Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

OMAR VILLARBA,
Petitioner,

-versus-

COURT OF APPEALS and PEOPLE OF THE PHILIPPINES,
Respondents.

G.R. No. 227777

Present:

LEONEN, *J., Chairperson,*
GESMUNDO,
CARANDANG.
ZALAMEDA, and
GAERLAN, *JJ.*

Promulgated:
June 15, 2020

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DECISION

LEONEN, *J.*:

A formal amendment does not change the crime charged or affect the accused's theory or defense. It adds nothing crucial for a conviction as to deprive the accused of the opportunity to meet the new information. When an amendment only rectifies something that was already included in the original information, it is but a formal amendment. A second arraignment, therefore, is no longer necessary.[1]

Moreover, the information need not reproduce the law verbatim in alleging the acts or omissions that constitute the offense. If its language is understood, the constitutional right to be informed of the nature and cause of the accusation against the accused stands unviolated.[2]

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1 *Corpus, Jr. v. Pamular*, G.R. No. 186403, September 5, 2018, <http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64644> [Per J. Leonen, Third Division].

2 *Quimvel v. People*, 808 Phil. 889, 920 (2017) [Per J. Velasco, Jr., En Banc].

This Court resolves a Petition for Review on Certiorari[3] assailing the Decision[4] and Resolution[5] of the Court of Appeals, which affirmed Omar Villarba's (Villarba) conviction[6] for the violation of Republic Act No. 8049, otherwise known as the Anti-Hazing Act of 1995.

Villarba was among the members[7] of the Junior Order of Kalantiao, a fraternity based in the Central Philippine University in Iloilo City,[8] who were all charged in 2003 with violating the Anti-Hazing Act for their acts against Wilson Dordas III (Dordas).

The accusatory portion of the original Information reads:

> That on or about the 15th day of September 2001, in the City of Iloilo, Philippines, and within the jurisdiction of this Court, the above-named accused, members and officers of the Junior Order of Kalantiao, a fraternity, conspiring and confederating with each other, working together and helping one another, did then and there willfully, unlawfully and criminally subject one ***Wilson Dordas*** to hazing or initiation by placing ***Wilson Dordas***, the recruit, in some embarrassing or humiliating situation such as forcing him to do physical activity or subjecting him to physical or psychological suffering or injury which resulted to his confinement and operation and prevented him from engaging in his habitual work for more than ninety (90) days.
>
> CONTRARY TO LAW.[9] (Emphasis supplied)

All the accused were arraigned under the original Information, and they accordingly pleaded not guilty to the crime charged.[10] Subsequently, the Information was amended[11] by adding the suffix 'III' to the name 'Wilson Dordas' to correct his name. Pre-trial and trial ensued without arraignment on the amended Information.[12]

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3 *Rollo*, pp. 15–29.

4 Id. at 31–45. The Decision dated December 21, 2012 was penned by Associate Justice Pampio A. Abarintos and concurred in by Associate Justices Gabriel T. Ingles and Pedro B. Corales of the Eighteenth Division, Court of Appeals, Cebu City.

5 Id. at 57–60. The Resolution dated August 30, 2016 was penned by Associate Justice Gabriel T. Ingles and concurred in by Associate Justices Pamela Ann Abella Maximo and Marilyn B. Lagura-Yap of the Special Former Eighteenth Division of the Court of Appeals, Cebu City.

6 Id. at 119–169. The Decision dated November 14, 2006 in Crim. Case No. 02-56194 was penned by Judge Victor E. Gelvezon of the Regional Trial Court of Iloilo City, Branch 36.

7 Id. at 119. The other accused were Vincent Elben Gonzales, Rasty Jones Sumagaysay, Lorly Totica, Emily Garcia, Sergio Cercado, Jr., Edrel Tojoy, Oliver Montejo, Donnaline Locsin, May Andres, Paul Andre Margarico, Marie Hope Talabucon, Nehru Sanico, Joann Malunda, Wesley Corvera, Keith Piamonte, Vincent Serafin Singian, Hennie Bandojo, Christy Alejaga, Chester Roy Rogan, Roma Aspero, and Rogen Magno.

8 Id. at 121.

9 Id. at 170.

10 Id. at 120.

11 Id. at 119–120.

12 Id. at 120.

During trial, the prosecution presented Dordas as witness. He testified that he learned about the Junior Order of Kalantiao through Villarba, his classmate and then fraternity chairperson. In August 2001, Villarba recruited Dordas to join the fraternity, assuring him that the membership would help him in his studies, and that no physical harm would be involved in the application process.[13]

Dordas agreed. Yet, after attending meetings and taking a written examination,[14] Dordas and his co-applicants were made to perform various tasks in the campus, many of them humiliating and foolish stunts. They were ordered to act as models, perform yoga and karate, and shout while running around the flagpole. They were also made to jog around the campus with their feet tied and, at times, to sing in front of strangers.[15]

