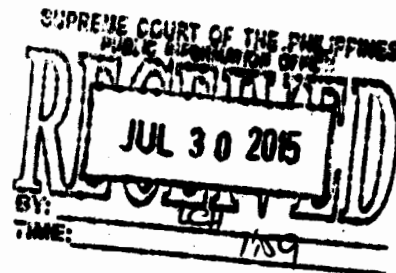




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 22 July 2015 which reads as follows:

1) G.R. No. 216066 (People of the Philippines v. Tomas "Butch" Angluben, Jr.)

The records of this case were elevated to this Court on January 29, 2015, pursuant to the Resolution of the Court of Appeals (CA), dated June 4, 2014, which gave due course to the notice of appeal filed by accused-appellant Tomas Angluben, Jr.

In compliance with the Court's Resolution, dated March 23, 2015, the Office of the Solicitor General filed its Manifestation in Lieu of Supplemental Brief stating that it was no longer submitting a supplemental brief and that it was adopting its appellee's brief filed before the CA and its supplemental brief considering that the issues and arguments raised by the accused-appellant had been exhaustively discussed in the said brief. The accused-appellant, on the other hand, filed his Supplemental Brief for Appellant, dated June 25, 2015, mainly asserting that because the trial court granted his petition for bail, which was a clear manifestation that the evidence against him was weak and inadequate to sustain a conviction, then his guilt for the crime charged was not proven beyond reasonable doubt.

After a perusal of the records of the case, the Court resolves to dismiss the appeal for failure of the accused-appellant to sufficiently show reversible error in the challenged decision to warrant the exercise of the Court's appellate jurisdiction.

The awards of damages, however, must be modified to conform to prevailing jurisprudence. The award of ₱25,000.00 as moral damages must be increased to ₱50,000.00¹ and the award of ₱25,000.00 as exemplary damages must be increased to ₱30,000.00.² The award of ₱50,000.00 as civil indemnity is proper. In addition, all awarded damages shall earn legal interest at the rate of 6% per annum from date of finality of this judgment until fully paid.³

¹ *People v. Ramos*, G.R. No. 200077, September 17, 2014, 735 SCRA 466, 492.

² *People v. Buenvinoto*, G.R. No. 207990, June 9, 2014, 725 SCRA 583, 595; *People v. Cabungan*, G.R. No. 189355, January 23, 2013, 689 SCRA 236, 249.

³ *People v. Bunagan*, G.R. No. 196786, July 23, 2014, 730 SCRA 634, 640.

mgp

WHEREFORE, the appeal is **DISMISSED**. The October 20, 2010 Joint Judgment of the Regional Trial Court of Baguio City, Branch 59 in Criminal Case Nos. 25927-R, 25928-R and 25929-R is hereby **MODIFIED** to read as follows:

"WHEREFORE, in view of the foregoing disquisition, the Court finds that the prosecution has clearly established the guilt of the accused beyond reasonable doubt of three counts of rape and hereby imposes upon him the following penalties:

Criminal Case No. 25927-R

RECLUSION PERPETUA and to indemnify AAA the offended party, the amount of ₱50,000.00 as civil indemnity; ₱50,000.00 as moral damages; and ₱30,000.00 as exemplary damages.

Criminal Case No. 25928-R

RECLUSION PERPETUA and to indemnify AAA the offended party, the amount of ₱50,000.00 as civil indemnity; ₱50,000.00 as moral damages; and ₱30,000.00 as exemplary damages.

Criminal Case No. 25929-R

RECLUSION PERPETUA and to indemnify AAA the offended party, the amount of ₱50,000.00 as civil indemnity; ₱50,000.00 as moral damages; and ₱30,000.00 as exemplary damages.

All the damages awarded shall earn legal interest at the rate of 6% per annum from date of finality of this judgment until fully paid.

The penalties shall carry with them all the accessory penalties provided by law.

In the service of his sentences, the same shall be served successively subject to the provisions of Article 70 of the Revised Penal Code or the Three-Fold Rule.

The accused shall be credited with 4/5 of his preventive imprisonment.

In view of the convictions of the accused in the above-numbered cases and the penalties imposed upon him, the cash bond deposits of the accused posted for his provisional liberty are cancelled pursuant to Administrative Circular No. 2-92."

SO ORDERED."

Very truly yours,

MA. LOURDES C. PERFECTO
 MA. LOURDES C. PERFECTO
 Division Clerk of Court by 7/22

-PAGE 3-

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Please notify the Court of any change in your address.
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