



Republic of the Philippines
Supreme Court
Baguio City

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated April 12, 2023 which reads as follows:

“G.R. No. 253183 (*People of the Philippines v. XXX*¹).—Accused-appellant XXX appeals² the March 8, 2019 Decision³ of the Court of Appeals (CA) in CA-G.R. CR- HC No. 08992, which affirmed the November 8, 2016 Decision⁴ of the Regional Trial Court (RTC), Branch 81 of ██████████ ██████████⁵ in Criminal Case No. 3495 finding accused-appellant guilty beyond reasonable doubt of Rape under paragraph 1(a), Article 266-A of the Revised Penal Code (RPC), as amended by Republic Act No. 8353.⁶

The Antecedents

The Information⁷ filed against accused-appellant alleged:

That on or about the 2nd of November 2014, at around 2:00 o'clock in the morning, at ██████████ ██████████, Philippines, and within the jurisdiction of this Honorable Court, the said accused, by means of violence, force, threat and intimidation, did then and there, willfully, unlawfully and feloniously, had

¹ 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.”

² *Rollo*, pp.18-19.

³ *Id.* at 3-17. Penned by Associate Justice Geraldine C. Fiel-Macaraig and concurred in by Associate Justices Apolinario D. Bruselas, Jr. and Myra V. Garcia-Fernandez.

⁴ *CA rollo*, pp. 40-43. Penned by Executive Judge Ramiro R. Geronimo.

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

⁶ Entitled, “AN ACT EXPANDING THE DEFINITION OF THE CRIME OF RAPE, RECLASSIFYING THE SAME AS A CRIME AGAINST PERSONS, AMENDING FOR THE PROPOSE ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE.” Approved: September 30, 1997.

⁷ Records, p. 1.

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carnal knowledge of [AAA],⁸ without her consent and against her will.

CONTRARY TO LAW.⁹

Accused-appellant pleaded not guilty to the crime charged.¹⁰ After the termination of the pre-trial¹¹, trial on the merits ensued.

The prosecution presented AAA as its witness.¹² The parties agreed to stipulate on the existence and due execution of the Medico-Legal Certificate, the picture of the recovered knife, and the joint affidavit of arrest of the police in relation to the prosecution's exhibits, thus dispensing with the testimonies of Dr. Laudemir M. Famarin, evidence custodian Police Officer (PO) 2 Nephthalie Fetalino, and arresting officers PO1 Gerome Mercado Guimera and PO1 Michael Magquilat Sales.¹³

Meanwhile, the defense presented the lone testimony of accused-appellant as evidence.¹⁴

Version of the Prosecution

At around 2:00 a.m. of November 2, 2014, private complainant was sleeping beside her 7-year old daughter in a single wooden bed when accused-appellant awakened her with a knife poked near her collarbone.¹⁵ Surprised, private complaint asked accused-appellant why was he inside their room to which the latter replied "*Hipos, wag kang pumalag, pag pumalag ka alam mo na ang mangyayari sayo.*"¹⁶ Private complainant immediately recognized accused-appellant upon hearing his voice because they were relatives (*i.e.*, private complainant is accused-appellant's aunt; private complainant and accused-appellant's father are cousins.)¹⁷ Private complainant cried and pleaded for accused-appellant not to do whatever he was planning, but to no avail.¹⁸

⁸ "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]).

⁹ *Id.*

¹⁰ *Id.* at 19-20.

¹¹ *Id.* at 32-33.

¹² TSN, May 27, 2015, pp. 1-23.

¹³ Records, pp. 41-42, 47, 60-61.

¹⁴ *Id.* at 73.

¹⁵ TSN, May 27, 2015, pp. 3 and 5-6.

¹⁶ *Id.* at 6.

¹⁷ *Id.* at 6-8, 19.

¹⁸ *Id.* at 6-8.

