



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

XXX,*

Petitioner,

G.R. No. 268457

Present:

LEONEN, *SAJ*, Chairperson,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., and
KHO, JR., *JJ*.

-versus-

Promulgated:

PEOPLE OF THE PHILIPPINES,
Respondent.

JUL 22 2024

X-----X

DECISION

LOPEZ, J., *J*:

This Court resolves a Petition for Review on *Certiorari*¹ filed by XXX, assailing the Decision² and Resolution³ of the Court of Appeals (CA), which affirmed with modification the Decision⁴ of the Regional Trial Court (RTC). The RTC found XXX guilty beyond reasonable doubt of three counts of violation of Section 10(a) of Republic Act No. 7610, otherwise known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

* In line with the Amended Administrative Circular No. 83-2015, as mandated by Republic Act No. 7610, the names of the private offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

¹ *Rollo*, pp. 12–40.

² *Id.* at 42–56. The November 22, 2022 Decision in CA-G.R. CR No. 45863 was penned by Associate Justice Florencio M. Mamauag, Jr. and concurred in by Associate Justices Victoria Isabel A. Paredes and Mary Charlene V. Hernandez-Azura of the Fourteenth Division, Court of Appeals, Manila.

³ *Id.* at 58–60. The June 27, 2023 Resolution in CA-G.R. CR No. 45863 was penned by Associate Justice Florencio M. Mamauag, Jr. and concurred in by Associate Justices Victoria Isabel A. Paredes and Mary Charlene V. Hernandez-Azura of the Former Fourteenth Division, Court of Appeals, Manila.

⁴ *Id.* at 79–89. The January 29, 2021 Decision in CRIM. CASES Nos. 4556-M-2018 to 4558-M-2018 was penned by Presiding Judge Veronica A. Vicente-De Guzman of Branch 9, Regional Trial Court,

The Antecedents

In three separate Informations,⁵ XXX was charged with child abuse, with the following accusatory portions:

Criminal Case No. 4556-M-2018

That on or about the 21st day of February, 2018, in the Municipality of [REDACTED], Philippines and within the jurisdiction of the Honorable Court, the above-named accused, armed with a dust pan, did then and there willfully, unlawfully and feloniously, attack, assault, kick and hit with a dust pan his son, [BBB], a ten (10) year old minor, while cursing him, causing physical injuries on the said [BBB], which act debased, degraded and demeaned the intrinsic worth and dignity of said child as a human being and prejudicial to his normal growth and development.

Contrary to law.⁶

Criminal Case No. 4557-M-2018

That on or about the 21st day of February, 2018, in the Municipality of [REDACTED], Philippines and within the jurisdiction of the Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, attack, assault, kick and pull the hair of his daughter, [AAA], a twelve (12) year old minor, cursing her, causing physical injuries on the said [AAA], which act debased, degraded and demeaned the intrinsic worth and dignity of said child as a human being and prejudicial to her normal growth and development.

Contrary to law.⁷

Criminal Case No. 4558-M-2018

That on or about the 22nd day of September 2017, in the Municipality of [REDACTED], Philippines and within the jurisdiction of the Honorable Court, the above-named accused, armed with a wood beater (*pamalo*), did then and there willfully, unlawfully and feloniously, attack, assault and hit with a wood beater his daughter, [AAA], a twelve (12) year old minor, causing physical injuries on the said [AAA], which act debased, degraded and demeaned the intrinsic worth and dignity of said child as a human being and prejudicial to her normal growth and development.

Contrary to law.⁸

⁵ RTC Records, pp. 1, 44, 87.

⁶ *Id.* at 1.

⁷ *Id.* at 44

⁸ *Id.* at 87.

Upon arraignment, XXX pleaded not guilty to the crimes charged.⁹

After pre-trial, trial on the merits ensued.

During trial, the prosecution presented the testimonies of private complainants, BBB and AAA.

