

## PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DOMINGO PANITERCE, ACCUSED-APPELLANT.

*G.R. No. 186382. April 05, 2010*

Ponente: LEONARDO-DE CASTRO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-186382/>

---

### LEONARDO-DE CASTRO, J.:

Before Us is an appeal filed by Domingo Paniterce y Martinez (Paniterce) assailing the Decision [1] dated August 22, 2008 of the Court of Appeals in CA-G.R. CR-H.C. No. 01001, entitled *People of the Philippines v. Domingo Paniterce*," which affirmed with modification the Decision dated March 2, 2005 of the Regional Trial Court (RTC) of Iriga City, Branch 37, in Criminal Case Nos. 6076, 6077, 6078, 6079, 6080 and 6081.[2] The RTC found Paniterce guilty beyond reasonable doubt of the crimes of Rape and Acts of Lasciviousness.

In four Informations, all dated February 11, 2002, 4[th] Assistant Provincial Prosecutor Hedy S. Aganan charged Paniterce with four counts of rape of his daughter AAA. Except for the dates[3] of the commission of the rapes, the four Informations identically read:

Criminal Case Nos. 6076, 6077, 6078 and 6079

That sometime in the year 1997 in x x x Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with grave abuse of confidence being the father of the offended party with lewd designs by means of force and intimidation, did then and there willfully, unlawfully and feloniously succeed in having carnal knowledge with his daughter AAA, a 10 year-old minor, against her will and without her consent, to her damage and prejudice in such amount as may be awarded by the Honorable Court.[4]

In two Amended Informations, both dated December 3, 2002, Assistant Provincial Prosecutor Daniel M. Salvadora charged Paniterce with two counts of rape of his other daughter BBB. Aside from the dates[5] of the commission of the rapes, the Informations similarly state:

Criminal Case Nos. 6080 and 6081

That on or about 6:00 o'clock in the morning of August 26, 2000 x x x Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with grave abuse of confidence being the father of the offended party with lewd designs by means of force and intimidation, did then and there willfully, unlawfully and feloniously committed RAPE upon his 12- year old daughter BBB by then and there, caressing and inserting his finger inside her vagina against her will and without her consent, to her damage and prejudice in such amount as may be awarded by the Honorable Court.[6]

When arraigned, Paniterce pleaded not guilty to all the charges.

After trial on the merits, the RTC rendered a Decision on March 2, 2005, with the following dispositive portion:

WHEREFORE, in view of all the foregoing, the prosecution having proved the guilt of accused Domingo Paniterce of the crimes of Rape as charged in the aforementioned Informations, he is hereby sentenced to suffer the penalties of imprisonment, to wit:

In Criminal Case No. 6076, he is hereby sentenced to suffer the penalty of imprisonment ranging from FOUR (4) MONTHS and ONE (1) DAY of arresto mayor as minimum to FOUR (4) YEARS, TWO (2) MONTHS AND ONE (1) DAY of prision correccional as maximum for Acts of Lasciviousness under Article 336 of the Revised Penal Code as the alleged molestation took place in April 1997 and RA 8353 took effect only on October 22, 1997;

In Criminal Cases Nos. 6077, 6078, 6080 and 6081, he is hereby sentenced to suffer in each every case the penalty of imprisonment ranging from FOUR (4) YEARS, TWO (2) MONTHS and ONE (1) DAY of prision correccional as minimum to EIGHT (8) YEARS and ONE (1) DAY of prision mayor as maximum and to pay AAA and BBB Fifty Thousand Pesos (P50,000.00) each as moral damages and Fifty Thousand Pesos (P50,000.00) as exemplary damages;

In Criminal Case No. 6079, he is hereby sentenced to suffer the penalty of DEATH and to pay AAA the amount of Fifty Thousand Pesos (P50,000.00) as moral damages and Fifty Thousand Pesos (P50,000.00) as exemplary damages.[7]

On June 4, 2005, Paniterce was committed to the Bureau of Corrections in Muntinlupa City.

Paniterce filed an appeal with the Court of Appeals, which was docketed as CA-G.R. CR-H.C. No. 01001. The appellate court rendered a Decision on August 22, 2008 affirming the RTC judgment with modifications, to wit:

WHEREFORE, the Decision of the trial court convicting DOMINGO PANITERCE is hereby AFFIRMED with the following modifications:

- For Acts of Lasciviousness, in Criminal Cases Nos. 6077, 6078, 6080 and 6081, appellant is hereby sentenced to suffer in each [and] every case an indeterminate prison term of six (6) months of arresto mayor, as minimum, to six (6) years of prision correccional, as maximum and to pay AAA and BBB Fifty Thousand Pesos (P50,000.00) each as moral damages and Fifty Thousand Pesos (P50,000.00) as exemplary damages; and
- For Rape, in Criminal Case No. 6079, appellant is hereby sentenced to suffer the penalty of Reclusion Perpetua and to pay AAA the amount of Fifty Thousand Pesos (P50,000.00) as moral damages and Fifty Thousand Pesos (P50,000.00) as exemplary damages.

