



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 8, 2020** which reads as follows:*

“G.R. No. 247504 (*People of the Philippines v. Mario Cabanday*). - Considering all the allegations, issues and arguments presented in the appeal, this Court resolves to **DISMISS** the appeal for failure to sufficiently prove that the Court of Appeals (CA) committed any reversible error in its assailed Decision dated March 14, 2019 as to warrant the exercise of the Court’s discretionary appellate jurisdiction.

However, in line with the prevailing jurisprudence,¹ the Court resolves to modify the monetary awards imposed by the Regional Trial Court and affirmed by the CA. The amount of award should be ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages.

IN VIEW OF THE FOREGOING, the Court **ADOPTS** the findings of fact and conclusions of law in the Decision dated March 14, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 01927-MIN and **AFFIRMS with MODIFICATION** the Decision finding accused-appellant Mario Cabanday guilty beyond reasonable doubt of the crime of statutory rape under Article 266-A(1)(d), in relation to Article 266-B of the Revised Penal Code, and sentencing him to suffer the penalty of *reclusion perpetua*, without eligibility for parole, and to pay the victim the amount of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages. Legal interest of six percent (6%) *per annum* is imposed on all damages awarded from the date of finality of this Resolution until fully paid.

- over – two (2) pages ...

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¹ *People v. Jugueta*, 783 Phil. 806 (2016).

The Office of the Solicitor General's Manifestation in lieu of supplemental brief, in compliance with the Resolution dated July 10, 2019, stating that it would no longer file a supplemental brief, considering that the issues and arguments were already exhaustively discussed in the appellee's brief; the letter by CSupt. Benhur V. Pantaleon, Officer-in-Charge, Davao Prison and Penal Farm, Davao Del Norte, in compliance with the Resolution dated July 10, 2019, confirming the confinement of accused-appellant in the said penal institution on June 21, 2018; and the accused-appellant's manifestation in lieu of supplemental brief, in compliance with the Resolution dated July 10, 2019, stating that accused-appellant will no longer file a supplemental brief since he has thoroughly discussed his arguments in the appellant's brief, are all **NOTED**.

SO ORDERED.” *Reyes, J., Jr., J., on official leave.*

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court²⁰¹⁹
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The Solicitor General
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Court of Appeals
9000 Cagayan de Oro City
(CA-G.R. CR HC No. 019257-MIN)

The Hon. Presiding Judge
Regional Trial Court, Branch 22
9000 Cagayan de Oro City
(Crim. Case No. R-2014-445)

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