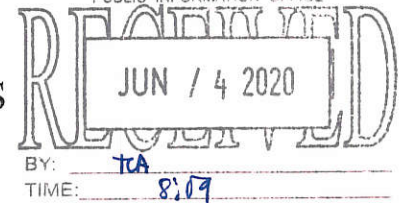




SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated 02 March 2020 which reads as follows:*

“G.R. No. 238287 (Eric Bactol y Soriano v. People of the Philippines). – The Court NOTES the compliance (with explanation and sincerest apology) dated January 16, 2020 of counsel for petitioner Eric Bactol y Soriano (petitioner), stating that counsel received the Resolution dated February 19, 2018 of the Court of Appeals (CA) on February 27, 2018, which denied petitioner’s motion for reconsideration, and begging for the understanding of the Court and explaining that counsel’s non-compliance with the Resolution dated June 11, 2018 was only due to petitioner’s abandonment of the case for his failure to pay the costs/fees and to reimburse the appeal fee and reproduction expenses, which were personally paid by his counsel; with attached money order in the amount of ₱1,000.00 for the payment of the sheriff’s trust fund and screenshot of the e-mail containing the soft copies of the motion for extension within which to file petition and petition for review.

After a judicious study of the case, the Court resolves to DENY the instant petition<sup>1</sup> and AFFIRM with MODIFICATION the April 11, 2016 Decision<sup>2</sup> and the February 19, 2018 Resolution<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. CR No. 36857. However, in light of prevailing jurisprudence,<sup>4</sup> petitioner is found GUILTY beyond reasonable doubt of the crime of Lascivious Conduct, under Section 5 (b) of Republic Act No. 7610,<sup>5</sup> 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 one (1) day of *prison mayor*, as minimum, to seventeen (17) years, four (4) months, and one (1) day of *reclusion*

<sup>1</sup> *Rollo*, pp. 11-19.

<sup>2</sup> *Id.* at 24-42. Penned by Associate Justice Ramon A. Cruz with Associate Justices Marlene Gonzales-Sison and Henri Jean Paul B. Inting (now a member of this Court), concurring.

<sup>3</sup> *Id.* at 49-50.

<sup>4</sup> See *People v. Tulagan*, G.R. No. 227363, March 12, 2019.

<sup>5</sup> 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.

rc/n

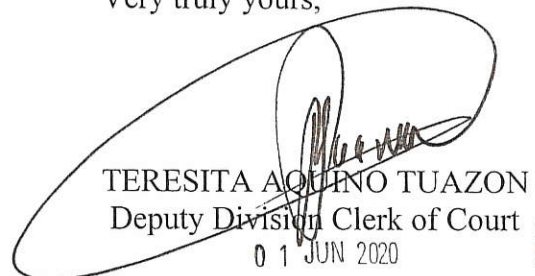
March 2, 2020

*temporal*, as maximum, and to pay AAA<sup>6</sup> the following amounts: (a) ₱50,000.00 as civil indemnity; (b) ₱50,000.00 as moral damages; (c) ₱50,000.00 as exemplary damages. Moreover, all monetary awards shall legal 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, the prosecution – through AAA’s testimony – was able to prove all the elements of the afore-mentioned crime,<sup>7</sup> since it was established that petitioner licked AAA’s vagina for four (4) times while the latter was in his store to buy ice candy. Settled is the rule that the trial court’s evaluation of the credibility of the witnesses’ testimonies is entitled to great respect and will not be disturbed, unless it has overlooked, misunderstood, or misapplied some facts of circumstances which would alter the result of the case,<sup>8</sup> none of which was shown in this case.

**SO ORDERED.** (Lazaro-Javier, *J.*, designated Additional Member *vice* Inting, *J.*, per Raffle dated February 24, 2020.)”

Very truly yours,

  
TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court  
01 JUN 2020

<sup>6</sup> 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 Republic Act No. (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; 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.

<sup>7</sup> Under Section 5, Article III of R.A. No. 7610, 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. This statutory provision must be distinguished from Acts of Lasciviousness under Articles 336 and 339 of the RPC. As defined in Article 336 of the RPC, Acts of Lasciviousness has the following elements: (1) the offender commits any act of lasciviousness or lewdness; (2) It is done under any of the following circumstances: (a) by using force or intimidation; or (b) when the offended party is deprived of reason or otherwise unconscious; or (c) when the offended party is under 12 years of age; and (3) the offended party is another person of either sex.

<sup>8</sup> See *People v. Pacayra*, G.R. No. 216987, June 5, 2017, 825 SCRA 633, 645.

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HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 43  
Dagupan City  
(Crim. Case No. 2012-0442-D)

JUDGMENT DIVISION (x)  
Supreme Court, Manila

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COURT OF APPEALS (x)  
Ma. Orosa Street  
Ermita, 1000 Manila  
CA-G.R. CR No. 36857

\*with copies of CA Decision dated 11 April 2016  
and Resolution dated 19 February 2018  
*Please notify the Court of any change in your address.*  
GR238287. 03/02/20(163)URES

15/20