A 1(a) of the RPC are: 1) that the offender had carnal knowledge of a woman; and 2) that such act was accomplished through force, threat or intimidation. But when the offender is the victim's father, there need not be actual force, threat or intimidation because the moral and physical dominion of the father is sufficient to cow the victim into submission to his beastly desires.¹¹ Statutory rape is committed by sexual intercourse with a woman below 12 years of age regardless of her consent, or the lack of it, to the sexual act. Proof of force, intimidation or consent is unnecessary as they are not elements of statutory rape, considering that the absence of free consent is conclusively presumed when the victim is below the age of 12. At that age, the law presumes that the victim does not possess discernment and is incapable of giving intelligent consent to the sexual act. Thus, to convict an accused of the crime of statutory rape, the prosecution carries the burden of proving: (a) the age of the complainant; (b) the identity of the accused; and (c) the sexual intercourse between the accused and the complainant.¹²

To raise the crime of rape, be it simple rape or statutory rape to qualified rape under Article 266-B, paragraph 1 of the RPC, the twin circumstances of minority of the victim and her relationship to the offender must concur.¹³

In the present case, the elements of qualified rape are sufficiently alleged in the four Informations, to wit: a) AAA was still a minor on the day of the alleged rape; and b) accused-appellant is AAA's father. The foregoing elements are also sufficiently proved by the prosecution. That AAA was a minor during the commission of the separate incidents of rape and that accused-appellant is AAA's father were established by AAA's Certificate of Live Birth¹⁴ and accused-appellant's admission before the RTC.¹⁵

AAA recounted the ordeal she went through in the hands of accused-appellant in her testimony before the RTC, to wit:

Prosecutor Carmelita M. Naval:

Q: In your personal circumstances, you also mentioned that you are AAA, meaning your surname is AAA. Do you know a certain Wilfredo Pacayra?
A. Yes, ma'am.

Q. How are you related to Wilfredo Pacayra?

A: He is my father, ma'am.

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Q. Where is Wilfredo Pacayra now?

¹¹ *People of the Philippines v. Jose Dalan*, G.R. No. 203086, June 11, 2014.

¹² *People of the Philippines v. Guillermo B. Cadano, Jr.*, G.R. No. 207819, March 12, 2014.

¹³ *Id.*

¹⁴ Records, pp. 22-25.

¹⁵ See RTC Decision dated August 24, 2012, CA rollo, p. 39.

A: He is here, ma'am.

Q. Do you know why he is here in Court?

A: Yes, ma'am.

Q. Can you tell in your own understanding, why he is here in Court?

A: Because he has a case against me, ma'am.

Q. Do you mean to say that you filed a case against your father?

A: Yes, ma'am.

Q. Why? What did your father do (sic) to you?

A: He raped me, ma'am (the witness is teary-eyed while answering)

Q. Can you tell the Honorable Court how many times did he, according to you, raped (sic) you?

A: Four (4) times, ma'am.

Q. Can you tell when was the first time and if you can remember, how old were you then?

A: I was 7 years old when he first raped me, ma'am.

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Q. Can you narrate exactly what did your father do to you when you were 7 years old, in your house at XXX, Samar?

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A: The first time when my father did the rape, it was when I was 7 years old at that time in our house in XXX. That time, my mother was pregnant with their last child by the name of CCC. That time, I was about to go to school and my father does not believe (sic) me that I am really attending school. Since my mother was pregnant, he told me to stop schooling so that I can attend to my work at home. When my mother gave birth, that was the time when I took care (sic) of my younger brother, because that was my usual chore in the house because two (2) of my sisters were going to school, and it was only me and my father who were left in the house.

One time, as I was about to change the clothes of my younger brother, my father arrived and took my hand and immediately, he placed himself on top of me, and while he was on top of me, my mother downstairs called me but I did not heed her call, but on the fourth time, I answered her and she said: "What are you doing upstairs?" and I said: "I am changing the diaper", and my mother asked: "what is your father doing there"?, and I answered: "He is doing nothing, he is just here".

Q. Can you more or less illustrate or tell exactly, what your father did to you since you said "my father held my hand and he placed himself on top of me"?

A: That time when my father was on top of me, he took off my short and my panty, and while he was on top of me, he also took his pants and took out his penis and inserted it to my vagina, since I felt pain, I kept on crying, ma'am.

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Q. After that, since according to you, you were abused by your father for many times, when was the second time?



