PEOPLE OF THE PHILIPPINES, APPELLEE, VS. DANILO SIA Y BINGHAY, APPELLANT.

G.R. No. 174059. February 27, 2009

Ponente: CORONA, J.

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CORONA, J.:

This is an appeal from the April 21, 2006 decision[1] of the Court of Appeals (CA) in CA-G.R. CR HC No. 00135 affirming the June 29, 2000 decision[2] of the Regional Trial Court (RTC) of Lanao del Norte, Branch 2 which found Danilo Sia y Binghay guilty beyond reasonable doubt of statutory rape.[3]

On December 22, 1999, appellant was charged with statutory rape under the following Information: [4]

> That on or about December 20, 1999, in the City of Iligan, Philippines, within the jurisdiction of this Honorable Court, [appellant], by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of [AAA], a 4-year-old minor, against the latter's will.
>
> Contrary to and in violation of Article 266-A, paragraph 1, Chapter 3 of the Revised Penal Code, as amended by [RA] 8353.

Upon arraignment, appellant pleaded not guilty.

During trial, the prosecution essentially established that, in the afternoon of December 20, 1999, the four-year-old victim AAA and appellant were seen entering a banana plantation in Purok Sta. Lucia, Mahayahay, Iligan City. Several minutes later, the child came out of the plantation alone, half-naked, tearstained and bloodied. She was immediately brought to the Don Gregorio Lluch Medical Center where she was examined by Dr. Luisa Lualhati Serate and given medical treatment by Dr. Margarita Angela Botilao.

According to Dr. Serate, the victim was sobbing when she arrived at the hospital but cried harder during the examination. Dr. Serate found that AAA's vagina and perineum were severely lacerated and bleeding. She opined that the said injuries probably resulted from sexual abuse. To stop the hemorrhage, Dr. Botilao subsequently performed reconstructive surgery.

When asked who "hurt" her, AAA immediately answered "Tito Danny," referring to the appellant who was a neighbor and close friend of their family.

Appellant, on the other hand, asserted that he could not have sexually abused AAA inasmuch as he was in the vicinity of the Iligan Capitol College en route to Iligan City proper when the offense was committed.

The RTC found that AAA positively identified appellant as the one who sexually abused her. Weighing the evidence of the prosecution against that of the defense, the trial court found appellant guilty beyond reasonable doubt of statutory rape and consequently sentenced him to death. The RTC likewise ordered appellant to pay AAA P75,000 as civil indemnity ex delicto and P50,000 as moral damages.[5]

On appellate review, the CA affirmed the findings and ruling of the RTC with modification as to the amount of

the damages. In addition to civil indemnity ex delicto and moral damages, appellant was ordered to pay AAA P25,000 as exemplary damages which are awarded in cases of statutory rape to deter individuals with perverse tendencies from sexually abusing young children.[6]

We modify the decision of the CA.

Neither alibi nor denial can prevail over the victim's categorical and positive identification of the accused in the absence of any proof of ill-motive.[7] Here, four-year-old AAA spontaneously and without hesitation identified appellant as the malefactor. Considering her tender years, she could not have invented a horrid tale but must have truthfully recounted a harrowing experience. We therefore find no reason to disturb the factual findings of the RTC as affirmed by the CA.

However, under RA 9346, the penalty of death has been commuted to reclusion perpetua without eligibility for parole.[8] Moreover, in line with recent jurisprudence, the awards of moral and exemplary damages are increased to P75,000 and P30,000, respectively.[9]

WHEREFORE, the April 21, 2006 decision of the Court of Appeals in CA-G.R. CR HC No. 00135 is hereby AFFIRMED WITH MODIFICATION. Appellant Danilo Sia y Binghay is hereby found guilty beyond reasonable doubt of statutory rape as defined and penalized in Article 266-A(1)(d) of the Revised Penal Code and is sentenced to reclusion perpetua without eligibility for parole. He is further ordered to pay AAA P75,000 as civil indemnity ex delicto, P75,000 as moral damages and P30,000 as exemplary damages.

Costs against appellant.

SO ORDERED.

Puno, Quisumbing, Carpio, Austria-Martinez, Carpio Morales, Chico-Nazario, Velasco, Jr., Leonardo-De Castro, Brion, and Peralta, JJ., concur.
Ynares-Santiago, J., on official leave.
Tinga, J., on leave.
Nachura, J., no part signed pleeding as sol gen.

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* On official leave.

** On leave.

[1] Penned by Associate Justice Myrna Dimaranan-Vidal and concurred in by Associate Justices Romulo V. Borja and Ramon R. Garcia of the Special Twenty-Second Division of the Court of Appeals. Dated April 21, 2006. Rollo, pp. 2-22 and 141-159.

[2] Penned by Judge Maximo Ratunil. Id., pp. 15-26.

[3] See REVISED PENAL CODE, Section 266-A(1)(d).

[4] Docketed as Criminal Case No. II-7991.

[5] Supra note 2.

[6] Supra note 1.

[7] People v. Rentoria, G.R. No. 175333, 21 September 2007, 533 SCRA 708, 734-735.

[8] People v. Pioquinto, G.R. No. 168326, 11 April 2007, 520 SCRA 712, 724.

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[9] People v. Abellera, G.R. No. 166617, 3 July 2007, 526 SCRA 329, 343.

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