



Republic of the Philippines  
 Supreme Court  
 Baguio City

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,  
 Plaintiff-Appellee,

G.R. No. 219240

Present:

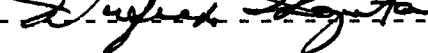
- versus -

VELASCO, JR., J., *Chairperson*,  
 BERSAMIN,  
 LEONEN,  
 MARTIRES, and  
 GESMUNDO, JJ.

BRYAN GANABA y NAM-AY,  
 Accused-Appellant.


Promulgated:

April 4, 2018

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DECISION

MARTIRES, J.:

This resolves the appeal of accused-appellant Bryan Ganaba y Nam-ay (*accused-appellant*) assailing the 27 August 2014 Decision<sup>1</sup> of the Court of Appeals (CA), Seventh Division in CA-G.R. CR-HC No. 06030 affirming, with modification as to the award of damages, the 9 January 2013 Decision<sup>2</sup> of the Regional Trial Court (RTC), Branch 172, Valenzuela City, finding him guilty beyond reasonable doubt of the crime of Rape under Article (Art.) 266-A<sup>3</sup> of the Revised Penal Code (RPC). 

<sup>1</sup> Rollo, pp. 2-14. Penned by Associate Justice Socorro B. Inting and concurred in by Associate Justices Jose C. Reyes, Jr. and Mario V. Lopez.

<sup>2</sup> Records, pp. 76-78. Penned by Judge Nancy Rivas-Palmones.

<sup>3</sup> Article 266-A. Rape: *When and How Committed*. - Rape is committed:

- 1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:
  - a) Through force, threat, or intimidation;
  - 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.
- 2) By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

## THE FACTS

Accused-appellant was charged with rape in an Information docketed as Criminal Case No. 429-V-09, the accusatory portion of which reads as follows:

That on or about July 1, 2009 in Valenzuela City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, by means of force and intimidation employed upon the person of AAA, 16 years old (DOB: June 16, 1993), did then and there wilfully, unlawfully, and feloniously have sexual intercourse with the complainant, against her will and without her consent, thereby subjecting the said minor to sexual abuse which debased, degraded, and demeaned [her] intrinsic worth and dignity as a human being.

CONTRARY TO LAW.<sup>4</sup>

When arraigned, the accused-appellant pleaded not guilty to the charge against him;<sup>5</sup> hence, trial proper ensued.

To establish its case, the prosecution presented the victim, AAA,<sup>6</sup> and P/Supt. Bonnie Y. Chua (*Dr. Chua*), a medico-legal officer of the Northern Police District Crime Laboratory (*crime laboratory*).

PO1 Archie P. Castellano (*PO1 Castellano*) was no longer put on the witness stand after the parties stipulated that he would be testifying on his affidavit<sup>7</sup> relative to the arrest of the accused-appellant.

To prove his defense, the accused-appellant testified.

### ***Version of the Prosecution***

AAA had been working at the house of the accused-appellant since 1 June 2009, as nanny to his four-month-old child. On 1 July 2009, at about 2:30 p.m., while AAA was inside the room feeding the child, the accused-

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<sup>4</sup> Records, p. 1.

<sup>5</sup> Id. at 16.

<sup>6</sup> The true name of the victim has been replaced with fictitious initials in conformity with Administrative Circular No. 83-2015 (*Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances*). The confidentiality of the identity of the victim is mandated by Republic Act (R.A.) No. 7610 (*Special Protection of Children Against Abuse, Exploitation and Discrimination Act*); R.A. No. 8505 (*Rape Victim Assistance and Protection Act of 1998*); R.A. No. 9208 (*Anti-Trafficking in Persons Act of 2003*); R.A. No. 9262 (*Anti-Violence Against Women and Their Children Act of 2004*); and R.A. No. 9344 (*Juvenile Justice and Welfare Act of 2006*).

