



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 16 February 2022 which reads as follows:

“**G.R. No. 257322 (XXX¹ v. People of the Philippines)**. – After a judicious review of the records, the Court resolves to **DENY** petitioner XXX Petition for Review on *Certiorari* dated April 29, 2021 for failure to sufficiently show that the Court of Appeals committed any reversible error in its Decision² dated July 15, 2020 and the Resolution³ dated February 19, 2021, which affirmed with modification the Decision⁴ dated January 5, 2019 issued by the Regional Trial Court (RTC), Branch 68, [REDACTED], Pangasinan, finding XXX guilty beyond reasonable doubt of violation of acts of lasciviousness under Article 336 of the Revised Penal Code in relation to Section 5(b), Republic Act No. 7610.

However, there is a need to modify the damages awarded to the victim. In line with the Court’s ruling in *People v. Tulagan*,⁵ the proper amounts should be ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱50,000.00 as exemplary damages, plus interest of six percent (6%) *per annum* on all monetary awards from the date of finality of judgment until they are fully paid.

WHEREFORE, the Decision dated July 15, 2020 of the Court of Appeals in CA-G.R. CR No. 42829 is **AFFIRMED** with **MODIFICATION**. XXX is found **GUILTY** beyond reasonable doubt of violation of Acts of Lasciviousness under Article 336 of the Revised Penal Code in relation to Section 5(b), Republic Act No. 7610, and is hereby sentenced to suffer the indeterminate penalty of twelve (12) years, ten (10) months and twenty-one

¹ Pursuant to Supreme Court Amended Administrative Circular No. 83-2015, the personal circumstances and other information which tend to establish or compromise the identity of the victim, including the names of her family members or relatives, and the *barangay* and town where the incidents occurred, are withheld. The names of the victim and her family members or relatives are replaced with fictitious initials. Likewise, the real name of petitioner is replaced with fictitious initials by reason of his relationship to the minor victim.

² *Rollo*, pp. 27-44; Penned by Associate Justice Apolinario D. Bruselas, Jr. with Associate Justices Pedro B. Corales and Alfredo D. Ampuan concurring.

³ *Id.* at 46-47.

⁴ *Id.* at 63-72; penned by Judge Maria Laarni R. Parayno.

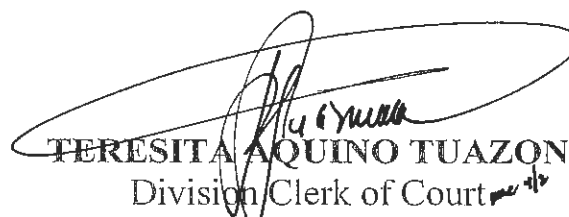
⁵ G.R. No. 227363, March 12, 2019.

(21) days of *reclusion temporal minimum*, as **minimum**, to fifteen (15) years, six (6) months and twenty (20) days of *reclusion temporal medium*, as **maximum**. He is further ordered to pay AAA the amounts of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱50,000.00 as exemplary damages.

All damages awarded shall be subject to interest at the rate of six percent (6%) *per annum* from the finality of this Resolution until its full satisfaction.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
 Division Clerk of Court
 05 SEP 2022

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*XXX (reg)
 Accused-Appellant
 c/o The Director
 Bureau of Corrections
 1770 Muntinlupa City

THE DIRECTOR (reg)
 Bureau of Corrections
 1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 68
 Lingayen, Pangasinan
 (Crim. Case No. L-11538)

JUDGMENT DIVISION (x)
 Supreme Court, Manila

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 Supreme Court, Manila

COURT OF APPEALS (x)
 Ma. Orosa Street
 Ermita, 1000 Manila
 CA-G.R. CR No. 42829

*With a copy of CA Decision dated July 15, 2020
Please notify the Court of any change in your address.
 GR257322. 2/16/2022(8)URES(m)