From their testimonies, it was established that XXX is the father of BBB and AAA.¹⁰

On September 22, 2017, between 12:00 p.m. to 1:00 p.m., AAA, who was then 12 years old, brought food to XXX in the latter's store at [REDACTED]. XXX asked AAA if she had already eaten lunch. When she answered in the negative, XXX got angry and said, "*Tangina bakit hindi ka pa kumakain?*" Then, XXX, with the use of a wooden rod embedded with a nail, hit AAA on her back, right arm, and right thigh. AAA cried in pain because the nail hit her with every strike.¹¹

On February 21, 2018, AAA went to the store where XXX saw her holding a PHP 100.00 bill. When XXX asked her where she got the money, AAA answered that she got it from her Hello Kitty sling bag. When they went home, XXX saw AAA's coin bank and counted the money inside. XXX then confronted AAA and her brother, BBB, who was then 10 years old and asked why the money in the coin bank appeared less than his estimated amount. Then, XXX threw the coin bank at AAA and BBB. He also ordered them to go upstairs to look for any money that they might be hiding in their closet.¹²

While upstairs, XXX scolded and started hurting AAA and BBB. XXX pulled AAA's hair, kicked her, and hit her head. XXX also struck BBB with the handle of a dustpan on his left and right sides. XXX only stopped hitting them when they gave him the rest of their money. Afterward, AAA and BBB packed their belongings and left their house the next morning. They went to the house of their mother, CCC, and they told her that they left because XXX was hurting them. CCC then brought them to a hospital for medical examination, which revealed that they sustained injuries as a result of the beatings.¹³

⁹ *Id.* at 234.

¹⁰ *Id.* at 272. TSN, AAA, March 19, 2019; *id.* at 9–10. *Sinumpaang Salaysay* of AAA.

¹¹ *Id.* at 272–274. TSN, AAA, March 19, 2019; *id.* at 9–10. *Sinumpaang Salaysay* of AAA.

¹² *Id.* at 274–275. TSN, AAA, March 19, 2019; *id.* at 326. TSN, BBB, January 28, 2020; *id.* at 9–10. *Sinumpaang Salaysay* of AAA.

¹³ *Id.* at 275. TSN, AAA, March 19, 2019; *id.* at 326–327. TSN, BBB, January 28, 2020; *id.* at 9–10. *Sinumpaang Salaysay* of AAA; *id.* at 14–16. Medical Certificates of AAA and BBB.

The defense presented XXX as its lone witness. He denied the accusations hurled against him and claimed that he did not hit AAA with a piece of wood on September 22, 2017. He alleged that only scolded and cursed her as the latter did not obey his instruction to eat lunch first before bringing him food. Thus, he made AAA sit beside him to make her eat the food that she brought for him.¹⁴

As to the February 21, 2018 incident, XXX claimed that AAA and BBB were asking him to buy them cellular phones. He supposedly told them that he could only grant their request one at a time because he did not have enough money. Since they had money in their respective coin banks, they could use that money to buy their own cellular phone, and he would just add money if it was insufficient. He knew that the money inside the coin banks amounted to PHP 4,000.00 each because he gave AAA and BBB the money. Thus, when AAA and BBB failed to show him the money, he got angry. He made them lie down and spanked them with the plastic handle of a dustpan.¹⁵

XXX further claimed that his wife, CCC, left him and their children in 2017. He stopped working as a seafarer in 2015 and no longer had enough money. He runs a *sari-sari* store to support his children and their education. He averred that he only hit his children once and the motive of his children in filing a case against him was for support. He asserted, however, that he has been sending them money for support.¹⁶

The RTC rendered a Decision¹⁷ convicting XXX of three counts of child abuse under Section 10(a) of Republic Act No. 7610. The dispositive portion reads:

VIEWED IN THE LIGHT OF THE FOREGOING, judgment is hereby rendered:

1. In Criminal Case No. 4556-M-2018, finding the accused guilty beyond reasonable doubt of the crime of Violation of Section 10(a) of Republic Act No. 7610 and 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 six (6) years, eight (8) months and one (1) day of *prision mayor*, as maximum and to pay the private complainant the amount of P[HP] 50,000.00 as moral damages;
2. In Criminal Case No. 4557-M-2018, finding the accused guilty beyond reasonable doubt of the crime of Violation

¹⁴ *Id.* at 355–356. TSN, XXX, September 29, 2020.

