



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated February 13, 2023 which reads as follows:*

“G.R. No. 258607 (*People of the Philippines v. XXX*<sup>1</sup>).—Before the Court is an appeal<sup>2</sup> under Rule 124<sup>3</sup> of the Rules of Court challenging the May 27, 2021 Decision<sup>4</sup> of the Court of Appeals (CA) in CA-G.R. CEB CR-HC No. 03566, which affirmed the September 23, 2019 Judgment<sup>5</sup> of the Regional Trial Court (RTC), Branch 64, ██████████, <sup>6</sup> in Criminal Case No. 18-05-1737 finding accused-appellant XXX guilty of Rape.

**The Factual Antecedents**

In an Information<sup>7</sup> dated March 14, 2018, accused-appellant was charged with Rape under Article 266-A of the Revised Penal Code (RPC) as amended by Republic Act No. (RA) 8353,<sup>8</sup> the accusatory portion of which reads:

That on or about March 12, 2018, in the ██████████ ██████████, Philippines, and within the jurisdiction of this Court, said accused with lewd design, taking advantage of the victim’s minority, and by means of force, violence, and intimidation, did then and there willfully and feloniously insert his penis inside the vagina of, and [succeeded] in having sexual

<sup>1</sup> Initials were used to identify the accused-appellant pursuant to the Supreme Court Amended Administrative Circular No. 83-2015 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.”

<sup>2</sup> *Rollo*, pp. 3-4.

<sup>3</sup> As amended by A.M. No. 00-5-03-SC.

<sup>4</sup> *Rollo*, pp. 8-24. Penned by Associate Justice Dorothy P. Montejo-Gonzaga and concurred in by Associate Justices Gabriel T. Ingles and Bautista G. Corpin, Jr.

<sup>5</sup> *Id.* at 25-43. Penned by Presiding Judge Mario G. Andres, Jr.

<sup>6</sup> Geographical location is blotted out pursuant to Supreme Court Amended Administrative Circular No. 83-2015.

<sup>7</sup> *Records*, pp. 1-2.

<sup>8</sup> Entitled “AN ACT EXPANDING THE DEFINITION OF THE CRIME OF RAPE, RECLASSIFYING THE SAME AS A CRIME AGAINST PERSONS, AMENDING FOR THE PURPOSE ACT NO. 9815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE AND FOR OTHER PURPOSES.” Approved on September 30, 1997.

intercourse [with] the victim [AAA],<sup>9</sup> a minor, being only thirteen (13) years old (DOB: February 1, 2005), against her will, to the damage and prejudice of said victim and her family.<sup>10</sup>

During his arraignment, accused-appellant entered a plea of “not guilty”<sup>11</sup> to the charge.

### Version of the Prosecution

On March 12, 2018, at around 8:00 a.m., AAA was watching over the cow and the goat at the rice field near the river. Before she could reach the area, she would have to pass by the house of accused-appellant, which is around seven meters away from the river.<sup>12</sup> While AAA was tending to the cow, accused-appellant instructed her to get a papaya from his house, so she complied. AAA knew who accused-appellant was because they lived in the same *barangay*. As AAA was entering the empty house of accused-appellant, the latter forcefully brought her inside his room and undressed her.<sup>13</sup>

AAA shouted for help, but accused-appellant punched her. He continued to undress her by removing her shorts and panty. While holding her tight, he inserted his penis inside her vagina and made a push and pull movement. AAA kept screaming and struggling but accused-appellant punched her in the stomach. Accused-appellant punched her four times. After the ordeal, AAA cried and wore her garments. She then nervously asked accused-appellant if she could go home. As he wore his shorts, he ordered her not to leave and then he proceeded outside.<sup>14</sup>

When accused-appellant heard people talking outside, he immediately returned inside his house. He caught AAA still crying, so he covered her mouth with a towel. He punched her again, hitting her left shoulder, face, and chest. AAA begged accused-appellant to stop hurting her. She also requested for water and asked him anew if she could go home since she was already hungry. However, accused-appellant refused and instead, cooked rice for her. After AAA finished eating, he threatened to kill her if she dared to tell anyone about what happened. When AAA nodded to express her agreement, accused-appellant finally allowed her to go home.<sup>15</sup>

---

<sup>9</sup> “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]).

