



Republic of the Philippines
Supreme Court
 Manila

THIRD DIVISION

RESTY LACONSAY,
 Petitioner,

G.R. No. 259861

Present:

-versus-

CAGUIOA, *J.*, Chairperson,
 LAZARO-JAVIER,*
 INTING,
 GAERLAN, and
 SINGH, *JJ.*

PEOPLE OF THE
PHILIPPINES,
 Respondent.

Promulgated:
 October 21, 2024
 MICDCB-H

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DECISION

INTING, J.:

Before the Court is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court assailing the Decision² dated October 29, 2020, and the Resolution³ dated March 11, 2022, of the Court of Appeals (CA) in CA-G.R. CR No. 43836 which affirmed the Judgment⁴ dated June 6, 2019, of Branch ■, Regional Trial Court (RTC), Olongapo City in Criminal Case No. 27-2012FC. The RTC found Resty Laconsay

* Designated additional Member *vice* Dimaampao, *J.*, per Raffle dated August 17, 2022.

¹ *Rollo*, pp. 12–31.

² *Id.* at 36–51. Penned by Associate Justice Florencio M. Mamauag, Jr., and concurred in by Associate Justices Japar B. Dimaampao (now a Member of the Court) and Zenaida T. Galapate-Laguilles of the Third Division, Court of Appeals, Manila.

³ *Id.* at 53–55. Penned by Associate Justice Florencio M. Mamauag, Jr., and concurred in by Presiding Justice Remedios A. Salazar-Fernando and Associate Justice Zenaida T. Galapate-Laguilles of the Special Former Third Division, Court of Appeals, Manila.

⁴ *Id.* at 73–83. Penned by Presiding Judge Ma. Cristina J. Mendoza-Pizarro.

(petitioner) guilty beyond reasonable doubt of Acts of Lasciviousness defined under Article 336 of the Revised Penal Code in relation to Republic Act No. 7610.⁵

The Antecedents

The instant case stemmed from an Information charging petitioner with Acts of Lasciviousness committed against AAA,⁶ who was 14 years old when the incident happened. The accusatory portion of the Information states:

That on or before the 28th day of August 2011, at about 2:30 in the morning, at Barangay [REDACTED], Municipality of [REDACTED], Province of Zambales, Philippines and within the jurisdiction of this Honorable Court, the said accused, with lewd design, did then and there willfully, unlawfully, and feloniously commit acts of lasciviousness upon the person of fourteen (14) year-old minor [AAA], by then and there caressing her left foot going up to her groin, against her will, to the damages and prejudice of said minor [AAA].

CONTRARY TO LAW.⁷

Upon arraignment on November 23, 2012, petitioner entered a plea of “Not Guilty” to the crime charged.⁸

Trial on the merits ensued.

⁵ “Special Protection of Children Against Abuse, Exploitation and Discrimination Act,” 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 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, otherwise 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. See also Footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 (2014), citing *People v. Lomaque*, 710 Phil. 338, 342 (2013).

⁷ Records, p. 275.

⁸ Rollo, p. 37.

Version of the Prosecution

AAA narrated that on August 28, 2011, when she was then 14 years old, she was sleeping with her siblings in the living room of their house. At around 2:30 a.m., AAA suddenly woke up because she saw a person by her feet using a cellphone. Then, the person pulled down her blanket, touched her left foot, and caressed her left leg up to her groin. When she realized that the person's hand was already on her groin, she shouted for help saying, "*mama, papa, help me, help me.*" The person suddenly stood up, opened the door, and left.⁹

AAA's father, GGG, ran after the person but to no avail.¹⁰ Upon returning to their house, GGG asked AAA if she recognized the person. AAA replied that she was able to see the face of the person through the backlight of the cellphone he was using. At that moment, however, she was not aware of the name of the person.¹¹

Meanwhile, BBB, AAA's sister, told their father that she knew the person and gave the name of "Resty"; he was later identified as herein petitioner. In no time, GGG sought the assistance of the barangay *tanods* to search for petitioner. They went to petitioner's house. Upon arrival thereat, the barangay *tanods* asked Antonio Laconsay (Antonio), petitioner's father, if petitioner was living there; the father replied that he was inside sleeping.¹² When AAA saw petitioner, she told them that "*na parang kabuhok niya, na parang kamukha niya.*" Then, BBB confirmed that it was "Resty."¹³

AAA later testified that she did not immediately tell her father that it was petitioner who molested her because she was afraid that her father might suddenly suffer from a heart attack.¹⁴

BBB corroborated AAA's statements. She narrated that on August 28, 2011, she was about to go to the comfort room when she noticed the shadow of a man who appeared to be standing outside their door. She thought that it was their father, but she realized that it was petitioner when the latter suddenly peeped through their door. As she was scared, she did not proceed to the comfort room and instead peed in her shorts.¹⁵ When

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* at 37-38.

