



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

PEDRITO VALENZONA,  
*Petitioner,*

G.R. No. 203785

Present:

LEONEN, J., *Chairperson,*  
HERNANDO,  
INTING,  
DELOS SANTOS, and  
ROSARIO,\* *JJ.*

- versus -

Promulgated:

PEOPLE OF THE PHILIPPINES,  
*Respondent.*

January 20, 2021

X-----MSPDCBak-----X

DECISION

INTING, J.:

This is a Petition<sup>1</sup> for Review on *Certiorari* from the Decision<sup>2</sup> dated September 6, 2011 of the Court of Appeals (CA) in CA-G.R. CR No. 01262 which affirmed the Decision<sup>3</sup> dated June 9, 2009 of Branch 14, Regional Trial Court (RTC), Baybay, Leyte finding Pedrito Valenzona (petitioner) guilty beyond reasonable doubt of nine (9) counts of Acts of Lasciviousness defined under Article 336 of the Revised Penal Code (RPC) in relation to Section 5(b) of Republic Act No. (RA) 7610.

*The Antecedents*

The instant case stemmed from nine (9) Informations charging petitioner with Attempted Rape. The Informations, except for the date of the commission of each crime, similarly read as follows:

\* On official leave.

<sup>1</sup> *Rollo*, pp. 13-34.

<sup>2</sup> *Id.* at 61-75; penned by Associate Justice Gabriel T. Ingles with Associate Justices Pampio A. Abarintos and Eduardo B. Peralta, Jr., concurring.

<sup>3</sup> *Id.* at 44-60; penned by Judge Absalon U. Fulache.

On June 10, 1998, in Baybay, Leyte and within the jurisdiction of this Honorable Court, the above-named accused, with deliberate intent, with lewd and prurient desires, laid on top of 11-year old AAA upon whom he exercised moral ascendancy she being his grade sixth pupil, after he pulled down her underwear up to below her knee, and executed some pumping acts and motions with his male organ on her pubic area while at the same time embracing and kissing her, but accused's male organ was not able to penetrate nor touch the labia of the pudendum, accused performed overt acts but did not perform all the acts of execution which constitute the crime of rape due to the fact that the victim's thighs remained close together thereby protecting her female organ, although accused ejaculated by reason of the excitement at the moment.

Contrary to law.<sup>4</sup>

The crimes were allegedly committed on the following dates: (1) June 10, 1998;<sup>5</sup> (2) June 16, 1998;<sup>6</sup> (3) June 19, 1998;<sup>7</sup> (4) June 23, 1998;<sup>8</sup> (5) June 26, 1998;<sup>9</sup> (6) July 8, 1998;<sup>10</sup> (7) July 23, 1998;<sup>11</sup> (8) July 24, 1998;<sup>12</sup> and (9) July 30, 1998.<sup>13</sup>

During the arraignment on October 16, 2001 petitioner pleaded not guilty to the crimes charged.<sup>14</sup> Trial on the merits ensued.

#### *Version of the Prosecution*

The victim in the cases is AAA,<sup>15</sup> who was 11 years old when petitioner repeatedly sexually abused her. Petitioner, on the other hand,

<sup>4</sup> See Information in Criminal Case No. B-2107, records (Criminal Case No. B-2107), p. 1.

<sup>5</sup> Records (Criminal Case No. B-2107), pp. 1-2.

<sup>6</sup> Records (Criminal Case No. B-2108), pp. 1-2.

<sup>7</sup> Records (Criminal Case No. B-2109), pp. 1-2.

<sup>8</sup> Records (Criminal Case No. B-2110), pp. 1-2.

<sup>9</sup> Records (Criminal Case No. B-2111), pp. 1-2.

<sup>10</sup> Records (Criminal Case No. B-2112), pp. 1-2.

<sup>11</sup> Records (Criminal Case No. B-2113), pp. 1-2.

