

THIRD DIVISION

[G.R. No. 185843, March 03, 2010]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RONIE DE GUZMAN, APPELLANT.

R E S O L U T I O N

NACHURA, J.:

This resolves the motion for extinguishment of the criminal action and reconsideration of our Resolution dated July 20, 2009 filed by appellant Ronie de Guzman.

Appellant was indicted before the Regional Trial Court, Branch 163, Pasig City, for two counts of rape. He pled "not guilty" when arraigned. After pretrial and trial, the trial court found him guilty as charged and imposed on him the penalty of *reclusion perpetua* for each count. The trial court further ordered him to indemnify the victim P50,000.00 in each case or a total amount of P100,000.00 as civil indemnity.

On appeal, the Court of Appeals (CA) affirmed, in its Decision dated March 27, 2008, appellant's conviction, but modified it with an additional award of P50,000.00 for each case, or an aggregate amount of P100,000.00, as moral damages.

Appellant elevated the case to this Court on appeal.

In a Resolution dated July 20, 2009, we dismissed the appeal for failure of appellant to sufficiently show reversible error in the challenged decision as would warrant the exercise of the Court's appellate jurisdiction. Accordingly, the March 27, 2008 Decision of the CA was affirmed *in toto*.

In the instant motion, appellant alleges that he and private complainant contracted marriage on August 19, 2009, solemnized by Reverend Lucas R. Dangatan of Jeruel Christ-Centered Ministries, Inc. at the Amazing Grace Christian Ministries, Inc., Bldg. XI-A, Bureau of Corrections, Muntinlupa City. Attached to the motion is the pertinent Certificate of Marriage^[1] and a joint sworn statement ("*Magkasamang Sinumpaang Salaysay*")^[2] executed by appellant and private complainant, attesting to the existence of a valid and legal marriage between them. Appellant, thus, prays that he be absolved of his conviction for the two counts of rape and be released from imprisonment, pursuant to Article 266-C^[3] of the Revised Penal Code (RPC).

In its Comment/Manifestation,^[4] appellee, through the Office of the Solicitor General, interposed no objection to the motion, finding the marriage to have been contracted in good faith, and the motion to be legally in order.

The motion should be granted.