

FIRST DIVISION

[G.R. No. 247429, September 08, 2020]

JAIME ARAZA Y JARUPAY, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

D E C I S I O N

PERALTA, C.J.:

This is a petition for review on *certiorari* filed by petitioner Jaime Araza y Jarupay (*Araza*), praying for the reversal of the December 17, 2018 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR No. 40718 and its May 10, 2019 Resolution,^[2] which affirmed the October 30, 2017 Decision^[3] of the Regional Trial Court of Las Pinas City, Branch 199 (*RTC*), in Criminal Case No. 15-1287, finding petitioner guilty of violating Republic Act (*R.A.*) No. 9262, or the *Anti-Violence Against Women and Their Children Act of 2004*.

Antecedents

The Information filed against Araza reads:

That on or about the month of September 2007, prior and subsequent thereto, in the City of Las Pinas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused with intent to humiliate and degrade his lawful wife AAA,^[4] did then and there willfully, unlawfully and feloniously commit acts of psychological abuse upon his wife by then and there committing acts of marital infidelity by having an affair with his paramour Tessie Luy Fabillar and begetting three illegitimate children with his paramour thus causing [his] wife emotional anguish and mental suffering.

CONTRARY TO LAW.^[5]

When arraigned, Araza pleaded not guilty to the charge.

Evidence for the Prosecution

The prosecution presented three (3) witnesses: 1) private complainant AAA; 2) Armando Que (*Que*); and 3) Dr. Kristina Ruth Lindain (*Dr. Lindain*).

As culled from the records of the RTC, the prosecution elicited the following:

[AAA] testified that she and [Araza] were married on October 5, 1989 at Malate Catholic Church. Initially and at the onset of their marriage[,] her husband [Araza] was hardworking, loving and faithful. She had no marital issues with [Araza] until x x x [he] went to Zamboanga City in

February 2007[,] for their networking business. [Araza] was formerly working as an Overseas Filipino Worker but decided to stop in 1993 to join [AAA] in her business.

It was at this point that she began to notice [Araza's] change in behavior. Allegedly, he would act x x x depressed and would cry. He always appeared absent[-]minded. She was concerned and would ask [him about it] but [he] would just stay quiet, [and] x x x stare at her[,] full of anxiety.

One day, she received a text message from a certain Edna and Mary Ann who told her that her husband x x x is having an affair with their best friend. At first, she did not believe them. However, that information brought [AAA] to Zamboanga to see for her herself whether [it] is true. Indeed[,] on September 3, 2007[,] she was able to confirm that her husband was living with another woman[,] a certain Tessie Luy Fabillar [Fabillar].

She instituted a complaint against [her husband Araza] x x x and his alleged mistress, [for Concubinage,] at the Philippine National Police. The case was subsequently amicably settled after the parties executed an Agreement whereby [Araza] and [Fabillar] committed themselves never to see each other again.

After the case was settled x x x, [Araza again] lived with [AAA] x x x. However, [it] x x x was only for a short time. Without saying a word, [Araza] left [AAA] on November 22, 2007. She was looking for [Araza] and out of desperation[,] she sought the help of the NBI to search for [him]. To her surprise, [Araza] had returned to live with his mistress again.

In the days to come, she would receive text messages from her husband's supposed mistress using various numbers. The messages would tell her that [Araza] is sick and needed money for medicines. There was also another text message threatening her that she will kill [AAA's] husband. Because of this, sometime in 2013, she sought a law firm who issued a letter addressed to [Fabillar,] demanding for the release of [Araza].

[AAA] was emotionally depressed and anxious of her husband's condition. She believed that [Araza's] liberty was being restrained by [Fabillar]. She was determined to bring her husband home. Thus, [i]n May 2014[,] she went to Zamboanga to search for [Araza]. She looked for him from one [b]arangay to another; she would ask help from [p]olice [stations giving out pictures of her husband. She would promise a reward to those who are able to locate [Araza]. She was desperate looking for [him] and she fell ill and [was] confined in a hospital.

Thereupon, thinking that [Fabillar] was restraining the liberty of [Araza], she filed a Petition for Habeas Corpus before the [CA,] Manila[,] on June 20, 2014. The [CA] deputized a [National Bureau of Investigation] NBI agent to conduct a thorough investigation on [Araza] and [Fabillar].

[Based on the investigation, Araza] left their conjugal abode on his own volition and he has been living with his mistress[,] as husband and wife. As a matter of fact, three children were born out of their cohabitation. Hence, the petition for habeas corpus was dismissed.

The truth cause[d] AAA emotional and psychological suffering. She was suffering from insomnia and asthma. Allegedly, she is still hurting and crying[.] [S]he could not believe x x x what had happened in their marriage as they were living harmoniously as husband and wife.

At present[,] she is [taking] x x x anti-depressant and sleeping pills to cope with her severe emotional and psychological turmoil brought about by [Araza's] marital infidelity and having children with his mistress.

She claimed she had spent a large amount of money to search for her husband[,] [which] includes the filing of several cases.

Armando Que, a friend of AAA and x x x [Araza], x x x testified that he is a member of Boardwalk, a direct selling and networking business. Allegedly, he met AAA and [Araza] for the first time in 2001 in this Boardwalk business. He alleged that while he was recruiting and selling items of Boardwalk in Zamboanga, he frequently saw [Araza] and [Fabillar] togetherf[,] [and] holding hands.

Allegedly, he kept that information to himself because he knew once AAA would know about it[,] there would be trouble in their relationship.

