



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

XXX261049,¹

G.R. No. 261049

Petitioner,

Present:

-versus-

LEONEN,^{*} *Acting Chief Justice*,
LAZARO-JAVIER,^{**}
Working Chairperson,
LOPEZ, M.,
LOPEZ, J., and
KHO, JR., *JJ.*

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

JUN 26 2023

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DECISION

M. LOPEZ, J.:

There is no requirement in our criminal law that only direct evidence may convict.² “The identity of the perpetrator and the finding of guilt may rely solely on the strength of circumstantial evidence.”³ Circumstantial evidence sufficient for conviction is like a tapestry made up of interwoven strands that create a pattern. Each strand cannot be plucked out and appreciated separately because it only forms part of the whole picture.⁴

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

^{*} Acting Chief Justice per Special Order No. 2989 dated June 24, 2023.

^{**} Working Chairperson per Special Order No. 2993 dated June 26, 2023.

² *See Bacerra v. People of the Philippines*, 812 Phil. 25, 35 (2017) [Per J. Leonen, Second Division].

³ *Id.*

⁴ *Id.* at 38–39.; *People v. Ragon*, 346 Phil. 772, 785 (1997) [Per J. Panganiban, Third Division].

J

This resolves the Petition for Review on *Certiorari*⁵ under Rule 45 of the Rules of Court, assailing the Decision⁶ dated June 25, 2021 and Resolution⁷ dated May 16, 2022 of the Court of Appeals (CA) in CA-G.R. CR No. 43881. The challenged CA issuances affirmed the Joint Decision⁸ dated February 8, 2019 of the Regional Trial Court (RTC) of [REDACTED], Branch [REDACTED], convicting petitioner XXX261049 of the offense under Section 4(a)⁹ of Republic Act (RA) No. 9995¹⁰ or the “Anti-Photo and Video Voyeurism Act of 2009.”

Facts

In four criminal cases, XXX261049 was charged with violation of Section 4(a) of RA No. 9995 as follows:

CRIMINAL CASE NO. 18882

“That on or about [the] 11th day of October 2016, in the [REDACTED],¹¹ Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully[,] and feloniously take a video coverage of one [AAA261049,]¹² while the latter was taking a bath and capture [*sic*] the private area of the latter such as naked or undergarment clad genitals, pubic area, buttocks or female breast, without consent of said [AAA261049] and while the latter has reasonable expectation of privacy, in violation of the above-cited law.

Contrary to law.”¹³

The other Informations¹⁴ were similarly worded except for the names of the offended parties, *viz.*: (1) Criminal Case No. 18883 — BBB261049¹⁵;

⁵ *Rollo*, pp. 12–28.

⁶ *Id.* at 34–51. Penned by Presiding Justice Remedios A. Salazar-Fernando, with the concurrence of Associate Justices Pedro B. Corales and Alfredo D. Ampuan.

⁷ *Id.* at 53–54. Penned by Presiding Justice Remedios A. Salazar-Fernando, with the concurrence of Associate Justices Pedro B. Corales and Alfredo D. Ampuan.

⁸ *Id.* at 74–90. Penned by Judge Lily Villareal Biton.

⁹ Section 4. *Prohibited Acts*. — It is hereby prohibited and declared unlawful for any person:

(a) To take photo or video of a person or group of persons performing sexual act or any similar activity or to capture an image of the private area of a person/s such as the naked or undergarment clad genitals, pubic area, buttocks or female breast without the consent of the person/s involved and under circumstances in which the person/s has/have a reasonable expectation of privacy[.]

¹⁰ AN ACT DEFINING AND PENALIZING THE CRIME OF PHOTO AND VIDEO VOYEURISM, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES, dated February 15, 2010.

¹¹ Under SC Amended Administrative Circular No. 83-2015, “[a]s to geographical location, the decisions, resolutions, and orders in covered cases should refer only to the province where the incident occurred or where the crime was committed. References to the specific *barangay* or town should be blotted out from the body of the decision, resolution, or order if its identification could lead to the disclosure of the identities of the women or children victims.”

¹² Fictitious initials were used in place of the victim’s name pursuant to Supreme Court Amended Administrative Circular No. 83-2015 dated September 5, 2017

¹³ *Rollo*, pp. 74.

¹⁴ *Id.* at 74–75

¹⁵ Fictitious initials were used in place of the victim’s name pursuant to Supreme Court Amended Administrative Circular No. 83-2015 dated September 5, 2017

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(2) Criminal Case No. 18884 — CCC261049¹⁶; and (3) Criminal Case No. 18885 — DDD261049¹⁷.

The prosecution presented the testimonies of AAA261049, BBB261049, DDD261049, CCC261049, and Richard Castillo (Richard). These testimonies established that AAA261049, BBB261049, and DDD261049 are sisters, while CCC261049 is their cousin. They all lived in the same house. XXX261049 is their uncle, who frequented their house as he was tasked to supervise the ongoing renovation at that time. Richard, on the other hand, was one of the four construction workers working on the house renovation.¹⁸

AAA261049 testified that on October 11, 2016, she was preparing hot water in the kitchen for her bath when she saw her uncle enter the bathroom. After about five minutes, XXX261049 came out, prompting AAA261049 to get her hot water and take her turn in the bathroom. As she was preparing, she noticed a tiny light shining through a small hole in a *Safeguard* soap box on top of the shelf. Upon checking what was inside the soap box, she saw a *Blackberry* cellular phone with the video on for around nine minutes already. She immediately recognized the phone as XXX261049's. The phone was placed inside the box in such a way that its camera was able to capture whatever was happening in the bath area. Scared but curious, AAA261049 checked the recording and saw XXX261049 in the act of setting up the phone in the bathroom at the beginning of the video. Shocked at her discovery, she hastily deleted the video. However, still concerned of what other videos were contained in the phone and realizing that she needed evidence, she browsed further through the phone's contents and saw several nude videos, not only of herself, but also those of BBB261049, DDD261049, and CCC261049, while taking a bath in the same area. With quick thinking this time, before she deleted the videos from XXX261049's phone, AAA261049 hurriedly stepped out of the bathroom to get her own phone and, thereafter, came back to capture snippets and stills of the malicious videos from XXX261049's phone. Unfortunately, as she was rushing, AAA261049 was not able to capture a video or photo with DDD261049 in it. Afterwards, she returned the phone in the soap box in the same way that she found it and then locked herself in her room, frightened of what her uncle might do when he finds out that the videos on his phone were discovered and deleted.¹⁹

After a while, AAA261049 heard XXX261049 calling for her to tell her that her aunt was there to see her. AAA261049 did not open the door until she heard her aunt's voice. AAA261049 then immediately locked the door after her aunt stepped in. She told her aunt about her discovery and showed her the photos that she took from her uncle's phone. Shocked as well, the aunt took AAA261049 with her to her house where they called AAA261049's mother

¹⁶ Fictitious initials were used in place of the victim's name pursuant to Supreme Court Amended Administrative Circular No. 83-2015 dated September 5, 2017

¹⁷ Fictitious initials were used in place of the victim's name pursuant to Supreme Court Amended Administrative Circular No. 83-2015 dated September 5, 2017

¹⁸ *Id.* at 76-79.

¹⁹ *Id.* at 76.

to tell her about AAA261049's discovery. Not long later, AAA261049's mother arrived at their aunt's house and saw the nude snippets that AAA261049 captured from the videos on XXX261049's phone. Thereafter, AAA261049 and her mother went back to their house and informed BBB261049, DDD261049, and CCC261049 of what happened. They confronted XXX261049, who merely denied the allegations and offered to leave his phone with them for inspection. But XXX261049 was told that leaving his phone was unnecessary since AAA261049 had already copied parts and then deleted all the scandalous videos in it, prompting XXX261049 to just leave. They then copied the nude stills from AAA261049's phone to a DVD-R and made printed copies for evidentiary purposes. The next day, they reported the incident to the barangay.²⁰

BBB261049, DDD261049, and CCC261049 corroborated AAA261049's testimony. They all testified that they saw the nude stills that AAA261049 captured from the videos on XXX261049's phone. Richard, on the other hand, confirmed that he and his other co-workers had no access to the bathroom inside the house. All the witnesses were certain that the subject phone was XXX261049's as he was the only one in that household with that type of phone and everyone sees him using it frequently.²¹

