

FIRST DIVISION

[G.R. NO. 138033, January 30, 2007]

**RENATO BALEROS, JR., PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

R E S O L U T I O N

GARCIA, J.:

In this *Motion for Partial Reconsideration*,^[1] petitioner-movant Renato Baleros, Jr., through counsel, seeks reconsideration of our Decision of February 22, 2006, acquitting him of the crime of attempted rape, thereby reversing an earlier decision of the Court of Appeals, but adjudging him guilty of light coercion and sentencing him to 30 days of *arresto menor* and to pay a fine of P200.00, with the accessory penalties thereof and to pay the costs.

It is petitioner's submission that his conviction for light coercion under an Information for attempted rape, runs counter to the en banc ruling of the Court in *People v. Contreras*^[2] where the Court held:

The Solicitor General contends that accused-appellant should be held liable for unjust vexation under Art. 287(2) of the Revised Penal Code. However, the elements of unjust vexation do not form part of the crime of rape as defined in Art. 335 of the Revised Penal Code. Moreover, the circumstances stated in the information do not constitute the elements of the said crime. Accused-appellant, therefore, cannot be convicted of unjust vexation.

Petitioner's reliance on *Contreras* is misplaced. There, the 12 identical Informations^[3] substantially alleged:

The undersigned State Prosecutor accuses IAN CONTRERAS Y EROY, based on the sworn declaration of one ANGELIC OCRENAS y CONTRERAS assisted by NELENE DIAZ y OCRENAS of the crime of "STATUTORY RAPE IN RELATION TO R.A. 7610," committed as follows:

That between the period from May to June 1996 in Valenzuela, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused with lewd design, did then and there willfully, unlawfully and feloniously have sexual intercourse with one ANGELIC OCRENAS y CONTRERAS, age 6 years old.

Contrary to law.

Unlike the 12 separate Informations in *Contreras*, the indicting Information for attempted rape against the petitioner in the instant case contains averments