



Republic of the Philippines
Supreme Court
Baguio City

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated April 26, 2022 which reads as follows:

“G.R. No. 241786 (People of the Philippines, Plaintiff-Appellee vs. Charlise Trillado [deceased], Accused-appellant). – This is an appeal¹ assailing the Decision² dated December 15, 2017 of the Court of Appeals (CA) in CA-G.R. CR HC No. 08931. The CA affirmed with modification the Judgment³ dated October 24, 2016 of Branch 64, Regional Trial Court (RTC), Labo, Camarines Norte in Criminal Case No. 08-1654 that found Charlise Trillado (accused-appellant) guilty beyond reasonable doubt of Rape under paragraph 1(a) of Article 266-A of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 8353.⁴

The Facts

The instant case stemmed from an Information⁵ charging accused-appellant with Rape under Article 266-A of the RPC in relation to RA 7610,⁶ the accusatory portion of which states:

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101-B

¹ See Compliance and Notice of Appeal dated January 10, 2018; *rollo*, pp. 14-16.

² *Id.* at 2-13. Penned by Associate Justice Ramon Paul L. Hernando (now a member of the Court), and concurred in by Associate Justices Marlene B. Gonzales-Sison and Rafael Antonio M. Santos.

³ CA *rollo*, pp. 36-44. Penned by Acting Presiding Judge Roberto A. Escaro.

⁴ An Act Expanding the Definition of the Crime of Rape, Reclassifying the Same as a Crime Against Persons, Amending For the Purpose Act No. 3815, as Amended, otherwise Known as the Revised Penal Code and For Other Purposes [The Anti-Rape Law of 1997], approved on September 30, 1997.

⁵ Records, p. 1-a.

⁶ An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and For Other Purposes, approved on June 17, 1992.

That at or about 12:00 noon of the month of August 2006 at [REDACTED], Province of Camarines Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused by means of force and intimidation and motivated by bestial lust, did then and there willfully unlawfully and feloniously succeeded in having carnal knowledge of one AAA,⁷ [REDACTED], against her will, which acts debase, degrades or demeans the intrinsic worth and dignity of the child as human being, to her damage and prejudice.

CONTRARY TO LAW.⁸

Upon arraignment, accused-appellant pleaded not guilty to the charge.⁹

Trial ensued.

The prosecution established that at around 12:00 p.m. in August 2006, accused-appellant raped AAA when the latter went to the former's house to ask for a "gabe" (taro). After accused-appellant had satisfied his lust, he told AAA not to tell anybody of the incident or else she and her family will be evicted from the house of accused-appellant's mother.¹⁰

In his defense, accused-appellant denied that he knew AAA. He further denied that he raped her.¹¹

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101-B

⁷ The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to: Republic Act No. (RA) 7610, entitled "An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and For Other Purposes," approved on June 17, 1992; RA 9262, entitled "An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes," approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the "Rule on Violence Against Women and Their Children," effective November 15, 2004. (See *People v. Cadano, Jr.*, 729 Phil. 576, 578 (2014), citing *People v. Lomaque*, 710 Phil. 338, 342 (2013). See also Amended Administrative Circular No. 83-2015, entitled "Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances," dated September 5, 2017.)

⁸ Records, p. 1-a.

⁹ *Rollo*, p. 3.

¹⁰ *Id.* at 3-4.

¹¹ *Id.* at 4.

The RTC Ruling

The RTC rendered the Judgment¹² dated October 24, 2016 finding accused-appellant guilty beyond reasonable doubt of Rape. It sentenced accused-appellant to suffer the penalty of *reclusion perpetua* and ordered him to pay AAA ₱50,000.00 as civil indemnity and ₱50,000.00 as moral and exemplary damages. It further imposed an interest rate of six percent (6%) *per annum* on all damages awarded to AAA.¹³

The CA Ruling

In the assailed Decision¹⁴ dated December 15, 2017, the CA denied the appeal and affirmed with modification the RTC Decision¹⁵ in that it increased the award of civil indemnity, moral damages, and exemplary damages to ₱75,000.00 each.¹⁶

Hence, the instant appeal.¹⁷

Accused-appellant manifested¹⁸ that he is adopting all the arguments raised in his Brief for the Accused-Appellant¹⁹ filed with the CA. The Office of the Solicitor General similarly manifested²⁰ that the plaintiff-appellee will no longer file a supplemental brief; instead, it is adopting the Brief for the Appellee²¹ filed with the CA as its brief before the Court.

