

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. DANNY BANAYAT, ACCUSED-APPELLANT.

G.R. No. 215749. March 14, 2018

Ponente: MARTIRES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-215749/>

MARTIRES, J.:

Before this Court is an appeal filed by accused-appellant Danny Banayat (accused-appellant) assailing the Decision[1] of the Court of Appeals (CA) dated 23 April 2014 in CA-G.R. CR HC No. 05969.

The CA affirmed the decision of the Regional Trial Court (RTC) in Criminal Case No. U-15922, finding accused-appellant guilty beyond reasonable doubt of rape, defined and penalized under Article 266-a, par. 1, in relation to Article 266-B of the Revised Penal Code (RPC), committed against AAA.[2]

Accused-appellant was charged as follows:

That on or about 10:00 o'clock in the evening of November 11, 2008 at Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence, and intimidation, while armed with a knife, did then and there willfully, unlawfully and feloniously have sexual intercourse with AAA, a minor, sixteen (16) years old, against her will and without her consent, to her damage and prejudice.

CONTRARY to Article 266-A, paragraph 1(a) in relation to Article 266-B, paragraph 2 of the Revised Penal Code as amended by R.A. No. 8353 (The Anti-Rape Law of 1997).[3]

Upon arraignment, accused-appellant pleaded not guilty to the crime charged.

Version of the prosecution

On 11 November 2008 at around 8:00 o'clock in the evening, AAA attended the wake of one Benigna Velora, her friend's grandmother. At around 10:00 o'clock p.m., she went to a store to buy some snacks because she was hungry.[4]

At the store, she saw accused-appellant, a longtime neighbor, drinking beer. Accused-appellant, armed with a knife, then forcibly dragged her towards an abandoned house and there she was ordered to remove her clothes. Accused-appellant then placed his body on top of her and forcibly inserted his penis repeatedly into her vagina. Thereafter, accused-appellant's threat to kill her if she reported the incident to anyone prevented her from informing her parents.[5]

The next day, however, AAA revealed it to her grandmother because she was not feeling well. They reported the incident to Brgy. Captain Benjamin Castillo. AAA then underwent medical examination at the Region I Medical Center in Dagupan City.[6] The medico-legal report revealed that she had "fresh erythematous abrasion of perihymenal area, 10 o'clock position" and "fresh erythematous abrasion at 4 o'clock position, fresh lacerations at 6 o'clock and 10 o'clock position." [7]

Version of the defense

On 11 November 2008, accused-appellant claimed he was at his grandmother's wake and never saw AAA there.

Around 10:00 o'clock in the evening of that day, the storekeeper Magdalena Garcia (Magdalena), was at her store when accused-appellant came and drank two (2) bottles of beer. After a while, a girl with a male companion arrived and they bought beer. Magdalena recognized the girl to be AAA and observed that she and her male companion were amorous towards each other. After the pair finished drinking, they left. A few minutes later, accused-appellant also left.[8]

Accused-appellant denied the allegation that he dragged AAA to an abandoned house and raped her. He could not fathom any reason why he was charged with rape when he did not have any misunderstanding with AAA prior to 11 November 2008. To his knowledge, it was his uncle who had a misunderstanding with AAA's father.[9]

In his brief,[10] accused-appellant contended that his guilt was not proven beyond reasonable doubt because the element of force or intimidation was not established; that AAA "merely narrated that the accused was armed with a bladed weapon which was a knife, but as to how the knife was used to threaten her, was not revealed." Moreover, AAA "failed to categorically describe how accused-appellant communicated fear to her." According to accused-appellant, further casting doubt on the rape charge is Garcia's testimony that AAA exhibited intimacy with a male companion at around the same time as the incident.

After trial, the RTC found accused-appellant guilty beyond reasonable doubt of the crime of rape. The dispositive portion of the decision reads:

WHEREFORE, this Court finds the accused Danny Banayat y Zamora guilty beyond reasonable doubt of the crime of rape under Article 266-A of Republic Act 8353.

Accordingly, he is sentenced to suffer the penalty of reclusion perpetua without eligibility for parole. Accused is ordered to indemnify the offended party AAA, the amount of Fifty Thousand Pesos (P50,000.00) and to pay her Fifty Thousand Pesos (P50,000.00) as moral damages.

Accused is ordered committed to the Bureau of Corrections, Muntinlupa City, for the service of his sentence without unnecessary delay.

SO ORDERED.[11]

On appeal, the CA affirmed accused-appellant's conviction. According to the CA, the prosecution was able to establish all the elements of rape with the requisite quantum of proof. Intimidation includes the moral kind as the fear caused by threatening the girl with a knife or pistol and accused-appellant's act of holding a knife "clearly produced fear in AAA's mind that the former would kill her if she would not submit to his sexual design."

