

FIRST DIVISION

[G.R. No. 248729, September 03, 2020]

**JOEL C. JAVAREZ, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

D E C I S I O N

LAZARO-JAVIER, J.:

The Case

Petitioner assails the Court of Appeals' Decision^[1] dated September 14, 2018 in CA-G.R. CR No. 36816 affirming his conviction for violation of Section 10(a)^[2] in relation to Section 31(e)^[3] of Republic Act No. 7610^[4] (RA 7610).

The Charge and the Plea

Petitioner Joel Javarez was charged with violation of Section 10 (a) in relation to Section 31(e) of RA 7610 under two (2) separate Informations, thus:

Criminal Case No. 24935

That on or about the 7th day of February 2008, at around 2:00 o'clock in the afternoon, at Brgy. Iraray, Municipality of Sofronio Espanola, Province of Palawan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, a public officer, being then a school teacher of Iraray Elementary School, in Sofronio Espanola, Palawan, did, then and there willfully, unlawfully, and criminally commit physical abuse and cruelty upon the person of AAA,^[5*] a ten (10) year old minor, to wit: the accused Joel Javarez suddenly and without provocation shoved AAA believing that he was the one who initiated and caused the dispute, which act debased and demeaned the dignity of the child as a human being, thereby, affecting the normal, physical, psychological and social growth of the said minor, to the damage and prejudice of the said AAA.^[6]

Criminal Case No. 24936

That on or about the 7th day of February 2008, or sometime prior or subsequent thereto, in Palawan, Philippines, within the jurisdiction of this Honorable Court, the above-named accused, a public officer, being then a school teacher of Iraray Elementary School, in Sofronio Espanola, Palawan, did, then and there willfully, unlawfully, and criminally commit physical abuse and cruelty upon the person of BBB,^[7*] a 9-year old minor, to wit: the accused Joel Javarez suddenly and without provocation hit BBB [in] the face with a broomstick after BBB asked a classmate for a

piece of pop rice, which act debased and demeaned [the] dignity of the child as a human being, thereby, affecting the normal, physical, psychological, and social growth of the said minor to the damage and prejudice of the said BBB.^[8]

On arraignment, petitioner pleaded "not guilty" to both charges.^[9] Joint trial ensued.

Evidence for the Prosecution

On February 7, 2008, petitioner, complainants' third grade adviser, was conducting a review class for the National Admission Test (NAT). Around 9 o'clock in the morning, while the class was ongoing, BBB repeatedly asked one (1) of his classmates to give him rice pop but when the latter refused, they fought. Petitioner stepped in and hit BBB's face with a broomstick he was holding.^[10]

In the afternoon of the same day, in another class, BBB's cousin AAA went out of the classroom to urinate. When he came back, he saw two (2) of his classmates fighting over food. As he walked toward them, he saw petitioner approach the two (2) and push AAA in the chest, causing AAA to fall on his face.^[11]

Right after the incident, both AAA and BBB went to AAA's house. They reported to AAA's mother XXX* the twin incidents involving them and their teacher, herein petitioner. XXX, in turn, relayed the information to BBB's parents. Thereafter, XXX, together with AAA and BBB went to the principal's office to report the incident. They were told, however, that the principal was in Manila.^[12]

XXX and complainants proceeded to file a complaint before the Department of Social Welfare Development. Complainants were also brought to the Brooke's Point Hospital for physical examination. Per AAA and BBB's Medico-Legal Certificates, AAA suffered pain and tenderness in the chest/sternal area which may have been caused by a fist blow or any force applied to the area, which included pushing. On the other hand, BBB sustained left cheek abrasions which may have been caused by a sharp object like a fingernail or a broomstick; and hematoma on his left ear, which may have also been caused by contact with a broomstick.^[13] At the police station, complainants executed their respective affidavits.^[14]

Evidence for the Defense

Petitioner testified that he had been teaching for the past thirty (30) years. On February 7, 2008, he was reviewing his class for the NAT when AAA and BBB became restless and kept transferring seats despite his repeated orders for them to stop. In the afternoon of the same day, while the lecture was ongoing, petitioner saw AAA engage in a fistfight with other pupils at the back of the classroom. He approached them and tried to separate them with his arms. AAA left the classroom crying. He averred that AAA and BBB merely fabricated the story against him because they were influenced by AAA's uncle, the barangay captain who at that time was angry with him.^[15]

The Trial Court's Ruling

By Decision^[16] dated April 10, 2014, the trial court found petitioner guilty as charged:

WHEREFORE, premises considered, the prosecution having successfully proven the guilt of the accused, JOEL JAVAREZ is hereby found guilty beyond reasonable doubt of two (2) counts of violation of Section 10 (a) of Republic Act No. 7610, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation, and Discrimination Act; and pursuant to Section 31 (e) of said law, as it is undisputed that the accused is a public school teacher and a public officer/employee, which warrants the imposition of the maximum period of the penalty imposable, therefore, the accused is hereby sentenced as follows:

1. In Criminal Case No. 24935 - to four (4) years, nine (9) months and eleven (11) days of *prision correctional*, as minimum, to eight (8) years of *prision mayor*, as maximum; and to pay "AAA" the sum of Ten Thousand (P10,000.00) as civil indemnity; [and] the sum of Ten Thousand Pesos, as damages;
2. In Criminal Case No. 24936 - to four (4) years, nine (9) months and eleven (11) days of *prision correctional*, as minimum, to eight (8) years of *prision mayor*, as maximum; and to pay "BBB" the sum of Ten Thousand (P10,000.00) [Pesos] as civil indemnity; [and] the sum of Ten Thousand [P10,000.00] Pesos, as damages.

