



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

**THIRD DIVISION**

**XXX<sup>1</sup>,**

**G.R. No. 221370**

*Petitioner,*

Present:

- versus -

LEONEN, J., *Chairperson,*  
HERNANDO,  
INTING,  
DELOS SANTOS, and  
LOPEZ, J.Y., *JJ.*

**PEOPLE OF THE PHILIPPINES,**  
*Respondent.*

Promulgated:

**June 28, 2021**

*Misrocob-H*

X -----X

**DECISION**

**HERNANDO, J.,**

This Petition for Review on *Certiorari*<sup>2</sup> under Rule 45 assails the November 3, 2015 Decision<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. CR No. 36620, which affirmed the December 2, 2013 Decision<sup>4</sup> of the Regional Trial Court (RTC) of ██████████ City,<sup>5</sup> Branch 199 in Criminal Case No. 11-0139, which found petitioner XXX guilty beyond reasonable doubt of violation of Section 5(e)(2) of Republic Act No. (RA) 9262 otherwise known as the Anti-Violence Against Women and Their Children Act of 2004.

<sup>1</sup> Initials were used to identify the petitioner pursuant to Amended Administrative Circular No. 83-15 dated September 5, 2017 entitled "Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders using Fictitious Names/Personal Circumstances.

<sup>2</sup> *Rollo*, pp. 8-35.

<sup>3</sup> *Id.* at 36-53. Penned by Associate Justice Agnes Reyes-Carpio and concurred in by Associate Justices Romeo F. Barza and Elihu A. Ybañez.

<sup>4</sup> *CA rollo*, pp. 40-54. Penned by Presiding Judge Joselito dj. Vibandor.

<sup>5</sup> Geographical location is blotted out pursuant to Supreme Court Amended Circular No. 83-2015.

**The Antecedents:**

An Information<sup>6</sup> was filed against petitioner for violation of Section 5, paragraph (e)(2) of RA 9262, the accusatory portion of which reads:

That on or about the month of August, 2005 and subsequent thereto, in [REDACTED] [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is the husband of the complainant AAA<sup>7</sup> and with whom he has a child BBB,<sup>8</sup> a five (5) year old minor, did then and there willfully, unlawfully, knowingly and deliberately deprive said complainant and their child of sufficient financial support legally due them.

CONTRARY TO LAW.<sup>9</sup>

Upon arraignment, XXX pleaded not guilty to the charge.<sup>10</sup> Thereafter, trial on the merits ensued.

The facts, as alleged by the prosecution, are as follows:

AAA and XXX knew each other since high school and began their relationship in college. Because AAA got pregnant, they got married on March 8, 2005<sup>11</sup> and lived together in the house of XXX's family. While living with petitioner's family, the latter was unable to provide AAA with proper medical care. During the last stage of her pregnancy, AAA had an argument with XXX who refused to bring her to the doctor. When petitioner hurt her, she decided to leave the family home. Thus, after only two months of being married, AAA went back to live with her parents.<sup>12</sup>

On August 2, 2005, AAA gave birth to their son BBB.<sup>13</sup> The hospital expenses were shared by AAA's mother and XXX. BBB was later diagnosed to be suffering from Congenital Torch Syndrome, resulting in delayed development and hearing impairment.<sup>14</sup> AAA brought him to a medical

<sup>6</sup> Records, p.1.

<sup>7</sup> "The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, An Act Providing for Stronger Deterrence And Special Protection Against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation, And for Other Purposes; Republic Act No. 9262, An Act Defining Violence Against Women And Their Children, Providing For Protective Measures For Victims, Prescribing Penalties Therefor, And for Other Purposes; and Section 40 of A.M. No. 04-10-11-SC, known as the Rule on Violence against Women and Their Children, effective November 15, 2004." (*People v. Dumadag*, 667 Phil. 664, 669 [2011]).

<sup>8</sup> Id.

<sup>9</sup> Records, p. 71.

<sup>10</sup> Id. at 72.

<sup>11</sup> Id. at 19; See Certificate of Marriage.

<sup>12</sup> Id. at 7.

<sup>13</sup> Id. at 9; See Certificate of Live Birth.