The dispositive portion of the CA decision reads:

WHEREFORE, premises considered, the instant appeal is DISMISSED. The Judgment dated 02 February 2012 of the Regional Trial Court of Pangasinan, Branch 49 in Criminal Case No. U-15922, finding accused-appellant Danny Banayat y Zamora guilty beyond reasonable doubt of the crime of Rape is AFFIRMED with MODIFICATION in that accused-appellant is further ordered to pay AAA exemplary damages in the amount of Thirty Thousand Pesos (P30,000.00).

SO ORDERED.[12]

THE COURT'S RULING

The Court upholds the conviction of accused-appellant.

Due to the nature of the crime, the lone testimony of the rape victim, when found to be credible, natural, and

consistent with human nature, is enough to sustain a conviction.[13] Both the trial court and the CA found no reason to disbelieve AAA's narration.

Indeed, it is unlikely for AAA to feign her traumatic experience. No girl of sound mind would fabricate a story of defloration, allow an examination of her private parts, subject herself to humiliation, risk ridicule, and go through the rigors of public trial if her claim was not true.[14]

Contrary to accused-appellant's position that the element of force or intimidation is wanting in the case at bar, AAA's testimony sufficiently establishes the existence of all the elements of rape required under Article 266-A of the RPC.

In AAA's sworn statement,[15] which was stipulated to be part of her direct testimony, AAA stated that she was "forcibly dragged by the suspect with a bladed weapon (knife) to the abandoned house and then immediately removed my pants and panty and placed his body and [sic] top of me then forcibly inserted his penis repeatedly into my vagina. That after the incident, he told me not to tell anybody what he had done to me or else he will kill me, ma'am."

In the Social Case Study Report issued by the Municipal Social Welfare and Development Officer,[16] based on an interview with AAA, she detailed that she was on her way back to the wake when somebody pulled her arm, and when she was about to call for help, the assailant covered her mouth and brought her to an abandoned house. AAA identified the assailant as accused-appellant, who, though drunk, was "so strong that she could not fight back."

The foregoing establishes that accused-appellant had carnal knowledge of AAA through force and intimidation. On the matter of force and intimidation, particularly, this Court quotes with approval the ruling of the CA:

In *People v. Bayani*,[17] the Supreme Court explained force and intimidation as an element of rape, viz:

"As to the finding of the trial court regarding the use of force and intimidation, it must be emphasized that force as an element of rape need not be irresistible; it need but be present, and so long as it brings about the desired result, all considerations of whether it was more or less irresistible is beside the point. So must it likewise be for intimidation which is addressed to the mind of the victim and is therefore subjective. Intimidation must be viewed in light of the woman's perception and judgment at the time of the commission of the crime and not by any hard and fast rule; it is therefore enough that it produces fear — fear that if the victim does not yield to the bestial demands of the accused, something would happen to her at that moment or even thereafter as when she is threatened with death if she reports the incident. Intimidation includes the moral kind as the fear caused by threatening the girl with a knife or pistol. And where such intimidation exists and the victim is cowed into submission as a result thereof, thereby rendering resistance futile, it would be extremely unreasonable, to say the least, to expect the victim to resist with all her might and strength." (emphasis supplied)

Hence, the act of accused-appellant holding a knife clearly produced fear in AAA's mind that the former would kill her if she would not submit to his sexual design. The act of holding a knife by itself is strongly suggestive of force or, at least, intimidation, and threatening the victim with a knife is sufficient to bring a woman into submission.[18]

It can be gleaned from AAA's testimony that accused-appellant's possession of a knife — coupled by the fact that he had covered her mouth when she attempted to shout for help, forcibly dragged her to an abandoned house, and AAA's observation that accused-appellant was strong even when drunk — instilled fear that he would kill or injure her if she did not yield to his demands, such that AAA need not categorically describe how he communicated fear to her, contrary to accused-appellant's insistence. The presence of force and intimidation is undeniable.

Moreover, the medico-legal report[19] issued after a physical examination of AAA revealed that she had fresh hymenal lacerations at the time of examination, and the attending physician's impressions indicated that "medical examination showed evidence of sexual abuse." This corroborates AAA's testimony of forcible defloration.

In *People v. Sabal*,[20] the Court ruled that "hymenal lacerations, whether healed or fresh, are the best evidence of forcible defloration. And when the consistent and forthright testimony of a rape victim is consistent with medical findings, there is sufficient basis to warrant a conclusion that the essential requisites of carnal knowledge have been established."

