

****Title:**** People of the Philippines v. Rolando Bagsic y Valenzuela

****Facts:****

This case revolves around the conviction of Rolando Bagsic y Valenzuela (“accused-appellant”) for the crimes of statutory rape and rape by sexual assault against a minor identified only as BBB. Three Informations were filed against the accused-appellant on 21 July 2009, in San Jose City, charging him with one count each of statutory rape, rape by sexual assault, and violation of Section 5(b) of R.A. No. 7610. The accused-appellant pleaded not guilty.

The prosecution’s case was built on the testimony of the victims, AAA and BBB, and their mother, CCC. BBB, then eight years old, described how the accused-appellant sexually abused her on two separate occasions, one involving forced insertion of his finger into her vagina and another attempted sexual intercourse. Her sister, AAA, also recounted an incident where the accused-appellant molested her by touching her breast. An Affidavit of Desistance was later executed by AAA, BBB, and CCC. In contrast, the defense presented the maternal grandmother of the victims, claiming false accusations due to family resentments.

****Issues:****

1. Whether the trial court erred in convicting the accused-appellant despite the prosecution’s alleged failure to prove his guilt beyond reasonable doubt.
2. The impact of the affidavit of desistance on the case’s outcome.
3. Correct interpretation and application of laws pertaining to statutory rape and rape by sexual assault, including the determination of appropriate penalties.

****Court’s Decision:****

The Supreme Court affirmed the conviction of accused-appellant, rejecting his pleas for acquittal. The Court held that the Affidavit of Desistance could not be given weight in deciding the case since rape had been reclassified as a crime against persons, allowing it to be prosecuted de officio. The Court found the testimonies of the prosecution witnesses, particularly BBB’s, convincing and unshaken by cross-examination. The appellate court’s findings corroborated with the medical evidence, confirming sexual abuse and supporting the conviction for both counts of rape.

****Doctrine:****

The reclassification of rape as a crime against persons under R.A. No. 8353, making an affidavit of desistance an insufficient ground for dismissing rape actions over which the court has assumed jurisdiction. The ruling emphasized the gravity of rape as a heinous crime and reinforced the principle that retractions and affidavits of desistance are viewed with disfavor, especially in crimes involving sexual abuse.

****Class Notes:****

- In cases of statutory rape: (1) carnal knowledge of the victim, and (2) the victim is below twelve (12) years old are the essential elements, where consent or force is immaterial.
- Rape by sexual assault involves (1) an act of sexual assault; (2) by inserting any instrument or object into the genital or anal orifice; and (3) under circumstances such as force, threat, or when the victim is incapable of giving consent.
- The credibility of young victims' testimonies in sexual abuse cases is upheld due to the improbability of fabricating stories entailing their defilement.
- Affidavits of Desistance are regarded with disfavor in criminal proceedings, especially in cases relating to sexual violence due to the potential for manipulation and re-victimization.

****Historical Background:****

This case reflects the evolving legal landscape regarding the prosecution of rape and other forms of sexual abuse in the Philippines. It underscores the shifting perspective from viewing rape merely as an offense against chastity to recognizing it as a severe violation of personal dignity and autonomy, thereby necessitating state intervention regardless of the victim's wishes. The decision also highlights the challenges in balancing between the rights of the accused and the protection of victims, especially minors, within the justice system.