FIRST DIVISION

[G.R. No. 276178. February 11, 2026]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDDIE CERNA *Y* CIANA @ "EDDIE," ACCUSED-APPELLANT.

D E C I S I O N

ZALAMEDA, J.:

This resolves the appeal[1] from the Decision[2] of the Court of Appeals (CA), affirming the Decision[3] of the Regional Trial Court (RTC), which found accused-appellant Eddie Cerna *y* Ciana (Eddie) guilty beyond reasonable doubt of acts of lasciviousness in relation to Section 5(b) of Republic Act No. 7610, and rape under Article 266-A(1) of the Revised Penal Code, as amended.

Antecedents

Eddie was indicted on three criminal charges as follows:

Criminal Case No. R-MNL-20-05726-CR

> That sometime in October 2018, in the City of Manila, Philippines, the said accused, by means of violence and intimidation, did then and there willfully, unlawfully and knowingly have a carnal knowledge upon one **[AAA]**,[4] a minor 12 years old, assisted by her mother **[BBB]**, by blocking her way and holding her left shoulder tightly and bringing her to [a] guard house near [redacted], this City[,] and while inside[,] forcibly removing her clothes[,] thereafter[,] kissing her breasts, inserting his finger into her vagina and then inserting his penis into her vagina, against her will and without her consent.
>
> Contrary to law.[5] (Emphasis supplied)

Criminal Case No. R-MNL-20-05727-CR

> That sometime in December 2018, in the City of Manila, Philippines, the said accused, by means of violence and intimidation, did then and there willfully, unlawfully and knowingly have carnal knowledge upon one **[AAA]**, a minor, 12 years old, assisted by her mother **[BBB]**, by gripping

her arm and pulling her to [a] guard house near [redacted], this City[,] and while inside[,] squeezing and playing [with] her breasts, inserting his finger into her vagina twice, and then inserting his penis into her vagina several times, against her will and without her consent.

Contrary to law.[6] (Emphasis supplied)

Criminal Case No. R-MNL-20-05728-CR

That sometime in January 2017, in the City of Manila, Philippines, the said accused, with lewd design, with violence and intimidation, did then and there willfully, unlawfully and knowingly commit acts of lascivious conduct upon the person of **[AAA]**, a minor 10 years old, assisted by her mother **[BBB]**, by then and there touching her body, inserting his hand inside her panty and bra, and touching her breasts and vagina, against her will and consent.

Contrary to law.[7] (Emphasis supplied)

Eddie pleaded not guilty to the charges upon arraignment.[8] Pre-trial and trial, from then on, ensued.[9]

The prosecution presented the following witnesses: (1) the victim, AAA; (2) AAA's mother, BBB, and (3) the medico-legal officer, Dr. Riza Lorenzana (Dr. Lorenzana).[10]

As evidenced by her birth certificate, AAA was born on February 6, 2006.[11]

AAA testified that Eddie, a school guard, sexually abused her several times. She narrated that sometime in January 2017, she was sitting inside the guard house, waiting for her classmates for their dance practice. Suddenly, Eddie approached her and started touching and squeezing her leg. AAA stood up and tried to leave because she felt uncomfortable, but Eddie stopped her and threatened to harm her if she left. Eddie then touched different parts of her body, including her breasts and vagina. He stopped only when AAA's classmates arrived. Eddie discreetly threatened AAA, saying he would kill her mother and ban her from school if she told anyone about the incident. AAA remained silent, and the abuse continued.[12]

Sometime in October 2018, AAA was spending time in her aunt's store. She saw Eddie in the nearby billiards place. When AAA was leaving to go home in the evening, Eddie blocked her way and tightly grabbed her left shoulder. AAA tried to run away, but to no avail. Gripping AAA's left shoulder, Eddie was able to drag her to the school guard house. There, Eddie forcibly took off AAA's clothes, sat her on a chair, and spread her legs open. Eddie then knelt in front of AAA, touched and kissed her breasts and vagina, and inserted his finger into her vagina. He also succeeded in inserting his penis into AAA's vagina. In the process, AAA could not do anything but cry in pain. After Eddie

satisfied his lust, he left AAA in the guard house.[13]

