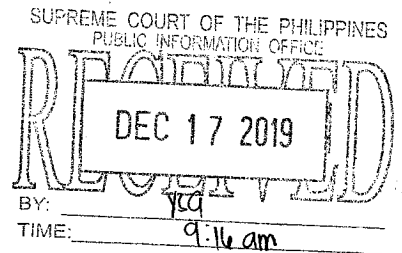




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila



SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **11 November 2019** which reads as follows:

G.R. No. 242750 (Alejandro Dela Cruz a.k.a. "Andy" v. People of the Philippines)

After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM with MODIFICATION** the May 9, 2018 Decision² and October 17, 2018 Resolution³ of the Court of Appeals (CA) in CA-G.R. CR No. 39990. However, in light of prevailing jurisprudence,⁴ petitioner Alejandro Dela Cruz a.k.a. "Andy" (petitioner) is found **GUILTY** beyond reasonable doubt of the crime of Lascivious Conduct, under Section 5 (b) of Republic Act No. (RA) 7610,⁵ 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 ten (10) years and two (2) months of *prison mayor*, as minimum, to seventeen (17) years, four (4) months, and one (1) day of *reclusion temporal*, as maximum, and to pay AAA⁶ the following amounts: (a) ₱50,000.00 as civil indemnity; (b) ₱50,000.00 as moral damages; and (c) ₱50,000.00 as exemplary damages. 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 criminally liable as it was shown through AAA's testimony, who was just fourteen (14) years

¹ Rollo, pp. 13-28.

² Id. at 36-47. Penned by Associate Justice Pedro B. Corales with Associate Justices Rosmari D. Carandang (now a member of the Court) and Elihu A. Ybañez, concurring.

³ Id. at 49-50.

⁴ See *People v. Tulagan*, G.R. No. 227363, March 12, 2019, wherein the Court held that a single act of sexual abuse against a minor between the ages of 12 and 18 years is sufficient to fall within the purview of RA 7610; hence, the offender's conviction under the Section 5, paragraph (b), Article III of foregoing law is in order. Additionally, the Court ruled that the proper award of damages should be in the amount of ₱50,000.00 each for civil indemnity, moral damages, and exemplary damages.

⁵ 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.

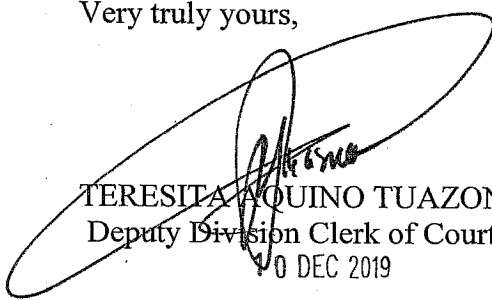
⁶ The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to RA 7610, entitled "AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION 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. 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.

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old at the time, that petitioner touched her breast with coercion and against her will.⁷ Verily, in almost all cases of sexual abuse, the credibility of the victim's testimony is crucial in view of the intrinsic nature of the crime where only the persons involved can testify as to its occurrence. Hence, the Court accords a high degree of respect to the assessment of the trial court which is in the best position to observe the declarations and demeanor of the witnesses, and evaluate their credibility, even more so when the same is affirmed by the CA,⁸ as in this case.

SO ORDERED. (INTING, *J.*, on wellness leave. ZALAMEDA, *J.*, designated as Additional Member per Special Order No. 2727 dated October 25, 2019.)"

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

10 DEC 2019

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 172
Valenzuela City
(Crim. Case No. 1709-V-13)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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CA-G.R. CR No. 39990

*with copy of the CA Decision dated 9 May 2018 &
Resolution dated 17 October 2018
Please notify the Court of any change in your address.
GR242750. 11/11/19A(50)URES(m)

⁷ See *rollo*, p. 43.

⁸ *Fianza v. People*, 815 Phil. 379, 396 (2017).