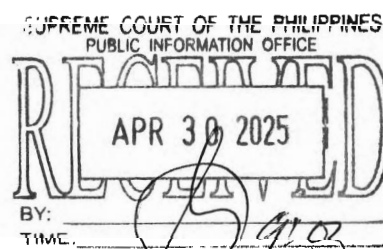




Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION



XXX271940,
Petitioner,

G.R. No. 271940

-versus-

Present:
LEONEN, *SAJ.*, Chairperson,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., and
KHO, JR., * *JJ.*

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

JAN 22 2025

X-----X

DECISION

LOPEZ, J., *J.*:

This Court resolves a Petition for Review on *Certiorari*¹ assailing the Decision² and the Resolution³ of the Court of Appeals (CA), which affirmed the Judgment⁴ of the Regional Trial Court (RTC) convicting XXX271940⁵ of child abuse under Section 10(a) of Republic Act No. 7610.⁶

* On official business.

¹ *Rollo*, pp. 11–31.

² *Id.* at 33–47. The June 23, 2023 Decision in CA-G.R. CR No. 02093-MIN was penned by Associate Justice Anisah B. Amanodin-Umpa and concurred in by Associate Justices Evalyn M. Arellano-Morales and John Z. Lee of the Twenty-Second Division, Court of Appeals, [REDACTED].

³ *Id.* at 49–50. The January 16, 2024 Resolution in CA-G.R. CR No. 02093-MIN was penned by Associate Justice Anisah B. Amanodin-Umpa and concurred in by Associate Justices Evalyn M. Arellano-Morales and John Z. Lee of the Twenty-Second Division, Court of Appeals, [REDACTED].

⁴ *Id.* at 67–74. The May 6, 2019 Judgment in Criminal Case No. 21794 was penned by Presiding Judge Rogelio D. Laquihon of Branch [REDACTED], Regional Trial Court, [REDACTED].

⁵ In line with Amended Administrative Circular No. 83-2015, as mandated by Republic Act No. 7610, 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.

⁶ *Id.* at 73.

The Antecedents

The instant case stemmed from an Information filed against XXX271940, the accusatory portion of which states:

That in the morning, on or about the 13th day of July, 2017, in the Municipality of [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being the father of one [AAA271940], an eight (8) year old minor, with intent to abuse and inflict conditions prejudicial to a child's development, did then and there willfully, unlawfully and knowingly rush inside their residence, close its door while carrying a *bolo* thereby giving the said minor child the impression that respondent will rape or sexually assault her, to her damage and prejudice.

CONTRARY TO LAW [Violation of Sec. 10)a) of R.A. 7610].⁷

During arraignment, XXX271940 pleaded not guilty to the charge against him.⁸ Pre-trial commenced, and then trial on the merits proceeded.⁹

The prosecution presented the testimonies of the following witnesses: (1) the victim, AAA271940;¹⁰ (2) the victim's sister, BBB271940;¹¹ and (3) Dr. Hazel Eiza C. Soriano-Biclar (Dr. Soriano-Biclar).¹²

According to the prosecution, at around 9:00 a.m. on July 13, 2017, then 8-year-old AAA271940 was at their house, preparing feeds for their pigs. Suddenly, her father, who was holding a *bolo*, closed the kitchen door and approached her. Upon seeing the bladed weapon, she ran away as she thought he would do something bad to her. While running, AAA271940 saw a certain Boboy near a small coconut tree. Boboy then accompanied her to her mother, CCC271940. She then narrated the incident to her and also the other incidents of abuse allegedly committed by XXX271940 against her. AAA271940 further explained that she was terrified of XXX271940 as it would have been the fifth time that her father raped her had she not been able to escape.¹³

Dr. Soriano-Biclar conducted a psychiatric clinical interview and psychological examination on AAA271940 revealing that she was experiencing trauma, feelings of rejection, feelings of helplessness, immaturity, dependency, timidity, and fearfulness in one's relationship with

⁷ RTC records, p. 1.

