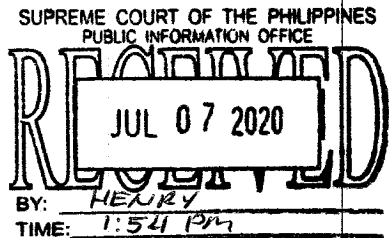




Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **March 4, 2020**, which reads as follows:*

“**G.R. No. 223527 (People of the Philippines v. XXX¹)**. – After a careful review of the records, the Court resolves to **DISMISS** the appeal for failure to sufficiently show that the Court of Appeals (CA) committed reversible error in its October 27, 2015 Decision,² finding accused-appellant guilty beyond reasonable doubt of the crime of violation of Section 5(i) of Republic Act (R.A.) No. 9262, otherwise known as the “Anti-Violence Against Women and Their Children Act of 2004.”

There is no cogent reason to disturb the findings of fact and the assessment of credibility of witnesses made by the trial court, especially as the same were affirmed by the CA. Not only was AAA’s³ credibility unquestioned by both the trial and appellate courts, the latter’s testimony was also convincing enough to constitute proof beyond reasonable doubt. To the mind of the Court, the prosecution, through AAA’s testimony, provided that degree of proof which produces conviction of the crime charged in an unprejudiced mind.

While the Court agrees with the conclusion of conviction of herein accused-appellant, modifications on the penalty must be made pursuant to Section 6 of (R.A.) No. 9262, which states:

¹ The complete names and personal circumstances of the victim’s family members or relatives, who may be mentioned in the Court’s Decision or Resolution have 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*).

² *Rollo*, pp. 3-13; penned by Associate Justice Victoria Isabel A. Paredes with Associate Justices Magdangal M. De Leon and Elihu A. Ybañez, concurring.

³ 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*).

SECTION 6. *Penalties.* — The crime of violence against women and their children, under Section 5 hereof shall be punished according to the following rules:

XXXX

(f) Acts falling under Section 5(h) and Section 5(i) shall be punished by *prision mayor*.

If the acts are committed while the woman or child is pregnant or committed in the presence of her child, the penalty to be applied shall be the maximum period of penalty prescribed in the section.

In addition to imprisonment, the perpetrator shall (a) pay a fine in the amount of not less than One hundred thousand pesos (P100,000.00) but not more than [T]hree hundred thousand pesos (P300,000.00); (b) undergo mandatory psychological counsel[ing] or psychiatric treatment and shall report compliance to the court. (underscoring supplied)

Thus, in addition to the penalty of imprisonment, accused-appellant should also be made to pay a fine and to undergo mandatory psychological counselling.

WHEREFORE, the appeal is **DISMISSED**. The October 27, 2015 Decision of the Court of Appeals in CA-G.R. CR No. 35564 is hereby **AFFIRMED with MODIFICATIONS**. Accused-appellant XXX is hereby **SENTENCED** to suffer an indeterminate penalty of three (3) years of *prision correccional*, as minimum, to eight (8) years and one (1) day of *prision mayor*, as maximum. He is also **ORDERED** to (a) **PAY** a fine in the amount of One Hundred Thousand Pesos (P100,000.00) to earn interest at the rate of six percent (6%) *per annum* from date of finality of this Resolution until fully paid;⁴ (b) to undergo mandatory psychological counselling or psychiatric treatment; and (c) to **REPORT** compliance of his counselling or treatment to the Regional Trial Court of Pasig City, Branch 159 (*RTC*).

SO ORDERED.”

Very truly yours,

Misael C. Batt
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court
gmc/afm/w

⁴ *Nacar v. Gallery Frames*, 716 Phil. 267 (2013).

Atty. Phythagoras Oliver
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Obando, 3021 Bulacan

COURT OF APPEALS
CA G.R. CR No. 35564
1000 Manila

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo Street
Legaspi Village, 1229 Makati City

The Presiding Judge
REGIONAL TRIAL COURT
Branch 159, 1600 Pasig City
(Criminal Case No. 143317)

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