

Title:

Isidro Olivarez v. The Court of Appeals and The People of the Philippines: A Case of Violation of Republic Act No. 7610

Facts:

The case involves Isidro Olivarez, who was accused of committing acts of lasciviousness against Cristina B. Elitiong, a 16-year-old high school student and one of his employees. The incident occurred on July 20, 1997, at Olivarez's residence in San Pedro, Laguna, where Cristina and her brothers were making sampaguita garlands. According to Cristina, Olivarez embraced her, touched her breast, and forcibly kissed her. The case progresses from the Municipal Trial Court of San Pedro, Laguna to the Regional Trial Court (RTC) of San Pedro, Laguna, Branch 93, which found Olivarez guilty. On appeal, the Court of Appeals affirmed the RTC's judgment. Olivarez petitioned for review in the Supreme Court, challenging the validity of the information for failing to allege the essential elements of the offense under R.A. 7610.

Issues:

1. Whether the essential elements for Violation of Section 5, Article III of Republic Act No. 7610, specifically the age of the offended party and that she is an abused or exploited child, were properly alleged in the Information.
2. Whether the Information charging Violation of Section 5, Republic Act 7610, without stating the essential elements of the offense, had substantially complied with the requirements of due process for the accused.
3. Whether the omission in the Information is fatal to the prosecution's case.

Court's Decision:

The Supreme Court denied the petition, affirming the decision of the Court of Appeals with modification regarding the imposition of a fine. The Court held that the Information, despite not specifying Cristina's age or directly stating she was exploited or abused, had substantially complied with the requirements due to the attachment of the Complaint, which clearly stated Cristina's age and circumstances. The Court focused on whether Olivarez was adequately informed of the charges against him and ruled that he was, thus his right to be informed was not violated.

Doctrine:

The Supreme Court reiterated the doctrine that an Information must state the acts or omissions constituting the offense in ordinary and concise language to ensure that the

accused is sufficiently informed of the nature and cause of the accusation against him. However, an Information's failure to allege an essential element of the offense could be cured by attaching documents like the complaint or the prosecutor's resolution, provided that these documents form part of the records and sufficiently inform the accused of the charges against him.

Class Notes:

- **Elements of Violation of Section 5, Article III of R.A. 7610:**

1. The accused commits an act of sexual intercourse or lascivious conduct.
2. The act is performed with a child exploited in prostitution or subjected to other sexual abuse.
3. The child, whether male or female, is below 18 years of age.

- **Essential Principle:** A complaint or information is deemed sufficiently informative if it allows the accused to understand the nature of the charge against him and prepares adequately for his defense, even if some elements are not explicitly stated but are contained in attached documents.

- **Relevant Statutory Provision:** Section 6, Rule 110 of the Revised Rules of Criminal Procedure requires that a complaint or information states the acts or omissions complained of as constituting the offense in ordinary and concise language.

Historical Background:

This case reflects the judicial system's effort to balance the technical requirements of criminal procedure with the principle of fair trial rights, including the accused's right to be informed of the charges against him. It also underscores the importance of protecting children against abuse, exploitation, and discrimination as embodied in Republic Act No. 7610, demonstrating the law's application in cases of sexual abuse of minors.