

THIRD DIVISION

[G.R. No. 186469, June 18, 2012]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
JOVER MATIAS Y DELA FUENTE, ACCUSED-APPELLANT.**

R E S O L U T I O N

PERLAS-BERNABE, J.:

This resolves the appeal from the August 19, 2008 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 02781 filed by appellant Jover Matias y Dela Fuente which affirmed his conviction for the crime of "rape" under Sec. 5 (b), Article III of Republic Act (RA) No. 7610.^[2]

The Factual Antecedents

Appellant Jover Matias y Dela Fuente and private complainant AAA^[3] were neighbors at Sto. Niño St., Barangay San Antonio, Quezon City. In the evening of June 6, 2004, AAA, a minor, having been born on April 23, 1991, was on her way to the vegetable stall ("*gulayan*") of a certain "Manuela" to buy something when, all of a sudden, appellant pulled her towards a house that was under construction. There, he forced her to lie on a bamboo bed ("*papag*"), removed her shorts and underwear, and inserted first, his finger, and then his penis into her vagina. Appellant threatened to kill her if she should report the incident to anyone.

When AAA arrived home, she narrated to her mother and aunt what appellant did to her. Together, they proceeded to the barangay to report the incident and, thereafter, to the Baler District Police Station to file a complaint. A physical examination was conducted by Police Chief Inspector Pierre Paul Figeroa Carpio upon AAA, who was found to have "[d]eep-healed lacerations at 3 and 7 o'clock positions" and was in a non-virgin state physically at the time of examination. Subsequently, appellant was charged with rape under Article 266-A of the Revised Penal Code (RPC) in an Amended Information^[4] dated July 16, 2004.

In defense, appellant claimed that in the evening of the incident, he and his uncle, Romeo Matias, were doing construction work at the house of his aunt, also located at Sto. Nino St., Barangay San Antonio, Quezon City. He was therefore surprised when two policemen arrested him at around 6:30 in the evening of even date and detained him at the Baler Police Station.

The RTC Ruling

In its April 19, 2007 Decision,^[5] the RTC convicted appellant for "rape" under Sec. 5 (b), Article III of RA 7610 and imposed the penalty of *reclusion perpetua*. The RTC likewise directed him to pay AAA the amount of P50,000 as civil indemnity and

P30,000 as moral damages.

In convicting appellant, the RTC gave full credence to AAA's testimony, which was straightforward and positive. On the other hand, it found appellant's defenses of denial and alibi as weak, taking into consideration that his aunt's house where he was allegedly doing construction work was just a few meters away from the vegetable stall, clearly making it possible for him to be at the *locus criminis* at the time of the incident.

The CA Ruling

In its assailed Decision,^[6] the CA affirmed the RTC Decision *in toto*, finding no compelling reason to depart from its findings and conclusions. The appellate court held that if the RTC found AAA's testimony to be credible, logical and consistent, then it should be given great respect, as the RTC had the ability to observe firsthand the demeanor and deportment of the witnesses on stand.

Moreover, for appellant's alibi to prosper, he should be able to show that he was a great distance away from the place of the incident and that it was impossible for him to be there or within its immediate vicinity at the time of the commission of the crime. The CA ruled that it is highly unlikely for a young girl to fabricate a story that would destroy her reputation and her family's life and endure the discomforts of trial.

Issue Before The Court

The sole issue to be resolved in this appeal is whether the CA committed reversible error in affirming in toto the Decision of the RTC, which convicted appellant of "rape" under Sec. 5 (b), Article III of RA 7610.

The Court's Ruling

Sec. 5 (b), Article III of RA 7610 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.

The penalty of *reclusion temporal* in its medium period to *reclusion perpetua* shall be imposed upon the following:

(a) x x x

(b) Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subject to other sexual abuse;

xxx^[7]

In the case of *People v. Pangilinan*,^[8] which affirmed the doctrines enunciated in the