⁸ *Id.* at 17.

⁹ *Id.* at 23–25.

¹⁰ TSN, [REDACTED], January 15, 2018, pp. 1–9; TSN, [REDACTED], February 12, 2018, pp. 1–3.

¹¹ TSN, [REDACTED], January 18, 2018, pp. 1–9.

¹² TSN, Dr. Hazel Eliza Soriano-Biclar, April 30, 2018, pp. 1–6.

¹³ *Rollo*, p. 35.

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others. Dr. Soriano-Biclar concluded that the incident gave AAA271940 the impression that she would be raped or abused again. These findings were also explained in court when she testified.¹⁴

After the prosecution rested its case, the defense waived the right to present evidence.¹⁵

Subsequently, the RTC issued its Judgment¹⁶ finding XXX271940 guilty of child abuse under Section 10(a) of Republic Act No. 7610. The dispositive portion of the Judgment states:

WHEREFORE, in view of the foregoing considerations, the court finds accused [XXX271940] guilty beyond reasonable doubt as principal by direct participation of the crime of violation of Section [10(a)] of [Republic Act] No. 7610 and imposing upon him the indeterminate penalty of four (4) years, nine (9) months[,] and eleven (11) days of *prision correccional*, as minimum, to eight (8) years, *prision mayor*, as maximum, with full credit of the period during which he was under detention.

He is further ordered to pay private complainant AAA[271940] moral damages in the amount of [PHP] 30,000.00 which shall earn legal interest at the rate of six percent (6%) per annum from the finality of this judgment until fully paid.

SO ORDERED.¹⁷

In convicting XXX271940, the RTC gave credence to the testimony of AAA271940 and took into account her youth and immaturity.¹⁸ The trial court was convinced that the prosecution proved the elements of the offense.¹⁹ Thus, it imposed the indeterminate penalty of four years, nine months, and 11 days of *prision correccional*, as minimum, to eight years, *prision mayor*, as maximum. The RTC also ordered XXX271940 to pay AAA271940 moral damages in the amount of PHP 30,000.00 and legal interest at the rate of 6% per annum from the finality of the Judgment until fully paid.²⁰

Aggrieved, XXX271940 appealed to the CA.²¹

¹⁴ *Id.* at 36.

¹⁵ *Id.* at 36, 70.

¹⁶ *Id.* at 67-74.

¹⁷ *Id.* at 73-74.

¹⁸ *Id.* at 70.

¹⁹ *Id.* at 72.

²⁰ *Id.* at 73-74.

²¹ *Id.* at 75-90.

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In its Decision,²² the CA affirmed the ruling of the RTC convicting XXX271940 of child abuse under Section 10(a) of Republic Act No. 7610.²³ It found that the acts constituting child abuse were sufficiently established by the prosecution. The CA believed the claim of AAA271940 that XXX271940 suddenly approached her with a *bolo* and closed the door of the kitchen. The CA was also convinced that XXX271940's conduct made AAA271940 nervous and caused her to run away as she thought he might do something bad to her.²⁴ Further, The CA gave credence to the psychological evaluation conducted on her that confirmed the trauma she suffered.²⁵

XXX271940 filed a Motion for Reconsideration,²⁶ which was denied by the CA in a Resolution.²⁷

Hence, XXX271940 filed this Petition.

In the present Petition, XXX271940 insists that the prosecution failed to prove all the elements of child abuse under Section 10(a) of Republic Act No. 7610.²⁸ He maintains that his act of rushing into the residence, closing the door, and carrying a *bolo* did not prove the offense of child abuse as there was no intention to degrade or demean the inherent value and dignity of the child as a human being.²⁹

Meanwhile, in its Comment,³⁰ the Office of the Solicitor General (OSG) argues that the elements of other acts of abuse were duly proven by the prosecution.³¹ It adds that a petition for review on *certiorari* under Rule 45 of the Rules of Court is limited only to questions of law.³² The OSG also maintains that the allegation of previous rape attempts was properly considered in assessing the effect of XXX271940's conduct toward his minor child.³³ It recognizes that while the alleged previous rape attempts could be tried separately, these also prove the extent of psychological damage or trauma caused to AAA271940.³⁴

²² *Id.* at 33–46.