Aside from the foregoing testimonial evidence, the prosecution also presented printed copies of the naked images taken by AAA261049 from XXX261049's phone, the DVD-R where they burned a copy of the scandalous materials, and the *Safeguard* soap box.²²

XXX261049 testified for his defense, denying the accusations against him. He claimed that he had a similar type of phone, which he allegedly lost three months before the incident. He averred that his nieces concocted a story about him because they did not like him around as he always chides them when they come home late and refuse to help with the household chores.²³

After trial, the RTC rendered the Joint Decision²⁴ dated February 8, 2019. In Criminal Case Nos. 18882, 18883, and 18884, the RTC found the testimonies of the prosecution witnesses, which were corroborated by the authenticated video and photos submitted in evidence, credible and sufficient to support a conviction for the violation of Section 4(a) of RA No. 9995. However, in Criminal Case No. 18885, the RTC found insufficient evidence to convict XXX261049 since no photo or video of DDD261049 was presented. The RTC disposed, thus:

WHEREFORE, x x x, judgment is rendered as follows:

²⁰ *Id.* at 76-77.

²¹ *Id.* at 77-79.

²² *Id.* at 79-80.

²³ *Id.* at 80-81.

²⁴ *Id.* at 74-90.

1. In Criminal Case No. 18882, this court finds accused [XXX261049], **GUILTY** beyond reasonable doubt of Violation of Section 4(a) of RA [No.] 9995 x x x and hereby sentences him to suffer the penalty of four (4) years, six (6) months and one (1) day as minimum to six (6) years, ten (10) months and one (1) day as maximum and a fine of [PHP] 300,000.00. He is hereby ordered to pay [AAA261049] the amounts of [PHP] 50,000.00 as moral damages, [PHP] 30,000.00 as exemplary damages[,] and [PHP] 50,000.00 as attorney's fees.
2. In Criminal Case No. 18883, this Court finds accused [XXX261049], **GUILTY** beyond reasonable doubt of Violation of Section 4(a) of RA [No.] 9995 x x x and hereby sentences him to suffer the penalty of four (4) years, six (6) months and one (1) day as minimum to six (6) years, ten (10) months and one (1) day as maximum and a fine of [PHP] 300,000.00. He is hereby ordered to pay [BBB261049] the amounts of [PHP] 50,000.00 as moral damages, [PHP] 30,000.00 as exemplary damages[,] and [PHP] 50,000.00 as attorney's fees.
3. In Criminal Case No. 18884, this Court finds accused [XXX261049], **GUILTY** beyond reasonable doubt of Violation of Section 4(a) of RA [No.] 9995 x x x and hereby sentences him to suffer the penalty of four (4) years, six (6) months and one (1) day as minimum to six (6) years, ten (10) months and one (1) day as maximum and a fine of [PHP] 300,000.00. He is hereby ordered to pay [CCC261049] the amounts of [PHP] 50,000.00 as moral damages, [PHP] 30,000.00 as exemplary damages[,] and [PHP] 50,000.00 as attorney's fees.
4. In Criminal Case No. 18885, for insufficiency of evidence, accused [XXX261049] is hereby **ACQUITTED** of the crime of Violation of Section 4(a) of RA [No.] 9995 x x x.

A legal interest at the rate of six percent (6%) [per annum] shall be imposed on all the monetary awards for damages from the date of the finality of this judgment until fully paid.

SO ORDERED.²⁵

On appeal, the CA affirmed the RTC Joint Decision in its entirety and disposed as follows:

WHEREFORE, x x x, the appeal is **DENIED** and the Decision dated February 8, 2019 of the [RTC] in Criminal Cases Nos. 18882-85 is hereby **AFFIRMED**.

SO ORDERED.²⁶

XXX261049's motion for reconsideration was likewise denied in the assailed CA Resolution²⁷ dated May 16, 2022 as follows:

²⁵ *Id.* at 90.

²⁶ *Id.* at 50.

²⁷ *Id.* at 54.

