



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **14 March 2022** which reads as follows:*

“**G.R. No. 254626** (*People of the Philippines v. XXX*¹). — On appeal² is the November 9, 2018 Decision³ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 10049 affirming with modification the October 20, 2017 Judgment⁴ of the Regional Trial Court (RTC), Branch 28, ██████████⁵ in Criminal Case No. RTC 2016-0478, which found accused-appellant XXX (accused-appellant) guilty beyond reasonable doubt of the crime of Statutory Rape under Article 266-A of the Revised Penal Code⁶ (RPC).

The Factual Antecedents:

This case arose from an Information charging accused-appellant with Statutory Rape under Article 266-A of the RPC, thus:

That on or about 1:00 o'clock in the afternoon of November 14, 2015 at ██████████, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, through force, threats and intimidation, did, then and there willfully, unlawfully and feloniously, have carnal knowledge

¹ Initials were used to identify the accused-appellant pursuant to Amended Administrative Circular No. 83-15 dated September 5, 2017 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.

² *Rollo*, pp. 23-24.

³ *Rollo*, pp. 4-22. Penned by Associate Justice Fernanda Lampas Peralta, and concurred in by Associate Justices Rodil V. Zalameda (now a Member of this Court) and Marie Christine Azcarraga-Jacob.

⁴ *CA rollo*, pp. 51-61.

⁵ Geographical location is blotted out pursuant to Supreme Court Amended Circular No. 83-2015.

⁶ Act No. 3815, An Act Revising the Penal Code and Other Penal Laws [THE REVISED PENAL CODE] (1930), as amended by Republic Act No. 8353, An Act Expanding the Definition of the Crime of Rape, Reclassifying the Same as a Crime Against Persons, Amending for the Purpose Act No. 3815, Otherwise Known as the Revised Penal Code and for Other Purposes [THE ANTI-RAPE LAW OF 1997] (1997).

with one [AAA],⁷ a 9 year old minor, against her will and consent, to her damage and prejudice.

ACTS CONTRARY TO LAW.⁸

During arraignment, accused-appellant pleaded not guilty.⁹ Proceedings ensued.

Version of the Prosecution:

The prosecution presented private complainant AAA, her aunt BBB, and Dr. Glenda Tolledo (Dr. Tolledo).

AAA and her father were temporarily residing at the house of YYY, her father's friend, during the time material to this case.¹⁰ Accused-appellant was their neighbor.¹¹

In the morning of November 14, 2015, AAA, who was nine¹² years old at that time, went with YYY to a cornfield located in the area.¹³ Near the cornfield was a nipa hut that was owned by accused-appellant.¹⁴ YYY proceeded to the cornfield while AAA was left alone playing outside the nipa hut.¹⁵

Then, accused-appellant suddenly appeared; he covered AAA's eyes and took her inside the nipa hut.¹⁶ Inside, accused-appellant undressed AAA and made her lie down on the floor; he then covered her mouth with a tape, and tied

⁷ "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 Republic Act No. 7610, An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation, and for Other Purposes; Republic Act No. 9262, An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes; and 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. Dumadag*, 667 Phil. 664, 669 [2011]).

⁸ Records, p. 1.

⁹ Id. at 22, 24.

¹⁰ *Rollo*, p. 5.

¹¹ Id.

¹² The Information and the decisions of the RTC and CA state that AAA was nine (9) years old at the time of the rape. Based on her Certificate of Live Birth (records, p. 10), however, as offered in evidence, she was born on November 27, 2006; thus, AAA was eight (8) years old on November 14, 2015, the time of the rape. In any event, the Court does not see this to be material or fatal to the case. First, AAA remained to be below 12 years of age, thereby still satisfying the element of age in statutory rape. Second, the parties stipulated that AAA was nine years old at the time of the rape (see Pre-Trial Order [records, p. 33]). The defense never contested this further, and the trial and appellate courts adopted her age to be nine years old. Thus, the Court here adopts AAA's age to be nine years old at the time of the rape.

¹³ *Rollo*, p. 5.

¹⁴ Id.

¹⁵ Id.