¹² *Id.* at 38.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

petitioner was already inside the house, BBB was able to take a clearer view of him because he used his cellphone.¹⁶ Thereafter, she saw petitioner pull down AAA's blanket and move his hand underneath the blanket. At this moment, AAA shouted for help which caused petitioner to run out of their house.¹⁷

Version of the Defense

Petitioner denied the accusation against him. In his judicial affidavit, he stated that on August 27, 2011, at around 10:00 p.m., he was having a drinking session with his friends at a store. They ended their drinking session at around 1:00 a.m., on August 28, 2011. Then, they went to a videoke bar and stayed there until 3:00 a.m. Thereafter, they went to a convenient store and spent time thereat until 4:00 a.m.¹⁸

Upon reaching home, Antonio told him that someone entered their neighbor's house. Then, barangay *tanods* went to their house and asked him to take off his shirt because AAA told them that the man who entered their house has a tattoo on his arms. Upon confirming that petitioner had no tattoo, AAA told the barangay captain that he was not her assailant.¹⁹

Antonio corroborated the testimony of his son, herein petitioner. Antonio narrated in his affidavit that on August 28, 2011, at around 3:00 a.m., he heard a commotion from his neighbor's house. He immediately proceeded thereto, and his neighbor told him that someone had entered the house. He then spoke to BBB, who told him that she recognized the man and saw that he had a tattoo.²⁰

Antonio then accompanied his neighbor to the house of the barangay captain, and thereafter, proceeded to the alleged offender's house. While walking towards the alleged offender's house, he was surprised that it was his son, herein petitioner, that they suspected. Upon reaching their house, Antonio asked his son to remove his shirt to check if he has a tattoo, but he found none.²¹

¹⁶ *Id.* at 39.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.* at 40.

²⁰ *Id.*

²¹ *Id.*



The RTC Ruling

In the Judgment²² dated June 6, 2019, the RTC convicted petitioner of Acts of Lasciviousness under Article 336 of the Revised Penal Code in relation to Article III, Section 5(b) of Republic Act No. 7610. The dispositive portion of the Judgment provides:

WHEREFORE, premises considered and with the prosecution having been able to prove the guilt of accused RESTY LACONSAY beyond reasonable doubt of the crime of Acts of Lasciviousness in relation to RA 7610, he is hereby sentenced to suffer an indeterminate penalty of twelve (12) years, ten (10) months and twenty (20) days of *reclusion temporal* as minimum to fifteen (15) years, six (6) months and twenty (20) days of *reclusion temporal* as maximum. With respect to civil liabilities, in accordance with prevailing jurisprudence, [petitioner] Laconsay is ordered to pay AAA the amounts of P20,000 as civil indemnity, P15,000 as moral damages, and P15,000 as exemplary damages.

SO ORDERED.²³

The trial court convicted petitioner as charged. It found that all the elements of Acts of Lasciviousness in relation to Section 5(b) of Republic Act No. 7610 were proven beyond reasonable doubt.²⁴ According to the RTC, petitioner committed the offense charged when his hand touched AAA's foot, moved up to her leg, and to her groin, while she was sleeping. It likewise ruled that consent is immaterial in cases involving violation of Section 5 of Republic Act No. 7610. Lastly, the RTC found petitioner's defense of denial and alibi unmeritorious.²⁵

The CA Ruling

In the assailed Decision²⁶ dated October 29, 2020, the CA affirmed the RTC Judgment with modification as to the penalty and the damages. It disposed of the case as follows:

WHEREFORE, the appeal is DISMISSED. The July 25, 2019 *Judgment* of the Regional Trial Court, Branch ■, Olongapo City in CRIM. CASE No. 27-2012-FC finding the accused-appellant RESTY

²² *Id.* at 73–83.

²³ *Id.* at 83.

²⁴ *Id.* at 81–82.

²⁵ *Id.* at 82.

²⁶ *Id.* at 36–51.

LACONSAY guilty beyond reasonable doubt of the crime of Acts of Lasciviousness under Article 336 of the Revised Penal Code in relation to Section 5, paragraph b, Article III of R.A. No. 7610 is AFFIRMED with MODIFICATION in that he is hereby sentenced to an indeterminate penalty of imprisonment of eight (8) years and one (1) day of *prision mayor* medium as the minimum to seventeen (17) years, four (4) months and one (1) day of *reclusion temporal* as the maximum.

[Petitioner] RESTY LACONSAY is likewise directed to pay the private complainant civil indemnity, moral damages, and exemplary damages amounting to Php50,000.00 each, and a fine in the amount of Php15,000.00. All monetary awards shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this *Decision* until fully paid.

SO ORDERED.²⁷

The CA affirmed the RTC findings that AAA was able to identify petitioner as the assailant because the light of his cellphone provided sufficient illumination for her to see his face.²⁸ It likewise stressed that AAA's statements were corroborated by the testimony of BBB, who also identified petitioner as the person who molested AAA.²⁹ The CA upheld the credibility of AAA and BBB's testimony.³⁰ It added that the revelation of a young girl such as AAA cannot be easily dismissed as a mere concoction, considering her willingness to undergo a public trial wherein she had to recount her ordeal and relate every detail of the lascivious conduct of the assailant.³¹ Further, the CA rejected petitioner's defense of denial and alibi considering that such defense can easily be fabricated and cannot prevail over the positive identification of a credible witness.³²

In the assailed Resolution³³ dated March 11, 2022, the CA denied petitioner's Motion for Reconsideration.³⁴

Hence, the instant Petition.³⁵

Petitioner argues that the prosecution failed to prove the identity of the assailant; AAA's testimony is riddled with inconsistencies.³⁶

²⁷ *Id.* at 50.

²⁸ *Id.* at 44.

²⁹ *Id.* at 45.

³⁰ *Id.* at 46.

³¹ *Id.* at 47.

³² *Id.* at 48.

³³ *Id.* at 53–55.

³⁴ *Id.* at 100–106.

³⁵ *Id.* at 12–31.

³⁶ *Id.* at 20–27.

In its Comment,³⁷ the Office of the Solicitor General (OSG), representing the People, maintains that the prosecution was able to prove petitioner's guilt beyond reasonable doubt.³⁸ It likewise contends that assuming *arguendo* that AAA's testimony was inconsistent, such inconsistency by itself does not operate to exculpate petitioner considering that AAA was a minor at the time of the commission of the crime.³⁹ Moreover, the OSG asserts that the trial court correctly disregarded petitioner's defenses of denial and alibi considering that they are unsubstantiated.⁴⁰

The Issue

The core issue to be resolved is whether petitioner is guilty of Acts of Lasciviousness under Article 336 of the Revised Penal Code, in relation to Article III, Section 5(b) of Republic Act No. 7610.

The Court's Ruling

The petition has no merit.

Well-settled is the rule that factual findings of the trial court are entitled to great weight and respect, especially when they are affirmed by the appellate court.⁴¹ Findings of fact and those that involve the credibility of witnesses are accorded respect, if not finality, by the appellate court, when there are "no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions."⁴²

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.⁴³ The Court affirms petitioner's conviction.

The CA correctly affirmed petitioner's conviction of Acts of Lasciviousness under Article 336 of the Revised Penal Code in relation to Article III, Section 5(b) of Republic Act No. 7610.

³⁷ *Id.* at 116–127.

³⁸ *Id.* at 123.

³⁹ *Id.* at 124.

⁴⁰ *Id.* at 125–126.

⁴¹ *Villarba v. Court of Appeals*, 874 Phil. 84, 108 (2020).

⁴² *Estrella v. People*, 874 Phil. 374, 384 (2020), citing *People v. Aspa*, 838 Phil. 302, 311–312 (2018).

⁴³ *Rollo*, p. 43.



For a successful prosecution of the charge of Acts of Lasciviousness under Article 336 of the Revised Penal Code in relation to Article III, Section 5(b) of Republic Act No. 7610, the following elements must concur:

- (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.⁴⁴

On the other hand, the essential elements of sexual abuse under Section 5(b), Article III of Republic Act No. 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.⁴⁵ “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.”⁴⁶

Under Section 2, paragraph (h), of the Implementing Rules and Regulations of Republic Act No. 7610 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.”

⁴⁴ *People v. Bejim*, 824 Phil. 10, 28 (2018), citing *Quimvel v. People*, 808 Phil. 229, 914 (2017).

⁴⁵ *Id.*

⁴⁶ *Id.* at 29, citing *Navarrete v. People*, 542 Phil. 496, 511 (2007).

All the aforementioned elements were sufficiently established by the prosecution. It is undisputed that AAA was only 14 years old during the commission of the offense charged.⁴⁷ Likewise, AAA clearly testified how the Acts of Lasciviousness were committed by petitioner.⁴⁸ She categorically pointed to petitioner as the person who molested her on that fateful morning. Her direct testimony reveals:

Q: But during that time that he was still beside you and touching your leg up to the *singit*, how well lighted was your sala?

A: It was dark.

Q: How were you able to still recognize the face or appearance of the person who had molested you or abused you?

A: I recognized him through the backlight of his cell phone he was using.

Q: When you saw him that first time [sic] through the backlight of the cell[]phone he was using, did you recognize him as someone familiar to you?

A: Yes, ma'am.⁴⁹

During cross-examination, AAA disclosed again, that she was able to see the face of petitioner:

Q: Now, at what point did you see the man, if that is the case?

A: When I first saw him by my foot [sic], I ignored him because I thought, he was just one of my brothers, so I covered my face with a blanket and when he went inside the blanket and he started holding my foot, it was then that I noticed that he was using his cellphone and his face has been illuminated by the light coming from his cellphone, and after using the phone, he focused the light of his cellphone from [sic] my face.

.....

Q: And then, what did he do?

A: *Nag-cellphone po siya, binuksan niya po.*

Q: While inside the *kumot*?

⁴⁷ *Rollo*, pp. 46-47, 60.

⁴⁸ *Id.* at 74.

⁴⁹ As culled from the CA Decision, *id.* at 44.

A: While inside the blanket, he pressed the key of his cellphone, so the lights were turned on and then after that, he focused the light on my face.⁵⁰

AAA further testified:

Q: When you saw the person and your sister insisted that he is Resty, what did you do because you said that his hair was disarranged, is he the same Resty that you saw touched [sic] your feet?

A: When I looked at him, I realized it was him.

Q: You tried to make sure that you did not identify the wrong person at that time?

A: Yes, ma'am.

Q: What made you confirm to yourself that it was really him that your sister led you to the right person?

A: When he was already near me at that time, I realized that it was really him because I recognized his face.⁵¹

Likewise, BBB corroborated AAA's statements, thus:

Q: You lay down you said earlier and then you knew that he is already inside, how did you know that he was inside?

A: He pulled the door slowly and then he made use(d) [sic] of his cellphone for a while that's why I took a clearer view of him.

....

Q: And when you said he used a cellphone that's why you were able to see him what was your position now facing you, sideway or his back to you, what?

A: I had a side view of him while he was facing my elder sister ma'am.⁵²

BBB also testified:

Q: Were you among the persons who went looking out for that man that night?

⁵⁰ *Id.*

⁵¹ *Id.* at 47.

⁵² As called from the RTC Decision, *id.* at 76-77.

A: Yes[,] ma'am

....

Q: When you reached the residence of this person the father of Resty, did you find Resty there?

A: Yes[,] ma'am

Q: Did you point to Resty as the one you saw entered your house?

A: Yes[,] ma'am⁵³

....

Q: I just want to clarify you are saying that your sister had to be convince [sic] that it was him or convince [sic] to file the case?

A: No ma'am it was really him who went [sic] our house.⁵⁴

BBB provided a vivid narration of what transpired on the early morning of August 28, 2011, clearly pointing to petitioner as the person who molested her sister AAA. As found by the RTC and the CA, BBB was able to undoubtedly state how petitioner was able to enter their house, as well as the time when petitioner started caressing AAA's legs, up to the time he ran away when AAA shouted for help. BBB likewise testified that she personally knew petitioner as the elder brother of her classmate and that the two lived just across their rented house. Moreover, BBB stated that she knew petitioner was working at a water refilling station. Simply stated, BBB's degree of familiarity with petitioner sets aside any cloud of doubt as to the latter's identity as the person who molested AAA.⁵⁵

Petitioner insists that the CA erred in giving credence to AAA's statements considering that they are riddled with inconsistencies.⁵⁶ He asserts that at one point, AAA denied to her own father that it was him who entered the house on August 28, 2011, and molested her.⁵⁷

The contention holds no water. The alleged inconsistency was already discussed by the CA and the RTC in their respective rulings. AAA explained that the reason why she did not immediately reveal the identity of petitioner to her father is that she did not want her father to suffer from

⁵³ *Id.* at 79.

