



Republic of the Philippines
Supreme Court
 Manila

THIRD DIVISION

ROMMEL Z. BORJA,

Petitioner,

G.R. No. 258417

Present:

CAGUIOA, J., *Chairperson,*
 INTING,
 GAERLAN,
 DIMAAMPAO, and
 SINGH, JJ.

- versus -

PEOPLE OF THE PHILIPPINES,
 Respondent.

Promulgated:

January 29, 2024

x ----- Mis-PCD-AH ----- x

D E C I S I O N

INTING, J.:

Before the Court is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court filed by Rommel Z. Borja (petitioner) which assails the Decision² dated October 13, 2020, and the Resolution³ dated November 22, 2021 of the Court of Appeals (CA) in CA-G.R. CR No. 41059. The CA affirmed the Judgment⁴ dated January 5, 2018, of Branch 93, Regional Trial Court (RTC), Balanga City, Bataan in Criminal Case No. 16965 that found petitioner guilty of violation of Section 5 (a) of Republic Act No. 9262 otherwise known as the “Anti-Violence Against

¹ *Rollo*, pp. 34–53.

² *Id.* at 12–27. Penned by Associate Justice Alfredo D. Ampuan and concurred in by Associate Justices Pedro B. Corales and Pablito A. Perez.

³ *Id.* at 29–30.

⁴ *Id.* at 77–90. Penned by Presiding Judge Philger Noel B. Inovejas.

Women and Their Children Act of 2004,”⁵ committed against his live-in partner and herein private complainant Aileen Joy G. Adriatico (Aileen).⁶

Meanwhile, in Criminal Case No. 16966, the RTC acquitted petitioner of violating Section 5(e)(4)⁷ of the same law for failure of the prosecution to prove his guilt beyond reasonable doubt.

The Antecedents

The case stemmed from two separate Informations charging petitioner with violation of Sections 5(a) and 5(e)(4) of Republic Act No. 9262. The accusatory portions of the Informations read:

CRIMINAL CASE NO. 16965

[Violation of Section 5(a) of Republic Act No. 9262]

That on or about August 3, 2016, in Orion, Bataan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, then and there inflict physical harm on his live-in partner Aileen Joy G. Adriatico, while a gun was tucked in his waist, by then and there grabbing her shirt, holding her hands tightly and punching her repeatedly, as a result of which, the latter sustained physical injuries which required medical attention for three (3) to nine (9) days or incapacitated her for labor for the same period, to the damage and prejudice of the said Aileen Joy G. Adriatico.

CONTRARY TO LAW.⁸

⁵ Republic Act No. 9262, sec. 5 (a) states:

sec. 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:

(a) Causing physical harm to the woman or her child [.]

⁶ Pursuant to Amended Administrative Circular No.83-2015, dated September 5, 2017, which requires the preparation of a first copy of Decisions/Resolutions/Orders where the real or genuine name/s or identities and personal circumstances of the victim/s are used.

⁷ Republic Act No. 9262, sec. 5(e) states:
sec. 5. . . .

. . . .
(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:

. . . .
4. Preventing the woman in engaging in any legitimate profession, occupation, business or activity or controlling the victim’s own money or properties, or solely controlling the conjugal or common money, or properties [.]

⁸ *Rollo*, p. 77. -

CRIMINAL CASE NO. 16966
[Violation of Section 5(e)(4) of Republic Act No. 9262]

That on or about August 3, 2016, in Orion, Bataan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there willfully and feloniously threatening [*sic*] to close the business of his live-in partner Aileen Joy G. Adriatico, with the effect of restricting her movement or conduct, to her damage and prejudice.

CONTRARY TO LAW.⁹

Upon arraignment, petitioner pleaded “Not Guilty” to the charges.¹⁰

Trial on the merits ensued.¹¹

Version of the Prosecution

Private complainant Aileen is a businesswoman who operated spas in Balanga City, Bataan, and Cabanatuan City, Nueva Ecija; while petitioner, her former boyfriend, is a contractor for the Department of Public Works and Highways. Aileen and petitioner were common-law partners and were living in the latter’s house in Orion, Bataan. On August 3, 2016, they came home from Manila. When they were about to sleep, Aileen asked petitioner that they face each other while sleeping. Petitioner suddenly took his gun from the cabinet nearby and tucked it on his waist. Armed with the gun, petitioner walked towards Aileen and grabbed her by the collar of her shirt. He gripped her hand and punched her left leg thrice while uttering “*putang ina mo.*”¹²

The following day, petitioner continued to threaten Aileen through text messages. Petitioner said that he will ruin her life and her businesses. At that point, Aileen went to the Orion Municipal Police Station where she executed her sworn statement detailing the previous night’s incident. The Police Station then referred her to the Bataan General Hospital (BGH) for medical examination. Based on the Medico-Legal Report,¹³ Aileen sustained hematoma on her right hand and on the lateral side of her left leg which incapacitated her to work.¹⁴

⁹ *Id.* at 77–78.

¹⁰ *Id.* at 14.

¹¹ *Id.*

¹² *Id.* at 14–15; *See also id.* at 78.

¹³ Records, p. 9.

¹⁴ *Rollo*, p. 15.

Version of the Defense

For his defense, petitioner denied the allegations against him. He alleged that on August 3, 2016, when he and Aileen arrived at their house, they chatted with his mother about their trip to DPWH Manila and his upcoming projects. Thereafter, they took a bath together and dressed up for bed. In bed, Aileen insisted that they face each other and have sexual intercourse. Feeling tired however, he denied her request until they finally dozed off. All was well the following day and they had breakfast together.¹⁵

The Ruling of the RTC

In a Judgment¹⁶ dated January 5, 2018, the RTC found petitioner guilty of violating Section 5(a) of Republic Act No. 9262, but acquitted him of the charge under Section 5(e)(4) of the same law.¹⁷ The RTC held that the prosecution satisfied all the elements of violation of Section 5(a) Republic Act No. 9262, given that petitioner, who was at that time in a dating relationship with Aileen, inflicted physical harm upon the latter. It further concluded that petitioner's bare denial of the charges cannot prevail over Aileen's positive identification of him as the person who physically harmed her.¹⁸ The *fallo* of the RTC Judgment reads:

WHEREFORE, accused ROMMEL BORJA y ZUNIGA is ACQUITTED in Criminal Case No. 16966 for failure of the prosecution to prove his guilty beyond reasonable doubt.

The Court finds accused ROMMEL BORJA y ZUNIGA in Criminal Case No. 16965 GUILTY beyond reasonable doubt of the crime of Violence against Women as defined and penalized under Section 5(a), R.A. 9262. He is hereby SENTENCED to suffer a straight penalty of FOUR (4) MONTHS OF IMPRISONMENT of *arresto mayor*. He is likewise ordered to PAY complainant [Aileen] the amount of Five Hundred Pesos (Php500) as nominal damages, Five Thousand Pesos (Php5,000.00) as moral damages, and Five Thousand Pesos (Php5,000.00) as exemplary damages. The damages awarded shall earn interest at the rate of 6% per annum from the date of finality of the judgment until fully paid.

¹⁵ *Id.* at 15–16.

¹⁶ *Id.* at 77–90.

¹⁷ *Id.* at 88–89.

¹⁸ *Id.* at 84.

SO ORDERED.¹⁹

Aggrieved, petitioner appealed to the CA.²⁰

The Ruling of the CA

In the assailed Decision,²¹ the CA affirmed the RTC Judgment *in toto*. It noted that Aileen, who is a woman, had a sexual and dating relationship with petitioner prior to the incident.²² On August 3, 2016, petitioner caused physical harm upon Aileen by gripping her hand tightly and punching her leg.²³ Aileen's testimony was bolstered by her sworn statement executed at the Orion Municipal Police Station, the Medico-Legal Report, and the various authenticated text messages between her and petitioner, among others.²⁴ In contrast, petitioner could only offer denial and feeble attempts to evade culpability.²⁵ Absent any proof that the RTC has overlooked a material fact, the CA upheld the RTC's findings and conclusion. The CA decreed as follows:

WHEREFORE, the appeal is DENIED. The Decision dated 5 January 2018 of the Regional Trial Court, Branch 93, Balanga City, Bataan is AFFIRMED.

IT IS SO ORDERED.²⁶

Hence, the present petition.²⁷

In a Resolution²⁸ dated November 23, 2022, the Court resolved to require the Office of the Solicitor General (OSG), representing the People of the Philippines, to comment on the petition.

Petitioner alleges that the CA committed a grave error when it affirmed the RTC Judgment by failing to appreciate the mitigating circumstance of voluntary surrender in his favor.²⁹ Furthermore, he insists that Aileen's assertion that he got angry, threatened her, and inflicted

¹⁹ *Id.* at 89–90.

²⁰ *See id.* at 12.

²¹ *Id.* at 12–27.

²² *Id.* at 19–20.

²³ *Id.* at 21.

²⁴ *Id.* at 23.

²⁵ *Id.* at 23–24.

²⁶ *Id.* at 26.

²⁷ *Id.* at 34–53.

²⁸ *Id.* at 93–94.

²⁹ *Id.* at 44–47.

violence upon her for the flimsy reason that he rejected her request to sleep face-to-face was highly illogical, contrary to human experience, and unbelievable.³⁰ Lastly, petitioner avers that he had no knowledge as to how Aileen sustained her bruises. According to him, Aileen is capable of inflicting injury upon herself; she slashed her own wrists in an attempt to take her own life.³¹

In its Comment,³² the OSG states that the CA correctly upheld the RTC's findings. According to the OSG, the testimonies of the prosecution witnesses were unequivocal, definite, and straightforward. They were also consistent in material respects with each other and with other testimonies, as well as the physical evidence.³³

Issue

The core issue to be resolved is whether petitioner is guilty beyond reasonable doubt of violating Section 5(a) of Republic Act No. 9262.

The Ruling of the Court

The Court denies the petition.

The Court finds no reason to deviate from the factual findings of the RTC and the CA. The RTC's findings, when adopted and confirmed by the CA, are binding and conclusive on the Court. In the case, the issue on which the petition is hinged is purely factual and not appropriate in a petition for review on *certiorari* under Rule 45.³⁴

In any case, Aileen's testimony was categorical and unequivocal. She narrated that on August 3, 2016, at about 1:30 a.m., she asked petitioner to face her as they were about to go to sleep. However, petitioner got furious; he took a gun from the cabinet at the right side of the bed and tucked it on his waist. He then went near Aileen, pulled her shirt, and squeezed her collar. At that point, he held Aileen's hands and punched her leg as he berated her and shouted: "*putang ina mo!*"³⁵ The RTC's determination of the credibility of the witness is seldom disturbed on appeal unless significant matters were overlooked. Absent any

³⁰ *Id.* at 48.

³¹ *Id.* at 49.

³² *Id.* at 109–120.

³³ *Id.* at 117.

³⁴ *Pryce Properties Corp. v. Nolasco, Jr.*, 879 Phil. 292, 301 (2020).

³⁵ *See rollo*, pp. 14–15, 21–22, 82.

indication that the RTC committed any error in the evaluation of the evidence, the Court sees no reason to deviate from the following factual findings:³⁶

In Criminal Case No. 16965, the prosecution was able to establish that the accused caused physical harm upon Aileen on August 03, 2016 at around 1:30 in the morning. At that particular time, Aileen and the accused were inside the room of the accused in the latter's house located at Brgy. Lati, Orion, Bataan. They just arrived from Manila and they were about to sleep when the accused got angry when Aileen wanted him to face her. The accused suddenly got furious[,] took a gun from the cabinet and tucked the same in his waist. The accused held her hands and then punched her leg. On August 4, 2016, Aileen reported the incident to the police. At 3:56 in the afternoon on August 4, 2016, Aileen went to Bataan General Hospital where she was treated and was diagnosed to have suffered hematoma in her right and hematoma in the lateral side of her left leg which injuries required medical attention or incapacitated her for three to nine days. The accused's bare denial cannot prevail over the positive testimony of the accused.³⁷

Republic Act No. 9262 defines "violence against women and their children" as follows:

SECTION 3. *Definition of Terms.* — As used in this Act,

a. "*Violence against women and their children*" refers to any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but is not limited to, the following acts:

A. "*Physical Violence*" refers to acts that include bodily or physical harm[.]

....

The law covers physical violence: (1) when it is committed against a woman or her child, if the woman is the offender's wife, former wife, or someone with whom the offender has or had sexual or dating relationship or with whom he has a common child; and (2) when it results in or is likely to result in physical harm or suffering.

³⁶ *People v. XXX*, 891 Phil. 655, 666-667 (2020).

³⁷ *Rollo*, p. 84.

Pertinently, Section 5 enumerates the different acts of violence that are penalized by the law. This includes causing physical harm to the woman or her child. The elements of violation of Section 5(a) of Republic Act No. 9262, are present in the case; thus:

- (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; and
- (3) The offender caused physical harm upon the said woman and/or her child and/or children.

The CA properly held that petitioner's acts fall under the term "physical violence" as punished by Republic Act No. 9262 and that there is sufficient evidence to support petitioner's conviction.³⁸

The first and second elements are undisputed. Aileen is a woman with whom petitioner had sexual relationship.³⁹ Petitioner admitted:

Q: Despite the fact that on August 3 you were sleeping together and you admit that this came from you. And when you said mahal na mahal kita and despite all of it Mr. Witness, you still denied that she was just your friend and business partner?

A: Actually sir, we do not have a label such as girlfriend and boyfriend because first of all she has husband and a child. And at the same time she also has a boyfriend at that time. And we are concealing our relationship because of that reason sir.

Q: So meaning to say that despite she was your love making body [*sic*] still she was just your friend?

A: We are special friend's [*sic*] sir, because of the frequent time, long time that we are together we develop a special feelings toward each other sir.

Q: So meaning Mr. Witness, you have this sexual relationship with the beautiful complaining witness?

A: I admit sir, that we have had a sexual relationship sir.⁴⁰

As regards the third element, the Court notes that Aileen's allegations were consistent with the medical diagnosis of the BGH that she suffered hematoma both in her right hand and in the lateral side of her

³⁸ *Id.* at 11-12.

³⁹ *See id.* at 20.

⁴⁰ *Id.* at 20-21.

left leg. By reason of her injuries, she was incapacitated for three to nine days. The CA discussed:

Furthermore, in support of her testimony [Aileen] sufficiently presented other documentary evidence to bolster her accusations namely: (1) sworn statement she executed at the Orion Municipal Police Station; (2) Medico-Legal Report; (3) various authenticated text messages between her and Borja; (4) several other documents that confirm Borja's cellphone number (calling card, bid forms, RZB company profile). Noticeably also, the incident has left [Aileen] shaken as she applied for a Barangay Protection Order against Borja on 24 November 2016.

In an attempt to escape liability, Borja denies inflicting physical harm on [Aileen] and insists that the evidence he presented [,] specifically photographs and a PNP Certification of No Fire Arms [,] would reveal that [Aileen] inflicted them on herself. However, Borja's testimony remains self-serving and did nothing to refute [Aileen]'s allegations. The same can be said about [his mother] Cristina's testimony given that she is naturally interested in his acquittal.

Denial, as a defense, is inherently weak and is viewed with disfavor by the courts due to the facility with which it can be concocted. The same cannot prevail over the positive identification of the accused by the prosecution witness.

In this case, Borja could only offer constant denial of the crime charged and feeble attempts to evade culpability. Assuming *arguendo* that indeed [Aileen] has the propensity to inflict self-harm, this does not preclude the possibility that the injuries she sustained as reflected in the Medico-Legal report were inflicted by Borja. Similarly, the PNP Certificate of No Fire Arms is, at most, a proof that Borja is not a registered firearms holder but this does not also forego the probability that he is possessing such weapon illegally.

Meanwhile, [Aileen] has consistently positively identified Borja as her assailant. More importantly, per text messages she offered as exhibits, it was revealed that Borja himself admitted, albeit sarcastically downplaying the act, to inflicting physical harm on [Aileen].

As against Borja's bare denial of the crime charged versus [Aileen]'s testimony coupled with ample pieces of documentary evidence, *We* find [Aileen]'s version of facts worthy of credence. Thus, absent any proof that the RTC has overlooked a material fact which [Aileen] has successfully established, *We* uphold the RTC's findings of fact.⁴¹

⁴¹ *Id.* at 23-25.



The Court must stress that great weight and respect are accorded to the RTC and the CA's factual findings in criminal prosecutions because the observance of the deportment and demeanor of witnesses are within the exclusive domain of the lower courts. Due to their unique vantage point, "trial courts in particular are in the best position to assess and evaluate the credibility and truthfulness of witnesses and their testimonies" and their factual findings are binding "absent any clear showing of abuse, arbitrariness, or capriciousness."⁴² In the case, the Court appreciates the manner by which the RTC relayed its observations regarding the deportment and demeanor of the witness, Aileen. Thus, the Court fully adopts the findings of fact of the RTC, as affirmed by the CA.

Penalties and Damages

It is undisputed that Aileen's physical injury required three to nine days of medical attention. Hence, it falls under Article 266(1) of the Revised Penal Code which states:

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

1. By *arresto menor* when the offender has inflicted physical injuries which shall incapacitate the offended party for labor from one to nine days, or shall require medical attendance during the same period.

Under Section 6(a) of Republic Act No. 9262,⁴³ acts falling under Section 5(a) constituting slight physical injuries shall be punished by *arresto mayor* with the range of one (1) month and one (1) day to six (6) months. The Indeterminate Sentence Law does not apply as the said law excludes from its coverage cases where the penalty imposed does not exceed one year.⁴⁴ The RTC thus properly imposed the penalty of

⁴² *Quimvel v. People*, 808 Phil. 889, 927–928 (2017).

⁴³ Republic Act No. 9262, sec. 6 (a) states:

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

(a) Acts falling under Section 5(a) constituting attempted, frustrated or consummated parricide or murder or homicide shall be punished in accordance with the provisions of the Revised Penal Code. If these acts resulted in mutilation, it shall be punishable in accordance with the Revised Penal Code; those constituting serious physical injuries shall have the penalty of *pris[i]on mayor*; those constituting less serious physical injuries shall be punished by *prision correccional*; and those constituting slight physical injuries shall be punished by *arresto 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.

⁴⁴ Indeterminate Sentence Law sec. 2 states:

imprisonment of four months against petitioner. It bears pointing out that Republic Act No. 11362, or the Community Service Act,⁴⁵ allows the rendition of community service in lieu of imprisonment in the service of the penalties of *arresto menor* and *arresto mayor*. Section 3 of the law states:

SECTION 3. *Community Service*. — Article 88a of Act No. 3815 is hereby inserted to read as follows:

ARTICLE 88a. *Community Service*. — The court in its discretion may, in lieu of service in jail, require that the penalties of *arresto menor* and *arresto mayor* be served by the defendant by rendering community service in the place where the crime was committed, under such terms as the court shall determine, taking into consideration the gravity of the offense and the circumstances of the case, which shall be under the supervision of a probation officer: *Provided*, That the court will prepare an order imposing the community service, specifying the number of hours to be worked and the period within which to complete the service. The order is then referred to the assigned probation officer who shall have responsibility of the defendant.

The defendant shall likewise be required to undergo rehabilitative counseling under the social welfare and development officer of the city or municipality concerned with the assistance of the Department of Social Welfare and Development (DSWD). In requiring community service, the court shall consider the welfare of the society and the reasonable probability that the person sentenced shall not violate the law while rendering the service.

Community service shall consist of any actual physical activity which inculcates civic consciousness, and is intended towards the improvement of a public work or promotion of a public service.


If the defendant violates the terms of the community service, the court shall order his/her re-arrest and the defendant shall serve the full term of the penalty, as the case may be, in jail, or in the house of the defendant as provided under Article 88. However, if the defendant has fully complied with the terms of the community service, the court shall order the release of the defendant unless detained for some other offense.

The privilege of rendering community service in lieu of service in jail shall be availed of only once. (Emphasis in the original and supplied)

However, given the gravity and seriousness of the offense, taken together with the special protection given by the law to women who are

Sec. 2. This Act shall not apply to persons convicted of offenses punished with death penalty or life imprisonment; to those convicted of treason, conspiracy or proposal to commit treason; to those convicted of misprision of treason, rebellion, sedition or espionage; to those convicted of piracy; to those who are habitual delinquents; to those who have escaped from confinement or evaded sentence; to those who having been granted conditional pardon by the Chief Executive shall have violated the terms thereof; to those whose maximum term of imprisonment does not exceed one year; nor to those already sentenced by final judgment at the time of approval of this Act, except as provided in section five hereof.

⁴⁵ Approved on August 8, 2019.



“usual victims” of violence and abuse, as well as the widespread bias and prejudice against women,⁴⁶ the Court finds it proper to impose upon the petitioner the penalty of imprisonment. The above provision states that in exercising its discretion in imposing community service in lieu of the penalties of *arresto menor* and *arresto mayor*, the Court must consider the circumstances of the case. Here, petitioner’s reprehensible behavior and act should not be perpetuated. The State’s policy of affording special protection to women and children who are victims of violence and child abuse is unequivocal and is a policy that the Court fully supports.⁴⁷

Under the circumstances, petitioner is sentenced to suffer the straight penalty of four months of imprisonment for *arresto mayor*. In addition, following Section 6 of Republic Act No. 9262, the Court imposes a fine in the amount of PHP 100,000.00. Petitioner shall also undergo mandatory psychological counseling and shall report compliance thereof to the RTC within 15 days after the completion of such counseling or treatment.

As for damages, under the Article 2219 paragraph (1) of the New Civil Code, the moral damages may be recovered in relation to a criminal offense resulting in physical injuries.⁴⁸ Moral damages compensate for the mental anguish, serious anxiety, and moral shock suffered by Aileen and her family as a proximate result of the wrongful act. Pursuant to prevailing jurisprudence, an award of PHP 5,000.00 as moral damages is appropriate for slight physical injuries.⁴⁹ The award of PHP500.00 and PHP 5,000.00 as nominal and exemplary damages, respectively, is deleted for lack of sufficient basis.

Pursuant to prevailing jurisprudence, the moral damages awarded to Aileen shall earn legal interest at the rate of 6% per annum from date of finality of this Decision until full payment.⁵⁰

ACCORDINGLY, the Petition for Review on *Certiorari* is **DENIED**. The Decision dated October 13, 2020 and the Resolution dated November 22, 2021 of the Court of Appeals in CA-G.R. CR No. 41059 are **AFFIRMED** with **MODIFICATION**. Petitioner Rommel Z. Borja is found **GUILTY** of violation of Section 5(a) of Republic Act No. 9262, in Criminal Case No. 16965 filed with Branch 93, Regional Trial Court,

⁴⁶ See *Garcia v. Drilon*, 712 Phil. 44, 144 (2013).

⁴⁷ *Re: Recommendation of Victoria*, A.M. No. 12-7-15-SC, September 4, 2012.

⁴⁸ *People v. Villacorta*, 672 Phil. 712, 729 (2011).

⁴⁹ *Javarez v. People*, 881 Phil. 546, 560–561 (2020).


⁵⁰ *People v. Jugueta*, 783 Phil. 806, 854 (2016), *Lara’s Gift & Decors, Inc. v. Midtown Industrial Sales*, G.R. No. 225433, September 20, 2022.

Balanga City, Bataan. He is sentenced to suffer the penalty of imprisonment of four months of *arresto mayor*.

He is likewise **ORDERED** to **PAY** private complainant Aileen Joy G. Adriatico the amount of PHP 5,000.00 as moral damages which shall earn interest at the rate of 6% per annum from the finality of this Decision until fully paid.

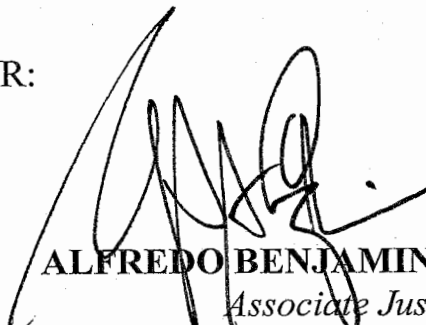
In addition, he is **ORDERED** to **PAY** a fine in the amount of PHP 100,000.00 and is **DIRECTED** to undergo a mandatory psychological counselling or psychiatric treatment, and to **REPORT** his compliance therewith to the court of origin within 15 days after the completion of such counseling or treatment.

SO ORDERED.”




HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice

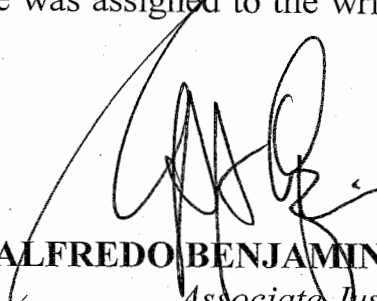




MARIA FILOMENA D. SINGH
Associate Justice

ATTESTATION

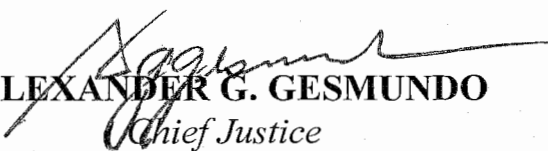
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division

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