¹⁵ *Id.* at 356–357.

¹⁶ *Id.* at 357–362.

¹⁷ *Rollo*, pp. 79–89.

of Section 10(a) of Republic Act No. 7610 and 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 six (6) years, eight (8) months and one (1) day of *prision mayor*, as maximum and to pay the private complainant the amount of P[HP] 50,000.00 as moral damages; and

3. In Criminal Case No. 4558-M-2018, finding the accused guilty beyond reasonable doubt of the crime of Violation of Section 10(a) of Republic Act No. 7610 and 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 six (6) years, eight (8) months and one (1) day of *prision mayor*, as maximum and to pay the private complainant the amount of P[HP] 50,000.00 as moral damages.

SO ORDERED.¹⁸

In arriving at such disposition, the RTC gave due weight and credit to the straightforward, honest, and sincere testimonies of AAA and BBB, who narrated how they were physically abused by their father, XXX.¹⁹

On the other hand, the RTC found the testimony of XXX to be inconsistent and unreliable. XXX claimed that the spanking was only a one-time incident, and yet he testified that when he spans his children, he orders them to lie down. According to the RTC, such statement was an admission that the spanking was not an isolated incident. The RTC also noted that when AAA and BBB were in the custody of XXX, the latter was already giving them support. Hence, it was improbable that XXX's children filed the case against him just to ask for support.²⁰

Finally, the RTC opined that cursing and hitting a child with a wooden beater or dustpan is not the proper way to instill discipline. While spanking might still be a method of discipline by some parents, such act may cause injuries to children, not just physical but also mental and emotional. Here, the RTC held that the medical certificates of AAA and BBB bolstered their claims that they were physically abused by XXX and such act of punishment has debased, degraded, and demeaned their intrinsic worth and dignity.²¹

Dismayed by the judgment of conviction, XXX appealed to the CA.

¹⁸ *Id.* at 89.

¹⁹ *Id.* at 86.

²⁰ *Id.*

²¹ *Id.* at 88–89.

The CA rendered the assailed Decision²² which affirmed with modification the Decision of the RTC. The dispositive portion of the CA Decision reads:

WHEREFORE, the instant appeal is DENIED. The January 29, 2019 Decision of the Regional Trial Court, Branch 9, [REDACTED], in Criminal Cases Nos. 4556-M-2018 to 4558-M-2018, is hereby AFFIRMED sentencing accused-appellant [XXX] to suffer the indeterminate penalty of four (4) years, nine (9) months[,] and eleven (11) days of *prision correccional*, as minimum, to six (6) years, eight (8) months[,] and one (1) day of *prision mayor*, as maximum, in each case.

As to the award of damages, the same is hereby MODIFIED in that accused-appellant is ordered to pay the private complainants the amount of P[HP] 20,000.00 each, as moral, temperate[,] and exemplary damages, plus fine in the amount of P[HP] 15,000.00, in each of the cases.

All the monetary awards shall also earn 6% interest per annum from the date of finality of this Decision until fully paid.

The personal bail bond posted for accused-appellant's provisional liberty is CANCELLED and the RTC is ORDERED to issue a warrant for his arrest for the service of his sentence in accordance with this Decision.

SO ORDERED.²³

The CA held that all the elements of the crimes charged were present. It ruled that while not every instance of laying of hands on a child constituted child abuse, the intention to debase, degrade, and demean the intrinsic worth and dignity of a child could be inferred from the manner in which XXX committed the acts complained of. The CA pointed out that XXX's acts of spanking, kicking, and hurting his children with a dustpan and cursing at them constituted physical abuse and cruelty which debased, degraded, and demeaned the intrinsic worth and dignity of his children.²⁴

As to the damages awarded, the CA reduced the RTC's award of moral damages from PHP 50,000.00 to PHP 20,000.00 and imposed an award of PHP 20,000.00 as exemplary damages, PHP 20,000.00 as temperate damages, and a fine of PHP 15,000.00, for each count of child abuse.²⁵

Adamant, XXX moved for reconsideration, but it was denied by the CA.²⁶

²² *Id.* at 42–56.

