

## PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RONIE DE GUZMAN, APPELLANT.

*G.R. No. 185843. March 03, 2010*

Ponente: NACHURA, J.

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### NACHURA, J.:

This resolves the motion for extinguishment of the criminal action and reconsideration of our Resolution dated July 20, 2009 filed by appellant Ronie de Guzman.

Appellant was indicted before the Regional Trial Court, Branch 163, Pasig City, for two counts of rape. He pled "not guilty" when arraigned. After pretrial and trial, the trial court found him guilty as charged and imposed on him the penalty of reclusion perpetua for each count. The trial court further ordered him to indemnify the victim P50,000.00 in each case or a total amount of P100,000.00 as civil indemnity.

On appeal, the Court of Appeals (CA) affirmed, in its Decision dated March 27, 2008, appellant's conviction, but modified it with an additional award of P50,000.00 for each case, or an aggregate amount of P100,000.00, as moral damages.

Appellant elevated the case to this Court on appeal.

In a Resolution dated July 20, 2009, we dismissed the appeal for failure of appellant to sufficiently show reversible error in the challenged decision as would warrant the exercise of the Court's appellate jurisdiction. Accordingly, the March 27, 2008 Decision of the CA was affirmed in toto.

In the instant motion, appellant alleges that he and private complainant contracted marriage on August 19, 2009, solemnized by Reverend Lucas R. Dangatan of Jeruel Christ-Centered Ministries, Inc. at the Amazing Grace Christian Ministries, Inc., Bldg. XI-A, Bureau of Corrections, Muntinlupa City. Attached to the motion is the pertinent Certificate of Marriage[1] and a joint sworn statement ("Magkasamang Sinumpaang Salaysay")[2] executed by appellant and private complainant, attesting to the existence of a valid and legal marriage between them. Appellant, thus, prays that he be absolved of his conviction for the two counts of rape and be released from imprisonment, pursuant to Article 266-C[3] of the Revised Penal Code (RPC).

In its Comment/Manifestation,[4] appellee, through the Office of the Solicitor General, interposed no objection to the motion, finding the marriage to have been contracted in good faith, and the motion to be legally in order.

The motion should be granted.

In relation to Article 266-C of the RPC, Article 89 of the same Code reads -

ART. 89. How criminal liability is totally extinguished. - Criminal liability is totally extinguished:

x x x x

7. By the marriage of the offended woman, as provided in Article 344 of this Code.

Article 344 of the same Code also provides -

ART. 344. Prosecution of the crimes of adultery, concubinage, seduction, abduction, rape, and acts of lasciviousness. - x x x.

In cases of seduction, abduction, acts of lasciviousness, and rape, the marriage of the offender with the offended party shall extinguish the criminal action or remit the penalty already imposed upon him. x x x.

On several occasions, we applied these provisions to marriages contracted between the offender and the offended party in the crime of rape,[5] as well as in the crime of abuse of chastity,[6] to totally extinguish the criminal liability of and the corresponding penalty that may have been imposed upon those found guilty of the felony. Parenthetically, we would like to mention here that prior to the case at bar, the last case bearing similar circumstances was decided by this Court in 1974, or around 36 years ago.

Based on the documents, including copies of pictures[7] taken after the ceremony and attached to the motion, we find the marriage between appellant and private complainant to have been contracted validly, legally, and in good faith, as an expression of their mutual love for each other and their desire to establish a family of their own. Given public policy considerations of respect for the sanctity of marriage and the highest regard for the solidarity of the family, we must accord appellant the full benefits of Article 89, in relation to Article 344 and Article 266-C of the RPC.

WHEREFORE, the motion is GRANTED. Appellant Ronie de Guzman is ABSOLVED of the two (2) counts of rape against private complainant Juvilyn Velasco, on account of their subsequent marriage, and is ordered RELEASED from imprisonment.

Let a copy of this Resolution be furnished the Bureau of Corrections for appropriate action. No costs.

**SO ORDERED.**

Corona, (Chairperson), Velasco, Jr., Del Castillo,[\*] and Mendoza, JJ., concur.

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[\*] Additional member in lieu of Associate Justice Diosdado M. Peralta per Special Order No. 824 dated February 12, 2010.

[1] Annex "A" to the motion; rollo, p. 35.

[2] Annex "C" to the motion; rollo, p. 37.

[3] ART. 266-C. Effect of Pardon. - The subsequent valid marriage between the offender and the offended party shall extinguish the criminal action or the penalty imposed.

In case it is the legal husband who is the offender, the subsequent forgiveness by the wife as the offended party shall extinguish the criminal action or the penalty: Provided, That the crime shall not be extinguished or the penalty shall not be abated if the marriage be void ab initio. (Emphasis supplied.)

[4] Rollo, pp. 43-51.

[5] *People v. Velasco*, G.R. No. L-28081, January 21, 1974, 55 SCRA 217; *People v. Miranda*, 57 Phil. 274 (1932); *Laceste v. Santos*, 56 Phil. 472 (1932).

[6] *People v. Mariano*, 50 Phil. 587 (1927).

[7] Annex "B" to the motion; rollo, p. 36.

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