

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. ALDWIN TAMORADA Y GARBO, ACCUSED-APPELLANT.

Ponente: ZALAMEDA, R.V., J.

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ZALAMEDA, R.V., J.:

Before Us is an Appeal[3] from the Decision[4] dated 31 May 2011 rendered by Branch 68, Regional Trial Court of Camiling, Tarlac,[5] finding accused-appellant Aldwin Tamorada[6] guilty beyond reasonable doubt for violation of Section 5(i) of Republic Act No. 9262[7] or otherwise known as "The Anti-Violence against Women and Children Act," the dispositive portion of which reads:

"WHEREFORE, accused Aldwin Tamorada is found guilty beyond reasonable doubt for violation of Section 5(i) of RA 9262 known as the "Anti-Violence Against Women and their Children Act of 2004" and hereby sentences him to an imprisonment of six (6) years of prision correccional, as minimum to ten (10) years and one (1) day of prision mayor, as maximum and to pay a Fine of P100,000.00.

SO ORDERED."[8]

The facts, as culled from the records, are as follows:

On 25 March 2009, accused-appellant was charged with the crime of violation of Section 5(i) of Republic Act No. 9262 committed against private complainant Celeca Mateo[9] under the following Information:[10]

"That sometime on September 16, 2008 and thereabouts, in the Municipality of Camiling, Province of Tarlac, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully and feloniously, had (sic) sexual relation with Celeca Mateo, promising to marry her and subsequently impregnating her and refused to acknowledge his child depriving them of support legally due to her and their child thereby causing her mental and emotional anguish, ridicule and humiliation, which constitutes emotional abuse defined under RA 9262.

CONTRARY TO LAW."

On arraignment,[11] accused-appellant pleaded not guilty[12] to the crime as charged. Thereafter, trial on the merits ensued.

The prosecution presented private complainant, the latter's aunt Maria Mateo,[13] Servillana Villena[14] and Recto Gatmin.[15] The prosecution also presented the following documentary exhibits: private complainant's Sinumpaang Salaysay[16] Medico Legal Report[17] and Ultrasound Report.[18]

The evidence of the prosecution reveals the following:

Private complainant met accused-appellant in Camiling Tarlac sometime in 2006. He courted her and they became sweethearts in April 2006. Buoyed by accused-appellant's profession of love and his promise to marry her, private complainant gave herself to him and they had sexual intercourse many times. In September 2008, private complainant found she was pregnant and immediately informed accused-appellant thereof but he bluntly told her to have the baby aborted. He even gave her an abortive pill called "Cytotec" but she refused to take the same.[19]

Distraught, private complainant remained holed up in her aunt's house, was often in tears and even thought of committing suicide,[20] fearing the possible consequences if her parents find out about her pregnancy. When her pregnancy was becoming apparent, she finally mustered the courage to tell her parents about it.

On 28 October 2008, she lodged a complaint before Brgy. Palimbo, demanding the accused-appellant to marry her as promised and take responsibility for her pregnancy. During the meetings, accused-appellant said he could not marry her since he was committed to another woman, whom he married later while the barangay conciliation proceeding was pending; further, he denied authoring her pregnancy, saying he would acknowledge the child only after Deoxyribonucleic Acid (DNA) examination.[21]

No settlement having been reached, the barangay chairman issued a Certificate[22] to file action and after the requisite preliminary investigation, accused-appellant was indicted for violation of Section 5(i) of R.A. No. 9262.