²³ *Id.* at 55.

²⁴ *Id.* at 54.

²⁵ *Id.*

²⁶ *Id.* at 58–60.

Seeking further recourse, XXX resorted to the present Petition.

In his quest for acquittal, XXX maintained that the prosecution failed to prove his intent to debase, degrade, and demean the intrinsic worth and dignity of his children. While he admitted to cursing and scolding them, he claimed that he only did it out of frustration and anger because AAA did not obey his instruction to eat her lunch first before going to the store to deliver his food, and the money that he saved for his children was lacking. He claimed that as a father who retained custody of his children and continuously supported them as best as he could, he would understandably get frustrated and angry under the circumstances.²⁷ He further claimed that he just wanted his children to know how to obey his instructions and, if necessary, to punish them whenever they have done something wrong.²⁸

On the other hand, the People, through the Office of the Solicitor General, countered that the prosecution has established all the elements of the crimes charged and that it can be inferred from the acts of XXX that he intended to debase, degrade, and demean the intrinsic worth and dignity of AAA and BBB when he employed violence and excessive force upon them.²⁹

Issue

The issue for this Court's resolution is whether the guilt of petitioner XXX for child abuse under Section 10(a) of Republic Act No. 7610 was proven beyond reasonable doubt.

This Court's Ruling

The Petition is bereft of merit.

At the outset, a cursory reading of the arguments raised in the Petition shows that it is a mere rehash of all the arguments pleaded in petitioner's appeal before the CA, all of which have already been squarely addressed and found without merit by the appellate court in its assailed Decision.

More, it is readily apparent that the matters advanced in the Petition are substantially questions of fact, which would require for its resolution the reexamination or reevaluation of the evidence adduced in the proceedings below. As a general rule, the discretionary power of judicial review of this Court under a Rule 45 petition is limited to reviewing and correcting only

²⁷ *Id.* at 22.

²⁸ *Id.* at 31.

²⁹ *Id.* at 176, 182.

errors of law.³⁰ It is not the function of this Court to analyze, review, and weigh the evidence all over again.³¹ This flows from the basic principle that this Court is not a trier of facts³² and the evaluation of evidence is the function of the trial courts.³³ While there are exceptions³⁴ when this Court may entertain questions of fact, none obtains in the present case.

At any rate, even if this Court were to be exceptionally liberal and allow a review of the factual issues, still, the instant Petition failed to impress.

Petitioner was charged with child abuse under Section 10(a) of Republic Act No. 7610, which states:

ARTICLE VI
Other Acts of Abuse

SECTION 10. *Other Acts of Neglect, Abuse, Cruelty or Exploitation and other Conditions Prejudicial to the Child's Development.* —

- (a) Any person who shall commit any other acts of *child abuse, cruelty or exploitation or be responsible for other conditions prejudicial to the child's development* including those covered by Article 59 of Presidential Decree No. 603, as amended, but not covered by the Revised Penal Code, as amended, shall suffer the penalty of prision mayor in its minimum period. (Emphasis supplied)

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

³⁰ *Pang-oden v. Leonen*, 539 Phil 148, 155 (2006) [Per J. Garcia, Second Division]. (Citation omitted)

³¹ *Heirs of Pacencia Racaza v. Sps. Abay-abay*, 687 Phil. 584, 590 (2012) [Per J. Reyes, Second Division].

³² *Gonzales v. Civil Service Commission*, 524 Phil. 271, 279 (2006) [Per J. Corona, *En Banc*].

³³ *Republic v. Espina*, G.R. No. 226138, March 23, 2022 [Per J. J. Lopez, Third Division] at 10. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citation omitted)

³⁴ *Philippine Transmarine Carriers, Inc. v. Cristino*, 775 Phil. 108, 122 (2015) [Per J. Perez, First Division].

9

(4) failure to immediately give medical treatment to an injured child resulting in serious impairment of his [or her] growth and development or in his [or her] permanent incapacity or death. (Emphasis supplied)

Verily, under Section 3(b)(2) of Republic Act No. 7610, child abuse may be committed by deeds or words which debase, degrade, or demean the intrinsic worth and dignity of a child as a human being.

In *People v. Calaoagan*,³⁵ the terms “debase,” “degrade,” and “demean” within the context of Republic Act No. 7610 are defined as follows:

Debasement is defined as 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 demean means to lower in status, condition, reputation, or character.³⁶

In this case, the Informations filed against petitioner allege that his acts of cursing and causing physical injuries on the private complainants have “*debased, degraded and demeaned the intrinsic worth and dignity of said [private complainants] as a human being and prejudicial to [their] normal growth and development.*” This falls squarely under Section 10(a) in relation to Section 3(b)(2) of Republic Act No. 7610 which, pursuant to *Brinas v. People*,³⁷ requires for its conviction the specific intent of the offender to debase, degrade, or demean the intrinsic worth and dignity of a child as a human being.

This specific intent was first established in *Bongalon v. People*,³⁸ where the accused was charged under Section 10(a) of Republic Act No. 7610 for striking and slapping the face of a minor. This Court held that the laying of hands against a child, when done in the spur of the moment and in the heat of anger, cannot be deemed as an act of child abuse, absent the offender's specific intent to debase, degrade, or demean the intrinsic worth and dignity of the child as a human being. As this specific intent was not established, the accused was held criminally liable only for the lesser offense of slight physical injuries.³⁹

The *Bongalon* ruling was applied in the subsequent case of *Jabalde v. People*,⁴⁰ where the accused was also convicted for slight physical injuries instead of child abuse because the accused's act of laying hands on the

³⁵ 850 Phil. 183 (2019) [Per J. Gesmundo, First Division].

³⁶ *Id.* at 194. (Citation omitted)

³⁷ G.R. No. 254005, June 23, 2021 [Per J. Caguioa, First Division].

³⁸ 707 Phil. 11 (2013) [Per J. Bersamin, First Division].

³⁹ *Id.* at 20–21.

⁴⁰ 787 Phil. 255 (2016) [Per J. Reyes, Third Division].

minor victim were mere offshoots of her emotional rage and, thus, negated the latter's intent to debase, degrade, or demean the child's intrinsic worth and dignity as a human being. This Court emphasized that only when the laying of hands is shown beyond reasonable doubt to be intended by the accused 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.⁴¹

In contrast, in *Torres v. People*,⁴² this Court affirmed the presence of the specific intent to debase, degrade, or demean the intrinsic worth and dignity of a child as a human being. In the said case, the accused, with excessive force, whipped the child's neck with a wet t-shirt, not just once but three times, causing the child to fall down the stairs and sustain a contusion. This Court opined that if the only intention of the accused was to discipline the child and stop him from interfering in the conciliation proceedings, he could have resorted to other less violent means.⁴³

Similarly, in *Rosaldes v. People*,⁴⁴ the accused was charged with child abuse for pinching a child on the thigh, holding him in the armpits, and throwing him on the floor, causing the child to hit a desk and lose consciousness. As a defense, the accused claimed that she was only disciplining the child as the latter's schoolteacher. This Court, while recognizing the right of a teacher to discipline their pupils, nevertheless convicted the accused of child abuse, ruling that her acts were unnecessary, violent, and excessive, all of which indicated her specific intent to debase, degrade, or demean the intrinsic worth and dignity of the child as a human being.⁴⁵

As observed in these cases, when the infliction of physical injuries against a minor is done at the spur of the moment or intended to discipline or correct the wrongful behavior of the child, it is imperative that the specific intent to debase, degrade, or demean the intrinsic worth and dignity of the child as a human being be established. In the absence of this specific intent, the offender cannot be held liable for child abuse but only for other crimes punishable under the RPC, provided that all the elements of the latter are present.

In this regard, to determine the presence or absence of this specific intent, this Court may consider the circumstances of the case and the manner by which the offender committed the act complained of,⁴⁶ as when the

⁴¹ *Id.* at 269.

⁴² 803 Phil. 480 (2019) [Per J. Leonen, Second Division].

⁴³ *Id.* at 491.

⁴⁴ 745 Phil. 77 (2014) [Per J. Bersamin, First Division].

