



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Appellee,

G.R. No. 205308

Present:

CARPIO, J., Chairperson,
VELASCO, JR.,*
DEL CASTILLO,
MENDOZA, and
LEONEN, JJ.

- versus -

OSCAR SANTOS y ENCINAS,
Appellant.

Promulgated:

FEB 11 2015

X

RESOLUTION

CARPIO, J.:

This is an appeal from the 20 April 2012 Decision¹ of the Court of Appeals in CA-G.R. CR-HC No. 04793, affirming with modifications the trial court's decision, finding appellant Oscar Santos y Encinas guilty beyond reasonable doubt of rape and 15 counts of violation of Article 336 of the Revised Penal Code (RPC) in relation to Section 5 of Republic Act No. (RA) 7610.

Appellant Santos was charged in 16 informations with one count of rape (in relation to RA 7610) and 15 counts of acts of lasciviousness (violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610). The information on rape alleged that in June 1997, appellant had carnal

* Designated Acting Member per Special Order No. 1910 dated 12 January 2015.

¹ Penned by Associate Justice Agnes Reyes-Carpio with Associate Justices Jose C. Reyes, Jr and Priscilla J. Baltazar-Padilla, concurring.

knowledge with AAA,² his seven-year old goddaughter. The 15 charges of acts of lasciviousness alleged that appellant kissed AAA's neck and lips, and and licked her sex organ on different dates from July 1997 to September 1998.

The informations against appellant Santos read:

CRIM. CASE NO. 7587
(Rape in relation to RA 7610)

That in or about June, 1997, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously have carnal knowledge with his goddaughter, [AAA], a seven-year old girl, against the latter's will and consent, to her damage and prejudice.³

CRIM. CASE NO. 7588
(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about July 1997, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], a seven-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.⁴

CRIM. CASE NO. 7589
(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about August 1997, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], a seven-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.⁵

CRIM. CASE NO. 7590
(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about September 1997, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well

² The initials AAA represent the private offended party, whose name is withheld to protect her privacy. Under Republic Act No. 9262 (Anti-Violence Against Women and Their Children Act of 2004), the name, address, and other identifying information of the victim are confidential to protect and respect the right to privacy of the victim.

³ Records, Crim. Case No. 7587, p. 1.

⁴ Records, Crim. Case No. 7588, p. 1.

⁵ Records, Crim. Case No. 7589, p. 1.

as lick the sex organ, of his goddaughter, [AAA], a seven-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.⁶

CRIM. CASE NO. 7591

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about October 1997, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], a seven-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.⁷

CRIM. CASE NO. 7592

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about November 1997, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], a seven-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.⁸

CRIM. CASE NO. 7593

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about December 1997, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], a seven-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.⁹

CRIM. CASE NO. 7594

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about January 1998, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], a seven-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.¹⁰

⁶ Records, Crim. Case No. 7590, p. 1.

⁷ Records, Crim. Case No. 7591, p. 1.

⁸ Records, Crim. Case No. 7592, p. 1.

⁹ Records, Crim. Case No. 7593, p. 1.

¹⁰ Records, Crim. Case No. 7594, p. 1.

CRIM. CASE NO. 7595

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about February 1998, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], a seven-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.¹¹

CRIM. CASE NO. 7596

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about March 1998, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], a seven-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.¹²

CRIM. CASE NO. 7597

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about April 1998, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], a seven-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.¹³

CRIM. CASE NO. 7598

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about May 1998, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], a seven-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.¹⁴

CRIM. CASE NO. 7599

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about June 1998, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using

¹¹ Records, Crim. Case No. 7595, p. 1.

¹² Records, Crim. Case No. 7596, p. 1.

¹³ Records, Crim. Case No. 7597, p. 1.

¹⁴ Records, Crim. Case No. 7598, p. 1.

force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], an eight-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.¹⁵

CRIM. CASE NO. 7600

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about July 1998, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], an eight-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.¹⁶

CRIM. CASE NO. 7601

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about August 1998, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], an eight-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.¹⁷

CRIM. CASE NO. 7602

(Violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610)

That in or about September 1998, in Orion, Bataan, Philippines and within the jurisdiction of this Honorable Court, the said accused, by using force and intimidation, motivated by lust and lewd design, did then and there willfully, unlawfully and feloniously kiss the neck and lips, as well as lick the sex organ, of his goddaughter, [AAA], an eight-year old girl, thereby subjecting said minor child to sexual abuse by coercion and influence, to her damage and prejudice.¹⁸

AAA testified that sometime in June 1997, appellant, whom she calls *Ninong* Boy, grabbed her while she was playing alone outside their house. AAA could not shout for help because appellant covered her mouth with his right hand. Appellant then brought AAA to his house nearby. Inside the house, appellant brought her to a room, removed her panties and licked her vagina. Appellant then poked his penis into her vagina. AAA felt pain and tried to resist but appellant held both her hands and told her to lie still. Appellant also kissed her lips and neck. AAA further testified that once a month from July 1997 to September 1998, appellant brought her to his house

¹⁵ Records, Crim. Case No. 7599, p. 1.

¹⁶ Records, Crim. Case No. 7600, p. 1.

¹⁷ Records, Crim. Case No. 7601, p. 1.

¹⁸ Records, Crim. Case No. 7602, p. 1.

and once inside, kissed her lips and neck, and licked her vagina. On two incidents, in July and August 1997, appellant forcibly put his penis inside AAA's mouth. AAA was afraid and could not resist because appellant was restraining her and told her to keep quiet. Appellant would then give AAA money in amounts ranging from ₱1.50 to ₱5.00 after he was done with her. AAA did not tell anyone about these incidents because she was afraid.

AAA's mother testified that a relative told her in September 1999 that appellant had been molesting her other minor daughter BBB, who told her that appellant asked BBB to hold his penis. AAA's mother then asked AAA if appellant also molested her. Only then did AAA tell her mother about the incidents which happened in June 1997 to September 1998. AAA's mother then brought her and her sister to the Bataan General Hospital. The Medico-Legal Certificate,¹⁹ dated 29 September 1999, stated that AAA's hymen was "intact with wider opening." AAA's mother testified that AAA was born on 20 May 1990, as stated in AAA's birth certificate²⁰ which was presented in court.

Appellant, the sole witness for the defense, denied sexually abusing AAA. He testified that as a fisherman, he was always at sea fishing particularly during the period of the alleged incidents. Appellant testified that from June 1997 to September 1998, the only time he took a day off from fishing was on Good Friday.

On 21 October 2010, the trial court rendered a decision, the dispositive portion of which reads:

WHEREFORE, in Criminal Case No. 7587, accused OSCAR SANTOS y ENCINAS is found GUILTY beyond reasonable doubt of the crime of Rape, defined and penalized under Article 335 of the Revised Penal Code, in relation to Republic Act No. 7610, and is imposed the penalty of *reclusion perpetua*.

His guilt having been established likewise with moral certainty in Criminal Cases Nos. 7588, 7589, 7590, 7591, 7592, 7593, 7594, 7595, 7596, 7597, 7598, 7599, 7600, 7601, and 7602, accused OSCAR SANTOS y ENCINAS is found GUILTY in each of said Fifteen (15) separate cases for Violation of Article 336 of the Revised Penal Code, in relation to Section 5(b) of Republic Act No. 7610 and, absent any attendant circumstance that would mitigate or aggravate the imposable penalties, is hereby sentenced in each of the Fifteen (15) cases to suffer imprisonment equivalent to Eight (8) Years and One (1) Day of *prision mayor* in its medium period as minimum, to Fifteen (15) Years, Six (6) Months and Twenty (20) Days of *reclusion temporal* in its medium period as maximum.

¹⁹ Records, Crim. Case No. 7587, p. 289.

²⁰ Id. at 288.

Further, accused OSCAR SANTOS y ENCINAS, in Criminal Case No. 7587, is directed to pay the offended party civil indemnity in the amount of ₱75,000.00, moral damages in the amount of ₱75,000.00, and exemplary damages of ₱25,000.00.

