Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

VIANNA BANTANG *y* BRIONES,* Petitioner,	**G.R. No. 241500**
	Present:
- *versus* -	LEONEN, *J., Chairperson*, LAZARO-JAVIER, LOPEZ, M., LOPEZ, J., and KHO, JR., *JJ.*
PEOPLE OF THE PHILIPPINES, Respondent.	**Promulgated:** DEC 0 7 2022

x - x

DECISION

LOPEZ, J., *J.*:

This Court resolves a Petition for Review on *Certiorari*[1] under Rule 45 of the Revised Rules of Court, seeking to reverse and set aside the Decision[2] and the Resolution[3] of the Court of Appeals in CA-G.R. CR No. 39575, which modified the Regional Trial Court's Decision[4] in convicting petitioner Vianna Bantang *y* Briones (*Vianna*) for violation of Section 10(a) of Republic Act No. 7610,[5] by imposing the legal interest of 6% per annum on all the monetary awards.

---

* Also referred to as "Bjana B. Bantang" in some parts of the *rollo*.

1 *Rollo*, pp. 11-32.

Id. at 34–47. The March 22, 2018 Decision was Penned by Associate Justice Rodil V. Zalameda (now a Member of this Court), and concurred in by Associate Justices Magdangal M. De Leon and Renato Francisco of the Sixth Division, Court of Appeals, Manila.

3 *Id.* at 46–47. The August 15, 2018 Resolution was Penned by Associate Justice Rodil V. Zalameda (now a Member of this Court), and concurred in by Associate Justices Magdangal M. De Leon and Renato Francisco of the Former Sixth Division, Court of Appeals, Manila.

4 *Id.* at 64–69. The September 8, 2016 Decision was penned by Presiding Judge Monique A. Quisumbing-Ignacio of Branch 209, Regional Trial Court, Mandaluyong City.

5 Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.

The Antecedents

In an Information dated October 6, 2009, Vianna was charged with slight physical injuries defined and penalized under Article 266 of the Revised Penal Code, the accusatory portion reads:

> That on or about the 9th day of April 2009, in the City of Mandaluyong, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, did, then and there willfully, unlawfully and feloniously attack, assault and employ personal violence upon the person of AAA[241500],[6] a minor, sixteen (16) years of age, thereby causing upon her physical injuries which required medical attendance for a period of less than nine (9) days and incapacitated her from performing her customary labor for the same period of time.
>
> CONTRARY TO LAW.[7]

During arraignment, Vianna pleaded not guilty to the crime as charged. After pre-trial, trial on the merits ensued.[8]

The evidence of the prosecution established that on April 9, 2009, at around 7:45 a.m., AAA241500, a 16-year-old minor was passing by the house of Vianna when the latter's mother Teresita Bantang (*Teresita*), confronted her.[9]

Teresita shouted at AAA241500 saying, "*Hoy, hoy ano ang pinagsasabi mo na demonyo ako?*" Teresita was referring to an incident the night before where she witnessed AAA241500 bad-mouthing her to their landlord.[10] In anger, Teresita rushed to AAA241500 but was restrained by her other daughter, Vanessa. It was at this juncture that Vianna attacked AAA241500 by punching her twice near her left ear and at the back of her neck.[11]

After the incident, AAA241500 went home crying and told her father, BBB241500, what happened. As a result, they proceeded to the Mandaluyong City Medical Center for a medical examination where AAA241500 was found to be suffering from a "contusion hematoma" on her left cheek.[12]

---

6 Pursuant to Republic Act No. 9262, otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004," and its implementing rules, the real name of the victim, together with the names of her immediate family members, is withheld, and fictitious initials instead are used to represent her, to protect her privacy. See *People v. Cabalquinto*, 533 Phil. 703, 705–709 (2006) [Per J. Tinga, *En Banc*].

7 Records, p. 1.

8 *Rollo*, p. 36.

9 *Id.* at 64.

10 *Id.* at 64–65.

11 *Id.* at 74.

12 *Id.* at 74–75.

Due to the incident, AAA241500 was shocked and traumatized that she had to take medications for the pain she endured at the hands of Vianna.[13]

On the other hand, the defense presented a different version of the events. On April 9, 2009, at around 8:30 a.m., Vianna was in front of her house when AAA241500 passed by. Her mother, Teresita asked AAA241500, "*Bakit ka ganyan magsalita ano ang pinagsasabi mo sa akin*," to which the latter replied, "*Mga tsismoso kayo! Mga demonyo kayo!*" Prior to the incident, AAA241500's landlord told Teresita that AAA241500's father was not paying the electricity bill. When Vianna saw AAA241500 cursing and pointing fingers at her mother, she got angry. Her sibling and father also got angry, prompting Vianna to punch AAA241500.[14]

The Regional Trial Court rendered a Decision[15] finding Vianna guilty beyond reasonable doubt for violation of Section 10(a) of Republic Act No. 7610 instead of the original charge of slight physical injuries under Article 266 of the Revised Penal Code. The dispositive portion reads:

