

SPECIAL THIRD DIVISION

[CA-G.R. CR-H.C. No. 05145, May 19, 2014]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MARIO MATUGUINA Y IMAS, ACCUSED-APPELLANT.

DECISION

BUESER, J.:

Before this Court on appeal is the Decision dated 4 April 2011^[1] rendered by the Regional Trial Court of Antipolo City, Branch 72 (RTC) convicting accused-appellant Mario Matuguina y Imas (*"Appellant"*) of the crime of statutory rape, as defined and penalized under Article 266-A, in relation to Article 266-B of the Revised Penal Code, as amended, the dispositive portion of which reads in this wise:

"WHEREFORE, finding the accused MARIO MATUGUINA y IMAS, GUILTY beyond reasonable doubt for the crime of Statutory Rape under Article 266-A par. 1 (d) in relation to Article 266-B 1st par. of the Revised Penal Code, as amended by R. A. 8353 in relation to Secs. 5 (b) of R. A. 7610 and Sec. 5 (a) of R. A. 8369 he is hereby ordered to suffer the penalty of Reclusion Perpetua and to pay the amount of P50,000.00 as civil indemnity.

SO ORDERED."^[2]

The Facts

The pertinent facts and antecedents of this case, as borne by the records, are as follows:

On 15 June 2002, AAA^[3] who was then only nine (9) years of age, accompanied her sister BBB to the latter's house in Boso-Boso, Antipolo City. While in the yard of her sister's house, AAA saw appellant opening the door and windows of his house. AAA saw appellant waving at her thus she approached him. AAA thought that appellant's daughter, who was her playmate, was there. AAA then entered appellant's house when the latter invited her in.

Upon entering the house, appellant closed the windows and removed his short pants. Appellant then removed AAA's shorts and lifted her and inserted his penis into her vagina. While AAA was facing him, appellant lifted her up. AAA felt appellant's penis penetrating her private organ. AAA did not do anything until fluid came out of appellant's penis. Appellant then placed AAA down to put up his shorts. Afterwards, AAA went home to BBB's house. AAA did not report the incident to her parents that time.

Consequently, AAA executed an Affidavit and filed the present rape complaint against appellant. Appellant was charged with the crime of statutory rape as defined

under Article 266-A in relation to Article 266-B, the accusatory portion of the Information reads:

"That on or about the 15th day of June 2002, in the City of Antipolo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, and by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously had sexual intercourse with one AAA, a nine (9) year old minor against the latter's will and consent.

CONTRARY TO LAW"

During his arraignment, appellant entered a plea of not guilty to the charges hurled against him. Trial on the merits then ensued.

Aside from documentary exhibits, the prosecution presented in evidence the testimonies of complainant AAA and P/SR. Insp. Ruby Grace Sabino-Dianson ("Police Inspector Dianson"), the medico-legal officer of the Philippine National Police Women's Crisis and Children Protection Center at Camp Crame, Quezon City.

Police Inspector Dianson testified that on 3 November 2003, she received a request for the genital examination of AAA. The duty investigator conducted the preliminary interview while she conducted the forensic examination. There was a disclosure on the part of AAA that she had been sexually abused. In her Medico-Legal Report, Police Inspector Dianson indicated that there was a shallow healed laceration at the 6 o'clock position in AAA's hymen.^[4] She explained that the laceration was labeled as shallow since it did not go beyond fifty percent of the total hymen rim. She further opined that the laceration can be caused by a blunt penetrating trauma.

On cross-examination, Police Inspector Dianson confirmed that according to the disclosure of AAA, the rape incident allegedly happened sometime in the year 2002. She added that it is possible that the blunt penetrating trauma was caused by the insertion of a finger or a vibrator.

AAA, in turn, testified that she was born on 1 March 1993.^[5] She was nine (9) years old at the time the rape incident happened. When she took the witness stand for the first time, AAA was already twelve (12) years old, a first year high school student and a resident of Olandes, Marikina City.

Continuing with her testimony, AAA narrated that in the morning of 15 June 2002, she had been brought by BBB to Boso-Boso, Antipolo City. She was at the yard of BBB's house when she saw appellant, who called and waved at her. She approached him thinking that appellant's daughter, who was her playmate, was home. Upon entering the house, the appellant closed the windows and removed her shorts. After removing his shorts, appellant lifted her and inserted his penis into her vagina.^[6] She felt appellant's penis penetrate her. She did nothing until fluid came out of appellant's penis. After the incident, she went home but did not report the incident to BBB and her parents. Subsequently, she filed the present complaint and executed the affidavit on record. She identified the appellant as a neighbor and as the one who abused her in 2002.

On cross-examination, AAA, who was then already fourteen (14) years old, recounted that after the 15 June 2002 incident, appellant had raped her again on three (3) separate instances. She cannot remember the exact date of the second

rape. She noted however that it happened also in 2002 but in a different place. The third and fourth rape incidents happened in the same place although she could also not recall the exact dates except that the fourth rape happened sometime in July 2002. Despite the other three rape incidents, she only filed the present rape case against appellant.^[7]

For the defense, appellant did not take the witness stand. Instead, the defense presented the testimony of Loretta Palmones ("Palmones"), sixty-eight (68) years old, a housewife and a resident of Project 4, Quezon City. Appellant was her neighbor since 1991. AAA and her mother were likewise her neighbors in Quezon City. She is also the mother of BBB's live-in partner. She explained that the supposed house of BBB in Boso-Boso actually belongs to her.^[8]

Witness Palmones testified that in 2002, appellant's house was a mere skeleton of a house with only a roof made of G.I. sheets. There were no walls, doors or windows. It was only completed sometime in 2004. She further testified that on 12 June 2002, she was at her Antipolo house with her husband. She noted that it was the birthday of both appellant and his father-in-law, Onofre Nava.^[9] She did not see AAA in her house on 15 June 2002. She also did not see AAA in her house in 2003 and 2004. On cross, she admitted that she is the overseer of the property of Onofre Nava.

In its Decision dated 4 April 2011, the court a quo, in the manner as afore-quoted, found appellant guilty beyond reasonable doubt of statutory rape of AAA and imposed upon him the penalty of reclusion perpetua. Appellant was also ordered to pay AAA civil indemnity in the amount of Fifty Thousand Pesos (P50,000.00).

Aggrieved, appellant filed the instant appeal.

The Issue

The main issue to be resolved in this appeal is whether the evidence on record supports the conviction of the appellant for the crime of statutory rape.

The Court's Ruling

We find the instant appeal bereft of merit.

Questioning the factual findings and legal conclusions of the trial court, the appellant relies on the testimony of his witness to substantiate his defenses of denial and alibi. Appellant asserts that Palmones, a witness that should be deemed to favor AAA given her relationship with BBB, categorically contradicts the allegations of rape. Aside from the fact that the witness has proven that appellant's house was a mere skeleton at the time of the rape, thus refuting AAA's testimony and rendering the commission of the rape implausible, Palmones attested to the fact that AAA was nowhere near appellant on 15 June 2002.

Appellant further faults the credence given by the court to the testimony of AAA. He even puts into issue the failure of BBB to corroborate said testimony. He likewise undermines the probative value of the Medico-Legal Report positing that the laceration could have been caused by anything. To the appellant, AAA offered nothing but bare allegations of rape and that no concrete evidence has been presented to support his conviction.