



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **09 December 2020** which reads as follows:*

“G.R. No. 249647 (*People of the Philippines v. XXX*).¹ – Considering the allegations, issues and arguments presented in the accused-appellant’s supplementary appeal brief and the appellee’s brief, the Court resolves to **DISMISS** the appeal for failure to sufficiently show that the Court of Appeals (CA) committed any reversible error in rendering its June 25, 2019 Decision² in CA-G.R. CR-HC No. 01979-MIN, finding accused-appellant guilty of the crime of Rape.

Nonetheless, while the Court finds that the prosecution established beyond reasonable doubt the guilt of appellant for the crime of Rape, there is a need to delete the phrase “without eligibility for parole” from the CA Decision. Under Article 266-B of the Revised Penal Code, Rape under paragraph 1 is punishable by *reclusion perpetua*. Pursuant to the Court’s guidelines³ in A.M. No. 15-08-02-SC,⁴ the phrase “without eligibility for

¹ Pursuant to Supreme Court Amended Administrative Circular No. 83-2015 (*Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances*) dated September 5, 2017.

² *Rollo*, pp. 5-23; penned by Associate Justice Loida S. Posadas-Kahulugan, with Associate Justices Walter S. Ong and Florencio M. Mamauag, Jr., concurring

³ In these lights, the following guidelines shall be observed in the imposition of penalties and in the use of the phrase “without eligibility for parole”:

- (1) In cases where the death penalty is not warranted, there is no need to use the phrase “without eligibility for parole” to qualify the penalty of *reclusion perpetua*; it is understood that convicted persons penalized with an indivisible penalty are not eligible for parole; and
- (2) When circumstances are present warranting the imposition of the death penalty, but this penalty is not imposed because of R.A. 9346, the qualification of “*without eligibility for parole*” shall be used to qualify *reclusion perpetua* in order to emphasize that the accused should have been sentenced to suffer the death penalty had it not been for R.A. No. 9346.

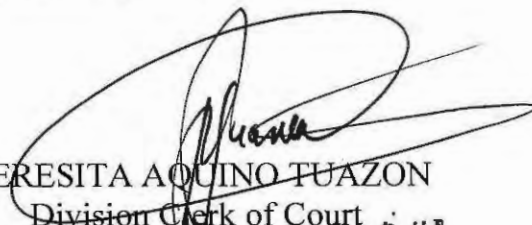
⁴ *Guidelines for the Proper Use of the Phrase “Without Eligibility for Parole” in Indivisible Penalties*, August 4, 2015.

parole” shall be deleted from the *fallo*.

WHEREFORE, the Court **DISMISSES** the appeal and **AFFIRMS with MODIFICATION** the June 25, 2019 Decision of the Court of Appeals in CA-G.R. CR-HC No. 01979-MIN sentencing accused-appellant to suffer the penalty of *reclusion perpetua*.

SO ORDERED. (Rosario, *J.*, designated additional member per Special Order No. 2797 dated November 5, 2020)”

By authority of the Court:


 TERESITA AQUINO TUAZON
 Division Clerk of Court
 11 JAN 2021

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THE SUPERINTENDENT (reg)
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HON. PRESIDING JUDGE (reg)
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 (Crim. Case No. 2014-2571)

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 CA-G.R. CR-HC No. 01979-MIN

*with copy of CA Decision dated 25 June 2019
Please notify the Court of any change in your address.
 GR249647. 12/09/2020(256)URES(m)