

XXX, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 268619, January 13, 2026

Ponente: LAZARO-JAVIER, J.

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LAZARO-JAVIER, J.:

The Case

This Petition for Review on Certiorari[1] under Rule 45 of the Rules of Court assails the following dispositions of the Court of Appeals in CA-G.R. CR No. 46060:

1. Decision[2] dated February 27, 2023, affirming the Judgment of , Regional Trial Court, Baguio City, finding petitioner XXX guilty of violating Section 5(i) of Republic Act No. 9262, also known as the Anti-Violence Against Women and Children Act; and
2. Resolution[3] dated July 31, 2023, denying XXX' motion for reconsideration.

Antecedents

By Information[4] dated May 21, 2010, XXX was charged with violation of Section 5(i) of Republic Act No. 9262, viz.:

That on or about the month of January 2010 prior to or subsequent thereto, in the City of Baguio, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, the lawful husband of private complainant [AAA], did then and there willfully, unlawfully and feloniously cause mental, psychological and/or emotional anguish to private complainant as manifested by depression as evidenced by depressive trends and emotional difficulties such as uncertainty and apprehensiveness, reluctance to accept visual stimuli, need of security, striving for independence, frustration, severe chronic defense against trauma which is indicative of ego integration and functioning through his marital infidelity, abandonment, verbal abuse and threats which undermines her dignity as a woman and threatens her personal safety and security, to her great damage and prejudice.

CONTRARY to Psychological violence under Sec. 5 Par (i) of Republic Act 9262.[5]

On arraignment, XXX pleaded not guilty. During the trial, the prosecution presented the testimonies of the following: complainant AAA, AAA and XXX' first-born son, BBB, AAA's brother CCC, DDD, EEE, FFF, a psychologist from the Philippine Mental Health Association, Police Officer I Honorio Lampacan, Jr., (PO1 Lampacan), Alexander Miller, and Engineer Joviemay Tangday of the National Telecommunications Communication-Cordillera Administrative Region.[6]

The defense, on the other hand, presented XXX as its sole witness.[7]

Version of the Prosecution

AAA married XXX on May 15, 1999. They have two children, namely BBB and GGG. Prior to 2009, they all lived together as a normal family. AAA alleged that their marital problems started in October 2009 when she

started to notice that XXX would come home very late at night. There were even some nights when XXX would come home early in the morning already. When she confronted him why he was coming home late, XXX answered that he was just busy with his work as a lawyer and was merely working hard to provide for their family. According to XXX, aside from his regular work as a lawyer, he also had to attend to their convenience store.[8]

AAA's suspicions grew as she continued to observe the change in the attitude of XXX. He was remiss in his responsibilities to her and their children and had become aloof. When she tried to talk to him about their problems, he would often brush her off and would always be in a rush. He also started missing numerous family occasions.[9]

Despite XXX' claim that he was working hard for their family, AAA became the sole provider for the family. In fact, she claimed that from the time XXX became a lawyer, he decided that their finances should be separate. Every time she would ask for financial help for the family's expenses, he would claim that he had just started being a lawyer and his clients were little to none.[10]

On January 10, 2010, AAA received a text message from XXX telling her that he will not return home anymore and would like to start a new life alone. He even told her not to call him anymore. She also received another message from him informing her that he will file a petition for the declaration of nullity of their marriage to finalize their separation. Surprised to receive such messages, AAA cried the whole time. She only stopped when BBB, their first born son, saw her.[11]

Thereafter, AAA noticed that some of XXX's clothes were no longer inside their closet. She learned that he asked their helpers to bring all his belongings to the convenience store they owned. She then received text messages from XXX telling her that he had no plans to come home. He reiterated that he wanted to start a new life without her as he does not love her anymore. AAA's pleas to XXX to come back and try anew fell on deaf ears. XXX sent another message telling her that he wanted to see their sons in , but the children should only be accompanied by their house helpers. AAA agreed and XXX was eventually allowed to see their children. Upon arriving home, one of the house helpers who accompanied the children relayed a message to AAA that she should stop hoping for him to come home as he had another wife already.[12]

