



SUPREME COURT OF THE PHILIPPINES  
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Republic of the Philippines  
**Supreme Court**  
Manila

**FIRST DIVISION**

**JOSEPH DELOS SANTOS y  
PADRINAO,**

Petitioner,

**G.R. No. 227581**

**Present:**

PERALTA, C.J., *Chairperson*,  
CAGUIOA, *Working Chairperson*,  
REYES, J. JR.,  
GESMUNDO,\* and  
LOPEZ, JJ.

— versus —

**PEOPLE OF THE PHILLIPNES,**  
Respondent.

**Promulgated:**

**JAN 15 2020**

X ----- X

**DECISION**

**REYES, J. JR., J.:**

**The Case**

This Petition for Review on *Certiorari* under Rule 45 of the Rules of Court, assails the July 7, 2016 Decision<sup>1</sup> and the October 12, 2016 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CR No. 35865, which affirmed the June 28, 2013 Decision<sup>3</sup> of the Regional Trial Court (RTC), Branch 172, Valenzuela City in Criminal Case No. 870-v-07, finding the petitioner Joseph Delos Santos y Padrinao (Delos Santos) guilty beyond reasonable doubt of violating Section 10(a), Article VI of Republic Act (R.A.) No. 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

\* Additional member in lieu of Associate Justice Amy C. Lazaro-Javier, per Raffle dated January 6, 2020.  
<sup>1</sup> Penned by Associate Justice Melchor Q.C. Sadang, with Associate Justices Celia C. Librea-Leagogo and Amy C. Lazaro-Javier (now a Member of the Court), concurring; *rollo*, pp. 33-40.  
<sup>2</sup> Id. at 42-42-A.  
<sup>3</sup> Penned by Judge Nancy Rivas-Palmones; id. at 58-60.

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### The Facts

The Information<sup>4</sup> charged Delos Santos with slight physical injuries, in relation to R.A. No. 7610, as follows:

That on or about August 31, 2007, in Valenzuela City and within the jurisdiction of this Honorable Court, the above-named accused, together with other person whose name, identity, and present whereabouts still unknown, conspiring, confederating and mutually helping one another, without any justifiable cause, did then and there willfully, unlawfully, and feloniously maul one AAA, 17 years old, hitting the latter on the face and chest, thereby inflicting upon the latter physical injuries which injuries required medical attendance for a period of less than (9) days and incapacitated said victim from performing her habitual work for the same period of time, thereby subjecting said minor to psychological and physical abuse, cruelty and emotional maltreatment.

Delos Santos pleaded not guilty during arraignment.<sup>5</sup>

During trial, the prosecution presented: (1) AAA,<sup>6</sup> the victim, and (2) Clemente Daluro, Jr. (Daluro), the victim's companion, as witnesses.<sup>7</sup> The parties stipulated on the testimony of Elizabeth Lim, who was the records custodian of Valenzuela General Hospital.<sup>8</sup>

AAA testified that at around 11:00 p.m. on August 31, 2007, she and Daluro were on their way to her house along Padrinao Street, Karuhatan, Valenzuela when Delos Santos and his group confronted them. Delos Santos' brother, Bob Delos Santos (Bob), said "*nag-iinit na ako*," as he wanted to punch Daluro. Bob attempted to hit Daluro with a rock, but AAA apologized to prevent a commotion. Bob remarked that he was not holding a rock.<sup>9</sup>

Delos Santos attempted to punch Daluro, but he dodged it and AAA was hit on the right cheek instead. Bob punched AAA on the chest causing her to hit a wall. AAA asked Delos Santos' companions to call her mother for help, but Bob interrupted and said "*tama lang yan sa inyo pagtripan dahil dinemanda n'yo kami*." Delos Santos hurled invectives at AAA, who was calling her mother on her way to her house with Daluro.<sup>10</sup>

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<sup>4</sup> Id. at 33-34.

<sup>5</sup> Id. at 34.

<sup>6</sup> Pursuant to *People v. Cabalquinto*, GR. No. 167693, September 19, 2006, 533 Phil. 703-719, the Court shall withhold the real name of the victim-survivor and shall use fictitious initials instead to represent her. Likewise, the personal circumstances of the victims-survivors or any other information tending to establish or compromise their identities, as well those of their immediate family or household members, shall not be disclosed.

<sup>7</sup> Id.

<sup>8</sup> Id. at 35.

<sup>9</sup> Id. at 34.

<sup>10</sup> Id.

