



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **October 2, 2023** which reads as follows:*

“**G.R. No. 266597 (Carlo Mapilisan v. People of the Philippines)**. — Assailed in this Petition for Review on *Certiorari*¹ (Petition) are the Decision² dated October 20, 2022 and the Resolution³ dated March 8, 2023 of the Court of Appeals (CA) in CA-G.R. CR No. 45622, which convicted Carlo Mapilisan (petitioner) of Lascivious Conduct under Section 5(b), Article III of Republic Act No. (RA) 7610,⁴ otherwise known as the “Special Protection of Children Against Abuse, Exploitation and Discrimination Act,” and Unjust Vexation under Article 287 of the Revised Penal Code (RPC).

The Court resolves to **DENY** the instant Petition for petitioner’s failure to show any reversible error in the assailed CA Decision and Resolution to warrant the Court’s discretionary appellate jurisdiction. A judicious review of the Petition shows that petitioner’s arguments are nothing but feeble attempts at exoneration. The Court adopts the findings of facts and conclusions of law of the CA in CA-G.R. CR No. 45622, with modifications as to the award of damages.

The Court agrees with the findings of the courts *a quo* that the prosecution was able to prove beyond reasonable doubt the guilt of petitioner through the direct, candid, and straightforward testimony of the victim.⁵

¹ *Rollo*, pp. 11-36.

² *Id.* at 38-64. Penned by Associate Justice Raymond Reynold R. Lauigan, and concurred in by Associate Justices Fernanda Lampas Peralta and Pablito A. Perez.

³ *Id.* at 66-68. Penned by Associate Justice Raymond Reynold R. Lauigan, and concurred in by Associate Justices Fernanda Lampas Peralta and Pablito A. Perez.

⁴ Entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES.” Approved: June 17, 1992.

⁵ See CA Decision, *rollo*, pp. 58-61.

The Court emphasizes that the factual findings of the trial court, its calibration of the testimonies of the witnesses, and its conclusions anchored on its findings, especially when affirmed by the CA, are accorded great weight and respect, if not conclusive to this Court, and will not be disturbed on appeal.⁶ Petitioner failed to present any argument which will justify the Court to overturn the findings of the trial court which were affirmed by the CA.

The Court likewise affirms the CA's modification as to the nomenclature of the crime as it is in line with the pronouncement of the Court in *People v. Tulagan*,⁷ where the Court held that an accused who commits rape by sexual assault against the victim who is twelve (12) years old or below eighteen (18), shall be held guilty of Lascivious Conduct under Sec. 5(b) of RA 7610. The indeterminate penalty of imprisonment of ten (10) years and one (1) day of *prision mayor*, as minimum, to seventeen (17) years, four (4) months, and one (1) day of *reclusion temporal*, as maximum, imposed by the CA against petitioner is thus proper.⁸

We note that the dispositive portion of the assailed CA Decision ordered petitioner to pay the victim ₱20,000.00 as exemplary damages in connection with petitioner's conviction for Lascivious Conduct under Sec. 5(b) of RA 7610. However, a cursory reading of the body of the assailed CA Decision shows that the exemplary damages awarded by the appellate court amounted to ₱50,000.00. Thus, a modification and clarification are in order. In accordance with *People v. Tulagan*,⁹ petitioner should be ordered to pay the victim civil indemnity, moral damages and exemplary damages amounting to ₱50,000.00 each.

Anent petitioner's conviction for Unjust Vexation, We find the same to be in accordance with law and jurisprudence. Unjust Vexation is defined and penalized by Article 287 of the RPC, as amended by RA 10951,¹⁰ which reads:

ART. 287. *Light coercions*. — Any person who, by means of violence, shall seize anything belonging to his [or her] debtor for the purpose of applying the same to the payment of the debt, shall suffer the penalty of *arresto mayor* in its minimum period and a fine equivalent to the value of the thing, but in no case less than Fifteen thousand pesos (₱15,000.00).

Any other coercions or unjust vexations shall be punished by *arresto menor* or a fine ranging from One thousand pesos (₱1,000.00) to not more than Forty thousand pesos (₱40,000.00), or both.

⁶ See *People v. Tulagan*, 849 Phil. 197, 216-217 (2019); *People v. Palanay*, 805 Phil. 116, 126 (2017).

⁷ *People v. Tulagan*, id. at 227-228.

⁸ See *People v. Nocado*, G.R. No. 240229, June 17, 2020; and *Pendoy v. Court of Appeals*, 853 Phil. 242, 266 (2019).

⁹ *People v. Tulagan*, supra note 6, at 396.

¹⁰ Entitled "AN ACT ADJUSTING THE AMOUNT OR THE VALUE OF THE PROPERTY AND DAMAGE ON WHICH A PENALTY IS BASED, AND THE FINES IMPOSED UNDER THE REVISED PENAL CODE, AMENDING FOR THE PURPOSE ACT NO. 3815, OTHERWISE KNOWN AS 'THE REVISED PENAL CODE', AS AMENDED." Approved: August 29, 2017.

As We explained in *People v. Sumingwa*:¹¹

The second paragraph of this provision is broad enough to include any human conduct that, although not productive of some physical or material harm, could unjustifiably annoy or vex an innocent person. The paramount question to be considered is whether the offender's act caused annoyance, irritation, torment, distress, or disturbance to the mind of the person to whom it was directed.¹²

Petitioner's act of spitting water on the victim's face, as found by the appellate court, annoyed the victim.¹³ Thus, petitioner was properly convicted of Unjust Vexation by the courts *a quo*. The penalty of imprisonment of eleven (11) days imposed on petitioner is in accordance with the second paragraph of Article 287 which states that the penalty for Unjust Vexation shall be punished by *arresto menor* or a fine ranging from One thousand pesos (₱1,000.00) to not more than Forty thousand pesos (₱40,000.00), or both. Thus, We find no reason to modify this part of the CA's Decision.

WHEREFORE, premises considered, the Petition is **DENIED**. The assailed Decision dated October 20, 2022 and the Resolution dated March 8, 2023 of the Court of Appeals in CA-G.R. CR No. 45622 are **AFFIRMED** with **MODIFICATION**. The Court finds petitioner Carlo Mapilisan:

1. **GUILTY** beyond reasonable doubt of Lascivious Conduct under Section 5(b), Article III of Republic Act No. 7610, in Criminal Case No. 314-V-20, and is sentenced to suffer the indeterminate penalty of imprisonment of ten (10) years and one (1) day of *prision mayor*, as minimum, to seventeen (17) years, four (4) months, and one (1) day of *reclusion temporal*, as maximum. Petitioner is **ORDERED** to **PAY** the victim the amounts of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱50,000.00 as exemplary damages; and
2. **GUILTY** beyond reasonable doubt of Unjust Vexation in Criminal Case No. 315-V-20. He is sentenced to suffer the penalty of eleven (11) days of imprisonment.

The legal interest of six percent (6%) per *annum* shall be imposed on all monetary awards from the date of finality of this Resolution until full payment.

The petitioner's Motion for Extension of thirty (30) days within which to file a petition for review on *certiorari* is **GRANTED**, counted from the expiration of the reglementary period.

¹¹ 618 Phil. 650 (2009).

¹² *Id.* at 673.

¹³ See CA Decision; *rollo*, p. 56.

SO ORDERED.” *Hernando, J., on leave.*

By authority of the Court:



MARIA TERESA B. SIBULO
Division Clerk of Court manila

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