Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

ASELA BRIÑAS y DEL FIERRO,
Petitioner,

- versus -

PEOPLE OF THE PHILIPPINES,
Respondent.

G.R. No. 254005

Present:

GESMUNDO, *C.J.*, *Chairperson*,
CAGUIOA,
CARANDANG,
ZALAMEDA, and
GAERLAN, *JJ.*

Promulgated:

JUN 23 2021

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DECISION

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."

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1 *Rollo*, pp. 3-21, excluding Annexes.
2 Id. at 23-39. Penned by Associate Justice Apolinario D. Bruselas, Jr. and concurred in by Associate Justices Zenaida T. Galapate-Laguilles and Walter S. Ong.
3 Id. at 40-43.
4 Seventh Division and Former Seventh Division, respectively.
5 *Rollo*, pp. 46-53. Penned by Presiding Judge Consuelo Amog-Bocar.
6 Id. at 4-5.

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 Micolle[8] Mari Maevis S. Rosauro and 16-year old Keziah Liezle[9] D. Dolojan, 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 Micolle Mari Maevis S. Rosauro and Keziah Liezle D. Dolojan of their intrinsic worth and dignity, and to the grave humiliation, embarrassment, damage and prejudice of said minors Micolle Mari Maevis S. Rosauro 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

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7 Id. at 24.
8 Micole in some parts of the *rollo*.
9 Liezl in some parts of the *rollo*.
10 *Rollo*, p. 24. Underscoring in the original.
11 Id.
12 Id. at 24-25.
13 Id. at 25, 46-47.
14 Referring to Charlene, see id. at 25.

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 you.*"[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

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15 *Rollo*, p. 25.
16 Id.
17 Id. at 25-26.
18 Id. at 47. Italics in the original; emphasis omitted.
19 Id. at 25-26. Italics in the original.
20 Id. at 46-47.
21 Id. at 26.
22 Id. at 47-48.

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 **ASELA 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

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23 Id. at 26, 47-48.
24 Id. at 48.
25 Id.
26 Id.
27 Id. at 25.
28 Id. at 27, 48-49.
29 Id. at 49.
30 Supra note 5.

> 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 [₱]20,000.00 as moral damages and to pay private complainant Keziah Liezl Dolojan [₱]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.

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31 Id. at 53.
32 Id. at 74-86 (for the OSG); 87-91 (for the private complainants).
33 Id. at 38-39.
34 See id. at 33-35.

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.*
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> (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.* –
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> x x x x
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> (b) "Child Abuse" refers to the maltreatment, whether habitual or not, of the child which includes any of the following:
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> (1) Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
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> **(2) Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;**
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> (3) Unreasonable deprivation of his basic needs for survival, such as food and shelter; or
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> (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]

Considering the allegations in the Information and the evidence presented, the question now is: did the prosecution prove beyond reasonable doubt the guilt of Briñas for child abuse under Section 10(a) of R.A. 7610?

A conviction for child abuse under Section 10(a) in relation to Section 3(b)(2) of R.A. 7610 requires the presence of intent to debase, degrade or demean the intrinsic worth of the child as a human being.

A study of relevant jurisprudence reveals that a ***specific intent*** to debase, degrade or demean the intrinsic worth of a child as a human being is required for conviction under Section 10(a) of R.A. 7610 in relation to Section

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[35] *Araneta v. People*, G.R. No. 174205, June 27, 2008, 556 SCRA 323, 332. Emphasis and citations omitted.

3(b)(2).[36] This is especially true if the acts allegedly constituting child abuse were done in the spur of the moment, out of emotional outrage.[37]

"Debasement" is defined as the act of reducing the value, quality, or purity of something; "degradation," on the other hand, is a lessening of a person's or thing's character or quality while "demean" means to lower in status, condition, reputation, or character.[38]

Hence, the prosecution must not only prove that the acts of child abuse under Section 3(b)(2) were committed, but also that the same were intended to debase, degrade or demean the intrinsic worth and dignity of the minor victim as a human being.

