



Misa Dc Batt
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Division Clerk of Court
Third Division

DEC 03 2020

Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE

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THIRD DIVISION

BY: JSD
TIME: 2:00 pm

ALEJANDRO C. MIRANDA,
Petitioner,

G.R. No. 232192

Present:

LEONEN, J., *Chairperson*,
GISMUNDO,
CARANDANG,
ZALAMEDA, and
GAERLAN*, *JJ.*

-versus-

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:
June 22, 2020

Misa Dc Batt

X-----X

DECISION

LEONEN, J.:

The accused's failure to object to the legality of their arrest or to the absence of a preliminary investigation, before entering their plea, will not negate their conviction when it is duly proven by the prosecution.

This Court resolves the Petition for Review on Certiorari¹ seeking to reverse and set aside the Court of Appeals' Decision² and Resolution,³ which affirmed Alejandro C. Miranda's (Miranda) conviction for rape through sexual assault under Article 266-A(2) of the Revised Penal Code, as

* On leave.

¹ *Rollo*, pp. 13-37. Filed under Rule 45 of the Rules of Court.

² *Id.* at 137-149. The July 30, 2014 Decision was penned by Associate Justice Elihu A. Ybañez and concurred in by Associate Justices Japar B. Dimaampao and Carmelita S. Manahan of the Twelfth Division, Court of Appeals, Manila.

³ *Id.* at 40-45. The April 26, 2017 Resolution was penned by Associate Justice Elihu A. Ybañez and concurred in by Associate Justices Japar B. Dimaampao and Carmelita S. Manahan of the Former Twelfth Division, Court of Appeals, Manila.

amended, in relation to Republic Act No. 7610.

On April 12, 2006, the City Prosecutor of Muntinlupa City filed an Information before the Regional Trial Court of Muntinlupa City, charging Miranda with rape through sexual assault. It reads:

On or about the 6th day of April 2006, in the City of Muntinlupa, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there, wilfully, unlawfully and feloniously insert his penis into the anal orifice of [AAA], a six-year old boy born on 22 June 1999, which debases, degrades and demeans the intrinsic worth and dignity of [AAA] as a human being.

Contrary to law.⁴

When arraigned on May 17, 2006, Miranda, assisted by Atty. Melita Pilar P. Briñas of the Public Attorney's Office, pleaded not guilty to the crime charged.⁵

In a May 22, 2006 Order,⁶ the Regional Trial Court granted Miranda's Motion to Reduce Bail and reduced the ₱120,000.00 bail to ₱70,000.00 (if cash bond) or ₱80,000.00 (if bail bond).

After pre-trial, trial on the merits followed.⁷ The facts as narrated in the Court of Appeals Decision are as follows:

At around 5:00 to 6:00 p.m. on April 6, 2006, six-year-old AAA was playing in front of Miranda's house when the man pulled the kid inside. There, Miranda undressed AAA and told him to lie down. He then inserted his penis in the anal orifice of the child, who cried in pain.⁸

AAA immediately told his stepfather, BBB, what Miranda did to him. By 8:30 p.m., they reached the barangay police and reported that Miranda had molested the child.⁹ At this, Barangay Police Officers Reynaldo Espino and Roberto Fernandez proceeded to Miranda's house and invited him to go with them to clear up the complaint. Miranda voluntarily went with them.¹⁰

For his part, Miranda denied the charge against him, claiming that he could not do such a thing because he treated AAA as his own son, and was even entrusted sometimes to look after the child whenever his parents were

⁴ Id. at 53.

⁵ Id. at 54.

⁶ Id. at 55.

⁷ Id. at 138.

⁸ Id. at 47-49 and 139.

⁹ Id. at 47, 50, and 139.