On September 15, 2001, Dordas and his co-applicants were brought to Racrap Beach Resort in Calaparan, Arevalo, Iloilo City for the final rites. Upon arrival that evening, they were told to eat a mix of rice, canned goods, and hot peppers. When they failed to finish the meal, Villarba told them to chew hot peppers as punishment. Dordas ate about five of them.[16]

Afterward, the applicants passed through a series of stations where they were asked, among others, to recite the organization's preamble. Whenever they failed to perform the tasks, they suffered different forms of punishment. Dordas was instructed to jog and crawl around the resort, and cling and lift himself on scaffoldings. He was made to climb a coconut tree and shout that he was a gecko. His right hand was used as an ashtray. Hot peppers were squeezed on his lips and left eye. He was slapped in the face for three to five times.[17]

After a while, Dordas and his co-applicants were brought inside a big cottage, where the members blindfolded them. After being asked to turn and walk for a few meters, two members held his hands while another punched him in his right waist. Startled, Dordas struggled to remove his blindfold and was able to see some members, including Villarba and another member who then each threw a punch in his stomach. Dordas was later made to lie face down on a table and recite the preamble while the members dripped hot wax on his body. Soon after this ordeal, Dordas officially became a member of the fraternity.[18]

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13 Id. at 121.
14 Id. at 122.
15 Id. at 122–123.
16 Id. at 124–125.
17 Id. at 125–127.
18 Id. at 127–129.

When Dordas went home the morning after, he complained of an intense pain in his abdomen. His family then brought him to St. Paul's Hospital, where he underwent surgery due to liver damage.[19]

For its part, the defense presented several witnesses, among them Villarba. Villarba admitted that he was a member of the fraternity and that he recruited Dordas. He confirmed that Dordas took a written test along with psychological and physical examinations, and underwent final rites at the same beach resort that Dordas identified. However, Villarba testified that their recruits only had to do sit-ups, push-ups, or jogging,[20] insisting that "no physical harm was inflicted on the recruits."[21]

In its November 14, 2006 Decision,[22] the Regional Trial Court found all the accused guilty of the crime charged. The relevant part of the dispositive portion reads:

> WHEREFORE, judgment is hereby rendered as follows:
>
> 1. Finding accused OMAR VILLARBA [and co-accused] Guilty beyond reasonable doubt of violation of Republic Act No. 8049 and sentencing them to suffer an indeterminate penalty of imprisonment ranging from Ten (10) Years and One (1) Day of *Prision Mayor*, as minimum to Twelve (12) Years as maximum.
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> . . . .
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> 4. Ordering accused OMAR VILLARBA [and co-accused] to jointly and severally pay private complainant Wilson Dordas III the sum of Seventy Seven Thousand Three Hundred Five Pesos and Forty-Four Centavos (P77,305.44) as compensatory damages;
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> 5. Ordering accused OMAR VILLARBA [and co-accused] to jointly and severally pay private complainant Wilson Dordas III the sum of Two Hundred Thousand Pesos (P200,000.00), as moral damages for the pain and suffering they inflicted upon said complainant;
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> . . . .
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> 7. Ordering accused OMAR VILLARBA [and the other accused] to jointly and severally pay private complainant Wilson Dordas III the sum of One Hundred Two Thousand Two Hundred Eighty Pesos (P102,280.00[])] as attorney's fees and expenses for litigation.
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> SO ORDERED.[23]

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19 Id. at 129–130.
20 Id. at 134.
21 Id. at 134–135.
22 Id. at 119–169.
23 Id. at 167–169.

The trial court held that the prosecution provided a clear account of the hazing through the credible testimony of Dordas, who identified all the accused and pinpointed their specific acts.[24] It gave little faith to the accused, whose defense of denial was not substantiated by evidence, and whose testimonies were conflicting on significant points.[25] It further observed that none of them fully accounted for the activities prior to the final rites, intentionally evading the topic instead.[26]

The trial court was convinced that the injuries and humiliation suffered by Dordas were caused by Villarba and the other accused as part of the initiation rites.[27] It held that they violated the Anti-Hazing Act when they punched Dordas and inflicted abdominal injury on him.[28]

Villarba appealed along with his co-accused, mainly averring that the Information charged against him was invalid. He argued that the phrase "as a prerequisite for admission into membership in a fraternity, sorority or organization"[29] was an essential element of hazing, which should have been alleged in the Information. He also found fault in not being arraigned under the amended Information, which added 'III' to the victim's name.[30]

Additionally, Villarba alleged that Dordas's sworn statement before the university for administrative investigation conflicted with the one he gave before the National Bureau of Investigation.[31]

Nonetheless, the Court of Appeals upheld Villarba's conviction. In its December 21, 2012 Decision,[32] it disposed, thus:

> **WHEREFORE**, in view of the foregoing, the instant appeal is hereby **DENIED**. The Decision dated 16 (*sic*) November 2006 rendered by Branch 36 of the Regional Trial Court of Iloilo finding the accused-appellants Omar Villarba and [co-accused] guilty beyond reasonable doubt of violation of Republic Act No. 8049 and sentencing them to suffer an indeterminate penalty of imprisonment ranging from ten (10) years and one (1) day of *prision mayor* as minimum to twelve (12) years as maximum is hereby **SUSTAINED** and **AFFIRMED**.
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> Upon finality, let the entire records of this case be remanded to the court *a quo* for the execution of the judgment.
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> Costs against the accused-appellants.

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24 Id. at 152.
25 Id. at 147.
26 Id. at 150.
27 Id. at 158–160.
28 Id. at 164.
29 Id. at 38.
30 Id. at 38–39.
31 Id. at 39.
32 Id. at 31–45.

SO ORDERED.[33] (Emphasis in the original)

To the Court of Appeals, the element of initiation activities as a prerequisite for admission to the fraternity was not an essential part of the Information. Instead, the essential element was the "infliction of physical or psychological suffering or injury which resulted from the hazing or initiation rites of the recruit, neophyte or applicant."[34] Since initiation activities are required for membership in the fraternity, they already formed part of the definition of hazing, the Court of Appeals explained. In any case, the omission did "not make the accused ignorant of the crime they were being charged with, and what defenses they needed to prepare for trial."[35]

As to the amendment in the victim's name, the Court of Appeals held that Villarba did not need to be rearraigned. It explained that the amendment was merely a formal one, which did not change the nature of the charge, affect the essence of the offense, or deprive the accused of the opportunity to meet the averment. It also deemed a re-arraignment unnecessary since Villarba, who recruited Dordas, would have certainly known the victim's identity.[36]

The Court of Appeals also brushed aside the supposed conflicts in Dordas's sworn statements.[37] It noted that although Dordas did not tell in his statement before the university that Villarba punched him, he did so during trial anyway. In any event, the Court of Appeals gave respect to the trial court's finding that Dordas's testimony was credible.[38]

Villarba moved for reconsideration, but the Motion was denied in the Court of Appeals' August 30, 2016 Resolution.[39] Subsequently, Villarba filed this Petition for Review on Certiorari[40] before this Court.

Similar to his arguments before the Court of Appeals, petitioner mainly assigns fault to the Information charged, arguing that his right to due process under Article III, Section 14 of the Constitution was violated.[41] He avers that his right "to be informed of the nature and cause of the accusation against him"[42] was violated when he was not rearraigned after the Information had been amended.[43]

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33 Id. at 44–45.
34 Id. at 40.
35 Id. at 40–41.
36 Id. at 41.
37 Id. at 42.
38 Id. at 44.
39 Id. at 57–60.
40 Id. at 15–29.
41 Id. at 21-A–22.
42 Id. at 22.
43 Id. at 22–24.

Petitioner insists that the correction of the victim's name is a substantial amendment because it will alter his defense. He zeroes in on Rule 110, Section 6 of the Rules of Court, which states that an Information must contain the offended party's name.[44]

Citing the same provision, petitioner also claims that the Information's failure to state that "the acts or omission complained of were committed as pre-requisites to the victim's membership to the fraternity"[45] was fatal to the case. He reasons that without this element, it is possible to argue that the acts resulting in physical injuries did not violate the Anti-Hazing Act.[46]

In its Comment,[47] the Office of the Solicitor General counters that adding the suffix 'III' in the victim's name was not a substantial change, because it did not involve a "recital of facts constituting the offense charged or the jurisdiction of the court"[48] and nor would it change petitioner's defense. It also echoed the Court of Appeals' ruling that a rearraignment was unnecessary because petitioner is obviously aware of the victim's identity.[49]

Moreover, the Office of the Solicitor General asserts that petitioner was "sufficiently informed of the nature and cause of the accusation against him."[50] It claims that the Information clearly describes the acts constituting the crime charged—that the accused were members of the fraternity and that Dordas was a recruit who was subjected to hazing.[51] Thus, it asserts, the phrase "the physical or mental suffering or injury was inflicted as a prerequisite for admission to a fraternity, sorority or organization" is not necessary in the Information.[52]

In his Reply,[53] petitioner adds that the testimony of Dordas is insufficient to convict him of the crime. As such, he argues that the prosecution failed to prove that there was a hazing or an initiation rite that transpired on September 15, 2001.[54]

He asserts that Dordas's testimony was bare and self-serving, which must fail against the defense's straightforward and corroborated narration. He cites the testimony of the resort owner who stated that she did not notice any unusual activity when the fraternity rented the place.[55]

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44 Id.
45 Id. at 26.
46 Id. at 24–26.
47 Id. at 82–91.
48 Id. at 84–85.
49 Id. at 85–86.
50 Id. at 86.
51 Id. at 86–87.
52 Id. at 87.
53 Id. at 100–110.
54 Id. at 101–102.
55 Id.

