



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **25 January 2021** which reads as follows:*

“**G.R. No. 253966 (XXX¹ v. People of the Philippines)**. – After a judicious review of the records, this Court resolves to **DENY** the petition² for failure of petitioner to sufficiently show that the Court of Appeals committed any reversible error in its February 20, 2020 Decision³ and October 6, 2020 Resolution⁴ as to warrant the exercise of this Court’s appellate jurisdiction.

WHEREFORE, the petition is **DENIED**. The February 20, 2020 Decision of the Court of Appeals in CA-G.R. CR No. 41415 is **AFFIRMED** with **MODIFICATIONS**, to wit:

- 1) In Criminal Case Nos. 18471 and 18472, petitioner XXX is hereby found guilty beyond reasonable doubt of two (2) counts of Acts of Lasciviousness under Art. 336⁵ of the Revised Penal Code in relation to Section 5(b)⁶ of

¹ The complete names and personal circumstances of the victim’s family members or relatives, who may be mentioned in the court’s decision or resolution have been replaced with fictitious initials in conformity with Administrative Circular No. 83-2015 (*Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/ Personal Circumstances*).

² *Rollo*, pp. 17-42.

³ *Id.* at 107-132; penned by Associate Justice Walter S. Ong, with Associate Justices Mariflor P. Punzalan Castillo and Victoria Isabel A. Paredes, concurring.

⁴ *Id.* at 141-145.

⁵ **Art. 336. Acts of lasciviousness.** — Any person who shall commit any act of lasciviousness upon other persons of either sex, under any of the circumstances mentioned in the preceding article, shall be punished by *prision correccional*.

⁶ **Section 5. Child Prostitution and Other Sexual Abuse.** – Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty of *reclusion temporal* in its medium period to *reclusion perpetua* shall be imposed upon the following:

Republic Act No. 7610⁷ and sentenced to suffer an indeterminate penalty of imprisonment ranging from 12 years and one (1) day of *reclusion temporal*, as minimum, to 15 years, six (6) months and 20 days of *reclusion temporal*, as maximum, in each case.

- 2) In Criminal Cases No. 18476 and 18478, petitioner XXX is hereby found guilty beyond reasonable doubt of two (2) counts of Lascivious Conduct under Section 5(b) of Republic Act No. 7610 and sentenced to suffer an indeterminate penalty of imprisonment ranging from eight (8) years and one (1) day of *prision mayor*, as minimum, to 17 years, four (4) months and one (1) day of *reclusion temporal*, as maximum, in each case.
- 3) In each of the four cases, petitioner is **ORDERED to PAY** AAA⁸ the amounts of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱50,000.00 as exemplary damages, with legal interest of six percent (6%) *per annum* imposed on all monetary awards from the date of finality of this Resolution until full payment, for each count of the aforesaid crimes.

SO ORDERED. (Rosario, J., designated additional member per Special Order No. 2797 dated November 5, 2020)”

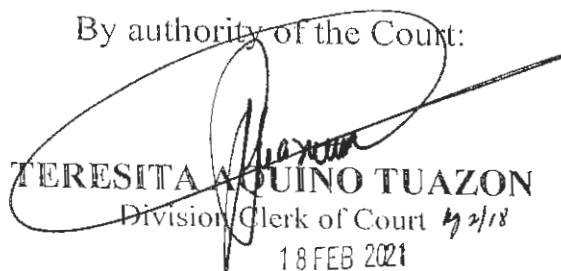
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(b) Those who commit the act of sexual intercourse of lascivious conduct with a child exploited in prostitution or subject to other sexual abuse; Provided, That when the victims is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, the Revised Penal Code, for rape or lascivious conduct, as the case may be; Provided, That the penalty for lascivious conduct when the victim is under twelve (12) years of age shall be *reclusion temporal* in its medium period; xxx.

⁷ Otherwise known as the “Special Protection of Children Against Abuse, Exploitation and Discrimination Act.”

⁸ The true name of the victim has been replaced with fictitious initials in conformity with Administrative Circular No. 83-2015 (*Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances*). The confidentiality of the identity of the victim is mandated by Republic Act (R.A.) No. 7610 (*Special Protection of Children Against Abuse, Exploitation and Discrimination Act*); R.A. No. 8505 (*Rape Victim Assistance and Protection Act of 1998*); R.A. No. 9208 (*Anti-Trafficking in Persons Act of 2003*); R.A. No. 9262 (*Anti-Violence Against Women and Their Children Act of 2004*); and R.A. No. 9344 (*Juvenile Justice and Welfare Act of 2006*).

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court 4/2/18
18 FEB 2021

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch I
Batangas City
(Crim. Case Nos. 18471 to 18478)

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Supreme Court, Manila

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Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CR No. 41415

*with copy of CA Decision dated 20 February 2020
Please notify the Court of any change in your address.
GR253966. 01/25/2021(24)URES(m)