On the other hand, accused-appellant presented himself, Brgy. Chairman Romualdo Sugaste,[23] and accused-appellant's uncle Corsino Domingo.[24] He also submitted the following documentary exhibits: his Affidavit[25] and the Minutes[26] of the Hearing of the Complaint at the Brgy. Hall of Palimbo. Their version are as follows:

Accused-appellant admitted that he first met private complainant in 2006. They became lovers and had consensual sex many times. Accused-appellant, however, denied promising private complainant marriage.[27] In December 2007, accused-appellant sent her a text message ending their relationship. However, even after the breakup, he still went out with private complainant and had intercourse with her every time she visited.[28]

Accused-appellant did not say anything when private complainant told him that she was pregnant. A confrontation subsequently ensued between him and private complainant before the barangay conciliation where she demanded sixty thousand (P60,000.00) pesos for her impending childbirth but accused-appellant told her that he would have to ask this from his mother since he was unemployed. Accused-appellant likewise said he would acknowledge her child and give full support if it can be shown that the child was really his. Meanwhile, he married one Vanessa Adviento on 15 November 2008 while the complaint was pending before the barangay.[29]

After trial, the RTC rendered its assailed decision, finding accused-appellant guilty as charged.

Hence, accused-appellant is before this Court ascribing the following assignment of errors:

- 1.) THE COURT A QUO COMMITTED REVERSIBLE ERROR WHEN IT DECLARED THAT APPELLANT IS GUILTY OF VIOLATING SECTION 5[i] OF REPUBLIC ACT NO. 9262 CONTRARY TO THE FACTS AND THE LAW;
- 2.) THE COURT A QUO COMMITTED REVERSIBLE ERROR WHEN IT DISREGARDED THE EVIDENCE SUBMITTED BY BOTH PARTIES;
- 3.) THE COURT A QUO COMMITTED REVERSIBLE ERROR WHEN IT MISAPPREHENDED THE FACTS AND MISAPPLIED THE LAW.[30]

The issue is simply whether or not the trial court correctly found accused-appellant to have committed a violation of Section 5(i) of R.A. No. 9262.

We sustain the RTC.

In his seeking his acquittal, accused-appellant raises in his brief the following arguments: (1) he did not commit any act of violence that was qualified by a "purposeful, willful and knowing infliction of such abuse" against private complainant or her child; (2) the acts or series of acts that cause or is likely to result in physical, sexual or

psychological harm or suffering or even abuse including acts of battery, assault, coercion, harassment or arbitrary deprivation of liberty must constitute felonies in themselves or at least akin to felonies, hence, the element of intent or criminal negligence must be alleged in the Information and proven during trial, neither of which according to him the prosecution had done in his case.[31]

Accused-appellant misread the law.

An examination of Section 5 and its various sub-provisions shows that none of the acts cited in the two (2) foregoing arguments involve causing a woman mental or emotional anguish under Section 5(i) of R.A. No. 9262, the specific charge against accused-appellant. The acts enumerated under the first argument are punishable under Section 5(h)[32] of the same law, a separate and distinct offense from Section 5(i). Meanwhile, the acts enumerated in the second argument fall under Section 3(a) which provides the law's general definition of "violence against women and children." [33] It is an established principle of statutory construction, however, that in case of a conflict, a special provision shall prevail over a general provision of the same law.[34] Hence, in this case, Section 3(a), being a general provision of R.A. No. 9262 must yield to Section 5(i) which should properly govern the charge against accused-appellant, that is, the offense of violence against women committed by causing the offended woman mental or emotional anguish.

Accused-appellant also contends that the RTC erred in finding that he refused to support and acknowledge their love child. On the contrary, he argues, that he offered support during the barangay conciliation proceeding but just could not actually give the same since he was unemployed at that time. He also asserted that he could not be faulted for first wanting to confirm that private complainant's child was indeed his before acknowledging the baby since support must be based on filiation.[35]

The argument deserves scant consideration.

Assuming arguendo, accused-appellant indeed offered to support their love child during the barangay conciliation proceeding, this fact will not at all exonerate accused-appellant of the offense, the commission of which had already been consummated when private complainant had a bout of depression and even contemplated suicide after accused-appellant refused to take responsibility for her pregnancy. If accused-appellant indeed entertained doubt regarding the paternity of the child, he should have, at least put forward the reasons for his doubt, say that private complainant had some other sexual partner other than him. Unfortunately, he did not.