<sup>10</sup> Records, p. 1.

<sup>11</sup> Id. at 26-27.

<sup>12</sup> *Rollo*, p. 12; TSN, December 10, 2018, pp. 4-5.

<sup>13</sup> *Rollo*, p. 13; records, p. 11; TSN, December 10, 2018, p. 5.

<sup>14</sup> *Rollo*, p. 13; records, p. 11; TSN, December 10, 2018, pp. 5-7.

<sup>15</sup> *Rollo*, p. 13; records, pp. 11-12; TSN, December 10, 2018, pp. 7-8.

After arriving home, AAA felt weak and exhausted, and felt pain all over her body. However, she did not immediately disclose the ordeal to her grandmother. Later on, following her father's arrival, AAA decided to tell him.<sup>16</sup> AAA's father sought the assistance of the *barangay* councilors to report the incident at the [REDACTED] Police Station.<sup>17</sup>

Dr. Barry T. Juanitas (Dr. Juanitas) physically examined the victim, and found multiple contusions on the facial and abdominal areas which was reflected in the Trauma Sheet.<sup>18</sup> Simply put, there were multiple abrasions on different parts of AAA's body. Apart from this, he found lacerations in the genital area which he opined could have been caused by penile penetration. Dr. Juanitas issued a Certification<sup>19</sup> indicating that the victim sustained multiple soft tissue injuries secondary to sexual assault.<sup>20</sup>

The birth certificate<sup>21</sup> of AAA confirmed that she was born on February 1, 2005, and that she was still a minor (13 years old) when the rape occurred.

### Version of the Defense

Accused-appellant countered that on March 12, 2018, at around 5:00 a.m., he arrived home from fishing. He fixed the fish net and gathered his catch. Thereafter, he slept in his room while his son, YYY, and a certain ZZZ, stayed in the house. At around 10:00 a.m., his son woke him up because his wife wanted him to repair the roof of her employer's house located at the town proper.<sup>22</sup>

At around 1:30 to 3:30 p.m., accused-appellant watched a basketball game at the town plaza. Subsequently, at around 3:30 p.m., he proceeded to the house of a certain WWW where he watched a game of *tong-its*. Afterwards, the authorities arrested accused-appellant and immediately brought him to the police station where he was detained.<sup>23</sup>

Accused-appellant denied the charges and averred that he could not think of any reason why the victim implicated him. He admitted being familiar with AAA because he always sees her with her father tending to the cows near his house. Accused-appellant maintained that he was sleeping during the time of the incident.<sup>24</sup>

<sup>16</sup> *Rollo*, p. 13; records, p. 12; TSN, December 10, 2018, pp. 8-9.

<sup>17</sup> *Rollo*, p. 14; records, p. 12; TSN, December 3, 2018, p. 3; TSN, December 10, 2018, p. 9.

<sup>18</sup> Records, p. 43.

<sup>19</sup> *Id.* at 19.

<sup>20</sup> *Rollo*, p. 14; TSN, December 3, 2018, p. 4.

<sup>21</sup> Records, p. 18.

<sup>22</sup> *Rollo*, p. 14; TSN, January 7, 2019, pp. 3-5.

<sup>23</sup> *Rollo*, pp. 14-15; TSN, January 7, 2019, pp. 5-6.

<sup>24</sup> *Rollo*, p. 15; TSN, January 7, 2019, pp. 13, 16.

## The proceedings

At the pre-trial, the parties stipulated on the following:

1. The identity of the accused who is the same person charged in the Information and who pleaded **NOT GUILTY** when arraigned;
2. The fact of minority of the victim when the incident happened on March 12, 2018;
3. Certification on the excerpt of the Police Blotter Entry No. 159 & 160 dated March 13, 2018;
4. The Certification issued by x x x Dr. Barry T. Juanitas dated March 12, 2018, certifying x x x the injury sustained by the victim which x x x only pertains to its existence; and
5. The fact of warrantless arrest effected on [accused-appellant] by PO2 [Ronie] Samillano of [REDACTED] Municipal Police Station, [REDACTED].<sup>25</sup>

