RECENT JURISPRUDENCE ON CRIMINAL LAW[1]

INTRODUCTION

This article presents a collection of rulings on Criminal Law issued by the Supreme Court in 2023. Part I discusses Cyber and Online Libel in relation to provisions in the Revised Penal Code ("RPC") on Libel.[2] Part II discusses the chain of custody rule and its exceptions under Republic Act No. 9165. Part III discusses the applicability of R.A. 7610 and the higher penalties it prescribes for crimes not found in the RPC. Finally, Part IV differentiates between intention to commit the crime and intention to commit the act, as well as *mala in se* and *mala prohibita*.

I. LIBEL

A. *Causing v. People*[3]

The ruling in *Causing* clarified the prescriptive period for Cyber Libel and determined the point from which the said period should begin to run.

Ferdinand L. Hernandez, the representative of the Second District of South Cotabato, filed a cyber libel case against Berteni Causing under the Cybercrime Prevention Act of 2012,[4] in connection with Articles 353 and 355 of the RPC. Causing uploaded multiple posts on Facebook, portraying Hernandez as someone who misappropriated public funds intended for the victims of the Marawi siege. Hernandez further averred that "Causing's Facebook posts in a public profile page maligned and discredited him by portraying him as a thief unworthy of trust and public office."[5]

Causing was later charged with two (2) counts of Cyber Libel under the Cybercrime Prevention Act of 2012,[6] in relation to Articles 353 and 355 of the RPC after a finding of probable cause. Causing responded by filing a Motion to

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[1] This Recent Jurisprudence was prepared by Editorial Assistants Lanz Lim, Jamelle Leviste, and Juris Trinidad and reviewed by Hon. Ryan Balisacan, Judge, Regional Trial Court, Branch 51, Puerto Princesa City, Palawan.

This article is part of a series published by the JOURNAL, providing updates in jurisprudence across the eight identified fields of the law. The other articles focus on political law, labor law, taxation, civil law, commercial law, remedial law, and judicial ethics.

[2] *See* REV. PEN. CODE, arts. 353– 55.

[3] [Hereinafter "*Causing*"], G.R. No. 258524, slip op., Oct. 11, 2023.

[4] Rep. Act No. 10175 (2012). Cybercrime Prevention Act of 2012 [hereinafter "*Cybercrime Prevention Act*"].

[5] *Causing*, G.R. No. 258524, at 2.

[6] *See* Rep. Act No. 10175, § 4 (c)(4).

Quash on the ground of prescription. He argued that the said law "did not create any new crime but merely recognized a computer system as another means of committing [l]ibel as already defined and penalized under the RPC."[7] Further, he averred that Article 90 of the RPC[8] should be applied to determine the prescriptive period of Cyber Libel, arguing that the crime prescribes in one (1) year from the date of the publication of the allegedly libelous statements. However, the trial court denied Causing's Motion to Quash on the ground that Cyber Libel is penalized by the Cybercrime Prevention Act, which does not provide a prescriptive period for the said crime; hence, the period must be determined based on Section 1 of Act No. 3326,[9] applying the ruling in *Tolentino v. People.*[10]

Tolentino concerned social media influencer Wilbert Tolentino's Facebook posts in 2015 accusing a business of selling bogus products. However, the business owner had only seen the said posts in 2017, or two years after the allegedly libelous statements were made. Given that the Cybercrime Prevention Act does not provide for a prescriptive period, *Tolentino* stated that the prescriptive period for the crime of Cyber Libel can be derived from the penalty imposed on the said crime. Thus, considering the penalty of Cyber Libel,[11] *Tolentino* ruled that the prescriptive period for the crime of Cyber Libel is 15 years.

However, in contrast to *Tolentino*, the Court in *Causing* ruled that the prescriptive period to be applied in Cyber Libel cases should be one year as provided in the RPC, thereby abandoning the earlier ruling.[12] In disposing of the case, the Court sustained Causing's position that the Cybercrime Prevention Act did not create a new crime, it merely implemented already existing crimes governed by the provisions of the RPC under Libel. In essence, the Cybercrime

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[7] *Causing,* G.R. No. 258524, at 135

[8] REV. PEN. CODE, art. 90, ¶ 4. "The crime of libel or other similar offenses shall prescribe in one year."

[9] Act No. 3326 (1926). An Act to Establish Periods of Prescription for Violations Penalized by Special Acts and Municipal Ordinances and to Provide When Prescription Shall Begin to Run.

> "Section 1. Violations penalized by special acts shall, unless otherwise provided in such acts, prescribe in accordance with the following rules: (a) after a year for offenses punished only by a fine or by imprisonment for not more than one month, or both; (b) after four years for those punished by imprisonment for more than one month, but less than two years; (c) after eight years for those punished by imprisonment for two years or more, but less than six years; and (d) after twelve years for any other offense punished by imprisonment for six years or more, except the crime of treason, which shall prescribe after twenty years. Violations penalized by municipal ordinances shall prescribe after two months."

[10] [Hereinafter "*Tolentino*"], G.R. No. 240310 (Notice), August 6, 2018.

[11] *Cybercrime Prevention Act,* § 6. "That the penalty to be imposed shall be one (1) degree higher than that provided for by the Revised Penal Code, as amended, and special laws, as the case may be."

[12] *Causing,* at 13.

Prevention Act simply recognizes a computer system as a "similar means" of publication and does not define or create an entirely new offense.[13]

The Court also emphasized that since Cyber Libel is penalized under the RPC, the prescriptive period should be defined by Articles 90 and 91 of the said Code, and not Section 1 of Act No. 3326, which is what the trial court applied. The rationale was that Section 4 of Cybercrime Prevention Act[14] specifically refers to Article 355 of the RPC to define the prohibited act and, following the well-established rule that penal statutes must be strictly construed against the State and liberally in favor of the accused, Article 90 of the RPC provides a shorter prescriptive period at only one year in contrast with Act No. 3326, which would make Cyber Libel prescribe in 12 years.[15]

It was elaborated as well that as provided in Article 91 of the RPC, the reckoning point for the one year prescriptive period for the crime of Cyber Libel is counted from its discovery by the offended party, the authorities, or their agents.[16] The Court affirmed the ruling in *Alcantara v. Amoranto*[17] as the "plaintiffs could hardly be expected to institute criminal proceedings for Libel without prior knowledge of the same" and that it is more in keeping with Article 91 of the RPC. The only time that the prescriptive period may be reckoned from the publication of the libelous matter according to the Court is only when it coincides with the date of discovery by the offended party, the authorities, or their agents.[18]

B. *People v. Soliman*[19]

On January 23, 2018, respondent Jomerito Soliman posted on Facebook that then–Assistant Secretary of the Department of Agriculture (DA) Waldo Carpio intentionally delayed his efforts in securing a sanitary and phytosanitary ("SPS") clearance and a minimum access volume ("MAV") import certificate, two documents issued by the DA to ensure that imported meat and agricultural products are compliant with DA regulations. Solomon also accused Carpio of being involved in backdoor activities in the onion and rice industries.[20]

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[13] *Id.*

[14] *Cybercrime Prevention Act*, § 4 (c)(4). "Libel. — The unlawful or prohibited acts of libel as defined in Article 355 of the Revised Penal Code, as amended, committed through a computer system or any other similar means which may be devised in the future."

[15] *Id.* at 15–21.

[16] *Id.* at 21–24.

[17] G.R. No. 12493, 107 Phil 147, Feb. 29, 1960.

[18] *Causing* at 21–24.

[19] [Hereinafter "*Soliman*"], G.R. No. 256700, Apr. 25, 2023.

[20] *Id.* at 2–3.

The Regional Trial Court found Soliman guilty beyond reasonable doubt of Cyber Libel under Section 4 of the Cybercrime Prevention Act[21] and imposed a PHP 50,000 fine. The imposition of a fine instead of imprisonment was based on the Guidelines in the Observance of a Rule of Preference in the Imposition of Penalties in Libel Cases,[22] as well as previous cases involving libel where the Court allowed the imposition of a fine instead of imprisonment. According to the Regional Trial Court, although the Guidelines in the Observance of a Rule of Preference in the Imposition of Penalties in Libel Cases do not remove imprisonment as a penalty for libel, judges have the discretion to determine whether the imposition of imprisonment or a fine would best serve the interests of justice.[23]

Respondent Soliman agreed to pay the fine; however, Carpio filed a petition for *certiorari* with the Court of Appeals claiming that the Regional Trial Court committed grave abuse of discretion in only imposing a fine. Carpio based his argument on Section 6 of the Cybercrime Prevention Act, which states that the penalty for crimes committed with the use of information and communications technologies will be one (1) degree higher than that provided for by the RPC or the special law penalizing that particular crime. According to Carpio, Section 6 the Cybercrime Prevention Act implies that the penalty of imprisonment must be necessarily imposed when the crime is committed with the use of information and communications technologies. Therefore, the correct penalty should have been *prision correccional* in its maximum period to *prision mayor* in its minimum period.[24] The Court of Appeals agreed with the Regional Trial Court that the laws on libel and online libel do not remove the discretion of the courts to impose either the penalty of imprisonment or a fine. [25]

The Supreme Court held that there is no merit in Carpio's allegation that the Regional Trial Court committed grave abuse of discretion in imposing a fine on Soliman. The RPC provides that on libel, the penalty of a fine may be imposed in the alternative, which is evident from the RPC's plain use of the disjunctive word "or" between the term of imprisonment and fine. Carpio's argument that the phrase "one (1) degree higher" only applies to penalties of imprisonment is disproven by Article 75 of the RPC, which provides that fines may be increased or reduced by one or more degrees. The PHP 50,000 fine imposed by the Regional Trial Court was within the prescribed range of fine in online libel, taking into consideration the provisions of Articles 26, 75, and 355 of the RPC, in relation to

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[21] *Cybercrime Prevention Act*, § 4 (c)(4).

[22] SC Adm. Order No. 08-2008.

[23] *Soliman,* at 4.

[24] *Id.*

[25] *Id.* at 5.

Section 91 of R.A. No. 10951, and Section 4 (c) (4) of Cybercrime Prevention Act.[26]

Moreover, the Supreme Court emphasized that Administrative Circular No. 08-2008 does not remove imprisonment as an alternative penalty for the crime of libel under Article 355 of the RPC. Administrative Circular No. 08-2008 only provides that judges may, in the exercise of their discretion, determine whether the imposition of a fine alone would best serve the interests of justice. This is consistent with the rulings in *Sazon v. Court of Appeals,*[27] *Mari v. Court of Appeals,*[28] *Brillante v. Court of Appeals,*[29] and *Buatis, Jr. v. People,*[30] in which the Supreme Court imposed only a fine on the person convicted of the crime of libel under specific circumstances present in the cases. If a fine is imposed in lieu of imprisonment and the accused is unable to pay the fine, the provisions on subsidiary imprisonment in the RPC may still be applied. [31]

C. *Peñalosa v. Ocampo*[32]

Jannece C. Peñalosa was charged with libel. She allegedly posted libelous remarks in her Facebook account that were intended to convey to the readers that Jose A. Ocampo, Jr. is brainless, lazy, disrespectful of his deceased father, a vagabond, coward, uncircumcised, a beggar, and envious person.[33] As a result, Ocampo, Jr. was allegedly exposed to public ridicule, casting dishonor upon his person.

Peñalosa argued that there was no probable cause to charge her with libel. The trial court disagreed and issued a warrant for her arrest.[34] However, the Department of Justice, through a review of the case, later ordered the City Prosecutor to withdraw the information against Peñalosa that was filed with the trial court as there was still no law penalizing internet libel during the time Peñalosa made the Facebook post on August 3, 2011. Furthermore, such insulting remarks in the post complained of were not necessarily libelous.[35]

Consequently, the Regional Trial Court issued an Order stating that although the act complained of constitutes internet libel, such was not criminally

[26] *Soliman* at 6–10.
[27] G.R. No. 120715, 255 SCRA 692, Mar. 29, 1996.
[28] G.R. No. 127694, 332 SCRA 475, May 31, 2000.
[29] G.R. Nos. 118757 & 121571, 440 SCRA 541, Oct. 19, 2004.
[30] G.R. No. 142509, 485 SCRA 275, Mar. 24, 2006.
[31] *Id.* at 11–12.
[32] [Hereinafter "*Peñalosa*"], G.R. No. 230299, April 26, 2023.
[33] *Id.* at 1.
[34] *Id.*
[35] *Id.* at 2.

punishable absent the enactment of Cybercrime Prevention Act ,[36]. Meanwhile, the Court of Appeals annulled the RTC Order and ruled that Peñalosa's act of maligning Ocampo, Jr.'s reputation through a Facebook post was punishable under the libel provisions, specifically Article 355 of the RPC, which states that libel shall be punishable "by means of writing, printing, lithography, engraving, radio, phonograph, painting, theatrical exhibition, cinematographic exhibition, or any similar means." Additionally, the CA stated that Article 355 of the RPC covers libelous Facebook posts as an example of libel by means of writing.[37]

Peñalosa contended that allegedly libelous Facebook posts are punishable under the Cybercrime Prevention Act , not Article 355 of the RPC.[38] Since the former had not yet been enacted in 2011, the year she made the posts, her acts should not be considered criminal nor should she be prosecuted. On the other hand, Ocampo, Jr. cited the case of *Disini v. Secretary of Justice,*[39] which states that cyber libel is not a new crime but is punishable under Article 335 of the RPC. Thus, the Cybercrime Prevention Act merely affirms that online defamation is covered by the phrase "similar means" for committing libel.

In resolving the issue, the Supreme Court analyzed the subject provisions side-by-side:

> Article 355, RPC. Libel by Means Writings or Similar Means. — A libel committed by means of writing, printing, lithography, engraving, radio, phonograph, painting, theatrical exhibition, cinematographic exhibition, or any similar means, shall be punished by *prisión correccional* in its minimum and medium periods or a fine ranging from 200 to 6,000 pesos, or both, in addition to the civil action which may be brought by the offended party.
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> Section 4(c) (a), Cybercrime Prevention Act. Cybercrime Offenses. — The following acts constitute the offense of cybercrime punishable under this Act:
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> […]
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> (c) Content-related Offenses:
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> […]
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> (4) Libel. — The unlawful or prohibited acts of libel as defined in Article 355 of the Revised Penal Code, as amended, committed through a computer system or any other similar means which may be devised in the future.

[36] *Id.*

[37] *Id.*

[38] *Id.* at 2–3.

[39] [Hereinafter "*Disini*"], G.R. No. 203335, 723 SCRA 109, Feb. 11, 2014.

The Court held that online defamation does not come under the coverage of "similar means" under the RPC for two reasons: *First*, following the statutory construction rule of *noscitur a sociis*, when the phrase is ambiguous in itself, its correct construction may be made clear by considering the company of words with which it is associated. Here, the associated words of "writing", "printing", "engraving", or "radio", among others, clearly exclude computer systems.[40] *Second*, such an argument negates the Congress' need or intent to legislate the Cybercrime Prevention Act which provides for an additional means of committing libel which are those made through computer systems[41]. Stated differently, if Article 355 of the RPC includes libel made through computer systems, then there would be no need to legislate Article 4(c)(4) of the Cybercrime Prevention Act. Hence, it can be concluded that libel done through computer systems is punishable only under the Cybercrime Prevention Act.

As such, Peñalosa's act of making libelous remarks made through Facebook posts constitutes libel made through computer systems which falls under R.A. No. 10175.[42] However, during the time that Peñalosa made the Facebook posts in 2011, such law had not yet been enacted since it only came into effect in 2012. Following the maxim of *nullum crimen, nulla poena sine lege*, which means that there is no crime when there is no law punishing it, Peñalosa could not be prosecuted for an act that was not criminal at the time of commission.[43] Hence, the prosecution correctly withdrew the information it had filed with the trial court.

Although it was expressed by the majority in *Disini* that an allegedly libelous post made before the enactment of the Cybercrime Prevention Act can be prosecuted under the libel provisions of the RPC, to do so would make the Cybercrime Prevention Act retroactively effective but unfavorable to the accused[44]. This application would go against Article 22 of the RPC, which states that penal laws shall have a retroactive effect insofar as they favor the person guilty of a felony.

More importantly, the Court clarified that respondent is not left without recourse as he may still bring civil actions for damages under Article 19 to 21 of the Civil Code for the harm inflicted upon him by defamatory falsehoods.[45]

II. SALE OF DANGEROUS DRUGS

[40] *Peñalosa* at 7–8.
[41] *Id.*
[42] *Id.* at 8.
[43] *Id.*
[44] *Id.* at 7.
[45] *Id.*

A. *People v. Almayda*[46]

Almayda brings to the fore once again the chain of custody in cases involving dangerous drugs, and the significance of complying with each step meticulously, especially the first link in the chain.

In 2012, a buy bust operation was organized by the Philippine Drug Enforcement Agency (PDEA) acting on a report from a confidential informant. The team, composed of Agent Tan as poseur-buyer and other PDEA agents, met up with Almayda at 7th Inn's Bulaluhan Resto Bar ("7th Inn"). Almayda handed two heat-sealed transparent plastic sachets containing white crystalline substance to Agent Tan who, after examining the sachets, gave the former the marked PHP 4,500.00 buy–bust money. This eventually led to the arrest of Almayda and Quioge. While still at the scene of the crime, Agent Tan marked the two (2) plastic sachets with "DMT A 4-19-12" and "DMT B 4-19-12," respectively. Further, photographs of the Almayda, Quioge, and the seized items were taken at the scene as well.[47]

Afterwards, they all proceeded to the PDEA Regional Office where Agent Tan conducted the inventory of the seized items in the presence of the accused, a Barangay Chairperson, a Barangay Kagawad, media representative, and Department of Justice (DOJ) Representative. The seized items were then brought to the Philippine National Police (PNP) Crime Laboratory and were eventually turned over to the Forensic Chemist who found the specimens positive for methamphetamine hydrochloride.[48]

Not convinced with the accused-appellant's defense of denial, the trial court found the accused guilty beyond reasonable doubt of the crime of selling "shabu," defined and penalized under the Comprehensive Dangerous Drugs Act.[49][50] This conviction was affirmed by the Court of Appeals,[51] and eventually by the Supreme Court in a November 2021 Resolution.[52] In their Motion for Reconsideration, accused-appellants maintain that the prosecution failed to establish an unbroken chain of custody due to the crucial fact that the inventory was conducted in the PDEA Office, contrary to the procedure set forth in the Comprehensive Dangerous Drugs Act.[53]

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[46] [Hereinafter "*Almayda*"], G.R. No. 227706, June 14, 2023.

[47] *Id.* at 2–3.

[48] *Id.*

[49] Rep. Act No. 9165 (2002). The Comprehensive Dangerous Drugs Act of 2002, [hereinafter "Comprehensive Dangerous Drugs Act"].

[50] *Id.* at 3–4.

[51] *Id.* at 4.

[52] *Id.*

[53] *Id.* at 4-5.

The Court reversed its previous judgment, emphasizing that in chain of custody cases, the first link, which must be done immediately at the place of arrest, necessarily includes the physical inventory and photograph-taking of the seized drug which should be done in the presence of the accused or his representative or counsel, together with an elected public official, a representative of the DOJ, and the media. In this case, it is undisputed that the physical inventory and photograph-taking were conducted at the PDEA Office, and not at the place of arrest based on the testimony of Agent Tan. Further, and more importantly, Agent Tan failed to give any justification as to why the inventory was not conducted at the place of arrest.[54]

The case of *People v. Casa*[55] provides the exception to the rule requiring the inventory and taking of photographs to be conducted at the place of arrest. For the exception to apply, the police officers should provide a justification that: (1) it is not practicable to conduct the same at the place of seizure; or (2) the items seized are threatened by immediate or extreme danger at the place of seizure. In the case at bar, the first and most important link was already broken from the very start, as Agent Tan, the prosecution witness, failed to give any justification, much less, a sufficient one, on why the inventory was conducted at the PDEA Regional Office instead of the place of arrest.[56]

The identity and integrity of the very *corpus delicti* in this case are now questionable due to the procedural infirmities in the chain of custody. Moreover, no justifiable reason was presented by the prosecution for their non-compliance. Therefore, the Court in this case heavily emphasized that in chain of custody cases, the first link, specifically the inventory and photograph taking, should be conducted at the place of arrest. Further, for the exception to this rule to apply, the arresting officers should provide a sufficient justification for their failure to comply.

III. CHILD ABUSE

A. *San Juan v. People*[57]

On July 31, 2014, an Information was filed against Special Police Officer 2 Marvin San Juan for allegedly threatening the life of a 15-year old by poking a gun at him, an act amounting to a crime, and thereby subjecting the minor to psychological cruelty and emotional maltreatment.[58]

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[54] *Id.* at 5.
[55] G.R. No. 254208, slip op., Mar. 13, 2023.
[56] *Almayda,* at 5–6.
[57] [Hereinafter "*San Juan*"], G.R. No. 236628, January 17, 2023.
[58] *Id.* at 2–3.

As narrated by the prosecution, on March 26, 2014, AAA, then 15 years of age, was chatting with his friends at the basketball court when an intoxicated San Juan arrived and began scolding AAA. During this tirade, San Juan exclaimed "*pag-uuntugin ang magulang*" to which AAA laughed. This triggered San Juan's anger, which resulted in him threatening AAA with a stone.[59]

BBB, an 11-year old, in his testimony, stated that after hearing invectives from San Juan, AAA walked away. This caused San Juan to pull out his gun and point it at the back of his friend. The friends left after being warned by San Juan not to hang out at the court anymore. However, AAA went back to get his t-shirt that he left in their rush to get away from San Juan. San Juan then chased him with a stone. [60] This led to the filing of two Informations were filed against the San Juan, one for grave threats in relation to Republic Act No. 7610[61] and another, for physical injuries in relation to the same law.

The Regional Trial Court found San Juan guilty beyond reasonable doubt of child abuse under Sec. 10 of the Special Protection of Children Against Abuse Act.[62] San Juan was sentenced to suffer an indeterminate penalty of four years and eight months as minimum to six years as maximum and to indemnify the minor complaint the amount of PHP 50,000.[63]

On appeal, the Court of Appeals affirmed the RTC conviction but modified the decision as regards penalty to four years, nine months and eleven days of *prision correccional*, as minimum to seven years, four months and one day of prison mayor, as maximum. He was also ordered to pay damages.[64]

The RTC convicted San Juan of violation of Section 10(a) of the the Special Protection of Children Against Abuse Act, whereas the CA convicted him of the crime of grave threats in relation to the same law. Thus, the Court resolved whether San Juan should be held guilty of grave threats or for violation of the Special Protection of Children Against Abuse Act.

Section 10(a) of R.A. No. 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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[59] *San Juan* at 2–3.

[60] *Id.*

[61] Rep. Act No. 7610 (1992). Special Protection of Children Against Abuse, Exploitation and Discrimination Act, [hereinafter "Special Protection of Children Against Abuse Act"].

[62] Special Protection of Children Against Abuse Act, § 10 (a).

[63] *Id.* at 3–4.

[64] *Id.* at 4–5.

> (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. (Emphasis supplied).

In resolution of the issue, the Court looked into the interpretation of the phrase "but not covered by the Revised Penal Code, as amended." Following the doctrine of last antecedent and the rule of *ad proximum antecedens fiat relatio nisi impediatur sentencia* (relative words refer to the nearest antecedent, unless it be prevented by context), the Court ruled that the phrase in question only qualifies the immediately preceding antecedent phrase "including those covered by Art. 59 of P.D. No. 603, as amended" under Sec. 10(a) of R.A. No. 7610 and not the acts enumerating the offense under the said provision. Hence, this means that acts punished under Sec. 10(a) include acts punishable under Art. 59 of P.D. No. 603, even if not covered by the RPC. [65]

However, the highlights of this case are the Court's decisions as to (1) whether the application of the special law also applies to acts covered by the RPC and (2) treatment of the word "cruelty" as alleged in the Information. In doing so, the Court looked into the legislative intent which was to provide stronger deterrence against child abuse and exploitation by increasing the penalties of crimes when the victim is a child, even when some of these acts are already described and punishable under the RPC and the Child and Youth Welfare Code. Therefore, taking this intent into consideration, the Court decided that Sec. 10(a) of the Special Protection of Children Against Abuse Act applies to provisions of Art. 59 of P.D. No. 603, whether or not these fall under the RPC.[66]

The Information against San Juan alleged psychological cruelty and emotional maltreatment. Under the Rules and Regulations of R.A. 7160, cruelty has been defined in the same manner as the punishable act under Section 3(b)(2) of the same Act as "any act by word or deed which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being." Meanwhile, Section 3(b)(1) also enumerates cruelty, among others, as child abuse.

Hence, to avoid confusion, child cruelty must always carry the qualification that the act complained of, debased, degrade or demeaned the intrinsic worth and dignity of the child, when referring to Section 3(b)(2). Otherwise, the term must be used in its common usage.

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[65] *San Juan* at 6–11.

[66] *Id.* at 13–14.

The second situation was illustrated through *Lucido v. People*[67] where there was an intrinsically cruel act. However, the Court ruled that the intent to debase, degrade, or demean is not he defining mark. As such, the act may already be examined under the law unlike cases where there is a need to determine the specific intent.

In the case of *San Juan*, there was no qualification that his acts "debased, degrade or demeaned the intrinsic worth of the child." Thus, cruelty must be analyzed based on its common usage. Similar to the case of *Lucido*, the Court here also characterized San Juan's act of pointing a gun as intrinsically cruel, since such would create a lasting fear on the part of the minor.

As applied to the case, while San Juan allegedly made threats to the life of AAA, San Juan's act must be examined under the Special Protection of Children Against Abuse Act, especially since the allegation of psychological harm and cruelty committed against a child falls under Sec. 10(a) in relation to Section 3(b)(1) of the Special Protection of Children Against Abuse Act.[68]

IV. CRIMINAL INTENT

A. *Valenzona v. People*[69]

On January 16, 2008, an Information was filed against petitioner Felix Valenzona, the President of ALSGRO Industrial and Development Corporation ("ALSGRO"), for failing to register the sale of subdivision lots with the Register of Deeds in violation of Sec. 17 of Presidential Decree No. 957.[70]

The Regional Trial Court found Valenzona guilty beyond reasonable doubt for the violation of Presidential Decree No. 957. According to the Regional Trial Court, even if it was not within Valenzona's functions to register the contracts and documents, defenses of good faith and lack of criminal intent cannot be considered in the violation of crimes characterized as *mala prohibita*.[71] The Court of Appeals agreed with the ruling of the Regional Trial Court.[72]

In his petition for *certiorari*, Velenzona argued the lack of evidence of his direct and active participation in ALSGRO's failure to register the conveyances. He also argued that proof beyond reasonable doubt on his supposed liability

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[67] [Hereinafter "*Lucido*"], G.R. No. 217764, 815 Phil. 646 (2017).
[68] *Id.*
[69] [Hereinafter "*Valenzona*"], G.R. No. 248584, slip op., Aug. 30, 2023.
[70] *Id.* at 2–3.
[71] *Id.* at 3–4.
[72] *Id.* at 4–5.

cannot rest on mere assumptions, citing *ABS-CBN v. Gozon*[73] on the indispensability of determining the degree of a corporate officer's participation before holding him responsible for the offense committed. Moreover, he maintained that it is not his function to register the deeds entered into by ALSGRO as such a task falls under the Marketing, Documentations, and Processing Department.[74]

The Supreme Court reversed the ruling of the Court of Appeals, stating that all criminal prosecutions are governed by the principle that a person is innocent until proven guilty beyond reasonable doubt, and the prosecution has the duty of establishing the guilt of the accused. The Supreme Court also distinguished between intent to commit the crime and intent to perpetrate the act. In crimes mala in se, a person may be held liable if it is proven that they intended to commit the crime. In contrast, in crimes *mala prohibita*, criminal intent is not required to be proven.[75]

However, the Supreme Court clarified that even if the prosecution has no burden to prove criminal intent in crimes *mala prohibita*, a person may only be held liable if they had conscious intent to perpetrate the act prohibited by the law. *Valenzona* addressed the diverging views on the requirement of intent in crimes *mala prohibita*. The cases of *Tan v. Ballena*[76] and *Dunlao, Sr. v. Court of Appeals*[77] provide that in crimes *mala prohibita*, the intent of the offender is immaterial; therefore, the only material question to determine guilt in crimes mala prohibita is if the law has been violated. In contrast, the cases of *People v. De Gracia,*[78] *People v. Ramoy,*[79] and the ruling in *Valenzona* provide that in order to hold the offender guilty or accountable for crimes *mala prohibita*, there must be conscious intent to perpetrate the prohibited act.

Therefore, the essence of crimes *mala prohibita* is the voluntariness in the commission of that act that constitutes the crime. Volition or voluntariness refers to knowledge of the act being done. Therefore, for Valenzona to be held liable for the violation of Presidential Decree No. 957, it must be proven beyond reasonable doubt that he had voluntarily intended to commit the act of non-registration of the contracts.[80]

[73] 755 Phil. 709 (2015).
[74] *Valenzona* at 5–6.
[75] *Id.* at 7–10.
[76] G.R. No. 168111, 557 SCRA 229, July 4, 2008.
[77] G.R. No. 111343, 260 SCRA 788, Aug. 22, 1996.
[78] G.R. No. 102009-10, 233 SCRA 716, July 6, 1994.
[79] G.R. No. 212738, slip op., Mar. 9, 2022.
[80] *Valenzona* at 7–10.

The Supreme Court found that the prosecution failed to establish Valenzona's intent to perpetrate the prohibited acts. A corporate officer's criminal liability stems from their active participation in the commission of a wrongful act. Section 39 of Presidential Decree No. 957 assigns criminal liability to the person in charge of the administration of the business. Therefore, what is crucial is not the position of the corporate officer, but their functions in relation to the violation that they are charged with.[81]

Although it was conceded that the contracts were not registered by ALSGRO Industrial and Development Corporation and that Valenzona is the President of the corporation, Valenzona, as a corporate officer, cannot be held criminally liable for the acts of the corporation without proof that he actively participated in or had power to prevent the act punished in Presidential Decree No. 957. It has been established that the obligation to comply with the registration of contracts was given to the Marketing, Documentations, and Processing Department of the corporation.

Moreover, the Supreme Court noted that a vital aspect of intent to perpetrate the act is knowledge. The prosecution has not been able to prove beyond reasonable doubt that Valenzona had awareness or knowledge of the fact of non-registration of the contracts. It cannot be concluded with certainty that Valenzona had the intent to perpetrate the offense; therefore, Valenzona must be acquitted.[82]

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[81] *Valenzona* at 10–12.
[82] *Valenzona* at 13–14.