



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-appellee,

G.R. No. 274549

Present:

GESMUNDO, C.J.,
Chairperson,
HERNANDO,
ZALAMEDA,
ROSARIO, and
MARQUEZ, JJ.

-versus-

XXX,
Accused-appellant.

Promulgated:

APR 06 2026
mifafu

X-----X

DECISION

GESMUNDO, C.J.:

This is an Appeal¹ from the Decision² of the Court of Appeals (CA), which affirmed the Judgment³ of the Regional Trial Court (RTC), convicting accused-appellant XXX of lascivious conduct under Section 5(b) of Republic Act No. 7610, otherwise known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act, as amended, committed against AAA.⁴

¹ *Rollo*, pp. 3–7.

² *Id.* at 10–19. The February 16, 2024 Decision in CA-G.R. CR HC No. 16168 was penned by Associate Justice Ronaldo Roberto B. Martin and concurred in by Associate Justices Ramon M. Bato, Jr. and Alfonso C. Ruiz II of the Third Division, Court of Appeals, Manila.

³ *Id.* at 21–30. The October 3, 2021 Judgment in Criminal Case No. U-21915 was penned by Presiding Judge Joven M. Maramba of Branch [REDACTED], Regional Trial Court, [REDACTED], Pangasinan.

⁴ The identity of the victim or any information which could establish or compromise their identity, and those of their immediate family or household members, shall be withheld pursuant to Republic Act No. 7610 (1992); Republic Act No. 9262 (2004), An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victim, Prescribing Penalties Therefor, and for Other Purposes; and Section 40 of A.M. No. 04-10-11-SC (2004), Rule on Violence Against Women and Their Children.

Antecedents

XXX was indicted for the crime of lascivious conduct under Section 5(b) of Republic Act No. 7610 in the Information dated February 23, 2016, the accusatory portion of which reads:

That on or about 8:00 [p.m.] of February 21, 2016 at Brgy. [REDACTED],⁵ Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused, who is the biological father of [REDACTED], by means of coercion, threat, intimidation[,] and influence[,] and with lewd design, did then and there willfully, unlawfully[,] and feloniously commit/perform lascivious conduct upon the said [REDACTED], a minor[,] [13] years old, subjected to sexual abuse, by touching, caressing, fondling[,] and massaging her breasts and vagina, against her will and without her consent, to her damage and prejudice.⁶

Upon arraignment, XXX pleaded not guilty to the charge.⁷ During pre-trial, the prosecution and the defense stipulated the following matters: (1) the identity of the accused being the biological father of AAA; (2) the conditional admission of the certificate of live birth of AAA being 13 years old at the time of the incident; and (3) the due execution and authenticity of the Joint Affidavit of Arrest of Police Officer II Rodney Fernandez (PO2 Fernandez), PO1 Abraham Butuyan, PO1 Cipriano Macam, Jr., and PO1 Cecilio Pedro of the Philippine National Police, [REDACTED], Pangasinan.⁸ After pre-trial was terminated, trial on the merits ensued.⁹

During trial, the prosecution presented two witnesses, namely: (a) AAA; and (b) PO2 Fernandez, the investigating officer.

The prosecution evidence shows that AAA, who was 13 years old at the time of the incident, is the biological daughter of XXX. On the night of February 21, 2016, while she was about to sleep beside her mother, sister, and XXX, AAA felt XXX's hand on her breast and subsequently, on her lap. She further narrated that XXX proceeded to touch her vagina inside her underwear.¹⁰

⁵ Supreme Court 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.

⁶ *Rollo*, p. 21.

⁷ *Id.*

⁸ *Id.* at 22.

⁹ *Id.*

¹⁰ *Id.* at 12.

