

**XXX256676, PETITIONER, VS. PEOPLE OF THE PHILIPPINES,
RESPONDENT.***G.R. No. 256676, June 04, 2026*

Ponente: CAGUIOA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-256676/>**CAGUIOA, J.:**

Before the Court is a Petition for Review on Certiorari[1] (Petition) under Rule 45 of the Rules of Court filed by petitioner XXX256676 (XXX), assailing the Decision[2] dated October 1, 2020 (CA Decision) and Resolution[3] (CA Resolution) dated May 28, 2021 promulgated by the Court of Appeals (CA) in CA-G.R. CR No. 42037. Through the assailed CA Decision and CA Resolution, the CA affirmed the Decision[4] (RTC Decision) dated June 26, 2018 rendered by Branch 68, Regional Trial Court of Lingayen, Pangasinan (RTC) in Criminal Case No. L-10964 finding XXX guilty beyond reasonable doubt of committing a violation of Section 5(i) of Republic Act No. 9262.[5]

Facts

XXX was charged with violating Section 5(i) of Republic Act No. 9262 under one Information in Criminal Case No. L-10964, the accusatory portion of which reads:

That sometime [in] July 2013 in , and within the jurisdiction of this Honorable Court, [XXX] did, then and there willfully, unlawfully and feloniously abandon [AAA256676 (AAA)],[-] his legally married spouse in favor of another woman and further deliberately deny the said AAA regular sufficient financial support that caused her mental or emotional anguish.

Contrary to Section 5(i) in relation to Section 6(f) of [Republic Act No.] 9262.[6]

XXX pleaded not guilty to the offense charged. During the pre-trial, the parties stipulated: (i) on the identity of the person arraigned; (ii) that AAA and XXX are legally married; (iii) that AAA and XXX were no longer living together at the time of filing of the case; and (iv) XXX is a retired police officer receiving a monthly pension. Thereafter, trial on the merits proceeded.[7]

Version of the Prosecution

The version of the prosecution, according to the CA, is as follows:

On December 26, 1982, [XXX] and AAA were married in Dagupan City, Pangasinan. Sometime in 2013, [XXX] and AAA separated because the latter learned that [XXX] was living with another woman named Mary Joy Sison (Mary Joy). AAA learned of this fact because Mary Joy went to their house and said that she was looking for [XXX] as she needed money to buy milk for their child. Subsequently, AAA discovered an invitation with respect to the christening of the child of [XXX] and Mary Joy. The invitation showed that the parents of the child to be christened are indeed [XXX] and Mary Joy. [XXX] admitted that he had a mistress and they have a child together. AAA then told [XXX] to leave the house and the latter agreed.

After sometime, [XXX] and AAA entered into a written agreement and unde1iaking. In the said agreement,

[XXX] and AAA agreed to separate on the condition that AAA shall receive a share from the retirement benefits and pension of [XXX]. The victim [i.e., AAA] received the amount of Six Hundred Thousand Pesos ([PHP] 600,000.00) as share from the retirement benefits of [XXX]. Subsequently, [XXX] applied for a loan and started receiving his monthly pension, however, AAA did not receive any amount from [XXX's] pension. Consequently, AAA suffered pain and anguish because [XXX] was spending his pension on another woman. Moreover, AAA and [XXX] had an adopted son whom [XXX] did not support anymore because [XXX] abandoned them.[8]

The prosecution presented AAA and her aunt, BBB,[-] as witnesses.[9] With respect to the documentary evidence, the prosecution formally offered the following exhibits:

Exhibit

Description

"A"

Sinumpaang Salaysay of AAA

"B"

Certified Xerox Copy of the police blotter entry

"C"

Barangay blotter entries containing the transcribed readable documents

"D"

Marriage contract of AAA and XXX

"E"

Invitation to the Christening of CCC[-] (XXX's son)

"E-1"

Names of the loving parents of CCC, namely: Mary Joy and XXX

"F"

Sinumpaang Salaysay of BBB

"G"

Undertaking of SPO1 XXX and AAA with the agreement that one-half of the proceeds of the retirement benefits due to XXX will be given to AAA

"G-1"

Application for retirement of XXX

"G-2"

Signature of AAA in the Undertaking

"G-3"

