



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

[MODIFIED]

FIRST DIVISION

XXX,¹

G.R. No. 240385

Petitioner,

Present:

GESMUNDO, C.J.,*
HERNANDO,
Acting Chairperson,
ZALAMEDA,
ROSARIO, and
MARQUEZ, JJ.

- versus -

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

OCT 08 2025

X-----X

DECISION

HERNANDO, J.:

Before this Court is a Petition for Review on *Certiorari*² filed by XXX questioning the April 19, 2018 Decision³ and the July 2, 2018 Resolution⁴ of the Court of Appeals (CA) in CA-G.R. CR. No. 38012. The assailed Decision and Resolution affirmed with modification the conviction of XXX for Simple

* On official leave.

¹ In line with the Amended Administrative Circular No. 83-2015, as mandated by Republic Act No. 7610, 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.

² *Rollo*, pp. 8-31.

³ *Id.* at 45-71. The April 19, 2018 Decision in CA-G.R. CR No. 38012 was penned by Associate Justice Carmelita Salandanan Manahan concurred in by Presiding Justice Romeo F. Barza and Associate Justice Stephen C. Cruz of the First Division, Court of Appeals, [REDACTED].

⁴ *Id.* at 45-71. The April 19, 2018 Decision in CA-G.R. CR No. 38012 was penned by Associate Justice Carmelita Salandanan Manahan concurred in by Presiding Justice Romeo F. Barza and Associate Justice Stephen C. Cruz of the First Division, Court of Appeals, [REDACTED].

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Seduction in relation to Section 5(b) of Republic Act No. 7610.⁵

The Factual Antecedents

An Information⁶ dated May 31, 2000 charged XXX as follows:

That on or about the month of August 1998, or subsequent thereto, in the Municipality of [REDACTED],² and within the jurisdiction of this Honorable Court, the above-named accused, by means of deceit and false promise of marriage, did, then and there, willfully, unlawfully, and feloniously seduce and have sexual intercourse several times with the complainant, [AAA],³ a virgin over 12 but under 18 years of age.

CONTRARY TO LAW.⁴ (Emphasis in the original)

Upon his arraignment on November 14, 2000, XXX entered a plea of “not guilty.”⁵ After pre-trial was terminated on April 22, 2002, the trial of the case ensued.⁶

Version of the Prosecution

In August 1998, AAA, then a first-year student at the [REDACTED], and XXX met through common friends. XXX impressed upon AAA that he is single.⁷

On November 15, 1998, XXX informed AAA’s parents that he was courting their daughter. Eventually, the two became lovers.⁸

On May 8, 1999, AAA, accompanied by her mother and aunt, went to XXX’s house and informed him of her pregnancy. That same day, AAA learned that XXX was married.⁹ The following day, XXX, together with his father and

⁵ *Id.* at 70.

⁶ RTC Records, pp. 1–2.

⁷ Geographical location is blotted out pursuant to Supreme Court Amended Administrative Circular No. 83-2015.

⁸ “The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation, and for Other Purposes; Republic Act No. 9262, An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes; and Section 40 of A.M. No. 04-10-11-SC, known as the Rule on Violence against Women and their Children, effective November 15, 2004.” (*People v. Dumadag*, 667 Phil. 664, 669 [2011]).

⁹ *Id.* at 1.

¹⁰ *Id.* at 52.

¹¹ *Id.* at 120.

¹² *Rollo*, p. 47.

¹³ *Id.*

¹⁴ *Id.* at 47–48.

a friend, went to speak to AAA's parents concerning the status of their relationship and AAA's pregnancy.¹⁵

In May 1999, XXX and his father reassured AAA and her parents that they would work out the annulment of XXX's previous marriage. XXX likewise filled up an application for marriage license.¹⁶

On October 16, 1999, AAA requested her friends to inform XXX that she had given birth. XXX did not visit her and the baby, nor did he extend financial assistance. Due to the pregnancy, AAA was forced to drop out of her classes. She also lost the opportunity to earn as a showbiz talent, and instead depended on her parents for the child's support.¹⁷

Version of the Defense

For his part, XXX contended that in May 1999, after the pregnancy was confirmed, AAA's parents went to XXX's house to confront him and to force him to marry their daughter. Additionally, XXX asserted that AAA and her family knew about his previous marriage which had not yet been nullified. Persistent in marrying off their daughter, AAA's parents made XXX sign an application for a marriage license.¹⁸ As time passed, the relationship between AAA and XXX soured. AAA then filed a criminal case for seduction in relation to Republic Act No. 7610.¹⁹