AAA's mother, who had earlier filed a complaint against Delos Santos' group, heard the call and turned on the terrace light. Delos Santos and his group fled. AAA told her mother what happened and they reported the incident to the *barangay*. At the *barangay*, four of the six men apologized, but Delos Santos and Bob did not. AAA was brought to the Valenzuela General Hospital for treatment. She suffered a "contusion at the right supraorbital area, secondary to mauling."<sup>11</sup>

Daluro corroborated AAA's testimonies that Delos Santos' group approached them and that Bob uttered "*nag-iinit na ako.*" Bob said he was holding a rock and threatened to hit him, but AAA got in the way causing her to be hit instead. AAA asked them why they were "making fancy of them," to which Bob replied, "*Dapat lang sa inyo yan dinemanda kami ng nanay n'yo.*" AAA and Daluro went away, but Delos Santos' group followed them to her house. When the terrace light was turned on, Delos Santos' group ran away.<sup>12</sup>

On the other hand, the defense presented: (1) Delos Santos, and (2) Noel Magbanua (Magbanua), as their witnesses.<sup>13</sup>

Delos Santos denied the charge against him and testified that at around 11:30 p.m. of August 31, 2007, he was in his sister's store resting and smoking when a *barangay* official came to arrest him because he allegedly hurt AAA. Delos Santos claimed that AAA's accusation was due to the confrontation of their respective mothers at the *barangay*.<sup>14</sup>

Magbanua testified that he was a *purok* leader of Purok 31 from 2006 to 2007. He kept a log of incidents within his jurisdiction, and there was no incident recorded on August 31, 2007.<sup>15</sup>

On June 28, 2013, the RTC convicted Delos Santos of the crime charged and imposed the penalty of imprisonment of four years, two months, and one day of *prision correccional* as minimum to six years and one day of *prision mayor* as maximum, and to pay ₱10,000.00 as moral damages.<sup>16</sup>

Delos Santos appealed to the CA, which the latter denied in its July 7, 2016 Decision.<sup>17</sup> Delos Santos moved for reconsideration, which the CA again denied in its October 12, 2016 Resolution.<sup>18</sup> Undeterred, Delos Santos filed this petition before the Court assailing the CA Decision and Resolution.

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<sup>11</sup> Id. at 34-35.

<sup>12</sup> Id. at 35.

<sup>13</sup> Id.

<sup>14</sup> Id.

<sup>15</sup> Id.

<sup>16</sup> Id. at 60.

<sup>17</sup> Supra note 1.

<sup>18</sup> Supra note 2.

### The Issue

The sole issue presented before the Court is whether or not the CA erred in affirming the RTC Decision.

### The Court's Ruling

The petition is denied.

Rule 45 of the Rules of Court, as amended, states that only questions of law shall be raised in a petition for review on *certiorari*. This rule has exceptions and Delos Santos raised two of them as grounds to allow his petition: 1) when the judgment is based on misapprehension of facts, and 2) when the CA manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion.<sup>19</sup>

The Court finds that none of the exceptions raised are applicable in this case. The CA was correct to affirm the RTC's conviction of Delos Santos. The CA's ruling was based on facts, law, and jurisprudence. The Court opines that the exceptions raised were intended to mask the factual nature of the issue raised before the Court. Delos Santos alleges that "the [CA] gravely erred in convicting [him] despite the prosecution's failure to establish that all the elements to constitute the crime of child abuse under Section 10 of R.A. No. 7610 are present in this case."<sup>20</sup>

To determine whether the prosecution established all the elements of the crime, the Court has to read the transcript of stenographic notes and review the documentary evidence presented. In short, the Court has to reevaluate the evidence on record. Evaluation of evidence is an indication that the question or issue posed before the Court is a question of fact or a factual issue.

In *Century Iron Works, Inc. v. Bañas*,<sup>21</sup> the Court differentiated between question of law and question of fact, thus:

A question of law arises when there is doubt as to what the law is on a certain state of facts, while there is a question of fact when the doubt arises as to the truth or falsity of the alleged facts. For a question to be one of law, the question must not involve an examination of the probative value of the evidence presented by the litigants or any of them. The resolution of the issue must rest solely on what the law provides on the given set of circumstances. Once it is clear that the issue invites a review of the evidence presented, the question posed is one of fact.

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<sup>19</sup> *Rollo*, pp. 17-18.

<sup>20</sup> *Id.* at 18.

<sup>21</sup> 711 Phil. 576, 585-586 (2013).

Thus, the test of whether a question is one of law or of fact is not the appellation given to such question by the party raising the same; rather, it is whether the appellate court can determine the issue raised without reviewing or evaluating the evidence, in which case, it is a question of law; otherwise it is a question of fact.

Applying the test to this case, it is without doubt that the issue presented before the Court is factual in nature, which is not a proper subject of a petition for review on *certiorari* under Rule 45 of the Rules of Court. It has been repeatedly pronounced that the Court is not a trier of facts. Evaluation of evidence is the function of the trial court.

The Court finds no error in the substance of the CA Decision.

Delos Santos was charged, tried, and found guilty of violating Section 10(a), Article VI, of R.A. No. 7610, which states:

SEC. 10. *Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child's Development.*

- (a) **Any person who shall commit any other acts of child abuse, cruelty or exploitation or to be responsible for other conditions prejudicial to the child's development** including those covered by Article 59 of Presidential Decree No. 603, as amended, but not covered by the Revised Penal Code, as amended, shall suffer the penalty of *[prision mayor]* in its minimum period. (Emphasis supplied)


Section 3(b) of the same law defined child abuse as:

SEC. 3. *Definition of Terms.*

x x x x

- (b) **"Child abuse" refers to the maltreatment, whether habitual or not, of the child which includes any of the following:**
- (1) **Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;**
  - (2) **Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being[.]** (Emphases supplied)

x x x x



Debasement is defined as “the act of reducing the value, quality, or purity of something.” Degradation, on the other hand, means the “lessening of a person’s or thing’s character or quality.”<sup>22</sup>

Intent is a state of mind that accompanies the act.<sup>23</sup> Since intent is an internal state, the same can only be verified through the external acts of the person. In this case, there are several circumstances that reveal the intent of Delos Santos to debase or degrade the intrinsic worth of AAA.

*First*, AAA and Daluro testified that Delos Santos’ group approached them and Bob said “*nag-iinit na ako*.” The initial move came from Delos Santos’ group without provocation on the part of AAA or Daluro. The act of approaching with the words “*nag-iinit na ako*” indicates that there was intent to confront or to challenge AAA and Daluro to a fight. This is contrary to Delos Santos’ claim that the incident was accidental.

*Second*, Bob threatened to hit Daluro with a stone and Delos Santos attempted to punch him, which unfortunately landed on AAA. Then Bob punched AAA on the chest causing her to hit a wall. These acts are obviously aimed to hurt, harass, and to cause harm, either physically, mentally, emotionally, or psychologically, on AAA and Daluro.

*Third*, Bob said “*tama lang yan sa inyo pagtripan dahil dinemanda n’yo kami*.” Then Delos Santos hurled invectives at AAA and Daluro. Their words reveal that they were motivated by revenge, which is their justification for their actions. Hurling invectives on a person is debasing, degrading, and demeaning as it reduces a person’s worth.

*Fourth*, Delos Santos’ group followed AAA and Daluro home, which implies that they had no intention to stop their misdeeds had it not been for the timely intervention of AAA’s mother.

*Lastly*, Delos Santos and Bob did not apologize to AAA and to Daluro during the confrontation at the *barangay*. If indeed the incident was unintentional, they could have explained so during the confrontation. However, there was no trace of remorse from them.

Delos Santos and Bob’s words and actions characterized physical and psychological child abuse, and emotional maltreatment, all of which debase, degrade, and demean the intrinsic worth and dignity of a child as a human being.

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<sup>22</sup> *Jabalde v. People*, 787 Phil. 255, 270 (2016), citing Black’s Law Dictionary 430 (8<sup>th</sup> ed. 2004).

<sup>23</sup> *Id.* at 272.

The Court resolves to deny the petition after finding that the CA did not commit any reversible error in the assailed decision and resolution. The CA had exhaustively explained the law and jurisprudence, which were the bases of its decision and resolution. Both the trial court and the appellate court are consistent in their findings of fact that Delos Santos is guilty beyond reasonable doubt of slight physical injuries in relation to R.A. No. 7610.

Delos Santos was mistaken when he cited the case of *Bongalon v. People*.<sup>24</sup> The factual backdrop of that case is different from the instant case. In *Bongalon*, the accused was convicted of the crime of slight physical injuries instead of violation of Section 10(a) of R.A. No. 7610, because of the absence of intent to debase the intrinsic worth and dignity of the child. The physical harm committed against the minor was committed “at the spur of the moment and in anger, indicative of his being then overwhelmed by his fatherly concern for the personal safety of his own minor daughters x x x.”<sup>25</sup>

Here, the accosting and laying of hands are deliberately intended by Delos Santos and his group. As interpreted by the CA, the word “*pagtripan*” signified an intention to debase or degrade that did not result from an unexpected event. The acts of Delos Santos were offshoots of an intent to take revenge arising from the conflict existing between his mother and AAA’s mother. Delos Santos did not lose his self-control and the acts were not done at the spur of the moment.

