

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FLORDELIZA ZAMORA Y SALAR, ACCUSED-APPELLANT.

Ponente: SORONGON, E. D., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/bb393075cc7a/>

SORONGON, E. D., J.:

This is an appeal from the Decision[1] dated August 31, 2011 of the Regional Trial Court (RTC) of Makati City, Branch 140 in Criminal Case No. 09-2410 finding accused-appellant Flordeliza Zamora y Salar guilty of violation of Section 10(a) of Article VI, Republic Act No. 7610 (RA 7610), otherwise known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act."

The accusatory portion of the Information[2] reads:

On the 11[th] day of October 2009 and sometime prior thereto, in the City of Makati, the Philippines, the accused, being the biological mother of AAA, two years old, minor, did then and there willfully, unlawfully and feloniously commit acts of maltreatment, cruelty and personal violence upon the said minor by then and there habitually inflicting upon him, injuries which required medical attention for a period of less than nine days, and other acts of unusual and excessive punishment which threaten or is prejudicial to the normal development of AAA.

CONTRARY TO LAW.

Accused-appellant, assisted by counsel de oficio, entered a plea of not guilty to the charge upon arraignment. Thereafter, trial on the merits ensued.

The prosecution presented AAA (private complainant), Manilyn Alvarez (stay-in employee of 3 Sisters Employment Services), Mercynario Imbag (son of the owner of 3 Sisters Employment Services) and Dr. Jeannivie Isip (physician who examined private complainant).

The antecedent facts as found by the RTC and in the records run thuswise:

On July 5, 2009, accused-appellant together with her two-year old son AAA, fondly known as AAA, went to 3 Sisters Employment Services (3 Sisters) in Makati, a recruitment agency for domestic employment to apply as "yaya". Accused-appellant told the agency's stay-in secretary Manilyn Alvarez (Manilyn) that she had to bring her son along as she had no one to whom she can leave and entrust him. She was hired by Marchita Imbag (Marchita), the owner of the said agency who also allowed the mother and son to stay in the room of the agency where other applicants were likewise quartered. Eventually, accused-appellant was hired as a stay-in maid in Pasig City with one day-off per month. Since she was prohibited to bring AAA to her place of work, she asked permission from Marchita if she could leave him at the agency. Marchita acceded to her request on condition that accused-appellant would stay at the agency during her rest days. After accused-appellant left for work sometime in the second week of July 2009, Marchita, together with his son, Mecynario Imbag and Manilyn, took turns in taking care of AAA.

When accused-appellant reported to the agency during her first day-off on August 17, 2009, Manilyn relayed to

accused-appellant that AAA was naughty during her absence and constantly broke things in the office like plates, glasses and any objects he gets his hands on. Because of Manilyn's report, accused-appellant castigated AAA for misbehaving and ordered him to put his hands on the floor and then punched the little boy's back hands for several minutes. Thereafter, she made AAA kneel on the floor for more than an hour. Not satisfied with the punishment she inflicted upon her son, accused-appellant, after dinner time, continued beating AAA in the second floor of the agency which resulted in the swelling of the boy's hands. Manilyn did not intervene with the way accused-appellant disciplined her son, but she asked the latter why she was extremely punishing him. Accused-appellant responded that she was only teaching her son a lesson so that he will learn to behave. Since then, Manilyn refrained from reporting to accused-appellant AAA's subsequent misbehaviors.

During accused-appellant's second day-off on September 18, 2009, she arrived at the agency late in the evening. Thereafter, she fed AAA with rice and water while the boy was kneeling on the floor. Then she started punishing him by flicking her fingers against the boy's lips until they bled, pinching his stomach and buttocks causing multiple bruises and hitting him with a hanger until it broke. The beating lasted for about five (5) hours or until about midnight. Manilyn and Mercynario tried to prevent accused-appellant from inflicting further injuries to AAA, however instead of stopping, she continued beating her son and told them that she was only teaching him a lesson. The following day, when accused-appellant reported for work, Manilyn, using her cellphone, took pictures and video of AAA's battered body to document the maltreatment suffered by the child in the hands of his own mother.

On October 4, 2009, accused-appellant lost her job. She went back to the agency where Marchita allowed her and AAA to take shelter. Since then, the occupants of the agency witnessed how accused-appellant physically abused his son practically on a daily basis.