¹⁰ Id. at 139.

not around. Miranda also claimed that he was close friends with BBB.¹¹

On February 12, 2010, the Regional Trial Court rendered a Decision convicting Miranda.¹² The dispositive portion of the Decision reads:

WHEREFORE, the Court finds accused guilty beyond reasonable doubt of sexual assault defined and penalized under the second paragraph of Article 266-A of the Revised Penal Code, by inserting his penis into the anal orifice of the private complainant, and is sentenced to an indeterminate penalty of six (6) years and one (1) day of *prision mayor* in its minimum as the minimum period to twelve (12) years and one (1) day of *reclusion temporal* in its minimum as the maximum period, as the prosecution was able to prove the age of the private complainant who was born on June 22, 1999 and was six years, seven months and 14 days old at the time the crime was committed. He is further adjudged to pay civil damages in the amount of P25,000.00 and moral damages in the amount of P25,000.00, without subsidiary imprisonment in case of insolvency. The accessory penalties under the law shall be imposed on him.

So ordered.¹³ (Citation omitted)

Miranda appealed to the Court of Appeals.¹⁴

In a July 30, 2014 Decision,¹⁵ the Court of Appeals affirmed Miranda's conviction for rape through sexual assault, with a modification on the damages awarded. The dispositive portion of the Decision reads:

WHEREFORE, in view of the foregoing premises, the appealed Decision of Branch 207 of the Regional Trial Court of Muntinlupa City in Criminal Case No. 06-353 is AFFIRMED with the MODIFICATIONS that, aside from being sentenced to suffer the indeterminate penalty of six (6) years and one (1) day of *prision mayor* as minimum to twelve (12) years and one (1) day of *reclusion temporal* as maximum, the civil indemnity awarded by the trial court is increased to P30,000.00 and the moral damages awarded is likewise increased to P30,000.00. Moreover, AAA is entitled to an interest on all damages awarded at the legal rate of 6% per annum from the date of finality of this judgment until fully paid.

SO ORDERED.¹⁶

Miranda's handwritten Motion for Reconsideration was denied in the Court of Appeals' December 12, 2014 Resolution¹⁷ for failure to comply with Section 3 of A.M. No. 11-9-4-SC, otherwise known as The Efficient

¹¹ Id. at 139-140.

¹² Id. at 140.

¹³ Id.

¹⁴ Id.

¹⁵ Id. at 137-149.

¹⁶ Id. at 148-149.

¹⁷ Id. at 41.

Use of Paper Rule.¹⁸

Thus, Miranda filed a Motion to Comply with his amended Motion for Reconsideration attached. He prayed that he be allowed to amend his Motion for Reconsideration to comply with the Efficient Use of Paper Rule.¹⁹

The Court of Appeals, in its April 26, 2017 Resolution,²⁰ granted and admitted the Motion to Comply.²¹ However, it denied the amended Motion for Reconsideration for lack of merit.²²

Hence, Miranda filed this Petition.²³ The Office of the Solicitor General, on behalf of respondent People of the Philippines, filed its Comment.²⁴

Petitioner assails his conviction on the ground that his warrantless arrest and detention were invalid.²⁵ As he was arrested without warrant, he asserts that his being subjected to an inquest investigation deprived him of his right to a preliminary investigation.²⁶

Petitioner further asserts that Article 266-A of the Revised Penal Code “suffers from confusion, ambiguity, [and] vagueness for attempt[ing] to unite rape as physical injuries *vis-a-vis* crimes against chastity, honor, reputation, . . . and other provisions of the Revised Penal Code, as amended, incompatible with sexual assault as rape[.]”²⁷

The issue for this Court’s resolution is whether or not petitioner Alejandro C. Miranda was properly convicted of rape through sexual assault.

The Petition is denied for lack of merit.

I

Petitioner’s arrest and detention do not fall within the purview of a lawful warrantless arrest under Rule 113, Section 5 of the Revised Rules of Criminal Procedure. The provision states:

¹⁸ Id. at 63.

¹⁹ Id. at 41.

²⁰ Id. at 40–45.

²¹ Id. at 42.

²² Id. at 45.

²³ Id. at 12–37.

²⁴ Id. at 60–85.

²⁵ Id. at 21–24.

²⁶ Id. at 30.

²⁷ Id. at 34.

