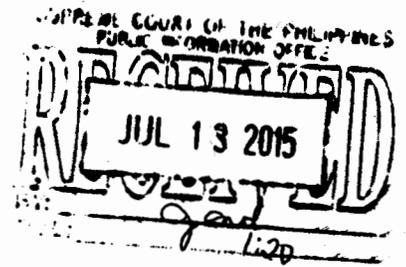




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **06 July 2015** which reads as follows:

"G.R. No. 200957 – People of the Philippines, plaintiff-appellee vs. Diego Evano y De Vera, accused-appellant.

After a careful review of the records of the case, the Court finds the appeal to be lacking in merit. We thus adopt and affirm the findings of fact of the trial court as affirmed by the Court of Appeals. Both the trial court and the Court of Appeals correctly found appellant Diego Evano y De Vera guilty beyond reasonable doubt of the crime of rape and accordingly sentenced him to suffer the penalty of *reclusion perpetua*. Moreover, appellant is not eligible for parole pursuant to Section 3 of Republic Act No. 9346 (An Act Prohibiting The Imposition Of Death Penalty In The Philippines). The awards of civil indemnity in the amount of ₱50,000.00 and moral damages in the amount of ₱50,000.00 must however be modified and increased to ₱75,000.00 each pursuant to prevailing jurisprudence. In addition, AAA is entitled to an award of exemplary damages in the amount of ₱30,000.00. The Court of Appeals correctly imposed interest at the rate of 6% *per annum* on all damages awarded from date of finality of this resolution until full payment.

WHEREFORE, the assailed August 26, 2011 Decision of the Court of Appeals in CA-G.R. CR HC No. 04098 finding appellant Diego Evano y De Vera guilty beyond reasonable doubt of the crime of rape and sentencing him to suffer the penalty of *reclusion perpetua* is **AFFIRMED** with **MODIFICATIONS** that appellant is without eligibility for parole; the awards of civil indemnity and moral damages are increased to ₱75,000.00 each; and appellant is further ordered to pay AAA exemplary damages in the amount of ₱30,000.00. (*Del Castillo, J., designated as Acting Chairman of the Second Division in view of the leave of absence of Brion, J., per Special Order 2087 [REVISED] dated July 1, 2015; Peralta, J., designated as Acting Member in view of leave of absence of Carpio, J. per Special Order No. 2088 dated July 1, 2015; Bersamin, J., designated as Acting Member in view of the leave of absence of Brion, J., per Special Order 2079 dated June 29, 2015*).

SO ORDERED."

Very truly yours,

MA. LOURDES C. PERFECTO
MA. LOURDES C. PERFECTO
Division Clerk of Court July 7/15

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THE DIRECTOR (reg)
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 119
1300 Pasay City
(Crim. Case No. 05-0217-CFM)

COURT OF APPEALS (x)
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CA-G.R. CR H.C. No. 04098

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Please notify the Court of any change in your address.
GR200957. 07/06/15 (300)URES, ~~1110~~ 1110