The RTC aptly observed that no such support was really forthcoming. Thus:

"x x x

(4) Accused failed and continues to fail to give moral and financial support to their lovechild. True, he promised to support their lovechild. His promise, however, remains an empty one. This is clearly revolting to the conscience of man in his right mind. Hence, even if the complainant was then adult (sic) who voluntarily and actively pursued their amorous relationship, it is understandable if the private complainant is unforgiving to the end. [Emphasis supplied]

x x x"[36]

Section 3 (a) and (c) of R.A. No. 9262 define the concepts of "violence against women and children" and "psychological violence," viz:

SEC. 3. Definition of Terms. – As used in this Act,

(a) "Violence against women and their children" refers to any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual

or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty.

x x x

(c) "Psychological violence" refers to acts or omissions causing or likely to cause mental or emotional suffering of the victim such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse and marital infidelity. It includes causing or allowing the victim to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs, or to witness pornography in any form or to witness abusive injury to pets or to unlawful or unwanted deprivation of the right to custody and/or visitation of common children. [Emphasis supplied]

Section 5, meanwhile, enumerates the specific acts constituting violence against women, including that of causing a woman mental or emotional suffering under paragraph (i), viz:

SEC. 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:

x x x

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

Taken together, an offender commits the crime of violence against women under Section 5(i) when the following elements concur: (1) The offender has or had a sexual or dating relationship with the offended woman; (2) The offender, by himself or through another, commits an act or series of acts that cause the offended woman emotional anguish or suffering, public ridicule or humiliation which acts may include repeated verbal and emotional abuse or denial of support or custody over the offended woman's child or children.

After a careful review of the records, We find that both elements exist in this case.

First, accused-appellant had a sexual or dating relationship with private complainant, the two having been former sweethearts. No less than accused-appellant himself admitted having consensual sex with private complainant countless times from 2007 until August 2008.[37] In fact, he further admitted maintaining sexual relations with private complainant even after supposedly breaking up with her in December 2007.[38]

Second, accused-appellant's collective acts caused her emotional anguish or suffering. After winning private complainant over and succeeding in having sexual congress with her by declaring his love and promising her marriage, accused-appellant suddenly turned his back on private complainant after learning of her pregnancy, thus abandoning her and their unborn child at a time of great need. Unabashedly refusing to take responsibility for her and their child, he even persuaded private complainant to abort their baby, thus:

"x x x

Q:

Ms. Witness, in your Sinumpaang Salaysay, you claimed that you and the accused are sweethearts in the year 2007?

A:

Yes, sir.

Q:

And, this intercourse happened, according to you, the accused promised to marry you?

A:

Yes, sir.

Q:

But instead, the accused married another woman?

A:

Yes, sir.[39] [Emphasis supplied]

x x x

Q:

In fact, you were demanding all these time (sic) at the barangay that Aldwin Tamorada should marry you?

A:

Yes, sir. Aldwin Tamorada refused to marry me because he was committed to marry another person at itinanggi nya na hindi daw nya anak ang dinadala ko- he denied that he is not (sic) the father of the child carrying on my womb (sic).[40]

x x x

Q:

Ms. Witness, you claim that you informed the accused that you were pregnant and you claim that the accused told you bluntly that you have to have the child aborted, am I correct?

A:

Yes, sir.

Q:

And he even gave you tablet (sic) which is called cytotec, am I correct?

A:

Yes, sir.

Q:

What did you do with that cytotec tablet that was given to you by the accused?

A:

I did not take it, sir. I just kept it.

x x x

Q:

After giving you the cytotec tablet, you (sic) tried to contact the accused, am I correct?

A:

Yes, sir.

Q:

Did he make any reply?

A:

No, sir.[41] [Emphasis supplied]

x x x."

Accused-appellant's outright refusal to support private complainant and their child is further established by the testimonies of Servillana and Corsino, who both testified that accused-appellant declared during the barangay conciliation proceeding to acknowledge private complainant's child only if proven that the child is indeed his via DNA examination,[42] an act which apparently negates any intention to acknowledge much less support their then unborn child.