<sup>12</sup> Records (Criminal Case No. B-2114), pp. 1-2.

<sup>13</sup> Records (Criminal Case No. B-2115), pp. 1-2.

<sup>14</sup> See Order dated October 16 penned by Judge Designate Buenaventura A. Pajaron, records (Criminal Case No. B-2107), p. 203.

<sup>15</sup> The identity of the victim or any information to establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. (RA) 7610, "An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation and For Other Purposes;" RA 9262, "An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and For Other Purposes;" Section 40 of Administrative Matter No. 04-10-11-SC, known as the "Rule on Violence against Women and Their Children," effective November 15, 2004; *People v. Cabalquinto*, 533 Phil. 703 (2006); and Amended Administrative Circular No. 83-2015 dated September 5, 2017, 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.

was AAA's Grade VI teacher. All the nine incidents of Attempted Rape were committed inside the computer room of Franciscan College of Immaculate Conception (FCIC) in Baybay, Leyte where petitioner was a teacher and AAA was a Grade VI student, to wit:

Criminal Case No. B-2107

On June 10, 1998, between 9 to 10 a.m. [*sic*] appellant excused [AAA] from her class and ordered her to encode into the computer some school campaign materials. While inside the computer room, appellant asked Lycelle Kirong, the only other person inside the computer room, to get some bond papers. Appellant locked the door behind Lycelle and approached [AAA] to kiss her lips and cheeks. [AAA] tried to resist but appellant forced her into submission. Appellant pulled [AAA] toward a table and made her lie on top of it. While continuing to kiss [AAA], appellant proceeded to pull down [AAA's] underwear to her knees and raised her skirt. Appellant went on top of [AAA] and made a pumping motion while at the same time kissing her. [AAA] kept her thighs tight hence, appellant failed to penetrate her vagina. After a while, appellant ejaculated. [AAA] did not resist nor shout because appellant is her teacher. Appellant stopped when Lycelle knocked at the door x x x.

Criminal Case No. B-2108

On June 16, 1998, between 9 to 10 a.m., appellant summoned [AAA] inside the computer room of FCIC. Once inside, appellant made [AAA] lie down on top of a table, pulled her underwear to her knees, pulled down his pants and underwear to his knees, mounted her, then made some pumping motions while kissing [AAA] until he ejaculated x x x.

Criminal Case No. B-2109

On June 19, 1998, just like the previous sexual molestations, appellant summoned [AAA] inside the computer [r]oom to encode some work. Then, appellant made [AAA] lean on the table, embraced and kissed her. [AAA] tried to resist but appellant was too strong for her. Appellant touched [AAA's] breast and made her lie down on one of the tables x x x.

Criminal Case no. B-2110

On June 23, 1998, appellant sexually abused [AAA] inside the same computer room in same manner as she was sexually abused by the appellant in the previous incidents, i.e., made her lie down on top of a table, pulled down her underwear to her knees, kissed and embraced her, executed some pumping motions with the sexual organ

of appellant touching [AAA's] pubic area until appellant ejaculated x x x.

Criminal Case No. B-2111

On June 26, 1998, between 9 to 10 a.m., appellant made [AAA] lie on top of a table inside the computer room at FCIC. When she and appellant were half naked, the latter mounted her and made some pumping motions. Appellant kissed [AAA] on her lips and touched her vagina. Appellant ejaculated while making some more pumping motions on top of her x x x.

Criminal Case No. B-2112

On July 8, 1998 appellant again summoned [AAA] to the FCIC's computer room. Inside said room, appellant forced [AAA] to kiss him, made her lie down on top of a table, pulled down her underwear, lifted her skirt, pulled down his pants and underwear, mounted her, made some pumping motions until he ejaculated x x x.

Criminal Case No. B-2113

On July 23, 1998, once [AAA] was inside the same computer room at FCIC, appellant locked the door, approached [AAA] and kissed her on the lips. He then pulled her towards a table and made her lie down on top of it; that while she was lying down, appellant pulled down her underwear below her knees, mounted her, did some pumping motions while kissing her lips until he ejaculated x x x.

Criminal Case No. B-2114

On July 24, 1998, appellant asked [AAA] to finish the task he assigned to her the previous day. Once inside the computer room, appellant repeated what he did to [AAA] the day before (July 23, 1998); *i.e.*, he pulled her towards a table made her lie down on top of it; while she was lying down, lifted her skirt; appellant also pulled down his pants and underwear up to his knees, mounted her and did some pumping motions while kissing her on the lips until he ejaculated x x x.

Criminal Case No. B-2115

On July 30, 1998, [AAA] and Harvey Managbanag went to the computer room upon the instruction of Mrs. Bactasa to encode in the computer the program for the Linggo ng Wika. Upon seeing Harvey, appellant got angry prompting Harvey to leave the computer room. While [AAA] was encoding the program of the Linggo ng Wika, appellant approached her, made her stand up, then made her lie down on top of the table. He placed himself on top of [AAA], went down and pulled [AAA's] underwear below her knees. Thereafter,

appellant also pulled down his pants and underwear below his knees and placed himself on top of her. He made some pumping motions until he ejaculated x x x.<sup>16</sup>

AAA's ordeals in the hands of petitioner caused her sleepless nights. She started to have difficulty in concentrating in her studies. BBB, the mother of AAA, noticed her unusual behavior. Thus, BBB confronted AAA. After AAA confessed and related to BBB the dastardly acts petitioner committed against her, both AAA and BBB reported the incident to the school principal and to the police.<sup>17</sup>

For his part, petitioner denied the allegations against him. He refuted the imputations against him as follows:

On June 10, 1998, it was impossible for him to sexually abuse AAA as it was not yet the student leaders' election period; hence, he had no reason to ask AAA to encode the campaign materials. On June 16 and 19, 1998, it was not possible for him to sexually abuse AAA in the computer room as the room was closed because the computers were "out of order." He could not have committed the crime on June 23, 1998 as he was busy preparing for the school student leaders' election. It was likewise impossible for him to sexually abuse AAA on June 26, 1998 as there was an ongoing mass that he participated in at the time of the alleged commission of the crime. On July 8, 1998, he was conducting a reading lesson with his Grade V class. On July 23, 1998, the computer room was locked as the computers needed some repairs. On July 24, 1998, he was in the school canteen with the other teachers practicing their dance number for the school's induction of officers. On July 30, 1998, he conducted a long quiz with his Grade V students.<sup>18</sup>

Petitioner asserted that AAA accused him of several counts of Attempted Rape because he scolded her for not remitting the funds of the student body.<sup>19</sup>

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<sup>16</sup> *Rollo*, pp. 63-65.

<sup>17</sup> *Id.* at 65-66.

<sup>18</sup> *Id.* at 66-67.

<sup>19</sup> *Id.* at 67.

### *The RTC Ruling*

The RTC convicted petitioner of nine (9) counts of Acts of Lasciviousness under Article 336 of the RPC in relation to Section 5(b) of RA 7610. For each count, the RTC sentenced petitioner to suffer the penalty of imprisonment of twelve (12) years of *prision mayor*, as minimum, to sixteen (16) years of *reclusion temporal*, as maximum. The RTC likewise ordered petitioner to pay AAA ₱100,000.00 as moral damages and ₱50,000.00 as exemplary damages for each count of Acts of Lasciviousness under Article 336 of the RPC in relation to Section 5(b) of RA 7610.<sup>20</sup>

The RTC convicted petitioner of Acts of Lasciviousness under Article 336 of the RPC in relation to Section 5(b) of RA 7610 instead of Attempted Rape. It found that in all nine occasions that petitioner sexually abused AAA, there was no evidence that he had the intention of having sexual intercourse with the latter.<sup>21</sup> According to the RTC, there was no statement from AAA that petitioner tried to insert his penis into her vagina.<sup>22</sup> The RTC ratiocinated that petitioner merely satisfied his lust by mounting himself half-naked over the half-naked body of AAA until he ejaculated.<sup>23</sup>

