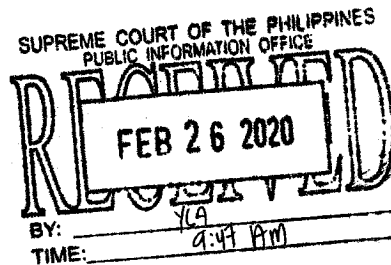




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila
SECOND DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **05 February 2020** which reads as follows:

“G.R. No. 242209 (**People of the Philippines v. Antonio Berba y Laurilla**). – After a judicious study of the case, the Court resolves to **DISMISS** the appeal¹ for failure to sufficiently show that the Court of Appeals (CA) committed any reversible error in the assailed Decision as to warrant the exercise of the Court’s appellate jurisdiction, with modification as to the nomenclature of the crime committed in Criminal Case No. 14-310224 and its consequent penalty and civil liability *ex delicto*, all in accordance with prevailing jurisprudence.²”

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the April 25, 2018 Decision³ of the CA in CA-G.R. CR HC No. 08291 and **AFFIRMS with MODIFICATION** said Decision as follows: (a) in Criminal Case No. 14-310223, accused-appellant Antonio Berba y Laurilla (accused-appellant) is found **GUILTY** beyond reasonable doubt of the crime of Rape by Sexual Intercourse, defined and penalized under Article 266-A, in relation to Article 266-B of the Revised Penal Code. He is sentenced to suffer the penalty of *reclusion perpetua*, and to pay AAA⁴ the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages; and (b) in Criminal Case No. 14-310224, accused-appellant is found **GUILTY**

¹ See Notice of Appeal dated June 7, 2018; *rollo*, pp. 14-15.

² See *People v. Tulagan*, G.R. No. 227363, March 12, 2019.

³ *Rollo*, pp. 2-13-A. Penned by Associate Justice Carmelita Salandanan Manahan with Presiding Justice and Chairperson Romeo F. Barza (retired) and Associate Justice Stephen C. Cruz, concurring.

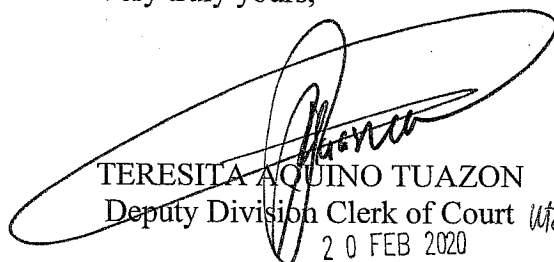
⁴ The identity of the victim or any information which could establish or compromise his identity, as well as those of his immediate family or household members, shall be withheld pursuant to RA 7610, entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION 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. To note, the unmodified CA Decision was not attached to the records to verify the real name of the victim.

February 3, 2020

beyond reasonable doubt of the crime of Lascivious Conduct, under Section 5 (b) of Republic Act 7610, 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 ten (10) years and one (1) day of *prison mayor*, as minimum, to seventeen (17) years, four (4) months, and one (1) day 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 as exemplary damages. Moreover, all monetary awards shall earn an interest at the legal rate of six percent (6%) per annum from the date of finality of this Resolution until full payment.

SO ORDERED. (Hernando, J., on official leave.)"

Very truly yours,


 TERESITA AQUINO TUAZON
 Deputy Division Clerk of Court *with 2/19*
 20 FEB 2020

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 Accused-Appellant
 c/o The Director
 Bureau of Corrections
 1770 Muntinlupa City

THE DIRECTOR (reg)
 Bureau of Corrections
 1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 5
 Manila
 (Crim. Case Nos. 14-310224 & 14-310223)

JUDGMENT DIVISION (x)
 Supreme Court, Manila

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 CA-G.R. CR HC No. 08291

*with copy of CA decision dated 25 April 2018
Please notify the Court of any change in your address.
 GR242209. 2/05/2020(129)URES