> WHEREFORE, premises considered, judgment is hereby rendered finding accused VIANNA BANTANG y BRIONES GUILTY BEYOND REASONABLE DOUBT of violating paragraph (a), Section 10 of Republic Act No. 7610, and applying the Indeterminate Sentence Law, this Court imposes on her the indeterminate sentence of six (6) months and one (1) day of *prision correccional* in the minimum period as minimum, to six (6) years of *prision mayor* in its maximum period, as maximum.
>
> The Court further orders VIANNA BANTANG *y* BRIONES to pay AAA[241500] the sum of ONE HUNDRED FIFTY PESOS ([PHP] 150.00) as actual damages, TEN THOUSAND PESOS ([PHP] 10,000.00) as moral damages, and TEN THOUSAND PESOS ([PHP] 10,000.00) as exemplary damages. The awards of civil indemnity and damages are without subsidiary penalties in case of insolvency.
>
> SO ORDERED.[16]

In arriving at such disposition, the Regional Trial Court held that when physical injuries are inflicted against a minor, as in this case, the proper charge is Section 10(a) of Republic Act No. 7610, instead of slight physical injuries under the Revised Penal Code. The Regional Trial Court noted that Vianna never denied punching AAA241500 but merely claimed that it was done in defense of her mother. The Regional Trial Court, however, doubted Vianna's own version of the incident for being uncorroborated. There was also no showing that AAA241500 had a grudge against Vianna for her to concoct a story against them. Further, the Regional Trial Court disbelieved

---

13 *Id.* at 75.
14 *Id.* at 14.
15 *Id.* at 64–69.
16 *Id.* at 68–69.

that AAA241500 would bad mouth Teresita at that time, when she was all alone and outnumbered by Teresita's grown-up daughters. Evenmore, if Vianna merely acted in defense of her mother, the Regional Trial Court opined that her act of punching AAA241500 was not justified.

On the other hand, the Regional Trial Court gave due weight and credence to the positive testimony of AAA241500 that she was punched in her left eye by Vianna. The same was corroborated by a medical certificate showing that she sustained a contusion hematoma. Although the said medical certificate was not identified by the doctor who personally examined AAA241500 or by the records custodian, the Regional Trial Court treated the same as corroborative evidence after considering the following: (1) AAA241500 identified the said medical certificate during the trial; (2) the medical findings stated therein were confirmed by AAA241500 in her court testimony; and (3) there was already an admission from Vianna that she punched AAA241500.

At odds with the ruling, Vianna elevated the matter to the Court of Appeals claiming that the prosecution failed to establish all the elements of child abuse. In particular, she posited that there was no intent to debase, degrade or demean the intrinsic worth of AAA241500, as she merely acted in defense of her mother against the degrading actions and statements made by AAA241500. Vianna assailed the probative value of the medical certificate of AAA241500, which showed that the latter suffered contusion hematoma as it was not identified by the doctor who issued the same.

On March 22, 2018, the Court of Appeals rendered the assailed Decision[17] which denied the appeal and affirmed the guilt beyond reasonable doubt of Vianna for violation of Section 10(a) of Republic Act No. 7610. The dispositive portion of which reads:

> WHEREFORE, premises considered, the Appeal is hereby DENIED. Accordingly, the Decision of the court *a quo* dated 08 September 2016 is AFFIRMED with MODIFICATION, in that all the monetary awards shall bear legal interest at the rate of six percent (6%) per annum from the date of the finality of this judgment.
>
> The Decision is AFFIRMED in all other respects.
>
> SO ORDERED.[18]

In affirming Vianna's conviction, the Court of Appeals held that the latter's act of punching AAA241500 fell squarely under the definition of child abuse under Republic Act No. 7610. Further, Vianna's intention to debase, degrade, and demean the intrinsic worth of the minor victim can be

---

17 *Id.* at 34–44.

18 *Id.* at 43.

inferred from the manner in which she committed the act complained of. According to the Court of Appeals, it was Vianna's mother, Teresita who first confronted AAA241500. However, it was Vianna who punched AAA241500 in her face and neck in retaliation to the degrading statements made by AAA241500 about Teresita to their landlord. For the Court of Appeals, Vianna went overboard in defending her mother as she could have resorted to other less violent means than using excessive force. Vianna could have just reprimanded AAA241500, knowing her to be totally defenseless and outnumbered by adults.

As to the probative value of the medical certificate, the Court of Appeals held that although the same was not identified by the doctor who issued it, the same must be given credence as it corroborated the testimony of AAA241500, coupled with the judicial admission of Vianna that she punched AAA241500.

Dismayed, Vianna moved for reconsideration, but failed to obtain a favorable relief as the Court of Appeals denied the same in its impugned Resolution.[19]

Issues

In her quest for acquittal, Vianna resorted to this present Petition for Review on *Certiorari* anchored on the following grounds:

I.

THE COURT A QUO GRAVELY ERRED IN CONVICTING VIANNA OF VIOLATION OF SECTION 10(A) OF REPUBLIC ACT NO. 7610 DESPITE THE PROSECUTION'S FAILURE TO PROVE THE ELEMENTS THEREOF.

II.

