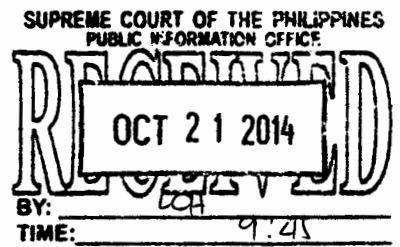




Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **October 1, 2014**, which reads as follows:*

“G.R. No. 204839 (*Eliseo F. Soriano v. People of the Philippines and Daniel Veridiano*) – Eliseo Soriano is known as the supreme head of the Church of God International or *Ang Dating Daan*. One of his followers, Daniel Veridiano, who worked as the assistant general-secretary of said church, filed two criminal cases for Rape against him docketed as Criminal Case Nos. 06-3898(M) and 06-3899(M). However, on the date of the scheduled arraignment, Soriano did not appear.

On June 2, 2009, the Regional Trial Court (RTC) of Macabebe, Pampanga issued an Order for the cancellation and forfeiture of the cash bonds which Soriano posted, and for the issuance of a warrant for his arrest. Thereafter, Soriano moved to quash the two Informations on the grounds that: 1) the crime of anal intercourse, without consent, does not constitute the crime of Rape under Article 266-A of the Revised Penal Code (RPC); 2) the Informations violate the rule against duplicity under Section B, Rule 110 in relation to Section 3(f) of Rule 117 of the Rules of Court; and 3) the Informations violate his constitutional right to be informed of the charge against him.

On August 3, 2009, the RTC issued another Order, this time, ordering the forfeiture of the cash bonds, denying Soriano’s motion to quash for lack of merit, and ordering the issuance of warrants of arrest. Aggrieved, Soriano thus brought the case to the Court of Appeals (CA), alleging grave abuse of discretion on the RTC’s part.

On May 31, 2012, the CA dismissed Soriano’s petition for lack of merit.

Soriano thus filed a Petition for Review before the Court, assailing the CA decision. He insists that he has not lost his right to file an appeal, that his attorney-in-fact has the required authority to appeal the ruling of the

RTC, and that the Informations in Criminal Case Nos. 06-3898(M) and 06-3899(M) for Rape under Article 266-A of the RPC are not sufficient.

The petition lacks merit.

In his petition before the CA, Soriano precisely asked for the setting aside of the June 2, 2009 RTC Order. However, it was the RTC's August 3, 2009 Order which denied Soriano's Motion to Quash Informations. It appears now that Soriano has not appealed from the August 3, 2009 Order although the body of his petition centered on the quashal of the subject criminal Informations. Assuming that what he meant to appeal was the Order dated August 3, 2009, still, Soriano failed to file a Motion for Reconsideration which is an indispensable requirement before the filing of a Petition for *Certiorari*. Also, his alleged Special Power of Attorney (SPA) did not exactly give an authority to file the petition before the CA. When the CA called his attention, Soriano filed a Compliance wherein he committed to secure a new SPA. The records of the case, however, do not show that Soriano ever submitted a duly authenticated SPA.

Further, Soriano has lost his standing in court. Records show that he was absent at his arraignment on June 2, 2009 because he was already out of the country, having left on December 14, 2005, and has not returned since then. His flight to a foreign country manifests his intention to escape from the jurisdiction of the courts and not to be bound by their lawful processes.

Lastly, even if the technical rules of procedure are to be relaxed, the petition still falls for lack of merit. Soriano alleges that the Informations are invalid because they charge him with Rape and not Rape by Sexual Assault. Soriano's misapprehension of the crime charged is caused by his myopic reading of the Informations. He focused on the title or designation of the offense, which if taken singly, might lead him to conclude that the offense charged is Rape in the traditional sense, meaning sexual intercourse with a female, whereas, the recital of facts in both Informations charged him of Rape by Sexual Assault, the offended party being a male. It is a settled doctrine that the real nature of the criminal charge is determined, not from the caption or preamble of the information or from the specification of the provision of law alleged to have been violated, which are mere conclusions of law, but by the actual recital of the facts in the complaint or information.¹ It is not even necessary for the protection of the substantial rights of the accused or the effective preparation of his defense that the accused be informed of the technical name of the crime of which he stands charged. He must look to the facts alleged.²

¹ *Silverina E. Consigna v. People of the Philippines*, G.R. Nos. 175750-51, April 2, 2014.

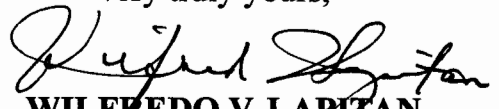
² *People v. Gutierrez*, 451 Phil. 227, 238-239 (2003).

October 1, 2014

WHEREFORE, the petition is **DENIED** for failure of petitioner to show any reversible error in the assailed CA decision. (*Jardeleza, J., no part; Bersamin, J., additional member per raffle dated September 24, 2014*)

SO ORDERED.”

Very truly yours,


WILFREDO V. LABITAN
Division Clerk of Court
10/16/14

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The Presiding Judge
REGIONAL TRIAL COURT
Branch 54, Macabebe
2018 Pampanga
(Crim. Case Nos. 063898(M) and 06-3899(M))

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