

Title: Michael John Z. Malto vs. People of the Philippines

Facts:

Michael John Z. Malto, a professor at Assumption College in Makati City, was charged with violation of Republic Act (RA) 7610, specifically Section 5 (b), later amended to Section 5 (a), for allegedly inducing and/or seducing his 17-year-old student, identified as AAA, to engage in sexual intercourse and lascivious conduct. The charges were amended to account for Malto's influence, relationship, and moral ascendancy over AAA.

Malto pleaded not guilty, and trial proceeded. Prosecution evidence indicated that Malto had integrated himself into AAA's group, sought personal contact information, and on several instances, initiated situations advancing sexual topics and contact. He attempted to show the group pornographic materials and later started showing AAA amorous attention. After some resistance, AAA was overpowered by the defendant's consistent pressure, leading to "mutual understanding" and later, sexual intercourse after her debut.

AAA and her mother, BBB, subsequently initiated a complaint in Assumption College and filed a criminal case, thus leading to the present suit. At the trial court, Malto's defense was denial and alibi, asserting consensual intercourse occurred after AAA reached legal age, and when he was no longer affiliated with Assumption College. The Regional Trial Court (RTC) found Malto guilty, at which point he appealed to the Court of Appeals (CA). The CA affirmed his conviction but modified his sentence and deleted the award of civil indemnity. Malto then elevated the case to the Supreme Court, asserting his consent argument and challenging his conviction under RA 7610.

Issues:

1. Whether or not the designation of the offense in the Information was proper.
2. Whether the acts committed by petitioner constituted sexual intercourse or lascivious conduct with a child and warranted conviction under RA 7610, Section 5(b).
3. Whether the sweetheart defense was applicable and could negate the prosecution under RA 7610, Section 5.
4. Applicability of the Indeterminate Sentence Law to the case.
5. Determination of the correct penalties and damages due to AAA.

Court's Decision:

1. The Supreme Court established that while the information's designation was erroneous, referring to paragraph (a) rather than (b), what determined the actual charge were the facts

alleged within the information, which supported a charge for violation of paragraph (b).

2. The Court upheld the findings that Malto's acts constituted sexual abuse, i.e., sexual intercourse and lascivious conduct with a child, emphasizing that AAA was exploited due to the defendant's influence and moral ascendancy. Consequently, Malto was properly liable under Section 5(b).

3. The sweetheart defense was rejected for purposes of RA 7610 as consent of a minor is irrelevant under the law, which seeks to protect minors from sexual exploitation regardless of the existence of a relationship or mutual understanding.

4. The Court ruled that Malto could enjoy the benefits of the Indeterminate Sentence Law, as the penalty provided by RA 7610 was within the range of penalties in the Revised Penal Code.

5. The Supreme Court modified the award of damages, stating that while the CA correctly removed the civil indemnity initially awarded, it should instead have awarded P50,000 civil indemnity ex delicto in addition to moral damages of P50,000 for the emotional distress suffered by AAA.

#### Doctrine:

In cases of child prostitution and sexual abuse under RA 7610, Section 5, the consent of the child is immaterial. Any sexual act by an adult with a minor is punishable regardless of alleged consent or mutual affection, highlighting the State's policy of special protection for minors against abuse, exploitation, and discrimination.

#### Class Notes:

- The designation of the offense in the information must reflect the facts constituting the crime and not merely the statutory language.
- Sexual abuse under Section 5(b), Article III of RA 7610 is established by (1) acts committed by the accused, (2) the state of the child as exploited, and (3) the age being below 18 years.
- The sweetheart defense is inapplicable in child abuse cases under RA 7610 as minors cannot consent to sexual activity.
- Consent is irrelevant in determining liability for sexual abuse under RA 7610. It is *malum prohibitum*.
- Beneficiaries of the Indeterminate Sentence Law include those punished by RA 7610 where the prescribed penalty is within the Revised Penal Code ranges.

- Civil indemnity and moral damages are owed in cases involving violation of Section 5(b), Article III of RA 7610, as an acknowledgment of the wrongful act committed and the harm caused.

Historical Background:

Republic Act 7610, known as the “Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act,” was enacted into law on June 17, 1992. It reflects the Philippine government’s implementation of its policy to protect the rights of children under various international treaties, such as the United Nations’ “Convention on the Rights of the Child.” The circumstances of this case highlight the application of RA 7610 in combating sexual abuse by individuals in positions of moral ascendancy over minors, emphasizing the State’s paramount concern for the best interests and welfare of the child.