<sup>14</sup> Id. at 10; See Medical Evaluation.

specialist who recommended that BBB wear a hearing aid. She allegedly spent approximately ₱35,000.00<sup>15</sup> for one hearing aid. When she asked XXX for financial help for their child's hearing aid, he informed her that he was not capable of giving anything since his salary could only cover his own expenses.<sup>16</sup>

Sometime in 2010, AAA tried to contact petitioner to ask for financial help since she could no longer bear the expenses of BBB's special needs on her own. She sent XXX a message on a social networking site but the latter told her to leave him alone and that he was already happy with his new family.<sup>17</sup> AAA also tried to contact XXX's new partner, CCC, as well as his parents, but to no avail.<sup>18</sup>

Eventually, AAA enrolled BBB in a school for the hearing impaired and singlehandedly shouldered the tuition fee of ₱20,000.00. When AAA informed XXX about BBB's expenses, he told her that he could not afford the costs and agreed to find a cheaper school.<sup>19</sup>

Later on, petitioner proposed to enroll BBB at a school for children with special needs. However, it catered to different disabilities which would entail less focus on BBB's needs. Thus, at the time of trial of the present case, BBB was not enrolled at any school since AAA's salary as a call center agent was insufficient to cover her son's school fees. Although there were two other schools in ██████ City and ██████ City catering to BBB's condition, they were located too far from the house of AAA's family.<sup>20</sup>

During trial, AAA also testified that it was possible to cure BBB's condition. In fact, tests were already being conducted to determine if BBB could be a candidate for ear implants. However, AAA stressed that she could not afford the procedure because it would cost about ₱1,000,000.00 for each ear. Hoping that she could save up for the procedure, AAA told XXX about it and hoped that he could extend financial support. However, he would always tell her that he did not have enough money.<sup>21</sup>

In fact, prior to the filing of the instant case, petitioner only gave child support five (5) times. However, after the Office of the City Prosecutor issued a resolution recommending the filing of an Information against XXX, the latter started to give support in the amount of ₱4,000.00 a month.<sup>22</sup>

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<sup>15</sup> Id. at 248.

<sup>16</sup> Id. at 7.

<sup>17</sup> Id. at 127; Exhibit "F".

<sup>18</sup> TSN, October 3, 2011, p. 12.

<sup>19</sup> Id. at 25-26.

<sup>20</sup> Id. at 29-31.

<sup>21</sup> Id. at 33-34.

<sup>22</sup> Id. at 41-43.

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To corroborate AAA's testimony, Danielle Joanne Raymundo (Danielle), a speech and language pathologist, who has been seeing BBB since 2011, was presented as a witness. She conducted an evaluation of BBB and testified and confirmed that BBB had auditory, speech and language delays secondary to bilateral profound hearing loss. She further testified that BBB's disability would affect the child's development. Thus, she suggested BBB to wear a high-powered hearing device or cochlear implant and to attend a one-on-one auditory, speech, and language therapy session once a week. She also opined that having the cochlear implant as soon as possible would be the best option because they were working against BBB's age.<sup>23</sup>

Danielle also did not recommend that BBB be enrolled at the [REDACTED] in [REDACTED] City because it caters to hearing impaired children who cannot really hear and therefore use sign language.<sup>24</sup> If BBB's condition is not addressed, it is more likely that he would have to resort to visual communication and sign language because the auditory nerve would eventually die.<sup>25</sup>

AAA's mother, DDD, also testified that two months after her daughter's marriage, she received a call from AAA who asked her to fetch her from petitioner's house. Since then, they never lived together again as husband and wife. Due to BBB's special medical needs, AAA could no longer shoulder all the expenses on her own so she asked help from XXX. To her knowledge, petitioner only gave support two to three times. She specifically remembers XXX visiting BBB during Christmas day, bringing with him some milk and a stuffed toy. At the time of trial, she and AAA were raising money for the operation of BBB.<sup>26</sup>

For his part, XXX denied the charges and claimed that he was a victim of physical and emotional abuse committed by AAA. In truth, AAA pressured him to stop going to school and work full-time. He only refused because they would have a better chance in life if one of them graduated from college. At that time, they lived with AAA's mother and two siblings. Nevertheless, he immediately looked for a job after he graduated. When he was accepted as a sales agent in [REDACTED], AAA belittled his job and never got any moral or emotional support from her. This led XXX to return to his own parents' house.<sup>27</sup>

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<sup>23</sup> TSN, May 9, 2012, pp. 80-84.

<sup>24</sup> Id. at 89.

<sup>25</sup> Id. at 96.