The Issue

The issue to be resolved is whether the CA correctly affirmed accused-appellant's conviction.

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101-B

¹² CA *rollo*, pp. 36-44.

¹³ Id. at 44.

¹⁴ *Rollo*, pp. 2-13.

¹⁵ CA *rollo*, pp. 36-44.

¹⁶ *Rollo*, p. 12.

¹⁷ Id. at 14-16.

¹⁸ See Manifestation In Lieu of a Supplemental Brief dated March 14, 2019; id. at 26-28.

¹⁹ CA *rollo*, pp. 20-34.

²⁰ See Manifestation dated March 14, 2019; *rollo*, pp. 36-38

²¹ CA *rollo*, pp. 56-70.

Our Ruling

During the pendency of the instant appeal, the Court received a Letter²² dated February 24, 2021 from CTSSupt. Albert C. Manalo (CTSSupt. Manalo), Officer-in-Charge, Inmate Documents and Processing Division, Bureau of Corrections informing the Court that accused-appellant died on January 12, 2020.

*In the Resolution*²³ *dated November 22, 2021, the Court required* CTSSupt. Manalo to submit to the Court a certified true copy of the death certificate of accused-appellant. On February 3, 2022, the Court received a certified true copy of the accused-appellant's Certificate of Death²⁴ attached in a Letter²⁵ dated January 28, 2022 from CSO4 Cesar T. Grecia, Chief Admin, Inmate Documents and Processing Division.

By reason of the death of accused-appellant on January 12, 2020, and during the pendency of this appeal, the Court resolves to dismiss the criminal case against him.

The death of an accused pending appeal extinguished his criminal liability and the corresponding civil liability based solely on the offense (*delict*). "The intervention of the death of the accused in any case is an injunction by fate itself so that no criminal liability and corresponding civil liability arising from the offense should be imposed on him."²⁶

Under paragraph 1, Article 89 of the RPC, the consequences of accused-appellant's death are as follows:

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.

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101-B

²² *Rollo*, pp. 51-52.

²³ *Id.* at 53-54.

²⁴ *Id.* at 56.

²⁵ *Id.* at 55.

²⁶ See *Heirs of Paz T. Bernardo v. People*, 770 Phil. 509, 521 (2015).

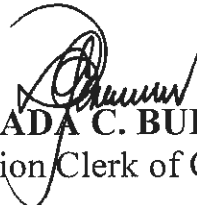
“[U]pon accused-appellant’s death pending appeal of his conviction before the Court, the criminal action against him is extinguished inasmuch as there is no longer a defendant to stand as the accused.”²⁷ As such, the dismissal of the criminal case against him is in order.²⁸

WHEREFORE, the appeal of accused-appellant Charlise Trillado is **DISMISSED**. The case is declared **CLOSED** and **TERMINATED** due to his supervening death pending appeal.

Let entry of final judgment be issued immediately.

SO ORDERED.” Gaerlan, J., on official leave.

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *28/5/22*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
101-B
JUL 28 2022

The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

Court of Appeals (x)
1000 Manila
(CA-G.R. CR-HC No. 08931)

The Hon. Presiding Judge
Regional Trial Court, Branch 64
Labo, 4604 Camarines Norte
(Crim. Case No. 08-1654)

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²⁷ *People v. Egagamao*, 792 Phil. 500, 508 (2016), citing *People v. Paras*, 746 Phil. 167, 171 (2014).

²⁸ See *People v. Crispo*, 828 Phil. 416, 428 (2018).



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Accused-Appellant
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