In the morning of October 10, 2009, accused-appellant hit AAA mercilessly with a hanger on the different parts of his body while the boy was on a kneeling position with his arms spread out. Since accused-appellant was implacable, Manilyn and Mercynario decided to report the maltreatment of the child to the police and Gabriela a women organization. At around 10:30 o'clock in the evening, the President and Vice-President of Gabriela, Quezon City Chapter, arrived and took AAA from accused-appellant. The child was brought to the police station and thereafter taken to the Ospital ng Makati for treatment due to heavy vomiting. AAA arrived at the hospital at around 1:35 o'clock in the morning of October 11, 2009 and was attended by Dr. Jeannivie Isip (Dr. Isip) whose examination disclosed that AAA suffered from "erythema (redness) on the right frontal area, abrasion on the lower lip, abrasion on the anterior neck area, multiple erythema on the abdomen, and swelling on the right lung area and erythema on the right area"[3] and that these injuries would take about two to three days to heal. He was discharged from the hospital at around 11:00 o'clock in the morning of the same day.

Mercynario recounted that during the times he took care of AAA, the child would manifest disturbing behavior such as waking up from sleep and shouting "bugbog ako, bugbog ako!"; hitting his head on a pillow and repeatedly punching it; blurting words like, "patay na ako, patay na ako, kunin mo na ako!", "gago, gago!" and "sabi mo 'di na ako bugbugin ni nanay, mga gago kayo!"

At the trial, AAA testified that the wounds and bruises depicted on the photographs shown to him were inflicted to him by his mother.

For her defense, accused-appellant presented two doctors from the National Center for Mental Health, Dr. Lalyn Irene A. De los Reyes (Dr. Delos Reyes) and Dr. Zarah C. Espinoza (Dr. Espinoza).

Dr. Delos Reyes testified that together with three other doctors, namely, Dr. Sahlee B. Mortevirgen, Dr. Zarah Espinoza and Dr. Edison Galindez, they conducted a mental status examination and psychological test on

accused-appellant and they found her to be suffering from a mental disorder or psychosis classified as schizophrenia and characterized by delusions, hallucinations, disorganized or irrelevant speech, disorganized or bizarre behavior and disturbance in effect. According to her, not only accused-appellant's impulse control, frustration tolerance and judgment are affected but her functioning in areas of work, social relations and self-care are significantly impaired. She also stated that accused-appellant was already suffering from this mental disorder even before or during the time she committed the offense and the same is chronic and incurable.

Dr. Espinoza also testified that after the result of the mental status examinations, she gave accused-appellant a battery of psychological tests and series of interviews and observations and thereafter concluded that accused-appellant was suffering from psychotic disorder known as schizophrenia manifested by persecutory delusions, moods swing, irritability and low tolerance which affects her work and interpersonal relation. Similar to Dr. De los Reyes' findings, she opined that accused-appellant's psychotic disorder is incurable, impaired her judgment and existed prior to her commission of the offense.

As mentioned earlier, the RTC convicted accused-appellant of child abuse under Section 10(a) of Article VI in relation to Section 3(b) of Article I of R.A. 7610. It refused to give credence to accused-appellant's defense of insanity because there was no evidence showing that she was completely deprived of reason or discernment when she maltreated her son. The testimonies of the psychiatrists were not sufficient to exonerate her from criminal liability because the mental status examination took place only four months after the commission of the offense. It also pointed out that the testimonies of Dr. Delos Reyes and Dr. Espinoza are inconsistent with the report they submitted. The RTC then disposed the case as follows:

WHEREFORE, premises considered, this Court finds the accused Flordeliza Zamora y Salar GUILTY beyond reasonable doubt of the crime of child abuse under Section 10 (a) of Article VI, R.A. 7610 in relation to Section 3 (b) of Article I of R.A. 7610, and the Court hereby sentences her to suffer imprisonment of four (4) years, nine (9) months and eleven (11) days of prision correccional, as minimum, to six (6) years, eight (8) months, and one (1) day of prision mayor, as maximum.

The preventive imprisonment undergone by the accused shall be credited in the service of her sentence pursuant to Article 29 of the Revised Penal Code.

SO ORDERED.[4]

Via the present appeal, accused-appellant raised this lone assignment of error:

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED.

At the outset, it must be emphasized that the defense admitted that accused-appellant committed the offense charged. This is the context of the proceeding held on January 13, 2011, thus:

ATTY. TACORDA:

We understand your Honor, however, it was only after the pre-trial of this case that the accused requested for psychiatric examination and it was then found out that the accused is suffering from schizophrenia, your Honor which is highly possible that the disorder is way back at the time that the alleged complaint –

COURT:

During the commission of the offense?