<sup>7</sup> Index of Exhibits, p. 8; Exh. "B."

appellant sneaked in and closed the door and window. AAA did not notice that the accused-appellant, who was supposed to enter the room only when the child's mother was around, was behind her wearing only his shorts.<sup>8</sup>

When AAA turned, the accused-appellant held both her arms and mounted her. AAA kicked the accused-appellant who in turn pinched her left shoulder. When AAA kicked again, the accused-appellant stood up and got a knife. AAA stood up also and tried to open the door but was unable to do so as it was locked. The accused-appellant poked the knife at AAA, threatened he would kill her, dragged her to the bed, mounted her, parted her legs, and inserted his penis into her vagina.<sup>9</sup>

When his friend arrived at the house, the accused-appellant went out of the room and proceeded right away to the restroom. AAA immediately left for her brother's house and there confided what had happened to her.<sup>10</sup>

That same afternoon, AAA proceeded to the barangay where she was advised to report the incident to the police station. After AAA narrated<sup>11</sup> what had happened to her at the Valenzuela City police station, POI Castellano and two other police officers arrested the accused-appellant at his residence.<sup>12</sup>

At around 5:45 p.m. on the same day, AAA was physically examined by Dr. Chua.

### *Version of the Defense*

On 1 July 2009, at about 2:30 p.m., the accused-appellant was at home with his wife Jane, their son Edison, and a boarder named Erickson. He was watching television.<sup>13</sup>

The accused-appellant claimed that the accusation against him was not true and that he was implicated by AAA to ask for money. He was told by Jane that AAA asked for ₱200,000.00 in exchange for dropping the case against him. Although the accused-appellant and Jane were only factory workers, that amount of money could be raised by his relatives; but the

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<sup>8</sup> TSN, 19 May 2010, pp. 5-9; TSN, 17 November 2010, p. 2.

<sup>9</sup> Id. at 11-14.

<sup>10</sup> Id. at 9-11.

<sup>11</sup> Index of Exhibits, pp. 6-7; Exh. "A."

<sup>12</sup> TSN, 19 May 2010, pp. 14-17; TSN, 26 February 2010, pp. 2-4; Index of Exhibits, p. 8; Exh. "B."

<sup>13</sup> TSN, 8 May 2012, pp. 6-9.

accused-appellant did not give in to AAA's demand because nothing happened between him and AAA.<sup>14</sup>

### ***The Ruling of the RTC***

The RTC held that the accused-appellant had carnal knowledge of AAA by using force and intimidation. According to the RTC, AAA gave details of her ordeal that took place on 1 July 2009, and that she positively identified the accused-appellant as the person who raped her. Moreover, AAA's testimony, coupled with the medical findings, confirmed the truth of her charges.<sup>15</sup>

The RTC found the accused-appellant's denial without merit. It ruled that his denial was negative and self-serving which pales in comparison with AAA's clear and convincing narration and positive identification of the accused-appellant.<sup>16</sup>

The *fallo* of the RTC decision provides:

WHEREFORE, the court finds the accused BRYAN GANABA y NAM-AY guilty beyond reasonable doubt as principal of the crime of rape and in the absence of mitigating and aggravating circumstance, he is hereby sentenced to suffer the penalty of reclusion perpetua and ordered to pay AAA ₱75,000.00 as civil indemnity *ex delicto*, ₱75,000.00 as moral damages and ₱25,000.00 as exemplary damages.

SO ORDERED.<sup>17</sup>

Not satisfied with the RTC's ruling, the accused-appellant appealed to the CA.

### ***The Ruling of the CA***

The CA ruled that the prosecution had indubitably established that the accused-appellant raped AAA. It held that the accused-appellant's act was consummated through force, threat, and intimidation. Moreover, AAA's unrelenting narration of what transpired, accompanied by her categorical identification of the accused-appellant as the malefactor, established the case for the prosecution. On the one hand, it held that the defense of denial and alibi offered by the accused-appellant was weak since he failed to prove that

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<sup>14</sup> Id. at 9-10.

<sup>15</sup> Records, p. 78.

<sup>16</sup> Id.