Accused-appellant still removed private complainant's clothes (*i.e.*, her pajama, blouse, and panty), undressed himself next, then proceeded to insert his penis into her vagina.¹⁹ After a while, accused-appellant made them change their positions and inserted his penis while she was in standing and kneeling positions, with her legs raised and her back turned against him.²⁰ When private complainant's daughter was awakened by the incident, she turned her back against them and cried.²¹

When accused-appellant went to the bathroom, private complainant hurriedly grabbed her daughter and ran to the house of her niece nearby.²² They then sought help from *barangay* officials and reported the incident to the police.²³ Upon returning from her niece's house, private complainant immediately turned over to the police the knife used by accused-appellant, which accused-appellant left inside the pillow.²⁴ Soon after, the police located accused-appellant and arrested him.²⁵

Version of the Defense

Accused-appellant denied the accusations against him. He claimed that at around 10:00 p.m. of November 1, 2014, he asked permission from his mother to go to the house of private complainant.²⁶ Apparently, he received a text from private complainant's son to come to the latter's house for the return of the tricycle speakers he had borrowed from accused-appellant.²⁷ He opened the door and let himself inside, allegedly because he was familiar with private complainant's house to the point that he can go in and out as he pleased.²⁸

Accused-appellant was in the living room when private complainant instructed him to wait for her son to arrive but for some reason, he lost his balance and fell on private complainant's bed.²⁹ During his direct examination, accused-appellant claimed that private complainant told him "*Ano magtitinginan nalang ba tayo,*" kissed him, and undressed herself. They then had sexual intercourse, with him on top of private complainant.³⁰ However, on cross-examination, accused-appellant vehemently denied that they had sex and claimed that he only responded to private complainant's initiatives by kissing her.³¹

¹⁹ Id. at 9-10,12.

²⁰ Id. at 12-14.

²¹ Id. at 8, 14.

²² Id. at 15-16.

²³ TSN, May 27, 2015, p. 17; Records, p. 6.

²⁴ TSN, May 27, 2015, pp. 14, 17; Records, p. 6.

²⁵ Records, pp. 6-7.

²⁶ TSN, March 11, 2016, pp. 4-5.

²⁷ Id. at 5-6;

²⁸ TSN, March 12, 2016, p. 6; TSN, August 15, 2016, p. 5.

²⁹ TSN, March 11, 2016, p. 6.; TSN, August 15, 2016, pp. 5-6.

³⁰ TSN, March 11, 2016, pp. 6-8.

³¹ TSN, August 15, 2016, pp. 8-12, 14.

Thereafter, private complainant allegedly told accused-appellant that she will be visiting his other aunt who lived across. Private complainant instructed accused-appellant to nonetheless wait for her and her son inside her house but accused-appellant went home when he got bored.³² At around noontime of the next day, accused-appellant was arrested and brought to the police station in Cajidiocan.³³

Ruling of the Regional Trial Court

In its November 8, 2016 Decision, the RTC found accused-appellant guilty beyond reasonable doubt for the crime of Rape, based on the credible testimony of private complainant.³⁴ The trial court thus ruled:

WHEREFORE, in view of the foregoing, accused [XXX], is found **GUILTY** beyond reasonable doubt of the crime of RAPE under Art. 266-A, par. 1 (a) of the Revised Penal Code and is sentenced to suffer the penalty of **reclusion perpetua**, with [sic] eligibility for parole. He is ordered to pay the victim AAA the amounts of ₱50,000.00 as civil indemnity; ₱50,000.00 as moral damages, and ₱30,000.00 as exemplary damages.

Let a Commitment Order be issued forthwith.

SO ORDERED.³⁵

Dissatisfied with the ruling of the trial court, accused-appellant elevated the case to the CA.³⁶

Ruling of the Court of Appeals

Accused-appellant raised the following errors on appeal: the court *a quo* gravely erred when it found him guilty of rape (a) despite the prosecution's failure to establish the element of force and intimidation; and (b) solely on the basis of the private complainant's incredible testimony.³⁷

In its March 8, 2019 Decision, the CA denied the appeal for lack of merit, albeit with modification.³⁸ In rejecting accused-appellant's plain denial, the appellate court found no reason to depart from the trial court's findings on the credibility and reliability of private complainant's testimony, which categorically and positively narrated the details of her harrowing experience.³⁹

³² TSN, March 11, 2016, pp. 8-9; TSN, August 15, 2016, p. 15.

