



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 2020** which reads as follows:*

**“G.R. 251534 (*Abraham Puno y Velasco v. People of the Philippines*).**  
– This is a petition for review on *certiorari* under Rule 45 of the Rules of Court assailing the August 9, 2019 Decision<sup>1</sup> and the January 22, 2020 Resolution<sup>2</sup> of the Court of Appeals in CA-G.R. CR No. 42177. The Court of Appeals affirmed with modifications the July 24, 2018 Decision<sup>3</sup> of the Regional Trial Court, Branch 30 of San Fernando City, La Union, which found petitioner Abraham Puno y Velasco (Puno) guilty beyond reasonable doubt of the crime of rape by sexual assault.

We have judiciously reviewed the case and resolved to **DENY** the instant petition for failing to show any reversible error in the assailed Court of Appeals Decision as to warrant this Court’s discretionary appellate jurisdiction.

Nonetheless, pursuant to *People v. Tulagan (Tulagan)*,<sup>4</sup> the proper nomenclature of the crime committed by Puno is rape through sexual assault under Article 266-A(2) of the Revised Penal Code, in relation to Section 5(b) of Republic Act No. 7610. The penalty thereof is *reclusion temporal* in its medium period, which ranges from fourteen (14) years, eight (8) months, and one (1) day, to seventeen (17) years and four (4) months. Applying the Indeterminate Sentence Law, the minimum penalty should be within any of the periods of *reclusion temporal* minimum, the penalty one (1) degree lower, which ranges from twelve (12) years and one (1) day to fourteen (14) years and eight (8) months. Thus, the indeterminate penalty of twelve (12) years, ten (10) months, and twenty-one (21) days of *reclusion temporal*, as minimum, imposed by the appellate court against Puno is proper.

<sup>1</sup> *Rollo*, pp. 27-44; penned by Associate Justice Marlene B. Gonzales-Sison and concurred in by Associate Justices Zenaida T. Galapate-Laguilles and Ronaldo Roberto B. Martin.

<sup>2</sup> *Id.* at 46-48.

<sup>3</sup> *Id.* at 73-79.

<sup>4</sup> G.R. No. 227363, March 12, 2019.

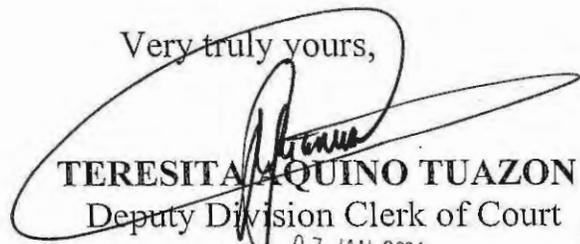
Anent the monetary awards, the Court modifies the same also in accordance with *Tulagan*. The civil indemnity, moral damages, and exemplary damages are therefore increased to ₱50,000.00 each, with legal interest of six percent (6%) per *annum* from the finality of this Resolution until fully paid.

**WHEREFORE**, the Petition for Review is **DENIED**. The August 9, 2019 Decision and the January 22, 2020 Resolution of the Court of Appeals in CA-G.R. CR No. 42177 are hereby **AFFIRMED with MODIFICATION**. Petitioner Abraham Puno y Velasco is found guilty beyond reasonable doubt of the crime of rape through sexual assault under Article 266-A(2) of the Revised Penal Code, in relation to Section 5(b) of Republic Act No. 7610. He is sentenced to suffer the indeterminate penalty of twelve (12) years, ten (10) months, and twenty-one (21) days of *reclusion temporal*, as minimum, to fifteen (15) years, six (6) months, and twenty (20) days of *reclusion temporal*, as maximum.

Puno is also **ORDERED** to pay AAA the following monetary awards: (1) ₱50,000.00 as moral damages; (2) ₱50,000.00 as exemplary damages; and (3) ₱50,000.00 as civil indemnity. The amounts awarded shall earn interest of six percent (6%) per *annum* from the date of finality of this Resolution until the full satisfaction thereof.

**SO ORDERED.”**

Very truly yours,

  
**TERESITA AQUINO TUAZON**  
Deputy Division Clerk of Court P 116  
07 JAN 2021

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 30  
San Fernando City, La Union  
(Crim. Case No. 12412)

JUDGMENT DIVISION (x)  
Supreme Court, Manila

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Ma. Orosa Street  
Ermita, 1000 Manila  
CA-G.R. CR No. 42177

\*with copies of the CA Decision dated 9 August 2019 &  
Resolution dated 22 January 2020  
*Please notify the Court of any change in your address.*  
GR251534. 07/06/2020(95)URES

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\*ABRAHAM PUNO y VELASCO (reg)  
Petitioner  
c/o The Director  
Bureau of Corrections  
1770 Muntinlupa City

THE DIRECTOR (reg)  
Bureau of Corrections  
1770 Muntinlupa City

(95)URES