Due to the information AAA received, her suspicions against her husband grew. To confirm her suspicions, she asked for help from her brother, CCC, and private detective Victoriano Valdez (Valdez), to conduct a surveillance on XXX. As a result of the surveillance, she found out that XXX was always with HHH, one of the salespersons in their convenience store. XXX and HHH would go home together to the house of HHH in , . CCC and Valdez even showed AAA videos of the two together.[13]

Due to the foregoing, AAA claimed to have suffered mental and emotional torture to the extent that she even attempted to commit suicide due to her depression. She lost her self-confidence and dignity throughout the ordeal. In addition, their children also suffered the same effects due to the actions of their father.[14]

To prove the suffering of their children, BBB, testified that he knew that his father abandoned them, as AAA showed him the message of XXX stating that he does not love AAA anymore and had no more plans to go home. He saw her mother crying and depressed. He too cried as he could not stand the sight of his mother crying. After XXX left, he noticed that AAA did not want to go out with them anymore as seeing other complete families would affect her. He always prayed that his parents would get back together. Due to having a broken family, he claimed that he also experienced bullying from some of his schoolmates. Eventually, he found out that his father already has another family since he saw XXX and HHH at acting like husband and wife.[15]

CCC corroborated AAA's testimony. On January 30, 2010, he secretly followed XXX and saw him ride a Hilux vehicle together with HHH. They proceeded together to their bungalow home located at , Baguio City. He again followed XXX on January 31, 2010 during which XXX and HHH went to the same home at , . He even took videos of XXX and HHH. The next day, he went back to , early in the morning and took a video of XXX coming out from the same house.[16]

FFF testified that she conducted a psychological evaluation on AAA. Her findings show that AAA was highly disturbed and manifested signs of depression such as social inaccessibility, lack of concentration, loss of confidence, lack of vigor, and sleep deprivation and disturbances.[17]

EEE, who allegedly knew XXX from childhood, testified that her son owns a two-story house. XXX started renting the first floor of her son's two-story house together with a "friend." XXX immediately made a deposit of PHP 3,000.00. The next day, XXX and the "friend" came and gave an additional PHP 10,000.00. The total amount of PHP 13,000.00 was for the one month advance and deposit for their rental. She later on confirmed that the "friend" she was earlier referring to was in fact HHH.[18]

DDD narrated that she is the aunt of HHH as she is the first cousin of HHH's mother. On March 2010, she was introduced to XXX as the kua or gayyem of her cousin. For her, gayyem means kabit in Filipino. She knew that XXX was together with HHH as she would see XXX in HHH's home despite him not being a boarder there. There was also a month in 2010 when XXX and HHH slept together in her sister's room.[19]

Version of the Defense

For his part, XXX denied all the allegations against him. He claimed that he never abandoned their children but he had no opportunity whatsoever to see them again as AAA prevented him from doing so. Although he did not see his children and despite his meager income, he continued to give support to his family. He left a business for AAA to manage. He also attached as evidence two checks and a passbook issued by Banco San Juan to prove his continuous provision of support.[20]

XXX also denied the allegations of marital infidelity. In support of his denial, he stated that he, together with HHH, were acquitted in a separate case of concubinage filed by AAA.[21]

Ruling of the Regional Trial Court

By Judgment[22] dated September 30, 2019, the trial court rendered a verdict of conviction for violation of Section 5(i) of Republic Act No. 9262, thus:

WHEREFORE, premises considered, the Court finds accused [XXX] beyond reasonable doubt of the crime of Psychological Violence under Sec. 5(i) of RA 9262, and he is hereby sentenced to suffer the indeterminate penalty of six (6) months and one (1) day of [prision correccional] as the minimum term to eight (8) years and one (1) day of [prision mayor] as the maximum term. Accused is further directed to pay a fine of One Hundred Thousand Pesos ([PHP] 100,000.00) and to undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the Court.

Accused is likewise directed to indemnify private complainant the amount of Thirty Thousand Pesos ([PHP] 30,000.00) as moral damages since complainant suffered sleepless nights, anxiety and emotional turmoil.

Costs against the accused.

SO ORDERED.[23]

The trial court ruled the there was no conclusive evidence proving that XXX abandoned his children as AAA actually prevented him from seeing his children. AAA even admitted in open court that she cannot entrust the

custody of their youngest child to XXX.[24]

Nevertheless, the trial court ruled that XXX was guilty of marital infidelity. XXX's relationship with HHH was duly proven by the concurring testimonies of the prosecution witnesses. As against the mere denial of XXX, the prosecution's clear and convincing evidence that XXX had an illicit relationship with HHH despite the existence of his marriage with AAA prevails.[25]

Ruling of the Court of Appeals

In its assailed Decision[26] dated February 27, 2023, the Court of Appeals affirmed the trial court in full. XXX's motion for reconsideration was denied by the Court of Appeals through Resolution[27] dated July 31, 2023.

The Present Petition

XXX now seeks affirmative relief from the Court and prays anew for his acquittal. He argues that the Court of Appeals failed to consider the apparent bad attitude and ill motive of AAA against him.[28]

In its Comment,[29] the People, through the Office of the Solicitor General (OSG), ripostes that the prosecution established with moral certainty the presence of all the elements of psychological violence under Section 5(i) of Republic Act No. 9262. In addition, the OSG also alleges that the Petition filed before the Court raises numerous questions of fact which cannot be raised through a Rule 45 petition.

Our Ruling

We affirm.

Republic Act No. 9262 is a landmark legislation meant to equalize the gender-based power imbalance that exists between men and women, recognizing that violence against women is a form of men's expression of control over women to retain the power in the relationship.[30] It aims to address the discrimination brought about by biases and prejudices against women,[31] by recognizing and penalizing all forms of abuse that may be committed against them.

One form of domestic violence punished by Republic Act No. 9262 is psychological violence committed through marital infidelity, which not only transgresses the matrimonial vows of faithfulness and commitment, but inflicts inconceivable psychological and emotional harm upon the aggrieved spouse and their children.[32]

As eloquently described by the Court in XXX v. People,[33] marital infidelity destroys the stability and unity of the family at its core, shatters the self-worth and trust of the betrayed spouse, and fosters deep-seated trauma borne of emotional turmoil and related mental health issues.

There is thus no question that marital infidelity, especially that which causes mental and emotional suffering on the innocent spouse, cannot, in any degree, be condoned by the Court for the same is not only contrary to the constitutional principle of inviolability of marriage as well as public policy but it is also penalized by the law.[34]

Section 5(i) of Republic Act No. 9262 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 of access to the woman's child/children.

Meanwhile, Section 3 of Republic Act No. 9262 defines psychological violence, as follows:

Section 3. Definition of Terms. – As used in this Act,

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. (Emphasis supplied)

Dinamiling v. People[35] ordains that the following must concur for the successful prosecution for violation of Section 5(i) of Republic Act No. 9262, viz.:

(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 causes on the woman and/or child mental or emotional anguish; and

(4)

The anguish is caused through acts of public ridicule or humiliation, repeated verbal and emotional abuse, denial of financial support or custody of minor children or access to the children or similar such acts or omissions.[36]

These elements have all been established to a moral certainty here.

The presence of the first and second elements is undisputed. AAA is a woman and is the wife of XXX, as evidenced by their Certificate of Marriage dated May 15, 1999.

We thus focus on the third and fourth elements. For the third element to be present, the offended party must have experienced mental or emotional anguish. The fourth element then requires that the anguish be caused by acts of public ridicule or humiliation, repeated verbal and emotional abuse, denial of financial support or custody of minor children or access to the children or similar to such acts or omissions.[37]

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. To establish mental or emotional anguish, it is necessary to present the testimony of the victim as such experiences are personal to this party.[38]

The emotional or mental anguish of AAA and BBB due to the marital infidelity of XXX was proved beyond reasonable doubt. AAA clearly narrated the trauma, humiliation, and depression she experienced due to XXX's marital infidelity to the extent that she attempted to take her own life, not just once, but several times, to wit:[39]

PROS. BERNABE:

...

Q:

What other acts of abuses were committed by your husband against you?

A:

Verbally he also abused me through text messages and those are the text messages that I have, that were transcribed by the National Telecommunications Communication, Ma'am, telling me that he does not love me anymore; that he [would] likes [sic] to start a new life; and that he will file a petition for, to nullify our marriage and he told me that he will be filing a disbarment case against me so all the more these messages added to the pain that is already deep-seated [in]to me because he is the one committing infidelity and yet I am the one he is threatening for disbarment, Your Honor.

Q:

Now, Madam Witness, what were the effects to you of those acts committed against you by your husband?

A:

I have suffered mental and emotional torture; I suffered depression especially during the first and the second year until the third year of our marriage, until the third year that he abandoned us I should say and so I attempted several times to commit suicide were it not for our two (2) sons and also because of my fear in God.

Q:

What else?

A:

I lost my self-esteem, my confidence, my dignity.

Q:

Why do you say that you lost your self-confidence, your dignity, your self-esteem?

A:

Because I felt rejection from the very man whom I have given the best of me and because I receive the hardest pain in my life from the very man that I have married whom I have expected to love me, to care for me, and of course I married him I agreed to enter marriage with him because of the hope naturally that we will be building a family, we will be staying together but he had abandoned me in the middle of the game.

Q:

What else do you feel about this?

A:

The pain is unexplainable because it affects everything in me, my person, my family, my career and humiliation that I suffer because we are both lawyers, and modesty aside, since we[']re both lawyers were [sic] are known by our colleagues in the profession and I did not have the courage to face them because I know that when they will see me they will be thinking that – ah this is the woman that was left behind by his husband, so this is the woman that [XXX] is telling to be this and that because he had been telling all negative stories about me so I really suffered the public humiliation. I almost did not want to get out of the house, I did not know how to face the people around me until now.

...

Q:

Now, Madam Witness, if all these feelings will be quantified, how much would you ask the Honorable Court to grant you?

A:

The pain that I have been through and I am going through, Ma'am, is worthless, it is priceless, no amount of money can compensate the same. I just hope that more than the money I will get justice from the suffering, the pain that I have been through, and I am going through because of the marital infidelity, abuses and the abandonment that I have suffered and suffering from my husband, Ma'am, so I leave that to the discretion of this Honorable Court.[40] (Emphasis supplied)

The hurt caused by XXX is indescribable and unquantifiable. His callous abandonment and betrayal of his vows to AAA affected not just their personal lives but the public image too of their family. Thus, as if adding salt to the wound, AAA had to nurse, not just her broken heart, she had to withstand too the scrutiny of the public and brave the circling talk of the breakdown of her marriage. It is not difficult to imagine the horrendous emotional turmoil and suffering that AAA had to endure, all because XXX chose to discard his family and be with his mistress.

To be sure, the mental and emotional suffering of AAA, which manifested through depression and self-harm, is duly corroborated by FFF's Psychological Report, which noted:

VI. CLINICAL IMPRESSION

EBL's current intellectual functioning is classified within the above average level. On the other hand, her general emotional functioning is characterized by emotional maladjustment and regress emotional state. Her emotional focus and general concern are with past events. Depressive trends are also apparent in her test results which are characterized by the following:

- Decreased affectivity
- Being frozen at present
- Socially inaccessible and vulnerable to environmental pressure
- Self-depreciation
- Lack of vigor
- Inferiority feelings
- Interpersonal inadequacy
- Crying spells
- Sleep disturbance
- Diminish appetite
- And lack of concentration

The above-mentioned emotional difficulties of the client seem to be stemming from her conflict with her husband as being validated by the result of her SCT. Furthermore, she tends to intellectualize the situations as a coping mechanism.

Areas to Address:

- Depressive Trends

- Emotional difficulties such as: uncertainty and apprehensiveness, reluctance to accept visual stimuli, need for security, striving for independence, frustration[,] severe chronic defense against trauma which is indicative of failure in ego integration and functioning.[41] (Emphasis supplied)

The Psychological Report issued by FFF categorically classified AAA's behavior as depressive, manifesting through, among others, self-depreciation, inferiority feelings, interpersonal inadequacy, crying spells, and sleep disturbances. FFF even explained her assessment of AAA in more detail before the court and mentioned that AAA's self-depreciation manifested in suicidal thoughts.[42] She even identified the cause of AAA's depression, which was the abandonment by XXX of his family for another woman.[43]

AAA and FFF's testimonies are further corroborated by the testimony of BBB, who witnessed the mental and emotional suffering of his mother after his father left them to live with another woman. He categorically stated that he saw his mother "crying and very sad and she was very depressed"[44] for "[t]wo (2) years or more,"[45] during which she also did not eat or join family occasions like Christmas or New Year but would merely lock herself in her room.[46]

All these pieces of evidence vividly paint a single picture: the intense and unbearable pain that AAA contended with for years as a result of XXX's abandonment and infidelity. Verily, contrary to the mere assertions by XXX that AAA could not have felt emotional anguish due to her strong character,[47] the positive evidence on record clearly prove the presence of the third element of mental and emotional suffering.

The fourth element, i.e., the mental and emotional anguish was caused by the acts of the accused, was also sufficiently established by the evidence of the prosecution. To recall, several prosecution witnesses, including DDD, the aunt of HHH herself, testified that XXX and HHH have been cohabiting in a bungalow house in , after seeing them enter and leave the said house together. DDD also narrated how XXX was introduced to their family as HHH's "kua" or lover.[48]

Both the trial court and the Court of Appeals found that the testimonies of the prosecution's witnesses were all clear, straightforward, and convincing. It is well-settled that the factual findings of the trial court as regards its assessment of the credibility of witnesses are entitled to great weight and respect by the Court, particularly when the same carry the full concurrence of the appellate court, absent any showing that the trial court overlooked certain facts and circumstances which could substantially affect the outcome of the case, as here. Indeed, the Court finds no reason to depart from this rule.[49]

On the other hand, XXX merely denied the allegation of marital infidelity by relying on his acquittal of concubinage in a separate case filed by AAA against him. As the Court of Appeals correctly ordained, however, his acquittal in the said case has no bearing on this case for violation of Section 5(i) of Republic Act No. 9262 since the offenses involved are distinct from each other.[50]

We reiterate anew the sound ruling of the Court in XXX v. People,[51] which laid to rest once and for all the notion that marital infidelity per se is not what Republic Act No. 9262 punishes:

This means that marital infidelity per se is not punished by Republic Act No. 9262. To be sure, this act is already, and properly, punished by the Revised Penal Code in its articles on Adultery and Concubinage. What is punished by Section 5(i), Republic Act No. 9262 is the infliction of psychological violence where purpose or intention is indispensable.

In fact, in an earlier case, the Court had already made a categorical ruling that marital infidelity per se is not

what Republic Act No. 9262 penalize but the psychological violence causing mental or emotional suffering upon the victim. In AAA v. BBB, the Court said:

[W]hat [Republic Act] No. 9262 criminalizes is not the marital infidelity per se but the psychological violence causing mental or emotional suffering on the wife. Otherwise, stated, it is the violence inflicted under the said circumstances that the law seeks to outlaw. Marital infidelity as cited in the law is only one of the various acts by which psychological violence may be committed. Moreover, depending on the circumstances of the spouses and for myriad of reasons, the illicit relationship may or may not even be causing mental or emotional anguish on the wife. Thus, the mental or emotional suffering of the victim is an essential and distinct element in the commission of the offense. (Emphasis supplied, citations omitted).[52]

All told, XXX is guilty of psychological violence as defined and penalized under Section 5(i) of Republic Act No. 9262.

Penalty

Section 6[53] of Republic Act No. 9262 prescribes the penalty of prision mayor for acts falling under Section 5(i) of Republic Act No. 9262.

Applying the Indeterminate Sentence Law, there being no attending circumstance surrounding the offense, the minimum term of the indeterminate penalty shall be taken from the penalty next lower in degree, i.e., prision correccional, or anywhere from six months and one day to six years, while the maximum term shall be that which could be properly imposed under the law, which is eight years and one day to 10 years of prision mayor. The trial court thus properly imposed the indeterminate sentence of six months and one day of prision correccional as minimum term to eight years and one day of prision mayor as the maximum term.

In addition, Section 6 of Republic Act No. 9262 provides that a fine of not less than PHP 100,000.00 but not more than PHP 300,000.00 should be imposed in cases of violation of Section 5(i) of Republic Act No. 9262. The Court affirms the fine imposed by the trial court in the amount of PHP 100,000.00. We further affirm the award of PHP 30,000.00 as moral damages as the same is justified by the evidence on record. Moreover, XXX must undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the Court.

All monetary awards shall earn 6% interest per annum from the finality of this Decision until full payment per prevailing jurisprudence.[54]

ACCORDINGLY, the Petition for Review on Certiorari is DISMISSED. The Decision dated February 27, 2023 and Resolution dated July 31, 2023 of the Court of Appeals in CA-G.R. CR No. 46060 are AFFIRMED in full.

Petitioner XXX is found GUILTY of psychological violence under Section 5(i) of Republic Act No. 9262 and is sentenced to the indeterminate penalty of six months and one day of prision correccional as the minimum to eight years and one day of prision mayor as maximum. He is also ordered to PAY AAA a fine of PHP 100,000.00. He is further ordered to PAY AAA PHP 30,000.00 as moral damages subject to 6% interest per annum from the finality of this Decision until full payment.

XXX is also directed to undergo mandatory psychological counseling or psychiatric treatment within 60 days from finality of this Decision and report his compliance to the Court within 30 days from its completion.

SO ORDERED.

Lopez, Kho, Jr., and Villanueva, JJ., concur.

Leonen, SAJ. (Chairperson), dissent. See separate opinion.

[1] Rollo, pp. 3-110.

[2] Id. at 112-179. Penned by Associate Justice Rafael Antonio M. Santos and concurred in by Associate Justices Alfredo D. Ampuan and Lorenza R. Bordios, Special Second Division, Court of Appeals, Manila.

[3] Id. at 226-228. Penned by Associate Justice Rafael Antonio M. Santos and concurred in by Associate Justices Alfredo D. Ampuan and Lorenza R. Bordios, Former Special Second Division, Court of Appeals, Manila.

[4] Id. at 515.

[5] Id.

[6] Id. at 572-584.

[7] Id. at 584.

[8] Id. at 572.

[9] Id. at 573.

[10] Id.

[11] Id.

[12] Id. at 573.

[13] Id. at 574-757.

[14] Id. at 575.

[15] Id. at 582-583.

[16] Id. at 578.

[17] Id. at 576-577.

[18] Id. at 579.

[19] Id. at 582-583.

[20] Id. at 586.

[21] Id.

[22] Id. at 570-597.

[23] Id. at 597.

[24] Id. at 594-595.

[25] Id.

[26] Id. at 112-179.

[27] Id. at 226-228.

[28] Id. at 39.

[29] Id. at 227.

[30] Garcia v. Drilon, 712 Phil. 44, 91-92 (2013) [Per J. Perlas-Bernabe, En Banc].

[31] Id. at 99.

[32] XXX v. People, 953 Phil. 462 (2024) [Per J. Hernando, En Banc].

[33] Id.

[34] Id.

[35] 761 Phil. 356 (2015) [Per J. Peralta, Third Division].

[36] Id. at 373.

[37] Id. at 358.

[38] XXX260547 v. People, 961 Phil. 281, 293 (2024) [Per J. J. Lopez, Second Division].

[39] Rollo, pp. 140-141.

[40] Id. at 141.

[41] Id. at 143-144.

[42] Id. at 146.

Q:

How about her emotional evaluation?

A:

For her emotional evaluation, the client is highly disturbed at the time of testing and she also manifests signs and symptoms of depression.

Q:

How would you categorize this depression, Madam Witness at the time of the interview?

A:

The signs and symptoms which are manifested during the time of testing, are the following – she has decreased affectivity which is also manifested in her avoidance of doing things that reminds her of her husband.

Q:

What else?

A:

Her being frozen at present.

Q:

What does this mean, Madam Witness?

A:

Meaning to say – she cannot concentrate in her job and the psychosomatic complaints also, they are being manifested during this time such as her having headaches and chest pains which is fact she looked physically okay.

Q:

What else Madam Witness?

A:

She's socially in accessible and vulnerable to environmental pressure, her feelings of inferiority, her interpersonal inadequacy are manifested in her lost of confidence.

Q:

What else?

A:

She's also having self depreciation which is being manifested in her suicidal thoughts, she thought of ending her life.

Q:

What else?

A:

He[r] lack of vigor considering that she is a person that can accomplish more than an average person but during this time or at the time of testing, she lack[ed] enthusiasm and gregariousness in doing her task. She also has crying spells Ma'am, she cries every night and during the interview she cries a lot as she related her story. She also suffers from sleep disturbances and most of the time she cannot sleep; she also has diminished appetite and as I've said a while ago, she lacks concentration.

[43] Id. at 148.

Q:

And what was the problems as disclosed to you by [AAA]?

A:

Her husband's infidelity because accordingly he is leaving his family because of another woman; he's coming home late or at times doesn't come home and the rejection that she experienced from her husband such as when she calls her husband he cancelled her calls and he is being aloof and cold, he does not respond to her sexual initiations, Ma'am.

[44] Id. at 152.

[45] Id. at 153.

[46] Id.

[47] Id. at 151.

[48] Id. at 157.

[49] *People v. Delos Reyes*, 945 Phil. 832, 837 (2023) [Per J. Lazaro-Javier, Second Division].

[50] Id. at 173.

[51] 953 Phil. 462 (2024) [Per J. Hernando, En Banc].

[52] Id. at 462.

[53] SECTION 6. Penalties. – The crime of violence against women and their children, under Section 5 hereof shall be punished according to the following rules:

....

(f) Acts falling under Section 5(h) and Section 5(i) shall be punished by prison mayor.

[54] *Lara's Gifts & Decors, Inc. v. Midtown*, 929 Phi1. 754 (2022) [Per Acting C.J. Leonen, En Banc].

G.R. No. 268619 — XXX268619,[*] Petitioner, v. PEOPLE OF THE PHILIPPINES, Respondent.

DISSENTING OPINION

LEONEN, SAJ.:

Marital infidelity, by itself, should not be considered as an act of violence under Republic Act No. 9262, otherwise known as the Anti-Violence Against Women and Their Children Act of 2004.[1]

XXX264870 v. People of the Philippines[2] underscored the importance of Republic Act No. 9262 as legislation that not only protects women but also empowers them. It also explained the private nature of marital infidelity:

Republic Act No. 9262 "protects women from violence committed in the context of an intimate relationship, which can be physical violence, sexual violence, psychological violence, or economic abuse." The law's protection extends to women because of the patriarchal culture that dominates our society. It is important to highlight this context where the law seeks to negate patriarchal dominance, not to privilege a certain class of individuals, but to correct a historical and social phenomenon that disadvantages women simply for their gender.

....

Therefore, at the core of this legislation is the affirmation of the woman's inherent dignity which is unjustly diminished in a patriarchal society. Republic Act No. 9262 empowers the woman, through her own agency, to assert her dignity against acts of oppression.

The law should not be treated as an unbridled license for the State to intrude into personal affairs. This is especially true because Republic Act No. 9262 necessarily touches upon matters that are characteristically private. The State, therefore, should be cautious in its actions so as not to make unwarranted intrusions into issues that belong in the intimate sphere of personal relations.[3] (Citations omitted)

The same case explained the elements needed for a successful prosecution for a violation of Section 5(i) of Republic Act No. 9262:

[T]he two elements for the commission of this offense are (1) actions or omissions that constitute psychological violence used as a means by the perpetrator, and (2) mental or emotional anguish caused to the victim.

Although connected, these two elements are separate and distinct. The acts complained of, which are the means of committing the offense, should be evaluated on whether they were done with the intention of "causing mental or emotional anguish, public ridicule or humiliation to the woman or her child." It is when these acts are done with the intent to tilt the scales of power within the relationship against the woman, causing her to lose her autonomy does the State have a legitimate interest in punishing such acts.[4] (Citations omitted, emphasis supplied)

Here, it is my opinion that the prosecution failed to prove that petitioner XXX268619's marital infidelity was precisely done to inflict mental or emotional anguish on his wife.

It appears on record that the reason petitioner left his wife was because he no longer loved her.[5] He also made it clear that he intended to start a new life and to file a petition for declaration of nullity of their marriage to finalize their separation.[6] Thus, it is evident that petitioner merely fell out of love with his wife. He did not find another person to love just to cause mental or emotional anguish on his wife. This is the complexity and reality of human relationships; people and feelings change. There is no assurance that people would stay together forever.

My vote to acquit petitioner should not be construed as an approval of marital infidelity, nor should this be used as an excuse to disregard one's commitments.[7] There is no dispute that petitioner's wife experienced emotional suffering upon learning about petitioner's infidelity. However, emotional suffering is not sufficient to warrant a conviction for psychological violence.[8] The language of the law is clear that "deliberate intent to inflict mental or emotional anguish should be shown." [9] Without this element, the requisites for conviction for psychological violence under Republic Act No. 9262 are not complied with. Consequently, petitioner should be acquitted.

FOR THESE REASONS, I vote to GRANT the Petition for Review on Certiorari and SET ASIDE the February 27, 2023 Decision and July 31, 2023 Resolution of the Court of Appeals in CA-GR CR No. 46060. Petitioner XXX268619 must be ACQUITTED of violating Section 5(i) of Republic Act No. 9262.

[*] In line with Amended Administrative Circular No. 83-2015, as mandated by Republic Act No. 9262, 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] G.R. No. 264870, April 21, 2025 [Per J. Leonen, Second Division].

[2] Id.

[3] Id. at 9-10. This pinpoint citation refers to a copy of this Decision uploaded to the Supreme Court website.

[4] Id. at 11.

[5] Ponencia, p. 4.

[6] Id. at 3-4.

[7] XXX264870 v. People of the Philippines, G.R. No. 264870, April 21, 2025 [Per J. Leonen, Second Division]. See p. 12.

[8] J. Leonen, Dissenting Opinion in XXX v. People, 953 Phil. 462, 591-592 (2024) [Per J. Leonen, En Banc].

[9] Id. at 592.

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