J

WHEREFORE, there being no substantial argument which would warrant the modification much less the reversal of this Court's June 25, 2021 Decision, [XXX261049] Motion for Reconsideration is hereby **DENIED** for lack of merit.

SO ORDERED.²⁸

Hence, this Petition. XXX261049 reiterates his acquittal since the pieces of evidence against him are entirely circumstantial and, as such, insufficient to justify his conviction. He argues that each circumstance relied upon by the courts *a quo* was solely hinged upon the incredible testimonies of the prosecution witnesses. XXX261049 inveighs that his presence at the victims' house on the day of the incident does not identify him as the perpetrator as four construction workers were also present at the place.²⁹ Also, the single instance that AAA261049 saw him entering the bathroom before the discovery was not sufficient to single him out as the assailant.³⁰ XXX261049 further highlights that there was no proof to corroborate AAA261049's claim that she saw XXX261049 in one of the videos, setting up the phone in the bathroom. For XXX261049, it is unbelievable that AAA261049 simply deleted such strong evidence without capturing a video or photo of it for evidentiary purposes as she had done with the other videos.³¹ Moreover, aside from the testimonies of the prosecution witnesses, no incontrovertible proof was presented to establish that he owns the phone wherein videos of his naked nieces were found.³² Finally, XXX261049 reckons it foolish for him to enter the bathroom and set up the phone while AAA261049 was just nearby only to make the alleged devious deed obvious.³³ Hence, XXX261049 maintains that there was no moral certainty that he was guilty of the charges.³⁴

Issue

Was XXX261049's guilt for the violation of Section 4(a) of RA No. 9995 proven beyond reasonable doubt?

Ruling

We answer in the affirmative.

Article 26³⁵ of the Civil Code adjures every person to "respect the dignity, personality, privacy, and peace of mind" of one another. The provision

²⁸ *Id.*

²⁹ *Id.* at 24.

³⁰ *Id.*

³¹ *Id.* at 24–25.

³² *Id.* at 25.

³³ *Id.* at 25–26.

³⁴ *Id.* at 26.

³⁵ Article 26. Every person shall respect the dignity, personality, privacy and peace of mind of his neighbors and other persons. The following and similar acts, though they may not constitute a criminal offense, shall produce a cause of action for damages, prevention and other relief:

(1) Prying into the privacy of another's residence;

(2) Meddling with or disturbing the private life or family relations of another;

further states that acts contrary to such directive “shall produce a cause of action for damages, prevention, and other relief.” Verily, grounded upon the State policy of “valuing the dignity and privacy of every human person and guaranteeing full respect for human rights,”³⁶ Section 4(a) of RA No. 9995 provides:

SEC. 4. *Prohibited Acts.* — It is hereby prohibited and declared unlawful for any person:

- (a) To take photo or video coverage of a person or group of persons performing sexual act or any similar activity or **to capture an image of the private area of a person/s such as the naked or undergarment clad genitals, pubic area, buttocks or female breast without the consent of the person/s involved and under circumstances in which the person/s has/have a reasonable expectation of privacy**[.] (Emphasis supplied)

Parsed from this provision, “photo or video voyeurism” is committed when:

1. The accused takes a photo or video coverage of a person or group of persons performing sexual act or any similar activity or captures an image of the private area of a person or persons such as the naked or undergarment-clad genitals, pubic area, buttocks or female breast;
2. The photo or video was taken without the consent of the person/s involved; and
3. The photo or video was taken under circumstances in which the person/s has/have a reasonable expectation of privacy.

We affirm the uniform findings of the RTC and the CA on the existence of all these elements.

First, it is undisputed that videos of AAA261049, BBB261049, and CCC261049 while taking a bath naked were captured through a built-in video recorder in a *Blackberry* phone. This was shown by the stills captured by AAA261049 from the *Blackberry* phone which were presented and admitted in evidence without objection. That the *Blackberry* phone was XXX261049’s and that it was he who took the videos were proven by the convergent testimonies of the prosecution witnesses that: (1) only XXX261049 has that type of phone in that household and that they frequently see him using it; (2) XXX261049 was at the victims’ house and used the bathroom for five minutes right before AAA261049’s turn to use the same bathroom; (3) AAA261049 proceeded to use the bathroom immediately after XXX261049 stepped out

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- (3) Intriguing to cause another to be alienated from his friends;
 - (4) Vexing or humiliating another on account of his religious beliefs, lowly station in life, place of birth, physical defect, or other personal condition.