When AAA protested, her mother was awakened and immediately asked XXX as to what he was doing to their daughter. XXX responded that AAA had kicked him. AAA, already traumatized by XXX's history of violence against her, was afraid and unable to immediately reveal the sexual assault.¹¹

The following day, AAA disclosed the full extent of the assault to her mother, prompting them to immediately report the incident to the authorities.¹² At the police station, PO2 Fernandez documented the complaint of AAA and initiated a manhunt, which resulted in XXX's arrest.¹³

XXX vehemently denied the allegations against him, and claimed that the present criminal charge was just a mere fabrication. He testified that AAA resented him because he acquired the cellphone numbers of her classmates.¹⁴

He admitted that he was with his children on the night of February 21, 2016, but had no recollection of any untoward incident that happened during that time. He further narrated that on the same night, AAA left their residence while the family was watching television. He followed her and witnessed her embracing a male classmate, whose identity remained unknown to him. He alleged that he warned said classmate to distance himself from his daughter. XXX also expressed dismay, suggesting that AAA was unduly influenced by others in filing the instant charge against him.¹⁵

The RTC Ruling

In its Judgment dated October 3, 2021, the RTC found XXX guilty beyond reasonable doubt of the crime of lascivious conduct under Section 5(b) of Republic Act No. 7610. The dispositive portion of the said judgment reads:

WHEREFORE, premises considered, this court finds accused [REDACTED], guilty beyond reasonable [doubt] of the crime [of] violation of [Section] 5(b) of [Republic Act No.] 7610 with attendant circumstance[] of blood-relation and without mitigating circumstance[,] this court imposes upon him the penalty of *reclusion perpetua* and to

¹¹ *Id.*

¹² *Id.* at 22.

¹³ *Id.* at 23.

¹⁴ *Id.* at 24.

¹⁵ *Id.*



indemnify AAA [PHP] 75,000.00 a[s] compensatory damages, [PHP] 50,000.00 as moral damages and [PHP] 15,000.00 as exemplary damages[,] which will earn interest at 6% per annum from the finality of the judgment until fully paid.

No pronouncement as to cost.

SO ORDERED.¹⁶

Dissatisfied, XXX appealed the RTC judgment of conviction before the CA. He argued that the RTC erred in finding his guilt beyond reasonable doubt because: (1) the prosecution's factual allegations were improbable;¹⁷ (2) AAA's behavior during and after the alleged sexual assault deviated from expected human response;¹⁸ and (3) AAA made an inconsistent statement regarding XXX's alleged insertion of his finger into her vagina.¹⁹

The CA Ruling

In its assailed Decision dated February 16, 2024, the CA affirmed the RTC Judgment with modification, the dispositive portion of which states:

WHEREFORE, premises considered, the appeal is **DENIED**. The Judgment dated [October 3, 2021] issued by the Regional Trial Court [REDACTED] in Crim. Case No. U-21915 is hereby **AFFIRMED with MODIFICATION**. Appellant is **ORDERED TO PAY A FINE** of [PHP] 15,000.00 as per Section 31(f) of Republic Act No. 7610.

Appellant is also ordered to pay AAA the following amounts:

1. [PHP] 75,000.00 as civil indemnity;
2. [PHP] 75,000.00 as moral damages; and
3. [PHP] 75,000.00 as exemplary damages.

The awards of civil indemnity and damages shall earn legal interest at the rate of [6% per annum] from the date of finality of this Decision until fully paid.

SO ORDERED.²⁰ (Emphasis in the original)

In finding that XXX committed the crime of lascivious conduct, the CA determined that the prosecution had successfully established all elements

¹⁶ *Id.* at 30.

¹⁷ *CA rollo*, p. 44.

¹⁸ *Id.* at 46.

¹⁹ *Id.* at 47.