During the trial, the parties stipulated on the testimony of Police Officer 2 Ronie Samillano regarding the arrest of the accused-appellant,<sup>26</sup> which was also reflected in the Judicial Affidavit of Arrest.<sup>27</sup>

## Ruling of the Regional Trial Court

In a Judgment<sup>28</sup> dated September 23, 2019, the RTC ruled that notwithstanding the inconsistencies, the testimony of the victim should be accorded full weight and credit. This is considering her age and the ordeal she experienced, especially when it was corroborated by the testimony of Dr. Juanitas who physically examined her.<sup>29</sup> This was in stark contrast to accused-appellant's testimony which was riddled with ambiguities and flimsy explanations, and which cannot prevail over the positive identification of the victim pointing to him as the assailant.<sup>30</sup>

The dispositive portion of the RTC's Judgment reads:

**WHEREFORE**, all the foregoing considered, this Court finds accused [XXX] **GUILTY** beyond reasonable doubt of Rape by sexual intercourse defined and penalized under Article 266-A(1)(a), in relation to Article 266-B(1) of the Revised Penal Code, as amended, and he is hereby **CONVICTED** and sentenced to suffer the penalty of *reclusion perpetua*, in lieu of the death penalty pursuant to Republic Act No. 9346 (RA 9346).

Accused XXX is likewise directed to indemnify the victim 'AAA' the amount of **Php 100,000.00 for civil indemnity**; another amount of **Php 100,000.00 for moral damages**; and another amount of **Php 100,000.00 for**

<sup>25</sup> Records, pp. 32-33.

<sup>26</sup> Id. at 66.

<sup>27</sup> Id. at 14-16.

<sup>28</sup> *Rollo*, pp. 25-43.

<sup>29</sup> Id. at 33-36.

<sup>30</sup> Id. at 37-41.

**exemplary damages,**” and to pay interest equivalent to 6% *per annum*, on the aggregate amount of the civil indemnity and moral damages awarded from the finality of this judgment until fully paid.

The accused XXX shall serve his sentence at the New Bilibid Prisons (NBP) in Muntinglupa [sic] City, Metro Manila (MM), National Capital Region (NCR), and the OIC-Clerk of this Court is directed to immediately prepare all the necessary documents and *mittimus* needed for the transfer of the accused to the national penitentiary in Muntinglupa [sic] City, MM, NCR. The Provincial Warden of the [REDACTED] Rehabilitation Center, [REDACTED], where the accused is currently detained, is directed to effect the immediate transfer of accused [XXX] from the [REDACTED] Jail to the national penitentiary in Muntinglupa [sic], MM, NCR upon receipt of the required documents and *mittimus* for the transfer of the accused [XXX] from the said penal institution to the national penitentiary.

The period within which the accused [XXX] was detained shall be credited to him in full for as long as he abides by and follows strictly the rules and regulations of the penal institution where he is currently detained.

The OIC-Clerk of this Court is directed to prepare the records of these cases, including the transcript of the stenographic notes for transmittal to the Supreme Court for automatic review.

Cost against accused [XXX].

Furnish separate copies of this Judgment the Office of the Provincial Prosecutor, the private complainant ‘AAA’, the accused XXX, his counsel the Public Attorney’s Office (PAO), the Provincial Warden, [REDACTED] Rehabilitation Center, [REDACTED] and the National Bureau of Investigation (NBI), Taft Avenue, Manila.

**SO ORDERED.**<sup>31</sup>

Aggrieved, accused-appellant appealed<sup>32</sup> before the CA and assigned this sole error: **“THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.”**<sup>33</sup>

Accused-appellant argued that AAA’s testimony cannot be the basis for his conviction, as her demeanor before, during, and after the alleged incident is incompatible with a woman who claims to have been sexually abused, especially when she lingered in the house and got punched several times.<sup>34</sup> He averred that AAA’s grandparents should have noticed her appearance when she arrived home, assuming that she was physically attacked. Yet, she did not immediately report to her grandparents what happened to her.<sup>35</sup> Moreover, he

<sup>31</sup> Id. at 42-43.

<sup>32</sup> Records, pp. 110-112.

<sup>33</sup> CA rollo, p. 18.

