



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 254206

Present:

CAGUIOA, J.,
Chairperson,
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH, JJ.

- versus -

TITO PAJARILLA y ALAS,
Accused-Appellant.

Promulgated:
August 30, 2023

MSP DCB/H

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DECISION

GAERLAN, J.:

Before Us is an appeal¹ filed by accused-appellant Tito Pajarilla y Alas (accused-appellant) assailing the Decision² dated January 31, 2020 of the Court of Appeals (CA) in CA-G.R. CEB-HC No. 02576. The CA affirmed with modification the Decision³ dated April 10, 2017 of the Regional Trial Court (RTC) of ██████████, Eastern Samar, Branch ██████████, finding accused-appellant guilty beyond reasonable doubt of the crime of rape, and sentencing him to suffer the penalty of *reclusion perpetua* without eligibility for parole.

The Antecedents

Accused-appellant was charged with rape in a complaint filed by

¹ Rollo, p. 19.

² Id. at 6-17. Penned by Associate Justice Carlito B. Calpatura, with Associate Justices Gabriel T. Ingles and Emily R. Aliño-Geluz, concurring.

³ CA rollo, pp. 33-51. Penned by Acting Presiding Judge Rolando M. Lado-o.

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AAA,⁴ the private offended party. The accusatory portion of the complaint reads:

That on the 25th day of December 2013, at about 3:00 o'clock more or less in the early morning inside our house at [REDACTED] Eastern Samar, Philippines and within the preliminary jurisdiction of this Honorable Office, the above-named accused with evident premeditated design and wicked intent, using force and violence did, then and there willfully, unlawfully and feloniously entered our house while I'm asleep and forcibly undressed my clothes (sic) and position himself on top of my body have sexual intercourse against my will by inserting his penis inside my vagina (sic) by pumping successively and delivered fistic blow to my right chest when I resisted while uttering threatening words and succeeded his malicious intent.

ACTS CONTRARY TO LAW.⁵

Accused-appellant pleaded not guilty to the offense. After pre-trial, trial on the merits ensued.⁶

The prosecution presented four witnesses, namely: (a) AAA; (b) CCC, the father of AAA's common-law husband; (c) Police Senior Inspector Ricardo Inot (PSI Inot); and (d) Police Officer 2 Herminio Garcia (PO2 Garcia), both from the [REDACTED] Municipal Police Station. PSI Inot and PO2 Garcia corroborated AAA's testimony. The defense, meanwhile, presented three (3) witnesses consisting of: (a) accused-appellant; (b) Jose Dado (Dado); and (c) Mario Denado (Denado).⁷

Version of the Prosecution

AAA narrated that on the eve of December 24, 2013, she, together with her husband, DDD, and their son, went to DDD's parents for *noche buena*. They returned to their home at around 1:00 a.m. of December 25, 2013. When they reached their place, CCC, who went ahead of them, was already drinking with accused-appellant. After AAA and her son were already settled inside their house, DDD asked the permission of AAA to leave and get back to his mother's house, to which she acceded. After DDD left, AAA closed the front of their house and put her son to sleep. Thereafter, she laid down and slept.

⁴ Pursuant to Our ruling in *People v. Cabalquinto*, 533 Phil. 703 (2006), the real name of the victim-survivor, as well as his/her personal circumstances or any information tending to establish or compromise his/her identity and those of his/her immediate family or household members, shall not be disclosed. *See also* Supreme Court Amended Circular No. 83-2015 or the Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances, issued on September 5, 2017.

⁵ *Rollo*, p. 7.

⁶ *Id.*

⁷ *Id.* at 7, 9.

She was suddenly awakened when he felt a man, later identified as accused-appellant, placed himself on top of her, kissing her. She touched the man's arms and realized that it was not DDD. She tried to resist but accused-appellant punched her right shoulder, clamped her mouth with his hand, and warned her not to shout. Scared for her and her son's safety, she gave in. Accused-appellant had carnal knowledge of her against her will. After which, he stood up, and stared at her, gauging what she would do to him. He then went out of the mosquito net and sat on the stairs at the door.⁸

Meantime, AAA covered herself with a blanket and turned to face her son who was then asleep. Sensing that accused-appellant had already left, she hurriedly dressed up, and together with her son went out of the house to ask for help from their neighbors. She proceeded to the house of Spouses Alex and Klayklay Gutierrez (spouses Gutierrez) to reveal what happened. The spouses alerted the *barangay* officials, who, in turn, reported the incident to the police. PSI Inot immediately organized a police team, which included PO2 Garcia. They went to the house of spouses Gutierrez where the victim was, while the police team proceeded to the house of accused-appellant. The parents of accused-appellant told the police that their son was sleeping, but the police persisted to enter the house. The police found accused-appellant inside and arrested him. For her part, AAA went to the police station to have the crime recorded in the police blotter book. Alex fetched DDD from his parents' house.⁹

During the trial of the case, AAA identified accused-appellant as her assailant. She explained that she recognized accused-appellant because the room was illuminated by the moonlight seeping inside through the big windows of the room. Accused-appellant was also their neighbor and the caretaker of the fighting cocks of CCC. Oftentimes, accused-appellant eats in their house. AAA recounted that accused-appellant occasionally flatters her, telling her that she was sexy and pretty. She felt flattered, without malice, as she was glad that someone would say those nice words to her. She claimed that the sexual assault affected not only her life but her son's as well.¹⁰

CCC testified that he was at his farm at around 8:00 p.m. of December 23, 2013, while his family stayed at home for *Noche Buena*. He and accused-appellant had a drinking session until past 3:00 a.m. of December 24, 2013. He left accused-appellant behind and did not know where the latter proceeded. He learned from DDD that AAA was raped, and accused-appellant was the perpetrator.¹¹

⁸ Id. at 7-8.

⁹ Id. at 8.

¹⁰ Id.

¹¹ Id. at 9.

Version of the Defense

Accused-appellant interposed the defenses of denial and alibi. He alleged that he was sleeping at his mother's house when the alleged rape occurred at around 3:00 a.m. of December 25, 2013. At 4:00 a.m. of even date, six police officers came to arrest him. He initially resisted and asked for the reason of his arrest, but his protestation was ignored. He was brought and detained at the [REDACTED] Municipal Police Station. He claimed that the charge against him was fabricated and instigated by CCC, who got offended when he did not accede to the latter's order to kill Dado. CCC and Dado had a misunderstanding, but he did not know the reason thereof. Conversely, accused-appellant admitted having known AAA because they were neighbors. His mother's house where he was residing at that time was just 20 meters across AAA's house.¹²

Dado confirmed the claim of accused-appellant that he (Dado) had a misunderstanding with CCC. The conflict arose when Dado's chicken entered the fence of CCC's property. CCC sprayed chemicals on the chicken, which blinded it. Nevertheless, Dado was not aware that CCC ordered accused-appellant to kill him.¹³

Denado, a *barangay kagawad* of Barangay [REDACTED], testified that at about 2:30 a.m. of December 25, 2013, his neighbor Alex informed him that AAA went to his house at around 1:00 to 1:30 a.m. of the same morning, averring that someone intruded into their house. AAA allegedly recognized the intruder by his smell, but no name was mentioned.¹⁴

Ruling of the Regional Trial Court

In its Decision dated April 10, 2017, the RTC convicted accused-appellant of the crime charged, to wit:

PREMISES CONSIDERED, the Court finds accused TITO PAJARILLA y ALAS guilty beyond reasonable doubt of the crime of consummated rape under Article 266-A (a) of Republic Act No. 8353 (An Act Expanding The Definition Of The Crime Of Rape) and hereby sentences him to suffer the penalty of RECLUSION PERPETUA without eligibility for parole. The accused is further ordered to indemnify the offended party in the amount of Seventy-Five Thousand Pesos (P75,000.00), another Seventy-Five Thousand Pesos (P75,000.00) as moral damages, and Thirty Thousand Pesos (P30,000.00) as exemplary damages since the crime was committed in the dwelling of the victim which is a

¹² Id. at 9.

