



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

XXX268392,*

G.R. No. 268392

Petitioner,

Present:

-versus-

LEONEN, S.A.J., Chairperson,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J.,** and
KHO, JR., JJ.

PEOPLE OF THE PHILIPPINES,

Respondent.

Promulgated:
MAY 19 2025

X-----X

DECISION

LOPEZ, M., J.:

Violation of Republic Act No. 9262 or the *Anti-Violence Against Women and Their Children Act of 2004* is a public offense. Under the law, it may be prosecuted upon the filing of a complaint by any citizen having personal knowledge of the circumstances involving the commission of the crime.¹ Being a public crime, the proceedings may proceed despite the complainant-wife's death, so long as there are other witnesses and supporting

* In line with Amended Administrative Circular No. 83-2025 (2017), Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances, the true name of the parties are replaced with fictitious initials.

** On official business

¹ Republic Act No. 9262, sec. 5.

pieces of evidence sufficient to establish the mental anguish or emotional abuse committed against the wife.

The present petition assails the September 30, 2022 Decision² and May 18, 2023 Resolution³ of the Court of Appeals (CA) in CA-G.R. CR No. 02109-MIN, finding XXX268392 guilty of violation of Section 5(i) of Republic Act No. 9262.

ANTECEDENTS

On June 10, 2006, XXX268392 and AAA268392 married in [REDACTED], Cotabato. They were blessed with two children—a son named BBB268392 and a daughter named CCC268392.

In 2015, AAA268932 lodged a criminal complaint against XXX268932 for violation of Section 5(i) of Republic Act No. 9262. In her Judicial Affidavit-Complaint, AAA268932 alleged that she suffered mental torture from various acts of XXX268932, namely: maintaining illicit relations with a paramour with whom he sired a child; abandoning his family; causing mental anguish to AAA268932 by XXX268932's public posting of pre-nuptial photos and the flaunting of his extramarital relationship with his paramour; and inflicting emotional violence to her children not only for the trauma caused but also by the amount of bullying the children received at school due to XXX268932's public extramarital affair:

Q9. *Giunsa man nimo pagkabalo nga naa sila duhay relasyon?* (How did you know that they both had an illicit relationship?)

A9. *Sa una sir, dili ko motoo. Pero kadugayan, daghan na gyud nagasulti nga naa sila relasyon. Unya katong June 8, 2013, nihawa na gyud akoang bana sa balay gibilin ko ug amoang duha ka anak, ug nakigpuyo na siya kay [YYY268932].*

(At first sir I would not believe in the rumors. But then eventually I heard so many things about their relationship. **And in June 8, 2013, my husband left our house, leaving me and our two children and lived together with [YYY268932].**)

Q10. *Unya unsay nahitabo sunod?* (What happened next?)

A10. *Mao to sir, gikan 2013 hangtod karon, iyaha na gyud mi nga giabandona ug gibyaan. Unya kato lang May 2015 sir, nahibal-an nako nga nagpakasal na silang duha sa Davao City kato pang July 2014 ug naa na silay isa ka anak.*

(**From 2013 sir until now, he already abandoned us.** And last May 2015, I learned that they already got married in Davao City last July 2014 and that they already have a child)

² *Rollo*, pp. 34–53. The September 30, 2022 Decision in CA-G.R. CR No. 02109-MIN was penned by Associate Justice Oscar V. Badelles with the concurrences of Associate Justice Lily V. Biton and Ana Marie T. Mas of the Twenty-First Division, Court of Appeals, Cagayan de Oro City.

³ *Id.* at 70–71. The May 18, 2023 Resolution in CA-G.R. CR No. 02109-MIN was penned by Associate Justice Oscar V. Badelles with the concurrences of Associate Justice Lily V. Biton and Ana Marie T. Mas of the Former Twenty-First Division, Court of Appeals, Cagayan de Oro City.

Q11. *Giunsa nimo pagkabalo nga gikasal sila ug naa silay anak?* (How did you know that they are already married and that they already have a child?)

A11. *Nadungog nako sa uban sir, pero akoang bana mismo nagstorya sa akoo nga nagminyo na daw sila ni [YYY268932]. Pero na prove gyud nako katong akoo ng nakita sa Facebook ang mga pictures nila sa kasal ug ilahang family picture.*

(I just heard from people sir, but then my husband eventually confessed to me that he is already married with [YYY268932]. But I was really able to prove it when I saw on facebook the photos of their wedding and also their family picture.)

