

Title: Norberto Cruz y Bartolome v. People of the Philippines

Facts:

Norberto Cruz y Bartolome was accused of attempted rape and acts of lasciviousness involving different victims AAA and BBB, both minors, on December 21, 1993. The incidents reportedly occurred while AAA and BBB were employed by Cruz and his spouse to sell wares in Bangar, La Union. The victims allege that Cruz undressed AAA and lay on top of her, touching her breast and vagina with intentions of intercourse. Subsequently, Cruz also purportedly touched BBB's private parts. The defense contended that Cruz could not have committed the crimes due to the location and presence of other people, and suggested a motive of extortion by the complainants.

During the trial, the Regional Trial Court of Balaoan, La Union (RTC), found Cruz guilty beyond reasonable doubt for both crimes. He appealed the decision to the Court of Appeals (CA), which affirmed the conviction for attempted rape but acquitted him for acts of lasciviousness due to insufficient evidence.

Issues:

1. Whether the CA erred in finding Cruz guilty of attempted rape by giving credence to the testimony of the victim, AAA.
2. Whether the evidence presented by the prosecution was sufficient to prove Cruz's guilt beyond reasonable doubt.

Court's Decision:

Applying the legal principles and considering the evidence on record, the Supreme Court (SC) partly granted Cruz's appeal. The SC cited the fundamental legal distinction between attempted rape and acts of lasciviousness, which lies in the offender's intent to have sexual intercourse with the female victim. The SC concluded that Cruz's actions of climbing on top and touching the young woman did not constitute attempted rape without proof of an erectile penis poised to penetrate her. Therefore, considering the specific conducts evidenced, the SC found Cruz not guilty of attempted rape but guilty of acts of lasciviousness, as the evidence demonstrated unequivocal acts of lewd design.

Doctrine:

The SC expounded on the necessity of direct overt acts establishing the offender's intent to commit rape in an attempt, distinguishing it from acts of lasciviousness that do not require such intent. "Touching" in the context of rape requires penetration of the female genitalia

by the penis, and mere touching without penetration may constitute acts of lasciviousness.

Class Notes:

Key elements central to the case:

- Intent to lie with the female (for attempted rape)
- Direct overt acts connected with rape for deducing offender's intent
- Legal definition of carnal knowledge or sexual intercourse
- Distinction between attempted rape (requires intent) and acts of lasciviousness

Relevant legal provisions:

- Article 6 of the Revised Penal Code (Defines attempt by overt acts)
- Article 335 of the Revised Penal Code (Rape and penalties)
- Article 336 of the Revised Penal Code (Acts of lasciviousness and penalties)

The SC applied these provisions to determine that Cruz's actions constituted acts of lasciviousness and not attempted rape, due to the lack of demonstrated intent to penetrate, and imposed the penalties corresponding to acts of lasciviousness.

Historical Background:

During the time of the offense, the applicable law on rape was Article 335 of the Revised Penal Code, which characterized rape by the element of carnal knowledge, consummated through at least the slightest penetration of the female genitalia. The definition of rape and its stages, including attempt, has evolved over time in Philippine jurisprudence, with significant distinctions being drawn based on the offender's intent and the extent of overt acts towards the fulfillment of the crime.