¹⁶ Id.

her hands and feet in a “spread-eagle” position.¹⁷ AAA started crying.¹⁸ Accused-appellant removed his shorts and underwear.¹⁹

Thereafter, accused-appellant went on top of AAA and inserted his penis into her vagina.²⁰ AAA stated that she felt intense pain and that she kept on crying during the whole deed.²¹

When accused-appellant finished, he told AAA not to tell anyone about the incident.²² He then untied her, and told her to fix herself and get out of the nipa hut.²³ AAA went out of the nipa hut and proceeded to the cornfield where YYY was.²⁴ When YYY noticed bloodstains on the middle portion of AAA’s shorts,²⁵ he asked her what happened but she did not respond.²⁶

AAA and YYY left the cornfield. Before proceeding to their house, they passed by accused-appellant’s house, where they ate lunch.²⁷ Accused-appellant’s wife, ZZZ, also noticed the bloodstains. She asked AAA about it but again she did not respond.²⁸ ZZZ nonetheless checked and noticed that there was a small scratch on AAA’s genitals.²⁹

In the morning of the next day, ZZZ approached AAA’s aunt, BBB, and told her about the bloodstains on AAA’s shorts and the small scratch on the genitals.³⁰ BBB proceeded to her cousin’s house where AAA was at that time.³¹ She confronted AAA, whereupon the latter revealed that accused-appellant raped her.³²

Thus, on the same day, BBB and AAA went to the police station to report the incident.³³ A police officer accompanied them to the hospital, where Dr. Tolledo conducted a medical examination on AAA.³⁴ Based on Dr. Tolledo’s findings, AAA suffered abrasion, erythema on the labia, and a cleft on the 2:00 o’clock position—these findings suggested possible sexual abuse.³⁵

¹⁷ Id.

¹⁸ Id.

¹⁹ Id.

²⁰ Id.

²¹ Id.

²² Id.

²³ Id.

²⁴ Id.

²⁵ Id. at 5-6.

²⁶ Id. at 6.

²⁷ Id.

²⁸ Id.

²⁹ Id.

³⁰ Id.

³¹ Id.

³² Id.

³³ Id.

³⁴ Id.

³⁵ Records, pp. 43-49. TSN, November 14, 2017, pp. 2-5.

Version of the Defense:

The defense presented accused-appellant himself, YYY, and ZZZ.

Accused-appellant denied the charge against him. The defense posited that on that date, he went to the cornfield with YYY; AAA saw them walking and she followed them.³⁶ Accused-appellant took his carabao to the stream near the nipa hut, where AAA was washing her feet.³⁷ While tying the carabao to a tree, he suddenly heard AAA cry; he claimed that AAA was hit by the cow.³⁸

YYY stated that at this time, he heard someone crying and saw that accused-appellant was tying the cow and then proceeded to lift AAA up as she was kneeling down on the ground.³⁹

Accused-appellant then brought AAA to YYY; the latter checked and saw that she had a “slight” injury on her vagina.⁴⁰ AAA told YYY that she was bumped by the head of the cow.⁴¹ The two men continued to harvest corn; AAA even helped them husk the corn.⁴²

When they arrived home for lunch, accused-appellant told his wife ZZZ about AAA’s injury.⁴³ ZZZ then brought AAA outside to the adjacent house to check her.⁴⁴ She saw a small scratch on AAA’s genital area.⁴⁵ She added in her testimony that AAA told her that she (AAA) was walking by when the cow turned its head and hit her.⁴⁶

Ruling of the Regional Trial Court:

In its October 20, 2017 Judgment,⁴⁷ the RTC convicted accused-appellant of Statutory Rape. The RTC gave more credence to the testimonies of the prosecution’s witnesses, especially AAA’s that was corroborated by the medico-legal report.⁴⁸ The RTC disregarded the defense’s proposition that the offended party was hit by the cow.⁴⁹ The RTC also noted that AAA’s behavior of subsequently helping husk the corn and even proceeding to accused-appellant’s house after the deed did not negate the fact of rape.⁵⁰ Lastly, the

³⁶ *Rollo*, p. 7; *CA rollo*, p. 58.

³⁷ *Rollo*, p. 7.