Also, accused OSCAR SANTOS y ENCINAS, in each of Criminal Cases Nos. 7588, 7589, 7590, 7591, 7592, 7593, 7594, 7595, 7596, 7597, 7598, 7599, 7600, 7601, and 7602, is directed to pay the offended party civil indemnity in the amount of ₱20,000.00, moral damages in the amount of ₱30,000.00, and exemplary damages of ₱2,000.00.

SO ORDERED.²¹

On appeal, appellant contended that the prosecution failed to prove his guilt beyond reasonable doubt.

The Court of Appeals affirmed the trial court's decision with modifications. The Court of Appeals held that appellant's defense of denial cannot overcome the positive testimony of AAA which was consistent, straightforward, and sufficiently established the culpability of appellant. Besides, appellant's alibi does not preclude his presence at the crime scene. As found by the trial court, there was no showing that it was physically impossible for appellant to be at the scene of the crime at the time of the commission of the crimes. Moreover, no witness was presented to corroborate appellant's defense of alibi. Appellant also failed to adduce evidence to prove that AAA has ill-motive to testify against him.

On 20 April 2012, the Court of Appeals promulgated its decision, the dispositive portion of which reads:

WHEREFORE, the Court AFFIRMS the Judgment of the Regional Trial Court (RTC), Branch 3, Balanga City, with the following MODIFICATIONS:

In Criminal Case No. 7587 (*Rape*) –

1. The penalty of *reclusion perpetua* stands[;]
2. The amount of ₱75,000.00 civil indemnity is reduced to ₱50,000.00;
3. The amount of ₱75,000.00 moral damages is reduced to ₱50,000.00; and
4. The amount of ₱25,000.00 exemplary damages is deleted.

In Crim. Case Nos. 7588, 7589, 7590, 7591, 7592, 7593, 7594, 7595, 7596, 7597, 7598, 7599, 7600, 7601 and 7602 (*Viol. of Art. 336 of Revised Penal Code in relation to Sec. 5 of RA 7610*) –

²¹ CA rollo, p. 93.

1. For each count, accused-appellant is sentenced to suffer a penalty of 17 years, 4 months and 1 day, as minimum to 20 years of *reclusion temporal* as maximum;
2. Pay AAA ₱15,000.00 as civil indemnity;
3. Pay AAA ₱15,000.00 as moral damages; [and]
4. The amount of ₱2,000.00 as exemplary damages in each case is deleted.

SO ORDERED.²²

Hence, this appeal.

We find the appeal without merit. The Court of Appeals was correct in affirming the ruling of the trial court that appellant's guilt of the crimes he was accused of was clearly established by the witnesses and the evidence of the prosecution. The trial court, having the opportunity to observe the witnesses and their demeanor during the trial, can best assess the credibility of the witnesses and their testimonies.²³ The trial court's findings are accorded great respect unless the trial court has overlooked or misconstrued some substantial facts, which if considered might affect the result of the case.²⁴

Denial and alibi, which are self-serving negative evidence and easily fabricated, especially when uncorroborated, cannot be accorded greater evidentiary weight than the positive testimony of a credible witness.²⁵ Appellant's denial and uncorroborated defense of alibi cannot prevail over the credible and positive testimony of AAA that appellant raped her and committed acts of lasciviousness against her. As found by the trial court and the appellate court, AAA categorically identified appellant as the person who repeatedly molested her. AAA's testimony was replete with delicate details which she could not have concocted herself. She was consistent in her testimony and never wavered even during cross-examination.

In this case, appellant was charged in 16 informations with one count of rape (in relation to RA 7610) and 15 counts of acts of lasciviousness (violation of Art. 336 of the RPC in relation to Sec. 5 of RA 7610). The 15 charges of acts of lasciviousness alleged that appellant kissed AAA's neck and lips, and licked her vagina on different dates from July 1997 to September 1998. However, the Court notes that AAA testified that appellant also forcibly put his penis inside AAA's mouth on two occasions, that is, in July and August 1997. Under Article 266-A(2) of the RPC, as amended by

²² Rollo, pp. 23-24.