According to AAA, the sexual abuse happened more than 10 times, the last being sometime in March 2019, until BBB suspected AAA to be pregnant due to noticeable weight gain especially in the abdomen area sometime in August 2019. A pregnancy test confirmed BBB's suspicion. This prompted AAA to disclose to her mother what Eddie had been doing to her. Enraged, BBB and her husband immediately accompanied AAA to report her ordeal to the authorities.[14]

Dr. Lorenzana, child protection specialist at the Child Protection Unit of the Philippine General Hospital, examined AAA and found her to have "*hymen anular estrogenized with impression pregnancy uterine, 33 weeks age of gestation by ultrasound (September 9, 2019), not in labor, EDD: October 28, 2019[;] Medical evaluation is diagnostic of sexual contact or sexual abuse*."[15]

AAA gave birth on September 15, 2019.[16]

For its part, the defense presented Eddie's lone testimony. He simply denied the accusations against him and averred that he was a guard in a school different from where AAA was studying.[17]

After trial, the RTC held that the prosecution was only able to establish the October 2018 rape incident and the January 2017 incident of lascivious conduct. While the prosecution was able to prove that there was sexual intercourse between Eddie and AAA in March 2019, the incident is not the subject of any criminal information.[18] The RTC disposed, thus:

> **WHEREFORE**, in view of the foregoing, the Court hereby adjudged accused EDDIE CERNA [*y*] CIANA @ "EDDIE" —
>
> a) GUILTY beyond reasonable doubt of the felony of RAPE defined and penalized under Article 266-A of the *Revised Penal Code*, as amended[,] in Criminal Case No. R-MNL-20-05726-CR. He is hereby sentenced TO SUFFER the penalty of *reclusion perpetua*;
>
> b) ACQUITTED in Criminal Case No. R-MNL-20-05727-CR for failure of the prosecution to prove the guilt of the accused beyond reasonable doubt;
>
> c) GUILTY beyond reasonable doubt of the felony of *Acts of Lasciviousness in relation to Section 5(b) of [Republic Act] No. 7610* in Criminal Case No. R-MNL20-05728-CR. He is hereby sentenced to suffer the indeterminate sentence of [12] years, [10] months and [21] days of *reclusion temporal*, as MINIMUM, to [15] years, six [] months and [20] days of *reclusion temporal*, as MAXIMUM;

d) LIABLE to PAY private complainant civil indemnity of [PHP] 75,000.00, moral damages of [PHP] 75,000.00, exemplary damages of [PHP] 75,000.00 in Criminal Case No. R-MNL-20-05726-CR;

e) LIABLE to PAY private complainant (a) civil indemnity of [PHP] 50,000.00, (b) moral damages of [PHP] 50,000.00, (c) exemplary damages of [PHP] 50,000.00 in Criminal Case No. R-MNL-20-05728-CR; [and]

f) LIABLE for the costs of suit.

The monetary award shall include the interest on all damages at the rate of [6%] per annum from the finality of judgment until fully paid.

SO ORDERED.[19] (Emphasis in the original)

On appeal, the CA affirmed the RTC ruling in its entirety:

WHEREFORE, the appeal filed by Eddie Cerna *y* Ciana @ "Eddie" is **DENIED**. The Decision dated [June 10,] 2021 by the [RTC] of [redacted] Branch 5 in Criminal Case Nos. R-MNL-20-05726-CR, R-MNL-20-05727-CR, and R-MNL-20-05728-CR is hereby **AFFIRMED**.

SO ORDERED.[20] (Emphasis in the original)

Hence, this appeal.

The Office of the Solicitor General (OSG) filed a Manifestation,[21] while the Public Attorney's Office-Special and Appealed Cases Service filed a Manifestation (In lieu of Supplemental Brief),[22] both stating that they are adopting their respective CA Briefs and will no longer file supplemental briefs.

In the main, accused-appellant's appeal attacks the credibility of AAA's testimony. He points out that the guard house where the alleged incidents occurred is a public place, making it impossible to accomplish the alleged abuse. Accused-appellant also underscores AAA's delay in reporting the sexual abuses. Further, accused-appellant posits that since the January 2017 incident was not for money, profit, or other consideration, AAA cannot be considered a child exploited in prostitution or subjected to other sexual abuse to be covered by Section 5(b) of Republic Act No. 7610. Too, for accused-appellant, he had no moral ascendancy or influence over AAA to make her succumb to his sexual advances. There was thus no proof of force or coercion.[23]

Issue

Was the prosecution able to prove accused-appellant's guilt in all the charges beyond

reasonable doubt?