³³ TSN, March 11, 2016, p.10.

³⁴ CA *rollo*, p. 42.

³⁵ Id. at 43.

³⁶ Id. at 11-12 and 26-38.

³⁷ Id. at 28.

³⁸ *Rollo*, p. 9 and 16.

³⁹ Id. at 9.

The dispositive portion of the assailed Decision reads:

WHEREFORE, in light of the foregoing, the appeal is **DENIED**. The 8 November 2016 Decision of the court *a quo* is **AFFIRMED**, with **MODIFICATION** that accused-appellant [XXX] is **ORDERED TO PAY** to [AAA] ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages, plus interest of 6% per *annum* on all the items of civil liability computed from the finality of judgment until fully paid. The rest of the appealed Decision stands.

IT IS SO ORDERED.⁴⁰

Aggrieved by the CA's affirmation of his conviction, accused-appellant filed a Notice of Appeal.⁴¹

Issue

Is accused-appellant is guilty beyond reasonable doubt for the crime of Rape?

Our Ruling

There is no merit in the appeal.

By the distinctive nature of rape cases, conviction usually rests solely on the basis of the testimony of the victim, provided that such testimony is credible, natural, convincing, and consistent with human nature and the normal course of things.⁴² Thus, the victim's credibility becomes the primordial consideration in the resolution of rape cases.⁴³

In this regard, factual findings of the trial court, its calibration of the testimonies of the witnesses, and its conclusions anchored on its findings are accorded high respect, if not conclusive effect, more so when affirmed by the CA.⁴⁴ This is because the evaluation of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court given its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct, and attitude under grueling examination.⁴⁵

After a judicious examination of the records, this Court finds no cogent reason to vacate the RTC's appreciation of the evidence, as affirmed by the CA. The Court agrees with both the RTC and the CA's conclusions that the elements of rape, *i.e.*, (1) that the offender had carnal knowledge of the

⁴⁰ Id. at 16.

⁴¹ Id. at 18-19.

⁴² *People v. Palanay*, 805 Phil. 116, 126 (2017), citing *People v. Ayade*, 624 Phil. 237, 243 (2010), further citing *People v. Achas*, 612 Phil. 652, 662 (2009).

⁴³ Id., citing *People v. Ocdol*, 741 Phil. 701, 714 (2014).

⁴⁴ Id., citing *People v. Iroy*, 628 Phil. 145, 152 (2010).

⁴⁵ Id., citing *People v. Abat*, 731 Phil. 304, 312 (2014).

woman, and (2) that such act was accomplished through force or intimidation,⁴⁶ were duly established by private complainant's credible and reliable testimony.

To negate the assertion of abuse against private complainant by discrediting her testimony, accused-appellant essentially insists that he and private complainant engaged in consensual sexual activity.⁴⁷ Accused-appellant relies on private complainant's admissions that she stood up, raised her legs to enable him to fully insert his penis in her vagina, and moved her body back and forth while he was merely standing, as being demonstrative of private complainant's voluntary cooperation.⁴⁸ He further argues that their change in sexual positions belies the attendance of force because considering the difficulty and time involved in the execution of these positions, only lovers would resort to them to attain pleasure and satisfaction.⁴⁹ Lastly, accused-appellant claims that private complainant's testimony is also illogical and incredible, due to the manifold inconsistencies in her statements.⁵⁰

Accused-appellant's arguments deserve scant consideration.

First, intimidation is subjective and must be viewed from the lens of the victim's perception and judgment, such that it is enough that the victim fears that something will happen to her should she resist her assailant's advances.⁵¹ The Court has settled that "the act of holding a bladed instrument, by itself, is strongly suggestive of force, or at least intimidation, and threatening the victim with the same is sufficient to bring her into submission."⁵² Thus, threatening the victim with a knife is sufficient to cow the victim, and it constitutes an element of rape.⁵³

We thus adopt the finding of the CA that the element of force or intimidation was duly established, viz.:

Here, [AAA] recounted that she was roused from her sleep when accused-appellant entered her house and threatened to kill her with the knife he was poking at her. Fearing for her and her 7-year old daughter's lives, and since the accused-appellant did not heed her pleas, she had no choice but to submit to his sexual demands.