³⁸ *Id.*

³⁹ *CA rollo*, p. 56.

⁴⁰ *Rollo*, p. 7.

⁴¹ *CA rollo*, p. 56.

⁴² *Id.* at 58.

⁴³ *Id.*

⁴⁴ *Id.* at 54, 58.

⁴⁵ *Id.* at 54.

⁴⁶ *Id.*

⁴⁷ *Id.* at 51-61.

⁴⁸ *Id.* at 60.

⁴⁹ *Id.* at 59-60.

⁵⁰ *Id.* at 60.

RTC rejected, for being uncorroborated and implausible, accused-appellant's imputation that AAA and her aunt BBB filed the case due to their grudge against his wife, ZZZ.⁵¹

The dispositive portion of the RTC Judgment reads:

WHEREFORE, premises considered, this Court finds accused, [XXX], **GUILTY** of the offense of **Statutory Rape**, defined and penalized under Article 266-A of the Revised Penal Code as amended by R.A. 8353.

Accordingly, accused, [XXX], is hereby ordered to suffer the penalty of **RECLUSION PERPETUA**.

Accused, [XXX], is further ordered to pay moral damages to private complainant in the amount of FIFTY THOUSAND (P50,000.00) PESOS and civil indemnity of FIFTY THOUSAND (P50,000.00) PESOS.

SO ORDERED.⁵²

Aggrieved, accused-appellant appealed to the CA.⁵³ In his brief,⁵⁴ accused-appellant argued that: (a) the RTC grossly exaggerated in concluding that AAA should have been seriously injured if she was indeed hit by the carabao; (b) the RTC erred in stating that his proposition that the carabao bended low enough and targeted AAA's vagina is ridiculous because carabaos usually lower their heads to eat and drink; (c) his defense was not self-serving because it was corroborated by two other witnesses, ZZZ and YYY; (d) the RTC should not have given full weight and credence to AAA's testimony even if she was a child at that time; (e) it is unbelievable that he raped AAA considering that YYY was present; and, (f) AAA's subsequent behavior was not characteristic of a child who was raped.⁵⁵

The prosecution (through the Office of the Solicitor General) filed its appellee's brief.⁵⁶ First, it countered that the elements of Statutory Rape were established beyond reasonable doubt; the testimony of AAA that she was raped by accused-appellant was corroborated by the medico-legal report, which showed injuries on her genital that suggested sexual intercourse.⁵⁷ Second, the RTC's assessment of the testimonies should be given great respect. Testimonies of child victims, such as those who were raped at a young age, are normally given full weight and credit.⁵⁸ Accused-appellant also failed to demonstrate how

⁵¹ Id. at 61.

⁵² Records, p. 110.

⁵³ CA *rollo*, pp. 11-13.

⁵⁴ Id. at 37-50.

⁵⁵ Id. at 43-46.

⁵⁶ Id. at 79-91.

⁵⁷ Id. at 85-87.

⁵⁸ Id. at 87-88.

a carabao would be able to bend low enough and center its attack on a child's vagina.⁵⁹

Ruling of the Court of Appeals:

In its November 9, 2018 Decision,⁶⁰ the CA affirmed the RTC Judgment with modifications on the amounts of the civil indemnity and damages to be awarded. The CA affirmed and reiterated the RTC's conclusions. On accused-appellant's contention that rape would be impossible as YYY was with them, the CA added that this contention was misleading: rape is not a respecter of time and place and there is no rule that rape can happen only in seclusion.⁶¹

The dispositive portion of the CA Decision reads:

WHEREFORE, the appealed Judgment dated October 20, 2017 of the trial court is **AFFIRMED**, subject to the modifications that the awards of civil indemnity and moral damages are increased to P75,000.00 each, and accused-appellant is further ordered to pay exemplary damages of P75,000.00. The monetary awards are subject to interest of six per cent (6%) per annum from date of finality of this Decision until full payment.

SO ORDERED.⁶²

Still aggrieved, accused-appellant elevated the case to this Court. The parties opted to no longer file supplemental briefs.⁶³

Issue

The issue is whether accused-appellant's conviction for Statutory Rape is proper.

