



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **January 25, 2023** which reads as follows:*

“G.R. No. 261717 (XXX, Petitioner, v. PEOPLE OF THE PHILIPPINES, Respondent). — This Court resolves a Petition for Review on *Certiorari* assailing the Court of Appeals’ (CA) Decision¹ dated August 13, 2021 and Resolution² dated June 22, 2022 in CA-G.R. CR No. 44619, which affirmed the Regional Trial Court’s (RTC) Decision³ dated September 24, 2019 finding the petitioner guilty of acts of lasciviousness under Article 336 of the Revised Penal Code (RPC) in relation to Section 5(b) of Republic Act (RA) No. 7610.

After a 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 the CA and the RTC aptly ruled, the prosecution established all the elements of the offense. However, the Court deems it proper to modify the maximum term of the indeterminate sentence. The penalty for acts of lasciviousness under Article 336 of the RPC in relation to Section 5(b) of RA 7610, when the victim is under 12 years old, is *reclusion temporal* in its medium period which has a range of 14 years, 8 months, and 1 day to 17 years and 4 months. Considering the mitigating circumstance of old age,⁴ as the petitioner is 82 years old when he committed the crime, the maximum term of the indeterminate sentence must be within the minimum period of the prescribed penalty or from 14 years,

¹ *Rollo*, pp. 40–52. Penned by Associate Justice Zenaida T. Galapate–Laguilles, with the concurrence of Associate Justices Florencio M. Mamauag, Jr. and Carlito B. Calpatura.

² *Id.* at 54–55. Penned by Associate Justice Zenaida T. Galapate–Laguilles, with the concurrence of Associate Justices Florencio M. Mamauag, Jr. and Carlito B. Calpatura.

³ *Id.* at 76–84. Penned by Judge Maribel F. Mariano Beltran.

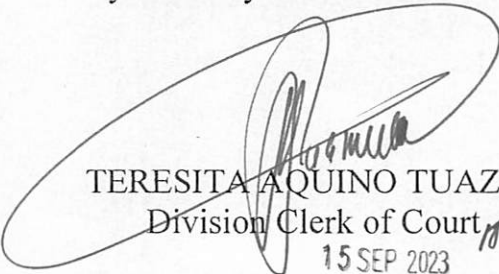
⁴ The Revised Penal Code, Art. 13(2).

8 months, and 1 day to 15 years, 6 months, and 19 days. Yet, the RTC imposed a maximum term of 14 years and 8 months only. Whereas, the RTC correctly fixed the minimum term of the indeterminate sentence which must be within the range of the penalty next lower in degree from that prescribed for the offense or *reclusion temporal* in its minimum period which has a range of 12 years and 1 day to 14 years and 8 months.

FOR THESE REASONS, the Petition is **DENIED**. The Court of Appeals' Decision dated August 13, 2021 and Resolution dated June 22, 2022 in CA-G.R. CR No. 44619, are **AFFIRMED** with **MODIFICATION** in that petitioner XXX is found guilty of the crime of Acts of Lasciviousness under Article 336 of the Revised Penal Code in relation to Section 5(b) of RA No. 7610, and is sentenced to suffer an indeterminate penalty of twelve (12) years and one (1) day of *reclusion temporal*, as minimum, to fourteen (14) years, eight (8) months and one (1) day of *reclusion temporal*, as maximum, and to pay a fine of ₱15,000.00. The petitioner is further directed to pay the victim ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱50,000.00 as exemplary damages, all subject to interest at the rate of six percent (6%) per annum from the date of finality of this Resolution until fully paid.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court 9/15
15 SEP 2023

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Special & Appealed Cases Service
Department of Justice
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NIA Road corner East Avenue
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134 Amorsolo Street
1229 Legaspi Village
Makati City

Resolution

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G.R. No. 261717
January 25, 2023

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 13
█, Zambales
(Crim. Case No. RTC-11952-2018-I)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CR No. 44619

*with a copy of the CA Decision dated August 13, 2021

Please notify the Court of any change in your address.

GR261717. 1/25/2023(104)URES(m) 19/15