This requirement of specific intent was first established in the case of *Bongalon v. People*[39] (*Bongalon*). Therein, the accused was charged under Section 10(a) because he struck and slapped the face of a minor, after finding out that the latter threw stones at the accused's own minor daughters and burnt the hair of one of them. The Court therein ruled that the laying of hands against a child, when done at the spur of the moment and in anger, cannot be deemed as an act of child abuse under Section 10(a), as the essential element of intent to debase, degrade or demean the intrinsic worth and dignity of the child as a human being is not present:

> 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*.**[40]

Child abuse cases following *Bongalon* likewise adopted the specific intent requirement.

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36 See *Bongalon v. People*, 707 Phil. 11, 21 (2013); *Jabalde v. People*, 787 Phil. 255, 270 (2016); *Escolano v. People*, G.R. No. 226991, December 10, 2018, 889 SCRA 98, 112; *Calaoagan v. People*, G.R. No. 222974, March 20, 2019, 898 SCRA 25, 38-39; *Torres v. People*, G.R. No. 206627, January 18, 2017, 814 SCRA 547; *Talocod v. People*, G.R. No. 250671, October 7, 2020, p. 5, accessed at <https://sc.judiciary.gov.ph/15077/>.

37 *See Bongalon v. People*, id. at 20; *Jabalde v. People*, id. at 269-270; *Escolano v. People*, id. at 111-112; *Calaoagan v. People*, id. at 38.

38 *Calaoagan v. People*, id.

39 Supra note 36.

40 Id. at 21. Emphasis and underscoring supplied.

In *Jabalde v. People*[41] (*Jabalde*), the accused, after the Court determined her to have lacked the specific intent to debase the minor victim, was convicted only of slight physical injuries under the RPC instead of child abuse under R.A. 7610 for which she was charged. Therein, the accused, after being informed that her daughter's head was punctured, thought the latter was already dead. The accused fainted and when she regained consciousness, she slapped and choked the minor victim who she believed had harmed her daughter. The Court held that the spontaneity of the accused's acts and the fact that the victim suffered only minor abrasions show that the laying of hands was an offshoot of the accused's emotional outrage and a desire to rescue her own child from harm; hence, there was no specific intent to debase the intrinsic worth of the child.

This specific intent was likewise found missing in *Calaoagan v. People*[42] (*Calaoagan*) wherein the accused inflicted injuries in the heat of an argument, during an altercation between the accused's group and that of the minor as they met on the street without any prior confrontation.

Even in cases where the Court did convict the accused of violation of Section 10(a), the Court highlighted the need for the prosecution to prove specific intent to debase in child abuse. In *Torres v. People,*[43] the Court affirmed the presence of this intent when accused, with excessive force, whipped the child's neck with a wet t-shirt, not just once but three times, causing the child to fall down the stairs and sustain a contusion. The Court said that if the only intention of the accused was to discipline the child and stop him from interfering in the conciliation proceedings, he could have resorted to other less violent means.

While the mentioned cases requiring specific intent to debase, degrade or demean the intrinsic worth of the child as a human being pertain to child abuse by physical deeds, *i.e.*, the laying of hands against the child, the same treatment has been extended to the utterance of harsh words against minors. In *Talocod v. People*[44] (*Talocod*), the accused, right after being informed by her own child that the minor victim had berated the former, immediately confronted the victim and furiously shouted: "*[h]uwag mong pansinin yan. At putang ina yan. Mga walang kwenta yan, [m]ana-mana lang yan!*"[45] The Court acquitted the accused of the charge of child abuse for failure of the prosecution to prove that the utterances were specifically intended to debase the child, they being only offhand remarks brought about by the spur of the moment and out of parental concern for her child, thus:

> Notably, case law qualifies that for one to be held criminally liable for the commission of acts of Child Abuse under Section 10 (a), Article VI

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41 Supra note 36.
42 Supra note 36.
43 Supra note 36.
44 Supra note 36.
45 Id. at 7.