²³ *Id.* at 46.

²⁴ *Id.* at 42–43.

²⁵ *Id.* at 43–44.

²⁶ *Id.* at 85–90.

²⁷ *Id.* at 49–50.

²⁸ *Id.* at 19–22.

²⁹ *Id.* at 22–24.

³⁰ *Id.* at 101–112.

³¹ *Id.* at 104–106.

³² *Id.* at 106–107.

³³ *Id.* at 108.

³⁴ *Id.*



Issue

Whether petitioner XXX271940 is guilty of child abuse under Section 10(a) of Republic Act No. 7610.

This Court's Ruling

The Petition is denied.

As a rule, issues dealing with the sufficiency of evidence and the relative weight accorded to it by the lower court cannot be raised in a petition for review on *certiorari* under Rule 45 of the Rules of Court, which is confined to questions of law, because the Court is not a trier of facts. The issue of whether the prosecution sufficiently established the elements of child abuse under Section 10(a) of Republic Act No. 7610 is a question of fact that is beyond the scope of a petition for review on *certiorari* under Section 1 of the same Rule. Here, this Court finds no reason to depart from the factual findings of the RTC and the CA which were adequately supported by evidence.

Nevertheless, even if this Court scrutinizes the arguments of petitioner, there is still no reason to depart from the findings of the RTC and the CA.

Section 10(a) of Republic Act No. 7610 states:

SECTION 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 [prison mayor] in its minimum period.

In *Araneta v. People*,³⁵ this Court identified the four distinct acts contemplated by Section 10(a) of Republic Act No. 7610. These include: (1) child abuse; (2) child cruelty; (3) child exploitation; and (4) being responsible for conditions prejudicial to the child's development.³⁶

In determining the guilt of petitioner, Section 10(a) of Republic Act No. 7610 must be read with Section 3(b) of the same law which offers an enumeration of acts that may be considered "child abuse," thus:

³⁵ 578 Phil. 876 (2008) [Per J. Chico-Nazario, Third Division].

³⁶ *Id.* at 884–886.

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Section 3. Definition of Terms.

....

(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;
- (3) Unreasonable deprivation of his basic needs for survival, such as food and shelter; or
- (4) Failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in his permanent incapacity or death. (Emphasis supplied)

In the present case, petitioner argues that the prosecution failed to prove the intent to degrade or demean the inherent value and dignity of the child as a human being. In resolving this issue, this Court is guided by the ruling in *San Juan v. People*³⁷ in which the intent required in Section 3(b)(1) of Republic Act No. 7610 was differentiated from the intent required in Section 3(b)(2) as follows:

[Section 3(b)(1)] focuses on the act and the general criminal intent to commit the physical or psychological abuse, while [Section 3(b)(2)], which, in addition to general criminal intent, requires specific criminal intent to debase, degrade[,] or demean the intrinsic worth of the child as a human being. The distinction primarily flows from the difference in language, wherein [Section 3(b)(1)] articulates specific acts falling thereunder (i.e. “neglect,” “abuse,” “cruelty,” etc.), while [Section 3(b)(2)] is directed against “any act by deeds or words,” which expansive language must be delimited by the qualifier “which debases, degrades[,] or demeans the intrinsic worth and dignity of a child as a human being.”

....

This Court clarified in *Malcampo-Repollo v. People* that not all crimes punishable under [Republic Act] No. 7610 requires proof of such specific intent:

The act of debasing, degrading, or demeaning the child’s intrinsic worth and dignity as a human being has been characterized as a specific intent in some forms of child abuse. The specific intent becomes relevant in child abuse when: (1) it is required by a specific provision in Republic Act No. 7610, as for instance, in lascivious conduct; or (2) when the act is

³⁷ G.R. No. 236628, January 17, 2023 [Per J. J. Lopez, *En Banc*]. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

described in the [I]nformation as one that debases, degrades, or demeans the child's intrinsic worth and dignity as a human being.