THE COURT A QUO GRAVELY ERRED IN FINDING VIANNA GUILTY OF VIOLATION OF SECTION 10(A) OF REPUBLIC ACT NO. 7610 DESPITE AAA241500'S INCREDIBLE TESTIMONY.[20]

In the main, Vianna bewails that the Court of Appeals erred in convicting her for violation of Section 10(a) of Republic Act No. 7610 despite the failure of the prosecution to establish the elements of child abuse. More specifically, Vianna incessantly insists that there is no intent to debase, degrade or demean the intrinsic worth and dignity of AAA241500 because she was only acting in defense of her mother when she punched AAA241500. Vianna also submits that the mitigating circumstance of

---

19 *Id.* at 46–47.

20 *Id.* at 15–16.

passion and obfuscation should be appreciated in her favor because she was provoked by AAA241500's improper act of mistreating her mother.[21] Lastly, Vianna stands firm in her contention that the Medical Certificate of AAA241500 should not be given due weight or credence as it was not identified by the doctor who issued the same.[22]

This Court's Ruling

The Petition is bereft of merit.

Prefatorily, a cursory reading of the present Petition for Review on *Certiorari* under Rule 45 of the Rules of Court reveals that it is a mere reiteration of the factual issues and arguments raised by Vianna in her appeal, all of which have already been squarely addressed and judiciously passed upon by the Court of Appeals. Whether or not the prosecution has established all the elements of Section 10(a) of Republic Act No. 7610 is a question of fact that is beyond this Court's jurisdiction under the present Petition for Review on C*ertiorari*. Questions of fact, which would require a reevaluation of the evidence, are inappropriate under Rule 45 of the Rules of Court as the jurisdiction of this Court under this petition is limited only to errors of law.[23] While this rule is not absolute, none of the recognized exceptions,[24] which allow this Court to review the factual issues, exists in the instant case.

Instructive on this point is the case of *Miro v. Vda. De Erederos*,[25] where this Court laid down the parameters of a judicial review under a Rule 45 Petition:

> a. Rule 45 petition is limited to questions of law.
>
> Before proceeding to the merits of the case, this Court deems it necessary to emphasize that a petition for review under Rule 45 is limited only to questions of law. *Factual questions are not the proper subject of an appeal by certiorari. This Court will not review facts, as it is not our*

---

21 *Id.* at 18–24.

22 *Id.* at 24–26.

23 *Coro v. Nasayao*, G.R. No. 235361, October 16, 2019, 925 SCRA 132, 139 [Per J. Inting, Third Division].

24 The general rule for petitions filed under Rule 45 admits exceptions, to wit: (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. *(Sps. Miano v. Manila Electric Company.*, 800 Phil. 118, 123 (2016) [Per J. Leonen, Second Division Division].

25 721 Phil. 772, 785 (2013) [Per J. Brion, Second Division].

function to analyze or weigh all over again evidence already considered in the proceedings below. As held in *Diokno v. Hon. Cacdac,* a reexamination of factual findings is outside the province of a petition for review on *certiorari*, to wit:

> It is aphoristic that a re-examination of factual findings cannot be done through a petition for review on *certiorari* under Rule 45 of the Rules of Court because as earlier stated, this Court is not a trier of facts[.] xxx *The Supreme Court is not duty-bound to analyze and weigh again the evidence considered in the proceedings below. This is already outside the province of the instant Petition for Certiorari.*
>
> There is a question of law when the doubt or difference arises as to what the law is on a certain set of facts; a question of fact, on the other hand, exists when the doubt or difference arises as to the truth or falsehood of the alleged facts. Unless the case falls under any of the recognized exceptions, we are limited solely to the review of legal questions.
>
> *b. Rule 45 petition is limited to errors of the appellate court*
>
> Furthermore, the "errors" which we may review in a petition for review on *certiorari* are those of the [Court of Appeals], and not directly those of the trial court or the quasi-judicial agency, tribunal, or officer which rendered the decision in the first instance. It is imperative that we refrain from conducting further scrutiny of the findings of fact made by trial courts, lest we convert this Court into a trier of facts. As held in *Reman Recio v. Heirs of the Spouses Agueda and Maria Altamirano, etc., et al.,* our review is limited only to the errors of law committed by the appellate court[.][26] (Citations omitted, emphasis supplied)

In any case, even if this Court were to be exceptionally liberal and allow a review of the factual issues, still, the instant petition fails to impress.

Section 10 of Republic Act No. 7610 provides the following:

> ARTICLE VI
> Other Acts of Abuse
>
> SECTION 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 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)

Corollarily, under Section 3(b) of Republic Act No. 7610, "child abuse" refers to the maltreatment, whether habitual or not, of the child which

---

[26] *Id.* at 785-786.

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*;
>
> (3) unreasonable deprivation of his basic needs for survival, such as food and shelter; *or*
>
> (4) failure to immediately give medical treatment to an injured child resulting in serious impairment of his [or her] growth and development or in his [or her] permanent incapacity or death. (Emphasis supplied)

In conjunction with this, Section 2 of the Rules and Regulations on the Reporting and Investigation of Child Abuse Cases defines the term "child abuse" as the infliction of physical or psychological injury, cruelty to, or neglect, sexual abuse or exploitation of a child. In turn, the same Section defines "physical injury" as those that include but are not limited to lacerations, fractured bones, burns, internal injuries, severe injury, or serious bodily harm suffered by a child.

In view of these provisions, this Court, in *Araneta v. People*,[27] discussed the four distinct and separate acts punishable under Republic Act No. 7610, to wit:

> As gleaned from the foregoing, the provision punishes not only those enumerated under Article 59 of Presidential Decree No. 603, but also four distinct acts, *i.e., (a) child abuse, (b) child cruelty, (c) child exploitation and (d) being responsible for conditions prejudicial to the child's development.* The Rules and Regulations of the questioned statute distinctly and separately defined child abuse, cruelty and exploitation just to show that these three acts are different from one another and from the act prejudicial to the child's development. Contrary to petitioner's assertion, *an accused can be prosecuted and be convicted under Section 10(a), Article VI of Republic Act No. 7610 if he commits any of the four acts therein. The prosecution need not prove that the acts of child abuse, child cruelty and child exploitation have resulted in the prejudice of the child because an act prejudicial to the development of the child is different from the former acts.*
>
> Moreover, it is a rule in statutory construction that the word "or" is a disjunctive term signifying dissociation and independence of one thing from other things enumerated. It should, as a rule, be construed in the sense which it ordinarily implies. Hence, the use of "or" in Section 10(a) of Republic Act No. 7610 before the phrase "be responsible for conditions prejudicial to the child's development" supposes that there four punishable acts therein. *First*, the act of child abuse; *second*, child cruelty; *third*, child exploitation; and *fourth*, being responsible for

---

27 578 Phil. 876 (2008) [Per J. Chico-Nazario, Third Division].

> conditions prejudicial to the child's development. The fourth penalized act cannot be interpreted, as petitioner suggests, as a qualifying condition for the three other acts, because an analysis of the entire context of the questioned provision does not warrant such construal.[28] (Emphasis supplied)

It is, therefore, clear from the foregoing that when a child is subjected to physical abuse or injury, the person responsible therefor can be held liable under Republic Act No. 7610 by establishing the following elements: (1) the minority of the victim; (2) the acts committed by the accused constituting physical abuse against the victim; and (3) the fact that the said acts are punishable under Republic Act No. 7610.[29] In this case, all these elements are present. More specifically, it was sufficiently established that at the time of the incident, AAA241500 was merely a 16-year-old minor; that Vianna attacked AAA241500 by punching her twice on her face and neck, resulting in hematoma contusion on her left cheek; and that the said acts constitute physical abuse specified in Section 3(b)(1) of Republic Act No. 7610.

Vianna, however, relentlessly contends that she cannot be held liable for violation of Section 10(a) of Republic Act No. 7610 because there was no intent to debase, degrade or demean the intrinsic worth and dignity of the child as a human being. She maintains that her act of hitting AAA241500 was merely an instinctive reaction to the latter's unlawful aggression. Vianna further posits that she only wanted to discipline AAA241500 and defend her mother against the degrading actions and statements made by AAA241500.

Vianna's contention is untenable.

From the title of the law itself, the policy of Republic Act No. 7610 is to "provide stronger deterrence and special protection against child abuse, exploitation, and discrimination." The idea of providing "stronger deterrence" and "special protection" suggests that it is the legislative intent to establish a more robust penal legislation against any and all forms of abuse involving children. In *People v. Tulagan*,[30] this Court explained through the sponsorship speech of Senator Joey D. Lina that the intent of Republic Act No. 7610 is to protect children against all forms of abuse by providing stiffer sanctions for its commission including those crimes committed against children already punished by the Revised Penal Code and the Youth Welfare Code, thus:

---

28 *Id.* at 884–886.

29 *Patulot v. People*, G.R. No. 235071, January 7, 2019, 890 SCRA 143, 157 [Per J. Peralta, Third Division].

30 G.R. No. 227363, March 12, 2019, 896 SCRA 307 [Per J. Peralta, *En Banc*].

Pertinent parts of the deliberation in Senate Bill No. 1209 underscoring the legislative intent to increase the penalties as a deterrent against all forms of child abuse, including those covered by the [Revised Penal Code] and the Child and Youth Welfare Code, as well as to give special protection to all children, read:

> **Senator Lina**. . . .
>
> For the information and guidance of our Colleagues, the phrase "child abuse" here is more descriptive than a definition that specifies the particulars of the acts of child abuse. As can be gleaned from the bill, Mr. President, there is a reference in Section 10 to the "Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child's Development."
>
> We refer, for example, to the Revised Penal Code. There are already acts described and punished under the Revised Penal Code and the Child and Youth Welfare Code. These are all enumerated already, Mr. President. There are particular acts that are already being punished.
>
> But we are providing stronger deterrence against child abuse and exploitation by increasing the penalties when the victim is a child. That is number one. We define a child as "one who is 15 years and below." [*Later amended to those below 18, including those above 18 under special circumstances*]
>
> **The President Pro Tempore. Would the Sponsor then say that this bill repeals, by implication or as a consequence, the law he just cited for the protection of the child as contained in that Code just mentioned, since this provides for stronger deterrence against child abuse and we have now a Code for the protection of the child?**
>
> **Senator Lina. We specified in the bill, Mr. President, increase in penalties. That is one. But, of course, that is not everything included in the bill. There are other aspects like making it easier to prosecute these cases of pedophilia in our country. That is another aspect of this bill.**
>
> **The other aspects of the bill include the increase in the penalties on acts committed against children; and by definition, children are those below 15 years of age.**
>
> **So, it is an amendment to the Child and Youth Welfare Code, Mr. President. This is not an amendment by implication. We made direct reference to the Articles in the Revised Penal Code and in the Articles in the Child and Youth Welfare Code that are amended because of the increase in the penalties.**
>
> **The President Pro Tempore**. Would Senator Lina think then that, probably, it would be more advisable to

> specify the amendments and amend the particular provision of the existing law rather than put up a separate bill like this?
>
> **Senator Lina**. We did, Mr. President. In Section 10, we made reference to...
>
> **The President Pro Tempore**. The Chair is not proposing any particular amendment. This is just an inquiry for the purpose of making some suggestions at this stage where we are now in the period of amendments.
>
> **Senator Lina**. We deemed it proper to have a separate Act, Mr. President, that will include all measures to provide stronger deterrence against child abuse and exploitation. **There are other aspects that are included here other than increasing the penalties that are already provided for in the Revised Penal Code and in the Child and Youth Welfare Code when the victims are children.**
>
> **Aside from the penalties, there are other measures that are provided for in this Act. Therefore, to be more systematic about it, instead of filing several bills, we thought of having a separate Act that will address the problems of children below 15 years of age. This is to emphasize the fact that this is a special sector in our society that needs to be given special protection.** So this bill is now being presented for consideration by the Chamber. (Emphases in the original)

The aforequoted parts of the deliberation in Senate Bill No. 1209 likewise negate the contention of Justice Perlas-Bernabe that "to suppose that [Republic Act] No. 7610 would generally cover acts already punished under the Revised Penal Code would defy the operational logic behind the introduction of this special law." They also address the contention of Justice Caguioa that the passage of the same law was the Senate's act of heeding the call of the Court to afford protection to a special class of children, and not to cover any and all crimes against children that are already covered by other penal laws, like the [Revised Penal Code] and [Presidential Decree] No. 603.

As pointed out by Senator Lina, the other aspect of [Senate Bill] No. 1209, is to increase penalties on acts committed against children; thus, direct reference was made to the Articles in the [Revised Penal Code] and in the Articles in the Child and Youth Welfare Code that are amended because of the increase in the penalties. The said legislative intent is consistent with the policy to provide stronger deterrence and special protection of children against child abuse, and is now embodied under Section 10, Article VI of [Republic Act] No. 7610[.][31]

In this case, it was sufficiently alleged in the Information and established through AAA241500's certificate of live birth[32] that she was a minor at the time when the crime was committed. Bearing also in mind the

---

31 *Id.* at 410-413.

32 Records, p. 111.

policy of Republic Act No. 7610, the applicable law, in this case, is Section 10(a) of Republic Act No. 7610 which carries a heavier penalty compared to that of slight physical injuries under Section 266 of the Revised Penal Code, as amended by Republic Act No. 10951.[33] In other words, the application of Republic Act No. 7610, in this case, is only in keeping with the letter and intent of the law of providing stronger deterrence and special protection to children against all forms of child abuse. On this score, the Court of Appeals did not err in upholding Vianna's conviction under Republic Act No. 7610 instead of the Revised Penal Code.

Furthermore, adverse to Vianna's contention, the specific intent to debase, degrade or demean the intrinsic worth and dignity of the child is not an indispensable element in all forms of violation of Section 10(a) of Republic Act No. 7610. As clarified in *Malcampo-Reollo v. People*,[34] this specific intent becomes relevant only in child abuse when: (1) it is required by a specific provision of Republic Act No. 7610, for instance, in lascivious conduct; or (2) when the act is described in the Information as one that debases, degrades or demeans the child's intrinsic worth and dignity as a human being.[35]

In this case, the Information filed against Vianna reads:

> That on or about the 9th day of April 2009, in the City of Mandaluyong City, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, did, then and there willfully, unlawfully and feloniously attack, assault and employ personal violence upon the person of [AAA241500], a minor, sixteen (16) years of age, thereby causing upon her physical injuries which required medical attendance for a period of less than nine (9) days and incapacitated her from performing her customary labor for the same period of time.[36]

A cursory reading of the foregoing readily shows that there is no allegation of the specific intent to debase, degrade or demean the intrinsic worth and dignity of the child. Accordingly, the prosecution is not required to establish the existence of this element to prove the commission of the crime. What can be gathered from the recital of the Information is that Vianna is criminally charged with child abuse by way of physical abuse.

---

33 Under Section 10(a) of Republic Act No. 7610, the offender shall suffer the penalty of *prision mayor* in its minimum period; while under the Revised Penal Code, as amended by Republic Act No. 10951, if the offender commits slight physical injuries, he shall suffer the penalty of *arresto menor* when the offender has inflicted physical injuries which shall incapacitate the offended party for labor from one (1) to nine (9) days, or shall require medical attendance during the same period, or by *arresto menor* or a fine not exceeding Forty thousand pesos ([PHP] 40,000) and censure when the offender has caused physical injuries which do not prevent the offended party from engaging in his habitual work nor require medical assistance, or by *arresto menor* in its minimum period or a fine not exceeding Five thousand pesos ([PHP] 5,000) when the offender shall ill-treat another by deed without causing any injury.