Ruling of the Court

After a judicious evaluation of the records of the case, this Court resolves to deny the appeal for failure to show that the CA committed any reversible error in its assailed Decision.

Credibility of AAA's testimony

Settled is the rule that the trial court's assessment of the credibility of witnesses deserves utmost respect—if not finality—because of the trial judge's unique position to observe the demeanor of the witnesses during their actual testimonies. This principle holds true especially when such assessment was affirmed by the CA.[24] Absent indication that the courts *a quo* overlooked significant matters, We see no reason to deviate from the finding of credibility on AAA's testimony. Too, We have consistently held that when the offended party is young and immature, such child witness's version of what happened is generally given credence due to the child's relative vulnerability and the unlikely willingness to face shame by lying.[25] "Youth and immaturity are generally badges of truth and sincerity."[26]

The alleged improbability of committing the sexual intercourse and lascivious conduct in a public place should be given scant consideration. Such trivial matter does not affect the credibility of the victim's testimony. We often quote, "lust is no respecter of time and place."[27] Sexual abuse can be committed anywhere, even in places where people congregate.[28]

> The court has time and again held that "the evil in man has no conscience. The beast in him bears no respect for time and place, driving him to commit rape anywhere—even in places where people congregate such as in parks, along the roadside, within school premises and inside a house where there are other occupants." "Rape does not necessarily have to be committed in an isolated place and can in fact be committed in places which to many would appear to be unlikely and high-risk venues for sexual advances." Indeed, no one would think that rape could happen in a public place like the comfort room of a movie house and in broad daylight.[29]

Neither does the delay in reporting the abuses to the authorities undermine the credibility of AAA's testimony. Prompt revelation of a sexual abuse ordeal cannot always be reasonably expected from a victim. Long silence and delay in revealing the crime of rape or lascivious conduct are never construed as indications of false accusation, unless such delay is unreasonable and unexplained.[30] Here, We find it reasonable that AAA kept silent about her traumatic experience until her mother discovered the pregnancy, given accused-appellant's threats to harm her and her mother and to prevent her from attending school.

Verily, the victim's credible testimony about the sexual abuses, as accepted by both the RTC and the CA, combined with the corroborating medical evidence, is sufficient to prove all elements of the charged crimes.

Two offenses charged and proven in Criminal Case No. R-MNL-20-05726-CR: (1) rape under Article 266-A(1) of the Revised Penal Code, as amended; and (2) rape under Article 266-A(2) of the Revised Penal Code, as amended

At the outset, We note that in criminal appeals, the entire case becomes subject to comprehensive review. The appellate tribunal possesses authority to rectify all errors—including those neither raised by the appellant nor addressed in the lower court's judgment. This plenary jurisdiction empowers the appellate court to scrutinize the complete record, modify the judgment below, enhance penalties where warranted, and identify the applicable legal provisions.[31] Verily, we find it proper to modify the conviction in Criminal Case No. R-MNL-20-05726-CR.

It is noteworthy that the recital of facts in the Information in Criminal Case No. R-MNL-20-05726-CR charged the accused-appellant with two offenses: (1) the act of inserting his penis into AAA' s vagina constitutes rape by carnal knowledge; and (2) the act of kissing AAA's breasts and inserting his finger into AAA's vagina constitutes rape by sexual assault:

> [A]ccused, by means of *violence and intimidation*, did then and there willfully, unlawfully and knowingly have a *carnal knowledge* upon one [AAA], *a minor*[,] *12 years old* ... by ... forcibly removing her clothes[,] thereafter[,] *kissing her breasts, inserting his finger into her vagina and then inserting his penis into her vagina*[.][32] (Emphasis supplied)

