



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **01 July 2020** which reads as follows:*

“**G.R. No. 247005** (*People of the Philippines vs. Romeo Tesoro Blanza, Jr.*). – The Court **NOTES** the letter (1st Endorsement) dated March 18, 2020 of CC Supt. Alberto R. Tapiru, Jr., Officer-in-Charge, Davao Prison and Penal Farm, B. E. Dujali, Davao del Norte, informing the Court that they have no record of confinement of Romeo Tesoro Blanza, Jr. (accused-appellant) in their institution.

Considering the allegations, issues, and arguments presented in the Accused-appellant’s¹ and Plaintiff-appellee’s Briefs,² which the parties adopted instead of filing their respective supplementary appeal briefs, the Court resolves to **DISMISS** the appeal for failure of the accused-appellant to sufficiently show any reversible error in the Decision³ dated November 21, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01717-MIN, as to warrant the exercise of the Court’s appellate jurisdiction.

The factual findings of the trial court, as affirmed by the CA, are entitled to great respect and are not disturbed on appeal unless some facts or circumstances of weight and substance were overlooked and misappreciated, and could materially affect the disposition of the case. This conclusiveness is derived from the trial court’s having the first-hand opportunity to observe the demeanor and manner of the witnesses when they testified at the trial.⁴

¹ CA rollo, pp. 20-35.

² *Id.* at. 67-91.

³ Rollo, pp. 4-17; penned by Associate Justice Ruben Reynaldo G. Roxas with Associate Justices Edgardo A. Camello and Evalyn M. Arellano-Morales, concurring.

⁴ *People v. Rollen*, G.R. No. 231128, February 13, 2019.

The Court finds that the trial court and the CA committed no error in convicting accused-appellant of Qualified Rape under paragraph 1 (b) of Article 266-A in relation to paragraph 6 (10) of Article 266-B of the Revised Penal Code (RPC).

However, Administrative Matter No. (AM) 15-08-02-SC⁵ pertinently provides:

Parole is extended only to those convicted of divisible penalties. *Reclusion perpetua* is an indivisible penalty and carries no minimum nor maximum period. x x x. 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.

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 RA 9346.

Thus, the Court modifies the penalty imposed by the RTC in that accused-appellant is meted out the penalty of *reclusion perpetua* without eligibility for parole.

In line with *People v. Jugueta*,⁶ the amounts of ₱100,000.00 as civil indemnity and ₱100,000.00 as moral damages are awarded. In addition, the amount of ₱100,000.00 is awarded as exemplary damages considering the presence of the qualifying aggravating circumstance

⁵ “Entitled Guidelines for The Proper Use of the Phrase ‘Without Eligibility For Parole’ in Indivisible Penalties,” took effect on August 4, 2015.

⁶ *People v. Jugueta*, 783 Phil. 806, 839 (2016).

and/or the ordinary aggravating circumstances.⁷ Regardless of the attendance of the qualifying aggravating circumstance, the exemplary damages shall be fixed at ₱100,000.00 as “*this is not only a reaction to the apathetic societal perception of the penal law and the financial fluctuation over time, but also an expression of the displeasure of the Court over the incidence of heinous crimes*”.⁸

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law of the Court of Appeals in the Decision dated November 21, 2018 in CA-G.R. CR-HC No. 01717-MIN and **AFFIRMS** the finding that accused-appellant is **GUILTY** beyond reasonable doubt of Qualified Rape under Article 266-A, paragraph 1 (b) in relation to Article 266-B paragraph 6 (10) of the Revised Penal Code with **MODIFICATION** in that accused-appellant is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole; and to pay the victim ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages. All the amounts shall earn an interest at the rate of 6% per *annum* from the finality of this Resolution until full payment.

SO ORDERED.” (GAERLAN, *J.*, designated as additional member, per Special Order No. 2780 dated May 11, 2020).

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

12 AUG 2020

⁷ *Id.*

⁸ *People v. Jugueta, supra* note 6.

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*CC SUPT. ALBERTO R. TAPIRU, JR. (reg)
Officer-in-Charge
Davao Prison and Penal Farm
B.E. Dujali, Davao del Norte

THE SUPERINTENDENT (reg)
San Ramon Prison & Penal Farm
Zamboanga City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 22
Kabacan, Cotabato
(Crim. Case No. 09-45)

COURT OF APPEALS (reg)
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CA-G.R. CR H.C. No. 01717 -MIN

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*For this Resolution only.

Please notify the Court of any change in your address.
GR247005. 07/01/20 (128 & 190)URES

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