....

Q14. *Unsa imong gibati katong nabal-an nimo nga gikasal silang duha?* (What did you feel (sic) when you learned that they got married?)

A14. *Lain kaayo sir. Sakit naman gani nga nag-uban sila ug puyo pero mas sakit pa gyud katong nagpakasal sila. Mura ug gidugmok akoang kasingkasing. Nanliit akoang panan-aw sa akoang kaugalingon ug nalooy ko sa akoang mga anak kay ginaBully sila sa skwelahan. Dili nako maexplain sir kung unsa kasakit ilahang gibuhat.*

(It was really an odd feeling sir. It was already painful that they lived together, all the more when they got married. As if my heart was crushed. I felt so little about my self and I feel so sorry for my children who are bullied in school. I really could not explain how painful it is.)

Q15. *Kung gikasal sila, buot ba pasabot nga na-annul na inyohang kasal para pwede siya pakapakasal sa lain?* (If they got married, does it mean that your marriage with him had already been annulled?)

A15. *Wala sir. Wala mi niagi ug proseso sa annulment. Natingala gani ko ug ngano nakasal silang duha.*

(No sir. We did not undergo the process of annulment. That is why I am shocked on why they were able to get married)

Q16. *Kaning si [YYY268932] kabalo ba ni siya daan nga minyo ning si [XXX268932] sa imoha?*

(This [YYY268932], did she know from the start that [XXX268932] is legally married to you?)

A16. *Nakabalo sir kay sila pa gani nagastorya sa uban tao ug sa skwelahan sa akoang mga anak nga wala na daw ko kay siya na daw ug ang akoang bana ang mag-asawa. Ug sa mga tao iyaha nga ginastorya nga siya ang gipili daw sa akoang bana.*

(She knew sir because she was even the one who would tell to other people and in the school of my children that my husband and I are no longer together and that she and my husband are in a relationship. And she also proclaimed to other people that she was the one being chosen by my husband.)

Q17. *Sa imong mga anak, unsa ang epekto sa mga panghitabo?*

(What is the effect of all that has happened to your children?)

A17. *Ang akoang eldest ang grabe gyud ka affected sir. Naay panahon nga mokalit lang siya ug hilak ug maghinoktok.*

(It is my eldest who is greatly affected sir. There are times that he would just cry and would just be still and becomes stationary.)

Q18. *Pila ba gani kabuok inyo mga anak ug unsa ilang mga pangalan?*

(How many are your children and what are their names?)

A18. *Duha sir. Ang eldest kay si [BBB268932] ug ang ikaduha kay si [CCC268932].*

(Two sir. My eldest is [BBB268932] and the second is [CCC268932].)

....

Q21. *Sa pagpasaka nimo ani nga kaso, unsa imong gusto mahitabo sa imohang hana ug kay [YYY268932]?*

(In filing this case, what result do you expect for your husband and for [YYY268932]?)

A21. *Gusto nako sila makulong sir ug bayaran nila ang emosyonal nga pang-abuso ng ilang gibuhat sa akou ug sa akoang mga anak.*

(I want then (sic) to be jailed sir and pay for the emotional abuse that they both gave to me and to my children.)

Sa karon wala na koy pangutana ma'am

(I have no more questions for now ma'am.) [Emphasis supplied].⁴

Upon learning that a case was filed against him, XXX268932 begged AAA268932 to desist from the case. However, AAA268932 refused. Afterward, she received text messages from XXX268932 who explained that he was not a paramour of YYY268932 and that AAA268932 will not win the case because she is dumb.⁵ Thus, AAA268932 went to the Women and Children's Protection Desk (WCPD) of the Philippine National Police (PNP), [REDACTED] Municipal Police Station, to file a blotter report against XXX268932. AAA268932 had also previously filed a blotter case in February 2014, when XXX268932 fired a pistol towards her after coming home intoxicated.