²³ *People v. Pareja*, G.R. No. 202122, 15 January 2014, 714 SCRA 131; *People v. Bonaagua*, G.R. No. 188897, 6 June 2011, 650 SCRA 620; *People v. Oliquino*, 546 Phil. 410 (2007); *People v. Diunsay-Jalandoni*, 544 Phil. 163 (2007); *Navarrete v. People*, 542 Phil. 163 (2007).

²⁴ *People v. Bonaagua*, G.R. No. 188897, 6 June 2011, 650 SCRA 620; *Nombrefia v. People*, 542 Phil. 355 (2007); *People v. Arnaiz*, 538 Phil. 479 (2006).

²⁵ *People v. Vergara*, G.R. No. 199226, 15 January 2014, 714 SCRA 64.

RA 8353 or the Anti-Rape Law of 1997, rape is also committed when a person inserts his penis into another person's mouth through force or intimidation. RA 8353 expanded the definition of rape and reclassified rape as a crime against persons. The amended definition of rape reads:

Article 266-A. *Rape; When and How Committed.* – Rape is committed –

(1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

- (a) Through force, threat, or intimidation;
- (b) When the offended party is deprived of reason or otherwise unconscious;
- (c) By means of fraudulent machination or grave abuse of authority; and
- (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.

(2) **By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.** (Emphasis supplied)

Thus, the two incidents in July and August 1997 would have been categorized as rape had these incidents happened after RA 8353 took effect on 22 October 1997.²⁶ However, since the two incidents happened prior to the effectivity of RA 8353, the informations for Criminal Case Nos. 7588 and 7589 correctly charged the accused with acts of lasciviousness (violation of Article 336 of the RPC in relation to Section 5 of RA 7610).

Therefore, we uphold the rulings of the trial court and the appellate court, finding appellant guilty beyond reasonable doubt of the crime of rape and 15 counts of acts of lasciviousness. For the crime of rape, appellant is sentenced to *reclusion perpetua* without eligibility for parole, in accordance with Section 3 of RA 9346.²⁷ However, pursuant to prevailing jurisprudence, both the civil indemnity and moral damages should be increased to ₱75,000, and exemplary damages in the amount of ₱30,000 should be added.²⁸

On the 15 counts of acts of lasciviousness under Article 336 of the RPC in relation to Section 5 of RA 7610, we find that the appellate court

²⁶ *People v. Dollano, Jr.*, G.R. No. 188851, 19 October 2011, 659 SCRA 740.

²⁷ AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES. Enacted on 24 June 2006. Section 3 of RA 9346 states:

SEC. 3. Persons convicted of offenses punished with *reclusion perpetua*, or whose sentences will be reduced to *reclusion perpetua*, by reason of this Act, shall not be eligible for parole under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended.

²⁸ *People v. Crisostomo*, G.R. No. 196435, 29 January 2014, 715 SCRA 99; *People v. Arpon*, G.R. No. 183563, 14 December 2011, 662 SCRA 506; *People v. Degay*, G.R. No. 182526, 25 August 2010, 629 SCRA 409; *People v. Alfonso*, G.R. No. 182094, 18 August 2010, 628 SCRA 431; *People v. Garbida*, G.R. No. 188569, 13 July 2010, 625 SCRA 98.

erred in the penalty imposed. If the victim is under 12 years of age, the imposable penalty under Article III, Section 5(b) of RA 7610,²⁹ is *reclusion temporal* in its medium period, the range of which is from 14 years, 8 months and 1 day to 17 years and 4 months. Applying the Indeterminate Sentence Law,³⁰ and in the absence of mitigating or aggravating circumstances, the maximum term of the sentence to be imposed shall be taken from the medium period of the imposable penalty, that is *reclusion temporal* medium, which ranges from 15 years, 6 months and 20 days to 16 years, 5 months and 9 days.³¹ The minimum term under the Indeterminate Sentence Law shall be taken from the penalty next lower to the prescribed penalty of *reclusion temporal* medium, that is *reclusion temporal* minimum, which ranges from 12 years and 1 day to 14 years and 8 months. Thus, the penalty to be imposed for each of the 15 counts of acts of lasciviousness under Article 336 of the RPC in relation to Section 5(b) of RA 7610 shall be 12 years and 1 day of *reclusion temporal*, as minimum, to 15 years, 6 months and 20 days of *reclusion temporal*, as maximum. Furthermore, both the civil indemnity and moral damages should be increased to ₱20,000 and ₱30,000, respectively, and exemplary damages in the amount of ₱2,000 should be added, pursuant to prevailing jurisprudence.³²