Moreover, petitioner insists that Dordas's statements were conflicting.[56] He points out that while Dordas renounced his first affidavit and offered a new one that identified more accused, the investigating prosecutor observed that the earlier one was more detailed and credible.[57] He likewise attempts to destroy Dordas's narration during trial, finding it unbelievable how Dordas was able to remove his blindfold while his hands were held by two members. Petitioner maintains that this contradiction affects Dordas's credibility and casts doubt on the truth of his other statements.[58]

The issues for this Court's resolution are the following:

First, whether or not the amendment to the Information in this case is substantial;

Second, whether or not the Information is considered void for being insufficient; and

Finally, whether or not the prosecution sufficiently proved the guilt of petitioner Omar Villarba for the violation of the Anti-Hazing Act.

I

Due process in criminal prosecutions requires that an accused be "informed of the nature and cause of the accusation against him,"[59] a right enshrined in our very Constitution. This constitutional mandate is reinforced in the procedural rules instated to safeguard the rights of the accused.

Arraignment is one of these safeguards. Due process requires that the accusation be in due form and that the accused be given the opportunity to answer the accusation against them. As their liberty is at stake, the accused should not be left in the dark about why they are being charged, and must be apprised of the necessary information as to the charges against them.[60]

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56 Id. at 102.
57 Id. at 103.
58 Id. at 104.
59 CONST., art. III, sec. 14(2) provides:
(2) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable.
60 *Corpus, Jr. v. Pamular*, G.R. No. 186403, September 5, 2018, <http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64644> [Per J. Leonen, Third Division].

Arraignment is the accused's first opportunity to know the precise charge pressed against them. During the arraignment, they are "informed of the reason for [their] indictment, the specific charges [they are] bound to face, and the corresponding penalty that could be possibly meted against [them]."[61]

Hence, arraignment is not a mere formality, but a legal imperative to satisfy the constitutional requirements of due process. In *Kummer v. People*:[62]

> Arraignment is indispensable in bringing the accused to court and in notifying him of the nature and cause of the accusations against him. The importance of arraignment is based on the constitutional right of the accused to be informed. . . . It is only imperative that he is thus made fully aware of the possible loss of freedom, even of his life, depending on the nature of the imputed crime.[63] (Citations omitted)

Arraignment is equally important in rules on amendments of the information. Rule 110, Section 14 of the 2000 Revised Rules of Criminal Procedure provides:

> SECTION 14. *Amendment or substitution.* — A complaint or information may be amended, in form or in substance, without leave of court, at any time before the accused enters his plea. After the plea and during the trial, a formal amendment may only be made with leave of court and when it can be done without causing prejudice to the rights of the accused.
>
> However, any amendment before plea, which downgrades the nature of the offense charged in or excludes any accused from the complaint or information, can be made only upon motion by the prosecutor, with notice to the offended party and with leave of court. The court shall state its reasons in resolving the motion and copies of its order shall be furnished all parties, especially the offended party.
>
> If it appears at any time before judgment that a mistake has been made in charging the proper offense, the court shall dismiss the original complaint or information upon the filing of a new one charging the proper offense in accordance with section 19, Rule 119, provided the accused shall not be placed in double jeopardy. The court may require the witnesses to give bail for their appearance at the trial.

Under this rule, any amendment—be it formal or substantial—may be made without leave of court before the arraignment. Once the arraignment is conducted, however, formal amendments may be made but only if there is leave of court and if such amendment does not prejudice the rights of the accused. A substantial amendment, on the other hand, is no longer allowed unless it "is beneficial to the accused."[64]

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61 *Kummer v. People*, 717 Phil. 670, 687 (2013) [Per J. Brion, Second Division].
62 717 Phil. 670 (2013) [Per J. Brion, Second Division].
63 Id. at 687.
64 *Ricarze v. Court of Appeals*, 544 Phil. 237, 249 (2007) [Per J. Callejo, Sr., Third Division].

Notably, unlike for a substantial amendment, a second arraignment is not required for a formal amendment. This is so because a formal amendment does not charge a new offense, alter the prosecution's theory, or adversely affect the accused's substantial rights. In *Kummer*, this Court explained:

> The need for arraignment is equally imperative in an amended information or complaint. This however, we hastily clarify, pertains only to substantial amendments and not to *formal amendments that, by their very nature, do not charge an offense different from that charged in the original complaint or information; do not alter the theory of the prosecution; do not cause any surprise and affect the line of defense; and do not adversely affect the substantial rights of the accused*, such as an amendment in the date of the commission of the offense.
>
> We further stress that *an amendment done after the plea and during trial, in accordance with the rules, does not call for a second plea since the amendment is only as to form.* The purpose of an arraignment, that is, to inform the accused of the nature and cause of the accusation against him, has already been attained when the accused was arraigned the first time. The subsequent amendment could not have conceivably come as a surprise to the accused simply because the amendment did not charge a new offense nor alter the theory of the prosecution.[65] (Emphasis supplied)

