

Title: **People of the Philippines vs. Joselito Orje y Borce**

Facts:

1. **Initial Report and Information Filed:** On or about September 1, 2005, in Quezon City, Philippines, Joselito Orje y Borce was accused of raping his 16-year-old daughter, AAA. The accusation stated that the rape occurred inside their residence, and Orje allegedly used force and intimidation to accomplish the act.
2. **Pre-trial Stipulations and Plea:** During the pre-trial, it was stipulated that AAA is the biological daughter of the accused, was 16 years old at the time of the incident, and that both were residing in the same house at that time. Orje pleaded not guilty to the charge.
3. **Prosecution's Evidence:**
 - AAA testified about the assault, detailing how she woke up to her father pressing down on her, stripping her, and forcefully raping her despite her struggles to break free.
 - AAA also recounted a subsequent incident of molestation two days later and other instances of abuse in 2003 and 2004.
 - Police Inspector Edilberto Antonio presented a medico-legal report confirming deep healed lacerations on AAA's hymen, indicating forceful penetration.
4. **Defense's Evidence:**
 - AAA executed a Sinumpaang Salaysay (affidavit of desistance), claiming she fabricated the rape story under pressure from her aunt, CCC, due to a family grievance. She testified that there was no rape, asserting that her injuries were from consensual sex with her boyfriend.
5. **RTC Decision:**
 - The RTC found Orje guilty of rape beyond reasonable doubt, sentencing him to reclusion perpetua without eligibility for parole and awarding AAA damages.
6. **CA Decision:**
 - The CA affirmed the RTC's decision, emphasizing AAA's unequivocal testimony and the corroborating medico-legal evidence despite her subsequent recantation.

Issues:

1. **Credibility of the Complainant's Testimony:** Whether AAA's recantation should affect the credibility and weight of her original testimony affirming the rape incidents.
2. **Affidavit of Desistance:** Whether the affidavit of desistance executed by AAA could nullify her accusations and lead to the acquittal of the accused.
3. **Establishment of Guilt Beyond Reasonable Doubt:** Whether the prosecution sufficiently established Orje's guilt beyond reasonable doubt given AAA's initial testimony, corroborating evidence, and her later retraction.

Court's Decision:

1. **Affirmation of Guilty Verdict:**

- The Supreme Court upheld the guilty verdict, agreeing with the RTC and CA's evaluation, indicating that AAA's initial testimony was clear, consistent, and corroborated by medico-legal findings.

2. **Effect of Recantation:**

- The Court ruled that AAA's recantation and affidavit of desistance do not automatically vitiate her credible detailed testimony during the trial. It stated that affidavits of desistance are viewed with suspicion and are often regarded as unreliable unless supported by other substantive evidence. The court highlighted that a recantation could be motivated by intimidation or financial considerations.

3. **Credibility Assessment:**

- The Court noted that AAA's credible testimony and the physical evidence indicating trauma supported a finding of guilt beyond reasonable doubt. The rationale provided by AAA in her affidavit of desistance was inconsistent with her actions and testimony during the initial trial phase.

Doctrine:

1. **Affidavit of Desistance:** The affidavit of desistance is not necessarily controlling, especially when there is strong and credible evidence supporting the conviction. Courts should scrutinize such affidavits rigorously.

2. **Credibility of Rape Victim:** Provided that the testimony of a rape victim is credible, unequivocal, and corroborated by medical evidence, conviction can be sustained despite later retraction.

Class Notes:

- **Elements of Rape under Art. 266-A RPC:**

1. Accused had carnal knowledge of a woman.

2. Accomplished through force or intimidation, when the victim is unconscious or deprived of reason, or victim is under 12 years of age.

- **RA 8353 (Anti-Rape Law of 1997):** Reclassification of rape as a crime against persons, allowing prosecution de officio.

- **RA 7610:** Provides for special protection against child abuse, including sexual offenses.

- **Key Statutory Provisions:** Art. 266-A and Art. 266-B of the Revised Penal Code, outlining the penalties and circumstances for rape and qualified rape cases.

Historical Background:

The context of the case reflects the comprehensive approach that the Philippine legal system takes towards addressing and prosecuting crimes of incestuous rape, emphasizing strong protection for minor victims. The case also highlights the broader social and legal challenges of dealing with recantation and the reliability of affidavits of desistance, particularly in sensitive familial contexts.