



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE
RECEIVED
FEB 26 2020
BY: YCP
TIME: 9:47am

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 27 January 2020 which reads as follows:

“G.R. No. 244118 (*Saturnino De Jesus y Capinpin v. People of the Philippines*). – The Court **NOTES** the compliance dated January 14, 2020 by counsel for petitioner Saturnino De Jesus y Capinpin (petitioner) with the show cause Resolution dated October 1, 2019, stating that the soft copy of the motion for extension to file petition was sent *via* e-mail on the same day the said motion was filed, however, the verified declaration was not attached thereto due to oversight, and submitting the attached duplicate original copy of the entry of appearance and the aforesaid motion for extension.

After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM with MODIFICATION** the August 31, 2018 Decision² and the January 21, 2019 Resolution³ of the Court of Appeals (CA) in CA-G.R. CR No. 37195 for failure of petitioner to sufficiently show that the CA committed any reversible error in finding him guilty beyond reasonable doubt of the crime of Lascivious Conduct, under Section 5 (b) of Republic Act No. (RA) 7610,⁴ otherwise known as the “Special Protection of Children Against Abuse, Exploitation and Discrimination Act.” Accordingly, he is sentenced to suffer the penalty of imprisonment for an indeterminate period of eight (8) 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, and to pay AAA⁵ the following

¹ *Rollo*, pp. 10-21.

² *Id.* at 32-44. Penned by Associate Justice Myra V. Garcia-Fernandez with Associate Justices Apolinario D. Bruselas, Jr. and Ronaldo Roberto B. Martin, concurring.

³ *Id.* at 45.

⁴ Entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, PROVIDING PENALTIES FOR ITS VIOLATION, AND FOR OTHER PURPOSES,” approved on June 17, 1992.

⁵ The identity of the victim or any information which could establish or compromise his identity, as well as those of his immediate family or household members, shall be withheld pursuant to RA 7610, 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; RA 9262, entitled “AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES,” approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the “RULE ON VIOLENCE AGAINST WOMEN AND THEIR CHILDREN” (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014], citing *People v. Lomaque*, 710 Phil.

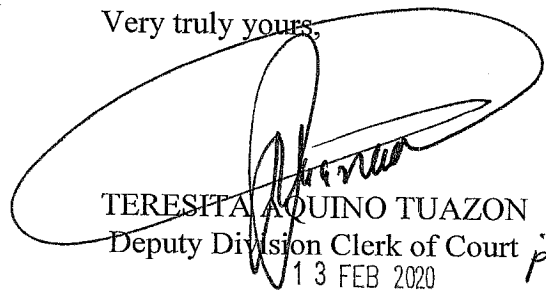
12/13

amounts: (a) ₱50,000.00 as civil indemnity; (b) ₱50,000.00 as moral damages; and (c) ₱50,000.00 as exemplary damages.⁶ Moreover, all monetary awards shall earn an interest at the legal rate of six percent (6%) per annum from the date of finality of this Resolution until full payment.

As correctly ruled by the CA, petitioner should be held criminally liable for Lascivious Conduct under Section 5 (b) of RA 7160, since it was proven through the testimony and positive identification of AAA, who was then only fourteen (14) years old at the time the crime was committed, that the former sucked his penis and kissed his neck and nipples.⁷ Settled is the rule that factual findings of the trial courts involving the credibility of witnesses, when affirmed by the CA, are accorded great weight and respect, and generally not reviewable by this Court, unless they fall within the recognized exceptions,⁸ none of which obtain in this case.

SO ORDERED. (Reyes, A., Jr. and Hernando, JJ., on official leave.)”

Very truly yours,


 TERESITA AQUINO TUAZON
 Deputy Division Clerk of Court
 13 FEB 2020 p 2/13

338, 342 [2013]. See also Amended Administrative Circular No. 83-2015, 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,” dated September 5, 2017.) See further *People v. Ejercito*, G.R. No. 229861, July 2, 2018. To note, the unmodified CA Decision was not attached to the records to verify the real name of the victim.

⁶ See *People v. Tulagan*, G.R. No. 227363, March 12, 2019.

⁷ See *rollo*, p. 40.

⁸ *People v. Ramos*, 715 Phil. 193, 208 (2013).