

FIRST DIVISION

[G.R. No. 227581, January 15, 2020]

**JOSEPH DELOS SANTOS Y PADRINAO, PETITIONER, VS. PEOPLE
OF THE PHILIPPINES, RESPONDENT.**

DECISION

REYES, J. JR., J.:

The Case

This Petition for Review on *Certiorari* under Rule 45 of the Rules of Court, assails the July 7, 2016 Decision^[1] and the October 12, 2016 Resolution^[2] of the Court of Appeals (CA) in CA-G.R. CR No. 35865, which affirmed the June 28, 2013 Decision^[3] of the Regional Trial Court (RTC), Branch 172, Valenzuela City in Criminal Case No. 870-v-07, finding the petitioner Joseph Delos Santos y Padrinao (Delos Santos) guilty beyond reasonable doubt of violating Section 10(a), Article VI of Republic Act (R.A.) No. 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

The Facts

The Information^[4] charged Delos Santos with slight physical injuries, in relation to R.A. No. 7610, as follows:

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

Delos Santos pleaded not guilty during arraignment.^[5]

During trial, the prosecution presented: (1) AAA,^[6] the victim, and (2) Clemente Daluro, Jr. (Daluro), the victim's companion, as witnesses.^[7] The parties stipulated on the testimony of Elizabeth Lim, who was the records custodian of Valenzuela General Hospital.^[8]

AAA testified that at around 11:00 p.m. on August 31, 2007, she and Daluro were

on their way to her house along Padrinao Street, Karuhatan, Valenzuela when Delos Santos and his group confronted them. Delos Santos' brother, Bob Delos Santos (Bob), said "*nag-iinit na ako*," as he wanted to punch Daluro. Bob attempted to hit Daluro with a rock, but AAA apologized to prevent a commotion. Bob remarked that he was not holding a rock.^[9]

Delos Santos attempted to punch Daluro, but he dodged it and AAA was hit on the right cheek instead. Bob punched AAA on the chest causing her to hit a wall. AAA asked Delos Santos' companions to call her mother for help, but Bob interrupted and said "*tama lang yan sa inyo pagtripan dahil dinemanda n'yo kami*." Delos Santos hurled invectives at AAA, who was calling her mother on her way to her house with Daluro.^[10]

AAA's mother, who had earlier filed a complaint against Delos Santos' group, heard the call and turned on the terrace light. Delos Santos and his group fled. AAA told her mother what happened and they reported the incident to the *barangay*. At the *barangay*, four of the six men apologized, but Delos Santos and Bob did not. AAA was brought to the Valenzuela General Hospital for treatment. She suffered a "contusion at the right supraorbital area, secondary to mauling."^[11]

Daluro corroborated AAA's testimonies that Delos Santos' group approached them and that Bob uttered "*nag-iinit na ako*." Bob said he was holding a rock and threatened to hit him, but AAA got in the way causing her to be hit instead. AAA asked them why they were "making fancy of them," to which Bob replied, "*Dapat lang sa inyo yan dinemanda kami ng nanay n'yo*." AAA and Daluro went away, but Delos Santos' group followed them to her house. When the terrace light was turned on, Delos Santos' group ran away.^[12]

On the other hand, the defense presented: (1) Delos Santos, and (2) Noel Magbanua (Magbanua), as their witnesses.^[13]

Delos Santos denied the charge against him and testified that at around 11:30 p.m. of August 31, 2007, he was in his sister's store resting and smoking when a *barangay* official came to arrest him because he allegedly hurt AAA. Delos Santos claimed that AAA's accusation was due to the confrontation of their respective mothers at the *barangay*.^[14]

Magbanua testified that he was a *purok* leader of Purok 31 from 2006 to 2007. He kept a log of incidents within his jurisdiction, and there was no incident recorded on August 31, 2007.^[15]

On June 28, 2013, the RTC convicted Delos Santos of the crime charged and imposed the penalty of imprisonment of four years, two months, and one day of *prision correccional* as minimum to six years and one day of *prision mayor* as maximum, and to pay P1 0,000.00 as moral damages.^[16]

Delos Santos appealed to the CA, which the latter denied in its July 7, 2016 Decision.^[17] Delos Santos moved for reconsideration, which the CA again denied in its October 12, 2016 Resolution.^[18] Undeterred, Delos Santos filed this petition

before the Court assailing the CA Decision and Resolution.

