



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 24, 2021** which reads as follows:*

“G.R. No. 199739 – (PEOPLE OF THE PHILIPPINES, plaintiff-appellee v. JUANITO BALCARSE y MACARAEG, accused-appellant). – On January 5, 2012, the Court of Appeals (CA) elevated to this Court the records of this case,¹ pursuant to its Resolution² dated April 25, 2011. The Resolution gave due course to the Notice of Appeal³ dated April 8, 2011 filed by Juanito Balcarse y Macaraeg (accused-appellant).

In the Resolution⁴ dated February 6, 2012, this Court noted the records of the case forwarded by the CA. The parties were then ordered to file their respective supplemental briefs, should they so desire, within 30 days from notice.⁵

On April 23, 2012, the Office of the Solicitor General filed a Manifestation⁶ dated April 17, 2012 on behalf of the People of the Philippines stating that it would no longer file a supplemental brief stating that the issues were already fully and exhaustively discussed in its Brief⁷ dated March 2, 2010 filed with the CA. Similarly, on May 8, 2012, the Public Attorney’s Office on behalf of accused-appellant filed its Manifestation (in lieu of Supplemental Brief)⁸ of even date.

After evaluating the records of this case, this Court resolves to dismiss the appeal as accused-appellant failed to show any reversible

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¹ *Rollo*, p. 1

² *CA rollo*, p. 125.

³ *Id.* at 122-123.

⁴ *Rollo*, p. 22-23.

⁵ *Id.*

⁶ *Id.* at 24-25.

⁷ *CA rollo*, pp. 77-96.

⁸ *Rollo*, pp. 27-29.

error in the assailed CA Decision⁹ dated March 31, 2011 in CA-G.R. CR-HC No. 03640 which would warrant the exercise of this Court's appellate jurisdiction.

However, this Court modifies the award of damages in accordance with *People v. Jugueta*,¹⁰ wherein We clarified that for crimes of qualified rape, if the penalty is death but it cannot be imposed due to Republic Act No. 9346 and what is actually imposed is the penalty of *reclusion perpetua*, the civil indemnity and moral damages will be ₱100,000.00 each, and another ₱100,000.00 as exemplary damages in view of the heinousness of the crime and to set an example. Accordingly, we modify the award of civil indemnity, moral damages and exemplary damages to ₱100,000.00, for each count of rape.

WHEREFORE, the findings of fact and conclusions of law of the Court of Appeals are **ADOPTED**. The assailed Decision dated March 31, 2011 of the Court of Appeals in CA-G.R. CR-HC No. 03640 is **AFFIRMED with MODIFICATION**. Accused-appellant Juanito Balcarse y Macaraeg is hereby found **GUILTY** beyond reasonable doubt of three (3) counts of the crime of qualified rape aggravated by minority and relationship, defined and penalized under Article 266-A, Section 1, paragraphs (a) and (c) of Republic Act No. 7659, and meted with the penalty of *reclusion perpetua* for each count of rape without eligibility for parole.

Moreover, accused-appellant is **ORDERED** to **PAY** the victim the amounts of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages for each of count of rape. In line with current jurisprudence, interest at the rate of six percent (6%) *per annum* should be imposed on all damages awarded from the date of the finality of this judgment until fully paid.

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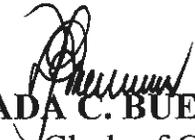
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⁹ Id. at 2-16; penned by Associate Justice Antonio L. Villamor, with Associate Justices Jose C. Reyes, Jr. (retired Member of this Court) and Ramon A. Cruz, concurring.

¹⁰ 783 Phil. 806 (2016).

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court
R-TH

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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The Solicitor General
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Court of Appeals (x)
Manila
(CA-G.R. CR HC No. 03640)

The Hon. Presiding Judge
Regional Trial Court, Branch 29
Bayombong, 3700 Nueva Vizcaya
(Crim. Case Nos. 4746 to 4748)

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