The Information was filed on January 4, 2016 against XXX268932 for violation of Section 5(i) of Republic Act No. 9262, the accusatory portion of which reads:

"That on or about June 8, 2013 and continuing thereafter, in the [REDACTED] Province of Cotabato, Philippines and within the jurisdiction of this Honorable Court, the said accused, did then and there, willfully, unlawfully and feloniously committed **acts of verbal, mental, emotional and psychological violence** against complainant [AAA268932] and the said accused [XXX268932] **left and abandoned complainant** who is lawfully wedded to him in order to live with and unlawfully marry his co-accused [YYY268932] **and having child with her, both accused having made public their pre-nuptial alleged wedding and family pictures** as well as their relationship, thus causing mental and emotional anguish, public ridicule and humiliation on the said [AAA268932].

CONTRARY TO LAW."⁶ (Emphasis supplied)

Upon arraignment, XXX268932 pleaded not guilty. Pre-trial and trial ensued.

⁴ RTC records, pp. 10-12.

⁵ *Rollo*, pp. 35-36.

⁶ *Id.* at 35.

On July 31, 2017, AAA268932 died during the pendency of the case; thus, she failed to give her oral testimony.⁷ However, the prosecution presented three following witnesses to testify: (1) DDD268932, AAA268932's friend; (2) EEE268932, AAA268932's sister-in-law; and (3) BBB268932, AAA268932's son with XXX268932.

DDD268932 narrated that he was AAA268932's close friend. In 2013, XXX268932 left the conjugal home to allegedly focus on his business; it turned out, however, that XXX268932 was already having an affair with YYY268932.⁸ In 2015, XXX268932 went to AAA268932's private store and begged her to drop the case against him but she refused to protect him and her children. AAA268932 also received a text from XXX268932 telling her that she will not win the case because she is dumb.⁹ In the same year, AAA268932 left their house in Cotabato and transferred to the house of her mother in [REDACTED] Cotabato. On the day that AAA268932 died, they found handwritten notes indicating that she left her place in Cotabato due to security reasons. DDD268932 then authenticated AAA268932's handwriting as he was familiar with AAA268932's handwriting when he accompanied her in the Shari'a Court in [REDACTED] to sign an agreement.¹⁰

EEE268932 testified that she accompanied AAA268932 to the police station to submit a blotter incident report in 2013 in which XXX268932 pointed a gun at AAA268932. EEE268932 also accompanied AAA268932 to an apartment owned by a certain Grell Abasolo who disclosed that XXX268932 and another girl rented the said unit.¹¹

BBB268932 testified that her mother, AAA268932, was shot to death and his father abandoned him for another woman, YYY268932, when he was still in Grade 3. He also narrated that his father brought him to a hotel room and when they checked in, a woman was already inside the room. XXX268932 and the woman slept on one bed while BBB268932 slept on another bed. When BBB268932 was awakened, he saw his father and the woman naked. Upon reaching home, BBB268932 immediately told her mother about the incident. A fight ensued between XXX268932 and AAA268932 in which he heard his father exclaim that he will no longer return to their house.

Finally, BBB268932 said that he witnessed two other incidents of XXX268932's abuse against AAA268932, namely: (1) he saw his father throw a glass to AAA268932, and the broken pieces of the glass hit AAA268932's lower leg, and (2) his father discharged a gun at AAA268932 who was not hit because she was able to take cover at the back of the Elf truck. To add, his father also does not give them support for their education.

⁷ *Id.* at 15.

⁸ *Id.* at 35.

⁹ *Id.* at 36.

¹⁰ *Id.*

¹¹ *Id.*

On the other hand, the defense presented the accused himself and YYY268932. YYY268932 testified that as far as she is aware, XXX268932 was already single when she married him. XXX268932 also testified that she signed a Mutual Divorce Agreement with AAA268932. He claimed that AAA268932 filed a case against him because he refused to give her PHP 2,000,000.00 as capital for her business.

Ruling of the Regional Trial Court

In its Judgment¹² dated November 6, 2020, the Regional Trial Court (RTC) convicted XXX268932 and YYY268932 for violation of Section 5(i) of Republic Act No. 9262. The dispositive portion of the RTC Judgment reads:

“WHEREFORE, finding both accused [XXX268932] and [YYY268932] beyond reasonable doubt of the crime of Violation of Sec. 5(i) of R.A. 9262, otherwise known as the Anti-Violence Against Women and their Children Act of 2004, each of them are hereby sentenced to suffer the indeterminate penalty of imprisonment of six (6) months and one (1) day of prision correccional, as minimum, to eight (8) years and one (1) day of prision mayor, as maximum.