Ruling of the Regional Trial Court

In a Decision dated May 17, 2007,²⁰ XXX was found guilty of Simple Seduction in relation to Republic Act No. 7610, to wit:

WHEREFORE, in view of the foregoing premises, judgment is hereby rendered finding accused [XXX] **guilty** of the crime of SIMPLE SEDUCTION in relation to [Republic Act No.] 7610 and this Court hereby sentences him to suffer imprisonment of FOUR (4) YEARS, EIGHT (8) MONTHS AND ONE (1) DAY of *Prision Correccional*, as minimum, to SIX (6) YEARS AND ONE (1) DAY of *Prision Mayor*, as maximum.

He is further ordered to pay the private complainant the following amounts, to wit:

¹⁵ *Id.* at 48

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.* at 48-49.

²⁰ *Id.* at 35-39. The May 17, 2007 Decision in Criminal Case No. 8269-00 was penned by Judge Cesar A. Mangroban of Branch 22, Regional Trial Court, [REDACTED].

- a) [PHP] 20,000.00 as Actual Damages;
- b) [PHP] 100,000.00 as Moral Damages; and,
- c) [PHP] 50,000.00 as Exemplary Damages.

SO ORDERED.²¹ (Emphasis in the original)

The trial court found all elements of Seduction under Article 338 to be present in this case, to wit:

1. The private complainant is over twelve (12) and under eighteen (18) years of age;
2. She is single and of good reputation;
3. The offender had sexual intercourse with her; and
4. It was committed by deceit.²²

The trial court observed that XXX introduced himself to AAA and her parents as single and made a false promise of marriage, resulting to successfully persuading AAA to engage in sexual congress with him.²³

The trial court ruled that AAA's testimony was credible, straightforward, and firm despite rigorous cross-examination.²⁴

Ruling of the Court of Appeals

On May 21, 2015, XXX filed a Manifestation²⁵ alleging that as of such date, he had not received any communication pertaining to his appeal. He asserted that upon verification, he learned that the records of his case had not been forwarded to the CA for disposition. XXX likewise alleged that he had just learned that his counsel of record died some time in 2009.²⁶

On June 15, 2015; Acting Presiding Judge Gloria Butay Aglugub (Acting Presiding Judge Aglugub) issued an Order²⁷ directing the Branch Clerk of Court to locate the records of the case and to verify if there was indeed a notice of appeal filed before the trial court within the reglementary period. On August 14, 2015, Clerk of Court V Alpha L. Andrada submitted a Report²⁸ stating that no notice of appeal was attached nor was a copy of the same found in the folder where pleadings for criminal cases are kept. Only upon verification with the Office of the Clerk of Court of RTC [REDACTED] was she able to obtain a copy

²¹ *Id.* at 39.

²² *Id.* at 38.

²³ *Id.*

²⁴ *Id.* at 39.

²⁵ RTC records, pp. 369-370.

²⁶ RTC records, p. 369; *rollo*, p. 51.

²⁷ RTC records, p. 371.

²⁸ *Id.* at 372.

of the notice of appeal. It was discovered that the Criminal Clerk-in-Charge in 2007 must have overlooked to file the notice of appeal, hence the non-transmittal of the records of the case to the appellate court.²⁹

Thus, on September 14, 2015, Acting Presiding Judge Aglugub issued an order directing the Branch Clerk of Court to immediately forward the entire records of the case to the CA.³⁰

In a Decision dated April 19, 2018,³¹ the appellate court affirmed the conviction, to wit:

WHEREFORE, the appeal is **DISMISSED**. The May 17, 2007 *Decision* of the Regional Trial Court, Branch 22, [REDACTED] docketed as Crim. Case No. 8269-00 is **AFFIRMED with the following MODIFICATIONS**:

- (1) Accused-appellant [XXX] is found guilty beyond reasonable doubt of [the crime] of Simple Seduction in relation to Section 5(b), Article III of Republic Act [No.] 7610 and, accordingly, sentenced to suffer the indeterminate prison term of fourteen (14) years and eight (8) months of *reclusion temporal*, as minimum, to twenty (20) years of *reclusion temporal*, as maximum;
- (2) Accused-appellant [XXX] is ordered to pay private complainant [AAA] the amounts of [PHP] 50,000.00 as civil indemnity, [PHP] 50,000.00 as moral damages, [PHP] 15,000.00 as exemplary damages, and [PHP] 15,000.00 as fine; and
- (3) Accused-appellant [XXX] is ordered to pay the private complainant [AAA] interest on all monetary awards at the legal rate of six percent (6%) *per annum* from the date of finality of this Decision until full payment.