¹³ CA *rollo*, p. 38.

¹⁴ Id.

special aggravating circumstance, without subsidiary imprisonment in case of insolvency, and to pay the costs.

SO ORDERED.¹⁵ (Citation omitted)

The RTC found AAA's testimony to be forthright and straightforward, reflective of an honest and realistic account of the tragedy that befell her.¹⁶ It ruled that it was clear from AAA's narration that when she was roused from her sleep, accused-appellant was already on top of her with his private organ partly inside her. Accused-appellant stifled her into submission by punching her and warning her not to tell her husband about the incident. AAA's actuations immediately after the rape bear the earmarks of credibility. Right after accused-appellant left, AAA sought the help of his neighbors and when the police came, she pointed to accused-appellant as her molester. It was not established that AAA had the reason or motive to fabricate the charge against accused-appellant. The RTC held that accused-appellant's defenses fell short of the requirements of a valid and believable alibi and denial considering his own admission that he and AAA are neighbors with their houses just 20 meters away.¹⁷

Accused-appellant appealed to the CA.

Ruling of the Court of Appeals

In its assailed Decision, the CA affirmed the ruling of the RTC with modification as to the damages awarded, *viz.*:

WHEREFORE, premises considered, the assailed Decision dated April 10, 2017 of the Regional Trial Court, Branch ■, ■■■■■, Eastern Samar, in Criminal Case No.0223, finding herein accused-appellant Tito Pajarilla y Alas guilty beyond reasonable doubt of the crime of Rape and imposes upon him the penalty of *reclusion perpetua* without eligibility for parole is **AFFIRMED with MODIFICATION**. As modified, accused-appellant is **ORDERED** to pay the victim the amount of PhP100,000.00 as civil indemnity, PhP 100,000.00 as moral damages, and PhP 100,000.00 as exemplary damages. All the amounts of damages awarded shall earn interest at the rate of six percent (6%) *per annum* from the date of finality of judgment until fully paid.

SO ORDERED.¹⁸ (Emphases and italics in the original)

The CA ruled that all the elements of rape are present. Accused-

¹⁵ Id. at 51.

¹⁶ Id. at 40.

¹⁷ Id. at 44-49.

¹⁸ *Rollo*, p. 17.

appellant had carnal knowledge of the victim and such act was accomplished through force and intimidation. The CA noted that the sole testimony of a rape victim, if credible, suffices to convict. AAA's testimony is straightforward and convincing with no inconsistency about the material elements of the crime. The fact that AAA did not shout for help while being raped is of no moment, because there is no standard reaction for a woman when facing a shocking and horrifying experience. Additionally, the CA stressed that the date or time is not a material ingredient of the crime. It also agreed with the RTC's rejection of accused-appellant's denial and alibi. However, conformably with recent case law, it increased the amount of exemplary damages to ₱100,000.00 and imposed legal interest of six percent (6%) *per annum* on the monetary awards from the date of the finality of the decision until fully paid.¹⁹

Undaunted, accused-appellant filed the present appeal. In Our Resolution²⁰ dated February 10, 2021, We required the parties to file their respective supplemental briefs, if they so desire, within 30 days from notice. Plaintiff-appellee, through the Office of the Solicitor General (OSG), filed a Manifestation and Motion²¹ that it is adopting its Brief for the Appellee dated April 13, 2018 before the CA as its Supplemental Brief. Accused-appellant filed a Manifestation (in Lieu of Supplemental Brief)²² stating that he is adopting his Appellant's Brief as his Supplemental Brief.

