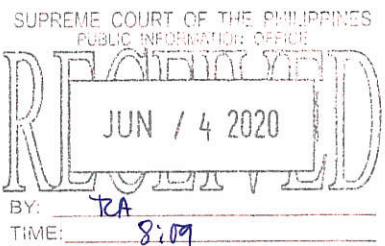




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **04 March 2020** which reads as follows:*

“G.R. No. 246080 (Jonelle Canillas y Baya v. People of the Philippines).
– The Court resolves to: (a) **GRANT** the motion of the Office of the Solicitor General (OSG) for extension of sixty (60) days from August 17, 2019, within which to file comment on the petition; (b) **NOTE** aforesaid comment dated October 7, 2019 of the OSG on the petition; (c) **NOTE** the manifestation (with attached verification and certification of non-forum shopping) dated August 15, 2019 of counsel for petitioner Jonelle Canillas y Baya (petitioner), submitting the verification and certification of non-forum shopping prepared for and signed by petitioner with a scanned image of his New Bilibid Prison identification card, and praying that the same be admitted in the interest of substantial justice; and (d) **NOTE** the letter dated July 31, 2019 of Ms. Jane G. Sabido, Chief, Archives Section, Judicial Records Division, Court of Appeals (CA), Manila transmitting the original records, transcript of stenographic notes, and *rollo* of CA-G.R. CR No. 40403.

After a judicious study of the case, the Court further resolves to **DENY** the instant petition¹ and **AFFIRM with MODIFICATION** the September 26, 2018 Decision² and the March 12, 2019 Resolution³ of the CA in CA-G.R. CR No. 40403 for failure of petitioner to sufficiently show that the CA committed reversible error in finding him criminally liable for the acts he committed against AAA,⁴ who was then a five (5) year old minor. In light of prevailing

¹ *Rollo*, pp. 11-23.

² *Id.* at 29-42. Penned by Associate Justice Franchito N. Diamante with Associate Justices Remedios A. Salazar-Fernando and Ma. Luisa C. Quijano-Padilla, concurring.

³ *Id.* at 44-45.

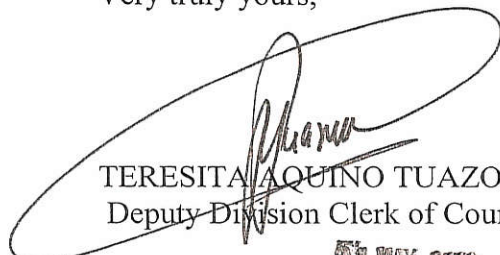
⁴ The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to RA 7610; RA 9262; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the “RULE ON VIOLENCE AGAINST WOMEN 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

jurisprudence,⁵ petitioner is found **GUILTY** beyond reasonable doubt of the crime of Acts of Lasciviousness, under Article 336 of the Revised Penal Code, in relation to Section 5 (b) of Republic Act No. 7610,⁶ 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 twelve (12) years and one (1) day of *reclusion temporal*, as minimum, to fifteen (15) years, six (6) months, and twenty one (21) days of *reclusion temporal*, as maximum, and to pay a fine of ₱15,000.00. Petitioner is also ordered to pay AAA 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, the prosecution was able to establish beyond reasonable doubt the elements⁷ of the crime charged, through the positive testimony of AAA identifying petitioner as the perpetrator thereof.⁸ Since there is no indication that the said courts overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case, the Court finds no reason to deviate from their factual findings. In this regard, it should be noted that the trial court is in the best position to assess and determine the credibility of the witnesses presented by both parties.⁹

SO ORDERED."

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *with file*
23 MAY 2020

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.

⁵ See *People v. Tulagan*, G.R. No. 227363, March 12, 2019.

⁶ 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.

⁷ The elements of violation of Section 5 (b) of RA 7610 are the following: (a) the accused commits an act of sexual intercourse or lascivious conduct; (b) that said act was performed with a child exploited in prostitution or subjected to sexual abuse; and (c) the child, whether male or female, is below 18 years of age. (See *People v. Caoili*, 815 Phil. 839, 886 [2017].)

⁸ See *rollo*, p. 34.

⁹ See *People v. De Dios*, G.R. No. 243664, January 22, 2020.

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Accused-Appellant
c/o The Director
Bureau of Corrections
1770 Muntinlupa City

THE DIRECTOR (reg)
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 172
1440 Valenzuela City
(Crim. Case No. 11-V-16)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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CA-G.R. CR No. 40403

*with copy of CA decision dated 26 September 2018.

Please notify the Court of any change in your address.

GR246080. 03/04/2020(23)URES

10/1/16