In her direct examination, [AAA] clearly described the details of her agonizing experience, thus:

⁴⁶ *People v. Andes*, 836 Phil. 1046, 1054 (2018), citing *People v. Soronio*, 281 Phil. 820, 824 (1991).

⁴⁷ *CA rollo*, p. 33.

⁴⁸ *Id.* at 34.

⁴⁹ *Id.*

⁵⁰ *Id.* at 34-36.

⁵¹ *People v. Arguta*, 758 Phil. 594, 602 (2015), citing *People v. Frias*, 718 Phil. 173, 183 (2013), further citing *People v. Sgt. Bayani*, 331 Phil. 169, 193 (1996).

⁵² *Id.*

⁵³ *People v. Adlawan, Jr.*, 291 Phil. 519, 528 (1993).

Prosecution [Atty. Karen S. Buffe]

Q: How did you know that XXX entered your room considering that you were sleeping at that time?

A: He poked a knife here (witness is pointing to her collar bone)

Q: At that time that you [were] poked a knife, you were still sleeping?

A: I was awakened.

Q: So the poking of the knife awakened you, is that what you are telling us?

A: Yes, ma'am.

[x x x x]

Q: You mentioned a while ago that you were able to recognize the accused because he spoke, what did he tell you while his knife is being poked at you?

A: He said "*Hipos, 'wag kang pumalag, pag pumalag ka alam mo na ang mangyayari sa 'yo*" (which means, quiet, don't resist or else you know wht (sic) will happen to you).

Q: What was your reaction?

A: I cried and I pleaded to him not to do whatever plans he has.

[x x x x]

Q: You were poked with a knife, after poking, what happened next?

A: He raped me already. (Emphasis and underscoring supplied. Citations omitted.)⁵⁴

Notably, the defense was not able to dispute the allegation that accused-appellant poked a knife at private complainant, as it has failed to sufficiently address the recovered knife presented by the prosecution as one of its exhibits.⁵⁵

Next, in *People v. Cano*,⁵⁶ the Court has likewise recognized that raping a woman in a standing position may be difficult and uncomfortable, but it is not improbable. Where the accused-appellant therein also overpowered the victim with his strength and while armed with a weapon, the Court found that "the appellant could have consummated the rape **in a standing, or for that matter, any other position he wanted.**"⁵⁷

⁵⁴ *Rollo*, pp. 11-12.

⁵⁵ *CA rollo*, p. 42; *Records*, pp. 60-61.

⁵⁶ 393 Phil. 706, 716 (2000).

⁵⁷ *Id.*, emphasis and underscoring supplied. See *People v. Meorada*, 296 Phil. 748, 764-765 (1993) where the Court denied accused's contention that rape is not possible or could not have been consummated in the manner described by the victim. Citing *People v. Saylan*, 215 Phil. 134, 143 (1984), the Court sustained the conviction for rape where the accused used not only the missionary position but also the "dog-style position", *i.e.*, entry from behind.

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While it is true that private complainant raised her legs and moved into kneeling and standing positions,⁵⁸ accused-appellant should not be permitted to take these facts out of context and use them as justifications for voluntariness or consent. Private complainant's testimony clearly reveals that she did these only in submission to accused-appellant's commands, unable anymore to repel the latter's acts, and due to the fear mentioned above, to wit:

Q: When he mounted at you[,] you spread your legs?

A: No, sir, he forced me.

Q: He forced you to do what?

A: He inserted his penis [in]to my vagina.

Q: **Okay, when [XXX] was still forcing to have his penis be inserted in your vagina, what were you doing at that time, how did you react to that?**

A: **I was angry and I cried.**

x x x x

Q: Okay, after the penis of [XXX] was already inserted to your vagina, what else did [XXX] do?