### *The CA Ruling*

In the Decision<sup>24</sup> dated September 6, 2011, the CA affirmed the RTC with modifications as to the damages awarded. Thus, the CA ordered petitioner to pay AAA ₱20,000.00 as civil indemnity, ₱30,000.00 as moral damages, and ₱25,000.00 as exemplary damages for each count of Acts of Lasciviousness. The CA likewise ordered petitioner to pay AAA ₱25,000.00 as attorney's fees with cost against him.<sup>25</sup>

Hence, the petition.

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<sup>20</sup> *Id.* at 59.

<sup>21</sup> *Id.* at 48.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* at 61-75.

<sup>25</sup> *Id.* at 75.

Petitioner raised the issue of whether the CA erred in affirming his conviction.

### *The Court's Ruling*

The petition has no merit.

Well-settled is the rule that the matter of ascribing substance to the testimonies of witnesses is best discharged by the trial court, and the appellate courts will not generally disturb the findings of the trial court in this respect.<sup>26</sup> “[F]indings of the trial court which are factual in nature and which involve the credibility of witnesses are accorded with respect, if not finality by the appellate court, when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gathered from such findings.”<sup>27</sup> The reason is quite simple: the trial judge is in a better position to ascertain the conflicting testimonies of witnesses after having heard them and observed their deportment and mode of testifying during the trial.<sup>28</sup> “The task of taking on the issue of credibility is a function properly lodged with the trial court.” Thus, generally, the Court will not re-examine or re-evaluate evidence that had been analyzed and ruled upon by the trial court.

After a judicious perusal of the records of the instant petition, the Court finds no compelling reason to depart from the uniform factual findings of the RTC and the CA. The Court affirms petitioner’s conviction.

The RTC and the CA correctly convicted the petitioner of nine (9) counts of Acts of Lasciviousness under Article 336 in relation to Section 5(b) of RA 7610.<sup>29</sup>

For a successful prosecution of Acts of Lasciviousness under Article 336 of the RPC, the following elements must concur:

<sup>26</sup> *Estrella v. People of the Philippines*, G.R. No. 212942, June 17, 2020.

<sup>27</sup> *People v. Aspa, Jr.*, G.R. No. 229507, August 6, 2018, 876 SCRA 330, 338, citing *People v. De Guzman*, 564 Phil. 282, 290 (2007).

<sup>28</sup> *Id.*, citing *People v. Villamin*, 625 Phil. 698, 713 (2010).

<sup>29</sup> Entitled, “An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, Providing for its Violation and for Other Purposes,” approved on June 17, 1992.

- (1) That the offender commits any act of lasciviousness or lewdness;
- (2) That it is done under any of the following circumstances:
  - a) Through force, threat or intimidation;
  - b) Where the offended party is deprived of reason or otherwise unconscious;
  - c) By means of fraudulent machination or grave abuse of authority;
  - d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present; and
- (3) That the offended party is another person of either sex.<sup>30</sup>

On the other hand, the essential elements of sexual abuse under Section 5(b) of RA 7610 are as follows: (1) the accused commits the act of sexual intercourse or lascivious conduct; (2) the said act is performed with a child exploited in prostitution or subjected to other sexual abuse; and, (3) the child, whether male or female, is below 18 years of age.<sup>31</sup> A child is deemed subjected to “*other sexual abuse*” when he or she indulges in lascivious conduct under the coercion or influence of any adult.<sup>32</sup> Section 2(h) of the Rules and Regulations on the Reporting and Investigation of Child Abuse Cases<sup>33</sup> defines *lascivious conduct* as the “intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks, or the introduction of any object into the genitalia, anus or mouth, of any person, whether of the same or opposite sex, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person, bestiality, masturbation, lascivious exhibition of the genitals or pubic area of a person.”<sup>34</sup>