Our Ruling

There is no merit in the appeal. The Court affirms accused-appellant's conviction for Statutory Rape.

Article 266-A, paragraph 1, of the RPC provides how rape is committed:

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:

⁵⁹ Id.

⁶⁰ *Rollo*, pp. 4-22.

⁶¹ Id. at 18.

⁶² Id. at 21.

⁶³ Id. at 32-41.

- a) Through force, threat, or intimidation;
- b) When the offended party is deprived of reason or otherwise unconscious;
- c) By means of fraudulent machination or grave abuse of authority; and
- 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.

Item (d) thereof defines Statutory Rape as carnal knowledge of a woman who is below 12 years of age or is demented. Its elements are: (1) the victim is a female under 12 years of age or is demented; and (2) the offender has carnal knowledge of the victim.⁶⁴ Thus, Statutory Rape is committed regardless of the victim's consent, or lack of it, as long as the two elements concur.⁶⁵ What is important is the showing of the fact of sexual congress with the victim that is, for this case, below 12 years of age.

In the instant case, the Court finds that the elements of Statutory Rape were sufficiently proven by the prosecution.

The element of age is not disputed. The prosecution alleged in the Information that AAA was below 12 years old at the time of the commission of the offense; it also presented in court her Certificate of Live Birth. Further, the parties admitted, and it was never further disputed, that AAA was nine years old at the time of the commission of the offense. Thus, what remains in contention is the second element of sexual congress between accused-appellant and AAA.

To stress, the RTC is in the best position to evaluate the credibility of witnesses and their testimonies because of its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct, and attitude under grilling examination.⁶⁶ The Court is therefore generally bound by the findings of the trial court, especially when affirmed by the appellate court, in the absence of any misapprehension of facts that would warrant the reversal of the lower court's findings.⁶⁷

Here, the RTC is correct in finding AAA a credible witness. She was able to positively identify accused-appellant in open court as the perpetrator. She was able to recall and narrate what had transpired. The relevant portions of her testimony are as follows:

Direct Examination of AAA

⁶⁴ *People v. AAA*, G.R. No. 247007, March 18, 2021.

⁶⁵ *Id.*

⁶⁶ *People v. Catig*, G.R. No. 225729, March 11, 2020, citing *People v. Abat*, 731 Phil 304, 312 (2014).

⁶⁷ *Id.*

Prosecutor Monserate (Pros. Monserate):

x x x x

Q: You filed a complaint against [XXX], is that correct?

A: Yes, Ma'am.

Q: Because he did something to you, is that correct?

A: Yes, Ma'am.

Q: **If this [XXX] is inside this courtroom, will you be able to point to [sic] him to us and tell us if it is him?**

A: **Yes, Ma'am.**

Interpreter:

Witness is pointing to a man wearing an orange t-shirt and identified himself as [XXX].⁶⁸

x x x x

Pros. Monserate:

Q: While you were alone and you were playing, what happened?

A: While I was playing alone at the nipa hut suddenly [XXX] came [sic].

Q: What did [XXX] do?

A: He covered my eyes.

Q: After covering your eyes, what did he do next?

A: He brought me inside the nipa hut.

Q: How did he bring you inside the nipa hut?

A: He covered my eyes and then he lifted me going inside the nipa hut.

Q: Was he able to bring you inside the nipa hut?

A: Yes, Ma'am.

Q: When you were already inside the nipa hut, what did he do next?

A: **He undressed me.**

Q: What item of clothing did he remove from you?

A: My dress, shorts and panty.

Q: When you were already undressed what else did he do to you?

A: **He placed a tape in my mouth. It is color black.**

Q: Where did he put the tape?

A: On my mouth.

Q: He covered you [sic] mouth with tape, is that correct?

A: Yes, Ma'am.

⁶⁸ TSN, December 12, 2016, p. 3. Emphases supplied.

Q: And then after that what else did he do to you aside from putting a tape in your mouth, what else did he do?

A: **He tied my hands and my feet.**

Q: What did he use in tying your hands and feet?

A: A rope, Ma'am.

Q: In what position did he tie you up?

