



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **January 8, 2020**, which reads as follows:*

“**G.R. No. 241782 (People of the Philippines, Plaintiff-Appellee, v. ZZZ,¹ Accused-Appellant)**. Before this Court, herein accused-appellant filed an appeal² against the Decision³ dated 15 December 2017 rendered by the Court of Appeals (CA), which confirmed his conviction for qualified rape as defined and penalized under Article 266-A, in relation to Article 266-B of the Revised Penal Code (RPC).

The CA affirmed with modification the ruling of the trial court through the assailed decision, *viz:*

WHEREFORE, the appeal is hereby **DENIED** for lack of merit. The November 17, 2016 Judgment of the Regional Trial Court, Branch 42 of Virac, Catanduanes in Criminal Case Nos. 5234 and 5235 which found accused-appellant ZZZ **GUILTY** beyond reasonable doubt of two counts of Rape as defined and penalized under Article 266-A, in relation to Article 266-B, of the Revised Penal Code is hereby **AFFIRMED WITH MODIFICATIONS**. For each count of rape, We increase the awarded civil indemnity from Php 50,000.00 to Php 100,000.00; moral damages from Php 50,000.00 to Php 100,000.00 and exemplary damages from Php 30,000.00 to Php 100,000. All monetary awards shall earn interest at the legal rate of six percent (6%) *per annum* from the date of finality of this Decision until fully paid. Accused-appellant is further ordered to support the offspring born as a consequence of the rape. The amount of support shall be determined by the trial court after due notice and hearing, with support in arrears to be reckoned from the date the appealed decision was promulgated by the trial court.

¹ The identity of the victim or any information which could establish or compromise her identity, including the names of her immediate family or household members, and the *barangay* and town of the incident, are withheld pursuant to SC Amended Administrative Circular No. 83-2015. The real name of the accused-appellant is also replaced with fictitious initials by reason of his relationship to the minor victim.

² *Rollo*, pp. 18-20.

³ *Id.* at 2-17; penned by CA Associate Justice Ramon Paul L. Hernando (now a Member of this Court), with Associate Justices Marlene B. Gonzales-Sison and Rafael Antonio M. Santos, concurring.

SO ORDERED.⁴

However, during the pendency of the case, the Bureau of Corrections, through a letter dated 11 March 2019, informed the Court of accused-appellant's death on 25 June 2018.⁵ In compliance with the Court's Resolution dated 01 July 2019,⁶ the Superintendent of the New Bilibid Prison-South submitted a certified true copy of accused-appellant's death certificate.⁷ The OIC of the Inmates' Documents and Processing Division, Bureau of Corrections also submitted a certified machine copy of accused-appellant's death certificate.⁸

Accused-appellant's demise pending his appeal before this Court effectively extinguished his criminal and civil liabilities.

Article 89 of the RPC pertinently provides:

ART. 89. *How criminal liability is totally extinguished.* – Criminal liability is totally extinguished:

– By the death of the convict, as to the personal penalties; and as to pecuniary penalties, liability therefore is extinguished only when the death of the offender occurs before final judgment;

x x x x

In *People v. Antido*,⁹ the Court reiterated the rules in case an accused dies prior to final judgment:

1. Death of the accused pending appeal of his conviction extinguishes his criminal liability, as well as the civil liability, based solely thereon. As opined by Justice Regalado, in this regard, "the death of the accused prior to final judgment terminates his criminal liability and only the civil liability directly arising from and based solely on the offense committed, *i.e.*, civil liability *ex delicto in senso strictiore*."

2. Corollarily, the claim for civil liability survives notwithstanding the death of accused, if the same may also be predicated on a source of obligation other than delict. Article 1157 of the Civil Code enumerates these other sources of obligation from which the civil liability may arise as a result of the same act or omission:

⁴ *Id.* at 16.

⁵ *Id.* at 30.

⁶ *Id.* at 40-41.

⁷ *Id.* at 43; 46-47.

⁸ *Id.* at 48-50.

⁹ G.R. No. 208651, 14 March 2018, 859 SCRA 74, 77-78.

- a. Law
- b. Contracts
- c. Quasi-contracts
- d. xxx
- e. Quasi-delicts

3. Where the civil liability survives, as explained in Number 2 above, an action for recovery therefor may be pursued but only by way of filing a separate civil action and subject to Section 1, Rule 111 of the 1985 Rules on Criminal Procedure as amended. This separate civil action may be enforced either against the executor/administrator or the estate of the accused, depending on the source of obligation upon which the same is based as explained above.

4. Finally, the private offended party need not fear a forfeiture of his right to file this separate civil action by prescription, in cases where during the prosecution of the criminal action and prior to its extinction, the private-offended party instituted together therewith the civil action. In such case, the statute of limitations on the civil liability is deemed interrupted during the pendency of the criminal case, conformably with provisions of Article 1155 of the Civil Code, that should thereby avoid any apprehension on a possible privation of right by prescription. (Citation omitted)

Clearly, the death of accused-appellant pending appeal of his conviction extinguishes his criminal liability, as well as his civil liability *ex delicto*. However, it is well to clarify that accused-appellant's civil liability in connection with his acts against the victim, AAA, may be based on sources other than delicts, in which case AAA may file a separate civil action against the estate of accused-appellant, as may be warranted by law and procedural rules.¹⁰

WHEREFORE, the Court **RESOLVES** to:

(1) **NOTE** the letter dated 03 October 2019 issued by CSSupt. Bonifacio M. Lambiquit, Superintendent of the New Bilibid Prison-South, Bureau of Corrections, Muntinlupa City, providing the Court with a certified true copy of the Certificate of Death of accused-appellant;

(2) **NOTE** the letter dated 01 October 2019 of CSSupt. Daisy S. Castillote, Officer-in-Charge of the Inmates' Documents and Processing Division, Bureau of Corrections, Muntinlupa City, submitting a certified machine copy of the death certificate of accused-appellant;

¹⁰ *Id.*

(3) **SET ASIDE** the Decision dated 15 December 2017 rendered by the Court of Appeals in CA-G.R. CR HC No. 08868; and

(4) **DISMISS** Criminal Case Nos. 5234 and 5235 before Branch 42, Regional Trial Court of Virac, Catanduanes by reason of accused-appellant ZZZ's death on 25 June 2018.

SO ORDERED."

Very truly yours,

Mis D C Batt
MISAELO DOMINGO C. BATTUNG III
Deputy Division Clerk of Court *grw 2/19/20*

Special & Appealed Cases Service
PUBLIC ATTORNEY'S OFFICE
DOJ Agencies Building
East Avenue cor. NIA Road
1104 Diliman, Quezon City

COURT OF APPEALS
CA G.R. CR HC No. 08868
1000 Manila

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo Street
1229 Legaspi Village, Makati City

The Presiding Judge
REGIONAL TRIAL COURT
Branch 42, Virac
4800 Catanduanes
(Criminal Case Nos. 5234 and 5235)

CSSupt. Bonifacio M. Lambiquit
Superintendent
New Bilibid Prison South
BUREAU OF CORRECTIONS
1770 Muntinlupa City

CSSupt. Daisy S. Castillote
Officer-in-Charge
Inmates' Documents and Processing Division
BUREAU OF CORRECTIONS
1770 Muntinlupa City

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