A: He changed his position.

x x x x

Q: **Who initiated those positions?**

A: **He was the one.**

x x x x

Q: **I heard a while ago while I was doing business in the bathroom that you voluntarily raised your legs, do you confirm it?**

A: **That is what he wants so I just obeyed him.**

Q: **Did he tell you to raise your legs?**

A: **Yes, ma'am, he was the one who wants me to do that.**

Q: **How did you know that [XXX] wanted you to raise your legs?**

A: **He commanded me.**

Q: By what, did he hold your legs and raise the same?

COURT: You mean to say he told you to raise?

A: Yes, Your Honor. (Emphasis and underscoring supplied.)⁵⁹

Lastly, and as it is oft-repeated, inconsistencies in the testimonies of witnesses, which refer only to minor details and collateral matters, do not

⁵⁸ TSN, May 27, 2015, pp. 12-16.

⁵⁹ Id. Emphases and underscoring supplied.

affect the veracity and weight of their testimonies where there is consistency in relating the principal occurrence and the positive identification of the accused. Slight contradictions in fact even serve to strengthen the credibility of the witnesses and prove that their testimonies are not rehearsed. Nor are such inconsistencies, and even improbabilities, unusual, for there is no person with perfect faculties or senses.⁶⁰

This Court likewise affirms the CA's disposition that the inconsistencies cited by accused-appellant — on whether (a) private complainant did not have sufficient time to put on her clothes when she supposedly escaped from accused-appellant; (b) she took anti-hypertensive medicines; and (c) her daughter made any reaction or ran for help while the rape was ongoing — are peripheral and trivial that do not have a direct bearing on whether rape was committed.⁶¹ Such circumstances are immaterial and insignificant in light of private complainant's categorical identification of accused-appellant as the person who forcibly had sexual intercourse with her, and whom she was able to recognize by his voice and by the fact that they are relatives.⁶²

It bears noting that rape is not a simple physical violation. It debases a woman's dignity, leaving a stigma on her honor and scarring her psyche for life. The fact that it was committed by a relative, whether close or distant, makes it even more abhorrent. Certainly, no woman in her right mind would fabricate a story of bestiality against her own relative that could sully her reputation and expose herself, as well as her family, to all sorts of public aspersions if she were not motivated to seek justice for a wrong committed against her.⁶³

From the foregoing, accused-appellant's conviction for Rape under par. 1(a), Art. 266-A of the RPC is proper. Considering however that use of a knife as a deadly weapon was not alleged as a qualifying circumstance in the information, then the RTC and CA are correct in ruling that accused-appellant shall only suffer the penalty of *reclusion perpetua*, in accordance with Art. 266-B of the RPC, as amended.⁶⁴

We note however that in the dispositive portion of the November 8, 2016 Decision, the RTC sentenced accused-appellant to suffer the penalty of "*reclusion perpetua* **with eligibility for parole.**"⁶⁵ This was likewise affirmed by the CA when the issue on parole was not included among its modifications and when it declared in its dispositive portion that "the rest of the appealed Decision stands."⁶⁶ This Court clarifies that the Indeterminate Sentence Law

⁶⁰ *People v. Sarcia*, 615 Phil. 97, 115 (2009), citing *People v. Perreras*, 414 Phil. 480, 488 (2001).

⁶¹ *Rollo*, p. 15.

⁶² TSN, May 27, 2015, pp. 6-8.

⁶³ *People v. Gutierrez*, 451 Phil. 227, 240 (2003), citing *People v. Agunos*, 375 Phil. 315, 326 (1999).

⁶⁴ See *People v. Calimlim*, 416 Phil. 403, 421 (2001); see also *supra* at note 5.

⁶⁵ CA *rollo*, p. 43.

⁶⁶ *Rollo*, p. 16.