Signature of XXX

Version of the Defense

According to the CA, XXX narrated that he is a former member of the Philippine National Police (PNP) and provided for the needs of his family while he and AAA were together. AAA had no employment. During their marriage, they had no children, but raised XXX's nephew as their own child. XXX and his wife separated in 2013 when the latter learned of XXX's mistress during their encounter at XXX's and AAA's house. AAA then threw XXX's clothes away, and XXX packed them and began to live with his mistress. After they separated, XXX and AAA met once again to talk before their barangay officials. During that meeting, AAA said that she does not want XXX anymore. XXX and AAA thus came to an agreement to live separately. Accordingly, XXX continued to stay with his mistress and later raised a child with her. Aside from their agreement to live separately, XXX also gave AAA PHP 600,000.00 on the condition that AAA would not file any civil or criminal case against him. According to XXX, AAA consented to his cohabitation with his mistress "because when [AAA] threw away [XXX's] clothes, [AAA] also told [XXX] that he should better stay with his mistress." [10]

In 2016, XXX was receiving a monthly pension of PHP 28,000.00 and uses the same to pay his loans. XXX testified that he "did not give support" to AAA and that he was working as a bodyguard of the mayor of Aguilar, Pangasinan and earning PHP 5,000.00 monthly. [11]

XXX was the sole witness of the defense. As regards his documentary evidence, XXX formally offered the following:

Exhibit

Description

"1"

Counter-affidavit of XXX

"2"

Acknowledgment Receipt by AAA

"3"

Minutes of the barangay blotter entry No. 594

Ruling of the RTC

After trial, the RTC Decision dated June 26, 2018 was rendered, the dispositive portion of which reads:

WHEREFORE, in view of the foregoing, [XXX] is found GUILTY beyond reasonable doubt of violation of Section 5(i) of Republic Act No. 9262 ("Anti-Violence Against Women and their Children Act") and is hereby sentenced to suffer an indeterminate penalty of four (4) years and two (2) months of prision correccional, as minimum, to ten (10) years and one (1) day of prision mayor, as maximum.

In addition to imprisonment, he shall:

(a)

pay a fine in the amount of One Hundred Thousand Pesos [(PHP 100,000.00)) with subsidiary imprisonment in case of non-payment of the fine; and

(b)

undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to this court.

SO ORDERED.[12]

The RTC found that XXX "caused mental and emotional anguish on his wife through denial of financial support, and when he chose to live with his other woman and illegitimate children." [13] The RTC noted the recital in the Information that XXX "abandon[ed] AAA, his legally married spouse in favor of another woman and further deliberately den[ied] the said AAA regular sufficient financial support that caused her mental or emotional anguish."

XXX appealed the RTC Decision dated June 26, 2018 to the CA.

Ruling of the CA

The CA denied XXX's appeal and affirmed the RTC Decision dated June 26, 2018. The dispositive portion of the CA Decision dated October 1, 2020 reads:

WHEREFORE, the appeal is DENIED. The decision of the Regional Trial Court of Lingayen, Pangasinan, Branch 68 dated June 26, 2018 in Criminal Case No. L-10964 is AFFIRMED with MODIFICATION. [XXX] is found guilty beyond reasonable doubt of violation of Section 5(i) of Republic Act No. 9262, otherwise known as the Anti-Violence Against Women and their Children Act, and is sentenced to suffer the indeterminate penalty of four (4) years of prision correccional, as minimum, to eight (8) years and one (1) day of prision mayor, as maximum. He is also ORDERED to PAY a fine of One Hundred Thousand pesos ([PHP] 100,000.00), with subsidiary imprisonment in case of non-payment of fine, and to undergo mandatory psychological counselling or psychiatric treatment and to report compliance to the said Regional Trial Court.

SO ORDERED.[14]

The CA affirmed the factual findings of the RTC. Notably, the CA agreed with the RTC in convicting XXX based on: (a) AAA's testimony that she suffered emotion anguish; (b) XXX's narration that when AAA learned of his mistress, she threw away his things, cried, and slapped him on the shoulder. The CA further added that "no wife in her right mind would be delighted to find out that her husband has another woman and children with her." [15] Accordingly, the CA found that all the elements of the offense under Section 5(i) of Republic Act No. 9262 were present: (a) AAA, the victim, is a woman; (b) AAA is the wife of XXX, the offender; (c) XXX caused emotional and psychological anguish to AAA; and (d) the emotional and psychological anguish were caused through the public act of XXX cohabiting with another woman and denying financial support to AAA.

