



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **01 March 2021** which reads as follows:*

“**G.R. No. 253827 (BBB v. The People of the Philippines)** — This petition for review on *certiorari* assails the Decision¹ dated November 15, 2019 and Resolution² dated July 8, 2020 of the Court of Appeals in CA-G.R. CR No. 42319. The assailed dispositions affirmed the Decision³ dated May 10, 2018 of the Regional Trial Court – Branch ■, ■, Zambales finding petitioner BBB⁴ guilty of violation of Sec. 5 (i) of Republic Act No. 9262 (RA 9262) otherwise known as the “*Anti-Violence Against Women and Their Children Act of 2004*”.

We affirm.

The Court not being a trier of facts will not take cognizance of factual issues which require the presentation and appreciation of the parties’ evidence. The Court, therefore, will not calibrate anew the same evidence which the courts below had already passed upon in full.⁵ Absent any showing of glaring errors, gross misapprehension of facts or unsupported conclusions,

¹ Penned by Acting Presiding Justice Remedios A. Salazar-Fernando with Associate Justices Samuel H. Gaerlan (now a member of the Court) and Geraldine C. Fiel-Macaraig concurring; *rallo*, pp. 44.

² *Id.* at 67-69.

³ Penned by Judge Consuelo Amog-Bocar; *Id.* at 51.

⁴ Section 44 of Republic Act No. 9262 (Anti-Violence against Women and Their Children Act of 2004) requires the confidentiality of all records pertaining to cases of violence against women and their children. Per said section, all public officers and employees are prohibited from publishing or causing to be published in any format the name and other identifying information of a victim or an immediate family member. The penalty of one (1) year imprisonment and a fine of not more than Five Hundred Thousand pesos (P500,000.00) shall be imposed upon those who violate the provision. Pursuant thereto, in the courts’ promulgation of decisions, final resolutions and/or final orders, the names of women and children victims shall be replaced by fictitious initials, and their personal circumstances or any information, which tend to identify them, shall likewise not be disclosed.

⁵ *Republic v. Sps. Darlucio*, G.R. No. 227960, July 24, 2019.

the trial court's findings are accorded the highest respect and conclusiveness especially if affirmed in full by the Court of Appeals, as in this case.⁶

Petitioner was indicted for psychological violence under Sec. 5 (i) of RA 9262, thus:

SECTION 5. *Acts of Violence against Women and Their Children.* — The crime of violence against women and their children is committed through any of the following acts:

xxx xxx xxx

(i) Causing mental or emotional anguish, public ridicule or humiliation to the woman or her child, including, but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of minor children or denial of access to the woman's child/children.

To sustain a conviction therefor, the prosecution must prove the following elements, *viz.*:

(1) The offended party is a woman and/or her child or children;

(2) The woman is either the wife or former wife of the offender, or is a woman with whom the offender has or had a sexual or dating relationship, or is a woman with whom such offender has a common child. As for the woman's child or children, they may be legitimate or illegitimate, or living within or without the family abode;

(3) The offender causes on the woman and/or child mental or emotional anguish; and

4) The anguish is caused through acts of public ridicule or humiliation, repeated verbal and emotional abuse, denial of financial support or custody of minor children or access to the children or similar such acts or omissions.⁷

These elements are all present here.

It is undisputed that BBB is married to AAA⁸. They have two (2) children, as evidenced by their birth certificates. The certified copies of the birth certificates of their two (2) minor children are the best evidence of their contents.⁹ Too, it is settled that public documents issued by a public officer who has custody thereof are accorded the full faith and credence.¹⁰

⁶ *Liwanag v. People*, G.R. No. 205260, July 29, 2019.

⁷ *AAA v. People*, G.R. No. 229762, November 28, 2018.

⁸ The real name of the victim, her personal circumstances and other information which tend to establish or compromise her identity, as well as those of her immediate family, or household members, shall not be disclosed to protect her privacy, and fictitious initial shall, instead, be used, in accordance with *People v. Cabalquinto* [533 Phil. 703 (2006)] and Amended Administrative Circular No. 83-2015 dated September 5, 2017.

⁹ *Reyes v. People*, G.R. No. 232678, July 3, 2019.

¹⁰ *Id.*

As correctly pointed out by the Court of Appeals, BBB cannot escape liability by the mere expedient of denying the legitimacy of their two (2) children. Their certificates of live birth showing AAA and BBB as their parents remain valid until declared otherwise in a judicial proceeding. As their father, BBB is legally obligated to support his two (2) minor children. Further, BBB should also give financial support to his wife AAA which, admittedly, he did not do.

More, the uniform findings of the trial court and the Court of Appeals show that BBB never denied having an illicit affair and that he abandoned AAA and their two (2) children. After BBB left their family home and a tricycle to AAA in 2004, he had not given any financial support to AAA or their children. Since then, AAA alone has carried the responsibility of supporting their family. As the trial court found, AAA's only means to provide for herself and their children was her job as a public-school teacher. But after BBB had abandoned them, there was no one to look after and care for their two (2) minor children while AAA was away, working full-time. This daunting situation thus forced AAA to leave the conjugal home with her two (2) children and move back to her father's house. At any rate, BBB committed to give them a monthly support of ₱10,000.00 but only if they continue to reside in the conjugal home, albeit he had already abandoned them. Evidently, BBB's refusal, nay, failure to give financial support to his family, despite his capacity to do so, is designed to subjugate AAA's will and control her conduct to force her and their children to continue residing in the family home, without a husband and a father.¹¹ Indeed, BBB's oppressive conduct caused AAA and their two (2) minor children to suffer mental or emotional anguish. Anguish causes distress to someone, or makes someone suffer intense pain or sorrow.¹² Psychological violence is the means employed by the perpetrator, while mental or emotional suffering is the effect caused to or the damage sustained by the offended party.¹³ As the trial court aptly found:

Private complainant had convincingly testified that she and their two children suffered pain from accused's refusal to give financial support to them. There is no doubt in the mind of the court that any wife (with minor children) who is similarly situated as private complainant would naturally face and suffer intense emotional stress/anguish as well as psychological violence. Clearly, accused's imposing an unreasonable condition to his obligation to support and his refusal to give such financial support consisted of psychological violence on both private complainant and the two children falling under Section 5 (i) of Republic Act No. 9262.¹⁴

In *Reyes v. People*,¹⁵ Reyes deprived his wife of financial support when he found out that she filed a bigamy case against him. The Court found Reyes did so to control his wife's conduct, either to pressure her to withdraw the bigamy case, or dissuade her from pursuing it which caused mental and

¹¹ See *Reyes v. People*, G.R. No. 232678, July 3, 2019.

¹² *AAA v. People*, G.R. No. 229762 (Resolution), November 28, 2018.

¹³ *Id.*

¹⁴ *Rollo*, p. 50.

¹⁵ G.R. No. 232678, July 3, 2019.

emotional suffering to his wife. Reyes was thus found guilty of psychological violence under Section 5 (i) of RA 9262.

So must it be in the case at bar.

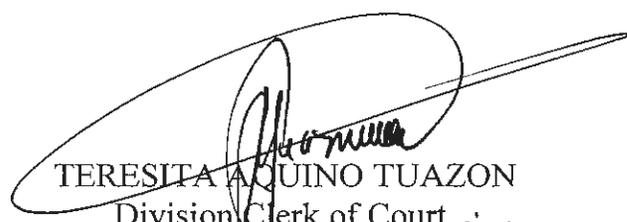
As for the penalty, psychological violence under Section 5 (i) of RA 9262 is punishable by *prision mayor* which has a range of six (6) years and one (1) day to twelve (12) years.¹⁶ The trial court correctly imposed the indeterminate penalty of FOUR (4) YEARS, TWO (2) MONTHS and ONE (1) DAY of *prision coreccional* as minimum to EIGHT (8) YEARS and ONE (1) DAY of *prision mayor* as maximum, and a fine of One Hundred Thousand Pesos (₱100,000.00). In addition, the trial court properly ordered BBB to undergo mandatory psychological counseling, and report compliance to the court.¹⁷

WHEREFORE, the petition is **DENIED**. The Decision dated November 15, 2019 and Resolution dated July 8, 2020 of the Court of Appeals in CA-G.R. CR No. 42319 are **AFFIRMED**. Petitioner BBB is guilty of violation of Sec. 5 (i) of Republic Act No. 9262 otherwise known as the “*Anti-Violence Against Women and Their Children Act of 2004*”. He is sentenced to **FOUR (4) YEARS, TWO (2) MONTHS and ONE (1) DAY** of *prision coreccional* as minimum to **EIGHT (8) YEARS and ONE (1) DAY** of *prision mayor* as maximum.

Further, BBB is ordered to **PAY** a fine of ₱100,000.00 and **UNDERGO** mandatory psychological counseling and to **REPORT** his compliance to the court of origin within fifteen (15) days from completion of such counseling.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court p' 4/9
09 JUN 2021

¹⁶ Section 6 of R.A. No. 9262 provides:

SECTION 6. Penalties. — The crime of violence against women and their children, under Section 5 hereof shall be punished according to the following rules:

(f) Acts falling under Section 5(h) and Section 5(i) shall be punished by *prision mayor*.

xxx

In addition to imprisonment, the perpetrator shall (a) pay a fine in the amount of not less than One hundred thousand pesos (P100,000.00) but not more than three hundred thousand pesos (P300,000.00); (b) undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the court.

¹⁷ See *Reyes v. People*, G.R. No. 232678, July 3, 2019.

COLLADO AND ASSOCIATES (reg)

Counsel for Petitioner
2nd Floor, Building 896
Rizal cor. Manila Avenue
2222 Subic Bay Freeport Zone
Zambales

OFFICE OF THE SOLICITOR GENERAL (reg)

134 Amorsolo Street
1229 Legaspi Village
Makati City

HON. PRESIDING JUDGE (reg)

Regional Trial Court, Branch 71
2201 Iba, Zambales
(Crim. Case No. RTC-9444-I)

JUDGMENT DIVISION (x)

Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)

LIBRARY SERVICES (x)

[For uploading pursuant to A.M. No. 12-7-SC]

OFFICE OF THE CHIEF ATTORNEY (x)

OFFICE OF THE REPORTER (x)

PHILIPPINE JUDICIAL ACADEMY (x)

Supreme Court, Manila

COURT OF APPEALS (x)

Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CR No. 42319

Please notify the Court of any change in your address.

GR253827. 3/01/2021B(144)URES(m) 16/4