²⁰ *Rollo*, pp. 18–19.

of lascivious conduct as defined under Section 5(b) of Republic Act No. 7610. The CA upheld the RTC's assessment of AAA's testimony as credible and reliable, rejecting XXX's assertions. The CA emphasized AAA's clear and direct account of the sexual assault. It dismissed the argument that the presence of other persons negated the crime, stating that a determined perpetrator would not be deterred. Further, the CA reasoned that the detailed and harrowing nature of a minor's testimony regarding sexual abuse lends inherent credibility. Finally, the CA deemed XXX's cited inconsistencies as immaterial, not affecting the RTC's finding of his guilt.²¹

Undaunted, XXX filed an appeal before the Court insisting on his innocence and asserting the reversal of the finding of guilt rendered by the RTC and the CA.

On October 9, 2024, the Court issued a Resolution²² directing the parties to file their respective supplemental briefs within 30 days from notice, if so desired. On March 7, 2025, XXX filed a Manifestation (In Lieu of Supplemental Brief)²³ informing the Court that he will no longer submit a supplemental brief and instead, will adopt the arguments he had exhaustively discussed in his appellant's brief previously filed with the CA. On the other hand, the Office of the Solicitor General (OSG) also filed a Manifestation in Lieu of Supplemental Brief²⁴ stating that it will dispense with the filing of a supplemental brief to avoid a repetition of arguments which it already raised in its February 3, 2023 appellee's brief.

The Issue

The core issue for the Court's resolution is whether the CA correctly affirmed XXX's conviction for the crime charged against him.

The Court's Ruling

The appeal is bereft of merit.

At the outset, it is a hornbook rule that an appeal in criminal cases opens the entire case for review and it is the duty of the reviewing tribunal to correct errors, though unassigned, in the appealed judgment, or even reverse the trial court's decision based on grounds other than those that the parties raised as errors. The appellate court has full jurisdiction over the case and renders such court competent to examine records, revise the judgment

²¹ *Id.* 13–17.

²² *Id.* at 31–32.

²³ *Id.* at 34–38.

²⁴ *Id.* at 46–51.



appealed from, increase the appropriate penalty, and cite the proper provision of the penal law involved.²⁵ After an examination of the records of the present criminal case, the Court finds that the instant appeal lacks merit.

Proper charge is acts of lasciviousness under Section 336 of the Revised Penal Code, not violation of Section 5(b) of Republic Act No. 7610

Guided by the Court's recent ruling in *Gramatica v. People*,²⁶ the Court finds that the elements necessary to sustain a conviction for violation of Section 5(b) of Republic Act No. 7610 are absent in this case. Instead, the acts proven constitute the crime of acts of lasciviousness under Article 336 of the Revised Penal Code.

In *Gramatica*, the Court clarified that Section 5(b) of Republic Act No. 7610, as amended by Republic Act No. 11648 (which raised the age of sexual consent to 16 years old), applies to minors aged 16 and above but below 18 years old who are subjected to other forms of sexual abuse.²⁷ It covers situations where a child *consents or indulges*, albeit defectively, in a sexual activity due to the employment, use, persuasion, inducement, enticement, or coercion exerted by an adult.²⁸ The law contemplates instances where the minor actively participates in the sexual conduct, and not merely a passive victim, but such participation is vitiated.²⁹ Conversely, Section 5(b) does not apply where the minor is entirely unaware, unconscious, overpowered, or unwilling from the outset.³⁰

In *Gramatica*, the minor victim testified that she was asleep when her grandfather touched her vagina and breast. The Court found that she neither consented nor indulged in the sexual activity. Indeed, there was no semblance of consent on the part of the victim. There was likewise no coercion or influence within the contemplation of Republic Act No. 7610, as the accused merely took advantage of her unconscious state. Even assuming coercion was present, the minor could not be said to have "engaged" in lascivious conduct in the legal sense, as she was asleep when her grandfather placed his hand inside her panties. Accordingly, the conviction was affirmed,

²⁵ *People v. Bernardo*, 890 Phil. 97, 110 (2020) [Per J. Perlas-Bernabe, Second Division].

²⁶ G.R. Nos. 260233 and 266039, August 12, 2025 [Per J. Inting, *En Banc*].

²⁷ *Id.* at 52–53. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

²⁸ *Id.* at 23–25.

²⁹ *Id.*

³⁰ *Id.* at 25.

A

but for acts of lasciviousness under Article 336 of the Revised Penal Code, not for violation of Section 5(b) of Republic Act No. 7610.³¹

Applying the foregoing principles enunciated in *Gramatica* to the instant case, the Court rules that the acts committed by accused-appellant against AAA constituted acts of lasciviousness under Article 336 of the Revised Penal Code, not violation of Section 5(b) of Republic Act No. 7610, as found by the courts *a quo*.

While AAA was not fully unconscious and was merely about to fall asleep, her testimony clearly establishes that she did not consent from the outset. She categorically testified that, when accused-appellant placed his hand on her breast, lap, and then vagina, she uttered “stop” in a loud voice, a plea that awakened her mother.³²

Following *Gramatica*, since AAA did not “engage” nor “indulge” in the sexual conduct, but was instead a passive victim of a sudden lewd act while in a state of rest, the Court deems it proper to convict accused-appellant of acts of lasciviousness penalized under Article 336 of the Revised Penal Code.

Further, following Rule 120, Section 4³³ of the Rules of Court, accused-appellant may still be held liable for acts of lasciviousness, as the Information sufficiently alleged that the offense was committed through intimidation. Jurisprudence consistently holds that in cases of incestuous sexual abuse, moral ascendancy supplants the element of intimidation, as in the present case.³⁴

Elements of acts of lasciviousness under Article 336 of the Revised Penal Code were duly established by the prosecution

To secure conviction for the crime of acts of lasciviousness, the confluence of the following elements must be established by the prosecution beyond reasonable doubt:

³¹ *Id.* at 38.

³² *Rollo*, p. 27.

³³ Sec. 4. *Judgment in case of variance between allegation and proof.* — When there is variance between the offense charged in the complaint or information and that proved, and the offense as charged is included in or necessarily includes the offense proved, the accused shall be convicted of the offense proved which is included in the offense charged, or of the offense charged which is included in the offense proved.

³⁴ *People v. ZZZ*, 955 Phil. 733, 755 (2024) [Per J. Singh, Third Division].



1. the offender commits any act of lasciviousness or lewdness upon another person of either sex; and
2. the act of lasciviousness or lewdness is committed either
 - a. by using force or intimidation; or
 - b. when the offended party is deprived of reason or is otherwise unconscious; or
 - c. when the offended party is under 12 years of age.³⁵

Jurisprudence defined lewd as “obscene, lustful, indecent, lecherous; it signifies that form of immorality which has relation to moral impurity; or that which is carried on a wanton manner.”³⁶

A careful perusal of the evidence on record will reveal that the acts of accused-appellant are covered by the definition of “lewd.”

At this juncture, it bears emphasizing that sexual abuse cases are, more often than not, solely decided based on the credibility of the testimony of private complainant. In *People v. Amarela*,³⁷ the Court laid down the guidelines in evaluating the credibility of witnesses, thus:

First, the Court gives the highest respect to the RTC’s evaluation of the testimony of the witnesses, considering its unique position in directly observing the demeanor of a witness on the stand. From its vantage point, the trial court is in the best position to determine the truthfulness of witnesses.

Second, absent any substantial reason which would justify the reversal of the RTC’s assessments and conclusions, the reviewing court is generally bound by the lower court’s findings, particularly when no significant facts and circumstances, affecting the outcome of the case, are shown to have been overlooked or disregarded.

And third, the rule is even more stringently applied if the CA concurred with the RTC.³⁸ (Citation omitted)

After a judicious review of the records of this case, the Court finds that the evidence adduced by the prosecution sufficiently established the

³⁵ *Cruz v. People*, 745 Phil. 54, 73–74 (2014) [Per J. Bersamin, First Division], citing *People v. Lizada*, 444 Phil. 67, 97 (2003) [Per J. Callejo, Sr., *En Banc*].