The decision of the trial court finding appellant guilty for Acts of Lasciviousness in Criminal Case No. 6076 is AFFIRMED without any modification.[8]

On 16 September 2008, Paniterce, through counsel, filed a Notice of Appeal with the Court of Appeals conveying his intention to appeal to us the aforementioned Decision dated August 22, 2008 of the appellate court. The Court of Appeals gave due course to Paniterce's Notice of Appeal on September 23, 2008,[9] and directed its Judicial Records Division to elevate to us the original records in CA-G.R. CR-H.C. No. 01001.

On 15 April 2009, we required[10] the parties to file their supplemental briefs, and the Director of the Bureau of Corrections to confirm the commitment of Paniterce at the Bureau of Corrections and submit his report thereon within 10 days from notice.

Paniterce filed his Supplemental Brief[11] on June 16, 2009, while the Office of the Solicitor General filed a Manifestation[12] on June 18, 2009 stating that it would no longer file a supplemental brief considering that Paniterce did not raise any new issue in his appeal. On July 22, 2009, we submitted G.R. No. 186382 for resolution.

However, in a letter dated October 12, 2009, Julio A. Arciaga, the Assistant Director for Prisons and Security of the Bureau of Corrections, informed us that Paniterce had died on August 22, 2009 at the New Bilibid Prison Hospital. Paniterce's Death Certificate was attached to said letter.

Given Paniterce's death, we are now faced with the question of the effect of such death on the present appeal.

Paniterce's death on August 22, 2009, during the pendency of his appeal, extinguished not only his criminal liabilities for the rape and acts of lasciviousness committed against his daughters, but also his civil liabilities solely arising from or based on said crimes.

According to Article 89(1) of the Revised Penal Code, criminal liability is totally extinguished:

- 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.

Applying the foregoing provision, we laid down the following guidelines in *People v. Bayotas* [13]:

- 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 *sensu strictiore*."

- Corollarily, the claim for civil liability survives notwithstanding the death of (the) 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:

a) Law

b) Contracts

c) Quasi-contracts

x x x x

e) Quasi-delicts

- 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.

- 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 the provisions of Article 1155 of the Civil Code that should thereby avoid any apprehension on a possible privation of right by prescription.[14]

Clearly, it is unnecessary for the Court to rule on Paniterce's appeal. Whether or not he was guilty of the crimes charged has become irrelevant since, following Article 89(1) of the Revised Penal Code and our disquisition in *Bayotas*, even assuming Paniterce had incurred criminal liabilities, they were totally extinguished by his death. Moreover, because Paniterce's appeal was still pending and no final judgment of conviction had been rendered against him when he died, his civil liabilities arising from the crimes, being civil liabilities *ex delicto*, were likewise extinguished by his death.

Consequently, the appealed Decision dated August 22, 2008 of the Court of Appeals - finding Paniterce guilty of rape and acts of lasciviousness, sentencing him to imprisonment, and ordering him to indemnify his victims - had become ineffectual.

WHEREFORE, in view of the death of accused-appellant Domingo Paniterce y Martinez, the Decision dated August 22, 2008 of the Court of Appeals in CA-G.R. CR-H.C. No. 01001 is SET ASIDE and Criminal Case Nos. 6076, 6077, 6078, 6079, 6080, and 6081 before the Regional Trial Court of Iriga City are DISMISSED. Costs de oficio.

**SO ORDERED.**

Puno, C.J., (Chairperson), Carpio Morales, Bersamin, and Villarama, Jr., JJ., concur.

---

[1] Penned by Associate Justice Romeo F. Barza with Associate Justices Mariano C. del Castillo and Arcangelita M. Romilla-Lontok, concurring. Rollo, pp. 2-22.

[2] CA rollo, pp. 92-102.

[3] In Criminal Case No. 6076, sometime in the year 1997; in Criminal Case No. 6077, on or about April 1999; in Criminal Case No. 6078, May 2, 1999; and in Criminal Case No. 6079, sometime in the year 2000. (CA rollo, pp. 27-30.)

[4] CA rollo, p. 27.

[5] In Criminal Case No. 6080, August 26, 2000; and in Criminal Case No. 6081, August 27, 2000. (CA rollo, pp. 31-32.)

[6] CA rollo, p. 31.

[7] Id. at 102.

[8] Rollo, pp. 20-21.

[9] Id. at 26.

[10] Id. at 32-33.

[11] Id. at 35-38.

[12] Id. at 41-42.

[13] G.R. No. 102007, September 2, 1994, 236 SCRA 239.

[14] Id. at 255-256.

**ABOUT BATAS.ORG**

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

**The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

**Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

**Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

**The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

**Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

**A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.