Moreso, accused-appellant's foregoing acts all brought private complainant mental and emotional pain and misery, viz:

"x x x

Q:

When the accused got married, was there any instance that you and the accused met before the barangay captain?

A:

Yes, sir.

Q:

And what happened?

A:

There was no settlement and they challenged us to bring the matter to court, sir.[43]

x x x

Q:

Ms. Witness, all these things that happened, what did you feel if there was any?

A:

For me, sir, what happened was very painful to me because of the cheatings he made upon my honor.

Q:

And what did you feel at the time when you gave birth without any father of your child?

A:

(At this juncture, the witness is crying.)

Of course, I was very unhappy because my child has no father, sir.

Q:

And at the time when you were pregnant, could you recall if you could walk freely and with pride?

A:

No, sir.

Q:

Today, when you already gave birth, can you now walk freely and with pride in the street?

A:

Now, I am starting to adjust and go out of the house but not as often as I did before I gave birth, sir.[44]
[Emphasis supplied]

x x x"

In fact, private complainant's aunt Maria, with whom she resided at the time she discovered her pregnancy, testified that private complainant was so greatly affected by her situation that she even thought of taking her own life:

"x x x

Q:

When she was inside your residence, did she stay or just stay near the window or she just stay in the room?

A:

Gusto niyang mag-pakamatay kaysa malaman nila. She is contemplating to take her life because of the situation sir.

x x x

Q:

You claimed that she is about to contemplate her life (sic), was there any indication that she is contemplating to take her life?

A:

She was always crying and was afraid that her uncle might known (sic) this, that is why I am hiding her.[45]
[Emphasis supplied]

x x x."

Against the prosecution's foregoing evidence, accused-appellant proffered mere denial as his defense. Inherently feeble, the defense of denial must be reinforced by strong evidence of non-culpability to merit credibility.[46] A mere denial, like an alibi, constitutes self serving negative evidence which cannot be accorded greater evidentiary weight over the declarations of credible witnesses who testify on affirmative matters.[47] Between the categorical assertions of prosecution witnesses like private complainant herself, her aunt Maria and Villena and the negative averments of the accused, the former indisputably deserves more credence and evidentiary weight.[48]

In this case, other than his bare denial, accused-appellant failed to present strong evidence of non-culpability to merit credibility. Neither has he pointed to any ill motive on the part of private complainant which would push her to testify falsely against him.

When it comes to the credibility of witnesses, the trial court's assessment deserves great weight, and is even conclusive and binding, if not tainted with arbitrariness or oversight of some fact or circumstance of weight and influence. The reason is plain. Having the full opportunity to directly observe witnesses' deportment and their manner of testifying, the trial court is in a better position than the appellate court to properly evaluate testimonial evidence.[49]

Not only did private complainant in this case testify in a candid and straightforward manner, her narration was also punctuated with tears which she uncontrollably shed while on the stand, thus evincing the pain brought upon her by accused-appellant's acts of deceit and abandonment, to wit:

"x x x

Q:

You mean to say Aldwin Tamorada, his clan, they were there during the first meeting but they did not actually hear your complaint?

A:

We were not given a chance to speak because all of them were talking, Sir.

Q:

What were they saying if they were not doing anything?

A:

Bakit daw ko hinahabol yong pamangkin nila, kung gusto ko daw po babayaran nila ako ng 50.00 pesos o limang peso para daw matigil na ako sa paghahabol sa lalaking yan para manahimik na lang daw ako- (Umiyak)

PROS. GUARDIANO:

May I request your Honor that the answer of the witness be quote and unquote (sic). As she narrated you Honor, may I manifest that the witness is crying your Honor.

THE COURT:

Manifestation is duly noted, that the witness is crying while narrating.[50]

x x x

Q:

: Ms. Witness, all these things that happened, what did you feel if there was any?

A:

For me, sir, what happened was very painful to me because of the cheatings he made upon my honor.

Q:

And what did you feel at the time when you gave birth without any father of your child?

