

CRIMINAL LAW**JOSE ROMEO C. ESCANDOR *v.* PEOPLE OF THE PHILIPPINES
G.R. No. 211962, 06 July 2020, THIRD DIVISION (Leonen, J.)****DOCTRINE OF THE CASE**

The Safe Spaces Act does not undo or abandon the definition of sexual harassment under the Anti-Sexual Harassment Law of 1995. The gravamen of the offenses punished under the Safe Spaces Act is the act of sexually harassing a person on the basis of the his/her sexual orientation, gender identity and/or expression, while that of the offense punished under the Anti-Sexual Harassment Act of 1995 is abuse of one's authority, influence or moral ascendancy so as to enable the sexual harassment of a subordinate.

FACTS

Jose Romeo Escandor (Escandor), the Regional Director of the National Economic and Development Authority (NEDA) Region 7, Cebu City, was charged with violating Republic Act (R.A.) No. 7877 otherwise known as the Anti-Sexual Harassment Act of 1995. It was alleged that Escandor made a series of unwelcome sexual advances or verbal or physical behavior of sexual nature, and demand, solicit, and request sexual favors from Mrs. Cindy Sheila Cobarde-Gamallo (Gamallo), then a Contractual Employee of the NEDA, and Escandor's subordinate, thereby exercising authority, influence or moral ascendancy over Gamallo in her working place.

The Sandiganbayan found Escandor guilty of sexual harassment.

ISSUE

Was Escandor's guilt for sexual harassment under R.A. No. 7877 established beyond reasonable doubt?

RULING

YES. Sexual harassment as defined and penalized under Republic Act No. 7877 requires three elements for an accused to be convicted:

- (a) that the employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person has authority, influence, or moral ascendancy over another;

(b) the authority, influence, or moral ascendancy exists in a work-related, training-related, or education-related environment, and

(c) the employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person who has authority, influence, or moral-ascendancy over another makes a demand, request, or requirement of a sexual favor.

The key elements which distinguish sexual harassment, as penalized by R.A. No. 7877, from other chastity-related and vexatious offenses are: first, its setting and second, the person who may commit it.

In addition to R.A. No. 7877, Congress has since enacted Republic Act No. 11313, otherwise known as the Safe Spaces Act. Signed into law on July 15, 2019, it penalizes gender-based sexual harassment, and is founded on, among others, the recognition that "both men and women must have equality, security and safety not only in private, but also on the streets, public spaces, online, workplaces and educational and training institutions." The Safe Spaces Act expands the concept of discrimination and protects persons of diverse sexual orientation, gender identity and/or expression. It thus recognizes gender-based sexual harassment as including, among others, "misogynistic, transphobic, homophobic and sexist slurs."

The Safe Spaces Act does not undo or abandon the definition of sexual harassment under the Anti-Sexual Harassment Law of 1995. The gravamen of the offenses punished under the Safe Spaces Act is the act of sexually harassing a person on the basis of the his/her sexual orientation, gender identity and/or expression, while that of the offense punished under the Anti-Sexual Harassment Act of 1995 is the abuse of one's authority, influence, or moral ascendancy so as to enable the sexual harassment of a subordinate.

All the elements of sexual harassment, as penalized by R.A. No. 7877, are present in this case.

On the first requisite, it is clear that Escandor had authority over Gamallo. He was the Regional Director of the National Economic and Development Authority Region 7, while Gamallo was a contractual employee in that

office. Escandor's authority also existed in a work-related environment; thereby satisfying the second requisite for sexual harassment.

While the third requisite calls for a "demand, request, or requirement of a sexual favor," Court has held in *Domingo v. Rayala* that it is not necessary that these be articulated in a categorical oral or written statement. It may be discerned from the acts of the offender. Here, Gamallo testified to several acts of sexual harassment committed by Escandor. Among these were grabbing her hand, kissing, engaging in improper conversations, touching her thigh, giving her gifts, telling her that "she was the kind of girl he really wants," asking her out on dates, and sending her text and Winpop messages telling her that he missed her, that she looked beautiful, and that he loved her. All these acts undoubtedly amount to a request for sexual favors.