ATTY. TACORDA:

Yes, your Honor. So we are presenting the witness to testify as to the mental condition of the accused.

PROS. GARVIDA:

First, if this was the well, mental condition of the accused was – well, the defense planned to raise this immediately after the pre-trial they could have requested for the amendment of the Pre-trial Order; secondly, if

they intend to raise as defense the mental condition of the witness, we could have had a reverse trial, your Honor please. If they are intending to raise the defense of insanity through this, the rule is, we reverse the presentation of evidence; as it is now, the prosecution has presented its evidence and we now question the propriety of presenting evidence to prove the insanity at this late stage and secondly, does the defense realize that by presenting the defense of insanity the accused is actually admitting everything.

COURT:

You are saying that we have to ask the witness to – re-arraign again the witness?

PROS. GARVIDA:

We not asking that, your Honor. What we are asking is, if the defense realizes that by presenting evidence to prove insanity, the accused is actually admitting everything that is alleged in the information.

COURT:

So, you are saying now that the position now of the defense that the accused is admitting that she committed the crime –

PROS. GARVIDA:

Yes but she is escaping criminal liability by insanity. So, is that the position of the defense now?

ATTY. TACORDA:

Yes, your Honor; we are already admitting the fact that the accused Flordeliza Zamora hurt the minor who is allegedly named Gabriel Zamora Manrique.[5]

The bone of contention here lies on the question of “whether or not accused-appellant was insane at the time of the commission of the crime, as would exempt her from criminal liability.”

Article 12 paragraph 1 of the Revised Penal Code provides:

ART. 12. Circumstances which exempt from criminal liability.—The following are exempt from criminal liability:

1. An imbecile or an insane person, unless the latter has acted during a lucid interval.

When the imbecile or an insane person has committed an act which the law defines as a felony (delito), the court shall order his confinement in one of the hospitals or asylums established for persons thus afflicted, which he shall not be permitted to leave without first obtaining the permission of the same court.

To avail of this exempting circumstance, accused-appellant must prove by clear and convincing evidence that she was completely deprived of rationality in committing the act; i.e.: that she was deprived of reason, that there be no consciousness of responsibility for her acts, or that there be complete absence of the power to discern.[6] Mere abnormality of the mental faculties will not exclude imputability.[7] Moreso, insanity must relate to the time preceding or coetaneous with the commission of the offense with which she is charged; the mental illness that could diminish her will power should relate to the time immediately preceding or during the commission of the crime. It must be noted that under Article 800[8] of the Civil Code, the presumption of law always lies in favor of sanity and, in the absence of proof to the contrary, every person is presumed to be of sound mind.[9] Thus, accused-appellant, being the one who pleads the exempting circumstance of insanity has the burden of proving it.

After a careful review of the records, we find the absence of any conclusive evidence to support accused-appellant's claim of insanity. There was no proof presented to indicate that she was completely deprived of reason or unconscious of the acts she committed and its consequences thereof. In fact, the testimony of Manilyn even showed that accused-appellant was completely aware of her actions. Manilyn said that every time accused-appellant would physically abuse her son, she would ask her the reason for maltreating him and accused-appellant would outrightly answer that he was teaching AAA a lesson. Here is the pertinent testimony of Manilyn:

Q: And what was the reason for asking the boy to kneel down?

A: So that he would learn (magtanda).

xxx xxx xxx

Q: And what was reason why she immediately started beating up the kid?

A: Because according to her the child was makulit.

xxx xxx xxx

Q: What was the reason why the boy was asked to kneel down from morning until onwards the afternoon?

A: According to her because he is "makulit" and because he could not count from one to ten.[10]

Obviously, accused-appellant was not deprived of reason nor unconscious of committing the cruel acts against her son. She was beating her son as her way of instilling discipline on him. We say that this kind of behavior of the accused-appellant is not one of an imbecile or insane person but rather by one who in the fit of anger without using reason or good judgment inflicts harm and cruelty to another. A man sometimes does crazy things when enraged but it does not necessarily and conclusively prove that he is insane.[11] Accused-appellant has the mental stability of a normal person as in fact she was even employed as a housemaid at that time.

