

EN BANC

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

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

DECISION

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