⁴⁵ *Id.* at 86-88.

⁴⁶ *Brinas v. People*, G.R. No. 254005, June 23, 2021 [Per J. Caguioa, First Division].

9

offender's use of force against the child was calculated, violent, excessive, or done without any provocation.⁴⁷ Such intention can also be derived from the disciplinary measures employed by the offender as when such measures are not commensurate to or reasonable to address or correct the child's misbehavior.⁴⁸

In this case, this Court has carefully considered the attendant circumstances and is convinced that petitioner committed acts that debased, degraded, or demeaned the intrinsic worth and dignity of the private complainants as human beings.

Foremost, there is no dispute that AAA and BBB were both minors at the time of the commission of the crimes, as evidenced by their Certificate of Live Births.⁴⁹ Specifically, AAA was 12 years old while BBB was 10 years old.

Through their clear, positive, and categorical testimonies, it was sufficiently established that XXX physically assaulted them on two different occasions.

As to the September 22, 2017 incident, AAA narrated how petitioner inflicted physical injuries on her just because she failed to eat her lunch before going to the store to deliver petitioner's food. Petitioner, with a wooden rod embedded with a nail, hit the right part of her back, right arm, and right thigh while cursing her "*putangina*." AAA claimed that she cried because of the pain inflicted by the nail embedded on the wood.⁵⁰

As to the February 21, 2018 incident, both AAA and BBB uniformly narrated that petitioner physically assaulted them when the former pulled AAA's hair, kicked her, and hit her head. Petitioner also hit BBB with a dustpan on the different parts of his body.⁵¹ Notably, even petitioner admitted that he struck his children with a dustpan but claimed that he only did it to discipline them because the money inside their coin banks appeared less than his estimated amount.⁵²

It is worthy to note that the testimonies of AAA and BBB were reinforced by their Medical Certificates⁵³ showing that AAA had "contusion hematoma thigh right, leg left" and that both of them were seen, examined,

⁴⁷ *Talocod v. People*, 887 Phil. 793, 803 (2020) [Per J. Perlas-Bernabe, Second Division]. (Citation omitted)

⁴⁸ *Brinas v. People*, G.R. No. 254005, June 23, 2021 [Per J. Caguioa, First Division].

⁴⁹ RTC Records, pp. 17–18.

⁵⁰ *Id.* at 272–274. TSN, AAA, March 19, 2019; *id.* at 9–10. *Sinumpaang Salaysay* of AAA.

⁵¹ *Id.* at 275. TSN, AAA, March 19, 2019; *id.* at 326–327. TSN, BBB, January 28, 2020.

⁵² *Id.* at 359–360. TSN, XXX, September 29, 2020.

⁵³ RTC Records, pp. 14–16.

and treated in the hospital on February 23, 2018 because of “multiple physical injury secondary to alleged hitting.”

The confluence of all these shows that petitioner went overboard in disciplining his children when he inflicted upon them physical injuries due to trivial matters. Hitting AAA several times with a wooden rod embedded with a nail was certainly not commensurate or reasonably necessary to discipline her just because she had not eaten her lunch. In the same vein, petitioner used excessive force when he pulled AAA’s hair, kicked, and hit her head and struck BBB with a dustpan multiple times just because the money saved in their coin banks was lacking. Although petitioner, as a parent, has the right to instill discipline on his minor children, still, the disciplinary measures he employed in this case were excessive, violent, and completely disproportionate to correct the alleged misconduct or misbehavior of his children. His abusive acts may be considered as extreme measures of punishment not commensurate to the discipline of his 12-year-old and 10-year-old children. Given these circumstances, it can be reasonably inferred that his act of laying hands on his children was done with the specific intent to debase, degrade, or demean their intrinsic worth and dignity as human beings.

On this score, the CA did not err in affirming petitioner’s guilt beyond reasonable doubt for three counts of child abuse under Section 10(a) of Republic Act No. 7610.

