

FIRST DIVISION

[G.R. No. 241780, October 12, 2020]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
DANILO TUYOR Y BANDERAS, ACCUSED-APPELLANT.**

DECISION

PERALTA, C.J.:

For consideration is the appeal of the Court of Appeals (CA) Decision^[1] dated December 15, 2017 which affirmed with modification the Decision^[2] dated October 9, 2015 of the Regional Trial Court (RTC), Branch 89, Bacoor City, finding accused-appellant Danilo Tuyor y Banderas (*Tuyor*) guilty of four (4) counts of Rape. The accusatory portions of the five (5) Informations^[3] state:

Criminal Case No. B-2008-771

That on or about the 29th of September 2007, in the Municipality of [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, motivated by lust and with lewd designs, with the use of force, threat and intimidation, and taking advantage of his moral ascendancy did, then and there, willfully, unlawfully and feloniously, have carnal knowledge of his step-daughter [AAA] -Minor, fourteen (14) years old, born on April 13, 1993, against her will and consent, which acts tend to debase, degrade and demean complainant's intrinsic worth and integrity as a child, to the damage and prejudice of the said [AAA].

CONTRARY TO LAW.^[4]

Criminal Case No. B-2008-770

That on or about the 24th day of October 2007, in the Municipality of [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, motivated by lust and with lewd designs, with the use of force, threat and intimidation, and taking advantage of his moral ascendancy did, then and there, willfully, unlawfully and feloniously, have carnal knowledge of his step-daughter [AAA] -Minor, fourteen (14) years old, born on April 13, 1993, against her will and consent, which acts tend to debase, degrade and demean complainant's intrinsic worth and integrity as a child, to the damage and prejudice of the said [AAA].

CONTRARY TO LAW.^[5]

Criminal Case No. B-2008-769

That on or about the 17th day of July 2007, in the Municipality of [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, motivated by lust and with lewd designs, with the use of force, threat and intimidation, and taking advantage of his moral ascendancy did, then and there, willfully, unlawfully and feloniously, have carnal knowledge of his step-daughter [AAA] -Minor, fourteen (14) years old, born on April 13, 1993, against her will and consent, which acts tend to debase, degrade and demean complainant's intrinsic worth and integrity as a child, to the damage and prejudice of the said [AAA].

CONTRARY TO LAW.^[6]

Criminal Case No. B-2008-768

That on or about the 24th day of September 2007, in the Municipality of [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, motivated by lust and with lewd designs, with the use of force, threat and intimidation, and taking advantage of his moral ascendancy did, then and there, willfully, unlawfully and feloniously, have carnal knowledge of his step-daughter [AAA] -Minor, fourteen (14) years old, born on April 13, 1993, against her will and consent, which acts tend to debase, degrade and demean complainant's intrinsic worth and integrity as a child, to the damage and prejudice of the said [AAA].

CONTRARY TO LAW.^[7]

Criminal Case No. B-2008-767

That sometime in August 2007, at around 8:00 p.m. in the Municipality of [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, motivated by lust and with lewd designs, with the use of force, threat and intimidation, and taking advantage of his moral ascendancy did, then and there, willfully, unlawfully and feloniously, have carnal knowledge of his step-daughter [AAA] -Minor, fourteen (14) years old, born on April 13, 1993, against her will and consent, which acts tend to debase, degrade and demean complainant's intrinsic worth and integrity as a child, to the damage and prejudice of the said [AAA].

CONTRARY TO LAW.^[8]

Tuyor pleaded not guilty^[9] in all the five (5) charges. Pre-trial and trial ensued.

For the Prosecution

The facts, as established by the prosecution, and as culled from the CA Decision are as follows:

The prosecution presented as witnesses AAA^[10] (the victim) and Dr. Bernadette J. Madrid of the Child Protection Unit of the Philippine General Hospital (PGH). The prosecution also adduced the following evidence: 1) Exhibit "A" - AAA's Certificate of Live Birth; 2) Exhibit "B" - BBB's Certificate of Live Birth, the alleged offspring of AAA with [Tuyor]; 3) Exhibit "C" - AAA's Affidavit; 4) Exhibit "E" - Medico[-]Legal Report No. 2007-4907; 5) Exhibit F - picture of AAA taken by the Child Protection Unit of PGH.

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[Tuyor] and CCC, the mother of private complainant AAA, were live-in partners for five years. CCC had three children, including AAA, with a different man before her cohabitation with [Tuyor]. [Tuyor] and CCC have three children of their own.

AAA testified that on July 17, 2007, around 9:30 o'clock in the evening, she was inside their room with all her five siblings. At that time her mother was at work at SM City Sucat. In a while, [Tuyor] asked all her five siblings to leave the room, leaving her alone. [Tuyor] closed the door and pulled her towards the bed. He then removed AAA's colored shorts and panty and pinned her thighs with his legs. AAA struggled and asked why [Tuyor] was doing it to her but he just kept silent. She cried and fought back but she was overpowered by [Tuyor]. Thereafter, he spread her legs and inserted his penis into AAA's private parts. [Tuyor] later wiped his penis with a piece of cloth to remove the blood that came out from AAA's vagina. He likewise threatened AAA that he would kill her siblings and her mother if she told anyone about what happened. Hence, AAA kept silent and never told anyone about the incident.

Sometime in August 2007, at around 8 o'clock in the evening, AAA was inside her room sleeping when she felt that someone was on top of her. When she opened her eyes, she saw [Tuyor] naked from the waist down. Then, he covered her mouth and inserted his penis into her vagina. AAA cried and was threatened again by [Tuyor] not to tell anyone about what happened or he would kill her.

AAA was not able to narrate and testify on the third incident of rape on her direct examination for she was continuously crying.