But what militates more against the defense of accused-appellant is the psychiatric report[12] of the expert witnesses. First, there are inconsistencies in their observation and evaluation from their conclusion and remarks. They observed that after conducting four mental status examinations on the accused-appellant, she was behaved and under euthymic with appropriate effect, responsive to queries with good eye contact, gave a fair account of herself, aware of her case as "Child Abuse", able to narrate the circumstances of the crime she committed aware of the possible outcome of her case, able to appraise the different functions of courtroom personnel, demonstrated willingness to stand trial, denied any previous legal cases and had poor insight to her mental illness. In other words, the observations made by these psychiatrists on the mental health condition of the accused-appellant negated any indication of imbecility or insanity. However, the conclusions arrived at on the same report portrayed a different scenario, that is, they found accused-appellant to be suffering from a chronic psychosis classified as schizophrenia characterized by the presence of delusions, hallucinations, disorganized or irrelevant speech, disorganized or bizarre behavior and disturbance in affect. They also said that not only was accused-appellant's impulse control, frustration tolerance and judgment are affected but also her work, social-relations and self-care was significantly impaired. In short, they concluded that accused-appellant is insane. These apparent inconsistent observations and conclusions of the expert witnesses, rendered said psychiatric report unworthy of credence, hence deserves no evidentiary weight.

Second, the psychiatric report is insufficient and incomplete to arrive at a conclusion that accused-appellant was mentally deranged at the time she committed the offense. Notably, the remarks and conclusions of the psychiatrists were merely based on a series of psychological tests, interviews and mental examinations given to accused-appellant. Other factors such as knowing the history of accused-appellant's mental state as well as conducting interviews with the members of her family and friends were not made by the doctors. As a matter fact, Dr. delos Reyes admitted in her testimony that they failed to inquire whether the mental disorder of accused-appellant was genetic.[13] In *People vs. Villa, Jr.*,[14] the Supreme Court, did not give any credence to the psychological report claiming that the accused was mentally unstable on the ground that the said report was based on incomplete and insufficient facts,thus:

xxx xxx xxx Secondly, without the least intention of casting doubt on the knowledge and integrity of expert

witnesses, we agree with the trial court that the results of the examinations conducted by the psychiatrists on accused-appellant appear to be based on incomplete or insufficient facts. Records show that the psychiatrists relied mainly on the data supplied by accused-appellant and his police escort, without conducting an independent interview of any of accused-appellant's family members, relatives or persons who could provide information on his state of mind before or during the commission of the offenses. If he really was insane at the time of the murders, certainly such a condition could not have escaped the notice of other persons, friends and strangers alike, including the immediate members of his family.

And third, the psychiatrists, cannot conclude with certainty that accused-appellant is of unsound mind when she committed the crime. Consider their testimonies which we quote:

Testimony of Dr. Lalyn De los Reyes

Q:

So, do you agree with me Doctor that the accused - is it possible Doctor that the accused who is now competent because she has proper judgment now, this quality or this capability of the accused is also existing during the commission of the offense?

A:

It's possible, your Honor.

Q:

So, in other words, at the time that she committed the offense, there is a possibility that she has proper judgment?

A:

Yes, your Honor.[15]

Testimony of Dr. Zarah C. Espinoza

Q:

Is it possible also - well, it is possible then that at the time of the incident which is October of 2009, although she is suffering from schizophrenia she knew of the consequences of her act?

A:

It could be possible.

Q:

Is it possible?

A:

It is possible.[16]

Verily, the defense having miserably failed to discharge its burden of overcoming the presumption the accused-appellant committed the crime freely and knowingly, we therefore find no cogent reason to disturb the

findings of the RTC finding her guilty as charged.

As to the crime charged, we likewise sustain the RTC in ruling that accused-appellant is properly indicted and tried for the crime of child abuse defined and penalized under Section 10 (a) of Article VI in relation to Section 3 (b) of Article I of R.A. 7610.

Section 10 (a) of Article VI of R.A. 7610 reads:

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 prision mayor in its minimum period.

Corollarily, Section 3 (b), Article I of R.A. 7610 defined child abuse, to wit:

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.

The foregoing provision of law and the evidence submitted by the prosecution, i.e.: the testimonies of AAA, Manilyn and Mercynario and the photographs[17] of AAA showing the wounds, bruises, and contusions inflicted on him, evidently established that accused-appellant committed the crime charged. We specifically gave weight to the testimony of AAA positively identifying himself as the child with bruises and wounds in the photographs and pointing to no less than his mother as her tormentor. He was categorical and straightforward in testifying that:

Q: Kilala mo iyong andito (Fiscal Garvida is pointing to a person in a picture being shown to the child)?

A: (Nod his head.)

Q: Sino?

