Republic of the Philippines
Supreme Court
Manila

EN BANC

MARVIN L. SAN JUAN,
Petitioner,

- *versus* -

PEOPLE OF THE PHILIPPINES,
Respondent.

G.R. No. 236628

Present:

GESMUNDO, *C.J.*,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,
KHO, Jr., and,
SINGH, *JJ.*

Promulgated:

January 17, 2023

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DECISION

LOPEZ, J., *J.*:

Before this Court is a Petition for Review on *Certiorari*[1] under Rule 45 of the Revised Rules of Court assailing the Decision[2] and the Resolution[3] rendered by the Court of Appeals (*CA*) in CA-G.R. CR. No. 38091. In the

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1 *Rollo*, pp. 9–22.

2 *Id.* at 25–32. The May 31, 2017 Decision was penned by Associate Justice Danton Q. Bueser, concurred in by Associate Justices Apolinario D. Bruselas, Jr. and Marie Christine Azcarraga-Jacob, Thirteenth Division, Court of Appeals, Manila.

3 *Id.* at 34–35. Dated January 10, 2018.

assailed rulings, the CA affirmed the Decision[4] of Branch 270, Regional Trial Court (*RTC*) of [redacted], finding petitioner Marvin L. San Juan (*San Juan*) guilty beyond reasonable doubt of grave threats, in relation to Section 10(a) of Republic Act (*R.A.*) No. 7610.

The Antecedents

The instant case stemmed from an Information[5] dated July 31, 2014 filed against San Juan, the accusatory portion of which reads:

> That on or about March 26, 2014, in [redacted] and within the jurisdiction of this Honorable Court, the above-named accused, who was drunk, without any justifiable cause, did then and there willfully, unlawfully and feloniously threaten the life of one [AAA],[6] 15 years old (DOB: May 5, 1998) (complainant) by poking a gun at him, an act amounting to a crime, thereby subjecting said minor to psychological cruelty and emotional maltreatment.
>
> CONTRARY TO LAW.[7]

On August 26, 2014, San Juan was arraigned and entered a plea of not guilty to the offense charged.[8] Thereafter, trial on the merits ensued.[9]

As narrated by the prosecution, on March 26, 2014, at around 10:00 a.m. to 11:00 a.m., AAA, who was then 15 years old,[10] was chatting with his friends at the basketball court in [redacted]. Moments later, an inebriated San Juan, who lived nearby, arrived and began scolding AAA. In his tirade, San Juan exclaimed "*pag-uuntugin ang magulang*," to which AAA laughed. At this, San Juan got mad and threatened AAA with a stone.[11]

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4 *Id.* at 57–67. The July 22, 2015 Decision was penned by Judge Evangeline M. Francisco, Branch 270, Regional Trial Court, [redacted] City.

5 *Id.* at 25-26.

6 The real name of the victim, his personal circumstances and other information which tend to establish or compromise his identity, as well as those of his immediate family, or household members, shall not be disclosed to protect his privacy, and fictitious initial shall, instead, be used, in accordance with *People v. Cabalquinto*, 533 Phil. 703 (2006), and Amended Administrative Circular No. 83-2015 dated September 5, 2017.

7 *Rollo*, pp. 25–26

8 *Id.* at 26.

9 *Id.*

10 *Id.* at 52.

11 *Id.* at 26.

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BBB,[12] who was 11 years old at the time, testified that he and his friends, AAA and CCC,[13] were hanging out at the basketball court when San Juan arrived and began hurling invectives towards AAA. AAA walked away, which caused San Juan to pull out his gun and point it at the back of his friend.[14] With San Juan warning them not to hang out at the basketball court anymore, the three friends left. When AAA went back to get his t-shirt that he left in their rush to get away from San Juan, the latter chased him with a stone.[15] BBB believed that San Juan picked on AAA because the latter was new in their place.[16]

On the part of the defense, San Juan testified that on March 26, 2014, at around 9:00 a.m., he was on his way home when he saw AAA and his friends playing at the basketball court. After introducing himself as a police officer, he reminded them that they were not allowed to play basketball there during weekdays, and that many people were still sleeping at that time.[17] Instead of obeying, AAA and his friends laughed at him and ignored his admonitions. He felt insulted and when the three started to run away, he chased them with a stone. [18] San Juan, however, denied pointing a gun at AAA, saying that he left it at home. He added that he was not drunk because he just came home from his duty and his store.[19]

After due proceedings, the RTC rendered a Decision[20] dated July 22, 2015, finding San Juan guilty beyond reasonable doubt of child abuse under Section 10(a) of R.A. No. 7610,[21] the dispositive portion of which states:

> **WHEREFORE**, in the light of the foregoing, judgment is hereby rendered finding accused [Special Police Officer 2 (SPO2)] MARVIN SAN JUAN @ ["]SIR SJ" guilty beyond reasonable doubt of Child Abuse in violation of Section 10 (a) of RA 7610 and he is hereby sentenced to suffer an indeterminate penalty of four years [and] eight months, as minimum to six years, as maximum[,] and to indemnify the minor complainant the amount of [PHP] 50,000.00.[22] (Emphasis in the original)

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12 The real name of the victim, his personal circumstances and other information which tend to establish or compromise his identity, as well as those of his immediate family, or household members, shall not be disclosed to protect his privacy, and fictitious initial shall, instead, be used, in accordance with *People v. Cabalquinto*, 533 Phil. 703 (2006), and Amended Administrative Circular No. 83-2015 dated September 5, 2017.

13 The real name of the victim, his personal circumstances and other information which tend to establish or compromise his identity, as well as those of his r immediate family, or household members, shall not be disclosed to protect his privacy, and fictitious initial shall, instead, be used, in accordance with *People v. Cabalquinto*, 533 Phil. 703 (2006), and Amended Administrative Circular No. 83-2015 dated September 5, 2017.

14 *Id.* at 26.

15 *Id.* at 59.

16 *Id.* at 26.

17 *Id.* at 27.

18 *Id.*

19 *Id.*

20 *Id.* at 57–67.

21 *Id.* at 25.

22 *Id.* at 13.

In so ruling, the RTC was convinced that San Juan pointed a gun at AAA, as his denial cannot be overcome by the categorical, credible and positive testimony of BBB.[23]

On appeal, the CA affirmed San Juan's conviction with modification.[24] The dispositive portion of the decision states:

> WHEREFORE, premises considered, the Decision of Branch 270 of the Regional Trial Court of [redacted], dated July 22, 2015 in Criminal Case No. 958-V-14 finding accused-appellant SPO2 Marvin San Juan guilty beyond reasonable doubt of Grave Threats in relation to Republic Act No. 7610, is hereby MODIFIED as follows:
>
> Accused-appellant SPO2 Marvin San Juan is hereby 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, [four (4)] months and one (1) day of [*prision mayor*], as the maximum. He is ORDERED to pay the private complainant [AAA] [PHP] 20,000.00 as moral damages, [PHP] 20,000.00 as exemplary damages, and [PHP] 20,000.00 as temperate damages, plus interest at the rate of 6% per annum on each item of the civil liability reckoned from the finality of this *decision until full payment*.[25] (Emphasis in the original)

The CA found that there were no material contradictions and inconsistencies in the testimonies of AAA and BBB, which would have cast serious doubt on the credibility of the prosecution's witnesses. On one hand, AAA testified that San Juan was holding a stone. On the other hand, BBB testified that San Juan pointed a gun at AAA. These are not necessarily two conflicting versions. AAA only saw the holding of a stone, while it was BBB who actually saw San Juan point a gun at AAA.[26]

The CA thus held that San Juan clearly went overboard and did more than what was necessary to call AAA out. Even if AAA was insulting him, San Juan should not have threatened and chased him with a stone, or pointed a gun while the boy's back was facing him.[27]

Moreover, the CA stated that pointing a gun at the back of AAA was a highly intimidating act, which would cause fear even to a full-grown adult, and even worse when it was done by a man who is a member of the police force. The CA considered this as maltreatment that debased and caused fear to a minor, especially one who was new to the community.[28] For this reason, the CA sustained the findings of the RTC, with modification as to the nomenclature of the crime and the penalty.

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23 *Id.* at 29.
24 *Id.* at 25–32.
25 *Id.* at 13–14.
26 *Id.* at 30.
27 *Id.*
28 *Id.*

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Hence, the instant Petition.

Issue

Whether the CA erred in finding Marvin L. San Juan guilty of grave threats in relation to violation of Section 10(a) of Republic Act No. 7610

Our Ruling

We modify the decision of the CA.

It is a fundamental rule that only questions of law may be raised in a petition for review on *certiorari* under Rule 45. The factual findings of the trial court, especially when affirmed by the CA, are generally binding and conclusive on this Court. This Court is not a trier of facts. It is not duty-bound to analyze, review, and weigh the evidence all over again in the absence of any showing of arbitrariness, capriciousness, or palpable error. A departure from the general rule may only be warranted in cases where the findings of fact of the CA are contrary to the findings of the trial court or when these are unsupported by the evidence on record.[29]

In this case, we find no reason to disturb the factual findings of the RTC as affirmed by the CA. The RTC was able to observe the demeanor and, in turn, assess the testimony of the witnesses. While the act of pointing a gun was narrated by AAA only in his *Sinumpaang Salaysay*,[30] BBB was able to affirm this statement when he took the witness stand and testified that San Juan indeed poked a gun at AAA. Clearly, San Juan did not only threaten AAA with a stone but also with a gun. The testimony of BBB reads:

Q While sitting down, do you recall any unusual incident that happened?
A Yes Sir.

Q What is that?
A SPO2 Marvin San Juan arrived and parked his vehicle in front of the basketball court. When he alighted from the vehicle, we saw that he was drunk and he suddenly shouted invectives at [AAA]. He seemed to single out [AAA] because when [AAA] was about to walk away, Sir SJ suddenly pulled out his gun and pointed it to [AAA], Sir.

Q Why did he pick on [AAA] instead of you or the other one?
A I do not know, Sir.

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29 *Torres v. People*, 803 Phil. 480, 487 (2017). (Citation omitted)
30 *Rollo*, pp. 48–49.

Q So you saw the accused SPO2 San Juan [draw] his gun and [point] it at [AAA]?
A Yes sir.

x x x x

The Court:
What was Police Officer San Juan saying, if any?
Witness:
He was cursing, Your Honor.

The Court:
Exactly, what did you hear? *Yung natatandaan mo lang, yung tumanim sa isip mo.*
Witness:
"*Tang-ina daw po ni* [AAA] *tapos huwag na daw po siyang dadaan doon.*"

Q So [AAA's] back was facing SPO2 San Juan when the gun was pointed at him?
A Yes sir.

Q [AAA] did not see it?
A He also saw it, Sir.

Q How was he able to see that?
A He looked at his back, Sir. x x x[31]

This supports the *Sinumpaang Salaysay*[32] of AAA narrating the incident as follows:

T *Sa ikaliliwanag ng pagsisiyasat na ito, maaari mo bang isalaysay ang buong pangyayari?*

S *Ganito po yun* maam *nagtatambay lang po kami doon sa loob ng* court *tapos habang nakaupo kami kasama si* [BBB] *at* [CCC] *tapos po bigla dumating si* sir SJ *tapos pinagmumura niya kami sabi niya "Tang ina niya nagsigasigaan kayo dito" tapos sabi pa niya pag uuntug-untugin ko kayo sa mga tatay niyo at natawa po ako kasi inisip ko nagbibiro lang siya tapos tinutukan niya ako ng baril tapos sabi gusto mo pusasan daw po ako.*[33]

Under the circumstances, the RTC convicted San Juan of violation of Section 10(a) of R.A. No. 7610. On appeal, the CA convicted him of the crime of grave threats in relation to Republic Act No. 7610, ultimately imposing the penalty prescribed for the latter crime.

We find it proper to fix the nomenclature of the crime committed by San Juan.

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31 *Id.* at 62–64.
32 *Id.* at 48–49.
33 *Id.* at 48.

In *Jumaquio v. Hon. Judge Villarosa*,[34] the accused therein uttered the words "*Putang ina mong bata ka namumuro ka na sa akin, at susunugin ko yung pamilya mo!*"[35] against a minor. He also threw a stone against the said minor, which nonetheless missed, and repeatedly punched the minor. He too, uttered the words "*Putang ina ninyo, zone leader ako papatayin ko [kayong] lahat!*"[36] against the family members of the said minor. Consequently, two Informations were filed against the accused, one for grave threats in relation to Republic Act No. 7610 and another, for physical injuries in relation to Republic Act No. 7610.[37] The accused thereafter filed a motion to quash the Informations for being duplicitous, arguing that he stood charged with several crimes – grave threats and violation of Republic Act No. 7610, and physical injuries and another violation of the aforesaid law.[38] The trial court denied the motion, which prompted the accused to elevate the matter directly before this Court. This Court held that the accused disregarded the doctrine of hierarchy of courts and availed the wrong remedy. Nonetheless, this Court proceeded to discuss on the arguments raised by the accused, holding as follows:

> As correctly argued by the City Prosecutor, the questioned [I]nformations separately charge two distinct offenses of child abuse[:] Criminal Case No. SJC-78-04 for child abuse committed through the use of threatening words, and Criminal Case No. SJC-79-04 for child abuse through the infliction of physical injuries. Thus, contrary to his contention, petitioner is not in jeopardy of being convicted of grave threats and child abuse in the first case, and slight physical injuries and child abuse in the second. Though the crimes were erroneously designated, the averments in the [I]nformations clearly make out an offense of child abuse under Section 10(a) of [Republic Act] No. 7610.[39]

Significantly, this Court's pronouncement was based on the premise that grave threats in relation to R.A. No. 7610 is an erroneous designation. Nevertheless, this Court proceeded to examine the contents of the Information and held that the same alleged a case for child abuse and not grave threats. While the instant case does not present such a situation of an erroneous designation in the Information, the CA's pronouncement on the crime committed by San Juan deserves a re-examination.

The legal issue that needs to be tackled then, is whether San Juan should be held guilty of grave threats or for violation of R.A. No. 7610.

Article 282 of the Revised Penal Code (*RPC*) punishes the crime of grave threats as follows:

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34 596 Phil. 220 (2009).
35 *Id.* at 223. (Citation omitted)
36 *Id.*
37 *Id.* at 223–224.
38 *Id.* at 224.
39 *Id.* at 227. (Citation omitted)

> Art. 282. *Grave threats.* — Any person who shall threaten another with the infliction upon the person, honor or property of the latter or of his family of any wrong amounting to a crime, shall suffer:
>
> 1. The penalty next lower in degree than that prescribed by law for the crime be threatened to commit, if the offender shall have made the threat demanding money or imposing any other condition, even though not unlawful, and said offender shall have attained his purpose. If the offender shall not have attained his purpose, the penalty lower by two degrees shall be imposed.
>
> If the threat be made in writing or through a middleman, the penalty shall be imposed in its maximum period.
>
> 2. The penalty of arresto mayor and a fine not exceeding 500 pesos, if the threat shall not have been made subject to a condition.

On the other hand, Section 10(a), of R.A. No. 7610 provides:

> SEC. 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.

The Information[40] filed against San Juan alleges an act of threatening the life of AAA by poking a gun at him, thereby subjecting said minor to psychological cruelty and emotional maltreatment. As worded, the Information contains an allegation of a threat amounting to a crime committed against a child, in which the provisions of grave threats and child abuse under Republic Act No. 7610 comes into play. In the resolution of whether San Juan should be convicted of the crime of grave threats or violation of Republic Act No. 7610, a query was raised during the deliberations of this case as to the interpretation of the phrase "*but not covered by the Revised Penal Code, as amended*" under Section 10 (a) of R.A. No. 7610. While the phrase may be interpreted as a qualifier that would preclude the application of Section 10(a) of R.A. No. 7610 when the act complained of is already covered by the Revised Penal Code, as in this case, when the act of San Juan likewise falls under grave threats, the *doctrine of last antecedent* would provide otherwise.

The doctrine was first introduced in our jurisdiction in the Concurring Opinion of Justice Fred Ruiz Castro in *Philippine Long Distance Telephone v. Public Service Commission*,[41] pertaining to the interpretation of Section 40

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40 *Rollo*, pp. 25–26.

41 160 Phil. 1011 (1975).

(e) of the Public Service Act, as amended, discussing the doctrine in this wise:

> Section 40(e) of the Public Service Act, as amended by Republic Act 3792, reads as follows:
>
> > (e) For annual reimbursement of the expenses incurred by the Commission in the supervision of other public services and/or in the regulation or fixing of their rates, twenty centavos for each one hundred pesos or fraction thereof, of the capital stock subscribed or paid, if no shares have been issued, of the capital invested, or of the property and equipment, whichever is higher.
>
> The basic issue is whether the added phrase, "or of the property and equipment, whichever is higher," was intended as an alternative only to the immediately antecedent phrase, "of the capital invested," or also to the previous one, namely "of the capital stock subscribed or paid."
>
> The relevant and pertinent Congressional records do not at all provide any indication of the meaning intended by the lawmaking body.
>
> The task may, however, be simplified by supplying the words which obviously were deliberately omitted and merely indicated by means of a comma between the phrase, "or if no shares have been issued," and the clause, "of the capital invested, or of the property and equipment, whichever is higher." The omitted words thus supplied, the provision would read as follows:
>
> > (e) For annual reimbursement of expenses incurred by the Commission in the supervision of other public services and/or in the regulation or fixing of their rates, twenty centavos for each one hundred pesos or fraction thereof, of the capital stock subscribed or paid, or if no shares have been issued, twenty centavos for each one hundred pesos or a fraction thereof, of the capital invested, or of the property and equipment, whichever is higher.
>
> Viewed from this perspective, the meaning of the provision, as intended by the lawmaking body, becomes unmistakable, which is, to make the alternative basis of computation (property and equipment) applicable exclusively to the case or situation to which it obviously relates, namely, "if no shares have been issued."
>
> The rule that a qualifying or relative word or clause, such as "which," "said," and "such," is to be construed as applying to the words, phrase or clause next preceding or, as is frequently stated, to the next preceding antecedent, and not as extending to or including others more remote, unless a contrary intention appears (Crawford, Sec. 193, p 331), may be applied in the present case. This rule is known as the doctrine of last antecedent, which is both a rule of grammar and a rule of law (Wood vs. Baldwin, 10 N.Y. S. 195).[42]

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42 *Id.* at 1028–1029.

The doctrine later resurfaced, albeit wrongly introduced by the San Juan in the case of *Mapa v. Arroyo*[43] which involved the interpretation of Section 20 of Presidential Decree (*P.D.*) No. 957, *viz.*:

> The specific provisions of the Decree which are persistently relied upon read:
>
> > SEC. 20. Time of Completion. – Every owner or developer shall construct and provide the facilities, improvements, infrastructures and other forms of development, including water supply and lighting facilities, which are offered and indicated in the approved subdivision or condominium plans, brochures, prospectus, printed matters, letters or in any form of advertisements, within one year from the date of the issuance of the license for the subdivision or condominium project or such other period of time as may be fixed by the Authority.
> >
> > x x x x
>
> We further reject petitioner's strained and tenuous application of the so-called doctrine of last antecedent in the interpretation of Section 20 and, correlatively, of Section 21. He would thereby have the enumeration of "facilities, improvements, infrastructures and other forms of development" interpreted to mean that the demonstrative phrase "which are offered and indicated in the approved subdivision plans, etc." refer only to "other forms of development" and not to "facilities, improvements and infrastructures." While this subserves his purpose, such bifurcation, whereby the supposed adjectival phrase is set apart from the antecedent words, is illogical and erroneous. The complete and applicable rule is [*ad proximum antecedens fiat relatio nisi impediatur sentencia.*] Relative words refer to the nearest antecedent, unless it be prevented by the context. In the present case, the employment of the word "and" between "facilities, improvements, infrastructures" and "other forms of development," far from supporting petitioner's theory, enervates it instead since it is basic in legal hermeneutics that "and" is not meant to separate words but is a conjunction used to denote a joinder or union.[44] (Citations omitted)

The foregoing cases illustrate that qualifying words, clauses or phrases refer only to the next preceding antecedent and not to those remote ones, unless such interpretation is prevented by the context. Applying the doctrine of last antecedent and the rule of *ad proximum antecedens fiat relatio nisi impediatur sentencia* (relative words refer to the nearest antecedent, unless it be prevented by the context), We find that the phrase "*but not covered by the Revised Penal Code, as amended*" only qualifies the immediately preceding antecedent phrase "*including those covered by Article 59 of Presidential Decree No. 603, as amended*" under Section 10 (a) of R.A. No. 7610, and not the acts enumerating the offense under said provision. To restate, Section 10(a) of R.A. No. 7610 reads:

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43 256 Phil. 527 (1989).
44 *Id.* at 531-534.

> 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. (Emphasis supplied)

The interpretation means that acts punished under Sec. 10(a) of R.A. No. 7610 include those acts punishable under Article 59 of P.D. No. 603, even if not covered by the RPC. Notably, as pointed out by Associate Justice Alfredo Benjamin Caguioa, most of the criminal acts defined under Article 59 of P.D. No. 603 find counterparts in the RPC.[45] In the case of P.D. No. 603, its provisions apply in case the offenders are the child-victim's parents, where "parent" also encompasses "the guardian and the head of the institution or foster home which has custody of the child." Meanwhile, the

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[Presidential Decree] No. 603, Article 59	**Possible [Revised Penal Code] Counterpart**
(1) Conceals or abandons the child with intent to make such child lose his civil status.	Article 347. *Simulation of births, substitution of one child for another and concealment or abandonment of a legitimate child.*
(2) Abandons the child under such circumstances as to deprive him of the love, care and protection he needs.	Article 276. *Abandoning a minor or Article 277. Abandonment of minor by person entrusted with his custody; indifference of parents.*
(3) Sells or abandons the child to another person for valuable consideration.	Article 272. *Slavery.*
(4) Neglects the child by not giving him the education which the family's station in life and financial conditions permit.	Article 277. *Abandonment of minor by person entrusted with his custody; indifference of parents.*
(5) Fails or refuses, without justifiable grounds, to enroll the child as required by Article 72.	Article 277. *Abandonment of minor by person entrusted with his custody; indifference of parents.*
(6) Causes, abates, or permits the truancy of the child from the school where he is enrolled. x x x	None.
(7) Improperly exploits the child by using him, directly or indirectly, such as for purposes of begging and other acts which are inimical to his interest and welfare.	Article 278. *Exploitation of minors.*
(8) Inflicts cruel and unusual punishment upon the child or deliberately subjects him to indignitions and other excessive chastisement that embarrass or humiliate him.	Article 358. *Slander*, Article 263. *Serious physical injuries*, Article 265. *Less serious physical injuries*, or Article 266. *Slight physical injuries and maltreatment.*
(9) Causes or encourages the child to lead an immoral or dissolute life.	Article 340. *Corruption of minors.*
(10) Permits the child to possess, handle or carry a deadly weapon, regardless of its ownership.	None.
(11) Allows or requires the child to drive without a license or with a license which the parent knows to have been illegally procured. If the motor vehicle driven by the child belongs to the parent, it shall be presumed that he permitted or ordered the child to drive x x x	None.

RPC applies in case of non-parent-offenders, as its provisions did not specify the personality of the offender. Since Article 59 of P.D. No. 603 defined certain acts which found no counterparts in the RPC [*i.e.*, subparagraphs (6), (10), and (11)], no recourse could be had if these acts were committed by a non-parent.

As such, prior to the enactment of R.A. No. 7610, an act falling under Article 59 of P.D. No. 603, when committed by a non-parent, is punishable under the appropriate counterpart provision of the RPC. With the absence of a counterpart provision under the RPC for paragraphs 6, 10 and 11 of Article 59 of P.D. No. 603, a significant gap was left in the legislation concerning the protection of children. When a non-parent commits these acts against a child, the same cannot be punished under P.D. No. 603 or the RPC. With the advent of R.A. No. 7610, Section 10(a) filled this gap, and now punishes acts under Article 59 of P.D. No. 603 even if committed by a non-parent, including those covered by paragraphs 6, 10, and 11 of the latter law. This is evident from the linguistic expansion of the term "shall attach to any parent" in Article 59 of P.D. No. 603, to "any person" in Section 10(a) of R.A. No. 7610.

Significantly, the framers of R.A. No. 7610 recognized that the enumeration under Article 59 of P.D. No. 603 included acts punishable by the RPC and acts that are not punishable thereunder. The provisions of R.A. No. 7610 were intended to expand the coverage of Article 59 of P.D. No. 603 and the RPC as can be seen from R.A. No. 7610's precursor bills, up until its enactment, which suggest a framework that implicates, rather than leaves untouched, existing provisions of the RPC. The early draft of Section 10(a) was intended to carve out a distinct class of offenses that did not fall under either P.D. No. 603 or the RPC. However, as earlier mentioned, several gaps subsisted under both P.D. No. 603 and the RPC, which gaps would continue should R.A. No. 7610 not directly implicate these prior statutes:

Early iteration from the full text of Senate Bill No. 1209	With additional committee amendments	As approved, and carried over into [Republic Act] No. 7610
SEC. 10. *Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child's Development.* - Any person who shall commit any other act of neglect, cruelty or exploitation or shall be responsible for conditions prejudicial to the development of a child, not expressly falling under any article of the	Senator Lina. On page 7, delete all the words starting with "of", on line 3 up to the word "Act" on line 8, and in lieu thereof, insert the following: OF CHILD ABUSE INCLUDING THOSE COVERED BY ARTICLE 59 OF PRESIDENTIAL DECREE 603 AS	a) Any person who shall commit any other act 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

Revised Penal Code, as amended, the provisions of the Child and Youth Welfare Code, as amended, or the provisions of this Act, shall be punished by *prision mayor* in its minimum period.[46]	AMENDED BUT NOT COVERED BY THE REVISED PENAL CODE AS AMENDED.[47]	not covered by the Revised Penal Code, as amended, shall suffer the penalty of *prision mayor* in its minimum period.[48]

Further, as pointed out by Associate Justice Caguioa, Senator Jose Lina, who sponsored Senate Bill No. 1209 which later became R.A. No. 7610, explained that the purpose of introducing Section 10(a) of R.A. No. 7610 is to increase the penalties for acts committed against children, thus:

> Senator Lina. Yes, in the Child and Youth Welfare Code, Mr. President, in Article 59, there is a listing of the particulars of child abuse. May I refer the President to enumeration No. 8, "inflicts cruel and unusual punishment upon the child or deliberately subjects him to indignities and other excessive chastisement that embarrass or humiliate him."
>
> The President *Pro Tempore*. That would appear to be sufficient. The Chair raised that question because child abuse is usually committed by the guardians or the parents themselves.
>
> Senator Lina. Yes, the liability attaches to everyone, including the parent, Mr. President.
>
> For the information and guidance of our Colleagues, the phase "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 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 punishable 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."
>
> 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? Would that Code be now amended by this Act, if passed?
>
> 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

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46 Record, Senate 9th Congress, vol. I, No. 7 189, August 1, 1991.
47 Record, Senate 9th Congress, vol. I, No. 7 173, August 1, 1991.
48 Record, Senate 9th Congress, vol. I, No. 7 550, August 1, 1991.

> pedophilia in our country. That is another aspect of the bill. The other aspects of the bill include the increase in 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.[49] (Emphases and underline supplied)

Apropos, the intention of the legislature in introducing Section 10 (a) of R.A. No. 7610 is to increase the penalties for acts committed against children as enumerated under the P.D. No. 603 and the RPC. This signifies the intention of the legislature to bring within the ambit of R.A. No. 7610, the provisions of Article 59 of P.D. No. 603 that are not covered by the RPC, as well as those falling under the RPC. Thus, an interpretation of the phrase "*but not covered by the* [*RPC*], *as amended,*" that would render the application of R.A. No. 7610 only when the act is not covered by the RPC would be contrary to the intention of the legislature. To reiterate, said phrase qualifies the antecedent phrase "*including those covered by Article 59 of* [*P.D.*] *No. 603, as amended,*" and taken as a whole, means that Section 10(a), R.A. No. 7610 applies whenever acts of abuse are committed against children under Article 59 of P.D. No. 603 that are not covered by the RPC. With the word "any person" under Section 10(a) and the intention to increase the penalties of the punishable acts involving child abuse, Section 10(a) of R.A. No. 7610 encompasses a wide-ranging act by which the punishable acts under Article 59 of P.D. No. 603, whether or not these are covered by the RPC, as well as acts under the RPC, involving children may be examined. Thus, notwithstanding the allegation of threat to the life of AAA, for which grave threats may come in consideration, the act of San Juan must be examined under the auspices of R.A. No. 7610, especially that the Information alleges psychological harm and cruelty committed against a child, which clearly falls under Section 10(a) of R.A. No. 7610.

Section 10 in relation to Section 3(b): The determination of general or specific intent for prosecution of crimes falling under R.A. No. 7610

In *Araneta v. People*[50] (*Araneta*), this Court discussed that Section 10(a) of R.A. No. 7610 contemplates four distinct acts, 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

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49 Record, Senate 9th Congress, vol. I, No. 7 258-259, August 1, 1991.

50 578 Phil. 876 (2008).

> 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 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.[51] (Emphasis and underline supplied; citations omitted)

With respect to the act of child abuse, Section 3(b) of R.A. No. 7610 offers an enumeration of the acts that may fall therein, thus:

> x x x x
>
> (b) "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.

The aforementioned enumeration covers different acts committed against children. Section 3(b)(1) focuses on the act and the general criminal

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51 *Id.* at 884-886.

intent to commit the physical or psychological abuse, while Section 3(b)(2), which, in addition to general criminal intent, requires specific criminal intent to debase, degrade or demean the intrinsic worth of the child as a human being. The distinction primarily flows from the difference in language, wherein Section 3(b)(1) articulates specific acts falling thereunder (*i.e.*, "neglect," "abuse," "cruelty," etc.), while Section 3(b)(2) is directed against "any act by deeds or words," which expansive language must be delimited by the qualifier "which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being."

As defined, debasement is the act of reducing the value, quality, or purity of something; degradation, on the other hand, is a lessening of a person's or thing's character or quality; while to demean means to lower in status, condition, reputation, or character.[52] For acts falling under Section 3(b)(2), both the general criminal intent and specific criminal intent must be proven.

Other acts falling under Section 3(b) include unreasonable deprivation of a child's basic needs for survival such as food and shelter, and failure to immediately give medical treatment to an injured child resulting in serious impairment of his/her growth and development or in his/her permanent incapacity or death.

In a number of cases,[53] this Court examined violations of Section 10(a) within the prism of the enumeration provided by Section 3(b) of R.A. No. 7610. Section 3(b) however, has its own nuances as Section 3(b)(2) provides an additional requirement of a specific intent when compared to Sections 3(b)(1), (3) and (4).

As distinguished, specific criminal intent must be *alleged* and *proved* by the prosecution, and must be established by the prosecution as a fact, while general criminal intent is presumed from the criminal act.[54] It is a general rule that if it is proved that the accused committed the unlawful act charged, it will be presumed that the act was done with a criminal intention, and that it is for the accused to rebut this presumption. However, there are certain crimes of which a specific intent to accomplish a particular purpose is an essential element.[55] This specific intent was taken into consideration by this Court in the analysis of crimes involving violation of Section 3(b)(2) of R.A. No. 7610.

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52 *Calaoagan v. People*, G.R. No. 222974, March 20, 2019.
53 See *Talocod v. People*, G.R. No. 250671, October 7, 2020.
54 *De Guzman, Jr. v. People*, 748 Phil. 452, 458 (2014).
55 *United States v. Tria*, 17 Phil. 303, 309 (1910).

In *Bongalon v. People*,[56] the accused was charged with violation of Section 10 (a) of R.A. No. 7610 because he slapped a minor on his face, after said child threw stones at his minor daughter. This Court convicted him of slight physical injuries, as there was no showing that slapping the minor was accompanied by intent to debase, degrade or demean the intrinsic worth and dignity of the child, thus:

> Although [W]e affirm the factual findings of fact by the RTC and the CA to the effect that the petitioner struck Jayson at the back with his hand and slapped Jayson on the face, we disagree with their holding that his acts constituted *child abuse* within the purview of the above-quoted provisions. The records did not establish beyond reasonable doubt that his laying of hands on Jayson had been intended to debase the "intrinsic worth and dignity" of Jayson as a human being, or that he had thereby intended to humiliate or embarrass Jayson. The records showed the laying of hands on Jayson to have been done at the spur of the moment and in anger, indicative of his being then overwhelmed by his fatherly concern for the personal safety of his own minor daughters who had just suffered harm at the hands of Jayson and Roldan. With the loss of his self-control, he lacked that specific intent to debase, degrade or demean the intrinsic worth and dignity of a child as a human being that was so essential in the crime of *child abuse*.[57]

In *Talocod v. People*,[58] the accused therein was acquitted of the charge for violation of Section 10(a) of R.A. No. 7610 as there was no indication that when she uttered the phrase, "*Huwag mong pansinin yan. At putang ina yan. Mga walang kwenta yan. Mana-mana lang yan!*" she had deliberately intended to shame or humiliate AAA's dignity in front of his playmates. Rather, it was apparent that she merely voiced the alleged utterances as offhand remarks out of parental concern for her child. Thus, there was no specific intent to debase, degrade, or demean the victim's intrinsic worth and dignity of the child. To be clear, it is not merely the presence or absence of a specific intent to debase, degrade, and demean the child which determines whether an act would fall under Republic Act No. 7610. This Court clarified in *Malcampo-Repollo v. People*[59] that not all crimes punishable under R.A. No. 7610 requires proof of such specific intent:

> The act of debasing, degrading, or demeaning the child's intrinsic worth and dignity as a human being has been characterized as a specific intent in some forms of child abuse. The specific intent becomes relevant in child abuse when: (1) it is required by a specific provision in Republic Act No. 7610, as for instance, in lascivious conduct; or (2) when the act is described in the [I]nformation as one that debases, degrades, or demeans the child's intrinsic worth and dignity as a human being.[60] (Citations omitted)

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56 707 Phil. 11 (2013).
57 *Id.* at 20–21.
58 *Supra* note 53.
59 G.R. No. 246017, November 25, 2020.
60 *Id.*

Thus, it is only when the Information alleges a specific intent, or when the provision of law demands it, must the prosecution prove its existence.[61] Specific intent becomes significant for determining the specific provision—whether under the RPC, under R.A. No. 7610, or even other criminal laws—under which an act will be punished. As such, where the specific intent is not proven under a provision of law, the act may still be punished under other applicable penal laws provided that the elements of the crime has been satisfied. It is only when both general and specific intent are not proven that an accused is entitled to acquittal.

It bears reiterating that the objective of enacting R.A. No. 7610 was primarily to increase the penalty for acts committed against children. It is intended to protect children and serve as a deterrence against abuses committed against them. As such, when the act is wrong in itself, it is not the specific intent to degrade, debase, or demean the intrinsic worth and dignity of the child under Section 3(b)(2) of R.A. No. 7610 that must be considered. Rather, the act itself must be examined under Section 3(b)(1) of R.A. No. 7610.

The act of San Juan falls under Section 10(a) in relation to Section 3(b)(1) of R.A. No. 7610

In the case at bar, the Information charges San Juan with violation of R.A. No. 7610, alleging "psychological cruelty and emotional maltreatment." While the term "psychological cruelty" is absent from among the enumeration under R.A. No. 7610, the allegations in the Information nonetheless informed San Juan of what he was being charged with. San Juan was not made unaware that what is involved is an act of psychological abuse and an act of cruelty.

Under the Rules and Regulations of R.A. No. 7610 "cruelty" has been defined in the same manner as the punishable act under Section 3(b)(2) of R.A. No. 7610. Section 2(c) of the Rules and Regulations on the Reporting and Investigation of Child Abuse Cases defines cruelty as follows:

> (c) "Cruelty" refers to any act by word or deed which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being. Discipline administered by a parent or legal guardian to a child does not constitute cruelty provided it is reasonable in manner and moderate in degree and does not constitute physical or psychological injury as defined herein[.]

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61 *Id.*

The Rules and Regulations of R.A. No. 7610 nonetheless failed to consider that the term "cruelty" appears under Section 3(b)(1) and not under Section 3(b)(2) of R.A. No. 7610. As worded, Section 3(b)(1) of R.A. No. 7610 reads:

> **Sec. 3. Definition of Terms. –**
>
> x x x x
>
> (b) "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[.] (Emphasis supplied)

The term cruelty, in its common usage, has been defined as the intentional and malicious infliction of physical suffering upon living creatures, particularly human beings; or, as applied to the latter, the wanton, malicious, and unnecessary infliction of pain upon the body, or the feelings and emotions; abusive treatment; inhumanity; outrage.[62] Under the RPC, cruelty is included as one of the aggravating circumstances. It presupposes that the injury caused be deliberately increased by causing other wrong and that other wrong be unnecessary for the execution of the purpose of the offender.[63]

Certainly, the term cruelty, in its common usage, simply means suffering that is excessive and unnecessary to the purpose to be achieved by an offender. An act that is accompanied by such a cruel act can easily be determined by the manner it was executed. It does not need an inquiry into the specific intent to debase, degrade or demean the intrinsic worth and dignity of the child, as being referred to under the Rules and Regulations of R.A. No. 7610.

As such, while cruelty has been given a definition under the Rules and Regulations of R.A. No. 7610, such term cannot be confined therein especially that Section 3(b)(1) includes cruelty among its enumeration, that is separate from Section 3(b)(2).

To avoid confusion, child cruelty, when referring to Section 3(b)(2) of R.A. No. 7610 must thus always carry the qualification that the act complained of, debased, degrade or demeaned the intrinsic worth and dignity of the child. Otherwise, the same may be used in its common usage, which is the definition being applied in the instant case.

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62 https://thelawdictionary.org/cruelty/.

63 Reyes, Luis VB. THE REVISED PENAL CODE CRIMINAL LAW BOOK I (2017 ed.) p. 479.

To illustrate, the use of the term "cruel" in its common usage, and not as used under the Rules and Regulations of R.A. No. 7610, was applied in *Lucido v. People*,[64] by making the following pronouncement:

> Strangulating, severely pinching, and beating an eight (8)-year-old child to cause her to limp are **intrinsically cruel** and excessive. These acts of abuse impair the child's dignity and worth as a human being and infringe upon her right to grow up in a safe, wholesome, and harmonious place. It is not difficult to perceive that this experience of repeated physical abuse from petitioner would prejudice the child's social, moral, and emotional development.
>
> x x x x
>
> Hence, **the *intent to debase, degrade, or demean* the minor is not the defining mark.** Any act of punishment that debases, degrades, and demeans the intrinsic worth and dignity of a child constitutes the offense.[65] (Emphases and underline supplied)

Unlike in cases where the surrounding circumstances of the act were examined to determine the specific intent to degrade, debase or demean the intrinsic worth and dignity of the child, an act that is intrinsically cruel may already be examined based on Section 3(b)(1) of Republic Act No. 7610. When the act itself is examined based on the inherent characteristic of the act itself and the manner of its execution, and it later turns out to be intrinsically cruel, there should be no need to look into the specific intent. Again, the term cruelty, when not qualified by the terms "to debase, degrade or demean the intrinsic worth and dignity of the child," may still be utilized based on its common usage.

Herein, the Information filed against San Juan does not carry the qualifying allegations of "debased, degrade or demeaned the intrinsic worth and dignity of the child." To analyze the Information based on the definition of the Rules and Regulations of Republic Act No. 7610 alone would require this Court to look into the requirement of specific intent because of the allegation of "cruelty." However, such a step would result in requiring the prosecution to prove more than what has been alleged in the Information. Moreso, this additional requirement would be based on an Implementing Rules and Regulations that failed to make a differentiation based on the provisions of the law it seeks to implement. The term "cruelty" as found in Section 3(b)(1) of Republic Act No. 7610, and not under Section 3(b)(2), cannot be automatically associated with the latter provision, which requires an additional requirement of proof of specific intent, especially when it does not contain the material allegations of "debased, degrade or demeaned the intrinsic worth and dignity of the child."

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64 815 Phil. 646 (2017).

65 *Id.* at 663–664.

This must be so for it is settled that both the accused and the State are entitled to due process. For the former, such right includes the right to present evidence for his or her defense; for the latter, such right pertains to a fair opportunity to prosecute and convict.[66] As the State sought the prosecution of San Juan in an Information that did not allege debasing, degrading or demeaning the intrinsic worth and dignity of a child, it cannot be required to prove such a specific intent, especially when the averments in the Information is supported by another provision of R.A. No. 7610 that do not require such a specific intent. To do otherwise would be tantamount to a violation of the State's right to due process.

As such, the allegation of cruelty in the Information filed against San Juan must be analyzed based on its common usage.

In this case, pointing a firearm towards a minor is intrinsically cruel. Due to the nature of a firearm, R.A. No. 10591 regulates the ownership, possession, carrying, manufacture, dealing in and importation of firearms, ammunition, or parts thereof.[67] R.A. No. 10591 was enacted to maintain peace and order and protect the people against violence. It also recognizes the right of qualified citizens to self-defense through, when it is the reasonable means to repel the unlawful aggression under the circumstances, the use of firearms.[68] For the members of the Philippine National Police, Armed Forces of the Philippines and law enforcement agents, mere displaying of a firearm, when not used for a legitimate purpose, is even prohibited.[69] Such is understandable for in the normal course of things, a gun, when displayed, moreso, when pointed towards another, regardless of age, instantly generates fear.

It bears emphasis that the object involved in this case is a gun. Unlike other objects that may be used to hurt a child, a gun serves no other purpose than to cause injury or death. In the hands of a person with ill-motive, the objective to injure or kill could be achieved; in the hands of a person with good intention, the objective to repel an unlawful aggression may be accomplished. In these cases, one has to cause injury in order to achieve either objective.

Certainly, when there is nothing to defend against, any preparatory act of using a gun, as by pointing it towards a minor, would only cause fear in the mind of that person. With the only remaining act of pulling the trigger of a gun, it is the near possibility of the resulting death or injury that will remain etched in the mind of the minor. There is no denying that psychological harm immediately results therefrom, which falls as psychological abuse, as Section 3(b) of R.A. No. 7610 classifies

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66 *Gomez v. People*, G.R. No. 216824, November 10, 2020. (Citations omitted)
67 Republic Act No. 10591, article 1, section 2.
68 Republic Act No. 10591, article 1, section 1.
69 Implementing Rules and Regulations of Republic Act No. 10591, rule II, section 7.11.1.

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maltreatment as child abuse based on the act committed, whether it be habitual or not.

Militating against San Juan is his training as a police officer, whose duty is to uphold the law and to protect the well-being of the citizens of the community. Woefully, San Juan did the exact opposite. The use of his service firearm against a hapless 15-year old minor, when he could have used other means to prevent AAA and his friends from playing basketball during such time, is manifestly excessive and unnecessary to achieve his purpose.

It is not farfetched to assume that children, recognized as the most vulnerable members of society, can offer no resistance against an armed officer and in all likelihood, would be scarred by trauma long after the incident. A gun, when used to threaten an individual, moreso a minor, would undoubtedly create a lasting fear that could persist throughout the minor's life; worse, such an incident could further erode and even endanger the minor's psychological state and normal development. Ineluctably, the use of such firearm in such manner as in this case inherently carries with it a malicious intent to which San Juan must be held answerable for. As such, San Juan must be held liable for violation of Section 10(a) in relation to Section 3(b)(1) of R.A. No. 7610.

With respect to the imposable penalty, Section 10(a) of R.A. No. 7610 prescribes the penalty of *prision mayor* in its minimum period, which has a period of six (6) years and one (1) day to eight (8) years. In the absence of any mitigating or aggravating circumstance, the maximum penalty to be imposed upon San Juan shall be taken from the medium period of the imposable penalty, which has a range of six (6) years, eight (8) months and one (1) day to seven (7) years and four (4) months. Applying the Indeterminate Sentence Law, the minimum penalty to be imposed shall be taken one degree lower from the imposable penalty, which is *prision correccional* maximum, with a range of four (4) years two (2) months and one (1) day to six (6) years. Considering the prevailing circumstances, this Court deems it proper to impose the penalty of four (4) years, nine (9) months and eleven (11) days as minimum, to seven (7) years and four (4) months, as maximum term of imprisonment.

As to the damages, this Court affirms the CA ruling that San Juan should be liable to pay AAA the amount of ₱20,000.00 as moral damages on account of the psychological abuse and cruelty he suffered. Further, in order to serve as an example for the correction of the public good,[70] this Court likewise affirms the award of ₱20,000.00 as exemplary damages. These civil

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[70] See Civil Code, title XVIII, chapter 3, section 5, art. 2229.
Art. 2229. – Exemplary or corrective damages are imposed, by way of example or correction for the public good, in addition to the moral, temperate, liquidated or compensatory damages.

liabilities shall earn interest at the rate of six (6%) percent per annum from the finality of judgment until full payment.

WHEREFORE, the instant Petition is **DENIED**. The Decision dated May 31, 2017 and the Resolution dated January 10, 2018 of the Court of Appeals in CA-G.R. CR. No. 38091, are **AFFIRMED with MODIFICATION**. Petitioner Marvin L. San Juan is **GUILTY** of violation of Section 10(a) in relation to Section 3(b)(1) of Republic Act No. 7610. The correlation to Grave Threats is **DELETED**. He is sentenced to suffer imprisonment for a period of four (4) years, nine (9) months and eleven (11) days of *prison correccional*, as minimum, to seven (7) years and four (4) months of *prison mayor*, as the maximum. He is likewise **ORDERED** to **PAY** AAA the amounts of ₱20,000.00 as moral damages and Twenty Thousand Pesos ₱20,000.00 as exemplary damages, plus interest at the rate of six (6%) percent per annum on the civil liability hereby imposed, reckoned from the finality of this Decision until full payment.

SO ORDERED.

JHOSEP Y. LOPEZ
Associate Justice

WE CONCUR:

ALEXANDER G. GESMUNDO
Chief Justice

MARVIC M.V.F. LEONEN
Senior Associate Justice

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

RAMON PAUL L. HERNANDO
Associate Justice

AMY C. LAZARO-JAVIER
Associate Justice

HENRI JEAN PAUL B. INTING
Associate Justice

RODIL V. ZALAMEDA
Associate Justice

MARIO V. LOPEZ
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

RICARDO R. ROSARIO
Associate Justice

JAPAR B. DIMAAMPAO
Associate Justice

JOSE MIDAS P. MARQUEZ
Associate Justice

ANTONIO T. KHO, JR.
Associate Justice

MARIA FILOMENA D. SINGH
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.

ALEXANDER G. GESMUNDO
Chief Justice