

Title: Ricardo Del Poso y Dela Cerna vs. People of the Philippines

Facts:

The petitioner, Ricardo Del Poso y Dela Cerna, was entrusted with the care of a 9-year-old girl, VVV, by her biological mother. On September 10, 2005, Del Poso became enraged when he found VVV asleep while supposed to be attending to his photocopying business. In his fury, he placed VVV on an ironing board and pressed a heated flat iron against her body, causing multiple burns. The incident came to light when VVV's grandmother and others noticed the injuries, leading to official reports being filed at the barangay hall, hospitalization of VVV, and ultimately, criminal charges against Del Poso. Del Poso claimed the injuries were accidental, happening as he tried to scare VVV with the hot iron without the intent to harm her.

The Regional Trial Court (RTC) convicted Del Poso of violating Section 10(a) of R.A. No. 7610, "The Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act," sentencing him to imprisonment. The Court of Appeals affirmed this decision, prompting Del Poso to file a Petition for Review on Certiorari under Rule 45 of the Rules of Court, challenging the findings and seeking reversal on the grounds of alleged mistakes in appreciating the facts and implementing the law, particularly ignoring alleged mitigating circumstances.

Issues:

1. Whether Del Poso's actions constitute child abuse under Section 10(a) of R.A. No. 7610.
2. Whether the Court of Appeals erred in not considering the mitigating circumstances of lack of intent to commit so grave a wrong and/or passion and obfuscation.

Court's Decision:

The Supreme Court denied Del Poso's petition, affirming the decisions of the lower courts. The Court found:

1. The elements of child abuse under R.A. No. 7610 were proven beyond reasonable doubt, including VVV's minority, the physical and psychological abuse inflicted by Del Poso, and the classification of such acts under the said law.
2. Del Poso's argument about the presence of mitigating circumstances was unfounded. His intent was clear from the nature of his actions and previous abuses, disproving any disproportionate means to the resultant harm. The element of passion or obfuscation was

also not applicable, considering that the supposed provocation (VVV falling asleep) was not unlawful nor sufficient to reduce an adult's self-control.

Doctrine:

This case reiterates the comprehensive definition of child abuse under R.A. No. 7610, emphasizing that it encompasses physical and psychological abuse, neglect, cruelty, sexual abuse, and emotional maltreatment. Moreover, it highlights that intent is inferred from the natural consequence of one's actions, and mitigating circumstances like lack of intent to so grave a wrong or passion/obfuscation require lawful provocation and a direct correlation between the act and the diminished mental state.

Class Notes:

- **Elements of Child Abuse Under R.A. No. 7610**: Minor's age, act constituting abuse, and penal provision coverage are crucial.
- **Mitigating Circumstances**: There must be a justifiable reason that reduces the perpetrator's liability, such as lack of intent or passion/obfuscation, which were not deemed applicable in this scenario.
- **Interpretation of Intent and Mitigating Circumstances**: The court examines the consistency of the perpetrator's narrative, the proportionality of the act to the harm caused, and any possible provocations to determine intent and the applicability of mitigating circumstances.

Historical Background:

This case is set against the backdrop of the Philippines' strong legal framework for the protection of children's rights, specifically through R.A. No. 7610. The law aims to provide special protection to children from abuse, exploitation, and discrimination, reflecting the country's commitment to uphold children's welfare in line with international standards and constitutional mandates.