As held in jurisprudence, the following are merely formal amendments: (1) new allegations only affecting the range of the imposable penalty; (2) amendments that do not change the offense originally charged; (3) allegations that will not alter the prosecution's theory as to surprise the accused and affect their form of defense; (4) amendments that do not prejudice an accused's substantial rights; and (5) amendments that only address the vagueness in the information but does not "introduce new and material facts" and those which "merely states with additional precision something which is already contained in the original information and which adds nothing essential for conviction for the crime charged."[66]

On the other hand, substantial amendments refer to the "recital of facts constituting the offense charged and determinative of the jurisdiction of the court."[67]

In *Ricarze v. Court of Appeals*,[68] this Court held that the test of determining whether an amendment is substantial is the effect of the amendment on the defense and evidence. An amendment is deemed substantial if the accused's defense and evidence will no longer be applicable after the amendment is made. Thus:

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65 *Kummer v. People*, 717 Phil. 670, 687–688 (2013) [Per J. Brion, Second Division].

66 *Ricarze v. Court of Appeals*, 544 Phil. 237, 249 (2007) [Per J. Callejo, Sr., Third Division] citing *Matalam v. Sandiganbayan*, 495 Phil. 664 (2005) [Per J. Chico-Nazario, Second Division].

67 Id.

68 544 Phil. 237 (2007) [Per J. Callejo, Sr., Third Division].

> The test as to whether a defendant is prejudiced by the amendment is whether a defense under the information as it originally stood would be available after the amendment is made, and whether any evidence defendant might have would be equally applicable to the information in the one form as in the other. An amendment to an information which does not change the nature of the crime alleged therein does not affect the essence of the offense or cause surprise or deprive the accused of an opportunity to meet the new averment had each been held to be one of form and not of substance.[69] (Citation omitted)

Here, petitioner argues that the inclusion of the suffix 'III' to the name of Dordas in the Information was a substantial amendment, which should have warranted a second arraignment. This Court disagrees.

The amendment does not change the crime charged and the theory or defense of petitioner. It added nothing crucial for a conviction of the crime charged. It did not change the essence of the offense or cause surprise as to deprive petitioner of the opportunity to meet the new information. Instead, the amendment only states with precision something that was already included in the original Information. It is, therefore, merely a formal amendment.

Since the amendment was only of form, and not of substance, an arraignment under the amended Information is therefore unnecessary.[70]

II

The constitutional right to be informed of the nature and cause of the accusation against an accused further requires a sufficient complaint or information. It is deeply rooted in one's constitutional rights to due process and the presumption of innocence.[71]

Due process dictates that an accused be fully informed of the reason and basis for their indictment. This would allow an accused to properly form a theory and to prepare their defense, because they are "presumed to have no independent knowledge of the facts constituting the offense they have purportedly committed."[72]

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69 Id. at 249–250.

70 *Corpus, Jr. v. Pamular*, G.R. No. 186403, September 5, 2018, <http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64644> [Per J. Leonen, Third Division].

71 CONST., art. III, sec. 14 provides:
SECTION 14. (1) No person shall be held to answer for a criminal offense without due process of law. (2) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable.

72 *People v. Bayabos*, 754 Phil. 90, 103–104 (2015) [Per C.J. Sereno, First Division].

In *Andaya v. People*,[73] this Court explained that the purpose of a written accusation is to enable the accused to make their defense, to protect themselves against double jeopardy, and for the court to determine whether the facts alleged are sufficient in law to support a conviction.[74] Hence, a complaint or information must set forth a "specific allegation of every fact and circumstances necessary to constitute the crime charged."[75]

Rule 110, Section 6 of the Rules of Court provides the allegations fundamental to an information, namely: (1) the accused's name; (2) the statute's designation of the offense; (3) the acts or omissions complained of that constitute the offense; (4) the offended party's name; (5) the approximate date of the offense's commission; and (6) the place where the offense was committed.[76]

It is critical that all of these elements are alleged in the information. Full compliance with this rule is essential to satisfy the constitutional rights of the accused; conversely, any deviation that prejudices the accused's substantial rights is fatal to the case. In *Enrile v. People*:[77]

> A concomitant component of this stage of the proceedings is that the Information should provide the accused with fair notice of the accusations made against him, so that he will be able to make an intelligent plea and prepare a defense. Moreover, the Information must provide some means of ensuring that the crime for which the accused is brought to trial is in fact one for which he was charged, rather than some alternative crime seized upon by the prosecution in light of subsequently discovered evidence. Likewise, it must indicate just what crime or crimes an accused is being tried for, in order to avoid subsequent attempts to retry him for the same crime or crimes. In other words, the Information must permit the accused to prepare his defense, ensure that he is prosecuted only on the basis of facts presented, enable him to plead jeopardy against a later prosecution, and inform the court of the facts alleged so that it can determine the sufficiency of the charge.
>
> Oftentimes, this is achieved when the Information alleges the material elements of the crime charged. If the Information fails to comply with this basic standard, it would be quashed on the ground that it fails to charge an offense. . . .[78] (Citations omitted)

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73 526 Phil. 480 (2006) [Per J. Ynares-Santiago, First Division].