³⁶ Republic Act No. 9995, sec. 2. *Declaration of Policy.* — The State values the dignity and privacy of every human person and guarantees full respect for human rights. Toward this end, the State shall penalize acts that would destroy the honor, dignity and integrity of a person.

and, while preparing to bathe, she saw the phone video rolling for about nine minutes already, coinciding with the number of minutes that it took XXX261049 to set up the phone and the time when AAA261049 discovered it; (4) the construction workers had no access to the floor where the bathroom was located;³⁷ and, more tellingly, (5) the first video that AAA261049 saw from the phone showed XXX261049 in the act of setting up the video in the bathroom.³⁸ During cross-examination, AAA261049 unwaveringly testified as follows:

ATTY. GRANDE:

Q: You testified in your Judicial Affidavit that the said phone was allegedly owned by [XXX261049] am I correct?

A: Yes, sir.

Q: Other than your statements, do you have any proof which you could say that the alleged [Blackberry] phone was indeed owned by [XXX261049]?

A: I know that it is his phone, sir, because he is staying in our house for almost two (2) years and he is using it every time, sir.

Q: So, your only proof is your word that that [sic] phone is his phone?

A: All of my family members knew that it is his phone, sir. There is no other member in the family owns [sic] a [Blackberry] phone, so we know that it is his phone.

Q: You testified in your Judicial [A]ffidavit that your house was at that time being renovated?

A: Yes, sir.

Q: Would it be possible that the phone is owned by other individual who were laborers, who were renovating or fixing your house?

A: There is no possibility because they don't have access in our bathroom and they are staying in the second floor, the laborers, sir.

COURT:

One moment.

Q: By the way, where is that [Blackberry] phone?

A: We don't have it, your honor.

Q: You were not able to confiscate it at that time?

A: No, your honor.

Q: So, even the contents you did not know about it, the contents of the alleged video, if any?

A: I browsed it and I took pictures, your Honor.

Q: So, that's the only thing that you did. You did not confiscate the phone?

A: No, your Honor, because we were alone at home, I was so scared; I just thought we need evidence.

COURT:

³⁷ *Rollo*, p. 84.

³⁸ *Id.* at 76.

Continue.

ATTY. GRANDE:

Q: In your Judicial [A]ffidavit[,] you again said that you saw accused in one (1) of the videos setting up?

A: Yes, sir.

Q: Do you have a photo of the scene wherein he was the one setting up the video?

A: For that video, sir, I don't have video of that because at that time when I saw him setting it up inside, I was so scared with [*sic*] his face.

ATTY. ARMOVIT:

May we manifest, your Honor, that the witness is crying while testifying.

ATTY. GRANDE:

Q: So, what happened with the video again?

A: I deleted as I saw him setting it up inside the bathroom, sir.

Q: How about the other videos?

A: I was scared about the videos because I know he can do such thing, so I browsed it then I saw the next videos of us and I played it and saw everything, sir.³⁹

Contrary to XXX261049's insistence, AAA261049's failure to make a copy of the video which showed XXX261049's face does not undermine the credibility of her testimony. As gleaned from AAA261049's testimony, she was shocked and scared when she saw her uncle's face in the video, which prompted her to delete it at once without thinking of securing evidence. Her reaction cannot be taken against her:

x x x It is settled that there could be "no hard and fast gauge [to measure one's] reaction or behavior when confronted with a startling, not to mention horrifying, occurrence x x x. Witnesses[, more so victims,] of startling occurrences react differently depending upon their situation and state of mind, and there is no standard form of human behavioral response when one is confronted with a strange, startling or frightful experience. The workings [*sic*] of the human mind placed under emotional stress are unpredictable, and people react differently to shocking stimulus — some may shout, some may faint, and others may be plunged into insensibility.⁴⁰

In any case, we have consistently deferred to the trial court's factual findings and assessment on the credibility of witnesses in the absence of any clear showing that material facts or considerations were overlooked or misconstrued. This is because of the trial court's unique position to observe the demeanor of witnesses, their conduct and attitude under grilling examination, and to appreciate their truthfulness, honesty, and candor first-

³⁹ *Id.* at 85–87.