Each of the accused are ordered to pay the FINE equivalent to One hundred thousand pesos (P100,000.00); and each of the accused is ordered to pay twenty five thousand pesos (P25,000.00), as moral damages to the heirs of private complainant [AAA268932].

Further, both accused are DIRECTED to UNDERGO mandatory psychological counselling or psychiatric treatment and shall REPORT compliance thereof to the court within fifteen (15) days upon completion of such counselling or treatment.

SO ORDERED.”¹³

Ruling of the Court of Appeals

On appeal, the CA affirmed XXX268932’s conviction but acquitted YYY268932 on the ground that only those who had a sexual or dating relationship with the victim may be held liable under Republic Act No. 9262. Since YYY268932 had no previous relationship with AAA268932, she cannot be convicted under Republic Act No. 9262. The dispositive portion of the CA Decision reads:

¹² *Id.* at 74–92. The Judgment dated November 6, 2020 in Crim. Case No. 16-071 was penned by Presiding Judge Lily Lydia A. Laquindanum of [REDACTED], Regional Trial Court, [REDACTED] Cotabato.

¹³ *Id.* at 38–39.

WHEREFORE, premises considered, the Judgment dated November 4, 2020 of the Regional Trial Court, 12 th Judicial Region, [REDACTED], Cotabato in Criminal Case No. 16-071, is **AFFIRMED WITH MODIFICATION**. Accused-appellant YYY268932 is hereby **ACQUITTED**. The conviction of accused-appellant [XXX268932] **STANDS**.

The Division Clerk of Court is **DIRECTED** to make a **PARTIAL ENTRY OF JUDGMENT** pursuant to Rule VII, Section 1(a) of the 2009 Internal Rules of the Court of Appeals, acquitting [YYY268932].

SO ORDERED.¹⁴ (Emphasis in the original)

Hence, this Petition.¹⁵ XXX268932 reiterates his arguments that (1) the courts a *quo* erred in ruling that the testimonies of the prosecution witnesses established the mental anguish suffered by AAA268932; and (2) the mere admission of relationship with another woman is not tantamount to psychological violence.

The Court's Ruling

The petition is unmeritorious.

At the outset, it must be emphasized that only questions of law may be raised in a petition for review on *certiorari* as the Court is not a trier of facts. This Court will not review facts, as it is not the Court's function to analyze or weigh all over again evidence already considered in the proceedings below.¹⁶ This rule admits of exceptions, among them, when the lower courts have ignored, overlooked, or misconstrued relevant facts, which if taken into consideration will change the outcome of the case.¹⁷ However, no exception warranting factual review exists in this case.

Petitioner was charged, and later on convicted by the RTC and the CA, of violation of Section 5(i) of Republic Act No. 9262, which provides:

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:

....

(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 **access to the woman's child/children**.

¹⁴ *Id.* at 50.

¹⁵ *Id.* at 11–34.

¹⁶ *Gatan v. Vinarao*, 820 Phil. 257, 266 (2017) [Per J. Leonardo-De Castro, First Division].

¹⁷ *Cruz v. People*, 821 Phil. 372, 384 (2017) [Per J. Del Castillo, First Division].

The information alleged that petitioner committed:

[A]cts of verbal, mental, emotional and psychological violence against complainant. . . left and abandoned complainant who is lawfully wedded to him in order to live with and unlawfully marry his co-accused. . . and having child with her, both accused having made public their pre-nuptial alleged wedding and family pictures as well as their relationship, thus causing mental and emotional anguish, public ridicule and humiliation on the said [AAA268392].¹⁸

In *Dinamling v. People*,¹⁹ the Court already had the occasion to enumerate the elements of psychological violence under Section 5(i) of Republic Act No. 9262, as follows:

- (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.²⁰ (Citations omitted)

The case of *AAA v. BBB*²¹ clarified that what Republic Act No. 9262 seeks to penalize is not the occurrence of marital infidelity but the psychological violence from the accused's act of unfaithfulness, the abandonment of his family and the utter disregard of the feelings of his wife and children, which resulted in the mental and emotional sufferings of the latter.

