



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

RYAN M. SUMILE,
Petitioner,

G.R. No. 269372
[Formerly UDK-17897]

Present:

- versus -

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

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

NOV 26 2024

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DECISION

LAZARO-JAVIER, *J.*:

The Case

This Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court assails the following dispositions of the Court of Appeals in CA-G.R. CR No. 01874-MIN:

- 1) **Decision**² dated November 24, 2022, affirming the conviction of petitioner Ryan M. Sumile (Ryan) for violation of Article VI, Section 10(a) of Republic Act No. 7610;³ and

¹ *Rollo*, pp. 9–15.

² The November 24, 2022 Decision in CA-G.R. CR No. 01874-MIN was penned by Associate Justice Evalyn M. Arellano-Morales and concurred in by Associate Justices Lily V. Biton and Richard D. Mordeno, of the Special Twenty-Second Division, Court of Appeals, Cagayan de Oro City. Petition failed to attach the questioned judgment.

³ Also known as the “Special Protection of Children Against Abuse, Exploitation and Discrimination Act.”

- 2) **Resolution**⁴ dated June 26, 2023, denying Ryan's motion for reconsideration.

Antecedents

By Information dated February 13, 2015, Ryan was charged with violation of Article VI, Section 10(a) of Republic Act No. 7610, viz.:

That on or about 7th day of October 2014 at about 12:40 o'clock in the afternoon, more or less at barangay [REDACTED], municipality of [REDACTED], province of [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused did then and there willfully, unlawfully and feloniously commit physical and psychological violence upon the person of a (sic) 8[-]year[-]old boy whose name is withheld to conceal his identity, hereinafter referred to as MV-NH inside the latter's school by approaching the latter, and without asking any question, utter[ed] in angry and loud voice to quote: "AY SI KIKEY DIAY?" suddenly grab[bed] the latter's hands, pull[ed] and twist[ed] it towards MV-NH's back, order[ed] his (accused) son [BBB] to box MV-NH but his son did not do it, pull[ed] very hard the hair of MV-NH, box[ed] the left and right side of MV-NH('s) head, hit the top of his head with his (accused['s] fist) and warning to quote: AYAW NA MO PANGHILABOT NI KOTY UG MANGHILABOT PA MO, PANGLABAYUN TA MO UG GRANADA, rendering MV-NH weak, dizzy and afraid of the accused who pull[ed] and threaten[ed] to kill MV-NH by saying to quote: "BANTAY UG MOHILAK KA KAY TIWASAN KA NAKO!" which act of the accused causes intense physical pain and fright to MV-NH and debases, degrades and demeans the intrinsic worth and (sic) dignity of said minor as a human being and prejudicial to his normal growth and development.

CONTRARY TO LAW.⁵

On arraignment, Ryan pleaded not guilty.⁶

During trial, the prosecution presented as witnesses AAA,* his teacher CCC, Psychologist Ghia C. Dagondon (Psychologist Dagondon), and Dr. Arden O. Mangubat (Dr. Mangubat).⁷ The defense, on the other hand, presented Ryan as its sole witness.⁸

Version of the Prosecution

⁴ The June 26, 2023 Resolution in CA-G.R. CR No. 01874-MIN was penned by Associate Justice Evalyn M. Arellano-Morales and concurred in by Associate Justices Lily V. Biton and Richard D. Mordeno, of the Special Twenty-Second Division, Court of Appeals, Cagayan de Oro City, *rollo*, pp. 18–20.

⁵ Court of Appeals Decision, CA-G.R. CR No. 01874-MIN, pp. 2–3.

⁶ *Id.* at 3.

^{*} In line with Amended Administrative Circular No. 83-2015, as mandated by Section 29 of Republic Act No. 7610, Section 44 of Republic Act No. 9262, and Section 40 of A.C. No. 83-2015, 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.

⁷ *Id.*

⁸ *Id.* at 5.

AAA and BBB, Ryan's son, were classmates in the third grade. On October 7, 2014, AAA was only eight years old when he got into a fist fight with BBB at school. After a few hours, Ryan suddenly arrived. He twisted AAA's arm and while holding him ordered BBB to box AAA. When BBB was too afraid to comply, Ryan himself slapped AAA's face and punched his head several times, telling him "*bantay ug mohilak ka kay tiwasan ka nako!*" (Don't cry, otherwise, I'll finish you!).⁹

Ryan then pulled AAA's hair, raised him in the air, and threw him to the ground. It was only when AAA's teacher, CCC, arrived that Ryan stopped his abuse of AAA. CCC brought AAA to their classroom but Ryan followed. He then shouted to everyone in the classroom "*ayaw na mo panghilabot ni BBB manghilabot pa mo, panglabayun ta mo ug granada*" (Don't mess with BBB. If you mess with him again, I'll throw a grenade at you.) He then continued to tell them that he would shoot and burn them, and that he would come back to beat up AAA.¹⁰