All of the aforementioned elements were sufficiently established by the prosecution. AAA’s minority had been sufficiently established with the presentation of her Certificate of Live Birth<sup>35</sup> showing that she was born on November 15, 1986. Thus, it is undisputed that AAA was only 11 years old during the commission of the crimes against her person. Evidence likewise reveals that petitioner was then the Grade VI

<sup>30</sup> *People v. Bejim*, 824 Phil. 10, 28 (2018), citing *Quimvel v. People*, 808 Phil. 889, 914 (2017).

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 29, citing *Navarrete v. People*, 542 Phil. 496, 511 (2007).

<sup>33</sup> Approved on October 1993.

<sup>34</sup> See *Awas v. People*, 811 Phil. 700, 709 (2017), citing *Garingarao v. People*, 669 Phil. 512, 523 (2011).

<sup>35</sup> Records (Criminal Case No. B-2107), p. 16.



teacher of AAA in FCIC, and therefore, a person who exercised moral ascendancy and influence upon her. Finally, AAA clearly testified how the separate counts of Acts of Lasciviousness under Article 336 of the RPC in relation to Section 5(b) of RA 7610 were committed. She categorically stated that petitioner kissed her, touched her private parts while she was lying on top of the table in the computer room, and that he repeatedly made pumping motions after he removed his pants and lifted her skirt until he ejaculated. The prosecution had likewise emphasized that petitioner's penis never penetrated AAA's vagina in any of the sexual incidents. These established facts show that petitioner committed the acts with lewd desires and that his lascivious conduct subjected AAA to sexual abuse. Because there was neither an insertion nor an attempt to insert petitioner's penis or any object into AAA's vagina,<sup>36</sup> petitioner's conviction of Acts of Lasciviousness under Article 336 of the RPC in relation to Section 5(b) of RA 7610 and not Attempted Rape is in order. Even the Informations alleged that "*accused's male organ was not able to penetrate nor touch the labia of the pudendum.*"

Petitioner argues that he cannot be convicted of nine counts of Acts of Lasciviousness under Article 336 of the RPC in relation to Section 5(b) of RA 7610 as he was merely charged with nine counts of Attempted Rape. Thus, he insists that his constitutional right to be informed of the nature and cause of accusation against him was violated.

The argument is specious.

The crime of Acts of Lasciviousness is necessarily included in the offense of rape, thus, petitioner can be convicted of a lesser crime.<sup>37</sup> This is in accordance with the variance doctrine enunciated under Section 4<sup>38</sup> in relation to Section 5<sup>39</sup> of Rule 120 of the Rules on Criminal Procedure.<sup>40</sup>

<sup>36</sup> *Rollo*, p. 48.

<sup>37</sup> See *Lutap v. People*, 825 Phil. 10 (2018).

<sup>38</sup> Section 4, Rule 120 provides:

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.

<sup>39</sup> Section 5, Rule 120 provides:

SEC. 5. *When an offense includes or is included in another.* — An offense charged necessarily includes the offense proved when some of the essential elements or ingredients of the former, as alleged in the complaint or information, constitute the latter. And an offense charged is necessarily included in the offense proved, when the essential ingredients of the former constitute or form part of those constituting the latter.

<sup>40</sup> *Lutap v. People*, *supra* note 37 at 26.

Hence, even though the crime charged against petitioner is for Attempted Rape, he can be convicted of the crime of Acts of Lasciviousness under Article 336 of the RPC without violating his constitutional rights because the latter is necessarily included in the crime of Attempted Rape.<sup>41</sup>

Moreover, petitioner insists that the CA erred in giving credence to AAA's statements which are incredible considering that the alleged nine incidents occurred in the same place, at the same time, and in the same manner.

The contention holds no water.