<sup>26</sup> TSN, July 30, 2012, pp. 101-104, 110-114.

<sup>27</sup> TSN, November 14, 2012, pp. 130-135.

Eventually, AAA's father found it improper for the couple to live separately. Thus, he sent AAA to live with petitioner's family. XXX maintained that he and his mother made sure AAA felt comfortable and had enough to eat during her pregnancy. He denied AAA's claim that she was only fed rice, mangoes, and bagoong. He also refuted AAA's assertion of mistreatment and that she was forced to work while pregnant. The truth is, one of their sponsors offered her a clerical job which only entailed answering the telephone so she could work in an air-conditioned environment. This was a job AAA willingly accepted.<sup>28</sup>

XXX claimed that when they were living together, AAA made him sleep on the floor. XXX also added that AAA was the one who initiated the fight before the latter left their house. During that incident, AAA kicked him and kept on hurting him as he tried to restrain her. Because of the heated argument, petitioner left their house for a while to cool off. Upon his return, AAA had already left.<sup>29</sup>

He also asserted that he paid for all the hospital expenses when AAA gave birth, amounting to about ₱25,000.00. The last time he saw his child was in Christmas 2005 when he brought him milk and a stuffed toy. He was forced to sign a *kasunduan* that stated he and AAA would be living separately and that he would no longer bother them anymore.<sup>30</sup>

According to petitioner, it was only in 2008 when he learned of BBB's medical condition after AAA contacted his supervisor and gave him the message. After doing so, he did not hesitate to give support. Between August 2008 to December 2008, he gave money to his son ranging from ₱1,500.00 to ₱2,000.00.<sup>31</sup>

XXX also explained that he only told AAA in the social networking site that he had a new family so that she would stop bothering him again. In truth, he got hurt because AAA prevented him from taking pictures of his son when they met in December 2008 after years of not seeing each other. He also admitted that he got mad when AAA did not bring BBB to their house after promising to do so. He realized that AAA was only fooling him. Thus, out of his anger and his attempt to make AAA stop, he told her that he had a new family.<sup>32</sup>

Although admitting that he failed to give support from December 2005 to August 2008, he said it was because AAA prevented him from complying with his obligation.<sup>33</sup> Furthermore, AAA asked him for a large amount of money, which he was incapable of giving at that time. In fact, he has been giving support

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<sup>28</sup> Id. at 136-139.

<sup>29</sup> Id. at 139-141.

<sup>30</sup> Id. at 142-147.

<sup>31</sup> Id. at 148.

<sup>32</sup> TSN, March 25, 2013, pp. 160-162.

<sup>33</sup> TSN, June 28, 2013, p. 173.

as evidenced by receipts, cash deposit slips, and cash load slips between 2010 and 2013.<sup>34</sup>

When the instant case was filed in court and XXX was about to post bail, he thought of going to AAA's house first. Instead of spending the money for bail, he offered ₱6,000.00 for BBB's support. However, AAA asked him, "*yan lang ba ang kaya mong i-offer para sa bata?*"<sup>35</sup>

He also admitted in open court that BBB's operation pushed through owing to the efforts of AAA, who looked for different charity institutions to seek help. His family also helped raise funds by helping AAA sell tickets. More or less, he and his family were able to contribute ₱100,000.00.<sup>36</sup>

At the trial, XXX said he receive about ₱16,000.00 as monthly salary, ₱5,000.00 of which would be given as monthly support to BBB.<sup>37</sup>

#### **Ruling of the Regional Trial Court:**

In its December 2, 2013 Decision, the RTC found XXX guilty beyond reasonable doubt of the crime charged. The dispositive portion thereof reads:

*WHEREFORE*, this court finds the accused XXX, GUILTY beyond reasonable doubt and hereby imposes a straight penalty of SIX (6) MONTHS and ONE (1) DAY of PRISION CORRECCIONAL. In the application of the proper penalty, the court has considered the mitigating circumstance of voluntary surrender and applied the same in the minimum period of the statutory penalty provided for by law. In addition to imprisonment, accused is further directed to pay a FINE in the amount of ONE HUNDRED THOUSAND PESOS (Php100,000.00) AND to undergo mandatory psychological counseling and shall report compliance to the court.

Accused is further directed to indemnify the private complainant the amount of TEN THOUSAND PESOS (Php10,000.00) as moral damages.

Let a copy of this Decision be furnished [to] the Prosecution, the accused[,] as well as his counsel for their information and guidance.