A:

(At this juncture, the witness is crying.)

Of course, I was very unhappy because my child has no father, sir.[51]

x x x."

It has been held that a witness' tears and her consistency in recounting her experience has been held to dispel any insinuation of rehearsed testimony.[52]

Accused-appellant asserts that, if at all, his failure to fulfill his promise to marry merely constitutes a cause for a mere civil, not criminal action because what private complainant really wanted was for accused-appellant to fulfill his promise to marry her. Invoking *Tanjanco vs. Court of Appeals and Santos*[53] and *Wassmer vs. Velez*,[54] he posits that the case against him cannot prosper since the Civil Code does not authorize an action for breach of promise to marry.[55]

The argument must fail.

It must be stressed that accused-appellant was charged with and subsequently found liable for violation of Section 5(i) of R.A. No. 9262 not solely for reneging on his promise to marry private complainant but for his collective acts and omissions encompassing his refusal to support private complainant and their love child (made worse by his desire to have their baby aborted), his abandonment of private complainant, thus causing her emotional suffering.

It is erroneous for accused-appellant to claim that what private complainant merely seeks is to compel him to marry her for an examination of the allegations of private complainant's complaint affidavit will show the absence of any allegation indicating any demand for accused-appellant to marry her.[56] The allegations in the complaint and the reliefs prayed for determine the nature of the action and which court has jurisdiction over the matter.[57] The existence of a cause of action is determined by the allegations in the complaint.[58]

Accused-appellant's reliance on *Tanjanco* and *Wassmer* is similarly misplaced. First, the remedies the aggrieved women availed of in said cases and in the present dispute are different. There, private complainants in both cases both filed civil suits, specifically a suit for support and damages in the first and an action for damages in the second. In the present case, however, private complainant lodged a criminal complaint, not a civil action as the private complainants did in the aforecited cases. Second, the factual circumstances of the present dispute also differ from that of the two. In *Tanjanco*, the offender successfully had intercourse with the private complainant after declaring his undying love for her and promising to marry her but subsequently refused to fulfill that promise on learning of the offended woman's pregnancy. In *Wassmer*, the private complainant and the offender both applied for and obtained marriage licenses. Meantime, the complainant (who was not pregnant) incurred expenses relative to the wedding, invitations were sent out and bridal showers were held as well only for the offender to inform the bride to be that they needed to postpone the wedding. Unlike in *Tanjanco* and *Wassmer*, the offender here not only reneged on his promise to marry the private complainant, he even made no effort to hide his refusal to support her and to take responsibility for her pregnancy by even persuading private complainant to take an abortive pill. As if such rejection was not enough, accused-appellant similarly refused to acknowledge their love child even during the barangay conciliation proceedings, even going to the extent of insisting that private complainant first undergo DNA testing as a condition to his acknowledgment of the child despite his admission of having had regular sexual intercourse with her even after their supposed breakup. Third, the two cases can no longer be considered good law, having been decided several decades ago in 1966 and 1964 involving incidents which took place in the 1950s. On the other hand, the incidents subject of the present case occurred from 2006 to 2008, well within the coverage of R.A. No. 9262, a ground-breaking statute which took effect on 27 March 2004.

It will be noted that while Section 5(i) of R.A. No. 9262 does not expressly enumerate breach of promise to marry as an omission that may cause a woman emotional or mental anguish, We hold such omission may nevertheless fall within the scope of Section 5(i) so long as the private complainant can show, as in this case, that such failure, coupled with other acts were of such nature as to have caused her emotional or mental pain or suffering. This interpretation is more in keeping with Section 4 of R.A. No. 9262 which states that said law "shall be liberally construed to promote the protection and safety of victims of violence against women and children."