The CA also denied XXX's motion for reconsideration in the assailed CA Resolution.

Hence, the instant Petition.

Petitioner's Arguments

In his Petition, XXX asserts that the decisions by the RTC and CA were based on a misapprehension of facts, particularly that the prosecution failed to prove beyond reasonable doubt that: (a) AAA suffered emotional and psychological anguish due to XXX's act of cohabiting with another woman; [16] and (b) XXX denied AAA financial support. [17]

With respect to the first ground, XXX argues that AAA did not categorically testify that she suffered emotional and psychological anguish – the CA merely assumed this as a fact due to XXX's marital infidelity. XXX highlighted that the CA's declaration that "no wife in her right mind would be delighted to find out that her husband has another woman and children with her" is speculative and is no reason to discharge the burden of the prosecution to prove every element in the offense beyond reasonable doubt.

As regards the second ground, XXX asserts that AAA failed to rebut the fact that he gave ample financial support to her amounting to PHP 600,000.00, the conjugal dwelling, and two tricycles. XXX further asserts that he could

not have denied monthly support to AAA because he was no longer receiving his monthly pensions. Lastly, XXX asserts that AAA did not make any demand for legal support and thus was not entitled to the same.

The State's Arguments

In its Comment, respondent asserts that first, the issues raised in the Petition are beyond the scope of a petition for review on certiorari under Rule 45,[18] and second, that all the elements of the crime punished under Section 5(i) of Republic Act No. 9262 were proven.[19]

The Court's Ruling

The Petition is meritorious.

In this appeal, XXX asserts that there was a misapprehension of facts, particularly with respect to: (i) AAA's emotional and psychological anguish, and (ii) XXX's denial of support to AAA.

XXX's argument has merit.

XXX is charged under Section 5(i) of Republic Act No. 9262, which provides:

SECTION 5. Acts of Violence Against Women and Their Children. — The crime of violence against women and their children is committed through any of the following acts:

....

(i) Causing mental or emotional anguish, public ridicule or humiliation to the woman or her child, including, but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of minor children or access to the woman's child/children.

The term "violence against women and their children" is defined in relevant part under Section 3(a) of the same law as follows:

SECTION 3. Definition of Terms. — As used in this Act,

a.

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

....

c.

"Psychological violence" refers to acts or omissions causing or likely to cause mental or emotional suffering of the victim such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse and marital infidelity. It includes causing or allowing the victim to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs, or to

witness pornography in any form or to witness abusive injury to pets or to unlawful or unwanted deprivation of the right to custody and/or visitation of common children.

d.

"Economic abuse" refers to acts that make or attempt to make a woman financially dependent which includes, but is not limited to the following:

1. withdrawal of financial support or preventing the victim from engaging in any legitimate profession, occupation, business or activity, except in cases wherein the other spouse/partner objects on valid, serious and moral grounds as defined in Article 73 of the Family Code;

2. deprivation or threat of deprivation of financial resources and the right to the use and enjoyment of the conjugal, community or property owned in common;

3. destroying household property;

4. controlling the victims' own money or properties or solely controlling the conjugal money or properties. (Emphasis supplied)

In *Acharon v. People*[20] (*Acharon*), the Court held that the elements of the offense insofar as it concerns the denial of financial support are as follows:

The elements of a violation of Section 5(i), insofar as it deals with denial of financial support, are therefore:

(1)

The offended party is a woman and/or her child or children;

(2)

The woman is either the wife or former wife of the offender, or is a woman with whom the offender has or had a sexual or dating relationship, or is a woman with whom such offender has a common child. As for the woman's child or children, they may be legitimate or illegitimate, or living within or without the family abode;

(3)

The offender willfully refuses to give or consciously denies the woman and/or her child or children financial support that is legally due her and/or her child or children; and

(4)

The offender denied the woman and/or her child or children the financial support for the purpose of causing the woman and/or her child or children mental or emotional anguish.[21]

The presence of the first and second elements are not disputed. Insofar as his alleged denial of financial support is concerned, XXX asserts that: (i) support was not due to AAA because there was no judicial or extrajudicial demand for the same; and (ii) there is no proof that AAA needed financial support because XXX already gave AAA PHP 600,000.00 and two tricycles as sources of income. As regards his marital infidelity, XXX asserts that there is no evidence that AAA suffered emotional or psychological anguish as this fact was only assumed by the RTC and the CA.