<sup>34</sup> Id. at 24-26.

<sup>35</sup> Id. at 27.

asserted that staying alone on the field for hours while the animals were grazing is too long a time for a young girl like AAA. Lastly, he opined that the amount of damages granted to the victim should be lowered pursuant to jurisprudence.<sup>36</sup>

On the other hand, the People of the Philippines, through the Office of the Solicitor General, contended that the RTC correctly found accused-appellant guilty beyond reasonable doubt of Rape of a minor, as defined and penalized under Art. 266-A of the RPC in relation with Section 5 (b) of RA 7610.<sup>37</sup> The trial court correctly ruled that AAA's testimony is more credible than that of the accused-appellant's.<sup>38</sup> Nonetheless, it posited that the RTC incorrectly imposed a straight penalty of *reclusion perpetua* despite the applicability of the Indeterminate Sentence Law. It opined that the penalty should have been twelve (12) years of *prison mayor* as minimum to seventeen (17) years, four (4) months, and one (1) day of *reclusion temporal* as maximum, considering that there was no aggravating or mitigating circumstance present in the case. Also, the amounts of damages should be reduced.<sup>39</sup>

### **Ruling of the Court of Appeals**

The CA, in its assailed May 27, 2021 Decision,<sup>40</sup> affirmed the RTC's ruling with modifications,<sup>41</sup> to wit:

**WHEREFORE**, premises considered, the petition is **DENIED**. The assailed *Judgment* dated September 23, 2019 promulgated by the Regional Trial Court, Branch 64 of ██████████ in Criminal Case No. 18-05-1737 is **AFFIRMED WITH MODIFICATIONS**. The civil indemnity, moral damages and exemplary damages awarded are each modified to PhP 75,000.00. Likewise, the award of damages shall earn legal interest at the rate of 6% *per annum* from the date of finality of judgment until fully paid.

**SO ORDERED.**<sup>42</sup>

The appellate court found that the prosecution established beyond reasonable doubt the elements of Rape through the clear and categorical testimony of the minor victim which was supported by Dr. Juanitas' findings. It stressed that accused-appellant employed force, threats, and intimidation in order to subdue the victim.<sup>43</sup> Furthermore, accused-appellant's defense of

---

<sup>36</sup> Id. at 28-29.

<sup>37</sup> Id. at 76-80.

<sup>38</sup> Id. at 80-82.

<sup>39</sup> Id. at 83-85.

<sup>40</sup> *Rollo*, pp. 8-24.

<sup>41</sup> Id. at 22-23.

<sup>42</sup> Id. at 23.

<sup>43</sup> Id. at 17-20.

denial was deemed to be weak and self-serving, especially when nobody corroborated his alibi.<sup>44</sup>

Discontented, accused-appellant appealed<sup>45</sup> his case before this Court.

### Issue

The sole issue is whether accused-appellant is guilty beyond reasonable doubt of committing Rape.

### Our Ruling

There is no merit in the appeal.

To start, “this Court adheres to the well-entrenched principle that the trial court’s factual findings, including its pronouncement as to the credibility of the witnesses, should be accorded great weight and respect. This is because trial courts have the opportunity to personally examine and observe the demeanor, manner, and body language of the witnesses when they were placed on the witness stand during trial.”<sup>46</sup>

Based on the evidence, there is no indication that the RTC erroneously evaluated the testimony of the victim. The defense did not present a convincing explanation to deviate from the RTC’s factual finding that accused-appellant raped AAA. Certainly, “rape may be proven by the sole and uncorroborated testimony of the offended party, provided that her testimony is clear, positive and probable.”<sup>47</sup> Here, not only did the minor victim establish the commission of the rape against her, but the medical expert’s testimony also validated her claims. Such gains more significance since the CA affirmed this finding.

Withal, Art. 266-A, paragraph (1) of the RPC defines the felony of Rape as follows:

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:

a) Through force, threat, or intimidation;

b) When the offended party is deprived of reason or is otherwise unconscious;

---

<sup>44</sup> Id. at 21.

<sup>45</sup> Id. at 17-19, 21.

<sup>46</sup> *People v. XXX*, G.R. No. 255491, April 18, 2022, citing *People v. Jagdon, Jr.*, G.R. No. 242882, September 9, 2020.