The precise date and time of the incidents are not among the elements of sexual abuse under Section 5(b) of RA 7610.<sup>42</sup> The date given in the complaint need not even be proven as alleged if it is not the essence of the crime<sup>43</sup> as in the case at bench. Thus, the complaint will be sustained if the proof shows that the crime was committed at any date within the period of the statute of limitations and before the commencement of the action.<sup>44</sup> Likewise, it is recognized that lust is no respecter of time and place.<sup>45</sup> Sexual abuse can thus 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.<sup>46</sup>

Finally, petitioner faults AAA for not immediately revealing the alleged incidents to her friends, classmates, teachers or school personnel after their commission. Time and again, the Court has held that there is no uniform behavior that can be expected from those who had the misfortune of being sexually molested.<sup>47</sup> The Court ruled:

x x x While there are some who may have found the courage early on to reveal the abuse they experienced, there are those who have opted to initially keep the harrowing ordeal to themselves and

<sup>41</sup> See *People v. Dagsa*, 824 Phil. 704, 713-714 (2018).

<sup>42</sup> See *Fianza v. People*, 815 Phil. 379 (2017).

<sup>43</sup> *Id.* at 393

<sup>44</sup> *Id.*, citing *Zapanta v. People*, 707 Phil. 23, 30 (2013).

<sup>45</sup> *People v. CCC*, G.R. No. 239336, June 3, 2019.

<sup>46</sup> *Id.*, citing *People v. Traigo*, 734 Phil. 726, 730 (2014).

<sup>47</sup> *Id.*, citing *People v. Navasero, Sr.*, G.R. No. 234240, February 6, 2019.

attempt to move on with their lives. This is because a rape victim's actions are oftentimes overwhelmed by fear rather than by reason. The perpetrator of the rape hopes to build a climate of extreme psychological terror, which would numb his victim into silence and submissiveness. In fact, incestuous rape further magnifies this terror, for the perpetrator in these cases, such as the victim's father, is a person normally expected to give solace and protection to the victim. Moreover, in incest, access to the victim is guaranteed by the blood relationship, magnifying the sense of helplessness and the degree of fear.<sup>48</sup>

Without a doubt, neither does AAA's silence immediately after the incidents nor her failure to shout during the commission of the crimes affect her credibility as a witness. Victims of sexual abuse, like AAA, react differently to different situations. There is no standard form of reaction for a woman when facing a shocking and horrifying experience such as sexual abuse.<sup>49</sup>

As to the penalty imposed, the Court modifies the CA Decision. Section 5(b) of RA 7610 provides that the penalty for lascivious conduct when the victim is under 12 years of age shall be *reclusion temporal* in its medium period which ranges from fourteen (14) years, eight (8) months and one (1) day to seventeen (17) years and four (4) months.

Here, in the absence of any mitigating or aggravating circumstance, the maximum term of the sentence to be imposed shall be taken from the medium period of *reclusion temporal* in its medium period which ranges from fifteen (15) years, six (6) months, and twenty (20) days to sixteen (16) years, five (5) months, and nine (9) days.<sup>50</sup> On the other hand, the minimum term shall be taken from the penalty next lower to *reclusion temporal* medium that is *reclusion temporal* minimum which ranges from twelve (12) years and one (1) day to fourteen (14) years and eight (8) months.

Hence, from the foregoing, the penalty imposed by the RTC as affirmed by the CA for each count of Acts of Lasciviousness under Article 336 of the RPC in relation to Section 5(b) of RA 7610 which is twelve (12) years of *prision mayor*, as minimum to sixteen (16) years of *reclusion temporal*, as maximum, should be modified to conform to

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<sup>48</sup> *Id.*

<sup>49</sup> See *People v. XXX*, G.R. No. 235662, July 24, 2019.

