

Title: People of the Philippines vs. Jover Matias y Dela Fuente [G.R. No. 187083, June 13, 2011]

Facts:

1. **Incident Occurrence:**

- On the evening of June 6, 2004, AAA, a minor born on April 23, 1991, was on her way to a vegetable stall in Quezon City.

- Appellant Jover Matias y Dela Fuente pulled AAA towards a house under construction where he forced her to lie on a bamboo bed, removed her shorts and underwear, and inserted his finger, then penis, into her vagina. He also threatened to kill her if she reported the incident.

2. **Complaint and Arrest:**

- AAA narrated the incident to her mother and aunt. They reported it to the barangay and later to the police.

- A physical examination by Police Chief Inspector Pierre Paul Figeroa Carpio found AAA to have semi-healed lacerations signifying non-virginity.

- Matias was arrested by police around 6:30 PM on the same evening.

3. **Procedural History:**

- On July 16, 2004, an amended information charged Matias with rape under Article 266-A of the Revised Penal Code (RPC).

- The Regional Trial Court (RTC) of Quezon City convicted Matias of rape under Sec. 5(b), Article III of RA 7610 on April 19, 2007, imposing reclusion perpetua and ordering him to pay P50,000 as civil indemnity, and P30,000 as moral damages.

- Matias appealed to the Court of Appeals (CA), which affirmed the RTC decision in toto on August 19, 2008.

- Matias brought the case to the Supreme Court contending the CA's affirmation of his conviction.

Issues:

1. Whether the CA erred in affirming Matias' conviction for rape under Sec. 5(b), Article III of RA 7610.
2. Whether a person can be prosecuted for rape under both Sec. 5(b) of RA 7610 and Article 266-A of the RPC for the same act.

Court's Decision:

1. **Conviction Basis:**

- The Court noted inconsistencies in the application of the law, highlighting that AAA was 13 years old at the time of the offense. The conviction under Sec. 5(b) of RA 7610 should have been grounded on the specific statute applicable to her age, as opposed to statutory rape under Article 266-A(1)(d) RPC, since she was above 12 years old at the time of the incident.

2. **Applicability of Sec. 5(b), RA 7610:**

- Section 5(b), Article III of RA 7610 correlates to cases of sexual abuse and not statutory rape. Given the age of AAA, Matias should be held for sexual abuse under RA 7610, not rape under the RPC, to avoid double jeopardy.

3. **Modification of Penalty:**

- Penalties for sexual abuse differ under RA 7610 and RPC: Matias must be sentenced appropriately under RA 7610 with reclusion temporal in its maximum period (17 years, 4 months, and 1 day to 20 years).

- Applying the Indeterminate Sentence Law, the Court imposed a penalty of 12 years prison mayor as minimum to 17 years, 4 months, and 1 day of reclusion temporal as maximum.

Doctrine:

- A person cannot be punished for both sexual abuse under a special law (RA 7610) and statutory rape under the RPC for the same incident.

- Conviction under Sec. 5(b), Article III of RA 7610 for individuals above 12 years old must avoid the risk of double jeopardy and needs to be distinct and separate from rape under Article 266-A, RPC.

Class Notes:

1. **Key Legal Concepts:**

- Sec. 5(b) of RA 7610: Protection of children from sexual abuse.

- Article 266-A RPC: Statutory rape and conditions under which it applies.

- Judicial principle: Avoidance of double jeopardy for the same criminal act under different statutes.

2. **Statutes and Applications:**

- RA 7610: Sexual abuse convictions focused on protection and punishment distinct from statutory rape.

- Double Jeopardy: Principle preventing multiple charges for the same act.

- Indeterminate Sentence Law: Minimum and maximum penalties applicable; in this case

ranging from 12 years to 17 years, 4 months, and 1 day.

****Historical Background:****

- The case exemplifies the application of statutes protecting minors from sexual abuse under Philippine law.
- Illustrates the judiciary's emphasis on procedural correctness and the protection of the accused from double jeopardy.
- Stresses the ramifications of distinguishing between different sexual crime statutes based on the victim's age and specific circumstances.