SO ORDERED.<sup>38</sup>

The trial court found that XXX deliberately deprived AAA and their child of sufficient financial support to be used for their son's medical and educational expenses. It was not convinced that petitioner only told AAA that he had a new family for leverage since pictures of petitioner with his alleged "special friend" while hugging and holding hands were presented during trial. Such pictures were even publicly shared on social media by petitioner. It also noted that XXX

<sup>34</sup> Records, pp. 166-236.

<sup>35</sup> TSN, June 28, 2013, p. 177.

<sup>36</sup> Id. at 178-179.

<sup>37</sup> Id. at 185.

<sup>38</sup> CA rollo, p. 54.

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only started giving support after the filing of the instant case. It found the support previously given by petitioner insufficient for the sustenance, education, and medical needs of BBB, who suffers from a medical condition that requires special treatment. It also held that XXX's constant refusal to provide financial support caused AAA pain and suffering.<sup>39</sup>

The RTC did not give weight to petitioner's account of being mauled by AAA. It found it unbelievable for a pregnant woman to maul or inflict bodily injuries on a man with a body built like petitioner. It also did not give credence to XXX's averment that he was forced to sign a *kasunduan* because such document was not even presented in court. To the contrary, their exchange of messages revealed his hatred towards AAA and his intent to make AAA and BBB financially dependent on him by depriving them of support.<sup>40</sup>

Aggrieved, XXX appealed the Decision before the CA, arguing that the trial court erred in finding that he deliberately deprived AAA and BBB of sufficient financial support for the latter's medical and educational expenses.<sup>41</sup>

The Office of the Solicitor General (OSG) countered that petitioner's guilt has been established beyond reasonable doubt. It contended that all of the elements of economic abuse were present. It pointed out that XXX's claim that AAA prevented him from giving money was highly improbable since all she wanted from the start was to cure BBB's impairment. In any case, the OSG maintained that petitioner failed to adduce sufficient proof to support his claim that he was willing to give support.<sup>42</sup>

### **Ruling of the Court of Appeals**

In its November 3, 2015 Decision, the CA upheld the conviction of XXX for Violation of Section 5 (e), par. 2 of RA 9262, the *fallo* of which states:

**WHEREFORE**, in view of the foregoing, the Appeal is **DENIED**. The Decision, dated December 2, 2013, rendered by the Regional Trial Court of [REDACTED], Branch 199 in Criminal Case No. 11-0139 is **AFFIRMED**.

**SO ORDERED.**<sup>43</sup>

Hence, the present petition.

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<sup>39</sup> Id. at 46-52.

<sup>40</sup> Id. at 53.

<sup>41</sup> Id. at 23-24.

<sup>42</sup> Id. at 70-74.

<sup>43</sup> *Rollo*, p. 52.

Petitioner contends that the payment for support has been fully documented from 2010 to 2013 as shown by the receipts offered in evidence. Moreover, he claims that he shouldered all the hospitalization expenses when BBB was born. He denies deliberately depriving BBB of financial support.<sup>44</sup>

XXX also argues that when BBB was born, he only had limited income. Hence, he could only provide BBB with milk and other miscellaneous baby needs until AAA forced him to sign the *kasunduan* that they would live separate lives. He claims that he was asked to stay away from his family, under the threat of a restraining order. In truth, AAA is manipulative and the present controversy is only a case of blackmail because the former asked him for ₱1,000,000.00. Lastly, petitioner contends that his failure to give BBB support was not attended with malice, which warrants his acquittal.<sup>45</sup>

To the contrary, the OSG points out that by arguing that AAA is the one who actually prevented him from giving support, and that AAA is an overdomineering wife who blackmailed him for ₱1,000,000.00, petitioner is actually raising questions of fact which are not allowed in a Petition for Review on *Certiorari*. In any case, XXX still failed to adduce evidence that he tried to give support to BBB whom he knew was suffering from a hearing impairment. Moreover, it has been substantially proven that petitioner committed economic abuse against BBB.<sup>46</sup>

### Our Ruling

We find no merit in the petition.

The arguments of petitioner deserve scant consideration.