<sup>50</sup> *People v. Dagsa*, supra note 41 at 723.

jurisprudence.<sup>51</sup> Accordingly, petitioner is sentenced to an indeterminate penalty of twelve (12) years and one (1) day of *reclusion temporal* in its minimum period, as minimum to fifteen (15) years six (6) months and twenty (20) days of *reclusion temporal* in its medium period as maximum.

It is worthy to emphasize that the nomenclature of the crime as ruled by the RTC and CA is still Acts of Lasciviousness under Article 336 of the RPC in relation to Section 5(b) of RA 7610. It is settled in the case of *People v. Tulagan*<sup>52</sup> (*Tulagan*) that when the crime of Acts of Lasciviousness is committed against a victim who is under 12 years old or is demented, the proper nomenclature of the crime is Acts of Lasciviousness under Article 336 of the RPC in relation to Section 5(b) of RA 7610. Here, evidence reveals that AAA was 11 years old<sup>53</sup> when the nine (9) counts of Acts of Lasciviousness were committed against her. Hence, the RTC and the CA correctly convicted petitioner of Acts of Lasciviousness under Article 336 of the RPC in relation to Section 5(b) of RA 7610.

Lastly, the award of civil indemnity, moral damages, and exemplary damages in favor of AAA, should be increased to ₱50,000.00 each in view of the recent pronouncement in *Tulagan*.<sup>54</sup> Likewise, a fine in the amount of ₱15,000.00 is imposed.<sup>55</sup> Additionally, all the monetary awards shall earn a legal interest of 6% *per annum* from the date of the finality of this Decision until fully paid.<sup>56</sup> The award of attorney's fees is deleted for want of legal and factual basis.

**WHEREFORE**, the petition is **DENIED**. The Decision dated September 6, 2011 of the Court of Appeals in CA-G.R. CR No. 01262 is **AFFIRMED** with the following **MODIFICATIONS**:

(a) petitioner is sentenced to suffer the indeterminate penalty of twelve (12) years and one (1) day of *reclusion temporal* in its minimum period, as minimum, to fifteen (15) years, six (6) months and twenty (20) days of *reclusion temporal* in its medium period, as maximum for each

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<sup>51</sup> *Id.* at 726.

<sup>52</sup> G.R. No. 227363. March 12, 2019.

<sup>53</sup> Records (Criminal Case No. B-2107), p. 16.

<sup>54</sup> *Id.*

<sup>55</sup> *People v. Eulalio*, G.R. No. 214882, October 16, 2019, citing *Lutap v. People*, *supra* note 37 at 29.

<sup>56</sup> *Id.*

count of Acts of Lasciviousness under Article 336 of the Revised Penal Code in relation to Section 5(b) of Republic Act No. 7610;

(b) petitioner Pedrito Valenzona is hereby **ORDERED** to pay AAA ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, ₱50,000.00 as exemplary damages, and ₱15,000.00 as a fine, for each count of Acts of Lasciviousness;

(c) all the monetary awards shall earn a legal interest of 6% *per annum* from the date of the finality of this Decision until fully paid;


(d) the award of attorney's fees is deleted for want of legal and factual basis; and

(e) costs against petitioner Pedrito Valenzona.

**SO ORDERED.**

  
**HENRI JEAN PAUL B. INTING**  
*Associate Justice*

WE CONCUR:

  
**MARVIC M.V.F. LEONEN**  
*Associate Justice*  
*Chairperson*

  
**RAMON PAUL L. HERNANDO**  
*Associate Justice*

  
**EDGARDO L. DELOS SANTOS**  
*Associate Justice*

(On official leave)  
**RICARDO R. ROSARIO**  
*Associate Justice*

**ATTESTATION**

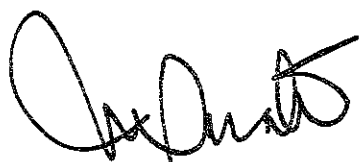
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARVIC M.V.F. LEONEN**  
*Associate Justice*  
*Chairperson*

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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.



**DIOSDADO M. PERALTA**  
*Chief Justice*