SO ORDERED.³² (Emphasis in the original)

The appellate court ruled that the prosecution sufficiently proved the elements of both Simple Seduction under the Revised Penal Code and Section 5(b), Article III of Republic Act No. 7610.³³ The CA, like the trial court, found the straightforward testimony of AAA to be credible.³⁴

The appellate court noted that under Article 338 of the Revised Penal Code, to constitute seduction, there must be some deceitful promise or inducement which should have made the victim yield.³⁵ In the instant case, it

²⁹ *Id.*

³⁰ *Id.* at 375.

³¹ *Rollo*, pp. 45–71.

³² *Id.* at 69–70.

³³ *Id.* at 55–56.

³⁴ *Id.* at 56–60.

³⁵ *Id.* at 60.

was found that XXX's acts of misrepresenting himself as single, coupled with a false promise of marriage, induced AAA who was over 12 and under 18 years old and of good moral reputation to have sexual intercourse with him.³⁶

The penalty imposed and the damages awarded by the trial court were modified. The CA sentenced XXX to suffer the indeterminate prison term of 14 years and eight months of *reclusion temporal*, as minimum, to 20 years of *reclusion temporal*, as maximum.³⁷ XXX was ordered to pay AAA the amount of PHP50,000.00 as civil indemnity *ex delicto* as awarded in cases of Violation of Section 5(b), Article III of Republic Act No. 7610. XXX was additionally ordered to pay the amounts of PHP50,000.00 as moral damages, PHP15,000.00 as exemplary damages, and PHP15,000.00 as fine, which shall all earn interest at the rate of six percent (6%) *per annum* from the date of finality of judgment.³⁸

Finally, the appellate court tackled XXX's contention that his right to speedy trial and speedy disposition were violated. It held that the constitutional guarantees of speedy trial and speedy disposition are flexible concepts. It is consistent with delays and depends upon circumstances.³⁹ In determining whether these rights were violated, four factors must be considered: (a) the length of delay; (b) the reason for the delay; (c) the defendant's assertion of his right; and (d) prejudice to the defendant. Of the four, the most serious is the last because the inability of a defendant to adequately prepare his case skews the fairness of the entire system.⁴⁰ However, the appellate court noted that while the Constitution guarantees the rights to a speedy trial and speedy disposition, the best interest of children, special protection to children from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development,⁴¹ are of paramount consideration.⁴²

The CA observed that XXX is not faultless because he should have taken steps to know the status of his appeal and called the attention of the trial court to any delay in the transmittal of the records of the case.⁴³ In addition, prevailing jurisprudence on the matter usually deals with a delay in the trial of the case. In the case at bar, XXX was convicted of the crime charged and was out on bail the entire time his notice of appeal was pending with the trial court. It took eight years before XXX asserted his right, contrary to his alleged persistence in inquiring about the status of his case.⁴⁴

³⁶ *Id.*

³⁷ *Id.* at 61.

³⁸ *Id.* at 62.

³⁹ *Id.* at 61.

⁴⁰ *Id.* at 65.

⁴¹ *Id.* at 65-66.

⁴² *Id.* at 67.

⁴³ *Id.*

⁴⁴ *Id.*

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Upon motion for reconsideration, the CA affirmed the conviction.⁴⁵

Issues

In this petition,⁴⁶ petitioner raises the following questions:

- I. Whether the CA gravely erred in modifying the offense charged in the Information to a graver offense for which the petitioner was not arraigned;
- II. Corollarily, whether the CA gravely erred in modifying and imposing a heavier penalty against the petitioner;
- III. Whether provisions in the Bill of Rights prevail over other general declarations in the Constitution;
- IV. Whether the inexplicable delay of eight years in acting upon the notice of appeal of petitioner violates his constitutional right to speedy disposition of his case;
- V. Whether a promise to marry "after", made after the sexual intercourse, assuming *arguendo* that the complainant got pregnant, constitutes simple seduction; and
- VI. Whether damages are appropriate to be awarded in the instant case.⁴⁷