⁵⁴ *Id.* at 80.

⁵⁵ *Id.* at 45.

⁵⁶ *Id.* at 22.

⁵⁷ *Id.* at 23-25.

a heart attack considering that in the past, she witnessed her father convulsed when angered. Still, AAA told him that it was petitioner who entered the house and molested her.⁵⁸ During trial, AAA testified:

Q: *Ilan ang pagitan ng minute ng biglang pagbawi mo na hindi po siya?*

A: Not a minute passed.

Q: *Bakit biglang nagbago ang isip, itinuro mo na siya, binawi mo pa?*

A: Because my father was already shaking because of anger.

Q: *Nakita mo ba ang tatay mo in the past na nanginginig sag alit [sic]?*

A: *Opo*

Q: *At anong nangyari nung nanginginig sa galit yung tatay mo?*

A: *Yun po, naninikip po yung dibdib niya na hindi po siya makahinga na talagang nawawalan na po siya ng hininga.*

Q: *At kailan naman nangyari yon na nakita mo na ang tatay mo, galit na galit, nanginginig sag alit [sic] at pagkatapos kinapos ng hininga?*

A: *Noong mag-away po sila ng kapatid ng mama ko.*

....

Q: *Bakit mo naman binawi ulit at nagturo ka na naman na si Resty talaga yon?*

A: Because he kept on asking me if he really was the one and I [admitted] and said that he was the one.

Q: *Inamin mo ba yon kasi siya talaga yon or inamin mo yon kasi natatakot ka sa tatay mo dahil baka mapagalitan ka?*

A: He was really the one[,] ma'am⁵⁹

Thus, there is no question that the prosecution's witnesses identified petitioner as the person who entered the house that fateful morning and molested AAA.

⁵⁸ *Id.* at 46-47, 78.

⁵⁹ As culled from the RTC Decision, *id.* at 78.

The Court has consistently held that when the offended party is a young and immature girl, her version of what happened is generally given credence because of her relative vulnerability and the shame and embarrassment that may arise if the matter about which she testified were not true.⁶⁰ “Youth and immaturity are generally badges of truth and sincerity.”⁶¹

Besides, petitioner’s unsubstantiated defenses of denial and alibi should be rejected considering the categorical testimonies and positive identification made by AAA and BBB in open court.⁶² The defense also failed to prove any ill motive on the part of AAA and BBB in testifying against petitioner.⁶³

Finally, the testimony of Antonio, petitioner’s father, could also not be relied upon. The RTC noted that during the trial, Antonio repeatedly changed his answers. The trial court also highlighted that Antonio admitted later that he did not include some material facts in his Affidavit, i.e., *him talking to AAA who allegedly told him that the man was thin and [has] a tattoo.*⁶⁴ Later, he told the trial court that he did not only talk to AAA but also to BBB, who was the one who told him that petitioner has a tattoo.⁶⁵ The inconsistencies clouded petitioner’s defense. Antonio’s statement regarding the petitioner’s alleged tattoo was not supported by any disinterested witnesses and was belied by the prosecution witnesses. Clearly, Antonio’s claim regarding the issue on the alleged tattoo of the perpetrator is merely fabricated as part of the scheme to defend his own son.

As to the penalty imposed, the Court affirms the CA Decision. Section 5(b) of Republic Act No. 7610 provides that the penalty for *lascivious conduct*, when the victim is 12 years of age or below 18 years old, shall be *reclusion temporal* in its medium period to *reclusion perpetua*, which ranges from 14 years, eight months, and one day to *reclusion perpetua*.

Thus, in the present case, 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* medium to *reclusion perpetua*, which ranges from 17 years, four months

⁶⁰ *People v. Fetalco*, 878 Phil. 475, 487 (2020).

⁶¹ *People v. Deliola*, 794 Phil. 194, 208 (2016), citing *People v. Suarez*, 750 Phil. 858, 869 (2015).

⁶² *Rollo*, pp. 48, 82–83.

⁶³ *Id.* at 47.

