ROBERTO P. DE GUZMAN, PETITIONER, VS. HERNANDO B. PEREZ, IN HIS CAPACITY AS SECRETARY OF JUSTICE, AND SHIRLEY F. ABERDE, RESPONDENTS.

G.R. NO. 156013. July 25, 2006

Ponente: CORONA, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-156013/

CORONA, J.:

May a parent who fails or refuses to do his part in providing his child the education his station in life and financial condition permit, be charged for neglect of child under Article 59(4)[1] of PD 603?[2]

In this petition for certiorari,[3] petitioner Roberto P. de Guzman assails the January 3, 2002 resolution of public respondent, then Justice Secretary Hernando B. Perez, dismissing de Guzman's petition for review of the City Prosecutor of Lipa City's resolution in I.S. No. 2000-2111. Likewise questioned is public respondent's September 24, 2002 resolution denying reconsideration.

Petitioner and private respondent Shirley F. Aberde became sweethearts while studying law in the University of Sto. Tomas. Their studies were interrupted when private respondent became pregnant. She gave birth to petitioner's child, Robby Aberde de Guzman, on October 2, 1987.

Private respondent and petitioner never got married. In 1991, petitioner married another woman with whom he begot two children.

Petitioner sent money for Robby's schooling only twice - the first in 1992 and the second in 1993. In 1994, when Robby fell seriously ill, petitioner gave private respondent P7,000 to help defray the cost of the child's hospitalization and medical expenses. Other than these instances, petitioner never provided any other financial support for his son.

In 1994, in order to make ends meet and to provide for Robby's needs, private respondent accepted a job as a factory worker in Taiwan where she worked for two years. It was only because of her short stint overseas that she was able to support Robby and send him to school. However, she reached the point where she had just about spent all her savings to provide for her and Robby's needs. The child's continued education thus became uncertain.

On the other hand, petitioner managed the de Guzman family corporations. He apparently did well as he led a luxurious lifestyle. He owned at least five luxury cars, lived in a palatial home in the exclusive enclave of Ayala Heights Subdivision, Quezon City, built a bigger and more extravagant house in the same private community, and sent his children (by his wife) to expensive schools in Metro Manila. He also regularly traveled abroad with his family. Despite his fabulous wealth, however, petitioner failed to provide support to Robby.

In a letter dated February 21, 2000, private respondent demanded support for Robby who was entering high school that coming schoolyear (June 2000). She explained that, given her financial problems, it was extremely difficult for her to send him to a good school.

Petitioner ignored private respondent's demand. The latter was thus forced to rely on the charity of her relatives so that she could enroll her son in De La Salle high school in Lipa City.

On June 15, 2000, private respondent filed a criminal complaint[4] for abandonment and neglect of child under Article 59(2) and (4) of PD 603 with the Office of the City Prosecutor of Lipa City. It was docketed as I.S. No. 2000-2111.

In his counter-affidavit,[5] petitioner averred that he never abandoned nor intended to abandon Robby whom he readily acknowledged as his son. He claimed that he discharged his responsibilities as a father and said that he paid P7,000 for his son's hospitalization and medical needs. He also shouldered the expenses of Robby's birth and sent money to help out when Robby was sick or was in need of money. Claiming financial incapacity, he insisted that the acts attributed to him did not constitute abandonment or neglect.

Petitioner pointed out that private respondent was the financially capable parent while he had no fixed job and merely depended on the charity of his father. He asserted that the five luxury cars belonged not to him but to Balintawak Cloverleaf Market Corporation. He denied ownership of the big house in Ayala Heights Subdivision, Quezon City. He lived there with his family only by tolerance of his father. He also disclaimed ownership of the newly constructed house and again pointed to his father as the owner. Even the schooling of his two children (by his wife) was shouldered by his father.

