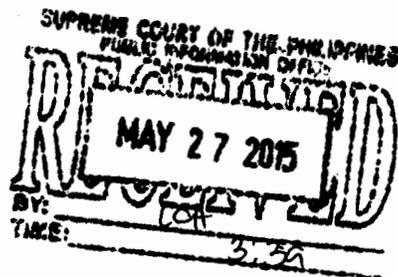




Republic of the Philippines
Supreme Court
Baguio City

FIRST DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated April 20, 2015, which reads as follows:

***“G.R. No. 203320 – PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee, v. RAYMUNDO LAMOSTE JASON, Accused-Appellant.*”**

In an Amended Information, docketed as Criminal Case No. 04-06-2631 before the Regional Trial Court (RTC) of Maasin City, Southern Leyte, Branch 24, accused-appellant Raymundo L. Jason was charged with the rape of AAA,¹ allegedly committed as follows:

That on or about 2:00 o’clock in the afternoon of June 24, 2004 in x x x, in the City of Maasin, Province of Southern Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and by means of force, threat and intimidation, did, then and there, willfully, unlawfully, feloniously, and with evident premeditation, have carnal knowledge of a girl named [AAA], 17 years old, and who is mentally demented, against her will and consent.²

After trial on the merits, the RTC promulgated on January 25, 2007 its Decision³ finding accused-appellant guilty of raping AAA. The RTC gave weight and credence to AAA’s straightforward and categorical

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 *Rollo*, p. 3.

³ *CA rollo*, pp. 29-41; penned by Judge Bethany G. Kapili.

- over – six (6) pages.....

testimony, while it rejected accused-appellant's inherently weak, unsubstantiated, and self-serving defense of alibi. The inconsistencies in AAA's testimony did not debase her credibility, rather, it strengthened the same especially when they did not pertain to the elements of the crime but to minor extraneous details. Nonetheless, the mere fact that AAA might have mild to moderate intellectual disability did not call for the imposition of the maximum penalty of death as Article 266-B(1) of the Revised Penal Code, as amended, requires that the offender knew of such mental disability at the time of the commission of the crime. Moreover, the maximum penalty of death had been abolished. The dispositive portion of the RTC judgment reads:

WHEREFORE, premises considered, this Court finds the accused GUILTY beyond reasonable doubt of the crime of rape against private complainant [AAA] and the accused is hereby imposed the penalty of *reclusion perpetua* and to pay the private complainant by way of moral damages the amount of ₱50,000.00 and another ₱50,000.00 as civil indemnity.⁴

Accused-appellant filed an appeal before the Court of Appeals in Cebu, docketed as CA-G.R. CEB-CR.-H.C. No. 00715. In its Decision⁵ dated December 9, 2011, the appellate court affirmed with modification the RTC judgment, ruling thus:

WHEREFORE, in view of the foregoing premises, the January 25, 2007 Decision of the Regional Trial Court, Branch 24, in Maasin City, Southern Leyte in Crim. Case No. 04-06-2631 convicting the accused of simple rape is AFFIRMED with MODIFICATION in that the awards of damages shall earn an interest of 6% per annum from the finality of this judgment until its full payment.⁶

Undeterred, accused-appellant appealed before this Court.

The Court issued a Resolution⁷ dated October 15, 2012 requiring the parties to file their respective briefs, if they so desire, within 30 days from notice and the Director of the Bureau of Corrections to confirm accused-appellant's commitment at the National Bilibid Prison, Muntinlupa City, within 10 days from notice.

The People of the Philippines and accused-appellant separately filed

⁴ Id. at 41.

⁵ *Rollo*, pp. 2-17; penned by Associate Justice Edgardo L. Delos Santos with Associate Justices Ramon Paul L. Hernando and Victoria Isabel A. Paredes, concurring.

⁶ Id. at 16.

⁷ Id. at 24-25.

their manifestations dated January 3, 2013 and January 25, 2013, respectively, both stating that they were no longer filing supplemental briefs as they had already exhaustively argued all relevant issues in their briefs before the appellate court.