At the outset, this Court notes that the issues and arguments raised in the present petition were the same issues and arguments raised in his appeal which the appellate court already passed upon. On this point, We stress that a petition for review under Rule 45 is limited only to questions of law,<sup>47</sup> as this Court is not a trier of facts.<sup>48</sup> Since the instant case does not fall under any of the recognized exceptions which would warrant the review of questions of fact, this Court is solely limited to pass upon questions of law.<sup>49</sup>

In a catena of cases, We have held that the findings of fact of the trial court, its calibration of the testimonies of the witnesses and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings, are accorded high respect if not conclusive effect, especially if these findings

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<sup>44</sup> Id. at 20-23.

<sup>45</sup> Id. at 24-25.

<sup>46</sup> Id. at 64-69.

<sup>47</sup> RULES OF COURT, Rule 45, Sec. 1.

<sup>48</sup> *Miro v. Vda. De Erederos*, 721 Phil. 772, 785 (2013).

<sup>49</sup> Id. at 786.



were affirmed by the appellate court.<sup>50</sup> While this is not an absolute rule as correctly pointed out by the petitioner, the present case does not fall under any of the recognized exceptions under the law. At any rate, the findings of the courts *a quo* are supported by the evidence on record.

Economic abuse is one of the acts of violence punished by RA 9262:

“Economic abuse” refers to acts that make or attempt to make a woman financially dependent which includes, but is not limited to the following:

1. withdrawal of financial support or preventing the victim from engaging in any legitimate profession, occupation, business or activity, except in cases wherein the other spouse/partner objects on valid, serious and moral grounds as defined in Article 73 of the Family Code;
2. deprivation or threat of deprivation of financial resources and the right to the use and enjoyment of the conjugal, community or property owned in common;
3. destroying household property;
4. controlling the victim’s own money or properties or solely controlling the conjugal money or properties.

Specifically, Sec. 5, par. (e)(2) of RA 9262 penalizes the deprivation of financial support legally due the woman or child, which is a continuing offense:<sup>51</sup>

(e) Attempting to compel or compelling the woman or her child to engage in conduct which the woman or her child has the right to desist from or desist from conduct which the woman or her child has the right to engage in, or attempting to restrict or restricting the woman's or her child's freedom of movement or conduct by force or threat of force, physical or other harm or threat of physical or other harm, or intimidation directed against the woman or child. This shall include, but not limited to, the following acts committed with the purpose or effect of controlling or restricting the woman's or her child's movement or conduct:

x x x x

(2) Depriving or threatening to deprive the woman or her children of financial support legally due her or her family, x x x;

x x x x

As correctly found by the courts *a quo*, all the elements of a violation of Section 5 (e)(2) of RA 9262 are present, as it was established that: (a) XXX and AAA were married after being pregnant with BBB; (b) XXX acknowledged

<sup>50</sup> *People v. Mores*, 712 Phil. 480, 494 (2013).

<sup>51</sup> *Del Socorro v. Van Wilsem*, 749 Phil. 823, 840 (2014) citing *People v. De Leon*, 608 Phil. 701, 722 (2009).

BBB as his child; (c) he failed to provide sufficient support for BBB; (d) he withheld financial support for BBB due to the ire he felt towards his wife; (e) he only provided financial support after the complaint against him in the Prosecutor's Office was filed.

Under Article 195 (4) of the Family Code, a parent is obliged to support his child, comprising everything indispensable for sustenance, dwelling, clothing, medical attendance, education, and transportation, in keeping with the financial capacity of the family.<sup>52</sup> The amount of support shall be in proportion to the necessity of the recipient and the means of the person obliged to give support.<sup>53</sup>

In the case at bar, XXX deliberately deprived his son BBB of financial support for the latter's sustenance, clothing, medical, and educational expenses. From the moment the child was born until the case was filed, petitioner was only able to give a total of about ₱10,000.00 in a span of five years.<sup>54</sup> To the mind of this Court, this does not meet the necessity of BBB's expenses, considering that the child is suffering from Congenital Torch Syndrome, resulting in delayed development and hearing impairment. This especially holds true since petitioner is capable of giving support based on his Income Tax Return for the year 2009, when his gross compensation was ₱234,565.79.<sup>55</sup>

Petitioner attempts to impress upon this Court that he complied with his obligation to give support as evidenced by receipts from 2010 to 2013. However, it only bolsters AAA's claim that XXX only started to provide support after the filing of the instant case against him. As admitted by petitioner himself, he failed to provide support from 2005 to 2008 after he got angry at AAA for the latter's failure to bring BBB to him on Christmas day.<sup>56</sup> However, it should be BBB's best interest that should prevail over the spouses' conflict with each other. We echo the pronouncement of the appellate court in this wise:

xxx However, while one can understand his annoyance at his wife, there is no justification for him to terminate giving support to their child on the basis of his anger toward his spouse. In cases of support, the best interest of the child must always be considered and if the pattern of revenge shown by the accused-appellant is condoned by this Court, it would violate the State's mandate to protect those that cannot protect themselves.<sup>57</sup>

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<sup>52</sup> FAMILY CODE, Art. 194.

