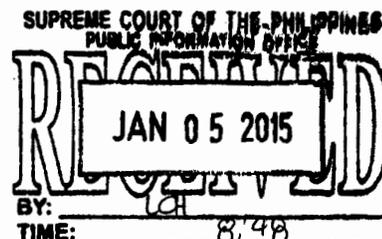




REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **03 December 2014** which reads as follows:

**G.R. No. 212810 - People of the Philippines v. Teodoro A. Gutierrez @ 'During'.**

The records of this case were elevated to this Court on June 27, 2014, pursuant to the Resolution of the Court of Appeals (CA), dated February 25, 2014, which gave due course to the notice of appeal filed by the accused-appellant, Teodoro A. Gutierrez @ 'During'.

In compliance with the Court's Resolution, dated July 30, 2014, the accused-appellant Teodoro A. Gutierrez @ "During" and the Office of the Solicitor General filed their respective manifestations stating that they were no longer filing their supplemental briefs with this Court; and that they were adopting all the allegations, issues and arguments adduced in their respective briefs filed before the CA.

After a perusal of the records of the case, the Court resolves to DISMISS the appeal of the accused-appellant for his failure to sufficiently show reversible error in the challenged decision warranting the exercise of the Court's appellate jurisdiction. Thus, the December 12, 2013 Decision of the CA is affirmed with modification that the accused-appellant is ordered to pay the victim (1) civil indemnity in the amount of Seventy Five Thousand Pesos [₱75,000.00]; (2) moral damages in the amount of Seventy Five Thousand Pesos [₱75,000.00]; (3) exemplary damages in the amount of One Hundred Thousand Pesos [₱100,000.00]; plus interest on all damages at the legal rate of 6% per annum, in line with jurisprudence.<sup>1</sup>

**WHEREFORE**, the Court **ADOPTS** the findings of fact and conclusions of law of the Court of Appeals in its December 12, 2013 Decision in CA-G.R. CR-HC No. 05241, finding accused-appellant Teodoro A. Gutierrez @ 'During' **GUILTY** beyond reasonable doubt of the crime of Qualified Rape in Criminal Case No. CR-08-9372, and sentencing him to suffer the penalty of *reclusion perpetua* with accessory penalties provided by law, and to pay the heirs of the victim the amount of Seventy-Five Thousand Pesos (₱75,000.00) as civil indemnity; Seventy-Five Thousand Pesos (₱ 75,000.00) as moral damages; One Hundred Thousand Pesos

<sup>1</sup> *People of the Philippines v. Gamboa*, G.R. No. 172707, October 1, 2013, 706 SCRA 508, 533; *People of the Philippines v. Tabayan*, G.R. No. 190620, June 18, 2014, and *People of the Philippines v. Linsie*, G. R. No. 199494, November 27, 2013.

(₱100,000.00), plus interest at the legal rate of 6% per annum. (*Brion, J., on official leave, Villarama Jr. J., designated Acting Member, per Special Order No. 1888 dated November 28, 2014*)

**SO ORDERED.**

Very truly yours,

  
MA. LOURDES C. PERFECTO  
Division Clerk of Court *12/19*

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TEODORO A. GUTIERREZ @ "During" (reg)  
Accused-Appellant  
c/o The Director  
Bureau of Corrections  
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 39  
Calapan City, 5200 Oriental Mindoro  
Crim. Case No. CR-08-9372

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GR212810. 12/03/14 (77[b])SR