

THIRD DIVISION

[G.R. No. 229762, November 28, 2018]

**AAA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES,
RESPONDENT.**

RESOLUTION

GESMUNDO, J.:

This is a petition for review on certiorari filed by AAA^[1] (*petitioner*), praying for the reversal of the July 22, 2016 Decision^[2] of the Court of Appeals (CA) in CA-G.R. CR No. 01170-MIN and its January 12, 2017 Resolution,^[3] which affirmed the January 22, 2013 Decision^[4] of the Regional Trial Court of Iligan City, Branch 2 (*RTC*), in Criminal Case No. II-14837, 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 petitioner reads:

That on or about February 17, 2010 in the City of [XXX],^[5] Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there willfully, unlawfully and feloniously commit acts of violence against his wife [BBB],^[6] as follows: by taking their conjugal properties and bring[ing] them to the house of his mother without regard to her feelings and against her will which caused mental, emotional anguish to his legal wife [BBB].

Contrary to and in violation of Section 5(i) of Republic Act No. 9262 otherwise known as the Anti-Violence against women and their Children Act of 2004.^[7]

When arraigned, petitioner pleaded not guilty to the charge.

Evidence for the Prosecution

The prosecution presented two (2) witnesses, BBB (*private complainant*) and CCC, private complainant's daughter.

Private complainant testified that she and petitioner are husband and wife, then being married for 19 years. They have two children, one of whom was witness CCC. Petitioner worked abroad while private complainant was a full-time housewife.

Petitioner sent money to private complainant and the children. From this money, private complainant was able to buy household items: television set, refrigerator, karaoke, washing machine, dining table, and "sleeprite" bed. The family lived in a house owned by petitioner's mother, while petitioner's parents lived in a separate house in the same city.

On February 17, 2010, petitioner and private complainant had a heated argument regarding private complainant's supposed indebtedness, to which the family's television set and refrigerator were used as collateral. Private complainant said she incurred the debt to pay her siblings the money she borrowed in relation to petitioner's applications for work. Petitioner hauled the family's television set, refrigerator, divider, "sleeprite" bed, and dining table to his parents' house. Private complainant tried to stop him but petitioner "mauled" her.

The couple's daughter, witness CCC, testified that she saw her parents arguing, but she did not know what the argument was about. She later saw petitioner removing several appliances and furniture from their house.

Evidence for the Defense

The defense presented petitioner as its sole witness. Petitioner claimed that private complainant incurred debts from a lending institution and from their neighbors without his knowledge or approval. The collateral for the loans were their television set and refrigerator. Petitioner admitted that he brought the appliances and some furniture to his parents' house for safety because the debt collector had told him that the sheriff would confiscate these the following day. While petitioner was bringing out the items, private complainant blocked the door. Petitioner was enraged and he pushed private complainant aside. He asserted that the household items were acquired through his hard work. Further, he said that he did not know why private complainant incurred debts when he regularly sent her support.

Ruling of the RTC

In its decision, the RTC found that all the elements of the crime of violence against women under Sec. 5(i) of R.A. No. 9262 were satisfied. There was no question that petitioner and private complainant were married, as required by the first element. The RTC viewed as constituting violence the petitioner's act of taking away all their properties over the objection of his wife to the extent of physically harming and verbally abusing her. Petitioner's allegation that he only wanted to protect their properties was not given credit for being uncorroborated and unjustified. The dispositive portion of the decision reads:

WHEREFORE, the court finds accused [AAA] guilty beyond reasonable doubt of the crime of violation of Section 5(i) of R.A. No. 9262 otherwise known as the Anti-Violence Against Women and their Children Act of 2004, and the said accused is hereby sentenced to suffer an indeterminate penalty of six (6) months and one (1) day of *prision correccional*, as minimum to eight (8) years and one (1) day of *prision mayor*, as maximum.

SO ORDERED.^[8]

Aggrieved, petitioner appealed to the CA.

Ruling of the CA

The CA denied petitioner's appeal. 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 petitioner. The CA highlighted that the element of mental or emotional anguish was proved through the victim's testimony. The CA, however, found it proper to apply the mitigating circumstance of passion and obfuscation. Petitioner's outburst was triggered by the indebtedness incurred by private complainant without his knowledge and consent. The CA remarked that petitioner's emotional response was a natural reaction of a person who found that the fruits of his hard work had been squandered. Thus, the CA reduced the penalty imposed by the RTC. The *fallo* reads:

WHEREFORE, the Decision dated January 22, 2013 of the Regional Trial Court, Branch 2, [XXX], in Criminal Case No. 11-14837, finding accused-appellant [AAA] guilty beyond reasonable doubt of Violation of Section 5(i), of Republic Act No. 9262, otherwise known as the "Anti-Violence Against Women and Children Act of 2004" is **AFFIRMED with MODIFICATION**. Accused-Appellant [AAA] is hereby sentenced to suffer the indeterminate penalty of 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.

SO ORDERED.^[9]

Petitioner filed a motion for reconsideration, which was denied by the CA in its January 12, 2017 resolution.

Hence, this petition.

ISSUES

I.

WHETHER THE PROSECUTION HAS OVERTHROWN THE CONSTITUTIONAL RIGHT OF THE PETITIONER TO BE PRESUMED INNOCENT; and

II.

WHETHER THE ACT OF THE PETITIONER CONSTITUTES EMOTIONAL AND PSYCHOLOGICAL ABUSE.

Petitioner argues that: his act of moving their personal properties to his parents' house was not intended to inflict any emotional pain on private complainant. He only did so to protect their properties from being taken away by the creditors. He did not deprive his wife of the use of their properties and did not inflict any emotional violence upon her. He reasoned that the act of protecting the family's properties against seizure cannot be considered as abuse or violence under R.A. No. 9262. Private complainant's testimony is insufficient to prove psychological violence being bereft of details as to her hurt feelings that can be directly attributed to petitioner. Lastly, the evidence proffered by the prosecution failed to overcome petitioner's right to be presumed innocent.

In its August 11, 2017 Comment,^[10] the Office of the Solicitor General maintained that: private complainant testified candidly that petitioner's acts had caused her mental or emotional anguish and humiliation. Private complainant averred that she was hurt, confused, and shamed when petitioner verbally abused her in the presence of their children. In fine, good faith and absence of criminal intent are not valid defenses in offenses punished under R.A. No. 9262, the latter being a special law.

OUR RULING

The petition lacks merit.

The information charges petitioner of violating Sec. 5(i) of R.A. No. 9262, which 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:

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.

In *Dinamling v. People of the Philippines*,^[11] the Court enumerated the elements that must be present for the conviction of an accused, *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.^[12] (Citations omitted)

The Court will address the final two elements as the first two are undoubtedly present in this case.

The cited section has been ruled to penalize certain forms of psychological violence. As defined in law, psychological violence refers to acts or omissions causing or likely to cause mental or emotional suffering to the victim.^[13] Psychological violence is the means employed by the perpetrator, while mental or emotional anguish is the effect caused upon or the damage sustained by the offended party. To establish this as an element, it is necessary to show proof of commission of any of the acts enumerated in Section 5(i). To establish mental or emotional anguish, the testimony of the victim must be presented, as these experiences are personal to the party.^[14]

The courts *a quo* found this element present as supported by private complainant's testimony:

Q: On February 17, 2010 at around 7:00 in the evening, could you still remember where were you?

A: Yes, sir. I was at home.

Q: Was there anything unusual incident happened at that time?

A: Yes, sir.

Q: What was that?

A: He mauled me.

Q: Do you know the reason why [the] accused mauled you?

A: Because I had incurred debts.

x x x x

Q: Before you were mauled by the accused, what happened prior to that incident?

A: He verbally abused me.

Q: What else, if any?

A: He put me into shamed.[sic]