Republic of the Philippines
Supreme Court
Baguio City

SECOND DIVISION

SPS. MELCHOR AND YOLANDA DORAO,	**G.R. No. 235737**
Petitioners,	Present:
-versus-	LEONEN, *J., Chairperson*, LOPEZ, M., GAERLAN**, LOPEZ, J., and KHO, JR., *JJ.*
SPS. BBB AND CCC, BY THEMSELVES AND AS NATURAL GUARDIANS OF THEIR MINOR DAUGHTER, AAA*,	
Respondents.	**Promulgated:** APR 26 2023

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DECISION

LEONEN, *J.*:

The best interest of a child cannot justify forms of cruel or degrading punishment which conflict with a child's human dignity,[1] including "punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules a child."[2] A person who debases, degrades, or demeans the

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* In line with Amended Administrative Circular No. 83-2015, 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.

** Designated additional Member per Raffle dated April 19, 2023.

1 *See* GENERAL COMMENT NO. 8 (2006): THE RIGHT OF THE CHILD TO PROTECTION FROM CORPORAL PUNISHMENT AND OTHER CRUEL OR DEGRADING FORMS OF PUNISHMENT 7, March 2, 2007, United Nations Committee on the Rights of a Child, available at <https://digitallibrary.un.org/record/583961?ln=en> (last accessed May 16, 2022).

2 *Id.* at 4.

child's intrinsic worth and dignity as a human being can be held liable for damages pursuant to Articles 21 and 26 of the Civil Code.

This Court resolves a Petition for Review on Certiorari[3] under Rule 45 of the Rules of Court, assailing the Court of the Appeals Decision[4] and Resolution,[5] which affirmed the Regional Trial Court Decision[6] and Resolution,[7] finding Spouses Melchor Dorao (Melchor) and Yolanda Dorao (Yolanda) (collectively, the Dorao Spouses) jointly and severally liable for damages for harassing, intimidating, and spreading false and malicious rumors about Spouses BBB and CCC and their daughter AAA (collectively, the).[8]

The Dorao Spouses are the parents of Paul, then-boyfriend of AAA.[9] Meanwhile, AAA's parents are Spouses BBB and CCC.[10]

Before the Regional Trial Court, Spouses BBB and CCC sought to protect AAA's right to a peaceful life and privacy and to hold the Dorao Spouses liable for damages for undertaking "the wrong approach (humiliating AAA in public) . . . in assuming the responsibility of imposing discipline (which rightfully belongs to [Spouses BBB and CCC] upon AAA (who is not the [Dorao Spouses'] child)."[11]

Spouses BBB and CCC stated that both AAA and Paul studied at [redacted] in [redacted], La Union.[12] Unbeknownst to their respective parents, sometime in July 2004, minors AAA and Paul entered into a special friendship colloquially referred to as "mutual understanding."[13]

Beginning August 2004, the Dorao Spouses frequented [redacted] to prevent AAA and Paul from getting closer.[14] At every opportunity, Yolanda showed her dislike for AAA and her parents and disapproved of AAA and Paul's relationship, by dropping snide remarks at AAA in the presence of

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3 *Rollo*, pp. 11-25.

4 Id. at 27-49. The July 11, 2017 Decision in CA-G.R. CV No. 106749 was penned by Associate Justice Celia C. Librea-Leagogo and was concurred in by Associate Justices Amy C. Lazaro-Javier (now a member of this Court) and Pedro B. Corales of the Eight Division, Court of Appeals, Manila.

5 Id. at 51-52. The October 26, 2017 Resolution in CA-G.R. CV No. 106749 was penned by Associate Justice Celia C. Librea-Leagogo and was concurred in by Associate Justices Amy C. Lazaro-Javier (now a member of this Court) and Pedro B. Corales of the Eight Division, Court of Appeals, Manila.

6 *Id.* at 11. The October 28, 2015 Decision in Civil Case No. 740 was penned by Pairing Judge Ferdinand A. Fe of Branch 34, Regional Trial Court of [redacted], La Union.

7 *Id.* The February 5, 2016 Resolution in Civil Case No. 740 was penned by Pairing Judge Ferdinand A. Fe of Branch 34, Regional Trial Court of [redacted], La Union.

8 *Id.* at 28-31. *See also Rollo*, pp. 36-37 and 43-44.

9 *Id.* at 28. Annex A.

10 *Id.*

11 *Id.* at 35 and 38.

12 *Id.* at 28.

13 *Id.* at 15 and 36.

14 *Id.* at 28 and 36.

AAA's classmates and schoolmates.[15]

On multiple occasions, Yolanda called AAA a flirt ("*malanding babae*" and "*makati ang laman*").[16] Yolanda also called and texted CCC, asserting that AAA took after CCC and that AAA is a woman with loose morals ("*puta*"), a flirt ("*malandi*"), and is sexually aggressive ("*makati ang laman*").[17] Because of these encounters, BBB asked Melchor to restrain Yolanda from further harassing AAA, but Yolanda did not heed this request.[18]

In the meantime, and to avoid any contact with the Dorao Spouses, Spouses BBB and CCC and AAA no longer participated in school activities, such as the Parents' Meeting held on November 30, 2004.[19] Despite their absence on that day, the Dorao Spouses started spreading rumors amongst other parents, guardians, and students about AAA's friendship with a classmate named DDD, commenting that AAA has been preying on boys since grade school and telling AAA's male friends not to associate with her.[20] On the same occasion, Melchor blatantly called AAA flirty and sexually aggressive, uttered more derogatory remarks, and then accused the child of "dragging his son [Paul] to [a] restroom."[21]

Because of the imputations made by the Dorao Spouses, the young and impressionable AAA felt harassed, intimidated, and exposed to repeated public ridicule and humiliation.[22] She fell into depression and disengaged from her studies and extracurricular activities.[23] As a result, AAA lost her academic distinction as an honor student and a student leader.[24] Worse, AAA attempted to commit suicide by drug overdose, abruptly dropped out of [redacted], and then transferred to the University of [redacted].[25]

Spouses BBB and CCC alleged that the Dorao Spouses violated their family's right to a peaceful life and privacy.[26] By the same token, Spouses BBB and CCC claimed to have endured sleepless nights, besmirched reputation, shame, and agony.[27] Thus, Spouses BBB and CCC prayed, among others, that the Dorao Spouses be ordered to pay them moral damages in the aggregate amount of ₱100,000.00, and exemplary damages amounting to ₱50,000.00.[28]

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15 *Id.* at 28, 34, and 36.
16 *Id.* at 28, 34, and 36.
17 *Id.* at 28 and 36.
18 *Id.* at 28.
19 *Id.* at 29.
20 *Id.* at 29, 34, and 37.
21 *Id.* at 28, 34, and 40.
22 *Id.* at 28.
23 *Id.* at 28, 34, and 37.
24 *Id.* at 28.
25 *Id.* at 29 and 34.
26 *Id.* at 37.
27 *Id.* at 28.
28 *Id.* at 29.

The Dorao Spouses denied the foregoing allegations, asserting that they read "vulgar text messages" sent by AAA to Paul.[29] They asserted that they merely admonished AAA for committing acts "unbecoming specifically of a student leader"[30]—that is, sitting on the lap of Paul inside a classroom.[31]

The Dorao Spouses also argued that AAA and Spouses BBB and CCC allegedly have no cause of action against them, considering that the Dorao Spouses' actions were done pursuant to a concomitant parental duty to "provide the moral fiber to enable [Paul] to pursue his dreams" therefore, they did not violate any of AAA and Spouses BBB and CCC's rights.[32] Regarding AAA's dropping from the honor roll, the Dorao Spouses contended that AAA only had herself to blame for her lack of discipline. Moreover, they contend that Spouses BBB and CCC likewise had no one to blame but themselves for "tolerating the misdeeds of their daughter."[33]

In an October 28, 2015 Decision,[34] the Regional Trial Court ruled in favor of Spouses BBB and CCC.[35] It gave credence to the witnesses' testimonies on: (a) how, on each encounter at school, Yolanda would call AAA "*malandi*" and "*makati ang laman*"; (b) the damaging effects of the Dorao Spouses' actions on the child[36]; and (c) how Melchor made derogatory remarks targeted at AAA.[37] The dispositive portion of the Decision reads:[38]

> WHEREFORE, in the light of the foregoing findings, as prayed for by the Plaintiffs, the Defendants are ordered to pay jointly and severally:
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> 1. Minor [AAA], PHP30,000.00 as moral damages;
> 2. Exemplary Damages of PHP20,000; and
> 3. Attorney[']s Fees & Litigation Expenses of PHP30,000.00.
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> SO ORDERED.[39]

In its July 11, 2017 Decision,[40] the Court of Appeals affirmed the trial court's ruling. It upheld the award of damages and attorney's fees because the Dorao Spouses' willful acts of publicly humiliating and degrading AAA's dignity—which are contrary to morals, good customs, or public policy—

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29 *Id.* at 30. The texts purportedly sent by AAA included "I miss your kiss," "I miss your kissable lips," and "*(h)indi ako makatulog kasi ikaw lang ang nasa isip ko.*"
30 *Id.*
31 *Id.* at 29.
32 *Id.* at 30.
33 *Id.*
34 *Id.* at 61.
35 *Id.* at 38, 43, and 44.
36 *Id.* at 32.
37 *Id.*
38 *Id.* at 27–28.
39 *Id.*
40 *Id.* at 27–49.

caused her loss or injury.[41] The dispositive portion of the Court of Appeals Decision reads:[42]

> WHEREFORE, premises considered, the appeal is DENIED. The Decision dated 28 October 2015 and Resolution dated 05 February 2016 of the Regional Trial Court of [redacted], La Union, Branch 34 in Civil Case No. 740 are AFFIRMED. Costs against defendant-appellants [Dorao Spouses].
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> SO ORDERED.[43]

The Dorao Spouses filed a Motion for Reconsideration,[44] which the Court of Appeals denied in an October 26, 2017 Resolution.[45] Hence, the Dorao Spouses filed a Petition for Review before this Court.

Before this Court, petitioners Spouses Dorao persistently deny uttering defamatory words to AAA and willfully causing damage to respondents Spouses BBB and CCC.[46] Petitioners claim that pursuant to their parental duty under Article 220 of the Family Code,[47] they merely advised AAA and Paul to "study hard and finish [their] studies"[48] and about the consequences of both minors' actions. In any case, petitioners argue that respondents' witness, Arabella Cabading (Cabading), was not credible for making inconsistent statements.[49] As such, respondents purportedly have no cause of action.[50] Consequently, petitioners assert that they should not be liable for moral and exemplary damages.

In their Comment,[51] respondents counter that they have established their cause of action against petitioners and are therefore entitled to the award

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41 *Id.* at 42 and 43.
42 *Id.* at 46.
43 *Id.* at 51.
44 *Id.*
45 *Id.* at 51-52. The October 26, 2017 Decision in CA-G.R. CV No. 106749 was penned by Associate Justice Celia C. Librea-Leagogo and was concurred in by Associate Justices Amy C. Lazaro-Javier and Pedro B. Corales of the Eight Division, Court of Appeals, Manila.
46 *Id.* at 17–18.
47 Article 220 of the Family Code provides:
ARTICLE 220. The parents and those exercising parental authority shall have with the respect to their unemancipated children on wards the following rights and duties:
(1) To keep them in their company, to support, educate and instruct them by right precept and good example, and to provide for their upbringing in keeping with their means;
(2) To give them love and affection, advice and counsel, companionship and understanding;
(3) To provide them with moral and spiritual guidance, inculcate in them honesty, integrity, self-discipline, self-reliance, industry and thrift, stimulate their interest in civic affairs, and inspire in them compliance with the duties of citizenship;
(4) To furnish them with good and wholesome educational materials, supervise their activities, recreation and association with others, protect them from bad company, and prevent them from acquiring habits detrimental to their health, studies and morals;
(5) To represent them in all matters affecting their interests;
(6) To demand from them respect and obedience;
(7) To impose discipline on them as may be required under the circumstances; and
(8) To perform such other duties as are imposed by law upon parents and guardians.
48 *Rollo*, pp. 17–18.
49 *Id.* at 19.
50 *Id.* at 19-21.
51 *Id.* at 60-83.

of damages.[52] They point out that petitioners' approach of imposing discipline trampled on AAA's "dignity, personality, privacy[,] and peace of mind[.]"[53] Moreover, the harassment, intimidation, and humiliation suffered by AAA, a young and impressionable child, traumatized her and adversely affected her studies.[54] They argue that moral damages must be awarded for the mental suffering caused to a person through any of the acts provided under Articles 21 and 26 of the Civil Code.[55]

For this Court's resolution is the issue of whether petitioners Spouses Dorao violated the right to the dignity, personality, privacy, and peace of mind[56] of respondents Spouses BBB and CCC and their minor daughter, AAA, which would make them liable for moral and exemplary damages.

The Petition must be denied not only for being procedurally infirm, but also for raising substantially factual issues. In any case, upon review of the records, we find no lack of reversible error in the challenged Decision and Resolution.

For the procedural issue, A.M. Nos. 10-3-7-SC (Re: Proposed Rules on E-filing) and 11-9-4-SC (Re: Efficient Use of Paper Rule) both provide that a verified declaration be attached stating that electronically filed pleadings and annexes are "complete and true copies of the printed document[,] and [that] annexes filed with the Supreme Court." Moreover, Rule 45 of the Rules of Court requires that proof of service of a petition's copy on the lower court concerned, as well as copies of material portions of the record supporting the petition, be submitted together with the petition.[57]

It is settled then that the right to appeal is not a natural right, but a mere statutory privilege. Thus, the perfection of an appeal in the manner and within

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52 *Id.* at 68–75.

53 *Id.* at 70–73.

54 *Id.* at 75.

55 *Id.* at 76–77.

56 *Id.* at 68.

57 Sections 3 and 4, Rule 45, of the Rules of Court provide:

SECTION 3. Docket and Other Lawful Fees; Proof of Service of Petition. — Unless he has theretofore done so, the petitioner shall pay the corresponding docket and other lawful fees to the clerk of court of the Supreme Court and deposit the amount of P500.00 for costs at the time of the filing of the petition. *Proof of service of a copy thereof on the lower court concerned and on the adverse party shall be submitted together with the petition.*

SECTION 4. Contents of Petition. — The petition shall be filed in eighteen (18) copies, with the original copy intended for the court being indicated as such by the petitioner, and shall (a) state the full name of the appealing party as the petitioner and the adverse party as respondent, without impleading the lower courts or judges thereof either as petitioners or respondents; (b) indicate the material dates showing when notice of the judgment or final order or resolution subject thereof was received, when a motion for new trial or reconsideration, if any, was filed and when notice of the denial thereof was received; (c) set forth concisely a statement of the matters involved, and the reasons or arguments relied on for the allowance of the petition; (d) be accompanied by a clearly legible duplicate original, or a certified true copy of the judgment or final order or resolution certified by the clerk of court of the court a quo and the requisite number of plain copies thereof, and *such material portions of the record as would support the petition*; and (e) contain a sworn certification against forum shopping as provided in the last paragraph of Section 2, Rule 42.

the period prescribed by Rules of Court, among others, is not only mandatory but also jurisdictional. An appellant's failure to conform with the rules on appeal renders the judgment final and executory.[58]

Here, the Petition is not accompanied by a verified declaration, proof of service, or any supporting portions of the record.[59] Thus, pursuant to Rule 45, Section 5[60] and Rule 56, Section 5(e)[61] of the Rules of Court, these defects constitute sufficient ground for this case's dismissal, especially considering petitioners' failure to comply with the rules on perfection of an appeal under Rule 45 of the Rules of Court, which had rendered this case final and executory.

As stated by this Court in *Peña v. Government Service Insurance System*:[62]

> Final and executory judgments can no longer be attacked by any of the parties or be modified, directly or indirectly, even by this Court. Just as the losing party has the right to file an appeal within the prescribed period, so also the winning party has the correlative right to enjoy the finality of the resolution of the case.[63] (Citations omitted)

Furthermore, this Court's power of judicial review pursuant to Rule 45 does not extend to a re-examination of the sufficiency of the evidence upon which a lower court has based its determination. This Court is not a trier of facts; as such, our jurisdiction is limited to reviewing errors of law that may

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58 *Peña v. Government Service Insurance System*, 533 Phil. 670 (2006) [Per J. Chico-Nazario, First Division].

59 In *Ramos v. Court of Appeals*, this Court considered a decision referred to by a petitioner in a petition for review as among the "other material portion of the record as would support the allegations of the petition." *See Ramos v. Court of Appeals*, 341 Phil. 157 (1997) [Per J. Mendoza, Second Division]. Here, petitioners referred to several documents in their petition, such as a Memorandum dated October 26, 2015, a Decision dated October 28, 2015, and a Resolution dated February 5, 2016, copies of which were not attached to their petition.

60 Section 5, Rule 56 of the Rules of Court provides:
SECTION 5. Dismissal or Denial of Petition. — *The failure of the petitioner to comply with any of the foregoing requirements regarding* the payment of the docket and other lawful fees, deposit for costs, *proof of service of the* petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.
The Supreme Court may on its own initiative deny the petition on the ground that the appeal is without merit, or is prosecuted manifestly for delay, or that the questions raised therein are too unsubstantial to require consideration.

61 Section 5(e), Rule 56 of the Rules of Court provides:
SECTION 5. Grounds for Dismissal of Appeal. — The appeal may be dismissed *motu proprio* or on motion of the respondent on the following grounds:
(a) Failure to take the appeal within the reglementary period;
(b) Lack of merit in the petition;
(c) Failure to pay the requisite docket fee and other lawful fees or to make a deposit for costs;
(d) *Failure to comply with the requirements regarding proof of service* and contents of and the documents which should accompany the petition;
(e) *Failure to comply with any circular, directive or order of the Supreme Court without justifiable cause*;
(f) Error in the choice or mode of appeal; and
(g) The fact that the case is not appealable to the Supreme Court.

62 533 Phil. 670 (2006) [Per J. Chico-Nazario, First Division].

63 *Id.* at 683.

have been committed by the lower courts.[64]

Here, as admitted by petitioners themselves, the issues raised, such as the issue on the witnesses' credibility and on the propriety of the award of damages, boil down to the appreciation and determination of factual matters by the lower courts.[65] These undoubtedly pertain to matters which are not the proper subject of this Court's discretionary power of judicial review.[66]

Whilst this Court exercises liberality and proceeds to review the records, we still do not find any reversible error committed by the Court of Appeals and, therefore, find no reason to overturn the assailed Decision and Resolution.

Articles 21 and 26 of the Civil Code provide:

> Article 21. Any person who wilfully causes loss or injury to another in manner that is contrary to morals, good customs or public policy shall compensate the latter for the damage.
>
> Article 26. *Every person shall respect the dignity, personality, privacy and peace of mind of his neighbors and other persons.* The following and similar acts, though they may not constitute a criminal offense, shall produce a cause of action for damages, prevention and other relief:
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> (1) Prying into the privacy of another's residence;
> (2) Meddling with or disturbing the private life or family relations of another;
> (3) *Intriguing to cause another to be alienated from his friends*;
> (4) Vexing or humiliating another on account of his religious beliefs, lowly station in life, place of birth, physical defect, or other personal condition.

No less than our Constitution mandates that "*[t]he State shall defend the right of the children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development.*"[67]

Citing *Araneta v. People*,[68] in *Fernandez v. People*,[69] this Court acknowledged that certain laws have been enacted considering this State policy:

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64 *Fuji Television Network, Inc. v. Espiritu*, 749 Phil. 388 (2014) [Per J. Leonen, Second Division].
65 *Rollo*, p. 14.
66 *Spouses Lam v. Kodak Phils., Ltd.*, 776 Phil. 88 (2016) [Per J. Leonen, Second Division].
67 CONST., Art. XV, sec. 3, par. 2.
68 578 Phil. 876 (2008) [Per J. Chico-Nazario, Third Division].
69 G.R. No. 217542, November 21, 2018, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64751> [Per J. Leonen, Third Division].

> Republic Act No. 7610 is a measure geared towards the implementation of a national comprehensive program for the survival of the most vulnerable members of the population, the Filipino children, in keeping with the Constitutional mandate under Article XV, Section 3, paragraph 2, that "The State shall defend the right of the children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development." This piece of legislation supplies the inadequacies of existing laws treating crimes committed against children, namely, the Revised Penal Code and Presidential Decree No. 603 or the Child and Youth Welfare Code. As a statute that provides for a mechanism for strong deterrence against the commission of child abuse and exploitation, the law has stiffer penalties for their commission, and a means by which child traffickers could easily be prosecuted and penalized. Also, the definition of child abuse is expanded to encompass not only those specific acts of child abuse under existing laws but includes also "other acts of neglect, abuse, cruelty or exploitation and other conditions prejudicial to the child's development[.][70] (Citation omitted)

Moreover, our state policy includes the mandate to always protect a child's best interest "through measures that will ensure the observance of international standards of child protection, especially those to which the Philippines is a party."[71] Among these international instruments is the United Nations Convention on the Rights of the Child (Convention), a treaty which the Philippines signed on January 26, 1990 and ratified on August 21, 1990.[72]

Through this Convention, the Philippines recognized that by reason of their physical and mental immaturity, children[73] require special safeguards and care.[74] As a signatory, the Philippines thus obliged itself to defend the rights of children from all forms of abuse.[75] Consequently, the Philippine Congress enacted Republic Act No. 7610, or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

Republic Act No. 7610 penalizes all forms of child abuse[76] which includes psychological abuse and cruelty or any "act by deeds or words which

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70 *Id.*

71 *See* Republic Act No. 9344, otherwise known as the Juvenile Justice and Welfare Act of 2006, Section 2.

72 UNITED NATIONS COMMITTEE ON THE RIGHTS OF A CHILD, January 26, 1990.

73 A child refers to a "human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier." *See* UNITED NATIONS COMMITTEE ON THE RIGHTS OF A CHILD, art. 1, opened for signature January 26, 1990, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child> (last accessed May 16, 2022).

74 *See* UNITED NATIONS COMMITTEE ON THE RIGHTS OF A CHILD, Preamble, opened for signature January 26, 1990, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child> (last accessed May 16, 2022).

75 *See* CONST., art. XV, sec. 3, par. 2 which states that the State shall defend:
(2) The right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development;
See also UNITED NATIONS COMMITTEE ON THE RIGHTS OF A CHILD, arts. 19 and 37(a), opened for signature January 26, 1990, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child> (last accessed May 16, 2022).

76 Republic Act No. 7610 (1992), sec. 2 provides:
Section 2. Declaration of State Policy and Principles. -- It is hereby declared to be the policy of the State *to provide special protection to children from all firms of abuse, neglect, cruelty exploitation and*

debases, degrades or demeans the intrinsic worth and dignity of a child as a human being.[77] The Implementing Rules and Regulations on the Reporting and Investigation of Child Abuse Cases further define "child abuse" and "cruelty":[78]

> (b) "Child abuse" refers to the infliction of physical or *psychological injury, cruelty to,* or neglect, sexual abuse or exploitation of *a child*;
>
> (c) "Cruelty" refers to *any act by word or deed which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being. Discipline administered by a parent or legal guardian to a child does not constitute cruelty provided it is reasonable in manner and moderate in degree and does not constitute physical or psychological injury as defined herein*[.][79] (Emphasis suppliec)

On the other hand, "psychological injury" is defined as:

> e) "Psychological injury" means harm to a child's psychological or intellectual functioning which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of said behaviors, which may be demonstrated by a change in behavior, emotional response or cognition[.][80]

Here, publicly calling an impressionable 14-year-old with defamatory words such as "*makati ang laman*," "*malandi*," and "*hindi matino*" in front of her peers, teachers, and parents[81] is undoubtedly a harsh, degrading, and humiliating experience to which no child should ever be subjected. Uttering such words are contrary to the abovementioned Constitutional mandate and public policies.[82]

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discrimination and other conditions, prejudicial their development; provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination. The State shall intervene on behalf of the child when the parent, guardian, teacher or person having care or custody of the child fails or is unable to protect the child against abuse, exploitation and discrimination or when such acts against the child are committed by the said parent, guardian, teacher or person having care and custody of the same.
It shall be the policy of the State to protect and rehabilitate children gravely threatened or endangered by circumstances which affect or will affect their survival and normal development and over which they have no control.
The best interests of children shall be the paramount consideration in all actions concerning them, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, and legislative bodies, consistent with the principle of First Call for Children as enunciated in the United Nations Convention of the Rights of the Child. *Every effort shall be exerted to promote the welfare of children and enhance their opportunities for a useful and happy life.*
See also Republic Act No. 7610 (1992), sec. 10(a).

77 Republic Act No. 7610 (1992), art. I, sec. 3(b).

78 Implementing Rules and Regulations on the Reporting and Investigation of Child Abuse Cases (1993).

79 Implementing Rules and Regulations on the Reporting and Investigation of Child Abuse Cases (1993), sec. 2(b)(c).

80 Implementing Rules and Regulations on the Reporting and Investigation of Child Abuse Cases (1993), sec. 2(e).

81 *Rollo*, pp. 29, 40, and 41.

82 *See* UNITED NATIONS COMMITTEE ON THE RIGHTS OF A CHILD, arts. 19 and 37(a), opened for signature January 26, 1990, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child> (last accessed May 16, 2022). *See also* CONST., art. XV, sec. 3, par. 2. *See also* Republic Act No. 7610 (1992), secs. 2 and 10(a).

In its declaration of State policies, Article II, Section 12 of the Constitution recognizes the right of parents in rearing their children.[83] In *Samahan ng mga Progresibong Kabataan (SPARK) v. Quezon City*,[84] this Court stated that this Constitutional provision means that:

> *[P]arents are not only given the privilege of exercising their authority over their children; they are equally obliged to exercise this authority conscientiously.* The duty aspect of this provision is a reflection of the State's independent interest to ensure that the youth would eventually grow into free, independent, and well-developed citizens of this nation. For indeed, it is during childhood that minors are prepared for additional obligations to society. The duty to prepare the child for these [obligations] must be read to include the inculcation of moral standards, religious beliefs, and elements of good citizenship. *This affirmative process of teaching, guiding, and inspiring by precept and example is essential to the growth of young people into mature, socially responsible citizens.*[85] (Emphasis supplied, citations omitted)

In *Sister Pilar Versoza v. People*,[86] this Court *En Banc* characterized parental authority as a "sum of duties to be exercised in favor of the child's interest":[87]

> The right of custody accorded to parents springs from the exercise of parental authority. *Parental authority or patria potestas in Roman Law is the juridical institution whereby parents rightfully assume control and protection of their unemancipated children to the extent required by the latter's needs.* It is a mass of rights and obligations which the law grants to parents for the purpose of the children's physical preservation and development, as well as the cultivation of their intellect and the education of their heart and senses. *As regards parental authority, there is no power, but a task; no complex of rights, but a sum of duties; no sovereignty but a sacred trust for the welfare of the minor.*[88] (Emphasis supplied, citation omitted)

This natural right and duty[89] of a parent over their unemancipated children includes caring for and rearing their child for the development of the

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83 CONST., art. II, sec. 13 states:
Section 12. The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception. *The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character* shall receive the support of the Government. (Emphasis supplied)

84 *Samahan ng mga Progresibong Kabataan v. Quezon City*, 815 Phil. 1067 (2017) [Per J. Perlas-Bernabe, En Banc].

85 *Id.* at 1099, citing *Wisconsin v. Yoder*, 406 U.S. 205; 92 S. Ct. 1526; 32 L. Ed. 2d 15 (1972) U.S. LEXIS 144; and *Bellotti v. Baird*, 443 U.S. 622; 99 S. Ct. 3035; 61 L. Ed. 2d 797 (1979) U.S. LEXIS 17.

86 *Versoza v. People*, G.R. No. 184535 (Resolution), September 3, 2019, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65765> [Per Curiam, En Banc]. Citing *Santos, Sr. v. Court of Appeals*, 312 Phil. 482, 488 (1995) [Per J. Romero, Third Division].

87 *Id.*

88 *Id.*

89 FAMILY CODE, art. 220.

latter's moral, mental, and physical character and wellbeing.[90] While neither the Convention nor the Constitution prescribed in detail how parents must relate to, or guide their child, the Convention provided a framework which guides relationships within the family and between third persons and children.

The Convention emphasized the use of a child right-based parenting, caring, and teaching style.[91] Indeed, "*[i]n all actions concerning children . . . the best interests of the child shall be a primary consideration.*"[92] Thus, a parent must give due weight to a child's views.[93] Moreover, a child must be respected as an active person in their own right with their own concerns, interests, and points of view,[94] and should not be treated as a parent's possession or merely as "an object of concern."[95]

While parents and legal guardians are bestowed with the right and duty to provide direction to a child, a child must still be accorded equal and inalienable rights,[96] "*consistent with the evolving capacities of the child.*"[97] In this regard, evolving capacities must not be seen as "an excuse for authoritarian practices that restrict children's autonomy and self-expression and which have traditionally been justified by pointing to [a child's] relative immaturity," but rather as a "positive and enabling process."[98]

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90 FAMILY CODE, art. 209. This right and duty includes:
(1) To keep them in their company, to support, educate and instruct them by right precept and good example, and to provide for their upbringing in keeping with their means;
(2) *To give them love and affection, advice and counsel, companionship and understanding;*
(3) To provide them with moral and spiritual guidance, inculcate in them honesty, integrity, self-discipline, self-reliance, industry and thrift, stimulate their interest in civic affairs, and inspire in them compliance with the duties of citizenship;
(4) To furnish them with good and wholesome educational materials, *supervise their activities*, recreation and association with others, *protect them from bad company*, and prevent them from acquiring habits detrimental to their health, studies and morals;
(5) To represent them in all matters affecting their interests;
(6) To demand from them respect and obedience;
(7) *To impose discipline on them as may be required under the circumstances*; and
(8) To perform such other duties as are imposed by law upon parents and guardians. (Emphasis supplied)

91 *See* GENERAL COMMENT NO. 8 (2006): THE RIGHT OF THE CHILD TO PROTECTION FROM CORPORAL PUNISHMENT AND OTHER CRUEL OR DEGRADING FORMS OF PUNISHMENT 12, March 2, 2007, United Nations Committee on the Rights of a Child, available at <https://digitallibrary.un.org/record/583961?ln=en> (last accessed May 16, 2022).

92 *Id.* at 3.

93 *Id.* at 7.

94 *See* UNITED NATIONS COMMITTEE ON THE RIGHTS OF A CHILD, arts. 5 and 14, opened for signature January 26, 1990, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child> (last accessed May 16, 2022).

95 *See* GENERAL COMMENT NO. 8 (2006): THE RIGHT OF THE CHILD TO PROTECTION FROM CORPORAL PUNISHMENT AND OTHER CRUEL OR DEGRADING FORMS OF PUNISHMENT 12, March 2, 2007, United Nations Committee on the Rights of a Child, available at <https://digitallibrary.un.org/record/583961?ln=en> (last accessed May 16, 2022).

96 *See* UNITED NATIONS COMMITTEE ON THE RIGHTS OF A CHILD, Preamble, opened for signature January 26, 1990, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child> (last accessed May 16, 2022). *See also* GENERAL COMMENT NO. 7 (2005): IMPLEMENTING CHILD RIGHTS IN EARLY CHILDHOOD, November 1, 2005, United Nations Committee on the Rights of a Child, available at <https://digitallibrary.un.org/record/570528> (last accessed May 16, 2022).

97 *See* UNITED NATIONS COMMITTEE ON THE RIGHTS OF A CHILD, arts. 5 and 14, opened for signature January 26, 1990, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child> (last accessed May 16, 2022).

98 *See* GENERAL COMMENT NO. 7 (2005): IMPLEMENTING CHILD RIGHTS IN EARLY CHILDHOOD 8, November 1, 2005, United Nations Committee on the Rights of a Child, available at <https://digitallibrary.un.org/record/570528> (last accessed May 16, 2022).

Thus, the best interest of a child cannot justify forms of cruel or degrading punishment which conflict with a child's human dignity,[99] including "punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules a child."[100]

Here, petitioners attempt to justify their abusive acts under the pretense of exercising parental authority over AAA. They are gravely mistaken. Their acts do not constitute the kind of parental authority contemplated by the Constitution as they are not AAA's parents or legal guardians. Thus, regardless of their intentions, petitioners do not exercise any parental authority over AAA. In any case, resorting to harsh and degrading methods of discipline cannot be countenanced by this Court as it is contrary to public policy.

Petitioners dispute Cabading's testimony by noting that the latter may have remembered the incident differently:

> Through the testimony of Mrs. Cabading, it could be concluded that she was not accurate in the recounting of what transpired during the card day. She only remembered what she thought she heard and not actually what she heard and witnessed. On that note, she was biased[,] and her testimony should not be given credence for being implausible.[101]

Petitioners fail to convince. It does not escape our review that both the lower court and the Court of Appeals accorded great weight to Cabading's testimony:

> Here, bias on the part of Cabading cannot be presumed. Defendants-appellants must prove bad faith on the part of Cabading, which they failed to do. As testified to by Cabading, plaintiff-appellee CCC is not her friend; and before the incident she did not know the latter. In fact, defendants-appellants stated in their Brief that Cabading and plaintiffs-appellees are not even close (to each other) or friends. *Absent any evidence showing any reason and motive for the witness to prevaricate, the logical conclusion is that no such improper motive exists, and the testimony is worthy of full faith and credit. The assessment of the credibility of witnesses is a function properly within the office of the trial courts.* . . . The trial court's findings on the matter are entitled to great weight and given great respect and "may only be disregarded . . . if there are facts and circumstances which were overlooked by the trial court and which would substantially alter the results of the case.["] Here, there is no cogent reason to disturb the factual findings and conclusion of the trial court.[102] (Emphasis supplied, citations omitted)

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[99] *See* GENERAL COMMENT NO. 8 (2006): THE RIGHT OF THE CHILD TO PROTECTION FROM CORPORAL PUNISHMENT AND OTHER CRUEL OR DEGRADING FORMS OF PUNISHMENT 7, March 2, 2007, United Nations Committee on the Rights of a Child, available at <https://digitallibrary.un.org/record/583961?ln=en> (last accessed May 16, 2022).

[100] *Id.* at 4.

[101] *Rollo*, p. 19.

[102] *Id.* at 46.

When dealing with a petition for review on certiorari, this Court's judicial review does not extend to a re-evaluation of the sufficiency of the evidence upon which a tribunal has based its determination.[103] It is settled that:

> [T]he trial court's assessment of a witness' credibility will not be disturbed on appeal, in the absence of palpable error or grave abuse of discretion on the part of the trial judge. As a rule, the findings of the trial court on the credibility of witnesses and their testimonies are entitled to the highest respect and will not be disturbed on appeal, absent any clear showing that it overlooked, misunderstood or misapplied some weighty and substantial facts or circumstances that would have affected the result of the case. Having seen and heard the witnesses themselves and observed their behavior and manner of testifying, the trial court is deemed to have been in a better position to weigh the evidence. Well-settled is the rule that findings of trial courts which are factual in nature and which revolve on matters of credibility of witnesses deserve to be respected when no glaring errors bordering on a gross misapprehension of the facts, or where no speculative, arbitrary and unsupported conclusions, can be gleaned from such findings. Moreover, having been affirmed by the Court of Appeals, the trial court's findings carry even more weight.[104] (Citations omitted)

Furthermore, as explained by this Court in *Heirs of Villanueva v. Heirs of Mendoza*:[105]

> [T]here is an inherent impossibility of determining with any degree of accuracy what credit is justly due to a witness from merely reading the words spoken by him, even if there were no doubt as to the identity of the words. However artful a corrupt witness may be, there is generally, under the pressure of a skillful cross-examination, something in his manner or bearing on the stand that betrays him, and thereby destroys the force of his testimony. Many of the real tests of truth by which the artful witness is exposed, in the very nature of things, cannot be transcribed upon the record, and hence, they can never be appreciated and considered by the appellate courts.[106] (Citation omitted)

Here, petitioners failed to prove that there exist glaring errors committed on the part of the lower courts.

On the other hand, based on the records, petitioners undoubtedly exposed AAA to public ridicule which caused the latter mental anguish, besmirched reputation, wounded feelings, and social humiliation. These acts are contrary to public policy; therefore, petitioners are liable for damages pursuant to Articles 21 of the Civil Code.

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103 *Fuji Television Network, Inc. v. Espiritu*, 749 Phil. 388 (2014) [Per J. Leonen, Second Division].
104 *Ambait y Saura v. Court of Appeals*, 576 Phil. 286, 293 (2008) [Per J. Quisumbing, Second Division].
105 *Heirs of Villanueva v. Heirs of Mendoza*, 810 Phil. 172 (2017) [Per J. Peralta, Second Division].
106 *Id.* at 184–185.

In the same vein, petitioners' acts of spreading malicious rumors against AAA and publicly hurling defamatory accusations against respondents undoubtedly constitute an invasion of respondents' rights under Article 26 of the Civil Code.

In *Concepcion v. Court of Appeals*,[107] Concepcion publicly accused Nestor of conducting an adulterous relationship. As a result of these incidents, Nestor felt extreme embarrassment and shame such that he could no longer face his neighbors. Thus, Nestor sought the payment of damages from Concepcion.

In *Concepcion*, this Court affirmed the lower court's award of moral and exemplary damages in favor of Nestor, pursuant to Article 26 of the Civil Code and stated that Concepcion's act of hurling defamatory words against Nestor in the presence of the latter's wife and children, neighbors, and friends is an invasion of Nestor's right as a person:

> All told, these factual findings provide enough basis in law for the award of damages by the Court of Appeals in favor of respondents. We reject petitioner's posture that no legal provision supports such award, the incident complained of neither falling under Art. 2219 nor Art. 26 of the Civil Code. *It does not need further elucidation that the incident charged of petitioner was no less than an invasion on the right of respondent Nestor as a person.* The philosophy behind Art. 26 underscores the necessity for its inclusion in our civil law. The Code Commission stressed in no uncertain terms that the human personality must be exalted. The sacredness of human personality is a concomitant consideration of every plan for human amelioration. The touchstone of every system of law, of the culture and civilization of every country, is how far it dignifies man. If the statutes insufficiently protect a person from being unjustly humiliated, in short, if human personality is not exalted — then the laws are indeed defective. Thus, under this article, the rights of persons are amply protected, and damages are provided for violations of a person's dignity, personality, privacy and peace of mind.
>
> It is petitioner's position that the act imputed to him does not constitute any of those enumerated in Arts. 26 and 2219. In this respect, the law is clear. The violations mentioned in the codal provisions are not exclusive but are merely examples and do not preclude other similar or analogous acts. *Damages therefore are allowable for actions against a person's dignity, such as profane, insulting, humiliating, scandalous or abusive language.*[108] (Emphasis supplied, citations omitted)

In this regard, both the Regional Trial Court and the Court of Appeals noted that, on various occasions, petitioners publicly imputed a bad image against AAA. Because AAA was exposed to public ridicule, she experienced

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[107] 381 Phil. 90 (2000) [Per J. Bellosillo, Second Division].
[108] *Id.* at 98-99.

trauma, adversely affecting her emotional and psychological wellbeing.[109] As the Court of Appeals stated:

> In the instant case, plaintiffs-appellees were able to establish their cause of action against defendants-appellants by preponderance of evidence. The plaintiffs-appellees filed the complaint to protect their daughter's (plaintiff-appelle [AAA]) right to peaceful life and privacy; (defendants-appellants) are . . . expected to respect ([AAA]'s) "dignity, personality, privact, and peace of mind" under Article 26 of the Civil Code . . . and defendant-appellants' remarks and statements against plaintiff-appellee [AAA] brought shame and humiliation to the latter. As a result, ([AAA]) suffered damages. . .
>
> Plaintiff-appellee [AAA] testified, *inter alia*, that: the first incident where she was put to shame by defendants-appellants was when the latter texted her to refrain herself and to stop seeing their son; the other incident was when defendant-appellant Yolanda went to their school and talked to her; the former told her "*malandi kang babae, makati an(g) laman;*" her classmates, schoolmates and the people who were along the corridor heard the said statements; she was so ashamed because of those statements; everyday during lunchtime and breaktime, Yolanda was in their school, and whenever they met each other[,] the latter would always tell her "*makati ang laman*"; during their rehearsals for the incoming [sic] intramurals, Yolanda made the following statement to her schoolmate [redacted], "*malanding babae yan kahit nasa* [redacted] *pa, kahit ngayon malandi pa rin*"; . . . she belonged to the special science high school and "with honors"; she dropped out of school because she felt that in the eyes of her teacher and schoolmates, she was a very bad person; she dropped out after the first grading of 2005; she felt that some of her classmates no longer respect her; they even said "*[AAA], you might as well use the boy's restroom*"; respect is very important to her because she was the class overall chairman for consecutive years, an honor student, and an officer of different clubs; she transferred to the University of [redacted]; she stayed there for almost a month only and transferred to [redacted]; she was encouraged by her teachers in [redacted] to study there; she was not able to finish her studies in [redacted] because her classmates knew what happened and she felt that she was also rejected by the faculty; . . . as a consequence of what defendants-appellants did to her, she suffered from depression which resulted to overdose of medicine.
>
> Plaintiff-appellee [AAA] further testified, inter alia, that: the reason why she transferred from one school to another was because of the said controversy that haunted her; when she overdosed on medicine, she was overwhelmed by her emotions that she could no longer think if what she was doing was right or wrong; and she was ashamed of herself, to her parents, and to everybody.
>
> Plaintiff-appelle CCC testified, inter alia, that: they filed the case against defendants-appellants to clear the name of her daughter, plaintiff-appellee [AAA], because of the indignities the latter suffered from defendants-appellants; they put her daughter to shame in school; her daughter informed her of what happened; defendant-appellant Melchor called her to talk in public but she refused, defendant-appellant Yolanda called her next; Yolanda told her to advise her daughter because the latter is

[109] *Rollo*, pp. 43–44.

> an itchy flesh, "*makati ang laman*," and that both of them are women with loose virtues ("*parehas kayong mag-ina na puta*"); she turned off her cell phone because Yolanda was already "*nagmumura*"; . . . her daughter took an overdose of drugs on August 5, the day when Yolanda called the former; [AAA] was brought to the [redacted] Hospital; . . . the series of incidents affected her daughter's studies and the latter could no longer concentrate; some of her daughter's grade [] went down; . . . her daughter's reputation was affected; her daughter told her that the boys disrespected her; her daughter was being called by the boys in their school to go to their comfort room; when she could no longer take it, she transferred her daughter to the University of [redacted]. . .
>
> Cabading testified, *inter alia*, that: she participated at the parents meeting on card giving day on 30 November 2004; about twenty parents and guardians and ten to fifteen students, who were class officers, were present during the said parents' meeting; after the presentation of honor students, defendant-appellant Melchor stood up and spoke in front; . . . she could not remember the exact words of Melchor but what struck her was the harsh words the latter said about the girl, which were "*malandi at makati ang laman*," and referred to an incident where the girl allegedly pulled his son to the comfort room "*(h)inila siya sa CR ang anak ko*"; defendant-appellant Yolanda was also present and was behind her; she heard Yolanda uttered the following words, "(h)indi matino ang babaing yan"; the first time she met Yolanda was in the canteen; Yolanda talked about the matter of the relationship of her son with a girl named [AAA], and even said that the latter was a flirt and had a relationship with a classmate in grade school named [redacted]; . . . the tenor of Melchor's speech in front of the crowd was very derogatory to [AAA]; the latter was a minor, thirteen years old, at that time; [Cabading] felt that it was not fair to be so harsh to a young girl; having heard what Melchor said about [AAA], [Cabading] stood up and said that the girl was only a minor and it was not the proper way to handle [a] problem like that and that there was guidance counseling in the school[.][110]
> (Citations omitted)

Consequently, this Court is duty-bound to respect the consistent prior findings of the lower courts. Their findings of fact are final and conclusive and cannot be reviewed on appeal.[111]

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[110] *Id.* at 38-41.

[111] *Ebuenga v. Southfield Agencies, Inc.*, G.R. No. 208396, March 14, 2018 [Per J. Leonen, Third Division].

Having determined petitioners' culpability under Article 26 of the Civil Code, the award of moral damages is also proper pursuant to Article 2219(10) of the Civil Code.[112] As the Court of Appeals correctly noted:[113]

> *There is no question that plaintiff-appellee* [AAA] *suffered mental anguish, besmirched reputation, wounded feelings and social humiliation as a proximate result of defendants-appellants' abusive, scandalous and insulting language. The remarks "makati ang laman" and flirt made in the presence of* [AAA] *were defamatory and offensive to the latter's dignity.* Also, the incidents that transpired greatly affected [AAA]'s studies resulting in the decline of her grades, as shown in her Second Year Report Card ... and Secondary Student's Permanent Record. . . . and ultimately her transfer from one school to another[.] *It is clear that from the acts of defendants-appellants, of uttering abusive, humiliating and defamatory words towards* [AAA], *who was a minor, the latter suffered immense humiliation and embarrassment.* As testified to by witness Cabading, the tenor of defendant-appellant Melchor's speech in front of the crowd referring to [AAA], who was a minor at that time, were very derogatory and harsh which compelled her (Cabading) to write a letter dated 12 January 2005 . . . addressed to Family Council President Cristeta Camarillo.
>
> *Damages therefore are allowable for actions against a person's dignity, such as profane, insulting, humiliating, scandalous or abusive language. Under Art. 2217 of the Civil Code, moral damages which include physical suffering, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, social humiliation, and similar injury, although incapable of pecuniary computation, may be recovered if they are the proximate result of the defendant's wrongful act or omission.* Thus, the trial court is correct in awarding plaintiff-appellee [AAA] moral damages in the amount of Php30,000.00[.][114] (Emphasis supplied, citations omitted)

As regards the propriety of the award of exemplary damages, this Court likewise finds this proper. *Tankeh v. Development Bank of the Philippines* explains:[115]

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[112] ARTICLE 2219. Moral damages may be recovered in the following and analogous cases:
(1) A criminal offense resulting in physical injuries;
(2) Quasi-delicts causing physical injuries;
(3) Seduction, abduction, rape, or other lascivious acts;
(4) Adultery or concubinage;
(5) Illegal or arbitrary detention or arrest;
(6) Illegal search;
(7) Libel, slander or any other form of defamation;
(8) Malicious prosecution;
(9) Acts mentioned in article 309;
(10) Acts and actions referred to in articles 21, 26, 27, 28, 29, 30, 32, 34, and 35.
The parents of the female seduced, abducted, raped, or abused, referred to in No. 3 of this article, may also recover moral damages.
The spouse, descendants, ascendants, and brothers and sisters may bring the action mentioned in No. 9 of this article, in the order named.

[113] *Rollo*, pp. 42–43.

[114] *Id.*

[115] *Tankeh v. Development Bank of the Phils.*, 720 Phil. 641 (2013) [Per J. Leonen, Third Division].

> Also known as 'punitive' or 'vindictive' damages, *exemplary or corrective damages are intended to serve as a deterrent to serious wrong doings, and as a vindication of undue sufferings and wanton invasion of the rights of an injured or a punishment for those guilty of outrageous conduct.* These terms are generally, but not always, used interchangeably. In common law, there is preference in the use of exemplary damages when the award is *to account for injury to feelings and for the sense of indignity and humiliation suffered by a person as a result of an injury that has been maliciously and wantonly inflicted*, the theory being that there should be compensation for the hurt caused by the highly reprehensible conduct of the defendant—associated with such circumstances as willfulness, wantonness, malice, gross negligence or recklessness, oppression, insult or fraud or gross fraud—that intensifies the injury. The terms punitive or vindictive damages are often used to refer to those species of damages that may be awarded against a person to punish him for his outrageous conduct. *In either case, these damages are intended in good measure to deter the wrongdoer and others like him from similar conduct in the future.*[116] (Emphasis supplied, citation omitted)

Hence, "to serve as a deterrent to future and subsequent parties from the commission of a similar offense,"[117] the exemplary damages are awarded not only to compensate respondents, but more importantly to remind the petitioners of their fundamental duty as parents, not only to rear our youth for civic efficiency and the development of moral character,[118] but also to serve as role models.

However, we find it proper to modify the assailed Decision and Resolution to conform with the interest rates prescribed pursuant to BSP Circular No. 799 Series of 2013, which became effective on July 1, 2013, as interpreted in *Nacar v. Gallery Frames, et al.*[119] The total amount of civil indemnity to be paid by the Dorao Spouses to AAA and Spouses BBB and CCC shall be subject to an interest of six percent (6%) per annum to be computed from the finality of this Decision until full payment.

ACCORDINGLY, premises considered, the assailed July 11, 2017 Decision and October 26, 2017 Resolution of the Court of Appeals in CA-G.R. CV No. 106749 are **AFFIRMED WITH MODIFICATION** as to the award of civil indemnity. Melchor and Yolanda Dorao are hereby ordered to pay jointly and severally:

1. PHP 30,000.00 as moral damages;
2. PHP 20,000.00 as exemplary damages; and
3. PHP 30,000.00 as attorney's fees and litigation expenses.

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[116] *Id.* at 693.
[117] *Arco Pulp and Paper Co., Inc. v. Lim*, 737 Phil. 133, 152 (2014) [Per J. Leonen, Third Division].
[118] CONST., art. II, sec. 12.
[119] 716 Phil. 267 (2013).

In addition, legal interest of six percent (6%) per annum on the foregoing amounts is hereby imposed, reckoned from the finality of this Decision until full satisfaction.

SO ORDERED.

MARVIC M.V.F. LEONEN
Senior Associate Justice

WE CONCUR:

MARIO V. LOPEZ
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

JHOSEP Y. LOPEZ
Associate Justice

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

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