



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila
SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 24 August 2020 which reads as follows:

“G.R. No. 250133 (People of the Philippines v. Jaypee Diaz Francisco, Nelson Soriano Cajipe, and Noel Diaz Pacheco). – The Court **NOTES** the manifestation (in lieu of supplemental brief) dated June 29, 2020 of the Public Attorney’s Office, adopting its brief filed before the Court of Appeals (CA) as supplemental brief, since the same had adequately discussed all the matters pertinent to the defense of accused-appellants Jaypee Diaz Francisco, Nelson Soriano Cajipe, and Noel Diaz Pacheco (accused-appellants).

After a judicious study of the case, the Court resolves to **DISMISS** the appeal¹ for failure to sufficiently show that CA committed any reversible error in the assailed Decision 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 May 30, 2019 Decision² of the CA in CA-G.R. CR HC No. 08974 and **AFFIRMS with MODIFICATION** said Decision finding accused-appellants **GUILTY** beyond reasonable doubt of the crime of Rape, defined and penalized under Article 266-A, in relation to Article 266-B of the Revised Penal Code. Accordingly, they are each sentenced to suffer the penalty of *reclusion perpetua*, and to each pay AAA³ the following amounts; (a) ₱75,000.00 as civil indemnity;

¹ See Notice of Appeal dated June 27, 2019; *rollo*, pp. 13-14.

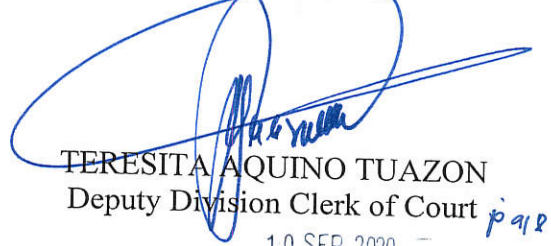
² *Id.* at 3-12. Penned by Associate Justice Nina F. Antonio-Valenzuela with Associate Justices Ricardo R. Rosario and Perpetua T. Atal-Paño, concurring.

³ 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

(b) ₱75,000.00 as moral damages; and (c) ₱75,000.00 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. (Baltazar-Padilla, J., on official leave.)”

By authority of the Court:


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *page*
10 SEP 2020

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Accused-Appellants
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1770 Muntinlupa City

THE DIRECTOR (reg)
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 169
Malabon City
(Crim. Case Nos. 10-385-MN,
10-386-MN & 10-387-MN)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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CA-G.R. CR-H.C. No. 08974

*with copy of CA Decision dated 30 May 2019.
Please notify the Court of any change in your address.
GR250133. 8/24/2020(104)URES(m)

“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.

A(104)URES(m)