

AVAIL JOHN DOMINGO Y LINATOC, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 269240. June 05, 2024

Ponente: LAZARO-JAVIER, J.

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LAZARO-JAVIER, J.:

This Motion for Reconsideration[1] is directed against the Resolution[2] dated January 29, 2024 which disposed, as follows:

Considering the allegations issues and arguments adduced in the petition for review on certiorari assailing the Decision dated March 22, 2023 and Resolution dated September 7, 2023 of the Court of Appeals, Manila in CA-G.R. CR No. 46378, the Court further resolves to DENY the petition for failure to show any substantial, special or important reason to warrant the exercise of this Court's discretionary power to review the challenged decision and resolution.

In any event, the petition failed to sufficiently show any reversible error in the assailed judgment to warrant the exercise of this Court's discretionary appellate jurisdiction.[3]

Petitioner Avail John Domingo y Linatoc attacks anew the uniform factual findings of the courts below and this Court regarding the credibility of complainant AAA[*] and her father, BBB. He again contends that the behavior of complainant and her father were unusual and their testimonies were inconsistent as regards the date of the alleged commission of the offense, the exact place where the alleged offense was committed, the persons present when the alleged offense was committed, and the persons who requested that complainant live with petitioner.[4] On this score, the issue on the credibility of the prosecution's witnesses had already been settled in full not once, but thrice—by the trial court, the appellate court, and finally, by the Court itself.

The Court maintains that the supposed inconsistencies in the testimonies of complainant and her father refer to trivial matters which do not alter his liability for sexual abuse. It all began when he succeeded in convincing complainant that they were husband and wife in the eyes of God. To recall, complainant was only 12 years old at that time. Too, the prosecution was able to establish beyond any shadow of doubt each element of violation of Section 5(b) of Republic Act No. 7610.

Petitioner likewise fails to raise any new or substantial issue warranting reconsideration of the Resolution[5] dated January 29, 2024. Thus, the verdict of conviction stands.

In furtherance of the objective of Republic Act No. 7610 to provide special protection to children and to assist in the rehabilitation of child victims, a fine in the amount of PHP 15,000.00 is imposed on petitioner in accordance with *People v. Trocio*[6] in addition to his liability for civil indemnity, moral damages, and exemplary damages each in the amount of PHP 50,000.00.

ACCORDINGLY, the Motion for Reconsideration is DENIED for lack of merit. The Decision dated March 22, 2023 and Resolution dated September 7, 2023 of the Court of Appeals, Manila in CA-G.R. CR No. 46378 are

AFFIRMED WITH MODIFICATION.

In Criminal Case No. 16-0821, petitioner Avail John Domingo y Linatoc is GUILTY of violation of Section 5(b) of Republic Act No. 7610. He is sentenced to the indeterminate penalty of eight years and eight months of prison mayor as minimum, to 18 years of reclusion temporal as maximum, and ordered to pay the amounts of PHP 50,000.00 as civil indemnity, PHP 50,000.00 as moral damages, PHP 50,000.00 as exemplary damages, and PHP 15,000.00 as fine.

All monetary awards shall earn 6% legal interest per annum.[7]

SO ORDERED."

Leonen, SAJ. (Chairperson), J. Lopez, and Kho, Jr., JJ., concur.
M. Lopez,[*] J., on official leave.

[*] On official leave.

[1] Rollo, pp. 188-196.

[2] Id. at 185-186.

[3] Id. at 105.

[*] In line with Amended Administrative Circular No. 83-2015, as mandated by Section 29 of Republic Act No. 7610, Section 44 of Republic Act No. 9262, and Section 40 of A.C. No. 83-2015, 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.

[4] Rollo pp. 190-193.

[5] Id. at 185-186.

[6] G.R. No. 252791, August 23, 2022 [Per J. Inting, Third Division].

[7] G.R. No. 225433, September 20, 2022 [Per J. Leonen, En Banc].

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