

CHRISTINE FERNANDEZ Y MEDINA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 217542. November 21, 2018

Ponente: LEONEN, J.

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LEONEN, J.:

This is an extraordinary case involving the application of doctrines on violations of Republic Act No. 7610 or the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.

For this Court's resolution is a Petition for Review on Certiorari[1] assailing the Court of Appeals September 29, 2014 Decision[2] and March 11, 2015 Resolution[3] in CA-G.R. CR No. 35695. The Court of Appeals affirmed with modification the Regional Trial Court April 18, 2013 Joint Decision[4] finding Christine Fernandez y Medina (Fernandez) guilty beyond reasonable doubt of two (2) counts of child abuse.

Two (2) Informations[5] were filed against Fernandez:

Criminal Case No. 116-V-12

That on or about November 11, 2011, in Valenzuela City and within the jurisdiction of the Honorable Court, the above-named accused, being the stepmother of the herein minor victim, without any justifiable cause, did then and there willfully, unlawfully and feloniously maltreated one AAA, 10 years old, DOB: September 12, 2001 (complainant/victim), by pliers [sic] the ears, bang[ing] the head on the wall and punch[ing] the back of the said minor complainant/victim, thereby subjecting said minor to psychological and physical abuse, cruelty and emotional maltreatment and which act debase, degraded and demeaned his intrinsic worth and dignity as human being, thus prejudicial to his normal development.

CONTRARY TO LAW.

Criminal Case No. 117-V-12

That on or about November 11, 2011, in Valenzuela City and within the jurisdiction of the Honorable Court, the above-named accused, being the stepmother of the herein minor victim, without any justifiable cause, did then and there willfully, unlawfully and feloniously maltreated one BBB, 11 years old, DOB: June 5, 2000 (complainant/victim), by scalding her with a hot rice, (sic) causing her skin to burn, piercing her stomach with a bamboo stick, hitting her eyes with a slippers [sic], hammering her foot and hitting her at the back of her body with a bamboo, thereby subjecting said minor to psychological and physical abuse, cruelty and emotional maltreatment and which act debased, degraded and demeaned her intrinsic worth and dignity as a human being thus prejudicial to her normal development.

Contrary to Law.[6] (Citations omitted)

On arraignment, Fernandez pleaded not guilty to the crimes charged.[7]

The prosecution presented six (6) witnesses: (1) AAA; (2) BBB; (3) Dominador M. Malabanan (Malabanan); (4) Gregoria Vengano; (5) Merceditas Padua; and (6) Dr. Janet San Agustin.[8]

During trial, BBB testified that Fernandez was her stepmother previously hired as a house helper by her biological mother to take care of her and her younger brother, AAA. She said that Fernandez was hired because their biological mother lived separately, and nobody took care of them when their father was at work.[9]

Eventually, Fernandez cohabited with the two (2) children and their father. In the beginning, the relationship was harmonious. However, after some time, Fernandez started inflicting abuse on AAA and BBB.[10]

During breakfast on November 11, 2011, BBB said that Fernandez pinched her stomach, crimped her ears with pliers, and hit her back with a bamboo stick, causing her to vomit blood. Fernandez also ordered her to lie down, then kicked her in the stomach, and hit her eyes with rubber slippers. Fernandez then dragged her by the hair and spun her around like a helicopter.[11]

On a previous occasion, Fernandez scalded BBB with a cooking pot.[12]

AAA and BBB's father was often not around because he was a driver. Whenever their father saw the marks, BBB said that Fernandez would force her to lie.[13]

AAA also testified that Fernandez beat him and his older sister. He recounted that Fernandez clipped, pulled, and rotated his right ear with rusty pliers after he spilled rice by accident. Fernandez also forbade them to cry so he just wiped the blood off his ear with a handkerchief. She also banged his head on the floor several times, and hit him on the nape and back with a broom until the broom broke.[14]

After the incident, BBB said that Fernandez prohibited her from going to school for a week. On the day she went back to school, her teacher, Malabanan, saw that she had several contusions and marks on her body. Malabanan also noticed that her black eye was very prominent, prompting him to ask her about what happened.[15]

Initially, BBB refused to answer his questions, but upon prodding, she disclosed that her stepmother hit her as well as her brother, AAA.[16]

Malabanan brought the matter to the principal, who in turn called in a barangay councilor. They then talked to a representative from the Department of Social Welfare and Development.[17]

The defense presented Fernandez as its sole witness. She narrated that the children were arguing and that it was them who inflicted the injuries on each other.[18]

In its April 18, 2013 Joint Decision,[19] the Regional Trial Court found Fernandez guilty beyond reasonable doubt of violation of Section 10(a) of Republic Act No. 7610. It ruled that the testimonies of the two (2) minor victims were consistent, candid, spontaneous, and credible. The medical certificates and photographs of the injuries sustained also supported their testimonies. The Regional Trial Court rejected Fernandez's defense that AAA and BBB sustained injuries through a physical fight. It found her defense self-serving and not in accord with human experience.[20]

The dispositive portion of the Regional Trial Court April 18, 2013 Joint Decision read:

WHEREFORE, the prosecution having proven the guilt of accused CHRISTINE M. FERNANDEZ beyond reasonable doubt, accused CHRISTINE FERNANDEZ is hereby sentenced to 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.

Accused CHRISTINE M. FERNANDEZ is further directed to pay [BBB] and [AAA] civil indemnity in the amount of P30,000, (sic) each.

SO ORDERED.[21]

Fernandez appealed the Regional Trial Court April 18, 2013 Joint Decision, arguing that the prosecution failed to establish her guilt beyond reasonable doubt.[22]

On September 29, 2014, the Court of Appeals affirmed with modification Fernandez's conviction.[23] The dispositive portion of its Decision read:

WHEREFORE, the Court AFFIRMS with MODIFICATION the Decision dated 18 August 2005 of the Regional Trial Court of Valenzuela City, Branch 270 in Criminal Cases No. 116-V-12 and 117-V-12. Appellant CHRISTINE FERNANDEZ y MEDINA is hereby found guilty beyond reasonable doubt of two (2) counts of committing child abuse in violation of Section 10(a) of Republic Act No. 7610 and is sentenced to suffer imprisonment ranging from 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 for each count of violation.

SO ORDERED.[24] (Emphasis in the original)

Fernandez moved for reconsideration, but her motion was denied by the Court of Appeals in its March 11, 2015 Resolution.[25]

Undaunted, Fernandez on May 22, 2015 filed a Petition for Review on Certiorari[26] assailing the Court of Appeals September 29, 2014 Decision and March 11, 2015 Resolution, to which the People of the Philippines, through the Office of the Solicitor General, filed its Comment.[27]

In its July 3, 2017 Resolution,[28] this Court required petitioner to file a reply to the comment on the petition, but petitioner on August 18, 2017 manifested that she would no longer file a reply.[29]

In praying for her acquittal, petitioner asserts that the prosecution failed to establish her guilt beyond reasonable doubt.[30] She argues that she was convicted because the lower courts relied heavily on the blatantly inconsistent testimonies of AAA and BBB, whom she said were "coached," for it is unthinkable for a woman to employ violent acts against children.[31]

In its Comment,[32] respondent argues that the Court of Appeals correctly affirmed the Regional Trial Court April 18, 2013 Joint Decision. It adds that the inconsistencies petitioner pointed out are trivial as they concern inconsequential matters that do not change the fact that she physically abused the children.[33] It says that in any case, courts expect minor inconsistencies when a child-victim narrates the details of a traumatic experience. Respondent elaborates that inconsistencies on minor details are, in fact, badges of truth and candidness, and that the testimonies of AAA and BBB were unrehearsed.

The sole issue in this case is whether or not the Court of Appeals committed reversible error in affirming petitioner's conviction for two (2) counts of violation of Section 10(a) of Republic Act No. 7610.

The Petition is denied.

The prosecution proved beyond reasonable doubt that petitioner violated Republic Act No. 7610, or the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.

Under Article I, Section 3 of the law, child abuse may be committed through the following:

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.[34] (Emphasis supplied)

Article VI, Section 10(a) of the same law further provides:

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 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.[35]

Section 2 of the Implementing Rules and Regulations on the Reporting and Investigation of Child Abuse Cases[36] provides the following definition of terms:

SECTION 2. Definition of Terms. - ...

(a)

"Child Abuse" refers to the infliction of physical or psychological injury, cruelty to, or neglect, sexual abuse or exploitation of a child;

(b)

"Cruelty" refers to any act by word or deed which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being. Discipline administered by a parent or legal guardian to a child does not constitute cruelty provided it is reasonable in manner and moderate in degree and does not constitute physical or psychological injury as defined herein;

(c)

"Physical injury" includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe injury or serious bodily harm suffered by a child.[37]

Here, records show that the minors suffered physical injuries in petitioner's hands. The Regional Trial Court's "evaluation of the facts and evidence is utterly sufficient in substance to support [petitioner's] conviction." [38]

Petitioner points out that AAA's and BBB's testimonies are inconsistent.

AAA testified:

Q: Ano pa?

A: Kinurot po ako sa singit at pinalo ng walis tambo nabale pa nga po eh.

....

Q: At sabi mo, yong walis tambo binale niya, paano niya binale sa iyo?

A: Ipinalo niya po sa akin.[39] (Emphasis supplied)

On the other hand, BBB testified:

Q: Ang sabi mo, nandoon yung kapatid mo. Ano ang ginagawa niya habang nakikita niya na pinaplais ni Christine ang tenga mo, tinutusok ka ng kawayan sa tiyan at pinapalo ka ng kawayan sa likod habang ikaw ay kumakain?

A: Katabi ko po siya at kumakain din.[40] (Emphasis supplied)

Petitioner argues that both of the witnesses' narrations contain the use of objects such as plais, kawayan, and walis tambo, which are contrary to human experience, and strengthen the suspicion that they were coached.[41]

This Court finds that petitioner's argument lacks merit, and agrees with the findings of the Court of Appeals September 29, 2014 Decision, which states:

From our own careful examination of the records, we are convinced that there is no reason to disturb the assessment and determination of the private complainants' credibility by the trial court. The straightforward, candid[,] and intrepid revelation in coming forward to avenge the physical abuses upon them is more convincing and plausible compared to the weak and uncorroborated defense of appellant. Despite the minor inconsistencies in their testimonies, their general statements remained consistent throughout the trial as they recounted the sordid details of their tormenting experience in the hands of appellant.[42]

The Court of Appeals further ruled:

AAA and BBB remained consistent all throughout the trial as they recounted the sordid details of [the] tormenting experience they suffered. They likewise identified the photographs depicting the injuries they suffered in the hands of the appellant and which was corroborated by their respective Medical Certificates. Where a minor-victim's testimony is corroborated by the physical findings of cruelty, like in this case, there is sufficient basis for concluding that the minor-complainant was telling the truth. Physical evidence is of the highest order and speaks more eloquently than all witnesses put together.[43]

Trial courts at first instance determine the credibility of witnesses. Generally, their findings and conclusions on this matter are given great weight.[44] These findings should not be disturbed on appeal, unless facts that were overlooked or misinterpreted would materially affect the disposition of the case.[45] Thus, in *People v. De Los Santos*:[46]

Basic is the rule that the matter of assigning values to declarations on the witness stand is best and most competently performed by the trial judge, who had the unmatched opportunity to observe the witnesses and to assess their credibility by the various indicia available but not reflected on the record. Hence, the corollary principle that absent any showing that the trial court overlooked substantial facts and circumstances that would affect the final disposition of the case, appellate courts are bound to give due deference and respect to its evaluation of the credibility of an eyewitness and his testimony as well as its probative value amidst the rest of the other evidence on record.[47]

A perusal of the records shows that there is no clear reason to disturb the factual findings of the Regional Trial Court. AAA's and BBB's testimonies were clear, positive, and direct. The Regional Trial Court judge's assessment of the witnesses' credibility is given great weight and respect, especially on appeal, since he or she had the advantage of actually examining both object and testimonial evidence, including the demeanors of the witnesses.[48]

In *Sanchez v. People, et al.*,[49] this Court upheld the conviction of the accused for child abuse through physical violence based on the witnesses' testimonies. The Decision read:

Appellant could only proffer the defense of denial. Notably, the RTC found VVV and MMM to be credible witnesses, whose testimonies deserve full credence. It bears stressing that full weight and respect are usually accorded by the appellate court to the findings of the trial court on the credibility of witnesses, since the trial judge had the opportunity to observe the demeanor of the witnesses. Equally noteworthy is the fact that the CA did not disturb the RTC's appreciation of the witnesses' credibility. Thus, we apply the cardinal rule that factual findings of the trial court, its calibration of the testimonies of the witnesses, and its conclusions anchored on such findings, are accorded respect, if not conclusive effect, especially when affirmed by the CA. The exception is when it is established that the trial court ignored, overlooked, misconstrued, or misinterpreted cogent facts and circumstances which, if considered, will change the outcome of the case. We have reviewed the records of the RTC and the CA and we find no reason to deviate from the findings of both courts and their uniform conclusion that appellant is indeed guilty beyond reasonable doubt of the offense of Other Acts of Child Abuse.[50]

Moreover, courts expect minor inconsistencies when a child-victim narrates the details of a harrowing experience, especially when the details are too painful to recall. Such inconsistencies only prove that the child-victim was unrehearsed, especially when the discrepancies are minor details irrelevant to the elements of the crime, and thus, cannot be considered as grounds for acquittal.[51]

Here, AAA's and BBB's testimonies sufficiently established that petitioner committed physical violence against the minors. They validated their testimonies with properly identified photos depicting the injuries they had suffered from petitioner, further corroborated by their medical certificates. Thus, there is sufficient basis to conclude that they were telling the truth.[52]

The courts must stay true to its mandate of protecting the welfare of children. In *Araneta v. People*,[53] this Court emphasized:

Republic Act No. 7610 is a measure geared towards the implementation of a national comprehensive program for the survival of the most vulnerable members of the population, the Filipino children, in keeping with the Constitutional mandate under Article XV, Section 3, paragraph 2, that "The State shall defend the right of the children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development." This piece of legislation supplies the inadequacies of existing laws treating crimes committed against children, namely, the Revised Penal Code and Presidential Decree No. 603 or the Child and Youth Welfare Code. As a statute that provides for a mechanism for strong deterrence against the commission of child abuse and exploitation, the law has stiffer penalties for their commission, and a means by which child traffickers could easily be prosecuted and penalized. Also, the definition of child abuse is expanded to encompass not only those specific acts of child abuse under existing laws but includes also "other acts of neglect, abuse, cruelty or exploitation and other conditions prejudicial to the child's development[.]"[54]

However, the Court of Appeals noted that the Regional Trial Court imposed the penalty for only one (1) count; thus, it modified the ruling, increasing it to two (2) counts of violation of Section 10(a) of Republic Act No. 7610.

Under current jurisprudence, an annual 6% interest rate should be imposed on all damages awarded from the date of judgment until fully paid.[55]

WHEREFORE, the Court of Appeals September 29, 2014 Decision and March 11, 2015 Resolution in CA-G.R. CR No. 35695 are AFFIRMED. Petitioner Christine Fernandez y Medina is GUILTY BEYOND REASONABLE DOUBT of two (2) counts of child abuse in violation of Section 10(a) of Republic Act No. 7610, and is sentenced to suffer imprisonment from a minimum of four (4) years, nine (9) months, and eleven (11) days of prison correccional to a maximum of six (6) years, eight (8) months, and one (1) day of prison mayor for each count of violation. Furthermore, she is ordered to pay AAA and BBB the amount of Thirty Thousand Pesos (P30,000.00)

each as civil indemnity.