SECTION 5. *Arrest without warrant; when lawful.* — A peace officer or a private person may, without a warrant, arrest a person:

- (a) When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;
- (b) When an offense has just been committed and he has probable cause to believe based on personal knowledge of facts or circumstances that the person to be arrested has committed it; and
- (c) When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or is temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another.

In cases falling under paragraphs (a) and (b) above, the person arrested without a warrant shall be forthwith delivered to the nearest police station or jail and shall be proceeded against in accordance with section 7 of Rule 112. (5a)

Here, as the barangay police narrated,²⁸ petitioner went with them to the barangay hall upon their invitation. He was detained after the victim had identified him as the sexual assaulter. Certainly, the barangay police were not present within the meaning of Section 5(a) at the time of the crime's commission.

Neither do the barangay police have any personal knowledge of the facts indicating that petitioner was the offender. Instead, they only acted on the information they got from the victim's stepfather. This information did not constitute personal knowledge within the meaning of Section 5(b). As previously held, "personal gathering of information is different from personal knowledge."²⁹

Since petitioner's warrantless arrest was not lawful, he should have been entitled to a preliminary investigation before an Information was filed against him. The inquest investigation conducted by the City Prosecutor is void. Under Rule 112, Section 7 of the Revised Rules on Criminal Procedure, an inquest investigation is proper only when the suspect is lawfully arrested without a warrant. It states in part:

SECTION 7. *When accused lawfully arrested without warrant.* — When a person is lawfully arrested without a warrant involving an offense which requires a preliminary investigation, the complaint or information may be filed by a prosecutor without need of such investigation provided

²⁸ *Rollo*, p. 47.

²⁹ *People v. Manlulu*, 301 Phil. 707, 717 (1994) [Per J. Bellosillo, First Division].

an inquest investigation has been conducted in accordance with existing rules. In the absence or unavailability of an inquest prosecutor, the complaint may be filed by the offended party or a peace officer directly with the proper court on the basis of the affidavit of the offended party or arresting officer or person.

Nonetheless, the absence of a preliminary investigation does not affect the trial court's jurisdiction, but merely the regularity of the proceedings. It does not impair the validity of the information or render it defective.³⁰

Besides, in this case, it is too late now for petitioner to protest his arrest and detention. He voluntarily pleaded not guilty on arraignment. By so pleading, he is deemed to have submitted his person to the jurisdiction of the trial court, curing any defect in his arrest. Also, by entering a plea without objection, he waived his right to question any irregularity in his arrest or the absence of a preliminary investigation.³¹ This Court has held:

[A]n accused is estopped from assailing the legality of his arrest if he failed to move to quash the information against him before his arraignment. Any objection involving the arrest or the procedure in the acquisition by the court of jurisdiction over the person must be made before he enters his plea, otherwise, the objection is deemed waived. Even in instances not allowed by law, a warrantless arrest is not a jurisdictional defect, and objection thereto is waived when a person arrested submits to arraignment without objection. The subsequent filing of the charges and the issuance of the corresponding warrant of arrest against a person illegally detained will cure the defect of that detention.³²

At any rate, any irregularity in the arrest of petitioner will not negate the validity of his conviction, as this has been duly proven beyond reasonable doubt by the prosecution.³³

II

Petitioner was charged and correctly convicted of rape through sexual assault under Article 266-A(2) of the Revised Penal Code, as amended, in relation to Republic Act No. 7610, or the Special Protection of Children

³⁰ *De Lima v. Reyes*, 776 Phil. 623, 649 (2016) [Per J. Leonen, Second Division] citing *People v. Narca*, 341 Phil. 696 (1997) [Per J. Francisco, Third Division].

³¹ RULES OF COURT, Rule 114, sec. 26 provides:

SECTION 26. *Bail not a Bar to Objections on Illegal Arrest, Lack of or Irregular Preliminary Investigation.* — An application for or admission to bail shall not bar the accused from challenging the validity of his arrest or the legality of the warrant issued therefor, or from assailing the regularity or questioning the absence of a preliminary investigation of the charge against him, provided that he raises them before entering his plea. The court shall resolve the matter as early as practicable but not later than the start of the trial of the case.

