



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

JOEL C. JAVAREZ,

G.R. No. 248729

Petitioner,

Members:

- versus -

PERALTA, *Chief Justice*
CAGUIOA,
REYES, J., JR.,
LAZARO-JAVIER,
LOPEZ, *JJ.*

PEOPLE OF THE
PHILIPPINES,

Respondent.

Promulgated:

SEP 03 2020

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DECISION

LAZARO-JAVIER, *J.*:

The Case

Petitioner assails the Court of Appeals' Decision¹ 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. 7610⁴ (RA

¹ Penned by Associate Justice Myra V. Garcia-Fernandez and concurred in by Associate Justices Apolinario D. Bruselas, Jr. and Ronaldo Roberto B. Martin; *rollo*, pp. 28-38.

²

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 to be responsible for other conditions prejudicial to the child's development including those covered by Article 59 of

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 Española, 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 Española, 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 Española, 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,

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.

³

ARTICLE XII

Common Penal Provisions

Section 31. *Common Penal Provisions.* –

x x x x x x x x x

(e) The penalty provided for in this Act shall be imposed in its maximum period if the offender is a public officer or employee: Provided, however, That if the penalty imposed is *reclusion perpetua* or *reclusion temporal*, then the penalty of perpetual or temporary absolute disqualification shall also be imposed: Provided, finally, That if the penalty imposed is *prision correccional* or *arresto mayor*, the penalty of suspension shall also be imposed;

x x x x x x x x x

⁴ AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES.

⁵ The real name of the victim, her personal circumstances and other information which tend to establish or compromise her identity, as well as those of her immediate family, or household members, shall not be disclosed to protect her privacy, and fictitious initial shall, instead, be used, in accordance with *People v. Cabalquinto* [533 Phil. 703 (2006)] and Amended Administrative Circular No. 83-2015 dated September 5, 2017.

* Real name not found in *rollo*.

⁶ *Rollo*, p. 29.

⁷ The real name of the victim, her personal circumstances and other information which tend to establish or compromise her identity, as well as those of her immediate family, or household members, shall not be

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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

disclosed to protect her privacy, and fictitious initial shall, instead, be used, in accordance with *People v. Cabalquinto* [533 Phil. 703 (2006)] and Amended Administrative Circular No. 83-2015 dated September 5, 2017.

* Real name not found in *rollo*.

⁸ *Rollo*, p. 29.

⁹ *Id.* at 29-30.

¹⁰ *Id.* at 30-31.

¹¹ *Id.* at 31.

* Real name not found in *rollo*.

¹² *Id.*

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 Decision¹⁶ 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 correccional*, as minimum, to eight (8) years of *prision mayor*, as maximum; and to pay "AAA" the sum of Ten Thousand (₱10,000.00) 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 correccional*, as minimum, to eight (8) years of *prision mayor*, as maximum; and to pay "BBB" the sum of Ten Thousand (₱10,000.00) [Pesos] as civil indemnity; [and] the sum of Ten Thousand [₱10,000.00] Pesos, as damages.

SO ORDERED.¹⁷

¹³ Temporary *rollo*, p. 5.

¹⁴ *Rollo*, p. 31.

¹⁵ *Id.* at 31-32.

¹⁶ *Id.* at 32.



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 Decision²² 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

¹⁷ *Rollo*, p. 32.

¹⁸ *Temporary rollo*, p. 5.

¹⁹ *Id.*

²⁰ *Rollo*, p. 33.

²¹ *Id.* at 33-34.

²² Penned by Associate Justice Myra V. Garcia-Fernandez and concurred in by Associate Justices Apolinario D. Bruselas, Jr. and Ronaldo Roberto B. Martin; *rollo*, pp. 28-38.

²³ *Rollo*, pp. 28-38.

²⁴ The Child and Youth Welfare Code.

²⁵ *Rollo*, pp. 33-34.

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 (₱10,000.00), the Court of Appeals awarded moral damages in favor of complainants in the amount of Twenty Thousand Pesos (₱20,000.00) each to assuage their moral and emotional sufferings; and exemplary damages of Twenty Thousand Pesos (₱20,000.00) pursuant to Article 2230 of the Civil Code.²⁹

Petitioner moved for reconsideration which the Court of Appeals denied through its Resolution³⁰ dated June 20, 2019.

The Present Petition

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

In its Comment³² 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.

²⁶ *Id.* at 34-35.

²⁷ *Id.* at 35.

²⁸ *Id.* at 35-36.

²⁹ **Art. 2230.** In criminal offenses, exemplary damages as a part of the civil liability may be imposed when the crime was committed with one or more aggravating circumstances. Such damages are separate and distinct from fines and shall be paid to the offended party.

