



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court's First Division issued a Resolution dated September 14, 2022 which reads as follows:*

**“G.R. No. 248197 (*People of the Philippines v. Jimmy Guinalang Bernadas a.k.a. “Embok”*)**. — Considering the allegations, issues, and arguments presented in the Appellant’s Brief<sup>1</sup> and the Appellee’s Brief,<sup>2</sup> which the parties adopted in lieu of supplemental briefs, the Court resolves to **DISMISS** the Appeal<sup>3</sup> for failure of Jimmy Guinalang Bernadas a.k.a. “Embok” (*accused-appellant*) to sufficiently show that the Court of Appeals, Cagayan de Oro City (*CA*) committed any reversible error in its assailed May 22, 2019 Decision,<sup>4</sup> in CA-G.R. CR-HC No. 01904, as to warrant the exercise of this Court’s appellate jurisdiction.

Accused-appellant was charged with the crime of rape under Article 266-A paragraph 1(b) in relation to Art. 266-B(1) of the Revised Penal Code (*RPC*), as amended by Republic Act (*R.A.*) No. 8353,<sup>5</sup> in an Information dated September 12, 2014. The accusatory portion of which reads:

That on or about September 8, 2014 in the [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation and with the complainant being drunk and weak, willfully, unlawfully, and feloniously

<sup>1</sup> CA rollo, pp. 28-54.

<sup>2</sup> Id. at 101.

<sup>3</sup> Rollo, pp. 16-18.

<sup>4</sup> Id. at 3-15; penned by Associate Justice Edgardo T. Lloren and concurred in by Associate Justices Evalyn M. Arellano-Morales and Florencio M. Mamauag, Jr.

<sup>5</sup> Otherwise known as the “THE ANTI-RAPE LAW OF 1997.” Approved: September 30, 1997.

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had carnal knowledge of the private complainant [AAA]<sup>6</sup> against her will to her damage and prejudice.

CONTRARY TO LAW.<sup>7</sup>

The Court finds no reason to depart from the factual findings of the Regional Trial Court of Davao City, Branch 10 (*RTC*), as affirmed by the CA, as there is no evidence that it overlooked, misunderstood or misapplied the surrounding facts and circumstances of the case. Verily, the RTC was in the best position to evaluate and determine the credibility of the witnesses presented by both parties and, hence, due deference should be accorded to the same.<sup>8</sup>

The prosecution was able to establish the elements of rape under Art. 266-A(1) of the RPC, *viz.*: (1) accused-appellant had carnal knowledge of AAA by inserting his penis to her vagina; and (2) such act was accomplished through force; or when AAA was deprived of reason or otherwise unconscious considering that she was too drunk at the time of the incident.

AAA's recount of the incident and her testimony were straight and categorical in identifying accused-appellant as the perpetrator of the crime. Accused-appellant's alibi failed to overcome the convincing positive evidence adduced by the prosecution. Given the positive identification by AAA of accused-appellant as the perpetrator of the crime, and the lack of physical impossibility for him to be at the scene of the crime at the time of the commission of the offense, his defenses of denial and alibi must fail.

**WHEREFORE**, the Court **AFFIRMS** the findings of fact and conclusions of law in the May 22, 2019 Decision of the Court of Appeals, Cagayan de Oro City in CA-G.R. CR-HC No. 01904. Accused-appellant Jimmy Guinalang Bernadas *a.k.a.* "Embok" is found **GUILTY** beyond reasonable doubt of the crime of Rape under Article 266-A paragraph 1(a) in relation to Article 266-B(1) of the Revised Penal Code, as amended by Republic Act No. 8353, and is hereby sentenced to suffer the penalty of *reclusion perpetua*.

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<sup>6</sup> The identity of the victim or any information to establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to R.A. No. 7610, otherwise known as the "SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION AND DISCRIMINATION ACT"; R.A. No. 9262, also known as the "ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT OF 2004"; Section 40 of A.M. No. 04-10-11-SC, known as the "RULE ON VIOLENCE AGAINST WOMEN AND THEIR CHILDREN," effective November 15, 2004; *People v. Cabalquinto*, 533 Phil. 703 (2006); and Amended Administrative Circular No. 83-2015 dated September 5, 2017.


<sup>7</sup> *CA rollo*, p. 55.

<sup>8</sup> *Melgar v. People*, 826 Phil. 177, 186 (2018).

Accused-appellant is **ORDERED** to **PAY** private complainant AAA the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages. All amounts of damages awarded shall earn interest at the rate of 6% *per annum* from the date of finality of judgment until fully paid.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

**70**

**OCT 13 2022**

The Solicitor General  
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Court of Appeals  
9000 Cagayan de Oro City  
(CA-G.R. CR-HC No. 01904-MIN)

The Hon. Presiding Judge  
Regional Trial Court, Branch 10  
8000 Davao City  
(Crim. Case No. 79,592-14)

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Supreme Court

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Accused-Appellant  
c/o The Superintendent  
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B.E. Dujali, 8105 Davao del Norte

Judgment Division (x)  
Supreme Court

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