

MARIA CONSUELO MALCAMPO-REPOLLO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 246017. November 25, 2020

Ponente: LEONEN, J.

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LEONEN, J.:

A teacher's physical maltreatment of her minor student constitutes child abuse. The specific intent of demeaning, degrading, and debasing the intrinsic worth and dignity of a child is not an essential element for all forms of child abuse under Section 10(a) of Republic Act No. 7610. The prosecution is only required to prove this specific intent when it is alleged in the information or required by a specific provision of law.

This Court resolves the Petition for Review on Certiorari assailing the Decision[1] and Resolution[2] of the Court of Appeals, which affirmed the conviction[3] of Maria Consuelo Malcampo-Repollo (Malcampo-Repollo) for child abuse under Section 10(a) of Republic Act No. 7610.

Malcampo-Repollo, a grade school teacher at the Maximo Estrella Elementary School, was charged with child abuse for allegedly hitting, pinching, and slapping her minor student. The Information against her reads:

The undersigned Prosecutor accused MARIA CONSUELO REPOLLO y MALCAMPO for the crime of Violation of R.A. 7610 VI sec. 10(a), committed as follows:

On the 20th day of February 2014 in the [C]ity of Makati, the Philippines, accused, a school teacher, did then and there willfully, unlawfully and feloniously commit child abuse, upon complainant [AAA], a ten year old minor, her student, by then and there hitting, pinching and slapping him thereby causing extreme fear upon said child, which acts prejudiced the child's normal development.

CONTRARY TO LAW.[4]

The prosecution presented the minor victim, AAA, his mother BBB, and Police Officer 3 Joan V. Pandoy (PO3 Pandoy) of the Makati Central Police Station's Women and Children Protection Desk.[5]

According to the prosecution, around noon on February 20, 2014, Malcampo-Repollo pinched and hit AAA on his back upon thinking that he was chatting with his seatmate. AAA, already in tears, was then ordered to transfer to another seat.[6] The teacher then left the room for a while and, when she returned, she heard a student tapping their pen. Thinking it was AAA, she approached the student and slapped his face.[7] Terrified and embarrassed, AAA left the classroom and went home to tell his mother what happened.[8]

Mother and son reported the incident to the Women and Children Protection Desk at the Makati Central Police Station, then proceeded to the Philippine General Hospital's Child Protection Unit for a physical examination.[9] A medical report was presented stating that he had an oval bruise on his left trunk.[10] However, the medico-legal officer who examined AAA was not presented.[11]

For its part, the defense presented the testimonies of Malcampo-Repollo and Julie Ann Bacayo (Julie Ann),

AAA's classmate. She also presented a certification from the school principal attesting to petitioner's good moral character.[12]

Per the defense, around noon that day, Malcampo-Repollo gave her students seatwork to do while she and the other teachers painted materials for a school program. She instructed one student, Jerico Onasis (Jerico), to be in charge of reporting misbehaving classmates. Jerico reported that AAA and another student were noisy. When she returned, she saw AAA tapping his pen and instructed him to transfer to the seat in front, before going out of the classroom to finish her painting chores. Not long after, Jerico again reported that AAA had gone back to his seat. When the teacher returned, AAA and another student were no longer in their seats, although AAA's bag was still there, so she assumed that he was just in the restroom. To her surprise, at around 5:00 p.m., she was faced with AAA's mother, who shouted, cursed, and threatened to sue her for allegedly slapping and pinching her son.[13]

Malcampo-Repollo denied hitting, slapping, and pinching AAA. Corroborating her testimony, Julie Ann testified that it was she who pinched AAA because he was bothering her.[14]

The Regional Trial Court, in its May 2, 2017 Decision,[15] gave credence to AAA's testimony and convicted Malcampo-Repollo of child abuse:

WHEREFORE, the Court renders judgment finding accused Maria Consuelo Malacampo Repollo GUILTY beyond reasonable doubt of the crime of Other Acts of Child Abuse under Republic Act No. 7610. The Court sentences her to suffer the indeterminate penalty of imprisonment of six years of prision correccional to seven years of prision mayor.

She is directed to indemnify the complaining minor in the following amounts: Php20,000.00 as moral damages, Php20,000.00 as exemplary damages, and Php10,000.00 as temporal damages.

The Court assesses no costs.

IT IS SO ORDERED.[16] (Emphasis in the original)

Despite the lack of testimony from a medico-legal officer, the trial court ruled a conviction, saying that such testimony was not required to establish that there was physical and emotional maltreatment of a child.[17] It did not give credence to the certification from the principal stating that there were no pending cases against Malcampo-Repollo, because it had no relation to the crime charged against her.[18] It noted that child abuse is more despicable if committed by a parent or one who stands in loco parentis, or in the place of the parent, such as a teacher.[19]

Malcampo-Repollo appealed, but on October 24, 2018, the Court of Appeals affirmed[20] her conviction, and modified the penalty:

WHEREFORE, the instant appeal is DENIED. The May 2, 2017 Decision of the Regional Trial Court, Branch 136, Makati City in Criminal Case No. 14-1410-CR is hereby AFFIRMED with MODIFICATION that accused-appellant Maria Consuelo M. Repollo is sentenced to suffer the indeterminate sentence of four (4) years, nine (9) months and eleven (11) days of prision correccional, as minimum, to six (6) years, eight (8) months and one (1) day of prision mayor, as maximum.

SO ORDERED.[21] (Emphasis in the original)

The Court of Appeals held that the prosecution proved, through AAA's credible testimony, the physical abuse inflicted by Malcampo-Repollo.[22] It noted that this was enough to secure a conviction, and the prosecution need not prove that the impugned acts prejudiced AAA's development, as it was a different form of child abuse.[23] It also held that Malcampo-Repollo failed to show material inconsistencies and improper motive against AAA to

falsely testify against her. It did not give credence to Julie Ann's testimony, deeming it tainted with bias because Malcampo-Repollo, at that time, exercised moral ascendancy over her student.[24]

On March 18, 2019, the Court of Appeals denied[25] Malcampo-Repollo's Motion for Reconsideration. Hence, she filed this Petition.[26]

On August 28, 2019, this Court required the Office of the Solicitor General to file its Comment,[27] which it did, as noted by this Court.[28] Petitioner filed her Reply,[29] as noted by this Court on September 2, 2020.

Petitioner alleges that the prosecution failed to prove her guilt beyond reasonable doubt. She points out how the prosecution failed to present any of Carlito's classmates to corroborate his testimony, making it insufficient and self-serving. She then says that the Court of Appeals merely speculated in saying she had moral ascendancy over Julie Ann, a top student who cannot easily be swayed or influenced.[30] She insists that the student's testimony was positive and clear, with no hint of bias in her favor.[31]

Petitioner faults the prosecution for failing to present the attending physician who executed the medico-legal report. A medical report, she says, cannot be considered substantial evidence to prove that she inflicted the injuries described in it. While it may prove that Carlito suffered physical abuse, petitioner says it does not prove that she was the one who caused it. Assuming that she did, she maintains that she can only be liable for slight physical injuries, and not other acts of child abuse under Section 10(a) of Republic Act No. 7610.[32]

Petitioner relies on *Bongalon v. People*,[33] among others, and argues that the prosecution failed to prove that petitioner's laying of hands was intended to debase, degrade, or demean Carlito's intrinsic worth or dignity, there being no evidence that these acts negatively affected his normal course of development. It also was not shown that he suffered psychological distress, emotional suffering, or trauma.[34] Thus, she says that the prosecution failed to establish the crucial element of intent required for child abuse under Section 10(a) of Republic Act No. 7610.[35]

For its part, the Office of the Solicitor General argues that the Petition must be dismissed outright for raising factual matters beyond the scope of a Rule 45 petition.[36] More important, it maintains that the prosecution was able to establish petitioner's guilt, since her acts of pinching, hitting the back, and slapping AAA "were unnecessary, violent[,] and excessive." [37] It claims that her acts were aggravated by the emotional trauma Carlito experienced after being embarrassed before his classmates.[38]

The Office of the Solicitor General adds that petitioner cannot rely on *Bongalon*, because unlike that case, the Information against her did not allege that the acts were intended to demean the intrinsic worth and dignity of the child as a human being. Moreover, in *Bongalon*, the accused's acts were deemed committed in the spur of the moment, which cannot be said for petitioner.[39]

Petitioner reiterates her position in her Reply. She argues that she has established the exemptions to allow a review of the factual questions raised. She then reiterates that it was only Carlito's testimony that directly implicated her in the offense.[40] While his testimony may be clear, it is not sufficient to convict her without corroborative testimony.[41] She insists that Julie Ann's testimony deserves credence, and that the finding of her supposed moral ascendancy over the student was only speculative.[42]

Moreover, petitioner says that AAA's mother testified that she saw no signs indicating that her child was hit or slapped in the face.[43] There being reasonable doubt, petitioner says she should have been acquitted.[44]

This Court resolves the following issues:

First, whether or not this Court can resolve factual issues in a Rule 45 petition; and

Second, whether or not the prosecution established all the elements of child abuse under Section 10(a) of Republic Act No. 7610.

We deny the Petition.

I

A Rule 45 petition is proper only for resolving questions of law. After all, this Court is not a trier of facts. There are, however, exceptional cases where this Court may review questions of fact:

(1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures; (2) When the inference made is manifestly mistaken, absurd or impossible; (3) Where there is a grave abuse of discretion; (4) When the judgment is based on a misapprehension of facts; (5) When the findings of fact are conflicting; (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) The findings of the Court of Appeals are contrary to those of the trial court; (8) When the findings of fact are conclusions without citation of specific evidence on which they are based; (9) When the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; and (10) The finding of fact of the Court of Appeals is premised on the supposed absence of evidence and is contradicted by the evidence on record[.][45] (Citations omitted)

In *Spouses Miano v. Meralco*,^[46] this Court differentiated a question of law from a question of fact:

Bases Conversion Development Authority v. Reyes distinguished a question of law from a question of fact: Jurisprudence dictates that there is a "question of law" when the doubt or difference arises as to what the law is on a certain set of facts or circumstances; on the other hand, there is a "question of fact" when the issue raised on appeal pertains to the truth or falsity of the alleged facts. The test for determining whether the supposed error was one of "law" or "fact" is not the appellation given by the parties raising the same; rather, it is whether the reviewing court can resolve the issues raised without evaluating the evidence, in which case, it is a question of law; otherwise, it is one of fact. In other words, where there is no dispute as to the facts, the question of whether or not the conclusions drawn from these facts are correct is a question of law. However, if the question posed requires a re-evaluation of the credibility of witnesses, or the existence or relevance of surrounding circumstances and their relationship to each other, the issue is factual.^[47] (Citations omitted)

Here, petitioner admits that she raises factual questions, but insists that the lower courts should have given credence to Julie Ann's testimony that it was she, and not petitioner, who pinched AAA.^[48] Petitioner insists that the prosecution's evidence was insufficient to sustain her conviction. Thus, she invokes the following exceptions: (1) that the Court of Appeals misappreciated facts; (2) that its findings were grounded entirely on speculation, surmises, or conjectures; and (3) that it failed to consider relevant facts that would justify a different conclusion.^[49]

However, a review of the records shows that the lower courts' findings are supported by the evidence on record and consistent with relevant jurisprudence. The Court of Appeals did not gravely abuse its discretion in sustaining petitioner's conviction. Petitioner's guilt for physically maltreating her student has been established beyond reasonable doubt. Nevertheless, we expound on the Petition to clarify the elements of child abuse for guidance of the Bench and Bar.

II

Article VI, Section 10(a) of Republic Act No. 7610 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 prison mayor in its minimum period. (Emphasis supplied)

In *Sanchez v. People*,^[50] this Court clarified that Section 10(a) of Republic Act No. 7610 pertains to four distinct types of child abuse: (a) other acts of child abuse; (b) child cruelty; (c); child exploitation; and (d) commission of acts prejudicial to the child's development. These four acts are separate modes of committing child abuse:

In this connection, our ruling in *Araneta v. People* is instructive:

As gleaned from the foregoing, the provision punishes not only those enumerated under Article 59 of Presidential Decree No. 603, but also four distinct acts, i.e., (a) child abuse, (b) child cruelty, (c) child exploitation and (d) being responsible for conditions prejudicial to the child's development. The Rules and Regulations of the questioned statute distinctly and separately defined child abuse, cruelty and exploitation just to show that these three acts are different from one another and from the act prejudicial to the child's development. Contrary to petitioner's assertion, an accused can be prosecuted and be convicted under Section 10(a), Article VI of Republic Act No. 7610 if he commits any of the four acts therein. The prosecution need not prove that the acts of child abuse, child cruelty and child exploitation have resulted in the prejudice of the child because an act prejudicial to the development of the child is different from the former acts.

Moreover, it is a rule in statutory construction that the word "or" is a disjunctive term signifying dissociation and independence of one thing from other things enumerated. It should, as a rule, be construed in the sense which it ordinarily implies. Hence, the use of "or" in Section 10(a) of Republic Act No. 7610 before the phrase "be responsible for other conditions prejudicial to the child's development" supposes that there are four punishable acts therein. First, the act of child abuse; second, child cruelty; third, child exploitation; and fourth, being responsible for conditions prejudicial to the child's development. The fourth penalized act cannot be interpreted, as petitioner suggests, as a qualifying condition for the three other acts, because an analysis of the entire context of the questioned provision does not warrant such construal.^[51] (Emphasis supplied, citations omitted)

To sustain a conviction under Section 10(a) of Republic Act No. 7610, the prosecution must establish the following essential elements: (1) the victim's minority; (2) the acts of abuse allegedly committed by the accused against the child; and (3) that these acts are clearly punishable under Republic Act No. 7610.^[52]

Petitioner insists that she could not have committed child abuse under Section 10(a) of Republic Act No. 7610 because she did not have the specific intent "to debase, degrade or demean the intrinsic worth and dignity of the child[.]"^[53] She concludes that she is only liable, if at all, for slight physical injuries under the Revised Penal Code.

However, as will be discussed, intent is not essential in all violations of Republic Act No. 7610. Only when the information alleges that there was this specific intent, or when the provision of law demands it, must the prosecution prove its existence. Certainly, that an act must be shown to debase, degrade, or demean Carlito's intrinsic worth and dignity is not an essential element to prove the offense with which petitioner was charged.

II (A)

Child abuse, as penalized under Republic Act No. 7610, is *malum prohibitum*, where intent is not the defining mark in the offense:

Republic Act No. 7610 is a measure geared to provide a strong deterrence against child abuse and exploitation and to give a special protection to children from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development. It must be stressed that the crime under Republic Act No. 7610 is *malum prohibitum*. Hence, the intent to debase, degrade, or demean the minor is not the defining mark. Any act of punishment that debases, degrades, and demeans the intrinsic worth and dignity of a child constitutes the offense.[54] (Citations omitted)

In other words, intent is not an indispensable element to sustain all convictions under Section 10(a) of Republic Act No. 7610. Generally, in *mala prohibita*, the defense of lack of criminal intent is irrelevant. As long as all the elements of the offense have been established beyond reasonable doubt, conviction ensues.

The act of debasing, degrading, or demeaning the child's intrinsic worth and dignity as a human being has been characterized as a specific intent in some forms of child abuse.[55] The specific intent becomes relevant in child abuse when: (1) it is required by a specific provision in Republic Act No. 7610, as for instance, in lascivious conduct;[56] or (2) when the act is described in the information as one that debases, degrades, or demeans the child's intrinsic worth and dignity as a human being.

It must be emphasized that this specific intent is not required for all acts of child abuse under Section 10(a). Section 3(b) of the law defines child abuse as maltreatment that consists in any of the following:

(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. (Emphasis supplied)

Section 2 of its Implementing Rules and Regulations states:

SECTION 2. Definition of Terms. - ...

....

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

(c) "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;

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

Given that Section 10(a) encompasses several acts of child abuse that are specifically defined, what is controlling is the recitation of facts in the information that makes out the offense of child abuse:

Appellant contends that, after proof, the act should not be considered as child abuse but merely as slight physical injuries defined and punishable under Article 266 of the Revised Penal Code. Appellant conveniently forgets that when the incident happened, VVV was a child entitled to the protection extended by R.A. No. 7610, as mandated by the Constitution. As defined in the law, child abuse includes physical abuse of the child,

whether the same is habitual or not. The act of appellant falls squarely within this definition. We, therefore, cannot accept appellant's contention.

In the same manner, we reject appellant's claim that the Information led against him was defective. In *Resty Jumaquio v. Hon. Joselito C. Villarosa*, we held that what controls is not the title of the information or the designation of the offense but the actual facts recited therein. Without doubt, the averments in the Information clearly make out the offense of child abuse under Section 10 (a) of R.A. No. 7610. The following were alleged: (1) the minority of VVV; (2) the acts constituting physical abuse, committed by appellant against VVV; and (3) said acts are clearly punishable under R.A. No. 7610 in relation to P.D. No. 603. Indeed, as argued by the OSG, the commission of the offense is clearly recited in the Information, and appellant cannot now feign ignorance of this.[57] (Emphasis supplied, citations omitted)

We clarify our pronouncement in *Mabunot v. People*,[58] where this Court characterized the violation of Section 10(a) of Republic Act No. 7610 as *malum in se* and seemingly required criminal intent to be established, stating:

"When the acts complained of are inherently immoral, they are deemed *mala in se*, even if they are punished by a special law. Accordingly, criminal intent must be clearly established with the other elements of the crime; otherwise, no crime is committed."

The petitioner was convicted of violation of Section 10 (a), Article VI of R.A. No. 7610, a special law. However, physical abuse of a child is inherently wrong, rendering material the existence of a criminal intent on the part of the offender.

In the petitioner's case, criminal intent is not wanting. Even if the Court were to consider for argument's sake the petitioner's claim that he had no design to harm Shiva, when he swung (sic) his arms, he was not performing a lawful act. He clearly intended to injure another person. However, it was not Dennis but Shiva, who ended up with a fractured rib. Nonetheless, the petitioner cannot escape liability for his error. Indeed, criminal liability shall be incurred by any person committing a felony (*delito*) although the wrongful act done be different from that which he intended.[59] (Citations omitted)

Mabunot should be read only in the context of the accused's attempt to evade criminal liability. He argues that there was no malicious intent to injure the minor because he was exchanging punches with another person. Intent was used generally where this Court held that the act was done maliciously, with intent to injure another person. Thus, he was found criminally liable even though the resulting act of child abuse was different from that which he intended. This Court did not require the prosecution to prove the specific intent of debasing, degrading, or demeaning the inherent dignity of the child. It is sufficient that prohibited acts were committed against a child, which acts result in a violation of Republic Act No. 7610:

Child abuse refers to the infliction of physical or psychological injury, cruelty to, or neglect, sexual abuse or exploitation of a child. Physical injury includes but is not limited to lacerations, fractured bones, bums, internal injuries, severe injury or serious bodily harm suffered by a child.

It is clear that Shiva was 14 years old when she received the blow, which fractured her rib. Being a child, she is under the protective mantle of R.A. No. 7610, which punishes maltreatment of a child, whether the same be habitual or not. Moreover, the Implementing Rules and Regulations of R.A. No. 7610 even explicitly refer to fractured bones as falling within the coverage of physical injuries, which may be inflicted on a child, for which an accused shall be held liable. Further, under R.A. No. 7610, stiffer penalties are prescribed to deter and prevent violations of its provisions.[60] (Citations omitted)

Such reading of the law is consistent with Republic Act No. 7610 and its Implementing Rules and Regulations, which did not qualify that all forms of child abuse under Section 10(a) should debase, degrade, and demean the intrinsic worth and dignity of a child. To limit acts of child abuse only to those that require this specific intent

would be inconsistent with the law. It would restrict the law's protection against child abuse victims, when the law intentionally expanded the scope of child abuse to other acts of child abuse to strengthen the State's protection of children's welfare:

The courts must stay true to its mandate of protecting the welfare of children. In *Araneta v. People*, 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 oilier 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[.]"[61] (Emphasis supplied, citations omitted)

In *Patulot v. People*:^[62]

Indeed, it cannot be denied that AAA and BBB are children entitled to protection extended by R.A. No. 7610. Time and again, the Court has stressed that R.A. 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 "[t]he 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 RPC 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." ^[63] (Citations omitted)

Here, the Information specifically charges petitioner with child abuse by way of physical abuse. Petitioner was alleged to have hit, slapped, and pinched her minor student in front of the class:

The undersigned Prosecutor accused MARIA CONSUELO REPOLLO Y MALCAMPO for the crime of Violation of RA 7610 VI sec, 10 (a), committed as follows:

On the 20th day of February 2014, in the [C]ity of Makati, the Philippines, accused, a school teacher, did then and there willfully, unlawfully and feloniously commit child abuse, upon complainant AAA, a ten year old minor, her student, by then and there hitting, pinching and slapping him thereby causing extreme fear upon said child, which acts prejudiced the child's normal development.

CONTRARY TO LAW.^[64] (Emphasis supplied)

The factual allegations in the Information here make out the offense of maltreatment by way of physical abuse. Nothing in the law requires the prosecution to prove the specific intent to debase, degrade, or demean the child's intrinsic worth and dignity for this particular form of child abuse.

The Information sufficiently described all the elements that the law requires for this offense. It was alleged and

uncontested that AAA was a 10-year-old minor at the time of the incident. The averments of "hitting, pinching and slapping" constitute child abuse punishable under Section 10(a) of Republic Act No. 7610. There being no allegation of other forms of child abuse that requires specific intent, it is not an indispensable element of the offense to sustain petitioner's guilt.

II (B)

Again, petitioner relies on *Bongalon v. People*[65] in arguing that the specific intent "to debase, degrade, or demean the intrinsic worth and dignity of the child"[66] is an essential element for every violation of Section 10(a) of Republic Act No. 7610. She contends that since the prosecution was not able to establish this element, she could only be liable, if at all, for slight physical injuries.[67] Petitioner's argument is untenable.

A review of *Bongalon* and subsequent jurisprudence shows that the specific intent is not an indispensable requirement of physical maltreatment as a form of child abuse.

In *Bongalon*, this Court held that the laying of hands on a child is not always child abuse. There, the accused was motivated by a desire to protect his daughters against the minors who were trying to hurt them. He was acquitted after this Court applied the pro reo doctrine in ruling that the prosecution was not able to establish the specific intent of debasing, degrading, or demeaning the intrinsic worth and dignity of the complainants. He was only convicted of slight physical injuries.[68]

A few years later, this Court in *Jabalde v. People*[69] seemingly characterized the specific intent of debasing, demeaning, and degrading the inherent dignity of a child as an essential element to sustain a conviction under Section 10(a) of Republic Act No. 7610:

In the recent case of *Bongalon v. People*, the Court expounded the definition of "child abuse" being referred to in R.A. No. 7610. In that case, therein petitioner was similarly charged, tried, and convicted by the lower courts with violation of Section 10 (a), Article VI of R.A. No. 7610. The Court held that only when the laying of hands is shown beyond reasonable doubt to be intended by the accused to debase, degrade or demean the intrinsic worth and dignity of the child as a human being should it be punished as child abuse, otherwise, it is punished under the RPC, to wit:

....

Jabalde was accused of slapping and striking Lin, hitting the latter on his nape, and immediately thereafter, choking the said offended party causing the latter to sustain injuries. However, the records of the case do not show that *Jabalde* intended to debase, degrade or demean the intrinsic worth and dignity of Lin as a human being.

Black's Law Dictionary defined debasement 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." Webster's Third New International Dictionary defined demean as "to lower in status, condition, reputation, or character."

The laying of the hands on Lin was an offshoot of *Jabalde*'s emotional outrage after being informed that her daughter's head was punctured, and whom she thought was already dead. In fact, her vision got blurred and she fainted. When she returned into consciousness, she sat on her chair in front of the board for about five to ten minutes. Moreover, the testimony of the examining physician, Dr. Munoz, belied the accusation that *Jabalde*, with cruelty and with intent, abused, maltreated and injured Lin, to wit:

[T]he abrasions could have been caused by a hard object but mildly inflicted. She also testified that the linear abrasions were signs of fingernail marks. She did not notice other injuries on the body of the victim except those on his neck. Moreover, the abrasions were greenish in color, signifying that they were still fresh.

It would be unforeseeable that *Jabalde* acted with cruelty when prosecution's witness herself testified that the

abrasions suffered by Lin were just "mildly inflicted." If Jabalde indeed intended to abuse, maltreat and injure Lin, she would have easily hurt the 7-year old boy with heavy blows.

As a mother, the death of her child, who has the blood of her blood, and the flesh of her flesh, is the most excruciating idea that a mother could entertain. The spontaneity of the acts of Jabalde against Lin is just a product of the instinctive reaction of a mother to rescue her own child from harm and danger as manifested only by mild abrasions, scratches, or scrapes suffered by Lin, thus, negating any intention on inflicting physical injuries. Having lost the strength of her mind, she lacked that specific intent to debase, degrade or demean the intrinsic worth and dignity of a child as a human being that was so essential in the crime of child abuse. In fine, the essential element of intent was not established with the prescribed degree of proof required for a successful prosecution under Section 10 (a), Article VI of R.A. No. 7610.[70] (Emphasis supplied, citations omitted)

A close reading of Jabalde shows that the specific intent of debasing, degrading, and demeaning the inherent dignity of the child was essential because the information charged the accused with cruelty.[71] Cruelty is defined as "any act by word or deed which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being." [72] To prove the elements of child abuse for cruelty, it was essential for the prosecution to prove specific intent. In failing to do so, the accused in Jabalde was only held liable for slight physical injuries.

This ruling was adopted in Escolano v. People,[73] where the accused who uttered invectives while brandishing his bolo against minors was convicted only of other light threats and not child abuse. It was found that the accused's acts were done in the heat of anger. Relying on Bongalon and Jabalde, this Court upheld her conviction for other light threats because the prosecution failed to prove the specific intent to debase, demean, and degrade the intrinsic worth of the minor victims:

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.

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.

In Bongalon v. People, 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. 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, 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.[74] (Emphasis supplied, citations omitted)

Similar to *Jabalde*, the information in *Escolano* charged the accused with child abuse and cruelty for committing acts that debase, demean, and degrade the intrinsic worth and dignity of the minor victims.[75] Thus, the specific intent was required to sustain the accused's conviction for child abuse.

Patulot v. People[76] later clarified the ruling in *Bongalon*. It explained that the specific intent of debasing, demeaning, and degrading the intrinsic worth of the child was relevant in *Bongalon* because it was alleged in the information. However, in *Patulot*, the informations[77] did not include this specific intent in the allegations of child abuse. Thus, specific intent was not considered an essential element of the offense. In convicting the accused, this Court was satisfied that the prosecution established all the necessary allegations in the information constituting child abuse:

It is, therefore, clear from the foregoing that when a child is subjected to physical abuse or injury, the person responsible therefor can be held liable under R.A. No. 7610 by establishing the essential facts above. Here, the prosecution duly proved the following allegations in the Information charging *Patulot* of child abuse: (1) the minority of both AAA and BBB; (2) the acts committed by *Patulot* constituting physical abuse against AAA and BBB; and (3) the fact that said acts are punishable under R.A. No. 7610. In particular, it was clearly established that at the time of the incident, AAA and BBB were merely three (3) years old and two (2) months old, respectively; that *Patulot* consciously poured hot cooking oil from a casserole on CCC, consequently injuring AAA and BBB; and that said act constitutes physical abuse specified in Section 3 (b) (1) of R.A. No. 7610.

On this score, *Patulot* contends that on the basis of our pronouncement in *Bongalon*, she cannot be convicted of child abuse because it was not proven that she intended to debase, degrade, or demean the intrinsic worth and dignity of AAA and BBB as human beings. Her reliance on said ruling, however, is misplaced. In *Bongalon*, the Information specifically charged George *Bongalon*, petitioner therein, of committing acts which "are prejudicial to the child's development and which demean the intrinsic worth and dignity of the said child as a human being." Thus, we ruled that he can only be held liable for slight physical injuries instead of child abuse in the absence of proof that he intended to humiliate or "debase the 'intrinsic worth and dignity'" of the victim.

A cursory review of the Informations in the instant case, however, reveals no similar allegation that *Patulot*'s acts debased, degraded, or demeaned the intrinsic worth and dignity of AAA and BBB as human beings. Instead, they charged *Patulot* for willfully committing acts of child abuse on AAA and BBB "by throwing on [them] a (sic) boiling oil, thereby inflicting upon said victim-minor physical injuries, which acts are inimical and prejudicial to the child's normal growth and development." Accordingly, the RTC and the CA duly found that this allegation in the Informations was adequately established by the prosecution. It bears stressing that *Patulot* did not even deny the fact that she threw boiling oil on CCC which likewise fell on AAA and BBB. Clearly, her actuations causing physical injuries on babies, who were merely three (3) years old and two (2) months old at the time, are undeniably prejudicial to their development. In the words of the trial court, *Patulot*'s acts, which practically burned the skin of AAA and BBB, left visible scars that are most likely to stay on their faces and bodies for the rest of their lives. She cannot, therefore, be allowed to escape liability arising from her actions.[78] (Citations omitted)

However, in *Calaoagan v. People*,[79] the prosecution's failure to establish the specific intent of debasing, degrading, or demeaning the child's intrinsic worth and dignity--despite it not being alleged in the informations--warranted a conviction only of slight physical injuries, and not child abuse:

In this case, the Court finds that the prosecution did not present any iota of evidence to show petitioner's intent to debase, degrade, or demean the intrinsic worth of the child victim. The records do not show that petitioner's act of hitting the victims had been intended to place the latter in an embarrassing, shameful, and demeaning situation. There was no indication that petitioner had any specific intent to humiliate and degrade AAA and BBB.

On the contrary, the Court finds that petitioner inflicted the injuries in the heat of argument. AAA and BBB claim that it was petitioner's group that first annoyed the former's group; while petitioner claims that it was AAA and BBB's group that initiated the shouting match. Nevertheless, it is clear that the altercation between AAA, BBB, and petitioner only occurred when their groups met on the street without any prior confrontation.

As observed in the cases of Bongalon, Jabalde, and Escolano, when the infliction of physical injuries against a minor is done at the spur of the moment, it is imperative for the prosecution to prove a specific intent to debase, degrade, or demean the intrinsic worth of the child; otherwise, the accused cannot be convicted under Sec. 10 (a) of R.A. No. 7610. Verily, as the prosecution in this case failed to specify any intent to debase, degrade, or demean the intrinsic worth of AAA and BBB, petitioner cannot be held criminally liable under Sec. 10 (a) of R.A. No. 7610.

Verily, as the prosecution in this case failed to specify any intent to debase, degrade, or demean the intrinsic worth of AAA and BBB, petitioner cannot be held criminally liable under Sec. 10 (a) of R.A. No. 7610.[80]

In Calaoagan, the informations refer to the accused's physical maltreatment of two minors by hitting one of them with a stone and the other being punched in the face and head.[81] These injuries were found to have been inflicted during a confrontation, done in the heat of an argument and at the spur of the moment. Due to the similarity of circumstances, this Court applied Bongalon, Jabalde, and Escolano, and held that the prosecution was required to establish specific intent to sustain a conviction under Section 10(a) of Republic Act No. 7610.

Calaoagan is a stray ruling. The specific intent should not have been required because it was not alleged in the informations. Again, the commission of any act or deed that debases, degrades, or demeans the intrinsic worth and dignity of a child is only one of the ways by which child abuse may be committed. In imposing specific intent for physical maltreatment, Calaoagan imposes a requirement that is not in the law.

In the most recent case of *Delos Santos v. People*, [82] this Court upheld the accused's conviction for child abuse in hitting and punching a minor. Notably, the information charged him with child abuse for cruelty, and physical, psychological, and emotional maltreatment.[83] This Court inferred the specific intent of debasing, degrading, and demeaning the intrinsic worth and dignity of the victim when the accused followed the victim and his brother on their way home, challenged them to a fight, hurled invectives at them, and subsequently refused to apologize at the barangay. This Court held that the acts were committed to take revenge against their mother who filed a case against the accused:

Intent is a state of mind that accompanies the act. Since intent is an internal state, the same can only be verified through the external acts of the person. In this case, there are several circumstances that reveal the intent of Delos Santos to debase or degrade the intrinsic worth of AAA.

First, AAA and Daluro testified that Delos Santos' group approached them and Bob said "nag-iinit na ako." The initial move came from Delos Santos' group without provocation on the part of AAA or Daluro. The act of approaching with the words "nag-iinit na ako" indicates that there was intent to confront or to challenge AAA and Daluro to a fight. This is contrary to Delos Santos' claim that the incident was accidental.

Second, Bob threatened to hit Daluro with a stone and Delos Santos attempted to punch him, which unfortunately landed on AAA. Then Bob punched AAA on the chest causing her to hit a wall. These acts are obviously aimed to hurt, harass, and to cause harm, either physically, mentally, emotionally, or psychologically, on AAA and Daluro.

Third, Bob said "tama lang yon sa inyo pagtripan dahil dinemanda n'yo kami." Then Delos Santos hurled invectives at AAA and Daluro. Their words reveal that they were motivated by revenge, which is their justification for their actions. Hurling invectives on a person is debasing, degrading, and demeaning as it reduces a person's worth.

Fourth, Delos Santos' group followed AAA and Daluro home, which implies that they had no intention to stop their misdeeds had it not been for the timely intervention of AAA's mother.

Lastly, Delos Santos and Bob did not apologize to AAA and to Daluro during the confrontation at the barangay. If indeed the incident was unintentional, they could have explained so during the confrontation. However, there was no trace of remorse from them. Delos Santos and Bob's words and actions characterized physical and psychological child abuse, and emotional maltreatment, all of which debase, degrade, and demean the intrinsic worth and dignity of a child as a human being.

The Court resolves to deny the petition after finding that the CA did not commit any reversible error in the assailed decision and resolution. The CA had exhaustively explained the law and jurisprudence, which were the bases of its decision and resolution. Both the trial court and the appellate court are consistent in their findings of fact that Delos Santos is guilty beyond reasonable doubt of slight physical injuries in relation to R.A. No. 7610.

Delos Santos was mistaken when he cited the case of Bongalon v. People. The factual backdrop of that case is different from the instant case. In Bongalon, the accused was convicted of the crime of slight physical injuries instead of violation of Section 10 (a) of R.A. No. 7610, because of the absence of intent to debase the intrinsic worth and dignity of the child. The physical harm committed against the minor was committed "at the spur of the moment and in anger, indicative of his being then overwhelmed by his fatherly concern for the personal safety of his own minor daughters[.]"

Here, the accosting and laying of hands are deliberately intended by Delos Santos and his group. As interpreted by the CA, the word "pagtripan" signified an intention to debase or degrade that did not result from an unexpected event. The acts of Delos Santos were offshoots of an intent to take revenge arising from the conflict existing between his mother and AAA's mother. Delos Santos did not lose his self-control and the acts were not done at the spur of the moment.[84] (Citations omitted)

Bongalon states that not every instance of laying of hand against a child constitutes child abuse. The subsequent cases of Jabalde, Escolano, Patulot, and Delos Santos show that the specific intent of debasing, demeaning, and degrading the inherent dignity of a child is not an element for all kinds of child abuse. It is what the information alleges as acts constituting child abuse that govern. If the form of child abuse alleged requires specific intent as defined by law, the prosecution is required to prove it. If the information does not allege the specific intent, or if it is not required by law, it need not be established.

Of course, while the specific intent is not an indispensable element in all violations of Republic Act No. 7610, nothing prevents the courts from still inferring its existence based on the nature of the accused's acts. If the alleged acts are deemed to debase, degrade, or demean the intrinsic worth and dignity of a child, all the more will it be child abuse. This is especially true for acts that are intrinsically cruel and excessive, as in Lucido v. People:[85]

Strangulating, severely pinching, and beating an eight (8)-year-old child to cause her to limp are intrinsically cruel and excessive. These acts of abuse 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 is not difficult to perceive that this experience of repeated physical abuse from petitioner would prejudice the child's social, moral, and emotional development.[86]

In Torres v. People,[87] we inferred the specific intent of debasing, degrading, and demeaning the intrinsic worth and dignity of a child from the acts of physical abuse employed against a child:

Although it is true that not every instance of laying of hands on the child constitutes child abuse, petitioner's intention to debase, degrade, and demean the intrinsic worth and dignity of a child can be inferred from the

manner in which he committed the act complained of.

To note, petitioner used a wet t-shirt to whip the child not just once but three (3) times. Common sense and human experience would suggest that hitting a sensitive body part, such as the neck, with a wet t-shirt would cause an extreme amount of pain, especially so if it was done several times. There is also reason to believe that petitioner used excessive force. Otherwise, AAA would not have fallen down the stairs at the third strike. AAA would likewise not have sustained a contusion

Indeed, if the only intention of petitioner were to discipline AAA and stop him from interfering, he could have resorted to other less violent means. Instead of reprimanding AAA or walking away, petitioner chose to hit the latter.[88] (Citations omitted)

To reiterate, the specific intent to debase, degrade, or demean the child's intrinsic worth and dignity is not indispensable for every act in violation of Section 10(a) of Republic Act No. 7610. Here, since the Information against petitioner describes an offense of maltreatment by way of physical abuse, she can be convicted with child abuse-with or without the specific intent being proven.

III

Petitioner asserts that there is reasonable doubt in her conviction. She argues that AAA's testimony was the only direct evidence attributing the crime to her. She faults the prosecution for failing to present corroborating evidence from his classmates.[89]

We deny petitioner's contentions.

It is settled that the trial courts' factual findings and conclusions are binding on this Court, absent material facts that were overlooked, but could have affected the disposition of the case:

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

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.

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.

In *Sanchez v. People, et al.*, 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.[90] (Citations omitted)

Here, petitioner failed to show facts that were overlooked by the lower courts. AAA categorically testified that it was petitioner who hit, slapped, and pinched him in her attempt to discipline him for his alleged misbehavior:

Q.

Sabi mo nung February 2014 nagsumbong ka sa nanay mo dahil sa ginawa sa iyo ng teacher mo sa Pilipino na si teacher Repollo [Maria] so, ano ba ang nangyari nuon natatandaan mo pa ba nung February 2014?

A.

Ano po kinurot po nya ako sa likod tapos hinampas.

Q.

Saan parte ng likod mo?

A.

Sa ganito po.

Q.

Tapos saan ka hinampas?

A.

Dito (likod) nya po ako hinampas tapos sa tagiliran nya ako kinurot.

Q.

Alam mo ba kung bakit [k]a nya hinampas at kinurot?

A.

Opo.

Q.

Bakit daw?

A.

Dahil akala nya po nagdadaldalan po kami kasi nagtanong po sa akin si Jerico kung anong page na daw po ako sa sinusulat namin.

Q.

Tapos ano ang nangyari?

A.

Ayun po hinampas nya po ako sa likod tapos kinurot.

Q.

Ano yun agad-agad hindi man lang kayo sinaway?

A.

Hindi po.

Q.

Pano yun nangyari nakatalikod ka ba sa teacher mo o nakaharap ka sa teacher mo?

A.

Nakaharap po lumapit po sa harapan namin.

Q.

Lumapit sa harap mo at dun ka din hinampas sa likod?

A.

Opo.

Q.

Ano ang pinanghampas nya sa iyo?

A.

Kamay nya po.

Q.

Eh dun sa kaklase mong nagtatanong sa iyo may ginawa ba si mam Repollo?

A.

Hindi ko na po matandaan.

Q.

So, nung hampasin ka at kurutin ano ang naging reaksiyon mo?

A.

Napaluha po ako sa sakit ng kurot.

xxx

Q.

Ano yun pagkahampas sa iyo at pagkakurot tapos sabi mo napaluha ka sa sakit umalis kana doon sa classroom?

A.

Hindi pa po pinalipat pa po niya ako sa harapan.

Q.

Kahit umiiyak kana pinalipat ka sa harapan?

A.

Opo.

Q.

Ganito - sabi mo napaluha ka sa sakit so, nung lumuluha ka na ba sa sakit nung sabihan ka ni mam Repollo na lumipat ka ng upuan?

A.

Hindi na po ako lumuluha noon.

Q.

So, lumipat ka naman ng upuan?

A.

Opo.

Q.

Tapos ano ang sumunod na pangyayari kung natatandaan mo?

A.

Si Kenneth po nagpe-pentap po katabi ko po.

Q.

Tapos ano ang nangyari nung nagpep-pentap si Kenneth?

A.

Pumasok po si mam sa room namin kasi akala ako po yung nagp[e]-pentap.

Q.

So, akala na naman ni mam Repollo ikaw na naman ang nagpe-pentap?

A.

Opo.

Q.

So, nung inakala ni mam Repollo na ikaw na naman ang nagpe-pentap ano ang nangyari?

A.

Sinampal nya po si Kenneth pati rin po ako.

Q.

Papaanong pagsampal kanan o kaliwa?

A.

Kay Kenneth kanan po tapos eto po ang pinangtama nya sa akin yung ganito nya po.

Q.

Ano ang ginawa mo ano ang reaksiyon mo nung sinampal kayo ni Kenneth?

A.

Parang gusto ko na pong umuwi kasi natakot na po ako.

Q.

Eh si Kenneth natatandaan mo ba kung ano ang naging reaksiyon ni Kenneth?

A.

Opo.

Q.

Ano ang nangyari kay Kenneth?

Okay lang daw po siya.

Q.

Sabay ba kayong umuwi ni Kenneth?

A.

Hindi po.

Q.

Nauna ka sa kanya?

A.

Ang kasabay ko po si Michael.

Q.

Pagkasampal ba sa iyo umuwi kana o tinapos mo pa yung klase ni mam Repollo?

A.

Hindi ko na po tinapos.

Q.

Bakit ganun yung ginawa mo yung (sic) reaksiyon?

A.

Kasi natakot na po ako eh.

Q.

Ano ang kinatakot mo?

A.

Baka saktan nya po ako ulet tapos ipahiya.[91]

AAA's testimony was corroborated by a medical certificate showing that he sustained an oval bruise on his left

trunk:

Findings noted on left trunk are consistent with [o]val bruise;

Medical Evaluation is consistent with physical injuries that are inflicted by non-accidental means.[92]

While the doctor who examined AAA was not presented, petitioner did not object when the medical certificate was offered in evidence, and thus it was admitted.[93]

Both lower courts gave credence to AAA's testimony. As the Court of Appeals said:

Notably, the RTC found AAA to be a credible witness. We accord great respect to the said finding of the trial court considering that it was in a better position to decide the question, having heard the witness himself and observed his deportment and manner of testifying during the trial. Besides, nothing in the records indicates that the court a quo ignored, overlooked, misconstrued, or misinterpreted cogent facts and circumstances which, if considered, will change the outcome of the case. Thus, We find no reason to deviate from the conclusion of the RTC that Maria indeed inflicted physical injuries on AAA which constitute child abuse under Section 10 (a) of R.A. No. 7610.

Contrary to accused-appellant's stance, there was no inconsistency in AAA's testimony regarding the time the complained incident happened. While he indeed testified during the direct examination that the incident occurred at about 12:00 in the afternoon, he clarified during cross-examination that the same actually occurred around 12:30 to 12:40 in the afternoon. It is worthy to note that the Class Program for Grade 5 for school year 2013-2014, which accused-appellant herself offered as evidence, shows that the lunch break of the students during the time material to the controversy was from 12:00 to 12:30 only. At any rate, the alleged inconsistency pertains to trivial matter which do not affect the credibility of a witness.[94] (Citations omitted)

The Court of Appeals correctly found that petitioner failed to attribute improper motive to AAA for falsely testifying against her.[95] In *People v. Doca*: [96]

Contrary to appellant's contention, the detailed testimony of the prosecution witness appears clear and convincing thus, giving the Court the impression that she was sincere and credible. Besides, the appellant failed to adduce any evidence to establish any improper motive that may have impelled the same witness to falsely testify against him. The absence of evidence of improper motive on the part of the said witness for the prosecution strongly tends to sustain the conclusion that no such improper motive exists and that her testimony is worthy of full faith and credit.[97] (Emphasis supplied, citation omitted)

There being no evidence that AAA had ill motives to falsely testify against his teacher, his testimony deserves full faith and credit.

Petitioner does not deny that AAA had been pinched, but only claims that it was not she who did it. She presents Julie Ann as the person responsible for pinching AAA. Petitioner contends that the Court of Appeals incorrectly disregarded Julie Ann's testimony. Supposedly, it should have considered the testimony because it was positive, clear, and straightforward, with the girl having no improper motive to falsely testify in her teacher's favor.[98]

We rule otherwise. The Court of Appeals was correct in refusing to give credence to Julie Ann's testimony.

A biased testimony is given by a witness whose relation "to the cause or to the parties is such that [they have] an incentive to exaggerate or give false color to [their] statements, or to suppress or to pervert the truth, or to state what is false." [99]

Here, the trial court observed that during preliminary investigation, petitioner asked her students to write their separate accounts of what happened, without the assistance of their parents:

On cross-examination, she confirmed that she asked her students to write what in her view really happened ("pinasulat ko sila para depensahan ako"). She safekept the documents ("tinago ko lang") and produced them in the course of the preliminary investigation ("ginamit ko noong nag-counter [affidavit] na"). The students were not assisted by their respective parents. Certainly, their permission was never sought by the accused.

One of these students was Julie Arm Bacayo, who testified for the accused. [Julie Ann] testified that she - and not the accused - pinched the complaining minor.[100]

The Court of Appeals upheld these findings:

The fact that Julie Arm admitted that she pinched AAA in his left trunk does not also negate Maria's liability for child abuse. Besides, it cannot be denied that Maria instructed her students to write down in her favor. As aptly argued by the OSG, at that time, Maria had moral ascendancy over her students who would definitely follow her instructions for fear of reprisal. This circumstance alone tainted the credibility of Julie Arm. It has been held time and again that corroborative testimony is not credible if tainted with bias.[101]

Assuming that Julie Ann's testimony was true, it would still not exonerate petitioner. Such testimony does not include the other acts of child abuse alleged in the Information. AAA established that aside from pinching, petitioner also hit and slapped him in the face.

Even if it were not biased, Julie Ann's testimony still deserves scant consideration for its inconsistencies on material points.

First, Julie Ann has repeatedly changed her account as to the time the incident occurred:

Q:

Nung nangyari itong insidenteng ito may klase kayo dapat?

A:

Opo.

Q:

Ano yung subject niyo dapat?

A:

MCEP po.

Q:

Musika?

A:

Opo.

Q:

Anong oras ito mga 1:30?

A:

Opo.

Q:

Ipapakita ko sa iyo ito anank noh, nakalagay dito eto ang inyong subject class program, tama noh?

A:

Opo.

Q:

Tapos ang sabi mo 1:30 ang klase mo nung nangyari yung insidente 1:30 yon?

A:

Opo.

Q:

Pakibasa nga anak dito ang 1:10 to 1:30 anong subject yan?

A:

EPP po.

Q:

Ano yung EPP?

A:

Edukasyon sa pagpapakatao.

Q:

Hindi yon music?

....

A:

Pang edukasyon na pangkabuhayan po.

Q:

So, iyon yung subject nung 1:30 hindi music, tama?

A:

Opo.

....

Q:

So mali ka don. Bb. Testigo, sabi mo 1:30 nagpipintura sina Ms. Repollo, correct?

A:

Opo.

Q:

At sinabi mona pumasok siya at sinabi o hwag kayong maingay gawin nyo ang assignment nyo, tama?

A:

Opo.

....

Q:

Gaano ba katagal magpintura doon sa labas?

A:

Medyo matagal din po kasi po props po yun ng caracol.

Q:

Mga gaano yun katagal inaabot ng ilang oras?

A:

Mga isa po o dalawa.

Q:

Anong oras nag-umpisa si Ms. Repollo magpintura?

A:

Magtu-twelve po.

Q:

So dapat mga 1:00 o'clock tapos na ganun ba yon?

A:

Opo.

Q:

Pero 1:30 na hindi pa tapos magpintura, tama?

A:

Opo.

Q:

So anong oras sila natapos magpintura?

A:

Mga 1:00 po.

Q:

Sinabi mo mga 1:00 o'clock sila natapos magpintura pero ngayon sinasabi mo 1:30 hindi pa tapos magpintura sina mam Repollo, ano ba talaga, tapos na ba o hindi pa nung 1:30?

A:

Nung 1:30 po tapos na.

Q:

Pero nasa labas lang siya ng classroom?

A:

Opo.

Q:

Nagpipintura pa rin sila noon?

A:

Hindi na po tapos na po.

Q:

So, nung 1:30 hindi na sila nagpipintura?

A:

Opo.

Q:

Nasa labas lang sila ng classroom?

A:

Opo.

Q:

Sure ka doon?

A:

Opo.

....

Q:

Anong oras bumalik si Ms. Repollo sa classroom?

A:

Mga magtu-twelve thir[t]y po.

Q:

Pagkatapos magpintura?

A:

Opo.

Q:

Sabi mo natapos 1:00 o'clock natapos ang pagpipintura sabi mo ngayon 12:30 bumalik si Ms. Repollo pagkatapos magpintura, ano bang oras talaga natapos ang pagpipintura ngayon 12:30 na?

A:

Mga 12:30 po talaga.

Q:

Tapos na ang pagpipintura?

A:

Opo kasi po bumalik na po siya magtu-twelve thirty na po.

Q:

12:30 nasa loob na siya ng classroom?

A:

Opo.

