



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 27 July 2020 which reads as follows:

“G.R. No. 252375 (Edgar Reyes y Ilustre 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 June 26, 2019 Decision² and the February 20, 2020 Resolution³ of the Court of Appeals (CA) in CA-G.R. CR No. 42552 for failure of petitioner Edgar Reyes y Ilustre (petitioner) to sufficiently show that the CA committed any reversible error in finding him guilty of the crime of Acts of Lasciviousness, defined and penalized under Article 336 of the Revised Penal Code. In light of prevailing law and jurisprudence,⁴ petitioner is sentenced to suffer the penalty of imprisonment for an indeterminate period of three (3) months of *arresto mayor*, as minimum, to two (2) years, four (4) months, and one (1) day of *prision correccional*, as maximum, and to pay AAA⁵ the amounts of: (a) ₱20,000.00 as civil indemnity; (b) ₱20,000.00 as moral damages; and (c) ₱20,000.00 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 the finality of this Resolution until full payment.

¹ *Rollo*, pp. 3-15.

² *Id.* at 22-33. Penned by Associate Justice Mario V. Lopez with Associate Justices Zenaida T. Galapate-Laguilles and Tita Marilyn B. Payoyo-Villordon, concurring.

³ *Id.* at 35-36. Penned by Associate Justice Tita Marilyn B. Payoyo-Villordon with Associate Justices Myra V. Garcia-Fernandez and Zenaida T. Galapate-Laguilles, concurring.

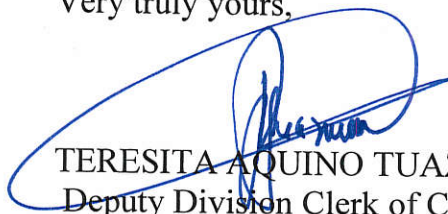
⁴ See *People v. Tulagan*, G.R. No. 227363, March 12, 2019.

⁵ 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, 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.

As correctly ruled by the CA, the prosecution had sufficiently proved all the elements of the crime charged beyond reasonable doubt. Petitioner faulted the CA for misappreciating the facts due to the alleged impossibility of AAA knowing for certain that it was the former's penis that touched her buttocks, and the inconsistency between the testimonies of the prosecution's witnesses regarding which body part petitioner brushed when he removed his jacket, both of which he claimed created a lingering doubt as to the truthfulness of AAA's account.⁶ However, AAA's clear, straightforward, and positive identification of the petitioner as the perpetrator of the crime, coupled with the lack of ill-motive on the part of the eyewitness, prevails over mere denial.⁷ Furthermore, the assessment of the credibility of a witness is a question of fact best left to the sound judgment of the trial court.⁸ Thus, in criminal cases, factual findings of the trial courts, when adopted and confirmed by the CA, are generally binding and conclusive upon this Court, and will not be reviewed on appeal, absent any exceptional circumstance,⁹ as in this case.

SO ORDERED.”

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
13 AUG 2020 *meaf/13*

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(Crim. Case No. R-QZN-17-12838-CR)

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GR252375. 07/27/20 (151)(m)URES

⁶ *Rollo*, pp. 9-13.

⁷ *Braga v. People*, 808 Phil. 889-1000 (2017).

⁸ *People v. Dadao*, 725 Phil. 298-317 (2014).

⁹ *Daayata v. People*, 807 Phil. 102-120 (2017); and *People v. Esteban*, 735 Phil. 663-673 (2014).