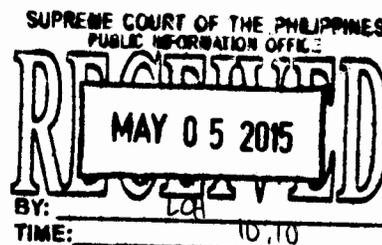




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 21 January 2015 which reads as follows:

G.R. No. 212210: PEOPLE OF THE PHILIPPINES v. ALBERTO KATIPUNAN Y DE GUZMAN @ “Tiktok”

X-----X

Pursuant to its Resolution dated October 29, 2013, the Court of Appeals elevated the records of this case to this court. The Resolution gave due course to accused-appellant Alberto Katipunan’s Notice of Appeal.¹

In compliance with this court’s Resolution² dated July 7, 2014, accused-appellant Alberto Katipunan and plaintiff-appellee People of the Philippines manifested that they would no longer file their respective supplemental briefs, as they had already stated their arguments in their respective briefs filed before the Court of Appeals.³

After an evaluation of the case records, this court resolves to **ADOPT** and **APPROVE** the findings of fact and conclusions of law of the Court of Appeals in its Decision promulgated on September 30, 2013, in CA-G.R. CR.-H.C. No. 05526. However, the award of damages is modified.

In view of our Decision in *People v. Gambao*,⁴ the award to AAA of civil indemnity and moral damages should be increased from ₱55,000.00 each to ₱150,000.00 each. AAA should also be awarded exemplary damages of ₱100,000.00.

WHEREFORE, this court **AFFIRMS with MODIFICATION** the Court of Appeals’ Decision promulgated on September 30, 2013, in CA-G.R. CR.-H.C. No. 05526, finding accused-appellant Alberto Katipunan **GUILTY** beyond reasonable doubt of the crime of rape as defined in 266-A par. 1(b) of the Revised Penal Code, as amended.⁵ He is sentenced to suffer the penalty of *reclusion perpetua* without possibility of parole, in accordance

¹ CA rollo, p. 122.

² Rollo, p. 16.

³ Id. at 18–19 and 24–26.

⁴ G.R. No. 172707, October 1, 2013, 706 SCRA 508, 533–534 [Per J. Perez, En Banc].

⁵ Rep. Act No. 8353 (1997). An Act Expanding the Definition of the Crime of Rape, Reclassifying the Same as a Crime Against Persons, Amending for the Purpose Act No. 3815, as Amended, Otherwise Known as the Revised Penal Code, and for Other Purposes.

- more -

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with Republic Act No. 9346.⁶

The awards to AAA are **MODIFIED**. Accused-appellant is ordered to pay AAA ₱150,000.00 as civil indemnity, ₱150,000.00 as moral damages, and ₱100,000.00 as exemplary damages, with an interest of 6% per annum from the finality of this Decision until the full amount of the award is paid.

(Brion, J., on leave; Velasco, Jr., J., designated acting member per S.O. No. 1910 dated January 12, 2015.)

SO ORDERED.

Very truly yours,

MA. LOURDES C. PERFECTO
 MA. LOURDES C. PERFECTO
 Division Clerk of Court *by 4/27*

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ALBERTO KATIPUNAN y DE GUZMAN
 Accused-Appellant
 c/o The Director
 Bureau of Corrections
 1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 85
 Malolos City
 Crim. Case No. 802-M-2006

COURT OF APPEALS (x)
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⁶ Rep. Act No. 9346 (2006), An Act Prohibiting the Imposition of Death Penalty in the Philippines.