A: Ako.

Q: What is your name?

A: 'AAA'.

Q: Ikaw ito, di ba? (The Fiscal is pointing to a person in the picture he is showing to the witness.)

A: (Nods his head).

Q: Anong nangyari sa mukha mo, bakit may pula-pula?

A: Pinalo.

Q: Nino? Sinong pumalo sa iyo?

A: Mama ko.

xxx xxx

Q: Ito, itong picture na ito kilala mo and nandyan?

A: (Nods his head)

Q: Sino ang nandyan?

A: Ako.

Q: Kita mo iyong dalawang pulang iyon, anong nangyari sa iyo?

A: Pinalo.

Q: Pinalo; sinong pumalo?

A: Mama ko.

xxx xxx

Q: Ok eto pa ang isa, iyna(sic), kilala mo kng sino iyan?

A: Ako.

Q: Paano mong nakilala yan, nakatalikod yan; ikaw yan?

A: (Nods his head.)

Q: O, yong sa likod mo, anong nangyari doon, iyong mga pula-pula?

A: Pinalo.

Q: Pinalo ka? Sinong palaging pumapalo sa iyo?

A: Si Mama.

Q: Si Mama; bakit ka pinapalo?

A: Kasi makulit eh.

xxx xxx

Q: Anong ginagamit na pampalo sa iyo ng Mama mo?

A: Iyong hanger.

xxx xxx

Q: O, eto pang isang picture; sinong andito sa picture na ito?

A: Ako.

Q: Ikaw na naman, ang dami mong picture ha, yan, yang mga pula sa balikat mo, anong nangyari?

A: Pinalo.

Q: Pinalo na naman, nino?

A: Mama ko.[18]

The foregoing excerpts clearly and undeniably proved that AAA was subjected to physical abuse by his own mother.

Finally, with respect to the penalty, we equally sustain the penalty imposed by the RTC. The imposable penalty for the crime of child abuse punishable under Section 10(a), Article VI of Republic Act No. 7610 is prison mayor in its minimum period. While R.A. No. 7610 is a special law, it must be noted that the penalty imposed is derived from, and defined in, the Revised Penal Code. Thus, where the special law adopted penalties from the Revised Penal Code, the Indeterminate Sentence Law will apply just as it would in felonies. Applying Section 1 of the Indeterminate Sentence Law,[19] the RTC properly imposed the penalty of four (4) years, nine (9) months and eleven (11) days of prison correccional, as minimum, to six (6) years, eight (8) months and one (1) day of prison mayor, as maximum.

WHEREFORE, the instant appeal is DISMISSED. The Decision dated August 31, 2011 of the Regional Trial Court (RTC) of Makati City, Branch 140, in Criminal Case No. 09-2410 is hereby AFFIRMED.

SO ORDERED.

Reyes, Jr., A.B., Chairperson, and Rosario, R.R., JJ., concur.

[1] Rollo, pp. 78-91.

[2] Records, p. 1.

[3] Records, p. 125 (Exhibit “F” and submarkings)

[4] Rollo, p. 90-91.

[5] Transcript of Stenographic Notes (TSN), July 13, 2011, pp. 4-6.

[6] People vs. Medina, G.R. No. 113691, February 6, 1998.

[7] People vs. Estrada, G.R. No. 130487, June 19, 2000.

[8] Art. 800. The law presumes that every person is of sound mind, in the absence of proof to the contrary.

[9] People vs. Robiños, G.R. No. 138453, May 29, 2002.

[10] TSN, March 10, 2010, pp. 10-20.

[11] Ibid.

[12] Records, pp. 66-69.

[13] TSN, January 13, 2011, p. 39.

[14] G.R. No. 129899, April 27, 2000.

[15] Supra at note 12, p. 61.

[16] TSN, April 5, 2011, p. 26.

[17] Records, pp. 115-116.

[18] TSN, June 15, 2010, pp. 13-16.

[19] SECTION 1. Hereafter, in imposing a prison sentence for an offense punished by the Revised Penal Code, or

its amendments, the court shall sentence the accused to an indeterminate sentence the maximum term of which shall be that which, in view of the attending circumstances, could be properly imposed under the rules of the said Code, and the minimum of which shall be within the range of the penalty next lower to that prescribed by the Code for the offense; and if the offense is punished by any other law, the court shall sentence the accused to an indeterminate sentence, the maximum term of which shall not exceed the maximum fixed by said law and the minimum shall not be less than the minimum term prescribed by the same.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.