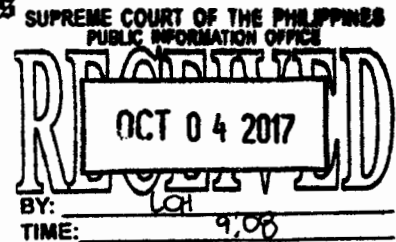




Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated August 23, 2017, which reads as follows:*

“G.R. No. 217025 (*People of the Philippines, Plaintiff-Appellee, v. Eduardo Terelios, Accused-Appellant*) – After careful review and judicious appreciation of the records, the Court **RESOLVES TO DISMISS** the appeal of the decision promulgated on September 15, 2014,<sup>1</sup> whereby the Court of Appeals (CA) affirmed the convictions of the accused-appellant for the three counts of qualified rape handed down by the Regional Trial Court (RTC), Branch 63, in Calabanga, Camarines Sur through the joint decision dated October 17, 2013<sup>2</sup> for his failure to satisfactorily show that the CA gravely erred in affirming the convictions.

Accordingly, the Court **ADOPTS** the findings of fact and conclusions of law stated in the decision promulgated on September 15, 2014, and **AFFIRMS** the decision finding the accused-appellant guilty beyond reasonable doubt of three counts of qualified rape committed against AAA,<sup>3</sup> his own minor daughter.

The accused-appellant was penalized by the lower courts with *reclusion perpetua* for each count of qualified rape. However, the applicable law – Article 266-A and Article 266-B of the *Revised Penal Code*, as amended – clearly set death as the penalty for qualified rape, to wit:

Article 266-A. Rape; When and How Committed. - Rape is committed:

By a man who shall have carnal knowledge of a woman under any of the following circumstances:

<sup>1</sup> *Rollo*, pp. 2-23; penned by Associate Justice Celia C. Librea-Leagogo, with the concurrence of Associate Justice Franchito N. Diamante and Associate Justice Melchor Q.C. Sadang.

<sup>2</sup> *CA rollo*, pp. 23-41.

<sup>3</sup> An assumed name is hereby used to conceal the victim’s identity in line with *People v. Cabalquinto* (G.R. No. 167693, September 19, 2006, 502 SCRA 419), which requires the real names of the rape victim and of the members of her immediate family and the household members, and other information tending to establish or compromise the identity of the victim not to be disclosed.

- a. Through force, threat or intimidation;
- b. When the offended party is deprived of reason or otherwise unconscious;
- c. By means of fraudulent machination or grave abuse of authority; and
- d. When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

Article 266-B. Penalties. x x x.

x x x x

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

- 1) **When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim;** (Emphasis ours)

x x x x

However, the passage in mid-2006 of Republic Act No. 9346<sup>4</sup> has saved the accused-appellant from the supreme penalty. Section 1 of Republic Act No. 9346 provides:

Section 1. The imposition of the penalty of death is hereby prohibited. – Accordingly, Republic Act No. Eight Thousand One Hundred Seventy-Seven (R. A. No. 8177), otherwise known as the Act Designating Death by Lethal Injection, is hereby repealed. Republic Act No. Seven Thousand Six Hundred Fifty-Nine (R. A. No. 7659), otherwise known as the Death Penalty Law, and all other laws, executive orders and decrees, insofar as they impose the death penalty are hereby repealed or amended accordingly.

Nonetheless, pursuant to Section 3<sup>5</sup> of Republic Act No. 9346, the accused-appellant shall suffer *reclusion perpetua* without eligibility for parole.

<sup>4</sup> *An Act Prohibiting The Imposition of Death Penalty in The Philippines, repealing Republic Act 8177 otherwise known as the Act Designating Death By Lethal Injection, Republic Act 7659 otherwise known as the Death Penalty Law and all other laws, executive orders and decrees.*

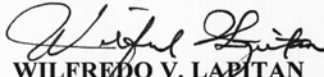
<sup>5</sup> Section 3 of Republic Act No. 9346 provides:  
Sec. 3. Persons convicted of offenses punished with *reclusion perpetua*, or whose sentences will be reduced to *reclusion perpetua*, by reason of this Act, shall not be eligible for parole under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended.

Conformably with *People v. Jugueta*,<sup>6</sup> we increase the civil liabilities, specifically: ₱100,000.00 for civil indemnity; ₱100,000.00 for moral damages; and ₱100,000.00 for exemplary damages, all to be paid to AAA with interest of 6% *per annum* from the finality of this decision until full satisfaction.

**WHEREFORE**, the Court **DISMISSES** the appeal; **MODIFIES** the decision promulgated on September 15, 2014: (1) by imposing on accused-appellant Eduardo Terelios the penalty *reclusion perpetua* for each of the three counts of qualified rape without eligibility for parole; and (2) by increasing the civil liabilities, namely: ₱100,000.00 for civil indemnity; ₱100,000.00 for moral damages; and ₱100,000.00 for exemplary damages, all to be paid to AAA, with interest of 6% *per annum* from the finality of this resolution until full satisfaction; and **ORDERS** the accused-appellant to pay the costs of suit.

**SO ORDERED.”**

Very truly yours,

  
**WILFREDO V. LAPITAN**  
Division Clerk of Court *gr 21/17*

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The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 63, Calabanga  
4405 Camarines Sur  
(Crim. Case No. RTC-10-1507 to 10-1509)

COURT OF APPEALS  
CA G.R. CR HC No. 06469  
1000 Manila

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217025

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