Relative to Issues I and II, petitioner asserts that he was charged with Simple Seduction in relation to Republic Act No. 7610, but was convicted of Simple Seduction in relation to Article III, Section 5(b) of Republic Act No. 7610.⁴⁸ Petitioner contends that the appellate court did not pass upon, nor was there any evidence presented to prove a violation of Article III, Section 5(b) of Republic Act No. 7610, thus the modification of the crime committed and the imposition of a higher penalty violated the constitutional protection of due process.⁴⁹ The CA not only reviewed the case but modified the crime committed without affording him the opportunity to defend himself for the additional charge.⁵⁰

Regarding Issue III, petitioner asserts that the CA gave more importance to the rights of a child under the Constitution, against the right of every person to a speedy disposition of cases, also embodied in the Constitution under the Bill of Rights.⁵¹ Petitioner argues that the Decision failed to consider that the constitutional provision he invoked is a specific provision embodied in the Bill

⁴⁵ *Id.* at 73-75.

⁴⁶ *Id.* at 8-33.

⁴⁷ *Id.* at 13-14.

⁴⁸ *Id.* at 14.

⁴⁹ *Id.* at 16.

⁵⁰ *Id.* at 17.

⁵¹ *Id.* at 18.

of Rights, which is independent and can be invoked anytime, compared to the right of a child provided in Article XV, Section 3, which is a mere general declaration of policy.⁵² Petitioner likewise contends that he was not aware of AAA's age at the time they were in a relationship. He maintains that he was led to believe that AAA was of legal age, considering that there was no hesitation, prohibition, or warning from the parents that AAA was still a minor and that she should not be dating petitioner who was already of legal age at the time.⁵³ As the crime charged is one *malum in se*, it requires intent on the part of the actor to commit the crime against the child.⁵⁴

On Issue IV, petitioner reiterates that it took the trial court more than eight years to realize that it had not acted upon the appeal, for no justifiable reason other than the gross negligence of its employees.⁵⁵ Had it not been for petitioner's persistence, the trial court would not have realized its gross negligence resulting to the violation of the petitioner's right to speedy disposition of his case.⁵⁶ Petitioner alleges that he was prejudiced by the delay, having been deprived of the right to have his case reviewed as early as possible and made to believe that his case was already being reviewed by the CA while being engulfed with anxiety over the possible outcome of his appeal and further costs of litigation.⁵⁷

On Issue V, petitioner contends that the time element of when the alleged marriage proposal was made is significant as it will determine whether there was deceit employed by petitioner for him to have sexual intercourse with AAA.⁵⁸ Petitioner maintains that the marriage proposal did not precede their sexual intercourse.⁵⁹ In addition, the application for marriage license cannot be taken as evidence of deceit as petitioner signed the same after he was confronted by AAA's parents regarding their daughter's pregnancy.⁶⁰ Petitioner's representation that he is single is not equivalent to a promise of marriage.⁶¹ Petitioner cites *U.S. v. Sarmiento*,⁶² where the Court held that a promise of marriage must be the inducement and the woman must yield her virtue because of the promise or other inducement. If she consents merely from carnal lust and the intercourse is from mutual desire, there is no seduction.⁶³

⁵² *Id.* at 19.

⁵³ *Id.* at 20.

⁵⁴ *Id.*

⁵⁵ *Id.* at 21.

⁵⁶ *Id.* at 22.

⁵⁷ *Id.*

⁵⁸ *Id.* at 23.

⁵⁹ *Id.* at 24.

⁶⁰ *Id.* at 26.

⁶¹ *Id.* at 25.

⁶² 27 Phil. 121, 123 (1914) [Per J. Carson, First Division].

⁶³ *Id.*

Lastly, regarding Issue VI, petitioner maintains that considering the lack of basis for the conviction, the award of damages is not warranted.⁶⁴

Our Ruling

The Petition is meritorious.

Preliminarily, in criminal cases, an appeal throws the entire case wide open for review and the reviewing tribunal can correct errors, although unassigned in the appealed judgment, or even reverse the trial court's decision based on grounds other than those raised as errors. It confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.⁶⁵ Guided by such consideration, the Court examines the correctness of the conviction and the findings of the lower courts on the incidents in this case.