<sup>53</sup> FAMILY CODE, Art. 201.

<sup>54</sup> TSN, February 29, 2012, p. 73.

<sup>55</sup> Records, p. 23; Exhibit "J".

<sup>56</sup> TSN, June 28, 2013, pp. 173-174.

<sup>57</sup> *Rollo*, p. 51.

Moreover, his claims that it was AAA who prevented him from complying with his obligation to give support and that she forced him to sign a *kasunduan* to stay away from them under threat of a restraining order remain unsubstantiated. Petitioner could have submitted evidence of his attempts to give support to BBB as well as the *kasunduan* itself. However, nothing on record supports this fact aside from XXX's bare assertion.

There is also no merit in petitioner's argument that the absence of malice on his part should warrant his acquittal. Crimes *mala in se* are those "so serious in their effects to society as to call for almost unanimous condemnation of its members."<sup>58</sup> On the other hand, crimes *mala prohibita* are "violations of mere rules of convenience designed to secure a more orderly regulation of the affairs of society."<sup>59</sup> Generally, the term *mala in se* pertains to felonies defined and penalized by the RPC while *mala prohibita* refers generally to acts made criminal by special laws.<sup>60</sup> In acts which are declared to be *mala prohibita*, malice or intent is immaterial.<sup>61</sup> Since RA 9262 or the Anti-Violence Against Women and Their Children Act of 2004 is a special law, the act of deprivation of financial support is considered *malum prohibitum*. Petitioner's argument of absence of malice or intent is immaterial and the only inquiry to be made is whether or not XXX committed the act.

In fine, We find no cogent reason to deviate from the factual findings of the trial court, as affirmed by the CA. There is no indication that the court *a quo* overlooked, misunderstood or misapplied the surrounding facts and circumstances of the case.

**WHEREFORE**, the instant petition is **DENIED**. The assailed November 3, 2015 Decision of the Court of Appeals in CA-G.R. CR No. 36620 finding petitioner XXX **GUILTY** beyond reasonable doubt of violating Section 5(e)(2) of Republic Act No. 9262 otherwise known as the Anti-Violence Against Women and Children Act of 2004 is hereby **AFFIRMED in toto**. Petitioner is sentenced to suffer the straight penalty of six (6) months and one (1) day of *prision correccional*, and to pay a fine of One Hundred Thousand Pesos (₱100,000.00) and moral damages of Ten Thousand Pesos (₱10,000.00). He is also directed to undergo mandatory psychological counseling and to report compliance to the trial court.

<sup>58</sup> Reyes, L., 2012 *The Revised Penal Code Book II*. 18th ed. p.58 citing Bouvier's Law Dictionary, Rawle's 3<sup>rd</sup> Revision.

<sup>59</sup> Reyes, L., 2012 *The Revised Penal Code Book II*. 18th ed. p.58.


<sup>60</sup> *ABS-CBN Corp. v. Gozon*, 755 Phil. 709, 763 (2015) citing *Ho Wai Pang v. People*, 675 Phil. 692 (2011).


<sup>61</sup> *Go v. The Fifth Division of Sandiganbayan*, 558 Phil. 736, 744 (2007).


**SO ORDERED.**

  
**RAMON PAUL L. HERNANDO**  
Associate Justice

WE CONCUR:

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


  
**HENRI JEAN PAUL B. INTING**  
Associate Justice

  
**EDGARDO L. DELOS SANTOS**  
Associate Justice

  
**JHOSEP Y. LOPEZ**  
Associate Justice

**ATTESTATION**

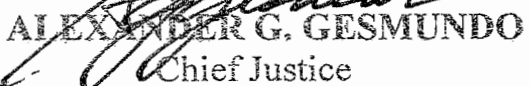
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M. V. F. LEONEN  
Associate Justice  
Chairperson

**CERTIFICATION**

Pursuant to Section 13, Article VIII 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