<sup>17</sup> Id.

it was physically impossible for him to be at the crime scene at the time of its commission.<sup>18</sup>

While the CA affirmed the penalty imposed by the RTC upon the accused-appellant, it found the need to modify the award of damages; hence, it ruled as follows:

**WHEREFORE**, premises considered, the appealed Decision dated 9 January 2013 of the Regional Trial Court (RTC), Branch 172, Valenzuela City is **AFFIRMED WITH MODIFICATION**. Accused-appellant Bryan Ganaba y Nam-ay is found **GUILTY** beyond reasonable doubt of RAPE and is sentenced to suffer the penalty of reclusion perpetua and ordered to pay the victim AAA ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱30,000.00 as exemplary damages. The award of damages shall earn legal interest at the rate of 6% per annum from date of finality of this judgment until fully paid. Costs against accused-appellant.

**SO ORDERED.**<sup>19</sup>

#### ISSUES

##### I.

**THE TRIAL COURT ERRED IN NOT FINDING ILL MOTIVE ON THE PART OF THE PRIVATE COMPLAINANT AS THE REASON FOR THE FILING OF THE CRIME OF RAPE AGAINST THE ACCUSED-APPELLANT.**

##### II.

**THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED.**<sup>20</sup>

#### OUR RULING

The appeal has no merit.

*The testimony of AAA  
deserves weight and  
credence.*

Jurisprudence has emphatically maintained that the trial court's evaluation and conclusion on the credibility of witnesses in rape cases are

<sup>18</sup> Rollo, pp. 8-10.

<sup>19</sup> Id. at 13-14.

<sup>20</sup> CA rollo, p. 41.

generally accorded great weight and respect, and at times even finality, especially after the CA, as the intermediate reviewing tribunal, has affirmed the findings; unless there is a clear showing that the findings were reached arbitrarily, or that certain facts or circumstances of weight, substance or value were overlooked, misapprehended or misappreciated that, if properly considered, would alter the result of the case.<sup>21</sup>

The Court has amply elucidated on the reason for according weight to the findings of the trial court, *viz*:

It is well-settled that the evaluation of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses first hand and to note their demeanor, conduct, and attitude under grilling examination. These are important in determining the truthfulness of witnesses and in unearthing the truth, especially in the face of conflicting testimonies. For, indeed, the emphasis, gesture, and inflection of the voice are potent aids in ascertaining the witness' credibility, and the trial court has the opportunity and can take advantage of these aids. These cannot be incorporated in the record so that all that the appellate court can see are the cold words of the witness contained in transcript of testimonies with the risk that some of what the witness actually said may have been lost in the process of transcribing. As correctly stated by an American court, "There is an inherent impossibility of determining with any degree of accuracy what credit is justly due to a witness from merely reading the words spoken by him, even if there were no doubt as to the identity of the words. However artful a corrupt witness may be, there is generally, under the pressure of a skillful cross-examination, something in his manner or bearing on the stand that betrays him, and thereby destroys the force of his testimony. Many of the real tests of truth by which the artful witness is exposed in the very nature of things cannot be transcribed upon the record, and hence they can never be considered by the appellate court."<sup>22</sup>

Consequently, it was incumbent upon the accused-appellant to present clear and persuasive reasons to persuade the Court to reverse the lower courts' unanimous determination of her credibility as a witness in order to resolve the appeal his way.<sup>23</sup> The onus is upon the accused-appellant to prove those facts and circumstances which the lower courts allegedly failed to consider and appreciate, and that would fortify his position that they seriously erred in finding him guilty of the crime charged. The accused-appellant, however, miserably failed to discharge his burden.



<sup>21</sup> *People v. Domingo*, G.R. No. 225743, 7 June 2017.

<sup>22</sup> *People v. Primavera*, G.R. No. 223138, 5 July 2017, citing *People v. Sapigao*, 614 Phil. 589, 599 (2009).

<sup>23</sup> *People v. Domingo*, supra note 21.

By the distinctive nature of rape cases, conviction usually rests solely on the basis of the testimony of the victim; provided that such testimony is credible, natural, convincing, and consistent with human nature and the normal course of things. Thus, the victim's credibility becomes the primordial consideration in the resolution of rape cases.<sup>24</sup> Noteworthy, both the RTC and the CA found the testimony of AAA credible and persuasive.

In conjunction thereto, jurisprudence has firmly upheld the guidelines in evaluating the testimony of a rape victim, *viz*: first, while an accusation for rape can be made with facility, it is difficult to prove but more difficult for the person accused, though innocent, to disprove; second, in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and lastly, the evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence of the defense.<sup>25</sup> The Court has meticulously applied these guidelines in its review of the records of this case, but found no reason to depart from the well-considered findings and observations of the lower courts.

The Court notes that the testimony of AAA was full of convincing details which, in her young age, could not have been known to her unless these were the truth. "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."<sup>26</sup>

A catena of cases sustains the ruling that the conduct of the victim immediately following the alleged sexual assault is of utmost importance in tending to establish the truth or falsity of the charge of rape.<sup>27</sup> In this case, after the accused-appellant had carnal knowledge of her, AAA immediately left his house and proceeded to her brother's house where she narrated what had happened to her. On that same day, AAA went to the barangay to report the incident, then to the police station to give her statements, and subsequently to the crime laboratory to submit herself to physical examination. The act of AAA in wasting no time in reporting her ordeal to the authorities validates the truth of her charge against the accused-appellant.

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<sup>24</sup> *People v. Palanay*, G.R. No. 224583, 1 February 2017.

<sup>25</sup> *People v. Garrido*, 763 Phil. 339, 347 (2015).

<sup>26</sup> *People v. Descartin*, G.R. No. 215195, 7 June 2017.

<sup>27</sup> *People v. Cadampog*, 472 Phil. 358, 378 (2004).

AAA's positive and categorical statement that the accused-appellant had carnal knowledge of her was reinforced by the testimony and medico-legal report of Dr. Chua. The pertinent findings of Dr. Chua were as follows:

LABIA MINORA: Hyperemic with abrasion at 6 o'clock position.

HYMEN: Deep healed laceration at 5 and 6 o'clock positions.

POSTERIOR FOURCHETTE: Congested.

CONCLUSION: Clear evidence of penetrating trauma/force to the hymen with recent penetration trauma to the Labia Majora and Minora.<sup>28</sup>

Dr. Chua testified that, based on her findings, her conclusion was that AAA was sexually abused.<sup>29</sup> Of significance in this case is the legal teaching that while it is settled that a medical examination of the victim is not indispensable in the prosecution of a rape case, and no law requires a medical examination for the successful prosecution of the case, the medical examination conducted and the medical certificate issued are veritable corroborative pieces of evidence, which strongly bolster the victim's testimony.<sup>30</sup> Together, these pieces of evidence produce a moral certainty that the accused-appellant indeed raped the victim.<sup>31</sup>

To prove that the RTC erred in according credence to AAA's testimony, the accused-appellant offered the absurd contention that AAA's testimony can only prove that she had shared an intimate moment with someone else and not with him. Accused-appellant anchored his contention in his testimony on the witness stand, viz: that on 1 July 2009, he was at home watching television with his wife; that AAA was not in his house that day; that he was told by his wife that AAA had asked ₱200,000.00 in exchange for her dropping the case against him; and that he did not give in to the demand of AAA because nothing happened between him and AAA. In contrast, according to the accused-appellant, was the testimony of AAA where she admitted that nothing happened between them.<sup>32</sup>

Accused-appellant's contentions have no basis. When AAA affirmed her sworn statement<sup>33</sup> before the RTC, she clarified and firmly maintained that the accused-appellant had carnal knowledge of her. Her testimony was as follows:



<sup>28</sup> Index of Exhibits, p. 1; Exh. "F."

<sup>29</sup> TSN, 26 February 2010, pp. 11-12.

<sup>30</sup> *People v. Palanay*, supra note 24.

<sup>31</sup> *People v. Deniega*, G.R. No. 212201, 28 June 2017.

<sup>32</sup> CA rollo, pp. 44-47.

<sup>33</sup> Index of Exhibits, pp. 6-7; Exh. "A."



- Q. What happened next after he pinched you on your left shoulder?  
A. I kicked him again and he stood up. He took a knife, threatened to kill me. And after that his friend arrived.
- Q. And he went out?  
A. I went out of the room, got my slippers, told the matter to my brother and we went to the barangay but the barangay referred us to the police.
- Q. Let us go back to the holding of the knife and his friend has not yet arrived. What happened when Bryan got that knife?  
A. He threatened to kill me if I would tell it to anybody (Papatayin kita pag nagsumbong ka).
- Q. What happened next?  
A. His friend arrived. When his friend arrived he proceeded to the c.r. Bryan followed him. I immediately went out of the room and got my pair of slippers and proceeded to our house and reported the matter to my brother.
- Q. So nothing happened, there was no sex?  
A. None, sir.
- Q. You gave your sworn statement to the police marked as Exh "A." I will read your sworn statement to the police given on July 2, 2009 wherein you stated: "Una po, nagpadede po ako ng bata, four months old na anak ng amo ko, tapos isinarado niya po iyong pintuan at tsaka iyong bintana. Dapat kami lang ng bata sa higaan, tsaka lang siya pupunta sa higaan pag dumating iyong asawa niya, tapos tumabi siya sa akin. Ako po ang umalis, tapos sinampal niya ako, bakit daw ako umaalis e umiiyak yung bata. Pinabalik niya ako sa higaan, bumalik ako noong umalis siya, pumunta siya sa higaan sa kabila. Bumalik ako, pinadede ko iyong bata, wala akong kamalay-malay na nandyan na pala siya sa tabi ko. Paglingon ko nakahubad na siya, hinawakan niya ang kamay ko binanda ako sa pader malapit sa higaan, sinabi kong huwag mong gawin sa akin kasi hindi ako ang asawa mo, katulong lang ako. Pero ginawa niya pa rin. Hinubaran niya ako, hinawakan niya ang dalawang kamay ko tapos sinampal pa niya ako. Tapos pinatungan niya po ako, tapos dun, tinadyakan ko siya, pag pangalawang tadyak kinurot niya ako dito sa may balikat ko. Lumaban ako, tapos pagtayo niya tumayo na rin ako, bubuksan ko iyong pinto pero hindi mabuksan iyong pinto pag walang susi. Tapos kumuha siya ng kutsilyo, tinutukan niya ako ng kutsilyo, tinutok niya dito sa noo ko, sinabi niya sa akin 'sige, sige anong gusto mo papatayin kita ngayon,' hinila niya ako sa higaan. Lumaban po ako pero hindi ko siya kaya. Tapos pinabuka niya iyong paa ko, pinasok na niya iyong oten niya sa pekpek ko. Sinampal pa niya ako, napasok niya iyong oten niya, nilabas pasok niya..." **Is that not true?**  
A. **That is true.**



- Q. So before the friend arrived, was Bryan able to have sex with you?**
- A. Yes, sir.**
- Q. Why did you not say before when I asked you? You went once to the friend?**
- A. When he was already naked, he was able to pin my both hands on the wall, and he parted my legs and inserted his penis in my vagina and after that he kicked me and he pinched me on my shoulder.<sup>34</sup> (emphasis supplied)**

The Court emphasizes that it has been its consistent declaration that inaccuracies and inconsistencies in a rape victim's testimony are generally expected,<sup>35</sup> viz:

Rape is a painful experience which is oftentimes not remembered in detail. For such an offense is not analogous to a person's achievement or accomplishment as to be worth recalling or reliving; rather, it is something which causes deep psychological wounds and casts a stigma upon the victim, scarring her psyche for life and which her conscious and subconscious mind would opt to forget. Thus, a rape victim cannot be expected to mechanically keep and then give an accurate account of the traumatic and horrifying experience she had undergone.<sup>36</sup>

Moreover, since human memory is fickle and prone to the stresses of emotions, accuracy in a testimonial account has never been used as a standard in testing the credibility of a witness.<sup>37</sup> To the Court, what is essential is that AAA's testimony meets the test of credibility notwithstanding the grueling cross-examination by the defense, and that it persuasively conformed to the evidence on record.

