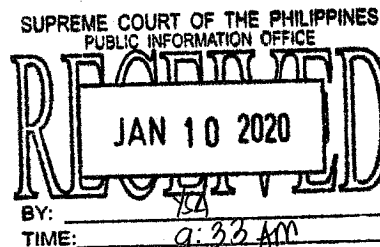




REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila  
SECOND DIVISION



**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated 27 November 2019 which reads as follows:*

“G.R. No. 230131 (*People of the Philippines v. XXX*<sup>1</sup>). – Considering the allegations, issues, and arguments presented in the Appellant’s and the Appellee’s Briefs,<sup>2</sup> which the parties adopted instead of filing their respective Supplemental Briefs, the Court resolves to **DISMISS** the appeal for failure to sufficiently show that the Court of Appeals committed any reversible error in its assailed Decision<sup>3</sup> dated December 10, 2015 in CA-G.R. CR-H.C. No. 06650, as to warrant the exercise of the Court’s appellate jurisdiction.

**WHEREFORE**, the Court **ADOPTS** the findings of fact and conclusions of law in the Decision dated December 10, 2015 of the Court of Appeals in CA-G.R. CR-H.C. No. 06650, and **AFFIRMS** the Decision finding XXX guilty beyond reasonable doubt of: 1) twelve counts of Qualified Rape under Article 266-A(1)(a), in relation to Article 266-B, paragraph 6(1) of the Revised Penal Code, as amended by Republic Act No. 8353, in Criminal Case Nos. 8439 and 8793 to 8803, for which he is sentenced to suffer, for each count thereof, the penalty of *reclusion perpetua* without eligibility for parole; and 2) two counts of Qualified Rape by Sexual Assault under Article 266-A paragraph 2, in relation to Article 266-B, paragraph 12, of the Revised Penal Code, as amended by Republic Act No. 8353, in Criminal Case Nos. 8804 and 8805, for which he is sentenced to suffer, for each count thereof, the penalty of ten (10) years of *prision mayor*, as minimum, to seventeen (17) years and four (4) months of *reclusion temporal*, as maximum.

<sup>1</sup> The complete name and personal circumstances of accused XXX 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*).

<sup>2</sup> CA rollo, pp. 33-46 and 87-105, respectively.

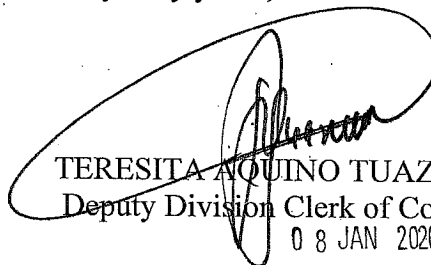
<sup>3</sup> Rollo, pp. 2-35; penned by Associate Justice Sesinando E. Villon with Associate Justices Rodil V. Zalameda (now a member of the Court) and Pedro B. Corales, concurring.

In the light of the current jurisprudence,<sup>4</sup> the monetary awards, with the legal interest of 6% *per annum* from the date of finality of this Resolution until fully paid, are **MODIFIED** as follows:

- 1) In Criminal Case Nos. 8439 and 8793 to 8803 for *Qualified Rape*; XXX is **ORDERED** to **PAY** the victim, for each count thereof, ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages; and
- 2) In Criminal Case Nos. 8804 and 8805 for *Qualified Rape by Sexual Assault*, XXX is **ORDERED** to **PAY** the victim, for each count thereof, ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱50,000.00 as exemplary damages.

**SO ORDERED.**" (Gesmundo, *J.*, designated additional member per Special Order No. 2727-C dated November 25, 2019; on official leave).

Very truly yours,



TERESITA AQUINO TUAZON

Deputy Division Clerk of Court *urth: 1/7*

08 JAN 2020

<sup>4</sup> *People v. Jugueta*, 783 Phil. 806 (2016) and *People v. Tulagan*, G.R. No. 227363, March 12, 2019.

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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 76  
 San Mateo, 1850 Rizal  
 (Crim. Case Nos. 8439 & 8793-8805)

JUDGMENT DIVISION (x)  
 Supreme Court, Manila

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 Supreme Court, Manila

COURT OF APPEALS (x)  
 Ma. Orosa Street  
 Ermita, 1000 Manila  
 CA-G.R. CR-H.C. No. 06650

\*with copy of CA decision dated 10 December 2015  
*Please notify the Court of any change in your address.*  
 GR230131. 11/27/2019(150)URES(m) *11/27*

