



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated February 15, 2023 which reads as follows:

“G.R. No. 261555 (XXX261555,¹ Petitioner v. PEOPLE OF THE PHILIPPINES, Respondent). – Before this Court is a Petition for Review on *Certiorari*² assailing the Decision³ dated July 6, 2021 and the Resolution⁴ dated June 13, 2022 of the Court of Appeals (CA) in CA-G.R. CR No. 42492 which affirmed XXX261555’s conviction for sexual assault and two counts of acts of lasciviousness, both in relation to Section 5(b) of Republic Act (RA) No. 7610,⁵ thus:

The appeal is DENIED. The Decision dated 16 August 2018, rendered by [REDACTED] the Regional Trial Court, National Capital Judicial Region [REDACTED],⁶ is AFFIRMED with MODIFICATION, in that:

a. In Criminal Case No. 15-3290: (i) [XXX261555] is found guilty of Sexual Assault under Article 266-A, paragraph 2 of the Revised Penal Code, in relation to Section 5(b) of [RA] No. 7610; (ii) he [is] sentenced to suffer the indeterminate penalty of 12 years and 1 day of *reclusion temporal*, as minimum, to 16 years of *reclusion temporal*, as maximum; and (iii) he is directed to pay civil indemnity, moral damages and exemplary damages of [PHP] 50,000.00 each, all of which shall earn interest at the rate of 6% per annum from the date of finality of this decision until fully paid;

¹ Initials were used to identify petitioner pursuant to Supreme Court (SC) 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.”

² *Rollo*, pp. 18–46.

³ *Id.* at 49–79. Penned by Associate Justice Walter S. Ong, with the concurrence of Associate Justices Nina G. Antonio-Valenzuela and Bonifacio S. Pascua.

⁴ *Id.* at 82–88.

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

⁶ SC Amended Administrative Circular No. 83-2015 states that the geographical location where the crime was committed should refer only to the province where the crime occurred. References to the specific barangay or town should be blotted out from the body of the court decision if its identification could lead to the disclosure of the women or children victims.

b. In Criminal Case No. 15-3291: (i) [XXX261555] is sentenced to suffer the indeterminate penalty of 12 years and 1 day of *reclusion temporal*, as minimum, to 16 years of *reclusion temporal*, as maximum; (ii) he is directed to pay civil indemnity, moral damages and exemplary damages of [PHP] 50,000.00 each, all of which shall earn interest at the rate of 6% per annum from the date of the finality of this decision until fully paid; and (iii) he is directed to pay a fine of [PHP] 15,000.00;

c. In Criminal Case No. 15-3293: (i) [XXX261555] is sentenced to suffer the indeterminate penalty of 12 years and 1 day of *reclusion temporal*, as minimum, to 16 years of *reclusion temporal*, as maximum; (ii) he is directed to pay civil indemnity, moral damages and exemplary damages of [PHP] 50,000.00 each, all of which shall earn interest at the rate of 6% per annum from the date of the finality of this decision until fully paid; and (iii) he is directed to pay a fine of [PHP] 15,000.00; and

x x x x

IT IS SO ORDERED.⁷

Considering the allegations, issues, and arguments adduced in the Petition, the Court finds no cogent reason to deviate from the CA's ruling that XXX261555 is guilty of sexual assault and two counts of acts of lasciviousness. However, the Court deems it proper to modify the penalty for sexual assault in Criminal Case No. 15-3290 by adding a fine of PHP 15,000.00 pursuant to Section 31(f), Article XII of RA No. 7610.

FOR THESE REASONS, the Petition is **DENIED**. The Decision dated July 6, 2021 and the Resolution dated June 13, 2022 of the Court of Appeals in CA-G.R. CR No. 42492 are **AFFIRMED** with **MODIFICATION** in that XXX261555 is directed to pay a fine of PHP 15,000.00 in Criminal Case No. 15-3290.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *pg 9/21*

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⁷ *Rollo*, pp. 77-78.

*QUASHA ANCHETA PEÑA & NOLASCO (reg)
Counsel for Petitioner
6/F, Don Pablo Bldg., 114 Amorsolo St.
Legaspi Village, Makati City

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

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 140

[REDACTED]
(Crim. Case No. 15-3290)

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Supreme Court, Manila

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Supreme Court, Manila

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CR-HC No. 42942

*with a copy of the CA Decision dated July 6, 2021
Please notify the Court of any change in your address.
GR261555. 2/15/2023(1)URES(m) *1/9/23*