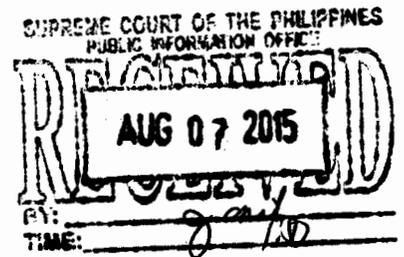




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **22 June 2015** which reads as follows:

∩ **G.R. No. 215203 (*People of the Philippines v. Eduardo Luna y Tumang*)**

The records of this case were elevated to this Court on November 24, 2014, pursuant to the March 21, 2014 Resolution of the Court of Appeals (CA) which gave due course to the notice of appeal filed by accused-appellant Eduardo Luna y Tumang (*Luna*).

In compliance with the Court's Resolution¹, dated February 4, 2015, both parties filed their respective Manifestations in lieu of Supplemental Brief: The Office of the Solicitor General stated in its manifestation¹ that it would no longer file a supplemental brief as it had exhaustively argued all the issues in its Appellee's Brief. On the other hand, Luna manifested² that he was adopting his Appellant's Brief as his supplemental brief because it had adequately discussed all matters pertinent to his defense.

After a perusal of the records of the case, the Court resolves to **DISMISS** the appeal for failure of Luna to sufficiently show reversible error in the challenged decision to warrant the exercise of the Court's appellate jurisdiction.

The Court, however, finds that the damages awarded by the CA should be modified. Recent jurisprudence established the amount of damages to be awarded. In *People v. Gambio*,³ the Court set the minimum indemnity and damages where death is the penalty warranted by the facts but is not imposable under present law, as follows:

1. ₱100,000.00 as civil indemnity;
2. ₱100,000.00 as moral damages which the victim is assumed to have suffered and, thus, needs no proof; and
3. ₱100,000.00 as exemplary damages to set an example for the public good.

¹ *Rollo*, pp. 20-22.

² *Id.* at 24-26.

³ G.R. No. 172707, October 1, 2013, 706 SCRA 508.

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The Court also deems it appropriate to impose interest at the rate of 6% per annum on the monetary awards reckoned from the finality of this decision to complete the quest for justice and vindication on the part of offended party AAA. This is upon the authority of Article 2211 of the Civil Code, which states that in crimes and *quasi-delicts* interest as a part of the damages may, in a proper case, be adjudicated in the discretion of the court.⁴

WHEREFORE, the June 2, 2011 Decision of the Regional Trial Court of Biñan City, Branch 25, Laguna, in Criminal Case Nos. 10413-B, 10414-B and 10415-B, is hereby **MODIFIED** to read as follows:

“WHEREFORE, finding accused EDUARDO LUNA Y TUMANG guilty beyond reasonable doubt for the three (3) counts of qualified rape, the Court sentences him to suffer the penalty of *reclusion perpetua* without the benefit of parole for each count in Criminal Case Nos. 10413-B, 10414-B and 10415-B; and to pay ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages and ₱100,000.00 as exemplary damages to offended party AAA also for each count. All the damages awarded shall earn legal interest at the rate of 6% per annum from date of finality of this judgment until fully paid.”
(*Leonen, J., on official leave; Jardeleza, J., designated Acting Member, per Special Order No. 2056, dated June 10, 2015; Brion, J., on leave; Perez, J., designated Acting Member, per Special Order No. 2067, dated June 22, 2015*)

SO ORDERED.”

Very truly yours,

MA Lourdes C. Perfecto
MA. LOURDES C. PERFECTO
Division Clerk of Court *jde 2/4*

⁴ *People v. Arcillas*, 692 Phil. 40, 54 (2012).

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Please notify the Court of any change in your address.

GR215203. 06/22/15(125[b])URES