³⁶ *Cruz v. People*, 745 Phil. 54, 74 (2014) [Per J. Bersamin, First Division].

³⁷ 823 Phil. 1188 (2018) [Per J. Martires, Third Division].

³⁸ *Id.* at 1201.

elements of the crime of acts of lasciviousness under Article 336 of the Revised Penal Code.

First, accused-appellant's act of inserting his hand inside AAA's shirt, touching her breasts and lap, and subsequently inserting his hand in her underwear to touch her vagina, clearly constitute as "lewd."

Second, the foregoing lewd and lascivious acts were performed by accused-appellant through intimidation. Accused-appellant was able to further gratify his lust by taking advantage of his moral ascendancy over AAA. Being her biological father, accused-appellant undeniably exercised moral ascendancy over her. As previously mentioned, it is settled in jurisprudence that in cases of incestuous sexual abuse, moral ascendancy supplants the element of intimidation.³⁹

Further, the CA correctly determined that AAA, who was then 13 years old, was vulnerable and easily cowed by her abuser who is not only a grown man, but also someone who exercised moral ascendancy over her being her biological father. Accused-appellant's moral ascendancy over AAA was evident from her testimony that she feared him because he would hurt her whenever she did something wrong, or whenever he was drunk, or even merely tired from work.⁴⁰

Credible testimony

Verily, the courts *a quo* correctly ruled that the prosecution—through AAA's positive and categorical testimony—had established beyond reasonable doubt that accused-appellant, her father, through intimidation, inserted his hand inside her shirt, touched her breasts and lap, and inserted his fingers in her underwear to touch her vagina. As testified to by AAA:

q: do you know this [XXX]?

a: yes, ma'am.

q: why do you know him?

a: he is my father.

q: why are you filing a complaint against your father [XXX]?

a: because he raped.

....

³⁹ *People v. ZZZ*, 955 Phil. 733, 755 (2024) [Per J. Singh, Third Division].

⁴⁰ *Rollo*, p. 12.

q: on February 21 where were you?

a: I was inside our room.

q: who were with you?

a: I was with my mother, my sister and my father.

q: what were you doing then?

a: I was about to sleep, ma'am.

q: how you positioned yourself in relation of those who were with you in that room?

a: my father, me, my mother and my sister.

q: in one bed?

a: yes, ma'am.

....

q: and what happened next if any lying in the bed positioned yourself beside your father.

a: I felt that his hand is holding my breast and next he put his hand on my lap and then he inserted his finger under my underwear holding my vagina.

q: when your father held your breast, lap and your vagina, what did you do?

a: I told him to stop and do not do that.

q: and what was his response?

a: he stopped.

q: did you report that specific incident on February 21, 2016 to your mother considering that she is only beside you?

a: no, ma'am.

q: why not?

a: because I was afraid, ma'am.

q: why are you afraid of your father?

a: because I know his attitude.

q: why, what is his attitude?

a: he used to hit.

....

q: and did you report the incident to the police?

a: yes, ma'am.

....

q: how old are you on February 21, 2016?

a: I was 13 years old.

....

q: when you told your father to stop was it loud?

a: yes, ma'am.

q: and despite your loud voice your mother did not wake up, ma'am witness?

a: she was awakened and she said "what are doing to your daughter".

q: when she asked what are you doing to your daughter, what did you tell to your mother?

a: I did not say anything but it was my father who said that I was kicked by your daughter.

q: did you kick your father?

a: no, ma'am.

q: you said that you are afraid of your father's attitude, correct?

a: Yes, ma'am.

q: because he is hurting you, madam witness?

a: yes, ma'am.⁴¹

To reiterate, it is elementary that the assessment of a trial court in matters pertaining to the credibility of witnesses, especially when affirmed by an appellate court, just like in this case, are accorded great respect—if not binding significance—on further appeal to this Court. The rationale of this rule is the recognition of the unique and distinctive position of the trial court to examine real evidence and to observe the demeanor, conduct, and attitude of the witnesses whose credibility have been put in issue, and can therefore discern if they are telling the truth or not.⁴² In the case at bench, the Court rules that the RTC did not overlook any material and relevant matter and hence, finds no necessity to review, must less, overturn or disturb its factual findings.