A: After that, my father once said to my mother that we go to Calbiga, because that time, our situation was hard, so my father decided to (sic) Calbiga, because he wanted to visit our Lola FFF, the mother of my father. And at that time when we arrived to Calbiga, in the house were my Lola FFF, Uncle GGG, Lola HHH and Auntie III. That time also, my father engaged himself in copra-making in Brgy. YYY, Samar and that time when my Uncle and Auntie were no longer in the house of my Lola FFF, the following day when they left, my father abused me again, ma'am.

Q. What did your father do exactly to you in the house of your Lola FFF?

A: That time when my Auntie and Uncle went back to XXX, in that evening, we were left in the house, me, my father, my brother DDD and my sister BBB. My mother went to see a benefit dance, then my father asked where my mother was, and I said that she went out to see a benefit dance, then my father told me to fetch my mother, and when my mother went back again to the dance. **After that, we were left in the house with my father and my brothers and sister, then my father took off my short and my panty and again my father abused me, that time, my brother was awakened and my father kicked DDD, and since my other younger brother was also awakened, he was also pushed away by my father, ma'am.**

Q. And after that, what else did you (sic) father do to you?

A: **That time when I was abused again by my father and when he placed himself on top of me and placed his penis inside my vagina, because I cannot bear the pain, I just kept on crying, ma'am.**

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Q. Since according to you, you and your family stayed in Brgy. YYY for about four (4) years, after that, where did you and your family go to?

A: We transferred to another house which belongs to the house of the borther (sic) of my father, JJJ, and we stayed there, ma'am.

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Q. And that, your father did not do anything against you anymore when you transferred?

A: I was still raped, ma'am.

Q. How many times?

A: Once, ma'am.

Q. Can you recall the time when your father raped you in the house of JJJ, also in YYY?

A: **During that time, we were only three (3) in the house including my father, and we were sleeping in the same room, and my father asked me if I could sleep beside him, and I said why will I sleep beside you, and my father aswered that I (sic) will sleep beside you (sic) because it is cold. And then, because I was using a blanket, which is my own blanket, my father then was behind it and when I was about to sleep, he removed my short pants and then inserted his penis into my vagina, ma'am.**

THE COURT:

Q. What you (sic) his position in relation to you when he did that?

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A: He was on top of me, your Honor.

Q. Was e(sic) facing you or facing towards the ceiling?

A: He was facing me, your Honor.

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THE COURT:

Q. Why were you not able to do anything?

A: I did not do anything because anyway, I have already taken care of my brothers, your Honor?

Q. You did not wake up your brothers when your father allegedly inserted his penis?

A: I was not able to wake up my brothers because my father was holding my hand at that time, your Honor.

Q. So what if your father was holding your hands?

A: He was heavy and I could no longer move, you Honor.¹⁶

AAA's foregoing testimony sufficiently established that accused-appellant succeeded in having carnal knowledge of AAA. When a woman, especially a minor, alleges rape, she says in effect all that is necessary to mean that she has been raped.¹⁷ 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. A young girl's revelation that she had been raped, coupled with her voluntary submission to medical examination and willingness to undergo public trial where she could be compelled to give out the details of an assault on her dignity, cannot be so easily dismissed as mere concoction.¹⁸

For this reason, We reject accused-appellant's contention that AAA merely fabricated the charge of rape because the latter harbored a grudge against accused-appellant due to his strict disciplinary sanctions. It has been held that it is against human nature for a young girl to fabricate a story that would expose herself as well as her family to a lifetime of shame, especially when her charge could mean the death or lifetime imprisonment of her father.¹⁹

Alleged motives of family feuds, resentment, or revenge are not uncommon defenses, and have never swayed the Court from lending full credence to the testimony of a complainant who remained steadfast throughout her direct and cross-examinations, especially a minor, as in this case.²⁰

¹⁶ TSN, June 11, 2009, pp. 7-11, 13-15 and TSN, July 23, 2009, pp. 3-8, 10, emphasis ours.

¹⁷ *People of the Philippines v. Edilberto Pusing y Tamor*, G.R. No. 208009, July 11, 2016.

¹⁸ *Id.*

¹⁹ *People of the Philippines v. Ricardo M. Vidaña*, G.R. No. 199210, October 23, 2013.

²⁰ *Id.*

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Neither is the Court convinced that AAA's delay in reporting the crime raises doubts as to AAA's motive for filing the case against accused-appellant. The failure to immediately report the dastardly acts to her family or to the authorities at the soonest possible time is not enough reason to cast reasonable doubt on the guilt of the accused-appellant. It has been repeatedly held that, delay in reporting rape incidents, in the face of threats of physical violence, cannot be taken against the victim. In the present case, AAA feared that revealing her father's acts would sow discord within their family and that accused-appellant would kill her if she revealed his crimes.²¹ To this Court's mind, there can be no greater source of fear or intimidation than your own father — one who, generally, has exercised authority over your person since birth. Delay brought by fear for one's life cannot be deemed unreasonable.²²

Further, the fact that AAA was uncertain as to the exact date when the rape occurred does not result in the acquittal of the accused-appellant. The Court has repeatedly held that the exact date when the victim was sexually abused is not an essential element of the crime of rape. Indeed, the precise time of the crime has no substantial bearing on its commission.²³ What is decisive in a rape charge is that the commission of the rape by the accused-appellant against the complainant has been sufficiently proven.²⁴

In contrast, accused-appellant's bare denial deserves scant consideration. Nothing is more settled in criminal law jurisprudence than that alibi and denial cannot prevail over the positive and categorical testimony and identification of the complainant. Alibi is an inherently weak defense, which is viewed with suspicion because it can easily be fabricated. Denial is an intrinsically weak defense which must be buttressed with strong evidence of non-culpability to merit credibility.²⁵ AAA's positive and straightforward testimony that she was raped by accused-appellant deserves greater evidentiary weight than the accused-appellant's uncorroborated defenses.

Since the elements of minority of AAA and the relationship of the accused-appellant with AAA were alleged in the four Informations and that the same were sufficiently proven by the prosecution during the trial, We agree with the CA that accused-appellant is guilty of four counts of qualified rape. Thus, the CA is correct in imposing upon the accused-appellant the penalty of *reclusion perpetua* without eligibility for parole, in lieu of the death penalty, pursuant to Section 3²⁶ of Republic Act No. 9346, entitled as "An Act Prohibiting the Imposition of Death Penalty in the Philippines."

²¹ CA rollo, p. 79.

²² *People of the Philippines v. Oliver A. Buclao*, G.R. No. 208173, June 11, 2014.

²³ *People of the Philippines v. Ernesto Ventura, Sr.*, G.R. No. 205230, March 12, 2014.

²⁴ *People of the Philippines v. Rey Monticalvo y Magno*, G.R. No. 193507, January 30, 2013.

²⁵ *Id.*


²⁶ Sec. 3. Persons convicted of offenses punished with *reclusion perpetua*, or whose sentences will be reduced to *reclusion perpetua* by reason of this Act, shall not be eligible for parole under Act No. 4180, otherwise known as the Indeterminate Sentence Law, as amended.

However, We modify the amounts awarded to AAA in view of the recent jurisprudence²⁷ imposing a minimum amount of Php 100,000 as civil indemnity; Php 100,000 as moral damages; and Php 100,000 as exemplary damages.


Hence, We increase the award of civil indemnity from Php 75,000 to Php 100,000; moral damages from Php 75,000 to Php 100,000; and exemplary damages from Php 30,000 to Php 100,000.

WHEREFORE, the foregoing considered, the appeal is **DISMISSED**. The Court of Appeals' Decision dated September 30, 2014 in CA-G.R. CR-H.C. No. 01534 finding WILFREDO PACAYRA Y MABUTOL guilty beyond reasonable doubt of four counts of Qualified rape and sentencing him to suffer the penalty of *reclusion perpetua*, without eligibility for parole, for each count of Qualified Rape is **AFFIRMED WITH MODIFICATIONS** that: (a) the award of civil indemnity, moral damages and exemplary damages are increased to One Hundred Thousand Pesos (P100,000.00) for each count of Qualified Rape; and (b) interest at the rate of 6% per annum is imposed on all damages awarded from the date of finality of this judgment until fully paid.

SO ORDERED.


NOEL GIMENEZ TIJAM
Associate Justice

WE CONCUR:


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

²⁷ *People v. Gamboa*, G.R. No. 172707, October 1, 2013 and *People of the Philippines v. Edilberto Pusing y Tamor*, supra note 17.

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

Lucas P. Bersamin
LUCAS P. BERSAMIN
 Associate Justice

Bienvenido L. Reyes
BIENVENIDO L. REYES
 Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

Presbitero J. Velasco, Jr.
PRESBITERO J. VELASCO, JR.
 Associate Justice
 Chairperson, Third Division

CERTIFICATION

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

CERTIFIED TRUE COPY
Wilfredo V. Lapitan
WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division
 JUL 25 2017

Maria Lourdes P. A. Sereno
MARIA LOURDES P. A. SERENO
 Chief Justice