



**CERTIFIED TRUE COPY**  
*Wilfredo V. Laitan*  
**WILFREDO V. LAITAN**  
 Division Clerk of Court  
 Third Division

Republic of the Philippines  
 Supreme Court  
 Manila

JAN 16 2019

**THIRD DIVISION**

**EVANGELINE PATULOT Y GALIA, G.R. No. 235071**

Petitioner, **Present:**

PERALTA, J., Chairperson,  
 LEONEN,  
 REYES, A., JR.,\*  
 HERNANDO, and  
 CARANDANG,\*\* JJ.

- versus -

**Promulgated:**

**PEOPLE OF THE PHILIPPINES,**  
 Respondent.

January 7, 2019

x-----*Wilfredo V. Laitan*-----x

**DECISION**

**PERALTA, J.:**

Before the Court is a petition for review on *certiorari* under Rule 45 of the Rules of Court seeking to reverse and set aside the Decision<sup>1</sup> dated July 13, 2017 and the Resolution<sup>2</sup> dated September 25, 2017 of the Court of Appeals (CA) in CA-G.R. CR No. 37385 which affirmed with modification the Decision<sup>3</sup> dated November 19, 2014 of the Regional Trial Court (RTC) of Pasig City, Branch 163, Taguig City Station, finding Evangeline Patulot y Galia guilty beyond reasonable doubt of two (2) charges of child abuse.

The antecedent facts are as follows.

\* On leave.  
 \*\* Designated as additional member per Special Order No. 2624 dated November 28, 2018.  
<sup>1</sup> *Rollo*, pp. 32-41. Penned by Associate Justice Ricardo R. Rosario, with the concurrence of Associate Justices Edwin D. Sorongon and Maria Filomena D. Singh.  
<sup>2</sup> *Id.* at 53.  
<sup>3</sup> *Id.* at 73-79. Penned by Judge Leili Cruz Suarez.

In two (2) separate Informations, Patulot was charged with child abuse, defined and penalized under Republic Act (R.A.) No. 7610, otherwise known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act,<sup>4</sup> the accusatory portions of which read:

(Criminal Case No. 149971)

That on or about the 14<sup>th</sup> day of November 2012, in the City of Taguig, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did, then and there wilfully, unlawfully, and feloniously commit acts of child abuse upon one AAA,<sup>5</sup> a three (3) year old minor, by throwing on him a boiling oil, thereby inflicting upon said victim-minor physical injuries, which acts are inimical and prejudicial to the child's normal growth and development.

CONTRARY TO LAW.

(Criminal Case No. 149972)

That on or about the 14<sup>th</sup> day of November 2012, in the City of Taguig, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did, then and there wilfully, unlawfully and feloniously commit acts of child abuse upon one BBB, a two (2) month old baby, by throwing on her a boiling oil, thereby inflicting upon said victim-minor physical injuries, which acts are inimical and prejudicial to the child's normal growth and development.

CONTRARY TO LAW.<sup>6</sup>

During arraignment, Patulot, assisted by counsel, pleaded not guilty to the charges. Subsequently, trial on the merits ensued wherein the prosecution presented CCC, mother of minors AAA and BBB, three (3) years old and two (2) months old, respectively; DDD, father of the minors; and Dr. Francis Jerome Vitales as its witnesses and offered documentary evidence<sup>7</sup> to establish the following facts:

<sup>4</sup> An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes (approved on June 17, 1992).

<sup>5</sup> The identity of the victim or any information to establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to R.A. No. 7610, "An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes"; R.A. No. 9262, "An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes"; Section 40 of A.M. No. 04-10-11-SC, known as the "Rule on Violence Against Women and Their Children," effective November 5, 2004; *People v. Cabalquinto*, 533 Phil. 703, 709 (2006); and Amended Administrative Circular No. 83-2015 dated September 5, 2017, Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances.

<sup>6</sup> *Rollo*, pp. 32-33.

<sup>7</sup> *Id.* at 33. Salaysay of CCC; Sinumpaang Salaysay ng Pag-aresto; Certificates of Live Birth of BBB and AAA; Medico-Legal Certificate of CCC, BBB, and AAA; photographs of BBB and AAA; and medical receipts (cited in the CA Decision).

At around 2:00 p.m. of November 14, 2012, CCC gathered clothes from the clothesline outside her house. As she was about to enter the house, she was surprised to see Patulot who was holding a casserole. Without warning, Patulot poured the contents of the casserole – hot cooking oil – on her. CCC tried to dodge, but to no avail. AAA and BBB, who were nearby, suddenly cried because they were likewise hit by the hot cooking oil. CCC hurriedly brought AAA and BBB to her three neighbors who volunteered to bring the children to the Polyclinic at South Signal, Taguig City, for treatment. She then went to the barangay hall also at South Signal, Taguig City, to report the incident. Accompanied by barangay personnel, she went to Patulot's house, but Patulot was not there. She instead returned to her children at the Polyclinic. While there, she learned from a neighbor that Patulot had been arrested. Consequently, having been assured that her children were all right and that medication had already been given, they returned to the barangay hall, where DDD met them. At the barangay hall, CCC noticed that her children were shivering. Thus, she asked her neighbors to bring them to Pateros-Taguig District Hospital while she stayed behind to give her statement. Afterwards, she proceeded to the hospital where she was likewise treated for injuries. While she and BBB were able to go home, AAA needed to be confined but was discharged the next morning. Before going home, however, CCC proceeded to the Taguig Police Station where she executed her *Sinumpaang Salaysay*.<sup>8</sup>

Subsequently, Dr. Vitales of the Pateros-Taguig District Hospital, who examined and treated CCC and her children, testified that the injuries suffered by AAA and BBB would heal for an average period of thirty (30) days. Next, DDD testified that he incurred ₱7,440.00 in medical expenses for his wife and children.<sup>9</sup>

Solely testifying in her defense, Patulot denied the allegations against her. She recounted that prior to the alleged incident, she was on her way to the market to sell her merchandise when CCC bumped her on the arm, uttering foul words against her. Due to the impact, Patulot's merchandise fell. Because of this, she cursed CCC back who, in turn, merely laughed and repeated the invectives as she moved away. Then, from 11:00 a.m. to 2:30 p.m. on November 14, 2012, she was repacking black pepper at her house when she heard CCC taunt her in a loud voice, "*Bakit hindi ka pa sumama sa asawa mo? Dapat sumama ka na para pareha kayong paglamayan.*" Because of this, Patulot proceeded to Barangay Central Signal, Taguig City, to file a complaint against CCC, but she was ignored. So she went instead to the Barangay South Signal, Taguig City. But upon reaching said location, she was apprehended by the Barangay Tanod and brought to the Barangay Hall of South Signal, Taguig City for questioning.<sup>10</sup>

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<sup>8</sup> *Id.* at 33-34.

<sup>9</sup> *Id.* at 34.

<sup>10</sup> *Id.* at 34-35.



On November 19, 2014, the RTC found Patulot guilty of child abuse and disposed of the case as follows:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

- 1) In Criminal Case No. 149971, the Court finds accused Evangeline Patulot y Galia GUILTY beyond reasonable doubt of the offense charged and hereby sentences her to suffer the indeterminate penalty of six (6) years and one (1) day of *pris[i]on mayor*, as minimum, to seven (7) years and four (4) months of *pris[i]on mayor*, as maximum. Accused is further ordered to pay the offended party the amount of Three Thousand Seven Hundred Two Pesos (₱3,702), as actual damages, and Ten Thousand Pesos (₱10,000) by way of moral damages;
- 2) In Criminal Case No. 149972, the Court finds accused Evangeline Patulot y Galia GUILTY beyond reasonable doubt of the offense charged and hereby sentences her to suffer the indeterminate penalty of six (6) years and one (1) day of *pris[i]on mayor*, as minimum, to seven (7) years and four (4) months of *pris[i]on mayor*, as maximum. Accused is further ordered to pay the offended party the amount of Three Thousand Seven Hundred Two Pesos (₱3,702), as actual damages, and Ten Thousand Pesos (₱10,000) by way of moral damages; and
- 3) Finally, accused is ordered to pay a fine of Five Thousand Pesos (₱5,000) in each case, conformably with section 31 (f) of R.A. 7610.

SO ORDERED.<sup>11</sup> (Italics supplied.)

The RTC found that while Patulot may not have intended to cause harm on AAA and BBB, her negligence nonetheless caused injury on them, which left visible scars that are most likely to stay on their faces and bodies for the rest of their lives. Besides, the trial court added that R.A. No. 7610 is a special law such that intent is not necessary for its violator to be liable.<sup>12</sup>

In a Decision dated July 13, 2017, the CA affirmed Patulot's conviction, but modified the penalty imposed by the RTC in the following wise:

WHEREFORE, the 19 November 2014 Decision of the Regional Trial Court of Pasig City, Branch 163 (Taguig City Station) is AFFIRMED with the MODIFICATION that:

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<sup>11</sup> *Id.* at 79.

<sup>12</sup> *Id.* at 78.

- 1) in Criminal Case No. 149971, Evangeline Patulot y Galia is SENTENCED to suffer the indeterminate penalty of four (4) years, nine (9) months, and eleven (11) days of *prision correccional*, as minimum[,] to seven (7) years and four (4) months of *prision mayor*, as maximum; and
- 2) in Criminal Case No. 149972, Evangeline Patulot y Galia is SENTENCED to suffer the indeterminate penalty of four (4) years, nine (9) months, and eleven (11) days of *prision correccional*, as minimum[,] to seven (7) years and four (4) months of *prision mayor*, as maximum.

SO ORDERED.<sup>13</sup> (Italics supplied, underscoring in the original.)

According to the appellate court, there was no reason to deviate from the trial court's findings of guilt for it had the unique opportunity to observe the demeanor of the witnesses and their deportment on the witness stand. It, however, ruled that the RTC was amiss in finding it unnecessary to determine intent merely because the act for which Patulot stood charged is punishable by a special law. The CA clarified that the index of whether a crime is *malum prohibitum* is not its form, that is, whether or not it is found in the Revised Penal Code (*RPC*) or in a special penal statute, but the legislative intent. Nevertheless, this reasoning still cannot help Patulot's case because even if she did not intend on inflicting harm on the children, there was still intent to harm CCC. Thus, criminal liability is incurred although the wrongful act done be different from that which Patulot intended. For the same reason, the mitigating circumstance of "no intention to commit so grave a wrong as that committed" cannot be appreciated in Patulot's favor. Thus, Patulot must still be held guilty of the offense charged.<sup>14</sup>

Aggrieved by the CA's denial of her Motion for Reconsideration, Patulot filed the instant petition on January 4, 2018, invoking the following arguments:

I.

WHETHER THE COURT OF APPEALS GRAVELY ERRED IN AFFIRMING THE PETITIONER'S CONVICTION OF VIOLATING SEC. 10(A) R.A. 7610 DESPITE THE FACT THAT SHE HAD NO INTENT TO DEGRADE AND DEMEAN THE INTRINSIC WORTH AND DIGNITY OF THE PRIVATE COMPLAINANT'S CHILDREN.



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<sup>13</sup> *Id.* at 40-41.

<sup>14</sup> *Id.* at 38-40.

## II.

WHETHER THE COURT OF APPEALS GRAVELY ERRED IN FAILING TO APPLY ARTICLE 49 OF THE REVISED PENAL CODE WITH REGARD TO THE IMPOSITION OF THE PENALTY.<sup>15</sup>

According to Patulot, she can only be convicted of physical injuries and not child abuse. Citing our pronouncement in *Bongalon v. People*,<sup>16</sup> she submits that not every instance of laying hands on a child constitutes the crime of child abuse under Section 10(a) of R.A. No. 7610. Only when the laying of hands is shown to be intended to debase, degrade, or demean the intrinsic worth and dignity of the child as a human being should it be punished as child abuse. Otherwise, it is punished under the RPC. Thus, in the absence of such intention on the part of Patulot, her true intention being to pour hot oil only on CCC with AAA and BBB being merely accidentally hit, she cannot be convicted of child abuse.

Patulot adds that even considering her to have committed child abuse, the CA erred in determining the imposable penalty for failing to apply Article 49<sup>17</sup> of the RPC. According to Patulot, there was error *in personae* as the oil that was intended for CCC accidentally hit the children. She intended to commit physical injuries, but ended up committing child abuse. Applying Article 49, since the penalty of the intended crime (physical injuries) is less than the crime committed (child abuse), the imposable penalty is that which refers to physical injuries, in its maximum period. As to the extent of the physical injuries intended, based on the finding of Dr. Vitales that the injuries suffered by AAA and BBB would heal for an average period of thirty (30) days, the offense Patulot intended to commit is only Less Serious Physical Injuries under the first paragraph of Article 265<sup>18</sup> of the RPC. Thus, the proper penalty should only be *arresto mayor* in its maximum or four (4) months and one (1) day to six (6) months for each count.<sup>19</sup>

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<sup>15</sup> *Id.* at 19.

<sup>16</sup> 707 Phil. 11 (2013).

<sup>17</sup> Article 49 of the RPC provides:

Art. 49. Penalty to be imposed upon the principals when the crime committed is different from that intended. — In cases in which the felony committed is different from that which the offender intended to commit, the following rules shall be observed:

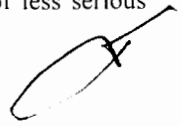
1. If the penalty prescribed for the felony committed be higher than that corresponding to the offense which the accused intended to commit, the penalty corresponding to the latter shall be imposed in its maximum period.

2. If the penalty prescribed for the felony committed be lower than that corresponding to the one which the accused intended to commit, the penalty for the former shall be imposed in its maximum period.

3. The rule established by the next preceding paragraph shall not be applicable if the acts committed by the guilty person shall also constitute an attempt or frustration of another crime, if the law prescribes a higher penalty for either of the latter offenses, in which case the penalty provided for the attempted or the frustrated crime shall be imposed in its maximum period.

<sup>18</sup> Art. 265. Less serious physical injuries. — Any person who shall inflict upon another physical injuries not described in the preceding articles, but which shall incapacitate the offended party for labor for ten days or more, or shall require medical assistance for the same period, shall be guilty of less serious physical injuries and shall suffer the penalty of *arresto mayor*. (Italics supplied.)

<sup>19</sup> *Rollo*, pp. 19-24.



We deny the petition.

Under Section 3(b) of R.A. No. 7610, "child abuse" refers to the maltreatment, whether habitual or not, of the child which includes *any of the following*: (1) psychological and *physical abuse*, neglect, cruelty, sexual abuse and emotional maltreatment; (2) any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being; (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 growth and development or in his permanent incapacity or death.

In conjunction with this, Section 10(a) of the same Act provides:

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 to be responsible for other conditions prejudicial to the child's development including those covered by Article 59 of Presidential Decree No. 603, as amended, but not covered by the Revised Penal Code, as amended, shall suffer the penalty of *prision mayor* in its minimum period. (Italics supplied.)

Corollarily, 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.

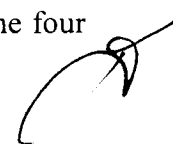
In view of these provisions, the Court, in *Araneta v. People*,<sup>20</sup> discussed the distinct acts punishable under R.A. No. 7610, *to wit*:

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

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<sup>20</sup>

578 Phil. 876 (2008).



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 other conditions prejudicial to the child's development" supposes that there are four punishable acts therein. First, the act of child abuse; second, child cruelty; third, child exploitation; and fourth, being responsible for 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.<sup>21</sup> (Italics supplied, citations omitted.)

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 R.A. No. 7610 by establishing the essential facts above. Here, the prosecution duly proved the following allegations in the Information charging Patulot of child abuse: (1) the minority of both AAA and BBB; (2) the acts committed by Patulot constituting physical abuse against AAA and BBB; and (3) the fact that said acts are punishable under R.A. No. 7610. In particular, it was clearly established that at the time of the incident, AAA and BBB were merely three (3) years old and two (2) months old, respectively; that Patulot consciously poured hot cooking oil from a casserole on CCC, consequently injuring AAA and BBB; and that said act constitutes physical abuse specified in Section 3(b)(1) of R.A. No. 7610.

On this score, Patulot contends that on the basis of our pronouncement in *Bongalon*, she cannot be convicted of child abuse because it was not proven that she intended to debase, degrade, or demean the intrinsic worth and dignity of AAA and BBB as human beings. Her reliance on said ruling, however, is misplaced. In *Bongalon*, the Information specifically charged George Bongalon, petitioner therein, of committing acts which "are prejudicial to the child's development and which demean the intrinsic worth and dignity of the said child as a human being."<sup>22</sup> Thus, we ruled that he can only be held liable for slight physical injuries instead of child abuse in the absence of proof that he intended to humiliate or "debase the 'intrinsic worth and dignity'"<sup>23</sup> of the victim.

A cursory review of the Informations in the instant case, however, reveals no similar allegation that Patulot's acts debased, degraded, or

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<sup>21</sup> *Id.* at 333-335.

<sup>22</sup> *Bongalon v. People*, *supra* note 16, at 15.

<sup>23</sup> *Id.* at 20.



demeaned the intrinsic worth and dignity of AAA and BBB as human beings. Instead, they charged Patulot for willfully committing acts of child abuse on AAA and BBB “by throwing on [them] a (sic) boiling oil, thereby inflicting upon said victim-minor physical injuries, which acts are inimical and prejudicial to the child’s normal growth and development.”<sup>24</sup> Accordingly, the RTC and the CA duly found that this allegation in the Informations was adequately established by the prosecution. It bears stressing that Patulot did not even deny the fact that she threw boiling oil on CCC which likewise fell on AAA and BBB. Clearly, her actuations causing physical injuries on babies, who were merely three (3) years old and two (2) months old at the time, are undeniably prejudicial to their development. In the words of the trial court, Patulot’s acts, which practically burned the skin of AAA and BBB, left visible scars that are most likely to stay on their faces and bodies for the rest of their lives. She cannot, therefore, be allowed to escape liability arising from her actions.

Neither can Patulot argue that in the absence of intention on her part to harm AAA and BBB, she cannot be convicted of child abuse because she merely intended on committing physical injuries against CCC. Our pronouncement in *Mabunot v. People*<sup>25</sup> is squarely on point. There, petitioner Jester Mabunot accidentally shoved a female minor child consequently fracturing her rib while he was engaged in a fistfight with another boy. But he points out that the injury sustained by the minor victim was unintentional. Thus, according to Mabunot, this single and unintended act of shoving the child while trading punches with another can hardly be considered as within the definition of child abuse under Section 10(a) of R.A. No. 7610. Assuming, therefore, that he was the cause of the injury, Mabunot insists that he should only be held liable for slight physical injuries under Section 265 of the RPC. The Court, however, rejected Mabunot’s contention and held him liable not for slight physical injuries, but for child abuse. We explained:

The petitioner also posits that since he and Dennis were exchanging punches then, he could not have made a deliberate design to injure Shiva. Without intent to harm Shiva, the petitioner insists that he deserves an acquittal.

The foregoing argument is untenable.

"When the acts complained of are inherently immoral, they are deemed *mala in se*, even if they are punished by a special law. Accordingly, criminal intent must be clearly established with the other elements of the crime; otherwise, no crime is committed."

The petitioner was convicted of violation of Section 10(a), Article VI of R.A. No. 7610, a special law. However, physical abuse of a child is

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<sup>24</sup> *Rollo*, pp. 32-33.

<sup>25</sup> 795 Phil. 453 (2016).

inherently wrong, rendering material the existence of a criminal intent on the part of the offender.

In the petitioner's case, criminal intent is not wanting. Even if the Court were to consider for argument's sake the petitioner's claim that he had no design to harm Shiva, when he swung his arms, he was not performing a lawful act. He clearly intended to injure another person. However, it was not Dennis but Shiva, who ended up with a fractured rib. Nonetheless, the petitioner cannot escape liability for his error. Indeed, criminal liability shall be incurred by any person committing a felony (*delito*) although the wrongful act done be different from that which he intended.<sup>26</sup> (Citations omitted.)

Similarly, in the instant case, Patulot's criminal intent is not wanting for as she expressly admitted, she intended on pouring hot cooking oil on CCC. As such, even granting that it was not her intention to harm AAA and BBB, she was performing an unlawful act when she threw the hot oil from her casserole on CCC. She cannot, therefore, escape liability from the same in view of the settled doctrine mentioned in *Mabunot* that a person incurs criminal liability although the wrongful act done be different from that which he intended. As defined in the law, child abuse charged against Patulot is physical abuse of the child, whether the same is habitual or not. To the Court, her act of pouring hot oil on AAA and BBB falls squarely within this definition. Thus, in view of the fact that her acts were proven to constitute child abuse under the pertinent provisions of the law, she must be held liable therefor.

Indeed, it cannot be denied that AAA and BBB are children entitled to protection extended by R.A. No. 7610. Time and again, the Court has stressed that R.A. No. 7610 is a measure geared towards the implementation of a national comprehensive program for the survival of the most vulnerable members of the population, the Filipino children, in keeping with the Constitutional mandate under Article XV, Section 3, paragraph 2, that "[t]he State shall defend the right of the children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development."<sup>27</sup> This piece of legislation supplies the inadequacies of existing laws treating crimes committed against children, namely, the RPC and Presidential Decree No. 603 or The Child and Youth Welfare Code. As a statute that provides for a mechanism for strong deterrence against the commission of child abuse and exploitation, the law has stiffer penalties for their commission, and a means by which child traffickers could easily be prosecuted and penalized. Also, the definition of child abuse is expanded to encompass not only those specific acts of child abuse under existing laws

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<sup>26</sup> *Id.* at 463-464.

<sup>27</sup> *Torres v. People*, 803 Phil. 480, 490, citing *Araneta v. People*, *supra* note 20.

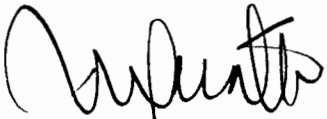


but includes also "other acts of neglect, abuse, cruelty or exploitation and other conditions prejudicial to the child's development."<sup>28</sup>

As regards the penalties imposed by the courts *a quo*, we find no compelling reason to modify the same for being within the allowable range. To conform to recent jurisprudence, however, the Court deems it proper to impose an interest of six percent (6%) per annum on the actual damages in the amount of Three Thousand Seven Hundred Two Pesos (₱3,702) and moral damages in the amount of Ten Thousand Pesos (₱10,000), to be computed from the date of the finality of this Decision until fully paid.<sup>29</sup>

**WHEREFORE**, premises considered, the instant petition is **DENIED**. The assailed Decision dated July 13, 2017 and Resolution dated September 25, 2017 of the Court of Appeals in CA-G.R. CR No. 37385 are **AFFIRMED** with **MODIFICATION** that the ₱3,702.00 actual damages and ₱10,000.00 moral damages awarded in each Criminal Case No. 149971 and Criminal Case No. 149972 shall be subject to an interest of six percent (6%) per annum reckoned from the finality of this Decision until full payment.

**SO ORDERED.**


  
**DIOSDADO M. PERALTA**  
Associate Justice

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<sup>28</sup> *Araneta v. People*, *id.* at 884.


<sup>29</sup> *Mabunot v. People*, *supra* note 25.

**WE CONCUR:**



**MARVIC M.V.F. LEONEN**  
Associate Justice

On leave  
**ANDRES B. REYES, JR.**  
Associate Justice



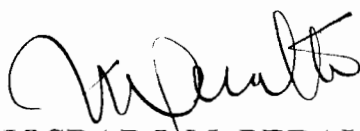
**RAMON PAUL L. HERNANDO**  
Associate Justice



**ROMARI D. CARANDANG**  
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.



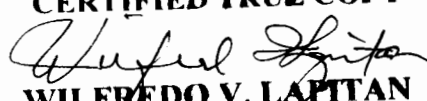
**DIOSDADO M. PERALTA**  
Associate Justice  
Chairperson, Third Division

**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.



**ANTONIO T. CARPIO**  
Acting Chief Justice

**CERTIFIED TRUE COPY**  
  
**WILFREDO V. LAPITAN**  
Division Clerk of Court  
Third Division

JAN 16 2019