> of RA 7610, "the prosecution [must] prove a **specific intent to debase, degrade, or demean the intrinsic worth of the child; otherwise, the accused cannot be convicted [for the said offense].**"
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> x x x x
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> **While the aforementioned cases pertain to the commission of child abuse by physical deeds, *i.e.*, the laying of hands against a child, the same treatment has also been extended to the utterance of harsh words, invectives, or expletives against minors.** In *Escolano v. People*, which involved facts similar to the instant case, the Court held that the **mere shouting of invectives at a child, when carelessly done out of anger, frustration, or annoyance, does not constitute Child Abuse under Section 10 (a) of RA 7610 absent evidence that the utterance of such words were *specifically intended to debase, degrade, or demean* the victim's intrinsic worth and dignity**, to wit:
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> x x x x
>
> Verily, based on the foregoing narration, there appears no indication that petitioner deliberately intended to shame or humiliate AAA's dignity in front of his playmates. On the contrary, it is rather apparent that petitioner merely voiced the alleged utterances as offhand remarks out of parental concern for her child. Hence, in view of the absence of a specific intent to debase, degrade, or demean the victim's intrinsic worth and dignity in this case, the Court finds that petitioner cannot be held criminally liable for committing acts of Child Abuse under Section 10 (a), Article VI of [R.A.] 7610.[46]

Escolano v. People[47] (*Escolano*) likewise involved the hurling of expletive remarks at a child. Here, the Court acquitted the accused for child abuse, noting that she lacked the intent to debase the child, her acts having been done only in the heat of anger and in order to stop the unruly behavior of the children who were throwing ketchup sachets at her.

As demonstrated by the cases above, the presence or absence of specific intent to debase the child in child abuse cases may be drawn from the circumstances of the case and the manner by which the accused inflicted the physical or psychological injuries upon the minor. For instance, lack of intent to debase may be proven by demonstrating that the allegedly abusive acts were solely out of emotional outrage in the spur of the moment, as the Court held in *Bongalon*, *Jabalde*, *Calaoagan*, and *Talocod*.

Another defense that may refute the attendance of intent to debase the child is that the accused, in committing the acts complained of, merely intended to discipline or correct a wrongful behavior of the minor. This holds especially true in cases wherein the accused is legally entrusted with the care and discipline of the minor victim such as the latter's teacher.[48]

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46 Id. at 5-9. Citations omitted; emphasis and underscoring supplied.

47 Supra note 36.

48 See Art. 218 of the Family Code which states:

In *Rosaldes v. People*,[49] similar to the present case, the accused was the school teacher of the child victim, a Grade 1 student. The accused was drowsing off on a sofa as the child entered and accidentally bumped her. The accused then pinched the child on the thigh, held him in the armpits and threw him on the floor causing the child to hit a desk and lose consciousness. Instead of feeling any remorse, the accused then held the child by his ears and pushed him again to the floor. The child sustained severe injuries. The accused interposed the defense that she had no intention to debase the victim, her acts of maltreatment being merely aimed at disciplining the child which she, as a schoolteacher, could reasonably do under the doctrine of *in loco parentis*. The Court, while recognizing the right of a teacher to discipline his or her pupils, nevertheless convicted the accused of child abuse, ruling that her acts were unnecessary and excessive which caused the child severe injuries. This effectively refuted the accused's claim that she merely intended to discipline the child. Moreover, the Court noted that such infliction of physical harm constitutes corporal punishment which is expressly prohibited by the Family Code, thus:

> Although the petitioner, as a schoolteacher, could duly discipline Michael Ryan as her pupil, her infliction of the physical injuries on him was unnecessary, violent and excessive. The boy even fainted from the violence suffered at her hands. She could not justifiably claim that she acted only for the sake of disciplining him. Her physical maltreatment of him was precisely prohibited by no less than the Family Code, which has expressly banned the infliction of *corporal punishment* by a school administrator, teacher or individual engaged in child care exercising special parental authority *(i.e., in loco parentis), viz.*:
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> Article 233. The person exercising substitute parental authority shall have the same authority over the person of the child as the parents.
>
> In no case shall the school administrator, teacher or individual engaged in child care exercising special parental authority inflict corporal punishment upon the child. (n)
>
> x x x x
>
> In the crime charged against the petitioner, therefore, the maltreatment may consist of an act *by deeds* or *by words* that *debases, degrades* or *demeans* the intrinsic worth and dignity of a child as a human being. The act need not be habitual. The CA concluded that the petitioner "went overboard in disciplining Michael["] x x x.[50]

In convicting the accused, the Court likewise considered the fact that the accused's maltreatment of the victim was not an isolated case. One of the prosecution witnesses who was also a pupil of the accused revealed on cross-

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> **Art. 218.** The school, its administrators and teachers, or the individual, entity or institution engaged in child care shall have special parental authority and responsibility over the minor child while under their supervision, instruction or custody.
>
> Authority and responsibility shall apply to all authorized activities whether inside or outside the premises of the school, entity or institution. (349a)

49 745 Phil. 77 (2014).

50 Id. at 86-88. Citations omitted; italics in the original.

examination that she had likewise experienced the accused's cruelty. Moreover, it was shown that the accused was already previously convicted by the RTC for maltreatment of another child in another case. The Court held that such previous incidents manifested that the accused had "a propensity for violence." Finally, the Court considered the emotional trauma of the child, who was compelled to transfer school out of fear of the accused.

In *Lucido v. People*,[51] the accused, who was a neighbor of the minor's family, was entrusted with the custody of the minor upon the accused's request as the latter was living alone. While with the accused, the minor suffered physical abuse through repeated strangulation, beating, and pinching by the former, causing the child to limp. The accused interposed the defense that her actuations were merely intended to discipline the minor. The Court rejected the defense, noting that the abusive acts of the accused were extreme measures of punishment not commensurate with the discipline of an eight-year-old child.

Hence, based on the foregoing case law, a prosecution for child abuse under Section 10(a) in relation to Section 3(b)(2) requires the presence of a specific intent to debase, degrade or demean the intrinsic worth and dignity of a child as a human being. Such specific intent may be refuted by proof that the acts were merely offshoots of emotional outrage in the spur of the moment and/or that the accused merely intended to discipline the child. In the case where the defense of disciplining a child is advanced, the Court may likewise consider if the disciplining acts are commensurate to, and may reasonably address, the misbehavior of the child being dealt with. If the alleged disciplinary measures are excessive and run counter to the purpose of disciplining a child, then the defense will be rejected and the accused may be held liable for child abuse.

Briñas cannot be held liable for child abuse under Section 10(a) in relation to Section 3(b)(2) because the prosecution failed to prove the presence of intent to debase, degrade or demean the intrinsic worth of the private complainants as human beings.

Applying the foregoing case law to the present case, the Court holds that the CA and the RTC erred in finding Briñas guilty of violation of Section 10(a) in relation to Section 3(b)(2) of R.A. 7610.

In gist, Briñas argues that her defamatory remarks against the private complainants were uttered in a fit of anger as a response to the involvement by the private complainants of her child's name in a text message which "appears to be a scheme on other students." Briñas claims she was "deprived

[51] G.R. No. 217764, August 7, 2017, 834 SCRA 545.

of x x x clear thinking [and] had intended no more than telling (*sic*) off [the] private complainants, as students under her supervision." As such, she did not have the required intent to debase, degrade or demean the intrinsic worth of the minors as human beings. On this basis, she argues that she should only be convicted for oral defamation under the RPC, if at all.[52]

Preliminarily, it is worth mentioning that only errors of law and not of facts are reviewable in a petition for review on *certiorari* under Rule 45. The rule applies with greater force when the factual findings of the CA are in full agreement with that of the RTC. However, the rule is not ironclad. A departure therefrom may be warranted when it is established that cogent facts and circumstances have been ignored, overlooked, misconstrued or misinterpreted, which, if considered, will change the outcome of the case.[53]

Here, the Court, upon an assiduous and careful review of the records, finds that the lower courts misinterpreted vital facts that demonstrate merit in Briñas' contentions. In simple terms, there was a failure to establish the specific intent to debase, degrade or demean required in child abuse cases punished under Section 10(a) in relation to Section 3(b)(2) of R.A. 7610.

Indeed, the evidence presented shows that Briñas' acts were only done in the heat of anger, made after she had just learned that the private complainants had deceivingly used her daughter's name to send a text message to another student, in what Briñas thought was part of a bigger and harmful scheme against the student body. She had also then just learned that the mother of the student who received the misleading text message had confronted the private complainants for quarreling with the former's daughter. It appears, thus, that Briñas' acts were fueled by her anger and frustration at the private complainants' mischief which caused distress not only to her and her daughter but also to another student and parent.

The present case is similar to the above-discussed case of *Talocod* wherein the accused shouted expletives at the minors as a response to the latter's beratement of her own child. The cases of *Bongalon* and *Jabalde* likewise come to mind, wherein the accused parents physically laid hands on the minors, in the midst of passionate anger and under the impression that their own children were harmed by the minor complainants. In all these cases showing that the physical or verbal mistreatments were committed in the heat of anger out of parental concern for their own children, the accused were acquitted of the charge of child abuse under Section 10(a) for absence of intent to debase, degrade or demean the minors.

Notably, in the present case, the prosecution failed to prove other circumstances which may indicate said intent to debase, degrade or demean. The alleged subsequent acts of expulsion, suspension and withholding of the

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52 *Rollo*, p. 10.

53 *Franco v. People*, 780 Phil. 36, 43 (2016).

school records of the private complainants by Briñas were not proven sufficiently. No documentary evidence was presented, such as the written notice of suspension or expulsion or the letter of DepEd admonishing Challenger's actions. On the other hand, Briñas vehemently denies that the private complainants were expelled, suspended and that their school documents were withheld.

Indeed, even assuming that the private complainants were suspended and expelled and that their school records were unjustly withheld, no proof was presented that such acts were committed by Briñas herself or that she participated in their commission. The testimonies of the prosecution witnesses on this matter are conflicting and confusing. Elizabeth, mother of Keziah, testified that her daughter was expelled by Napoleon Briñas, Challenger's president and husband of Briñas.[54] Christian, father of Micolle, did not specify who committed these acts. He merely asked Micolle's adviser if the latter was suspended and the adviser answered, "yes."[55] It must be stressed that the acts of Briñas' husband or even those of Challenger's, in which she serves as a school directress, cannot be imputed to Briñas without evidence of her participation in said acts, or conspiracy with the perpetrators.

Hence, the only acts proven to have been committed by Briñas are the hurling of invectives, made in a spur of the moment and in the heat of anger, against the private complainants, after she learned of the latter's mischief against her own daughter. Unfortunately for the prosecution, these acts, *by themselves*, do not show intent to debase, degrade or demean the minors which is an indispensable element of the crime charged. In a criminal case, the prosecution is burdened to establish beyond reasonable doubt all of the elements of the crime charged, consistent with the basic principle that an accused is presumed innocent until proven guilty.[56]

Thus, due to the prosecution's failure to prove the presence of specific intent to debase, degrade, or demean the victims' intrinsic worth and dignity, Briñas cannot be held guilty of child abuse under R.A. 7610. This is in line with the 2020 case of *Talocod* discussed above which involved similar acts of slandering minors in the heat of anger and without intention to debase, wherein the Court likewise acquitted the accused of the crime charged.

WHEREFORE, in view of the foregoing, the Petition for Review on *Certiorari* is **GRANTED**. The Decision dated January 27, 2020 and Resolution dated October 19, 2020 of the Court of Appeals in CA-G.R. CR No. 42784 are hereby **REVERSED** and **SET ASIDE**. Accordingly, petitioner Asela Briñas y Del Fierro is **ACQUITTED** of the crime charged. Let entry of judgment be issued immediately.

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54 *Rollo*, p. 47.
55 Id.
56 *People v. Castillo*, G.R. Nos. 131592-93, February 15, 2000, 325 SCRA 613, 621.

SO ORDERED.

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

WE CONCUR:

ALEXANDER G. GESMUNDO
Chief Justice
Chairperson

ROSMARI D. CARANDANG
Associate Justice

RODIL V. ZALAMEDA
Associate Justice

SAMUEL H. GAERLAN
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.

ALEXANDER G. GESMUNDO
Chief Justice