Thus, it is only when the Information alleges a specific intent, or when the provision of law demands it, must the prosecution prove its existence. Specific intent becomes significant for determining the specific provision – whether under the RPC, under [Republic Act] No. 7610, or even other criminal laws – under which an act will be punished. As such, where the specific intent is not proven under a provision of law, the act may still be punished under other applicable penal laws provided that the elements of the crime has been satisfied. It is only when both general and specific intent are not proven that an accused is entitled to acquittal.³⁸

In the recent case of *Plasan v. People*,³⁹ this Court reiterated the ruling in *San Juan* and highlighted that Section 10(a) of Republic Act No. 7610 only requires the specific intent to debase, degrade, or demean the intrinsic worth of a child victim when the offense charged covers acts falling under Section 3(b)(2).⁴⁰ It was underscored that this specific intent is not required when the offense involved pertains to any of the acts punished under Section 3(b)(1) such as “[p]sychological and physical abuse, neglect, cruelty, sexual abuse[,] and emotional maltreatment.”⁴¹

A careful scrutiny of the Information filed against petitioner reveals that it did not include the qualifying allegations of “debases, degrades, or demeans the intrinsic worth and dignity of a child as a human being.” Instead, the Information alleged that he rushed “inside their residence, close[d] its door while carrying a *bolo*[,] thereby giving the said minor child the impression that respondent will rape or sexually assault her, to her damage and prejudice.”⁴² It was further averred that his conduct was “with intent to abuse and inflict conditions prejudicial to a child’s development.”⁴³ From the foregoing, the act complained of in the Information falls under Section 3(b)(1). Hence, the argument of petitioner that the intent to degrade or demean the inherent value and dignity of the child as a human being must be proven is misplaced.

To ascertain the guilt of petitioner, it is the general criminal intent to commit psychological abuse and be responsible for other conditions prejudicial to the child victim that must be taken into consideration. Having established the parameters to be observed in scrutinizing the criminal liability of petitioner, this Court shall now determine whether his guilt for violation of Section 10(a) of Republic Act No. 7610 was proven beyond reasonable doubt.

³⁸ *Id.* at 15–18.

³⁹ G.R. No. 262122, October 23, 2023 [Per J. J. Lopez, Second Division]. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁴⁰ *Id.* at 6.

⁴¹ *Id.*

⁴² RTC records, p. 1.

⁴³ *Id.*

In *San Juan*, this Court held that the act of pointing a firearm towards a minor is an act punishable under Section 10(a) of Republic Act No. 7610, in relation to Section 3(b)(1) of the same law. It also stressed that this act is “intrinsically cruel.”⁴⁴ It explained that:

[I]n the normal course of things, a gun, when displayed, moreso, when pointed towards another, regardless of age, instantly generates fear.

It bears emphasis that the object involved in this case is a gun. Unlike other objects that may be used to hurt a child, a gun serves no other purpose than to cause injury or death. In the hands of a person with ill-motive, the objective to injure or kill could be achieved; in the hands of a person with good intention, the objective to repel an unlawful aggression may be accomplished. In these cases, one has to cause injury in order to achieve either objective.

Certainly, when there is nothing to defend against, any preparatory act of using a gun, as by pointing it towards a minor, would only cause fear in the mind of that person. With the only remaining act of pulling the trigger of a gun, it is the near possibility of the resulting death or injury that will remain etched in the mind of the minor. There is no denying that psychological harm immediately results therefrom, which falls as psychological abuse, as Section 3(b) of [Republic Act] No. 7610 classifies maltreatment as child abuse based on the act committed, whether it be habitual or not.⁴⁵

In *San Juan*, a different weapon was involved and the information alleged psychological cruelty and emotional maltreatment.⁴⁶ Meanwhile, in the present case, the weapon involved was a *bolo* and the Information alleged that petitioner’s conduct was intended “to abuse and inflict conditions prejudicial to a child’s development” as it created the “impression that respondent will rape or sexually assault her, to her damage and prejudice.”⁴⁷ Nevertheless, this Court’s ruling in *San Juan* remains relevant to the present case because the resulting injuries to the victims in both cases are the same.

