REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **August 3, 2022** *which reads as follows*:

"G.R. No. 259106 (*Sherwin Morillo y Mendoza v. People of the Philippines*). — This is a Petition for Review on *Certiorari* assailing the Court of Appeals' (CA) Decision[1] dated March 11, 2021 in CA-G.R. CR No. 43511 finding Sherwin Morillo *y* Mendoza guilty of Lascivious Conduct under Section 5(b) of Republic Act (RA) No. 7610.[2]

After review of the records, the Court resolves to **DENY** the petition for failure to sufficiently show that the CA committed any reversible error as to warrant the exercise of the Court's appellate jurisdiction. As correctly ruled by the CA, all the elements of the offense were proven by the prosecution. However, the Court finds it proper to modify the penalty. Under Section 5(b) of RA No. 7610, the prescribed penalty for Lascivious Conduct is *reclusion temporal* in its medium period to *reclusion perpetua*. Absent any modifying circumstance, the maximum term of the indeterminate sentence must be within the medium period of the prescribed penalty which has a range of seventeen (17) years, four (4) months, and one (1) day to twenty (20) years. On the other hand, the CA correctly imposed the minimum term of the indeterminate sentence which must be within the penalty next lower in degree than that prescribed or *prision mayor* medium to *reclusion temporal* minimum ranging from eight (8) years and one (1) day to fourteen (14) years and eight (8) months.

---

1 *Rollo*, pp. 41–58. Penned by Associate Justice Marie Christine Azcarraga-Jacob, with the concurrence of Associate Justices Apolinario D. Bruselas, Jr. and Angelene Mary W. Quimpo-Sale.

2 Also known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act."

FOR THESE REASONS, the petition is **DENIED**. The Court of Appeals' Decision dated March 11, 2021 in CA-G.R. CR No. 43511 is **AFFIRMED** with **MODIFICATION**. Petitioner Sherwin Morillo *y* Mendoza is found guilty of Lascivious Conduct under Section 5(b) of Republic Act No. 7610 and is sentenced to suffer the indeterminate penalty of twelve (12) years and one (1) day of *reclusion temporal*, as minimum, to seventeen (17) years, four (4) months, and one (1) day of *reclusion temporal*, as maximum. The petitioner is ordered to pay the victim ₱50,000.00 civil indemnity, ₱50,000.00 moral damages, and ₱50,000.00 exemplary damages, which shall all earn interest at the rate of six percent (6%) *per annum* from the date of finality of this judgment until fully paid.

SO ORDERED." (**J. Kho, Jr.,** *on leave.*)

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court
29 NOV 2022

PUBLIC ATTORNEY'S OFFICE (reg)
Special & Appealed Cases Service
Department of Justice
5th 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

SHERWIN MORILLO y MENDOZA (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 26
Sta. Cruz, Laguna
(Crim. Case No. SC-15627)

JUDGMENT DIVISION (x)
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
LIBRARY SERVICES (x)
[For uploading pursuant to A.M. No. I2-7-SC]

OFFICE OF THE CHIEF ATTORNEY (x)
PHILIPPINE JUDICIAL ACADEMY (x)
Supreme Court, Manila

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CR No. 43511

Please notify the Court of any change in your address.
GR259106. 08/03/2022(198)URES

(198)URES