As to the proper penalty to be imposed, Section 10(a) of Republic Act No. 7610 provides that child abuse carries the penalty of *prision mayor* in its minimum period. Applying the Indeterminate Sentence Law and there being no mitigating or aggravating circumstance present, the maximum term to be imposed shall be taken from the medium period of *prision mayor* minimum or within the range of six years, eight months, and one day to seven years and four months. On the other hand, the minimum term shall be taken from the penalty next lower in degree to *prision mayor* minimum, that is, *prision correccional* in its maximum period or within the range of four years, two months, and one day to six years.

Thus, the indeterminate sentence imposed by the RTC, as affirmed by the CA of four years, nine months, and 11 days of *prision correccional*, as minimum, to six years, eight months, and one day of *prision mayor*, as maximum, is within the range prescribed by the law.

Pursuant to prevailing jurisprudence,⁵⁴ the CA also correctly ordered petitioner to pay the private complainants the following damages: (1) PHP

⁵⁴ *Rosaldes v. People*, 745 Phil. 77, 93 (2014) [Per J. Bersamin, First Division].

20,000.00 as moral damages; (2) PHP 20,000.00 as exemplary damages; and (3) PHP 20,000.00 as temperate damages, for each count of child abuse.

More, the imposition of a fine in the amount of PHP 15,000.00 for each count of child abuse is proper pursuant to Section 31(f)⁵⁵ of Republic Act No. 7610.

Finally, in line with current policy,⁵⁶ this Court sustains the imposition of legal interest at the rate of 6% per annum on all damages awarded from the finality of this Decision until full payment.

ACCORDINGLY, the Petition is **DISMISSED**. The November 22, 2022 Decision and June 27, 2023 Resolution of the Court of Appeals in CA-G.R. CR No. 45863 are **AFFIRMED**.

In Criminal Case Nos. 4556-M-2018 to 4558-M-2018, petitioner XXX is found **GUILTY** beyond reasonable doubt of three counts of child abuse under Section 10(a) of Republic Act No. 7610 and he is sentenced to suffer the indeterminate penalty of four years, nine months, and 11 days of *prision correccional*, as minimum, to six years, eight months, and one day of *prision mayor*, as maximum, for each count. He is likewise **ORDERED** to **PAY** a fine of PHP 15,000.00 for each count.

He is further **ORDERED** to **PAY** private complainants AAA and BBB the amount of PHP 20,000.00 as moral damages, PHP 20,000.00 as exemplary damages, and PHP 20,000.00 as temperate damages for each count of child abuse.

Lastly, all the monetary awards shall earn 6% interest per annum from the date of finality of this Decision until fully paid.

SO ORDERED.


JHOSEP V. LOPEZ
Associate Justice

⁵⁵ (f) A fine to be determined by the court shall be imposed and administered as a cash fund by the Department of Social Welfare and Development and disbursed for the rehabilitation of each child victim, or any immediate member of his family if the latter is the perpetrator of the offense.

⁵⁶ *Nacar v. Gallery Frames*, 716 Phil. 267, 283 (2013) [Per J. Peralta, *En Banc*].

WE CONCUR:


MARVIC M.V.F. LEONEN
Senior Associate Justice

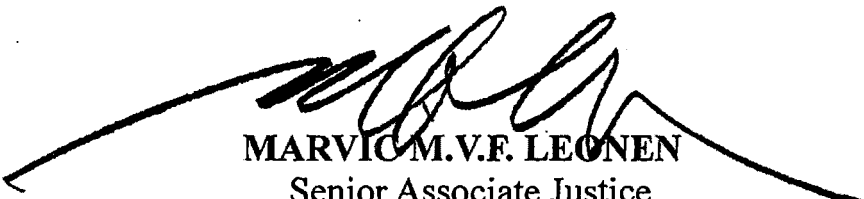

AMY C. LAZARO-JAVIER
Associate Justice


MARIO V. LOPEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice

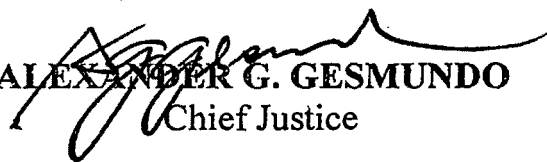
ATTESTATION

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


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

CERTIFICATION

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


ALEXANDER G. GESMUNDO
Chief Justice