74 Id. at 496–497.

75 Id. at 496 citing *U.S. v. Karelsen*, 3 Phil. 226 (1904) [Per J. Johnson, En Banc].

76 RULES OF COURT, Rule 110, sec. 6 provides:
SECTION 6. *Sufficiency of complaint or information.* — A complaint or information is sufficient if it states the name of the accused; the designation of the offense given by the statute; the acts or omissions complained of as constituting the offense; the name of the offended party; the approximate date of the commission of the offense; and the place where the offense was committed.
When an offense is committed by more than one person, all of them shall be included in the complaint or information.

77 766 Phil. 75 (2015) [Per J. Brion, En Banc].

78 Id. at 104–105.

Factual allegations that constitute the offense are substantial matters. Moreover, an accused's right to question a conviction based on facts not alleged in the Information cannot be waived.[79] Thus, even if the prosecution satisfies the burden of proof, but if the offense is not charged or necessarily included in the information, conviction cannot ensue:

> The allegations of facts constituting the offense charged are substantial matters and an accused's right to question his conviction based on facts not alleged in the information cannot be waived. No matter how conclusive and convincing the evidence of guilt may be, an accused cannot be convicted of any offense unless it is charged in the information on which he is tried or is necessarily included therein. To convict him of a ground not alleged while he is concentrating his defense against the ground alleged would plainly be unfair and underhanded. The rule is that a variance between the allegation in the information and proof adduced during trial shall be fatal to the criminal case if it is material and prejudicial to the accused so much so that it affects his substantial rights.[80] (Citations omitted)

The allegations in the information are vital because they determine "the real nature and cause of the accusation against an accused[.]"[81] They are given more weight than a prosecutor's designation of the offense in the caption. In *Quimvel v. People*:[82]

> Indeed, the Court has consistently put more premium on the facts embodied in the Information as constituting the offense rather than on the designation of the offense in the caption. In fact, an investigating prosecutor is not required to be absolutely accurate in designating the offense by its formal name in the law. What determines the real nature and cause of the accusation against an accused is the actual recital of facts stated in the Information or Complaint, not the caption or preamble thereof nor the specification of the provision of law alleged to have been violated, being conclusions of law. It then behooves this Court to place the text of the Information under scrutiny.[83] (Citation omitted)

Nevertheless, the wording of the information does not need to be a verbatim reproduction of the law in alleging the acts or omissions that constitute the offense. Rule 110, Section 9 of the Rules of Court is clear that the information does not need to use the exact language of the statute:

> SECTION 9. *Cause of the accusation.* — The acts or omissions complained of as constituting the offense and the qualifying and aggravating circumstances must be stated in ordinary and concise language and not necessarily in the language used in the statute but in terms sufficient to enable a person of common understanding to know what offense is being charged as well as its qualifying and aggravating circumstances and for the court to pronounce judgment.

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79 *David v. People*, 767 Phil. 519, 532 (2015) [Per J. Carpio, Second Division].
80 *Andaya v. People*, 526 Phil. 480, 497 (2006) [Per J. Ynares-Santiago, First Division].
81 *Quimvel v. People*, 808 Phil. 889, 913 (2017) [Per J. Velasco, Jr., En Banc].
82 808 Phil. 889 (2017) [Per J. Velasco, Jr., En Banc].
83 Id. at 913.

Hence, to successfully state the acts or omissions that constitute the offense, they must be "'described in intelligible terms with such particularity as to apprise the accused, with reasonable certainty, of the offense charged.' Furthermore, '[t]he use of derivatives or synonyms or allegations of basic facts constituting the offense charged is sufficient.'"[84]

Here, petitioner claims that the Information is insufficient for failing to state that the acts or omissions complained of were committed as a prerequisite to the victim's membership to the fraternity.[85] He reasons that the definition of hazing under the Anti-Hazing Act requires that the "initiation rite or practice was used as a prerequisite for admission into membership in a fraternity, sorority or organization."[86] Absent this requisite, he asserts that the acts done cannot be penalized under the law.[87]

The question, therefore, is whether the phrase in the Information, "did then and there willfully, unlawfully and criminally subject one Wilson Dordas III to hazing or initiation by placing Wilson Dordas III, the recruit, in some embarrassing or humiliating situation such as forcing him to do physical activity or subjecting him to physical or psychological suffering or injury," sufficiently apprised petitioner of the elements of the offense charged.

This Court affirms the Court of Appeals' ruling.

Petitioner's constitutional right to be informed of the nature and cause of the accusation against him was not violated. A plain reading of the Information shows that the allegations stated there sufficiently apprised petitioner that the crime charged against him was hazing.

