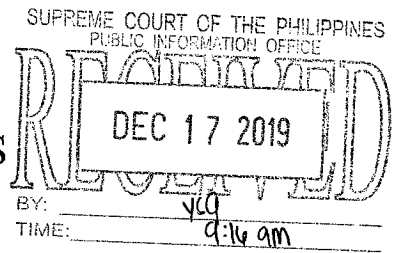




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila



SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **11 November 2019** which reads as follows:

G.R. No. 243794 (People of the Philippines v. Elmer Lucban y Sagonoy and Gerald Madaluyo y Redondo a.k.a. "Yabyab")

After a judicious study of the case, the Court resolves to **DISMISS** the appeal¹ for failure to sufficiently show that the Court of Appeals (CA) committed any reversible error in the assailed Decision as to warrant the exercise of the Court's appellate jurisdiction.

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the September 28, 2018 Decision² of the CA in CA-G.R. CR-HC No. 02519 and **AFFIRMS** said Decision finding accused-appellants Elmer Lucban y Sagonoy and Gerald Madaluyo y Redondo a.k.a. "Yabyab" **GUILTY** beyond reasonable doubt of the crime of Rape, defined and penalized under Article 266-A (1), in relation to Article 266-B of the Revised Penal Code. Accordingly, they are each sentenced to suffer the penalty of *reclusion perpetua* and to solidarily pay AAA³ the following amounts: (a) ₱75,000.00 as civil indemnity; (b) ₱75,000.00 as moral damages; and (c) ₱75,000.00 as exemplary damages. Moreover, all monetary awards shall earn an interest at the legal rate of six percent (6%) per annum from the date of finality of this Resolution until full payment.

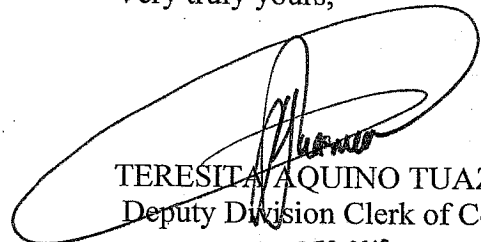
¹ See Notice of Appeal dated October 26, 2018; *rollo*, pp. 12-13.

² *Id.* at 4-11. Penned by Associate Justice Edward B. Contreras with Associate Justices Louis P. Acosta and Dorothy P. Montejo-Gonzaga, concurring.

³ 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 RA 7610, entitled "AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES," approved on June 17, 1992; RA 9262, entitled "AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES," approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the "RULE ON VIOLENCE AGAINST WOMEN AND THEIR CHILDREN" (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014], citing *People v. Lomaque*, 710 Phil. 338, 342 [2013]. See also Amended Administrative Circular No. 83-2015, 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," dated September 5, 2017.) See further *People v. Ejercito*, G.R. No. 229861, July 2, 2018. To note, the unmodified CA Decision was not attached to the records to verify the real name of the victim.

SO ORDERED. (INTING, J., on official leave. ZALAMEDA, J., designated as Additional Member per Special Order No. 2727 dated October 25, 2019.)²

Very truly yours,


 TERESITA AQUINO TUAZON
 Deputy Division Clerk of Court
 10 DEC 2019

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 c/o The Superintendent
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THE SUPERINTENDENT (reg)
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THE DIRECTOR (reg)
 Bureau of Corrections
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HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 19
 6400 Catarman, Norther Samar
 (Crim. Case Nos. C-1523 to 24)

JUDGMENT DIVISION (x)
 Supreme Court, Manila

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COURT OF APPEALS (reg)
 Cebu City
 CA-G.R. CR-HC No. 02519

Please notify the Court of any change in your address.
 GR243794. 11/11/19A(51)URES(m)