



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 15, 2022 which reads as follows:

“G.R. No. 234824 (*People of the Philippines vs. Romeo Acar y Adagio*). – Assailed in this appeal is the Decision¹ dated April 21, 2017 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 07915, which affirmed the Decision² dated October 12, 2015 rendered by the Regional Trial Court (RTC) of Pasay City, Branch 111, in Criminal Case No. 15-09903-CR, where accused-appellant Romeo Acar y Adagio (*accused-appellant*) was found guilty beyond reasonable doubt of the crime of Illegal Recruitment in Large Scale.

On June 5, 2020, the Superintendent of the New Bilibid Prison (NBP), East Correctional Facility, Bureau of Corrections, Muntinlupa City confirmed the confinement of accused-appellant therein.³

On December 7, 2021, the Court’s First Division received a letter⁴ dated March 5, 2021 from the Inmate Documents and Processing Division of the Bureau of Corrections, informing the Court of accused-appellant’s death on February 13, 2021. The letter was accompanied by a Notice of Death⁵ dated February 14, 2021, signed by the Medical Officer of the NBP Hospital. It would thus appear that accused-appellant passed away during the pendency of his appeal before this Court.

Article 89(1) of the Revised Penal Code provides for the consequence of accused-appellant's death, to wit:

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¹ Rollo, p. 2-15.

² Records, pp. 105-114.

³ *Id.* at 39.

⁴ *Id.* at 45.

⁵ *Id.* at 46.

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.

It is clear from the foregoing that the criminal liability of accused-appellant is totally extinguished because he died before final judgment. As regard his civil liabilities, it was extensively discussed in the case of *People v. Bayotas*⁶ how the same is affected by his death, to wit:

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:

- a) Law;
- b) Contracts;
- c) Quasi-contracts;
- d) Acts or omissions punished by law; and
- 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.

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⁶ 306 Phil. 266, 282-284 (1994).

Accordingly, accused-appellant's civil liability, which is directly arising from and based solely on the violations committed, is likewise extinguished as a consequence of his death. Accused-appellant's civil liability, which is predicated on other sources of obligation, survives and may be filed against his estate through a separate civil action.⁷

WHEREFORE, the Court resolves as follows: (a) the criminal and civil liabilities *ex delicto* of Romeo Acar y Adagio in Criminal Case No. 15-09903-CR are **EXTINGUISHED** by reason of his death; and (b) the instant case filed against Romeo Acar y Adagio is hereby declared **CLOSED** and **TERMINATED**.

SO ORDERED."

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court
SMTZ

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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Manila
(CA-G.R. CR HC No. 07915)

The Hon. Presiding Judge
Regional Trial Court, Branch 111
1600 Pasig City
(Crim. Case No. 15-09903-CR)

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Accused-Appellant
(Deceased)



⁷ *Dr. Cabugao vs. People*, 740 Phil. 9 (2014), citing *People v. Bayotas*, 306 Phil. 266, *id.*