Delos Santos merely interposes an alibi that he was resting and smoking at his sister’s store at the time of the incident. It is a well-settled rule that alibi and denial are inherently weak defenses and they deserve scant regard when the prosecution has clearly established the identity of the accused.<sup>26</sup>

On the imposable penalty, the Court modifies the maximum indeterminate penalty. Considering the absence of any modifying circumstance, the maximum indeterminate penalty must be *prision mayor* in its medium period of six (6) years, eight (8) months and one (1) day to seven (7) years and four (4) months. The Court sustains the minimum indeterminate penalty imposed by the RTC.

**WHEREFORE**, premises considered, the July 7, 2016 Decision and the October 12, 2016 Resolution of the Court of Appeals in CA-G.R. CR No. 35865 are **AFFIRMED WITH MODIFICATION** in that the moral damages imposed by the Regional Trial Court shall earn an interest of 6% per annum from the date of finality of this Decision until fully paid.

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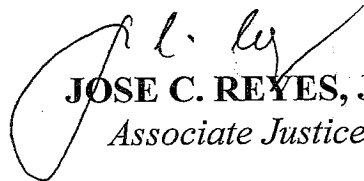
<sup>24</sup> 707 Phil. 11 (2013).

<sup>25</sup> Id. at 21.

<sup>26</sup> See *People v. Barberan*, 788 Phil. 103, 113 (2016).

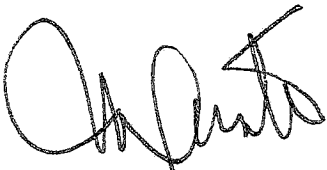
The Court imposes the minimum indeterminate penalty of *prision correccional* in its maximum period of four (4) years, two (2) months, and one (1) day and a maximum indeterminate penalty of *prision mayor* in its medium period of six (6) years, eight (8) months and one (1) day.

**SO ORDERED.**

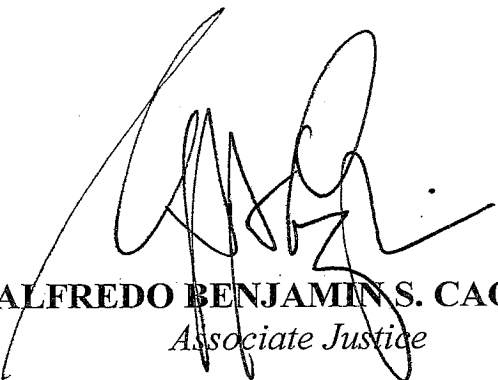


**JOSE C. REYES, JR.**  
*Associate Justice*

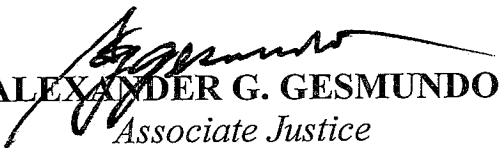
**WE CONCUR:**



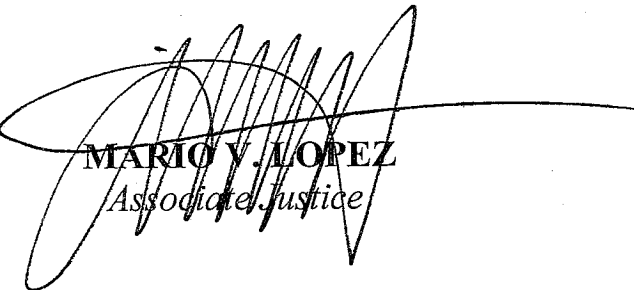
**DIOSDADO M. PERALTA**  
*Chief Justice*  
*Chairperson*



**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*



**ALEXANDER G. GESMUNDO**  
*Associate Justice*

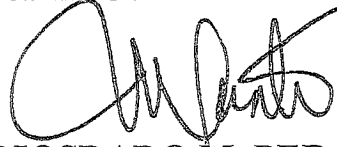


**MARIO V. LOPEZ**  
*Associate Justice*



**CERTIFICATION**

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



**DIOSDADO M. PERALTA**  
*Chief Justice*