Psychological abuse is defined in Section 2(b) of the Implementing Rules and Regulations (IRR) of Republic Act No. 7610 as follows:

“Psychological injury” means harm to a child’s psychological or intellectual functioning which may be exhibited by severe anxiety, depression, withdrawal[,] or outward aggressive behavior, or a combination of said behaviors, which may be demonstrated by a change in behavior, emotional response or cognition[.]

⁴⁴ *San Juan v. People*, G.R. No. 236628, January 17, 2023 [Per J. J. Lopez, *En Banc*]. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁴⁵ *Id.* at 21–22.

⁴⁶ *Id.* at 18–19.

⁴⁷ RTC records, p. 1.

Meanwhile, there is no specific provision in Republic Act No. 7610 and its IRR that defines what constitutes being responsible for other conditions prejudicial to the child's development. Nonetheless, based on its plain language, any conduct that creates a condition that is harmful to the development of a child victim may be punished under this mode of commission of Section 10 (a) of Republic Act No. 7610. While there are four different modes of commission in Section 10 (a), these modes may overlap such as when the commission of child abuse constitutes conduct that gives rise to a condition deleterious to the development of a child, as in this case.

Here, it cannot be denied that rushing towards AAA271940 with a large bladed weapon such as a *bolo* constitutes both child abuse and has resulted to a condition prejudicial to her development. Petitioner had no justified reason for rushing towards his daughter with a *bolo* on his hand. It serves no other purpose than to intimidate or to threaten to harm her, causing psychological injury to her detriment. He gave no reasonable explanation for his conduct despite being given an opportunity to do so. It must be pointed out that he waived his right to present evidence during trial. Even in the present Petition, petitioner did not bother to explain his conduct as he merely argued that the prosecution failed to prove that he intended to debase, degrade, or demean the intrinsic worth and dignity of AAA271940.

The immediate reaction and behavior of AAA271940, which were corroborated by the other witnesses of the prosecution and the psychological evaluation conducted on her, proved the impact of petitioner's conduct on her. During her testimony, she expressed the fear she felt when petitioner barged towards her with a *bolo*, as revealed in the exchange quoted below:

Q Then[,] what did you do?

A I ran[.]

Q Why did you run?

A Because I was afraid[.]

Q Why were you afraid?

A Because he was bringing *bolo* and that he might be again do bad something to me. [sic]

Q What was his purpose of bringing *bolo*?

A So that I will not be able to escape[,] but I was escaped. [sic]

....

Q [AAA271940,] why did you feel fear when you saw your father bringing a *bolo* and knife on July 13, 2017?

A Because he might kill me.

Q Did you feel fear because your mother and sibling were away at that time?

A [Y]es, [S]ir.⁴⁸

It is clear from the foregoing that the threat of harm that AAA271940's father impressed upon her left a lasting effect on her well-being. Because of the nature of the weapon he carried when he charged towards his daughter and the alleged history of abuse she suffered in the hands of her father, it cannot be denied that his conduct caused psychological abuse and was prejudicial to her development, an offense punished under Section 10(a) of Republic Act No. 7610.