34 G.R. No. 246017, November 25, 2020 [Per J. Leonen, Third Division].

35 *Id.* at 10. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

36 Records, p. 1.

Under this particular form of child abuse, there is no requirement that there be a specific intent to debase, degrade or demean the child's intrinsic worth and dignity. It is sufficient that the Information alleges the minority of the victim and the acts committed by Vianna constituting physical abuse, which is punishable under Section 10(a) of Republic Act No. 7610.

In this case, the Information contains all the necessary averments to make out a case for child abuse in the form of physical abuse. Specifically, it was alleged that the victim was a 16-year-old minor, and that Vianna attacked, assaulted, and employed physical violence upon AAA241500, which constitute physical abuse punishable under Section 10(a) of Republic Act No. 7610. There being no other allegation of other forms of child abuse requiring the specific intent, it is not indispensable for the prosecution to establish this element to sustain the conviction of Vianna.

In any case, even assuming that there is a need to prove the intent to debase, degrade or demean the intrinsic worth and dignity of the child, the same had been duly established by the prosecution.

Apropos on this point is the disquisition of the Court of Appeals which we quote with imprimatur:

> To be held liable under [Republic Act] No. 7610, the offender must commit an abusive act against the child. *Child abuse includes physical abuse of the child, whether the same is habitual or not. [Vianna's] act of punching AAA[241500] falls squarely within the said definition.*
>
> . . . .
>
> *While it is true that not every instance of laying of hands on the child constitutes child abuse, [Vianna's] intention to debase, degrade, and demean the intrinsic worth and dignity of a child can be inferred from the manner in which she committed the act complained of.* In the case herein, it was [Vianna's] mother Teresita who initially confronted AAA[241500]. To [Vianna] the child cursed, pointed finger and said vile things against Teresita prompting [Vianna] to punch her in defense.
>
> Granting that AAA[241500] had indeed pointed a finger while snapping back [at] Teresita, [Vianna] went overboard in defending her as she could have resorted to other less violent means than the use of excessive force such as hitting her face and neck. *To Us, We find it to be intentional and sort of a retaliation than just an instinctive response, as a consequence of the alleged previous degrading statements made earlier made by AAA[241500] to their landlord berating Teresita. [Vianna] could just have reprimanded her, knowing her to be totally defenseless and outnumbered by grown-up adults.*[37] (Emphasis supplied)

---

[37] *Rollo*, pp. 39–40.

The pronouncement of the Court of Appeals is in consonance with the ruling of the Court in *Torres v. People*,[38] where we considered the accused's act of whipping a child several times on the neck with a wet t-shirt and in public as an act that debases, degrades, and demeans the intrinsic worth and dignity of the child. In the said case, the accused likewise maintained that he was merely disciplining the child for harassing and vexing him. He also contended that his act did not prejudice the child's development and growth, *viz.*:

> Although it is true that not every instance of laying of hands on the child constitutes child abuse, petitioner's intention to debase, degrade, and demean the intrinsic worth and dignity of a child can be inferred from the manner in which he committed the act complained of.
>
> To note, petitioner used a wet t-shirt to whip the child not just once but three (3) times. Common sense and human experience would suggest that hitting a sensitive body part, such as the neck, with a wet t-shirt would cause an extreme amount of pain, especially so if it was done several times. There is also reason to believe that petitioner used excessive force. Otherwise, AAA would not have fallen down the stairs at the third strike. AAA would likewise not have sustained a contusion.
>
> Indeed, if the only intention of petitioner were to discipline AAA and stop him from interfering, he could have resorted to other less violent means. Instead of reprimanding AAA or walking away, petitioner chose to hit the latter.
>
> . . . .
>
> *Petitioner's act of whipping AAA on the neck with a wet t-shirt is an act that debases, degrades, and demeans the intrinsic worth and dignity of a child. It is a form of cruelty. Being smacked several times in a public place is a humiliating and traumatizing experience for all persons regardless of age. Petitioner, as an adult, should have exercised restraint and self-control rather than retaliate against a 14-year-old child.*[39] (Emphasis supplied)

Irrefragably, Vianna's act of punching AAA241500 not once but twice on her face and neck, in public, and with the use of such force as to result in a hematoma contusion, clearly constitute physical abuse of AAA241500. In fact, it was established that AAA241500 was shocked and traumatized by the physical abuse inflicted upon her.[40] Indeed, if the only intention of Vianna was to discipline AAA241500 or to defend her mother, she could have just reprimanded her or resorted to other less violent means. As an adult, Vianna should have exercised restraint and self-control, instead of hitting AAA241500, who was then all alone and defenseless.

---

38 803 Phil. 480 (2017) [Per J. Leonen, Second Division].

39 *Id.* at 490–492.

40 *Rollo*, p. 75.

Vianna next contends that the mitigating circumstance of passion and obfuscation should be appreciated in her favor, given that she was provoked by AAA241500's improper act of disrespecting her mother. She posits that "she had lost her strength of mind" which led to the commission of the act complained of.

