

**\*\*Title:\*\* People of the Philippines vs. Edgardo Dimaano**

**\*\*Facts:\*\***

- **\*\*September 1993:\*\*** Maricar Dimaano, then 10 years old, was first sexually assaulted by her father, Edgardo Dimaano, in their home in Sucat, Parañaque. He forcibly inserted his penis into her anus.
- **\*\*Few Days Later:\*\*** Dimaano again sexually assaulted Maricar. He removed her clothing and his, positioned her on her side, and inserted his penis into her vagina.
- **\*\*November 1995:\*\*** Maricar confided the abuse to her mother.
- **\*\*December 29, 1995:\*\*** While Maricar was in the kitchen, Dimaano raised her t-shirt, kissed her breasts, and inserted his penis into her vagina. However, they stopped when her brother entered the room.
- **\*\*January 1, 1996:\*\*** Dimaano attempted to rape Maricar on the sofa but stopped due to the arrival of his wife.
- **\*\*January 3, 1996:\*\*** Maricar filed a complaint with the authorities, supported by a medical examination revealing deep hymenal lacerations.

**\*\*Procedural Posture:\*\***

1. **\*\*Filing of Complaints:\*\*** Maricar filed two counts of rape and one count of attempted rape against Dimaano.
2. **\*\*Trial Court Decision:\*\*** Dimaano was found guilty of two counts of rape, with penalties of reclusion perpetua and death, respectively, and one count of attempted rape, for which he received a prison sentence.
3. **\*\*Court of Appeals Decision:\*\*** Affirmed the trial court's decision with modifications on the damages.
4. **\*\*Supreme Court Review:\*\*** Elevated to the Supreme Court for automatic review due to the death penalty.

**\*\*Issues:\*\***

1. Whether the prosecution's evidence overcame the presumption of innocence of the accused.
2. Whether the voluntary execution of the affidavit of desistance by the complainant should cast doubt on the filing of the charges.

**\*\*Court's Decision:\*\***

- **\*\*Presumption of Innocence:\*\*** The Supreme Court upheld the trial court's finding that Maricar's testimony was credible and detailed, providing a truthful account of the incidents,

reinforcing the guilty verdict.

- **Affidavit of Desistance:** The affidavit was deemed unreliable as Maricar did not retract her accusation, and it was not executed with legal counsel's assistance. The court maintained that a criminal case belongs to the state, and such affidavits do not automatically terminate proceedings.

**Doctrine:**

- **Credibility of Child Victims:** The testimony of a minor rape victim is given full credibility, especially when detailed and consistent.

- **Affidavits of Desistance:** Such affidavits do not preclude the continuation of criminal proceedings once filed, especially in serious cases like rape.

- **Moral Ascendancy in Incestuous Rape:** In cases of incest, actual force or intimidation need not be proven where moral ascendancy suffices to establish coercion.

**Class Notes:**

- **Elements of Rape:** Sexual intercourse with a woman using force or intimidation, with a woman deprived of reason, or when the woman is below twelve years old.

- Statutory reference: Article 335 of the Revised Penal Code.

- **Attempted Rape:** Specific acts of execution that directly attempt to rape but do not complete the offense.

- Must be clearly alleged in the complaint or information.

- **Civil Indemnity and Moral Damages:** Mandatorily awarded in rape convictions without need for further proof due to assumed moral injury.

- **Rules of Evidence:** Secondary evidence accepted for public documents in custody of officials, such as birth certificates.

- Statutory reference: Section 3, Rule 130 of the Revised Rules on Evidence.

**Historical Background:**

- **Rape Law Amendment:** The case applied the early provisions of RA 7659, amending Article 335 of the Revised Penal Code, which introduced the death penalty for qualified rape, thus reflecting the heightened penal policy on crimes against chastity during the mid-1990s.

- The case also illustrates judicial attitudes to child witnesses and the probative weight of child testimony, influencing subsequent jurisprudence and legal procedures concerning child abuse and incestuous rape in Philippine law.