

Title: Malto vs. People of the Philippines

Facts:

Michael John Z. Malto, a college professor, was accused of violating Section 5(a), Article III of Republic Act No. 7610 (RA 7610), as amended, for engaging in sexual intercourse and lascivious conduct with his 17-year-old student, identified as AAA, from November 1997 to 1998. The initial information charged Malto under Section 5(b) but was later amended to Section 5(a). Malto entered a not guilty plea, and the trial proceeded.

The prosecution presented evidence that Malto, who was AAA's Philosophy professor, cultivated a relationship with her, eventually leading to acts of sexual nature. AAA, lured by Malto's influence and moral ascendancy over her, found herself engaging in sexual acts with him on multiple occasions, culminating in an instance of sexual intercourse at the Queensland Lodge. Malto defended himself with a denial and alibi, asserting that the events did not occur as claimed by AAA and that their relationship began after she turned 19 and after he had ceased to be her professor.

The Regional Trial Court convicted Malto, a decision which he appealed to the Court of Appeals (CA). The CA affirmed the conviction based on a different paragraph of the statute (paragraph b instead of a), modifying the penalty and deleting the P75,000 civil indemnity initially awarded by the trial court. Malto petitioned for review with the Supreme Court (SC), contending that since there was no rape as per the CA's finding, he should be acquitted; he further argued their actions were consensual.

Issues:

1. Whether the proper charge under RA 7610 was violation of Section 5(a) or Section 5(b).
2. Whether the designation of the offense in the information controls over the actual facts recited.
3. Whether petitioner Malto is guilty of the crime charged, considering the acts he committed, AAA's status, and her age at the time of the offense.
4. Whether consent of the child is material in cases involving violations of Section 5, Article III of RA 7610.
5. Whether the petitioner is entitled to the benefits of the Indeterminate Sentence Law.
6. Whether the award of damages should be modified.

Court's Decision:

The SC denied Malto's petition, ruling that the facts stated in the information, and not the

erroneous statutory designation, constituted a charge for violation of Section 5(b), Article III, RA 7610. The Court held that Malto committed lascivious conduct and engaged in sexual intercourse with AAA, who was at the time subjected to sexual abuse due to Malto's influence as her professor.

AAA's consent was deemed irrelevant, because RA 7610 protects minors who cannot legally give consent to lascivious acts or sexual intercourse. The sweetheart theory, commonly applied in rape and acts of lasciviousness, was thus inapplicable.

The Court held that Malto could receive the benefits of the Indeterminate Sentence Law since the penalty in RA 7610 is taken from the Revised Penal Code range.

In terms of damages, the SC agreed that there should be an award of P50,000 as civil indemnity and a separate P50,000 for moral damages, consistent with the principles of RA 7610. However, the absence of any aggravating circumstance barred the award of exemplary damages.

Doctrine:

1. The sufficiency of an information in a criminal case is determined by the factual allegations that constitute the crime, not by the statutory citation or erroneous designation of the offense.
2. In violations of Section 5, Article III of RA 7610, consent of the minor to lascivious acts or sexual intercourse is immaterial as such individuals cannot legally provide consensual agreement to sexual activities.
3. Individuals convicted under a special law where the penalty is taken from the Revised Penal Code range can benefit from the Indeterminate Sentence Law.

Class Notes:

- Designation by statute is not controlling; factual allegations are paramount.
- In crimes involving sexual abuse under RA 7610, the "sweetheart theory" does not apply as minors cannot consent.
- RA 7610 aims to protect children from all forms of abuse, and consent of a minor is not recognized in this context.
- In offenses punishable by a special law with penalties taken from the RPC, the accused is entitled to an indeterminate sentence.
- In criminal cases, every person criminally liable for a felony is also civilly liable and should compensate for damages.

Historical Background:

The case highlights the legal protection given to children under Philippine law, which echoes global standards on children's rights. It underscores the government's role as *parens patriae* in ensuring that children are shielded from sexual abuse and exploitation. RA 7610, often referred to as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act," embodies the country's commitment to these principles. The legislative intent is to presume that minors cannot give informed consent to sexual activities, aligning with the objective of the United Nations Convention on the Rights of the Child to which the Philippines is a signatory. The case must be viewed within the framework of increasing awareness and strengthening of legal mechanisms aimed at protecting the rights and welfare of minors.