Since the prosecution has overcome the presumption of innocence by proving the elements of the crime and the identity of the perpetrator beyond the requisite quantum of proof, the burden of evidence to show reasonable doubt shifts to the defense.[21] In this case, the Court finds that the defense failed to do so.

Accused-appellant claims that Garcia's testimony, revealing that AAA was with a male companion who left the store with her ahead of accused-appellant, should be considered in his favor. However, as alibis go, Garcia's testimony does not establish that accused-appellant did not perform the criminal act; but only that accused-appellant, AAA, and the latter's alleged male companion were at her store at some point on the night in question; and that AAA and the male companion left a few minutes ahead of accused-appellant. It does not in any way establish that it was physically impossible for accused-appellant to commit the rape.

The Court has consistently ruled that "alibi is an inherently weak defense and should be rejected when the identity of the accused is sufficiently and positively established by the prosecution. Moreover, for alibi to overcome the prosecution's evidence, the defense must successfully prove the element of physical impossibility of the presence of the accused at the crime scene at the time the offense was committed. Physical impossibility in relation to alibi takes into consideration not only the geographical distance between the scene of the crime and the place where the accused maintains he was, but more importantly, the accessibility between these points."[22]

Accused-appellant failed to show with clear and convincing evidence that he was not at the scene of the crime when the rape happened. In fact, Garcia's testimony places him at the store where AAA went on the night in question and at around the same time AAA had testified she had seen him; Garcia also confirmed the existence of an abandoned house near her store, consistent with AAA's claim that she was brought by the perpetrator to an abandoned house nearby.

Since the identity of accused-appellant as the perpetrator had been sufficiently established by the prosecution, his weak alibi must necessarily be rejected and his conviction upheld.

In *People v. Jugueta*,[23] the Court held that "when the circumstances surrounding the crime call for the imposition of reclusion perpetua only, there being no ordinary aggravating circumstance, the Court rules that the proper amounts should be P75,000.00 as civil indemnity, P75,000.00 as moral damages and P75,000.00 as exemplary damages."

In conformity with *Jugueta*, the Court increases the award of civil indemnity, moral damages, and exemplary damages to P75,000.00 each. In line with current policy,[24] the Court also imposes interest at the legal rate of 6% per annum on all monetary awards for damages, from the date of finality of this decision until fully paid.

WHEREFORE, the appeal is DISMISSED. The 23 April 2014 Decision of the Court of Appeals in CA-G.R. CR HC No. 05969 is AFFIRMED WITH MODIFICATION as to the amount of damages. Accused-appellant Danny Banayat is GUILTY BEYOND REASONABLE DOUBT of the crime of Rape as defined in Article 266-A and penalized in Article 266-B of the Revised Penal Code. Accused-appellant is ordered to pay AAA the following amounts: civil indemnity of Seventy-Five Thousand Pesos (P75,000.00); moral damages of Seventy-Five

Thousand Pesos (P75,000.00); and exemplary damages of Seventy-Five Thousand Pesos (P75,000.00). All monetary awards for damages shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this Decision until fully paid.

SO ORDERED.

Velasco, Jr. (Chairperson), Bersamin, Leonen, and Gesmundo, JJ., concur.

[1] Rollo pp. 2-13; penned by Associate Justice Jane Aurora C. Lantion, with Associate Justices Vicente S.E. Veloso and Nina G. Antonio-Valenzuela concurring.

[2] The complete name of the victim in this case is replaced with fictitious initials, in compliance with Supreme Court Administrative Circular 83-2015.

[3] Rollo, p. 3.

[4] Records, p. 6 (Sworn Statement); pp. 11-13 (Social Study Case Report).

[5] Id.

[6] Id. at 8.

[7] Id.

[8] TSN, 16 June 2011, pp. 4-7.

[9] TSN, 3 June 2010, pp. 6-7.

[10] CA rollo, pp. 45-54.

[11] Id. at 96-97.

[12] Id. at 106-107.

[13] *People v. Olimba*, 645 Phil. 468, 480 (2010).

[14] *People v. Frias*, 718 Phil. 173, 184 (2013).

[15] Records, p. 6.

[16] Id. at 12-13.

[17] 331 Phil. 169, 193 (1996) as cited by the CA in its decision.

[18] Rollo pp. 11-12, citing *People v. Esteves*, 438 Phil. 687, 698 (2002).

[19] *Supra* note 6.

[20] 734 Phil. 742, 746 (2014); citing *People v. Perez* 595 Phil. 1232, 1258 (2008).

[21] *People v. Santos*, 562 Phil. 458, 467 (2007).

[22] *People v. Baroquillo*, 671 Phil. 771, 786 (2011).

[23] 783 Phil. 806, 840 (2016).

[24] *People v. Dion*, 668 Phil. 333, 353 (2011).

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.