

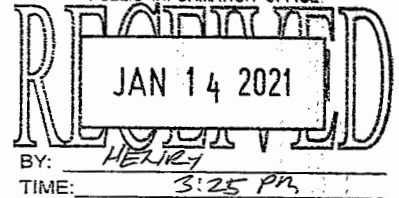


Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **November 4, 2020**, which reads as follows:

“G.R. No. 251259 (*Sito Mansibad y Sable a.k.a. “Boknoy” v. People of the Philippines*). – Considering the allegations, arguments, and issues raised, the Petition for Review on *Certiorari*¹ is **DENIED** for failure to sufficiently show any reversible error in the assailed Decision² dated June 11, 2019 and Resolution³ dated January 8, 2020 of the Court of Appeals (CA) in CA- G.R. CR No. 41402 as to warrant the exercise of the Court’s discretionary appellate jurisdiction.

The trial court and the CA were one in the conclusion that the prosecution was able to sufficiently establish all the elements of Sexual Assault under paragraph 2, Article 266-A of the Revised Penal Code (RPC). Furthermore, both lower courts gave full weight and credence to the testimony of AAA,* who was only four years old when she testified. It bears to stress that factual findings of the trial court when affirmed by the CA are accorded respect, if not finality, by the Court. Hence, the Court is not inclined to depart from the uniform findings of the lower courts.

The foregoing notwithstanding, pursuant to *People v. Tulagan*,⁴ the nomenclature of the crime should be modified to Sexual Assault

¹ *Rollo*, pp. 12-28.

² *Id.* At 33-47; penned by Associate Justice Ramon A. Cruz with Associate Justices Pedro B. Corales and Germano Francisco D. Legaspi, concurring.

³ *Id.* at 48-49; penned by Associate Justice Ramon A. Cruz with Associate Justices Pedro B. Corales and Germano Francisco D. Legaspi, concurring.

* 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 Therefore, 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” (See *People v. Ejercito*, G.R. No. 229861, July 2, 2018).

⁴ G.R. No. 227363, March 12, 2019.

under paragraph 2, Article 266-A of the RPC, in relation to Section 5 (b), Article III of Republic Act (RA) No. 7610 otherwise known as the *Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act* considering that AAA was only 3 years old when the crime was committed against her.

Similarly as to the award for damages, the Court again conforms to *People v. Tulagan*⁵ which pegged civil indemnity for Sexual Assault under paragraph 2, Article 266-A of the RPC, in relation to Section 5 (b) of RA 7610 at ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱50,000.00 as exemplary damages.

ACCORDINGLY, the Court resolves to **AFFIRM** the Decision dated June 11, 2019 and Resolution dated January 8, 2020 of the Court of Appeals in CA-G.R. CR No. 41402 with **MODIFICATION** in that petitioner is found guilty beyond reasonable doubt of **Sexual Assault** under paragraph 2, Article 266-A of the Revised Penal Code, in relation to Section 5 (b) of Republic Act No. 7610 in Criminal Case No. 1075-V-16 and is sentenced to suffer the indeterminate penalty of twelve (12) years, ten (10) months, and twenty one (21) days of *reclusion temporal*, as minimum, to fifteen (15) years, six (6) months and twenty (20) days of *reclusion temporal*, as maximum. Petitioner is further **ORDERED** to **PAY** AAA the amounts of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱50,000.00 as exemplary damages which shall all earn interest at 6% per *annum* from finality of judgment until fully paid.

SO ORDERED.”

By authority of the Court:

Misael D C Butt
MISAELO DOMINGO C. BUTTUNG III
Division Clerk of Court

GER
11/26/20

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⁵*Id.*