



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

XXX,*

Petitioner,

-versus-

PEOPLE OF THE PHILIPPINES,
Respondent.

G.R. No. 263449

Present:

LEONEN, *SAJ, Chairperson*,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., and
KHO, JR., *JJ*.

Promulgated:

NOV 13 2023

X-----X

DECISION

LOPEZ, J., *J*:

This Court resolves a Petition for Review on *Certiorari*¹ assailing the Decision² and Resolution³ of the Court of Appeals (CA) in CA-G.R. CR No. 01923-MIN, which affirmed the Decision of the Regional Trial Court (RTC), convicting XXX of a violation of Republic Act No. 9262, otherwise known as the Anti-Violence Against Women and their Children Act.

* In line with Amended Administrative Circular No. 83-2015, as mandated by Republic Act No. 9262 of the Revised Penal Code, the names of the private offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

¹ *Rollo*, pp. 9-45.

² *Id.* at 46-70. The January 24, 2022 Decision in CA-G.R. CR No. 01923-MIN was penned by Associate Justice Loida S. Posadas-Kahulugan and concurred in by Associate Justices Edgardo A. Camello and Anisah B. Amanodin-Umpa of the Twenty-First Division, Court of Appeals, [REDACTED].

³ *Id.* at 71-72. The July 29, 2022 Resolution in CA-G.R. CR No. 01923-MIN was penned by Associate Justice Loida S. Posadas-Kahulugan and concurred in by Associate Justices Anisah B. Amanodin-Umpa and John Z. Lee of the Special Former Twenty-First Division, Court of Appeals, [REDACTED].

The Antecedents

The instant case stemmed from an Information filed against XXX, the accusatory portion of which reads:

That on or about and during the period comprised between November 1, 2007 and November 30, 2007 and for sometime prior and subsequent thereto, in the [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the said accused, the wedded husband of one private complainant [AAA], did then and there willfully, unlawfully, and feloniously leave the conjugal dwelling, desert or abandon the latter not knowing that the former had eloped or ran away with [BBB], their 17-year old working student, causing the said private complainant to look and search for the former for years, when in early part of 2010, browsing the "facebook" of the internet, the said private complainant saw pictures of respondent and [BBB] with a child, believed born to them on May 20, 2009, and which horrible discovery not only added, insult to the injury of mental and emotional anguish which the former had caused upon the latter due to the said accused disappearance and public humiliation but also physically, the private complainant [sic] health deteriorated when finally getting the scalpel in 2010.⁴

Upon arraignment, XXX pleaded not guilty to the charge. Pre-trial was conducted, then trial on the merits ensued.⁵

The prosecution narrated that XXX was married to AAA. In October 2007, AAA found XXX and their househelper, BBB, kissing in the kitchen of their house. AAA confronted them, and she and XXX had an intense fight. AAA spent the night at her parents' house. Returning to their home, she found their house empty as XXX and BBB had already left. She suspected that XXX went to [REDACTED], his province.⁶ Since their fight, XXX did not return to their residence. In 2013, AAA subsequently found out through Facebook that XXX had a child with BBB.⁷

AAA alleged that she suffered emotionally from the distress brought about by the abandonment and infidelity of XXX. She alleged that she also suffered anxiety as they had contracted multiple loans to finance their business and she was left alone to pay for these. She was also diagnosed with abnormalities in her uterus and myomi uteri which caused vaginal bleeding for months, contributing to her anemia and causing her to undergo surgery.⁸

On the part of the defense, XXX denied the affair, but candidly admitted that he and BBB are now living together with a daughter. He

⁴ *Id.* at i0-11.

⁵ *Id.* at 11.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

maintained that the case filed against him was baseless. XXX countered that their separation was mutually agreed upon and was brought about at the instigation of AAA's parents, who allegedly disapproved of him.⁹

In its Decision, the RTC found XXX guilty beyond reasonable doubt of a violation of Section 5(i) of Republic Act No. 9262. The dispositive portion of the Decision states:

WHEREFORE, premises considered, finding accused [XXX] guilty beyond reasonable doubt of violation of section 5 (i) of R.A. No. 9262, the Court hereby sentences him to suffer an indeterminate sentence of imprisonment of two (2) years, four (4) months[,] and one (1) day of prison correccional[,] as minimum[,] to twelve (12) years of prison mayor[,] as maximum, to pay a fine in the amount of [PHP] 100,000.00 and to undergo a mandatory psychological counseling or psychiatric treatment and shall report compliance to the Court.