Further, the commission of acts that cause psychological violence must be impelled by a guilty mind, as stated in *Acharon vs. People*:²²

[T]he crimes penalized under Section 5(i) and 5(e) of RA 9262 are mala in se, not mala prohibita, even though RA 9262 is a special penal law. The acts punished therein are inherently wrong or depraved, and the language used under the said penal law requires a mental element.²³ (Citations omitted)

¹⁸ *Rollo*, p. 35.

¹⁹ 761 Phil. 356 (2015) [Per J. Peralta, Third Division].

²⁰ *Id.* at 373.

²¹ 823 Phil. 607 (2018) [Per J. Tijam, First Division].

²² 913 Phil. 731 (2021) [Per J. Caguioa, *En Banc*].

²³ *Id.* at 738.

In this case, the prosecution established all the elements for violation of Section 5(i) of Republic Act No. 9262.

The first and second elements are undisputed. The complainant, AAA268932, is petitioner's wife with whom she had two children as evidenced by a marriage certificate.

As to the fourth element, the Information sufficiently alleged that petitioner committed various acts of verbal, mental, emotional and psychological violence, including abandonment and emotional anguish arising from marital infidelity. The prosecution also proved the following acts that cause mental or emotional anguish:

1. During their marriage, petitioner pointed a gun at AAA268932 and shot her. Luckily, AAA268932 was able to take cover behind the Elf truck and missed the gunshot. This incident was reported to the police.²⁴
2. While still married, petitioner checked-in at a hotel with another woman and BBB268932. When BBB268932 woke up at midnight, he saw his accused father and a woman naked in the same room.
3. Petitioner threw glass at AAA268932, and some broken pieces of the glass hit her lower leg.²⁵
4. Petitioner maintained illicit relations with YYY268932 during the existence of his marriage with AAA268932.²⁶
5. AAA268932, accompanied by EEE268932, caught YYY268932 naked in an apartment and was later on fetched by petitioner using his pick-up.²⁷
6. Petitioner got YYY268932 pregnant during the existence of his marriage with AAA268932.²⁸
7. Petitioner converted into Islam to secure a divorce decree against AAA268932²⁹ and insisted that AAA268932 sign the divorce agreement.³⁰
8. Petitioner immediately married YYY268932, who was also converted to Islam for that purpose.³¹ Their relationship and marriage were made public.
9. Petitioner sent harassing text messages to complainant AAA268932 to withdraw the complaint filed against him and that the criminal case will not succeed because she is dumb. These text messages were recorded in a blotter and reported to WCPD.³²

²⁴ *Rollo*, p. 78.

²⁵ *Id.* at 78.

²⁶ *Id.* at 81.

²⁷ *Id.* at 78–79.

²⁸ *Id.* at 81–82.

²⁹ *Id.*

³⁰ *Id.* at 79.

³¹ *Id.* at 81–82.

³² *Id.* at 77.

Undoubtedly, these acts constitute verbal and emotional abuse, if not public ridicule or humiliation.

The only disputed element left is the mental or emotional anguish suffered by the complainant. In *Dinamling*, the Court emphasized that to establish mental or emotional anguish, the prosecution must present the testimony of the victim as such acts are personal to the party.³³ Here, AAA268932's complaint-affidavit before the Office of the Prosecutor sufficiently established her emotional anguish. Unfortunately, however, AAA268932 was gunned to death before she was able to reaffirm the contents of her affidavit in court.

Capitalizing on AAA268932's death, petitioner argues that he should be acquitted because AAA268932 died before giving her testimony on the alleged mental or emotional anguish she suffered from him.

The Court disagrees. AAA268932's untimely death will not preclude petitioner's conviction.

