



Republic of the Philippines  
Supreme Court  
Office of the Court Administrator  
Manila

**OCA CIRCULAR NO. 334-2023**

**TO: ALL JUDGES OF THE SECOND LEVEL COURTS**

**SUBJECT: REMINDERS IN RESOLVING DESISTANCE OR SETTLEMENT IN INCESTUOUS RAPE CASES**

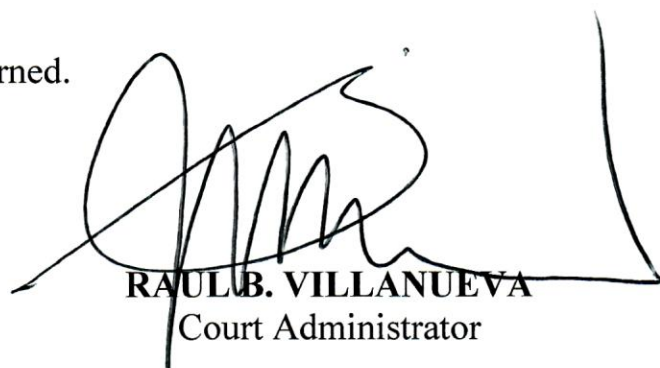
In view of reports concerning dismissals of cases involving violations of Republic Act No. 7610, particularly in incestuous rape cases, on the mere filing of an Affidavit of Desistance or a settlement agreed to by the private offended party or by their parents or legal guardians during trial, all Judges of the Second Level Courts are hereby **REMINDED** to carefully assess and be circumspect in acting on the desistance and/or settlement in such cases.

In pursuit of the Court's policy in protecting the rights of the children from all forms of abuse and taking into account that, in incestuous rape cases, the perpetrator "*takes full advantage of his blood relationship, ascendancy, and influence over his victim, both to commit the sexual assault and to intimidate the victim into silence,*"<sup>1</sup> making it difficult for the victim to manage to break out from the cycle of fear and terror, any kind of settlement agreed to by the affected parties shall be **PROHIBITED** for being contrary to law and public policy.

On the other hand, any affidavit of desistance filed during the trial should be **acted upon with more discernment and/or treated with less favor.**

For the guidance of all concerned.

22 September 2023



**RAUL B. VILLANUEVA**  
Court Administrator

 atp/fdp/mda/olive

<sup>1</sup> People vs. Melivo, G.R. No. 113029, February 8, 1996; People vs. Alba, G.R. No. 131858-59, April 14, 1999; People vs. De Leon, G.R. No. 130985, December 3, 1999.