

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. WILFREDO PARILLA, ALIAS &#8220;WILLY&#8221;, ACCUSED-APPELLANT.***G.R. Nos. 67347-48. September 25, 1986*

Ponente: MELENCIO-HERRERA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-67347-48/>**MELENCIO-HERRERA, J.:**

Accused-appellant, Wilfredo Parilla, alias "Willy", appeals his conviction of the crime of Rape, on two counts, by the Regional Trial Court of Davao, Branch III, which imposed on him the penalty of "reclusion perpetua for each of the crimes charged, to be serve simultaneously, and to pay the offended party P20,000.00 in concept of moral damages."

The prosecution evidence shows that on April 12, 1980, at about 5:00 P.M., complainant Flora Batulan, then 12 years of age, together with her 11-year old sister Corazon, her 12-year old cousin Alexander Cenita, and a friend 13-year old Juanito Lumuntad, were asked by Flora's father to bring fish to her uncle, whose house was about a kilometer away from their own. After the delivery, and after they were halfway home at about twilight, the four children noticed that Appellant, aged 45 years, then wearing a red shirt and black pants and carrying a scythe, was behind them. Not long after, Appellant threw stones at them. The four ran towards home. Appellant, however, caught up with Flora, who could not run fast because she had just been released from the hospital after a bout with hepatitis. Instantaneously, Appellant lifted Flora, covered her mouth, told her not to shout or else she would be killed, took her to the bushes, and raped her. Flora lost consciousness as a result. When she regained consciousness, Appellant was by her side and dragged her towards a rubber tree. Flora struggled to free herself but to no avail. Appellant succeeded in having carnal knowledge of her for the second time. Thereafter, Appellant brought Flora to a trail leading to her house. Upon arriving home, she immediately told her aunt of the outrage on her person. Flora's father was out at the time looking for her after the three children had told him that Appellant had pulled her to the bushes. Upon his arrival, however, Flora immediately told him of her defloration.

A medical examination conducted the same day showed "1. Hymen ruptured; 2. Presence of whitish fluid fishy in odor located at the posterior and anterior formix of the uterus; 3. Loss of virginity".

Appellant denied the charges and imputed the commission of the crime to Noling Dimpas, his cousin. The Trial Court aptly summarized his defenses as follows:

"x x x. He claimed it was his cousin, Noling Dimpas, who committed the acts he was charged of and that he could not have committed them (the supposed crimes) at the time material to their commission as he was then at the camarin, owned by his landlord where he and his family lived, drinking tuba with Albino Ablen, the landlord, and Tomas Espillarga. In elaborating on his defenses, the accused claimed that Noling Dimpas in fact went to him at the camarin asking for money and shoes because he had committed a crime; that the Barangay Captain of Mamunga, Nato Saludaes accompanied by ICHDFs in fact traced him (Noling Dimpas) to the camarin; and that no less than said Barangay Captain (Saludaes) told him that his cousin, Noling Dimpas, raped the complainant, reason why they were looking for him. And to strengthen the alibi, the accused presented Danilo Ignacio, a convict actually serving sentence, who represented himself as a businessman and a

resident of Monkayo, Davao. This witness testified that he was together at the camarin of Albino Ablen with the accused and Albino Ablen that afternoon of April 12, 1980, first to weigh the pig of Albino and, thereafter, and after the accused had gathered tuba upon instructions of Albino, to drink tuba; that after 8:00 o'clock in the evening of that day, Noling Dimpas arrived, fetched the accused, went (both of them) behind the camarin. Afterwards, Barangay Captain Saldares, with companions, arrived and asked for Noling Dimpas; that the said Barangay Captain told Albino Ablen and him that Noling Dimpas had raped the daughter of Nonoy Batulan; and that they - Ablen, he and the accused - continued drinking after Barangay Captain Saldares and party left, he leaving the drinking bout at about 10:00 o'clock that evening." [1]

Appellant's defenses, however, were rejected by the Trial Court in a judgment promulgated on February 13, 1984 finding him guilty as charged.

In this appeal, Appellant submits:

"I

"That the prosecution has not proved the guilt of the accused beyond reasonable doubt and;

"II

"That the lower Court erred in not considering the defense of the accused."

Appellant assails the credibility of prosecution witnesses Flora, her sister Corazon, and cousin Alexander, and contends that neither one of them could have identified him as the perpetrator of the crime because it was already dark at the time of the alleged incident. The evidence negates that claim.

There can be no doubt that Flora could recognize her molestor. She knew Appellant quite well as he was a neighbor and she used to see him pasturing a carabao not far from her house, a fact which Appellant himself admitted. As Flora had testified, she saw Appellant clearly because, at that time, it was still bright. So much so that at the first opportunity, upon arriving home, she disclosed the molestation and identified the culprit, first to her aunt and then to her father. She reiterated her identification of Appellant in her sworn statement to the police two days after and when confronted with Appellant, she readily pointed to him as the rapist.

Two eyewitnesses, Flora's companions, corroborated her testimony. Alexander Cenita was precise when he declared:

"Q.

What, if any, transpired while you were on your way home from the house of Cadio Pisquera?

"A.

Wilfredo Parilla stoned us, sir.

"Q.

Will you give the name?

**COURT:**

He already mentioned Wilfredo Parilla.

**FISCAL:**

"Q.

Where was Wilfredo Parilla at that time he threw stones to you?

"A.

He was behind us, sir.

"Q.

If this Wilfredo Parilla is in Court, will you point to him?

"A.

The man with red shirt (Witness pointing to accused Wilfredo Parilla).

"Q.

What did you do when Parilla threw stones to you?

"A.

We ran and when I looked back, I already saw him holding and covering the mouth of Flora, sir.

"Q.

Aside from, by the way, when you said Flora, are you referring to Flora Batulan?

"A.

Yes, sir.

"Q.

Aside from covering the mouth of Flora with his hand, what else did Wilfredo Parilla do?

"A.

He brought her to the bushes, sir.

**COURT:**

"Q.

How?

**WITNESS:**

"A.

He lifted her and covered her mouth."[2]

From this witness' testimony, it is clear that he saw Appellant lifting and covering Flora's mouth and taking her to the bushes. He could even describe the color of his clothes, thereby belying Appellant's contention that it was already "dark".

Similarly, Corazon Batulan, Flora's sister, testified:

"Q.

What happened if any, when you were on your way back home?

"A.

We saw Willie.

"Q.

Do you know the full name of this person Willie you have just mentioned?

"A.

Yes, sir.

"Q.

Will you tell us his full name.

"A.

Willie Parilla.

"Q.

If he is inside the courtroom, will you point to him?

"A.

(Witness pointed to the accused, Wilfredo Parilla)

"Q.

What was Willie doing at the time you saw him along the way?

"A.

He threw stones to us.

"Q.

And what did you do when stones were thrown at you by Willie?

"A.

We ran.

"Q.

Who was ahead of the group in running?

"A.

Alexander.

"Q.

Who was following Alexander?

"A.

Juanito.

"Q.

Who was next to Juanito?

"A.

I and Flora.

"Q.

And what was the result of that running away?

"A.

When we looked back, we saw Flora who was behind because she was running slow, she was caught up by Willie and he covered the mouth of Flora with his hands.

"Q.

Aside from covering the mouth of Flora, what did Willie do to Flora?

"A.

He lifted and covered the mouth of Flora and we shouted for her.[3]

That it was not yet dark at the time of the incident is also shown by the unwavering testimonies of those two witnesses. With respect thereto, Corazon said:

"Q.

On the month of April 1980, you remember that nighttime usually follows at around 6:00 o'clock?

"A.

Yes, sir.

"Q.

And after that, that is 7:00 o'clock that is quite dark already?

"A.

There was still brightness.

"Q.

Despite the fact that you stated that nighttime usually comes at 6:00 o'clock?

"A.

At the time Willie Parilla threw stones at us, there was still little brightness. We could see him clearly."[4]

In the same vein, Alexander Cenita clarified:

"Q.

And you did not see his face clearly when he threw stones at you?

"A.

We can see him clearly, sir.

"Q.

It was still bright?

"A.

Yes, sir."[5]

The positive identification of Appellant by Flora, Corazon and Alexander, as the author of the offense, belies the denials and alibi set up by him. No ulterior motive was imputed to these witnesses, thus, the presumption is that they were not actuated by improper considerations and their testimonies are entitled to full faith and credit.[6]

Appellant would have us believe his story that his cousin, Noling Dimpas, was the culprit; that the Barangay Captain and the police investigators made him answerable for the crime committed by Noling because he refused to reveal the latter's whereabouts; that he was hanged from his hands for four hours so he would tell where Noling was and sign a document but that because he refused, he was jabbed with the butt of a garand rifle. As the Trial Court concluded, however, the foregoing is a tale that is untrustworthy. Appellant stated that Noling was in the "camarin" with him at the time the Barangay Captain arrived and yet he (Appellant) did not reveal Noling's whereabouts although the latter was allegedly only hiding behind the "camarin". Furthermore, the records of the

case do not show that he was formally investigated by the police so that there was, in fact, no document which he could have been forced to sign.

Appellant's alibi that he was at the "camarin" of Albino Ablen that afternoon of April 12, 1980 is not worthy of credence. He presented Danilo Ignacio, who was confined in the same jail as his witness to strengthen his alibi but the latter candidly admitted that when he was requested by Appellant to testify he was told what to state in Court. It is likewise cause for wonder that Tomas Espillarga, who was allegedly with him drinking "tuba" that afternoon was never presented as a witness although defense counsel had manifested that he was to testify first.

Appellant's alibi is not only untenable. He had also failed to clearly show that it was impossible for him to have been at the scene of the crime at the time of its commission. The "camarin" where Appellant claims he was, is situated in the same barangay where the crime took place.

All told, Appellant's protestations of innocence have been proven unworthy of credit and his guilt has been proven beyond peradventure of doubt.

WHEREFORE, the appealed judgment is hereby affirmed, with costs against appellant Wilfredo Parilla, alias Willy.

**SO ORDERED.**

Yap, (Chairman), Narvasa, Paras, and Feliciano, JJ., concur.  
Cruz, J., on leave.

---

[1] pp. 99-100, Original Record.

[2] T.s.n., November 14, 1980, pp. 7-9.

[3] T.s.n., April 1, 1981, pp. 8-9.

[4] *ibid.*, p. 27.

[5] T.s.n., November 14, 1980, p. 11.

[6] *People vs. Canamo*, 138 SCRA 141 (1985).

**ABOUT BATAS.ORG**

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

**The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

**Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

**Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

**The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

**Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

**A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.