<sup>47</sup> *People v. Seguisabal*, G.R. No. 240424, March 18, 2021, citing *People v. Nocido*, G.R. No. 240229, June 17, 2020.

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.<sup>48</sup> (underscoring supplied)

According to Art. 266-B of the RPC, Rape under paragraph 1 of Art. 266-A shall be punished by *reclusion perpetua*.

The elements of Rape are as follows: “(1) that the offender had carnal knowledge of a woman; and (2) that such act was accomplished through force, threat, or intimidation.<sup>49</sup> From these requisites, it can thus be deduced, that rape is committed the moment the offender has sexual intercourse with a woman by using force or intimidation.<sup>50</sup> The gravamen of the crime of Rape is sexual congress with a woman by force and without consent.”<sup>51</sup>

In this case, accused-appellant, through force and intimidation, engaged in sexual congress without AAA’s consent. Specifically, he punched her several times and threatened her to have his way. Accused-appellant’s maturity and physical superiority likewise contributed to AAA’s inability to resist the attack, considering the victim’s young age at the time. Relevantly, AAA’s minority was alleged in the Information and proven through her birth certificate, the pre-trial stipulation, and the testimonies during trial.

Notably, AAA’s testimony was “clear, candid, consistent in its material points, and unshaken during cross-examination. 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.”<sup>52</sup>

Indeed, the victim’s account of what transpired persuaded this Court of the accused-appellant’s guilt, since it was also supported by the testimonies (stipulated and in court) of the prosecution witnesses, particularly that of Dr. Juanitas. To reiterate, “the credible testimony of the rape victim is sufficient to sustain a verdict of conviction. More so, when the victim’s testimony firmly conformed with the medical findings of the doctor who examined her, as here.”<sup>53</sup>

<sup>48</sup> REVISED PENAL CODE, Article 266-A, as amended by Republic Act No. 8353 (1997).

<sup>49</sup> *People v. XYZ*, G.R. No. 246975, March 23, 2022, citing *People v. CCC*, G.R. No. 231925, November 19, 2018.

<sup>50</sup> *Id.*, citing *People v. Aca-ac*, 409 Phil. 425, 436 (2001).

<sup>51</sup> *Id.*, citing *People v. Dimaano*, 506 Phil. 630, 648 (2005).

<sup>52</sup> *People v. XXX*, G.R. No. 257276, February 28, 2022, citing *People v. XXX*, G.R. No. 239906, August 26, 2020.

<sup>53</sup> *People v. XXX*, G.R. No. 252351, July 7, 2021.



Yet, the defense claimed that the victim did not protest during the ordeal. However, the records revealed that AAA actually shouted for help<sup>54</sup> but accused-appellant punched her several times and even placed a towel on her mouth to stifle her pleas. Additionally, there were no surrounding houses, other persons, and neighbors<sup>55</sup> at the crime scene. The possibility of receiving help was remote or next to none.

Accused-appellant similarly claimed that AAA should have reported the incident to her grandparents after she came home, or that her grandparents should have noticed her physical appearance if something really went wrong. We emphasize that “there is no standard form of behavior for a rape victim. A victim’s behavior and reaction cannot be predicted accurately; people react differently to a given situation.<sup>56</sup> Not all rape victims can be expected to act according to the usual expectation of the majority.”<sup>57</sup> Besides, when her father arrived home, AAA eventually decided to report the ordeal that she suffered.

In addition, accused-appellant denied the charges against him and presented an alibi that he was just at his house when the crime was perpetrated. Nevertheless, “[a]ccused-appellant’s denial must be rejected as it could not prevail over the [victim’s] unwavering testimony and [her] positive and firm identification of him as the perpetrator. The Court likewise cannot give credence to the defense of alibi. In order that alibi might prosper, it is not enough to prove that the [accused-appellant] had been somewhere else during the commission of the crime; it must also be shown that it would have been impossible for him to be anywhere within the vicinity of the crime scene.”<sup>58</sup> There is a high probability that accused-appellant committed the felony since he lived in the same area as the victim, and he could not prove that he stayed somewhere else or that he was in a different, far away location. To reiterate, he only stated that he was sleeping inside his house at the time.