In her sponsorship speech, then Sen. Luisa Ejercito lucidly explained that R.A. No. 9262 was crafted to correct the problem of gender discrimination and afford women and children protection not only from physical abuse but from all forms of violence, viz:

"The abuse of women and children by their male partners is among the most common and dangerous forms of gender-based violence. Indeed, it is so pervasive and varied in expressions that women themselves believe that they have no alternative but to accept it as a normal part of their life.

x x x

At any rate, current incidence of domestic violence is disturbingly alarming.

x x x

However, these statistics are not entirely accurate considering that violence against women and children is usually shrouded with a culture of silence. Revelations of violence within the family bring shame and scandal putting tremendous pressure on the victims to bear silently their physical suffering, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings and social humiliation.

x x x

After careful deliberations, consulting a number of experts and getting views of affected sectors and NGOs, we have decided to incorporate the significant provisions of both measures, coming up with a committee report that is strictly neither of the two but a synthesis thereof.

While this humble representation emphasizes the need to single out a call for the protection of women, being the victims, more often than not, of domestic violence and abuses, children are also victimized tremendously, while men, yes men, in relatively few cases, also become prey to such abuse.

Hence, the committee adopted the anti-domestic violence act, with incorporation of pertinent provisions from the Anti-AWIR Act if only to recognize the fact that women are the usual victims and to provide them ample protection against all forms of violence and abuse, perpetrated normally by their male partners.

The synthesized measure, therefore, protects all family members, leaving no one in isolation, pursuant to the "equal protection clause" of the Constitution and at the same time gives special attention to women, whose pitiful experience necessitates timely legal intervention.

In sum, this representation submits that the measure is a great step forward in our crusade to finally put an end to domestic violence, perpetrated mainly against women and children. [59] [Emphasis supplied]

During hearings before the Senate Committee on Youth, Women and Family Relations,[60] resource persons explained that the then proposed measure does not violate the equal protection clause:

"THE CHAIRPERSON. I have two questions here, 'no? If I remember correctly, when the House of Representatives conducted a hearing on this bill, on abuse of women in intimate relationships, there were allegations that these AWIR bills has – AWIR bills violate the constitutional provisions to ensure fundamental equality between men and women as well as the clause on equal protection of laws. Is there any legal basis on

these allegations and do you agree that the AWIR bills might be constitutionally infirmed? (sic)

MS. PAGADUAN: Eto nga ho, doon sa aming point service system, yong fact – 'yong first point of resistance nga that the anti-AWIR bill violates the equal protection clause and the gender neutrality provision of the Constitution because it does not extend its protection to men. Ang sagot ho namin, the anti AWIR bill does not violate the equal protection clause of the Constitution. The equal protection clause presupposes a situation where all the parties to the controversy are similarly situated with the same power, resources and ability.

However, social conditions have subjected women to abuse and violence more than men." [Emphasis supplied]

All told, this Court agrees with the RTC in convicting accused-appellant for the crime charged and the prosecution to have proved every element thereof beyond reasonable doubt.

WHEREFORE, premises considered, the instant appeal is DENIED and the assailed Decision dated 31 May 2011 is hereby AFFIRMED IN TOTO.

SO ORDERED.

Sorongon[2] and Sempio Diy, JJ., concur.

[1] Per Office Order No. 180-14-ABR dated 05 May 2014.

[2] Acting Senior Member, per Office Order No. 180-14-ABR dated 05 May 2014.

[3] Rollo, pages 33 to 63.

[4] Records, pages 111 to 118.

[5] "RTC," for brevity.

[6] "Accused-appellant," for brevity.

[7] "R.A. No. 9262," for brevity.

[8] Rollo, page 20.

[9] "Private complainant," for brevity.

[10] Records, Page 01.

[11] Id. at 31 to 32.

[12] Id. at 33, Order dated 14 May 2009.

[13] "Maria," for brevity.

[14] "Servillana," for brevity.

[15] Barangay Official of Florida, Camiling, Tarlac.

[16] Records, pages 07 to 08.

[17] Id. at 09.

[18] Id. at 10; Exh "B."

[19] TSN dated 11 August 2009, pages 13 to 14; Exh. "A"; Records, page 07.

[20] TSN dated 01 December 2009, pages 08 to 09; Exh. "A"; Records, page 08.