The damages awarded should earn interest at 6% *per annum* from the date of finality of this decision.³³

WHEREFORE, the 20 April 2012 Decision of the Court of Appeals in CA-G.R. CR-HC No. 04793 is **AFFIRMED with MODIFICATIONS**:

1. In Criminal Case No. 7587, we find appellant Oscar Santos y Encinas **GUILTY** of rape, and he is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole. He is ordered to pay the victim, AAA, the amount of ₱75,000 as civil indemnity, ₱75,000 as moral damages, and ₱30,000 as exemplary damages, all with interest at the rate of 6%

²⁹ Article III, Section 5(b) of RA 7610 reads:

(b) Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected to other sexual abuse: *Provided*, That when the victim is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, the Revised Penal Code, for rape or lascivious conduct, as the case may be; ***Provided, That the penalty for lascivious conduct when the victim is under twelve (12) years of age shall be reclusion temporal in its medium period***; x x x (Emphasis supplied)

³⁰ Act No. 4103, as amended. AN ACT TO PROVIDE FOR AN INDETERMINATE SENTENCE AND PAROLE FOR ALL PERSONS CONVICTED OF CERTAIN CRIMES BY THE COURTS OF THE PHILIPPINE ISLANDS; TO CREATE A BOARD OF INDETERMINATE SENTENCE AND TO PROVIDE FUNDS THEREFOR; AND FOR OTHER PURPOSES.

³¹ *Dulla v. Court of Appeals*, 382 Phil. 791 (2000).

³² *People v. Garcia*, G.R. No. 200529, 19 September 2012, 681 SCRA 465; *People v. Paras*, 626 Phil. 526 (2010).

³³ *People v. Crisostomo*, G.R. No. 196435, 29 January 2014, 715 SCRA 99; *People v. Arpon*, G.R. No. 183563, 14 December 2011, 662 SCRA 506.

per annum from the date of finality of this decision.

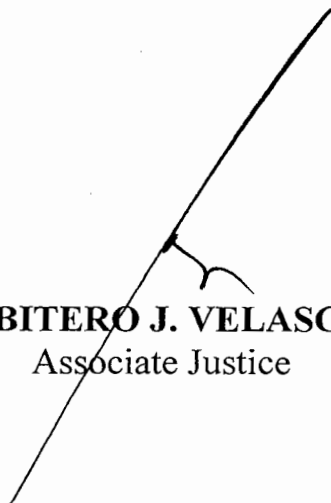
2. In Criminal Case Nos. 7588, 7589, 7590, 7591, 7592, 7593, 7594, 7595, 7596, 7597, 7598, 7599, 7600, 7601 and 7602, we find appellant Oscar Santos y Encinas **GUILTY** in each of the 15 separate cases for acts of lasciviousness under Article 336 of the Revised Penal Code, in relation to Section 5(b) of Republic Act No. 7610, and he is sentenced to suffer for each count the indeterminate penalty of 12 years and 1 day of *reclusion temporal*, as minimum, to 15 years, 6 months and 20 days of *reclusion temporal*, as maximum. For each count of acts of lasciviousness, he is ordered to pay the victim, AAA, the amount of ₱20,000 as civil indemnity, ₱30,000 as moral damages, and ₱2,000 as exemplary damages, all with interest at the rate of 6% *per annum* from the date of finality of this decision.

SO ORDERED.



ANTONIO T. CARPIO
Associate Justice

WE CONCUR:



PRESBITERO J. VELASCO, JR.
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice


JOSE CATRAL MENDOZA
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice


ATTESTATION

I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ANTONIO T. CARPIO
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO
Chief Justice