

SECOND DIVISION

[G.R. No. 243049, October 05, 2020]

**XXX,^[1] PETITIONER, VS. PEOPLE OF THE PHILIPPINES,
RESPONDENT.**

D E C I S I O N

DELOS SANTOS, J.:

This is a Petition for Review on *Certiorari*^[2] under Rule 45 of the Rules of Court filed by XXX assailing both the Decision^[3] dated January 24, 2018 and the Resolution^[4] dated October 29, 2018 of the Court of Appeals (CA) in CA-G.R. CR No. 39608, dismissing XXX's appeal and denying his subsequent Motion for Reconsideration,^[5] respectively. The CA affirmed the Decision^[6] of the Regional Trial Court (RTC) of [REDACTED], Branch 39, finding XXX guilty of violation of Section 5(i) in relation to Section 6(f) of Republic Act No. (RA) 9262, otherwise known as the Anti-Violence Against Women and Their Children Act of 2004.

Facts

XXX was charged in an Information with violation of Section 5(i) in relation to Section 6(f) of RA 9262.

Version of the Prosecution

Private complainant, AAA, testified that she and XXX were married for 17 years. They were married on April 1, 1996, and the early parts of their marriage were harmonious. They also had two children, a girl and a boy. Eventually, however, their union turned sour due to XXX's extra-marital affair with another woman. AAA alleged that sometime in February 2013, she overheard a conversation in which her husband was telling his cousin that he had been giving P1,000.00 allowance on a weekly basis to a certain Jessiree Yana and that he had also paid P37,000.00 for the operation of a certain Rona Matchimura (Matchimura).

When AAA confronted XXX and asked about him having an affair and siring a child with another woman, the latter denied her accusations which led to a heated argument between the two. As she was hysterical at that time, AAA asseverated that she called her brother, BBB, to bring XXX out of their house. Since that fateful night, AAA pointed out that she and XXX never lived under the same roof again. She averred that this infidelity has spawned a series of fights between her and XXX which left her emotionally wounded.

On June 6, 2013, AAA received a text message from XXX telling her "*tama ayaw ko [makipag]-away sau gay sira na buhay ko wag mo pilitin idamay ko kau wala akong takot sira na ulo ko bkad ko makontrol kung ano magawa ko sa inyo.*"

Fearing for her life and the safety of her minor children, AAA immediately reported to the police and filed a criminal case against XXX. She likewise applied for issuance of a protection order against him, which eventually became permanent.

Version of the Defense

The defense presented XXX as the sole witness. He admitted that his marriage with AAA had its blissful moments but turned sour because of an unfounded rumor that he had an illicit relationship with another woman which he vehemently denied. XXX also averred that he was forced to leave their conjugal home in 2013 and since then lived at a friend's house. He further testified that when the instant case was filed, their eldest child had a nervous breakdown. This caused AAA to execute an Affidavit of Desistance stating her disinterest in pursuing the instant case for the sake of their daughter.

RTC Ruling

The RTC in its Decision^[7] dated February 24, 2016 found XXX guilty beyond reasonable doubt of the offense charged, and imposed upon him the penalty of imprisonment ranging from six (6) months and one (1) day of *prision correccional*, as minimum, to six (6) years and one (1) day of *prision mayor*, as maximum, and ordered him to pay the fine of P100,000.00

The RTC declared that the prosecution successfully proved XXX's guilt beyond reasonable doubt. The prosecution was able to show that XXX was indeed guilty of causing or likely to cause mental or emotional suffering of the victim AAA because of his marital infidelity. Moreover, the testimonies of AAA and BBB proved that despite being married for about 17 years, XXX had been romantically involved with another woman, Matchimura, and even had a child with her. This infidelity had left not only AAA to be emotionally and psychologically abused and wounded, but also caused the nervous breakdown of their daughter. The threat to AAA's life and her children prompted her to file criminal charges against XXX which resulted in the granting of a protection order in her favor through the Decision dated October 21, 2013 of the Metropolitan Trial Court in Cities (MTCC).

The RTC also noted that despite XXX's denial of the alleged infidelity during his direct examination, nonetheless, he admitted on cross-examination that he had committed acts of infidelity in the past. This admission alone proves that he committed acts of infidelity which caused psychological and emotional violence against AAA.

Aggrieved, XXX filed an appeal before the CA.

CA Ruling

In a Decision^[8] dated January 24, 2018, the CA dismissed the appeal and affirmed the Decision of the RTC.

The CA did not find any compelling reason to reverse or modify the factual findings of the trial court which served as basis of XXX's conviction. Well-settled is the rule that factual findings of the trial court as regards its assessment of the witnesses' credibility are entitled to great weight and respect and will not be disturbed absent any showing that the trial court overlooked certain facts and circumstances which could substantially affect the outcome of the case.^[9]

Moreover, the CA ruled that the trial court did not err in finding that the prosecution duly established the fact of infidelity as psychological abuse inflicted upon AAA, as well as mental and emotional anguish that resulted from the same. AAA and BBB were straightforward and consistent in narrating how AAA suffered mental and emotional anguish because of XXX's infidelity.

Furthermore, while the CA agreed that both AAA and BBB failed to show that they have personal knowledge regarding the veracity of the illicit affair between XXX and Matchimura, it still sustained the finding that XXX's infidelity was established in the instant case when he admitted during his cross-examination that he committed acts of infidelity. A judicial admission conclusively binds the party making it and he cannot thereafter take a position contradictory to or inconsistent with his pleadings.
[10]

Aggrieved, XXX filed a Motion for Reconsideration^[11] on February 15, 2018, which was denied in a Resolution^[12] dated October 29, 2018.

On November 28, 2018, XXX filed a Motion for Extension of Time to File Petition for Review on *Certiorari*^[13] before Us, seeking a 30-day extension from November 28, 2018, or until December 28, 2018, within which to file the petition.

XXX filed a Petition for Review on *Certiorari* under Rule 45 with the Court within the extended period.

Our Ruling

The petition has no merit.

The Information charges XXX with violation of Section 5(i) in relation to Section 6(f) of RA 9262, which states:

SEC. 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:

x x x x

- (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 denial of access to the woman's child/children.

Psychological Violence, Defined

Section 5(i) of RA 9262 penalizes some forms of psychological violence that are inflicted on victims who are women and children. Section 3(c) of RA 9262 defined psychological violence as:

- 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