

FIRST DIVISION

[G.R. No. 254005, June 23, 2021]

ASELA BRINAS Y DEL FIERRO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

CAGUIOA, J:

This is a Petition for Review on *Certiorari*^[1] (Petition), filed pursuant to Rule 45 of the Revised Rules of Court (Revised Rules), elevating the Decision^[2] dated January 27, 2020 (assailed Decision) and Resolution^[3] dated October 19, 2020 (assailed Resolution) of the Court of Appeals,^[4] in CA-G.R. CR No. 42784. The assailed Decision affirmed, with modification, the Decision^[5] dated April 13, 2018 rendered by the Regional Trial Court of Iba, Zambales, Branch 71 (RTC), in Criminal Case (CC) No. RTC-5916-1, which found petitioner Asela Briñas y Del Fierro (Briñas) guilty beyond reasonable doubt of the crime of grave oral defamation in relation to Section 10(a) of Republic Act No. (R.A.) 7610,^[6] otherwise known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act."

The Facts

Briñas was charged with the crime of Grave Oral Defamation in relation to R.A. 7610 in an Amended Information,^[7] the accusatory portion of which reads:

"That on or about the 25th day of January 2010 in the afternoon, at the Challenger Montessori School, Inc. in Brgy. Zone VI, Municipality of Iba, Province of Zambales, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with deliberate intent of bringing 16-year old Micolie^[8] Mari Maevis S. Rosauero and 16-year old Keziah Liezle^[9] D. Polojan, into discredit, disrepute and contempt, did then and there willfully, unlawfully, feloniously and publicly utter the following defamatory words, to wit: "*pinakamalalandi, pinakamalilibog, pinakamahader[a] at hindot,*" "*Mga putang ina kayo[.]*" and other words similar thereto, which debased, degraded and demeaned Micolie Mari Maevis S. Rosauero and Keziah Liezle D. Dolojan of their intrinsic worth and dignity, and to the grave humiliation, embarrassment, damage and prejudice of said minors Micolie Mari Maevis S. Rosauero and Keziah Liezle D. Dolojan."^[10]

Upon arraignment, Briñas pleaded "not guilty." Trial on the merits ensued thereafter.^[11]

Version of the Prosecution

The prosecution presented as witnesses, 1) Micolle Mari Maevis Rosauro (Micolle) and 2) Keziah Liezle Dolojan (Keziah) (collectively, private complainants); 3) Elizabeth Dolojan (Elizabeth), Keziah's mother; 4) Christian Rosauro (Christian), Micolle's father; 5) Senior Police Officer (SPO) 2 Evangeline Trapsi; and 6) Martha Johanna Dela Cruz (Dela Cruz), a psychologist,^[12] whose testimonies can be summarized as follows: In 2010, the private complainants, both 16 years old, were fourth year high school students at Challenger Montessori School (Challenger), Sagapan, Iba, Zambales. Briñas was the directress and owner of Challenger.^[13]

In the morning of January 25, 2010, the private complainants and their classmates sent a text message to a certain Charlene, one of their classmates. The message said: "*Hi cha^[14] ate Gale to kumusta na[?]*" Apparently, the person named Gale mentioned in said message was Briñas' daughter. After their recess period, Charlene's mother arrived and got angry at the private complainants and their classmates who sent the message for allegedly quarrelling with her daughter.^[15]

At around 2:30 in the afternoon, Briñas called the private complainants and their six other classmates to the faculty room. There, in front of the teachers and other students, Briñas shouted at them and inquired as to who sent the text message which used her daughter's name. The private complainants and their classmates admitted that they all planned to send the text message to Charlene and that the sim card which was used to send the same was owned by Micolle.^[16]

Briñas then threatened to sue Micolle and said, "*Idedemanda kita with my iron hand with this evidence. I will serve it to you in a silver platter, your (sic) defiant kung tutuusin kamaganak (sic) pa kita dahil sa background mo pero hindi because you are disobedience (sic), nung pumasok ka dito para kang birhen pero ngayon anong nangyari sa iyo may demonyo na sa likod mo*" and "*I will sue you in court[. S]iguro [naiinggit] kayo sa anak ko kasi maganda, matalino at mayaman ang anak ko, sabihin niyo sa parents ninyo gawing umaga ang gabi para yumaman tulad ko, naturingan pa naman kayong pinakamagaganda, pinakamatatalino, pinakamababait, pinakamalalandi, pinakamalilibog, pinakamahadera at hindot*"^[17] Briñas likewise raised her middle finger in front of the private complainants, and said "*ito kayo*"^[18] and "*mga putang ina kayo. Sa ganyang ugali ninyo sinisigurado ko hindi ninyo mare reach (sic) ang dreams ninyo at ngayon pa lang sinasabi ko na I hate your.*"^[19]

Later that day, Keziah narrated the incident to her mother and said that she was ashamed of going back to school and afraid that she might not graduate. Micolle, on the other hand, also informed her father of the incident, saying that she felt scared and disappointed as Briñas was rebuking them.^[20] Sometime in February 2010, the private complainants reported the incident to the police authorities.^[21]

The private complainants were suspended for five days and thereafter, or just two days before their graduation, they were expelled. The private complainants' school records were also withheld. Because of this, they were delayed in enrolling for college and were then forced to seek the help of the Department of Education (DepEd) who, in turn, informed Challenger of the illegality of the means taken by it.^[22] It was only then that Challenger released the necessary documents for the

private complainants to enroll for college and the word "expelled" was removed from their report cards.^[23]