In this regard, We are mindful that Rule 110, Section 13 of the Rules on Criminal Procedure proscribes the filing of one criminal information consisting of multiple offenses. In fact, Rule 117, Section 3(f) of the said Rules allows the accused to move for the quashal of the information on the ground of duplicity of the offenses charged. However, the failure to object to the information with duplicitous charges before the arraignment would result in a waiver to challenge such procedural infirmity.[33] Here, no motion to quash the criminal information was filed. And during trial, these factual allegations were proven through AAA's testimony, found credible by the courts *a quo*: AAA testified:

> Q: *Sabihin mo nga sa amin anong oras nangyari yun*[,] *umaga, tanghali, o gabi?*

A: *Gabi po.*

Q: *Hmmm*[.] *Oh, sabihin mo sa amin paanong nag-umpisa?*
A: *Ano po nakatambay po ako sa may Lindahan ng* [*t*]*ita ko kasi wala pong bantay sa bahay*[.] [*N*]*agtatrabaho po yun*[g] *mama ko*[.] [*Wa*]*la po akong kasama.*

Q: *Oh, tapos?*
A: *Ano po parang napapansin ko po na parang inaabangan niya po ako. Tapos bigla niya po akong sinama sa may* guard house.

Q: *Okay. Paano ka niya sinama, hinablot ka?*
A: *Pinilit lang po tapos hinawakan niya yun*[g] *kamay ko ng mahigpit.*

Q: *Hmm*[,] *tapos hinawakan ka niya ng mahigpit. Anong naramdaman mo habang ginagawa niya yun?*
A: *Natatakot po tapos hindi po ako makasigaw-sigaw.*

Q: *Bakit?*
A: *Kasi po pinagbabantaan niya po aka eh nandiyan po yun mga tita ko.*

Q: *Ano naman kung nandiyan yung mga tita mo?*
A: *Ayoko po silang madamay kasi*[.]

Q: *Ano?*
A: *Ayako po silang madamay kasi baka pagalitan aka ng mama ko.*

Q: *Hmm, sabihin mo nga sa amin yung eksaktong pananakot na sinabi sa iyo?*
A: *Papatayin niya* [*r*]*aw po yung mama ko at hindi ako makakapasok sa school.*

Q: *Hmmm. Ano ang sumunod na nangyari?*
A: *Nung napunta na ako sa school dun na niya ako hinubaran ng damit.*

Q: *Saan ito sa* guard house *ba ito?*
A: *Opo.*

Q: *Okay. Sabi mo hinubaran lea niya ng damit, ano pa ang hinubad sa iyo?*
A: Panty, bra, *tapos* short.

Q: *Hmmm*[,] *habang hinuhubaran ka niya may sinasabi ba naman siya sa iyo?*
A: *Wala po.*

Q: *Hmmm*[,] *eh ikaw anong sinasabi mo?*
A: *Hindi po ako makapagsalita.*

Q: *Bakit Bi? Bakit?*
A: *Natatakot po ako sa kanya kasi po baka po saktan niya ako.*

....

Q: *Anong una niyang ginawa sa iyo nung nakahubad ka na?*
A: *Ano po pinahiga niya po aka tapos sinmulan na niyang ipasok yun*[g] *titi niya sa ano, pepe ko.*

Q: *Okay. Naipasok ba anak?*
A: *Opo.*

Q: *Hmm*[.] *Ilang beses yun?*
A: *Paulit-ulit niya pong ginawa.*

Q: *Yung titi lang niya ang naipasok niya sa pekpek mo?*
A: *Opo.*

....

Q: *Kasi yun kuwento mo dito sinabi mo ...*
A: *May kamay po.*

Q: *Okay. Ano, kanan o kaliwa na kamay?*
A: *Kanan po.*

Q: *Matatandaan mo anong daliri ang naipasok niya?*
A: *Itong dalawang kamay po.*

Q: *Daliri, okay.* Your honor, she is showing me the index and the middle finger right.

....

Q: *Okay, anong naramdaman mo habang ipinapaasok yung daliri niya at saka yun titi niya?*
A: *Masakit po.*[34]

Notably, these statements were consistent with Dr. Lorenzana's findings of estrogenized hymen and pregnancy, which are diagnostic of sexual contact or sexual abuse.[35]

Thus, in Criminal Case No. R-MNL-20-05726-CR, the following elements of the crime of rape under Article 266-A(1) in relation to Article 266-B of the Revised Penal Code, as amended, were established: (1) the offender had carnal knowledge of the victim; and (2) such act was accomplished through force, threat, or intimidation.[36] Indeed, when a person has sexual intercourse with a child through force, threat, or intimidation, the crime of rape is committed—a child does not have the capacity to give consent to a

sexual act.[37] However, pursuant to prevailing jurisprudence,[38] the complete designation of the crime must be properly stated as *rape under Article 266-A(1) in relation to Article 266-B of the Revised Penal Code, as amended*.