See also Roallos v. People, 723 Phil. 655, 669–670 (2013) [Per J. Reyes, First Division] citing *Miclat, Jr. v. People*, 672 Phil. 191 (2011) [Per J. Peralta, Third Division] and *Villarín v. People*, 672 Phil. 155 (2011) [Per J. Del Castillo, First Division].

³² *People v. Divina*, 558 Phil. 390, 395 (2007) [Per J. Carpio Morales, Second Division] citing *People v. Bongalon*, 425 Phil. 96 (2002) [Per Curiam, En Banc].

³³ *People v. Yau*, 741 Phil. 747, 770 (2014) [Per J. Mendoza, Third Division].

Against Child Abuse, Exploitation, and Discrimination Act. This second type of rape is committed:

By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of *sexual assault* by *inserting his penis into another person's mouth or anal orifice*, or any instrument or object, into the genital or anal orifice of another person.³⁴ (Emphasis supplied)

Republic Act No. 8353,³⁵ or the Anti-Rape Law of 1997, reclassified rape as a crime against persons³⁶ and broadened its concept.³⁷ As a crime against persons, rape cases may now be prosecuted even without the complaint of the offended party; likewise, express pardon by the offended party will not extinguish criminal liability.³⁸

Under the new law, rape may be committed against any person regardless of sex or gender.³⁹ Thus, in *Ricalde v. People*,⁴⁰ it was acknowledged that even men can be victims of rape. Furthermore, with the amendments introduced by Republic Act No. 8353, rape can be committed either by sexual intercourse or by sexual assault, which is also called “instrument or object rape” or “gender-free rape.”⁴¹

Regardless of the manner of its commission, rape is heinous, causing incalculable damage on a victim's dignity. In *People v. Quintos*:⁴²

The classifications of rape in Article 266-A of the Revised Penal Code are relevant only insofar as these define the manners of commission of rape. However, it does not mean that one manner is less heinous or wrong than the other. Whether rape is committed by nonconsensual carnal knowledge of a woman or by insertion of the penis into the mouth of another person, the damage to the victim's dignity is incalculable. Child sexual abuse in general has been associated with negative psychological impacts such as trauma, sustained fearfulness, anxiety, self-destructive behavior, emotional pain, impaired sense of self, and interpersonal difficulties. Hence, one experience of sexual abuse should not be trivialized just because it was committed in a relatively unusual manner.

“The prime purpose of [a] criminal action is to punish the offender in order to deter him and others from committing the same or similar offense, to isolate him from society, reform and rehabilitate him or, in

³⁴ REVISED PENAL CODE, art. 266-A(2), as amended by Republic Act No. 8353 (1997).

³⁵ Republic Act No. 8353 took effect on October 22, 1997.

³⁶ See *People v. Jumawan*, 733 Phil. 102 (2014) [Per J. Reyes, First Division].

³⁷ See *People v. Abulon*, 557 Phil. 428 (2007) [Per J. Tinga, En Banc].

³⁸ *People v. Tulagan*, G.R. No. 227363, March 12, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65020>> [Per J. Peralta, En Banc].

³⁹ See J. Leonen, Dissenting Opinion in *People v. Caoili*, 815 Phil. 839, 933–954 (2017) [Per J. Tijam, En Banc].

⁴⁰ 751 Phil. 793 (2015) [Per J. Leonen, Second Division].

⁴¹ Id. at 804. See also *People v. Caoili*, 815 Phil. 839 (2017) [Per J. Tijam, En Banc]; *People v. Abulon*, 557 Phil. 428 (2007) [Per J. Tinga, En Banc].

⁴² 746 Phil. 809 (2014) [Per J. Leonen, Second Division].

general, to maintain social order.” Crimes are punished as retribution so that society would understand that the act punished was wrong.