Accused-Appellant's Arguments

Accused-appellant asserts that AAA's and CCC's testimonies are contrary to human experience making them unworthy of belief and credence. CCC testified that he and accused-appellant had a drinking spree until 3:00 a.m. of December 25, 2013; while AAA claimed that the rape was committed a little past 1:00 a.m. of even date. Thus, there would be no occasion for accused-appellant to commit the crime around the time stated by AAA, since CCC alleged that he was together with accused-appellant. Further, AAA testified that she sought the help of spouses Gutierrez at about 4:00 a.m. of December 25, 2013, whereas according to Denado, Alex went to her at 2:30 a.m. Accused-appellant submits that the contradicting timeline creates doubt as to when the crime was committed and who committed it. He furthermore argues that the manner by which AAA identified him as her molester is conflicting. The prosecution established that AAA identified accused-appellant, since he talked to her while being raped. However, on clarificatory question by the RTC, AAA explained that it was due to the moonlight illuminating the room. In contrast, Denado testified that Alex informed her

¹⁹ Id. at 15-17.

²⁰ Id. at 25.

²¹ Id. at 27.

²² Id. at 36-37.

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that AAA recognized the person by his smell. Accused-appellant also assails AAA's inability to wake up when accused-appellant allegedly started to undress her and insert his penis into his vagina. Finally, he insists that CCC has a motive against him and he used his daughter-in-law, AAA, to fabricate the charge against him.²³

Plaintiff-Appellee's Arguments

The OSG argues that the conviction of accused-appellant is proper, being in accord with the law and the evidence on record. The prosecution sufficiently established that accused-appellant had carnal knowledge of AAA through force, threat, and intimidation. As regards the alleged inconsistencies in the testimonies of AAA and CCC, the OSG avers that the findings of the trial court on the credibility of the witnesses are entitled to the highest degree of respect and should not be disturbed on appeal absent any showing that it overlooked some facts that could have affected the result of the case. Besides, AAA did not provide the exact time when she was raped but alleged that it was between 1:00 a.m. and 4:00 a.m. of December 25, 2013. It is also not impossible for AAA to identify accused-appellant, since they were neighbors. Accused-appellant also failed to substantiate his allegation of CCC's ill-motive.²⁴

Issue

The lone issue is whether the CA erred in affirming the conviction of accused-appellant for the crime of rape.

Ruling of the Court

We dismiss the appeal but modify the penalty and damages imposed on accused-appellant.

All the elements of rape are present.

Rape through sexual intercourse is penalized under Article 266-A (1) of the Revised Penal Code, as amended by Republic Act (R.A.) No. 8353, otherwise known as the "Rape-Law of 1997," which reads:

Art. 266-A. Rape: When and How Committed. – Rape is committed –

²³ CA *rollo*, pp. 26-28.

²⁴ *Id.* at 66-70.

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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 otherwise unconscious;
- c) By means of fraudulent machination or grave abuse of authority; and
- 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 essential elements of the crime are: (a) the offender had carnal knowledge of a woman; and (b) he accomplished this act under any of the circumstances mentioned in the provision.²⁵ In rape by force, threat, or intimidation, the prosecution must establish that there is no consent or voluntariness on the part of the victim, and that accused-appellant employed force, threat, or intimidation to consummate the crime.²⁶ Here, the prosecution was able to prove beyond reasonable doubt that accused-appellant raped AAA through force and intimidation.

As borne by the records, AAA testified in a clear and straightforward manner how accused-appellant ravaged her on the morning of Christmas 2013:

Fiscal Gunda

Q What incident happened while you were sleeping, if any?

Witness

A While sleeping when I was about to turn to my side I felt that somebody was kissing me, I thought it was my husband but then I noticed that it could not be him because when I grabbed his arm it was too big. It could not be my husband because my husband is smaller than the man beside me.

Fiscal Gunda

Q Were you able to recognize who was that person whom you grab his arm?

Witness

A Yes, I know him.

²⁵ *People v. Ejercito*, 834 Phil. 837, 844 (2018).

²⁶ *People v. Salazar*, G.R. No. 239138, February 17, 2021, citing *People v. Tionloc*, 805 Phil. 907, 915 (2017).

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Fiscal Gunda

Q Who was he?