Accused-appellant's claim of inconsistency between AAA's *Salaysay* and her testimony during direct examination, where she initially stated that accused-appellant inserted his finger into her vagina, and her subsequent cross-examination testimony where she maintained that such insertion never happened on February 21, 2016,⁴³ is unfounded.

The courts *a quo* correctly found that minor inconsistencies are typical in testimonies, especially from minors, provided they do not pertain to the

⁴¹ *Id.* at 26–27.

⁴² *People v. Fetalco*, 878 Phil. 475, 486 (2020) [Per C.J. Peralta, First Division].

⁴³ *CA rollo*, pp. 47–48.

elements of the crime.⁴⁴ Further, AAA clarified that her initial statement referred to a separate incident, distinct from the date specified in the Information, during which the insertion did occur.⁴⁵ Therefore, the alleged inconsistency is adequately explained and does not undermine the reliability of her testimony.

Arguments raised by accused-appellant deserve scant consideration

Accused-appellant contends that AAA's factual allegations are too incredible⁴⁶ and that her behavior following the alleged abuse contradicted human experience.⁴⁷

These arguments must fail.

First, the argument that accused-appellant's actions were unlikely due to the presence of AAA's mother and sister on the same bed will not negate the established commission of lascivious acts against her. As jurisprudence affirms, "lust is no respecter of time and place."⁴⁸ This Court has consistently declared that even the more serious offense of rape may be "committed even in places where people congregate, in parks, along the roadside, within school premises, inside a house where there are other occupants, and even in the same room where other members of the family are also sleeping."⁴⁹ Consequently, the contention that lascivious acts could not occur under the circumstances in the instant case is untenable, given the less severe nature of the offense and the established propensity for sexual offenses to occur irrespective of location or immediate proximity to others.

Second, accused-appellant's assertion that AAA's silence and lack of resistance during and after the alleged sexual molestation contradicted human nature and self-preservation,⁵⁰ is unfounded.

The Court's pronouncement in *People v. Saludo*⁵¹ is instructive on this regard, thus:

⁴⁴ *Rollo*, p. 15.

⁴⁵ *Id.* at 14–15.

⁴⁶ *CA rollo*, p. 44–46.

⁴⁷ *Id.* at 47.

⁴⁸ *People v. CCC*, 843 Phil. 473, 485 (2018) [Per J. Peralta, Third Division].

⁴⁹ *Id.*

⁵⁰ *CA rollo*, p. 47.

⁵¹ 662 Phil. 738 (2011) [Per J. Leonardo-De Castro, First Division].



Not every victim of rape can be expected to act with reason or in conformity with the usual expectations of everyone. The workings of a human mind placed under emotional stress are unpredictable; people react differently. Some may shout, some may faint, while others may be shocked into insensibility. And although the conduct of the victim immediately following the alleged sexual assault is of utmost importance as it tends to establish the truth or falsity of the charge of rape, it is not accurate to say that there is a typical reaction or norm of behavior among rape victims, as not every victim can be expected to act conformably with the usual expectation of [humankind] and there is no standard behavioral response when one is confronted with a strange or startling experience, each situation being different and dependent on the various circumstances prevailing in each case.⁵² (Citations omitted)

In this case, AAA's testimony that her fear of accused-appellant's violence prevented her from immediately disclosing the sexual assault⁵³ provides a credible explanation for her silence.

Finally, accused-appellant's defense of denial deserves scant consideration. The Court has held time and again that both denial and alibi are inherently weak defenses which cannot prevail over the positive and credible testimony of the prosecution witness that it was the accused who perpetrated the crime.⁵⁴ Here, AAA's unequivocal and positive identification of accused-appellant as the perpetrator of the sexual assault on the night of February 21, 2016, outweighs accused-appellant's mere denial of the offense.

