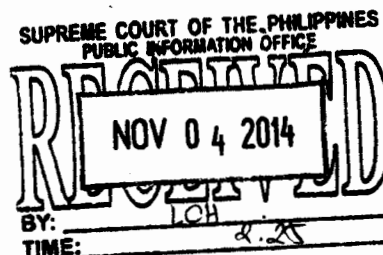




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **October 8, 2014** which reads as follows:*

“G.R. No. 207645 (Armando Viceno v. People of the Philippines).- The petitioner’s first and second motions for extension totaling fifteen (15) days from May 12, 2014 within which to file a reply to the comment on the petition for review on certiorari are **GRANTED**, and the said reply thereafter filed is **NOTED**.

After a judicious review of the records, the Court resolves to **DENY** the petition and **AFFIRM** the February 19, 2013 Decision¹ and June 13, 2013 Resolution² of the Court of Appeals (CA) in CA-G.R. CR No. 34540 for failure of Armando Viceno (petitioner) to show that the CA committed any reversible error in affirming his conviction for rape by sexual assault under Article 266-A, paragraph 2 of the Revised Penal Code, as amended, sentencing him to suffer imprisonment of six (6) years and one (1) day of prision mayor, as minimum, to seventeen (17) years, four (4) months, and one (1) day of reclusion temporal, as maximum, and awarding damages in the following amounts: (a) ₱30,000 as civil indemnity; (b) ₱30,000.00 as moral damages; and (c) ₱30,000 as exemplary damages.

As correctly held by the CA, the positive and categorical testimony of the victim that her father, the petitioner, thrust his finger into her genital orifice coupled with the medico-legal findings that she, at four (4) years of age, was in a non-virgin state having sustained two (2) deep healed lacerations in her hymen, proved beyond reasonable doubt that petitioner committed the crime of rape by sexual assault.

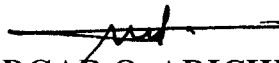
¹ *Rollo*, pp. 139-155. Penned by Associate Justice Celia C. Librea-Leagogo with Associate Justices Franchito N. Diamante and Melchor Q.C. Sadang, concurring.

² *Id.* at 168-169.

- over - two (2) pages

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court *gk/10*
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Court of Appeals (x)
Manila
(CA-G.R. CR No. 34540)

The Solicitor General (x)
Makati City

The Hon. Presiding Judge
Regional Trial Court, Br. 73
1870 Antipolo City
(Crim. Case No. 99-16084)

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Judgment Division (x)
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