In line with current jurisprudence, an annual six percent (6%) interest rate should be imposed on all damages awarded from the date of the finality of this Decision until fully paid.[56]

SO ORDERED.

Peralta (Chairperson), Gesmundo, and J. Reyes, Jr., JJ., concur.
Hernando, J., on wellness leave.

[1] Rollo, pp. 11-33.

[2] Id. at 35-52. The Decision was penned by Associate Justice Marlene Gonzales-Sison and concurred in by Associate Justices Rosmari D. Carandang and Edwin D. Sorongon of the Fourth Division of the Court of Appeals, Manila.

[3] Id. at 54-55. The Resolution was penned by Associate Justice Marlene Gonzales-Sison and concurred in by Associate Justices Rosmari D. Carandang and Edwin D. Sorongon of the Former Fourth Division of the Court of Appeals, Manila.

[4] Id. at 71-82. The Joint Decision, docketed as Crim. Case No. 116-V-12 and Crim. Case No. 117-V-12, was penned by Presiding Judge Evangeline M. Francisco of Branch 270, Regional Trial Court, Valenzuela City.

[5] Id. at 36.

[6] Id.

[7] Id.

[8] Id. at 37.

[9] Id.

[10] Id.

[11] Id. at 37-38.

[12] Id. at 37.

[13] Id. at 37-38.

[14] Id. at 38-39.

[15] Id. at 39.

[16] Id.

[17] Id.

[18] Id. at 41.

[19] Id. at 71-82.

[20] Id. at 81.

[21] Id. at 82.

[22] Id. at 63.

[23] Id. at 35-52.

[24] Id. at 51.

[25] Id. at 54-55.

[26] Id. at 11-33.

[27] Id. at 134-158.

[28] Id. at 161.

[29] Id. at 164-166.

[30] Id. at 19.

[31] Id. at 23-24.

[32] Id. at 134-156.

[33] Id. at 145.

[34] Republic Act No. 7610 (1991), art. I, sec. 3.

[35] Republic Act No. 7610 (1991), art. VI, sec. 10(a).

[36] Implementing Rules and Regulations on the Reporting and Investigation of Child Abuse Cases (1993).

[37] Implementing Rules and Regulations on the Reporting and Investigation of Child Abuse Cases (1993), secs. 2(b), (c), and (d).

[38] Rollo, p.44.

[39] Id. at 23.

[40] Id. at 22.

[41] Id. at 22-23.

[42] Id. at 45.

[43] Id. at 48.

[44] People v. Ordon y Rendon, G.R. No. 227863, September 20, 2017 [Per J. Leonen, Third Division].

[45] People v. Racal, G.R. No. 224886, September 4, 2017 [Per J. Peralta, Second Division].

[46] People v. De los Santos, 739 Phil. 658 (2014) [Per J. Reyes, First Division].

[47] Id. at 666.

[48] People v. Cabugatan, 544 Phil. 468 (2007) [Per J. Chico-Nazario, Third Division].

[49] 606 Phil. 762 (2009) [Per J. Nachura, Third Division].

[50] Id. at 778-779.

[51] People v. Vergara, 724 Phil. 702 (2014) [Per J. Del Castillo, Second Division]; People v. De Guzman, 644

Phil. 229 (2010) [Per J. Mendoza, Second Division].

[52] *People v. Bardaje*, 187 Phil. 735 (1980) [J. Melencio-Herrera, En Banc].

[53] 578 Phil. 876 (2008) [Per J. Chico-Nazario, Third Division].

[54] *Id.* at 883-884.

[55] *Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta, En Banc].

[56] *Id.*

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