



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Baguio City

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **20 April 2022** which reads as follows:*

“G.R. No. 258177 (Hinane Punay y Lacson vs. People of the Philippines.) — After a review of the records, the Court resolves to **DENY** the Petition¹ for failure to sufficiently show that the Court of Appeals committed any reversible error in its Decision² dated 24 July 2020 and Resolution³ dated 17 November 2021, as to warrant the exercise of the Court’s appellate jurisdiction.

Petitioner Hinane Punay y Lacson (petitioner) would have the Court re-examine the evidence on record. However, petitions brought under Section 1, Rule 45 of the Rules of Court pertain only to questions of law and not to factual issues. The Court is not a trier of facts. It is not the Court’s function to examine, review or evaluate the evidence all over again. Issues raised before the Court on whether the prosecution’s evidence proved the guilt of the accused beyond reasonable doubt⁴ or whether a re-evaluation of the credibility of witnesses is required⁵ are questions of fact. The issues raised by petitioner reveal that they are questions of fact which would involve a scrutiny of the evidence presented. As a rule, questions of fact cannot be entertained by the Court under Rule 45. Hence, the Petition is procedurally infirm.⁶

The minor victim’s recollection of what petitioner did to her was clear, straightforward, and categorical. Her testimony was without any tinge of hesitation and was corroborated by her mother. She remained uncompromising and steadfast in her narration of facts and was able to positively identify petitioner as her sexual assailant. Given the positive

¹ *Rollo*, pp. 12-30.

² *Id.* at 32-40; penned by Associate Justice Tita Marilyn B. Payoyo-Villordon and concurred in by Associate Justices Celia C. Librea-Leagogo and Nina G. Antonio-Valenzuela.

³ *Id.* at 43-45; penned by Associate Justice Tita Marilyn B. Payoyo-Villordon and concurred in by Associate Justices Nina G. Antonio-Valenzuela and Gabriel T. Robeniol.

⁴ *Cedeño v. People*, 820 Phil. 575, 600 (2017).

⁵ See *Cabaron v. People*, 618 Phil 1, 7-9 (2009).

⁶ *Macad v. People*, 838 Phil. 102, 118 (2018).

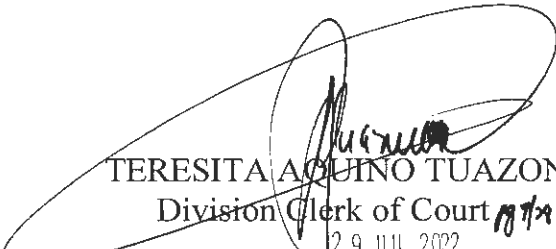
identification of petitioner, his defense of denial must fail. Time and again, it has been held that denial is an inherently weak defense that cannot outweigh positive testimony. A categorical statement that has the earmarks of truth prevails over a bare denial, which can easily be fabricated and is inherently unreliable.⁷

Petitioner was correctly sentenced to suffer the indeterminate penalty of imprisonment of twelve (12) years, ten (10) months and twenty-one (21) days of *reclusion temporal*, as minimum, to fifteen (15) years, six (6) months and twenty (20) days of *reclusion temporal*, as maximum and to pay private complainant civil indemnity, moral damages, and exemplary damages of ₱50,000.00 each, which shall earn interest at the rate of six percent (6%) per annum. Furthermore, pursuant to Section 31 (f),⁸ Article XII of Republic Act No. 7610,⁹ petitioner shall pay a fine in the amount of ₱15,000.00.¹⁰

WHEREFORE, the Petition is **DENIED**. The Decision dated 24 July 2020 and Resolution dated 17 November 2021 of the Court of Appeals in CA-G.R. CR No. 41537 are **AFFIRMED** with **MODIFICATION** in that petitioner is also ordered to pay a fine of ₱15,000.00 with an interest rate of six percent (6%) per *annum*.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court
29 JUL 2022

⁷ *People v. Moreno*, G.R. No. 191759, 02 March 2020.

⁸ SECTION 31. Common Penal Provisions.

(f) A fine to be determined by the court shall be imposed and administered as a cash fund by the Department of Social Welfare and Development and disbursed for the rehabilitation of each child victim, or any immediate member of his family if the latter is the perpetrator of the offense.

⁹ Entitled “An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for other Purposes,” approved on 17 June 1992.

¹⁰ *People v. VVV*, G.R. No. 230222, 22 June 2020.

***PUBLIC ATTORNEY'S OFFICE (reg)**

Special & Appealed Cases Service
Department of Justice
PAO-DOJ Agencies Building
NIA Road corner East Avenue
1104 Diliman, Quezon City

***OFFICE OF THE SOLICITOR GENERAL (reg)**

134 Amorsolo Street
1229 Legaspi Village
Makati City

***HINANE PUNAY y LACSON (reg)**

Petitioner
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 229
1100 Quezon City
(Crim. Case No. R-QZN-16-08395-CR)

JUDGMENT DIVISION (x)

Supreme Court, Manila

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Supreme Court, Manila

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Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CR No. 41537

***with a copy of the CA Decision dated July 24, 2020**

Please notify the Court of any change in your address.

GR258177. 4/20/2022(75)URES

[Handwritten signature]