Q:

Hindi na siya lumabas, tama?

A:

Hindi na po kasi po lunchbreak na po namin yon eh.

Q:

Teka 12:30 nasa loob siya ng classroom tapos mo kanina tinawag siya ni Jerico, anong oras siya tinawag ni Jerico?

A:

Mga 12:00 po.

Q:

So, hindi na 1:30?

A:

Hindi po.[102]

On re-direct examination, Julie Ann contradicted her earlier statement that at 12:30 p.m., petitioner was done painting and no longer left the room:

Q:

Nung bumalik siya sa kwarto para sawayin si [AAA] at si Michael tapos na ba siya magpintura o bumalik pa siya para magpintura o hindi mo alam?

A:

Nung sinaway po sina [AAA] bumalik pa po.

Q:

Bumalik palabas magpipintura ulet o iba naman ang ginawa?

A:

Nagpintura po ulet siya.

Q:

Eh bakit sinabi kanina kay Fiscal tapos na siya magpintura ng alas-dose y medya samantalang ngayon sinabi mo naman na nuong bumalik siya [sa] classroom para sawayin yung dalawa maingay lumabas ulet siya para magpintura ulet, alin ba dito ang natatandaan mo talaga.

A:

Yung bumalik pa po siya.

Q:

Sa?

A:

Sa pagpipintura po.[103]

Second, Julie Ann testified that after lunch, when petitioner started to teach, she was seated next to AAA.[104] She said she sat in front, next to AAA, until the end of their classes at 4:50 p.m.[105] However, this contradicts with petitioner's version that when she returned to the classroom, AAA was no longer in the room and only his bag was left on his seat.[106]

Finally, Julie Ann testified that during their lunch break, none of them were doing the assignment because they were just eating:

Q:

Ibalik ko ngayon duon sa naalala mo nuong araw na yon magmula nuong bago lumabas si/kasi pinakita ni Fisal lunchbreak itong 12:00 to 12:30 pero walang lumalabas sa kwarto eh nandyan kayo lahat kumakain?

A:

Opo.

Q:

May gumagawa rin ba ng assignment kahit walang utos?

A:

Wala po.

Q:

Upo lang kain lang?

A:

Opo.[107]

However, petitioner narrates that at around noon that day, she gave a seatwork to her students while she was helping other teachers paint the materials for their karakol program.[108]

For these material inconsistencies, the lower courts correctly disregarded Julie Ann's testimony. Even if such testimony was given by a top student, it remains unreliable, inconsistent, and undeserving of evidentiary weight.

As a last resort, petitioner faults the prosecution for not presenting a psychological report, and thus failing to prove that the alleged acts prejudiced AAA's normal development. Again, petitioner is mistaken.

Since petitioner was charged with physical maltreatment, her acts need not be proven to have prejudiced AAA's development. The Court of Appeals correctly relied on *Sanchez v. People*[109] in ruling that the commission of acts prejudicial to a child's development is not a necessary element, but a separate mode of commission under Section 10 of Republic Act No. 7610.

Nevertheless, the testimony of AAA's mother, BBB, shows how the incident negatively affected her son. She testified that AAA evaded petitioner at school and was transferred to another section in the middle of the school year:

Q:

... Itong pagkatapos nitong mga pangyayari, ano [naman] ng naging epekto kay [AAA] kung mayroon man?

A:

Natatakot po [siya] sa mga kasalubong niya kapag pumapasok siya nang iskul.

Q:

Pero nanatili po siyang pumapasok doon sa iskul?

A:

Opo.

Q:

So kapag sinasabi mong natatakot, anong ibig mong sabihin?

A:

Iniiwasan niya na pong makasalubong.

Q:

Iniiwasan. Iyong bang takot niya ma[-]i describe mo kung papaanong takot ang mayroon siya?

A:

Iyong lagi siyang kinakabahan.

Q:

Kinakabahan?

A:

Opo.

Q:

Pero teacher pa po ba niya si...?

A:

Hindi na po.

Q:

Hindi na?

A:

Nagpapalit na po...

Q:

Saan po ba niya teacher si teacher Repollo?

A:

Adviser niya po iyon eh.

Q:

So adviser niya po si teacher Repollo?

A:

Opo.

Q:

So grade 5 ito ay February so ibig sabihin may klase pa?

A:

Opo.

Q:

Nagpatuloy ba siya doon sa klase niya kay teacher Repollo?

A:

Hindi na po inilipat na po siya [ng] ibang teacher.

Q:

Sino po ang naglipat?

A:

Iyon po ang napagkasunduan namin sa principal.

Q:

Iyon ang n[a]pagkasunduan ninyo?

A:

Opo.

Q:

So inilipat na sya [ng] adviser?

A:

Opo.

Q:

Pagkatapos [ng] February, nagbakasyon (sic), so pumasok ba uli doon sa eskwelahan na iyon si [AAA]?

A:

Opo.

Q:

So ano naman ang kanyang pakiramdam sa pagpasok niya sa iskul?

A:

Iyon po ganon pa rin po. Tuwing makakasalubo[ng] niya si Mrs. Repollo natatakot po siya.[110]

All told, this Court upholds petitioner's conviction for child abuse under Section 10(a) of Republic Act No. 7610. The Court of Appeals correctly modified the penalty and imposed the indeterminate sentence of four (4) years, nine (9) months, and eleven (11) days of prision correccional, as minimum, and six (6) years, six (6) months, and one (1) day of prision mayor, as maximum.[111]

The trial court correctly awarded[112] P20,000.00 as moral damages, P20,000.00 as exemplary damages, and P10,000.00 as temperate damages, in line with *Rosaldes v. People*.^[113] We modify the award of damages to include the rate of 6% per annum from the finality of this Decision until fully paid.^[114]

WHEREFORE, the Court of Appeals October 24, 2018 Decision and March 18, 2019 Resolution in CA-G.R. CR No. 40442 are AFFIRMED with MODIFICATION.

Petitioner Maria Consuela Malcampo-Repollo is GUILTY beyond reasonable doubt of child abuse under Section 10(a) of Republic Act No. 7610. She is sentenced to a minimum imprisonment of four (4) years, nine (9) months, and eleven (11) days of prision correccional, to a maximum of six (6) years, six (6) months, and one (1) day of prision mayor. In addition, she is ORDERED to pay AAA moral and exemplary damages worth P20,000.00 each, and temperate damages worth P10,000.00.

All damages awarded shall be subject to interest at the rate of 6% per annum from the finality of this Decision until fully paid.

SO ORDERED.

Hernando, Inting, and Rosario, JJ., concur.

Delos Santos, J., on wellness leave.

[1] Rollo, pp. 32-46. The Decision dated October 24, 2018 was penned by Associate Justice Pedro B. Corales, and concurred in by Associate Justices Jane Aurora C. Lantion and Ronaldo Roberto B. Martin of the Special Seventeenth Division of the Court of Appeals.

[2] Id. at 48-49. The Resolution dated March 18, 2019 was penned by Associate Justice Pedro B. Corales, and concurred in by Associate Justices Jane Aurora C. Lantion and Ronaldo Roberto B. Martin of the Former Special

Seventeenth Division of the Court of Appeals.

[3] Id. at 54-56. The May 2, 2017 Decision was penned by Presiding Judge Rico Sebastian D. Liwanag of the Regional Trial Court of Makati City, Branch 136.

[4] Id. at 53.

[5] Id. at 33.

[6] Id. at 221.

[7] Id. at 34.

[8] Id. at 221.

[9] Id. at 34.

[10] Id. at 114.

[11] Id. at 55.

[12] Id. at 54-55.

[13] Id. at 34-35.

[14] Id. at 35.

[15] Id. at 54-56.

[16] Id. at 56.

[17] Id. at 55.

[18] Id. at 56.

[19] Id. at 55.

[20] Id. at 32-46.

[21] Id. at 46.

[22] Id. at 40-43.

[23] Id. at 45.

[24] Id. at 44.

[25] Id. at 49.

[26] Id. at 3-25.

[27] Id. at 208.

[28] Id. at 230.

[29] Id. at 238-254. The September 2, 2020 Notice is not yet included in the Rollo.

[30] Id. at 14-15. Petition.

[31] Id. at 15-16.

[32] Id. at 18.

[33] 707 Phil. 11 (2013) [Per J. Bersamin, First Division].

[34] Rollo, pp. 19-21.

[35] Id. at 23.

[36] Id. at 221-223.

