



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. 262414 (*Almario Rosal y Conias v. People of the Philippines*).** — This Petition for Review on *Certiorari* (Petition)<sup>1</sup> assails the Decision<sup>2</sup> dated 18 February 2022 and Resolution<sup>3</sup> dated 26 July 2022 of the Court of Appeals (CA) in CA-G.R. CR No. 44149. The CA affirmed with modification the Decision<sup>4</sup> dated 07 January 2019 of Branch 80, Regional Trial Court (RTC) of Morong, Rizal in Criminal Case No. 15-12544-M, which found petitioner Almario Rosal y Conias (petitioner) guilty of the crime of Acts of Lasciviousness under Art. 336 of the Revised Penal Code (RPC) in relation to Sec. 5(b) of Republic Act No. (RA) 7610,<sup>5</sup> otherwise known as the “Special Protection of Children Against Abuse, Exploitation and Discrimination Act,” committed against the minor victim, AAA.<sup>6</sup>

Considering the allegations, issues, and arguments presented, the Court finds no cogent reason to deviate from the consistent findings of the lower courts and resolves to **DENY** the instant Petition for failure of petitioner to sufficiently show any reversible error in the challenged Decision. Further, We affirm the amounts of the awarded civil indemnity, moral damages, and exemplary damages, as modified by the CA.

Pursuant to *People v. Tulagan*,<sup>7</sup> We sustain the amounts of the monetary awards as modified by the CA, to wit: (1) ₱50,000.00 as civil indemnity; (2) ₱50,000.00 as moral damages; and (3) ₱50,000.00 as exemplary damages.

<sup>1</sup> *Rollo*, pp. 12-31.

<sup>2</sup> *Id.* at 37-54. Penned by Associate Justice Bonifacio S. Pascua and concurred in by Associate Justices Fernanda C. Lampas Peralta and Maria Filomena D. Singh (now a member of this Court).

<sup>3</sup> *Id.* at 56-57. Penned by Associate Justice Bonifacio S. Pascua and concurred in by Associate Justices Fernanda Lampas Peralta and Angelene Mary W. Quimpo-Sale.

<sup>4</sup> *Id.* at 77-84. Penned by Presiding Judge Sheila Marie Alaan-Ignacio.

<sup>5</sup> 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.

<sup>6</sup> The identity of the victim is withheld pursuant to Supreme Court Amended Administrative Circular No. 83-2015.

<sup>7</sup> G.R. No. 227363, 12 March 2019.

Pursuant to prevailing jurisprudence,<sup>8</sup> the civil indemnity, moral and exemplary damages shall earn legal interest at a rate of six percent (6%) *per annum* from the date of finality of this Resolution until full payment.


However, in addition to the aforementioned damages, We find the need to impose the fine of ₱15,000.00 upon petitioner, pursuant to Sec. 31(f)<sup>9</sup> of R.A 7610 and *Trocio v. People*,<sup>10</sup> where the Court meted out the same fine in furtherance of the law's objective "to provide special protection to children and to assist in the rehabilitation of child victims."

**WHEREFORE**, the petition is **DENIED**. The Decision dated 18 February 2022 and Resolution dated 26 July 2022 of the Court of Appeals in CA-G.R. CR No. 44149 are **AFFIRMED with MODIFICATION**. Accordingly, petitioner Almario Rosal y Conias is found **GUILTY** beyond reasonable doubt of the crime of Acts of Lasciviousness in relation to Sec. 5(b) of Republic Act No. (RA) 7610 and is sentenced to suffer the indeterminate penalty of imprisonment of 12 years and 1 day of *reclusion temporal* in its minimum period, as minimum, to 15 years, 6 months and 21 days of *reclusion temporal* in its medium period, as maximum. Petitioner is likewise ordered to pay the victim, AAA, the amounts of ₱50,000.00 as civil indemnity; ₱50,000.00 as moral damages; ₱50,000.00 as exemplary damages. The said amounts shall earn legal interest at the rate of six percent (6%) *per annum* from the date of finality of this Resolution until fully satisfied.

In addition, petitioner is ordered to pay fine in the amount of ₱15,000.00 pursuant to Sec. 31 (f), Art. XII of RA 7610.

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

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *Mar 1/14*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

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**MAR 16 2023**

<sup>8</sup> *Nacar v. Gallery Frames*, 716 Phil. 267, 283 (2013).

<sup>9</sup> Section 31. Common Penal Provisions. –

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(f) A fine to be determined by the court shall be imposed and administered as a cash fund by the Department of Social Welfare and Development and disbursed for the rehabilitation of each child victim, or any immediate member of his family if the latter is the perpetrator of the offense.

<sup>10</sup> G.R. No. 252791, 23 August 2022.

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Court of Appeals (x)  
Manila  
(CA-G.R. CR No. 44149)

The Solicitor General  
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1229 Makati City

The Hon. Presiding Judge  
Regional Trial Court, Branch 80  
Morong, 1960 Rizal  
(Crim. Case No. 15-12544-M)

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