

## TENTH DIVISION

[ CA-G.R. CR No. 36061, November 17, 2014 ]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
WENCIL MEJIA Y SANTILLAN, ACCUSED-APPELLANT.

### D E C I S I O N

LANTION, J.A.C., J.:

#### THE CASE

This is an appeal from the *Decision*<sup>[1]</sup> dated 8 July 2013 of the Regional Trial Court of Pasig City, National Capital Judicial Region, Branch 261, (***court a quo***) finding Accused-Appellant Wencil Mejia y Santillan (***Appellant***) **GUILTY** beyond reasonable doubt of violation of Republic Act No. 7610<sup>[2]</sup>, in Criminal Case No. 137424-PSG entitled "*People of the Philippines vs. Wencil Mejia y Santillan.*"

#### THE FACTUAL ANTECEDENTS

Appellant's indictment stemmed from an *Information*<sup>[3]</sup> dated 13 February 2008, which reads:

xxx

xxx

On or about or prior to July 23, 2007 in Pasig City, and within the jurisdiction of this Honorable Court, the accused, out of hate, anger and resentment, did then and there willfully, unlawfully and feloniously scolded/uttered (sic) the words "*Ayaw ko ng makita ang pagmumuka mo*" while pointing a finger to one AAA, 6 years old, a minor, as a result of which those words and action debase, degrade and demean the intrinsic worth and dignity of the child as a human being.

Contrary to law.

xxx

xxx

When arraigned on 17 July 2008,<sup>[4]</sup> Appellant, assisted by counsel, pleaded "not guilty" to the charge against him.

At the Pre-trial Conference on 5 December 2008, the Prosecution and the Defense stipulated on and admitted the following: a) the jurisdiction of the court *a quo*; b) the identity of the accused; and c) that private complainant is a minor.<sup>[5]</sup>

Trial ensued thereafter. The Prosecution presented five (5) witnesses, namely: 1) AAA, the victim; 2) BBB, AAA's mother; 3) Susan Sabado, a clinical psychologist at the National Center for Mental Health who examined AAA; and, 4) Dr. Rico J. Caraos (**Dr. Caraos**), a resident physician of Ilocos Training and Regional Medical Center, San Fernando, La Union, who evaluated and treated AAA.

The Prosecution's version as synthesized by the Office of the Solicitor General is as follows:

The case was filed against Appellant because of the abuses he committed against AAA. Appellant and AAA are neighbors at Barangay Bagong Ilog, Pasig City. On 28 July 2005, when AAA was only four (4) years old, Appellant, for no reason, suddenly poured cold water unto AAA while she was playing outside her house. Thereafter, in November of the same year, Appellant challenged AAA and her mother BBB into a fight, threatening them with a piece of wood. On 23 July 2007, when AAA was looking and calling for her brother at the stairs outside their house, Appellant suddenly pointed a finger at AAA and shouted "*Umalis ka sa harapan ko, ayokong makita ang pagmumuka mo!*" Because of the said incidents, AAA became fearful of Appellant and even had nightmares about him and the incident. These likewise affected her studies as AAA also got fearful of her male teacher, associating every big men with the Appellant. When AAA was brought to Clinical Psychologist Susan Sabado and Dr. Rico J. Caraos of the National Center for Mental Health, AAA was found suffering from emotional trauma, adjustment disorder and anxiety because of the Appellant. AAA was advised to undergo psychotherapy to help her recover from her trauma and to avoid her trauma from becoming an abnormality in the future.<sup>[6]</sup>

For its part, the Defense presented Appellant himself and one Marciana Marquines, Appellant's neighbor and the mother in law of Appellant's sibling.

The version of the Defense, as summarized by Appellant in his *Brief* reads:

"On July 23, 2007, accused Wencil Mejia (the Appellant) was cleaning his house located at No. 94 A. Flores Street, Bagong Ilog, Pasig City with his youngest daughter. After cleaning the house, Wencil went out for about three (3) seconds in order to open the gate valve of the faucet because he was about to take a bath. Thereafter, he went to buy candies for his grandchild, but BBB shouted at him saying: "Hoy! Ikaw, putang ina mo, anong ginawa mo sa anak ko, tutuluyan kita, pakukulong kita, gago ka." He answered by saying that he did not do anything to AAA. Then his cousins and members of his family pacified him and brought him inside the house. (TSN, November 9, 2011, pp. 5-7; TSN, February 22, 2012, pp. 4-6.)

At around 5:00 o'clock in the afternoon to 6:30 o'clock in the evening of July 23, 2007, Marciana Marqueses was resting in front of her house when he saw Wencil open the gate valve of the faucet and then went

inside his house immediately after. After that, she did not see Wencil anymore until 8:00 o'clock in the evening when she saw him go down in order to buy candy. She saw BBB confronting and pointing her finger towards Wencil while the former was uttering derogatory words at the latter. (TSN, February 19, 2013, pp. 5-7)"

On 8 July 2013, the court *a quo* rendered the herein assailed *Decision*, the dispositive portion of which reads:

**"WHEREFORE**, premises considered, accused **WENCIL MEJIA y SANTILLAN** is hereby found **GUILTY** beyond reasonable doubt for Violation of Section 10(a) of Republic Act No. 7610. Accordingly, the accused, applying the Indeterminate Sentence Law, is hereby sentenced to suffer the penalty of 2 years and 4 months of *prision correccional*, as minimum to 6 years and 1 day of *prision mayor*, as maximum.

**SO ORDERED.**<sup>[7]</sup>

Aggrieved, Appellant appealed the assailed *Decision* raising as lone error, *viz*:

I.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.<sup>[8]</sup>

**THIS COURT'S RULING**

Appellant assails the court *a quo's Decision*, contending that the Prosecution failed to prove his guilt beyond reasonable doubt.

The appeal fails.

Section 10 (a), Article VI of Republic Act 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 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.

Corollary thereto, Section 3 (b) of Republic Act No. 7610 defines the term "Child

Abuse", to wit:

Section 3. Definition of terms. –

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** or physical abuse, neglect, cruelty, sexual abuse **and emotional maltreatment**; (Emphasis supplied)

x x x

In establishing that AAA was psychologically and emotionally abused by the Appellant, the Prosecution presented AAA herself, who testified that she was thrice maltreated by the Appellant, to wit:

x x x

Q: Do you recall where were you on July 23, 2007 at 5:00 to 6:00 o'clock in the evening?

A: Yes, Sir.

Q: Where were you then on that day?

A: I was at the stairs [in front of the house], Sir.

x x x

Q: What happened?

A: Wencil was on the stairs and told me "umalis ka sa harapan ko, ayokong makita ang pagmumuka mo!"

Q: And what else did Wencil do to you?

A: "Dinuro-duro nya po ako."

x x x

Q: When was the first time that he did that to you?

A: We were playing in front of his house when he poured us with cold water, Sir.

Q: The second time, what were you doing then?

A: He challenged me and my mother with a 2x2 piece of wood, Sir.<sup>[9]</sup>

x x x

On Cross Examination

Q: When the accused, you said poured a cold water on you did you also report that to your aunt and your mother?

A: Yes, ma'am.

Q: Also, when he challenged you with 2x2 wood, you were with