Interpreter:

Witness is demonstrating her two arms sideways and her feet were split [sic].

Pros. Monserate:

Q: Are you standing up or lying down in that position?

A: Lying down, Ma'am.

Q: **Are you telling us that he tied you to the floor like spread eagle?**

A: **Yes, Ma'am.**

Q: And you had tape in your mouth?

A: Yes, Ma'am.

Q: Were you crying during that time?

A: Yes, Ma'am.

Q: Were you afraid?

A: Yes, Ma'am.

Q: But you could not shout, correct?

A: Yes, Ma'am.

Q: **While in that position, what did [XXX] do? Did he also undress himself?**

A: **Yes, Ma'am.**

Q: What item of clothing did he remove from his body?

A: His shorts and brief.

Q: **After he removed his shorts and brief and you were in that position what did he do next to you?**

A: **He inserted his penis inside my vagina.**

Q: **What [sic] position was he when he was inserting his penis inside your vagina? Was he on top of you?**

A: **He is on top of me, Ma'am.**

Q: **You said he inserted his penis inside your vagina. What did you feel when he inserted his penis inside your vagina?**

A: **It was so painful.**

Q: **Which part was painful?**

A: **My vagina.**

Q: What kind of pain did you feel?

A: Very painful, Ma'am.

Q: Was it very painful?

A: Yes, Ma'am.

Q: Did you cry while he was doing that to you?

A: Yes, Ma'am.

Q: **For how long did he insert his penis into your vagina, if you can recall?**

A: **Not so long.**

Q: Aside from inserting his penis inside your vagina, what else did he do to you? Did he kiss you on your body?

A: Yes, Ma'am.

Q: Where did he kiss you?

A: On my shoulder.

Q: How about on your chest?

A: No, Ma'am.

Q: After he inserted his penis inside your vagina, what happened next?

A: He told me not to reveal the incident to anyone.⁶⁹

AAA's testimony undoubtedly shows that she and accused-appellant had sexual intercourse, a forced one. She was able to narrate the essential facts that show that rape was committed. She stated in a straightforward manner that accused-appellant inserted his penis into her vagina while being on top of her. She even stated that accused-appellant put a tape on her mouth and tied her up before committing the act. Even if there are minor inconsistencies in her testimony, there is no reason for this Court to deviate from the findings of the RTC and the CA. It is settled that courts are inclined to give due credit to testimonies of child witnesses. AAA was nine years old when the crime was committed and 10 years old when presented to the stand. Thus:

x x x When the offended party is of tender age and immature, courts are inclined to give credit to her account of what transpired, considering not only her relative vulnerability but also the shame to which she would be exposed if the matter to which she testified is not true. Youth and immaturity are generally badges of truth and sincerity. Errorless recollection of a harrowing incident cannot be expected of a witness, especially when she is recounting details of an experience so humiliating and so painful as rape. What is important is that the victim's declarations are consistent on basic matters constituting the elements of rape and her positive identification of the person who did it to her.⁷⁰

⁶⁹ Id. at 4-6. Emphases supplied.

⁷⁰ *People v. XXX*, G.R. No. 238405, December 7, 2020, citing *People v. ZZZ*, G.R. No. 224584, September 4, 2019.

Further, AAA's account is bolstered by the findings of Dr. Tolledo. The medico-legal report stated that she suffered abrasion, erythema on the labia, and a cleft on the 2:00 o'clock position.⁷¹ Dr. Tolledo stated that these injuries suggested possible sexual abuse through penetration and rubbing.⁷² Case law teaches that when the victim's testimony is corroborated by physical findings of penetration, there is sufficient basis to conclude that sexual intercourse took place.⁷³ The concurrence of these two pieces of evidence substantially removes any badge of reasonable doubt on the occurrence of rape. Worth mentioning as well are the statements of ZZZ and YYY while testifying that they saw a small scratch on AAA's vagina when they respectively examined her.