In the same vein, the assertion of the accused-appellant that AAA had ill motive in filing the present charge, i.e., demanding ₱200,000.00 in exchange for dropping the case against him, fails to convince. Notably, it would be the accused-appellant's wife, Jane, who would be in the best position to testify on this matter considering that AAA allegedly had demanded the ₱200,000.00 from her. Jane, however, never took the witness stand to corroborate the claim of the accused-appellant. Likewise, the record is bereft of any showing as to any documentary evidence that would substantiate AAA's demand for ₱200,000.00.



<sup>34</sup> TSN, 19 May 2010, pp. 9-14.

<sup>35</sup> *People v. Pareja*, 724 Phil. 759, 773 (2014).

<sup>36</sup> *People v. Saludo*, 662 Phil. 738, 753 (2011), cited in *People v. Pareja*, id. at 774.

<sup>37</sup> *People v. Pareja*, supra note 35 at 774.

The legal teaching continuously invigorated by our jurisprudence is that motives have never swayed this Court from giving full credence to the testimony of a minor rape victim.<sup>38</sup> 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.<sup>39</sup>

***The defense proffered  
by the accused-appellant  
was inherently weak.***

The defense proffered by the accused-appellant that he was home with his wife during the time material to the charge against him, cannot suffice to reverse his conviction.

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. Denial is an intrinsically weak defense which must be buttressed with strong evidence of non-culpability to merit credibility.<sup>40</sup> Alibi, on the one hand, is viewed with suspicion because it can easily be fabricated. For the defense of alibi to prosper, the accused must prove that he was somewhere else when the offense was committed and that he was so far away that it was not possible for him to have been physically present at the place of the crime or at its immediate vicinity at the time of its commission.<sup>41</sup> Unless supported by clear and convincing evidence, alibi cannot prevail over the positive declaration of a victim who, in a natural and straightforward manner, convincingly identifies the accused-appellant.<sup>42</sup>

Accused-appellant's alibi and denial easily came to nothing in view of his admission that he was actually at the place of the crime at the time of its commission. Even granting for the sake of argument that there was truth to the accused-appellant's contention that he was with his wife on that day, this, however, cannot justify a conclusion that he did not have carnal knowledge of AAA. The consistent ruling of the Court is that "Rape can be committed even in places where people congregate, in parks, along the roadside, within school premises, inside a house where there are other occupants, and even in the same room where other members of the family are also sleeping. It is not impossible or incredible for the members of the victim's family to be in deep slumber and not to be awakened while a sexual

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<sup>38</sup> Id. at 786.

<sup>39</sup> *People v. Descartin*, supra note 26.

<sup>40</sup> Id.

<sup>41</sup> *People v. Palanay*, supra note 24.

<sup>42</sup> *People v. Deniega*, supra note 31.

assault is being committed. Lust is no respecter of time and place x x x.”<sup>43</sup> More importantly, AAA’s unfailing positive identification of the accused-appellant as the one who had carnal knowledge of her, fastened to the fact that there was no showing that she had ill motive in filing this charge, prevails over his defense of alibi and denial.

The dearth of evidence that would corroborate the implausibility that the accused-appellant had carnal knowledge of AAA weakens his defense of denial and alibi. To stress, not even Jane or Erickson testified to reinforce his position that he could not have raped AAA on 1 July 2009.

***The crime of rape was proven beyond reasonable doubt by the prosecution.***

For a successful prosecution of rape, the following elements must be proved beyond reasonable doubt, to wit: (1) that the accused had carnal knowledge of the victim; and (2) that said act was accomplished: (a) through the use of force and intimidation, or (b) when the victim is deprived of reason or otherwise unconscious, or (c) when the victim is under 12 years of age or is demented.<sup>44</sup>

The evidence of the prosecution unmistakably validates the conclusion that the accused-appellant had carnal knowledge of AAA on 1 July 2009, through the use of force and intimidation. AAA persuasively narrated that, despite her effort to escape from the room after the accused-appellant pinned her arms, mounted her, and pinched her shoulder, the accused-appellant was able to get hold of a knife that he used to threaten her while he dragged her to the bed and, thereafter, successfully have carnal knowledge of her.