On August 1, 2000, private respondent submitted her reply-affidavit.[6] To prove petitioner's financial capacity to support Robby's education, she attached a notarized copy of the General Information Sheet (GIS) of the RNCD Development Corporation. It showed that petitioner owned P750,000 worth of paid-up corporate shares.

In his rejoinder-affidavit,[7] petitioner maintained that his equity in the RNCD Development Corporation belonged in reality to his father. The shares were placed in his name only because he had no means to invest in the corporation. He could not use, withdraw, assign or alienate his shares. Moreover, the corporation was virtually dormant and petitioner did not receive any compensation as its secretary.

On August 15, 2000, the City Prosecutor of Lipa City issued his resolution[8] dismissing the complaint for abandonment but finding probable cause to charge petitioner with neglect of child punishable under Article 59(4) of PD 603 in relation to Section 10(a)[9] of RA 7610.[10]

On August 25, 2000, an information was filed before Branch 85 of the Regional Trial Court of Lipa City for the crime of neglecting a minor child. It was docketed as Criminal Case No. 0431-00.

Before petitioner could be arraigned, however, he filed a petition for review of the City Prosecutor's resolution with the Secretary of Justice.

On January 3, 2002, public respondent dismissed the petition for review and affirmed the City Prosecutor's resolution.[11] He found that petitioner's ostentatious and luxurious lifestyle constituted circumstantial evidence of his ample financial resources and high station in life. Petitioner did not deny allegations that he failed to send a single centavo for the education of his son. All the elements of the offense were therefore sufficiently established. Petitioner's claim that everything he had belonged to his father was a defense which should properly be raised only during trial.[12]

Petitioner sought reconsideration but the same was denied.[13] Hence, this petition.

Petitioner contends that public respondent acted with grave abuse of discretion in sustaining the City Prosecutor's resolution. He insists that there is no probable cause to justify his prosecution for neglect of a minor child. First, he is financially incapable to give support. One can only be charged with neglect if he has the means but refuses

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

to give it. Second, Robby is not a neglected child. He has been given, albeit by private respondent who is the financially capable parent, the requisite education he is entitled to.

The petition is without merit.

The rule is that judicial review of the resolution of the Secretary of Justice is limited to a determination of whether it is tainted with grave abuse of discretion amounting to lack or excess of jurisdiction.[14] Courts are without power to substitute their judgment for that of the executive branch.[15] They may only look into the question of whether such exercise has been made in grave abuse of discretion.[16]

Grave abuse of discretion is such capricious and whimsical exercise of judgment which amounts to an excess or lack of jurisdiction.[17] Where it is not shown that the findings complained of are wholly devoid of evidentiary support or that they are patently erroneous as to constitute serious abuse of discretion, the findings must be sustained.[18]

The assailed resolutions of public respondent were supported by evidence on record and grounded in law. They were not issued in a capricious, whimsical or arbitrary manner. There is therefore no reason to countermand them.

Petitioner is charged with neglect of child punishable under Article 59(4) of PD 603 which provides that:

> Art. 59. Crimes. - Criminal liability shall attach to any parent who:
>
> xxx xxx xxx
>
> (4) Neglects the child by not giving him the education which the family's station in life and financial conditions permit.
>
> xxx xxx xxx

The crime has the following elements:

> (1) the offender is a parent;
>
> (2) he or she neglects his or her own child;
>
> (3) the neglect consists in not giving education to the child and
>
> (4) the offender's station in life and financial condition permit him to give an appropriate education to the child.

Here, petitioner acknowledged Robby as his son. He has not denied that he never contributed for his education except in two instances (1992 and 1993). He admitted that the boy's education was being financed by private respondent and her relatives. He stated under oath that the last time he sent material support to his son was in 1994 when he gave P7,000 for the latter's hospitalization and medical expenses.

There is a prima facie showing from the evidence that petitioner is in fact financially capable of supporting Robby's education. The notarized GIS of the RNCD Development Corporation indicates that petitioner owns P750,000 worth of paid-up shares in the company.