*SO ORDERED.*¹⁰

The RTC gave prime consideration to the testimony of AAA on the ordeal she suffered, which it found to be clear, categorical, and straightforward.¹¹ The RTC did not give any credence to the weak denial of XXX.¹²

Aggrieved, XXX filed an appeal to the CA.¹³

In its Decision,¹⁴ the CA affirmed XXX's conviction, the dispositive portion of which reads:

WHEREFORE, premises considered, the appeal is hereby **DENIED.** The Decision dated 13 August 2019 promulgated by the RTC [REDACTED] of [REDACTED], is **AFFIRMED.**

SO ORDERED.¹⁵ (Emphasis in the original)

The CA held that AAA's testimony was strong and credible, and that the abandonment and marital infidelity of XXX are forms of psychological violence, which is the proximate cause of AAA's emotional anguish and mental suffering. The denial of XXX was not given any weight, as such was a weak defense which could not prevail over the positive testimony of AAA.¹⁶

⁹ *Id.* at 49-51.

¹⁰ *Id.* at 16.

¹¹ *Id.* at 52.

¹² *Id.* at 108.

¹³ *Id.*

¹⁴ *Id.* at 46-70.

¹⁵ *Id.* at 69.

¹⁶ *Id.* at 62-68.

XXX then sought for a reconsideration, but it was denied by the CA in a Resolution.¹⁷

Hence, this Petition.

Issue

The question for this Court's resolution is whether the CA erred in sustaining the conviction of XXX for a violation of Republic Act No. 9262.

This Court's Ruling

The CA Decision must be affirmed, as the prosecution was able to prove the guilt of XXX beyond reasonable doubt.

Section 3(c) of Republic Act No. 9262 defines psychological violence as follows:

C. "Psychological violence" refers to acts or omissions causing or likely to cause mental or emotional suffering of the victim such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse and marital infidelity. It includes causing or allowing the victim to witness the physical, sexual[,] or psychological abuse of a member of the family to which the victim belongs, or to witness pornography in any form or to witness abusive injury to pets or to unlawful or unwanted deprivation of the right to custody and/or visitation of common children. (Emphasis supplied)

In turn, Section 5(i) of Republic Act No. 9262 punishes the infliction of psychological violence, which reads:

SECTION 5. Acts of Violence Against Women and Their Children. — The crime of violence against women and their children is committed through any of the following acts:

.....

(i) Causing mental or emotional anguish, public ridicule or humiliation to the woman or her child, including, but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of minor children or access to the woman's child/children. (Emphasis supplied)

In *Dinamling v. People*,¹⁸ this Court enumerated the elements of psychological violence, as follows:

¹⁷ *Id.* at 71–72.

¹⁸ 761 Phil. 356 (2015) [Per J. Peralta, Third Division].

From the aforementioned Section 5(i), in relation to other sections of RA No. 9262, the elements of the crime are derived as follows:

- (1) The offended party is a woman and/or her child or children;
- (2) The woman is either the wife or former wife of the offender, or is a woman with whom the offender has or had a sexual or dating relationship, or is a woman with whom such offender has a common child. As for the woman's child or children, they may be legitimate or illegitimate, or living within or without the family abode;
- (3) The offender causes on the woman and/or child mental or emotional anguish; and
- (4) The anguish is caused through acts of public ridicule or humiliation, repeated verbal and emotional abuse, denial of financial support or custody of minor children[,] or access to the children or similar such acts or omissions.¹⁹ (Citations omitted)

All the elements of psychological violence are present in the case at bar.

Here, the fact that AAA is a woman and married to XXX is undisputed.

The *third* and *fourth* elements are likewise present. XXX caused emotional anguish to AAA when he abandoned her to be with BBB.

In the recent case of *Mangalino v. People*,²⁰ this Court, in affirming the conviction of the accused, ruled that the husband's abandonment of his family constituted psychological violence causing mental or emotional suffering on the wife.²¹

A perusal of Section 3(c) of Republic Act No. 9262 would reveal that it does not contain an exclusive list of what constitutes psychological violence as shown by the phrase "such as but not limited to." Instead, it defines psychological violence as any act or omission causing mental or emotional suffering to the victim. To recapitulate, Section 5(i) punishes the act of causing mental or emotional anguish to the woman, including emotional abuse. Undoubtedly, a husband's abandonment of his wife falls under psychological violence and emotional abuse penalized under Republic Act No. 9262, as such an action would naturally cause mental and emotional suffering to the wife, a person whom the husband is obliged to cohabit with, love, respect, and give support to.²² Indeed, under Article 68 of the Family Code "the husband and wife are obliged to live together, observe mutual love,

¹⁹ *Id.* at 373.

