



Republic of the Philippines  
 Supreme Court  
 Manila

FIRST DIVISION

SUPREME COURT OF THE PHILIPPINES  
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PEOPLE OF THE PHILIPPINES, G.R. No. 211166

Plaintiff-Appellee, Present:

- versus -

PORFERIO CULAS y RAGA,  
 Accused-Appellant.

SERENO, C.J., Chairperson,  
 LEONARDO-DE CASTRO,  
 DEL CASTILLO,  
 PERLAS-BERNABE, and  
 CAGUIOA, JJ.

Promulgated:

**JUN 05 2017**

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**RESOLUTION**

**PERLAS-BERNABE, J.:**

In a Resolution<sup>1</sup> dated July 18, 2014, the Court adopted the Decision<sup>2</sup> dated July 25, 2013 of the Court of Appeals (CA) in CA-G.R. CEB-CR HC No. 00380 finding accused-appellant Porferio Culas y Raga (accused-appellant) guilty beyond reasonable doubt of the crime of Statutory Rape, the pertinent portion of which reads:

**WHEREFORE**, the Court **ADOPTS** the findings of fact and conclusions of law in the July 25, 2013 Decision of the CA in CA-G.R. CEB-CR HC No. 00380 and **AFFIRMS** said Decision finding accused-appellant Porferio Culas y Raga **GUILTY** beyond reasonable doubt of Statutory Rape under paragraph 1 (d), Article 266-A in relation to Article 266-B (1) of the Revised Penal Code, sentencing him to suffer the penalty of *reclusion perpetua* without eligibility for parole, with **MODIFICATIONS** as to the amounts of civil indemnity and damages awarded. Thus, [accused-appellant] is ordered to pay the following amounts: (a) ₱100,000.00 as civil indemnity; (b) ₱100,000.00 as moral

<sup>1</sup> See Notice signed by Division Clerk of Court Ma. Lourdes C. Perfecto; *rollo*, pp. 35-36.

<sup>2</sup> Id. at 3-16. Penned by Associate Justice Ma. Luisa C. Quijano-Padilla with Associate Justices Ramon Paul L. Hernando and Carmelita Salandanan-Manahan concurring.

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damages; and (c) ₱100,000.00 as exemplary damages, plus legal interest at the rate of six percent (6%) *per annum* on the monetary awards from the dated of the finality of this judgment until fully paid.<sup>3</sup>

However, before an Entry of Judgment could be issued in the instant case, the Court received a Letter<sup>4</sup> dated September 16, 2014 from the Bureau of Corrections informing the Court of accused-appellant's death on February 8, 2014, as evidenced by the Certificate of Death<sup>5</sup> attached thereto.

As will be explained hereunder, there is a need to reconsider and set aside said Resolution dated July 18, 2014 and enter a new one dismissing the criminal case against accused-appellant.

Under prevailing law and jurisprudence, accused-appellant's death prior to his final conviction by the Court renders dismissible the criminal case against him. Article 89 (1) of the Revised Penal Code provides that criminal liability is **totally extinguished** by the death of the accused, to wit:

Article 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 therefor is extinguished only when the death of the offender occurs before final judgment;

X X X X

In *People v. Layag*,<sup>6</sup> the Court thoroughly explained the effects of the death of an accused pending appeal on his liabilities, as follows:

From this lengthy disquisition, we summarize our ruling herein:

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:

<sup>3</sup> Id. at 35.

<sup>4</sup> Id. at 37. Signed by Officer-In-Charge of the New Bilibid Prison, P/Supt. I Roberto R. Rabo.

<sup>5</sup> Id. at 38 (including dorsal portion).

<sup>6</sup> See G.R. No. 214875, October 17, 2016.

- 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 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.<sup>7</sup>

Thus, upon accused-appellant's death 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 the civil liability *ex delicto* is *ipso facto* extinguished, grounded as it is on the criminal action. However, it is well to clarify that accused-appellant's civil liability in connection with his acts against the victim, AAA, may be based on sources other than delicts; in which case, AAA may file a separate civil action against the estate of accused-appellant, as may be warranted by law and procedural rules.<sup>8</sup>

**WHEREFORE**, the Court resolves to: (a) **SET ASIDE** the Court's Resolution dated July 18, 2014 in connection with this case; (b) **DISMISS** Crim. Case No. BN-01-02-3754 before the Regional Trial Court of Burauen, Leyte, Branch 15 by reason of the death of accused-appellant Porferio Culas y Raga; and (c) **DECLARE** the instant case **CLOSED** and **TERMINATED**. No costs.

**SO ORDERED.**

  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

<sup>7</sup> See *id.*, citing *People v. Egagamao*, G.R. No. 218809, August 3, 2016; further citation omitted.

<sup>8</sup> See *id.*; citations omitted.

**WE CONCUR:**



**MARIA LOURDES P. A. SERENO**

Chief Justice

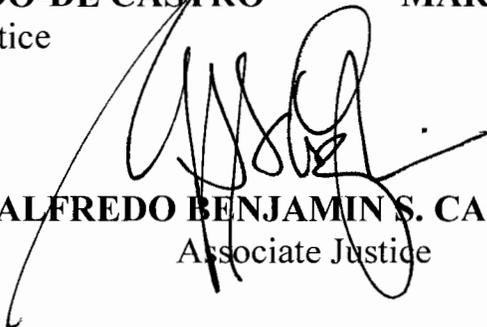
Chairperson



**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice



**MARIANO C. DEL CASTILLO**  
Associate Justice



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARIA LOURDES P. A. SERENO**

Chief Justice