



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 13, 2023 which reads as follows:

“G.R. No. 262106 (XXX* v. People of the Philippines). — This Petition for Review on Certiorari (Petition)¹ assails the Decision² dated 28 February 2022 and Resolution³ dated 21 July 2022 of the Court of Appeals (CA) in CA G.R. CR No. 43977. The CA affirmed with modification the Decision⁴ dated 19 August 2019 of the Regional Trial Court, Branch 73, Olongapo City (RTC), convicting herein petitioner XXX (petitioner) of the crime of Sexual Assault under Article 266-A(2) of the Revised Penal Code (RPC) in relation to Section 5(b) of Republic Act No. (RA) 7610.⁵

The Court resolves to **DENY** the Petition.

At the outset, it bears stressing that the arguments of petitioner essentially pertain to questions of fact. Surely, these are deemed outside the ambit of a petition for review on *certiorari* under Rule 45 of the Rules of Court.⁶ Notably, none of the exceptions⁷ to this rule apply in this case. In any case, petitioner fails to convince this Court that his conviction should be reversed.

The prosecution was able to successfully establish the elements of the crime of Sexual Assault under Art. 266-(A)(2) of the RPC. Through the

* In accordance with Amended Administrative Circular No. 83-2015, the identities of the parties, records, and court proceedings are kept confidential by replacing their names and other personal circumstances with fictitious initials.

¹ *Rollo*, pp. 11-32.

² *Id.* at 34-53; Penned by Associate Justice Bonifacio S. Pascua and concurred in by Associate Justices Fernanda Lampas Peralta and Maria Filomena D. Singh (now a Member of this Court).

³ *Id.* at 55-57; Penned by Associate Justice Bonifacio S. Pascua and concurred in by Associate Justices Fernanda Lampas Peralta and Maria Elisa Sempio Diy.

⁴ *Id.* at 72-80; Penned by Assisting Judge Gemma Theresa B. Hilario-Logronio.

⁵ Entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES,” approved on 17 June 1992.

⁶ *Cabarios v. People*, G.R. Nos. 228097-103 & 228139-41, 29 September 2021.

⁷ See *Marasigan v. Fuentes*, 776 Phil. 574, 582-583 (2016).

testimony of complainant AAA,⁸ it was proven that she was merely seven years old when petitioner sexually assaulted her by inserting his finger in her vagina.⁹ Notably, the RTC found AAA's narration to be clear and categorical, and made with truthfulness and consistency.¹⁰ Moreover, the findings of the doctor who medically examined her, as indicated in the *Medico-Legal Certificate*, corroborate AAA's claims.¹¹

At any rate, the testimonies of child victims are generally given full weight and credit.¹² Youth and immaturity are treated as badges of sincerity,¹³ and the Court acknowledges that no woman would concoct a story about rape and permit themselves to be subjected to public trial, unless motivated by ill-will.¹⁴ Here, it was not shown that AAA filed the charges with an ill motive against petitioner. Thus, the positive and categorical testimony of AAA should prevail over petitioner's self-serving defense of denial.¹⁵

Anent the nomenclature of the crime, the CA correctly modified it to Sexual Assault under Art. 266-(A)(2) of the RPC in relation to Section 5(b) of RA 7610.¹⁶ Likewise, the penalty was correctly modified. The impossible penalty under Section 5(b) of RA 7610 is *reclusion temporal* in its medium period.¹⁷ Applying the Indeterminate Sentence Law, the maximum shall be taken from the medium period of *reclusion temporal* in its medium period, which is 15 years, 6 months, and 20 days to 16 years, 5 months, and 9 days, while the minimum shall be within the range of *reclusion temporal* in its minimum period, with a range of 12 years and 1 day to 14 years and 8 months.¹⁸ Accordingly, the penalty imposed by the CA, 14 years and 8 months of *reclusion temporal* in its minimum period, as minimum, to 16 years, 5 months, and 9 days of *reclusion temporal* in its medium period, as maximum, is proper.¹⁹

Lastly, consistent with prevailing jurisprudence, the CA correctly awarded damages in the amount of ₱50,000.00 each for civil indemnity, moral damages, and exemplary damages,²⁰ all with legal interest of six percent (6%) *per annum* from the finality of the Resolution until full payment. However, in accordance with Section 31(f), Article XII of RA 7610, the petitioner should be further ordered to pay a fine of ₱15,000.00.

⁸ The identity of the victim or any information which could establish or compromise her identity are withheld pursuant to SC Amended Administrative Circular No. 83-2015.

⁹ *Rollo*, p. 78.

¹⁰ *Id.* at 78-79.

¹¹ *Id.* at 79.

¹² *People v. Bay-od*, G.R. No. 238176, 14 January 2019.

¹³ *People v. Barrera*, G.R. No. 230549, 01 December 2020.

¹⁴ See *People v. De Guzman*, 644 Phil. 229, 243 (2010).

¹⁵ See *People v. Sumayod*, G.R. No. 230626, 09 March 2020.

¹⁶ *People v. Tulagan*, G.R. No. 227363, 12 March 2019.

¹⁷ *People v. HHH*, G.R. No. 248245, 26 August 2020.

¹⁸ See *id.*

¹⁹ See *id.*

²⁰ *People v. Tulagan*, G.R. No. 227363, 12 March 2019.


WHEREFORE, the Petition is **DENIED**. The Decision dated 28 February 2022 and the Resolution dated 21 July 2022 of the Court of Appeals in CA G.R. CR No. 43977 are **AFFIRMED with MODIFICATION**. Petitioner XXX is found **GUILTY** of Sexual Assault under Article 266-A(2) of the Revised Penal Code in relation to Section 5(b) of Republic Act No. 7610.

Accordingly, petitioner XXX is sentenced to suffer the penalty of imprisonment of 14 years, and 8 months of *reclusion temporal* in its minimum period, as minimum, to 16 years, 5 months, and 9 days of *reclusion temporal* in its medium period, as maximum. He is likewise 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. These monetary awards shall earn interest at the rate of six percent (6%) *per annum* computed from the finality of this Resolution until full payment.

Further, pursuant to Section 31(f), Art. XII of Republic Act No. 7610, he is ordered to pay a fine of ₱15,000.00.

SO ORDERED.” *Rosario, J., on official leave.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *1/13/16*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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(CA-G.R. CR No. 43977)

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The Hon. Presiding Judge
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Olongapo City, 2200 Zambales
(Crim. Case No. 2018-147FC)

Judgment Division (x)
Supreme Court

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