

FIRST DIVISION

[G.R. No. 186382, April 05, 2010]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
DOMINGO PANITERCE, ACCUSED-APPELLANT.**

R E S O L U T I O N

LEONARDO-DE CASTRO, J.:

Before Us is an appeal filed by Domingo Paniterce y Martinez (Paniterce) assailing the Decision ^[1] dated August 22, 2008 of the Court of Appeals in CA-G.R. CR-H.C. No. 01001, entitled *People of the Philippines v. Domingo Paniterce*," which affirmed with modification the Decision dated March 2, 2005 of the Regional Trial Court (RTC) of Iriga City, Branch 37, in Criminal Case Nos. 6076, 6077, 6078, 6079, 6080 and 6081.^[2] The RTC found Paniterce guilty beyond reasonable doubt of the crimes of Rape and Acts of Lasciviousness.

In four Informations, all dated February 11, 2002, 4th Assistant Provincial Prosecutor Hedy S. Aganan charged Paniterce with four counts of rape of his daughter AAA. Except for the dates^[3] of the commission of the rapes, the four Informations identically read:

Criminal Case Nos. 6076, 6077, 6078 and 6079

That sometime in the year 1997 in x x x Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with grave abuse of confidence being the father of the offended party with lewd designs by means of force and intimidation, did then and there willfully, unlawfully and feloniously succeed in having carnal knowledge with his daughter AAA, a 10 year-old minor, against her will and without her consent, to her damage and prejudice in such amount as may be awarded by the Honorable Court.^[4]

In two Amended Informations, both dated December 3, 2002, Assistant Provincial Prosecutor Daniel M. Salvadora charged Paniterce with two counts of rape of his other daughter BBB. Aside from the dates^[5] of the commission of the rapes, the Informations similarly state:

Criminal Case Nos. 6080 and 6081

That on or about 6:00 o'clock in the morning of August 26, 2000 x x x Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with grave abuse of confidence being the father

of the offended party with lewd designs by means of force and intimidation, did then and there willfully, unlawfully and feloniously committed RAPE upon his 12- year old daughter BBB by then and there, caressing and inserting his finger inside her vagina against her will and without her consent, to her damage and prejudice in such amount as may be awarded by the Honorable Court.^[6]

When arraigned, Paniterce pleaded not guilty to all the charges.

After trial on the merits, the RTC rendered a Decision on March 2, 2005, with the following dispositive portion:

WHEREFORE, in view of all the foregoing, the prosecution having proved the guilt of accused Domingo Paniterce of the crimes of Rape as charged in the aforementioned Informations, he is hereby sentenced to suffer the penalties of imprisonment, to wit:

In Criminal Case No. 6076, he is hereby sentenced to suffer the penalty of imprisonment ranging from FOUR (4) MONTHS and ONE (1) DAY of arresto mayor as minimum to FOUR (4) YEARS, TWO (2) MONTHS AND ONE (1) DAY of prision correccional as maximum for Acts of Lasciviousness under Article 336 of the Revised Penal Code as the alleged molestation took place in April 1997 and RA 8353 took effect only on October 22, 1997;

In Criminal Cases Nos. 6077, 6078, 6080 and 6081, he is hereby sentenced to suffer in each every case the penalty of imprisonment ranging from FOUR (4) YEARS, TWO (2) MONTHS and ONE (1) DAY of prision correccional as minimum to EIGHT (8) YEARS and ONE (1) DAY of prision mayor as maximum and to pay AAA and BBB Fifty Thousand Pesos (P50,000.00) each as moral damages and Fifty Thousand Pesos (P50,000.00) as exemplary damages;

In Criminal Case No. 6079, he is hereby sentenced to suffer the penalty of DEATH and to pay AAA the amount of Fifty Thousand Pesos (P50,000.00) as moral damages and Fifty Thousand Pesos (P50,000.00) as exemplary damages.^[7]

On June 4, 2005, Paniterce was committed to the Bureau of Corrections in Muntinlupa City.

Paniterce filed an appeal with the Court of Appeals, which was docketed as CA-G.R. CR-H.C. No. 01001. The appellate court rendered a Decision on August 22, 2008 affirming the RTC judgment with modifications, to wit:

WHEREFORE, the Decision of the trial court convicting DOMINGO PANITERCE is hereby AFFIRMED with the following modifications:

1. For Acts of Lasciviousness, in Criminal Cases Nos. 6077, 6078, 6080 and 6081, appellant is hereby sentenced to suffer in each [and] every case an indeterminate prison term of six (6) months of *arresto mayor*, as minimum, to six (6) years of *prision correccional*, as maximum and to pay AAA and BBB Fifty Thousand Pesos (P50,000.00) each as moral damages and Fifty Thousand Pesos (P50,000.00) as exemplary damages; and
2. For Rape, in Criminal Case No. 6079, appellant is hereby sentenced to suffer the penalty of *Reclusion Perpetua* and to pay AAA the amount of Fifty Thousand Pesos (P50,000.00) as moral damages and Fifty Thousand Pesos (P50,000.00) as exemplary damages.

The decision of the trial court finding appellant guilty for Acts of Lasciviousness in Criminal Case No. 6076 is AFFIRMED without any modification.^[8]

On 16 September 2008, Paniterce, through counsel, filed a Notice of Appeal with the Court of Appeals conveying his intention to appeal to us the aforementioned Decision dated August 22, 2008 of the appellate court. The Court of Appeals gave due course to Paniterce's Notice of Appeal on September 23, 2008,^[9] and directed its Judicial Records Division to elevate to us the original records in CA-G.R. CR-H.C. No. 01001.

On 15 April 2009, we required^[10] the parties to file their supplemental briefs, and the Director of the Bureau of Corrections to confirm the commitment of Paniterce at the Bureau of Corrections and submit his report thereon within 10 days from notice.

Paniterce filed his Supplemental Brief^[11] on June 16, 2009, while the Office of the Solicitor General filed a Manifestation^[12] on June 18, 2009 stating that it would no longer file a supplemental brief considering that Paniterce did not raise any new issue in his appeal. On July 22, 2009, we submitted G.R. No. 186382 for resolution.

However, in a letter dated October 12, 2009, Julio A. Arciaga, the Assistant Director for Prisons and Security of the Bureau of Corrections, informed us that Paniterce had died on August 22, 2009 at the New Bilibid Prison Hospital. Paniterce's Death Certificate was attached to said letter.

Given Paniterce's death, we are now faced with the question of the effect of such death on the present appeal.

Paniterce's death on August 22, 2009, during the pendency of his appeal, extinguished not only his criminal liabilities for the rape and acts of lasciviousness committed against his daughters, but also his civil liabilities solely arising from or based on said crimes.

According to Article 89(1) of the Revised Penal Code, criminal liability is totally extinguished: