

ERLINDA ESCOLANO Y IGNACIO, PETITIONER, V. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 226991. December 10, 2018

Ponente: GESMUNDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-226991/>

GESMUNDO, J.:

This appeal by certiorari[1] seeks to reverse and set aside the June 15, 2016 Decision[2] and August 12, 2016 Resolution[3] of the Court of Appeals (CA) in CA-G.R. CR. No. 37239. The CA affirmed the December 5, 2014 Decision[4] of the Regional Trial Court of Quezon City, Branch 94 (RTC), finding Erlinda Escolano y Ignacio (petitioner) guilty beyond reasonable doubt of violation of Section 10(a) of Republic Act (R.A.) No. 7610, otherwise known as the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.

Antecedents

In an Information, dated January 13, 2011, petitioner was charged with violation of Sec. 10(a) of R.A. No. 7610. The accusatory portion of the information states:

That on or about the 30th day of May 2009 in [XXX],[5] Philippines, the above-named accused, did then and there wilfully, unlawfully, and feloniously commit an act of child abuse/cruelty against [AAA],[6] 11 years old; [BBB], 9 years old; [CCC], 8 years old, all minors, by then and there making hacking gestures with a bolo and uttering insults and invectives at them, which act debases, demeans and degrades the intrinsic worth and dignity of the said minors as human being[s], to the damage and prejudice of the said offended parties.

CONTRARY TO LAW.[7]

Upon arraignment on February 28, 2011, petitioner pleaded not guilty to the offense charged. Thereafter, trial on the merits ensued.

Version of the Prosecution

The prosecution presented the following witnesses: AAA, BBB, and CCC, private complainants; DDD,[8] mother of complainants; and Barangay Peace and Security Officer Wilfredo Lim (BPSO Lim). Their testimony tended to establish the following:

AAA testified that he was 11 years old at the time of the incident; that on May 29, 2009, at around eleven o'clock in the morning, he and his two brothers: BBB, 9 years old, and CCC, 8 years old, were flying paper planes from the third floor of their house when the planes landed in front of the house of Perlin Escolano (Perlin),[9] the daughter of petitioner. Perlin uttered "putang ina" directed at CCC.

The following day, the siblings saw Perlin in front of their house. Private complainants got three ketchup sachets from their refrigerator and threw these at her. However, Perlin went inside their house so it was petitioner who was twice hit instead by the sachets. Petitioner exclaimed, "Putang ina ninyo, gago kayo, wala kayong pinag-aralan, wala kayong utak, subukan ninyong bumaba dito, pakakawalan ko ang aso ko, pakakagat ko kayo sa

aso ko." [10] Private complainants reported the incident to their mother DDD when she arrived from the market.

When DDD confronted petitioner, the latter uttered "nagpuputa ka, puta-puta ka. " Petitioner then went inside her house, came out with a bolo, and threatened DDD, "walang demanda demanda sa akin, basta bumaba kayo dito lahat, papatayin ko kayong lahat. Tatagain ko kayo, papatayin ko kayo." The incident left private complainants terrified. They only went downstairs when they had a companion; and they no longer played as they usually did. BBB and CCC corroborated AAA's testimony that they threw ketchup sachets at Perlin because she uttered bad words against CCC.

On the other hand, DDD testified that on May 30, 2009, private complainants told her about the incident, thus, she confronted petitioner. The latter pointed her finger at her and uttered, "Hoy, putang ina mo," got a bolo, and yelled "Kaya ninyo ito? Pagtatatagain ko kayo." [11] Thereafter, DDD noticed a change in the behavior of private complainants as they no longer played downstairs and they even transferred residence because of the incident. DDD averred that her children were traumatized, and they were in constant fear because of petitioner's threat.

BPSO Lim corroborated the testimony of private complainants that he heard petitioner utter, "Putang-ina ninyo, wala ng dimandamanda, papatayin ko na lang kayo, lalaban na lang ako ng patayan." He tried to pacify the parties. He stated that petitioner was being held by his co-BPSO Rolando Estrella as she was shouting invectives while brandishing a bolo. After the incident, he brought petitioner inside the latter's house and the bolo was confiscated by his fellow BPSO.

Version of the Defense

The defense offered the testimonies of Rosario Bondoc (Bondoc), Rodolfo Niebres (Niebres), and petitioner.

Bondoc testified that petitioner and DDD had been neighbors since 1992. Sometime on May 30, 2009, she saw petitioner sweeping her house premises. Then, she heard petitioner warning private complainants that she would report them to their mother DDD. Thereafter, DDD approached petitioner's house yelling at her, "Poñeta ka, putang ina mo, bobo, wala kang pinag-aralan." Bondoc also said that a BPSO accompanied DDD to her house to pacify her since DDD had started the quarrel. Bondoc also averred that petitioner did not brandish a bolo against DDD and private complainants. She added that the parties had a previous disagreement or misunderstanding involving DDD's construction of a high-rise home.

In his testimony, Niebres averred that at around eleven o'clock in the morning of May 30, 2009, he heard petitioner arguing only with DDD and not with private complainants; that he did not see the petitioner brandishing a bolo; and that petitioner merely lightly reprimanded private complainants for throwing stones that hit petitioner's roof.

Petitioner, on her part, testified that in the morning of May 30, 2009, while she was sitting beside the gate of her house, AAA threw a sachet of ketchup at her. She scolded AAA saying, "Huwag kang mamamato." Instead of desisting, AAA and his brothers BBB and CCC continued to throw ketchup sachets. Thereafter, AAA shouted, "Linda, putang ina mo, wala kang kwenta." Petitioner warned that she would report them to DDD, their mother. DDD suddenly arrived uttering invectives and pointing her finger at petitioner while uttering, "Linda, putang ina mo! Bobo ka! Wala kang pinag-aralan!"

The RTC Ruling

In its December 5, 2014 decision, the RTC found petitioner guilty of violating Sec. 10(a) of R.A. No. 7610. It gave credence to the clear testimony of private complainants. The RTC noted the gravity of petitioner's act of threatening private complainants by wielding and making hacking gestures with a bolo while uttering invectives.

It took into account the negative effect of petitioner's act that resulted in private complainants' transfer of residence because they were in constant fear. The dispositive portion of the RTC decision reads:

WHEREFORE, premises considered, this court finds accused Erlinda Escolano y Ignacio guilty beyond reasonable doubt of the crime of Violation of Section 10(a) of Republic Act No. 7610 otherwise known as the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act and she is hereby sentenced to suffer an indeterminate penalty of Four (4) years, Nine (9) months and Eleven (11) days of prison correccional as minimum, to Six (6) years and One (1) day of prison mayor as maximum and to pay the costs.

SO ORDERED.[12]

Aggrieved, petitioner filed an appeal before the CA. On February 7, 2011, the RTC issued a Commitment Order [13] against petitioner; hence, she was imprisoned pending appeal.

The CA Ruling

In its June 15, 2016 decision, the CA affirmed the ruling of the RTC. It held that the acts of petitioner caused untoward repercussions in the life and dignity of private complainants. The incident made hostile the environment for private complainants where they could no longer freely live and enjoy their childhood and were forced to move out. Private complainants were even deprived of their chance to play games and enjoy leisure time within their own home.[14] The CA ruled in this wise:

WHEREFORE, premises considered, the instant appeal is DENIED. The assailed Decision dated December 5, 2014 of the RTC, Branch 94, Quezon City in Criminal Case No. Q-11-168269 is hereby AFFIRMED.

SO ORDERED.[15]

Hence, this petition.

ISSUE

WHETHER THE CA ERRED IN AFFIRMING PETITIONER'S CONVICTION OF VIOLATION OF SECTION 10(A) OF R.A. NO. 7610.

Petitioner averred that private complainants' inconsistencies could only have come from prevaricated testimonies and judicial admissions which engender reasonable doubt in her favor.[16] Also, the bolo allegedly used by petitioner to make hacking gestures while uttering invectives against private complainants should be disregarded in light of the unrelenting disavowals in the testimonies of AAA, BBB, and CCC.[17] Aside from the point that the existence of the bolo was not established, petitioner averred that the testimony of DDD had no probative value to support the alleged threatening remarks against her children. The testimony of DDD that she did not exactly hear the statements made by the petitioner and the "sumbong" of her children constitute hearsay evidence.[18] Petitioner also argued that the purported hacking gesture with a bolo was actually geared towards DDD.[19]

In its Comment,[20] dated March 22, 2017, the Office of the Solicitor General (OSG) averred that the testimonies of the prosecution witnesses are consistent on all material points showing that petitioner's words, demeanor, and actions towards them constitute the crime as charged. The OSG maintained that the incident caused the children to become frantic due to such threat; and it affected them so much that they had to move as far away as possible from the petitioner. Further, the OSG posits that the non-presentation of the "bolo" used by petitioner to threaten the children does not offset the categorical statements of the prosecution witnesses regarding its existence.[21]

THE COURT'S RULING

The petition is partially meritorious.

Generally, a question of fact cannot be entertained by the Court.

Petitioner essentially raises the issue of whether the testimonies of the prosecution's witnesses were consistent and credible. The question posited is evidently factual because it requires an examination of the evidence on record. Well settled is the rule that the Supreme Court is not a trier of facts. The function of the Court in petitions for review on certiorari is limited to reviewing errors of law that may have been committed by the lower courts.[22]

Exceptions

Nevertheless, the Court has enumerated several exceptions to this rule: (1) the conclusion is grounded on speculations, surmises or conjectures; (2) the inference is manifestly mistaken, absurd or impossible; (3) there is grave abuse of discretion; (4) the judgment is based on misapprehension of facts; (5) the findings of fact are conflicting; (6) there is no citation of specific evidence on which the factual findings are based; (7) the findings of absence of facts are contradicted by the presence of evidence on record; (8) the findings of the Court of Appeals are contrary to those of the trial court; (9) the Court of Appeals manifestly overlooked certain relevant and undisputed facts that, if properly considered, would justify a different conclusion; (10) the findings of the Court of Appeals are beyond the issues of the case; and (11) such findings are contrary to the admissions of both parties.[23]

Here, one of the exceptions exists – that the judgment is based on misapprehension of facts. To finally resolve the factual dispute, the Court deems it proper to tackle the factual question presented.

Section 10(a) of R.A. No. 7610 requires an intent to debase, degrade, or demean the intrinsic worth of a child victim

Sec. 10(a), Article VI of R.A. No. 7610 states:

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. (Emphasis supplied)

On the other hand, child abuse is defined by Section 3(b) of Republic Act No. 7610, as follows:

Section 3. Definition of terms. —

x x x x

(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.[24] (Emphasis supplied)

Verily, Sec. 10(a) of R.A. No. 7610, in relation thereto, Sec. 3(b) of the same law, highlights that in child abuse, the act by deeds or words must debase, degrade or demean the intrinsic worth and dignity of a child as a human being. Debasement is defined as the act of reducing the value, quality, or purity of something; degradation, on the other hand, is a lessening of a person's or thing's character or quality; while demean means to lower in status, condition, reputation or character.[25]

When this element of intent to debase, degrade or demean is present, the accused shall be convicted of violating Sec. 10(a) of R.A. No. 7610, which carries a heavier penalty compared to that of slight physical injuries or other light threats under the RPC.[26]

In *Bongalon v. People*,[27] the petitioner therein was charged under Sec. 10(a) of R.A. No. 7610 because he struck and slapped the face of a minor, done at the spur of the moment and in the heat of anger. The Court ruled that only when the accused intends to debase, degrade or demean the intrinsic worth of the child as a human being should the act be punished with child abuse under Sec. 10(a) of R.A. No. 7610. Otherwise, the act must be punished for physical injuries under the RPC. It was emphasized therein that the records must establish that there must be a specific intent to debase, degrade or demean the intrinsic worth and dignity of a child as a human being, being the essential element in child abuse.[28] Since the prosecution failed to establish the said intent, the petitioner in that case was convicted only of slight physical injuries.

Similarly, in *Jabalde v. People*,[29] the petitioner therein slapped, struck, and choked a minor as a result of the former's emotional rage. The Court declared that the absence of any intention to debase, degrade or demean the intrinsic worth of a child victim, the petitioner's act was merely slight physical injuries punishable under the RPC since there is no evidence of actual incapacity of the offended party for labor or of the required medical attendance. Underscored is that the essential element of intent must be established with the prescribed degree of proof required for a successful prosecution under Sec. 10(a) of R.A. No. 7610.[30]

In contrast, in *Lucido v. People*,[31] the petitioner strangled, severely pinched, and beat an eight-year-old child, causing her to limp. The Court held that these abusive acts are intrinsically cruel and excessive as they impair the child's dignity and worth as a human being and infringe upon her right to grow up in a safe, wholesome, and harmonious place. It was also highlighted that these abusive acts are extreme measures of punishment not commensurate with the discipline of an eight-year-old child.

In this case, the Court finds that the act of petitioner in shouting invectives against private complainants does not constitute child abuse under the foregoing provisions of R.A. No. 7610. Petitioner had no intention to debase the intrinsic worth and dignity of the child. It was rather an act carelessly done out of anger. The circumstances surrounding the incident proved that petitioner's act of uttering invectives against the minors AAA, BBB, and CCC was done in the heat of anger.

It is clear that petitioner's utterances against private complainants were made because there was provocation from the latter. AAA, BBB, and CCC were throwing ketchup sachets at petitioner's daughter Perlin. The latter evaded this by getting inside their house, so that private complainants hit petitioner on the head and feet, instead. The complainants continued to throw these sachets which angered petitioner. Evidently, petitioner's statements "bobo, walang utak, putang ina" and the threat to "ipahabol" and "ipakagat sa aso" were all said out of frustration or annoyance. Petitioner merely intended that the children stop their unruly behavior.

On the other hand, the prosecution failed to present any iota of evidence to prove petitioner's intention to debase, degrade or demean the child victims. The record does not show that petitioner's act of threatening the private complainants was intended to place the latter in an embarrassing and shameful situation before the public. There was no indication that petitioner had any specific intent to humiliate AAA, BBB, and CCC; her threats resulted from the private complainants' vexation.

Verily, as the prosecution failed to specify any intent to debase the "intrinsic worth and dignity" of complainants as human beings, or that she had intended to humiliate or embarrass AAA, BBB, and CCC; thus, petitioner cannot be held criminally liable under Sec. 10(a) of R.A. No. 7610.[32]

The subsequent profanities and alleged hacking gestures were not directed against private complainants.

When private complainants threw ketchup sachets at petitioner, it was only at that moment that she hurled invectives against them, particularly "bobo, walang utak, putang ina," and "ipahabol at ipakagat sa aso."

After petitioner had uttered those words, it was not shown that she continued her slurs. Private complainants reported the incident to their mother DDD when she arrived from the market. It was only when DDD confronted petitioner that the latter uttered profanities, particularly, "putang ina mo" and made hacking gestures with a bolo.

It must also be emphasized that the alleged hacking gestures and the expression "putang ina mo" were not specifically directed to the children; rather, these were made against DDD, their mother. DDD testified as follows:

Q:

I am asking when this case was referred to the Barangay, I was asking what action did the Barangay do?

A:

Nag-statement po ako doon na ganoon ang nangyari sa aking mga anak.

Q:

What specific action or what specific act did the barangay do?

FISCAL

May we know the materiality because the Grave Threat[s] is not connected with this case, your honor?

COUNSEL

I am trying to prove in the case of Grave Threat[s] the accusation of the private complainant that the accused brandished a knife against her in that case. She is telling here that the bolo was brandished towards the children which is totally inconsistent with her claim in the case of Grave Threat[s]. We are trying to prove that if the hacking gesture was indeed made by Escolano, it was directed against this witness, the mother and not against the children and that is also the allegation of the witness in the other case.

COURT

All right, witness may answer.

COUNSEL

Madam witness, what specific act did the accused do which comprised your charge or which was the subject matter of the case for Grave Threat[s] which you filed against her?

WITNESS

"Acts ng bolo sa aming mag-iina, nandoon kaming lahat mag-iina. Bumaba ako ng magsumbong sila sa akin, galit na galit siya." I heard that the accused was uttering invective words to my children together with me, and then, the accused went inside her house and took a bolo and when she went out from her house, she was holding a bolo and uttering the words "kaya ninyo ito, pagtatatagain ko kayo."

Q:

But you will agree with me, Madam Witness, that during that point in time, the accused was already quarrelling with you. In fact, prior to that hacking incident, based from your Affidavit or Sinumpaang Salaysay, she told you "putang ina mo," is it not and she is referring to you, and when she mentioned that, she was quarrelling with you and not to your children, is it not?

A:

"Lahat kami, inaaway niya at that time."

Q:

That's what you felt but the fact was that the word is directed to you only?

A:

"Kayo." That is "Kayo, marami. Kayo. Pagtatatagain ko kayo. Kaya ninyo ito. Bumaba kayo dito."

Q:

But it was you to whom she was talking?

FISCAL

She said "kayo." Already answered. We leave that to the appreciation of the Court.

COUNSEL

Q:

When she mentioned "putang ina mo", to whom was she referring?

A:

"Ako."

Q:

And during that time, she was stating that word to you?

A:

Yes, sir.[33] (Emphasis supplied)

x x x x

Also, the testimony of AAA revealed that the statements made by petitioner were indeed directed to his mother DDD, viz.:

Q:

Aside from telling you that she will release the dog, what else did she do?

A:

After I told my mother that, my mother told us that she will confront Erlinda Escolano. Then, "dinuro po ni Erlinda Escolano iyong Nanay ko po, tapos sabi niya, nagpuputa ka, puta-puta ka, tapos binabaan po siya sabi niya wala kayong mga utak kasi ikaw nagpuputa ka, puta-puta ka."

COURT

"Kanino sinabi iyon?"

A:

"Sa Nanay ko. Tapos pumasok ng bahay si Erlinda Escolano, tapos pagkalabas niya, meron siyang itak po."[34] (Emphasis supplied)

The testimonies of the prosecution witnesses reveal that the alleged hacking gestures and profanities subsequently hurled by petitioner were not directed against private complainants but towards DDD. Petitioner's ensuing outbursts were due to DDD's confronting her. AAA clearly testified that the threats stated by petitioner were aimed towards DDD.

Notably, DDD filed a separate criminal complaint for grave threats against petitioner because petitioner

brandished a bolo against her. The present case is only concerned with the acts committed by petitioner against private complainants; and not those committed against DDD which purportedly constituted grave threats.

Further, DDD conceded that the profanity hurled by petitioner was directed at her. The expression "putang ina mo" is a common enough utterance in the dialect that is often employed, not really to slander but rather to express anger or displeasure. In fact, more often, it is just an expletive that punctuates one's expression of profanity.[35]

Thus, it cannot be held with moral certainty that the purported hacking gestures and profanities subsequently hurled by petitioner were intended for private complainants.

Petitioner committed the crime of other light threats.

Nevertheless, though the prosecution failed to prove the intent to debase, degrade or demean the intrinsic worth of private complainants, petitioner still uttered insults and invectives at them. Specifically, petitioner's statement "Putang ina ninyo, gago kayo, wala kayong pinag-aralan, wala kayong utak, subukan ninyong bumaba dito, pakakawalan ko ang aso ko, pakakagat ko kayo sa aso ko," were directed against private complainants. In this regard, AAA testified that this particular utterance from petitioner was scary.[36] DDD also corroborated said claim that private complainants were too traumatized even to go downstairs because of their fear that petitioner might release her dog to chase and bite them.[37]

However, it must also be emphasized that, as discussed, petitioner's utterances were made in the heat of her anger because private complainants had thrown ketchup sachets at her. Petitioner merely intended that private complainants stop their rude behavior. Thus, petitioner committed the crime of Other Light Threats under Article 285(2) of the RPC, to wit:

Art. 285. Other light threats. — The penalty of arresto menor in its minimum period or a fine not exceeding 200 pesos shall be imposed upon:

1.

Any person who, without being included in the provisions of the next preceding article, shall threaten another with a weapon or draw such weapon in a quarrel, unless it be in lawful self-defense.

2.

Any person who, in the heat of anger, shall orally threaten another with some harm not constituting a crime, and who by subsequent acts show that he did not persist in the idea involved in his threat, provided that the circumstances of the offense shall not bring it within the provisions of Article 282 of this Code. (Emphasis supplied)

x x x x

In grave threats, the wrong threatened to be committed amounts to a crime which may or may not be accompanied by a condition. In light threats, the wrong threatened does not amount to a crime but is always accompanied by a condition. In other light threats, the wrong threatened does not amount to a crime and there is no condition.[38]

Here, the threat made by petitioner of releasing her dogs to chase private complainants was expressed in the heat of anger. Petitioner was merely trying to make private complainants stop throwing ketchup sachets at her. However, instead of doing so, private complainants still continued to throw ketchup sachets against petitioner, which infuriated the latter causing her to utter invectives against private complainants.

Given the surrounding circumstances, the offense committed falls under Article 285, par. 2 (other light threats)

since: (1) threat does not amount to a crime, and (2) the prosecution did not establish that petitioner persisted in the idea involved in her threat.[39]

Assuming arguendo that private complainants were also affected and distressed by the threat made by petitioner against DDD in brandishing a bolo, such act is still within the ambit of Other Light Threats under Article 285 (1). Insofar as private complainants are concerned, petitioner committed an act of threatening their mother with a weapon in a quarrel. As discussed earlier, the present case is only concerned with the threats that affected private complainants; it should not refer to the threats specifically aimed towards DDD. The criminal complaint for grave threats against petitioner filed by DDD should be resolved in a separate action.