The Issue

The sole issue presented before the Court is whether or not the CA erred in affirming the RTC Decision.

The Court's Ruling

The petition is denied.

Rule 45 of the Rules of Court, as amended, states that only questions of law shall be raised in a petition for review on *certiorari*. This rule has exceptions and Delos Santos raised two of them as grounds to allow his petition: 1) when the judgment is based on misapprehension of facts, and 2) when the CA manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion.^[19]

The Court finds that none of the exceptions raised are applicable in this case. The CA was correct to affirm the RTC's conviction of Delos Santos. The CA's ruling was based on facts, law, and jurisprudence. The Court opines that the exceptions raised were intended to mask the factual nature of the issue raised before the Court. Delos Santos alleges that "the [CA] gravely erred in convicting [him] despite the prosecution's failure to establish that all the elements to constitute the crime of child abuse under Section 10 of R.A. No. 7610 are present in this case."^[20]

To determine whether the prosecution established all the elements of the crime, the Court has to read the transcript of stenographic notes and review the documentary evidence presented. In short, the Court has to reevaluate the evidence on record. Evaluation of evidence is an indication that the question or issue posed before the Court is a question of fact or a factual issue.

In *Century Iron Works, Inc. v. Bañas*,^[21] the Court differentiated between question of law and question of fact, thus:

A question of law arises when there is doubt as to what the law is on a certain state of facts, while there is a question of fact when the doubt arises as to the truth or falsity of the alleged facts. For a question to be one of law, the question must not involve an examination of the probative value of the evidence presented by the litigants or any of them. The resolution of the issue must rest solely on what the law provides on the given set of circumstances. Once it is clear that the issue invites a review of the evidence presented, the question posed is one of fact.

Thus, the test of whether a question is one of law or of fact is not the appellation given to such question by the party raising the same; rather, it is whether the appellate court can determine the issue raised without reviewing or evaluating the evidence, in which case, it is a question of law; otherwise it is a question of fact.

Applying the test to this case, it is without doubt that the issue presented before the Court is factual in nature, which is not a proper subject of a petition for review on

certiorari under Rule 45 of the Rules of Court. It has been repeatedly pronounced that the Court is not a trier of facts. Evaluation of evidence is the function of the trial court.

The Court finds no error in the substance of the CA Decision.

Delos Santos was charged, tried, and found guilty of violating Section 10(a), Article VI, of R.A. No. 7610, which states:

SEC. 10. *Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child's Development.*

- (a) **Any person who shall commit any other acts of child abuse, cruelty or exploitation or to be responsible for other conditions prejudicial to the child's development** including those covered by Article 59 of Presidential Decree No. 603, as amended, but not covered by the Revised Penal Code, as amended, shall suffer the penalty of [*prision mayor*] in its minimum period. (Emphasis supplied)

Section 3(b) of the same law defined child abuse as:

SEC. 3. *Definition of Terms.*

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- (b) **"Child abuse" refers to the maltreatment, whether habitual or not, of the child which includes any of the following:**

(1) Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;

(2) Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being[.] (Emphases supplied)

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Debasement is defined as "the act of reducing the value, quality, or purity of something." Degradation, on the other hand, means the "lessening of a person's or thing's character or quality."^[22]

Intent is a state of mind that accompanies the act.^[23] Since intent is an internal state, the same can only be verified through the external acts of the person. In this case, there are several circumstances that reveal the intent of Delos Santos to debase or degrade the intrinsic worth of AAA.

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