

**Title:** De Guzman vs. Perez, in his capacity as Secretary of Justice, and Aberde, G.R. No. 156013, January 26, 2005

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**Facts:**

- **Relationship and Child's Birth (1980s):** Roberto P. De Guzman and Shirley F. Aberde were law students who had a romantic relationship. Shirley became pregnant, and on October 2, 1987, she gave birth to their son, Robby Aberde de Guzman.
- **Separation and Subsequent Marriage (1991):** Roberto and Shirley never married each other. In 1991, Roberto married another woman and had two children with her.
- **Limited Financial Contributions (1992-1994):** Roberto contributed financially to Robby's education on only two occasions, in 1992 and 1993. In 1994, he provided PHP 7,000 for Robby's medical expenses.
- **Single Parent Struggles (1994-2000):** Shirley worked as a factory worker in Taiwan for two years to support Robby. Despite her efforts, financial hardships persisted, threatening Robby's education.
- **Roberto's Wealth Discrepancy:** Roberto managed family corporations, lived a luxurious lifestyle, and was financially well-off, sending his children by marriage to expensive schools.
- **Support Demand (February 21, 2000):** Shirley demanded educational support from Roberto via letter but was ignored. She had to seek help from relatives to eventually enroll Robby in a high school.
- **Criminal Complaint (June 15, 2000):** Shirley filed a complaint against Roberto for child neglect under Article 59(2) and (4) of PD 603 with the Lipa City Prosecutor, which found probable cause to charge him under Article 59(4).
- **Petition for Review and Dismissal:** Roberto petitioned the Secretary of Justice to review the prosecutor's resolution. Justice Secretary Hernando B. Perez dismissed this petition on January 3, 2002, and denied reconsideration on September 24, 2002.
- **Supreme Court Petition:** Unsatisfied with the decision, Roberto filed a petition for certiorari with the Philippine Supreme Court, asserting the Secretary's resolutions lacked sufficient legal basis.

**Issues:**

1. Whether public respondent Secretary of Justice acted with grave abuse of discretion in affirming the prosecutor's finding of probable cause to charge Roberto with neglect of a

minor child.

2. Whether Roberto can be indicted for neglect under Article 59(4) of PD 603 in relation to Section 10(a) of RA 7610.

**\*\*Court's Decision:\*\***

1. **\*\*Grave Abuse of Discretion:\*\***

- The Supreme Court held that the Secretary of Justice did not commit grave abuse of discretion. Decisions are generally reviewed only for grave abuse, and unless issuances are capricious or arbitrary, executive determinations stand.
- The evidence, such as Roberto's luxurious lifestyle and the GIS showing ownership of corporate shares, supported probable cause determination.

2. **\*\*Indictment Under Article 59(4) and Relation to RA 7610:\*\***

- The charge under Article 59(4) of PD 603 was valid. The failure to provide any financial support for Robby's education despite the wealth that Roberto commanded satisfied the elements of neglect as the family's financial conditions would have permitted it.
- However, charging under Section 10(a) of RA 7610 was inappropriate since neglect like under Article 59(4) of PD 603 is covered under the Revised Penal Code's indifference to parents' provisions, not RA 7610 as intended for acts beyond those prescribed by the Code.

**\*\*Doctrine:\*\***

- The doctrine reiterated that a parent is criminally liable for neglecting a child by not giving them the education appropriate to their station in life and financial capacity, as specified by Article 59(4) of PD 603.

**\*\*Class Notes:\*\***

- **\*\*Key Legal Concept:\*\*** Child Neglect under Article 59(4), PD 603.
- **\*\*Elements of the Crime:\*\***
  1. The offender must be a parent.
  2. The offender neglects their child.
  3. Neglect is due to failure in providing education.
  4. The offender's financial condition and societal station allow provisioning of such education.
- **\*\*Application:\*\*** A parent's luxurious lifestyle and asset holdings signify financial capability, necessitating contribution to child's education.

**\*\*Historical Background:\*\***

- PD 603, known as the “Child and Youth Welfare Code,” set parameters for parental obligations, including educational care commensurate with their societal status.
- RA 7610 is meant for broader issues of child abuse and exploitation where conduct exceeds standard legal norms, specifying punishments where existing codes fall short.
- This case underscored shifting social responsibilities and legal accountability of parents towards children’s welfare aligned with evolving jurisprudence in child protection and welfare.