

## SECOND DIVISION

[ G.R. No. 179031, February 24, 2014 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
BENJAMIN SORIA Y GOMEZ, ACCUSED-APPELLANT.**

### R E S O L U T I O N

**DEL CASTILLO, J.:**

On November 14, 2012, this Court rendered its Decision<sup>[1]</sup> in this case finding accused-appellant Benjamin Soria y Gomez guilty beyond reasonable doubt of rape. The dispositive portion of the Decision reads:

WHEREFORE, the December 29, 2006 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 01442 is AFFIRMED with MODIFICATIONS. Accused-appellant Benjamin Soria y Gomez is found guilty beyond reasonable doubt of the crime of rape by sexual assault and is sentenced to suffer the penalty of twelve (12) years of *prision mayor*, as minimum, to twenty (20) years of *reclusion temporal*, as maximum. He is also ordered to pay "AAA" the amounts of P30,000.00 as civil indemnity, P30,000.00 as moral damages, and P30,000.00 as exemplary damages. "AAA" is entitled to an interest on all damages awarded at the legal rate of 6% *per annum* from the date of finality of this judgment until fully paid.

SO ORDERED.<sup>[2]</sup>

The said Decision supposedly became final and executory on December 20, 2012.<sup>[3]</sup> Subsequently, however, the Court received a letter from the Bureau of Corrections informing us of the death of accused-appellant on August 16, 2012. In compliance with our directive, the Director of the Bureau of Corrections submitted on November 11, 2013, a certified true copy of the death certificate<sup>[4]</sup> of accused-appellant.

Clearly, accused-appellant's demise on August 16, 2012 transpired before the promulgation of this Court's Decision on November 14, 2012 or before its finality on December 20, 2012. Therefore, when accused-appellant died, his appeal before this Court was still pending resolution.

Article 89 of the Revised Penal Code pertinently provides:

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