Witness

A It was Tito Pajarilla because he even talked.

Fiscal Gunda

Q **What did he talk about it?**

Court

Let it be on record that at this point while testifying the witness was on the verge of tears

Witness

A **When he realized that I was awake he hit my right shoulder then he put his hand on my mouth telling me to shut up and telling me not to tell my husband about the incident and I told him, "Yes, I will not tell my husband just don't kill me because I still want to see my children."**

x x x x

Fiscal Gunda

Q What did he tell you after you said that you will not be telling anything to your husband just allow me to live.

Witness

A Nothing more, he went out from our mosquito net and the he sat down on the stairs of our door staring at me trying to see what I will do next.

Fiscal Gunda

Q Before he got out from the bed, what did the accused do, if any?

Witness

A Nothing, he just stood and stared at me.

Fiscal Gunda

Q While you were holding the arm of the accused, what did he do to you?

Witness

A That's it he was kissing me and he was forcing his penis to be inserted into my vagina.

Fiscal Gunda

Q **Was the effort of the accused successful?**

Witness

A **Yes, actually it was already inside but he wants it to be fully insert to my vagina because he is not yet fully hardened.**

x x x x

Fiscal Gunda

Q And you said he was able to successfully insert his penis, what happened next, if any?

Witness

A That is the time that he hit me and then I said, “no, don’t kill me” and then he talked.²⁷ (Emphasis supplied)

AAA succumbed to the evil desire of accused-appellant because she feared for her life and her son’s life who was sleeping in the same room as her. There is force and intimidation if the actions of accused-appellant are “sufficient to consummate the bestial desires of the malefactor against the victim.”²⁸ It is not required that the force or intimidation employed be so great that it is irresistible, but it must only be enough to consummate the purpose of the accused.²⁹

Consequently, it is well-settled that when a woman declares that she has been raped, she says in effect all that is necessary to mean that she has been raped.³⁰ This bears more significance in this case, since AAA is a mother and a wife. The rigors and humiliation of public trial would not only affect her but her family. Under this circumstance, the probability of a fabricated charge is slim unless accused-appellant proved ill-motive on the part of the victim. Thus, in *People v. Ferrer*,³¹ We explained that:

x x x A married woman with two (2) children would not have publicly admitted that she had been sexually abused unless that was the truth. Thus, as the Court ruled in the case of *People vs. Mostrales*, “**(N)o married woman would subject herself to public scrutiny and humiliation to foist a false charge of rape. Neither would she take the risk of being alienated from her husband and her family. The fact that the victim resolved to face the ordeal and relate in public what many similarly situated would have kept secret evinces that she did so to obtain justice.** Her willingness and courage to face the authorities as well as to submit to medical examination are mute but eloquent confirmation of her sincere resolve.” Therefore, in the absence of evidence of improper motive on the part of private complainant to falsely testify against accused-appellant, her testimony deserves great weight and credence.³² (Emphasis supplied; citations omitted)

In this case, accused-appellant did not directly impute ill-motive to AAA. Rather, he alleged that it was AAA’s father-in-law, CCC, who instigated the charge of rape. CCC got mad at accused-appellant for failing to

²⁷ CA rollo, pp. 40-42.

²⁸ *People v. Salazar*, supra note 26.

²⁹ Id.

³⁰ *People v. Brillo*, G.R. No. 250934, June 16, 2021.

³¹ 415 Phil. 188 (2001).

³² Id. at 200.

kill Dado. Suffice it to state that aside from his bare allegations, he failed to present independent or corroborative evidence to substantiate his claim.

In addition, when the credibility of the victim is put into issue, the findings of the trial courts necessarily carry great weight and respect as they are afforded the unique opportunity to ascertain the demeanor and sincerity of the witness during a trial.³³ In this case, the RTC held that AAA's testimony is reflective of an honest and realistic account of her harrowing experience. Her appearance was that of a pained victim of an atrocious crime.³⁴

Time is not an essential element of rape.

