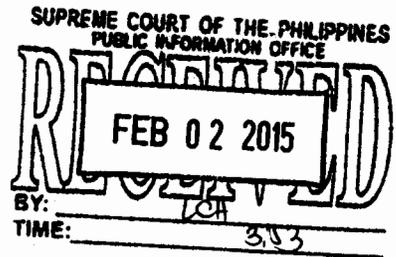




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **November 10, 2014** which reads as follows:*

“G.R. No. 208766 (People of the Philippines v. Gwalberto Dayalo y Derecho). - After a judicious perusal of the records, the Court resolves to **DISMISS** the appeal for failure to sufficiently show that the Court of Appeals (CA) committed any reversible error in its 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 March 26, 2013 Decision¹ of the CA in CA-G.R. CR HC No. 05274 and **AFFIRMS** said Decision finding accused-appellant Gwalberto Dayalo y Derecho **GUILTY** beyond reasonable doubt of the crime of Simple Rape² in violation of paragraph 1 (b), Article 266-A of the Revised Penal Code, sentencing him to suffer the penalty of *reclusion perpetua*, without eligibility for parole, and to pay the following amounts: (a) ₱50,000.00 as civil indemnity; (b) ₱50,000.00 as moral damages; and (c) ₱30,000.00 as exemplary damages, plus legal interest of six percent (6%) *per annum* on all amounts imposed from the finality of this judgment until full payment.

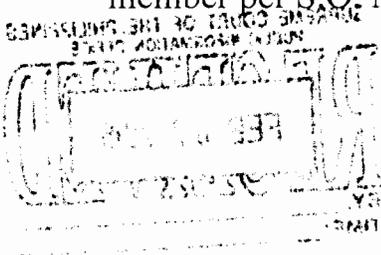
- over – two (2) pages

224

¹ *Rollo*, pp. 2-20. Penned by Associate Justice Marlene Gonzales-Sison with Associate Justices Michael P. Elbinias and Edwin D. Sorongon, concurring.

² The qualifying circumstance of knowingly taking advantage of the victim’s mental retardation cannot be appreciated in this instance as the same was not sufficiently alleged in the criminal information. (See *People v. Monticalvo*, G.R. No. 193507, January 30, 2013, 689 SCRA 715, 738.)

SO ORDERED.” SERENO, C.J., on official travel; **DEL CASTILLO, J.**, acting member per S.O. No. 1862 dated November 4, 2014. **BERSAMIN, J.**, on official travel; **VELASCO, JR., J.**, acting member per S.O. No. 1870 dated November 4, 2014.



Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court
224

The Solicitor General (x)
Makati City

Court of Appeals (x)
Manila
(CA-G.R. CR H.C. No. 05274)

The Director
Bureau of Corrections
1770 Muntinlupa City

The Hon. Presiding Judge
Regional Trial Court, Br. 94
1100 Quezon City
(Crim. Case No. Q-08-153195)

PUBLIC ATTORNEY’S OFFICE
Counsel for Accused-Appellant
DOJ Agencies Bldg.
Diliman 1128 Quezon City

Mr. Gwalberto D. Dayalo
Accused-Appellant
c/o The Director
Bureau of Corrections
1770 Muntinlupa City

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-1-7-SC)

Judgment Division (x)
Supreme Court

SR

