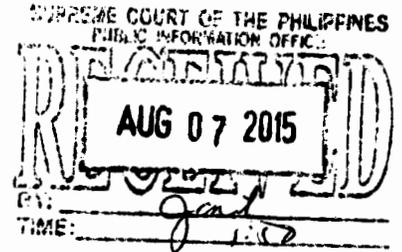




REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated 13 July 2015 which reads as follows:*

**"G.R. No. 216053 – (*People of the Philippines v. Ricardo Consul y Bautista*).**

The records of this case were elevated to this Court on January 29, 2015, pursuant to the Resolution of the Court of Appeals (CA), dated June 4, 2014, which gave due course to the notice of appeal, filed by the accused-appellant, Ricardo Consul y Bautista.

The Court then issued its Resolution, dated March 25, 2015, which directed both parties to submit their supplemental briefs, if they so desire. On June 5, 2015, the Office of the Solicitor General (OSG), filed a manifestation and motion stating that it was no longer submitting a supplemental brief as its Appellee's Brief had sufficiently ventilated the issues raised. On June 26, 2015, the accused-appellant filed a manifestation, in lieu of supplemental brief averring that he would adopt his Appellant's Brief filed before the CA.

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

The award of damages, however, must be modified to conform to the prevailing jurisprudence, as follows: the civil indemnity of ₱75,000.00 must be decreased to ₱50,000.00;<sup>1</sup> and the award of ₱50,000.00 as exemplary damages must be lowered to ₱30,000.00.<sup>2</sup> The award of ₱50,000.00 as moral damages is proper.<sup>3</sup> The CA was correct when it added that interest at the rate of 6% per annum should be imposed on all damages awarded from the date of finality of this judgment until fully paid.<sup>4</sup>

<sup>1</sup> *People v. Cruz*, G.R. No. 201728, July 17, 2013, 701 SCRA 548, 559.

<sup>2</sup> *People v. Buenvinoto*, G.R. No. 207990, June 9, 2014; *People v. Cabungan*, G.R. No. 189355, January 23, 2013, 689 SCRA 236, 249.

<sup>3</sup> *People v. Teodoro*, 622 Phil. 328 (2009).

<sup>4</sup> *People v. Manigo*, G.R. No. 194612, January 27, 2014, 714 SCRA 551, 564.

**WHEREFORE**, the appeal is **DISMISSED**. The August 25, 2010 Judgment of the Regional Trial Court, Branch 102, Quezon City, in Criminal Case No. Q-07-147159, is hereby **MODIFIED** to read as follows:

**WHEREFORE**, finding the accused, Ricardo Consul y Bautista, **GUILTY** beyond reasonable doubt of the crime of Rape, penalized under Article 266-A of the Revised Penal Code, the Court hereby sentences him to suffer the penalty of Reclusion Perpetua and to pay the private complainant, AAA, the following amounts: ₱50,000.00 as civil indemnity; ₱50,000.00 as moral damages; and ₱30,000.00 as exemplary damages. All amounts are subject to interest at the rate of 6% per annum from the date of finality of this judgment until fully paid. (*Carpio J., on official leave, Del Castillo, J., designated Acting Chairperson and Peralta, J., designated Acting Member, per Special Order Nos. 2087 (Revised) and 2088, both dated July 1, 2015; Brion, J., on leave, Bersamin, J., designated Acting Member, per Special Order No. 2079, dated June 29, 2015*)

**SO ORDERED."**

Very truly yours,

  
MA. LOURDES C. PERFECTO  
Division Clerk of Court 11/2/13

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*Please notify the Court of any change in your address.*  
GR216053. 07/13/15 (86[b])URES *10/1/15*