⁴⁰ *People v. Ampo*, 848 Phil. 97, 108 (2019) [Per J. Peralta, Third Division], citing *People v. Bañez, et al.*, 770 Phil. 40,46 (2015) [Per J. Peralta, Third Division].

hand.⁴¹ This holds especially true when the trial court's findings were affirmed by the CA as in this case.

Also, the lack of ill motive on the part of the prosecution witnesses further strengthens their credibility. Jurisprudence tells us that witnesses were not ill-motivated in testifying when there is no evidence of such ill or improper motive. Here, the Court finds XXX261049's unfounded allegation, not only flimsy but scarcely credible, that the charges were stirred by the offended parties' feeling of dislike towards their uncle because of being reprimanded for coming home late and refusing to help with the household chores. Truth be told, it is highly improbable that decent and professional women such as AAA261049 (a nurse), BBB261049 (an accountant), DDD261049 (a senior software engineer), and CCC261049 (a content editor) would concoct a sordid story and ridicule themselves and their family's reputation on public trial simply because they did not like their uncle's reproach.⁴²

Verily, there is moral certainty that XXX261049 captured naked images of AAA261049, BBB261049, DDD261049, and CCC261049 through his phone. The above-enumerated circumstances were proven beyond reasonable doubt by the prosecution evidence; and such proven collateral facts, taken together, provided an unbroken chain leading to the fair conclusion that XXX261049 perpetrated the offense charged. Indeed, there is no requirement in our criminal law that only direct evidence may convict. "The identity of the perpetrator and the finding of guilt may rely solely on the strength of circumstantial evidence,⁴³ which should be scrutinized "like a tapestry made up of interwoven strands which create a pattern;" each strand cannot be plucked out and appreciated separately because it only forms part of the whole picture.⁴⁴ This is consistent with Rule 133, Section 4 of the Rules of Court, which ordains the sufficiency of circumstantial evidence for conviction when: (1) there is more than one circumstance; (2) the facts from which the inferences are derived are proven; and (3) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.⁴⁵

Anent the second element, there is no question that the malicious videos were taken without the consent of the victims because it was intentionally done in an unobtrusive manner, i.e., through a phone hidden in a soap box.

As to the last element, needless to say, the videos were discreetly taken in a bathroom, i.e., under "circumstances in which a reasonable person would believe that he/she could disrobe in privacy, without being concerned that an image or a private area of the person was being captured or circumstances in which a reasonable person would believe that a private area of the person

⁴¹ *People v. Juare*, 874 Phil. 850 (2020) [Per J. Inting, Second Division].

⁴² *Rollo*, pp. 76–78. *See People v. Gabriel*, 807 Phil. 516, 525–526 (2017) [Per J. Del Castillo, First Division].

⁴³ *Bacerra v. People*, *supra* note 1.

⁴⁴ *Id.*; *People v. Ragon*, *supra* note 3.

⁴⁵ *See id.*; *People v. Juarez*, *supra* note 37.

would not be visible to the public, regardless of whether that person is in a public or private place.”⁴⁶

XXX261049’s unsupported denial finds no chance to prevail over the positive and credible testimonies of the prosecution witnesses, which were corroborated by the other evidence on record. Denial is an inherently weak and self-serving defense, bereft of weight in the courts of law when uncorroborated by any other competent evidence.⁴⁷

Therefore, the Court finds no cogent reason to reverse the conviction.