The apparent inconsistency in the testimonies of AAA and CCC as to the time of the commission of rape is not fatal to the case. In the first place, neither date nor time is a material ingredient of the crime of rape. The essence of the crime is carnal knowledge of a female against her will through force or intimidation.³⁵

More importantly, accused-appellant cannot take refuge in CCC's testimony that they had a drinking spree until 3:00 a.m. of December 25, 2013. In his own version of events, he denied that he joined CCC in drinking. He insisted that CCC only asked him to buy one Red Horse Beer at around 11:00 p.m. on the evening of December 24. After handing the liquor to CCC, he went home and slept.³⁶ Using his own timeline, it is possible for accused-appellant to have committed the crime between 1:00 a.m. and 4:00 a.m. of December 25, 2013 as claimed by AAA.

Alibi and denial are weak defenses.

We agree with the courts *a quo* that accused-appellant's defenses of denial and alibi must fail. These defenses cannot prevail over AAA's positive identification of accused-appellant as the perpetrator of the crime. For denial and alibi to prosper, the accused must establish that he was in another place when the crime was committed. He must, likewise, prove that it was physically impossible for him to be present at the crime scene or its immediate vicinity at the time of its commission.³⁷ Here, accused-appellant failed to show that it is physically impossible for him to commit the crime, since he admitted that he lives just 20 meters away from AAA's home.

³³ *People v. XXX*, G.R. No. 241785, July 7, 2020.

³⁴ *CA rollo*, pp. 40, 44.

³⁵ *People v. Nuyok*, 759 Phil. 437, 448 (2015).

³⁶ *CA rollo*, p. 38.

³⁷ *People v. Masubay*, G.R. No. 248875, September 3, 2020, citing *People v. An*, 612 Phil. 476, 491-492 (2009).

Proper penalty and damages

While We sustain the conviction of accused-appellant for the crime of rape, We find that the RTC and the CA erred in imposing the penalty of *reclusion perpetua* without eligibility for parole. This penalty presupposes that accused-appellant should have been sentenced to death, but in view of R.A. No. 9346,³⁸ which prohibited the imposition of death penalty, his penalty for the crime was reduced to *reclusion perpetua*. This is consistent with A.M. No. 15-08-02-SC,³⁹ which states that:

In these lights, the following guidelines shall be observed in the imposition of penalties and in the use of the phrase “without eligibility for parole.”

- (1) In cases where the death penalty is not warranted, there is no need to use the phrase “*without eligibility for parole*” to qualify the penalty of *reclusion perpetua*; it is understood that convicted persons penalized with an indivisible penalty are not eligible for parole; and
- (2) When circumstances are present warranting the imposition of the death penalty, but this penalty is not imposed because of R.A. No. 9346, the qualification of “without eligibility for parole” shall be used to qualify *reclusion perpetua* in order to emphasize that the accused should have been sentenced to suffer the death penalty had it not been for RA No. 9346. (Emphasis supplied)

Under R.A. No. 8353, the supreme penalty of death shall be imposed when the rape is qualified by certain aggravating or qualifying circumstances⁴⁰ which are not present in this case. Therefore, the crime

³⁸ An Act Prohibiting The Imposition Of Death Penalty In The Philippines, approved on June 24, 2006.
³⁹ Guidelines for the Proper Use of the Phrase "Without Eligibility for Parole" in Indivisible Penalties, A.M. No. 15-08-02-SC, August 4, 2015.