At the core of sexual harassment in the workplace is power exercised by a superior over a subordinate. The power emanates from how the superior can remove or disadvantage the subordinate should the latter refuse the superior's sexual advances. Thus, sexual harassment is committed when the sexual favor is made as a condition in the hiring of the victim or the grant of benefits thereto; or when the sexual act results in an intimidating, hostile, or offensive environment for the employee.

In this case, Gamallo stated that the acts of Escandor made her feel "disrespected," "humiliated and cheap," "uneasy," and "frightened." She could also not concentrate on work, could not sleep, and found herself "staring into empty space." When she disabled her Winpop messaging because of Escandor's inappropriate messages, she was threatened that she will be deleted from the National Economic and Development Authority meeting list. Villamor, Tagalog and Manuel, who all testified for Gamallo, tried to protect her from Escandor. Villamor and Tagalog made sure that whenever Escandor called for Gamallo, either of them would go with her. Manuel even had to relay the incidents to the National Economic and Development Authority Deputy Director-General. Undoubtedly, Escandor's acts resulted in an intimidating, hostile, and offensive environment for Gamallo.

There is no time period within which a victim is expected to complain about sexual harassment. The time to do so may vary depending upon the needs, circumstances, and more importantly, the emotional threshold of the employee.

There is, strictly speaking, no fixed period within which an alleged victim of sexual harassment may file a complaint, although it does not mean that he or she is at liberty to file one anytime she or he wants to. Surely, any delay in filing a complaint must be justifiable or reasonable as not to cast doubt on its merits."

Neither has prescription set in by the time Gamallo filed her Complaint Affidavit on September 04, 2004. Escandor's acts of sexual harassment persisted until December 2003, the end of Gamallo's employment with the National Economic and Development Authority Region 7. By the time she filed her Complaint-Affidavit, only about nine (9) months had lapsed. This is well within the three (3) years permitted by Section 7 of R.A. No. 7877 within which an action under the same statute may be pursued.

**DEVIE ANN ISAGA FUERTES *v.* THE SENATE OF THE
PHILIPPINES, HOUSE OF REPRESENTATIVES, DEPARTMENT
OF JUSTICE (DOJ), *et al.***

G.R. No. 208162, 07 January 2020, *EN BANC* (Leonen, J.)

DOCTRINE OF THE CASE

The Court has upheld the constitutionality of disputable presumptions in criminal laws. Here, Fuertes fails to show that a logical relation between the fact proved — presence of a person during the hazing — and the ultimate fact presumed — their participation in the hazing as a principal — is lacking. Neither has it been shown how Section 14 of the Anti-Hazing Law does away with the requirement that the prosecution must prove the participation of the accused in the hazing beyond reasonable doubt.

FACTS

Devie Ann Isaga Fuertes (Fuertes) is among the 46 accused charged with violating the Anti-Hazing Law, or Republic Act (R.A.) No. 8049, for the death of Chester Paolo Abracia (Abracia) due to injuries he allegedly sustained during the initiation rites of the *Tau Gamma Phi* Fraternity. Fuertes is a member of the fraternity's sister sorority, *Tau Gamma Sigma*, and was allegedly present at the premises during the initiation rites. She was then 17 years old and was a student of Manuel S. Enverga University Foundation.

Fuertes filed a Petition for *Certiorari* before the Court. At the time, she had not yet been arraigned and was at large. Fuertes claims that Sections 3 and 4 of the Anti-Hazing Law are unconstitutional.

ISSUES

- (1) Is paragraph 4 of Section 14 of the Anti-Hazing Law unconstitutional on the ground that it dispenses with the constitutional presumption of innocence?
- (2) Does Section 14 violate the *res inter alios acta* rule?
- (3) Does Anti-Hazing Law impose cruel and unusual punishments?
- (4) Are Sections 5 and 14 of the Anti-Hazing Law bills of attainder for immediately punishing members of a particular group as principals or co-conspirators regardless of actual knowledge or participation in the crime?

RULING

- (1) **NO.** The Court has upheld the constitutionality of disputable presumptions in criminal laws. Here, Fuertes fails to show that a logical relation

between the fact proved — presence of a person during the hazing — and the ultimate fact presumed — their participation in the hazing as a principal — is lacking. Neither has it been shown how Section 14 of the Anti-Hazing Law does away with the requirement that the prosecution must prove the participation of the accused in the hazing beyond reasonable doubt.

Those group members who do not actually perform the hazing ritual, but who by their presence incite or exacerbate the violence being committed, may be principals either by inducement or by indispensable cooperation.

(2) **NO.** *Res inter alios acta* provides that a party's rights generally cannot be prejudiced by another's act, declaration, or omission. However, in a conspiracy, the act of one is the act of all, rendering all conspirators as co-principals "regardless of the extent and character of their participation." Under Rule 130, Section 30 of the Rules of Court, an exception to the *res inter alios acta* rule is an admission by a conspirator relating to the conspiracy.

As noted in *Dungo v. People*, hazing often involves a conspiracy among those involved, be it in the planning stage, the inducement of the victim, or in the participation in the actual initiation rites. The rule on *res inter alios acta*, then, does not apply.

(3) **NO.** Article III, Section 19(1) of the 1987 Constitution had generally been aimed at the "form or character of the punishment rather than its severity in respect of duration or amount," such as "those inflicted at the whipping post, or in the pillory, burning at the stake, breaking on the wheel, disemboweling, and the like." It is thus directed against "extreme corporeal or psychological punishment that strips the individual of their humanity."

In line with this, the Court has found that the penalty of life imprisonment or *reclusion perpetua* does not violate the prohibition. Even the death penalty in itself was not considered cruel, degrading, or inhuman. Nonetheless, the Court has found that penalties like fines or imprisonment may be cruel, degrading, or inhuman when they are "flagrantly and plainly oppressive and wholly disproportionate to the nature of the offense as to shock the moral sense of the community." However, if the severe penalty has a legitimate purpose, then the punishment is proportionate and the prohibition is not violated.

Fuertes here fails to show how the penalties imposed under the Anti-Hazing Law would be cruel, degrading, or inhuman punishment, when they are similar to those imposed for the same offenses under the Revised Penal Code, albeit a degree higher.

To emphasize, the Anti-Hazing Law aims to prevent organizations from making hazing a requirement for admission. The increased penalties imposed on those who participate in hazing is the country's response to a reprehensible phenomenon that persists in schools and institutions. The Anti-Hazing Law seeks to punish the conspiracy of silence and secrecy, tantamount to impunity, that would otherwise shroud the crimes committed.

(4) **NO.** Anti-Hazing Law is not a bill of attainder. For a law to be considered a bill of attainder, it must be shown to contain all of the following: "a specification of certain individuals or a group of individuals, the imposition of a punishment, penal or otherwise, and the lack of judicial trial." The most essential of these elements is the complete exclusion of the courts from the determination of guilt and imposable penalty.

Here, the mere filing of an Information against Fuertes and her fellow sorority members is not a finding of their guilt of the crime charged. Contrary to her claim, Fuertes is not being charged merely because she is a member of the *Tau Gamma Sigma* Sorority, but because she is allegedly a principal by direct participation in the hazing that led to Abracia's death. As stated, these are matters for the trial court to decide. The prosecution must still prove the offense, and the accused's participation in it, beyond reasonable doubt. Fuertes, in turn, may present her defenses to the allegations.

IN RE: IN THE MATTER OF THE ISSUANCE OF A WRIT OF HABEAS CORPUS OF INMATES RAYMUNDO REYES AND VINCENT B. EVANGELISTA, duly represented by ATTY. RUBEE RUTH C. CAGASCA-EVANGELISTA, in her capacity as wife of VINCENT B. EVANGELISTA AND COUNSEL OF BOTH INMATES

v.

BuCor CHIEF GERALD BANTAG, in his capacity as DIRECTOR GENERAL OF BUREAU OF CORRECTIONS OF NEW BILIBID PRISON, BUREAU OF CORRECTIONS AND ALL THOSE PERSONS IN CUSTODY OF THE INMATES RAYMUNDO REYES AND VINCENT B. EVANGELISTA

G.R. No. 251954, 10 June 2020, THIRD DIVISION (Zalameda, J.)

