



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **11 January 2021** which reads as follows:*

“G.R. No. 240697 (People of the Philippines v. Dennis Sevilla y Meyane @ ‘Banoy’). – The Court NOTES:

1. the letter dated December 2, 2020 of CCIInsp. Joel R. Calvelo, Bureau of Corrections, Muntinlupa City, informing the Court that the letter dated April 17, 2018 to the Court of Appeals (CA), Manila in relation to CA-G.R. CR-HC No. 07984 can no longer be produced by their office, and submitting, however, the certified true copy of the letter dated March 31, 2018 of P/Supt. I Roberto R. Rabo (Rabo), addressed to Atty. Annelie M. Cornelio, Division Clerk of Court, CA, Manila informing the CA that the decision in connection with CA-G.R. CR-HC No. 07984 was duly served to accused-appellant Dennis Sevilla y Meyane @ ‘Banoy’ (accused-appellant) on March 19, 2018; and

2. the letter dated December 17, 2020 of CInsp Kanoy B. Lattot, Chief, Documents Section, Bureau of Corrections, Mandaluyong City, informing the Court that they have no record of the requested certified true copy of the letter dated March 14, 2018 signed by Mr. Jose Ramon C. Padua as regards the requested letter signed by the late Superintendent Rabo dated April 17, 2018, and submitting instead the letter dated March 31, 2018 of the late Superintendent Rabo to the CA informing the latter that the notice of decision in connection with CA-G.R. CR-HC No. 07984 was duly served to accused-appellant on March 19, 2018.

After a judicious study of the case, the Court resolves to **DISMISS** the appeal for failure to sufficiently show that the CA committed any reversible error in the assailed Decision¹ as to warrant the exercise of the Court’s appellate jurisdiction. However, to conform with prevailing jurisprudence,² the Court deems it proper to modify the award of damages imposed against accused-appellant for the crime of Acts of Lasciviousness.

¹ *Rollo*, pp. 3-19. Penned by Associate Justice Carmelita Salandanan Manahan with Associate Justices Romeo F. Barza and Stephen C. Cruz, concurring.

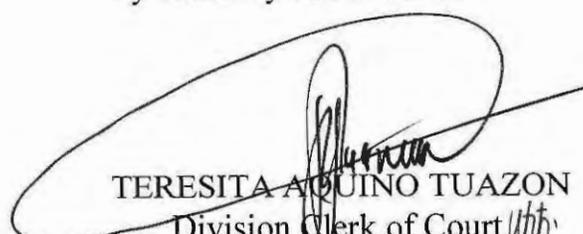
² See *People v. Tulagan*, G.R. No. 227363, March 12, 2019.

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WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the Decision dated February 28, 2018³ of the CA in CA-G.R. CR-HC No. 07984 and **AFFIRMS with MODIFICATION** said Decision finding accused-appellant Dennis Sevilla y Meyane @ 'Banoy' **GUILTY** beyond reasonable doubt of the crimes of Simple Rape, two (2) counts of Frustrated Murder, and Acts of Lasciviousness, as defined and penalized under Article 266-A, Article 248 in relation to Article 6, and Article 336 of the Revised Penal Code, respectively. Accordingly, he is sentenced to suffer the following penalties: (a) in Criminal Case No. SC-12065 for Simple Rape, he is sentenced to suffer the penalty of *reclusion perpetua*, and to pay AAA⁴ ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages; (b) in Criminal Case Nos. SC-12066 and SC-12068 for two (2) counts of Frustrated Murder, he is sentenced to suffer the penalty of imprisonment for an indeterminate period of eight (8) years and one (1) day of *prision mayor*, as minimum, to fourteen (14) years, eight (8) months, and one (1) day of *reclusion temporal*, as maximum, for each count, and to each pay AAA and BBB ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱50,000.00 as exemplary damages for each count; and (c) in Criminal Case No. SC-12067 for Acts of Lasciviousness, he is sentenced to suffer the penalty of imprisonment for an indeterminate period of two (2) months and one (1) day of *arresto mayor*, as minimum, to two (2) years, four (4) months, and one (1) day of *prision correccional*, as maximum, and to pay BBB ₱20,000.00 as civil indemnity, ₱20,000.00 as moral damages, and ₱20,000.00 as exemplary damages, all with legal interest at the rate of six percent (6%) interest *per annum* from the date of finality of this Resolution until full payment.

SO ORDERED. (Rosario, J., designated additional member per Special Order No. 2797 dated November 5, 2020)."

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *Utth*
03 FEB 2021 *2/3*

³ *Rollo*, pp. 3-19.

⁴ The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to RA 7610, entitled 'AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES,' approved on June 17, 1992; RA 9262, entitled 'AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES,' approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the 'Rule on Violence Against Women and Their Children' (November 15, 2004). See footnote 4 in *People v. Cadano, Jr.*, 729 Phil 576, 578 [2014], citing *People v. Lomaque*, 710 Phil 338, 342 [2013]. See also Amended Administrative Circular No. 83-2015, entitled 'PROTOCOLS AND PROCEDURES IN THE PROMULGATION, PUBLICATION, AND POSTING ON THE WEBSITES OF DECISIONS, FINAL RESOLUTIONS, AND FINAL ORDERS USING FICTITIOUS NAMES/PERSONAL CIRCUMSTANCES.' Dated September 5, 2017.) To note, the identities of the victims cannot be determined in the records.

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*DENNIS SEVILLA y MEYANE & BANOY (reg)
Accused-Appellant
c/o The Director
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 91
Santa Cruz, Laguna
(Crim. Cases Nos. SC-12065-68)

THE DIRECTOR (reg)
Bureau of Corrections
1770 Muntinlupa City

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Supreme Court, Manila

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Supreme Court, Manila

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CR-HC No. 07984

*with copy of CA Decision dated 28 February 2018
Please notify the Court of any change in your address.
GR240697. 01/11/2021(210 & 345)URES *pyo*