After the incident, CCC and AAA's mother brought him to the Municipal Health Office to have him checked due to his constant headaches. Because of this traumatic experience, AAA stopped going to school as he was afraid that Ryan might come back and hurt him again.¹¹

On October 8, 2014, Dr. Mangubat physically examined AAA and declared that his headaches could have been caused by Ryan when he punched his head multiple times. On October 15, 2014, Psychologist Dagondon conducted a psychological evaluation on AAA and found that the latter exhibited tension and fear caused by his traumatic experience in Ryan's hands, which was prejudicial to his normal growth and development.¹²

Version of the Defense

On October 7, 2014, Ryan alleged that he stayed in his house because his *kumpare*, Pasocito Galido (Pasocito), visited him. He cooked the meat that Pasocito brought him. Around 11:00 a.m., his son BBB came home crying, saying he was beat up at school. He told BBB that they would talk about it later. BBB went back to school crying.¹³

Later, a child came to their house and told him that BBB got into a fist fight with his classmate. He then went to the school and saw AAA and BBB fighting. He separated them by pulling their collars. Thereafter, they went to BBB's classroom to get his things and went home to eat.¹⁴

⁹ *Id.* at 3-4.

¹⁰ *Id.* at 4.

¹¹ *Id.*

¹² *Id.* at 5.

¹³ *Id.*

¹⁴ *Id.* at 6.

The Ruling of the Regional Trial Court

By Decision dated March 12, 2019, the trial court found Ryan guilty as charged, viz.:

WHEREFORE, premises considered, finding accused Ryan M. Sumile guilty beyond reasonable doubt of violation of Section 10 (a), Article VI of R.A. 7610, the Court sentences him to an 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 offended party the amount of P20,000.00 as moral damages, with interest of 6% per annum of such award reckoned from the finality of decision until full payment and to pay the cost of the suit.

SO ORDERED.¹⁵

It held that the prosecution sufficiently established all the elements of the crime charged. It gave credence to AAA's testimony, who in a straightforward, clear, and direct manner, declared that he was physically abused by Ryan. CCC, Psychologist Dagondon, and Dr. Mangubat corroborated AAA's testimony that, indeed, he was physically harmed by Ryan. Further, Dr. Mangubat's findings that the headaches experienced by AAA after the incident could have been caused by being hit by another person, bolsters the prosecution witnesses' testimonies that Ryan maltreated AAA.¹⁶

The trial court stressed that Ryan's acts of punching AAA's head, slapping his face, pulling his hair back, and throwing him to the ground, clearly showed his intent to debase AAA's intrinsic worth and dignity considering that the harm was done in the presence of AAA's teacher and schoolmates. Worse, Ryan did not show any remorse for what he had done to AAA, since after he maltreated him, he even followed him to his classroom and threatened everyone there that he would shoot and throw a grenade at them if they would mess with his son again. Because of his traumatizing experience, AAA suffered emotional distress which caused him to discontinue his schooling.¹⁷

The Ruling of the Court of Appeals

On appeal, the Court of Appeals affirmed the trial court's Decision. It held that Ryan's acts were intrinsically cruel and excessive and were intended to create a humiliating and traumatizing experience for AAA. It also stressed that there is no evidence on record that shows that AAA was motivated by an improper motive to implicate Ryan for the crime charged.¹⁸

¹⁵ *Id.*

¹⁶ *Id.* at 6-7.

¹⁷ *Id.* at 7.

¹⁸ *Id.* at 8-15.

The Present Petition

Ryan prays anew for his acquittal. He argues that even if it were true that he twisted AAA's arm, boxed and slapped him, pulled his hair, and threw him to the ground, he should not be deemed to have committed a violation of Section 10(a) of Republic Act No. 7610 because it was not shown that he had a specific intent to debase, degrade, or demean the intrinsic worth and dignity of AAA. Rather, it was done because of "the provocative circumstance of seeing his son being boxed and crying which prompted [him] to do such acts."¹⁹

In its Comment²⁰ dated July 2, 2024, the Office of the Solicitor General prayed for the denial of the petition, arguing that only pure questions of law may be put into issue in a petition for review under Rule 45 and, even if a review of the factual issues will be allowed, all the elements necessary to convict Ryan of the crime charged were established and proved by the prosecution beyond reasonable doubt.²¹

Our Ruling

Preliminarily, the Court notes that the present petition has numerous procedural infirmities, to wit:

1. Failure to attach a copy of the questioned judgment;
2. Failure to attach affidavit of service and registry receipts; and,
3. Failure to pay docket and other lawful fees on time.

Hence, on these grounds alone, the petition should be dismissed outright pursuant to Rule 45, Section 4(d)²² in relation to Section 5²³ of the Rules of Court.