[21] TSN dated 11 August 2009, pages 11, 12, 14 to 16; TSN dated 10 November 2009, pages 07 and 09; TSN dated 16 March 2010, page 17; Exh. "A", Records page 08.

[22] Records, page 12

. [23] "Brgy. Chairman Sugaste," for brevity (Palimbo, Camiling, Tarlac)

[24] "Corsino," for brevity.

[25] Records, pages 03 to 05; Exh "1."

[26] Id. at 81 to 83.

[27] TSN dated 14 September 2010, pages 03 to 08 and 17; Records, page 03.

[28] Id. at 09 to 10, 12 to 13.

[29] Id. at 17, 19 and 22; Minutes of Hearings, Exh. 2, Records, page 82; TSN dated 15 January 2011, page 08.

[30] Rollo, page 47.

[31] Rollo, pages 50 to 52, Accused-appellant's Brief.

[32] SEC. 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:

x x x

(h) Engaging in purposeful, knowing, or reckless conduct, personally or through another, that alarms or causes substantial emotional or psychological distress to the woman or her child. This shall include, but not be limited to, the following acts:

- (1) Stalking or following the woman or her child in public or private places;
- (2) Peering in the window or lingering outside the residence of the woman or her child;
- (3) Entering or remaining in the dwelling or on the property of the woman or her child against her/his will;
- (4) Destroying the property and personal belongings or inflicting harm to animals or pets of the woman or her child; and
- (5) Engaging in any form of harassment or violence;

[33] SEC. 3. Definition of Terms.- As used in this Act,

(a) "Violence against women and their children" refers to any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but is not limited to, the following acts: x x x

[34] Duque III vs. Veloso, G.R. No. 196201, 19 June 2012.

[35] Rollo, pages 53 to 55, Accused-appellant's Brief.

[36] Id. at 19.

[37] TSN dated 14 September 2010, pages 03 to 09.

- [38] Id. at 10, 12 to 13.
- [39] TSN dated 06 October 2009, page 04.
- [40] TSN dated 10 November 2009, page 09.
- [41] TSN dated 11 August 2009, pages 13 to 14.
- [42] TSN dated 16 March 2010, page 17; TSN dated 15 January 2011, page 08.
- [43] TSN dated 11 August 2009, page 15.
- [44] Id. at 16 to 17.
- [45] TSN dated 01 December 2009, pages 08 to 09.
- [46] People v. Colorado, G.R. No. 200792, 14 November 2012.
- [47] People vs. Hashim, G.R. No. 194255, 13 June 2012.
- [48] People vs. Dela Rosa, G.R. No. 201723, 13 June 2013.
- [49] Gan vs. People, G.R. No. 165884, 23 April 2007.
- [50] TSN dated 10 November 2009, pages 08 to 09.
- [51] TSN dated 11 August 2009, page 16.
- [52] People v. Pamintuan, G.R. No. 192239, 05 June 2013, citing People v. Oden, 471 Phil. 638, 667 (2004).
- [53] G.R. No. L-18630, 17 December 1966.
- [54] G.R. No. L-20089, 26 December 1964.
- [55] Rollo, page 53; Accused-appellant's Brief, pages 20.
- [56] Private complainant's complaint affidavit filed with the Prosecutor's Office, Records, page 03 to 05.
- [57] Gulfo v. Ancheta, G.R. No. 175301, 15 August 2012.
- [58] D.M. Ferrer & Associates Corp. v. University of Santo Tomas, G.R. No. 189496, 01 February 2012, citing Abacan v. Northwestern University, Inc., 495 Phil. 123 [2005].
- [59] Delivered 10 December 2003, Record of the Senate, Volume II, No. 45, pages 832, 834.
- [60] Joint with Committee on Justice and Human Rights, Committee on Justice and Human Rights, Committee on Social Justices, Welfare and Rural Development, Committee on Finance, Committee on Constitutional Amendments, Revision of Codes and Laws; TSN dated 06 March 2002, pages 40 to 41.

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