Foremost, Section 25 of Republic Act No. 9262 categorically states that violence against women and children is a public crime:

SECTION 25. Public Crime. – Violence against women and their children shall be considered a public offense which may be prosecuted upon the filing of a complaint by any citizen having personal knowledge of the circumstances involving the commission of the crime. (Emphasis and underscoring supplied)

In *Garcia vs. Drilon*,³⁴ the Court noted that the law recognizes, with factual support based on statistics, that women and children are the most vulnerable victims of violence who need legal protection. Thus, a paradigm shift was needed to change the character of domestic violence from a private affair to public crime:

The enactment of R.A. 9262 aims to address the discrimination brought about by biases and prejudices against women. As emphasized by the CEDAW Committee on the Elimination of Discrimination against Women, addressing or correcting discrimination through specific measures focused on women does not discriminate against men. Petitioner's contention therefore, that R.A. 9262 is discriminatory and that it is an "anti-male," "husband-bashing," and "hate-men" law deserves scant consideration. As a State Party to the CEDAW, the Philippines bound itself to take all appropriate measures "to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. Justice Puno correctly pointed out that "(t)he paradigm shift changing the character of domestic violence from a private

³³ *Dinamling v. People*, 761 Phil. 356, 743 (2015) [Per J. Peralta, Third Division].

³⁴ 712 Phil. 44 (2013) [Per J. Perlas-Bernabe, *En Banc*].

affair to a public offense will require the development of a distinct mindset on the part of the police, the prosecution and the judges.”³⁵ (Citations omitted)

Being a public offense, a case falling under Republic Act No. 9262 may be **initiated** by any citizen having personal knowledge of the circumstances involving its commission. This is to be distinguished from private crimes, such as adultery and concubinage, which may only be prosecuted upon a complaint filed by the offended spouse.³⁶

Second, Section 5, Rule 110 of the Rules of Court provide that once commenced and instituted, a criminal action is already under the direction and control of the prosecutor, as follows:

Section 5. Who must prosecute criminal actions. — All criminal actions commenced by a complaint or information shall be prosecuted under the direction and control of the prosecutor. However, in Municipal Trial Courts or Municipal Circuit Trial Courts when the prosecutor assigned thereto or to the case is not available, the offended party, any peace officer, or public officer charged with the enforcement of the law violated may prosecute the case. This authority shall cease upon actual intervention of the prosecutor or upon elevation of the case to the Regional Trial Court.

Therefore, even if the complainant is absent or can no longer give a testimony, the criminal proceedings may even proceed, so long as there are other witnesses **with personal knowledge**, and supporting pieces of evidence, to support the prosecution’s theory. Here, despite AAA268932’s death, the prosecution may still prove the commission of the crime through documentary evidence and testimonies from other witnesses.

Third, the death private complainant in a public crime is not one of the causes of extinguishment of criminal liability under Article 89³⁷ of the Revised Penal Code.

Finally, it is a settled rule in this jurisdiction that criminal laws are enacted to protect the State and the society from dangerous transgressions. Since it is the State and the society who are the real victims of a crime, and not any individual, the proceedings may continue despite the private complainant’s death:

³⁵ *Id.* at 99–100.

³⁶ RULES OF COURT, Rule 110, sec. 5.

³⁷ ART. 89. *How criminal liability is totally extinguished.*—Criminal liability is totally extinguished:

1. By the death of the convict, as to the personal penalties; and as to pecuniary penalties, liability therefor is extinguished only when the death of the offender occurs before final judgment.
2. By service of the sentence.
3. By amnesty, which completely extinguishes the penalty and all its effects.
4. By absolute pardon.
5. By prescription of the crime.
6. By prescription of the penalty.
7. By the marriage of the offended woman, as provided in article 344 of this Code.

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A crime is a liability against the state. It is prosecuted by and for the state. Acts considered criminal are penalized by law as a means to protect the society from dangerous transgressions. As criminal liability involves a penalty affecting a person's liberty, acts are only treated criminal when the law clearly says so.³⁸

For these reasons, the Court holds that the testimony of prosecution witnesses who saw the abusive acts and mental anguish suffered by the complainant-wife are sufficient—not only to initiate the criminal case—but also to constitute the very building blocks sufficient to convict the accused for violation of Republic Act No. 9262.

Despite her death, AAA268932's mental and emotional anguish may still be established by (1) the documentary evidence offered by the prosecution and (2) testimonies of the other witnesses.

As discussed, the records show that AAA268932 filed two police blotters against petitioner, the first when petitioner pointed a gun at her, and the second, when petitioner sent her harassing text messages. These alone are sufficient to establish that AAA268932 feared for her own life and security, stemming from her confrontation with petitioner on his illicit relations with YYY268932.