¹⁹ *Id.* at 13–15.

²⁰ *Id.* at 25–38.

²¹ *Id.* at 13–15.

²² Rule 45, Section 4. Contents of petition. - The petition shall be filed in eighteen (18) copies, with the original copy intended for the court being indicated as such by the petitioner and shall xxx (a) state the full name of the appealing party as the petitioner and the adverse party as respondent, without impleading the lower courts or judges thereof either as petitioners or respondents; (b) indicate the material dates showing when notice of the judgment or final order or resolution subject thereof was received, when a motion for new trial or reconsideration, if any, was filed and when notice of the denial thereof was received; (c) set forth concisely a statement of the matters involved, and the reasons or arguments relied on for the allowance of the petition; (d) be **accompanied by a clearly legible duplicate original, or a certified true copy of the judgment or final order or resolution** certified by the clerk of court of the court a quo and the requisite number of plain copies thereof, and such **material portions of the record as would support the petition**; and (e) contain a sworn certification against forum shopping as provided in the last paragraph of section 2, Rule 42. (2a) (Emphasis supplied)

²³ Rule 45, Section 5. Dismissal or denial of petition. — **The failure of the petitioner to comply with any of the foregoing requirements** regarding the payment of the docket and other lawful fees, deposit for costs, proof of service of the petition, and the **contents of and the documents which should accompany the petition** shall be **sufficient ground for the dismissal thereof**. (Emphasis supplied)

Too, we emphasize that the Court is not a trier of facts. The issue for resolution here – whether Ryan’s acts were done with intent to debase, degrade, or demean the intrinsic worth and dignity of AAA – is ultimately a question of fact. As a rule, only questions of law may be raised in a petition for review on certiorari under Rule 45.

In any event, the lower courts did not err in finding Ryan guilty of violating Section 10(a), Article VI of Republic Act No. 7610, which reads:

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.

On the other hand, child abuse is defined by Section 3(b) of Republic Act No. 7610, as follows:

Section 3. Definition of terms. —

....

(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. (Emphasis supplied)

These provisions highlight that in child abuse, any act by deeds or words must debase, degrade, or demean the intrinsic worth and dignity of a child as a human being. 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 demeaning means to lower in status, condition, reputation or character.²⁴

²⁴ *Escolano v. People*, 845 Phil. 129, 141 (2018) [Per J. Gesmundo, Third Division].

J

Here, Ryan asserts that he acted the way he did toward AAA by reason of the “provocative circumstance of seeing his son being boxed and crying” and not because he intended to debase, degrade, or demean AAA’s intrinsic worth. He cites *Talocod v. People*²⁵ where the accused was acquitted of the same crime since there was no indication that when she uttered the phrase, “[h]uwag mong pansinin yan. At putang ina yan. Mga walang kwenta yan. Mana-mana lang yan!” she had deliberately intended to shame or humiliate the minor victim’s dignity in front of his playmates. Rather, she was only voicing her offhand remarks out of parental concern for her child. Thus, there was no specific intent to debase, degrade, or demean the minor victim’s intrinsic worth and dignity of the child.

We cannot agree. Unlike in *Talocod* where the accused merely uttered invectives towards a minor, Ryan here physically maltreated AAA in front of several people in school. He pulled AAA’s hair, slapped his face, punched his head, twisted his arm, raised him in the air and threw him to the ground. Even after AAA was already taken by his teacher to their classroom, Ryan followed them and threatened everyone there that he would shoot, burn, and throw a grenade at them if they messed with his son again. Ultimately, this led AAA to drop out of school because of his fear that Ryan might come back for him. Clearly, these acts were far from being merely “voicing out” his parental concern for his child.²⁶

In *Lucido v. People*,²⁷ the petitioner therein strangled, severely pinched, and beat up an eight-year-old child, causing her to limp. The Court held that these abusive acts are intrinsically cruel and excessive as they 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 was also highlighted that these abusive acts are extreme measures of punishment not commensurate with discipline directed to a mere eight-year-old child.

As in this case, the lower courts properly ruled that Ryan’s acts were done with intent to debase, degrade, and demean AAA’s intrinsic worth for being intrinsically cruel and excessive. Such acts were extreme measures of punishment not commensurate with the discipline directed to AAA, a mere eight-year-old child.²⁸

Going now to the penalties, Section 10(a) of Republic Act No. 7610 prescribes the penalty of *prision mayor* in its minimum period, which has a period of six years and one day to eight years. In the absence of any mitigating or aggravating circumstance, the maximum penalty to be imposed shall be taken from the medium period of the imposable penalty, which has a range of six years, eight months, and one day to seven years and four months. Applying the Indeterminate Sentence Law, the minimum penalty to be imposed shall be

²⁵ 887 Phil. 793 (2020) [Per J. Perlas-Bernabe, Second Division].