[37] Id. at 224.

[38] Id.

[39] Id. at 225.

[40] Id. at 239-240.

[41] Id. at 241 and 246.

[42] Id. at 241.

[43] Id. at 243.

[44] Id. at 246-248.

[45] Pascual v. Burgos, 776 Phil. 167, 183 (2016) [Per J. Leonen, Second Division].

[46] 800 Phil. 118 (2016) [Per J. Leonen, Second Division].

[47] Id. at 122.

[48] Rollo, pp. 240-241.

[49] Id. at 239-240.

[50] 606 Phil. 762 (2009) [Per J. Nachura, Third Division].

[51] Id. at 777.

[52] Del Poso v. People, 802 Phil. 713, 722 (2016) [Per J. Peralta, Third Division].

[53] Rollo, pp. 19-20.

[54] Lucido v. People, 815 Phil. 646, 664 (2017) [Per J. Leonen, Second Division].

[55] Bongalon v. People, 707 Phil. 11, 20-23 (2013) [Per J. Bersamin, First Division].

[56] Implementing Rules and Regulations of Republic Act No. 7610 (1993), sec. 2(h) states:

h) "Lascivious conduct" means the intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks, or the introduction of any object into the genitalia, anus or mouth, of any person, whether of the same or opposite sex, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person, bestiality, masturbation, lascivious exhibition of the genitals or pubic area of a person[.]

[57] Sanchez v. People, 606 Phil. 762, 778 (2009) [Per J. Nachura, Third Division].

[58] 795 Phil. 453 (2016) [Per J. Reyes, Third Division].

[59] Id. at 464.

[60] Id. at 465.

[61] Fernandez v. People, G.R. No. 217542, November 21, 2018, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1164751>> [Per J. Leonen, Third Division].

[62] G.R. No. 235071, January 7, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64680>> [Per J. Peralta, Third Division].

[63] Id.

[64] Rollo, p. 53.

[65] 707 Phil. 11 (2013) [Per J. Bersamin, First Division].

[66] Id. at 15.

[67] Rollo, pp. 19-20.

[68] Bongalon v. People, 707 Phil. 11, 20 23 (2013) [Per J. Bersamin, First Division].

[69] 787 Phil. 255 (2016) [Per J. Reyes, Third Division].

[70] Id. at 269-271.

[71] Id. at 260.

The information in Jabalde reads:

That on December 13, 2000 at 9:00 o'clock in the morning, more or less, in Barangay Cawitan, Santa Catalina, Negros Oriental, and within the jurisdiction of the Honorable Court, [Jabalde], with cruelty and with intent to abuse, maltreat and injure one LIN J. BITOON, 8 years of age, did then and there willfully, unlawfully and feloniously slap and strike said Lin J. Bitoon, hitting said Lin J. Bitoon on the latter's nape; and immediately thereafter[,] [c]hoke the said offended party, causing the latter to sustain the following injuries: Abrasions: Two (2), linear 1 cm in length at the base of the right mandibular area; One (1), linear 1 inch at the right lateral neck; Two (2), linear 1 cm in length at the anterior neck; and Four (4), minute circular at the left lateral neck, which acts of sa[i]d accused caused the said offended part[y] not only physical but also emotional harm prejudicial to his development. CONTRARY to the aforesaid. (Emphasis supplied)

[72] Implementing Rules and Regulation of Republic Act No. 7610, sec. 2(c).

[73] G.R. No. 226991, December 10, 2018 <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64821>> [Per J. Gesmundo, Third Division].

[74] Id.

[75] Id.

The information in Escolano reads:

That on or about the 30th day of May 2009 in [XXX], Philippines, the above-named accused, did then and there wilfully, unlawfully, and feloniously commit an act of child abuse/cruelty against [AAA], 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

(Emphasis supplied)

[76] G.R. No. 235071, January 7, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64680>> [Per J. Peralta, Third Division].

[77] Id.

The informations in Patulot read:

(Criminal Case No. 149971)

That on or about the 14th day of November 2012, in the City of Taguig, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did, then and there wilfully, unlawfully, and feloniously commit acts of child abuse upon one AAA, 5 a three (3)-year-old minor, by throwing on him a boiling oil, thereby inflicting upon said victim-minor physical injuries, which acts are inimical and prejudicial to the child's normal growth and development.

CONTRARY TO LAW.

(Criminal Case No. 149972)

That on or about the 14th day of November 2012, in the City of Taguig, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did, then and there wilfully, unlawfully and feloniously commit acts of child abuse upon one BBB, a two (2) month old baby, by throwing on her a boiling oil, thereby inflicting upon said victim-minor physical injuries, which acts are inimical and prejudicial to the child's normal growth and development.

CONTRARY TO LAW.

[78] Id.

[79] G.R. No. 222974, March 20, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65231>> [Per J. Gesmundo, First Division].

[80] Id.

[81] Id. The informations in Calaoagan read:

Criminal Case No. 4877-R:

That on or about the 31st day of October, 2004 at around 12:00 midnight, in Brgy. Poblacion, Municipality of Rosales, Province of Pangasinan, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there, wilfully, unlawfully, feloniously and for no apparent reason[,] physical[ly] maltreat[ed] the complainant AAA, a minor of about 15 years of age[,] by hitting him with a stone on his left shoulder, thus place (sic) him in an embarrassing (sic) and shameful situation in the eyes of the public. Contrary to Article VI, Section 10(a), Republic Act 7610.

Criminal Case No. 4878-R:

That on or about the 31st day of October, 2004, at around 12:00 o'clock midnight, in Brgy. Poblacion, Municipality of Rosales, Province of Pangasinan, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there, wilfully, unlawfully and feloniously and for no apparent reason[,] physically maltreat the complainant BBB, a minor of about 17 years of age[,] by punching his face and head, thus

place (sic) him in an embarrassing (sic) and shameful situation in the eyes of the public. Contrary to Article VI, Section 10(a), Republic Act 7610

[82] G.R. No. 227581, January 15, 2020, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66101>> [Per J. Reyes, First Division].

[83] Id. The information in Delos Santos read:

That on or about August 31, 2007, in Valenzuela City and within the jurisdiction of this Honorable Court, the above-named accused, together with other person whose name, identity, and present whereabouts[s] still unknown, conspiring, confederating and mutually helping one another, without any justifiable cause, did then and there willfully, unlawfully, and feloniously maul one AAA, 17 years old, hitting the latter on the face and chest, thereby inflicting upon the latter physical injuries which injuries required medical attendance for a period of less than (9) days and incapacitated said victim from performing her habitual work for the same period of time, thereby subjecting said minor to psychological and physical abuse, cruelty and emotional maltreatment.

[84] Id.

[85] 815 Phil. 646 (2017) [Per J. Leonen, Second Division].

[86] Id. at 663.

[87] 803 Phil. 480 (2017) [Per J. Leonen, Second Division].

[88] Id. at 490-491.

[89] Id. at 15.

[90] Fernandez v. People, G.R. No. 217542, November 21, 2018 <<https://elibrary.judiciary.gov.ph/thebookshelf/1/64751>> [Per J. Leonen, Third Division].

[91] Rollo. pp. 40-43.

[92] Id. at 114.

[93] Id. at 142.

[94] Id. at 43-44.

[95] Id. at 44.

[96] 394 Phil. 501 (2000) [Per J. De Leon, Second Division]

[97] Id. at 512.

[98] Rollo, pp. 15-16.

[99] People v. Ulgasan, 390 Phil. 763, 778 (2000) [Per J. Puno, First Division] citing People vs. Dones, 325 Phil. 173 (1996) [Per J. Kapunan, First Division].

[100] Rollo, p. 55.

[101] Id. at 44.

[102] Id. at 154-164.

[103] Id. at 170-171.

[104] Id. at 175.

[105] Id. at 172.

[106] Id. at 8.

[107] Id. at 169.

[108] Id. at 7.

[109] 606 Phil. 762 (2009) [Per J. Nachura, Third Division], citing *Araneta v. People*, 578 Phil. 876 (2008) [Per J. Chico-Nazario, Third Division].

[110] Id. at 194-196.

[111] *Sanchez v. People*, 606 Phil. 762 (2009) [Per J. Nachura, Third Division] citing *Araneta v. People*, 578 Phil. 876 (2008) [Per J. Chico-Nazario, Third Division].

[112] *Rollo*, p. 56.

[113] 745 Phil. 77 (2014) [Per J. Bersamin, First Division].

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

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