This Court is not convinced.

In order to be entitled to the mitigating circumstance of passion and obfuscation, the following elements should concur: (1) there should be an act both unlawful and sufficient to produce such condition of mind; and (2) the act which produced the obfuscation was not far removed from the commission of the crime by a considerable length of time, during which the perpetrator might recover his [or her] normal equanimity.[41] Furthermore, it is necessary to show that the passion and obfuscation arose from lawful sentiments and not from a spirit of lawlessness or revenge.[42] Passion and obfuscation as affecting the mind and resulting in lack of reason and self-control must originate from lawful sentiments.[43]

In this case, it was clear that the quarrel between AAA241500 and Vianna's family began earlier than the confrontation on April 9, 2009. The altercation originated from the degrading statements made by AAA241500 about Teresita to their landlord the night before. The following day, Teresita confronted AAA241500 about these degrading statements, which led to the eventual physical abuse of AAA241500 by Vianna. [44] Given these circumstances, it is evident that a considerable length of time had already lapsed between the impetus and the actual infliction of physical injury. This can hardly be considered as the mitigating circumstance of passion and obfuscation as intended by the law.[45] Even, assuming, however, that Vianna punched AAA241500 because the latter cursed, hurled vile things, and pointed a finger at her mother at the time of confrontation, still, she cannot be credited with this mitigating circumstance, as she would then have acted "in the spirit of revenge" rather than any sudden and legitimate impulse of natural and uncontrollable fury. For passion and obfuscation to be mitigating, the same must originate from lawful feelings. The turmoil and unreason that naturally result from a quarrel or fight should not be confused with the sentiment or excitement in the mind of a person injured or offended to such a degree as to deprive the latter of his or her sanity and self-control. The excitement which is inherent in all persons who quarrel and come to blows does not constitute obfuscation.[46]

---

41 *People v. Oloverio*, 756 Phil. 435, 451 (2015) [Per J. Leonen, Second Division].
42 *People v. Caber, Sr.*, 399 Phil. 743, 753 (2000) [Per J. Mendoza, Second Division].
43 *People v. Gravino*, 207 Phil. 107, 118 (1983) [Per J. Gutierrez, Jr., *En Banc*].
44 *Rollo*, pp. 103–104.
45 *Id.*
46 *People v. Oloverio*, 756 Phil. 435, 453 (2015) [Per J. Leonen, Second Division].

In a last-ditch effort to evade criminal liability, Vianna clings to her contention that the medical certificate presented by the prosecution was not identified by the doctor who examined AAA241500, hence, the same should not be given credence or due weight.

To address this issue, it must be stressed that Vianna's conviction was not based solely on the aforesaid medical certificate but on the totality of the evidence adduced by the prosecution. In fact, the said medical certificate was considered by the Regional Trial Court and the Court of Appeals as merely corroborative evidence to the positive testimony of AAA241500 and Vianna's own admission that she punched AAA241500. Thus, even without the said medical certificate, Vianna's conviction for violation of Section 10(a) of Republic Act No. 7610 could stand. What is more important is that the Regional Trial Court gave full weight and credence to the positive testimony of AAA241500, coupled with Vianna's own admission that she punched AAA241500.

Basic is the rule that assessment of the credibility of witnesses and their testimonies is best undertaken by a trial court, whose findings are binding and conclusive on appellate courts.

In *People v. Dahilig*,[47] it was held that:

> Matters affecting credibility are best left to the trial court because of its unique opportunity to observe the elusive and incommunicable evidence of that witness' deportment on the stand while testifying, an opportunity denied to the appellate courts which usually rely on the cold pages of the silent records of the case.[48] (Citation omitted)

While in *People v. Blancaflor*,[49]

> The trial court's findings on the credibility of witnesses carry great weight and respect and will be sustained by the appellate courts unless the trial court overlooked, misunderstood, or misapplied some facts or circumstances of weight and substance which will alter the assailed decision or affect the result of the case.[50] (Citation omitted)

Verily, since the Regional Trial Court had the direct opportunity to examine AAA241500's demeanor and conduct on the stand, the Regional Trial Court was clearly in a better position than the appellate court to evaluate testimonial evidence properly. Moreover, there is no showing that the Regional Trial Court overlooked, misapprehended, or misconstrued some fact or circumstance of weight or substance so as to materially affect

---

47 667 Phil. 92 (2011) [Per J. Mendoza, Second Division].
48 *Id.* at 100.
49 466 Phil. 86 (2004) [Per J. Austria-Martinez, *En Banc*].
50 *Id.* at 96.

the disposition of the case or doubt the credibility of AAA241500. In fact, even the Court of Appeals affirmed the Regional Trial Court's appreciation of AAA241500's testimony which makes the same invariably conclusive and binding on this Court. As a matter of sound practice and procedure, this Court defers and accords finality to the factual findings of trial courts, more so, when as here, such findings are undisturbed by the appellate court.[51]

On the basis of the foregoing, this Court finds no reversible error on the part of the Court of Appeals in affirming the conviction of Vianna for violation of Section 10(a) of Republic Act No. 7610.