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does not apply to persons convicted of offenses punishable with *reclusion perpetua*. In A.M. No. 15-08-02-SC,⁶⁷ the Court explained thus:

Parole is extended only to those convicted of divisible penalties. *Reclusion perpetua* is an indivisible penalty and carries no minimum nor maximum period. Section 5 of the Indeterminate Sentence Law provides that it is after “any prisoner shall have served the minimum penalty imposed on him” that the Board of Indeterminate Sentence may consider whether such prisoner may be granted parole. **With no “minimum penalty” imposable on those convicted of a crime punishable by *reclusion perpetua*, then even prior to the enactment of R.A. No. 9346, persons sentenced by final judgment to *reclusion perpetua* could not have availed of parole under the Indeterminate Sentence Law.**

Since the distinction between *reclusion perpetua* and *reclusion perpetua without eligibility for parole* is more apparent than real, then there is no more need to append the phrase “*without eligibility for parole*” to qualify the penalty of *reclusion perpetua*.⁶⁸ (Emphasis supplied. Citations omitted).

Since the imposable penalty against accused-appellant is the indivisible penalty of *reclusion perpetua*, then he is not entitled to parole in the first place. Accordingly, judgment on the penalty is hereby modified to remove the pronouncement on his eligibility for parole.

With regard to the award for damages, the same requires some modification.

Art. 266-B of the RPC penalizes the crime of Rape as follows:

[Art.] 266-B. *Penalties*. — Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* to death.
(Emphasis supplied)

As already mentioned, the qualifying circumstance of use of a deadly weapon was not alleged in the Information but proven during trial. If it has been alleged and proven during trial, the use of deadly weapon would have qualified the crime and warranted the imposition of the death penalty, if not for its proscription. Nonetheless, the use of deadly weapon even if not alleged but proven during trial, may be considered in awarding damages. Jurisprudence teaches that:

Finally, the Information should have alleged that the crime was committed inside the dwelling of the victims which was proven during the trial. We could not, therefore, consider this as an aggravating circumstance, although

⁶⁷ Entitled, “GUIDELINES FOR THE PROPER USE OF THE PHRASE ‘WITHOUT ELIGIBILITY FOR PAROLE’ IN INDIVISIBLE PENALTIES.” Approved: August 4, 2015.

⁶⁸ Id.

if alleged, it should have been admitted since the crime committed is robbery with violence and thus could have increased the penalty to death although it could not be imposed because of the provisions of RA 9346 and the accused could not be eligible for parole. **However, as enunciated in *People v. Jugueta* citing *People v. Catubig*, the said aggravating circumstance can be appreciated but only for determining the civil liability awarded. Accordingly, the award of civil, moral, and exemplary damages should be increased to P100,000.00 each.**⁶⁹ (Emphasis supplied)

Thus, We modify the awards of civil liabilities, i.e., civil indemnity, moral damages and exemplary damages from ₱75,000.00 each, to ₱100,000.00 each. These monetary awards shall earn interest at the rate of 6% per *annum* from finality of this Resolution until full payment, consistent with prevailing jurisprudence.⁷⁰


WHEREFORE, the appeal is **DISMISSED**. The March 8, 2019 Decision of the Court of Appeals in CA-G.R. CR-HC No. 08992, is **AFFIRMED with MODIFICATION**. Accused-appellant XXX is found **GUILTY** beyond reasonable doubt of Rape under paragraph 1(a) Article 266-A of the Revised Penal Code and is thus **SENTENCED** to suffer the penalty of *reclusion perpetua*. The phrase “with eligibility for parole” is **DELETED**. Moreover, accused-appellant shall **PAY** the victim AAA the following amounts: (1) ₱100,000.00 as civil indemnity; (2) ₱100,000.00 as moral damages; and (3) ₱100,000.00 as exemplary damages. All amounts are subject to legal interest at the rate of six percent (6%) per *annum* from finality of this Resolution 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

447

APR 25 2023

The Solicitor General
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(CA-G.R. CR-HC No. 08992)

⁶⁹ *People v. Bongos*, 824 Phil. 1004, 1023-1024 (2018).

⁷⁰ See *People v. Jugueta*, 783 Phil. 806, 840 (2016); *Nacar v. Gallery Frames*, 716 Phil. 267, 283 (2013).

The Hon. Presiding Judge
Regional Trial Court, Branch 81
5500 Romblon
(Crim. Case No. 3495)

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