

EN BANC

[G.R. No. 137933, January 28, 2002]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
VALENTIN BARING, JR., ACCUSED-APPELLANT.**

DECISION

BUENA, J.:

Valentin Baring, Jr., herein accused-appellant, was indicted for statutory rape committed against a seven-year-old girl in an information that reads-

"That prior to August 2, 1997 and on several occasions thereto, in the Municipality of Dasmariñas, Province of Cavite, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, by means of force, violence and intimidation taking advantage of his superior strength over the person of the victim who is only seven (7) years old, did, then and there, wilfully, unlawfully and feloniously, have carnal knowledge of one Jennifer Donayre, against her will and consent, to her damage and prejudice.

"CONTRARY TO LAW."^[1]

On his arraignment accused-appellant pleaded not guilty to the crime charged.

After trial, the Regional Trial Court of Imus, Cavite rendered a decision dated January 20, 1999, convicting accused-appellant of rape, to *wit* -

"WHEREFORE, finding the accused guilty beyond reasonable doubt of the felony of rape, the accused-Valentin Baring Jr. is sentenced to die by lethal injection and to pay the victim an indemnity of P50,000.00 plus moral damages of another P50,000.00 plus the cost of this suit.

"SO ORDERED."^[2]

In a sworn complaint,^[3] Jennifer Donayre accused Valentin Baring, Jr., her grandmother's common-law husband, of raping her on several occasions. It appears that Jennifer was living with her grandmother in Dasmariñas, Cavite. She does not know her real father since her mother and father were separated.^[4] Since 1990, when she was about 8 months old^[5] until 1997, she was left under her grandmother's care and custody. She calls Valentin Baring, Jr. as "Papa."^[6]

According to Jennifer, the repeated sexual abuse happened when she was about 6 years old whenever she was left alone in the house. Accused-appellant would touch her private parts, and on such occasions, accused-appellant would remove her panty, mount on her and violate her. She informed her grandmother that accused-

appellant sexually abused her.^[7]

On July 29, 1997, Jenelyn Donayre-Mendoza visited her daughter Jennifer, herein victim, in Dasmariñas, Cavite. She learned from her daughter that the latter was sexually abused by accused-appellant. Acting on her daughter's accounts of sexual abuse, she took Jennifer to the National Bureau of Investigation and filed a complaint. Thereafter, Jennifer underwent a medical examination at the Philippine National Police (PNP) Crime Laboratory Service in Camp Crame, Quezon City. Dr. Dennis G. Bellen, the medico-legal officer at Camp Crame found that Jennifer was in "non-virgin state physically." The examination disclosed a "congested, fleshy-type hymen with shallow healing laceration at 9 o'clock position and the external vaginal orifice admits tip of the examiner's smallest finger."^[8]

For his defense, accused-appellant denied the allegations against him.^[9] According to accused-appellant, he has been living with Jennifer's grandmother for ten (10)^[10] or eighteen (18) years.^[11] Accused-appellant claimed that Jennifer was not living with them during the time the alleged rape occurred.^[12] Later on, he testified that prior to July, 1997, Jennifer was living with them since 1990.^[13] However, Jennifer was taken from them sometime in July 1997, but he does not know why.^[14]

The trial court meted out its judgment of conviction on the basis of the victim's clear, trustworthy and positive testimony that she was raped several times by accused-appellant. Because of the penalty imposed, this case is now before us on automatic review.

On April 20, 1999, accused-appellant, through his counsel, filed a petition before this Court to dismiss the case that is subject of our automatic review because (i) the three-page double-spaced decision of the trial court is bereft of material facts supporting the conviction; (ii) the medico-legal certificate is merely a scrap of paper since the physician who conducted the examination was not presented as a witness that deprived accused-appellant of his right to cross-examination; (iii) the case of attempted homicide filed by the victim's grandmother against accused-appellant was provisionally dismissed; and (iv) accused-appellant was merely a "fall guy" and that another person is responsible for the commission of the crime charged against him.^[15]

In the appellant's brief filed on November 4, 1999, accused-appellant assigns the following errors-

"The lower court erred:

- "I. In promulgating a brief and short decision with material facts that have been omitted with no allusions to the transcripts of records erroneous of tenses and grammar jotted by the Court Stenographer.
- "II. In denying the accused his right to plead for a DNA Test to determine that the blood found in the panty of the victim is not his but of another man, Venancio Mendoza, live-in

husband of Jennelyn, mother of Jennifer Donayre, the victim.

“III. In not finding the accused as a ‘fall guy’ framed up to take the place of Venancio Mendoza, live-in husband of Jennelyn, mother of Jennifer, whose behavior in the courtroom as a witness has been beyond normal.”^[16]

The Philippine Constitution no less, mandates that no decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based.^[17] This vital requirement is not only demanded from the courts. Quasi-judicial bodies are similarly required to give basis for all their decisions, rulings or judgments pursuant to the Administrative Code^[18] whose roots may also be traced to the Constitutional mandate.

A decision need not be a complete recital of the evidence presented. So long as the factual and legal basis are clearly and distinctly set forth supporting the conclusions drawn therefrom, the decision arrived at is valid. Nonetheless, in order to effectively buttress the judgment arrived at, it is imperative that a decision should not be simply limited to the dispositive portion but must state the nature of the case, summarize the facts with references to the record, and contain a statement of the applicable laws and jurisprudence and the tribunal’s assessments and conclusions on the case. This practice would better enable a court to make an appropriate consideration of whether the dispositive portion of the judgment sought to be enforced is consistent with the findings of facts and conclusions of law made by the tribunal that rendered the decision.^[19] Compliance with this requirement will sufficiently apprise the parties of the various issues involved but more importantly will guide the court in assessing whether the conclusion arrived at is consistent with the facts and the law.

In the case at bar, the trial court’s decision may cast doubt as to the guilt of accused-appellant. Such doubt may be engendered not by the lack of direct evidence against accused-appellant but by the trial court’s failure to fully explain the correlation of the facts, the weight or admissibility of the evidence presented for or against the accused, the assessments made from the evidence presented, and the conclusions drawn therefrom after applying the pertinent law as basis of the decision.

Accused-appellant claims that the trial court erred in convicting him of the crime of rape despite prosecution’s failure to present the examining physician to appear in court depriving him of his constitutional right to confront a witness against him.^[20] However, a review of the transcript of stenographic notes reveal that accused-appellant’s counsel waived presentation of the medico-legal officer and thus, was not deprived of his constitutional right to confront said witness, to wit-

“PROS. ORQUIEZA:

Your Honor, I was informed by the mother of the private complainant that the doctor is no longer connected with the Crime Laboratory Service at Camp Crame, Quezon City but was reassigned to the Eastern Police District at Mandaluyong City.

"PROS. ORQUIEZA:

I just prefer that a subpoena be sent. We have to ask for the postponement.

"ATTY. ABUBAKAR:

We can dispense with the testimony.

"COURT:

Provided this is admitted.

"COURT:

Do you admit the due execution and authenticity of the report of the doctor?

"ATTY. ABUBAKAR:

We admit everything written here because (sic) doctor says.

"COURT:

Yes, whatever is written there, do you admit that?

ATTY. ABUBAKAR

Yes, your Honor.

"COURT:

No need to present the doctor

"PROS. ORQUIEZA:

We will no longer present Dr. Dennis G. Bellen of the Philippine National Police Crime Laboratory Service at Camp Crame, Quezon City. We have here the xerox copy of the medico legal report no. M-2831-97.

"COURT:

Will you show that to Atty. Abubakar.

"ATTY. ABUBAKAR:

Yes, your Honor.

"COURT:

Admitted.

You dispense the testimony of the doctor.^[21]

A medical certificate after all is not indispensable to prove the commission of rape. ^[22] It is well entrenched in our jurisprudence that a medical examination of the victim is not indispensable in a prosecution for rape inasmuch as the victim's

testimony alone, if credible, is sufficient to convict the accused of the crime.^[23] Besides, testimonies of rape victims who are of tender age are credible,^[24] and the testimonies of child-victims are given full weight and credit.^[25]

Accused-appellant likewise impugns the credibility of the victim by pointing out that the rape was filed one year after its commission, which allegedly leaves doubt as to the real identity of the culprit.

Delay in reporting an incident of rape does not create any doubt over the credibility of the complainant nor can it be taken against her.^[26] The following realities justified the delay in the filing of the case against accused-appellant: (1) the victim was merely six years old when she was sexually abused; (2) the victim lived separately from her mother and was left under her grandmother's care; and, (3) the victim's sexual abuser happens to be her step-grandfather.

According to accused-appellant, he was simply 'framed-up' and that another person also raped the victim.^[27] He avers that his allegation is supported by the testimony of the victim's mother Jenelyn that the victim was likewise abused by the latter's husband.

The categorical testimony of the victim that she was raped by accused-appellant cannot be overturned by the bare denial and defense of being 'framed-up' interposed by accused-appellant. The victim made a positive, clear and categorical declaration pointing to accused-appellant as the person who sexually ravaged her-

"Q: Are you the same Jennifer Donayre the private complainant against the accused Valentin Baring, Jr.?

"A: Yes, sir.

"x x x

x x x

x x x

"Q: Who is your father?

"A: I do not know the name of my father because my father and mother are separated.

"Q: If your father is in the courtroom can you point to him?

"A: Yes, sir. (Witness pointing to a man inside this courtroom when asked given [sic] his name as Valentin Baring.)

"Q: Is he your true father?

"A: No sir. He is my stepfather.

"Q: You were pointing to your stepfather, do you know what things or particular things, if any, he did to you?

"A: Yes, sir.

"Q: What were those particular things your stepfather had done to you?