The Court though was still waiting for the Director of the Bureau of Corrections to comply with the Resolution dated October 15, 2012 requiring him to confirm accused-appellant's commitment at the National Bilibid Prison. Since the Director of the Bureau of Corrections failed to submit the requisite confirmation despite the expiration of the 10-day period on December 21, 2012, the Court issued a Resolution⁸ dated July 29, 2013 directing him to show cause why he should not be held in contempt of court for such failure and to comply with the Resolution dated October 15, 2012 within 10 days from notice.

Acting Director Franklin Jesus B. Bucayu (Bucayu) of the Bureau of Corrections submitted his Compliance⁹ dated December 26, 2013 asserting that he was appointed Acting Director of the Bureau of Corrections only on March 5, 2013; that upon his discovery of the Resolutions of the Court, he immediately caused the filing of the Compliance; and that he was in good faith so he should not be cited for contempt. In the same Compliance, Acting Director Bucayu informed the Court that the accused-appellant had died at the Leyte Regional Prison on **September 19, 2012**.

In a Resolution¹⁰ dated February 3, 2014, the Court required the Director of the Bureau of Corrections to submit a certified true copy of accused-appellant's death certificate within 10 days from receipt.

Director Bucayu eventually submitted to the Court a letter dated May 12, 2014 with the attached certified original copy of accused-appellant's Death Certificate. The Court, in a Resolution¹¹ dated July 2, 2014, noted Director Bucayu's letter dated May 12, 2014 submitting the certified original copy of accused-appellant's Death Certificate; and directed the Public Attorney's Office (PAO) to submit a certified true copy of accused-appellant's Death Certificate issued by the Philippine Statistics Authority within 10 days from notice. In its Compliance¹² dated October 22, 2014, the PAO submitted a certified true copy of accused-appellant's Death Certificate.

⁸ Id. at 34.
⁹ Id. at 35-37.
¹⁰ Id. at 41.
¹¹ Id. at 44.
¹² Id. at 58-60.

According to the submitted copies of accused-appellant's Death Certificate, he died at 8:45 p.m. on September 19, 2012 due to the following causes: Cerebrovascular Accident (immediate cause), Cerebral Hemorrhage (antecedent cause), and Hypertension (other significant conditions contributing to death).

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*,¹³ 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 *sensu 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) x x x
- 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

¹³ G.R. No. 102007, September 2, 1994, 236 SCRA 239, 255-256.

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.¹⁴

In this case, when accused-appellant died on September 19, 2012, his appeal before the Court was still pending and the judgment of conviction rendered against him had not yet become final. Consequently, accused-appellant's death extinguished his criminal liability, as well as his civil liability directly arising from and based solely on the crime committed. Accordingly, the criminal case against accused-appellant should be dismissed.

WHEREFORE, the Court **RESOLVES** to (a) **SET ASIDE** the Decision dated December 9, 2011 of the Court of Appeals in CA-G.R. CEB-CR.-H.C. No. 00715; (b) **DISMISS** Criminal Case No. 04-06-2631 before the RTC of Maasin City, Southern Leyte, Branch 24, by reason of the death of the accused-appellant Raymundo L. Jason on September 19, 2012; and (c) **DECLARE** the instant case **CLOSED and TERMINATED**.

SO ORDERED."

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court

¹⁴ Id. at 251.

RESOLUTION

6

G.R. No. 203320
April 20, 2015

The Solicitor General (x)
Makati City

Court of Appeals
6000 Cebu City
(CA-G.R. CEB CR-HC No. 00715)

The Presiding Judge
Regional Trial Court, Br. 24
Maasin, Southern Leyte 6600
(Crim. Case No. 04-06-2631)

PUBLIC ATTORNEY'S OFFICE
Counsel for Accused-Appellant
Regional Special and Appealed Cases Unit
Hall of Justice
6000 Cebu City

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

Judgment Division (x)
Supreme Court

SR

135

