

SECOND DIVISION

[G.R. No. 200030, April 18, 2012]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
NELSON BAYOT Y SATINA, ACCUSED-APPELLANT.**

R E S O L U T I O N

PEREZ, J.:

This is an appeal from the Decision^[1] dated 9 May 2006 of the Court of Appeals in CA-G.R. CEB-CR-H.C. No. 00269 affirming with modification the Decision^[2] dated 31 July 2000 of the Regional Trial Court (RTC) of Kabankalan City, Negros Occidental, 6th Judicial Region, Branch 61, in Criminal Case No. 98-2025, finding herein appellant Nelson Bayot y Satina (appellant) guilty beyond reasonable doubt of the crime of rape, committed against AAA,^[3] thus, sentencing him to suffer the penalty of *reclusion perpetua*. The appellate court increased the award of indemnity from P40,000.00 to P50,000.00. It also ordered appellant to pay AAA moral damages in the amount of P50,000.00.

Appellant Nelson Bayot y Satina was charged with Rape in an Information^[4] dated 29 December 1997, which reads as follows:

That on or about the 17th day of September, 1997, in the Municipality of XXX, Province of XXX, Philippines, and within the jurisdiction of this Honorable Court, the above-named [appellant], by means of force, violence and intimidation, did then and there, willfully, unlawfully and feloniously have carnal knowledge of and/or sexual intercourse with the [AAA], 44 years old, against her will.^[5]

On arraignment, appellant pleaded NOT GUILTY to the crime charged. Trial on the merits ensued thereafter.

In its 31 July 2000 Decision, the RTC convicted appellant of the crime of rape and sentenced him to suffer the penalty of *reclusion perpetua* and to pay AAA the amount of P40,000.00 as indemnity with costs. In convicting appellant, the RTC ratiocinated that AAA's testimony as regards her ordeal was simple and straightforward, unshaken by a rigid cross-examination. There appeared to be no inconsistency in her testimony. Further, AAA's declaration that she was raped by appellant was corroborated by a medical certificate showing contusion on her vagina at 6:00 o'clock quadrant of the crevice, which was explained by Dr. Rodrigo Cubid to have been caused by forceful vaginal intrusion. The RTC negates the "sweet heart" defense offered by appellant. It stated that appellant's claim of being AAA's lover was a mere devise to extricate himself from the consequence of his dastardly lust.

AAA's immediate response of reporting the rape incident carries the stamp of truth. Moreover, if, indeed, there was such relationship between appellant and AAA, the latter would not have pursued this case. It bears stressing that despite appellant's repeated plea for the dismissal of the case, AAA remained steadfast in seeking justice for the violation of her womanhood.^[6]

Aggrieved, appellant appealed the aforesaid RTC Decision to this Court by filing a Notice of Appeal dated 6 September 2000.^[7] In light, however, of this Court's pronouncement in *People v. Mateo*,^[8] the case was transferred to the Court of Appeals for intermediate review per Resolution^[9] dated 4 October 2004.

In a Decision dated 9 May 2006, the Court of Appeals affirmed appellant's conviction with the modification increasing the award of indemnity from P40,000.00 to P50,000.00. It likewise awarded moral damages in favor of AAA in the amount of P50,000.00. The Court of Appeals aptly observed that the prosecution was able to prove beyond reasonable doubt that appellant committed the crime of rape against AAA. It further held that other than the self-serving declaration of appellant that he and AAA were sweethearts; no other evidence was ever presented to substantiate such claim. Even the testimony of appellant's daughter, who claimed that her father and AAA are maintaining an illicit relationship, could not be given any considerable weight. Aside from the fact that appellant's daughter could not point to any other circumstance supporting her claim, except for one incident when she allegedly saw her father and AAA holding hands during a dance at their *barangay* fiesta, her testimony could not be stripped of bias and partiality considering that she is the daughter of appellant. In the same way, her testimony that she saw her father and AAA in the act of sexual intercourse deserves scant consideration as she was not present at the time of the commencement of the said act. She could not, therefore, be in a position to state with certainty that there was no struggle on the part of AAA. Hence, her testimony regarding such matter is a mere conclusion of fact.^[10]

However, in a letter dated 29 May 2006,^[11] Dr. Juanito S. Leopando, Penal Superintendent IV of the New Bilibid Prison, informed the Court of Appeals that appellant died at the New Bilibid Prison Hospital on 4 December 2004. Attached in his letter is the original copy of appellant's Certificate of Death.^[12]

Nonetheless, the Public Attorney's Office still appealed, on behalf of appellant, the aforesaid Court of Appeals Decision to this Court via a Notice of Appeal^[13] dated 31 May 2006, which was given due course by the Court of Appeals per Resolution^[14] dated 19 January 2007. The Court of Appeals also directed the Chief of the Judicial Records Division to forward the entire records of the case to this Court.

Taking into consideration appellant's death, this Court will now determine its effect to this present appeal.

Appellant's death on 4 December 2004, during the pendency of his appeal before the Court of Appeals, extinguished not only his criminal liability for the crime of rape committed against AAA, but also his civil liability solely arising from or based on said crime.^[15]

Article 89(1) of the Revised Penal Code, as amended, specifically provides the effect

of death of the accused on his criminal, as well as civil, liability. It reads thus:

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

1. By **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; [Emphasis supplied].

Applying the foregoing provision, this Court, in *People v. Bayotas*,^[16] which was cited in a catena of cases,^[17] had laid down the following guidelines:

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 [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
 - d) x x x x x x 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 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 [the] provisions of Article 1155 of the Civil