



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **04 April 2022** which reads as follows:*

“**G.R. No. 257597 (XXX<sup>1</sup> v. People of the Philippines)**. — The Court resolves to **DENY** the petition for review on *certiorari* for failure to sufficiently show any reversible error in the assailed judgment as to warrant the exercise of this Court’s discretionary appellate jurisdiction in this case pursuant to Section 6, Rule 45 of the Rules of Court, and for lack of merit in the appeal pursuant to Section 5, Rule 45 in relation to Section 5 (b), Rule 56 of the Rules of Court.

The penalty imposed by the Court of Appeals (CA) should, however, be modified. The prescribed penalty for a violation of Section 5 (b) of Republic Act No. (RA) 7610<sup>2</sup> is *reclusion temporal* in its medium period to *reclusion perpetua*. In the absence of mitigating or aggravating circumstances, the maximum term of the sentence shall be taken from the medium period of the prescribed penalty. Applying the Indeterminate Sentence Law, the minimum term shall be taken from within the range of the penalty next lower in degree, which is *prision mayor* in its medium period, to *reclusion temporal* in its minimum period. Thus, petitioner is sentenced to suffer the indeterminate penalty of imprisonment of ten (10) years and one (1) day of *prision mayor*, as minimum, to seventeen (17) years, four (4) months and one (1) day of *reclusion temporal*, as maximum, for a violation of Section 5 (b) of RA 7610.<sup>3</sup>

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<sup>1</sup> Initials were used to identify the accused-appellant pursuant to the Supreme Court Amended Administrative Circular No. 83-2015 dated September 5, 2017 entitled “Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders using Fictitious Names/Personal Circumstances.”

<sup>2</sup> Entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, PROVIDING PENALTIES FOR ITS VIOLATION, AND FOR OTHER PURPOSES.” Approved: June 17, 1992.

<sup>3</sup> *Encinares v. People*, G.R. No. 252267, January 11, 2021.

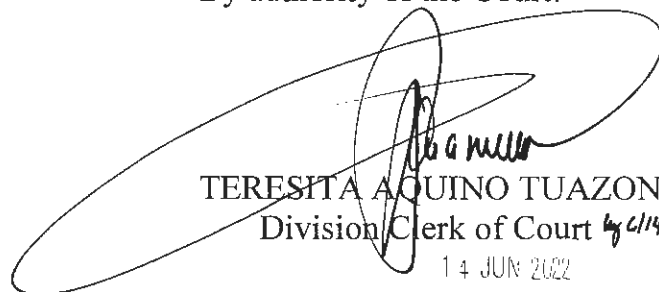
Pursuant to *People v. XXX*,<sup>4</sup> petitioner shall pay a fine of ₱15,000.00 as provided for in Section 31 (f) of RA 7610. The amounts of civil indemnity, moral and exemplary damages awarded by the CA to AAA are in accord with current jurisprudence.<sup>5</sup>

**WHEREFORE**, the petition is **DENIED**. The Decision dated November 27, 2020 and the Resolution dated July 15, 2021 of the Court of Appeals in CA-G.R. CR No. 42569 are hereby **AFFIRMED** with **MODIFICATION**, in that petitioner XXX is found **GUILTY** beyond reasonable doubt of Lascivious Conduct under Section 5 (b) of Republic Act No. 7610. Accordingly, he is sentenced to suffer the indeterminate penalty of imprisonment of ten (10) years and one (1) day of *prision mayor*, as minimum, to seventeen (17) years, four (4) months, and one (1) day of *reclusion temporal*, as maximum, and to pay AAA the amounts of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, ₱50,000.00 as exemplary damages, all with legal interest at the rate of six percent (6%) per *annum* from the finality of this Resolution until full payment. A fine in the amount of ₱15,000.00 is likewise imposed pursuant to Section 31 (f) of Republic Act No. 7610.

The Court **NOTES** counsel for petitioner's: (a) manifestation dated November 9, 2021, submitting copies of the appellant's brief and manifestation in lieu of reply as Annexes "C" and "E," respectively, of the petition, as well as the trial court's Decision dated October 1, 2018; and (2) compliance [re: payment of sheriff's trust fund (STF)] dated February 15, 2022, paying the amount of ₱1,000.00 for STF under O.R. No. 0300023 dated February 16, 2022.

**SO ORDERED."**

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Division Clerk of Court by 6/14  
14 JUN 2022

<sup>4</sup> G.R. No. 240441, December 4, 2019.

<sup>5</sup> *People v. Tulagan*, G.R. No. 227363, March 12, 2019 and *Encinares v. People*, supra.

\*PUBLIC ATTORNEY'S OFFICE (reg)  
Special & Appealed Cases Service  
Department of Justice  
5<sup>th</sup> Floor, PAO-DOJ Agencies Building  
NIA Road corner East Avenue  
Diliman, 1104 Quezon City

\*OFFICE OF THE SOLICITOR GENERAL (reg)  
134 Amorsolo Street  
1229 Legaspi Village  
Makati City

\*XXX (reg)  
Petitioner  
Brgy. Sampaguita  
Lipa City, Batangas

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 13  
Lipa City, Batangas  
(Crim. Case No. 08-0859-2017)

JUDGMENT DIVISION (x)  
Supreme Court, Manila

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COURT OF APPEALS (x)  
Ma. Orosa Street  
Ermita, 1000 Manila  
CA-G.R. CR No. 42569

\*with copy of the CA Decision dated 27 November 2020 &  
Resolution dated 15 July 2021.

*Please notify the Court of any change in your address.*

GR257597. 4/4/2022(16)URES(m) *halif*