Secondly, in her complaint-affidavit, AAA268932 also alleged that she suffered mental anguish due to petitioner's extramarital relationship with YYY268932 and the consequent birth of an extramarital child. Although AAA268932 failed to testify on this matter, petitioner himself admitted these allegations as follows:

COURT:

Q: Do you have a son in the name of [ZZZ268932]?

A: Yes, your Honor.

Q: When was he born?

A: He is already five years old now.

Q: So he was born on November 25, 2014?

A: Yes, Your Honor.

Q: You said a while ago that you started courting YYY268932 sometime in March 2014, right?

A: Yes, Your Honor.

Q: And you had a child with her on November 25, 2014 right?

A: Yes, Your Honor.

Q: This child of yours was on a normal delivery?

A: Ceasarian [sic], Your Honor.

³⁸ *Dy v. People*, 792 Phil. 672, 680 (2016) [Per J. Jardaleza, Third Division].

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Q: But nine (9) months of pregnancy?

A: Yes, Your Honor.

Q: At the time you started courting [YYY268932] she was already pregnant?

A: Yes, Your Honor.

Q: Are you the father?

A: Yes, Your Honor.

Q: When did your sexual relationship start? Before you courted her, because the courting is late. So there was already a sexual relationship before the courting. So when did the sexual relationship start?

A: I could not remember, Your Honor?

Q: It might be 2013?

A: Yes, Your Honor.

Q: And even before you were converted into Islam, you already had sexual relationship with [YYY26893]?

A: Yes Your Honor.³⁹ (Emphasis supplied)

At any rate, the prosecution witnesses' testimonies sufficiently established the following circumstances: (1) AAA268932's confrontation of her husband upon learning that he had a paramour; (2) AAA268932's uneasiness which led to her launching of her own investigation as to the existence of petitioner's paramour; (3) AAA268932's leaving of the conjugal dwelling home with her children to live with her mother and be physically away from petitioner; (4) AAA268932's writing of a note that she and her children are no longer secure, which writing was authenticated by DDD268932;⁴⁰ and (5) AAA268932's consistent warning to her son that if anything happens to her, it is because of accused petitioner.⁴¹ More importantly, BBB268932, who has sufficient personal knowledge of the abusive acts committed by petitioner against AAA268932, testified that (a) he saw petitioner point a gun towards AAA268932, and (b) he was there when petitioner and his paramour checked-in at a hotel. The shooting incident narrated by petitioner was corroborated by the blotter report filed by AAA268932 before the WCPD.

Indubitably, the records and evidence demonstrate the mental and emotional anguish suffered by AAA268932 and BBB268932 from the hands of petitioner.

Notably, *Dinamling* does not require a medical expert to testify on the mental anguish of the victim. In *XXX270257 v. People*,⁴² the Court emphasized that a psychological report is not necessary because the complainant's own testimony will already suffice. However, since

³⁹ *Rollo*, pp. 86–88.

⁴⁰ *Id.* at 77.

⁴¹ *Id.* at 78.

⁴² G.R. No. 270257, August 12, 2024 [Per Inting, Third Division].

AAA268932 had already died, the testimonies of the prosecution witnesses who have personal knowledge on the matter may be admitted in evidence under Section 52, Rule 130 of the Rules of Court:

Section 53. *Opinion of ordinary witnesses.* - The opinion of a witness, for which proper basis is given, may be received in evidence regarding -

- (a) The identity of a person about whom he or she has adequate knowledge;
- (b) A handwriting with which he or she has sufficient familiarity; and
- (c) The mental sanity of a person with whom he or she is sufficiently acquainted.

The witness may also testify on his or her **impressions of the emotion, behavior, condition or appearance of a person.** (Emphasis supplied)

Here, the witnesses' observations and impressions on AAA268932's emotions, behavior, and condition sufficiently established AAA268932's mental or emotional anguish.

Finally, and in accordance with *Acharon*, the prosecution established that petitioner committed a violation of Section 5(i) of Republic Act No. 9262 with a guilty mind. Petitioner deliberately entered into an extramarital relationship with YYY268932, sired a child with her, and publicly advertised their relationship. He even converted to Islam to circumvent the Family Code provisions which do not recognize divorce to publicly marry YYY268932. He also threatened AAA268932 to drop the case against him. These actuations satisfy the *mens rea* component that must accompany the *actus reus* of the accused.