The pertinent portion of the assailed Information states:

> That on or about the 15th day of September 2001, in the City of Iloilo, Philippines, and within the jurisdiction of this Court, the above-named accused, members and officers of the Junior Order of Kalantiao, ***a fraternity***, conspiring and confederating with each other, working together and helping one another, did then and there willfully, unlawfully and criminally subject one Wilson Dordas III ***to hazing or initiation*** by placing Wilson Dordas III, the ***recruit***, in some embarrassing or humiliating situation such as forcing him to do physical activity or subjecting him to physical or psychological suffering or injury which resulted to his confinement and operation and prevented him from engaging in his habitual work for more than ninety (90) days.[88] (Emphasis supplied)

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84 Id. at 920 citing *Lazarte v. Sandiganbayan*, 600 Phil. 475 (2009) [Per J. Tinga, En Banc] and *Serapio v. Sandiganbayan*, 444 Phil. 499, 522 (2003) [Per J. Callejo, Sr., En Banc].

85 *Rollo*, p. 26.

86 Id. at 102.

87 Id.

88 Id. at 119–120.

The lack of the phrase "prerequisite to admission" does not make the Information invalid. Even with its absence, the alleged facts, which include the controlling words 'fraternity,' 'initiation,' 'hazing,' and 'recruit,' would have reasonably informed petitioner of the nature and cause of the accusation against him.

Petitioner's constitutional right to be informed of the nature and cause of the accusation against him is upheld as long as the crime, as described, is reasonably adequate to apprise him of the offense charged. This mandate does not require a verbatim reiteration of the law. The use of derivatives, synonyms, and allegations of basic facts constituting the crime will suffice.[89]

Moreover, this Court agrees with the Court of Appeals that petitioner was able to prepare his defense and evidence based on the Information. There is no showing that petitioner was caught by surprise during trial or that he was oblivious to the crime charged.[90] In *People v. Wilson Lab-eo*:[91]

> The test of sufficiency of Information is whether it enables a person of common understanding to know the charge against him, and the court to render judgment properly. . . . The purpose is to allow the accused to fully prepare for his defense, precluding surprises during the trial. Significantly, the appellant never claimed that he was deprived of his right to be fully apprised of the nature of the charges against him because of the style or form adopted in the Information.[92] (Citations omitted)

The assailed Information here sufficiently enables a layperson to understand the crime charged. There is no ambiguity in the allegations that prevented petitioner to prepare his defense. As long as this purpose is attained, the constitutional right to be informed of the nature and cause of accusation is satisfied.

In any case, if the Information was indeed insufficient and did not conform to the substantially prescribed form, petitioner should have moved to quash it.[93] Yet, he did no such thing. This means that he had already acquiesced to the validity and sufficiency of the Information.

III

Finally, petitioner questions how the lower courts found Dordas's testimony credible, when it is supposedly bare and self-serving, and therefore unconvincing. Petitioner's argument, however, is untenable.

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89 *Quimvel v. People*, 808 Phil. 889, 920 (2017) [Per J. Velasco, Jr., En Banc].
90 *Rollo*, p. 41.
91 424 Phil. 482 (2002) [Per J. Carpio, Third Division].
92 Id. at 497.
93 *Miranda v. Sandiganbayan*, 502 Phil. 423, 444–445 (2005) [Per J. Puno, En Banc].

It is settled that the factual findings of the trial court, more so when affirmed by the appellate court, are entitled to great weight and respect. Particularly, the evaluation of witnesses' credibility is "best left to the trial court because it has the opportunity to observe the witnesses and their demeanor during the trial."[94] In *People v. Quijada*:[95]

> For, the trial court has the advantage of observing the witnesses through the different indicators of truthfulness or falsehood, such as the angry flush of an insisted assertion or the sudden pallor of a discovered lie or the tremulous mutter of a reluctant answer or the forthright tone of a ready reply; or the furtive glance, the blush of conscious shame, the hesitation, the sincere or the flippant or sneering tone, the heat, the calmness, the yawn, the sigh, the candor or lack of it, the scant or full realization of the solemnity of an oath, the carriage and mien. The appellant has miserably failed to convince us that we must depart from this rule.[96] (Citations omitted)

The trial court's findings on witness credibility are binding upon this Court, unless substantial facts were shown to have been overlooked, misapprehended, or misinterpreted. In *People v. Daramay, Jr.*:[97]

> Time and time again, this Court has said that the assessment of the credibility of witnesses and their testimonies is a matter best undertaken by a trial court because of its unique opportunity to observe the witnesses firsthand; and to note their demeanor, conduct and attitude under examination. Its findings on such matters are binding and conclusive on appellate courts unless some facts or circumstances of weight and substance have been overlooked, misapprehended or misinterpreted. . . .[98] (Citation omitted)

The rule will hold sway in this case as well. Without a showing that the Regional Trial Court and the Court of Appeals have overlooked or misinterpreted the victim's testimony, this Court sees no reason to overturn their factual findings.

To recall, petitioner contends that the lower courts erred in appreciating the victim's testimony, claiming that it was self-serving and uncorroborated by any other witness. He further faults the victim's testimony for being inconsistent and unbelievable.[99]

Petitioner's assertion lacks basis. As held by both the trial court and the Court of Appeals, the victim was able to provide a detailed and categorical

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94 *People v. Corpuz*, 812 Phil. 62, 88 (2017) [Per J. Leonen, Second Division] citing *People v. Badilla*, 749 Phil. 809, 820 (2014) [Per J. Leonen, Second Division].

95 328 Phil. 505 (1996) [Per J. Davide, Jr., En Banc].

96 Id. at 530–531.

97 431 Phil. 715 (2002) [Per J. Panganiban, Third Division].

98 Id. at 727.

99 Id. at 102–104.

narration of his ordeal during the initiation.[100] Dordas identified petitioner as one of the members who punched him in the abdomen. Thus:

> ATTY[.] MARANON:
> Mr. Dordas, last December 8, 2003, you testified before the Honorable Court that you are blindfolded and guided to the elevated portion of the big cottage and thereafter, they held your both two hands [sic] and you were boxed and hit on the right portion of your body. My question now is: After you were hit, can you please tell us what happened next?
> xxx
> After you have struggled and said you tried to free yourself from the hold of three persons holding your hands, can you please tell us what happened next?
>
> WITNESS:
> I was able to remove my blindfold.
>
> ATTY. MARANON:
> Because you were able to remove . . . your blindfold, can you please tell us whether you were able to identify those persons who were holding your hands?
>
> . . . .
>
> WITNESS:
> When I faced front again somebody suddenly boxed me.
>
> ATTY[.] MARANON:
> And were [you] able to identify who was that person who boxed you?
>
> WITNESS:
> Yes sir.
>
> ATTY. MARANON:
> Who was he?
>
> WITNESS:
> Omar Villarba.
>
> ATTY. MARANON:
> Were you hit?
>
> WITNESS:
> Yes sir.
>
> ATTY. MARANON:
> Where?
>
> WITNESS:
> Here at my stomach.[101]

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[100] *Rollo*, p. 44.
[101] Id. at 43–44.

The lower courts deemed Dordas's testimony as direct and straightforward. He identified petitioner during trial and clearly narrated the acts that petitioner and the other accused had done to him.

Contrary to petitioner's claim, the testimony of a single witness may suffice to attain conviction if it is deemed credible. The prosecution has no obligation to present a certain number of witnesses; after all, testimonies are weighed, not numbered.[102] It is inconsequential that only the victim testified on the events that transpired during the hazing. If the trial court found the sole testimony of the victim credible, conviction may ensue.

This is not unusual in prosecutions of hazing cases, where the reluctance of fraternity members to speak about the initiation rites persists. In *Dungo v. People*:[103]

> Needless to state, the crime of hazing is shrouded in secrecy. Fraternities and sororities, especially the Greek organizations, are secretive in nature and their members are reluctant to give any information regarding initiation rites. The silence is only broken after someone has been injured so severely that medical attention is required. It is only at this point that the secret is revealed and the activities become public. . . .[104] (Citations omitted)

Against Dordas's candid testimony, petitioner's defense of denial utterly fails. This Court has settled that "mere denial . . . is inherently a weak defense and constitutes self-serving negative evidence which cannot be accorded greater evidentiary weight than the declaration of credible witnesses who testify on affirmative matters."[105] Petitioner's denial is no exception.

Indeed, not one of petitioner's assertions has withstood the strength of the prosecution's evidence. The lower courts have given full faith to the testimony of Dordas, and this Court finds no reason to differ. Thus, petitioner's conviction is sustained. He is, beyond reasonable doubt, guilty of the crime of hazing.

Hazing is a form of deplorable violence that has no place in any civil society, more so in an association that calls itself a brotherhood. It is unthinkable that admissions to such organizations are marred by ceremonies of psychological and physical trauma, all shrouded in the name of fraternity. This practice of violence, regardless of its gravity and context, can never be justified. This culture of impunity must come to an end.

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102 *People v. Ponsaran*, 426 Phil. 836, 847 (2002) [Per J. Puno, First Division].
103 762 Phil. 630 (2015) [Per J. Mendoza, Second Division].
104 Id. at 679.
105 *People v. Buclao*, 736 Phil. 325, 339 (2014) [Per J. Leonen, Third Division] citing *People v. Alvero*, 386 Phil. 181, 200 (2000) [Per Curiam, En Banc].

WHEREFORE, the Petition for Review on Certiorari is **DENIED.** The December 21, 2012 Decision and August 30, 2016 Resolution of the Court of Appeals in CA-G.R. CEB CR. No. 00557 are **AFFIRMED.** Petitioner Omar Villarba is found **GUILTY** beyond reasonable doubt of violation of Republic Act No. 8049. He is sentenced to suffer the indeterminate penalty of imprisonment ranging from 10 years and one (1) day of *prision mayor*, as minimum, to 12 years, as maximum. Petitioner shall also pay the costs of suit.

SO ORDERED.

MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:

ALEXANDER G. GESMUNDO
Associate Justice

ROSMARI D. CARANDANG
Associate Justice

RODIL V. ZALAMEDA
Associate Justice

SAMUEL H. GAERLAN
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
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

DIOSDADO M. PERALTA
Chief Justice