

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. GREGORIO SUMAYA Y DALOGDOG, ACCUSED-APPELLANT.

G.R. Nos. 93281-84. November 17, 1994

Ponente: PADILLA, J.

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PADILLA, J.:

Accused-appellant Gregorio Sumaya y Dalogdog was charged 30 October 1989 with rape and attempted rape four (4) separate informations before the Regional Trial Court of Iligan City, Branch 6[1], docketed as Criminal Cases Nos. 06-2298, 2304, 2306, and 2305.

Upon arraignment, the accused pleaded not guilty to the charges. Trial on the merits ensued and was in due course concluded. A decision was rendered finding accused guilty of the afore-stated charges. From the judgment of conviction, accused interposed an appeal to this Court.

During the pendency of the appeal, or on 22 May 1993, accused-appellant died of cardio-pulmonary arrest at the San Ramon Prison and Penal Farm in Zamboanga City, where he was detained. On 26 July 1993, the Court issued a resolution requiring plaintiff-appellee to file its comment in connection with the death of accused-appellant. In compliance therewith, plaintiff-appellee filed its comment[2] citing the ruling in *People vs. Sendaydiego*[3] and urging that while the death of accused-appellant extinguished his criminal liability, the civil liability remains.

In the recent ruling laid down in *People vs. Rogelio Bayotas*,[4] this Court held:

"x x x 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 recovery of civil liability ex delicto is ipso facto extinguished, grounded as it is on the criminal."

The present case deals with civil liability ex delicto, that is, civil liability arising from the offenses charged in the criminal cases. The records do not disclose any civil liability of the accused?appellant possibly arising from other sources such as contract, quasi-contract, quasi-delict or law. Consequently, we see no further need to discuss the merits of the appeal.

WHEREFORE, the appeal of the late Gregorio Sumaya is DISMISSED. This case is declared and terminated.

SO ORDERED.

Davide, Jr., Bellosillo, Quiason, and Kapunan, JJ., concur.

[1] Presided over by Hon. Valerio M. Salazar.

[2] Rollo, pp. 167-170.

[3] 81 SCRA 120 (1978).

[4] G.R. No. 102007, September 2, 1994.

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