Nevertheless, she was able to recall later that on September 29 and October 24, 2007 that she was at her room sleeping when [Tuyor] undressed her and covered her mouth. AAA was awakened when [Tuyor] inserted his penis into her vagina. Thereafter, he threatened AAA again to [sic] not tell anyone as to what happened or else he would kill her.

On October 26, 20-07, AAA complained of stomach cramps to her mother CCC so the latter brought her to a doctor where they found out that AAA was pregnant. AAA then told her mother that [Tuyor] had raped her several times. Thereafter, they went to the police station in [REDACTED], Cavite to file a complaint against [Tuyor]. AAA was examined by the Philippine General Hospital for medico-legal examination which showed that she suffered hymenal laceration and was indeed pregnant.

[Tuyor] was arrested by barangay officials and brought to the Bacoor police station

where complaints for rape were filed against him."^[11]

For the Defense

Tuyor was given ample time to present his evidence, but he manifested through his counsel that he would no longer be presenting evidence.

RTC Ruling

On October 9, 2015, the RTC rendered its Decision, the dispositive portion of which reads:

ACCORDINGLY, in Criminal **Case B-2008-767**, finding the accused Danilo Tuyor y Banderas GUILTY beyond reasonable doubt of Rape, he is sentenced to suffer the penalty of *reclusion perpetua*.

He is ordered to pay AAA P50,000[.00] as civil indemnity, P50,000[.00] as moral damages and P30,000[.00] as exemplary damages and to pay the interest at the rate of six percent (6%) per annum on all damages awarded, to be computed from the date of the finality of this Decision until fully paid.

In **Criminal Case B-2008-768**, the accused Danilo Tuyor y Banderas is found GUILTY beyond reasonable doubt of Rape and is sentenced to suffer the penalty of *reclusion perpetua*.

He is ordered to pay AAA P50,000[.00] as civil indemnity, P50,000[.00] as moral damages and P30,000[.00] as exemplary damages and to pay the interest at the rate of six percent (6%) per annum on all damages awarded, to be computed from the date of the finality of this Decision until fully paid.

In **Criminal Case B-2008-769**, considering the failure of the prosecution to prove his guilt beyond reasonable doubt, the accused is ACQUITTED of the crime charged.

In **Criminal Case B-2008-770**, the accused Danilo Tuyor y Banderas is found GUILTY beyond reasonable doubt of Rape and sentenced to suffer the penalty of *reclusion perpetua*.

He is ordered to pay AAA P50,000[.00] as civil indemnity, P50,000[.00] as moral damages and P30,000[.00] as exemplary damages and to pay the interest at the rate of six percent (6%) per annum on all damages awarded, to be computed from the date of the finality of this Decision until fully paid.

In **Criminal Case B-2008-771**, the accused Danilo Tuyor y Banderas is found GUILTY beyond reasonable doubt of Rape and sentenced to suffer the penalty of *reclusion perpetua*.

He is ordered to pay AAA P50,000[.00] as civil indemnity, P50,000[.00] as moral damages and P30,000[.00] as exemplary damages and to pay

the interest at the rate of six percent (6%) per annum on all damages awarded, to be computed from the date of the finality of this Decision until fully paid.

Being a detention prisoner, the accused is credited in full of the time he had undergone preventive imprisonment.

SO ORDERED.^[12]

The RTC found AAA's testimony as categorical, straightforward, consistent and credible. AAA was able to narrate four of the five crimes of rape in detail: the act of Tuyor in inserting his private organ into hers; how she struggled to fight back against the accused; the pain she experienced during the rape; the whitish substance which came out from Tuyor; how Tuyor wiped her private part; and Tuyor's threats after the crimes of rape.^[13] Through AAA's narration, the RTC was fully convinced that Tuyor raped AAA. According to the court *a quo*, Tuyor can only be convicted of the crimes of simple rape and not qualified rape. Although it was proven that AAA was a minor when the crimes of rape were committed, the relationship between AAA and Tuyor was not that of a stepfather-stepdaughter's since Tuyor was not married to AAA's mother. The special qualifying circumstance of a stepfather and stepdaughter relationship where the victim is a minor, cannot be considered in this case.

Tuyor filed his appeal with the CA. The accused-appellant Tuyor, and the plaintiff-appellee filed their respective Briefs.

CA Ruling

On December 15, 2017, the Court of Appeals issued its assailed Decision affirming accused-appellant Tuyor's conviction. The dispositive portion of the Decision reads:

WHEREFORE, the instant appeal is **DENIED**. The assailed x x x Decision dated October 9, 2015 of the Regional Trial Court (RTC) Branch 89 of ██████████ in Criminal Cases Nos. B-2008-767, B-2008-768, B-2008-769, B-2008-770, and B-2007-771 is hereby **AFFIRMED** with the **MODIFICATION** that as to each of said cases, the civil indemnity, moral damages and exemplary damages are increased to PhP 100,000.00 as to each award. Lastly, accused-appellant is ordered to pay interest on the amounts awarded at the legal rate of 6% per *annum* from the date of finality of this judgment until fully paid.

SO ORDERED.^[14]

The CA held that the records clearly prove that Tuyor had carnal knowledge of AAA with force, threat and intimidation and by taking advantage of his moral ascendancy over AAA, being the live-in partner of AAA's mother.^[15] Based on AAA's testimony, it was established that Tuyor raped her.^[16] The prosecution's evidence has established that Tuyor committed four counts of qualified rape against AAA, to wit: (1) the presentation of AAA's Certificate of Live Birth, which proves that she was 14 years old when the incidents of rape happened; (2) Tuyor had carnal knowledge of AAA on four separate occasions through AAA's positive, categorical, and spontaneous testimony; (3) Tuyor perpetrated the acts through force, threat or intimidation by