On the other hand, the Court agrees that accused-appellant's defense of denial is feeble. The defense of denial is inherently weak due to the ease with which it can be concocted; it cannot prevail over the positive identification by the victim.⁷⁴ Jurisprudence provides that "mere denial, unsubstantiated by clear and convincing evidence, is [a] negative self-serving evidence[,] which cannot be given greater evidentiary weight than the testimony of the complaining witness who testified on affirmative matters."⁷⁵ As stated, AAA was able to positively identify accused-appellant in open court as the perpetrator. It is also undisputed that accused-appellant was with AAA as well as YYY in the cornfield at that time. YYY, however, did not have a continuous account or observation of accused-appellant's activities or whereabouts when they were in the cornfield.⁷⁶ Thus, accused-appellant's defense of denial remains uncorroborated and necessarily fails.

Neither do the other contentions of accused-appellant cast reasonable doubt on his guilt. The presence of YYY in the cornfield does not negate the occurrence of the rape. The Court reiterates the CA's discussion that lust is not a respecter of time and place. There is no rule that rape happens only in seclusion; it can be committed in places where people congregate.⁷⁷ Also, the contention that AAA did not behave like a rape victim after the act fails to convince. There is no standard form of behavior for a rape victim especially for a minor who was just nine years old at that time. A victim's behavior and reaction cannot be predicted accurately; people react differently to a given situation.⁷⁸ Not all rape victims can be expected to act according to the usual expectation of the majority.⁷⁹ As to accused-appellant's imputation of ill motive

⁷¹ Records, pp. 43-49; TSN, November 14, 2017, pp. 2-5.

⁷² Id.; id.

⁷³ *People v. XXX*, G.R. No. 238405, December 7, 2020 supra note 70, citing *People v. Lumaho*, 744 Phil. 233, 243 (2002).

⁷⁴ *People v. XXX*, G.R. No. 246194, November 4, 2020.

⁷⁵ Id.

⁷⁶ TSN, May 29, 2017, pp. 4-5; TSN, July 24, 2017, p. 3-4, 8-9.

⁷⁷ *People v. Manuel*, G.R. No. 242278, December 9, 2020.

⁷⁸ *People v. XXX*, G.R. No. 246194, November 4, 2020, supra note 74, citing *People v. Lolos*, 641 Phil. 624, 633-634 (2010).

⁷⁹ Id.

on AAA and her aunt BBB, the Court finds it not deserving of any consideration for being uncorroborated and non-existent.

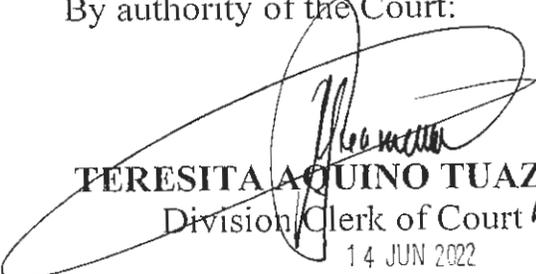
The Court also notes that there seems to be an inconsistency as to what kind of animal was brought by accused-appellant to the cornfield and allegedly hit AAA as claimed by the defense—whether it was a cow or a carabao, or if there were two animals in the cornfield.⁸⁰ This is immaterial, however, as the Court is convinced that rape had transpired. Parenthetically, accused-appellant's defense that a carabao/cow accidentally hit the girl's private part resulting in lacerations therein is one of the most ridiculous defenses that the Court has come across in the annals of rape cases.

Based on the foregoing, the Court affirms accused-appellant's guilt beyond reasonable doubt of the crime of Statutory Rape. The Court further affirms the CA's modification of the civil indemnity and damages pursuant to recent jurisprudence. Legal interest, however, shall commence to run from the finality of this Resolution until full payment thereof.

WHEREFORE, the appeal is **DISMISSED**. The November 9, 2018 Decision of the Court of Appeals in CA-G.R. CR-HC No. 10049 is **AFFIRMED** in its entirety. The legal interest shall commence to run from the finality of this Resolution until full payment thereof.

SO ORDERED." (*J. J. Lopez designated additional Member per March 7, 2022 Raffle vice J. Zalameda who recused due to prior action in the Court of Appeals*)

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court by 6/14
14 JUN 2022

⁸⁰ See CA Decision (*rollo*, pp. 7) and the RTC Judgment (*CA rollo*, p. 9).

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