Finally, we emphasize that the factual findings of the trial court on the credibility of witnesses and their testimonies are entitled to great weight and will not be disturbed on appeal in the absence of any clear showing that the trial court overlooked, misunderstood, or misapplied some facts or circumstances of weight and substance that would have affected the result of the case. The reason is that the trial court judge has the unique opportunity to observe the witnesses' deportment and demeanor on the witness stand and can, therefore, discern whether they are telling the truth. When the trial court's findings have been affirmed by the appellate court, these are generally binding and conclusive upon this Court. Here, the Court sees no reason to depart from the RTC and the CA's factual findings. Anent the court's penalty, Section 6 of Republic Act No. 9262 provides that:

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.

.....

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 (300,000.00); (b) undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the court.

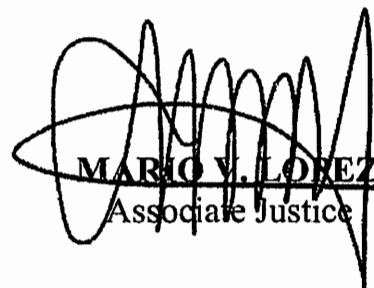
Applying the Indeterminate Sentence Law, the minimum penalty should come from the penalty one degree lower than *prision mayor* which is *prision correccional*, whose range is from six months and one day to six years. In the absence of any mitigating or aggravating circumstance, the maximum penalty should be taken from the medium period of *prision mayor* or eight years and one day to 10 years, as maximum. Thus, the RTC correctly imposed the penalty of imprisonment of six months and one day of *prision correccional*, as minimum, to eight years and one day of *prision mayor*, as maximum.

Anent the civil liabilities, the RTC also correctly imposed a fine of PHP 100,000.00 and PHP 25,000.00 as moral damages due to the emotional anguish caused by petitioner to AAA268932. Since AAA268932 had already died, her heirs may receive the monetary awards.

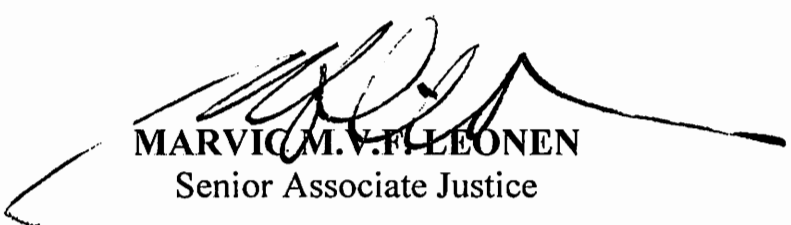
ACCORDINGLY, the petition is **DISMISSED**. The Court of Appeals' Decision dated September 30, 2022 in CA-G.R. CR No. 02109-MIN, finding the accused XXX268932, **GUILTY** beyond reasonable doubt of violation of Section 5(i) of Republic Act No. 9262 is **AFFIRMED**. He is sentenced to suffer the penalty of imprisonment of six months and one day of *prision correccional*, as minimum, to eight years and one day of *prision mayor*, as maximum and to **PAY** a fine of PHP 100,000.00. He is also **ORDERED** to **PAY** the heirs of AAA268932 PHP 25,000.00 as moral damages.

All monetary awards shall earn 6% interest rate per annum from finality of the Resolution until fully paid.

SO ORDERED.

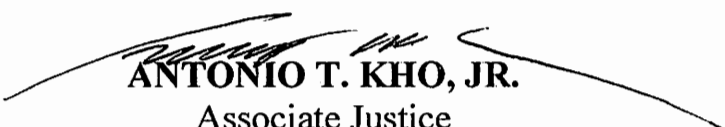

MARIO V. LOREZ
Associate Justice

WE CONCUR:


MARVIC M.V.F. LEONEN
Senior Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice

On official business
JHOSEP Y. LOPEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice

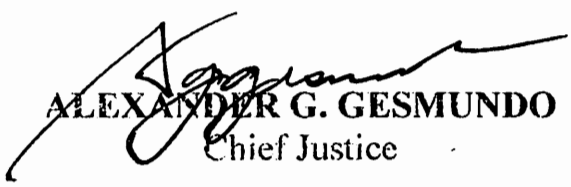
ATTESTATION

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 the Court's Division.


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 the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice