

EN BANC

[G.R. No. 125550, July 11, 2000]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
LUDIGARIO CANDELARIO AND GERRY LEGARDA, ACCUSED-
APPELLANTS.**

PER CURIAM:

On July 28, 1999, a Decision was rendered by this Court in the above-entitled case, affirming, with modification, the decision of the Regional Trial Court of Roxas City, Branch 14, convicting the herein accused-appellants of the crime of Robbery with Multiple Rape. The dispositive portion of the Court's Decision reads:

WHEREFORE, premises considered, the judgment of the Regional Trial Court of Roxas City, Branch XIV, in Criminal Case No. C-4692 dated February 29, 1996 imposing the death penalty on the accused-appellant Ludigario Candelario and *reclusion perpetua* on accused-appellant Gerry Legarda is hereby **AFFIRMED** with the **MODIFICATION** that accused-appellants shall be ordered to indemnify the victim Maribel Degala in the amount of P75,000.00 as civil indemnity and P50,000.00 as moral damages, respectively for each count of the offense charged.

Costs against accused-appellants.

In accordance with Section 25 of Republic Act No. 7659, amending Article 83 of the Revised Penal Code, upon finality of this decision, let the records of this case be forthwith forwarded to the Office of the President for possible exercise of executive clemency.

SO ORDERED.^[1]

The said Decision of the Court became final and executory on August 20, 1999. Thus, entry of judgment was made.^[2]

On December 20, 1999, a Final Report^[3] dated November 3, 1999 was filed with this Court by Zenaida A. Mabugat, Field Office Director of the Department of Social Welfare and Development (DSWD)-Field Office VI, Molo, Iloilo City. The Final Report states as follows:

FINAL REPORT

COMES NOW, the Department of Social Welfare and Development, Field Office VI, Molo, Iloilo City through the Regional Director, respectfully submits the Final Report on the above youth offender who was committed to the Regional Rehabilitation Center for Youth, Concordia, Nueva Valencia, Guimaras on March 26, 1996 per Court Order of this Honorable Court dated March 6, 1996 pursuant to the provision of Article

192 of Presidential Decree 603, otherwise known as the Child and Youth Welfare Code as amended.

1. That, Jerry Legarda, 18 years and 11 months old, was placed under the custody of the Department of Social Welfare and Development, Regional Rehabilitation center for Youth, Concordia, Nueva Valencia, Guimaras.
2. That, before Jerry was admitted to the DSWD-Regional Rehabilitation Center for Youth, He had stayed at the Bureau of Jail Management and Penology, Roxas City for almost one (1) year for his preventive detention. His record showed that he had properly behaved and willing to undergo reformation process.
3. That, Jerry has been staying at RRCY for a period of three (3) years and eight (8) months. He was afforded with various rehabilitation programs and services.
4. That during Jerry's stay in the center, he actively responded to his rehabilitation plans and activities as agreed upon by both the rehabilitation team and Jerry himself. He demonstrated the following behaviors and attitudes that can qualify him as developed person in terms of his intellectual, physical, moral and emotional being;
 - 4.1 He has maintained self-discipline and has never been involved in fights/troubles inside the center.
 - 4.2 He is respectful, humble, obedient, honest, trustworthy and is a well adjusted person with his co-residents.
 - 4.3 He performs work assignment without supervision from the staff.
 - 4.4. He is clean, tidy, well-groomed and very particular of his personal hygiene.
 - 4.5. He actively participated in group work activities and has been trained in various Practical Skills Training conducted inside the center such as; Hollow Blocks Making, Parol Making, Paper Making, Food Processing, Poultry Raising, Pig Fattening, Vegetable Gardening and undergoing Driving Lessons. He is also trained in Arts and Drama conducted by the UP-Pahinungod Student Volunteers.
 - 4.6. Due to his good behavior and exemplary performance, he was granted the privilege of availing formal education and was enrolled in Grade III at Concordia Elementary School. He was accelerated to Grade VI when he passed the Philippine Educational Placement Test conducted by the Department of Education, culture and Sports dated December 1, 1996. Consequently, he finished first year high school at Nueva Valencia National High School.

4.7.....He was observed to be diligent in his studies inspite of some difficulty in his subjects. He showed teachable attitude and faithfully accomplished his homework/assignment with the intensive assistance of the staff.

5. That, Jerry has manifested leadership skills wherein he can lead the group and has developed respect and encourage cooperation among minors most especially during work activities, youth development training and practical endeavors conducted or offered by the center.
6. That, the rehabilitation team has consolidated their efforts necessary for the total rehabilitation of Jerry by conducting case conferences, updating the plans and regularly evaluating his performance inside and outside the center.
7. That, numerous skills training acquired by Jerry which can be of great help for his independent living so to earn income and support in augmenting family income. Likewise, his desire to go on schooling will be given proper attention with the commitment of his father and supervision of the Social Worker in the area.
8. That, per assessment report submitted by Merbeth S. Duran, Social Welfare Officer II in Sorsogon, Sorsogon revealed that minor's father, Mr. Emilio Legarda, who is residing in Pinamancaan, Mandaon, Masbate is ready and capable to take custody of his son. Mr. Legarda expressed his commitment to send Jerry to school to continue his formal education.
9. That, four (4) progress reports were submitted to RTC, Branch 14, Roxas City under Judge Salvador Gubaton where the case was originally filed. It was noted that the findings were consistently satisfactory considering the progress in Jerry's personality. He has behaved properly and has shown his capability to be useful member of the community.
10. That, in order to substantiate the contents of our final reports, the undersigned respectfully submits the following documents before this Honorable Supreme Court;
 1. The updated Social Case Study Report re: Jerry Legarda.
 2. The four (4) copies of Progress Reports submitted by the RRCY Senior Social worker and noted by RRCY Head Social Worker.
 3. The original copy of the Assessment Report dated February 4, 1998 regarding the willingness and capability of Mr. Emilio Legarda to take care of his son, Jerry Legarda upon discharge into his custody.
 4. The copy of Court Order for the commitment of Jerry Legarda to the Department of Social Welfare and Development which was issued