DOCTRINE OF THE CASE

Sec. 2 Rule IV of the 2019 Revised IRR of R.A. No. 10592, as amended, provides that the following shall not be entitled to any GCTA during serving of sentence:

- (a) Recidivists;*
- (b) Habitual delinquents;*
- (c) Escapees; and*
- (d) PDL convicted of heinous crimes.*

In this case, Reyes and Evangelista, who were found guilty of illegal sale of dangerous drugs exceeding 200 grams, have committed a heinous crime.

FACTS

Atty. Rubee Ruth C. Cagasca-Evangelista (Atty. Cagasca-Evangelista) alleges that inmates Raymundo Reyes (Reyes) and Vincent B. Evangelista (Evangelista), her husband, were convicted on December 14, 2001 for violation of Section 15, Art. III of R.A. No. 6425, as amended, for the illegal sale of 974.12 grams of *shabu*, acting in conspiracy with one another, and were sentenced to suffer the penalty of *reclusion perpetua* and to pay the amount of Php 500,000.00 each. The penalty was in accordance with the amendment introduced by R.A. No. 7659, which increased the penalty of imprisonment for illegal sale of drugs from 6 years and 1 day to 12 years, to *reclusion perpetua* to death for 200 grams or more of *shabu*. The Court affirmed the conviction on September 27, 2007.

More than a decade after the affirmation of said conviction, Atty. Cagasca-Evangelista claims that with the abolition of the death penalty, and the repeal of the death penalty in R.A. No. 7659 as a consequence, the penalty for illegal sale of drugs should be reverted to that originally imposed in R.A. No. 6425.

In addition, Atty. Cagasca-Evangelista insists that Reyes and Evangelista have already served 19 years and 2 months, or more than 18 years if the benefit of Good Conduct Time Allowance (GCTA) under R.A. No. 10592 was to be considered. With the benefit of the GCTA, which may be applied retroactively, Reyes and Evangelista have already served more than the required sentence imposed by law.

ISSUE

Should Reyes and Evangelista be discharged from imprisonment?

RULING

NO. On the issue of the applicability of R.A. No. 10592, Section 2, Rule IV of the 2019 Revised Implementing Rules and Regulations of Republic Act No. 10592, "An Act Amending Articles 29, 94, 97, 98, and 99 of Act No. 3815, as amended, otherwise known as the Revised Penal Code," (2019 IRR), issued by the Department of Justice (DOJ) and the Department of the Interior and Local Government (DILG), provides:

Section 2. *GCTA During Service of Sentence.* - The good conduct of a PDL convicted by final judgment in any penal institution, rehabilitation or detention center or any other local jail shall entitle him to the deductions described in Section 3 hereunder, as GCTA, from the period of his sentence, pursuant to Section 3 of R.A. No. 10592.

The following shall not be entitled to any GCTA during service of sentence:

- (a) Recidivists;
- (b) Habitual delinquents;
- (c) Escapees; and
- (d) PDL convicted of heinous crimes.

It is clear from the afore-quoted provision that PDLs convicted of heinous crimes shall not be entitled to GCTA.

Reyes and Evangelista, who were found guilty of illegal sale of dangerous drugs exceeding 200 grams, have committed a heinous crime. This is in consonance with R.A. No. 7659, which includes the distribution or sale of dangerous drugs as heinous for being a grievous, odious and hateful offense and which, by reason of its inherent or manifest wickedness, viciousness, atrocity and perversity is repugnant and outrageous to the common standards and norms of decency and morality in a just, civilized and ordered society.

Rules and regulations issued by administrative bodies to interpret the law which they are entrusted to enforce, such as the 2019 IRR issued by the DOJ and the DILG, have the force of law, and are entitled to great respect. Administrative issuances partake of the nature of a statute and have in their favor a presumption of legality. As such, courts cannot ignore administrative issuances especially when, as in this case, its validity was not put in issue. Unless an administrative order is declared invalid, courts have no option but to apply the same.

Accordingly, the writ cannot be issued and the discharge of Reyes and Evangelista from imprisonment should not be authorized.

PEOPLE OF THE PHILIPPINES v. ZZZ
G.R. No. 229209, 12 February 2020, THIRD DIVISION (Leonen, J.)

DOCTRINE OF THE CASE

Thus, in Amarela, the accused was acquitted because the victim's account was improbable and marred by inconsistencies, regardless of the existing preconception that a Filipino woman's honor would prevent her from lying about her ordeal.

Likewise, in People v. Perez, the victim had openly expressed infatuation for her assailant prior to being abused, contrary to the fictional Maria Clara stereotype. However, the victim's digression from this stereotype neither diminished the heinousness of what was done to her. Nor did it detract from her credibility, as her testimony was independently believable and sufficiently corroborated by other evidence adduced by the prosecution.

Here, AAA's account of having been attacked by accused-appellant was sufficiently corroborated by Barangay Captain Lotec's testimony that he saw AAA "pale and trembling." Such description is based on his personal knowledge, having actually observed and spoken to AAA regarding her ordeal. This, taken with the prosecution's other corroborating evidence and AAA's straightforward identification of accused-appellant as the perpetrator, makes AAA's testimony sufficiently credible-independent of her perceived propensity for truthfulness based on gender stereotypes.

FACTS

AAA testified that she lived together with ZZZ, who was her grandfather, while her mother and other siblings lived separately. According to AAA, the incident happened sometime in December 2010, before Christmas. She had been weeding grass near their house prior; it was when she went home, she recalled, that her grandfather raped her. ZZZ placed himself on top of her and kissed her lips and genitals. Then, when he had already undressed her, he turned her sideways and inserted his penis into her vagina. Finally, when the ordeal was over, AAA left the house, went to the forest, and there slept. When AAA tried to come home the following day, ZZZ allegedly attacked her with a bolo. She was allegedly able to parry ZZZ's attacks, allowing her to run and seek help from Manuel Lotec, the *Barangay Captain*.

Although she could only recall the December 2010 incident, AAA testified that such incidents where ZZZ raped her would often happen. She was not cross-examined by the defense.

For the defense, only ZZZ was presented as witness. He denied the accusation that he raped his granddaughter, claiming that his advanced age has long made him incapable of having an erection.

After trial, the Regional Trial Court (RTC) rendered a Decision finding ZZZ guilty beyond reasonable doubt of raping AAA.

ZZZ appealed to the Court of Appeals (CA). He questioned AAA's credibility, particularly because her account of having parried his alleged hacking at her with a bolo, without sustaining any injury, was supposedly unbelievable. CA, however, affirmed the trial court's findings and declared ZZZ guilty beyond reasonable doubt of rape. However, it modified the damages imposed. Hence, this appeal.

ISSUE

Was the prosecution able to prove beyond reasonable doubt the guilt of ZZZ for the crime of rape?

RULING

YES. As the lower courts found, ZZZ had carnal knowledge of AAA without her consent and by using his moral ascendancy over her as her grandfather and father figure. While ZZZ attempts to cast doubt on the credibility of the prosecution's witnesses, the settled rule is that the trial court's determination of witness credibility will not be disturbed on appeal unless significant matters have been overlooked.

Here, the RTC found AAA's testimony credible and sufficiently corroborated. These findings were then affirmed by the CA, which found AAA to be unwavering in "the material points of her testimony." Therefore, the lower courts' findings on AAA's credibility should be upheld, more so in view of accused-appellant's failure to raise any cogent reason for reversal.

Accused-appellant also assails AAA's credibility on her testimony that he attempted to kill her. He claims that it was dubious how AAA sustained no physical injuries if he really did attack her with a bladed weapon. These matters, however, are irrelevant to the crime charged and do not deserve consideration.

Nonetheless, at this juncture, the Court takes the opportunity to reify contemporary standards in rape cases. In assessing AAA's credibility, the CA held that "it is against human nature for a young girl to fabricate a story that would expose herself as well as her family to a lifetime of shame" - effectively reiterating an outdated standard for assessing witness credibility.

Here, AAA's account of having been attacked by ZZZ was sufficiently corroborated by Barangay Captain Lotec's testimony that he saw AAA "pale and trembling." Such description is based on his personal knowledge, having actually observed and spoken to AAA regarding her ordeal. This, taken with the prosecution's other corroborating evidence and AAA's straightforward identification of ZZZ as the perpetrator, makes AAA's testimony sufficiently credible – independent of her perceived propensity for truthfulness based on gender stereotypes.

Finally, ZZZ attempts to cast doubt on his conviction by arguing that his advanced age made erection – and thus, sex – impossible. This argument is unmeritorious. The lower courts correctly held that impotence must be proven with certainty in order to overcome the presumption of potency.

The CA did not find any reason to overturn the trial court's findings, and neither does the Supreme Court.

PEOPLE OF THE PHILIPPINES v. SAMIAH S. ABDULAH
G.R. Nos. 243941, 11 March 2020, THIRD DIVISION (Leonen, J.)

DOCTRINE OF THE CASE

The physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures. Noncompliance of these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures and custody over said items.

The Court denounced the prosecution's reasoning that the target area was a "notorious Muslim community" to justify non-compliance with Section 21. Islamophobia, the hatred against the Islamic community, can never be a valid reason to justify an officer's failure to comply with Section 21. No form of religious discrimination can be countenanced to justify the prosecution's failure to comply with the law.

FACTS

A confidential informant reported to the District Anti-Illegal Drug of Eastern Police District that two girls were selling illegal drugs in Tumana, Marikina City. A buy-bust team was formed with PO3 Temporal as the poseur-buyer. On November 21, 2014, the buy-bust team went to the target area where they saw Abdulah and a child in conflict with law identified as "EB". Abdulah approached PO3 Temporal and inquired about his order. PO3 Temporal handed her the marked P500 bill, which she passed to EB. In turn, EB placed the money in a sling bag and retrieved from it a small plastic sachet containing white crystalline substance, which she handed to PO3 Temporal.

Thereafter, PO3 Temporal introduced himself as a police officer and arrested Abdulah and EB. Another officer frisked the girls while PO3 Temporal seized the sling bag and recovered the buy-bust money and another sachet containing white crystalline substance.

Believing that the area was unsafe for being a "Muslim Area," the team proceeded to the barangay hall where they marked, inventoried, and photographed the seized items. The proceeding was witnessed by *Barangay Tanod* Garcia, *Barangay Kagawad* delos Santos, Abdulah, and EB.

Subsequently, Abdulah and EB were charged with violating Section 5, R.A. No. 9165. The Regional Trial Court (RTC) convicted Abdulah and EB of the crime charged. Abdulah appealed arguing that the apprehending officers' failure to comply with Section 21 of RA No. 9165. She noted that the inventory and photographs were taken only at the *barangay* hall, without the presence of representatives from the media and the National Prosecution Service. However, the Court of Appeals(CA) sustained the RTC's ruling.

ISSUE

Is Abdulah guilty of selling dangerous drugs?

RULING

NO. Section 21 of R.A. No. 9165 provides that the apprehending team shall immediately after seizure and confiscation, conduct a physical inventory of the seized items and photograph the same in the presence of the of the accused, or the persons from whom such items were confiscated and/or seized, or his/her representative or counsel, with an elected public official and a representative of the National Prosecution Service or the media.

The physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures.

Non-compliance of these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures and custody over said items.

The marking of the seized drugs was not done immediately after Abdulah's arrest. PO3 Temporal revealed that the team decided to mark and inventory the items at the *barangay* hall after deeming the target are to be unsafe, it being "a Muslim area." The prosecution's attempt to justify the delay in marking and inventorying the items is too weak, if not callous, a reason to validate the police officers' non-compliance with the chain of custody requirements. The Court denounced the prosecution's reasoning that the target area was a "notorious Muslim community" to justify non-compliance with Section 21. Islamophobia, the hatred against the Islamic community, can never be a valid reason to justify an

officer's failure to comply with Section 21. No form of religious discrimination can be countenanced to justify the prosecution's failure to comply with the law.

Another glaring failure was the absence of representatives from the media and the National Prosecution Service during the physical inventory and photographing of the seized items. The prosecution gave no excuse to justify their absence, either. Yet, worse, the prosecution did not even show that the police officers exerted any effort to call in these representatives. The officers had sufficient time to secure their presence, since a surveillance operation had been conducted prior to the buy-bust operation. By then, the necessary arrangements could have been made.

JAIME ARAZA y JARUPAY v. PEOPLE OF THE PHILIPPINES
G.R. No. 247429, 08 September 2020, FIRST DIVISION (Peralta, C.J.)

DOCTRINE OF THE CASE

Psychological violence is the means employed by the perpetrator, while emotional anguish or mental suffering are the effects caused to or the damage sustained by the offended party. R.A. No. 9262 does not require proof that the victim became psychologically ill due to the psychological violence done by her abuser. Rather, the law only requires emotional anguish and mental suffering to be proven. To establish emotional anguish and mental suffering, jurisprudence only requires that the testimony of the victim to be presented in court, as such experiences are personal to this party.

The prosecution has established Araza's guilt beyond reasonable doubt by proving that he committed psychological violence upon his wife by committing marital infidelity. AAA's testimony was strong and credible. She was able to confirm that Araza was living with another woman.

FACTS

AAA testified that she and Jaime Araza (Araza) were married in 1989. She had no marital issues with Araza until he went to Zamboanga City for their networking business.

One day, she received a text message that her husband is having an affair with their best friend. After confirming such fact, she instituted a complaint for Concubinage. The case was subsequently amicably settled after Araza and his mistress committed themselves never to see each other again. Thereafter, Araza again lived with AAA. However, Araza left AAA without saying a word.

An investigation revealed that Araza left to live with his mistress. As a matter of fact, three children were born out of their cohabitation. The truth caused AAA emotional and psychological suffering. At present, she is taking anti-depressant and sleeping pills to cope.

These events led to the filing of an Information against Araza for violation of Section 5(i) of Republic Act No. 9262 (R.A. No. 9262) or the Anti-Violence Against Women and Their Children Act of 2004.

In its Decision, the Regional Trial Court (RTC) found that all the elements of the crime of violence against women were satisfied. On appeal, the Court of Appeals (CA) echoed the RTC's factual findings and conclusions. Hence, this petition.

ISSUE

Did Araza commit psychological violence upon his wife AAA by committing marital infidelity?

RULING

YES. The elements of violation of Section 5(i) of R.A. No. 9262 are the following:

- (a) The offended party is a woman and/or her child or children;
- (b) 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;
- (c) The offender causes on the woman and/or child mental or emotional anguish; and
- (d) 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 acts or omissions.

Psychological violence is an indispensable element of violation of Section 5(i) of R.A. No. 9262. Equally essential is the element of emotional anguish and mental suffering, which are personal to the complainant.

Psychological violence is the means employed by the perpetrator, while emotional anguish or mental suffering are the effects caused to or the damage sustained by the offended party. R.A. No. 9262 does not require proof that the victim became psychologically ill due to the psychological violence done by her abuser. Rather, the law only requires emotional anguish and mental suffering to

be proven. To establish emotional anguish and mental suffering, jurisprudence only requires that the testimony of the victim to be presented in court, as such experiences are personal to this party.

In order to establish psychological violence, proof of the commission of any of the acts enumerated in Section 5(i) or similar of such acts, is necessary. The prosecution has established Araza's guilt beyond reasonable doubt by proving that he committed psychological violence upon his wife by committing marital infidelity. AAA's testimony was strong and credible. She was able to confirm that Araza was living with another woman.

Marital infidelity, which is a form of psychological violence, is the proximate cause of AAA's emotional anguish and mental suffering, to the point that even her health condition was adversely affected. The prosecution was able to prove the case of AAA. While Araza denied that he committed marital infidelity against AAA, he would later on admit that that he left his wife AAA to live with his mistress, and that he was fully aware that AAA suffered emotionally and psychologically because of his decision.