⁶⁴ *Id.* at 83.

⁶⁵ *Id.* at 75.

and one day to 20 years. On the other hand, the minimum term shall be taken from the penalty next lower in degree from *reclusion temporal* medium to *reclusion perpetua*—that is, *prision mayor* medium to *reclusion temporal* minimum, which ranges from eight years and one day to 14 years and eight months.⁶⁶

Hence, from the foregoing, the penalty imposed by the CA— which is eight years and one day of *prision mayor* medium, as the minimum, to 17 years, four months, and one day of *reclusion temporal*, as the maximum—is within the range prescribed by the Revised Penal Code. Accordingly, petitioner is sentenced to an indeterminate penalty of eight years and one day of *prision mayor* medium, as the minimum, to 17 years, four months, and one day of *reclusion temporal*, as the maximum.

It is worthy to emphasize that the nomenclature of the offense as ruled by the RTC and the CA is Acts of Lasciviousness under Article 336 of the Revised Penal Code in relation to Article III, Section 5(b) of Republic Act No. 7610. It is settled in the case of *People v. Tulagan*⁶⁷ that when a victim is 12 years old or below 18 years old when the offense of Acts of Lasciviousness is committed against her, the proper nomenclature of the offense is Lascivious Conduct under Section 5(b) of Republic Act No. 7610.⁶⁸ Considering that AAA was 14 years old when molested by petitioner, the proper nomenclature of the crime should be Lascivious Conduct under Section 5(b) of Republic Act No. 7610.

Lastly, the CA correctly granted in favor of AAA the award of civil indemnity, moral damages, and exemplary damages in the amounts of PHP 50,000.00 each in view of the recent pronouncement in *Tulagan*.⁶⁹ Likewise, a fine in the amount of PHP 15,000.00 is imposed in view of Section 31(f) of Republic Act No. 7610.⁷⁰ 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.⁷¹

WHEREFORE, the Petition for Review on *Certiorari* is **DENIED**. The Decision dated October 29, 2020, and the Resolution dated March 11, 2022, of the Court of Appeals in CA-G.R. CR No. 43836 are **AFFIRMED with MODIFICATION**. Petitioner Resty Laconsay is hereby found **GUILTY** beyond reasonable doubt of the crime of *Lascivious Conduct*

⁶⁶ See *People v. Basa*, 848 Phil. 111, 139 (2019).

⁶⁷ 849 Phil. 197 (2019).

⁶⁸ *Id.* at 248–249.

⁶⁹ *Id.* at 290–291.

⁷⁰ *People v. Basa*, *supra*.

⁷¹ *Id.*

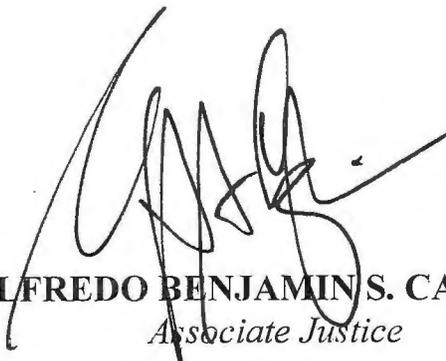
under Section 5(b) of Republic Act No. 7610. He is hereby **SENTENCED** to suffer the indeterminate penalty of imprisonment of eight years and one day of *prision mayor* medium, as the minimum, to 17 years, four months, and one day of *reclusion temporal*, as the maximum.

Likewise, petitioner Resty Laconsay is hereby **ORDERED** to pay AAA the award of PHP 50,000.00 as civil indemnity, PHP 50,000.00 as moral damages, and PHP 50,000.00 as exemplary damages. All monetary awards shall earn legal interest rate of 6% per annum from the date of the finality of this Decision until full payment. Finally, he is **ORDERED** to pay a fine of PHP 15,000.00.

SO ORDERED.


HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

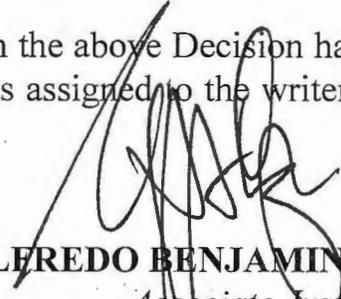

AMY C. LAZARO-JAVIER
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


MARIA FILOMENA D. SINGH
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.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Article VIII, Section 13 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.



ALEXANDER G. GESMUNDO
Chief Justice