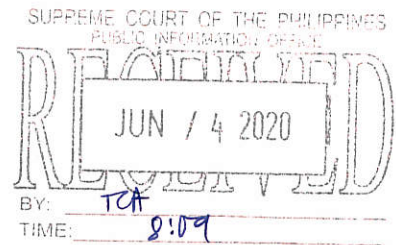




REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION



NOTICE

Sirs/Mesdames:

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

“**G.R. No. 247719 (People of the Philippines v. Marlaw Cunanan y Litural)**. – The Court resolves to: (a) **NOTE** the manifestation (in lieu of supplemental brief) dated February 7, 2020 of counsel for accused-appellant Marlaw Cunanan y Litural (accused-appellant), adopting the appellant’s brief as his supplemental brief in this case; and (b) **DISPENSE WITH** the filing of supplemental brief for appellee, as required in the Resolution dated October 7, 2019.

After a judicious study of the case, the Court further resolves to **DISMISS** the appeal<sup>1</sup> 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. However, in light of prevailing jurisprudence,<sup>2</sup> the Court deems it proper to adjust the award of damages in favor of AAA.<sup>3</sup>

**WHEREFORE**, the Court **ADOPTS** the findings of fact and conclusions of law in the July 6, 2018 Decision<sup>4</sup> of the CA in CA-G.R. CR-HC No. 09346 and **AFFIRMS with MODIFICATION** said Decision finding accused-appellant

<sup>1</sup> See Compliance with Notice of Appeal dated July 23, 2018; *rollo*, pp. 24-26.

<sup>2</sup> See *People v. Tulagan*, G.R. No. 227363, March 12, 2019.

<sup>3</sup> 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; 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.

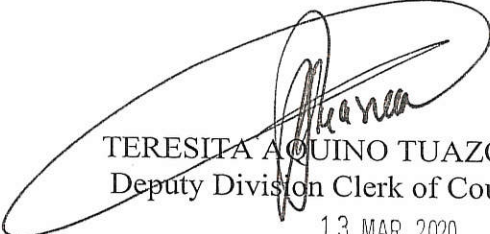
<sup>4</sup> *Rollo*, pp. 3-23. Penned by Associate Justice Rafael Antonio M. Santos with Associate Justices Apolinario D. Bruselas, Jr. and Pablito A. Perez, concurring.

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**GUILTY** beyond reasonable doubt of Statutory Rape, defined and penalized under Article 266-A, in relation to Article 266-B of the Revised Penal Code. Accordingly, he is sentenced to suffer the penalty of *reclusion perpetua*<sup>5</sup> and to pay AAA the following amounts: (a) ₱75,000.00 as civil indemnity; (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.**"

Very truly yours,

  
TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court  
13 MAR 2020

\*PUBLIC ATTORNEY'S OFFICE (reg)  
Special & Appealed Cases Service  
Department of Justice  
PAO-DOJ Agencies Building  
NIA Road corner East Avenue  
1104 Diliman, Quezon City

\*OFFICE OF THE SOLICITOR GENERAL (reg)  
134 Amorsolo Street  
1229 Legaspi Village  
Makati City

\*MARLAW CUNANAN y LITURAL (reg)  
Accused-Appellant  
c/o The Director  
Bureau of Corrections  
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 140  
Makati City  
(R-MAT-16-01834-CR)

THE DIRECTOR (reg)  
Bureau of Corrections  
1770 Muntinlupa City

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-HC No. 09346

\*with copy of CA Decision dated 6 July 2018  
*Please notify the Court of any change in your address.*  
GR247719. 02/24/20(76)URES

<sup>5</sup> The phrase "without eligibility for parole" is deleted pursuant to 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).