There is no crime of "Simple Seduction in relation to Section 5(b), Article III of Republic Act No. 7610"

To recall, the Information filed against petitioner was for "**Simple Seduction in relation to Republic Act No. 7610.**" The trial court convicted petitioner,⁶⁶ while the appellate court affirmed but modified the nomenclature of the crime, to "**Simple Seduction in relation to Section 5(b), Article III of Republic Act [No.] 7610.**"⁶⁷

The Court holds that there can be no crime of Simple Seduction in relation to Section 5(b) of Republic Act No. 7610. *People v. Tulagan*⁶⁸ is enlightening:

If the victim who is 12 years old or less than 18 and is deemed to be a child "exploited in prostitution and other sexual abuse" because she agreed to indulge in sexual intercourse "for money, profit or any other consideration or due to coercion or influence of any adult, syndicate or group," then the crime could not be rape under the RPC, because this no longer falls under the concept of statutory rape, and there was consent. That is why the offender will now be penalized under Section 5(b), [Republic Act] No. 7610, and not under Article 335 of the RPC [now Article 266-A]. But if the said victim does not give her consent to sexual intercourse in the sense that the sexual intercourse was committed through force,

⁶⁴ *Rollo*, p. 28.

⁶⁵ *People v. Bernardo*, 890 Phil. 97, 110 (2020) [Per J. Perlas-Bernabe, Second Division], citing *Arambulo v. People*, 857 Phil. 828, 836 (2019) [Per J. Perlas-Bernabe, Second Division].

⁶⁶ *Rollo*, p. 39.

⁶⁷ *Id.* at 70.

⁶⁸ 849 Phil. 197 (2019) [Per J. Peralta, *En Banc*].

threat or intimidation, the crime is rape under paragraph 1, Article 266-A of the RPC. However, *if the same victim gave her consent to the sexual intercourse, and no money, profit, consideration, coercion or influence is involved, then there is no crime committed, except in those cases where “force, threat or intimidation” as an element of rape is substituted by “moral ascendancy or moral authority,” like in the cases of incestuous rape, and unless it is punished under the RPC as qualified seduction under Article 337 or simple seduction under Article 338.*⁶⁹ (Citations omitted, emphasis supplied)

Below is a table of comparison between the elements of violation of Section 5(b) of Republic Act No. 7610 and those of Simple Seduction.

Section 5(b), Republic Act No. 7610	Simple Seduction Under Article 338, Revised Penal Code ⁷⁰
1. The accused commits the act of sexual intercourse or lascivious conduct;	1. The minor is over 12 but under 18 years of age;
2. The said act is performed with a child exploited in prostitution or subjected to other sexual abuse (EPSOSA) ;	2. She is of good reputation, single or widow;
3. The child, whether male or female, is below 18 years of age. ⁷¹	3. The offender has sexual intercourse with her;
	4. It is committed by means of deceit. ⁷²
	5. The offender has sexual intercourse with her;
	6. It is committed by means of deceit.

For a charge under Republic Act No. 7610 to prosper, the minor victim must be a child EPSOSA.⁷³ The Court had occasion to discuss this requisite in *Tulagan*:

⁶⁹ *Id.* at 238–239.

⁷⁰ The amendatory law, Republic Act No. 11648 or An Act Providing for Stronger Protection Against Rape and Sexual Exploitation and Abuse, Increasing the Age for Determining the Commission of Statutory Rape, Amending for the Purpose Act No. 3815 as Amended, Otherwise Known As “The Revised Penal Code,” Republic Act No. 8353, Also Known as “The Anti-Rape Law of 1997,” and Republic Act No. 7610, as Amended, Otherwise Known As the “Special Protection of Children Against Abuse, Exploitation and Discrimination Act” was approved on March 4, 2022 and has been effective since March 22, 2022. Due to the principle of non-retroactivity of criminal law and the more favorable treatment of the old law to the accused, the old law must be applied.

⁷¹ *People v. XXX*, 882 Phil. 875, 887 (2020) [Per J. Reyes, J., Jr., First Division], citing *People v. Jaime*, 836 Phil. 871, 879 (2018) [Per J. Martires, Third Division].

⁷² REVISED PENAL CODE, art. 338.

⁷³ *People v. XXX*, 882 Phil. 875, 887 (2020) [Per J. Reyes, J., Jr., First Division].

To avoid further confusion, We dissect the phrase “children exploited in prostitution” as an element of violation of Section 5(b) of [Republic Act] No. 7610. As can be gathered from the text of Section 5 of [Republic Act] No. 7610 and having in mind that the term “lascivious conduct” has a clear definition which does not include “sexual intercourse,” the phrase “children exploited in prostitution” contemplates four scenarios: (a) a child, whether male or female, who for money, profit or any other consideration, indulges in lascivious conduct; (b) a female child, who for money, profit or any other consideration, indulges in sexual intercourse; (c) a child, whether male or female, who due to the coercion or influence of any adult, syndicate or group, indulges in lascivious conduct; and (d) a female, due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse.

The term “other sexual abuse,” on the other hand, is construed in relation to the definitions of “child abuse” under Section 3, Article I of [Republic Act] No. 7610 and “sexual abuse” under Section 2(g) of the *Rules and Regulations on the Reporting and Investigation of Child Abuse Cases*. In the former provision, “child abuse” refers to the maltreatment, whether habitual or not, of the child which includes sexual abuse, among other matters. In the latter provision, “sexual abuse” includes the employment, use, persuasion, inducement, enticement or coercion of a child to engage in, or assist another person to engage in, sexual intercourse or lascivious conduct or the molestation, prostitution, or incest with children.

In *Quimvel*, it was held that the term “coercion or influence” is broad enough to cover or even synonymous with the term “force or intimidation.” Nonetheless, it should be emphasized that “coercion or influence” is used in Section 5 of [Republic Act] No. 7610 to qualify or refer to the means through which “any adult, syndicate or group” compels a child to indulge in sexual intercourse. On the other hand, the use of “money, profit or any other consideration” is the other mode by which a child indulges in sexual intercourse, without the participation of “any adult, syndicate or group.” In other words, “coercion or influence” of a child to indulge in sexual intercourse is clearly exerted NOT by the offender whose liability is based on Section 5(b) of [Republic Act] No. 7610 for committing sexual act with a child exploited in prostitution or other sexual abuse. Rather, the “coercion or influence” is exerted upon the child by “any adult, syndicate, or group” whose liability is found under Section 5(a) for engaging in, promoting, facilitating or inducing child prostitution, whereby the sexual intercourse is the necessary consequence of the prostitution.⁷⁴ (Citations omitted)

Tulagan categorically ruled that there could be no instance that an Information may charge the same accused with the crime of rape where “force, threat or intimidation” is the element of the crime under the Revised Penal Code, and at the same time a violation of Section 5(b) of Republic Act No. 7610, where the victim indulged in sexual intercourse because she/he is exploited in prostitution either for money, profit, or any other consideration, or due to coercion or influence of any adult, syndicate or group.⁷⁵ The Court now opines that in the same manner, where an accused is charged with Simple

⁷⁴ 849 Phil. 197, 242–244 (2019) [Per J. Peralta, *En Banc*].

⁷⁵ *Id.* at 245.

Seduction where **deceit** is a fundamental element, such accused cannot be charged with a violation of Section 5(b) because this presupposes either (a) money, profit, or any other consideration or (b) coercion or influence of any adult, syndicate, or group, as the driving cause of consent of the child to engage in sexual intercourse. Deceit, in the specific sense of being an element of Simple Seduction, cannot and does not fall under (a) or (b).

The elements of Simple Seduction were not proven beyond a reasonable doubt

Article 338 of the Revised Penal Code provides that simple seduction is committed upon the seduction of a woman who is single or a widow of good reputation, over 12 but under 18, by means of deceit.⁷⁶ The deceit contemplated by law is persuasion to engage in sexual intercourse upon a promise of marriage.⁷⁷

The appellate court affirmed the trial court's finding of the presence of deceit in this case, reproducing pertinent portions of AAA's testimony:

Q Did the accused propose marriage to you, Madam [W]itness?

A Yes, sir.

Q What happened to that proposal?

A [O]n May 12, 1999[,] I consulted a doctor regarding my situation and when we have [confirmed my] situation after May 12[,] they went back to our house so that we could [discuss our] relationship and [my situation.]

Q Did you tell the accused that you were pregnant at that time?

A Yes, sir. We went to their house [o]n May 8, 1999 so that we could tell him and his family about my situation, sir.⁷⁸

The cited testimony fails to clearly state when the marriage proposal took place. Thus, it is necessary to refer to other testimonial evidence. BBB, mother of AAA, testified in this wise:

Q Did the accused [propose] to you to marry your daughter?

A When I found out that my daughter was pregnant[,] I also found out that he was married from his parents[,] so they told us to wait so that he can have his marriage [annulled] first.

Q When was the time you [knew] from his parents that the accused was married?

⁷⁶ REVISED PENAL CODE, art. 338.

⁷⁷ *People v. Teodosio*, 275 Phil. 136, 144 (1991) [Per J. Gancayco, First Division], citing *People v. Iman*, 62 Phil. 92, 100 (1935) [Per J. Recto, *En Banc*] and *U.S. v. Sarmiento*, 27 Phil. 121, 123-124 (1914) [Per J. Carson, First Division].

⁷⁸ *Rollo*, p. 59.

A Maybe it was May 1999 when I learned from my relatives that my daughter was pregnant[,] then we tried to contact him by calling him but we cannot reach him[,] so we decided to go to their place.⁷⁹

.....

Q Madam Witness, when – on the several occasions the accused visited your residence – he proposed to marry your daughter, in what particular time[?] During the first, second or third visit?

A The last time he went to our house[,] confirming that he [was] the one who got my daughter pregnant.

Q What made you believe that the accused really meant to marry your daughter during the time?

A He filled up an application for marriage.⁸⁰

CCC, AAA's father, likewise testified on the matter, thus:

Q When did you learn that your daughter was pregnant?

A That was before May of 1999. When I came to know [of] it[,] I [had] her [take a] pregnancy test.

Q Why, did not [AAA,] your daughter, tell you that she was pregnant?

A No[,] sir. [M]y relatives told me that she is afraid of me. It was my relatives who told me about it.

Q After the pregnancy test was taken, did you not ask her, “now you are pregnant, would you tell me [who the] father of the child [is]?”

A Yes, sir.

Q What did she tell you?

A That the father of her child is [XXX].

Q That is the reason why you called for [XXX,] to confront him?

A Yes, sir.

Q During the confrontation, what did [XXX] tell you?

A When we found out she was pregnant[,] we tried to call [XXX,] but we were not able to contact him[,] so we decided to go to his house. [W]e were not able to talk to him because he was not there[.] [W]e were able to talk to his mother.

Q Then after that, what happened?

A The mother told us that he cannot marry my daughter because he is already married[,] but we were able to have an agreement that night[.] [T]he following day[,] they will go to our house so that we could settle the problem.

⁷⁹ TSN, BBB, August 6, 2002, pp. 9–10.

⁸⁰ *Id.* at 12–13.

Q When you said, "your house", they were going to your house in [REDACTED]?

A Yes, sir.

Q And what happened[?] Did he go to your house the next day?

A The following day[,] it was [XXX], his father[,] and a friend who came to our house.

Q And you reached an agreement. Is that correct?

A During the talk[,] we had not come to an agreement because he cannot marry my daughter[,] because he is married. [W]e also were not able to settle [what] will happen to my daughter and the daughter of my daughter. The second time they came to us[,] that was when we had an agreement that they will cause the annulment of the first marriage[,] then after that[,] he will marry my daughter.

Q When was that?

A I think that was on May or June 1999.⁸¹

A perusal of the testimonies offered in evidence reveals that the marriage proposal came after the confirmation of the pregnancy. There was no tinge of proof to support the claim that petitioner made a false promise of marriage to obtain AAA's consent to engage in sexual intercourse. While AAA stated in her Affidavit-Complaint that she gave herself to petitioner after he promised that he will marry,⁸² no evidence was offered to prove this allegation. It must be noted that the burden of proving beyond a reasonable doubt each element of the crime is upon the prosecution, as its case will rise or fall on the strength of its own evidence. Any doubt shall be resolved in favor of the accused.⁸³

It bears repeating that the element of deceit in cases of Simple Seduction must be in the form of a **false promise of marriage that served as the means by which consent of the minor to engage in sexual intercourse was obtained. A promise of marriage made *after* sexual intercourse has taken place, or *after* the woman has yielded her body to the man cannot be held to have induced the woman to surrender her virtue.**⁸⁴ The old case of *People v. Iman*⁸⁵ must be considered:

Wherefore, the court finds Crispin Iman guilty of seduction by means of the false promise of marriage under article 338 of the Revised Penal Code, committed against Corazon Arcadio, seventeen years of age, of chaste life and good reputation. As held in the case of *State vs. Smith* (145 S.E., 287):

⁸¹ TSN, CCC, August 6, 2002, pp. 28-31.

⁸² RTC records, p. 6.

⁸³ *Dela Cruz v. People*, 792 Phil. 214, 236 (2016) [Per J. Reyes, Third Division].

⁸⁴ *U.S. v. Sarmiento*, 27 Phil. 121, 124 (1914) [Per J. Carson, First Division].

⁸⁵ 62 Phil. 92 (1935) [Per J. Recto, *En Banc*].

“The statute making seduction a crime is not to punish illicit intercourse, but to punish the seducer who by means of a promise of marriage, destroys the chastity of an unmarried female of previous chaste character, and who thus draws her aside from the path of virtue and rectitude, and then fails and refuses to fulfill his promise,’ a character despicable in the eyes of every decent, honorable man.”⁸⁶

Petitioner’s constitutional right to speedy trial and disposition was not violated

In *Martin v. Ver*,⁸⁷ the Court adopted the balancing test laid down by the U.S. case of *Barker v. Wingo*⁸⁸ to determine whether a defendant’s right to a speedy trial has been violated. The test necessitates courts to decide speedy trial cases where the conduct of both the prosecution and the defense are weighed against four factors, to wit: (1) length of the delay; (2) reason for the delay; (3) defendant’s assertion or non-assertion of the right; and (4) prejudice to the defendant resulting from the delay.⁸⁹ It must be noted, however, that none of these elements is either a necessary or sufficient condition. They are related and must be considered together with the circumstances.⁹⁰

In the present case, the trial court transmitted the records to the appellate courts eight years after the notice of appeal was filed due to the fault of a court staff. In all those years, not once did petitioner assert his right to speedy trial and disposition and follow up his case. In examining the circumstances, petitioner cannot also be considered to have been prejudiced by the delay, as his witnesses were all available during presentation of evidence at the trial court level. Additionally, petitioner was out on bail during the pendency of the appeal.

The Court commiserates with litigants whose cases are delayed by human error but reiterates that claims of rights to speedy trial and disposition must be assessed in consideration of the realities and circumstances of each case. After all, there also exists the People’s right to justice. We remind the public that there are remedies available to seek the discipline of erring Judiciary employees.

FOR THESE REASONS, the Petition for Review on *Certiorari* is **GRANTED**. The April 19, 2018 Decision and the July 2, 2018 Resolution of the Court of Appeals in CA-G.R. CR No. 38012 are **REVERSED** and **SET ASIDE**. Petitioner XXX is **ACQUITTED** for the prosecution’s failure to prove his guilt beyond a reasonable doubt for the crime of Simple Seduction.

⁸⁶ *Id.* at 102.

⁸⁷ 208 Phil. 658, 664 (1983) [Per J. Plana, *En Banc*].

⁸⁸ 407 U.S. 514, 92 S.Ct. 2182 (1972).

⁸⁹ 208 Phil. 658, 664 (1983) [Per J. Plana, *En Banc*].

⁹⁰ *Remulla v. Sandiganbayan*, 808 Phil. 739, 748 (2017) [Per J. Mendoza, Second Division].

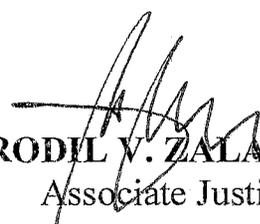
SO ORDERED.”



RAMON PAUL L. HERNANDO
Associate Justice
Acting Chairperson

WE CONCUR:

(On official leave)
ALEXANDER G. GESMUNDO
Chief Justice
Chairperson



RODIL V. ZALAMEDA
Associate Justice



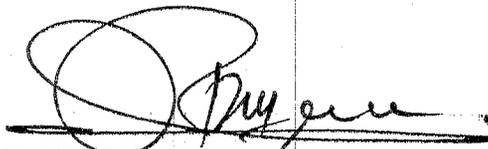
RICARDO R. ROSARIO
Associate Justice



JOSE MIDAS P. MARQUEZ
Associate Justice

ATTESTATION

I attest that the conclusion 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.



RAMON PAUL L. HERNANDO
Acting Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting 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.



MARVIC M.V.F. LEONEN
Acting Chief Justice

