

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DEMOCRITO PARAS, ACCUSED-APPELLANT.

G.R. No. 192912. October 03, 2014

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

The accused-appellant Democrito Paras was charged with one count of rape before the Regional Trial Court (RTC) of Toledo City, Branch 29, in Criminal Case No. TCS-2729, which crime was allegedly committed against AAA[1] who was 17 years old at the time of the incident in March 1996.

After trial on the merits, the RTC rendered its Decision[2] dated October 18, 2005, which found the accused-appellant guilty of the crime charged. The dispositive portion of the RTC judgment states:

WHEREFORE, all the foregoing considered, this Court finds the guilt of the accused DEMOCRITO PARAS to have been proved beyond peradventure of a reasonable doubt and he is hereby sentenced to suffer the penalty of RECLUSION PERPETUA and to indemnify the offended party [AAA] the sum of P50,000.00 by way of compensatory damages plus the amount of P100,000.00 as and for moral damages.[3]

On appeal, the Court of Appeals upheld the judgment of the trial court in a Decision[4] dated February 2, 2010 in CA-G.R. CEB CR.-H.C. No. 00465. The appellate court decreed:

WHEREFORE, premises considered the Decision dated October 18, 2005 of the Regional Trial Court, Branch 29, Toledo City, in Criminal Case No. TCS-2729 is hereby AFFIRMED with MODIFICATION.

As modified, accused-appellant is found guilty beyond reasonable doubt of the crime of qualified rape as defined and penalized in Article 335 of the Revised Penal Code, as amended by Section 11 of Republic Act No. 7659, and is hereby sentenced to suffer the penalty of reclusion perpetua. Accused-appellant is ordered to pay the private complainant the amount of P50,000.00 only as moral damages plus exemplary damages in the amount of P25,000.00. The award of civil indemnity in the amount of P50,000.00 stands.[5]

On February 15, 2010, the accused-appellant appealed[6] the above decision to this Court.

On June 4, 2014, the Court promulgated its Decision,[7] affirming the judgment of conviction against the accused-appellant in this wise:

WHEREFORE, the Court AFFIRMS with MODIFICATIONS the Decision dated February 2, 2010 of the Court of Appeals in CA-G.R. CEB CR.-H.C. No. 00465. The accused-appellant is found GUILTY beyond reasonable doubt of one count of rape and is sentenced to suffer the penalty of reclusion perpetua. The accused-appellant is ORDERED to pay AAA Fifty Thousand Pesos (P50,000.00) as civil indemnity, Fifty Thousand Pesos (P50,000.00) as moral damages, and Thirty Thousand Pesos (P30,000.00) as exemplary damages, plus legal interest on all damages awarded at the rate of 6% per annum from the date of finality of this Decision.

Costs against the accused-appellant.[8]

In a letter[9] dated August 18, 2014, however, Police Superintendent (P/Supt.) I Roberto R. Rabo, Officer-in-Charge, New Bilibid Prison, informed the Court that the accused-appellant had died at the New Bilibid Prison Hospital in Muntinlupa City on January 24, 2013. Attached to the letter is a certified true copy of the Death Certificate[10] of the accused-appellant, stating that he died of pulmonary tuberculosis at 8:45 p.m. on January 24, 2013. The Court received P/Supt. I Rabo's letter only on August 27, 2014.

Under Article 89, paragraph 1 of the Revised Penal Code, as amended, the death of an accused pending his appeal extinguishes both his criminal and civil liability *ex delicto*. Said provision reads:

Art. 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 therefore is extinguished only when the death of the offender occurs before final judgment[.]

The Court, in *People v. Bayotas*,[11] enunciated the following guidelines construing the above provision in case the accused dies before 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:

- 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. (Citations omitted; emphasis ours.)

Thus, upon the death of the accused pending appeal of his conviction, the criminal action is extinguished inasmuch as there is no longer a defendant to stand as the accused; the civil action instituted therein for the recovery of civil liability *ex delicto* is *ipso facto* extinguished, grounded as it is on the criminal action.

In this case, when the accused-appellant died on January 24, 2013, his appeal to this Court was still pending. The Decision dated June 4, 2014 was thereafter promulgated as the Court was not immediately informed of the accused-appellant's death.

The death of the accused-appellant herein, thus, extinguished his criminal liability, as well as his civil liability directly arising from and based solely on the crime committed.

Accordingly, the Court's Decision dated June 4, 2014 had been rendered ineffectual and the same must therefore be set aside. The criminal case against the accused-appellant must also be dismissed.

WHEREFORE, the Court RESOLVES to SET ASIDE its Decision dated June 4, 2014 and DISMISS Criminal Case No. TCS-2729 before the RTC of Toledo City, Branch 29, by reason of the death of the accused-appellant Democrito Paras on January 24, 2013.

SO ORDERED.

Sereno, CJ., (Chairperson), Bersamin, Villarama, Jr., and Reyes, JJ., concur.

[1] The real names of the private complainant and those of her immediate family members are withheld per Republic Act No. 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act); Republic Act No. 9262 (Anti-Violence Against Women and Their Children Act of 2004); and A.M. No. 04-10-11-SC effective November 15, 2004 (Rule on Violence Against Women and Their Children). See *People v. Cabalquinto*, 533 Phil. 703 (2006).

[2] Records, pp. 542-553; penned by Executive Judge Cesar O. Estrera.

[3] *Id.* at 553.

[4] Rollo, pp. 2-13; penned by Associate Justice Samuel II. Gaerlan with Associate Justices Agnes Reyes Carpio and Socorro B. Inting, concurring.

[5] *Id.* at 12-13.

[6] *Id.* at 14.

[7] *Id.* at 32-40.

[8] *Id.* at 38.

[9] *Id.* at 41.

[10] *Id.* at 42-43.

[11] G.R. No. 102007, September 2, 1994, 236 SCRA 239, 255-256.

[12] *Id.* at 251.

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