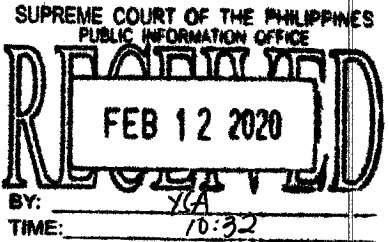




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila



SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **22 January 2020** which reads as follows:*

“G.R. No. 241791 (People of the Philippines v. Abdulfata Macasilang).
– 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: (a) the penalty in Criminal Case Nos. 2361-2014 and 2362-2014; and (b) the nomenclature of the crime committed in Criminal Case No. 1201-2012 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 July 19, 2018 Decision³ of the CA in CA-G.R. CR-HC No. 01755 and **AFFIRMS with MODIFICATION** said Decision as follows: (a) in Criminal Case Nos. 2361-2014 and 2362-2014, accused-appellant Abdulfata Macasilang (Macasilang) is found **GUILTY** beyond reasonable doubt of the crime of Qualified Statutory Rape, defined and penalized under Article 266-A, in relation to Article 266-B of the Revised Penal Code (RPC). Accordingly, he is sentenced to suffer the penalty of *reclusion perpetua*,⁴ without eligibility for parole,⁵ for each count, and to pay AAA⁶ the amounts of ₱100,000.00 as civil indemnity,

¹ See Notice of Appeal dated August 7, 2018; *rollo*, pp. 22-23.

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

³ *Rollo*, pp. 3-21. Penned by Associate Justice Edgardo T. Lloren with Associate Justices Ruben Reynaldo G. Roxas and Walter S. Ong, concurring.

⁴ See Section 2 of Republic Act No. (RA) 9346 entitled “AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES,” approved on June 24, 2006.

⁵ See Section 3 of RA 9346. See also A.M. No. 15-08-02-SC entitled “GUIDELINES FOR THE PROPER USE OF THE PHRASE ‘WITHOUT ELIGIBILITY FOR PAROLE’ IN INDIVISIBLE PENALTIES” (August 4, 2015).

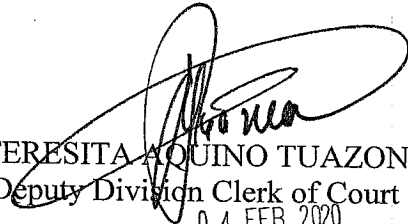
⁶ The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to RA 7610, entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION 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.

MLC

₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages, for each count; and (b) in Criminal Case No. 1201-2012, Macasilang is found **GUILTY** beyond reasonable doubt of the crime of Sexual Assault under Article 266-A of the RPC, in relation to Section 5 (b) of RA 7610. Accordingly, he is sentenced to suffer the penalty of imprisonment for an indeterminate period of fourteen (14) years and eight (8) months of *reclusion temporal*, as minimum, to seventeen (17) years, and four (4) months 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. Finally, all monetary awards due to AAA shall earn legal interest at the rate of six percent (6%) per annum from the date of finality of this ruling until full payment.

SO ORDERED. (Reyes, A., Jr. and Hernando, JJ., on official leave.)”

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *whh, 2/4*
04 FEB 2020

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 23
Kidapawan City
(Crim. Case No. 1201-2012)
(Crim. Case Nos. 2361-2014 to 2365-2014)

COURT OF APPEALS (reg)
Mindanao Station
Cagayan de Oro City
CA-G.R. CR H.C. No. 01755-MIN

JUDGMENT DIVISION (x)
Supreme Court, Manila

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OFFICE OF THE CHIEF ATTORNEY (x)
OFFICE OF THE REPORTER (x)
Supreme Court, Manila

*with copy of CA decision dated 19 July 2018.
Please notify the Court of any change in your address.
GR241791. 1/22/2020(176)URES

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c/o The Superintendent
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Zamboanga City
Zamboanga del Norte

THE SUPERINTENDENT (reg)
San Ramon Prison and Penal Farm
Zamboanga City
Zamboanga del Norte

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.