As well, the following elements of rape under Article 266-A(2) in relation to Article 266-B of the Revised Penal Code, as amended, were established by AAA's testimony, found credible by the courts *a quo*: (1) the offender committed an act of sexual assault by inserting any instrument or object—finger in this case—into the victim's genital; and (2) the act was accomplished through force, threat, or intimidation.[39]

On this note, We clarified in the recent case of *Gramatica v. People*[40] that Section 5(b) of Republic Act No. 7610 does not cover all acts of sexual intercourse or lasciviousness committed against a child. The application of this special law is confined to cases where the minor was subjected to sexual abuse as contemplated under Section 5(b) of Republic Act No. 7610 and its implementing rules and regulations or Section 2(g) of the Rules and Regulations on the Reporting and Investigation of Child Abuse Cases, i.e., "those who *indulge* or *engage in*, or in other words, consent, albeit such consent being defective under the law, or are those who are convinced, cajoled, prevailed upon, to participate and engage in lascivious conduct, due to the '*employment, use, persuasion, inducement, enticement, or coercion*' conducted by an adult."[41] "Section 5(b) does not apply when the lascivious conduct is committed through force or intimidation"[42] as in this case. The fact that AAA did not give her consent to be the subject of the sexual act, in the sense that the sexual act was committed through force, threat, or intimidation, takes it out of the coverage of Section 5(b) of Republic Act No. 7610. In such case, the Revised Penal Code shall apply. Verily, the insertion of a finger into a 12-year-old girl's vagina through force, threat, or intimidation is punishable as rape under ***Article 266-A(2) in relation to Article 266-B of the Revised Penal Code, as amended***.

Acts of lasciviousness under Article 336 of the Revised Penal Code in Criminal Case No. R-MNL-20-05728-CR

We also sustain the courts *a quo*'s findings that the accused-appellant was guilty of committing acts of lasciviousness by touching AAA's vagina and breasts to satisfy his sexual desire in Criminal Case No. R-MNL-20-05728-CR. We, however, find it proper to clarify that Section 5(6) of Republic Act No. 7610 has no relevance in this case pursuant to our ruling in *Gramatica*.

To stress, in *Gramatica*, We underscored that Section 5(6) of Republic Act No. 7610 applies only when the victim is a child exploited in prostitution or subjected to other sexual abuse, i.e., a child who indulges in the sexual act for money, profit, or any other consideration, or due to the coercion or influence of an adult. As regards coercion or influence of an adult, We clarified that such coercion or influence should not rise to the

level of force or intimidation because a semblance of consent from the child-victim to do the sexual act, albeit defective or vitiated, is required for Section 5(6) of Republic Act No. 7610 to apply. Thus, to stress, "Section 5(6) does not apply when the lascivious conduct is committed through force or intimidation."[43]

With this, the accused-appellant correctly posited that he cannot be convicted under Section 5(6) of Republic Act No. 7610 because AAA cannot be considered as a child exploited in prostitution or subjected to other sexual abuse as contemplated in the special law.

Nonetheless, the allegation of facts in the Information in Criminal Case No. R-MNL-20-05728-CR properly constitutes the crime of acts of lasciviousness as penalized under Article 336 of the Revised Penal Code. The Information states:

> [A]ccused, *with lewd design, with violence and intimidation*, did then and there willfully, unlawfully and knowingly *commit acts of lascivious conduct* upon the person of [*AAA*], *a minor 10 years old* ... by then and there touching her body, inserting his hand inside her panty and bra, and *touching her breasts and vagina, against her will and consent*[.][44] (Emphasis supplied)

For a successful prosecution under this provision, the following elements must concur: (1) that the offender commits any act of lasciviousness or lewdness; (2) that such act was 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, or (d) when the offended party is under 12 years old or demented, even though none of the circumstances mentioned above be present.[45]

