

EN BANC

[G.R. No. 171268, September 14, 2010]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
BRINGAS BUNAY Y DAM-AT, ACCUSED-APPELLANT.**

R E S O L U T I O N

BERSAMIN, J.:

The Regional Trial Court (RTC), Branch 26, in Luna, Apayao tried and found the accused guilty of qualified rape in its decision dated December 11, 2001, the decretal portion of which reads:

WHEREFORE, finding the accused, BRINGAS BUNAY y DAM-AT guilty beyond reasonable doubt of the crime of Rape as charged against him, this court hereby sentences said accused to suffer the Supreme Penalty of DEATH.

The accused is further ordered to pay the victim, "AAA", the amount of Seventy Five Thousand (P75,000.00) by way of civil indemnity plus exemplary and moral damages of Sixty Thousand Pesos (P60,000.00).

The accused is ordered to be immediately shipped to New Bilibid Prisons, Muntinlupa City, for imprisonment thereat while awaiting the review of this decision by the Supreme Court.

IT IS SO ORDERED.^[1]

On December 13, 2001, the accused was committed to the New Bilibid Prison in Muntinlupa City, per the certification issued on August 14, 2002 by the Director of the Bureau of Corrections.^[2]

The conviction was brought for automatic review, but the Court transferred the case to the CA for intermediate review on November 9, 2004,^[3] conformably with *People v. Mateo*.^[4]

On August 10, 2005, the Court of Appeals (CA) affirmed the conviction of the accused for qualified rape in C.A.-G.R. No. CR HC No. 00758,^[5] viz:

IN LIGHT OF THE FOREGOING, the assailed Decision of the Regional Trial Court of Luna, Apayao, Branch 26 in Criminal Case No. 5-2001 is hereby AFFIRMED.