Penalty and Damages

Under Article 336 of the Revised Penal Code, the imposable penalty for the crime of acts of lasciviousness is *prision correccional* or six months and one day to six years.

In this case, the aggravating circumstance of relationship is present. Accused-appellant is the biological father of AAA, a fact both alleged in the Information and duly established during trial. Accordingly, the penalty imposed shall be in its maximum period, or within the range of four years, two months, and one day to six years of *prision correccional*. Applying the Indeterminate Sentence Law, the minimum of the penalty shall be taken from that one degree lower or *arresto mayor* which has a range of one month and one day to six months. Thus, accused-appellant must suffer the

⁵² *Id.* at 758–759.

⁵³ *Rollo*, p. 12.

⁵⁴ *People v. Quinto*, 873 Phil. 679, 691 (2020) [Per J. Reyes, J. Jr., First Division].



indeterminate penalty of imprisonment of six months of *arresto mayor* to six years of *prision correccional*.

Additionally, consistent with *Gramatica*, the Court finds it proper to increase the awards of civil indemnity, moral damages, and exemplary damages to PHP 150,000.00 each, considering: (1) the penalty meted against accused-appellant is significantly lower than that which would have been imposed had he been found liable for violation of Section 5(b) of Republic Act No. 7610; and (2) the presence of the aggravating circumstance of relationship, accused-appellant being the biological father of AAA. This also aligns with *People v. ABC260708*,⁵⁵ which recognized that while the law and jurisprudence prescribe the minimum amounts of civil indemnity and damages, they do not impose a maximum limit. In said case, the Court increased the award of civil indemnity, moral damages, and exemplary damages to serve as a deterrent against incestuous sexual abuse of minors.⁵⁶

In conformity with prevailing jurisprudence,⁵⁷ all monetary awards shall earn legal interest at the rate of 6% per annum, from date of finality of this Decision until fully paid.

FOR THESE REASONS, the appeal is **DISMISSED**. The February 16, 2024 Decision of the Court of Appeals in CA-G.R. CR HC No. 16168 is **AFFIRMED** with **MODIFICATIONS**. Accordingly, accused-appellant XXX is found **GUILTY** beyond reasonable doubt of the crime of acts of lasciviousness under Article 336 of the Revised Penal Code. He is **SENTENCED** to suffer the indeterminate penalty of imprisonment of six months of *arresto mayor*, as minimum to six years of *prision correccional*, as maximum. He is also **ORDERED** to pay AAA the amounts of PHP 150,000.00 as civil indemnity, PHP 150,000.00 as moral damages, and PHP 150,000.00 as exemplary damages, all of which shall earn legal interest of 6% per annum, reckoned from the finality of this Decision until full payment.

SO ORDERED.


ALEXANDER G. GESMUNDO
Chief Justice

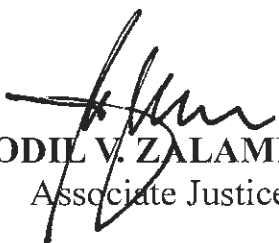
⁵⁵ 950 Phil. 199 (2024) [Per J. Lopez, M., *En Banc*].

⁵⁶ *Id.* at 235.

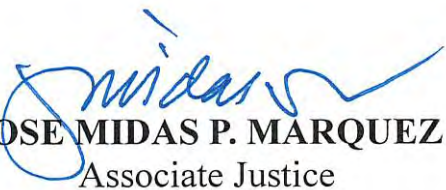
⁵⁷ *Uddin v. People*, 890 Phil. 878, 903 (2020) [Per J. Inting, Third Division].

WE CONCUR:


RAMON PAUL L. HERNANDO
Associate Justice


RODIL V. ZALAMEDA
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 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.


ALEXANDER G. GESMUNDO
Chief Justice