Imposing different penalties for different manners of committing rape creates a message that one experience of rape is relatively trivial or less serious than another. It attaches different levels of wrongfulness to equally degrading acts. Rape, in whatever manner, is a desecration of a person’s will and body. In terms of penalties, treating one manner of committing rape as greater or less in heinousness than another may be of doubtful constitutionality.⁴³ (Citations omitted)

Here, the victim categorically testified to how petitioner inserted his penis into his anus. Both the Regional Trial Court and the Court of Appeals found petitioner guilty beyond reasonable doubt of rape through sexual assault.⁴⁴ This Court affirms his conviction.

However, we modify the penalty, in line with Section 5(b) of Republic Act No. 7610.⁴⁵ Thus, for committing rape through sexual assault, petitioner is sentenced to suffer the indeterminate penalty of 12 years, 10 months, and 21 days of *reclusion temporal*, as minimum, to 15 years, six months, and 20 days of *reclusion temporal*, as maximum.⁴⁶

As to civil liabilities, the amounts of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱50,000.00 as exemplary damages are awarded in favor of the victim, consistent with jurisprudence.⁴⁷

WHEREFORE, the Petition is **DENIED**. The July 30, 2014 Decision and April 26, 2017 Resolution of the Court of Appeals are **AFFIRMED WITH MODIFICATION**. Petitioner Alejandro C. Miranda is found guilty beyond reasonable doubt of rape through sexual assault under Article 266-A(2) of the Revised Penal Code, as amended, in relation to Republic Act No. 7610. He is sentenced to suffer the indeterminate penalty of 12 years, 10 months, and 21 days of *reclusion temporal*, as minimum, to 15 years, six months, and 20 days of *reclusion temporal*, as maximum. He

⁴³ Id. at 832–833.

⁴⁴ *Rollo*, pp. 145–147.

⁴⁵ Republic Act No. 7610 (1992), sec. 5(b) provides:

SECTION 5. *Child Prostitution and Other Sexual Abuse*. — Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

....

(b) Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected to other sexual abuse; *Provided*, That when the victims is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, the Revised Penal Code, for rape or lascivious conduct, as the case may be; *Provided*, **That the penalty for lascivious conduct when the victim is under twelve (12) years of age shall be reclusion temporal in its medium period**[.] (Emphasis supplied)


⁴⁶ See *People v. Tulagan*, G.R. No. 227363, March 12, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65020>> [Per J. Peralta, En Banc]; *Ricalde v. People*, 751 Phil. 793 (2015) [Per J. Leonen, Second Division].

⁴⁷ *People v. Tulagan*, G.R. No. 227363, March 12, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65020>> [Per J. Peralta, En Banc].

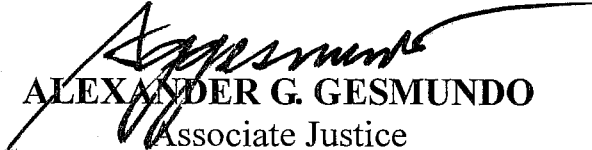
is also ordered to pay the victim civil indemnity, moral damages, and exemplary damages worth ₱50,000.00 each.

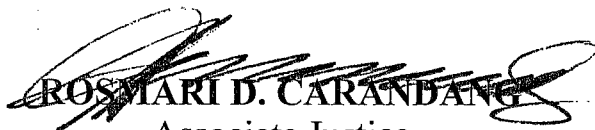
All damages awarded shall be subject to legal interest at the rate of six percent (6%) per annum from the finality of this Decision until fully paid.⁴⁸

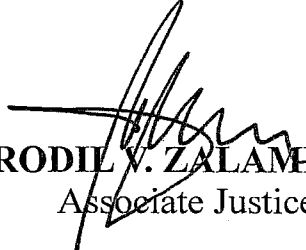
SO ORDERED.


MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Associate Justice


ROSMARI D. CARANDANG
Associate Justice

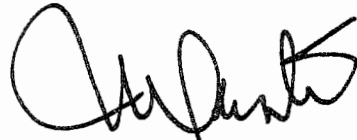

RODIL V. ZALAMEDA
Associate Justice

On leave
SAMUEL H. GAERLAN
Associate Justice

⁴⁸ *Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta, En Banc].

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



DIOSDADO M. PERALTA
Chief Justice

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Misa DC Batt
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court
Third Division

DEC 03 2020