⁴⁰ Article 266-B. *Penalties*. – Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

x x x x

“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, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim;

“2) When the victim is under the custody of the police or military authorities or any law enforcement or penal institution;

“3) When the rape is committed in full view of the spouse, parent, any of the children or other relatives within the third civil degree of consanguinity;

“4) When the victim is a religious engaged in legitimate religious vocation or calling and is personally known to be such by the offender before or at the time of the commission of the crime;

“5) When the victim is a child below seven (7) years old;

“6) When the offender knows that he is afflicted with Human Immune-Deficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS) or any other sexually transmissible disease and the virus or disease is transmitted to the victim;

“7) When committed by any member of the Armed Forces of the Philippines or para-military units thereof or the Philippine National Police or any law enforcement agency or penal institution, when the offender took advantage of his position to facilitate the commission of the crime;

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committed by accused-appellant is simple rape punishable by *reclusion perpetua* without any qualification. While the offense was committed in the dwelling of AAA, this cannot qualify the crime as to increase its penalty. Where the law prescribes a single indivisible penalty, such as in this case, it shall be applied regardless of the mitigating or aggravating circumstances attendant to the crime.⁴¹

Consequently, pursuant to *People v. Jugueta*,⁴² the civil damages, moral damages, and exemplary damages to which AAA is entitled should be in the amount of ₱75,000.00 each, and not ₱100,000.00 each as found by the RTC and affirmed by the CA. The monetary awards shall earn six percent (6%) interest *per annum* from the finality of this Decision until fully paid.⁴³

WHEREFORE, the appeal is **DISMISSED**. The Decision dated January 31, 2020 of the Court of Appeals in CA-G.R. CEB-HC No. 02576 is hereby **AFFIRMED with MODIFICATION** in that accused-appellant Tito Pajarilla y Alas is proven **GUILTY** beyond reasonable doubt of the crime of Simple Rape and is sentenced to suffer the penalty of *reclusion perpetua*.

Accused-appellant Tito Pajarilla y Alas is **ORDERED** to pay moral damages in the amount of ₱75,000.00, civil indemnity of ₱75,000.00, and exemplary damages of ₱75,000.00 to AAA. All monetary awards are subject to six percent (6%) interest *per annum* from finality of this decision until fully paid.

SO ORDERED.


SAMUEL H. GAERLAN
Associate Justice

“8) When by reason or on the occasion of the rape, the victim has suffered permanent physical mutilation or disability;

“9) When the offender knew of the pregnancy of the offended party at the time of the commission of the crime; and

“10) When the offender knew of the mental disability, emotional disorder and/or physical handicap of the offended party at the time of the commission of the crime.

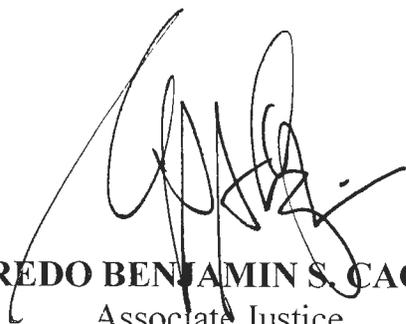
⁴¹ *People v. Galisim*, 421 Phil. 638, 648 (2001).

⁴² 783 Phil. 806 (2016).

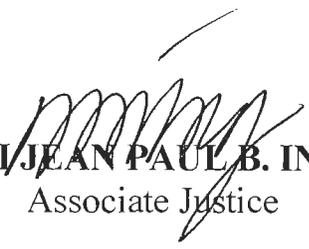
⁴³ *Id.* at 854.

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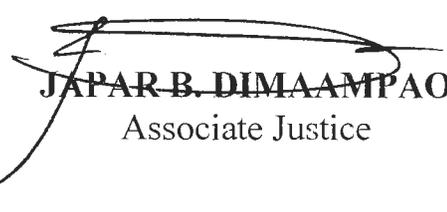
WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



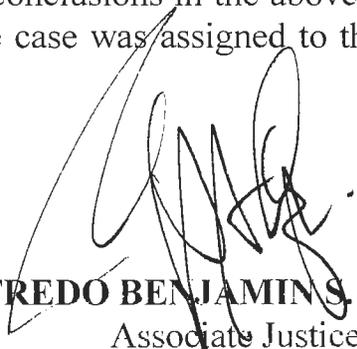
JAPAR B. DIMAAMPAO
Associate Justice



MARIA FILOMENA D. SINGH
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.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division

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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.


ALEXANDER G. GESMUNDO
Chief Justice

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