Thus, for threatening private complainants, petitioner is criminally liable for Other Light Threats under Article 285 of the Revised Penal Code. She must suffer the straight penalty of imprisonment of 10 days of arresto menor and to pay the costs of suit.

WHEREFORE, the petition is **PARTIALLY GRANTED**. The June 15, 2016 Decision and August 12, 2016 Resolution of the Court of Appeals in CA-G.R. CR. No. 37239 are **AFFIRMED** with **MODIFICATION**, that Erlinda Escolano y Ignacio is **GUILTY** of Other Light Threats under Article 285 of the Revised Penal Code. She is hereby sentenced to suffer the straight penalty of imprisonment of ten (10) days of arresto menor and to pay the costs of suit.

SO ORDERED.

Peralta (Chairperson), Leonen, J. Reyes, Jr., and Hernando, JJ., concur.

[1] Rollo, pp. 12-35.

[2] Id. at 40-59; penned by Associate Justice Remedios A. Salazar-Fernando, and concurred in by Associate Justices Priscilla J. Baltazar-Padilla and Socorro B. Inting.

[3] Id. at 61-62.

[4] CA rollo, pp. 51-56; penned by Presiding Judge Roslyn M. Rabara-Tria.

[5] The city where the crime was committed is blotted to protect the identity of the victim pursuant to Administrative Circular No. 83-2015 issued on 27 July 2015.

[6] The true name of the victim has been replaced with fictitious initials in conformity with Administrative Circular No. 83-2015 (Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances). The confidentiality of the identity of the victim is mandated by Republic Act (R.A.) No. 7610 (Special Protection of Children Against Abuse, Exploitation and Discrimination Act); R.A. No. 8505 (Rape Victim Assistance and Protection Act of 1998); R.A. No. 9208 (Anti-Trafficking in Persons Act of 2003); R.A. No. 9262 (Anti-Violence Against Women and Their Children Act of 2004); and R.A. No. 9344 (Juvenile Justice and Welfare Act of 2006).

[7] Rollo, pp. 85-86.

[8] The complete names and personal circumstances of the victim's family members or relatives, who may be mentioned in the court's decision or resolution have been replaced with fictitious initials in conformity with Administrative Circular No. 83-2015 (Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances).

[9] Also referred to as "Ferlin Escolano" which appears in some parts of the records, particularly, in Kontra Salaysay (Records, p. 128); Testigo (Records, p. 129); Formal Offer of Evidence (Records, pp. 135-136); and RTC Decision (Records, p. 144).

[10] Rollo, p. 42; TSN, September 5, 2011, p. 14; and TSN, October 25, 2011, p. 4.

[11] Id. at 44; TSN, November 12, 2012, pp. 12-13.

[12] Id. at 89-90.

[13] Records, p. 27.

[14] Rollo, p. 57.

[15] Id. at 59.

[16] Id. at 20.

[17] Id.

[18] Id. at 27.

[19] Id. at 24-25.

[20] Id. at 127-132.

[21] Id. at 129.

[22] *Gepulle-Garbo v. Spouses Garabato, et al.*, 750 Phil. 846, 854-855 (2015).

[23] *Carbonell v. Carbonell-Mendes*, 762 Phil. 529, 537 (2015).

[24] Section 3(b), Article I, Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act, Republic Act No. 7610, June 17, 1992.

[25] *Jabalde v. People*, 787 Phil. 255, 269-270 (2016), citing *Black's Law Dictionary* 430 (8th ed. 2004) and *Webster's Third New International Dictionary* 599 (1986).

[26] Under Sec. 10(a) of R.A. No. 7610, the offender shall suffer the penalty of prision mayor in its minimum period; while under the RPC, if the offender commits slight physical injuries or other light threats, he shall suffer the penalty of arresto menor.

[27] 707 Phil. 11 (2013).

[28] See Id. at 21.

[29] Supra note 25.

[30] See Id. at 271.

[31] G.R. No. 217764, August 7, 2017.

[32] *Jabalde v. People*, supra note 25, at 269-270.

[33] TSN, November 12, 2012, pp. 11-14.

[34] TSN, September 5, 2011, p. 15.

[35] *Pader v. People*, 381 Phil. 932, 936 (2000), citing *Reyes v. People*, 131 Phil. 112, 120 (1969).

[36] Rollo, p. 50.

[37] Id. at 57.

[38] Caluag v. People, 599 Phil. 717, 727 (2009).

[39] Id. at 728.

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.