PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BRINGAS BUNAY Y DAM-AT, ACCUSED-APPELLANT.

G.R. No. 171268. September 14, 2010

Ponente: BERSAMIN, J.

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BERSAMIN, J.:

The Regional Trial Court (RTC), Branch 26, in Luna, Apayao tried and found the accused guilty of qualified rape in its decision dated December 11, 2001, the decretal portion of which reads:

> WHEREFORE, finding the accused, BRINGAS BUNAY y DAM-AT guilty beyond reasonable doubt of the crime of Rape as charged against him, this court hereby sentences said accused to suffer the Supreme Penalty of DEATH.
>
> The accused is further ordered to pay the victim, "AAA", the amount of Seventy Five Thousand (P75,000.00) by way of civil indemnity plus exemplary and moral damages of Sixty Thousand Pesos (P60,000.00).
>
> The accused is ordered to be immediately shipped to New Bilibid Prisons, Muntinlupa City, for imprisonment thereat while awaiting the review of this decision by the Supreme Court.
>
> IT IS SO ORDERED.[1]

On December 13, 2001, the accused was committed to the New Bilibid Prison in Muntinlupa City, per the certification issued on August 14, 2002 by the Director of the Bureau of Corrections.[2]

The conviction was brought for automatic review, but the Court transferred the case to the CA for intermediate review on November 9, 2004,[3] conformably with People v. Mateo.[4]

On August 10, 2005, the Court of Appeals (CA) affirmed the conviction of the accused for qualified rape in C.A.-G.R. No. CR HC No. 00758,[5] viz:

> IN LIGHT OF THE FOREGOING, the assailed Decision of the Regional Trial Court of Luna, Apayao, Branch 26 in Criminal Case No. 5-2001 is hereby AFFIRMED.
>
> SO ORDERED.

Following the CA's denial of his motion for reconsideration, the accused now appeals to the Court.

On April 20, 2010, the Court received the letter dated April 15, 2010 from Bureau of Corrections Assistant Director for Operations Rodrigo A. Mercado, advising that the accused had died on March 25, 2010 at the New Bilibid Prison Hospital in Muntinlupa City. The report of Dr. Marylou V. Arbatin, Medical Officer III, revealed that the immediate cause of death had been cardio-respiratory arrest, with pneumonia as the antecedent cause.

On June 22, 2010, the Court required the Bureau of Corrections to submit a certified true copy of the death certificate of the accused.

By letter dated August 16, 2010, Armando T. Miranda, Chief Superintendent of the New Bilibid Prison, submitted the death certificate of the accused.

Under the foregoing circumstances, the death of the accused during the pendency of his appeal in this Court totally extinguished his criminal liability. Such extinction is based on Article 89 of the Revised Penal Code, which pertinently provides:

> Article 89. How criminal liability is totally extinguished. -- Criminal liability is totally extinguished:
>
> 1. By the death of the convict, as to the personal penalties; and as to pecuniary penalties, liability therefor is extinguished only when the death of the offender occurs before final judgment.
>
> xxx

The death of the accused likewise extinguished the civil liability that was based exclusively on the crime for which the accused was convicted (i.e., ex delicto), because no final judgment of conviction was yet rendered by the time of his death. Only civil liability predicated on a source of

obligation other than the delict survived the death of the accused, which the offended party can recover by means of a separate civil action.[6]

UPON THE FOREGOING CONSIDERATIONS, the appeal of the accused is dismissed, and this criminal case is considered closed and terminated.

SO ORDERED.

Corona, C.J., Carpio, Carpio Morales, Velasco, Jr., Peralta, Del Castillo, Abad, Villarama, Jr., Perez, and Sereno, JJ., concur.
Nachura, Leonardo-De Castro, Brion, and Mendoza, JJ., on leave.

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[1] Original Records, p. 116.

[2] CA Rollo, p. 30.

[3] Id., p. 113.

[4] G.R. Nos. 147678-87, 7 July 2004, 433 SCRA 640.

[5] CA Rollo, pp. 115-123; penned by Associate Justice Jose. L. Sabio, Jr. (retired) and concurred in by Associate Justice Hakim Abdulwahid and Associate Justice Magdangal De Leon.

[6] People v. Bayotas, G.R. No. 102007, September 2, 1994, 236 SCRA 239.

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