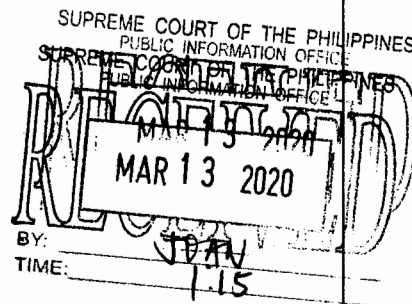




Republic of the Philippines  
Supreme Court  
Manila



THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated February 5, 2020, which reads as follows:*

**“G.R. No. 227092 (PEOPLE OF THE PHILIPPINES, plaintiff-appellee v. ANTONIO NEPOMUCENO, JR., alias “Balco”, accused-appellant).** — The Court of Appeals elevated the records of this case to this Court in compliance with its January 26, 2016 Resolution,<sup>1</sup> which gave due course to the Notice of Appeal filed by accused-appellant Antonio Nepomuceno, Jr.

In its November 16, 2016 Resolution,<sup>2</sup> this Court noted the records forwarded by the Court of Appeals and informed accused-appellant, and plaintiff-appellee People of the Philippines, through the Office of the Solicitor General, that they may file their supplemental briefs.

In its April 19, 2017 Resolution,<sup>3</sup> this Court noted accused-appellant’s Supplemental Brief and appellee’s Supplemental Brief.

After an evaluation of the case records, this Court resolves to **DISMISS** the Appeal of accused-appellant for his failure to sufficiently show any reversible error in the challenged Court of Appeals November 3, 2015 Decision,<sup>4</sup> warranting the exercise of this Court’s appellate jurisdiction.

**WHEREFORE**, this Court **ADOPTS** the findings of fact and conclusions of law of the Regional Trial Court and the Court of Appeals. The Court of Appeals’ November 3, 2015 Decision in CA-G.R. CR-HC No. 06915 is **AFFIRMED with MODIFICATION**. This Court finds accused-

<sup>1</sup> *Rollo*, p.1.

<sup>2</sup> *Id.* at 22.

<sup>3</sup> *Id.* at 72.

<sup>4</sup> *Id.* at 2–16. The Decision was penned by Associate Justice Agnes Reyes-Carpio and concurred in by Associate Justices Romeo F. Barza and Elihu A. Ybañez of the Special First Division, Court of Appeals, Manila.

appellant Antonio Nepomuceno, Jr. **GUILTY** beyond reasonable doubt of the crimes of statutory rape and rape by sexual assault.

For the crime of statutory rape, he is ordered to pay the victim:<sup>5</sup> (1) ₱75,000.00 as civil indemnity; (2) ₱75,000.00 as moral damages; and (3) ₱75,000.00 as exemplary damages. For the crime of rape by sexual assault, he must further pay the victim: (1) ₱50,000.00 as civil indemnity;<sup>6</sup> (2) ₱50,000.00 as moral damages;<sup>7</sup> and (3) ₱50,000.00 as exemplary damages.<sup>8</sup>

All damages awarded shall earn interest at the legal rate of six percent (6%) per annum from the finality of this Resolution until fully paid.<sup>9</sup>

**SO ORDERED.”**

Very truly yours,

*Misael Domingo C. Battung III*  
**MISAEL DOMINGO C. BATTUNG III**  
*Division Clerk of Court*

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COURT OF APPEALS  
CA G.R. CR HC No. 06915  
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The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 14, Ligao City, Albay  
(Crim. Case Nos. 6118 to 6119)

CSSupt. Gerardo F. Padilla  
Superintendent  
New Bilibid Prison North  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

Mr. Antonio Nepomuceno, Jr.  
c/o The Superintendent  
New Bilibid Prison North  
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<sup>5</sup> *People v. Jugueta*, 783 Phil. 806, 839 (2016) [Per J. Peralta, En Banc].

<sup>6</sup> *People v. Tulagan*, GR No. 227363, March 12, 2019, [Per J. Peralta, En Banc], available at <http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65020>.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta, En Banc].