³⁰ *Rollo*, p. 40.

³¹ *Id.* at 9-25.

³² Temporary *rollo*, pp. 1-19.

Threshold Issue

Did the Court of Appeals err in affirming petitioner's conviction for violation of RA 7610?

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:

³³ 707 Phil. 11, 14 (2013).



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)

Black's Law Dictionary defines debasement as "the act of reducing the value, quality, or purity of something."³⁴ Degradation, on the other hand, is the "lessening of a person's or thing's character or quality."³⁵ Lastly, to demean is "to lower in character, status or reputation."³⁶

In *Jabalde y Jamandron v. People*,³⁷ the Court held petitioner liable only for slight physical injuries since petitioner laid her hands on the victim as a mere offshoot of her emotional outrage after being informed that her daughter's head was punctured and thinking that her daughter was already dead. The spontaneity of petitioner's acts against the victim was just a product of the instinctive reaction of a mother to rescue her own child from harm. Having lost the strength of her mind, she lacked that specific intent to debase, degrade or demean the intrinsic worth and dignity of a child as a human being that is so essential in the crime of child abuse.

Here, petitioner was not shown to have intended to debase, degrade, or demean BBB's intrinsic worth and dignity as a human being. For while hitting BBB with a broomstick is reprehensible, petitioner did so only to stop BBB and another classmate from fighting over pop rice.

As for AAA, records show that in his effort to stop his two (2) other students from fighting over food during his afternoon class, petitioner got to push AAA, one of the onlookers, as a result of which, AAA fell on the floor with his face down. Surely, petitioner did not intend to maltreat nor debase AAA's dignity as a human being. He was in all honesty simply trying to

³⁴ Black's Law Dictionary 430 (8th ed. 2004).

³⁵ Black's Law Dictionary 456 (8th ed. 2004).

³⁶ Merriam-Webster's Dictionary, <https://www.merriam-webster.com/dictionary/demean>, Date visited: August 18, 2020.

³⁷ 787 Phil. 255 (2016).

stop his students from fighting. He cannot therefore be held liable under Section 10 (a), Article VI of RA 7610.

Petitioner is liable only for slight physical injuries for intentionally inflicting physical harm on BBB

Article 266 (2) of the RPC provides:

ART. 266. *Slight physical injuries and maltreatment* — The crime of slight physical injuries shall be punished:

xxx xxx xxx

2. By *arresto menor* or a fine not exceeding 20 pesos and censure when the offender has caused physical injuries which do not prevent the offended party from engaging in his habitual work nor require medical assistance.

xxx xxx xxx

In *Villareal v. People*,³⁸ the Court expounded that for an accused to be held liable for physical injuries, there must be malicious intent to inflict such injuries, *viz.*:

In order to be found guilty of the felonious acts under Articles 262 to 266 of the [RPC], the employment of physical injuries must be coupled with *dolus malus*. As an act that is *mala in se*, the existence of malicious intent is fundamental, since injury arises from the mental state of the wrongdoer — *iniuria ex affectu facientis consistat*. If there is no criminal intent, the accused cannot be found guilty of an intentional felony. Thus, in case of physical injuries under the [RPC], there must be a specific *animus iniuriandi* or malicious intention to do wrong against the physical integrity or well-being of a person, so as to incapacitate and deprive the victim of certain bodily functions. Without proof beyond reasonable doubt of the required *animus iniuriandi*, the overt act of inflicting physical injuries *per se* merely satisfies the elements of freedom and intelligence in an intentional felony. The commission of the act does not, in itself, make a man guilty unless his intentions are.

Here, as against BBB's categorical and straightforward testimony that petitioner deliberately hit him with a broomstick, petitioner's denial deserves scant consideration. Besides, it has been held that testimonies of child-victims are given full faith and credit since youth and immaturity are

³⁸ 749 Phil 16, 37 (2014).



generally badges of truth and sincerity.³⁹ In fine, when petitioner laid his hands-on BBB, he intended to cause or inflict physical injuries on him.

Notably, the medical examination shows that 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.⁴⁰ When there is no evidence of actual incapacity of the offended party for labor or of the required medical attendance; or when there is no proof as to the period of the offended party's incapacity for labor or of the required medical attendance, the offense is only slight physical injuries.⁴¹

Although petitioner lacked the intent to debase, degrade or demean the intrinsic worth and dignity of BBB as a human being as required under Section 10 (a), Article VI of RA 7610, his act of laying hands on him was attended by malicious intent to physically harm BBB which is an element of the crime of slight physical injuries.

But we cannot say the same thing for AAA. To recall, petitioner was merely trying to stop two of his students from fighting over food during the class. AAA, a mere onlooker, was not involved in the fight. There was no evidence showing petitioner ever intended to harm him in any way. Petitioner had no reason to be. As it was, petitioner was focused on the two fighting students, not on AAA or anyone else. It was possible though that as an onlooker, AAA stood too close to the protagonists such that when petitioner stepped in to disengage the protagonists, necessarily AAA was also pushed back, and as result, fell to the ground. No one came forward to say that petitioner did it intentionally or that he even had a motive or reason to do it. On the contrary, the attendant circumstances showed that as a teacher, petitioner only tried to restore peace in the class by stopping his students from fighting. Verily, petitioner cannot be held criminally liable for the abrasions AAA sustained on that occasion. These circumstances, taken together, negate the presence of criminal intent on the part of petitioner. As held in *Villareal*, mere infliction of physical injuries, absent malicious intent, does not make a person automatically liable for an intentional felony.

Penalty

The penalty for slight physical injuries is *arresto menor*, which ranges from one (1) day to thirty (30) days of imprisonment.

Here, since there is no mitigating nor aggravating circumstance present, penalty shall be *arresto menor* in its medium period which is eleven (11) days to twenty (20) days of imprisonment. The Indeterminate Sentence Law being inapplicable *i.e.* maximum of the penalty imposed not exceeding

³⁹ *People v. Ocdol*, 741 Phil. 701, 710-711 (2014).

⁴⁰ Temporary *rollo*, p. 5.

⁴¹ *Escolano v. People*, G.R. No. 226991, December 10, 2018.

one (1) year,⁴² petitioner shall suffer a straight penalty of 20 days of *arresto menor*.

As for damages, under paragraph (1), Article 2219 of the Civil Code, moral damages may be recovered in a criminal offense resulting in physical injuries.⁴³ Moral damages compensate for the mental anguish, serious anxiety, and moral shock suffered by the victim and his family as being a proximate result of the wrongful act. Pursuant to prevailing jurisprudence, an award of Five Thousand Pesos (₱5,000.00) moral damages is appropriate for slight physical injuries. The Court of Appeals' award of ₱20,000.00 as moral damages should be accordingly modified.

WHEREFORE, the Court of Appeals' Decision dated September 14, 2018 and Resolution dated June 20, 2019 in CA-G.R. CR No. 36816 are **MODIFIED**, as follows:

1. In **Criminal Case No. 24935**, petitioner Joel C. Javarez is **ACQUITTED** of violation of Section 10 (a), Article VI, of RA 7610; and
2. In **Criminal Case No. 24936**, petitioner Joel C. Javarez is found **GUILTY** of **SLIGHT PHYSICAL INJURIES** under paragraph 2, Article 266, of the Revised Penal Code. He is sentenced to twenty (20) days of *arresto menor*. He is further **ORDERED** to pay BBB ₱5,000.00 moral damages which shall earn interest at the rate of six percent (6%) *per annum* from date of finality of this decision until fully paid.

SO ORDERED.


AMY C. LAZARO-JAVIER
Associate Justice

⁴² Sec. 2. This Act shall not apply to persons convicted of offenses punished with death penalty or life-imprisonment; to those convicted of treason, conspiracy or proposal to commit treason; to those convicted of misprision of treason, rebellion, sedition or espionage; to those convicted of piracy; to those who are habitual delinquents; to those who have escaped from confinement or evaded sentence; to those who having been granted conditional pardon by the Chief Executive shall have violated the terms thereof; to those whose maximum term of imprisonment does not exceed one year, not to those already sentenced by final judgment at the time of approval of this Act, except as provided in Section 5 hereof.

⁴³ *People v. Villacorta*, 672 Phil. 712, 729 (2011).

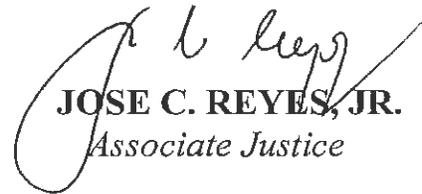
WE CONCUR:



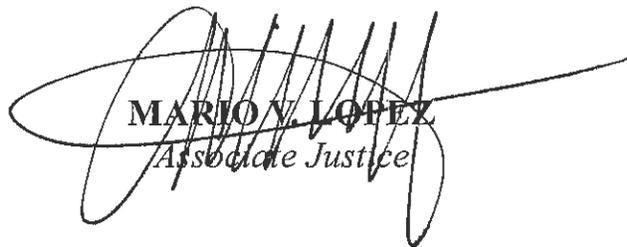
DIOSDADO M. PERALTA
Chief Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



JOSE C. REYES, JR.
Associate Justice



MARIO V. LOPEZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.



DIOSDADO M. PERALTA
Chief Justice

