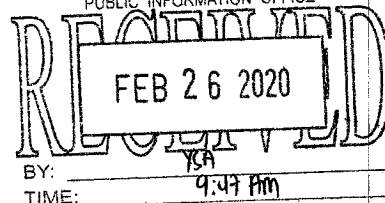




REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE



NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **03 February 2020** which reads as follows:

“G.R. No. 250051 (Arthur Mangalino y Nogoy v. People of the Philippines). – After a judicious study of the case, the Court resolves to **DENY** the instant petition<sup>1</sup> and **AFFIRM** the March 29, 2019 Decision<sup>2</sup> and the October 17, 2019 Resolution<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. CR No. 41393 for failure of petitioner Arthur Mangalino y Nogoy (petitioner) to sufficiently show that the CA committed any reversible error in finding him guilty of violating Section 5 (i) of Republic Act No. (RA) 9262,<sup>4</sup> otherwise known as the “Anti-Violence Against Women and their Child Act of 2004.”

As correctly ruled by the CA, petitioner was liable for violating Section 5 (i) of RA 9262 for the psychological violence he caused on his wife,<sup>5</sup> AAA,<sup>6</sup> when he abandoned his family and committed marital infidelity against the latter. It must be emphasized that what RA 9262 criminalizes is not the marital *per se*, but the psychological violence causing mental or emotional suffering on the wife,<sup>7</sup> as in

<sup>1</sup> Rollo, pp. 12-27.

<sup>2</sup> Id. at 34-48. Penned by Associate Justice Rodil V. Zalameda (now a member of this Court) with Associate Justices Fernanda Lampas Peralta and Henri Jean Paul B. Inting (now a member of this Court), concurring.

<sup>3</sup> Id. at 50-51. Penned by Associate Justice Fernanda Lampas Peralta with Associate Justices Celia C. Librea-Leagogo and Myra V. Garcia-Fernandez, concurring.

<sup>4</sup> Entitled “AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES,” approved on March 8, 2004.

<sup>5</sup> See *rollo*, pp. 40-41.

<sup>6</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. (RA) 7610, entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES,” approved on June 17, 1992; RA 9262; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the “RULE ON VIOLENCE AGAINST WOMEN AND THEIR CHILDREN” (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014], citing *People v. Lomaque*, 710 Phil. 338, 342 [2013]. See also Amended Administrative Circular No. 83-2015, 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,” dated September 5, 2017.) See further *People v. Ejercito*, G.R. No. 229861, July 2, 2018. To note, the unmodified CA Decision was not attached to the records to verify the real name of the victim.

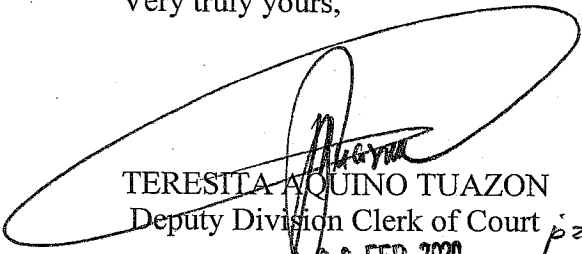
<sup>7</sup> *AAA v. BBB*, G.R. No. 212448, January 11, 2018, 851 SCRA 33, 49. See also *rollo*, p. 46.

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this case. Moreover, factual findings of the trial court, when affirmed by the CA, are accorded great weight and respect, and generally not reviewable by this Court unless they fall within the recognized exceptions,<sup>8</sup> none of which obtain in this case.

**SO ORDERED.** (Carandang, *J.*, designated Additional Member *vice* Inting, *J.*, per Raffle dated January 6, 2020. Hernando, *J.*, on official leave.)”

Very truly yours,



TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court  
20 FEB 2020

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HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 172  
Valenzuela City  
(Crim. Case No. 744-V-16)

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GR250051. 02/03/2020(96)URES

<sup>8</sup> *People v. Ramos*, 715 Phil. 193, 208 (2013).