Jurisprudence imparts that 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 to submission, although the victim does not even need to prove resistance.<sup>45</sup> Force, threat or intimidation, as an element of rape, need not be irresistible, but just enough to bring about the desired result.<sup>46</sup>



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<sup>43</sup> *People v. Descartin*, supra note 26.

<sup>44</sup> *People v. Primavera*, supra note 22.

<sup>45</sup> *People v. Neverio*, 613 Phil. 507, 516 (2009).

<sup>46</sup> *People v. Hilarion*, 722 Phil. 52, 55 (2013).

***The penalty to be imposed upon the accused-appellant***

The Court finds that the RTC and the CA were correct in imposing upon the accused-appellant the penalty of *reclusion perpetua* in accordance with Art. 266-B of the RPC.


As to the award of damages, the Court finds the need to modify the same to conform with the jurisprudence laid down in *People v. Jugueta*,<sup>47</sup> viz: civil indemnity, moral damages, and exemplary damages at ₱75,000.00 each. The civil indemnity and the moral and exemplary damages shall earn interest at the rate of six percent (6%) *per annum* from the date of finality of this judgment until fully paid.

**WHEREFORE**, the appeal is **DISMISSED**. The 27 August 2014 Decision of the Court of Appeals in CA-G.R. CR-HC No. 06030, finding the accused-appellant Bryan Ganaba y Nam-ay **GUILTY** of Rape and sentencing him to suffer the penalty of *reclusion perpetua* is **AFFIRMED** with **MODIFICATION** as to the award of damages as follows: civil indemnity of ₱75,000.00, moral damages of ₱75,000.00, and exemplary damages of ₱75,000.00. The civil indemnity and the moral and exemplary damages shall earn interest at the rate of six percent (6%) *per annum* from the date of finality of this judgment until fully paid.

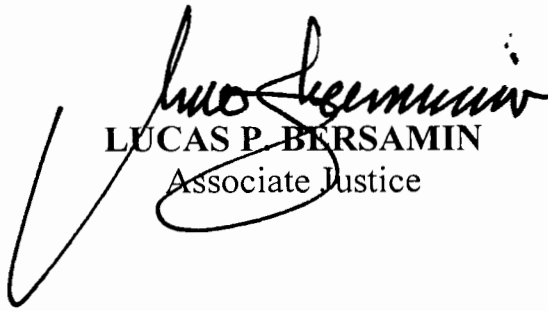
**SO ORDERED.**

  
SAMUEL R. MARTIRES  
Associate Justice

**WE CONCUR:**

  
PRESBITERO J. VELASCO, JR.  
Associate Justice  
Chairperson

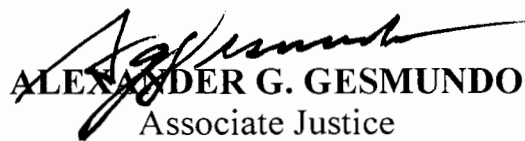
<sup>47</sup> 783 Phil. 806 (2016).



**LUCAS P. BERSAMIN**  
Associate Justice



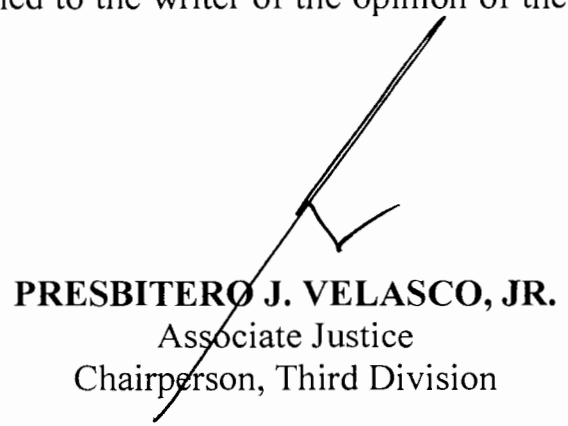
**MARVIC M.V.F. LEONEN**  
Associate Justice



**ALEXANDER G. GESMUNDO**  
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.**  
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.



**ANTONIO T. CARPIO**  
Acting Chief Justice