Furthermore, accused-appellant’s testimony revealed inconsistencies concerning the whereabouts of his family<sup>59</sup> who were supposed to be present with him at home. Curiously, none of his family members even testified to corroborate his version of the story.

In fine, since accused-appellant’s guilt has been proven beyond reasonable doubt, the conclusions of the RTC and the CA should be sustained. To emphasize, “[a]s for Rape through sexual intercourse, and the victim is 12 years old and under 18 years old, [*People v. Tulagan*]<sup>60</sup> x x x instructs that the

---

<sup>54</sup> TSN, December 10, 2018, p. 14.

<sup>55</sup> Id. at 13.

<sup>56</sup> *People v. XXX*, G.R. No. 246194, November 4, 2020, citing *People v. Lolos*, 641 Phil. 624, 633-634 (2010).

<sup>57</sup> Id.

<sup>58</sup> *People v. YYY*, G.R. No. 252865, August 4, 2021, citing *Pendoy v. Court of Appeals (18th Division)-Cebu City*, G.R. No. 228223, June 10, 2019, which cited *People v. Abella*, 624 Phil. 18, 36 (2010).

<sup>59</sup> TSN, January 7, 2019, pp. 9-10.

<sup>60</sup> *People v. Tulagan*, 849 Phil. 197, 247 (2019).


proper nomenclature is “Rape under Article 266-A (1) in relation to Article 266-B of the RPC,” and the imposable penalty is *reclusion perpetua*.”<sup>61</sup> Furthermore, the Court finds that the CA correctly reduced the amount of monetary damages and affirmed the imposition of the legal interest rate of six percent (6%) per *annum* on the said monetary awards from the finality of the judgment until fully paid.<sup>62</sup>

**WHEREFORE**, the appeal is **DISMISSED**. The assailed May 27, 2021 Decision of the Court of Appeals in CA-G.R. CEB CR-HC No. 03566 is **AFFIRMED**. Accused-appellant XXX is found **GUILTY** beyond reasonable doubt of Rape under Article 266-A (1) in relation to Article 266-B of the Revised Penal Code and is thus sentenced to suffer the penalty of *reclusion perpetua*. Moreover, accused-appellant shall pay private complainant AAA the following amounts: (1) PHP 75,000.00 as civil indemnity; (2) PHP 75,000.00 as moral damages; and (3) PHP 75,000.00 as exemplary damages. All amounts are subject to the legal interest at the rate of six percent (6%) per *annum* from finality of this Resolution until fully paid.

The Office of the Solicitor General’s Manifestation in lieu of supplemental brief, pursuant to the Resolution dated September 19, 2022 is **NOTED**; and the filing of the accused-appellant’s supplemental brief as required in the Resolution dated September 19, 2022 is **DISPENSED WITH**.

**SO ORDERED.**” *Rosario, J., on official leave.*

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *gl 2/21*

by:

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

**264-A**  
**FEB 22 2023**

<sup>61</sup> *People v. XXX*, G.R. No. 233867, February 28, 2022, citing *People v. Tulagan*, *supra*.

<sup>62</sup> *People v. Jugueta*, 783 Phil. 806, 848 (2016).

The Solicitor General  
134 Amorsolo Street, Legaspi Village  
1229 Makati City

Court of Appeals  
6000 Cebu City  
(CA-G.R. CEB CR-HC No. 03566)

The Hon. Presiding Judge  
Regional Trial Court, Branch 64  
San Jose, 5700 Antique  
(Crim. Case No. 18-05-1737)

PUBLIC ATTORNEY'S OFFICE  
Regional Special and Appealed Cases Unit  
Counsel for Accused-Appellant  
3<sup>rd</sup> Floor, Taft Commercial Center  
Metro Colon Carpark, Osmeña Boulevard  
6000 Cebu City

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

The Director General  
Bureau of Corrections  
1770 Muntinlupa City

Public Information Office (x)  
Library Services (x)  
Supreme Court  
(For uploading pursuant to A.M.  
No. 12-7-1-SC)

Philippine Judicial Academy (x)  
Supreme Court

Judgment Division (x)  
Supreme Court



**264-A**

UR