²⁶ Court of Appeals Decision, CA-G.R. CR No. 01874-MIN, pp. 3–4.

²⁷ 815 Phil. 646 (2017) [Per J. Leonen, Second Division].

²⁸ Court of Appeals Decision, CA-G.R. CR No. 01874-MIN, pp. 8–15.

taken one degree lower from the imposable penalty, which is *prision correccional* maximum, with a range of four years, two months, and one day to six years.²⁹ Thus, the Court of Appeals correctly affirmed Ryan's imprisonment 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.

As for damages, the Court in *San Juan v. People*³⁰ awarded PHP 20,000.00 as moral damages on account of the psychological abuse suffered by the minor victim and awarded further PHP 20,000.00 as exemplary damages to serve as an example for the correction of the public good. Such civil liabilities earned a legal interest of 6% *per annum* from the finality of judgment until full payment.

Hence, the Court affirms the ruling of the Court of Appeals on the award of PHP 20,000.00 as moral damages, and likewise awards an additional PHP 20,000.00 as exemplary damages to serve as an example for the correction of the public good. All monetary awards shall earn a legal interest of 6% *per annum* from the finality of this Decision until full payment.

Also, in furtherance of the objectives of Republic Act No. 7610 to provide special protection to children and to assist in the rehabilitation of child victims,³¹ the Court imposes a fine of PHP 15,000.00 on Ryan.³²

ACCORDINGLY, the Petition is **DENIED**. The Decision dated November 24, 2022 and Resolution dated June 26, 2023 of the Court of Appeals in CA-G.R. CR No. 01874-MIN are **AFFIRMED with MODIFICATION** as to damages and fine. Petitioner Ryan M. Sumile is **GUILTY** of violation of Section 10(a) of Republic Act No. 7610. He is sentenced to 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. He is likewise ordered to **PAY** AAA the amounts of PHP 20,000.00 as moral damages and PHP 20,000.00 as exemplary damages, which shall earn legal interest of 6% *per annum*,

²⁹ *San Juan v. People*, G.R. No. 236628, January 17, 2023 [Per. J. Lopez, J., *En Banc*].

³⁰ *Id.*

³¹ **Section 2. Declaration of State Policy and Principles.** – It is hereby declared to be the policy of the State to provide special protection to children from all forms of abuse, neglect, cruelty exploitation and discrimination and other conditions, prejudicial their development; provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination. The State shall intervene on behalf of the child when the parent, guardian, teacher or person having care or custody of the child fails or is unable to protect the child against abuse, exploitation and discrimination or when such acts against the child are committed by the said parent, guardian, teacher or person having care and custody of the same.

It shall be the policy of the State to protect and rehabilitate children gravely threatened or endangered by circumstances which affect or will affect their survival and normal development and over which they have no control. . . .

³² **Section 31. Common Penal Provisions.** – . . . (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.; *See: AAA261422 v. XXX261422*, G.R. No. 261422, November 13, 2023 [Per J. Lazaro-Javier, Second Division].

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reckoned from the finality of this Decision until full payment. He is also ordered to **PAY** a fine of PHP 15,000.00.

SO ORDERED.

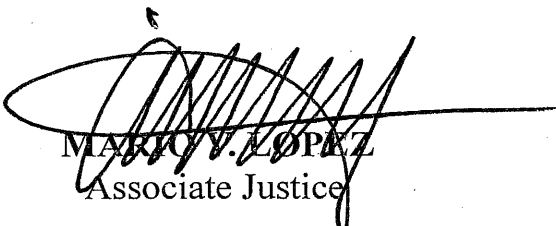


AMY C. LAZARO-JAVIER
Associate Justice


WE CONCUR:




MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson



MARIO V. LOPEZ
Associate Justice



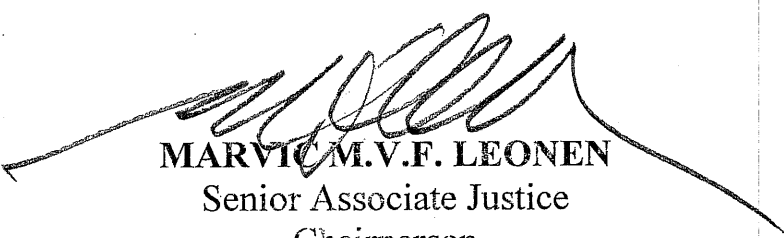
JHOSEP V. LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

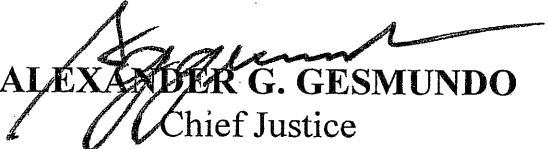
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson

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