

JOVENCIO LUANSING, PETITIONER, VS. THE PEOPLE OF THE PHILIPPINES, AND THE HONORABLE COURT OF APPEALS, RESPONDENTS.

G.R. No. L-23289. February 28, 1969

Ponente: MAKALINTAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7b575cb3aedb/>

MAKALINTAL, J.:

Petition for review by certiorari of the decision of the Court of Appeals in CA-G. R. No. 00779-CR.

Jovencio Luansing was originally charged with rape in Criminal Case No. 1240 before the Court of First Instance of Batangas (Lipa City Branch). After due trial the court dismissed the case, stating that no crime of rape was committed, but directed the Provincial Fiscal to file an information for seduction against the accused within ten (10) days from receipt of the copy of the decision, otherwise the said accused would be discharged from custody.

On August 15, 1958 the offended party, Felisa Hernandez, filed a complaint for seduction against the accused. On the basis thereof the corresponding information was filed by the Fiscal, as follows:

"That on or about the 10th day of July, 1957, in the Barrio of San Roque, Municipality of Sto. Tomas, Province of Batangas, Philippines, 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 wilfully, unlawfully and feloniously seduce and have sexual intercourse several times with one Felisa Hernandez, a virgin over 12 but under 18 years of age."

This information was later amended by the Fiscal to change the date of the alleged commission of the crime from July 10, 1957 to July 15, 1957. During the trial the private prosecutor made a reservation to file a separate civil action and from then on the prosecution was handled solely by the assistant Provincial Fiscal. The court a quo subsequently rendered judgment finding the accused guilty beyond reasonable doubt of the crime of seduction and sentencing him to suffer four (4) months of arresto mayor; to indemnify the offended party in the sum of P2,000.00, with the corresponding subsidiary imprisonment in case of insolvency, but not to exceed one-third of the principal penalty; to acknowledge his offspring with her; to give the said offspring a monthly support of P35.00; and to pay the costs and suffer all accessory penalties prescribed by law.

Petitioner seasonably appealed to the Court of Appeals, which affirmed in toto the judgment of the trial court. The motion for reconsideration having been denied, the accused filed the instant petition for review.

Petitioner avers here: (1) that the trial court acted without jurisdiction when it tried the case on the basis of the amended information without the corresponding amended complaint of the offended party; (2) that the trial court had no jurisdiction over the case, it being under the jurisdiction of the municipal court; and (3) that assuming that the trial court had jurisdiction over the case, the same was exceeded when it awarded damages and other civil liabilities to the offended party, there having been a reservation to file a separate civil action.

On the first averment it appears that the Fiscal filed the information for seduction on August 15, 1958, after

conducting a preliminary investigation upon the complaint presented by the offended party. On September 16 following, the Fiscal conducted another preliminary investigation, after which he filed an amended information changing the date of the commission of the offense from July 10, 1957 to July 15, 1957. This amended information, petitioner argues, was a nullity since there was no corresponding amended complaint of the offended party which would authorize another preliminary investigation.

The point raised is of no material consequence. The original information for seduction alleged that the offense was committed "on or about July 10, 1957." The phrase "on or about" is comprehensive enough to cover the change to July 15, 1957, as the evidence in the hands of the prosecutor indicated. The substantial rights of the accused were in no way prejudiced by the amendment.

On the issue of jurisdiction, Section 44(f), Republic Act No. 296, as amended, provides that Courts of First Instance have original jurisdiction of "all criminal cases in which the penalty provided by law is imprisonment for more than six months, or a fine of more than two hundred pesos," and section 87(b) of the same Act provides that Justice of the Peace and Municipal Courts have original jurisdiction over "all offenses in which the penalty provided by Law is imprisonment for not more than six months, or a fine of not more than two hundred pesos, or both such fine and imprisonment." The penalty imposed by Article 338 of the Revised Penal Code for the crime of simple seduction is *arresto mayor* the duration of which is from one month and one day to six months. Apparently, the crime of simple seduction falls under the original jurisdiction of the Justice of the Peace or Municipal Courts. However, it should not be overlooked that persons guilty of seduction shall also be sentenced to indemnify the offended woman, to acknowledge the offspring unless the law should prevent him from so doing, and to give support to such offspring (Article 345, Revised Penal Code). These are inherent accessory civil liabilities when a child is born as a result of the crime. The acknowledgment of, and the giving of support to, the offspring are matters beyond the jurisdiction of the Justice of the Peace or Municipal Courts. They pertain to the Courts of First Instance (Section 44(a) and (e), Republic Act No. 296).

It has been held that laws conferring jurisdiction on the inferior courts over demands below certain amounts do not preclude a determination of said demands in the superior court, where they are connected with larger claims or with a type of demand solely within the jurisdiction of the superior court. Thus for instance, where an action is within the jurisdiction of the Court of First Instance because it involves an issue of admiralty, the said court must be held likewise to have jurisdiction over other causes of action joined thereto even if the amount sought to be collected is less than the jurisdictional limit (*Fireman's Fund Insurance Co. vs. Cia. General de Tabacos de Filipinas*, G. R. No. L-22625, April 27, 1967). In like manner, since the crime of seduction carries with it a liability, under Article 345 of the Revised Penal Code, to acknowledge and give support to the offspring resulting from the crime - matters beyond the jurisdiction of the Justice of the Peace or Municipal Courts - it follows that the instant case falls within the jurisdiction of the Court of First Instance (*U.S. vs. Bernardo*, 19 Phil. 265). It would be absurd to have the principal case of seduction tried and decided by the Municipal Court and the resulting acknowledgment and support of the offspring by the Court of First Instance. The duplication would entail unnecessary waste of time and effort for the parties and for the courts, to the detriment of an orderly administration of justice.

It is further contended that the amended information was legally defective for failure to allege lewd design. Reliance is placed on the case of *People vs. Gilo*, G. R. No. L-18202, April 30, 1964, wherein it was held:

"Considering that in order that a crime constituting acts of lasciviousness may be committed it is necessary that it be alleged that it was committed with lewd design, the latter being an indispensable element of all crimes against chastity, such as abduction, seduction and rape, including acts of lasciviousness x x x the words 'feloniously and criminally' that are alleged in the complaint are mere general terms which denote the criminal

intent of the accused but which do not necessarily con-note the idea of lust needed in the commission of the act. Lust or lewd design is an element that characterizes all crimes against chastity, apart from the felonious or criminal intent of the offender, and such element must be always present in order that they may be so considered in contemplation of law.

In *People vs. Obsania*, G. R. No. L-24447, June 29, 1968, which involved a case of rape, we had occasion to pass upon the above-quoted decision in this wise:

"Nothing in the foregoing statement can be reasonably interpreted as requiring an explicit allegation of "lewd design" in a complaint for rape. We hold in no uncertain terms that in a complaint for rape it is not necessary to allege "lewd design" or "unchaste motive," for to require such averment is to demand a patent superfluity. Lascivious intent inheres in rape and the unchaste design is manifest in the very act itself - the carnal knowledge of a woman through force or intimidation, or when the woman is deprived of reason or otherwise unconscious, or when the woman is, under twelve of age."

By the same token, "lewd design" is inherent in the very act itself of having sexual intercourse with a chaste woman over 12 and under 18 years of age under a false promise of marriage, which act constitutes the crime of seduction. Besides, the *Gilo* case involved acts of lasciviousness, and the element of "lewd design" must necessarily be alleged in the information, because without it the offense would be merely unjust vexation.

Lastly, petitioner contends that the trial court exceeded its jurisdiction when it awarded damages and other civil liabilities despite the express reservation by the offended woman, through the private prosecutor, to file a separate civil action.

On this point the Court of Appeals ruled that "if the complainant had wanted to insist on filing a separate civil action for damages against the appellant, she would have filed a motion to reconsider the decision a quo of September 14, 1959. The fact that she did not take this step is clear proof that she had previously abandoned her reservation to file a separate civil action." We do not go along with this pronouncement. Abandonment requires a more convincing quantum of evidence than mere forbearance to actually file the civil action, especially considering that the same could be filed even after the decision in a criminal case had been rendered. Besides, the claim for damages requires proof, and contemplates a right on the part of the defendant to present his own rebuttal. As it was, neither the offended party nor the accused was accorded the chance to present evidence on the point. The same is true with regard to the amount of support for the offspring.

Wherefore, the decision subject of review is hereby modified by eliminating the award of damages and of support for the offspring, and affirmed in all other respects. No pronouncement as to costs in this instance.

Concepcion, C.J., Reyes, J.B.L., Dizon, Zaldivar, Fernando, and Teehankee, JJ., concur.

Sanchez, Castro, and Capistrano, JJ., did not take part.

Barredo, J., concurring in a separate opinion.

150 Clean Clean 6 pt 6 pt 0 3 MicrosoftInternetExplorer4 /* Style Definitions */ table.MsoNormalTable {mso-style-name:"Table Normal"; mso-tstyle-rowband-size:0; mso-tstyle-colband-size:0; mso-style-noshow:yes; mso-style-parent:""; mso-padding-alt:0in 5.4pt 0in 5.4pt; mso-para-margin:0in; mso-para-margin-bottom:.0001pt; mso-pagination:widow-orphan; font-size:10.0pt; font-family:"Times New Roman";}

CONCURRING OPINION

BARREDO, J.:

I concur in the decision in this case, but I wish to make it known that as regards the legal proposition stated therein that "where an action is within the jurisdiction of the Court of First Instance because it involves an issue of admiralty, the said court must be held likewise to have jurisdiction over other causes of action joined thereto even if the amount sought to be collected is less than the jurisdictional limit", without which, I believe, the Court's judgment can very well stand as it is, I have my own thinking and considered opinion which I have discussed in Our decision in the case of Insurance Company of North America vs. Osaka Shosen Kaisha (O.S.K.-Line) et als., G. R. No. L-22784. It is to be admitted that aside from the fact that the case of Fireman's Fund Insurance Co. v. Cia, General de Tabacos de Filipinas, G. R. No. L-22625, April 27, 1967, cited in support thereof does sustain it, the said pro-position is fully in accord with Section 5 of Rule 2, particularly its second paragraph which provides thus:

"SEC. 5. Joinder of causes of action. - Subject to rules regarding jurisdiction, venue and joinder of parties, a party may in one pleading state, in the alter-native or otherwise, as many causes of action as he may have against an oppos-ing party (a) if the said causes of action arise out of the same contract, transaction or relation between the parties, or (b) if the causes of action are for demands for money, or are of the same nature and character.

"In the cases falling under clause (a) of the preceding paragraph, the action shall be filed in the inferior court un-less any of the causes joined falls with-in the jurisdiction of the Court of First Instance, in which case it shall be filed in the latter court.

"In the cases falling under clause (b) the jurisdiction shall be determined by the aggregate amount of the demands, if for money, or by their nature and charac-ter, if otherwise."

Nonetheless, I have my observations regarding precisely the second paragraph of this quoted provision itself which I feel is relevant and may be of interest to the bench and the bar.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.