After the reception of prosecution evidence, they formally offered their exhibits, which were all admitted by the court[,] but only as part of the

testimonies of witnesses who testified thereon.^[6]

x x x

On rebuttal, the prosecution presented Dr. Lindain as expert witness, who testified:

[S]he met xxx AAA for the first time on September 9, 2016 when she was referred to her by the Women's Desk of the PGH[,] in relation to her filing of a VAWC complaint against her husband[,] [Araza].

Allegedly, she saw AAA on September 9, x x x 22, and xxx 29, 2016[,] on an hour per session. Based on her assessment and expert opinion, the symptoms AAA was having was like the depressed mood; her occasional difficulty in sleeping are secondary to the relational distress with [Araza]. It was [her] wanting to be with [her] husband that was causing those symptoms. However, [Dr. Lindain] clarified that the manifestations exhibited by [AAA] are not sufficient to be considered as a psychiatric disorder. She advised AAA to undergo counsel[ing] or psychotherapy[,] in order to help her accept [her] situation x x x.^[7]

Evidence for the Defense

The defense presented Araza as its sole witness. According to Araza:

[H]e and AAA were married in 1989. He averred that he was a former taxi driver and an [Overseas Filipino Worker] OFW for [two] years. When he stopped being an OFW, he went back to being a taxi driver. [O]n the other hand[,] [AAA] was into buy and sell of Boardwalk. In order to extend help to his wife AAA, he helped in the recruitment of Boardwalk dealers to the extent of even going to various provinces.

He recalls that initially, their marriage was going smoothly[,] but when AAA started earning money, her behavior changed. He revealed that he did not earn anything from recruiting agents who worked under AAA. All the commissions went to AAA['s] account.

Fie disclosed that when he was in Cagayan de Oro to recruit agents for their business, AAA had told him that his sister had a stroke. He was allegedly dismayed when his wife did not even offer any help as she claimed she has nothing to spare. He felt hurt about it and sadly, his sister died.

He testified that since 2007[,] his relationship with his wife has gone sour. Oftentimes, she would believe rumors and accuse him of being a womanizer.

He denied having an affair with x x x Fabillar[,] who was acting as his guide in his recruiting activities in Zamboanga. He revealed that when AAA went to Zamboanga, she filed a complaint against him at the Women's Desk. He was arrested as a consequence and was forced to sign an agreement. He returned to Manila with his wife hoping that she would change her ways towards him[,] but she [did not].

About a month, he sought a friend ['s] help [for him to secure] a plane ticket [bound] to Zamboanga. He left his wife because he could no longer stand [her] attitude towards him. He also denied fathering children with xxx Fabillar.^[9]

Ruling of the RTC

In its Decision dated October 30, 2017, the RTC found that all the elements of the crime of violence against women under Section 5(i) of R.A. No. 9262 were satisfied. Araza and AAA were married, as required by the first element. The prosecution was able to establish through testimonial and documentary evidence that Araza was the perpetrator of the mental and emotional anguish suffered by AAA.^[10] Araza left their conjugal abode and chose to live with his mistress; and he reneged his promise to stop seeing his mistress, contrary to the written agreement between him and his mistress. AAA's psychological and emotional sufferings due to the said ordeals can also be gleaned from Dr. Lindain's testimony, who was presented as an expert witness.^[11]

With regard to AAA's testimony, the RTC is convinced by her sincerity and candor.^[12] Her testimony was able to show that due to Araza's acts of infidelity, she

suffered emotional and psychological harm.^[13] Since there are no facts and/or circumstances from which it could be reasonably inferred that AAA falsely testified or was actuated by improper motives, her testimony is worthy of full faith and credit.^[14]

On the other hand, Araza only offered the defense of denial, which cannot be given greater weight than that of the declaration of a credible witness who testifies on affirmative matters. The dispositive portion of the Decision reads:

WHEREFORE, in view of the foregoing, this court finds accused JAIME ARAZA y JARUPAY GUILTY beyond reasonable doubt for Violation of Section 5(i) of Republic Act 9262 and hereby imposes an indeterminate penalty of imprisonment for SIX (6) MONTHS and ONE (1) DAY of PRISION CORRECCIONAL as its minimum, to EIGHT (8) YEARS and ONE (1) DAY of PRISION MAYOR as its maximum.

In addition to imprisonment^] accused shall pay a FINE in the amount of ONE HUNDRED THOUSAND PESOS [P100,000.00] and to indemnify the private complainant moral damages in the amount of TWENTY-FIVE THOUSAND PESOS [P25,000.00].

The period during which accused has remained under detention shall be credited to him in full[,] provided that[,] he complies with the terms and conditions of the City Jail.

Let a copy of this Decision be furnished the prosecution, the private complainant, the accused[,] as well as his counsel for their information and guidance.

SO ORDERED.^[15]

Aggrieved, Araza appealed to the CA.

Ruling of the CA

The CA denied Araza's appeal, and motion for reconsideration, *in toto*. The appellate court echoed the RTC's factual findings and conclusions. The CA found that the prosecution sufficiently established the elements of the crime as defined in Section 5(i) of R.A. No. 9262, and as alleged in the Information filed against Araza. Psychological violence as an element of the crime, and the mental and emotional anguish she suffered, were proven through the testimonies of AAA and Dr. Lindain. The defense of denial of Araza, which were not supported by clear and convincing evidence, cannot prevail over the positive declarations of the victim.^[16]

The CA concluded that R.A. No. 9262 does not criminalize acts such as the marital infidelity *per se*, but the psychological violence causing mental or emotional suffering on the wife.^[17]

Araza filed a motion for reconsideration, which was denied by the CA in its May 10, 2019 Resolution.