

Title: People of the Philippines v. Bernardo C. Gavino (Multiple Rape Convictions)

Facts:

1. The victim, referred to as AAA, accused her father, Bernardo C. Gavino, of multiple counts of rape beginning in 1989 when she was nine years old and continued until March 10, 1995.
2. AAA alleged that these sexual assaults occurred at their home when her mother was away, and her younger brothers were asleep in another room.
3. Gavino initially raped AAA by pulling her close, hitting her abdomen, and forcibly engaging in sexual intercourse with her, instilling fear and pain.
4. These acts continued over six years, with the last incident occurring on March 10, 1995, when Gavino assaulted and raped AAA again after sending her brothers to school early.
5. Due to fear, threats, and intimidation from her father, AAA kept silent but eventually confided in her science teacher who advised her to seek help from the Department of Social Welfare and Development (DSWD).
6. AAA subsequently sought assistance from DSWD, reported her father's actions to the police, and underwent a medical examination that confirmed signs of previous sexual intercourse and physical abuse.
7. While under the DSWD's care, AAA was allegedly coerced by her mother and others into signing a retraction (affidavit of desistance) while misled about its content, leading her to pursue an affidavit of retraction, clarifying she signed the previous under duress.
8. Bernardo Gavino was subsequently charged with multiple rapes. The defense argued that AAA's allegations were motivated by her desire to retaliate against her father for disapproving of her relationship with her boyfriend Lino Racho, whom they suggested was the actual perpetrator.
9. The trial court convicted Gavino of qualified rape and sentenced him to death, mandatorily transferring the appeal to the Supreme Court.

Issues:

1. Whether the testimony of AAA was credible and sufficient to establish Gavino's guilt

beyond reasonable doubt.

2. Whether the alleged coercion in signing the affidavit of desistance nullifies AAA's initial rape accusations.
3. Whether the prosecution failed to sufficiently prove the qualifying circumstances necessary for a conviction of qualified rape, specifically the victim's age and her relationship with the accused.
4. Determining the proper penalty in light of the findings on the nature of the offenses committed.

Court's Decision:

1. **Credibility of AAA's Testimony**: The Supreme Court sided with the trial court, affirming that AAA's testimony was credible, straightforward, and corroborated by medical evidence. Her account of the assaults included detailed narratives bolstered by physical examination results, supporting instances of sexual abuse.
2. **Affidavit of Desistance**: The Court found sufficient evidence that AAA's affidavit of desistance was made under duress. It held that affidavits of retraction are viewed with skepticism and given little weight when executed under coercion or when they seek to overturn detailed prior testimony.
3. **Qualifying Circumstances**: The Court agreed that the prosecution failed to present primary documentary evidence, such as a birth certificate or sufficient, reliable testimony to indisputably establish the age and filiation of AAA as qualifying circumstances warranting the death penalty for the charge of qualified rape.
4. **Correct Penalty**: The Supreme Court acknowledged insufficient proof for the qualifying circumstances necessitating the death penalty. It instead convicted Gavino of two counts of simple rape, sentencing him to reclusion perpetua for each count, alongside mandatory damages to be paid to AAA.

Doctrine:

The doctrine reiterated in this case emphasized the courts' caution regarding affidavits of retraction or desistance in criminal proceedings, acknowledging such documents can stem from coercion and should not automatically negate accusations unless voluntarily and freely

given.

Class Notes:

- Elements of Rape under Article 335 RPC: Carnal knowledge with or without consent, performed with force, threat, or intimidation; relevant for assessing violence or threat in sexual crimes.
- Evidentiary Requirements for Qualified Circumstances: Birth certificates, baptismal documents, or reliable pedigree testimony are essential to establish age or relationship factor raising qualifying circumstances paralleling stiffer penalties.

Historical Background:

This case reflects the increasing social concern and legal scrutiny over incestuous rape within family units, signaling shifts in jurisprudence towards empowering victims, holding perpetrators accountable, and acknowledging complex familial power dynamics in sexual assault cases. It highlights the judiciary's evolving understanding of victims' reluctance to promptly disclose abuses due to fear, manipulation, and coercion, particularly where testimonies are involved.