The indeterminate penalty of imprisonment for four years, six months, and one day to six years, 10 months, and one day plus fine of PHP 300,000.00 for each case is likewise affirmed in accord with RA No. 9995, Section 5.⁴⁸

As well, we affirm the award of moral and exemplary damages. Moral damages may be recovered in a criminal offense to compensate for the mental anguish, serious anxiety, and moral shock suffered by the victim as a proximate result of the offender’s wrongful act.⁴⁹ To be sure, XXX261049’s pervert act of voyeurism caused “distress, humiliation, or mental anguish”⁵⁰ to his nieces. Exemplary damages, on the other hand, are imposed by way of correction for the public good.⁵¹ Such corrective damages serve “as a deterrent to serious wrongdoings, and as a vindication of undue suffering and wanton invasion of the rights of an injured or a punishment for those guilty of outrageous conduct”⁵² such as taking pleasure in watching unsuspecting victims who are naked while doing private acts in the bathroom.

The Court, however, finds it proper to modify the amounts of damages in accordance with the prevailing jurisprudence. In *People v. Tulagan*,⁵³ the Court fixed the amounts of moral damages and exemplary damages to PHP 50,000.00, taking into account that the imposable penalties for the crimes

⁴⁶ Republic Act No. 9995, sec. 3(f). “Under circumstances in which a person has a reasonable expectation of privacy” means circumstances in which a reasonable person would believe that he/she could disrobe in privacy, without being concerned that an image or a private area of the person was being captured; or circumstances in which a reasonable person would believe that a private area of the person would not be visible to the public, regardless of whether that person is in a public or private place.

⁴⁷ *People v. Pentecostes*, 820 Phil. 823, 843 (2017) [Per J. Caguioa, Second Division].

⁴⁸ Republic Act No. 9995, sec. 5. *Penalties*. — The penalty of imprisonment of not less than three (3) years but not more than seven (7) years and a fine of not less than One hundred thousand pesos ([PHP] 100,000.00) but not more than Five hundred thousand pesos ([PHP] 500,000.00), or both, at the discretion of the court shall be imposed upon any person found guilty of violating Section 4 of this Act.

⁴⁹ *People v. Combate*, 653 Phil. 487, 504–505 (2010) [Per J. Velasco, Jr., First Division]; Art. 2219. Moral damages may be recovered in the following analogous cases:

x x x x

(3) Seduction, abduction, rape, or other lascivious acts;

x x x x

(10) Acts and actions referred to in [Article] x x x 26 x x x.

⁵⁰ *Rollo*, p. 89.

⁵¹ Article 2229. Exemplary or corrective damages are imposed, by way of example or correction for the public good, in addition to the moral, temperate, liquidated or compensatory damages.

⁵² *People v. Combate*, 653 Phil. 487, 507–508 (2010) [Per J. Velasco, Jr., First Division], *citing* *People v. Dalisay*, 620 Phil. 831, 844 (2009) [Per J. Nachura, Third Division]

⁵³ 849 Phil. 197 (2019) [Per J. Peralta, *En Banc*].

involved are within the range of *reclusion temporal*.⁵⁴ In *People v. Jugueta*,⁵⁵ moral damages were set to PHP 50,000.00 for crimes that result in the death of the victim, PHP 30,000.00 when such crimes were committed on a frustrated stage, and PHP 20,000.00 when merely attempted. Further in *Jugueta*, moral and exemplary damages were pegged at PHP 50,000.00 for special complex crimes which resulted in victims suffering mortal or fatal wounds; and PHP 25,000.00 when the victims suffered non-mortal or non-fatal wounds. In the recent case of *Carbonell v. People*,⁵⁶ which involved a lascivious conduct conviction under RA No. 7610, moral damages and exemplary damages were awarded in the amount of PHP 15,000.00. Here, without trivializing the ripples of photo or video voyeurism to the victims, it is noteworthy that the offense does not result in death or physical injuries. Too, its impossible penalty is lower than *reclusion temporal*. Considering, as well, the surrounding circumstances of this case, the Court finds it apt to reduce the moral damages from PHP 50,000.00 to PHP 15,000.00, and the exemplary damages from PHP 30,000.00 to PHP 15,000.00.