SO ORDERED.^[17]

The trial court gave more weight to the testimonies of the prosecution witnesses than petitioner's bare denial. It held that complainants' testimonies were direct, straightforward, and bolstered by the medical examination results showing that AAA suffered pain and tenderness in the chest/sternal area which may have been caused by a fist blow, or any force applied to the area, which includes pushing.^[18] On the other hand, BBB sustained left cheek abrasions which may have been caused by a sharp object like a fingernail or a broomstick as well as hematoma on his left ear, which may also have been caused by contact with a broomstick.^[19] Too, complainants had no ill-motive to falsely testify against petitioner.^[20]

Proceedings Before the Court of Appeals

On appeal, petitioner argued that the trial court ignored the testimony of one (1) of the prosecution witnesses attesting to the fact that he did not lay his hands on BBB; as well as the testimony of defense witness Benjur Sama that during a cockfight, a rooster attacked and wounded BBB. AAA's testimony was inconsistent with human nature. For if it were true that he pushed AAA's in the chest, the latter should have fallen on his back and not with his face touching the ground. BBB was motivated to fabricate a story against petitioner because BBB was afraid to admit he was into cockfighting.^[21]

The Court of Appeals' Ruling

By Decision^[22] dated September 14, 2018, the Court of Appeals affirmed in the

main, but modified the amount of damages.^[23]

It held that Section 10(a), Article VI of RA 7610 punishes not only those acts enumerated under Article 59 of Presidential Decree No. 603,^[24] but four (4) other distinct acts as well *i.e.* child abuse, child cruelty, child exploitation, and being responsible for conditions prejudicial to the child's development. An accused can be prosecuted and convicted under Section 10(a), Article VI of RA 7610 if he or she commits any of the four (4) acts mentioned. 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 three (3) aforementioned acts.^[25]

It found that using a broomstick handle, petitioner hit BBB in the left cheek. As for AAA, petitioner pushed the former, causing him to fall on his face. Complainants' testimonies were candid and consistent while petitioner could only proffer the defense of denial.^[26]

It rejected petitioner's story that it was a rooster which wounded BBB. The Court of Appeals noted that defense witness Benhur Sama failed to mention the supposed rooster incident in his affidavit. Too, Sama admitted that he merely overheard the story, hence, had no personal knowledge of the so-called incident.^[27]

Credence cannot be given to petitioner's assertion that BBB was motivated to file the case against him because BBB did not want to admit he was into cockfighting when he got wounded. These are bare allegations, sans any substantiating evidence.^[28]

On damages, aside from civil indemnity of Ten Thousand Pesos (P10,000.00), the Court of Appeals awarded moral damages in favor of complainants in the amount of Twenty Thousand Pesos (P20,000.00) each to assuage their moral and emotional sufferings; and exemplary damages of Twenty Thousand Pesos (P20,000.00) pursuant to Article 2230 of the Civil Code.^[29]

Petitioner moved for reconsideration which the Court of Appeals denied through its Resolution^[30] dated June 20, 2019.

The Present Petition

Petitioner now seeks affirmative relief from the Court and prays anew for his acquittal.^[31]

In its Comment^[32] dated June 10, 2020, the Office of the Solicitor General reiterated that the courts below did not err in rendering a verdict of conviction against petitioner. AAA and BBB's testimonies coupled with the medical report on the injuries sustained by complainants are sufficient proofs to warrant petitioner's conviction. Too, the petition must be denied outright for raising purely factual issues which the Court cannot take cognizance of under a Rule 45 petition.

Threshold Issue

Did the Court of Appeals err in affirming petitioner's conviction for violation of RA

Ruling

The petition is partly meritorious.

Petitioner not liable under Section 10 (a), Article VI, of RA 7610; lack of intent to debase, degrade or demean the intrinsic worth and dignity of a child as a human being

Petitioner was charged, tried, and found guilty of violating Section 10 (a), Article VI, of RA 7610, viz.:

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. (Emphasis ours)**

Under Section 3 (b) paragraph 2 of RA 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 ***Bongalon v. People***^[33] the Court expounded the definition of "child abuse" and held that only when it is shown beyond reasonable doubt that the accused laid his or her hands on the child with actual intent 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 should be punished under the Revised Penal Code (RPC), thus:

Although we 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*.** (Emphasis ours and italics in the original)