The Court agrees with XXX.

To warrant a finding of guilt for the crime charged, the prosecution must establish, beyond reasonable doubt, each and every element of the crime charged in the Information or for any other crime necessarily included therein.[22] It was thus incumbent upon the prosecution to prove that AAA suffered mental or emotional anguish, through XXX's abandonment and denial of financial support, as an integral element of the offense charged. In *Melgar v. People*,[23] the Court declared that it is "necessary to present the testimony of the victim as such experiences are personal to this party," to wit:

Section 5 (i) of [Republic Act No.] 9262, a form of psychological violence, punishes the act of "causing mental or emotional anguish, public ridicule or humiliation to the woman or her child, including, but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of minor children or denial of access to the woman's child/children." Notably, "[p]sychological violence is an element of violation of Section 5 (i) just like the mental or emotional anguish caused on the victim. Psychological violence is the means employed by the perpetrator, while mental or emotional anguish is the effect caused to or the damage sustained by the offended party. To establish psychological violence as an element of the crime, it is necessary to show proof of commission of any of the acts enumerated in Section 5 (i) or similar acts. And to establish mental or emotional anguish, it is necessary to present the testimony of the victim as such experiences are personal to this party.[24] (Emphasis supplied, citations omitted)

In *Araza v. People*,[25] which likewise involved the prosecution of a violation under Section 5(i) of Republic Act No. 9262, the fact of the victim's emotional and psychological anguish was established by the clear and categorical testimony of the victim and that of an expert witness. The victim in *Araza* testified that she was "depressed," "hospitalized," and "still hurt," to wit:

Q: In this letter Madam Witness, [Fabillar] was asked to release your husband from her custody and to send your husband to you, what was the result of this letter, if you know?

A: The case was not given due course because the truth is, my husband was living with ... Fabillar.

Q: Was your husband returned to you by ... Fabillar?

A: No, sir.

....

Q: What was the effect of your husband's unfaithfulness to you?

A: I became so depressed until now, I was always hospitalized.

Q: What was your proof that you were hospitalized?

A: I have a medical certificate from Perpetual Help.

....

Q: And if you see those medical records, will you be able to identify them?

A: Yes, sir.

Q: I'm showing you [these] documents marked as Exhibits "E" up to "E-6", will you please look at them and tell us if those are the medical records that you are referring to?

A: Yes, sir.

FISCAL MACASAET

Your Honor, just for the record the witness identified Exhibits "E" up to "E-6".

Q: Now in filing this complaint against your husband, what do you wish to attain?

WITNESS

A: He must be put in jail so that he knows that he is really, he had done something wrong to me because I love him so much but then he has different attitudes and he has a different answer against me. I want to put him in jail that's all.

FISCAL MACASAET

We want to make it on record Your Honor, that the witness is crying.

Q: What if he ...

A: The main purpose of mine today is to put him in jail.

Q: That's all?

A: After the case I will also present the case against Tessie Luy Fabillar so that both of them will be put in jail.

....

Q: And you said that your husband came back and live with you again as husband and wife?

A: Only for two (2) months.

Q: And then after two (2) months?

A: He went back to ... Fabillar.

....

Q: And this time when your husband left you to live with her mistress once more, how did you feel about this?

A: Until now I am depressed, I can't forget my husband.

Q: So, you want to impress upon this court that you still love your husband?

A: Yes of course, but then a punishment should be made.

Q: Have you forgiven your husband about this?

A: I'm still hurt.

....

Q: You said in your affidavit in no. 28 of that document Madam Witness, Jaime is engaging in conduct that causes substantial emotional or psychological distress to you, can you please tell us what do you mean by that?

A: First of all[,] when my husband left me[,] I didn't eat, I didn't sleep until 2013 when I found out that he's still alive[,] then that's the time I changed my mind so I tried my health to be better so that I can move to another case.

Q: Isn't it that the matter that you told us is just an effect of love being unreturned and not because of what Jaime intentionally did to you?

A: No, it's not, ma'am.

Q: You considered those things as the effect of actions of Jaime, not loving you back?

A: Yes, ma'am.

Q: And what you wanted now to do is that you filed this case so that he will love you back?

A: I think no more because until now I know he doesn't love me anymore because he wants to stay with another woman so, I want him to be punished so that he will know how it feels to be hurt, both of them.[26] (Emphasis supplied)

In this case, unlike in *Araza*, AAA did not categorically testify that XXX's act of abandoning her for another woman and his failure to provide financial support caused her mental and emotional anguish. Both the CA and RTC simply assumed that the prosecution succeeded in proving this element beyond reasonable doubt. The CA Decision reads in relevant part:

As correctly found by the RTC, AAA suffered psychological and economic abuse, to wit: From her testimony, AAA categorically stated that the accused chose to live with his other woman and illegitimate child when AAA discovered said fact. Evidence showing that AAA suffered emotional anguish even came from the accused himself when he testified that when his wife discovered that he has a mistress when the latter went to their house, his wife threw away his things. His wife was also very angry with him at that time. She slapped him on his right shoulder and she was crying. Obviously, no wife in her right mind would be delighted to find out that her husband has another woman and children with her. [sic]

Moreover, AAA categorically stated the following:

Q: From the time he is receiving pension, does he give you half?

A: No Madam. He said that what he gives me is already enough.

Q: How did you feel?

A: Of course, it is painful on my part because I'm the legal wife and yet he is receiving pension and of [sic] spending it to [sic] another woman.[27]

Thus, both the CA's and the RTC's conclusion that AAA suffered "mental or emotional anguish" was premised on: (i) XXX's testimony that when AAA discovered his affair, she threw his things out and slapped his right shoulder; (ii) the assumption that "no wife in her right mind would be delighted to find out that her husband has another woman and children with her"; and (iii) AAA's testimony that her belief that XXX's pension was going to his mistress was "painful."

After a careful review of the records, the Court finds that both the CA and the RTC erred in finding that the prosecution proved that AAA suffered mental or emotional anguish beyond reasonable doubt.

First, the finding alone that there was abandonment is questionable, given that, based on the testimonies of both the prosecution and defense witnesses, AAA threw XXX out of their conjugal dwelling and ordered him to live

with someone else. There can be no abandonment when the idea of living separately came from, or at least with the acquiescence of, the complaining spouse.

Second, it was an error for the CA to assume AAA's mental and emotional anguish based on the belief that "no wife in her right mind would be delighted to find out that her husband has another woman and children with her."

This is an assumption that is not based on evidence or any inference established by jurisprudence or the Rules of Court. There is no universal standard of what a "wife in her right mind is." Stated differently, this is a category that was simply invented by the lower courts to give XXX's conviction a semblance of legality.

That said, the Court agrees with XXX that it was incumbent upon the prosecution to prove this element beyond reasonable doubt as an integral element in the offense charged in the information. Evidence cannot be supplanted by a court's surmises and speculations or as the Court declared in *People v. Bato*,^[28] "conjectures, surmises, and suspicions cannot take the place of evidence."

Third, the "moral certainty" required in proof beyond reasonable doubt merely is "the degree of proof which produces conviction in the unprejudiced mind." Here, the evidence tends to establish that while AAA's reaction to the discovery of XXX's mistress was "painful", the same did not persist past her initial outburst described by XXX. AAA thereafter accepted the situation between her and XXX as, in her own words, a "peaceful separation," to wit:

....

Q:

So he left you because you told him that he left you [sic]?

A:

I asked him to choose between me and that mistress and he chose that mistress because he choose his mistress, (sic) so he should go.

Q:

So, you have a peaceful separation?

A:

Yes, Madam, since he chose that woman then I let him stay with her mistress. I did not disturb them.

Q:

From the moment he left your house you did not disturb him anymore?

A:

No more, Madam.

....

Q:

And according to you he chose his mistress because he has a child with her, did I get you right?

A:

Yes sir.

Q:

And because you let him chose [sic] with whom he live in [sic] you also admitted that you have a peaceful separation with your husband?

A:

Yes sir.

Q:

So you have accepted already to your [sic] heart that your husband is already have [sic] another woman and they have children with that other woman?

A:

Yes sir, I already accepted that but I am only after my support.[29] (Emphasis supplied)

Clearly, the foregoing testimony of AAA stands in stark contrast with that of the victim in Araza. Again, it is well established that "to establish mental or emotional anguish, it is necessary to present the testimony of the victim as such experiences are personal to this party." In the mind of the Court, AAA's testimony on record was lacking in any essential details pertaining to the mental or emotional anguish that she allegedly suffered.

On the denial of financial support, Acharon is instructive. There, the Court declared:

The Court stresses that Section 5 (i) of [Republic Act No.] 9262 uses the phrase "denial of financial support" in defining the criminal act. The word "denial" is defined as "refusal to satisfy a request or desire" or "the act of not allowing someone to do or have something." The foregoing definitions connote willfulness, or an active exertion of effort so that one would not be able to have or do something. This may be contrasted with the word "failure," defined as "the fact of not doing something [one] should have done," which in tum connotes passivity. From the plain meaning of the words used, the act punished by Section 5(i) is therefore, *dolo in nature* — there must be a concurrence between intent, freedom, and intelligence, in order to consummate the crime.

....

It is not enough, therefore, for the woman to experience mental or emotional anguish, or for her partner to deny financial support that is legally due her. In order for criminal liability to arise under Section 5(i) of [Republic Act No.] 9262, insofar as it deals with "denial of financial support." there must, therefore, be evidence on record that the accused willfully or consciously withheld financial support legally due the woman for the purpose of inflicting mental or emotional anguish upon her. In other words, the *actus reus* of the offense under Section 5(i) is the willful denial of financial support, while the *mens rea* is the intention to inflict mental or emotional anguish upon the woman. Both must thus exist and be proven in court before a person may be convicted of violating Section 5(i) of [Republic Act No.] 9262.

"It bears emphasis that Section 5(i) penalizes some forms of psychological violence that are inflicted on victims who are women and children." In prosecutions under Section 5(i), therefore, "[p]sychological violence is the means employed by the perpetrator" with denial of financial support as the weapon of choice. In other words, to be punishable by Section 5(i) of [Republic Act No.] 9262, it must ultimately be proven that the accused had the intent of inflicting mental or emotional anguish upon the woman, thereby inflicting psychological violence upon her, with the willful denial of financial support being the means selected by the accused to accomplish said purpose.

This means that the mere failure or one's inability to provide financial support is not sufficient to rise to the level of criminality under Section 5(i), even if mental or emotional anguish is experienced by the woman. In

other words, even if the woman were to suffer mental or emotional anguish due to the lack of financial support, but the accused merely failed or was unable to so provide support, then criminal liability would not arise. A contrary interpretation to the foregoing would result in absurd, if not outright unconstitutional, consequences.

To be sure, under the Family Code, the obligation to support is imposed mutually upon the spouses. In other words, both the husband and the wife have the obligation to give support to each other. However, even as the law imposes the obligation to support mutually upon the spouses, the failure of the wife to financially support the husband only results in civil liability, whereas if it is the husband who fails to provide financial support to the wife, this will result not only in civil liability, but also criminal liability under Section 5(i) of [Republic Act No.] 9262. Surely, this cannot be the case, as the law recognizes no substantial distinction between the husband and the wife as regards their responsibility to provide financial support to each other and the family.

It is also worth emphasizing that the obligation to give support is measured "in keeping with the financial capacity of the family" — which also implies that it may depend on who is earning for the family. As well, the amount of support "shall be in proportion to the resources or means of the giver and to the necessities of the recipient." As previously stated, therefore, the prosecution must first establish that there is an amount of support legally due the woman, and that the partner willfully denied the same to her to cause mental or emotional anguish, before a conviction under Section 5(i) of [Republic Act No.] 9262 may be had.[30] (Emphasis supplied, citations omitted)

Moreover, Article 203 of the Family Code provides "[t]he obligation to give support shall be demandable from the time the person who has a right to receive the same needs it for maintenance, but it shall not be paid except from the date of judicial or extra-judicial demand." In other words, "support is demandable from the time plaintiff needed the said support but is payable only from the date of judicial demand." [31]

In XXX's case, there is no evidence of any judicial or extrajudicial demand for legal support from XXX. Consequently, XXX is not guilty of withholding support to AAA when legal support to AAA was due and payable in the first place.

Even assuming *arguendo*, however, that legal support was due to AAA, the prosecution's case still holds no water. Following *Acharon*, there is no evidence that XXX "willfully or consciously withheld financial support legally due the woman for the purpose of inflicting mental or emotional anguish upon" AAA. On the contrary, it is not disputed that XXX already gave AAA PHP 600,000.00 to provide for her financial needs.[32] There is also no evidence that XXX intended to cause AAA mental or emotional anguish through the withholding of her support.

ACCORDINGLY, the Petition is hereby GRANTED. The Decision dated October 1, 2020, and Resolution dated May 28, 2021 of the Court of Appeals in CA-G.R. CR No. 42037 are hereby REVERSED and SET ASIDE. Accordingly, petitioner XXX256676 is ACQUITTED of the crime charged. Let entry of judgment be issued immediately.

SO ORDERED.

Inting, Gaerlan, Dimaampao, and Singh, JJ., concur.

[–] In line with Amended Administrative Circular No. 83-2015 dated September 5, 2017, titled "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 names of the private offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

[1] Rollo, pp. 11-27, excluding Annexes.

[2] Id. at 35-43. Penned by Associate Justice Myra V. Garcia-Fernandez and concurred in by Associate Justices Ruben Reynaldo G. Roxas and Alfredo D. Ampuan of the Seventeenth Division, Court of Appeals, Manila.

[3] Id. at 46. Penned by Associate Justice Myra V. Garcia-Fernandez and concurred in by Associate Justices Ruben Reynaldo G. Roxas and Alfredo D. Ampuan of the Former Seventeenth Division, Court of Appeals, Manila.

[4] Id. at 58-67. Penned by Judge Maria Laarni R. Parayno.

[5] Anti-Violence Against Women and Their Children Act of 2004.

[-] The real name is not found in the available rollo.

[6] Rollo, p. 58, RTC Decision.

[7] Id. at 13, Petition.

[8] Rollo, pp. 36-37, CA Decision. Normal 0 false false false EN-PH X-NONE X-NONE /* Style Definitions */
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mso-ligatures:standardcontextual; mso-fareast-language:EN-US;}

[-] The real name is not found in the available rollo.

[9] Rollo, p. 36, CA Decision. Normal 0 false false false EN-PH X-NONE X-NONE /* Style Definitions */
table.MsoNormalTable {mso-style-name:"Table Normal"; mso-tstyle-rowband-size:0; mso-tstyle-colband-size:0;
mso-style-noshow:yes; mso-style-priority:99; mso-style-parent:""; mso-padding-alt:0cm 5.4pt 0cm 5.4pt;
mso-para-margin-top:0cm; mso-para-margin-right:0cm; mso-para-margin-bottom:8.0pt;
mso-para-margin-left:0cm; line-height:115%; mso-pagination:widow-orphan; font-size:12.0pt;
font-family:"Aptos",sans-serif; mso-ascii-font-family:Aptos; mso-ascii-theme-font:minor-latin;
mso-hansi-font-family:Aptos; mso-hansi-theme-font:minor-latin; mso-font-kering:1.0pt;
mso-ligatures:standardcontextual; mso-fareast-language:EN-US;}

[-] The real name is not found in the available rollo.

[10] Rollo, p. 38, CA Decision.

[11] Id.

[12] Id. at 66-67, RTC Decision.

[13] Id. at 66.

[14] Id. at 43, CA Decision.

[15] Id. at 41.

[16] Id. at 18-22, Petition.

- [17] Id. at 22-24.
- [18] Id. at 111-113, Comment.
- [19] Id. at 113-118.
- [20] 913 Phil. 731 (2021) [Per J. Caguioa, En Banc].
- [21] Id. at 740.
- [22] *Calingasan v. People*, 919 Phil. 943 (2022) [Per J. Caguioa, Third Division].
- [23] 826 Phil. 177 (2018) [Per J. Perlas-Bernabe, Second Division].
- [24] Id. at 186-187.
- [25] 882 Phil. 905 (2020) [Per C.J. Peralta, First Division].
- [26] Id. at 924-926.
- [27] Rollo, p. 41.
- [28] 348 Phil. 246 (1998) [Per J. Panganiban, Third Division].
- [29] Rollo, pp. 20-21.
- [30] *Acharon v. People*, supra note 20, at 737-740.
- [31] *Lim-Lua v. Lua*, 702 Phil. 211 (2013) [Per J. Villarama, Jr., First Division].
- [32] Rollo, p. 108, Comment.

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