The Court, moreover, deletes the attorney's fees awarded as the RTC and CA decisions had nil discussion on the grant of attorney's fees. Neither was there anything on record that proves private complainants' incurrance of such expense.⁵⁷ It must be remembered that, under Article 2208 of the Civil Code, "award of attorney's fees is the exception rather than the general rule, [as such,] it is necessary for the court to make findings of facts and law that would bring the case within the exception and justify [its grant]."⁵⁸ The factual, legal, or equitable justification for the grant of attorney's fees "must be stated in the text of the court's decision; otherwise if it is stated only in the dispositive portion [as in this case,] the same must be disallowed on appeal"⁵⁹ even when exemplary damages were awarded.⁶⁰

Finally, in conformity with current policy, the interest at the legal rate of 6% per annum is imposed on all the monetary awards from the finality of this judgment until full satisfaction.

ACCORDINGLY, the Petition for Review on *Certiorari* is **DENIED**. The Decision dated June 25, 2021 and Resolution dated May 16, 2022 of the Court of Appeals in CA-G.R. CR No. 43881, which affirmed the Joint Decision dated February 8, 2019 of the Regional Trial Court of ██████████, Rizal, Branch ████, convicting petitioner XXX261049 of violation of Section 4(a) of Republic Act No. 9995 or the "Anti-Photo and Video Voyeurism Act of 2009, are **AFFIRMED with the following MODIFICATIONS**:

⁵⁴ See *Capueta v. People*, 883 Phil. 502 (2020) [Per J. Delos Santos, Second Division].

⁵⁵ 783 Phil. 806 (2016) [Per J. Peralta, *En Banc*].

⁵⁶ G.R. No. 246702, April 28, 2021 [Per J. Delos Santos, Third Division].

⁵⁷ See *People v. Likiran*, 735 Phil. 397, 408 (2014) [Per J. Reyes, First Division].

⁵⁸ *Mendoza v. Spouses Gomez*, 736 Phil. 460, 484-485 (2014) [Per J. Perez, Second Division].

⁵⁹ *Mendoza v. Spouses Gomez, id.*; *Spouses Agustin v. Court of Appeals*, 264 Phil. 744, 752 (1990) [Per J. Regalado, Second Division].

⁶⁰ See *Mendoza v. Spouses Gomez, id.*

J

1. In Criminal Case No. 18882, this Court finds accused [XXX261049], GUILTY beyond reasonable doubt of Violation of Section 4(a) of RA [No.] 9995 x x x and hereby sentences him to suffer the penalty of four years, six months and one day as minimum to six years, 10 months and one day as maximum and a fine of [PHP] 300,000.00. He is hereby ordered to pay [AAA261049] the amounts of [PHP] **15,000.00 as moral damages and [PHP] 15,000.00 as exemplary damages.**
2. In Criminal Case No. 18883, this Court finds accused [XXX261049], GUILTY beyond reasonable doubt of Violation of Section 4(a) of RA [No.] 9995 x x x and hereby sentences him to suffer the penalty of four years, six months and one day as minimum to six years, 10 months and one day as maximum and a fine of [PHP] 300,000.00. He is hereby ordered to pay [BBB261049] the amounts of [PHP] **15,000.00 as moral damages and [PHP] 15,000.00 as exemplary damages.**
3. In Criminal Case No. 18884, this Court finds accused [XXX261049], GUILTY beyond reasonable doubt of Violation of Section 4(a) of RA [No.] 9995 x x x and hereby sentences him to suffer the penalty of four years, six months and one day as minimum to six years, 10 months and one day as maximum and a fine of [PHP] 300,000.00. He is hereby ordered to pay [CCC261049] the amounts of [PHP] **15,000.00 as moral damages and [PHP] 15,000.00 as exemplary damages.**

x x x x

In all the cases, the award of attorney's fees is DELETED.

A legal interest at the rate of 6% per annum shall be imposed on all the monetary awards for damages from the date of the finality of this judgment until fully paid.

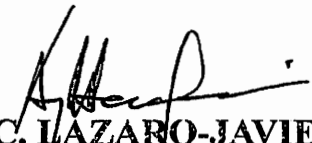
SO ORDERED.


MARIOLYN L. LOPEZ
Associate Justice

WE CONCUR:



MARVIC M.V. F. LEONEN
Acting Chief Justice



AMY C. LAZARO-JAVIER
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M.V. F. LEONEN
Acting Chief Justice