As correctly found by the courts *a quo*, all the said elements of acts of lasciviousness are present in this case. *First*, the accused-appellant committed lascivious acts by touching AAA's vagina and breasts to satisfy his sexual desire. *Second*, the said acts were done in January 2017, when AAA was under 12 years old, specifically, 10 years old.[46] The testimony of AAA reads as follows:

> Q: *Nakalagay kasi dito*[,] [*ang*] *sabi mo* Grade VI *ka* January 2017. *Anong nangyari noon?*
> A: *Ano po naghihintay po ako sa kaklase ko para magpraktis*[,] *tapos po Nakita ko po siya sa may* guard house.
>
> ....
>
> Q: *Sinong siya?*
> A: *Si Eddie po.*
>
> Q: *Okay. Dumating siya sa guard house tapos anong nangyari?*
> A: *Doon niya na po ako inumpisahan hipuan.*

Q: *Saan? Saang parte ng katawan mo?*
A: (no answer)

COURT:

> Alright, so you may proceed Fiscal. *Wag kang mahihiya ha sanay kami sa mga ganitong klaseng kaso, kuwento ano. Maraming batang pumupunta dito.* Okay.

Q: *Sabi mo, sabi mo kanina inumpisahan lea nci niyang hipuan nung dumating siya.* [*S*]*aan ka niya hinipuan*[,] [*AAA*]?
A: *Sa may dede ko po tapos sa may pepe ko.*

Q: Okay. *Anong reaksiyon mo habang ginagawa niya sa'yo yun?*
A: *Umiiwas po ako tapos hindi po aka maleaalis agad.*

....

Q: *Tinakot ka ba niya?*
A: *Tinakot po.*

....

Q: *Anong sinabi niya sa iyo?*
A: *Sabi niya po wag daw akong magsusumbong sa magulang ko*[,] *tapos ano ...*

Q: Tapos ano pang sinabi sayo?
A: *Papatayin daw si mama tapos hindi na* [*r*]*aw ako makakapag-aaral.*[47]

Notably, it is also well-settled that when the victim of sexual abuse is below 12 years old, as in this case, all the other circumstances in committing the lascivious acts need not be present.[48] On this score, We are one with the CA in ruling that:

> As mentioned earlier, the private complainant here is below 12 years old. As such, the other enumerated means of committing acts of lasciviousness need not be present. It suffices that the offended party be below 12 years old for the felony to be considered to have been committed.
>
> **This is because a girl below 12 years old cannot ... give her consent to an act that is reserved for adults. She lacks the understanding to fully grasp the seriousness of the act and its consequences. Herc, in addition to being very young, private complainant was also intimidated by the accused. He threatened to hurt her if she would leave him while he was committing lascivious acts on her. He threatened to kill her mother and to prevent her from coming to school.**

> **To reiterate, the accused being a full-grown [60-year-old man], private complainant became a prey too easy to vanquish.**[49] (Emphasis in the original)

Penalties for Criminal Case No. R-MNL-20-05726-CR

Under Article 266-B of the Revised Penal Code, as amended, rape committed under Article 266-A(1) of the same Code is punishable by *reclusion perpetua*. In *People v. Jugueta*,[50] We fixed the award of civil indemnity, moral damages, and exemplary damages to PHP 75,000.00 each for rape penalized by *reclusion perpetua*. Notably, however, no law prohibits the increase of the amounts of damages awarded when the circumstance/s of the case warrant/s it. Here, considering the gravity of the offense, which resulted in the pregnancy of a 12-year-old child, We deem it proper to increase the civil indemnity, moral damages, and exemplary damages awarded to PHP 150,000.00 each.

Rape committed under Article 266-A(2) of the Revised Penal Code is punishable by *prision mayor*. Applying the Indeterminate Sentence Law, the minimum penalty should be taken from the penalty next lower in degree, i.e., *prision correccional*, which ranges from six months and one day to six years. Then, since there is neither aggravating nor mitigating circumstance present, the maximum should be taken from the medium period of the prescribed penalty, which ranges from eight years and one day to 10 years. Thus, We find it proper to impose the indeterminate penalty of six years of *prision correccional* to 12 years of *prision mayor*. Despite the lower penalty in this case compared to those punishable under Section 5(6) of Republic Act No. 7610, We find it proper to award civil indemnity, moral damages, and exemplary damages in the amount of PHP 50,000.00 each pursuant to *People v. Tulagan*[51] considering that the victim here was only 12 years old when molested.[52]

Penalties for Criminal Case No. R-MNL-20-05728-CR

Article 336 of the Revised Penal Code prescribes the penalty of *prision correccional* for acts of lasciviousness. Applying the Indeterminate Sentence Law, the minimum penalty should be taken from the penalty next lower in degree, i.e., *arresto mayor*, which ranges from one month and one day to six months. Then, since there is neither aggravating nor mitigating circumstance present, the maximum should be taken from the medium period of the prescribed penalty, which ranges from two years, four months, and one day to four years and two months. As such, We find it proper to impose the indeterminate penalty of six months of *arresto mayor* to four years and two months of *prision correccional*. Despite the lower penalty in this case compared to those punishable under Section 5(6) of Republic Act No. 7610, We find it proper to

retain the award of PHP 50,000.00 each for civil indemnity, moral damages, and exemplary damages pursuant to *Tulagan* considering that the victim here was only 10 years old when molested.[53]

Finally, all the damages[54] awarded shall earn legal interest at the rate of 6% per annum from the finality of this Decision until full payment.

ACCORDINGLY, the appeal is **DISMISSED**. The April 16, 2024 Decision of the Court of Appeals in CA-G.R. CR-HC No. 15827, affirming the June 10, 2021 Decision of the Regional Trial Court, is **AFFIRMED with MODIFICATION**. Accused-appellant Eddie Cerna *y* Ciana @ "Eddie" is found **GUILTY** beyond reasonable doubt of:

1) Rape under Article 266-A(1) in relation to Article 266-B of the Revised Penal Code, as amended in Criminal Case No. R-MNL-20-05726-CR. He is sentenced to suffer the penalty of *reclusion perpetua* and is **ORDERED** to pay the private complainant PHP 150,000.00 each for civil indemnity, moral damages, and exemplary damages;

2) Rape under Article 266-A(2) in relation to Article 266-B of the Revised Penal Code, as amended, in Criminal Case No. R-MNL-20-05726-CR. He is sentenced to suffer the indeterminate penalty of six years of *prision correccional* to 12 years of *prision mayor* and is **ORDERED** to pay the private complainant PHP 50,000.00 each for civil indemnity, moral damages, and exemplary damages; and

3) Acts of lasciviousness under Article 336 of the Revised Penal Code in Criminal Case No. R-MNL-20-05728-CR. He is sentenced to suffer the indeterminate penalty of six months of *arresto mayor* to four years and two months of *prision correccional* and is **ORDERED** to pay the private complainant PHP 50,000.00 each for civil indemnity, moral damages, and exemplary damages.

Legal interest at the rate of 6% per annum shall be imposed upon the total amount of civil indemnity, moral damages, and exemplary damages from the finality of this Decision until full payment.

SO ORDERED.

Gesmundo, C.J. (Chairperson), Hernando, Rosario, and *Marquez, JJ.*, concur.

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[1] *Rollo*, pp. 3-7.

[2] *Id.* at 10-26. The April 16, 2024 Decision in CA-G.R. CR-HC No. 15827 was penned by Associate Justice Jose Lorenzo R. Dela Rosa and concurred in by Associate Justices Nina G. Antonio-Valenzuela and Emily R. Aliño-Geluz of the Eleventh

Division, Court of Appeals, Manila.

[3] CA *rollo*, pp. 66-100. The June 10, 2021 Decision in Criminal Case Nos. R-MNL-20-05726-CR to R-MNL-20-05728-CR was penned by Presiding Judge Emily L. San Gaspar-Gito of Branch 5, Regional Trial Court, [redacted]

[4] In line with Amended Administrative Circular No. 83-2015, as mandated by Article 266-A of the Revised Penal Code and Republic Act No. 8353, the names of the private offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

[5] *Rollo*, p. 11.

[6] *Id.* at 10-11.

[7] *Id.* at 12.

[8] *Id.*

[9] CA *rollo*, p. 125.

[10] *Id.* at 125. Also, Police Investigator Cathyren Fenno was mentioned as one of the witnesses.

[11] *Rollo*, p. 12.

[12] *Id.* at 12-13.

[13] *Id.* at l3.

[14] *Id.* at 13-14.

[15] *Id.* at 14.

[16] *Id.*

[17] *Id.* at 14-15.

[18] *Id.* at 15.

[19] CA *rollo*, pp. 14-15.

[20] *Rollo*, p. 26.

[21] *Id.* at 69-74.

[22] *Id.* at 77-81.

[23] CA *rollo*, 50-62.

[24] **Carbonell v. People**, 901 Phil. 501, 505-506 (2021) [Per J. Delos Santos, Third Division]; **People v. Bay-od**, 845 Phil. 644, 651 (2019) [Per J. Peralta, Third Division].

[25] **Laconsay v. People**, 959 Phil. 520, 533 (2024) [Per J. Inting, Third Division].

[26] *Id.*, *citing* **People v. Deliola**, 794 Phil. 194, 208 (2016) [Per J. Perez, Third Division].

[27] **People v. XXX**, 887 Phil. 734, 749 (2020) [Per J. Lazaro-Javier, First Division].

[28] *Id.* at 750.

[29] *Id.*, *citing* **People v. Balora**, 388 Phil. 193, 203 (2000) [Per J. Pardo, First Division].

[30] **People v. Gratela**, 868 Phil. 8, 19 (2020) [Per J. Reyes, Jr., First Division].

[31] **People v. Paguio**, 923 Phil. 42, 45 (2022) [Per J. Kho, Jr., Second Division].

[32] CA *rollo*, p. 13.

[33] RULES OF COURT, Rule 117, sec. 9 states:

> SECTION 9. *Failure to move to quash or to allege any ground therefor.* — The failure of the accused to assert any ground of a motion to quash before he pleads to the complaint or information, either because he did not file a motion to quash or failed to allege the same in said motion, shall be deemed a waiver of any objections based on the grounds provided for in paragraphs (a), (b), (g), and (i) of section 3 of this Rule.

[34] *Rollo*, pp. 39-42.

[35] *Id.* at 14.

[36] *See* REV. PEN. CODE, art. 266-A(1).

[37] **People v. Joven**, 955 Phil. 203 (2024) [Per J. Leonen, Second Division].

[38] **People v. Tulagan**, 849 Phil. 197, 249 (2019) [Per J. Peralta, *En Banc*]. (Emphasis supplied)

[39] REV. PEN. CODE, art. 266-A(2); *See* **People v. XXX**, 920 Phil. 272, 284 (2022) [Per J. Hernando, Second Division].

[40] **G.R. No. 260233**, August 12, 2025 [Per J. Inting, *En Banc*].

[41] *Id.* at 40-41. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Emphasis in the original)

[42] *Id.* at 53.

[43] *Id.*

[44] CA *rollo*, p. 46.

[45] **Orsos v. People**, 820 Phil. 1015, 1025 (2017) [Per J. Perlas-Bernabe, Second Division].

[46] *Rollo*, p. 12. Angel was born on February 6, 2006, as evidenced by a birth certificate.

[47] CA *rollo*, pp. 90-93.

[48] **Capueta v. People**, 883 Phil. 502, 513 (2020) [Per J. Delos Santos, Second Division].

[49] CA *rollo*, p. 94.

[50] 783 Phil. 806, 849 (2016) [Per J. Peralta, *En Banc*].

[51] 849 Phil. 197, 288, 291 (2019)[Per J. Peralta, *En Banc*].

[52] This is in line with **People v. ABC260708**, 950 Phil. 199, 235 (2024) [Per J. Lopez, M., *En Banc*], wherein the Court recognized that law and jurisprudence set the minimum amounts of civil indemnity and damages but do not impose a maximum limit. *See* **Gramatica v. People, G.R. No. 260233**, August 12, 2025 [Per J. Inting, *En Banc*] at p. 52. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[53] *Id.*

[54] Pursuant to **People v. Dapitan**, 911 Phil. 114 (2021) [Per J. Perlas-Bernabe, Second Division], this does not include the fine of PHP 15,000.00 imposed.

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