Petitioner's assertion that the GIS is not evidence of his financial capability (since the shares are allegedly owned by his father) is of no moment. The claim is factual and evidentiary, and therefore a defense which should be interposed during the trial.

The argument that criminal liability for neglect of child under Article 59(4) of PD 603 attaches only if both parents are guilty of neglecting the child's education does not hold water.

The law is clear. The crime may be committed by any parent. Liability for the crime does not depend on whether the other parent is also guilty of neglect. The law intends to punish the neglect of any parent, which neglect corresponds to the failure to give the child the education which the family's station in life and financial condition permit. The irresponsible parent cannot exculpate himself from the consequences of his neglect by invoking the other parent's faithful compliance with his or her own parental duties.

Petitioner's position goes against the intent of the law. To allow the neglectful parent to shield himself from criminal liability defeats the prescription that in all questions regarding the care, custody, education and property of the child, his welfare shall be the paramount consideration.[19]

However, while petitioner can be indicted for violation of Article 59(4) of PD 603, the charge against him cannot be made in relation to Section 10(a) of RA 7610 which provides:

> SEC. 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 be responsible for other conditions prejudicial to the child's development including those covered by Article 59 of PD 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. (emphasis supplied)

x x x x x x x x x

The law expressly penalizes any person who commits other acts of neglect, child abuse, cruelty or exploitation or be responsible for other conditions prejudicial to the child's development including those covered by Article 59 of PD 603 "but not covered by the Revised Penal Code."

The "neglect of child" punished under Article 59(4) of PD 603 is also a crime (known as "indifference of parents") penalized under the second paragraph of Article 277 of the Revised Penal Code.[20] Hence, it is excluded from the coverage of RA 7610.

We make no determination of petitioner's guilt or innocence of the crime charged. The presumption of innocence in his favor still stands. What has been ascertained is simply the existence of probable cause for petitioner's indictment for the charge against him, that is, whether there is sufficient ground to engender a well-founded belief that a crime has been committed and that petitioner is probably guilty thereof, and should thus be held for trial. Petitioner's guilt should still be proven beyond reasonable doubt in Criminal Case No. 0431-00.

WHEREFORE, the petition is hereby DISMISSED.

Costs against petitioner.

SO ORDERED.

Puno, (Chairperson), Sandoval-Gutierrez, Azcuna, and Garcia, JJ., concur.

---

[1] It attaches criminal liability to any parent who neglects his child by not giving the latter the education which the family's station in life and financial condition permit.

[2] Child and Youth Welfare Code.

[3] Under Rule 65 of the Rules of Court.

[4] Complaint-affidavit dated June 15, 2000; rollo, pp. 37-39.

[5] Dated July 27, 2000; id., pp. 40-46.

[6] Id., pp. 47-56.

[7] Dated August 9, 2000; id., pp. 57-61.

[8] Id., pp. 62-66.

[9] It penalizes any person who commits other acts of neglect, child abuse, cruelty or exploitation or be responsible for other conditions prejudicial to the child's development including those covered by Article 59 of PD 603, as amended, but not covered by the Revised Penal Code.

[10] Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.

[11] Resolution dated January 3, 2002; rollo, pp. 23-26.

[12] Id.

[13]Resolution dated September 24, 2002; id., pp. 27-28.

[14]Metropolitan Bank & Trust Co. v. Tonda, 392 Phil. 797 (2000).

[15] Id.

[16]Id.

[17] Corpuz v. Sandiganbayan, G.R. No. 162214, 11 November 2004, 442 SCRA 294.

[18] Estrella Real Estate Corporation v. Court of Appeals, 374 Phil. 261 (1999).

[19] Article 8, PD 603.

[20] The crime of indifference of parents, the essence of which is the failure to provide the child with education, is punished under Article 277 and is also penalized by Article 59(4) of PD 603. (Regalado, CRIMINAL LAW CONSPECTUS, 1st Edition [2000], National Bookstore, Inc., p. 502)

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

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.