



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **01 February 2021** which reads as follows:*

“G.R. No. 253182 (*People of the Philippines v. XXX*¹) – The Court NOTES:

1. The December 15, 2020 Letter² of CCIInsp. Joel R. Calvelo, Acting Superintendent, Bureau of Corrections, Muntinlupa City, confirming the confinement of accused-appellant XXX at the said institution since October 6, 2017; and

2. The separate manifestations (in lieu of supplemental briefs) of the Public Attorney’s Office, dated January 11, 2021, and of the Office of the Solicitor General, dated January 12, 2021, both in compliance with the October 7, 2020 Resolution, adopting their respective briefs filed before the Court of Appeals as supplemental briefs in this case.

After a review of the records, the Court resolves to **DISMISS** the appeal for failure to sufficiently show that the Court of Appeals (CA) committed any reversible error in its December 2, 2019 Decision³ in CA-G.R. C.R.-H.C. No. 12329, as to warrant the exercise of the Court’s appellate jurisdiction.

As correctly held by the CA, all the elements for the crime of Statutory

¹ Pursuant to *People v. Cabalquinto*, 533 Phil. 703, (2006) and SC Amended Administrative Circular No. 83-2015 dated September 5, 2017, personal circumstances which tend to establish or compromise the identity of the victim and immediate family members are withheld.

² *Rollo*, p. 26.

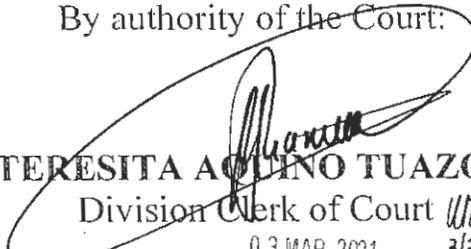
³ *Id.* at 3-15; penned by Associate Justice Ramon A. Cruz with Associate Justices Celia C. Librea-Leagogo and Gabriel T. Robeniol, concurring.

Rape under paragraph 1(d) of Article 266-A,⁴ in relation to Article 266-B,⁵ of the Revised Penal Code, as amended by Republic Act No. 8353, also known as “*The Anti-Rape Law of 1997*,” had been proven by the evidence presented by the prosecution. However, the Court shall modify the decision with respect to the interest imposed on the judgment awards in order to conform with prevailing jurisprudence.⁶ Hence, the awards of civil indemnity, moral damages and exemplary damages shall be subject to six percent (6%) interest *per annum* from finality of this Resolution until fully paid.

WHEREFORE, the Court **DISMISSES** the appeal and **AFFIRMS** the December 2, 2019 Decision of the Court of Appeals in CA-G.R. C.R.-H.C. No. 12329 with **MODIFICATION** of the judgment awards. Accused-appellant is hereby **SENTENCED** to suffer the penalty of *reclusion perpetua* and to **PAY** the victim the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages, all with legal interest of six percent (6%) *per annum* computed from the finality of this Resolution until fully paid.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *with*
03 MAR 2021 3/3

⁴ Article 266-A. Rape: *When And How Committed*. – Rape is committed:

1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

x x x x

d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

⁵ Article 266-B. *Penalty*. – Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

⁶ *Nacar v. Gallery Frames*, 716 Phil. 267 (2013).

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Accused-Appellant
c/o The Director
Bureau of Corrections
1770 Muntinlupa City

THE DIRECTOR (reg)
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 48
Manila
(Crim. Case No. I6-323770-71)

**CCInsp. JOEL R. CALVELO (reg)
Superintendent, Bureau of Corrections
1770 Muntinlupa City

JUDGMENT DIVISION (x)
Supreme Court, Manila

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Supreme Court, Manila

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CA-G.R. CR-HC No. 12329

*with copy of CA Decision dated 2 December 2019

**For this resolution only

Please notify the Court of any change in your address.
GR253182. 02/01/2021(89,116&121)URES(m) 