

## FIRST DIVISION

[ G.R. No. 218809, August 03, 2016 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALLAN EGAGAMAO, ACCUSED-APPELLANT.**

### DECISION

**PERLAS-BERNABE, J.:**

Before the Court is an ordinary appeal<sup>[1]</sup> filed by accused-appellant Allan Egagamao (Egagamao) assailing the Decision<sup>[2]</sup> dated April 30, 2015 of the Court of Appeals (CA) in CA-G.R. CR HC No. 01038-MIN, which affirmed the Decision<sup>[3]</sup> dated March 22, 2012 of the Regional Trial Court of Panabo City, Davao del Norte, Branch 4 (RTC) in Criminal Case Nos. 181-2004 to 184-2004 finding Egagamao guilty beyond reasonable doubt of one (1) count of the crime of Rape defined and penalized under Article 266-A (1) (a) of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 8353,<sup>[4]</sup> otherwise known as "The Anti-Rape Law of 1997."

#### The Facts

On July 26, 2004, a total of four (4) Informations were filed before the RTC, each charging Egagamao of the crime of Rape defined and penalized under Article 266-A (1) (a) of the RPC, viz.:<sup>[5]</sup>

#### CRIMINAL CASE NO. 181-2004

That on or about August 22, 2002, in Moncado Village, Penaplata, Samal District, Island Garden City of Samal, Philippines, and within the jurisdiction of this Honorable Court said accused using physical force and intimidation, threatening to kill complainant (AAA) and her family did then and there willfully, unlawfully and feloniously had carnal knowledge of said sixteen year old minor (AAA) against her will.

CONTRARY TO LAW.

#### CRIMINAL CASE NO. 182-2004

That on or about November 2002, in Moncado Village, Penaplata, Samal District, Island Garden City of Samal, Philippines, and within the jurisdiction of this Honorable Court said accused using physical force and intimidation, did then and there willfully, unlawfully and feloniously had carnal knowledge of said sixteen year old minor (AAA) against her will.

CONTRARY TO LAW.

#### CRIMINAL CASE NO. 183-2004

That on or about January 2004, in Moncado Village, Penaplata, Samal District, Island Garden City of Samal, Philippines, and within the jurisdiction of this Honorable Court said accused using physical force and intimidation, threatening to kill complainant (AAA) and her family did then and there willfully, unlawfully and feloniously had carnal knowledge of said sixteen year old minor (AAA) against her will.

CONTRARY TO LAW.

### **CRIMINAL CASE NO. 184-2004**

That on or about May 27, 2004, in Moncado Village, Penaplata, Samal District, Island Garden City of Samal, Philippines, and within the jurisdiction of this Honorable Court said accused using physical force and intimidation, threatening to kill complainant (AAA) and her family did then and there willfully, unlawfully and feloniously had carnal knowledge of said sixteen year old minor (AAA) against her will.

CONTRARY TO LAW.

The prosecution alleged that AAA,<sup>[6]</sup> a 14-year old minor, used to live at the basement of her mother's two-storey house in Samal with her elder sister's family. As AAA's elder sister works in Davao City, she is usually left at home in the house with her sister's children and husband, Egagamao. On August 22, 2002, AAA was sleeping in her room when she was awakened as Egagamao went inside her room, wearing only his underwear. AAA asked why Egagamao was in her room, but the latter simply told her not to make any noise, and thereafter started kissing her lips and cheeks and touching her body. AAA resisted and struggled but Egagamao pinned her hands, boxed her legs, and covered her mouth. He then removed both their underwears, inserted his penis into AAA's vagina, and did push and pull movements. After satisfying his lust, Egagamao threatened AAA that he would kill her and her family if she told anyone what just happened.<sup>[7]</sup> According to AAA, Egagamao went on to have carnal knowledge of her without her consent in November 2002, January 2004, and May 2004, and each time, he would repeat his threats of bodily harm to AAA and her family should she reveal the rape incidents.<sup>[8]</sup> In June 2004, AAA finally had the courage to tell her ordeal to her mother, who in turn, reported the incidents to the police and had AAA undergo medical examination at a health center.<sup>[9]</sup>

In his defense, Egagamao denied the charges against him, maintaining that he did not force himself upon AAA as she consented to have sexual intercourse with him. He averred that their relationship started when he started giving her allowance and other provisions whenever needed and that it was AAA herself who made sexually inviting remarks when they first made love. He added that upon learning of the complaint against him, he voluntarily surrendered to the police.<sup>[10]</sup>

### **The RTC Ruling**

In a Decision<sup>[11]</sup> dated March 22, 2012, the RTC found Egagamao guilty beyond reasonable doubt of the crime of one (1) count of Rape committed in Criminal Case

No. 181-2004 and, accordingly, sentenced him to suffer the penalty of *reclusion perpetua*, without eligibility for parole, and ordered him to pay AAA the amounts of P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P30,000.00 as exemplary damages.<sup>[12]</sup> Egagamao, however, was acquitted of the three (3) other charges against him for insufficiency of evidence.<sup>[13]</sup>

The RTC found AAA's testimony regarding the August 22, 2002 incident to be credible and convincing as she was able to give a -straightforward narration on how Egagamao succeeded in having carnal knowledge of her without her consent. On the other hand, the RTC did not give credence to Egagamao's "sweetheart theory" defense due to his failure to adduce even a single proof to sustain such defense. Further, the RTC appreciated the aggravating/qualifying circumstance of minority and relationship against Egagamao, opining that while the same was not alleged in the information, Egagamao himself admitted AAA's minority, as well as the fact that he is her brother-in-law.<sup>[14]</sup> Despite such finding, it appears, however, that the RTC convicted Egagamao of Simple Rape only, and not Qualified Rape.<sup>[15]</sup>

Aggrieved, Egagamao appealed<sup>[16]</sup> to the CA.

### **The CA Ruling**

In a Decision<sup>[17]</sup> dated April 30, 2015, the CA affirmed the RTC ruling *in toto*.<sup>[18]</sup> Agreeing with the findings of the RTC, the CA held that the prosecution had established through AAA's straightforward and credible testimony the fact that Egagamao had carnal knowledge of her against her will.<sup>[19]</sup>

Hence, the instant appeal.

### **The Issue Before the Court**

The core issue for the Court's resolution is whether or not Egagamao is guilty beyond reasonable doubt of committing one (1) count of Rape.

### **The Court's Ruling**

At the outset, it appears from the records that in a letter<sup>[20]</sup> dated January 27, 2016, Davao Prison and Penal Farm Acting Superintendent Gerardo F. Padilla informed the Court that Egagamao had already died on September 17, 2013 due to Cardiopulmonary Arrest secondary to Acute Myocardial Infarction, attaching thereto a duplicate copy of Egagamao's Certificate of Death<sup>[21]</sup> issued by the Municipal Civil Registrar of B.E. Dujali, Davao del Norte.

In view of the foregoing, the criminal case against Egagamao, including the instant appeal, is hereby dismissed.

Under Article 89 (1) of the RPC, the consequences of Egagamao's death are as follows:

Art. 89. *How criminal liability is totally extinguished.* — Criminal liability is totally extinguished: