



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **13 July 2020** which reads as follows:*

“G.R. No. 249020 (XXX¹ v. People of the Philippines). – The Court **NOTES:** (a) the manifestation dated 8 July 2020 of the Office of the Solicitor General, stating that its comment on the petition was served to the Court through electronic mail due to the lockdown of its office, with an undertaking that a hard copy of the same will be filed immediately upon lifting of their office’s lockdown; and (b) aforesaid comment dated 29 June 2020 in compliance with the Resolution dated 1 October 2019.

After a judicious study of the case, the Court resolves to **DENY** the instant petition² and **AFFIRM with MODIFICATION** the September 27, 2018 Decision³ and the May 24, 2019 Resolution⁴ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01606-MIN for failure of petitioner XXX (petitioner) to sufficiently show that the CA committed any reversible error in finding him criminally liable for the crimes charged. Accordingly, petitioner is sentenced to suffer the following penalties:

- (a) In **Criminal Case No. 2015-114**, for the crime of Qualified Statutory Rape, defined and penalized under Article 266-A (1) (d), in relation to Article 266-B of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 8353,⁵ otherwise known as ‘The Anti-Rape Law of 1997,’ he is sentenced to suffer the penalty of *reclusion perpetua*, without eligibility for

¹ Pursuant to Supreme Court Amended Administrative Circular No. 83-2015 entitled “PROTOCOLS AND PROCEDURES IN THE PROMULGATION, PUBLICATION, AND POSTING ON THE WEBSITES OF DECISIONS, FINAL RESOLUTIONS, AND FINAL ORDERS USING FICTITIOUS NAMES/PERSONAL CIRCUMSTANCES” issued on September 5, 2017.

² *Rollo*, pp. 12-27.

³ *Id.* at 31-48. Penned by Associate Justice Oscar V. Badelles with Associate Justices Tita Marilyn Payoyo-Villordon and Walter S. Ong, concurring.

⁴ *Id.* at 50-51. Penned by Associate Justice Oscar V. Badelles with Associate Justices Edgardo T. Lloren and Walter S. Ong, concurring.

⁵ Entitled “AN ACT EXPANDING THE DEFINITION OF THE CRIME OF RAPE, RECLASSIFYING THE SAME AS A CRIME AGAINST PERSONS, AMENDING FOR THE PURPOSE ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE AND FOR OTHER PURPOSES,” approved on September 30, 1997.

parole,⁶ and to pay AAA⁷ the amounts of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages;⁸

- (b) In **Criminal Case Nos. 2015-115 and 2015-116**, for the crime of Qualified Rape by Sexual Assault, defined and penalized under Article 266-A of the RPC, as amended by RA 8353, in relation to Section 5 (b), Article III of RA 7610,⁹ otherwise known as the ‘Special Protection of Children Against Abuse, Exploitation and Discrimination Act,’ he is sentenced to suffer the penalty of imprisonment for an indeterminate period of twelve (12) years and one (1) day of *reclusion temporal*, as minimum, to fifteen (15) years, six (6) months, and twenty (20) days of *reclusion temporal*, as maximum, and to pay AAA the amounts of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱50,000.00 exemplary damages¹⁰ for each count;
- (c) In **Criminal Case No. 2015-117**, for the crime of Qualified Rape by Sexual Assault, defined and penalized under Article 266-A of the RPC, as amended by RA 8353, in relation to Section 5 (b), Article III of RA 7610, he is sentenced to suffer the penalty of imprisonment for an indeterminate period of twelve (12) years and one (1) day of *reclusion temporal*, as minimum, to fifteen (15) years, six (6) months, and twenty (20) days of *reclusion temporal*, as maximum, and to pay BBB¹¹ the amounts of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱50,000.00 exemplary damages; and
- (d) In **Criminal Case No. 2015-118**, for the crime of Qualified Rape, defined and penalized under Article 266-A, in relation to Article 266-B of the RPC, as amended by RA 8353, he is sentenced to suffer the penalty of *reclusion perpetua*, without eligibility for parole, and to pay BBB the amounts of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages.

⁶ See A.M. No. 15-08-02-SC entitled “GUIDELINES FOR THE PROPER USE OF THE PHRASE ‘WITHOUT ELIGIBILITY FOR PAROLE’ IN INDIVISIBLE PENALTIES,” dated August 4, 2015.

⁷ The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. (RA) 7610, entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES,” approved on June 17, 1992; RA 9262, entitled “AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES,” approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the “RULE ON VIOLENCE AGAINST WOMEN AND THEIR CHILDREN” (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014], citing *People v. Lomaque*, 710 Phil. 338, 342 [2013]. See also Amended Administrative Circular No. 83-2015, entitled “PROTOCOLS AND PROCEDURES IN THE PROMULGATION, PUBLICATION, AND POSTING ON THE WEBSITES OF DECISIONS, FINAL RESOLUTIONS, AND FINAL ORDERS USING FICTITIOUS NAMES/PERSONAL CIRCUMSTANCES,” dated September 5, 2017.) See further *People v. Ejercito*, G.R. No. 229861, July 2, 2018.

⁸ See *People v. Jugueta*, 783 Phil. 806, 849 (2016).

⁹ Entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, PROVIDING PENALTIES FOR ITS VIOLATION, AND FOR OTHER PURPOSES,” approved on June 17, 1992.

¹⁰ See *People v. Tulagan*, G.R. No. 227363, March 12, 2019.

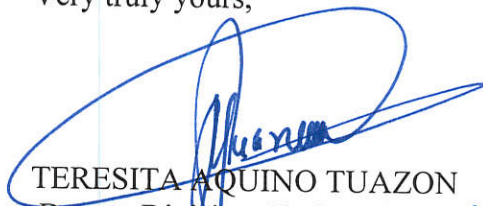
¹¹ See footnote 7.

Moreover, all monetary awards shall earn an interest at the legal rate of six percent (6%) interest per annum from the date of finality of this Resolution until full payment.

As correctly ruled by the CA, the prosecution was able to establish beyond reasonable doubt all the elements of the crimes charged, through the positive testimony of the prosecution witnesses identifying petitioner as the perpetrator thereof, as well as the results of the victims' medical examination.¹² There being no indication that the courts *a quo* overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case, the Court finds no reason to deviate from their factual findings. In this regard, it should be noted that the trial court is in the best position to assess and determine the credibility of the witnesses presented by both parties.¹³

SO ORDERED. (Gaerlan, *J.*, designated Additional Member per Special Order No. 2780 dated May 11, 2020.)”

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
13 AUG 2020

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Cagayan de Oro City
(Crim. FMY Case Nos. 2015-114 to 118)

COURT OF APPEALS (reg)
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¹² See *rollo*, pp. 38-42.

¹³ *People v. De Dios*, G.R. No. 243664, January 22, 2020, citing *Cahulogan v. People*, G.R. No. 225695, March 21, 2018.