The penalty imposed on Vianna, however, is a different matter. Under Section 10(a) of Republic Act No. 7610, child abuse carries the penalty of *prision mayor* in its minimum period. Notably, while such crime is punishable by a special penal law, the penalty provided therein is taken from the technical nomenclature in the Revised Penal Code. In *Quimvel v. People*,[52] this Court discussed the proper treatment of prescribed penalties found in special penal laws vis-a-vis Act No. 4103, otherwise known as the Indeterminate Sentence Law, *viz.*:

> Meanwhile, Sec. 1 of Act No. 4103, otherwise known as the Indeterminate Sentence Law (ISL), provides that if the offense is ostensibly punished under a special law, the minimum and maximum prison term of the indeterminate sentence shall not be beyond what the special law prescribed. Be that as it may, the Court had clarified in the landmark ruling of *People v. Simon* (G.R. No. 93028, July 29, 1994, 239 SCRA 555)] that the situation is different where although the offense is defined in a special law, the penalty therefor is taken from the technical nomenclature in the [Revised Penal Code]. Under such circumstance, the legal effects under the system of penalties native to the Code would also necessarily apply to the special law.[53] (Citations omitted)

Tersely put, "if the special penal law adopts the nomenclature of the penalties under the Revised Penal Code, the determination of the indeterminate sentence will be based on the rules applied for those crimes punishable under the Revised Penal Code."[54] Correlatively, to determine the minimum and maximum terms of the sentence, this Court apply the first part of Section 1 Act No. 4103, which provides that "in imposing a prison sentence for an offense punished by the Revised Penal Code, or its amendments, the court shall sentence the accused to an indeterminate sentence the maximum term of which shall be that which, in view of the attending circumstances, could be properly imposed under the rules of said Code, and the minimum which shall be within the range of the penalty next lower to that prescribed by the Code for the offense."

---

51 *Gepulle-Garbo v. Spouses Garabato*, 750 Phil. 846, 855 (2015) [Per J. Villarama, Jr., Third Division].
52 808 Phil. 889 (2017) [Per J. Velasco, Jr., *En Banc*].
53 *Id.* at 936.
54 *Melgar v. People*, 826 Phil. 177, 189 (2018) [Per J. Perlas-Bernabe, Second Division].

Since no mitigating or aggravating circumstance exists in this case, the maximum term to be imposed on Vianna shall be taken from the medium period of *prision mayor* minimum or within the range of six years, eight months, and one day to seven years and four months. On the other hand, the minimum term shall be taken from the penalty next lower in degree to *prision mayor* minimum, that is, *prision correccional* in its maximum period or within the range of four years, two months and one day to six years.

From the foregoing, it becomes clear that the prison term meted to Vianna by the Regional Trial Court as affirmed by the Court of Appeals (*i.e.*, six months and one day of *prision correccional* in the minimum period as minimum, to six years of *prision mayor* in its maximum period, as maximum) must be modified. Applying the Indeterminate Sentence Law, Vianna is sentenced to suffer the indeterminate sentence of four years, two months and one day *prision correccional*, as minimum to six years, eight months and one day *prision mayor*, as maximum.

On the matter of damages, aside from the amount of PHP 150.00 as actual damages,[55] Vianna is ordered to pay AAA241500 the following: (1) PHP 20,000.00 as moral damages; and (2) PHP 20,000.00 as exemplary damages.[56]

Finally, in line with current policy, this Court uphold the imposition of interest rate equivalent to 6% per annum on all monetary awards reckoned from the finality of this Decision until full payment.[57]

WHEREFORE, premises considered, the Petition for Review on *Certiorari* is **DENIED**. The Decision dated March 22, 2018 and Resolution dated August 15, 2018 of the Court of Appeals in CA-G.R. CR No. 39575 are **AFFIRMED** with the following **MODIFICATIONS**:

> Petitioner VIANNA BANTANG *y* BRIONES is **GUILTY** beyond reasonable doubt for violating Section 10(a) of Republic Act No. 7610, and applying the Indeterminate Sentence Law, this Court imposes upon her the indeterminate sentence of four (4) years, two (2) months and one (1) day *prision correccional*, as minimum to six (6) years, eight (8) months and one (1) day *prision mayor*, as maximum.
>
> Further, VIANNA BANTANG *y* BRIONES is **ORDERED** to pay AAA241500 the sum of ONE HUNDRED FIFTY PESOS (PHP 150.00) as actual damages, TWENTY THOUSAND PESOS (PHP 20,000.00) as moral damages, and

---

55 *Rollo*, p. 65.
56 *Rosaldes v. People*, 745 Phil. 77, 93 (2014) [Per J. Bersamin, First Division].
57 *Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta, *En Banc*].

TWENTY THOUSAND PESOS (PHP 20,000.00) as exemplary damages. All the monetary awards shall earn interest at the rate of 6% per annum reckoned from the finality of this Decision until full payment.

SO ORDERED.

JHOSEP Y. LOPEZ
Associate Justice

WE CONCUR:

MARVIC M.V.F. LEONEN
Senior Associate Justice

AMY C. LAZARO-JAVIER
Associate Justice

MARIO V. LOPEZ
Associate Justice

ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARVIC M.V. F. LEONEN
Senior Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ALEXANDER G. GESMUNDO
Chief Justice