XXX273288, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 273288, August 04, 2025

Ponente: LEONEN, SAJ.

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LEONEN, SAJ.:

The mere failure or inability to provide financial support does not automatically give rise to a criminal liability even if the offended party experienced mental or emotion anguish.[1] A parent who makes earnest efforts to fulfill his or her responsibilities, despite limited means, should not be penalized for being unable to fully meet them.

This Court resolves a Petition for Review on Certiorari[2] assailing· the Court of Appeals' Decision[3] and Resolution[4] in CA-G.R. CR No. 45881 finding petitioner XXX273288 guilty of violation of Section 5(i) of Republic Act No. 9262, otherwise known as the Anti-Violence Against Women and Their Children Act of 2004,[5] with modification on the penalty imposed.

XXX273288 was charged in an Information which reads:

> That on or about or sometime in May 2019, in the city of Philippines, the said accused willfully, unlawfully[,] and feloniously abandoned, left, separated[,] and deprived financial support to BBB273288, his live-in partner, and their minor child, AAA273288[,] thereby causing her mental anguish[,] emotional anxiety[,] and suffering.
>
> Contrary to law.[6]

When arraigned, XXX273288 pleaded not guilty to the crime charged. Trial on the merits then ensued.[7]

The prosecution presented BBB273288, the private complainant, and CCC273288, BBB273288's mother, as witnesses. According to the prosecution, XXX273288 and BBB273288 worked together in a convenience store in sometime in 2015. They eventually started dating and lived together in a rented house in .[8]

The relationship, however, suffered due to the couples' financial constraints. In 2016, BBB273288 had a miscarriage, prompting her to part ways with XXX273288. The couple got back together afterward. This time, their union bore a child named AAA273288.[9]

After the birth of AAA273288 in March 2018, BBB273288 discovered that XXX273288 already had four other children with another woman. CCC273288 then advised her daughter to leave XXX273288. BBB273288 initially ignored her mother because she needed XXX273288's financial support given that she was also her family's sole breadwinner. BBB273288 eventually left XXX273288 and lived with her parents.[10]

Due to financial constraints in sustaining AAA273288's needs, BBB273288 claimed that she repeatedly contacted XXX273288 for financial support, but her messages and calls were left unanswered. When BBB273288 went to XXX273288's workplace, she was met with curse words and foul language when she asked for financial assistance. BBB273288 also sought help from barangay officials, but XXX273288 failed to appear at the mediation hearings.[11]

In April 2019, AAA273288 was diagnosed with acute gastroenteritis and was confined at . Since his condition did not improve, he was transferred to . His hospital and medication expenses amounted to PHP30,000.00.[12]

According to BBB273288, she begged XXX273288 for financial support but he refused to give any kind of assistance. Due to this, BBB273288 had to borrow money from a lending company and from other people to pay the hospital and other medical expenses of her son.[13]

Aggrieved, BBB273288 filed a criminal case against XXX273288, asserting that his continuous negligence as a father to AAA273288 caused her "emotional and mental anguish or suffering."[14]

CCC273288 also testified and corroborated XXX273288's lack of financial support for his son, as well as the mental anguish and emotional anxiety that her daughter suffered.[15]

In defense, XXX273288 denied the accusation against him. He averred that he regularly sent financial support to AAA273288 through money remittances from April 2018 to September 2019, as shown by remittances receipts. XXX273288 claimed that his inability to provide the full amount of the agreed PHP4,000.00 monthly support was due to his obligation to provide support for his other children. He also asserted that he gave PHP3,000.00 to BBB273288 when he found out that AAA273288 was hospitalized.[16]

On December 18, 2020, the Regional Trial Court rendered a Decision[17] convicting XXX273288 of violation of Section 5(i) of Republic Act No. 9262. The dispositive portion reads:

> WHEREFORE, premises considered, the prosecution, having established the guilt of the accused XXX273288 beyond reasonable doubt, the Court finds the accused GUILTY for Violation of Section 5 (i) of Republic Act No. 9262 and he is hereby sentenced to suffer an indeterminate penalty of two (2) years, four (4) months and one (1) day to eight (8) years.
>
> In addition to imprisonment, the accused is likewise directed to (a) pay a fine in the amount of One Hundred Thousand Pesos ([PHP]100,000.00); (b) pay the private complainant the amount of Ten Thousand Pesos ([PHP]10,000.00) by way of moral and exemplary damages; and (c) undergo mandatory psychological counseling for psychiatric treatment on anger management and shall report compliance to the court.
>
> No Costs.
>
> SO ORDERED.[18]

In convicting XXX273288, the trial court found that he "maliciously and willfully refused to extend financial support for the medication of his son."[19] It concluded that BBB273288's helplessness and financial disability during his son's confinement, coupled by XXX273288's indifference and willful refusal to render financial support for the hospitalization, is considered an act of violence against women and children.[20]

Aggrieved, XXX273288 filed an appeal before the Court of Appeals, claiming that the trial court erred in convicting him of violation of Section 5(i) of Republic Act No. 9262 despite the prosecution's failure to establish the elements of the crime.[21]

On July 31, 2023, the Court of Appeals affirmed the trial court's conviction, with modifications as to the penalty. The dispositive portion of the Decision reads:

> WHEREFORE, premises considered, the Appeal is DENIED. The Decision dated 18 December 2020 of the Regional Trial Court, Branch in Crim. Case No. R-MNL-19-09438-CR is hereby AFFIRMED with MODIFICATION in that herein accused-appellant [XXX273288] is sentenced to suffer the penalty of imprisonment for an indeterminate period of four (4) years of prision correccional[,] as minimum, to ten (10) years of prision mayor medium, as maximum, and that the award of Ten Thousand Pesos ([PHP]10,000.00) as

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> moral and exemplary damages shall earn legal interest at the rate of six percent (6%) per annum to be reckoned from the finality of this Decision until full payment.
>
> SO ORDERED.[22] (Emphasis in the original)

XXX273288 filed his Motion for Reconsideration, but it was denied by the Court of Appeals in a March 5, 2024 Resolution.[23]

Hence, a Petition for Review on Certiorari was filed before this Court.[24] Petitioner claims that "the prosecution failed to present evidence that [he] had deliberately intended to inflict mental or emotional anguish to [BBB273288], and that he willfully denied financial support to [AAA273288]."[25]

Respondent, through the Office of the Solicitor General, filed its Comment[26] praying that the Petition be denied for lack of merit. It argues that questions of fact are outside the ambit of a Rule 45 petition and the prosecution has proved all elements of the crime charged beyond reasonable doubt.[27]

The sole issue for this Court's resolution is whether the petitioner XXX273288 is guilty of violating Section 5(i) of Republic Act No. 9262, otherwise known as the Anti-Violence Against Women and Their Children Act.

At the outset, Pascual v. Burgos[28] instructs that "[t]he Rules of Court require that only questions of law should be raised in petitions filed under Rule 45."[29] It is a settled rule that this Court will not entertain questions of fact since the factual findings of appellate courts are generally "'final, binding, or conclusive on the parties and upon this court' when supported by substantial evidence."[30]

However, this rule has several exceptions:

> Over time, the exceptions to these rules have expanded. At present, there are 10 recognized exceptions that were first listed in Medina v. Mayor Asistio, Jr.:(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.[31] (Citations omitted)

In Republic v. Kikuchi,[32] this Court states another recognized exception to the general rule, which is when the Court of Appeals "manifestly overlooked certain relevant and undisputed facts that, if properly considered, would justify a different conclusion."[33]

Petitioner contends that the Court of Appeals reached its decision based on a misapprehension of facts, and that a correct appreciation of these facts would warrant a different outcome. He argues that his petition falls within the exceptions to the general rule. If substantiated by the records of the case, the factual circumstances he raised may justify a reversal of the lower court's ruling.

Upon careful examination of the case records and relevant jurisprudence, the Court resolves to acquit petitioner.

Republic Act No. 9262, otherwise known as the Anti-Violence Against Women and Their Children Act of 2004, is a landmark piece of Philippine legislation enacted to address and penalize various forms of violence committed against women and their children. It was enacted to "recognize the systemic presence of patriarchy in our society, and how this contributes to the abuse of women."[34]

The law caters to the unique and often systemic forms. of abuse experienced by women in intimate or domestic relationships, which includes physical, sexual, psychological, and economic violence, and provides both criminal penalties and protective mechanisms to safeguard the rights and well-being of victims.

Section 5(i) of Republic Act No. 9262 states:

> 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.

In Dinamling v. People,[35] this Court enumerated the elements of a violation of Section 5(i) of Republic Act No. 9262:

> (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] (Citations omitted)

Here, the Information charged petitioner of "[depriving] financial support to [BBB273288], his live-in partner, and their minor child, [AAA273288] thereby causing her mental anguish[,] emotional anxiety[,] and suffering."[37]

In Acharon v. People,[38] the Court clarified that to be liable under Section 5(i) via denial of financial support:

> 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 R.A. 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 R.A. 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, psychological 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 R.A. 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.[39] (Emphasis supplied, citations omitted)

Meanwhile, under the Family Code, only legally married spouses are obliged to support each other.[40] This statutory obligation does not extend to live-in or common-law partners. As expressly provided under Article 195, the obligation to give support is limited to spouses and specified blood relatives.

In this case, it is established that although petitioner and BBB273288 cohabited for a few years prior to their separation, they were never legally married. Consequently, no legal obligation exists between them to provide mutual support under the Family Code. As such, petitioner's failure to provide financial support to BBB273288 alone cannot give rise to psychological violence within the contemplation of the law.

However, it is different with respect to the petitioner's obligation to support his son, AAA273288. Under the Family Code, a parent is legally obliged to provide financial support to their children, whether legitimate or illegitimate. This obligation exists regardless of the marital status of the parents and remains enforceable for as long as the child is in need of support.

In Acharon, this Court also laid down the elements of Section 5(i) of Republic Act No. 9262 when it involves denial of financial support:

> (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.[41]

Only the first and second elements are present in this case. It is undisputed that BBB273288 and the petitioner have a common child together.

The third element is absent as the prosecution failed to show that petitioner willfully denied financial support to BBB273288. Moreover, it was not established that such support was legally due her, since the obligation. pertains to their child, AAA273288. On the contrary, remittance receipts presented in evidence show that petitioner regularly sent financial support for AAA273288's sustenance.[42] The Court of Appeals itself acknowledged that such remittances were made from April 2018 to September 2019.[43]

Petitioner's continued remittances, despite variations in amount, clearly reflect his earnest effort to support his child and negate any allegation of willful denial. His inability to consistently provide the agreed sum of PHP4,000.00 should not be seen as a deliberate refusal to fulfill his duty, but rather as a consequence of the financial burden of also providing for his other children.

The parties differ in their claims as to whether petitioner provided financial support to AAA273288 when he was hospitalized. BBB273288 claims that she did not receive any amount from petitioner despite her pleas,[44] while petitioner asserted that he gave the amount of PHP3,000.00 when he was informed that AAA273288 was hospitalized.[45]

However, even if petitioner did not give financial support at this particular instance, he still cannot be convicted for violation of Section 5(i) of Republic Act No. 9262 as the fourth element is not present. The prosecution also failed to establish that petitioner intended to inflict mental and emotional anguish upon BBB273288 by denying her financial support.

The mere failure or inability to provide financial support does not automatically give rise to a criminal liability even if the offended party experienced mental or emotion anguish.[46] A father who strives to meet his obligations, despite limited means, should not be punished for falling short.

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While we do not discount the emotional and financial hardship that BBB273288 went through when her son was hospitalized, this does not, by itself, amount to psychological violence as defined under the law and jurisprudence—much less one that can be attributed to the petitioner. Thus, we must acquit petitioner.

Absent any deliberate intent to inflict mental and emotional anguish by willfully denying her child financial support legally due, the proper remedy is civil in nature—specifically, the filing of a case for support against the delinquent parent, in accordance with the provisions of the Civil Code and the Family Code.[47]

This is consistent with the principles of social justice, as it seeks a balanced and humane resolution that benefits both the parent and the child. Pursuing a civil remedy rather than criminal prosecution avoids the punitive consequences of incarceration, which often does little to address the underlying issue of financial incapacity.

Imprisonment will not provide a sustainable solution, as it deprives the parent of the opportunity to earn and, in turn, deprives the child of the much-needed support. A civil action, on the other hand, allows the parent to continue working and fulfilling their obligation while giving the child access to the support they are rightfully entitled to.

To acquit the accused in this case is not to condone the systemic patriarchy that persists in our society. Acknowledging the absence of criminal liability under the strict standards of the law does not erase the broader reality that many women continue to suffer from patterns of neglect, control, and abuse—often enabled by deeply rooted gender norms.

At the same time, it must also be recognized that women are not always victims, and justice demands an objective, evidence-based application of the law that does not rely solely on social assumptions. Legal outcomes must remain faithful to due process and the requirements of criminal liability, even as we strive to dismantle structures that perpetuate inequality. In doing so, we affirm both the integrity of our legal system and the need for deeper cultural and institutional change.

ACCORDINGLY, the Petition for Review on Certiorari is GRANTED. The July 31, 2023 Decision and March 5, 2024 Resolution of the Court of Appeals in CA-G.R. CR No. 45881 are REVERSED and SET ASIDE. Petitioner XXX273288 is ACQUITTED of the crime charged.

Let entry of final judgment be issued immediately.

SO ORDERED.

Lazaro-Javier, Lopez, and Kho, Jr., JJ., concur.
Villanueva,[*] J., on official business.

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[*] On official business.

[1] Acharon v. People, 913 Phil. 731, 739 (2021) [Per J. Caguioa, En Banc].

[2] Rollo, pp. 13-28.

[3] Id. at 33-44. The July 31, 2023 Decision in CA-G.R. CR No. 45881 was penned by Associate Justice Maximo M. De Leon and concurred in by Associate Justices Marlene B. Gonzales-Sison and Perpetua Susana T. Atal-Paño of the Seventh Division of the Court of Appeals, Manila.

[4] Id. at 46-52. The March 5, 2024 Resolution in CA-G.R. CR No. 45881 was penned by Associate Justice Maximo M. De Leon and concurred in by Associate Justices Marlene B. Gonzales-Sison and Perpetua Susana T.

Atal-Paño of the Former Seventh Division of the Court of Appeals, Manila.

[5] Republic Act No. 9262, sec. 5(i) states:

> 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.

[6] Rollo, p. 74.

[7] Id.

[8] Id. at 35, 75.

[9] Id. at 75.

[10] Id. at 35, 75.

[11] Id.

[12] Id. at 36, 75-76.

[13] Id.

[14] Id. at 36. (Citation omitted)

[15] Id. at 76.

[16] Id. at 36, 76.

[17] Id. at 74-83.

[18] Id. at 82.

[19] Id. at 81.

[20] Id. at 80.

[21] Id. at 37.

[22] Id. at 43-44.

[23] Id. at 51.

[24] Id. at 13-26.

[25] Id. at 24.

[26] Id. at 128-144.

[27] Id. at 133.

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

[29] Id. at 182. See also RULES OF COURT, Rule 45, sec. 1.

[30] Id. (Citation omitted)

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[31] Id. at 182-183.

[32] 923 Phil. 711 (2022) [Per J. Hernando, First Division].

[33] Id. at 714. (Citations omitted)

[34] J. Leonen, Dissenting Opinion in Acharon v. People, 913 Phil. 731, 779 (2021) [Per J. Caguioa, En Banc].

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

[36] Id. at 373.

[37] Rollo, p. 74.

[38] 913 Phil. 731 (2021) [Per J. Caguioa, En Banc].

[39] Id. at 738-739.

[40] See FAMILY CODE, art. 195 provides:

> Article 195. Subject to the provisions of the succeeding articles, the following are obliged to support each other to the whole extent set forth in the preceding article:
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> (1)
>
> The spouses;
>
> (2)
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> Legitimate ascendants and descendants;
>
> (3)
>
> Parents and their legitimate children and the legitimate and illegitimate children of the latter;
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> (4)
>
> Parents and their illegitimate children and the legitimate and illegitimate children of the latter; and
>
> (5)
>
> Legitimate brothers and sisters, whether of full or half-blood.

[41] 913 Phil. 731, 740 (2021) [Per J. Caguioa, En Banc].

[42] Rollo, p. 36.

[43] Id. at 40.

[44] Id. at 36.

[45] Id. at 76.

[46] Acharon v. People, 913 Phil. 731, 739 (2021) [Per J. Caguioa, En Banc].

[47] Id. at 756.

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