Christian testified that because of the incident, his daughter Micolle suffered sleepless nights, fear, and never regained her confidence. When she was brought to the Department of Social Welfare and Development, her hands were shaking out of fear.^[24] Keziah, on the other hand, sought the help of a psychologist from the University of Santo Tomas (UST) for two months.^[25] Dela Cruz, the psychologist who attended to Keziah, found her to be exhibiting depression, anxiety attack and inability to sleep — symptoms of Post-Traumatic Stress Disorder.^[26]

Version of the Defense

The defense presented Briñas as lone witness.^[27] She narrated the following:

In 2010, Briñas was the directress of Challenger. On January 25, 2010, she called the private complainants and their classmates to the faculty room. She tried to remind them of their behavior in the school considering that their graduation was fast approaching and she did not want them to have problems therewith. Out of anger and a desire to straighten their behavior for the children's welfare, she scolded them and used the words "*punyeta*" and "*malandi*." The students remained silent the entire time and immediately went to their classroom thereafter ^[28] She denied that the private complainants were expelled. In fact, they were included in the graduation ceremony but they wrote personal letters informing Briñas that they were not interested in attending the graduation rites.^[29]

The Ruling of the

RTC In its Decision^[30] dated April 13, 2018, the RTC gave credence to the prosecution's testimonies, found Briñas guilty beyond reasonable doubt of the crime charged but appreciated in her favor the mitigating circumstance of passion and obfuscation. It disposed of the case thus:

WHEREFORE, judgment is hereby rendered finding accused **A SELA BRIÑAS y DEL FIERRO** guilty beyond reasonable doubt of the crime of grave oral defamation in relation to Section 10 (a) of R.A. No. 7610 and she is sentenced to suffer the indeterminate penalty of four (4) years and two (2) months of *prision correccional* in its medium period, as minimum to six (6) years and one (1) day of *prision mayor* in its minimum period, as maximum.

SO ORDERED.^[31]

Briñas appealed to the CA. Thereafter, the People, through the Office of the Solicitor General (OSG), and the private complainants filed their respective appeal briefs.^[32] *The Ruling of the CA* In the assailed Decision, the CA affirmed, with modification, the RTC's Decision as follows:

WHEREFORE, the appeal is **DENIED**. The assailed Decision is **AFFIRMED** with the **MODIFICATION** that the accused-appellant is sentenced to suffer the indeterminate penalty of four (4) years, two (2)

months, and one (1) day of *prision correccional* in its maximum period, as minimum, to six (6) years and one (1) day of *prision mayor* in its minimum period, as maximum. She is also ordered to pay each of the private complainants [P]20,000.00 as moral damages and to pay private complainant Keziah Liezl Dolojan [P]5,000.00 as temperate damages, plus interest at the rate of 6% reckoned from the finality of the decision until full payment. **IT IS SO ORDERED.**^[33]

The CA concluded that the prosecution was able to establish that Briñas had publicly defamed the private complainants, with intention to debase, degrade, and demean their intrinsic worth as human beings. It gave no credence to the claim of Briñas that she merely acted in the heat of anger and intended to discipline the students.^[34] Thus, the present Petition.

Issue

The main issue for resolution of the Court is whether the RTC and the CA erred in convicting Briñas of the crime of grave oral defamation in relation to Section 10(a) of R.A. 7610.

The Court's Ruling

The Petition is meritorious.

In gist, Briñas posits that she was improperly convicted of a crime which does not exist because grave oral defamation under the Revised Penal Code (RPC) and violation of Section 10(a) of R.A. 7610 are different and mutually exclusive offenses. Hence, convicting her for one in relation to the other was an error. She claims that she cannot be made liable for child abuse under Section 10(a) of R.A. 7610 because the same requires a specific criminal intent to degrade, debase or demean the intrinsic worth of a child as a human being which is lacking in the present case.

*There is no crime of grave oral
defamation in relation to Section 10(a)
of R.A. 7610.*

Section 10(a), R.A. 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.*

In turn, Section 3(b) of R.A. 7610 defines child abuse and enumerates the acts covered by it, thus:

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;

(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)

Section 10(a) is clear in that it punishes acts of child abuse which are "not covered by the Revised Penal Code." Hence, on this point, Briñas is correct — she cannot be convicted of grave oral defamation under the RPC *in relation* to Section 10(a) of R.A. 7610. From the plain language of Section 10(a), the acts punished under it and those punished under the RPC are mutually exclusive. Acts which are already covered by the RPC are excluded from the coverage of Section 10(a).

R.A. 7610 is a special law designed to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation, discrimination, and other conditions prejudicial to their development. Children, such as the private complainants, are under the protective mantle of R.A. 7610 which supplies the inadequacies of existing laws treating of crimes committed against children such as the RPC, by providing for stronger deterrence against child abuse and exploitation through, among others, stiffer penalties for their commission, thus:

Republic Act No. 7610 is a measure geared towards the implementation of a national comprehensive program for the survival of the most vulnerable members of the population, the Filipino children, in keeping with, the Constitutional mandate under Article XV, Section 3, paragraph 2, that "The State shall defend the right of the children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development." This piece of legislation supplies the inadequacies of existing laws treating crimes committed against children, namely, the Revised Penal Code and Presidential Decree No. 603 or the Child and Youth Welfare Code. As a statute that provides for a mechanism for strong deterrence against the commission of child abuse and exploitation, the law has stiffer penalties for their commission, and a means by which child traffickers could easily be prosecuted and penalized. Also, the definition of child abuse is expanded to encompass not only those specific acts of child abuse under existing laws but includes also "other acts of neglect, abuse, cruelty or exploitation and other conditions prejudicial to the child's development."^[35]