There is a need to modify the penalty imposed by the CA

There is a need to modify the penalty imposed by the CA. To recall, the CA affirmed the ruling of the RTC sentencing petitioner to suffer the indeterminate penalty of four years, nine months, and 11 days of *prision correccional*, as minimum, to eight years *prision mayor*, as maximum.⁴⁹

Section 10(a) of Republic Act No. 7610 prescribes the penalty of *prision mayor* in its minimum period, which has a period of six years and one day to eight years. In the absence of any mitigating or aggravating circumstance, the maximum penalty to be imposed upon petitioner shall be taken from the medium period of the imposable penalty, which has a range of six years, eight months, and one day to seven years and four months. Applying the Indeterminate Sentence Law, the minimum penalty to be imposed shall be taken one degree lower from the imposable penalty, which is *prision correccional* maximum, with a range of four years, two months, and one day to six years. Considering the prevailing circumstances, this Court deems it proper to impose the penalty of four years, nine months, and 11 days as minimum, to seven years, and four months, as maximum term of imprisonment.

The award of PHP 30,000.00 as moral damages is affirmed. But, in line with this Court's ruling in *San Juan*, this Court finds petitioner liable to pay AAA271940 PHP 20,000.00 as exemplary damages⁵⁰ on account of the psychological abuse she suffered. In addition, this Court imposes a fine of PHP 15,000.00 in accordance with Section 31(f)⁵¹ of Republic Act No. 7610.

⁴⁸ TSN, [REDACTED], January 15, 2018, pp. 5-8.

⁴⁹ *Rollo*, p. 46.

⁵⁰ CIVIL CODE, art. 2229, sec. 5.

⁵¹ Republic Act No. 7610 (1992), sec. 31(f) states:


Section 31. *Common Penal Provisions*. —

....
(f) A fine to be determined by the court shall be imposed and administered as a cash fund by the Department of Social Welfare and Development and disbursed for the rehabilitation of each child victim, or any immediate member of his family if the latter is the perpetrator of the offense.

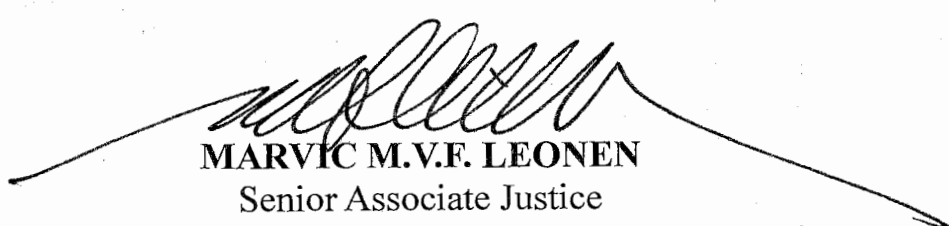
All monetary awards shall earn interest at the rate of 6% per annum from the finality of this Decision until full payment.

ACCORDINGLY, the Petition is **DENIED**. The June 23, 2023 Decision and January 16, 2024 Resolution in CA-G.R. CR No. 02093-MIN are **AFFIRMED with MODIFICATION**. Petitioner XXX271940 is **GUILTY** of child abuse under Section 10(a), in relation to Section 3(b)(1), of Republic Act No. 7610. He is sentenced to suffer imprisonment of four years, nine months, and 11 days, as minimum, to seven years and four months, as maximum. He is **ORDERED to PAY** a fine of PHP 15,000.00. He is further **ORDERED to PAY** private complainant AAA271940 the amounts of PHP 30,000.00 as moral damages and PHP 20,000.00 as exemplary damages. All monetary awards shall earn interest at the rate of 6% per annum reckoned from the finality of this Decision until full payment.

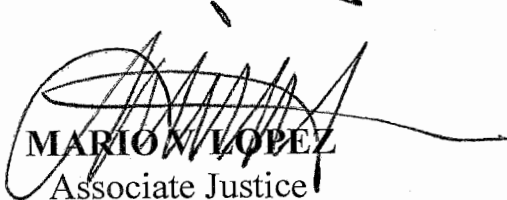
SO ORDERED.


JHOSEPH V. LOPEZ
Associate Justice

WE CONCUR:


MARVIC M.V.F. LEONEN
Senior Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


MARION LOPEZ
Associate Justice

(on official business)
ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

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

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MARVIC M.V.F. LEONEN

Senior Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, 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 this Court's Division.



ALEXANDER G. GESMUNDO

Chief Justice