²⁰ G.R. No. 250051, February 3, 2020 [Notice, Second Division].

²¹ *Id.*

²² *Id.*

respect, and fidelity, and render mutual help and support.” These obligations could not be fulfilled should the husband abandon the wife. In practice, these obligations need not even be dictated by law, as these naturally arise as part of human nature between two individuals sharing their love with each other. Sudden abandonment without any explanation would certainly cause emotional anguish.

In this case, the Information clearly alleged that XXX caused AAA mental or emotional anguish through his actions of leaving the conjugal dwelling and abandoning AAA. This was established in the testimony of AAA, thus:

Q: *When did the accused abandon you, Madam?*

A: In 2007, October.

Q: Madam Witness, you are saying that it was the accused who abandoned you, meaning how did he abandon you?

A: He left and returned to [REDACTED], he left me at home.

....

Q: Yes, yes. You left your house at night in October. Can you tell the Court what the quarrel was about, Madam?

A: Yes sir; *about our helper whom he kissed.*

Q: Do you have any evidence against this alleged kissing, after which you quarreled intensely, what evidence do you have?

A: *I saw them with my own eyes.*

....

Q: In fact, as between you and the accused[,] it was you who left first from the house after this alleged kissing that you saw?

A: *Yes, because I was crying.*

....

Q: Let me get this straight. You did not know at that time. *When for the first time did you know where he was after that?*

A: I saw in Facebook.

Q: *When was that?*

A: *In 2013.*

....

Q: So based on your testimony, Madam Witness, you were really not surprised about the accused's relationship with [BBB] because you knew this all the time?

A: *I was so surprised. I was admitted to the hospital, I was operated on because of stress and depression.*²³ (Emphasis supplied)

²³ Rollo, pp. 63-67.

As to the element of mental or emotional anguish, it was held in *Araza v. People*²⁴ that the testimony of the wife suffices to prove the emotional anguish caused by the actions of the husband, viz.:

Psychological violence is an indispensable element of violation of Section 5(i) of R.A. No. 9262. Equally essential is the element of emotional anguish and mental suffering, which are personal to the complainant. *Psychological violence is the means employed by the perpetrator, while emotional anguish or mental suffering are the effects caused to or the damage sustained by the offended party. The law does not require proof that the victim became psychologically ill due to the psychological violence done by her abuser. Rather, the law only requires emotional anguish and mental suffering to be proven. To establish emotional anguish or mental suffering, jurisprudence only requires that the testimony of the victim to be presented in court, as such experiences are personal to this party.*²⁵ (Emphasis supplied, citations omitted)

As shown in her testimony above, AAA suffered emotional anguish due to the act of XXX. The emotional stress of AAA even affected her physical health, as she was diagnosed with having abnormalities in her uterus or myomi uteri, causing her vaginal bleeding for months, which contributed to her anemia. She was even rushed to the hospital four times due to frequent vaginal bleeding. Ultimately, AAA underwent surgical operation to remove her uterus and uterine myomas.²⁶

Further, the emotional anguish suffered by AAA was exacerbated when their conjugal debts were left unpaid, thus:

[AAA] and appellant were married on December 17, 2005. They lived together in [REDACTED], [REDACTED] for about one month and then later on transferred to a house near the Philippine National Bank (PNB), [REDACTED], [REDACTED]. They operated a carenderia and acoustic bar business in front of the [REDACTED] [REDACTED]. They also had another carenderia in [REDACTED], [REDACTED]. They operated the business for over a year. *They contracted loans to finance their businesses: P40,000.00 from Rural Bank, [REDACTED] (sic) and P80,000.00 from [AAA]'s aunt, [CCC].* After a year, they stopped operating their businesses because appellant left [AAA]. Appellant abandoned [AAA] because he had an illicit affair with their house helper [BBB]. [AAA] discovered said illicit affair around the end of October 2007, when she saw appellant and [BBB] kissing in their kitchen one evening. [AAA] confronted appellant and [BBB] but appellant immediately left the kitchen and went to the living room and they had an intense fight. [AAA] *felt devastated* when appellant did not apologize so she went to her parents' house and spent the night there. She stayed in her parents' house for one night and one day and went back to their house near PNB but found out that appellant and [BBB] were no longer in the house. [AAA] had no idea where they went but she suspected

²⁴ 882 Phil. 905 (2020) [Per C.J. Peralta, First Division].

²⁵ *Id.* at 919.

²⁶ *Rollo*, p. 11.

that they went to [REDACTED] because appellant is from that place. [AAA] cried hard and was deeply hurt. She experienced emotional breakdown and mental anxiety. She could not sleep as she was always crying. She lost her appetite and she gradually lost weight. She developed anxiety because appellant abandoned her and there were loan obligations which had to be paid. She was also admitted to the hospital about four times between the period of September 2009 to April 2010 because of frequent vaginal bleeding and underwent surgical operation to remove her uterus and uterine myomas. Appellant never contacted [AAA] and she only new of appellant's whereabouts when she saw it in Facebook in 2013. She also learned that appellant had a child with [BBB] which caused emotional and physical distress. She confirmed that the child was the daughter of appellant and [BBB]. She felt that the world crushed (sic) on her that after years of not knowing where appellant was and bearing the pain of his abandonment, the realization that appellant father a child with their former house helper was painful and shattering.²⁷ (Emphasis supplied)

Applying *Araza*, AAA's testimony is sufficient to prove that she suffered mental and emotional anguish due to the emotional abuse inflicted on her by XXX.

It is settled in jurisprudence that the positive testimony of the victim prevails over the bare denial of the accused. Here, XXX even admitted having a child with BBB and cohabiting with her at present.

In fine, the RTC and the CA did not err in finding XXX guilty beyond reasonable doubt of a violation of Republic Act No. 9262.

Notably, in convicting XXX, the RTC and the CA harped primarily on his marital infidelity. However, as Associate Justice Mario V. Lopez aptly pointed out, there is insufficient evidence to show that marital infidelity is the cause of the psychological violence suffered by AAA. Rather, what the evidence clearly shows is that his abandonment caused the emotional suffering of AAA. As explained by Justice Lopez:

Immediately before and after [XXX] was caught in 2007, there is no clear evidence of ongoing emotional harm caused by marital infidelity. Six years later, in 2013, the victim found out that [XXX] had a child with the house helper. Yet, during the interceding period of six years, it is unclear if [XXX] continued the illicit affairs or just left the conjugal dwelling to escape his marital vow so he could pursue his selfish desires.²⁸ (Emphasis supplied)

²⁷ *Id.* at 48–49.

²⁸ Letter dated October 10, 2023.

Anent the imposable penalty, Section 6 of Republic Act No. 9262 reads:

SECTION 6. Penalties. — The crime of violence against women and their children, under Section 5 hereof shall be punished according to the following rules:

....

(f) *Acts falling under Section 5(h) and Section 5(i) shall be punished by prision mayor.*

....

In addition to imprisonment, the perpetrator shall (a) pay a fine in the amount of not less than One hundred thousand pesos ([PHP] 100,000.00) but not more than three hundred thousand pesos ([PHP] 300,000.00); (b) undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the court. (Emphasis supplied)


Thus, pursuant to Section 6 of Republic Act No. 9262 and applying the Indeterminate Sentence Law, the maximum term of the penalty shall be taken from *prision mayor* in its medium period, or eight years and one day to 10 years, there being no aggravating or mitigating circumstances attending the commission of the crime. The minimum term of the penalty is that next lower in degree, which is *prision correccional*, in the sound discretion of this Court.

Thus, we affirm with modification the penalty imposed upon XXX. He is sentenced to suffer imprisonment of two years, four months, and one day of *prision correccional* to eight years and one day of *prision mayor*. This Court also affirms the fine of PHP 100,000.00 and orders XXX to undergo a mandatory psychological counseling or psychiatric treatment.

ACCORDINGLY, the instant Petition is **DISMISSED**. The Decision dated January 24, 2022 and the Resolution dated July 29, 2022 of the Court of Appeals in CA-G.R. CR No. 01923-MIN are **AFFIRMED with MODIFICATION**. Petitioner XXX is **GUILTY** of a violation of Section 5(i) of Republic Act No. 9262.

XXX is **SENTENCED** to suffer the indeterminate penalty of imprisonment of two (2) years, four (4) months, and one day of *prision correccional* to eight years and one day of *prision mayor* and to **PAY** a fine of PHP 100,000.00. He is also **ORDERED** to undergo a mandatory psychological counseling or psychiatric treatment and to report his compliance therewith to the court of origin within 15 days after the completion of such counseling or treatment.

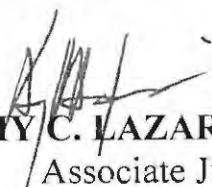
SO ORDERED.

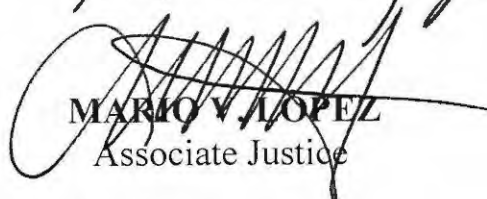

JHOSEP V. LOPEZ
Associate Justice


WE CONCUR:

I dissent. See separate opinion.


MARVIC M.V.F. LEONEN
Senior Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice

Pls see concurring opinion

MARIO V. LOPEZ
Associate Justice

I join the dissent of SAs Marvic Leonen

ANTONIO T. KHO, JR.
Associate Justice

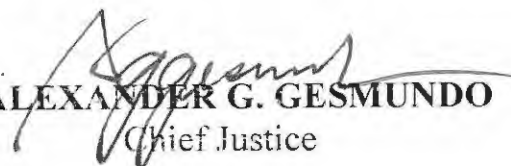
ATTESTATION

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
Senior Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Article VIII, Section 13 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

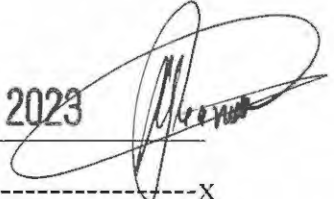
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SECOND DIVISION

G.R. No. 263449 – [REDACTED], Petitioner, v. PEOPLE OF THE PHILIPPINES, Respondent.

Promulgated:

NOV 13 2023



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CONCURRING OPINION

M. LOPEZ, J.:

I register my concurrence with the *ponencia*, which affirmed the conviction of the accused [REDACTED] ([REDACTED]) for violation of Section 5(i) of Republic Act (RA) No. 9262¹ or the Anti-Violence Against Women and Their Children Act of 2004 committed against his wife [REDACTED] ([REDACTED]). Contrary to the Court of Appeals and the Regional Trial Court's ratiocinations, I respectfully opine that the crime of psychological violence resulted not from marital infidelity *per se* on the part of [REDACTED] but on his acts of abandoning [REDACTED] and leaving her alone to pay for their conjugal debts.

Prefatorily, psychological violence under Section 5(i) of RA No. 9262 is a crime *mala in se* that requires proof of the accused's criminal intent. This is because violence, regardless of form and means, is inherently depraved and immoral. The law also does not punish marital infidelity *per se* but psychological violence causing mental or emotional suffering. Marital infidelity as cited in the law is only one of the various acts by which psychological violence may be committed. Moreover, depending on the circumstances of the spouses and for a myriad of reasons, the illicit relationship may or may not even be causing mental or emotional anguish on the wife.² Indeed, not all kinds of suffering within the context of intimate relationships should be considered psychological violence. The Court must consider the entire factual setting surrounding each case of marital infidelity to determine the evil intent to cause psychological violence which refers to the means employed by the perpetrator, and the mental or emotional anguish which pertains to the effect caused or the damage sustained by the offended party.

In several cases, the Court convicted the husbands not because of marital infidelity *per se* but based on their evil intent and the psychological trauma and deep hurt that their wives suffered due to the illicit relationship. The marital infidelity of the husband was coupled with other significant factors ranging from

¹ Entitled, "AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES." Approved on March 8, 2004.

² *AAA v. BBB*, 823 Phil. 607, 620 (2018) [Per J. Tijam, First Division].



abandonment of the family and cohabitation with the paramour in another place, eviction of the wife and children from the family home, deprivation of financial support, keeping a mistress in the conjugal dwelling, repeated verbal abuse and threats against the wife and her children, resumption of affair with the paramour, and public display of marital infidelity.³

The Court cannot oversimplify the complexity of marital infidelity and its relationship with psychological violence. Marital infidelity is an abstruse and multifaceted concept. Many permutations of interactions reshape perceptions and responses to infidelity. What constitutes infidelity can differ significantly from one person to another, making it a highly subjective experience for the victim involved. The variability and intensity of intimate human relationships make it more difficult to draw the line, requiring the courts to observe a level of restraint in deciding whether the facts presented constitutes marital infidelity as psychological violence. To reiterate, it is not within the competence of the courts to reach too far into intimate relations and meddle in personal affairs. Litigation should not dictate on or even pressure a person into accepting a life of marriage with a person they reject. The Constitution directs the State to value the dignity of every human person and guarantee full respect for human rights. Freedom of choice to associate or to identify forms part of one's dignity. As much as the Family Code provides that the nature, consequences, and incidents of marriage are governed by law and not subject to stipulation, one's choice of intimate relations is also protected by the liberty and human dignity clauses of the Constitution.⁴

Here, the facts narrated that ██████ caught ██████ in 2007 kissing their househelper that led to an intense fight. ██████ then spent the night at her parents' house. Upon her return, ██████ discovered that ██████ already left the conjugal dwelling. In 2013 or after six years, ██████ found out that ██████ had a child with the househelper. However, the criminal information against ██████ does not allege marital infidelity as the cause of psychological violence. The isolated instance of marital infidelity even lacks context and elaboration. Immediately before and after ██████ was caught in 2007, there is no clear evidence of ongoing emotional harm caused by marital infidelity. Six years later, in 2013, the wife found out that ██████ had a child with the house helper. Yet, during the interceding period of six years, it is unclear if ██████ continued the illicit affairs or just left the conjugal dwelling to escape his marital vow so he could, in the meantime, pursue his selfish desires. There is a gap in the circumstances that deficiently corroborate a continued pattern of psychologically abusive infidelity. The extended period between the cheating incident and the subsequent discovery of the nonmarital child blurs the connection between marital infidelity and psychological violence. The potential shifts in the parties' perspective, behavior, and circumstances during the long intervening period cannot be ignored. ██████ even asserted that the marital separation was mutually agreed upon and prompted

³ *Araza v. People*, 882 Phil. 905, 917–919 (2020) [Per C.J. Peralta, First Division]; *Reyes v. People*, 855 Phil. 991, 1002–1004 (2019) [Per J. Peralta, Third Division]; *XXX[243049] v. People*, 887 Phil. 161, 169 (2020) [Per J. Delos Santos, Second Division]; *XXX[241390] v. People*, G.R. No. 241390, January 13, 2021 [Per J. Delos Santos, Third Division]; and *XXX[250219] v. People*, G.R. No. 250219, March 1, 2023 [Per J. Hernando, First Division].

⁴ *Guevarra, et al. v. Banach*, G.R. No. 214016, November 24, 2021 [Per J. Leonen, Third Division].

by the disapproval of ██████'s parents. Suppose ██████ left ██████ to resume his extramarital affair, would it be safe to assume that he did so with specific criminal intent to inflict psychological violence? Or was ██████ impelled by the dysfunctional or deteriorated dynamics of a failed marriage? Again, marital infidelity extends beyond casual or sexual infidelity and contemplates a pervasive, willful, and criminal intent to damage the emotional well-being of the aggrieved party.⁵ This nuanced approach acknowledges the complexity of human relationships and respects the autonomy of individuals in defining the parameters of their own unions, rather than simply criminalizing all instances of marital infidelity.

In contrast, the fact of desertion on the part of ██████ is extant which indubitably caused ██████ psychological distress and financial burden in settling the conjugal loans. The totality of circumstances presents a case of abandonment that has direct connection to the mental and emotional anguish of the victim. As the *ponencia* aptly observed:

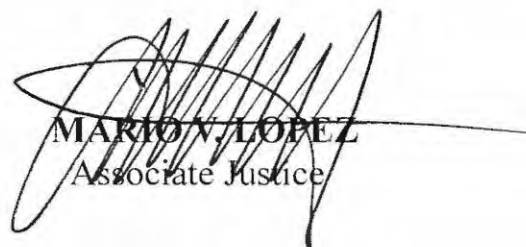
Undoubtedly, a husband's abandonment of his wife falls under psychological violence and emotional abuse penalized under Republic Act No. 9262, as such an action would naturally cause mental and emotional suffering to the wife, a person whom the husband is obliged to cohabit with, love, respect, and give support to. . . . Sudden abandonment without any explanation would certainly cause emotional anguish.

In this case, the Information clearly alleged that ██████ caused ██████ mental or emotional anguish through his actions of leaving the conjugal dwelling and abandoning ██████[.]

....

Further, the emotional anguish suffered by ██████ was exacerbated when their conjugal debts were left unpaid[.]

FOR THESE REASONS, I vote to **DENY** the petition. ██████ is liable for psychological violence by reason of abandonment and not marital infidelity.


MARIO V. LOPEZ
Associate Justice

⁵ *Acharon v. People*, G.R. No. 224946, November 9, 2021 [Per J. Caguioa, *En Banc*].